Authorized Federal Capital Prosecutions Arising in Non-Death Penalty States - 6/10/2016

Brown, Reginald | E.D. MI CR No. 92-81127

Innocent | **Name of AG** Barr

Race & gender of def B M **Victim R** BF BM **Date of DP notice** 8/11/1993

involves eight drug-related gun murders by an innocent gang member. After insisting for nearly two years he had murdered four people, including a child, the government dismissed capital murder charges against a Detroit man and began prosecuting a co-defendant for the same killings. All involved are African-American.

Brown, Terrance | E.D. MI CR No. 92-81127

Killed or died after authorization | **Name of AG** Barr

Race & gender of def B M **Victim R** BM **Date of DP notice** 8/11/1993

involves eight gun murders by a drug gang member who himself was found shot to death after the Attorney General approved a capital prosecution.

Culbert, Stacy | E.D. MI CR No. 92-81127

Guilty plea at trial | **Name of AG** Barr

Race & gender of def B M **Victim R** BM **Date of DP notice** 7/22/1994

involves eight gun murders by a drug gang member. A prosecutor claimed that the gang was involved in up to 50 murders.

Goldston, Anthony | D. DC CR No. 92-CR-284-01

Authorization withdrawn | **Name of AG** Reno

Race & gender of def B M **Victim R** BM **Date of DP notice**

involves eight killings. Four African-American D.C. residents who were charged with a total of eight murders as leaders of a District of Columbia drug gang known as the Newton Street Crew. This case involved a triple slaying in which the killers wrapped the victims' heads in duct tape before shooting them at close range. Despite authorization to seek the death penalty by Attorney General Barr in 1992, the government did not ultimately request the death penalty at trial. McCollough participated in five murders. Goldston founded the gang. Hoyle ran the gang. The defendants and victims were all African- Americans.

Harris, Mario | D. DC CR No. 92-CR-284-01

Authorization withdrawn | **Name of AG** Reno

Race & gender of def B M **Victim R** BM **Date of DP notice**

four African-American D.C. residents who were charged with a total of eight murders as leaders of a District of Columbia drug gang known as the Newton Street Crew. This case involved a triple slaying in which the killers wrapped the victims' heads in duct tape before shooting them at close range. Despite authorization to seek the death penalty by Attorney General Barr in 1992, the government did not ultimately request the death penalty at trial. McCollough participated in five murders. Goldston founded the gang. Hoyle ran the gang. The defendants and victims were all African- Americans.

Authorized Federal Capital Prosecutions Arising in Non-Death Penalty States - 6/10/2016

Hoyle, Mark | D. DC CR No. 92-CR-284-01

Authorization withdrawn | **Name of AG** Reno

Race & gender of def B M **Victim R** BM **Date of DP notice**

involves eight killings. Four African-American D.C. residents who were charged with a total of eight murders as leaders of a District of Columbia drug gang known as the Newton Street Crew. This case involved a triple slaying in which the killers wrapped the victims' heads in duct tape before shooting them at close range. Despite authorization to seek the death penalty by Attorney General Barr in 1992, the government did not ultimately request the death penalty at trial. McCollough participated in five murders. Goldston founded the gang. Hoyle ran the gang. The defendants and victims were all African- Americans.

McCollough, John | D. DC CR No. 92-CR-284-01

Authorization withdrawn | **Name of AG** Reno

Race & gender of def B M **Victim R** BM **Date of DP notice**

involves eight killings. Four African-American D.C. residents who were charged with a total of eight murders as leaders of a District of Columbia drug gang known as the Newton Street Crew. This case involved a triple slaying in which the killers wrapped the victims' heads in duct tape before shooting them at close range. Despite authorization to seek the death penalty by Attorney General Barr in 1992, the government did not ultimately request the death penalty at trial. McCollough participated in five murders. Goldston founded the gang. Hoyle ran the gang. The defendants and victims were all African- Americans.

O'Bryant, Lonnie | E.D. MI CR No. 92-81127

Guilty plea | **Name of AG** Barr

Race & gender of def B M **Victim R** BM **Date of DP notice** 8/11/1993

involves eight gun murders by a drug gang member. A prosecutor claimed that the gang was involved in up to 50 murders.

Perry, Wayne Anthony | D. DC CR No. 92-474

Guilty plea | **Name of AG** Reno

Race & gender of def B M **Victim R** BF BM **Date of DP notice** 6/8/1993

involves eight killings and a hitman for a D.C. cocaine distribution ring between 1989-1991, facing eight homicide counts. Murder for hire is alleged as an aggravating circumstance. In 1994, the defendant pleaded guilty to five homicide counts in exchange for the government's dropping the death penalty. He received five consecutive nonparolable life sentences and was sent to the federal "super max" prison in Colorado, ADX Florence.

Williams, Michael | E.D. MI CR No. 92-81127

Guilty plea | **Name of AG** Barr

Race & gender of def B M **Victim R** BM **Date of DP notice** 8/11/1993

involves eight gun murders by a drug gang member. A prosecutor claimed that the gang was involved in up to 50 murders.

Authorized Federal Capital Prosecutions Arising in Non-Death Penalty States - 6/10/2016

Wilkes, Charles | E.D. MI CR No. 92-81127

Guilty plea | **Name of AG** Barr

Race & gender of def B M **Victim R** BM **Date of DP notice** 5/19/1994

involves eight gun murders by a drug gang member. A prosecutor claimed that the gang was involved in up to 50 murders.

McCauley, Donzell M. | D. DC CR No. 94-121

Guilty plea | **Name of AG** Reno

Race & gender of def B M **Victim R** WM **Date of DP notice** 3/24/1995

law enforcement officer victim - a young black man from the District of Columbia who struggled with and shot to death a police officer. Attorney General Reno required a capital prosecution for the cross-racial murder of a white law enforcement police officer despite the U. S. Attorney's initial decision that the death penalty not be sought. This authorization marked the first time in the post-Gregg era of capital punishment that the Attorney General required a capital prosecution in a federal criminal case despite the initial opposition of the United States Attorney. Subsequently, the defendant entered a plea of guilty and was sentenced to life imprisonment.

Montanez, Ian Rosario | D. PR CR No. 96-001 (PG)

Guilty plea | **Name of AG** Reno

Race & gender of def H M **Victim R** HM **Date of DP notice** 1/21/1997

the first death penalty case to be authorized in a Puerto Rico federal court. The Attorney General required a capital prosecution against the alleged triggerman in a bank robbery during which a security guard was killed and several bystanders injured. Montanez pled guilty in April 1998 to a life sentence.

Walter, Abram | D. AK CR No. F96-026 (HRH)

Guilty plea | **Name of AG** Reno

Race & gender of def W M **Victim R** NAF **Date of DP notice** 2/20/1997

a white survivalist, charged with the robbery murder of a native Alaskan storekeeper whose remote outpost in a roadless Alaskan wilderness served as a U.S. Post Office. The Attorney General required a capital prosecution.

Garcia, Efraim | E.D. MI CR No. 97-80727

Dismissal after notice by Judge | **Name of AG** Reno

Race & gender of def H M **Victim R** WM **Date of DP notice** 9/24/1998

a gang known as the "Cash Flow Posse" charged with various racketeering crimes, including five murders and other assaults. The motive was a dispute over gang territory. Garcia was a 29 year old Colombian. All the killings but one predate the effective date of the '94 act. Garcia was the only capital defendant. He was charged with personally carrying out all five murders. Garcia was offered a plea to life, signed a Rule 11 plea agreement but the plea agreement broke down during the colloquy in court. The United States then decided to seek the death penalty. However, the district court dismissed the capital count (a racketeering murder) because of an insufficient "Commerce Clause" nexus. 68 F.Supp.2d 802 (E.D. MI 1999). The government decided not to appeal.

Authorized Federal Capital Prosecutions Arising in Non-Death Penalty States - 6/10/2016

Kauffman, Christopher | S.D. IA CR No. 97 Wolle

Guilty plea | **Name of AG** Reno

Race & gender of def W M | **Victim R** WF | **Date of DP notice** none filed

two carjackings/murders, a bank robbery and inter-state flight by two young, white step-brothers. Two white women were murdered in their homes and their cars were used in the robbery of $70,000 from a bank. Each brother was a triggerman. The United States Attorney and defense counsel negotiated plea agreements specifying life sentences shortly after the Attorney General Reno required a capital prosecution.

McMahan, Jamie | S.D. IA CR No. 97 Wolle

Guilty plea | **Name of AG** Reno

Race & gender of def W M | **Victim R** WF | **Date of DP notice** none filed

two carjackings/murders, a bank robbery and inter-state flight by two young, white step-brothers. Two white women were murdered in their homes and their cars were used in the robbery of $70,000 from a bank. Each brother was a triggerman. The United States Attorney and defense counsel negotiated plea agreements shortly after the Attorney General required a capital prosecution.

