

I. AGGRAVATING FACTORS AS TO COUNT TWO

The Government will seek to prove the following aggravating factors as the basis for the imposition of the death penalty in relation to Count Two of the Superseding Indictment for the killing of Lori A. Robinson during the commission of a bank robbery in violation of Title 18, United States Code, Section 2113(e):

A. Statutory Aggravating Factors Enumerated under 18 U.S.C. § 3591(a)(2)(A) through (D):

1. The defendant, RASHI TAQUE JONES, 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 the victim, Lori A. Robinson, died as a direct result of the act. Section 3591(a)(2)(C).

2. The defendant, RASHI TAQUE JONES, 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, Lori A. Robinson, died as a direct result of the act. Section 3591(a)(2)(D).

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

1. The defendant, RASHI TAQUE JONES, was convicted on May 24, 1996, of a State offense of Larceny from the Person, occurring on or about September 12, 1995, in Richmond, Virginia, which was punishable by a term of imprisonment of more than 1 year, and involved the

use or attempted or threatened use of a firearm, to-wit: a sawed-off shotgun, against another person. Section 3592(c)(2).

2. In committing the offense described in Count Two, and in escaping apprehension for the violation of the offense, defendant RASHI TAQUE JONES knowingly created a grave risk of death to one or more persons in addition to the victim of the offense, Lori A. Robinson. Section 3592(c)(5).

3. The defendant, RASHI TAQUE JONES, committed the offense in Count Two as consideration for the receipt, or in the expectation of the receipt, of anything of pecuniary value. Section 3592(c)(8).

4. The defendant, RASHI TAQUE JONES, committed the offense in Count Two after substantial planning and premeditation to cause the death of a person. Section 3592(c)(9).

5. The defendant, RASHI TAQUE JONES, attempted to intentionally kill more than one person in the single criminal episode alleged in Count Two. Section 3592(c)(16).

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

1. On or about May 7, 1992, in Richmond, Virginia, defendant RASHI TAQUE JONES brandished a Marksman BB pistol near a business establishment, and fled from a police officer when confronted by him.

2. On or about November 21, 1994, defendant RASHI TAQUE JONES was found guilty of Breaking and Entering and Grand Larceny relating to offenses occurring on July 2, 1994 in Richmond, Virginia.

3. On or about November 21, 1994, defendant RASHI TAQUE JONES was found guilty of robbing a 70 year old woman on September 9, 1994, in Richmond Virginia, which he committed with his co-defendant, Lafawn Dewayne Bobbitt.

4. While under Court supervision, defendant RASHI TAQUE JONES committed further violations of the law for which he was convicted.

5. On or about March 5, 1996, defendant RASHI TAQUE JONES was convicted in Chesterfield County, Virginia, of Possession with the Intent to Distribute Marijuana occurring on or about December 3, 1995.

6. On or about March 12, 1996, defendant RASHI TAQUE JONES was convicted of carrying a concealed weapon, to-wit, a .380 semiautomatic pistol on or about February 9, 1996, in Richmond, Virginia.

7. On or about May 22, 1996, defendant RASHI TAQUE JONES was convicted of Grand Larceny Auto, arising out of a Burglary of, and Grand Larceny from, D.R. Frick Auto Sales in Richmond, Virginia, which he committed while armed with a .380 caliber semiautomatic pistol on or about February 9, 1996, along with his co-defendant Lafawn Dewayne Bobbitt, and another.

8. On or about March 19, 1997, in Richmond, Virginia, defendant RASHI TAQUE JONES was arrested for a violation of probation, and at the time had unlawfully in his possession a .38 caliber revolver.

9. On or about April 10, 1997, the Circuit Court for the City of Richmond, Virginia, revoked defendant RASHI TAQUE JONES'S probation for violating the terms and conditions set by the Court for his release on the conviction of Grand Larceny of an automobile.

10. On or about April 30, 1997, the Circuit Court for the City of Richmond, Virginia, revoked defendant RASHI TAQUE JONES'S probation for violating the terms and conditions set by the Court for his release on the conviction of Larceny from the Person.

11. While on supervised probation for his convictions of Larceny from the Person, as alleged in paragraph B.1. above, and of Grand Larceny, as alleged in paragraph C.7. above, defendant RASHI TAQUE JONES committed the offenses on January 30, 1997, as alleged in the Superseding Indictment.

