

COPY

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
FORT WORTH DIVISION

U.S. DISTRICT COURT
NORTHERN DISTRICT OF TEXAS

FILED

FEB 23 1995

NANCY DOHERTY, CLERK

BY

Deputy

UNITED STATES OF AMERICA

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vs.

NO. 4-94 CR 121-Y

ORLANDO CORDIA HALL (2)

NOTICE OF INTENT TO SEEK THE DEATH PENALTY

COMES NOW, the United States of America, by and through the United States Attorney for the Northern District of Texas, and files, pursuant to Title 18, United States Code, Sections 3591 through 3593, this notice of its intent to seek the death penalty against the defendant, ORLANDO CORDIA HALL, in the event HALL is convicted of Count One of the superseding indictment, which charges kidnapping resulting in death, in violation of Title 18, United States Code, Section 1201(a), and would show the Court and the jury, as follows:

I.

The United States of America believes that the circumstances of the instant offense of kidnapping resulting in death are such that, if the defendant, ORLANDO CORDIA HALL, is convicted, a sentence of death is justified under Chapter 228 of Title 18, United States Code, namely, Title 18, United States Code, Sections 3591(a), 3592(a), and 3592(c).

II.

The United States of America will prove, at a hearing held pursuant to Title 18, United States Code, Section 3593, that:

a. the defendant, **ORLANDO CORDIA HALL**, on or about September 26, 1994, did intentionally kill Lisa Rene by hitting her, and causing her to be hit, in the head with a shovel;

b. the defendant, **ORLANDO CORDIA HALL**, on or about September 26, 1994, did intentionally kill Lisa Rene by causing her to be suffocated;

c. the defendant, **ORLANDO CORDIA HALL**, on or about September 26, 1994, did intentionally inflict serious bodily injury, that resulted in the death of the victim, Lisa Rene, by hitting her, and causing her to be hit, in the head with a shovel;

d. the defendant, **ORLANDO CORDIA HALL**, on or about September 26, 1994, did intentionally inflict serious bodily injury, that resulted in the death of the victim, Lisa Rene, by causing her to be suffocated;

e. the defendant, **ORLANDO CORDIA HALL**, on or about September 26, 1994, did intentionally participate in an act, namely, hit Lisa Rene, and cause her to be hit, in the head with a shovel, contemplating that the life of Lisa Rene would be taken and intending that lethal force would be used in connection with Lisa Rene, and the victim, Lisa Rene, a person other than one of the participants in the offense, died as a direct result of the act;

f. the defendant, **ORLANDO CORDIA HALL**, on or about September 26, 1994, did intentionally participate in an act, namely, cause

Lisa Rene to be suffocated, contemplating that the life of Lisa Rene would be taken and intending that lethal force would be used in connection with Lisa Rene, and the victim, Lisa Rene, a person other than one of the participants in the offense, died as a direct result of the act; and

g. the defendant, ORLANDO CORDIA HALL, on or about September 26, 1994, did intentionally and specifically engage in an act of violence, namely, hit Lisa Rene, and cause her to be hit, in the head with a shovel, 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, Lisa Rene, died as a direct result of the act.

h. the defendant, ORLANDO CORDIA HALL, on or about September 26, 1994, did intentionally and specifically engage in an act of violence, namely, cause Lisa Rene to be suffocated, 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, Lisa Rene, died as a direct result of the act.

III.

The United States of America will prove the following statutory aggravating factors to justify a sentence of death:

a. the defendant, ORLANDO CORDIA HALL, caused the death, and injury resulting in the death of Lisa Rene, which occurred during

the commission of the offense of kidnapping (Title 18, United States Code, Section 3592(c)(1));

b. the defendant, **ORLANDO CORDIA HALL**, committed the offense in an especially heinous, cruel, and depraved manner in that it involved torture and serious physical abuse to the victim, Lisa Rene, by, namely, causing her to fear for her life, causing her to be bound, sexually assaulting her, striking her in the head and body, and burying her (Title 18, United States Code, Section 3592(c)(6));

c. the defendant, **ORLANDO CORDIA HALL**, committed the offense after substantial planning and premeditation to cause the death of Lisa Rene and to commit an act of terrorism against Lisa Rene (Title 18, United States Code, Section 3592(c)(9)); and

d. the victim, Lisa Rene who was a sixteen-year-old student at the time of the offense, was particularly vulnerable due to age (Title 18, United States Code, Section 3592(c)(11)).

IV.

The United States of America will prove the following non-statutory aggravating factors to justify a sentence of death:

a. future dangerousness to the lives and safety of other persons, as evidenced by **HALL**'s specific threats and acts of violence. See Jurek v. Texas, 428 U.S. 262, 272-273, 96 S. Ct. 2950, 2956-2957 (1976) ("probability that the defendant would commit criminal acts of violence that would constitute a continuing threat to society");

b. future dangerousness to the lives and safety of other persons, as evidenced by HALL's lack of remorse;

c. future dangerousness to the lives and safety of other persons, as evidenced by HALL's substantial criminal history, including the following:

1. On February 5, 1986, ORLANDO CORDIA HALL was adjudged delinquent by the juvenile court of Union County, Arkansas, and placed on juvenile probation. The court found that HALL had committed the offense of aggravated robbery.

2. On or about December 19, 1989, in the Circuit Court of Union County, Arkansas, in Cause Number CR-89-548-A, ORLANDO CORDIA HALL was convicted of the offense of possession of cocaine, and was placed on probation for five years. HALL was required to serve thirty days in jail as a condition of probation. On or about July 16, 1992, the same court, in the same cause number, revoked HALL's probation and sentenced HALL to a term of imprisonment of seven years.

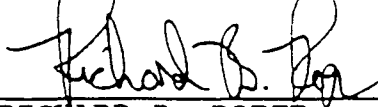
3. On or about October 27, 1992, in the Circuit Court of Union County, Arkansas, in Cause Number CR-91-562, ORLANDO CORDIA HALL was convicted of the offense of conspiracy to distribute cocaine and was sentenced to a term of imprisonment of ten years.

d. Lisa Rene's personal characteristics and the effect of the instant offense on Lisa Rene's family. See 18 U.S.C. § 3593(a) and Payne v. Tennessee, 501 U.S. 808, 111 S. Ct. 2597 (1991).

WHEREFORE, the United States of America, by and through the United States Attorney for the Northern District of Texas, prays that this Court will permit the government to seek the death penalty as to ORLANDO CORDIA HALL and to introduce evidence to the jury in support of such punishment.

Respectfully submitted,

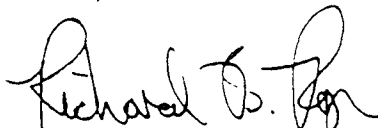
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CERTIFICATE OF SERVICE

I certify that on this the 23rd day of February, 1995, a true and correct copy of the Government's Notice of Intent to Seek the Death Penalty was served by United States First Class mail on Mark G. Daniels and Michael P. Heiskell, counsel for **ORLANDO CORDIA HALL.**



Richard B. Roper
Assistant United States Attorney