

Index

ABERRANT EVENTS

Sentencing departures, **34:34**

ABETTING

Aiding and Abetting (this index)

ABUSE OF PROCESS

Citizen protection from procedural attacks, **31:81 (Form), 31:82 (Form)**

ACCOMMODATION LOANS

Embezzlement, misapplication, **11:18**

ACCOMPlice

Corporations, personal liability of employees, **3:24**

Memorandum of law, motion to allow introduction of prior felony convictions of witness-accomplices, **54:56 (Form), 54:57 (Form)**

ACCOUNTANT

Tax crimes, **19:13, 19:43, 19:75, 19:107**

ACCOUNTANT-CLIENT

PRIVILEGE

Generally, **5:20**

ACCOUNTANTS

Privileges, letter placing under attorney-client privilege, **5:52**

ACCOUNTANT'S WORK PAPERS

Tax crimes, administrative summons, **19:22**

ACCOUNTINGS

Securities fraud, **12:75 (Form), 12:76 (Form)**

ACCURACY

False entries, accurate reporting as defense, **11:27**

ACQUITTAL

Bank Crimes (this index)

Citizen protection from procedural attacks, **31:107 (Form), 31:108 (Form)**

Conspiracy (this index)

Forfeiture, civil, **30:60**

Mail and wire fraud, **8:27 (Form) et seq., 8:35 (Form)**

Money Laundering Act, **22:15 (Form), 22:16 (Form)**

Motion for judgment of acquittal, **53:16**

Motion no. 2 for judgment of acquittal, **53:16**

Obstruction of justice, **9:16 (Form)**

ACTUAL KNOWLEDGE

Attorney's fees, **33:3, 33:4**

ADDENDUM

Pre-sentence investigation report, **34:104 (Form)**

ADDITIONAL ACTS OR MATTERS

Supplemental Acts and Matters (this index)

ADDITIONAL JURY

INSTRUCTIONS

Environmental crimes, **26:71 (Form)**

ADJUSTMENT

Sentencing, **34:20-34:27**

ADMINISTRATIVE

PROCEEDINGS

Administrative forfeiture, **30:34-30:36, 30:63**

WHITE COLLAR CRIME

ADMINISTRATIVE PROCEEDINGS—Cont'd Environmental crimes, 26:49	AGENCY Securities fraud, civil injunctive proceedings, 12:23
ADMINISTRATIVE SUMMONS Tax Crimes (this index)	AGENTS Statements of party's agent, 54:12
ADMISSIBILITY OF EVIDENCE Generally, 54:4 Citizen protection from procedural attacks, 31:167 (Form), 31:234 (Form) Co-conspirator's exception to hearsay rule, 31:33 Motion for hearing to determine, 5:34 (Form) Preservation of Error (this index) Scientific evidence, 54:23 Summary charts, 54:48 (Form) Tapes and transcripts, 54:59 (Form)	AGGRAVATED FELONY Immigration, 42:8
ADOPTION, SEIZURE BY Civil forfeiture, 30:30	AGREED ORDER Criminal forfeiture, 30:132 (Form) Grand jury, 2:60 (Form), 2:62 (Form)
AD TESTIFICANDUM Citizen protection from procedural attacks, 31:111 (Form), 31:112 (Form)	AGREEMENTS Contracts and Agreements (this index)
ADVICE False financial statements, 11:47 Grand jury, advise of rights, 2:43 (Form) Tax advisor, 19:106 Tax evasion, 19:92	AIDING AND ABETTING Import violations, 18 U.S.C.A. § 552, 24:18 Liability, 56:1, 56:2 Securities fraud, 12:24 Tax Crimes (this index) Travel Act, 17:10
AFFIDAVIT Citizen protection from procedural attacks, 31:134 (Form) Corporations (this index) Criminal Forfeiture (this index) Jury trial, 57:38 (Form), 57:40 (Form) Parallel proceedings, 7:37 (Form), 7:53 (Form) Securities fraud, 12:62 (Form)	AIR Clean Air Act (this index)
	AIRLINE PASSENGERS Warrantless searches, 31:68
	ALLEGED EXTRANEIOUS ACTS Bank crimes, 11:122 (Form)
	ALLEN CHARGE Generally, 57:17
	ALTERATIONS Bank crimes, 11:161 (Form) Obstruction of justice, 9:13
	ALTERNATIVE SOURCE Civil forfeiture, 30:55
	AMBIGUITIES OR VAGUENESS Criminal trade secret violations, 40:11 False entries, 11:29 Grand jury, 2:10, 2:63 (Form)

INDEX

AMBIGUITIES OR VAGUENESS
—Cont'd
Suppression of statements, **31:26**

AMENDMENTS
Attorney's fees, Hyde Amendment, **33:18**
Bail, motion to revocation of amendment of detention order with legal authorities in support, **36:15 (Form)**
Bank crimes, amending indictment, **11:124 (Form)**
Bank Secrecy Act, amended regulations, **10:6**
Clean Air Act, **26:28**
Comprehensive Thrift and Bank Fraud Prosecution and Taxpayer Recovery Act, bankruptcy amendments, **11:85**
Criminal forfeiture, **30:151 (Form), 30:157 (Form)**
Environmental crimes, amended requested jury instructions, **26:69 (Form)**
Financial Institutions Reform, Recovery, and Enforcement Act, RICO amendment, **11:69**
Major fraud against government, **21:20**
Securities fraud, **12:82 (Form)**
Variance of proof, constructive amendment, **54:34**

AMERICAN BAR ASSOCIATION DISCIPLINARY RULE
Corporations, conducting interviews, **3:44**

AMICUS CURIAE
Bank crimes, **11:167 (Form) et seq.**
Securities fraud, **12:83 (Form)**

AMNESTY
Antitrust offenses, **14:48**

ANCILLARY ACTS AND MATTERS
Corporations, investigations, **3:48-3:54**

ANCILLARY ACTS AND MATTERS—Cont'd
Press and media, moderating, **3:52**

ANCILLARY JURISDICTION
Generally, **43:1**

ANONYMOUS JURIES
Jury trial, **57:5**

ANSWER
Civil forfeiture, **30:43-30:45**
Criminal forfeiture, **30:129 (Form), 30:140 (Form)**
Grand jury, answer questions, **2:50 (Form), 2:51 (Form)**

ANTAGONISTIC DEFENSES
Procedural attacks, discretionary severance, **31:13**

ANTI-COUNTERFEITING AMENDMENT ACT OF 2004
Copyright violations, **28:8**

ANTI-KICKBACK STATUTES
Health Care Fraud (this index)

ANTI-SMURFING STATUTE
Bank Secrecy Act (this index)

ANTITRUST DEFENSE
Generally, **14:1 et seq.**
Arrest of judgment, sample forms, **14:44 (Form) et seq.**
Basing-point pricing, **14:21**
Bid rigging, **14:19, 14:23**
Briefs in support of motion to dismiss, sample forms, **14:28 (Form), 14:30 (Form)**
Civil aspects of antitrust conviction, **14:24**
Conspiracy, proof of, **14:3**
Criminal aspects, **14:12**
Dismissal. Motion to dismiss, infra
Economic justification, sample form, **14:31 (Form)**
Evidence, **14:3, 14:31 (Form)**
Fines and penalties, **14:25**

ANTITRUST DEFENSE—Cont'd

Forms, generally, **14:26 (Form) et seq.**

Indictment

Motion to dismiss count one, sample forms, **14:39 (Form)**

Order for response to motion to dismiss count one of indictment, sample forms, **14:41 (Form)**

Response to motion to dismiss count one of indictment, sample forms, **14:40 (Form)**

Response to motion to dismiss indictment, sample forms, **14:29 (Form)**

Sample forms, generally, **14:26 (Form)**

In limine motion

Memorandum of law, sample forms, **14:33 (Form)**

Reply to response, sample forms, **14:36 (Form)**

Response, sample forms, **14:35 (Form)**

Sample forms, generally, **14:32 (Form)**

Intent, lack of, sample forms, **14:31 (Form)**

Investigation

Generally, **14:2-14:25**

Basing-point pricing, **14:21**

Bid rigging, **14:19, 14:23**

Civil aspects of antitrust conviction, **14:24**

Conspiracy, proof of, **14:3**

Criminal aspects, **14:12**

Fines and penalties, **14:25**

Market allocations and production controls, **14:20**

Per se violations

Generally, **14:14-14:21**

Basing-point pricing, **14:21**

Bid rigging, **14:19**

Market allocations and production controls, **14:20**

ANTITRUST DEFENSE—Cont'd

Investigation—Cont'd

Per se violations—Cont'd

Price fixing, **14:17**

Rule of reason violation distinguished, **14:14**

Price fixing, **14:17, 14:23**

Rule of reason violations, **14:22**

Jones' pretrial memorandum of law, sample forms, **14:36 (Form)**

Judgment, motion for arrest of, sample forms, **14:44 (Form) et seq.**

Jury instructions, sample forms, **14:27 (Form), 14:42 (Form), 14:43 (Form)**

Justification, sample forms, **14:31 (Form)**

Market allocations and production controls, **14:20**

Memorandum of law

In limine motion, sample forms, **14:33 (Form)**

Preclude defendants from offering evidence of reasonableness, economic, or other justification or lack of intent to violate law or restrain trade, sample forms, **14:31 (Form)**

Pretrial memorandum of law, sample forms, **14:37 (Form), 14:38 (Form)**

Motion

Arrest of judgment, sample forms, **14:44 (Form) et seq.**

Dismissal. Motion to dismiss, infra

Judgment. Motion for arrest of judgment, infra

Preclude defendants from offering evidence of reasonableness, economic, or other justification or lack of intent to violate law or restrain trade, sample forms, **14:31 (Form)**

Motion in limine. In limine motion, supra

INDEX

ANTITRUST DEFENSE—Cont'd

- Motion to dismiss
 - Brief in support, sample forms, **14:28 (Form)**
 - Count one, sample forms, **14:39 (Form)**
 - Order for response to motion to dismiss count one of indictment, sample forms, **14:41 (Form)**
 - Reply to response to motion to dismiss and brief in support, sample forms, **14:30 (Form)**
 - Response to motion to dismiss count one of indictment, sample forms, **14:40 (Form)**
 - Response to motion to dismiss indictment, sample forms, **14:29 (Form)**
- Order
 - Arrest of judgment, motion for, sample forms, **14:44 (Form), 14:45 (Form), 14:47 (Form)**
 - Memorandum in support of motion in limine, sample forms, **14:34 (Form)**
 - Response to motion to dismiss count one of indictment, sample forms, **14:40 (Form), 14:41 (Form)**
- Per se violations. Investigation, supra
- Pretrial memorandum of law, sample forms, **14:37 (Form), 14:38 (Form)**
- Price fixing, **14:17, 14:23**
- Reasonableness, evidence of, **14:31 (Form)**
- Reply, sample forms, **14:30 (Form), 14:36 (Form)**
- Response
 - In limine motion, sample forms, **14:35 (Form), 14:36 (Form)**
 - Motion for arrest of judgment, sample forms, **14:46 (Form), 14:47 (Form)**
 - Motion to dismiss and brief in support, sample forms, **14:30 (Form)**

ANTITRUST DEFENSE—Cont'd

- Response—Cont'd
 - Motion to dismiss count one of indictment, sample forms, **14:40 (Form), 14:41 (Form)**
 - Motion to dismiss indictment, sample forms, **14:29 (Form)**
 - Rule of reason violations, **14:22**
 - Sample forms, generally, **14:26 (Form) et seq.**
 - Supplemental instruction, defendant's proposed, sample forms, **14:42 (Form)**

ANTITRUST OFFENSES

- Agreements
 - Corporate cooperation agreement letter from Antitrust division, **14:49**
 - Dual investigations corporate agreement letter from Antitrust Division, **14:50**
 - Individual cooperation agreement letter from Antitrust Division, **14:51**
 - Notification of leniency agreement from Antitrust Division, **14:52**
- Amnesty letters, **14:48**
- Conspiracy, **14:4, 14:5**
- Cooperation
 - Corporate cooperation agreement letter from Antitrust division, **14:49**
 - Individual cooperation agreement letter from Antitrust Division, **14:51**
- Corporate agreement letters
 - Corporate cooperation agreement letter from Antitrust division, **14:49**
 - Dual investigations corporate agreement letter from Antitrust Division, **14:50**
- Corporate cooperation agreement letters from Antitrust division, **14:49**

ANTITRUST OFFENSES—Cont'd

Dual investigations corporate agreement letter from Antitrust Division, **14:50**
Evidence of meetings or other communications, **14:9**
Exchange of price information, **14:8**
Existence of plus factors, **14:6**
Independence, **14:7**
Individual cooperation agreement letter from Antitrust Division, **14:51**
Leniency agreements, notification of leniency agreement from Antitrust Division, **14:52**
Notification of leniency agreement from Antitrust Division, **14:52**
Per se violations
 Defenses to price fixing, **14:18**
 Legal significance of per se rule, **14:16**
Plus factors, existence of, **14:6**
Possession of competitors' price information, **14:10**
Price fixing, per se violations, **14:18**
Price information
 Exchange of, **14:8**
 Possession of competitors', **14:10**
Pricing announcement practices, **14:11**
Sherman Antitrust Act (this index)

APPEAL

Bail (this index)
Bank crimes, **11:171 (Form), 11:183 (Form)**
Bankruptcy court, **4:17, 4:24**
Bond pending appeal, motion for, **34:125, 34:126**
Civil forfeiture, **30:65**
Criminal forfeiture, **30:92**
Federal court of contempt, **38:12**
Grand jury, **2:37, 2:72 (Form)**
Jury instructions on corporate criminal responsibility for acts of employees, **57:56**
Mail and wire fraud, **8:36 (Form)**

APPEAL—Cont'd

Parallel proceedings, **7:32 (Form), 7:67 (Form)-7:69 (Form)**
Preservation of Error (this index)
Privilege rulings, **5:28**
Securities fraud, **12:81 (Form)**
Sentencing, **34:88 (Form)-34:90 (Form), 34:97 (Form)-34:99 (Form)**
Tax crimes, **19:49**

APPEARANCE

Grand jury, **2:45 (Form)**
Parallel proceedings, **7:49 (Form)**
Securities fraud, **12:67 (Form)**

APPLICATION

Attorney's fees and expenses, application for, **33:22 (Form)-33:25 (Form)**
Bail, emergency application for release pending appeal, **36:21 (Form)**
Citizen protection from procedural attacks, **31:109 (Form) et seq.**
Environmental crimes, retroactive application, **26:44**
Federal court of contempt, **38:17 (Form)-38:19 (Form)**
Grand jury, application for ex parte order to disclosure returns and return information, **2:57 (Form)**
Securities Fraud (this index)
Tax crimes, **19:125 (Form), 19:139 (Form)**
Wiretapping and Electronic Surveillance (this index)

APPROVAL

Consent (this index)

ARGUMENT TO JURY

Generally, **57:10**

ARMED SERVICES BAR

Health care fraud, False Claims Act (FCA), **37:28**

INDEX

ARMS EXPORT CONTROL ACT
Export offenses, **25:14**

ARREST
Criminal forfeiture, notice, **30:136 (Form)**
Witnesses, post arrest silence, **54:31**

ARREST IN REM
Civil forfeiture, **30:28**
Criminal forfeiture, **30:137 (Form)**

ARREST OF JUDGMENT
Antitrust defense, sample forms, **14:44 (Form) et seq.**

ARREST WARRANT
Grand jury, petition for failure to appear, **2:45 (Form)**

ASSESSMENTS
Sentencing, **34:69**

ASSETS
Comprehensive Thrift and Bank Fraud Prosecution and Taxpayer Recovery Act, concealment of assets from FDIC, RTC, or NCUA board, **11:74**
Criminal forfeiture, pretrial restraining orders, **30:89, 30:90**
Securities fraud, **12:75 (Form), 12:76 (Form)**

ASYLUM AND NONREFOULEMENT
Immigration, **42:17**

ATTACHMENTS
Comprehensive Thrift and Bank Fraud Prosecution and Taxpayer Recovery Act, **11:84**

ATTORNEY
Attorney Liability (this index)
Bank Secrecy Act, **10:26**
Civil practitioners, **1:3**
Corporations (this index)
Ethics
Generally, **32:1 et seq.**

ATTORNEY—Cont'd
Ethics—Cont'd
Communications between lawyers and clients, **32:32**
Confidentiality, **32:36**
Conflicts of interest, **32:34**
Corporations (this index)
Joint representations, **32:4**
Obstructing justice, **32:3**
Setting and payment of fees, **32:2**
Trial publicity, **32:5-32:28**
Unpublished opinions, **32:35**
Witnesses, **32:29, 32:33**
Fees. **Attorney's Fees** (this index)
Forfeiture actions and attorney's fees, **30:71**
Immigration, **42:2, 48:8**
Immunity, letter from U.S. attorney, sample, **6:25 (Form), 6:26 (Form)**
Liability. **Attorney Liability** (this index)
Perjury, options of defense attorney, **20:11**
Preservation of Error (this index)
Prior defense counsel, notice of intent to call as witness, **5:34 (Form)**
Privilege. Attorney-Client Privilege (this index)
Procedural attacks, counsel as unsworn witness, **31:20**
Securities fraud, **12:13, 12:27**
Suppression of statements, **31:25-32:27**
Tax crimes, **19:14, 19:92, 19:137 (Form)**
U.S. Attorney (this index)
Work-Product Privilege (this index)

ATTORNEY-CLIENT INTERFERENCE
Indictment, **31:6**

ATTORNEY-CLIENT MEMORANDUM
Securities fraud, **12:64 (Form)**

ATTORNEY-CLIENT PRIVILEGE

Generally, **5:1-5:13**
Attorney's fees, **33:15**
Bankruptcy court, **4:27**
Corporations, **3:32, 3:37, 5:2, 5:3**
Crime-fraud exception, **5:4**
Defenses, **5:11**
Disclosure, voluntary, **5:10**
Disclosure to third parties, **5:7**
E-mail communications, waiver through, **5:9**
Employee's ability to waive, **5:6**
Environmental crimes, **26:61**
Exception, fiduciary, **5:12**
Fiduciary exception, **5:12**
Former in-house counsel, waiver by, **5:8**
Fraud, crime-fraud exception, **5:4**
Grand jury, **2:18, 2:19**
Individual-corporate privilege, **5:2**
Joint defense agreements, **5:11**
Letter placing under attorney-client privilege accountant or non-attorney under, **5:44, 5:52**
Memorandum of law regarding application, **5:53, 5:55**
Motion
 Protective order to prevent disclosure of documents protected under, with legal authorities in support, **5:29 (Form)**
 Quash grand jury subpoena with respect to documents covered by, **5:40 (Form)**
 Quash grand jury subpoena with respect to documents covered by, with legal authorities in support, **5:37 (Form)**
 Suppress evidence with statement of authorities, **5:48 (Form)**
Parent-subsidiary privilege, **5:3**
Voluntary disclosure to government, **5:10**
Waiver of privilege, **5:5-5:8**

ATTORNEY-CLIENT PRIVILEGE

—Cont'd
Wiretapping and electronic surveillance, **39:26**

ATTORNEY-CORPORATE CLIENT PRIVILEGE

Interviews, conducting, **3:43**

ATTORNEY LIABILITY

Bankruptcy fraud, **46:9**
Conspiracy, **46:10**
Criminal contempt, **46:11-5:13**
Destruction of evidence, **46:5**
Evidence, destruction of, **46:5**
Fraud, **46:8, 46:9**
Illustrative case examples, **46:13**
Instructing witness not to testify, **46:4**
Intent, **46:12**
Mail fraud, **46:8**
Misrepresenting a fact, **46:3**
Obstruction of justice, **46:2-46:6**
Traditional lawyer activities, **46:6**
Witnesses
 Instructing not to testify, **46:4**
 Tampering, **46:7**

ATTORNEY'S FEES

Generally, **33:1-33:25 (Form)**
Actual knowledge, **33:3, 33:4**
Amendments, Hyde Amendment, **33:18**
Application, **33:22 (Form)-33:25 (Form)**
Attorney-client privilege, **33:15**
Bankruptcy
 Generally, **33:5-33:14**
 Compensable legal services, **33:13**
 Estate, legal services not compensable from, **33:14**
 Fraudulent transfers, 11 U.S.C.A. § 548, **33:9-33:11**
 Post-petition transfers for post-petition or pre-petition services, **33:12-33:14**
 Preferential transfers, 11 U.S.C.A. § 547, **33:6-33:8**

INDEX

ATTORNEY'S FEES—Cont'd

Bankruptcy—Cont'd
 Pre-petition transfers for post-petition services, **33:5**
 Voidance, arguments against, **33:8, 33:11**
 Voidance, arguments for, **33:7, 33:10**
 Bona fide fees, money laundering, **33:2**
 Brief in support of John Doe's application for attorney's fees and expenses, **33:24 (Form)**
 Citizen protection from procedural attacks, **31:195 (Form), 31:201 (Form)**
 Compensable legal services, **33:13**
 Conflict of interest, **33:16**
 Criminal forfeiture, **30:116 (Form)**
 Estate, legal services not compensable from, **33:14**
 Evidence of actual knowledge, money laundering, **33:4**
 Fee arrangement, **33:15**
 Forfeitures (this index)
 Fraudulent transfers, 11 U.S.C.A. § 548, **33:9-33:11**
 Hyde Amendment, **33:18, 33:25 (Form)**
 Identity of client and fee arrangement, **33:15**
 IRS Form 8300, statement attached to, **33:21 (Form)**
 IRS reporting requirements, **33:17**
 Jurisdiction of district court to resolve fee disputes, **33:20**
 Knowledge, **33:3, 33:4**
 Memorandum of law, **33:25 (Form)**
 Money laundering, **33:1-33:4**
 Order granting application for attorney's fees and expenses, John Doe's, **33:23 (Form)**
 Petition, bankruptcy, **33:5, 33:12-33:14**
 Preferential transfers, 11 U.S.C.A. § 547, **33:6-33:8**
 Reporting requirements of IRS, **33:17**

ATTORNEY'S FEES—Cont'd

Subpoenas and attorney-client privilege, **33:15**
 Tax crimes, **19:134 (Form), 19:135 (Form)**
 Transfers. Bankruptcy, *supra*
 U.S. Department of Justice, **33:25 (Form)**
 Voidance, arguments against, **33:8, 33:11**
 Voidance, arguments for, **33:7, 33:10**
 Wrongful prosecution, recovery of fees, **33:18**

ATTORNEY WORK-PRODUCT PRIVILEGE

Generally, **5:24**

AUDITS

Environmental Crimes (this index)
 Obstruction of justice, **9:14**

AUTHORIZATION LETTER

Immunity, sample forms, **6:21 (Form)**

AUTOMOBILES

Motor Vehicles (this index)

AVOIDANCE

Preservation of error, **55:9**

BACKGROUND CONVICTION

Immigration, **42:6**

BAD FAITH

Good Faith (this index)

BAIL

Generally, **36:1 et seq.**

Amendment of detention order with legal authorities in support, **36:15 (Form)**

Appeal

Motion

Bail pending appeal, **34:127**

Emergency application for release pending appeal, **36:21 (Form)**

BAIL—Cont'd

Appeal—Cont'd
Motion—Cont'd
Expedited motion for bond pending appeal under Fed. R. Crim. P., **36:20 (Form)**
Order denying release or bond pending appeal, **36:26 (Form)**
Order granting release pending appeal, **36:23 (Form)**
Release pending appeal and for stay of execution, **36:25 (Form)**
Response to motions for release pending appeal, **36:22 (Form)**
Release pending appeal, **36:10, 36:25 (Form)**
Application for release pending appeal, **36:21 (Form)**
Bail Reform Act of 1984, **36:1**
Bond forfeiture, **36:16 (Form), 36:17 (Form), 36:19 (Form)**
Bond pending appeal, **36:20 (Form), 36:26 (Form)**
Conditions of release, **36:13 (Form)**
Default, final judgment of, **36:16 (Form), 36:19 (Form)**
Detention
Generally, **36:1-36:8**
Bail Reform Act of 1984, **36:1**
18 U.S.C.A. § 3142(e), **36:7**
Hearing, **36:3, 36:7**
Prompt hearing, **36:7**
Rebuttable presumptions, **36:6**
Detention order, **36:15 (Form)**
18 U.S.C.A. § 3142(e), **36:7**
Emergency application for release pending appeal, **36:21 (Form)**
Execution, stay of, **36:25 (Form)**
Expedited motion for bond pending appeal under Fed. R. Crim. P., **36:20 (Form)**
Federal Rules of Criminal Procedure, **36:20 (Form)**

BAIL—Cont'd

Final judgment of default, **36:16 (Form), 36:17 (Form), 36:19 (Form)**
Forfeiture, **36:16 (Form)-36:19 (Form)**
Hearing, **36:3, 36:7, 36:12 (Form)**
Judgment of default, **36:16 (Form), 36:17 (Form), 36:19 (Form)**
Memorandum of law, **36:17 (Form)**
Motion
Generally, **36:12 (Form)-36:26 (Form)**
Appeal, *supra*
Final judgment of default and bond forfeiture, **36:16 (Form), 36:19 (Form)**
Memorandum of law in support of motion for final judgment and bond forfeiture, **36:17 (Form)**
Nebbia hearing, **36:12 (Form)**
Order declaring forfeiture of bail, **36:18 (Form)**
Reconsideration, **36:29 (Form), 36:30 (Form)**
Response to motion for revocation of release order, **36:14 (Form), 36:24 (Form)**
Revocation of amendment of detention order with legal authorities in support, **36:15 (Form)**
Revocation of order setting conditions of release, **36:13 (Form)**
Sample motions, generally, **36:12 (Form)-36:26 (Form)**
Nebbia hearing, **36:12 (Form)**
Order
Forfeiture of bail, **36:18 (Form)**
Release or bond pending appeal, **36:26 (Form)**
Release pending appeal, **36:23 (Form)**
Response to motion for revocation of release order, **36:14 (Form), 36:24 (Form)**

INDEX

BAIL—Cont'd

- Order—Cont'd
 - Revocation of amendment of detention order with legal authorities in support, **36:15 (Form)**
 - Revocation of order setting conditions of release, **36:13 (Form)**
 - Penalty for offense committed while on release, **36:11**
 - Pending acts and matters. Appeal, *supra*
 - Post-conviction release, **36:9-36:11**
 - Presumptions, rebuttable, **36:6**
 - Prompt hearing, **36:7**
 - Rebuttable presumptions, **36:6**
 - Release
 - Emergency application for release pending appeal, **36:21 (Form)**
 - Order denying release or bond pending appeal, **36:26 (Form)**
 - Order granting release pending appeal, **36:23 (Form)**
 - Pending appeal, generally, **36:10**
 - Post-conviction release, **36:9-36:11**
 - Response to motion for revocation of release order, **36:14 (Form), 36:24 (Form)**
 - Response to motions for release pending appeal, **36:22 (Form)**
 - Revocation of order setting conditions of release, **36:13 (Form)**
 - Stay of execution, release pending appeal and, **36:25 (Form)**
 - Response, **36:14 (Form), 36:22 (Form), 36:24 (Form)**
 - Revocation, **36:13 (Form)-36:15 (Form), 36:24 (Form)**
 - Sample motions, generally, **36:12 (Form)-36:26 (Form)**
 - Stay of execution, **36:25 (Form)**
 - Surrender, voluntary, **36:9**

BAIL—Cont'd

- Voluntary surrender, unescorted commitment, **36:9**

BAIL REFORM ACT OF 1984

- Generally, **36:1**

BANK CRIMES

- Generally, **11:1 et seq.**
- Acquittals. Fines and penalties, *supra*
- Bank Secrecy Act** (this index)
- Bribery, 18 U.S.C.A. § 215, **11:57-11:60**
- Brief. Fines and penalties, *infra*

Comprehensive Thrift and Bank Fraud Prosecution and Taxpayer Recovery Act (this index)

- Cryptocurrency, **11:89**
- Digital currency, **11:89**
- Dismissals. Fines and penalties, *supra*
- Elements, **11:2 et seq.**
- Embezzlement, Misapplication** (this index)
- Expert witnesses. Fines and penalties, *infra*

False Entries (this index)

False Financial Statements (this index)

Financial Institutions Reform, Recovery, and Enforcement Act (this index)

- Financial Privacy Act, 12 U.S.C.A. § 3401-22, **11:61-11:64**

Financial statements. False Financial Statements (this index)

- Fines and penalties

Acquittal. Motion for judgment of acquittal, *infra* this group

Brief

- Amici curiae, **11:167 (Form) et seq.**
- Appellant, **11:171 (Form), 11:183 (Form)**
- Government, **11:163 (Form), 11:175 (Form)**

BANK CRIMES—Cont'd

Fines and penalties—Cont'd
Complaint of forfeiture, 18 U.S.C.A. § 657 and 981, **11:90 (Form)**
Conspiracy hearsay, appellant brief regarding bank fraud conviction, **11:172 (Form)**
Declaration, **11:91 (Form)**
Dismiss. Motion to dismiss, infra this group
Expert witnesses
Appellant brief regarding bank fraud conviction, **11:172 (Form)**
In limine motion, **11:126 (Form), 11:173 (Form)**
Order, **11:125 (Form), 11:174 (Form)**
Extraneous act evidence, appellant brief regarding bank fraud conviction, **11:172 (Form)**
Indictment. Motion to dismiss, infra this group
In limine motion
Alleged extraneous acts, **11:122 (Form)**
Arguments of government, generally, **11:105 (Form)**
Defendant's, generally, **11:128 (Form), 11:130 (Form)**
Doe's motion, **11:173 (Form), 11:176 (Form)**
Expert testimony, **11:126 (Form), 11:173 (Form)**
Homeowner's testimony, **11:120 (Form)**
Lay opinion testimony, **11:131 (Form)**
Other criminal offenses and to prohibit government from amending indictment, **11:124 (Form)**
Testimony of bank officer, **11:103 (Form)**
Insufficient evidence, appellant brief regarding bank fraud

BANK CRIMES—Cont'd

Fines and penalties—Cont'd
conviction, **11:172 (Form)**
Judgment of acquittal. Motion for judgment of acquittal, infra this group
Jury
Instructions. Jury instructions, infra this group
Voir dire questions, **11:135 (Form), 11:136 (Form)**
Jury instructions
Appellant brief regarding bank fraud conviction, **11:172 (Form)**
Civil regulations or statutes, violation of, **11:145 (Form)**
Defendant's proposed jury charge, 18 U.S.C.A. § 657 and 1006, **11:133 (Form)**
False statement in bank records, **11:116 (Form)**
False statement to bank, **11:117 (Form)**
Forfeiture instructions and special verdict form, proposed, **11:178 (Form)**
Losses and examiner's opinion of knowledge, proposed instruction, **11:144 (Form)**
Objections to government's requested charge regarding deliberate ignorance, **11:141 (Form)**
Proposed jury charge, generally, **11:114 (Form)**
Regulatory violations, proposed charge on, **11:146 (Form)**
Requested by government, **11:134 (Form), 11:164 (Form)**
Theft or embezzlement by bank officer or employee, 18 U.S.C.A. § 656, **11:115 (Form)**
Letter to probation officer stating why sentencing guidelines do

INDEX

BANK CRIMES—Cont'd

Fines and penalties—Cont'd
not apply with legal authorities, **11:170 (Form)**
Motion
Acquittal. Motion for judgment of acquittal, infra this group
Bill of particulars with legal authorities in support, **11:118 (Form)**
Dismissal. Motion for dismissal, infra
In limine motions, supra this group
Judgment of acquittal. Motion for judgment of acquittal, infra
Leave to file amicus curiae brief, **11:167 (Form)**
Rehearing, or in alternative, motion for protective order, **11:139 (Form)**
Subpoena issuance, **11:137 (Form)**
Motion for judgment of acquittal
Acquittal, order granting motion for judgment of, **11:148 (Form)**
Altering theory of prosecution, **11:161 (Form)**
Brief of amici curiae in support of motion of judgment of acquittal based on business judgment rule and improper retroactive standards, **11:169 (Form)**
Doe's motion with legal authorities in support, **11:181 (Form)**
18 U.S.C.A. § 656, 1005, 1344, and 1956, **11:142 (Form)**
18 U.S.C.A. § 656 and 1005 with legal authorities in support, **11:107 (Form)**
18 U.S.C.A. § 657 and 1006 with legal authorities in support, **11:101 (Form)**

BANK CRIMES—Cont'd

Fines and penalties—Cont'd
Motion for judgment of acquittal—Cont'd
18 U.S.C.A. § 1014 and 1344 with legal authorities in support, **11:147 (Form)**
False statement to bank with legal authorities in support, 18 U.S.C.A. § 1014, **11:93 (Form)**
Fed. R. Crim. P. 29(A), **11:166 (Form)**
Literal truth with legal authorities in support, 18 U.S.C.A. § 1014, **11:95 (Form)**
Materiality to bank with legal authorities in support, 18 U.S.C.A. § 1014, **11:97 (Form)**
Order granting, **11:182 (Form)**
Truth and falsity with legal authorities in support, 18 U.S.C.A. § 1014, **11:99 (Form)**
Motion to dismiss
Generally, **11:113 (Form)**
Counts fourteen through twenty-four, 18 U.S.C.A. § 1032, **11:156 (Form), 11:158 (Form)**
Count two, 18 U.S.C.A. § 1014, **11:155 (Form)**
Count two of indictment, **11:153 (Form)**
18 U.S.C.A. § 656 with legal authorities in support, **11:109 (Form)**
18 U.S.C.A. § 1005 with legal authorities in support, **11:107 (Form)**
Election among multiplicitous counts of indictment, 18 U.S.C.A. § 1014 and 1344, **11:151 (Form)**
Election among multiplicitous counts two and three of

BANK CRIMES—Cont'd

Fines and penalties—Cont'd
Motion to dismiss—Cont'd
 indictment, 18 U.S.C.A.
 § 1344, **11:158 (Form)**
Indictment, see lines throughout
 this subgroup
Notice of intent to forfeit, **11:92**
 (**Form**)
Objections to government's
 requested charge regarding
 deliberate ignorance, **11:141**
 (**Form**)
Orders
 Acquittal, order granting motion
 for judgment of, **11:143**
 (**Form**)
 Alleged extraneous acts, **11:122**
 (**Form**)
 Bank officer, testimony of,
 11:103 (Form)
 Bill of particulars with legal
 authorities in support,
 11:118 (Form)
 Counts fourteen through twenty-
 four, 18 U.S.C.A. § 1032,
 11:157 (Form)
 Count two of indictment, **11:153**
 (**Form**), **11:154 (Form)**
 Defendant's motion, generally,
 11:128 (Form)
 Doe's motion, **11:176 (Form)**
 Doe's motion with legal authori-
 ties in support, **11:181**
 (**Form**)
 18 U.S.C.A. § 656, 1005, 1344,
 and 1956, **11:142 (Form)**
 18 U.S.C.A. § 656 and 1005
 with legal authorities in
 support, **11:107 (Form)**
 18 U.S.C.A. § 1014 and 1344
 with legal authorities in
 support, **11:149 (Form)**
 18 U.S.C.A. § 656 with legal
 authorities in support,
 11:111 (Form)
 18 U.S.C.A. § 1005 with legal
 authorities in support,

BANK CRIMES—Cont'd

Fines and penalties—Cont'd
Orders—Cont'd
 11:107 (Form)
 Election among multiplicitous
 counts of indictment, 18
 U.S.C.A. § 1014 and 1344,
 11:151 (Form)
 Election among multiplicitous
 counts two and three of
 indictment, 18 U.S.C.A.
 § 1344, **11:159 (Form)**
 Expert testimony, **11:125**
 (**Form**), **11:174 (Form)**
 False statement to bank with
 legal authorities in support,
 18 U.S.C.A. § 1014, **11:93**
 (**Form**)
 Government arguments, **11:105**
 (**Form**)
 Granting defendant's motion for
 judgment of acquittal,
 11:102 (Form)
 Homeowner's testimony, **11:120**
 (**Form**)
 In limine motion, order granting
 defendant's, **11:177**
 (**Form**)
 Lay opinion testimony, **11:132**
 (**Form**)
 Leave to file amicus curiae brief,
 11:167 (Form)
 Literal truth with legal authori-
 ties in support, 18 U.S.C.A.
 § 1014, **11:95 (Form)**
 Materiality to bank with legal
 authorities in support, 18
 U.S.C.A. § 1014, **11:97**
 (**Form**)
 Motion for judgment of acquit-
 tal, **11:181 (Form)**
 Other criminal offenses and to
 prohibit government from
 amending indictment,
 11:124 (Form)
 Protective order, **11:139**
 (**Form**), **11:140 (Form)**

INDEX

BANK CRIMES—Cont’d

Fines and penalties—Cont’d
Orders—Cont’d
 Sample, **11:94 (Form), et seq.**
 Stipulation, **11:140 (Form)**
 Subpoena issuance, **11:137 (Form)**
 Truth and falsity with legal authorities in support, 18 U.S.C.A. § 1014, **11:99 (Form)**
 Proposed jury charge of defendant, 18 U.S.C.A. § 657 and 1006, **11:114 (Form)**
 Reply, **11:155 (Form), 11:158 (Form)**
 Response, **11:158 (Form)**
 Special verdict form, **11:179 (Form)**
 Stipulation, **11:140 (Form)**
 Subpoena, order or issuance of, **11:138 (Form)**
 Supplemental post-trial instructions, Doe’s, **11:180 (Form)**
Witnesses
 Appellant brief regarding bank fraud conviction, expert witnesses, **11:172 (Form)**
 Expert witnesses, supra this group
 In limine motion
 Bank officer, testimony of, **11:103 (Form)**
 Expert testimony, **11:126 (Form), 11:173 (Form)**
 Homeowner’s testimony, **11:120 (Form)**
 Lay opinion testimony, **11:131 (Form)**
 Order
 Expert testimony, **11:125 (Form), 11:174 (Form)**
 Homeowner’s testimony, **11:120 (Form)**
 Lay opinion testimony, **11:132 (Form)**

BANK CRIMES—Cont’d

Fines and penalties—Cont’d
Witnesses—Cont’d
 Order—Cont’d
 Testimony of bank officer, **11:103 (Form)**
Forfeiture, **30:24, 30:81**
Fraud (this index)
Indictment. Fines and penalties, *supra*
In limine motion. Fines and penalties, *supra*
Judgment. Fines and penalties, *supra*
Jury instructions. Fines and penalties, *supra*
Misapplication. **Embezzlement, Misapplication** (this index)
Mortgage loan fraud, **11:87**
Motion. Fines and penalties, *supra*
Order. Fines and penalties, *supra*
Restitution, **11:48**
Securities fraud, **12:44, 12:81 (Form), 12:83 (Form)**
Unlicensed money transmitting businesses (U.S.C.A. § 1960)
 Generally, **11:88 et seq.**
Witnesses. Fines and penalties, *supra*

BANK RECORDS

Tax crimes, administrative summons, **19:23**

BANKRUPTCY

Generally, **23:1 et seq.**
See also **Bankruptcy Court** (this index)
Aiding and abetting, **23:18, 23:19**
Assaultive offenses, **23:27**
Attorney liability, fraud, **46:9**
Attorney’s Fees (this index)
Comprehensive Thrift and Bank Fraud Prosecution and Taxpayer Recovery Act, **11:85**
Concealment
 Assets, **23:29**
 Fraudulent concealment or transfer, **23:1 et seq.**
Conspiracy, **23:17**

BANKRUPTCY—Cont'd
Criminal forfeiture, **30:152 (Form)**,
30:153 (Form)
Custodian
 Embezzlement by, **23:11-23:14**
 Purchase of assets by, **23:15**
Destructive offenses, **23:26**
Embezzlement by custodian, **23:11-**
23:14
Fee agreements, **23:16**
Forgery, **23:28**
Fraudulent concealment or transfer,
23:1 et seq.
Indictment, **23:32 et seq.**
Influencing and intimidating officers,
23:20
Investigations, **23:23-23:25**
Mismanagement, **23:22**
Motion to dismiss, **23:33, 23:35**
Nepotism, **23:21**
Obstruction of justice, **9:13, 23:25**
Parallel proceedings, **7:31 (Form)**,
7:55 (Form)
Purchase of assets by custodian,
23:15
Sample materials, **23:32 et seq.**
Statutes of limitations, **23:29**

BANKRUPTCY COURT
Appeals, **4:17, 4:24**
Attorney-client privilege, **4:27**
Civil contempt, **4:15**
Confidential information, **4:31**
(Form)
Confidential protective order, **4:29**
(Form)
Consent, **4:31 (Form)**
Contempt. Mitigating criminal
 exposure, infra
Creditor's meeting, **4:7**
Criminal contempt, **4:16**
Criminal exposure. Mitigating crimi-
 nal exposure, infra
Criminal proceedings, **4:22**
Different proceedings, waiver, **4:10**
Discharge, denial of, **4:12**

BANKRUPTCY COURT—Cont'd
Disclosure, **4:31 (Form)**
Dismissal of bankruptcy, **4:13**
Dissolution of bankruptcy, mitigating
 criminal exposure, **4:32 (Form)**-
4:35 (Form)
Fifth Amendment. Mitigating crimi-
 nal exposure, infra
Forms
 Consent for disclosure of
 confidential information, **4:31**
(Form)
 Government's response to petition
 to prohibit government from
 turning over documents and
 to dissolve bankruptcy court
 order, **4:34 (Form)**
 Granting protective order, **4:30**
(Form)
 Motion requesting issuance of
 confidential protective order
 with legal authorities in sup-
 port, **4:29 (Form)**
 Order dissolving bankruptcy court
 order and prohibiting govern-
 ment from turning over grand
 jury documents, **4:33 (Form)**
 Petition to prohibit government
 from turning over grand jury
 documents and motion to dis-
 solve bankruptcy court order,
4:32 (Form)
 Trustee's response to petition to
 prohibit government from
 turning over grand jury docu-
 ments and motion to dissolve
 bankruptcy court order, **4:35**
(Form)
 Grand jury, mitigating criminal
 exposure, **4:32 (Form)-4:35**
(Form)
 Immunity, **4:19**
 Inference, adverse, **4:23**
 Mitigating criminal exposure
 Generally, **4:1-4:35 (Form)**
 Appeals, **4:17, 4:24**
 Attorney-client privilege, **4:27**

INDEX

BANKRUPTCY COURT—Cont'd

Mitigating criminal exposure
—Cont'd
 Civil contempt, **4:15**
 Confidential information, **4:31 (Form)**
 Confidential protective order, **4:29 (Form)**
 Consent, **4:31 (Form)**
 Contempt. Fifth Amendment, infra
 this group
 Creditor's meeting, **4:7**
 Criminal contempt, **4:16**
 Criminal proceedings, **4:22**
 Different proceedings, waiver,
 4:10
 Discharge, denial of, **4:12**
 Disclosure, **4:31 (Form)**
 Dismissal of bankruptcy, **4:13**
 Dissolution of bankruptcy, **4:32 (Form)-4:35 (Form)**
 Fifth Amendment
 Generally, **4:2-4:18**
 Appeals, **4:17**
 Civil contempt, **4:15**
 Contempt
 Generally, **4:14-4:18**
 Appeals, **4:17**
 Civil contempt, **4:15**
 Criminal contempt, **4:16**
 Waiver, avoiding, **4:18**
 Creditor's meeting, **4:7**
 Criminal contempt, **4:16**
 Different proceedings, waiver,
 4:10
 Discharge, denial of, **4:12**
 Dismissal of bankruptcy, **4:13**
 Production of documents, **4:5**
 Production of property, **4:6**
 Same proceedings, waiver, **4:9**
 Sanctions, generally, **4:11-4:18**
 Schedules, **4:4**
 Waiver, **4:8-4:10, 4:18**
 Grand jury, **4:32 (Form)-4:35 (Form)**
 Immunity, **4:19**

BANKRUPTCY COURT—Cont'd

Mitigating criminal exposure
—Cont'd
 Inference, adverse, **4:23**
 Motion, **4:29 (Form), 4:32 (Form), 4:35 (Form)**
 Order, **4:29 (Form), 4:30 (Form), 4:32 (Form)-4:35 (Form)**
 Parallel proceedings
 Generally, **4:20-4:26**
 Appeals, **4:24**
 Inference, adverse, **4:23**
 Restitution, effect of bankruptcy
 on criminal restitution
 obligations, **4:26**
 Special problems, **4:25**
 Stay of adversary litigation, **4:21**
 Stay of state criminal proceedings, **4:22**
 Petition, **4:32 (Form), 4:34 (Form), 4:35 (Form)**
 Production of documents, **4:5**
 Production of property, **4:6**
 Protective order, **4:29 (Form), 4:30 (Form)**
 Response, **4:34 (Form), 4:35 (Form)**
 Restitution, effect of bankruptcy
 on criminal restitution obligations, **4:26**
 Same proceedings, waiver, **4:9**
 Sanctions. Fifth Amendment, supra
 this group
 Schedules, **4:4**
 State criminal proceedings, **4:22**
 Stay of adversary litigation, **4:21**
 Stay of state criminal proceedings,
 4:22
 Trustees, **4:35 (Form)**
 Waiver, **4:8-4:10, 4:18**
 Motion, **4:29 (Form), 4:32 (Form), 4:35 (Form)**
 Order, **4:29 (Form), 4:30 (Form), 4:32 (Form)-4:35 (Form)**
 Parallel proceedings. Mitigating
 criminal exposure, supra

BANKRUPTCY COURT—Cont'd
Petition, **4:32 (Form), 4:34 (Form), 4:35 (Form)**
Production of documents, **4:5**
Production of property, **4:6**
Protective order, **4:29 (Form), 4:30 (Form)**
Response, **4:34 (Form), 4:35 (Form)**
Restitution, **4:26**
Same proceedings, waiver, **4:9**
Sanctions. Mitigating criminal exposure, *supra*
Schedules, **4:4**
State criminal proceedings, **4:22**
Stay of adversary litigation, **4:21**
Stay of state criminal proceedings, **4:22**
Trustees, **4:35 (Form)**
Waiver, **4:8-4:10, 4:18**

BANKRUPTCY FRAUD
Attorney liability, **46:9**

BANK SECRECY ACT
Generally, **10:1-10:38 (Form)**
Amended regulations, **10:6**
Anti-smurfing statute
Generally, **10:7-10:22**
Avoid reporting requirements, liability for structuring or attempting to structure transactions to, **10:10**
Defenses
Generally, **10:11-10:20**
Double jeopardy, **10:16**
Due process, **10:15**
Fifth Amendment, **10:18**
Fourth Amendment legitimate expectation of privacy, **10:17**
Individuals, **10:14**
Lenity, **10:15**
Multiplicity, **10:20**
Notice and comment, lack of, **10:19**
Participants, **10:13**
Specific intent, **10:12**

BANK SECRECY ACT—Cont'd
Anti-smurfing statute—Cont'd
Depositor assistance, **10:22**
Double jeopardy, **10:16**
Due process, **10:15**
Failure to report, liability for causing, **10:8**
Fifth Amendment, **10:18**
Fourth Amendment legitimate expectation of privacy, **10:17**
Institutional inquiries, **10:21**
Lenity, **10:15**
Material omission or misstatement, liability for causing or attempting to cause a bank to file report containing, **10:9**
Multiplicity, **10:20**
Notice and comment, lack of, **10:19**
Relationship to other federal crimes, generally, **10:23-10:28**
Specific intent, **10:12**
31 U.S.C.A. § 534, adoption of, **10:7-10:10**
Attorneys, statutes relating to, **10:26**
Bill of particulars, **10:33 (Form)**
Civil penalties for individuals, **10:31**
Civil penalties for institutions, **10:30**
Conspiracy, **10:24, 10:37 (Form)**
Currency transaction reports, **10:3**
Deception, 18 U.S.C.A. § 1001, **10:23**
Defenses. Anti-smurfing statute, *supra*
Depositor assistance, **10:22**
Dismiss, motion to, **10:34 (Form), 10:35 (Form)**
Double jeopardy, **10:16**
Due process, **10:15**
Expectations, **10:17**
Export, **10:27**
Fifth Amendment, **10:18**
Financial transactions, **10:38 (Form)**
Fines and penalties
Generally, **10:29-10:38 (Form)**

INDEX

BANK SECRECY ACT—Cont'd

Fines and penalties—Cont'd
Basic penalties, **10:29**
Civil penalties for individuals, **10:31**
Civil penalties for institutions, **10:30**
Dismiss, motion to, **10:34 (Form), 10:35 (Form)**
Motion for bill of particulars, **10:33 (Form)**
Motion to dismiss, **10:34 (Form), 10:35 (Form)**
Post trial jury instructions, **10:36 (Form)-10:38 (Form)**
Sample indictment, **10:32 (Form)**
Supplemental memorandum and response to government's opposition to defendant's motion to dismiss, **10:35 (Form)**
First attack, **10:3-10:5**
Forfeiture, **30:23, 30:80**
Fourth Amendment legitimate expectation of privacy, **10:17**
Hearsay, **10:37 (Form)**
History, **10:2**
Hypothetical, **10:1**
Import, **10:27**
Indictment, **10:32 (Form)**
Institutional inquiries, **10:21**
Intent, **10:12**
Judicial response, **10:5**
Jury instructions, **10:36 (Form)-10:38 (Form)**
Lenity, **10:15**
Memorandum of law, **10:35 (Form)**
Misstatements, **10:9**
Motion, **10:33 (Form)-10:35 (Form)**
Multiplicity, **10:20**
Notice and comment, lack of, **10:19**
Omissions, **10:9**
Post trial jury instructions, **10:36 (Form)-10:38 (Form)**
Regulations, **10:4, 10:6**
Reports, **10:3, 10:8-10:10**

BANK SECRECY ACT—Cont'd

Response, **10:5, 10:35 (Form)**
RICO, 18 U.S.C.A. § 1961 et seq., **10:25**
Second attack, **10:6**
Specific intent, **10:12**
Statutes, **10:4**
Supplemental memorandum, **10:35 (Form)**
Third attack. Anti-smurfing statute, *supra*
31 U.S.C.A. § 534, adoption of, **10:7-10:10**
§ D3,000 requirement, **10:28**

BARS TO *QUI TAM* LITIGATION Health Care Fraud (this index)

BASE OFFENSE LEVEL Sentencing, **34:18, 34:19**

BASING-POINT PRICING Antitrust defense, **14:21**

BATSON CLAIMS Preservation of error, **55:17**

BEEPERS AND PAGERS Wiretapping and electronic surveillance, **39:27**

BERGER v. NEW YORK Wiretapping and electronic surveillance, **39:3**

BEYOND REASONABLE DOUBT Immunity, **6:15**

BIAS AND PREJUDICE Grand jury, **2:30**

BID RIGGING Antitrust defense, **14:19, 14:23**

BILL OF PARTICULARS Generally, **53:19** Bank crimes, **11:118 (Form)** Bank Secrecy Act, **10:33 (Form)** Citizen protection from procedural attacks, **31:176 (Form) et seq.**

BLANKET REFUSAL

Tax crimes, **19:39**

BLOCKING STATUTES

International issues, discovery, **55:13**

BOATS

Civil forfeiture, **30:10**

BOLSTERING

Witnesses, **53:18**

BONA FIDE FEES

Attorney's fees, **33:2**

BONDS

Bail

Forfeiture, **36:16 (Form), 36:17 (Form), 36:19 (Form)**

Pending appeal, **36:20 (Form), 36:26 (Form)**

Civil forfeiture, **30:36**

Criminal forfeiture, **30:165 (Form)**

Federal court of contempt, **38:19 (Form)**

Sentencing, motion for bond pending appeal, **34:125, 34:126**

BOOKS, RECORDS, ETC.

