

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);<sup>1</sup>

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,

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<sup>1</sup> 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 ring<sup>2</sup>

(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.

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<sup>2</sup> 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](http://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.

  
DENISE J. CASPER  
United States District Judge

Date: November 14, 2013