

COPY

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U.S. DISTRICT COURT
NORTHERN DIST. OF TX.
FORT WORTH DIVISION

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
FORT WORTH DIVISION**

2001 OCT 19 PM 3:43
CLERK OF COURT

UNITED STATES OF AMERICA

vs.

JULIUS OMAR ROBINSON

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Criminal No. 4:00-CR-0260-Y (2)

NOTICE OF INTENT TO SEEK THE DEATH PENALTY

COMES NOW the United States of America, by and through the United States Attorney for the Northern District of Texas, and files, pursuant to Title 18, United States Code, Sections 3591 through 3593, and Title 21, United States Code, Section 848, this notice of its intent to seek the death penalty against the defendant, **JULIUS OMAR ROBINSON**, in the event **ROBINSON** is convicted of Count Three, Seven, Eleven, Twelve, or Fifteen of the superseding indictment, which charges defendant with using, carrying, and discharging firearms during and in relation to a drug trafficking crime and in the course of such violation did cause death, in violation of Title 18, United States Code, Section 924(j), Establishing a Continuing Criminal Enterprise in violation of Title 21, United States Code, Section 848, and Possession With Intent to Distribute a Controlled Substance and while engaging in such offense intentionally caused the death of another in violation of Title 21, United States Code, Section 841 (a)(1) and 848 (E)(1)(A).

I.

TITLE 18 OFFENSES

The United States of America believes that the circumstances of the offenses of using/carrying/discharging a firearm and causing the death of Johnny Lee Shelton, Juan Reyes, and Rudolfo Resendez are such that if the defendant, **JULIUS OMAR ROBINSON**, is convicted a sentence of death is justified for each offense under Title 18, United States Code, Sections 3591(a), 3592(a), and 3592(c).

The United States of America will prove, at a hearing held pursuant to Title 18, United States Code, Section 3593, that:

Count Seven

a. On or about December 3, 1998, in the Northern District of Texas, the defendant, **JULIUS OMAR ROBINSON**, did intentionally kill Johnny Lee Shelton by shooting and killing him with a firearm (18 U.S.C. § 3591 (a)(2)(A));

b. On or about December 3, 1998, in the Northern District of Texas, the defendant, **JULIUS OMAR ROBINSON**, intentionally inflicted serious bodily injury that resulted in the death of Johnny Lee Shelton (18 U.S.C. § 3591 (a)(2)(B));

c. On or about December 3, 1998, in the Northern District of Texas, the defendant, **JULIUS OMAR ROBINSON**, did intentionally participate 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 Johnny Lee Shelton died as a direct result of the act (18 U.S.C. § 3591 (a)(2)(C));

d. On or about December 3, 1998, in the Northern District of Texas, the defendant, **JULIUS OMAR ROBINSON**, 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 Johnny Lee Shelton died as a direct result of the act (18 U.S.C. § 3591 (a)(2)(D));

e. the defendant, **JULIUS OMAR ROBINSON**, in the commission of the offense knowingly created a grave risk of death to one or more persons in addition to Johnny Lee Shelton, the victim of the offense (18 U.S.C. § 3592(c)(5));

f. the defendant, **JULIUS OMAR ROBINSON**, committed the offense after substantial planning and premeditation to cause the death of a person (18 U.S.C. § 3592(c)(9));

g. Johnny Shelton's personal characteristics and the severe and detrimental effect of the instant offense on Johnny Shelton's family. See 18 U.S.C. § 3593(a) and Payne v. Tennessee, 501 U.S. 808, 111 S. Ct. 2597 (1991);

h. future dangerousness to the lives and safety of other persons, as evidenced by a lack of remorse, poor rehabilitative potential, and specific threats and acts of violence. See Jurek v. Texas, 428 U.S. 262, 272-273, 96 S. Ct. 2950, 2956- 2957 (1976) ("probability that the defendant would commit criminal acts of violence that would constitute a continuing threat to society");

i. Defendant engaged in a prior act of violence: he pleaded guilty to Deadly Conduct by Discharging Firearm at an Individual on March 11, 1996. **ROBINSON** received deferred adjudication on this crime.

