

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF VIRGINIA
CHARLOTTESVILLE DIVISION

UNITED STATES OF AMERICA)	
)	
vs.)	Criminal No. 3:02CR00026
)	
DARRELL DAVID RICE)	

NOTICE OF INTENT TO SEEK THE DEATH PENALTY

COMES NOW the United States of America, pursuant to 18 U.S.C. 3591 and 3592, by and through its undersigned counsel, and notifies the Court and the defendant in the above-captioned case that the Government believes the circumstances of the offenses charged in Counts One through Four of the Superseding Indictment are such that, in the event of a conviction on any one or more of the offenses charged therein, a sentence of death is justified under Chapters 15 and 228 of Title 18 of the United States Code, and that the Government will seek the sentence of death for these offenses: Title 18, United States Code, Section 1111 (four counts), each of which carries a possible sentence of death.

The Government proposes to prove the following factors as justifying a sentence of death as to each of the four counts in the Superseding Indictment:

1. **Threshold Culpability Factors under 18 U.S.C. § 3591(a)(2).**
 - a. The defendant intentionally killed the victims;
 - b. The defendant intentionally inflicted serious bodily injury that resulted in the deaths of the victims;
 - c. 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 that the victims died as a direct result of the act; or

d. 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 victims died as a direct result of the act.

2. **Statutory Factors under 18 U.S.C. § 3592(c).**

a. The defendant committed the offense in an especially heinous, cruel, or depraved manner in that it involved torture or serious physical abuse to the victims. [§3592(c)(6)].

b. The defendant intentionally killed more than one person in a single criminal episode. [§3592(c)(16)].

3. **Non-Statutory Factors**

a. Victim impact: The impact on the family and friends of the victims caused by their murders. *Payne v. Tennessee*, 501 U.S. 808 (1991). Specifically, the surviving members of the victims' families have been deprived of their loved ones and the benefits of having those loved ones in their lives. As a result, their lives have changed and they have experienced significant emotional trauma.

b. Future dangerousness: Because of his violent conduct toward women, Rice represents a future danger toward women who may come into contact with him, whether in a prison setting or otherwise, based on one or more of the following:

i. On July 9, 1997, Rice attempted to abduct and sexually assault Yvonne Malbasha, and was convicted for that offense

ii. Rice has made statements to law enforcement agents that he chose to intimidate and assault women because "they are more vulnerable than men."

iii. On February 26, 1996, Rice used a ruse to persuade Carmelita Shomo to stop her motor vehicle in Prince William County. After Shomo entered Rice's vehicle, Rice grabbed her head and forced it into his lap while threatening her with a screwdriver.

iv. At other times during the month of February, 1996, several other women stopped their vehicles along the Route 29 corridor in response to a ruse virtually identical to that used by Rice to stop Shomo. Seven of these women have identified Rice as the person who stopped them.

v. In the spring or early summer of 1997, Rice assaulted Leilani David.

c. Hate crime motivation: Rice has expressed hatred and contempt toward women as well as homosexuals and lesbians, and his animosity toward those groups played a role in the murders charged in the Superseding Indictment. Hate crime motivation is evidenced by one or more of the following:

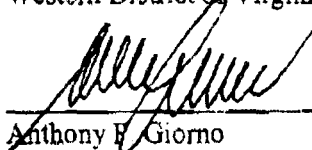
i. Rice has made statements that the victims in this case deserved to die because they were "lesbian whores."

ii. In the spring of 1997, Rice approached Jill Romanoski in a wooded area and called her a "filthy slut" and "fucking bitch." He then followed her closely as she attempted to enter the safety of a nearby office building.

iii. In the winter of 1996 until early 1997, Rice stood outside the door of Melody Sies muttering variations of the phrase, "Blood, you're going to die."

The government gives further notice that in support of imposition of the death penalty it intends to rely upon all the evidence admitted by the Court at the guilt phase of the trial as described in the Superseding Indictment as they relate to the background and character of the defendant, his moral culpability and the nature and circumstances of the offenses of conviction.

Respectfully submitted,
JOHN L. BROWNLEE
United States Attorney
Western District of Virginia



Anthony F. Giorno
Assistant United States Attorney
Western District of Virginia

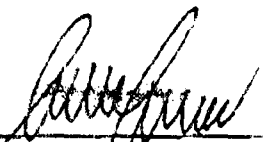
CERTIFICATE OF SERVICE

I certify that a true and correct copy of the Notice of Intent to Seek the Death Penalty has been mailed to

Gerald Zerkin, Esq.
830 E. Main Street
Suite 1100
Richmond, Virginia 23219

Fred Hebllich, Esq.
801 East Jefferson Street
Charlottesville, Virginia 22902-5131

on this 13th day of March, 2003.



Anthony P. Gjorno
Assistant United States Attorney
VSB Code # 15830

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