

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

UNITED STATES OF AMERICA)
)
 v.) Criminal No. 01-291
)
LAWRENCE A. SKIBA)

NOTICE OF INTENT TO SEEK THE DEATH PENALTY

AND NOW comes the United States of America, pursuant to

Title 18, United States Code, Section 3593(a), 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 Seven and Eight of the Second Superseding Indictment are such that, in the event of the defendant's conviction on those Counts, 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: Interstate Murder For Hire, resulting in death, in violation of Title 18, United States Code, Sections 1958 and 2.

The Government believes that the evidence will support submission to the jury of the following factors as justifying a sentence of death:

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

1. **Intentional Killing.** The defendant intentionally killed Robert Cooper. Title 18, United States Code, 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 Robert Cooper. Title 18, United States Code, 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 Robert Cooper died as a result of the act. Title 18, United States Code, Section 3591(a)(2)(C).

4. **Intentional Acts in Reckless Disregard for Life.** 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 Robert Cooper died as a direct result of the act. Title 18, United States Code, Section 3591(a)(2)(D).

B. Statutory Aggravating Factors Enumerated under 18 U.S.C. §3592(c).

1. **Procurement of Offense By Payment.** The defendant procured the commission of the offense by payment, or promise of payment, of something of pecuniary value. Title 18, United States Code, Section 3592(c)(7).

2. **Pecuniary Gain.** The defendant committed the offense as consideration for the receipt, or in the expectation of the receipt, of something of pecuniary value. Title 18, United States Code, 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. Title 18, United States Code, Section 3592(c)(9).

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

1. **Contemporaneous Findings of Guilt.** The defendant has also been charged in a separate indictment with perpetrating two fraudulent schemes involving life insurance policies on the life of Charles Foster. That indictment alleges that, in furtherance of those schemes, the defendant attempted to kill Charles Foster in order to collect on those fraudulently acquired policies.

2. **Future Dangerousness.** The defendant is a future danger to the lives and safety of other persons. The defendant's conduct in connection with the following incidents demonstrates a continuing pattern of violence:

The Glassporter Hotel Fire. On August 4, 1993, in an effort to collect insurance proceeds, the defendant caused a fire at the Glassporter Hotel in Glassport, Pennsylvania. The fire caused the death of thirty-six-year-old Michael George.


The Fifth Avenue Laundromat Fire. On September 29, 1996, in an effort to collect insurance proceeds, the defendant caused the fire which destroyed his self-serve laundry business, known as the Fifth Avenue Laundromat, in McKeesport, Pennsylvania.


The Policy on John Novosedliak. On the morning of March 28, 1998, in an effort to collect insurance proceeds, the defendant provided twenty-three-year-old John Novosedliak with a handgun

which John Novosedliak used to kill himself a few minutes later. The defendant then collected in excess of \$90,000 on a life insurance policy which the defendant had on the life of John Novosedliak.

The Policy on Charles Foster. On December 5, 2000, the defendant attempted to kill Charles Foster so that he could collect on two insurance policies which the defendant had on the life of Charles Foster.

Respectfully submitted,


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CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the within Notice was served by first-class mail this 13th day of June, 2003, to and upon the following:

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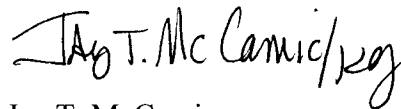
July 9, 2003

Kevin McNally, Esq.
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Dear Kevin:

Enclosed please find a copies of the Notice of Intent to Seek the Death Penalty in *U.S. v. Charles Hatten*, Criminal No. 3:02-00232 and in *U.S. v. Lawrence A. Skiba*, Criminal No. 01-291.

Yours truly,



Jay T. McCamic
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JTMcC:kjg
Enclosures

better copies
for scanning