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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

UNITED STATES OF AMERICA,

No. 93-252-CR-UNGARO-BENAGES(S)

v.

EDWARD ALEXANDER MACK,
KEVIN DENARD ROZIER,
CHEDRICK CRUMMIE,
et al.,

_____ /

NOTICE OF INTENT TO SEEK THE DEATH PENALTY

COMES NOW the United States of America, by and through its undersigned Assistant United States Attorneys, pursuant to Title 21, United States Code, Section 848(h)(1)(A) and (B), and notifies the Court and defendants Edward Alexander Mack, Kevin Denard Rozier and Chedrick Crummie, that in the event of conviction for the intentional killing of Althea Barron, the United States will seek the sentence of death for Edward Alexander Mack, Kevin Denard Rozier, and Chedrick Crummie.

The Government will seek to prove the following aggravating factors as the bases for the death penalty:

A. Aggravating Factors Enumerated under 21 U.S.C. § 848(n)

(1) (A) through (D):

1. The defendants¹ intentionally killed the victim, (n)(1)(A).

2. The defendants intentionally inflicted serious bodily injury which resulted in the death of the victim, (n)(1)(B).

3. The defendants intentionally engaged in conduct intending that the victim be killed and that lethal force be employed against the victim, which resulted in the death of the victim, (n)(1)(C).

4. The defendants intentionally engaged in conduct which the defendants knew would create a grave risk of death to a person, other than one of the participants in the offense and which resulted in the death of the victim, (n)(1)(D)(i) and (ii).

B. Aggravating Factors Enumerated under 21 U.S.C. § 848(n)

(2) through (12):

1. Defendant Rozier has previously been convicted of two or more State or Federal offenses punishable by a term of imprisonment of more than one year, committed on different occasions, involving the infliction of, or attempted infliction of, serious bodily injury upon another person, (n)(3).

2. In the commission of the offense, the defendants knowingly created a grave risk of death to one or more persons in addition to the victim of the offense, (n)(5).

3. Defendants Mack and Rozier procured the commission of the offense by payment, or promise of payment, of something of

¹ The term "defendants," as used herein, refers to all three capital defendants unless otherwise indicated.

pecuniary value, (n)(6).

4. Defendants Rozier and Crummie committed the offense as consideration for the receipt, or in the expectation of the receipt, of something of pecuniary value, (n)(7).

5. The defendants committed the offense after substantial planning and premeditation, (n)(8).

C. Other Aggravating Factors Identified under 21 U.S.C. § 848 (h)(1)(B) and § 848(k):

A. Edward Alexander Mack

1. The defendant caused the unlawful death of an uninvolved innocent bystander, Alfhea Barron. He also endangered others by ordering the shooting in which the assailants, armed with high-powered weapons, fired at and into Barron's apartment building.

2. In the course of the Barron homicide, one of the assailants sent by Mack deliberately shot Cornelius Foster five times.

3. Future dangerousness, including lack of remorse and lack of potential for rehabilitation, based upon the continuing pattern of indiscriminate violence which was part of the routine operation of the organization (e.g., involvement in two murders within four days), and, based upon the threat of future violence (e.g., blowing up Terrence Reed's mother's house if Terrence Reed cooperated with the Government).

B. Kevin Denard Rozier

1. The defendant caused the unlawful death of an uninvolved innocent bystander, Alfhea Barron. He also endangered others by

ordering and participating in the shooting in which the assailants, armed with high-powered weapons, fired at and into Barron's apartment building.

2. In the course of the Barron homicide, one of the assailants supervised by Rozier deliberately shot Cornelius Foster five times.

3. Future dangerousness, including lack of remorse and lack of potential for rehabilitation, based upon the continuing pattern of indiscriminate violence which was part of the routine operation of the organization (e.g., involvement in two murders within four days), and, based upon the threat of future violence (e.g., previous convictions for two robberies and carrying a concealed weapon).

C. Chedrick Crummie

1. The defendant killed an uninvolved innocent bystander, Alfhea Barron. He also endangered others by acting as the principal assailant in the shooting in which the assailants, armed with high-powered weapons, fired at and into Barron's apartment building.

2. In the course of the Barron homicide, one of the assailants led by Crummie deliberately shot Cornelius Foster five times.

3. Future dangerousness, including lack of remorse and lack of potential for rehabilitation, based upon the continuing pattern of indiscriminate violence which was part of the routine operation of the organization (e.g., involvement in two murders within four

days), and, based upon the threat of future violence (e.g., after Barron's murder, Crummie asked Mack, "When are we going to go on another gangster ride.").

D. Other Aggravating Factors Identified under 21 U.S.C. § 848 (h)(1)(B) and § 848(k) Involving Victim Impact and Killings and Attempted Killings Committed by the Defendants:

1. Victim impact evidence under Payne v. Tennessee, 111 S.Ct. 2597, 2609 (1991) as a result of defendants Mack, Rozier, and Crummie's involvement in the homicides of either MacDonald Carey or Alfhea Barron or both.

2. Defendants Mack, Rozier and Crummie attempted to kill and counselled, commanded, induced, procured, and caused the attempted killing of Cedrick Ross within the Southern District of Florida, on or about February 12, 1992.

3. Defendants Mack, Rozier and Crummie intentionally killed and counseled, commanded, induced, procured and caused the intentional killing of MacDonald Carey and such killing did result, within the Southern District of Florida, on or about September 18, 1991.

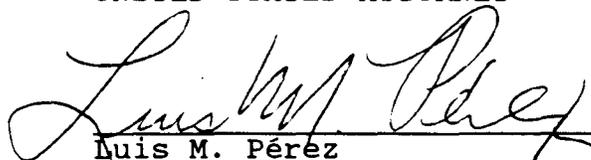
4. Defendants Rozier and Crummie attempted to kill and counselled, commanded, induced, procured, and caused the attempted killing of John Hampton within the Southern District of Florida, on or about November of 1989.

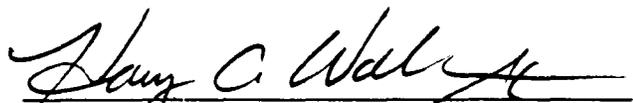
5. Defendants Rozier and Crummie intentionally killed a

white male in approximately 1987, within the Southern District of Florida.

Respectfully submitted,

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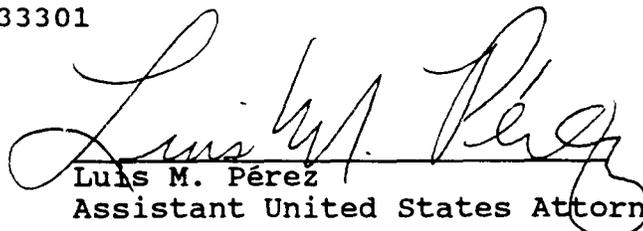
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