

## **Death penalty case before jury - Detroit found guilty of federal crime in drug-related murder and sale of cocaine**

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DETROIT -- A **jury** found a 34-year-old Detroit man guilty of a drug-related murder and distributing crack cocaine and will now have to decide whether to sentence him to **death** .

John Bass showed no emotion as the **jury** foreman read the verdict Monday that found him guilty in the murder of Armenty "Fat Moe" Shelton and conspiracy to distribute cocaine. The **jury** acquitted Bass in the **death** of his half-brother, Patrick Webb.

The government said Bass took part in the murders of Webb, Shelton and two other men. He allegedly took part in the murder of a man whose body was dismembered and head severed.

The government claimed Bass ordered Shelton to kill his brother to "eliminate a rival and take complete control over the combined drug operations."

A witness testified that Bass shot Shelton.

Bass ran a large-scale drug operation, the government claimed, called the "Dog Pound" gang.

At age 20, Bass "hired and supervised workers who transported drugs and money, found and set up 'crack houses' and disciplined workers who lost money, drugs or broke gang rules," the government said in a court document.

On Wednesday, Bass' lawyers will present character witnesses to the jurors in an effort to show why they shouldn't sentence him to **death** . Bass may take the stand as well.

Assistant U.S. Attorney Michael Leibson said the government wouldn't present any additional witnesses in the **penalty** phase. He declined to comment on the verdict.

U.S. District Judge Arthur Tarnow warned jurors not to read accounts of the verdict or watch news reports. "You're not done yet," he said.

In 1846, Michigan became the first English-speaking government to outlaw capital punishment, except for treason, on state charges. Only two people have been sentenced to die in Michigan since then, both for federal crimes. The last execution in Michigan was in 1938, when Anthony Chebatoris was hanged for killing a truck driver while robbing a federal depository in Midland.

Attorney General John Ashcroft has said he wants consistent decisions made in seeking the **death penalty** in all federal courts. Under Janet Reno, the Justice Department was hesitant to seek the **death penalty** in the 12 states that have banned it.

In June 2001, Ashcroft dropped a Justice Department policy that said it was an insufficient rationale to seek the **death penalty** in a state that had banned it simply because federal law would allow for imposition of the **death penalty** .

If the Bass **jury** decides to impose the **death penalty** , it will be an unusual decision.

A federal judge in Boston, Mark L. Wolf, criticized the federal **death penalty** on Monday, writing that **juries** across the nation have rejected imposing the punishment in 16 of the last 17 **cases** .

Wolf noted that in only one **case** -- Michigan -- has a **jury** imposed the federal **death penalty** in a state that doesn't have it. "The fact that a state's law does not provide for the **death penalty** may alone now prompt the initiation of a federal **case** ," Wolf wrote.

Marvin Gabrion was sentenced to **death** in March 2002 by a Grand Rapids **jury** for the **death** of a 19-year-old whose body was found floating in a lake in the Manistee National Forest. His appeal is pending.

The government is currently seeking the **death penalty** against at least five other Michigan men.

Milton "Butch" Jones, Raymond Canty and Eugene Mitchell are to go on trial this fall **before** U.S. District Judge John Corbett O'Meara. The three are charged with conspiracy to distribute cocaine and with the killing of three people.

Robert and Michael Ostrander of Cadillac await trial in the drug-related slaying of Hansel Andrews of Kalkaska. They could be sentenced to **death** because the **death** occurred on national forest land.

The Justice Department's **death penalty** committee met last month to decide whether to seek the sentence against Thelmon Stuckey III, who faces trial in 1996 **death** of former Detroit Police Officer Ricardo Darbins, a suspected drug dealer. It has not made a decision yet.

What's next

- \* On Wednesday, defense lawyers will present witnesses to argue why a 12-member **jury** shouldn't sentence convicted drug dealer and murderer John Bass, 34, of Detroit to **death** .
- \* Government lawyers will not present any witnesses but will stand on the strength of their **case** . Each side will make closing arguments.
- \* Jurors are expected to begin deliberations Thursday.

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