

Authorized Federal Capital Prosecutions Which Resulted in an Original Sentence of Death - 6/10/2016

Chandler, David Ronald

N.D. AL No. 90-CR-H-266-E

Clemency

Name of AG Barr

Race & gender of def

W M

Victim R WM

Date of DP notice 1/29/1991

a white Alabama marijuana grower was sentenced to death for the murder for hire of a subordinate in his drug ring. The triggerman in the killing was granted immunity in exchange for his testimony, later recanted, that Chandler offered him \$500 for the murder. Insisting on his innocence, Chandler refused a pretrial plea offer of life imprisonment. Chandler's convictions and death sentence were affirmed by a panel of the Eleventh Circuit in mid-1993. 996 F.2d 1073 (11th Cir. 1993), cert. denied, 114 S.Ct. 2724 (1994). He filed a motion to vacate his convictions under 28 U.S.C. § 2255, and an execution date originally set for March 31, 1995, was stayed by the District Court. After several evidentiary hearings, 950 F.Supp. 1545 (N.D.AL1996), the District Court denied relief. 957 F.Supp. 1505 (N.D. AL 1997). A panel reversed, 193 F.3d 1297 (11th Cir. 1999) but the en banc court decided that Chandler received effective assistance of counsel in a 6-5 vote. 218 F.3d 1305. On January 20, 2001, President Clinton granted clemency.

Johnson, Corey

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

Death row - 2255

Name of AG Barr

Race & gender of def

B M

Victim R BF BM

Date of DP notice 5/1/1992

three of four young black inner-city gang members in Richmond, Virginia, who were sentenced to death in 1993, for their roles in eleven crack-related murders. The trial of a fourth defendant, Vernon Thomas, was severed. After the completion of all legal appeals, a May 2006 execution date was stayed pending the outcome of lethal injection litigation in the DC Circuit Court. There is substantial evidence of intellectual disability but all such claims to date have been rejected.

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Death Sentence Vacated and Authorization Withdrawn and Authorization Not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 capital-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.

Roane, James

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

Death row - 2255

Name of AG Barr

Race & gender of def

B M

Victim R BF BM

Date of DP notice 5/1/1992

three of four young black inner-city gang members in Richmond, Virginia, who were sentenced to death in 1993, for their roles in eleven crack-related murders. The trial of a fourth defendant, Vernon Thomas, was severed. A May 2006 execution date was stayed pending the outcome of lethal injection litigation in the DC Circuit Court.

Authorized Federal Capital Prosecutions Which Resulted in an Original Sentence of Death - 6/10/2016

Tipton, Richard | E.D. VA No. 3-92-CR-68
Death row - 2255 | Name of AG Barr
Race & gender of def B M | Victim R BF BM | Date of DP notice 5/1/1992

three of four young black inner-city gang members in Richmond, Virginia, who were sentenced to death in 1993, for their roles in eleven crack-related murders. The trial of a fourth defendant, Vernon Thomas, was severed. A May 2006 execution date was stayed pending the outcome of lethal injection litigation in the DC Circuit Court.

Garza, Juan Raul | S.D. TX CR No. 93-009
Executed | Name of AG Barr
Race & gender of def H M | Victim R HF HM | Date of DP notice 1/7/1993

an Hispanic marijuana distributor was sentenced to death by a jury in 1993 in Brownsville, Texas, in connection with the murders of three other drug traffickers in the Brownsville area, two Hispanic and one Anglo. Garza ordered two murders and killed a third person himself. The government introduced 5 unadjudicated murders in aggravation, 4 were in Mexico. All but one victim were males. Murder for hire was an aggravating circumstance. Attorney General Barr authorized the prosecution to seek the death penalty in December, 1992. Mr. Garza's death sentence was affirmed. *United States v. Flores*, 63 F.3d 1342 (5th Cir. 1995), and a petition for writ of certiorari was denied by the Supreme Court in 1996. Habeas relief was denied in 1998-1999. Garza's first two execution dates in 2000 were postponed by President Clinton pending a Department of Justice study of racial and geographic disparities in the federal death penalty, the second time on December 7, 2000 for 6 months, until June 2001. He was executed on June 19, 2001.

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.

Davis, Len | E.D. LA CR No. 94-381
Death row - 2255 | Name of AG Reno
Race & gender of def B M | Victim R BF | Date of DP notice 10/6/1995

civil rights - an African- American New Orleans police officer, Len Davis, who was being investigated (and tape recorded) in a drug conspiracy case. Davis ordered the murder of a 32 year old mother of three, Kim Groves, who witnessed his beating of a witness in an unrelated incident. Groves had filed a brutality complaint against Davis. Paul Hardy, 27, carried out the killing. Murder for hire is alleged as an aggravating circumstance. Davis, then Hardy, were sentenced to death by a jury in 1996, which heard sequential penalty phase presentations. Davis did not attend his. The Fifth Circuit reversed one of the convictions and ordered a new sentencing trial on the remaining convictions in 1999. 185 F.3d 407. On remand the District Court dismissed the Notice of Intent to Seek the Death Penalty based on *Ring v. Arizona*. This ruling was reversed by the Fifth Circuit. 380 F. 3rd 821. Davis was convicted and resented to death in 2005. A 28 USC §2255 motion is pending.

Authorized Federal Capital Prosecutions Which Resulted in an Original Sentence of Death - 6/10/2016

Hall, Orlando C. | N.D. TX No. 4:94-CR-121-Y
Death row - 2255 | Name of AG Reno
Race & gender of def B M | Victim R BF | Date of DP notice 2/23/1995

the first approval of a death penalty prosecution under the 1994 Federal Death Penalty Act. Hall, and his co-defendant, Webster, both African-American, were charged in Fort Worth, Texas, with the abduction, sexual assault and beating murder of a 16-year-old black female whose older brother had allegedly stolen marijuana. In 1995, Hall was sentenced to death after the jury heard testimony from co-defendants who pled guilty and testified in return for leniency. Expert testimony suggested the victim was still alive when buried. After a separate trial, Bruce Webster was sentenced to death by a jury in 1996. After the completion of all legal appeals, Hall joined the lethal injection litigation in the DC Circuit Court.

