

IN THE UNITED STATES DISTRICT COURT FOR THE
DISTRICT OF COLUMBIA

UNITED STATES OF AMERICA,)
)
 v.) Case No. CR-98-264 (RCL)
)
TOMMY EDELIN,)
 Defendant.)

NOTICE OF INTENT TO SEEK THE DEATH PENALTY

COMES NOW the United States of America, pursuant to 21 U.S.C. § 848(h)(1)(A) and (B), by and through its undersigned counsel, Wilma A. Lewis, United States Attorney, and notifies the Court and the defendant, Tommy Edelin, in the above-captioned case that in the event of the defendant's conviction of the intentional killing of one or more of the following, Maurice Doleman, Rodney Smith, and Volante Smith, while engaging in and working in furtherance of a continuing criminal enterprise (21 U.S.C. § 848(e)(1)(A)), as charged in Counts Twelve, Fourteen and Sixteen 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:

COUNT TWELVE

INTENTIONAL KILLING OF MAURICE DOLEMAN

A. Alternative Statutory Aggravating Factors Enumerated under 21 U.S.C. § 848(n)(1)(A) through (D):

1. **Intentional Acts to Take Life or Use Lethal Force.**

The defendant intentionally engaged in conduct intending that the victim be killed or that lethal force be employed against the victim, which resulted in the death of the victim. Section 848(n)(1)(C).

2. **Intentional Acts in Reckless Disregard for Life.** The defendant intentionally engaged in conduct which (i) the defendant 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 the victim. Section 848(n)(1)(D).

B. Statutory Aggravating Factors Enumerated under 21 U.S.C. § 848(n)(2) through (12):

1. **Procurement of Offense by Payment.** The defendant procured the commission of the offense by payment, or promise of payment, of anything of pecuniary value. Section 848(n)(6).

2. **Substantial Planning and Premeditation.** The defendant committed the offense after substantial planning and premeditation. Section 848(n)(8).

3. **Distribution to Persons under 21.** The violation of Subchapter I of Title 21, United States Code, in relation to which the conduct described in Section 848(e) occurred was a violation of 21 U.S.C. § 859, in that the defendant, then over the age of eighteen (18), distributed controlled substances to persons under the age of twenty-one (21). Section 848(n)(11).

C. Other, Non-Statutory Aggravating Factors Identified under 21 U.S.C. § 848(h)(1)(B) and § 848(k):

1. **Murder of Reginald Watson** - On or about March 16, 1990, in the District of Columbia, a member/associate of the enterprise, while armed with a firearm, did kill Reginald Watson, a/k/a Ray Ray, which killing was counseled, commanded, induced, procured and/or caused by **TOMMY EDELIN, a/k/a Tommy McEachin.** (Counts 6 &

6. **Murder of Rodney Smith** - On or about December 17, 1993, in the District of Columbia, a member/associate of the enterprise, while armed with a firearm, did kill Rodney Smith, which killing was counseled, commanded, induced, procured and/or caused by **TOMMY EDELIN, a/k/a Tommy McEachin**. (Counts 13 & 14)

7. **Murder of Volante Smith** - On or about December 17, 1993, in the District of Columbia, a member/associate of the enterprise, while armed with a firearm, did kill Volante Smith, which killing was counseled, commanded, induced, procured and/or caused by **TOMMY EDELIN, a/k/a Tommy McEachin**. (Counts 15 & 16)

8. **Attempt To Murder Kenny Copeland** - On or about December 20, 1993, in the District of Columbia, **TOMMY EDELIN, a/k/a Tommy McEachin**, and other members of the enterprise, while armed with firearms, traveled to the Superior Court of the District of Columbia and attempted to murder Kenny Copeland. (Count 1, Overt Act 30)

9. **Assault With Intent to Murder Kevin Clark** - On or about December 20, 1993, in the District of Columbia, **TOMMY EDELIN, a/k/a Tommy McEachin**, and another member/associate of the enterprise, while armed with firearms, did assault with intent to murder Kevin Clark, a/k/a K.K. (Count 1, Overt Act 30)

10. **Assault With Intent Murder Troy Lewis** - On or about December 20, 1993, in the District of Columbia, **TOMMY EDELIN, a/k/a Tommy McEachin**, and another member/associate of the enterprise, while armed with firearms, did assault with intent to murder Troy Lewis. (Count 1, Overt Act 30)

11. **Assault With Intent to Murder Officer Konstantinos Giannakoulis** - On or about December 20, 1993, in the District of Columbia, **TOMMY EDELIN, a/k/a Tommy McEachin**, and another member/associate of the enterprise, while armed with firearms, did assault with intent to murder Metropolitan Police Department Officer Konstantinos Giannakoulis. (Count 1, Overt Act 30)

12. **Assault With Intent to Murder Maurice Willis** - On or about March 29, 1994, in the District of Columbia, members/associates of the enterprise, while armed with firearms, did assault with intent to murder Maurice Willis, a/k/a Black, which assault was counseled, commanded, induced, procured and/or caused by **TOMMY EDELIN, a/k/a Tommy McEachin**. (Count 17)

13. **Assault With Intent to Murder Ira Clayton** - On or about March 29, 1994, in the District of Columbia, members/associates of the enterprise, while armed with firearms, did assault with intent to murder Ira Clayton, a/k/a Idaho, which assault was counseled, commanded, induced, procured and/or caused by **TOMMY EDELIN, a/k/a Tommy McEachin**. (Count 18)

14. **Assault With Intent to Murder Jummor Mackel** - On or about April 1, 1994, in Suitland, Maryland, members/associates of the enterprise, while armed with firearms, did assault with intent to murder Jummor Mackel, which assault was counseled, commanded, induced, procured and/or caused by **TOMMY EDELIN, a/k/a Tommy McEachin**. (Count 3, Racketeering Act 26)

15. **Assault With Intent to Murder Samuel Luckey** - On or about April 1, 1994, in Suitland, Maryland, members/associates of the

enterprise, while armed with firearms, did assault with intent to murder Samuel Luckey, which assault was counseled, commanded, induced, procured and/or caused by **TOMMY EDELIN, a/k/a Tommy McEachin**. (Count 3, Racketeering Act 26)

16. **Murder of Arion Wilson** - On or about April 23, 1994, in Alamance County, North Carolina, a member/associate of the enterprise, while armed with a firearm, did kill Arion Wilson, which killing was counseled, commanded, induced, procured and/or caused by **TOMMY EDELIN, a/k/a Tommy McEachin**. (Count 19)

17. **Murder of Charles Morgan** - On or about April 23, 1994, in Alamance County, North Carolina, a member/associate of the enterprise, while armed with a firearm, did kill Charles Morgan, which killing was counseled, commanded, induced, procured and/or caused by **TOMMY EDELIN, a/k/a Tommy McEachin**. (Count 20)

18. **Solicitation to Kill "Mike"** - In or about sometime between July 1994 and August 1994, in the District of Columbia, **TOMMY EDELIN, a/k/a Tommy McEachin**, made arrangements with a member/associate of the enterprise for the killing of "Mike" because of a drug debt. (Count 1, Overt Acts 37 & 38)

19. **Assault With Intent to Murder "Mike"** - In or about sometime between July 1994 and August 1994, in the District of Columbia, members/associates of the enterprise, while armed with firearms, did assault with intent to murder "Mike," which assault was counseled, commanded, induced, procured and/or caused by **TOMMY EDELIN, a/k/a Tommy McEachin**. (Count 1, Overt Act 39)