12. Defendant RASHI TAQUE JONES committed the bank robbery alleged in the Superseding Indictment after substantial planning and premeditation, in that he and his co-defendant prepared for the bank robbery for several weeks ahead of time, shopped for specific weapons, planned for contingencies by purchasing reserve ammunition, planned ways to prevent being interrupted during the robbery, planned ways to intimidate and coerce bank employees, and planned ways to avoid personal identification.

13. During January 1997, Defendant RASHI TAQUE JONES participated in causing another to unwittingly purchase weapons for the bank robbery to avoid having the weapons traced to him, and because he could not lawfully purchase or possess firearms.

14. Defendant RASHI TAQUE JONES armed himself with semi-automatic assault weapons, extended clips and extra ammunition, amounting to a quantity and degree of firepower far in excess of any resistance or force he might encounter during the bank robbery on January 30, 1997.

15. On January 30, 1997, during the robbery alleged in the Superseding Indictment, defendant RASHI TAQUE JONES attempted to kill a Richmond City police officer with a TEC-

DC9 semiautomatic assault weapon, while the police officer was engaged in the performance of his official duties.

16. The loss of Lori A. Robinson as an individual human being, including her personal characteristics and accomplishments is an aggravating factor.

17. The impact of the loss of Lori A. Robinson on her family is an aggravating factor.

18. On January 30, 1997, during the robbery alleged in the Superseding Indictment, defendant RASHI TAQUE JONES intentionally and willfully participated in the acts of violence against unarmed people who gave no resistance, presented no provocation, and were unarmed.

19. On January 30, 1997, during the robbery alleged in the Superseding Indictment, defendant RASHI TAQUE JONES intentionally and willfully participated in the acts of violence which caused serious bodily injury and emotional trauma to Bobbi Jo White, in that she was shot two times in the torso at close range and without warning, which injuries have had a serious impact on the life of Bobbi Jo White.

20. On January 30, 1997, during the robbery alleged in the Superseding Indictment, defendant RASHI TAQUE JONES intentionally and willfully participated in the acts of violence which caused serious emotional trauma and bodily injury, including blindness in both eyes, to Floyd H. Dean, in that he was shot four times, one shot being to the head, which injuries have had a serious impact on the life of Floyd H. Dean.

21. On January 30, 1997, during the robbery alleged in the Superseding Indictment, defendant RASHI TAQUE JONES intentionally and willfully participated in the acts of violence which caused serious bodily injury and emotional trauma to John Wiggins, in that he was wounded by a semiautomatic assault rifle, which injuries have had a serious impact on the life of

John Wiggins.

22. On January 30, 1997, during the robbery alleged in the Superseding Indictment, defendant RASHI TAQUE JONES, by participating in the acts of violence, caused severe emotional trauma to Karen L. Jones, which has had a serious impact on her life.

23. On January 30, 1997, defendant RASHI TAQUE JONES intended to inflict serious emotional and physical harm on the employees and customers of NationsBank during the robbery, through threats, intimidation, and torture by the use of three cans of flammable charcoal lighter fluid and two electrical cords which were part of the implements of the criminal activity.

24. During in or about February and March of 1997, in Richmond, Virginia, defendant RASHI TAQUE JONES attempted to exchange money he had taken from the bank for "clean" money by buying and then selling drugs.

25. Defendant RASHI TAQUE JONES has expressly exhibited a total lack of remorse toward the death of Lori A. Robinson, and has physically exhibited delight in shooting at, and killing, human beings.

26. Defendant RASHI TAQUE JONES indicated a desire to kill an individual who he believed was cooperating with the Government.

27. The defendant, RASHI TAQUE JONES, poses a future danger to society in that he is likely to engage in acts of violence against others if ever released back into society.

28. The defendant, RASHI TAQUE JONES, poses a future danger to inmates and correctional officers in an institutional setting in that he is likely to attempt to escape or engage in acts of violence against others.

29. The Government further gives notice that in support of the 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 Superseding Indictment as they relate to the background and character of the defendant, RASHI TAQUE JONES, his moral culpability, his future dangerousness, and the nature and circumstances of the offense charged in Count Two of the Superseding Indictment.

