

Suspect charged with using weapon of mass destruction

The legal process begins



Mayor Thomas Menino of Boston received the US flag that was flown over the finish line at the Boston Marathon from an FBI official, who symbolically turned jurisdiction of the bombing site over to the city Monday. (Chitose Suzuki /Pool)

—Chitose Suzuki /Pool

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By Mark Arsenault and Milton J. Valencia

April 22, 2013

The US Justice Department charged Boston Marathon bombing suspect Dzhokhar Tsarnaev Monday with killing people with a weapon of mass destruction, in a prosecution that could put the accused terrorist in prison for life or send him to the death chamber.

The 19-year-old remained under guard in serious condition at Beth Israel Deaconess Medical Center, with apparent gunshot wounds to the head, neck,

legs, and hand, according to an FBI affidavit filed to support the criminal complaint.

During his court appearance in his hospital room, Tsarnaev, though obviously injured, clearly responded to inquiries, nodding or mouthing yes or no, said a person familiar with the proceedings. Tsarnaev was made aware of the charges and their possible penalties, as well as his rights as a defendant.

Magistrate Judge Marianne Bowler concluded Tsarnaev was “alert, mentally competent, and lucid” at the proceeding, according to a transcript.

The legal proceedings against Tsarnaev began the day the region paused, at 2:50 p.m., for a moment of silence exactly one week after the attacks and as mourners in Medford laid to rest Krystle M. Campbell, 29, who died in the blast.

On Monday afternoon, the FBI released the crime scene on Boylston Street to the city, which will inspect buildings for structural damage and take other steps before reopening the area to the public. Business owners and residents will be able to gain access to their properties on Tuesday, according to the mayor’s office.

The FBI affidavit released Monday also provided new details of the movement of Dzhokar Tsarnaev and his alleged coconspirator, his brother Tamerlan, 26, in the final minutes before the blasts, based on evidence recovered from security cameras in the area. Tamerlan was killed Friday in an early morning gunfight with police in Watertown.

The brothers are accused of detonating two crude bombs made from household pressure cookers on Boylston Street near the finish line of the Boston Marathon on April 15. The twin blasts, 12 seconds apart, killed three people. The Boston Public Health Commission put the total number of injured from the attack at 282 Monday, based on data from 27 hospitals in the Greater Boston region, a dramatic increase from earlier estimates of about 170 injured.

Police believe the Tsarnaevs also killed MIT police Officer Sean Collier on Thursday night, before fleeing to Watertown. About 20 hours after the gunfight, police captured Dzhokhar Tsarnaev after a resident discovered the suspect hiding in a boat stored in a Watertown backyard. The boat was inside the 20-

block perimeter officers had established for a door-to-door search, said a law enforcement official, an assertion that contradicts what law enforcement agencies previously told reporters.

That same official, who spoke on the condition of anonymity, said Tsarnaev is "communicating" with FBI agents at the hospital. "He is having some back and forth with them," the official said.

The Obama administration confirmed Monday that Dzhokhar Tsarnaev will be tried in civilian courts, rejecting calls from several lawmakers to hold him as enemy combatant.

"The effective use of the criminal justice system has resulted in the interrogation, conviction, and detention of both US citizens and noncitizens for acts of terrorism committed inside the United States and around the world," Jay Carney, the White House press secretary, told reporters on Monday.

Dzhokhar Tsarnaev is a naturalized US citizen originally from the former Soviet republic of Kyrgyzstan. He came to the United States on April 12, 2002.

Lawyers on both sides of the case have been involved in some of the highest-profile terrorism cases in recent times. Tsarnaev will be prosecuted by Assistant US Attorneys William Weinreb and Alope Chakravarty. Chakravarty, of the antiterrorism unit, prosecuted Tarek Mehanna, the Sudbury man who was convicted in 2011 of conspiring to support Al Qaeda. He was sentenced in April 2012 to 17½ years in federal prison.

