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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

H. Stuart Cunningham, Clerk
United States District Court

UNITED STATES OF AMERICA)

v.)

DARRYL JOHNSON)

No. 96 CR 379-1

Hon. Suzanne B. Conlon

NOTICE OF FILING

TO: Jeffrey Urdangen
Cynthia Giacchetti
343 S. Dearborn Street
Chicago, IL 60604

PLEASE TAKE NOTICE that on October 1, 1996 the undersigned filed with the Clerk of this Court,

NOTICE OF INTENT TO SEEK THE DEATH PENALTY

service of which is being made upon you.

Respectfully submitted,

JAMES B. BURNS
United States Attorney


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**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

UNITED STATES

v.

DARRYL JOHNSON

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**No. 96 CR 379-1
Honorable Suzanne B. Conlon**

NOTICE OF INTENT TO SEEK THE DEATH PENALTY

The United States, by its attorney James B. Burns, United States Attorney for the Northern District of Illinois, hereby notifies the Court and the defendant, pursuant to 21 U.S.C. §848(h) and 18 U.S.C. § 3593(a), that in the event of the defendant’s conviction for murdering and intentionally killing Darryl “Blunt” Johnson and Charles “Jello” Banks, as alleged in Counts Five through Eight of the indictment, the government will seek the sentence of death.

The United States hereby notifies the Court and the defendant that, pursuant to 18 U.S.C. §3593(a), the government believes that the circumstances of the offense are such that, if the defendant is convicted of any of these crimes in Counts Five through Eight, a sentence of death is justified under Chapter 228 (Sections 3591-98) of Title 18 and Section 848 of Title 21 of the United States Code.

The government will seek to prove the following aggravating factors as the basis for imposition of the death penalty.

I. COUNT FIVE -- 18 U.S.C. §924(i)²(1) -- MURDER OF DARRYL “BLUNT” JOHNSON

A. Threshold Culpability Factors Enumerated Pursuant to Title 18, United States Code, Sections 3591(a)(2)(A) Through (D)

1. **Intentional Acts to Take Life or Use Lethal Force.** 18 U.S.C. §3591(a)(2)(C). Darryl Lamont Johnson 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 Darryl “Blunt” Johnson died as a result.

2. **Intentional Acts in Reckless Disregard for Life.** 18 U.S.C. § 3591(a)(2)(D).

Darryl Lamont Johnson 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 Darryl “Blunt” Johnson died as a direct result of the act.

B. Statutory Aggravating Factors Enumerated Pursuant to Title 18, United States Code, Sections 3592(c)(1)-(16)

1. **Procurement of Offense By Payment.** 18 U.S.C. §3592(c)(7). Darryl

Lamont Johnson procured the commission of the offense by payment, or promise of payment, of anything of pecuniary value. Specifically, Darryl Lamont Johnson paid money to persons involved in this crime including Anthony Copeland, the person alleged to have shot Darryl “Blunt” Johnson, and Jamie Pugh who participated in the planning of the murder of Darryl “Blunt” Johnson.

2. **Substantial Planning and Premeditation.** 18 U.S.C. §3592(c)(9). Darryl

Lamont Johnson committed the offense after substantial planning and premeditation to cause the death of a Darryl “Blunt” Johnson.

3. **Continuing Criminal Enterprise Involving Drug Sales to Minors.** 18

U.S.C. §3592(c)(13). Darryl Lamont Johnson committed the offense charged in Count Five of the indictment in the course of engaging in a continuing criminal enterprise in violation of section 408 of the Controlled Substances Act (21 U.S.C. 848(c)), and that violation involved the distribution of drugs to persons under the age of 21 in violation of section 418 of that Act (21 U.S.C. 859).

C. **Non-Statutory Aggravating Factors, 18 U.S.C. §3592**

1. **Vileness of the Crime.** The defendant's conduct in committing the offense was substantially greater in degree than that described in the definition of the crime, apart from the statutory aggravating factors. Darryl Lamont Johnson ordered this murder in order to obstruct justice. Darryl "Blunt" Johnson was a potential witness against coconspirators of Darryl Lamont Johnson, including Richard Wash, Jamie Pugh and Scott Davis, as well as against Darryl Lamont Johnson, himself. Darryl Lamont Johnson ordered the murder of Darryl "Blunt" Johnson to prevent the latter from giving any incriminating information and/or testimony.

