

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

FILED

OCT 01 1996

UNITED STATES OF AMERICA)

v.)

QUAN JOHN RAY)

DOCKETED
OCT - 2 1996

H. Stuart Cunningham, Clerk
United States District Court

No. 96 CR 379-2
Hon. Suzanne B. Conlon

NOTICE OF FILING

TO: John T. Theis
29 S. LaSalle St.
Suite 220 - Barrister Hall
Chicago, IL 60603

Robert L. Gevirtz
Givertz Bom & Kissel
181 Waukegan Road - Ste. 204
Northfield, IL 60093

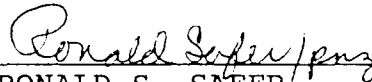
PLEASE TAKE NOTICE that on October 1, 1996 the undersigned filed with the Clerk of this Court,

NOTICE OF INTENT TO SEEK THE DEATH PENALTY

service of which is being made upon you.

Respectfully submitted,

JAMES B. BURNS
United States Attorney



RONALD S. SAFER
Assistant United States Attorney
United States Attorney's Office
219 S. Dearborn - 5th Floor
Chicago, Illinois 60604
(312) 886-0974

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**No. 96 CR 379-2
Honorable Suzanne B. Conlon**

NOTICE OF INTENT TO SEEK THE DEATH PENALTY

The United States, by its attorney James B. Burns, United States Attorney for the Northern District of Illinois, hereby notifies the Court and the defendant, pursuant to 21 U.S.C. §848(h) and 18 U.S.C. § 3593(a), that in the event of the defendant's conviction for murdering and intentionally killing Charles "Jello" Banks, as alleged in Counts Seven and Eight of the indictment, the government will seek the sentence of death.

The United States hereby notifies the Court and the defendant that, pursuant to 18 U.S.C. §3593(a), the government believes that the circumstances of the offense are such that, if the defendant is convicted of either of the offenses in Count Seven or Eight, a sentence of death is justified under Chapter 228 (Sections 3591-98) of Title 18 and Section 848 of Title 21 of the United States Code.

The government will seek to prove the following aggravating factors as the basis for imposition of the death penalty.

I. COUNT SEVEN -- 18 U.S.C. §1121(a)(2)

A. Threshold Culpability Factors Enumerated Pursuant to Title 18, United States Code, Sections 3591(a)(2)(A) Through (D)

I. Intentional Killing of Victim. 18 U.S.C. §3591(a)(2)(A). Quan John Ray intentionally killed Charles "Jello" Banks.

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2. **Intentional Infliction of Serious Bodily Harm Resulting in Death.** 18

U.S.C. §3591(a)(2)(B). Quan John Ray intentionally inflicted serious bodily injury that resulted in the death of Charles “Jello” Banks.

3. **Intentional Acts to Take Life or Use Lethal Force.** 18 U.S.C.

§3591(a)(2)(C). Quan John Ray 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 Charles “Jello” Banks died as a result.

4. **Intentional Acts in Reckless Disregard for Life.** 18 U.S.C. §3591(a)(2)(D).

Quan John Ray 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 Charles “Jello” Banks died as a direct result of the act.

B. Statutory Aggravating Factors Enumerated Pursuant to Title 18, United States Code, Sections 3592(c)(1)-(16)

1. **Commission of Offense For Pecuniary Gain.** 18 U.S.C. §3592(c)(8). Quan

John Ray committed the offense as consideration for the receipt, or in the expectation of the receipt of anything of pecuniary value. In fact, Ray received an automobile from Darryl “Pops” Johnson in payment for the murder of Charles “Jello” Banks.

2. **Substantial Planning and Premeditation.** 18 U.S.C. §3592(c)(9). Quan

John Ray committed the offense after substantial planning and premeditation to cause the death of a Charles “Jello” Banks.

C. **Non-Statutory Aggravating Factors, 18 U.S.C. §3592**

1. **Vileness of the Crime.** The defendant's conduct in committing the offense was substantially greater in degree than that described in the definition of the crime, apart from the statutory aggravating factors. Quan John Ray shot Charles "Jello" Banks in the head and face, at close range six times. He continued to stand over Banks and shoot him as Banks lay on the ground. The way in which this murder was committed, constitutes gratuitous violence and mutilation above and beyond killing the victim.

2. **Future Dangerousness.** The probability the defendant would commit serious acts of violence in the future which would be a continuing and serious threat to society. In addition to the charged offense, Quan John Ray has engaged in a continuing pattern of violent criminal conduct including: (1) the uncharged murder of Harold Williams, a rival drug dealer, who Ray shot nine times and killed in February 1995; (2) participation in the murder of Gregory Sharp in late 1994; (3) Ray's role as an "enforcer" for the Gangster Disciples pursuant to which he committed numerous acts of violence, including physical beatings and murders, against persons who violated gang rules.

