

**FROM BRIEF OF THE UNITED STATES**

United States Court of Appeals,  
Third Circuit.  
UNITED STATES OF AMERICA, Appellee,  
v.  
Arthur SEALE and Irene Seale, Appellants.  
**Nos. 92-5686 and 93-5069.**  
May 12, 1993.

**STATEMENT OF FACTS**

As the court concluded before imposing sentence, Arthur Seale committed "a variety of serious heinous crimes [that were] thoroughly evil. . . . They were not rash or impulsive. They were cold-blooded, calculated and deliberate." (A176.) To appreciate what led the court to reach this conclusion, and what caused the court to depart upward to ensure the statutory maximum sentence, requires a detailed description of the crimes.

Arthur Seale worked in New Jersey as a highly paid security officer for Exxon during the early 1980's. (PSR at 3.) In that capacity, he learned about Exxon personnel and the security measures used to protect high-level executives. (*Id.*) In 1986, Seale resigned from Exxon and moved his family to the resort \*9 communities of Hilton Head, South Carolina, and Vail, Colorado. (*Id.*) The Seales tried to live far beyond their income, but they quickly went through their assets and filed for bankruptcy. By 1991, the Seales had returned to New Jersey with their two teenage children and moved in with his parents. (*Id.*)

In late December 1991, Arthur Seale first told his wife, Irene, about his plan to kidnap an Exxon executive and hold him for ransom. (PSR at 2.) Arthur Seale thought the collection of a huge ransom from Exxon would solve their financial problems. (*Id.*) Before discussing the idea with his wife, Arthur Seale had called acquaintances in the Exxon security department and asked about current security procedures and kidnapping countermeasures. (PSR at 3.) He told them that he worked for a security consulting firm. (*Id.*) He also discussed Exxon security personnel and high-level executives. (*Id.*)

After hearing her husband's plan, Irene Seale began helping with the early preparations. (*Id.*) Arthur Seale had selected two Exxon executives as potential targets, Sidney J. Reso, the president of Exxon Company International, and K.T. Koonce, president of Exxon Research and Engineering. (*Id.*) After scouting the area of the targets' homes, Arthur Seale selected Mr. Reso as the target. (*Id.*)

Beginning in January 1992, the Seales conducted covert surveillance of the Reso home. (*Id.*) They learned that Mr. Reso normally left for his office at 7:30 a.m. and would either drive himself or be picked up by an Exxon limousine. (*Id.*) The Seales \*10 also learned that Mr. Reso would stop at the end of his driveway and pick up his morning newspaper. (PSR at 4.)

In February, Arthur Seale bought lumber and other materials and, with Irene Seale's help, built a wooden box in which to hold Mr. Reso after the abduction. (*Id.*) The box was about 6'4" long by 3' wide by 3'6" high. (SA8-9.) The lid was hinged on one side and latched with padlocks on the other three sides. (PSR at 4.) Air holes the size of an index finger were drilled into the box. (*Id.*) Inside the box, Arthur Seale laid bedding materials and devised a system of loose ropes to

restrict Mr. Reso's legs and lower body. (*Id.*)

To house the box and the victim after the abduction, Arthur Seale considered renting an apartment, but rejected the idea because of the cost and the need to guard the victim at all times. (*Id.*) Instead, he rented a self-service storage unit at Secure Storage in Washington Township, about five miles from his home, as the place to confine the victim. (*Id.*; SA10.)

Arthur Seale planned to kidnap Mr. Reso during the middle of the week, obtain the ransom payment by the weekend, and release him in an unpopulated area. (PSR at 5.) On four occasions in April, the Seales rented a van and went to Mr. Reso's home intending to kidnap him, but could not when Mr. Reso either traveled by limousine or did not leave at 7:30. (*Id.*)

The fifth attempt started on April 27, when Irene Seale rented a van, and Arthur Seale loaded the wooden box into the van. (*Id.*) He had also stolen two different license plates to clip over the actual license plates of the van. (*Id.*) Two days later, on \*11 the morning of April 29, Arthur and Irene Seale parked the van near Mr. Reso's home and watched for the Exxon limousine. (*Id.*) When 7:20 passed and the limousine had not arrived, they drove to a spot facing the Reso house. (*Id.*) They were both wearing ski masks, sunglasses and gloves, and Arthur Seale was armed with at least one handgun. (*Id.*) Irene Seale was in the driver's seat. (*Id.*)