Hardy, Paul | E.D. LA CR No. 94-381
Dismissal after notice by Judge | Name of AG Reno
Race & gender of def B M | Victim R BF | Date of DP notice 10/6/1995

civil rights - an African- American New Orleans police officer, Len Davis, who was being investigated (and tape recorded) in a drug conspiracy case. Davis ordered the murder of a 32 year old mother of three, Kim Groves, who witnessed his beating of a witness in an unrelated incident. Groves had filed a brutality complaint against Davis. Paul Hardy, 27, carried out the killing. Murder for hire is alleged as an aggravating circumstance. Davis, then Hardy, were sentenced to death by a jury in 1996, which heard sequential penalty phase presentations. Davis did not attend his. The Fifth Circuit reversed one of the convictions and ordered a new sentencing trial on the remaining convictions in 1999. 185 F.3d 407. On remand, the District Court dismissed the Notice of Intent to Seek the Death Penalty based on Ring v. Arizona. This ruling was reversed by the Fifth Circuit. Davis was resentenced to death in 2005 at a separate trial. The trial court found Hardy to be intellectually disabled. 762 F.Supp.2d 849 (ED LA 2010).

Webster, Bruce | N.D. TX No. 4:94-CR-121-Y
Death row - 2255 | Name of AG Reno
Race & gender of def B M | Victim R BF | Date of DP notice 2/23/1995

the first approval of a death penalty prosecution under the 1994 Federal Death Penalty Act. Orlando Hall, and his co-defendant, Webster, both African-American, were charged in Fort Worth, Texas, with the abduction, sexual assault and beating murder of a 16-year-old black female whose older brother had allegedly stolen marijuana. In 1995, Hall was sentenced to death after the jury heard testimony from co-defendants who pled guilty and testified in return for leniency. Expert testimony suggested the victim was still alive when buried. After a separate trial, Bruce Webster was sentenced to death by a jury in 1996. Webster is the first case in which a federal defendant has been sentenced to death after attempting to establish his ineligibility for the death penalty by reason of intellectual disability. After completion of all legal appeals, an April 2007 execution date was stayed pending the outcome of lethal injection litigation in the D.C. Circuit Court. The Seventh Circuit, after the Fifth Circuit denied a similar request, is allowing the presentation of newly discovered evidence of Webster's intellectual disability.

Battle, Anthony | N.D. GA No. 1:95 CR 528
Death row - 2255 | Name of AG Reno
Race & gender of def B M | Victim R BM | Date of DP notice 7/26/1996

law enforcement officer victim - a black inmate with a history of psychiatric problems who was sentenced to death for the hammer-murder of an African-American guard in the Atlanta federal penitentiary. Mr. Battle was serving a life sentence for the prior murder of his wife when the killing occurred. In 1997 a federal jury rejected Mr. Battle's insanity defense and returned a death sentence after three hours' deliberation. After the completion of all legal appeals, 173 F.3d 1343 (1999), 419 F.3d 1292 (2005), Battle joined the lethal injection litigation in the D.C. Circuit Court.

Authorized Federal Capital Prosecutions Which Resulted in an Original Sentence of Death - 6/10/2016

Jones, Louis N.D. TX No. 6-95-CR-0015-C

Executed Name of AG Reno

Race & gender of def B M **Victim R** WF **Date of DP notice** 9/13/1995

a 46 year old African-American -- a retired 22-year decorated Persian Gulf veteran--was convicted of the abduction murder of a young white female soldier. The victim's family traveled to Washington to seek DOJ approval of the death request. The trial occurred in Lubbock on change of venue, after thousands of San Angelo residents signed petitions calling for the death penalty. The defendant was sentenced to death in 1995, the Fifth Circuit affirmed in 1998, but the United States Supreme Court granted review to consider issues relating to the jury's sentencing instructions in this first case conducted under the 1994 Federal Death Penalty Act. The Supreme Court affirmed the Fifth Circuit's decision in 1999. 527 U.S. 373. A post-conviction action was denied, as was a successor petition raising a Ring issue. President Bush denied clemency the same evening as announcing the second Gulf War. Jones was executed the next morning, March 18, 2003.

McVeigh, Timothy James D. CO No. 96-CR-68-M

Executed Name of AG Reno

Race & gender of def W M **Victim R** WF + **Date of DP notice** 10/20/1995

the 1995 Oklahoma City terrorist bombing in which 160 lost their lives, including 19 children. The President and Attorney General immediately announced that the death penalty would be sought, even before any suspects were identified. After a change of venue, a Denver jury convicted McVeigh and voted to sentence him to death in 1997. Appeal to the United States Court of Appeals for the Tenth Circuit was quickly denied in 1998, 153 F.3d 1166, as was a post-conviction petition. 118 F.Supp.2d 1137 (D. CO 2000). Thereafter, Mr. McVeigh decided to abandon further appeal. His execution was scheduled for May 16, 2001, was delayed by the Attorney General upon the discovery of over 6,000 pages of FBI reports not disclosed to the defense. He was executed on June 11, 2001.

Hammer, David Paul D. AZ and M.D. PA No. 4-96-CR-239

Pending authorization and Life Sentence from Judge Name of AG Lynch and Reno

Race & gender of def W M **Victim R** WM **Date of DP notice** 4/9/1997

a strangulation murder of a federal prison inmate by his cellmate. The defendant and the victim are white. Hammer was serving a 1200+ year Oklahoma state sentence at the time of the homicide, but had been incarcerated in the federal penitentiary at Allenwood, Pennsylvania. Mr. Hammer abandoned his direct appeal. 226 F.3d 229 (3d Cir. 2000). An execution date was set for November 15, 2000, but was vacated when Mr. Hammer decided (and was allowed) to file a post-conviction action. Penalty phase relief was granted in December 2005, and upheld on appeal. 404 F.Supp.2d 676 (MD PA 2005). A life sentence was imposed at his resentencing bench 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.

Authorized Federal Capital Prosecutions Which Resulted in an Original Sentence of Death - 6/10/2016

Paul, Jeffrey Williams

W.D. AR No. 6:96CR60022

Death row - 2255

Name of AG Reno

Race & gender of def W M Victim R WM

Date of DP notice 1/23/1997

Paul is one of two white teenagers charged with the robbery-murder of an elderly white National Parks employee in Hot Springs National Park (USPS), federal land within the city of Hot Springs, Arkansas. A Hot Springs federal jury unanimously imposed a life sentence on co-defendant Trinity Ingle on June 6, 1997. Paul's separate trial began on June 17, 1997, and ended with a death sentence on June 25, 1997. All involved are white. A 28 USC §2255 motion was denied without an evidentiary hearing, a ruling affirmed by the Eighth Circuit. After his initial request to join the lethal injection litigation in the DC District was denied, Paul successfully appealed to the DC Circuit Court.

