

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

RECEIVED

FEB 1 8 1996

U. S. DISTRICT COURT
EASTERN DISTRICT OF MO
ST. LOUIS

UNITED STATES OF AMERICA,)

Plaintiff,)

vs.)

ANDRE BONDS)

Defendant.)

No. 4:95CR332 CAS (TCM)

NOTICE OF INTENT TO SEEK THE DEATH PENALTY

COMES NOW the United States of America, by and through its attorneys, Edward L. Dowd, Jr., United States Attorney for the Eastern District of Missouri, and Joseph M. Landolt, Assistant United States Attorney for said District, and pursuant to 18 U.S.C. §§ 3591-3593, notifies the Court and the Defendant, Andre Bonds, that in the event the Defendant is convicted of any of the following offenses:

1) the offense of Carjacking resulting in death, in violation of 18 U.S.C. §§ 2119 and 2 as alleged in Count I of the indictment;

2) the offense of Using and Carrying a Firearm During and in Relation to a Federal Crime of Violence which results in causing the death of a person through the use of a firearm and such killing is a murder as defined in 18 U.S.C. § 1111 in violation of 18 U.S.C. §§ 924(c), 924(1)(1) and 2 as alleged in Count II of the indictment;

3) the offense of Kidnapping resulting in death in violation of 18 U.S.C. §§ 1201(a)(1) and 2 as alleged in Count III of the

indictment;

4) the offense of Using and Carrying a Firearm During and in Relation to a Federal Crime of Violence which results in causing the death of a person through the use of a firearm and such killing is a murder as defined in 18 U.S.C. § 1111 in violation of 18 U.S.C. §§ 924(c), 924(i)(1), and 2 as alleged in Count IV of the indictment;

5) the offense of Kidnapping resulting in death in violation of 18 U.S.C. §§ 1201(a)(1) and 2 as alleged in Count V of the indictment;

6) the offense of Using and Carrying a Firearm During and in Relation to a Federal Crime of Violence which results in causing the death of a person through the use of a firearm and such killing is a murder as defined in 18 U.S.C. § 1111 in violation of 18 U.S.C. §§ 924(c), 924(i)(1), and 2 as alleged in Count VI of the indictment;

that the United States will seek the sentence of death.

The United States believes that the circumstances of the offenses set forth above are such that, if the Defendant is convicted, a sentence of death is justified under Chapter 228 of Title 18 U.S.C. and in particular, 18 U.S.C. §§ 3591 through 3593.

I.

The United States of America will prove, at a hearing held pursuant to 18 U.S.C. § 3593, that:

a. the Defendant, Andre Bonds, on or about May 5, 1995, did intentionally kill Melissa Gail Aptman by shooting her in the neck

and forehead with a firearm;

b. the Defendant, Andre Bonds, on or about May 5, 1995, did intentionally inflict serious bodily injury, which resulted in the death of the victim, Melissa Gail Aptman, by shooting Melissa Gail Aptman in the neck and forehead with a firearm;

c. the Defendant, Andre Bonds, on or about May 5, 1995, did intentionally participate in acts, namely, shooting Melissa Gail Aptman, a person other than one of the participants in the offense, in the neck and forehead with a firearm, contemplating that the life of Melissa Gail Aptman would be taken and intending that lethal force would be used in connection with Melissa Gail Aptman, and the victim, Melissa Gail Aptman, died as a direct result of the acts;

d. the Defendant, Andre Bonds, on or about May 5, 1995, did intentionally and specifically engage in acts of violence, namely, shooting Melissa Gail Aptman in the neck and forehead with a firearm, knowing that the acts created a grave risk of death to a person other than one of the participants in the offense, such that participation in the acts constituted a reckless disregard for human life and the victim, Melissa Gail Aptman, died as a direct result of the acts;

II.

The United States of America will prove the following statutory aggravating factors to justify a sentence of death:

a. the Defendant, Andre Bonds, caused the death, or injury resulting in the death of Melissa Gail Aptman, which occurred

during the commission of the offense of kidnapping (18 U.S.C. § 3592(c)(1));

b. in relation to Counts I, III, and V of the indictment only, the Defendant, Andre Bonds, has previously been convicted of state offenses punishable by a term of imprisonment for more than one year which involve the use or attempted or threatened use of a firearm (as defined in 18 U.S.C. § 921) against another person, to wit: Assault in the First Degree, a class B felony and Assault in the Second Degree, a class C felony on or about April 4, 1994, in the Circuit Court of St. Louis County, Missouri, in Cause No. 93CR-3794B (18 U.S.C. § 3592(c)(2));

c. the Defendant, Andre Bonds, committed the offense in an especially heinous, cruel, and depraved manner in that it involved torture and serious physical abuse to the victim, namely, shooting Melissa Gail Aptman in the neck with a firearm rendering her helpless but still conscious, transporting Melissa Gail Aptman from St. Louis, Missouri, to East St. Louis, Illinois, while robbing Melissa Gail Aptman of her purse and jewelry in the process, causing Melissa Gail Aptman to fear for her life, and shooting Melissa Gail Aptman in the forehead (18 U.S.C. § 3592(c)(6));

d. the Defendant, Andre Bonds, committed the offense as consideration for the receipt, or in the expectation of the receipt, of anything of pecuniary value, to wit: a Jeep Grand Cherokee, jewelry, United States currency, credit cards, and other valuable property (18 U.S.C. § 3592(c)(8));

e. the Defendant, Andre Bonds, committed the offense after

substantial planning and premeditation to cause the death of Melissa Gail Aptman or to commit an act of terrorism against Melissa Gail Aptman in that after shooting Melissa Gail Aptman in the neck with a firearm, Defendant drove around for a period of time searching for a secluded location to dispose of Melissa Gail Aptman while robbing Melissa Gail Aptman of her purse and jewelry in the process, causing Melissa Gail Aptman to fear for her life, and finally, arriving at a secluded area, removing Melissa Gail Aptman from the vehicle, laying Melissa Gail Aptman by the roadside and shooting her in the forehead with a firearm (18 U.S.C. § 3592(c)(9)).

