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NANCY MAYER WHITTINGTON, CLERK
U.S. DISTRICT COURT

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA**

UNITED STATES OF AMERICA,)
)
 v.) **Crim. No. 00-157-02 (RCL)**
)
 RODNEY L. MOORE,)
 Defendant.)

NOTICE OF INTENT TO SEEK THE DEATH PENALTY

COMES NOW the United States of America, pursuant to Title 18 U.S.C. 3593(a), by and through its undersigned counsel, Kenneth L. Wainstein, United States Attorney, and notifies the Court and the defendant, Rodney L. Moore, in the above-captioned case that the government believes the circumstances of the capital offense charged in Count Sixty-Seven of the Indictment, murder in aid of racketeering activity of Roy Cobb in violation of Title 18, United States Code, Section 1959(a)(1), are such that, in the event of the defendant's conviction, a sentence of death is justified under Chapter 228 (sections 3591 through 3598) of Title 18 of the United States Code, and that the government will seek the sentence of death for this offense.

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COUNT SIXTY-SEVEN

MURDER IN AID OF RACKETEERING ACTIVITY OF ROY COBB

The Government will seek to prove the following factors as justifying a sentence of death for the murder in aid of racketeering activity of Roy Cobb:

A. Threshold Intent Factors Enumerated under 18 U.S.C. § 3591(a)(2):

1. **Intentional Killing.** The defendant intentionally killed Roy Cobb. Section 3591(a)(2)(A).

2. **Intentional Infliction of Serious Bodily Injury.** The defendant intentionally inflicted serious bodily injury that resulted in the death of Roy Cobb. Section 3591(a)(2)(B).

3. **Intentional Act 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 would be used in connection with a person, other than one of the participants in the offense, and Roy Cobb died as a direct result of the act. Section 3591(a)(2)(C).

4. **Intentional Act in Reckless Disregard for Life.** The 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 Roy Cobb died as a direct result of the act.

Section 3591(a) (2) (D).

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 anything 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 a person or commit an act of terrorism. Section 3592(c) (9).

3. **Continuing Criminal Enterprise Involving Drug Sales to Minors.** The defendant committed the offense in the course of engaging in a continuing criminal enterprise in violation of section 408(c) of the Controlled Substances Act (21 U.S.C. 848(c)), and that violation involved the distribution of drugs to persons under the age of 21 in violation of Section 418 of that Act (21 U.S.C. 859). Section 3592(c) (13).

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

1. **Contemporaneous Convictions for Acts of Violence Charged in the Superseding Indictment.**

In addition to the capital offense charged in Count Sixty-Seven of the Superseding Indictment, the defendant engaged in a continuing pattern of criminal conduct. That pattern of criminal conduct includes the specific homicides, non-fatal shootings, and

conspiracies charged in the Superseding Indictment. Each of the nineteen violent acts listed below serves as a non-statutory aggravating factor in the event of the defendant's conviction for the murder of Roy Cobb.

a. **Assault with Intent to Murder Witness #1.** In or about sometime in January or February of 1992, **RODNEY L. MOORE** and co-conspirators, while armed with a firearm, assaulted Witness #1, a witness to the murder of Alvin Henson, with the intent to murder that witness. (Overt Act 11, Racketeering Act 21, Counts 8 and 9.)¹

b. **Murder of Anthony L. Dent, aka Fish.** On or about October 9, 1990, **RODNEY L. MOORE** and co-conspirators, while armed with a firearm, purposely and with deliberate and premeditated malice, killed Anthony Lee Dent, aka Fish, by shooting him with a firearm on or about October 9, 1990, thereby causing injuries from which Anthony Lee Dent, aka Fish, died on or about October 9, 1990. (Overt Act 7, Racketeering Act 22, Counts 4 and 5.)

c. **Murder of Marvin Goodman.** On or about July 26, 1992, **RODNEY L. MOORE** and co-conspirators, while armed with a firearm, purposely and with deliberate and premeditated malice,

¹ All references to Overt Acts, Racketeering Acts and Counts in this Notice refer to the Superseding Indictment in this case, which is hereby incorporated into this Notice.

