

I(14)

IN THE UNITED STATES DISTRICT COURT FOR THE  
DISTRICT OF MARYLAND

UNITED STATES OF AMERICA,	)	
	)	
Plaintiff,	)	
	)	
vs.	)	Case No. PJM-98-0520
	)	
DUSTIN JOHN HIGGS	)	
	)	
Defendant.	)	

NOTICE OF INTENTION TO SEEK THE DEATH PENALTY  
AS TO DEFENDANT DUSTIN JOHN HIGGS

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 One, Two, Four, Five, Seven and Eight of the 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 One, the first degree murder of Tamika Black in violation of 18 U.S.C. § 1111; Count Two, the kidnapping of Tamika Black which resulted in her death in violation of 18 U.S.C. § 1201(a); Count Four, the first degree murder of Mishann Chinn in violation of 18 U.S.C. § 1111; Count Five, the kidnapping of Mishann Chinn which resulted in her death in violation of 18 U.S.C. § 1201(a); Count Seven, the first degree

murder of Tanji Jackson in violation of 18 U.S.C. § 1111; and Count 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 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).

2. **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 Conviction 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-96-1875X, of assault and battery, and Count 2 reckless endangerment. 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).  
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-96-0153,

the defendant was convicted of possession with intent to distribute 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 March 21, 1996, Dustin John Higgs possessed a loaded semi-automatic pistol and approximately 100 rounds of ammunition.

(2) On or about March 10, 1993, Dustin John Higgs carried a handgun on his person in Montgomery County, Maryland.

(3) On or about November 19, 1995, Dustin John Higgs engaged in a drive-by shooting, discharging a firearm at the occupants of a black Nissan automobile in the area of the 1100 block of Ingraham Street, N.W., Washington, D.C.

(4) From at least the summer of 1995 until March 1996, Dustin John Higgs was engaged in the distribution of cocaine base.

(5) In or about September 1995, Dustin John Higgs pulled out a handgun and threatened to injure Enisdia Darby with it.

(6) Dustin John Higgs continued to engage in ongoing criminal activities while on probation and subsequent to incarceration in the State of Maryland.

(7) Dustin John Higgs threatened Janelle Chambers during 1996 to permit Higgs and his associates to use her apartment for their drug trafficking activities.

(8) Since at least January 1999, Dustin John Higgs has stated that he will "get to" Victor Gloria or his family to silence him regarding the murders of Tamika Black, Mishann Chinn and Tanji Jackson.

3. **Obstruction of Justice.** Dustin John Higgs 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) Dustin John Higgs destroyed and removed evidence which implicated Willis Mark Haynes 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 driving Willis Mark Haynes to Washington D.C. where the murder weapon was thrown into the Anacostia River.

(2) Dustin John Higgs threatened, encouraged, and enticed other individuals to lie about his whereabouts, to provide a false alibi and to deny any knowledge concerning his involvement in the murders or his relationship with any of the victims.

(3) From at least January 1999, Dustin John Higgs has planned and solicited individuals to assist him in intimidating Victor Gloria or members of his family to prevent Gloria from testifying against 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 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).

2. **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-96-1875X, of assault and battery, and Count 2 reckless endangerment. 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). 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-96-0153, the defendant was convicted of possession with intent to distribute 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 March 21, 1996, Dustin John Higgs possessed a loaded semi-automatic pistol and approximately 100 rounds of ammunition.

(2) On or about March 10, 1993, Dustin John Higgs carried a handgun on his person in Montgomery County, Maryland.

(3) On or about November 19, 1995, Dustin John Higgs engaged in a drive-by shooting, discharging a firearm at the occupants of a black Nissan automobile in the area of the 1100 block of Ingraham Street, N.W., Washington, D.C.

(4) From at least the summer of 1995 until March 1996, Dustin John Higgs was engaged in the distribution of cocaine base.

(5) In or about September 1995, Dustin John Higgs pulled out a handgun and threatened to injure Enisdia Darby with it.

(6) Dustin John Higgs continued to engage in ongoing criminal activities while on probation and subsequent to incarceration in the State of Maryland.

(7) Dustin John Higgs threatened Janelle Chambers during 1996 to permit Higgs and his associates to use her apartment for their drug trafficking activities.

(8) Since at least January 1999, Dustin John Higgs has stated that he will "get to" Victor Gloria or his family to silence him regarding the murders of Tamika Black, Mishann Chinn and Tanji Jackson.

