

believes that the circumstances of the charged offense are such that, if the defendant Darryl Green is convicted, a sentence of death is justified as to him under Chapter 228 of Title 18 of the United States Code, and if defendant Branden Morris is convicted, a sentence of death is justified as to him under Chapter 228 of Title 18 of the United States Code.

I. **DARRYL GREEN.**

The United States will seek to prove the following factors as justifying a sentence of death as to Darryl Green as to Count Sixteen.

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

1. **Intentional Killing.** The defendant Darryl Green intentionally killed Terrell Gethers. 18 U.S.C. § 3591(a)(2)(A).

2. **Intentional Infliction of Serious Bodily Injury.** The defendant Darryl Green intentionally inflicted serious bodily injury that resulted in the death of Terrell Gethers. 18 U.S.C. § 3591(a)(2)(B).

3. **Intentional Act to Take Life or Use Lethal Force.** The defendant Darryl Green intentionally participated in an act, contemplating that the life of Terrell Gethers would be taken or intending that lethal force would be used in connection with Terrell Gethers, who was not one of the participants in the offense, and Terrell Gethers died as a direct result of the act. 18 U.S.C. § 3591(a)(2)(C).

4. **Intentional Act in Reckless Disregard for Life.** The defendant Darryl Green intentionally and specifically engaged in an act of violence, knowing that the act created a grave risk of death to Terrell Gethers, who was not one of the participants in the offense, such that participation in the act constituted a reckless disregard for human life, and Terrell Gethers died as a direct result of the act. 18 U.S.C. § 3591(a)(2)(D).

B. Statutory Aggravating Factors under 18 U.S.C. §§ 3592(c)(1)-(16):

5. **Grave Risk of Death to Additional Persons.** The defendant Darryl Green, in the commission of the offense, or in escaping apprehension for the violation of the

offense, knowingly created a grave risk of death to one or more persons in addition to Terrell Gethers. 18 U.S.C. § 3592(c)(5).

C. Non-Statutory Factors Under 18 U.S.C. § 3593(a):

6. **Other Serious Acts of Violence: Attempted Murder of Anthony Vaughan.** The defendant, Darryl Green, attempted to murder, and aided and abetted the attempted murder of, Anthony Vaughan on or about July 3, 2001, as set forth in Counts Fourteen and Fifteen of the Superseding Indictment.

7. **Other Serious Acts of Violence: The Attempted Murder of Richard Green.** The defendant, Darryl Green, urged Edward Washington to attempt to murder Richard Green on or about September 16, 2000 and thereafter helped Edward Washington and two other individuals avoid apprehension.

8. **Lack of Remorse.** The defendant lacks remorse for killing Terrell Gethers as demonstrated by his admissions and actions following the murder.

9. **Victim Impact Evidence.** The defendant caused injury, harm, and loss to the victim and the victim's family as demonstrated by the victim's personal characteristics as an individual human being and the impact of the death upon the victim's family. Payne v. Tennessee, 111 S.Ct. 2597, 2608-09 (1991). The murder of Terrell Gethers has caused the Gethers family extreme emotional suffering, and the victim's family has suffered severe and irreparable harm.

I. **BRANDEN MORRIS.**

The United States will seek to prove the following factors as justifying a sentence of death as to Branden Morris as to Count Sixteen.

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

1. **Intentional Killing.** The defendant Branden Morris intentionally killed Terrell Gethers. 18 U.S.C. § 3591(a)(2)(A).

2. **Intentional Infliction of Serious Bodily Injury.** The defendant Branden Morris intentionally inflicted serious bodily injury that resulted in the death of Terrell Gethers. 18 U.S.C. § 3591(a)(2)(B).

3. **Intentional Act to Take Life or Use Lethal Force.** The defendant Branden Morris intentionally participated in an act, contemplating that the life of Terrell Gethers would be taken or intending that lethal force would be used in connection with Terrell Gethers, who was not one of the participants in the offense, and Terrell Gethers died as a direct result of the act. 18 U.S.C. § 3591(a)(2)(C).

4. **Intentional Act in Reckless Disregard for Life.** The defendant Branden Morris intentionally and specifically engaged in an act of violence, knowing that the act created a grave risk of death to Terrell Gethers, who was not one of the participants in the offense, such that participation in the act constituted a reckless disregard for human life, and Terrell Gethers died as a direct result of the act. 18 U.S.C. § 3591(a)(2)(D).

B. Statutory Aggravating Factors under 18 U.S.C. §§ 3592(c)(1)-(16):

5. **Grave Risk of Death to Additional Persons.** The defendant Branden Morris, in the commission of the offense, or in escaping apprehension for the violation of the offense, knowingly created a grave risk of death to one or more persons in addition to Terrell Gethers. 18 U.S.C. § 3592(c)(5).

C. Non-Statutory Factors Under 18 U.S.C. § 3593(a):

6. **Other Serious Acts of Violence: Murder of Shelby Caddell.** The defendant, Branden Morris, murdered, and aided and abetted the murder of, Shelby Caddell on or about August 24, 2001.

7. **Victim Impact Evidence.** The defendant caused injury, harm, and loss to the victim and the victim's family as demonstrated by the victim's personal characteristics as an individual human being and the impact of the death upon the victim's family. Payne v. Tennessee, 111 S.Ct. 2597, 2608-09 (1991). The murder of Terrell Gethers has caused the Gethers family extreme emotional suffering, and the victim's family has suffered severe and irreparable harm.

Respectfully submitted,

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