20. **Murder of Anthony Payton** - On or about May 8, 1996, in the District of Columbia, members/associates of the enterprise, while armed with firearms, did kill Anthony Payton, which killing was counseled, commanded, induced, procured and/or caused by **TOMMY EDELIN, a/k/a Tommy McEachin**. (Count 22)

21. **Assault With Intent to Murder Edward Settles** - On or about July 27, 1996, in the District of Columbia, members/associates of the enterprise, while armed with firearms, did assault with intent to murder Edward Settles, a/k/a Pooh, which assault was counseled, commanded, induced, procured and/or caused by **TOMMY EDELIN, a/k/a Tommy McEachin**. (Count 28)

22. **Assault With Intent to Murder Robert Keys** - On or about July 27, 1996, in the District of Columbia, members/associates of the enterprise, while armed with firearms, did assault with intent to murder Robert Keys, a/k/a Junie, which assault was counseled, commanded, induced, procured and/or caused by **TOMMY EDELIN, a/k/a Tommy McEachin**. (Count 29)

23. **Assault With Intent to Murder Dale Rae** - On or about July 27, 1996, in the District of Columbia, members/associates of the enterprise, while armed with firearms, did assault with intent to murder Dale Rae, a/k/a Little Dale, which assault was counseled, commanded, induced, procured and/or caused by **TOMMY EDELIN, a/k/a Tommy McEachin**. (Count 30)

24. **Assault With Intent to Murder Robert Byrd** - On or about July 27, 1996, in the District of Columbia, members/associates of the enterprise, while armed with firearms, did assault with intent

to murder Robert Byrd, a/k/a Pete, which assault was counseled, commanded, induced, procured and/or caused by **TOMMY EDELIN, a/k/a Tommy McEachin**. (Count 31)

25. **Assault With Intent to Murder Bystander Number One** - On or about July 27, 1996, in the District of Columbia, members/associates of the enterprise, while armed with firearms, did assault Bystander Number One, with intent to murder Edward Settles, a/k/a Pooh; Robert Keys, a/k/a Junie; Dale Rae, a/k/a Little Dale; and Robert Byrd, a/k/a Pete, which assault was counseled, commanded, induced, procured and/or caused by **TOMMY EDELIN, a/k/a Tommy McEachin**. (Count 32)

26. **Assault With Intent to Murder Bystander Number Two** - On or about July 27, 1996, in the District of Columbia, members/associates of the enterprise, while armed with firearms, did assault Bystander Number Two, with intent to murder Edward Settles, a/k/a Pooh; Robert Keys, a/k/a Junie; Dale Rae, a/k/a Little Dale; and Robert Byrd, a/k/a Pete, which assault was counseled, commanded, induced, procured and/or caused by **TOMMY EDELIN, a/k/a Tommy McEachin**. (Count 33)

27. **Assault With Intent to Murder Bystander Number Three** - On or about July 27, 1996, in the District of Columbia, members/associates of the enterprise, while armed with firearms, did assault Bystander Number Three, with intent to murder Edward Settles, a/k/a Pooh; Robert Keys, a/k/a Junie; Dale Rae, a/k/a Little Dale; and Robert Byrd, a/k/a Pete, which assault was counseled, commanded, induced, procured and/or caused by **TOMMY**

EDELIN, a/k/a Tommy McEachin. (Count 34)

28. **Murder of Damin Jennifer** - On or about August 18, 1996, in the District of Columbia, members/associates of the enterprise, while armed with firearms, did kill Damin Jennifer, a/k/a Day-Day, which killing was counseled, commanded, induced, procured and/or caused by **TOMMY EDELIN, a/k/a Tommy McEachin**. (Counts 36 & 37)

29. **Murder of Robert Keys** - On or about September 5, 1996, in the District of Columbia, members/associates of the enterprise, while armed with firearms, did kill Robert Keys, which killing was counseled, commanded, induced, procured and/or caused by **TOMMY EDELIN, a/k/a Tommy McEachin**. (Counts 38 & 39)

30. **Murder of Sherman Johnson** - On or about September 15, 1996, in the District of Columbia, a member of the enterprise, while armed with a firearm, did kill Sherman Johnson, which killing was counseled, commanded, induced, procured and/or caused by **TOMMY EDELIN, a/k/a Tommy McEachin**. (Counts 40 & 41)

31. **Solicitation to Kill Eric Jones** - In or about sometime between June and October of 1996, in the District of Columbia, **TOMMY EDELIN, a/k/a Tommy McEachin**, did pay another person to kill Eric Jones, a/k/a Tall Eric.

32. **Murder of Edgar Watson** - On or about June 14, 1997, in Greenbelt, Maryland, members/associates of the enterprise, while armed with firearms, did kill Edgar Watson, a/k/a Tweety, which killing was counseled, commanded, induced, procured and/or caused by **TOMMY EDELIN, a/k/a Tommy McEachin**. (Count 43 & 44)

33. **Assault With a Dangerous Weapon of Dionne Johnson** - On or about June 14, 1997, in Greenbelt, Maryland, members/associates of the enterprise, while armed with firearms, did assault Dionne Johnson, which assault was counseled, commanded, induced, procured and/or caused by **TOMMY EDELIN, a/k/a Tommy McEachin**. (Count 45)

34. **Solicitation to Kill a Cooperating Witness** - In or about July, 1997, in the District of Columbia, **TOMMY EDELIN, a/k/a Tommy McEachin**, made arrangements with a member/associate of the enterprise to kill a cooperating witness in a narcotics case then pending against another member/associate of the enterprise in the United States District Court for the District of Columbia.

35. **Solicitation to Kill Earl Edelin** - In or about sometime in August 1998, in the District of Columbia, **TOMMY EDELIN, a/k/a Tommy McEachin**, requested a member/associate of the enterprise to kill his father, **EARL EDELIN, a/k/a Tony**. (Count 1, Overt Act 90)

36. **Murder of Ronnie Middleton** - On or about August 17, 1998, in the District of Columbia, a person, while armed with a firearm, did kill Ronnie Middleton, a/k/a Squid, which killing was counseled, commanded, induced, procured and/or caused by **TOMMY EDELIN, a/k/a Tommy McEachin**. (Counts 46 & 47)

37. **Murder of Sabrina Bradley** - On or about August 17, 1998, in the District of Columbia, a person, while armed with a firearm, did kill Sabrina Bradley, which killing was counseled, commanded, induced, procured and/or caused by **TOMMY EDELIN, a/k/a Tommy McEachin**. (Counts 48 & 49)

38. **Solicitation to Kill Witness** - In or about sometime in October 1998, in the District of Columbia, **TOMMY EDELIN, a/k/a Tommy McEachin**, requested a member/associate of the enterprise to kill another member/associate of the enterprise. (Count 1, Overt Act 93)

