

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF KANSAS**

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	Criminal Action
)	
v.)	No. 07-10142-01, 02, 03, 04, 05,
)	06, 07, 08, 09, 10,
PRENTICE BYRD,)	11, 12, 13, 14, 15,
a/k/a "Pren,")	16, 17, 18, 19, 20 - JTM
JERMAL CAMPBELL,)	
a/k/a "L,")	
MARTEAUS CARTER,)	
a/k/a Martez Carter,)	
a/k/a "Clue,")	
a/k/a "Clueless,")	
COREY CORNELIUS,)	
a/k/a "CC,")	
CHICO DAVIS,)	
a/k/a "Nose,")	
DONTAE DAVIS,)	
a/k/a Donta Davis,)	
a/k/a Donte Davis,)	
DARRYN FRIERSON,)	
a/k/a "DeDa,")	
BRADLEY GRAVES,)	
a/k/a "Wac,")	
CORTEZ GRAYSON,)	
a/k/a "Corpse,")	
SYCARR GREENLEY,)	
a/k/a "Pimp,")	
MARIO HUTTON,)	
a/k/a "Cootis,")	
JUNIAN JOHNSON,)	
a/k/a "June,")	
TROY LANGSTON,)	
a/k/a "No Sight,")	
a/k/a "Sight,")	
ELTON PROFIT,)	
a/k/a "Papa Joe,")	
a/k/a "PJ,")	
JONEARL SMITH,)	
a/k/a "Smearl,")	
JASON TISDALE,)	

a/k/a/ "Change,")
LONNIE WADE,)
a/k/a "LaLo," and)
LUCAS WADE,)
a/k/a "LunaCrip,")
EDWARD WALKER,)
a/k/a "Chocolate,")
a/k/a "Choc,")
CALVIN WILLIAMS,)
a/k/a "Nut Case,")
)
Defendants.)
_____)

NOTICE OF INTENT TO SEEK THE DEATH PENALTY

COMES NOW the United States, by and through Eric F. Melgren, United States Attorney for the District of Kansas, and Anthony W. Mattivi, Assistant United States Attorney for said District, and pursuant to 18 U.S.C. § 3593(a), hereby notifies the Court and Defendant Jason Tisdale (the "Defendant") that the Government believes the circumstances of the offenses charged in Counts Seventeen, Eighteen, and Nineteen of the Second Superseding Indictment are such that, in the event of a conviction, 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 the following offenses: 1) murder of Tisha Jones in aid of racketeering, in violation of 18 U.S.C. § 1959(a)(1) [Count 17]; 2) murder of Keith James in aid of racketeering, in violation of 18 U.S.C. § 1959(a)(1) [Count 18]; and 3) murder of Umanah Smith in aid of racketeering, in violation of 18 U.S.C. § 1959(a)(1) [Count 19], each of which carries a possible sentence of death.

The Government proposes to prove the following factors as justifying a sentence of death.

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

The following statutory proportionality factors apply to each of Counts 17, 18, and 19.

1. Intentionally Killing the Victim

The Defendant intentionally killed Tisha Jones [Count 17], Keith James [Count 18], and Umanah Smith [Count 19]. 18 U.S.C. § 3591(a)(2)(A).

2. Intentionally Inflicted Serious Bodily Injury that Resulted in the Death of the Victims

The Defendant intentionally inflicted serious bodily injury that resulted in the deaths of Tisha Jones [Count 17], Keith James [Count 18], and Umanah Smith [Count 19]. 18 U.S.C. § 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 Tisha Jones [Count 17], Keith James [Count 18], and Umanah Smith [Count 19] died as a direct result of the act. 18 U.S.C. § 3591(a)(2)(c).

4. Intentionally and Specifically Engaged in an Act of Violence that Created a Grave Risk of Death

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 participating in the act constituted a reckless disregard for human life and Tisha Jones [Count 17], Keith James [Count 18], and Umanah Smith [Count 19] died as a direct result of the act. 18 U.S.C. § 3591(a)(2)(D).

B. Statutory Aggravating Factors Enumerated Under 18 U.S.C. § 3592(c) that are Applicable to the Tisha Jones and Keith James Murders [Counts 17 and 18]

The following statutory aggravating factors apply to Counts 17 and 18.

1. Prior Conviction of Two or More Serious Offenses

The Defendant has previously been convicted of 2 or more Federal or State offenses,

punishable by a term of imprisonment of more than 1 year, committed on different occasions, involving the infliction of, or attempted infliction of, serious bodily injury or death upon another person. 18 U.S.C. § 3592(c)(4).

2. Multiple Killings

The Defendant intentionally killed more than one person in a single criminal episode. 18 U.S.C. § 3592(c)(16).

