

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA

v.

EDWARD A. LEON,

Defendant.

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Criminal No. 1:25-CR-309 (AMN)

NOTICE OF INTENT TO SEEK THE DEATH PENALTY

The United States of America, through its undersigned counsel and pursuant to 18 U.S.C. § 3593(a), notifies the Court and defendant EDWARD A. LEON, that the United States believes the circumstances in Count 1 of the Superseding Indictment, Dkt. No. 50, are such that, in the event of a conviction, a sentence of death is justified under 18 U.S.C. §§ 3591-98, and that the United States will seek the sentence of death for the offense of Malicious Use of Fire to Destroy Property Resulting in Death, in violation of 18 U.S.C. § 844(i).

The United States proposes to prove the following factors as justifying a sentence of death with regard to Count 1 as specified below:

(A) EDWARD A. LEON was 18 years of age or older at the time of the offense. 18 U.S.C. § 3591(a).

(B) *Statutory Threshold Factors Enumerated Under 18 U.S.C. § 3591(a)(2)(A)-(D):*

1. Intentional Participation in an Act, Contemplating that the Life of a Person

Would Be Taken and Intending that Lethal Force Would Be Used. EDWARD

A. LEON intentionally participated in an act, contemplating that the life of a person would be taken and intending that lethal force would be used in connection

with a person, other than the participant in the offense, and victim David Terry died as a direct result of the act. 18 U.S.C. § 3591(a)(2)(C).

2. **Intentional Engagement in an Act of Violence, Knowing that the Act Created a Grave Risk of Death to a Person.** EDWARD A. LEON intentionally and specifically engaged in an act of violence, knowing that the act created a grave risk of death to a person, other than one of the participants in the offense, such that the participation in the act constituted a reckless disregard of human life, and David Terry, Michael Terry, Layah Terry, and Donovan Duell died as a direct result of the act. 18 U.S.C. § 3591(a)(2)(D).

(C) *Statutory Aggravating Factors Enumerated Under 18 U.S.C. § 3592(c):*

1. **Grave Risk of Death to Additional Persons.** EDWARD A. LEON, in the commission of the offense, knowingly created a grave risk of death to one or more other persons in addition to the victims of the offense, including S.T., C.M., and C.U. 18 U.S.C. § 3592(c)(5).
2. **Vulnerable Victims.** EDWARD A. LEON committed the offense against victims who were particularly vulnerable due to youth (Michael Terry, Layah Terry, and Donovan Duell). 18 U.S.C. § 3592(c)(11).

(D) *Non-Statutory Aggravating Factors Identified Pursuant to 18 U.S.C. § 3593(a)(2):*

1. **Victim Impact.** EDWARD A. LEON caused injury, harm, and loss to the family and friends of David Terry, Michael Terry, Layah Terry, and Donovan Duell. The injury, harm, and loss caused by EDWARD A. LEON with respect to each victim is evidenced by the victim's personal characteristics and by the impact of the victim's death upon their family and friends.

2. **Injury to Surviving Victim.** EDWARD A. LEON caused serious physical and emotional injury, and severe psychological impact to an individual who survived the offense, S.T.
3. **Obstruction of Justice.** EDWARD A. LEON obstructed the criminal investigation into the arson at 438 Hulett Street in Schenectady, New York, by lying under oath regarding his knowledge of and involvement in the crime.
4. **Participation in Additional Uncharged Serious Crimes of Violence.** EDWARD A. LEON has participated in uncharged serious crimes of violence beyond those alleged in the Superseding Indictment, that is, that LEON committed an arson on or about March 17, 2013, at 9 New Street in Saint Johnsville, New York.

Respectfully submitted,

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