

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TENNESSEE
WESTERN DIVISION

FILED BY D.C.
00 JAN -5 PM 3:31

Robert D. Di Tollo
CLERK, U.S. DIST. CT.
W. DISTRICT, MEMPHIS

UNITED STATES OF AMERICA,)
)
 Plaintiff,)
)
vs.)
)
ROBERT LEWIS CARPENTER, JR.,)
)
 Defendant.)

Criminal No. 99-20155-M1

NOTICE OF INTENT TO SEEK THE DEATH PENALTY

Comes now the United States of America, pursuant to Title 18, United States Code, Section 3593(a), by and through its undersigned counsel, and notifies the Court and the defendant Robert Lewis Carpenter, Jr., that the Government believes the circumstances of the offenses charged in Counts One and Three of the Indictment are such that, in the event of conviction, a sentence of death is justified under Chapter 228 (Sections 3591 through 3598) of Title 18 of the United States Code, and that the Government will seek the sentence of death for these offenses: carjacking resulting in the death of Barbara Ann Lee, in violation of Title 18, United States Code, Section 2119, and killing Barbara Ann Lee with the intent to prevent her from communicating to a law enforcement officer information relating to the commission of a federal offense, in violation of Title 18, United States Code, Section 1512(a), both of which offenses carry a possible sentence of death.

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

A. Statutory Proportionality Factors Enumerated Under Title 18, United States Code, Section 3591(a)(2)(A)-(D).

1. Intentional Killing - The defendant, being aided and abetted by Antonio Carpenter, intentionally killed Barbara Ann Lee. Section 3591(a)(2)(A).

2. Intentional Infliction of Serious Bodily Injury - The defendant, being aided and abetted by Antonio Carpenter, intentionally inflicted serious bodily injury that resulted in the death of Barbara Ann Lee. Section 3591(a)(2)(B).

3. Intentional Acts to Take Life or Use Lethal Force - The defendant, being aided and abetted by Antonio Carpenter, 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 Barbara Ann Lee died as a direct result of the act. Section 3591(a)(2)(C).

4. Intentional Acts to Engage in Act of Violence, Knowing Actions Created Grave Risk of Death - The defendant, being aided and abetted by Antonio Carpenter, intentionally and specifically engaged in an act of violence, knowing that the act created a grave risk of death to a person, other than to one of the participants of the offense, such that participation in the act constituted a reckless disregard for human life and Barbara Ann Lee

died as a direct result of the act. Section 3591(a)(2)(D).

B. Statutory Aggravating Factors Enumerated Under Title 18, United States Code, Section 3592(c).

1. Heinous, Cruel, or Depraved Manner of Committing Offense - The defendant, being aided and abetted by Antonio Carpenter, committed the offense in an especially heinous, cruel, and depraved manner in that it involved torture and serious physical abuse to Barbara Ann Lee. Section 3592(c)(6).

2. Pecuniary Gain - The defendant, being aided and abetted by Antonio Carpenter, committed the offense in expectation of the receipt of something of pecuniary value. Section 3592(c)(8).

3. Substantial Planning and Premeditation - The defendant, being aided and abetted by Antonio Carpenter, committed the offense after substantial planning and premeditation to cause the death of Barbara Ann Lee. Section 3592(c)(9).

C. Other Non-Statutory, Aggravating Factors Identified Under Title 18, United States Code, Section 3593(a)(2).

1. Victim Impact Evidence - The defendant caused injury, harm, and loss to Barbara Ann Lee's family and friends because of Barbara Ann Lee's exemplary characteristics as a human being and the impact of her death upon her family and friends. Section 3593(a); Payne v. Tennessee, 111 S. Ct. 2597, 2608-09 (1991).

2. Obstruction of Justice - The defendant, being aided and abetted by Antonio Carpenter, killed Barbara Ann Lee to prevent her from going to law enforcement about, and to eliminate her as a witness, to his crimes.

3. Future Dangerousness of the Defendant - The defendant is likely to commit criminal acts of violence in the future which would be a continuing and serious threat to the lives and safety of others. Simmons v. South Carolina, 114 S. Ct. 2187, 2193 (1994). In addition to the capital offenses charged in the Indictment and the statutory and non-statutory factors alleged in this Notice, the defendant has engaged in a lifelong pattern of criminal conduct, has threatened others with violence, has demonstrated low rehabilitative potential and/or has demonstrated lack of remorse, including but not limited to one or more of the following: (a) attempting to escape from lawful custody; (b) assaulting jail guards; and (c) committing crimes while on pretrial release or under Court supervision.

4. Vileness of the Crime - The defendant's conduct in committing the offense, apart from the other aggravating factors, was substantially greater in degree than that described in the definition of the crime. In committing these offenses, the defendant, being aided and abetted by Antonio Carpenter, killed a helpless and vulnerable Barbara Ann Lee by strangling her with a

sawed-off rifle at close range and then by twice slowly driving over her with her own vehicle, either of which method would have caused her death.

Respectfully submitted,

VERONICA F. COLEMAN
United States Attorney

By:


Tony R. Arvin
Assistant United States Attorney
167 N. Main, Room 800
Memphis, TN 38103
(#011392 Tennessee)

CERTIFICATE OF SERVICE

I, Tony R. Arvin, Assistant United States Attorney for the Western District of Tennessee, hereby certify that a copy of the foregoing **Notice of Intent to Seek the Death Penalty** has been mailed, first class postage pre-paid, to Mr. William D. Massey, Attorney at Law, 3074 East Street, Memphis, Tennessee 38128; Mr. Robert L. Hutton, Attorney at Law, One Commerce Square, 17th Floor, Memphis, Tennessee 38103; Mr. Howard Wagerman, Attorney at Law, 200 Jefferson Avenue, Suite 1313, Memphis, Tennessee 38103; Mr. James A. Simmons, Attorney at Law, 1501 Sixteenth Avenue South, Nashville, Tennessee 37212-2905.

This 5th day of January, 2000.



Tony R. Arvin
Assistant United States Attorney
167 N. Main, Room 800
Memphis, TN 38103
(#011392 Tennessee)