Miriam Conrad, the head public defender in Boston, will represent Tsarnaev. She represented Rezwan Ferdaus, the Ashland man charged with plotting to send a remote controlled-plane laced with explosives into the Pentagon. He was sentenced to 17 years in prison. She also represented shoe bomber Richard Reid, who was sentenced in 2002 to life in prison. Public defenders William Fick and Timothy Watkins were also assigned to the case.

The defense filed a motion Monday asking the court to appoint additional lawyers with experience in capital cases.

The Justice Department has not yet said if it will seek the death penalty. Mayor Thomas M. Menino of Boston told reporters yesterday that, despite his past

opposition, he might support it in this case: "I will say, in this one, I might think it's time . . . that this individual serves his time and [gets] the death penalty."

Prosecutors did not disclose Tsarnaev's initial court appearance until it was over. Legal analysts said prosecutors had to bring Tsarnaev before a judge once they declared his arrest Friday night. "Once he's arrested, the timeline starts," said Stephen Huggard, a defense lawyer and former federal prosecutor. "In this country, you don't get to hold someone indefinitely without seeing a judge."

The major break in the massive hunt for the bombers came last week, when investigators found images of the alleged terrorists during a painstaking review of security footage and photographs from the Marathon course. After intense behind-the-scene deliberation, the FBI released the photos to the public Thursday evening and asked for help putting names to the faces.

The images showed two men carrying backpacks, apparently containing bombs, on Boylston Street. Tamerlan Tsarnaev is pictured wearing a black cap, according to the FBI. Dzhokhar Tsarnaev is pictured in a dark jacket and a bright white cap, worn backwards, the bureau said.

In a search Sunday of Dzhokhar Tsarnaev's dormitory room at the University of Massachusetts Dartmouth, where he was a student, investigators found a "large pyrotechnic" and a "black jacket and a white hat of the same general appearance" as those worn by the alleged bomber in the video, according to the FBI.

The FBI affidavit includes details from unreleased video investigators used to isolate the alleged attackers in a crowd of thousands, and to track their movements.

Just after 2:38 p.m., the alleged bombers stopped and stood together about half a block from Forum restaurant, at 755 Boylston, not far from the Marathon finish line. Then, at 2:42 p.m., Tamerlan Tsarnaev allegedly began walking toward the finish line, still wearing the backpack.

At 2:45, Dzhokhar Tsarnaev allegedly walked east, stopping in front of Forum. "He then can be seen apparently slipping his knapsack onto the ground," according to the FBI document. He waited about four minutes, according to the

FBI, occasionally checking his cellphone. Thirty seconds before the first explosion, he lifted the phone to his ear for 18 seconds.

The people around him reacted in shock to the boom of an explosion one block east, at the finish line. "Virtually every head turns to the east . . . and stares in that direction in apparent bewilderment and alarm," said the FBI.

But not the suspect.

"He glances to the east and then calmly but rapidly begins moving to the west, away from the direction of the finish line," the bureau said. "He walks away without his knapsack."

The second bomb exploded outside Forum about 10 seconds later.

Hours after their pictures were splashed on television and websites around the world, the Tsarnaev brothers allegedly embarked on a vicious crime spree, assassinating Collier in Cambridge and then carjacking a motorist at gunpoint.

One of the suspects told the carjacking victim, "Did you hear about the Boston explosion? I did that," according to the FBI. The motorist escaped when they stopped at a gas station on Memorial drive in Cambridge. He left his phone in the car, which allowed investigators to trace the phone's location to Watertown.

The brothers' alleged rampage ended at the Watertown gunfight. MBTA Transit Police Officer Richard Donohue Jr. was shot and gravely hurt in the firefight. He has been hospitalized in critical condition, but is now breathing on his own. He called for his wife Monday, a law enforcement source said.

Dzhokhar Tsarnaev managed to escape from police, driving over his fallen brother in the stolen car, which he quickly abandoned to flee on foot. He eluded a massive dragnet for about 20 hours before being discovered in the boat.

