

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

Richmond Division

UNITED STATES OF AMERICA	)	
	)	
	)	
v.	)	Criminal No. 3:99CR201 - 01
	)	
EUGENE LAMONT FRIEND,	)	
Defendant	)	
_____	)	

**NOTICE OF INTENT TO SEEK A SENTENCE OF DEATH**

COMES NOW the United States of America, pursuant to Title 18, United States Code, Section 3593(a), by its United States Attorney for the Eastern District of Virginia, Helen F. Fahey, and her Assistant United States Attorney, David Novak, and hereby notifies the Court and the defendant, EUGENE LAMONT FRIEND, and his counsel, that in the event of the defendant's conviction of Count Three of the Superseding Indictment, wherein the defendant is charged with carjacking that resulted in the death of Samuel Lam in violation of Title 18, United States Code, Section 2119(3), the Government will seek a sentence of death.

**I. AGGRAVATING FACTORS AS TO COUNT THREE**

The Government will seek to prove the following aggravating factors as the basis for imposition of the death penalty in relation to Count Three of the Superseding Indictment for the killing of Samuel Lam:

**A. Statutory Threshold Findings Enumerated in 18 U.S.C. § 3591(a)(2)(A) through (D):**

1. The defendant, EUGENE LAMONT FRIEND, intentionally killed the victim, Samuel Lam. Section 3591(a)(2)(A).

2. The defendant, EUGENE LAMONT FRIEND, intentionally inflicted serious bodily injury that resulted in the death of the victim, Samuel Lam. Section 3591(a)(2)(B).

3. The defendant, EUGENE LAMONT FRIEND, 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, Samuel Lam, died as a direct result of the act. Section 3591(a)(2)(C).

4. The defendant, EUGENE LAMONT FRIEND, 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, Samuel Lam, 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) through (16):**

1. The defendant, EUGENE LAMONT FRIEND, committed the offense in Count Three as consideration for the receipt, or in the expectation of the receipt, of anything of pecuniary value. Section 3592(c)(8).

2. The defendant, EUGENE LAMONT FRIEND, committed the offense in Count Three 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) and (c):**

1. Defendant EUGENE LAMONT FRIEND participated in repeated criminal activity as alleged in Count One of the Superseding Indictment that escalated in the use of violence that ultimately resulted in the death of Samuel Lam.
2. Defendant EUGENE LAMONT FRIEND participated in the violent hijacking of John Wesley Cummings as alleged in Count Two of the Superseding Indictment on April 10, 1999, which was approximately two (2) weeks prior to the hijacking and murder of Samuel Lam.
3. Defendant EUGENE LAMONT FRIEND was a fugitive from justice when he participated in the hijacking and murder of Samuel Lam.
4. Defendant EUGENE LAMONT FRIEND participated in the criminal offenses alleged in the Superseding Indictment, including the murder of Samuel Lam, with his juvenile brother.
5. Defendant EUGENE LAMONT FRIEND supervised the hijacking and murder of Samuel Lam.
6. Defendant EUGENE LAMONT FRIEND participated in the hijacking and murder of Samuel Lam in furtherance of other criminal activity: drug trafficking.
7. Defendant EUGENE LAMONT FRIEND and his co-conspirators killed Samuel Lam because he was a potential witness to their initial attempt to hijack his truck and trailer.
8. Defendant EUGENE LAMONT FRIEND and his co-conspirators selected Samuel Lam as a victim because they believed that he was more vulnerable to attack because of his age and because he was an independent truck driver traveling alone.
9. The impact of the loss of Samuel Lam on his family is an aggravating factor.

10. Defendant EUGENE LAMONT FRIEND and co-defendant Travis McKinnley Friend discussed killing Charlene Thomas after the murder of Samuel Lam because she was a potential witness against them.

11. While in custody in Dade County, Georgia after being arrested on May 2, 1999, defendant EUGENE LAMONT FRIEND discussed with his brother and co-conspirator Travis McKinnley Friend a plan to falsely allege that they are being prosecuted solely because of their race.

12. The criminal activities of defendant EUGENE LAMONT FRIEND negatively impacted interstate commerce.

13. On or about November 30, 1989, defendant EUGENE LAMONT FRIEND attempted to assault his father, Melvin Friend, with a pipe in Chesterfield County, Virginia.

14. On or about July 9, 1993, defendant EUGENE LAMONT FRIEND was arrested and subsequently pled guilty to the offense of Solicitation to Commit a Lewd Act in the City of Richmond, Virginia.

15. On February 20, 1998, defendant EUGENE LAMONT FRIEND pled nolo contendere to possession of marijuana in Escambia County, Florida.

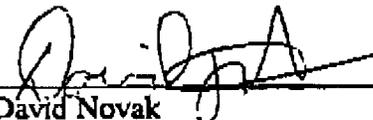
16. Defendant EUGENE LAMONT FRIEND has forsaken his responsibilities as a father to his two children by two different women by never participating in their lives and never paying court-ordered child support.

17. Defendant EUGENE LAMONT FRIEND poses a future danger to inmates and correctional officers in an institutional setting in that he is likely to attempt to escape or engage in acts of violence against others.

The Government further gives notice that, in support of the 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 offenses of conviction as described in the Superseding Indictment as they relate to the background and character of the defendant, EUGENE LAMONT FRIEND, his moral culpability, his future dangerousness, and the nature and circumstances of the offense charged in Count Three of the Superseding Indictment.

Respectfully submitted,

HELEN F. FAHEY  
UNITED STATES ATTORNEY

By:   
David Novak  
Assistant United States Attorney