

Authorized Federal Capital Prosecutions Where Authorization was Withdrawn - 6/10/2016

Mathis, Ronald Eugene | M.D. FL CR No. 91-301-CR-T (18) (A)

Authorization withdrawn | Name of AG Barr

Race & gender of def B M Victim R BM | Date of DP notice 4/22/1992

a black Tampa, Florida drug distributor, for having allegedly ordered a murder in retaliation for the theft of drugs. Murder for hire is alleged as an aggravating circumstance. In 1994, the government withdrew its notice of intention to seek the death penalty, and subsequently withdrew the 21 U.S.C. §848(e) homicide count as well. Trial began on the remaining (noncapital) counts and Mathis was convicted. This case had been authorized as a capital prosecution by Attorney General Barr in early 1992, prosecution by Attorney General Barr in early 1992.

Brown, Oliver | E.D. LA CR No. 92-468

Authorization withdrawn | Name of AG Barr

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

two black New Orleans inner-city gang members, in connection with an allegedly drug-related murder. In 1992, the Government dropped its request for the death penalty in this case. The defendants subsequently entered pleas to conspiracy to murder and a weapons offense in January, 1993. Brown received a 10-year sentence; Green received 15 years.

Carrington, Arleigh | M.D. GA CR No. 92-82MAC-WDO

Authorization withdrawn | Name of AG Barr

Race & gender of def B M Victim R BM | Date of DP notice 1/20/1993

two black crack cocaine dealers in Macon, Georgia, in connection with the murders of two other crack dealers. Attorney General Barr authorized this death prosecution in his last week in office. In 1993, the government dropped its request for the death penalty against these two defendants. Both 848(e) murder charges were also later withdrawn, and the defendants subsequently pleaded guilty to various narcotics-related charges.

Chatfield, Tony | M.D. GA CR No. 92-82MAC-WDO

Authorization withdrawn | Name of AG Barr

Race & gender of def B M Victim R BM | Date of DP notice 1/20/1993

two black crack cocaine dealers in Macon, Georgia, in connection with the murders of two other crack dealers. Attorney General Barr authorized this death prosecution in his last week in office. In 1993, the government dropped its request for the death penalty against these two defendants. Both 848(e) murder charges were also later withdrawn, and the defendants subsequently pleaded guilty to various narcotics-related charges.

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.

Authorized Federal Capital Prosecutions Where Authorization was Withdrawn - 6/10/2016

Green, William

E.D. LA CR No. 92-468

Authorization withdrawn

Name of AG Reno

Race & gender of def

B

M

Victim R

BM

Date of DP notice

two black New Orleans inner-city gang members, in connection with an allegedly drug-related murder. In 1992, the Government dropped its request for the death penalty in this case. The defendants subsequently entered pleas to conspiracy to murder and a weapons offense in January, 1993. Brown received a 10-year sentence; Green received 15 years.

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.

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.

Authorized Federal Capital Prosecutions Where Authorization was Withdrawn - 6/10/2016

McCullah, John Javilo

E.D. OK CR No. 1:92-032-S

Death Sentence Vacated and Authorization Withdrawn and Authorization Not

Name of AG Barr and Holder

Race & gender of def W M Victim R WM

Date of DP notice 9/11/1992

two white and one Hispanic defendants were tried jointly in connection with the drug-related intrastate kidnap/murder of a Muskogee, Oklahoma auto dealership employee. The two capitally-charged "managers" of the drug enterprise, co-defendants Hutching and Molina, received life sentences from the jury, while the third defendant, McCullah (who, unlike the bosses, had been present at the killing) was sentenced to death in 1993. *United States v. McCullah*, 76 F.3d 1087 (10th Cir. 1996) ordered a new penalty hearing due to introduction of an involuntary statement and double counting of aggravating circumstances. Rehearing en banc was denied by a 6 to 6 vote, 87 F.3d 1136 (6/26/96), and the government declined to seek review in the Supreme Court. The government finally withdrew its request for the death penalty while McCullah's resentencing was pending. The victim was white.

In 2007, McCullah allegedly killed his cellmate in Florida, USP Coleman, after the assault/murder was arranged by two guards. Both McCullah and his deceased cellmate are white. Both guards were convicted, one was convicted of murder and sentenced to life in prison. McCullah was never charged.

Murray, Michael

M.D. PA CR No. 92-200

Authorization withdrawn at trial

Name of AG Reno

Race & gender of def B M Victim R BM

Date of DP notice 8/27/1993

a member of an African-American gang headed by one Jonathan Bradley, which involved the killing of a black Harrisburg drug dealer. DOJ declined to approve the U.S. Attorney's request to authorize the death penalty against Bradley, who allegedly ordered the killing, and against another participant in the shooting, Emmanuel S. Harrison. In 1994, after jury selection had already begun, Murray was permitted to plead guilty to a term of years, and the government withdrew its request for the death penalty. Judge Sylvia Rambo rejected the recommended less-than-life sentence and the case was reset for trial. In 1995, the Attorney General instructed the United States Attorney not to seek the death penalty on the eve of a capital trial scheduled to begin on the following Monday.

Thomas, Vernon

E.D. VA CR No. 3-92-CR- 68

Authorization withdrawn

Name of AG Barr

Race & gender of def B M Victim R BF BM

Date of DP notice 10/28/1992

the last of the four Richmond, Virginia defendants in the "Newtown gang case." The government dropped its request for the death penalty, on the eve of Thomas' separate trial from the other three capital defendants, just before an evidentiary hearing to determine whether the death penalty should be barred because Thomas is intellectually disabled.

Chanthadara, Bountaem

D. KS CR No. 94-10129-01

Death Sentence Vacated and Authorization Withdrawn

Name of AG Reno

Race & gender of def A M Victim R AF

Date of DP notice 6/2/1995

a "Hobbs Act" case, in which five defendants of Asian descent (Laotian and Vietnamese) were charged with the armed-robbery of a Chinese restaurant and killing co-proprietor Barbara Sun, in Wichita, Kansas in 1994. Federal jurisdiction was based on the Hobbs Act, 18 U.S.C. § 1951, prohibiting obstruction of inter-state commerce. The Attorney General's approval of this capital prosecution for Chanthadara and Phouc Nguyen was announced in 1995. It marked the first time that the Hobbs Act was used to federalize as a capital case a prosecution for murder committed during a commercial robbery. Chanthadara beat and shot the victim in an attempt to get her to open a safe the female proprietor could not. Nguyen was present. Chanthadara's jury recommended the death penalty in 1996. After a separate trial, Phouc Nguyen's jury sentenced him to life imprisonment. The Eighth Circuit reversed Chanthadara's death sentence on November 1, 2000. 230 F.3d 1237. He was sentenced to life in prison in 2002.

