

IN THE GRAND COURT OF THE CAYMAN ISLANDS
HOLDEN AT GEORGE TOWN, GRAND CAYMAN
CAUSE NO. 328 OF 1995

IN THE MATTER OF THE GRAND COURT LAW
SECTION 13

AND

IN THE MATTER OF THE MUTUAL LEGAL
ASSISTANCE
(UNITED STATES OF AMERICA) LAW, SCHEDULE,
ARTICLE 16

AND

IN THE MATTER OF THE MISUSE OF DRUGS LAW,
SECTION 49 (1995 REVISION)

AND

IN THE MATTER OF THE MISUSE OF DRUGS
(DRUG TRAFFICKING OFFENCES)
(DESIGNATED COUNTRIES) ORDER, 1991
SECTION 6


AND

IN THE MATTER OF CHARLES ADOLPH KUBOSH

NOTICE OF MOTION

TAKE NOTICE that the Grand Court sitting at George Town, Grand Cayman, will be moved on the 31st day of July 1995 at 11:00 o'clock in the forenoon, or as soon thereafter as counsel for the Attorney General may be heard for an order in the terms prayed in the affidavit annexed hereto.

Dated the 31st day of July, 1995.


Michael Clarke
Crown Counsel
for and on behalf of the
Attorney General

IN THE GRAND COURT OF THE CAYMAN ISLANDS
HOLDEN AT GEORGE TOWN, GRAND CAYMAN
CAUSE NO. OF 1995

M.B CLARKE
1st Affidavit
Sworn ^{3rd} July 1995
On Behalf of the
Attorney General of
the Cayman Islands

IN THE MATTER OF THE GRAND COURT LAW
SECTION 13

AND

IN THE MATTER OF THE MUTUAL LEGAL
ASSISTANCE
(UNITED STATES OF AMERICA) LAW, SCHEDULE,
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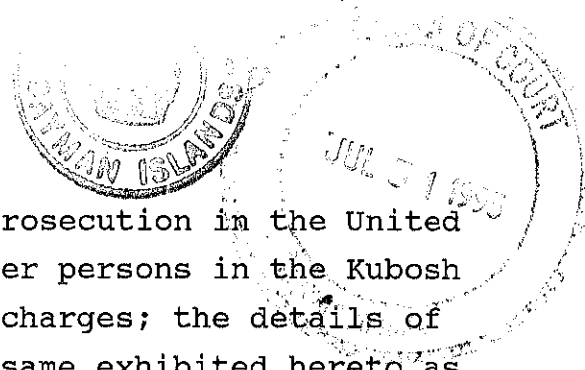
AND

IN THE MATTER OF CHARLES ADOLPH KUBOSH

AFFIDAVIT OF MICHAEL B. CLARKE

I, MICHAEL B. CLARKE, of the 4th Floor, Tower Building, Harbour Drive, George Town, Grand Cayman HEREBY MAKE OATH AND SAY as follows:

1. I am an Attorney-at-Law employed in the Cayman Islands Government Legal Department as Crown Counsel under the supervision of the Solicitor General.
2. I am informed and do verily believe that on the 15th day of March 1991 the Mutual Legal Assistance Authority for the Cayman Islands granted a Request by the United States Central (MLAT)



Authority for assistance in the criminal prosecution in the United States of CHARLES ADOLPH KUBOSH (among other persons in the Kubosh organisation) on several drug trafficking charges; the details of that request are contained in the copy of same exhibited hereto as Exhibit 'MBC1'.

3. The information provided by assistors in the Cayman Islands confirmed the belief of the American authorities that huge sums of money, the instrumentalities and proceeds of drug trafficking by Charles Kubosh, et al, were stashed away in a number of Banks in the Island; in particular that "more than half a million dollars has been deposited in the Barclay's Bank (Grand Cayman) account number 8127637" ("MBC1" P2 Para.4).

4. Consequent upon the foregoing at paragraph 3, the Solicitor General for the Cayman Islands sought and obtained from this Court, on the 18th day of March 1992 an Order the effect of which was to restrain any disposition or other dealing with the funds in Account No.8127637 by or on behalf of Charles Kubosh, et al and a Court copy of this Order is exhibited herewith as Exhibit "MBC2".

5. I am informed and verily believe that Charles Kubosh (and other members of the Kubosh organisation) were prosecuted to conviction in various Courts in the United States and pursuant to those criminal proceedings the United States prosecutorial authorities on the 19th day of January, 1994, obtained out of the United States District Court, Northern District of Texas, Fort Worth Division, a "final order of forfeiture" (exhibited hereto as Exhibit "MBC3") whereby the monies lying in the account No.8127637 were forfeited to the Government of the United States of America (Ibid. page 2).

6. Pursuant to the forfeiture order the United States Central (MLAT) Authority submitted a Supplemental Request to the Cayman Central (MLAT) Authority (dated 8 July 1994) and this is exhibited herewith as Exhibit "MBC4".

7. The afore-mentioned Request was approved by the Cayman Central Authority who, by letter dated 11 July 1994 (exhibited hereto as Exhibit "MBC5") so informed the American authorities and notified H.E. the Governor thereby authorising the Attorney General of the Cayman Islands to act under the provisions of section 49 of the Misuse of Drugs Law.