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killed Marvin Goodman, by shooting him with a firearm on or about July 26, 1992, thereby causing injuries from which Marvin Goodman died on or about July 26, 1992. (Overt Act 14, Racketeering Act 24, Counts 10 and 11.)

d. **Assault with Intent to Murder Shawn Burton.** On or about January 3, 1993, **RODNEY L. MOORE** and co-conspirators, while armed with a firearm, assaulted Shawn Burton with the intent to murder him. (Overt Act 16, Racketeering Act 25, Count 12.)

e. **Murder of Corey W. Royster, aka Bink.** On or about January 11, 1994, **RODNEY L. MOORE** and co-conspirators, while armed with firearms, purposely and with deliberate and premeditated malice, killed Corey W. Royster, aka Bink, by shooting him with firearms on or about January 11, 1994, thereby causing injuries from which Corey W. Royster, aka Bink, died on or about January 11, 1994. (Overt Act 43, Racketeering Act 33, Counts 27 and 28.)

f. **Murder of Andre R. Robinson, aka Orange.** On or about January 11, 1994, **RODNEY L. MOORE** and co-conspirators, while armed with firearms, purposely and with deliberate and premeditated malice, killed Andre R. Robinson, aka Orange, by shooting him with firearms on or about January 11, 1994, thereby causing injuries from which Andre R. Robinson, aka Orange, died on or about January 11, 1994. (Overt Act 43, Racketeering Act 33, Counts 29 and 30.)

g. **Murder of Ronald Powell.** On or about August 27, 1994, **RODNEY L. MOORE** and co-conspirators, while armed with a

firearm, purposely and with deliberate and premeditated malice, and while perpetrating or attempting to perpetrate the crime of armed robbery, killed Ronald Powell by shooting him with a firearm on or about August 27, 1994, thereby causing injuries from which Ronald Powell died on or about August 27, 1994. (Overt Act 46, Racketeering Act 34, Counts 31, 32 and 33.)

h. **Murder of Dwayne Valentine.** On or about November 7, 1994, in the District of Columbia, **RODNEY L. MOORE** and co-conspirators, while armed with a firearm, purposely and with deliberate and premeditated malice, killed Dwayne Valentine by shooting him with a firearm on or about November 7, 1994, thereby causing injuries from which Dwayne Valentine died on or about November 7, 1994. (Overt Act 48, Racketeering Act 35, Counts 34 and 35.)

i. **Conspiracy to Commit Armed Robberies.** Between on or about January 1996 and December 1998, within the District of Columbia and elsewhere, **RODNEY L. MOORE** and co-conspirators did knowingly and willfully combine, conspire, confederate and agree together to commit armed robberies of individuals to whom they had distributed large quantities of illegal drugs. (Overt Acts 51, 52, 53, 54, 134, 135, 136, 137, 138, 139, Racketeering Act 63).

j. **Murder of Marco B. Smith.** On or about May 19, 1996, **RODNEY L. MOORE** and co-conspirators, while armed with a firearm, purposely and with deliberate and premeditated malice,

killed Marco B. Smith, by shooting him with a firearm on or about May 19, 1996, thereby causing injuries from which Marco B. Smith, died on or about May 19, 1996. (Overt Act 61, Racketeering Act 37, Counts 38 and 39).

k. **Murder of Garlan Baskerville.** On or about July 5, 1996, **RODNEY L. MOORE** and co-conspirators, while armed with a firearm, purposely and with deliberate and premeditated malice, killed Garlan Baskerville by shooting him with a firearm on or about July 5, 1996, thereby causing injuries from which Garlan Baskerville, died on or about July 5, 1996. (Overt Act 69, Racketeering Act 39, Counts 43 and 44).

l. **Murder of Diane Luther.** On or about November 24, 1996, **RODNEY L. MOORE** and co-conspirators, while armed with a firearm, purposely and with deliberate and premeditated malice, killed Diane Luther by shooting her with a firearm on or about November 24, 1996, thereby causing injuries from which Diane Luther, died on or about November 24, 1996. (Overt Act 80, Racketeering Act 42, Counts 51, 52, and 53).

m. **Assault with Intent to Murder Lincoln Hunter.** On or about November 24, 1996, **RODNEY L. MOORE** and co-conspirators, while armed with a firearm, assaulted Lincoln Hunter with the intent to murder him. (Overt Act 80, Racketeering Act 43, Count 54 and 55.)

