

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

THE UNITED STATES OF AMERICA :
 :
 v. : **Criminal No. 05-100-01(RWR)**
 :
 ANTWUAN BALL, :
 also known as Twan, :
 also known as Big Ant, :
 Defendant. :

NOTICE OF INTENT TO SEEK THE DEATH PENALTY

Pursuant to the requirements of 18 U.S.C. § 3593(a), the United States hereby gives notice that it believes that the circumstances of this case are such that, in the event that the defendant **ANTWUAN BALL, aka Twan, aka Big Ant**, is convicted of the capital offense charged in Count Seventy-Three of the May 30, 2006 Superseding Indictment, murder in aid of racketeering activity of Trevon Shaw in violation of Title 18 of the United States Code, Section 1959(a)(1), a sentence of death is justified, and that the United States will seek the death penalty with regard to this offense.

A. Statutory Proportionality Factors Enumerated under 18 U.S.C. § 3591(a)(2)

Pursuant to 18 U.S.C. § 3591(a)(2), the United States will rely on the following proportionality factors to establish the defendant's eligibility for the death penalty with regard to Count Seventy-Three:

1. **Intentional Killing**

The defendant intentionally killed Trevon Shaw. (18 U.S.C. § 3591(a)(2)(A)).

2. **Intentional Infliction of Serious Bodily Injury**

The defendant intentionally inflicted serious bodily injury that resulted in the death of Trevon Shaw. (18 U.S.C. § 3591(a)(2)(B)).

3. Intentional Acts to Take Life

The defendant intentionally participated in acts, contemplating that the lives of people would be taken or intending that lethal force would be used in connection with people, other than one of the participants in the offense, and Trevon Shaw died as a direct result of those acts. (18 U.S.C. § 3591(a)(2)(C)).

4. Acts of Violence with Reckless Disregard for Life

The defendant intentionally and specifically engaged in acts of violence, knowing that the acts created grave risks of death to persons, other than one of the participants in the offense, such that participation in the acts constituted a reckless disregard for human life and Trevon Shaw died as a direct result of the acts. (18 U.S.C. § 3591(a)(2)(D)).

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

Pursuant to 18 U.S.C. § 3592(c), the United States will rely on the following statutory aggravating factor as justifying a sentence of death with regard to Count Seventy-Three:

1. Substantial Planning and Premeditation.

The defendant committed the offense after substantial planning and premeditation to cause the death of a person or commit an act of terrorism. (18 U.S.C. § 3592(c)(9)).

C. Other, Non-Statutory, Aggravating Factors Identified under 18 U.S.C. § 3593(a)(2)

Pursuant to 18 U.S.C. § 3592(c), the United States will rely on the following non-statutory aggravating factors as justifying a sentence of death with regard to Count Seventy-Three:

_____ 1. **Contemporaneous Convictions for Acts of Violence Charged in the Superseding Indictment.**

In addition to the capital offense charged in Count Seventy-Three of the May 30, 2006 Superseding Indictment, the defendant engaged in a continuing pattern of criminal conduct. That pattern of criminal conduct includes the specific homicides, non-fatal shootings, and conspiracies charged in the May 30, 2006 Superseding Indictment. Each of the violent acts listed below serves as a non-statutory aggravating factor in the event of the defendant's conviction for the murder of Trevon Shaw.

a. **Conspiracy to Murder Ronnie Middleton, aka Squid, and other Members and associates of the 1-5 Mob.** From on or about November 21, 1993 to on or about August 17, 1998, in the District of Columbia, **ANTWUAN BALL, aka Twan, aka Big Ant,** and other co-conspirators did unlawfully, knowingly, and willfully combine, conspire, confederate, and agree together to murder Ronnie Middleton, aka Squid, Bradley Carter, and other members and associates of the 1-5 Mob. (Overt Act 4, 5, 6, 16, and 24, Racketeering Act 51).

b. **Assault with Intent to Murder Bradley Carter.** On or about February 20, 1994, in the 2300 block of Southern Avenue, SE, in the District of Columbia, **ANTWUAN BALL, aka Twan, aka Big Ant,** and co-conspirators, while armed with firearms, assaulted Bradley Carter with the intent to murder him. (Overt Act 4, Racketeering Act 52).

