

Eight, the kidnapping of Tanji Jackson which resulted in her death in violation of 18 U.S.C. § 1201(a).

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

COUNT ONE

THE FIRST DEGREE MURDER OF TAMIKA BLACK

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

1. **Intentional Killing.** The defendant intentionally killed Tamika Black. 18 U.S.C. § 3591(a)(2)(A).

2. **Intentional Infliction of Serious Bodily Injury.** The defendant intentionally inflicted serious bodily injury that resulted in the death of Tamika Black. 18 U.S.C. § 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 and intending that lethal force would be used in connection with a person, other than one of the participants in the offense, and Tamika Black died as a direct result of the act. 18 U.S.C. § 3591(a)(2)(C).

4. **Intentional Acts of Violence Creating a Grave Risk of Death.** 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 Tamika Black died as a direct result of the act. 18 U.S.C. § 3591(a)(2)(D).

B. Statutory Aggravating Factors Enumerated under 18 U.S.C. § 3592(c).

1. **Death during Commission of Another Crime.** The death and injuries resulting in death occurred during the commission of, attempted commission of, and during the immediate flight from the commission of, an offense under 18 U.S.C. § 1201 (kidnapping). 18 U.S.C. § 3592(c)(1).

2. **Previous Conviction of Violent Felony Involving Firearm.** The defendant has previously been convicted of a federal or state offense punishable by a term of imprisonment of more than one year, involving the use and attempted and threatened use of a firearm (as defined in 18 U.S.C. § 921) against another person. Specifically, the defendant was convicted in the Circuit Court for Prince George's County Maryland, case number CT-96-0395X, of reckless endangerment and assault. The offense occurred on December 10, 1995 and involved the defendant firing a handgun at or into an occupied apartment and in addition firing the same weapon at one individual. 18 U.S.C. § 3592(c)(2).

3. **Conviction for Serious Federal Drug Offense.** The defendant has previously been convicted of a serious federal drug offense in violation of Title II or Title III of the Controlled Substances Act of 1970 (21 U.S.C. § 801, et seq.) for which a

sentence of five or more years imprisonment may be imposed. Specifically, in the District of Maryland, case number PJM-98-0392, the defendant was convicted of distribution of cocaine base in violation of 21 U.S.C. § 841(a). 18 U.S.C. § 3592(c)(12).

4. **Multiple Killings.** The defendant intentionally killed more than one person in a single criminal episode. 18 U.S.C. § 3592(c)(16).

C. 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 and the victim's family because of the effect of the offense on the victim, the victim's personal characteristics as an individual human being and the impact of the death upon the victim and the victim's family. Payne v. Tennessee, 501 U.S. 808, 826-827 (1991); 18 U.S.C. § 3593(a).

2. **Future Dangerousness of the Defendant.** The defendant is likely to commit criminal acts of violence in the future which would be a continuing and serious threat to the lives and safety of others. Simmons v. South Carolina, 512 U.S. 154, 163-164 (1994). In addition to the capital offenses charged in the Indictment and the statutory and non-statutory aggravating factors alleged in this Notice, the defendant has engaged in a continuing pattern of violent conduct, has threatened others with violence, has demonstrated low rehabilitative potential, and/or has

demonstrated lack of remorse, including but not limited to one or more of the following:

(1) On or about November 22, 1996, Willis Mark Haynes was in possession of a loaded semi-automatic pistol.

(2) On or about June 4, 1997, Willis Mark Haynes was transporting a loaded 9mm handgun in a vehicle in Prince George's County, Maryland.

(3) During September 1997, while involved in the distribution of drugs, the defendant advised an undercover officer that if he was arrested he would have to kill the source who introduced him to the undercover officer. Haynes asked to purchase firearms from the undercover officer.

(4) During 1998, in relation to the unlawful distribution of drugs, Haynes told an undercover agent that he (Haynes) would bring some "heat" and assist the undercover agent in retaliation against an individual who had allegedly ripped off the undercover agent.

(5) Willis Mark Haynes has continued to engage in ongoing criminal activities while on probation and subsequent to incarceration in the State of Maryland.

(6) Willis Mark Haynes has stated that, if he feels he will be found guilty, he will attempt to escape from prison.

(7) Willis Mark Haynes has been unable to comply with the rules and regulations while detained in a correctional

facility. This failure is exemplified by, but not limited to, assaultive behavior against at least one other inmate, since his incarceration on or about October 5, 1998 in the Charles County Detention Center.

