

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLUMBIA

UNITED STATES OF AMERICA	:	
	:	Criminal No. 99-0266 (JHG)
v.	:	
	:	
CARL COOPER,	:	
	:	
Defendant.	:	

NOTICE OF INTENT TO SEEK THE DEATH PENALTY

COMES NOW the United States of America, pursuant to Title 18, United States Code § 3593(a), by and through its undersigned counsel, Wilma A. Lewis, United States Attorney, and Kenneth L. Wainstein, Assistant United States Attorney, and notifies the Court and the defendant in the above-captioned case that the government believes the circumstances of the capital offenses charged in Counts 36, 39 and 42 of the Indictment are such that, in the event of the defendant's conviction of one or more of these offenses, 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 each and all of the following offenses which carry the possible sentence of death: Count 36, charging the first-degree murder of Emory Allen Evans in the course of using a firearm during a crime of violence, in violation of Title 18, United States Code, Sections 924(c) and (j); Count 39, charging the first-degree murder of Aaron David Goodrich in the course of using a firearm during a crime of violence, in violation of Title 18, United States Code, Sections 924(c) and (j); and Count 42, charging the first-degree murder of Mary Caitrin

Mahoney in the course of using a firearm during a crime of violence, in violation of Title 18, United States Code, Sections 924(c) and (j).

COUNT 36: MURDER OF EMORY ALLEN EVANS

The Government will seek to prove the following factors as justifying a sentence of death for the first-degree murder of Emory Allen Evans in the course of using a firearm during a crime of violence:

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

1. **Intentional Killing.** The defendant intentionally killed Emory Allen Evans. 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 Emory Allen Evans. Section 3591(a)(2)(B).

3. **Intentional Act 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 Emory Allen Evans died as a direct result of the act. Section 3591(a)(2)(C).

4. **Intentional Act 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 Emory Allen Evans 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. **Pecuniary Gain.** The defendant committed the offense as consideration for the receipt, and in the expectation of the receipt, of anything of pecuniary value. Section 3592(c)(8).

2. **Multiple Killings or Attempted Killings.** The defendant intentionally killed more than one person in a single criminal episode. Section 3592(c)(16).

**C. Other Non-Statutory Aggravating Factors**  
**Identified Under 18 U.S.C. § 3593(a)**

1. **Victim Impact.** The defendant caused injury, harm and loss to the friends and family of Emory Allen Evans because of Emory Allen Evans' personal characteristics as an individual human being and the impact of his death upon those persons. Emory Allen Evans was a beloved member of a family that included a father, a mother, a stepfather, a stepmother and four sisters, who have deeply missed his companionship, love and support since his death. The government will present information concerning the effect of the offense on Emory Allen Evans and his family, which may include oral testimony, a victim impact statement that identifies Emory Allen Evans as the victim of the offense and the extent and scope of the injury and loss suffered by Emory Allen Evans and his family, and any other relevant information.

2. **Other Criminal Activity.** In addition to the capital offenses charged in Counts Thirty-Six, Thirty-Nine and Forty-Two of the Indictment, the defendant has engaged in a continuing pattern of criminal conduct. That pattern of criminal conduct includes one

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or more of the following acts that were undertaken by the defendant:

a. Other Charged Racketeering Acts. In addition to the attempted robbery and triple murder at the Starbucks Coffee Company shop, the defendant committed the crimes charged in the Indictment as Racketeering Acts One through Six and Eight, namely:

The May 10, 1993 armed robbery and murder of security guard Sandy Griffin while Mr. Griffin was on duty at 1107 11th Street, N.W. in Washington, D.C., as charged in Racketeering Act One.

The June 4, 1996 armed robbery of the Pizza Italia in Takoma Park, Maryland, as charged in Racketeering Act Two.

The August 12, 1996 armed robbery of Bruce Howard and Christy Bennett and shooting of Bruce Howard in Avondale Park in Prince George's County, Maryland, as charged in Racketeering Act Three.

The September 8, 1996 armed robbery of the Velvet Touch Health Spa in Paxtang, Pennsylvania, as charged in Racketeering Act Four.

The September through October 1, 1996 conspiracy to rob the Chevy Chase Bank in Bethesda, Maryland, as charged in Racketeering Act Five.

The June 26, 1997 armed robbery of the Rollingcrest-Chillum Community Center in Chillum, Maryland, as charged in Racketeering Act Six.