39. **Narcotics Trafficking** - From on or about sometime in 1985 and continuing until sometime in 1998, as set forth in the superseding indictment, **TOMMY EDELIN, a/k/a Tommy McEachin**, obtained, possessed with intent to distribute and distributed quantities of powder cocaine, cocaine base, also known as crack cocaine, heroin and marijuana, which were subsequently distributed to members/associates of the enterprise and customers in the District of Columbia, the State of Maryland, and elsewhere, including, but not limited to, one or more of the following:

a. On or about April 10, 1990, in Suitland, Maryland, **TOMMY EDELIN, a/k/a Tommy McEachin**, and other members/associates of the enterprise, possessed with intent to distribute approximately 1.4 kilograms of a mixture and substance containing cocaine base, also known as crack cocaine. (Count 3, Racketeering Act 6)

b. On or about July 28, 1998, in the District of Columbia, **TOMMY EDELIN, a/k/a Tommy McEachin**, possessed with intent to distribute 1.055 kilograms of a mixture and substance containing heroin. (Count 102)

c. On or about July 28, 1998, in the District of Columbia, **TOMMY EDELIN, a/k/a Tommy McEachin**, possessed with intent to distribute approximately nine kilograms of a mixture and

substance containing cocaine. (Count 103)

d. On or about July 28, 1998, in Waldorf, Maryland, **TOMMY EDELIN, a/k/a Tommy McEachin**, possessed with intent to distribute approximately 106.8 grams of a mixture and substance containing cocaine. (Count 3, Racketeering Act 12)

e. On or about July 28, 1998, in Waldorf, Maryland, **TOMMY EDELIN, a/k/a Tommy McEachin**, possessed with intent to distribute approximately 111.2 grams of a mixture and substance containing cocaine base, also known as crack cocaine. (Count 3, Racketeering Act 12)

40. **Firearms Offenses** - From on or about sometime in 1985 and continuing until sometime in 1998, as set forth in the superseding indictment, **TOMMY EDELIN, a/k/a Tommy McEachin**, obtained, possessed, and distributed numerous firearms in the District of Columbia, the State of Maryland, and elsewhere, including, but not limited to, one or more of the following:

a. On or about March 1, 1993, in Forestville, Maryland, **TOMMY EDELIN, a/k/a Tommy McEachin**, possessed a .38 caliber revolver. (Count 1, Overt Act 14)

b. On or about July 28, 1998, in Drama City Records, 7529 Old Alexandria Ferry Road, Clinton, Maryland, **TOMMY EDELIN, a/k/a Tommy McEachin**, possessed a .380 caliber pistol. (Count 1, Overt Act 88)

c. In or about sometime between November 1993 and December 1993, **TOMMY EDELIN, a/k/a Tommy McEachin**, arranged for a member/associate of the enterprise to obtain and distribute a large

number of firearms to members/associates of the enterprise. (Count 1, Overt Act 31)

41. **Obstruction of Justice** - From on or about sometime in 1985 and continuing until sometime in 1998, as set forth in the superseding indictment and this notice, **TOMMY EDELIN, a/k/a Tommy McEachin**, obstructed or impeded and attempted to obstruct or impede the administration of justice during the course of the investigation or prosecution of his criminal activities, including, but not limited to, one or more of the following:

a. On or about December 20, 1993, in the District of Columbia, **TOMMY EDELIN, a/k/a Tommy McEachin**, and another member/associate of the enterprise, while armed with firearms, did assault with intent to murder Metropolitan Police Department Officer Konstantinos Giannakoulis, in order to avoid being arrested for shooting at Kevin Clark, a/k/a K.K., and Troy Lewis. (Count 1, Overt Act 30)

b. On or about March 29, 1994, in the District of Columbia, members/associates of the enterprise, while armed with firearms, did assault with intent to murder Maurice Willis, a/k/a Black, which assault was counseled, commanded, induced, procured and/or caused by **TOMMY EDELIN, a/k/a Tommy McEachin**, because he suspected that Maurice Willis, a/k/a Black was cooperating with law enforcement. (Count 17)

c. In or about July, 1997, in the District of Columbia, **TOMMY EDELIN, a/k/a Tommy McEachin**, made arrangements with a member/associate of the enterprise to kill a cooperating witness in

a narcotics case then pending against another member of the enterprise in the United States District Court for the District of Columbia, in order to prevent him from testifying.

d. In or about sometime in August 1998, in the District of Columbia, **TOMMY EDELIN, a/k/a Tommy McEachin**, requested a member/associate of the enterprise to kill his father, **EARL EDELIN, a/k/a Tony**, because he believed that his father was cooperating with law enforcement. (Count 1, Overt Act 90)

e. On or about August 17, 1998, in the District of Columbia, a person, while armed with a firearm, did kill Ronnie Middleton, a/k/a Squid, which killing was counseled, commanded, induced, procured and/or caused by **TOMMY EDELIN, a/k/a Tommy McEachin**, because he suspected that Ronnie Middleton, a/k/a Squid, might cooperate with law enforcement. (Counts 46 & 47)

f. In or about sometime in October 1998, in the District of Columbia, **TOMMY EDELIN, a/k/a Tommy McEachin**, requested a member/associate of the enterprise to kill another member/associate of the enterprise, because he suspected that the member/associate of the enterprise, might cooperate with law enforcement. (Count 1, Overt Act 93)

See U.S.S.G. 3C1.1.

42. **Leadership Role** - From on or about sometime in 1985 and continuing until sometime in 1998, **TOMMY EDELIN, a/k/a Tommy McEachin**, maintained a leadership role in the organization, management and administration of the continuing criminal enterprise set forth in the superseding indictment.

43. **Future Dangerousness of the Defendant.** The defendant is likely to commit criminal acts of violence in the future which would be a continuing and serious threat to the lives and safety of others, including, but not limited to, inmates and correctional officers resident in an institutional correctional setting as evidenced by the offenses charged in the indictment, and the aforementioned statutory and non-statutory aggravating factors alleged in this Notice. See Simmons v. South Carolina, 512 U.S. 154, 162 (1994). In addition to the offenses charged in the superseding indictment and the statutory and non-statutory aggravating factors alleged in this Notice, the circumstances which demonstrate his future dangerousness include: the defendant's long-term pattern of violent criminal conduct; his continuous efforts to obstruct justice and threaten or kill witnesses; his leadership role in planning and encouraging others to undertake criminal activities; his demonstrated low rehabilitative potential; and his lack of remorse for his criminal activities which have caused significant damage to the community and numerous victims and their families.

44. **Victim Impact Evidence.** As demonstrated by the victim's personal characteristics as a human being and the impact of the victim's death on the victim's family, the defendant caused injury, harm, and loss to the family of Maurice Doleman. See Payne v. Tennessee, 501 U.S. 808, 825-27 (1991). The government will present information concerning the effect of the offenses upon Maurice Doleman's family, which may include oral testimony, a

particularized victim impact statement referencing the scope of the injury and loss suffered by Maurice Doleman's family, and any other relevant information.

COUNT FOURTEEN

INTENTIONAL KILLING OF RODNEY SMITH

A. Alternative Statutory Aggravating Factors Enumerated under 21 U.S.C. § 848(n) (1) (A) through (D):

1. **Intentional Acts to Take Life or Use Lethal Force.** The defendant intentionally engaged in conduct intending that the victim be killed or that lethal force be employed against the victim, which resulted in the death of the victim. Section 848(n) (1) (C).

2. **Intentional Acts in Reckless Disregard for Life.** The defendant intentionally engaged in conduct which (i) the defendant 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 the victim. Section 848(n) (1) (D).

B. Statutory Aggravating Factors Enumerated under 21 U.S.C. § 848(n) (2) through (12):

1. **Grave Risk of Death to Others.** In the commission of the offense, the defendant knowingly created a grave risk of death to one or more persons in addition to the victim of the offense. Section 848(n) (5).

2. **Distribution to Persons under 21.** The violation of Subchapter I of Title 21, United States Code, in relation to which

the conduct described in Section 848(e) occurred was a violation of 21 U.S.C. § 859, in that the defendant, then over the age of eighteen (18), distributed controlled substances to persons under the age of twenty-one (21). Section 848(n)(11).

