

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

Norfolk Division



UNITED STATES OF AMERICA ) **UNDER SEAL**  
 )  
 v. ) Criminal No. 2:11cr34  
 )  
 ABUKAR OSMAN BEYLE, )  
 )  
 Defendant. )

**SEALED**

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

The United States of America hereby notifies the Court and the defendant, ABUKAR OSMAN BEYLE, and his counsel, that in the event of the defendant's conviction on any of Counts 1-5, 7-19 or 22-25 of the Superseding Indictment, wherein the defendant is charged respectively with Conspiracy to Commit Hostage Taking Resulting in Death, in violation of 18 U.S.C. § 1203(a) (Count 1); Hostage Taking Resulting in Death, in violation of 18 U.S.C. §§ 1203(a) and 2 (Counts 2-5); Kidnapping Resulting in Death, in violation of 18 U.S.C. §§ 1201(a)(2) and 2 (Counts 7-10); Conspiracy to Commit Violence Against Maritime Navigation Resulting in Death, in violation of 18 U.S.C. § 2280(a)(1)(H) (Count 11); Violence Against Maritime Navigation Resulting in Death 18 U.S.C. §§ 2280(a)(1)(A), (G) and 2 (Counts 12-15); Murder Within the Special Maritime and Territorial Jurisdiction of the United States, in violation of 18 U.S.C. §§ 1111 and 2 (Counts 16-19); and Use, Carry, Brandish and Discharge of a Firearm During a Crime of Violence Resulting in Death, in violation of 18 U.S.C. §§ 924(c), 924(j) and 2 (Counts 22-25), the United States will seek the sentence of death, in that the circumstances of the offenses are such that a sentence of death is justified.

**I. Statutory Threshold Findings Enumerated in 18 U.S.C. § 3591(a)(2)(A)-(D):**

The United States will seek to prove two threshold findings as the basis for imposition of the death penalty in relation to 1-5, 7-19 and 22-25 of the Superseding Indictment:

1. The defendant, ABUKAR OSMAN BEYLE, 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 Scott Underwood Adam, Jean Savage Adam, Phyllis Patricia Macay and Robert Campbell Riggle died as a direct result of the act. Title 18, United States Code, Section 3591(a)(2)(C);

2. The defendant, ABUKAR OSMAN BEYLE, 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 Scott Underwood Adam, Jean Savage Adam, Phyllis Patricia Macay and Robert Campbell Riggle died as a direct result of the act. Title 18, United States Code, Section 3591(a)(2)(D).

**II. Statutory Aggravating Factors Enumerated under 18 U.S.C. § 3592(c)(1) through (16):**

The United States will seek to prove the following statutory aggravating factors as the basis for imposition of the death penalty in relation to Counts 1-5, 7-19 and 22-25 of the Superseding Indictment:

1. The deaths, or injuries resulting in deaths, occurred during the defendant, ABUKAR OSMAN BEYLE'S, commission or attempted commission of, or during his immediate flight from, the offenses of Kidnapping (18 U.S.C. § 1201); Hostage Taking (18 U.S.C. § 1203); and Violence

Against Maritime Navigation (18 U.S.C. § 2280). Title 18, United States Code, Section 3592(c)(1);

2. The defendant, ABUKAR OSMAN BEYLE, during the commission of the offenses, or in escaping apprehension for the violation of the offenses, knowingly created a grave risk of death to 1 or more persons in addition to the victims of the offenses. Title 18, United States Code, Section 3592(c)(5); and,

3. The defendant, ABUKAR OSMAN BEYLE, intentionally killed or attempted to kill more than 1 person in a single criminal episode. Title 18, United States Code, Section 3592(c)(16).

**III. Other Non-Statutory Aggravating Factors Identified under 18 U.S.C. & 3593(a) and (c):**

The United States will seek to prove the following non-statutory aggravating factors as the basis for imposition of the death penalty in relation to Counts 1-5, 7-19 and 22-25 of the Superseding Indictment:

1. The defendant, ABUKAR OSMAN BEYLE, caused injury, harm and loss to the victims and the victims' family and friends, as evidenced by the victims' personal characteristics and by the impact of their deaths upon the victims' family and friends. *See Payne v. Tennessee*, 501 U.S. 808, 825-27 (1991).

2. The defendant, ABUKAR OSMAN BEYLE, made use of a minor individual (a person under the age of 18) to participate in the acts of hijacking and piracy charged in the Superseding Indictment.

3. The defendant, ABUKAR OSMAN BEYLE, engaged in a course of conduct that threatened and directed violence towards members of the United States Armed Forces.

4. The defendant, ABUKAR OSMAN BEYLE, engaged in at least one prior act of piracy or attempted piracy.

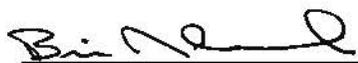
5. Prior to the killings charged in the Superseding Indictment, the defendant, ABUKAR OSMAN BEYLE, made threats of violence and death to Scott Underwood Adam, Jean Savage Adam, Phyllis Patricia Macay and Robert Campbell Riggle over a protracted period of time.

6. The defendant, ABUKAR OSMAN BEYLE, displayed a callous disregard for human life by killing the victims in an especially wanton and gratuitous manner.

The United States 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, ABUKAR OSMAN BEYLE, his moral culpability, and the nature and circumstances of the offenses charged in the Superseding Indictment.

Respectfully submitted,

NEIL H. MACBRIDE  
UNITED STATES ATTORNEY

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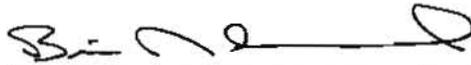
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CERTIFICATE OF SERVICE

I hereby certify that on the 16th day of April, 2012, I filed the foregoing with the Clerk of Court, and on the same day served a copy of the same via electronic and U.S. mail on:

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