(8) Willis Mark Haynes has made statements bragging about killing "those bitches."

(9) On or about October 18, 1997, Willis Mark Haynes threatened to kill a person who owed him \$300.00.

3. **Obstruction of Justice.** Willis Mark Haynes has obstructed the investigation of the murders of Tamika Black, Mishann Chinn and Tanji Jackson. This is shown by facts including but not limited to one or more of the following:

(1) Willis Mark Haynes destroyed and removed evidence which implicated Dustin John Higgs and himself in the murders, including but not limited to the destruction of tapes located in the apartment at 13801 Briarwood Drive, Apartment 1924, Laurel, Maryland and throwing the murder weapon into the Anacostia River.

(2) Willis Mark Haynes threatened, encouraged, and enticed other individuals to lie about his whereabouts and involvement in the murders.

(3) In or about late September, 1998, Willis Mark Haynes planned to kill Victor Gloria to silence him regarding the murders of Tamika Black, Mishann Chinn and Tanji Jackson.

COUNT TWO

THE KIDNAPPING OF TAMIKA BLACK
WHICH RESULTED IN DEATH

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

1. **Intentional Killing.** The defendant intentionally killed Tamika Black. 18 U.S.C. § 3591(a)(2)(A).

2. **Intentional Infliction of Serious Bodily Injury.** The defendant intentionally inflicted serious bodily injury that resulted in the death of Tamika Black. 18 U.S.C. § 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 and intending that lethal force would be used in connection with a person, other than one of the participants in the offense, and Tamika Black died as a direct result of the act. 18 U.S.C. § 3591(a)(2)(C).

4. **Intentional Acts of Violence Creating a Grave Risk of Death.** 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 Tamika Black died as a direct result of the act. 18 U.S.C. § 3591(a)(2)(D).

B. Statutory Aggravating Factors Enumerated under 18 U.S.C. § 3592(c).

1. **Previous Conviction of Violent Felony Involving Firearm.** The defendant has previously been convicted of a federal or state offense punishable by a term of imprisonment of more than one year, involving the use and attempted and threatened use of a firearm (as defined in 18 U.S.C. § 921) against another person. Specifically, the defendant was convicted in the Circuit Court for Prince George's County Maryland, case number CT-96-0395X, of reckless endangerment and assault. The offense occurred on December 10, 1995 and involved the defendant firing a handgun at or into an occupied apartment and in addition firing the same weapon at one individual. 18 U.S.C. § 3592(c)(2).

2. **Conviction for Serious Federal Drug Offense.** The defendant has previously been convicted of a serious federal drug offense in violation of Title II or Title III of the Controlled Substances Act of 1970 (21 U.S.C. § 801, et seq.) for which a sentence of five or more years imprisonment may be imposed. Specifically, in the District of Maryland, case number PJM-98-0392, the defendant was convicted of distribution of cocaine base in violation of 21 U.S.C. § 841(a). 18 U.S.C. § 3592(c)(12).

3. **Multiple Killings.** The defendant intentionally killed more than one person in a single criminal episode. 18 U.S.C. § 3592(c)(16).

C. 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 and the victim's family because of the effect of the offense on the victim, the victim's personal characteristics as an individual human being and the impact of the death upon the victim and the victim's family. Payne v. Tennessee, 501 U.S. 808, 826-827 (1991); 18 U.S.C. § 3593(a).

2. **Future Dangerousness of the Defendant.** The defendant is likely to commit criminal acts of violence in the future which would be a continuing and serious threat to the lives and safety of others. Simmons v. South Carolina, 512 U.S. 154, 163-164 (1994). In addition to the capital offenses charged in the Indictment and the statutory and non-statutory aggravating factors alleged in this Notice, the defendant has engaged in a continuing pattern of violent conduct, has threatened others with violence, has demonstrated low rehabilitative potential, and/or has demonstrated lack of remorse, including but not limited to one or more of the following:

(1) On or about November 22, 1996, Willis Mark Haynes was in possession of a loaded semi-automatic pistol.

(2) On or about June 4, 1997, Willis Mark Haynes was transporting a loaded 9mm handgun in a vehicle in Prince George's County, Maryland.

(3) During September 1997, while involved in the distribution of drugs, the defendant advised an undercover officer that if he was arrested he would have to kill the source who introduced him to the undercover officer. Haynes also requested to purchase firearms from the undercover officer.

