

IN THE  
 UNITED STATES DISTRICT COURT  
 FOR THE  
 WESTERN DISTRICT OF VIRGINIA  
 HARRISONBURG DIVISION

---

UNITED STATES OF AMERICA	)	
	)	
V.	)	Criminal No. 95-46(H)
	)	
OMAR YUSUF DesANGES	)	

NOTICE OF INTENT TO SEEK THE DEATH PENALTY

Pursuant to 21 U.S.C. §848(h) and 18 U.S.C. §3593(a), the attorney for the government believes that the circumstances of the offenses charged in this Superseding Indictment are such that a sentence of death is justified and hereby notifies the Court and the defendant in the above-captioned matter that in the event of the defendant's conviction for intentionally killing Sanford Datcher, as alleged in Counts One and Two of the 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.

As To Count One [21 U.S.C. 5848(e)(1)(A)]:

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

1. Omar Yusuf DesAngeS intentionally killed Sanford Datcher [Section 848(n)(1)(A)].
  
2. Omar Yusuf DesAngeS intentionally inflicted serious bodily injury which resulted in the death of Sanford Datcher [Section 848(n)(1)(B)].

3. Omar Yusuf DesAnGes intentionally engaged in conduct intending that Sanford Datcher be killed and that lethal force be employed against Sanford Datcher, which resulted in Sanford Datcher's death [Section 848(n)(1)(C)].

4. Omar Yusuf Desanges intentionally engaged in conduct which Omar Yusuf DesAnGes knew would create a grave risk of death to a person, other than one of the participants in the offense, and resulted in the death of Sanford Datcher [Section 848(n)(1)(D)].

B. Statutory Aggravating Factor Enumerated Pursuant To Title 21, United States Code, Section 848(n)(5):

1. Omar Yusuf DesAnGes, in committing the offense described in Count One of the Superseding Indictment, knowingly created a grave risk of death to another person in addition to victim Sanford Datcher, that is, Dawn Ford [Section 848(n)(5)].

C. Other, Non-Statutory Aggravating Factors Enumerated Pursuant To Title 21, United States Code, Sections 848(h)(1)(B):

1. Obstruction of Justice.

Sanford Datcher was an informant for law enforcement officers and Omar Yusuf DesAnGes killed him in retaliation for being an informant and/or to prevent Sanford Datcher's future testimony. Also, during the investigation Omar Yusuf DesAnGes wrote to one potential government witness that "the beast is in the mist" which was interpreted as a threat if that person cooperated.

2. Offense Committed in an Heinous Manner.

Although perhaps not rising to the statutory aggravating factor under 21 U.S.C. §848(n)(12), Sanford Datcher was shot while

sitting in a car at least eleven times with several defensive wounds to the hands and shots to the buttocks as he tried to crawl away through the front seat from Omar Yusuf DesAnge. The ammunition used in the killing was jacketed .40 caliber "mushrooming" type. The victim probably did not die until 15 minutes after the assault.

3. Substantial Premeditation.

Although perhaps not rising to the statutory aggravating factor under 21 U.S.C. §848(n)(8), DesAnge did secrete his car, wear a ski mask, lay in wait and ambushed Sanford Datcher with jacketed .40 caliber "mushrooming" type ammunition. Also, DesAnge had previously target practiced on a car with the same weapon used in the murder.

As To Count Two [18 U.S.C. §924(c) & (i)(1)]:

A. Statutory Aggravating Factors Enumerated Pursuant To Title 18, United States Code, Sections 3591(a)(2)(A) Through (D):

1. Omar Yusuf DesAnge intentionally killed Sanford Datcher [Section 3591(a)(2)(A)].

2. Omar Yusuf DesAnge intentionally inflicted serious bodily injury which resulted in the death of Sanford Datcher [Section 3591(a)(2)(B)].

3. Omar Yusuf DesAnge intentionally 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 result of the act [Section 3591(a)(2)(C)].

4. Omar Yusuf Desanges 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 [Section 3591(a)(2)(D)].

B. Statutory Aggravating Factor Enumerated Pursuant To Title 18, United States Code, Section 3592(c)(5):

1. Omar Yusuf DesAnGes, in committing the offense described in Count Two of the Superseding Indictment, knowingly created a grave risk of death to another person in addition to victim Sanford Datcher, that is, Dawn Ford [Section 3592(c)(5)].

C. Other, Non-Statutory Aggravating Factors Enumerated Pursuant To Title 18, United States Code, Section 3593(a):

1. Obstruction of Justice.

Sanford Datcher was an informant for law enforcement officers and Omar Yusuf DesAnGes killed him in retaliation for being an informant and/or to prevent Sanford Datcher's future testimony. Also, during the investigation Omar Yusuf DesAnGes wrote to one potential government witness that "the beast is in the mist" which was interpreted as a threat if that person cooperated.

2. Offense Committed in an Heinous Manner.

Although perhaps not rising to the statutory aggravating factor under 18 U.S.C. §3592(c)(6), Sanford Datcher was shot while sitting in a car at least eleven times with several defensive

wounds to the hands and shots to the buttocks as he tried to crawl away through the front seat from Omar Yusuf DesAnge. The ammunition used in the killing was jacketed .40 caliber "mushrooming" type. The victim probably did not die until 15 minutes after the assault.

3. Substantial Premeditation.

Although perhaps not rising to the statutory aggravating factor under 18 U.S.C. §3592(c)(9), DesAnge did secrete his car, wear a ski mask, lay in wait and ambushed Sanford Datcher with jacketed .40 caliber "mushrooming" type ammunition. Also, note that DesAnge had previously target practiced on a car with the same weapon used in the murder.

Respectfully submitted,

ROBERT P. CROUCH, JR.  
United States Attorney



Thomas J. Bondurant, Jr.  
Assistant United States Attorney  
VSB #18994

Dated: October 2, 1995

C E R T I F I C A T E

I certify that a true and correct copy of the Government's Notice of Intent to Seek the Death Penalty has been mailed and faxed to J. Lloyd Snook III, P.O. Box 2486, Charlottesville, Virginia 22902, Counsel for the Defendant, on this 2nd day of October, 1995.



Thomas J. Bondurant, Jr.  
Assistant United States Attorney  
VSB Code # 18894