

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TENNESSEE
WESTERN DIVISION

FILED BY AGP D.C.
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UNITED STATES OF AMERICA,)
)
 Plaintiff,)
)
 vs.)
)
 BRYANT LAKEITH WILSON,)
)
 Defendant.)

Robert R. Di Trolio
CLERK, U.S. DIST. CT.
W. D. OF TN, MEMPHIS

Cr. No. 01-20041-D

NOTICE OF INTENT TO SEEK THE DEATH PENALTY

COMES NOW the United States of America, pursuant to Title 18, United States Code, Section 3593(a), by and through its undersigned counsel, and notifies the Court and the defendant Bryant Lakeith Wilson, that the United States believes the circumstances of the offenses charged in counts Three and Five of the indictment are such that, in the event of conviction, a sentence of death is justified under Chapter 228 (Sections 3591 through 3598) of Title 18 of the United States Code, and that the United States will seek the sentence of death for these offenses: killing Willie Pearl Carter during the commission of a bank robbery, in violation of Title 18, United States Code, Section 2113(e), and, in the course of using and carrying a firearm during and in relation to a crime of violence, causing the death of Willie Pearl Carter through the use of a firearm in violation of Title 18, United States Code,

Section 924(j), both of which offenses carry a possible sentence of death.

The United States proposes to prove the following factors as justifying a sentence of death.

A. Statutory Proportionality Factors Enumerated Under Title 18, United States Code, Section 3591(a)(2)(A)-(D)

1. Intentional Acts to Engage in Act of Violence, Knowing Action Created 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 to one of the participants in the offense, such that participation in the act constituted a reckless disregard for human life, and Willie Pearl Carter died as a direct result of the act. Section 3591(a)(2)(D).

B. Statutory Aggravating Factors Enumerated Under Title 18, United States Code, Section 3592(c)

1. Previous Conviction of Violent Felony Involving Firearm
The defendant has a previous conviction for a federal offense punishable by a term of imprisonment of more than one (1) year, involving the use or attempted or threatened use of a firearm against another person. Section 3592(c)(2).

2. Grave Risk of Death to Additional Persons - The defendant, in the commission of the offense, knowingly created a grave risk of death to a person in addition to the victim of the offense. Section 3592(c)(5).

2. Vulnerability of Victim - Willie Pearl Carter, the victim, was particularly vulnerable due to old age. Section 3592(c)(11).

3. Pecuniary Gain - the defendant committed the offense as consideration for the receipt, or in the expectation of the receipt, of things of pecuniary value. Section 3592(c)(8).

4. Conviction for Serious Federal Drug Offenses - The defendant had previously been convicted of violating Title II or III of the Comprehensive Drug Abuse Prevention and Control Act of 1970 for which a sentence of five (5) or more years may be imposed. Section 3592(c)(12).

C. Other Non-Statutory Aggravating Factors Identified Under Title 18, United States Code, Section 3593(a)(2)

1. Victim Impact Evidence - As reflected by Willie Pearl Carter's personal characteristics as an individual human being and the impact of the offense on Willie Pearl Carter, her family and her friends, the defendant caused loss, injury, and harm to Willie Pearl Carter, her family and her friends. Section 3593(a); Payne v. Tennessee, 501 U.S. 808 (1991).

1. Leader and Organizer - The defendant was the leader and organizer of the conspiracy that committed the robbery of the United Central Bank in Plano, Texas, on May 8, 2000, the robbery of the Compass Bank in Dallas, Texas, on May 8, 2000, the attempted robbery of the Bank Midwest in Kansas City, Missouri, on June 16, 2000, the robbery of the Banco Popular Bank in Houston, Texas, on June 23, 2000, the attempted robbery of the Compass Bank in San Antonio, Texas, on July 26, 2000, the robbery of Bank One in San

Antonio, Texas, on July 26, 2000, the robbery of the Superior Federal Bank in Little Rock, Arkansas, on August 21, 2000, and the robbery of the People's Bank in Lakeland, Tennessee, on September 18, 2000, which resulted in the killing of Willie Pearl Carter.

Respectfully submitted,



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CERTIFICATE OF SERVICE

I, Tony R. Arvin, Assistant United States Attorney for the Western District of Tennessee, hereby certify that a copy of the foregoing Death Penalty Notice of the United States has been mailed, first class postage pre-paid, to Arthur E. Quinn, Esq., The Bogatin Law Firm, PLC, 1661 International Place Drive, Suite 300, Memphis, TN 38120, and Michael J. Stengel, Esq., 50 N. Front Street, Suite 999, Memphis, Tennessee 38103.

This 13th day of December, 2001.



TONY R. ARVIN
Assistant United States Attorney