Civil forfeiture, **30:11**

BORDER SEARCH DOCTRINE

Warrantless searches, **31:69**

BOUNDARIES

Import violations, 18 U.S.C.A. § 547, **24:13**

BRIBERY

Generally, **11:57-11:60**

Conduct, **11:59, 11:60**

18 U.S.C.A. § 215, generally, **11:57-11:60**

Foreign Corrupt Practices Act (this index)

Fraud against government, **21:34**

Health care fraud, **37:38**

Legal conduct not recommended, **11:60**

Misconduct, **11:59**

BRIBERY—Cont'd

Public corruption, **44:2-44:8**

Travel Act, **17:7**

BRIEF

Antitrust defense, **14:28 (Form), 14:30 (Form)**

Attorney's fees, **33:24 (Form)**

Bank Crimes (this index)

Criminal forfeiture, **30:156 (Form)**

Evidence, **54:49 (Form), 54:60 (Form), 54:65 (Form)**

Fraud against government, **21:38 (Form)**

Grand jury, **2:72 (Form)**

Mail and wire fraud, **8:16 (Form), 8:26 (Form), 8:36 (Form), 8:37 (Form)**

Money Laundering Act, **22:19 (Form)**

National Stolen Property Act, **18:6 (Form)**

Parallel proceedings, **7:32 (Form)**

Procedural Attacks (this index)

Securities fraud, **12:81 (Form), 12:84 (Form)**

Tax crimes, **19:137 (Form)**

BRIGHT LINE TEST

Securities fraud, **12:45**

BRUTON

Procedural attacks, **31:16**

BUILDINGS AND BOUNDARIES

Import violations, 18 U.S.C.A. § 547, **24:13**

BURDEN OF PROOF

Civil forfeiture, **30:51, 30:52**

Criminal forfeiture, **30:97**

Tax crimes, **19:32-19:34**

BUSINESS JUDGMENT

Bank crimes, **11:169 (Form)**

BUSINESS RECORDS

Evidence, generally, **54:14**

Exception, **54:16**

INDEX

BUSINESS RECORDS—Cont'd
Foreign business records, **54:41**

CANADA
Jurisdiction, **43:12**

CANCELLATION
Immigration, **42:13**

CARS, BOATS, AND CONVEYANCES
Civil forfeiture, **30:10**

CASH
Civil forfeiture, **30:32**
Criminal forfeiture, **30:90**
Embezzlement, misapplication, **11:23**

CAUSATION
Securities fraud, **12:42**

CAUSE OF ACTION
Citizen protection from procedural attacks, **31:196 (Form), 31:197 (Form)**
Securities Fraud (this index)

CELL PHONES
Wiretapping and electronic surveillance, **39:27**

CENTRAL BANK
Securities fraud, **12:44**

CERTIFICATES AND CERTIFICATION
Securities fraud, **12:7, 12:81 (Form), 12:82 (Form)**
Tax crimes, **19:99**

CHALLENGE FOR CAUSE
Preservation of error, **55:14, 55:15**

CHALLENGES
Civil forfeiture, **30:66**
Criminal trade secret violations, constitutionally vague challenges, **40:11**
Jury selections, generally, **57:6-57:9**

CHALLENGES—Cont'd
Wiretapping and electronic surveillance, Title III search, **39:19-39:22**

CHANGES
Amendments (this index)
Comprehensive Thrift and Bank Fraud Prosecution and Taxpayer Recovery Act, civil forfeiture changes, **11:86**
Immigration, adjustment of status, **42:14**

CHARACTER EVIDENCE
Generally, **54:10**

CHARGE OFFENSE, FAILURE TO
Citizen protection from procedural attacks, **31:107 (Form), 31:108 (Form)**

CHARGE TO JURY
Indictment (this index)

CHARTS
Memorandum of law, admission of summary charts, **54:48 (Form)**

CHECKLIST
Generally, App. B

CHEMICALS AND DRUG MANUFACTURING EQUIPMENT
Civil forfeiture, **30:14**

CHILD PORNOGRAPHY PREVENTION ACT OF 1996
Computers, 18 U.S.C.A. § 2252, **41:21**

CHILDREN
Civil forfeiture, **30:18**
Criminal forfeiture, **30:76**

CHURCHES
Tax crimes, **19:18**

CHURNING
Securities fraud, **12:54**

CIRCUIT COURT

Jury instructions on corporate criminal responsibility for acts of employees, **57:56**
Parallel proceedings, **7:10**

CIRCUMSTANTIAL EVIDENCE

Conspiracy, **56:10 (Form), 56:11 (Form)**

CITIZEN PROTECTION ACT

Generally, **31:74**

CITIZENSHIP

Non-citizens, sentencing concerns, **34:45**

CIVIL COLLECTION PROCEDURES

Tax crimes, **19:4-19:6**

CIVIL CONTEMPT

Bankruptcy court, **4:15**
Federal court of contempt, **38:4, 38:14 (Form)**
Immunity, **6:13**

CIVIL FORFEITURE

Generally, **30:3, 30:7-30:71**
Acquittal as nondefenses, **30:60**
Administrative forfeiture, nonjudicial forfeiture proceedings, **30:34-30:36**
Administrative proceedings, **30:63**
Adoption, seizure by, **30:30**
Affirmative defenses, **30:55-30:57**
Alternative source, **30:55**
Answered complaint, **30:43-30:45**
Appeal of judgment, **30:65**
Arrest in rem, warrant of, **30:28**
Banking violations, **30:24**
Bank secrecy and money laundering, **30:23**
Bond of administrative forfeiture, nonjudicial forfeiture proceedings, **30:36**
Books, records, etc., **30:11**
Burden of proof, **30:51, 30:52**
Cars, boats, and conveyances, **30:10**

CIVIL FORFEITURE—Cont'd

Cash, **30:32**
Challenges, constitutional, **30:66**
Chemicals and drug manufacturing equipment, **30:14**
Claim of administrative forfeiture, nonjudicial forfeiture proceedings, **30:36**
Complaint, **30:40, 30:42-30:45**
Comprehensive Thrift and Bank Fraud Prosecution and Taxpayer Recovery Act, **11:86**
Constitutional challenges, **30:66**
Constitutional defenses, **30:59**
Controlled substances, **30:8**
Convict made goods, wares, or merchandise, **30:16**
Copyright violations, **30:20**
Defenses
Affirmative defenses, **30:55-30:57**
Constitutional defenses, **30:59**
Statutory defenses, **30:58**
Delay, **30:56, 30:61**
Discontinuance, **30:63, 30:64**
Discovery, **30:46, 30:47**
Dismissal, **30:63, 30:64**
Double jeopardy and Eighth Amendment issues, **30:68**
Drug related items
Generally, **30:7-30:14**
Books, records, etc., **30:11**
Cars, boats, and conveyances, **30:10**
Chemicals and drug manufacturing equipment, **30:14**
Controlled substances, **30:8**
Equipment, **30:9, 30:14**
Manufacturing equipment, **30:14**
Other personal property, **30:12**
Real property, **30:13**
Eighth Amendment issue, **30:68**
Equipment, **30:9, 30:14**
Exceptionally innocent Calero Toledo defense, **30:57**
Export, **30:22**

INDEX

CIVIL FORFEITURE—Cont'd

Financial Institutions Reform, Recovery, and Enforcement Act, **11:72**
Fourth Amendment warrant, **30:27**
Gambling, property used in, **30:17**
Gambling devices, **30:21**
Initiation of administrative forfeiture, nonjudicial forfeiture proceedings, **30:35**
Judgment, **30:48, 30:62**
Judicial forfeiture proceedings
Generally, **30:37-30:66**
Acquittal as nondefenses, **30:60**
Administrative proceedings, **30:63**
Affirmative defenses, **30:55-30:57**
Alternative source, **30:55**
Answered complaint, **30:43-30:45**
Appeal of judgment, **30:65**
Burden of proof, **30:51, 30:52**
Challenges, constitutional challenges, **30:66**
Claimant's case, generally, **30:54-30:61**
Complaint, **30:40, 30:43-30:45**
Constitutional challenges, **30:66**
Constitutional defenses, **30:59**
Defenses
Affirmative defenses, **30:55-30:57**
Constitutional defenses, **30:59**
Statutory defenses, **30:58**
Delay, **30:56, 30:61**
Discontinuance, **30:63, 30:64**
Discovery, **30:46, 30:47**
Dismissal, **30:63, 30:64**
Disposition of property, **30:67**
Double jeopardy and Eighth Amendment issues, **30:68**
Eighth Amendment issue, **30:68**
Exceptionally innocent Calero Toledo defense, **30:57**
Government's case, generally, **30:52, 30:53**
Judgment, **30:62**
Judicial proceedings, **30:64**

CIVIL FORFEITURE—Cont'd

Judicial forfeiture proceedings
—Cont'd
Judicial review, **30:65, 30:66**
Jurisdiction, **30:39**
Jury trial, **30:50**
Limitation of actions, **30:37**
Motion, discovery, **30:47**
Motion to strike claim, answered complaint, **30:45**
Motion to suppress, claimant's, **30:49**
Notice, **30:41**
Pretrial, generally, **30:37-30:50**
Pretrial limitation of actions, **30:37**
Probable cause, **30:53, 30:54**
Promptness, **30:38**
Property, disposition of, **30:67**
Review, judicial, **30:65, 30:66**
Settlement, dismissal, or discontinuance, **30:63, 30:64**
Standing, answered complaint, **30:44**
Statutory defenses, **30:58**
Summary judgment, **30:48**
Trial, generally, **30:51-30:61**
Unanswered complaint, **30:42**
Unreasonable delay, **30:5**
Venue, **30:39**
Judicial review, **30:65, 30:66**
Jurisdiction, **30:39**
Jury trial, **30:50**
Limitation of actions, **30:37**
Manufacturing equipment, **30:14**
Money laundering, **30:23**
Motion, discovery, **30:47**
Motion to strike claim, answered complaint, **30:45**
Motion to suppress, complaint's, **30:49**
Motor vehicles, **30:15**
Nondrug related items
Generally, **30:15-30:71**
Banking violations, **30:24**
Bank secrecy and money laundering, **30:23**

CIVIL FORFEITURE—Cont'd

Nondrug related items—Cont'd
Convict made goods, wares, or merchandise, **30:16**
Copyright violations, **30:20**
Gambling, property used in, **30:17**
Gambling devices, **30:21**
Illegal exportation of war materials, **30:22**
Interception of wire and oral communications, **30:19**
Money laundering, **30:23**
Motor vehicles, **30:15**
Sexual exploitation of children, **30:18**
Nonjudicial forfeiture proceedings, **30:33-30:36**
Notice, **30:41**
Pretrial acts and matters
 Judicial forfeiture proceedings, *supra*
 Limitation of actions, **30:37**
Probable cause, **30:53, 30:54**
Procedural rules, **30:26**
Promptness, **30:38**
Property, disposition of, **30:67**
Real property, **30:13, 30:31**
Review, judicial, **30:65, 30:66**
Seizure, **30:27-30:30**
Settlement, dismissal, or discontinuance, **30:63, 30:64**
Sexual exploitation of children, **30:18**
Standing, answered complaint, **30:44**
Statutory defenses, **30:58**
Strike claim, motion to, **30:45**
Summary forfeiture, **30:33**
Summary judgment, **30:48**
Suppress, motion to, **30:49**
Unanswered complaint, **30:42**
Unreasonable delay, **30:56**
Venue, **30:39**
War materials, **30:22**
Without warrant, **30:29**

CIVIL INJUNCTIVE PROCEEDINGS

Securities Fraud (this index)

CIVIL PENALTIES

Bank Secrecy Act, **10:30, 10:31**
Clean Water Act, **26:19**
Financial Institutions Reform, Recovery, and Enforcement Act, **11:67**

CIVIL PRACTITIONERS

Generally, **1:3**
Civil practitioners and corporate counsel, **1:3**

CIVIL PROCEEDINGS

Antitrust defense, **14:24**
Corporations, waiver of civil litigation, **3:39**
Criminal trade secret violations, **40:16-40:18**
Grand jury, **2:21, 2:86 (Form)**
Parallel Proceedings (this index)
RICO (this index)
Securities fraud, **12:68 (Form)**

CIVIL REGULATIONS OR STATUTES

Bank crimes, **11:145 (Form)**

CLAIMS UNDER

Health care fraud, False Claims Act (FCA), **37:21**

CLASSIFICATIONS

Import violations, **24:1**

CLEAN AIR ACT

Generally, **26:23-26:26**
Amendment, **26:28**
Defenses, following orders, **26:27**
False statements, 42 U.S.C.A. § 7413(c)(2), **26:24**
Fines and penalties, **26:26**
Knowing violation, 42 U.S.C.A. § 7413(c)(1), **26:23**
Release of pollutants, 42 U.S.C.A. § 7413(c)(4) and (5), **26:25**

CLEAN WATER ACT

Generally, **26:10-26:22**
Civil penalties, **26:19**

CLEAN WATER ACT—Cont'd

Defenses
 Generally, **26:14-26:18**
 Compliance, **26:16**
 Equitable estoppel, **26:17**
 Necessity, **26:18**
 Res judicata, **26:15**
 Equitable estoppel, **26:17**
 Estoppel, **26:17**
 False statements, 33 U.S.C.A.
 § 1319(c)(4), **26:12**
 Fines and penalties, 33 U.S.C.A.
 § 1321(b)(5), **26:21**
 Knowing endangerment, 33 U.S.C.A.
 § 1319(c)(3), **26:11**
 Notify, failure to, 33 U.S.C.A.
 § 1321(b)(5), **26:20-26:22**
 Penalties, **26:19**
 Res judicata, **26:15**
 Standing, **26:22**

CLERGY COMMUNICATIONS

Privileges, **5:19**

CLIENT PERJURY

Generally, **20:11, 20:12**

CLOSED CIRCUIT TELEVISION

Wiretapping and electronic surveillance, **39:37**(Form)

CLOSING AVENUES OF INQUIRY

Obstruction of justice, **9:8**

CO-DEFENDANTS

Discovery, **31:36, 31:44**
 Guilty plea, **53:1**
 Immunity, **53:2**
 In limine motion, **53:34** (Form)
 Motion, **53:34** (Form)
 Procedural attacks, **31:15**
Procedural Attacks (this index)
 Strategies, **53:1, 53:2**

COLLATERAL CONSEQUENCES

Corporations, vulnerability, **3:4**
 Fraud against government, **21:17**
Immigration (this index)

COLLATERAL CONSEQUENCES

—Cont'd
 Sentencing, **34:27**

COLLATERAL ESTOPPEL

Citizen protection from procedural attacks, **31:213** (Form), **31:215** (Form), **31:216** (Form)
 Parallel proceedings, **7:14**
 Perjury, **20:10**

COLLECTION

Tax crimes, **19:4-19:6, 19:94, 19:118**

COLLECTIVE KNOWLEDGE DOCTRINE

Corporations, vulnerability, **3:10**

COLLUSION

Embezzlement, misapplication, **11:14**

COMMERCIAL PURPOSE

Copyright violations, **28:5**

COMMERCIAL USE

Export offenses, **25:5**

COMMITMENT

Grand jury, **2:49** (Form), **2:53** (Form)

Immunity, **6:24** (Form)

COMMUNICATIONS

Electronic Communications Privacy Act, 18 U.S.C.A. § 2511, **41:19**

Wiretapping and Electronic Surveillance (this index)

COMMUNICATIONS DECENCY ACT OF 1996

Computers, 18 U.S.C.A. § 223, **41:20**

COMMUTATIONS OF SENTENCE

Sentencing, **34:62**

COMPENSABLE LEGAL SERVICES

Attorney's fees, **33:13**

COMPENSATION

Environmental crimes, **26:42**

COMPETENCY PROCEEDINGS

Citizen protection from procedural attacks, **31:172 (Form)**

COMPLAINT

Bank crimes, **11:90 (Form)**
Civil forfeiture, **30:40, 30:42-30:45**
Criminal Forfeiture (this index)
Fraud against government, **21:21**
Securities fraud, **12:65 (Form), 12:74 (Form)**
Tax crimes, **19:132 (Form), 19:138 (Form)**

COMPLIANCE AGREEMENTS

Corporations, **3:63**

COMPLIANCE PROGRAMS

Health care fraud, Stark Amendment, **37:13**

COMPREHENSIVE THRIFT AND BANK FRAUD PROSECUTION AND TAXPAYER RECOVERY ACT

Generally, **11:73-11:86**
Amendments, **11:85**
Assets, **11:74**
Attachments, prejudgment, **11:84**
Bankruptcy amendments, **11:85**
Changes, **11:86**
Civil forfeiture changes, **11:86**
Concealment of assets from FDIC, RTC, or NCUA board, **11:74**
Convicted felons, prohibition on control of or participation in depository insurance institutions by, **11:75**
Depository insurance institutions, **11:75**
Enhancement provisions to order restitution in banking fraud cases, **11:82**
Examiner, obstructing, **11:76**
FDIC, **11:74**
Felons, **11:75**
Fraud, **11:81, 11:82**
Injunctions, prejudgment, **11:84**

COMPREHENSIVE THRIFT AND

**BANK FRAUD
PROSECUTION AND
TAXPAYER RECOVERY ACT**
—Cont'd

Kingpin statute, **11:83**
Limitation of actions, **11:78**
Money laundering, **11:79**
NCUA, **11:74**
Obstructing examiner, **11:76**
Penalties, increasing bank fraud related penalties, **11:77**
Prejudgment attachments, **11:84**
Prejudgment injunctions, **11:84**
Property, restoration of, **11:81**
Restitution, **11:82**
Restoration of property for victims of bank fraud, **11:81**
RICO offenses of financial institutions, limitation of actions, **11:78**
RTC, concealment of assets from, **11:74**
Victims, **11:81**

COMPULSION

Generally, **6:1**

COMPULSORY PROCESS

Sixth Amendment, **54:44**

COMPUTERS

Generally, **41:1 et seq.**
Abuse. Computer Fraud and Abuse Act, infra
Access, **41:7**
Child Pornography Prevention Act of 1996, 18 U.S.C.A. § 2252, **41:21**
Communications
Communications Decency Act of 1996, 18 U.S.C.A. § 223, **41:20**
Electronic Communications Privacy Act, 18 U.S.C.A. § 2511, **41:19**
Computer Fraud and Abuse Act
Generally, **41:4-41:12**

INDEX

COMPUTERS—Cont'd

Computer Fraud and Abuse Act
—Cont'd
Confidentiality of computer data, 18 U.S.C.A. § 1030(a)(2), **41:6**
Defenses, **41:12**
Espionage statute, 18 U.S.C.A. § 1030(a)(1), **41:5**
Extortion, 18 U.S.C.A. § 1030(a)(7), **41:11**
Fraud statute, 18 U.S.C.A. § 1030(a)(4), **41:8**
Trafficking in passwords, 18 U.S.C.A. § 1030(a)(6), **41:10**
Unauthorized access of government computers, 18 U.S.C.A. § 1030(a)(3), **41:7**
Virus statute, 18 U.S.C.A. § 1030(a)(5), **41:9**
Confidentiality of computer data, 18 U.S.C.A. § 1030(a)(2), **41:6**
Controlling the Assault of Non-Solicited Pornography and Marketing Act of 2003, 15 U.S.C.A. §§ 7701-7713 and 18 U.S.C.A. § 2252, **41:22**
Copyright Act, 17 U.S.C.A. § 506, **41:16**
Criminal law, generally, **41:1-41:22**
Decency, Communications Decency Act of 1996, 18 U.S.C.A. § 223, **41:20**
Economic Espionage Act, 18 U.S.C.A. § 1831, **41:15**
18 U.S.C.A. § 223, **41:20**
18 U.S.C.A. § 1030(a)(1), **41:5**
18 U.S.C.A. § 1030(a)(2), **41:6**
18 U.S.C.A. § 1030(a)(3), **41:7**
18 U.S.C.A. § 1030(a)(4), **41:8**
18 U.S.C.A. § 1030(a)(5), **41:9**
18 U.S.C.A. § 1030(a)(6), **41:10**
18 U.S.C.A. § 1030(a)(7), **41:11**
18 U.S.C.A. § 1831, **41:15**
18 U.S.C.A. § 2252, **41:21, 41:22**
18 U.S.C.A. § 2314, **41:17**

COMPUTERS—Cont'd

18 U.S.C.A. § 2511, **41:19**
18 U.S.C.A. §§ 1341, 1343, **41:18**
Electronic Communications Privacy Act, 18 U.S.C.A. § 2511, **41:19**
Espionage, **41:5, 41:15**
Extortion, **41:11**
15 U.S.C.A. §§ 7701-7713, **41:22**
Forfeiture, **41:13**
Fraud
Computer Fraud and Abuse Act, *supra*
Mail and wire fraud statutes, 18 U.S.C.A. §§ 1341, 1343, **41:18**
Statute, generally, 18 U.S.C.A. § 1030(a)(4), **41:8**
Government computers, **41:7**
Mail and wire fraud statutes, 18 U.S.C.A. §§ 1341, 1343, **41:18**
National Stolen Property Act, 18 U.S.C.A. § 2314, **41:17**
Passwords, **41:10**
Penalties, **41:13**
Pornography, **41:21**
Privacy, **41:19**
Proposed CKAS software testimony, **53:50 (Form), 53:51 (Form)**
Searches, **41:23**
17 U.S.C.A. § 506, **41:16**
Statutes
Generally, **41:14-41:22**
Computer Fraud and Abuse Act, *supra*
Substantive crimes, generally, **41:1-41:22**
Theft, **41:17**
Trafficking in passwords, 18 U.S.C.A. § 1030(a)(6), **41:10**
Unauthorized access of government computers, 18 U.S.C.A. § 1030(a)(3), **41:7**
Virus statute, 18 U.S.C.A. § 1030(a)(5), **41:9**

CONCEALMENT

Bankruptcy (this index)

CONCEALMENT—Cont'd
Comprehensive Thrift and Bank Fraud Prosecution and Taxpayer Recovery Act, **11:74**
Import violations, **24:17**

CONCLUSIONS OF LAW
Findings of Fact and Conclusions of Law (this index)

CONDITIONS
Bail, conditions of release, **36:13 (Form)**

CONDONATION THEORY
Mail and wire fraud, **8:23 (Form)**

CONFERENCE LETTER
Tax crimes, **19:60**

CONFERENCES
Tax Crimes (this index)

CONFessions
Parallel proceedings, **7:71 (Form)**
Suppression of statements, **31:28**

CONFIDENTIAL INFORMATION
Bankruptcy court, **4:31 (Form)**
Procedural attacks, **31:19**

CONFIDENTIALITY
Agreements. **Confidentiality Agreements** (this index)
Attorney ethics, **32:36**
Computer Fraud and Abuse Act, **41:6**
Corporate vulnerability, inquiry, and responsibility, **3:33**
Juror questionnaire, **57:52 (Form)**

CONFIDENTIALITY AGREEMENTS
Disclosure of information, **3:88**
Privileges, **5:44, 5:51**

CONFIDENTIAL PROTECTIVE ORDER
Bankruptcy court, **4:29 (Form)**
Parallel proceedings, **7:47 (Form)**

CONFLICT OF INTEREST
Attorney ethics, **32:34**
Attorney's fees, **33:16**
Citizen protection from procedural attacks, **31:217 (Form)**
Corporations (this index)

CONFLICTS
Embezzlement, misapplication, **11:20**

CONFRONTATION
Sixth Amendment, **53:53 (Form), 54:46**

CONSENT
Bankruptcy court, **4:31 (Form)**
Embezzlement, misapplication, **11:10**
Securities fraud, **12:67 (Form)**

CONSENT DIRECTIVE
Privileges, **5:50 (Form)**

CONSISTENT STATEMENTS
Mail and wire fraud, **8:36 (Form)**

CONSOLIDATION
Forfeiture proceedings, **30:141 (Form), 30:148 (Form)**

CONSPIRACY
Generally, **56:3-56:12 (Form)**
Acquittal, motion for judgment of Count one, mere presence, **56:8 (Form), 56:9 (Form)**
Count one of indictment, circumstantial evidence, John Doe motion, **56:10 (Form), 56:11 (Form)**
Insufficient evidence of conspiracy, **56:7 (Form)**
Insufficient evidence with legal authorities in support thereof, **56:6 (Form)**
Antitrust defense, **14:3**
Antitrust offenses. **Sherman Antitrust Act** (this index)

Attorney liability, **46:10**
Bank crimes, **11:172 (Form)**

INDEX

CONSPIRACY—Cont'd

Bank Secrecy Act, **10:24, 10:37 (Form)**
Circumstantial evidence, **56:10 (Form), 56:11 (Form)**
Continuing conspiracies, **56:4**
Corporations, **3:25**
Defenses against charges, **56:5**
Discovery, **31:33, 31:44**
Fines and penalties for conspiracy convictions, **21:5**
Fraud against government, **21:4, 21:5**
Hobbs act, **16:13**
Indictment, **56:10 (Form), 56:11 (Form)**
Judgment. Acquittal, motion for judgment of, *supra*
Mail and wire fraud, **8:16 (Form), 8:38 (Form)**
Mere presence, **56:8 (Form), 56:9 (Form)**
Motion
 Acquittal, motion for judgment of, *supra*
 New trial, **56:12 (Form)**
National stolen property act, **18:3**
New trial, **56:12 (Form)**
Order, **56:7 (Form), 56:9 (Form), 56:11 (Form), 56:12 (Form)**
Pinkerton Rule continuing conspiracies, **56:4**
Procedural Attacks (this index)
RICO (this index)
Securities fraud, **12:25**
Statements of co-conspirators, **54:11**
Sufficiency of evidence, **56:6 (Form), 56:7 (Form)**
Travel Act, **17:8, 17:10**

CONSTITUTIONAL

CHALLENGES

Civil forfeiture, **30:66**

CONSTITUTIONAL CONSIDERATIONS

Generally, **49:1 et seq.**

Defendant's right to testify, **49:2**

CONSTITUTIONAL

CONSIDERATIONS—Cont'd

Defenses. **Constitutional Defenses** (this index)
Ex post facto issues, **49:5**
Fifth Amendment, **49:15, 49:16**
First Amendment, **49:7**
Fourteenth Amendment, **49:19**
Fourth Amendment, **49:8-49:14**
Fraud against government, **21:30**
Indictment, **49:3**
Jurisdiction, **43:10**
Plea bargains, **49:6**
Right to counsel, **49:17**
Speedy trial, **49:4**
Tax crimes, **19:57**

CONSTITUTIONAL DEFENSES

Civil forfeiture, **30:59**
Environmental crimes, **26:7**
Federal food, drug and cosmetic act violations, **45:13, 45:14**
Tax crimes, **19:45, 19:96**

CONSTRUCTIVE AMENDMENT

Variance of proof, **54:34**

CONTEMPT

Bankruptcy Court (this index)
Civil Contempt (this index)
Criminal Contempt (this index)
Federal Court (this index)
Grand jury, **2:49 (Form), 2:53 (Form)**
Immunity, **6:13-6:15, 6:24 (Form)**
Tax crimes, **19:48**

CONTEST OF RE-EXAMINATION

Tax crimes, **19:55**

CONTINUANCE

Citizen protection from procedural attacks, **31:208 (Form) et seq.**
Corporations, **3:73, 3:74**

CONTINUING CONSPIRACIES

Pinkerton Rule continuing conspiracies, **56:4**

CONTINUING CRIMINAL ENTERPRISE
Enterprise (this index)

CONTINUING OBJECTIONS
Preservation of error, **55:6**

CONTRACTORS
Corporations, independent contractors as criminally binding corporation, **3:16**

CONTRACTS AND AGREEMENTS
Attorney-client privilege, joint defense agreements, **5:11**
Confidentiality Agreements (this index)
Corporations (this index)
Criminal forfeiture, **30:153 (Form), 30:163 (Form), 30:164 (Form)**
Fraud against government, **21:12**
Pretrial diversion, **35:4 (Form)**
Procedural Attacks (this index)
Sentencing, **34:78 (Form)-34:80 (Form)**

CONTROLLED SUBSTANCES
Civil forfeiture, **30:8**
Criminal forfeiture, **30:74**
Immigration, **42:10**

CONTROLLING PERSON LIABILITY
Securities fraud, **12:50**

CONTROLLING THE ASSAULT OF NON-SOLICITED PORNOGRAPHY AND MARKETING ACT OF 2003
Computers, 15 U.S.C.A. §§ 7701-7713 and 18 U.S.C.A. § 1037, **41:22**

CONTROL TEST
Jurisdiction, **43:5**

CONVEYANCES
Civil forfeiture, **30:10**

CONVICTION
Bail, **36:9, 36:10**
Bank crimes, **11:172 (Form)**
Comprehensive Thrift and Bank Fraud Prosecution and Taxpayer Recovery Act, **11:75**
Fraud against government, **21:3, 21:5, 21:13**
Immigration, **42:6**
Mail and wire fraud, **8:36 (Form)**
Prior felony convictions of witness-accomplices, **54:56 (Form), 54:57 (Form)**
Willfulness, **53:22**

CONVICT MADE GOODS, WARES, OR MERCHANDISE
Civil forfeiture, **30:16**

COPIES
Citizen protection from procedural attacks, **31:142 (Form) et seq.**
Order sealing government's response to motion to quash sealing all ex parte submissions, and authorizing redacted copies, **5:44 (Form)**

COPYRIGHT ACT
Computers, 17 U.S.C.A. § 506, **41:16**

COPYRIGHT VIOLATIONS
Generally, **28:1-30:19**
Anti-Counterfeiting Amendment Act of 2004, **28:8**
Civil forfeiture, **30:20**
Commercial purpose, **28:5**
Counterfeit goods or services, **28:6**
Criminal case development
Requesting the government to file criminal charges, **28:18**
Criminal forfeiture, 17 U.S.C.A. § 506(b), **30:77**
Defenses, **28:11-29:14**
Digital Millennium Copyright Act of 1998, **28:9**
18 U.S.C.A. § 2319A, **28:10**

COPYRIGHT VIOLATIONS**—Cont'd**

- Elements of copyright infringement, **28:2-29:6**
- Financial gain, **28:5**
- Fines and penalties, **28:15-29:17**
- First sale doctrine, **28:12**
- First use doctrine, **28:13, 28:14**
- Forfeiture, **28:17**
- Infringement, generally, **28:3**
- Reverse engineering, **28:14**
- Valid copyright, **28:2**
- Willfulness, **28:4**

CORPORATE COUNSEL

- Generally, **1:3**

CORPORATE LIABILITY

- Foreign Corrupt Practices Act, **47:19-47:22**

CORPORATE LIABILITY JURY INSTRUCTIONS

- Corporate vulnerability, inquiry, and responsibility, **3:29**

CORPORATE VULNERABILITY, INQUIRY, AND RESPONSIBILITY

- Agreements
 - Confidentiality agreement regarding disclosure of information, **3:88**
 - Joint defense agreements and waiver, **3:36**
 - Confidentiality agreement regarding disclosure of information, **3:88**
 - Confidentiality of witness interviews, **3:33**
 - Corporate liability jury instructions, **3:29**
 - Department of Justice guidance on prosecutions of business organizations, **3:59**
 - Employee liability for false statements, potential, **3:45**
 - Environmental implications of RCO doctrine, **3:27**

CORPORATE VULNERABILITY, INQUIRY, AND**RESPONSIBILITY—Cont'd**

- False statements, potential employee liability, **3:45**
- Foreign employees, persons able to criminally bind a corporation, **3:17**
- Interviews with corporate employees, potential employee liability for false statements, **3:45**
- Investigations
 - Letter to Department of Justice regarding investigation of shipowner, **3:89**
 - SEC investigations, **3:40**
- Joint defense agreements and waiver, **3:36**
- Jury instructions, corporate liability, **3:29**
- Letter to Department of Justice regarding investigation of shipowner, **3:89**
- Personal liability of employees, environmental implications of RCO doctrine, **3:27**
- Persons able to criminally bind a corporation, foreign employees, **3:17**
- Political and lobbying activities, **3:64**
- RCO doctrine, environmental implications of, **3:27**
- Responsible position, **3:26, 3:27**
- SEC investigations, **3:40**

CORPORATIONS

- ABA disciplinary rule, **3:44**
- Accomplice theory, **3:24**
- Affidavit. Forms, infra
- Agreed motion for continuance of scheduling order and trial, **3:73**
- Agreements. Contracts and agreements, infra
- Ancillary problems during investigations, **3:48-3:54**
- Attorney-client privilege, **3:32, 3:37, 5:2, 5:3**

CORPORATIONS—Cont'd

Attorney-corporate client privilege, **3:43**

Attorneys

- Ethics, infra
- Multiple representation, **3:48**
- Special counsel, **3:31**

Benefit of corporation, **3:8**

Civil litigation, waiver of, **3:39**

Civil proceedings, **3:49**

- Collateral consequences, **3:4**
- Collective knowledge doctrine, **3:10**
- Commenting on internal investigations, time and method, **3:53**
- Compliance agreements, **3:19, 3:63**
- Compliance program, **3:84**
- Confidential information, joint defense and confidential information sharing agreement, **3:87 (Form)**
- Conspiracy, **3:25**
- Continuance, **3:73, 3:74**
- Contractors, **3:16**
- Contracts and agreements
 - Compliance agreements, **3:19**
 - Continuance of scheduling order and trial, agreed motion for, **3:73**
 - Contractors, **3:16**
 - Joint defense agreement, **3:65, 3:81, 3:87 (Form)**
- Correspondence, **3:75, 3:76 (Form)**
- Criminal liabilities of corporation.

 - Vulnerability, infra
 - Criminal proceedings, **3:49**
 - Current employees, **3:42-3:45, 3:47**
 - Defense, **3:9, 3:65, 3:87 (Form)**
 - Deferred prosecution agreement, **3:86 (Form)**
 - Department of Justice (DOJ), **3:56, 3:62, 3:89**
 - Direct consequences, **3:3**
 - Directors, **3:13**
 - Disciplinary rule, **3:44**
 - Employees
 - Inquiry, infra

CORPORATIONS—Cont'd

Employees—Cont'd

- Vulnerability, infra
- Employment requirements, **3:6, 3:7**
- Environmental crimes, **26:4**
- Environmental implications of RCO doctrine, **3:27**
- Ethics
 - Attorneys, see lines throughout this group
 - Conflict of interest, *supra*
 - Disqualification of attorney, *supra*
- Examination, **3:75, 3:76 (Form)**
- Executive officers and directors as criminally binding corporation, **3:13**
- Federal prosecution, **3:59-3:62**
- Fiduciary duty, breach of, as defense, **3:9**
- Former employees, **3:46, 3:47**
- Forms

 - Affidavit
 - Order granting joint petition to unseal affidavits and for return of property, **3:69**
 - Search warrant, infra this group
 - Agreed motion for continuance of scheduling order and trial, **3:73**
 - Appendix A to form letter of notice to examinee; employee requesting employee polygraph examination, **3:76 (Form)**
 - Confidential information, joint defense and confidential information sharing agreement, **3:87 (Form)**
 - Deferred prosecution agreement, **3:86 (Form)**
 - Internal and governmental criminal investigation procedures, **3:66**
 - Joint defense agreement, **3:65, 3:81, 3:87 (Form)**
 - Joint petition to unseal affidavit in support of search warrant and

INDEX

CORPORATIONS—Cont'd

Forms—Cont'd
for return of property, **3:68, 3:78 (Form)**
Letter of notice to examinee; employee requesting employee polygraph examination, **3:75**
Motion
Continuance, order, **3:74**
Continuance of scheduling order and trial, agreed motion, **3:73**
Return of seized items and requesting Franks v. Delaware hearing to set aside search warrant procured by falsehoods and material omissions, **3:77 (Form)**
Order, **3:69, 3:72**
Petition. Affidavit, supra this group
Return of property
Order granting joint petition to unseal affidavits and for return of property, **3:69**
Search warrant, infra this group
Sealed affidavits
Order granting joint petition to unseal affidavits and for return of property, **3:69**
Search warrant, infra this group
Search warrant
Affidavits. Petition to unseal affidavits, infra this subgroup
Joint petition to unseal affidavit and for return of property, **3:68, 3:78 (Form)**
Motion for return of seized items and requesting Franks v. Delaware hearing to set aside search warrant procured by falsehoods and material omissions, **3:77 (Form)**
Order granting petition to unseal affidavit, quash third party

CORPORATIONS—Cont'd

Forms—Cont'd
Search warrant—Cont'd
summons and summons on petitioner, and for return of seized property, **3:71**
Petition to unseal affidavits
Generally, **3:67**
Quash third party summons and summons on petitioner, and for return of seized property, **3:71, 3:79 (Form)**
Wiretaps and petition for return of property, **3:68, 3:79 (Form)**
Undertaking, **3:85 (Form)**
Franks v. Delaware hearing, **3:77 (Form)**
Hearings, **3:77 (Form)**
Independent contractors as criminally binding corporation, **3:16**
Individual-corporate privilege, **5:2**
Inquiry
Generally, **3:30-3:47**
ABA disciplinary rule, **3:44**
Attorney-client privilege, **3:32, 3:37**
Attorney-corporate client privilege, **3:43**
Civil litigation, waiver of, **3:39**
Employees. Interviews, conducting, infra this group
Internal investigation, protection of search terms as work-product, **3:35**
Internal investigations, **3:30, 3:31**
Interviews, conducting
Generally, **3:41-3:47**
ABA disciplinary rule, **3:44**
Attorney-corporate client privilege, **3:43**
Company interviews with current employees, **3:42-3:45**
Company interviews with former employees, **3:46**

CORPORATIONS—Cont’d

Inquiry—Cont’d
Interviews, conducting—Cont’d
Employees, generally, **3:42-3:47**
Government interviews with
current and former employ-
ees, **3:47**
Privileges, **3:32, 3:33**
Protecting internal investigation
search terms as work-product,
3:35
Special counsel, **3:31**
Waiver, **3:37-3:40**
Work-product doctrine, **3:34, 3:35,**
3:38
Integrity agreement, **3:82**
Internal investigations, **3:30, 3:31,**
3:35, 3:53, 3:66
Interviews, conducting
Investigation
Ancillary problems, **3:48-3:54**
Internal investigation, **3:30, 3:31,**
3:35, 3:53, 3:66
Purchasing entities under
investigation, **3:18**
Sample internal and governmental
criminal investigation
procedures, **3:66**
Joint defense agreement, **3:65, 3:81,**
3:87 (Form)
Joint petitions, **3:68, 3:78 (Form)**
Justice Department guidance on pros-
ecution of business organiza-
tions, **3:60-3:62**
Knowledge of corporation, **3:10, 3:11**
Low-level employees as criminally
binding corporation, **3:15**
Managers, **3:14**
Material omissions, **3:77 (Form)**
Motion
Agreed motion for continuance of
scheduling order and trial,
3:73
Continuance, **3:73, 3:74**
Ethics, supra

CORPORATIONS—Cont’d

Motion—Cont’d
Return of seized items and request-
ing Franks v. Delaware hear-
ing to set aside search warrant
procured by falsehoods and
material omissions, **3:77**
(Form)
Multiple representation, **3:48**
Non-executive managers and supervi-
sors as criminally binding
corporation, **3:14**
Notice, **3:75, 3:76 (Form)**
Obstruction of justice, **9:14**
Officers, **3:13**
Omissions, **3:77 (Form)**
Order
Continuance, **3:73, 3:74**
Ethics, supra
Return of property, **3:68, 3:71**
Search warrant, quash third party
summons and summons on
petitioner, and for return of
seized property, **3:71**
Parallel criminal and civil proceed-
ings, **3:49**
Parent-subsidiary privilege, **5:3**
Parties, who can criminally bind a
corporation, **3:12-3:17**
Personal liability of employees.
Vulnerability, infra
Petition. Forms, supra
Policy or instructions, violation of
corporate, **3:7**
Polygraph examination, **3:75, 3:76**
(Form)
Press and media, moderating, **3:52**
Prevention, **3:50**
Privileges, **3:32, 3:34**
Protection of internal investigation
search terms as work-product,
3:35
Qualification. Disqualification of
attorney, supra
Quashal, **3:71, 3:80 (Form)**
RCO, **3:27**

INDEX

CORPORATIONS—Cont’d

Records and recording, **3:56**
Reporting responsibilities, **3:2**
Responsible position, **3:26, 3:27**
Return of property. Forms, *supra*
Return of records, **3:56**
Rule 41(G) and search warrants, **3:55-3:58**
Scheduling order, **3:73**
Scope of employment, employee required to act within, **3:6**
Seal. Forms, *supra*
Search warrant
 Generally, **3:55-3:58**
 Forms, **3:67, 3:68, 3:70, 3:71**
Joint petition to unseal affidavit and for return of property, **3:68, 3:78 (Form)**
Motion for return of seized items and requesting *Franks v. Delaware* hearing to set aside search warrant procured by falsehoods and material omissions, **3:77 (Form)**
Order granting petition to unseal affidavit, quash third party summons and summons on petitioner, and for return of seized property, **3:71**
Petition to unseal affidavits, **3:67**
Petition to unseal affidavits, quash third party summons and summons on petitioner, and for return of seized property, **3:71, 3:80 (Form)**
Petition to unseal affidavits and wiretaps and petition for return of property, **3:68, 3:79 (Form)**
 Rule 41 (G), **3:55-3:58**
Securities fraud, **12:7**
Seizure of property, **3:71, 3:77 (Form), 3:80 (Form)**
Separation agreement and undertaking, **3:83**
Service of search warrant, **3:55**
Setting aside, **3:77 (Form)**

CORPORATIONS—Cont’d

Special counsel, **3:31**
Summons, **3:71, 3:80 (Form)**
Supervisors, **3:14**
Tax crimes, **19:24, 19:37, 19:76, 19:109**
Third party, **3:71, 3:80 (Form)**
Trial, agreed motion for continuance of scheduling order and, **3:73**
Undertaking, **3:85 (Form)**
U.S. Department of Justice, guidance on prosecution of, **3:62**
Violation of corporate policy or instructions, **3:7**
Vulnerability
 Generally, **3:1-3:29**
 Accomplice theory, **3:24**
 Benefit of corporation, **3:8**
 Collateral consequences, **3:4**
 Collective knowledge doctrine, **3:10**
 Conspiracy, **3:25**
Criminal liabilities of corporation
 Generally, **3:5-3:21**
 Acting within scope of employment, **3:6**
 Benefit of corporation, **3:8**
 Collective knowledge doctrine, **3:10**
 Employment requirements, **3:6, 3:7**
 Executive officers and directors as criminally binding corporation, **3:13**
 Fiduciary duty, breach of, as defense, **3:9**
 Independent contractors as criminally binding corporation, **3:16**
 Knowledge of corporation, **3:10, 3:11**
 Low-level employees as criminally binding corporation, **3:15**
 Non-executive managers and supervisors as criminally

CORPORATIONS—Cont'd

Vulnerability—Cont'd
Criminal liabilities of corporation
—Cont'd
 binding corporation, **3:14**
Violation of corporate policy or
instruction, **3:7**
Willful blindness doctrine, **3:11**
Direct consequences, **3:3**
Employment requirements, **3:6**,
3:7
Environmental implications of
RCO doctrine, **3:27**
Executive officers and directors as
criminally binding corpora-
tion, **3:13**
Fiduciary duty, breach of, as
defense, **3:9**
Independent contractors as
criminally binding corpora-
tion, **3:16**
Knowledge of corporation, **3:10**,
3:11
Low-level employees as criminally
binding corporation, **3:15**
Non-executive managers and
supervisors as criminally
binding corporation, **3:14**
Personal liability of employees
Generally, **3:22-3:28**
Accomplice theory, **3:24**
Conspiracy, **3:25**
Direct commission of criminal
violations, **3:23**
Environmental implications of
RCO doctrine, **3:27**
Responsible position, **3:26**, **3:27**
Reporting responsibilities, **3:2**
Responsible position, **3:26**, **3:27**
Willful blindness doctrine, **3:11**
Waiver, **3:37-3:40**
Warrant. Search warrant, supra
Whistleblowers, discrimination
complaints by, **3:51**, **3:53**, **3:54**
Willful blindness doctrine, **3:11**
Wiretaps, **3:70**, **3:79 (Form)**

CORPORATIONS—Cont'd

Witnesses, **54:37**
Work-product doctrine, **3:34**, **3:38**
CORRESPONDENCE
Bank crimes, **11:170 (Form)**
Corporations, **3:75**, **3:76 (Form)**
Export offenses, **25:21 (Form)**,
25:22 (Form)
Grand jury, **2:40 (Form)**, **2:83**
(Form)
Immunity, **6:21 (Form)**, **6:25**
(Form), **6:26 (Form)**
Pretrial diversion, **35:5 (Form)**
Securities fraud, **12:61 (Form)**,
12:63 (Form)
Sentencing, **34:101 (Form)**
Tax crimes, **19:60**

CORRUPTLY

Obstruction of justice, **9:4**

COSMETIC ACT

Federal Food, Drug and Cosmetic
Act Violations (this index)

COSTS AND EXPENSES

Action. **Costs of Action** (this index)
Reproduction. **Costs of Reproduc-**
tion (this index)
Tax crimes, **19:81**

COSTS OF ACTION

Citizen protection from procedural
attacks, **31:195 (Form)**, **31:201**
(Form)
Criminal forfeiture, **30:165 (Form)**

COSTS OF REPRODUCTION

Citizen protection from procedural
attacks, **31:142 (Form)** et seq.
Grand jury, **2:63 (Form)**, **2:84**
(Form)

COUNTERFEIT

Copyright violations, counterfeit
goods or services, **28:6**
Tax crimes, **19:111**

INDEX

COUNTERFEIT LABELS
Criminal forfeiture, 18 U.S.C.A. § 2318(d), **30:78**

COURT SUPERVISION
Warrantless searches, **31:62**

CRAWFORD V. WASHINGTON
Evidence, **54:2**

CREATOR TEST
Securities fraud, **12:46**

CREDITOR'S MEETING
Bankruptcy court, **4:7**

CREDIT RISKS
Embezzlement, misapplication, **11:13**

CRIME-FRAUD EXCEPTION
Attorney-client privilege, **5:4**
Grand jury, **2:19**

CRIMINAL CONFLICT OF INTEREST
Public corruption, **44:9**

CRIMINAL CONTEMPT
Attorney liability, **46:11-5:13**
Bankruptcy court, **4:16**
Federal court of contempt distinguished, **38:4**
Immunity, **6:14, 6:15**

CRIMINAL EXPOSURE
Bankruptcy Court (this index)

CRIMINAL FORFEITURE
Generally, **30:4, 30:72-30:183 (Form)**
Affidavit
More definite statement, including unsealing of affidavit, **30:142 (Form)**
Seal affidavit, ex parte motion, **30:134 (Form)**
Search warrants, unseal affidavits for, **30:168 (Form)**
Search warrants and request for expedited hearing, unseal affidavits for, **30:144 (Form)**

CRIMINAL FORFEITURE—Cont'd
Affidavit—Cont'd
Suppress, or, in alternative, unseal affidavit used to obtain criminal search warrants, **30:145 (Form)**
Unseal affidavits, generally, **30:170 (Form)**
Agreed order, **30:132 (Form), 30:153 (Form)**
Agreement, **30:163 (Form), 30:164 (Form)**
Amendment, **30:151 (Form), 30:157 (Form)**
Answer, **30:129 (Form), 30:140 (Form), 30:151 (Form), 30:155 (Form)**
Appeals, **30:92**
Arrest in rem, **30:136 (Form), 30:137 (Form)**
Assets, **30:89, 30:90**
Attorney's fees, **30:116 (Form)**
Banking violations, 18 U.S.C.A. § 982(a)(2), **30:81**
Bankruptcy, **30:152 (Form), 30:153 (Form)**
Bank secrecy and money laundering, 18 U.S.C.A. § 982(a)(1), **30:80**
Bonds, **30:165 (Form)**
Brief, **30:156 (Form)**
Burden of proof, **30:97**
Cash, **30:90**
Children, sexual exploitation of children, 18 U.S.C.A. § 2253, **30:76**
Claim for possession, **30:128 (Form)**
Claim for seized property, **30:125 (Form), 30:139 (Form)**
Complaint for forfeiture in rem, **30:127 (Form), 30:133 (Form), 30:151 (Form) et seq.**
Consolidation, **30:141 (Form), 30:148 (Form)**
Controlled substances, 21 U.S.C.A. § 853, **30:74**
Copyrights, 17 U.S.C.A. § 506(b), **30:77**
Costs of action, **30:165 (Form)**

CRIMINAL FORFEITURE—Cont'd

Counterfeit labels, 18 U.S.C.A.
 § 2318(d), **30:78**

Criminal search warrants, **30:145 (Form)**

Currency, **30:131 (Form)**

Default judgment, **30:149 (Form), 30:166 (Form), 30:167 (Form)**

Defense information, 18 U.S.C.A.
 § 794(d) and 793(h), **30:79**

Deposit seized currency, **30:131 (Form)**

Dismissal. Motion to dismiss, infra

Disposition of property, **30:102**

Due process, **30:88**

Entry of interlocutory default judgment of forfeiture, **30:166 (Form), 30:167 (Form)**

Equipment, **30:89**

Execution, stay of, **30:182 (Form)**

Ex parte motion, **30:134 (Form)**

Expedited hearing, **30:144 (Form)**

Fifth Amendment, **30:175 (Form), 30:176 (Form)**

Final judgment, **30:164 (Form)**

Financial Institutions Reform, Recovery, and Enforcement Act, **11:72**

Forfeiture, **30:4**

Hearing

 Expedited hearing, **30:144 (Form)**

 Probable cause hearing, **30:116 (Form) et seq.**

 Reconsideration of denial of motion to suppress and request for hearing, **30:147 (Form)**

Indictment, **30:85, 30:173 (Form)**

In rem arrest, **30:136 (Form), 30:137 (Form)**

In rem forfeiture

 Agreed order, **30:153 (Form)**

 Complaint, **30:127 (Form)**

 Motion to dismiss complaint, **30:152 (Form)**

CRIMINAL FORFEITURE—Cont'd

In rem forfeiture—Cont'd

 Trustee's first amended answer to amended complaint, **30:151 (Form)**

 Verified complaint, **30:133 (Form)**

Intent, **30:126 (Form), 30:135 (Form)**

Interlocutory default judgment, **30:149 (Form), 30:166 (Form), 30:167 (Form)**

Joint motion to deposit seized currency, **30:131 (Form)**

Judgment

 Agreed final judgment, **30:164 (Form)**

 Interlocutory default judgment, **30:149 (Form), 30:166 (Form), 30:167 (Form)**

 Summary judgment, infra

Jurisdiction, **30:84**

Jury instructions, **30:157 (Form), 30:174 (Form)**

Labels, counterfeit, 18 U.S.C.A.
 § 2318(d), **30:78**

Legal fees, **30:91**

Memorandum of law, **30:130 (Form), 30:167 (Form), 30:175 (Form), 30:176 (Form)**

Mitigation, **30:101**

Money laundering, 18 U.S.C.A.
 § 982(a)(1), **30:80**

More definite statement, **30:113 (Form), 30:115 (Form), 30:142 (Form)**

Motion

 Affidavit, seal, **30:134 (Form)**

 Affidavit, unseal, **30:144 (Form), 30:145 (Form), 30:168 (Form), 30:170 (Form)**