The 1997 conspiracy and attempt to rob Tire Town, an automobile tire shop in Beltsville, Maryland, and the Salon En Vogue, a hair salon in Hyattsville, Maryland, as charged in Racketeering Act Eight.

b. Possession of Gun and Drugs. On January 26, 1988, the defendant was arrested in Silver Spring, Maryland in possession of a quantity of crack cocaine and a .32 caliber revolver.

c. Armed Robbery of Eric Gammill. On January 5, 1989, the defendant approached Eric Gammill on the street in front of 209

8th Street, S.E., pointed a gun at Mr. Gammill and stole Mr. Gammill's wallet. The defendant committed this offense while on parole for his conviction in Montgomery County for possession of cocaine on January 26, 1988.

d. Armed Robbery of 7-11 in Takoma Park, Maryland. At approximately 2:05 a.m. on January 10, 1989, the defendant and a confederate entered a 7-11 convenience store at 900 Merrimac Drive in Takoma Park, Maryland, pointed a handgun at the clerk and stole approximately \$60 and a carton of cigarettes. The defendant committed this offense while on parole for his conviction in Montgomery County for possession of cocaine on January 26, 1988.

e. Armed Robbery of 7-11 in Silver Spring, Maryland. At approximately 2:25 a.m. on January 10, 1989, the defendant and a confederate entered a second 7-11 convenience store at 650 University Boulevard in Silver Spring, Maryland, pointed a handgun at the clerk and stole approximately \$100 in cash. The defendant committed this offense while on parole for his conviction in Montgomery County for possession of cocaine on January 26, 1988.

f. Armed Robbery in Bladensburg, Maryland. In or about 1993, the defendant robbed a pedestrian in a parking lot in Bladensburg, Maryland by assaulting the pedestrian at gunpoint, forcing him to the ground and yanking a jewelry chain from around his neck.

g. Attempted Robbery and Shooting in Northeast, D.C. In or about 1995, the defendant and a confederate confronted a young man at gunpoint on Bladensburg Road in Northeast Washington,

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D.C., attempted to rob the young man of the money in his pocket and shot the young man as he tried to run away from the defendant and his confederate.

h. Planned Robbery of a Laundromat. On one occasion between in or about 1995 and in or about 1997, the defendant and a friend agreed to commit an armed robbery at a laundromat on Central Avenue. The defendant canceled the robbery when he conducted a surveillance of the laundromat and realized that a police station was located nearby.

i. Plan to Commit Robberies After Starbucks. As the defendant admitted in his March 4, 1999 confession to the Starbucks triple murder, at some point after burying the guns that he used to commit the triple murder, the defendant went looking for the guns because he "was thinking about doing robberies again to make money."

j. Regular Robberies of Drug Dealers. Starting soon after his release from incarceration in 1990, the defendant supported himself by regularly robbing drug dealers on the street at gunpoint.

k. Laundering of Robbery Proceeds. The defendant "laundered" cash he obtained from robberies by giving that cash to his mother in exchange for a personal check from his mother's account which he then deposited in his own bank account.

l. Use of Violence to Settle Personal Disputes. The defendant resorted to violence during personal disputes involving himself and/or his friends on the following occasions:

(1) Shooting Over Friend's Head During an Argument.

In or about 1993, during an argument with a friend, the defendant pulled out a handgun, fired it over his friend's head and made the point that he could have shot his friend "if he had wanted to."

(2) Confrontation Outside Nightclub.

In or about 1996, a female friend called the defendant to report that she was being harassed by a man outside the Foxy Lady Nightclub on Georgia Avenue, N.W. The defendant showed up immediately, stuck a handgun in the man's face and chased him from the nightclub.

(3) Shooting at a Motel.

In or about 1995, a friend told the defendant that she had had a dispute with her boyfriend, and the defendant agreed to retaliate against the boyfriend. The defendant and a confederate armed themselves with handguns, drove to a motel where the boyfriend was staying and opened fire through the front window of the room in which the boyfriend was staying.

(4) Armed Assistance in a Gang War.

In or about 1995, the defendant learned from a fellow member of his racketeering enterprise that a violent gang from another neighborhood was planning to shoot up that member's house on 14th Street, N.W. The defendant and a third enterprise member then armed themselves and waited outside the 14th Street residence to ambush the rival gang, but the gang never showed up.

(5) Attempted Robbery and Shooting of Drug Dealer.

In or about 1997, the defendant agreed to retaliate against a drug dealer who had gotten into a dispute with a friend of the

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defendant. One night, the defendant and his friend parked and waited for several hours outside the drug dealer's house with the plan to ambush, rob and shoot the drug dealer, but the drug dealer never came home.

m. Regular Possession of Firearms. The defendant has continuously possessed and carried firearms, to include the following firearms:

- One .22 caliber revolver
- One .25 caliber revolver
- Two .32 caliber revolvers
- One .38 caliber long-barrel revolver
- One .38 caliber short-barrel revolver
- Two .380 caliber semi-automatic pistols
- Five nine-millimeter semi-automatic pistols
- One AK 47 assault rifle
- One sawed-off shotgun

The defendant obtained and possessed many of the above-listed firearms after his 1990 robbery conviction, in violation of the District of Columbia and federal laws prohibiting the possession of a firearm by a convicted felon. He obtained these firearms illegally through various means, including robbery and the use of straw purchasers. On May 1, 1996, the defendant had his wife purchase a nine-millimeter handgun on his behalf from Atlantic Guns in Silver Spring, Maryland. The defendant then carried that gun and used it in the shooting of Bruce Howard on August 12, 1996.