III.

The United States of America will prove the following non-statutory aggravating factors to justify a sentence of death:

a. Defendant, Andre Bonds, has participated in additional serious acts of violence to wit:

1) the Defendant's participation in the assaults of Vanilla Bailey and Doris Wright which occurred on or about June 23, 1993, in the vicinity of 7157 Lyndover, Maplewood, Missouri, which are the basis of Defendant's convictions of the offenses of Assault in the First Degree and Assault in the Second Degree in Cause No. CR-3704B of the Circuit Court of St. Louis, Missouri;

2) the Defendant's participation in the assaults of Terry Wiggins, Lewis Brown, and Eric Boyd which occurred on or about October 18, 1994, in the vicinity of 7638 Dale Avenue, Richmond Heights, Missouri;

b. Defendant, Andre Bonds, killed the victim, Melissa Gail Aptman, in an effort by Defendant to obstruct justice, that is, to prevent the victim, Melissa Gail Aptman, from testifying against Defendant in any criminal prosecution of Defendant for crimes committed by Defendant against victim Melissa Gail Aptman;

c. the future dangerousness of Defendant, Andre Bonds, to the lives and safety of other persons as evidenced by Defendant Andre Bond's lack of remorse as demonstrated by the following activity: after removing Melissa Gail Aptman from the vehicle in a secluded location and shooting Melissa Gail Aptman in the forehead, Defendant reentered the vehicle and inquired of victim Amanda Pestcoe if she were now willing to cooperate; forcing Amanda Pestcoe to perform oral sex on Defendant; raping Amanda Pestcoe as the vehicle was being driven to another remote location; forcing Amanda Pestcoe from the vehicle in a secluded location; and participating in shooting Amanda Pestcoe three times in the head and leaving her for dead;

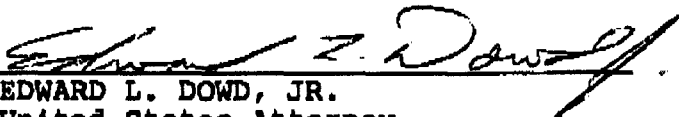
d. the future dangerousness of Defendant, Andre Bonds, to the lives and safety of other persons as evidenced by Defendant Andre Bond's participation in other violent episodes, to wit:

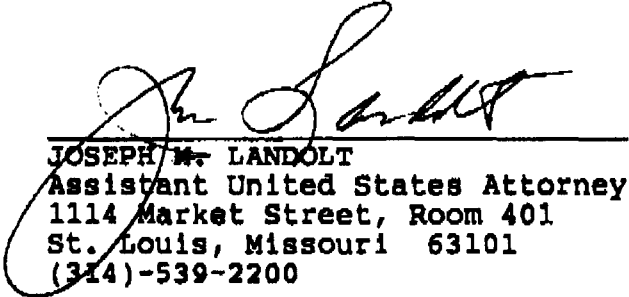
1) the Defendant's participation in the assaults of Vanilla Bailey and Doris Wright which occurred on or about June 23, 1993, in the vicinity of 7157 Lyndover, Maplewood, Missouri, which are the basis of Defendant's convictions of the offenses of Assault in the First Degree and Assault in the Second Degree in Cause No. CR-3704B of the Circuit Court of St. Louis, Missouri;

2) Defendant's participation in the assaults of Terry Wiggins, Lewis Brown, and Eric Boyd which occurred on or about October 18, 1994, in the vicinity of 7638 Dale Avenue, Richmond Heights, Missouri;

e. victim Melissa Gail Aptman's personal characteristics and the effect of the instant offenses on Melissa Gail Aptman, Melissa Gail Aptman's friends, and Melissa Gail Aptman's family. Specifically, the United States of America will show that the commission of the instant offenses caused emotional injury and anguish to Melissa Gail Aptman, and emotional injury, anguish, sorrow and loss to her friends and family. Evidence in support of this circumstance will include victim impact statements and testimony of Melissa Gail Aptman's friends and family which set forth the character of Melissa Gail Aptman and the extent and scope of the injury suffered by Melissa Gail Aptman, her friends and family.

Respectfully submitted,

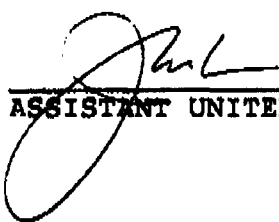

EDWARD L. DOWD, JR.
United States Attorney


JOSEPH M. LANDOLT
Assistant United States Attorney
1114 Market Street, Room 401
St. Louis, Missouri 63101
(314)-539-2200

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a copy of the above and foregoing was mailed this 16th day of February 1996, postage prepaid United States Mail, first class to:

Mr. Richard H. Sindel
Attorney at Law
8008 Carondelet
Clayton, Missouri 63105



ASSISTANT UNITED STATES ATTORNEY