

UNITED STATES DISTRICT COURT

District of Massachusetts

UNITED STATES OF AMERICA

V.

JAMES J. BULGER

AMENDED JUDGMENT IN A CRIMINAL CASE

Case Number: 1: 99 CR 10371 - 03 - DJC

USM Number: 02182-748

J.W. Carney, Henry B. Brennan

Defendant's Attorney



Additional documents attached

Transcript Excerpt of Sentencing Hearing

**THE DEFENDANT:**☐ pleaded guilty to count(s) _____☐ pleaded nolo contendere to count(s) _____
which was accepted by the court.☒ was found guilty on count(s) 1ss, 2ss, 3ss, 5ss, 6ss - 26ss, 27ss, 39sss, 40sss, 42sss, 45sss, 48sss
after a plea of not guilty.

The defendant is adjudicated guilty of these offenses:

Additional Counts - See continuation page ☒

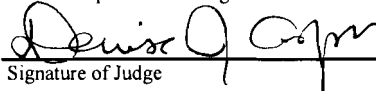
<u>Title & Section</u>	<u>Nature of Offense</u>	<u>Offense Ended</u>	<u>Count</u>
18 USC § 1962(d)	Racketeering Conspiracy	01/01/00	1ss
18 USC § 1962(c)	Racketeering	01/01/00	2ss
18 USC § 1951	Extortion Conspiracy "Rent"	12/31/96	3ss
18 USC § 1956(h)	Money Laundering	08/31/99	5ss
18 USC § 1956(a)(1)(B)	Money Laundering		6ss-26ss

The defendant is sentenced as provided in pages 2 through 12 of this judgment. The sentence is imposed pursuant to the Sentencing Reform Act of 1984.☐ The defendant has been found not guilty on count(s) _____☐ Count(s) _____ ☐ is ☐ are dismissed on the motion of the United States.

It is ordered that the defendant must notify the United States attorney for this district within 30 days of any change of name, residence, or mailing address until all fines, restitution, costs, and special assessments imposed by this judgment are fully paid. If ordered to pay restitution, the defendant must notify the court and United States attorney of material changes in economic circumstances.

11/14/13

Date of Imposition of Judgment

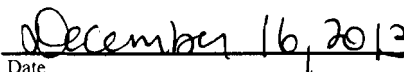


Signature of Judge

Denise J. Casper

Judge, U.S. District Court

Name and Title of Judge



Date

DEFENDANT: **JAMES J. BULGER**CASE NUMBER: **1: 99 CR 10371 - 03 - DJC****ADDITIONAL COUNTS OF CONVICTION**

<u>Title & Section</u>	<u>Nature of Offense</u>	<u>Offense Ended</u>	<u>Count</u>
18 USC § 1956	Money Laundering	07/31/96	27ss
18 USC § 924(c)	Possession of Firearms in Furtherance of Violent Crime	12/31/99	39sss
18 USC § 924(c)	Possession of Machine Guns in Furtherance of Violent Crime	12/31/99	40sss
26 USC § 5841	Possession of Unregistered Machine Guns	12/31/99	42sss
18 USC § 922(o)	Transfer and Possession of Machine Guns	12/31/99	45sss
18 USC § 922(k)	Possession of Firearms with Obliterated Serial Numbers	12/31/99	48sss

DEFENDANT: **JAMES J. BULGER**
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IMPRISONMENT

The defendant is hereby committed to the custody of the United States Bureau of Prisons to be imprisoned for a total term of: life

followed by a consecutive minimum mandatory term of 5 years, and a consecutive minimum mandatory term of life. This term consists of terms of life on Counts 1ss and 2ss, 240 months on Counts 3ss, 5ss, 6ss-26ss,

☐ The court makes the following recommendations to the Bureau of Prisons:

☒ The defendant is remanded to the custody of the United States Marshal.

☐ The defendant shall surrender to the United States Marshal for this district:

☐ at _____ ☐ a.m. ☐ p.m. on _____.

☐ as notified by the United States Marshal.

☐ The defendant shall surrender for service of sentence at the institution designated by the Bureau of Prisons:

☐ before 2 p.m. on _____.

☐ as notified by the United States Marshal.

☐ as notified by the Probation or Pretrial Services Office.

RETURN

I have executed this judgment as follows:

Defendant delivered on _____ to _____

a _____, with a certified copy of this judgment.

UNITED STATES MARSHAL

By _____
DEPUTY UNITED STATES MARSHAL

DEFENDANT: **JAMES J. BULGER**

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ADDITIONAL IMPRISONMENT TERMS

and 27ss, terms of 120 months of Counts 42sss and 45sss, and a term of 60 months on Count 48sss, all to be served concurrently. This also consists of a term of 60 months on Count 39sss, and life on Count 40sss, to be served consecutively to all other terms of imprisonment imposed and consecutively to one another.

DEFENDANT: **JAMES J. BULGER**CASE NUMBER: **1: 99 CR 10371 - 03 - DJC****SUPERVISED RELEASE**☒ See continuation page

Upon release from imprisonment, the defendant shall be on supervised release for a term of: 5 year(s)
on Counts 1ss, 2ss, 39sss and 40sss and 3 years on Counts 3ss, 5ss-27ss, 42sss, 45sss, 48sss to be served
concurrently. +

The defendant must report to the probation office in the district to which the defendant is released within 72 hours of release from the custody of the Bureau of Prisons.

The defendant shall not commit another federal, state or local crime.

The defendant shall not unlawfully possess a controlled substance. The defendant shall refrain from any unlawful use of a controlled substance. The defendant shall submit to one drug test within 15 days of release from imprisonment and at least two periodic drug tests thereafter, not to exceed 104 tests per year, as directed by the probation officer.

- ☐ The above drug testing condition is suspended, based on the court's determination that the defendant poses a low risk of future substance abuse. (Check, if applicable.)
- ☒ The defendant shall not possess a firearm, ammunition, destructive device, or any other dangerous weapon. (Check, if applicable.)
- ☒ The defendant shall cooperate in the collection of DNA as directed by the probation officer. (Check, if applicable.)
- ☐ The defendant shall register with the state sex offender registration agency in the state where the defendant resides, works, or is a student, as directed by the probation officer. (Check, if applicable.)
- ☐ The defendant shall participate in an approved program for domestic violence. (Check, if applicable.)

If this judgment imposes a fine or restitution, it is a condition of supervised release that the defendant pay in accordance with the Schedule of Payments sheet of this judgment.

The defendant must comply with the standard conditions that have been adopted by this court as well as with any additional conditions on the attached page.

