

DECLARATION OF MATTHEW RUBENSTEIN REGARDING
THE APPEARANCE OF THREE OR MORE AND FOUR OR MORE ATTORNEYS
IN CASES AUTHORIZED FOR A CAPITAL PROSECUTION

1. I serve as the Director of the Capital Resource Counsel (CRC) project. The Capital Resource Counsel and the Federal Death Penalty Resource Counsel (FDPRC) projects comprise the Federal Capital Trial Project (or “Trial Project”).¹ Established in early 1992, a core function of the Trial Project is to provide consultation, training, and assistance to counsel and courts to improve the quality of representation and the cost-effectiveness of defense services in federal capital prosecution cases.² I joined the Trial Project in 2010 as a Capital Resource Counsel and became the Director of the Capital Resource Counsel (CRC) project in 2015. The Trial Project is funded and administered by the Defender Services Office of the Administrative Office of the United States Courts.

2. My responsibilities as the Director of the Capital Resource Counsel Project include the monitoring of all federal capital prosecutions throughout the United States to assist in the

¹ The Trial Project assigns a CRC or FDPRC attorney to work with the defense team in every federal capital eligible case as a “resource counsel.” In their role as resource counsel, the CRC attorneys (full-time salaried federal defender staff) and FDPRC attorneys (part-time contractors) are not counsel of record; rather, they provide advice, assistance, and helpful information and resources to the defense team. In addition to their work as resource counsel, the CRC attorneys often serve as death-qualified “learned” counsel as part of their Project responsibilities; and the FDPRC attorneys are often appointed to serve as “learned” counsel as CJA counsel outside their role with the Project.

² The work of the Trial Project is described in a report prepared by the Subcommittee on Federal Death Penalty Cases, Committee on Defender Services, Judicial Conference of the United States, *Federal Death Penalty Cases: Recommendations Concerning the Cost and Quality of Defense Representation* (May 1998), at 28 – 30, http://www.uscourts.gov/sites/default/files/original_spencer_report.pdf [Perma.cc archive: <https://perma.cc/SU25-GWMV>]. The Subcommittee report “urges the judiciary and counsel to maximize the benefits of the Federal Death Penalty Resource Counsel Project . . . , which has become essential to the delivery of high quality, cost-effective representation in death penalty cases” *Id.* at 50.

An update to the Report states: “Many judges and defense counsel spoke with appreciation and admiration about the work of Resource Counsel. Judges emphasized their assistance in recruiting and recommending counsel for appointments and their availability to consult on matters relating to the defense, including case budgeting. Defense counsel found their knowledge, national perspective, and case-specific assistance invaluable.” *Report to the Committee on Defender Services, Judicial Conference of the United States, Update on the Cost and Quality of Defense Representation in Federal Death Penalty Cases* (September 2010) at 63. <https://www.uscourts.gov/sites/default/files/fdpc2010.pdf> [Perma.cc archive: <https://perma.cc/LPH6-K8QB>].

delivery of adequate defense services to indigent capital defendants in such cases. This effort includes overseeing the collection of data on the initiation and prosecution of federal capital cases.³

3. Pursuant to my responsibilities with the Federal Capital Trial Project, I have compiled the information in Exhibit A regarding cases authorized for capital prosecution since 2010. This information includes the number of counsel appearing on the docket⁴ at the time each case was tried, de-authorized, plead, or otherwise was no longer at risk of a death sentence and the Federal Capital Trial Project stopped tracking the case. Of the 86 defendants authorized for a capital prosecution since 2010, three or more counsel appeared on the docket to represent the defendant in 61 or 73% of these cases and four or more counsel appeared on the docket to represent the defendant in 36 or 42% of these cases.

I declare under penalty of perjury under the laws of the United States of America, 28 U.S.C. §1746, that the foregoing is true and correct. Executed June 24, 2025.

/s/ Matthew Rubenstein
Matthew Rubenstein

³ In order to carry out the duties entrusted to me, I rely on the data gathered by Kevin McNally who served as Resource Counsel with FDPRC since the inception of the Trial Project in January 1992, served as the Director of FDPRC between 2007 and 2018, and continued overseeing the collection of data on the initiation and prosecution of federal capital cases until 2024 when I took over this responsibility. This information is gathered from a variety of sources including PACER case dockets and case filings, transcripts, the Administrative Office of the United States Courts, Department of Justice press releases, Federal Defender offices and CJA counsel, and information gathered by and received from Federal Capital Trial Project Resource Counsel. This information is regularly updated and checked for accuracy. The Project's information regarding federal capital prosecutions has been relied upon by the Administrative Office of the United States Courts, by the Federal Judicial Center and by various federal district courts.

