

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

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UNITED STATES OF AMERICA	:	
	:	
v.	:	CRIMINAL NO. AMD-04-029
	:	
SHELTON HARRIS,	:	
	:	
Defendant	:	
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	:	...oOo...

**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 Two, Four and Eleven of the Fourth 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 (§§ 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 Two, murder in aid of racketeering of Oliver McCaffity, in violation of 18 U.S.C. § 1959(a)(1) and § 2; Count Four, murder in aid of racketeering of Lisa Brown, in violation of 18 U.S.C. § 1959(a)(1) and § 2; and Count Eleven, possession of a firearm in furtherance of a drug conspiracy and a crime of violence resulting in the death of Lisa Brown, in violation of 18 U.S.C. § 924(j) and § 2; all of which carry a possible sentence of death.

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

**Count Two**

**Murder in Aid of Racketeering of Oliver McCaffity**

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

1. **Intentional Killing.** The defendant intentionally killed Oliver McCaffity. 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 Oliver McCaffity. Section 3591(a)(2)(B).

3. **Intentional Acts 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 Oliver McCaffity died as a direct result of the act. Section 3591(a)(2)(C).

4. **Intentional Acts 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 Oliver McCaffity 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. **Substantial Planning and Premeditation.** The defendant committed the offense after substantial planning and premeditation to cause the death of a person or commit an act of terrorism. Section 3592(c)(9). This is shown by the fact that the defendant killed and aided and abetted the killing of the victim as part of a plan worked out in advance with the co-defendant.

2. **Intentional Killing or Attempted Killing of More than One Person in a Single Criminal Episode.** The defendant killed or attempted to kill more than one person in a single criminal episode. 18 U.S.C. § 3592(c)(16). This is shown by the fact that Lisa Brown, who was seated in the car next to Oliver McCaffity, was killed at the same time Oliver McCaffity was.

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

1. **Victim Impact Evidence.** The defendant caused injury, harm, and loss to the victim's family as evidenced 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).

2. **Additional Charged and Uncharged Acts of Violence.**

The defendant participated in additional acts of violence including but not limited to those charged in Counts 1, 3, 4, 5, 6, 9, 10, 11, 12, 13 and 14 of the Fourth Superseding Indictment.

3. **Lack of Remorse.** The defendant has demonstrated a lack of remorse for the capital offense charged in Count 2 by his statements and actions following the commission of the capital offense charged in Count 2.

4. **Obstruction of Justice.** The defendant retaliated against a witness for providing information and assistance to law enforcement in regard to the investigation or prosecution of the commission or possible commission of the capital offense charged in Count 2, as well as other offenses.

#### Counts Four and Eleven

#### **Murder in Aid of Racketeering of Lisa Brown and Use of a Handgun in Furtherance of Drug Trafficking and of a Crime of Violence Resulting in the Death of Lisa Brown**

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

1. **Intentional Killing.** The defendant intentionally killed Lisa Brown. 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 Lisa Brown. Section 3591(a)(2)(B).

3. **Intentional Acts 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 Lisa Brown died as a direct result of the act. Section 3591(a)(2)(C).

4. **Intentional Acts 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 Lisa Brown 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. **Substantial Planning and Premeditation.** The defendant committed the offense after substantial planning and premeditation to cause the death of a person or commit an act of terrorism. Section 3592(c)(9).

2. **Intentional Killing or Attempted Killing of More than One Person in a Single Criminal Episode.** The defendant killed or attempted to kill more than one person in a single criminal episode. 18 U.S.C. § 3592(c)(16). This is shown by the fact that, Oliver McCaffity, who was seated in the car next to Lisa

Brown, was killed at the same time Lisa Brown was.

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

1. **Victim Impact Evidence.** The defendant caused injury, harm, and loss to the victim's family as evidenced 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).

2. **Additional Charged and Uncharged Acts of Violence.**

The defendant participated in additional acts of violence including but not limited to those charged in Counts 1, 2, 3, 5, 6, 9, 10, 12, 13, 14 and 18 of the Fourth Superseding Indictment.

3. **Lack of Remorse.** The defendant has demonstrated a lack of remorse for the capital offense charged in Counts 4 and 11 by his statements and actions following the commission of the capital offenses charged in Counts 4 and 11.

4. **Obstruction of Justice.** The defendant retaliated against a witness for providing information and assistance to law enforcement in regard to the investigation or prosecution of the commission or possible commission of the capital offenses charged in Counts 4 and 11, as well as other offenses.

Respectfully submitted,

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Dated: July 2, 2007

CERTIFICATE OF SERVICE

I hereby certify that on the 2nd day of July, 2007, 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 of record:

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