STANDARD CONDITIONS OF SUPERVISION

- 1) the defendant shall not leave the judicial district without the permission of the court or probation officer;
- 2) the defendant shall report to the probation officer and shall submit a truthful and complete written report within the first five days of each month;
- 3) the defendant shall answer truthfully all inquiries by the probation officer and follow the instructions of the probation officer;
- 4) the defendant shall support his or her dependents and meet other family responsibilities;
- 5) the defendant shall work regularly at a lawful occupation, unless excused by the probation officer for schooling, training, or other acceptable reasons;
- 6) the defendant shall notify the probation officer at least ten days prior to any change in residence or employment;
- 7) the defendant shall refrain from excessive use of alcohol and shall not purchase, possess, use, distribute, or administer any controlled substance or any paraphernalia related to any controlled substances, except as prescribed by a physician;
- 8) the defendant shall not frequent places where controlled substances are illegally sold, used, distributed, or administered;
- 9) the defendant shall not associate with any persons engaged in criminal activity and shall not associate with any person convicted of a felony, unless granted permission to do so by the probation officer;
- 10) the defendant shall permit a probation officer to visit him or her at any time at home or elsewhere and shall permit confiscation of any contraband observed in plain view of the probation officer;
- 11) the defendant shall notify the probation officer within seventy-two hours of being arrested or questioned by a law enforcement officer;
- 12) the defendant shall not enter into any agreement to act as an informer or a special agent of a law enforcement agency without the permission of the court; and
- 13) as directed by the probation officer, the defendant shall notify third parties of risks that may be occasioned by the defendant's criminal record or personal history or characteristics and shall permit the probation officer to make such notifications and to confirm the defendant's compliance with such notification requirement.

DEFENDANT: **JAMES J. BULGER**

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ADDITIONAL ☒ SUPERVISED RELEASE ☐ PROBATION TERMS

The defendant shall not have any contact with any of the victims or family members of the victims.

The defendant is to pay the balance of any restitution imposed according to a court-ordered repayment schedule.

The defendant is prohibited from incurring new credit charges or opening additional lines of credit without the approval of the Probation Office while any financial obligations remain outstanding.

The defendant is to provide the Probation Office access to any requested financial information, which may be shared with the Financial Litigation Unit of the U.S. Attorney's Office.

Continuation of Conditions of ☐ Supervised Release ☐ Probation

DEFENDANT: **JAMES J. BULGER**
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CRIMINAL MONETARY PENALTIES

The defendant must pay the total criminal monetary penalties under the schedule of payments on Sheet 6.

	<u>Assessment</u>	<u>Fine</u>	<u>Restitution</u>
TOTALS	\$ \$3,100.00	\$	\$ \$25,588,551.56

☐ The determination of restitution is deferred until _____. An *Amended Judgment in a Criminal Case* (AO 245C) will be entered after such determination.

☐ The defendant must make restitution (including community restitution) to the following payees in the amount listed below.

If the defendant makes a partial payment, each payee shall receive an approximately proportioned payment, unless specified otherwise in the priority order or percentage payment column below. However, pursuant to 18 U.S.C. § 3664(i), all nonfederal victims must be paid before the United States is paid.

<u>Name of Payee</u>	<u>Total Loss*</u>	<u>Restitution Ordered</u>	<u>Priority or Percentage</u>
See attachment		\$25,588,551.56	

☐ See Continuation
Page

TOTALS	\$ _____	\$ <u>0.00</u>	\$ <u>25,588,551.56</u>
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☐ Restitution amount ordered pursuant to plea agreement \$ _____

☐ The defendant must pay interest on restitution and a fine of more than \$2,500, unless the restitution or fine is paid in full before the fifteenth day after the date of the judgment, pursuant to 18 U.S.C. § 3612(f). All of the payment options on Sheet 6 may be subject to penalties for delinquency and default, pursuant to 18 U.S.C. § 3612(g).

☐ The court determined that the defendant does not have the ability to pay interest and it is ordered that:

☐ the interest requirement is waived for the ☐ fine ☐ restitution.

☐ the interest requirement for the ☐ fine ☐ restitution is modified as follows:

* Findings for the total amount of losses are required under Chapters 109A, 110, 110A, and 113A of Title 18 for offenses committed on or after September 13, 1994, but before April 23, 1996.

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SCHEDULE OF PAYMENTS

Having assessed the defendant's ability to pay, payment of the total criminal monetary penalties are due as follows:

- A ☒ Lump sum payment of \$ \$3,100.00 due immediately, balance due
- ☐ not later than _____, or
☐ in accordance ☐ C, ☐ D, ☐ E, or ☐ F below; or
- B ☐ Payment to begin immediately (may be combined with ☐ C, ☐ D, or ☐ F below); or
- C ☐ Payment in equal _____ (e.g., weekly, monthly, quarterly) installments of \$ _____ over a period of _____ (e.g., months or years), to commence _____ (e.g., 30 or 60 days) after the date of this judgment; or
- D ☐ Payment in equal _____ (e.g., weekly, monthly, quarterly) installments of \$ _____ over a period of _____ (e.g., months or years), to commence _____ (e.g., 30 or 60 days) after release from imprisonment to a term of supervision; or
- E ☐ Payment during the term of supervised release will commence within _____ (e.g., 30 or 60 days) after release from imprisonment. The court will set the payment plan based on an assessment of the defendant's ability to pay at that time; or
- F ☐ Special instructions regarding the payment of criminal monetary penalties:

Unless the court has expressly ordered otherwise, if this judgment imposes imprisonment, payment of criminal monetary penalties is due during imprisonment. All criminal monetary penalties, except those payments made through the Federal Bureau of Prisons' Inmate Financial Responsibility Program, are made to the clerk of the court.

The defendant shall receive credit for all payments previously made toward any criminal monetary penalties imposed.

☐ Joint and Several

☐ See Continuation
Page

Defendant and Co-Defendant Names and Case Numbers (including defendant number), Total Amount, Joint and Several Amount, and corresponding payee, if appropriate.

☐ The defendant shall pay the cost of prosecution.

☐ The defendant shall pay the following court cost(s):

☒ The defendant shall forfeit the defendant's interest in the following property to the United States:

See attached orders of forfeiture.

Payments shall be applied in the following order: (1) assessment, (2) restitution principal, (3) restitution interest, (4) fine principal, (5) fine interest, (6) community restitution, (7) penalties, and (8) costs, including cost of prosecution and court costs.

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DISTRICT: **MASSACHUSETTS**

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STATEMENT OF REASONS**I COURT FINDINGS ON PRESENTENCE INVESTIGATION REPORT**

- A ☒ **The court adopts the presentence investigation report without change.**
- B ☐ **The court adopts the presentence investigation report with the following changes.**
(Check all that apply and specify court determination, findings, or comments, referencing paragraph numbers in the presentence report, if applicable.)
(Use Section VIII if necessary.)
- 1 ☐ **Chapter Two of the U.S.S.G. Manual** determinations by court (including changes to base offense level, or specific offense characteristics):
- 2 ☐ **Chapter Three of the U.S.S.G. Manual** determinations by court (including changes to victim-related adjustments, role in the offense, obstruction of justice, multiple counts, or acceptance of responsibility):
- 3 ☐ **Chapter Four of the U.S.S.G. Manual** determinations by court (including changes to criminal history category or scores, career offender, or criminal livelihood determinations):
- 4 ☐ **Additional Comments or Findings** (including comments or factual findings concerning certain information in the presentence report that the Federal Bureau of Prisons may rely on when it makes inmate classification, designation, or programming decisions):
- C ☐ **The record establishes no need for a presentence investigation report pursuant to Fed.R.Crim.P. 32.**

II COURT FINDING ON MANDATORY MINIMUM SENTENCE (Check all that apply.)

