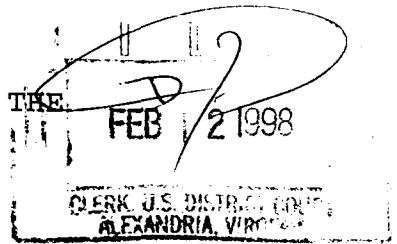


IN THE UNITED STATES DISTRICT COURT FOR THE
EASTERN DISTRICT OF VIRGINIA
Alexandria Division



UNITED STATES OF AMERICA)
)
 v.) CRIMINAL NO. 97-00314-A
)
 SHAHEEM JOHNSON,)
)
 Defendant.)

NOTICE OF INTENT TO SEEK THE DEATH SENTENCE

The United States hereby gives notice, pursuant to 18 U.S.C. 3593(a), that the government believes that the circumstances of the offenses charged in Counts Three, Four and Six of the indictment in this case are such that, if the defendant is convicted of any one or more of these offenses, a sentence of death is justified under 18 U.S.C., Chapter 228, and that the government will seek the sentence of death.

COUNTS THREE AND SIX

The aggravating factors that, if the defendant is convicted on either Count Three or Count Six of the pending superseding indictment, both of which charge him with the murder of Bernard Franklin, the government proposes to prove as justifying the sentence of death, pursuant to 18 U.S.C. 3591, are as follows:

1. That the defendant intentionally killed the victim, Bernard Franklin. (18 U.S.C. 3591(a)(2)(A))
2. That the defendant intentionally inflicted serious bodily injury that resulted in the death of the victim. (18 U.S.C. 3591(a)(2)(B))

3. That 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 the victim died as a direct result of the act. (18 U.S.C. 3591(a)(2)(C))

4. That 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 the victim died as a direct result of the act. (18 U.S.C. 3591(a)(2)(D))

5. That the defendant has previously been convicted of first degree robbery in the State of New York, an offense punishable by a term of imprisonment of more than 1 year, which offense involved the use and attempted use and threatened use of a firearm against another person. (18 U.S.C. 3592(c)(2))

6. That the defendant, in the commission of the offense, knowingly created a grave risk of death to one or more persons in addition to the victim of the offense. (18 U.S.C. 3592(c)(5))

7. That the defendant committed the offense after substantial planning and premeditation to cause the death of Bernard Franklin. (18 U.S.C. 3592(c)(9))

8. That the defendant, in committing the offense and in furtherance of a continuing criminal enterprise of which the offense was a part, used a firearm and knowingly directed,

advised, authorized, and assisted others to use firearms to threaten, intimidate, assault and injure a person.

9. That the defendant participated in the additional murder of Richard Villa as charged in Count Four of this indictment, and that he procured the commission of that murder by payment.

10. That the defendant has demonstrated no remorse with respect to his killing of the victim.

11. That the defendant poses a future danger to society in that he is likely to engage in acts of violence against others if he is ever released from incarceration, as evidenced by his violent conduct in this case and by specific threats of violence to other persons that he asked Eldon Brown to kill.

12. That the murder of the victim has had a profound and damaging impact on his family and friends.

COUNT FOUR

The aggravating factors that, if the defendant is convicted on Count Four of the pending superseding indictment, the government proposes to prove as justifying the sentence of death, pursuant to 18 U.S.C. 3591, are as follows:

1. That 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 the victim, Richard Villa, died as a direct result of the act.

(18 U.S.C. 3591(a)(2)(C))

2. That 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 the victim, Richard Villa, died as a direct result of the act. (18 U.S.C. 3591(a)(2)(D))

3. That the defendant has previously been convicted of first degree robbery in the State of New York, an offense punishable by a term of imprisonment of more than 1 year, which offense involved the use and attempted use and threatened use of a firearm against another person. (18 U.S.C. 3592(c)(2))

4. That the defendant procured the commission of the offense by payment and promise of payment of something of pecuniary value. (18 U.S.C. 3592(c)(7))

5. That the defendant committed the offense after substantial planning and premeditation to cause the death of a person. (18 U.S.C. 3592(c)(9))

6. That the victim, Richard Villa, was killed in an effort by the defendant to obstruct justice by silencing a potential witness against him.

7. That the defendant, in committing the offense and in furtherance of a continuing criminal enterprise of which the offense was a part, used a firearm and knowingly directed, advised, authorized, and assisted others to use firearms to threaten, intimidate, assault and injure a person.

8. That the defendant participated in the additional murder of Bernard Franklin as charged in Counts Three and Six of this indictment.

9. That the defendant has demonstrated no remorse with respect to his killing of the victim.

10. That the defendant poses a future danger to society in that he is likely to engage in acts of violence against others if he is ever released from incarceration, as evidenced by his violent conduct in this case and by specific threats of violence to other persons that he asked Eldon Brown to kill.

11. That the murder of the victim has had a profound and damaging impact on his family and friends.

Pursuant to 18 U.S.C. 3593(a), the government reserves the right to amend this notice upon a showing of good cause and the permission of the Court.


The government further advises the Court that on January 9, 1998, it gave verbal notice in open court to counsel for defendant that the Attorney General had authorized the United States Attorney for the Eastern District of Virginia to seek the death penalty. The government had verbally notified counsel for

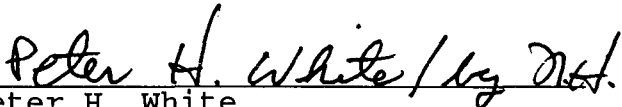
the defendant over the telephone approximately one week earlier of this authorization from the Attorney General.

Respectfully submitted,

HELEN F. FAHEY
UNITED STATES ATTORNEY

By:


W. Neil Hammerstrom, Jr.
Assistant United States Attorney


Peter H. White
Assistant United States Attorney

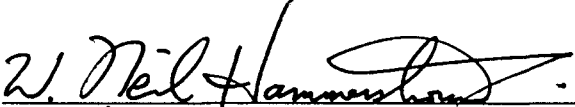
CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true copy of the foregoing Government's Notice of Intent to Seek the Death Sentence was sent by first class, certified mail and facsimile transmission this 12th day of February 1998 to:

Kenneth M. Robinson, Esq.
Dennis M. Hart, Esq.
The Robinson Law Firm
717 D Street, N.W., Fourth Floor
Washington, D.C. 20004

(202) 347-0081 (fax)

By:


W. Neil Hammerstrom, Jr.
Assistant United States Attorney