

2. The defendant ROBERT RUSSELL WILLIAMS intentionally inflicted serious bodily injury which resulted in the death of Lewis Pooler [Section 848(n)(1)(B)].

3. The defendant ROBERT RUSSELL WILLIAMS intentionally engaged in conduct intending that Lewis Pooler be killed or that lethal force be employed against Lewis Pooler, which resulted in Lewis Pooler's death [Section 848(n)(1)(C)].

4. The defendant ROBERT RUSSELL WILLIAMS intentionally engaged in conduct which:

(i). The defendant ROBERT RUSSELL WILLIAMS knew would create a grave risk of death to a person, other than one of the participants in the offense; and,

(ii). resulted in the death of Lewis Pooler [Section 848(n)(1)(D)].

B. Statutory Aggravating Factors Enumerated In Title 21, United States Code, Sections 848(n)(2) through (12):

1. The defendant ROBERT RUSSELL WILLIAMS has previously been convicted of two or more State offenses punishable by a term of imprisonment of more than one year, committed on different occasions, involving the distribution of a controlled substance. The previous convictions are more specifically described as follows:

a. On July 8, 1982, the defendant ROBERT RUSSELL WILLIAMS pled guilty to possession with the intent to distribute heroin in the Circuit Court of the City of Richmond, Virginia, in case number F-82-780, and received

a sentence of twenty (20) years imprisonment of which fifteen (15) years were suspended.

b. On April 12, 1973, the defendant ROBERT RUSSELL WILLIAMS was convicted of distributing heroin in the Circuit Court of the City of Richmond, Virginia, in case number F-1778, and received a suspended sentence.

c. On January 12, 1973, the defendant ROBERT RUSSELL WILLIAMS was convicted of distributing heroin in the Circuit Court of the City of Richmond, Virginia, in case number F-1363, and received a sentence of five (5) years imprisonment.

[Section 848(n)(4)].

2. The defendant ROBERT RUSSELL WILLIAMS procured the commission of the offense described in Count Twelve of the third superseding indictment by payment, or promise of payment, of something of pecuniary value, that is, drugs and money [Section 848(n)(6)].

3. The defendant ROBERT RUSSELL WILLIAMS committed the offense described in Count Twelve of the third superseding indictment after substantial planning and premeditation [Section 848(n)(8)].

C. Non-Statutory Aggravating Factor Enumerated In Title 21, United States Code, Sections 848(h)(1)(B) and 848(k):

1. Future dangerousness to the community based upon the probability that the defendant ROBERT RUSSELL WILLIAMS would commit criminal acts of violence that would constitute a continuing threat

to society, as evidenced by one or more of the following, among others:

a. On or about February 6, 1968, the defendant ROBERT RUSSELL WILLIAMS was convicted of Larceny in the General District Court for the City of Richmond, Virginia.

b. On or about October 4, 1976, the defendant ROBERT RUSSELL WILLIAMS was convicted of Assault in the General District Court for the City of Richmond, Virginia.

c. On or about November 3, 1977, the defendant ROBERT RUSSELL WILLIAMS was convicted of Possession of a Firearm by a Convicted Felon in the United States District Court for the Eastern District of Virginia.

d. On or about October 16, 1981, the defendant ROBERT RUSSELL WILLIAMS was convicted of Larceny and Burglary in the Circuit Court for the County of Henrico, Virginia.

e. On or about March 4, 1994, the defendant ROBERT RUSSELL WILLIAMS intentionally caused the murder of Lewis Pooler to be committed by an "enforcer" working for his drug organization.

f. The defendant ROBERT RUSSELL WILLIAMS intentionally caused the murder of Lewis Pooler on March 4, 1994, to occur within 1,000 feet of Whitcomb Court Elementary School.

g. On or about March 4, 1994, the defendant ROBERT RUSSELL WILLIAMS intentionally caused the murder of Lewis Pooler while the defendant ROBERT RUSSELL WILLIAMS was on parole for his conviction for possession with the intent to distribute heroin.

h. The defendant ROBERT RUSSELL WILLIAMS has exhibited

no remorse for the murder of Lewis Pooler on March 4, 1994.

i. Beginning in September of 1994, the defendant ROBERT RUSSELL WILLIAMS conspired to murder Government witness Carletta Coleman.

j. Beginning on or about April 20, 1995, the defendant ROBERT RUSSELL WILLIAMS did conspire to kill Nicole Williams.

k. Beginning on or about April 20, 1995, the defendant ROBERT RUSSELL WILLIAMS did conspire to kill Lonnie Booth.

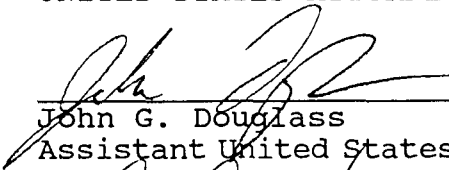
l. The defendant ROBERT RUSSELL WILLIAMS employed an "enforcer" for protection of his drug trafficking organization.

WHEREFORE, PREMISES CONSIDERED, the Government respectfully notifies the Court and the defendant ROBERT RUSSELL WILLIAMS that, in the event of the conviction of defendant ROBERT RUSSELL WILLIAMS for intentionally killing Lewis Pooler, as alleged in Count Twelve of the third superseding indictment, the Government will seek the sentence of death.

Respectfully Submitted,

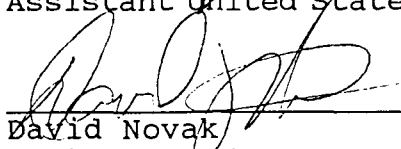
HELEN F. FAHEY
UNITED STATES ATTORNEY

By:



John G. Douglass
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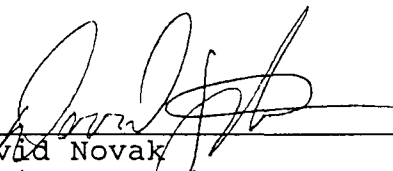
CERTIFICATE OF SERVICE

The undersigned hereby certifies that on the 18th day of October, 1995, a copy of the foregoing Government's Notice was mailed to the following attorneys for the defendant:

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