- A ☐ No count of conviction carries a mandatory minimum sentence.
- B ☒ Mandatory minimum sentence imposed.
- C ☐ One or more counts of conviction alleged in the indictment carry a mandatory minimum term of imprisonment, but the sentence imposed is below a mandatory minimum term because the court has determined that the mandatory minimum does not apply based on
- ☐ findings of fact in this case
- ☐ substantial assistance (18 U.S.C. § 3553(e))
- ☐ the statutory safety valve (18 U.S.C. § 3553(f))

III COURT DETERMINATION OF ADVISORY GUIDELINE RANGE (BEFORE DEPARTURES):

Total Offense Level: 43
Criminal History Category: IV
Imprisonment Range: to life months
Supervised Release Range: 2 to 5 years
Fine Range: \$ 25,000 to \$ 11,500,000

- ☒ Fine waived or below the guideline range because of inability to pay. in light of restitution.

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STATEMENT OF REASONS

IV ADVISORY GUIDELINE SENTENCING DETERMINATION (Check only one.)

- A ☐ The sentence is within an advisory guideline range that is not greater than 24 months, and the court finds no reason to depart.
- B ☒ The sentence is within an advisory guideline range that is greater than 24 months, and the specific sentence is imposed for these reasons.
(Use Section VIII if necessary.)
- C ☐ The court departs from the advisory guideline range for reasons authorized by the sentencing guidelines manual.
(Also complete Section V.)
- D ☐ The court imposed a sentence outside the advisory sentencing guideline system. (Also complete Section VI.)

V DEPARTURES AUTHORIZED BY THE ADVISORY SENTENCING GUIDELINES (If applicable.)

A The sentence imposed departs (Check only one.):

- ☐ below the advisory guideline range
☐ above the advisory guideline range

B Departure based on (Check all that apply.):

1 Plea Agreement (Check all that apply and check reason(s) below.):

- ☐ 5K1.1 plea agreement based on the defendant's substantial assistance
☐ 5K3.1 plea agreement based on Early Disposition or "Fast-track" Program
☐ binding plea agreement for departure accepted by the court
☐ plea agreement for departure, which the court finds to be reasonable
☐ plea agreement that states that the government will not oppose a defense departure motion.

2 Motion Not Addressed in a Plea Agreement (Check all that apply and check reason(s) below.):

- ☐ 5K1.1 government motion based on the defendant's substantial assistance
☐ 5K3.1 government motion based on Early Disposition or "Fast-track" program
☐ government motion for departure
☐ defense motion for departure to which the government did not object
☐ defense motion for departure to which the government objected

3 Other

- ☐ Other than a plea agreement or motion by the parties for departure (Check reason(s) below.):

C Reason(s) for Departure (Check all that apply other than 5K1.1 or 5K3.1.)

- | | | |
|--|--|---|
| <input type="checkbox"/> 4A1.3 Criminal History Inadequacy | <input type="checkbox"/> 5K2.1 Death | <input type="checkbox"/> 5K2.11 Lesser Harm |
| <input type="checkbox"/> 5H1.1 Age | <input type="checkbox"/> 5K2.2 Physical Injury | <input type="checkbox"/> 5K2.12 Coercion and Duress |
| <input type="checkbox"/> 5H1.2 Education and Vocational Skills | <input type="checkbox"/> 5K2.3 Extreme Psychological Injury | <input type="checkbox"/> 5K2.13 Diminished Capacity |
| <input type="checkbox"/> 5H1.3 Mental and Emotional Condition | <input type="checkbox"/> 5K2.4 Abduction or Unlawful Restraint | <input type="checkbox"/> 5K2.14 Public Welfare |
| <input type="checkbox"/> 5H1.4 Physical Condition | <input type="checkbox"/> 5K2.5 Property Damage or Loss | <input type="checkbox"/> 5K2.16 Voluntary Disclosure of Offense |
| <input type="checkbox"/> 5H1.5 Employment Record | <input type="checkbox"/> 5K2.6 Weapon or Dangerous Weapon | <input type="checkbox"/> 5K2.17 High-Capacity, Semiautomatic Weapon |
| <input type="checkbox"/> 5H1.6 Family Ties and Responsibilities | <input type="checkbox"/> 5K2.7 Disruption of Government Function | <input type="checkbox"/> 5K2.18 Violent Street Gang |
| <input type="checkbox"/> 5H1.11 Military Record, Charitable Service,
Good Works | <input type="checkbox"/> 5K2.8 Extreme Conduct | <input type="checkbox"/> 5K2.20 Aberrant Behavior |
| <input type="checkbox"/> 5K2.0 Aggravating or Mitigating Circumstances | <input type="checkbox"/> 5K2.9 Criminal Purpose | <input type="checkbox"/> 5K2.21 Dismissed and Uncharged Conduct |
| | <input type="checkbox"/> 5K2.10 Victim's Conduct | <input type="checkbox"/> 5K2.22 Age or Health of Sex Offenders |
| | | <input type="checkbox"/> 5K2.23 Discharged Terms of Imprisonment |
| | | <input type="checkbox"/> Other guideline basis (e.g., 2B1.1 commentary) |

D Explain the facts justifying the departure. (Use Section VIII if necessary.)

DEFENDANT: **JAMES J. BULGER**
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STATEMENT OF REASONS

VI COURT DETERMINATION FOR SENTENCE OUTSIDE THE ADVISORY GUIDELINE SYSTEM

(Check all that apply.)

A The sentence imposed is (Check only one.):

- ☐ below the advisory guideline range
☐ above the advisory guideline range

B Sentence imposed pursuant to (Check all that apply.):

1 Plea Agreement (Check all that apply and check reason(s) below.):

- ☐ binding plea agreement for a sentence outside the advisory guideline system accepted by the court
☐ plea agreement for a sentence outside the advisory guideline system, which the court finds to be reasonable
☐ plea agreement that states that the government will not oppose a defense motion to the court to sentence outside the advisory guideline system

2 Motion Not Addressed in a Plea Agreement (Check all that apply and check reason(s) below.):

- ☐ government motion for a sentence outside of the advisory guideline system
☐ defense motion for a sentence outside of the advisory guideline system to which the government did not object
☐ defense motion for a sentence outside of the advisory guideline system to which the government objected

3 Other

- ☐ Other than a plea agreement or motion by the parties for a sentence outside of the advisory guideline system (Check reason(s) below.):

C Reason(s) for Sentence Outside the Advisory Guideline System (Check all that apply.)

- ☐ the nature and circumstances of the offense and the history and characteristics of the defendant pursuant to 18 U.S.C. § 3553(a)(1)
☐ to reflect the seriousness of the offense, to promote respect for the law, and to provide just punishment for the offense (18 U.S.C. § 3553(a)(2)(A))
☐ to afford adequate deterrence to criminal conduct (18 U.S.C. § 3553(a)(2)(B))
☐ to protect the public from further crimes of the defendant (18 U.S.C. § 3553(a)(2)(C))
☐ to provide the defendant with needed educational or vocational training, medical care, or other correctional treatment in the most effective manner (18 U.S.C. § 3553(a)(2)(D))
☐ to avoid unwarranted sentencing disparities among defendants (18 U.S.C. § 3553(a)(6))
☐ to provide restitution to any victims of the offense (18 U.S.C. § 3553(a)(7))

D Explain the facts justifying a sentence outside the advisory guideline system. (Use Section VIII if necessary.)