II. AGGRAVATING FACTORS AS TO COUNT FOUR

The Government will seek to prove the following aggravating factors as the basis for imposition of the death penalty in relation to Count Four of the Superseding Indictment for the killing of Lori A. Robinson through the use of a firearm during a violation of Title 18, United States Code, Section 924(c), in violation of Title 18 United States Code, Section 924(j)(1):

A. Statutory Aggravating Factors Enumerated under 18 U.S.C. § 3591(a)(2)(A) through (D):

1. The defendant, RASHI TAQUE JONES, 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 the victim, Lori A. Robinson, died as a direct result of the act. Section 3591(a)(2)(C).

2. The defendant, RASHI TAQUE JONES, 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, Lori A. Robinson, died as a direct result of the act. Section

3591(a)(2)(D).

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

1. The defendant, RASHI TAQUE JONES, was convicted on May 24, 1996, of a State offense of Larceny from the Person, occurring on or about September 12, 1995, in Richmond, Virginia, which was punishable by a term of imprisonment of more than 1 year, and involved the use or attempted or threatened use of a firearm, to-wit: a sawed-off shotgun, against another person. Section 3592(c)(2).

2. In committing the offense described in Count Four, and in escaping apprehension for the violation of the offense, defendant RASHI TAQUE JONES knowingly created a grave risk of death to one or more persons in addition to the victim of the offense, Lori A. Robinson. Section 3592(c)(5).

3. The defendant, RASHI TAQUE JONES, committed the offense in Count Four as consideration for the receipt, or in the expectation of the receipt, of anything of pecuniary value. Section 3592(c)(8).

4. The defendant, RASHI TAQUE JONES, committed the offense in Count Four after substantial planning and premeditation to cause the death of a person. Section 3592(c)(9).

5. The defendant, RASHI TAQUE JONES, attempted to intentionally kill more than one person in the single criminal episode alleged in Count Four. Section 3592(c)(16).

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

1. On or about May 7, 1992, in Richmond, Virginia, defendant RASHI TAQUE JONES brandished a Marksman BB pistol near a business establishment, and fled from a police officer when confronted by him.
2. On or about November 21, 1994, defendant RASHI TAQUE JONES was found guilty of Breaking and Entering and Grand Larceny relating to offenses occurring on July 2, 1994 in Richmond, Virginia.
3. On or about November 21, 1994, defendant RASHI TAQUE JONES was found guilty of robbing a 70 year old woman on September 9, 1994, in Richmond Virginia, which he committed with his co-defendant, Lafawn Dewayne Bobbitt.
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8. On or about March 19, 1997, in Richmond, Virginia, defendant RASHI TAQUE JONES was arrested for a violation of probation, and at the time had unlawfully in his possession a .38 caliber revolver.

9. On or about April 10, 1997, the Circuit Court for the City of Richmond, Virginia, revoked defendant RASHI TAQUE JONES'S probation for violating the terms and conditions set by the Court for his release on the conviction of Grand Larceny of an automobile.

10. On or about April 30, 1997, the Circuit Court for the City of Richmond, Virginia, revoked defendant RASHI TAQUE JONES'S probation for violating the terms and conditions set by the Court for his release on the conviction of Larceny from the Person.

11. While on supervised probation for his convictions of Larceny from the Person, as alleged in paragraph B.1. above, and of Grand Larceny, as alleged in paragraph C.7. above, defendant RASHI TAQUE JONES committed the offenses on January 30, 1997, as alleged in the Superseding Indictment.

12. Defendant RASHI TAQUE JONES committed the bank robbery alleged in the Superseding Indictment after substantial planning and premeditation, in that he and his co-defendant prepared for the bank robbery for several weeks ahead of time, shopped for specific weapons, planned for contingencies by purchasing reserve ammunition, planned ways to prevent being interrupted during the robbery, planned ways to intimidate and coerce bank employees, and planned ways to avoid personal identification.

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15. On January 30, 1997, during the robbery alleged in the Superseding Indictment, defendant RASHI TAQUE JONES attempted to kill a Richmond City police officer with a TEC-DC9 semiautomatic assault weapon, while the police officer was engaged in the performance of his official duties.

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Floyd H. Dean, in that he was shot four times, one shot being to the head, which injuries have had a serious impact on the life of Floyd H. Dean.

21. On January 30, 1997, during the robbery alleged in the Superseding Indictment, defendant RASHI TAQUE JONES intentionally and willfully participated in the acts of violence which caused serious bodily injury and emotional trauma to John Wiggins, in that he was wounded by a semiautomatic assault rifle, which injuries have had a serious impact on the life of John Wiggins.

