



U.S. Department of Justice  
United States Attorney  
District of Kansas

## NEWS RELEASE

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## U.S. ATTORNEY'S OFFICE TO PROSECUTE KILLING OF GREENWOOD COUNTY SHERIFF

*KANSAS ATTORNEY GENERAL PHILL KLINE AND U.S. ATTORNEY ERIC  
MELGREN JOIN FORCES TO PROSECUTE THE MURDER OF SHERIFF MATT  
SAMUELS*

TOPEKA, KAN. – United States Attorney Eric Melgren announced today that he will pursue federal charges – including possibly the federal death penalty – in the killing of Greenwood County Sheriff Matt Samuels.

Questions about the legal status of the death penalty in Kansas led state Attorney General Phill Kline to explore various options for prosecuting Scott Cheever, including those available under federal law. Cheever, 23, was charged Monday in Greenwood County District County with seven felony counts, including one count of capital murder for allegedly killing Samuels when the sheriff tried to arrest Cheever Jan. 19. Melgren said he intends to seek a federal grand jury indictment against Cheever arising from the murder of Samuels. This case also will require submission to the Capital Crimes Unit for the U.S. Attorney General's determination of whether the death penalty should be sought.

"I told Attorney General Phill Kline when we first learned of the tragic death of Sheriff Matt Samuels that I would do anything I could to help," Melgren said. "He and I agree that the murder of Sheriff Samuels and the attempted murders of three other law enforcement officers require that we pursue the severest possible penalties."

A 4-3 decision by the Kansas Supreme Court in December declared that the Kansas death penalty law was unconstitutional. Kline has asked the U.S. Supreme Court to review the case and the Kansas Legislature is studying possible changes to the state's death penalty law.

(More)

“Attorney General Kline and I agreed the prudent thing to do at this time is to pursue this case in federal court and to seek the severest penalty possible,” Melgren said. “We owe that to Sheriff Samuels, his family and to all the law enforcement officers of Kansas.”

Melgren and Kline will assign prosecutors from their offices to work together on the case.

“I am confident that the manner in which our two offices conduct this case will be another outstanding example of federal and state cooperation,” Melgren said. Melgren said federal and state law enforcement agencies teamed up from the outset when the Bureau of Alcohol, Tobacco, Firearms and Explosives worked with the Kansas Bureau of Investigation in the first stages of the case.

The decision by the United States Department of Justice, and the United States Attorney General, of whether to seek the death penalty in a particular case is a deliberative process. In cases which may be qualified for the death penalty, the Department of Justice speaks with one voice, after consideration of the United States Attorney’s Death Penalty Evaluation Memorandum, the recommendation of the Capital Case Review Committee and the decision of the United States Attorney General. The procedure has been established to assure that decisions are made fairly and consistently throughout the nation. The following is an outline of the process:

- The United States Attorney General’s Capital Case Review Committee is responsible for reviewing whether prosecutors should seek the death penalty in federal cases. The United States Attorney for the District of Kansas will submit his memorandum to the committee. Melgren’s office already has made preliminary contact with that committee.
- The review process includes an opportunity for defense counsel to make a presentation to the committee.
- The committee considers a variety of factors including evidence in the case, mitigating and aggravating circumstances, other crimes committed at the same time as the capital offense, prior criminal history, impact of the crime on the victim’s family and other relevant matters.
- The review committee makes its recommendations to the United States Attorney General. Only the United States Attorney General may grant final approval for seeking the death penalty in a federal case.

As in any criminal case, a person is presumed innocent until and unless proven guilty. Charges filed merely contain allegations of criminal conduct.