

(a) Claron Hanner was at least 18 years of age at the time of the offenses charged in Counts 1 and 6 (18 U.S.C. § 3591(a));

(b) Claron Hanner intentionally killed Frank Helisek, Jr. (18 U.S.C. § 3591(a)(2)(A));

(c) Claron Hanner intentionally inflicted serious bodily injury that resulted in the death of Frank Helisek, Jr. (18 U.S.C. § 3591(a)(2)(B));

(d) Claron Hanner intentionally participated in one or more acts, 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 Frank Helisek, Jr. died as a direct result of such act or acts (18 U.S.C. § 3591(a)(2)(C)); and

(e) Claron Hanner intentionally and specifically engaged in one or more acts of violence, knowing that the act or acts created a grave risk of death to a person, other than one of the participants in the offense, such that participation in such act or acts constituted a reckless disregard for human life, and Frank Helisek, Jr. died as a direct result of such act or acts (18 U.S.C. § 3591(a)(2)(D)).

II. Statutory Aggravating Factors

The government will seek to prove the following statutory aggravating factors as the basis for imposition of the death penalty in relation to the indictment:

(a) **Pecuniary Gain.** Claron Hanner committed the offense as consideration for the receipt, or in the expectation of the receipt, of anything of pecuniary value (18 U.S.C. § 3592(c)(8)); and

(b) **Substantial Planning and Premeditation.** Claron Hanner committed the offense after substantial planning and premeditation to cause the death of a person (18 U.S.C. § 3592(c)(9)).

III. Non-Statutory Aggravating Factors

The government will seek to prove the following non-statutory aggravating factors as the basis for imposition of the death penalty in relation to the indictment:

(a) **Future Dangerousness.** Claron Hanner is likely to commit criminal acts in the future which would be a continuing and serious threat to the lives and safety of other persons, including, but not limited to, inmates and correctional officers in an institutional correctional setting. In addition to committing the acts alleged in the offenses charged in the indictment, including the capital offense, the defendant has demonstrated a low potential for rehabilitation as evidenced by his long-standing

involvement in criminal activities, including but not limited to drug trafficking, possession of deadly weapons, threats of violence and acts of violence both inside and outside of institutional correctional settings.

(b) **Knowingly Targeting an Innocent Victim.** Claron Hanner executed a totally innocent and unsuspecting, and therefore utterly defenseless, victim by shooting him after he lured the victim to the front door of his home, for no reason other than the victim's son had cooperated with law enforcement authorities in an investigation/prosecution of Jelani Solomon.

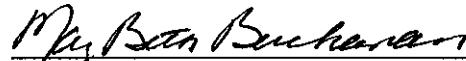
(c) **Motive to Obstruct Justice/to Intimidate or Retaliate Against a Witness.** Claron Hanner was paid to murder Frank Helisek, Jr., so that Jelani Solomon could dissuade Sean Helisek from testifying against him, to retaliate for Helisek's cooperation with law enforcement authorities, and to enhance Solomon's reputation as a drug dealer and ensure that no one ever again informed on him.

(d) **Victim Impact.** The murder of Frank Helisek, Jr. had devastating effects on the lives of his children and family. As reflected by the victim's personal characteristics as an individual human being and the impact of the offense on the victim and the victim's family, Claron Hanner caused loss, injury, and harm to the victim and the victim's family (see Payne v. Tennessee, 501 U.S. 808, 825-27 (1991)).

The government 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 offenses of conviction as described in the indictment as they relate to the background and character of the defendant, Claron Hanner, his moral culpability, and the nature and circumstances of the offenses charged in the indictment.

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Respectfully submitted,



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