Gabrion, Marvin | W.D. MI No. 1:99-CR-76

Death row - 2255 | **Name of AG** Ashcroft

Race & gender of def W M | **Victim R** WF | **Date of DP notice** 2/26/2001

the disappearance of an alleged rape victim before Gabrion's trial, as well as the disappearance of her 3 year old child and three men. The bound victim was found in a lake, part of federal land, the Manistee National Forest (USFS). Attorney General Ashcroft required a capital prosecution in this 18 U.S.C. §1111 case. All involved are white. After a remand to the district court for the presentation of additional evidence on the issue of subject matter jurisdiction, the Sixth Circuit found subject matter jurisdiction. After a grant of sentencing phase relief, the government sought rehearing en banc, which resulted in reversal of sentencing relief. A 28 USC §2255 motion is pending.

Colon-Miranda, Andres | D. PR CR No. 95-029 JAF

Dismissal after notice by Judge | **Name of AG** Reno

Race & gender of def H M | **Victim R** HM | **Date of DP notice** 11/7/1997

a judge blocked a capital trial of three Puerto Rican defendants involved in a drug gang homicide. 985 F.Supp. 36; 992 F.Supp. 82. The government initially indicated that authorization would not be sought for a capital prosecution, but then attempted to reverse its position seven weeks before trial. Attorney General Reno required a capital prosecution. The district court declined to continue the trial and refused, despite the Attorney General's authorization and notice of aggravating circumstances filed shortly before trial, to permit the government to ask for the death penalty.

Authorized Federal Capital Prosecutions Arising in Non-Death Penalty States - 6/10/2016

Martinez-Velez, David Samuel | D. PR CR No. 95-029 JAF

Dismissal after notice by Judge | **Name of AG** Reno

Race & gender of def H M | **Victim R** HM | **Date of DP notice** 11/7/1997

a judge blocked a capital trial of three Puerto Rican defendants involved in a drug gang homicide. 985 F.Supp. 36; 992 F.Supp. 82. The government initially indicated that authorization would not be sought for a capital prosecution, but then attempted to reverse its position seven weeks before trial. Attorney General Reno required a capital prosecution. The district court declined to continue the trial and refused, despite the Attorney General's authorization and notice of aggravating circumstances filed shortly before trial, to permit the government to ask for the death penalty.

Rosario-Rodriguez, Edwin | D. PR CR No. 95-029 JAF

Dismissal after notice by Judge | **Name of AG** Reno

Race & gender of def H M | **Victim R** HM | **Date of DP notice** 11/7/1997

a judge blocked a capital trial of three Puerto Rican defendants involved in a drug gang homicide. 985 F.Supp. 36; 992 F.Supp. 82. The government initially indicated that authorization would not be sought for a capital prosecution, but then attempted to reverse its position seven weeks before trial. Attorney General Reno required a capital prosecution. The district court declined to continue the trial and refused, despite the Attorney General's authorization and notice of aggravating circumstances filed shortly before trial, to permit the government to ask for the death penalty.

Dean, Chris | D. VT CR No. 2:98M0021

Guilty plea | **Name of AG** Reno

Race & gender of def W M | **Victim R** WM | **Date of DP notice** 1/15/1999

a mail bomb which killed a 17 year old Vermont man and disfigured his mother. The bombing was motivated by an internet dispute involving the deceased's fraudulent behavior. All involved are white. The United States Attorney did not request that this be a capital prosecution, but the Attorney General required a capital prosecution. Main Justice disagreed. Both the defendant and his victim were white. Dean pled guilty in September of 1999 and was sentenced to life.

Chong, Richard Lee Tuck | D. HI CR No. 98-00416 ACK

Guilty plea | **Name of AG** Reno

Race & gender of def A M | **Victim R** OM | **Date of DP notice** 2/12/1999

a defendant originally indicted in the State of Hawaii for murder and various firearms violations. He fled the jurisdiction. A federal prosecution under 18 U.S.C. §924(j), use of a firearm to commit a drug related murder, was filed. The 47 year old Chong has a lengthy record of convictions for serious offenses and a violent prison record, including sodomy/assault with an ice pick and starting a fire. He had only been recently released when he allegedly shot the victim over a $100 drug debt. The defendant is Asian and the victim is Hawaiin. Chong entered a guilty plea and was sentenced to life in prison.

Authorized Federal Capital Prosecutions Arising in Non-Death Penalty States - 6/10/2016

McKelton, Antonio | E.D. MI CR No. 98-80348

Innocent | **Name of AG** Reno

Race & gender of def B M **Victim R** BM **Date of DP notice** 8/31/1998

a bank robbery in which an employee was killed while servicing an ATM machine. McKelton was serving a state sentence for the armed robbery of a jewelry store and was suspected in six other robberies at jewelry stores. McKelton's fingerprint was on the clip inside the gun. The black victim had fired one shot off as he dove to the ground. McKelton, also a black man, suffers from Hodgkin's disease. The defense and the prosecutor jointly petitioned the Attorney General's Committee to withdraw the death penalty request. The request was first denied but was eventually granted. The indictment was later dismissed when additional evidence was uncovered. Two others were subsequently charged.

Valle-Lassalle, Victor Manuel | D. PR CR No. 97-284 (JAF)

Guilty plea | **Name of AG** Reno

Race & gender of def H M **Victim R** HM **Date of DP notice** 12/17/1998

a large scale drug conspiracy and two 1996 killings by Valle-Lassalle and one by the others in 1996. The second was a witness elimination -- the government witness was cut up with a machete. The United States Attorney requested permission to seek the death penalty only against Valle-Lassalle and Rodriguez-Marrero, and the Attorney General required that they also seek the execution of Nieves-Alonso and Pena-Gonzales. Murder for hire is alleged as an aggravating circumstance. All involved are Hispanic. Valle-Lassalle received a 40 year sentence.

Marrero, Jose Rodriguez | D. PR CR No. 97-284 (JAF)

Authorization withdrawn | **Name of AG** Reno

Race & gender of def H M **Victim R** HM **Date of DP notice** 12/4/1998

a large scale drug conspiracy and two 1996 killings by Valle-Lassalle and one by the others in 1996. The second was a witness elimination -- the government witness was cut up with a machete. The United States Attorney requested permission to seek the death penalty only against Valle-Lassalle and Rodriguez-Marrero, but the Attorney General required that the USAO also seek the execution of Nieves-Alonso and Pena-Gonzales. Murder for hire is alleged as an aggravating circumstance. All involved are Hispanic. Rodriguez-Marrero is intellectually disabled and authorization to seek the death penalty was withdrawn.

Gomez, Edsel Torres | D. PR CR No. 98-72

Guilty plea | **Name of AG** Reno

Race & gender of def H M **Victim R** HM **Date of DP notice** 10/26/1998

seven killings in a cocaine and heroin trafficking conspiracy. In the "Cayey Massacre," four men were tortured and murdered. Later, three other men were shot and killed in two incidents. Gomez, one of Puerto Rico's major drug dealers, agreed, in concert with another drug dealer, to eliminate various competitors who were trying to take over Gomez's market. Gomez was the only defendant authorized for a capital prosecution. Three co-defendants, including one accused of murders in 1991 and 1993, did not face the death penalty. Murder for hire is alleged as an aggravating circumstance. All persons involved are Latino.

Authorized Federal Capital Prosecutions Arising in Non-Death Penalty States - 6/10/2016

Brown, Ricky Lee | N.D. WV No. 1:98CR34

Dismissal after notice by Judge | **Name of AG** Reno

Race & gender of def W M | **Victim R** WF WM | **Date of DP notice** 2/22/1999

arson/murder by their parents of five children, after an insurance policy was issued on the dwelling and the Brown's children. Federal charges were based on the use of the mail and phones. The district court declined to make a pretrial determination on Ricky Brown's intellectual disability claim. However, the capital counts were dismissed after the Supreme Court's decision in United States v. Jones, 592 U.S. 848 (2000). After a non-capital trial, the Browns were acquitted. Ables pled guilty and became a government witness. All involved are Caucasian. State charges were also filed.

Brown, Barbara M. | N.D. WV CR No. 1:98CR34

Dismissal after notice by Judge | **Name of AG** Reno

Race & gender of def W F | **Victim R** WF WM | **Date of DP notice** 2/22/1999

arson/murder by their parents of five children, after an insurance policy was issued on the dwelling and the Brown's children. Federal charges were based on the use of the mail and phones. However, the capital counts were dismissed after the Supreme Court's decision in United States v. Jones, 592 U.S. 848 (2000). After a non-capital trial, the Browns were acquitted. Ables pled guilty and became a government witness. All involved are Caucasian. State charges were also filed.

Ables, Janette A. | N.D. WV CR No. 1:98CR34

Dismissal after notice by Judge | **Name of AG** Reno

Race & gender of def W F | **Victim R** WF WM | **Date of DP notice** 2/22/1999

arson/murder by their parents of five children, after an insurance policy was issued on the dwelling and the Brown's children. Federal charges were based on the use of the mail and phones. However, the capital counts were dismissed after the Supreme Court's decision in United States v. Jones, 592 U.S. 848 (2000). After a non-capital trial, the Browns were acquitted. Ables pled guilty and became a government witness. All involved are Caucasian. State charges were also filed.

