

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
SOUTHERN DIVISION

NO. 7:97-CR-63-1-H

UNITED STATES OF AMERICA)
)
 v.)
)
 TAMARA LLAMAS)

NOTICE OF INTENT TO SEEK THE DEATH PENALTY
AS PUNISHMENT FOR DEFENDANT TAMARA LLAMAS

NOW COMES, the United States of America, pursuant to 18 U.S.C. 3593(a), by and through its undersigned counsel, and notifies the Court and the defendant in the above-captioned case that the Government believes the circumstances of the offenses charged in Counts Four, Five, Six, and Eight are such that, in the event of conviction, a sentence of death is justified under Chapter 228 (Sections 3591 through 3596) of Title 18 of the United States Code, and that the Government will seek a sentence of death for each of these offenses: Counts Four and Five, aiding and abetting interstate travel with the intent to commit the murder of Cynthia Heath Edwards for hire and conspiracy to commit said crime, in violation of 18 U.S.C. §§1958(a) and 2; Count Six, aiding and abetting in the use and carrying of a firearm which caused the death of Cynthia Heath Edwards during the commission of a crime, namely, conspiracy to distribute marijuana, in violation of 18 U.S.C. §§ 924(j) and 2; Count Eight, tampering with a witness or informant, namely, Cynthia Heath Edwards by

killing, in violation of 18 U.S.C. §1512(a)(1)(C).

As to the murder of Cynthia Heath Edwards, as charged in Counts Four, Five, Six and Eight, the Government proposes to prove the following factors as justifying a sentence of death:

A. Statutory Proportionality Factors Enumerated Under 18 U.S.C. § 3591(a)(2)(A).

1. INTENTIONAL ACTS TO TAKE LIFE OR USE LETHAL FORCE. The defendant intentionally participated in an act, contemplating that the life of a person would be taken or intending that lethal force be used in connection with a person, other than one of the participants in the offense, and Cynthia Heath Edwards died as a direct result of the act. Section 3591(a)(2)(C).

B. Statutory Aggravating Factors Enumerated Under 18 U.S.C. §3592(c).

1. PROCUREMENT OF THE OFFENSE BY PAYMENT -- The defendant procured the commission of the offense by payment, or promise of payment, of something of pecuniary value. Section 3592(c)(7).
2. SUBSTANTIAL PLANNING AND PREMEDITATION -- The defendant committed the offense after substantial planning and premeditation to cause the death of Cynthia Heath Edwards. Section 3592(c)(9).

C. Other, Non-Statutory, Aggravating Factors Identified Under 18 U.S.C. §3593(a)(2).

1. VICTIM IMPACT. Defendant caused injury and harm to the family of the victim, Cynthia Heath Edwards, as a result of murdering her. 18 U.S.C. §3593(a)(2) and *Payne v. Tennessee*, 501 U.S. 808, 111 S. Ct. 2597 (1991).
2. OBSTRUCTION OF JUSTICE. The defendant committed the offense to prevent the victim from communicating information to a federal law enforcement officer or judge of the United States information relating to the commission or possible commission of a federal offense.
3. FUTURE DANGEROUSNESS. The probability exists that the defendant would commit serious acts of violence in the future which would be a continuing and serious threat the lives and safety of others. See, e.g., *Jurek v. Texas*, 428 U.S. 262, 272-73 (1976); Va. Code Ann. § 19.2-264.4(C) (1995). See also *Simmons v. South Carolina*, 114 S.Ct. 2187, 2193 (1994).
 - a. Other Acts of Violence. The defendant has committed, attempted to commit, and/or threatened to commit other acts of violence, in addition to the capital offense(s) committed in this case and the statutory factors alleged in this Notice, including but not limited to one or more of the following:

Wakefield to murder Cynthia Heath Edwards.

~~vii. On or about March 15, 1996, at the time the~~

- i. On or about June 19, 1987, defendant participated in an attempt to rob, by use of a firearm, another drug dealer residing at 8600 Course Drive, Apartment 1607, Houston, Texas. On that date Arthur Lowery was shot and critically injured when the residence was forcibly entered by individual(s) acting at the direction of defendant.
- ii. On or about June 28, 1994, defendant procured the services of an individual to commit arson at a residence of an individual who had received marijuana from the defendant. Pursuant to the directions of the defendant a fire was ignited in the garage of the home located at 1238 Sunny, Houston, Texas, which consumed the residence.
- iii. From on or about or between late 1993 and early 1994, defendant did fire several shots from a handgun into a pick-up truck occupied by Wade Mullins.
- iv. In or about early 1995, defendant did physically assault Cynthia Lane by beating her severely.
- v. In or about March, 1996, defendant attempted to solicit an individual other than Jimmy Ray


Wakefield to murder Cynthia Heath Edwards.


vi. On or about March 15, 1996, at the time the defendant hired Jimmy Ray Wakefield to kill Cynthia Heath Edwards, defendant also attempted to contract the murder of Joe Edwards and his wife.

b. Incarceration not a deterrence. Defendant has committed several acts which indicate that long term of incarceration will not suffice to protect society from the threat posed by defendant.

i. From in or about or between June 1996 through December 1996, while incarcerated, defendant did solicit and attempt to hire an individual to shoot and kill Alfred Sharp who at the time, was a potential witness for the Government.

RESPECTFULLY SUBMITTED, this the 2nd day of March, 1998.


JANICE MCKENZIE COLE
United States Attorney


J. FRANK BRADSHER
Assistant United States Attorney