

IN THE UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF DISTRICT U.S. DISTRICT COURT DISTRICT OF MARYLAND

UNITED STATES OF AMERICA

v.

KEON MOSES  
a/k/a "Black"

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\*

Criminal No. CCB-02-0410

2003 MAR 31 A 10:50

CLERK'S OFFICE  
AT BALTIMORE

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NOTICE OF INTENT TO SEEK THE DEATH PENALTY

COMES NOW 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 Three, Four and Six of the Indictment are such that, in the event of the defendant's conviction of one or more of these offenses, 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 these offenses: Count Three use of a firearm resulting in the death of Ronald Harris, during and in relation to the violation of 21 U.S.C. § 846 as set forth in Count One of the indictment, in violation of 18 U.S.C. § 924(j), which carries a possible sentence of death; Count Four, use of a firearm resulting in the death of Gregory Spain, during and in relation to the violation of 21 U.S.C. § 846 as set forth in Count One of the indictment, in violation of 18 U.S.C. § 924(j), which carries a possible sentence of death; and Count Six, use of a firearm resulting in the death of Robert

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McManus, during and in relation to the violation of 21 U.S.C. § 846 as set forth in Count One of the indictment, in violation of 18 U.S.C. § 924(j), which carries a possible sentence of death.

The Government proposes to prove the following factors as justifying a sentence of death:

**COUNT THREE**

**USE OF FIREARM RESULTING IN DEATH OF RONALD HARRIS**

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

1. **Intentional Killing.** The defendant intentionally killed Ronald Harris. 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 Ronald Harris. Section 3591(a)(2)(B).

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

4. **Intentional Acts 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 Ronald Harris 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. Previous Conviction of Violent Felony Involving Firearm.**

[For any offense, other than an offense for which a sentence of death is sought on the basis of 18 U.S.C. 924(c).] The defendant has previously been convicted of a Federal or State offense punishable by a term of imprisonment of more than one year, involving the use or attempted or threatened use of a firearm (as defined in 18 U.S.C. 921) against another person. Section 3592(c)(2).

**2. Pecuniary Gain.** The defendant committed the offense as consideration for the receipt, or in the expectation of the receipt, of anything of pecuniary value. Section 3592(c)(8).

**3. Multiple Killings or Attempted Killings.** The defendant intentionally killed or attempted to kill more than one person in a single criminal episode. Section 3592(c)(16).

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

**1. Victim Impact Evidence.** As evidenced by the victim's personal characteristics as an individual human being and the impact of the death upon the victim's family and friends, the defendant caused injury, harm and loss to the victim and the

victim's family and friends.

2. **Participation in other murders and acts of violence.** As part of the continuing activity described in Count One of the Indictment, the defendant, Keon Moses, also participated in, the attempted murder of Charles Brockington which is charged as Discharging a Firearm in violation of 18 U.S.C. § 924(c), charged in Count Five; the Murder of Kevin James as described in Overt Act 1 of Count One of the pending indictment; the Murders of Kevin Pearson and Michael Hargroves on August 16, 2001; and the Murder of Ronald "Wolf" Watson on November 26, 1999.

#### COUNT FOUR

##### USE OF FIREARM RESULTING IN DEATH OF GREGORY SPAIN

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

1. **Intentional Killing.** The defendant intentionally killed Gregory Spain. 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 Gregory Spain. Section 3591(a)(2)(B).

3. **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 would be used in connection with a person, other than one of the participants in the offense, and Gregory Spain died as a direct

result of the act. Section 3591(a)(2)(C).

4. **Intentional Acts 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 Gregory Spain 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. **Previous Conviction of Violent Felony Involving Firearm.**

[For any offense, other than an offense for which a sentence of death is sought on the basis of 18 U.S.C. 924(c).] The defendant has previously been convicted of a Federal or State offense punishable by a term of imprisonment of more than one year, involving the use or attempted or threatened use of a firearm (as defined in 18 U.S.C. 921) against another person. Section 3592(c)(2).

2. **Pecuniary Gain.** The defendant committed the offense as consideration for the receipt, or in the expectation of the receipt, of anything of pecuniary value. Section 3592(c)(8).

