

IN THE UNITED STATES DISTRICT COURT FOR THE  
 EASTERN DISTRICT OF VIRGINIA  
 RICHMOND DIVISION

UNITED STATES OF AMERICA	)	
	)	
v.	)	Criminal No. 3:96-CR-66 - 2
	)	
DEVON DALE BECKFORD	)	
a/k/a "Chubbs"	)	
a/k/a "Trubbey"	)	
a/k/a "Bull" or "Big Bull"	)	
a/k/a "Fats"	)	
Defendant.	)	

**NOTICE OF INTENT TO SEEK A SENTENCE OF DEATH**

COMES NOW the United States of America, pursuant to Title 21, United States Code, Sections 848(e)(1)(A) and 848(h)(1)(A) & (B), by and through its undersigned counsel, Helen F. Fahey, United States Attorney, and Andrew G. McBride and David J. Novak, Assistant United States Attorneys, and hereby notifies the Court and the defendant DEVON DALE BECKFORD and his counsel, that in the event of the defendant's conviction of any of Counts Ten, Eleven, or Twelve of the pending Superseding Indictment, wherein the defendant is charged with intentionally killing Anthony Baylor, Marco Baylor, and Anthony Merrit, and aiding and abetting said intentional killings, while engaging in and working in furtherance of a continuing criminal enterprise and while engaging in an offense punishable under Title 21, United States Code, Section 841(b)(1)(A), the Government will seek the sentence of death.

I. AGGRAVATING FACTORS AS TO COUNT TEN

The Government will seek to prove the following aggravating factors as the basis for imposition of the death penalty in relation to Count Ten of the Superseding Indictment for the intentional killing of Anthony Baylor:

A. Statutory Aggravating Factors Enumerated under 21 U.S.C. § 848(n) (1) (A) through (D):

1. The defendant intentionally killed Anthony Baylor.

Section 848(n)(1)(A).

2. The defendant intentionally inflicted serious bodily injury which resulted in the death of Anthony Baylor. Section 848(n)(1)(B).

3. The defendant intentionally engaged in conduct intending that the victim, Anthony Baylor be killed and that lethal force be employed against the victim, which resulted in the death of Anthony Baylor. Section 848(n)(1)(C).

4. The defendant intentionally engaged in conduct which the defendant knew would create a grave risk of death to a person, other than one of the participants in the offense, and that conduct resulted in the death of Anthony Baylor. Section 848(n)(1)(D).

B. Statutory Aggravating Factors Enumerated under 21 U.S.C. § 848(n) (2) through (12):

1. In committing the offense described in Count Ten, the defendant DEVON DALE BECKFORD knowingly created a grave risk of death to another person in addition to the victims of the offense. Section 848(n)(5).

2. The defendant DEVON DALE BECKFORD procured the commission of the offense charged in Count Ten by payment, and promise of payment, of anything of pecuniary value. Section 848(n)(6).

3. The defendant DEVON DALE BECKFORD committed the offense described in Count Ten in expectation of the receipt of something of pecuniary value. Section 848(n)(7).

4. The defendant DEVON DALE BECKFORD committed the offense described in Count Ten after substantial planning and premeditation. Section 848(n)(8).

5. The violations of Title 21, United States Code, Section 846 and 848(b) as charged in Counts Three and Four of the Superseding Indictment in relation to which the intentional killing described in Count Ten took place were violations of Title 18, United States Code, Section 859 in that persons over 18 years of age intentionally distributed controlled substances to persons under 21 years of age. Section 848(n)(12).

C. Other, Non-Statutory, Aggravating Factors Identified under 21 U.S.C. § 848 (h)(1)(B) and § 848(k):

1. The defendant DEVON DALE BECKFORD came from a middle class background, graduated from high school, and served in the United States Army and thus had legitimate opportunities for employment but nonetheless consciously chose to distribute illegal narcotics for profit.

2. The defendant DEVON DALE BECKFORD used his military background and training to further his illegal drug enterprise and crimes of violence.

3. On or about an unknown date in 1988, the defendant DEVON DALE BECKFORD joined a violent drug organization known as the "Poison Clan" and then worked in furtherance of the drug trafficking activities of this criminal enterprise.

