

7. The defendant, **Amesheo D. Cannon**, in 1996, admitted to Edward C. Green of the Boonville Correctional Staff, that he sold crack cocaine on a regular basis and would make at least \$400.00 to \$500.00 dollars per week selling said crack cocaine, as set forth more fully in the Missouri Department of Corrections and Human Resources Board of Probation and Parole Pre-Hearing Report dictated on May 15, 1996, by Edward C. Green.
8. The assault upon fellow inmate Larry Carter by **Amesheo D. Cannon** on or about November 30, 1997, at or near Boonville Correctional Facility, as set out more fully in the records of the Missouri Department of Corrections.
9. The knowingly burning or exploding, armed criminal action, and tampering with a witness upon Coy L. Smith, Sr., by **Amesheo D. Cannon**, and/or other persons with whom he conspired, known and unknown, on or about June 6, 2000, at or near East 18th Street in Caruthersville, Missouri, as set out more fully in the Records of Fires of the Caruthersville Fire Department from June 6, 2002, Caruthersville Police Department Offense report, number 060040, and documents from the Circuit Court of Pemiscot County, Missouri, in State of Missouri v. Tyrese D. Hyles, cause numbers CR500-402F and CR500-403F.
10. The sale of a controlled substance by **Amesheo D. Cannon** on or about October 25, 2000, in Cole County, Missouri, for which **Amesheo D. Cannon** was convicted in United States v. Amesheo D. Cannon, cause number 01-4002-01-CR-C-SOW, and sentenced to a term of 168 months in the Bureau of Prisons, and a term of supervised release, as set out more fully in the investigative reports of the Mustang Drug Task Force, the Bootheel

Drug Task Force, and the Missouri Department of Corrections Board of Probation and Parole Field Violation Report dated April 17, 2001, prepared by Perry E. Crisp, and court documents from the United States District Court for the Western District of Missouri, Central Division, in United States v. Amesheo D. Cannon, cause number 01-4002-01-CR-C-SOW.

11. The sale of a controlled substance by **Amesheo D. Cannon** on or about October 26, 2000, at two separate times, in Cole County, Missouri, as set out more fully in investigative reports of the Mustang Drug Task Force, the Bootheel Drug Task Force, and the Missouri Department of Corrections Board of Probation and Parole Field Violation Report dated April 17, 2001, and prepared by Perry E. Crisp.
12. The assault of a law enforcement officer, Deputy Clifford Coan, by **Amesheo D. Cannon**, on or about October 13, 2001, at or near the Morgan County Justice Center, by threatening harm to said deputy by threatening to strike him with a mop handle as set out more fully in Morgan County Sheriff's Department report number MCS01-1185.
13. The assault of a law enforcement officer, Deputy Clifford Coan, by **Amesheo D. Cannon**, on or about October 13, 2001, at or near the Morgan County Justice Center, by spitting on said deputy's face as set out more fully in Morgan County Sheriff's Department report number MCS01-1185.
14. The assault of jailer Christine Tullock by **Amesheo D. Cannon**, on or about Friday, June 21, 2002, at or near the Perry County Jail, as set out more fully in Perry County Sheriff's Department report number PCSD102-0623.
15. The assault of a law enforcement officer, Deputy Brad Pitts, by **Amesheo D. Cannon**, on

or about Friday, June 21, 2002, at or near the Perry County Jail, as set out more fully in Perry County Sheriff's Department report number PCSD102-0623.

16. The assault of a law enforcement officer, Deputy Jason Kelly, by **Amesheo D. Cannon**, on or about Friday, June 21, 2002, at or near the Perry County Jail, as set out more fully in Perry County Sheriff's Department report number PCSD102-0623.
17. The property damage by **Amesheo D. Cannon**, on or about August 8, 2002, at approximately 12:45 p.m., at or near the Cape Girardeau County Sheriff's Department, as set out more fully in documents prepared by the Cape Girardeau Sheriff's Department.
18. The property damage by **Amesheo D. Cannon**, on or about August 8, 2002, at approximately 10:00 p.m., at or near the Cape Girardeau County Sheriff's Department, as set out more fully in documents prepared by the Cape Girardeau Sheriff's Department.
19. The defendant **Amesheo D. Cannon's** lengthy history of conduct violations, and threatening statements and behavior while incarcerated in the State of Missouri, as set out more fully in the records of the Missouri Department of Corrections and records maintained by the various county jails in which **Amesheo D. Cannon** has been incarcerated. These threats include, but are not limited to, statements made to Deputy Rueseler and other jail guards by **Amesheo D. Cannon** on or about July 2, 2002, at or near the Cape Girardeau Sheriff's Department, that he would fight anyone that opened the door to his cell, that he had nothing to lose, and that he would assault the guards.
20. The defendant **Amesheo D. Cannon's** lengthy history of probation and parole violations while under supervision for probation or parole in the State of Missouri and the State of Tennessee, as set out more fully in the records of the Boards of Probation and Parole of

the State of Missouri and the State of Tennessee.