DEFENDANT: **JAMES J. BULGER**
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DISTRICT: **MASSACHUSETTS**

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STATEMENT OF REASONS

VII COURT DETERMINATIONS OF RESTITUTION

- A ☐ Restitution Not Applicable.
- B Total Amount of Restitution: 25,588,551.56
- C Restitution not ordered (Check only one.):
- 1 ☐ For offenses for which restitution is otherwise mandatory under 18 U.S.C. § 3663A, restitution is not ordered because the number of identifiable victims is so large as to make restitution impracticable under 18 U.S.C. § 3663A(c)(3)(A).
- 2 ☐ For offenses for which restitution is otherwise mandatory under 18 U.S.C. § 3663A, restitution is not ordered because determining complex issues of fact and relating them to the cause or amount of the victims' losses would complicate or prolong the sentencing process to a degree that the need to provide restitution to any victim would be outweighed by the burden on the sentencing process under 18 U.S.C. § 3663A(c)(3)(B).
- 3 ☐ For other offenses for which restitution is authorized under 18 U.S.C. § 3663 and/or required by the sentencing guidelines, restitution is not ordered because the complication and prolongation of the sentencing process resulting from the fashioning of a restitution order outweigh the need to provide restitution to any victims under 18 U.S.C. § 3663(a)(1)(B)(ii).
- 4 ☐ Restitution is not ordered for other reasons. (Explain.)
- D ☐ Partial restitution is ordered for these reasons (18 U.S.C. § 3553(c)):

VIII ADDITIONAL FACTS JUSTIFYING THE SENTENCE IN THIS CASE (If applicable.)

See attached transcript for statement of reasons.

Sections I, II, III, IV, and VII of the Statement of Reasons form must be completed in all felony cases.

Defendant's Soc. Sec. No.: 000-00-0000
Defendant's Date of Birth: 00-00-1929
Defendant's Residence Address:
Defendant's Mailing Address:

Date of Imposition of Judgment
11/14/13
Denise J. Casper
Signature of Judge
Denise J. Casper Judge, U.S. District Court
Name and Title of Judge
Date Signed December 16, 2013

1 UNITED STATES DISTRICT COURT
2 DISTRICT OF MASSACHUSETTS

3 -----
4 UNITED STATES OF AMERICA,

5 Plaintiff,

Criminal Action
No. 99-10371-DJC

6 V.

7 JAMES J. BULGER,

November 14, 2013
10:00 a.m.

8 Defendant.
9 -----

10
11 TRANSCRIPT OF STATEMENT OF REASONS

12 BEFORE THE HONORABLE DENISE J. CASPER

13 UNITED STATES DISTRICT COURT

14 JOHN J. MOAKLEY U.S. COURTHOUSE

15 1 COURTHOUSE WAY

16 BOSTON, MA 02210
17
18
19

20
21 DEBRA M. JOYCE, RMR, CRR
Official Court Reporter
John J. Moakley U.S. Courthouse
22 1 Courthouse Way, Room 5204
Boston, MA 02210
23 joycedebra@gmail.com
24
25

* * * * *

THE COURT: Good morning, counsel.

Good morning, Mr. Bulger.

Mr. Bulger, I'm going to first explain my reasons for your sentence, I'll then announce the sentence, and then finally I'll ask you to rise for the formal imposition of sentence.

THE DEFENDANT: Okay.

THE COURT: In terms of my reasons for this sentence, Mr. Bulger, it is hard to know where to begin. Do I begin in 1972, over 40 years ago, when the racketeering conspiracy of which you stand convicted began? Or do I begin in late 1994, early 1995 when you fled Massachusetts upon learning of the impending charges against you? Or on June 22, 2011 when you were finally arrested after approximately 16 years as a fugitive from justice? Or do I simply begin with a recitation of the names of the people you've now been found by a jury beyond a reasonable doubt to have murdered: Mr. Paul McGonagle, Mr. Edward Connors, Mr. Thomas King, Mr. Richard Castucci, Mr. Roger Wheeler, Mr. Brian Halloran, Mr. Michael Donahue, Mr. John Callahan, Mr. Arthur Barrett, Mr. John McIntyre, and Ms. Deborah Hussey, or the numbers of others who I won't name at this moment whom you and your associates put in fear of loss of life or serious harm to advance your own financial goals and criminal enterprise?

1 It is hard to know where to begin, but let me begin,
2 Mr. Bulger, where I always do at sentencings, to talk about the
3 matters I must and I have considered in reaching a just and
4 appropriate sentence.

5 In consideration of what a reasonable sentence would
6 be here, I've considered all of the factors under Title 18,
7 United States Code, 3553(a), including, but not limited to, the
8 nature and circumstances of your crimes, your personal history
9 and background, the advisory guideline sentencing range, and
10:03 10 the need for the sentence to do many things, including reflect
11 the seriousness of the offenses, promote respect for the law,
12 provide adequate deterrence, avoid unwarranted sentencing
13 disparities, give restitution to the victims, and constitute
14 just punishment.

15 First, I've considered the nature and circumstances of
16 your crimes. The scope, the callousness, the depravity of your
17 crimes are almost unfathomable. As the presiding judge, I was
18 certainly aware of the range of criminal allegations against
19 you before the trial began, but even so, even having some sense
10:03 20 of the subject matter to expect at this trial, the testimony of
21 human suffering that you and your associates inflicted on
22 others was at times agonizing to hear and painful to watch.

23 At times during the trial I wished that we were
24 watching a movie, that what we were hearing was not real, but
25 as the families of the victims here know too well, it was not a

1 movie. At trial we were hearing about the real inhumane things
2 that human beings did to other human beings, seemingly without
3 remorse and without regret.

4 Moreover, the upshot of all of the evidence at trial
5 was that at base the motivation for your entire criminal
6 enterprise was money: Money in extorting more money; money in
7 threatening or harming those who didn't pay up to you or, in
8 your estimation, didn't pay up enough; money in dominating the
9 drug trade in South Boston; money being laundered through
10:04 10 businesses that you controlled in the names of others; money in
11 coopting certain law enforcement officers and agents; and money
12 in killing people who might bring down your organization for
13 cooperating with legitimate law enforcement officers. Your
14 crimes, in my estimation, are made all the more heinous because
15 they were all about money.

16 Mr. Bulger, I don't doubt for a second that you're an
17 intelligent person, intelligent enough to prey upon those who
18 had no legal recourse. You extorted money from other
19 criminals, large-scale drug dealers, bookmakers, loan sharks
10:05 20 whom you convinced needed your protection, and those who were
21 otherwise beholden to you.

22 By the time you extorted money from legitimate
23 businessmen, your reputation for violence and for having
24 coopted law enforcement was so well-established that they also
25 found themselves with no recourse and could only comply with

1 your demands.

2 But make no mistake, it takes no business acumen to
3 take money from folks at the end of a gun, no business acumen
4 to shove a machine gun in the groin of Mr. Solimando or place a
5 shotgun in Mr. Buccheri's mouth. It's not savvy, it's not
6 being shrewd, it's not being resourceful, it's what anyone can
7 get at the end of a gun. Very few, thankfully, choose to do
8 so, but you and those at your direction did.