At 7:30, Mr. Reso drove to the end of his driveway and stopped to pick up his newspaper. (*Id.*) The Seales immediately put their plan into operation. Irene Seale drove the van forward and blocked the driveway. (PSR at 6.) Arthur Seale got out, pointed a gun at Mr. Reso, grabbed him, and ordered him into the van. (*Id.*) When Mr. Reso began to struggle, Arthur Seale's gun discharged. (*Id.*) The bullet entered Mr. Reso's left forearm and exited above his elbow. (*Id.*)

While Irene Seale drove away rapidly, Arthur Seale subdued Mr. Reso, handcuffed him, gagged and blindfolded him with duct tape, and forced him into the box. (*Id.*) He then closed the lid and locked it. (*Id.*) Irene Seale drove to a deserted parking lot and removed the stolen license plates as Arthur Seale moved into the driver's seat. (*Id.*) Arthur Seale drove to a supermarket and told Irene to buy gauze, dressing pads, hydrogen peroxide, Tylenol and water to treat the wound. (*Id.*) They continued to another parking lot where Irene picked up their Jeep and followed the van to the Secure Storage facility. (*Id.*) Arthur Seale unloaded the box from the van, with Mr. Reso tied up inside, and placed it into their unit. (*Id.*)

\*12 Inside the storage unit, using a flashlight because the unit was dark when the overhead door was closed, the Seales opened the box and sat Mr. Reso up on its open lid. (*Id.*) He was handcuffed and had duct tape covering his eyes and mouth. (*Id.*) Arthur Seale cut Mr. Reso's sleeve and treated the wound with the water, hydrogen peroxide, and bandages. (*Id.*) He removed an Exxon credit card from Mr. Reso's wallet and locked Mr. Reso back in the box. (*Id.*) The Seales left the storage facility. (*Id.*) Arthur Seale went to work in New York City that day and Irene Seale went home. (*Id.*)

Mr. Reso's wife, Patricia Reso, found her husband's empty car idling in the driveway and notified the police. (*Id.*)

Irene Seale returned to the storage unit later that morning and opened the door a few inches to let in some air. (*Id.*) She did not open the box. (*Id.*) At 8:18 p.m., the Seales returned to give Mr. Reso water, in which Irene Seale crushed and mixed Tylenol, a vitamin, and an over-the-counter sleeping pill. (PSR at 7.) The Seales gave him no other food or nourishment and did not remove the duct tape from his eyes. (*Id.*)

The following day, April 30, the Seales visited the storage facility at 7:15 a.m., again giving Mr. Reso only water with Tylenol and a vitamin. (*Id.*) After attaching a ransom note to a guardrail in a parking lot, Arthur Seale went to his job in New York as a security consultant. (*Id.*) Irene Seale called Exxon's main switchboard from a pay telephone and said that information regarding Sidney J. Reso could be found at a particular signpost in the Livingston Mall. (*Id.*) FBI agents found an \*13 envelope addressed to Exxon containing a typed letter purporting to be written by a group calling itself "Fernando Pereira Brigade, Warriors of the Rainbow". (*Id.*; SA13.) [FN5]

FN5. The "Rainbow Warrior," a Greenpeace ship protesting nuclear testing, was blown up by French secret agents in New Zealand in 1985. The explosion killed Fernando Pereira, a photographer.

The ransom letter began with some rhetoric about environmental destruction and then stated:

We propose to make industry pay for this continuing campaign [for environmental causes]. To ensure your contribution we have seized the President of your International Division.

Our research, based upon your previous payments and other factors, indicates that you[r] share will be \$18.5 Million.

Gather the money in used \$100 bills.

(*Id.*) After instructing Exxon to obtain a portable cellular telephone and place a disguised telephone number in a newspaper ad, the letter threatened Mr. Reso and other Exxon employees:

Mr. Reso will be held in total isolation with no food or water. If you do not fully comply he will most certainly die. We have observed and developed information on many of your personnel. If we do not hear from you we will sieze [sic] another of your employees.