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23. On January 30, 1997, defendant RASHI TAQUE JONES intended to inflict serious emotional and physical harm on the employees and customers of NationsBank during the robbery, through threats, intimidation, and torture by the use of three cans of flammable charcoal lighter fluid and two electrical cords which were part of the implements of the criminal activity.

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Respectfully submitted,

HELEN F. FAHEY
UNITED STATES ATTORNEY

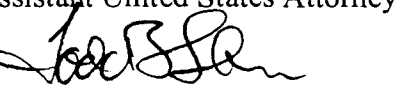
By:



Kenneth E. Melson
First Assistant United States Attorney



Nicholas S. Altimari
Assistant United States Attorney




Todd B. Stone
Special Assistant
United States Attorney

CERTIFICATE OF SERVICE

I hereby certify that a true copy of the foregoing document was mailed this date to below listed counsel.

9/22/97
Date


Kenneth E. Melson
First Assistant United States Attorney

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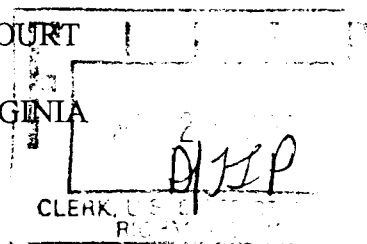
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IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA

Richmond Division



UNITED STATES OF AMERICA) Criminal No. 3:97CR169
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RASHI TAQUE JONES)

GOVERNMENT’S MOTION TO AMEND
THE NOTICE OF INTENT TO SEEK A SENTENCE OF DEATH

COMES NOW, the United States of America, by the undersigned counsel, Helen F. Fahey, United States Attorney for the Eastern District of Virginia, and Kenneth E. Melson and Nicholas S. Altimari, Assistant United States Attorneys, and Todd B. Stone, Special Assistant United States Attorney, and respectfully moves this Court to permit the Government to amend the Notice of Intent to Seek a Sentence of Death with respect to defendant RASHI TAQUE JONES for the following good cause:

1. The Government has evidence that the defendant joined in a plan to escape from the Piedmont Regional Jail, where he is currently housed in the custody of the United States Marshal. He and at least three other inmates, two of whom had been sentenced to life imprisonment, and one of whom faces a potentially long prison term, planned to have confederates on the outside approach the jail from the wooded perimeter and throw weapons and tools over the fence to these inmates. The plan further called for these inmates to take correctional officers hostage and to cut their way

out of confinement.

2. As a result of uncovering this plan, the two inmates who had been sentenced to life imprisonment, both of whom were federal inmates , were removed from the institution on expedited designations by the Bureau of Prisons.

3. The Government did not learn of this conspiracy to escape and abduct the guards until November 7, 1997. As soon as the information was corroborated, and the investigation completed, the Amended Notice was prepared and this motion filed.

4. The plan to escape is relevant information on future dangerousness and should be disclosed to the jury for their consideration of it.

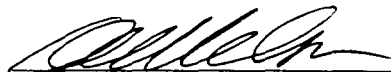
5. The Notice of Intent to Seek a Sentence of Death has been amended in paragraph 28 of both sections to add two subparagraphs reflecting the defendant's plan to escape and abduct the guard. The Amended Notice also replaces "Superseding Indictment" with "Second Superseding Indictment" and corrects a few misspelled words. Otherwise the Notice remains the same.

WHEREFORE, for the above reasons, the Government respectfully requests permission to amend the Notice of Intent to Seek a Sentence of Death as provided in the attached Amended Notice of Intent to Seek a Sentence of Death, which is incorporated herein and made a part hereof.

Respectfully submitted,

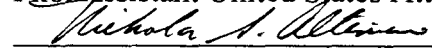
HELEN F. FAHEY
UNITED STATES ATTORNEY

By:



Kenneth E. Melson

First Assistant United States Attorney



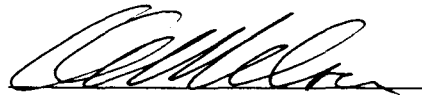
Nicholas S. Altimari
Assistant United States Attorney

Certificate of Service

The undersigned hereby certifies that on the 21st day of November, 1997, a true and exact copy of Government's Motion for A Pretrial Conference was mailed to the following attorneys for the defendant:

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First Assistant United States Attorney