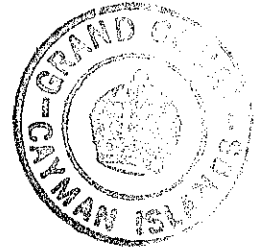
8. I have read the Affidavit of J. MICHAEL WORLEY also annexed to the Notice herein which Affidavit was issued for and on behalf of the appropriate authority of the United States of America and this is Exhibited herewith as Exhibit "MBC6"; on the basis thereof it is submitted that this Court can and ought to be satisfied that at the time of this application

- a) the forfeiture order remains in force,
- b) the said order is not subject to any appeal,
- c) the defendant in the forfeiture proceedings was properly notified in sufficient time and had adequate opportunity to defend them.

9. Further, having regard to the legal framework for co-operation between the United States and the Cayman Islands in the suppression of drug trafficking and to the public interest in depriving those who are unjustly enriched therefrom of their ill-gotten gains, it is submitted that it is in the interest of justice that the final order of forfeiture (Exhibit "MBC2") be enforced in the Island.

WHEREFORE I HUMBLY PRAY that this Honourable Court will be pleased to

- a) Register the "Final Order of Forfeiture"
- b) Order the payment into the Grand Court of the monies cited



therein, by virtue of the provisions of the Misuse of Drugs Law (1995 Revision), sections 39 and 40(3) (as amended by the Misuse of Drugs (Drug Trafficking Offences) (Designated Countries) Order, 1991, Second Schedule, ss.7 and 8(c)

c) Direct that the monies be thereafter disposed of by Government in its discretion under the terms of the Asset-sharing agreement between Cayman and the United States made pursuant to the Mutual Legal Assistance (United States of America) Law and the Schedule thereto, and

d) Grant such further or other relief as may be just.

SWORN to at George Town)
Grand Cayman this 31st day)
of July 1995)
before me)

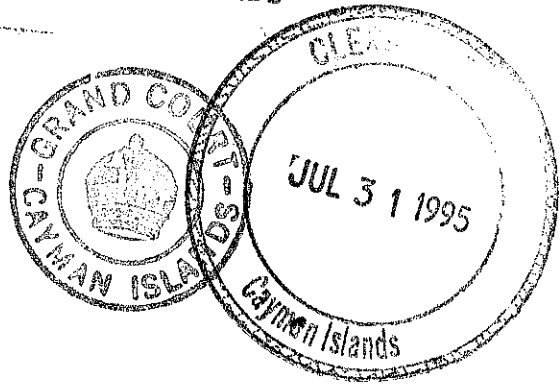
Mona Hall

JUSTICE OF THE PEACE

[Signature]
MICHAEL B. CLARKE

JUSTICE OF THE PEACE
CAYMAN ISLANDS

JUSTICE OF THE PEACE
CAYMAN ISLANDS



This Affidavit is filed on behalf of the Attorney General of this Cayman Islands whose address for service is the Legal Department, 4th Floor, Tower Building, Harbour Drive, George Town, Grand Cayman.

IN THE GRAND COURT OF THE CAYMAN ISLANDS
HOLDEN AT GEORGE TOWN, GRAND CAYMAN
CAUSE NO. OF 1995

M.B. Clarke
1st Affidavit
Sworn July 1995
On Behalf of the
Attorney General of
the Cayman Islands

IN THE MATTER OF THE GRAND COURT LAW
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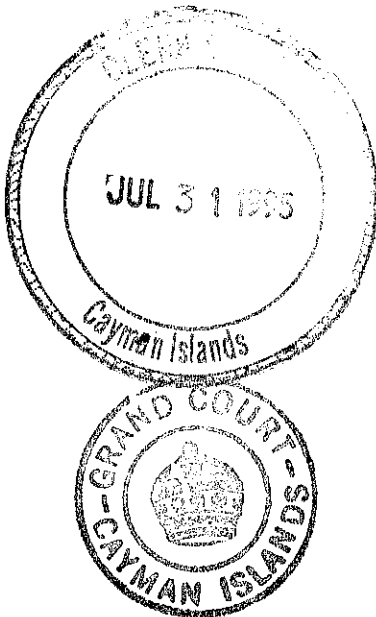
IN THE MATTER OF CHARLES ADOLPH KUBOSH

THIS is EXHIBIT "MBC1" referred to in the affidavit of MICHAEL B.
CLARKE SWORN TO before me this 31st day of July, 1995.



JUSTICE OF THE PEACE

JUSTICE OF THE PEACE
CAYMAN ISLANDS





CONFIDENTIAL

Washington, D.C. 20530

MAR 15 1991

TO: The Central Authority of the Cayman Islands
SUBJECT: Request for Assistance in the Criminal Prosecution of
Ora Doyle KUBOSH, et. al.

The Central Authority of the United States requests the assistance of the Central Authority of the Cayman Islands pursuant to the Treaty between the United States of America and the United Kingdom of Great Britain and Northern Ireland concerning the Cayman Islands Relating to Mutual Assistance in Criminal Matters, signed On March 19, 1990.