n. **Murder of Ervon Clyburn.** On or about November

25, 1996, **RODNEY L. MOORE** and co-conspirators, while armed with a firearm, purposely and with deliberate and premeditated malice, killed Ervon Clyburn by shooting him with a firearm on or about November 25, 1996, thereby causing injuries from which Ervon Clyburn, died on or about November 25, 1996. (Overt Act 84, Racketeering Act 44, Counts 56, 57, and 58.)

o. **Murder of Joseph A. Jones.** On or about August 20, 1996, **RODNEY L. MOORE** and co-conspirators, while armed with a firearm, purposely and with deliberate and premeditated malice, killed Joseph A. Jones, by shooting him with a firearm on or about August 20, 1996, thereby causing injuries from which Joseph A. Jones died on or about August 20, 1996. (Overt Act 76, Racketeering Act 41, Counts 49 and 50).

p. **Conspiracy to Murder Raymond Sanders.** From on or about sometime in 1997 to September 20, 1997, in the District of Columbia and elsewhere, **RODNEY L. MOORE** and co-conspirators did unlawfully, knowingly and willfully combine, conspire, confederate, and agree together to murder Raymond Sanders. (Overt Act 92, Racketeering Act 45.)

q. **Conspiracy to Murder Witnesses to Murder of Demetrius Green.** From on or about December 7, 1997 to sometime in 1998, in the District of Columbia and elsewhere, **RODNEY L. MOORE** and co-conspirators did unlawfully, knowingly and willfully combine, conspire, confederate, and agree together to murder

witnesses to the murder of Demetrius Green. (Overt Act 99, Racketeering Act 49.)

r. **Conspiracy to Murder Michael Horne, aka Mike-Mike.** From on or about sometime in 1998 through July 31, 1998, in the District of Columbia and elsewhere, **RODNEY L. MOORE** and co-conspirators did unlawfully, knowingly and willfully combine, conspire, confederate, and agree together to murder Michael Horne, aka Mike-Mike. (Overt Acts 124, 125 and 126, Racketeering Act 53.)

s. **Conspiracy to Murder Robert Harris, aka Rah-Rah.** In or about sometime in 1998, in the District of Columbia and elsewhere, **RODNEY L. MOORE** and co-conspirators did unlawfully, knowingly and willfully combine, conspire, confederate, and agree together to murder Robert Harris, aka Rah-Rah. (Overt Acts 153, 154, 155, 156 and 157, Racketeering Act 28.)

2. **Contemporaneous Conviction for Narcotics Trafficking.**

From on or about sometime in 1988 and continuing until November of 2000, as set forth in Count One of the Superseding Indictment, **RODNEY L. MOORE** obtained, possessed with intent to distribute and distributed quantities of powder cocaine, cocaine base, also known as crack cocaine, heroin and marijuana, which were subsequently distributed to members and associates of the enterprise and customers in the District of Columbia, the State of Maryland, the Commonwealth of Virginia, and elsewhere.

3. Contemporaneous Convictions for Firearms Offenses.

From on or about sometime in 1988 and continuing until November of 2000, as set forth in the Superseding Indictment, **RODNEY L. MOORE** obtained, possessed, and distributed numerous firearms in the District of Columbia, the State of Maryland, and elsewhere. The defendant obtained firearms from several sources in and around Washington, D.C. He subsequently distributed some of those firearms to various co-conspirators. The defendant and co-conspirators possessed a firearm during each of the acts of violence set forth as non-statutory aggravating factors in this Notice. (Counts 85, 88, 90, 97, 98, 99, 100, 102, 104, 107, 109, 110, 111, and 115).

4. Obstruction of Justice.

From on or about sometime in 1988 and continuing until sometime in 2000, as set forth in the Superseding Indictment and this Notice, **RODNEY L. MOORE**, obstructed or impeded and attempted to obstruct or impede the administration of justice during the course of the investigation or prosecution of his criminal activities. More specifically, **RODNEY L. MOORE** murdered, and conspired and attempted to murder, a number of individuals whom he believed may cooperate with law enforcement, including, but not limited to: Witness #1, Diane Luther, Ervon Clyburn, Raymond Sanders, and witnesses to the murder of Demetrius Green, as described in non-statutory aggravating factors 1, 12, 14, 16 and

17, above, and in the Superseding Indictment.

