

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

UNITED STATES OF AMERICA,

CRIMINAL NO. 01-80571

Plaintiff,

HONORABLE CORBETT O'MEARA

-vs-

D-S EUGENE MITCHELL  
a/k/a 'Tiger', Christian Rolle

Defendant.

FILED  
2ND FEB 36 AM 11:35  
U.S. DIST. COURT  
EASTERN DIST. MICHIGAN  
DETROIT

**UNITED STATES' NOTICE OF INTENT TO  
SEEK A SENTENCE OF DEATH AGAINST DEFENDANT EUGENE MITCHELL**

Pursuant to 18 U.S.C. §3593 and 21 U.S.C. §848(h), the United States of America hereby notifies the court, defendant EUGENE MITCHELL, and the defendant's counsel that the government believes that the circumstances of the offenses addressed herein are such that a sentence of death is justified and that the government will seek the sentence of death for defendant EUGENE MITCHELL in the event of his conviction on count six of the Indictment relating to the killing of Misha Deandre Dorsey (also known as Deandre Howard).

Count Six charges the killing of Misha Deandre Dorsey in furtherance of a continuing criminal enterprise and a conspiracy to distribute controlled substances, in violation of Title 21, United States Code, Section 848(e)(1)(A), and Title 18, United States Code, Section 2.

**I. CAPITAL OFFENSES UNDER TITLE 21 OF THE UNITED STATES CODE**

**A. Statutory Aggravating Factors Enumerated in 21, United States Code, Section 848(n)(1)**

1. With respect to Count Six, defendant EUGENE MITCHELL, intentionally killed the victim. 21 U.S.C. §848(n)(1)(A)

2. With respect to Count Six, defendant EUGENE MITCHELL, intentionally inflicted serious bodily injury which resulted in the death of the victim. 21 U.S.C. §848(n)(1)(B).

**B. Aggravating Factors for Title 21 Offenses**

**Count Six: CCE/Drug Conspiracy Killing of Misha Desandra Dorsey**

The United States will seek to prove the following aggravating factors as the basis for imposition of the death penalty in relation to Count Six (CCE/Drug conspiracy killing of Misha Desandra Dorsey) of the Indictment:

1. Statutory Aggravating Factors Enumerated Pursuant to Title 21, United States Code, Sections 848(n)(2) through (12):

a. Pecuniary gain. The defendant committed the offense as consideration for the receipt of \$10,000 from Raymond Canty. 21 U.S.C. §848(n)(7).

b. Substantial planning and premeditation. The defendant committed the offense after substantial planning and premeditation. 21 U.S.C. §848(n)(8).

2. Other Non-Statutory Aggravating Factors Enumerated Pursuant to Title 21, United States Code, Sections 848(h)(1)(B) and 848(k):

a. The defendant participated in, directed, approved, or solicited other acts of violence including acts described in the Indictment.

b. The defendant caused the victim's family and friends to suffer as a result of the impact of the killing on them. The victim's mother, upon her arrival home, found her son shot to death in their family room.

c. **Continuing Danger.** The defendant represents a continuing danger to the lives and safety of other persons. The defendant has committed the acts alleged in the capital offenses charged in the Indictment and in the statutory and non-statutory aggravating factors contained in this Notice, and in addition, has committed and exhibited acts and characteristics including but not limited to the following:

(1) The defendant, through his actions and statements after this offense, has demonstrated that he lacks remorse for having committed the offense.

(2) The defendant has demonstrated a low potential for rehabilitation. The defendant has two prior convictions and is currently incarcerated.

(a) On December 16, 1991, the defendant was convicted of armed robbery and sentenced to a term of imprisonment for three to five years.

(b) On September 9, 1999, the defendant was convicted of carrying a concealed weapon and sentenced to a term of imprisonment for eight months to five years. The defendant is scheduled to be released on November 1, 2004.

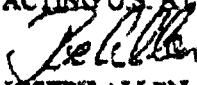
d. The victim was killed in an effort to eliminate rival drug competition and in retaliation for the victim's robberies of Carry's drug establishment.

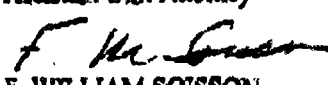
e. **Committed the Offense by Deception.** The method the defendant selected to carry out the offense preyed on the victim's trust and hospitality by planning to have the victim killed in his own home while he was defenseless. The defendant had indicated he wished to

discuss a potential drug transaction. After gaining entry into the victim's home under the ruse, the defendant then executed Misha Deandre Dorsey by shooting him four times in the head at close range while he laid on the sofa in his family room.

Respectfully submitted,

ALAN M. GERSHEL  
ACTING U.S. ATTORNEY

  
JOSEPH ALLEN  
Assistant U.S. Attorney

  
F. WILLIAM SOLSSON  
Assistant U.S. Attorneys  
211 W. Fort St., Suite 2001  
Detroit, MI 48226

Dated: 2/6/03