

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF PENNSYLVANIA

UNITED STATES OF AMERICA,)

v.)

ANDRE COOPER)

CRIMINAL No. 01-512 - 4

NOTICE OF INTENT TO SEEK THE DEATH PENALTY

The United States of America, by and through Patrick L. Meehan, United States Attorney for the Eastern District of Pennsylvania, notifies the defendant, **ANDRE COOPER**, his counsel, and the Court that, in the event the defendant is convicted under Counts 10, 11, 12, 15, 22, or 23 of the Third Superseding Indictment, the United States believes that the circumstances of each murder offense is such that a sentence of death is justified under Chapter 228 of Title 18 of the United States Code, and the United States will seek a sentence of death. At a death penalty hearing, the United States proposes to prove beyond a reasonable doubt the following statutory and non-statutory aggravating factors justifying a sentence of death:

A. Statutory Proportionality Factors. At a death penalty hearing, the United States will prove, with regard to each of Counts 10, 11, and 12, as set forth in the Notice of Special Findings in the Third Superseding Indictment, that:

1. The defendant intentionally participated in one or more acts, 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 a participant in the offense, and

Tracey Saunders died as a direct result of such act or acts, 18 U.S.C. § 3591(a)(2)(C); and

2. The defendant intentionally and specifically engaged in one or more acts of violence, knowing that the act or acts created a grave risk of death to a person, other than one of the participants in the offense, such that participation in such act or acts constituted a reckless disregard for human life, and Tracey Saunders died as a direct result of such act or acts, 18 U.S.C. § 3591(a)(2)(D).

B. Statutory Aggravating Factors. At a death penalty hearing, the United States will prove, as set forth in the Notice of Special Findings in the Third Superseding Indictment that:

1. The defendant committed the offenses in Counts 10, 11, and 12 after substantial planning and premeditation to cause the death of Tracey Saunders, 18 U.S.C. § 3592(c)(9);

C. Non-Statutory Aggravating Factors. At a death penalty hearing, the United States will prove:

1. **Impact on the Victim**. The Defendant, ANDRE COOPER, caused injury, harm and loss to the family of Tracey Saunders because of the victim's personal characteristics as an individual human being and the impact of the death upon the victim's family. Payne v. Tennessee, 501 U.S. 808, 825-827 (1991). The murder of Tracey Saunders has caused the victim's family extreme emotional suffering, and the victim's family has suffered severe and irreparable harm. 501 U.S. 808, 825-827 (1991).

2. **Obstruction of Justice**. The defendant committed the offense with the intent to prevent the victim from or to retaliate against the victim for providing information and assistance to law enforcement authorities in regard to the

investigation or prosecution of the commission or possible commission of another offense, as charged in Counts 11 and 12 of the third superseding indictment.

3. Future Dangerousness of the Defendant. The defendant is likely to commit criminal acts of violence in the future that would be a continuing and serious threat to the lives and safety of others. See Simmons v. South Carolina, 512 U.S. 154 (1994). The evidence supporting this factor includes, but is not limited to, the acts and offenses alleged in the superseding indictment and the allegations set forth in this Notice, and also includes that the defendant has engaged in other criminal acts of violence involving firearms.

4. Contemporaneous Convictions. The defendant has committed additional murders as charged in the Third Superseding Indictment.

D. Statutory Proportionality Factors. At a death penalty hearing, the United States will prove, with regard to Count 15 as set forth in the Notice of Special Findings in the Third Superseding Indictment, that:

1. The defendant intentionally participated in one or more acts, 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 a participant in the offense, and Antonio Rykard died as a direct result of such act or acts, 18 U.S.C. § 3591(a)(2)(C); and

2. The defendant intentionally and specifically engaged in one or more acts of violence, knowing that the act or acts created a grave risk of death to a person, other than one of the participants in the offense, such that participation in such act or acts constituted a reckless disregard for human life, and Antonio Rykard died as a direct result of such act or acts, 18 U.S.C.

§ 3591(a)(2)(D).

