

FDO Pending Federal Capital Cases

8 offices have 10 authorized cases pending (indicates authorized since our January 2003 report):*

1. Arizona: Lesmond Mitchell (carjacking death on Indian Reservation): Greg Bartolomei and Jeff Williams, CJA John Sears.

2. California (C): Roy Green (prison guard killing): Dean Gits, Lara Bazelon, William Forman and Judy Clarke (still pending appointment of counsel after previous counsel relieved).

3. California (N): David Lin (mail bomb killing): Nick Humy and Varell Fuller, CJA Paul Meltzer (authorized over local recommendation against death).

4. *Georgia (N): William LeCroy (carjacking killing): Stephanie Kearns, Brian Mendelsohn and Paul Kish, CJA Daniel Summer.

5. Maryland: Cornell McClure (kidnapping, 924(c)): John Chamble, CJA Josh Treem. PLEA OFFER.

6. *Michigan (W): Robert Ostrander (924(c) &(j)): Chris Yates, CJA Paul Mitchell.

7. Vermont: Donald Fell (carjacking, kidnapping killing): Alex Bunin and Gene Primomo (pending decision by the Second Circuit, government appeal after district court struck federal death penalty as unconstitutional).

8. Virginia (E): Zacarias Moussaoui (9/11 case): standby counsel, Frank Dunham, Jerry Zerkin, Ken Troccoli, Anne Chapman, Judy Clarke; CJA Ed MacMahon and Alan Yamamoto.

Virginia (E): Jay Lentz (kidnapping murder): Mike Lieberman, Judy Clarke, CJA Frank Salvato (jury selection stopped pending government appeal of evidentiary ruling, ruling affirmed by Fourth Circuit, trial to resume May 12, 2003).

*Virginia (E): Darrell Rice (double murder on federal property) in Virginia (W): Jerry Zerkin from Virginia (E), CJA Fred Heblich and Claire Caldwell (authorized in January 2003).

13 offices have 16 potential federal capital cases pending the authorization process (indicates added since our January 2003 report):*

1. *Arkansas (E): Richard Smith (drug related killing on federal property): Jerome Kearney.

2. California (C): Michael Bridge (prison gang related killing, "Nazi Low Riders"):

Michael Garcia and Alicia Blanco CJA Mark Overland (pending local recommendation).

3. California (N): Soewin Chan (RICO, robberies, multiple homicides): David Grunbaum, CJA John Phillipsborn (pending local recommendation).

4. *D.C.: Francois Karake (3 defendants from Rwanda, killings in Rwanda): Sean Moore. The DC FPD continues to represent Russell Weston (killings at U.S. Capitol), with potential capital proceedings stayed after the defendant was found incompetent. A.J. Kramer represents the defendant.

5. Illinois (S): Greg Murray (drug sale related killing): Phil Kavanaugh, Renee Schooley.

6. Maryland: Derrell Brooks (arson death): Jim Wyda and CJA Bill Kanwisher.

7. Michigan (W): Severo Meza Garcia (domestic violence, Indian Country): Chip Chamberlain, CJA Sandra Babcock.

8. *Missouri (E): Bolden (killing during bank robbery): Kevin Curran.

9. New York (S) (2 cases): Rosalie Garcia (4 drug related killings): Yasmin Cader and Judy Clarke (pending local submission); and Otis Redden (drug related double murder); Nicole Armenta, CJA David Stern (pending local submission).

10. Pennsylvania (W): Lawrence Skiba (murder for hire): Jay Finkelstein, CJA Jay McCamic (pending local).

11. Puerto Rico: Quester Sterling (armored car robbery): Juan Matos and Joe Laws (litigation over 3005 appointment); *Angel Forteza Garcia (killing FBI informant during buy bust): Juan Matos, 3005 pending.

12. South Carolina: Chadrick Fulks (kidnapping): Bill Nettles, CJA John Blume (pending local recommendation).

13. *Wisconsin: Ekabal Singh Busra and Malkit Singh (kidnapping): Dean Strang (for Busra) (both defendants may be retaining counsel).

Other Activity Since January 2003 Report:

Kentucky (W): Tiffany Pennington (bank robbery killing): Scott Wendelsdorf, COURT STRUCK D.P. ON RING GROUNDS 2/24/03.

*D.C.: Zaid Safarini (hijacking in Pakistan, multiple deaths): Bob Tucker, CJA David Bruck-COURT FOUND FDPA NOT RETROACTIVE TO THIS 1988 AIR PIRACY.

Florida (S): Jose Denis (drug related killing): Reuben Cahn and Skip Gant, retained

Thomas Almon and Paul Petruzzi–LIFE VERDICT AFTER TRIAL, 3/25/03.

Louisiana (E): Derryl Franklin (carjacking): Virginia Schuelter, Valerie Jusselin, CJA Ralph Whalen (pending in state and federal courts): PLEA TO LIFE 3/25/03.

Maryland: Jamal Barnes (carjacking killing): Gary Christopher and Sarah Gannett (has been to DOJ) PLEA TO LIFE 3/31/03.

Texas (N): Louis Jones (clemency petition rejected by the President): FPD office; Tim Floyd CJA, Dick Burr CJA– LOUIS JONES WAS EXECUTED MARCH 18, 2003.

The FDO in Pennsylvania was relieved as counsel in Wayne Bridgewater's case (AB gang case) on government motion due to a conflict. FDO counsel, Tom Thorton.

2 offices continue to provide representation on direct appeal of a death sentence or capital 2255:

Tennessee (M): Marvin Gabriion (direct appeal of death sentence out of Michigan): Judy Clarke, CJA Kevin McNally.

Virginia (E): Richard Stitt (2255, death sentence out of Norfolk, 3 drug related homicides): Jerry Zerkin.

[If any of the above information is in error, or your office currently has a capital eligible case that is not listed above, please let Judy Clarke at 619-544-2720 or Skip Gant at 615-736-5047 know. Skip and Judy can also be reached on the federal defender ccmil system (Clarke, Judy or Gant, Skip on ccmil), or via the Internet at judyclarke@attglobal.net or skipgant@hotmail.com.]