c. **Murder of Troy Lewis.** On or about January 23, 1996, in the District of Columbia, **ANTWUAN BALL, aka Twan, aka Big Ant,** while armed with a firearm, purposely and with deliberate and premeditated malice, killed Troy Lewis, by shooting him with a firearm on or about January 23, 1996, thereby causing injuries from which Troy Lewis died on or about January 23, 1996. (Overt Acts 9, Racketeering Act 54, Counts 50 and 51).

d. **Conspiracy to Murder Jack Davis and Devar Chandler, and other Members and associates of the 10th Place/Trenton Place Crew.** From in or about sometime in September 1996 to at least June 16, 1998, in the District of Columbia, **ANTWUAN BALL, aka Twan, aka Big Ant**, and other co-conspirators did unlawfully, knowingly, and willfully combine, conspire, confederate, and agree together to murder Jack Davis, aka Twin, Devar M. Chandler, aka D-Lock, and other members and associates of the 10th Place/Trenton Place Crew. (Overt Acts 19, 20, 21, 22, and 23, Racketeering Act 55).

e. **Armed Robbery.** On or about March 3, 2000, in the 1300 Block of Congress Street, SE, within the District of Columbia, **ANTWUAN BALL, aka Twan, aka Big Ant**, while armed with a pistol, committed an act involving robbery, in that he, by force and violence, against resistance and by putting in fear, stole and took from the person and from the immediate actual possession of **DAVID WILSON, aka Cool Wop, aka Cootie**, and another co-conspirator, property of value belonging to that person, consisting of cocaine base, also known as crack cocaine, U.S. Currency, and a firearm. (Overt Act 40, Racketeering Act 70).

f. **Assault with Intent to Murder Michael Smallwood.** On or about September 5, 2003, in the 1300 block of Congress Street, SE, in the District of Columbia, **ANTWUAN BALL, aka Twan, aka Big Ant**, and co-conspirators, while armed with a knife, assaulted Michael Smallwood with the intent to murder him. (Overt Act 116, Racketeering Act 64).

2. **Unadjudicated Murder not Charged in the Superseding Indictment.**

In addition to the acts of violence charged in the May 30, 2006 Superseding Indictment and described herein, **ANTWUAN BALL, aka Twan, aka Big Ant**, committed the following unadjudicated murder not charged in the May 30, 2006 Superseding Indictment, which

serves as a non-statutory aggravating factor which we will seek to prove in the event of the defendant's conviction for the murder of Trevon Shaw: On or about June 29, 1989, **ANTWUAN BALL, aka Twan, aka Big Ant**, and co-conspirators, while armed with a firearm, purposely and with deliberate and premeditated malice, killed Carlton Allen, by shooting him with a firearm on or about June 29, 1989, thereby causing injuries from which Carlton Allen died on or about June 29, 1989.

3. **Contemporaneous Convictions for Narcotics Trafficking.**

From in or about sometime in 1992 and continuing until at least March of 2005, as set forth in Count One of the May 30, 2006 Superseding Indictment, **ANTWUAN BALL, aka Twan, aka Big Ant**, and other co-conspirators obtained, possessed with intent to distribute and distributed quantities of powder cocaine, cocaine base, also known as crack cocaine, which were subsequently distributed to members and associates of the enterprise and customers in the District of Columbia, the State of Maryland, the Commonwealth of Virginia, and elsewhere. Each of the separate drug offenses listed below serves as a non-statutory aggravating factor in the event of the defendant's conviction for the murder of Trevon Shaw.

a. On or about July 18, 2000, in Washington, D.C., **ANTWUAN BALL, aka Twan, aka Big Ant**, knowingly and intentionally distributed a mixture and substance containing a detectable amount of cocaine base, also known as crack cocaine. (Overt Act 55, Racketeering Act 8, Count 9).

b. On or about July 26, 2001, in Washington, D.C., **ANTWUAN BALL, aka Twan, aka Big Ant**, knowingly and intentionally distributed five grams or more of a

mixture and substance containing a detectable amount of cocaine base, also known as crack cocaine. (Overt Act 92, Racketeering Act 33, Count 34).