Police found a UMASS identification card, credit cards, and other forms of identification on Dzhokhar Tsarnaev. They also found "an intact low-grade explosive device" in the stolen car.

The investigation into the brothers' alleged crimes and motivation is ongoing. Authorities searched the back of a brick building containing a business named Yayla Tribal Rugs on Broadway in Cambridge on Monday; the father of the

bombing suspects used to work on cars in the parking lot behind the building, neighbors at nearby businesses said.

The search for motive has included Tamerlan Tsarnaev's increasing religious radicalization. In January, he angrily disrupted a sermon at the Islamic Society of Boston mosque in Cambridge, when a speaker praised Martin Luther King Jr., who was a Christian. Tamerlan was shouted out of the mosque after the outburst.

Later, a few volunteer leaders at the mosque sat Tamerlan down and warned him not to interrupt sermons or he would not be welcome, according to a statement Monday from the Islamic Society. He did not cause any more disturbances.

Russian authorities in 2011 warned the FBI that Tamerlan might be under the sway of Islamic radicals. The bureau investigated and found no evidence he was linked to terrorism. In 2012, Tamerlan spent six months in Russia.

A recent report by risk analysts at the forecasting firm IHS casts doubt on whether the Tsarnaev brothers had connections to terrorist groups such as the Caucasus Emirate in Russia. Such links "appear minimal," the report states, in large part because the militant group is known to focus on local targets and has "little logical reason" to attack the United States.

"The more likely scenario is the brothers were self-radicalized individuals," the report states. "The attacks [in Boston] were undertaken using very basic technology which requires minimal expertise and guidance that is easily accessible on the internet. This suggests that external training had not been provided."

The report does not discount Tamerlan Tsarnaev's visit to Russia, but says he probably only met people or witnessed events that "helped foster his radicalization."

US Senator Lindsey Graham, a member of the Armed Services Committee, said Monday that the FBI had informed him it was initially unaware Tamerlan Tsarnaev had traveled to Russia due to a clerical error: His name was misspelled.

"He went over to Russia, but apparently, when he got on the Aeroflot plane, they misspelled his name," Graham, a South Carolina Republican, said on Fox

television. "So it never went into the system that he actually went to Russia."

On Monday, President Obama called FBI Special Agent in Charge Richard Deslauriers, who led the bombing investigation, and Boston Police Commissioner Edward F. Davis to thank them "for their leadership and told them that the law enforcement officials, the citizens of Boston, and all affected by this tragedy were in his thoughts and prayers," said the White House.

