

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

UNITED STATES OF AMERICA : Cr. No. 92-474, -01, -02 (TFH)
 : -03
v. :
WAYNE ANTHONY PERRY :
TYRONE LASALLES PRICE :
MICHAEL ANTHONY JACKSON :

GOVERNMENT'S NOTICE OF INTENT TO SEEK THE DEATH PENALTY
PURSUANT TO 21 U.S.C. §848(h)(1)

The United States of America, through its counsel, the United States Attorney for the District of Columbia, provides notice to defendant WAYNE ANTHONY PERRY only, and his defense counsel, pursuant to 21 U.S.C. §848(h)(1), that in the event of a conviction on the counts specified below, will seek imposition of the sentence of death. Specifically, the Government will seek the sentence of death for each of the following counts of the indictment charging murder in furtherance of a continuing criminal enterprise, each of which provides for a sentence of death upon a finding of guilt:

- Count Five, the murder of Domencio Benson;
- Count Seven, the murder of Michael Salters, aka Michael Fray;
- Count Nine, the murder of Evelyn Carter;
- Count Eleven, the murder of Yolanda Burley;
- Count Thirteen, the murder of Alveta Hopkins; and/or
- Count Seventeen, the murder of Garrett Terrell.

You are further notified that the Government will seek to prove the following statutory aggravating factors as justification for imposition of the penalty of death:

1. The defendant WAYNE ANTHONY PERRY

A) intentionally killed the victim;

B) intentionally inflicted serious bodily harm which resulted in the death of the victim;

C) intentionally engaged in conduct intending that the victim be killed or that lethal force be employed against the victim, which resulted in the death of the victim;

D) intentionally engaged in conduct which the defendant knew would create a grave risk of death to a person, other than one of the participants in the offense, and resulted in the death of the victim;

pertaining to the following counts,

Count Five, the murder of Domencio Benson;

Count Seven, the murder of Michael Salters, aka Michael Fray;

Count Nine, the murder of Evelyn Carter;

Count Eleven, the murder of Yolanda Burley;

Count Thirteen, the murder of Alveta Hopkins; and/or

Count Seventeen, the murder of Garrett Terrell.

21 U.S.C. §848(n)(1).

2. In the commission of the following murders, the defendant WAYNE ANTHONY PERRY knowingly created a grave risk of death to one or more persons in addition to the victims of said murders in

Count Five, the murder of Domencio Benson;

Count Seven, the murder of Michael Salters, aka Michael Fray;

Count Nine, the murder of Evelyn Carter;
21 U.S.C. §848(n)(5).

3. The defendant WAYNE ANTHONY PERRY procured the commission of the following murders:

Count Five, the murder of Domencio Benson;

Count Seven, the murder of Michael Salters, aka Michael Fray;

Count Nine, the murder of Evelyn Carter;

by payment or promise of payment of anything of pecuniary value.
21 U.S.C. §848(n)(6).

4. The defendant WAYNE ANTHONY PERRY committed the following murders:

Count Five, the murder of Domencio Benson;

Count Seven, the murder of Michael Salters, aka Michael Fray;

Count Nine, the murder of Evelyn Carter;

Count Eleven, the murder of Yolanda Burley;

Count Thirteen, the murder of Alveta Hopkins; and/or

Count Seventeen, the murder of Garrett Terrell;

as consideration for the receipt, or in the expectation of the receipt of anything of pecuniary value. 21 U.S.C. §848(n)(7).

5. The defendant WAYNE ANTHONY PERRY committed the following murders:

Count Five, the murder of Domencio Benson;

Count Seven, the murder of Michael Salters, aka Michael Fray;

Count Thirteen, the murder of Alveta Hopkins; and/or
 Count Seventeen, the murder of Garrett Terrell;
 after substantial planning and premeditation. 21 U.S.C.
 §848(n)(8).

6. The defendant WAYNE ANTHONY PERRY committed the following
 murders:

Count Eleven, the murder of Yolanda Burley; and/or
 Count Thirteen, the murder of Alveta Hopkins;
 in an especially heinous, cruel, or depraved manner in that the
 murders involved torture or serious physical abuse to the victims.
 21 U.S.C. §848(n)(12).

In addition to the aggravating factors outlined above which
 are contained in 21 U.S.C. §848(n), the following aggravating
 factors, (hereinafter referred to as non-statutory aggravating
 factors) will be proven by the Government as a basis for imposition
 of the death penalty and notice is hereby given pursuant to 21
 U.S.C. §848(h)(1)(B):

1. The defendant WAYNE ANTHONY PERRY committed multiple
 murders which aggravating factor is applicable in the following:

Count Five, the murder of Domencio Benson;
 Count Seven, the murder of Michael Salters, aka Michael
 Fray;
 Count Nine, the murder of Evelyn Carter;
 Count Eleven, the murder of Yolanda Burley;
 Count Thirteen, the murder of Alveta Hopkins; and/or
 Count Seventeen, the murder of Garrett Terrell.