(4) During 1998, in relation to the unlawful distribution of drugs, Haynes told an undercover agent that he (Haynes) would bring some "heat" and assist the undercover agent in retaliation against an individual who had allegedly ripped off the undercover agent.

(5) Willis Mark Haynes has continued to engage in ongoing criminal activities while on probation and subsequent to incarceration in the State of Maryland.

(6) Willis Mark Haynes has stated that, if he feels he will be found guilty, he will attempt to escape from prison.

(7) Willis Mark Haynes has been unable to comply with the rules and regulations while detained in a correctional facility. This failure is exemplified by, but not limited to, assaultive behavior against at least one other inmate, since his incarceration on or about October 5, 1998 in the Charles County Detention Center.

(8) Willis Mark Haynes has made statements bragging about killing "those bitches."

(9) On or about October 18, 1997, Willis Mark Haynes threatened to kill a person who owed him \$300.00.

3. **Obstruction of Justice.** Willis Mark Haynes has obstructed the investigation of the murders of Tamika Black, Mishann Chinn and Tanji Jackson. This is shown by facts including but not limited to one or more of the following:

(1) Willis Mark Haynes destroyed and removed evidence which implicated Dustin John Higgs and himself in the murders, including but not limited to the destruction of tapes located in the apartment at 13801 Briarwood Drive, Apartment 1924, Laurel, Maryland and throwing the murder weapon into the Anacostia River.

(2) Willis Mark Haynes threatened, encouraged, and enticed other individuals to lie about his whereabouts and involvement in the murders.

(3) In or about late September, 1998, Willis Mark Haynes planned to kill Victor Gloria to silence him regarding the murders of Tamika Black, Mishann Chinn and Tanji Jackson.

COUNT FOUR

THE FIRST DEGREE MURDER OF MISHANN CHINN

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

1. **Intentional Killing.** The defendant intentionally killed Mishann Chinn. 18 U.S.C. § 3591(a)(2)(A).

2. **Intentional Infliction of Serious Bodily Injury.** The defendant intentionally inflicted serious bodily injury that resulted in the death of Mishann Chinn. 18 U.S.C. § 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 and intending that lethal force would be used in connection with a person, other than one of the participants in the offense, and Mishann Chinn died as a direct result of the act. 18 U.S.C. § 3591(a)(2)(C).

4. **Intentional Acts of Violence Creating a Grave Risk of Death.** 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 Mishann Chinn died as a direct result of the act. 18 U.S.C. § 3591(a)(2)(D).

B. Statutory Aggravating Factors Enumerated under 18 U.S.C. § 3592(c).

1. **Death during Commission of Another Crime.** The death and injuries resulting in death occurred during the commission of, attempted commission of, and during the immediate flight from the commission of, an offense under 18 U.S.C. § 1201 (kidnapping). 18 U.S.C. § 3592(c)(1).

2. **Previous Conviction of Violent Felony Involving Firearm.** The defendant has previously been convicted of a federal or state offense punishable by a term of imprisonment of more than one year, involving the use and attempted and threatened use of a firearm (as defined in 18 U.S.C. § 921) against another person, specifically the defendant was convicted in the Circuit Court for Prince George's County Maryland, case number CT-96-0395X, of reckless endangerment and assault. The offense occurred on December 10, 1995 and involved the defendant firing a handgun at or into an occupied apartment and in addition firing the same weapon at one individual. 18 U.S.C. § 3592(c)(2).

3. **Conviction for Serious Federal Drug Offense.** The defendant has previously been convicted of a serious federal drug offense in violation of Title II or Title III of the Controlled Substances Act of 1970 (21 U.S.C. § 801, et seq.) for which a sentence of five or more years imprisonment may be imposed. Specifically, in the District of Maryland, case number PJM-98-0392, the defendant was convicted of distribution of cocaine base in violation of 21 U.S.C. § 841(a). 18 U.S.C. § 3592(c)(12).

4. **Multiple Killings.** The defendant' intentionally killed more than one person in a single criminal episode. 18 U.S.C. § 3592(c)(16).

C. 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 and the victim's family because of the effect of the offense on the victim, the victim's personal characteristics as an individual human being and the impact of the death upon the victim and the victim's family. Payne v. Tennessee, 501 U.S. 808, 826-827 (1991); 18 U.S.C. § 3593(a).

