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11 UNITED STATES OF AMERICA

12 UNITED STATES DISTRICT COURT

13 FOR THE CENTRAL DISTRICT OF CALIFORNIA

14 UNITED STATES OF AMERICA,) No. CR 05-920(A)-RSWL
15)
Plaintiff,) GOVERNMENT'S NOTICE OF INTENT
16) TO SEEK THE DEATH PENALTY
v.) AGAINST DEFENDANT ANTOINE
17) LAMONT JOHNSON
ANTOINE LAMONT JOHNSON,)
18 aka "OK,")
aka "O Killer,")
19)
Defendant.)
20)

21 NOTICE OF INTENT TO SEEK THE DEATH PENALTY

22 The United States of America, pursuant to 18 U.S.C.
23 § 3593(a), notifies the Court and defendant ANTOINE LAMONT
24 JOHNSON ("defendant"), that the Government believes the
25 circumstances of the offenses charged in Counts One, Two, and
26 Three of the First Superseding Indictment are such that, in the
27 event of a conviction, a sentence of death is justified under
28 Chapter 228 (Sections 3591 through 3598) of Title 18 of the

1 United States Code, and that the Government will seek the
2 sentence of death for the following offenses: conspiracy to
3 interfere with commerce by robbery, in violation of Title 18,
4 United States Code, Section 1951(a) [Count One]; interference
5 with commerce by robbery, in violation of Title 18, United States
6 Code, Section 1951(a) [Count Two]; and using, carrying,
7 brandishing, and discharging a firearm during a crime of violence
8 causing death, in violation of Title 18, United States Code,
9 Sections 924(c)(1)(A)(iii), (j)(1) [Count Three], which carries a
10 possible sentence of death.

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

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

15 The following statutory proportionality factors apply to
16 Count Three.

17 1. **Intentionally Inflicted Serious Bodily Injury that**
18 **Resulted in the Death of the Victim**

19 The defendant intentionally inflicted serious bodily injury that
20 resulted in the death of Evelio Suarez, Jr. 18 U.S.C.
21 § 3591(a)(2)(B).

22 2. **Intentional Acts to Take Life or Use Lethal Force**

23 The defendant intentionally participated in an act, contemplating
24 that the life of a person would be taken or intending that lethal
25 force would be used in connection with a person, other than one
26
27
28

1 c. Lack of Remorse

2 The defendant has demonstrated a lack of remorse for the capital
3 offense committed in this case, as indicated by defendant's
4 statements and actions during the course of and following the
5 offenses alleged in the First Superseding Indictment.

6 2. **Victim Impact Evidence**

7 The defendant caused injury, harm, and loss to the
8 family, friends, and co-workers of Evelio Suarez, Jr. as
9 evidenced by his personal characteristics as a human being and
10 the impact of his death on his family, his friends, and his co-
11 workers.

12 The Government further gives notice that in support of
13 imposition of the death penalty it intends to rely upon all the
14 evidence admitted by the Court at the guilt phase of the trial
15 and the offenses of conviction as described in the First
16 Superseding Indictment as they relate to the background and
17 character of the defendant, ANTOINE LAMONT JOHNSON, his moral

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