



Department of Justice

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Judge Denies Claim in Zeeland Bank Robbery Case

BISMARCK - United States Attorney Drew H. Wrigley announced that on November 11, 2008, United States District Court Chief Judge Daniel L. Hovland issued an order denying a motion filed by **Sebastian J. Feist**, which claimed he is being illegally held in federal custody.

Feist, 50, is serving a life sentence for the 1976 bank robbery and murder of Wade and Ellen Zick of Zeeland, North Dakota. **Feist** also pled guilty to escaping from a federal prison in 1977 and was sentenced to a one-year term of imprisonment to run consecutive to his life sentence. In November 2006, the United States Parole Commission denied parole for **Feist** and ordered that he serve to the expiration of his sentence.

In his motion, **Feist** claimed that he is being illegally held because the Parole Commission allegedly ceased to exist on November 1, 2002, prior to which he should have received a parole release date. Although the Parole Commission was to be abolished on November 1, 2002, on November 2, 2002, Congress passed a law extending

the Commission. In essence, there was a one-day period when the Commission was apparently “in suspension.”

In the order issued by Judge Hovland, the Court found that it lacked jurisdiction over **Feist’s** claim concerning his release date, and that the claim should be brought in the District of Colorado, where **Feist** is currently incarcerated at the U.S. Penitentiary in Florence, Colorado. The Court held that, if it had jurisdiction, it would reject **Feist’s** claim. The Court noted that even if the Parole Commission had expired on November 1, 2002, the Parole Commission would only have had to set a release date, and that any failure to set such a release date did not automatically entitle **Feist** to release. The Court explained that **Feist** does not have any expectation that he would be released short of the expiration of his sentence, a determination made by the Parole Commission in November 2006.

Assistant United States Attorney Clare Hochhalter handled the case.

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