3. Obstruction of Justice. The defendant obstructed and attempted to obstruct the investigation and prosecution of his criminal activities. This is shown by facts including, but not limited to, one or more of the following:

a. Threat to Murder a Witness. The defendant considered and discussed murdering the man who accompanied him during the robbery and murder of Sandy Griffin on May 10, 1993 for the express purpose of preventing that man from identifying him as the perpetrator.

b. Threat to Murder a Witness. The defendant considered and discussed murdering a man who accompanied him during the robbery and shooting of Bruce Howard and Christy Bennett on August 12, 1996 for the express purpose of preventing that man from identifying him as the perpetrator.

c. Threat to Murder a Witness. The defendant considered and discussed murdering a woman to prevent her from telling the authorities that he had committed a shooting at a motel in or about 1996.

d. Murder of Witnesses. In keeping with the defendant's stated practice that he leave no witnesses to his crimes, the defendant murdered all three employees who were inside the Starbucks Coffee Company shop and were therefore witnesses to his attempted robbery of that establishment on July 6, 1997.

e. Threat to Murder Law Enforcement Officers. The defendant discussed killing Detective James Trainum of the Metropolitan Police Department and Agent Brad Garrett of the Federal Bureau of Investigation for their roles in the investigation of Cooper's criminal activities. In a February 28, 1999 conversation with another member of his enterprise that was captured on audiotape, the defendant repeatedly raised his desire

to kill Detective Trainum. Complaining that Detective Trainum was harassing him and his family, the defendant stated throughout the course of the conversation "I want [Detective Trainum] dead . . . I want to kill him . . . I want to take him out." The defendant explained that, if he were "petty," he would "call in a few days off work, follow [Detective Trainum] around to his place of business . . . to his house, whatever . . . kill his family and then just wait in the house for [Detective Trainum] to come home . . . 'Hey Honey, I'm home' . . . pow, pow, pow . . . [and then] take [myself] on home." The defendant concluded that there "ain't nothing [Detective Trainum] can do for me except die slowly."

f. Threat to Murder a Suspected Witness. The defendant discussed stabbing an inmate in the District of Columbia Jail who had been asking the defendant questions about the Starbucks triple murder because the defendant suspected that inmate of being an informant for the police.

g. Threat to Murder a Witness. The defendant sent word to a man he suspected of being an informant that he or "his people" were going to "get at" that man in retaliation for that man's testifying against him.

4. Leadership Role. Throughout the course of the racketeering enterprise charged in the Indictment, the defendant maintained a leadership role in the management of the members and criminal activities of the enterprise. That leadership role is evidenced by one or more of the following acts which were undertaken by the defendant:

a. Planning of the Robberies. The defendant directed the planning of robberies undertaken by the enterprise, in that he selected the robbery targets, dictated the measures to be taken to prevent detection and apprehension--such as the use of masks, gloves and stolen cars--and laid out the plans for the actual robberies. The defendant instructed his confederates to shoot any victims who "bucked" during their robberies.

b. Direction of the Robberies. The defendant directed the commission of robberies undertaken by the enterprise, in that he issued orders to his confederates while they were committing the robberies. During the robbery of the Pizza Italia on June 4, 1996, the defendant ordered a confederate to shoot a victim who appeared to resist the robbery. The defendant also determined the allocation of the robbery proceeds among the enterprise members who participated in each robbery.

5. 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, including inmates and correctional officers in an institutional setting. In addition to the capital offenses charged in the Indictment, the circumstances demonstrating this future dangerousness include: the defendant's continuing pattern of violent, criminal conduct; his continuous efforts to obstruct justice and threaten witnesses; his tendency to adopt a leadership role in planning and encouraging others to undertake criminal activities; his demonstrated low rehabilitative potential; and his

consistent lack of remorse for the damage and suffering caused by his criminal activities.

**COUNT 39: MURDER OF AARON DAVID GOODRICH**

The Government will seek to prove the following factors as justifying a sentence of death for the first-degree murder of Aaron David Goodrich in the course of using a firearm during a crime of violence:

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

1. **Intentional Killing.** The defendant intentionally killed Aaron David Goodrich. 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 Aaron David Goodrich. Section 3591(a)(2)(B).

3. **Intentional Act 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 Aaron David Goodrich died as a direct result of the act. Section 3591(a)(2)(C).

4. **Intentional Act 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 Aaron David Goodrich 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. **Pecuniary Gain.** The defendant committed the offense as consideration for the receipt, and in the expectation of the receipt, of anything of pecuniary value. Section 3592(c)(8).

2. **Multiple Killings or Attempted Killings.** The defendant intentionally killed more than one person in a single criminal episode. Section 3592(c)(16).

