

FDO Pending Federal Capital Cases

As of January 2003, we understand there are 29 federal capital prosecutions in which federal defender attorneys are counsel (from 20 separate FD offices), either pending authorization, authorized for a death prosecution, or pending post conviction relief. Virginia (E) leads the pack with 4, Maryland–3, California (N)–2, California (C)–2, and Michigan (W)–2 cases.

9 offices have 10 authorized cases pending:

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

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

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

D.C.: Zaid Safarini (hijacking in Pakistan, multiple deaths): Bob Tucker, CJA David Bruck.

Florida (S): Jose Denis (drug related killing): Reuben Cahn and Skip Gant, retained Thomas Almon and Paul Petruzzi.

Kentucky (W): Tiffany Pennington (bank robbery killing): Scott Wendelsdorf (pending penalty phase).

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

Vermont: Donald Fell (carjacking, kidnapping killing): Alex Bunin and Gene Primomo (currently on appeal after district court struck federal death penalty as unconstitutional).

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, Jerry Zerkin, CJA Frank Salvato (jury selection stopped pending government appeal of evidentiary ruling).

13 offices have 16 potential federal capital cases pending the authorization process:

California (C): Michael Bridge (prison gang related killing, “Nazi Low Riders”): Michael

Garcia, CJA Mark Overland (pending local recommendation).

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

Georgia (N): William LeCroy (carjacking killing): Stephanie Kearns, Brian Mendelsohn and Paul Kish, CJA Daniel Summer (has been to DOJ).

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

Louisiana (E): Derryl Franklin (carjacking): Virginia Schuelter, Valerie Jusselin, CJA Ralph Whalen (pending in state and federal courts).

Maryland (2 cases): Jamal Barnes (carjacking killing): Gary Christopher and Sarah Gannett (has been to DOJ); and Derrell Brooks (arson death): Jim Wyda and CJA Bill Kanwisher.

Michigan (W) (2 cases): Robert Ostrander (924(c) &(j)): Chris Yates, CJA Paul Mitchell; and Severo Meza Garcia (domestic violence, Indian Country): Chip Chamberlain, CJA Sandra Babcock.

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).

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

Pennsylvania (M): Wayne Bridgewater (AB gang case): Tom Thornton (recent filing).

Puerto Rico: Quester Sterling (armored car robbery): Juan Matos and Joe Laws (litigation over 3005 appointment).

South Carolina: Chadrick Fulks (kidnapping): Bill Nettles, CJA John Blume (recently filed charges, pending local).

Virginia (E): Darrell Rice (double murder on federal property) in Virginia (W): Jerry Zerkin from Virginia (N), CJA Fred Heblich and Claire Caldwell (has been to DOJ).

In addition to the above, the D.C. FPD represents Russell Weston (killings at U.S. Capitol), with potential capital proceedings stayed after the defendant was found incompetent. A.J. Kramer

represents the defendant.

And, on a note of congratulations, as this newsletter was being finalized, the Attorney General declined to authorize the death penalty in a Hawaii FPD case, even after a request by the local U.S. Attorney for death (AFD Pamela Byrne and CJA Michael Burt, U.S. v. Shi, a case involving murder on the high seas).

3 offices are providing representation on direct appeal of a death sentence or capital 2255:

Tennessee (M): Marvin Gabrion (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.

Texas (N): Louis Jones (clemency petition): FPD office; Tim Floyd CJA, Dick Burr CJA.

[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 619-234-8467 or Skip Gant at 615-736-5047 know. Skip and Judy can also be reached on the federal defender cmail system (Clarke, Judy or Gant, Skip on cmail), or via the Internet at judyclarke@attglobal.net or skipgant@hotmail.com.]