2. **Future Dangerousness of the Defendant.** The defendant is likely to commit criminal acts of violence in the future which would be a continuing and serious threat to the lives and safety of others. Simmons v. South Carolina, 512 U.S. 154, 163-164 (1994). In addition to the capital offenses charged in the Indictment and the statutory and non-statutory aggravating factors alleged in this Notice, the defendant has engaged in a continuing pattern of violent conduct, has threatened others with violence, has demonstrated low rehabilitative potential, and/or has demonstrated lack of remorse, including but not limited to one or more of the following:

(1) On or about November 22, 1996, Willis Mark Haynes was in possession of a loaded semi-automatic pistol.

(2) On or about June 4, 1997, Willis Mark Haynes was transporting a loaded 9mm handgun in a vehicle in Prince George's County, Maryland.

(3) During September 1997, while involved in the distribution of drugs, the defendant advised an undercover officer that if he was arrested he would have to kill the source who introduced him to the undercover officer. Haynes also requested to purchase firearms from the undercover officer.

(4) During 1998, in relation to the unlawful distribution of drugs, Haynes told an undercover agent that he (Haynes) would bring some "heat" and assist the undercover agent in retaliation against an individual who had allegedly ripped off the undercover agent.

(5) Willis Mark Haynes has continued to engage in ongoing criminal activities while on probation and subsequent to incarceration in the State of Maryland.

(6) Willis Mark Haynes has stated that, if he feels he will be found guilty, he will attempt to escape from prison.

(7) Willis Mark Haynes has been unable to comply with the rules and regulations while detained in a correctional facility. This failure is exemplified by, but not limited to, assaultive behavior against at least one other inmate, since his incarceration on or about October 5, 1998 in the Charles County Detention Center.

(8) Willis Mark Haynes has made statements bragging about killing "those bitches."

(9) On or about October 18, 1997, Willis Mark Haynes threatened to kill a person who owed him \$300.00.

3. **Obstruction of Justice.** Willis Mark Haynes has obstructed the investigation of the murders of Tamika Black, Mishann Chinn and Tanji Jackson. This is shown by facts including but not limited to one or more of the following:

(1) Willis Mark Haynes destroyed and removed evidence which implicated Dustin John Higgs and himself in the murders, including but not limited to the destruction of tapes located in the apartment at 13801 Briarwood Drive, Apartment 1924, Laurel, Maryland and throwing the murder weapon into the Anacostia River.

(2) Willis Mark Haynes threatened, encouraged, and enticed other individuals to lie about his whereabouts and involvement in the murders.

(3) In or about late September, 1998, Willis Mark Haynes planned to kill Victor Gloria to silence him regarding the murders of Tamika Black, Mishann Chinn and Tanji Jackson.

COUNT FIVE

**THE KIDNAPPING OF MISHANN CHINN
WHICH RESULTED IN DEATH**

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

1. **Intentional Killing.** The defendant intentionally killed Mishann Chinn. 18 U.S.C. § 3591(a)(2)(A).

2. **Intentional Infliction of Serious Bodily Injury.**

The defendant intentionally inflicted serious bodily injury that resulted in the death of Mishann Chinn. 18 U.S.C. § 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 and intending that lethal force would be used in connection with a person, other than one of the participants in the offense, and Mishann Chinn died as a direct result of the act. 18 U.S.C. § 3591(a)(2)(C).

4. **Intentional Acts of Violence Creating a Grave Risk of Death.** 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 Mishann Chinn died as a direct result of the act. 18 U.S.C. § 3591(a)(2)(D).

B. Statutory Aggravating Factors Enumerated under 18 U.S.C. § 3592(c).

1. **Previous Conviction of Violent Felony Involving Firearm.** The defendant has previously been convicted of a federal or state offense punishable by a term of imprisonment of more than one year, involving the use and attempted and threatened use of a firearm (as defined in 18 U.S.C. § 921) against another person, specifically the defendant was convicted in the Circuit Court for

Prince George's County Maryland, case number CT-96-0395X, of reckless endangerment and assault. The offense occurred on December 10, 1995 and involved the defendant firing a handgun at or into an occupied apartment and in addition firing the same weapon at one individual. 18 U.S.C. § 3592(c)(2).