 Consolidation, **30:141 (Form), 30:148 (Form)**

 Deposit seized currency, **30:131 (Form)**

 Dismissal. Motion to dismiss, infra

 Execution, stay of, **30:182 (Form)**

 Expedited hearing, **30:144 (Form)**

INDEX

CRIMINAL FORFEITURE—Cont'd

Motion—Cont'd
Hearing, **30:144 (Form), 30:147 (Form)**
Interlocutory default judgment, **30:166 (Form), 30:167 (Form)**
More definite statement, **30:113 (Form)**
Probable cause hearing, **30:116 (Form) et seq.**
Protective order, **30:111 (Form)**
Reconsideration
 Consolidation and, **30:148 (Form)**
 Stay of execution, **30:182 (Form)**
 Stay of restitution and criminal forfeiture, **30:181 (Form)**
Summary judgment, **30:123 (Form), 30:150 (Form)**
Suppress and request for hearing, **30:147 (Form)**
Restitution, stay of, **30:181 (Form)**
Return of property illegally seized, **30:138 (Form)**
Stay of execution, **30:182 (Form)**
Stay of restitution and criminal forfeiture, **30:181 (Form)**
Stay regarding forfeiture issues, **30:177 (Form), 30:179 (Form)**
Strike claims, **30:107 (Form), 30:108 (Form), 30:149 (Form)**
Summary judgment, **30:119 (Form) et seq., 30:130 (Form), 30:150 (Form), 30:159 (Form), 30:161 (Form), 30:162 (Form)**
Suppress, **30:144 (Form) et seq.**
Tax costs and forfeit cost bonds posted by defendants, **30:165 (Form)**
Unseal, **30:172 (Form)**

CRIMINAL FORFEITURE—Cont'd

Motion to dismiss
 Generally, **30:109 (Form)**
Forfeiture in rem, **30:152 (Form) to 30:154 (Form)**
More definite statement, **30:115 (Form), 30:142 (Form)**
Pleading particularity, lack of, **30:113 (Form), 30:114 (Form)**
State claim, failure to, **30:113 (Form), 30:114 (Form)**
Notice, **30:124 (Form), 30:126 (Form), 30:135 (Form), 30:136 (Form)**
Obscene materials, 18 U.S.C.A. § 1467, **30:75**
Order
 Generally, **30:99**
 Affidavit, unseal, **30:143 (Form), 30:169 (Form), 30:171 (Form)**
 Agreed order, **30:132 (Form), 30:153 (Form), 30:163 (Form), 30:164 (Form)**
 Forfeiture in rem, **30:153 (Form), 30:154 (Form)**
 More definite statement, **30:143 (Form)**
 Pleading particularity, lack of, **30:114 (Form)**
 Preliminary order, **30:158 (Form)**
 Pretrial restraining orders, infra
 Protective order, infra
 Reconsideration of stay of execution, **30:182 (Form)**
 Restraining orders
 Generally, **30:94**
 Pretrial restraining orders, infra
State claim, failure to, **30:114 (Form)**
Stay regarding forfeiture issues, **30:180 (Form)**
Stipulation, **30:163 (Form), 30:164 (Form)**

CRIMINAL FORFEITURE—Cont'd

Order—Cont'd
Strike claim and request for sanctions pursuant to Rule 11, **30:110 (Form)**
Summary judgment, **30:160 (Form)**
Particularity, lack of pleading, **30:113 (Form), 30:114 (Form)**
Petition for remission or mitigation, **30:101**
Possession, claim for, **30:128 (Form)**
Post forfeiture, **30:100**
Post-trial forfeiture, **30:93-30:95**
Preliminary order, **30:158 (Form)**
Pretrial restraining orders
 Generally, **30:87-30:92**
 Appeals, **30:92**
 Assets, **30:89, 30:90**
 Cash, **30:90**
 Due process, **30:88**
 Equipment, **30:89**
 Hypothetical, **30:87**
 Legal fees, **30:91**
 Liquid assets or cash, **30:90**
 Nonliquid assets including real estate and equipment, **30:89**
 Real estate, **30:89**
Probable cause, **30:116 (Form) et seq.**
Procedural statutes, **30:82**
Proceedings, **30:83-30:86**
Property, disposition of, **30:102**
Property subject to forfeiture, generally, **30:72-30:81**
Protective order, **30:111 (Form), 30:112 (Form)**
Real property, **30:89, 30:152 (Form)**
Reconsideration. Motion, supra
Remission, **30:101**
Reply
 Affidavit, unseal, **30:172 (Form)**
 Forfeiture issues, **30:178 (Form)**
 Probable cause hearing, **30:118 (Form)**

CRIMINAL FORFEITURE—Cont'd

Reply—Cont'd
Strike claims and opposition to request of Rule 11 sanctions, **30:108 (Form)**
Summary judgment, **30:162 (Form)**
Suppress, motion to, **30:146 (Form)**
Response
 Affidavit, unseal, **30:145 (Form), 30:170 (Form), 30:172 (Form)**
 More definite statement, **30:115 (Form)**
 Probable cause hearing, **30:117 (Form), 30:118 (Form)**
 Sanctions pursuant to Rule 11, **30:107 (Form)**
 Strike claims and opposition to request of Rule 11 sanctions, **30:108 (Form)**
 Strike claims and request of sanctions pursuant to Rule 11, **30:107 (Form)**
 Summary judgment, **30:161 (Form), 30:162 (Form)**
 Suppress, motion to, **30:145 (Form), 30:146 (Form)**
Restitution, **30:181 (Form)**
Restraining order
 Generally, **30:94**
 Pretrial restraining orders, supra
Return of property illegally seized, **30:138 (Form)**
RICO, 18 U.S.C.A. § 1963, **30:73**
Rule 11, **30:107 (Form), 30:108 (Form)**
Sanctions, **30:107 (Form), 30:108 (Form)**
Seal. Affidavit, supra
Search warrant, **30:144 (Form), 30:145 (Form), 30:168 (Form)**
Seizure of property
 Claim for seized property, **30:125 (Form), 30:139 (Form)**

INDEX

CRIMINAL FORFEITURE—Cont'd

Seizure of property—Cont'd
 Currency, joint motion to deposit, **30:131 (Form)**
 Notice, **30:124 (Form)**
Post-trial forfeiture, **30:95**
Return of property illegally seized, **30:138 (Form)**
Sexual exploitation of children, 18 U.S.C.A. § 2253, **30:76**
Special verdict, **30:98**
Special verdict form, **30:157 (Form)**
Standing, **30:175 (Form), 30:176 (Form)**
State claim, failure to, **30:113 (Form), 30:114 (Form)**
Statutes, generally, **30:72-30:81**
Stay, **30:177 (Form), 30:179 (Form), 30:181 (Form), 30:182 (Form)**
Stipulation, **30:163 (Form), 30:164 (Form)**
Strike claim, **30:107 (Form), 30:108 (Form), 30:149 (Form)**
Substantive statutes, generally, **30:72-30:81**
Summary judgment
 Generally, **30:120 (Form), 30:121 (Form)**
 Form 4789 (CTR) v. 8300 Form, **30:119 (Form)**
 Memorandum of law, **30:130 (Form)**
 Motion, generally, **30:159 (Form)**
 Reconsideration, **30:123 (Form), 30:150 (Form)**
 Reply, **30:162 (Form)**
 Response, **30:161 (Form)**
 Supplement, **30:122 (Form)**
 Supplemental motion, **30:122 (Form), 30:165 (Form), 30:179 (Form)**
 Suppress, motion to, **30:144 (Form) et seq.**
 Taxation, **30:165 (Form)**
 Third parties, **30:96**

CRIMINAL FORFEITURE—Cont'd

 Trial, generally, **30:96-30:99**
 Trustee, **30:151 (Form), 30:153 (Form), 30:166 (Form)**
 Verdict, special, **30:98**
 Verdict form, **30:157 (Form)**
 Verified complaint, **30:133 (Form)**
 Verified motion, **30:138 (Form), 30:165 (Form)**
 Waiver, **30:175 (Form), 30:176 (Form)**
Warrant
 Arrest in rem, **30:137 (Form)**
 Search warrant, **30:144 (Form), 30:145 (Form), 30:168 (Form)**
 Seizure, warrant of, **30:95**

CRIMINAL HISTORY OF DEFENDANT

Sentencing, **34:28**

CRIMINAL INFORMATION

Environmental crimes, **26:75 (Form)**

CRIMINAL INTENT

Export offenses, **25:3**

CRIMINAL INVESTIGATION

Environmental crimes, **26:67 (Form)**
Obstruction of justice, **9:10**

CRIMINAL INVESTIGATION UNIT

Tax crimes, **19:59**

CRIMINAL LAW AND PROCEEDINGS

Antitrust defense, **14:12**
Bank crimes, **11:124 (Form)**
Bankruptcy court, **4:22**
Citizen protection from procedural attacks, **31:196 (Form), 31:197 (Form)**
Computers (this index)
Corporations, **3:49**
Criminal trade secret violations, **40:16-40:18**
Environmental crimes, **26:1**

CRIMINAL LAW AND PROCEEDINGS—Cont'd

- Export offenses, **25:9-25:12**
- Financial Institutions Reform, Recovery, and Enforcement Act, **11:67**
- Financial Privacy Act, **11:64**
- Grand Jury** (this index)
- Immigration** (this index)
- Parallel Proceedings** (this index)
- Records. **Criminal Records** (this index)
- RICO** (this index)
- Securities fraud, **12:5-12:15**
- Trade secret violations. **Criminal Trade Secret Violations** (this index)

CRIMINAL LIABILITIES OF CORPORATION

- Corporations** (this index)

CRIMINAL RECORDS

- Citizen protection from procedural attacks, **31:161 (Form)**
- Discovery, **31:34, 31:38**

CRIMINAL SEARCH WARRANTS

- Criminal forfeiture, **30:145 (Form)**

CRIMINAL TAX CONFERENCES

- Tax Crimes** (this index)

CRIMINAL TRADE SECRET VIOLATIONS

- Generally, **40:1-40:18**
- Challenges, **40:11**
- Civil remedies, **40:16-40:18**
- Criminal remedies, **40:16-40:18**
- Defenses, **40:12**
- Definition of trade secrets, **40:5**
- Economic Espionage Act
 - Generally, **40:4-40:9**
 - Constitutionally vague challenges, **40:11**
- Defenses, **40:12**
- Definition of trade secrets, **40:5**

CRIMINAL TRADE SECRET VIOLATIONS—Cont'd

- Economic Espionage Act—Cont'd
- EEA § 1835 and Rules of Criminal Procedure, **40:10**
- Foreign countries, **40:8**
- Limitations, **40:9**
- Mens rea, **40:6**
- Penalties, **40:7**
- Foreign countries, **40:8**
- Mens rea, **40:6**
- Penalties, **40:7**
- Rules of Criminal Procedure, **40:10**
- Sentencing guidelines, **40:15**
- Stay of litigation, **40:17**
- Theft, **40:1**
- U.S. Department of Justice, **40:14**
- Vagueness of challenge, **40:11**

CROSS-EXAMINATION

- Fifth Amendment, **53:12**
- Preservation of error, **55:20**

CRYPTOCURRENCY

- Bank crimes, **11:89**

CUMULATION

- Procedural attacks, **31:14**

CURATIVE INSTRUCTION

- Preservation of error, **55:32**

CURRENCY

- Criminal forfeiture, **30:131 (Form)**
- Cryptocurrency, bank crimes, **11:89**
- Digital currency, bank crimes, **11:89**

CURRENCY TRANSACTION REPORTS

- Bank Secrecy Act, **10:3**

CURRENT EMPLOYEES

- Corporations, **3:42-3:45, 3:47**

CUSTODIAL INTERROGATION

- Suppression of statements, **31:24**

CUSTODIAN

- Bankruptcy** (this index)
- Grand jury, **2:16**

INDEX

CUSTODY
Import violations, 24:15

CUSTOMS
Import violations, 24:15

DAMAGES
Health care fraud, False Claims Act (FCA), 37:24

DEBATE
Grand jury testimony, speech or debate clause, 2:22

DECENCY
Communications Decency Act of 1996, 18 U.S.C.A. § 223, 41:20

DECEPTION
Bank Secrecy Act, 10:23

DEFAULT JUDGMENT
Bail, 36:16 (Form), 36:19 (Form)
Criminal forfeiture, 30:149 (Form), 30:166 (Form), 30:167 (Form)

DEFECTS
Perjury, 20:6

DEFENSES
Antitrust Defense (this index)
Attorney-client privilege, 5:11
Bank Secrecy Act (this index)
Civil Forfeiture (this index)
Clean Air Act, 26:27
Clean Water Act (this index)
Computer Fraud and Abuse Act, 41:12
Conspiracy, 56:5
Corporate vulnerability, inquiry, and responsibility, joint defense agreements and waiver, 3:36
Corporations, 3:9, 3:65, 3:87 (Form)
Criminal forfeiture, 30:79
Criminal trade secret violations, 40:12
Defenses to price fixing, 14:18
Deliberate ignorance, 53:14
Embezzlement, Misapplication (this index)

DEFENSES—Cont'd
Environmental crimes, 26:7, 26:8, 26:78 (Form)
Evidence (this index)
Export offenses, 25:2-25:5
False entries, 11:26-11:29
False Financial Statements (this index)
Federal food, drug and cosmetic act violations, 45:12-45:14
Fraud, 11:53, 21:11
Fraud against government, 21:8-21:11
Grand jury, 2:66 (Form)
Hobbs Act, 16:8
Import violations, 24:4, 24:10
Mail and wire fraud, 8:31 (Form) et seq., 8:32 (Form)
National stolen property act, 18:4
Obstruction of justice, 9:9
Perjury (this index)
Per se violations, antitrust offenses, 14:18
Privileges, 5:34 (Form)
Procedural attacks, 31:13
Procedural attacks, entrapment, 31:21
Public corruption, 44:7
Resource Conservation and Recovery Act, 26:40
RICO (this index)
Rule 10b5-1, 12:51
Securities Fraud (this index)
Tax Crimes (this index)
Trademark violations, 27:3
Travel Act, 17:12

DEFINITIONS
Federal court of contempt, 38:2
Federal Food, Drug and Cosmetic Act Violations (this index)
Forfeiture, 30:1
Hazardous waste, 26:72 (Form)
Knowingly, 21:26
Major fraud against government, 21:19, 21:26

DEFINITIONS—Cont'd

Public corruption
 Public official, 44:3
 Thing of value, 44:5
Reactivity, 26:73 (Form)
Re-examination, 19:53
Trade secrets, 40:5

DELAY

Citizen protection from procedural
 attacks, 31:79 (Form), 31:80
 (Form), 31:130 (Form), 31:131
 (Form)
Civil forfeiture, 30:56, 30:61
Procedural attacks, 31:8

DELIBERATE IGNORANCE

Generally, 53:13-53:15
Bank crimes, 11:141 (Form)
Citizen protection from procedural
 attacks, 31:228 (Form)
Defense, theory of, 53:14
Jury instructions, 57:15
Missing witness charge, 53:15
Objections, 53:52 (Form)

DELIBERATIONS

Jury issues, testifying about jury
 deliberations, 57:23

DEPARTMENT OF JUSTICE (DOJ)

Attorney's fees, 33:25 (Form)
Corporate vulnerability, inquiry, and
 responsibility, letter to DOJ
 regarding investigation of ship-
 owner, 3:89
Corporations, 3:56, 3:62, 3:89
Criminal trade secret violations,
 40:14
Employment, 53:40 (Form)
Environmental crimes, 26:52
Grand jury, 2:66 (Form)
Guidance on prosecutions of business
 organizations, 3:59
Shipowner, letter to DOJ regarding
 investigation of, 3:89

DEPARTURE

Sentencing, 34:91 (Form), 34:92
 (Form)

DEPOSIT

Criminal forfeiture, 30:131 (Form)
Tax crimes, 19:81

DEPOSITIONS

Citizen protection from procedural
 attacks, 31:234 (Form)
Leave to take depositions, 53:37
 (Form), 53:38 (Form)
Strategies, 53:4

DEPOSITOR ASSISTANCE

Bank Secrecy Act, 10:22

**DEPOSITORY INSURANCE
INSTITUTIONS**

Comprehensive Thrift and Bank
 Fraud Prosecution and Taxpayer
 Recovery Act, 11:75

DERIVATIVE USE IMMUNITY

Generally, 6:3

DESTRUCTION OF EVIDENCE

Generally, 54:42
Attorney liability, 46:5

DESTRUCTION OF PROPERTY

Securities fraud, 12:75 (Form),
 12:76 (Form)

DESTRUCTION OF RECORDS

Import violations, 18 U.S.C.A. § 551,
 24:17
Obstruction of justice, 9:13, 9:14
Resource Conservation and Recovery
 Act, 42 U.S.C.A. § 6928(d)(4),
 26:35

DETENTION

Bail (this index)

DETENTION ORDER

Bail, 36:15 (Form)

INDEX

DETERMINATION OF SENTENCE

Effect of *United States v. Booker*,
34:16

DIGITAL CURRENCY

Bank crimes, **11:89**

DIGITAL MILLENNIUM COPYRIGHT ACT OF 1998

Copyright violations, **28:9**

DIRECT CONSEQUENCES

Corporations, vulnerability, **3:3**

DIRECT CONTEMPT

Federal court of contempt, **38:5**

DIRECTORS

Corporations, vulnerability, **3:13**

DISCHARGE OF BANKRUPTCY

Mitigating criminal exposure, Fifth
Amendment, **4:12**

DISCHARGE OF JURY

Citizen protection from procedural
attacks, **31:173 (Form)**
Equal protection violations with legal
authorities in support, **57:26**
(**Form**)

DISCLOSURE

Attorney-client privilege, **5:10**
Bankruptcy court, **4:31 (Form)**
Environmental crimes, **26:59**
Grand Jury (this index)
Grand jury testimony
Evidence for motion to dismiss,
2:28
Particularized need, **2:27**
Informants, **53:10**
Motion, **53:49 (Form)**
Parallel proceedings, **7:26-7:28**
Procedural Attacks (this index)
Tax crimes, **19:84, 19:116, 19:119,**
19:138 (Form)

DISCONTINUANCE

Civil forfeiture, **30:63, 30:64**

DISCOVERY

Generally, **31:32-32:48**
Abroad, discovery, **31:46**
Admissibility of evidence, **31:33**
Civil forfeiture, **30:46, 30:47**
Co-defendants, **31:36, 31:44**
Conspiracy, **31:33, 31:44**
Criminal records, **31:34, 31:38**
Document production. **Production of**
Documents (this index)
Environmental crimes, **26:60-26:63**
Examinations, tests and experiments,
31:41
Exception to hearsay rule, **31:33**
Exculpatory evidence, **31:43**
Expert witnesses, **31:45**
Grand jury, **31:42**
Hearsay rule, **31:33**
Identity of informants, **31:40**
Indictment, **31:44**
Informants, **31:40**
International issues, **55:10-55:13**
Jury trial, **57:32 (Form), 57:36**
(**Form**), **57:37 (Form)**
Knowledge of case, persons having,
31:37
Parallel proceedings, **7:5, 7:41**
(**Form**)-**7:43 (Form)**
Pleads, **31:48**
Procedural Attacks (this index)
Production of Documents (this
index)
Promises to co-defendants,
unindicted co-conspirators or
other witnesses, **31:44**
Reasonable reliance, **31:47**
Reliance, reasonable, **31:47**
Securities fraud, **12:76 (Form)**
Statement of defendant, **31:32**
Statement of individuals who will not
be government witnesses, **31:39**
Tangible objects, **31:35**
Tax crimes, **19:30, 19:71**
Transcript of grand jury testimony,
31:42
Witnesses, **31:38, 31:42, 31:44**

DISCRETION
Parallel proceedings, **7:16**

DISCRETIONARY RELIEF
Immigration (this index)

DISCRETIONARY SEVERANCE
Procedural Attacks (this index)

DISENTITLEMENT DOCTRINE
Jurisdictional and constitutional issues, **43:18, 43:20**

DISMISSAL
Motion to Dismiss (this index)
Procedural Attacks (this index)

DISMISSAL OF BANKRUPTCY
Bankruptcy court, **4:13**

DISQUALIFICATION
Qualification and Disqualification (this index)

DISSOLUTION OF BANKRUPTCY
Mitigating criminal exposure, **4:32**
(Form)-4:35 (Form)

DISTRICT CLERK
Discovery of information in possession of, **57:32 (Form)**

DISTRICT COURT
Citizen protection from procedural attacks, **31:201 (Form)**
Parallel proceedings, **7:11**
Sentencing, **34:103 (Form)**

DOING BUSINESS
Jurisdiction, **43:9**
Tax crimes, **19:12**

DOUBLE JEOPARDY
Bank Secrecy Act, **10:16**
Citizen protection from procedural attacks, **31:101 (Form), 31:102 (Form)**
Civil forfeiture, **30:68**
International issues, **55:14**
Parallel Proceedings (this index)
Procedural attacks, **31:72**

DOUBLE JEOPARDY—Cont'd
RICO, **13:28**
Tax crimes, **19:85**

DOWNTWARD DEPARTURES
Sentencing, **34:37**

DRUG RELATED ITEMS
Forfeiture (this index)

DRUGS
Federal Food, Drug and Cosmetic Act Violations (this index)

DUAL INVESTIGATIONS
Antitrust offenses, corporate agreement letter from Antitrust Division, **14:50**

DUE DILIGENCE
Foreign Corrupt Practices Act, **47:25**

DUE PROCESS
Bank Secrecy Act, **10:15**
Criminal forfeiture, **30:88**
Indictment, **31:2**
Jurisdictional and constitutional issues, Fifth Amendment implications, **43:21**

DUPPLICATES
Copies (this index)

DURATION OF CRIME
Continuing criminal enterprise, **15:3, 15:4**

ECONOMIC CRIME PACKAGE
Sentencing guidelines, **34:3**

ECONOMIC ESPIONAGE ACT
Computers, 18 U.S.C.A. § 1831, **41:15**
Criminal Trade Secret Violations (this index)

ECONOMICS
Antitrust defense, **14:31 (Form)**

EIGHTH AMENDMENT
Civil forfeiture, **30:68**

INDEX

EIGHTH AMENDMENT—Cont'd

Parallel proceedings
Generally, **7:15**
Excessive fines clause
Motion to dismiss, **7:56 (Form)**
Order granting motion to dismiss, **7:57 (Form)**
Order granting supplemental motion to dismiss, **7:59 (Form)**
Reply to response to motion to dismiss, **7:61 (Form)**
Response to motion to dismiss, **7:60 (Form)**
Supplemental motion to dismiss, **7:58 (Form)**

ELECTION

Bank crimes
Motion to dismiss, **11:151 (Form), 11:158 (Form)**
Order, **11:152 (Form), 11:159 (Form)**

ELECTION CRIMES

Generally, **52:1-52:6**
Conclusion, **52:6**
Conduit statute and penalties, **52:2**
Intent requirement, **52:3-52:5**

ELECTRONIC COMMUNICATIONS PRIVACY ACT

Computers, 18 U.S.C.A. § 2511, **41:19**

ELECTRONIC SURVEILLANCE

Wiretapping and Electronic Surveillance (this index)

E-MAIL

Waiver of attorney-client privilege, **5:9**

EMBEZZLEMENT

Generally, **11:1-11:23**
Accommodation loans, **11:18**
Bank crimes, **11:115 (Form)**
Cash for trash transactions, **11:23**

EMBEZZLEMENT—Cont'd

Collusion, **11:14**
Conflicts, **11:20**
Consent, **11:10**
Credit risks, **11:13**
Defenses
Generally, **11:6-11:10**
Good faith, **11:8**
Harm, **11:9**
Knowledge and consent, **11:10**
Restitution, **11:7**
18 U.S.C.A. § 656 and 657, generally, **11:1-11:23**
Financial institution regulators, **11:5**
Good faith, **11:8**
Harm, **11:9**
Intent to defraud, **11:4**
Knowledge and consent, **11:10**
Legal conduct not recommended
Generally, **11:17-11:23**
Accommodation loans, **11:18**
Cash for trash transactions, **11:23**
Conflicts, **11:20**
Nominees, **11:21**
Regular practices, **11:19**
Violation of operating policies or regulations, **11:22**
Lending limits, **11:15**
Loans, **11:18**
Misapplication, generally, **11:1-11:23**
Misconduct
Generally, **11:11-11:16**
Collusion, **11:14**
Credit risks, **11:13**
Lending limits, **11:15**
Nominees, **11:16**
Preferential rates, **11:12**
Nominees, **11:16, 11:21**
Official capacity, **11:3**
Operating policies or regulations, **11:22**
Preferential rates, **11:12**
Regular practices, **11:19**
Restitution, **11:7**

EMERGENCY

- Bail, **36:21 (Form)**
- Export offenses, **25:32 (Form)**
- Parallel proceedings, emergency motion, **7:45 (Form), 7:50 (Form), 7:51 (Form), 7:68 (Form), 7:69 (Form)**
- Wiretapping and electronic surveillance, **39:11, 39:33 (Form)**

EMPLOYEE LIABILITY FOR FALSE STATEMENTS

- Corporate vulnerability, inquiry, and responsibility, **3:45**

EMPLOYMENT

- Aliens, **48:6**
- Bank crimes, **11:115 (Form)**
- Corporations** (this index)
- RICO, **13:9**
- Securities fraud, **12:10**
- Tax crimes, **19:98, 19:117**
- U.S. Department of Justice, **53:40 (Form)**

ENCRYPTION TECHNOLOGY

- Wiretapping and electronic surveillance, **39:30**

ENDEAVOR

- Obstruction of justice, **9:5**

ENDORSEMENT

- Forgery (this index)

ENERGY CRIMES

- Generally, **56:1-56:13**
- Compliance recommendations, **56:13**
- Federal Energy Regulatory Commission (FERC), **56:1-56:13**
- Hydroelectric power, **56:5**
- Investigation and enforcement, **56:9-56:13**
- Market manipulation, **56:6**
- Natural gas, **56:4**
- Non-FERC matters, **56:2**
- Open Access Same-Time Information Systems (OASIS), **56:7**

ENERGY CRIMES—Cont'd

- Transmission provider regulations, **56:8**

ENFORCEMENT

- Energy crimes, **56:9-56:13**
- Export offenses, **25:6**
- Federal food, drug and cosmetic act violations, **45:9-45:11**
- Financial Institutions Reform, Recovery, and Enforcement Act** (this index)
- Grand jury, **2:47 (Form)**
- Tax crimes, **19:26-19:28**

ENTERPRISE

- Continuing criminal enterprise
- Generally, **15:1-15:4**
- Duration of crime, **15:3, 15:4**
- Fines and penalties, **15:4**
- Limitation of actions, **15:3**
- Management, position of, **15:2**
- Punishment, **15:3, 15:4**
- 21 U.S.C.A. § 48, **15:1**

ENTRAPMENT

- Sentencing entrapment and factor manipulation, **34:63**

ENTRAPMENT DEFENSES

- Procedural attacks, **31:21**

ENTRY OF GOODS

- Import Violations (this index)

ENTRY OF INTERLOCUTORY

DEFAULT JUDGMENT

- Criminal forfeiture, **30:166 (Form), 30:167 (Form)**

ENVIRONMENTAL AUDITS

- Environmental Crimes (this index)

ENVIRONMENTAL CRIMES

- Generally, **26:1-26:78 (Form)**
- Additional jury instructions, **26:71 (Form)**
- Administrative proceedings by EPA, **26:49**

INDEX

ENVIRONMENTAL CRIMES

—Cont'd

- Amended requested jury instructions, **26:69 (Form)**
- Application, retroactive, **26:44**
- Attorney-client privilege, **26:61**
- Audits. Environmental audits, infra
- Background information prepared by defense (confidential, to be filed under seal), **26:78 (Form)**
- Clean Air Act** (this index)
- Clean Water Act** (this index)
- Compensation, **26:42**
- Confidential information, background information prepared by defense, **26:78 (Form)**
- Constitutional defenses, **26:7**
- Corporate liability, **26:4**
- Criminal cases, **26:1**
- Criminal information, **26:75 (Form)**
- Criminal investigation, **26:67 (Form)**
- Defense, background information prepared by (confidential, to be filed under seal), **26:78 (Form)**
- Defenses, **26:7, 26:8**
- Definitions
 - Hazardous waste, **26:72 (Form)**
 - Reactivity, **26:73 (Form)**
- Designation of authorized representatives, **26:65 (Form)**
- Disclosure, **26:59**
- Discovery, **26:60-26:63**
- Environmental audits
 - Generally, **26:53-26:64**
 - Attorney client privilege, **26:61**
 - Benefits, **26:54**
 - Disclosure of audit results under environmental statutes and danger of parallel civil and criminal proceedings, **26:59**
 - DOJ and voluntary audits, **26:56, 26:58**
 - EPA and voluntary audits, **26:56, 26:57**
 - Privileges available to prevent discovery of audits, **26:60-26:63**

ENVIRONMENTAL CRIMES

—Cont'd

- Environmental audits—Cont'd
 - Proposal, **26:64**
 - Risks, **26:55**
 - Self-evaluation privilege, **26:63**
 - Voluntary audits, **26:56-26:58**
 - Work-product doctrine, **26:62**
- Fines and penalties, **26:30, 26:43, 26:46**
- Fungicide, **26:45, 26:46**
- Government's amended requested jury instructions, **26:69 (Form)**
- Hazardous waste defined, **26:72 (Form)**
- Indictment, sample, **26:68 (Form)**
- Individual liability, **26:5**
- Insecticide, Fungicide and Rodenticide Act, 7 U.S.C.A. § 1361, **26:45, 26:46**
- Investigation
 - Criminal, **26:67 (Form)**
 - Motion to waive presentence investigation report, **26:77 (Form)**
- Jurisdictional issues, **26:9**
- Jury instructions
 - Generally, **26:70 (Form)**
 - Additional, **26:71 (Form)**
 - Government's amended requested jury instructions, **26:69 (Form)**
- Hazardous waste defined, **26:72 (Form)**
- Reactivity defined, **26:73 (Form)**
- Supplemental instructions, **26:74 (Form)**
- Knowledge requirement, **26:6**
- Liability, 42 U.S.C.A. § 9601 and 9675, **26:42**
- Motion to waive presentence investigation report, **26:77 (Form)**
- Notice of violation, **26:66 (Form)**
- Parallel proceedings, **26:59**
- Plea agreement, **26:76 (Form)**

ENVIRONMENTAL CRIMES
—Cont’d
Presentence investigation report, motion to waive, **26:77 (Form)**
Privileges available to prevent discovery of audits, **26:60-26:63**
Prosecution guidelines, **26:50-26:52**
Reactivity defined, **26:73 (Form)**
Reports and reporting, motion to waive presentence investigation report, **26:77 (Form)**
Representatives, **26:65 (Form)**
Resource Conservation and Recovery Act (this index)
Response, **26:42**
Retroactive application, **26:44**
Rodenticide, **26:45, 26:46**
Sample materials, generally, **26:65 (Form)-26:74 (Form)**
Sealed information, background information prepared by defense, **26:78 (Form)**
Self-evaluation privilege, **26:63**
Sentencing, **26:47**
Substantive provisions, generally, **26:10-26:47**
Superfund; Comprehensive Environmental Response, Compensation and Liability Act of 1980, 42 U.S.C.A. § 9601 and 9675, **26:42**
Supplemental instructions, **26:74 (Form)**
Toxic Substances Control Act, 15 U.S.C.A. § 2615, **26:29, 26:30**
U.S. Department of Justice, **26:52**
Voluntary audits, **26:56-26:58**
Waiver, motion to waive presentence investigation report, **26:77 (Form)**
Work-product doctrine, **26:62**

ENVIRONMENTAL IMPLICATIONS OF RCO DOCTRINE
Corporations, vulnerability, **3:27**

ENVIRONMENTAL PROTECTION AGENCY
Environmental crimes, **26:49**
EQUAL PROTECTION
Citizen protection from procedural attacks, **31:173 (Form)**
Jury trial, **57:9, 57:26 (Form)**
EQUIPMENT
Civil forfeiture, **30:9, 30:14**
Criminal forfeiture, **30:89**
EQUITABLE ESTOPPEL
Clean Water Act, **26:17**
ERROR
Plain Error (this index)
Preservation of Error (this index)
ESPIONAGE
Computers, **41:5, 41:15**
Criminal Trade Secret Violations (this index)
ESTATE
Attorney’s fees, **33:14**
ESTOPPEL
Citizen protection from procedural attacks, **31:213 (Form), 31:215 (Form), 31:216 (Form)**
Clean Water Act, **26:17**
Collateral Estoppel (this index)
Evidence, **54:44**
Parallel proceedings, **7:14**
Perjury, **20:10**
ETHICAL OPINIONS
Perjury, **20:12**
ETHICS
Corporations (this index)
Publicity of Trial (this index)
EVIDENCE
Generally, **54:1-54:71 (Form)**
Accomplices, **54:56 (Form), 54:57 (Form)**
Admissibility of Evidence (this index)

INDEX

EVIDENCE—Cont'd

Admission of summary charts, **54:48 (Form)**
Agent's statements, **54:12**
Antitrust defense, **14:3, 14:31 (Form)**
Antitrust offenses, evidence of meetings or other communications, **14:9**
Application of law to hypotheticals, **54:18**
Attorney liability, destruction of evidence, **46:5**
Attorney's fees, **33:4**
Bank crimes, **11:172 (Form)**
Bank fraud, **54:61 (Form), 54:63 (Form)**
Brief, **54:49 (Form), 54:60 (Form), 54:65 (Form)**
Burden of Proof (this index)
Business records, **54:14, 54:41**
Business records exception, **54:16**
Charts, **54:48 (Form)**
Compulsory process, right to, Sixth Amendment, **54:44**
Confrontation, right to, Sixth Amendment, **54:46**
Convictions, **54:56 (Form), 54:57 (Form)**
Courtroom scenes, typical, **54:15**
Defense
 Defendant's motion in limine to exclude evidence of medical board code, **54:67 (Form)**
 Defendant's motion in limine to exclude evidence of prior trial, **54:68 (Form)**
Electronically stored information, **54:27**
Estoppel, judicial, **54:44**
Exclusion
 Defendant's motion in limine to exclude evidence of medical board code, **54:67 (Form)**
 Defendant's motion in limine to exclude evidence of prior trial, **54:68 (Form)**

EVIDENCE—Cont'd

Exclusion of evidence, **54:50 (Form)-44:52 (Form)**
Exhibits, **54:55 (Form)-44:63 (Form)**
Extraneous acts, **54:3**
False evidence, procedural attacks, **31:22**
Federal Rules of Evidence 803(6), **54:55 (Form)**
Felony convictions, **54:56 (Form), 54:57 (Form)**
Foreign business records, **54:41**
Forms
 Brief in support of objections to introduction of tape recordings, **54:49 (Form)**
 Briefs, **54:60 (Form), 54:65 (Form)**
 Defendant's motion in limine to exclude evidence of medical board code, **54:67 (Form)**
 Defendant's motion in limine to exclude evidence of prior trial, **54:68 (Form)**
 Exclusion, defendant's motion in limine to exclude evidence of medical board code, **54:67 (Form)**
 Exclusion, defendant's motion in limine to exclude evidence of prior trial, **54:68 (Form)**
 Exhibits, **54:55 (Form)-44:63 (Form)**
 Medical board code, defendant's motion in limine to exclude evidence of, **54:67 (Form)**
 Memorandum of law, **54:64 (Form)**
 Memorandum of law for admission of summary charts, **54:48 (Form)**
 Memorandum of law in support of motion to allow introduction of prior felony convictions of witness-accomplices, **54:56 (Form)**

EVIDENCE—Cont'd

Forms—Cont'd
Memorandum of law in support of second motion in limine, **54:53 (Form)**
Memorandum of law on admissibility of tapes and transcripts, **54:59 (Form)**
Memorandum of law regarding hearsay issues, **54:58 (Form)**
Memorandum of law under Federal Rules of Evidence 803(6), **54:55 (Form)**
Motion in limine, defendant's, to exclude evidence of medical board code, **54:67 (Form)**
Motion in limine, defendant's, to exclude evidence of prior trial, **54:68 (Form)**
Motion in limine standard of care, **54:66 (Form)**
Motion to exclude evidence pursuant to Rule 403, or in alternative, to limit government's evidence in presentation of case and memorandum of law in support, **54:50 (Form)**
Objections to exhibits, bank fraud, **54:61 (Form), 54:63 (Form)**
Objections to supplemental exhibits, **54:62 (Form)**
Order to memorandum of law in support of motion to allow introduction of prior felony convictions of witness-accomplices, **54:57 (Form)**
Order to memorandum of law in support of second motion in limine, **54:54 (Form)**
Order to motion to exclude evidence pursuant to Rule 403, or in alternative, to limit evidence in presentation of case and memorandum of law in support, **54:50 (Form)**
Prior trial, defendant's motion in limine to exclude evidence of, **54:68 (Form)**

EVIDENCE—Cont'd

Forms—Cont'd
Response to motion to exclude evidence pursuant to Rule 403, or in alternative, to limit evidence in presentation of case, **54:52 (Form)**
Standard of care, motion in limine, **54:66 (Form)**
Fraud, **54:61 (Form), 54:63 (Form)**
Fraud against government, **21:24**
Grand jury, **2:28, 2:33, 2:72 (Form)**
Hearsay (this index)
Immunity, **6:15**
Inconsistent factual positions, prosecutorial misconduct, **54:40**
In limine motion, **54:53 (Form), 54:54 (Form), 54:66 (Form)-54:71 (Form)**
Interpretation of Federal Rules of Evidence 803(6), **54:17**
Judicial estoppel, **54:44**
Judiciary obligations to uphold Sixth Amendment, **54:47**
Jurisdiction (this index)
Lay testimony, **54:28**
Lost or destroyed evidence, **54:42**
Mail and wire fraud, **8:16 (Form), 8:26 (Form), 8:36 (Form)**
Medical board code, defendant's motion in limine to exclude evidence of, **54:67 (Form)**
Medical examiner's report, **54:25**
Memorandum of law
Generally, **54:64 (Form)**
Admissibility of tapes and transcripts, **54:59 (Form)**
Admission of summary charts, **54:48 (Form)**
Exclude evidence pursuant to Rule 403, or in alternative, to limit evidence in presentation of case, **54:50 (Form)**
Federal Rules of Evidence 803(6), **54:55 (Form)**
Hearsay, **54:58 (Form)**

INDEX

EVIDENCE—Cont'd

Memorandum of law—Cont'd
In limine motion, second, **54:53 (Form), 54:54 (Form)**
Prior felony convictions of witness-accomplices, **54:56 (Form), 54:57 (Form)**
Motion
Exclude evidence pursuant to Rule 403, or in alternative, to limit evidence in presentation of case, **54:50 (Form)-44:52 (Form)**
In limine, defendant's, to exclude evidence of medical board code, **54:67 (Form)**
In limine, defendant's, to exclude evidence of prior trial, **54:68 (Form)**
In limine motion, second, **54:53 (Form), 54:54 (Form)**
In limine standard of care, **54:66 (Form)**
Prior felony convictions of witness-accomplices, **54:56 (Form), 54:57 (Form)**
911 telephone calls, **54:26**
Objections, **54:49 (Form), 54:55 (Form)-44:63 (Form)**
Order, **54:51 (Form), 54:54 (Form), 54:57 (Form)**
Plea negotiations, **54:32**
Polygraph, **54:35**
Presentation of case, **54:50 (Form) to 54:52 (Form)**
Preservation of error, **55:8, 55:26**
Prior felony convictions, **54:56 (Form), 54:57 (Form)**
Privileges, **5:34 (Form), 5:48 (Form)**
Procedural Attacks (this index)
Prosecutorial misconduct
Hearsay, **54:39**
Improper cross examination, **54:38**
Inconsistent factual positions, **54:40**
Vouching, **54:38**

EVIDENCE—Cont'd

Public records, **54:24**
Records and Recordings (this index)
Residual exception, **54:22**
Response, **54:52 (Form)**
Rule 403, **54:50 (Form) to 54:52 (Form)**
Sample materials, generally, **54:48 (Form)-44:55 (Form)**
Sequestration of witnesses, **54:45**
Sixth Amendment, **54:44-44:47**
Standard of care, motion in limine, **54:66 (Form)**
Statements against interest, **54:20**
State of mind, **54:21**
Sufficiency of evidence, **54:36**
Summary charts, **54:48 (Form)**
Supplemental exhibits, **54:62 (Form)**
Suppression of Evidence (this index)
Tape recordings, **54:6-54:9, 54:49 (Form), 54:59 (Form)**
Tax crimes, **19:19, 19:32-19:34**
Testimony readback, jury request for, **54:43**
Third party guilt, **54:13**
Transcripts, **54:59 (Form)**
Variance of proof, constructive amendment, **54:34**
Witnesses (this index)

EVIDENTIARY HEARING

Tax Crimes (this index)

EXAMINATION

Bank crimes, **11:144 (Form)**
Citizen protection from procedural attacks, **31:99 (Form), 31:100 (Form), 31:155 (Form)**
Comprehensive Thrift and Bank Fraud Prosecution and Taxpayer Recovery Act, **11:76**
Corporations, **3:75 (Form), 3:76 (Form)**
Discovery, **31:41**
Tax Crimes (this index)

EXCEPTION

Attorney-client privilege, **5:12**
Business records exception, **54:16**
Discovery, **31:33**
Export offenses, **25:5**
Financial Privacy Act, **11:63**
Grand jury, **2:19**
Residual Exception (this index)
Witnesses, **54:22**

**EXCEPTIONALLY INNOCENT
CALERO TOLEDO DEFENSE**

Civil forfeiture, **30:57**

EXCESSIVE FINES CLAUSE

Parallel proceedings
Motion to dismiss, **7:56 (Form)**
Order granting motion to dismiss, **7:57 (Form)**
Order granting supplemental motion to dismiss, **7:59 (Form)**
Reply to responses to motion to dismiss, **7:61 (Form)**
Response to motion to dismiss, **7:60 (Form)**
Supplemental motion to dismiss, **7:58 (Form)**
Tax crimes, **19:93**

EXCLUSION FROM PRACTICE

Export offenses, **25:17**

EXCLUSION OF EVIDENCE

Defendant's motion in limine to exclude evidence of medical board code, **54:67 (Form)**
Defendant's motion in limine to exclude evidence of prior trial, **54:68 (Form)**
Motion, **54:50 (Form)**
Order, **54:51 (Form)**
Preservation of error, **55:19-55:21**
Response, **54:52 (Form)**

EXCULPATORY EVIDENCE

Citizen protection from procedural attacks, **31:95 (Form) et seq.**, **31:154 (Form)**

EXCULPATORY EVIDENCE

—Cont'd
Discovery, **31:43**
Grand jury, **2:33, 2:72 (Form)**

EXCULPATORY NO

Fraud against government, **21:10**

EXECUTION

Stay of Execution (this index)

**EXECUTION OF TITLE III
SEARCH**

Wiretapping and Electronic Surveillance (this index)

EXECUTIVE BRANCH BAR

Health care fraud, False Claims Act (FCA), **37:29**

**EXECUTIVE OFFICERS AND
DIRECTORS**

Criminal liabilities, **3:13**

EXEMPTIONS

Tax crimes, **19:99**

EXEMPT ORGANIZATIONS

Tax crimes, **19:11**

EXHIBITS

Objections, **54:55 (Form)-44:63 (Form)**

EXIGENT CIRCUMSTANCES

Warrantless searches, **31:66**

EX PARTE APPLICATION

Citizen protection from procedural attacks, **31:109 (Form) et seq.**
Securities fraud, **12:75 (Form)**

EX PARTE MOTION

Criminal forfeiture, **30:134 (Form)**
Seal, file ex parte motion under, **53:42 (Form), 53:43 (Form)**
Transport witness from Mexico, **53:44 (Form)**

Transport witness to Mexico, **53:45 (Form)**

INDEX

EX PARTE ORDER
Grand jury, 2:57 (Form)

EX PARTE SUBMISSIONS
Privileges, 5:44 (Form)

EXPECTATIONS
Bank Secrecy Act, 10:17

EXPEDITED DETERMINATION
Privileges, 5:43 (Form)

EXPEDITED DISCOVERY
Securities fraud, 12:76 (Form)

EXPEDITED HEARING
Citizen protection from procedural attacks, 31:223 (Form)
Criminal forfeiture, 30:144 (Form)
Grand jury, 2:74 (Form)

EXPEDITED MOTION
Bail, 36:20 (Form)

EXPENSES
Costs and Expenses (this index)

EXPERIMENTS
Discovery, 31:41

EXPERT WITNESSES
Generally, 53:8, 53:27, 54:30
Bank Crimes (this index)
Defendant's synopsis of anticipated testimony, 47:27
Discovery, 31:45
In limine motion, 53:46 (Form)- 53:48 (Form)
Legal experts, 53:7
Psychiatric experts, 53:6
Strategies, 53:6-53:8
Tax crimes, 19:70

EXPORT
Generally, 25:1 et seq.
Administrative sanctions. Sanctions, infra
Bank Secrecy Act, 10:27
Brady materials, joint defendants' motion to compel, 25:24 (Form)

EXPORT—Cont'd
Civil forfeiture, 30:22
Commercial use, 25:5
Correspondence, 25:21 (Form), 25:22 (Form)
Criminal intent, 25:3
Criminal sanctions, 25:9-25:12
Defenses, 25:2-25:5
Dismiss, motion to, 25:25 (Form)- 25:28 (Form)
18 U.S.C.A. § 371, specific instructions, 25:34 (Form)
Emergency, 25:32 (Form)
Exception, 25:5
Exclusion from practice, 25:17
Export Administration Act
Generally, 25:1-25:5
Criminal intent, 25:3
Defenses, 25:2-25:5
Licensing requirements, 25:4
Normal commercial use exception, 25:5
Sanctions, 25:10, 25:11
False Statements Act, violation of, 25:12
False statement to federal agency, specific instructions, 50 U.S.C.A. Appendix § 2410(a), 25:35 (Form)
Federal agency, 25:35 (Form)
FISA, 25:27 et seq. (Forms)
Import violations, 24:19
Indictment, 25:23 (Form)-25:28 (Form)
Intent, 25:3
International Emergency Economic Powers Act, 25:32 (Form)
Jury instructions, specific instructions, 25:34 (Form), 25:35 (Form)
Letter requesting records from U.S. Department of Commerce, 25:21 (Form)
Licensing requirements, 25:4
Memorandum of law, 25:32 (Form)

EXPORT—Cont'd

Motion to dismiss, **25:25 (Form)-25:28 (Form)**
Normal commercial use exception, **25:5**
Order dismissing indictment, **25:28 (Form)**
Resource Conservation and Recovery Act, **26:37**
Response, **25:22 (Form)**
Sample motions and trial materials, generally, **25:21 (Form)-25:35 (Form)**
Sanctions
Generally, **25:9 et seq.**
Administrative sanctions
Generally, **25:15 et seq.**
Denial of export privileges, **25:16**
Exclusion from practice, **25:17**
Criminal sanctions, **25:9-25:12**
Exclusion from practice, **25:17**
False Statements Act, violation of, **25:12**
Violations of Export Administration Act, **25:10, 25:11**
Willful violations, **25:11**
Specific instructions, **25:34 (Form), 25:35 (Form)**
U.S. Department of Commerce, **25:21 (Form), 25:22 (Form)**
Use exception, **25:5**
Willful violations, **25:11**

EXPORT ADMINISTRATION ACT

Export Offenses (this index)

EXPORT OFFENSES

Arms Export Control Act, **25:14**
International Emergency Economic Power Act, **25:13**

EX POST FACTO ISSUES

Generally, **49:5**

EX POST FACTO LAWS

Jurisdictional and constitutional issues, **43:15.50**

EXTORTION

Computer Fraud and Abuse Act, 18 U.S.C.A. § 1030(a)(7), **41:11**
Hobbs Act, **16:4, 16:5**
Travel Act, **17:7**

EXTRADITION

Generally, **55:7-55:9**
Jurisdictional and constitutional issues, **43:17.50**
Treaty limitations on punishment, **43:16, 43:17**

EXTRANEIOUS ACTS

Generally, **54:3**
Bank crimes, **11:122 (Form), 11:172 (Form)**
Mail and wire fraud, **8:36 (Form)**
Preservation of Error (this index)

EXTRATERRITORIAL SURVEILLANCE

Special circumstances, **39:25**

FACTUAL DISPUTES

Resolution during sentencing, **34:40**

FACT WITNESSES

Indigent clients, **53:26**
Service of process and papers, **53:23**

FALSE CLAIMS

Expanded remedies of Revised Program Fraud Civil Remedies Act, **21:2.10**
Fraud against government, **21:2, 21:3**
Import violations, **24:16**

FALSE CLAIMS ACT (FCA)

Fraud Against Government (this index)
Health Care Fraud (this index)

FALSE CLASSIFICATIONS

Import violations, 18 U.S.C.A. § 541, **24:1**

FALSE ENTRIES

Generally, **11:24-11:33**
Accurate reporting as defense, **11:27**

INDEX

FALSE ENTRIES—Cont'd
Ambiguities, **11:29**
Conduct, generally, **11:30-11:33**
Defenses, **11:26-11:29**
18 U.S.C.A. § 1005 and 1006, generally, **11:24-11:33**
Elements, **11:25**
Legal conduct not recommended, **11:33**
Materiality as defense, **11:28**
Misconduct, **11:32**
Omissions and ambiguities as defense, **11:29**
Reporting, **11:27**

FALSE EVIDENCE
Procedural attacks, **31:22**

FALSE FINANCIAL STATEMENTS
Generally, **11:34-11:48**
Advice of professional, **11:47**
Defenses
 Generally, **11:40-11:47**
 Advice of professional, **11:47**
 Knowledge, **11:41**
 Knowledge by bank official, **11:45**
 Literal truth, **11:42**
 Repayment, **11:43**
 Specific intent, **11:46**
 Timing, **11:44**
18 U.S.C.A. § 1014, generally, **11:34-11:48**
Elements, **11:35-11:39**
Intent, **11:37, 11:46**
Knowledge, **11:41, 11:45**
Literal truth, **11:42**
Materiality, **11:38**
Obtaining a conviction, **11:36**
Official, **11:45**
Professional, **11:47**
Reliance, **11:39**
Repayment, **11:43**
Restitution, **11:48**
Specific intent, **11:46**
Timing, **11:44**

FALSE RECORDS
Obstruction of justice, **9:13**

FALSE STATEMENTS
Bank crimes, **11:93 (Form), 11:116 (Form), 11:117 (Form)**
Clean Air Act, **26:24**
Clean Water Act, **26:13**
Corporate vulnerability, inquiry, and responsibility, potential employee liability, **3:45**
Export offenses, **25:35 (Form)**
Financial statements. **False Financial Statements** (this index)
Fraud Against Government (this index)
Import violations, **24:2-24:4, 24:29 (Form)**
Perjury, **20:14 (Form)**
Resource Conservation and Recovery Act, **26:34**
Securities fraud, **12:48**
Tax Crimes (this index)

FALSE STATEMENTS ACT
Export offenses, **25:12**

FALSE TESTIMONY
Grand jury, **2:32**

FDIC
Comprehensive Thrift and Bank Fraud Prosecution and Taxpayer Recovery Act, **11:74**

FEDERAL AGENCY
Export offenses, **25:35 (Form)**
Fraud against government, **21:39 (Form)**

FEDERAL COURT
Appellate review, **38:12**
Application for bond, **38:19 (Form)**
Application for writ of habeas corpus, **38:17 (Form), 38:18 (Form)**
Bond, application for, **38:19 (Form)**
Civil and criminal contempt distinguished, **38:4**