Allen, Billie Jerome

E.D. MO No. 4:97 CR 0141 ERW (TCM)

Death row - 2255

Name of AG Reno

Race & gender of def B M Victim R WM

Date of DP notice 8/1/1997

two black defendants charged with the cross-racial gun murder of a white bank guard during a robbery. Attorney General Reno authorized the government to seek the death penalty on August 1, 1997. After separate trials, death sentences were returned on March 10, 1998 for Allen and April 3, 1998 for Holder. An appeal was rejected by a divided panel of the Eighth Circuit. 247 F.3d 741 (2001). The Supreme Court remanded in light of *Ring v. Arizona*, 536 U.S. 953. An en banc Eighth Circuit reversed the three-judge panel's grant of penalty phase relief. 357 F.3d 745, 406 F.3d 940 (2005). A 28 U.S.C. §2255 motion was denied. An appeal is pending.

Barnette, Aquila Marcivicci

W.D. NC No. 3:97CR23-P

Death row - 2255

Name of AG Reno

Race & gender of def B M Victim R BF WM

Date of DP notice 7/15/1997

a domestic killing. Barnette confessed to murdering a motorist during a Charlotte, North Carolina carjacking. He drove the victim's car to Roanoke, Virginia, where he killed his former girlfriend. Barnette has a long history of domestic abuse of the second victim. The defendant and the female victim are black; the carjacking victim was white. A Charlotte, North Carolina jury imposed the death penalty in 1998. Two years later the appeals court ordered a new sentencing trial. 211 F.3d 803 (4th Cir. 2000). Barnette was again sentenced to death in 2002. The United States Supreme Court, in October 2005, remanded the case to the Fourth Circuit for consideration of a Batson claim, which was ultimately denied and affirmed on appeal. A 28 USC §2255 motion is pending.

Holder, Norris G.

E.D. MO CR No. 4:97 0141 ERW (TCM)

Death row - 2255

Name of AG Reno

Race & gender of def B M Victim R WM

Date of DP notice 8/1/1997

a cross-racial gun murder by two black defendants charged with the fatal shooting of a white bank guard during a robbery. Attorney General Reno authorized the government to seek the death penalty on August 1, 1997. After separate trials, death sentences were returned on March 10, 1998 for Allen and April 3, 1998 for Holder. An appeal was denied. 247 F.3d 741 (2001). A 2255 motion for post-conviction relief was denied, 2008 WL 2909648, 2009 WL 5030785, and an appeal is pending.

Authorized Federal Capital Prosecutions Which Resulted in an Original Sentence of Death - 6/10/2016

Gabrion, Marvin | W.D. MI No. 1:99-CR-76
Death row - 2255 | Name of AG Ashcroft
Race & gender of def W M | Victim R WF | Date of DP notice 2/26/2001

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

Lee, Daniel Louis | E.D. AR No. LR-CR-97-243
Death row - 2255 | Name of AG Reno
Race & gender of def W M | Victim R WF WM | Date of DP notice 3/20/1998

a RICO prosecution of an organization supposedly intent upon starting a revolution. The capital crime was the murder of a family of three (an Arkansas gun dealer, his wife and their 8 year old child) in the Fall of 1996. The defendants may have believed the gun dealer was an ATF informant. The victims were killed by duct-taping plastic bags over their heads, handcuffing the three and throwing them in a river. The defendants and the victims are white. Co-defendant Chevie Kehoe was charged in two additional murders as well. The defendants were also charged with bombing the Spokane, WA city hall. Kehoe, older, whom some considered more culpable, was first sentenced to life by the jury at a 1999 separate penalty hearing. At that point the United States Attorney attempted to withdraw the request for the death penalty. The Attorney General was unavailable, so the Deputy Attorney General declined the request. Lee was then sentenced to death. The next year the District Court ordered a new sentencing hearing for Lee. 89 F.Supp.2d 1017 (E.D. AR). That decision was reversed by the Eighth Circuit. 274 F.3d 485 (2001), which later affirmed the convictions and death sentences. A 28 U.S.C. 2255 motion and appeal were denied. Lee is currently litigating the denial of a Rule 60(b) motion.

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.

Ortiz, Arboleda | W.D. MO No. 98- 00311-01/05-CR-W-2
Death row - 2255 | Name of AG Reno
Race & gender of def B M | Victim R HM | Date of DP notice 5/19/1999

four Colombians charged in a drug related murder. The alleged ringleader, Hinestroza, was a fugitive who was eventually arrested and received a life sentence at a separate trial. The victim and his nephew (who sold cocaine for the gang) stole \$240,000 from them. The defendants tied up, interrogated, duct taped and shot both victims. The nephew lived, escaped and identified the defendants. Sinisterra shot and killed one victim. Ortiz or Tello shot the surviving victim. Sinisterra and Ortiz were sentenced to death. The jury deadlocked on punishment for Tello, and he was sentenced to life in prison. Although not litigated at trial, Ortiz has a full scale I.Q. of 54. A 2255 motion for post-conviction relief was denied, after an evidentiary hearing. An appeal is pending.

Authorized Federal Capital Prosecutions Which Resulted in an Original Sentence of Death - 6/10/2016

Sinisterra, German

W.D. MO No. 98- 00311-01/05-CR-W-2

Died Before Execution

Name of AG Reno

Race & gender of def B M Victim R HM

Date of DP notice 4/28/1999

four Colombians charged in a drug related murder. The alleged ringleader, Hinestroza, was a fugitive who was eventually arrested and received a life sentence at a separate trial. Hinestroza and his gang sold cocaine in the Kansas City area. The victim and his nephew (who sold cocaine for the gang) stole \$240,000 from them. The defendants tied up, interrogated, duck taped and shot both victims. The nephew lived, escaped and identified the defendants. Sinisterra shot and killed one victim. Ortiz or Tello shot the surviving victim. Sinisterra and Ortiz were sentenced to death. The jury deadlocked on punishment for Tello, and he was sentenced to life in prison. A 2255 motion for post-conviction relief was denied without a hearing. This ruling was reversed on appeal and remanded for an evidentiary hearing. While the case was pending 2255 proceedings, Sinisterra died.