Gilbert, Kristin | D. MA CR No. 98-30044-MAP

Life sentence from jury | **Name of AG** Reno

Race & gender of def W F | **Victim R** WM | **Date of DP notice** 5/14/1999

the killing of four patients at a Department of Veterans Affairs Hospital, on federal property, and the attempted killing of three others. Ms. Gilbert, 31, used epinephrine, a drug that can overstimulate the heart, on her patients. Federal prosecutors said Gilbert murdered one patient, a 41-year-old invalid, after asking a supervisor if she could "leave early if he died." All involved are Caucasian. The jury deadlocked and Gilbert was sentenced to life in prison.

Pena-Gonzalez, Nicholas | D. PR CR No. 97-284 (JAF)

Authorization withdrawn | **Name of AG** Reno

Race & gender of def H M | **Victim R** HM | **Date of DP notice** 12/17/1998

a large scale drug conspiracy and two 1996 killings by Valle-Lassalle and one by the others in 1996. The second was a witness elimination -- the government witness was cut up with a machete. The United States Attorney requested permission to seek the death penalty only against Valle-Lassalle and Rodriguez-Marrero, and the Attorney General required that they also seek the execution of Nieves-Alonso and Pena-Gonzales. Murder for hire is alleged as an aggravating circumstance. All involved are Hispanic. After reviewing evidence that Pena-Gonzales is intellectually disabled, the government withdrew the death notice against him.

Authorized Federal Capital Prosecutions Arising in Non-Death Penalty States - 6/10/2016

Bass, John | E.D. MI CR No. 97-80235

Life sentence from jury | **Name of AG** Reno

Race & gender of def B M | **Victim R** BM | **Date of DP notice** 2/17/2001

eleven death eligible defendants who were charged in a four victim (continuing criminal enterprise) Detroit drug/murder case under 21 U. S.C. §848(a)(1)(A). Of the eleven, only Bass was chosen to face a federal capital prosecution. All involved are African-American. A pretrial appeal involved the issue of discovery of Department of Justice charging practices in capital cases. In a per curiam opinion, the United States Supreme Court reversed the order granting discovery. United States v. Bass, 122 S.Ct. 2389 (2002). John Bass and his brother Patrick allegedly started a drug gang called the "Dog Pound" (because members owned many pit bulls), which sold crack in Michigan and Ohio. John Bass is charged with arranging two murders - of his brother and a rival.

Nieves-Alonso, Heriberto | D. PR CR No. 97-284 (JAF)

Guilty plea | **Name of AG** Reno

Race & gender of def H M | **Victim R** HM | **Date of DP notice** 12/17/1998

a large scale drug conspiracy and two 1996 killings by Valle-Lassalle and one by the others in 1996. The second was a witness elimination -- the government witness was cut up with a machete. The United States Attorney requested permission to seek the death penalty only against Valle-Lassalle and Rodriguez-Marrero, and the Attorney General required that they also seek the execution of Nieves-Alonso and Pena-Gonzales. Murder for hire is alleged as an aggravating circumstance. All involved are Hispanic.

Perez, Luis Gines | D. PR CR No. 98-164 (DRD)

Authorization withdrawn | **Name of AG** Reno

Race & gender of def H M | **Victim R** HM | **Date of DP notice** 4/1/1999

drug smuggling and a single homicide of a co-conspirator. The defendants are Hispanic, college educated businessmen. There was a joint plan to kill and Gines was alleged to have shot the victim on Melendez's boat and together they dumped the body. Authorization was withdrawn when a key government witness flunked a polygraph on whether he was the actual killer.

Perez, Ricardo Melendez | D. PR CR No. 98-164 (DRD)

Authorization withdrawn | **Name of AG** Reno

Race & gender of def H M | **Victim R** HM | **Date of DP notice** 4/1/1999

drug smuggling and a single homicide of a co-conspirator. The defendants are Hispanic, college educated businessmen. There was a joint plan to kill and Gines was alleged to have shot the victim on Melendez's boat and together they dumped the body. Authorization was withdrawn when a key government witness flunked a polygraph on whether he was the actual killer.

Authorized Federal Capital Prosecutions Arising in Non-Death Penalty States - 6/10/2016

Edelin, Tommy | D. DC CR No. 98-264

Life sentence from jury | **Name of AG** Reno

Race & gender of def B M | **Victim R** BM | **Date of DP notice** 6/30/2000

a drug conspiracy, racketeering, murder CCE prosecution. Tommy Edelin faced the death penalty alone among many capital eligible defendants, including his father. Edelin, 30, was charged with ordering 14 murders and attempting to have another dozen killed during the 1990's, in his role as the so-called "drug kingpin" of the "1-5 Mob". Murder for hire is alleged as an aggravating circumstance. The gang was charged with the shooting of a D.C. police officer and in another incident in which three people were shot while attending a crowded neighborhood picnic. One victim was shot several times while returning from a prom with his girlfriend. Two teenagers were targeted by mistake on their way to a church Christmas Party. Edelin was acquitted of this double killing by co-defendant Bostick. Much of the violence stemmed from a turf battle with members of the "Stanton Terrace Crew," which is now essentially out of business after numerous members were killed or convicted of first-degree murder. Edelin was convicted of four murders, including paying a hit man to kill a 19 year old who alleged robbed an associated. 11 jurors deliberated 3 hours before voting for a life sentence. The capital charge was a conviction of murder for hire of a 14 year old who allegedly robbed an associate of Tommy Edelin. Edelin was born as a result of a brief sexual encounter to a convicted drug addict. He had an abusive, deprived, depraved childhood in a crime infested neighborhood. This was the first death penalty trial in the District of Columbia since the last execution in 1957. D.C. voters rejected the death penalty in 1992.

Alejandro, Joel Rivera | D. PR CR No. 99-044 (SEC)

Acquittal | **Name of AG** Reno

Race & gender of def H M | **Victim R** HM | **Date of DP notice** 1/24/2000

intrastate kidnapping, killing and dismembering of a Rio Piedras businessman who may have been involved in the illegal numbers racket called "bolleta," after his family ignored a ransom demand and called the police. The accused allegedly belonged to a gang of kidnappers suspected in as many as 15 abductions. Alejandro is alleged to be the triggerman. Only Alejandro and Martinez were to face the death penalty, but the district court declared the death penalty unconstitutional in Puerto Rico. 106 F.Supp. 311 (D. PR 2000). However, this decision was reversed by the Circuit. 252 F.3d 13 (2002). Both capital defendants have prior local murder convictions. Both were acquitted at trial. All involved are Hispanic.

Martinez, Hector Acosta | D. PR CR No. 99-044 (SEC)

Acquittal | **Name of AG** Reno

Race & gender of def H M | **Victim R** HM | **Date of DP notice** 1/24/2000

intrastate kidnapping, killing and dismembering of a Rio Piedras businessman who may have been involved in the illegal numbers racket called "bolleta," after his family ignored a ransom demand and called the police. The accused allegedly belonged to a gang of kidnappers suspected in as many as 15 abductions. Alejandro was alleged to be the triggerman. Only Alejandro and Martinez were to face the death penalty, but the district court declared the death penalty unconstitutional in Puerto Rico. 106 F.Supp. 311 (D. PR 2000). However, this decision was reversed by the Circuit. 252 F.3d 13 (2002). Both capital defendants had prior local murder convictions. Both were acquitted at trial. All involved are Hispanic.

Authorized Federal Capital Prosecutions Arising in Non-Death Penalty States - 6/10/2016

Cooper, Carl Derrick | D. DC CR No. 99-0266 (Green)

Guilty plea | **Name of AG** Reno

Race & gender of def B M | **Victim R** WF WM BM | **Date of DP notice** 2/14/2000

three charges of felony murder. Cooper, 29, confessed in writing to shooting three employees, 25, 24 and 18, in a failed robbery attempt of Starbucks Coffee Shop. Cooper claimed in his confession to police that he had a struggle with the shop's manager. She apparently was shot while attempting to flee after being unable to open the safe. Cooper was also arrested in connection with the 1996 wounding of an off- duty Prince George's County police officer during an attempted robbery. Cooper is black and two of the three victims are white. The government also alleged a 1993 armed robbery and murder of a security guard, three 1989 armed robberies, three 1996 armed robberies, a 1997 armed robbery, various conspiracies to rob and various shootings. Attorney General Reno required a capital prosecution.