Count Eleven

a. On or about May 9, 1999, in the Northern District of Texas, the defendant, **JULIUS OMAR ROBINSON**, did intentionally kill Juan Reyes by shooting and killing him with a firearm (18, U.S.C. § 3591 (a)(2)(A));

b. On or about May 9, 1999, in the Northern District of Texas, the defendant, **JULIUS OMAR ROBINSON**, intentionally inflicted serious bodily injury that resulted in the death of Juan Reyes (18, U.S.C. § 3591 (a)(2)(B));

c. On or about May 9, 1999, in the Northern District of Texas, the defendant, **JULIUS OMAR ROBINSON**, did intentionally participate in an act, contemplating that the life of Juan Reyes would be taken, or intending that lethal force would be used in connection with Juan Reyes, a person other than one of the participants in the offense, and Juan Reyes, the victim, died as a direct result of the act (18 U.S.C. § 3591 (a)(2)(C));

d. On or about May 9, 1999, in the Northern District of Texas, the defendant, **JULIUS OMAR ROBINSON**, did intentionally engage in an act of violence, namely, shoot Juan Reyes, 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, Juan Reyes, died as a direct result of the act (18 U.S.C. § 3591 (a)(2)(D));

e. the defendant, **JULIUS OMAR ROBINSON**, in the commission of the offense knowingly created a grave risk of death to one or more persons in addition to Juan Reyes, the victim of the offense (18 U.S.C. § 3592(c)(5));

f. the defendant, **JULIUS OMAR ROBINSON**, committed the offense in an especially heinous, cruel, and depraved manner in that it involved torture or serious physical abuse to the victim (18 U.S.C. § 3592(c)(6));

g. the defendant, **JULIUS OMAR ROBINSON**, committed the offense after substantial planning and premeditation to cause the death of Juan Reyes (18 U.S.C. § 3592(c)(9));

h. the defendant, **JULIUS OMAR ROBINSON**, intentionally killed or attempted to kill more than one person in a single criminal episode (18 U.S.C. § 3592(c)(16));

i. future dangerousness to the lives and safety of other persons, as evidenced by a lack of remorse, poor rehabilitative potential, and specific threats and acts of violence. See Jurek v. Texas, 428 U.S. 262, 272-273, 96 S. Ct. 2950, 2956- 2957 (1976) ("probability that the defendant would commit criminal acts of violence that would constitute a continuing threat to society");

j. Defendant engaged in a prior act of violence: he pleaded guilty to Deadly Conduct by Discharging Firearm at an Individual on March 11, 1996. **ROBINSON** received deferred adjudication on this crime.

Count Fifteen

a. On or about July 12, 1999, in the Northern District of Texas, the defendant, **JULIUS OMAR ROBINSON**, did intentionally participate in an act, namely, the luring of Rudolfo Resendez into Fort Worth, Texas, the plan to take Rudolfo Resendez to some remote location, and the plan to ultimately kill Rudolfo Resendez, all the while contemplating that the life of Rudolfo Resendez would be taken or intending that lethal force would be used in connection with Rudolfo Resendez, and Rudolfo Resendez, the victim, died as a direct result of the act (18 U.S.C. 3591 (a)(2)(C));

b. the defendant, **JULIUS OMAR ROBINSON**, committed the offense as consideration for the receipt, or in the expectation of the receipt, of anything of pecuniary value (18 U.S.C. § 3592(c)(8));

c. the defendant, **JULIUS OMAR ROBINSON**, committed the offense after substantial planning and premeditation to cause the death of Rudolfo Resendez (18 U.S.C. § 3592(c)(9));

d. future dangerousness to the lives and safety of other persons, as evidenced by a lack of remorse, poor rehabilitative potential, and specific threats and acts of violence. See Jurek v.