(PSR at 8.) Mr. Reso's Exxon credit card was enclosed. (*Id.*)

Exxon and the FBI complied with the instructions by obtaining a cellular telephone and placing a classified ad in the Star-Ledger. (PSR at 8.) Exxon withdrew \$20 million in cash from New York banks and moved it by armored car to bank vaults in New Jersey. (*Id.*)

\*14 On April 30, Arthur Seale called Exxon security personnel he knew in Texas to discuss Mr. Reso's disappearance and said he had heard that Mr. Reso was leading a double life. (*Id.*) He tried to find out about "special precautions" Exxon might be taking because of Mr. Reso's disappearance. (*Id.*)

That evening, the Seales entered the storage shed at 5:54 p.m. to give more water, but no other nourishment, to Mr. Reso. (*Id.*) If Irene Seale came to the storage facility by herself that day or the next day, she only opened the overhead door briefly a few inches. (*Id.*) Despite hearing muffled sounds from inside the box, she did not open the box to give Mr. Reso water or other nourishment or to check on his condition. (*Id.*)

On Friday, May 1, the Seales entered the storage facility at 8:38 a.m. and 6:21 p.m. (*Id.*) Arthur Seale brought a small tape recorder and instructed Mr. Reso to make a recording giving directions to Lewis Morris Park. (PSR at 9.) Mr. Reso complied. (*Id.*) After placing another ransom letter in Lewis Morris Park, Arthur Seale called the cellular phone number from a pay phone and played the recording of Mr. Reso giving directions to Lewis Morris Park. (*Id.*; SA15.)

The May 1 ransom letter, purportedly from "Warriors of the Rainbow," began again with rhetoric about environmental destruction. (SA16.) It then threatened that if a

signal were not received from the "pickup team" regarding the payment of the ransom, "Reso's fate, as well as the fate of others will be your responsibility." (*Id.*) The letter named K.T. Koonce and gave information indicating that the kidnapers had conducted \*15 surveillance of Mr. Koonce's former home. (*Id.*) The letter then threatened, "If the delivery does not occur as instructed we are prepared to take immediate action against 2 additional Exxon employees. NOT NECESSARILY senior executives." (*Id.*) The letter demanded that the ransom money be delivered by Mrs. Reso and their four living children, all adults, and gave detailed instructions about the delivery of the money. (*Id.*)

On Saturday, May 2, the Seales visited the storage facility at 1:18 p.m. (PSR at 9.) They sat Mr. Reso up in the box and Irene Seale offered him a tangerine, which he refused. (PSR at 9.) After giving him water and pills, they had him make additional tape recordings giving directions to the Villa Restaurant in Summit and discussing current events, including the Los Angeles riots. (*Id.*) Arthur Seale told Mr. Reso that he would soon be released. (*Id.*)

After leaving the storage facility, the Seales tried and failed to rent a car and abandoned their plan to obtain the ransom money on Saturday night. (PSR at 9-10.) Instead, they went home, ate dinner, watched television and went to bed. (PSR at 10.) They did not go back to the storage facility Saturday night. (*Id.*)

On Sunday morning, May 3, Irene Seale rented a car with a large trunk. (*Id.*) At 10:55 a.m., 21 hours after their last visit, the Seales arrived at the storage facility. (*Id.*) They entered their unit, and Arthur Seale unlocked the wooden box. (*Id.*) Mr. Reso was dead. (*Id.*) Irene Seale, who was getting water and bandages ready, heard her husband say, "He's had a heart attack." (*Id.*) She watched him lean into the box and press down \*16 on Mr. Reso's chest in an effort to resuscitate him. (*Id.*) Mr. Reso was "very gray." (*Id.*)

Mr. Reso was held alive in the wooden box from Wednesday, April 29, at 7:30 a.m. to sometime after Saturday, May 2, at about 2:00 p.m. (*Id.*) During his entire four-day captivity, Mr. Reso was never permitted to leave the box. (*Id.*) The Seales did not speak to him other than to tell him what to say into the tape recorder and that he would be released once the money was received. (*Id.*) They did not tell him where-he was or how long he would be confined. (*Id.*)

