

## UNITED STATES DISTRICT COURT

## DISTRICT OF CONNECTICUT

UNITED STATES OF AMERICA :  
 :  
 v. : Docket Number: 3:99CR264(AHN)  
 :  
 LUKE JONES, a.k.a. "Mega" : July 31, 2002

**NOTICE OF INTENT TO SEEK A SENTENCE OF DEATH**

The United States of America hereby notifies the Court and the defendant, LUKE JONES, a.k.a. "Mega", and his counsel, that in the event of the defendant's conviction on any of Counts Sixteen or Twenty-two of the Fifth Superseding Indictment, wherein the defendant is charged respectively with Murder in Aid of Racketeering, in violation of Title 18, United States Code, Section 1959, the Government will seek the sentence of death, in that the circumstances of the offenses are such that a sentence of death is justified.

**I. Statutory Threshold Findings Enumerated in 18 U.S.C. § 3591(a)(2):**

The Government will seek to prove the following threshold findings as the basis for imposition of the death penalty in relation to Counts Sixteen and/or Twenty-two of the Fifth Superseding Indictment:

- A. The defendant, LUKE JONES, a.k.a. "Mega", intentionally killed the victims.  
 Section 3591(a)(2)(A).
- B. The defendant, LUKE JONES, a.k.a. "Mega", intentionally inflicted serious bodily injury that resulted in the death of the victims. Section 3591(a)(2)(B).
- C. The defendant, LUKE JONES, a.k.a. "Mega", intentionally participated in acts, 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 the victims died as a direct result of the defendant's acts. Section 3591(a)(2)(C).

D. The defendant, LUKE JONES, a.k.a. "Mega", intentionally and specifically engaged in acts of violence, knowing that the acts created a grave risk of death to a person, other than one of the participants in the offenses, such that participation in the acts constituted a reckless disregard for human life and the victims died as a direct result of the defendant's acts. Section 3591(a)(2)(D).

**II. Statutory Aggravating Factors Enumerated under 18 U.S.C. § 3592(c)(1) through (16):**

The Government will seek to prove the following statutory aggravating factors as the basis for imposition of the death penalty in relation to Counts Sixteen and Twenty-two of the Fifth Superseding Indictment:

A. The defendant, LUKE JONES, a.k.a. "Mega", has previously been convicted of a State offense punishable by a term of imprisonment of more than one year, involving the use of a firearm (as defined in 18 U.S.C. § 921) against another person. Section 3592(c)(2).

*Mansl. Committed when was 16*

B. The defendant, LUKE JONES, a.k.a. "Mega", committed the offense described in Count Twenty-two after substantial planning and premeditation to cause the death of a person. Section 3592(c)(9).

*no way - these were simultaneous acts*

**III. Other Non-Statutory Aggravating Factors Identified under 18 U.S.C. § 3593(a) and (c):**

The Government will seek to prove the following non-statutory aggravating factors as the basis for imposition of the death penalty in relation to Counts Sixteen and Twenty-two of the Fifth Superseding Indictment:

**A. Future Dangerousness of the Defendant.**

1. The defendant, LUKE JONES, a.k.a. "Mega", represents a continuing danger to the lives and safety of other persons. The defendant has committed the acts alleged in the capital offenses charged in the Fifth Superseding Indictment and in the statutory and non-statutory aggravating factors contained in this Notice, and in addition, has committed and exhibited acts and characteristics including but not limited to the following:

(a) With respect to his 1986 conviction for Manslaughter in the First Degree, the defendant has exhibited a lack of remorse for his commission of that offense.

(b) With respect to a 1995 arrest and prosecution for Murder, the defendant attempted to obstruct and impede the administration of justice by tampering with a witness or witnesses.

(c) With respect to a 1996 arrest and prosecution for a Murder committed in 1994, the defendant attempted to obstruct and impede the administration of justice by tampering with a witness or witnesses.

(d) The defendant has lain in wait while armed with a firearm in order to attempt to murder a witness or witnesses to the defendant's commission of a murder.

(e) In or about January of 1999, the defendant participated in a conspiracy to murder another individual, Lawson Day, and encouraged, importuned and aided and abetted another person who, with malice aforethought, attempted to murder Mr. Day by shooting him in the head, which resulted in substantial pain, suffering and impairment to the victim.

(f) The defendant has engaged in a pattern of intimidating witnesses and potential witnesses to his acts of violence.