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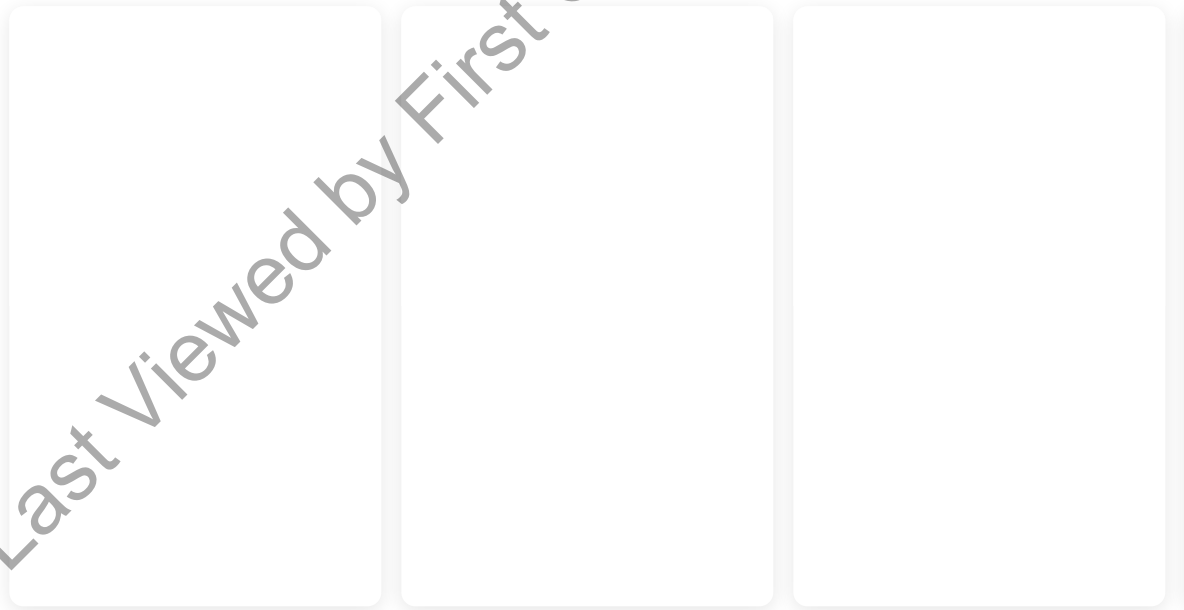
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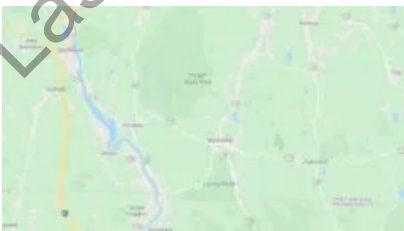
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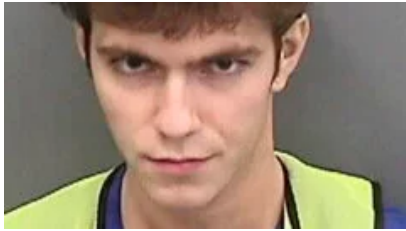
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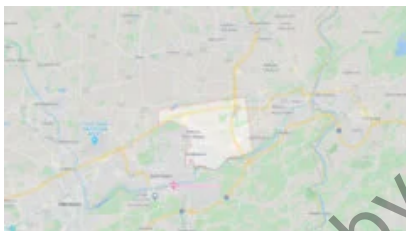
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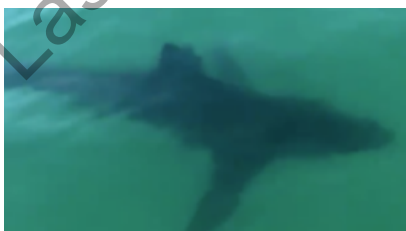
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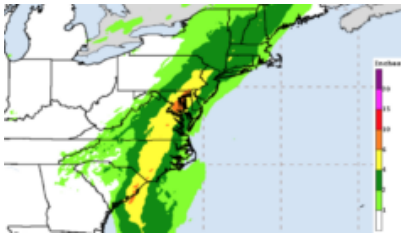
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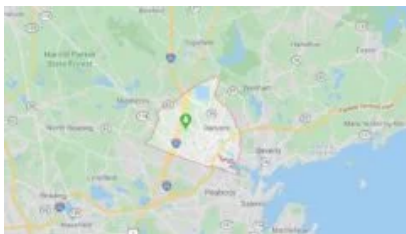
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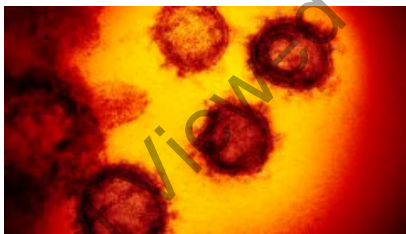
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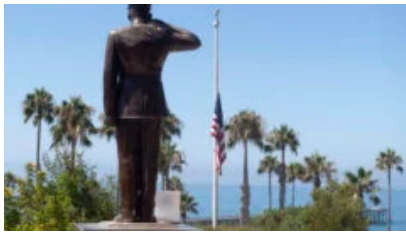
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