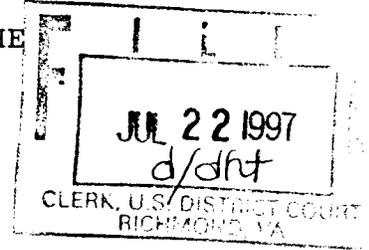


IN THE UNITED STATES DISTRICT COURT FOR THE
EASTERN DISTRICT OF VIRGINIA
RICHMOND DIVISION



UNITED STATES OF AMERICA)

v.)

Criminal No. 3:96-CR-66 (7)

RICHARD ANTHONY THOMAS,)
a/k/a "Spookie")
a/k/a "Richie")
a/k/a "Mark Andrew Taylor")
Defendant.)

FINAL AMENDED NOTICE OF INTENT TO SEEK A SENTENCE OF DEATH

COMES NOW the United States of America, pursuant to Title 21, United States Code, Sections 848(e)(1)(A) and 848(h)(1)(A) & (B), by and through its undersigned counsel, Helen F. Fahey, United States Attorney, and Andrew G. McBride and David J. Novak, Assistant United States Attorneys, and files a Final Amended Notice of Intent to Seek a Sentence of Death. The United States notifies the Court and the defendant RICHARD ANTHONY THOMAS and his counsel, that in the event of the defendant's conviction of any of Counts Ten, Eleven, or Twelve of the pending Superseding Indictment, wherein the defendant is charged with intentionally killing Anthony Baylor, Marco Baylor, and Anthony Merrit, and aiding and abetting said intentional killings, while engaging in and working in furtherance of a continuing criminal enterprise and while engaging in an offense punishable under Title 21, United States Code, Section 841(b)(1)(A), the Government will seek the sentence of death.

I. AGGRAVATING FACTORS AS TO COUNT TEN

The Government will seek to prove the following aggravating factors as the basis for imposition of the death penalty against RICHARD ANTHONY THOMAS in relation to Count Ten of the Superseding Indictment for the intentional killing of Anthony Baylor:

A. Statutory Aggravating Factors Enumerated under 21 U.S.C. § 848(n) (1) (A) through (D):

1. The defendant intentionally killed Anthony Baylor. Section 848(n) (1) (A).
2. The defendant intentionally inflicted serious bodily injury which resulted in the death of Anthony Baylor. Section 848(n) (1) (B).
3. The defendant intentionally engaged in conduct intending that the victim, Anthony Baylor be killed and that lethal force be employed against the victim, which resulted in the death of Anthony Baylor. Section 848(n) (1) (C).
4. The defendant 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 that conduct resulted in the death of Anthony Baylor. Section 848(n) (1) (D).

B. Statutory Aggravating Factors Enumerated under 21 U.S.C. § 848(n) (2) through (12):

1. The defendant RICHARD ANTHONY THOMAS committed the offense described in Count Ten of the Superseding Indictment as consideration for the receipt, and in expectation of the receipt

of something of pecuniary value. Section 848(n)(7).

2. The defendant RICHARD ANTHONY THOMAS committed the offense described in Count Ten of the Superseding Indictment after substantial planning and premeditation. Section 848(n)(8).

C. Other, Non-Statutory, Aggravating Factors Identified under 21 U.S.C. § 848 (h)(1)(B) and § 848(k):

1. The defendant RICHARD ANTHONY THOMAS's future dangerousness that is, the probability that the defendant would commit criminal acts of violence constituting a continuing threat to society, as evidenced by some or all of the following:

a. On or about April 5, 1989, in Essex County Court, Juvenile Division, the defendant RICHARD ANTHONY THOMAS was convicted of the crime of assault.

b. On or about August 17, 1990, in Juvenile Court for the Municipality of East Orange, the defendant RICHARD ANTHONY THOMAS was found guilty of possession of a controlled dangerous substance and sentenced to one year probation.

c. On or about June 27, 1991, in Juvenile Court for the Municipality of East Orange, New Jersey, the defendant RICHARD ANTHONY THOMAS was found guilty of possession of a controlled dangerous substance, sale of a controlled dangerous substance, and possession of drug paraphernalia, and was sentenced to two years probation.

d. On or about February 1, 1993, in the Municipal Court of East Orange, New Jersey, the defendant RICHARD ANTHONY THOMAS pled guilty to possession of drug paraphernalia and received a discharge conditioned upon six months supervision and a fine.

e. On or about March 3, 1993, a bench warrant was issued by the Municipal Court of East Orange for the arrest of RICHARD ANTHONY THOMAS for failure abide by the terms of his conditional discharge.

