

FILED

IN THE UNITED STATES DISTRICT COURT FOR THE

EASTERN DISTRICT OF VIRGINIA

Alexandria Division

2005 MAY 30 AM 9:51

U.S. DISTRICT COURT
ALEXANDRIA, VA. VIRGINIA

UNITED STATES OF AMERICA)

v.)

THOMAS MOROCCO HAGER)

No. 1:05CR264

Judge Ellis

NOTICE OF INTENT TO SEEK A SENTENCE OF DEATH

The United States of America, by and through its attorneys, Chuck Rosenberg, United States Attorney for the Eastern District of Virginia, and James L. Trump and Steven D. Mellin, Assistant United States Attorneys, hereby notifies the Court and the defendant, THOMAS MOROCCO HAGER, and his counsel, Joseph J. McCarthy and John C. Kiyonaga, pursuant to Title 21, United States Code, Sections 848(e)(1)(A) and 848(h)(1)(A) & (B), that in the event of the defendant's conviction on the sole count of the Second Superseding Indictment, wherein the defendant is charged with intentionally killing Barbara White, and aiding and abetting said intentional killing, while engaged in an offense punishable under Title 21, United States Code, Section 841(b)(1)(A), the United States will seek a sentence of death.

I. STATUTORY AGGRAVATING FACTORS

The Government will seek to prove the following statutory aggravating factors as the basis for imposition of the death penalty for the intentional killing of Barbara White as charged in the Second Superseding Indictment:

**A. Statutory Aggravating Factors Enumerated under
21 U.S.C. § 848(n) (1) (A) through (D):**

1. The defendant, THOMAS MOROCCO HAGER, intentionally killed Barbara White. Title 21, United States Code, Section 848(n)(1)(A).

2. The defendant, THOMAS MOROCCO HAGER, intentionally inflicted serious bodily injury which resulted in the death of Barbara White. Title 21, United States Code, Section 848(n)(1)(B).

3. The defendant, THOMAS MOROCCO HAGER, intentionally engaged in conduct intending that the victim, Barbara White, be killed and that lethal force be employed against the victim, which resulted in the death of Barbara White. Title 21, United States Code, Section 848(n)(1)(C).

4. The defendant, THOMAS MOROCCO HAGER, intentionally engaged in conduct which the defendant knew would create a grave risk of death to a person, other than one of the participants in the offense, and that conduct resulted in the death of Barbara White. Title 21, United States Code, Section 848(n)(1)(D).

**B. Statutory Aggravating Factors Enumerated under
21 U.S.C. § 848(n) (2) through (12):**

1. The defendant, THOMAS MOROCCO HAGER, has been convicted of another offense resulting in the death of a person, for which a sentence of life imprisonment was authorized by statute. Title 21, United States Code, Section 848(n)(2).

2. The defendant, THOMAS MOROCCO HAGER, has been convicted of two other offenses punishable by a term of imprisonment of more than one year, committed on different occasions, involving the infliction of, or attempted infliction of, serious bodily injury upon another

person. Title 21, United States Code, Section 848(n)(3).

3. The defendant, THOMAS MOROCCO HAGER, knowingly created a grave risk of death to a person in addition to Barbara White in the commission of the offense and in escaping apprehension for the offense. Title 21, United States Code, Section 848(n)(5).

4. The defendant, THOMAS MOROCCO HAGER, committed the offense charged after substantial planning and premeditation. Title 21, United States Code, Section 848(n)(8).

5. The defendant, THOMAS MOROCCO HAGER, distributed a controlled substance, namely, crack cocaine, to a juvenile, in violation of Title 21, United States Code, Section 859. Title 21, United States Code, Section 848(n)(11).

6. The defendant, THOMAS MOROCCO HAGER, committed the offense charged herein in an especially heinous, cruel, or depraved manner in that it involved torture or serious physical abuse to Barbara White. Title 21, United States Code, Section 848(n)(12).

II. NON-STATUTORY AGGRAVATING FACTORS

The United States, pursuant to Title 21, United States Code, Sections 848(h)(1)(B) and 848(k), will seek to prove the following non-statutory aggravating factors as the basis for imposition of the death penalty for the intentional killing of Barbara White as charged in the Second Superseding Indictment:

A. The defendant, THOMAS MOROCCO HAGER, engaged in a pattern of criminal activity, including a pattern of violence, dating from at least age seventeen (17), as demonstrated by the following:

1. On or about April 23, 1990, the defendant, a juvenile at the time, possessed with the intent to distribute cocaine. He was found guilty by an adjudication on or about September 18, 1990.

2. From in or about 1992, and continuing until at least in or about 1997, the defendant repeatedly bought and sold cocaine and crack cocaine in and around Washington, D.C., and directed others to buy and sell cocaine and crack cocaine. The defendant illegally obtained, possessed, used, and carried numerous firearms in relation to and in furtherance of his drug trafficking activities. The defendant regularly used violence and threats of violence to further and protect his drug business.

3. From in or about 1992, and continuing until at least in or about 1997, the defendant repeatedly threatened to rob and did rob at gunpoint individuals, including other drug dealers, of drugs, money and other valuable property, in and around Washington, D.C.

