

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

UNITED STATES OF AMERICA	)	CRIMINAL NO. 08-10184-GAO
	)	VIOLATIONS:
	)	18 U.S.C. § 1341 (Mail Fraud)
v.	)	18 U.S.C. § 1343 (Wire Fraud)
	)	18 U.S.C. § 1957 (Money Laundering)
	)	26 U.S.C. § 7201 (Tax Evasion)
JEFFREY S. WINDLE,	)	18 U.S.C. §§ 981 & 982 (Forfeiture)
Defendant.	)	28 U.S.C. § 2461(c) (Forfeiture)

SUPERSEDING INDICTMENT

THE GRAND JURY CHARGES THAT:

INTRODUCTION

At all times material to this Indictment:

1. Defendant JEFFREY S. WINDLE (hereinafter referred to as “WINDLE”), a resident of Massachusetts, was the Director of Budget and Finance, at Cambium Learning, Inc. (hereinafter referred to as “Cambium”).

2. Cambium is a company with a principal place of business in Natick, Massachusetts, that provides instructional materials, services and technology to help educators raise the achievement level of struggling and challenged students in pre-kindergarten through grade 12. Sopris West Educational Services, Inc. (hereinafter referred to as “Sopris West”) is a subsidiary of Cambium, located in Longmont, Colorado, which provides the same type of educational products and services as Cambium.

3. In his capacity as budget and finance director, WINDLE was responsible for overseeing a number of financial functions at Cambium, including but not limited to: preparing consolidated financial statements, maintaining financial reporting records, closing the company’s

books on a monthly basis, paying company expenses, initiating wire transfers, and writing and signing checks.

4. Cambium maintained several business bank accounts for which WINDLE had signature authority, including: (a) a checking account held at Citizens Bank, Account No. XXXXXX0169; (b) checking accounts at Bank of America, Account Nos XXXXXXXXX4699 and XXXXXX8827 (previously known as Fleet Bank accounts and hereinafter referred to as “Fleet Account XXX4699” and “Fleet Account XXX8827,” respectively); and (c) a money market account at Bank of America, Account No. XXXXXXXXX9331.

5. Cambium also had access to and control over a Sopris West bank account held at Mile High Banks in Colorado (formerly known as Horizon Banks), Account No. XXXX4710 (hereinafter referred to as the “Sopris West Account”). As Director of Budget and Finance, WINDLE had signature authority for the Sopris West Account. WINDLE also had authority for the transfer of funds from the Sopris West Account to the Cambium checking account at Citizens Bank, and for initiating payments to vendors from the Cambium checking account at Citizens Bank.

6. WINDLE maintained a number of personal accounts at different banks, including: (a) a checking account at Sovereign Bank, Account No. XXXXXXXX1934, which he held jointly with his wife; (b) a checking account at Cape Cod Five Cents Savings, Account No. XXXXXX2497; and (c) an account at Rockland Trust, Account No. XXXXXXXX1543.

7. In addition to working at Cambium, WINDLE was the treasurer for the Congregational Church of South Dennis (hereinafter referred to as “CCSD”), which was also commonly referred to as the South Dennis Congregational Church (“SDCC”). As treasurer,

WINDLE was responsible for handling the finances of CCSD, which included managing CCSD's bank accounts, handling funds coming into the church, and paying bills.

8. Among a number of bank accounts maintained by CCSD, CCSD held an account at TD Banknorth (previously known as Cape Cod Bank and Trust), Account No. XXXXX2201 (hereinafter referred to as the "CCSD Account"), for which account WINDLE also had signature authority.

1. OVERVIEW OF WINDLE'S FRAUD ON CAMBIUM

9. From in or about November 2004 to in or about April 2008, WINDLE defrauded Cambium by misappropriating and diverting corporate funds totaling close to \$14 million, which he used for his own personal benefit.

