

Transcript Excerpts from the Whitey Bulger Trials

Contents

Opening Statements	3
Prosecution	3
Defense	4
Document 1119	6
Filed 07/08/13	7
Page 1 of 235	7
Page 187 of 235 - 03:10	8
Page 189 of 235	8
Page 190-2 of 235	9
Filed 07/24/13	11
Page 144 of 199 - 12:16	11
Filed 08/08/13	13
Page 160-3 of 190	13
Judge's Sentencing Statement	16

Opening Statements

Prosecution

It's about a criminal enterprise, which is a group of criminals, who ran amok in the city of Boston for almost 30 years. So you'll hear about crimes in the '70s, the '80s, and the '90s. And at the center of all this murder and mayhem is one man, the defendant in this case, James Bulger.

* * *

And they made millions of dollars extorting people. And part of their success was due to their fearsome reputation; that is, other criminals were afraid of them, other criminals would rather pay them off than argue with them or fight with them.

* * *

Now, you will hear from several drug dealers who dealt directly with Bulger. You will hear that Bulger liked to promote the myth that he had nothing to do with drugs. But you will hear from these drug dealers that in the 1980s Bulger was deeply involved in the distribution of drugs in the South Boston area, especially cocaine. And he and his gang made millions at it.

* * *

But there was another part to their success, and the other part to their success was public corruption. Because you will hear that Bulger and his friends made a point of paying off members of law enforcement. They did that so they could get tipped off to investigations and stay one step ahead of the honest cops who were actually trying to make a case against them. So it was part of a strategy they had, and it worked.

* * *

You will also hear about FBI agents taking money and compromising investigations on behalf of Bulger, tipping him off to investigations that legitimate, honest cops were trying to make against him and his colleagues.

* * *

. . . after several of the murders that Bulger and [Stephen] Flemmi committed together, Flemmi pulled the teeth out of the victims in the mistaken belief that that would somehow prevent the bodies from being identified, not anticipating DNA testing years later. So, clearly, Flemmi is a vicious killer, but just as clearly, the evidence in this case will show that he was James Bulger's partner, partner for many years.

* * *

Now, [Kevin] Weeks is also going to testify in this case; he received a reduced sentence from a federal judge based upon his cooperation. As he will tell you, he testified at several trials. And he also took investigators directly to the bodies of “Bucky” Barrett, John McIntyre, and Deborah Hussey.

* * *

And that, ladies and gentlemen, is what this case is about, a defendant, James Bulger, who was part of a criminal gang which extorted people, paid off cops, earned a fortune dealing drugs, laundered money, possessed all sorts of guns, and murdered people, 19 people.

Defense

J.W. CARNEY

(defense lawyer)

Now, James Bulger never ever, the evidence will show, was an informant for John Connolly. The evidence will show that he was never an informant for John Connolly. There were two reasons for this. Number one, James Bulger is of Irish descent, and the worst thing that an Irish person could consider doing was becoming an informant because of the history of The Troubles in Ireland. And that was the first and foremost reason why James Bulger was never an informant against people.

* * *

Bulger also gave money to State Police, local police, and he did that consistently. Why would Jim Bulger pay this? Because he wanted information. James Bulger was involved in criminal activities in Boston. He was involved in illegal gaming, meaning selling football cards or other betting games and collecting the proceeds, which is illegal. It's called, in the business, bookmaking. He also lent money to people at very high rates. It's called loan-sharking. He was involved in drug dealing.

These crimes, that's what he did. And in order to protect this business, he wanted to pay for information and receive it from corrupt law enforcement officers.

* * *

Ladies and gentlemen, I tell you this history from the early '70s until the mid-'90s so that you will know the depth of corruption in federal law enforcement that existed during this period, because it puts in context what happened after 1994, and this was how James Bulger was able to do illegal gambling, make illegal loans, be involved in drug trafficking and extortion of people, and never, ever be charged, and on top of that, make millions upon millions upon millions of dollars doing so.

* * *

He settled in California, not hiding, living openly in plain sight for the next 16 years while those former FBI agents, I submit, pretended to look for him.

* * *

At this point, so many years had gone by that it's fair to say that Stevie Flemmi thought he'd never see Bulger again. And what Stevie Flemmi decided to do, I submit, was start blaming Bulger, Jim Bulger, for crimes that Stevie Flemmi himself had carried out.

* * *

What the evidence will show is that Bulger is a person who had an unbelievably lucrative criminal enterprise in Boston. He was making millions and millions of dollars. He had people on the local police, the State Police, and especially the federal law enforcement on his payroll. He had nothing, no interest, no motivation, no reason to go out of his comfort zone and ever get involved in anything in Florida, where he knew no one.