4. In or about February of 1989, the defendant DEVON DALE BECKFORD plotted with co-conspirators Charles Bracket and Charles Ming a/k/a "Tookie" to avenge the murder of "Poison Clan" founder and leader George Chang by killing those who participated in Chang's murder.

5. On or about December 20, 1989, in Queens, New York and elsewhere the defendant DEVON DALE BECKFORD assisted in the murders of Shawn Henry and Robert Dudley.

6. On or about an unknown date in 1990, the defendant DEVON DALE BECKFORD became the co-leader with his brother, Dean Anthony Beckford, of the drug organization known as the "Poison Clan".

7. The defendant DEVON DALE BECKFORD knowingly employed persons under 21 years of age to distribute "crack" cocaine for him for profit.

8. The defendant DEVON DALE BECKFORD exploited persons addicted to "crack" cocaine to sell "crack" cocaine for him.

9. The defendant DEVON DALE BECKFORD encouraged and required other members of the "Poison Clan" to engage in acts of violence in furtherance of the drug trafficking activities of the "Poison Clan" in the city of Richmond, Virginia.

10. The defendant DEVON DALE BECKFORD encouraged his co-conspirators to use and carry firearms and often provided them

with firearms.

11. On or about October 22, 1990, in Virginia Beach, Virginia and elsewhere, the defendant DEVON DALE BECKFORD assisted in the armed abduction of Carlos Lugo and John Dedmon.

12. On or about October 22, 1990, in Virginia Beach, Virginia and elsewhere, the defendant DEVON DALE BECKFORD assisted in the murder of Wesley E. Stewart.

13. On or about October 22, 1990, in Virginia Beach, Virginia and Richmond, Virginia, the defendant DEVON DALE BECKFORD obstructed justice by instructing a witness to a murder not to speak with the police and sending the witness to New York.

14. The defendant DEVON DALE BECKFORD conceived of the plan to murder the residents of Sugar Bottom and recruited Peter Eustace Paul, Collin Joseph, Leonel Romeo Cazaco and Richard Anthony Thomas to carry out that plan.

15. The defendant DEVON DALE BECKFORD participated in the intentional killing of three human beings in one criminal episode.

16. The defendant DEVON DALE BECKFORD displayed a lack of remorse for the events at Sugar Bottom by joking that he and his co-conspirators should go to the hospital and "pull the plug" on the fourth victim, Charles Meekins, who survived the armed assault.

17. On or about August 7, 1995, in Brooklyn, New York, the defendant DEVON DALE BECKFORD stabbed Kevin John with a knife.

18. During the summer of 1996, the defendant DEVON DALE

BECKFORD went into hiding to avoid apprehension by federal law enforcement and remained a fugitive until his capture on July 18, 1997 in Rochester, New York.

19. The defendant DEVON DALE BECKFORD poses a future danger in that he is likely to return to narcotics trafficking and acts of violence if ever released back into society.

20. The defendant DEVON DALE BECKFORD poses a future danger to inmates and correctional officers in an institutional setting in that he is likely to engage in acts of violence against others.

21. The harm caused to society in general and the physical and psychological harm caused to the individual users of "crack" cocaine by the defendant DEVON DALE BECKFORD's leadership role in the distribution of multi-kilogram quantities of "crack" cocaine in Richmond, Virginia from 1992 to June, 1995.

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 Superseding Indictment as they relate to the background and character of the defendant DEVON DALE BECKFORD, his moral culpability, his future dangerousness, and the nature and circumstances of the offense charged in Count Ten of the Superseding Indictment.

## II. AGGRAVATING FACTORS AS TO COUNT ELEVEN

The Government will seek to prove the following aggravating factors as the basis for imposition of the death penalty in

relation to Count Eleven of the Superseding Indictment for the intentional killing of Marco Baylor:

A. Statutory Aggravating Factors Enumerated under 21 U.S.C. § 848(n) (1) (A) through (D):

1. The defendant intentionally killed Marco Baylor.

Section 848(n)(1)(A).

2. The defendant intentionally inflicted serious bodily injury which resulted in the death of Marco Baylor. Section 848(n)(1)(B).

3. The defendant intentionally engaged in conduct intending that the victim, Marco Baylor be killed and that lethal force be employed against the victim, which resulted in the death of Marco Baylor. Section 848(n)(1)(C).