3. **Obstruction of Justice.** Dustin John Higgs 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) Dustin John Higgs destroyed and removed evidence which implicated Willis Mark Haynes 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 driving Willis Mark Haynes to Washington D.C. where the murder weapon was thrown into the Anacostia River.

(2) Dustin John Higgs threatened, encouraged, and enticed other individuals to lie about his whereabouts, to provide

a false alibi and to deny any knowledge concerning his involvement in the murders or his relationship with any of the victims.

(3) From at least January 1999, Dustin John Higgs has planned and solicited individuals to assist him in intimidating Victor Gloria or members of his family to prevent Gloria from testifying against 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 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).

2. **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-96-1875X, of assault and battery, and Count 2 reckless endangerment. 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-96-0153, the defendant was convicted of possession with intent to distribute 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 March 21, 1996, Dustin John Higgs possessed a loaded semi-automatic pistol and approximately 100 rounds of ammunition.

(2) On or about March 10, 1993, Dustin John Higgs carried a handgun on his person in Montgomery County, Maryland.

(3) On or about November 19, 1995, Dustin John Higgs engaged in a drive-by shooting, discharging a firearm at the occupants of a black Nissan automobile in the area of the 1100 block of Ingraham Street, N.W., Washington, D.C.

(4) From at least the summer of 1995 until March 1996, Dustin John Higgs was engaged in the distribution of cocaine base.

(5) In or about September 1995, Dustin John Higgs pulled out a handgun and threatened to injure Enisdia Darby with it.

(6) Dustin John Higgs continued to engage in ongoing criminal activities while on probation and subsequent to incarceration in the State of Maryland.

(7) Dustin John Higgs threatened Janelle Chambers during 1996 to permit Higgs and his associates to use her apartment for their drug trafficking activities.

(8) Since at least January 1999, Dustin John Higgs has stated that he will "get to" Victor Gloria or his family to silence

him regarding the murders of Tamika Black, Mishann Chinn and Tanji Jackson.

3. **Obstruction of Justice.** Dustin John Higgs 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) Dustin John Higgs destroyed and removed evidence which implicated Willis Mark Haynes 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 driving Willis Mark Haynes to Washington D.C. where the murder weapon was thrown into the Anacostia River.

(2) Dustin John Higgs threatened, encouraged, and enticed other individuals to lie about his whereabouts, to provide a false alibi and to deny any knowledge concerning his involvement in the murders or his relationship with any of the victims.

(3) From at least January 1999, Dustin John Higgs has planned and solicited individuals to assist him in intimidating Victor Gloria or members of his family to prevent Gloria from testifying against 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 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).

2. **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-96-1875X, of assault and battery, and Count 2 reckless endangerment. 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-96-0153, the defendant was convicted of possession with intent to distribute 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 March 21, 1996, Dustin John Higgs possessed a loaded semi-automatic pistol and approximately 100 rounds of ammunition.

(2) On or about March 10, 1993, Dustin John Higgs carried a handgun on his person in Montgomery County, Maryland.

(3) On or about November 19, 1995, Dustin John Higgs engaged in a drive-by shooting, discharging a firearm at the occupants of a black Nissan automobile in the area of the 1100 block of Ingraham Street, N.W., Washington, D.C.

(4) From at least the summer of 1995 until March 1996, Dustin John Higgs was engaged in the distribution of cocaine base.

(5) In or about September 1995, Dustin John Higgs pulled out a handgun and threatened to injure Enisdia Darby with it.

(6) Dustin John Higgs continued to engage in ongoing criminal activities while on probation and subsequent to incarceration in the State of Maryland.

(7) Dustin John Higgs threatened Janelle Chambers during 1996 to permit Higgs and his associates to use her apartment for their drug trafficking activities.

(8) Since at least January 1999, Dustin John Higgs has stated that he will "get to" Victor Gloria or his family to silence him regarding the murders of Tamika Black, Mishann Chinn and Tanji Jackson.

3. **Obstruction of Justice.** Dustin John Higgs 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) Dustin John Higgs destroyed and removed evidence which implicated Willis Mark Haynes 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 driving Willis Mark Haynes to Washington D.C. where the murder weapon was thrown into the Anacostia River.

(2) Dustin John Higgs threatened, encouraged, and enticed other individuals to lie about his whereabouts, to provide

a false alibi and to deny any knowledge concerning his involvement in the murders or his relationship with any of the victims.