* * *

At the end of this case, I'll be asking you the question I asked at the beginning of my opening: Given these three individuals, given their backgrounds, given their character, if that was all you knew, would you believe them beyond a reasonable doubt? But when you add to the recipe the unbelievable incentives the prosecution has given these three men so that they will testify in the manner that the government wants and John Connolly and Jim Bulger, do you believe them beyond a reasonable doubt? This process may be a pretty good recipe to get testimony, but it's an unreliable recipe to get the truth.

Document 1119

Filed 07/08/13

Page 1 of 235

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

UNITED STATES OF AMERICA,
Plaintiff,
V.
JAMES J. BULGER,
Defendant.

Criminal Action
No. 99-10371-DJC
June 27, 2013
8:42 a.m.

TRANSCRIPT OF JURY TRIAL DAY 12
BEFORE THE HONORABLE DENISE J. CASPER
UNITED STATES DISTRICT COURT
JOHN J. MOAKLEY U.S. COURTHOUSE
1 COURTHOUSE WAY
BOSTON, MA 02210

DEBRA M. JOYCE, RMR, CRR
VALERIE A. O'HARA, RMR, CRR
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Page 187 of 235 - 03:10

Q. So you lied to protect the other money that you had already spent.

A. That's correct.

Q. And that was for your benefit, wasn't it, sir?

A. Sure, yes.

Q. It wasn't for anybody else's benefit?

A. No, it was for my benefit, to protect me, yes.

Q. Mr. Morris, you've lied many times in the past when it's to your benefit, haven't you?

A. I don't know of other lies, but I'm sure you're happy to point them out if you know them.

Q. Thank you.

You have a number of reports that John Connolly submitted that you knew were fraudulent, didn't you, sir?

A. There were some things that I knew were not correct, yes.

Q. And as an officer from the federal government, a supervisor, and when you signed your name to those reports purporting that they were accurate and true, that was a lie, wasn't it?

A. I became part of it, yes.

Q. Not that you became part of it, it was a lie, wasn't it, sir?

A. It was not truthful.

Q. When you put your name to something, sir, in the past, you put your name to things that you knew were lies. ...

Page 189 of 235

... Well, when you decided that you were going to engage with Mr. Miani, that wasn't Mr. Connolly's responsibility, was it?

A. I don't understand that.

Q. Do you know who Mr. Miani is?

A. Yes.

Q. Do you remember what you did to him?

A. Yes.

Q. And when you did that to him, it wasn't because Mr. Connolly told you to do it, was it?

A. No.

Q. No. You did it on your own.

A. Right.

Q. And what you did is you lied to Mr. Miani, right?

A. To try to get him to cooperate. I didn't consider that being compromised or being corrupt.

Q. So your activity of misleading people predates this influence of Mr. Connolly, right?

A. In that instance, yes.

Q. Well, let's talk about that instance.

Mr. Miani was somebody that you wanted to use for your benefit.

A. He was a potential witness in the Peter Pallotta case. He had okayed a loan that Mr. Pallotta had received from, I believe, at least two people.

Page 190-2 of 235

Q. Mr. Miani would benefit you if you could get him to cooperate, right?

A. He would benefit – it would – his cooperation would be useful to the investigation, yes.

Q. Which would benefit Mr. Morris?

A. I don't know how exactly it would benefit me. I'm trying to advance the investigation.

Q. It wasn't important for you as your responsibility to advance investigations?

A. I liked to advance investigations, yes.

Q. You didn't get recognition and credit when your investigations were successful?

A. Not always.

Q. Wasn't that part of progressing through the FBI, to be successful, sir?

A. It's part of your job.

Q. So when you met Mr. Miani and you tried to get him to cooperate, it was not for your benefit?

A. I guess in an indirect way, yes.

Q. When you met Mr. Miani, you thought the best way to get him to cooperate was to scare him to death, right?

A. Yes.

Q. So you went to Mr. Miani's home, true?

A. I was in the vicinity of the home, yes.

Q. Well, the vicinity of his car?

A. Yes.

Q. His family's car?

A. Correct – not his family's car, his car.

Q. Do you know whether or not his family went for rides in that car?

A. I don't know.

Q. Did you care?

A. Sure.

Q. Did you ask anybody?

A. No.

Q. When you said you cared, what did you do to find out whether it was just him or his family?

A. I didn't need to.

Q. So you went to his car with two other agents, correct?

A. Correct.

Q. And you put together a device?

A. Parts of a device.

Q. And the device was supposed to imitate a detonation device?

A. It was – it looked like the precursor to a device, an explosive device.

Q. So you directed your friends in the FBI to crawl under the car and put this precursor to a device near the gas tank?

A. I didn't direct them. We discussed it, and they agreed to do it. I didn't direct anybody. I was a street agent at the time, not a supervisor.

