

**IN THE DISTRICT COURT OF THE VIRGIN ISLANDS
DIVISION OF ST. THOMAS AND ST. JOHN**

UNITED STATES OF AMERICA,

v.

23-cr-00016-WAL-EAH-1

ENOCK COLE

Defendant.

NOTICE OF INTENT TO SEEK THE DEATH PENALTY

The United States of America, by and through its undersigned counsel and pursuant to 18 U.S.C. § 3593(a), notifies the Court and Defendant **ENOCK COLE** that the United States believes the circumstances in Count Three of the Indictment (Use of a Firearm During a Crime of Violence Resulting in Death) are such that, in the event of a conviction, a sentence of death is justified under 18 U.S.C. § 3591, *et seq.*, and that the United States will seek the sentence of death for this offense.

The United States proposes to prove the following factors as justifying a sentence of death with regard to Count Three:

1. Defendant **ENOCK COLE** was 18 years of age or older at the time of the offense (18 U.S.C. § 3591(a)).
2. The government will prove the following intent factors enumerated under 18 U.S.C. § 3591(a)(2)(A)–(D) in justifying a sentence of death:
 - a. **ENOCK COLE** intentionally killed the victim (18 U.S.C. § 3591(a)(2)(A));
 - b. **ENOCK COLE** intentionally inflicted serious bodily injury that resulted in the death of the victim (18 U.S.C. § 3591(a)(2)(B));
 - c. **ENOCK COLE** intentionally participated in an act, contemplating that the

life of a person would be taken or intending that lethal force would be used in connection with a person, other than a participant in the offense, and the victim died as a direct result of the act (18 U.S.C. § 3591(a)(2)(C)); and

d. **ENOCK COLE** intentionally and specifically engaged in an act of violence, knowing that the act created a grave risk of death to a person, other than a participant in the offense, such that participation in the act constituted a reckless disregard for human life and the victim died as a direct result of the act (18 U.S.C. § 3591(a)(2)(D)).

3. The government will prove the following statutory aggravating factors enumerated under 18 U.S.C. § 3592(c) in justifying a sentence of death:

a. **ENOCK COLE** in the commission of the offense, or in escaping apprehension for the violation of the offense, knowingly created a grave risk of death to one or more persons in addition to the victim of the offense (18 U.S.C. § 3592(c)(5).

4. Pursuant to 18 U.S.C. § 3593(a), the government will prove the following other aggravating factors in justifying a sentence of death:

a. **ENOCK COLE** was on pretrial release from a murder charge at the time he committed the crime charged in Count Three of the Indictment, and was later convicted of second-degree murder in relation to that charge; and

b. **ENOCK COLE** killed the victim to in an attempt to obstruct justice by eliminating a witness to the robbery.

Respectfully submitted,

ADAM SLEEPER,
Acting United States Attorney

Dated: July 18, 2025

By: /s/Michael J. Conley
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