

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

Richmond Division

UNITED STATES OF AMERICA)
)
)
v.)
)
PETER ROBERT JORDAN,)
Defendant)
_____)

Criminal No. 3:04CR58 - 01

NOTICE OF INTENT TO SEEK A SENTENCE OF DEATH

The United States of America hereby notifies the Court and the defendant, PETER ROBERT JORDAN, and his counsel, that in the event of the defendant's conviction on Count One, wherein the defendant is charged with Murder while Engaged in Drug Trafficking in violation of 21 U.S.C. § 848(e)(1)(A), the Government will seek a sentence of death, in that the circumstances of the offenses are such that a sentence of death is justified.

AGGRAVATING FACTORS AS TO COUNT ONE

The Government will seek to prove the following aggravating factors as the basis for imposition of the death penalty in relation to Count One of the Second Superseding Indictment for the killing of Dwayne Tabon:

A. Statutory Threshold Findings Enumerated in 21 U.S.C. § 848(l) & (n)(1)(A) through (D):

1. The defendant, PETER ROBERT JORDAN, was more than 18 years of age at the time of the offense. Title 21, United States Code, Section 848(l).

2. The defendant, PETER ROBERT JORDAN, intentionally killed Dwayne Tabon. Title 21, United States Code, Section 848(n)(1)(A).

3. The defendant, PETER ROBERT JORDAN, intentionally inflicted serious bodily injury that resulted in the death of Dwayne Tabon. Title 21, United States Code, Section 848(n)(1)(B).

4. The defendant, PETER ROBERT JORDAN, intentionally engaged in conduct intending that Dwayne Tabon be killed or that lethal force be employed against Dwayne Tabon, which resulted in the death of Dwayne Tabon. Title 21, United States Code, Section 848(n)(1)(C).

5. The defendant, PETER ROBERT JORDAN, intentionally engaged in 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 the conduct resulted in the death of Dwayne Tabon. Title 21, United States Code, Section 848(n)(1)(D).

B. Statutory Aggravating Factors Enumerated under 21 U.S.C. § 848(n)(2) through (12):

1. The defendant, PETER ROBERT JORDAN, committed the offense described in Count One as consideration for the receipt, or in the expectation of the receipt, of anything of pecuniary value. Title 21, United States Code, Section 848(n)(7).

2. The defendant, PETER ROBERT JORDAN, committed the offense described in Count One after substantial planning and premeditation. Title 21, United States Code, Section 848(n)(8).

3. The defendant, PETER ROBERT JORDAN, committed the offense described in

Count One in an especially heinous, cruel, or depraved manner in that it involved torture and serious physical abuse to Dwayne Tabon. Title 21, United States Code, Section 848(n)(12).

C. Non-Statutory, Aggravating Factors Identified under 21 U.S.C. § 848 (h)(1)(B) and § 848(k):

1. Defendant PETER ROBERT JORDAN has engaged in a pattern of criminal activity including, but not limited to, the following:

- a. On or about January 15, 1971, defendant PETER ROBERT JORDAN was convicted of vehicle theft in the Superior Court for Gloucester County, New Jersey.
- b. On or about March 21, 1974, defendant PETER ROBERT JORDAN pled guilty to Bank Robbery by force and Bank Robbery with a dangerous weapon in the United States District Court for the District of New Jersey.
- c. On or about April 19, 1978, defendant PETER ROBERT JORDAN was found guilty of simple assault in the Municipal Court for the city of Woodbury, New Jersey.
- d. On or about February 13, 1979, defendant PETER ROBERT JORDAN was convicted of larceny in the Circuit Court for Henrico County, Virginia.
- e. On or about November 3, 1982, defendant PETER ROBERT JORDAN was convicted of narcotics possession in New Haven, Connecticut.
- f. On or about December 17, 1982, defendant PETER ROBERT JORDAN was paroled from the United States Bureau of Prisons and then engaged in further criminal activity.

g On or about September 9, 2003, defendant PETER ROBERT JORDAN pled guilty to disorderly conduct in the criminal court for Queens, New York.

2. During the abduction of Dwayne Tabon on September 14, 2001, defendant PETER ROBERT JORDAN also participated with his conspirators in efforts to murder Alvin Hall, so Hall could not be a witness against them.

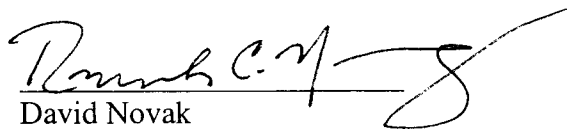
3. The impact of the loss of Dwayne Tabon on his family and friends is an aggravating factor.

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 Second Superseding Indictment as they relate to the background, character, and moral culpability of defendant PETER ROBERT JORDAN, and the nature and circumstances of the offense charged in Count One of the Second Superseding Indictment.

Respectfully submitted,

Paul J. McNulty
United States Attorney

By:



David Novak
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Assistant United States Attorneys

Certificate of Service

The undersigned hereby certifies that on the 30th day of September, 2004, a copy of the foregoing pleading was faxed and mailed to the following:

Attorneys for Peter Jordan

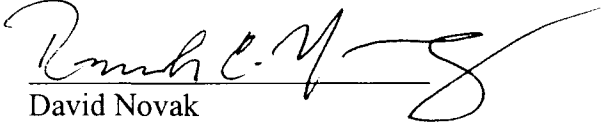
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