4. **Contemporaneous Convictions for Firearms Offenses.**

The defendant possessed a firearm during each of the acts of violence set forth as aggravating factors in this Notice. Additionally, the defendant possessed a firearm on the following occasions, each of which serves as an additional non-statutory aggravating factor in the event of the defendant's conviction for the murder of Trevon Shaw.

a. On or about October 30, 1992, in the unit block of Galveston Place, in Southwest, Washington, D.C., **ANTWUAN BALL, aka Twan, aka Big Ant**, possessed a loaded Arminus .38 caliber revolver. (Overt Act 1).

b. On or about August 1, 1995, in the 2300 block of Alabama Avenue, and in the 2700 block of Reynolds Place, in Southeast, Washington, D.C., **ANTWUAN BALL, aka Twan, aka Big Ant**, possessed a loaded Ruger .9mm semi-automatic pistol. (Overt Act 7).

c. On or about June 14, 1996, in the 1300 block of Southwest Freeway, in Southeast, Washington, D.C., **ANTWUAN BALL, aka Twan, aka Big Ant**, possessed a loaded Lorcin .9mm semi-automatic pistol. (Overt Act 11).

d. On or about July 3, 2001, in the 3400 block of 13th Place, in Southeast, Washington, D.C., **ANTWUAN BALL, aka Twan, aka Big Ant**, and a co-conspirator possessed two loaded assault rifles, a Thompson semi-automatic carbine and a 7.62 assault rifle. (Overt Act 89, Count 90).

5. **Obstruction of Justice.**

From on or about sometime in 1992 and continuing until sometime in 2005, as set forth in the May 30, 2006 Superseding Indictment and this Notice, **ANTWUAN BALL, aka Twan, aka Big Ant**, obstructed or impeded and attempted to obstruct or impede the administration of justice during the course of the investigation or prosecution of his criminal activities. More specifically, **ANTWUAN BALL, aka Twan, aka Big Ant**, conspired to tamper with witnesses to the murder of Jamel Sills and Trevon Shaw, threatened witnesses to the murders of Jamel Sills and Trevon Shaw, provided false information to a law enforcement officer about the murder of Jamel Sills, and directed other co-conspirators to provide false information to a law enforcement officer about the murder of Jamel Sills. (Overt Acts 109, 110, 111, 112, 113, 114, Racketeering Acts 67, 68, and 69). Furthermore, **ANTWUAN BALL, aka Twan, aka Big Ant**, and other co-conspirators agreed to kill any member or associate of the conspiracy cooperating with law enforcement against any other member or associate of the conspiracy. (Overt Act 103).

6. Leadership Role

From on or about sometime in 1992 and continuing until sometime in 2005, **ANTWUAN BALL, aka Twan, aka Big Ant**, maintained a leadership role in the organization, management and administration of the enterprise charged in Count Two of the Indictment (hereinafter “the enterprise”).

7. Abuse of Trust

ANTWUAN BALL, aka Twan, aka Big Ant, abused a position of trust and authority within the STEP Foundation to further his criminal goals and those of the enterprise alleged in the indictment.

8. Future Dangerousness of the Defendant

The defendant represents a continuing danger to the lives and safety of other persons. The defendant is likely to commit criminal acts of violence in the future that would constitute a continuing and serious threat to the lives and safety of others, as evidenced by, at least, one or more of the following:

a. Continuing Pattern of Violence

The defendant has engaged in a continuing pattern of violence, attempted violence, and threatened violence, including, at least, the crimes alleged against defendant in the Indictment.

b. Low Rehabilitative Potential

The defendant has demonstrated a low potential for rehabilitation as evidenced by his longstanding involvement in criminal activities, including drug trafficking and violence, leading up to the capital offenses charged in the Indictment.

c. Leadership in a Criminal Street Gang

The defendant has demonstrated an allegiance to and has a leadership role in the Congress Park Crew, an organization falling within the definition of criminal street gangs set forth in 18 U.S.C. § 521(a)

9. Victim Impact Evidence

As reflected by the victim's personal characteristics as human beings and the impact of the offense on the victim and the victim's families, the defendant caused loss, injury, and harm to the victims and the victim's families, see Payne v. Tennessee, 501 U.S. 808, 825-827 (1991), including, but not limited to, the following:

a. Characteristics of victim

(i) The defendant caused the death of Carlton Allen, who enjoyed a strong relationship with his family.

(ii) The defendant caused the death of Troy Lewis, who enjoyed a strong relationship with his family.

(iii) The defendant caused the death of Trevon Shaw, who enjoyed a strong relationship with his family.

b. Impact of the offense on the families of the victims

The victims' families have suffered severe and irreparable harm.

The Government further gives notice that in support of imposition of the death penalty on Count Seventy-Three, it intends to rely upon all the evidence admitted by the Court at the guilt phase of the trial and the offenses of conviction as described in the Indictment as they relate to the background and character of the defendant, his moral culpability, and the nature and circumstances of the offenses charged in the Indictment.

Respectfully submitted,

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