The United States Attorney for the Northern District of Texas in Ft. Worth, Texas, plans to prosecute the leaders of a criminal organization for illegally selling narcotics, laundering money derived from their illegal drug distribution, and failing to pay tax on this unlawfully earned money. In order to prove these charges at trial, we need certain bank records from the Cayman Islands. Because of the nature of the investigation, we further request that this application for assistance, its contents and related documents, and the granting of assistance be kept confidential pursuant to Article 7 of the Treaty.

SUBJECT AND NATURE OF THE INVESTIGATION

The Facts:

Two brothers, Ora Doyle KUBOSH and Alvin Vesta KUBOSH, and their cousin, Charles Adolph KUBOSH, are all engaged in a multi-state drug distribution network and international money laundering. The KUBOSH brothers and their cousin have been active in illegal drugs distribution in the Fort Worth area for more than ten years.

Ora Doyle KUBOSH appears to be the head of the family drug organization. He arranges for the purchase and delivery of precursor chemicals used in the manufacture of methamphetamines. These chemicals are imported into the United States and are delivered to the docks in Lake Charles, Louisiana, and picked up and delivered to lab and storage sites throughout a five state area by Ora Doyle KUBOSH. He also takes delivery of drug-sale proceeds, arranges for the transportation or transfer of these proceeds to banks outside of the United States. There have been several arrests of members of this conspiracy, and Ora Doyle KUBOSH has arranged each time for bond to be posted.

Alvin Vesta KUBOSH, the brother of Ora Doyle KUBOSH, is a top-level dealer for the organization who distributes large quantities of methamphetamines. He acts as a "speed cook"¹ for the organization. He has been charged for theft/larceny, and convicted on two occasions for possession of dangerous drugs.

Charles Adolph KUBOSH, a cousin of the two KUBOSH brothers, receives and stores chemicals on his property in Millsap, Texas. He, too, often acts as "speed cook" for the organization. He is a top-level dealer who receives large quantities of methamphetamines from other organizations' "speed cooks," then distributes the drugs to mid-level dealers.

In the course of the investigation, federal authorities have determined that the KUBOSHES have been putting the proceeds from illegal drug transactions into off-shore accounts. The KUBOSHES have all bragged to local informants that they have substantial monies in Cayman Island bank accounts.

In May of 1989, law enforcement authorities seized several pounds of methamphetamines, twenty-two loaded guns, approximately \$20,000 in U.S. currency, and various Cayman Island bank records in the search of a methamphetamine lab operated by Charles KUBOSH at his residence. The bank records were seized in the adjoining house of Charles KUBOSH. According to deposit slips dating back to April, 1988, more than half a million dollars has been deposited in the Barclay's Bank, account number 8127637.

In February, 1991, law enforcement authorities identified a Cayman bank account under the name of Doyle KUBOSH at Barclay's Bank, account number 28072361. Doyle KUBOSH purchased a cashier's check for \$5,000 at Gulf Coast Bank in Winnie, Texas, on December 15, 1989. This cashier's check was deposited into Barclay's account number 28072361 on January 8, 1990. Charles KUBOSH, Doyle KUBOSH, and Alvin KUBOSH may have other accounts at Barclay's Bank.

¹ Methamphetamine known in drug jargon as "speed."
A "speed cook" is someone who manufactures the controlled substance methamphetamine by means of chemical synthesis, utilizing various precursor chemicals and equipment.

The Offenses:

1. It is a violation of Title 21, United States Code, Section 841(a)(1) to distribute a controlled substance such as methamphetamine. A violation of this statute is punishable BY substantial fines, by a prison sentence of not less than 10 years or more than life, or both.

2. It is a violation of Title 21, United States Code, Section 846 to conspire to distribute controlled substances. A violation of this statutes is punishable by the same penalties as the underlying substantive crime. A violation of this statute is punishable by substantial fines, a prison sentence of not less than 10 years or more than life, or both.

3. It is a violation of Title 21, United States Code, Section 848, to engage in a continuing criminal enterprise. A person may be convicted of engaging in a continuing criminal enterprise if the person violates any part of Title 21, Chapter 13, which constitutes a felony and is part of a continuing series of violations undertaken with five or more persons, with respect to whom the person is in a supervisory or management position and from which the person obtains substantial income. A violation of this statute is punishable by imprisonment of not less than 20 years and as much as life imprisonment.

4. It is a violation of Title 18, United States Code, Section 1952(a)(3) for a person to travel in interstate or foreign commerce, or use the mail, with the intent to promote, manage, establish, carry on, or facilitate the promotion, management, establishment, carrying on, of any unlawful activity such as drug trafficking. This offense is punishable by fines of up to \$10,000, imprisonment of up to five years, or both.

5. It is a violation of Title 18, United States Code, Section 1956, to launder the proceeds of a criminal offense such as drug smuggling. A violation of this statute is punishable by a fine of \$500,000 or twice the value of the monetary instrument or funds involved, whichever is greater, or imprisonment for not more than twenty years, or both.