FEDERAL COURT—Cont'd

Civil contempt, **38:14 (Form)**
Contempt
 Generally, **38:1-38:20 (Form)**
 Appellate review, **38:12**
 Application for bond, **38:19 (Form)**
 Application for writ of habeas corpus, **38:17 (Form), 38:18 (Form)**
 Civil and criminal contempt distinguished, **38:4**
 Definition, **38:2**
 Direct contempt, **38:5**
 Federal rules, generally, **38:6-38:8**
 Indirect contempt, **38:5**
 Judicial restraints, **38:6**
 Memorandum in support of motion to vacate civil contempt, **38:14 (Form)**
 Motion to vacate contempt order, **38:15 (Form)**
 Order granting writ of habeas corpus, **38:20 (Form)**
 Order vacating contempt order, **38:16 (Form)**
 Plea agreements, **38:11**
 Sample materials, generally, **38:14 (Form)-38:20 (Form)**
 Sanctions, **38:10**
 Statutory restraints, **38:6**
Criminal contempt, **38:4**
Definition of contempt, **38:2**
Direct contempt, **38:5**
Federal Rules of Evidence, **38:8**
Habeas corpus
 Application for writ, **38:17 (Form), 38:18 (Form)**
 Order granting writ, **38:20 (Form)**
Indirect contempt, **38:5**
Judicial restraints, **38:6**
Justice department merger and acquisition safe harbor, **3:62.60**
Justice department national policy on Voluntary self-disclosure and Pilot Program
Executive Compensation, **3:62.30**

FEDERAL COURT—Cont'd

Justice department pilot program on artificial intelligence compliance, **3:62.40**
Justice department pilot program on voluntary self-disclosure for individuals, **3:62.70**
Justice department pilot whistleblower awards program, **3:62.20**
Justice department policy
 Corporate compliance, **3:62.10**
Justice department Task Force on Health Care Monopolies and Collusion, **3:62.50**
Memorandum of law, **38:14 (Form)**
Motion, **38:14 (Form), 38:15 (Form)**
Order, **38:15 (Form), 38:16 (Form), 38:20 (Form)**
Plea agreements, **38:11**
Sanctions, **38:10**
Statutory restraints, **38:6**
Vacation, **38:14 (Form) to 38:16 (Form)**
Writ of habeas corpus, **38:17 (Form), 38:18 (Form), 38:20 (Form)**

FEDERAL DISTRICT COURT

Parallel proceedings, **7:11**

FEDERAL ENERGY REGULATORY COMMISSION (FERC)
Energy crimes, **56:1-56:13**

FEDERAL FOOD, DRUG AND COSMETIC ACT VIOLATIONS

Constitutional defenses, **45:13, 45:14**
Defenses, **45:12-45:14**
Definitions
 Adulterated, **45:4**
 Cosmetic, **45:3**
 Device, **45:3**
 Drug, **45:3**
 Food, **45:3**
 Misbranded, **45:4**

INDEX

FEDERAL FOOD, DRUG AND COSMETIC ACT VIOLATIONS—Cont'd
Disclosure issues, 45:14.50
Enforcement, 45:9-45:11
Felony prosecutions, 45:7
Fourth Amendment, 45:13, 45:14
Health care fraud, 37:35
Impossibility, 45:12
Inspections, 45:10
Intent, 45:5-45:7
Misdemeanor violations, 45:5
Preemption, 45:8
Responsible relation test, 45:6
Sentencing, 45:11
Statutory elements, 45:2-45:4
Strict liability, 45:5

FEDERAL FUNDS
Fraud against government, 21:34

FEDERAL HEALTH CARE PROGRAMS
Health care fraud, 37:1

FEDERAL INVESTIGATION
Obstruction of justice, 9:13

FEDERAL MAIL FRAUD STATUTE
Generally, 8:1

FEDERAL PROSECUTION
Corporation, 3:91

FEDERAL RULES OF CRIMINAL PROCEDURE
See also main headings beginning:
 Rule; for particular rules, see
 more specific entries throughout
 this index
Bail, 36:20 (Form)
Grand jury, 2:87 (Form)
Parallel proceedings, 7:50 (Form),
 7:51 (Form)

FEDERAL RULES OF EVIDENCE
See more specific topic in this index

FEES ARRANGEMENT
Generally, 33:15

FEES
Forfeiture actions and attorney's fees,
 30:71

FELONS AND FELONIES
Comprehensive Thrift and Bank
 Fraud Prosecution and Taxpayer
 Recovery Act, 11:75
Federal food, drug and cosmetic act
 violations, 45:7
Immigration, aggravated felony, 42:8
Prior felony convictions of witness-
 accomplices, introduction of,
 54:56 (Form), 54:57 (Form)

FEPA AND FEPTCA
Foreign Extortion Prevention Techni-
 cal Corrections Act, 47A:2
Introduction, 47A:1

FIDUCIARY
Attorney-client privilege, 5:12
Criminal liabilities of corporation,
 3:9

FIFTH AMENDMENT
Generally, 5:17, 49:15, 49:16
Bankruptcy Court (this index)
Bank Secrecy Act, 10:18
Criminal forfeiture, 30:175 (Form),
 30:176 (Form)
Grand jury, 2:63 (Form)
Grand Jury (this index)
Jurisdictional and constitutional
 issues, 43:21
Parallel Proceedings (this index)
Privileges, generally, 5:17, 5:32
 (Form), 5:33 (Form)
Securities fraud, 12:3
Witnesses, 53:12

FINAL ARGUMENT
Preservation of Error (this index)

FINAL JUDGMENT
Bail, 36:16 (Form), 36:17 (Form),
 36:19 (Form)
Criminal forfeiture, 30:164 (Form)

FINANCIAL GAIN

Copyright violations, **28:5**

**FINANCIAL INSTITUTION
REGULATORS**

Embezzlement, misapplication, **11:5**

**FINANCIAL INSTITUTIONS
REFORM, RECOVERY, AND
ENFORCEMENT ACT**

Generally, **11:65-11:72**

Amendments, **11:69**

Civil forfeiture, **11:72**

Civil penalties, **11:67**

Criminal forfeiture, **11:72**

Criminal penalties, **11:67**

Forfeiture, criminal and civil, **11:72**

Grand jury information, use of, **11:70**

Limitation of actions, **11:66**

Obstruction of justice, **11:68**

Penalties, civil and criminal, **11:67**

Rewards, **11:71**

RICO amendment, **11:69**

Whistle-blowers, protection and
rewards for, **11:71**

FINANCIAL PRIVACY ACT

Generally, **11:61-11:64**

Charges, criminal, **11:64**

Criminal charges, **11:64**

Exceptions, **11:63**

Transfers of information, **11:62**

12 U.S.C.A. § 3401-22, generally,
11:61-11:64

FINANCIAL REPORTS

Securities fraud, **12:9**

FINANCIAL STATEMENTS

False Financial Statements (this
index)

FINANCIAL TRANSACTIONS

Bank Secrecy Act, **10:38 (Form)**

**FINDINGS OF FACT AND
CONCLUSIONS OF LAW**

Citizen protection from procedural
attacks, **31:103 (Form), 31:104**

**FINDINGS OF FACT AND
CONCLUSIONS OF LAW**

—Cont'd

(Form), **31:167 (Form)**

Jury trial, **57:35 (Form)**

Reconsideration of findings in pre-
sentence investigation report,
34:76 (Form), 34:77 (Form)

Tax crimes, **19:133 (Form)**

FINES AND PENALTIES

See also **Sanctions** (this index)

Antitrust defense, **14:25**

Bail, penalty for offense committed
while on release, **36:11**

Bank Crimes (this index)

Bank Secrecy Act (this index)

Clean Air Act, **26:26**

Clean Water Act, **26:19, 26:21**

Comprehensive Thrift and Bank
Fraud Prosecution and Taxpayer
Recovery Act, **11:77**

Computers, **41:13**

Continuing criminal enterprise, **15:4**

Copyright violations, **28:15-29:17**

Criminal trade secret violations, **40:7**

Environmental crimes, **26:30, 26:43,**
26:46

Financial Institutions Reform,
Recovery, and Enforcement Act,
11:67

Fines and penalties for false state-
ment conviction, **21:13**

Foreign Corrupt Practices Act, **47:18**

Forgery, **29:3, 29:5**

Fraud against government, **21:3,**
21:5, 21:13, 21:15

Health care fraud, False Claims Act
(FCA), **37:24**

Hobbs Act, **16:10**

Import violations, **24:7, 24:12, 24:20**

Mail and wire fraud, **8:15**

Money Laundering Act, **22:7**

National stolen property act, **18:5**

Obstruction of justice, **9:15**

Parallel proceedings, **7:9**

FINES AND PENALTIES—Cont'd
Parallel Proceedings (this index)
 Perjury, **20:13**
 Resource conservation and recovery act, **26:41**
 Securities fraud, **12:15**
 Sentencing, **34:68**
 Tax crimes, **19:93**
 Trademark violations, **27:5**
 Travel Act, **17:13**

FINGERPRINTS
 Grand jury, **2:52 (Form), 2:53 (Form)**

FIRST AMENDMENT
 Generally, **49:7**
 Defenses, **45:12.50**
 Fraud, **21:11**

FIRST SALE DOCTRINE
 Copyright violations, **28:12**

FIRST TO FILE BAR
 Health care fraud, False Claims Act (FCA), **37:27**

FIRST USE DOCTRINE
 Copyright violations, **28:13, 28:14**

FOOD
Federal Food, Drug and Cosmetic Act Violations (this index)

FORCE
 Obstruction of justice, **9:6**

FORCED LABOR
 Importation of goods, **24:20.50**

FOREIGN BUSINESS RECORDS
 Generally, **54:41**
Jurisdiction (this index)

FOREIGN CORRUPT PRACTICES ACT
 Generally, **47:1-47:46**
 Anti-bribery provisions
 Affirmative defenses, **47:11**
 Elements of bribery, **47:3**

FOREIGN CORRUPT PRACTICES ACT—Cont'd
 Anti-bribery provisions—Cont'd
 Foreign officials, **47:5**
 Intermediaries, **47:6**
 Opinion letters, **47:13**
 Payment, **47:4**
 Scope of prohibited conduct, **47:9**
 Statutory exception, **47:10**
 Who is covered, **47:2**
 Bribery. Anti-bribery provisions, *supra*
 Compliance programs, **47:24**
 Corporate liability, **47:19-47:22**
 Corruptly and willfully, **47:8**
 Due diligence during acquisitions, **47:25**
 Enforcement, **47:17**
 Joint venture liability, **47:20**
 Knowingly, **47:7**
 Penalties, **47:18**
 Public authority defense, **47:12**
 Recordkeeping and internal accounting control provisions, **47:14-47:16**
 Sample materials
 Generally, **47:27-47:46**
 Defendants reply to response, motion to dismiss counts, **47:46**
 Motion for sanctions for prosecutorial misconduct, **47:42**
 Motion in limine regarding unindicted acts, **47:43**
 Motion to strike declaration, **47:37**
 Motion to strike the declaration of Clifton M. Johnson, **47:44**
 Notice of foreign law determination, **47:38**
 Objection to the governments request for judicial notice, **47:39**
 Opposed motion for sanctions for prosecutorial misconduct, **47:35**

FOREIGN CORRUPT PRACTICES

ACT—Cont'd

- Sample materials—Cont'd
 - Opposed motion in limine regarding unindicted acts, **47:36**
 - Opposed motion to dismiss counts one through seventeen of the indictment, **47:40**
 - Opposed motion to dismiss indictment for failure to properly toll
 - Statute of limitations, **47:41**
 - Order granting defendants motion to dismiss indictment, **47:45**
 - Post-trial instruction defense, Affirmative defense, Legal under written laws of Mexico, **47:33**
 - Good faith, **47:30**
 - Good faith reliance on advice of counsel, **47:31**
 - Missing witness, **47:32**
 - Proposed limiting instructions, **47:28, 47:34**
 - Proposed post-trial jury instructions, **47:29**
 - Sentencing, **47:18**
 - Subsidiary liability, **47:21**
 - Successor liability, **47:22**
 - Trends, **47:23 et seq.**
 - Corporations perspective
 - Due diligence during acquisitions, **47:26**
 - FCPA Developments in Latin America, **47:26.20**
 - FCPA Enforcement Policy, **47:26.10**
 - FCPA Travel and Hospitality Expenses, **47:26.30**
 - Recent prosecutions of note, **47:26.40**

FOREIGN COUNTRIES

- Criminal trade secret violations, **40:8**
- Grand jury, **2:15**
- Immunity, **6:19**
- Import violations, **24:11**

FOREIGN COUNTRIES—Cont'd

- Tax crimes, **19:19**
- Witnesses, **53:30**

FOREIGN EMPLOYEES

- Corporate vulnerability, inquiry, and responsibility, **3:17**

FOREIGN PREDICATE ACTS

- RICO, **13:6.50**

FORFEITURE

- Actions, forfeiture actions and attorney's fees, **30:71**
 - Attorney's fees
 - Generally, **33:19 (Form)**
 - Forfeiture actions and, **30:71**
 - Bail, **36:16 (Form)-36:19 (Form)**
 - Bank crimes, **11:90 (Form), 11:92 (Form), 11:178 (Form)**
 - Civil Forfeiture** (this index)
 - Civil proceedings, **30:6**
 - Comprehensive Thrift and Bank Fraud Prosecution and Taxpayer Recovery Act, **11:86**
 - Computers, **41:13**
 - Copyright violations, **28:17**
 - Criminal Forfeiture** (this index)
 - Defendants motion for reconsideration
 - Denial of stay of restitution and criminal forfeiture, **30:185**
 - Definition, **30:1**
 - Fees, forfeiture actions and attorney's fees, **30:71**
 - Financial Institutions Reform, Recovery, and Enforcement Act, **11:72**
 - Forfeiture actions and attorney's fees, **30:71**
 - Government, ability to forfeit property, **30:2**
 - Government considerations before filing criminal charges, **28:19**
 - Health care fraud, **37:16, 37:42**
 - International Emergency Economic Powers Act (IEEPA) (50

INDEX

FORFEITURE—Cont'd
U.S.C.A. §§ 1701 to 1707),
30:104
Money judgments, **30:105**
Money Laundering Act, **22:7**
Motion to dismiss, **30:183**
Motion to dismiss forfeiture, **30:187**
Motor vehicles, mail fraud violations,
30:25
Nondrug-related assets, supporters of
terrorism, **30:25.50**
Notice, **30:86**
Order, **30:184**
Order granting defendants motion for
reconsideration of stay of execu-
tion, **30:186**
Parallel forfeiture proceedings, **30:5**,
30:6
Parallel proceedings, **7:71 (Form)**,
7:72 (Form)
Remission or restoration to victims,
30:101.50
Sentencing, **34:70**
Simultaneous proceedings, parallel
forfeiture proceedings, **30:5**
Sovereign immunity, **30:69**
Subsequent civil proceedings, paral-
lel forfeiture proceedings, **30:6**
Substitute property, **30:106**

FORGERY
Generally, **29:1-29:12 (Form)**
Choice of law, **29:6-29:8**
18 U.S.C.A. § 495, **29:2, 29:3**
18 U.S.C.A. § 510, **29:4, 29:5**
18 U.S.C.A. § 495 and 510, **29:8**
Fines and penalties, **29:3, 29:5**
Forms, **29:9 (Form)-29:12 (Form)**
Government obligations and securi-
ties, forged endorsements on,
29:1
Indictment, sample, **29:9 (Form)**
Jury instructions, **29:10 (Form)**
Motion, **29:11 (Form)**
Offenses, **29:2, 29:4**
Order, **29:12 (Form)**

FORGERY—Cont'd
Special instructions, 18 U.S.C.A.
§ 495, **29:10 (Form)**

FORMAL IMMUNITY
Immunity (this index)

FORMER EMPLOYEES
Corporations, conducting interviews
of, **3:46, 3:47**

FORMER TESTIMONY
Generally, **54:19-44:22**

FORMS
Generally, **1:2**
Antitrust Defense (this index)
Bank crimes, **11:179 (Form)**
Bankruptcy Court (this index)
Checklist of, **App. B**
Corporations (this index)
Criminal forfeiture, **30:157 (Form)**
Evidence (this index)
Forgery, **29:9 (Form)-29:12 (Form)**
Grand Jury (this index)
Privileges (this index)

FOURTEENTH AMENDMENT
Generally, **49:19**

FOURTH AMENDMENT
Bank Secrecy Act, **10:17**
Civil forfeiture, **30:27**
Federal food, drug and cosmetic act
violations, **45:13, 45:14**
Jurisdiction, **43:10**
Jurisdictional and constitutional
issues, **43:22**
Probable cause, **49:8.50**

FRANKS V. DELAWARE
Corporations, **3:77 (Form)**

FRAUD
Generally, **11:49-11:56**
Attorney-client privilege, **5:4**
Attorney liability, **46:8, 46:9**
Bank crimes
Generally, **11:172 (Form)**

FRAUD—Cont'd

Bank crimes—Cont'd
Appellant brief regarding bank fraud conviction, **11:172 (Form)**
Mortgage loan, **11:87**
Objections to exhibits, **54:61 (Form), 54:63 (Form)**
Citizen protection from procedural attacks, **31:233 (Form)**
Comprehensive Thrift and Bank Fraud Prosecution and Taxpayer Recovery Act (this index)
Computers, **41:18**
Conduct, **11:55, 11:56**
Defenses, **11:53**
18 U.S.C.A. § 1344, generally, **11:49-11:56**
Elements, **11:49-11:52**
Forfeiture, motor vehicles, **30:25**
Government, fraud against. **Fraud Against Government** (this index)
Health Care Fraud (this index)
Knowledge, **11:50**
Legal conduct not recommended, **11:56**
Mail and Wire Fraud (this index)
Materiality, **11:52**
Misconduct, **11:55**
Scheme, **11:51**
Securities Fraud (this index)
Tax Crimes (this index)

FRAUD AGAINST GOVERNMENT
Generally, **21:1-21:42 (Form)**
Amendments to False Claims Act, **21:20**
Bribery, **21:34**
Brief, **21:38 (Form)**
Collateral consequences of false claims, **21:17**
Complaint, filing, **21:21**
Conspiracy, **21:4, 21:5**
Constitutional issues, **21:30**
Contract fraud, **21:12**

FRAUD AGAINST GOVERNMENT

—Cont'd
Convictions, **21:3, 21:5, 21:13**
Defenses, **21:8-21:11**
Definitions, **21:19, 21:26**
Dismissal, **21:36 (Form)**
18 U.S.C.A. § 287, **21:2**
18 U.S.C.A. § 371, **21:4**
18 U.S.C.A. § 666, **21:34**
18 U.S.C.A. § 1001, **21:6**
18 U.S.C.A. § 1031, **21:14**
Evidence, **21:24**
Exculpatory no, **21:10**
False claims, **21:2, 21:3**
False Claims Act. Major fraud against government, infra
False statements
 Generally, **21:6-21:13**
 Defenses, **21:8-21:11**
 18 U.S.C.A. § 1001, **21:6**
 Exculpatory no, **21:10**
 Fines and penalties for false statement convictions, **21:13**
 Good faith, **21:9**
 Government contract fraud, **21:12**
 Specific instructions, false statement to federal agency, 18 U.S.C.A. § 1001, **21:39 (Form)**
 Federal agency, **21:39 (Form)**
 Federal funds, **21:34**
 Fines and penalties, **21:3, 21:5, 21:13, 21:15**
 Good faith, **21:9**
 Indictment, **21:35 (Form), 21:36 (Form)**
 Intervention, **21:22, 21:23**
 Jury instructions, **21:39 (Form)**
 Knowingly defined, **21:26**
 Major fraud against government
 Generally, **21:14-21:34**
 Collateral consequences of false claims, **21:17**
 Complaint, filing, **21:21**
 Constitutional issues, **21:30**
 Definitions, **21:26**

INDEX

FRAUD AGAINST GOVERNMENT
—Cont'd
Major fraud against government
—Cont'd
Determination of false or fraudulent, **21:27**
18 U.S.C.A. § 1031, **21:14**
Evidence, **21:24**
False Claims Act, generally, **21:19**
Fines and penalties, **21:15**
History and background, **21:19**
Intervention, **21:22, 21:23**
Overview, **21:16**
Qui tam actions, generally, **21:18, 21:31**
Qui tam actions, Materiality, **21:32**
Statutory problems, **21:29**
Submission to government, determining, **21:25**
Summary of qui tam issues, **21:33**
Theft or bribery concerning programs receiving federal funds (18 U.S.C.A. § 666), **21:34**
What are the pitfalls, **21:28**
Memorandum of law, **21:37 (Form)**
Motions in limine, **21:41 (Form)**
Government contractors suspension by government agency, **21:42 (Form)**
Motion to dismiss indictment, **21:36 (Form)**
Pretrial memorandum of law, **21:37 (Form)**
Qui tam actions. Major fraud against government, *supra*
Sample trial materials, generally, **21:35 (Form)-21:41 (Form)**
Selected jury instructions
False statements and claims, good faith, ambiguity, **21:40 (Form)**
Specific instructions, false statement to federal agency, 18 U.S.C.A. § 1001, **21:39 (Form)**

FRAUD AGAINST GOVERNMENT
—Cont'd
Submission to government, determining, **21:25**
Theft, **21:34**

FRAUDULENT CONCEALMENT OR TRANSFER
Bankruptcy (this index)

FRAUDULENT RETURNS
Tax crimes, **19:110**

FRAUDULENT TRANSFERS
Attorney's fees, **33:9-33:11**

FREEZING ASSETS
Securities fraud, **12:75 (Form), 12:76 (Form)**

FUGITIVE DISENTITLEMENT
Forfeiture, **30:70**

FUGITIVES
Extradition to United States (18 U.S.C.A. § 3184), **53:33**
Wiretapping and electronic surveillance, **39:23**

FUNGICIDE
Environmental crimes, **26:45, 26:46**

FUTURE DOCUMENTS
Grand jury, **2:83 (Form)**

GAMBLING
Civil forfeiture, **30:17, 30:21**

GOOD FAITH
Embezzlement, misapplication, **11:8**
Fraud against government, **21:9**
Jury instructions, **57:12**
Securities fraud, **12:29**
Tax crimes, **19:87, 19:88**

GOVERNMENT
See more specific topics in this index

GOVERNMENT CONTRACT FRAUD
False statements, **21:12**

GOVERNMENT OFFICIALS

Subpoena
Generally, **31:50-32:57**
Adverse ruling, **31:57**
Authority, **31:53**
Demand, **31:56**
Procedure, **31:52**
Substance, **31:51**
United States as party, **31:55**
United States not party, **31:54**

GRAND JURY

Generally, **2:1-2:88**
Advise of rights, **2:43 (Form)**
Agreed order, **2:60 (Form), 2:62 (Form)**
Answer questions, **2:50 (Form), 2:51 (Form)**
Appeals, **2:37, 2:72 (Form)**
Appear, failure to, **2:45 (Form)**
Application for ex parte order to disclosure returns and return information, **2:57 (Form)**
Arrest warrant, **2:45 (Form)**
Attorney-client privilege, **2:18, 2:19**
Bankruptcy court, **4:32 (Form)-4:35 (Form)**
Bias and prejudice, **2:30**
Brief, **2:72 (Form)**
Civil proceedings, **2:21, 2:86 (Form)**
Commitment, **2:49 (Form), 2:53 (Form)**
Contempt, **2:49 (Form), 2:53 (Form)**
Correspondence, **2:83 (Form)**
Costs of reproduction, **2:63 (Form), 2:84 (Form)**
Crime-fraud exception, **2:19**
Custodians, **2:16**
Defense, **2:66 (Form)**
Determining status, **2:3**
Disclosure
Documents turned over to grand jury, **2:79 (Form)**
Exculpatory evidence, **2:72 (Form)**

GRAND JURY—Cont'd

Disclosure—Cont'd
Federal Rules of Criminal Procedure, Rule 6, **2:87 (Form)**
Opposition to request, **2:77 (Form)**
Returns and return information, **2:57 (Form), 2:58 (Form)**
Testimony, disclosure of, **2:25-2:28, 2:69 (Form)**
Discovery, **31:42**
Dismiss, motion to, **2:28, 2:72 (Form)**
Enforcement, **2:47 (Form)**
Evidence, **2:33, 2:72 (Form)**
Exception, **2:19**
Exculpatory evidence, **2:33, 2:72 (Form)**
Ex parte order, **2:57 (Form)**
Expedited hearing, **2:74 (Form)**
Expedited motion for return of seized property
Compel full copy of search warrant, **2:76 (Form)**
False testimony, **2:32**
Federal Rules of Criminal Procedure, Rule 6, **2:87 (Form)**
Fifth Amendment
Generally, **2:63 (Form)**
Subpoenas, infra
Financial Institutions Reform, Recovery, and Enforcement Act
Information, use of, **11:70**
Fingerprints, **2:52 (Form), 2:53 (Form)**
Foreign prosecution, **2:15**
Forms, **2:41 (Form)-2:43 (Form)**
Future documents, **2:83 (Form)**
Handwriting (this index)
Health law regulations, **2:63 (Form)**
Hearing, expedited, **2:74 (Form)**
Hearsay testimony, **2:34**
Hypotheticals, **2:2**
Improper selection process, **2:36**
Indictment
Brief, **2:72 (Form)**

INDEX

GRAND JURY—Cont'd

Indictment—Cont'd
 Exculpatory evidence, failure to disclose, **2:72 (Form)**
 Post indictment relief, infra
 Preindictment relief, infra
 Seal indictment, motion to, **2:56 (Form)**
 In camera review, **2:67 (Form), 2:87 (Form)**
 Injunction, **2:66 (Form), 2:67 (Form), 2:72 (Form)**
 Interference, **2:66 (Form)**
 Investigation, **2:66 (Form), 2:72 (Form)**
 Judgment and commitment for contempt, **2:49 (Form), 2:53 (Form)**
 Jurisdiction (this index)
 Letter to witness explaining grand jury, **2:44 (Form)**
 Mechanik analysis, **2:38**
 Memorandum of law, **2:67 (Form), 2:81 (Form)**
 Midland Asphalt analysis, **2:39**
 Misconduct of grand jury
 Generally, **2:29-2:39**
 Bias and prejudice, **2:30**
 Brief, **2:72 (Form)**
 Exculpatory evidence, **2:33, 2:72 (Form)**
 False testimony, **2:32**
 Hearsay testimony, **2:34**
 Improper selection process, **2:36**
 Prejudicial publicity, **2:31**
 Target warnings, **2:35**
 Motion
 Access to government documents, **2:81 (Form)**
 Affidavits in support of search warrants, motions to unseal, **2:77 (Form)**
 In camera review of grand jury transcripts, **2:67 (Form)**
 Costs of reproduction of subpoenaed documents, **2:84 (Form)**

GRAND JURY—Cont'd

 Motion—Cont'd
 Documents turned over to grand jury, **2:79 (Form)**
 Enforce grand jury subpoena and to request court order to show cause for not honoring subpoena duces tecum, **2:47 (Form)**
 Expedited hearing, **2:74 (Form)**
 Federal Rules of Criminal Procedure, Rule 6, **2:87 (Form)**
 Handwriting exemplars, quash subpoena for, **2:73 (Form)**
 Indictment, seal of, **2:56 (Form)**
 Injunctive relief, **2:66 (Form), 2:67 (Form)**
 Investigation, injunction prohibiting, **2:66 (Form), 2:73 (Form)**
 Notification of service of grand jury subpoenas duces tecum, **2:54 (Form)**
 Notification of service of subpoenas duces tecum, **2:54 (Form)**
 Postindictment relief, **2:28**
 Quash, motion to, infra
 Return of seized property, **2:77 (Form)**
 Sample, **2:47 (Form)**
 Selection process as improper, **57:30 (Form), 57:34 (Form)**
 Subpoena, motion to quash, **2:58 (Form), 2:61 (Form), 2:63 (Form)-2:65 (Form), 2:73 (Form)**
 Testimony, disclosure of, **2:69 (Form)**
 Unseal affidavits in support of search warrants, **2:77 (Form)**
 Motion to dismiss, **2:28, 2:72 (Form)**
 Motion to unseal affidavits in support of search warrants, **2:78 (Form)**
 Notice, **2:54 (Form), 2:55 (Form)**
 Opposition to request for disclosure of grand jury materials, **2:77 (Form)**

GRAND JURY—Cont'd

Oppressive subpoenas, 2:10
Order, 2:68 (Form), 2:88 (Form)
Access of government documents, 2:81 (Form)
Agreed order, 2:60 (Form), 2:62 (Form)
Answer questions, directing witness to, 2:50 (Form), 2:51 (Form)
Arrest warrant for failure to appear, 2:45 (Form)
In camera review, 2:67 (Form), 2:87 (Form)
Civil case, denying grand jury materials in, 2:86 (Form)
Documents turned over to grand jury, disclosure of, 2:80 (Form)
Enforce grand jury subpoena and to request court order to show cause for not honoring subpoena duces tecum, 2:47 (Form)
Expedited hearing, 2:75 (Form)
Federal Rules of Criminal Procedure, Rule 6, 2:87 (Form)
Granting motion to quash grand jury subpoenas, 2:65 (Form)
Injunctive relief or in camera review of grand jury transcripts, 2:67 (Form)
Notification of service of grand jury subpoenas duces tecum, 2:54 (Form), 2:55 (Form)
Protective order, 2:85 (Form)
Returns and return information, 2:57 (Form), 2:58 (Form)
Show cause, 2:48 (Form)
Testimony, disclosure of grand jury testimony, 2:69 (Form)
Warrant, 2:46 (Form)
Overbroad subpoenas, 2:10
Particularized need, 2:27
Pending civil proceedings, 2:21
Perjury, 20:14 (Form)

GRAND JURY—Cont'd

Petition, 2:45 (Form), 2:50 (Form), 2:52 (Form), 2:67 (Form)
Post indictment relief, generally, 2:24-2:39
Preindictment relief
Generally, 2:1-2:21
Hypotheticals, 2:2
Review grand jury testimony, court's role in, 2:7
Secrecy of proceedings, 2:8
Subpoenas, infra
Prejudicial publicity, 2:31
Privileges, 5:37 (Form), 5:40 (Form), 5:42 (Form)
Procedural Attacks (this index)
Production, act of, 2:17
Production of documents. Subpoenas, infra
Protective order, 2:85 (Form)
Psychotherapist-patient privilege, 2:63 (Form)
Publicity, prejudicial, 2:31
Quash, motion to
Handwriting exemplars, subpoena for, 2:73 (Form)
Subpoena, 2:59 (Form), 2:61 (Form), 2:63 (Form)-2:65 (Form)
Reproduction, 2:63 (Form), 2:84 (Form)
Return of seized property, expedited motion for, 2:77 (Form)
Returns and return information, 2:57 (Form), 2:58 (Form)
Review, 2:7, 2:67 (Form), 2:87 (Form)
Sample materials, generally, 2:41 (Form)-2:88 (Form)
Seal, subpoena filed under, 2:63 (Form)
Seal indictment, motion to, 2:56 (Form)
Secrecy of proceedings, 2:8
Selection process
Generally, 2:23

INDEX

GRAND JURY—Cont'd

Selection process—Cont'd
 Improper selection process, **2:36, 57:30 (Form), 57:34 (Form)**
 Improper selection process, **57:31 (Form)**
Postindictment relief, **2:36**
Preindictment relief, **2:23**
Service of process, **2:54 (Form), 2:55 (Form)**
Show cause, order to, **2:48 (Form)**
Strategies, **53:3**
Subpoena
 Attorney-client privilege, **2:18, 2:19**
 Costs of reproduction of subpoenaed documents, **2:84 (Form)**
 Crime-fraud exception, **2:19**
 Custodians, **2:16**
 Document production, **2:18, 2:19**
 Fifth Amendment. **Handwriting (this index)**
 Foreign prosecution, **2:15**
 Forms, **2:41 (Form)-2:43 (Form)**
 Handwriting exemplars, **2:73 (Form)**
 Handwriting (this index)
 Letter regarding retention of future documents outside subpoena period, **2:83 (Form)**
 Motion to quash, **2:59 (Form), 2:61 (Form), 2:64 (Form)**
 Oppressive subpoena, **2:10**
 Order granting motion to quash, **2:65 (Form)**
 Overbroad subpoena, **2:10**
 Preindictment relief, generally, **2:9-2:18**
 Production, act of, **2:17**
 Seal, filed under, **2:63 (Form)**
 Unreasonable subpoena, **2:10**
 Vague, **2:10**
 Work-product doctrine, **2:20**
Subpoena duces tecum, **2:47 (Form), 2:54 (Form), 2:55 (Form)**

GRAND JURY—Cont'd

Supervisory powers of courts.
Preindictment relief, *supra*
Target letter, form, **2:41 (Form)**
Target warnings, **2:35**
Tax crimes, **19:63**
Transcripts, **2:67 (Form)**
U. S. Department of Justice, **2:66 (Form)**
Unreasonable subpoena, **2:10**
Vague subpoena, **2:10, 2:63 (Form)**
Venue and jurisdiction, **2:4**
Warnings, **2:35**
Warrant, **2:45 (Form), 2:46 (Form)**
Witnesses, see lines throughout this index topic
Work-product doctrine, **2:20**

GRAND JURY TESTIMONY

Debate, speech or debate clause, **2:22**
Disclosure
 Evidence for motion to dismiss, **2:28**
 Particularized need, **2:27**
Speech or debate clause, **2:22**

GROUPING

Sentencing, **34:31**

GUILTY PLEA

Codefendants, **53:1**
Withdrawal, **34:71 (Form)-34:74 (Form)**

HABEAS CORPUS

Citizen protection from procedural attacks, **31:111 (Form), 31:112 (Form), 31:217 (Form)**
Federal court of contempt
 Application for writ of habeas corpus, **38:17 (Form), 38:18 (Form)**
 Order granting writ of habeas corpus, **38:20 (Form)**

HAGUE CONVENTION

Discovery, **55:12**

HANDWRITING

- Grand jury
- Contempt of court for refusing to provide exemplars and prints, **2:53 (Form)**
- Petition for court order directing witness to furnish handwriting exemplars and fingerprints, **2:52 (Form)**
- Subpoenas
 - Generally, **2:11-2:15**
 - Fifth Amendment
 - Generally, **2:12-2:15**
 - Act of production, **2:17**
 - Custodians, **2:16**
 - Foreign prosecution, **2:15**
 - History and development, **2:17**
 - Individuals, **2:13**
 - Private papers, **2:14**
 - Quashal, **2:73 (Form)**
- Tax crimes, **19:25**

HARBORING

- Aliens, **48:2-48:5**

HARM

- Embezzlement, misapplication, **11:9**

HAZARDOUS WASTE

- Definition, **26:72 (Form)**
- Resource Conservation and Recovery Act, **26:33, 26:36**

HEALTH CARE FRAUD

- Generally, **37:1-37:40**
- Anti-kickback statutes
 - Case law
 - Post safe-harbor, **37:11**
 - Pre-safe harbor, *United States v. Greber*, **37:9**
 - Creation of safe harbor regulations, **37:10**
 - Federal health care programs, **37:1**
 - Initial prosecutions, **37:2**
 - Judicial interpretation
 - 1977 amended statutes, **37:6**
 - 1972 statutes, **37:4**

HEALTH CARE FRAUD—Cont'd

- Anti-kickback statutes—Cont'd
 - 1977 amended statutes
 - Generally, **37:5**
 - Judicial interpretation, **37:6**
 - 1987 Medicare and Medicaid anti-kickback statute, **37:7**
 - 1972 statutes
 - Judicial interpretation, **37:4**
 - Origination, **37:3**
 - Origination, 1972 statutes, **37:3**
 - Post safe-harbor case law, **37:11**
 - Pre-safe harbor case law, *United States v. Greber*, **37:9**
 - Safe harbor regulations
 - Generally, **37:8**
 - Case law, post safe-harbor, **37:11**
 - Case law, pre-safe harbor, *United States v. Greber*, **37:9**
 - Creation of safe harbor regulations, **37:10**
 - Post safe-harbor case law, **37:11**
 - Pre-safe harbor case law, *United States v. Greber*, **37:9**
 - United States v. Greber*, pre-safe harbor case law, **37:9**
 - United States v. Greber*, pre-safe harbor case law, **37:9**
- Armed services bar, False Claims Act (FCA), **37:28**
- Bars to *qui tam* litigation. False Claims Act (FCA), infra
- Bribery concerning programs receiving federal funds, **37:38**
- Case law. Anti-kickback statutes, *supra*
- Claims under False Claims Act (FCA), **37:21**
- Compliance programs, Stark Amendment, **37:13**
- Creation of safe harbor regulations, anti-kickback statutes, **37:10**
- Damages, False Claims Act (FCA), **37:24**

INDEX

HEALTH CARE FRAUD—Cont'd

Executive branch bar, False Claims Act (FCA), **37:29**
False Claims Act (FCA)
Generally, **37:20**
Armed services bar, *qui tam* litigation, **37:28**
Bars to *qui tam* litigation. *Qui tam* litigation, *infra* in this group
Claims under, **37:21**
Damages, **37:24**
Executive branch bar, *qui tam* litigation, **37:29**
First to file bar, *qui tam* litigation, **37:27**
Judicial branch bar, *qui tam* litigation, **37:29**
Legislative branch bar, *qui tam* litigation, **37:29**
Liability theories, **37:23**
Members of legislative, judicial, or executive branches bar, *qui tam* litigation, **37:29**
mens rea requirement, **37:22**
Penalties, **37:24**
Public disclosure bar, *qui tam* litigation, **37:30**
qui tam litigation
Generally, **37:25**
Armed services bar, **37:28**
Bars to *qui tam* litigation
Generally, **37:26**
Armed services bar, **37:28**
Executive branch bar, **37:29**
First to file bar, **37:27**
Judicial branch bar, **37:29**
Legislative branch bar, **37:29**
Members of legislative, judicial, or executive branches bar, **37:29**
Public disclosure bar, **37:30**
Executive branch bar, **37:29**
First to file bar, **37:27**
Judicial branch bar, **37:29**
Legislative branch bar, **37:29**

HEALTH CARE FRAUD—Cont'd

False Claims Act (FCA)—Cont'd
qui tam litigation—Cont'd
Members of legislative, judicial, or executive branches bar, **37:29**
Public disclosure bar, **37:30**
Recovery, **37:31**
Recovery, *qui tam* litigation, **37:31**
State false claims acts, **37:32**
Theories of liability, **37:23**
Federal health care programs, anti-kickback statutes, **37:1**
First to file bar, False Claims Act (FCA), **37:27**
Food, Drug, and Cosmetic Act, **37:35**
Forfeiture, Health Insurance Portability and Accountability Act of 1996 (HIPPA), **37:16**
Health care fraud sentencing, **37:39**
Health Insurance Portability and Accountability Act of 1996 (HIPPA)
Generally, **37:14**
Forfeiture, **37:16**
Medicare integrity program, **37:18**
Money laundering, **37:16**
Offense of health care fraud, **37:15**
Privacy rule, **37:19**
Willful, **37:17**
Initial prosecutions, anti-kickback statutes, **37:2**
Judicial branch bar, False Claims Act (FCA), **37:29**
Judicial interpretation. Anti-kickback statutes, *supra*
Legislative branch bar, False Claims Act (FCA), **37:29**
Liability theories, False Claims Act (FCA), **37:23**
Medicare integrity program, Health Insurance Portability and Accountability Act of 1996 (HIPPA), **37:18**
Members of legislative, judicial, or executive branches bar, False

HEALTH CARE FRAUD—Cont'd

Claims Act (FCA), **37:29**
mens rea requirement, False Claims Act (FCA), **37:22**
Money laundering, Health Insurance Portability and Accountability Act of 1996 (HIPPA), **37:16**
1977 amended statutes. Antikickback statutes, *supra*
1987 Medicare and Medicaid anti-kickback statutes, **37:7**
1972 statutes. Antikickback statutes, *supra*
Offense of health care fraud, Health Insurance Portability and Accountability Act of 1996 (HIPPA), **37:15**
Penalties, False Claims Act (FCA), **37:24**
Post safe-harbor case law, anti-kickback statutes, **37:11**
Pre-safe harbor case law, *United States v. Greber*, anti-kickback statutes, **37:9**
Privacy rule, Health Insurance Portability and Accountability Act of 1996 (HIPPA), **37:19**
Public disclosure bar, False Claims Act (FCA), **37:30**
Qui tam litigation. False Claims Act (FCA), *supra*
Recovery, False Claims Act (FCA), **37:31**
RICO and, **37:32-37:34**
Safe harbor regulations. Anti-kickback statutes, *supra*
Sentencing, **37:39**
Stark Amendment
 Generally, **37:12**
 Compliance programs, **37:13**
State false claims acts, **37:32**
Telemedicine fraud and internet pharmacies, **37:37**
Theft concerning programs receiving federal funds, **37:38**
Theories of liability, False Claims Act (FCA), **37:23**

HEALTH CARE FRAUD—Cont'd

United States v. Greber, pre-safe harbor case law, anti-kickback statutes, **37:9**

HEALTH INSURANCE PORTABILITY AND ACCOUNTABILITY ACT OF 1996 (HIPPA)

Health Care Fraud (this index)

HEALTH LAW REGULATIONS

Grand jury, **2:63 (Form)**

HEARING

Bail, **36:3, 36:7, 36:12 (Form)**
Corporation, **3:77 (Form)**
Criminal Forfeiture (this index)
Grand jury, **2:74 (Form)**
Immunity, **6:28 (Form)**
Privileges, **5:34 (Form), 5:45 (Form)**

Procedural Attacks (this index)

Tax Crimes (this index)

HEARSAY

Generally, **54:39, 54:41**
Bank crimes, **11:172 (Form)**
Bank Secrecy Act, **10:37 (Form)**
Citizen protection from procedural attacks, **31:126 (Form), 31:127 (Form), 31:227 (Form)**
Conspiracy, **31:33**
Grand jury, **2:34**
Memorandum of law, **54:58 (Form)**
Suppression of statements, **31:29**

HIPPA (HEALTH INSURANCE PORTABILITY AND ACCOUNTABILITY ACT OF 1996)

Health Care Fraud (this index)

HIRING

Aliens, **48:6**

HISPANIC REPRESENTATION ON FEDERAL GRAND JURIES

Jury instructions, **57:57**

INDEX

HOBBS ACT

Generally, **16:1-16:12 (Form)**
Conspiracy, **16:13**
Defenses, **16:8**
18 U.S.C.A. § 1951, generally, **16:1 et seq.**
Extortion, **16:4, 16:5**
Fines and penalties, **16:10**
Forms, **16:11 (Form), 16:12 (Form)**
Hypothetical, **16:1**
Hypothetical application, **16:9**
Indictment, sample form, **16:11 (Form)**
Interstate commerce, **16:6**
Jury instructions, sample form, **16:12 (Form)**
Property, **16:3**
Public officials, extortion, **16:5**
Racketeering, generally, **16:1-16:12 (Form)**
Sample forms, **16:11 (Form), 16:12 (Form)**
Sentencing guidelines, application of, **16:10**
Travel Act, **17:6, 17:8**

HOMEOWNER

Bank crimes, **11:120 (Form)**

HONEST SERVICE THEORY

Mail and wire fraud, **8:36 (Form)**

HUSBAND AND WIFE

Spouse (this index)

HYDE AMENDMENT

Attorney's fees, recovery of, generally, **33:18, 33:25 (Form)**

HYDROELECTRIC POWER

Energy crimes, **56:5**

IDENTIFICATION

Attorney's fees, **33:15**
Citizen protection from procedural attacks, **31:152 (Form), 31:153 (Form)**
Informants, **31:40**

IDENTIFICATION—Cont'd

Wiretapping and electronic surveillance, **39:8**

IDENTITY PRIVILEGE

Parallel proceedings, **7:19, 7:20**

IGNORANCE

Bank crimes, **11:141 (Form)**
Citizen protection from procedural attacks, **31:228 (Form)**
Deliberate ignorance, **53:13-53:15, 53:52 (Form)**
Objections, **53:52 (Form)**

IMMIGRATION

Generally, **43:1-43:9**
Adjustment of status, **42:14**
Aggravated felony, **42:8**
Asylum and nonrefoulement, **42:17**
Attorneys, **42:2, 48:8**
Background conviction and plea information, **42:6**
Cancellation of removal, **42:13**
Controlled substance offenses, **42:10**
Conviction, **42:6**
Crimes
Generally, **48:1-48:8**
Counsel, **48:8**
Enforcement and trends, **48:7**
Hiring unauthorized alien, **48:6**
Moral turpitude, **42:9**
Smuggling, transporting, or harboring aliens, **48:2-48:5**
Deportable offenses, generally, **42:7-42:10**
Discretionary relief
Generally, **42:11-42:18**
Adjustment of status, **42:14**
Asylum and nonrefoulement, **42:17**
Cancellation of removal, **42:13**
Judicial recommendations against deportation (JRAD), **42:18**
Voluntary departure, **42:16**
Waivers, **42:15**
Felony, aggravated, **42:8**

IMMIGRATION—Cont'd

History, statutory, **42:4**
Judicial recommendations against deportation (JRAD), **42:18**
Moral turpitude, **42:9**
Plea information, **42:6**
Post-conviction alternatives, **42:19**
Post-plea alternatives, **42:19**
Prosecutors, **42:3**
Statutory history, **42:4**
Statutory process, **42:5**
Voluntary departure, **42:16**
Waivers, **42:15**

IMMUNITY

Generally, **6:1-6:28**
See also **Privileges** (this index)
Advantages, **6:10**
Attorney, U.S., **6:25 (Form), 6:26 (Form)**
Authorization letter, sample, **6:21 (Form)**
Bankruptcy court, **4:19**
Beyond reasonable doubt, **6:15**
Civil contempt for failing to comply, **6:13**
Codefendants, **53:2**
Commitment, **6:24 (Form)**
Compulsion and immunity, **6:1**
Contempt, **6:13-6:15, 6:24 (Form)**
Correspondence, **6:21 (Form), 6:25 (Form), 6:26 (Form)**
Court ordered use immunity, **6:20**
Criminal contempt, **6:14, 6:15**
Derivative use immunity, **6:3**
Disadvantages, **6:11**
Dismiss, motion to, **6:27 (Form), 6:28 (Form)**
18 U.S.C.A. § 401(3), **6:15**
18 U.S.C.A. § 6003, **6:22 (Form)**
Evidence, **6:15**
Foreign prosecution, immunity and threat of, **6:19**
Formal immunity. Proffer, infra
Hearing, **6:28 (Form)**
Indictment, **6:27 (Form)**

IMMUNITY—Cont'd

Informal (letter or pocket) immunity, **6:9-6:11**
Joint motion, **6:27 (Form)**
Judgment and commitment for contempt, **6:24 (Form)**
Letter from U.S. attorney, sample, **6:25 (Form), 6:26 (Form)**
Letter immunity, **6:9-6:11**
Memorandum of law, **6:27 (Form)**
Motion, **6:22 (Form), 6:27 (Form), 6:28 (Form)**
Off-the-record discussion, sample letter from U.S. attorney, **6:26 (Form)**
Order, **6:20, 6:23 (Form), 6:28 (Form)**
Pocket immunity, **6:9-6:11**
Proffer
Generally, **6:6-6:17**
Advantages, **6:7**
Beyond reasonable doubt, **6:15**
Civil contempt for failing to comply, **6:13**
Contempt, **6:13 to 6:15**
Criminal contempt, **6:14, 6:15**
Disadvantages, **6:8**
18 U.S.C.A. § 401(3), **6:15**
Formal immunity
Generally, **6:12-6:17**
Civil contempt for failing to comply, **6:13**
Criminal contempt, **6:14, 6:15**
18 U.S.C.A. § 401(3), **6:15**
Proven beyond reasonable doubt, 18 U.S.C.A. § 401(3), **6:15**
Shillitani doctrine, **6:16**
Informal (letter or pocket) immunity, **6:9-6:11**
Shillitani doctrine, **6:16**
Shillitani doctrine, **6:16**
Subsequent prosecution, **6:18**
Tax crimes, **19:44**
Transactional immunity, **6:2**

INDEX

IMMUNITY—Cont'd

- U.S. attorney, **6:25 (Form), 6:26 (Form)**
- Use immunity, **6:3, 6:20**
- Witnesses, **6:22 (Form), 6:23 (Form), 6:25 (Form)**

IMPEACHMENT OF WITNESSES

- Generally, **54:10**
- Strategies, **53:18**

IMPORT

- Generally, **24:1-24:29 (Form)**
- Aiding importation of obscene and treasonous material, 18 U.S.C.A. § 552, **24:18**
- Bank Secrecy Act, **10:27**
- Boundaries, **24:13**
- Buildings and boundaries, 18 U.S.C.A. § 547, **24:13**
- Classifications, **24:1**
- Concealing or destroying invoices, 18 U.S.C.A. § 551, **24:17**
- Custody, **24:15**
- Customs, **24:15**
- Defenses, **24:4, 24:10**
- Destruction of records, **24:17**
- Entry of goods
 - Generally, **24:1-24:7**
 - Defenses, false statements, 18 U.S.C.A. § 542, **24:4**
 - False classifications, 18 U.S.C.A. § 541, **24:1**
 - False statements, 18 U.S.C.A. § 542, **24:2-24:4**
 - Fines and penalties, **24:7**
 - Legal duty, entry for less than, 18 U.S.C.A. § 543, **24:5**
 - Post-trial instructions, entry of goods by means of false statements, 18 U.S.C.A. § 542, **24:29 (Form)**
 - Relanding of goods, 18 U.S.C.A. § 544, **24:6**
 - False claim for refund, 18 U.S.C.A. § 550, **24:16**

IMPORT—Cont'd

- False classifications, 18 U.S.C.A. § 541, **24:1**
- False statements, **24:2-24:4, 24:29 (Form)**
- Fines and penalties, **24:7, 24:12, 24:20**
- Forced labor, importation of goods made with, **24:20.50**
- Foreign countries, smuggling goods into, 18 U.S.C.A. § 546, **24:11**
- Indictment, **24:21 (Form), 24:27 (Form), 24:28 (Form)**
- Invoices, **24:17**
- Jury instructions, **24:22 (Form), 24:29 (Form)**
- Legal duty, entry for less than, 18 U.S.C.A. § 543, **24:5**
- Motion for judgment of acquittal, **24:23 (Form), 24:24 (Form)**
- Motion to dismiss, **24:25 (Form)-24:28 (Form)**
- Obscene material, **24:18**
- Order, **24:24 (Form), 24:26 (Form), 24:28 (Form)**
- Post-trial instructions, entry of goods by means of false statements, 18 U.S.C.A. § 542, **24:29 (Form)**
- Refund, **24:16**
- Relanding of goods, 18 U.S.C.A. § 544, **24:6**
- Removing goods from customs custody, 18 U.S.C.A. § 549, **24:15**
- Removing or repacking goods, 18 U.S.C.A. § 548, **24:14**
- Repacking goods, 18 U.S.C.A. § 548, **24:14**
- Sample indictment, **24:21 (Form)**
- Smuggling and illegal importation
 - Generally, **24:8-24:12**
 - Defenses, **24:10**
 - 18 U.S.C.A. § 543, **24:8-24:10**
 - 18 U.S.C.A. § 545, **24:22 (Form)**
 - Fines and penalties, **24:12**

IMPORT—Cont'd

Smuggling and illegal importation
—Cont'd
Foreign countries, smuggling
goods into, 18 U.S.C.A.
§ 546, **24:11**
United States, smuggling goods
into, 18 U.S.C.A. § 545, **24:8-10**
Special instructions, **24:22 (Form)**
Stolen vehicles, 18 U.S.C.A. § 553,
24:19
Treasonous material, **24:18**
Vehicles, **24:19**