9 I certainly cannot convey the true nature of your
10:06 10 crimes without discussing the nature and circumstances of the
11 murders you've now been found by the jury beyond a reasonable
12 doubt to have committed. I will not recount the grim and
13 gruesome details of these 11 murders, but I will only note that
14 we heard at trial about the brutal manner in which each of
15 these victims was killed. Some were tortured at length and
16 then killed, some were shot at close range, some were ambushed
17 in a hail of bullets or otherwise executed. Each of these
18 lives came to an unceremonious end at your hands or at the
19 hands of others at your direction. And as if that
10:07 20 unceremonious end was not enough, we heard how these victims'
21 bodies were left to expire at the scene of the crime, stuffed
22 in a trunk, or in a few instances, buried at the beach or in a
23 basement, only to be later unearthed and reburied in a field.
24 Unfathomable acts conducted in unfathomable ways.

25 The pain and suffering that the families of these

1 victims have endured was communicated very movingly yesterday
2 and in the letters that I've received and reviewed. These
3 family members recounted that even after all these many years,
4 many are still picking up the pieces left in the large wake of
5 your horrific acts, or as one family member put it, as a result
6 of the persistent, unyielding, and unpredictable brutality that
7 you and others inflicted.

8 Loss of a loved one is pain enough, but to lose a
9 loved one to violence, to murder, is unimaginable, and I thank
10:08 10 these family members for their attempts to put that pain into
11 words for me.

12 Their loss was made all the more unimaginable,
13 Mr. Bulger, because these families had to wait years, decades,
14 to know what end their loved ones met, and in some cases to
15 bury them with the respect that everyone who meets their end in
16 life deserves.

17 I do want to note, even if I had not heard from the
18 families of victims whose predicates were not proven beyond a
19 reasonable doubt at trial, even if I had not heard from those
10:08 20 victims' families about what they had to say about your
21 background, character, and conduct, I want to make very clear
22 that I would have come to the same sentence that I impose
23 today, because the conduct which the jury found proven at trial
24 beyond a reasonable doubt in and of itself merits the most
25 severe penalty.

1 Mr. Bulger, the nature and circumstances of your
2 crimes, however, are not the only factors that I've considered.

3 Second, I've considered your personal history and
4 characteristics. You chose not to be interviewed by Probation
5 for the presentence report, that's certainly your right, as I
6 mentioned yesterday, but it gives me less than I usually have
7 in the normal course when sentencing a defendant.

8 Nevertheless, from that document I've gleaned that you are 84
9 years old, you have a high school diploma, and a criminal
10:09 10 history that dates back some time.

11 I certainly cannot conclude a discussion of your
12 personal background without discussing how you spent 16 years
13 of your life before your arrest on the charges in this case in
14 2011.

15 Sir, you chose to be a fugitive from justice. You
16 remained a fugitive for 16 years. In the meantime, for the
17 lives of the victims' families, milestone after milestone was
18 passed without their loved ones. Instead of, sir, remaining in
19 Massachusetts to answer these charges in a timely fashion and
10:10 20 pressing the defenses that you presented to this jury and your
21 arguments that you presented to this Court, you remained a
22 fugitive, traveling and living in various locations under
23 various identities until 2011. Then, you were finally
24 apprehended in a residence with walls that even after 16 years
25 on the run contained over \$822,000 in cash. Whatever

1 righteousness you claim in your defenses is surely undermined
2 by your being on the run for such a long time. And all of the
3 signs in your Santa Monica apartment, the large sums of cash,
4 the IDs in multiple names, and the firearms, suggest that you
5 intended to remain a fugitive for all time.

6 Mr. Bulger, I do also feel compelled at this juncture
7 to say something about what has now become your repeated
8 position, that your trial was a sham. It will certainly be for
9 another court, another court in this building, in fact, to rule
10:11 10 on the correctness of my legal rulings, but there's nothing
11 about the consideration I gave those legal issues and the
12 protection of your rights as a criminal defendant, the
13 excellent advocacy that you received in your defense, the
14 verdict that was rendered by this jury, and the respect that I
15 have shown you from day one in these proceedings that was a
16 sham. You can call it what you want, but in my humble
17 estimation, you received the fair and full trial that every
18 defendant in this country is entitled to.

19 Third, I've considered the advisory guideline
10:11 20 sentencing range. That range is quite literally off the
21 charts, maxing out at a total offense level of 43 for a life
22 sentence to be followed by minimum mandatory sentences.

23 Fourth, I've considered the need for the sentence to
24 provide restitution to the victims. There can be no particular
25 disagreement about providing restitution to those who qualify

1 under the statutory definition of "victim" under Title 18,
2 United States Code, 3663A which mandates such restitution.
3 That Act provides a broad definition of "victim" and is
4 intended not as a punitive measure but an attempt at allowing
5 victims to recoup losses.

6 I've considered whether an argument could be made that
7 the victims of the predicates not proven at trial are not
8 victims under this Act, under the CVRA, and there are just a
9 few claimants that fall into this category. However, such
10:13 10 argument would ignore, one, that you were convicted and found
11 guilty of the RICO conspiracy count in Count One of the third
12 superseding indictment; and two, the standard of preponderance
13 of the evidence that governs here at sentencing.

14 As to the first point, the 1st Circuit has said, "In
15 the context of a conspiracy, it is clear that a defendant is
16 liable in restitution to all of the victims of the reasonably
17 foreseeable acts of his co-conspirators. No court has ever
18 held to the contrary." That's quoting from United States v.
19 Collins, 209 F.3d 1, 4 (1st Cir. 1999), addressing the same
10:13 20 definition of "victim" under Section 3663. I would also cite
21 to United States v. Bradley, 644 F.3d 1213, 1298 (11th Cir.
22 2011), cited in the government's papers, as well as United
23 States v. Marcello, 2009 WL 929959, *2 (N.D. of Illinois 2009),
24 which was affirmed in part and reversed in part, although on a
25 separate ground, by the 7th Circuit. That is, even as the

1 jury, Mr. Bulger, concluded that it was not proven beyond a
2 reasonable doubt that you committed certain racketeering acts
3 of murder under either a substantive theory, an aiding and
4 abetting theory, or joint venture theory, it remains the case
5 that you were convicted of the overarching conspiracy which
6 alleged these acts as part of the scheme in Count One, and that
7 the key witnesses against you as to those acts, Mr. Martorano
8 and Mr. Flemmi, admitted their own involvement in each of these
9 murders. Even if this could not be concluded from the verdict
10:15 10 rendered, under the preponderance of the evidence standard, I
11 conclude that such acts were at least committed by those
12 co-defendants in furtherance of the scheme alleged in Count One
13 and were reasonably foreseeable as part of the conspiracy for
14 which you stand convicted.

15 I should note that there's nothing about this
16 conclusion or applying the preponderance of the evidence
17 standard, which governs, frankly, all rulings by a sentencing
18 judge in any sentencing, that undermines the verdict, the
19 carefully considered verdict that was rendered by the jury in
10:15 20 this case.

