

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF INDIANA
EVANSVILLE DIVISION

FILED
SOUTHERN DISTRICT COURT
EVANSVILLE
07 JUN 22 PM 2:49

UNITED STATES OF AMERICA,

Plaintiff,

v.

JARVIS BROWN,

Defendant.

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CAUSE NO. EV 06-014-CR-01-Y/H

LAURA A. STOKES
CLERK

**NOTICE OF INTENT
TO SEEK THE DEATH PENALTY**

Comes now the United States of America, by Susan W. Brooks, the United States Attorney for the Southern District of Indiana, and Matthew P. Brookman, Assistant United States Attorney, and pursuant to Title 18, United States Code, Section 3593(a), notifies the Court and the defendant, Jarvis Brown, that in the event the defendant is convicted of intentionally killing Ricky Green and/or Jahi Bell and/or Vanessa Hankins and/or David Twitty, as alleged in Counts Nine, Fifteen, Seventeen, and Nineteen of the Superseding Indictment, the government believes a sentence of death is justified, and the government will seek a sentence of death.

If the defendant is convicted, the government will seek to prove the following factors as the basis for imposition of the death penalty.

A. Statutory Proportionality Factors Enumerated Pursuant to Title 18, United States Code, Section 3591(a)(2)(A) through (D)

1. Jarvis Brown intentionally killed Jahi Bell (Count Fifteen) [18 U.S.C. § 3591(a)(2)(A)].

2. Jarvis Brown intentionally killed Vanessa Hankins (Count Seventeen) [18 U.S.C. § 3591(a)(2)(A)].

3. Jarvis Brown intentionally killed David Twitty (Count Nineteen) [18 U.S.C. § 3591(a)(2)(A)].

4. Jarvis Brown intentionally inflicted serious bodily injury that resulted in the death of Jahi Bell (Count Fifteen) [18 U.S.C. § 3591(a)(2)(B)].

5. Jarvis Brown intentionally inflicted serious bodily injury that resulted in the death of Vanessa Hankins (Count Seventeen) [18 U.S.C. § 3591(a)(2)(B)].

6. Jarvis Brown intentionally inflicted serious bodily injury that resulted in the death of David Twitty (Count Nineteen) [18 U.S.C. § 3591(a)(2)(B)].

7. Jarvis Brown intentionally participated in the December 20, 2005, robbery at 3027 Sutherland Avenue, Indianapolis, Indiana, contemplating 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 Ricky Green died as a direct result of the act (Count Nine) [18 U.S.C. § 3591(a)(2)(C)].

8. Jarvis Brown intentionally participated in the December 26, 2005, robbery at 753 Lincoln Avenue, Evansville, Indiana, contemplating 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 Jahi Bell died as a direct result of the act (Count Fifteen) [18 U.S.C. § 3591(a)(2)(C)].

9. Jarvis Brown intentionally participated in the December 31, 2005, attempted

robbery at 711 Fairfield Avenue, Indianapolis, Indiana, contemplating 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 David Twitty died as a direct result of the act (Count Nineteen) [18 U.S.C. § 3591(a)(2)(C)].

10. Jarvis Brown intentionally and specifically engaged in the December 20, 2005, robbery at 3027 Sutherland Avenue, Indianapolis, Indiana, 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 Ricky Green died as a direct result of the act (Count Nine) [18 U.S.C. § 3591(a)(2)(D)].

11. Jarvis Brown intentionally and specifically engaged in the December 26, 2005, robbery at 753 Lincoln Avenue, Evansville, Indiana, 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 Jahi Bell died as a direct result of the act (Count Fifteen) [18 U.S.C. § 3591(a)(2)(D)].

12. Jarvis Brown intentionally and specifically engaged in the December 31, 2005, attempted robbery at 711 Fairfield Avenue, Indianapolis, Indiana, 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 David Twitty died as a direct result of the act (Count Nineteen) [18 U.S.C. § 3591(a)(2)(D)].

B. Statutory Aggravating Factors Enumerated Pursuant to Title 18, United States Code, Sections 3592(c)(1) through (16)

1. Jarvis Brown, during the December 20, 2005, robbery at 3027 Sutherland Avenue,

Indianapolis, Indiana, and murder of Ricky Green (Counts Eight and Nine), knowingly created a grave risk of death to one or more persons in addition to Ricky Green [18 U.S.C. § 3592(c)(5)].

2. Jarvis Brown, during the December 26, 2005, robbery at 753 Lincoln Avenue, Evansville, Indiana, and murder of Jahi Bell (Counts Fourteen and Fifteen), knowingly created a grave risk of death to one or more persons in addition to Jahi Bell [18 U.S.C. § 3592(c)(5)].

3. Jarvis Brown committed the murder of Vanessa Hankins (Count Seventeen) in an especially heinous, cruel, or depraved manner, in that the Hankins murder involved serious physical abuse to the victim [18 U.S.C. § 3592(c)(6)].

4. Jarvis Brown participated in the commission of the murder of Ricky Green (Count Nine) for pecuniary gain, in that the murder was committed during the course of and to facilitate the December 20, 2005, robbery of cash and controlled substances at 3027 Sutherland Avenue, Indianapolis, Indiana [18 U.S.C. § 3592(c)(8)].

5. Jarvis Brown committed the murder of Jahi Bell (Count Fifteen) for pecuniary gain, in that the murder was committed during the course of and to facilitate the December 26, 2005, robbery of cash and controlled substances at 753 Lincoln Avenue, Evansville, Indiana [18 U.S.C. § 3592(c)(8)].

