

UNITED STATES DISTRICT COURT

FILED
U.S. DISTRICT COURT
DISTRICT OF MARYLAND

FOR THE DISTRICT OF MARYLAND

2008 AUG -5 11:51

UNITED STATES OF AMERICA)
)
 v.)
)
 PATRICK ALBERT BYERS, JR.)

Case No. RDB 08-056

NOTICE OF INTENT TO SEEK THE DEATH PENALTY

Pursuant to the requirements of 18 U.S.C. § 3593(a), the United States hereby gives notice that it believes that the circumstances of this case are such that, in the event that the defendant, PATRICK ALBERT BYERS, JR., is convicted of a capital offense relating to the death of victim Carl Stanley Lackl, a sentence of death is justified and that the United States will seek the death penalty. Specifically, the United States will seek a sentence of death for Count One of the Superseding Indictment, charging conspiracy to use interstate commerce facilities to commit murder for hire (18 U.S.C. § 1958(a)); Count Two of the Superseding Indictment, charging use of interstate commerce facilities to commit murder for hire, resulting in the death of Carl Stanley Lackl (18 U.S.C. § 1958(a)); Count Three of the Superseding Indictment, charging conspiracy to murder a witness, resulting in the killing of Carl Stanley Lackl (18 U.S.C. § 1512(k)); Count Four of the Superseding Indictment, charging witness murder (18 U.S.C. § 1512(a)(1)(C)); and Count Six of the Superseding Indictment, charging the use of a firearm to

murder Carl Stanley Lackl (18 U.S.C. § 924(j)).

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

Pursuant to 18 U.S.C. § 3591(a)(2), the United States will rely on the following proportionality factors to establish the defendant's eligibility for the death penalty as to Counts One, Two, Three, Four and Six of the Superseding Indictment:

1. Intentional Act to Take Life

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 offenses, and Carl Stanley Lackl died as a direct result of the act. (18 U.S.C. § 3591(a)(2)(C)).

2. Intentional Acts of Violence Creating 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 Carl Stanley Lackl 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)

Pursuant to 18 U.S.C. § 3592(c), the United States will rely on the following statutory aggravating factors as justifying a sentence of death as to Counts One, Two, Three, Four and Six of the Superseding Indictment:

1. Pecuniary Gain

The defendant procured the commission of the offense by payment, or promise of payment, of anything of pecuniary gain. (18 U.S.C. § 3592(c)(8)).

2. 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)).

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

1. Obstruction of Justice

The defendant killed Carl Stanley Lackl in an effort to retaliate for, and prevent further, cooperation with law enforcement.

2. Victim Impact Evidence

As reflected by the victim's personal characteristics as a human

being and the impact of the offenses on the victim and the victim's family, the defendant caused loss, injury, and harm to the victim and the victim's family, *See Payne v. Tennessee*, 501 U.S. 808, 825-827 (1991), including, but not limited to, the following:

(a) Characteristics of Victim

The defendant caused the death of Carl Stanley Lackl, a 38-year-old father of three, who enjoyed a strong and close relationship with his own children and those living in his household.

(b) Impact of the Offense on the Families of the Victims

The victim's family and friends have suffered severe and irreparable harm.

(c) Impact of the Offense on the Colleagues of the Victims

The victim's employer, the Olympic Fence Company, and the victim's colleagues at Olympic have suffered substantial and irreparable harm.

3. Prior Homicide


On March 4, 2006, in Baltimore, Maryland, the defendant shot and killed Larry Haynes.


4. Lack of Remorse

The defendant demonstrated a lack of remorse by, at least, telling coconspirator Marcus Pearson in a phone conversation on July 5, 2007, that other inmates in the jail wanted Pearson to kill witnesses against them.

The Government further gives notice that in support of imposition of the death penalty on Counts One, Two, Three, Four and Six 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 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 Indictment.

Respectfully submitted,


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Assistant United States Attorney

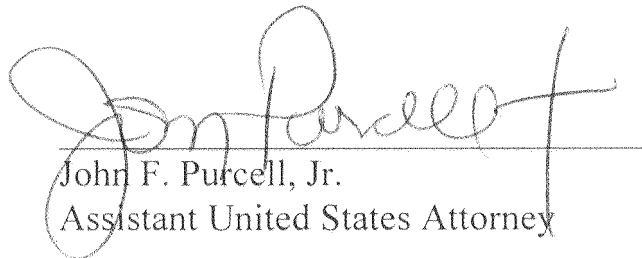
Dated: August 5, 2008

CERTIFICATE OF SERVICE

I hereby certify that on the 5th day of August, 2008, a true and correct copy of the foregoing notice of intent to seek the death penalty was mailed via first class mail, postage prepaid, to the following attorneys of record:

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