

IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF MISSOURI
SOUTHERN DIVISION

UNITED STATES OF AMERICA,)
)
) Plaintiff,)
)
v.) No. 10-03090-01-CR-S-DGK
)
ULYSSES JONES, Jr.,)
)
) Defendant.)

AMENDED NOTICE OF INTENT TO SEEK THE DEATH PENALTY

COMES NOW the United States of America, by Tammy Dickinson, United States Attorney, and Gary Milligan, Assistant United States Attorney, both for the Western District of Missouri, and pursuant to Title 18, Unites States Code, Section 3593(a), and pursuant to the order dated June 17, 2015 (doc. 100) files this amended Notice of Intent to Seek the Death Penalty, notifying the Court and the defendant that in the event the defendant is convicted of one of the offenses of murder as alleged in the Indictment returned in this case on October 3, 2012, the government believes a sentence of death is justified, and the government will seek a sentence of death. If the defendant is convicted, the government intends to prove the following aggravating factors as the basis for imposition of the death penalty.

A. Statutory Factors Enumerated under Title 18, U.S.C., Section 3591

1. ULYSSES JONES, Jr. was 18 years of age or older at the time of the offense. [18 U.S.C. § 3591(a).]

2. ULYSSES JONES, Jr. intentionally killed Timothy Baker. [18 U.S.C. § 3591(a)(2)(A).]

3. ULYSSES JONES, Jr. intentionally inflicted serious bodily injury that resulted in the death of Timothy Baker. [18 U.S.C. § 3591(a)(2)(B).]

4. ULYSSES JONES, Jr. 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 a participant in the offense, and Timothy Baker died as a direct result of the act. [18 U.S.C. § 3591(a)(2)(C).]

5. ULYSSES JONES, Jr. 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 Timothy Baker died as a direct result of the act. [18 U.S.C. § 3591(a)(2)(D).]

B. Statutory Factors Enumerated under Title 18, U.S.C., Section 3592(c)

1. The death or injuries resulting in the death of Timothy Baker, occurred during the commission or attempted commission, of the offense of murder by a prisoner serving a life term, in violation of 18 U.S.C., § 1118. [18 U.S.C. § 3592(c)(1).]

2. ULYSSES JONES, Jr. has previously been convicted of a Federal or State offense punishable by a term of imprisonment of more than 1 year, involving the use or attempted or threatened use of a firearm against another person. [18 U.S.C. § 3592(c)(2).]

3. ULYSSES JONES, Jr. has previously been convicted of another Federal or State offense resulting in the death of a person, for which a sentence of life imprisonment or a sentence of death was authorized by statute. [18 U.S.C. § 3592(c)(3).]

4. ULYSSES JONES, Jr. has previously been convicted of 2 or more Federal or State offenses punishable by a term of imprisonment of more than 1 year, committed on different occasions, involving the infliction of, or attempted infliction of, serious bodily injury or death upon another person. [18 U.S.C. § 3592(c)(4).]

5. ULYSSES JONES, Jr., in the commission of the offense, or in escaping apprehension for the violation of the offense, knowingly created a grave risk of death to 1 or more persons in addition to the victim of the offense, that is R.R. [18 U.S.C. § 3592(c)(5).]

6. ULYSSES JONES, Jr. committed the offense after substantial planning and premeditation to cause the death of Timothy Baker. [18 U.S.C. § 3592(c)(9).]

7. The victim, Timothy Baker, was particularly vulnerable due to infirmity, in this case, the victim was sleeping when attacked and was taking sleeping medication. [18 U.S.C. § 3592(c)(11).]

8. The defendant intentionally attempted to kill more than one person in this same criminal episode, by stabbing R.R. multiple times after stabbing Timothy Baker to death. [18 U.S.C. § 3592(c)(16).]

C. Non-Statutory Factors Enumerated under Title 18, U.S.C., Section 3593(a)

1. Victim Impact Evidence. The offense caused injury, loss and harm because

of victim Timothy Baker's personal characteristics as an individual human being and the impact of the death upon Timothy Baker's family.