Authorized Federal Capital Prosecutions Where Authorization was Withdrawn - 6/10/2016

Tidwell, Tyrone | E.D. PA CR No. 94-353

Authorization withdrawn | Name of AG Reno

Race & gender of def B M Victim R BM | Date of DP notice 2/5/1996

a 35 year old African-American beauty salon owner who allegedly was a middle man between crack cocaine organizations in New York and Philadelphia. Tidwell solicited the killing of two black men in 1989 and 1991, one for selling crack on "his corner" and a second suspected of stealing drugs. Murder for hire is alleged as an aggravating circumstance. In 1996, the Attorney General authorized the death penalty for the 1989 homicide. However, shortly before the defendant's trial, the U.S. Attorney requested that the death penalty be withdrawn, and the Attorney General approved the request.

Wyrick, Kevin | W.D. MO CR No. 94-00194-01

Authorization withdrawn at trial | Name of AG Reno

Race & gender of def W M Victim R WM | Date of DP notice 8/22/1995

when the jury deadlocked on the punishment for the "boss" of a drug ring, Damon Moore, the government announced that it was withdrawing its request for the death penalty for Wyrick, the triggerman.

Acosta, John Lefty | D. NM CR No. 95-538-MV

Authorization withdrawn | Name of AG Reno

Race & gender of def H M Victim R BM HM | Date of DP notice 6/21/1996

murder in the aid of racketeering. The charges involve an L.A. gang, Sureno 13, moving crack and PCP from L.A. to Albuquerque. Among the seven murders connected to the gang one was of a high school student and another was a triple homicide. Five attempted murders were alleged, as well as a conspiracy to kill rival black drug dealers. Authorization was requested and granted by the Attorney General in 1996, for four of six defendants, but the government later withdrew its request for the death penalty as to one, after he was shown to be uninvolved in one of the two homicides originally charged against him. The remaining three entered guilty pleas: Mazzini received 25 years; Najar received 30 years; and De LaTorre received 22 years.

DesAnge, Omar | W.D. VA CR No. 95-00046RH

Authorization withdrawn | Name of AG Reno

Race & gender of def B M Victim R BM | Date of DP notice 10/2/1995

the killing of an African-American, apparently a crack addict, who was a state's witness. The government withdrew its intention to seek the death penalty shortly before the scheduled April 1996 trial after the Attorney General declined to authorize the death penalty in an unrelated case in the Western District of Virginia, being prosecuted by the same Assistant United States Attorney. So the United States reached agreement with the defense on the drug distribution charges and agreed the homicide count would be tried as a non-capital case.

Martin, Roy Ray | N.D. TX CR No. 5-95-CR- 0017-C (Cummings)

Authorization withdrawn | Name of AG Reno

Race & gender of def W M Victim R BM | Date of DP notice 10/6/1995

a hate crime murder in the fall of 1994. Three (one white, two Hispanic) young men randomly attacked blacks, killing one and seriously wounding two, in a racially motivated spree in Lubbock, Texas. Authorization to seek the death penalty was granted by Attorney General Reno in early October, 1995. The district court granted severance and the first defendant was scheduled for trial but the government withdrew the death penalty notice as to all three defendants who were then joined for trial and convicted.

Authorized Federal Capital Prosecutions Where Authorization was Withdrawn - 6/10/2016

Mungia, Eli Trevino

N.D. TX CR No. 5-95-CR-0017-C

Authorization withdrawn

Name of AG Reno

Race & gender of def H M Victim R BM

Date of DP notice 10/6/1995

a hate crime murder in the fall of 1994. Three (one white, two Hispanic) young men randomly attacked blacks, killing one and seriously wounding two, in a racially motivated spree in Lubbock, Texas. Authorization to seek the death penalty was granted by Attorney General Reno in early October, 1995. The district court granted severance and the first defendant was scheduled for trial but the government withdrew the death penalty notice as to all three defendants who were then joined for trial and convicted.

Mungia, Ricky Rivera

N.D. TX CR No. 5-95-CR-0017-C

Authorization withdrawn

Name of AG Reno

Race & gender of def H M Victim R BM

Date of DP notice 10/6/1995

a hate crime murder in the fall of 1994. Three (one white, two Hispanic) young men randomly attacked blacks, killing one and seriously wounding two, in a racially motivated spree in Lubbock, Texas. Authorization to seek the death penalty was granted by Attorney General Reno in early October, 1995. The district court granted severance and the first defendant was scheduled for trial but the government withdrew the death penalty notice as to all three defendants who were then joined for trial and convicted.

Peng, You Zhong

E.D. NY CR No. 95 0870

Authorization withdrawn

Name of AG Reno

Race & gender of def A M Victim R AF

Date of DP notice 7/19/1996

two Chinese gang members who kidnaped intrastate Chinese nationals living in the U.S. for ransom to be paid by relatives in China. One victim was raped and severely abused before being strangled after her family failed to pay the ransom demanded. Jia Wu and Fu Xin Chen pled guilty and received life sentences in 1996. Capital authorization against a third defendant, You Zhong Peng, was withdrawn by the Department of Justice just three days before his scheduled 1997 trial.

Johnson, Darryl Alamont

N.D. IL No. 96 CR 379

Death Sentence Vacated and Authorization Withdrawn

Name of AG Reno

Race & gender of def B M Victim R BM

Date of DP notice 10/1/1996

a "Gangster Disciple" drug conspiracy/racketeering murder case. Two homicides were charged, one of a government confidential informant. Co-defendant Quan Ray committed two murders on orders of Mr. Johnson. Four additional homicides were alleged in aggravation. Murder for hire is alleged as an aggravating circumstance. Ray was sentenced to life in prison at a separate trial. Johnson's jury recommended a sentence of death in 1997. Following a 2010 grant of sentencing relief, the government withdrew the notice of intent to seek the death penalty in 2012.

