

P. 7e

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND

UNITED STATES OF AMERICA	:	
	:	
v.	:	CRIMINAL NO. WDQ-07-0149
	:	
HARRY BURTON	:	
a/k/a "Big Harry"	:	
a/k/a "Lil' Harry,"	:	
	:	
Defendant	:	
	:	
	:	.oOo.

NOTICE OF INTENT TO SEEK THE DEATH PENALTY

COMES NOW the United States of America, pursuant to 18 U.S.C. § 3593(a), by and through its undersigned counsel, and notifies the Court and the defendant in the above-captioned case that the Government believes the circumstances of the offense charged in Counts One, Seven and Nine of the Superseding Indictment are such that, in the event of the defendant's conviction of any of these offenses, a sentence of death is justified under Chapter 228 (§§ 3591 through 3598) of Title 18 of the United States Code, and that the Government will seek the sentence of death for these offenses: Count One, murder in aid of racketeering of Maurice Ireland; Count Seven, murder in aid of racketeering of Michael Jones; and Count Nine, murder in aid of racketeering of Valencia Jones, all in violation of 18 U.S.C. § 1959(a)(1) and § 2.

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

Count One

Murder in Aid of Racketeering of Maurice Ireland

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

1. **Intentional Killing.** The defendant intentionally killed Maurice Ireland, Section 3591(a)(2)(A).

2. **Intentional Infliction of Serious Bodily Injury.** The defendant intentionally inflicted serious bodily injury that resulted in the death of Maurice Ireland. Section 3591(a)(2)(B).

3. **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 Maurice Ireland died as a direct result of the act. Section 3591(a)(2)(C).

4. **Intentional Acts in Reckless Disregard for Life.** 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 Maurice Ireland died as a direct result of the act. Section 3591(a)(2)(D).

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

1. **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).

2. **Previous conviction of violent felony involving firearm.** The defendant has previously been convicted of a Federal or State offense punishable by a term of imprisonment of more than one year, involving the use, attempted use or threatened use of a firearm against another person, a 2000 conviction for Assault First Degree, Baltimore City Circuit Court, resulting in a sentence of 20 years, 19 years and 5 months suspended. 18 U.S.C. § 3592(c)(2).

3. **Grave risk of death to additional persons.** The defendant, in the commission of the offense, or in escaping apprehension for the offense, knowingly created a grave risk of death

to one or more persons in addition to the victim of the offense. 18 U.S.C. § 3592(c)(5).

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

1. **Victim Impact Evidence.** The defendant caused injury, harm, and loss to the victim's family and friends as evidenced by the victim's personal characteristics as an individual human being and the impact of the death upon the victim's family and friends. *Payne v. Tennessee*, 111 S. Ct. 2597, 2608-09 (1991).

2. **Contemporaneous Convictions.** The defendant faces contemporaneous convictions for multiple murders and other serious acts of violence, including but not limited to those charged in Counts 2, 7, 8 and 9 of the Superseding Indictment.

3. **Lack of Remorse.** The defendant has demonstrated a lack of remorse for the capital offense charged in Count 1 by statements he made to others, especially in telephone calls from places where he was incarcerated, and by his actions following the commission of the capital offense charged in Count 1.

4. **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 the defendant in the Superseding Indictment and the crimes of which the defendant was previously convicted.

5. **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 Superseding Indictment.

6. **Previous conviction of other serious offenses.** The defendant has previously been convicted of handgun offenses and a felony narcotics offense.

7. **Commission of the offense while under parole/probation supervision.** The defendant was on state probation at the time of the offense.

Count Seven

Murder in Aid of Racketeering of Michael Jones

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

1. **Intentional Infliction of Serious Bodily Injury.** The defendant intentionally inflicted serious bodily injury that resulted in the death of Michael Jones. Section 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 Michael Jones died as a direct result of the act. Section 3591(a)(2)(C).

3. **Intentional Acts in Reckless Disregard for Life.** 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 Michael Jones died as a direct result of the act. Section 3591(a)(2)(D).

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

1. **Previous conviction of violent felony involving firearm.** The defendant has previously been convicted of a Federal or State offense punishable by a term of imprisonment of more than one year, involving the use, attempted use or threatened use of a firearm against another person, to wit: a 2000 conviction for Assault First Degree, Baltimore City Circuit Court, resulting

in a sentence of 20 years, 19 years and 5 months suspended. 18 U.S.C. § 3592(c)(2).

