

UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

UNITED STATES OF AMERICA : CRIM. NO. 4:08-CR-70-001
:
v. : (Judge McClure)
:
SHAWN COOYA : ELECTRONICALLY FILED

NOTICE OF INTENT TO SEEK THE DEATH PENALTY

COMES NOW, 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 is convicted of the capital offense relating to the death of victim Alvin Allery, 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 Indictment which charges murder in violation of 18 U.S.C. § 1111.

Pursuant to 18 U.S.C. § 3591(a)(2), the United States will rely on the following preliminary factors to establish the defendant's eligibility for the death penalty:

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

3. The defendant 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 the victim died as a direct result of the act. 18 U.S.C. § 3591(a)(2)(C).

4. 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 the victim died as a direct result of the act. 18 U.S.C. § 3591(a)(2)(D).

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.

1. **Previous convictions for violent felonies involving firearms.** The defendant has previously been convicted of Federal or State offenses punishable by a term of imprisonment of more than one year, involving the use or attempted or threatened use of a firearm (as defined in 18 U.S.C. § 921) against another person. 18 U.S.C. § 3592(c)(2).

2. **Heinous, cruel, or depraved manner of committing the offense.** The defendant committed the offense in an especially heinous, cruel, or depraved manner in that it involved torture or serious physical abuse to the victim. 18 U.S.C. § 3592(c)(6).

3. **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).

In addition to the statutory aggravating factors set forth above, the United States will rely on the following non-statutory aggravating factors to justify a sentence of death pursuant to 18 U.S.C. §§ 3592(c) and 3593(a)(2).

Future Dangerousness of the Defendant. The defendant represents a continuing danger to the lives and safety of other persons. The defendant is likely to commit criminal acts of violence in the future that would constitute a continuing and serious threat to the lives and safety of others, as evidenced by, at least, one or more of the following:

a) **Low Rehabilitative Potential.** The defendant demonstrated a low potential for rehabilitation as evidenced by, among other things, his involvement in numerous disciplinary infractions while serving his sentence of confinement and while confined prior to trial.

b) **Lack of Remorse.** The defendant, through his actions and statements, has demonstrated a lack of remorse concerning his commission of the offense charged in the Indictment.

The Government further gives notice that in support of imposition of the death penalty on Count One, 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,

MARTIN C. CARLSON
United States Attorney

By Wayne P. Samuelson
WAYNE P. SAMUELSON
Assistant United States Attorney
PA ID 22004
Herman T. Schneebeli Federal Bldg.
240 West Third Street, Suite 316
Williamsport, PA 17701-6465
Tele: (570) 326-1935
FAX: (570) 326-7916
Electronic Mail:
Wayne.Samuelson@usdoj.gov

Dated: July 30, 2009

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

UNITED STATES OF AMERICA : CRIM. NO. 4:08-CR-70-001
: :
v. : (Judge McClure)
: :
SHAWN COOYA : ELECTRONICALLY FILED

CERTIFICATE OF ELECTRONIC SERVICE

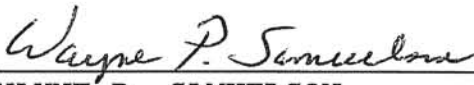
I hereby certify that I caused a true and correct copy of the foregoing

NOTICE OF INTENT TO SEEK THE DEATH PENALTY

by mailing electronically on July 30, 2009, to:

ADDRESSEE: William Ruzzo, Esquire
Bill@alcaro-maguire.com

James A. Swetz, Esquire
jaswetz@csmlawyer.com



WAYNE P. SAMUELSON
Assistant United States Attorney