C. Other, Non-Statutory Aggravating Factors Identified under 21 U.S.C. § 848 (h) (1) (B) and § 848(k):

1. **Murder of Reginald Watson** - On or about March 16, 1990, in the District of Columbia, a member/associate of the enterprise, while armed with a firearm, did kill Reginald Watson, a/k/a Ray Ray, which killing was counseled, commanded, induced, procured and/or caused by **TOMMY EDELIN, a/k/a Tommy McEachin**. (Counts 6 & 7)

2. **Assault With Intent to Murder Troy Lewis** - On or about July 12, 1993, in the District of Columbia, members/associates of the enterprise, while armed with firearms, did assault with intent to murder Troy Lewis, which assault was counseled, commanded, induced, procured and/or caused by **TOMMY EDELIN, a/k/a Tommy McEachin**. (Count 8)

3. **Murder of Emmanuel Bennett** - On or about August 27, 1993, in the District of Columbia, members/associates of the enterprise, while armed with a firearm, did kill Emmanuel Bennett, which killing was counseled, commanded, induced, procured and/or caused by **TOMMY EDELIN, a/k/a Tommy McEachin**. (Counts 9 & 10)

4. **Murder of Maurice Doleman** - On or about November 21, 1993, in the District of Columbia, a member/associate of the enterprise, while armed with a firearm, did kill Maurice Doleman, which killing was counseled, commanded, induced, procured and/or caused by **TOMMY**

McEachin, and another member/associate of the enterprise, while armed with firearms, did assault with intent to murder Kevin Clark, a/k/a K.K. (Count 1, Overt Act 30)

10. **Assault With Intent Murder Troy Lewis** - On or about December 20, 1993, in the District of Columbia, **TOMMY EDELIN, a/k/a Tommy McEachin**, and another member/associate of the enterprise, while armed with firearms, did assault with intent to murder Troy Lewis. (Count 1, Overt Act 30)

11. **Assault With Intent to Murder Officer Konstantinos Giannakoulis** - On or about December 20, 1993, in the District of Columbia, **TOMMY EDELIN, a/k/a Tommy McEachin**, and another member/associate of the enterprise, while armed with firearms, did assault with intent to murder Metropolitan Police Department Officer Konstantinos Giannakoulis. (Count 1, Overt Act 30)

12. **Assault With Intent to Murder Maurice Willis** - On or about March 29, 1994, in the District of Columbia, members/associates of the enterprise, while armed with firearms, did assault with intent to murder Maurice Willis, a/k/a Black, which assault was counseled, commanded, induced, procured and/or caused by **TOMMY EDELIN; a/k/a Tommy McEachin**. (Count 17)

13. **Assault With Intent to Murder Ira Clayton** - On or about March 29, 1994, in the District of Columbia, members/associates of the enterprise, while armed with firearms, did assault with intent to murder Ira Clayton, a/k/a Idaho, which assault was counseled, commanded, induced, procured and/or caused by **TOMMY EDELIN, a/k/a Tommy McEachin**. (Count 18)

14. **Assault With Intent to Murder Jummor Mackel** - On or about April 1, 1994, in Suitland, Maryland, members/associates of the enterprise, while armed with firearms, did assault with intent to murder Jummor Mackel, which assault was counseled, commanded, induced, procured and/or caused by **TOMMY EDELIN, a/k/a Tommy McEachin**. (Count 3, Racketeering Act 26)

15. **Assault With Intent to Murder Samuel Luckey** - On or about April 1, 1994, in Suitland, Maryland, members/associates of the enterprise, while armed with firearms, did assault with intent to murder Samuel Luckey, which assault was counseled, commanded, induced, procured and/or caused by **TOMMY EDELIN, a/k/a Tommy McEachin**. (Count 3, Racketeering Act 26)

16. **Murder of Arion Wilson** - On or about April 23, 1994, in Alamance County, North Carolina, a member/associate of the enterprise, while armed with a firearm, did kill Arion Wilson, which killing was counseled, commanded, induced, procured and/or caused by **TOMMY EDELIN, a/k/a Tommy McEachin**. (Count 19)

17. **Murder of Charles Morgan** - On or about April 23, 1994, in Alamance County, North Carolina, a member/associate of the enterprise, while armed with a firearm, did kill Charles Morgan, which killing was counseled, commanded, induced, procured and/or caused by **TOMMY EDELIN, a/k/a Tommy McEachin**. (Count 20)

18. **Solicitation to Kill "Mike"** - In or about sometime between July 1994 and August 1994, in the District of Columbia, **TOMMY EDELIN, a/k/a Tommy McEachin**, made arrangements with a member/associate of the enterprise for the killing of "Mike."

(Count 1, Overt Acts 37 & 38)

19. **Assault With Intent to Murder "Mike"** - In or about sometime between July 1994 and August 1994, in the District of Columbia, members/associates of the enterprise, while armed with firearms, did assault with intent to murder "Mike," which assault was counseled, commanded, induced, procured and/or caused by **TOMMY EDELIN, a/k/a Tommy McEachin**. (Count 1, Overt Act 39)

20. **Murder of Anthony Payton** - On or about May 8, 1996, in the District of Columbia, members/associates of the enterprise, while armed with firearms, did kill Anthony Payton, which killing was counseled, commanded, induced, procured and/or caused by **TOMMY EDELIN, a/k/a Tommy McEachin**. (Count 22)

21. **Assault With Intent to Murder Edward Settles** - On or about July 27, 1996, in the District of Columbia, members/associates of the enterprise, while armed with firearms, did assault with intent to murder Edward Settles, a/k/a Pooh, which assault was counseled, commanded, induced, procured and/or caused by **TOMMY EDELIN, a/k/a Tommy McEachin**. (Count 28)

22. **Assault With Intent to Murder Robert Keys** - On or about July 27, 1996, in the District of Columbia, members/associates of the enterprise, while armed with firearms, did assault with intent to murder Robert Keys, a/k/a Junie, which assault was counseled, commanded, induced, procured and/or caused by **TOMMY EDELIN, a/k/a Tommy McEachin**. (Count 29)

23. **Assault With Intent to Murder Dale Rae** - On or about July 27, 1996, in the District of Columbia, members/associates of the

enterprise, while armed with firearms, did assault with intent to murder Dale Rae, a/k/a Little Dale, which assault was counseled, commanded, induced, procured and/or caused by **TOMMY EDELIN, a/k/a Tommy McEachin.** (Count 30)

24. **Assault With Intent to Murder Robert Byrd** - On or about July 27, 1996, in the District of Columbia, members/associates of the enterprise, while armed with firearms, did assault with intent to murder Robert Byrd, a/k/a Pete, which assault was counseled, commanded, induced, procured and/or caused by **TOMMY EDELIN, a/k/a Tommy McEachin.** (Count 31)

25. **Assault With Intent to Murder Bystander Number One** - On or about July 27, 1996, in the District of Columbia, members/associates of the enterprise, while armed with firearms, did assault Bystander Number One, with intent to murder Edward Settles, a/k/a Pooh; Robert Keys, a/k/a Junie; Dale Rae, a/k/a Little Dale; and Robert Byrd, a/k/a Pete, which assault was counseled, commanded, induced, procured and/or caused by **TOMMY EDELIN, a/k/a Tommy McEachin.** (Count 32)

