

Defending D.C. sniper arduous task

Special to Sentinel-Voice
(First of two parts)

John Allen Muhammad has been sentenced to death for his role in the D.C. Sniper shootings. But, the three Baltimore attorneys who were charged with advising him in Montgomery County argue, "There are some things that we just don't know."

BALTIMORE (NNPA) - On the pristine fall afternoon of Oct. 2, 2002, James Martin, a 55-year-old program analyst was gunned down with a single bullet — seemingly out of nowhere — as he walked across a parking lot in the midst of other patrons at a Shoppers Food Warehouse grocery store in Wheaton, Md.

And for the next three weeks the Washington, D.C., metropolitan area was swept by a torrent of fear as the region and the rest of the world witnessed 13 people shot, 10 fatally.

The random nature of the shootings — from long distances as the victims carried out their mundane daily routines, oblivious to imminent danger — resonated deeply within a nervous nation on the brink of war with Iraq and still reeling from the 9/11 attacks just a year earlier.

Then, after three weeks of shootings, cryptic clues scrawled on tarot cards and coded messages exchanged over media airwaves between law enforcement and the killers it was over. On Oct. 24, 2002, the gunmen were captured as they slept at a rest area on Interstate 70.

But it wasn't two White men that emerged from a white box truck or cargo van as had been widely speculated by criminal experts and eyewitnesses alike. Much to the shock of most people, it was two Black men who were accused of being the so-called, "D.C. Snipers" — Lee Boyd Malvo and John Allen Muhammad, ages 17 and 41 respectively at the time of their arrests.

"I was in shock and disbelief because all the information we received through the media was that we were looking for two White males — and according to the description that came from eyewitness accounts," said attorney J. Wyndal Gordon, a Baltimore-based lawyer who was briefly a candidate in this year's race for Maryland Attorney General.

Three and a half years after the capture of Malvo and

Muhammad, Gordon, acknowledged by some political observers as a rising star in Maryland's Democratic Party, found himself defending Muhammad in the Montgomery County Circuit Court of Maryland.

"There was a statewide request from Judge James Ryan to see if he could find attorneys who could assist Mr. Muhammad as standby counsel, and I happened to come upon the request," said Gordon who solicited the aid of his legal partners Russell Neverdon and Jai Bonner.

The trio took on the professionally precarious task of defending Muhammad, depicted by the press and prosecution from evil incarnate to insane, accused and convicted of being the mastermind behind one of the most heinous crimes in recent memory.

"It was a time when every person in the county was paralyzed by fear — the emotional ebbs and flows were very dramatic," said Douglas Gansler, the Montgomery County State's Attorney of those harrowing days in October 2002. He was re-elected to that office the same year of the sniper shootings and it was his office that prosecuted Muhammad and Malvo in Maryland earlier this year.

Gansler, another young star of Maryland's Democratic Party who is currently running for Maryland Attorney General, maintains Judge Ryan, "bent over backwards," to make sure Muhammad received a fair trial.

"I can't imagine how he could have received a more just trial — every single piece of discovery was given to him (Muhammad)," said Gansler. "There was never any doubt to the guilt or innocence of Muhammad; they still had the right to a fair trial — a constitutionally valid trial, and he received it in every way shape and form," he continued.

Nevertheless, Gordon, Neverdon and Bonner contend their hands were tightly bound by the Montgomery County Circuit Court as they attempted to assist Muhammad in his defense.

"The prosecution was given carte blanche in terms of the things they were requesting of the court, including the suppression of evidence," said Gordon. "Most of these shootings occurred out of state — whether it was

Virginia or D.C. or Alabama or wherever else they were alleged to have occurred. For us to not be allowed to obtain, to properly subpoena out-of-state witnesses it debilitates our case-it stymies our case."

"Any issues that were brought up during the trial were fully hashed out during the trial," responded Gansler.

According to Neverdon, the trio took on the professionally precarious task of defending Muhammad because, "I guess [the case] reminded me of the oath that I took to advance the cause of justice, set aside our own prejudices... and look at this thing objectively," he said.

Still, the trio argues there is myriad evidence that conflicts with the prosecution's theory behind Muhammad's guilt, most of which they say was never heard in court.

"There are actually 911 accounts of someone who actually saw the people who actually fired the shots at a

gas station, gave an exact description of them and went into great detail. That was something that never came to light and those tapes were never played (in court)," said Neverdon referring to the sightings of White gunmen and white trucks omnipresent during those three weeks in October 2002.

In contrast to the infamous white trucks, the Chevrolet Caprice from which the Bushmaster XM-15 semi automatic .223 caliber rifle was allegedly fired in the commission of the murders presents another conflict, according to the defense because of the absence of gunpowder residue in the car.

"There was no gunpowder found in the interior of the trunk of the vehicle nor was any found on the exterior of the vehicle where we would have expected to see it if this rifle was being fired from inside the trunk as was alleged by the prosecution,"

said Gordon.

