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U.S. DISTRICT COURT  
EAST DISTRICT OF LA  
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LORETTA S. WHYTE  
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**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF LOUISIANA**

**UNITED STATES OF AMERICA** \* **CRIMINAL DOCKET NO. 01-282**  
v. \* **SECTION: "R"(1)**  
**JOHNNY DAVIS, ET AL.** \*  
\* \* \*

**NOTICE OF INTENT TO SEEK THE DEATH PENALTY**

The United States of America hereby notifies the Court and the defendant, JOHNNY DAVIS, and his counsel, that in the event of the defendant's conviction on any of Counts Four, Six, Eight and Ten of the Second Superseding Indictment, wherein the defendant is charged respectively with Discharge of a Firearm During a Drug Trafficking Crime, which caused the death of Rodney Woods, Samuel Collins, Walter Naylor and Leonard Morgan, in violation of Title 18, United States Code, Section 924(j), the Government will seek the sentence of death, in that the circumstances of the offenses are such that a sentence of death is justified.

**I. Statutory Threshold Findings Enumerated in 18 U.S.C. § 3591(a)(2)(A) through (D).**

The Government will seek to prove the following threshold findings as the basis for imposition of the death penalty in relation to Counts Four, Six, Eight and Ten of the Second Superceding Indictment:

1. The defendant, JOHNNY DAVIS, intentionally killed Rodney Woods, Samuel Collins, Walter Naylor, and Leonard Morgan. Section 3591(a)(2)(A).

2. The defendant, JOHNNY DAVIS, inflicted serious bodily injury that resulted in the death of Rodney Woods, Samuel Collins, Walter Naylor, and Leonard Morgan. Section 3591(a)(2)(B).

3. The defendant, JOHNNY DAVIS, intentionally participated in several 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 one of the participants in the offense, and Rodney Woods, Samuel Collins, Walter Naylor, and Leonard Morgan died as a direct result of those acts. Section 3591(a)(2)(C).

4. The defendant, JOHNNY DAVIS, intentionally and specifically engaged in acts of violence, knowing that the acts created a grave risk of death to a person, other than one of the participants in the offense, such that participation in those acts constituted a reckless disregard for human life and Rodney Woods, Samuel Collins, Walter Naylor, and Leonard Morgan died as a direct result of those acts. Section 3591(a)(2)(D).

**II. Statutory Aggravating Factors Enumerated under 18 U.S.C. § 3592(c)(1) through (16):**

The Government will seek to prove the following statutory aggravating factors as the basis for imposition of the death penalty in relation to Counts Four, Six, Eight and Ten of the Second Superseding Indictment:

1. The defendant, JOHNNY DAVIS, committed the offense described in Count Ten of the Second Superseding Indictment in consideration for the receipt, or in the expectation of the receipt, of anything of pecuniary value. Section 3592(c)(8).

2. The defendant, JOHNNY DAVIS, committed the offenses described in Counts Four, Six, Eight and Ten of the Second Superseding Indictment after substantial planning and premeditation to cause the death of Rodney Woods, Samuel Collins, Walter Naylor and Leonard Morgan. Section 3592(c)(9).

**III. Other Non-Statutory, Aggravating Factors Identified under 18 U.S.C. § 3593(a) and (c):**

The Government will seek to prove the following non-statutory aggravating factors as the basis for imposition of the death penalty in relation to Counts Four, Six, Eight and Ten of the Second Superseding Indictment:

1. The defendant, JOHNNY DAVIS, has engaged in a continuing pattern of violent conduct, beginning at the age of thirteen with an adjudication as a juvenile delinquent on June 10, 1987, for the illegal carrying of a weapon in violation of Louisiana Revised Statute 14:95. On February 23, 1987, the defendant, JOHNNY DAVIS, was arrested for possessing a concealed .32 caliber pistol.

2. The defendant, JOHNNY DAVIS, was adjudicated a juvenile delinquent on January 10, 1989, for the illegal carrying of a weapon and resisting arrest in violation of Louisiana Revised Statutes 14:95 and 14:108. On December 19, 1988, the defendant, JOHNNY DAVIS, resisted arrest while in possession of a concealed revolver.