26. **Assault With Intent to Murder Bystander Number Two** - On or about July 27, 1996, in the District of Columbia, members/associates of the enterprise, while armed with firearms, did assault Bystander Number Two, with intent to murder Edward Settles, a/k/a Pooh; Robert Keys, a/k/a Junie; Dale Rae, a/k/a Little Dale; and Robert Byrd, a/k/a Pete, which assault was counseled, commanded, induced, procured and/or caused by **TOMMY EDELIN, a/k/a Tommy McEachin.** (Count 33)

27. **Assault With Intent to Murder Bystander Number Three** - On or about July 27, 1996, in the District of Columbia, members/associates of the enterprise, while armed with firearms, did assault Bystander Number Three, with intent to murder Edward Settles, a/k/a Pooh; Robert Keys, a/k/a Junie; Dale Rae, a/k/a Little Dale; and Robert Byrd, a/k/a Pete, which assault was counseled, commanded, induced, procured and/or caused by **TOMMY EDELIN, a/k/a Tommy McEachin.** (Count 34)

28. **Murder of Damin Jennifer** - On or about August 18, 1996, in the District of Columbia, members/associates of the enterprise, while armed with firearms, did kill Damin Jennifer, a/k/a Day-Day, which killing was counseled, commanded, induced, procured and/or caused by **TOMMY EDELIN, a/k/a Tommy McEachin.** (Counts 36 & 37)

29. **Murder of Robert Keys** - On or about September 5, 1996, in the District of Columbia, members/associates of the enterprise, while armed with firearms, did kill Robert Keys, which killing was counseled, commanded, induced, procured and/or caused by **TOMMY EDELIN, a/k/a Tommy McEachin.** (Counts 38 & 39)

30. **Murder of Sherman Johnson** - On or about September 15, 1996, in the District of Columbia, a member of the enterprise, while armed with a firearm, did kill Sherman Johnson, which killing was counseled, commanded, induced, procured and/or caused by **TOMMY EDELIN, a/k/a Tommy McEachin.** (Counts 40 & 41)

31. **Solicitation to Kill Eric Jones** - In or about sometime between June and October of 1996, in the District of Columbia, **TOMMY EDELIN, a/k/a Tommy McEachin,** did pay a member/associate of

the enterprise to kill Eric Jones, a/k/a Tall Eric.

32. **Murder of Edgar Watson** - On or about June 14, 1997, in Greenbelt, Maryland, members/associates of the enterprise, while armed with firearms, did kill Edgar Watson, a/k/a Tweety, which killing was counseled, commanded, induced, procured and/or caused by **TOMMY EDELIN, a/k/a Tommy McEachin**. (Count 43 & 44)

33. **Assault With a Dangerous Weapon of Dionne Johnson** - On or about June 14, 1997, in Greenbelt, Maryland, members/associates of the enterprise, while armed with firearms, did assault Dionne Johnson, which assault was counseled, commanded, induced, procured and/or caused by **TOMMY EDELIN, a/k/a Tommy McEachin**. (Count 45)

34. **Solicitation to Kill a Cooperating Witness** - In or about July, 1997, in the District of Columbia, **TOMMY EDELIN, a/k/a Tommy McEachin**, made arrangements with a member/associate of the enterprise to kill a cooperating witness in a narcotics case then pending against another member/associate of the enterprise in the United States District Court for the District of Columbia.

35. **Solicitation to Kill Earl Edelin** - In or about sometime in August 1998, in the District of Columbia, **TOMMY EDELIN, a/k/a Tommy McEachin**, requested a member/associate of the enterprise to kill his father, **EARL EDELIN, a/k/a Tony**. (Count 1, Overt Act 90)

36. **Murder of Ronnie Middleton** - On or about August 17, 1998, in the District of Columbia, a person, while armed with a firearm, did kill Ronnie Middleton, a/k/a Squid, which killing was counseled, commanded, induced, procured and/or caused by **TOMMY EDELIN, a/k/a Tommy McEachin**. (Counts 46 & 47)

37. **Murder of Sabrina Bradley** - On or about August 17, 1998, in the District of Columbia, a person, while armed with a firearm, did kill Sabrina Bradley, which killing was counseled, commanded, induced, procured and/or caused by **TOMMY EDELIN, a/k/a Tommy McEachin**. (Counts 48 & 49)

38. **Solicitation to Kill Witness** - In or about sometime in October 1998, in the District of Columbia, **TOMMY EDELIN, a/k/a Tommy McEachin**, requested a member/associate of the enterprise to kill a member/associate of the enterprise. (Count 1, Overt Act 93)

39. **Narcotics Trafficking** - From on or about sometime in 1985 and continuing until sometime in 1998, as set forth in the superseding indictment, **TOMMY EDELIN, a/k/a Tommy McEachin**, obtained, possessed with intent to distribute and distributed quantities of powder cocaine, cocaine base, also known as crack cocaine, heroin and marijuana, which were subsequently distributed to members/associates of the enterprise and customers in the District of Columbia, the State of Maryland, and elsewhere, including, but not limited to, one or more of the following:

a. On or about April 10, 1990, in Suitland, Maryland, **TOMMY EDELIN, a/k/a Tommy McEachin**, and other members/associates of the enterprise, possessed with intent to distribute approximately 1.4 kilograms of a mixture and substance containing cocaine base, also known as crack cocaine. (Count 3, Racketeering Act 6)

b. On or about July 28, 1998, in the District of Columbia, **TOMMY EDELIN, a/k/a Tommy McEachin**, possessed with intent to distribute 1.055 kilograms of a mixture and substance containing

heroin. (Count 102)

c. On or about July 28, 1998, in the District of Columbia, **TOMMY EDELIN, a/k/a Tommy McEachin**, possessed with intent to distribute approximately nine kilograms of a mixture and substance containing cocaine. (Count 103)

d. On or about July 28, 1998, in Waldorf, Maryland, **TOMMY EDELIN, a/k/a Tommy McEachin**, possessed with intent to distribute approximately 106.8 grams of a mixture and substance containing cocaine. (Count 3, Racketeering Act 12)

e. On or about July 28, 1998, in Waldorf, Maryland, **TOMMY EDELIN, a/k/a Tommy McEachin**, possessed with intent to distribute approximately 111.2 grams of a mixture and substance containing cocaine base, also known as crack cocaine. (Count 3, Racketeering Act 12)

40. **Firearms Offenses** - From on or about sometime in 1985 and continuing until sometime in 1998, as set forth in the superseding indictment, **TOMMY EDELIN, a/k/a Tommy McEachin**, obtained, possessed, and distributed numerous firearms in the District of Columbia, the State of Maryland, and elsewhere, including, but not limited to, one or more of the following:

a. On or about March 1, 1993, in Forestville, Maryland, **TOMMY EDELIN, a/k/a Tommy McEachin**, possessed a .38 caliber revolver. (Count 1, Overt Act 14)

b. On or about July 28, 1998, in Drama City Records, 7529 Old Alexandria Ferry Road, Clinton, Maryland, **TOMMY EDELIN, a/k/a Tommy McEachin**, possessed a .380 caliber pistol. (Count 1, Overt

Act 88)

c. In or about sometime between November 1993 and December 1993, **TOMMY EDELIN, a/k/a Tommy McEachin**, arranged for a member/associate of the enterprise to obtain and distribute a large number of firearms to members/associates of the enterprise. (Count 1, Overt Act 31)