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

1. **Victim Impact Evidence.** The defendant caused injury, harm, and loss to the victim's family and friends as evidenced by the victim's personal characteristics as an individual human being and the impact of the death upon the victim's family and friends. *Payne v. Tennessee*, 111 S. Ct. 2597, 2608-09 (1991).

2. **Contemporaneous Convictions.** The defendant faces contemporaneous convictions for multiple murders and other serious acts of violence, including but not limited to those charged in Counts 1, 2, 8 and 9 of the Superseding Indictment.

3. **Lack of Remorse.** The defendant has demonstrated a lack of remorse for the capital offense charged in Count 7 by statements he made to others, especially in telephone calls from places where he was incarcerated, and by his actions following the commission of the capital offense charged in Count 7.

4. **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 the defendant in the Superseding Indictment and the crimes of which the defendant was previously convicted.

5. **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 Superseding Indictment.

6. **Previous conviction of other serious offenses.** The defendant has previously been convicted of handgun offenses and a felony narcotics offense.

7. **Commission of the offense while under parole/probation supervision.** The defendant was on state probation at the time of the offense.

Count Nine

Murder in Aid of Racketeering of Valencia Jones

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

1. **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 Valencia Jones died as a direct result of the act. Section 3591(a)(2)(C).

2. **Intentional Acts in Reckless Disregard for Life.** 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 Valencia Jones died as a direct result of the act. Section 3591(a)(2)(D).

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

1. **Substantial Planning and Premeditation.** The defendant committed the offense after substantial planning and premeditation to cause the death of a person. 18 U.S.C. § 3592(c)(9).

2. **Previous conviction of violent felony involving firearm.** The defendant has previously been convicted of a Federal or State offense punishable by a term of imprisonment of more than one year, involving the use, attempted use or threatened use of a firearm against another person, a 2000 conviction for Assault First Degree, Baltimore City Circuit Court, resulting in a

sentence of 20 years, 19 years and 5 months suspended. 18 U.S.C. § 3592(c)(2).

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

1. **Victim Impact Evidence.** The defendant caused injury, harm, and loss to the victim's family and friends as evidenced by the victim's personal characteristics as an individual human being and the impact of the death upon the victim's family and friends. *Payne v. Tennessee*, 111 S. Ct. 2597, 2608-09 (1991).

2. **Contemporaneous Convictions.** The defendant faces contemporaneous convictions for multiple murders and other serious acts of violence, including but not limited to those charged in Counts 1, 2, 7 and 8 of the Superseding Indictment.

3. **Lack of Remorse.** The defendant has demonstrated a lack of remorse for the capital offense charged in Count 9 by statements he made to others, especially in telephone calls from places where he was incarcerated, and by his actions following the commission of the capital offenses charged in Count 9.

4. **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 the defendant in the Superseding Indictment and the crimes of which the defendant was previously convicted.

5. **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 Superseding Indictment.

6. **Previous conviction of other serious offenses.** The defendant has previously been convicted of handgun offenses and a felony narcotics offense.

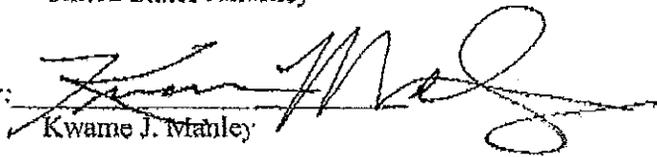
7. **Commission of the offense while under parole/probation supervision.** The defendant was on state probation at the time of the offense.

The Government further gives notice that in support of imposition of the death penalty on Counts One, Seven and Nine of the Superseding Indictment, 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, his moral culpability, and the nature and circumstances of the offenses charged in the Superseding Indictment.

Respectfully submitted,

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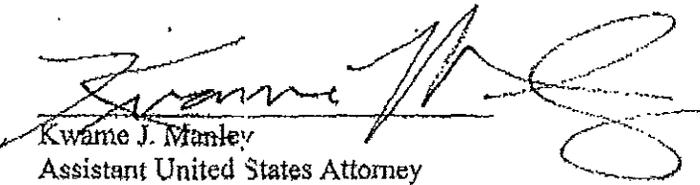
Dated: December 6, 2007

CERTIFICATE OF SERVICE

I hereby certify that on the 6th day of December, 2007, a true and correct copy of the foregoing Notice of Intent to Seek the Death Penalty was faxed and mailed via first class mail, postage prepaid, to the following attorneys of record:

William B. Purpura, Esq.
8 East Mulberry Street
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Teresa Whalen, Esq.
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Kwame J. Manley
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