Williams, Jerry

D. MD CR No. WMN 97-0355

Authorization withdrawn

Name of AG Reno

Race & gender of def B M Victim R BF BM

Date of DP notice 3/21/1997

Williams' co-defendant Anthony Jones faced death penalty for three murders, including an allegation that he ordered his step-brother killed from jail because he feared he was about to become a government witness. Williams was charged as the triggerman in a single homicide. Numerous other homicides were alleged in aggravation as to Jones. The cases were severed. Jones was convicted in 1998, and the jury recommended a life sentence. Thereafter, the government withdrew the request for the death penalty as to Williams, who was convicted and is serving a life sentence.

Authorized Federal Capital Prosecutions Where Authorization was Withdrawn - 6/10/2016

Westmoreland, Guy | S.D. IL CR No. 98-30022- WDS

Authorization withdrawn | Name of AG Reno

Race & gender of def W M Victim R WF | Date of DP notice 12/14/1999

the murder of Debra Abeln in East St. Louis, Illinois, in front of her 12 year old son. Co-defendant Richard Abeln confessed to hiring Deandre Lewis, 23, through Westmoreland, to kill his wife. Murder for hire is alleged as an aggravating circumstance. Abeln faced the death penalty but pled guilty and received a life sentence. All involved are white, except Lewis, who is African-American.

Lewis, Deandre | S.D. IL CR No. 98 30022 WDS

Authorization withdrawn | Name of AG Reno

Race & gender of def B M Victim R WF | Date of DP notice 12/14/1999

the murder of Debra Abeln in East St. Louis, Illinois, in front of her 12 year old son. Co-defendant Richard Abeln confessed to hiring Deandre Lewis, 23, through Westmoreland, to kill his wife. Abeln faced the death penalty but pled guilty and received a life sentence. Murder for hire is alleged as an aggravating circumstance. All involved are white, except Lewis, who is African-American.

Stitt, Richard Thomas | E.D. VA No. 2:98CR47

Death Sentence Vacated and Authorization Withdrawn | Name of AG Reno

Race & gender of def B M Victim R BM | Date of DP notice 6/23/1998

three homicides and other attempted homicides committed by co-defendants on Stitt's urging. Authorization to seek the death penalty was granted by Attorney General Reno only for Stitt. Four co-defendants did not face the death penalty. Stitt received a sentence of death in 1998 after a joint trial with three of the non-capital codefendants. He has a lengthy record of assaultive conduct. An appeal was rejected by the Fourth Circuit. 250 F.3d 878 (5/25/01). Penalty phase relief was granted in 2255 review on a claim of ineffective assistance of counsel. 369 F.Supp.2d 679 (ED VA 2005). The government withdrew the notice of intent to seek the death penalty in 2010.

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.

Locust, Jeremiah | W.D. NC No. 2:98CR185

Authorization withdrawn at trial | Name of AG Reno

Race & gender of def NA M Victim R WM | Date of DP notice 1/14/1999

the killing of 36 year old, white, National Park Service ranger for the Great Smoky Mountains National Park in 1998 by a Native American who was intoxicated. Locust was threatening visitors to the park with a rifle. Kolodski and other park rangers responded. (Locust fired at another ranger's car smashing the windshield.) Kolodski was wearing a bullet proof vest but the single shot grazed his vest before entering his chest and wounding him fatally. The jury rejected a premeditation theory and the government withdrew its request for the death penalty.

Authorized Federal Capital Prosecutions Where Authorization was Withdrawn - 6/10/2016

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.

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.

McIntosh, Richard

S.D. IL CR No. 99-40044 and C.D. CA CR No. 02-00938-

Authorization withdrawn

Name of AG Ashcroft

Race & gender of def

W

M

Victim R

BM

Date of DP notice 10/30/2001

three white inmates at USP Marion alleged to be members of the Aryan Brotherhood (AB) who allegedly killed a black BOP inmate. Allegedly, Knorr held the victim while McIntosh stabbed him, on Sahakian's orders. Sahakian is allegedly one of three Aryan Brotherhood commissioners, the leader of the Aryan Brotherhood at Marion. The government claimed the stabbing stems from an Aryan Brotherhood "war" with blacks from the District of Columbia transferred throughout the BOP from the District of Columbia facility at Lorton, Virginia. The defendants were also indicted in the Central District of California in a 2002 RICO indictment of 40 reputed members and associates of the Aryan Brotherhood for a string of murders and violent attacks allegedly designed to expand the power of the white racist prison gang. The Illinois jury could not reach a verdict. All charges were dismissed without prejudice in July 2005 pending the outcome of the Central District of California Aryan Brotherhood prosecution. In December of 2007, after four life sentences at two trials, Attorney General Mukasey authorized prosecutors to abandon pursuit of the death penalty against Aryan Brotherhood members.

Authorized Federal Capital Prosecutions Where Authorization was Withdrawn - 6/10/2016

Knorr, Carl

S.D. IL CR No. 99-40044 and C.D. CA CR No. 02-00938-

Authorization withdrawn

Name of AG Ashcroft

Race & gender of def W M Victim R BM

Date of DP notice 10/30/2001

three white inmates at USP Marion alleged to be members of the Aryan Brotherhood (AB) who allegedly killed a black BOP inmate. Allegedly, Knorr held the victim while McIntosh stabbed him, on Sahakian's orders. Sahakian is allegedly one of three Aryan Brotherhood commissioners, the leader of the Aryan Brotherhood at Marion. The government claimed the stabbing stems from an Aryan Brotherhood "war" with blacks from the District of Columbia transferred throughout the BOP from the District of Columbia facility at Lorton, Virginia. The defendants were also indicted in the Central District of California in a 2002 RICO indictment of 40 reputed members and associates of the Aryan Brotherhood for a string of murders and violent attacks allegedly designed to expand the power of the white racist prison gang. The Illinois jury could not reach a verdict. All charges were dismissed without prejudice in July 2005 pending the outcome of the Central District of California Aryan Brotherhood prosecution. In December of 2007, after four life sentences at two trials, Attorney General Mukasey authorized prosecutors to abandon pursuit of the death penalty against Aryan Brotherhood members. Knorr eventually pled guilty to one count of manslaughter and was sentenced to 138 months.

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.

Williams, Xavier

S.D. NY CR No. 00-CR-1008

Authorization withdrawn

Name of AG Ashcroft

Race & gender of def B M Victim R BM

Date of DP notice 2/4/2003

involves murder during a narcotics conspiracy. Three black men were killed in 1996. The defendants, two brothers and their father, are also black. Attorney General Ashcroft required a capital prosecution. Shortly before trial, Attorney General Gonzales withdrew the notice of intent to seek the death penalty. Xavier was acquitted of the murders.