⁴ In two cases authorized for a capital prosecution, counsel were appointed, the defendant died before the case was indicted, and a PACER case docket was not created. In these cases the Trial Project confirmed the number of counsel.

Caption	DocketNo	Auth Date	Yr Indictment	CJA Appearances	FDO Appearances	Retained Appearances	Sum Attorney Appearance	Three or More Counsel	Four or More Counsel
United States v. Kaboni Savage	E.D. PA No. 2:07-CR-00550-RBS	3/14/2011	2009	2	0	0	2		
United States v. Robert Merritt	E.D. PA No. 2:07-CR-00550-RBS	3/14/2011	2009	2	0	0	2		
United States v. Steven Northington	E.D. PA No. 2:07-CR-00550-RBS	3/14/2011	2009	4	0	0	4	1	1
United States v. Enrique Lopez	N.D. TX No. 3:09-CR-00320-M	7/28/2010	2010	2	0	0	2		
United States v. Joel J. Cacace	E.D. NY No. 1:08-CR-00240-NG	2/10/2011	2010	4	0	0	4	1	1
United States v. Richard Santiago	D. CO No. 1:10-CR-00164-LTB	2/28/2011	2010	1	0	0	1		
United States v. Charles Michael Hall	W.D. MO No. 6:10-CR-03029-GAF	7/22/2011	2010	4	0	0	4	1	1
United States v. Wesley Paul Coonce, Jr.	W.D. MO No. 6:10-CR-03029-GAF	7/22/2011	2010	3	0	0	3	1	
United States v. Lorie Ann Taylor-Keller	W.D. VA No. 5:10-CR-00015-GEC-JGW	12/29/2011	2010	2	1	0	3	1	
United States v. John Charles McCluskey	D. NM No. 1:10-CR-02734-JCH	1/26/2012	2010	4	0	0	4	1	1
United States v. Jason Pleau	D. RI No. 1:10-CR-00184-DLM	6/18/2012	2010	2	0	0	2		
United States v. Thomas Steven Sanders	W.D. LA No. 1:10-CR-00351-DDD-JDK	8/1/2012	2010	2	2	0	4	1	1
United States v. Wilmar Rene Duran-Gomez	S.D. TX No. 4:10-CR-00459	9/19/2012	2010	2	5	0	7	1	1
United States v. Efrain Rodriguez-Mendoza	S.D. TX No. 4:10-CR-00459	2/8/2017	2010	2	3	0	5	1	1
United States v. Gary Watland	D. CO No. 1:11-CR-00038-JLK	3/1/2011	2011	4	0	0	4	1	1
United States v. Jorge Avila Torrez	E.D. VA No. 1:11-CR-00115-LO	2/9/2012	2011	3	0	0	3	1	
United States v. Abukar Osman Beyle	E.D. VA No. 2:11-CR-00034-RBS-DEM	4/17/2012	2011	2	0	0	2		
United States v. Ahmed Muse Salad	E.D. VA No. 2:11-CR-00034-RBS-DEM	4/17/2012	2011	1	2	0	3	1	
United States v. Connell C. Williams	W.D. OK No. 5:11-CR-00298-F	4/17/2012	2011	3	0	0	3	1	
United States v. Shani Nurani Shiekh Abrar	E.D. VA No. 2:11-CR-00034-RBS-DEM	4/17/2012	2011	2	0	0	2		
United States v. Alexis Candelario-Santana	D. PR No. 3:09-CR-00427-JAF	7/8/2012	2011	2	0	0	2		
United States v. Juan Brisenio	N.D. IN No. 2:11-CR-00077-PPS-APR	3/6/2013	2011	2	0	0	2		
United States v. Chastain Montgomery, Sr.	W.D. TN No. 2:11-CR-20044-JPM	3/8/2013	2011	4	0	0	4	1	1
United States v. Samuel Stone	E.D. CA No. 1:12-CR-00072-AWI-DLB	11/22/2011	2012	1	2	0	3	1	
United States v. Ulysses Jones	W.D. MO No. 6:10-CR-03090-DGK	10/4/2012	2012	2	0	0	2		