**C. Other Non-Statutory Aggravating Factors  
Identified Under 18 U.S.C. § 3593(a)**

1. **Victim Impact.** The defendant caused injury, harm and loss to the friends and family of Aaron David Goodrich because of Aaron David Goodrich's personal characteristics as an individual human being and the impact of his death upon those persons. Aaron David Goodrich was a beloved member of a family that included a father, a mother, a stepmother and a sister, who have deeply missed his companionship, love and support since his death. The government will present information concerning the effect of the offense on Aaron David Goodrich and his family, which may include oral testimony, a victim impact statement that identifies Aaron David Goodrich as the victim of the offense and the extent and scope of the injury and loss suffered by Aaron David Goodrich and his family, and any other relevant information.

2. **Other Criminal Activity.** In addition to the capital offenses charged in Counts Thirty-Six, Thirty-Nine and Forty-Two of the Indictment, the defendant has engaged in a continuing pattern of criminal conduct. That pattern of criminal conduct includes one

or more of the following acts that were undertaken by the defendant:

a. Other Charged Racketeering Acts. In addition to the attempted robbery and triple murder at the Starbucks Coffee Company shop, the defendant committed the crimes charged in the Indictment as Racketeering Acts One through Six and Eight, namely:

The May 10, 1993 armed robbery and murder of security guard Sandy Griffin while Mr. Griffin was on duty at 1107 11th Street, N.W. in Washington, D.C., as charged in Racketeering Act One.

The June 4, 1996 armed robbery of the Pizza Italia in Takoma Park, Maryland, as charged in Racketeering Act Two.

The August 12, 1996 armed robbery of Bruce Howard and Christy Bennett and shooting of Bruce Howard in Avondale Park in Prince George's County, Maryland, as charged in Racketeering Act Three.

The September 8, 1996 armed robbery of the Velvet Touch Health Spa in Paxtang, Pennsylvania, as charged in Racketeering Act Four.

The September through October 1, 1996 conspiracy to rob the Chevy Chase Bank in Bethesda, Maryland, as charged in Racketeering Act Five.

The June 26, 1997 armed robbery of the Rollingcrest-Chillum Community Center in Chillum, Maryland, as charged in Racketeering Act Six.

The 1997 conspiracy and attempt to rob Tire Town, an automobile tire shop in Beltsville, Maryland, and the Salon En Vogue, a hair salon in Hyattsville, Maryland, as charged in Racketeering Act Eight.

b. Possession of Gun and Drugs. On January 26, 1988, the defendant was arrested in Silver Spring, Maryland in possession of a quantity of crack cocaine and a .32 caliber revolver.

c. Armed Robbery of Eric Gammill. On January 5, 1989, the defendant approached Eric Gammill on the street in front of 209

8th Street, S.E., pointed a gun at Mr. Gammill and stole Mr. Gammill's wallet. The defendant committed this offense while on parole for his conviction in Montgomery County for possession of cocaine on January 26, 1988.

d. Armed Robbery of 7-11 in Takoma Park, Maryland. At approximately 2:05 a.m. on January 10, 1989, the defendant and a confederate entered a 7-11 convenience store at 900 Merrimac Drive in Takoma Park, Maryland, pointed a handgun at the clerk and stole approximately \$60 and a carton of cigarettes. The defendant committed this offense while on parole for his conviction in Montgomery County for possession of cocaine on January 26, 1988.

e. Armed Robbery of 7-11 in Silver Spring, Maryland. At approximately 2:25 a.m. on January 10, 1989, the defendant and a confederate entered a second 7-11 convenience store at 650 University Boulevard in Silver Spring, Maryland, pointed a handgun at the clerk and stole approximately \$100 in cash. The defendant committed this offense while on parole for his conviction in Montgomery County for possession of cocaine on January 26, 1988.

f. Armed Robbery in Bladensburg, Maryland. In or about 1993, the defendant robbed a pedestrian in a parking lot in Bladensburg, Maryland by assaulting the pedestrian at gunpoint, forcing him to the ground and yanking a jewelry chain from around his neck.

g. Attempted Robbery and Shooting in Northeast, D.C. In or about 1995, the defendant and a confederate confronted a young man at gunpoint on Bladensburg Road in Northeast Washington,

D.C., attempted to rob the young man of the money in his pocket and shot the young man as he tried to run away from the defendant and his confederate.

h. Planned Robbery of a Laundromat. On one occasion between in or about 1995 and in or about 1997, the defendant and a friend agreed to commit an armed robbery at a laundromat on Central Avenue. The defendant canceled the robbery when he conducted a surveillance of the laundromat and realized that a police station was located nearby.

i. Plan to Commit Robberies After Starbucks. As the defendant admitted in his March 4, 1999 confession to the Starbucks triple murder, at some point after burying the guns that he used to commit the triple murder, the defendant went looking for the guns because he "was thinking about doing robberies again to make money."

j. Regular Robberies of Drug Dealers. Starting soon after his release from incarceration in 1990, the defendant supported himself by regularly robbing drug dealers on the street at gunpoint.

k. Laundering of Robbery Proceeds. The defendant "laundered" cash he obtained from robberies by giving that cash to his mother in exchange for a personal check from his mother's account which he then deposited in his own bank account.

l. Use of Violence to Settle Personal Disputes. The defendant resorted to violence during personal disputes involving himself and/or his friends on the following occasions:

(1) Shooting Over Friend's Head During an Argument.

