

The Government proposes to prove the following factors to justify a sentence of death:

COUNTS FIVE, SIX, SEVEN, TWELVE, THIRTEEN, AND FOURTEEN
THE MURDERS OF TIMOTHY MOORE, JOEL MOORE, AND ROBERT JAMES IN AID
OF RACKETEERING BY MEANS OF A FIREARM

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

Pursuant to Title 18, United States Code, Section 3591(a)(2), the Government will rely on the following preliminary factors to establish the defendant's eligibility for the death penalty:

1. **Intentional Killing.** The defendant intentionally killed Timothy Moore, Joel Moore, and Robert James. Section 3591(a)(2)(A).
2. **Intentional Infliction of Serious Bodily Injury.** The defendant intentionally inflicted serious bodily injury that resulted in the deaths of Timothy Moore, Joel Moore, and Robert James. Section 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 Timothy Moore, Joel Moore, and Robert James died as a direct result of the act.

Section 3591(a)(2)(C).

4. **Intentional Acts in Reckless Disregard for Life.**

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 participation in the act constituted a reckless disregard for human life, and Timothy Moore, Joel Moore, and Robert James died as a direct result of the act. Section 3591(a)(2)(D).

B. **Statutory Aggravating Factors Enumerated under 18 U.S.C. § 3592(c).**

Pursuant to Title 18, United States Code, Section 3592(c), the United States will rely on the following statutory aggravating factors as justifying a sentence of death:

1. **Grave Risk of Death to One or More Persons Other than the Victims of the Offense.** The defendant, in the commission of the offense, knowingly created a grave risk of death to one or more persons in addition to the victims of the offense. Section 3592(c)(5).

2. **Pecuniary Gain.** The defendant committed the offense as consideration for the receipt, or in the expectation of receipt, of anything of pecuniary value. Section 3592(c)(8).

3. **Substantial Planning and Premeditation.** The defendant committed the offense after substantial planning and premeditation to cause the death of a person. Section

3592(c)(9).

C. Other, Non-Statutory, Aggravating Factors Identified under 18 U.S.C. § 3593(a)(2).

Pursuant to Title 18, United States Code, Section 3593(a), the United States will rely on the following non-statutory aggravating factors as justifying a sentence of death:

1. **Victim Impact Evidence.** As demonstrated by the victims' personal characteristics as individual human beings and the impact of their deaths upon their families and friends, the defendant caused injury, harm, and loss to the victims, their families, and their friends.
2. **Contemporaneous Convictions.** The defendant killed more than one person in a single criminal episode and was convicted of participating in a conspiracy to distribute and possess with intent to distribute cocaine and cocaine base at the time of the offense, among other crimes.
3. **Firearms Violations.** While engaging in a racketeering enterprise, the defendant used a firearm to commit the murder and possessed additional firearms.
4. **Future Dangerousness.** The defendant has made specific threats of violence towards a witness in this case and has engaged in a continuing pattern of violence, which demonstrates a high risk of future dangerousness.

COUNTS NINE, TEN, AND ELEVENTHE MURDERS OF TIMOTHY MOORE, JOEL MOORE, AND ROBERT JAMES IN
CONNECTION TO A DRUG TRAFFICKING CRIME.A. Statutory Aggravating Factors Enumerated under 21U.S.C. § 848(n) (1) - (12).

Pursuant to Title 21, United States Code, Section 848(n), the United States will rely on the following statutory aggravating factors as justifying a sentence of death:

1. **Intentional Killing.** The defendant intentionally killed Timothy Moore, Joel Moore, and Robert James. Section 848(n) (1) (A).

2. **Intentional Infliction of Serious Bodily Injury.** The defendant intentionally inflicted serious bodily injury that resulted in the deaths of Timothy Moore, Joel Moore, and Robert James. Section 848(n) (1) (B).

3. **Intentional Acts to Take Life or Use Lethal Force.** The defendant intentionally engaged in conduct intending that Timothy Moore, Joel Moore, and Robert James be killed or that lethal force would be employed against Timothy Moore, Joel Moore, and Robert James, which resulted in the deaths of Timothy Moore, Joel Moore, and Robert James. Section 848(n) (1) (C).

4. **Intentional Acts in Reckless Disregard for Life.** 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, which resulted in the deaths of Timothy Moore, Joel Moore, and Robert James. Section 848(n)(1)(D).

5. **Consideration of Anything of Value.** The defendant committed the offense as consideration for the receipt, or in the expectation of the receipt, of anything of pecuniary value. Section 848(n)(7).

6. **Substantial Planning and Premeditation.** The defendant committed the offense after substantial planning and premeditation. Section 848(n)(8).

7. **Grave Risk of Death to One or More Persons Other than the Victims of the Offense.** The defendant, in the commission of the offense, or in escaping apprehension for the violation of the offense, knowingly created a grave risk of death to one or more persons in addition to the victims of the offense. Section 848(n)(5).

B. Other, Non-Statutory, Aggravating Factors Identified.

In addition to the statutory aggravating factors set forth above, the Government will rely on the following non-statutory aggravating factors to justify a sentence of death:

1. **Victim Impact Evidence.** As demonstrated by the victims' personal characteristics as individual human beings and the impact of their deaths upon their families and friends, the defendant caused injury, harm, and loss to the victims, their

families, and their friends.

2. **Contemporaneous Convictions.** The defendant killed more than one person in a single criminal episode and was convicted of participating in a conspiracy to distribute and possess with intent to distribute cocaine and cocaine base at the time of the offense, among other crimes.

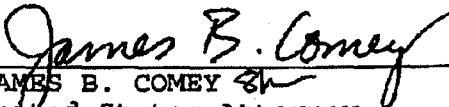
3. **Firearms Violations.** While engaging in a racketeering enterprise, the defendant used a firearm to commit the murder and possessed additional firearms.

4. **Future Dangerousness.** The defendant has made specific threats of violence towards a witness in this case and has engaged in a continuing pattern of violence, which demonstrates a high risk of future dangerousness.


The Government 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 Indictment as they relate to the background and character of the defendant, XAVIER WILLIAMS, his moral culpability, and the nature and circumstances of the offenses charged in the Indictment.

Respectfully submitted,



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By: 

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Dated: March 6, 2003