II. **COUNT EIGHT -- 21 U.S.C. §848(e)(1)(A)**

A. **Statutory Aggravating Factors Enumerated Pursuant to Title 21, United States Code, Sections 848(n)(1)(A) Through (D)**

1. **Intentional Killing of Victim.** 21 U.S.C. §848(n)(1)(A). Quan John Ray intentionally killed Charles "Jello" Banks.

2. **Intentional Infliction of Bodily Harm Resulting in Death.** 21 U.S.C. §848(n)(1)(B). Quan John Ray intentionally inflicted serious bodily injury which resulted in the death of Charles “Jello” Banks.

3. **Intentional Acts to Take Life or Use Lethal Force.** 21 U.S.C. §848(n)(1)(C). Quan John Ray intentionally engaged in conduct intending that Charles “Jello” Banks be killed or that lethal force be employed against Charles “Jello” Banks, which resulted in the death of Charles “Jello” Banks.

4. **Intentional Acts in Reckless Disregard for Life.** 21 U.S.C. §848(n)(1)(D). Quan John Ray intentionally engaged in conduct which he knew would create a grave risk of death to a person, other than one of the participants in the offense, and Charles “Jello” Banks died as a direct result of the act.

B. Statutory Aggravating Factors Enumerated Pursuant to Title 21, United States Code, Sections 848(n)(2)-(12)

1. **Commission of Offense For Pecuniary Gain.** 21 U.S.C. §848(n)(7). Quan John Ray committed the offense as consideration for the receipt, or in the expectation of the receipt of anything of pecuniary value. In fact, Ray received an automobile from Darryl “Pops” Johnson in payment for the murder of Charles “Jello” Banks.

2. **Substantial Planning and Premeditation.** 21 U.S.C. §848(n)(8). Quan John Ray committed the offense after substantial planning and premeditation.

C. Non-Statutory Aggravating Factors, 21 U.S.C. §848(h)(1)(B)

1. **Vileness of the Crime.** The defendant’s conduct in committing the offense was substantially greater in degree than that described in the definition of the crime, apart from the

statutory aggravating factors. Quan John Ray shot Charles “Jello” Banks in the face, at close range six times. He continued to stand over Banks and shoot him as Banks lay on the ground. The manner in which this murder was accomplished constitutes gratuitous violence and mutilation above and beyond killing the victim.

In addition, Charles “Jello” Banks was murdered to obstruct the effective enforcement of the criminal laws. Charles “Jello” Banks was murdered because Banks was a person cooperating with federal law enforcement authorities in their investigation of the Gangster Disciples.

2. **Future Dangerousness.** The probability the defendant would commit serious acts of violence in the future which would be a continuing and serious threat to society. In addition to the charged offense, Quan John Ray has engaged in a continuing pattern of violent criminal conduct including: (1) the uncharged murder of Harold Williams, a rival drug dealer, who Ray shot nine times and killed in February 1995; (2) participation in the murder of Gregory Sharp in late 1994;

(3) Ray's role as an "enforcer" for the Gangster Disciples pursuant to which he committed numerous acts of violence, including physical beatings and murders, against persons who violated gang rules.

Respectfully submitted,

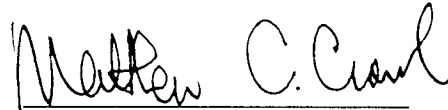
JAMES B. BURNS
United States Attorney

By:



Ronald S. Safer
Assistant U.S. Attorney
219 South Dearborn
Chicago, Il. 60604
(312) 886-0974

By:



Matthew C. Crowl
Assistant U.S. Attorney
219 South Dearborn
Chicago, Il. 60604
(312) 353-5354

STATE OF ILLINOIS)
) SS
COUNTY OF COOK)

AFFIDAVIT OF MAILING

Peggy M. Zabinski, being first duly sworn on oath, deposes and says that she is employed in the Office of the United States Attorney for the Northern District of Illinois, that on the 1st day of October, 1996, she placed a copy of:

NOTICE OF INTENT TO SEEK THE DEATH PENALTY

in a postage prepaid envelope addressed to the following named individual(s), and deposited envelope(s) in the United States mail chute, located in the United States Courthouse, Chicago, Illinois, on said date at the hour of about 5:00 p.m. to:

John T. Theis
29 S. LaSalle St.
Suite 220 - Barrister Hall
Chicago, IL 60603

Robert L. Gevirtz
Gevirtz Bom & Kissel
181 Waukegan Road
Northfield, IL 60093

Peggy M. Zabinski
SUBSCRIBED AND SWORN TO BEFORE ME

this 1st day of October, 1996

Lucille Moore
NOTARY PUBLIC

