

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND**

UNITED STATES OF AMERICA

v.

**ERIC HALL,
a/k/a "E,"**

Defendant

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CRIMINAL NO. WDQ-04-0323

NOTICE OF INTENT TO SEEK THE DEATH PENALTY

COMES NOW the United States of America, pursuant to 18 U.S.C. § 3593(a), by and through its undersigned counsel, and notifies the Court and the defendant in the above-captioned case that the Government believes the circumstances of the offenses charged in Counts Five, Nine, Fourteen, and Nineteen of the Second Superseding Indictment are such that, in the event of the defendant's conviction of one or more of these offenses, 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 these offenses: Count Five charges murder in aid of racketeering in connection with the murder of Dante Green, in violation of Title 18, United States Code, Section 1959(a)(1), which carries a possible sentence of death; Count Nine charges murder in aid of racketeering in connection with the murder of Marvin Nutter, in violation of Title 18, United States Code, Section 1959(a)(1), which carries a possible sentence of death; Count Fourteen charges possession and discharge of a firearm in furtherance of the violations of 21 U.S.C. § 846 as set forth in Counts Three and Four of this Second Superseding Indictment resulting in the death of Dante Green, in violation of 18 U.S.C. § 924(j), which carries a possible sentence of death; and Count Nineteen charges possession and discharge of a firearm

in furtherance of the violations of 21 U.S.C. § 846 as set forth in Counts Three and Four of this Second Superseding Indictment resulting in the death of Marvin Nutter, in violation of 18 U.S.C. § 924(j), which carries a possible sentence of death.

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

COUNT FIVE
MURDER OF DANTE GREEN IN AID OF RACKETEERING

COUNT FOURTEEN
POSSESSION AND DISCHARGE OF A FIREARM IN FURTHERANCE OF A DRUG-TRAFFICKING CRIME RESULTING IN THE DEATH OF DANTE GREEN

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

1. **Intentional Killing.** The defendant intentionally killed Dante Green. Section 3591(a)(2)(A).
2. **Intentional Infliction of Serious Bodily Injury.** The defendant intentionally inflicted serious bodily injury that resulted in the death of Dante Green. Section 3591(a)(2)(B).
3. **Intentional Act to Take Life or Use Lethal Force.** The 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 Dante Green died as a direct result of the act. Section 3591(a)(2)(C).
4. **Intentional Act in Reckless Disregard for Life.** The 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 Dante Green 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. **Pecuniary Gain.** The defendant committed the offense as consideration for the receipt, or in the expectation of the receipt, of anything of pecuniary value. Section 3592(c)(8).

2. **Substantial Planning and Premeditation.** The defendant committed the charged offense after substantial planning and premeditation to cause the death of Dante Green.
Section 3592(c)(9).

**C. Other, Non-Statutory, Aggravating Factors Identified
Under 18 U.S.C. § 3593(a)(2).**

1. **Victim Impact Evidence.** As evidenced by the victim's personal characteristics as an individual human being and the impact of the death upon the victim's family and friends, the defendant caused injury, harm and loss to the victim and the victim's family and friends.

2. **Participation in other murders and acts of violence.** In addition to the capital crimes charged in the Second Superseding Indictment, the defendant also participated in other murders and acts of violence, including but not limited to the attempted murder of Dennis Smith, which is charged as attempted murder in aid of racketeering, in violation of Title 18, United States Code, Section 1959 (Count Seven), conspiracy to commit murder in aid of racketeering, in violation of Title 18, United States Code, Section 1959 (Count Eight), conspiracy to possess a firearm in furtherance of a drug-trafficking crime, in violation of Title 18, United States Code, Section 924(o) (Count Fifteen), and possession of a firearm in furtherance of a drug-trafficking crime, in violation of Title 18, United States Code, Section 924(c) (Count Seventeen); the

attempted murder of Shawn Hawkins, which is charged as attempted murder in aid of racketeering, in violation of Title 18, United States Code, Section 1959 (Count Eleven) and conspiracy to commit murder in aid of racketeering, in violation of Title 18, United States Code, Section 1959 (Count Twelve); the murder of Alfonzo Smithson on or about June 18, 1997; and the murder of Dana Ellerbe on or about December 27, 1998. The defendant also attempted to murder an individual known as "Hank" and conspired to murder an individual known as "Chris."

3. **History of prior convictions.** The defendant has numerous prior convictions, including a March 1988 conviction for possession of a handgun in the Circuit Court for Baltimore City (Indictment Number 28734215), two March 1988 convictions for possession of cocaine in the Circuit Court for Baltimore City (Indictment Numbers 28734216 and 28807404), a July 1989 conviction for possession of narcotics in the Circuit Court for Baltimore City, for which the defendant was sentenced in February 1993, a September 1992 conviction for possession with intent to distribute cocaine in the Circuit Court for Baltimore City, and a February 1999 conviction for assault in the Circuit Court for Baltimore City.