B. Obstruction of Justice: The evidence the United States may present in support of this factor includes, but is not limited to, the following:

The defendant, **Amesheo D. Cannon**, killed and caused the death of the victim, Coy L. Smith, Sr., in an effort to obstruct justice, that is, to prevent the victim, Coy L. Smith, Sr., from testifying against Tyrese D. Hyles, a/k/a "Little Ty", in any criminal prosecution of Tyrese D. Hyles, a/k/a "Little Ty", for a crime or crimes committed by Tyrese D. Hyles, a/k/a "Little Ty".

The evidence may show that **Amesheo D. Cannon**, to insure the achievement of this obstruction of justice, committed burglary in the first degree in order to facilitate the commission of the murder of Coy L. Smith, Sr., tampered with a utility, phone service, to facilitate the murder of Coy L. Smith, Sr., and shot Coy L. Smith, Sr., multiple times.

C. Other Criminal Activity: The defendant, **Amesheo D. Cannon**, has committed, attempted to commit, and/or threatened to commit other criminal acts, in addition to the capital offense(s) committed by him in this case and the statutory factors alleged in this Notice, including but not limited to, one or more of the following:

1. The possession of a handgun by **Amesheo D. Cannon**, as a juvenile, in 1992, at or near Mississippi County, Arkansas, for which **Amesheo D. Cannon** received a term of incarceration of six months, as set out more fully in the Missouri Department of Corrections and Human Resources Classification and Assignment Unit Report.
2. The burglary in the second degree of 811 Ward Ave., and the stealing of a motor vehicle at said address by **Amesheo D. Cannon** for events that occurred on or about May 4, 1994, for which **Amesheo D. Cannon** was convicted of the offense of burglary in the

second degree on or about October 18, 1994, as set out more fully in Caruthersville Police Department report number 05049432, accompanying witness statements, and court documents from the Circuit Court of Pemiscot County, Missouri, in State of Missouri v. Amesheo Cannon, cause number CR594-300F.

3. The interfering with a police officer, threatening a police officer, and resisting arrest by **Amesheo D. Cannon** on or about March 26, 1995, at approximately 12:48 a.m., at or near Mooch's Café in Pemiscot County, Missouri, as set out more fully in court documents and reports of the Missouri Board of Probation and Parole in a report dated May 9, 1995, and prepared by Daniel Shaw. On or about May 4, 1995, **Amesheo D. Cannon** was found guilty of these offenses in municipal court in Steele, Missouri, and was fined.
4. The assault upon Teresa McDowell and two counts of resisting arrest by **Amesheo D. Cannon** on or about April 15, 1995, as set out more fully in the arrest report, complaint, and information filed in the Circuit Court of Pemiscot County, Municipal Division, and in a report from the Missouri Department of Probation and Parole dated May 9, 1995, prepared by Daniel Shaw. **Amesheo D. Cannon**, on or about April 20, 1995, pleaded guilty to two counts of resisting arrest in municipal court in Caruthersville, Missouri.
5. The assault upon Bobby Lynn Johnson by **Amesheo D. Cannon** on or about April 15, 1995, at or near 1201 Adams, as set out more fully in the arrest report, complaint, and information filed in the Circuit Court of Pemiscot County, Municipal Division.
6. The armed criminal action upon Ricardo Robinson during the crime of assault in the first degree by **Amesheo D. Cannon**, for events occurring on or about October 9, 1995. The

details of these events are set out more fully in Caruthersville Police Department reports and witness statements documenting said incident, and the court records and the transcript of plea and sentencing proceedings in cause number CR595-957F.

7. The defendant, **Amesheo D. Cannon**, in 1996, admitted to Edward C. Green of the Boonville Correctional Staff, that he sold crack cocaine on a regular basis and would make at least \$400.00 to \$500.00 dollars per week selling said crack cocaine, as set forth more fully in the Missouri Department of Corrections and Human Resources Board of Probation and Parole Pre-Hearing Report dictated on May 15, 1996, by Edward C. Green.
8. The assault upon fellow inmate Larry Carter by **Amesheo D. Cannon** on or about November 30, 1997, at or near Boonville Correctional Facility, as set out more fully in the records of the Missouri Department of Corrections.
9. The knowingly burning or exploding, armed criminal action, and tampering with a witness upon Coy L. Smith, Sr., by **Amesheo D. Cannon**, and/or other persons with whom he conspired, known and unknown, on or about June 6, 2000, at or near East 18th Street in Caruthersville, Missouri, as set out more fully in the Records of Fires of the Caruthersville Fire Department from June 6, 2002, Caruthersville Police Department Offense report, number 060040, and documents from the Circuit Court of Pemiscot County, Missouri, in State of Missouri v. Tyrese D. Hyles, cause numbers CR500-402F and CR500-403F.
10. The sale of a controlled substance by **Amesheo D. Cannon** on or about October 25, 2000, in Cole County Missouri, for which **Amesheo D. Cannon** was convicted in United

