

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
Richmond Division

OCT 18 1995

UNITED STATES OF AMERICA)
)
)
 v.)
)
)
 MARVIN DAMON,)
 DEFENDANT)
 _____)

Criminal No. 3:95CR45

GOVERNMENT'S AMENDED NOTICE OF INTENTION TO SEEK
THE DEATH PENALTY PURSUANT TO 21 U.S.C. 848(h)(1)

COMES NOW the United States of America, by its United States Attorney for the Eastern District of Virginia, Helen F. Fahey, and her Assistant United States Attorneys, John G. Douglass and David Novak, and pursuant to Title 21, United States Code, Section 848(h)(1), respectfully notifies the Court and the defendant MARVIN DAMON that, in the event of the conviction of defendant MARVIN DAMON for intentionally killing Lewis Pooler, as alleged in Count Twelve of the third superseding indictment, the Government will seek the sentence of death.

The Government will seek to prove the following aggravating factors as the basis for imposition of the death penalty:

A. Statutory Aggravating Factors Enumerated In Title 21, United States Code, Sections 848(n)(1)(A) through (D):

1. The defendant MARVIN DAMON intentionally killed Lewis Pooler [Section 848(n)(1)(A)].

shooting Steven King in the back on or about August 12, 1980;

b. The defendant MARVIN DAMON was convicted in the Circuit Court for the City of Richmond, Virginia, on or about November 5, 1987 of Shooting at an Occupied Building. This conviction resulted from the defendant MARVIN DAMON shooting into the occupied residence of Alice Lewis at 3342 Bunch Place, Richmond, Virginia, on or about June 19, 1987;

c. The defendant MARVIN DAMON was convicted on or about February 3, 1988 of Shooting into an Occupied Motor Vehicle and Attempted Murder in the Circuit Court for the City of Richmond, Virginia. This conviction resulted from the defendant MARVIN DAMON shooting at Sheila Denise Turner and Barbara Turner on or about July 17, 1987.

[Section 848(n)(3)].

2. The defendant MARVIN DAMON committed the offense described in Count Twelve of the third superseding indictment as consideration for the receipt, and in the expectation of the receipt, of something of pecuniary value, that is, drugs and money [Section 848(n)(7)].

3. The defendant MARVIN DAMON committed the offense described in Count Twelve of the third superseding indictment after substantial planning and premeditation [Section 848(n)(8)].

"Little Money" at Number 10, Chuckatuck Avenue, Richmond, Virginia.

h. On or about February 22, 1995, the defendant MARVIN DAMON participated in the killing of Emanuel L. Anderson aka "Ralph" at Number 10, Chuckatuck Avenue, Richmond, Virginia.

i. Beginning on or about April 20, 1995, the defendant MARVIN DAMON did attempt to kill Nicole Williams.

j. Beginning on or about April 20, 1995, the defendant MARVIN DAMON did attempt to kill Lonnie Booth.

k. On or about June 1, 1995, the defendant MARVIN DAMON did rob Anthony Tyrone Williams in the Whitcomb Court area of Richmond, Virginia.

l. On or about June 22, 1995, the defendant MARVIN DAMON possessed in his home "rap" poems detailing various murders.

m. On or about June 27, 1995, the defendant MARVIN DAMON did conspire to kill Mandy Lightfoot.

n. On or about July 29, 1995, the defendant MARVIN DAMON did attempt to escape from the Northern Neck Regional Jail in Warsaw, Virginia. During the attempted escape, the defendant MARVIN DAMON did threaten to assault fellow inmate Tyrone Blue.

WHEREFORE, PREMISES CONSIDERED, the Government respectfully notifies the Court and the defendant MARVIN DAMON that, in the event of the conviction of defendant MARVIN DAMON for intentionally killing Lewis Pooler, as alleged in Count Twelve of the third

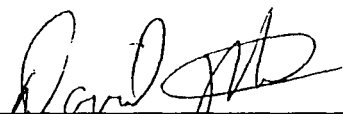
CERTIFICATE OF SERVICE

The undersigned hereby certifies that on the 18th day of October, 1995, a copy of the foregoing Government's Notice was mailed to the following attorneys for the defendant:

Attorneys for Defendant Damon:

Peter Eliades, Esquire
Marks & Harrison
320 East Broadway
Post Office Box 170
Hopewell, VA 23860

Christopher J. Collins, Esquire
304 East Main Street
Richmond, Virginia 23219



David Novak
Assistant United States Attorney

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
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UNITED STATES OF AMERICA

v.

MARVIN DAMON,
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GOVERNMENT'S NOTICE OF INTENTION TO SEEK
THE DEATH PENALTY PURSUANT TO 21 U.S.C. 848(h)(1)

COMES NOW the United States of America, by its United States Attorney for the Eastern District of Virginia, Helen F. Fahey, and her Assistant United States Attorneys, John G. Douglass and David Novak, and pursuant to Title 21, United States Code, Section 848(h)(1), respectfully notifies the Court and the defendant MARVIN DAMON that, in the event of the conviction of defendant MARVIN DAMON for intentionally killing Lewis Pooler, as alleged in Count Thirteen of the second superseding indictment, the Government will seek the sentence of death.

The Government will seek to prove the following aggravating factors as the basis for imposition of the death penalty:

A. Statutory Aggravating Factors Enumerated In Title 21, United States Code, Sections 848(n)(1)(A) through (D):

1. The defendant MARVIN DAMON intentionally killed Lewis Pooler [Section 848(n)(1)(A)].

2. The defendant MARVIN DAMON intentionally inflicted serious bodily injury which resulted in the death of Lewis Pooler [Section 848(n)(1)(B)].