Best, Jason

N.D. IN CR No. 2:00CR171RL

Authorization withdrawn

Name of AG Ashcroft

Race & gender of def B M Victim R BM

Date of DP notice 10/10/2001

a 1999 drug trafficking 924 (c) and (j), gang murder. The gun murder was allegedly revenge for the robbery of drug trafficking proceeds from Best's girlfriend. Best was alleged to be a member of the "Bronx Boys" who was released from prison in 1998 after a two year sentence for cocaine sales. Best pled guilty with others in 1996 after stray shots into a house killed a 10 year old boy in his bed in 1993. Attorney General Ashcroft required a capital prosecution but eventually allowed prosecutor's to dismiss the murder count after Best was given a life sentence after a separate trial in the drug case. Murder for hire is alleged as an aggravating circumstance. All involved are African-American.

Authorized Federal Capital Prosecutions Where Authorization was Withdrawn - 6/10/2016

Sahakian, David Michael

S.D. IL CR No. 99-40044

Authorization withdrawn

Name of AG Ashcroft

Race & gender of def

W

M

Victim R BM

Date of DP notice 10/30/2001

three white inmates at Marion alleged to be members of the Aryan Brotherhood (AB) who allegedly killed a COP inmate. Allegedly, Knorr held the victim while McIntosh stabbed him, on Sahakian's orders. Sahakian is allegedly one of three Aryan Brotherhood commissioners, the leader of the Aryan Brotherhood at Marion. The government claims the stabbing stems from an Aryan Brotherhood "war" with blacks from the District of Columbia transferred throughout the BOP from the District of Columbia facility at Lorton, Virginia. The defendants were also indicted in the Central District of California in a 2002 RICO indictment of 40 reputed members and associates of the Aryan Brotherhood for a string of murders and violent attacks allegedly designed to expand the power of the white racist prison gang. The Illinois jury could not reach a verdict. All charges were dismissed without prejudice in July 2005 pending the outcome of the Central District of California Aryan Brotherhood prosecution. In December of 2007, after four life sentences at two trials, Attorney General Mukasey authorized prosecutors to abandon pursuit of the death penalty against Aryan Brotherhood members.

Thomas, Keoin

N.D. IN No. 2:01 CR 073 JM

Authorization withdrawn at trial

Name of AG Ashcroft

Race & gender of def

B

M

Victim R WM

Date of DP notice 7/25/2003

a Hobbs Act robbery of a gun store, "Firearms Unlimited," and the killing of the proprietor. 18 U.S.C. §§ 924 and 1951. The defendants are African-American and the victim was white. Taylor was alleged to be more culpable and after the jury voted to sentence him to life in prison, Attorney General Ashcroft approved withdrawal of the "death notice" as to Thomas.

Lien, David

N.D. CA CR No. 01-CR-20071

Authorization withdrawn

Name of AG Ashcroft

Race & gender of def

A

M

Victim R AM

Date of DP notice 3/6/2003

Fugitive co-defendant Chang was married to the bomb victim's sister. There were domestic problems and a divorce. Lien was allegedly sent to the victim's home with a bomb inside a toy mechanical dog. The victim later purchased batteries, put them in the toy, which blew up, killing him. The Attorney General required a capital prosecution but authorization was eventually withdrawn by Attorney General Gonzales after the defense argued that Lien didn't know what was in the package.

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.

Authorized Federal Capital Prosecutions Where Authorization was Withdrawn - 6/10/2016

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.

McMillian, Christopher

N.D. NY No. 3:00 CR-269

Authorization withdrawn at trial

Name of AG Ashcroft

Race & gender of def

B M

Victim R BM

Date of DP notice 9/25/2002

murder during a CCE, motivated by a drug rip off. Another drug dealer was tortured and beaten to death and his marijuana, phone, jewelry and \$2000 cash were stolen. Attorney General Ashcroft required a capital prosecution against three defendants, later withdrawing the notice of intent as to McMillian, who was found to be intellectually disabled by both the defense and government experts. All involved are African-American.

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 Where Authorization was Withdrawn - 6/10/2016

Foster, Aaron Demarco

D. MD CR No. 02-CR-410

Authorization withdrawn

Name of AG Ashcroft

Race & gender of def

B M

Victim R BM

Date of DP notice 10/1/2003

leaders of one of West Baltimore's most violent drug gangs, the Lexington Terrace Boys, who are charged in eight killings, including one potential government witness who was killed to prevent him from testifying about an earlier double homicide of two members of a rival gang, the Stricker Street group. Since 1999 the gang operated from the Lexington Terrace and Edgar Allan Poe Homes public housing projects. During trial, the government presented evidence linking the gang to nine killings. Taylor had a direct role in seven. The mitigation evidence focused on the trauma of a childhood growing up in this neighborhood. When Moses was 4, his father was gunned down in a drug hit in the lobby of one of the buildings. Foster was acquitted of attempted murder in state court in 1998. Taylor and Moses were charged together in the double homicide and in a witness killing. There was also an attempted kidnapping of another potential witness to the 2001 killings. The latest victim is the third brother of one family to die on the streets of Baltimore. Investigators claim the group is in some way connected to 40 homicides. Shortly before trial, a critical witness in the case was shot 10 times and killed. He had been shot at twice before. Separate indictments (03-343 and 03-560) charge Kaarman Hawkins, Parker, Foster and Taylor in that case. The jury returned unanimous life verdicts for Moses and Taylor in 5 hours. All involved are African-American.