Gray, Kevin | D. DC No. 1:00CR00157

Life sentence from jury | **Name of AG** Ashcroft

Race & gender of def B M | **Victim R** BM HM | **Date of DP notice** 7/27/2001

a Southeast Washington, D.C., gang, alleged to be connected to approximately 40 slayings. The indictment charges 30 murders. Murder for hire was alleged as an aggravating circumstance. The leader, Kevin Gray, 28, is charged with carrying out the racketeering slayings of 10 people. Members of this heroin and marijuana conspiracy allegedly gunned down rivals and people they thought might testify against them, catching victims by surprise at a gas station, a beauty salon and on street corners, sometimes in broad daylight. Three of the victims were killed because they were viewed as potential witnesses. Another victim was shot by mistake. The 158 count indictment alleges 10 attempted murders. Gang members allegedly took outside contracts as hit men. Gray is charged in 22 murders. He and Moore are the only defendants to face the death penalty. The victims were Hispanic and African-American.

Moore, Rodney | D. DC No. 1:00CR00157

Life sentence from jury | **Name of AG** Ashcroft

Race & gender of def B M | **Victim R** BF BM | **Date of DP notice** 7/27/2001

a Southeast Washington, D.C., gang, alleged to be connected to approximately 40 slayings. The indictment charges 30 murders. Murder for hire was alleged as an aggravating circumstance. The leader, Kevin Gray, 28, is charged with carrying out the racketeering slayings of 10 people. Members of this heroin and marijuana conspiracy allegedly gunned down rivals and people they thought might testify against them, catching victims by surprise at a gas station, a beauty salon and on street corners, sometimes in broad daylight. Three of the victims were killed because they were viewed as potential witnesses. Another victim was shot by mistake. The 158 count indictment alleges 10 attempted murders. Gang members allegedly took outside contracts as hit men. Gray is charged in 22 murders. He and Moore are the only defendants to face the death penalty. Moore relied on evidence of low intellectual functioning at trial. The victims were Hispanic and African-American.

Gomez-Olmeda, David | D. PR CR No. 03-CR-73

Dismissal after notice by Judge | **Name of AG** Ashcroft

Race & gender of def H M | **Victim R** HM | **Date of DP notice** 9/22/2003

a killing during an FBI undercover sting operation involving guns. The victim was an FBI confidential informant who was wired at the time. The FBI witness was shot to death and robbed in an FBI surveillance van. A videotape recorded the murder. The money robbed was FBI money and the car stolen was an FBI car. David Gomez entered into a plea agreement. However, Attorney General Ashcroft rejected a plea agreement and required a capital prosecution which was dismissed by the District Court.

Authorized Federal Capital Prosecutions Arising in Non-Death Penalty States - 6/10/2016

Johnson, Angela | N.D. IA No. 3:01-CR-03046-MWB

Authorization withdrawn | **Name of AG** Ashcroft

Race & gender of def W F | **Victim R** WF WM | **Date of DP notice** 4/25/2002

five murders in 1993 of a potential witness, his girlfriend (both meth dealers) and two daughters, in a drug conspiracy case. The fifth victim is Angela Johnson's former boyfriend, another dealer turned informant, who disappeared in November of 1993. Johnson attempted suicide in jail after she was tricked by a jailhouse informant into revealing the location of the bodies. Attorney General Ashcroft rejected Honken's attempt to enter a plea to a life sentence. Attorney General Gonzales rejected Johnson's attempt to enter a plea to a life sentence. Finding ineffective assistance of counsel, the district court in 2012, reversed Johnson's death sentence. 860 F.Supp.2d 663 (ND IA 2012). A resentencing trial was scheduled for 2015 but Attorney General Holder withdrew the Notice of Intent to seek the death penalty. All involved are white.

Honken, Dustin | N.D. IA No.3:01-CR-03047-MWB

Death row - 2255 | **Name of AG** Ashcroft

Race & gender of def W M | **Victim R** WF WM | **Date of DP notice** 6/10/2003

five murders in 1993 of a potential witness, his girlfriend and two daughters, in a drug conspiracy case. The fifth victim is Angela Johnson's former boyfriend, who disappeared in November of 1993. Johnson attempted suicide in jail after she was tricked by a jailhouse informant into revealing the location of the bodies. Attorney General Gonzales rejected Johnson's attempt to enter a plea to a life sentence. All involved are white. A 28 U.S.C. 2255 motion was denied. An appeal is pending.

Fell, Donald | D. VT 2:01-CR-12-01

Awaiting resentencing or retrial | **Name of AG** Ashcroft

Race & gender of def W M | **Victim R** WF, WM | **Date of DP notice** 1/30/2002

three murders, a carjacking and an interstate kidnapping. The defendants were high on crack when an argument erupted with Fell's mother and a male friend. The male friend's throat was slashed by Fell and Fell's mother stabbed to death by Lee, the co-defendant. The two then carjacked a 53 year old grandmother at a supermarket. Crossing into New York, they told her to get out and she attempted to run into the woods. They followed her and allegedly killed her by kicking her. The defendants both made incriminating statements. They were arrested three days later in Arkansas. All involved are Caucasian. Lee committed suicide in 2001 by hanging himself in jail. Authorities said it was an accident. Attorney General Ashcroft rejected a plea agreement stipulating life in prison, and required a capital prosecution. The Attorney General also rejected a bench trial. The court declared the FDPA unconstitutional. 217 F.Supp.2d 469 (2002). This ruling was reversed by the Second Circuit. 360 F.3d 135 (2004). The direct appeal was denied. 531 F.3d 197 (2008). A 28 USC 2255 motion was granted on July 24, 2014. The retrial is scheduled for 9/1/2016.

Jones, Milton | E.D. MI CR No. 01-80571

Guilty plea | **Name of AG** Ashcroft

Race & gender of def B M | **Victim R** BM | **Date of DP notice** 2/4/2003

involves a gang called the "Young Boys Inc.". Milton Jones, the alleged kingpin, is charged along with 13 others, including state representative Keith Stallworth, with laundering money. Jones wrote an autobiography, "Y.B.I." about his life of crime. Three defendants faced the death penalty. Jones is charged with two murders in 1998. Murder for hire is alleged as an aggravating circumstance. Canty and Mitchell are charged with killing another in '97. Canty is also charged in two other murders. Attorney General Ashcroft required a capital prosecution. All involved are African-American. Jones agreed to cooperate with government prosecutors in return for a 30 year sentence.

Authorized Federal Capital Prosecutions Arising in Non-Death Penalty States - 6/10/2016

Canty, Raymond | E.D. MI CR No. 01-80571

Authorization withdrawn | **Name of AG** Ashcroft

Race & gender of def B M **Victim R** BM **Date of DP notice** 2/4/2003

involves a gang called the "Young Boys Inc.". Milton Jones, the alleged kingpin, is charged along with 13 others, including state representative Keith Stallworth, charged with laundering money. Jones wrote an autobiography, "Y.B.I." about his life of crime. Three defendants face the death penalty. Jones is charged with two murders in 1998. Murder for hire is alleged as an aggravating circumstance. Canty and Mitchell are charged with killing another in '97. Canty is also charged in two other murders. Attorney General Ashcroft required a capital prosecution. All involved are African-American. Jones agreed to cooperate with government prosecutors in return for a 30 year sentence and authorization was withdrawn as to Canty and Mitchell.

Mitchell, Eugene | E.D. MI CR No. 01-80571

Authorization withdrawn | **Name of AG** Ashcroft

Race & gender of def B M **Victim R** BM **Date of DP notice** 2/4/2003

involves a gang called the "Young Boys Inc.". Milton Jones, the alleged kingpin, is charged along with 13 others, including state representative Keith Stallworth, charged with laundering money. Jones wrote an autobiography, "Y.B.I." about his life of crime. Three defendants face the death penalty. Jones is charged with two murders in 1998. Murder for hire is alleged as an aggravating circumstance. Canty and Mitchell are charged with killing another in '97. Canty is also charged in two other murders. Attorney General Ashcroft required a capital prosecution. All involved are African-American. Jones agreed to cooperate with government prosecutors in return for a 30 year sentence and authorization was withdrawn as to Canty and Mitchell.

Sampson, Gary | D. MA No. 01-CR-10384

Awaiting resentencing or retrial | **Name of AG** Ashcroft

Race & gender of def W M **Victim R** WM **Date of DP notice** 11/19/2002

Sampson plead guilty to two separate car-jacking murders in Massachusetts that took place three days apart in the summer of 2001. The victims were a 69-year old grandfather and a 19-year old college student. Sampson confessed to those crimes as well as to a strangulation murder in New Hampshire that he committed three days after the second carjacking murder, and to a subsequent unsuccessful attempted carjacking in Vermont. The crimes all occurred within an 8-day period. He confessed, as well, to having committed a series of 5 bank robberies in North Carolina prior to coming to New England. The day before he committed the first murder, Sampson had called the FBI in Boston in an effort to surrender on the bank robberies. The FBI accidentally or deliberately disconnected the call or chose not to follow up. A 28 U.S.C. §2255 motion was granted. A government interlocutory appeal was denied. 2013 WL 3828663 (1st Cir. 2013). All involved are white. The judge has recused himself.