Higgs, Dustin

D. MD CR No. PJM-98- 0502

Death row - 2255

Name of AG Reno

Race & gender of def B M Victim R BF

Date of DP notice 10/22/1999

the January 1996 triple intrastate kidnapping/murder of three black females from D.C. Patuxent Wildlife Research Center (USFW), federal property. Haynes, 20, confessed that he fired the shots. He said Higgs, 26, gave him the gun and told him to do it after an argument with the women. The defendants are African-American and were involved in another shooting six weeks before. Haynes' jury deadlocked and he was sentenced to life in prison. Higgs was sentenced to death by an all male jury at a separate, subsequent trial. The government suggested a witness killing motive at this trial and alleged Higgs plotter to kill a government witness and/or his family. He was already serving a 17 year sentence on a drug conviction. All involved are African-American. All post-conviction appeals have been denied.

Vialva, Christopher Andre

W.D. TX No. W99CR070

Death row - 2255

Name of AG Reno

Race & gender of def B M Victim R WF WM

Date of DP notice 2/29/2000

gun murders by Vialva, 19, Bernard, 18, and two juveniles, all with alleged gang affiliations. These African-Americans were convicted of a 1999 18 U.S.C. § 1111 carjacking/double homicide and robbery of a young white "church" couple. The bodies of the victims were found in the trunk of their car just inside the Fort Hood boundary, with gunshot wounds to the face and head. The vehicle had been set on fire. Authorities believe Vialva shot the victims. A 2255 motion for post-conviction relief was denied. An appeal is pending.

Bernard, Brandon

W.D. TX No. W99CR070

Death row - 2255

Name of AG Reno

Race & gender of def B M Victim R WF WM

Date of DP notice 2/29/2000

gun murders by Vialva, 19, Bernard, 18, and two juveniles, all with alleged gang affiliations. These African-Americans were convicted of a 1999 18 U.S.C. § 1111 carjacking/double homicide and robbery of a young white "church" couple. The bodies of the victims were found in the trunk of their car just inside the Fort Hood boundary, with gunshot wounds to the face and head. The vehicle had been set on fire. Authorities believe Vialva shot the victims. A 2255 motion for post-conviction relief was denied. An appeal is pending.

Authorized Federal Capital Prosecutions Which Resulted in an Original Sentence of Death - 6/10/2016

Nelson, Keith D. | W.D. MO No. 99-CR-303-1

Death row - 2255 | Name of AG Reno

Race & gender of def | W | M | Victim R | WF | Date of DP notice 3/20/2000

the interstate 1999 kidnapping and murder of a ten year old girl, in violation of 18 U.S.C. §1201. Both the defendant and the victim are white. A 28 U.S.C. §2255 motion was denied without an evidentiary hearing or the grant of a Certificate of Appealability. The Eighth Circuit reversed the district court and remanded the case for an evidentiary hearing, after which the §2255 motion was again denied. An appeal is pending.

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

Authorization withdrawn | Name of AG Ashcroft

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

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

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

Death row - 2255 | Name of AG Ashcroft

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

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

Jackson, Richard | W.D. NC No. 00-CR-74

Death row - 2255 | Name of AG Reno

Race & gender of def | W | M | Victim R | WF | Date of DP notice 12/4/2000

a capital defendant in state court who pled guilty to second degree murder, intrastate kidnaping and rape of a 22 year old woman jogging Halloween morning in the Pisgah National Forest (USFS). Jackson received a 25 - 31 years sentence in state court. He was charged in federal court in another case after the North Carolina Supreme Court reversed his original death sentence and conviction, and suppressed his confession on Edwards grounds. Jackson was 31 years old. The victim was tied with duct tape to a tree on federal land in the Bent Creek Recreation Area in the Pisgah National Forest off Blue Ridge Parkway, on federal land, raped and shot one time. All involved are white. All post-conviction motions have been denied.

Authorized Federal Capital Prosecutions Which Resulted in an Original Sentence of Death - 6/10/2016

Fell, Donald

D. VT 2:01-CR-12-01

Awaiting resentencing or retrial

Name of AG Ashcroft

Race & gender of def

W M

Victim R WF, WM

Date of DP notice 1/30/2002

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

Robinson, Julias Omar

N.D. TX No. 00-CR-260

Death row - 2255

Name of AG Ashcroft

Race & gender of def

B M

Victim R HM BM

Date of DP notice 10/19/2001

a Fort Worth drug trafficking prosecution of the leaders of an Arlington-based drug ring responsible for three murders. The first killing involved a 1998 shooting of an African-American, mistaken for the intended victim, in a car traveling on Cential Expressway. A second 1999 killing was of an Hispanic person, mistaken for the intended victim, his brother, who allegedly sold a fake kilo of cocaine to Robinson. Britt was the triggerman in the third 1999 killing of another drug dealer, a Mexican national, who had stolen 20 kilos from a Laredo drug kingpin. Robinson was following in another car. Britt and Robinson, African-American, both allegedly fired weapons in the first and second incidents. Attorney General Ashcroft rejected a plea agreement involving a life sentence. Co-defendant Britt was sentenced to life in prison at a separate trial. Robinson has filed a lethal injection lawsuit in the DC Circuit Court. All post-conviction motions have been denied.

Agofsky, Shannon Wayne

E.D. TX 1:03-CR 173

Death row - 2255

Name of AG Ashcroft

Race & gender of def

W M

Victim R WM

Date of DP notice 1/30/2004

Agofsky, along with his brother, was serving a life sentence for the 1992 abduction and murder of a president of a financial institution. Agofsky took him to the institution and forced him to open the vault and then killed him. In 2004, Agofsky was convicted of beating, kicking and stomping to death a fellow inmate at a federal prison in Beaumont, Texas. The victim was serving a term for arson and firearms. The government alleged this was a premeditated prison "gang" hit. All involved are white. This was the fourth murder at Beaumont FCI since March of 1997. The Fifth Circuit affirmed. 458 F.3d 369. A 28 U.S.C. §2255 motion is pending.

Sampson, Gary

D. MA No. 01-CR-10384

Awaiting resentencing or retrial

Name of AG Ashcroft

Race & gender of def

W M

Victim R WM

Date of DP notice 11/19/2002

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

Authorized Federal Capital Prosecutions Which Resulted in an Original Sentence of Death - 6/10/2016

Purkey, Wesley Ira | W.D. MO No. 01-CR-308

Death row - 2255 | Name of AG Ashcroft

Race & gender of def | W | M | Victim R | WF | Date of DP notice 11/25/2002

the 1998 interstate kidnapping (from Missouri to Kansas), rape and murder of a 17 year old high school girl, whose body was then dismembered and burned. Purkey is serving a prison sentence for another killing. Previously, Purkey was paroled after 17 years for shooting a man. Both victim and defendant are white. All post-conviction motions have been denied.

