

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF KENTUCKY  
SOUTHERN DIVISION  
LONDON**

**CRIMINAL ACTION NO. 6:19-CR-16-S-REW**

**UNITED STATES OF AMERICA**

**PLAINTIFF**

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

**DANIEL S. NANTZ**

**DEFENDANT**

\* \* \* \* \*

The United States of America, by and through its undersigned counsel and pursuant to 18 U.S.C. § 3593(a), notifies the Court and **DANIEL S. NANTZ**, the Defendant, that the United States believes the circumstances of the offense charged in Count One of Superseding Indictment 6:19-CR-16-S-REW are such that, in the event of the Defendant's conviction on that count, a sentence of death is justified under Chapter 228 (Sections 3591 through 3599) of Title 18 of the United States Code, and that the United States will seek the sentence of death for this offense: Murder With The Intent to Prevent Communication to a Law Enforcement Officer and Judge, in violation of Title 18, United States Code, Section 1215(a)(1)(C), which carries a possible sentence of death.

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

A. The Defendant was 18 years of age or older at the time of the offense. 18 U.S.C. § 3591(a).

B. Statutory Threshold Factors Enumerated under 18 U.S.C. § 3591(a)(2).

**1. Intentional Killing.** The Defendant intentionally killed the victim, Geri D. Johnson. 18 U.S.C. § 3591(a)(2)(A).

**2. Intentional Infliction of Serious Bodily Injury.** The Defendant intentionally inflicted serious bodily injury that resulted in the death of the victim, Geri D. Johnson. 18 U.S.C. § 3591(a)(2)(B).

**3. Intentional Participation in an Act Resulting in Death.** The Defendant intentionally participated in an act, contemplating that the life of a person or persons would be taken and intending that lethal force would be used in connection with a person, other than one of the participants in the offense, and the victim, Geri D. Johnson, died as a direct result of the act. 18 U.S.C. § 3591(a)(2)(C).

**4. Intentional Engagement in an Act of Violence, Knowing that the Act Created a Grave Risk of Death.** 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 the victim, Geri D. Johnson, died as a direct result of the act. 18 U.S.C. § 3591(a)(2)(D).

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

**1. Grave Risk of Death to Additional Persons.** The Defendant, in the commission of the offense, or in escaping apprehension for the violation of the offense, knowingly created a grave risk of death to 1 or more persons in addition to the victim of the offense. 18 U.S.C. § 3592(c)(5).

**2. Heinous, Cruel, and Depraved Manner of Committing the Offense.** The Defendant committed the offense in an especially heinous, cruel, and depraved manner in that

it involved torture or serious physical abuse to the victim, Geri D. Johnson. 18 U.S.C. § 3592(c)(6).

**3. Substantial Planning and Premeditation.** The Defendant committed the offense after substantial planning and premeditation to cause the death of a person. 18 U.S.C. § 3592(c)(9).

**4. Vulnerable Victim.** The victim was particularly vulnerable due to infirmity. 18 U.S.C. § 3592(c)(11).

**5. Multiple Killings.** The Defendant intentionally killed and attempted to kill more than 1 person in a single criminal episode, Geri D. Johnson and Amelia Jo Johnson. 18 U.S.C. § 3592(c)(16).

D. Non-Statutory Aggravating Factors Identified under 18 U.S.C. § 3593(a)(2).

**1. Victim Impact.** The Defendant caused injury, harm, and loss to the family and friends of the victim, Geri D. Johnson. The injury, harm, and loss caused by the Defendant with respect to the victim is evidenced by the victim's personal characteristics and by the impact of the victim's death upon her family and friends.

**2. Obstruction of Justice.** Geri D. Johnson was killed to prevent her from providing information to law enforcement regarding the Defendant's drug trafficking operation.

**3. Contemporaneous Convictions.** The Defendant committed three additional charged acts of violence; one count of kidnapping (18 U.S.C. § 1201(a)(1)), and two counts of possessing a firearm during and in relation to drug-trafficking offenses (18 U.S.C. § 924(c)(1)(A)).

**4. Future Dangerousness.** The Defendant is likely to commit criminal acts of violence in the future that would constitute a continuing and serious threat to the lives and safety of others, as evidenced by, at least, one or more of the following:

a. Continuing Pattern of Violence. The Defendant has engaged in a continuing pattern of violence, attempted violence, and threatened violence, including, but not limited to, (1) the crimes charged in the Superseding Indictment; (2) the Defendant's history of domestic violence, which shows a recurrent and escalating pattern of violent behavior, including, but not limited to, threatening to kill two of his intimate partners and their children; and (3) the Defendant's history of threatening behavior and violence toward friends, associates, and drug customers.

b. Lack of Remorse. The Defendant demonstrated a callous lack of remorse by preventing the victim, Geri D. Johnson, from obtaining immediate medical treatment, using the time before driving her to the hospital in an effort to conceal his crime.

**5. Uncharged Crimes of Violence.** The Defendant participated in additional uncharged crimes of violence, including Wanton Endangerment First Degree, on multiple occasions, between, on or about February of 2019 through March 15, 2019, by firing a firearm in the direction of Geri D. Johnson, in Whitley County; Assault Second Degree for striking T.M. in the head with a firearm, a deadly weapon, causing injury between, on or about March 1, 2019 and March 15, 2019, in Whitley County; Wanton Endangerment First Degree by threatening T.M.'s life on multiple occasions in 2018 through 2019 by discharging a firearm at T.M., in Whitley County; Wanton Endangerment First Degree by discharging a firearm in the direction of J.S.'s head between, on or about March 1, 2019 and March 10, 2019, in Whitley County; Burglary First Degree for entering the dwelling of S.M. with the intent to commit another felony

offense while armed with a firearm, between, on or about March 1, 2019 and March 15, 2019, in Knox County; Assault Second Degree for striking N.M. in the head with a bedpost, a dangerous instrument, causing injury while holding N.M. at gunpoint between, on or about April of 2018 and March of 2019, in the Eastern District of Kentucky; Wanton Endangerment and Terroristic Threatening Third Degree, by placing a shotgun in B.M.'s face and threatening B.M.'s life between, on or about January of 2010 and August 18, 2011, in Whitley County; Assault Second Degree for causing injury to K.B. with scissors, a dangerous instrument, while armed with a firearm, and striking K.B. with the Defendant's hands, on or about January 12, 2010, in Whitley County; Assault Fourth Degree and Terroristic Threatening Third Degree for choking K.B. with the Defendant's hands causing injury and threatening K.B.'s life with a knife between, on or about August 22, 2008 and November of 2008 in Laurel County; and Assault Fourth Degree and Terroristic Threatening Third Degree for striking K.B. with the Defendant's hands, choking K.B., and threatening K.B.'s life between on or about August 1, 2008 and August 21, 2008, in Laurel County.

The United States further gives notice that in support of the imposition of the death penalty it intends to rely upon all the evidence admitted by the Court at the guilt phase of the trial and the offenses of conviction as described in the Superseding Indictment.

Respectfully Submitted,

ROBERT M. DUNCAN, JR.  
UNITED STATES ATTORNEY

By: /s/ Jenna E. Reed  
Assistant United States Attorney  
601 Meyers Baker Road, 2nd Floor  
London, Kentucky 40741  
(606) 330-4829  
FAX (606) 864-3590  
Jenna.Reed@usdoj.gov

Cc: Defense Counsel (via ECF)