2. **Conviction for Serious Federal Drug Offense.** The defendant has previously been convicted of a serious federal drug offense in violation of Title II or Title III of the Controlled Substances Act of 1970 (21 U.S.C. § 801, et seq.) for which a sentence of five or more years imprisonment may be imposed. Specifically, in the District of Maryland, case number PJM-98-0392, the defendant was convicted of distribution of cocaine base in violation of 21 U.S.C. § 841(a). 18 U.S.C. § 3592(c)(12).

3. **Multiple Killings.** The defendant intentionally killed more than one person in a single criminal episode. 18 U.S.C. § 3592(c)(16).

C. 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 and the victim's family because of the effect of the offense on the victim, the victim's personal characteristics as an individual human being and the impact of the death upon the victim and the victim's family. Payne v. Tennessee, 501 U.S. 808, 826-827 (1991); 18 U.S.C. § 3593(a).

retaliation against an individual who had allegedly ripped off the undercover agent.

(5) Willis Mark Haynes has continued to engage in ongoing criminal activities while on probation and subsequent to incarceration in the State of Maryland.

(6) Willis Mark Haynes has stated that, if he feels he will be found guilty, he will attempt to escape from prison.

(7) Willis Mark Haynes has been unable to comply with the rules and regulations while detained in a correctional facility. This failure is exemplified by, but not limited to, assaultive behavior against at least one other inmate, since his incarceration on or about October 5, 1998 in the Charles County Detention Center.

(8) Willis Mark Haynes has made statements bragging about killing "those bitches."

(9) On or about October 18, 1997, Willis Mark Haynes threatened to kill a person who owed him \$300.00.

3. **Obstruction of Justice.** Willis Mark Haynes has obstructed the investigation of the murders of Tamika Black, Mishann Chinn and Tanji Jackson. This is shown by facts including but not limited to one or more of the following:

(1) Willis Mark Haynes destroyed and removed evidence which implicated Dustin John Higgs and himself in the murders, including but not limited to the destruction of tapes located in

the apartment at 13801 Briarwood Drive, Apartment 1924, Laurel, Maryland and throwing the murder weapon into the Anacostia River.

(2) Willis Mark Haynes threatened, encouraged, and enticed other individuals to lie about his whereabouts and involvement in the murders.

(3) In or about late September, 1998, Willis Mark Haynes planned to kill Victor Gloria to silence him regarding the murders of Tamika Black, Mishann Chinn and Tanji Jackson.

COUNT SEVEN

THE FIRST DEGREE MURDER OF TANJI JACKSON

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

1. **Intentional Killing.** The defendant intentionally killed Tanji Jackson. 18 U.S.C. § 3591(a)(2)(A).

2. **Intentional Infliction of Serious Bodily Injury.** The defendant intentionally inflicted serious bodily injury that resulted in the death of Tanji Jackson. 18 U.S.C. § 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 and intending that lethal force would be used in connection with a person, other than one of the participants in the offense, and Tanji Jackson died as a direct result of the act. 18 U.S.C. § 3591(a)(2)(C).

4. **Intentional Acts of Violence Creating a Grave Risk of Death.** 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 Tanji Jackson died as a direct result of the act. 18 U.S.C. § 3591(a)(2)(D).

B. Statutory Aggravating Factors Enumerated under 18 U.S.C. § 3592(c).

1. **Death during Commission of Another Crime.** The death and injuries resulting in death occurred during the commission of, attempted commission of, and during the immediate flight from the commission of, an offense under 18 U.S.C. § 1201 (kidnapping). 18 U.S.C. § 3592(c)(1).

2. **Previous Conviction of Violent Felony Involving Firearm.** The defendant has previously been convicted of a federal or state offense punishable by a term of imprisonment of more than one year, involving the use and attempted and threatened use of a firearm (as defined in 18 U.S.C. § 921) against another person, specifically the defendant was convicted in the Circuit Court for Prince George's County Maryland, case number CT-96-0395X, of reckless endangerment and assault. The offense occurred on December 10, 1995 and involved the defendant firing a handgun at or

into an occupied apartment and in addition firing the same weapon at one individual. 18 U.S.C. § 3592(c)(2).

3. **Conviction for Serious Federal Drug Offense.** The defendant has previously been convicted of a serious federal drug offense in violation of Title II or Title III of the Controlled Substances Act of 1970 (21 U.S.C. § 801, et seq.) for which a sentence of five or more years imprisonment may be imposed. Specifically, in the District of Maryland, case number PJM-98-0392, the defendant was convicted of distribution of cocaine base in violation of 21 U.S.C. § 841(a). 18 U.S.C. § 3592(c)(12).