It was Malvo's contention that the murders were committed from the trunk of the Caprice, but according to Gordon, Malvo has offered several conflicting versions of what happened.

"In Mr. Malvo's previous testimony, he said that he was responsible for doing all the shootings. He came to court in this case and said that Mr. Muhammad was responsible for doing all the shootings. Mr. Malvo has never given consistent testimony... every version has been different."

In addition to the absence of gunshot residue in or on the Caprice, "Mr. Muhammad's prints were not found on the gun (Bushmaster rifle)," said Gordon. "They indicated that Mr. Malvo's prints were found on the gun, however the prints were in such an awkward position... almost indicative of him holding the weapon and pointing it at himself," added Neverdon.

The defense also claims Muhammad's DNA was not taken until Nov. 14, 2002.

"The importance of the date is that there was testimony from state's witnesses saying that they recovered various pieces of evidence from crime scenes before they had actually obtained Muhammad's DNA and claimed they had a positive match with his DNA and the DNA on the evidence gathered at the crime scene. But, that could not have physically been possible without his actual sample," explained Bonner.

"When we move away from the close-minded view of 'he (Muhammad) did it,' and look at it objectively, one has to question these issues... we're not talking about whether he did it or not, it's whether he did it beyond a reasonable doubt," said Warren A. Brown one of the most formidable defense attorneys in the region.

(NEXT WEEK: Part II)

Your Horoscope Says... Aug. 24-Aug. 30

ARIES

Set a limit on what you can do for others this week. You'll enjoy your feelings more if you are straightforward about refusing a less than appetizing assignment. Trust your feelings and say, "No, I won't." Clear boundaries help you define yourself.

Soul Affirmation: I get joy from giving good things.

Lucky Numbers: 13, 39, 41

TAURUS

Let happiness flow inside and outside of you this week. Refuse to be drawn into any pseudo-crisis and you'll stay happy. Stay quietly on task and you'll have accomplished much by the end of this busy week.

Soul Affirmation: I flavor my life with good wishes towards everyone this week.

Lucky Numbers: 16, 28, 52

GEMINI

A dream in which you already are what you hope to be will offer much insight into your current situation. Take some practical steps to keep the focus on this wonderful vision. You know you can be what you see.

Soul Affirmation: I am a giver of good words this week.

Lucky Numbers: 15, 23, 50

CANCER

Do you realize that you are the only one who can tell you what to think and how to feel? Let go of any behaviors that are keeping you from achieving the things you want to achieve. Be creative and positive this week.

Soul Affirmation: I focus on long-range financial security this week.

Lucky Numbers: 14, 31, 42

LEO

You can be very efficient this week if you set your will to the task. New ideas will occur to you as you are working steadily, so keep pencil and paper nearby to jot down your latest brilliance.

Soul Affirmation: I give love and love gives to me.

Lucky Numbers: 1, 29, 55

VIRGO

Avoid getting involved in any office politics or family feuds this week. The week's energy is excitable, but not necessarily exciting. Do your own thing and be proud of what you do. Let others do their own thing, so long as it doesn't hurt anyone.

Soul Affirmation: Money opens doors for friendship to enter.

Lucky Numbers: 10, 29, 46

LIBRA

A message this week may necessitate travel on your part, and you may feel obligated to do something you don't want to. Let the energy flow past you and do what you think is best. Who you are is who you are — be glad about it!

Soul Affirmation: I fill my mind with visions of love this week.

Lucky Numbers: 40, 47, 52

SCORPIO

You wake up feeling peaceful and wise. Discussions with a close friend may reveal the source of your inner freedom in a very tangible way. So talk about it. You've got everything good to gain.

Soul Affirmation: I let my mind go slack and tighten up my body.

Lucky Numbers: 33, 38, 41

SAGITTARIUS

You may feel an extra burst of energy

this week. This is a good time for you wrap up any miscellaneous details on a project that you've been working on. Your vibrations are very conducive towards generosity and general well-being that you'll want to extend to friends and family.

Soul Affirmation: I find many things about myself that I really love.

Lucky Numbers: 17, 25, 31

CAPRICORN

Any nervous energy you may be feeling can be dispelled with some physical activity. You are doing just fine, so take long walks or try a yoga class and leave your worries behind you. Everything is working out in a perfect way.

Soul Affirmation: Helping others is the true measure of my worth.

Lucky Numbers: 27, 44, 47

AQUARIUS

A conflict may arise, but you can handle it. Let your life be shaped by the choices you make, not through choices made by others. You're a very independent sign, and you may be feeling downright feisty this week. Act with love.

Soul Affirmation: This week I forgive myself for everything that has happened.

Lucky Numbers: 23, 34, 52

PISCES

Love gets you back on an even keel, and you feel balance and much appreciation for all of the blessings in your life. Your creativity is soaring; let some of your wilder ideas free and watch them fly.

Soul Affirmation: Success is mine because I feel successful.

Lucky Numbers: 32, 47, 54