

Boston

US prosecutors will seek the death penalty against alleged Boston Marathon bomber Dzhokhar Tsarnaev

Updated Mar 24, 2019; Posted Jan 30, 2014

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Boston Marathon bombing suspect Dzhokhar Tsarnaev has been charged with using a weapon of mass destruction, and could face the death penalty.

United States prosecutors will seek the death penalty against Boston Marathon bombing suspect Dzhokhar Tsarnaev.

In announcing his decision Thursday, U.S. Attorney General Eric Holder said in a statement, "The nature of the conduct at issue and the resultant harm compel this decision."

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In a court filing, U.S. Attorney Carmen Ortiz said the United States will be seeking the death penalty for several different offenses, including the use of a weapon of mass destruction resulting in death and the bombing of a public place resulting in death.

The court filing accuses Tsarnaev, 20, of the murder of Boston Marathon bombing victims Krystle Campbell, Martin Richard and Lingzi Lu and MIT Police Officer Sean Collier, who was shot in his police car days after the bombings. The bombings also injured more than 260 people. Tsarnaev's older brother, Tamerlan Tsarnaev, also suspected in the bombings, was killed in a shoot-out with the police after Collier's murder. Dzhokhar Tsarnaev escaped the shoot-out and was captured a day later hiding out in a boat in a Watertown backyard.

As aggravating factors, the filing says Tsarnaev caused "grave risk of death" to additional people. It cites the "heinous, cruel and depraved manner" of the offense, and notes that he acted with planning and premeditation, killed multiple people and was responsible for the killing of a particularly vulnerable victim in 8-year-old Richard. (The Richard family, through a spokesman, declined to comment.)

The filing said Tsarnaev "obtained citizenship and enjoyed the freedoms of a United States citizen; and then betrayed his allegiance to the United States by killing and maiming people in the United States." It also cited his lack of remorse.

Tsarnaev will first face a trial to determine his guilt. If a jury finds him guilty, the trial would move to a sentencing phase, in which jurors would decide whether to sentence him to life in prison or death.

Massachusetts Attorney General Martha Coakley said in a statement, "I'm sure that after very thoughtful consideration, (U.S.) Attorney General (Eric) Holder has made this decision based upon the facts of this case and applicable federal law."

"My thoughts continue to be with the victims who were murdered and their families, as well as the other victims who are still dealing with the horrific consequences of this grievous and intentional act of terror," Coakley said.

"The Marathon bombers may have tried to put the people of Boston in fear, but instead only made us stronger and brought us together as a Commonwealth."

The case is a tricky one for many Massachusetts politicians who have previously opposed the death penalty but who do not want to be seen as soft on the accused bomber. Coakley previously supported the death penalty in some circumstances, but during her 2010 Senate race, she said she opposed it under all circumstances.

Boston Mayor Martin Walsh, in a press conference at City Hall, said repeatedly that he thinks the death penalty is up to the jury. He declined to say whether he wants it used in this case.

"As a state representative, I voted against the death penalty," Walsh said. "If I voted today, I would cast my vote the same way. But this is not my vote to cast or my decision to make, Attorney General Holder has applied the law in this case, and I support the process that has brought him to this decision."

Walsh said he had not spoken to the Richard family, who he knows personally, but his thoughts and prayers were with the families of all the victims and survivors.

Former Boston Mayor Tom Menino, who has previously supported the death penalty for Tsarnaev, through his press secretary declined to comment.

Massachusetts abolished the death penalty in 1984. But Tsarnaev is being tried in federal court, which does provide for the death penalty. The last federal death penalty case in Massachusetts was the case of Gary Lee Sampson, who was sentenced to death after he was convicted of carjacking and murdering three men in 2001. A judge later vacated the decision, and prosecutors have said they will seek the death penalty again.

Miriam Conrad, the federal public defender representing Tsarnaev, declined to comment. Attorney Judy Clarke, who specializes in death penalty cases, is among the team of attorneys defending Tsarnaev. Clarke also defended Unabomber Ted Kaczynski and Jared Loughner, who shot a judge and wounded U.S. Rep. Gabrielle Giffords.

Massachusetts Gov. Deval Patrick, a Democrat and death penalty opponent, said in a statement, "One way or another, based on the evidence, Tsarnaev will die in prison. In each milestone of this case -- today's announcement, the trial and every other significant step in the justice process -- the people hurt by the Marathon bombings and the rest of us so shocked by it will relive that tragedy. The best we can do is remind each other that we are a stronger Commonwealth than ever, and that nothing can break that spirit."

U.S. Sen. Ed Markey, a Democrat, said he opposes the death penalty - but will make an exception in the case of terrorism. "In this case, a terrorist attack killed and injured innocent people, and one law enforcement officer was gunned down and another gravely wounded. I trust the Justice Department to prosecute this case appropriately," he said.

U.S. Sen. Elizabeth Warren, a Democrat, opposes the death penalty. In a statement, she said, "The attack at the Boston Marathon was a horrific act of terror, and my heart goes out to the victims and their families. While I personally oppose the death penalty, I respect the Attorney General's decision in this case as the United States seeks justice for this heinous crime."

The news drew condemnation from some death penalty opponents. Carol Rose, executive director of the ACLU of Massachusetts, said the ACLU was "disappointed" that Attorney General Eric Holder authorized prosecutors to seek the death penalty. "The ACLU opposes the death penalty in all cases, because it is discriminatory and arbitrary, and inherently violates the Constitutional ban against cruel and unusual punishment," Rose said. "After the horrible Marathon attack, this community rallied around the slogan 'Boston Strong.' Even -- and especially -- in case like this, that means not letting terrorists or anyone else shake us from staying true to our values."

Boston Bar Association president Paul Dacier said in a statement that he is disappointed in the decision to seek the death penalty. "Pursuit of the death penalty is almost always an empty and inordinately expensive gesture, inconsistent with the sensible allocation of resources in a criminal justice system already laboring under great financial strain," Dacier said.

However, others said Tsarnaev deserves death. Shane O'Hara, store manager at Marathon Sports on Boylston Street, was among those personally touched by the bombing. The first bomb detonated in front of his store, and employees used the store's apparel to help the injured. O'Hara, speaking for himself and not on behalf of the company, said he would like Tsarnaev to be put to death. "Me personally, I hope he gets the death penalty because of what he did. He's not even a citizen of the United States, he comes in here and pulls that kind of stunt," O'Hara said. (The Tsarnaev family came to the U.S. from Chechnya as refugees, but Tsarnaev did become a U.S. citizen in 2012.)

"The only bad thing is it's going to cost us taxpayers, the people here and doing good, more money if he gets on death row, because he will do appeal after appeal after appeal," O'Hara said.

Before the announcement was made Tsarnaev's mother, Zubeidat Tsarnaeva, told CNN that she had little to say. "I want the whole world to hear is that I love my son. My precious Dzhokhar. That's it. Please, leave me alone. I have nothing to say anymore. I love my son," said Tsarnaeva.

This is a breaking news story that will be updated. MassLive.com reporter Garrett Quinn contributed reporting from Boston City Hall.






[Notice of Intent to Seek Death Penalty US v. Dzhokhar Tsarnaev](#)

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

UNITED STATES OF AMERICA)
)
 v.)
)
 DZHOKHAR A. TSARNAEV,)
 Defendant)

NOTICE OF INTENT TO SEEK TRUSTEE

The United States of America, by undersigned counsel and pursuant to 18 U.S.C. § 8752, hereby notifies the Court and Defendant DZHOKHAR A. TSARNAEV of its intent to seek trustee of the assets of the Defendant.

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