Other than the one occasion when Irene Seale offered him a tangerine, Mr. Reso was never given any food because, in the words of Irene Seale, "it would cause problems." (*Id.*) He remained in the same clothes, and any efforts to clean him were minimal. (*Id.*) He had no ventilation except for the few minutes when the overhead door was opened during the Seales' visits. (*Id.*) Sometime during his captivity, Mr. Reso suffered traumatic injury to four teeth, including two chipped teeth, a chipped crown and a damaged restoration, part of which Mr. Reso had swallowed and was found in his abdomen. (*Id.*) His watch was cut off when he complained of pain and swelling of his wrist caused by the bullet wound or the handcuffs. (*Id.*) The handcuffs caused hemorrhaging of one wrist. (*Id.*) Other than the gauze and bandages on his bullet wound, Mr. Reso received no medical treatment, despite the news reports, which the Seales followed, that Mr. Reso had a heart condition. (PSR at 11.) Mr. Reso's wrists were always cuffed and his legs restrained by the ropes in the box. (*Id.*) Other than \*17 when the Seales gave him water and one occasion when he removed the duct tape himself, his mouth was always gagged with duct tape. (*Id.*) From the abduction until his death, the duct tape over his eyes was removed only once, when he was first brought into the storage shed. (*Id.*)

Upon finding Mr. Reso dead, the Seales immediately gathered and destroyed the evidence of his captivity. (*Id.*) They removed Mr. Reso's body from the box and wrapped it in plastic sheets. (*Id.*) They loaded the other materials into their car

and returned home by late afternoon. (*Id.*) As Irene Seale prepared dinner, Arthur Seale burned the pieces of the box, clothing and other items in back of the house and discarded the ashes. (*Id.*) The Seales did not discuss abandoning their plan to obtain the ransom money. (*Id.*)

Only hours after discovering that Mr. Reso was dead, the Seales pressed their plan to seek the ransom money. (*Id.*) They hid two more ransom letters and the cassette tape of Mr. Reso's discussing current events. (PSR at 12.) Arthur Seale called the cellular telephone from a pay phone and played the tape of Mr. Reso giving instructions to go to a particular telephone booth for a call. (SA19.) Although FBI agents went to that location, the Seales failed to make contact and went home and slept. (PSR at 12.)

The next morning, the Seales took Mr. Reso's body to a remote wooded area in southern New Jersey. (PSR at 13.) Arthur Seale buried Mr. Reso in a grave about 24 inches deep. (*Id.*; SA20-\*18 23.) Sometime later, Arthur Seale told his wife that he wanted to kidnap another Exxon executive, but she refused. (*Id.*)

Over the next five weeks, the Seales made frequent contact with Exxon in an attempt to collect ransom. (*Id.*) On May 12, Arthur Seale went to New York and mailed Exxon a letter stating that they had moved Mr. Reso from the country. (*Id.*; SA25.) The letter instructed Exxon to place an advertisement in the New York Times. (*Id.*) On May 15, Arthur Seale left another ransom letter taped to a shopping mall signpost, and Irene Seale called mall security with directions to the letter. (PSR at 13.)

The May 15 letter, addressed to Mrs. Sidney J. Reso, began, "We sincerely hope that you and your husband can be reunited soon." (*Id.*) It said that Sidney Reso "very much wants to come home." (*Id.*) The letter then stated that the kidnapers were "prepared to release your husband as soon as the money has been safely converted." (PSR at 14.) The letter told Mrs. Reso: "If you want to see your husband again and Exxon agrees to our original demands, place an ad in the New York Times Florida Real Estate section listing a 160 acre ranch in central Florida for sale. . . . If you do not comply by May 19 you will never see your husband alive again. We will then begin our plan to seize another Exxon person." (*Id.*; SA26.) A separate sheet commanded Mrs. Reso to "immediately release a statement to the press indicating tha[t] she has received this communication." (SA28.) That night, Mrs. Reso granted a television interview in which she pleaded for her husband's safe return. (PSR at 14.) On May 18, the Florida real estate ad appeared in the New York Times. (*Id.*)

\*19 On May 25, Arthur Seale mailed another letter that threatened Mr. Reso's "immediate execution" and the "prominent[] display[]" of his body if Exxon did not comply with future ransom instructions. (*Id.*) The letter also threatened "actions against other targets" defined as "all Exxon employees, suppliers, stockholders, and organizations to which Exxon belongs or supports." (*Id.*; SA30.) The Seales mailed a similar letter on June 1 (SA31) and taped a similar letter under a picnic table in Morristown on June 4 (SA33).