In or about 1993, during an argument with a friend, the defendant pulled out a handgun, fired it over his friend's head and made the point that he could have shot his friend "if he had wanted to."

(2) Confrontation Outside Nightclub.

In or about 1996, a female friend called the defendant to report that she was being harassed by a man outside the Foxy Lady Nightclub on Georgia Avenue, N.W. The defendant showed up immediately, stuck a handgun in the man's face and chased him from the nightclub.

(3) Shooting at a Motel.

In or about 1996, a friend told the defendant that she had had a dispute with her boyfriend, and the defendant agreed to retaliate against the boyfriend. The defendant and a confederate armed themselves with handguns, drove to a motel where the boyfriend was staying and opened fire through the front window of the room in which the boyfriend was staying.

(4) Armed Assistance in a Gang War.

In or about 1996, the defendant learned from a fellow member of his racketeering enterprise that a violent gang from another neighborhood was planning to shoot up that member's house on 14th Street, N.W. The defendant and a third enterprise member then armed themselves and waited outside the 14th Street residence to ambush the rival gang, but the gang never showed up.

(5) Attempted Robbery and Shooting of Drug Dealer.

In or about 1997, the defendant agreed to retaliate against a drug dealer who had gotten into a dispute with a friend of the

defendant. One night, the defendant and his friend parked and waited for several hours outside the drug dealer's house with the plan to ambush, rob and shoot the drug dealer, but the drug dealer never came home.

m. Regular Possession of Firearms. The defendant has continuously possessed and carried firearms, to include the following firearms:

- One .22 caliber revolver
- One .25 caliber revolver
- Two .32 caliber revolvers
- One .38 caliber long-barrel revolver
- One .38 caliber short-barrel revolver
- Two .380 caliber semi-automatic pistols
- Five nine-millimeter semi-automatic pistols
- One AK 47 assault rifle
- One sawed-off shotgun

The defendant obtained and possessed many of the above-listed firearms after his 1990 robbery conviction, in violation of the District of Columbia and federal laws prohibiting the possession of a firearm by a convicted felon. He obtained these firearms illegally through various means, including robbery and the use of straw purchasers. On May 1, 1996, the defendant had his wife purchase a nine-millimeter handgun on his behalf from Atlantic Guns in Silver Spring, Maryland. The defendant then carried that gun and used it in the shooting of Bruce Howard on August 12, 1996.

3. Obstruction of Justice. The defendant obstructed and attempted to obstruct the investigation and prosecution of his criminal activities. This is shown by facts including, but not limited to, one or more of the following:

a. Threat to Murder a Witness. The defendant considered and discussed murdering the man who accompanied him during the robbery and murder of Sandy Griffin on May 10, 1993 for the express purpose of preventing that man from identifying him as the perpetrator.

b. Threat to Murder a Witness. The defendant considered and discussed murdering a man who accompanied him during the robbery and shooting of Bruce Howard and Christy Bennett on August 12, 1996 for the express purpose of preventing that man from identifying him as the perpetrator.

c. Threat to Murder a Witness. The defendant considered and discussed murdering a woman to prevent her from telling the authorities that he had committed a shooting at a motel in or about 1996.

d. Murder of Witnesses. In keeping with the defendant's stated practice that he leave no witnesses to his crimes, the defendant murdered all three employees who were inside the Starbucks Coffee Company shop and were therefore witnesses to his attempted robbery of that establishment on July 6, 1997.

e. Threat to Murder Law Enforcement Officers. The defendant discussed killing Detective James Trainum of the Metropolitan Police Department and Agent Brad Garrett of the Federal Bureau of Investigation for their roles in the investigation of Cooper's criminal activities. In a February 28, 1999 conversation with another member of his enterprise that was captured on audiotape, the defendant repeatedly raised his desire

to kill Detective Trainum. Complaining that Detective Trainum was harassing him and his family, the defendant stated throughout the course of the conversation "I want [Detective Trainum] dead . . . I want to kill him . . . I want to take him out." The defendant explained that, if he were "petty," he would "call in a few days off work, follow [Detective Trainum] around to his place of business . . . to his house, whatever . . . kill his family and then just wait in the house for [Detective Trainum] to come home . . . 'Hey Honey, I'm home' . . . pow, pow, pow . . . [and then] take [myself] on home." The defendant concluded that there "ain't nothing [Detective Trainum] can do for me except die slowly."

f. Threat to Murder a Suspected Witness. The defendant discussed stabbing an inmate in the District of Columbia Jail who had been asking the defendant questions about the Starbucks triple murder because the defendant suspected that inmate of being an informant for the police.

g. Threat to Murder a Witness. The defendant sent word to a man he suspected of being an informant that he or "his people" were going to "get at" that man in retaliation for that man's testifying against him.