States v. Amesheo D. Cannon, cause number 01-4002-01-CR-C-SOW, and sentenced to a term of 168 months in the Bureau of Prisons, and a term of supervised release, as set out more fully in the investigative reports of the Mustang Drug Task Force, the Bootheel Drug Task Force, and the Missouri Department of Corrections Board of Probation and Parole Field Violation Report dated April 17, 2001, prepared by Perry E. Crisp, and court documents from the United States District Court for the Western District of Missouri, Central Division, in United States v. Amesheo D. Cannon, cause number 01-4002-01-CR-C-SOW.

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- 21, 2002, at or near the Perry County Jail, as set out more fully in Perry County Sheriff's Department report number PCSD102-0623.
15. The assault of a law enforcement officer, Deputy Brad Pitts, by **Amesheo D. Cannon**, on or about Friday, June 21, 2002, at or near the Perry County Jail, as set out more fully in Perry County Sheriff's Department report number PCSD102-0623.
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 17. The property damage by **Amesheo D. Cannon**, on or about August 8, 2002, at approximately 12:45 p.m., at or near the Cape Girardeau County Sheriff's Department, as set out more fully in documents prepared by the Cape Girardeau Sheriff's Department.
 18. The property damage by **Amesheo D. Cannon**, on or about August 8, 2002, at approximately 10:00 p.m., at or near the Cape Girardeau County Sheriff's Department, as set out more fully in documents prepared by the Cape Girardeau Sheriff's Department.

D. Victim Impact Evidence: 18 U.S.C. §3593(a); Payne v. Tennessee, 501 U.S. 808, 825-30(1991). The evidence the United States may present in support of this factor includes, but is not limited to, the following:

The victim, Coy L. Smith, Sr., possessed numerous positive personal characteristics and the instant offense(s) have had an adverse effect on Coy L. Smith, Sr., Coy L. Smith, Sr.'s family and Coy L. Smith, Sr.'s friends and acquaintances. Specifically, the United States of America may show, among other facts, that the commission of the instant offenses caused emotional injury and anguish to Coy L. Smith, Sr., and emotional injury, anguish, sorrow and loss to his family and

friends. Evidence in support of this circumstance will include victim impact statements, testimony of Coy L. Smith, Sr.'s family, friends and acquaintances, and physical, photographic and videotape evidence which sets forth the character of Coy L. Smith, Sr., and the nature, extent and scope of the injury suffered by Coy L. Smith, Sr., his family and friends.

1. **Characteristics:** The positive personal characteristics possessed by Coy L. Smith, Sr., as an individual human being that may be established by the evidence include, but are not limited to, the following:

- a) He helped and brought comfort to his family and friends;
- b) He attended church;
- c) He enjoyed and was competent at carpentry.

2. **Impact Of Death:** Coy L. Smith, Sr.'s family, friends and acquaintances have suffered injury and loss as a result of his death, including but not limited to one or more of the following:

- a) Coy L. Smith, Sr., was the loving and caring son of his elderly mother, Susie Davis. Miss Davis misses her son's love and affection and has suffered emotional injury and trauma as a result of his violent death;
- b) Coy L. Smith, Sr., was the loving and caring husband of Mae Helen Smith. Mrs. Smith misses her husband's love and affection and has been greatly traumatized by his violent death. Mrs. Smith moved out of her home, the location of the homicide, for a period of eight months following the events of August 21, 2000;
- c) Coy L. Smith, Sr., was the loving and caring father of Carol Smith, Elizabeth Smith, Coy Smith, Jr., Cheryl Smith, and Kim Smith. His children miss his love,

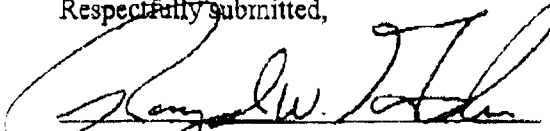
affection, and companionship.

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 nature of the offenses alleged in the Indictment as they relate to the background and character of the defendant, **Amesheo D. Cannon**, and his moral culpability.

V. REQUEST TO FILE NOTICE UNDER SEAL

Because this document contains information concerning acts committed by the defendant as a juvenile the Government respectfully requests that this "Notice of Intent To Seek The Death Penalty" be filed under seal.

Respectfully submitted,


RAYMOND W. GRUENDER
United States Attorney

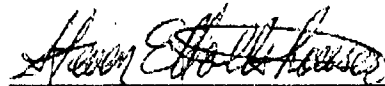

THOMAS E. DITTMIEIER
Assistant United States Attorney


MICHAEL PRICE
Assistant United States Attorney

CERTIFICATE OF SERVICE

A copy of the foregoing has been mailed this 5th of December, 2002 to:

All Counsel of Record



Assistant United States Attorney