E. Statutory Aggravating Factors. At a death penalty hearing, the United States will prove, as set forth in the Notice of Special Findings in the third superseding indictment that:

1. The defendant committed the offenses in Count 15 after substantial planning and premeditation to cause the death of Antonio Rykard, 18 U.S.C. § 3592(c)(9);

F. Non-Statutory Aggravating Factors. At a death penalty hearing, the United States will prove:

1. **Impact on the Victim.** The Defendant, ANDRE COOPER, caused injury, harm and loss to the family of Antonio Rykard because of the victim's personal characteristics as an individual human being and the impact of the death upon the victim's family. Payne v. Tennessee, 501 U.S. 808, 825-827 (1991). The murder of Antonio Rykard has caused the victim's family extreme emotional suffering, and the victim's family has suffered severe and irreparable harm. 501 U.S. 808, 825-827 (1991);

2. **Obstruction of Justice.** The defendant committed the offense with the intent to prevent the victim from or to retaliate against the victim for providing information and assistance to law enforcement authorities in regard to the investigation or prosecution of the commission or possible commission of another offense, as charged in Count 15 of the third superseding indictment.

3. **Future Dangerousness of the Defendant.** The defendant is likely to commit criminal acts of violence in the future that would be a continuing and serious threat to the lives and safety of others. See Simmons v. South Carolina, 512 U.S. 154 (1994). The evidence supporting this factor includes, but is not limited to, the acts and offenses alleged in the third superseding indictment and the allegations set forth in this Notice, and also includes that

the defendant has engaged in other criminal acts of violence involving firearms.

4. **Contemporaneous Convictions.** The defendant has committed additional murders as charged in the Third Superseding Indictment.

G. Statutory Proportionality Factors. At a death penalty hearing, the United States will prove, with regard to each of Counts 22 and 23, as set forth in the Notice of Special Findings in the Third Superseding Indictment, that:

1. The defendant intentionally killed Karriem Washington, 18 U.S.C. § 3591(a)(2)(A);
2. The defendant intentionally inflicted serious bodily injury that resulted in the death of Karriem Washington, 18 U.S.C. § 3591(a)(2)(B); and

H. Statutory Aggravating Factors. At a death penalty hearing, the United States will prove, as set forth in the Notice of Special Findings in the superseding indictment that:

1. The defendant committed the offenses in Counts 22 and 23 after substantial planning and premeditation to cause the death of Karriem Washington, 18 U.S.C. § 3592(c)(9);

I. Non-Statutory Aggravating Factors. At a death penalty hearing, the United States will prove:

1. **Impact on the Victim.** The Defendant, ANDRE COOPER, caused injury, harm and loss to the family of Karriem Washington because of the victim's personal characteristics as an individual human being and the impact of the death upon the victim's family. Payne v. Tennessee, 501 U.S. 808, 825-827 (1991). The murder of Karriem Washington has caused the victim's family extreme emotional suffering, and the victim's family has suffered severe and irreparable harm. 501 U.S. 808, 825-827 (1991);
2. **Future Dangerousness of the Defendant.** The defendant is likely to

commit criminal acts of violence in the future that would be a continuing and serious threat to the lives and safety of others. See Simmons v. South Carolina, 512 U.S. 154 (1994). The evidence supporting this factor includes, but is not limited to, the acts and offenses alleged in the superseding indictment and the allegations set forth in this Notice, and also includes that the defendant has engaged in other criminal acts of violence involving firearms.

3. **Contemporaneous Convictions.** The defendant has committed additional murders as charged in the Third Superseding Indictment.

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, **ANDRE COOPER**, his moral culpability, and the nature and circumstances of the offenses charged in the superseding indictment.

Dated this ____ day of May, 2005.

Respectfully submitted,

PATRICK L. MEEHAN
United States Attorney

FAITHE MOORE TAYLOR
Assistant United States Attorney

NANCY BEAM WINTER
Assistant United States Attorney

CERTIFICATE OF SERVICE

I hereby certify that I caused a copy of the Government's Notice of Intent To Seek The Death Penalty to be served electronically and by mail upon the following attorneys:

Patrick J. Egan, Esquire
239 S. Camac Street
Philadelphia, PA 19107

Anthony Ricco, Esquire
20 Vesey Street
New York, NY 10007

FAITHE MOORE TAYLOR
Assistant United States Attorney

Dated: May , 2005