

JJD:MEM/APW
F.#2022R00057

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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UNITED STATES OF AMERICA

NOTICE OF INTENT TO SEEK
THE DEATH PENALTY

- against -

Cr. No. 22-401 (S-3) (JMA)

KENDRICK SEYMORE,
also known as “KR,”

Defendant.

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NOTICE OF INTENT TO SEEK THE DEATH PENALTY

The United States of America, through undersigned counsel and pursuant to 18 U.S.C. § 3593(a), notifies the Court and the defendant KENDRICK SEYMORE, also known as “KR,” that the United States believes that the circumstances in Counts Thirty-Eight, Thirty-Nine, Forty-One, Forty-Two, and Forty-Four of the Third Superseding Indictment, Doc. 135, are such that, in the event SEYMORE is convicted of any of the capital offenses relating to the deaths of victims Richard Castano, Nyasia Knox, and Diamond Schick, a sentence of death is authorized under 18 U.S.C. §§ 3591-99, and the United States will seek the death penalty.

The United States will seek a sentence of death for the defendant KENDRICK SEYMORE for the following criminal offenses as provided for in Counts Thirty-Eight, Thirty-Nine, Forty-One, Forty-Two, and Forty-Four of the Third Superseding Indictment: Firearm-Related Murders of Richard Castano, Nyasia Knox, and Diamond Schick, in

violation of 18 U.S.C. §§ 924(j)(1), 2, and 3551 et seq., and Witness Tampering Murders of Nyasia Knox and Diamond Schick, in violation of 18 U.S.C. §§ 1512(a)(1)(C), 1512(a)(3)(A), 2, and 3551 et seq., each of which carries a possible sentence of death.

The United States proposes to prove the following factors as justifying a sentence of death with regards to Counts Thirty-Eight, Thirty-Nine, Forty-One, Forty-Two, and Forty-Four as specified below:

(A) Defendant's Age Under 18 U.S.C. § 3591(a)

The defendant KENDRICK SEYMORE was 18 years of age or older at the time of the offense. 18 U.S.C. § 3591(a). (Counts Thirty-Eight, Thirty-Nine, Forty-One, Forty-Two, and Forty-Four).

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

1. **Intentional Killing:** The defendant KENDRICK SEYMORE intentionally killed Richard Castano, Nyasia Knox, and Diamond Schick. 18 U.S.C. § 3591(a)(2)(A). (Counts Thirty-Eight, Thirty-Nine, Forty-One, Forty-Two, and Forty-Four).

2. **Intentional Infliction of Serious Bodily Injury:** The defendant KENDRICK SEYMORE intentionally inflicted serious bodily injury that resulted in the deaths of Richard Castano, Nyasia Knox, and Diamond Schick. 18 U.S.C. § 3591(a)(2)(B). (Counts Thirty-Eight, Thirty-Nine, Forty-One, Forty-Two, and Forty-Four).

3. **Intentional Participation in an Act Resulting in Death:** The defendant KENDRICK SEYMORE 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 one of the participants in the offense, and Richard Castano, Nyasia Knox, and Diamond Schick died as a direct result of the act. 18 U.S.C. § 3591(a)(2)(C). (Counts

Thirty-Eight, Thirty-Nine, Forty-One, Forty-Two, and Forty-Four).

4. **Intentional Engagement in an Act of Violence, Knowing That the Act Created a Grave Risk of Death to a Person:** The defendant KENDRICK SEYMORE 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 participation in the act constituted a reckless disregard for human life and Richard Castano, Nyasia Knox, and Diamond Schick died as a direct result of the act. 18 U.S.C. § 3591(a)(2)(D). (Counts Thirty-Eight, Thirty-Nine, Forty-One, Forty-Two, and Forty-Four).

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

1. **Grave Risk of Death to Additional Persons:** The defendant KENDRICK SEYMORE, in the commission of the offense, and 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 victims of the offense. 18 U.S.C. § 3592(c)(5). (Counts Thirty-Eight, Thirty-Nine, Forty-One, Forty-Two, and Forty-Four).

2. **Pecuniary Gain:** The defendant KENDRICK SEYMORE committed the offense as consideration for the receipt, and in the expectation of the receipt, of anything of pecuniary value. 18 U.S.C. § 3592(c)(8). (Count Thirty-Eight).