6. It is a violation of Title 31, United States Code, Sections 5316 and 5322 for any person to transport monetary instruments from within the United States to a place outside of the United States without first filing a report of said transaction at the time and place the Secretary of the Treasury prescribes. A violation of this statute is punishable by a fine of up to \$250,000, or imprisonment of not more than five years, or both. If the offense is committed while the person is violating another law of the United States (i.e., as part of a drug trafficking conspiracy), or as part of a pattern of illegal

activity involving more than \$100,000 in a 12-month period, it is punishable by a fine of not more than \$500,000, imprisonment of up to 10 years, or both.

7. It is a violation of Title 18, United States Code, Section 371 for a person to conspire with another person to commit an offense against the United States, or to defraud the United States or any agency thereof. X

8. It is a violation of Title 26, United States Code, Section 7201, for a person to willfully attempt to evade payment of the taxes due on earned income, including income earned from drug trafficking. It is also a violation of Title 26, United States Code, Section 7206(1), for a person to willfully make and subscribe a false and/or fraudulent income tax return under penalties of perjury. These are offenses which are punishable by substantial fines, more than one year of imprisonment, or both. X

Please note that the investigative efforts to trace and confiscate the KUBOSHES' drug money fall within Article 16(2) of the Mutual Legal Assistance Treaty, and also constitute proceedings "connected with, arising from, related to, or resulting from any narcotics activity covered by the Single Convention on Narcotic Drugs, 1961, or the Protocol amending the Single Convention on Narcotic Drugs, 1961 ..." under Article 19(c) of the Treaty. We affirm that no tax charges will be brought except in compliance with the terms of the Treaty.

We also stress that according to the evidence we have obtained, Charles KUBOSH has been depositing his ill-gotten gains in the Cayman Islands as long ago as 1988, and that money remains hidden from United States law enforcement authorities. The money laundering charges that the prosecutors would file would accuse the KUBOSHES and their associates of conspiring between 1981 and the present to launder drug money in violation of our laws. Thus, records from the Cayman Islands are needed to enable us to prosecute a current, ongoing offense, not activity which has ceased.

PERSONS INVOLVED

1. Ora Doyle KUBOSH is a United States citizen, born December 10, 1946. He resides at 27 Boyt Road, P. O. Box 1504, Crystal Beach, Texas.

2. Margaret Ann KUBOSH is a United States citizen, born on December 13, 1950. She is married to Ora Doyle KUBOSH, and she also resides at 27 Boyt Road, P. O. Box 1504, Crystal Beach, Texas.

3. Charles Adolph KUBOSH is a United States citizen, born on February 21, 1937. He resides at Route 2, Box 69, Millsap, Texas.

4. Geraldine Kay KUBOSH is a United States citizen, born on August 4, 1936. She is married to Charles Adolph KUBOSH, and she also resides at Route 2, Box 69, Millsap, Texas.

5. Alvin Vesta KUBOSH is a United States citizen, born on March 1, 1945. He resides at Route 2 Box 125, Millsap, Texas.

6. Judy Ann KUBOSH is a United States citizen, born on June 7, 1949. She is married to Alvin Vesta KUBOSH, and she also resides at Route 2 Box 125, Millsap, Texas.

PURPOSE FOR WHICH EVIDENCE IS SOUGHT

We need authenticated copies of the account records of Ora Doyle KUBOSH, Charles KUBOSH, and Alvin KUBOSH to assist in prosecuting the KUBOSHES and other members of the drug organization for illegal drug distribution, money laundering, and criminal tax evasion charges.

DESCRIPTION OF THE EVIDENCE SOUGHT

1. We request authenticated copies of all records at Barclays Bank PLC pertaining to Account Number 8127637, in the name of Charles Adolph KUBOSH.

2. We request authenticated copies of all records at Barclays Bank PLC pertaining to Account Number 280762361, in the name of Ora Doyle KUBOSH.

3. We request authenticated copies of all records at Barclay's Bank PLC relating to all accounts in the following names, or accounts to which the following persons have signatory authority:

1. Ora Doyle KUBOSH
2. Charles Adolph KUBOSH
3. Alvin Vesta KUBOSH
4. Geraldine Kay KUBOSH
5. Margaret Ann KUBOSH
6. Judy Ann KUBOSH

The bank records produced should include:

1. Signature cards;
2. Account opening documentation;
3. Deposit and withdrawal slips;
4. Account ledger sheets and ledger cards;

5. Records of all items deposited, withdrawn, or transferred, including the front and back sides of all items;
6. Records of cashier's checks, bank checks, money orders, and drafts purchased with funds from the accounts;
7. Periodic account statements;
8. Wire transfers made to or from the accounts;
9. Records of certificates of deposit;
10. Letters of credit;
11. Safe deposit box rental agreements, and records of admittances to safe deposit boxes;
12. Correspondence to, from, or on behalf of the account holder, or regarding the account; and
13. Internal memoranda relating to the account.

All records should be for the period January 1988 to the present, except for any documentation relating to the opening of the account.

PROCEDURE TO BE FOLLOWED

Please have the bank produce authenticated photocopies of the requested records as soon as possible.