2. **Future Dangerousness.** The probability the defendant would commit serious acts of violence in the future which would be a continuing and serious threat to society. Darryl Lamont Johnson has engaged in numerous instances of violent criminal conduct including: (1) ordering the murder of Gregory Sharp, a member of the Board of Directors of the Gangster Disciples with whom Johnson was at odds; (2) threatening and ordering the beatings, shootings and/or murders of gang members for violating gang rules; (3) urging and ordering Gangster Disciple members to commit acts of violence against rival gang members, including drive-by shootings; (4) planning to kill a witness against him while Darryl Lamont Johnson was incarcerated at the Metropolitan Correctional Facility; and (5) conviction for the voluntary manslaughter of Jesse Simpson in 1983.

3. **Victim Impact.** The victim's personal characteristics as an individual human being and the impact of the death upon the victim's family. The violent death of Darryl "Blunt" Johnson had a devastating impact upon his mother and surviving siblings.

II. COUNT SIX -- 21 U.S.C. §848(e)(1)(A) -- INTENTIONAL KILLING OF DARRYL "BLUNT" JOHNSON

A. Statutory Aggravating Factors Enumerated Pursuant to Title 21, United States Code, Sections 848(n)(1)(A) Through (D)

1. **Intentional Acts to Take Life or Use Lethal Force.** 21 U.S.C. §848(n)(1)(C). Darryl Lamont Johnson intentionally engaged in conduct intending that the victim be killed or that lethal force be employed against the victim, which resulted in the death of Darryl "Blunt" Johnson.

2. **Intentional Acts in Reckless Disregard for Life.** 21 U.S.C. §848(n)(1)(D). Darryl Lamont Johnson intentionally engaged conduct which the defendant knew would create a grave risk of death to a person, other than one of the participants in the offense, and Darryl "Blunt" Johnson died as a result of the act.

B. Statutory Aggravating Factors Enumerated Pursuant to Title 21, United States Code, Sections 848(n)(2)-(12)

1. **Procurement of Offense By Payment.** 21 U.S.C. §848(n)(6). Darryl Lamont Johnson procured the commission of the offense by payment, or promise of payment, of anything of pecuniary value. Specifically, Darryl Lamont Johnson paid money to persons involved in this crime including Anthony Copeland, the person alleged to have shot Darryl "Blunt" Johnson, and Jamie Pugh who participated in the planning of the murder of Darryl "Blunt" Johnson.

2. **Substantial Planning and Premeditation.** 21 U.S.C. §848(n)(8). Darryl Lamont Johnson committed the offense after substantial planning and premeditation.

3. **Continuing Criminal Enterprise Involving Drug Sales to Minors.** 21

U.S.C. §848(n)(11). Darryl Lamont Johnson committed the offense charged in Count Six of the indictment in the course of engaging in a continuing criminal enterprise, in violation of 21 U.S.C. § 848(e) and that continuing criminal enterprise involved involved the distribution of narcotics to minors in violation of 21 U.S.C. § 859.

C. **Non-Statutory Aggravating Factors, 21 U.S.C. §848(n)**

1. **Vileness of the Crime.** The defendant's conduct in committing the offense was substantially greater in degree than that described in the definition of the crime, apart from the statutory aggravating factors. Darryl Lamont Johnson ordered this murder in order to obstruct justice. Darryl "Blunt" Johnson was a potential witness against coconspirators of Darryl Lamont Johnson, including Richard Wash, Jamie Pugh and Scott Davis, as well as against Darryl Lamont Johnson, himself. Darryl Lamont Johnson ordered the murder of Darryl "Blunt" Johnson to prevent the latter from giving any incriminating information and/or testimony.