f. On or about November 19, 1993, in Richmond, Virginia, the defendant RICHARD ANTHONY THOMAS assaulted Maurice Robinson, without provocation or justification, in Richmond, Virginia with a firearm by shooting Maurice Robinson twice in the leg at close range.

g. On or about January 12, 1994, in Richmond, Virginia, the defendant RICHARD ANTHONY THOMAS displayed a lack of remorse for the triple homicide at Sugar Bottom by repeatedly referring to one of the victims as a "pussy" for crying prior to his murder.

h. In or about January of 1994, the defendant RICHARD ANTHONY THOMAS displayed a lack of remorse for the triple homicide at Sugar Bottom by allowing his girlfriend, Deshon Carr, to wear a necklace taken from one of the victims.

i. In and about late 1993 and early 1994, in the Bellemeade section of Richmond, and elsewhere, the defendant RICHARD ANTHONY THOMAS possessed and carried a Norinco SKS 7.62 caliber semi-automatic rifle with a 30 round magazine, which he had altered by "sawing off" both the barrel and the stock.

j. On or about April 7, 1994, in Richmond, Virginia, less than three months after the defendant committed the offense charged in Count Ten of the Superseding Indictment, the defendant

RICHARD ANTHONY THOMAS shot and killed Walter Raynard Twitty in Richmond, Virginia during the course of a pre-planned robbery attempt.

k. In or about the Summer of 1995, the defendant RICHARD ANTHONY THOMAS broke away from members of the "Poison Clan" and established his own drug-trafficking enterprise in the Bellemeade area of Richmond, Virginia, with his co-defendant LEONEL ROMEO CAZACO and others.

1. On or about September 8, 1995, in Richmond, Virginia, the defendant RICHARD ANTHONY THOMAS and his co-defendant LEONEL ROMEO CAZACO jointly possessed a loaded .45 caliber High Point semi-automatic pistol with the serial number removed and a loaded .44 caliber Llama revolver in a vehicle operated by the defendant CAZACO.

m. On March 20, 1996, the defendant RICHARD ANTHONY THOMAS was found guilty in the United States District Court for the Eastern District of Virginia, Richmond Division, Docket No. 3:95CR87-02 of Maintaining a Place for the Distribution of "crack" Cocaine.

2. The nature of the offense charged in Count Ten of the Superseding Indictment, including, but not limited to, the following:

- a. In committing the offense the defendant RICHARD ANTHONY THOMAS knowingly and intentionally killed two other human beings, to wit: Marco Baylor and Anthony Merrit.

II. AGGRAVATING FACTORS AS TO COUNT ELEVEN

The Government will seek to prove the following aggravating factors as the basis for imposition of the death penalty against RICHARD ANTHONY THOMAS in relation to Count Eleven of the Superseding Indictment for the intentional killing of Marco Baylor:

A. Statutory Aggravating Factors Enumerated under 21 U.S.C. § 848(n) (1) (A) through (D):

1. The defendant intentionally killed Marco Baylor.

Section 848(n) (1) (A).

2. The defendant intentionally inflicted serious bodily injury which resulted in the death of Marco Baylor. Section 848(n) (1) (B).

3. The defendant intentionally engaged in conduct intending that the victim, Marco Baylor be killed and that lethal force be employed against the victim, which resulted in the death of Marco Baylor. Section 848(n) (1) (C).

4. The defendant 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 that conduct resulted in the death of Marco Baylor. Section 848(n) (1) (D).

B. Statutory Aggravating Factors Enumerated under 21 U.S.C. § 848(n) (2) through (12):

1. The defendant RICHARD ANTHONY THOMAS committed the offense described in Count Eleven of the Superseding Indictment as consideration for the receipt, and in expectation of the

receipt of something of pecuniary value. Section 848(n)(7).

2. The defendant RICHARD ANTHONY THOMAS committed the offense described in Count Eleven of the Superseding Indictment after substantial planning and premeditation. Section 848(n)(8).