10. WINDLE abused his position of trust and authority at Cambium by writing or directing the issuance of numerous checks, and by directing wire transfers of funds, all for WINDLE's own personal benefit. WINDLE used a variety of methods to fraudulently obtain funds, including: (a) WINDLE wrote unauthorized checks out of Cambium's bank accounts, using the checks directly for the purchase of real estate that was for his own personal benefit; (b) WINDLE directed the issuance of checks from Cambium's accounting office in Colorado, made payable directly to himself and to "SDCC," falsely claiming that the checks were for reimbursement of expenses or for payments to consultants; (c) WINDLE wrote unauthorized checks from Cambium's Fleet Account No. XXX4699, which checks he caused to be deposited in the CCSD Account, and thereafter used for his own personal benefit; and (d) WINDLE directed wire transfers of funds from the Sopris West Account, which funds he used to buy real estate, expensive pleasure boats, luxury cars, and landscaping services.

A. Issuing Unauthorized Checks for the Purchase of Real Estate

11. In order to defraud Cambium, on or about November 3, 2004, WINDLE wrote a check for \$287,750.00 out of Cambium's Fleet Account No. XXX4699, which check he made payable to "Reality Executives." WINDLE used the funds as a down payment for the purchase of a \$1.9 million residence located at 652 Main Street, Harwichport, Massachusetts.

12. On or about December 2, 2004, WINDLE wrote a check in the amount of \$1,625,044.92, drawn on Cambium's money market account, Account No. XXXXXXXXX9331, which check he endorsed and used to purchase a cashier's check. WINDLE then used the cashier's check to pay the balance of the purchase price for the \$1.9 million residence located at 652 Main Street, Harwichport, Massachusetts, which residence he lived in with his family.

13. On or about May 24, 2006, WINDLE wrote a check from Cambium's checking account at Citizens Bank, Account No. XXXXXX0169, in the amount of \$1,164,000.00 payable to "Cambium Learning, Inc.," on which check he signed his own name and falsely represented to Cambium's Chief Financial Officer (hereinafter referred to as the "CFO") that the check was for a transfer of funds between Cambium accounts. As WINDLE well knew, he had no intention of depositing the check into a Cambium account. Rather, he made the false representations to the CFO in order to obtain the CFO's signature on the check, which was required because the amount of the check was more than \$10,000.

14. WINDLE endorsed the \$1,164,000.00 check and used it to purchase a bank check in the amount of \$1,164,000.00, payable to a title insurance and closing company in Tampa, Florida. WINDLE then mailed the bank check to Tampa, Florida, where the funds were used as payment for a residence he purchased for his family, located at 270 Capstan Drive, Placida,

Florida.

B. Issuing Unauthorized Checks For Deposit in WINDLE's Sovereign Account

15. From in or about June 2005 through in or about January 2006, WINDLE sent emails from Massachusetts to Cambium's accounts payable staff in Colorado, directing that checks be issued and made payable to "Jeffrey S. Windle," falsely claiming that such payments were reimbursements to him for expenses he incurred on behalf of Cambium. In fact, as WINDLE well knew, such payments were not reimbursements for any expense that he had incurred on behalf of Cambium. Based on WINDLE's directions, Cambium's accounts payable staff issued numerous checks from Cambium's Fleet Account No. XXX8827 and Citizens Account No. XXXXXX0169, payable to WINDLE in varying amounts ranging from \$8,812.10 to \$9,789.30, which checks were mailed from Colorado to WINDLE in Massachusetts.

16. Upon receipt of the Cambium checks made payable to him, WINDLE deposited the checks, which totaled approximately \$179,185.08, into his Sovereign Account, for his own personal benefit.

C. Issuing Unauthorized Checks For Deposit in CCSD's Account

17. From in or about October 2005 through in or about June 2006, WINDLE sent emails from Massachusetts to Cambium's accounts payable staff in Colorado, directing that checks be made payable to "SDCC" and mailed to WINDLE in Natick, Massachusetts, purportedly for the payment of "consulting fees" pursuant to a "contract" with SDCC. As WINDLE well knew, there was no legitimate business contract between Cambium and SDCC, and his false representations to Cambium account staff were intended to conceal the diversion of Cambium funds to himself.

18. WINDLE repeatedly sent emails from Massachusetts to Cambium's accounts payable staff in Colorado, falsely representing that the "contract" with SDCC was being "extended," thereby continuing to justify his requests for checks made payable to SDCC. Based on WINDLE's directions, Cambium's accounts payable staff issued approximately 30 checks, which totaled approximately \$275,000.00, from Cambium's checking account at Citizen's Bank, Account No. XXXXXX0169, made payable to SDCC, and mailed them to WINDLE in Natick, Massachusetts.

