

**Authorized Federal Capital Prosecutions Which Resulted in  
Dismissal by Judge for Legal Reasons - 6/13/16**

Williams, George Travis

N.D. GA CR No. 1:92-CR-142

Dismissal after notice by Judge

Name of AG Barr

Race & gender of def B M Victim R BM

Date of DP notice 5/27/1992

a black Atlanta drug distributor who had capital charges dismissed in connection with three murders. Mr. Williams was accused of ordering the killing of one person in 1988, and killing two in 1989 and another in 1990. Murder for hire is alleged as an aggravating circumstance. In June, 1994, the district court dismissed the capital charges on double jeopardy grounds, because the government had already secured a conviction and 30-year sentence for much of the alleged drug-related conduct. A government motion to reconsider this ruling was denied. All involved were African-American.

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).

Ferebee, Donald

D. MD CR No. 96-96-2273

Dismissal after notice by Judge

Name of AG Reno

Race & gender of def B M Victim R BF BM

Date of DP notice 4/2/1998

a Baltimore drug dealer alleged to have arranged for the contract killing of a police informant who had implicated him in a prior drug-related murder. A female bystander was also killed accidentally during the shooting. The death penalty was authorized only for the murder of the witness/informant. The actual gunman cooperated with the government and did not face the death penalty for either of the killings. The government also declined to seek the death penalty against the other perpetrator present at the scene of the killing. All defendants and both victims are African-American. Attorney General Reno authorized the death penalty against Ferebee in April, 1998, and the trial was postponed pending Ferebee's appeal since he is already serving a federal life-without-parole sentence for the initial murder. Attorney General Ashcroft rejected a plea agreement involving a life sentence. The 4th circuit remanded for a determination as to whether the Notice of Intent to seek the Death Penalty was filed too late. 332 F.3d 722. The Court denied rehearing. 2003 WL 221 36798. The District Court determined that it had been filed too late and dismissed the death notice. 2005 WL 1429261.

Garcia, Efraim

E.D. MI CR No. 97-80727

Dismissal after notice by Judge

Name of AG Reno

Race & gender of def H M Victim R WM

Date of DP notice 9/24/1998

a gang known as the "Cash Flow Posse" charged with various racketeering crimes, including five murders and other assaults. The motive was a dispute over gang territory. Garcia was a 29 year old Colombian. All the killings but one predate the effective date of the '94 act. Garcia was the only capital defendant. He was charged with personally carrying out all five murders. Garcia was offered a plea to life, signed a Rule 11 plea agreement but the plea agreement broke down during the colloquy in court. The United States then decided to seek the death penalty. However, the district court dismissed the capital count (a racketeering murder) because of an insufficient "Commerce Clause" nexus. 68 F.Supp.2d 802 (E.D. MI 1999). The government decided not to appeal.

**Authorized Federal Capital Prosecutions Which Resulted in  
Dismissal by Judge for Legal Reasons - 6/13/16**

Colon-Miranda, Andres

D. PR CR No. 95-029 JAF

Dismissal after notice by Judge

Name of AG Reno

Race & gender of def  H  M Victim R  HM

Date of DP notice 11/7/1997

a judge blocked a capital trial of three Puerto Rican defendants involved in a drug gang homicide. 985 F.Supp. 36; 992 F.Supp. 82. The government initially indicated that authorization would not be sought for a capital prosecution, but then attempted to reverse its position seven weeks before trial. Attorney General Reno required a capital prosecution. The district court declined to continue the trial and refused, despite the Attorney General's authorization and notice of aggravating circumstances filed shortly before trial, to permit the government to ask for the death penalty.

Martinez-Velez, David Samuel

D. PR CR No. 95-029 JAF

Dismissal after notice by Judge

Name of AG Reno

Race & gender of def  H  M Victim R  HM

Date of DP notice 11/7/1997

a judge blocked a capital trial of three Puerto Rican defendants involved in a drug gang homicide. 985 F.Supp. 36; 992 F.Supp. 82. The government initially indicated that authorization would not be sought for a capital prosecution, but then attempted to reverse its position seven weeks before trial. Attorney General Reno required a capital prosecution. The district court declined to continue the trial and refused, despite the Attorney General's authorization and notice of aggravating circumstances filed shortly before trial, to permit the government to ask for the death penalty.

Rosario-Rodriguez, Edwin

D. PR CR No. 95-029 JAF

Dismissal after notice by Judge

Name of AG Reno

Race & gender of def  H  M Victim R  HM

Date of DP notice 11/7/1997

a judge blocked a capital trial of three Puerto Rican defendants involved in a drug gang homicide. 985 F.Supp. 36; 992 F.Supp. 82. The government initially indicated that authorization would not be sought for a capital prosecution, but then attempted to reverse its position seven weeks before trial. Attorney General Reno required a capital prosecution. The district court declined to continue the trial and refused, despite the Attorney General's authorization and notice of aggravating circumstances filed shortly before trial, to permit the government to ask for the death penalty.

