

BR:CP:sd
F.# 2002R02474/OCDETF # NYNYE-399H

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

- - - - - X

UNITED STATES OF AMERICA

- against -

NOTICE OF INTENT TO
SEEK THE DEATH PENALTY

Cr. No. 04-966 (S-4)(FB)

VICTOR WRIGHT,

Defendant.

- - - - - X

Murder of Karon Clarrett

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 VICTOR WRIGHT is convicted of the capital offenses relating to the death of victim Karon Clarrett, 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 Count Nine of the Fourth Superseding Indictment, which charges murder in aid of racketeering in violation of 18 U.S.C. §§ 1959(a)(1) and 2, and Count Ten of the Fourth Superseding Indictment, which charges obstruction of justice murder in violation of 18 U.S.C. §§ 1512(a)(1)(C), 1512(a)(3)(A) and 2.

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

1. The defendant intentionally killed the victim. 18
U.S.C. § 3591(a)(2)(A).

2. The defendant intentionally inflicted serious
bodily injury that resulted in the death of the victim. 18
U.S.C. § 3591(a)(2)(B).

3. The defendant intentionally participated in one or
more acts, 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
Karon Clarrett died as a direct result of the act or acts. 18
U.S.C. § 3591(a)(2)(C).

4. The defendant intentionally and specifically
engaged in one or more acts of violence, knowing that the act or
acts created a grave risk of death to a person, other than one of
the participants in the offense, such that participation in such
act or acts constituted a reckless disregard for human life, and
Karon Clarrett died as a direct result of such act or acts. 18
U.S.C. § 3591(a)(2)(D).

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. Multiple killings or attempted killings. The
defendant intentionally attempted to kill more than one person in
a single criminal episode. 18 U.S.C. § 3592(c)(16).

2. Conviction for two felony drug offenses. The defendant has previously been convicted of two or more State or Federal offenses punishable by a term of imprisonment of more than one year, committed on different occasions, involving the distribution of a controlled substance. 18 U.S.C. § 3592(c)(10).

3. Conviction for a serious Federal drug offense. The defendant has previously been convicted of violating title III of the Comprehensive Drug Abuse Prevention and Control Act of 1970 for which a sentence of five or more years may be imposed. 18 U.S.C. § 3592(c)(12).

In addition to the statutory aggravating factors set forth above, the United States will rely on the following non-statutory aggravating factors to justify a sentence of death pursuant to 18 U.S.C. § 3593(a)(2):

1. The defendant brought about the death of Karon Clarrett in an effort to obstruct justice, tamper with a witness, and as retaliation for his cooperation with authorities.

2. Victim Impact Evidence. The defendant caused injury, harm, and loss to the victim, the victim's family, and the victim's friends as demonstrated by the victim's personal characteristics as an individual human being and the impact of the death upon the victim's family and friends. Payne v. Tennessee, 501 U.S. 808, 824-27 (1991). The United States will present information concerning the effect of the offense on the

victim and his family and friends, which may include oral testimony, victim impact statements, and the extent and scope of the injury and loss suffered by the victim, his family and friends, and any other relevant information.

3. The United States further gives notice that, in support of the 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 Fourth Superseding Indictment, as they relate to the background and character of the defendant VICTOR WRIGHT, his moral culpability, and the nature and circumstances of the offenses charged in the Fourth Superseding Indictment.

Murder of Dwayne Thomas

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 VICTOR WRIGHT is convicted of the capital offenses relating to the death of victim Dwayne Thomas, 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 Count Twelve of the Fourth Superseding Indictment, which charges murder in aid of racketeering in violation of 18 U.S.C. §§ 1959(a)(1) and 2, and Count Thirteen of the Fourth Superseding Indictment, which charges obstruction of justice

murder in violation of 18 U.S.C. §§ 1512(a)(1)(C), 1512(a)(3)(A) and 2.

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

1. The defendant intentionally killed the victim. 18 U.S.C. § 3591(a)(2)(A).

2. The defendant intentionally inflicted serious bodily injury that resulted in the death of the victim. 18 U.S.C. § 3591(a)(2)(B).

3. The defendant intentionally participated in one or more acts, 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 Dwayne Thomas died as a direct result of the act or acts. 18 U.S.C. § 3591(a)(2)(C).

4. The defendant intentionally and specifically engaged in one or more acts of violence, knowing that the act or acts created a grave risk of death to a person, other than one of the participants in the offense, such that participation in such act or acts constituted a reckless disregard for human life, and Dwayne Thomas died as a direct result of such act or acts. 18 U.S.C. § 3591(a)(2)(D).

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. Multiple killings or attempted killings. The defendant intentionally attempted to kill more than one person in a single criminal episode. 18 U.S.C. § 3592(c)(16).

2. Conviction for two felony drug offenses. The defendant has previously been convicted of two or more State or Federal offenses punishable by a term of imprisonment of more than one year, committed on different occasions, involving the distribution of a controlled substance. 18 U.S.C. § 3592(c)(10).

3. Conviction for a serious Federal drug offense. The defendant has previously been convicted of violating title III of the Comprehensive Drug Abuse Prevention and Control Act of 1970 for which a sentence of five or more years may be imposed. 18 U.S.C. § 3592(c)(12).

In addition to the statutory aggravating factors set forth above, the United States will rely on the following non-statutory aggravating factors to justify a sentence of death pursuant to 18 U.S.C. § 3593(a)(2):

1. The defendant brought about the death of Dwayne Thomas in an effort to obstruct justice and tamper with a witness.

2. Victim Impact Evidence. The defendant caused injury, harm, and loss to the victim, the victim's family, and the victim's friends as demonstrated by the victim's personal characteristics as an individual human being and the impact of the death upon the victim's family and friends. Payne v. Tennessee, 501 U.S. 808, 824-27 (1991). The United States will present information concerning the effect of the offense on the victim and his family and friends, which may include oral testimony, victim impact statements, and the extent and scope of the injury and loss suffered by the victim, his family and friends, and any other relevant information.

3. The United States further gives notice that, in support of the 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 Fourth Superseding Indictment, as they relate to the background and character of the defendant VICTOR WRIGHT, his

moral culpability, and the nature and circumstances of the offenses charged in the Fourth Superseding Indictment.

Dated: March __, 2006
Brooklyn, New York

Respectfully submitted,

ROSLYNN R. MAUSKOPF
UNITED STATES ATTORNEY

cc: Neil Checkman, Esq.
Kelley J. Sharkey, Esq.