2. **Future Dangerousness.** The probability the defendant would commit serious acts of violence in the future which would be a continuing and serious threat to society. Darryl Lamont Johnson has engaged in numerous instances of violent criminal conduct including: (1) ordering the murder of Gregory Sharp, a member of the Board of Directors of the Gangster Disciples with whom Johnson was at odds; (2) threatening and ordering the beatings, shootings and/or murders of gang members for violating gang rules; (3) urging and ordering Gangster Disciple members to commit acts of violence against rival gang members, including drive-by shootings; (4) planning to kill a witness against him while he was incarcerated at the Metropolitan Correctional Facility; and (5) conviction for the voluntary manslaughter of Jesse Simpson in 1983.

3. **Victim Impact.** The victim’s personal characteristics as an individual human being and the impact of the death upon the victim’s family. The violent death of Darryl “Blunt” Johnson had a devastating impact upon his mother and surviving siblings.

III. COUNT SEVEN -- 18 U.S.C. §1121(a)(2) -- MURDER OF CHARLES “JELLO” BANKS

A. Threshold Culpability Factors Enumerated Pursuant to Title 18, United States Code, Sections 3591(a)(2)(A) Through (D)

1. **Intentional Acts to Take Life or Use Lethal Force.** 18 U.S.C. §3591(a)(2)(C). Darryl Lamont Johnson 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 Charles “Jello” Banks died as a result.

2. **Intentional Acts in Reckless Disregard for Life.** 18 U.S.C. §3591(a)(2)(D). Darryl Lamont Johnson 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 Charles “Jello” Banks died as a direct result of the act.

B. Statutory Aggravating Factors Enumerated Pursuant to Title 18, United States Code, Sections 3592(c)(1)-(16)

1. **Previous conviction of violent felony involving a firearm.** For any offense, other than an offense for which a sentence of death is sought on the basis of 18 U.S.C. §924(c), 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 or attempted or threatened use of a firearm (as defined in 18 U.S.C. §921) against another person. 18 U.S.C. §3592(c)(2). On October 31,

1983, Darryl Lamont Johnson shot Jesse Simpson to death with a firearm. On November 19, 1984, Darryl Lamont Johnson was convicted of voluntary manslaughter. Voluntary Manslaughter at that time was punishable in Illinois by a term of imprisonment of more than one year.

2. **Procurement of Offense By Payment.** 18 U.S.C. §3592(c)(7). Darryl Lamont Johnson procured the commission of the offense by payment, or promise of payment, of anything of pecuniary value. These payments included Darryl Lamont Johnson paying Quan John Ray with an automobile for executing the murder of Charles “Jello” Banks.

3. **Substantial Planning and Premeditation.** 18 U.S.C. §3592(c)(9). Darryl Lamont Johnson committed the offense after substantial planning and premeditation to cause the death of Charles “Jello” Banks.

4. **Continuing Criminal Enterprise Involving Drug Sales to Minors.** 18 U.S.C. §3592(c)(13). Darryl Lamont Johnson committed the offense charged in Count Seven of the indictment in the course of engaging in a continuing criminal enterprise in violation of section 408 of the Controlled Substances Act (21 U.S.C. 848(c)), and that violation involved the distribution of drugs to persons under the age of 21 in violation of section 418 of that Act (21 U.S.C. 859).

C. Non-Statutory Aggravating Factors, 18 U.S.C. §3592

1. **Future Dangerousness.** The probability the defendant would commit serious acts of violence in the future which would be a continuing and serious threat to society. Darryl Lamont Johnson has engaged in numerous instances of violent criminal conduct including: (1) ordering the murder of Gregory Sharp, a member of the Board of Directors of the Gangster Disciples with whom Johnson was at odds; (2) threatening and ordering the beatings, shootings and/or murders of gang members for violating gang rules; (3) urging and ordering Gangster Disciple members to

commit acts of violence against rival gang members, including drive-by shootings; (4) planning to kill a witness against him while he was incarcerated at the Metropolitan Correctional Facility; and (5) conviction for the voluntary manslaughter of Jesse Simpson in 1983.