21 Accordingly, I'll allow all of the pending claims made
22 for restitution with the following note; and that is, I do note
23 that I only allow these claims to the extent that they claimed
24 lost income, funeral expenses, stolen property, but not the
25 non-recoverable components of pain and suffering and loss of

1 consortium. Although calculating restitution is not an exact
2 science, and in fact, neither party disputed the amounts sought
3 here, I only allow those claims in which I was provided with
4 sufficient supporting information to make a reasonable
5 estimation of restitution.

6 Fifth and finally, Mr. Bulger, I have considered all
7 of the purposes of sentencing. Let me begin by saying you did
8 not accomplish many of your crimes by yourself. You had
9 co-defendants, some of whom I've mentioned and some of whom
10:16 10 testified against you. You had associates, and, yes, you
11 had -- certainly had some well-placed law enforcement officers
12 on your payroll and in your pocket. Others are not blameless
13 in the wrong that has been done here. There is culpability to
14 go all around, but you, sir, are the only defendant before me,
15 and it is your sentence that I have to determine. I must
16 impose a just, fair, and adequate sentence for your crimes and
17 your responsibility for these crimes.

18 The most serious crimes deserve the most serious
19 punishment. It's difficult here to talk about general
10:17 20 deterrence or even unwarranted sentencing disparities in a case
21 that I hope is *sui generis*, but if there is to be any deterrent
22 effect, it must be for me to mete out a sentence that
23 recognizes the seriousness of your crimes; any less would not
24 show sufficient respect for the law or the rule of law.

25 I have also struggled with what would ever be just

1 punishment for the unfathomable harm that you have caused, and
2 I know that any sentence I impose will be cold comfort for the
3 losses that so many have suffered.

4 Much ink has been spilled about you, Mr. Bulger, your
5 impact on the city, on South Boston in particular, your flight,
6 and this trial. I imagine in the wake of this judgment and the
7 close of this criminal case that there will be much more ink
8 written about you, some of which you may solicit and some of
9 which you won't. You have over time and in certain quarters
10:18 10 become a face of this city. That is regrettable. You and
11 others may be deluded into thinking that you represent this
12 city, but you, sir, do not represent this city.

13 This year, 2013, with all that's happened in this
14 city, the City of Boston, both tragic and triumphant, you and
15 the horrible things that were recounted by your cohorts during
16 the course of this trial do not and should not represent this
17 city.

18 If anything represents this city from this trial it's
19 that after an orderly proceeding in which both parties were
10:19 20 very well represented by counsel, a jury did the hard work that
21 jurors do and rendered a fair and just verdict that reflected
22 careful review of the evidence and application of the law.

23 And in the wake of that, Mr. Bulger, and after careful
24 weighing of all of the factors under Section 3553(a) and in the
25 exercise of my discretion, I shall impose a sentence of life

1 imprisonment, plus five years, plus life imprisonment for the
2 counts of the third superseding indictment for which you were
3 convicted.

4 For all of the reasons that I previously stated, I
5 believe this sentence is reasonable under the facts and
6 circumstances of this case and is sufficient, but not greater
7 than necessary, to accomplish the goals of sentencing.

8 I note for the record that I understand that I'm not
9 bound by the advisory guideline sentencing range and that I
10:20 10 have discretion to vary from that range, but I choose not to
11 exercise my discretion in that manner.

12 * * * * *

United States v. Bulger, 99-10371-DJC*Addendum to Judgment Regarding Restitution*

Estate of Arthur Barrett	\$735,508.00
Richard Buccheri	\$200,000.00
Estate of John Callahan	\$3,303,160.43
Estate of Richard Castucci	\$3,247,600.00
Estate of Edward Connors	\$1,770,800.00
Estate of Debra Davis	\$1,800,000.00
Estate of Michael Donahue	\$2,280,708.00
Estate of Brian Halloran	\$111,000.00
Estate of Paul McGonagle	\$4,495,000.00
Estate of Michael Milano	\$1,001,000.00
Estate of Al Plummer	\$380,500.00
Michael Solimando	\$185,000.00
Estate of Roger Wheeler	\$6,078,275.13
TOTAL	\$25,588,551.56

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

UNITED STATES OF AMERICA)	
)	
v.)	Criminal No. 99-10371-DJC
)	
JAMES J. BULGER,)	
Defendant.)	

ORDER OF FORFEITURE (MONEY JUDGMENT)

CASPER, D.J.

WHEREAS, on May 23, 2001, a federal grand jury sitting in the District of Massachusetts returned a forty-eight count Third Superseding Indictment charging defendant James J. Bulger (the “Defendant”), and others, with Racketeering Conspiracy, in violation of 18 U.S.C. § 1962(d) (Count One); Racketeering, in violation of 18 U.S.C. § 1962(c) (Count Two); Extortion Conspiracy: “Rent”, in violation of 18 U.S.C. § 1951 (Count Three); Extortion of Kevin Hayes, in violation of 18 U.S.C. §§ 1951 and 2 (Count Four); Money Laundering Conspiracy, in violation of 18 U.S.C. § 1956(h) (Count Five); Money Laundering, in violation of 18 U.S.C. §§ 1956(a)(1)(B)(i) and 2 (Counts Six through Twenty-Six); Money Laundering, in violation of 18 U.S.C. §§ 1956(a)(1)(A)(i), 1956(a)(1)(B)(i) and 2 (Count Twenty-Seven); Possession of Firearms in Furtherance of Violent Crime, in violation of 18 U.S.C. §§ 924(c) and 2 (Count Thirty-Nine); Possession of Machineguns in Furtherance of Violent Crime, in violation of 18 U.S.C. §§ 924(c) and 2 (Count Forty); Possession of Unregistered Machineguns, in violation of 26 U.S.C. §§ 5841, 5845(a), 5861(d), and 5871, and 18 U.S.C. § 2 (Count Forty-Two); Transfer and Possession of Machineguns, in violation of 18 U.S.C. §§ 922(o) and 2 (Count Forty-Five); and Possession of

Firearms with Obliterated Serial Numbers, in violation of 18 U.S.C. §§ 922(k) and 2 (Count Forty-Eight);¹

WHEREAS, the Third Superseding Indictment contained Racketeering Forfeiture Allegations, pursuant to 18 U.S.C. § 1963, which sought the forfeiture, as a result of the offenses in violation of 18 U.S.C. § 1962, as set forth in Counts One and Two, of (i) all interests the defendants have acquired and maintained in violation of 18 U.S.C. § 1962, wherever located, and in whatever names held; (ii) all interests in, securities of, claims against, and properties and contractual rights of any kind affording a source of influence over, any enterprise which the defendants have established, operated, controlled, conducted, and participated in the conduct of, in violation of 18 U.S.C. § 1962; and (iii) all property constituting, and derived from, any proceeds which the defendants obtained, directly or indirectly, from racketeering activity in violation of 18 U.S.C. § 1962;²

WHEREAS, the Third Superseding Indictment further provided that, if any of the above-described forfeitable property, as a result of any act or omission by the Defendants, (a) cannot be located upon the exercise of due diligence; (b) has been transferred or sold to, or deposited with, a third party; (c) has been placed beyond the jurisdiction of the Court; (d) has been substantially diminished in value; or (e) has been commingled with other property which cannot be divided

¹ The Defendant was not charged in the remaining Counts of the Third Superseding Indictment.