2. The defendant WAYNE ANTHONY PERRY has a substantial criminal history which aggravating factor is applicable in the following:

Count Five, the murder of Domencio Benson;

Count Seven, the murder of Michael Salters, aka Michael Fray;

Count Nine, the murder of Evelyn Carter;

Count Eleven, the murder of Yolanda Burley;

Count Thirteen, the murder of Alveta Hopkins; and/or

Count Seventeen, the murder of Garrett Terrell.

3. There is a probability that the defendant WAYNE ANTHONY PERRY would commit additional criminal acts of violence so that he would constitute a continuing threat to society in the future which aggravating factor is applicable in the following:

Count Five, the murder of Domencio Benson;

Count Seven, the murder of Michael Salters, aka Michael Fray;

Count Nine, the murder of Evelyn Carter;

Count Eleven, the murder of Yolanda Burley;

Count Thirteen, the murder of Alveta Hopkins; and/or

Count Seventeen, the murder of Garrett Terrell.

4. Attempts at rehabilitation of the defendant WAYNE ANTHONY PERRY have been unsuccessful which aggravating factor is applicable in the following:

Count Five, the murder of Domencio Benson;

Count Seven, the murder of Michael Salters, aka Michael

Fray;

Count Nine, the murder of Evelyn Carter;
Count Eleven, the murder of Yolanda Burley;
Count Thirteen, the murder of Alveta Hopkins; and/or
Count Seventeen, the murder of Garrett Terrell.

5. The defendant WAYNE ANTHONY PERRY has previously been convicted of a felony involving the use or threat of violence to another, which aggravating factor is applicable in the following:

Count Five, the murder of Domencio Benson;
Count Seven, the murder of Michael Salters, aka Michael
Fray;

Count Nine, the murder of Evelyn Carter;
Count Eleven, the murder of Yolanda Burley;
Count Thirteen, the murder of Alveta Hopkins; and/or
Count Seventeen, the murder of Garrett Terrell.

6. The defendant WAYNE ANTHONY PERRY has committed crimes of violence other than those in which he has been convicted in this indictment which aggravating factor is applicable in the following:

Count Five, the murder of Domencio Benson;
Count Seven, the murder of Michael Salters, aka Michael
Fray;

Count Nine, the murder of Evelyn Carter;
Count Eleven, the murder of Yolanda Burley;
Count Thirteen, the murder of Alveta Hopkins; and/or
Count Seventeen, the murder of Garrett Terrell.

7. The defendant WAYNE ANTHONY PERRY killed Alveta Hopkins in

retaliation for his belief that she had cooperated with law enforcement officials which had resulted in the arrest of the defendant WAYNE ANTHONY PERRY for the murder of James Hinson, which aggravating factor is applicable to the following:

Count Thirteen, the murder of Alveta Hopkins.

8. The defendant WAYNE ANTHONY PERRY killed Yolanda Burley and Evelyn Carter in retaliation for his belief that they were cooperating with law enforcement officials or were providing information to law enforcement officials about criminal activity of himself and others, which aggravating factor is applicable in the following:

Count Nine, the murder of Evelyn Carter;

Count Eleven, the murder of Yolanda Burley.

9. The defendant WAYNE ANTHONY PERRY killed Alveta Hopkins during the course of a felony kidnapping which aggravating factor is applicable in the following:

Count Thirteen, the murder of Alveta Hopkins.

10. The defendant WAYNE ANTHONY PERRY stands convicted of a murder or murders which was(were) part of a course of conduct in which the defendant engaged and which included the commission by the defendant of other crimes of violence against another person or persons, and said aggravating factor is applicable in the following:

Count Five, the murder of Domencio Benson;

Count Seven, the murder of Michael Salters, aka Michael Fray;

Count Nine, the murder of Evelyn Carter;
Count Eleven, the murder of Yolanda Burley;
Count Thirteen, the murder of Alveta Hopkins; and/or
Count Seventeen, the murder of Garrett Terrell.

11. The Government intends to introduce evidence through a victim impact statement of the family members of the victim's family pursuant to Federal Criminal Procedure Rule 32(c) and D.C. Code 23-103(a).

Respectfully submitted,

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CERTIFICATE OF SERVICE

I certify that a copy of the Government's Notice of Intent to Seek the Death Penalty has been delivered in person in court to the defendant WAYNE ANTHONY PERRY, and to his counsel,

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this 8th day of June, 1993.



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