

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF PENNSYLVANIA

UNITED STATES OF AMERICA,)

v.)

JAMAIN WILLIAMS)

CRIMINAL No. 01-512 - 3

NOTICE OF INTENT TO SEEK THE DEATH PENALTY

The United States of America, by and through Patrick L. Meehan, United States Attorney for the Eastern District of Pennsylvania, notifies the defendant, **JAMAIN WILLIAMS**, his counsel, and the Court that, in the event the defendant is convicted under Counts 10, 11, 12, 18, 19, or 22 of the Third Superseding Indictment, the United States believes that the circumstances of each murder offense is such that a sentence of death is justified under Chapter 228 of Title 18 of the United States Code, and the United States will seek a sentence of death. At a death penalty hearing, the United States proposes to prove beyond a reasonable doubt the following statutory and non-statutory aggravating factors justifying a sentence of death:

A. Statutory Proportionality Factors. At a death penalty hearing, the United States will prove, with regard to each of Counts 10, 11, and 12, as set forth in the Notice of Special Findings in the Third Superseding Indictment, that:

1. The defendant 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 a participant in the offense, and

Tracey Saunders died as a direct result of such act or acts, 18 U.S.C. § 3591(a)(2)(C); and

2. The defendant 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 Tracey Saunders died as a direct result of such act or acts, 18 U.S.C. § 3591(a)(2)(D).

B. Statutory Aggravating Factors. At a death penalty hearing, the United States will prove, as set forth in the Notice of Special Findings in the Third Superseding Indictment that:

1. The defendant committed the offenses in Counts 10, 11, and 12 after substantial planning and premeditation to cause the death of Tracey Saunders, 18 U.S.C. § 3592(c)(9);

C. Non-Statutory Aggravating Factors. At a death penalty hearing, the United States will prove:

1. **Impact on the Victim**. The Defendant, JAMAIN WILLIAMS, caused injury, harm and loss to the family of Tracey Saunders because of the victim's personal characteristics as an individual human being and the impact of the death upon the victim's family. Payne v. Tennessee, 501 U.S. 808, 825-827 (1991). The murder of Tracey Saunders has caused the victim's family extreme emotional suffering, and the victim's family has suffered severe and irreparable harm. 501 U.S. 808, 825-827 (1991).

2. **Obstruction of Justice**. The defendant committed the offense with the intent to prevent the victim from or to retaliate against the victim for providing information and assistance to law enforcement authorities in regard to the

investigation or prosecution of the commission or possible commission of another offense, as charged in Counts 11 and 12 of the third superseding indictment.

3. **Future Dangerousness of the Defendant.** The defendant is likely to commit criminal acts of violence in the future that would be a continuing and serious threat to the lives and safety of others. See Simmons v. South Carolina, 512 U.S. 154 (1994). The evidence supporting this factor includes, but is not limited to, the acts and offenses alleged in the third superseding indictment and the allegations set forth in this Notice, and also includes that the defendant has engaged in other criminal acts of violence involving firearms.

4. **Contemporaneous Convictions.** The defendant has committed additional murders as charged in the Third Superseding Indictment.

D. Statutory Proportionality Factors. At a death penalty hearing, the United States will prove, with regard to each of Counts 18 and 19, as set forth in the Notice of Special Findings in the third superseding indictment, that:

1. The defendant intentionally killed Randolph Harris, 18 U.S.C. § 3591(a)(2)(A);
2. The defendant intentionally inflicted serious bodily injury that resulted in the death of Randolph Harris, 18 U.S.C. § 3591(a)(2)(B); and

E. Statutory Aggravating Factors. At a death penalty hearing, the United States will prove, as set forth in the Notice of Special Findings in the third superseding indictment that:

1. The defendant committed the offenses in Counts 18 and 19 after substantial planning and premeditation to cause the death of Randolph Harris, 18 U.S.C. § 3592(c)(9); and

2. The defendant, in the commission of the offense knowingly created a grave risk of death to another person, David Jones, in addition to the victim of the offense, 18 U.S.C. § 3592(c)(5).

F. Non-Statutory Aggravating Factors. At a death penalty hearing, the United States will prove:

1. **Impact on the Victim.** The Defendant, JAMAIN WILLIAMS, caused injury, harm and loss to the family of Randolph Harris because of the victim's personal characteristics as an individual human being and the impact of the death upon the victim's family. Payne v. Tennessee, 501 U.S. 808, 825-827 (1991). The murder of Randolph Harris has caused the victim's family extreme emotional suffering, and the victim's family has suffered severe and irreparable harm. 501 U.S. 808, 825-827 (1991).

2. **Future Dangerousness of the Defendant.** The defendant is likely to commit criminal acts of violence in the future that would be a continuing and serious threat to the lives and safety of others. See Simmons v. South Carolina, 512 U.S. 154 (1994). The evidence supporting this factor includes, but is not limited to, the acts and offenses alleged in the third superseding indictment and the allegations set forth in this Notice, and also includes that the defendant has engaged in other criminal acts of violence involving firearms.

3. **Contemporaneous Convictions.** The defendant has committed additional murders as charged in the Third Superseding Indictment.

G. Statutory Proportionality Factors. At a death penalty hearing, the United States will prove, with regard to Count 22, as set forth in the Notice of Special Findings in the third superseding indictment, that:

1. The defendant 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 a participant in the offense, and Karriem Washington died as a direct result of such act or acts, 18 U.S.C. § 3591(a)(2)(C); and

2. The defendant 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 Karriem Washington died as a direct result of such act or acts, 18 U.S.C. § 3591(a)(2)(D).

H. Statutory Aggravating Factors. At a death penalty hearing, the United States will prove, as set forth in the Notice of Special Findings in the third superseding indictment that:

1. The defendant committed the offense in Count 22 after substantial planning and premeditation to cause the death of Karriem Washington, 18 U.S.C. § 3592(c)(9);

I. Non-Statutory Aggravating Factors. At a death penalty hearing, the United States will prove:

1. **Impact on the Victim**. The Defendant, JAMAIN WILLIAMS, caused injury, harm and loss to the family of Karriem Washington because of the victim's personal characteristics as an individual human being and the impact of the death upon the victim's family. Payne v. Tennessee, 501 U.S. 808, 825-827 (1991). The murder of Karriem Washington has caused the victim's family extreme emotional suffering, and the victim's family has suffered severe and irreparable harm. 501 U.S. 808, 825-827 (1991).

2. **Future Dangerousness of the Defendant**. The defendant is likely to commit criminal acts of violence in the future that would be a continuing and

serious threat to the lives and safety of others. See Simmons v. South Carolina, 512 U.S. 154 (1994). The evidence supporting this factor includes, but is not limited to, the acts and offenses alleged in the third superseding indictment and the allegations set forth in this Notice, and also includes that the defendant has engaged in other criminal acts of violence involving firearms.

3. **Contemporaneous Convictions.** The defendant has committed additional murders as charged in the Third Superseding Indictment.

The United States 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 third superseding indictment as they relate to the background and character of the defendant, **JAMAIN WILLIAMS**, his moral culpability, and the nature and circumstances of the offenses charged in the third superseding indictment.

Dated this ____ day of May, 2005.

Respectfully submitted,

PATRICK L. MEEHAN
United States Attorney

FAITHE MOORE TAYLOR
Assistant United States Attorney

NANCY BEAM WINTER
Assistant United States Attorney

CERTIFICATE OF SERVICE

I hereby certify that I caused a copy of the Government's Notice of Intent to Seek the Death Penalty to be served electronically and by mail upon the following attorneys:

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Dated: May , 2005