2. Future dangerousness based upon the probability that defendant Ulysses Jones, Jr. would commit criminal acts of violence that would constitute a continuing threat to the lives and safety of others. In addition to the capital offenses charged in the Indictment and the statutory and non-statutory aggravating factors alleged in this Notice, Ulysses Jones, Jr. has engaged in a continuing pattern of violent conduct, has threatened others with violence, has demonstrated lack of remorse, and/or has demonstrated a low rehabilitative potential, including but not limited to one or more of the following:

- a. On or about April 4, 1973, Jones and his friend Gregory Britt approached a citizen near Fifteenth Street and Independence Avenue and robbed him at gunpoint.
- b. On or about December 29, 1978, Jones attacked a special police officer who tried to prevent him from stealing from a Safeway Food Store.
- c. On or about October 11, 1979, Jones and others shot William Riley in the head in the vicinity of the 100 block of Fifteenth Street. The basis for the charge was that Jones and others shot Mr. Riley in the head in front of his wife when Mr. Riley returned to the scene where he had previously tried to purchase cocaine.
- d. On or about December 13, 1979, Jones murdered Boo Park, owner of the Ft. Drum Market at 4686 Martin Luther King Avenue in Washington, D.C.
- e. On or about January 11, 1980, Jones murdered Secret Service Officer George Coaxum.
- f. On or about December 29, 1980, while confined at the Lorton Maximum Security Facility, Jones was caught stealing another inmates personal property and was confined in the punitive segregation block.

- g. On or about March 26, 1981, while confined at the Lorton Maximum Security Facility, Jones was involved in a fight with another inmate and was confined in the segregation unit.
- h. On or about June 13, 1983, while confined at the Lorton Maximum security Facility, Jones and others murdered fellow inmate Keith Hunter.
- i. On or about January 2, 1984, while confined at the Lorton Maximum Security Facility, Jones was discovered in possession of a handgun in his cell. Jones hid the pistol in his commode. Jones planned to use the pistol to shoot another inmate. In addition, in the same toilet, Jones also hid a shank. Mr. Jones has commented that he always keeps a shank.
- j. On or about February 29, 1984, Jones assaulted and seriously injured Officer Dennis Beeton and Lt. Alvin Carrey while the latter was escorting Jones and inmate Donald Doss to the shower area. When asked to place his hands through the cell's bars, Jones said words to the effect of "I got three life sentences and I'm going hard all the way."
- k. Immediately before trial on January 17, 1984, Jones purchased a fully loaded .45 caliber revolver for the purpose of affecting an escape.

In addition, Jones is affiliated with other D.C. inmates who often look out for each other and engage in acts of violence and intimidation on behalf of each other, including, but not limited to, an incident on March 25, 2011 in which fellow D.C. inmates were questioning potential witnesses to the murder if they were testifying against Jones in proximity to a 13 inch shank.

- 3. Committed conduct suggesting a grave indifference to human life.
- 4. Shown a lack of remorse in the death of Timothy Baker, including, but not limited to one of more of the following:

- a. On or about January 14, 2006, Jones told Dan Westcamp and William McGinnis words to the effect of "so somebody gets murdered on 2-2. So what? This is dialysis. I ain't caused no problem down here. I'm just the same old Jones that I've always been. I mean, this is a prison. People get murdered. Big deal. As long as I get treated fairly, like everyone else, there won't be any problems."

5. Acted to obstruct justice or retaliate against Baker because of Baker's role in organizing a petition to bring Jones' misconduct to the attention of BOP officials.

6. Institutional misconduct. Jones has demonstrated repeated acts of misconduct in the penal institutions at which he has been housed. This misconduct is also exacerbated by his affiliation with other DC inmates housed throughout the BOP facilities and poses a danger to staff and other inmates directly, by personal misconduct by Jones, as well as affiliated misconduct by others in penal institutions done with Jones' influence or assent.

Respectfully submitted,

TAMMY DICKINSON
United States Attorney

By /s/ Gary K. Milligan
Gary K. Milligan, DC Bar #484813
Assistant United States Attorney
901 St. Louis Street, Suite 500
Springfield, Missouri 65806-2511

/s/ Randall D. Eggert
Randall D. Eggert
Mo Bar #39404
Assistant U.S. Attorney
901 St. Louis Street, Suite 500

Springfield, Missouri 65806
Phone: (417) 831-4406
Fax (417) 831-0078

s/James Peterson
James Peterson
Trial Attorney
Capital Case Section
Criminal Division
United States Department of Justice
1331 F Street, N.W.
6th Floor
Washington, DC 20530
Phone: (202) 353-0796
Fax (202) 353-9779

Certificate of Service

The undersigned hereby certifies that a copy of the foregoing was delivered on June 30, 2015, to the CM-ECF system of the United States District Court for the Western District of Missouri for electronic delivery to all counsel of record.

s/James Peterson
James Peterson
Trial Attorney