Fields, Sherman Lamont | W.D. TX No. 01-CR-164

Death row - 2255 | Name of AG Ashcroft

Race & gender of def | B | M | Victim R | BF | Date of DP notice 5/23/2003

a jail escape and a domestic murder. The 2001 domestic killing/gun murder in Waco of a former girlfriend and mother of three young children, by a twice convicted felon who escaped from jail. Initially, the jury was deadlocked on punishment. Fields was a federal prisoner who bribed a jail guard to leave a door unlocked. Fields represented himself during the guilt phase. All involved are black. An appeal was denied. 549 F.3d 963 (2007). All post-conviction motions have been denied.

Mitchell, Lezmond | D. AZ No. 01-CR-1062

Death row - 2255 | Name of AG Ashcroft

Race & gender of def | NA | M | Victim R | NAF | Date of DP notice 9/13/2002

murder on Navajo tribal land. All involved are Native American. The defendant and a juvenile got a ride from a woman and her 9 year old granddaughter, killed both and stole the car supposedly for use in an armed robbery. Each victim was stabbed at a separate location. In an attempt to hide the victim's identity, the hands and heads of the victims were removed. Attorney General Ashcroft required a capital prosecution against Mitchell under a carjacking theory -- although the Navajo tribe has not "opted in" to the federal death penalty. A 28 U.S.C. §2255 motion was denied. An appeal is pending.

Mikos, Ronald | N.D. IL No. 02-CR 137

Death row - 2255 | Name of AG Ashcroft

Race & gender of def | W | M | Victim R | WF | Date of DP notice 12/16/2002

involves the § 1512 murder on January 27, 2002, of a government witness to prevent her testimony before the grand jury. Mikos, a podiatrist, and another are accused in many counts of defrauding Medicare, HCFA and HHS. When the victim was served with a federal grand jury subpoena for her testimony regarding treatment/non-treatment by Mikos, he allegedly tried to persuade the victim to lie to the grand jury either by claiming lack of memory or stating that the surgery had been performed. When she refused he allegedly shot her. All involved are white. Direct appeal was denied. A 28 USC 2255 motion is pending.

Authorized Federal Capital Prosecutions Which Resulted in an Original Sentence of Death - 6/10/2016

Fulks, Chadrick | D. SC No. 02-CR-992

Death row - 2255 | Name of AG Ashcroft

Race & gender of def W M | Victim R WF | Date of DP notice 9/12/2003

carjacking and interstate kidnapping from a WalMart parking lot of a woman whose body was never recovered. A video camera captured part of the abduction. Witnesses saw her with the defendants later that day in North Carolina. The defendants had escaped 10 days earlier from a Kentucky jail. Basham was arrested three days later after allegedly trying to hijack a car at an Ashland, Kentucky mall. He has been charged with attempted murder and robbery. Fulks was arrested six days later, in Goshen, Indiana. The defendants are also accused of kidnapping a Kentucky man and leaving him tied to a tree in Evansville, Indiana. Basham has told the FBI that he and Fulks abducted another victim, a 19-year-old West Virginia college student, three days before the South Carolina abduction. Her car was found burned in West Virginia. A separate federal capital indictment was filed in that state and both defendants pled guilty and were sentenced to life in prison. All involved are white. All post-conviction motions have been denied.

Basham, Branden | D. SC No. 02-CR-992

Death row - 2255 | Name of AG Ashcroft

Race & gender of def W M | Victim R WF | Date of DP notice 9/12/2003

carjacking and interstate kidnapping from a WalMart parking lot of a woman whose body was never recovered. A video camera captured part of the abduction. Witnesses saw her with the defendants later that day in North Carolina. The defendants had escaped 10 days earlier from a Kentucky jail. Basham was arrested three days later after allegedly trying to hijack a car at an Ashland, Kentucky mall. He has been charged with attempted murder and robbery. Fulks was arrested six days later, in Goshen, Indiana. The defendants are also accused of kidnapping a Kentucky man and leaving him tied to a tree in Evansville, Indiana. Basham has told the FBI that he and Fulks abducted another victim, a 19-year-old West Virginia college student, three days before the South Carolina abduction. Her car was found burned in West Virginia. A separate federal capital indictment was filed in that state and both defendants pled guilty and were sentenced to life in prison. All involved are white. A direct appeal was denied. 561 F.3d 302 (4th Cir. 2009). A 28 USC 2255 motion was denied. An appeal is pending.

LeCroy, William Emmett | N.D. GA No. 02-CR-38

Death Row - 2255 | Name of AG Ashcroft

Race & gender of def W M | Victim R WF | Date of DP notice 12/20/2002

a carjacking murder. The victim, a nurse practitioner, came home, was surprised inside her home, bound, raped, stabbed to death in her bedroom. LeCroy took car keys from her purse and then stole her Ford Explorer. He was arrested two days later in Minnesota trying to enter Canada with the victim's SUV. All involved are white. His direct appeal was denied. 441 F.3d 914 (11th Cir. 2006). All post-conviction motions have been denied.

Mikhel, Iouri | C.D. CA CR No. 02-220 (A)-NM

Death row - 2255 | Name of AG Ashcroft

Race & gender of def W M | Victim R WF WM | Date of DP notice 8/3/2004

five kidnapping ransom murders by the Russian mob. Wealthy Russian immigrants were kidnapped, held for ransom, murdered and their bodies dumped in a reservoir. 1.2 million was collected in ransom. All involved are Caucasian. Mikhel and Kadamovas are charged in four, the others in two, except Krylov, who is charged in three murders. The indictment charged hostage taking resulting in death. 18 U.S.C. §1203. Mikhel, Kadamovas and Krylov faced the death penalty. Mikhel and Kadamovas were sentenced to death. At a separate trial, Krylov was sentenced to life imprisonment after Attorney General Gonzales rejected an offer to plead guilty. A direct appeal is pending.