5. Leadership Role.

From on or about sometime in 1988 and continuing until sometime in 2000, **RODNEY L. MOORE** maintained a leadership role in the organization, management and administration of the continuing criminal enterprise set forth in the Superseding Indictment. That leadership role is evidenced by one or more of the following acts which were undertaken by the defendant:

a. **Distribution of Illegal Drugs.** The defendant distributed wholesale quantities of cocaine, cocaine base, and heroin to various co-conspirators. The defendant supervised the subsequent distribution of retail quantities of illegal drugs to customers in and around Washington, D.C. The defendant collected money from co-conspirators who engaged in retail sales. He acquired and maintained "stash houses," which were used to store, manufacture and package illegal drugs. The defendant protected and expanded the territory in which the conspiracy distributed illegal drugs.

b. **Solicitation and Direction of Acts of Violence.** The defendant solicited others to commit acts of violence. The defendant specifically directed the actions of co-conspirators in the commission of acts of violence, including identifying victims, providing weapons, and transporting co-conspirators to and from locations. The defendant paid co-conspirators in illegal drugs and

currency after their commission of specific acts of violence.

c. **Obstruction of Justice.** The defendant directed others to take steps to discover the identities of individuals who had provided information regarding his and his co-conspirators' criminal activity. The defendant attempted to prevent further cooperation or trial testimony by those individuals by directing their removal from the jurisdiction or by killing or attempting to kill them.

d. **Protection of Arrested Co-conspirators.** The defendant obtained counsel and posted bond for various co-conspirators when those co-conspirators were arrested. On other occasions, he provided money to co-conspirators and their families to pay attorneys or post bond. The defendant provided money to co-conspirators and their families when those co-conspirators were incarcerated. The defendant's provision of money for counsel and family support prevented the cooperation of his arrested co-conspirators with law enforcement and facilitated their continued efforts on behalf of the organization.

6. Future Dangerousness of the Defendant.

The defendant is likely to commit criminal acts of violence in the future which would be a continuing and serious threat to the lives and safety of others, including, but not limited to, inmates and correctional officers resident in an institutional correctional setting as evidenced by the offenses charged in the Superseding

Indictment, and the aforementioned statutory and non-statutory aggravating factors alleged in this Notice. See Simmons v. South Carolina, 512 U.S. 154, 162 (1994). In addition to the offenses charged in the Superseding Indictment and the statutory and non-statutory aggravating factors alleged in this Notice, the circumstances which demonstrate his future dangerousness include: the defendant's long-term pattern of violent criminal conduct; his continuous efforts to obstruct justice and threaten or kill witnesses; his leadership role in planning and encouraging others to undertake criminal activities; his demonstrated low rehabilitative potential; and his lack of remorse for his criminal activities which have caused significant damage to the community and numerous victims and their families.

7. **Victim Impact.**


The defendant caused injury, harm and loss to the friends and family of Roy Cobb because of Roy Cobb's personal characteristics as an individual human being and the impact of his death upon those persons. See Payne v. Tennessee, 501 U.S. 808, 825-27 (1991). The government will present information concerning the effect of the offense on Roy Cobb and his family, which may include oral testimony, a victim impact statement that identifies Roy Cobb as the victim of the offense and the extent and scope of the injury

and loss suffered by Roy Cobb and his family, and any other relevant information.

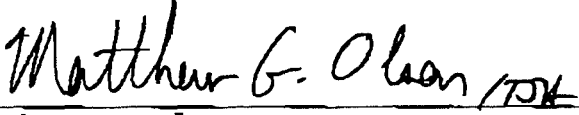
Respectfully submitted,

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CERTIFICATE OF SERVICE

I hereby certify that on the 27th day of July, 2001, a copy of the foregoing Notice of Intent to Seek the Death Penalty was delivered by hand, to the following:

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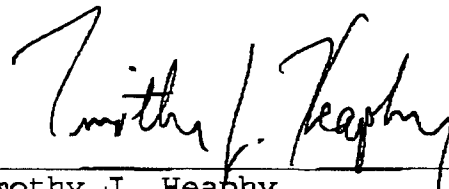
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