

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

UNITED STATES OF AMERICA

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v.

Criminal No. CCB-02-0410

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AARON DEMARCO FOSTER

a/k/a "Turk", "Ace",

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NOTICE OF INTENT TO SEEK THE DEATH PENALTY

COMES NOW the United States of America, pursuant to 18 U.S.C. § 3593(a), by and through its undersigned counsel, and notifies the Court and the defendant in the above-captioned case that the Government believes the circumstances of the offense(s) charged in the Third Superseding Indictment are such that, in the event of the defendant's conviction of one or more of these offenses, a sentence of death is justified under Chapter 228 (Sections 3591 through 3598) of Title 18 of the United States Code, and that the Government will seek the sentence of death for these offenses: Count Two, use of a firearm resulting in the death of Cortez Lamont Bailey, a/k/a "Man Man", during and in relation to the violation of 21 U.S.C. § 846 as set forth in Count One of the Third Superseding Indictment, in violation of 18 U.S.C. § 924(j), which carries a possible sentence of death; and Count Seven, use of a firearm resulting in the death of Vance Beasley, during and in relation to the violation of 21 U.S.C. § 846 as set forth in Count One of the Third Superseding Indictment, in violation of 18 U.S.C. § 924(j),

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which carries a possible sentence of death.

The Government proposes to prove the following factors as justifying a sentence of death:

COUNT TWO

USE OF FIREARM RESULTING IN DEATH OF CORTEZ LAMONT BAILEY

A. Statutory Proportionality Factors Enumerated Under 18 U.S.C. § 3591(a)(2)(A)-(D).

1. **Intentional Killing.** The defendant intentionally killed Cortez Lamont Bailey. Section 3591(a)(2)(A).

2. **Intentional Infliction of Serious Bodily Injury.** The defendant intentionally inflicted serious bodily injury that resulted in the death of Cortez Lamont Bailey. Section 3591(a)(2)(B).

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

1. **Grave Risk of Death to Additional Persons.** The defendant, in the commission of the offense, or in escaping apprehension for the offense, knowingly created a grave risk of death to one or more persons in addition to the victim of the offense. Section 3592(c)(5).

2. **Substantial Planning and Premeditation.** The defendant committed the offense after substantial planning and premeditation to cause the death of a person. Section 3592(c)(9).

C. Other, Non-Statutory, Aggravating Factors Identified Under 18 U.S.C. § 3593(a)(2).

1. **Victim Impact Evidence.** As evidenced by the victim's personal characteristics as an individual human being and the impact of the death upon the victim's family and friends, the defendant caused injury, harm and loss to the victim and the victim's family and friends.

2. **Participation in other murders and acts of violence.** As part of the continuing activity described in Count One of the Third Superseding Indictment, the defendant, Aaron Foster, also participated in a kidnaping and obstruction of justice in violation of 18 U.S.C. § 1512 (b) (3), as charged in Count Eight; in a Car Jacking in violation of 18 U.S.C. § 2119(2), as charged in Count Nine; the Use and Brandishing of a Firearm in violation of 18 U.S.C. § 924(c), as charged in Count Ten; and the Murder of Ronald "Wolf" Watson on November 26, 1999.

COUNT SEVEN

USE OF FIREARM RESULTING IN DEATH OF VANCE BEASLEY

A. Statutory Proportionality Factors Enumerated Under 18 U.S.C. § 3591(a) (2) (A) - (D).

1. **Intentional Killing.** The defendant intentionally killed Vance Beasley. Section 3591(a) (2) (A).

2. **Intentional Infliction of Serious Bodily Injury.** The defendant intentionally inflicted serious bodily injury that resulted in the death of Vance Beasley. Section 3591(a) (2) (B).

3. **Intentional Acts to Take Life or Use Lethal Force.** 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 Vance Beasley died as a direct result of the act. Section 3591(a) (2) (C).

4. **Intentional Acts in Reckless Disregard for Life.** 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 Vance Beasley died as a direct result of the act. Section 3591(a) (2) (D).

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

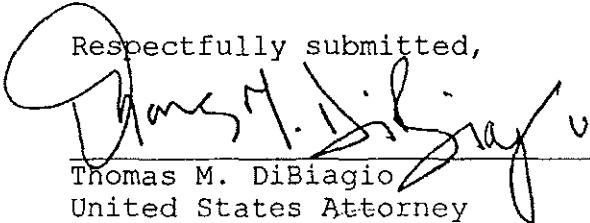
1. **Substantial Planning and Premeditation.** The defendant committed the offense after substantial planning and premeditation to cause the death of a person. Section 3592(c) (9).

C. Other, Non-Statutory, Aggravating Factors Identified Under 18 U.S.C. § 3593(a) (2).

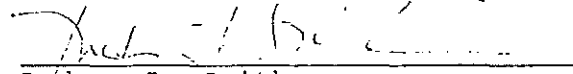
1. **Victim Impact Evidence.** As evidenced by the victim's personal characteristics as an individual human being and the impact of the death upon the victim's family and friends, the defendant caused injury, harm and loss to the victim and the victim's family and friends.

2. **Participation in other murders and acts of violence.** As part of the continuing activity described in Count One of the Third Superseding Indictment, the defendant, Aaron Foster, also participated in a kidnaping and obstruction of justice in violation of 18 U.S.C. § 1512 (b) (3), as charged in Count Eight; in a Car Jacking in violation of 18 U.S.C. § 2119(2), as charged in Count Nine; the Use and Brandishing of a Firearm in violation of 18 U.S.C. § 924(c), as charged in Count Ten; and the Murder of Ronald "Wolf" Watson on November 26, 1999.

Respectfully submitted,



Thomas M. DiBiagio
United States Attorney

By: 

Andrea L. Smith
Assistant United States Attorney

Filed: October 1, 2003.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on the 30th day of September, 2003, a true and correct copy of the foregoing Notice of Intent to Seek the Death Penalty was delivered by hand to the following counsel for the defendant, Aaron DeMarco Foster:

William B. Purpura, Esquire
8 East Mulberry Street
Baltimore, Maryland 21202

Teresa Whalin, Esquire
801 Wayne Avenue, Suite 400
Silver Spring, Maryland 20910

and that a true and correct copy of the foregoing Notice of Intent to Seek the Death Penalty was delivered by hand to the defendant on October 3, 2003.



Andrea L. Smith
Assistant United States Attorney
United States Courthouse
101 West Lombard Street
Baltimore, Maryland 21201
410-209-4858