Under United States law, business records are usually admitted into evidence only after the person offering them proves, through the testimony of a qualified witness, that:

(a) The documents produced are true and exact copies of original records now in the custody of the bank;

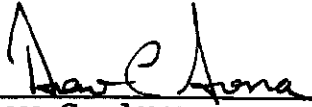
(b) The original of these copies is kept and retained in the ordinary course of business, and it is the regular practice of the business to make records of this type; and

(c) Entries on these documents were made at or near the time of the occurrence of the transactions they record by a person with knowledge of the transactions.

Therefore, we request that the photocopies of the records be authenticated using Form A appended to the Treaty. Please determine whether each bank official who certifies the records would be willing to travel to the United States, at our expense, to testify at trial regarding the authenticity of the records.

Thank you for your assistance in this matter.

3/15/91
Date

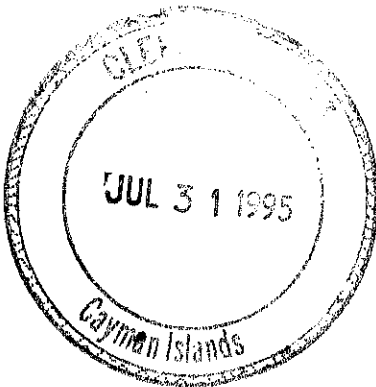


Drew C. Arena
Director
Office of International Affairs
Criminal Division

CONFIDENTIAL

IN THE GRAND COURT OF THE CAYMAN ISLANDS
HOLDEN AT GEORGE TOWN, GRAND CAYMAN
CAUSE NO. OF 1995

M.B. CLARKE
1st Affidavit
Sworn July 1995
On Behalf of the
Attorney General of
the Cayman Islands



IN THE MATTER OF THE GRAND COURT LAW
SECTION 13

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IN THE MATTER OF THE MUTUAL LEGAL
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(DESIGNATED COUNTRIES) ORDER, 1991
SECTION 6

AND

IN THE MATTER OF CHARLES ADOLPH KUBOSH

THIS is EXHIBIT "MBC2" referred to in the affidavit of MICHAEL B.
CLARKE SWORN TO before me this 31st day of July, 1995.

Nora Hall

JUSTICE OF THE PEACE

JUSTICE OF THE PEACE
CAYMAN ISLANDS

IN THE MATTER OF THE GRAND COURT LAW
(LAW 8 OF 1975) SECTION 13

AND IN THE MATTER OF

1. ORA DOYLE KUBOSH
2. CHARLES ADOLPH KUBOSH
3. ALVIN VESTA KUBOSH
4. GERALDINE KAY KUBOSH
5. MARGARET ANN KUBOSH
6. JUDY ANN KUBOSH

ORDER

UPON Ex-Parte Application issued by the Attorney-General and dated the 17th day of March 1992

AND UPON hearing Counsel for the Applicant

AND UPON reading the Affidavit of Brian Gibbs filed herein on the 17th day of March 1992.

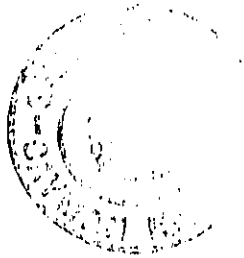
IT IS HEREBY ORDERED THAT:

1. The Defendants be restrained (whether by themselves individually or by any agents of any of them or otherwise howsoever) until Judgment or further order from removing from the Jurisdiction of this Court or transferring, assigning or otherwise disposing of the funds which are presently deposited to the following accounts held at Barclays Bank PLC, George Town, Grand Cayman:
 - (a) US\$ Fixed deposit Account No.8127637
in the name of Charles Kubosh
 - (b) US\$ Fixed Deposit Account No. 8127645
in the name of Ora Doyle Kubosh
 - (c) any other accounts held in any of the names of any of the defendants named.
2. That the Court file in relation to this matter be deemed a closed file to be kept in a secure place in the Clerk of the Courts office until further order.

3. That there be liberty to apply to discharge or vary this order.

Dated this 18th day of March, 1992.

Filed this 18th day of March, 1992.



J. E. Nunn

JUDGE OF THE GRAND COURT

NB: A copy of this Order is to be served on Barclays Bank PLC
George Town, Grand Cayman.

This Order is filed on behalf of the Attorney-General of the
Cayman Islands, whose address for service is the Legal
Department, Third Floor, First Home Tower, Jennett Street, George
Town, Grand Cayman.

IN THE GRAND COURT OF THE CAYMAN ISLANDS
HOLDEN AT GEORGE TOWN, GRAND CAYMAN
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M.B. Clarke
1st Affidavit
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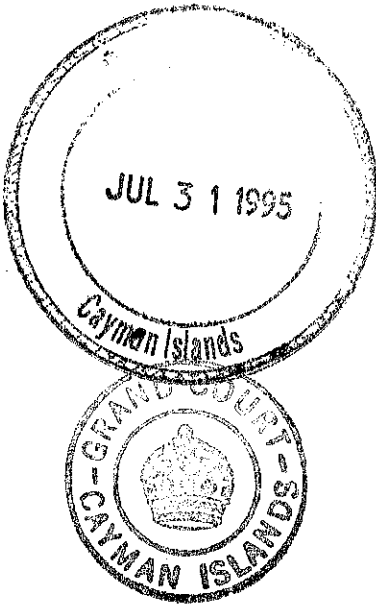
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(DESIGNATED COUNTRIES) ORDER, 1991
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IN THE MATTER OF CHARLES ADOLPH KUBOSH

THIS is EXHIBIT "MBC3" referred to in the affidavit of MICHAEL B.
CLARKE SWORN TO before me this 31st day of July, 1995.



