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Tensions at Justice come to light

Prosecutors' autonomy, especially in the West, can lead to clashes.

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WASHINGTON — The corpse was never found. Nor could police in Phoenix turn up the gun. They did have a suspect, but the evidence against Jose Rios Rico for shooting Angela Pinkerton came mostly from addicts and

drug dealers.

U.S. Atty. Paul Charlton didn't think the case merited the death penalty. But his superiors in Washington overruled him in August — they wanted the ultimate punishment.

Charlton is one of eight U.S. attorneys recently fired by the Bush administration. Their departures, which normally might have gone unnoticed, have sparked political outrage on Capitol Hill, where Democrats are charging that the Republican-led Justice Department removed competent prosecutors for political reasons, including two instances in which prosecu-

tors did not bring charges that might have helped Republican candidates.

The growing dispute is beaming a spotlight on the inner workings of federal law enforcement and its linchpin U.S. attorneys system. It is a system whose dynamics are rarely in public view and whose tensions have often played out in the West: the tug and play between prosecutors in the field and top Justice officials in Washington; the efforts by regional offices, where cases are tried, to set their own priorities and guard their autonomy; the clashes that occur when those lo-

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At the Justice Department, William E. Moschella, principal deputy attorney general, said that each of the dismissed prosecutors was a "talented lawyer." He said the firings could have been handled better too, but sharply denied anyone was pink-slipped out of retaliation or for base political motives.

But he also emphasized that Washington was the boss. As he told a House Judiciary subcommittee last week: "If a judgment is made that they are not executing their responsibilities in a manner that furthers the management and policy goals of departmental leadership, then it is appropriate that they be asked to resign so they can be replaced by other individuals who will."

That appears to have been the rub with Charlton in Phoenix. He was highly regarded by federal agents and defense lawyers. "It is hard to imagine a more respected, fair U.S. attorney," said Phillip Noland, a Phoenix lawyer.

But Charlton's standing with Washington turned soon after his appointment in November 2001. Twice he declined to seek the death penalty, and twice he was reversed by the Justice Department.

Rios Rico was charged with

the 2003 murder of Pinkerton, without her corpse or a gun ever surfacing. She had allegedly been slain during a \$125,000 meth deal at a suburban Phoenix apartment, and the case against him rested on the word of drug dealers and addicts.

Charlton thought these shortcomings justified a charge of murder, not capital murder. But Washington balked, telling him capital punishment was appropriate. A superseding indictment was filed that qualified Rios Rico for the death penalty. He is awaiting trial.

Back in Phoenix, as in the seven other regions where U.S. attorneys have been toppled, many wonder whether other top prosecutors will risk challenging Washington when they meet across the table in future disagreements.

"Think of the chilling effect," said Thomas Gorman, an Arizona defense lawyer who is representing Rios Rico on the capital murder charge. "Those guys who were fired are all Republicans, all team players, all conservative prosecutors. Do you think other prosecutors are going to pound the table?"

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