United States v. Patrick Andrews	N.D. WV No. 1:12-CR-00100-IMK-JSK	10/23/2012	2012	2	0	0	2		
United States v. Xavier Jimenez-Bencevi	D. PR No. 3:12-CR-00221-JAF	12/7/2012	2012	2	0	0	2		
United States v. Farad Roland	D. NJ No. 2:12-CR-00298-ES	1/5/2015	2012	5	0	0	5	1	1
United States v. John Travis Millner	E.D. KY No. 7:13-CR-00015-ART-REW	10/3/2013	2013	3	0	0	3	1	
United States v. Dzhokhar Tsarnaev	D. MA No. 1:13-CR-10200-GAO	1/30/2014	2013	3	2	0	5	1	1
United States v. Jessie Con-ui	M.D. PA No. 3:13-CR-00123-ARC	10/2/2014	2013	4	0	0	4	1	1
United States v. James Wayne Ham	S.D. TX No. 4:13-CR-00363	10/6/2014	2013	0	2	0	2		
United States v. Paul Anthony Cancia	C.D. CA No. 2:13-CR-00902-PSG	12/29/2014	2013	2	3	0	5	1	1
United States v. James Watts	S.D. IL No. 4:14-CR-40063-JPG	4/21/2015	2014	1	2	0	3	1	
United States v. Noe Aranda-Soto	S.D. TX No. 6:10-CR-00095	11/19/2015	2014	2	0	0	2		
United States v. Dylann Storm Roof	D. SC No. 2:15-CR-00472-RMG	5/24/2016	2015	2	2	0	4	1	1
United States v. Victor Skates	N.D. CA No. 5:15-CR-00285-LHK	9/11/2018	2015	1	7	0	8	1	1
United States v. Anthony Jordan	E.D. MO No. 4:15-CR-00404-HEA-NAB	11/7/2018	2015	2	4	0	6	1	1
United States v. Christopher Emory Cramer	E.D. TX No. 1:16-CR-00026-MAC-ZJH	2/4/2016	2016	1	1	0	2		
United States v. Andrew Rogers	S.D. IN No. 2:16-CR-00018-WTL-CMM	2/12/2016	2016	2	2	0	4	1	1
United States v. Ricky Allen Fackrell	E.D. TX No. 1:16-CR-00026-MAC-ZJH	3/4/2016	2016	2	0	0	2		
United States v. Billy Darrell Arnold	E.D. MI No. 2:15-CR-20652-GCS-DRG	1/8/2018	2016	3	0	0	3	1	
United States v. Carlo Wilson	E.D. MI No. 2:16-CR-20460-MAG-RSW	3/1/2018	2016	2	1	0	3	1	
United States v. Edwin Mills	E.D. MI No. 2:16-CR-20460-MAG-RSW	3/1/2018	2016	3	0	0	3	1	
United States v. Juan R. Pedro-Vidal	D. PR No. 3:16-CR-00778-GAG	6/28/2018	2016	1	6	0	7	1	1
United States v. Nicholas Tartaglione	S.D. NY No. 7:16-CR-00832-KMK	3/14/2019	2016	7	0	5	12	1	1
United States v. Jarvis Wayne Madison	M.D. FL No. 6:17-CR-00015-RBD-KRS	12/19/2017	2017	1	5	0	6	1	1
United States v. Brendt A. Christensen	C.D. IL No. 2:17-CR-20037-CSB-EIL	1/19/2018	2017	2	4	0	6	1	1
United States v. Kirby Cleveland	D. NM No. 1:17-CR-00965-MCA	1/26/2018	2017	2	0	0	2		
United States v. Brandon Michael Council	D. SC No. 4:17-CR-00866-CRI	3/21/2018	2017	1	3	0	4	1	1
United States v. John Pearl Smith, III	D. AK No. 3:16-CR-00086-SLG-DMS	6/19/2018	2017	3	1	0	4	1	1
United States v. Chukwudi Ofomata	E.D. LA No. 2:17-CR-00201-LMA-DEK	8/31/2018	2017	3	0	0	3	1	
United States v. Curtis Johnson, Jr.	E.D. LA No. 2:17-CR-00201-LMA-DEK	8/31/2018	2017	3	0	0	3	1	
United States v. LiBear George	E.D. LA No. 2:17-CR-00201-LMA-DEK	8/31/2018	2017	1	2	0	3	1	
United States v. Sayfullo Habibullaevic Saipov	S.D. NY No. 1:17-CR-00722-VSB	9/28/2018	2017	2	5	0	7	1	1