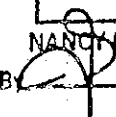
Mona Hall

JUSTICE OF THE PEACE

JUSTICE OF THE PEACE
CAYMAN ISLANDS

ORIGINAL

IN THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF TEXAS
FORT WORTH DIVISION

FILED
MAY 18 1994
NANCY DOHERTY, CLERK
By:  Deputy

UNITED STATES OF AMERICA, :
 :
 :
 v. :
 :
 CHARLES ADOLPH KUBOSH :

CRIMINAL NO. 4-92-CR-91-Y

FINAL ORDER OF FORFEITURE

WHEREAS, on January 19, 1994, this Court entered an Order Of Forfeiture pursuant to the provisions of 21 U.S.C. §§ 846, 841(a)(1), 853 and Federal Rule of Criminal Procedure 32(b)(2), based upon the trial jury's Guilty Verdict against the above Defendant on Count One and the Special Verdict forfeiting all of the property alleged to be subject to forfeiture in Count One of the Indictment;

AND WHEREAS, on January 31, 1994, February 7, 1994, and February 14, 1994, the United States published in the Fort Worth Star Telegram, a newspaper of general circulation notice of this forfeiture and of the intent of the United States to dispose of the property in accordance with the law and further notifying all third parties of their right to petition the Court within thirty (30) days for a hearing to adjudicate the validity of their alleged legal interest in the property;

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PURSUANT
TO F.R.C.P. RULES
41-419 79a

AND WHEREAS, it appears from the record that no other claims, contested or otherwise, have been filed for any of the properties described in this Court's January 19, 1994, Order Of Forfeiture.

It is HEREBY ORDERED, ADJUDGED and DECREED:

1. That the right, title and interest to all of the hereinafter described property, whether real, personal and/or mixed, is hereby condemned, forfeited and vested in the United States of America, and shall be disposed of according to law.

2. That the following property belonging to Charles Adolph Kubosh, who is the subject of this Order, is hereby condemned and forfeited to the United States of America, as follows:

All United States Currency and any and all funds in the approximate amount of \$343,149.74, or its foreign equivalent, in a bank account in the name of Charles Adolph Kubosh, account number 8127637, opened on or about April 18, 1988, with Barclays Bank, Grand Cayman, Cayman Islands, West Indies.

3. That any and all forfeited funds, including but not limited to currency, currency equivalents and certificates of deposit, as well as any income derived or earned on said fund forfeited herein, shall be deposited forthwith by the United States Marshal into the Department of Justice Assets Forfeiture Fund in accordance with 28 U.S.C. § 524(c) and 21 U.S.C. § 881(e).

The Clerk is hereby directed to send copies of this Order to all counsel of record and the United States Marshal.

SO ORDERED this 18th of day May, 1994.

Timothy R. Means
UNITED STATES DISTRICT JUDGE

IN THE GRAND COURT OF THE CAYMAN ISLANDS
HOLDEN AT GEORGE TOWN, GRAND CAYMAN
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M.B. Clarke
1st Affidavit
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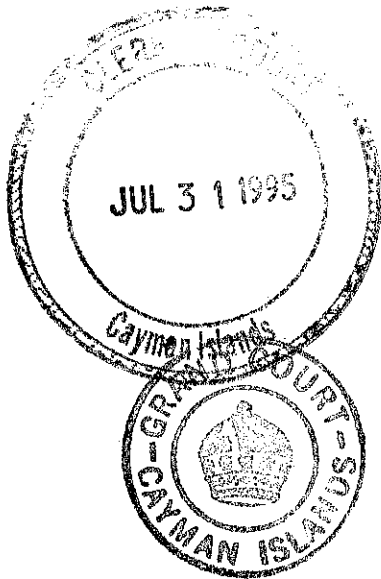
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IN THE MATTER OF CHARLES ADOLPH KUBOSH



THIS is EXHIBIT "MBC4" referred to in the affidavit of MICHAEL B. CLARKE SWORN TO before me this 3rd day of July, 1995.

Mona Hall

JUSTICE OF THE PEACE

JUSTICE OF THE PEACE
CAYMAN ISLANDS



GWF:LC:EEB:nlmf
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Office of International Affairs
Criminal Division
Bond Building Room 5100
1400 New York Avenue, N.W.
Washington, D.C. 20005

Washington, D.C. 20530

July 8, 1994

His Lordship Anthony Smellie
Cayman Central Authority
Courts Building
Georgetown, Grand Cayman
Cayman Islands

Dear Mr. Smellie:

Re: Supplemental Request for Assistance in the KUBOSH case

The United States requests your assistance under the Treaty for Mutual Legal Assistance in enforcing a final order of forfeiture against funds at Barclays Bank belonging to Charles Adolph KUBOSH. Enclosed is a copy of a certified order of a Final Order of Forfeiture from the District Court for the Northern District of Texas, entered in the criminal prosecution of Charles Adolph KUBOSH.