4. **Lack of Remorse.** The defendant has demonstrated a lack of remorse for his victims, including by making statements in which he proudly described his commission of murders and attempted murders and spoke callously about his victims.

COUNT NINE
MURDER OF MARVIN NUTTER IN AID OF RACKETEERING

COUNT NINETEEN
POSSESSION AND DISCHARGE OF A FIREARM IN FURTHERANCE OF A DRUG-TRAFFICKING CRIME RESULTING IN THE DEATH OF MARVIN NUTTER

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

1. **Intentional Killing.** The defendant intentionally killed Marvin Nutter. Section 3591(a)(2)(A).

2. **Intentional Infliction of Serious Bodily Injury.** The defendant intentionally inflicted serious bodily injury that resulted in the death of Marvin Nutter. Section 3591(a)(2)(B).

3. **Intentional Act to Take Life or Use Lethal Force.** The 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 Marvin Nutter died as a direct result of the act. Section 3591(a)(2)(C).

4. **Intentional Act in Reckless Disregard for Life.** The 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 Marvin Nutter 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. **Pecuniary Gain.** The defendant committed the offense as consideration for the receipt, or in the expectation of the receipt, of anything of pecuniary value. Section 3592(c)(8).

2. **Substantial Planning and Premeditation.** The defendant committed the charged offense after substantial planning and premeditation to cause the death of Marvin Nutter. Section 3592(c)(9).

C. Other, Non-Statutory, Aggravating Factors Identified Under 18 U.S.C. § 3593(a)(2).

1. **Victim Impact Evidence.** As evidenced by the victim's personal characteristics as an individual human being and the impact of the death upon the victim's family and friends, the defendant caused injury, harm and loss to the victim and the victim's family and friends.

2. **Participation in other murders and acts of violence.** In addition to the capital crimes charged in the Second Superseding Indictment, the defendant also participated in other murders and acts of violence, including but not limited to the attempted murder of Dennis Smith, which is charged as attempted murder in aid of racketeering, in violation of Title 18, United States Code, Section 1959 (Count Seven), conspiracy to commit murder in aid of racketeering, in violation of Title 18, United States Code, Section 1959 (Count Eight), conspiracy to possess a firearm in furtherance of a drug-trafficking crime, in violation of Title 18, United States Code, Section 924(o) (Count Fifteen), and possession of a firearm in furtherance of a drug-trafficking crime, in violation of Title 18, United States Code, Section 924(c) (Count Seventeen); the attempted murder of Shawn Hawkins, which is charged as attempted murder in aid of racketeering, in violation of Title 18, United States Code, Section 1959 (Count Eleven) and conspiracy to commit murder in aid of racketeering, in violation of Title 18, United States Code, Section 1959 (Count Twelve); the murder of Alfonzo Smithson on or about June 18, 1997; and

the murder of Dana Ellerbe on or about December 27, 1998. The defendant also attempted to murder an individual known as "Hank" and conspired to murder an individual known as "Chris."


3. **History of prior convictions.** The defendant has numerous prior convictions, including a March 1988 conviction for possession of a handgun in the Circuit Court for Baltimore City (Indictment Number 28734215), two March 1988 convictions for possession of cocaine in the Circuit Court for Baltimore City (Indictment Numbers 28734216 and 28807404), a July 1989 conviction for possession of narcotics in the Circuit Court for Baltimore City, for which the defendant was sentenced in February 1993, a September 1992 conviction for possession with intent to distribute cocaine in the Circuit Court for Baltimore City, and a February 1999 conviction for assault in the Circuit Court for Baltimore City.

4. **Lack of Remorse.** The defendant has demonstrated a lack of remorse for his victims, including by making statements in which he proudly described his commission of murders and attempted murders and spoke callously about his victims.

Respectfully submitted,

Rod J. Rosenstein
United States Attorney

By:



Steven H. Levin
Jason M. Weinstein
Assistant United States Attorneys

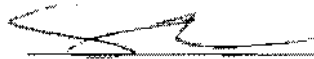
Dated: July ⁿ 1st, 2006

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on the 14th day of July, 2006, a true and correct copy of the foregoing notice of intent to seek the death penalty was mailed via first class mail, postage prepaid thereon, to the following attorneys for Eric Hall:

Christopher Davis, Esq.
Davis & Davis
514 10th St., NW
Ninth Floor
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Thomas J. Saunders, Esq.
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Steven H. Levin
Assistant United States Attorney