4. **Leadership Role**. Throughout the course of the racketeering enterprise charged in the Indictment, the defendant maintained a leadership role in the management of the members and criminal activities of the enterprise. That leadership role is evidenced by one or more of the following acts which were undertaken by the defendant:

a. Planning of the Robberies. The defendant directed the planning of robberies undertaken by the enterprise, in that he selected the robbery targets, dictated the measures to be taken to prevent detection and apprehension--such as the use of masks, gloves and stolen cars--and laid out the plans for the actual robberies. The defendant instructed his confederates to shoot any victims who "bucked" during their robberies.

b. Direction of the Robberies. The defendant directed the commission of robberies undertaken by the enterprise, in that he issued orders to his confederates while they were committing the robberies. During the robbery of the Pizza Italia on June 4, 1996, the defendant ordered a confederate to shoot a victim who appeared to resist the robbery. The defendant also determined the allocation of the robbery proceeds among the enterprise members who participated in each robbery.

5. 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, including inmates and correctional officers in an institutional setting. In addition to the capital offenses charged in the Indictment, the circumstances demonstrating this future dangerousness include: the defendant's continuing pattern of violent, criminal conduct; his continuous efforts to obstruct justice and threaten witnesses; his tendency to adopt a leadership role in planning and encouraging others to undertake criminal activities; his demonstrated low rehabilitative potential; and his

consistent lack of remorse for the damage and suffering caused by his criminal activities.

**COUNT 42: MURDER OF MARY CAITRIN MAHONEY**

The Government will seek to prove the following factors as justifying a sentence of death for the first-degree murder of Mary Caitrin Mahoney in the course of using a firearm during a crime of violence:

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

1. **Intentional Killing.** The defendant intentionally killed Mary Caitrin Mahoney. 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 Mary Caitrin Mahoney. Section 3591(a)(2)(B).

3. **Intentional Act 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 Mary Caitrin Mahoney died as a direct result of the act. Section 3591(a)(2)(C).

4. **Intentional Act 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 Mary Caitrin Mahoney 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. **Pecuniary Gain.** The defendant committed the offense as consideration for the receipt, and in the expectation of the receipt, of anything of pecuniary value. Section 3592(c)(8).

2. **Multiple Killings or Attempted Killings.** The defendant intentionally killed more than one person in a single criminal episode. Section 3592(c)(16).

**C. Other Non-Statutory Aggravating Factors**  
**Identified Under 18 U.S.C. § 3593(a)**

1. **Victim Impact.** The defendant caused injury, harm and loss to the friends and family of Mary Caitrin Mahoney because of Mary Caitrin Mahoney's personal characteristics as an individual human being and the impact of her death upon those persons. Mary Caitrin Mahoney was a beloved member of a family that included a father, a mother, a stepmother, a stepfather, a brother, a sister and three stepsisters, who have deeply missed her companionship, love and support since her death. The government will present information concerning the effect of the offense on Mary Caitrin Mahoney and her family, which may include oral testimony, a victim impact statement that identifies Mary Caitrin Mahoney as the victim of the offense and the extent and scope of the injury and loss suffered by Mary Caitrin Mahoney and her family, and any other relevant information.

2. **Other Criminal Activity.** In addition to the capital offenses charged in Counts Thirty-Six, Thirty-Nine and Forty-Two of the Indictment, the defendant has engaged in a continuing pattern

of criminal conduct. That pattern of criminal conduct includes one or more of the following acts that were undertaken by the defendant:

a. Other Charged Racketeering Acts. In addition to the attempted robbery and triple murder at the Starbucks Coffee Company shop, the defendant committed the crimes charged in the Indictment as Racketeering Acts One through Six and Eight, namely:

The May 10, 1993 armed robbery and murder of security guard Sandy Griffin while Mr. Griffin was on duty at 1107 11th Street, N.W. in Washington, D.C., as charged in Racketeering Act One.

The June 4, 1996 armed robbery of the Pizza Italia in Takoma Park, Maryland, as charged in Racketeering Act Two.

The August 12, 1996 armed robbery of Bruce Howard and Christy Bennett and shooting of Bruce Howard in Avondale Park in Prince George's County, Maryland, as charged in Racketeering Act Three.

The September 8, 1996 armed robbery of the Velvet Touch Health Spa in Paxtang, Pennsylvania, as charged in Racketeering Act Four.

The September through October 1, 1996 conspiracy to rob the Chevy Chase Bank in Bethesda, Maryland, as charged in Racketeering Act Five.

The June 26, 1997 armed robbery of the Rollingcrest-Chillum Community Center in Chillum, Maryland, as charged in Racketeering Act Six.

