

MIAMI

Jury rejects death chamber

■ Federal jurors say a man who hired a friend to kill an informant shouldn't be put to death because the triggerman is serving life and could be released.

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The nine women and three men who convicted Luis Gonzalez Lauzan Jr. of orchestrating the murder of a government informant refused Tuesday to send the 35-year-old to the federal death chamber.

The Miami jury deliberated for 4½ hours before telling U.S. District Judge James I. Cohn they were deadlocked. Twenty minutes after the judge urged them to make one last attempt, they returned with a unanimous verdict: life in prison without parole.

One female juror sobbed as Cohn read the decision.

"This one was too close for comfort," defense attorney Humberto Dominguez said afterward.

Prosecutors have never won a federal death-penalty verdict in Florida. The Gonzalez decision marks the third time prosecutors have reached

the death-penalty phase only to be rebuked by the jury.

Nine of the jurors stated on the verdict form that they believed the death penalty was disproportionate for Gonzalez because triggerman James Wiggins received a life sentence and has a chance for release after 20 years in prison. Wiggins has that chance because he cooperated with authorities.

Unlike capital cases in state court, where juries make recommendations but judges have the final say over life or death, federal juries make the ultimate decision.

Several jurors reached at home Tuesday night declined to comment.

THE STORY UNFOLDED

The case centered on the Jan. 28, 2002, daytime murder of Alexander Texidor at his Hialeah apartment complex. Texidor, who had been buying guns for Luis Gonzalez Lauzan Sr., had been arrested by the U.S. Bureau of Alcohol, Tobacco and Firearms in December 2001 and immediately agreed to help agents make cases against the elder Gonzalez and others.

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Texidor was murdered 20 days after the ATF charged the elder Gonzalez with illegally procuring weapons, filing off serial numbers and shipping them to Honduras. He was eventually sentenced to more than three years.

The younger Gonzalez, who was convicted in 1997 for possessing a machine gun and silencer, enlisted one friend to find Texidor and another to eliminate the ATF informant.

SENTENCE REACTIONS

During closing arguments Tuesday, lead prosecutor Frank Tamen forcefully argued that the jurors needed to send a deterrent message that society will not tolerate anyone murdering persons who are cooperating with law enforcement agents.

"Alexander Texidor did the right thing and paid for it with his life," Tamen said. "Luisito did the wrong thing and should meet the same fate."

Tamen and prosecutor Nancy Langston declined to comment after the verdict.

Dominguez and co-counsel Bruce Fleisher said Gonzalez, a Cuban native who arrived here in 1981 and practices Rastafarianism, was stunned to hear the jury was deadlocked.

"He's such an easygoing guy," Dominguez said. "He couldn't believe there were people on that panel that wanted to kill him. He just couldn't..."

The defense attorneys blasted Attorney General John Ashcroft for pressing federal prosecutors to seek the death penalty in a growing number of cases they wouldn't have pursued in the past.

"I don't think the Justice Department, under John Ashcroft, is evaluating these cases properly," Dominguez said.

According to the Federal Death Penalty Center, in 41 instances since Ashcroft became attorney general in 2001, he overruled his prosecutors, ordering them to seek the death penalty in cases where they were recommending guilty pleas to life in prison or other sentences.