

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF LOUISIANA

FILED
U.S. DISTRICT COURT
EASTERN DISTRICT OF LOUISIANA

OCT 2 4 34 PM '95
J. J. RHYE

UNITED STATES OF AMERICA * CRIMINAL DOCKET NO. 94-381
v. * SECTION: "C" (4)
LEN DAVIS *

* * *

NOTICE OF NON-STATUTORY AGGRAVATING FACTORS UPON WHICH
THE GOVERNMENT WILL RELY IN SUPPORT OF THE DEATH PENALTY

NOW INTO COURT comes the United States, appearing by and through the undersigned government attorneys, and, pursuant to Title 18, United States Code, Sections 3592 and 3593(a)(2), notifies the Court and the defendant, Len Davis, in the above-captioned matter that in the event of the defendant's conviction for any or all of the three counts charged in the third superseding indictment, the government will seek the sentence of death, relying on the following non-statutory aggravating factors listed below.

1. Len Davis, at all relevant times acting as a New Orleans Police officer, displayed a pattern of behavior that posed a continuing threat to society by aiding, abetting, and counseling others in their commission of criminal acts, in violation of the public's trust and the public's right to rely on the integrity and the legitimacy of the police department to serve and protect its citizens, as evidenced by one or more of the following, among others:

a. From on or about January 1994 until December 1994, Len Davis actively counseled and protected whom he thought to be major cocaine traffickers in their distribution of multi-kilogram amounts of cocaine and money at various locations in the New Orleans

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b. On or about September 30, 1994, Len Davis became aware of the participation of Paul Hardy, aka "Cool", aka "P", in the murder of one Carlos Adams, aka "IU", aka "Ayuh", and counseled Paul Hardy that he was becoming sloppy in his perpetration of acts of violence and that Paul Hardy should consult with Len Davis before he committed future violent acts. Len Davis took no steps to arrest Paul Hardy and the other individuals who were responsible for Carlos Adams' murder, nor did he take any steps to cause the investigation of same.

c. On or about October 12, 1994, Len Davis was told by Paul Hardy the identity of the murderer of Shawn King and Troy Watts, who were both slain earlier on that date, and Len Davis took no steps to investigate the murders or apprehend the perpetrator, nor did he take any steps to cause the investigation of same.

d. On or about October 20, 1994, Len Davis was apprised by Paul Hardy and Damon Causey that they were about to commit acts of violence on the "black side" of the Florida Housing Project and Len Davis, in turn, informed Hardy and Causey about any legitimate police presence in the area so that Hardy and Causey could perpetrate their violent acts without police interference.

e. On or about October 29, 1994, Len Davis was informed by Paul Hardy that Hardy intended to shoot one Dan "Poonie" Bright and the "whole set," meaning Bright's associates, in retaliation for the earlier harassment of Paul Hardy's girlfriend. Len Davis took no steps to discourage or prevent Paul Hardy's intended act of vengeance.

f. On or about November 7, 1994, Len Davis was contacted by Paul Hardy so that Davis could supply Hardy with the addresses of the mother and grandmother of Dan "Poonie" Bright, a rival of Hardy's in the Florida Housing Project, so that Hardy could commit an act of violence against either Bright or his relatives.

g. On or about October 6, 1994, Len Davis, in a telephone conversation with Paul Hardy, told Paul Hardy that he would, in his capacity as a then-New Orleans police officer, "...get the fucking report. We'll know where they live at and every fucking thing else," in response to Paul Hardy's request to Len Davis to obtain the names of individuals who had earlier stolen Paul Hardy's Jeep Cherokee, so that Paul Hardy could retaliate.

h. On or about October 12, 1994, Len Davis discussed with Paul Hardy the merits of having Davis file a bogus supplemental police report, which would have falsely stated, with the express purpose of helping Paul Hardy to shield his connection to said firearms, that several handguns owned by Paul Hardy were stolen from his Jeep Cherokee.

i. On or about October 19, 1994, Len Davis, in a telephone conversation with Damon Causey, indicated Davis' willingness to keep a dying shooting victim quiet in order to protect Damon Causey, whom Len Davis then suspected of shooting said victim.

2. Len Davis poses a threat of future dangerousness to the lives and safety of other persons, as evidenced by one or more of the following, among others:

a. On or about October 14, 1994, Len Davis told Paul Hardy he "still wanted that nigger," meaning that Davis wanted Paul Hardy to kill one of the persons who had made a complaint against Davis on October 12, 1994, to the New Orleans Police Internal Affairs Division.

b. On or about October 17, 1994, Len Davis told Paul Hardy that there was no need at that time to kill the person who had complained about Davis to the New Orleans Police Internal Affairs Division, since the individual was not going to proceed with the complaint against Davis. Davis, however, told Hardy that, if the individual later decided to pursue his complaint, it would be "rock-a-bye, baby," meaning that Davis would have Hardy kill the complainant.

3. Len Davis displayed absolutely no remorse regarding the murder of Kim Marie Groves, and, in telephone conversations intercepted on October 13 and 14, 1994, exulted in the murder of Kim Marie Groves.

4. Len Davis has exhibited a low rehabilitative potential by his continuing pattern of delinquent and violent behavior, evidenced by the letters of reprimand and suspension recommended by the New Orleans Police Department; his involvement in protecting whom he thought were major cocaine traffickers, as mentioned in paragraph 1, subparagraph a, above; and his willingness to order the murder of witnesses against him, as noted in paragraph 2, subparagraphs a and b, above.

5. Victim impact, evidenced by the fact that the murder of Kim Marie Groves has created harmful emotional distress upon her adolescent children and other members of her family.

Respectfully submitted,

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CERTIFICATE OF SERVICE

I certify that a copy of the foregoing has been served upon counsel for all parties by mailing the same to each, properly addressed and postage prepaid this 2nd day of October, 1995.
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