Stinson, John William

C.D. CA CR No. 02-00938-GHK

Authorization withdrawn at trial

Name of AG Gonzales

Race & gender of def

W M

Victim R WM

Date of DP notice 5/9/2005

a RICO indictment of 40 reputed members and associates of the Aryan Brotherhood [AB] for a string of murders and violent attacks allegedly designed to expand the power of the white racist prison gang, which was founded at San Quentin state prison in 1964. Authorities say the gang has about 100 members. In 1980, the federal faction of the AB allegedly formed a three-man "Commission" to oversee AB members in federal prisons, and, in 1993, the Federal Commission allegedly formed a "Council" to oversee the day-to-day activities of the federal faction. 17 murders were alleged. At least six murders have occurred since 1996. Twenty-seven defendants initially were eligible for the death penalty. Mills and Bingham are alleged to have made all major decisions involving the criminal activities of the federal faction. Mills is also charged with personally committing one murder and involvement in numerous bad acts, as many as a dozen murders. Stinson, Terflinger, Griffin and Chance, allegedly made all major decisions involving the criminal activities of the California faction of the AB. Slocum, a member of both the Federal and California councils allegedly relayed information between the two and is alleged to have participated in actual murders. McElhiney and Sahakian are alleged to be responsible for running the day-to-day operations of the AB at USP Marion in Illinois. Littrell, Roy, West, Grizzle, Kennedy and Filkins are accused of allegedly murdering AB members/inmates who had run afoul of the organization or violated rules. Grizzle allegedly helped Littrell in one strangulation in the victim's cell. Bridgewater, a member of the Federal Council, is alleged to have murdered two black inmates. Campbell is accused of participating in three murders. Stinson, Terflinger, Chance and Burnett are charged with murders of white inmates who had conflicts with the gang. Sahakian, McIntosh and Knorr are accused of murdering a black inmate at Marion and faced federal capital charges at trial in Illinois at which the jury deadlocked. Sahakian faced three additional murder charges in the California indictment. Schwyhart and Hourston are accused of taking part in the murders of two black inmates. Slocum, Bridgewater, Campbell and Houston were also charged with two BOP prison murders of black men in Pennsylvania at Lewisburg's USP. Charges were dismissed in Pennsylvania. AB members selected to face the death penalty were: McIntosh, Knorr, Sahakian, McElhiney, Littrell, Bridgewater, Terflinger, Schwyhart, Houston, Griffin, Chance, Stinson, Mills and Bingham. Mills and Bingham were sentenced to life in prison in 2006, as were Bridgewater and Houston at a separate trial in 2007. In December of 2007, Attorney General Mukasey authorized prosecutors to abandon pursuit of the death penalty against the remaining AB gang members.

Authorized Federal Capital Prosecutions Where Authorization was Withdrawn - 6/10/2016

Terflinger, Richard Lloyd

C.D. CA No. 02-00938-GHK

Authorization withdrawn

Name of AG Gonzales

Race & gender of def

W

M

Victim R WM

Date of DP notice 5/9/2005

a RICO indictment of 40 reputed members and associates of the Aryan Brotherhood [AB] for a string of murders and violent attacks allegedly designed to expand the power of the white racist prison gang, which was founded at San Quentin state prison in 1964. Authorities say the gang has about 100 members. In 1980, the federal faction of the AB allegedly formed a three-man "Commission" to oversee AB members in federal prisons, and, in 1993, the Federal Commission allegedly formed a "Council" to oversee the day-to-day activities of the federal faction. At least six murders have occurred since 1996. Twenty-seven defendants initially were eligible for the death penalty. Mills and Bingham are alleged to have made all major decisions involving the criminal activities of the federal faction. Mills is also charged with personally committing one murder and involvement in numerous bad acts, as many as a dozen murders. Stinson, Terflinger, Griffin and Chance, allegedly made all major decisions involving the criminal activities of the California faction of the AB. Slocum, a member of both the Federal and California councils allegedly relayed information between the two and is alleged to have participated in actual murders. McElhiney and Sahakian are alleged to be responsible for running the day-to-day operations of the AB at USP Marion in Illinois. Littrell, Roy, West, Grizzle, Kennedy and Filkins are accused of allegedly murdering AB members who had run afoul of the organization or violated rules. Grizzle allegedly helped Litrell in one strangulation in the victim's cell. Bridgewater, a member of the Federal Council, is alleged to have murdered two black inmates. Campbell is accused of participating in three murders. Stinson, Terflinger, Chance and Burnett are charged with murders of white inmates who had conflicts with the gang. Sahakian, McIntosh and Knorr are accused of murdering a black inmate at Marion and faced federal capital charges at trial in Illinois at which the jury deadlocked. Sahakian faced three additional murder charges in the California indictment. Schwyhart and Hourston are accused of taking part in the murders of two black inmates. Slocum, Bridgewater, Campbell and Houston were also charged with two BOP prison murders of black men in Pennsylvania at Lewisburg's USP. Charges were dismissed in Pennsylvania. AB members/inmates selected to face the death penalty were: McIntosh, Knorr, Sahakian, McElhiney, Littrell, Bridgewater, Terflinger, Schwyhart, Houston, Griffin, Chance, Stinson, Mills and Bingham. Mills and Bingham were sentenced to life in prison in 2006, as were Bridgewater and Houston at a separate trial in 2007. Charges were ultimately dismissed. In December of 1997, Attorney General Mukasey authorized prosecutors to abandon pursuit of the death penalty against the remaining AB gang members.

Griffin, Robert Lee

C.D. CA CR No. 02-00938-GHK

Authorization withdrawn at trial

Name of AG Gonzales

Race & gender of def

W

M

Victim R WM

Date of DP notice 6/27/2005

a RICO indictment of 40 reputed members and associates of the Aryan Brotherhood [AB] for a string of murders and violent attacks allegedly designed to expand the power of the white racist prison gang, which was founded at San Quentin state prison in 1964. Authorities say the gang has about 100 members. In 1980, the federal faction of the AB allegedly formed a three-man "Commission" to oversee AB members in federal prisons, and, in 1993, the Federal Commission allegedly formed a "Council" to oversee the day-to-day activities of the federal faction. 17 murders were alleged. At least six murders have occurred since 1996. Twenty-seven defendants initially were eligible for the death penalty. Mills and Bingham are alleged to have made all major decisions involving the criminal activities of the federal faction. Mills is also charged with personally committing one murder and involvement in numerous bad acts, as many as a dozen murders. Stinson, Terflinger, Griffin and Chance, allegedly made all major decisions involving the criminal activities of the California faction of the AB. AB members selected to face the death penalty were: McIntosh, Knorr, Sahakian, McElhiney, Littrell, Bridgewater, Terflinger, Schwyhart, Houston, Griffin, Chance, Stinson, Mills and Bingham. Mills and Bingham were sentenced to life in prison in 2006, as were Bridgewater and Houston at a separate trial in 2007. The Notice of Intent to Seek the Death Penalty was withdrawn as to Griffin, Chance, Stinson and Schwyhart.