*Δ aggravated*  
*Δ aggravated*

## B. Other Crimes of Violence

1. The defendant, LUKE JONES, a.k.a. "Mega", has participated in other crimes of violence. The defendant has committed the acts alleged in the capital offenses charged in the Fifth Superseding Indictment and in the statutory and non-statutory aggravating factors contained in this Notice, and in addition, has committed other crimes of violence including but not limited to the following:

(a) In or about 1994, the defendant participated in the murder of another individual.

(b) In or about 1995, the defendant was involved in and participated in criminal activity which resulted in the shooting deaths of two individuals.

(c) The defendant has lain in wait while armed with a firearm in order to attempt to murder a witness or witnesses to the defendant's commission of a murder.

(d) In or about January of 1999, the defendant participated in a conspiracy to murder another individual, Lawson Day, and encouraged, importuned and aided another person who, with malice aforethought, attempted to murder Mr. Day by shooting him in the head which resulted in substantial pain, suffering and impairment to the victim.

(e) On or about November 6, 1999, the defendant and others armed themselves with large capacity semi-automatic handguns, ammunition, bullet-proof vests, and police radio scanners and traveled to the P.T. Barnum Housing Project for the purpose of murdering a witness to drug trafficking activity.

(f) The defendant has used violence and intimidation to promote his narcotics trafficking offenses.

*Mans  
conv  
aggravated*

### C. Victim Impact Evidence

1. As reflected by the personal characteristics as individual human beings and the impact of the offenses on Anthony Scott and Monteneal Lawrence and their respective families, the defendant caused loss, injury, and harm to the victims and their families, see Payne v. Tennessee, 501 U.S. 808, 825-827 (1991), including, but not limited to, the following:

(a) Infliction of distress on the victims. During the period of time immediately before they were shot and in the period of time before they died, the victims, Anthony Scott and Monteneal Lawrence, suffered extreme anxiety and emotional suffering. This factor, non-statutory aggravating factor C 1 (a), applies to both Counts Sixteen and Twenty-two.

(b) Impact of the offense on the families of the victims. The murders of Anthony Scott and Monteneal Lawrence has caused their respective families extreme emotional suffering, and the victims' families have suffered severe and irreparable harm. This factor, non-statutory aggravating factor C 1 (b), applies to both Counts Sixteen and Twenty-two.

2. The defendant, LUKE JONES, a.k.a. "Mega", has demonstrated a lack of remorse for his criminal conduct.

The Government further gives notice that in support of imposition of the death penalty it intends to rely upon all the evidence admitted by the Court at the guilt phase of the trial and the offenses of conviction as described in the Fifth Superseding Indictment as they relate to the background and character of the defendant, LUKE JONES, a.k.a. "Mega", his moral culpability, and the nature and circumstances of the offenses charged in the Fifth Superseding Indictment.

**D. Operation of Drug Enterprise Through the Use of Firearms, Employment of Minors, and Distribution in Close Proximity to a Grade School**

1. The defendant, LUKE JONES, a.k.a. "Mega", and his co-defendants and associates, regularly carried firearms during and in relation to their narcotics trafficking activity.

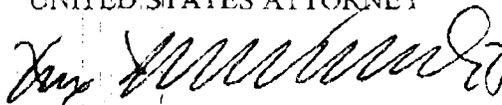
2. The defendant, LUKE JONES, a.k.a. "Mega", and his co-defendants and associates, employed minors, that is, individuals younger than 18 years of age, to distribute narcotics and to avoid detection and apprehension by law enforcement authorities.

3. The defendant, LUKE JONES, a.k.a. "Mega", and his co-defendants and associates, operated a narcotics trafficking enterprise within close proximity to an elementary school.

Respectfully submitted,

JOHN A. DANAHER III  
UNITED STATES ATTORNEY

By:



ALEX HERNANDEZ  
ASSISTANT UNITED STATES ATTORNEY



ALINA P. MARQUEZ  
ASSISTANT UNITED STATES ATTORNEY

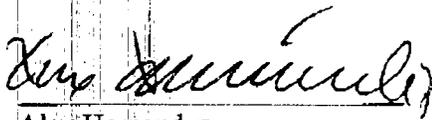
JAMES J. FINNERTY  
ASSISTANT UNITED STATES ATTORNEY

CERTIFICATE OF SERVICE

The undersigned hereby certifies that on the 31<sup>st</sup> day of July, 2002, a copy of the Government's Notice was faxed and mailed to the following attorneys for the defendant:

Robert Casale, Esq.  
250 West Main Street  
Branford, CT 06405  
fax 203-483-9850

Charles Tiernan, Esq.  
Lynch, Traub, Keefe & Errante  
52 Trumbull Street  
New Haven, CT 06510  
Fax (203) 782-0278



Alex Hernandez