IMPOSITION OF SENTENCE

Sentencing, **34:30**

IMPROPER ARGUMENT

Mistrial, **53:53 (Form)**

**IMPROPER SELECTION
PROCESS**

Grand jury, **2:36**

IN CAMERA REVIEW

Grand jury, **2:67 (Form), 2:87
(Form)**
Parallel proceedings, **7:37 (Form)**

INCARCERATED WITNESSES

Generally, **53:28**

INCIDENT TO ARREST

Warrantless searches, **31:63**

INCOME

Tax crimes, **19:79, 19:80**

**INCONSISTENT FACTUAL
POSITIONS**

Evidence, prosecutorial misconduct,
54:40

INDEPENDENCE

Antitrust offenses, **14:7**

INDEPENDENT CONTRACTORS

Criminal liabilities of corporation,
3:16

INDICTMENTS

Generally, **31:1-32:6**
Antitrust defense, **14:26 (Form),
14:29 (Form), 14:39 (Form) et
seq.**
Attorney-client interference, **31:6**
Bank Crimes (this index)
Bank Secrecy Act, **10:32 (Form)**
Conspiracy, **56:10 (Form), 56:11
(Form)**
Constitutional considerations, **49:3**
Criminal forfeiture, **30:85, 30:173
(Form)**
Deliberate ignorance, **53:15**
Discovery, **31:44**
Due process and notice, **31:2**
Environmental crimes, **26:68 (Form)**
Export offenses, **25:23 (Form),
25:23 (Form)-25:28 (Form),
25:26 (Form), 25:28 (Form)**
Forgery, **29:9 (Form)**
Fraud against government, **21:35
(Form), 21:36 (Form)**
Grand Jury (this index)
Hobbs Act, **16:11 (Form)**
Immunity, **6:27 (Form)**
Import violations, **24:21 (Form),
24:27 (Form), 24:28 (Form)**
Interference, **31:6**
Jurisdictional and constitutional
issues, **43:15.30**
Jury trial, **57:34 (Form), 57:36
(Form), 57:39 (Form)**
Money Laundering Act (this index)
Multiplicity, **31:1**
Notice, **31:2**
Objections, **53:52 (Form)**
Obstruction of justice, **9:19 (Form)**
Outrageous government conduct,
31:5, 31:6
Perjury, **20:6**
Procedural Attacks (this index)
Reading of, **53:17**
Selective prosecution, **31:4**
Specificity of charges, **31:3**
Travel Act, **17:14 (Form)**

INDEX

INDIGENT CLIENTS

Generally, **53:25**
Fact witnesses, **53:26**

INDIRECT CONTEMPT

Federal court of contempt, **38:5**

INDIVIDUAL COOPERATION AGREEMENT LETTERS

Antitrust offenses, **14:51**

INDIVIDUAL-CORPORATE PRIVILEGE

Generally, **5:2**

INDIVIDUAL LIABILITY

Environmental crimes, **26:5**

INFANTS

Children (this index)

INFERENCE

Bankruptcy court, **4:23**

INFORMAL (LETTER OR POCKET) IMMUNITY

Proffer, **6:9-6:11**

INFORMANTS

Disclosure of, **53:10**

Identity, **31:40**

Obstruction of justice

Retaliation against informants (18 U.S.C.A. § 1513(e)), **9:12**

Parallel Proceedings (this index)

Procedural attacks, **31:19, 31:30**

Undisclosed informant with respect to certain questions, **53:49 (Form)**

INFORMER'S PRIVILEGE

Generally, **5:18**

INFRINGEMENT

Copyright Violations (this index)

IN CONNECTION WITH

Securities fraud, **12:40**

INITIAL PROSECUTIONS

Health care fraud, anti-kickback statutes, **37:2**

INJUNCTION

Citizen protection from procedural attacks, **31:223 (Form)**

Comprehensive Thrift and Bank Fraud Prosecution and Taxpayer Recovery Act, **11:84**

Grand jury, **2:66 (Form), 2:67 (Form), 2:73 (Form)**

Securities Fraud (this index)

Tax Crimes (this index)

IN LIMINE MOTION

Antitrust Defense (this index)

Bank Crimes (this index)

CKAS software testimony, proposed, **53:50 (Form), 53:51 (Form)**

Co-defendants, **53:34 (Form)**

Evidence (this index)

Expert witnesses, **53:46 (Form)-53:48 (Form)**

Mail and Wire Fraud (this index)

Preservation of error, **55:7, 55:29**

Procedural Attacks (this index)

INNOCENCE

Civil forfeiture, **30:57**

INQUIRY

Corporations (this index)

IN REM ARREST

Criminal forfeiture, **30:136 (Form), 30:137 (Form)**

IN REM FORFEITURE

Criminal Forfeiture (this index)

INSECTICIDE

Environmental crimes, **26:45, 26:46**

INSIDER TRADING

Generally, **12:6**

INSPECTIONS

Citizen protection from procedural attacks, **31:92 (Form) to 31:94**

INSPECTIONS—Cont'd
(Form), 31:137 (Form)
Federal food, drug and cosmetic act violations, **45:10**

INSTALLATION
Wiretapping and electronic surveillance, **39:13**

INSTITUTIONAL INQUIRIES
Bank Secrecy Act, **10:21**

INSTRUCTIONS
Mail and wire fraud, **8:31 (Form) et seq., 8:32 (Form)**
Specific Instructions (this index)

INSURANCE
Restitution, **34:67**

INTEGRITY AGREEMENT
Corporation, **3:82**

INTENT
Antitrust defense, **14:31 (Form)**
Attorney liability, **46:12**
Bank crimes, **11:92 (Form)**
Bank Secrecy Act, **10:12**
Criminal forfeiture, **30:126 (Form), 30:135 (Form)**
Election crimes, **52:3-52:5**
Embezzlement, misapplication, **11:4**
Export offenses, **25:3**
False financial statements, **11:37, 11:46**
Federal food, drug and cosmetic act violations, **45:5-45:7**
Obstruction of justice, **9:7**
Public corruption, **44:6**
Specific Intent (this index)
Travel Act, **17:3**

INTERCEPTION
Civil forfeiture, interception of wire and oral communications, **30:19**

Wiretapping and Electronic Surveillance (this index)

INTEREST OF GOVERNMENT
Parallel proceedings, **7:54 (Form)**

INTEREST ON MONEY
Tax crimes, **19:135 (Form)**

INTERFERENCE
Grand jury, **2:66 (Form)**
Indictment, **31:6**
Tax crimes, **19:115**

INTERLOCUTORY DEFAULT JUDGMENT
Criminal forfeiture, **30:149 (Form), 30:166 (Form), 30:167 (Form)**

INTERLOCUTORY JUDGMENT
Parallel proceedings, **7:62 (Form), 7:63 (Form)**

INTERNAL INVESTIGATIONS
Corporations, **3:30, 3:31**

INTERNAL REVENUE SERVICE
Attorney's fees, **33:17, 33:21 (Form)**
Tax Crimes (this index)

INTERNATIONAL EMERGENCY ECONOMIC POWERS ACT (IEEPA)
Export offenses, **25:13, 25:32 (Form)**
Forfeiture, **30:104**

INTERNATIONAL ISSUES
Generally, **55:1 et seq.**
Discovery, **55:10-55:13**
Double jeopardy, **55:14**
Extradition, **55:7-55:9**
Interpol (this index)

INTERNET
Wiretapping and electronic surveillance, **39:32 et seq.**

INTERNET PHARMACIES
Health care fraud, **37:37**

INTERPOL
Generally, **55:1-55:6**
Fourth Amendment constraints, **55:6**
Red notices and diffusions, **55:4, 55:5**

INDEX

INTERPRETATION

Federal Rules of Evidence 803(6),
54:17

INTERROGATION

Suppression of statements, **31:24**

INTERSTATE COMMERCE

Hobbs Act, **16:6**
National stolen property act, **18:2**
RICO, **13:13**
Travel Act, **17:2**

INTERSTATE TRANSPORTATION OF STOLEN GOODS AND PROPERTY

Mail and wire fraud, **8:16 (Form)**
National Stolen Property Act, **18:7
(Form)**

INTERVENTION

Fraud against government, **21:22,
21:23**
Parallel proceedings, **7:34 (Form),
7:35 (Form), 7:39 (Form)**
Tax crimes, **19:17, 19:31**

INTERVIEWS

Corporate vulnerability, inquiry, and
responsibility, **3:46**
Corporations (this index)

INTIMIDATION

Citizen protection from procedural
attacks, **31:223 (Form)**

INVENTORY

Warrantless searches, **31:64**

INVESTIGATION

Antitrust Defense (this index)
Corporations (this index)
Energy crimes, **56:9-56:13**
Environmental crimes
Generally, **26:67 (Form)**
Motion to waive presentence
investigation report, **26:77
(Form)**
Grand jury, **2:66 (Form), 2:73
(Form)**

INVESTIGATION—Cont'd

Mail and wire fraud, **8:26 (Form)**
Obstruction of justice
Generally, **9:10**
Destruction, alteration, or falsification
of records in federal
investigation and bankruptcy
(18 U.S.C.A. § 1519), **9:13**
Parallel proceedings, **7:1-7:3**
Pre-sentence investigation report.
Sentencing (this index)
Securities fraud, **12:2, 12:60 (Form)**
Sentencing (this index)
Strategies, **53:3**
Tax crimes, **19:3, 19:58, 19:59,
19:63**

INVESTIGATION REPORT

Pre-sentence investigation report,
34:84 (Form)

INVESTIGATORY PRIVILEGE

Generally, **5:25**

INVOICES

Import violations, **24:17**

INVOLUNTARY CONFESSIONS

Suppression of statements, **31:28**

IRS

Internal Revenue Service (this
index)

JAILHOUSE SNITCHES

Procedural attacks, **31:30**

JENCKS MATERIALS

Citizen protection from procedural
attacks, **31:115 (Form), 31:116
(Form), 31:160 (Form)**

JEOPARDY

Parallel proceedings, **7:62 (Form),
7:63 (Form)**

JOINDER

Procedural attacks, **31:12**

JOINT DEFENSE AGREEMENTS

Attorney-client privilege, **5:11**

JOINT DEFENSE AGREEMENTS

—Cont’d

Corporations, 3:65, 3:87 (Form)
Parallel proceedings, 7:82
Privileges, 5:11, 5:54

JOINT DEFENSE AGREEMENTS AND WAIVER

Corporate vulnerability, inquiry, and responsibility, 3:36

JOINT MOTION

Citizen protection from procedural attacks, 31:159 (Form)
Criminal forfeiture, 30:131 (Form)
Immunity, 6:27 (Form)

JOINT PETITIONS

Corporations, 3:68, 3:78 (Form)

JOINT VENTURE LIABILITY

Foreign Corrupt Practices Act, 47:20

JUDGE

Citizen protection from procedural attacks, 31:196 (Form), 31:197 (Form)
Sentencing, supervised release revocation guidelines case judge’s sentencing options worksheet, 34:119 (Form)
Witnesses, judge’s questioning of defendant, 54:33

JUDGMENTS

Antitrust defense, 14:44 (Form) et seq.
Bail, 36:16 (Form), 36:17 (Form), 36:19 (Form)
Bank Crimes (this index)
Citizen protection from procedural attacks, 31:107 (Form), 31:108 (Form)
Civil forfeiture, 30:48, 30:62
Conspiracy, 56:6 (Form), 56:8 (Form)-56:11 (Form)
Criminal Forfeiture (this index)
Default Judgment (this index)
Forfeiture, 30:105

JUDGMENTS—Cont’d

Grand jury, 2:49 (Form), 2:53 (Form)
Immunity, 6:24 (Form)
Mail and wire fraud, 8:27 (Form) et seq., 8:35 (Form)
Money Laundering Act, 22:15 (Form), 22:16 (Form)
Motion for judgment of acquittal, 53:16
Obstruction of justice, 9:16 (Form)
Parallel proceedings, 7:62 (Form), 7:63 (Form), 7:71 (Form), 7:72 (Form)
Securities fraud, 12:66 (Form)
Summary Judgment (this index)
Tax crimes, 19:131 (Form), 19:136 (Form)

JUDICIAL BRANCH BAR

Health care fraud, False Claims Act (FCA), 37:29

JUDICIAL ESTOPPEL

Evidence, 54:44

JUDICIAL PROCEEDINGS

Civil forfeiture, 30:64

JUDICIAL RECOMMENDATIONS

AGAINST DEPORTATION (JRAD)

Generally, 42:18

JUDICIAL RESPONSE

Bank Secrecy Act, 10:5

JUDICIAL RESTRAINTS

Federal court of contempt, 38:6

JUDICIAL REVIEW

Appeal (this index)

JUDICIARY

Sixth Amendment, obligations to uphold, 54:47

JURIES

Debate, speech or debate clause, 2:22

INDEX

JURIES—Cont'd

- Disclosure
 - Evidence for motion to dismiss grand jury testimony, **2:28**
 - Particularized need, **2:26**
- Sentencing, **34:29**
- Testifying about jury deliberations, **57:23**

JURISDICTION

- Generally, **43:1-43:18**
- Ancillary jurisdiction, **43:1**
- Attorney's fee disputes, **33:20**
- Canada, **43:12**
- Civil forfeiture, **30:39**
- Constitutional law, **43:10**
- Control test, **43:5**
- Criminal forfeiture, **30:84**
- Disentitlement doctrine, **43:18**
- Doing business, **43:9**
- Environmental crimes, **26:9**
- Evidence. Grand jury subpoena of foreign company documents, *infra*
- Extradition, **43:16**
- Foreign company. Grand jury subpoena of foreign company documents, *infra*
- Fourth Amendment, **43:10**
- Grand jury, generally, **2:23, 2:37**
- Grand jury subpoena of foreign company documents
 - Generally, **43:2-43:14**
 - Control test, **43:5**
 - Doing business, **43:9**
 - Fourth Amendment, **43:10**
 - Mexico, **43:13**
 - Mutual Legal Assistance Treaties (MLATs), **43:11-43:13**
 - Personal jurisdiction, **43:6-43:9**
 - Search and seizure, **43:10**
 - Service of process, **43:4**
 - Sherman Antitrust Act, **43:7**
 - Stream of commerce, **43:8**
 - United States-Canadian MLAT, **43:12**

JURISDICTION—Cont'd

- Grand jury subpoena of foreign company documents—Cont'd
 - United States government obtaining information, **43:14**
- Media access appeals, **43:17**
- Mexico, **43:13**
- Mutual Legal Assistance Treaties (MLATs), **43:11-43:13**
- Personal jurisdiction, **43:6-43:9**
- Records and recording. Grand jury subpoena of foreign company documents, *supra*
- Search and seizure, **43:10**
- Securities fraud, **12:18, 12:67 (Form), 12:69 (Form), 12:70 (Form)**
- Service of process, **43:4**
- Sherman Antitrust Act, **43:7**
- Statutes, **43:7**
- Stream of commerce, **43:8**
- Subpoena. Grand jury subpoena of foreign company documents, *supra*
- Tax crimes, **19:27**
- Tests, **43:5**
- Treaties, **43:11-43:13**
- Treaty limitations on punishment, **43:16**
- United States-Canadian MLAT, **43:12**
- United States government obtaining information, **43:14**

JURISDICTIONAL AND CONSTITUTIONAL ISSUES

- Constitutional elements of an indictment, **43:15.30**
- Defenses, First Amendment, **45:12.50**
- Disentitlement doctrine, **43:20**
- Due process, Fifth Amendment implications, **43:21**
- Ex post facto issues, **43:15.50**
- Extradition, **43:17, 43:17.50**
- Fifth Amendment implications, due process, **43:21**

JURISDICTIONAL AND CONSTITUTIONAL ISSUES
—Cont’d

- Fourth Amendment implications, search and seizure, **43:22**
- Media access appeals, **43:18**
- Plea bargains, **43:19**
- Prehearing release, **43:17.50**
- Release, prehearing, **43:17.50**
- Search and seizure, Fourth Amendment implications, **43:22**
- Treaty limitations on punishment, **43:17**

JUROR QUESTIONNAIRE

- Generally, **57:4, 57:50 (Form), 57:53 (Form)**
- Confidential questionnaire, **57:52 (Form)**

JURY INSTRUCTIONS

- Generally, **57:11-57:17**
- Acts of employees, criminal responsibility for, **3:90**
- Allen charge, **57:17**
- Antitrust defense, **14:27 (Form), 14:42 (Form), 14:43 (Form)**
- Bank Crimes** (this index)
- Bank Secrecy Act, **10:36 (Form) to 10:38 (Form)**
- Checklist proposed pretrial instructions of defendant, **57:44 (Form)**
- Citizen protection from procedural attacks, **31:120 (Form), 31:121 (Form)**
- Corporate criminal responsibility for acts of employees, **57:56**
- Corporate vulnerability, inquiry, and responsibility, corporate liability, **3:29**
- Criminal forfeiture, **30:157 (Form), 30:174 (Form)**
- Deliberate ignorance, **57:15**
- Environmental Crimes** (this index)
- Export offenses, **25:34 (Form), 25:35 (Form)**

JURY INSTRUCTIONS—Cont’d

- Fraud against government, **21:39 (Form)**
- Good faith reliance, **57:12**
- Good faith reliance on the advice of counsel, **57:54 (Form)**
- Hispanic representation on federal grand juries, **57:57**
- Hobbs Act, **16:12 (Form)**
- Import violations, **24:22 (Form), 24:29 (Form)**
- Mail and wire fraud, **8:33 (Form), 8:34 (Form)**
- Missing witness, **57:14, 57:55 (Form)**
- Money Laundering Act, **22:20 (Form)-22:23 (Form)**
- National Stolen Property Act, **18:7 (Form)**
- Obstruction of justice, **9:17 (Form), 9:20 (Form)**
- Perjury, **20:14 (Form)**
- Post-trial instruction, corporate criminal liability, **3:91**
- Preservation of error, **55:25, 55:27, 55:28, 55:32**
- Proposed instructions during trial, **57:45 (Form)**
- Proposed post-trial instructions, **57:46 (Form) to 57:49 (Form)**
- Proposed pretrial instructions, **57:44 (Form)**
- Reviewing testimony, **57:16**
- Securities fraud, **12:73 (Form)**
- Tax crimes, **19:141 (Form)-19:143 (Form)**
- Travel Act, **17:15 (Form)**
- Venue, **57:13**

JURY LIST

- Tax crimes, **19:68**

JURY MISCONDUCT

- Generally, **57:20**

JURY TAMPERING

- Generally, **57:19**

JURY TRIAL

- Affidavit, **57:38 (Form), 57:40 (Form)**
- Anonymous juries, **57:5**
- Argument to jury, **57:10**
- Attorneys, **57:51 (Form)**
- Bank crimes, **11:114 (Form)**
- Challenges for cause, **57:2**
- Challenging closure, Sixth Amendment, **57:8**
- Challenging selection, **57:6-57:9**
- Citizen protection from procedural attacks, **31:173 (Form)**
- Civil forfeiture, **30:50**
- Discharge of jury, **57:26 (Form)**
- Discovery, **57:32 (Form), 57:33 (Form), 57:36 (Form)**
- Dismissal. Motion to dismiss, infra
- District clerk, **57:32 (Form)**
- Equal protection, **57:9, 57:26 (Form)**
- Findings of fact and conclusions of law, proposed, **57:35 (Form)**
- Good faith reliance on the advice of counsel, **57:54 (Form)**
- Grand Jury** (this index)
- Hispanic representation on federal grand juries, **57:57**
- Indictment, **57:31 (Form), 57:34 (Form), 57:36 (Form), 57:39 (Form)**
- Juror questionnaire, **57:50 (Form), 57:53 (Form)**
- Jury Instructions** (this index)
- Jury list, tax crimes, **19:68**
- Jury Questionnaire** (this index)
- Limit jury argument
 - Motion, **57:27 (Form)**
 - Order, **57:28 (Form)**
- Memorandum of law, **57:29 (Form), 57:39 (Form), 57:40 (Form), 57:43 (Form), 57:51 (Form)**
- Misconduct of jury, **57:20**
- Missing witness, **57:55 (Form)**
- Motion
 - Attorney participation in voir dire, **57:51 (Form)**

JURY TRIAL—Cont'd

- Motion—Cont'd
- Discharge jury based on equal protection violations with legal authorities in support, **57:26 (Form)**
- District clerk, information in possession of, **57:32 (Form)**
- Limit jury argument, **57:27 (Form)**
- Mistrial based on prosecutor's improper argument before jury in violation of Sixth Amendment right of confrontation, **53:53 (Form)**
- New trial, **57:29 (Form)**
- Transfer venue, **57:41 (Form) et seq.**
 - 28 U.S.C.A. § 1861, **57:39 (Form)**
- Motion to dismiss, **57:37 (Form)**
 - Improper grand jury selection process, **57:30 (Form), 57:31 (Form), 57:34 (Form)**
 - 28 U.S.C.A. § 1861 et seq., **57:36 (Form)**
- New trial, **57:29 (Form)**
- Order
 - Compel discovery, **57:33 (Form)**
 - Limit jury argument, **57:28 (Form)**
 - Transfer venue, **57:41 (Form), 57:42 (Form)**
 - 28 U.S.C.A. § 1861 et seq., **57:37 (Form)**
- Peremptory challenges, **57:3**
- Polling jury, **57:18**
- Possession, **57:32 (Form)**
- Right to, **53:21**
- Selection of jury, **57:1-57:9, 57:36 (Form)**
- Sixth Amendment, **57:7, 57:8**
- Supplemental memorandum, **57:39 (Form)**
- Supplemental motion, **57:31 (Form), 57:34 (Form), 57:41 (Form)**
- Sworn supplemental memorandum in support of motion to dismiss

JURY TRIAL—Cont'd
indictment pursuant to 28 U.S.C.A. § 1861, **57:39 (Form)**
Tampering, **57:19**
Tax crimes, jury list, **19:68**
Transfer venue, **57:41 (Form) et seq.**
28 U.S.C.A. § 1867, **57:36 (Form)**
28 U.S.C.A. § 1861 et seq., **57:36 (Form)**
Venue, transfer, **57:41 (Form) et seq.**
Voir Dire (this index)

JUSTICE, INTEREST OF
Parallel proceedings, **7:4**

JUSTICE, OBSTRUCTION OF
Obstruction of Justice (this index)

JUSTICE DEPARTMENT
Department of Justice (DOJ) (this index)
Federal Court (this index)

JUSTIFICATION
Antitrust defense, **14:31 (Form)**

KASTIGAR HEARING
Citizen protection from procedural attacks, **31:230 (Form)**

KATZ v. UNITED STATES
Wiretapping and electronic surveillance, **39:3**

KINGPIN STATUTE
Comprehensive Thrift and Bank Fraud Prosecution and Taxpayer Recovery Act, **11:83**

KNOWING ENDANGERMENT
42 U.S.C.A. § 6928(e), **26:38**
33 U.S.C.A. § 1319(c)(3), **26:11**

KNOWLEDGE
See also **Ignorance** (this index)
Attorney's fees, **33:3, 33:4**
Bank crimes, **11:144 (Form)**
Clean Air Act, **26:23**
Corporations, **3:10, 3:11**
Definition of knowingly, **21:26**

KNOWLEDGE—Cont'd
Discovery, **31:37**
Embezzlement, misapplication, **11:10**
Endangerment. **Knowing Endangerment** (this index)
Environmental crimes, **26:6**
False financial statements, **11:41, 11:45**
Fraud, **11:50**
Obstruction of justice, **9:3**
Resource Conservation and Recovery Act, **26:32**
Tax crimes, **19:87, 19:103**

KOON V. U.S.
Analysis of downward departures, **34:38**

LABELS
Criminal forfeiture, 18 U.S.C.A. § 2318(d), **30:78**

LAW ENFORCEMENT
Wiretapping and electronic surveillance, **39:31**

LAW ENFORCEMENT PRIVILEGE
Parallel proceedings, **7:21**

LAY OPINION
Generally, **54:29**
Bank crimes, **11:131 (Form), 11:132 (Form)**
Citizen protection from procedural attacks, **31:233 (Form)**

LEASES
Tax crimes, **19:114**

LEAVE OF COURT
Bank crimes, **11:167 (Form), 11:168 (Form)**
Depositions, **53:37 (Form), 53:38 (Form)**
Parallel proceedings, **7:37 (Form)**
Securities fraud, **12:84 (Form)**

LEGAL AUTHORITIES
Procedural Attacks (this index)

INDEX

LEGAL CONDUCT NOT RECOMMENDED

Embezzlement, Misapplication (this index)
False entries, 11:33
Fraud, 11:56

LEGAL DUTY
Import violations, 24:5

LEGAL EXPERTS
Generally, 53:7

LEGAL FEES
Criminal forfeiture, 30:91

LEGISLATIVE BRANCH BAR
Health care fraud, False Claims Act (FCA), 37:29

LENDING LIMITS
Embezzlement, misapplication, 11:15

LENIENCY
Antitrust offenses, notification of leniency agreement from Antitrust Division, 14:52
Citizen protection from procedural attacks, 31:117 (Form) et seq., 31:161 (Form)

LENIENCY PROGRAM
Generally, 14:13

LENITY
Bank Secrecy Act, 10:15

LETTER IMMUNITY
Proffer, 6:9-6:11

LETTERS
Antitrust offenses, amnesty letters, 14:48
Corporate vulnerability, inquiry, and responsibility, letter to Department of Justice regarding investigation of shipowner, 3:89
Privileges, letter placing accountant or non-attorney under attorney-client privilege, 5:44, 5:52

LETTERS ROGATORY
Generally, 53:40 (Form)
Motion, 53:39 (Form)
Order, 53:41 (Form)

LEVY
Tax crimes, 19:139 (Form)

LIABILITY
Generally, 56:1-56:12 (Form)
Aiding and abetting, 56:1, 56:2
Conspiracy (this index)
Environmental crimes, 26:42
Health care fraud, False Claims Act (FCA), 37:23
Securities fraud, 12:22-12:25

LICENSING
Export offenses, 25:4

LIMITATION OF ACTIONS
Citizen protection from procedural attacks, 31:202 (Form), 31:203 (Form)
Civil forfeiture, 30:37
Comprehensive Thrift and Bank Fraud Prosecution and Taxpayer Recovery Act, 11:78
Continuing criminal enterprise, 15:3
Financial Institutions Reform, Recovery, and Enforcement Act, 11:66
RICO, 13:24-13:26
Securities fraud, 12:30
Tax crimes, 19:64

LITERAL TRUTH
Bank crimes, 11:95 (Form)
False financial statements, 11:42

LOANS
Bank crimes, mortgage loan fraud, 11:87
Embezzlement, misapplication, 11:18

LOBBYING ACTIVITIES
Corporate vulnerability, inquiry, and responsibility, 3:64

LOST EVIDENCE

Generally, **54:42**

MAGISTRATE

Preservation of error, **55:18**

MAIL AND WIRE FRAUD

Generally, **8:1 et seq.**

Acquittal

Motion for judgment of acquittal, **8:27 (Form), 8:29 (Form) et seq., 8:35 (Form)**

Order granting motion for judgment of acquittal, **8:28 (Form) et seq., 8:30 (Form) et seq.**

Post trial motion for judgment of acquittal, **8:38 (Form)**

Rule 29 motion for acquittal, new trial, or bond, **8:39 (Form)**

Appeal, **8:36 (Form)**

Attorney liability, **46:8**

Brief, **8:16 (Form), 8:26 (Form), 8:36 (Form), 8:37 (Form)**

Computers, 18 U.S.C.A. §§ 1341, 1343, **41:18**

Condonation theory motion to dismiss, **8:23 (Form)**

Consistent statements, **8:36 (Form)**

Conspiracy, **8:16 (Form), 8:38 (Form)**

Conviction, **8:36 (Form)**

Correction theories, **8:8**

Defenses, **8:31 (Form) et seq., 8:32 (Form)**

Dismissal, **8:24 (Form), 8:25 (Form)**

Elements, **8:2 et seq.**

Evidence, **8:16 (Form), 8:26 (Form), 8:36 (Form)**

Extraneous act evidence, **8:36 (Form)**

Federal mail fraud statute, **8:1**

Fines, **8:15**

Forfeiture, motor vehicles, **30:25**

Honest services, **8:9-8:11**

Honest service theory, **8:36 (Form)**

MAIL AND WIRE FRAUD—Cont'd

In limine motion

Generally, **8:17 (Form)**

Government's, generally, **8:19 (Form)**

Order, **8:18 (Form), 8:20 (Form)**

Second motion in limine, **8:21 (Form), 8:22 (Form)**

Instructions, **8:31 (Form) et seq., 8:32 (Form)**

Interstate transportation of stolen property, brief of United States, **8:16 (Form)**

Investigation, **8:26 (Form)**

Judgment. Acquittal, *supra*

Jury instructions, **8:33 (Form), 8:34 (Form)**

Memorandum of law, **8:21 (Form), 8:22 (Form)**

Money laundering, **8:16 (Form), 8:36 (Form), 8:38 (Form)**

Motion

Acquittal, *supra*

In limine motion, *supra*

Theory of defense instruction, **8:31 (Form) et seq., 8:32 (Form)**

Motion in limine

Generally, **8:17 (Form)**

Government's motion in limine, **8:19 (Form)**

Government's second motion in limine with supporting memorandum of law, **8:21 (Form), 8:22 (Form)**

Order granting defendant's motion in limine, **8:18 (Form)**

Order on government's motion in limine, **8:20 (Form)**

Motion to dismiss with legal authorities in support, **8:24 (Form)**

Order

Dismissal, **8:25 (Form)**

In limine motion, **8:18 (Form), 8:20 (Form), 8:22 (Form)**

Judgment of acquittal, motion for, **8:28 (Form) et seq., 8:30 (Form) et seq.**

INDEX

MAIL AND WIRE FRAUD—Cont'd

- Order—Cont'd
 - Second in limine motion, **8:22**
 - (Form)**
- Theory of defense instruction, **8:32**
- (Form)**
- Penalties, **8:15**
- Post trial motion for judgment of acquittal, **8:35 (Form)**
- Prior consistent statements, **8:36 (Form)**
- Private sector, **8:11**
- Public sector, **8:10**
- Relevance of evidence, **8:26 (Form)**
- Sample trial materials, generally, **8:16 (Form) et seq.**
- Securities fraud, relation to, **8:14.50**
- Sentencing guidelines, **8:36 (Form)**
- Statutes, **8:1 et seq.**
- Stolen property, **8:16 (Form)**
- Sufficiency of evidence, **8:36 (Form)**
- Tax crimes, **19:121**
- Theories of convictions, **8:8 et seq.**
- Transportation of stolen property interstate, **8:16 (Form)**

MAJOR FRAUD AGAINST GOVERNMENT

- Fraud Against Government** (this index)

MANAGERS AND MANAGEMENT

- Continuing criminal enterprise, **15:2**
- Corporations, vulnerability, **3:14**

MANDATORY SEVERANCE

- Procedural attacks, **31:11**

MANIFEST

- Resource Conservation and Recovery Act, **26:36**

MANUFACTURING EQUIPMENT

- Civil forfeiture, **30:14**

MARITAL PRIVILEGE

- Generally, **5:14**
- Severance, **5:47 (Form)**

MARKET ALLOCATIONS AND PRODUCTION CONTROLS

- Antitrust defense, **14:20**

MARKET MANIPULATION

- Energy crimes, **56:6**

MARKET TIMING AND LATE TRADING

- Securities fraud, **12:56**

MATERIALITY

- Bank crimes, **11:97 (Form)**
- False entries, **11:28**
- False financial statements, **11:38**
- Fraud, **11:52**

MATERIAL MISSTATEMENTS AND OMISSIONS

- Corporation, **3:77 (Form)**
- Securities fraud, **12:38**

MECHANIK ANALYSIS

- Grand jury, **2:38**

MEDIA

- Moderating, **3:52**

MEDIA ACCESS APPEALS

- Jurisdictional and constitutional issues, **43:17, 43:18**

MEDICAL BOARD CODE

- Evidence, **54:67 (Form)**

MEDICAL EXAMINER'S REPORT

- Generally, **54:25**

MEDICARE INTEGRITY PROGRAM

- Health care fraud, Health Insurance Portability and Accountability Act of 1996 (HIPPA), **37:18**

MEGA-TRIALS

- Procedural attacks, **31:17**

MEMBERS OF LEGISLATIVE, JUDICIAL, OR EXECUTIVE BRANCHES BAR

- Health care fraud, False Claims Act (FCA), **37:29**

MEMORANDA OF LAW

Privileges, attorney-client privilege, **5:53, 5:55**
Sentencing memorandum and objections to PSI, **34:128**

MEMORANDUM OF LAW

Antitrust Defense (this index)
Attorney's fees, **33:25 (Form)**
Bail, **36:17 (Form)**
Bank crimes, **11:162 (Form), 11:165 (Form)**
Bank Secrecy Act, **10:35 (Form)**
Criminal forfeiture, **30:130 (Form), 30:167 (Form), 30:175 (Form), 30:176 (Form)**
Evidence (this index)
Export offenses, **25:32 (Form)**
Federal court of contempt, **38:14 (Form)**
Fraud against government, **21:37 (Form)**
Grand jury, **2:67 (Form), 2:81 (Form)**
Immunity, **6:27 (Form)**
Jury trial, **57:29 (Form), 57:39 (Form), 57:40 (Form), 57:43 (Form), 57:51 (Form)**
Mail and wire fraud, **8:21 (Form), 8:22 (Form)**
Parallel Proceedings (this index)
Privileges, **5:32 (Form), 5:33 (Form), 5:49 (Form)**
Procedural Attacks (this index)
Securities Fraud (this index)
Sentencing (this index)
Tax crimes, **19:126 (Form), 19:128 (Form)**

MENS REA

Criminal trade secret violations, **40:6**
Health care fraud, False Claims Act (FCA), **37:22**
Tax crimes, **19:69**

MERE PRESENCE

Conspiracy, **56:8 (Form), 56:9 (Form)**

MEXICO

Ex parte motion to transport, **53:44 (Form)**
Jurisdiction, **43:13**
Order concerning ex parte motion to transport, **53:45 (Form)**

MIDLAND ASPHALT ANALYSIS

Grand jury, **2:39**

MINORS

Children (this index)

MIRANDA RIGHTS

Procedural attacks, pre-Miranda silence, **31:31**

MISAPPLICATION

Embezzlement, Misapplication (this index)

MISDEMEANOR VIOLATIONS

Federal food, drug and cosmetic act violations, **45:5**

MISREPRESENTATIONS

Attorney liability, misrepresenting a fact, **46:3**
Securities fraud, **12:20**

MISSING WITNESS

Deliberate ignorance, **53:15**
Jury instructions, **57:14**

MISSTATEMENTS

Bank Secrecy Act, **10:9**

MISTRIAL

Improper argument before jury in violation of Sixth Amendment right of confrontation, **53:53 (Form)**
Preservation of error, **55:33**

MITIGATING CRIMINAL EXPOSURE

Bankruptcy Court (this index)

MITIGATION

Criminal forfeiture, **30:101**

INDEX

MODEL RULES AND ETHICAL OPINIONS

Perjury, **20:12**

MODIFICATION

Wiretapping and electronic surveillance, **39:33 (Form)**

MODIFICATION PROCEEDINGS

Sentencing, **34:13**

MONEY JUDGMENTS

Forfeiture, **30:105**

MONEY LAUNDERING

Attorney's fees, **33:1-33:4**

Citizen protection from procedural attacks, **31:87 (Form), 31:88 (Form)**

Civil forfeiture, **30:23**

Comprehensive Thrift and Bank Fraud Prosecution and Taxpayer Recovery Act, **11:79**

Criminal forfeiture, 18 U.S.C.A. § 982(a)(1), **30:80**

Health care fraud, Health Insurance Portability and Accountability Act of 1996 (HIPPA), **37:16**

Mail and wire fraud, **8:16 (Form), 8:36 (Form), 8:38 (Form)**

Monetary instruments, **22:9.50**

MONEY LAUNDERING ACT

Generally, **22:1-22:22 (Form)**

Acquittal, **22:15 (Form), 22:16 (Form)**

Brief, **22:19 (Form)**

Bulk cash smuggling into and out of the United States, **22:11**

Dismissal. Motion to dismiss counts of indictment, infra

18 U.S.C.A. § 1956(a)(1), **22:4**

18 U.S.C.A. § 1956(a)(2), **22:5**

18 U.S.C.A. § 1956(a)(3), **22:6**

Engaging in monetary transactions in property derived from specific unlawful activity, § 1957, **22:10**

Forfeiture, **22:7**

MONEY LAUNDERING ACT

—Cont'd

Forms, generally, **22:1 (Form)-22:24 (Form)**

Hypothetical, **22:1**

Indictment

Motion to dismiss counts of indictment, infra

Order, infra

Sample, **22:12 (Form)**

Judgment for acquittal, motion for, **22:15 (Form), 22:16 (Form)**

Jury instructions, **22:20 (Form)-22:23 (Form)**

Laundering and monetary instruments § 1956, conspiracy, **22:9**

Laundering and monetary instruments § 1956, generally, **22:3-22:8**

Motion to dismiss counts of indictment

Based on unconstitutionality of 18 U.S.C.A. § 1956(a)(1)(B) as applied, **22:13 (Form)**

Counts twenty-five through thirty-one of indictment, **22:17 (Form)**

Judgment of acquittal or, **22:15 (Form)**

Order, **22:14 (Form), 22:16 (Form), 22:18 (Form)**

1986 Act, generally, **22:2-22:9**

Notice of seizure of property by government, **22:24 (Form)**

Order, motion to dismiss counts of indictment, **22:14 (Form), 22:16 (Form), 22:18 (Form)**

Penalties, **22:7**

Post-trial instruction #1, 18 U.S.C.A. § 1956(a)(1)(A)(i), **22:22 (Form)**

Post-trial instruction #2, 18 U.S.C.A. § 1956(1)(B), **22:23 (Form)**

Sample forms, generally, **22:12 (Form)-22:24 (Form)**

Seizure of property, **22:24 (Form)**

Venue, **22:8**

MOOTNESS

Tax crimes, **19:128 (Form)**

MORAL TURPITUDE

Immigration, **42:9**

MORE DEFINITE STATEMENT

Criminal forfeiture, **30:113 (Form), 30:115 (Form), 30:142 (Form)**

Securities fraud, **12:69 (Form), 12:72 (Form)**

MORTGAGE LOAN FRAUD

Bank crimes, **11:87**

MOTION FOR JUDGMENT OF ACQUITTAL

Forgery, **29:11 (Form)**

Import violations, **24:23 (Form), 24:24 (Form)**

MOTION IN LIMINE

In Limine Motion (this index)

MOTIONS

See also **In Limine Motion; Motion for Judgment of Acquittal** (this index)

Admit government report, or in alternative, for severance, **53:35 (Form)**

Antitrust Defense (this index)

Bail (this index)

Bank Crimes (this index)

Bankruptcy, **23:32, 23:35**

Bankruptcy court, **4:29 (Form), 4:32 (Form), 4:35 (Form)**

Bank Secrecy Act, **10:33 (Form) to 10:35 (Form)**

Civil forfeiture, **30:45, 30:47, 30:49**

Conspiracy (this index)

Corporations, **3:73, 3:74, 3:77 (Form)**

Court inquiry of undisclosed informant with respect to certain questions, **53:49 (Form)**

Criminal Forfeiture (this index)

Environmental crimes, motion to waive presentence investigation

MOTIONS—Cont'd

report, **26:77 (Form)**

Evidence for motion to dismiss, grand jury testimony, **2:28**

Evidence (this index)

Ex parte motion, **53:42 (Form), 53:44 (Form)**

Export offenses, **25:25 (Form), 25:26 (Form)**

Federal court of contempt, **38:14 (Form), 38:15 (Form)**

Forfeiture, motion to dismiss, **30:183**

Forgery, **29:11 (Form)**

Fraud against government, **21:36 (Form)**

Grand Jury (this index)

Immunity, **6:22 (Form), 6:27 (Form), 6:28 (Form)**

In limine. **In Limine Motion** (this index)

Judgment of acquittal, **53:16**

Judgment of acquittal. **Motion for Judgment of Acquittal** (this index)

Jury Trial (this index)

Leave to take depositions, **53:37 (Form)**

Letters rogatory, issuance of, **53:39 (Form)**

Mail and Wire Fraud (this index)

Mistrial based on prosecutor's improper argument before jury in violation of Sixth Amendment right of confrontation, **53:53 (Form)**

Money Laundering Act (this index)

Obstruction of justice, **9:16 (Form)**

Order concerning motion. **Order** (this index)

Parallel Proceedings (this index)

Privileges, **5:29 (Form)**

Privileges (this index)

Procedural attacks, motion to transfer venue, **31:218, 31:236**

Procedural Attacks (this index)

INDEX

MOTIONS—Cont'd

- Sample materials, generally, **53:34 (Form) et seq.**
- Seal, motion under, **53:42 (Form)**
- Securities Fraud** (this index)
- Sentencing** (this index)
- Tax crimes, **19:128 (Form), 19:129 (Form)**
- Travel Act, **17:14 (Form)**
- Wiretapping and electronic surveillance, **39:33 (Form)**

MOTION TO DISMISS

- Antitrust Defense** (this index)
- Bank Crimes** (this index)
- Bankruptcy, **23:33, 23:35**
- Bank Secrecy Act, **10:34 (Form), 10:35 (Form)**
- Civil forfeiture, **30:63, 30:64**
- Criminal Forfeiture** (this index)
- Export offenses, **25:25 (Form), 25:26 (Form), 25:28 (Form)**
- Fraud against government, **21:36 (Form)**
- Grand jury, **2:28, 2:72 (Form)**
- Immunity, **6:27 (Form), 6:28 (Form)**
- Import violations, **24:25 (Form)-24:28 (Form)**
- Jury Trial** (this index)
- Mail and wire fraud, **8:24 (Form), 8:25 (Form)**
- Money Laundering Act** (this index)
- Parallel Proceedings** (this index)
- Securities Fraud** (this index)
- Tax crimes, **19:128 (Form)**
- Travel Act, **17:14 (Form)**

MOTOR VEHICLES

- Civil forfeiture, **30:10, 30:15**
- Forfeiture, mail fraud violations, **30:25**
- Import violations, **24:19**

MULTIPLE PROSECUTIONS

- Travel Act, **17:9**

MULTIPLE REPRESENTATION

- Corporations, **3:48**

MULTIPLICITY

- Bank Secrecy Act, **10:20**
- Indictment, **31:1**

MUTILATION

- Tax crimes, **19:111**

MUTUAL LEGAL ASSISTANCE

- TREATIES (MLATS)**
- Jurisdiction, **43:11-43:13**

MUTUALLY EXCLUSIVE

- Travel Act, **17:7**

NATIONAL STOLEN PROPERTY

ACT

- Generally, **18:1-18:7 (Form)**
- Brief, **18:6 (Form)**
- Computers, 18 U.S.C.A. § 2314, **41:17**
- Conspiracy, **18:3**
- Defenses, **18:4**
- 18 U.S.C.A. § 2314, generally, **18:1**
- Fines and penalties, **18:5**
- Interstate commerce, **18:2**
- Interstate transportation of stolen goods, **18:7 (Form)**
- Jury instructions, **18:7 (Form)**
- Sample trial material, **18:6 (Form), 18:7 (Form)**
- Specific instructions, interstate transportation of stolen goods, 18 U.S.C.A. § 2314, **18:7 (Form)**
- Transportation of stolen goods, **18:7 (Form)**

NATURAL GAS

- Energy crimes, **56:4**

NCUA

- Comprehensive Thrift and Bank Fraud Prosecution and Taxpayer Recovery Act, **11:74**

NEBBIA HEARING

- Bail motion, **36:12 (Form)**

NET FRAUD

- Securities fraud, **12:55**

NET WORTH METHOD

Tax crimes, **19:80**

NEWS MEDIA

Moderating, **3:52**

NEW TECHNOLOGY

Privileges, **5:23**

NEW TRIAL

Conspiracy, **56:12 (Form)**

Jury trial, **57:29 (Form)**

1977 AMENDED ANTI-KICKBACK STATUTES

Health Care Fraud (this index)

1972 ANTI-KICKBACK STATUTES

Health Care Fraud (this index)

1987 MEDICARE AND MEDICAID ANTI-KICKBACK STATUTE

Health care fraud, **37:7**

911 TELEPHONE CALLS

Evidence, **54:26**

NOMINEES

Embezzlement, misapplication,
11:16, 11:21

NON-ATTORNEYS

Privileges, letter placing under
attorney-client privilege, **5:44,**
5:52

NON-CITIZENS

Sentencing concerns, **34:45**

NON-EXECUTIVE MANAGERS AND SUPERVISORS

Criminal liabilities of corporation,
3:14

NON-INDIGENT CLIENTS

Generally, **53:24**

NON-VERBAL CONDUCT AND ACTIVITIES

Wiretapping and electronic surveillance

Application for order authorizing
interception of visual, non-

NON-VERBAL CONDUCT AND ACTIVITIES—Cont'd

Wiretapping and electronic surveillance—Cont'd
verbal conduct and activities
by means of closed circuit
television, **39:37(Form)**

Order authorizing interception of
visual and non-verbal conduct
and activities, **39:38(Form)**

NORMAL COMMERCIAL USE EXCEPTION

Export offenses, **25:5**

NOTICE

Antitrust offenses, notification of
leniency agreement from
Antitrust Division, **14:52**

Bank crimes, **11:92 (Form)**

Bank Secrecy Act, **10:19**

Civil forfeiture, **30:41**

Clean Water Act, **26:20-26:22**

Corporations, **3:75 (Form), 3:76**
(Form)

Criminal Forfeiture (this index)

Environmental crimes, **26:66 (Form)**

Forfeiture, **30:86**

Grand jury, **2:54 (Form), 2:55**
(Form)

Indictment, **31:2**

Money Laundering Act, **22:24**
(Form)

Obstruction of justice, **9:3**

Parallel proceedings, **7:67 (Form)**

Privileges, **5:34 (Form)**

Tax crimes, **19:16, 19:52**

Wiretapping and electronic surveillance, **39:17**

OBJECTION

Bank crimes, **11:141 (Form)**

Bank fraud, **54:61 (Form), 54:63**
(Form)

Citizen protection from procedural
attacks, **31:120 (Form), 31:121**
(Form)

INDEX

OBJECTION—Cont'd

- Exhibits, **54:55 (Form)-44:63 (Form)**
- Preservation of Error** (this index)
- Sentencing** (this index)
- Tape recordings, introduction as evidence, **54:49 (Form)**

OBSCENE MATERIAL

- Criminal forfeiture, 18 U.S.C.A. § 1467, **30:75**
- Import violations, **24:18**

OBSTRUCTING EXAMINER

- Comprehensive Thrift and Bank Fraud Prosecution and Taxpayer Recovery Act, **11:76**

OBSTRUCTION OF CRIMINAL PROCEEDINGS

- Defendant's, sentencing, **34:25**

OBSTRUCTION OF JUSTICE

- Generally, **9:1-9:20 (Form)**
- Acquittal, motion for judgment of, **9:16 (Form)**
- Alteration of records in federal investigation and bankruptcy (18 U.S.C.A. § 1519), **9:13**
- Attorney liability, **46:2-46:6**
- Audit records, **9:14**
- Bankruptcy, **9:13, 23:25**
- Closing avenues of inquiry, **9:8**
- Corporate audit records, **9:14**
- Corruptly, **9:4**
- Criminal investigations, obstruction of, **9:10**
- Defenses, **9:9**
- Destruction of records, **9:13, 9:14**
 - 18 U.S.C.A. § 1510, **9:10**
 - 18 U.S.C.A. § 1513(e), **9:12**
 - 18 U.S.C.A. § 1519, **9:13**
 - 18 U.S.C.A. § 1503, generally, **9:1-9:9**
- Endeavor, **9:5**
- Falsification of records in federal investigation and bankruptcy (18 U.S.C.A. § 1519), **9:13**

OBSTRUCTION OF JUSTICE

- Cont'd**
- Financial Institutions Reform, Recovery, and Enforcement Act, **11:68**
- Fines and penalties, **9:15**
- Force, **9:6**
- Government's proposed jury instructions, **9:20 (Form)**
- Indictment, **9:19 (Form)**
- Informants, Retaliation against (18 U.S.C.A. § 1513(e)), **9:12**
- Intent, specific, **9:7**
- Investigation, **9:10, 9:13**
- Judgment of acquittal, motion for, **9:16 (Form)**
- Jury instructions, **9:17 (Form), 9:20 (Form)**
- Knowledge, **9:3**
- Motion for judgment of acquittal with legal authorities in support, **9:16 (Form)**
- Notice, **9:3**
- Retaliation against informants (18 U.S.C.A. § 1513(e)), **9:12**
- Sentencing guidelines and 18 U.S.C.A. § 3571, **9:15**
- Specific intent, **9:7**
- Tampering with juror, **9:17 (Form)**
- Tampering with record or otherwise impeding official proceeding (18 U.S.C.A. § 1512), **9:11**
- Tampering with witnesses, **9:18 (Form)**
- Threat or force, **9:6**
- U.S. sentencing guidelines and 18 U.S.C.A. § 3571, **9:15**
- Witnesses, **9:18 (Form)**

OFFER OF PURCHASE OR SALE

- Securities fraud, **12:20**

OFFERS OF PROOF

- Preservation of error, **55:8**

OFFICERS

- Bank crimes, **11:103 (Form), 11:115 (Form)**

OFFICERS—Cont'd
Corporations, **3:13**
False financial statements, **11:45**
Government Officials (this index)
Securities fraud, **12:9, 12:60 (Form)**
Tax crimes, **19:37, 19:117**

OFFICIAL ACTS
Public corruption, **44:6.50**

OFFICIAL CAPACITY
Embezzlement, misapplication, **11:3**

OFF-THE-RECORD DISCUSSION
Immunity, **6:26 (Form)**

OMISSIONS
Bank Secrecy Act, **10:9**
Corporations, **3:77 (Form)**
False entries, **11:29**
Securities fraud, **12:20, 12:38**

OPEN ACCESS SAME-TIME INFORMATION SYSTEMS (OASIS)
Energy crimes, **56:7**

OPERATING POLICIES OR REGULATIONS
Embezzlement, misapplication, **11:22**

OPINION
Bank crimes, **11:131 (Form), 11:132 (Form), 11:144 (Form)**
Citizen protection from procedural attacks, **31:233 (Form)**
Perjury, **20:12**
Sentencing, **34:92 (Form)**

OPPRESSIVE
Grand jury subpoenas, **2:10**

ORAL COMMUNICATIONS
Civil forfeiture, **30:19**
Wiretapping and Electronic Surveillance (this index)

ORAL STATEMENTS
Citizen protection from procedural attacks, **31:89 (Form), 31:90 (Form)**

ORDER
Antitrust defense, sample forms, **14:40 (Form), 14:44 (Form), 14:47 (Form)**
Attorney's fees, **33:23 (Form)**
Bail (this index)
Bank Crimes (this index)
Bankruptcy court, **4:29 (Form), 4:30 (Form), 4:32 (Form)-4:35 (Form)**
Conspiracy, **56:7 (Form), 56:9 (Form), 56:11 (Form), 56:12 (Form)**
Corporations (this index)
Criminal Forfeiture (this index)
Depositions, leave to take, **53:38 (Form)**
Evidence, **54:51 (Form), 54:54 (Form), 54:57 (Form)**
Ex parte motion to transport witness to Mexico, **53:45 (Form)**
Ex parte motion under seal, **53:43 (Form)**
Export offenses, **25:28 (Form)**
Federal court of contempt, **38:15 (Form), 38:16 (Form), 38:20 (Form)**
Forgery, **29:12 (Form)**
Government report, motion to admit, **53:36 (Form)**
Grand Jury (this index)
Immunity, **6:20, 6:23 (Form), 6:28 (Form)**
Import violations, **24:24 (Form), 24:26 (Form), 24:28 (Form)**
In limine motion, **53:47 (Form), 53:51 (Form)**
Jury Trial (this index)
Letters rogatory, **53:41 (Form)**
Mail and Wire Fraud (this index)
Money Laundering Act, motion to dismiss counts of indictment, **22:14 (Form), 22:16 (Form), 22:18 (Form)**
Parallel proceedings, **7:7, 7:27**
Parallel Proceedings (this index)