Brown, Ricky Lee

N.D. WV No. 1:98CR34

Dismissal after notice by Judge

Name of AG Reno

Race & gender of def  W  M Victim R  WF WM

Date of DP notice 2/22/1999

arson/murder by their parents of five children, after an insurance policy was issued on the dwelling and the Brown's children. Federal charges were based on the use of the mail and phones. The district court declined to make a pretrial determination on Ricky Brown's intellectual disability claim. However, the capital counts were dismissed after the Supreme Court's decision in United States v. Jones, 592 U.S. 848 (2000). After a non-capital trial, the Browns were acquitted. Ables pled guilty and became a government witness. All involved are Caucasian. State charges were also filed.

**Authorized Federal Capital Prosecutions Which Resulted in  
Dismissal by Judge for Legal Reasons - 6/13/16**

Brown, Barbara M.

N.D. WV CR No. 1:98CR34

Dismissal after notice by Judge

Name of AG Reno

Race & gender of def

W F

Victim R WF WM

Date of DP notice 2/22/1999

arson/murder by their parents of five children, after an insurance policy was issued on the dwelling and the Brown's children. Federal charges were based on the use of the mail and phones. However, the capital counts were dismissed after the Supreme Court's decision in United States v. Jones, 592 U.S. 848 (2000). After a non-capital trial, the Browns were acquitted. Ables pled guilty and became a government witness. All involved are Caucasian. State charges were also filed.

Ables, Janette A.

N.D. WV CR No. 1:98CR34

Dismissal after notice by Judge

Name of AG Reno

Race & gender of def

W F

Victim R WF WM

Date of DP notice 2/22/1999

arson/murder by their parents of five children, after an insurance policy was issued on the dwelling and the Brown's children. Federal charges were based on the use of the mail and phones. However, the capital counts were dismissed after the Supreme Court's decision in United States v. Jones, 592 U.S. 848 (2000). After a non-capital trial, the Browns were acquitted. Ables pled guilty and became a government witness. All involved are Caucasian. State charges were also filed.

Stewart, Charles Louis

W.D. KY CR No. 4:99-CR-11-M

Dismissal after notice by Judge

Name of AG Ashcroft

Race & gender of def

W M

Victim R WM

Date of DP notice 7/6/2001

contract killing of men in Alabama and Kentucky. Lyon, 19, and co-defendant Charles Stewart, 54, are charged with conspiracy and murder for hire. Stewart and Richard Dorman, 62, are charged with being partners in an 18-month forged-check and fraud scheme, using the deceased's identity. Lyon and his deceased father, Stewart's nephew, were hired to murder James Norris in Kentucky. Norris was found under a bale of hay beaten to death in a barn behind his home. Lyon was also hired to kill James Nichols in Alabama, whose body was discovered in 1999 in a partially submerged van. Nichols' 85 year old mother was also in the van, but survived. Co-conspirator Dorman was kidnapped (interstate) and locked into the trunk of a car that was then run into the Green River in Henderson County. He survived to be charged as part of the conspiracy. The elder Lyon committed suicide to avoid apprehension. Stewart was arrested in the Spring of 2000 after appearing on "America's Most Wanted." Lyon faced the death penalty but was sentenced to life in prison after his jury was instructed that Stewart would not because the Attorney General took too long to file a notice of intent to seek the death penalty. A third bank fraud victim is missing and presumed dead. Lyon committed an unrelated fourth murder. All involved are white.

Gomez-Olmeda, David

D. PR CR No. 03-CR-73

Dismissal after notice by Judge

Name of AG Ashcroft

Race & gender of def

H M

Victim R HM

Date of DP notice 9/22/2003

a killing during an FBI undercover sting operation involving guns. The victim was an FBI confidential informant who was wired at the time. The FBI witness was shot to death and robbed in an FBI surveillance van. A videotape recorded the murder. The money robbed was FBI money and the car stolen was an FBI car. David Gomez entered into a plea agreement. However, Attorney General Ashcroft rejected a plea agreement and required a capital prosecution which was dismissed by the District Court.