² The Third Superseding Indictment also contained Money Laundering Forfeiture Allegations, pursuant to 18 U.S.C. § 982, which sought the forfeiture, as a result of the offenses in violation of 18 U.S.C. §§ 1956 and 1957, as set forth in Counts Five through Twenty-Seven, of all property, real and personal, involved in such offenses, and all property traceable to such property. Because the money laundering violations involved proceeds of his racketeering offenses, the United States sought entry of a money judgment for the proceeds of the Defendant's racketeering violations only.

without difficulty, the United States is entitled to seek forfeiture of any other property of the Defendant, up to the value of such assets, pursuant to 18 U.S.C. § 1963(m);

WHEREAS, on August 12, 2013, after a forty-one day jury trial, a jury found the Defendant guilty on the racketeering charges (Counts One and Two), as well as Counts Three, Five, Six through Twenty-Six, Twenty-Seven, Thirty-Nine, Forty, Forty-Two, Forty-Five, and Forty-Eight of the Third Superseding Indictment;

WHEREAS, the United States has filed a Motion for Order of Forfeiture (Money Judgment) that would consist of a personal money judgment against the Defendant, in the amount of \$25,162,800 in United States currency;

WHEREAS, accordingly, based on the evidence and testimony presented at trial, the Jury's August 12, 2013 verdict as to the Defendant, and the United States' Motion for Order of Forfeiture (Money Judgment), the United States is entitled to an Order of Forfeiture (Money Judgment) consisting of a personal money judgment against the Defendant, in the amount of \$25,162,800 in United States currency, pursuant to 18 U.S.C. § 1963(m) and Rule 32.2(b)(1)(A), as this amount represents proceeds of the Defendant's racketeering conspiracy; and

WHEREAS, Rule 32.2(c)(1) of the Federal Rules of Criminal Procedure provides that "no ancillary proceeding is required to the extent that the forfeiture consists of a money judgment."


ACCORDINGLY, it is hereby ORDERED, ADJUDGED, and DECREED:

- I. The Defendant shall forfeit to the United States the sum of \$25,162,800 in United States currency, pursuant to 18 U.S.C. § 1963(m).
2. This Court shall retain jurisdiction in the case for the purpose of enforcing this Order.

3. The United States may, at any time, move, pursuant to Rule 32.2(e) of the Federal Rules of Criminal Procedure to amend this Order to substitute property having a value not to exceed the amounts set forth in Paragraph 1 to satisfy the money judgment in whole or in part.

4. The United States may, at any time, conduct, pursuant to Rule 32.2(b)(3) of the Federal Rules of Criminal Procedure and 21 U.S.C. § 853(m), any discovery to identify, locate or dispose of forfeitable property or substitute assets, including, but not limited to, depositions and requests for documents, electronically stored information, and tangible things.

5. Pursuant to Rule 32.2(b)(4), this Order shall be included in the sentence pronounced and imposed by the Court at the sentencing hearing, and in the criminal judgment entered by this Court against the Defendant.


DENISE J. CASPER
United States District Judge

Date: November 14, 2013

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

UNITED STATES OF AMERICA)	
)	
v.)	Criminal No. 99-10371-DJC
)	
JAMES J. BULGER,)	
Defendant.)	

PRELIMINARY ORDER OF FORFEITURE (SPECIFIC ASSETS)

CASPER, D.J.

WHEREAS, on May 23, 2001, a federal grand jury sitting in the District of Massachusetts returned a forty-eight count Third Superseding Indictment charging defendant James J. Bulger (the “Defendant”), and others, with Racketeering Conspiracy, in violation of 18 U.S.C. § 1962(d) (Count One); Racketeering, in violation of 18 U.S.C. § 1962(c) (Count Two); Extortion Conspiracy: “Rent”, in violation of 18 U.S.C. § 1951 (Count Three); Extortion of Kevin Hayes, in violation of 18 U.S.C. §§ 1951 and 2 (Count Four); Money Laundering Conspiracy, in violation of 18 U.S.C. § 1956(h) (Count Five); Money Laundering, in violation of 18 U.S.C. §§ 1956(a)(1)(B)(i) and 2 (Counts Six through Twenty-Six); Money Laundering, in violation of 18 U.S.C. §§ 1956(a)(1)(A)(i), 1956(a)(1)(B)(i) and 2 (Count Twenty-Seven); Possession of Firearms in Furtherance of Violent Crime, in violation of 18 U.S.C. §§ 924(c) and 2 (Count Thirty-Nine); Possession of Machineguns in Furtherance of Violent Crime, in violation of 18 U.S.C. §§ 924(c) and 2 (Count Forty); Possession of Unregistered Machineguns, in violation of 26 U.S.C. §§ 5841, 5845(a), 5861(d), and 5871, and 18 U.S.C. § 2 (Count Forty-Two); Transfer and Possession of Machineguns, in violation of 18 U.S.C.

§§ 922(o) and 2 (Count Forty-Five); and Possession of Firearms with Obliterated Serial Numbers, in violation of 18 U.S.C. §§ 922(k) and 2 (Count Forty-Eight);¹

WHEREAS, the Third Superseding Indictment contained Racketeering Forfeiture Allegations, pursuant to 18 U.S.C. § 1963, which sought the forfeiture, as a result of the offenses in violation of 18 U.S.C. § 1962, as set forth in Counts One and Two, of (i) all interests the defendants have acquired and maintained in violation of 18 U.S.C. § 1962, wherever located, and in whatever names held; (ii) all interests in, securities of, claims against, and properties and contractual rights of any kind affording a source of influence over, any enterprise which the defendants have established, operated, controlled, conducted, and participated in the conduct of, in violation of 18 U.S.C. § 1962; and (iii) all property constituting, and derived from, any proceeds which the defendants obtained, directly or indirectly, from racketeering activity in violation of 18 U.S.C. § 1962;

WHEREAS, the Third Superseding Indictment further provided that, if any of the above-described forfeitable property, as a result of any act or omission by the defendants, (a) cannot be located upon the exercise of due diligence; (b) has been transferred or sold to, or deposited with, a third party; (c) has been placed beyond the jurisdiction of the Court; (d) has been substantially diminished in value; or (e) has been commingled with other property which cannot be divided without difficulty, the United States is entitled to seek forfeiture of any other property of the Defendant, up to the value of such assets, pursuant to 18 U.S.C. § 1963(m);

WHEREAS, on August 12, 2013, after a forty-one day jury trial, a jury found the Defendant guilty on the racketeering charges (Counts One and Two), as well as Counts Three,

¹ The Defendant was not charged in the remaining Counts of the Third Superseding Indictment.