19. WINDLE, upon receipt of the Cambium checks made payable to SDCC, deposited the checks into the CCSD Account. Shortly after the checks cleared, WINDLE transferred the funds into his Sovereign Account, for his own personal benefit.

20. From in or about March 2006 through in or about April 2008, WINDLE manually wrote numerous checks from Cambium's Fleet Account No. XXX4699, which checks he made payable to "SDCC" and "CCSD," that he signed and endorsed. In order to conceal his diversion of funds, WINDLE sent emails from Massachusetts to Cambium's accounts payable staff in Colorado, directing that the checks he had written to SDCC and CCSD, be recorded in Cambium's books as inventory purchases, fraudulently attributing the purchases to a vendor that Cambium had previously done business with. In fact, as WINDLE well knew, there had been no such inventory purchases in connection with the unauthorized checks that WINDLE had manually written to SDCC and CCSD.

21. WINDLE deposited the unauthorized checks that he wrote, which totaled approximately \$4,794,346.00, into the CCSD Account. Shortly after the checks cleared, WINDLE transferred almost all of the funds into his Sovereign Account, for his own personal

benefit such as, renovating his homes, paying off a mortgage to Wells Fargo Bank, N.A., purchasing cars and boats, and for day to day living expenses.

D. Directing Unauthorized Wire Transfers from the Sopris West Account

22. From June 2007 through April 2008, WINDLE, on numerous occasions and on various dates, directed transfers of funds from the Sopris West Account by sending email requests from Massachusetts, to "JA," the Operations Manager at Mile High Banks in Colorado. WINDLE requested JA to send wire transfers according to the instructions on the wire transfer request forms, which WINDLE attached to the emails he sent to JA. WINDLE instructed JA to notify him once he had sent the wire transfers.

23. Upon receipt of the emails from WINDLE, JA caused wire transfers of funds to be sent to the beneficiaries WINDLE had named in the wire transfer request forms. On numerous occasions and on various dates, JA transferred funds from the Sopris West Account as directed by WINDLE, to various beneficiaries, for the personal benefit and use of WINDLE.

24. Upon completion of each wire transfer, JA sent an email from Colorado to WINDLE in Massachusetts, confirming that the wire transfer had been sent, as he had been instructed to do by WINDLE.

25. In order to conceal and perpetuate his fraud, on or about June 20, 2007, WINDLE sent an email to JA requesting an address change for the Sopris West Account, so that bank statements from the Sopris West Account would be mailed to WINDLE at his office in Natick, Massachusetts, whereas previously they had been mailed to Cambium's accounting staff in Colorado. Thereafter, WINDLE prepared false spreadsheets that purported to reflect banking transactions and account balances for the Sopris West Account, which spreadsheets he provided

to Cambium's senior staff accountant, in order to conceal his diversion of funds from the Sopris West Account.

26. Through the unauthorized wire transfers of funds from the Sopris West Account, WINDLE obtained approximately \$5,076,609.00, which funds he used to purchase real estate, fancy boats, a Mercedes, landscaping services, and a golf country club membership.

27. In total, WINDLE fraudulently obtained not less than \$13,993,485.00 of Cambium's funds.

## II. OVERVIEW OF WINDLE'S FRAUD ON CCSD

28. From September 2003 through April 2008, during his tenure as treasurer of CCSD, WINDLE defrauded CCSD by misappropriating and diverting church funds totaling close to \$650,000 which he used for his own personal benefit.

29. As treasurer of CCSD, in addition to handling the CCSD Account, WINDLE also had signature authority and oversight of three other accounts maintained by CCSD at TD Banknorth, which consisted of another checking account (Account No. XXXXXX9297), and two money market accounts (Account Nos. XXXXXX2202 and XXXXXX3315). Furthermore, WINDLE had signature authority and oversight of an operating account held on behalf of CCSD at Rockland Trust, Account No. XXXXXX1873.

