

For Immediate Release
June 30, 2011

**JOHN CHARLES McCLUSKEY ARRAIGNED ON FEDERAL
CARJACKING AND MURDER CHARGES**

ALBUQUERQUE – United States Attorney Kenneth J. Gonzales announced that **John Charles McCluskey**, 46, was arraigned in federal court in Albuquerque this morning on the second superseding indictment that charges him and co-defendants **Tracy Province**, 43, **Casslyn Mae Welch**, 44, with the August 2, 2010 carjacking and murder of Gary and Linda Haas of Oklahoma and other related crimes. During this morning's proceeding, McCluskey entered a not guilty plea, and a United States Magistrate Judge ordered him detained pending trial.

As previously reported, McCluskey and Province escaped from the Arizona State Prison on July 30, 2010; their escape was facilitated by Welch. According to the allegations in the second superseding indictment, McCluskey, Province and Welch carjacked and murdered Mr. and Mrs. Haas on August 2, 2010 in the vicinity of Santa Rosa, New Mexico. Province was arrested in Wyoming on August 9, 2010, and McCluskey and Welch were arrested in Arizona on August 19, 2010.

On August 23, 2010, the United States Attorney's Office filed federal criminal complaints charging McCluskey, Province and Welch with the carjacking and murder of Mr. and Mrs. Haas. Thereafter, on September 29, 2010, a federal grand jury returned an indictment charging the three defendants with thirteen crimes, including seven that carry a maximum sentence of death or life in prison on conviction. The first superseding indictment, which was filed on December 29, 2010, modified the original indictment by adding the Notice of Special Findings under a statute that provides for the imposition of the death penalty for a defendant

who has been found guilty of a death-eligible offense after consideration of certain mitigating and aggravating factors. A second superseding indictment that modified the Notice of Special Findings was filed on January 13, 2011.

The Notice of Special Findings preserves the United States' ability to seek the death penalty against McCluskey, Province and Welch. The decision whether or not to seek the death penalty will be made by the Attorney General of the United States based on the recommendation of the United States Attorney and after carefully considering each defendant's background and the circumstances of the crime.

Until McCluskey was transported to the District of New Mexico by the United States Marshals Service for today's proceedings, he was in state custody in Arizona. On June 17, 2011, an Arizona state jury convicted McCluskey on state charges, including prison escape, kidnapping and armed robbery. McCluskey was sentenced to 43 years' imprisonment that same day. McCluskey had been serving a 15-year prison sentence for attempted second degree murder, aggravated assault and discharge of a firearm when he escaped from the Arizona State Prison.

Province entered guilty pleas to escape-related charges in Arizona state court on January 16, 2011, and was sentence to a 38-year term of imprisonment on January 28, 2011. Province already was serving two life sentences when he escaped from the Arizona State Prison in late July 2010. Province was transferred to the District of New Mexico on January 29, 2011, and arraigned on the second superseding indictment on February 2, 2011.

Welch was transported to the District of New Mexico on April 15, 2011 by the United States Marshals Service after she pleaded guilty to second degree escape and two counts of armed robbery in Arizona state court on April 12, 2011. Welch will be sentenced to twenty-years of imprisonment under a plea agreement with the Mohave County Attorney's

Office. Sentencing in the Arizona state case will not be imposed until after Welch's federal case in New Mexico is resolved.

The federal case was investigated by the New Mexico State Police and the Federal Bureau of Investigation with assistance from the United States Marshal's Service, and is being prosecuted by Assistant United States Attorneys Linda Mott and Gregory J. Fouratt.

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

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