3. **Multiple Killings or Attempted Killings:** The defendant KENDRICK SEYMORE intentionally killed and attempted to kill more than one person in a single criminal episode. 18 U.S.C. § 3592(c)(16). (Counts Thirty-Eight, Thirty-Nine, Forty-One, Forty-Two, and Forty-Four).

(D) Non-Statutory Aggravating Factors Identified Under 18 U.S.C. § 3593(a)(2)

1. **Other Contemporaneous Criminal Conduct:** The defendant KENDRICK SEYMORE, as charged in the Third Superseding Indictment, committed other criminal acts before and after the murders of Richard Castano, Nyasia Knox, and Diamond Schick, including, but not limited to, the following: (i) the attempted murders with a firearm of John Doe #3, John Doe #4, and John Doe #5 on or about May 17, 2020; (ii) the robbery with a firearm of John Doe #7 between May 2020 and July 2020; (iii) the robbery with a firearm of John Doe #11 on or about October 23, 2020; (iv) the robbery with a firearm of John Doe #13 on or about December 11, 2020; (v) the robbery with a firearm of John Doe #14 on or about March 23, 2021; (vi) the robbery with a firearm of Jane Doe #2 and John Doe #17 on or about September 25, 2021; (vii) the attempted robbery with a firearm of Jane Doe #3 on or about October 1, 2021; (viii) the conspiracy to murder and assault members and associates of the Mac Ballers in or about and between May 2020 and March 2023; (ix) the use and possession of one or more firearms during and in relation to a drug trafficking crime in or about and between June 2016 and March 2023; and (x) the use and possession of one or more firearms during and in relation to a drug trafficking crime on or about January 18, 2022. (Counts Thirty-Eight, Thirty-Nine, Forty-One, Forty-Two, and Forty-Four).

2. **Obstruction of Justice/Elimination of Witnesses:** The defendant KENDRICK SEYMORE murdered Nyasia Knox and Diamond Schick to prevent them from being eyewitnesses to the murder of Richard Castano, which happened immediately before at the same location. (Counts Thirty-Nine, Forty-One, Forty-Two, and Forty-Four).

3. **Victim Impact:** The defendant KENDRICK SEYMORE caused injury, harm, and loss to the family, friends, and associates of Richard Castano, Nyasia Knox, and

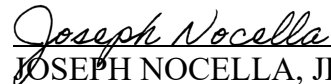
Diamond Schick. The injury, harm, and loss caused by SEYMORE with respect to each victim is evidenced by each victim's personal characteristics and by the impact of that victim's death upon his or her family, friends, and associates. (Counts Thirty-Eight, Thirty-Nine, Forty-One, Forty-Two, and Forty-Four).

4. **Future Dangerousness:** The defendant KENDRICK SEYMORE is likely to commit criminal acts of violence in the future such that he poses a continuing and serious threat to the lives and safety of others, as evidenced by, at least, one or more of the following: (a) his participation in a continuing pattern of violence before his arrest, to include offenses charged in the Third Superseding Indictment; (b) his ongoing membership in the Gorilla Stone Bloods, a criminal organization with a significant and growing presence in the Federal Bureau of Prisons; (c) his continued criminal conduct while incarcerated, including, inter alia, a violent assault against another inmate on or about June 24, 2024; and (d) his statements expressing his willingness to kill witnesses related to the murders charged in the Third Superseding Indictment. (Counts Thirty-Eight, Thirty-Nine, Forty-One, Forty-Two, and Forty-Four).

5. **Death During Commission of Another Crime:** The death of Richard Castano, Nyasia Knox, and Diamond Schick, occurred during the commission and attempted commission of an armed robbery or flight therefrom by the defendant KENDRICK SEYMORE. (Counts Thirty-Eight, Thirty-Nine, Forty-One, Forty-Two, and Forty-Four).

6. **Deceptive Killing:** The defendant KENDRICK SEYMORE used deception to render Nyasia Knox and Diamond Schick defenseless and unsuspecting of their immediate danger. (Counts Thirty-Nine, Forty-One, Forty-Two, and Forty-Four).

Dated: Central Islip, New York
December 3, 2025



JOSEPH NOCELLA, JR.
ATTORNEY FOR THE UNITED STATES,
ACTING UNDER AUTHORITY
CONFERRED BY 28 U.S.C. § 515

cc: Joshua Horowitz, Esq.
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