

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OHIO
WESTERN DIVISION

UNITED STATES OF AMERICA,)	
)	Case No. 3:06CR730
Plaintiff,)	
)	
v.)	
)	
THOMAS ANTHONY GALAN,)	
)	
Defendant.)	

**Notice of Intent to
Seek Death Penalty**

Now comes the United States of America, by and through its counsel, Gregory A. White, United States Attorney, and Joseph R. Wilson and Ava R. Dustin, Assistant United States Attorneys, and pursuant to 18 U.S.C. § 3593(a), notifies the Court and defendant, THOMAS ANTHONY GALAN (“defendant”), that the United States believes the circumstances of the offense charged in Counts Two and Three of the Indictment are such that, in the event of a conviction, 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 the offenses of Murder with a Firearm in Relation to a Drug Trafficking Crime, in violation of

Title 18, United States Code, Section 924(j)(1), each of which Count carries a possible sentence of death.

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

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

The following statutory proportionality factors apply to Counts Two and Three:

1. **Intentional Killing**

Defendant intentionally killed the victim named in the respective count of the indictment.

18 U.S.C. Section 3591(a)(2)(A);

2. **Intentional Infliction of Serious Bodily Injury**

Defendant intentionally inflicted serious bodily injury that resulted in the death of the victim named in the respective count of the indictment. 18 U.S.C. Section 3591(a)(2)(B);

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

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 named in the respective count of the indictment. 18 U.S.C. § 3591(a)(2)(C).

4. **Intentionally and Specifically Engaged in an Act of Violence Creating a Grave Risk of Death**

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 named

in the respective count of the indictment died as a direct result of the act. 18 U.S.C. § 3591(a)(2)(D).

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

The following statutory aggravating factors apply to Counts Two and Three:

1. Defendant committed the offenses charged in Counts Two and Three after substantial planning and premeditation to cause the death of a person. 18 U.S.C. § 3592(c)(9).
2. Defendant committed the offenses charged in Counts Two and Three in expectation of the receipt of anything of pecuniary value. 18 U.S.C. § 3592(c)(8).
3. Defendant, in the commission of the offenses, or in escaping apprehension for the violation of the offenses, knowingly created a grave risk of death to one or more persons in addition to the victim named in the respective count of the indictment. 18 U.S.C. § 3592(c)(5).
4. Defendant intentionally killed more than one person in a single criminal episode. 18 U.S.C. § 3592(c)(16).

C. Other, Non-Statutory, Aggravating Factors Identified under 18 U.S.C. §

3593(a)(2)

The following non-statutory aggravating factor applies to Counts Two and Three:

1. **Victim Impact Evidence**

Defendant caused injury, harm, and loss to the family and friends of the victim named in the respective count of the indictment, as evidenced by his personal characteristics as a human being and the impact of his death on his family and friends.

The Government further gives notice that in support of 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 Indictment as they relate to the background and character of the defendant, THOMAS

ANTHONY GALAN, including his moral culpability, and the nature and circumstances of the offenses charged in the Indictment.

Respectfully submitted,

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/s/Joseph R. Wilson

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CERTIFICATE OF SERVICE

I hereby certify that a copy of the forgoing was electronically filed and forwarded this 14th day of November, 2006 to:

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