INDEX

ORDER—Cont'd

- Privileges, 5:29 (Form), 5:38 (Form), 5:46 (Form)
- Privileges (this index)
- Procedural Attacks (this index)
- Protective Order (this index)
- Restraining Order (this index)
- Sample materials, generally, 53:34 (Form) *et seq.*
- Seal, motion under, 53:43 (Form)
- Securities Fraud (this index)
- Sentencing (this index)
- Tax crimes, 19:130 (Form), 19:134 (Form), 19:136 (Form), 19:140 (Form)
- Wiretapping and Electronic Surveillance (this index)

ORGANIZATIONAL SENTENCING

- Effect of Booker on organizational sentencing guidelines, 34:44
- Impact of Sarbanes-Oxley on organizational sentencing guidelines, 34:42
- 1990 sentencing guidelines, 34:41
- 2004 amendments to organizational sentencing guidelines, 34:43

ORIGINATION

- Health care fraud, anti-kickback statutes, 1972 statutes, 37:3

OUTRAGEOUS GOVERNMENT CONDUCT

- Indictment, 31:5, 31:6

OVERBROAD

- Grand jury subpoena, 2:10

OVERT ACT

- Travel Act, 17:5

PAGERS AND BEEPERS

- Wiretapping and electronic surveillance, 39:27

PARALLEL PROCEEDINGS

- Generally, 7:1-7:72 (Form)
- Affidavit, 7:37 (Form), 7:53 (Form)

PARALLEL PROCEEDINGS

- Cont'd
- Appeal, 7:32 (Form), 7:67 (Form)-7:69 (Form)
- Appearance, 7:49 (Form)
- Bankruptcy
 - Generally, 7:31 (Form), 7:55 (Form)
- See also **Bankruptcy Court** (this index)
- Brief, 7:32 (Form)
- Collateral estoppel, 7:14
- Confessions, 7:71 (Form)
- Confidential protective order, 7:47 (Form)
- Corporations, 3:49
- Disclosure, 7:26-7:28
- Discovery, 7:5, 7:41 (Form)-7:43 (Form), 7:76 (Form), 7:78 (Form)
- Discretion, 7:16
- Dismissal. Motion to dismiss, infra
- Double jeopardy
 - Generally, 7:8
- Fifth Amendment privilege
- Confessions of judgment and order of forfeiture, 7:71 (Form)
- Motion to dismiss, 7:56 (Form)
- Order granting motion to dismiss, 7:57 (Form)
- Order granting supplemental motion to dismiss, 7:59 (Form)
- Proposed written findings, 7:66 (Form)
- Reply to responses to motion to dismiss, 7:61 (Form)
- Response to motion to dismiss, 7:60 (Form)
- Supplemental motion to dismiss, 7:58 (Form)
- Eighth Amendment** (this index)
- Emergency motion
 - Fifth Amendment privilege
 - Federal Rules of Criminal Procedure, Rule 60(b) for

PARALLEL PROCEEDINGS

—Cont’d

Emergency motion—Cont’d
Fifth Amendment privilege
—Cont’d
 relief from misconduct of
 adverse party, **7:50 (Form), 7:51 (Form)**
Stay pending appeal, **7:68 (Form), 7:69 (Form)**
Vacate temporary restraining
order and set aside sanc-
tions, **7:45 (Form)**
Environmental crimes, **26:59**
Estoppel, collateral, **7:14**
Federal Rules of Criminal Procedure,
 Rule 60(b), **7:50 (Form), 7:51 (Form)**
Fifth Amendment privilege
 Generally, **7:30-7:72 (Form)**
 (Form)
Affidavit, **7:37 (Form), 7:53 (Form)**
Appeal, **7:32 (Form), 7:67 (Form)**
 to **7:69 (Form)**
Appearance, **7:49 (Form)**
Bankruptcy, **7:31 (Form), 7:55 (Form)**
Brief, **7:32 (Form)**
In camera review, **7:37 (Form)**
Confessions, **7:71 (Form)**
Confidential protective order, **7:47 (Form)**
Discovery, **7:41 (Form) to 7:43 (Form)**
Dismissal. Motion to dismiss, infra
 this group
Double jeopardy, supra
Emergency motion, supra
Excessive fines. **Eighth Amend-
ment** (this index)
Exhibit A, emergency motion to
vacate temporary restraining
order and set aside sanctions,
7:45 (Form)
Exhibit B, memorandum in support
of motion for protective order,
7:46 (Form)

PARALLEL PROCEEDINGS

—Cont’d

Fifth Amendment privilege—Cont’d
Federal Rules of Criminal Proce-
dure, Rule 24, **7:34 (Form), 7:35 (Form)**
Federal Rules of Criminal Proce-
dure, Rule 60(b), **7:50 (Form), 7:51 (Form)**
Finding that jeopardy did not
 attach by interlocutory judg-
 ment regarding property, **7:62 (Form)**
Forfeiture, **7:71 (Form), 7:72 (Form)**
Interest of government, **7:54 (Form)**
Interlocutory judgment, **7:62 (Form), 7:63 (Form)**
Intervention, **7:34 (Form), 7:35 (Form), 7:39 (Form)**
Jeopardy, **7:62 (Form), 7:63 (Form)**
Judgment, **7:62 (Form), 7:63 (Form), 7:71 (Form), 7:72 (Form)**
Leave to file affidavit under seal,
7:37 (Form)
Memorandum of law
 Exhibit B, protective order, **7:46 (Form)**
Leave to file affidavit under seal
 for in camera review, **7:37 (Form)**
Limited intervention under Rule
 24, **7:35 (Form)**
Stay of bankruptcy adversary
 proceeding, unpublished
 opinion, **7:55 (Form)**
Stay of discovery, **7:42 (Form)**
Misconduct of party, **7:50 (Form), 7:51 (Form)**
Motion
 Brief, appeal of denial of motion
 to stay, **7:32 (Form)**
Confessions of judgment and
 order of forfeiture for cre-

PARALLEL PROCEEDINGS**—Cont’d**

- Fifth Amendment privilege—Cont’d
- Motion—Cont’d
 - ation of double jeopardy claim, **7:71 (Form)**
 - Confidential protective order with legal authorities in support, **7:47 (Form)**
 - Emergency motion, *supra*
 - Exhibit A, emergency motion to vacate temporary restraining order and set aside sanctions, **7:45 (Form)**
 - Exhibit B, memorandum in support of motion for protective order, **7:46 (Form)**
 - Federal Rules of Criminal Procedure, Rule 60(b) for relief from misconduct of adverse party, **7:50 (Form)**
 - Intervention, **7:39 (Form)**
 - Leave to file affidavit under seal for in camera review and supporting memorandum, **7:37 (Form)**
 - Limited intervention under Rule 24, **7:34 (Form), 7:35 (Form)**
 - Proposed written findings regarding motion for double jeopardy, **7:66 (Form)**
 - Reconsideration of stay, **7:70 (Form)**
 - Stay of discovery, **7:41 (Form)-7:43 (Form)**
 - Stay proceedings, **7:31 (Form), 7:33 (Form)**
 - Motion to dismiss
 - Double jeopardy, *supra*
 - Stay written findings, **7:64 (Form), 7:65 (Form)**
 - Notice of appeal, **7:67 (Form)**
 - Order
 - Confidential protective order, **7:47 (Form), 7:48 (Form)**

PARALLEL PROCEEDINGS**—Cont’d**

- Fifth Amendment privilege—Cont’d
- Order—Cont’d
 - Double jeopardy clause of Fifth Amendment and excessive fines clause of Eighth Amendment, **7:57 (Form), 7:59 (Form)**
 - Emergency motion, **7:52 (Form), 7:69 (Form)**
 - Exhibit A, emergency motion to vacate temporary restraining order and set aside sanctions, **7:45 (Form)**
 - Exhibit B, memorandum in support of United States’ motion for protective order, **7:46 (Form)**
 - Federal Rules of Criminal Procedure, Rule 60(b) for relief from misconduct of adverse party, **7:52 (Form)**
 - Finding that jeopardy did not attach by interlocutory judgment regarding property, **7:63 (Form)**
 - Intervention, **7:40 (Form)**
 - Leave to file affidavit under seal for in camera review and supporting memorandum, **7:38 (Form)**
 - Limited intervention under Rule 24, **7:36 (Form)**
 - Stay, **7:44 (Form), 7:55 (Form), 7:65 (Form), 7:69 (Form)**
 - Pending actions, **7:68 (Form), 7:69 (Form)**
 - Production of documents, **7:49 (Form)**
 - Property, interlocutory judgment regarding, **7:62 (Form), 7:63 (Form)**
 - Protective order, **7:46 (Form), 7:47 (Form)**
 - Reconsideration, **7:70 (Form)**

PARALLEL PROCEEDINGS

—Cont’d

Fifth Amendment privilege—Cont’d
Reply, **7:61 (Form)**
Response
Double jeopardy clause of Fifth
Amendment and excessive
fines clause of Eighth
Amendment, **7:60 (Form)**,
7:61 (Form)
Emergency motion under FRCP
Rule 60(B) for relief from
misconduct of adverse
party, **7:51 (Form)**
Finding that jeopardy did not
attach by interlocutory
judgment regarding prop-
erty, **7:62 (Form)**, **7:63**
(Form)
Intervention, **7:39 (Form)**
Sanctions with legal authorities
in support, **7:43 (Form)**
Restraining order, **7:45 (Form)**
Review, **7:37 (Form)**
Sanctions, **7:43 (Form)**, **7:45**
(Form)
Seal, affidavit under, **7:37 (Form)**
Self-incrimination, **7:17**
Set aside, **7:45 (Form)**
Statement of interest, **7:54 (Form)**
Stay
Bankruptcy, **7:31 (Form)**, **7:55**
(Form)
Brief, **7:32 (Form)**
Civil case, **7:33 (Form)**
Discovery, **7:41 (Form)**-**7:43**
(Form)
Pending appeal, **7:68 (Form)**,
7:69 (Form)
Reconsideration, **7:70 (Form)**
Written findings regarding
motion to dismiss and for
stay of proceeding, **7:64**
(Form), **7:65 (Form)**
Subpoena duces tecum for produc-
tion of documents and appear-

PARALLEL PROCEEDINGS

—Cont’d

Fifth Amendment privilege—Cont’d
ance for testimony, **7:49**
(Form)
Supplemental motion, **7:58**
(Form), **7:59 (Form)**
Temporary restraining order, **7:45**
(Form)
Vacate, **7:45 (Form)**
Witnesses, **7:49 (Form)**
Written findings, **7:64 (Form)**-
7:66 (Form)
Fines, excessive. **Eighth Amend-**
ment (this index)
Forfeiture, **7:71 (Form)**, **7:72**
(Form), **30:5**, **30:6**
Identity privilege, **7:19**, **7:20**
Informers in criminal and civil cases
Generally, **7:18**-**7:29**
Government invoking privilege,
7:24
Identity privilege in civil cases,
7:19
Identity privilege in criminal cases,
7:20
Invoking privilege, **7:22**-**7:24**
Law enforcement privilege, **7:21**
Private litigant invoking privilege,
7:23
Production of information sought,
compelling, **7:25**
Protective order, **7:27**
Relevance of information sought,
7:28
Resisting disclosure, **7:26**-**7:28**
In camera review, **7:37 (Form)**
Interest of government, **7:54 (Form)**
Interlocutory judgment, **7:62 (Form)**,
7:63 (Form)
Intervene for limited stay of deposi-
tions, **7:79 (Form)**
Intervention, **7:34 (Form)**, **7:35**
(Form), **7:39 (Form)**
Investigations, **7:1**-**7:3**
Invoking privilege, **7:22**-**7:24**

PARALLEL PROCEEDINGS**—Cont'd**

- Jeopardy, **7:62 (Form), 7:63 (Form)**
- Joint defense agreements, **7:82**
- Judgment, **7:62 (Form), 7:63 (Form), 7:71 (Form), 7:72 (Form)**
- Justice, interest of, **7:4**
- Law enforcement privilege, **7:21**
- Leave to file, **7:37 (Form)**
- Memorandum of law. Fifth Amendment privilege, *supra*
- Misconduct of party, **7:50 (Form), 7:51 (Form)**
- Motion
 - Emergency motion, *supra*
 - Fifth Amendment privilege, *supra*
- Motion to dismiss. Fifth Amendment privilege, *supra*
- Notice of appeal, **7:67 (Form)**
- Order
 - Fifth Amendment privilege, *supra*
 - Granting motion to stay civil proceedings, **7:73 (Form)**
 - Informers in criminal and civil cases, **7:27**
 - Motion to postpone answer, **7:75 (Form)**
 - Protective order, **7:7, 7:27, 7:46 (Form), 7:47 (Form)**
 - Stay discovery and answer, **7:78 (Form)**
 - Penalties, **7:9**
 - Pending actions, **7:68 (Form), 7:69 (Form)**
 - Private litigant invoking privilege, **7:23**
 - Privilege. Fifth Amendment privilege, *supra*
 - Production of documents, **7:49 (Form)**
 - Production of information sought, compelling, **7:25**
 - Property, interlocutory judgment regarding, **7:62 (Form), 7:63 (Form)**

PARALLEL PROCEEDINGS**—Cont'd**

- Prosecutorial discretion, **7:16**
- Protective order, **7:7, 7:27, 7:46 (Form), 7:47 (Form)**
- Reconsideration, **7:70 (Form)**
- Relevance of information sought, **7:28**
- Reply, **7:61 (Form)**
- Response
 - Fifth Amendment privilege, *supra*
 - Reply, **7:61 (Form)**
- Restraining order, **7:45 (Form)**
- Review, **7:37 (Form)**
- Rule 24, Fifth Amendment privilege, **7:34 (Form), 7:35 (Form)**
- Sanctions, **7:43 (Form), 7:45 (Form)**
- Seal, affidavit under, **7:37 (Form)**
- Self-incrimination, **7:17**
- Set aside, **7:45 (Form)**
- Simultaneous civil and criminal proceedings, **7:1**
- Stay
 - Generally, **7:4-7:6**
 - Fifth Amendment privilege, *supra*
 - Order granting motion to stay civil proceedings, **7:73 (Form)**
 - Order reconsidering the stay of discovery, **7:78 (Form)**
 - Order to stay discovery and answer, **7:76 (Form)**
 - U.S. stay civil proceedings pending criminal investigation, **7:80 (Form)**
- Subpoena duces tecum, **7:49 (Form)**
- Successive civil and criminal proceedings, **7:1**
- Supplemental motion, **7:58 (Form), 7:59 (Form)**
- Temporary restraining order, **7:45 (Form)**
- United States v. Hudson, 7:12, 7:13*
- United States v. Kordel, 7:2*
- United States v. LaSalle Nat'l Bank, 7:3*
- U.S. Circuit Court, **7:10**

PARALLEL PROCEEDINGS
—Cont'd
U.S. District Court, **7:11**
Vacate temporary restraining order
and set aside sanctions, **7:45**
(Form)
Witnesses, **7:49 (Form)**
Written findings, **7:64 (Form)-7:66**
(Form)

PARDONS
Sentencing, **34:62**

PARKING
Securities fraud, **12:52**

PARTICULARITY, LACK OF
Criminal forfeiture, **30:113 (Form),**
30:114 (Form)

PARTICULARIZED NEED
Grand jury, **2:26**
Grand jury testimony, **2:26**

PARTY
Government officials, United States
as party, **31:55**

PASSWORDS
Computer Fraud and Abuse Act, 18
U.S.C.A. § 1030(a)(6), **41:10**

PAYMENT
False financial statements, **11:43**
Tax crimes, **19:94-19:97**

PENALTIES
Fines and Penalties (this index)

PENDING ACTS AND MATTERS
Bail (this index)
Grand jury, pending civil proceedings, **2:21**
Parallel proceedings, **7:68 (Form),**
7:69 (Form)
Sentencing (this index)

PENNY STOCK
Securities fraud, **12:53**

PEREMPTORY CHALLENGES
Jury trial, **57:3**

PERJURY
Generally, **20:1-20:14 (Form)**
Attorneys, **20:11**
Client perjury, **20:11, 20:12**
Collateral estoppel, **20:10**
Defects in indictment, **20:6**
Defense
Generally, **20:4-20:10**
Collateral estoppel, **20:10**
Defects in indictment, **20:6**
Options of defense attorney, **20:11**
Recantation, **20:5**
Selective prosecution, **20:7**
Trap, **20:8**
Truth, measure of, **20:4**
Vindictiveness, **20:9**
18 U.S.C.A. § 1621, **20:1, 20:3**
18 U.S.C.A. § 1623, **20:2, 20:3**
Estoppel, collateral, **20:10**
Ethical opinions, **20:12**
False statement, **20:14 (Form)**
Fines and penalties, **20:13**
Grand jury, **20:14 (Form)**
Indictment, **20:6**
Jury instructions, **20:14 (Form)**
Model rules and ethical opinions,
20:12
Opinions, **20:12**
Options of defense attorney, **20:11**
Recantation, **20:5**
Sample trial materials, **20:14 (Form)**
Selective prosecution, **20:7**
Sentencing guidelines, application of,
20:13
Specific instructions, false statement
before grand jury, 18 U.S.C.A.
§ 1623, **20:14 (Form)**
Statutes, generally, **20:1-20:10**
Trap, **20:8**
Truth, measure of, **20:4**
Vindictiveness, **20:9**

INDEX

PERMANENT INJUNCTION

Tax crimes, **19:125 (Form)**

PERMIT

Resource Conservation and Recovery Act, 42 U.S.C.A. § 6928(d)(2), **26:33**

PER SE VIOLATIONS

Antitrust Defense (this index)

Antitrust offenses

Defenses to price fixing, **14:18**

Legal significance of per se rule, **14:16**

PERSONAL JURISDICTION

Grand jury subpoena of foreign company documents, **43:6-43:9**

PERSONAL LIABILITY OF EMPLOYEES

Corporations (this index)

PETITE POLICY

Strategies, **53:11**

PETITION

Attorney's fees, **33:5, 33:12-33:14**

Bankruptcy court, **4:32 (Form), 4:34 (Form), 4:35 (Form)**

Citizen protection from procedural attacks, **31:217 (Form)**

Corporations (this index)

Criminal forfeiture, **30:101**

Grand jury, **2:45 (Form), 2:50 (Form), 2:67 (Form)**

Grand Jury (this index)

Tax crimes, **19:124 (Form)**

PHARMACIES

Health care fraud, telemedicine fraud, **37:37**

PINKERTON RULE

Generally, **56:4**

PLAIN ERROR

Preservation of error, **55:5**

Strategies, **53:32**

"PLAIN ERROR TEST"

Application of, **34:11**

PLEA

Citizen protection from procedural attacks, **31:233 (Form)**

Co-defendants, in limine motion, **53:34 (Form)**

Discovery, **31:48**

Guilty Plea (this index)

Immigration, **42:6**

PLEA AGREEMENTS

Constitutional issues, **43:19**

PLEA-BARGAINING AGREEMENTS

Citizen protection from procedural attacks, **31:105 (Form), 31:106 (Form)**

Constitutional considerations, **49:6**

Environmental crimes, **26:76 (Form)**

Federal court of contempt, **38:11**

Specific performance, **34:78 (Form)-34:80 (Form)**

PLEA NEGOTIATIONS

Evidence, **54:32**

PLUS FACTORS

Antitrust offenses, **14:6**

POCKET IMMUNITY

Proffer, **6:9-6:11**

POLITICAL ACTIVITIES

Corporate vulnerability, inquiry, and responsibility, **3:64**

POLLING JURY

Generally, **57:18**

POLLUTION

Clean Air Act (this index)

Clean Water Act (this index)

POLYGRAPH

Corporations, **3:75 (Form), 3:76 (Form)**

Evidence, **54:35**

Strategies, **53:9**

PORNOGRAPHY

Child Pornography Prevention Act of 1996, 18 U.S.C.A. § 2252, **41:21**

Controlling the Assault of Non-Solicited Pornography and Marketing Act of 2003, 15 U.S.C.A. §§ 7701-7713 and 18 U.S.C.A. § 1037, **41:22**

POSSESSION

Criminal forfeiture, **30:128 (Form)**
Jury trial, **57:32 (Form)**

POST ARREST SILENCE

Generally, **54:31**

POST-CONVICTION RELEASE

Bail, **36:9, 36:10**

POST FORFEITURE

Criminal forfeiture, **30:100**

POST INDICTMENT RELIEF

Grand Jury (this index)

POST TRIAL ACTS AND MATTERS

Appeal (this index)

Bank crimes, **11:180 (Form)**

Bank Secrecy Act, **10:36 (Form)-10:38 (Form)**

Criminal forfeiture, **30:93-30:95**

Import violations, **24:29 (Form)**

Jury trial, **57:46 (Form)**

Mail and wire fraud, **8:35 (Form)**

Money Laundering Act, **22:22 (Form), 22:23 (Form)**

PREEMPTION

Federal food, drug and cosmetic act violations, **45:8**

PREFERENTIAL RATES

Embezzlement, misapplication, **11:12**

PREFERENTIAL TRANSFERS

Attorney's fees, **33:6-33:8**

PREHEARING RELEASE

Jurisdictional and constitutional issues, **43:17.50**

PREINDICTMENT DELAY

Procedural attacks, **31:8**

PREJUDGMENT ATTACHMENTS

Comprehensive Thrift and Bank Fraud Prosecution and Taxpayer Recovery Act, **11:84**

PREJUDGMENT INJUNCTIONS

Comprehensive Thrift and Bank Fraud Prosecution and Taxpayer Recovery Act, **11:84**

PREJUDICIAL JOINDER

Procedural attacks, **31:12**

PREJUDICIAL PUBLICITY

Grand jury, **2:31**

PRELIMINARY INJUNCTION

Securities Fraud (this index)
Tax crimes, **19:125 (Form)**

PRELIMINARY ORDER

Criminal forfeiture, **30:158 (Form)**

PRE-MIRANDA SILENCE

Procedural attacks, **31:31**

PREMISES

Tax crimes, **19:139 (Form), 19:140 (Form)**

PRESENTATION OF CASE

Generally, **54:50 (Form)-44:52 (Form)**

PRESENTENCE INVESTIGATION REPORT

Sentencing memorandum and objections to PSI, **34:128**

Sentencing (this index)

PRESERVATION OF ERROR

Generally, **55:1-55:35**

Admissibility of evidence

Avoiding, **55:9**

PRESERVATION OF ERROR**—Cont'd**

Admissibility of evidence—Cont'd
 Extraneous offenses, admission of, infra
 Adverse ruling, obtaining, **55:4**
 Appellate contention, presentation of, **55:35**
 Attorneys. Final argument, infra
 Avoiding minefield of curative admissibility, **55:9**
 Batson claims, **55:17**
 Challenge for cause, **55:14, 55:15**
 Continuing objections, **55:6**
 Cross-examination, exclusion of testimony, **55:20**
 Curative instruction, asking for, **55:32**
 Direct examination, exclusion of testimony, **55:19**
 Exclusion of testimony, **55:19-55:21**
 Extraneous offenses, admission of
 Generally, **55:22-55:26**
 Limiting instruction request, **55:25**
 Objection, **55:23**
 Objection, specific, **55:24**
 Pretrial strategies, **55:22**
 Rule 404(b) evidence, **55:26**
 Specific objection, **55:23, 55:24**
 Federal Rules of Evidence 103(a), **55:1**
 Final argument
 Generally, **55:29-55:35**
 Appellate contention, presentation of, **55:35**
 Curative instruction, asking for, **55:32**
 In limine motion, filing, **55:29**
 Mistrial, motion for, **55:33**
 Objection, making timely and specific, **55:30**
 Renewing objection, **55:34**
 Ruling from trial court, **55:31**
 In limine motion, **55:7, 55:29**
 Jury instructions, **55:25, 55:27, 55:28, 55:32**

PRESERVATION OF ERROR**—Cont'd**

Magistrate conducting voir dire, **55:18**
 Mistrial, motion for, **55:33**
 Motion, **55:7, 55:29, 55:33**
 Objections
 Charge, jury instructions, **55:28**
 Continuing objections, **55:6**
 Extraneous offenses, admission of, **55:23, 55:24**
 Final argument, **55:30, 55:34**
 Renewing objection, **55:34**
 Offers of proof, **55:8**
 Plain error, **55:5**
 Recording of, **55:10**
 Renewing objection, **55:34**
 Reopen, denial of defendant's right to, exclusion of testimony, **55:21**
 Rule 404(b) evidence, **55:26**
 Specificity, **55:2**
 Specific objection, **55:23, 55:24, 55:30**
 Sua sponte excusal of juror, **55:16**
 Time limits, **55:12**
 Timeliness, **55:3, 55:30**
 Voir dire
 Generally, **55:10-55:18**
 Batson claims, **55:17**
 Challenge for cause, denial of, **55:14**
 Challenge for cause, granting government's, **55:15**
 Denial of peremptory challenge, **55:18.50**
 Limitations of asking given person, **55:13**
 Magistrate conducting voir dire, **55:18**
 Panel, comments made in presence of, **55:11**
 Recording of, **55:10**
 Sua sponte excusal of juror, **55:16**
 Time limits, **55:12**
 Witnesses, **55:19-55:21**

PRESERVATION OF EVIDENCE

Citizen protection from procedural attacks, **31:122 (Form), 31:123 (Form), 31:162 (Form)**

PRESS AND MEDIA

Moderating, **3:52**

PRESUMPTIONS

Bail, **36:6**

PRETRIAL ACTS AND MATTERS

Antitrust defense, **14:37 (Form), 14:38 (Form)**

Checklist proposed pretrial instructions, **57:44 (Form), 57:48 (Form)**

Citizen protection from procedural attacks, **31:174 (Form), 31:175 (Form)**

Civil forfeiture, **30:37**

Criminal Forfeiture (this index)

Forfeiture (this index)

Fraud against government, **21:37 (Form)**

Proposed jury instructions, **57:44 (Form), 57:47 (Form)**

PRETRIAL DIVERSION

Generally, **35:1-35:5 (Form)**

Agreement for, **35:4 (Form)**

Application, **35:3 (Form)**

Letter to U.S. Attorney outlining, **35:5 (Form)**

Use of program, **35:2**

PREVENTION

Corporations, **3:50**

PRICE FIXING

Antitrust defense, **14:17, 14:23**

PRICE INFORMATION

Antitrust offenses

Exchange of price information, **14:8**

Possession of competitors' price information, **14:10**

PRICING ANNOUNCEMENTS

Antitrust offenses, **14:11**

PRIOR APPLICATIONS

Wiretapping and electronic surveillance, **39:9**

PRIOR CONSISTENT STATEMENTS

Mail and wire fraud, **8:36 (Form)**

PRIOR DEFENSE COUNSEL

Privileges, **5:34 (Form)**

PRIOR FELONY CONVICTIONS

Witness-accomplices, **54:56 (Form), 54:57 (Form)**

PRIOR SETTLEMENT

Restitution, **34:66**

PRIOR TESTIMONY

Corporations, **54:37**

PRISONERS

Wiretapping and electronic surveillance, **39:24**

PRIVACY

Electronic Communications Privacy Act, 18 U.S.C.A. § 2511, **41:19**

Financial Privacy Act (this index)

Health care fraud, Health Insurance Portability and Accountability Act of 1996 (HIPPA), **37:19**

Workplace monitoring, **39:32.40**

PRIVATE LITIGANT

Parallel proceedings, **7:23**

PRIVILEGED COMMUNICATIONS

Tax crimes, **19:46**

PRIVILEGES

Generally, **5:1-5:52**

See also **Immunity** (this index)

Accountant, letter placing under attorney-client privilege, **5:44, 5:52**

Accountant-client privilege, **5:20**

INDEX

PRIVILEGES—Cont'd

Admissibility of evidence, **5:34**
(Form)
Appealing privilege rulings, **5:28**
Attorney-Client Privilege (this index)
Attorneys, **5:34 (Form)**
Attorney work-product privilege, **5:24**
Clergy communications, **5:19**
Confidentiality agreements, **5:44, 5:51**
Consent directive, **5:50 (Form)**
Copies, **5:44 (Form)**
Corporations, **3:32, 3:34**
Defenses, **5:34 (Form)**
Disclosure, **5:29 (Form)**
Environmental crimes, **26:60-26:63**
Evidence, **5:34 (Form), 5:48 (Form)**
Ex parte submissions, **5:44 (Form)**
Expedited determination, **5:43 (Form)**
Fifth Amendment (this index)
Grand jury, **5:37 (Form), 5:40 (Form), 5:42 (Form)**
Hearing, **5:34 (Form), 5:45 (Form)**
Informer's privilege, **5:18**
Investigatory privilege, **5:25**
Joint defense agreement, **5:54**
Letter placing accountant or non-attorney under attorney-client privilege, **5:44, 5:52**
Marital privilege, **5:14, 5:47 (Form)**
Memorandum in re Taking the Fifth and Breaching the Duty to Cooperate, **5:56**
Memorandum of law, **5:32 (Form), 5:33 (Form), 5:49**
Memorandum of law regarding application of attorney-client privilege, **5:53, 5:55**
Motion
 Ex parte submissions, **5:44 (Form)**
 Expedited determination, **5:43 (Form)**

PRIVILEGES—Cont'd

Motion—Cont'd
 File documents under seal, **5:35 (Form), 5:36 (Form)**
 Grand jury subpoena, **5:37 (Form), 5:40 (Form), 5:42 (Form)**
 Intent to call witnesses, **5:34 (Form)**
 Return of privileged documents and memorandum of law, **5:49**
 Rule 17 motion to compel production of documents and testimony, **5:31 (Form)**
 Severance based on marital privilege, **5:47 (Form)**
 Show cause hearing, **5:45 (Form)**
 Suppress evidence, violation of attorney-client privilege, with statement of authorities, **5:48 (Form)**
 Trial subpoena of defendant, **5:40 (Form)**
 Work product doctrine and attorney-client privilege, documents protected under, **5:29 (Form)**
New technology, **5:23**
Non-attorney, letter placing under attorney-client privilege, **5:44, 5:52**
Notice, **5:34 (Form)**
Order
 Generally, **5:29 (Form), 5:41 (Form)**
 Ex parte submissions, and authorizing redacted copies, **5:44 (Form)**
 File documents under seal, **5:36 (Form)**
 Show cause, **5:46 (Form)**
 Subpoena, **5:38 (Form)**
 Work product doctrine, **5:29 (Form)**
Parallel Proceedings (this index)
Prior defense counsel, **5:34 (Form)**

PRIVILEGES—Cont'd

Production of documents, **5:31 (Form)**
Protective function privilege, **5:26**
Protective order, **5:29 (Form)**
Psychotherapist—patient privilege, **5:21**
Quash, motion to
Documents covered by attorney-client privilege, **5:37 (Form), 5:40 (Form)**
Ex parte submissions, and authorizing redacted copies, **5:44 (Form)**
Expedited determination, **5:43 (Form)**
Grand jury subpoena, **5:37 (Form), 5:39 (Form), 5:40 (Form), 5:42 (Form)**
Redacted copies, **5:44 (Form)**
Reporter's privilege, **5:22**
Response, **5:43 (Form), 5:44 (Form), 5:49**
Return of privileged documents and memorandum of law, **5:49**
Rule 17 motion to compel production of documents and testimony, **5:31 (Form)**
Sanctions, **5:33 (Form)**
Seal, **5:35 (Form), 5:36 (Form), 5:44 (Form)**
Selective waivers, **5:8.50, 5:13**
Self-critical privilege, **5:27**
Self-evaluation privilege, **26:63**
Severance, **5:47 (Form)**
Show cause, **5:44 (Form), 5:46 (Form)**
Sixth Amendment rights, **5:2.50**
Submissions, **5:44 (Form)**
Subpoena, **5:37 (Form)-5:42 (Form), 5:42 (Form)**
Suppress evidence, **5:48 (Form)**
Taint teams, **5:14.10**
Tax crimes, **19:102**
Waiver, **5:32 (Form), 5:33 (Form)**
Witnesses, **5:34 (Form)**

PRIVILEGES—Cont'd

Work-Product Privilege (this index)

PROBABLE CAUSE

Civil forfeiture, **30:53, 30:54**
Criminal forfeiture, **30:116 (Form) et seq.**
Fourth amendment, **49:8.50**
Wiretapping and electronic surveillance, **39:7**

PROBATION OFFICER

Bank crimes, **11:170 (Form)**

PROCEDURAL ATTACKS

Generally, **31:1 et seq.**
Abuse of process, **31:81 (Form), 31:82 (Form)**
Acquittal, motion for judgment of, **31:107 (Form), 31:108 (Form)**
Admissibility of evidence, **31:167 (Form), 31:234 (Form)**
Ad testificandum, **31:111 (Form), 31:112 (Form)**
Affidavit to obtain severance, **31:134 (Form)**
Agreements
Brief, **31:119 (Form)**
Motion, **31:105 (Form), 31:117 (Form)**
Order, **31:106 (Form), 31:118 (Form)**
Response, **31:161 (Form)**
Antagonistic defenses, **31:13**
Application, ex parte, **31:109 (Form) et seq.**
Attorney's fees, **31:195 (Form), 31:201 (Form)**
Bill of particulars, **31:176 (Form) et seq.**
Briefs
Admissibility of deposition, **31:234 (Form)**
Conspiracy, **31:181 (Form), 31:227 (Form), 31:229 (Form), 31:233 (Form)**
Deliberate ignorance, **31:228 (Form)**

INDEX

PROCEDURAL ATTACKS—Cont'd

Briefs—Cont'd
 Disclosure of promises of leniency or other agreements between government and witnesses, **31:119 (Form)**
 Hearsay, co-conspirator, **31:227 (Form)**
 In limine motion, **31:233 (Form)**
 Reimbursement of photocopying costs, **31:144 (Form)**
 Separate hearing to determine existence of conspiracy, **31:181 (Form)**
Bruton, **31:16**
 Cause of action, **31:196 (Form), 31:197 (Form)**
 Charge offense, failure to, **31:107 (Form), 31:108 (Form)**
 Charges and indictments. **Indictments** (this index)
 Charges outside of limitation of actions, motion to dismiss, **31:202 (Form), 31:203 (Form)**
Co-defendants
 Generally, **31:15**
 Brief in support of motion in limine, **31:233 (Form)**
 Motion in limine, **31:128 (Form)**
 Motion to adopt trial objections and jury instructions, **31:120 (Form)**
 Order, **31:121 (Form), 31:129 (Form)**
Collateral estoppel, **31:213 (Form), 31:215 (Form), 31:216 (Form)**
Competency proceedings, **31:172 (Form)**
Confidential informants, **31:19**
Conflicts of interest, **31:217 (Form)**
Conspiracy
 Briefs, **31:181 (Form), 31:227 (Form), 31:229 (Form), 31:233 (Form)**
 Motion in limine, **31:126 (Form)**
 Order, **31:127 (Form), 31:180 (Form)**

PROCEDURAL ATTACKS—Cont'd

Conspiracy—Cont'd
 Response, **31:182 (Form)**
Continuance, **31:208 (Form) et seq.**
Copies, **31:142 (Form) et seq.**
Correction of sentence, **31:226 (Form)**
 Costs for copies, **31:142 (Form) et seq.**
 Costs of action, **31:195 (Form), 31:201 (Form)**
 Counsel as unsworn witness, **31:20**
 Criminal cause of action, **31:196 (Form), 31:197 (Form)**
 Criminal records, **31:161 (Form)**
 Cumulation, **31:14**
 Defenses, **31:13**
 Defraud, scheme to, **31:233 (Form)**
 Delay, preindictment, **31:8, 31:79 (Form), 31:80 (Form), 31:130 (Form), 31:131 (Form)**
 Deliberate ignorance, **31:228 (Form)**
 Deposition, brief regarding admissibility of, **31:234 (Form)**
 Discharge jury, motion to, **31:173 (Form)**
 Disclosure
 Brief, **31:119 (Form)**
 Motion
 Dismissal of indictment, **31:156 (Form), 31:157 (Form)**
 Federal Rules of Criminal Evidence Rule 404(b), **31:124 (Form)**
 Grand jury testimony, **31:204 (Form)**
 Grand jury testimony with legal authorities in support, **31:113 (Form), 31:156 (Form), 31:157 (Form)**
 In limine pursuant to Federal Rules of Evidence Rule 404(b) with legal authorities in support, **31:163 (Form)**
 Promises of leniency or other agreements between

PROCEDURAL ATTACKS—Cont'd

Disclosure—Cont'd
Motion—Cont'd
 government and witnesses,
 31:117 (Form)
Order
 Federal Rules of Criminal Evidence Rule 404(b), **31:125 (Form)**
 Grand jury testimony, **31:205 (Form), 31:207 (Form)**
 Grand jury testimony with legal authorities in support,
 31:114 (Form)
 In limine, **31:164 (Form)**
 Promises of leniency or other agreements between government and witnesses,
 31:118 (Form)
Response, **31:161 (Form), 31:166 (Form), 31:206 (Form)**
Discovery
 Memorandum, **31:94 (Form), 31:98 (Form)**
 Motion, **31:92 (Form), 31:95 (Form)**
 Order, **31:93 (Form), 31:96 (Form)**
 Response, **31:137 (Form), 31:154 (Form)**
Discretionary severance
 Generally, **31:12-32:17**
 Antagonistic defenses, **31:13**
 Cumulation, **31:14**
 Mega-trials, **31:17**
 Necessity of co-defendant's testimony, **31:15**
 Potential Bruton problem, **31:16**
 Prejudicial joinder, **31:12**
 Spillover or cumulation, **31:14**
Dismissal. Motion to dismiss, infra
District court, **31:201 (Form)**
Double jeopardy, **31:72, 31:101 (Form), 31:102 (Form)**
Early return subpoenas, application and memorandum, **31:97 (Form) et seq.**

PROCEDURAL ATTACKS—Cont'd

Entrapment defenses, **31:21**
Equal protection, **31:173 (Form)**
Estoppel, **31:213 (Form), 31:215 (Form), 31:216 (Form)**
Evidence
 Memorandum in support of motion for discovery of exculpatory evidence, **31:98 (Form)**
 Motion for discovery of exculpatory evidence, **31:95 (Form)**
 Motion to suppress evidence and request for hearing, **31:219 (Form)**
 Order, **31:96 (Form), 31:220 (Form), 31:222 (Form)**
 Reply to response in opposition to motion to suppress evidence seized pursuant to search warrant, **31:221 (Form)**
 Response to motion for discovery of exculpatory evidence, **31:154 (Form)**
 Supplement to motion to suppress evidence, **31:200 (Form)**
Examination, voir dire, **31:99 (Form), 31:100 (Form), 31:155 (Form)**
Exculpatory evidence, **31:95 (Form) et seq., 31:154 (Form)**
Ex parte application, **31:109 (Form) et seq.**
Expedited hearing, **31:223 (Form)**
False evidence, presentation of, **31:22**
Federal Rules of Criminal Evidence
 Rule 404(b)
 Motion, **31:124 (Form), 31:163 (Form)**
 Order, **31:125 (Form)**
 Request for written findings, **31:167 (Form)**
 Response to motion for disclosure and limine with legal authorities in support, **31:166 (Form)**

INDEX

PROCEDURAL ATTACKS—Cont'd

Findings, written, **31:103 (Form), 31:104 (Form), 31:167 (Form)**
Government witnesses, **31:18**
Grand jury
 Motion for disclosure, **31:113 (Form), 31:204 (Form)**
 Motion for dismissal of indictment, **31:156 (Form), 31:157 (Form)**
 Motion to compel production of transcripts, **31:158 (Form)**
Order, **31:114 (Form), 31:205 (Form), 31:207 (Form)**
Response, **31:159 (Form), 31:206 (Form)**
Habeas corpus, writ of, **31:111 (Form), 31:112 (Form), 31:217 (Form)**
Hearing
 Brief, **31:181 (Form)**
 Motion, **31:83 (Form), 31:219 (Form), 31:223 (Form), 31:230 (Form)**
 Order, **31:84 (Form), 31:180 (Form)**
 Response, **31:182 (Form)**
Hearsay, **31:126 (Form), 31:127 (Form), 31:227 (Form)**
Identification, specific, **31:152 (Form), 31:153 (Form)**
Ignorance, deliberate, **31:228 (Form)**
Indictment
 Motion, infra
 Order, infra
 Proposed memorandum and order, **31:191 (Form), 31:192 (Form)**
 Reply to response to motion for dismissal of indictment, **31:189 (Form)**
 Response, **31:159 (Form), 31:188 (Form), 31:210 (Form)**
 Second motion to dismiss indictment, **31:145 (Form)**
 Third motion to dismiss indictment for failure to turn over mate-

PROCEDURAL ATTACKS—Cont'd

Indictment—Cont'd
 rial, **31:211 (Form)**
Informants, confidential, **31:19**
Informants, statements made to jailhouse, **31:30**
In limine. Motion in limine, infra
Injunction, **31:223 (Form)**
Inspection, **31:92 (Form) et seq., 31:137 (Form)**
Intimidation of witnesses, **31:223 (Form)**
Jailhouse snitches, statements made to, **31:30**
Jencks material, **31:115 (Form), 31:116 (Form), 31:160 (Form)**
Joinder, prejudicial, **31:12**
Joint motion, **31:159 (Form)**
Judge, **31:196 (Form), 31:197 (Form)**
Judgment of acquittal, **31:107 (Form), 31:108 (Form)**
Jury, motion to discharge, **31:173 (Form)**
Jury instructions, **31:120 (Form), 31:121 (Form)**
Kastigar hearing, **31:230 (Form)**
Lay opinion, **31:233 (Form)**
Legal authorities, support of. See lines throughout this index topic
Leniency, **31:117 (Form) et seq., 31:161 (Form)**
Limitation of actions, **31:202 (Form), 31:203 (Form)**
Mandatory recusal, **31:23**
Mandatory severance, **31:11**
Mega-trials, **31:17**
Memorandum
 Competency proceedings, **31:172 (Form)**
 Copying costs to reproduce documents produced pursuant to Rule 16(a)(1)(C), **31:142 (Form), 31:143 (Form)**
 Discovery and inspection, **31:94 (Form)**

PROCEDURAL ATTACKS—Cont'd

Memorandum—Cont'd
Discovery of exculpatory evidence, **31:98 (Form)**
Dismiss indictment, **31:191 (Form), 31:192 (Form)**
District court to order government to pay costs and attorney's fees, **31:201 (Form)**
Protective order, **31:139 (Form)**
Recusal of honorable from presiding over trial of criminal cause, **31:197 (Form)**
Supplement, **31:193 (Form)**
Suppress statements, **31:91 (Form)**
Vacate, set aside or correct sentence pursuant to Title 28 U.S.C. § 2255, **31:226 (Form)**
Mid-trial publicity, **31:217 (Form)**
Miranda, pre-Miranda silence, **31:31**
Money laundering, **31:87 (Form), 31:88 (Form)**
Motion
Bill of particulars with legal authorities in support, **31:176 (Form)**
Briefs, **31:119 (Form), 31:181 (Form)**
Continuance to seek superseding indictment, **31:208 (Form)**
Copying costs to reproduce documents produced pursuant to Rule 16(a)(1)(C) and memorandum of law in support, **31:142 (Form)**
Discharge jury based on equal protection violations with legal authorities in support, **31:173 (Form)**
Disclosure, *supra*
Discovery, **31:92 (Form), 31:95 (Form)**
Dismissal. Motion to dismiss, *infra*
Ex parte application under seal, filing, **31:109 (Form)**

PROCEDURAL ATTACKS—Cont'd

Motion—Cont'd
Grand jury transcripts, compel production of, **31:158 (Form)**
Indictment
Motion for continuance to seek superseding indictment, **31:208 (Form)**
Motion to dismiss, *infra*
Individual voir dire examination with legal authorities in support, **31:99 (Form)**
In limine. Motion in limine, *infra*
Injunction of intimidation of witnesses, and request for expedited hearing, **31:223 (Form)**
Kastigar hearing, or in alternative, to dismiss indictment, **31:230 (Form)**
Memorandum, *supra*
Objections and jury instructions of co-defendants with legal authorities in support, **31:120 (Form)**
Order, *infra*
Preservation of rough notes and other materials with legal authorities in support, **31:122 (Form)**
Production of Jencks material with legal authorities in support, **31:115 (Form)**
Protective order, **31:138 (Form), 31:141 (Form)**
Reconsideration, **31:132 (Form), 31:194 (Form)**
Recusal of honorable from presiding over trial of criminal cause, **31:196 (Form)**
Reply, *infra*
Response, *infra*
Second supplement motion for severance, **31:136 (Form)**
Separate hearing to determine existence of conspiracy, **31:179 (Form)**

INDEX

PROCEDURAL ATTACKS—Cont'd

- Motion—Cont'd
 - Severance with legal authorities in support (general case), **31:85 (Form)**
 - Severance with legal authorities in support (money laundering case), **31:87 (Form)**
 - Specific identification of documents with legal authorities in support, **31:152 (Form)**
 - Specific performance of plea bargain agreement with legal authorities in support, **31:105 (Form)**
 - Subpoenas, issuance of, **31:198 (Form)**
 - Supplemental motion for additional sanctions including request for costs and attorney's fees, **31:195 (Form)**
 - Supplement to motion, **31:135 (Form), 31:200 (Form)**
 - Suppression of evidence. Motion to suppress, infra
 - Unseal, **31:149 (Form)**
 - Motion in limine
 - Generally, **31:183 (Form), 31:185 (Form), 31:231 (Form)**
 - Brief, **31:233 (Form)**
 - Co-conspirator hearsay, **31:126 (Form)**
 - Co-defendant's plans to call defendant as witness, **31:128 (Form)**
 - Federal Rules of Evidence Rule 404(b) with legal authorities in support, **31:163 (Form)**
 - Order, infra
 - Reply, **31:165 (Form)**
 - Response, **31:166 (Form)**
 - Motion to dismiss
 - Collateral estoppel, count based on, **31:213 (Form)**
 - Conduct, based on, **31:224 (Form)**

PROCEDURAL ATTACKS—Cont'd

- Motion to dismiss—Cont'd
 - Counts as to defendant with legal authorities in support, **31:75 (Form)**
 - Double jeopardy with legal authorities in support, based on, **31:101 (Form)**
 - Indictment
 - Generally, **31:77 (Form)**
 - Disclosure of grand jury testimony with legal authorities in support, **31:156 (Form)**
 - Failure to charge offense, **31:107 (Form)**
 - Kastigar* hearing, **31:230 (Form)**
 - Legal authorities in support, **31:187 (Form)**
 - Order, infra
 - Limitation of actions, charges outside of, **31:202 (Form)**
 - Order, infra
 - Preindictment delay with legal authorities in support, **31:79 (Form)**
 - Proposed memorandum and order, **31:191 (Form), 31:192 (Form)**
 - Reply, **31:148 (Form), 31:189 (Form)**
 - Request for hearing, **31:83 (Form)**
 - Second motion, **31:145 (Form)**
 - Selective prosecution and abuse of process, grounds of, **31:81 (Form)**
 - Third motion for failure to turn over material, **31:211 (Form)**
 - Various counts for vindictive prosecution with legal authorities in support, **31:168 (Form)**
 - Written findings with legal authorities in support, **31:103 (Form)**
 - Motion to strike, **31:170 (Form), 31:171 (Form)**

PROCEDURAL ATTACKS—Cont'd

Motion to suppress
Generally, **31:199 (Form)**
Defendant's reply to government's
response, **31:235 (Form)**
Involuntary oral statements with
legal authorities in support
thereof, **31:89 (Form)**
Memorandum, **31:91 (Form)**
Reply, **31:221 (Form)**
Request for hearing, **31:219
(Form)**
Motion to transfer venue, **31:218,
31:236**
Objections, **31:120 (Form), 31:121
(Form)**
Opinion, lay, **31:233 (Form)**
Oral statements, **31:89 (Form),
31:90 (Form)**
Order
Bill of particulars, **31:177 (Form)**
Continuance to seek superseding
indictment, **31:209 (Form)**
Copying costs to reproduce docu-
ments produced pursuant to
Rule 16(a)(1)(C) and memo-
randum of law in support,
31:143 (Form)
Disclosure, supra
Discovery, **31:93 (Form), 31:96
(Form)**
Exculpatory evidence, **31:96
(Form)**
Ex parte application under seal,
filing, **31:110 (Form)**
Indictment
Continuance to seek superseding
indictment, **31:209 (Form)**
Dismissal
Generally, **31:190 (Form)**
Disclosure of grand jury
testimony with legal
authorities in support,
**31:156 (Form), 31:157
(Form)**
Judgment of acquittal on
counts, failure to charge

PROCEDURAL ATTACKS—Cont'd

Order—Cont'd
Indictment—Cont'd
Dismissal—Cont'd
offense, **31:108 (Form)**
Second motion to dismiss,
31:146 (Form)
Third motion to dismiss for fail-
ure to turn over material,
31:212 (Form)
Individual voir dire examination
with legal authorities in sup-
port, **31:100 (Form)**
Inspection, **31:93 (Form)**
Memorandum of law in support of
motion for protective order,
31:139 (Form)
Memorandum regarding authority
of district court to order
government to pay costs and
attorney's fees, **31:201
(Form)**
Motion for disclosure, **31:164
(Form)**
Motion in limine
Generally, **31:184 (Form),
31:186 (Form), 31:232
(Form)**
Co-conspirator hearsay, **31:127
(Form)**
Co-defendant's plans to call
defendant as witness,
31:129 (Form)
Disclosure, **31:164 (Form)**
Motion to dismiss
Generally, **31:76 (Form), 31:78
(Form), 31:214 (Form)**
Conduct, based on, **31:225
(Form)**
Double jeopardy with legal
authorities in support,
based on, **31:102 (Form)**
Indictment, **31:190 (Form)**
Judgment of acquittal, failure to
charge offense, **31:108
(Form)**

INDEX

PROCEDURAL ATTACKS—Cont'd

- Order—Cont'd
 - Motion to dismiss—Cont'd
 - Limitation of actions, charges outside of, **31:203 (Form)**
 - Preindictment delay, **31:131 (Form)**
 - Preindictment delay with legal authorities in support, **31:80 (Form)**
 - Request for hearing, **31:84 (Form)**
 - Response, **31:216 (Form)**
 - Second motion to dismiss indictment, **31:146 (Form)**
 - Selective prosecution and abuse of process, on grounds of, **31:82 (Form)**
 - Third motion for failure to turn over material, **31:212 (Form)**
 - Various counts for vindictive prosecution with legal authorities in support, **31:169 (Form)**
 - Objections and jury instructions of co-defendants with legal authorities in support, **31:121 (Form)**
 - Preservation of rough notes and other materials with legal authorities in support, **31:123 (Form)**
 - Production of Jencks material with legal authorities in support, **31:116 (Form)**
 - Proposed memorandum and order, **31:191 (Form), 31:192 (Form)**
 - Protective order, **31:138 (Form), 31:140 (Form), 31:141 (Form)**
 - Reconsideration of severance, **31:133 (Form)**
 - Reply to response in opposition to motion to suppress evidence seized pursuant to search war-

