

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF NORTH CAROLINA  
EASTERN DIVISION

NO. 4:95-CR-41-1-H

*CR*  
**FILED**

UNITED STATES OF AMERICA :  
 :  
 v. :  
 :  
 LAMONT LANEER FLEMING, :  
 also known as "Marty," :  
 "Mez," and "William" :

**JUN 21 1996**

DAVID W. DANIEL, CLERK  
U.S. DISTRICT COURT  
E. DIST. NO. CAR

NOTICE OF INTENT TO SEEK THE DEATH PENALTY  
AS PUNISHMENT FOR DEFENDANT LAMONT LANEER FLEMING

Pursuant to 18 U.S.C. § 3593(a), the United States of America hereby notifies the Court and the defendant, Lamont Laneer Fleming, that the government believes the circumstances of certain capital offenses charged against the defendant are such that, in the event of a conviction, a sentence of death is justified.

The government will seek the sentence of death under Chapter 228 (Sections 3591 through 3598) of Title 18 of the United States Code for each of the following offenses, which carries a possible sentence of death, as charged in the third superseding indictment: the murder in aid of racketeering, carjacking resulting in death, and firearms murder of Lateisha Beaman, alleged in Counts Five, Six, and Seven, as a violation of 18 U.S.C. §§ 1959 (a)(1), 2119(3), and 924(i)<sup>2</sup>(1), respectively.

*Judge  
Howard*

*238*

The government proposes to prove the following factors as justifying a sentence of death for each of these offenses.

A. Proportionality Factors, 18 U.S.C. § 3591(a).

1. The defendant intentionally killed the victim, 18 U.S.C. § 3591(a)(2)(A);
2. The defendant intentionally inflicted serious bodily injury that resulted in the death of the victim, 18 U.S.C. § 3591(a)(2)(B);
3. The defendant 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 direct result of the act, 18 U.S.C. § 3591(a)(2)(C); and
4. The defendant 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, 18 U.S.C. § 3591(a)(2)(D).

B. Statutory Aggravating Factors, 18 U.S.C. § 3592(c).

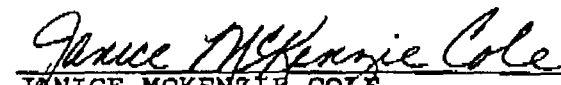
1. Especially Heinous, Cruel, or Depraved: The defendant committed the offense in an especially heinous, cruel, or depraved manner in that it involved torture or serious physical abuse to the victim, 18 U.S.C. § 3592(c)(6); and
2. Substantial Planning and Premeditation: The defendant committed the offense after substantial planning and premeditation to cause the death of a person or commit an act of terrorism, 18 U.S.C. § 3592(c)(9).


C. Non-Statutory Aggravating Factors, 18 U.S.C. § 3593(a).

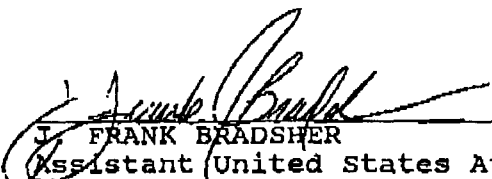
1. Vileness of the Crime: The defendant's conduct in committing the offense was substantially greater in degree than that described in the definition of the crime, apart from the statutory aggravating factors; and

2. Future Dangerousness: The defendant is likely to commit serious acts of violence in the future which would be a continuing and serious threat to society.

Respectfully submitted,

  
 JANICE MCKENZIE COLE  
 United States Attorney

  
 ERIC EVENSON  
 Assistant United States Attorney

  
 FRANK BRADSHER  
 Assistant United States Attorney


Dated: June 21, 1996

CERTIFICATE OF SERVICE

I hereby certify that on the 21st day of June, 1996, a true and correct copy of the foregoing notice of intent to seek the death penalty was telefaxed and mailed via first class mail, postage prepaid thereon, to the following attorneys of record:

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 ERIC EVENSON  
 Assistant United States Attorney