

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF LOUISIANA**

UNITED STATES OF AMERICA * **CRIMINAL NO.: 17-201**

v. * **SECTION: "I" (3)**

CHUKWUDI OFOMATA *
a/k/a "Chuck" *

* * *

NOTICE OF INTENT TO SEEK THE DEATH PENALTY

The United States of America, by and through its undersigned counsel and pursuant to Title 18 United States Code, Section 3593(a), files this Notice of Intent to Seek the Death Penalty, and notifies the Court and defendant **CHUKWUDI OFOMATA** that the United States believes the circumstances of the offenses charged in Count 3 of the Superseding Indictment are such that in the event of a conviction, a sentence of death is justified under Chapter 228 (Sections 3591 through 3599) of Title 18 of the United States Code, and that the United States will seek the sentence of death for this offense.

The United States intends to prove the following factors to justify a sentence of death with regard to Count 3:

A. CHUKWUDI OFOMATA was 18 years of age or older at the time of the offense.

B. Statutory Threshold Factors enumerated under 18 U.S.C. § 3591(a)(2)

1. Intentional Killing

CHUKWUDI OFOMATA intentionally killed the victim (18 U.S.C § 3591(a)(2)(A));

2. Intentional Infliction of Serious Bodily Injury

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

3. Intentional Participation in an Act

CHUKWUDI OFOMATA 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 the victim died as a direct result of the act (18 U.S.C § 3591(a)(2)(C));

4. Intentionally and Specifically Engaged in an Act of Violence

CHUKWUDI OFOMATA 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 the victim died as a direct result of the act (18 U.S.C § 3591(a)(2)(D)).

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

1. Grave risk of death to additional persons

CHUKWUDI OFOMATA, in the commission of the offense, knowingly created a grave risk of death to one or more persons in addition to the victim of the offense (18 U.S.C. § 3592(c)(5));

2. Pecuniary gain

CHUKWUDI OFOMATA 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)).

D. Non-Statutory Aggravating Factors identified under 18 U.S.C. § 3593(a)

1. Victim Impact

As reflected by the victim's personal characteristics as a human being and the impact of the offenses on the victim and the victim's family, **CHUKWUDI OFOMATA** caused loss, injury, and harm to the victim and the victim's family (*see Payne v. Tennessee*, 501 U.S. 808, 825-827 (1991)) including, but not limited to, the fact that the victim's family suffered severe and irreparable harm;

2. Other Criminal Conduct – Murders

CHUKWUDI OFOMATA participated in the murders of two people in New Orleans, Louisiana, in April 2008;

3. Other Criminal Conduct – Substantial Planning and Premeditation for Armed Robbery

CHUKWUDI OFOMATA substantially planned and premeditated the offenses alleged in Count 3 of the Superseding Indictment, which required the use of a firearm to facilitate the robbery of armed security guards.

Respectfully submitted,

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CERTIFICATE OF SERVICE

I hereby certify that on August 31, 2018, I electronically filed the foregoing with the Clerk of Court by using the CM/ECF system which will send a notice of electronic filing to all defense counsel of record.

s/ Michael E. McMahon
MICHAEL E. MCMAHON
Assistant United States Attorney