We seek your assistance in enforcing this order as allowed under your domestic legislation and pursuant to Article 16 of the Treaty.

Sincerely,

George W. Proctor
Director
Office of International Affairs
Criminal Division

By: *Betsy Bunke*
Betsy E. Bunke
Senior Trial Attorney

Enclosure

cc: Honorable Richard Coles
Attorney General

AUSA William Anderson
Fort Worth, Texas

IN THE GRAND COURT OF THE CAYMAN ISLANDS
HOLDEN AT GEORGE TOWN, GRAND CAYMAN
CAUSE NO. OF 1995

M.B. Clarke
1st Affidavit
Sworn July 1995
On Behalf of the
Attorney General of
the Cayman Islands

IN THE MATTER OF THE GRAND COURT LAW
SECTION 13

AND

IN THE MATTER OF THE MUTUAL LEGAL
ASSISTANCE
(UNITED STATES OF AMERICA) LAW, SCHEDULE,
ARTICLE 16

AND

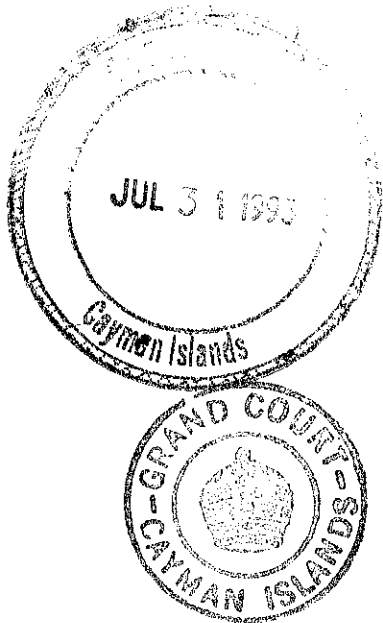
IN THE MATTER OF THE MISUSE OF DRUGS LAW,
SECTION 49 (1995 REVISION)

AND

IN THE MATTER OF THE MISUSE OF DRUGS
(DRUG TRAFFICKING OFFENCES)
(DESIGNATED COUNTRIES) ORDER, 1991
SECTION 6

AND

IN THE MATTER OF CHARLES ADOLPH KUBOSH



THIS is EXHIBIT "MBC5" referred to in the affidavit of MICHAEL B. CLARKE SWORN TO before me this 31st day of July, 1995.

Mona Hall

JUSTICE OF THE PEACE

JUSTICE OF THE PEACE
CAYMAN ISLANDS

The following reference number
should be quoted in any reply



Judge's Chambers,
Grand Court,
P.O. Box 495, Grand Cayman
Cayman Islands, B.W.I.

No.....

11th July 1994

Mr. George Proctor
Director
Office of International Affairs
Criminal Division

Attn: Ms. Betsy Burke



Dear Ms. Burke,

Re: Supplemental Request for Assistance
in the Kubosh Case dated July 8, 1994
(attaching certified copy of Final Order
of Forfeiture)

I acknowledge receipt of this request which I regard as suitable for the grant of assistance.

Pursuant to Article 16 of the Treaty and Section 6 of the Misuse of Drugs (Drug Trafficking Offences) (Designated Countries) Order, 1991 I now forward the request, under cover of a copy of this letter, to the Office of His Excellency the Governor with the further request that the matter be taken before the Grand Court by the Attorney-General or a person authorised by him.

Nonetheless I note the following for your attention.

The application to the Grand Court is to be made pursuant to Section 16Q of the Third Schedule to the 1991 Order (as amended in 1992) which provides as follows:

- "16Q (1) On an application made by or on behalf of the Government of a designated country, the Grand Court may register an external confiscation order made there if it is:
- (a) satisfied that at the time of registration the order is in force and not subject to appeal (which expression includes both any proceedings by way of discharging or setting aside a judgment or an application for a new trial or for a stay of execution);
 - (b) satisfied, where the person against whom the order is made did not appear in the proceedings, that he received notice

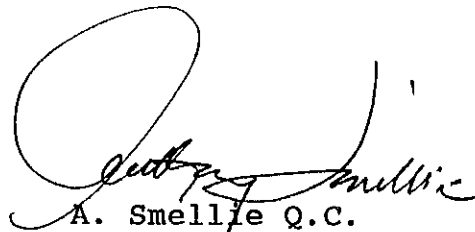
of the proceedings in sufficient time to enable him to defend them; and

(c) of the opinion that enforcing the order in the Islands would not be contrary to the interests of justice.

(2) The Grand Court shall cancel the registration of an external confiscation order if it appears to it that the order has been satisfied by payment of the amount due under it, by the person against whom it was made serving imprisonment in default of payment, or by any other means."

While it appears that the certified copy order may be admissible into evidence per se (See section 4 (2) of the 1991 Order); on the face of it, the order does not address in comprehensive manner, the requirements raised by 16 Q (a) and (b) above.