Q. Didn't you say this was your idea?

A. I believe it was my idea.

Q. So based on your idea, you went with your two friends to Mr. Miani's home and one of the agents crawled under the car and put a precursor detonating device next to the gas tank of his car?

A. Near, I'm not sure exactly where it was located, but that's generally correct, yes.

Q. Then you called the local police -

A. Correct.

Q. –so you could cause a great alarm and get everybody scared that there was a bomb under a car?

A. That's correct. The message is to Mr. Miani that somebody was out to get him and that something happened that interrupted it.

Q. So what happens is the local police and fire department have to rush down and respond to this bomb threat, right?

A. That's correct.

Q. And you know danger happens when good, hardworking people in law enforcement and the fire department have to rush to a scene. They can get in an accident, right?

A. Yeah, I hadn't thought about that.

Q. Well, you were an FBI agent at that point, weren't you?

A. I didn't think about it. ...

Filed 07/24/13

Page 144 of 199 - 12:16

I turned around and I made Paul Rico aware of it. It's in the documents if you want to look at them.

Q. Well, you drove the car, Mr. Fitzgerald's car so the bomb could be placed under it?

A. I was involved. I drove the car, yes.

Q. When you say you didn't want it to happen, when they were putting the bomb under the car, you didn't sit there and beep the horn to alert him, did you?

A. I'll tell you something, it's hard to answer your questions because -

THE COURT: Mr. Flemmi, just either answer the question, or Mr. Brennan can repeat it. Why don't you repeat it.

THE WITNESS: I'm sorry, your Honor, again.

Q. You said that you didn't want this to happen, and you wanted to alert Mr. Fitzgerald about the bombing?

A. The FBI was aware of that.

Q. Okay.

A. Look at the document. Read the document.

Q. I'm not disputing it.

A. Oh, I thought you — I thought you — the way you're looking at me, I'm trying to read your facial expressions.

THE COURT: Yeah, don't try to do that.

THE WITNESS: Okay.

THE COURT: Don't try to do that.

(Laughter.)

THE WITNESS: I apologize.

THE COURT: Mr. Brennan.

Q. Now, when the bomb was being put under his car, other than letting the FBI know that you were going to blow up Mr. Fitzgerald, did you make any other efforts to alert Mr. Fitzgerald or his family that his car was going to blow up?

A. I didn't know Mr. Fitzgerald.

Q. Did you knock on his front door?

A. Of course not. I didn't know him.

Q. So despite the fact that you didn't -

A. That's Paul Rico's job.

Q. Despite the fact that you didn't want it to happen, you still participated?

A. Well, I did, but I figured that he was – he was pre-warned. You know, forewarned is forearmed. I figured he would take that – that he would get that information. That's what I was concerned about, and – and that's the information he got.

Q. So when that bomb went off, Mr. Fitzgerald lost one of his legs, didn't he?

A. And believe me, I was shocked when it happened.

Q. Did you feel bad about that?

A. Of course I felt bad about it. The guy was a legitimate guy. He was an attorney doing his job.

Filed 08/08/13

Page 160-3 of 190

Q. And who are they?

A. We gave money to Agent Buckley, John Morris, Gianturco, John Newton, John Cloherty – actually, not physically handed the money to John Cloherty, but John Cloherty had a problem, a drinking problem during the time the Angiulo wiretapping was going on, and there was a shortage of agents. And he just didn't show up, and they was wondering where he was. So they finally located him, and he had run up a series of checks that were bouncing. So he came to — John Connolly came to Jim Bulger and said to him that he's got a problem, you know, with these checks. He says, can we help him out? So Jim Bulger gave him – I don't know how much the checks come from, but he gave him \$2,500 to cover whatever the checks were.

Q. Okay, what was the purpose of giving other FBI agents money?

A. We were paying them for information and protection, you know, through John. It was actually always, most times John Connolly put this whole thing together.

Q. Okay. And why would John Connolly want to get other FBI agents on your payroll?

A. He just did because we have more of – more information and more sources.

Q. You mentioned John Morris. How much money did you give to John Morris?

A. Well, I was personally present for when he gave him the \$5,000. I didn't actually hand it to him, but I was there because we were in his kitchen in his home. And I was in the kitchen, and Jim Bulger came to me and says to me, "We should give John Morris some money. How much money do you have on you?" At that particular time I had \$3,000 in my pocket. So he says, "Give me \$2,500," so I gave him \$2,500. And as we were leaving, John Connolly and I were in front, he remained back, and he gave him the \$5,000 to John Morris.