Authorized Federal Capital Prosecutions Where Authorization was Withdrawn - 6/10/2016

McElhiney, Michael Patrick

C.D. CA No. 02-00938-GHK

Authorization withdrawn

Name of AG Gonzales

Race & gender of def

W M

Victim R WM BM

Date of DP notice 10/4/2005

a RICO indictment of 40 reputed members and associates of the Aryan Brotherhood [AB] for a string of murders and violent attacks allegedly designed to expand the power of the white racist prison gang, which was founded at San Quentin state prison in 1964. Authorities say the gang has about 100 members. In 1980, the federal faction of the AB allegedly formed a three-man "Commission" to oversee AB members in federal prisons, and, in 1993, the Federal Commission allegedly formed a "Council" to oversee the day-to-day activities of the federal faction. At least six murders have occurred since 1996. Twenty-seven defendants initially were eligible for the death penalty. Mills and Bingham are alleged to have made all major decisions involving the criminal activities of the federal faction. Mills is also charged with personally committing one murder and involvement in numerous bad acts, as many as a dozen murders. Stinson, Terflinger, Griffin and Chance, allegedly made all major decisions involving the criminal activities of the California faction of the AB. Slocum, a member of both the Federal and California councils allegedly relayed information between the two and is alleged to have participated in actual murders. McElhiney and Sahakian are alleged to be responsible for running the day-to-day operations of the AB at USP Marion in Illinois. Littrell, Roy, West, Grizzle, Kennedy and Filkins are accused of allegedly murdering AB members who had run afoul of the organization or violated rules. Grizzle allegedly helped Litrell in one strangulation in the victim's cell. Bridgewater, a member of the Federal Council, is alleged to have murdered two black inmates. Campbell is accused of participating in three murders. Stinson, Terflinger, Chance and Burnett are charged with murders of white inmates who had conflicts with the gang. Sahakian, McIntosh and Knorr are accused of murdering a black inmate at Marion and faced federal capital charges at trial in Illinois at which the jury deadlocked. Sahakian faces three additional murder charges in the California indictment. Schwyhart and Hourston are accused of taking part in the murders of two black inmates. Slocum, Bridgewater, Campbell and Houston were also charged with two BOP prison murders of black men in Pennsylvania at Lewisburg's USP. Charges were dismissed in Pennsylvania. AB members/inmates selected to face the death penalty were: McIntosh, Knorr, Sahakian, McElhiney, Littrell, Bridgewater, Terflinger, Schwyhart, Houston, Griffin, Chance, Stinson, Mills and Bingham. Mills and Bingham were sentenced to life in prison in 2006, as were Bridgewater and Houston at a separate trial in 2007. The Notice of Intent to Seek the Death Penalty was also withdrawn as to Griffin, Chance, Stinson and Schwyhart. Charges were ultimately dismissed against McElhiney.

Chance, David Alan

C.D. CA CR No. 02-00938-GHK

Authorization withdrawn at trial

Name of AG Gonzales

Race & gender of def

W M

Victim R WM

Date of DP notice 5/9/2005

a RICO indictment of 40 reputed members and associates of the Aryan Brotherhood [AB] for a string of murders and violent attacks allegedly designed to expand the power of the white racist prison gang, which was founded at San Quentin state prison in 1964. In 1980, the federal faction of the AB allegedly formed a three-man "Commission" to oversee AB members in federal prisons, and, in 1993, the Federal Commission allegedly formed a "Council" to oversee the day-to-day activities of the federal faction. 17 murders were alleged. At least six murders have occurred since 1996. Twenty-seven defendants initially were eligible for the death penalty. Stinson, Terflinger, Griffin and Chance allegedly made all major decisions involving the criminal activities of the California faction of the AB. Stinson, Terflinger, Chance and Burnett are charged with murders of white inmates who had conflicts with the gang. AB members selected to face the death penalty were: McIntosh, Knorr, Sahakian, McElhiney, Littrell, Bridgewater, Terflinger, Schwyhart, Houston, Griffin, Chance, Stinson, Mills and Bingham. Mills and Bingham were sentenced to life in prison in 2006, as were Bridgewater and Houston at a separate trial in 2007. The Notice of Intent to Seek the Death Penalty was withdrawn as to Griffin, Chance, Stinson and Schwyhart after a jury was seated. The indictment against Chance was dismissed.

Authorized Federal Capital Prosecutions Where Authorization was Withdrawn - 6/10/2016

Schwyhart, Jason Lee

C.D. CA No. 02-00938-GHK

Authorization withdrawn

Name of AG Gonzales

Race & gender of def

W M

Victim R BM

Date of DP notice 3/4/2005

a RICO indictment of 40 reputed members and associates of the Aryan Brotherhood [AB] for a string of murders and violent attacks allegedly designed to expand the power of the white racist prison gang, which was founded at San Quentin state prison in 1964. Authorities say the gang has about 100 members. In 1980, the federal faction of the AB allegedly formed a three-man "Commission" to oversee AB members in federal prisons, and, in 1993, the Federal Commission allegedly formed a "Council" to oversee the day-to-day activities of the federal faction. 17 murders were alleged. At least six murders have occurred since 1996. Twenty-seven defendants initially were eligible for the death penalty. Mills and Bingham are alleged to have made all major decisions involving the criminal activities of the federal faction. Mills is also charged with personally committing one murder and involvement in numerous bad acts, as many as a dozen murders. Stinson, Terflinger, Griffin and Chance, allegedly made all major decisions involving the criminal activities of the California faction of the AB. Slocum, a member of both the Federal and California councils allegedly relayed information between the two and is alleged to have participated in actual murders. McElhiney and Sahakian are alleged to be responsible for running the day-to-day operations of the AB at USP Marion in Illinois. Littrell, Roy, West, Grizzle, Kennedy and Filkins are accused of allegedly murdering AB members who had run afoul of the organization or violated rules. Grizzle allegedly helped Litrell in one strangulation in the victim's cell. Bridgewater, a member of the Federal Council, is alleged to have murdered two black inmates. Campbell is accused of participating in three murders. Stinson, Terflinger, Chance and Burnett are charged with murders of white inmates who had conflicts with the gang. Sahakian, McIntosh and Knorr are accused of murdering a black inmate at Marion and faced federal capital charges at trial in Illinois at which the jury deadlocked. Sahakian faces three additional murder charges in the California indictment. Schwyhart and Hourston are accused of taking part in the murders of two black inmates. Slocum, Bridgewater, Campbell and Houston were also charged with two BOP prison murders of black men in Pennsylvania at Lewisburg's USP. Charges were dismissed in Pennsylvania. AB members/inmates selected to face the death penalty were: McIntosh, Knorr, Sahakian, McElhiney, Littrell, Bridgewater, Terflinger, Schwyhart, Houston, Griffin, Chance, Stinson, Mills and Bingham. Mills and Bingham were sentenced to life in prison in 2006, as were Bridgewater and Houston at a separate trial in 2007. The Notice of Intent to Seek the Death Penalty was withdrawn as to Griffin, Chance, Stinson and Schwyhart.