Ostrander, Michael Paul | W.D. MI No. 01-CR-00218

Life sentence from jury | **Name of AG** Ashcroft

Race & gender of def W M **Victim R** WM **Date of DP notice** 2/21/2003

slaying of a man on federal land found buried in a previously dug grave in the Manistee National Forest (USFS). The Ostrander brothers are charged with the August 2000 use of a firearm causing death during drug trafficking, involving marijuana and cocaine. Attorney General Ashcroft required a capital prosecution.

Authorized Federal Capital Prosecutions Arising in Non-Death Penalty States - 6/10/2016

Ostrander, Robert Norman | W.D. MI No. 01-CR-00218

Life sentence from jury | **Name of AG** Ashcroft

Race & gender of def W M | **Victim R** WM | **Date of DP notice** 2/21/2003

slaying of a man on federal land, found buried in a previously dug grave in the Manistee National Forest (USFS). The Ostrander brothers are charged with the August 2000 use of a firearm causing death during drug trafficking, involving marijuana and cocaine. Attorney General Ashcroft required a capital prosecution.

Safarini, Zayd Hassan Abd Latif | D. DC CR No. 91-CR-504

Dismissal after notice by Judge | **Name of AG** Ashcroft

Race & gender of def AR M | **Victim R** IM + | **Date of DP notice** 12/12/2002

a Jordamian who was one of the four hijackers who used semiautomatic weapons, hand grenades and explosives to take over a Pan Am flight in Karachi, Pakistan in 1986. The terrorists left 22 people dead, including 2 Americans of Indian descent and 100 wounded. Originally, Safarini was convicted and imprisoned in Pakastan but he was released on September 27, 2001. U.S. law enforcement arrested him the next day as he was traveling to Jordan. The judge recommended he be sent to Supermax, ADX Florence. He is currently at USP Terre Haute.

Green, Darryl | D. MA CR No. 02-CR-10301

Authorization withdrawn | **Name of AG** Ashcroft

Race & gender of def B M | **Victim R** BM | **Date of DP notice** 9/18/2003

two members of the Esmond Street Crew charged with the RICO shooting death of a gang rival ("Franklin Hill Giants") during the Caribbean Carnival in 2001. Key witnesses were four members of the gang who have plea agreements with federal prosecutors. Prosecutors allege four other shootings. Family members of the defendants claim the murder was over a girl and not drugs. The grandmother of the victim and the state prosecutor criticized the decision to seek the death penalty. Both defendants grew up in a violent neighborhood and Morris was shot when he was 16. An innocent bystander was spared when a bullet hit his rearview mirror. After the jury hung as to two non-capital defendants at a separate trial, the judge granted a Rule 29 motion for acquittal. The government then dismissed the indictment and allowed the state to prosecute. All involved are African-American.

Morris, Branden | D. MA CR No. 02-CR-10301

Authorization withdrawn | **Name of AG** Ashcroft

Race & gender of def B M | **Victim R** BM | **Date of DP notice** 9/18/2003

two members of the Esmond Street Crew charged with the RICO shooting death of a gang rival ("Franklin Hill Giants") during the Caribbean Carnival in 2001. Key witnesses were four members of the gang who have plea agreements with federal prosecutors. Prosecutors allege four other shootings. Family members of the defendants claim the murder was over a girl and not drugs. The grandmother of the victim and the state prosecutor criticized the decision to seek the death penalty. Both defendants grew up in a violent neighborhood and Morris was shot when he was 16. An innocent bystander was spared when a bullet hit his rearview mirror. After the jury hung as to two non-capital defendants at a separate trial, the judge granted a Rule 29 motion for acquittal. The government then dismissed the indictment and allowed the state to prosecute. All involved are African-American.

Authorized Federal Capital Prosecutions Arising in Non-Death Penalty States - 6/10/2016

Villegas, Hernardo Medina | D. PR No. 3:02-CR-117

Life sentence from jury | **Name of AG** Ashcroft

Race & gender of def H M | **Victim R** HM | **Date of DP notice** 7/31/2003

the Hobbs Act robbery of a local credit union, while an armored bank truck was making a deposit. A gunfight ensued and an armed guard was killed with a second head shot by Villegas after he was down. Lorenzo Catalan and Hernando Medina participated in the robbery, while Quester Sterling was the lookout. The 924(j) murder weapon was allegedly obtained in a carjacking. There are additional non-capital charges for a prior robbery of the same credit union by the same group. Only Villegas and Roman faced the death penalty. All involved are Hispanic.

Roman, Lorenzo Catalan | D. PR No. 3:02-CR-117

Life sentence from jury | **Name of AG** Ashcroft

Race & gender of def H M | **Victim R** HM | **Date of DP notice** 7/31/2003

the Hobbs Act robbery of a local credit union, while an armored bank truck was making a deposit. A gunfight ensued and an armed guard was killed with a second head shot by Villegas after he was down. Lorenzo Catalan and Hernando Medina participated in the robbery, while Quester Sterling was the lookout. The 924(j) murder weapon was allegedly obtained in a carjacking. There are additional non-capital charges for a prior robbery of the same credit union by the same group. Only Villegas and Roman faced the death penalty. All involved are Hispanic.

Cacace, Joel | E.D. NY No. 1:08-CR-00240-NG and E.D. NY CR No. 03-

Authorization withdrawn and Pre-statute retroactive prosecution | **Name of AG** Holder and Ashcroft

Race & gender of def W M | **Victim R** WM | **Date of DP notice** 2/10/2011

#2: eight mob RICO gun murders by members of the Colombo family - one in 1991, three (including a double murder) in 1992, one in 1994, one in 1995, one in 1997 and one in 1998. Calabro is charged in all eight, Gioeli in five, Saracino in four, Competiello in two and Cacace in one, the murder of a police officer, allegedly killed because he married the ex-wife of a mafia member. All involved are white, except for one Hispanic victim.

and #1: two mob murders by the Columbo mafia family.

Ayala-Lopez, Carlos L. | D. PR No. 03-CR-55

Life sentence from jury | **Name of AG** Ashcroft

Race & gender of def H M | **Victim R** HM | **Date of DP notice** 12/17/2003

robbery of a gun and murder of a Veteran's Administration Hospital guard. Attorney General Ashcroft rejected a plea agreement calling for a sentence of 35 years to life and required a capital prosecution. Ayala-Lopez was a leader of a gang that sold drugs. A juvenile co-defendant was the triggerman.

Authorized Federal Capital Prosecutions Arising in Non-Death Penalty States - 6/10/2016

Hatten, Charles | S.D. WV CR No. 8:02-00232-02

Dismissal after notice by Judge | **Name of AG** Ashcroft

Race & gender of def W M | **Victim R** WM | **Date of DP notice** 6/21/2003

a drug gun murder of a possible government cooperating witness, a member of a multi-state methampetamine drug trafficking ring. Both the defendant and the victim have substantial criminal records. All involved are white. Attorney General Ashcroft required a capital prosecution but the District Court dismissed the Notice of Intent to Seek the Death Penalty as filed late. 276 F.Supp.2d 574 (2003). A government appeal was dismissed on motion by the Department of Justice.

Karake, Francois | D. DC No. 02-CR-256

Dismissal after notice by Judge | **Name of AG** Ashcroft

Race & gender of def B M | **Victim R** WF WM | **Date of DP notice** 11/17/2004

the 1999 kidnapping and murder of eight English speaking tourists in Uganda. The defendants seized 20 tourists who were looking for gorillas at the national park associated with Diane Fosse. They separated out the eight who spoke English, raped one of the two Americans and killed all eight with axes. The two Americans were a married couple from Seattle. The defendants are black and the victims are white. The defendants were tortured in Uganda and confessions were excluded leading to dismissal of the prosecution.

Nyaminani, Gregoire | D. DC No. 02-CR-256

Dismissal after notice by Judge | **Name of AG** Ashcroft

Race & gender of def B M | **Victim R** WF WM | **Date of DP notice** 11/17/2004

the 1999 kidnapping and murder of eight English speaking tourists in Uganda. The defendants seized 20 tourists who were looking for gorillas at the national park associated with Diane Fosse. They separated out the eight who spoke English, raped one of the two Americans and killed all eight with axes. The two Americans were a married couple from Seattle. The defendants are black and the victims are white. The defendants were tortured in Uganda and confessions were excluded leading to dismissal of the prosecution.

Bimenyimana, Leonidas | D. DC No. 02-CR-256

Dismissal after notice by Judge | **Name of AG** Ashcroft

Race & gender of def B M | **Victim R** WF WM | **Date of DP notice** 11/17/2004

the 1999 kidnapping and murder of eight English speaking tourists in Uganda. The defendants seized 20 tourists who were looking for gorillas at the national park associated with Diane Fosse. They separated out the eight who spoke English, raped one of the two Americans and killed all eight with axes. The two Americans were a married couple from Seattle. The defendants are black and the victims are white. The defendants were tortured in Uganda and confessions were excluded leading to dismissal of the prosecution.

