

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

UNITED STATES OF AMERICA            )  
  )  
                  v.                        )  
  )  
JELANI SOLOMON                        )  
  )

Criminal No. 05-385  
[ELECTRONICALLY FILED]

**NOTICE OF INTENT TO SEEK THE DEATH PENALTY**

AND NOW comes the United States of America, pursuant to 18 U.S.C. § 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 1 and 6 of the superseding indictment are such that, in the event of the defendant's conviction on Count 6, a sentence of death is justified under 18 U.S.C. § 3591 et seq., and that the government will seek the sentence of death for these offenses: Using a firearm during and in relation to a drug trafficking crime and causing the death of a person through use of said firearm, in violation of 18 U.S.C. §§ 924(c)(1)(A), 924(j)(1) and 2.

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

**I. Statutory Threshold Findings**

The government will seek to prove the following threshold findings as the basis for imposition of the death penalty:

(a) Jelani Solomon was at least 18 years of age at the time of the offenses charged in Counts 1 and 6 (18 U.S.C. § 3591(a));

(b) Jelani Solomon intentionally participated in one or more acts, 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 Frank Helisek, Jr. died as a direct result of such act or acts (18 U.S.C. § 3591(a)(2)(C)); and

(c) Jelani Solomon intentionally and specifically engaged in one or more acts of violence, knowing that the act or acts created a grave risk of death to a person, other than one of the participants in the offense, such that participation in such act or acts constituted a reckless disregard for human life, and Frank Helisek, Jr. died as a direct result of such act or acts (18 U.S.C. § 3591(a)(2)(D)).

## **II. Statutory Aggravating Factors**

The government will seek to prove the following statutory aggravating factors as the basis for imposition of the death penalty in relation to the indictment:

(a) **Procurement of Offense by Payment.** Jelani Solomon procured the commission of the offense by payment, or promise of payment, of anything of pecuniary value (18 U.S.C. § 3592(c)(7)); and

(b) **Substantial Planning and Premeditation.** Jelani Solomon committed the offense after substantial planning and premeditation to cause the death of a person (18 U.S.C. § 3592(c)(9)).

**III. Non-Statutory Aggravating Factors**

The government will seek to prove the following non-statutory aggravating factors as the basis for imposition of the death penalty in relation to the indictment:

(a) **Future Dangerousness.** Jelani Solomon 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. In addition to committing the acts alleged in the offenses charged in the indictment, including the capital offense, the defendant has demonstrated a low potential for rehabilitation as evidenced by his long-standing involvement in criminal activities, including but not limited to drug trafficking, possession of deadly weapons, threats of violence and acts of violence.

(b) **Knowingly Targeting an Innocent Victim.** Jelani Solomon executed a totally innocent and unsuspecting, and therefore utterly defenseless, victim by causing Claron Hanner to shoot him after luring the victim to the front door of his home, for no

reason other than the victim's son had cooperated with law enforcement authorities in an investigation/prosecution of Solomon.

(c) **Motive to Obstruct Justice/to Intimidate or Retaliate Against a Witness.** Jelani Solomon paid Claron Hanner to murder Frank Helisek, Jr., so that Solomon could dissuade Sean Helisek from testifying against him, to retaliate for Helisek's cooperation with law enforcement authorities, and to enhance Solomon's reputation as a drug dealer and ensure that no one ever again informed on him.

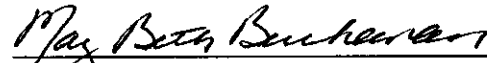
(d) **Victim Impact.** The murder of Frank Helisek, Jr. had devastating effects on the lives of his children and family. As reflected by the victim's personal characteristics as an individual human being and the impact of the offense on the victim and the victim's family, Jelani Solomon caused loss, injury, and harm to the victim and the victim's family (see Payne v. Tennessee, 501 U.S. 808, 825-27 (1991)).

The government further gives 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 and the offenses of conviction as described in the indictment as they relate to the background and character of the defendant, Jelani

Solomon, his moral culpability, and the nature and circumstances of the offenses charged in the indictment.

Dated: December 29, 2006

Respectfully submitted,



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