Williams, Vincent

E.D. PA No. 01-CR-512

Authorization withdrawn at trial

Name of AG Gonzales

Race & gender of def

B M

Victim R BF BM

Date of DP notice 5/23/2005

a prosecution against a drug gang, the Boyle Street Boys, charging cocaine sales and four gun murders between 1996 and 2002, including the 2001 execution-style slaying of a witness who was killed before she could testify about an illegal gun ring. Brian Rogers, who shot the female victim to prevent her from testifying against Vincent Williams in a federal gun case, reached a plea agreement. Jamain Williams and Andre Cooper allegedly assisted Rogers in that shooting. Vincent Williams and Andre Cooper are charged with the 2000 murder of a teenage drug seller. Vincent Williams was allegedly the shooter. Jamain Williams was allegedly the triggerman in a second 2000 RICO murder. Both Williams and Cooper committed a third RICO murder in 1999. Cooper was allegedly the shooter. All involved are African American. Vincent Williams was found to be intellectually disabled and authorization was withdrawn during trial.

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.

Authorized Federal Capital Prosecutions Where Authorization was Withdrawn - 6/10/2016

Johnson, John

E.D. LA No. 2:04-CR-00017-HGB-SS

Authorization withdrawn

Name of AG Ashcroft

Race & gender of def

B M

Victim R WM

Date of DP notice 2/1/2005

a cross-racial bank robbery gun murder of an off-duty police officer security guard by convicted felons. Jones, Johnson and Smith entered the Iberia Bank and Smith disarmed the security guard. Another guard, hidden from view, opened fire, wounding Smith and Johnson, who was unable to flee the bank. Johnson returned fire, killing one guard and wounding another. Jones fled the bank but all three defendants were arrested within moments. The defendants are black and were over 50 years old. They each have criminal records including bank robbery. The deceased guard is white, the wounded guard is black. While pending retrial, the government withdrew authorization.

Mitchell, Willie Edward

D. MD No. 1:04-CR-00029-MJG

Authorization withdrawn

Name of AG Ashcroft

Race & gender of def

B M

Victim R BF BM

Date of DP notice 12/6/2004

racketeering conspiracy, murder in aid of racketeering, drug trafficking and armed robbery charges against the alleged leaders of a violent Northwest Baltimore gang that allegedly used profits from city drug sales to try to make a name in the rap music industry. They are allegedly responsible for five city homicides, all carried out within a five-month stretch in early 2002. The killings include the double slaying of an associate of former heavyweight boxing champion Hasim Rahman and an innocent woman the man was dating at the time. Mitchell is described as the head of the group and is the registered agent of a business called Shake Down Entertainment. Mitchell and Harris are charged in four murders, Gardner in three and Martin in two. Martin will not face the death penalty. Gardner is already serving a life sentence in state prison. The defendants have adopted a "flesh and blood" defense insisting that the Court does not have the jurisdiction and refusing to cooperate with defense counsel. United States v. Mitchell, 2005 WL 3464983 (D MD). Without explanation, Attorney General Gonzales withdrew the request to seek the death penalty. All involved are African American.

Harris, Shelton Lee

D. MD No. 1:04-CR-00029-MJG

Authorization withdrawn

Name of AG Ashcroft

Race & gender of def

B M

Victim R BF BM

Date of DP notice 12/6/2004

racketeering conspiracy, murder in aid of racketeering, drug trafficking and armed robbery charges against the alleged leaders of a violent Northwest Baltimore gang that allegedly used profits from city drug sales to try to make a name in the rap music industry. They are allegedly responsible for five city homicides, all carried out within a five-month stretch in early 2002. The killings include the double slaying of an associate of former heavyweight boxing champion Hasim Rahman and a woman the man was dating at the time. Mitchell is described as the head of the group and is the registered agent of a business called Shake Down Entertainment. Mitchell and Harris are charged in four murders, Gardner in three and Martin in two. Martin will not face the death penalty. Gardner is already serving a life sentence in state prison. The defendants have adopted a "flesh and blood" defense insisting that the Court does not have the jurisdiction and refusing to cooperate with defense counsel. United States v. Mitchell, 2005 WL 3464983 (D MD). All involved are African American.

Authorized Federal Capital Prosecutions Where Authorization was Withdrawn - 6/10/2016

Gardner, Shawn Earl

D. MD No. 1:04-CR-00029-MJG

Authorization withdrawn

Name of AG Ashcroft

Race & gender of def B M Victim R BF BM

Date of DP notice 12/6/2004

racketeering conspiracy, murder in aid of racketeering, drug trafficking and armed robbery charges against the alleged leaders of a violent Northwest Baltimore gang that allegedly used profits from city drug sales to try to make a name in the rap music industry. They are allegedly responsible for five city homicides, all carried out within a five-month stretch in early 2002. The killings include the double slaying of an associate of former heavyweight boxing champion Hasim Rahman and a woman the man was dating at the time. Mitchell is described as the head of the group and is the registered agent of a business called Shake Down Entertainment. Mitchell and Harris are charged in four murders, Gardner in three and Martin in two. Martin will not face the death penalty. Gardner is already serving a life sentence in state prison. The defendants have adopted a "flesh and blood" defense insisting that the Court does not have the jurisdiction and refusing to cooperate with defense counsel. United States v. Mitchell, 2005 WL 3464983 (D MD). All involved are African American.

Bodkins, Lanny Benjamin

W.D. VA No. 4:04-CR-70083-JLK

Authorization withdrawn at trial

Name of AG Ashcroft

Race & gender of def W M Victim R BM

Date of DP notice 2/17/2005

a 1999 drug related gun murder-for-hire contract on a possible government witness involving interstate stalking. Plunkett, who allegedly hired Taylor, and the victim are black. Bodkins, the alleged triggerman, and Taylor are white. Bodkins and Plunkett were approved for a death penalty trial. Taylor, the driver, was not. The government agreed to withdraw the death penalty after Bodkins testified and expressed remorse.