C. Other, Non-Statutory, Aggravating Factors Identified under 21 U.S.C. § 848 (h)(1)(B) and § 848(k):

1. The defendant RICHARD ANTHONY THOMAS's future dangerousness that is, the probability that the defendant would commit criminal acts of violence constituting a continuing threat to society, as evidenced by some or all of the following:

a. On or about April 5, 1989, in Essex County Court, Juvenile Division, the defendant RICHARD ANTHONY THOMAS was convicted of the crime of assault.

b. On or about August 17, 1990, in Juvenile Court for the Municipality of East Orange, the defendant RICHARD ANTHONY THOMAS was found guilty of possession of a controlled dangerous substance and sentenced to one year probation.

c. On or about June 27, 1991, in Juvenile Court for the Municipality of East Orange, New Jersey, the defendant RICHARD ANTHONY THOMAS was found guilty of possession of a controlled dangerous substance, sale of a controlled dangerous substance, and possession of drug paraphernalia, and was sentenced to two years probation.

d. On or about February 1, 1993, in the Municipal Court of East Orange, New Jersey, the defendant RICHARD ANTHONY THOMAS pled guilty to possession of drug paraphernalia and received a discharge conditioned upon six months supervision and a fine.

e. On or about March 3, 1993, a bench warrant was issued by the Municipal Court of East Orange for the arrest of RICHARD ANTHONY THOMAS for failure abide by the terms of his conditional discharge.

f. On or about November 19, 1993, in Richmond, Virginia, the defendant RICHARD ANTHONY THOMAS assaulted Maurice Robinson, without provocation or justification, in Richmond, Virginia with a firearm by shooting Maurice Robinson twice in the leg at close range.

g. On or about January 12, 1994, in Richmond, Virginia, the defendant RICHARD ANTHONY THOMAS displayed a lack of remorse for the triple homicide at Sugar Bottom by repeatedly referring to one of the victims as a "pussy" for crying prior to his murder.

h. In or about January of 1994, the defendant RICHARD ANTHONY THOMAS displayed a lack of remorse for the triple homicide at Sugar Bottom by allowing his girlfriend, Deshon Carr, to wear a necklace taken from one of the victims.

i. In and about late 1993 and early 1994, in the Bellemeade section of Richmond, and elsewhere, the defendant RICHARD ANTHONY THOMAS possessed and carried a Norinco SKS 7.62 caliber semi-automatic rifle with a 30 round magazine, which he had altered by "sawing off" both the barrel and the stock.

j. On or about April 7, 1994, in Richmond, Virginia, less than three months after the defendant committed the offense charged in Count Ten of the Superseding Indictment, the defendant

RICHARD ANTHONY THOMAS shot and killed Walter Raynard Twitty in Richmond, Virginia during the course of a pre-planned robbery attempt.

k. In or about the Summer of 1995, the defendant RICHARD ANTHONY THOMAS broke away from members of the "Poison Clan" and established his own drug-trafficking enterprise in the Bellemeade area of Richmond, Virginia, with his co-defendant LEONEL ROMEO CAZACO and others.

1. On or about September 8, 1995, in Richmond, Virginia, the defendant RICHARD ANTHONY THOMAS and his co-defendant LEONEL ROMEO CAZACO jointly possessed a loaded .45 caliber High Point semi-automatic pistol with the serial number removed and a loaded .44 caliber Llama revolver in a vehicle operated by the defendant CAZACO.

m. On March 20, 1996, the defendant RICHARD ANTHONY THOMAS was found guilty in the United States District Court for the Eastern District of Virginia, Richmond Division, Docket No. 3:95CR87-02 of Maintaining a Place for the Distribution of "crack" Cocaine.

2. The nature of the offense charged in Count Eleven of the Superseding Indictment, including, but not limited to, the following:

- a. In committing the offense the defendant RICHARD ANTHONY THOMAS knowingly and intentionally killed two other human beings, to wit: Anthony Baylor and Anthony Merrit.

III. AGGRAVATING FACTORS AS TO COUNT TWELVE

The Government will seek to prove the following aggravating factors as the basis for imposition of the death penalty against RICHARD ANTHONY THOMAS in relation to Count Twelve of the Superseding Indictment for the intentional killing of Anthony Merrit:

A. Statutory Aggravating Factors Enumerated under 21 U.S.C. § 848(n) (1) (A) through (D):

1. The defendant intentionally killed Anthony Merrit. Section 848(n) (1) (A).
2. The defendant intentionally inflicted serious bodily injury which resulted in the death of Anthony Merrit. Section 848(n) (1) (B).
3. The defendant intentionally engaged in conduct intending that the victim, Anthony Merrit be killed and that lethal force be employed against the victim, which resulted in the death of Anthony Merrit. Section 848(n) (1) (C).
4. The defendant 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 that conduct resulted in the death of Anthony Merrit. Section 848(n) (1) (D).

B. Statutory Aggravating Factors Enumerated under 21 U.S.C. § 848(n) (2) through (12):

1. The defendant RICHARD ANTHONY THOMAS committed the offense described in Count Twelve of the Superseding Indictment as consideration for the receipt, and in expectation of the

receipt of something of pecuniary value. Section 848(n)(7).