3. **Multiple Killings or Attempted Killings.** The defendant intentionally killed or attempted to kill more than one person in a single criminal episode. Section 3592(c)(16).

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

1. **Victim Impact Evidence.** As evidenced by the victim's personal characteristics as an individual human being and the impact of the death upon the victim's family and friends, the defendant caused injury, harm and loss to the victim and the victim's family and friends.

2. **Participation in other murders and acts of violence.** As part of the continuing activity described in Count One of the Indictment, the defendant, Keon Moses, also participated in, the attempted murder of Charles Brockington which is charged as Discharging a Firearm in violation of 18 U.S.C. § 924(c), charged in Count Five; the Murder of Kevin James as described in Overt Act 1 of Count One of the pending indictment; the Murders of Kevin Pearson and Michael Hargroves on August 16, 2001; and the Murder of Ronald "Wolf" Watson on November 26, 1999.

**COUNT SIX**

**USE OF FIREARM RESULTING IN DEATH OF ROBERT McMANUS**

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

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 would be used in connection with a person, other than one of the participants in the offense, and Robert McManus 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. **Previous Conviction of Violent Felony Involving Firearm.**

[For any offense, other than an offense for which a sentence of death is sought on the basis of 18 U.S.C. 924(c).] The defendant has previously been convicted of a Federal or State offense punishable by a term of imprisonment of more than one year, involving the use or attempted or threatened use of a firearm (as defined in 18 U.S.C. 921) against another person. Section 3592(c)(2).

2. **Substantial Planning and Premeditation.** The defendant committed the offense after substantial planning and premeditation to cause the death of a person. Section 3592(c)(9).

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

1. **Victim Impact Evidence.** As evidenced by the victim's personal characteristics as an individual human being and the impact of the death upon the victim's family and friends, the defendant caused injury, harm and loss to the victim and the victim's family and friends.

2. **Obstruction of Justice.** The defendant committed the offense with the intent to prevent the victim from or retaliate against the victim for providing information and assistance to law enforcement authorities in regard to the investigation or

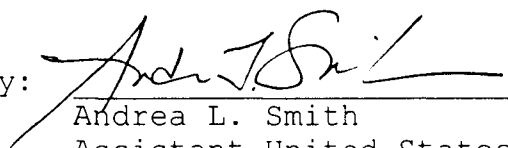
prosecution of the commission or possible commission of another offense. See 18 U.S.C. 1121(a)(2), 1510, 1512(a)(1), 1513(a)(1); U.S.S.G. 3C1.1.

3. **Participation in other murders and acts of violence.** As part of the continuing activity described in Count One of the Indictment, the defendant, Keon Moses, also participated in, the attempted murder of Charles Brockington which is charged as Discharging a Firearm in violation of 18 U.S.C. § 924(c), charged in Count Five; the Murder of Kevin James as described in Overt Act 1 of Count One of the pending indictment; the Murders of Kevin Pearson and Michael Hargroves on August 16, 2001; and the Murder of Ronald "Wolf" Watson on November 26, 1999.

Respectfully submitted,

  
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Thomas M. DiBiagio  
United States Attorney

By:

  
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Andrea L. Smith  
Assistant United States Attorney

Dated: March 31, 2003

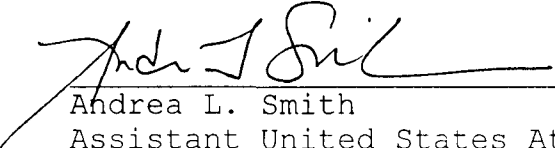


**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that on the 31<sup>st</sup> day of March, 2003, a true and correct copy of the foregoing notice of intent to seek the death penalty was [delivered by hand / mailed via first class mail, postage prepaid thereon], to the following attorneys for Keon Moses:

Archangelo Tuminelli, Esquire  
105 N. Calvert Street  
Baltimore, Maryland 21202

Carroll McCabe, Esquire  
113 Ridgely Avenue  
Annapolis, Maryland 21401

  
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