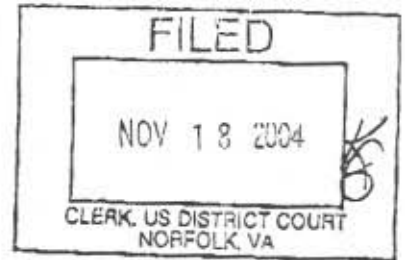


THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF VIRGINIA
Newport News Division



UNITED STATES OF AMERICA,)
)
 v.) Criminal No. 4:04cr103
)
 QUENTIN SHANNON PONDER,)
)
 Defendant.)

NOTICE OF INTENT TO SEEK THE DEATH PENALTY

The United States of America, pursuant to 18 U.S.C. § 3593(a), by and through its undersigned counsel, notifies the Court and the defendant in the above-captioned case that the Government believes the circumstances of the offenses charged in Counts One and Two of the Superseding 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 One, the premeditated, first degree murder of Gloria J. Ponder, in violation of 18 U.S.C. § 1111, and Count Two, the unlawful killing of Gloria J. Ponder in the perpetration of a robbery, in violation of 18 U.S.C. § 1111, both of which carry a possible sentence of death.

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

COUNTS ONE & TWOTHE FIRST DEGREE MURDER OF GLORIA J. PONDER

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

1. **Intentional Killing.** The defendant intentionally killed Gloria J. Ponder. 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 Gloria J. Ponder. 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 Gloria J. Ponder 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. **Heinous, Cruel, or Depraved Manner of Committing Offense.** The defendant committed the offense in an especially heinous, cruel, or depraved manner in that it involved torture or serious physical abuse to the victim. Section 3592(c)(6).

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).

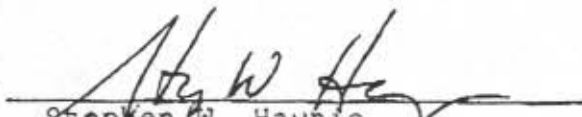
3. **Substantial Planning and Premeditation.** The defendant committed the offense after substantial planning and premeditation to cause the death of a person. Section 3592(c)(9).

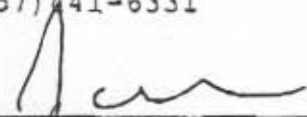
C. Other, Non-Statutory, Aggravating Factors Identified under 18 U.S.C. § 3593(a)(2).

1. **Future Dangerousness of the Defendant; Lack of Remorse.** 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. Simmons v. South Carolina, 114 S.Ct. 2187, 2193 (1994). In addition to the capital offenses charged in the Indictment and the statutory and non-statutory aggravating factors alleged in this Notice, the defendant has engaged in a continuing pattern of criminal conduct including theft, carrying concealed weapons, and burglary thereby demonstrating a potential for violent conduct. In addition, the defendant has purportedly engaged in violent conduct in jail and has threatened others with violence. Moreover, the defendant has demonstrated low rehabilitative potential, and has thus far demonstrated lack of remorse for the murder of his mother.

Respectfully submitted,

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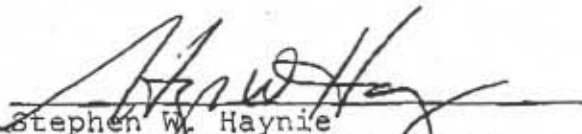
Dated: November 18, 2004

CERTIFICATE OF SERVICE

I hereby certify that on the 18th day of November, 2004, a true and correct copy of the foregoing notice of intent to seek the death penalty was mailed via first class mail, postage prepaid thereon, to the following attorneys of record:

Larry M. Dash, Esquire
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