

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

UNITED STATES OF AMERICA, v. LARRY GOOCH, DEFENDANT	: Criminal No. 04-128 (RMC) : : : : : : : : : : :
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NOTICE OF INTENT TO SEEK THE DEATH PENALTY

Pursuant to the requirements of 18 U.S.C. § 3593(a), the United States hereby gives notice that it believes that the circumstances of this case are such that, in the event that the defendant LARRY GOOCH is convicted of one or more of the capital offenses relating to the deaths of Yolanda Miller and Calvin Cooper, sentences of death are justified and that the United States will seek the death penalty with regard to each offense. Specifically, the United States will seek sentences of death for Counts 126 and 128 of the Indictment, which charge murders in aid of racketeering, violations of 18 U.S.C. § 1959(a)(1).

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

Pursuant to 18 U.S.C. § 3591(a)(2), the United States will rely on the following proportionality factors to establish the defendant's eligibility for the death penalty with regard to each of Counts 126 and 128:

1. **Intentional Killing**

The defendant intentionally killed Yolanda Miller and Calvin Cooper. (18 U.S.C. § 3591(a)(2)(A)).

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

The defendant intentionally inflicted serious bodily injury that resulted in the deaths of Yolanda Miller and Calvin Cooper. (18 U.S.C. § 3591(a)(2)(B)).

3. **Intentional Acts to Take Life**

The defendant intentionally participated in acts, contemplating that the lives of people would be taken or intending that lethal force would be used in connection with people, other than one of the participants in the offense, and Yolanda Miller and Calvin Cooper died as a direct result of those acts. (18 U.S.C. § 3591(a)(2)(C)).

4. **Acts of Violence with Reckless Disregard for Life**

The defendant intentionally and specifically engaged in acts of violence, knowing that the acts created grave risks of death to persons, other than one of the participants in the offense, such that participation in the acts constituted a reckless disregard for human life and Yolanda Miller and Calvin Cooper died as a direct result of the acts. (18 U.S.C. § 3591(a)(2)(D)).

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

Pursuant to 18 U.S.C. § 3592(c), the United States will rely on the following statutory aggravating factor as justifying a sentence of death with regard to each of Counts 126 and 128:

1. Multiple killings or attempted killings

The 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)

Pursuant to 18 U.S.C. § 3592(c), the United States will rely on the following non-statutory aggravating factors as justifying a sentence of death with regard to Counts 126 and 128:

1. Contemporaneous Convictions

Defendant faces contemporaneous convictions for multiple murders and other serious acts of violence, including murders and the attempted murder of a police officer.

2. Future Dangerousness of the Defendant

The defendant represents a continuing danger to the lives and safety of other persons. The defendant is likely to commit criminal acts of violence in the future that would constitute a continuing and serious threat to the lives and safety of others, as evidenced by, at least, one or more of the following:

(a) Continuing Pattern of Violence

The defendant has engaged in a continuing pattern of violence, attempted violence, and threatened violence, including, at least, the crimes alleged against defendant in the Indictment.

(b) Low rehabilitative potential

The defendant has demonstrated a low potential for rehabilitation as evidenced by his longstanding involvement in criminal activities, including drug trafficking and violence, leading up to the capital offenses charged in the Indictment.

(c) Membership in a criminal street gang

The defendant has demonstrated an allegiance to and active membership in the M Street Crew, an organization falling within the definition of criminal street gangs set forth in 18 U.S.C. § 521(a).

3. Victim Impact Evidence

As reflected by the victims' personal characteristics as human beings and the impact of the offense on the victims and the victims' families, the defendant caused loss, injury, and harm to the victims and the victims' families, see Payne v. Tennessee, 501 U.S. 808, 825-827 (1991), including, but not limited to, the following:

(a) Characteristics of victims

- (i) The defendant caused the death of Yolanda Miller, a 32-year-old, who enjoyed a strong relationship with her family.
- (ii) The defendant caused the death of Calvin Cooper, a 40-year-old, who enjoyed a strong relationship with his family.
- (iii) The defendant caused the death of Christopher Lane, a 19-year-old, who enjoyed a strong relationship with his family.
- (iv) The defendant caused the death of William Cunningham, III, a 27-year-old, who enjoyed a strong relationship with his family.
- (v) The defendant caused the death of Miguel Miles, a 34-year-old, who enjoyed a strong relationship with his family.

(b) Impact of the offense on the families of the victims

The victims' families have suffered severe and irreparable harm.

The Government further gives notice that in support of imposition of the death penalty on Counts 126 and 128, 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, his moral culpability, and the nature and circumstances of the offenses charged in the Indictment.

Respectfully submitted,

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CERTIFICATE OF SERVICE

_____ I HEREBY CERTIFY that a copy of the foregoing was caused to be served upon counsel for the defendant both through the Electronic Filing System: Jensen Barber, Esquire, 400 7th St., NW #400, Washington, DC 20004 and Thomas Heslep, Esquire, 419 7th St., NW #401, Washington, DC 20004, on this 19th day of October, 2005 and served upon them in open court on the 21st day of October, 2005.

AUSA Darlene M. Soltys