41. **Obstruction of Justice** - From on or about sometime in 1985 and continuing until sometime in 1998, as set forth in the superseding indictment and this notice, **TOMMY EDELIN, a/k/a Tommy McEachin**, obstructed or impeded and attempted to obstruct or impede the administration of justice during the course of the investigation or prosecution of his criminal activities, including, but not limited to, one or more of the following:

a. On or about December 20, 1993, in the District of Columbia, **TOMMY EDELIN, a/k/a Tommy McEachin**, and another member/associate of the enterprise, while armed with firearms, did assault with intent to murder Metropolitan Police Department Officer Konstantinos Giannakoulis, in order to avoid being arrested for shooting at Kevin Clark, a/k/a K.K., and Troy Lewis. (Count 1, Overt Act 30)

b. On or about March 29, 1994, in the District of Columbia, members/associates of the enterprise, while armed with firearms, did assault with intent to murder Maurice Willis, a/k/a Black, which assault was counseled, commanded, induced, procured and/or caused by **TOMMY EDELIN, a/k/a Tommy McEachin**, because he suspected that Maurice Willis, a/k/a Black was cooperating with law

enforcement. (Count 17)

c. In or about July, 1997, in the District of Columbia, **TOMMY EDELIN, a/k/a Tommy McEachin**, made arrangements with a member/associate of the enterprise to kill a cooperating witness in a narcotics case then pending against another member of the enterprise in the United States District Court for the District of Columbia, in order to prevent him from testifying.

d. In or about sometime in August 1998, in the District of Columbia, **TOMMY EDELIN, a/k/a Tommy McEachin**, requested a member/associate of the enterprise to kill his father, **EARL EDELIN, a/k/a Tony**, because he believed that his father was cooperating with law enforcement. (Count 1, Overt Act 90)

e. On or about August 17, 1998, in the District of Columbia, a person, while armed with a firearm, did kill Ronnie Middleton, a/k/a Squid, which killing was counseled, commanded, induced, procured and/or caused by **TOMMY EDELIN, a/k/a Tommy McEachin**, because he suspected that Ronnie Middleton, a/k/a Squid, might cooperate with law enforcement. (Counts 46 & 47)

f. In or about sometime in October 1998, in the District of Columbia, **TOMMY EDELIN, a/k/a Tommy McEachin**, requested a member/associate of the enterprise to kill another member/associate of the enterprise, because he suspected that the member/associate of the enterprise, might cooperate with law enforcement. (Count 1, Overt Act 93)

See U.S.S.G. 3C1.1.

42. **Leadership Role** - From on or about sometime in 1985 and continuing until sometime in 1998, TOMMY EDELIN, a/k/a Tommy McEachin, maintained a leadership role in the organization, management and administration of the continuing criminal enterprise set forth in the superseding indictment.

43. **Future Dangerousness of the Defendant.** The defendant is likely to commit criminal acts of violence in the future which would be a continuing and serious threat to the lives and safety of others, including, but not limited to, inmates and correctional officers resident in an institutional correctional setting as evidenced by the offenses charged in the indictment, and the aforementioned statutory and non-statutory aggravating factors alleged in this Notice. See Simmons v. South Carolina, 512 U.S. 154, 162 (1994). In addition to the offenses charged in the superseding indictment and the statutory and non-statutory aggravating factors alleged in this Notice, the circumstances which demonstrate his future dangerousness include: the defendant's long-term pattern of violent criminal conduct; his continuous efforts to obstruct justice and threaten or kill witnesses; his leadership role in planning and encouraging others to undertake criminal activities; his demonstrated low rehabilitative potential; and his lack of remorse for his criminal activities which have caused significant damage to the community and numerous victims and their families.

44. **Victim Impact Evidence.** As demonstrated by the victim's personal characteristics as a human being and the impact of the

victim's death on the victim's family, the defendant caused injury, harm, and loss to the family of Rodney Smith. See Payne v. Tennessee, 501 U.S. 808, 825-27 (1991). The government will present information concerning the effect of the offenses upon Rodney Smith's family, which may include oral testimony, a particularized victim impact statement referencing the scope of the injury and loss suffered by Rodney Smith's family, and any other relevant information.

COUNT SIXTEEN

INTENTIONAL KILLING OF VOLANTE SMITH

A. Alternative Statutory Aggravating Factors Enumerated under 21 U.S.C. § 848(n) (1) (A) through (D):

1. **Intentional Acts to Take Life or Use Lethal Force.**

The defendant intentionally engaged in conduct intending that the victim be killed or that lethal force be employed against the victim, which resulted in the death of the victim. Section 848(n) (1) (C).

2. **Intentional Acts in Reckless Disregard for Life.**

The defendant intentionally engaged in conduct which (i) the defendant 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 the victim. Section 848(n) (1) (D).

B. Statutory Aggravating Factors Enumerated under 21 U.S.C. § 848(n) (2) through (12):

1. **Grave Risk of Death to Others.** In the commission of the offense, the defendant knowingly created a grave risk of death

to one or more persons in addition to the victim of the offense. Section 848(n) (5).

2. **Vulnerability of Victim.** The victim was particularly vulnerable due to youth (fourteen years of age). Section 848(n) (9).

3. **Distribution to Persons Under 21.** The violation of Subchapter I of Title 21, United States Code, in relation to which the conduct described in Section 848(e) occurred was a violation of 21 U.S.C. § 859, in that the defendant, then over the age of eighteen (18), distributed controlled substances to persons under the age of twenty one (21) in furtherance of the continuing criminal enterprise. Section 848(n) (11).

C. Other, Non-Statutory Aggravating Factors Identified under 21 U.S.C. § 848 (h) (1) (B) and § 848(k):

1. **Murder of Reginald Watson** - On or about March 16, 1990, in the District of Columbia, a member/associate of the enterprise, while armed with a firearm, did kill Reginald Watson, a/k/a Ray Ray, which killing was counseled, commanded, induced, procured and/or caused by **TOMMY EDELIN, a/k/a Tommy McEachin.** (Counts 6 & 7)

2. **Assault With Intent to Murder Troy Lewis** - On or about July 12, 1993, in the District of Columbia, members/associates of the enterprise, while armed with firearms, did assault with intent to murder Troy Lewis, which assault was counseled, commanded, induced, procured and/or caused by **TOMMY EDELIN, a/k/a Tommy McEachin.** (Count 8)

3. **Murder of Emmanuel Bennett** - On or about August 27, 1993, in the District of Columbia, members/associates of the enterprise,

while armed with a firearm, did kill Emmanuel Bennett, which killing was counseled, commanded, induced, procured and/or caused by TOMMY EDELIN, a/k/a Tommy McEachin. (Counts 9 & 10)

4. **Murder of Maurice Doleman** - On or about November 21, 1993, in the District of Columbia, a member/associate of the enterprise, while armed with a firearm, did murder Maurice Doleman, which murder was counseled, commanded, induced, procured and/or caused by TOMMY EDELIN, a/k/a Tommy McEachin. (Counts 11 & 12)

5. **Assault With Intent to Murder James Mitchell** - In or about sometime between November 21, 1993 and December 20, 1993, in the District of Columbia, TOMMY EDELIN, a/k/a Tommy McEachin and other members/associates of the enterprise, while armed with firearms, did assault with intent to murder James Mitchell, a/k/a Skinny Pooh. (Count 1, Overt Act 26)

6. **Assault With Intent to Murder Maurice Andrews** - In or about sometime between November 21, 1993 and December 20, 1993, in the District of Columbia, TOMMY EDELIN, a/k/a Tommy McEachin and other members/associates of the enterprise, while armed with firearms, did assault with intent to murder Maurice Andrews, a/k/a Moe Brown. (Count 1, Overt Act 26)