Q. Okay. Any other times you gave John Morris money?

A. Yes.

Q. What were those?

A. Well, one time he was down in Glynco, Georgia, on some school down there, and he was down there, and he wanted — his fiancée at the time was Debbie Noseworthy, and she was given a thousand dollars to go down and visit him.

Q. And how did you know that?

A. That came from John Connolly.

Q. Okay, who gave who a thousand dollars?

A. I don't know who actually handed it, but that come out of our EX money.

Q. All this money, was this all out of the EX fund?

A. Yeah, and wine was out of the EX fund, and the thousand dollars in the bottom of the wine case came out of the EX money.

Q. How about this Agent John Newton?

A. John Newton?

Q. What kind of money was given to John Newton?

A. We gave him \$2,500 on two occasions.

Q. That you were present for?

A. Yes.

Q. And where was it left? How did you give it to him?

A. Well, when we walked in, he just left it on the table, and we walked into living room.

Q. Who's "he"?

A. Excuse me. Jim Bulger. I never met anyone without him. He's always present, and I was with him.

Q. And why did you give John Newton money?

A. John Connolly suggested it.

Q. Did John Newton ever give you anything?

A. Yes.

Q. What?

A. He gave us a case of C-4 plastic explosives.

Q. Where did he get it?

A. Well, he was on a military team, and he got it from either Fort Devens or Winthrop, one of them, because those were the areas where they kept all their military supplies.

Q. And what were you going to do with C-4 plastic explosives?

A. It was a surprise when we got it because when we went down to see it, it was in the basement. And he said, "I got a surprise for you." So I was looking, and I knew — I was familiar with it. I knew what it was. So some of it was sent to Ireland to the IRA, and the rest of it we retained, and at some point Kevin ended up putting it — he gave it to somebody over in — over in Charlestown.

Q. These other two agents, Gianturco and Buckley, were you ever there when they received money?

A. Yes.

Q. And how did that come about?

A. Well, it was — we had a meeting over his — a dinner meeting over his house, and we went there —

Q. Over whose house?

A. Gianturco's home, and we were there. John Connolly, Jim Bulger, and myself, we went to his home for dinner.

Q. And what happened?

A. Well, when we got there – when we got in the car – we met behind the — behind the Triple O's over in South Boston, Jim Bulger, myself, and John Connolly, he drove us over, but when he got in the car, he handed him \$2,500 in cash, and he –

Q. Who handed -

A. Jim Bulger handed him \$2,500 in cash and two envelopes with 25 – he told me there's \$2,500 in each envelope. And then we went out to the house out there, and John Connolly gave Gianturco an envelope, and then when Buckley came in, he gave another envelope.

Q. And that money was given to Connolly to give to Buckley ...

Judge's Sentencing Statement

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

UNITED STATES OF AMERICA,
Plaintiff,
V.
JAMES J. BULGER,
Defendant.

Criminal Action
No. 99-10371-DJC
November 14, 2013
10:00 a.m.

TRANSCRIPT OF STATEMENT OF REASONS
BEFORE THE HONORABLE DENISE J. CASPER
UNITED STATES DISTRICT COURT
JOHN J. MOAKLEY U.S. COURTHOUSE
1 COURTHOUSE WAY
BOSTON, MA 02210

DEBRA M. JOYCE, RMR, CRR
Official Court Reporter
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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?

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

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

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

At times during the trial I wished that we were watching a movie, that what we were hearing was not real, but as the families of the victims here know too well, it was not a movie. At trial we were hearing about the real inhumane things that human beings did to other human beings, seemingly without remorse and without regret.

Moreover, the upshot of all of the evidence at trial was that at base the motivation for your entire criminal enterprise was money: Money in extorting more money; money in threatening or harming those who didn't pay up to you or, in your estimation, didn't pay up enough; money in dominating the drug trade in South Boston; money being

laundered through businesses that you controlled in the names of others; money in coopting certain law enforcement officers and agents; and money in killing people who might bring down your organization for cooperating with legitimate law enforcement officers. Your crimes, in my estimation, are made all the more heinous because they were all about money.