4. **Multiple Killings.** The defendant intentionally killed more than one person in a single criminal episode. 18 U.S.C. § 3592(c)(16).

C. 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 and the victim's family because of the effect of the offense on the victim, the victim's personal characteristics as an individual human being and the impact of the death upon the victim and the victim's family. Payne v. Tennessee, 501 U.S. 808, 826-827 (1991); 18 U.S.C. § 3593(a).

2. **Future Dangerousness of the Defendant.** The defendant is likely to commit criminal acts of violence in the future which would be a continuing and serious threat to the lives and safety of others. Simmons v. South Carolina, 512 U.S. 154,

163-164 (1994). In addition to the capital offenses charged in the Indictment and the statutory and non-statutory aggravating factors alleged in this Notice, the defendant has engaged in a continuing pattern of violent conduct, has threatened others with violence, has demonstrated low rehabilitative potential, and/or has demonstrated lack of remorse, including but not limited to one or more of the following:

(1) On or about November 22, 1996, Willis Mark Haynes was in possession of a loaded semi-automatic pistol.

(2) On or about June 4, 1997, Willis Mark Haynes was transporting a loaded 9mm handgun in a vehicle in Prince George's County, Maryland.

(3) During September 1997, while involved in the distribution of drugs, the defendant advised an undercover officer that if he was arrested he would have to kill the source who introduced him to the undercover officer. Haynes also requested to purchase firearms from the undercover officer.

(4) During 1998, in relation to the unlawful distribution of drugs, Haynes told an undercover agent that he (Haynes) would bring some "heat" and assist the undercover agent in retaliation against an individual who had allegedly ripped off the undercover agent.

(5) Willis Mark Haynes has continued to engage in ongoing criminal activities while on probation and subsequent to incarceration in the State of Maryland.

(6) Willis Mark Haynes has stated that, if he feels he will be found guilty, he will attempt to escape from prison.

(7) Willis Mark Haynes has been unable to comply with the rules and regulations while detained in a correctional facility. This failure is exemplified by, but not limited to, assaultive behavior against at least one other inmate, since his incarceration on or about October 5, 1998 in the Charles County Detention Center.

(8) Willis Mark Haynes has made statements bragging about killing "those bitches."

(9) On or about October 18, 1997, Willis Mark Haynes threatened to kill a person who owed him \$300.00.

3. **Obstruction of Justice.** Willis Mark Haynes has obstructed the investigation of the murders of Tamika Black, Mishann Chinn and Tanji Jackson. This is shown by facts including but not limited to one or more of the following:

(1) Willis Mark Haynes destroyed and removed evidence which implicated Dustin John Higgs and himself in the murders, including but not limited to the destruction of tapes located in the apartment at 13801 Briarwood Drive, Apartment 1924, Laurel, Maryland and throwing the murder weapon into the Anacostia River.

(2) Willis Mark Haynes threatened, encouraged, and enticed other individuals to lie about his whereabouts and involvement in the murders.

(3) In or about late September, 1998, Willis Mark Haynes planned to kill Victor Gloria to silence him regarding the murders of Tamika Black, Mishann Chinn and Tanji Jackson.

COUNT EIGHT

THE KIDNAPPING OF TANJI JACKSON WHICH RESULTED IN DEATH

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

1. **Intentional Killing.** The defendant intentionally killed Tanji Jackson. 18 U.S.C. § 3591(a)(2)(A).

2. **Intentional Infliction of Serious Bodily Injury.** The defendant intentionally inflicted serious bodily injury that resulted in the death of Tanji Jackson. 18 U.S.C. § 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 and intending that lethal force would be used in connection with a person, other than one of the participants in the offense, and Tanji Jackson died as a direct result of the act. 18 U.S.C. § 3591(a)(2)(C).

4. **Intentional Acts of Violence Creating a Grave Risk of Death.** 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 Tanji Jackson died as a direct result of the act. 18 U.S.C. § 3591(a)(2)(D).

B. Statutory Aggravating Factors Enumerated under 18 U.S.C. § 3592(c).

1. **Previous Conviction of Violent Felony Involving Firearm.** The defendant has previously been convicted of a federal or state offense punishable by a term of imprisonment of more than one year, involving the use and attempted and threatened use of a firearm (as defined in 18 U.S.C. § 921) against another person, specifically the defendant was convicted in the Circuit Court for Prince George's County Maryland, case number CT-96-0395X, of reckless endangerment and assault. The offense occurred on December 10, 1995 and involved the defendant firing a handgun at or into an occupied apartment and in addition firing the same weapon at one individual. 18 U.S.C. § 3592(c)(2).

