

KAM:JS:CK  
F.# 2004R01762

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

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UNITED STATES OF AMERICA

NOTICE OF INTENT TO SEEK THE  
DEATH PENALTY

- against -

04 CR 1016 (NGG)

RONELL WILSON,

Defendant.

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Pursuant to the requirements of 18 U.S.C. § 3593(a), the United States hereby gives notice that it believes that the circumstances of this case are such that, in the event that the defendant RONELL WILSON is convicted of a capital offense relating to the death of victims James Nemorin and Rodney J. Andrews, both detectives with the New York City Police Department, a sentence of death is justified and that the United States will seek the death penalty. Specifically, the United States will seek a sentence of death for Counts Three and Four of the Indictment, which charge obstruction of justice murders in violation of 18 U.S.C. § 1512(a)(1)(C); Counts Five and Six of the indictment, which charge murders in aid of racketeering in violation of 18 U.S.C. § 1959(a)(1); Count Seven, which charges carjacking resulting in death in violation of 18 U.S.C. § 2119(3); and Counts Ten and Eleven, which charge death through the use of a firearm in violation of 18 U.S.C. § 924(j)(1).

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

Pursuant to 18 U.S.C. § 3591(a)(2), the United States will rely on the following proportionality factors to establish the defendant's eligibility for the death penalty:

1. **Intentional Killing**

The defendant intentionally killed Detective James Nemorin and Detective Rodney J. Andrews. (18 U.S.C. § 3591(a)(2)(A)).

2. **Intentional Infliction of Serious Bodily Injury**

The defendant intentionally inflicted serious bodily injury that resulted in the deaths of Detective James Nemorin and Detective Rodney J. Andrews. (18 U.S.C. § 3591(a)(2)(B)).

3. **Intentional Acts to Take Life**

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 Detective James Nemorin and Detective Rodney J. Andrews died as a direct result of the act. (18 U.S.C. § 3591(a)(2)(C)).

4. **Intentional Acts of Violence Creating Grave Risk of Death**

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 Detective James Nemorin and Detective Rodney J. Andrews died as a direct result of the act. (18 U.S.C. § 3591(a)(2)(D)).

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

Pursuant to 18 U.S.C. § 3592(c), the United States will rely on the following statutory aggravating factors as justifying a sentence of death:

1. **Pecuniary Gain**

The defendant committed the offense as consideration for the receipt, or in the expectation of the receipt, of anything of pecuniary value. (18 U.S.C. § 3592(c)(8)).

2. **Substantial Planning and Premeditation**

The defendant committed the offense after substantial planning and premeditation to cause the death of a person. (18 U.S.C. § 3592(c)(9)).

3. **Multiple Killings or Attempted Killings**

The defendant intentionally killed more than one person in a single criminal episode. (18 U.S.C. § 3592(c)(16)).

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

1. **Obstruction of Justice**

The defendant killed the victims in an effort to obstruct justice.

2. **Status of the Victims**

The defendant murdered two law enforcement officers during the course of their official duties.

3. **Contemporaneous Convictions**

The defendant faces contemporaneous convictions for multiple attempted murders and other serious acts of violence.

4. **Future Dangerousness of the Defendant**

The defendant represents a continuing danger to the lives and safety of other persons. The defendant is likely to commit criminal acts of violence in the future that would constitute a continuing and serious threat to the lives and safety of others, as evidenced by, at least, one or more of the following:

(a) Continuing Pattern of Violence

The defendant has engaged in a continuing pattern of violence, attempted violence, and threatened violence, including, at least, the crimes alleged against the defendant in the Indictment and the crime of which the defendant was previously

convicted, to wit, conviction for petit larceny in Richmond County Criminal Court on April 10, 2000, in Case # 2000RI003210.

(b) Lack of Remorse

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

(c) Low Rehabilitative Potential

The defendant has demonstrated a low potential for rehabilitation as evidenced by his longstanding involvement in criminal activities, including drug trafficking and violence, leading up to the capital offenses charged in the Indictment.

(d) Membership in a Criminal Street Gang

The defendant has demonstrated an allegiance to and active membership in the Stapleton Crew, an organization falling within the definition of criminal street gangs set forth in 18 U.S.C. § 521(a).

**5. Victim Impact Evidence**

As reflected by the victims' personal characteristics as human beings and the impact of the offenses on the victims and the victims' families, the defendant caused loss, injury, and harm to the victims and the victims' families, see Payne v. Tennessee, 501 U.S. 808, 825-827 (1991), including, but not limited to, the following:

(a) Characteristics of Victims

(i) The defendant caused the death of James Nemorin, a 36-year-old Detective with the New York City Police Department, who enjoyed a strong relationship with his family.

(ii) The defendant caused the death of Rodney J. Andrews, a 34-year-old Detective with the New York City Police Department, who enjoyed a strong relationship with his family.

(b) Impact of the Offense on the Families of the Victims

The victims' families have suffered severe and irreparable harm.

(c) Impact of the Offense on the Employer and Colleagues of the Victims

The victims' employer, the New York City Police Department, and the victims' colleagues within the New York City Police Department have suffered substantial and irreparable harm.

The Government further gives notice that in support of imposition of the death penalty on Counts Three, Four, Five, Six, Seven, Ten and Eleven, 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, his

