

DEATH PENALTY TRIAL OPENS TODAY IN DETROIT COURT - U.S. ACCUSES SUSPECT OF ORDERING GANG KILLINGS

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Federal prosecutors describe him as a cold-hearted killer, a man so vile he had his half-brother killed to seize control of a **Detroit** drug gang.

Defense lawyers say the government's case is flimsy -- built on unreliable statements from gang members who told federal prosecutors what they wanted to hear **in** exchange for leniency.

But one thing is for certain: John (Bread) Bass, 34, is the first man **in** 61 years to stand **trial in a death penalty case in** U.S. District **Court** for eastern Michigan. Opening statements are to begin **today** .

The last federal **death penalty case in** eastern Michigan involved Max Stephan, a **Detroit** restaurant owner who was convicted **in** 1942 of treason. Eight hours before he was to hang, President Franklin D. Roosevelt commuted his sentence to life **in** prison.

U.S. District Judge Arthur Tarnow has told prosecutors and lawyers not to comment. Bass' mother, however, spoke briefly outside **court** Thursday.

"They originally were after Patrick, and after Patrick was killed, they went after John," Carolyn Webb said of federal prosecutors, adding that the charges against John Bass are untrue. Webb is the mother of both Bass and Patrick (Ram) Webb, the half-brother Bass is accused of having killed. Bass' lawyer, William Daniel of **Detroit** , wouldn't let Webb elaborate. Bass is accused of running a high-volume **Detroit** drug gang known as the Dog Pound from 1989 to February 1997. The gang got its name from pit bull terriers that leaders trained for dog fighting, prosecutors said. The gang allegedly sold crack cocaine **in Detroit** , Pontiac and Canton, Ohio.

Prosecutors say Bass arranged for Armenty (Fat Moe) Shelton to murder Patrick Webb **in** June 1996 so Bass could take over the gang. Four days later, Bass and another man allegedly shot and killed Shelton to conceal Bass' involvement **in** the first slaying.

Bass also is accused of ordering the robbery-slaying of Darius (Little Chill) Hawthorne of **Detroit in** June 1992, one of several killings the gang allegedly carried out, prosecutors said. They said **in court** papers that the 6-feet-2, 295-pound Bass kidnapped, beat and tortured gang members he suspected of stealing drugs and money or of cooperating with police.

The gang's undoing began when law enforcement agencies became alarmed about a growing number of drive-by shootings **in** Canton, Ohio, where the gang began operating around 1990.

In a series of indictments beginning **in** August 1997 **in** Detroit , Bass and 21 other alleged gang members were charged with conspiring to traffic **in** cocaine. Half also were charged with taking part **in** drug killings.

Charges against the other defendants were dropped or reduced **in** exchange for their cooperation **in** Bass' case. Five people were sentenced to terms of up to 24 months **in** prison.

Bass faces a **penalty** of up to life **in** prison if convicted of conspiring to distribute cocaine and life **in** prison without parole or **death** if convicted of either of two murder counts.

If he were to receive the **death penalty** and failed to win appeals, he would be executed by lethal injection at the federal prison **in** Terre Haute, Ind.

Although Michigan **in** 1847 became the first state to abolish capital punishment, the **death penalty** is allowed for some federal crimes. The last federal execution **in** eastern Michigan was **in** 1938.

Bass has been **in** federal custody since 1997.

Tarnow has refused Bass' request to dismiss the case.

After the government filed notice of its intent to seek the **death penalty** , Bass' lawyers asked Tarnow to dismiss the notice or order the government to turn over extensive information about how it decides who should receive the **death penalty** . Bass' lawyers produced statistics showing, among other things, that the government charges blacks twice as often as whites with **death - penalty** offenses. Bass is black.

Tarnow granted Bass' request for information **in** October 2000. When the government refused to comply, Tarnow dismissed the **death penalty** notice. Federal prosecutors appealed to the U.S. 6th Circuit **Court** of Appeals **in** Cincinnati, which backed Tarnow. The U.S. Supreme **Court** reversed Tarnow **in** June 2002, saying Bass had failed to show that he was the victim of selective prosecution.

Since 1995, the U.S. attorney general has the sole authority to decide whether to seek the **death penalty in** federal cases. Bass' case was decided when Janet Reno was attorney general.

Earlier this year, Attorney General John Ashcroft authorized the **death penalty in** the case of Milton (Butch) Jones, cofounder of Young Boys Inc., a notorious **Detroit** drug gang. Jones, Raymond Canty and Eugene Mitchell are accused of a drug and slaying conspiracy.

Meanwhile, Ashcroft's staff is weighing whether to seek the **death penalty** against Thelmon Stuckey III, who is accused **in** the 1996 killing of former **Detroit** police officer and suspected drug dealer Ricardo Darbins.

"It's inevitable that there are going to be more of these cases," **Detroit** criminal lawyer David Lee said Thursday while lawyers were selecting the Bass jury. He said that under Ashcroft, the Justice Department has shown a willingness to pursue **death penalty** cases **in** states without the **penalty** .

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(SIDEBAR)

STATE'S HISTORY WITH FEDERAL **DEATH PENALTY**

In 1847, Michigan became the first English-speaking government to ban the **death penalty** .

But that didn't stop the federal government from seeking the **death penalty in** Michigan under federal law.

In November 1937, U.S. District Judge Arthur Tuttle, above left, sentenced Anthony Chebatoris, 38, below, to hang for fatally shooting a bystander during a bank robbery **in** Midland.

Chebatoris was hanged at the federal prison **in** Milan at dawn on July 8, 1938.

In August 1942, Tuttle sentenced **Detroit** restaurant owner Max Stephan, left, to hang for harboring Lt. Hans Peter Krug, right, a Nazi pilot who had escaped from a prisoner-of-war camp near Toronto. Stephan, a German immigrant, entertained Krug for two days before putting him on a Chicago-bound bus. Krug was captured **in** Texas.

Stephan became the first person since 1794 to be convicted of treason. Krug testified at **trial** for the prosecution.

In August 1943, eight hours before he was to be hanged, President Franklin D. Roosevelt commuted Stephan's sentence to life **in** prison. Stephan died **in** prison **in** 1952 at age 59. Krug returned to Germany **in** 1946.

In March 2002, Marvin Charles Gabrion II, then 48, was sentenced to **death in** U.S. District **Court in** Grand Rapids for killing Rachel Timmerman, a 19-year-old single mother, to prevent her from testifying against him at a rape **trial** .

Timmerman and her 11-month-old daughter vanished **in** 1997, two days before she was to testify **in** the rape case she had filed against Gabrion. Her bound, gagged and weighted-down body was found one month later **in** a lake **in** Manistee National Forest -- which is federal property. Her daughter was never found.

Gabrion denied any involvement **in** her **death** . He's on **death** row at a federal prison **in** Terre Haute, Ind.

SOURCES: Free Press files, The **Detroit** Almanac and the Walter P. Reuther Library of Labor and Urban Affairs at Wayne State University

Caption: Photo Walter P. Reuther Library. Photo Grand Rapids Press. Photo Free Press file photo.

John (Bread) Bass, 34, is accused of having two men killed. He could get the **deathpenalty** if convicted.

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