30. WINDLE also maintained and had signature authority for two investment accounts that CCSD held at The Vanguard Group, Inc. (hereinafter referred to as "Vanguard"). Checks written out of the investment accounts at Vanguard were drawn from Corestates Bank of Delaware and Wachovia Bank in Delaware.

31. WINDLE defrauded CCSD by writing unauthorized checks for his own personal

benefit, out of CCSD's TD Banknorth accounts, CCSD's Rockland Trust operating account, and CCSD's Vanguard investment accounts.

32. From on or about September 17, 2003 through on or about April 25, 2005, WINDLE fraudulently wrote checks from CCSD's accounts at Vanguard, which checks he made payable to himself and to his wife "J. WINDLE," without the knowledge or authorization of CCSD.

33. WINDLE endorsed fraudulently drawn checks on CCSD's Vanguard accounts totaling approximately \$231,250.00, and thereafter deposited those checks into his Sovereign Account and used the funds for his own personal benefit.

34. The Vanguard checks that WINDLE deposited at Sovereign Bank were transported to the Boston Federal Reserve Bank, from where they were then transferred by private mail carrier to the Federal Reserve Bank in Philadelphia where the checks had to be processed in order for the funds to clear.

35. From on or about December 31, 2003 through on or about January 28, 2008, WINDLE fraudulently withdrew cash and wrote checks payable to himself, to third parties, and to cash, drawn on CCSD's TD Banknorth accounts and on CCSD's operating account at Rockland Trust, which funds totaled approximately \$433,766.22 and that he used for his own personal benefit.

36. In order to conceal and perpetuate his fraud of CCSD, WINDLE prepared bogus monthly financial reports and annual reports, which he submitted to CCSD's Board of Directors, including fraudulent balance sheets that significantly overstated the amount of funds that CCSD held in its investment accounts at Vanguard.

37. To further deceive CCSD's Board of Directors into believing that the financial statements in the annual reports were accurate and legitimate, for the fiscal years of 2005 and 2006, WINDLE fabricated an "Independent Auditor's Report" that he submitted with the Annual Reports, in which he falsely represented that certified public accountants had conducted an audit of CCSD's balance sheet and financial statements, and that they had concluded that the financial position of CCSD, and the results of their operations and cash flow for the particular year ended, were reported in conformity with accounting principles generally accepted in the United States.

38. In total, WINDLE defrauded CCSD out of approximately \$ 647,016.22.

**COUNTS ONE THROUGH FIVE**  
**(Mail Fraud - 18 U.S.C. § 1341)**

THE GRAND JURY FURTHER CHARGES THAT:

39. The allegations contained in paragraphs 1 through 27 are realleged and incorporated herein by reference.

40. On or about the dates set forth below, in the District of Massachusetts and elsewhere, the defendant,

JEFFREY S. WINDLE,

having devised a scheme and artifice to defraud and to obtain money and property by means of material false and fraudulent pretenses, representations, and promises, and for the purpose of executing such scheme and artifice, did cause to be placed in post offices and authorized depositories for mail matter, matter and things to be sent and delivered by the United States Postal Service, and caused to be deposited matter and things to be sent or delivered by a private commercial interstate carrier, and took and received therefrom, such matter and things, and knowingly caused to be delivered by mail and such carrier according to the directions thereon, matter and things as follows:

COUNT	APPROX. DATE	ITEM DELIVERED
1	06/09/05	Check No. 41771, made payable to WINDLE in the amount of \$9,448.58 delivered to WINDLE at Cambium in Natick, Massachusetts
2	01/05/06	Check No. 48392, made payable to SDCC in the amount of \$9,400.00 delivered to WINDLE at Cambium in Natick, Massachusetts
3	03/15/06	Check No. 50226, made payable to SDCC in the amount of \$9,450.00 delivered to WINDLE at Cambium in Natick, Massachusetts

4	05/24/06	Bank check, made payable to Fuentes & Kreischer in the amount of \$1,164,000.00 delivered to Fuentes & Kreischer Title Co. in Tampa, Florida
5	06/09/06	Check No. 52866, made payable to SDCC in the amount of \$9,450.00 delivered to WINDLE at Cambium in Natick, Massachusetts

All in violation of Title 18, United States Code, Section 1341.

