

Juthamas Siriwan / Gerald and Patricia Green Case

Case ID:

ARW-100

Jurisdiction of Origin of Public Official or Entity Allegedly Involved:

Thailand

Position of Public Official(s) (yrs in office):

Governor of Tourism (Siriwan, 2002-2006) / Bribe givers (Greens)

Jurisdiction of Asset Recovery:

United States

Jurisdiction of Asset Recovery ? Description:

Undertaking Recovery Effort, Location of Recovery Effort, Asset Location / Alleged Asset Location

Asset Recovery Start:

2007

Asset Recovery End:

Ongoing

UNCAC Offenses Implicated:

Art.16

Art.19

Art.20

Art.23

Money laundering Implicated:

Yes

Legal Basis for Asset Recovery:

Criminal Prosecution and Forfeiture; Criminal Fine; Criminal Restitution

Intl.Cooperation: MLAT/Letter of Request?:

Unknown

Basis for Intl Cooperation:

Cooperation in investigation but mechanism unknown

Contributing Factors in Asset Recovery:

Unknown if Thailand was recipient of restitution ordered in the Greens' case, but US Sentencing Memorandum submitted to the court in January 2010 stated that "Restitution to Thailand of bribe amounts is discretionary under federal statute, but is necessary to comply with U.S. treaty obligations and to serve the ends of justice." (Source: U.S. v. Green, Case No. 2:08-cr-00059-GW (C.D. Cal), Government's Combined Sentencing Position for Defendants Gerald Green and Patricia Green filed January 14, 2010.)

Status of Asset Recovery :

Ongoing

Assets Adjudicated, Not Yet Returned - Description:

Judgment under appeal; restitution (\$250,000 - joint and several liability; \$1,049, 465 plus shares in Artist Design Corp Defined Benefit Plan; Unspecified in judgment how much, if any, restitution may be given to Thailand]

Agreement for Returned Assets:

Ongoing

Agreement for Returned Assets - Description:

N/A

Case Summary:

Gerald and Patricia Green, convicted in the U.S. District Court for the Central District of California, of paying bribes to Juthamas Siriwan were ordered to pay \$250,000 in restitution as part of their September 10, 2010 Amended Judgment. The Judgment does not indicate the recipients of the restitution, but the Government's sentencing memorandum requested that the court "inpose restitution to Thailand of \$1,822,494 on defendants jointly and severally." (Source: U.S. v. Green, Case No. 2:08-cr-00059-GW (C.D. Cal.), Government's Supplemental Sentencing Memorandum for Defendants Gerald Green and Patricia Green and Exhibit E (Letter by the National Anti-Corruption Commission of Thailand regarding their investigation of the Juthamas Siriwan bribery case), both filed on March 12, 2010; Government's Combined Sentencing Position for Defendants Gerald Green and Patricia Green filed January 14, 2010.) The Greens were also ordered to pay a money judgment of \$1,049,465 and their share in their company Artist Design Corp's Defined Benefit Plan.

Disposition of Criminal Case(s):

According to the Joint Status Report and Indictment filed by Thai Special Prosecutor (Exh A in Thai and Exh B in English translation), Ms. Siriwan has been charged with violations of Thai laws pertaining to conduct of Thai officials and the Criminal Code pertaining to acceptance of bribery. The US criminal case against Ms. Siriwan is ongoing as of May 22, 2016. (Source: US v. Siriwan, Case No. 2:09-cr-81 (C.D. Cal), Joint Status Report of the Parties filed on October 13, 2015 and Exhibits A and B; Court Docket Report as of May 22, 2016.)

Jurisdiction of Origin: Investigative Agency:

National Anti-Corruption Commission of Thailand

Jurisdiction of Origin: Prosecuting Authority/Civil Attorney(s):

N/A

Jurisdiction of Origin: Courts Involved:

N/A

Jurisdiction of Asset Recovery: Investigative Agency:

Federal Bureau of Investigation

Jurisdiction of Asset Recovery: Prosecuting Authority/Civil Attorney(s):

U.S. Attorney for the Central District of California; Department of Justice

Jurisdiction of Asset Recovery: Courts Involved:

U.S. District Court for the Central District of California


Documents:

- Siriwan_US_Greens_Amended_Judgment_Sep_10_2010.pdf
- Siriwan_US_Greens_Exhibit_E_Govt_Sentencing_Memo_Mar_12_2010.pdf
- Siriwan_US_Greens_Forfeiture_Order_Aug_13_2010.pdf
- Siriwan_US_Greens_Govt_Sentencing_Memo_Mar_12_2010.pdf
- Siriwan_US_Greens_Mtn_Amend_Forfeiture_Order_Nov_11_2010.pdf

Documents:

Attachment	Size
 Siriwan_US_CDCA_Status_Rept_Mar_10_2014.pdf	27.78 KB
 Siriwan_US_CDCA_Status_Exhibit_A_Filed_Mar_10_2014.pdf	697.86 KB
 Siriwan_CDCA_Joint_Stip_Exhibit_Nov_19_2014.pdf	70.12 KB
 Siriwan_CDCA_Joint Stipulation_Sept14_2015.pdf	45.2 KB

Attachment**Size**

 Siriwan_CDCA_Joint Stipulation_Exhibit A_Sept14_2015.pdf	259.44 KB
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Documents Links:**Other Sources:**

U.S. v. Green, Case No. 2:08-cr-00059-GW (C.D. Cal), Amended Judgment filed September 10, 2010 and General Order of Forfeiture as to Defendants Gerald Green and Patricia Green filed on August 13, 2010, and Government's Motion to Amend Forfeiture Order and Substitute Property filed on November 11, 2010 and for which a hearing was scheduled for January 24, 2011; Government's Supplemental Sentencing Memorandum for Defendants Gerald Green and Patricia Green and Exhibit E (Letter by the National Anti-Corruption Commission of Thailand regarding their investigation of the Juthamas Siriwan bribery case), both filed on March 12, 2010; Government's Combined Sentencing Position for Defendants Gerald Green and Patricia Green filed January 14, 2010, accessed at <http://www.justice.gov/criminal/fraud/fcpa/cases/greeng/01-14-10green-se...> U.S. v. Siriwan, et al., Case No. 2:09-CR-00081 (C.D. Cal.), Indictment filed January 28, 2009; Joint Stipulation to Continue Hearing Date; and Order filed October 17, 2011; Government's Third Supplemental Brief in Opposition to Defendant's Motion to Dismiss and Exhibit A, filed January 11, 2013; Status Report by US and Exhibit A (Letter by Thailand's Office of the National Anti-Corruption Commission) filed March 10, 2014; Joint Status Report of the Parties and Exhibits A and B, filed October 13, 2015 and Court Docket Report as of May 22, 2016.)