

KTC:MJF
F.# 2005R01101

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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UNITED STATES OF AMERICA

NOTICE OF INTENT TO SEEK THE
DEATH PENALTY

- against -

05 CR 492 (S-3) (NGG)

GERARD PRICE,
also known as "Crime"
and "Bloody Crime,"

Defendant.

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Pursuant to the requirements of 18 U.S.C. § 3593(a) and 21 U.S.C. former § 848(h), the United States hereby gives notice that it believes that the circumstances of this case are such that, in the event that the defendant GERARD PRICE, also known as "Crime" and "Bloody Crime," is convicted of one or more of the capital offenses relating to the death of victim Ronald Chavis, also known as "Skee," a sentence of death is justified and that the United States will seek the death penalty. Specifically, the United States will seek a sentence of death for Count Three of the Third Superseding Indictment (the "Indictment"), which charges murder in aid of racketeering, in violation of 18 U.S.C. § 1959(a)(1); Count Four of the Indictment, which charges murder while engaging in a narcotics offense in violation of 21 U.S.C. § 848(e)(1)(A); and Count Five of the Indictment, which charges a violation of 18 U.S.C. § 924(j)(1).

Murder of Ronald Chavis
(Counts Three, Four and Five)

A. Preliminary Factors

Pursuant to 18 U.S.C. § 3591(a)(2) and 21 U.S.C. former § 848(n)(1), the United States will rely on the following preliminary factors to establish the defendant's eligibility for the death penalty as to Counts Three, Four and Five of the Indictment:

1. Intentional Killing. The defendant intentionally killed the victim. 18 U.S.C. § 3591(a)(2)(A) and 21 U.S.C. former § 848(n)(1)(A).

2. Intentional Infliction of Serious Bodily Injury That Resulted in Death. The defendant intentionally inflicted serious bodily injury that resulted in the death of the victim. 18 U.S.C. § 3591(a)(2)(B) and 21 U.S.C. former § 848(n)(1)(B).

3. Intentional Participation in an Act Which Caused Death. 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 the victim died as a direct result of the act. 18 U.S.C. § 3591(a)(2)(C) and 21 U.S.C. former § 848(n)(1)(C).

4. Intentional Engagement in an Act of Violence Which 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 died as a direct result of the act. 18 U.S.C. § 3591(a)(2)(D) and 21 U.S.C. former § 848(n)(1)(D).

B. Statutory Aggravating Factors

Pursuant to 18 U.S.C. §§ 3593(a)(2) and 3592(c), and 21 U.S.C. former §§ 848(h) and 848(n)(1), the United States will rely on the following statutory aggravating factors as justifying a sentence of death as to Counts Three, Four and Five of the Indictment:

1. Pecuniary Gain. The defendant committed the killing of Ronald Chavis, also known as "Skee," as consideration for the receipt, or in the expectation of the receipt, of anything of pecuniary value. 18 U.S.C. § 3592(c)(8) and 21 U.S.C. former § 848(n)(7).

2. Substantial Planning and Premeditation. The defendant committed the killing of Ronald Chavis, also known as "Skee," after substantial planning and premeditation to cause the death of Ronald Chavis, also known as "Skee." 18 U.S.C. § 3592(c)(9) and 21 U.S.C. former § 848(n)(8).

3. Multiple Killings or Attempted Killings. The defendant attempted to kill Michael Brown during the same

criminal episode in which he killed Ronald Chavis. 18 U.S.C. § 3592(c)(16).

4. Conviction for Serious Federal Drug Offense. The defendant has previously been convicted of violating Title 21, United States Code, Sections 841(a) and 846, for which a sentence of five or more years may be imposed. 18 U.S.C. § 3592(c)(12) and 21 U.S.C. former § 848(n)(10).

C. Non-Statutory Aggravating Factors

In addition to the statutory aggravating factors set forth above, the United States will rely on the following non-statutory aggravating factors to justify a sentence of death as to Counts Three, Four and Five, pursuant to 18 U.S.C. § 3593(a)(2) and 21 U.S.C. former § 848(h):

1. Nature of the Offense. The defendant killed Ronald Chavis, also known as "Skee," while engaged in an offense punishable under 21 U.S.C. § 841(b)(1)(A), to wit, conspiracy to distribute and possess with intent to distribute fifty grams or more of a substance containing cocaine base, a Schedule II controlled substance and one kilogram or more of a substance containing heroin, a Schedule I controlled substance, and

2. Future Dangerousness of the Defendant. The defendant is likely to commit criminal acts in the future which would be a continuing and serious threat to the lives and safety of other persons, including, but not limited to, inmates and

correctional officers in an institutional correctional setting. The defendant has committed the acts alleged in the offenses charged in the Indictment, including the capital offenses, and in the statutory and non-statutory aggravating factors contained in this Notice, and, in addition thereto, has committed and exhibited acts and characteristics including but not limited to the following:

a. Continuing Pattern of Violence. The defendant has engaged in a continuing pattern of violence, attempted violence, and threatened violence, including, at least, (a) the crimes charged in the Indictment and (b) the federal narcotics crime for which the defendant has previously been convicted.

b. Lack of Remorse. The defendant has demonstrated a lack of remorse for the capital offenses charged in the Indictment as demonstrated by his statements and actions during the course of and following the offenses.

c. Low Rehabilitative Potential. The defendant has demonstrated a low potential for rehabilitation as evidenced by his longstanding involvement in criminal activities, including but not limited to drug trafficking, possession of deadly weapons, threats of violence and acts of violence, threats of violence and acts of violence in which the defendant took part and promoted through his association with organizations that

engaged in violence, obstruction of justice, and also including but not limited to all of the offenses, including the capital offenses, charged in the Indictment.

d. Membership in a Criminal Street Gang. The defendant has demonstrated an allegiance to and active membership in the Bloods, an organization falling within the definition of criminal street gangs set forth in 18 U.S.C. § 521(a).

3. Obstruction of Justice. The defendant attempted to tamper with and intimidate another individual to prevent him from being a witness against the defendant.

4. Victim Impact Evidence. As reflected by the personal characteristics of the victim, Ronald Chavis, also known as "Skee," as an individual human being and the impact of the offense on the victim and the victim's family, the defendant caused loss, injury, and harm to the victim and the victim's family, see Payne v. Tennessee, 501 U.S. 808, 825-827 (1991), including, but not limited to, the following:

a. Characteristics of Victim. The defendant caused the death of Ronald Chavis, also known as "Skee," a 27-year-old man who enjoyed a strong relationship with his family, including his mother and aunt.

b. Impact of the Offense on the Family of the Victim. The victim's family has suffered severe and irreparable

harm. Ronald Chavis, also known as "Skee," provided emotional support to his entire family.

The Government further gives notice that in support of imposition of the death penalty on Counts Three, Four and Five, it intends to rely upon all the evidence admitted by the Court during the guilt phase of the trial and the offenses of conviction as described in the Indictment as they relate to the background and character of the defendant, his moral culpability, and the nature and circumstances of the offenses charged in the Indictment.

Dated: February 15, 2007
Brooklyn, New York

Respectfully submitted,


ROSLYNN R. MAUSKOPF
UNITED STATES ATTORNEY

cc: Barry Fallick, Esq.
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