Authorized Federal Capital Prosecutions Which Resulted in an Original Sentence of Death - 6/10/2016

Kadamovas, Jurijus

C.D. CA CR No. 02-220 (A)-NM

Death row - Appeal

Name of AG Ashcroft

Race & gender of def W M Victim R WF WM

Date of DP notice 8/3/2004

five kidnapping ransom murders by the Russian mob. Wealthy Russian immigrants were kidnapped, held for ransom, murdered and their bodies dumped in a reservoir. 1.2 million was collected in ransom. All involved are Caucasian. Mikhel and Kadamovas are charged in four, the others in two, except Krylov, who is charged in three murders. The indictment charged hostage taking resulting in death. 18 U.S.C. §1203. Mikhel, Kadamovas and Krylov faced the death penalty. Mikhel and Kadamovas were sentenced to death. At a separate trial, Krylov was sentenced to life imprisonment after Attorney General Gonzales rejected an offer to plead guilty. A direct appeal is pending.

Corley, Odell

N.D. IN No. 02-CR-116

Death row - 2255

Name of AG Ashcroft

Race & gender of def B M Victim R WF WM

Date of DP notice 8/14/2003

bank robbery and gun murders. Five people, three African-American males, one African-American female and one white woman (the pregnant girlfriend of Johnson), robbed a bank and shot to death a white female teller, while wounding another white male teller who died ten weeks after the shooting. A white male security guard was also wounded, leaving him a paraplegic. Corley, who has taken the name Nasih Khalil Ra'id, was the ring leader who burst into the bank shooting. Johnson was also a gunman. McGregor was a driver. Gay and Ramsey were some distance away. The robbery was videotaped although the gunman was in disguise. Corley's palm print was found inside the bank. Corley committed a prior murder in 1998. An appeal was denied. 519 F.3d 716 (7th Cir. 2008). A 28 USC 2255 motion is pending.

Taylor, Rejon

E.D. TN No. 1:04-CR-00160-1

Death row - Appeal

Name of AG Gonzales

Race & gender of def B M Victim R WM

Date of DP notice 6/1/2006

a cross-racial interstate kidnapping, carjacking, gun murder of an Atlanta restaurant owner who was a potential witness against Taylor in an identity theft scheme. The victim was abducted in Atlanta and killed in Tennessee. Fearing prosecution, the defendants robbed, kidnapped and threatened the deceased who was shot and killed while trying to escape. Matthews fired also and was himself accidentally shot by Taylor. Taylor fired the fatal shots. Attorney General Gonzales required a capital prosecution after Taylor attempted to escape from jail. The defendants are black, the victim white. A direct appeal is pending.

Barrett, Kenneth Eugene

E.D. OK CR No. 04-100-M-S

Death row - 2255

Name of AG Gonzales

Race & gender of def W M Victim R WM

Date of DP notice 2/15/2005

law enforcement officer victim. Barrett lived in a small, rural, self-built cabin without electricity and running water. A "no-knock" warrant was issued based on allegations that he was a drug manufacturer/dealer, a gun owner and had previously made statements about killing law enforcement officers. During a late night raid, Barrett grabbed a gun and started shooting at an unmarked Ford Bronco approaching the cabin. The police shot back and Barrett was wounded. A state law enforcement officer was killed. There are numerous drug-related charges in the complaint. Barrett was tried twice in state court - the first trial resulting in a hung jury and the second resulting in manslaughter and assault with intent to kill convictions. All involved are white. His conviction and death sentence were affirmed on direct appeal. 496 F.3d 1079 (10th Cir. 2007). A 28 U.S.C. §2255 motion was denied. An appeal is pending.

Authorized Federal Capital Prosecutions Which Resulted in an Original Sentence of Death - 6/10/2016

Bolden, Robert, Sr. | E.D. MO No. 4:02-CR 0557 CEF (AGF)

Death row - 2255 | Name of AG Ashcroft

Race & gender of def | B | M | Victim R | WM | Date of DP notice | 10/7/2003

a cross-racial 2002 bank robbery gun murder. 18 U.S.C. §§924(c), 1111 and 2113. The victim was a white security guard, the son of a police officer, who encountered three robbers in the parking lot of the Bank of America. The defendants are African-American. Only Bolden faced the death penalty. Bolden's conviction and death sentence were affirmed on appeal. 545 F.3d 609 (8th Cir. 2008). A 28 USC §2255 motion is pending.

Brown, Meier Jason | S.D. GA CR No. 403-01

Death row - 2255 | Name of AG Ashcroft

Race & gender of def | B | M | Victim R | WF | Date of DP notice | 5/5/2003

the stabbing murder of a United States Postal Service employee during a robbery at a United States Post Office. Brown confessed and blood was found on his jacket and bike. The victim is white and the defendant is black. She was stabbed 10 times. There was a conditional plea agreement specifying a life sentence but Attorney General Ashcroft rejected it and required a capital trial. All post-conviction motions have been denied.

Bourgeois, Alfred | S.D. TX CR No. 02-216

Death row - 2255 | Name of AG Ashcroft

Race & gender of def | B | M | Victim R | BF | Date of DP notice | 7/23/2003

killing on federal land - a two year old child who died from "shaken baby syndrome". The baby was found unresponsive beside her father's tractor-trailer. Bourgeois and his wife told authorities the toddler had fallen out of the cab while they were making a delivery at Naval Air Station Corpus Christi. The toddler had seven major hemorrhages - two behind her right ear, two above her right eye and three in the back of her skull. The pathologist who examined the toddler's body called it "one of the worst cases of child abuse she'd ever seen." Bourgeois's wife and his 7-year-old daughter alleged Bourgeois had abused the toddler before. "(Bourgeois) hit her as hard as he would hit another man," the wife told the FBI, according to an affidavit. All involved are African-American. The death sentence was affirmed on appeal. 423 F.3d 501 (5th Cir. 2005). A 28 USC §2255 motion was rejected. All post-conviction motions have been denied.

Fields, Edward | E.D. OK No. 6:03-CR-00073

Death row - 2255 | Name of AG Ashcroft

Race & gender of def | W | M | Victim R | WF WM | Date of DP notice | 3/15/2004

a robbery and gun murder of a married couple on federal land in the Winding Stair Campgrounds in the Quachita National Forest (USFS). All involved are white. Fields has no prior criminal record, a good military record and a history of intellectual disability. Fields had been living in the forest. The murders occurred around July 10, 2004. Fields, a former prison guard, went on a shopping spree with the victim's credit cards. He confessed expressing remorse. Fields pled guilty and was sentenced to death by jury. A direct appeal was denied. A 28 USC 2255 motion is pending.