7. **Murder of Rodney Smith** - On or about December 17, 1993, in the District of Columbia, a member/associate of the enterprise, while armed with a firearm, did kill Rodney Smith, which killing was counseled, commanded, induced, procured and/or caused by TOMMY EDELIN, a/k/a Tommy McEachin. (Counts 13 & 14)

8. **Attempt To Murder Kenny Copeland** - On or about December 20, 1993, in the District of Columbia, **TOMMY EDELIN, a/k/a Tommy McEachin**, and other members of the enterprise, while armed with firearms, traveled to the Superior Court of the District of Columbia and attempted to murder Kenny Copeland. (Count 1, Overt Act 30)

9. **Assault With Intent to Kill Kevin Clark** - On or about December 20, 1993, in the District of Columbia, **TOMMY EDELIN, a/k/a Tommy McEachin**, and another member/associate of the enterprise, while armed with firearms, did assault with intent to murder Kevin Clark, a/k/a K.K. (Count 1, Overt Act 30)

10. **Assault With Intent Murder Troy Lewis** - On or about December 20, 1993, in the District of Columbia, **TOMMY EDELIN, a/k/a Tommy McEachin**, and another member/associate of the enterprise, while armed with firearms, did assault with intent to murder Troy Lewis. (Count 1, Overt Act 30)

11. **Assault With Intent to Murder Officer Konstantinos Giannakoulis** - On or about December 20, 1993, in the District of Columbia, **TOMMY EDELIN, a/k/a Tommy McEachin**, and another member/associate of the enterprise, while armed with firearms, did assault with intent to murder Metropolitan Police Department Officer Konstantinos Giannakoulis. (Count 1, Overt Act 30)

12. **Assault With Intent to Murder Maurice Willis** - On or about March 29, 1994, in the District of Columbia, members/associates of the enterprise, while armed with firearms, did assault with intent to murder Maurice Willis, a/k/a Black, which assault was counseled,

commanded, induced, procured and/or caused by **TOMMY EDELIN, a/k/a Tommy McEachin.** (Count 17)

13. **Assault With Intent to Murder Ira Clayton** - On or about March 29, 1994, in the District of Columbia, members/associates of the enterprise, while armed with firearms, did assault with intent to murder Ira Clayton, a/k/a Idaho, which assault was counseled, commanded, induced, procured and/or caused by **TOMMY EDELIN, a/k/a Tommy McEachin.** (Count 18)

14. **Assault With Intent to Murder Jummor Mackel** - On or about April 1, 1994, in Suitland, Maryland, members/associates of the enterprise, while armed with firearms, did assault with intent to murder Jummor Mackel, which assault was counseled, commanded, induced, procured and/or caused by **TOMMY EDELIN, a/k/a Tommy McEachin.** (Count 3, Racketeering Act 26)

15. **Assault With Intent to Murder Samuel Luckey** - On or about April 1, 1994, in Suitland, Maryland, members/associates of the enterprise, while armed with firearms, did assault with intent to murder Samuel Luckey, which assault was counseled, commanded, induced, procured and/or caused by **TOMMY EDELIN, a/k/a Tommy McEachin.** (Count 3, Racketeering Act 26)

16. **Murder of Arion Wilson** - On or about April 23, 1994, in Alamance County, North Carolina, a member/associate of the enterprise, while armed with a firearm, did kill Arion Wilson, which killing was counseled, commanded, induced, procured and/or caused by **TOMMY EDELIN, a/k/a Tommy McEachin.** (Count 19)

17. **Murder of Charles Morgan** - On or about April 23, 1994, in Alamance County, North Carolina, a member/associate of the enterprise, while armed with a firearm, did kill Charles Morgan, which killing was counseled, commanded, induced, procured and/or caused by **TOMMY EDELIN, a/k/a Tommy McEachin**. (Count 20)

18. **Solicitation to Kill "Mike"** - In or about sometime between July 1994 and August 1994, in the District of Columbia, **TOMMY EDELIN, a/k/a Tommy McEachin**, made arrangements with a member/associate of the enterprise for the killing of "Mike." (Count 1, Overt Acts 37 & 38)

19. **Assault With Intent to Murder "Mike"** - In or about sometime between July 1994 and August 1994, in the District of Columbia, members/associates of the enterprise, while armed with firearms, did assault with intent to murder "Mike," which assault was counseled, commanded, induced, procured and/or caused by **TOMMY EDELIN, a/k/a Tommy McEachin**. (Count 1, Overt Act 39)

20. **Murder of Anthony Payton** - On or about May 8, 1996, in the District of Columbia, members/associates of the enterprise, while armed with firearms, did kill Anthony Payton, which killing was counseled, commanded, induced, procured and/or caused by **TOMMY EDELIN, a/k/a Tommy McEachin**. (Count 22)

21. **Assault With Intent to Murder Edward Settles** - On or about July 27, 1996, in the District of Columbia, members/associates of the enterprise, while armed with firearms, did assault with intent to murder Edward Settles, a/k/a Pooh, which assault was counseled, commanded, induced, procured and/or caused by **TOMMY EDELIN, a/k/a**

EDELIN, a/k/a Tommy McEachin. (Count 32)

26. Assault With Intent to Murder Bystander Number Two - On or about July 27, 1996, in the District of Columbia, members/associates of the enterprise, while armed with firearms, did assault Bystander Number Two, with intent to murder Edward Settles, a/k/a Pooh; Robert Keys, a/k/a Junie; Dale Rae, a/k/a Little Dale; and Robert Byrd, a/k/a Pete, which assault was counseled, commanded, induced, procured and/or caused by TOMMY EDELIN, a/k/a Tommy McEachin. (Count 33)

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EDELIN, a/k/a Tommy McEachin. (Counts 38 & 39)

30. **Murder of Sherman Johnson** - On or about September 15, 1996, in the District of Columbia, a member of the enterprise, while armed with a firearm, did kill Sherman Johnson, which killing was counseled, commanded, induced, procured and/or caused by TOMMY EDELIN, a/k/a Tommy McEachin. (Counts 40 & 41)

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33. **Assault With a Dangerous Weapon of Dionne Johnson** - On or about June 14, 1997, in Greenbelt, Maryland, members/associates of the enterprise, while armed with firearms, did assault Dionne Johnson, which assault was counseled, commanded, induced, procured and/or caused by TOMMY EDELIN, a/k/a Tommy McEachin. (Count 45)

34. **Solicitation to Kill a Cooperating Witness** - In or about July, 1997, in the District of Columbia, TOMMY EDELIN, a/k/a Tommy McEachin, made arrangements with a member/associate of the enterprise to kill a cooperating witness in a narcotics case then pending against another member/associate of the enterprise in the United States District Court for the District of Columbia.