3. The defendant MARVIN DAMON intentionally engaged in conduct intending that Lewis Pooler be killed or that lethal force be employed against Lewis Pooler, which resulted in Lewis Pooler's death [Section 848(n)(1)(C)].

4. The defendant MARVIN DAMON intentionally engaged in conduct which:

(i). The defendant MARVIN DAMON knew would create a grave risk of death to a person, other than one of the participants in the offense; and,

(ii). resulted in the death of Lewis Pooler [Section 848(n)(1)(D)].

B. Statutory Aggravating Factors Enumerated In Title 21, United States Code, Sections 848(n)(2) through (12):

1. The defendant MARVIN DAMON has previously been convicted of two or more State 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. The previous convictions are more specifically described as follows:

a. The defendant MARVIN DAMON was convicted on or about November 17, 1981 of Malicious Wounding in the Circuit Court for the City of Richmond, Virginia. This conviction resulted from the defendant MARVIN DAMON

shooting Steven King in the back on or about August 12, 1980;

b. The defendant MARVIN DAMON was convicted in the Circuit Court for the City of Richmond, Virginia, on or about November 5, 1987 of Shooting at an Occupied Building. This conviction resulted from the defendant MARVIN DAMON shooting into the occupied residence of Alice Lewis at 3342 Bunch Place, Richmond, Virginia, on or about June 19, 1987;

c. The defendant MARVIN DAMON was convicted on or about February 3, 1988 of Shooting into an Occupied Motor Vehicle and Attempted murder in the Circuit Court for the City of Richmond, Virginia. This conviction resulted from the defendant MARVIN DAMON shooting at Sheila Denise Turner and Barbara Turner on or about July 17, 1987.

[Section 848(n)(3)].

2. The defendant MARVIN DAMON committed the offense described in Count Thirteen of the second superseding indictment as consideration for the receipt, and in the expectation of the receipt, of something of pecuniary value, that is, drugs and money [Section 848(n)(7)].

3. The defendant MARVIN DAMON committed the offense described in Count Thirteen of the second superseding indictment after substantial planning and premeditation [Section 848(n)(8)].

C. Non-Statutory Aggravating Factor Enumerated In Title 21, United States Code, Sections 848(h)(1)(B) and 848(k):

1. Future dangerousness to the community based upon the probability that the defendant MARVIN DAMON would commit criminal acts of violence that would constitute a continuing threat to society, as evidenced by one or more of the following, among others:

a. On or about July 25, 1985, the defendant MARVIN DAMON was convicted of Threatening Bodily Harm in the Circuit Court for the City of Richmond, Virginia.

b. On or about March 25, 1988, the defendant MARVIN DAMON pled guilty to Possession of a Handgun After Having Been Convicted of a Felony in the Circuit Court for the City of Richmond, Virginia.

c. The defendant MARVIN DAMON served as an "enforcer" for drug traffickers.

d. The defendant MARVIN DAMON intentionally murdered Lewis Pooler on March 4, 1994, within 1,000 feet of Whitcomb Court Elementary School.

e. On or about March 4, 1994, the defendant MARVIN DAMON intentionally murdered Lewis Pooler in an especially heinous manner.

f. The defendant MARVIN DAMON has exhibited no remorse for the murder of Lewis Pooler on March 4, 1994.

g. On or about February 22, 1995, the defendant MARVIN DAMON participated in the killing of Darrell O. Henderson aka

"Little Money" at Number 10, Chuckatuck Avenue, Richmond, Virginia.

h. On or about February 22, 1995, the defendant MARVIN DAMON participated in the killing of Emanuel L. Anderson aka "Ralph" at Number 10, Chuckatuck Avenue, Richmond, Virginia.

i. Beginning on or about April 20, 1995, the defendant MARVIN DAMON did attempt to kill Nicole Williams.

j. Beginning on or about April 20, 1995, the defendant MARVIN DAMON did attempt to kill Lonnie Booth.

k. On or about June 1, 1995, the defendant MARVIN DAMON did rob Anthony Tyrone Williams in the Whitcomb Court area of Richmond, Virginia.

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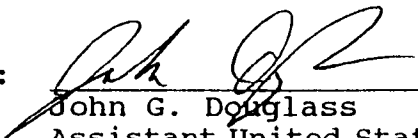
n. On or about July 29, 1995, the defendant MARVIN DAMON did attempt to escape from the Northern Neck Regional Jail in Warsaw, Virginia. During the attempted escape, the defendant MARVIN DAMON assaulted fellow inmate Tyrone Blue.

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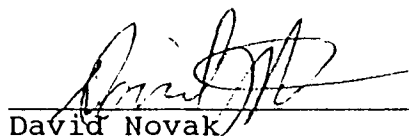
superseding indictment, the Government will seek the sentence of death.

Respectfully Submitted,

HELEN F. FAHEY
UNITED STATES ATTORNEY

By: 

John G. Douglass
Assistant United States Attorney

By: 

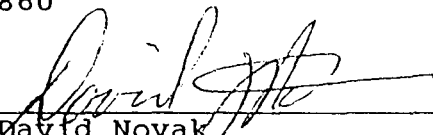
David Novak
Assistant United States Attorney

CERTIFICATE OF SERVICE

The undersigned hereby certifies that on the 9th day of August, 1995, a copy of the foregoing Government's Notice was mailed to the following attorney for the defendant:

Attorney for Defendant Damon:

Peter Eliades, Esquire
Marks & Harrison
320 East Broadway
Post Office Box 170
Hopewell, VA 23860



David Novak
Assistant United States Attorney