Rodriguez, Alfonso, Jr. | D. ND No. 04-CR-55

Death row - 2255 | **Name of AG** Ashcroft

Race & gender of def H M | **Victim R** WF | **Date of DP notice** 10/28/2004

the interstate kidnapping murder of a 22 year old white female victim who disappeared from a Grand Forks shopping mall parking lot on November 22, 2003. Her body was found April 17, 2004. Rodriguez, 53, is a convicted sex offender, who had been released from prison in May of 2003 after serving a 23 year sentence for attempted kidnapping, assault and other convictions for attempted rape and aggravated rape. Before he was released, Rodriguez requested help from a Minnesota prison psychologist. The Hispanic defendant allegedly crossed state lines while committing the crime. This was the first death sentence in North Dakota in 100 years. A direct appeal was denied. A 28 USC 2255 motion is pending.

Authorized Federal Capital Prosecutions Arising in Non-Death Penalty States - 6/10/2016

Wilson, Ronell | E.D. NY No. 1:04-CR-01016-NGG

Dismissal after notice by Judge | **Name of AG** Gonzales

Race & gender of def B M | **Victim R** BM | **Date of DP notice** 8/2/2005

the execution style RICO murders of two undercover NYPD detectives during a gun sting operation. The case was charged as a racketeering conspiracy. The Staten Island District Attorney asked the United States Attorney to charge Wilson after the New York State Court of Appeals ruled in June 2004, that the state's death-penalty law was unconstitutional. All involved are African-American. The death sentence was reversed on appeal. 610 F.3d 168 (2d Cir. 2009). The trial court subsequently ruled that Wilson is not intellectually disabled. He was resentenced to death, but a panel of the Second Circuit Court of Appeals remanded the case to the district court for consideration of the Supreme Court's decision in *Hall v. Florida* on the intellectual disability determination.

Lopez, Wilver | E.D. NY 2:04-CR-00939-LDW

Authorization withdrawn | **Name of AG** Gonzales

Race & gender of def H M | **Victim R** HM | **Date of DP notice** 7/31/2006

seven members of La Mara Salvatrucha 13, MS-13, accused of gun murders including the shooting and stabbing to death of a female associate suspected of being a police informant. Lopez was captured on a wiretap admitting to shooting a 24 year old man. He stated that Berrios and Salino-Galiano were with him and repeatedly stabbed the victim. Lopez was not charged with the murder of a 16 year old female cooperating witness. The Court set a deadline for a DOJ decision and DOJ responded by filing "Protective Notices of Intent to Seek the Death Penalty," against Lopez, Berrios, Salino-Galiano and Luis. The government withdrew the notices as to all but Lopez. Attorney General Holder withdrew the Notice of Intent to Seek the Death Penalty.

O'Reilly, Timothy | E.D. MI No. 05-80025

Life sentence from jury | **Name of AG** Gonzales

Race & gender of def W M | **Victim R** BM | **Date of DP notice** 11/1/2006

the 2001 gun, bank robbery murder of a Total Armed Services (TAS) armored truck which was delivering cash to the Dearborn Federal Credit Union (DFCU) in Dearborn, Michigan. There were six potential capital defendants. Three hooded subjects, armed with shotguns, opened fire, fatally wounding a black TAS guard/messenger, the father of five. The subjects grabbed bags containing $204,000 in currency and a .38 caliber revolver owned by TAS (carried by the victim). O'Reilly, Duncan and Watson were allegedly directly responsible for the shooting and killing of the TAS messenger. They faced the death penalty. O'Reilly, Duncan and Broom also committed a 2003 robbery, where another guard was seriously wounded and $170,000 was stolen. Six robbers participated in the DFCU robbery/murder. They were provided the vehicle by Archie Broom, who worked at a U-Haul facility. Cromer, Duncan , Broom and O'Reilly were members of the Blue Stone Motorcycle Club (BSMC), a defunct black motorcycle club. A conversation was recorded between O'Reilly and a confidential informant, wherein O'Reilly said that he and Watson were the subjects who shot the TAS guard and Johnson was the get-away driver. Duncan was armed and participated in the robberies. Broom helped get the weapons and supplied the U-Haul used at the DFCU robbery/murder. Broom obtained a cooperation agreement. Duncan is serving a 12-20 year sentence for an attempted robbery where an accomplice was killed. O'Reilly is white, the other defendants are black. O'Reilly was previously charged with murder but was acquitted. O'Reilly and Duncan were alleged to be the most culpable.

Authorized Federal Capital Prosecutions Arising in Non-Death Penalty States - 6/10/2016

Duncan, Norman | E.D. MI No. 05-80025

Authorization withdrawn | **Name of AG** Gonzales

Race & gender of def B M | **Victim R** BM | **Date of DP notice** 11/1/2006

the 12/14/2001 gun, bank robbery murder of a Total Armed Services (TAS) armored truck which was delivering cash to the Dearborn Federal Credit Union (DFCU) in Dearborn, Michigan. There were six potential capital defendants. Three hooded subjects, armed with shotguns, opened fire, fatally wounding a black TAS guard/messenger, the father of five. The subjects grabbed bags containing $204,000 in currency and a .38 caliber revolver owned by TAS (carried by the victim). O'Reilly, Duncan and Watson were allegedly directly responsible for the shooting and killing of the TAS messenger. They will face the death penalty. O'Reilly, Duncan and Broom also committed a June 19, 2003 robbery, where another guard was seriously wounded and $170,000 was stolen. Six robbers participated in the DFCU robbery/murder. They were provided the vehicle by Archie Broom, who worked at a U-Haul facility. Cromer, Duncan , Broom and O'Reilly were members of the Blue Stone Motorcycle Club (BSMC), a defunct black motorcycle club. A conversation was recorded between O'Reilly and a confidential informant, wherein O'Reilly said that he and Watson were the subjects who shot the TAS guard and Johnson was the get-away driver. Duncan was armed and participated in the robberies. Broom helped get the weapons and supplied the U-Haul used at the DFCU robbery/murder. Broom obtained a cooperation agreement. Duncan is serving a 12-20 year sentence for an attempted robbery where an accomplice was killed. O'Reilly is white, the other defendants are black. O'Reilly and Duncan are alleged to be the most culpable.

Watson, Kevin | E.D. MI No. 05-80025

Authorization withdrawn | **Name of AG** Gonzales

Race & gender of def B M | **Victim R** BM | **Date of DP notice** 11/1/2006

the 12/14/2001 gun, bank robbery murder of a Total Armed Services (TAS) armored truck which was delivering cash to the Dearborn Federal Credit Union (DFCU) in Dearborn, Michigan. There were six potential capital defendants. Three hooded subjects, armed with shotguns, opened fire, fatally wounding a black TAS guard/messenger, the father of five. The subjects grabbed bags containing $204,000 in currency and a .38 caliber revolver owned by TAS (carried by the victim). O'Reilly, Duncan and Watson were allegedly directly responsible for the shooting and killing of the TAS messenger. They will face the death penalty. O'Reilly, Duncan and Broom also committed a June 19, 2003 robbery, where another guard was seriously wounded and $170,000 was stolen. Six robbers participated in the DFCU robbery/murder. They were provided the vehicle by Archie Broom, who worked at a U-Haul facility. Cromer, Duncan , Broom and O'Reilly were members of the Blue Stone Motorcycle Club (BSMC), a defunct black motorcycle club. A conversation was recorded between O'Reilly and a confidential informant, wherein O'Reilly said that he and Watson were the subjects who shot the TAS guard and Johnson was the get-away driver. Duncan was armed and participated in the robberies. Broom helped get the weapons and supplied the U-Haul used at the DFCU robbery/murder. Broom obtained a cooperation agreement. Duncan is serving a 12-20 year sentence for an attempted robbery where an accomplice was killed. O'Reilly is white, the other defendants are black. O'Reilly and Duncan are alleged to be the most culpable.

Gooch, Larry | D. DC CR No. 04-128

Life sentence from jury | **Name of AG** Gonzales

Race & gender of def B M | **Victim R** BF BM | **Date of DP notice** 10/19/2005

a drug (cocaine, PCP, MDA) gang accused of six murders, a double murder in 2000, one in 2002, three in 2003, including a double murder. Gooch is charged with five murders, Dorsey and Robinson in two and Bell, Franklin and Simmons in one. Attorney General Gonzales required a capital prosecution against Gooch only. He was acquitted of one of the five murders.