It may be necessary that your prosecuting authorities deal with these requirements by means of affidavit evidence and in that regard I advise that you liaise with the Attorney-General's Department here.

A handwritten signature in black ink, appearing to read 'A. Smellie', written over a printed name.

A. Smellie Q.C.

Cayman Mutual Legal Assistance Authority

cc. His Excellency the Governor
of the Cayman Islands (enclosing a copy of request and attachment.
Original request retained for safekeeping to be handed over to
Attorney-General upon notification)

IN THE GRAND COURT OF THE CAYMAN ISLANDS
HOLDEN AT GEORGE TOWN, GRAND CAYMAN
CAUSE NO. OF 1995

M.B. Clarke
1st Affidavit
Sworn July 1995
On Behalf of the
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IN THE MATTER OF THE GRAND COURT LAW
SECTION 13

AND

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ASSISTANCE
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ARTICLE 16

AND

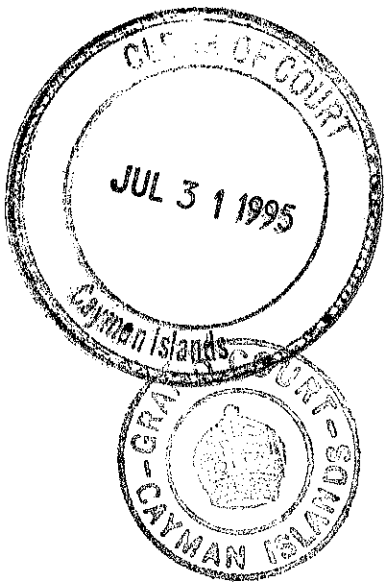
IN THE MATTER OF THE MISUSE OF DRUGS LAW,
SECTION 49 (1995 REVISION)

AND

IN THE MATTER OF THE MISUSE OF DRUGS
(DRUG TRAFFICKING OFFENCES)
(DESIGNATED COUNTRIES) ORDER, 1991
SECTION 6

AND

IN THE MATTER OF CHARLES ADOLPH KUBOSH



THIS is EXHIBIT "MBC6" referred to in the affidavit of MICHAEL B. CLARKE SWORN TO before me this 21st day of July, 1995.

Mona Hall

JUSTICE OF THE PEACE

JUSTICE OF THE PEACE
CAYMAN ISLANDS

All United States Currency and any and all funds in the approximate amount of \$343,149.74, or its foreign equivalent, in a bank account in the name of Charles Adolph Kubosh, account number 8127637, opened on or about April 18, 1988, with Barclays Bank, Grand Cayman, Cayman Islands, West Indies.

(b) I am aware that Charles Adolph Kubosh has filed an appeal contesting the sentence which he received for his criminal activities. However, the appeal does not contest, nor address, the forfeiture of the subject funds and thus has no bearing upon the finality of the order of forfeiture.

(c) I know that Charles Adolph Kubosh had proper notice of the proceedings and the forfeiture because he attended the trial of the matter and was served with the appropriate notices and orders.

(d) Charles Adolph Kubosh was given advance notice of the United States Government's intention to seek forfeiture of the subject funds through the inclusion, in the indictment, of a count seeking forfeiture of the money. Mr. Kubosh had ample opportunity, at the trial, to defend against the forfeiture of the subject funds.

(e) Through consultation with the clerk of the Court's office for the Northern District of Texas, Fort Worth Division, I have been advised that Charles Adolph Kubosh was supplied with a copy of the forfeiture order. Further, I know that personnel in my office sent copies of all proposed pleadings and orders to Mr. Kubosh.

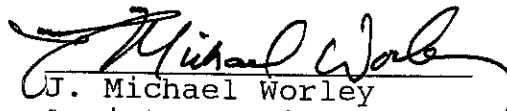
4. From my handling of the criminal case, and from consultation with the civil asset forfeiture attorneys in the

Office of the United States Attorney's Office for the Northern District of Texas, I firmly believe that Charles Adolph Kubosh was provided with notice and an opportunity to defend against the criminal forfeiture case. I believe that Mr. Kubosh was given his full due process rights, consistent with, and in full compliance with, the federal forfeitures laws of the United States.

5. Further, affiant sayeth not.

Signed this 26th day of July, 1995.

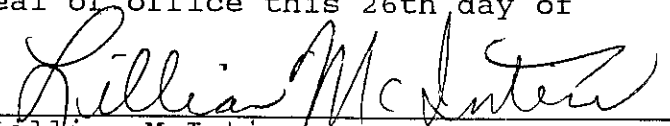
I declare under penalty of perjury that the foregoing is true and correct.


J. Michael Worley
Assistant United States Attorney

STATE OF TEXAS
COUNTY OF TARRANT

BEFORE ME, a notary public, on this day personally appeared J. Michael Worley, known to me to be the person whose name is subscribed to the foregoing document and, being by me first duly sworn, declared that the statements therein contained are true and correct.

Given under my hand and seal of office this 26th day of July, 1995.


Lillian McIntire
Notary Public, State of Texas
United States of America
My commission expires: 3-28-96