

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
FORT MYERS DIVISION

UNITED STATES OF AMERICA

v.

Case No. 2:24-cr-121-SPC-NPM

RICHARD MURTAUGH and
GAIL MURTAUGH

ORDER OF FORFEITURE

Before the court is the United States' Motion for an Order of Forfeiture against Defendants Richard Murtaugh and Gail Murtaugh in the amount of \$175,621.31. (Doc. 46). Now that the defendants have been adjudicated guilty of Count One of the Information (Doc. 1), wire fraud conspiracy, in violation of 18 U.S.C. § 1349, the United States seeks an order forfeiting their interest in the \$175,621.31. *See* 18 U.S.C. § 981(a)(1)(C), 28 U.S.C. § 2461(c), and Rule 32.2(b)(2), Federal Rules of Criminal Procedure.

In so moving, the United States has established that the defendants jointly obtained \$175,621.31 in proceeds as a result of the crime(s) of conviction. The Court thus finds the United States is entitled to possession of the \$175,621.31.

Accordingly, it is


ORDERED:

The United States' Motion for an Order of Forfeiture as to Defendants Richard Murtaugh and Gail Murtaugh (Doc. 46) is **GRANTED**.

1. The defendants are jointly liable for an order of forfeiture in the amount of \$175,621.31.
2. The proceeds of the offense were transferred to third parties, and the United States cannot locate the proceeds upon the exercise of due diligence. Accordingly, under 21 U.S.C. § 853(p), the United States may seek, as a substitute asset in satisfaction of this judgment, forfeiture of any of the defendants' property up to the \$175,621.31 order of forfeiture. The United States may also conduct discovery (including depositions, interrogatories, requests for production of documents, and the issuance of subpoenas), pursuant to Rule 32.2(b)(3) of the Federal Rules of Criminal Procedure, to help identify, locate, and forfeit substitute assets.
3. Any asset forfeited from either defendant will be credited to the order of forfeiture so that the United States will not collect more than \$175,621.31.
4. This Order will become a final order of forfeiture as to Defendant at sentencing.

5. Jurisdiction is retained to the extent necessary to complete the forfeiture and disposition of any substitute asset.

DONE and **ORDERED** in Fort Myers, Florida, on December 30, 2024.



SHERI POLSTER CHAPPELL
UNITED STATES DISTRICT JUDGE