

UNITED STATES DISTRICT COURT FOR THE
SOUTHERN DISTRICT OF WEST VIRGINIA
AT CHARLESTON

UNITED STATES OF AMERICA

v.

CRIMINAL NO. 2:05-00107-01

GEORGE M. LECCO
also known as "Porgy"
VALERI FRIEND

NOTICE OF INTENT TO SEEK THE DEATH
PENALTY AGAINST DEFENDANT GEORGE M. LECCO

The United States hereby notifies the Court and defendant George M. Lecco, also known as "Porgy", pursuant to 18 U.S.C. § 3593(a), that the United States believes that the circumstances of the offenses charged in Counts Nine, Ten, and Eleven of the Fourth Superseding Indictment are such that, in the event of a conviction on any or all of these counts, a sentence of death is justified under Chapter 228 (Sections 3591-3598) of Title 18, United States Code, and the United States will seek a sentence of death for the following offenses: (1) Murder with a Firearm, During and in Relation to a Cocaine Conspiracy, causing the death of Carla Collins, in violation of Title 18, United States Code, Sections 924(c)(1)(A), 924(j)(1), and (2) [Count Nine]; (2) Witness Tampering by Killing, in violation of Title 18, United States Code, Sections 1512 (a)(1)(C), 1512 (a)(3)(A), and (2) [Count Ten]; and (3) Witness Retaliation by Killing, in violation of Title 18, United States Code, Sections 1513(a)(1)(B), 1513 (a)(2)(A) and (2) [Count Eleven]; each of which carries a possible sentence of death.

The United States intends to prove the following factors justifying a sentence of death as to Counts Nine, Ten, and Eleven of the Fourth Superseding Indictment:

1. Statutory proportionality factors set forth in 18 U.S.C § 3591(a), to wit:

A. Defendant was more than 18 years of age at the time of the offense (18 U.S.C. § 3591(a));

B. Defendant 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 the victim, Carla Collins, died as a direct result of the act (18 U.S.C. § 3591(a)(2)(C));

C. 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, Carla Collins, died as a direct result of the act (18 U.S.C. § 3591(a)(2)(D)).

2. Statutory aggravating factors set forth in 18 U.S.C § 3592(c), to wit:

A. Defendant procured the commission of the offense by payment, or promise of payment, of anything of pecuniary value (18 U.S.C. § 3592(c)(7)).

B. Defendant committed the offense after substantial

planning and premeditation to cause the death of a person (18 U.S.C. § 3592(c)(9)); and

C. Defendant had previously been convicted of violating Title II or III of the Comprehensive Drug Abuse Prevention and Control Act of 1970 for which a sentence of 5 or more years may be imposed (18 U.S.C. § 3592(c)(12)).

3. As permitted by 18 U.S.C. § 3593(a), the United States intends to prove certain non-statutory aggravating factors set forth herein, to wit:

A. Obstruction of justice: Collins was murdered because she was suspected of providing information about cocaine distribution to law enforcement officers. Defendant committed the offenses set out in Counts Nine, Ten, and Eleven of the Fourth Superseding Indictment to prevent the victim from providing any additional information and assistance to law enforcement authorities regarding a criminal investigation, to retaliate against the victim for having provided assistance to law enforcement authorities with information regarding defendant's criminal activity, or both.

B. Victim impact: Defendant caused injury, harm, and loss to the victim and to the victim's family and friends as demonstrated by the impact of death upon the victim's family and friends. The United States intends to present evidence concerning that effect, which may include oral testimony, victim impact

statements, and evidence of the extent and scope of the injury and loss suffered by the victim' family and friends.

The United States 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 guilty phase of the trial and the offense or offenses of conviction as they relate to the background and character of defendant and his moral culpability, as well as the nature and circumstances of the offenses charged in the Fourth Superseding Indictment.

Respectfully Submitted,

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CERTIFICATE OF SERVICE

It is hereby certified that the foregoing "NOTICE OF INTENT TO SEEK THE DEATH PENALTY AGAINST DEFENDANT GEORGE M. LECCO" has been electronically filed with the Clerk of Court this the ___ day of ____, 2009 using the CM/ECF system and served upon opposing counsel as follows:

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VALERIE FRIEND

NOTICE OF INTENT TO SEEK THE DEATH
PENALTY AGAINST DEFENDANT GEORGE M. LECCO

The United States hereby notifies the Court and defendant George M. Lecco, also known as "Porgy", pursuant to 18 U.S.C. § 3593(a), that the United States believes that the circumstances of the offenses charged in Counts Eleven and Twelve of the Third Superseding Indictment are such that, in the event of a conviction on either or both counts, a sentence of death is justified under Chapter 228 (Sections 3591-3598) of Title 18, United States Code, and the United States will seek a sentence of death for the following offenses: (1) Murder with a Firearm, During and in Relation to a Cocaine Conspiracy, causing the death of Carla Collins, in violation of Title 18, United States Code, Sections 924(c)(1)(A), 924(j)(1), and (2) [Count Eleven]; and (2) Killing a person for Aiding a Federal Investigation, in violation of Title 18, United States Code, Sections 1121(a)(2) and 2 [Count Twelve], each of which carries a possible sentence of death.

The United States intends to prove the following factors

justifying a sentence of death as to Counts Eleven and Twelve of the Third Superseding Indictment:

1. Statutory proportionality factors set forth in 18 U.S.C § 3591(a), to wit:

A. Defendant was more than 18 years of age at the time of the offense (18 U.S.C. § 3591(a));

B. Defendant 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 the victim, Carla Collins, died as a direct result of the act (18 U.S.C. § 3591(a)(2)(C));

C. 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, Carla Collins, died as a direct result of the act (18 U.S.C. § 3591(a)(2)(D)).

2. Statutory aggravating factors set forth in 18 U.S.C § 3592(c), to wit:

A. Defendant procured the commission of the offense by payment, or promise of payment, of anything of pecuniary value (18 U.S.C. § 3592(c)(7)).

B. Defendant committed the offense after substantial planning and premeditation to cause the death of a person (18

U.S.C. § 3592(c)(9)); and

C. Defendant had previously been convicted of violating Title II or III of the Comprehensive Drug Abuse Prevention and Control Act of 1970 for which a sentence of 5 or more years may be imposed (18 U.S.C. § 3592(c)(12)).

3. As permitted by 18 U.S.C. § 3593(a), the United States intends to prove certain non-statutory aggravating factors set forth herein, to wit:

A. Obstruction of justice: Collins was murdered because she was suspected of providing information about cocaine distribution to law enforcement officers. Defendant committed the offenses set out in Counts Eleven and Twelve of the Third Superseding Indictment to prevent the victim from providing any additional information and assistance to law enforcement authorities regarding a criminal investigation, to retaliate against the victim for having provided assistance to law enforcement authorities with information regarding defendant's criminal activity, or both.

B. Victim impact: Defendant caused injury, harm, and loss to the victim and to the victim's family and friends as demonstrated by the impact of death upon the victim's family and friends. The United States intends to present evidence concerning that effect, which may include oral testimony, victim impact statements, and evidence of the extent and scope of the injury and

loss suffered by the victim' family and friends.

The United States 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 guilty phase of the trial and the offense or offenses of conviction as they relate to the background and character of defendant and his moral culpability, as well as the nature and circumstances of the offenses charged in the Third Superseding Indictment.

Respectfully Submitted,

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Date: August 16, 2006