IV. COUNT EIGHT -- 21 U.S.C. §848(e)(1)(A) -- INTENTIONAL KILLING OF CHARLES "JELLO" BANKS

A. Statutory Aggravating Factors Enumerated Pursuant to Title 21, United States Code, Sections 848(n)(1)(A) Through (D)

1. **Intentional Acts to Take Life or Use Lethal Force.** 21 U.S.C. §848(n)(1)(C). Darryl Lamont Johnson intentionally engaged in conduct intending that the victim be killed or that lethal force be employed against the victim, which resulted in the death of Charles "Jello" Banks.

2. **Intentional Acts in Reckless Disregard for Life.** 21 U.S.C. §848(n)(1)(D). Darryl Lamont Johnson intentionally engaged conduct which the defendant knew would create a grave risk of death to a person, other than one of the participants in the offense, and Charles "Jello" Banks died as a result of the act.

B. Statutory Aggravating Factors Enumerated Pursuant to Title 21, United States Code, Sections 848(n)(2)-(12)

1. **Procurement of Offense By Payment.** 21 U.S.C. §848(n)(6). Darryl Lamont Johnson procured the commission of the offense by payment, or promise of payment, of anything of pecuniary value. These payments included Darryl Lamont Johnson paying Quan John Ray with an automobile for executing the murder of Charles "Jello" Banks.

2. **Substantial Planning and Premeditation.** 21 U.S.C. §848(n)(8). Darryl Lamont Johnson committed the offense after substantial planning and premeditation.

3. **Continuing Criminal Enterprise Involving Drug Sales to Minors.** 18

U.S.C. §3592(c)(13). Darryl Lamont Johnson committed the offense charged in Count Eight of the indictment in the course of engaging in a continuing criminal enterprise in violation of 21 U.S.C. §848(e), and that continuing criminal enterprise involved the distribution of drugs to persons under the age of 21 in violation of 21 U.S.C. §859.

C. **Non-Statutory Aggravating Factors, 21 U.S.C. §848(h)(1)(B)**

1. **Vileness of the Crime.** The defendant's conduct in committing the offense was substantially greater in degree than that described in the definition of the crime, apart from the statutory aggravating factors. Darryl Lamont Johnson ordered this murder because he believed that Charles "Jello" Banks was a person cooperating with federal law enforcement authorities. Darryl Lamont Johnson ordered the murder of Charles "Jello" Banks to obstruct the effective enforcement of the criminal laws.

2. **Future Dangerousness.** The probability the defendant would commit serious acts of violence in the future which would be a continuing and serious threat to society. Darryl Lamont Johnson has engaged in numerous instances of violent criminal conduct including: (1) ordering the murder of Gregory Sharp, a member of the Board of Directors of the Gangster Disciples with whom Johnson was at odds; (2) threatening and ordering the beatings, shootings and/or murders of gang members for violating gang rules; (3) urging and ordering Gangster Disciple members to commit acts of violence against rival gang members, including drive-by shootings; (4) planning to kill

a witness against him while he was incarcerated at the Metropolitan Correctional Facility; and (5) conviction for the voluntary manslaughter of Jesse Simpson in 1983.

Respectfully submitted,

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STATE OF ILLINOIS)
) SS
COUNTY OF COOK)

AFFIDAVIT OF MAILING

Peggy M. Zabinski, being first duly sworn on oath, deposes and says that she is employed in the Office of the United States Attorney for the Northern District of Illinois, that on the 1st day of October, 1996, she placed a copy of:

NOTICE OF INTENT TO SEEK THE DEATH PENALTY

in a postage prepaid envelope addressed to the following named individual(s), and deposited envelope(s) in the United States mail chute, located in the United States Courthouse, Chicago, Illinois, on said date at the hour of about 5:00 p.m. to:

Jeffrey Urdangen
Cynthia Giacchetti
343 S. Dearborn Street
Chicago, IL 60604

Peggy M. Zabinski
SUBSCRIBED AND SWORN TO BEFORE ME

this 1st day of October, 1996

Lucille Moore
NOTARY PUBLIC

