

IN THE UNITED STATES DISTRICT COURT FOR THE
EASTERN DISTRICT OF VIRGINIA
Alexandria Division

UNITED STATES OF AMERICA)
)
 v.)
)
 CHRISTOPHER ANDARYL WILLS)

CRIMINAL NO. 99-396-A



NOTICE OF INTENT TO SEEK THE DEATH PENALTY

The United States, pursuant to 18 U.S.C. § 3593(a) notifies the Court and the defendant that the Government believes the circumstances of the offense charged in Count One of the Superceding Indictment are such that, in the event of the defendant's conviction of this offense, 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 this offense: Count One, kidnaping resulting in the death of Zabiullah Alam, in violation of 18 U.S.C. §§ 1201(a) and 2. 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).

1. 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 Zabiullah Alam died as a direct result of the act. Section 3591(a)(2)(C).

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

1. **Death During Commission of Another Crime.**

The death, or injury resulting in death, occurred during the commission or attempted commission of, or during the immediate flight from the commission of an offense under Title 18, United States Code, Sections 1201(a) and 2, kidnaping resulting in death (an enumerated felony). Section 3592(c)(1).

2. **Previous Conviction of Violent Felony Involving Firearm.**

For any offense, other than an offense for which a sentence of death is sought on the basis of 18 U.S.C. 924(c), the defendant has previously been convicted of a Federal or State offense punishable by a term of imprisonment of more than one year, involving the use or attempted or threatened use of a firearm (as defined in 18 U.S.C. 921) against another person. Section 3592(c)(2).

3. **Previous Conviction of Other Serious Offenses.**

The defendant has previously been convicted of two or more Federal or State offenses, each punishable by a term of imprisonment of more than one year, committed on different occasions, involving the infliction of, or attempted infliction of, serious bodily injury or death upon another person. Section 3592(c)(4).

4. Substantial Planning and Premeditation.

The defendant committed the offense after substantial planning and premeditation to cause the death of a person or commit an act of terrorism. Section 3592(c)(9).

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

1. Future Dangerousness of the Defendant.

The defendant is likely to commit criminal acts of violence in the future which would be a continuing and serious threat to the lives and safety of others. Simmons v. South Carolina, 114 S.Ct. 2187, 2193 (1994). In addition to the capital offense charged in Count One of the Superceding Indictment and the statutory and non-statutory aggravating factors alleged in this Notice, evidence of the defendant's future dangerousness includes, but is not limited to, one or more of the following, in that the defendant:

- a. has engaged in a continuing pattern of violent conduct;
- b. has threatened others with violence;
- c. has demonstrated a low rehabilitative potential;
- d. has demonstrated a lack of remorse.

2. Victim Impact Evidence.

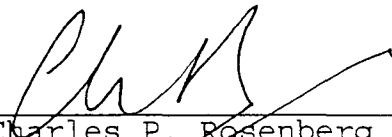
The defendant caused injury, harm, and loss to the victim's family because of the victim's personal characteristics as an individual human being and the impact of the death upon the victim's family. Payne v. Tennessee, 111 S.Ct. 2597, 2608-09 (1991).

3. Obstruction of Justice.

The defendant committed the offense with the intent to prevent the victim from -- and/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.

Respectfully submitted,

Helen F. Fahey
United States Attorney



Charles P. Rosenberg
Assistant United States Attorney