4. The defendant intentionally engaged in conduct which the defendant knew would create a grave risk of death to a person, other than one of the participants in the offense, and that conduct resulted in the death of Marco Baylor. Section 848(n)(1)(D).

B. Statutory Aggravating Factors Enumerated under 21 U.S.C. § 848(n) (2) through (12):

1. In committing the offense described in Count Eleven, the defendant DEVON DALE BECKFORD knowingly created a grave risk of death to another person in addition to the victims of the offense. Section 848(n)(5).

2. The defendant DEVON DALE BECKFORD procured the commission of the offense charged in Count Eleven by payment, and promise of payment, of anything of pecuniary value. Section

848(n)(6).

3. The defendant DEVON DALE BECKFORD committed the offense described in Count Eleven in expectation of the receipt of something of pecuniary value. Section 848(n)(7).

4. The defendant DEVON DALE BECKFORD committed the offense described in Count Eleven after substantial planning and premeditation. Section 848(n)(8).

5. The violations of Title 21, United States Code, Section 846 and 848(b) as charged in Counts Three and Four of the Superseding Indictment in relation to which the intentional killing described in Count Eleven took place were violations of Title 18, United States Code, Section 859 in that persons over 18 years of age intentionally distributed controlled substances to persons under 21 years of age. Section 848(n)(12).

C. Other, Non-Statutory, Aggravating Factors Identified under 21 U.S.C. § 848 (h)(1)(B) and § 848(k):

1. The defendant DEVON DALE BECKFORD came from a middle class background, graduated from high school, and served in the United States Army and thus had legitimate opportunities for employment but nonetheless consciously chose to distribute illegal narcotics for profit.

2. The defendant DEVON DALE BECKFORD used his military background and training to further his illegal drug enterprise and crimes of violence.

3. On or about an unknown date in 1988, the defendant DEVON DALE BECKFORD joined a violent drug organization known as the "Poison Clan" and then worked in furtherance of the drug



trafficking activities of this criminal enterprise.

4. On or about February of 1989, the defendant DEVON DALE BECKFORD plotted with co-conspirators Charles Bracket and Charles Ming a/k/a "Tookie" to avenge the murder of "Poison Clan" founder and leader George Chang by killing those that participated in Chang's murder.

5. On or about December 20, 1989, in Queens, New York and elsewhere the defendant DEVON DALE BECKFORD assisted in the murders of Shawn Henry and Robert Dudley.

6. On or about an unknown date in 1990, the defendant DEVON DALE BECKFORD became the co-leader with his brother, Dean Anthony Beckford, of the drug organization known as the "Poison Clan".

7. The defendant DEVON DALE BECKFORD knowingly employed persons under 21 years of age to distribute "crack" cocaine for him for profit.

8. The defendant DEVON DALE BECKFORD exploited persons addicted to "crack" cocaine to sell "crack" cocaine for him.

9. The defendant DEVON DALE BECKFORD encouraged and required other members of the "Poison Clan" to engage in acts of violence in furtherance of the drug trafficking activities of the "Poison Clan" in the city of Richmond, Virginia.

10. The defendant DEVON DALE BECKFORD encouraged his co-conspirators to use and carry firearms and often provided them with firearms.

11. On or about October 22, 1990, in Virginia Beach, Virginia and elsewhere, the defendant DEVON DALE BECKFORD

assisted in the armed abduction of Carlos Lugo and John Dedmon.

12. On or about October 22, 1990, in Virginia Beach, Virginia and elsewhere, the defendant DEVON DALE BECKFORD assisted in the murder of Wesley E. Stewart.

13. On or about October 22, 1990, in Virginia Beach, Virginia and Richmond, Virginia, the defendant DEVON DALE BECKFORD obstructed justice by instructing a witness to a murder not to speak with the police and sending the witness to New York.

14. The defendant DEVON DALE BECKFORD conceived of the plan to murder the residents of Sugar Bottom and recruited Peter Eustace Paul, Collin Joseph, Leonel Romeo Cazaco and Richard Anthony Thomas to carry out that plan.

15. The defendant DEVON DALE BECKFORD participated in the intentional killing of three human beings in one criminal episode.

16. The defendant DEVON DALE BECKFORD displayed a lack of remorse for the events at Sugar Bottom by joking that he and his co-conspirators should go to the hospital and "pull the plug" on the fourth victim, Charles Meekins, who survived the armed assault.