Authorized Federal Capital Prosecutions Arising in Non-Death Penalty States - 6/10/2016

McGriff, Kenneth | E.D. NY CR No. 04-966 (ERK) (VVP)

Life sentence from jury | **Name of AG** Ashcroft

Race & gender of def B M | **Victim R** BM | **Date of DP notice** 3/22/2006

Kenneth "Supreme" McGriff was the leader of a notorious Queens-based drug gang, "The Supreme Team," that operated in the 1980's. He went to prison after pleading to a CCE and receiving a 12-year sentence. Upon his release he resumed drug trafficking. The case also features a Murder, Inc. connection involving a film McGriff was producing with the soundtrack provided by several well-know rap artists from the label. McGriff and co-defendants David Crosby and Emanuel Mosley were charged with two RICO murders that took place in 2001. The government alleged that the murders were committed in retaliation for a murder of a McGriff associate by one of the victims, Eric Smith (who was a rapper a/k/a "E Money Bags"). The second murder victim, Troy Singleton, was allegedly killed to prevent him from retaliating for the E Money Bags murder. Both victims had a reputation for street violence. Both were carrying loaded handguns at the time of their deaths. A third defendant, Nicole Brown, Crosby's girlfriend, was charged in the E Money Bags murder only and is alleged to have acted as a look-out, video-taping the victim, and/or to have directed the shooters to the victim's location. The government's theory was that McGriff hired Mosley to provide the actual shooters. It is not clear whether any of the defendants were on the scene. Victor Wright was charged with the double-murder of two men in a suburb of Baltimore, Owings Mills, Md. The motive alleged for one of the killings was that the victim was suspected of being a cooperating witness in a drug investigation. The second victim just happened to be there. The crime took place in the parking lot of an up-scale apartment complex where McGriff maintained a stash house. The Government filed “Protective” Notices of Intent to Seek the Death Penalty as to five defendants, but withdrew as to four. The Court declined to strike the notice as filed late. Only McGriff faced the death penalty. All involved are African-American.

McTier, James | E.D. NY CR No. 05-401

Life sentence from jury | **Name of AG** Gonzales

Race & gender of def B M | **Victim R** BF BM | **Date of DP notice** 12/7/2006

five RICO murders in 2000 and 2001 by the drug gang "Folk Nation" of the nationwide "Gangster Disciples" gang, who sold cocaine and marijuana. McTier was charged with three murders, Stone in two murders and Nieves in one. An innocent bystander was killed in a drive-by shooting. Nieves is Hispanic. Everyone else is black. Only McTier faced the death penalty.

Hardy, Damion | E.D. NY CR No. 04-706 (S6) (FB)

Authorization withdrawn | **Name of AG** Keisler, AAG

Race & gender of def B M | **Victim R** BM | **Date of DP notice** 12/10/2007

involves five RICO gun murders by the gang "Cash Money Brothers" who were involved in murder, robbery, kidnapping and drug trafficking in Brooklyn, New York. The indictment alleges one murder in 1999, three in 2000 and one in 2003, four by Hardy, three by Moore, two by Meyers, two by Raheem and one by Sarkissian. There is an uncharged vehicular homicide of an innocent bystander - white male who was run over by one of the gunshot victim's car. Hardy was found incompetent. All involved are black.

Moore, Eric | E.D. NY CR No. 04-706 (S6) (FB)

Authorization withdrawn | **Name of AG** Keisler, AAG

Race & gender of def B M | **Victim R** BM | **Date of DP notice** 12/10/2007

involves five RICO gun murders by the gang "Cash Money Brothers" who were involved in murder, robbery, kidnapping and drug trafficking in Brooklyn, New York. The indictment alleges one murder in 1999, three in 2000 and one in 2003, four by Hardy, three by Moore, two by Meyers, two by Raheem and one by Sarkissian. There is an uncharged vehicular homicide of an innocent bystander - white male who was run over by one of the gunshot victim's car. All involved are black.

Authorized Federal Capital Prosecutions Arising in Non-Death Penalty States - 6/10/2016

Price, Gerard | E.D. NY No. 05-492

Authorization withdrawn | **Name of AG** Gonzales

Race & gender of def B M **Victim R** BM **Date of DP notice** 11/15/2006

a 1999 drug (crack) related RICO gun murder. The indictment alleges five attempted murders. All involved are black. Attorney General Gonzales required a capital prosecution, but then withdrew the Notice of Intent to seek the death penalty.

Casey, Lashaun | D. PR No. 3:05-CR-0277-JAG

Life sentence from jury | **Name of AG** Gonzales

Race & gender of def B M **Victim R** HM **Date of DP notice** 7/17/2007

murder of an Hispanic law enforcement officer. Casey, who is black, was born in America and sent to live in Puerto Rico, was accused of the carjacking murder of an Hispanic undercover cop who disappeared during a drug transaction. The victim's body was found by the side of the road. The officer's cellphone, marked bills from the drug buy with blood on them and a gun were discovered at the defendant's grandfather's home. The defendant was caught driving the police officer's car.

Lecco, George | S.D. WV CR No. 2:05-00107

Life sentence from jury | **Name of AG** Gonzales

Race & gender of def W M **Victim R** WF **Date of DP notice** 8/16/2006

a 2005 gun murder-for-hire of a cooperating witness/informant in a drug (cocaine) prosecution. Lecco asked Burton, who asked Friend to help kill the female victim who was shot and beaten to death and buried in a shallow grave. Attorney General Gonzales required a death penalty prosecution. Lecco and Friend were sentenced to death at a joint trial but a new trial was granted by the trial judge when the government revealed that a juror was under federal investigation for child pornography. 634 F.Supp.2d 633 (SD WV 2009). Friend entered into a plea agreement approved by Attorney General Holder and testified against Lecco, who was sentenced to life in prison. Friend was sentenced to 35 years, Burton to 30 years. All involved are white.

Friend, Valeri | S.D. WV CR No. 2:05-00107

Guilty plea | **Name of AG** Gonzales

Race & gender of def W F **Victim R** WF **Date of DP notice** 8/16/2006

a 2005 gun murder-for-hire of a cooperating witness/informant in a drug (cocaine) prosecution. Lecco asked Burton, who asked Friend to help kill the female victim who was shot and beaten to death and buried in a shallow grave. Attorney General Gonzales required a death penalty prosecution. Lecco and Friend were sentenced to death at a joint trial but a new trial was granted by the trial judge when the government revealed that a juror was under federal investigation for child pornography. 634 F.Supp.2d 633 (SD WV 2009). Friend entered into a plea agreement approved by Attorney General Holder and testified against Lecco, who was sentenced to life in prison at a retrial. Friend received 35 years. All involved are white.

Authorized Federal Capital Prosecutions Arising in Non-Death Penalty States - 6/10/2016

Williams, Naeem | D. HI No. 1:06-CR-00079-DAE

Life sentence from jury | **Name of AG** Gonzales

Race & gender of def B M **Victim R** BF **Date of DP notice** 9/8/2006

the murder of a five year old child, who was in Special Education, on federal land, the Schofield (US Army) Barracks. There were bruises on the child's arms, chest, knees and thighs, as well as a small laceration on her back. The father, Naeem Williams, confessed to hitting his daughter on numerous occasions. His wife, Delilah Williams (the victim's stepmother), 21, confessed to having knowledge of these beatings. The child's room had no mattress, no blankets and no furniture, as all had been removed by her parents as a form of punishment. Blood spatters could be seen throughout the residence from whipping with a belt. Naeem faced the death penalty. Attorney General Gonzales required a capital trial. Attorney General Holder rejected a plea agreement.

Ball, Antwuan | D. DC CR No. 05-0100 (RWR)

Dismissal after notice by Judge | **Name of AG** Gonzales

Race & gender of def B M **Victim R** BM **Date of DP notice** 9/25/2006

a RICO drug conspiracy responsible for five gun murders, one in 1996, a double in 1998, one in 2002 and another in 2004. Wilson is charged in three murders, Ball in two and Samuels in one. All involved are African-American.

Wilson, David | D. DC CR No. 05-0100 (RWR)

Dismissal after notice by Judge | **Name of AG** Gonzales

Race & gender of def B M **Victim R** BF BM **Date of DP notice** 9/25/2006

a RICO drug conspiracy responsible for five gun murders, one in 1996, a double in 1998, one in 2002 and another in 2004. Wilson is charged in three murders, Ball in two and Samuels in one. All involved are African-American.

Gladding, Noah | W.D. NY No. 6:05-CR-06166-CJS

Authorization withdrawn | **Name of AG** Gonzales

Race & gender of def W M **Victim R** WM **Date of DP notice** 7/31/2006

an interstate (Connecticut to New York) kidnapping gun murder motivated by a substantial drug debt. Connelly assisted in the abduction. Gladding hit the victim with a rock. Gladding was the shooter and Howenstine provided the gun. Connelly and Howenstine torched the car afterward. Attorney General Gonzales withdrew the notice of intent to seek the death penalty. All involved are white.

Johnson, Herman Norman | E.D. MI No. 2:05-CR-80337-CGC-SDP

Authorization withdrawn | **Name of AG** Gonzales

Race & gender of def B M **Victim R** OM **Date of DP notice** 5/23/2007

gun murder of a cooperating witness to money laundering and/or installing hidden compartments in vehicles for transporting drugs. The murder weapon was found in Johnson's apartment and gun shot residue on his hoodie. The defendant is black, the victim Chaldean.

