

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

Richmond Division

UNITED STATES OF AMERICA)	
)	
)	
v.)	Criminal No. 3:99CR201 - 02
)	
TRAVIS McKINNLEY 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, TRAVIS McKINNLEY 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, TRAVIS McKINNLEY FRIEND, intentionally killed the victim, Samuel Lam. Section 3591(a)(2)(A).
2. The defendant, TRAVIS McKINNLEY FRIEND, intentionally inflicted serious bodily injury that resulted in the death of the victim, Samuel Lam. Section 3591(a)(2)(B).
3. The defendant, TRAVIS McKINNLEY 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, TRAVIS McKINNLEY 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, TRAVIS McKINNLEY 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, TRAVIS McKINNLEY 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 **TRAVIS McKINNLEY FRIEND** has engaged in a pattern of juvenile criminal activity, dating from age five (5) years old, as demonstrated by the following:

a. On or about an unknown date in March of 1985, the defendant took a butcher knife into the same room as that of his younger brother, Philip, who was thirteen (13) months old at the time.

b. On or about May 10, 1987, the defendant vandalized a school bus.

c. On or about April 21, 1993, the defendant stole a gym bag from another student at the Carver Middle School in Chesterfield County, Virginia.

d. On or about June 21, 1993, the defendant possessed a firearm in his residence in Chesterfield County, Virginia.

e. On or about May 31, 1994, the defendant possessed a firearm while standing in a park in Chesterfield County, Virginia.

f. On or about July 21, 1994, the defendant beat his younger brother, Philip Friend, with a crutch in Chesterfield, Virginia.

g. On or about February 27, 1995, the defendant possessed a firearm on his person in Chesterfield County, Virginia.

h. On or about September 7, 1995, the defendant possessed a beeper on the property of L.C. Bird High School in Chesterfield County, Virginia.

i. On or about March 29, 1996, the defendant possessed a .357 caliber firearm, while also wearing a "shooter's vest" that contained additional bullets, in the parking lot of L.C.

Bird High School in Chesterfield County, Virginia. The defendant had traveled to L.C. Bird High School in a stolen car.

2. Defendant TRAVIS McKINNLEY FRIEND, while a student in the Chesterfield County school system, repeatedly engaged in misconduct that resulted in multiple suspensions prior to his expulsion.

3. On or about November 15, 1997, defendant TRAVIS McKINNLEY FRIEND possessed marijuana in a shopping mall in Chesterfield County, Virginia, and subsequently pled guilty to the offense of Possession of Drug Paraphernalia.

4. Defendant TRAVIS McKINNLEY FRIEND has repeatedly possessed firearms illegally.

5. Defendant TRAVIS McKINNLEY FRIEND participated in the hijacking and murder of Samuel Lam approximately five (5) days after being released from jail.

6. Defendant TRAVIS McKINNLEY FRIEND participated in the hijacking and murder of Samuel Lam while serving a suspended sentence.

7. Defendant TRAVIS McKINNLEY FRIEND participated in the hijacking and murder of Samuel Lam with his juvenile brother.

8. Defendant TRAVIS McKINNLEY FRIEND participated in the hijacking and murder of Samuel Lam in furtherance of other criminal activity: drug trafficking.

9. Defendant TRAVIS McKINNLEY FRIEND and his co-conspirators killed Samuel Lam because he was a potential witness to their initial attempt to hijack his truck and trailer.

10. Defendant TRAVIS McKINNLEY 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.

11. The impact of the loss of Samuel Lam on his family is an aggravating factor.

12. Defendant TRAVIS McKINNLEY FRIEND and co-defendant Eugene Lamont Friend discussed killing Charlene Thomas after the murder of Samuel Lam because she was a potential witness against them.

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

14. The criminal activities of defendant TRAVIS McKINNLEY FRIEND negatively impacted interstate commerce.

15. Defendant TRAVIS McKINNLEY 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, TRAVIS McKINNLEY FRIEND, his moral culpability, his future dangerousness, and the nature and circumstances of the offense charged in Count Three of the Superseding Indictment.