4. On or about December 30, 1992, the defendant and his brother, Terrell Hager, engaged in an exchange of gunfire with rival drug dealers in the 2900 block of Nelson Place, S.E., Washington, D.C. During the exchange, the defendant shot and killed DeCarlos Bannister.

5. On or about October 22, 1993, the defendant shot and severely wounded Christopher Fletcher and Ric Pearson, two rival drug dealers, in Washington, D.C.

6. On or about March 30, 1995, the defendant broke into Jerome Robinson's apartment and shot and killed Robinson. For these crimes, the defendant was convicted of First Degree Burglary while Armed, Felony Murder while Armed, Attempted Robbery while Armed, First Degree Murder while Armed, Possession of a Firearm during a Crime of Violence, Second Degree Murder while Armed, Carrying a Pistol without a License, and Obstruction of Justice. The defendant

was sentenced on March 23, 2001, to a total of 87 years to life in prison for these offenses.

7. On or about February 26, 1996, the defendant directed Loneldon Windsor, his cousin, to kill Cornell Coplin, and, on that date, Windsor shot and killed Coplin.

8. On or about May 16, 1996, the defendant shot and killed Montao Heard in the 1400 block of 25th Street, S.E., Washington, D.C.

9. On or about October 20, 1996, the defendant shot and killed Londell "Lump" Duvall in the 4800 block of Alabama Avenue, S.E., Washington, D.C. Duvall died from multiple gun shot wounds to the head. The defendant was convicted of manslaughter while armed for this killing and was sentenced on June 14, 1999, to 20 years to life in prison.

10. On or about July 3, 1997, the defendant shot and killed Jason Hopkins in an alley in the 2900 block of Nelson Place, S.E., Washington, D.C.

11. On or about November 6, 1999, while incarcerated by the District of Columbia Department of Corrections, the defendant was found in possession of a dangerous weapon, an eight-inch long metal rod with a sharpened point on one end.

12. On or about March 15, 2003, while incarcerated at U.S.P. Pollock, a penitentiary, the defendant was observed hitting another inmate during a large-scale prison fight, which resulted in a prison lock down.

13. On or about April 27, 2004, while incarcerated at U.S.P. Pollock, the defendant was disciplined for possession of a dangerous weapon, an eight-inch long metal shank with a sharpened point on one end.

14. On or about June 29, 2004, while incarcerated at U.S.P. Pollock, the defendant hit and kicked an inmate in the head and body as part of a targeted attack by the defendant and

inmates associated with the defendant against a rival group of other inmates. As a result of the incident, the prison was placed on a week-long lock down.

B. The defendant, THOMAS MOROCCO HAGER, has had little or no gainful employment in his adult life and has supported himself by drug trafficking and robbery.

C. The defendant, THOMAS MOROCCO HAGER, has displayed no remorse for the murder of Barbara White; rather, the defendant bragged that by killing Barbara White and directing his co-conspirators, Arlington Johnson, Jr. and Lonnie Barnett, Jr., to participate in the killing of Barbara White, he trained Johnson and Barnett to kill.

D. The defendant, THOMAS MOROCCO HAGER, poses a future danger to others in that he is likely to commit, and to direct others to commit, additional acts of violence in any setting.

E. The defendant, THOMAS MOROCCO HAGER, caused injury, harm and loss to the victim and the victim's family and friends, as evidenced by the victim's personal characteristics and by the impact of her death upon the victim's family and friends.

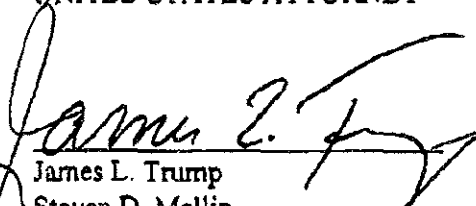
The United States further gives notice that, in support of imposition of the death penalty, it intends to rely upon all the evidence admitted by the Court at the guilt phase of the trial and the offense of conviction as alleged in the Second Superseding Indictment as they relate to the background and character of the defendant, THOMAS MOROCCO HAGER, his moral culpability,

his future dangerousness, and the nature and circumstances of the offense charged in the Second Superseding Indictment.

Respectfully submitted,

CHUCK ROSENBERG
UNITED STATES ATTORNEY

By:



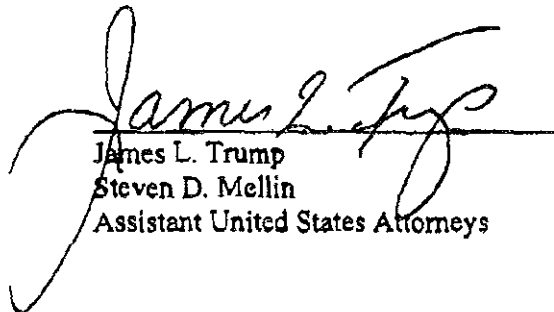
James L. Trump
Steven D. Mellin
Assistant United States Attorneys

CERTIFICATE OF SERVICE

The undersigned hereby certifies that on the 30th day of May, 2006, a copy of the foregoing notice was sent by mail, postage prepaid, and by fax to:

Joseph J. McCarthy
510 King Street, Suite 400
Alexandria, Virginia 22314

John C. Kiyonaga
526 King Street, Suite 213
Alexandria, Virginia 22314



James L. Trump
Steven D. Mellin
Assistant United States Attorneys