17. On or about August 7, 1995, in Brooklyn, New York, the defendant DEVON DALE BECKFORD stabbed Kevin John with a knife.

18. During the summer of 1996, the defendant DEVON DALE BECKFORD went into hiding to avoid apprehension by federal law enforcement and remained a fugitive until his capture on July 18, 1997 in Rochester, New York.

19. The defendant DEVON DALE BECKFORD poses a future danger in that he is likely to return to narcotics trafficking and acts of violence if ever released back into society.

20. The defendant DEVON DALE BECKFORD poses a future danger to inmates and correctional officers in an institutional setting in that he is likely to engage in acts of violence against others.

21. The harm caused to society in general and the physical and psychological harm caused to the individual users of "crack" cocaine by the defendant DEVON DALE BECKFORD's leadership role in the distribution of multi-kilogram quantities of "crack" cocaine in Richmond, Virginia from 1992 to June, 1995.

22. The harm caused by the murder of Marco Baylor and the impact of his loss on the Baylor family, including his fiancée, Sharema Hockaday, his son Marco Baylor, Jr. and his mother, Sandra Griffith.

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 Superseding Indictment as they relate to the background and character of the defendant DEVON DALE BECKFORD, his moral culpability, his future dangerousness, and the nature and circumstances of the offense charged in Count Eleven of the Superseding Indictment.

### III. AGGRAVATING FACTORS AS TO COUNT TWELVE

The Government will seek to prove the following aggravating

factors as the basis for imposition of the death penalty in relation to Count Twelve of the Superseding Indictment for the intentional killing of Anthony Merrit:

A. Statutory Aggravating Factors Enumerated under 21 U.S.C. § 848(n) (1) (A) through (D):

1. The defendant intentionally killed Anthony Merrit.

Section 848(n) (1) (A).

2. The defendant intentionally inflicted serious bodily injury which resulted in the death of Anthony Merrit. Section 848(n) (1) (B).

3. The defendant intentionally engaged in conduct intending that the victim, Anthony Merrit be killed and that lethal force be employed against the victim, which resulted in the death of Anthony Merrit. Section 848(n) (1) (C).

4. The defendant intentionally engaged in conduct which the defendant knew would create a grave risk of death to a person, other than one of the participants in the offense, and that conduct resulted in the death of Anthony Merrit. Section 848(n) (1) (D).

B. Statutory Aggravating Factors Enumerated under 21 U.S.C. § 848(n) (2) through (12):

1. In committing the offense described in Count Twelve the defendant DEVON DALE BECKFORD knowingly created a grave risk of death to another person in addition to the victims of the offense. Section 848(n) (5).

2. The defendant DEVON DALE BECKFORD procured the commission of the offense charged in Count Twelve by payment, and

promise of payment, of anything of pecuniary value. Section 848(n)(6).

3. The defendant DEVON DALE BECKFORD committed the offense described in Count Twelve in expectation of the receipt of something of pecuniary value. Section 848(n)(7).

4. The defendant DEVON DALE BECKFORD committed the offense described in Count Twelve after substantial planning and premeditation. Section 848(n)(8).

5. The violations of Title 21, United States Code, Section 846 and 848(b) as charged in Counts Three and Four of the Superseding Indictment in relation to which the intentional killing described in Count Twelve took place were violations of Title 18, United States Code, Section 859 in that persons over 18 years of age intentionally distributed controlled substances to persons under 21 years of age. Section 848(n)(12).

C. Other, Non-Statutory, Aggravating Factors Identified under 21 U.S.C. § 848 (h)(1)(B) and § 848(k):

1. The defendant DEVON DALE BECKFORD came from a middle class background, graduated from high school, and served in the United States Army and thus had legitimate opportunities for employment but nonetheless consciously chose to distribute illegal narcotics for profit.

2. The defendant DEVON DALE BECKFORD used his military background and training to further his illegal drug enterprise and crimes of violence.

3. On or about an unknown date in 1988, the defendant DEVON DALE BECKFORD joined a violent drug organization known as the

"Poison Clan" and then worked in furtherance of the drug trafficking activities of this criminal enterprise.

