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9 UNITED STATES OF AMERICA

10 UNITED STATES DISTRICT COURT
11 FOR THE CENTRAL DISTRICT OF CALIFORNIA

12 UNITED STATES OF AMERICA,) No. CR 02-938-DOC
13)
Plaintiff,) GOVERNMENT'S NOTICE OF INTENT
14) TO SEEK THE DEATH PENALTY
v.) AGAINST DEFENDANT BRIDGEWATER
15)
16 WAYNE BRIDGEWATER,)
Defendant.)
17)

18 NOTICE OF INTENT TO SEEK THE DEATH PENALTY

19 The United States of America, pursuant to 18 U.S.C.
20 § 3593(a), notifies the Court and defendant WAYNE BRIDGEWATER
21 ("defendant") that the Government believes the circumstances of
22 the offenses charged in Counts Six and Seven of the First
23 Superseding Indictment are such that, in the event of a
24 conviction, a sentence of death is justified under Chapter 228
25 (Sections 3591 through 3598) of Title 18 of the United States
26 Code, and that the Government will seek the sentence of death for
27 the following offenses: (1) commission of a violent crime in aid
28 of racketeering activity, to wit, the murder of Frank Joyner, in

1 violation of Title 18, United States Code, Section 1959(a)(1)
2 [Count Six]; and (2) commission of a violent crime in aid of
3 racketeering activity, to wit, the murder of Abdul Salaam, in
4 violation of Title 18, United States Code, Section 1959(a)(1)
5 [Count Seven], each of which carries a possible sentence of
6 death.

7 The Government proposes to prove the following factors as
8 justifying a sentence of death.

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

11 The following statutory proportionality factors apply to
12 Count Six.

13 1. **Intentionally Killing the Victim**

14 The defendant intentionally killed Frank Joyner. 18 U.S.C. §
15 3591(a)(2)(A).

16 2. **Intentionally Inflicted Serious Bodily Injury that**
17 **Resulted in the Death of the Victims**

18 The defendant intentionally inflicted serious bodily injury that
19 resulted in the death of Frank Joyner. 18 U.S.C. §
20 3591(a)(2)(B).

21 The following statutory proportionality factors apply to
22 each of Counts Six and Seven.

23 3. **Intentional Act to Take Life or Use Lethal Force**

24 The defendant intentionally participated in an act, contemplating
25 that the life of a person would be taken or intending that lethal
26 force would be used in connection with a person, other than one
27 of the participants in the offense, and Frank Joyner [Count Six]

1 and Abdul Salaam [Count Seven] died as a direct result of the
2 act. 18 U.S.C. § 3591(a)(2)(C).

3 4. **Intentionally and Specifically Engaged in an Act**
4 **of Violence Creating a Grave Risk of Death**

5 The defendant intentionally and specifically engaged in an act of
6 violence knowing that the act created a grave risk of death to a
7 person, other than one of the participants in the offense, such
8 that participation in the act constituted a reckless disregard
9 for human life, and Frank Joyner [Count Six] and Abdul Salaam
10 [Count Seven] died as a direct result of the act. 18 U.S.C. §
11 3591(a)(2)(D).

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

14 The following statutory aggravating factors apply to each of
15 Counts Six and Seven.

16 1. **Previous Conviction of Violent Felony Involving**
17 **Firearm**

18 The defendant committed the offense charged after having been
19 previously convicted of a Federal or State offense punishable by
20 a term of imprisonment of more than one year, involving the use
21 or attempted or threatened use of a firearm (as defined in 18
22 U.S.C. § 921) against another person, to wit, conviction for two
23 counts of armed bank robbery in United States District Court for
24 the Western District of Washington, in Case No. CR77-382M. 18
25 U.S.C. § 3592(c)(2).

26 2. **Grave Risk of Death to Additional Persons**
27
28

1 The defendant, in the commission of the offense, and in escaping
2 apprehension for the violation of the offense, knowingly created
3 a grave risk of death to one or more persons in addition to the
4 victim of the offense. 18 U.S.C. § 3592(c)(5).

5 **3. Substantial Planning and Premeditation**

6 The defendant committed the offense after substantial planning
7 and premeditation to cause the death of a person. 18 U.S.C. §
8 3592(c)(9).

9 **4. Multiple Killings or Attempted Killings**

10 The defendant intentionally killed or attempted to kill more than
11 one person in a single criminal episode. 18 U.S.C. §
12 3592(c)(16).

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

15 The following non-statutory aggravating factors apply to
16 each of Counts Six and Seven.

17 **1. Future Dangerousness of the Defendant**

18 The defendant is likely to commit criminal acts of violence in
19 the future that would constitute a continuing and serious threat
20 to the lives and safety of others, as evidenced by, at least, one
21 or more of the following:

22 a. Continuing Pattern of Violence

23 The defendant has engaged in a continuing pattern of violence,
24 attempted violence, and threatened violence, including, at least,
25 the crimes alleged against defendant in the First Superseding
26 Indictment, the crimes of which the defendant was previously
27 convicted, as described in ¶ B.1. of this Notice, and the two

1 knife-point robberies of which defendant was convicted in King
2 County, Washington on May 8, 1973.

3 b. Institutional Misconduct

4 The defendant poses a future danger to the lives and safety of
5 other persons, as demonstrated by his institutional misconduct,
6 including, at least, repeated acts of institutional misconduct
7 while in the custody of the Washington Department of Corrections,
8 United States Bureau of Prisons, United States Marshals Service,
9 or other law enforcement agencies, including his conviction for
10 assault on a prisoner resulting in serious bodily injury in the
11 United States District Court for the Southern District of
12 Illinois in case no. 81-40039-01.

13 2. **Racial Animosity Was a Motive for the Murders**

14 The defendant committed the crimes charged in part from racial
15 animosity against the victims of the crimes.

16 The Government further gives notice that in support of
17 imposition of the death penalty it intends to rely upon all the
18 evidence admitted by the Court at the guilt phase of the trial
19 and the offenses of conviction as described in the First
20 Superseding Indictment as they relate to the background and
21 character of the defendant, WAYNE BRIDGEWATER, his moral

22 //

23 //

24 culpability, and the nature and circumstances of the offenses
25 charged in the First Superseding Indictment.

26 DATE: November __, 2006 Respectfully submitted,

27 DEBRA WONG YANG

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