The 1997 conspiracy and attempt to rob Tire Town, an automobile tire shop in Beltsville, Maryland, and the Salon En Vogue, a hair salon in Hyattsville, Maryland, as charged in Racketeering Act Eight.

b. Possession of Gun and Drugs. On January 26, 1988, the defendant was arrested in Silver Spring, Maryland in possession of a quantity of crack cocaine and a .32 caliber revolver.

c. Armed Robbery of Eric Gammill. On January 5, 1989, the defendant approached Eric Gammill on the street in front of 209 8th Street, S.E., pointed a gun at Mr. Gammill and stole Mr. Gammill's wallet. The defendant committed this offense while on parole for his conviction in Montgomery County for possession of cocaine on January 26, 1988.

d. Armed Robbery of 7-11 in Takoma Park, Maryland. At approximately 2:05 a.m. on January 10, 1989, the defendant and a confederate entered a 7-11 convenience store at 900 Merrimac Drive in Takoma Park, Maryland, pointed a handgun at the clerk and stole approximately \$60 and a carton of cigarettes. The defendant committed this offense while on parole for his conviction in Montgomery County for possession of cocaine on January 26, 1988.

e. Armed Robbery of 7-11 in Silver Spring, Maryland. At approximately 2:25 a.m. on January 10, 1989, the defendant and a confederate entered a second 7-11 convenience store at 650 University Boulevard in Silver Spring, Maryland, pointed a handgun at the clerk and stole approximately \$100 in cash. The defendant committed this offense while on parole for his conviction in Montgomery County for possession of cocaine on January 26, 1988.

f. Armed Robbery in Bladensburg, Maryland. In or about 1993, the defendant robbed a pedestrian in a parking lot in Bladensburg, Maryland by assaulting the pedestrian at gunpoint, forcing him to the ground and yanking a jewelry chain from around his neck.

g. Attempted Robbery and Shooting in Northeast, D.C.

In or about 1995, the defendant and a confederate confronted a young man at gunpoint on Bladensburg Road in Northeast Washington, D.C., attempted to rob the young man of the money in his pocket and shot the young man as he tried to run away from the defendant and his confederate.

h. Planned Robbery of a Laundromat. On one occasion

between in or about 1995 and in or about 1997, the defendant and a friend agreed to commit an armed robbery at a laundromat on Central Avenue. The defendant canceled the robbery when he conducted a surveillance of the laundromat and realized that a police station was located nearby.

i. Plan to Commit Robberies After Starbucks. As the

defendant admitted in his March 4, 1999 confession to the Starbucks triple murder, at some point after burying the guns that he used to commit the triple murder, the defendant went looking for the guns because he "was thinking about doing robberies again to make money."

j. Regular Robberies of Drug Dealers. Starting soon

after his release from incarceration in 1990, the defendant supported himself by regularly robbing drug dealers on the street at gunpoint.

k. Laundering of Robbery Proceeds. The defendant

"laundered" cash he obtained from robberies by giving that cash to his mother in exchange for a personal check from his mother's account which he then deposited in his own bank account.

1. Use of Violence to Settle Personal Disputes. The defendant resorted to violence during personal disputes involving himself and/or his friends on the following occasions:

(1) Shooting Over Friend's Head During an Argument.

In or about 1993, during an argument with a friend, the defendant pulled out a handgun, fired it over his friend's head and made the point that he could have shot his friend "if he had wanted to."

(2) Confrontation Outside Nightclub.

In or about 1996, a female friend called the defendant to report that she was being harassed by a man outside the Foxy Lady Nightclub on Georgia Avenue, N.W. The defendant showed up immediately, stuck a handgun in the man's face and chased him from the nightclub.

(3) Shooting at a Motel.

In or about 1996, a friend told the defendant that she had had a dispute with her boyfriend, and the defendant agreed to retaliate against the boyfriend. The defendant and a confederate armed themselves with handguns, drove to a motel where the boyfriend was staying and opened fire through the front window of the room in which the boyfriend was staying.

(4) Armed Assistance in a Gang War.

In or about 1996, the defendant learned from a fellow member of his racketeering enterprise that a violent gang from another neighborhood was planning to shoot up that member's house on 14th Street, N.W. The defendant and a third enterprise member then armed themselves and waited outside the 14th Street residence to ambush the rival gang, but the gang never showed up.

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(5) Attempted Robbery and Shooting of Drug Dealer.