PROCEDURAL ATTACKS—Cont'd

- Order—Cont'd
 - rant, **31:222 (Form)**
 - Response in opposition to motion for disclosure of grand jury testimony, **31:207 (Form)**
 - Response in opposition to motion to dismiss count two based on collateral estoppel, **31:216 (Form)**
 - Seal, **31:110 (Form), 31:150 (Form)**
 - Second motion to dismiss indictment, **31:146 (Form)**
 - Separate hearing to determine existence of conspiracy, **31:180 (Form)**
 - Severance with legal authorities in support (general case), **31:86 (Form)**
 - Severance with legal authorities in support (money laundering case), **31:88 (Form)**
 - Specific identification of documents, **31:153 (Form)**
 - Specific performance of plea bargain agreement with legal authorities in support, **31:106 (Form)**
 - Strike surplusage with legal authorities in support, **31:171 (Form)**
 - Supplement to memorandum and order in response to memorandum and order, **31:193 (Form)**
 - Suppressing evidence, **31:220 (Form)**
 - Suppress involuntary oral statements with legal authorities in support thereof, **31:90 (Form)**
 - Third motion to dismiss indictment for failure to turn over material, **31:212 (Form)**
 - Written findings regarding motion to dismiss with legal authori-

PROCEDURAL ATTACKS—Cont'd

Order—Cont'd
ties in support, **31:104 (Form)**
Petition for writ of habeas corpus
pursuant to 28 U.S.C.A. § 2255
regarding mid-trial publicity and
severance issues and conflicts of
interest, **31:217 (Form)**
Plea bargain agreement, **31:105 (Form), 31:106 (Form)**
Pleas, **31:233 (Form)**
Preindictment delay, **31:8, 31:79 (Form), 31:80 (Form), 31:130 (Form), 31:131 (Form)**
Prejudicial joinder, **31:12**
Pre-Miranda silence, **31:31**
Preservation, **31:122 (Form), 31:123 (Form), 31:162 (Form)**
Presiding judge, **31:196 (Form), 31:197 (Form)**
Pretrial motions, **31:174 (Form), 31:175 (Form)**
Private searches, **31:71**
Production of grand jury transcripts, **31:158 (Form), 31:159 (Form)**
Production of materials
Jencks material, **31:115 (Form), 31:116 (Form), 31:160 (Form)**
Third motion to dismiss indictment
for failure to turn over material, **31:211 (Form), 31:212 (Form)**
Promises of leniency and other agreements between government and witnesses, disclosure of, **31:117 (Form) et seq., 31:161 (Form)**
Proposed memorandum and order, **31:191 (Form), 31:192 (Form)**
Protective order, **31:138 (Form) et seq.**
Publicity, **31:217 (Form)**
Quashal, **31:218 (Form)**
Reconsideration, **31:132 (Form), 31:133 (Form), 31:194 (Form)**

PROCEDURAL ATTACKS—Cont'd

Records and recording
Copies, **31:142 (Form) et seq.**
Criminal records of witnesses or
acts of misconduct, **31:161 (Form)**
Ex parte application under seal, **31:109 (Form), 31:110 (Form)**
Grand jury transcripts, **31:158 (Form), 31:159 (Form)**
Rough notes and other materials, **31:122 (Form), 31:123 (Form), 31:162 (Form)**
Specific identification of documents, **31:152 (Form), 31:153 (Form)**
Subpoenas, **31:198 (Form)**
Recusal, **31:196 (Form), 31:197 (Form)**
Reimbursement, **31:144 (Form)**
Reply
Motion in limine, **31:165 (Form)**
Motion to dismiss indictment, **31:189 (Form)**
Motion to suppress evidence, **31:235 (Form)**
Pre-trial motions, **31:174 (Form), 31:175 (Form)**
Second motion to dismiss, **31:148 (Form)**
Suppress evidence seized pursuant to search warrant, **31:221 (Form), 31:222 (Form)**
Reproduction, **31:142 (Form) et seq.**
Request for hearing, **31:83 (Form), 31:84 (Form), 31:219 (Form)**
Request for written findings regarding admission of 404(b) evidence, **31:167 (Form)**
Response
Bill of particulars, **31:178 (Form)**
Collateral estoppel, **31:215 (Form), 31:216 (Form)**
Continuance to seek superseding indictment, **31:210 (Form)**

INDEX

PROCEDURAL ATTACKS—Cont'd

Response—Cont'd
Discovery, **31:137 (Form), 31:154 (Form)**
Dismiss, motion to, generally, **31:188 (Form)**
Exculpatory evidence, **31:154 (Form)**
Federal Rules of Evidence Rule 404(b) with legal authorities in support, **31:166 (Form)**
Grand jury testimony, **31:206 (Form), 31:207 (Form)**
Grand jury transcripts, **31:159 (Form)**
Indictment, motion to dismiss, **31:188 (Form), 31:189 (Form)**
Individual voir dire examination, **31:155 (Form)**
Inspection, **31:137 (Form)**
Motion in limine, **31:165 (Form)**
Motion to suppress evidence, **31:235 (Form)**
Preindictment delay, **31:130 (Form)**
Preservation of rough notes and other materials, **31:162 (Form)**
Pre-trial motions, **31:174 (Form), 31:175 (Form)**
Production of Jencks material, **31:160 (Form)**
Promises of leniency or other agreements between government and witnesses and for disclosure of criminal records of witnesses or acts of misconduct, **31:161 (Form)**
Proposed memorandum and order in response to motion to dismiss indictment, **31:192 (Form)**
Quash subpoena, **31:218 (Form)**
Seal, motion to unseal, **31:151 (Form)**

PROCEDURAL ATTACKS—Cont'd

Response—Cont'd
Second motion to dismiss, **31:147 (Form), 31:148 (Form)**
Separate hearing to determine existence of conspiracy, **31:182 (Form)**
Superseding indictment and joint motion for production of grand jury transcripts, **31:159 (Form)**
Supplement to memorandum and order in response to memorandum and order, **31:193 (Form)**
Suppress evidence seized pursuant to search warrant, **31:221 (Form), 31:222 (Form)**
Rough notes, **31:122 (Form), 31:123 (Form), 31:162 (Form)**
Rule 16(a)(1)(C), **31:142 (Form), 31:143 (Form)**
Sanctions, **31:195 (Form)**
Scheme to defraud, **31:233 (Form)**
Seal, **31:109 (Form), 31:110 (Form), 31:149 (Form) et seq.**
Search warrants, **31:58, 31:221 (Form), 31:222 (Form)**
Second motion to dismiss, **31:145 (Form) et seq.**
Second supplement motion for severance, **31:136 (Form)**
Seizure, **31:221 (Form), 31:222 (Form)**
Selective prosecution, **31:81 (Form), 31:82 (Form)**
Sentencing, **31:226 (Form)**
Separate hearing, **31:180 (Form) et seq.**
Setting aside, **31:226 (Form)**
Severance
Affidavit to obtain severance, **31:134 (Form)**
Discretionary severance, supra
Mandatory severance, **31:11**
Money laundering case, **31:87 (Form), 31:88 (Form)**

PROCEDURAL ATTACKS—Cont'd

Severance—Cont'd
Motion for severance with legal authorities in support (general case), **31:85 (Form)**
Order, 31:86 (Form), 31:88 (Form), 31:133 (Form)
Petition for writ of habeas corpus pursuant to 28 U.S.C.A. § 2255 regarding mid-trial publicity and severance issues and conflicts of interest, **31:217 (Form)**
Reconsideration, **31:132 (Form), 31:133 (Form)**
Second supplement motion for severance, **31:136 (Form)**
Supplement to motion for severance, **31:135 (Form)**
Silence, pre-Miranda, **31:31**
Snitches, statements made to jailhouse, **31:30**
Specific identification, **31:152 (Form), 31:153 (Form)**
Specific performance, **31:105 (Form), 31:106 (Form)**
Speculation of witness, **31:233 (Form)**
Speedy trial, **31:9**
Spillover or cumulation, **31:14**
Statements, **31:89 (Form) et seq., 31:233 (Form)**
Statements made to jailhouse snitches, **31:30**
Stay of proceedings, **31:194 (Form)**
Strike surplusage with legal authorities in support, **31:170 (Form), 31:171 (Form)**
Subpoenas, **31:198 (Form), 31:218 (Form)**
Superseding indictment, continuance to seek, **31:208 (Form) et seq.**
Supplemental motion, **31:136 (Form), 31:195 (Form)**
Supplement to memorandum and order in response to memorandum and order, **31:193 (Form)**

PROCEDURAL ATTACKS—Cont'd

Supplement to motion, **31:135 (Form), 31:200 (Form)**
Suppression of evidence
Defendant's reply to government's response, **31:235 (Form)**
Hearing, request for, **31:219 (Form)**
Involuntary oral statements with legal authorities in support thereof, **31:89 (Form), 31:90 (Form)**
Memorandum in support of motion, **31:91 (Form)**
Motion to suppress, generally, **31:199 (Form)**
Order, 31:90 (Form), 31:220 (Form), 31:222 (Form)
Reply, **31:221 (Form)**
Seizure pursuant to search warrant, **31:221 (Form), 31:222 (Form)**
Supplement to motion to suppress evidence, **31:200 (Form)**
Surplusage, **31:170 (Form), 31:171 (Form)**
Third motion to dismiss indictment for failure to turn over material, **31:211 (Form), 31:212 (Form)**
Title 28 U.S.C. § 2255, **31:226 (Form)**
Transcripts, **31:158 (Form), 31:159 (Form)**
Trial, generally, **31:7-32:23**
28 U.S.C.A. § 2255, **31:217 (Form)**
Unanimous verdicts, **31:10**
Unsworn witness, counsel as, **31:20**
Vacate, motion to, **31:226 (Form)**
Venue, **31:73**
Vindictive prosecution, **31:168 (Form), 31:169 (Form)**
Voir dire examination, **31:99 (Form), 31:100 (Form), 31:155 (Form)**
Voluntary and involuntary acts and matters, **31:89 (Form), 31:90 (Form)**

INDEX

PROCEDURAL ATTACKS—Cont'd
Warrants, **31:221 (Form)**, **31:222 (Form)**
Warrants, search, **31:58**
Witnesses
 Generally, **31:15**, **31:18**
 Co-defendant's plan to call defendant as witness, **31:128 (Form)**, **31:129 (Form)**
 Grand jury testimony, **31:204 (Form) et seq.**
 Grand jury testimony with legal authorities in support, **31:113 (Form)**, **31:114 (Form)**, **31:156 (Form)**, **31:157 (Form)**
 Injunction of intimidation of witnesses and request for expedited hearing, **31:223 (Form)**
 Promises of leniency or other agreements between government and witnesses, **31:117 (Form)**, **31:119 (Form)**, **31:161 (Form)**
 Speculation of witness, **31:233 (Form)**
 Writ of habeas corpus, **31:111 (Form)**, **31:112 (Form)**, **31:217 (Form)**
 Written findings, **31:103 (Form)**, **31:104 (Form)**, **31:167 (Form)**

PROCESS OF PAPERS
 Service of Process and Papers (this index)

PRODUCTION, ACT OF
 Grand jury, **2:17**

PRODUCTION OF DOCUMENTS
 Bankruptcy court, **4:5**
 Grand Jury (this index)
 Parallel proceedings, **7:49 (Form)**
 Privileges, **5:31 (Form)**

PRODUCTION OF INFORMATION SOUGHT
 Parallel proceedings, **7:25**

PRODUCTION OF MATERIALS
 Jencks material, **31:115 (Form)**, **31:116 (Form)**, **31:160 (Form)**
 Procedural Attacks (this index)

PRODUCTION OF PROPERTY
 Bankruptcy court, **4:6**

PRODUCTION OF TESTIMONY
 Citizen protection from procedural attacks, **31:158 (Form)**, **31:159 (Form)**
 Privileges, **5:31 (Form)**

PROFESSIONAL
 False financial statements, **11:47**

PROFFER
 Immunity (this index)

PROMISES
 Citizen protection from procedural attacks, **31:117 (Form) et seq.**, **31:161 (Form)**
 Discovery, **31:44**

PROMPTNESS
 Bail, **36:7**
 Civil forfeiture, **30:38**

PROPERTY
 Civil forfeiture, **30:67**
 Comprehensive Thrift and Bank Fraud Prosecution and Taxpayer Recovery Act, **11:81**
 Criminal forfeiture, **30:102**
 Hobbs Act, **16:3**
 Money Laundering Act, **22:10**
 National Stolen Property Act (this index)
 Parallel proceedings, **7:62 (Form)**, **7:63 (Form)**
 Return of Property (this index)
 Seizure of Property (this index)
 Substitute property, forfeiture, **30:106**
 Tax crimes, **19:124 (Form)**

PROSECUTION GUIDELINES
 Environmental crimes, **26:50-26:52**

PROSECUTION POLICY

Selective Prosecution (this index)
Trademark violations, 27:4

PROSECUTORIAL DISCRETION

Parallel proceedings, 7:16

PROSECUTORIAL MISCONDUCT

Evidence, 54:38 to 54:40

PROTECTIVE FUNCTION

PRIVILEGE

Generally, 5:26

PROTECTIVE ORDER

Bank crimes, 11:139 (Form), 11:140 (Form)

Bankruptcy court, 4:29 (Form), 4:30 (Form)

Citizen protection from procedural attacks, 31:138 (Form) to 31:141 (Form)

Criminal Forfeiture (this index)

Grand jury, 2:85 (Form)

Parallel proceedings, 7:7, 7:27, 7:46 (Form), 7:47 (Form)

Privileges, 5:29 (Form)

Wiretapping and electronic surveillance, 39:33 (Form)

PSYCHIATRIC EXPERTS

Strategies, 53:6

PSYCHOTHERAPIST-PATIENT

PRIVILEGE

Grand jury, 2:63 (Form)

Privileges, 5:21

PUBLIC AUTHORITY DEFENSE

Foreign Corrupt Practices Act, 47:12

PUBLIC CORRUPTION

Activities by government officers and employees while in office receiving unauthorized compensation, 44:10

Bribery, 44:2-44:8

Criminal conflict of interest, 44:9

Defenses, 44:7

PUBLIC CORRUPTION—Cont'd

Elements of bribery and illegal gratuity, 44:2

Gives, offers or promises, 44:4

Illegal gratuity, 44:2-44:8

Intent, 44:6

Official acts, 44:6.50

Public official definition, 44:3

Sentencing, 44:8

Thing of value definition, 44:5

Timing of conveyance, 44:4

PUBLIC DISCLOSURE BAR

Health care fraud, False Claims Act (FCA), 37:30

PUBLICITY

Citizen protection from procedural attacks, 31:217 (Form)

Grand jury, 2:31

PUBLIC OFFICIALS

Hobbs Act, 16:5

PUBLIC RECORDS

Generally, 54:24

PUNISHMENT

Continuing criminal enterprise, 15:3, 15:4

QUALIFICATION AND DISQUALIFICATION

Corporations (this index)

QUASHAL

Citizen protection from procedural attacks, 31:218 (Form)

Corporations, 3:71, 3:80 (Form)

Grand Jury (this index)

Privileges (this index)

Tax crimes, 19:17

QUI TAM LITIGATION

Fraud Against Government (this index)

Health Care Fraud (this index)

RACKETEERING

Generally, **RICO** (this index)

INDEX

RACKETEERING—Cont'd
 Hobbs Act (this index)
 Travel Act (this index)

RACKETEERING INFLUENCED AND CORRUPT ORGANIZATIONS ACTS
 RICO (this index)

RCO DOCTRINE
 Corporations, **3:27**
 Specificity of charges, move for, **13:27**

REACTIVITY
 Definition, **26:73 (Form)**

REAL PROPERTY
 Civil forfeiture, **30:13, 30:31**
 Criminal forfeiture, **30:89, 30:152 (Form)**

REASONABLENESS
 Antitrust defense, **14:31 (Form)**
 Sentencing, **34:6**
 Unreasonableness (this index)

REASONABLE RELIANCE
 Discovery, **31:47**

REBUTTABLE PRESUMPTIONS
 Bail, **36:6**

RECANTATION
 Perjury, **20:5**

RECONSIDERATION
 Bail, **36:29 (Form), 36:30 (Form)**
 Motion for reconsideration and to reopen hearing on governments motion for revocation of release order, **36:31 (Form)**
 Citizen protection from procedural attacks, **31:132 (Form), 31:133 (Form), 31:194 (Form)**
 Criminal Forfeiture (this index)
 Parallel proceedings, **7:70 (Form)**
 Sentencing, **34:76 (Form), 34:77 (Form)**

RECONSTRUCTING INCOME
 Tax crimes, **19:79, 19:80**

RECORD KEEPER
 Tax crimes, **19:15-19:17**

RECORDS AND RECORDING
 See also **Reports and Reporting** (this index)
 Bank crimes, **11:116 (Form)**
 Civil forfeiture, **30:11**
 Corporations, **3:56**
 Discovery, **31:34, 31:38**
 Evidence (this index)
 Export offenses, **25:21 (Form), 25:22 (Form)**
 Jurisdiction (this index)
 Motion, **53:42 (Form)**
 Obstruction of justice
 Destruction, alteration, or falsification of records in federal investigation and bankruptcy (18 U.S.C.A. § 1519), **9:13**
 Destruction of corporate audit records (18 U.S.C.A. § 1520), **9:14**
 Tampering with record or otherwise impeding official proceeding (18 U.S.C.A. § 1512), **9:11**
 Preservation of error, **55:10**
 Privileges, **5:35 (Form), 5:36 (Form)**
 Procedural Attacks (this index)
 Resource Conservation and Recovery Act, **26:35**

RECUSAL
 Citizen protection from procedural attacks, **31:196 (Form), 31:197 (Form)**

REDACTED COPIES
 Privileges, **5:44 (Form)**

RE-EXAMINATION
 Tax crimes, **19:52, 19:53, 19:55**

REFORM	
Financial Institutions Reform, Recovery, and Enforcement Act (this index)	
REFUND	
Import violations, 24:16	
REGULAR PRACTICES	
Embezzlement, misapplication, 11:19	
REGULATIONS	
Bank crimes, 11:145 (Form), 11:146 (Form)	
REHEARING	
Bank crimes, 11:139 (Form), 11:140 (Form)	
REIMBURSEMENT	
Citizen protection from procedural attacks, 31:144 (Form)	
RELANDING OF GOODS	
Import violations, 24:6	
RELEASE	
Bail (this index)	
Clean Air Act, 26:25	
Jurisdictional and constitutional issues, prehearing release, 43:17.50	
Sentencing (this index)	
Supervised Release (this index)	
RELEVANCE OF EVIDENCE	
Mail and wire fraud, 8:26 (Form)	
RELEVANCE OF INFORMATION SOUGHT	
Parallel proceedings, 7:28	
RELEVANT CONTACT	
Sentencing, 34:19	
RELIANCE	
Discovery, 31:47	
False financial statements, 11:39	
Securities fraud, 12:27, 12:41	
Tax crimes, 19:88	
REMISSION	
Criminal forfeiture, 30:101, 30:101.50	
REMOVAL	
Import violations, 24:14, 24:15	
RENEWING OBJECTION	
Preservation of error, 55:34	
REOPEN	
Preservation of error, 55:21	
REPACKING	
Import violations, 24:14	
REPAYMENT	
False financial statements, 11:43	
REPLY OR RESPONSE	
Antitrust Defense (this index)	
Bail, 36:14 (Form), 36:22 (Form), 36:24 (Form)	
Bank crimes, 11:155 (Form), 11:158 (Form)	
Bankruptcy court, 4:34 (Form), 4:35 (Form)	
Bank Secrecy Act, 10:5, 10:35 (Form)	
Criminal Forfeiture (this index)	
Environmental crimes, 26:42	
Evidence, 54:52 (Form)	
Export offenses, 25:22 (Form)	
In limine motion of government regarding expert witness, 53:48 (Form)	
Parallel Proceedings (this index)	
Privileges, 5:43 (Form), 5:44 (Form), 5:49	
Procedural Attacks (this index)	
Sentencing, 34:84 (Form)	
Sentencing (this index)	
Wiretapping and electronic surveillance, 39:33 (Form)	
REPORTER'S PRIVILEGE	
Generally, 5:22	

INDEX

REPORTS AND REPORTING

See also **Records and Recording**
(this index)
Attorney's fees, 33:17
Bank Secrecy Act, 10:3, 10:8-10:10
Corporations, 3:2
Environmental crimes, motion to waive presentence investigation report, 26:77 (Form)
False entries, 11:27
Government report, 53:35 (Form), 53:36 (Form)
Medical examiner's report, 54:25
Pre-sentence investigation report.
Sentencing (this index)
Securities fraud, 12:8, 12:9
Sentencing (this index)
Strategies, 53:3

REPRESENTATIVES

Environmental crimes, 26:65 (Form)

REPRODUCTION

Citizen protection from procedural attacks, 31:142 (Form) et seq.
Grand jury, 2:63 (Form), 2:84 (Form)

RE-SENTENCING

Departures, 34:39
Provided by *United States v. Booker*, 34:7

RESIDUAL EXCEPTION

Evidence, 54:22
Witnesses, 54:22

RES JUDICATA

Clean Water Act, 26:15

RESOURCE CONSERVATION AND RECOVERY ACT

Generally, 26:31-26:41
Defenses, 26:40
Destroying records, 42 U.S.C.A. § 6928(d)(4), 26:35
Exporting hazardous waste, 42 U.S.C.A. § 6928(d)(6), 26:37

RESOURCE CONSERVATION AND RECOVERY ACT—Cont'd

False statements, 42 U.S.C.A. § 6928(d)(3), 26:34
Fines and penalties, 26:41
Hazardous waste, 26:33, 26:36
Knowing endangerment, 42 U.S.C.A. § 6928(e), 26:38
Knowing transport to unpermitted facility, 42 U.S.C.A. § 6928(d)(1), 26:32
Manifest, 26:36
Permit, dealing with hazardous waste without, 42 U.S.C.A. § 6928(d)(2), 26:33
Transportation, 26:32, 26:36

RESPONSE

Reply or Response (this index)

RESPONSIBLE POSITION

Corporations, 3:26, 3:27

RESPONSIBLE RELATION TEST

Federal food, drug and cosmetic act violations, 45:6

RESTITUTION

Generally, 34:64
Bank crimes, 11:48
Bankruptcy court, 4:26
Comprehensive Thrift and Bank Fraud Prosecution and Taxpayer Recovery Act, 11:82
Criminal forfeiture, 30:181 (Form)
Embezzlement, misapplication, 11:7
False financial statements, 11:48
Insurance, 34:67
Nature of restitution, 34:65
Prior settlement, 34:66

RESTORATION

Forfeiture, remission or restoration to victims, 30:101.50

RESTORATION OF PROPERTY FOR VICTIMS OF BANK FRAUD

Comprehensive Thrift and Bank Fraud Prosecution and Taxpayer

RESTORATION OF PROPERTY
FOR VICTIMS OF BANK
FRAUD—Cont'd
 Recovery Act, 11:81

RESTRAINING ORDER
 Criminal Forfeiture (this index)
 Health care fraud, 37:41, 37:42
 Parallel proceedings, 7:45 (Form)
 Securities fraud, 12:75 (Form),
 12:76 (Form)

RESTRAINT OF TRADE
 Antitrust defense, 14:31 (Form)

RETALIATION AGAINST
 INFORMANTS (18 U.S.C.A.
 § 1513(E))
 Obstruction of justice, 9:12

RETROACTIVE APPLICATION
 Environmental crimes, 26:44

RETROACTIVE STANDARDS
 Bank crimes, 11:169 (Form)

RETURN OF PROPERTY
 Corporations (this index)
 Criminal forfeiture, 30:138 (Form)
 Privileges, 5:49
 Tax crimes, 19:89, 19:94-19:97,
 19:110, 19:119
 Wiretapping and electronic surveillance, 39:16

RETURN OF RECORDS
 Corporations, 3:56

RETURNS
 Grand jury, 2:57 (Form), 2:58
 (Form)
 Tax Crimes (this index)

REUSE
 Tax crimes, 19:111

REVIEW
 As to appeals. **Appeal** (this index)
 Civil forfeiture, 30:65, 30:66
 Grand jury, 2:7, 2:67 (Form), 2:87
 (Form)

REVIEW—Cont'd
 Parallel proceedings, 7:37 (Form)

REVOCATION
 Bail, 36:13 (Form)-36:15 (Form),
 36:24 (Form)
 Sentencing, supervised release revocation guidelines case judge's sentencing options worksheet, 34:119 (Form)

REWARDS
 Financial Institutions Reform, Recovery, and Enforcement Act, 11:71

RICO
 Generally, 13:1 *et seq.*
 Bank Secrecy Act, 10:25
 Civil proceedings, see lines throughout this index topic
 Comprehensive Thrift and Bank Fraud Prosecution and Taxpayer Recovery Act, 11:78
 Concepts of RICO conspiracy, 13:16 *et seq.*
 Corporate or individual defendant as enterprise, 13:11
 Criminal forfeiture, 30:73
 Criminal proceedings, see lines throughout this index topic
 Criminal vs. civil, 13:2 *et seq.*
 Defense, see lines throughout this index topic
 Double jeopardy, 13:28
 Elements of prohibited activities, 13:6-13:15
 Employment, 13:9
 Enterprise, 13:10-13:12
 Financial Institutions Reform, Recovery, and Enforcement Act, 11:69
 Financial purpose, 13:12
 Foreign predicate acts, 13:6.50
 Health Care Fraud (this index)
 Interstate commerce, 13:13
 Intracorporate conspiracies, 13:22
 Pattern of activity, 13:15

INDEX

RICO—Cont'd
Statute of limitations, **13:24-13:26**
Variance, **13:18-13:23**

RIGHT TO COUNSEL
Generally, **49:17**

RODENTICIDE
Environmental crimes, **26:45, 26:46**

ROLE OF DEFENDANT IN OFFENSE
Sentencing, **34:24**

ROUGH NOTES
Citizen protection from procedural attacks, **31:122 (Form), 31:123 (Form), 31:162 (Form)**

ROVING WIRETAPS
Special circumstances, **39:28**

RTC
Comprehensive Thrift and Bank Fraud Prosecution and Taxpayer Recovery Act, **11:74**

RULE 11
Criminal forfeiture, **30:107 (Form), 30:108 (Form)**

RULE 17
Privileges, **5:31 (Form)**

RULE 24
Parallel proceedings, **7:34 (Form), 7:35 (Form)**

RULE 41(G)
Corporations, **3:55-3:58**

RULE 403
Evidence, **54:50 (Form) to 54:52 (Form)**

RULE 404(B)
Preservation of error, **55:26**

RULE 10B-5
Securities Fraud (this index)

RULE 10B5-1
Affirmative defenses, **12:51**

RULE OF REASON VIOLATIONS
Antitrust defense, **14:22**

RULES OF CRIMINAL PROCEDURE
Criminal trade secret violations, **40:10**

SAFE HARBOR REGULATIONS
Health Care Fraud (this index)

SAME PROCEEDINGS
Bankruptcy court, **4:9**

SANCTIONS
See also **Fines and Penalties** (this index)
Bankruptcy Court (this index)
Citizen protection from procedural attacks, **31:195 (Form)**
Criminal forfeiture, **30:107 (Form), 30:108 (Form)**
Export Offenses (this index)
Federal court of contempt, **38:10**
Parallel proceedings, **7:43 (Form), 7:45 (Form)**
Privileges, **5:33 (Form)**

SARBANES-OXLEY ACT OF 2002
Sentencing, **34:4, 34:42**

SCHEDULES
Bankruptcy court, **4:4**

SCHEDULING ORDER
Corporations, **3:73**

SCIENTER
Securities fraud, **12:21, 12:39**

SCIENTIFIC EVIDENCE
Admissibility of scientific evidence, **54:23**

SCOPE
Generally, **1:1**
Forms, **1:2**
Summary of chapters, **1:4**
Updates and new chapters, **1:5**

SEAL

Corporations (this index)
Criminal Forfeiture (this index)
Environmental crimes, **26:78 (Form)**
Grand jury, **2:56 (Form), 2:63 (Form)**
Motion to file ex parte motion under seal, **53:42 (Form)**
Order for motion to file ex parte motion under seal, **53:43 (Form)**
Parallel proceedings, **7:37 (Form)**
Privileges, **5:35 (Form), 5:36 (Form), 5:44 (Form)**
Procedural Attacks (this index)
Tax crimes, **19:129 (Form)**
Wiretapping and electronic surveillance, **39:18**

SEARCH AND SEIZURE

Computers, **41:23**
Jurisdiction, **43:10**
Jurisdictional and constitutional issues, Fourth Amendment implications, **43:22**
Warrants. **Search Warrant** (this index)
Wiretapping and Electronic Surveillance (this index)

SEARCH WARRANT

Citizen protection from procedural attacks, **31:221 (Form), 31:222 (Form)**
Corporations (this index)
Criminal forfeiture, **30:144 (Form), 30:145 (Form), 30:168 (Form)**
Procedural attacks, **31:58**
Tax crimes, **19:56, 19:57**

SECONDARY ACTOR

Securities fraud, **12:44, 12:81 (Form), 12:82 (Form)**

SECRECY

Bank Secrecy Act (this index)

SECRECY OF PROCEEDINGS

Grand jury, **2:8**

SECURITIES AND EXCHANGE

ACT OF 1934
Securities Fraud (this index)

SECURITIES AND EXCHANGE COMMISSION (SEC)

Corporate vulnerability, inquiry, and responsibility, **3:40**
Securities Fraud (this index)

SECURITIES EXCHANGE ACT OF 1933

Securities fraud, shareholder suits, **12:49**

SECURITIES FRAUD

Accountings, **12:75 (Form), 12:76 (Form)**
Affidavit, **12:62 (Form)**
Agency liability, **12:23**
Aiding and abetting, **12:24**
Amendments, **12:82 (Form)**
Amicus curiae, **12:84 (Form)**
Appeal and review, **12:81 (Form)**
Appearance, **12:67 (Form)**
Application

Memorandum of points and authorities for preliminary injunction, **12:78 (Form)**

Memorandum of points and authorities for preliminary injunction and other relief, **12:77 (Form), 12:85 (Form)**

Memorandum of points and authorities for temporary restraining order, **12:75 (Form)**

Order granting application for preliminary injunction against defendants (list names), **12:80 (Form)**

Supplemental memorandum of points and authorities for preliminary injunction and other relief, **12:79 (Form)**

Assets, **12:75 (Form), 12:76 (Form)**
Attorney, **12:13, 12:27**

INDEX

SECURITIES FRAUD—Cont'd

Attorney-client memorandum concerning consequences of permanent injunction, **12:64 (Form)**
Back-dating stock options, **12:57**
Banks, **12:44, 12:81 (Form), 12:83 (Form)**
Benefit plans, **12:10**
Brief in support of conviction, **12:86**
Briefs, **12:81 (Form), 12:84 (Form)**
Bright line test, **12:45**
Causation, **12:42**
Cause of action. Civil injunctive proceedings, *infra*
Central bank and secondary actors, **12:44**
Certification, **12:9, 12:81 (Form), 12:82 (Form)**
Churning, **12:54**
Civil injunctive proceedings
Generally, **12:16-12:30**
Agency liability, **12:23**
Aiding and abetting, **12:24**
Cause of action, generally, **12:19-12:25**
Conspiracy, **12:25**
Defenses
Generally, **12:26-12:30**
Good faith, **12:29**
Limitation of actions, **12:30**
Reliance on advice of counsel, **12:27**
Withdrawal, **12:28**
Good faith, **12:29**
Jurisdiction, **12:18**
Liability, **12:22-12:25**
Limitation of actions, **12:30**
Material omissions and misrepresentations in connection with offers of purchase or sale of securities, **12:20**
Reliance on advice of counsel, **12:27**
Scienter, **12:21**
Venue, **12:18**

SECURITIES FRAUD—Cont'd

Civil injunctive proceedings—Cont'd
Withdrawal, **12:28**
Civil proceeding
Injunctions. Civil injunctive proceedings, *supra*
Memorandum of law in support of motion for stay, **12:68 (Form)**
Commodities fraud, **12:31-12:35**
Complaints, **12:74 (Form)**
Conspiracy, **12:25**
Controlling person liability, **12:50**
Corporation, **12:9**
Correspondence, **12:61 (Form), 12:63 (Form)**
Creator test, **12:46**
Criminal proceedings, **12:5-12:15**
Defenses. Civil injunctive proceedings, *infra*
Destruction of property, **12:75 (Form), 12:76 (Form)**
Discovery, **12:76 (Form)**
Dismissal. Motion to dismiss, *infra*
18 U.S.C.A. § 1350, **12:9**
Employee benefit plans, **12:10**
Ex parte application, **12:75 (Form)**
Expedited discovery, **12:76 (Form)**
Failure of corporate officers to certify financial reports (18 U.S.C.A. § 1350), **12:9**
Failure to plead with particularity, **12:91**
False statements, **12:48**
Federal Securities Law Section 10(b).
Shareholder suits, *infra*
Fifth Amendment, **12:4**
Final judgment of permanent injunction, **12:66 (Form)**
Financial reports, **12:8, 12:9**
Fines and penalties, **12:15**
Forgery, **29:1**
Formal consent of defendant, general appearance and jurisdiction, **12:67 (Form)**
Freezing assets, **12:75 (Form), 12:76 (Form)**

SECURITIES FRAUD—Cont'd

Good faith, **12:29**
Heightened pleading requirements, **12:47**
Hypotheticals, **12:1**
In connection with purpose or sale of security, **12:40**
Injunction
Generally, **12:64 (Form)-12:66 (Form)**
Civil injunctive proceedings, supra
Memorandum of points and authorities, **12:75 (Form), 12:77 (Form), 12:78 (Form), 12:85 (Form)**
Motion to compel production of SEC transcripts, **12:95**
Motion to vacate preliminary injunction, **12:94**
Order granting, **12:80 (Form)**
Permanent injunction, **12:64 (Form)-12:66 (Form)**
Supplemental memorandum of points and authorities, **12:79 (Form)**
Temporary restraining order, **12:75 (Form), 12:76 (Form)**
Investigation, **12:2, 12:60 (Form)**
Jurisdiction, **12:18, 12:67 (Form), 12:69 (Form), 12:70 (Form), 12:92**
Jury charge, **12:73 (Form)**
Leave of court, **12:84 (Form)**
Liability, **12:22-12:25**
Limitation of actions, **12:30**
Mail fraud, relation to, **8:14.50**
Manipulation, **12:37**
Market timing and late trading, **12:56**
Material misstatements and omissions, **12:38**
Memorandum, supplemental, **12:79 (Form)**
Memorandum and order re secondary actors' motions to dismiss to provide for certification pursuant to 28 U.S.C.A. § 1292 (b), **12:82 (Form)**

SECURITIES FRAUD—Cont'd

Memorandum of law
Attorney-client memorandum concerning consequences of permanent injunction, **12:64 (Form)**
Failure to plead fraud with particularity, or, in alternative, motion for more definite statement, **12:72 (Form)**
Failure to state claim, **12:71 (Form)**
Lack of personal jurisdiction and improper venue, defendant's, **12:70 (Form)**
Motion to dismiss, **12:83 (Form)**
Stay of civil proceedings, **12:68 (Form)**
Supplemental memorandum of points and authorities of plaintiff SEC in support of its application for preliminary injunction and other relief against Doe defendants, **12:79 (Form)**
Memorandum of points and authorities
Application for preliminary injunction and other relief, **12:77 (Form), 12:85 (Form)**
Doe defendants in support of their opposition to plaintiff's application for preliminary injunction, **12:78 (Form)**
Ex parte application by plaintiff SEC for temporary restraining order, **12:75 (Form)**
More definite statement, **12:69 (Form), 12:72 (Form)**
Motion
Dismiss. Motion to dismiss, infra
Failure to plead fraud with particularity, or, in alternative, motion for more definite statement, **12:72 (Form)**
Lack of personal jurisdiction and improper venue, **12:70 (Form)**

INDEX

SECURITIES FRAUD—Cont'd

Motion—Cont'd
Leave of court to submit briefs pertinent to certain legal issues raised by motions to dismiss, **12:84 (Form)**
Motion to dismiss class action, **12:88**
Motion to transfer venue, **12:87**
Motion to vacate preliminary injunctions, **12:93**
Secondary actor bank defendants for section 1292(B) certification for immediate appeal of December 20, 2002 order and brief in support, **12:81 (Form)**
State claim, failure to, **12:71 (Form)**
Stay of civil proceedings, **12:68 (Form)**
Motion to compel SEC transcripts, **12:95**
Motion to dismiss
Generally, **12:69 (Form) et seq.**
Memorandum of law, **12:83 (Form)**
Motion of SEC for leave, as amicus curiae, to submit briefs pertinent to certain legal issues raised by motions to dismiss, **12:84 (Form)**
28 U.S.C.A. § 1292 (b), **12:81 (Form), 12:82 (Form)**
Net fraud, **12:55**
9(b) and 12(b)(6) complaint, **12:90**
Officers, **12:9, 12:60 (Form)**
Omissions, **12:38**
Order
Application for preliminary injunction against defendants (list names), **12:80 (Form)**
Memorandum of points and authorities in support of ex parte application by plaintiff SEC for temporary restraining order, **12:75 (Form)**

SECURITIES FRAUD—Cont'd

Order—Cont'd
Motion of secondary actor bank defendants for section 1292(B) certification for immediate appeal of December 20, 2002 order and brief in support, **12:81 (Form)**
Private investigation, direction for, and designating officers to take testimony, **12:60 (Form)**
Proposed order amending December 20, 2002 memorandum and order re secondary actors' motions to dismiss to provide for certification pursuant to 28 U.S.C.A. § 1292 (b), **12:82 (Form)**
Temporary restraining order, **12:75 (Form), 12:76 (Form)**
28 U.S.C.A. § 1292 (b), **12:82 (Form)**
Order to show cause, **12:75 (Form), 12:76 (Form)**
Parking, **12:52**
Participation, substantial, **12:46**
Penny stock, **12:53**
Preliminary injunction
Memorandum of points and authorities, **12:75 (Form), 12:77 (Form), 12:78 (Form), 12:85 (Form)**
Order, **12:80 (Form)**
Supplemental memorandum of points and authorities, **12:79 (Form)**
Temporary restraining order, **12:75 (Form), 12:76 (Form)**
Proposed order amending December 20, 2002 memorandum and order re secondary actors' motions to dismiss to provide for certification pursuant to 28 U.S.C.A. § 1292 (b), **12:82 (Form)**
Pump and dump schemes, **12:12**

SECURITIES FRAUD—Cont'd

Registration, **12:48**
Reliance, **12:27, 12:41**
Reports and reporting, **12:8, 12:9**
Restraining order, **12:75 (Form), 12:76 (Form)**
Rule 10b-5. Shareholder suits, infra
Sample trial materials, generally, **12:60 (Form)-12:95 (Form)**
Sciencer, **12:21, 12:39**
Secondary actor, **12:44, 12:81 (Form), 12:82 (Form)**
Securities and Exchange Act of 1934.
Shareholder suits, infra
Securities Exchange Act of 1933,
Section 12, **12:49**
Securities Exchange Commission
(SEC)
Generally, **12:61 (Form)**
Memorandum of points and
authorities in support of
application for preliminary
injunction and other relief,
12:77 (Form), 12:85 (Form)
Memorandum of points and
authorities in support of ex
parte application for
temporary restraining order,
12:75 (Form)
Motion for leave, as amicus curiae,
to submit briefs pertinent to
certain legal issues raised by
motions to dismiss, **12:84 (Form)**
Supplemental memorandum of
points and authorities in sup-
port of its application for pre-
liminary injunction and other
relief against Doe defendants,
12:79 (Form)
Shareholder suits
Generally, **12:36-12:51**
Bright line test, **12:45**
Causation, **12:42**
Central bank and secondary actors,
12:44
Controlling person liability, **12:50**

SECURITIES FRAUD—Cont'd

Shareholder suits—Cont'd
Federal Securities Law Section
10(b), generally, **12:36-12:51**
Heightened pleading requirements,
12:47
In connection with purpose or sale
of security, **12:40**
Liability for false security regis-
tration statement, Section 11 of
1934 Securities Exchange
Act, **12:48**
Manipulation, **12:37**
Material misstatements and omis-
sions, **12:38**
Pleading, **12:43, 12:47**
Reliance, **12:41**
Rule 10b-5, generally, **12:36-12:51**
Sciencer, **12:39**
Securities and Exchange Act of
1934, generally, **12:36-12:51**
Securities Exchange Act of 1933,
Section 12, **12:49**
Substantial participation or creator
test, **12:46**
Spoofing, **12:58**
State claim, **12:69 (Form), 12:71 (Form)**
Statutes, **12:49**
Stay, **12:68 (Form)**
Strategic considerations, **12:4**
Submission, **12:63 (Form)**
Subpoena cover letter from SEC,
12:61 (Form)
Substantial participation or creator
test, **12:46**
Supplemental memorandum of points
and authorities of plaintiff SEC
in support of its application for
preliminary injunction and other
relief against Doe defendants,
12:79 (Form)
Temporary restraining order, **12:75 (Form), 12:76 (Form)**
Tests, **12:45, 12:46**
Transfer venue, **12:69 (Form)**

INDEX

SECURITIES FRAUD—Cont'd
28 U.S.C.A. § 1292(b), **12:82**
(Form)
Venue, **12:18, 12:69** (Form), **12:70**
(Form), **12:92**
Violation of section 10(b), **12:89**
Wells submission letter, **12:63**
(Form)
Withdrawal, **12:28**
Witnesses, **12:60** (Form)

SEIZURE OF PROPERTY
Citizen protection from procedural
attacks, **31:221** (Form), **31:222**
(Form)
Civil forfeiture, **30:27-30:30**
Corporations, **3:71, 3:77** (Form),
3:80 (Form)
Criminal Forfeiture (this index)
Jurisdiction, **43:10**
Money Laundering Act, **22:24**
(Form)
Tax crimes, **19:124** (Form)

SELECTED JURY INSTRUCTIONS
Fraud against government, **21:40**
(Form) et seq.

SELECTION OF GRAND JURY
Grand Jury (this index)

SELECTION OF JURY
Generally, **57:1-57:9**
Discovery concerning jury selection
pursuant to 28 U.S.C.A. § 1867
with authorities, **57:36** (Form)
Grand Jury (this index)

SELECTIVE PROSECUTION
Citizen protection from procedural
attacks, **31:81** (Form), **31:82**
(Form)
Indictment, **31:4**
Perjury, **20:7**
Tax crimes, **19:89**

SELECTIVE WAIVERS
Privileges, **5:8.50, 5:13**

SELF-CRITICAL PRIVILEGE
Generally, **5:27**

SELF-EVALUATION PRIVILEGE
Environmental crimes, **26:63**

SELF-INCRIMINATION
Parallel proceedings, **7:17**
Tax Crimes (this index)

SENTENCING
Aberrant events, **34:34**
Addendum, **34:104** (Form)
Adjustment, **34:20-34:27**
Agreement, **34:78** (Form)-**34:80**
(Form)
Appeal, **34:88** (Form)-**34:90**
(Form), **34:97** (Form)-**34:99**
(Form)
Application of *United States v. Booker*, **34:8**
Assessments, **34:69**
Attachment and garnishment, memo-
randum opinion and order deny-
ing motion to quash writ of
garnishment against defendant's
spouse's retirement accounts,
34:134
Bail pending appeal, motion for,
34:127
Bank crimes, **11:170** (Form)
Base offense level, **34:18, 34:19**
Bond pending appeal, motion for,
34:125, 34:126
Circuit court, motion for bond pend-
ing appeal, **34:126**
Citizen protection from procedural
attacks, **31:226** (Form)
Collateral consequences, **34:27**
Compliance with plea agreement,
defendant's, **34:52**
Correspondence, letter to court from
defendant's attorney requesting
certain sentence, **34:133**
Court's determination of sentence
under plea bargain, **34:54**
Criminal history of defendant, **34:28**

SENTENCING—Cont'd

Criminal trade secret violations, **40:15**
Defendant's compliance with plea agreement, **34:52**
Defendant's obstruction of criminal proceedings, **34:25**
Defendant's sentencing memorandum, **34:131**
Departures
 Generally, **34:32, 34:91 (Form), 34:92 (Form)**
 Aberrant events, **34:34**
 Downward departures, **34:37**
 Effect of *United States v. Booker* on, **34:15**
 Koon v. U.S. analysis of downward departures, **34:38**
 Reasons, generally, **34:35-34:37**
 Resentencing procedures, in, **34:39**
 Substantial assistance, **34:33**
 Upward departures, **34:36**
Determination, **34:14, 34:16**
Downward adjustment, **34:26**
Downward departures, **34:37**
Economic crime package, sentencing guidelines, **34:3**
18 U.S.C.A. § 201(c)(2), applicability, **34:58**
Emergency application for bond and suspension of fines pending appeal, **34:129**
Entrapment, **34:63**
Environmental crimes, **26:47, 26:77 (Form)**
Execution. Stay of execution, infra
Ex post facto clause, **34:12**
Factual disputes, resolution of, **34:40**
Factual resume, **34:115 (Form)**
Federal food, drug and cosmetic act violations, **45:11**
Federal Rule of Criminal Procedure 11, **34:50**
Findings, **34:76 (Form), 34:77 (Form)**
Fines, **34:68**

SENTENCING—Cont'd

Foreign corrupt practices act, **47:18**
Forfeitures, **34:70**
Garnishment, memorandum opinion and order denying motion to quash writ of garnishment against defendant's spouse's retirement accounts, **34:134**
Government entities bound by plea bargain, **34:57**
Government's obligations, plea bargaining, **34:53**
Government's response to defendant's motion for stay of surrender and request for hearing and order to remove detainer, **34:121 (Form)**
Grouping, **34:31**
Guilty plea, **34:71 (Form)-34:74 (Form)**
Hobbs Act, **16:10**
Imposition, **34:30**
Insurance, restitution, **34:67**
Judge's sentencing options
 worksheet, supervised release revocation guidelines, **34:119 (Form)**
Judicially-found facts, use of, **34:9**
Juries, **34:29**
Koon v. U.S., **34:38**
Letter, **34:101 (Form)**
Letter to court from defendant's attorney requesting certain sentence, **34:133**
Mail and wire fraud, **8:36 (Form)**
Memorandum of law
 Generally, **34:75 (Form)**
 Defendant's, **34:93 (Form), 34:94 (Form)**
 Government's sentencing memorandum, **34:96 (Form)**
 Imposition of sentence, government memorandum concerning, **34:95 (Form)**
Pre-sentence investigation report, **34:103 (Form)**

INDEX

SENTENCING—Cont'd

Memorandum of law—Cont'd
Quashal of writ of garnishment against defendant's spouse's retirement accounts, order denying motion, 34:134
Sentencing memorandum, 34:124 (Form), 34:131
Specific performance of plea agreement, 34:80 (Form)
Spouse's, 34:81 (Form)
Spouse's second supplement, 34:83 (Form)
Spouse's supplement, 34:82 (Form)
United States, 34:105 (Form)
Modification proceedings, 34:13
Motion
Pre-sentence investigation report, 34:76 (Form), 34:92 (Form)
Release pending appeal and stay of execution, 34:88 (Form)-34:90 (Form), 34:97 (Form)-34:99 (Form)
Specific performance of plea agreement, 34:78 (Form)-34:80 (Form)
Stay sentencing, 34:107 (Form), 34:108 (Form)
Withdraw guilty plea, 34:71 (Form)-34:74 (Form)
1990 sentencing guidelines, 34:41
Non-citizens, additional concerns, 34:45
Notice of appeal, defendant's, 34:130
Objection. Pre-sentence investigation report, infra
Obstruction of justice, 9:15
Opinion and order, 34:93 (Form)
Order
Reconsideration of findings in pre-sentence investigation report, 34:76
Release pending appeal and for stay of execution, 34:89 (Form), 34:97 (Form)-34:99 (Form)

SENTENCING—Cont'd

Order—Cont'd
Release pending appeal and for stay of execution, second motion, 34:97 (Form)-34:99 (Form), 34:99 (Form)
Response to defendant's objections to pre-sentence investigation report and opposition to motion for downward departure, 34:92 (Form)
Restitution, 34:132
Specific performance of plea agreement, or in alternative, motion to withdraw plea, 34:77 (Form)
Stay sentencing, 34:108 (Form)
Withdraw guilty plea, 34:72 (Form), 34:74 (Form)
Organizational sentencing
Booker, effect on organizational sentencing guidelines, 34:44
1990 sentencing guidelines, 34:41
Sarbanes-Oxley, impact on organizational sentencing guidelines, 34:42
2004 amendments to organizational sentencing guidelines, 34:43
Package deals, plea bargaining, 34:55
Pardons and commutations of sentence, 34:62
Pending appeal, 34:88 (Form)-34:90 (Form), 34:97 (Form)-34:99 (Form)
Perjury, 20:13
"Plain error test," application of, 34:11
Plea, 34:78 (Form)
Plea agreement, 34:78 (Form)-34:80 (Form), 34:111 (Form), 34:114 (Form)
Plea bargaining
Generally, 34:49
Booker's effect on plea bargaining, 34:59

SENTENCING—Cont'd

Plea bargaining—Cont'd
Brady material, waiver of right to disclosure of, **34:56**
Court's determination of sentence under plea bargain, **34:54**
Criminal Victims' Rights Act, **34:51**
Defendant's compliance with plea agreement, **34:52**
18 U.S.C.A. § 201(c)(2), applicability, **34:58**
Federal Rule of Criminal Procedure 11, **34:50**
Government entities bound by plea bargain, **34:57**
Government's obligations, **34:53**
Package deals, **34:55**
Waivers, **34:56**, **34:60**
Pre-sentence investigation report
Generally, **34:85 (Form)**
Clark's objections, **34:91 (Form)**-
34:93 (Form)
Defendant's objections, **34:84 (Form)**, **34:104 (Form)**,
34:109 (Form), **34:110 (Form)**
Defendant's objections to addendum, **34:104 (Form)**
Defendant's supplemental objections, **34:110 (Form)**
Government's objections, **34:87 (Form)**, **34:106 (Form)**
Memorandum and objections to PSI, **34:128**
Objections. See lines throughout this group
Opinion and order, **34:92 (Form)**
Reconsideration of findings, **34:76 (Form)**, **34:77**
Reply, **34:84 (Form)**
Response, **34:87 (Form)**, **34:92 (Form)**
Spouse, objections of, **34:86 (Form)**
Supplemental objections, **34:110 (Form)**

SENTENCING—Cont'd

Pretrial resolutions
Generally, **34:46**
Deferred prosecution, **34:48**
Non-prosecution agreements, **34:47**
Plea bargaining
Generally, **34:49**
Booker's effect on plea bargaining, **34:59**
Court's determination of sentence under plea bargain, **34:54**
Defendant's compliance with plea agreement, **34:52**
18 U.S.C.A. § 201(c)(2), applicability, **34:58**
Federal Rule of Criminal Procedure 11, **34:50**
Government entities bound by plea bargain, **34:57**
Government's obligations, **34:53**
Package deals, **34:55**
Waivers of right to disclosure of Brady material, **34:56**
Prior settlement, **34:66**
PSI, sentencing memorandum and objections to, **34:128**
Quashal of writ of garnishment against defendant's spouse's retirement accounts, memorandum opinion and order denying motion, **34:134**
Reasonableness, **34:6**
Reconsideration, **34:76 (Form)**
Release, **34:88 (Form)**-**34:90 (Form)**, **34:97 (Form)**-**34:99 (Form)**, **34:127**
Relevant contact, **34:19**
Reply or response
Response, **34:73 (Form)**, **34:87 (Form)**, **34:92 (Form)**
United States' reply to objections to pre-sentence investigation report, **34:84 (Form)**

