

Brothers' 14-year-old indictments dropped

A judge chastises authorities in ruling the men's rights to a speedy trial had been violated.

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The Kansas City Star

For more than 14 years, former Merriam residents Gregory and Geoffrey Rose were fugitives in the eyes of federal authorities. Their arrest in February at a

small, rented mobile home in New Mexico was hailed as an example of how suspects running from justice can, eventually, be tracked down.

On Tuesday, though, a federal judge in Kansas City, Kan., threw out the cases against the brothers, saying their rights to a speedy trial had been violated.

In two identical 11-page rulings, U.S. District Judge Kathryn H. Vratil ruled in favor of the brothers.

She cited, in part, the 14-year delay between the filing of the sealed indictments against them and their arrest, and government negligence in apprehending the two.

Vratil granted the brothers' request to dismiss the indictments on drug, explosives and weapons charges.

Carl Cornwell, the attorney for Geoffrey Rose, said they agreed with the judge's rulings. Cornwell

said he was uncertain because he had destroyed his records years ago, but that he had sent at least two letters volunteering to surrender the brothers before the indictments were filed in 1991. He said he never heard back from prosecutors.

"Obviously we couldn't be more thrilled with the ruling," said Jackie Rokusek, the attorney for Gregory

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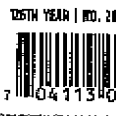
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ROSE: Judge throws out old cases

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Rose. "There was no possible hope for a fair and speedy trial with the time frame we were looking at" between execution of the search warrant and the Roses' arrests.

U.S. Attorney Eric Melgren will review the judge's opinion and evaluate options in consultation with the U.S. Department of Justice, said Kena Rice, a spokeswoman for his office.

Prosecutors have filed a motion to stay the court's rulings so they have time to consider whether to appeal. The two brothers are still in custody.

Cornwell said even if the rulings stood, the brothers may face state charges in New Mexico.

"We are ready" to work with the prosecutor's office there, Cornwell said. The Rose brothers made headlines in the early 1980s when they were accused of plotting to blow up the Overland Park Police Department. They were acquitted of those charges.

Not long after that, they were sentenced to 10 years on federal firearms violations. Their sentences were reduced, and Geoffrey Rose received probation.



**Geoffrey
Rose**



**Gregory
Rose**

According to the rulings, agents from federal and local law enforcement agencies searched the two brothers' home in Merriam in January 1990. The agents recovered weapons, explosives and a marijuana-growing operation, according to the rulings. The two remained at the house during the search and officers did not arrest them.

Cornwell said he contacted the U.S. attorney's office two days later, offering to voluntarily surrender the two brothers if a grand jury returned indictments. He said he contacted prosecutors again in May 1990 to set up a meeting to discuss the case, and once more that September to see which prosecutor had been assigned to the case.

The Rose brothers moved to New Mexico in February 1991

In November of that year, a federal grand jury indicted them on drug, explosives and weapons charges. Prosecutors, however, had the indictments sealed, so the Roses did not know about them.

The two later changed their names. Gregory Rose went by the name William Verdin; Geoffrey Rose used the name Lee Verdin.

Agents could not locate the two men, according to the rulings. Attempts to find the men were made over the years. However, authorities never contacted their mother, who lived in Merriam, out of fear she would be uncooperative.

The case was turned over to the U.S. marshal's office, and in January, the suspects were located near Datil, N.M., where they had lived for eight years.

Authorities there searched their residence and found firearms, weapons, body armor, explosive material, a marijuana-growing operation, cash, and gold and silver coins, then arrested the two men.

The brothers sought to have the federal indictments in Kansas dismissed, saying the 14-year-delay "severely damaged their ability to defend them-

selves because vital witnesses cannot be located, evidence has been destroyed and memories have faded."

They maintained the government did not make reasonable efforts to locate them and that had the indictments been unsealed, they would have turned themselves in.

Authorities, however, said the delay was caused by the defendants because they had known that charges were forthcoming and had fled to avoid prosecution.

In her rulings, Vratil found that while the defendants might have been avoiding arrest, the government failed to respond to their offer to voluntarily surrender and failed to ask their mother about their location. The government's attempts to locate the two men were "lackadaisical at best," Vratil wrote.

In 1992 and 1993, authorities diligently pursued the defendants, but from 1994 through 2005, the made "only perfunctory efforts to locate" the defendants, she wrote.

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