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 11 UNITED STATES OF AMERICA

12 UNITED STATES DISTRICT COURT

13 FOR THE CENTRAL DISTRICT OF CALIFORNIA

14 UNITED STATES OF AMERICA,)	No. CR 05-920(A)-RSWL
)	
15 Plaintiff,)	<u>GOVERNMENT'S NOTICE OF INTENT</u>
)	<u>TO SEEK THE DEATH PENALTY</u>
16 v.)	<u>AGAINST DEFENDANT MICHAEL</u>
)	<u>DENNIS WILLIAMS</u>
17 MICHAEL DENNIS WILLIAMS,)	
18 aka "Treystone,")	
19 aka "Baby Treystone,")	
)	
20 Defendant.)	

21 NOTICE OF INTENT TO SEEK THE DEATH PENALTY

22 The United States of America, pursuant to 18 U.S.C.
 23 § 3593(a), notifies the Court and defendant MICHAEL DENNIS
 24 WILLIAMS ("defendant"), that the Government believes the
 25 circumstances of the offenses charged in Counts One, Two, and
 26 Three of the First Superseding Indictment are such that, in the
 27 event of a conviction, a sentence of death is justified under
 28 Chapter 228 (Sections 3591 through 3598) of Title 18 of the

1 United States Code, and that the Government will seek the
2 sentence of death for the following offenses: conspiracy to
3 interfere with commerce by robbery, in violation of Title 18,
4 United States Code, Section 1951(a) [Count One]; interference
5 with commerce by robbery, in violation of Title 18, United States
6 Code, Section 1951(a) [Count Two]; and using, carrying,
7 brandishing, and discharging a firearm during a crime of violence
8 causing death, in violation of Title 18, United States Code,
9 Sections 924(c)(1)(A)(iii), (j)(1) [Count Three], which carries a
10 possible sentence of death.

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

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

15 The following statutory proportionality factors apply to
16 Count Three.

17 1. **Intentionally Inflicted Serious Bodily Injury that**
18 **Resulted in the Death of the Victim**

19 The defendant intentionally inflicted serious bodily injury that
20 resulted in the death of Evelio Suarez, Jr. 18 U.S.C.
21 § 3591(a)(2)(B).

22 2. **Intentional Acts to Take Life or Use Lethal Force**

23 The defendant intentionally participated in an act, contemplating
24 that the life of a person would be taken or intending that lethal
25 force would be used in connection with a person, other than one
26 of the participants in the offense, and Evelio Suarez, Jr. died
27 as a direct result of the act. 18 U.S.C. § 3591(a)(2)(C).

1 Corrections, United States Bureau of Prisons, United States
2 Marshals Service, or other law enforcement agencies.

3 c. Lack of Remorse

4 The defendant has demonstrated a lack of remorse for the capital
5 offense committed in this case, as indicated by defendant's
6 statements and actions during the course of and following the
7 offenses alleged in the First Superseding Indictment.

8 **2. Victim Impact Evidence**

9 The defendant caused injury, harm, and loss to the
10 family, friends, and co-workers of Evelio Suarez, Jr. as
11 evidenced by his personal characteristics as a human being and
12 the impact of his death on his family, his friends, and his co-
13 workers.

14 The Government further gives notice that in support of
15 imposition of the death penalty it intends to rely upon all the
16 evidence admitted by the Court at the guilt phase of the trial
17 and the offenses of conviction as described in the First
18 Superseding Indictment as they relate to the background and
19 character of the defendant, MICHAEL DENNIS WILLIAMS, his moral

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1 culpability, and the nature and circumstances of the offenses
2 charged in the First Superseding Indictment.

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4 DATE: May 29, 2008

Respectfully submitted,

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8
9 _____ /s/

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UNITED STATES OF AMERICA
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