Five, Six through Twenty-Six, Twenty-Seven, Thirty-Nine, Forty, Forty-Two, Forty-Five, and Forty-Eight of the Third Superseding Indictment;

WHEREAS, when the Defendant was arrested on or about June 22, 2011, at 1012 Third Street, Apartment 303, Santa Monica, California, law enforcement seized the following items from the Defendant:

- (a) \$821,799.49 in United States currency;
- (b) firearms, ammunition, and other weapons, including the following:
 - a. Colt Lightweight Officers ACP, .45 caliber handgun with one empty magazine, serial number DL01173;
 - b. Auto Ordinance Thompson model number ZG51/Pitbull, .45 caliber pistol with one empty magazine, serial number AOC59609;
 - c. Smith & Wesson model number 4006, .40 caliber pistol with one empty magazine, serial number VDF1743;
 - d. Colt Defender Series 60, .45 caliber handgun with one empty magazine, serial number DR06879;
 - e. Smith & Wesson, .38 caliber pistol, serial number 130015;
 - f. Springfield Armory model number 1911-A1, .45 caliber handgun with one empty magazine, serial number N480918;
 - g. Mossberg model number KPR12, .12 caliber pistol, serial number 777522A;
 - h. Colt Sporter Lightweight, .223 caliber rifle, serial number 003906;
 - i. Mossberg model number 500A, .12 caliber shotgun, serial number L489673;
 - j. Sturm Ruger & Co. Inc. model mini 14, .223 caliber rifle, serial number 181-59582;
 - k. Smith & Wesson, .38 caliber pistol, serial number 2710;
 - l. Professional Ordnance, Inc. model carbon 15 pistol, .223 caliber pistol, serial number B24867;

- m. Colt Detective Special, .38 caliber revolver, serial number D0017R;
- n. Taurus, .357 magnum revolver, serial number NJ131942;
- o. Taurus, .357 revolver, serial number 2352;
- p. Beretta model number 92 FS, .9 caliber pistol with one empty magazine, serial number E505032;
- q. Springfield Armory Micro Compact, .45 caliber pistol with one magazine, serial number 428626;
- r. Smith & Wesson, .357 revolver, serial number CCV0997;
- s. North American Arms, Inc., .22 magnum revolver, serial number E073535;
- t. Beretta model MOD21A-22L.R, .22 caliber pistol with one empty magazine, serial number DAA016388;
- u. 22/45, .22 caliber handgun with one empty magazine, serial number 220-39720;
- v. Colt MK IV Series 80, .45 caliber pistol with one empty magazine, serial number FC32853;
- w. Kimber Stainless Ultra Carry II, .45 caliber pistol with one empty magazine, serial number KU35555;
- x. Smith & Wesson model number 65-3, .354 caliber revolver, serial number 18924;
- y. one inert facsimile grenade;
- z. Springfield Armory Champion, .45 caliber pistol with one empty magazine, serial number N480948;
- aa. High Standard Derringer D-100, .22 caliber pistol, serial number 2169503;
- bb. Rossi, .38 Special Revolver, serial number D620120;
- cc. Smith & Wesson, .38 caliber pistol, serial number 11296;
- dd. Kimber Ultra Carry II, .45 caliber pistol with one empty magazine, serial number KU42880;
- ee. Springfield Armory model 1911 Champion, .45 caliber pistol with one empty magazine, serial number NM139014;

- ff. one black Stun Blaster Taser;
 - gg. miscellaneous rounds of ammunition and magazines;
 - hh. miscellaneous holsters and accessories; and
 - ii. approximately eight knives;
- (c) personal property, including but not limited to, jewelry, electronics, art, furniture, household items, clothing, personal effects, and any and all other personal property, excluding one Stanley Cup ring²

(collectively, the "Forfeitable Assets");

WHEREAS, based on the evidence and testimony presented at trial, the Defendant's subsequent conviction, and the United States' Motion for Preliminary Order of Forfeiture (Specific Assets), the United States has established the requisite nexus between the Forfeitable Assets and the racketeering offenses on which the Defendant was convicted, and accordingly, the Forfeitable Assets are subject to forfeiture to the United States pursuant to 18 U.S.C. § 1963; and

WHEREAS, pursuant to 18 U.S.C. § 1963 and Rule 32.2(b)(2) of the Federal Rules of Criminal Procedure, the United States is now entitled to a Preliminary Order of Forfeiture (Specific Assets) against the Forfeitable Assets.

ACCORDINGLY, it is hereby ORDERED, ADJUDGED, AND DECREED that:

1. The Court finds, pursuant to Rule 32.2(b)(1) of the Federal Rules of Criminal Procedure, that the government has established the requisite nexus between the Forfeitable Assets and the offenses to which the Defendant was convicted.

² The United States seized from the Defendant's Santa Monica apartment one ring that is a replica of a Stanley Cup championship ring, that bears the year "1986" and a logo that depicts the "Montreal Canadians." The Defendant asserts that this ring was a gift, and accordingly is not proceeds traceable to his racketeering violations. The United States excluded this ring from its Motion for Preliminary Order of Forfeiture (Specific Assets), but reserved its right to seek forfeiture of the ring as a substitute asset to satisfy any money judgment entered against the Defendant.

2. Accordingly, all of the Defendants' interests in the Forfeitable Assets are hereby forfeited to the United States of America for disposition pursuant to 18 U.S.C. § 1963.

3. Pursuant to Rule 32.2(b)(3) of the Federal Rules of Criminal Procedure, the United States is hereby authorized to seize the Forfeitable Assets and maintain them in its secure custody and control.

4. Pursuant to 18 U.S.C. § 1963(*I*) and Rule 32.2(b)(6)(C) of the Federal Rules of Criminal Procedure, the United States shall publish, for thirty (30) consecutive calendar days on the government forfeiture website www.forfeiture.gov, notice of the Preliminary Order of Forfeiture (Specific Assets) and notice of the United States' intent to dispose of the Forfeitable Assets.

5. Pursuant to 18 U.S.C. § 1963 (*I*), the United States shall give, to the extent practicable, direct written notice to any person known to have alleged an interest in the Forfeitable Assets to be forfeited.


6. Pursuant to 18 U.S.C. § 1963 (*I*), the notice referred to above shall state: (a) that any person, other than the Defendant, asserting a legal interest in the Forfeitable Assets, shall, within sixty (60) days after the first day of publication on the government forfeiture website or within thirty (30) days after receipt of actual notice, whichever is earlier, file a petition with the United States District Court in Boston, Massachusetts, requesting a hearing to adjudicate the validity of his or her interest in the Forfeitable Assets; and (b) that the petition shall be signed by the petitioner under the penalty of perjury and shall set forth the nature and extent of the petitioner's right, title, or interest in the Forfeitable Assets, the time and circumstances of the petitioner's acquisition of the right, title, or interest in the Forfeitable Assets, any additional facts supporting the petitioner's claim, and the relief sought.

7. Pursuant to 18 U.S.C. § 1963(l), following the Court's disposition of all petitions filed under 18 U.S.C. § 1963(l), or if no such petitions are filed following the expiration of the period provided in 18 U.S.C. § 1963(l) for the filing of such petitions, the United States of America shall have clear title to the Forfeitable Assets.

8. Upon adjudication of all third party interests, this Court will enter a Final Order of Forfeiture, pursuant to 18 U.S.C. § 1963 and Rule 32.2(c) of the Federal Rules of Criminal Procedure, in which all interests will be addressed.

9. Pursuant to Rule 32.2(b)(4) of the Federal Rules of Criminal Procedure, this Preliminary Order of Forfeiture (Specific Assets) will become final as to the Defendant at the time of his sentencing, will be part of the Defendant's criminal sentence, and will be included in the criminal judgment entered by this Court against the Defendant.

Date: November 14, 2013


DENISE J. CASPER
United States District Judge