2. **Conviction for Serious Federal Drug Offense.** The defendant has previously been convicted of a serious federal drug offense in violation of Title II or Title III of the Controlled Substances Act of 1970 (21 U.S.C. § 801, et seq.) for which a sentence of five or more years imprisonment may be imposed. Specifically, in the District of Maryland, case number PJM-98-0392,

the defendant was convicted of distribution of cocaine base in violation of 21 U.S.C. § 841(a). 18 U.S.C. § 3592(c)(12).

3. **Multiple Killings.** The defendant intentionally killed more than one person in a single criminal episode. 18 U.S.C. § 3592(c)(16).

C. 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 and the victim's family because of the effect of the offense on the victim, the victim's personal characteristics as an individual human being and the impact of the death upon the victim and the victim's family. Payne v. Tennessee, 501 U.S. 808, 826-827 (1991); 18 U.S.C. § 3593(a).

2. **Future Dangerousness of the Defendant.** The defendant is likely to commit criminal acts of violence in the future which would be a continuing and serious threat to the lives and safety of others. Simmons v. South Carolina, 512 U.S. 154, 163-164 (1994). In addition to the capital offenses charged in the Indictment and the statutory and non-statutory aggravating factors alleged in this Notice, the defendant has engaged in a continuing pattern of violent conduct, has threatened others with violence, has demonstrated low rehabilitative potential, and/or has demonstrated lack of remorse, including but not limited to one or more of the following:

(1) On or about November 22, 1996, Willis Mark Haynes was in possession of a loaded semi-automatic pistol.

(2) On or about June 4, 1997, Willis Mark Haynes was transporting a loaded 9mm handgun in a vehicle in Prince George's County, Maryland.

(3) During September 1997, while involved in the distribution of drugs, the defendant advised an undercover officer that if he was arrested he would have to kill the source who introduced him to the undercover officer. Haynes also requested to purchase firearms from the undercover officer.

(4) During 1998, in relation to the unlawful distribution of drugs, Haynes told an undercover agent that he (Haynes) would bring some "heat" and assist the undercover agent in retaliation against an individual who had allegedly ripped off the undercover agent.

(5) Willis Mark Haynes has continued to engage in ongoing criminal activities while on probation and subsequent to incarceration in the State of Maryland.

(6) Willis Mark Haynes has stated that, if he feels he will be found guilty, he will attempt to escape from prison.

(7) Willis Mark Haynes has been unable to comply with the rules and regulations while detained in a correctional facility. This failure is exemplified by, but not limited to, assaultive behavior against at least one other inmate, since his

incarceration on or about October 5, 1998 in the Charles County Detention Center.

(8) Willis Mark Haynes has made statements bragging about killing "those bitches."

(9) On or about October 18, 1997, Willis Mark Haynes threatened to kill a person who owed him \$300.00.

3. **Obstruction of Justice.** Willis Mark Haynes has obstructed the investigation of the murders of Tamika Black, Mishann Chinn and Tanji Jackson. This is shown by facts including but not limited to one or more of the following:


(1) Willis Mark Haynes destroyed and removed evidence which implicated Dustin John Higgs and himself in the murders, including but not limited to the destruction of tapes located in the apartment at 13801 Briarwood Drive, Apartment 1924, Laurel, Maryland and throwing the murder weapon into the Anacostia River.

(2) Willis Mark Haynes threatened, encouraged, and enticed other individuals to lie about his whereabouts and involvement in the murders.

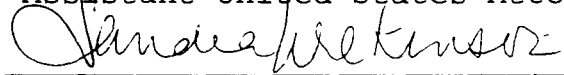
(3) In or about late September, 1998, Willis Mark Haynes planned to kill Victor Gloria to silence him regarding the murders of Tamika Black, Mishann Chinn and Tanji Jackson.

Respectfully submitted,

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CERTIFICATE OF SERVICE

I hereby certify that on this 22nd day of October, 1999, a true and correct copy of the above and foregoing Notice of Intention to Seek the Death Penalty As To Defendant Willis Mark Haynes to be mailed first class, postage prepaid to counsel as follows:

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