(3) From at least January 1999, Dustin John Higgs has planned and solicited individuals to assist him in intimidating Victor Gloria or members of his family to prevent Gloria from testifying against 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 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).

2. **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-96-1875X, of assault and battery, and Count 2 reckless endangerment. 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-96-0153, the defendant was convicted of possession with intent to distribute 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 March 21, 1996, Dustin John Higgs possessed a loaded semi-automatic pistol and approximately 100 rounds of ammunition.

(2) On or about March 10, 1993, Dustin John Higgs carried a handgun on his person in Montgomery County, Maryland.

(3) On or about November 19, 1995, Dustin John Higgs engaged in a drive-by shooting, discharging a firearm at the occupants of a black Nissan automobile in the area of the 1100 block of Ingraham Street, N.W., Washington, D.C.

(4) From at least the summer of 1995 until March 1996, Dustin John Higgs was engaged in the distribution of cocaine base.

(5) In or about September 1995, Dustin John Higgs pulled out a handgun and threatened to injure Enisdia Darby with it.

(6) Dustin John Higgs continued to engage in ongoing criminal activities while on probation and subsequent to incarceration in the State of Maryland.

(7) Dustin John Higgs threatened Janelle Chambers during 1996 to permit Higgs and his associates to use her apartment for their drug trafficking activities.

(8) Since at least January 1999, Dustin John Higgs has stated that he will "get to" Victor Gloria or his family to silence

him regarding the murders of Tamika Black, Mishann Chinn and Tanji Jackson.

3. **Obstruction of Justice.** Dustin John Higgs 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) Dustin John Higgs destroyed and removed evidence which implicated Willis Mark Haynes 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 driving Willis Mark Haynes to Washington D.C. where the murder weapon was thrown into the Anacostia River.

(2) Dustin John Higgs threatened, encouraged, enticed and induced other individuals to lie about his whereabouts, to provide a false alibi and to deny any knowledge concerning his involvement in the murders or his relationship with any of the victims.

(3) From at least January 1999, Dustin John Higgs has planned and solicited individuals to assist him in intimidating Victor Gloria or members of his family to prevent Gloria from testifying against 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 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).

2. **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-96-1875X, of assault and battery, and Count 2 reckless endangerment. 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-96-0153, the defendant was convicted of possession with intent to distribute 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 March 21, 1996, Dustin John Higgs possessed a loaded semi-automatic pistol and approximately 100 rounds of ammunition.

(2) On or about March 10, 1993, Dustin John Higgs carried a handgun on his person in Montgomery County, Maryland.

(3) On or about November 19, 1995, Dustin John Higgs engaged in a drive-by shooting, discharging a firearm at the occupants of a black Nissan automobile in the area of the 1100 block of Ingraham Street, N.W., Washington, D.C.

(4) From at least the summer of 1995 until March 1996, Dustin John Higgs was engaged in the distribution of cocaine base.

(5) In or about September 1995, Dustin John Higgs pulled out a handgun and threatened to injure Enisdia Darby with it.

(6) Dustin John Higgs continued to engage in ongoing criminal activities while on probation and subsequent to incarceration in the State of Maryland.

(7) Dustin John Higgs threatened Janelle Chambers during 1996 to permit Higgs and his associates to use her apartment for their drug trafficking activities.

(8) Since at least January 1999, Dustin John Higgs has stated that he will "get to" Victor Gloria or his family to silence him regarding the murders of Tamika Black, Mishann Chinn and Tanji Jackson.

3. **Obstruction of Justice.** Dustin John Higgs 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) Dustin John Higgs destroyed and removed evidence which implicated Willis Mark Haynes 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 driving Willis Mark Haynes to Washington D.C. where the murder weapon was thrown into the Anacostia River.

(2) Dustin John Higgs threatened, encouraged, enticed and induced other individuals to lie about his whereabouts, to

provide a false alibi and to deny any knowledge concerning his involvement in the murders or his relationship with any of the victims.

(3) From at least January 1999, Dustin John Higgs has planned and solicited individuals to assist him in intimidating Victor Gloria or members of his family to prevent Gloria from testifying against 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 Dustin John Higgs to be mailed first class, postage prepaid to counsel for Higgs as follows:

*Counsel for Dustin John Higgs*

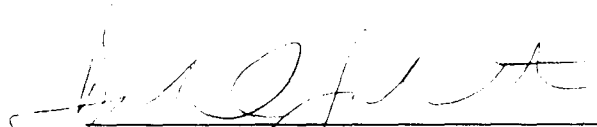
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