On Saturday, June 6, Arthur Seale flew to Miami, intending to fly to the Bahamas to establish bank accounts or an overseas corporation to receive the ransom money by wire transfer. (PSR at 16.) Seale changed his plan and rented a car to drive to Hilton Head Island. (*Id.*) On June 8, Seale called the cellular telephone in New Jersey from a pay telephone in Pooler, Georgia. (*Id.*) In an eerie, disguised voice, he said: "Why no response to note Thursday?" (*Id.*; SA34.)

The Seales left another ransom letter taped to a signpost on June 11. (PSR at 16.) The letter reiterated some of the previous demands and demanded publication of an

ad in the New York Times stating that Exxon is "ready to close." (*Id.*) The letter said Mr. Reso would be killed on June 19, if Exxon did not respond. (*Id.*; SA35.)

On June 15, this ad appeared in the New York Times:

CENTRAL FL CATTLE RANCH

160 Acres. 2 Previous tapes not received, current photo of property needed. Condition of property your responsibility. Upon receipt, ready to close.

\*20 (SA36.) This ad angered Arthur Seale, and he left a message on the home answering machine of James Morakis, an Exxon spokesman. (PSR at 17.) Seale again threatened to kill Mr. Reso and kill and seize other Exxon employees. (*Id.*) To prevent this, he demanded a public statement that Exxon wanted Mr. Reso back unconditionally, (*Id.*; SA37.) The next day, Mrs. Reso told the news media that she and Exxon "unconditionally" wanted her husband back. (PSR at 17.)

After hearing this, the Seales put into operation their plan to receive the ransom payment. (*Id.*) On June 16, they called the cellular telephone and told how to find another hidden letter. (*Id.*) The letter told Exxon to gather \$18.5 million and directed Mrs. Reso to answer the cellular phone and deliver the money, with one of her daughters and Mr. Morakis. (PSR at 18; SA39.) Arthur Seale hid notes along a route he had planned and then made calls demanding that the ransom delivery group and the money be made ready. (PSR at 18; SA40-42.)

In the meantime, the FBI installed electronic monitoring and surveillance equipment in the Resos' white station wagon and made ten laundry bags appear filled with ransom money. (PSR at 19.) Agents prepared to play the role of James Morakis and Renee Reso, the Resos' youngest daughter. (*Id.*) Scores of FBI agents and Morris County law enforcement personnel were assigned to provide security for the ransom car and conduct surveillance at pay phones in a wide area of New Jersey. (*Id.*)

Beginning at 9:07 p.m. on June 18, Arthur Seale directed the ransom delivery team, by cellular telephone calls and hidden notes, to several different locations on the route he planned. \*21 (PSR at 19-20.) It was his plan to direct Mrs. Reso to board a 10:07 p.m. New Jersey transit train in Summit and, after receiving a cellular telephone call, deposit the ransom money at a railroad crossing. (*Id.*) When the ransom delivery team missed the train, he sent them on a circular path until the next train came. (PSR at 21.) During their travels, he asked to speak to Renee Reso and tested her identity by asking for her address in Houston. (PSR at 19.) Seale had a 1985 directory of Exxon executives showing a Houston address for Sidney Reso. (*Id.*)

As Arthur Seale made calls from pay phones, law enforcement personnel noticed him and reported his rental car's license plate number to the FBI command post. (PST at 21-22.) After several such reports, an FBI agent followed the car. (*Id.*) At 12:50 a.m. on June 19, the FBI agents and Morris County detectives found the Seales in the parking lot of Bette's Rent-a-Car. (PSR at 23.) The Seales were arrested. (PSR at 24.)