**COUNTS SIX THROUGH TEN**  
**(Wire Fraud - 18 U.S.C. § 1343)**

THE GRAND JURY FURTHER CHARGES THAT:

41. The allegations contained in paragraphs 1 through 27 are realleged and incorporated herein.

42. On or about each of the dates set forth below, in the District of Massachusetts and elsewhere, the defendant,

JEFFREY S. WINDLE,

having devised and executed a scheme and artifice to defraud, and to obtain money and property by means of material false and fraudulent pretenses, representations and promises, did knowingly transmit and cause to be transmitted by means of wire communications in interstate commerce signals and sounds for the purpose of executing the scheme and artifice to defraud, as follows:

<b>COUNT</b>	<b>APPROX. DATE</b>	<b>WIRE COMMUNICATION</b>
6	11/28/05	Email communication from WINDLE in Massachusetts to accounting staff in Colorado regarding the continuation of SDCC contract
7	08/28/06	Email communication from WINDLE in Massachusetts to accounting staff in Colorado regarding recording of check in Cambium's financial records
8	06/21/06	Wire transfer in the amount of \$1,116,757.68 from Mile High Banks in Colorado to Bank of America in Jacksonville, Florida, for payment to First American Title Insurance Co.
9	10/16/07	Wire transfer in the amount of \$807,500.00 from Mile High Banks in Colorado to Slades Ferry Bank in Somerset, Massachusetts, for payment to J & J Group, Inc.

10	04/03/08	Wire transfer in the amount of \$200,000.00 from Mile High Banks in Colorado to LaSalle Bank in Walled Lake, Michigan, for payment to Suburban Supply Co.
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All in violation of Title 18, United States Code, Section 1343.

**COUNTS ELEVEN THROUGH FIFTEEN**  
**(Money Laundering – 18 U.S.C. § 1957)**

THE GRAND JURY FURTHER CHARGES THAT:

43. Paragraphs 1 through 27 are realleged and incorporated by reference as though fully set forth herein.

44. On or about the dates set forth below, in the District of Massachusetts and elsewhere, the defendant,

JEFFREY S. WINDLE,

did knowingly engage and attempt to engage in monetary transactions in criminally derived property of a value in excess of \$10,000, affecting interstate and foreign commerce, which derived from or constituted proceeds of specified unlawful activity, that is mail fraud in violation of 18 U.S.C. §1341 and wire fraud in violation of 18 U.S.C. § 1343 as follows:

<b>COUNT</b>	<b>APPROX. DATE</b>	<b>TRANSACTION</b>
11	04/10/06	Check No. 128 drawn on CCSD's Account, made payable to WINDLE in the amount of \$65,000, deposited into WINDLE's Sovereign Account
12	07/06/06	Check No. 142 drawn on CCSD's Account, made payable to WINDLE in the amount of \$85,000, deposited into WINDLE's Sovereign Account
13	03/29/07	Check No. 159 drawn on CCSD's Account, made payable to WINDLE in the amount of \$89,300, deposited into WINDLE's Sovereign Account
14	11/16/07	Check No. 182 drawn on CCSD's Account, made payable to WINDLE in the amount of \$147,000, deposited into WINDLE's Sovereign Account

15	01/25/08	Check No. 188 drawn on CCSD's Account, made payable to WINDLE in the amount of \$260,000, deposited into WINDLE's Sovereign Account
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All in violation of Title 18, United States Code, Section 1957.

**COUNTS SIXTEEN THROUGH TWENTY**  
**(Mail Fraud - 18 U.S.C. § 1341)**

THE GRAND JURY FURTHER CHARGES THAT:

45. The allegations contained in paragraphs 1 through 38 are realleged and incorporated herein by reference.

46. On or about the dates set forth below, in the District of Massachusetts and elsewhere, the defendant,

JEFFREY S. WINDLE,

having devised a scheme and artifice to defraud and to obtain money and property by means of material false and fraudulent pretenses, representations, and promises, and for the purpose of executing such scheme and artifice, did cause to be placed in post offices and authorized depositories for mail matter, matter and things to be sent and delivered by the United States Postal Service, and caused to be deposited matter and things to be sent or delivered by a private commercial interstate carrier, and took and received therefrom, such matter and things, and knowingly caused to be delivered by mail and such carrier according to the directions thereon, matter and things as follows:

COUNT	APPROX. DATE	ITEM DELIVERED
16	11/12/03	Vanguard Check No. 1005 in the amount of \$65,000.00 delivered to the Federal Reserve Bank in Philadelphia
17	04/20/04	Vanguard Check No. 1007 in the amount of \$28,000.00 delivered to the Federal Reserve Bank in Philadelphia
18	06/08/04	Vanguard Check No. 1021 in the amount of \$12,750.00 delivered to the Federal Reserve Bank in Philadelphia
19	04/05/05	Vanguard Check No. 1022 in the amount of \$4,000.00 delivered to the Federal Reserve Bank in Philadelphia

20	04/25/05	Vanguard Check No. 1008 in the amount of \$3,500.00 delivered to the Federal Reserve Bank in Philadelphia
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All in violation of Title 18, United States Code, Section 1341.

**COUNTS TWENTY-ONE THROUGH TWENTY-FOUR**  
**(Tax Evasion - 26 U.S.C. § 7201)**

THE GRAND JURY FURTHER CHARGES THAT:

47. Paragraphs 1 through 38 are realleged and incorporated by reference as though fully set forth herein.

48. For the tax years 2004, 2005, 2006, and 2007, WINDLE filed United States individual income tax return Forms 1040, and using the filing status of "married filing jointly." For the tax years 2004 through 2007, WINDLE filed the Forms 1040 electronically.

49. For the tax years 2004, 2005, 2006, and 2007, WINDLE knowingly failed to report to the Internal Revenue Service the income that he had received through the fraud schemes that he had perpetrated on Cambium and CCSD. By these means, WINDLE under reported his income to the Internal Revenue Service for the tax years 2004, 2005, 2006, and 2007, as set forth below for each individual year:

<b>Year</b>	<b>Unreported Income from Cambium</b>	<b>Unreported Income from CCSD</b>	<b>Total</b>
2004	\$ 1,912,794.92	\$152,738.23	\$ 2,065,533.15
2005	\$ 281,141.94	\$ 83,877.99	\$ 365,019.93
2006	\$ 3,270,125.18	\$ 10,400.00	\$ 3,280,525.18
2007	\$ 6,728,688.02	\$ 5,000.00	\$ 6,733,688.02
<b>Total</b>	\$12,192,750.06	\$ 252,016.22	\$12,444,766.28

50. On or about the dates set forth below, in the District of Massachusetts and elsewhere, the defendant,

JEFFREY S. WINDLE,

did willfully attempt to evade and defeat income tax due and owing by him to the United States of America for each of the years 2004, 2005, 2006, and 2007 by filing and causing to be filed with the Director, Internal Revenue Service Center, at Andover, Massachusetts, false and fraudulent United States Individual Income Tax Returns, Form 1040, wherein he falsely reported the taxable income for each of the calendar years set forth below, when in fact, as JEFFREY S. WINDLE well knew, his actual taxable income for each of those years was substantially greater than the reported amounts, and, accordingly, his taxes due and owing to the United States of America for each of those years was substantially greater than the amounts reported:

<b>Count</b>	<b>Calendar Year</b>	<b>Approximate Filing Date</b>	<b>Falsely Reported Taxable Income [Per Return]</b>
21	2004	02/08/2005	\$ 43,736.00
22	2005	04/08/2006	\$ 8,362.00
23	2006	04/12/2007	\$ 9,984.00
24	2007	02/29/2008	\$ 42,300.00

All in violation of Title 26, United States Code, Section 7201.

**FRAUD FORFEITURE ALLEGATION**  
**(18 U.S.C. § 981(a)(1)(C) & 28 U.S.C. § 2461(c))**

51. Upon conviction of any offense in violation of 18 U.S.C. §§ 1341 or 1343, the defendant,

JEFFREY S. WINDLE,

shall forfeit to the United States, pursuant to 18 U.S.C. § 981(a)(1)(C) and 28 U.S.C. § 2461(c) all property, real or personal, that constitutes, or is derived from, proceeds traceable to the commission of the offenses.