**Authorized Federal Capital Prosecutions Which Resulted in  
Dismissal by Judge for Legal Reasons - 6/13/16**

Pennington, Tiffany Dominique

W.D. KY CR No. 01-CR-35

Dismissal after notice by Judge

Name of AG Ashcroft

Race & gender of def B M

Victim R WF

Date of DP notice 7/18/2001

bank robbery/murder of a white woman by two black defendants. Pennington was the triggerman. Moore provided the gun and was the get-a-way driver. Only Pennington faced the death penalty. He attempted to plead guilty before the government filed a notice of intent to seek the death penalty, but the plea was rejected and the government filed its notice. Thereafter, his guilty plea was accepted. Since the indictment did not allege Post-Ring "special findings," the District Court ultimately dismissed the Notice of Intent to seek the death penalty. A government appeal was dismissed.

Safarini, Zayd Hassan Abd Latif

D. DC CR No. 91-CR-504

Dismissal after notice by Judge

Name of AG Ashcroft

Race & gender of def AR M

Victim R IM +

Date of DP notice 12/12/2002

a Jordamian who was one of the four hijackers who used semiautomatic weapons, hand grenades and explosives to take over a Pan Am flight in Karachi, Pakistan in 1986. The terrorists left 22 people dead, including 2 Americans of Indian descent and 100 wounded. Originally, Safarini was convicted and imprisoned in Pakistan but he was released on September 27, 2001. U.S. law enforcement arrested him the next day as he was traveling to Jordan. The judge recommended he be sent to Supermax, ADX Florence. He is currently at USP Terre Haute.

Nelson, Brian

E.D. LA CR No. 02-CR-304

Dismissal after notice by Judge

Name of AG Ashcroft

Race & gender of def B M

Victim R WM

Date of DP notice 7/1/2003

September 2002 shotgun murder of a New Orleans man and the carjacking of his wife. The United States Attorney said: "If we're given the green light, we will seek the death penalty." However, the defendants entered into plea agreements with the United States Attorney. The defendants are black and the victims a young white married couple. The defendants had been mistakenly released by state authorities after allegedly being involved in a rape and robbery spree. Dawson and Franklin entered into plea agreements which were accepted and approved. Attorney General Ashcroft rejected a plea agreement and required a capital prosecution against Nelson, the triggerman, who has an I.Q. of 67. Nelson tried to shoot the woman but the gun jammed. District court found Nelson intellectually disabled and precluded the death penalty. 419 F.Supp.2d 891 (2006).

Littrell, Gary Joe

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

Dismissal after notice by Judge

Name of AG Gonzales

Race & gender of def W M

Victim R WM

Date of DP notice 5/11/2006

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. 17 murders were alleged. At least six murders have occurred since 1996. Twenty-seven defendants initially were eligible for the death penalty. 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 Littrell in one strangulation in the victim's cell. 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 separate trials in 2007. The Notice of Intent to Seek the Death Penalty was withdrawn as to Griffin, Chance, Stinson and Schwyhart. The judge dismissed the death notice against Littrell because more culpable co-defendants had been sentenced to life in prison. The charges were ultimately dismissed.

**Authorized Federal Capital Prosecutions Which Resulted in  
Dismissal by Judge for Legal Reasons - 6/13/16**

Hatten, Charles

S.D. WV CR No. 8:02-00232-02

Dismissal after notice by Judge

Name of AG Ashcroft

Race & gender of def W M

Victim R WM

Date of DP notice 6/21/2003

a drug gun murder of a possible government cooperating witness, a member of a multi-state methamphetamine drug trafficking ring. Both the defendant and the victim have substantial criminal records. All involved are white. Attorney General Ashcroft required a capital prosecution but the District Court dismissed the Notice of Intent to Seek the Death Penalty as filed late. 276 F.Supp.2d 574 (2003). A government appeal was dismissed on motion by the Department of Justice.

Karake, Francois

D. DC No. 02-CR-256

Dismissal after notice by Judge

Name of AG Ashcroft

Race & gender of def B M

Victim R WF WM

Date of DP notice 11/17/2004

the 1999 kidnapping and murder of eight English speaking tourists in Uganda. The defendants seized 20 tourists who were looking for gorillas at the national park associated with Diane Fosse. They separated out the eight who spoke English, raped one of the two Americans and killed all eight with axes. The two Americans were a married couple from Seattle. The defendants are black and the victims are white. The defendants were tortured in Uganda and confessions were excluded leading to dismissal of the prosecution.

Nyaminani, Gregoire

D. DC No. 02-CR-256

Dismissal after notice by Judge

Name of AG Ashcroft

Race & gender of def B M

Victim R WF WM

Date of DP notice 11/17/2004

the 1999 kidnapping and murder of eight English speaking tourists in Uganda. The defendants seized 20 tourists who were looking for gorillas at the national park associated with Diane Fosse. They separated out the eight who spoke English, raped one of the two Americans and killed all eight with axes. The two Americans were a married couple from Seattle. The defendants are black and the victims are white. The defendants were tortured in Uganda and confessions were excluded leading to dismissal of the prosecution.