United States v. Ronald Donell Brown	S.D. TX No. 4:17-CR-00567	10/23/2018	2017	2	1	0	3	1	
United States v. Brandon Durrell Hardison	M.D. TN No. 3:17-CR-00124	10/26/2018	2017	3	0	0	3	1	
United States v. Antwan Hutchinson	S.D. OH No. 2:17-CR-00077-MHW	3/22/2019	2017	1	2	0	3	1	
United States v. Alexi Saenz	E.D. NY No. 2:16-CR-00403-JFB	7/15/2020	2017	1	2	0	3	1	
United States v. Jairo Saenz	E.D. NY No. 2:16-CR-00403-JFB	11/16/2020	2017	2	1	0	3	1	
United States v. Michael Owle	N.D. WV No. 1:17-CR-00039-IMK-MJA	2/27/2018	2018	2	1	0	3	1	
United States v. Ruben Laurel	N.D. WV No. 1:17-CR-00039-IMK-MJA	2/27/2018	2018	1	1	0	2		
United States v. Joshua Nesbitt	W.D. MO No. 4:18-CR-00036-BCW	7/18/2019	2018	2	2	0	4	1	1
United States v. Shawn Burkhalter	W.D. MO No. 4:18-CR-00036-BCW	7/18/2019	2018	2	0	0	2		
United States v. Robert Bowers	W.D. PA No. 2:18-CR-00292-DWA	8/26/2019	2018	2	4	0	6	1	1
United States v. Michael Manuel Rebolledo	N.D. CA No. 3:18-CR-00119-RS	9/18/2019	2018	4	0	0	4	1	1
United States v. Elmer Zelaya Martinez	E.D. VA No. 1:18-CR-00123-TSE	1/6/2020	2018	4	0	0	4	1	1
United States v. Ryan Phillip Schlesinger	D. AZ No. 4:18-CR-02719-RCC-BGM	6/30/2020	2018	1	7	0	8	1	1
United States v. Victor Everette Silvers	W.D. KY No. 5:18-CR-00050-TBR	1/20/2021	2018	0	3	0	3	1	
United States v. David Paul Hammer*	None - D. AZ	4/14/2018	2019	1	4	0	5	1	1
United States v. William D. Wood, Jr.	N.D. NY No. 5:19-CR-00058-TJM-1	4/12/2019	2019	1	2	0	3	1	
United States v. Steven Joshua Wiggins	M.D. TN No. 3:19-CR-00194	8/8/2019	2019	2	4	0	6	1	1
United States v. Daniel S. Nantz	E.D. KY No. 6:19-CR-00016-REW-HAI	4/27/2020	2019	2	1	0	3	1	
United States v. Samuel Silva	W.D. VA No. 2:20-CR-00017-JPJ-PMS	8/7/2020	2020	1	3	0	4	1	1
United States v. Payton Gendron	W.D. NY No. 1:22-CR-00109-LJV-HKS	1/12/2024	2022	1	5	0	6	1	1
United States v. Edis Omar Valenzuela-Rodriguez	D. MD No. 1:22-CR-00409-SAG	5/16/2025	2022	1	0	0	1		
United States v. Jonathan Pesquera-Puerto	D. MD No. 1:22-CR-00409-SAG	5/16/2025	2022	1	0	0	1		
United States v. Wilson Arturo Constanza-Galdomez	D. MD No. 1:22-CR-00409-SAG	5/16/2025	2022	1	0	0	1		
United States v. Frederick James Ashley*	None - C.D. CA	1/11/2018	2023	0	4	0	4	1	1
United States v. Morgan Wayne Siler	D. AZ No. 4:23-CR-01300-SHR-MAA	4/14/2018	2023	1	0	0	1		
United States v. Cory Spurlock	D. NV No. 3:23-CR-00022-ART-CLB	4/4/2025	2023	1	4	0	5	1	1
United States v. Richardson Dangleben, Jr.	D. VI No. 3:23-CR-00072-RAM-RM	5/21/2025	2023	1	1	0	2		
United States v. Dajahn McBean	S.D. NY No. 1:24-CR-00541-PAE	6/6/2025	2024	3	0	0	3	1	
United States v. Luigi Mangione	S.D. NY No. 1:25-CR-00176-MMG	4/1/2025	2025	1	0	0	1		
United States v. Jasper Reed	W.D. OK No. 5:25-CR-00156-SLP	4/08/2025	2025	0	4	0	4	1	1
United States v. Ishmael Petty	D. CO No. 1:25-CR-00123-DDD-1	4/9/2025	2025	3	0	0	3	1	
			86 total cases					61	36
Note: Mr. Hammer died in 2019, Mr. Ashley died in 2023.									
								70.9%	41.9%