The property to be forfeited includes, but is not limited to, the following:

- a. approximately \$14,640,501.22 in United States currency;
- b. the real property located at 346 Trotting Park Road, West Dennis, Massachusetts;
- c. the real property located at 652 Main Street, Harwichport, Massachusetts;
- d. the real property located at 270 Capstan Drive, Placida, Florida;
- e. the real property located at 260 Capstan Drive, Placida, Florida;
- f. the real property located at 261 Crescent Street, Duxbury, Massachusetts;
- g. the real property located at 528 Route 6A, Dennis, Massachusetts;
- h. \$925.00 seized from Sovereign Bank checking account number 57700021934, held in the names of Jeffrey Windle and Jeannine Windle, on or about May 23, 2008;
- i. \$30,000.00 seized from Sovereign Bank Passbook Savings account number 84200002867, held in the name of Jeannine Windle as Custodian, on or about May 23, 2008;
- j. \$30,000.00 seized from Sovereign Bank Passbook Savings account number 84200002859, held in the name of Jeannine Windle as Custodian, on or about May 23, 2008;

- k. \$21,184.55 seized from Bank of America account number 4617750053, held in the name of Jeannine Windle, on or about June 13, 2008;
- l. \$49,742.06 seized from Bank of America account number 4614698655, held in the name of Jeannine Windle, on or about June 13, 2008; and
- m. \$4,000 seized from Allen Harbor Marine Service on or about October 15, 2008.

52. If any of the property described in Paragraph 51 hereof as being forfeitable pursuant to 18 U.S.C. § 981(a)(1)(C) and 28 U.S.C. § 2461(c), as a result of any act or omission of the defendant --

- a. cannot be located upon the exercise of due diligence;
- b. has been transferred to, sold to, or deposited with a third party;
- c. has been placed beyond the jurisdiction of this Court;
- d. has been substantially diminished in value; or
- e. has been commingled with other property which cannot be divided without difficulty;

it is the intention of the United States, pursuant to 28 U.S.C. § 2461(c), incorporating 21 U.S.C. § 853(p), to seek forfeiture of all other property of the defendant up to the value of the property described in subparagraphs a through e of this paragraph.

All pursuant to Title 18, United States Code, Section 981 and Title 28, United States Code, Section 2461(c).

**MONEY LAUNDERING FORFEITURE ALLEGATION**  
**(18 U.S.C. § 982(a)(1))**

53. Upon conviction of any offense in violation of 18 U.S.C. § 1957 alleged herein, the defendant,

JEFFREY S. WINDLE,

shall forfeit to the United States of America pursuant to Title 18, United States Code, Section 982(a)(1), all property, real and personal, involved in such offense, and all property traceable to such property, including, without limitation, at least \$646,300.00 in United States currency.

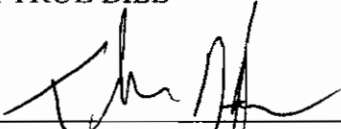
54. If any of the property described in Paragraph 51 above as a result of any act or omission of the defendant –

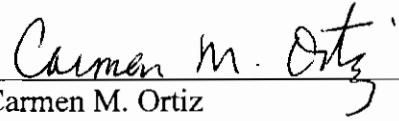
- a. cannot be located upon the exercise of due diligence;
- b. has been transferred to, sold to, or deposited with a third party;
- c. has been placed beyond the jurisdiction of this Court;
- d. has been substantially diminished in value; or
- e. has been commingled with other property which cannot be divided without difficulty;

it is the intention of the United States, pursuant to 18 U.S.C. § 982(b)(1), incorporating 21 U.S.C. § 853(p), to seek forfeiture of any other property of the defendant up to the value of the property described in subparagraphs a through e of this paragraph.

All pursuant to Title 18, United States Code, Section 982(a)(1).

A TRUE BILL



  
\_\_\_\_\_  
FOREPERSON OF THE GRAND JURY

  
\_\_\_\_\_  
Carmen M. Ortiz  
Assistant United States Attorney

DISTRICT OF MASSACHUSETTS

November 6<sup>th</sup> 2008

Returned into the District Court by the Grand Jurors and filed.

  
\_\_\_\_\_  
DEPUTY CLERK  
11/6/08  
 2:01