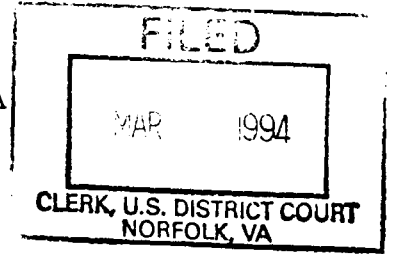
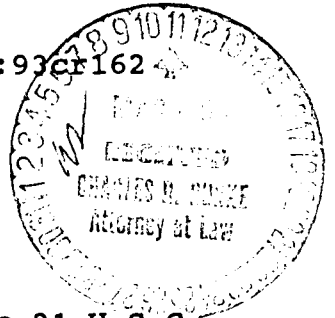


IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF VIRGINIA  
Norfolk Division



UNITED STATES OF AMERICA, )  
 )  
 v. )  
 )  
 TODD MOORE )

CRIMINAL NO. 2:93cr162-4



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

COMES NOW the United States of America, pursuant to 21 U.S.C. § 848(h)(1)(A) and (B), by and through its undersigned counsel, and notifies the Court, the defendant TODD MOORE, and the defendant's counsel, that in the event that this defendant is convicted of the murder of Antwan Mathis, in violation of 21 U.S.C. § 848(e), the Government will seek the sentence of death for TODD MOORE.

As the basis for the imposition of the death penalty against TODD MOORE, the United States will seek to prove the aggravating factors listed below.

I. Aggravating Factors Enumerated under 21 U.S.C. § 848(n)(1)(A) through (D):

1. The defendant intentionally killed the victim (21 U.S.C. § 848(n)(1)(A));
2. The defendant intentionally inflicted serious bodily injury which resulted in the death of the victim (21 U.S.C. § 848(n)(1)(B));
3. The defendant intentionally engaged in conduct intending that the victim be killed and that lethal force be employed against

the victim, which resulted in the death of the victim (21 U.S.C. § 848(n)(1)(C));

4. The defendant intentionally engaged in conduct which he knew would create a grave risk of death to a person, other than one of the participants in the offense, and that resulted in the death of the victim (21 U.S.C. § 848(n)(1)(D));

II. Aggravating Factors Enumerated under 21 U.S.C. § 848(n)(2) through (12):

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

2. The defendant committed the offense in furtherance of a continuing criminal enterprise which included a violation of 21 U.S.C. § [859], which is the distribution of controlled substances to persons under age twenty-one (21 U.S.C. § 848(n)(11)).

III. Other Aggravating Factors Identified under 21 U.S.C. § 848(h)(1)(B) and § 848(k):

1. The defendant has sustained a conviction for the 1991 distribution of a narcotic controlled substance, namely cocaine base, commonly known as "crack," in Westchester, New York. In addition, the defendant has failed to appear in court for a Hampton, Virginia, charge of possession with intent to distribute cocaine base, commonly known as "crack."

2. The defendant's background establishes his participation in other murders, other significant acts of violence, and threats of violence. In support of this, the Government will present information about the following events, inter alia:

a. In or about the late 1980s, in New York City, the defendant did shoot a man in the leg because the individual threw water in the defendant's face;

b. On or about July 16, 1990, in New York City, the defendant did shoot and kill his girlfriend Ladade Rodriguez, who was pregnant at the time;

c. In or about the Fall of 1991, in or around Richmond, Virginia, the defendant did shoot a man with a 9 millimeter Smith & Wesson semi-automatic pistol over an argument involving the defendant's brother's drug trafficking activities;

d. In or about November of 1991, in Newport News, Virginia, the defendant did shoot at and attempt to murder a co-conspirator in retaliation for stealing a quantity of cocaine from the defendant;

e. On or about January 21, 1992, in the City of Newport News, Virginia, the defendant did brandish a firearm at a co-conspirator, placed said firearm in the co-conspirator's mouth and threatened to kill the co-conspirator for refusing to register a car for the defendant. On prior occasions, the defendant did threaten to commit bodily harm on this co-conspirator and his family for refusing to rent an apartment for the defendant;

f. On or about March 26, 1992, in Newport News, Virginia, the defendant did participate in the murder of Silas Spence;

g. On or about April 22, 1992, in the City of Newport News, Virginia, the defendant did brandish a firearm at and shoot at Johnny Thompson. During this incident, the defendant did shoot and wound Johnny Woods, a thirteen year-old boy;

h. On or about May 7, 1992, in New York City, the defendant was hired to murder Patrice Scott a/k/a "Shocka" and facilitated that murder;

i. On or about May 23, 1992, in the City of Newport News, Virginia, the defendant did participate in the contract murder of Curtis Cutchins a/k/a "Weasel" and paid a sum of money to one of the persons who carried out the murder.

3. The defendant has a low potential for rehabilitation.

4. The defendant has a lack of remorse for his participation in these murders and other acts of violence, as demonstrated by a continued pattern of escalating violent criminal behavior.

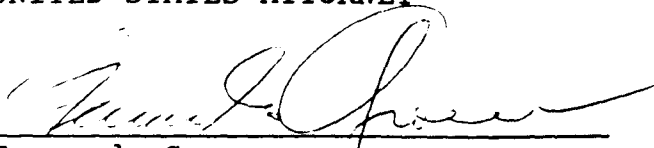
5. The defendant represents a continuing danger to the lives and safety of other persons in the future. The Government will present information that on March 1, 1994, while in custody pending trial for this offense, the defendant did assault Portsmouth Deputy Sheriff Renardo Veale and robbed him of a loaded 9 millimeter Smith & Wesson semi-automatic pistol. Further, the defendant did brandish the firearm at Deputy Veale and escaped from custody. The defendant then did carjack the vehicle driven by Charles William Farmer, abducted Farmer and forced Farmer to drive him away from the Tidewater, Virginia, area.

6. The defendant caused harm as a result of the impact of the killing upon the family of victim Antwan Mathis. Additionally, as a result of the defendant's murder of Ladade Rodriguez, her infant child was born with a severe physical handicap.

Respectfully submitted,

HELEN F. FAHEY  
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