INDEX

SENTENCING—Cont'd

Report. Pre-sentence investigation report, *supra*
Resentencing, **34:7, 34:39**
Resolution of factual disputes, **34:40**
Response. Reply or response, *supra*
Restitution
 Generally, **34:64**
 Insurance, **34:67**
 Nature of, **34:65**
 Order, **34:132**
 Prior settlement, **34:66**
Retirement accounts, memorandum opinion and order denying motion to quash writ of garnishment against defendant's spouse's, **34:134**
Revocation of supervised release, guidelines case judge's sentencing options worksheet, **34:119 (Form)**
Role of defendant in offense, **34:24**
Sample materials, generally, **34:71 (Form)-34:134 (Form)**
Sarbanes-Oxley Act of 2002, **34:4, 34:42**
Sentence modification proceedings, **34:13**
Sentencing guidelines
 Generally, **34:1**
 Economic crime package, **34:3**
 Sarbanes-Oxley Act of 2002, **34:4**
 Sentencing Reform Act of 1984, **34:2**
Sentencing memorandum, **34:123 (Form), 34:128 (Form)**
Sentencing Reform Act of 1984, **34:2**
Sentencing table, Federal Sentencing Guidelines Manual, **34:120 (Form)**
Specific performance, **34:78 (Form), 34:80 (Form)**
Spouse, **34:81 (Form)-34:83 (Form), 34:86 (Form)**
Status of victim, **34:22**

SENTENCING—Cont'd

Stay of execution
 Motion, **34:88 (Form)**
 Opposition to motion, **34:90 (Form)**
 Order, **34:89 (Form), 34:97 (Form), 34:98 (Form)**
 Second motion, **34:97 (Form)-34:99 (Form)**
Stay sentencing, **34:107 (Form), 34:108 (Form)**
Substantial assistance, **34:33**
Supervised release, **34:61, 34:119 (Form)**
Supervised release revocation guidelines case judge's sentencing options worksheet, **34:119 (Form)**
Supplement, **34:82 (Form), 34:83 (Form), 34:110 (Form)**
Total offense level, **34:17-34:22, 34:24, 34:25, 34:28**
2004 amendments to organizational sentencing guidelines, **34:43**
United States v. Booker (this index)
United States v. Booker, **34:5-34:15**
Upward adjustment, **34:21, 34:23**
Upward departures, **34:36**
U.S. District Court, **34:103 (Form)**
Waivers of right to disclosure of Brady material, plea bargaining, **34:56**
Weight advisory guidelines should be given, **34:10**
Withdrawal plea, **34:71 (Form)-34:74 (Form), 34:78 (Form)**
Worksheet, supervised release revocation guidelines case judge's sentencing options worksheet, **34:119 (Form)**
Worksheet A, **34:102 (Form)**
SENTENCING REFORM ACT OF 1984
 Sentencing guidelines, **34:2**
SEPARATE HEARING
 Citizen protection from procedural attacks, **31:180 (Form) et seq.**

**SEPARATION AGREEMENT AND
UNDERTAKING**
Corporation, **3:83**

**SERVICE OF PROCESS AND
PAPERS**
Corporations, service of search warrant, **3:55**
Grand jury, **2:54 (Form), 2:55 (Form), 43:4**
Jurisdiction, **43:4**
Subpoena, **43:4, 53:23**

SET ASIDE
Citizen protection from procedural attacks, **31:226 (Form)**
Corporations, **3:77 (Form)**
Parallel proceedings, **7:45 (Form)**

SETTLEMENT
Civil forfeiture, **30:63, 30:64**

SEVERANCE
Admit government report or, **53:35 (Form), 53:36 (Form)**
Marital privilege, **5:47 (Form)**
Procedural attacks, **31:11**
Procedural Attacks (this index)

**SEXUAL EXPLOITATION OF
CHILDREN**
Civil forfeiture, **30:18**
Criminal forfeiture, **30:76**

SHAREHOLDERS
Tax crimes, **19:10**

SHAREHOLDER SUITS
Securities Fraud (this index)

SHERMAN ANTITRUST ACT
Elements of Sherman Act Conspiracy, **14:4**
Grand jury subpoena of foreign company documents, **43:7**
Jurisdiction, grand jury subpoena of foreign company documents, **43:7**

SHERMAN ANTITRUST ACT
—Cont'd
What does not constitute sufficient proof of Sherman Act conspiracy, **14:5**

SHILLITANI DOCTRINE
Immunity, **6:16**

SHIPOWNERS
Corporate vulnerability, inquiry, and responsibility, letter to Department of Justice regarding investigation, **3:89**

SHOW CAUSE
Grand jury, **2:47 (Form), 2:48 (Form)**
Privileges, **5:44 (Form), 5:46 (Form)**
Securities fraud, **12:75 (Form), 12:76 (Form)**

SIGN RETURN
Tax crimes, **19:89**

SILENCE
Post arrest silence, **54:31**
Procedural attacks, pre-Miranda silence, **31:31**

**SIMULTANEOUS CIVIL AND
CRIMINAL PROCEEDINGS**
Parallel Proceedings (this index)

SIMULTANEOUS PROCEEDINGS
Forfeiture, **30:5**

SIXTH AMENDMENT
Generally, **49:18**
Challenging closure, **57:8**
Evidence, **54:44-44:47**
Jury trial, **57:7, 57:8**
Mistrial based on prosecutor's improper argument before jury in violation of Sixth Amendment right of confrontation, **53:53 (Form)**

INDEX

SMUGGLING AND ILLEGAL IMPORTATION

Aliens, **48:2-48:5**

Import (this index)

SNITCHES

Procedural attacks, statements made to jailhouse snitches, **31:30**

SOVEREIGN IMMUNITY

Forfeiture, **30:69**

SPECIAL CIRCUMSTANCES

**Wiretapping and Electronic
Surveillance** (this index)

SPECIAL COUNSEL

Corporations, **3:31**

SPECIAL DISCOVERY ISSUES

Tax crimes, **19:71**

SPECIAL INSTRUCTIONS

Forgery, **29:10 (Form)**

Import violations, **24:22 (Form)**

SPECIAL VERDICT

Criminal forfeiture, **30:98**

SPECIAL VERDICT FORM

Bank crimes, **11:179 (Form)**

Criminal forfeiture, **30:157 (Form)**

SPECIFIC IDENTIFICATION

Citizen protection from procedural attacks, **31:152 (Form), 31:153 (Form)**

SPECIFIC INSTRUCTIONS

Export offenses, **25:34 (Form), 25:35 (Form)**

Fraud against government, **21:39 (Form) et seq.**

National Stolen Property Act, **18:7 (Form)**

Perjury, **20:14 (Form)**

Tax crimes, **19:141 (Form)-19:143 (Form)**

Travel Act, **17:15 (Form)**

SPECIFIC INTENT

Bank Secrecy Act, **10:12**

False financial statements, **11:46**

Obstruction of justice, **9:7**

Travel Act, **17:3**

SPECIFICITY

Indictment, **31:3**

Preservation of error, **55:2**

SPECIFIC OBJECTION

Preservation of error, **55:23, 55:24, 55:30**

SPECIFIC PERFORMANCE

Citizen protection from procedural attacks, **31:105 (Form), 31:106 (Form)**

Sentencing, **34:78 (Form), 34:80 (Form)**

SPECIFIC QUESTIONS

Tax crimes, **19:39**

SPECULATION OF WITNESS

Citizen protection from procedural attacks, **31:233 (Form)**

SPEECH OR DEBATE CLAUSE

Grand jury testimony, **2:22**

SPEEDY TRIAL

Constitutional considerations, **49:4**

Procedural attacks, **31:9**

SPILLOVER OR CUMULATION

Procedural attacks, **31:14**

SPOOFING

Securities fraud, **12:58**

SPOUSE

Memorandum of law, **34:81 (Form)-34:83 (Form)**

Pre-sentence investigation report, **34:86 (Form)**

STAMPS

Tax crimes, **19:112**

STANDARD OF CARE

Evidence, **54:66 (Form)**

STANDING

- Civil forfeiture, **30:44**
- Clean Water Act, **26:22**
- Criminal forfeiture, **30:175 (Form), 30:176 (Form)**
- Wiretapping and electronic surveillance, **39:21**

STARK AMENDMENT

- Health Care Fraud** (this index)

STATE CLAIM

- Criminal forfeiture, **30:113 (Form)**
- Securities fraud, **12:69 (Form), 12:71 (Form)**

STATE CRIMINAL PROCEEDINGS

- Bankruptcy court, **4:22**

**STATEMENTS AGAINST
INTEREST**

- Evidence, **54:20**
- Former testimony, **54:20**

**STATEMENTS MADE TO
JAILHOUSE SNITCHES**

- Procedural attacks, **31:30**

STATE OF MIND

- Evidentiary issues, **54:21**
- Former testimony, **54:21**

STATES

- Health care fraud, **37:33**
- Wiretapping and electronic surveillance, special circumstances, **39:29**

STATUS OF VICTIM

- Sentencing, **34:22**

STATUTE OF LIMITATIONS

- Limitation of Actions** (this index)

STATUTES

- For particular statutory rulings, laws, and regulations, see more specific entries throughout this index
- Anti-smurfing statute. **Bank Secrecy Act** (this index)

STATUTES—Cont'd

- Bail** (this index)
- Bank crimes, 11:145 (Form)**
- Bank Secrecy Act, 10:4**
- Citizen Protection Act, 31:74**
- Clean Air Act** (this index)
- Clean Water Act** (this index)
- Comprehensive Thrift and Bank Fraud Prosecution and Taxpayer Recovery Act** (this index)
- Computers** (this index)
- Criminal Forfeiture** (this index)
- Criminal Trade Secret Violations** (this index)
- Environmental crimes, 26:42, 26:59**
- Export Administration Act. Export Offenses** (this index)
- Export offenses, 25:32 (Form)**
- Financial Institutions Reform, Recovery, and Enforcement Act** (this index)
- Fraud Against Government** (this index)
- Health Care Fraud** (this index)
- Hobbs Act** (this index)
- International Emergency Economic Powers Act (IEEPA), 30:104**
- Mail and wire fraud, 8:1 et seq.**
- Money Laundering Act** (this index)
- National Stolen Property Act** (this index)
- Perjury** (this index)
- Resource Conservation and Recovery Act** (this index)
- Sarbanes-Oxley Act of 2002, 34:4, 34:42**
- Securities and Exchange Act of 1934. Securities Fraud** (this index)
- Securities Exchange Act of 1933, Section 12, 12:49**
- Sentencing Reform Act of 1984, 34:2**
- Sherman Antitrust Act** (this index)
- Trademark violations, 27:1**
- Travel Act** (this index)

INDEX

STATUTORY DEFENSES

Civil forfeiture, **30:58**

STATUTORY HISTORY

Immigration, **42:4**

STATUTORY PROCESS

Immigration, **42:5**

STATUTORY RESTRAINTS

Federal court of contempt, **38:6**

STAY OF PROCEEDINGS

Bail, **36:25 (Form)**

Bankruptcy court, **4:21, 4:22**

Citizen protection from procedural attacks, **31:194 (Form)**

Criminal forfeiture, **30:177 (Form), 30:179 (Form), 30:181 (Form), 30:182 (Form)**

Criminal trade secret violations, **40:17**

Parallel Proceedings (this index)

Securities fraud, **12:68 (Form)**

Sentencing (this index)

STIPULATION

Criminal forfeiture, **30:163 (Form), 30:164 (Form)**

STOLEN PROPERTY

Import violations, **24:19**

Mail and wire fraud, **8:16 (Form)**

STRATEGIES

Generally, **53:1-53:52 (Form)**

Codefendants, **53:1, 53:2**

Depositions, **53:4**

Reports, use investigative reports and grand jury testimony against government, **53:3**

Sample materials, generally, **53:34 (Form)-53:53 (Form)**

Trial, generally, **53:13-53:32**

Witnesses (this index)

STREAM OF COMMERCE

Jurisdiction, **43:8**

STRICT LIABILITY

Federal food, drug and cosmetic act violations, **45:5**

STRIKE

Citizen protection from procedural attacks, **31:170 (Form), 31:171 (Form)**

Civil forfeiture, **30:45**

Criminal forfeiture, **30:107 (Form), 30:108 (Form), 30:149 (Form)**

STUDENTS IN PUBLIC SCHOOLS

Warrantless searches, **31:67**

SUA SPONTE EXCUSAL OF JUROR

Preservation of error, **55:16**

SUBMISSION

Fraud against government, **21:25**

Privileges, **5:44 (Form)**

Securities fraud, **12:63 (Form)**

Tax crimes, **19:137 (Form)**

SUBPOENA

Generally, **31:49-32:57**

Attorney's fees, **33:15**

Bank crimes, **11:137 (Form)**

Citizen protection from procedural attacks, **31:198 (Form), 31:218 (Form)**

Government Officials (this index)

Grand Jury (this index)

Jurisdiction (this index)

Privileges, **5:37 (Form)-5:42 (Form), 5:42 (Form)**

Securities fraud, **12:61 (Form)**

Service of process and papers, **53:23**

Wiretapping and electronic surveillance, **39:33 (Form)**

SUBPOENA DUCES TECUM

Grand jury, **2:47 (Form), 2:54 (Form), 2:55 (Form)**

Parallel proceedings, **7:49 (Form)**

SUBSEQUENT CIVIL PROCEEDINGS
Parallel forfeiture proceedings, **30:6**

SUBSEQUENT PROSECUTION
Immunity, **6:18**

SUBSIDIARY LIABILITY
Foreign Corrupt Practices Act, **47:21**

SUBSTANTIAL ASSISTANCE
Sentencing, **34:33**

SUBSTANTIAL PARTICIPATION
Securities fraud, **12:46**

SUBSTANTIVE CRIMES

- Antitrust Defense (this index)
- Bank Crimes (this index)
- Bank Secrecy Act (this index)
- Computers (this index)
- Continuing Criminal Enterprise (this index)
- Copyright Violations (this index)
- Enterprise. Continuing Criminal Enterprise (this index)
- Environmental Crimes (this index)
- Export Offenses (this index)
- Forgery (this index)
- Fraud Against Government (this index)
- Hobbs Act (this index)
- Import Violations (this index)
- Money Laundering Act (this index)
- National Stolen Property Act (this index)
- Obstruction of Justice (this index)
- Perjury (this index)
- RICO (this index)
- Securities Fraud (this index)
- Tax Crimes (this index)
- Trademark Violations (this index)
- Travel Act (this index)

SUBSTANTIVE LAW
Export offenses, **25:6**

SUBSTANTIVE LAW MAIL FRAUD
Mail and Wire Fraud (this index)

SUBSTANTIVE LAW WIRE FRAUD
Mail and Wire Fraud (this index)

SUBSTITUTE PROPERTY
Forfeiture, **30:106**

SUCCESSIVE CIVIL AND CRIMINAL PROCEEDINGS
Parallel proceedings, **7:1**

SUCCESSOR LIABILITY
Foreign Corrupt Practices Act, **47:22**

SUFFICIENCY OF EVIDENCE

- Conspiracy, **56:6 (Form), 56:7 (Form)**
- Evidence, **54:36**
- Mail and wire fraud, **8:36 (Form)**

SUMMARY CHARTS
Evidence, **54:48 (Form)**

SUMMARY FORFEITURE
Generally, **30:33**

SUMMARY JUDGMENT

- Civil forfeiture, **30:48**
- Criminal Forfeiture (this index)
- Tax crimes, **19:131 (Form)**

SUMMARY TESTIMONY
Generally, **54:5**

SUMMONS

- Corporations, **3:71, 3:80 (Form)**
- Tax Crimes (this index)

SUPERFUND; COMPREHENSIVE ENVIRONMENTAL RESPONSE
Environmental crimes, **26:42**

SUPERSEDING INDICTMENT
Citizen protection from procedural attacks, **31:208 (Form) et seq.**

SUPERVISED RELEASE

- Sentencing
- Generally, **34:61**

INDEX

SUPERVISED RELEASE—Cont'd
Sentencing—Cont'd
 Revocation guidelines case judge's sentencing options worksheet, **34:119 (Form)**

SUPERVISORS
 Corporations, vulnerability, **3:14**

SUPPLEMENTAL ACTS AND MATTERS
 Antitrust defense, **14:42 (Form)**
 Bank crimes, **11:180 (Form)**
 Bank Secrecy Act, **10:35 (Form)**
 Criminal forfeiture, **30:122 (Form), 30:165 (Form), 30:179 (Form)**
 Environmental crimes, **26:74 (Form)**
 Evidence, **54:62 (Form)**
 Jury trial, **57:31 (Form), 57:34 (Form), 57:39 (Form), 57:41 (Form)**
 Parallel proceedings, **7:58 (Form), 7:59 (Form)**
 Procedural Attacks (this index)
 Securities fraud, **12:79 (Form)**
 Sentencing, **34:82 (Form), 34:83 (Form)**

SUPPLIERS OF FALSE INFORMATION
 Tax crimes, **19:108**

SUPPRESSION OF EVIDENCE
 Generally, **31:24-32:31**
 Ambiguous request for counsel, **31:26**
 Attorney, **31:25 to 31:27**
 Civil forfeiture, **30:49**
 Confessions, **31:28**
 Criminal forfeiture, **30:144 (Form) et seq.**
 Custodial interrogation, **31:24**
 Hearsay, **31:29**
 Interrogation, **31:24**
 Involuntary confessions, **31:28**
 Privileges, **5:48 (Form)**
 Procedural Attacks (this index)

SURRENDER
 Bail, **36:9**

SURVEILLANCE
 Wiretapping and Electronic Surveillance (this index)

TAMPERING WITH JUROR
 Obstruction of justice, **9:17 (Form)**

TAMPERING WITH RECORDS
 Obstruction of justice, **9:11**

TAMPERING WITH WITNESSES
 Obstruction of justice, **9:18 (Form)**

TANGIBLE OBJECTS
 Discovery, **31:35**

TAPE RECORDINGS
 Evidence, **54:6-54:9, 54:49 (Form), 54:59 (Form)**

TARGET LETTER
 Grand jury, **2:41 (Form)**

TARGET WARNINGS
 Grand jury, **2:35**

TAX ADVISOR
 Tax crimes, **19:106**

TAXATION
 Comprehensive Thrift and Bank Fraud Prosecution and Taxpayer Recovery Act (this index)
 Crimes. **Tax Crimes** (this index)
 Criminal forfeiture, **30:165 (Form)**

TAX CRIMES
 Generally, **19:1-19:143 (Form)**
 Accountant, **19:13, 19:43, 19:75, 19:107**
 Accountant's work papers, **19:22**
 Administrative summons
 Generally, **19:7-19:28**
 Accountant, **19:13**
 Accountant's work papers, **19:22**
 Attorney, **19:14**
 Bank records, **19:23**

TAX CRIMES—Cont'd

Administrative summons—Cont'd
Corporate records, **19:24**
Enforcement, **19:26-19:28**
Foreign countries, obtaining evidence from, **19:19**
Handwriting samples, **19:25**
Intervention, right to, **19:17**
Issuance, generally, **19:7-19:28**
Jurisdiction, **19:27**
Non-liable tax years, **19:21**
Notice, third-party record keeper summons, **19:16**
Parties doing business with taxpayer, **19:12**
Quash, right of proceedings to, **19:17**
Requirements, **19:8**
Restrictions on inquiries and examinations concerning churches, **19:18**
Rules of procedure, **19:28**
Shareholders, **19:10**
Tax exempt organizations, **19:11**
Third-party record keeper summons, **19:15-19:17**
To whom summons may be issued, **19:9**
Advice of counsel, **19:92**
Advisor, **19:106**
Aiding or assisting in false statements. Fraud and false statements, I.R.C. § 7206, infra
Appeals, **19:49**
Application, **19:125 (Form), 19:139 (Form)**
Attempts to interfere with administration of internal revenue laws, I.R.C. § 7212, **19:115**
Attorney, **19:14, 19:92, 19:137 (Form)**
Attorney's fees, **19:134 (Form), 19:135 (Form)**
Authority, **19:1, 19:56**
Bank records, **19:23**
Blanket refusal, **19:39**

TAX CRIMES—Cont'd

Brief, **19:137 (Form)**
Burden of proof, **19:32-19:34**
Certificate, **19:99**
Churches, **19:18**
Civil collection procedures, **19:4-19:6**
Collection of taxes, **19:4-19:6, 19:94, 19:118**
Complaint, **19:132 (Form), 19:138 (Form)**
Conference letter, **19:60**
Conferences. Criminal tax conferences, infra
Constitutional considerations, search warrants, **19:57**
Constitutional defenses, **19:45, 19:96**
Contempt, **19:48**
Contesting re-examination, **19:55**
Corporations, **19:24, 19:37, 19:76, 19:109**
Correspondence, **19:60**
Counterfeiting, mutilation or reuse, I.R.C. § 7208, **19:111**
Criminal investigation unit, **19:59**
Criminal tax conferences
Generally, **19:58-19:62**
Conference letter, **19:60**
Criminal investigation unit, **19:59**
IRS investigations department, **19:58**
Justice Department, conferences with, **19:62**
Statements, **19:61**
Defenses
Generally, **19:47**
Evidentiary hearing, infra
Fraud and false statements, I.R.C. § 7206, **19:102, 19:103**
Tax evasion, infra
Willful failure to file return, pay tax or supply information, 26 U.S.C.A. § 7203, **19:96, 19:97**
Definition of re-examination, **19:53**

INDEX

TAX CRIMES—Cont'd

Deposits and expenditures method of reconstructing income, **19:81**
Disclosure, **19:84, 19:116, 19:119, 19:138 (Form)**
Discovery, **19:30, 19:71**
Dismissal, **19:128 (Form)**
Doing business, **19:12**
Double jeopardy, **19:85**
Duplicative charges, **19:67**
Employment, **19:98, 19:117**
Enforcement, **19:26-19:28**
Evidence, **19:19, 19:32-19:34**
Evidentiary hearing
 Generally, **19:29-19:49**
 Accountant, records in possession of, **19:43**
 Appeals, **19:49**
 Burden of proof, **19:32-19:34**
 Contempt, **19:48**
 Defenses
 Generally, **19:35-19:47**
 Privileged communications, **19:46**
 Self-incrimination, infra this group
Discovery, **19:30**
Government's burden of proof, **19:33**
Intervention, **19:31**
IRS immunity, **19:44**
Officer of corporation, **19:37**
Privileged communications, **19:46**
Self-incrimination
 Generally, **19:36-19:44**
 Accountant, records in possession of, **19:43**
 IRS immunity, **19:44**
 Officer of corporation, **19:37**
 Other organizations, **19:38**
 Specific questions vs. blanket refusal, **19:39**
Sphere of privilege, **19:42**
Third-party records, **19:41-19:44**
Waiver, **19:40**

TAX CRIMES—Cont'd

Evidentiary hearing—Cont'd
 Specific questions vs. blanket refusal, **19:39**
 Taxpayer's burden of proof, **19:34**
 Third-party records, **19:41-19:44**
 Waiver, **19:40**
Examination process
 Generally, **19:50-19:55**
 Administrative summons, **19:18**
 Contesting re-examination, **19:55**
 Definition of re-examination, **19:53**
 Notice of re-examination, **19:52**
 Time of applicability, **19:51**
 Unnecessary examination, **19:54**
Excessive fines clause, **19:93**
Exemptions, **19:99**
Exempt organizations, **19:11**
Expenses, **19:81**
Expert testimony, **19:70**
False statements
 Fraud and false statements, I.R.C. § 7206, infra
 Income tax return, specific instructions, 26 U.S.C.A. § 7206, **19:143 (Form)**
 Purchasers or lessees relating to tax, I.R.C. § 7211, **19:114**
Findings of fact and conclusions of law, **19:133 (Form)**
Fines and penalties, **19:93, 19:118, 19:122**
Foreign countries, obtaining evidence from, **19:19**
Fraud
 Generally, **19:98, 19:121**
 Conspiracy to impede and impair IRS (18 U.S.C.A. § 371), **19:120**
 False statements. Fraud and false statements, I.R.C. § 7206, infra
 Persons liable, **19:105-19:109**
Fraud and false statements, I.R.C. § 7206
 Generally, **19:100-19:109**

TAX CRIMES—Cont'd

Fraud and false statements, I.R.C.
 § 7206—Cont'd
 Accountant, **19:107**
 Aiding or assisting in false statements, generally, **19:104-19:109**
 Corporations, **19:109**
 Elements, **19:101**
 False statements. Fraud and false statements, I.R.C. § 7206, infra
 Lack of knowledge defense, **19:103**
 Privilege defense, **19:102**
 Suppliers of false information, **19:108**
 Tax advisor, **19:106**
Fraudulent returns, statements or other documents, I.R.C. § 7207, **19:110**
Fraudulent statement or failure to make statement to employee, I.R.C. § 7204, **19:98**
Fraudulent withholding exemption certificate or failure to supply, I.R.C. § 7205, **19:99**
Good faith, **19:87, 19:88**
Grand jury investigations, **19:63**
Handwriting samples, **19:25**
Hearing. Evidentiary hearing, supra
Immunity, **19:44**
Income, **19:79, 19:80**
Income tax return
 Disclosure or use of information by tax return preparers, I.R.C. § 7216, **19:119**
 Failure to file, 26 U.S.C.A. § 7203, **19:95, 19:142 (Form)**
 Sign return, failure to, **19:89**
 Specific instructions, failure to file, 26 U.S.C.A. § 7203, **19:142 (Form)**
 Specific instructions, false statement on income tax return, 26 U.S.C.A. § 7206, **19:143 (Form)**

TAX CRIMES—Cont'd

Income tax return—Cont'd
 Willful failure to file return, pay tax or supply information, 26 U.S.C.A. § 7203, **19:95-19:97**
Injunction, **19:125 (Form)-19:127 (Form)**
Instructions to jury, **19:141 (Form)-19:143 (Form)**
Interest on money, **19:135 (Form), 19:136 (Form)**
Interference, **19:115**
Intervention, **19:17, 19:31**
Investigation, **19:3, 19:58, 19:59, 19:63**
I.R.C. § 7201. Tax evasion, infra
IRS District Counsel, **19:137 (Form)**
IRS immunity, **19:44**
IRS Investigations department, **19:58**
Jeopardy assessment, **19:6**
Judgment, **19:131 (Form), 19:136 (Form)**
Jurisdiction, **19:27**
Jury list, **19:68**
Knowledge, **19:87, 19:103**
Leases, **19:114**
Levy, **19:139 (Form), 19:140 (Form)**
Limitation of actions, **19:64**
Mail fraud charges, **19:121**
Memorandum of law, **19:126 (Form), 19:128 (Form)**
Mens rea, **19:69**
Mootness, **19:128 (Form)**
Motion, **19:128 (Form), 19:129 (Form)**
Mutilation, **19:111**
Net worth method of reconstructing income, **19:80**
Notice, **19:16, 19:52**
Officer of corporation, **19:37**
Officers and employees of United States, I.R.C. § 7214, **19:117**
Order, **19:130 (Form), 19:134 (Form), 19:136 (Form), 19:140 (Form)**

INDEX

TAX CRIMES—Cont'd

Origin of cases, **19:2**
Over tax, **19:94**
Payment, **19:94-19:97**
Permanent injunction, **19:125**
(**Form**)
Petition, **19:124 (Form)**
Preliminary injunction, **19:125**
(**Form**)-**19:127 (Form)**, **19:127**
(**Form**)
Premises, entry on, **19:139 (Form)**,
19:140 (Form)
Previously assessed liabilities, **19:5**
Privileged communications, **19:46**
Privilege defense, **19:102**
Property illegally seized, **19:124**
(**Form**)
Quash, right of proceedings to, **19:17**
Reconstructing income, **19:79**, **19:80**
Record keeper, **19:15-19:17**
Re-examination, **19:52**, **19:53**, **19:55**
Reliance, **19:88**
Restrictions, **19:18**
Return of documents, **19:132 (Form)**
Return of property, **19:124 (Form)**
Returns. Income tax return, *supra*
Reuse, I.R.C. § 7208, **19:111**
Sample materials, generally, **19:123**
(**Form**)-**19:143 (Form)**
Seal, **19:129 (Form)**
Search warrants, **19:56**, **19:57**
Seizure of property, **19:124 (Form)**
Selective prosecution, **19:89**
Self-incrimination
 Evidentiary hearing, *supra*
 Tax evasion, **19:86**
Shareholders, **19:10**
Sign return, failure to, **19:89**
Special discovery issues, **19:71**
Specific instructions, **19:141 (Form)**-
19:143 (Form)
Specific item method, **19:82**
Specific questions vs. blanket refusal,
19:39
Stamps, I.R.C. § 7209, **19:112**
Statute, application of, **19:65**

TAX CRIMES—Cont'd

Submission, **19:137 (Form)**
Substantive laws, generally, **19:64-**
19:121
Summary judgment, **19:131 (Form)**
Summons
 Administrative summons, *supra*
 Failure to obey, I.R.C. § 7210,
19:113
 Sample materials, **19:123 (Form)**
Suppliers of false information, I.R.C.
 § 7206, **19:108**
Tax advisor, I.R.C. § 7206, **19:106**
Tax evasion
 Generally, **19:72-19:93**
 Accountant, **19:75**
 Actions constituting offense, **19:73**
 Advice of counsel, **19:92**
 Corporation, **19:76**
 Defenses
 Generally, **19:83-19:93**
 Advice of counsel, **19:92**
 Amount of tax, **19:91**
 Double jeopardy, **19:85**
 Excessive fines clause, **19:93**
 Good faith lack of knowledge,
 19:87
 Good faith reliance, **19:88**
 Selective prosecution, **19:89**
 Self-incrimination, **19:86**
 Sign return, failure to, **19:89**
 Voluntary disclosure, **19:84**
 Deposits and expenditures method
 of reconstructing income,
19:81
 Double jeopardy, **19:85**
 Excessive fines clause, **19:93**
 Good faith lack of knowledge,
 19:87
 Good faith reliance, **19:88**
 I.R.C. § 7201, generally, **19:72-**
19:93
 Net worth method of reconstruct-
 ing income, **19:80**
 Persons liable, generally, **19:74-**
19:80

TAX CRIMES—Cont'd

Tax evasion—Cont'd
 Reconstructing income, **19:79, 19:80**
 Selective prosecution, **19:89**
 Self-incrimination, **19:86**
 Sign return, failure to, **19:90**
 Specific instructions, 26 U.S.C.A. § 7201, **19:141 (Form)**
 Third parties, **19:77**
 Voluntary disclosure, **19:84**
 Willfulness, **19:78**
Tax exempt organizations, **19:11**
Taxpayer's burden of proof, **19:34**
Third parties, **19:15-19:17, 19:41-19:44, 19:77**
Unauthorized disclosure of information, I.R.C. § 7213, **19:116**
Unauthorized use or sale of stamps, I.R.C. § 7209, **19:112**
U.S. Department of Treasury, generally, **19:123 (Form)**
U.S. Justice Department, **19:62**
Use, **19:112, 19:119**
Venue, **19:66**
Verified petition for return of property illegally seized, **19:124 (Form)**
Voluntary acts and matters, **19:84, 19:132 (Form)**
Waiver, **19:40**
What may be examined, **19:20**
Willfulness
 Collect or pay over tax, I.R.C. § 7202, **19:94**
 File return, pay tax or supply information, 26 U.S.C.A. § 7203, **19:95-19:97**
 Tax evasion, **19:78**
Withholdings, **19:99**
Wrongful disclosure, **19:138 (Form)**

TAX EVASION

Tax Crimes (this index)

TAX EXEMPT ORGANIZATIONS

Administrative summons, **19:11**

TAXPAYER

Evidentiary hearing, burden of proof, **19:34**

TAX RETURN

Tax Crimes (this index)

TAX RETURN PRIVILEGE

Generally, **5:16**

TELEMEDICINE FRAUD

Health care fraud, internet pharmacies, **37:37**

TELEVISION

Wiretapping and electronic surveillance, **39:37 (Form)**

TEMPORARY RESTRAINING ORDER

Parallel proceedings, **7:45 (Form)**
Securities fraud, **12:75 (Form), 12:76 (Form)**

TERMINATION

Wiretapping and electronic surveillance, **39:15**

TERRORISM

Forfeiture of nondrug-related assets, supporters of terrorism, **30:25.50**

TESTIMONY

Jury issues, testifying about jury

deliberations, **57:23**

Production of Testimony (this index)

Witnesses (this index)

TESTS

Discovery, **31:41**

Jurisdiction, **43:5**

Polygraph (this index)

Securities fraud, **12:45, 12:46**

THEFT

Bank crimes, **11:115 (Form)**

Criminal trade secret violations, **40:1**

Fraud against government, **21:34**

Health care fraud, **37:38**

INDEX

THEFT—Cont'd
 National Stolen Property Act (this index)

THIRD PARTIES
 Corporations, **3:71, 3:80 (Form)**
 Criminal forfeiture, **30:96**
 Evidence, **54:13**
 Tax crimes, **19:15-19:17, 19:41-19:44, 19:77**
 Wiretapping and electronic surveillance, **39:33 (Form)**

THREAT OR FORCE
 Obstruction of justice, **9:6**

TIME
 Civil forfeiture, **30:56**
 Continuing criminal enterprise, **15:3, 15:4**
 Grand jury, **2:83 (Form)**
 Tax crimes, **19:21**

TIME LIMITS
 Preservation of error, **55:12**

TIMELINESS
 Preservation of error, **55:3, 55:30**

TIMING
 False financial statements, **11:44**
 Wiretapping and electronic surveillance, **39:20**

TITLE III
 Wiretapping and Electronic Surveillance (this index)

TITLE 28 U.S.C. § 2255
 Citizen protection from procedural attacks, **31:226 (Form)**

TOTAL OFFENSE LEVEL
 Sentencing, **34:17-34:22, 34:24, 34:25, 34:28**

TOXIC SUBSTANCES CONTROL ACT
 Generally, **26:29**
 Defenses, **26:29.50**
 Fines and penalties, **26:30**

TRADEMARK COUNTERFEITING ACT OF 1984
 Generally, **27:1**

TRADEMARK VIOLATIONS
 Generally, **27:1-27:5**
 Defenses, **27:3**
 Fines and penalties, **27:5**
 Prosecution policy, **27:4**
 Trademark Counterfeiting Act of 1984, **27:1**

TRADE SECRETS
 Criminal Trade Secret Violations (this index)

TRAFFICKING
 Computer Fraud and Abuse Act, **41:10**

TRANSACTIONAL IMMUNITY
 Generally, **6:2**

TRANSCRIPTS
 Citizen protection from procedural attacks, **31:158 (Form), 31:159 (Form)**
 Discovery, **31:42**
 Evidence, **54:59 (Form)**
 Grand jury, **2:67 (Form)**

TRANSFERS
 Bankruptcy (this index)
 Financial Privacy Act, **11:62**
 Procedural attacks, motion to transfer venue, **31:218, 31:236**

TRANSFER VENUE
 Jury trial, **57:41 (Form), 57:41 (Form) et seq., 57:42 (Form)**
 Securities fraud, **12:69 (Form)**

TRANSMISSION PROVIDER REGULATIONS
 Energy crimes, **56:8**

TRANSPORTATION
 Aliens, **48:2-48:5**
 Ex parte motion, **53:44 (Form)**

TRANSPORTATION—Cont'd
Ex parte motion to transport witness to Mexico, **53:45 (Form)**
Mail and wire fraud, **8:16 (Form)**
National Stolen Property Act, **18:7 (Form)**
Resource Conservation and Recovery Act, **26:32, 26:36**

TRAP
Perjury, **20:8**

TRAVEL ACT
Generally, **17:1-17:15 (Form)**
Additional problems, **17:11**
Aiding and abetting substantive and conspiratorial violations, **17:10**
Bribery and extortion not mutually exclusive, **17:7**
Conspiracy, **17:8, 17:10**
Defenses, **17:12**
Dismissal, **17:14 (Form)**
18 U.S.C.A. § 1952, generally, **17:1**
Extortion, **17:7**
Fines and penalties, **17:13**
Hobbs Act, **17:6, 17:8**
Indictment, **17:14 (Form)**
Intent, specific, **17:3**
Interstate commerce, **17:2**
Jury instructions, **17:15 (Form)**
Motion to dismiss count of indictment as to defendant with legal authorities in support, **17:14 (Form)**
Multiple prosecutions, **17:9**
Mutually exclusive, **17:7**
Overt act, **17:5**
Racketeering, generally, **17:1-17:15 (Form)**
Sample trial material, **17:14 (Form), 17:15 (Form)**
Specific instructions, 18 U.S.C.A. § 1952(a) and (b)(3) and (1), **17:15 (Form)**
Specific intent, **17:3**
Unlawful activity, **17:4**

TREASONOUS MATERIAL
Import violations, **24:18**

TREATIES
Extradition, treaty limitations on punishment, **43:16, 43:17**
Jurisdiction, **43:11-43:13**

TRIAL
Strategies, generally, **53:10-53:33**

TRUSTEE
Bankruptcy court, **4:35 (Form)**
Criminal forfeiture, **30:151 (Form), 30:153 (Form), 30:166 (Form)**

TRUTH, MEASURE OF
Perjury, **20:4**

TRUTH AND FALSITY
Bank crimes, **11:99 (Form)**

UNANIMOUS VERDICTS
Procedural attacks, **31:10**

UNANSWERED COMPLAINT
Civil forfeiture, **30:42**

UNAUTHORIZED ACCESS
Computer Fraud and Abuse Act, **41:7**

UNAUTHORIZED DISCLOSURE OF INFORMATION
Tax crimes, **19:116**

UNAUTHORIZED USE OR SALE OF STAMPS
Tax crimes, **19:112**

UNITED STATES-CANADIAN MLAT
Jurisdiction, **43:12**

UNITED STATES v. BOOKER
Adjustment, **34:20-34:22, 34:24, 34:25**
Base offense level, **34:18, 34:19**
Criminal history of defendant, **34:28**
Defendant's obstruction of criminal proceedings, **34:25**
Downward adjustment, **34:26**

INDEX

UNITED STATES v. BOOKER
—Cont'd
Relevant contact, 34:19
Role of defendant in offense, 34:24
Status of victim, 34:22
Total offense level, 34:17-34:22,
34:24, 34:25, 34:28
Upward adjustment, 34:21

UNITED STATES v. GREBER
Health care fraud, safe harbor regulations, 37:9

UNITED STATES v. HUDSON
Parallel proceedings, 7:12, 7:13

UNITED STATES v. KORDEL
Parallel proceedings, 7:2

UNITED STATES v. LASALLE
NAT'L BANK
Parallel proceedings, 7:3

UNLAWFUL ACTIVITY
Travel Act, 17:4

UNREASONABLENESS
Civil forfeiture, 30:56
Grand jury subpoenas, 2:10

UNSWORN WITNESSES
Procedural attacks, counsel as unsworn witness, 31:20

UPWARD ADJUSTMENT
Sentencing, 34:21, 34:23

UPWARD DEPARTURES
Sentencing, 34:36

U.S. ATTORNEY
Immunity, 6:25 (Form), 6:26 (Form)
Pretrial diversion, 35:5 (Form)

U.S. CIRCUIT COURT
Parallel proceedings, 7:10

U.S. DEPARTMENT OF COMMERCE
Export offenses, 25:21 (Form), 25:22 (Form)

U.S. DEPARTMENT OF JUSTICE
Department of Justice (DOJ) (this index)

U.S. DEPARTMENT OF TREASURY
Tax crimes, 19:123 (Form)

U.S. DISTRICT COURT
Parallel proceedings, 7:11
Sentencing, 34:103 (Form)

U.S. JUSTICE DEPARTMENT
Department of Justice (DOJ) (this index)

U.S. SENTENCING GUIDELINES
Obstruction of justice, 9:15

USE
Export offenses, 25:5
Immunity, 6:3, 6:20
Pretrial diversion, 35:2
Tax crimes, 19:112, 19:119

VACATION
Citizen protection from procedural attacks, 31:226 (Form)
Federal court of contempt, 38:14 (Form)-38:16 (Form)
Parallel proceedings, 7:45 (Form)

VAGUENESS
Ambiguities or Vagueness (this index)

VARIANCE
Evidence, 54:34
RICO, 13:18-13:23

VEHICLES
Motor Vehicles (this index)

VEHICLE SEARCHES
Warrantless searches, 31:65

VENUE
Civil forfeiture, 30:39
Jury instructions, 57:13
Jury trial, 57:41 (Form) et seq.
Money Laundering Act, 22:8

VENUE—Cont'd

Procedural attacks, **31:73**
Procedural attacks, motion to transfer venue, **31:218, 31:236**
Securities fraud, **12:10, 12:69 (Form), 12:70 (Form)**
Tax crimes, **19:66**
Transfer Venue (this index)

VERDICT FORM

Bank crimes, **11:179 (Form)**
Criminal forfeiture, **30:157 (Form)**
Special Verdict Form (this index)

VERDICTS

Acquittal (this index)
Criminal forfeiture, **30:98**
Unanimous verdicts, procedural attacks, **31:10**

VERIFICATION

Criminal forfeiture, **30:133 (Form), 30:138 (Form), 30:165 (Form)**
Tax crimes, **19:124 (Form)**

VICTIMS

Comprehensive Thrift and Bank Fraud Prosecution and Taxpayer Recovery Act, **11:81**
Forfeiture, remission or restoration to victims, **30:101.50**

VINDICTIVENESS

Perjury, **20:9**

VINDICTIVE PROSECUTION

Citizen protection from procedural attacks, **31:168 (Form), 31:169 (Form)**

VIRUSES

Computer Fraud and Abuse Act, 18 U.S.C.A. § 1030(a)(5), **41:9**

VISUAL CONDUCT AND ACTIVITIES

Wiretapping and electronic surveillance, **39:37 (Form), 39:38 (Form)**

VOIDANCE

Attorney's fees, **33:7, 33:8, 33:10, 33:11**

VOIR DIRE

Generally, **57:1-57:3**
Bank crimes, **11:135 (Form), 11:136 (Form)**

Citizen protection from procedural attacks, **31:99 (Form), 31:100 (Form), 31:155 (Form)**

Individual voir dire examination, **31:155 (Form)**

Individual voir dire examination with legal authorities in support, **31:99 (Form), 31:100 (Form)**

Preservation of Error (this index)

VOLUNTARY ACTS AND MATTERS

Attorney-client privilege, **5:10**

Bail, **36:9**

Citizen protection from procedural attacks, **31:89 (Form), 31:90 (Form)**

Environmental crimes, **26:56-26:58**

Immigration, **42:16**

Tax crimes, **19:84, 19:132 (Form)**

VULNERABILITY

Corporations (this index)

WAIVER

Attorney-client privilege, **5:5-5:13**

Bankruptcy court, **4:8-4:10, 4:18**

Corporate vulnerability, inquiry, and responsibility, joint defense agreements and waiver, **3:36**

Corporations, **3:37-3:40**

Criminal forfeiture, **30:175 (Form), 30:176 (Form)**

Environmental crimes, **26:77 (Form)**

Immigration, **42:15**

Plea bargaining, **34:60**

Privileges, **5:32 (Form), 5:33 (Form)**

Selective, privileges, **5:8.50, 5:13**

Tax crimes, **19:40**

INDEX

WAR MATERIALS

Civil forfeiture, **30:22**

WARNINGS

Grand jury, **2:35**

WARRANT

Citizen protection from procedural attacks, **31:221 (Form)**, **31:222 (Form)**

Civil forfeiture, **30:27, 30:28**

Criminal Forfeiture (this index)
Grand jury, **2:45 (Form), 2:46 (Form)**

Procedural attacks, **31:58**

Warrantless Searches (this index)

WARRANTLESS SEARCHES

Generally, **31:61-32:71**

Airline passengers, **31:68**

Border search doctrine, **31:69**

Court supervision, **31:62**

Exigent circumstances, **31:66**

Incident to arrest, **31:63**

Inventory, **31:64**

Overly broad warrants, **31:70**

Students in public schools, **31:67**

Vehicle searches, **31:65**

WATER

Clean Water Act (this index)

WELLS SUBMISSION LETTER

Securities fraud, **12:63 (Form)**

WHISTLEBLOWERS

Corporations, discrimination complaints by whistleblowers, **3:51, 3:53, 3:54**

Financial Institutions Reform, Recovery, and Enforcement Act, **11:71**

WIFE

Spouse (this index)

WILLFUL ACTS AND MATTERS

Conviction, **53:22**

Copyright violations, **28:4**

Export offenses, **25:11**

WILLFUL ACTS AND MATTERS

—Cont'd

Tax crimes, **19:78, 19:94-19:97**

WILLFUL BLINDNESS

DOCTRINE

Corporations, vulnerability, **3:11**

WIRE COMMUNICATIONS

Civil forfeiture, **30:19**

WIRE FRAUD

Mail and Wire Fraud (this index)

WIRETAPPING AND

ELECTRONIC SURVEILLANCE

Generally, **39:1-39:38 (Form)**

Application for interception of wire and oral communication, **39:35 (Form)**

Application for order authorizing interception of visual, non-verbal conduct and activities by means of closed circuit television, **39:37 (Form)**

Application for Title III court order

Generally, **39:5-11**

Designated offenses, **39:6**

Emergency wiretaps, **39:11**

Identification, **39:8**

Necessity, **39:10**

Prior applications, **39:9**

Probable cause, **39:7**

Attorney-client privilege, **39:26**

Beeper and pagers, **39:27**

Berger v. New York, **39:3**

Cell phones, **39:27**

Challenging Title III search, **39:19-39:22**

Closed circuit television, **39:37 (Form)**

Corporations, **3:70, 3:79 (Form)**

Emergency motion, **39:33 (Form)**

Emergency wiretaps, **39:11**

Encryption technology, **39:30**

Execution of Title III search

Generally, **39:12-39:18**

WIRETAPPING AND ELECTRONIC SURVEILLANCE—Cont'd

Execution of Title III search—Cont'd
 Installation, **39:13**
 Minimization, **39:14**
 Notice, **39:17**
 Return, **39:16**
 Sealing, **39:18**
 Termination, **39:15**
Extraterritorial surveillance, **39:25**
Fugitives, **39:23**
Identification, **39:8**
Installation, **39:13**
Internet, **39:32**
Katz v. United States, **39:3**
Law enforcement, communications assistance for, **39:31**
Modification of subpoena, **39:33(Form)**
Motion, response to emergency motion of non-party to modify subpoena and for protective order, **39:33(Form)**
Non-parties, response to emergency motion of non-party to modify subpoena and for protective order, **39:33(Form)**
Non-verbal conduct and activities, **39:37(Form), 39:38(Form)**
Notice, **39:17**
Order
 Generally, **39:34(Form)**
 Application for order authorizing interception of visual, non-verbal conduct and activities by means of closed circuit television, **39:37(Form)**
 Application for Title III court order, *supra*
 Authorizing interception of oral and wire communication, **39:36(Form)**
 Authorizing interception of visual and non-verbal conduct and activities, **39:38(Form)**

WIRETAPPING AND ELECTRONIC SURVEILLANCE—Cont'd

Order—Cont'd
 Response to emergency motion of non-party to modify subpoena and for protective order, **39:33(Form)**
 Pagers and beepers, **39:27**
 Prior applications, **39:9**
 Prisoners, **39:24**
 Probable cause, **39:7**
 Protective order, **39:33(Form)**
 Response to emergency motion of non-party to modify subpoena and for protective order, **39:33(Form)**
 Return, **39:16**
 Roving wiretaps, **39:28**
 Sealing, **39:18**
 Search
 Challenging Title III search, **39:19-39:22**
 Execution of Title III search, *supra*
 Special circumstances
 Generally, **39:23-39:29**
 Attorney-client privilege, **39:26**
 Beeper and pagers, **39:27**
 Extraterritorial surveillance, **39:25**
 Fugitives, **39:23**
 Pagers and beepers, **39:27**
 Prisoners, **39:24**
 Roving wiretaps, **39:28**
 States, **39:29**
 Standing, **39:21**
 States, **39:29**
 Subpoena, **39:33(Form)**
 Termination, **39:15**
 Timing, challenging Title III search, **39:20**
 Title III, generally, **39:4-39:22**
 Visual conduct and activities, **39:37(Form), 39:38(Form)**

WIRE TAPPING AND ELECTRONIC SURVEILLANCE

Workplace monitoring and privacy concerns, **39:32.40**

WITHDRAWAL

Securities fraud, **12:28**

Sentencing

Motion to withdraw guilty plea, **34:71 (Form), 34:73 (Form), 34:74 (Form)**

Motion to withdraw plea, **34:78 (Form)**

Order, **34:72 (Form), 34:78 (Form)**

WITHHOLDINGS

Tax crimes, **19:99**

WITNESSES

Abroad, **53:30**

Attorney ethics, **32:29, 32:33**

Attorney liability

Instructing not to testify, **46:4**

Tampering, **46:7**

Bank Crimes (this index)

Bolstering, **53:18**

Character evidence, **54:10**

Co-conspirator statements, **54:11**

Cross examination, **53:12**

Deliberate ignorance, **53:15**

Disclosure of informants, **53:10**

Discovery, **31:38, 31:42, 31:44**

Evidence, **54:56 (Form), 54:57 (Form)**

Ex parte motion, **53:44 (Form)**

Expert Witnesses (this index)

Failure of defendant to testify, **53:20**

Fifth Amendment, **53:12**

Foreign countries, **53:30**

Former testimony, **54:19-44:22**

Government witnesses, **31:18, 53:31**

Grand Jury (this index)

Immunity, **6:22 (Form), 6:23 (Form), 6:25 (Form)**

WITNESSES—Cont'd

Impeachment of witnesses, **53:18, 54:10**

Incarcerated witnesses, **53:28**

Indigent clients, fact witnesses for, **53:26**

In limine motion, **53:46 (Form), 53:50 (Form)**

Judge's questioning of defendant, **54:33**

Lay testimony, **54:29**

Legal experts, **53:7**

Obstruction of justice, **9:18 (Form)**

Order, **53:45 (Form), 53:51 (Form)**

Parallel proceedings, **7:49 (Form)**

Polygraph testing, **53:9**

Post arrest silence, **54:31**

Preservation of error, **55:19-55:21**

Prior testimony against corporations, **54:37**

Privileges, **5:34 (Form)**

Procedural attacks, **31:15, 31:18**

Procedural Attacks (this index)

Psychiatric experts, **53:6**

Residual exception, former testimony, **54:22**

Securities fraud, **12:60 (Form)**

Sequestration of, **54:45**

Service of process and papers, **53:23**

Statements against interest, former testimony, **54:20**

State of mind, former testimony, **54:21**

Strategies

Generally, **53:5-53:9**

Bolstering, **53:18**

Disclosure of informants, **53:10**

Expert witnesses, **53:6-53:8**

Government witnesses, **53:31**

Impeachment of witnesses, **53:18**

Legal experts, **53:7**

Polygraph testing, **53:9**

Prosecution witness asserts Fifth Amendment on cross examination, **53:12**

Psychiatric experts, **53:6**

WITNESSES—Cont'd

Strategies—Cont'd

Reports, use investigative reports
and grand jury testimony
against government, **53:3**

Summary testimony, **54:5**

WORDS AND PHRASES

Definitions (this index)

WORKPLACE MONITORING

Wire tapping and electronic surveil-
lance, **39:32.40**

WORK-PRODUCT PRIVILEGE

Generally, **5:24**

Corporations, **3:34, 3:35**

Environmental crimes, **26:62**

Grand jury, **2:20**

Internal investigation search terms as
work-product, protection of,
3:35

WORK-PRODUCT PRIVILEGE

—Cont'd

Motion for protective order to
prevent disclosure of documents
protected under, **5:29 (Form)**

WRIT OF HABEAS CORPUS

Habeas Corpus (this index)

WRITTEN FINDINGS

Citizen protection from procedural
attacks, **31:103 (Form), 31:104**
(Form), 31:167 (Form)

Parallel proceedings, **7:64 (Form)-**
7:66 (Form)

WRONGFUL DISCLOSURE

Tax crimes, **19:138 (Form)**

WRONGFUL PROSECUTION

Attorney's fees, **33:18**