

**IN THE UNITED STATES DISTRICT COURT FOR THE
EASTERN DISTRICT OF PENNSYLVANIA**

UNITED STATES OF AMERICA	:	
	:	CRIMINAL ACTION :
v.	:	
	:	NO. 06-319 :
VINCENT J. FUMO Defendant.		

MEMORANDUM OPINION

After consideration of briefs of counsel as well as arguments at the hearing held on July 8, 2009, the court determines the loss to the Senate to be \$1,293,927.42.

This calculation omits only the amount claimed with regard to Mitchell Rubin, on which the court advised counsel it would reserve judgment until Monday, July 13, 2009. The loss with regard to Citizens Alliance is determined to be \$958,080.36.

Restitution to the Senate will be at least \$1,293,927.42, whereas restitution to Citizens Alliance is \$676,519.98.

Finally, the loss to the Independence Seaport Museum is \$127,906.88, with restitution of \$114,531.88.

With regard to three objections of defendant regarding action on behalf of a charitable organization, sophisticated means and perjury, these objections are sustained and a total of six (6) points is deducted from the guidelines. The deduction requested based upon loss cannot be computed at this time.

As it now stands, the offense level is 33. The court has already indicated that no departure will be granted based upon health, but a decision on a departure based upon good works will be reserved until time of sentencing on July 14, 2009.

The court has made adjustment to the defendant's net worth as requested by counsel. All other objections by either party to the presentence are DENIED.

IT IS SO ORDERED this 9th day of July, 2009.

BY THE COURT:

s/ Ronald L. Buckwalter
RONALD L. BUCKWALTER, S.J.