Texas, 428 U.S. 262, 272-273, 96 S. Ct. 2950, 2956- 2957 (1976) ("probability that the defendant would commit criminal acts of violence that would constitute a continuing threat to society");

e. Defendant engaged in a prior act of violence: he pleaded guilty to Deadly Conduct by Discharging Firearm at an Individual on March 11, 1996. **ROBINSON** received deferred adjudication on this crime.

II.

TITLE 21 OFFENSES

The United States of America believes that the circumstances of the instant offenses of Continuing Criminal Enterprise and Possession With Intent to Distribute a Controlled Substance and while engaging in such offenses defendant intentionally killed Johnny Lee Shelton and Juan Reyes and Rudolfo Resendez are such that, if the defendant, **JULIUS OMAR ROBINSON**, is convicted, a sentence of death is justified for each offense under Title 21, United States Code, Section 848 (e)(1)(A).

The United States of America will prove, at a hearing held pursuant to Title 21, United States Code, Section 848, that:

Count Three

a. On or about December 3, 1998, in the Northern District of Texas, the defendant, **JULIUS OMAR ROBINSON**, did intentionally kill Johnny Lee Shelton by shooting and killing him with a firearm (21 U.S.C. § 848 (n)(1)(A));

b. On or about December 3, 1998, in the Northern District of Texas, the defendant, **JULIUS OMAR ROBINSON**, intentionally inflicted serious bodily injury which resulted in the

death of Johnny Lee Shelton (21 U.S.C. § 848 (n)(1)(B));

c. On or about December 3, 1998, in the Northern District of Texas, the defendant, **JULIUS OMAR ROBINSON**, intentionally engaged in conduct intending that Johnny Lee Shelton be killed or that lethal force be employed against Johnny Lee Shelton, which resulted in the death of Johnny Lee Shelton (21 U.S.C. § 848 (n)(1)(C));

d. On or about December 3, 1998, in the Northern District of Texas, the defendant, **JULIUS OMAR ROBINSON**, intentionally engaged in conduct, namely, shoot at Johnny Lee Shelton, 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 Johnny Lee Shelton (21 U.S.C. § 848 (n)(1)(D));

e. On or about December 3, 1998, the defendant, **JULIUS OMAR ROBINSON**, in the commission of an offense in violation of Title 21, United States Code, Section 841 (a) and 848, knowingly created a grave risk of death to one or more persons in addition to the victims of the offense (21 U.S.C., § 848(n)(5));

f. the defendant, **JULIUS OMAR ROBINSON**, committed the offense after substantial planning and premeditation to cause the death Johnny Lee Shelton (21 U.S.C. § 848(n)(8));

g. On or about May 9, 1999, in the Northern District of Texas, the defendant, **JULIUS OMAR ROBINSON**, did intentionally kill Juan Reyes by shooting and killing him with a firearm (21 U.S.C. § 848 (n)(1)(A));

h. On or about May 9, 1999, in the Northern District of Texas, the defendant, **JULIUS OMAR ROBINSON**, intentionally inflicted serious bodily injury which resulted in the death of Juan Reyes (21 U.S.C. § 848 (n)(1)(B));

i. On or about May 9, 1999, in the Northern District of Texas, the defendant, **JULIUS**

OMAR ROBINSON, intentionally engaged in conduct intending that Juan Reyes be killed or that lethal force be employed against Juan Reyes, which resulted in the death of Juan Reyes (21 U.S.C. § 848 (n)(1)(C));

j. On or about May 9, 1999, in the Northern District of Texas, the defendant, **JULIUS OMAR ROBINSON**, intentionally engaged in conduct, namely, shoot at Juan Reyes, 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 Juan Reyes (21 U.S.C. § 848 (n)(1)(D));

k. On or about May 9, 1999, the defendant, **JULIUS OMAR ROBINSON**, in the commission of an offense in violation of Title 21, United States Code, Section 841 (a) and 848, knowingly created a grave risk of death to one or more persons in addition to the victims of the offense (21 U.S.C., § 848(n)(5));