35. **Solicitation to Kill Earl Edelin** - In or about sometime in August 1998, in the District of Columbia, **TOMMY EDELIN, a/k/a Tommy McEachin**, requested a member/associate of the enterprise to kill his father, **EARL EDELIN, a/k/a Tony**. (Count 1, Overt Act 90)

36. **Murder of Ronnie Middleton** - On or about August 17, 1998, in the District of Columbia, a person, while armed with a firearm, did kill Ronnie Middleton, a/k/a Squid, which killing was counseled, commanded, induced, procured and/or caused by **TOMMY EDELIN, a/k/a Tommy McEachin**. (Counts 46 & 47)

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38. **Solicitation to Kill Witness** - In or about sometime in October 1998, in the District of Columbia, **TOMMY EDELIN, a/k/a Tommy McEachin**, requested a member/associate of the enterprise to kill another member/associate of the enterprise. (Count 1, Overt Act 93)

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District of Columbia, the State of Maryland, and elsewhere, including, but not limited to, one or more of the following:

a. On or about April 10, 1990, in Suitland, Maryland, **TOMMY EDELIN, a/k/a Tommy McEachin**, and other members/associates of the enterprise, possessed with intent to distribute approximately 1.4 kilograms of a mixture and substance containing cocaine base, also known as crack cocaine. (Count 3, Racketeering Act 6)

b. On or about July 28, 1998, in the District of Columbia, **TOMMY EDELIN, a/k/a Tommy McEachin**, possessed with intent to distribute 1.055 kilograms of a mixture and substance containing heroin. (Count 102)

c. On or about July 28, 1998, in the District of Columbia, **TOMMY EDELIN, a/k/a Tommy McEachin**, possessed with intent to distribute approximately nine kilograms of a mixture and substance containing cocaine. (Count 103)

d. On or about July 28, 1998, in Waldorf, Maryland, **TOMMY EDELIN, a/k/a Tommy McEachin**, possessed with intent to distribute approximately 106.8 grams of a mixture and substance containing cocaine. (Count 3, Racketeering Act 12)

e. On or about July 28, 1998, in Waldorf, Maryland, **TOMMY EDELIN, a/k/a Tommy McEachin**, possessed with intent to distribute approximately 111.2 grams of a mixture and substance containing cocaine base, also known as crack cocaine. (Count 3, Racketeering Act 12)

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indictment, **TOMMY EDELIN, a/k/a Tommy McEachin**, obtained, possessed, and distributed numerous firearms in the District of Columbia, the State of Maryland, and elsewhere, including, but not limited to, one or more of the following:

a. On or about March 1, 1993, in Forestville, Maryland, **TOMMY EDELIN, a/k/a Tommy McEachin**, possessed a .38 caliber revolver. (Count 1, Overt Act 14)

b. On or about July 28, 1998, in Drama City Records, 7529 Old Alexandria Ferry Road, Clinton, Maryland, **TOMMY EDELIN, a/k/a Tommy McEachin**, possessed a .380 caliber pistol. (Count 1, Overt Act 88)

c. In or about sometime between November 1993 and December 1993, **TOMMY EDELIN, a/k/a Tommy McEachin**, arranged for a member/associate of the enterprise to obtain and distribute a large number of firearms to members/associates of the enterprise. (Count 1, Overt Act 31)

41. **Obstruction of Justice** - From on or about sometime in 1985 and continuing until sometime in 1998, as set forth in the superseding indictment and this notice, **TOMMY EDELIN, a/k/a Tommy McEachin**, obstructed or impeded and attempted to obstruct or impede the administration of justice during the course of the investigation or prosecution of his criminal activities, including, but not limited to, one or more of the following:

a. On or about December 20, 1993, in the District of Columbia, **TOMMY EDELIN, a/k/a Tommy McEachin**, and another member/associate of the enterprise, while armed with firearms, did

assault with intent to murder Metropolitan Police Department Officer Konstantinos Giannakoulis, in order to avoid being arrested for shooting at Kevin Clark, a/k/a K.K., and Troy Lewis. (Count 1, Overt Act 30)

b. On or about March 29, 1994, in the District of Columbia, members/associates of the enterprise, while armed with firearms, did assault with intent to murder Maurice Willis, a/k/a Black, which assault was counseled, commanded, induced, procured and/or caused by **TOMMY EDELIN, a/k/a Tommy McEachin**, because he suspected that Maurice Willis, a/k/a Black was cooperating with law enforcement. (Count 17)

c. In or about July, 1997, in the District of Columbia, **TOMMY EDELIN, a/k/a Tommy McEachin**, made arrangements with a member/associate of the enterprise to kill a cooperating witness in a narcotics case then pending against another member of the enterprise in the United States District Court for the District of Columbia, in order to prevent him from testifying.

d. In or about sometime in August 1998, in the District of Columbia, **TOMMY EDELIN, a/k/a Tommy McEachin**, requested a member/associate of the enterprise to kill his father, **EARL EDELIN, a/k/a Tony**, because he believed that his father was cooperating with law enforcement. (Count 1, Overt Act 90)

e. On or about August 17, 1998, in the District of Columbia, a person, while armed with a firearm, did kill Ronnie Middleton, a/k/a Squid, which killing was counseled, commanded, induced, procured and/or caused by **TOMMY EDELIN, a/k/a Tommy**

McEachin, because he suspected that Ronnie Middleton, a/k/a Squid, might cooperate with law enforcement. (Counts 46 & 47)

f. In or about sometime in October 1998, in the District of Columbia, **TOMMY EDELIN**, a/k/a Tommy McEachin, requested a member/associate of the enterprise to kill another member/associate of the enterprise, because he suspected that the member/associate of the enterprise, might cooperate with law enforcement. (Count 1, Overt Act 93)

See U.S.S.G. 3C1.1.

42. **Leadership Role** - From on or about sometime in 1985 and continuing until sometime in 1998, **TOMMY EDELIN**, a/k/a Tommy McEachin, maintained a leadership role in the organization, management and administration of the continuing criminal enterprise set forth in the superseding indictment.

43. **Future Dangerousness of the Defendant.** The defendant is likely to commit criminal acts of violence in the future which would be a continuing and serious threat to the lives and safety of others, including, but not limited to, inmates and correctional officers resident in an institutional correctional setting as evidenced by the offenses charged in the indictment, and the aforementioned statutory and non-statutory aggravating factors alleged in this Notice. See Simmons v. South Carolina, 512 U.S. 154, 162 (1994). In addition to the offenses charged in the superseding indictment and the statutory and non-statutory aggravating factors alleged in this Notice, the circumstances which demonstrate his future dangerousness include: the defendant's long-

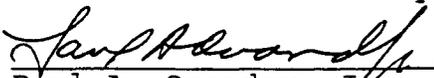
term pattern of violent criminal conduct; his continuous efforts to obstruct justice and threaten or kill witnesses; his leadership role in planning and encouraging others to undertake criminal activities; his demonstrated low rehabilitative potential; and his lack of remorse for his criminal activities which have caused significant damage to the community and numerous victims and their families.

44. **Victim Impact Evidence.** As demonstrated by the victim's personal characteristics as a human being and the impact of the victim's death on the victim's family, the defendant caused injury, harm, and loss to the family of Volante Smith. See Payne v. Tennessee, 501 U.S. 808, 825-27 (1991). The government will present information concerning the effect of the offenses upon Volante Smith's family, which may include oral testimony, a particularized victim impact statement referencing the scope of the injury and loss suffered Volante Smith's family, and any other relevant information.

Respectfully submitted,

WILMA A. LEWIS
United States Attorney

By:


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(202) 514-9519
Bar # 337691

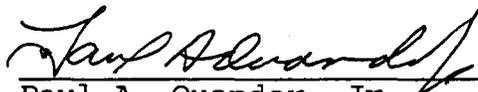
Dated: June 30, 2000

CERTIFICATE OF SERVICE

I hereby certify that on the 30th day of June, 2000, a true and correct copy of the foregoing notice of intent to seek the death penalty was delivered by hand, to the following attorneys of record:

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