

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF ILLINOIS

FILED  
NOV 19 2007

UNITED STATES OF AMERICA, )  
 )  
Plaintiff, )  
 )  
vs. ) CRIMINAL NO. 98-30022-WDS  
 )  
DEANDRE LEWIS. )  
 )  
Defendant. )

**NOTICE OF INTENT TO SEEK THE DEATH PENALTY**

The United States, pursuant to Title 18, United States Code, Section 3593(a), provides the foregoing notice of its intent to seek the death penalty against the Defendant Deandre Lewis. The Government states that it believes that the circumstances of the Defendant's offenses charged in Counts 2 through 5 of the October 19, 1999, Third Superseding Indictment, are such that, if the Defendant is convicted of any of those offenses, a sentence of death is justified under law, and that the Government will in fact seek the sentence of death. Furthermore, in compliance with Title 18, United States Code, Section 3593(a)(2), the Government sets forth the following aggravating factor or factors that the Government, if the Defendant is convicted of any or all of the counts charged in 2 through 5, proposes to prove as justifying a sentence of death:

**I. Threshold Eligibility Factors**

- A. That the Defendant, Deandre Lewis, intentionally killed the victim, Debra Abeln, *see* Title 18, United States Code, Section 3591(a)(2)(A);

- B. That the Defendant, Deandre Lewis, intentionally inflicted serious bodily injury that resulted in the death of the victim, Debra Abeln, *see* Title 18, United States Code, Section 3591(a)(2)(B);
- C. That the Defendant, Deandre Lewis, intentionally participated in an act, contemplating that the life of a person, that being Debra Abeln, 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, Debra Abeln, died as a direct result of the act, *see* Title 18, United States Code, Section 3591(a)(2)(C);

## **II. Statutory Aggravating Factors**

- A. That the death of Debra Abeln, or the injury resulting in the death of Debra Abeln, occurred during the commission or attempted commission or during the immediate flight from the commission of an offense under Title 18, United States Code, Section 37 (Violence at International Airports), *see* Title 18, United States Code, Section 3592(c)(1);
- B. That the Defendant, Deandre Lewis, in the commission of the offenses with which he is charged and for which he is eligible for the death penalty, knowingly created a grave risk of death to one or more persons in addition to the victim of the offense, *see* Title 18, United States Code, Section 3592(c)(5);
- C. That the Defendant, Deandre Lewis, committed the offenses for which he is eligible for the death penalty as consideration for the receipt, or in the expectation of the receipt, of anything of pecuniary value, *see* Title 18, United States Code, Section 3592(c)(8);

- D. That the Defendant, Deandre Lewis, committed the offenses for which he is eligible for the death penalty after substantial planning and premeditation to cause the death of another person, Debra Abeln, *see* Title 18, United States Code, Section 3592(c)(9).
- E. That the Defendant, Deandre Lewis, has previously been convicted of violating Title II or Title III of the Controlled Substances Act (21 U.S.C. § 801, *et. seq.*) for which a sentence of five or more years' imprisonment may be imposed, *see* Title 18, United States Code, Section 3592(c)(12).

### **III. Non-Statutory Aggravating Factors**

A. In addition, pursuant to Title 18, United States Code, Section 3593, the United States further notifies the Defendant, Deandre Lewis, and the Court that additional aggravating factors will be presented to the Court at the time of the penalty phase in this matter relating to the following:

1. **Victim Impact Evidence.** The defendant caused injury, harm, and loss to the victim's family because of the victim's personal characteristics as an individual human being and the impact of the death upon the victim's family. *Payne v. Tennessee*, 111 S. Ct. 2597, 2608-09 (1991).
2. **Obstruction of Justice.** The defendant committed the offense with the intent to prevent the victim from providing information and assistance to law enforcement authorities in regard to the investigation or prosecution of the commission or possible commission of another offense. *See* 18 U.S.C. §§ 1121(a)(2), 1510, 1512(a)(1), 1513(a)(1); U.S.S.G. § 3C1.1.

Respectfully submitted.

W. CHARLES GRACE  
United States Attorney

A handwritten signature in black ink, appearing to read 'Tom Eggans', written in a cursive style.

THOMAS E. EGGANS  
Assistant United States Attorney

A handwritten signature in black ink, appearing to read 'Kit Morrissey', written in a cursive style.

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PROOF OF SERVICE

UNITED STATES OF AMERICA,	)	
	)	
Plaintiff,	)	
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vs.	)	CRIMINAL NO. 98-30022-WDS
	)	
DEANDRE LEWIS,	)	
	)	
Defendant.	)	

The undersigned hereby certifies that she/he is an employee in the office of the United States Attorney for the Southern District of Illinois and is a person of such age and discretion as to be competent to serve papers.

That on December 14, 1999, she/he served a copy of the attached:


**NOTICE OF INTENT TO SEEK THE DEATH PENALTY**

by placing said copy in a postpaid envelope addressed to the person(s) hereinafter named, at the place(s) and address(es) stated below, which is/are the last known address(es), and by depositing said envelope and contents in the United States Mail at Nine Executive Drive, Suite 300, Fairview Heights, IL 62208.

ADDRESS(ES):

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