

Dzhokhar Tsarnaev's initial appearance in federal court

Tom Gallagher | Apr. 23, 2013 NCR Today

Dzhokhar Tsarnaev, accused of being one of the men who created the explosions at the Boston Marathon, is hospitalized and in serious condition, so he could not make it into federal court in Massachusetts. Instead, the court came to him.

On Monday, Tsarnaev was arraigned in his hospital room. Federal magistrate Marianne B. Bowler, a court clerk and a stenographer were joined by assistant U.S. attorneys William Weinreb and Alope S. Chakravarty, representing the United States, and federal public defenders Miriam Conrad, William Fick, and Timothy Watkins.

Despite his inability to speak because of a reportedly self-inflicted gunshot wound to this throat, Tsarnaev communicated by nodding his head to the reading of his Miranda rights and to the purpose of the hearing.

Here are the charges against Tsarnaev, according to [a transcript of the hearing](#) [1] from *The Wall Street Journal*:

THE COURT: Mr. Tsarnaev, I am Magistrate Judge Bowler. This hearing is your initial appearance before the Court. We are here because you have been charged in a federal criminal complaint.

At this hearing, I will advise you of your constitutional and legal rights. I will tell you about the charges against you and the penalties that the Court could impose if you are found guilty.

You have been charged with (1): Use of a weapon of mass destruction, in violation of 18, United States Code, Section 2332a(a); and malicious destruction of property resulting in death, in violation of 18, United States Code, Section 844(i).

Mr. Weinreb, what are the maximum penalties?

MR. WEINREB: Your Honor, the maximum penalty on each count is death, or imprisonment for any term of years, or life.

THE COURT: Is there a fine?

MR. WEINREB: A fine of up to \$250,000.

Tsarnaev said he cannot afford an attorney. Oh boy.

Unless some well-meaning and well-funded private practice criminal defense lawyer and law firm decide to represent Tsarnaev *pro bono*, with all due respect to the federal public defenders who generally do great work, they lack a properly federally funded budget to adequately defend Tsarnaev. The federal public defenders will be no match for the full force of the unlimited budget of the U.S. Justice Department, which is dedicated to finding Tsarnaev guilty of the crimes of which he is accused.

Anyone have [Alan](#) [2][Dershowitz](#) [2]'s telephone number?

[The transcript of the hearing](#) [1] is worth the read. The opening legal salvo is methodical, surgical and complete.

For Tsarnaev, the hospital food just started to taste better.

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[1] <http://online.wsj.com/public/resources/documents/dzhokhartranscript.pdf>

[2] <http://www.alandershowitz.com/>