l. the defendant, **JULIUS OMAR ROBINSON**, committed the offense after substantial planning and premeditation to cause the death of Juan Reyes (21 U.S.C. § 848(n)(8));

m. the defendant, **JULIUS OMAR ROBINSON**, committed the offense in an especially heinous, cruel, or depraved manner in that it involved torture or serious physical abuse to the victim (21 U.S.C. § 848(n)(12));

n. On or about July 12, 1999, in the Northern District of Texas, the defendant, **JULIUS OMAR ROBINSON**, intentionally engaged in conduct intending that Rudolfo Resendez be killed or that lethal force be employed against Rudolfo Resendez, which resulted in the death of Rudolfo Resendez (21 U.S.C. § 848 (n)(1)(C));

o. On or about July 12, 1999, in the Northern District of Texas, the defendant, **JULIUS OMAR ROBINSON**, 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 Rudolfo Resendez (21 U.S.C. § 848 (n)(1)(D));

p. the defendant, **JULIUS OMAR ROBINSON**, committed the offense as consideration for the receipt, or in the expectation of the receipt, of anything of pecuniary value (21 U.S.C. § 848(n)(7));

q. the defendant, **JULIUS OMAR ROBINSON**, committed the offense after substantial planning and premeditation to cause the death of Rudolfo Resendez (21 U.S.C. § 848(n)(8)).

r. future dangerousness to the lives and safety of other persons, as evidenced by a lack of remorse, poor rehabilitative potential, and specific threats and acts of violence. See Jurek v. Texas, 428 U.S. 262, 272-273, 96 S. Ct. 2950, 2956- 2957 (1976) ("probability that the defendant would commit criminal acts of violence that would constitute a continuing threat to society");

s. Defendant engaged in a prior act of violence: he pleaded guilty to Deadly Conduct by Discharging Firearm at an Individual on March 11, 1996. **ROBINSON** received deferred adjudication on this crime.

Count Twelve

a. On or about July 12, 1999, in the Northern District of Texas, the defendant, **JULIUS OMAR ROBINSON**, intentionally engaged in conduct intending that Rudolfo Resendez be killed or that lethal force be employed against Rudolfo Resendez, which resulted in the death of Rudolfo Resendez (21 U.S.C. § 848 (n)(1)(C));

b. On or about July 12, 1999, in the Northern District of Texas, the defendant, **JULIUS OMAR ROBINSON**, 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 Rudolfo Resendez (21 U.S.C. § 848 (n)(1)(D));

c. the defendant, **JULIUS OMAR ROBINSON**, committed the offense as consideration for the receipt, or in the expectation of the receipt, of anything of pecuniary value (21 U.S.C. § 848(n)(7));

d. the defendant, **JULIUS OMAR ROBINSON**, committed the offense after substantial planning and premeditation to cause the death of Rudolfo Resendez (21 U.S.C. § 848(n)(8)).

e. future dangerousness to the lives and safety of other persons, as evidenced by a lack of remorse, poor rehabilitative potential, and specific threats and acts of violence. See Jurek v. Texas, 428 U.S. 262, 272-273, 96 S. Ct. 2950, 2956- 2957 (1976) ("probability that the defendant would commit criminal acts of violence that would constitute a continuing threat to society");

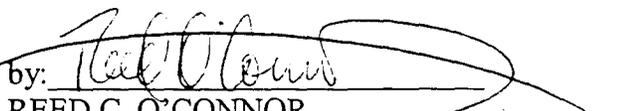
f. Defendant engaged in a prior act of violence: he pleaded guilty to Deadly Conduct by Discharging Firearm at an Individual on March 11, 1996. **ROBINSON** received deferred adjudication on this crime.

Respectfully submitted,

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CERTIFICATE OF SERVICE

I certify that on this the 19th day of October, 2001, a true and correct copy of the Government's Notice of Intent to Seek the Death Penalty was served by United States First Class mail on the attorney for defendant.



FREDERICK M. SCHATTMAN
Assistant United States Attorney