Authorized Federal Capital Prosecutions Which Resulted in an Original Sentence of Death - 6/10/2016

Lighty, Kenneth Jamal | D. MD No. 8:03-CR-00457-PJM

Death row - 2255 | Name of AG Ashcroft

Race & gender of def B M | Victim R BM | Date of DP notice 12/28/2004

three defendants, and possibly another, kidnapped the teenage victim in D.C., transported him to Maryland, where he was shot to death. The victim was the son of a Washington police officer. Lighty is charged as the shooter, and the other two with assisting him. All involved are African-American. Co-defendant Wilson was convicted of conspiracy to kidnap but acquitted of kidnapping and weapons charges. A direct appeal was denied. A 28 USC 2255 motion is pending.

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.

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

Death row - 2255 | Name of AG Ashcroft

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

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

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

Dismissal after notice by Judge | Name of AG Gonzales

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

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

Authorized Federal Capital Prosecutions Which Resulted in an Original Sentence of Death - 6/10/2016

Lawrence, Daryl | S.D. OH No. 2:05-CR-00011-GLF-1

Death row - 2255 | Name of AG Gonzales

Race & gender of def | B | M | Victim R | WM | Date of DP notice | 9/26/2005

a cross-racial law enforcement officer victim - a January 2004 gun murder of a law enforcement officer during a bank robbery. Lawrence committed other bank robberies in August and September of 2004. The Columbus, Ohio police officer and bank security guard victim is white and the defendant is black. A new trial motion was granted in October 2006, but the Sixth Circuit reversed. 555 F.3d 254 (2009). An appeal was denied. 735 F.3d 385. 28 USC 2255 proceedings are pending.

Caro, Carlos David | W.D. VA No. 06 CR 00001

Death row - 2255 | Name of AG Gonzales

Race & gender of def | H | M | Victim R | HM | Date of DP notice | 1/11/2006

a 2003 BOP prison inmate strangulation murder of a cellmate at USP Lee by an alleged member of the Texas Syndicate prison gang. Caro was serving a 71 month sentence, had supervised release revoked and then received 327 months (27 years) in 2003 for conspiracy to murder involving a prison gang related stabbing. The murder was triggered by a dispute over a food tray. All involved are Hispanic. A direct appeal was denied. 597 F.3d 608, reh'ing den., 614 F.3d 101 (4th Cir. 2010). A 28 USC 2255 motion was denied. An appeal is pending.

Montgomery, Lisa | W.D. MO No. 5:05-CR-06002-GAF

Death Row - 2255 | Name of AG Gonzales

Race & gender of def | W | F | Victim R | WF | Date of DP notice | 11/16/2005

a baby girl was cut of her murdered mother's womb and taken across state lines. She was found alive in the possession of a Kansas woman, who police charged with interstate kidnapping resulting in death. Kevin and Lisa Montgomery have two older children, but she had recently lost a baby. The victim was eight months pregnant and strangled with a rope. Montgomery confessed. All involved are white. A 28 USC §2255 motion is pending.

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

Life sentence from jury | Name of AG Gonzales

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

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

Authorized Federal Capital Prosecutions Which Resulted in an Original Sentence of Death - 6/10/2016

Friend, Valeri

S.D. WV CR No. 2:05-00107

Guilty plea

Name of AG Gonzales

Race & gender of def W F Victim R WF

Date of DP notice 8/16/2006

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

Duncan, Joseph

D. ID CR No. 07-23-N-EJL

Death row - Appeal

Name of AG Gonzales

Race & gender of def W M Victim R WM

Date of DP notice 1/23/2007

interstate kidnapping and four murders, including sexual abuse, torture and murder of innocent children. Two adults and a 13 year old boy were beaten to death in North Idaho. Two young children, a girl 8 years old and a boy 9, were kidnapped. Duncan is a registered sex offender, having been released in 2000 after many years in a Washington state prison. Both children were tortured and sexually abused and the 8 year old girl watched her 9 year old brother die. Duncan videotaped the abuse and torture. The 8-year old girl was seen with Duncan and was rescued. Duncan confessed to a double child kidnapping murder in Seattle, Washington and a child murder in Riverside, California. Duncan pled guilty to other murders in Idaho. Duncan pled guilty, was found competent and represented himself, putting up no defense at the penalty trial. All involved are white. Duncan was found competent after the Ninth Circuit remanded the case for a retrospective competency determination. An appeal is pending.

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.

Hager, Thomas Morocco

E.D. VA No. 1:05-CR-00264-TSE

Death row - 2255

Name of AG Gonzales

Race & gender of def B M Victim R WF

Date of DP notice 5/30/2006

the 1993 stabbing death of a white Fairfax County woman by a black convict who is also serving a life sentence. Since 1992, Hager allegedly killed five other people and ordered the slaying of a seventh person. Co-defendants Barnett and Johnson, juveniles, pled guilty and received life sentences for the 1993 murder of Barbara White, a 19-year-old single mother. They stabbed the victim 82 times in her bathtub while her 13 month old daughter was elsewhere in the apartment. Hager, a crack cocaine dealer, was involved in the stabbing. Hager is also serving a minimum 87 year sentence for killing another man in March of 1995. He broke into that victim's apartment and shot him. In 1999 he was convicted of manslaughter in an October 1996 shooting. Hager was involved in crime dating to a conviction for dealing cocaine as a 16-year-old. He was involved in robbing people, including rival drug dealers, of drugs, money and other valuables. Hager is suspected in, but has not been charged in several other killings. He was also involved in other murders in 1992, two in 1996 and 1997. He attempted murder in 1993 by shooting two rival drug dealers. Since being jailed in 1999 he was armed and involved in four assaults. Hager bragged that he trained his juvenile accomplices to be killers. A 28 USC 2255 motion is pending.

Authorized Federal Capital Prosecutions Which Resulted in an Original Sentence of Death - 6/10/2016

Ebron, Joseph | E.D. TX No. 1:07-CR-142 (1:08-CR-00036)

Death row - 2255

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. A 28 USC 2255 motion is pending.

Sanchez, Ricardo | S.D. FL 06-80171-CR-HURLEY/VITUNAC(s)(s)

Death Row - 2255

Name of AG Mukasey

Race & gender of def | H | M | Victim R | HF HM

Date of DP notice 2/20/2008

gun carjacking murders of a man allegedly involved in cocaine trafficking and his wife and two children, ages 4 and 3 on the Florida Turnpike. All involved are Hispanic. 28 USC 2255 proceedings are pending.