Plunkett, Antoine

W.D. VA No. 4:04-CR-70083-JLK

Authorization withdrawn at trial

Name of AG Ashcroft

Race & gender of def B M Victim R BM

Date of DP notice 2/17/2005

a 1999 drug related gun murder-for-hire contract on a possible government witness involving interstate stalking. Plunkett, who allegedly hired Taylor, and the victim are black. Bodkins, the alleged triggerman, and Taylor are white. Bodkins and Plunkett were approved for a death penalty trial. Taylor, the driver, was not. The government agreed to withdraw the death penalty after Bodkins testified and expressed remorse.

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.

Authorized Federal Capital Prosecutions Where Authorization was Withdrawn - 6/10/2016

Hall, Eric

D. MD No. JFM-04-0323

Authorization withdrawn

Name of AG Gonzales

Race & gender of def

B M

Victim R BM

Date of DP notice 7/14/2006

a RICO prosecution against a drug gang alleged to have committed four gun murders and three attempted murders. The "Rice Organization" is alleged to have trafficked in cocaine and heroin. Only Hall was chosen to face the death penalty. After Attorney General Gonzales "authorized" a death penalty prosecution against Hall, a superseding indictment dropped one of the murders. Eventually, Attorney General Gonzales withdrew the Notice of Intent to Seek the Death Penalty. All involved are African-American.

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.

Authorized Federal Capital Prosecutions Where Authorization was Withdrawn - 6/10/2016

Cheever, Scott

D. KS CR No. 05-10050-01-06-MLB

Authorization withdrawn

Name of AG Gonzales

Race & gender of def

W M

Victim R WM

Date of DP notice 7/8/2005

law enforcement officer victim - A drug manufacturing facility was raided resulting in a shooting and killing of a deputy sheriff while he was attempting to serve a search warrant. It is alleged that Cheever tried to kill three other officers when he was holed up after the initial shooting. Cheever struggled with addiction to methamphetamine since he graduated from high school. The indictment alleges a gun murder in the course of drug trafficking and the murder of a witness, in violation of 18 U.S.C. §§924 and 1512. The government dismissed the federal case as the jury was being selected. All involved are white. Cheever was sentenced to death in state court.

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.

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.

Williams, Michael Dennis

C.D. CA No. 05-CR-920

Authorization withdrawn

Name of AG Mukasey

Race & gender of def

B M

Victim R HM

Date of DP notice 5/29/2008

Hobbs Act bank robbery and murder. Robbers armed with high-powered assault rifles ambushed an armored car behind a South Los Angeles bank, killing a guard, a 61 year old father of ten children. The robbers fired more than 50 shots. There were eight men and women who are suspects in this bank robbery murder (including two accomplices in a van and two women watching the bank for the robbers). The robbery/murder was highly coordinated, involving at least three vehicles and surveillance and may involve street gang members. Attorney General Mukasey required a capital prosecution despite a local recommendation that the death penalty not be sought. Attorney General Holder withdrew the request for the death penalty on the first day of trial.

Authorized Federal Capital Prosecutions Where Authorization was Withdrawn - 6/10/2016

Johnson, Antoine Lamont

C.D. CA No. 05-CR-920

Authorization withdrawn

Name of AG Mukasey

Race & gender of def

B

M

Victim R HM

Date of DP notice 5/29/2008

Hobbs Act bank robbery and gun murder. Robbers armed with high-powered assault rifles ambushed an armored car behind a South Los Angeles bank, killing a guard, a 61 year old father of ten children. The robbers fired more than 50 shots. There are eight men and women who are suspects in this bank robbery murder (including two accomplices in a van and two women watching the bank for the robbers). The robbery/murder was highly coordinated, involving at least three vehicles and surveillance and may involve street gang members. Attorney General Mukasey required a capital prosecution despite a local recommendation that the death penalty not be sought. Attorney General Holder withdrew the request for the death penalty on the first day of trial.

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.

Jackson, David Lee

E.D. TX No. 1:06-CR-51

Death Sentence Vacated and Authorization Withdrawn

Name of AG Gonzales

Race & gender of def

B

M

Victim R BM

Date of DP notice 1/4/2006

a 1999 BOP inmate stabbing murder at the USP in Beaumont, Texas. Jackson was incarcerated for a bank robbery. Co-defendant Gully was in prison for drug trafficking. Both were sent to ADX in Florence, Colorado after the homicide. Gully did not face the death penalty. All involved are black. A direct appeal was denied. 549 F.3d 963 (5th Cir. 2008). A 28 USC 2255 motion was granted when the government conceded a Brady error. He was resentenced to life when the Department of Justice agreed.

Peterson, Aquil

N.D. CA No. 05-00324-MMC

Authorization withdrawn

Name of AG Gonzales

Race & gender of def

B

M

Victim R BM

Date of DP notice 11/1/2006

a San Francisco based conspiracy from 1994 to 2005 alleging three separate 2002 RICO murders including the killing of a government witness. 18 U.S.C. §1512. Cyrus faces three murder charges, Peterson faces one.

Authorized Federal Capital Prosecutions Where Authorization was Withdrawn - 6/10/2016

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.

Bacote, Michael | E.D. TX No. 1:08-CR-00036

Authorization withdrawn | Name of AG Keisler

Race & gender of def B M | Victim R BM | Date of DP notice 9/11/2007

a USP Beaumont BOP inmate murder. All involved are blacks from Washington DC (the "DC Crew") who were in USP Atlanta, then USP Beaumont, together. The deceased was a government witness against two of Ebron's associates in an aggravated robbery in 1997. Ebron held the deceased while Mosely stabbed him 100 times. Mosely died before he could be charged. Ebron was previously convicted in 1999 of murder. Bacote, who is intellectually disabled, was incarcerated for armed robbery.

Burton, Harry | D. MD No. 1:07-CR-00149-WDQ

Authorization withdrawn | Name of AG Mukasey

Race & gender of def B M | Victim R BF BM | Date of DP notice 12/6/2007

three RICO drug related (crack) murders in 2003 by Burton, alleged leader of the "Latrobe organization," a drug and gun gang. Allen Gill is charged in one, the murder of a female, Burton's girlfriend who allegedly set up Burton to be shot. All involved are black. Burton is possibly intellectually disabled. Attorney General Mukasey, on the eve of trial, withdrew the death authorization and authorized a plea to 60 years.

Smith, Danny Damon | E.D. VA No. 3:07CR433

Authorization withdrawn | Name of AG Mukasey

Race & gender of def B M | Victim R BF | Date of DP notice 2/20/2008

the gun murder of a female informant in a drug (crack) case.