

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