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

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

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

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

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

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

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

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

Mr. Bulger, the nature and circumstances of your crimes, however, are not the only factors that I've considered. Second, I've considered your personal history and characteristics. You chose not to be interviewed by Probation for the presentence report, that's certainly your right, as I mentioned yesterday, but it gives me less than I usually have in the normal course when sentencing a defendant. Nevertheless, from that document I've gleaned that you are 84 years old, you have a high school diploma, and a criminal history that dates back some time.

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

Sir, you chose to be a fugitive from justice. You remained a fugitive for 16 years. In the meantime, for the lives of the victims' families, milestone after milestone was passed without their loved ones. Instead of, sir, remaining in Massachusetts to answer these charges in a timely fashion and pressing the defenses that you presented to this jury and your arguments that you presented to this Court, you remained a fugitive, traveling and living in various locations under various identities until 2011. Then, you were finally apprehended in a residence with walls that even after 16 years on the run contained over \$822,000 in cash. Whatever righteousness you claim in your defenses is surely undermined by your being on the run for such a long time. And all of the signs in your Santa Monica apartment, the large sums of cash, the IDs in multiple names, and the firearms, suggest that you intended to remain a fugitive for all time.

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

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

Fourth, I've considered the need for the sentence to provide restitution to the victims. There can be no particular disagreement about providing restitution to those who qualify under the statutory definition of "victim" under Title 18, United States

Code, 3663A which mandates such restitution. That Act provides a broad definition of "victim" and is intended not as a punitive measure but an attempt at allowing victims to recoup losses.

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

As to the first point, the 1st Circuit has said, "In the context of a conspiracy, it is clear that a defendant is liable in restitution to all of the victims of the reasonably foreseeable acts of his co-conspirators. No court has ever held to the contrary." That's quoting from *United States v. Collins*, 209 F.3d 1, 4 (1st Cir. 1999), addressing the same definition of "victim" under Section 3663. I would also cite to *United States v. Bradley*, 644 F.3d 1213, 1298 (11th Cir. 2011), cited in the government's papers, as well as *United States v. Marcello*, 2009 WL 929959, *2 (N.D. of Illinois 2009), which was affirmed in part and reversed in part, although on a separate ground, by the 7th Circuit. That is, even as the jury, Mr. Bulger, concluded that it was not proven beyond a reasonable doubt that you committed certain racketeering acts of murder under either a substantive theory, an aiding and abetting theory, or joint venture theory, it remains the case that you were convicted of the overarching conspiracy which alleged these acts as part of the scheme in Count One, and that the key witnesses against you as to those acts, Mr. Martorano and Mr. Flemmi, admitted their own involvement in each of these murders. Even if this could not be concluded from the verdict rendered, under the preponderance of the evidence standard, I conclude that such acts were at least committed by those co-defendants in furtherance of the scheme alleged in Count One and were reasonably foreseeable as part of the conspiracy for which you stand convicted.

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

Accordingly, I'll allow all of the pending claims made for restitution with the following note; and that is, I do note that I only allow these claims to the extent that they claimed lost income, funeral expenses, stolen property, but not the non-recoverable components of pain and suffering and loss of consortium. Although calculating restitution is not an exact science, and in fact, neither party disputed the amounts sought here, I only allow those claims in which I was provided with sufficient supporting information to make a reasonable estimation of restitution.

Fifth and finally, Mr. Bulger, I have considered all of the purposes of sentencing. Let me begin by saying you did not accomplish many of your crimes by yourself. You had co-defendants, some of whom I've mentioned and some of whom testified against

you. You had associates, and , yes, you had – certainly had some well-placed law enforcement officers on your payroll and in your pocket. Others are not blameless in the wrong that has been done here. There is culpability to go all around, but you, sir, are the only defendant before me, and it is your sentence that I have to determine. I must impose a just, fair, and adequate sentence for your crimes and your responsibility for these crimes.

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

I have also struggled with what would ever be just punishment for the unfathomable harm that you have caused, and I know that any sentence I impose will be cold comfort for the losses that so many have suffered.

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

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

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

And in the wake of that, Mr. Bulger, and after careful weighing of all of the factors under Section 3553(a) and in the exercise of my discretion, I shall impose a sentence of life imprisonment, plus five years, plus life imprisonment for the counts of the third superseding indictment for which you were convicted.

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

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

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The Ted K Archive

Transcript Excerpts from the Whitey Bulger Trials

bostonglobe.com, twitter.com, acrobat.adobe.com & mad.uscourts.gov.

These transcripts mention Boston ex-FBI Special Agent John Newton who is alleged to have stolen the antlers from Ted Kaczynski's Montana cabin; sold info to Winter Hill Gang for bribes; & stole C-4 explosives from Ft Devens for the IRA. He kept his pension & was never prosecuted.

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