Troya, Danny | S.D. FL 06-80171-CR-HURLEY/VITUNAC(s)(s)

Death Row - 2255

Name of AG Mukasey

Race & gender of def | H | M | Victim R | HF HM

Date of DP notice 2/20/2008

gun carjacking murders of a man allegedly involved in cocaine trafficking and his wife and two children, ages 4 and 3. All involved are Hispanic. 28 USC 2255 proceedings are pending.

Aquart, Azibo | D. CT 3:06CR160 (PCD)

Death Row - Appeal

Name of AG Mukasey

Race & gender of def | B | M | Victim R | BF BM

Date of DP notice 1/29/2009

a triple murder of a rival in the drug business, his girlfriend and a visitor, who were bound and gagged and bludgeoned to death with a baseball bat by leaders of a Jamaican drug gang. All the defendants and victims are black. The Aquart brothers faced the death penalty. Johnson, who cooperated, did not. After Azibo's trial, his brother, Azikiwe, entered into a plea agreement and was sentenced to life in prison. A direct appeal is pending.

Snarr, Mark | E.D. TX 1:09-CR-00015-MAC-KFG All

Death Row - 2255

Name of AG Filip

Race & gender of def | W | M | Victim R | BM

Date of DP notice 2/13/2009

BOP inmate murder at FCC Beaumont by the alleged founder of the white supremacist group Soldiers of the Aryan Culture, which was formed in the Utah state prison system. Two BOP guards were stabbed before the murder, but survived after long hospital stays. Snarr took the keys from a guard and opened the victim's cell door. Snarr is white, Garcia is Hispanic and the victim is black. A direct appeal was denied. A 28 USC 2255 motion is pending.

Authorized Federal Capital Prosecutions Which Resulted in an Original Sentence of Death - 6/10/2016

Runyon, David | E.D. VA CR No. 4:08-CR-16

Death row - 2255 | Name of AG Mukasey
 Race & gender of def A M | Victim R WM | Date of DP notice 7/17/2008

a gun murder for hire in Newport News of a husband. Catherina Voss was married to the victim and she and her boyfriend Draven contracted with Runyon to kill Voss' husband. The alleged motive was to obtain the victim's military benefits. Voss was sentenced to life in return for her testimony. 28 USC 2255 proceedings are pending.

Garcia, Edgar B. | E.D. TX 1:09-CR-00015-MAC-KFG All

Death Row - 2255 | Name of AG Filip
 Race & gender of def H M | Victim R BM | Date of DP notice 2/13/2009

BOP inmate murder at FCC Beaumont by the alleged founder of the white supremacist group Soldiers of the Aryan Culture, which was formed in the Utah state prison system. Two BOP guards were stabbed before the murder, but survived after long hospital stays. Snarr allegedly took the keys from a guard and opened the victim's cell door. Snarr is white, Garcia is Hispanic and the victim is black. A direct appeal was denied. A 28 USC 2255 motion is pending.

Umana, Alejandro Enrique | W.D. NC No. 3:08-CR-134-RJC

Death row - 2255 | Name of AG Mukasey
 Race & gender of def H M | Victim R HM | Date of DP notice 9/23/2008

four murders by members of the MS-13 gang. Alleged are double murders in 2005 and 2007 and a single murder in 2008. Umana received the death penalty for a 2007 double murder. He also allegedly committed two additional uncharged murders. Fernandez-Gradis was charged in two murders, Gonzalez in one, but they did not face the death penalty. The district court rejected a claim of intellectual disability. All involved are Hispanic. 28 USC 2255 proceedings are pending.

Savage, Kaboni | E.D. PA No. 2:07-CR-00550-RBS

Death row - Appeal | Name of AG Holder
 Race & gender of def B M | Victim R BF BM HM | Date of DP notice 3/14/2011

involves murders allegedly orchestrated by Philadelphia drug kingpin Kaboni Savage, already serving 30 years for drug trafficking. Thirteen murders are charged, including a 2004 arson fire that killed six people, including four children - ages 15, 12, 10 and 1. The fire was set to retaliate against a federal informant who was testifying against Savage. Kaboni Savage is charged in twelve murders, Merritt in six, Kidada Savage in six involving the arson and Northington in two. All involved are black, except one victim, who is an Hispanic male. A direct appeal is pending.

Coonce, Wesley Paul Jr. | W.D. MO 10-03029-01/02-CR-S-GAF

Death row - Appeal | Name of AG Holder
 Race & gender of def W M | Victim R HM | Date of DP notice 7/22/2011

a BOP murder at the Medical Center in Springfield, Missouri, by two inmates. Coonce is already serving a life sentence. The defendants are white, the victim Hispanic. A direct appeal is pending.

Authorized Federal Capital Prosecutions Which Resulted in an Original Sentence of Death - 6/10/2016

Hall, Charles Michael | W.D. MO 10-03029-01/02-CR-S-GAF

Death row - Appeal | Name of AG Holder

Race & gender of def | W | M | Victim R | HM | Date of DP notice | 7/22/2011

a BOP murder at the Medical Center in Springfield, Missouri, by two inmates. Hall was serving a sentence of 43 months, which began in 2009. The defendants are white, the victim Hispanic. A direct appeal is pending.

Sanders, Thomas Steven | W.D. LA No. 1:10CR00351

Death row - Appeal | Name of AG Holder

Race & gender of def | W | M | Victim R | WF | Date of DP notice | 8/1/2012

interstate kidnapping from Las Vegas, Nevada, to Arizona to Louisiana and murder of a mother, whose remains were located in Arizona, and a child, a daughter (age 12), whose remains were found in Louisiana. Attorney General Holder rejected a plea agreement. All involved are white. A direct appeal is pending.

Torrez, Jorge Avila | E.D. VA No. 1:11-CR-115

Death Row - Appeal | Name of AG Holder

Race & gender of def | H | M | Victim R | WF | Date of DP notice | 2/9/2012

rape murders by an Hispanic ex-marine already serving life sentences in Virginia for an abduction and rape of a Maryland graduate student. In 2009, a 20 year old Navy petty officer was raped and murdered on a military base in Arlington. Previously, two young girls were murdered in Illinois, stabbed in the eye. The government alleges a DNA link to all. The victims are all white. Torrez waived the presentation of mitigating evidence. A direct appeal is pending.

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

Death row - Appeal | Name of AG Holder

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

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