3. The defendant, JOHNNY DAVIS, was adjudicated a juvenile delinquent on October 29, 1991, for the illegal carrying of a weapon, resisting arrest and battery of a police officer in violation of Louisiana Revised Statutes 14:95, 14:108 and 14:34.2. On August 14, 1991, the defendant, JOHNNY DAVIS, resisted arrest and committed a battery upon a police officer while in possession of a concealed firearm.

4. The defendant, JOHNNY DAVIS, was convicted on April 27, 1993 of a crime of violence which involved 11 counts of attempted first degree murder and armed robbery in violation of Louisiana Revised Statutes 14:(27)30.1 and 14:64. On April 8, 1992, the defendant, JOHNNY DAVIS, along with several other gunmen shot and robbed several customers inside the Imperial Lounge located at 320 Westwego Avenue in Bridge City, Louisiana.

5. The defendant, JOHNNY DAVIS, was convicted on December 5, 2001 of being a felon in possession of a firearm, in violation of Title 18, United States Code, Section 922(g)(1). On April 18, 2001, the defendant JOHNNY DAVIS and Anthony Buckles were arrested by members of the New Orleans Police Department. At the time of the arrest Anthony Buckles provided a false statement to the police officers claiming that the recovered firearm belonged to him and not Johnny Davis.

6. While incarcerated the defendant, JOHNNY DAVIS, has demonstrated his contempt for the criminal justice system and his low rehabilitative potential, by soliciting the assistance of a co-defendant to kill a cooperating Government witnesses in this case.

7. The defendant, JOHNNY DAVIS, solicited juveniles to serve under him as his lieutenants, these juveniles out of fear of JOHNNY DAVIS, acquiesced to any of his demands.

8. While incarcerated on prior drug charges in 1998 the defendant, JOHNNY DAVIS, continued his participation in the illegal drug trade in the St. Thomas Housing Development by soliciting the aid of a fellow drug dealer to buy and sell drugs on his behalf.

9. While incarcerated on prior drug charges in 1998 the defendant, JOHNNY DAVIS, solicited the aid of a fellow drug dealer in the smuggling of contraband into the Orleans Parish jail.

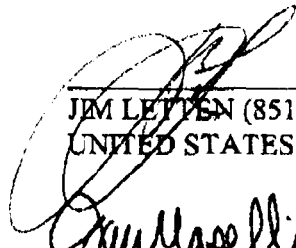
10. As demonstrated by the four victims' personal characteristics as individual human beings and the impact of their deaths upon their families, friends and co-workers, the defendant, JOHNNY DAVIS, caused injury, harm, and loss to the victim, their families, their friends and their co-workers.

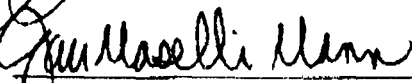
11 The defendant, JOHNNY DAVIS, intentionally killed four separate individuals, at four different locations, at four different times, with the same Glock Model 27, .40 caliber semi-automatic pistol, bearing serial number AAD0979 with no justifiable reason.

12. The defendant, JOHNNY DAVIS, has demonstrated a lack of remorse for his criminal conduct.

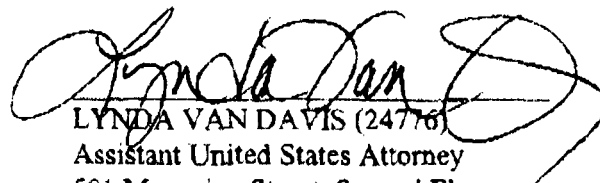
The Government further gives notice that in support of imposition of the death penalty it intends to rely upon all the evidence admitted by the Court at the guilt phase of the trial and the offenses of conviction as described in the Second Superseding Indictment as they relate to the background and character of the defendant, JOHNNY DAVIS, his moral culpability, and the nature and circumstances of the offenses charged in the Second Superseding Indictment.

Respectfully submitted,

  
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CERTIFICATE OF SERVICE

I hereby certify that on the 14 day of September, 2002, a true and correct copy of the foregoing notice of intent to seek the death penalty was faxed and mailed via first class mail, postage prepaid thereon, to the following attorneys of record:

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