



U.S. Department of Justice

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PRESS RELEASE

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STATEMENT BY U.S. ATTORNEY KENNETH J. GONZALES
REGARDING EXTRADITION McCLUSKEY DEFENDANTS

On September 29, 2010, a federal grand jury in Albuquerque indicted Arizona fugitives John Charles McCluskey, 45, and Tracy Allen Province, 42, and their accomplice Casslyn Mae Welch, 44, in connection with the August 2, 2010 carjacking and murder of Gary and Linda Haas of Oklahoma in the case captioned United States v. McCluskey, et al., Crim. No. 10-2734 BB. At the time, McCluskey, Province and Welch were in state custody in Arizona based on state charges filed by Mohave County Attorney Matthew J. Smith. They remain in Arizona state custody at this time.

On October 22, 2010, I filed motions with the United States District Court in the District of New Mexico requesting the issuance of writs of *habeas corpus* for McCluskey, Province and Welch. I filed the motions for the writs based on the need to bring the defendants to justice in New Mexico as swiftly as possible. The Court granted my motions by issuing the writs on October 25, 2010 and scheduled an initial hearing for November 17, 2010 in the federal courthouse in Albuquerque. The writs direct the Sheriff of the Mohave County Jail to transfer custody of McCluskey, Province and Welch

to the United States Marshal for the District of New Mexico so that they may be transported to this District for the November 17, 2010 hearing.

At an October 25, 2010 hearing in the Arizona state court, Mr. Smith's office advised the Arizona state court judge that a trial date need not be set in the state case because the federal prosecution would be proceeding first. During an October 27, 2010 hearing in the Arizona state court, Mr. Smith's office informed the Arizona state court judge that the Mohave County Attorney had reconsidered, and was opposing the transfer of the defendants to New Mexico and was prepared to proceed to trial on the state charges.

I have been in constant consultation with Mr. Smith since the inception of this case and that consultation continues. Mr. Smith and I agree that both the federal and state charges are important and should be prosecuted as expeditiously as possible. Mr. Smith and I are continuing our discussions as to the timing and order of the prosecutions, and I anticipate that we will be able to resolve these matters after a hearing currently scheduled for November 2, 2010 in the Arizona state court.

The U.S. Attorney's Office has always enjoyed cooperative working relationships with its state counterparts. In fact, the federal charges against these defendants came about after an unprecedented cooperative effort by local, state and federal law enforcement officers across the country. I am confident that I will be able to work with Mr. Smith in this same cooperative vein because we share the same interest: to ensure that McCluskey, Province and Welch are brought to justice.

Charges in indictments are only accusations. All criminal defendants are presumed innocent unless proven guilty beyond a reasonable doubt.

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