Authorized Federal Capital Prosecutions Arising in Non-Death Penalty States - 6/10/2016

Petzold, Michael Alan | D. ND CR No. 3:05-CR-00101-RRE

Guilty plea | **Name of AG** Gonzales

Race & gender of def H M **Victim R** HM **Date of DP notice** 12/19/2006

a drug-related (methamphetamine and marijuana) conspiracy in North Dakota, Washington, Minnesota, Nebraska and California and a 2005 CCE gun murder. All involved as Hispanic. Petzold, a "manager" for the Arandas drug organization, allegedly assisted the shooter and was present. Only Petzold was authorized. He entered into a plea agreement approved by Attorney General Gonzales, who did not authorize a capital prosecution against the others: Arandas, Martinez and Wessels.

Basciano, Vincent | E.D. NY No. 05-CR-0060 (S-3) (NGG)

Life sentence from jury | **Name of AG** Gonzales

Race & gender of def W M **Victim R** WM **Date of DP notice** 4/2/2007

two mob RICO murders by the Acting Boss of the Bonanno crime family in 2001, involving Indelicator and Donato, and in 2004, involving Basciano, Cicale, Aiello and Mancuso. Joe Massino, the Boss of the Family, avoided a death penalty trial by secretly taping Basciano. Subsequently, Cicale began cooperating. Basciano was convicted of the 2001 murder and sentenced to life in prison. He was separately tried and convicted of the 2004 murder case and Massino testified against him. Attorney General Holder rejected the judge's request to withdraw the Notice of Intent to seek the death penalty. The jury unanimously voted to reject the death penalty. All involved are white.

Burgos-Montes, Edison | D. PR No. 06-009 JAG

Life sentence from jury | **Name of AG** Gonzales

Race & gender of def H M **Victim R** HF **Date of DP notice** 6/27/2007

a carjacking murder of a government witness who was Burgos' girlfriend, an informant for the DEA, investigating Burgos as the alleged leader of a drug conspiracy. Burgos allegedly found out and threatened to kill her. She disappeared shortly thereafter and her body has never been found. All involved are Hispanic.

Lopez-Matias, Rodney | D. PR No. 06-368 (JAF)

Authorization withdrawn | **Name of AG** Gonzales

Race & gender of def H M **Victim R** HM **Date of DP notice** 2/6/2007

a carjacking murder. The victim was stabbed and beaten and then drowned. The judge dismissed the notice of intent to seek the death penalty because case was authorized without defendants being afforded opportunity to develop and present information during the authorization process. The First Circuit reversed. 522 F.3d 150 (1st Cir. 2008). Attorney General Holder withdrew the Notice of Intent to Seek the Death Penalty. All involved are Hispanic.

Riera-Crespo, Eduardo | D. PR No. 06-368 (JAF)

Authorization withdrawn | **Name of AG** Gonzales

Race & gender of def H M **Victim R** HM **Date of DP notice** 2/6/2007

a carjacking murder. The victim was stabbed and beaten and then drowned. The judge dismissed the notice of intent to seek the death penalty because case was authorized without defendants being afforded opportunity to develop and present information during the authorization process. The First Circuit reversed. 522 F.3d 150 (1st Cir. 2008). Attorney General Holder withdrew the Notice of Intent to Seek the Death Penalty. All involved are Hispanic.

Authorized Federal Capital Prosecutions Arising in Non-Death Penalty States - 6/10/2016

Alers-Santiago, Raymond | D. PR No. 06-368 (JAF)

Guilty plea | **Name of AG** Gonzales

Race & gender of def H M | **Victim R** HM | **Date of DP notice** 2/6/2007

a carjacking murder. The victim was stabbed and beaten and then drowned. The judge dismissed the notice of intent to seek the death penalty because case was authorized without defendants being afforded opportunity to develop and present information during the authorization process. The First Circuit reversed. 522 F.3d 150 (1st Cir. 2008). Attorney General Mukasey authorized a plea pursuant to a cooperation agreement. All involved are Hispanic.

Talik, Eugene J., Jr. | N.D. WV No. 5:06-CR-51

Guilty plea at trial | **Name of AG** Gonzales

Race & gender of def W M | **Victim R** WF | **Date of DP notice** 12/29/2006

interstate domestic strangulation murder for hire of a single white female with children by a 38 year old white trucking supervisor and his accomplice.

Andrews, Patrick | N.D. WV No. 1:12-CR-00100-IMK-JSK

Guilty plea | **Name of AG** Holder

Race & gender of def B M | **Victim R** BM | **Date of DP notice** 9/15/2011, NOI 10/23/2012

a BOP inmate murder at USP Hazelton on videotape by two defendants. Andrews is serving consecutive 37 years to life sentences out of D.C. for two prior murders. Bellinger, also from D.C., is serving a life sentence for assault with intent to kill. Attorney General Holder rejected a plea agreement to manslaughter and 15 years. Attorney General Holder accepted a second offer to plead guilty to second degree murder and 30 years. Eventually, Andrews offered to plead to a life sentence, which was accepted in the final weeks before trial. Bellinger did not face the death penalty. He also received a life sentence after a non-capital trial. All involved are African-American.

Wade, Joshua | D. AK No. 3:07-CR-00111-RRB-JDR All

Guilty plea | **Name of AG** Holder

Race & gender of def W M | **Victim R** WF | **Date of DP notice** 4/30/2009

a carjacking gun murder and robbery of a female next door neighbor. Wade stole the victim's car and used her ATM card. He was acquitted in 2003 of a prior 2000 homicide charge. All involved are white. Attorney General Holder approved a plea agreement specifying a life sentence. Wade was also sentenced to life in prison in state court.

Jacques, Michael | D. VT No. 2:08-CR-117

Guilty plea | **Name of AG** Holder

Race & gender of def W M | **Victim R** WF | **Date of DP notice** 8/25/2009

2008 kidnapping, rape and murder by Jacques of his 12 year old niece. All involved are white.

Authorized Federal Capital Prosecutions Arising in Non-Death Penalty States - 6/10/2016

McCluskey, John Charles | D. NM No. 1:10-CR-02734

Life sentence from jury | **Name of AG** Holder

Race & gender of def W M **Victim R** WF WM **Date of DP notice** 1/26/2012

two carjacking gun murders of a just retired married couple by escaped convicts. All involved are white.

Pleau, Jason W. | D. RI No. CR 10 184-015

Guilty plea | **Name of AG** Holder

Race & gender of def W M **Victim R** WM **Date of DP notice** 6/18/2012

Hobbs Act gun murder of the manager of a gas station. The governor of Rhode Island refused to release the defendant to federal authorities but was ordered to do so. 680 F.3d 1 (1st Cir.). Pleau served 13 years in prison before the murder for violent crimes including assault on a prison guard. All involved are white, except Santiago who is Hispanic.

Candelario-Santana, Alexis | D. PR No. 3:09-CR-00427-JAF

Life sentence from jury | **Name of AG** Holder

Race & gender of def H M **Victim R** HF HM **Date of DP notice** 7/8/2012

twenty RICO, gun murders, including the October 17, 2009 "Tombola Massacre" where eight people were killed and twenty wounded in a shooting at a bar, including an unborn child. Candelario-Santana has 13 prior murder convictions. All involved are Hispanic. The trial court rejected a claim that Alexis Candelario-Santana is intellectually disabled.

Jimenez-Bencevi, Xavier | D. PR No. 3:12-CR-00221-JAF

Life sentence from jury | **Name of AG** Holder

Race & gender of def H M **Victim R** HF **Date of DP notice** 12/7/2012

a 2010 gun murder of a female witness, allegedly arranged by a mother and son. The triggerman, Jiminez-Bencevi, was authorized for a capital prosecution. He committed a prior murder. All involved are Hispanic.

Roland, Farad | D. NJ No. 2:12-CR-00298-ES

Pending trial | **Name of AG** Holder

Race & gender of def B M **Victim R** BM **Date of DP notice** 1/5/2015

six RICO gun murders, by the "Bloods" gang, one in 2003, two in 2005, one in 2007 and a double murder in 2008. Roland is charged in all six, Williams and Lowery in one. All involved are African-American.

Tsarnaev, Dzhokhar | D. MA No. 1:13-CR-10200-GAO

Death row - Appeal | **Name of AG** Holder

Race & gender of def W M **Victim R** WF + **Date of DP notice** 1/30/2014

involves one of the two Boston Marathon terrorist bombers, who killed four, including two women, an eight year old boy, and a police officer, and wounded 170, resulting in at least 15 amputations of limbs. He also is alleged to have attempted to kill another police officer. The defendant is white, of Chechen and Avar descent. The deceased victims are white and Asian.

Authorized Federal Capital Prosecutions Arising in Non-Death Penalty States - 6/10/2016

Watts, James	S.D. IL No. 4:14-CR-40063-JPG
Pending trial	**Name of AG** Holder
Race & gender of def B M	**Victim R** WF **Date of DP notice** 4/21/2015

cross-racial double stabbing murders of white, female bank employees by a black male, a convicted felon and sex offender who had just been released from prison. A third employee was stabbed, but survived.