

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS

BEAUMONT DIVISION

UNITED STATES OF AMERICA *
*
V. * NO. 1:07-CR- 142
* Judge Heartfield
JOSEPH EBRON *

NOTICE OF INTENT TO SEEK THE DEATH PENALTY

COMES NOW, the United States of America, by and through the United States Attorney for the Eastern District of Texas, and pursuant to Title 18, United States Code, Section 3593(a), and files this Notice of Intent to Seek the Death Penalty, notifying the Court and the Defendant, **JOSEPH EBRON**, that in the event the Defendant is convicted of the offense of murder as alleged in Count 1 of the Indictment of this case, the Government believes a sentence of death is justified, and the Government will seek a sentence of death under Count 1.

If the Defendant is convicted, the Government intends to prove the following aggravating factors as the basis for imposition of the death penalty under Count 1.

A. Statutory Factors Enumerated Pursuant to Title 18, United States Code, Section 3591(a)(2)

1. **JOSEPH EBRON** was 18 years of age or older at the time of the offense. (18 U.S.C. § 3591(a));
2. **JOSEPH EBRON** intentionally killed Keith Barnes. (18 U.S.C. § 3591(a)(2)(A));
3. **JOSEPH EBRON** intentionally inflicted serious bodily injury that resulted in the death of Keith Barnes. (18 U.S.C. § 3591(a)(2)(B));
4. **JOSEPH EBRON** intentionally participated in an act, contemplating that the life of Keith Barnes would be taken or intending that lethal force would be used in connection with

Keith Barnes, a person other than a participant in the offense, and Keith Barnes died as a direct result of the act. (18 U.S.C. § 3591(a)(2)(C)); and

5. **JOSEPH EBRON** intentionally and specifically engaged in an act of violence that **JOSEPH EBRON** knew would create a grave risk of death to Keith Barnes, a person other than one of the participants of the offense, such that **JOSEPH EBRON's** participation in the act constituted a reckless disregard for human life, and Keith Barnes died as a direct result of the act. (18 U.S.C. § 3591(a)(2)(D)).

B. Statutory Aggravating Factors Enumerated Pursuant to Title 18, United States Code, Section 3592(c)

1. **JOSEPH EBRON** has previously been convicted of another Federal or State offense resulting in the death of another person, for which a sentence of life imprisonment, or a sentence of death was authorized by statute, namely on February 11, 1999, **JOSEPH EBRON**, was convicted in the Superior Court of the District of Columbia of Murder While Armed. (18 U.S.C. § 3592 (c)(3));

2. **JOSEPH EBRON** committed the offense described in Count 1 of the Indictment in an especially heinous, cruel, or depraved manner in that it involved torture or serious physical abuse to the victim. (18 U.S.C. § 3592(c)(6)); and

3. **JOSEPH EBRON** committed the offense described in Count 1 of the Indictment after substantial planning and premeditation to cause the death of a person. (18 U.S.C. § 3592(c)(9)).

C. Non-statutory Aggravating Factor Enumerated Pursuant to Title 18, United States Code, Section 3593(a)

1. **OBSTRUCTION OF JUSTICE.**

JOSEPH EBRON's motive for killing Keith Barnes and committing the offense

described in Count 1 of the Indictment, was Barnes's past cooperation and testimony in the prosecution of Barnes's co-defendants; and

2. FUTURE DANGEROUSNESS.

JOSEPH EBRON is likely to commit criminal acts of violence in the future that would constitute a continuing and serious threat to the lives and safety of others, as evidenced by, at least, one or more of the following:

a. Continuing Pattern of Violence

JOSEPH EBRON has engaged in a continuing pattern of violence, attempted violence, and threatened violence, including, at least, the crimes alleged against defendant in the Indictment and the crime of which the defendant was previously convicted, as described in ¶B.1 of this Notice; and

b. Institutional Misconduct

JOSEPH EBRON poses a future danger to the lives and safety of other persons, as demonstrated by his repeated acts of institutional misconduct while in the custody of various state and local correction or detention agencies, the United States Bureau of Prisons, or United States Marshal's Service.

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 offense of conviction as described in the Indictment as they relate to the background and character of the defendant, **JOSEPH EBRON**, his moral culpability, and the nature and circumstances of the offenses charged in the Indictment.

Respectfully submitted,

JOHN L. RATCLIFFE
UNITED STATES ATTORNEY

/s/
JOSEPH R. BATTE
ASSISTANT U. S. ATTORNEY

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing instrument has been furnished to Katherine Scardino, Attorney for Defendant Joseph Ebron, via electronic transmission on this the 11th day of September, 2007.

/s/
Joseph R. Batte
Assistant United States Attorney