Bimenyimana, Leonidas

D. DC No. 02-CR-256

Dismissal after notice by Judge

Name of AG Ashcroft

Race & gender of def B M

Victim R WF WM

Date of DP notice 11/17/2004

the 1999 kidnapping and murder of eight English speaking tourists in Uganda. The defendants seized 20 tourists who were looking for gorillas at the national park associated with Diane Fosse. They separated out the eight who spoke English, raped one of the two Americans and killed all eight with axes. The two Americans were a married couple from Seattle. The defendants are black and the victims are white. The defendants were tortured in Uganda and confessions were excluded leading to dismissal of the prosecution.

Smith, Joseph

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

Dismissal after notice by Judge

Name of AG Ashcroft

Race & gender of def B M

Victim R WM

Date of DP notice 2/1/2005

bank robbery cross-racial gun murder of an off-duty police officer security guard. 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. Smith was found to be intellectually disabled. 2011 WL 2532437.

**Authorized Federal Capital Prosecutions Which Resulted in  
Dismissal by Judge for Legal Reasons - 6/13/16**

Shields, Shannon

W.D. TN No. 2:04-CR-20254-BBD-tmp-4

Dismissal after notice by Judge

Name of AG Mukasey

Race & gender of def

B

M

Victim R BM

Date of DP notice 8/28/2008

a 2004 carjacking and interstate kidnapping gun murder. Two males armed with a handgun abducted the victim from Memphis, Tennessee, at gunpoint and forced him into his 1995 Mitsubishi Diamante and fled the scene. The victim was taken to an ATM and forced to withdraw money. He was later found dead, shot and burned in Crittenden County, Arkansas. His vehicle was found burned in Memphis, Tennessee. Sonny Shields allegedly identified his cousin, Shannon Shields, as the person involved in the carjacking and kidnapping and as the person who shot the victim. He further allegedly identified Parker and Stafford as the males who assisted him in taking the victim to Arkansas and killing him. Shannon Shields received medical treatment for burns he received allegedly while setting the victim's vehicle on fire. Parker also allegedly made statements that both Shannon Shields and Stafford were involved. Stafford allegedly made statements that both Shannon Shields and Parker were involved. Shannon Shields was found to be intellectually disabled after a pre-trial evidentiary hearing. Thereafter, Attorney General Holder approved a plea agreement and a life sentence for Sonny Shields. All are African-American, as is the victim.

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.

Ball, Antwuan

D. DC CR No. 05-0100 (RWR)

Dismissal after notice by Judge

Name of AG Gonzales

Race & gender of def

B

M

Victim R BM

Date of DP notice 9/25/2006

a RICO drug conspiracy responsible for five gun murders, one in 1996, a double in 1998, one in 2002 and another in 2004. Wilson is charged in three murders, Ball in two and Samuels in one. All involved are African-American.

Wilson, David

D. DC CR No. 05-0100 (RWR)

Dismissal after notice by Judge

Name of AG Gonzales

Race & gender of def

B

M

Victim R BF BM

Date of DP notice 9/25/2006

a RICO drug conspiracy responsible for five gun murders, one in 1996, a double in 1998, one in 2002 and another in 2004. Wilson is charged in three murders, Ball in two and Samuels in one. All involved are African-American.

**Authorized Federal Capital Prosecutions Which Resulted in  
Dismissal by Judge for Legal Reasons - 6/13/16**

Davis, Earl

D. MD No. 8:07-CR-00199-RWT

Dismissal after notice by Judge

Name of AG Mukasey

Race & gender of def

B

M

Victim R

WM

Date of DP notice 4/8/2008

the cross-racial gun murder of a security guard driving an armored vehicle during a delivery to a bank. The robbery is on videotape. DNA from a baseball cap at the scene matches Davis. Other murders (four) are alleged. Davis was found to be intellectually disabled after a pre-trial evidentiary hearing. 611 F.Supp.2d 472 (2009). The accused is black. The victim is white.

Lewis, Antun

N.D. OH No. 1:08CR404

Dismissal after notice by Judge

Name of AG Holder

Race & gender of def

B

M

Victim R

BF BM

Date of DP notice 9/16/2009

arson murders in Cleveland, Ohio, resulting in the death of nine, including eight children ages 7 to 15 who were sleeping in the house and died from smoke inhalation. All involved are African-American. On December 23, 2010, the Court barred the death penalty because Lewis is intellectually disabled. 2010 WL 5418901.