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    UNITED STATES OF AMERICA
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                       UNITED STATES DISTRICT COURT
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                  FOR THE CENTRAL DISTRICT OF CALIFORNIA
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    UNITED STATES OF AMERICA,
                                  )
                                        No. CR 05-920(A)-RSWL
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                   Plaintiff,
                                  )
                                        GOVERNMENT'S NOTICE OF INTENT
                                        TO SEEK THE DEATH PENALTY
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                                        AGAINST DEFENDANT MICHAEL
         v.
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                                        DENNIS WILLIAMS
    MICHAEL DENNIS WILLIAMS,
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      aka "Treystone,"
      aka "Baby Treystone,"
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                   Defendant.
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                NOTICE OF INTENT TO SEEK THE DEATH PENALTY
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         The United States of America, pursuant to 18 U.S.C.
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    § 3593(a), notifies the Court and defendant MICHAEL DENNIS
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    WILLIAMS ("defendant"), that the Government believes the
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    circumstances of the offenses charged in Counts One, Two, and
    Three of the First Superseding Indictment are such that, in the
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    event of a conviction, a sentence of death is justified under
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Chapter 228 (Sections 3591 through 3598) of Title 18 of the

United States Code, and that the Government will seek the sentence of death for the following offenses: conspiracy to interfere with commerce by robbery, in violation of Title 18, United States Code, Section 1951(a) [Count One]; interference with commerce by robbery, in violation of Title 18, United States Code, Section 1951(a) [Count Two]; and using, carrying, brandishing, and discharging a firearm during a crime of violence causing death, in violation of Title 18, United States Code, Sections 924(c)(1)(A)(iii), (j)(1) [Count Three], which carries a possible sentence of death.

The Government proposes to prove the following factors as justifying a sentence of death.

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

The following statutory proportionality factors apply to Count Three.

1. Intentionally Inflicted Serious Bodily Injury that
Resulted in the Death of the Victim

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

2. Intentional Acts to Take Life or Use Lethal Force
The defendant 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 one
of the participants in the offense, and Evelio Suarez, Jr. died
as a direct result of the act. 18 U.S.C. § 3591(a)(2)(C).

3. Intentionally and Specifically Engaged in an Act of Violence Creating a Grave Risk of Death

The defendant 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 Evelio Suarez, Jr. died as a direct result of the act. 18 U.S.C. § 3591(a)(2)(D).

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

The following statutory aggravating factors apply to Count Three.

1. Prior Firearm-Related Convictions

The defendant committed the offense charged in Count Three after having previously been convicted of a federal or state offense punishable by a term of imprisonment of more than one year which involved the use or attempted or threatened use of a firearm against a person. 18 U.S.C. § 3592(c)(2).

2. Grave Risk of Death to Others

The defendant knowingly created a grave risk of death to one or more persons in addition to Evelio Suarez, Jr., the victim of the offense charged in Count Three. 18 U.S.C. § 3592(c)(5).

3. Commission of Offense for Pecuniary Consideration
The defendant committed the offense charged in Count Three as
consideration for the receipt, or in the expectation of the
receipt, of anything of pecuniary value. 18 U.S.C. § 3592(c)(8).

1		4.	Substant	ial 1	Planning	and P	reme	ditati	.on
2	The	defendant	committed	the	offense	charg	ged i	n Coun	ıt '

The defendant committed the offense charged in Count Three after substantial planning and premeditation to cause the death of a person. 18 U.S.C. § 3592(c)(9).

5. Multiple Killings or Attempted Killings

The defendant intentionally killed or attempted to kill more than one person in a single criminal episode. 18 U.S.C. § 3592(c)(16).

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

The following non-statutory aggravating factors apply to Count Three.

1. Future Dangerousness of the Defendant

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 First Superseding Indictment.

b. <u>Institutional Misconduct</u>

The defendant poses a future danger to the lives and safety of other persons, as demonstrated by his acts of institutional misconduct while in the custody of the California Department of

Corrections, United States Bureau of Prisons, United States
Marshals Service, or other law enforcement agencies.

c. <u>Lack of Remorse</u>

The defendant has demonstrated a lack of remorse for the capital offense committed in this case, as indicated by defendant's statements and actions during the course of and following the offenses alleged in the First Superseding Indictment.

2. Victim Impact Evidence

The defendant caused injury, harm, and loss to the family, friends, and co-workers of Evelio Suarez, Jr. as evidenced by his personal characteristics as a human being and the impact of his death on his family, his friends, and his co-workers.

The Government further gives notice that in support of imposition of the death penalty 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 First Superseding Indictment as they relate to the background and character of the defendant, MICHAEL DENNIS WILLIAMS, his moral

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1	culpability, and the nat	ture and circumstances of the offenses
2	charged in the First Sup	perseding Indictment.
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4	DATE: May 29, 2008	Respectfully submitted,
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6		United States Attorney
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8		Chief, Criminal Division
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