3. Substantial Planning and Premeditation

The Defendant committed the offenses charged in Counts 17 and 18 after substantial planning and premeditation to cause the death of a person. 18 U.S.C. § 3592(c)(9).

4. Grave Risk to Additional Persons

The Defendant, in the commission of the offense, knowingly created a grave risk of death to one or more persons in addition to the victim of the offense. 18 U.S.C. § 3592(c)(5).

C. Other, Non-Statutory, Aggravating Factors Identified Under 18 U.S.C. § 3592(a)(2) that are Applicable to the Tisha Jones Murder [Count 17]

The following non-statutory aggravating factor applies specifically to Count 17.

1. Obstruction of Justice

The Defendant killed Tisha Jones for the purpose of preventing her from testifying or assisting law enforcement officials in a pending state robbery prosecution.

D. Statutory Aggravating Factors Enumerated Under 18 U.S.C. § 3592(c) that are Applicable to the Umanah Smith Murder [Count 19]

1. Prior Conviction of Two or More Serious Offenses

The Defendant has previously been convicted of 2 or more Federal or State offenses, punishable by a term of imprisonment of more than 1 year, committed on different occasions, involving the infliction of, or attempted infliction of, serious bodily injury or death upon another

person. 18 U.S.C. § 3592(c)(4).

2. Multiple Killings or Attempted Killings

The Defendant intentionally killed or attempted to kill more than one person in a single criminal episode. 18 U.S.C. § 3592(c)(16).

3. Grave Risk to Additional Persons

The Defendant, in the commission of the offense, knowingly created a grave risk of death to one or more persons in addition to the victim of the offense. 18 U.S.C. § 3592(c)(5).

E. Other, Non-Statutory, Aggravating Factors Identified Under 18 U.S.C. § 3592(a)(2)

The following non-statutory aggravating factors apply to each of Counts 17, 18, and 19.

1. Commission of the Offense for Benefit of a Criminal Gang

The Defendant killed Tisha Jones, Keith James, and Umanah Smith to advance his position and reputation in the Crips street gang and to advance the reputation of the Crips.

2. Uncharged Murders, Attempted Murders, and Other Acts of Violence

Apart from the offenses charged in the Second Superseding Indictment, the Defendant has been involved in other serious acts of violence, which are not reflected in his criminal record. Specifically:

a. On or about November 1, 2003, in the District of Kansas, the Defendant knowingly, intentionally, and unlawfully attempted to kill another person, whose identity is unknown.

3. Contemporaneous Convictions

The Defendant faces contemporaneous convictions for multiple murders and other serious acts of violence.

4. Future Dangerousness

The Defendant is likely commit criminal acts of violence in the future that would constitute a continuing and serious threat to the lives and safety of others, as evidenced by, at least, on or more of the following:

a. Continuing Pattern of Violence

The Defendant has engaged in a continuing pattern of violence, attempted violence, and threatened violence, including, at least, the crimes alleged against the Defendant in the Second Superseding Indictment.

b. Escape Risk

The Defendant poses a future danger to the lives and safety of other persons as demonstrated by his prior conviction for aggravated escape from custody and his prior juvenile delinquency adjudication for escape from custody.

c. Low Rehabilitative Potential

The Defendant poses a future danger to the lives and safety of other persons as demonstrated by his continued criminal conduct following multiple terms of incarceration.

d. Lack of Remorse

The Defendant has never expressed any remorse for killing Tisha Jones, Keith James, and Umanah Smith as indicated by the Defendant's statements to fellow gang-members during the course of and following the offenses alleged in the Second Superseding Indictment and the Defendant's actions during the course of and following the offenses alleged in the Second Superseding Indictment.

5. Victim Impact Evidence

- a. The Defendant caused injury, harm, and loss to the family, friends, and co-workers of

Tisha Jones as evidenced by her personal characteristics as a human being and the impact of her death on her family, her friends, and her co-workers.

b. The Defendant caused injury, harm, and loss to the family, friends, and co-workers of Keith James as evidenced by his personal characteristics as a human being and the impact of his death on his family, his friends, and his co-workers.

c. The Defendant caused injury, harm, and loss to the family, friends, and co-workers of Umanah Smith as evidenced by his personal characteristics as a human being and the impact of his death on his family, his friends, and his co-workers.

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

Respectfully submitted,

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CERTIFICATE OF SERVICE

I hereby certify that on the 2nd day of June, 2008, I electronically filed the foregoing Notice with the clerk of the court by using the CM/ECF system which will send a notice of electronic filing to each counsel of record in this case.

s/ Anthony W. Mattivi
Anthony W. Mattivi