In or about 1997, the defendant agreed to retaliate against a drug dealer who had gotten into a dispute with a friend of the defendant. One night, the defendant and his friend parked and waited for several hours outside the drug dealer's house with the plan to ambush, rob and shoot the drug dealer, but the drug dealer never came home.

m. Regular Possession of Firearms. The defendant has continuously possessed and carried firearms, to include the following firearms:

- One .22 caliber revolver
- One .25 caliber revolver
- Two .32 caliber revolvers
- One .38 caliber long-barrel revolver
- One .38 caliber short-barrel revolver
- Two .380 caliber semi-automatic pistols
- Five nine-millimeter semi-automatic pistols
- One AK 47 assault rifle
- One sawed-off shotgun

The defendant obtained and possessed many of the above-listed firearms after his 1990 robbery conviction, in violation of the District of Columbia and federal laws prohibiting the possession of a firearm by a convicted felon. He obtained these firearms illegally through various means, including robbery and the use of straw purchasers. On May 1, 1996, the defendant had his wife purchase a nine-millimeter handgun on his behalf from Atlantic Guns in Silver Spring, Maryland. The defendant then carried that gun and used it in the shooting of Bruce Howard on August 12, 1996.

3. Obstruction of Justice. The defendant obstructed and attempted to obstruct the investigation and prosecution of his

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criminal activities. This is shown by facts including, but not limited to, one or more of the following:

a. Threat to Murder a Witness. The defendant considered and discussed murdering the man who accompanied him during the robbery and murder of Sandy Griffin on May 10, 1993 for the express purpose of preventing that man from identifying him as the perpetrator.

b. Threat to Murder a Witness. The defendant considered and discussed murdering a man who accompanied him during the robbery and shooting of Bruce Howard and Christy Bennett on August 12, 1996 for the express purpose of preventing that man from identifying him as the perpetrator.

c. Threat to Murder a Witness. The defendant considered and discussed murdering a woman to prevent her from telling the authorities that he had committed a shooting at a motel in or about 1996.

d. Murder of Witnesses. In keeping with the defendant's stated practice that he leave no witnesses to his crimes, the defendant murdered all three employees who were inside the Starbucks Coffee Company shop and were therefore witnesses to his attempted robbery of that establishment on July 6, 1997.

e. Threat to Murder Law Enforcement Officers. The defendant discussed killing Detective James Trainum of the Metropolitan Police Department and Agent Brad Garrett of the Federal Bureau of Investigation for their roles in the investigation of Cooper's criminal activities. In a February 28,

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1999 conversation with another member of his enterprise that was captured on audiotape, the defendant repeatedly raised his desire to kill Detective Trainum. Complaining that Detective Trainum was harassing him and his family, the defendant stated throughout the course of the conversation "I want [Detective Trainum] dead . . . I want to kill him . . . I want to take him out." The defendant explained that, if he were "petty," he would "call in a few days off work, follow [Detective Trainum] around to his place of business . . . to his house, whatever . . . kill his family and then just wait in the house for [Detective Trainum] to come home . . . 'Hey Honey, I'm home' . . . pow, pow, pow . . . [and then] take [myself] on home." The defendant concluded that there "ain't nothing [Detective Trainum] can do for me except die slowly."

f. Threat to Murder a Suspected Witness. The defendant discussed stabbing an inmate in the District of Columbia Jail who had been asking the defendant questions about the Starbucks triple murder because the defendant suspected that inmate of being an informant for the police.

g. Threat to Murder a Witness. The defendant sent word to a man he suspected of being an informant that he or "his people" were going to "get at" that man in retaliation for that man's testifying against him.

4. Leadership Role. Throughout the course of the racketeering enterprise charged in the Indictment, the defendant maintained a leadership role in the management of the members and criminal activities of the enterprise. That leadership role is

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evidenced by one or more of the following acts which were undertaken by the defendant:

a. Planning of the Robberies. The defendant directed the planning of robberies undertaken by the enterprise, in that he selected the robbery targets, dictated the measures to be taken to prevent detection and apprehension--such as the use of masks, gloves and stolen cars--and laid out the plans for the actual robberies. The defendant instructed his confederates to shoot any victims who "bucked" during their robberies.

b. Direction of the Robberies. The defendant directed the commission of robberies undertaken by the enterprise, in that he issued orders to his confederates while they were committing the robberies. During the robbery of the Pizza Italia on June 4, 1996, the defendant ordered a confederate to shoot a victim who appeared to resist the robbery. The defendant also determined the allocation of the robbery proceeds among the enterprise members who participated in each robbery.

5. **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, including inmates and correctional officers in an institutional setting. In addition to the capital offenses charged in the Indictment, the circumstances demonstrating this future dangerousness include: the defendant's continuing pattern of violent, criminal conduct; his continuous efforts to obstruct justice and threaten witnesses; his tendency to adopt a leadership

role in planning and encouraging others to undertake criminal activities; his demonstrated low rehabilitative potential; and his consistent lack of remorse for the damage and suffering caused by his criminal activities.

Respectfully submitted,

WILMA A. LEWIS  
United States Attorney



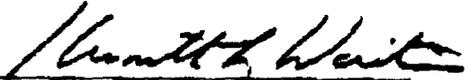
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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that copies of the foregoing Notice of Intent to Seek the Death Penalty were telefaxed on February 14, 2000 to counsel for the defendant as follows:

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