4. On or about February of 1989, the defendant DEVON DALE BECKFORD plotted with co-conspirators Charles Bracket and Charles Ming a/k/a "Tookie" to avenge the murder of "Poison Clan" founder and leader George Chang by killing those that participated in Chang's murder.

5. On or about December 20, 1989, in Queens, New York and elsewhere the defendant DEVON DALE BECKFORD assisted in the murders of Shawn Henry and Robert Dudley.

6. On or about an unknown date in 1990, the defendant DEVON DALE BECKFORD became the co-leader with his brother, Dean Anthony Beckford, of the drug organization known as the "Poison Clan".

7. The defendant DEVON DALE BECKFORD knowingly employed persons under 21 years of age to distribute "crack" cocaine for him for profit.

8. The defendant DEVON DALE BECKFORD exploited persons addicted to "crack" cocaine to sell "crack" cocaine for him.

9. The defendant DEVON DALE BECKFORD encouraged and required other members of the "Poison Clan" to engage in acts of violence in furtherance of the drug trafficking activities of the "Poison Clan" in the city of Richmond, Virginia.

10. The defendant DEVON DALE BECKFORD encouraged his co-conspirators to use and carry firearms and often provided them with firearms.

11. On or about October 22, 1990, in Virginia Beach,

Virginia and elsewhere, the defendant DEVON DALE BECKFORD assisted in the armed abduction of Carlos Lugo and John Dedmon.

12. On or about October 22, 1990, in Virginia Beach, Virginia and elsewhere, the defendant DEVON DALE BECKFORD assisted in the murder of Wesley E. Stewart.

13. On or about October 22, 1990, in Virginia Beach, Virginia and Richmond, Virginia, the defendant DEVON DALE BECKFORD obstructed justice by instructing a witness to a murder not to speak with the police and sending the witness to New York.

14. The defendant DEVON DALE BECKFORD conceived of the plan to murder the residents of Sugar Bottom and recruited Peter Eustace Paul, Collin Joseph, Leonel Romeo Cazaco and Richard Anthony Thomas to carry out that plan.

15. The defendant DEVON DALE BECKFORD participated in the intentional killing of three human beings in one criminal episode.

16. The defendant DEVON DALE BECKFORD displayed a lack of remorse for the events at Sugar Bottom by joking that he and his co-conspirators should go to the hospital and "pull the plug" on the fourth victim, Charles Meekins, who survived the armed assault.

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1997 in Rochester, New York.

19. The defendant DEVON DALE BECKFORD poses a future danger in that he is likely to return to narcotics trafficking and acts of violence if ever released back into society.

20. The defendant DEVON DALE BECKFORD poses a future danger to inmates and correctional officers in an institutional setting in that he is likely to engage in acts of violence against others.

21. The harm caused to society in general and the physical and psychological harm caused to the individual users of "crack" cocaine by the defendant DEVON DALE BECKFORD's leadership role in the distribution of multi-kilogram quantities of "crack" cocaine in Richmond, Virginia from 1992 to June, 1995.

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 Superseding Indictment as they relate to the background and character of the defendant DEVON DALE BECKFORD, his moral culpability, his future

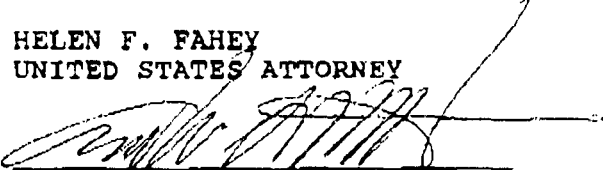


dangerousness, and the nature and circumstances of the offense charged in Count Twelve of the Superseding Indictment.

Respectfully submitted,

HELEN F. FAHEY  
UNITED STATES ATTORNEY

By:

  
Andrew G. McBride  
Assistant U.S. Attorney

  
David J. Novak  
Assistant U.S. Attorney

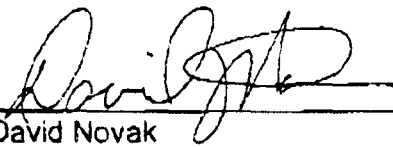
Certificate of Service

The undersigned hereby certifies that on the 1<sup>st</sup> day of September, 1997, a copy of the Government's Notice of Intent to Seek a Sentence of Death was faxed and mailed to the following attorneys for the defendant:

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