2. The defendant RICHARD ANTHONY THOMAS committed the offense described in Count Twelve of the Superseding Indictment after substantial planning and premeditation. Section 848(n)(8).

C. Other, Non-Statutory, Aggravating Factors Identified under 21 U.S.C. § 848 (h)(1)(B) and § 848(k):

1. The defendant RICHARD ANTHONY THOMAS's future dangerousness that is, the probability that the defendant would commit criminal acts of violence constituting a continuing threat to society, as evidenced by some or all of the following:

a. On or about April 5, 1989, in Essex County Court, Juvenile Division, the defendant RICHARD ANTHONY THOMAS was convicted of the crime of assault.

b. On or about August 17, 1990, in Juvenile Court for the Municipality of East Orange, the defendant RICHARD ANTHONY THOMAS was found guilty of possession of a controlled dangerous substance and sentenced to one year probation.

c. On or about June 27, 1991, in Juvenile Court for the Municipality of East Orange, New Jersey, the defendant RICHARD ANTHONY THOMAS was found guilty of possession of a controlled dangerous substance, sale of a controlled dangerous substance, and possession of drug paraphernalia, and was sentenced to two years probation.

d. On or about February 1, 1993, in the Municipal Court of East Orange, New Jersey, the defendant RICHARD ANTHONY THOMAS pled guilty to possession of drug paraphernalia and received a discharge conditioned upon six months supervision and a fine.

e. On or about March 3, 1993, a bench warrant was issued by the Municipal Court of East Orange for the arrest of RICHARD ANTHONY THOMAS for failure abide by the terms of his conditional discharge.

f. On or about November 19, 1993, in Richmond, Virginia, the defendant RICHARD ANTHONY THOMAS assaulted Maurice Robinson, without provocation or justification, in Richmond, Virginia with a firearm by shooting Maurice Robinson twice in the leg at close range.

g. On or about January 12, 1994, in Richmond, Virginia, the defendant RICHARD ANTHONY THOMAS displayed a lack of remorse for the triple homicide at Sugar Bottom by repeatedly referring to one of the victims as a "pussy" for crying prior to his murder.

h. In or about January of 1994, the defendant RICHARD ANTHONY THOMAS displayed a lack of remorse for the triple homicide at Sugar Bottom by allowing his girlfriend, Deshon Carr, to wear a necklace taken from one of the victims.

i. In and about late 1993 and early 1994, in the Bellemeade section of Richmond, and elsewhere, the defendant RICHARD ANTHONY THOMAS possessed and carried a Norinco SKS 7.62 caliber semi-automatic rifle with a 30 round magazine, which he had altered by "sawing off" both the barrel and the stock.

j. On or about April 7, 1994, in Richmond, Virginia, less than three months after the defendant committed the offense charged in Count Ten of the Superseding Indictment, the defendant

RICHARD ANTHONY THOMAS shot and killed Walter Raynard Twitty in Richmond, Virginia during the course of a pre-planned robbery attempt.

k. In or about the Summer of 1995, the defendant RICHARD ANTHONY THOMAS broke away from members of the "Poison Clan" and established his own drug-trafficking enterprise in the Bellemeade area of Richmond, Virginia, with his co-defendant LEONEL ROMEO CAZACO and others.

l. On or about September 8, 1995, in Richmond, Virginia, the defendant RICHARD ANTHONY THOMAS and his co-defendant LEONEL ROMEO CAZACO jointly possessed a loaded .45 caliber High Point semi-automatic pistol with the serial number removed and a loaded .44 caliber Llama revolver in a vehicle operated by the defendant CAZACO.

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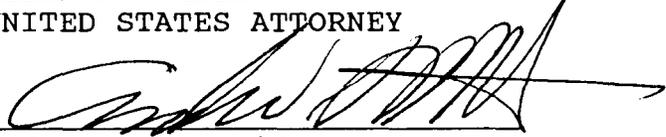
2. The nature of the offense charged in Count Twelve of the Superseding Indictment, including, but not limited to, the following:

- a. In committing the offense the defendant RICHARD ANTHONY THOMAS knowingly and intentionally killed two other human beings, to wit: Anthony Baylor and Marco Baylor.

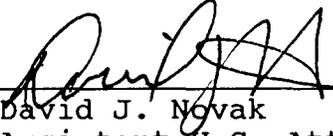
Respectfully submitted,

HELEN F. FAHEY
UNITED STATES ATTORNEY

By:



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Assistant U.S. Attorney



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Certificate of Service

The undersigned hereby certifies that a copy of the Government's Final Amended Notice was hand-delivered in Court on July 22, 1997 to the following attorneys for the defendants:

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