6. Jarvis Brown committed the murder of David Twitty (Count Nineteen) for pecuniary gain, in that the murder was committed during the course of and to facilitate the December 31, 2005, attempted robbery of cash and controlled substances at 711 Fairfield Avenue, Indianapolis, Indiana [18 U.S.C. § 3592(c)(8)].

7. Jarvis Brown participated in the commission of the murder of Ricky Green (Count

Nine) after substantial planning and premeditation to cause the death of a person [18 U.S.C. 3592(c)(9)].

8. Jarvis Brown committed the murder of Jahi Bell (Count Fifteen) after substantial planning and premeditation to cause the death of a person [18 U.S.C. 3592(c)(9)].

9. Jarvis Brown committed the murder of Vanessa Hankins (Count Seventeen) after substantial planning and premeditation to cause the death of a person [18 U.S.C. 3592(c)(9)].

10. Jarvis Brown committed the murder of David Twitty (Count Nineteen) after substantial planning and premeditation to cause the death of a person [18 U.S.C. 3592(c)(9)].

11. Jarvis Brown participated in the intentional killing of Ricky Green and the attempted intentional killing of another person during the December 20, 2005, robbery at 3027 Sutherland Avenue, Indianapolis, Indiana (Counts Eight and Nine) [18 U.S.C. § 3592(c)(16)].

12. Jarvis Brown intentionally killed Jahi Bell and attempted to intentionally kill another person during the December 26, 2005, robbery at 753 Lincoln Avenue, Evansville, Indiana (Counts Fourteen and Fifteen) [18 U.S.C. § 3592(c)(16)].

C. Other, Non-Statutory Aggravating Factors Enumerated Pursuant to Title 18, United States Code, Sections 3593(a)(2)

1. Future dangerousness based upon the probability that he would commit criminal acts of violence that would constitute a continuing threat to the lives and safety of others. In addition to the capital offenses charged in the Superseding Indictment, the other serious incidents of violence set forth in the facts recounted in Counts One and Two of the Superseding Indictment, and the statutory and non-statutory aggravating factors alleged in this Notice, Jarvis Brown has engaged in a

continuing pattern of violent conduct, has threatened others with violence, and/or has demonstrated lack of remorse, including but not limited to one or more of the following:

- a. In December, 2005, Jarvis Brown attempted an armed robbery of an individual at 950 North Parker, Indianapolis, Indiana (Count One, Overt Act paragraph 2),
- b. On or about December 31, 2005, Jarvis Brown participated in the robbery and shooting of an individual at 4043 North Keystone Avenue, Indianapolis, Indiana (Count One, Overt Act paragraph 9),
- c. On or about August 8, 2003, Jarvis Brown was convicted of battery resulting in bodily injury, in Marion County, Indiana,
- d. On or about February 19, 2002, Jarvis Brown was convicted of resisting law enforcement, in Marion County, Indiana,
- e. On or about October 23, 2001, Jarvis Brown was convicted of resisting law enforcement, in Marion County, Indiana,
- f. On or about April 26, 1999, Jarvis Brown was convicted of carrying a firearm in public, in Madison County, Illinois. During the incident in question, Jarvis Brown assaulted another person with a firearm,
- g. On or about April 26, 1999, Jarvis Brown was convicted of resisting a police officer and possession of a controlled substance, in Madison County, Illinois,
- h. On or about October 20, 1998, Jarvis Brown was convicted of domestic battery, in Madison County, Illinois,
- i. On or about January 16, 1998, Jarvis Brown was convicted of resisting a police officer, in Madison County, Illinois,

j. On or about February 9, 1998, Jarvis Brown was convicted of resisting a police officer, in Madison County, Illinois,

k. On or about March 13, 1998, Jarvis Brown was convicted of resisting a police officer, in Madison County, Illinois,

l. On or about December 21, 1994, Jarvis Brown was convicted as a juvenile of criminal recklessness in Laporte County, Indiana. During the incident in question, Brown shot an 11 year old girl with a bb gun,

m. On or about May 18, 1999, Jarvis Brown assaulted another inmate while in the Illinois Department of Corrections,

n. On or about June 19, 2003, Jarvis Brown assaulted another inmate while in the Marion County, Indiana, Jail,

o. On or about July 9, 2003, Jarvis Brown threatened another inmate while in the Marion County, Indiana, Jail,

p. On or about August 31, 2003, Jarvis Brown threatened another inmate while in the Marion County, Indiana, Jail,

q. Jarvis Brown lacks remorse for the murders of Ricky Green, Jahi Bell, Vanessa Hankins, and David Twitty.

2. Jarvis Brown has previously been convicted of Indiana and Illinois State felony offenses, punishable by terms of imprisonment of more than one year, as follows:

a. On or about March 22, 2005, Jarvis Brown was convicted of possession of cocaine, in Marion County, Indiana state court, and sentenced to two years Indiana Department of Corrections,

b. On or about August 22, 2002, Jarvis Brown was convicted of possession of cocaine, in Marion County, Indiana state court, and sentenced to two years Indiana Department of Corrections,

c. On or about April 26, 1999, Jarvis Brown was convicted of carrying a firearm in public, in Madison County Illinois state court, and sentenced to two years Illinois Department of Corrections,

d. On or about April 26, 1999, Jarvis Brown was convicted of resisting police officer and possession of a controlled substance, in Madison County, Illinois state court, and sentenced to two years Illinois Department of Corrections,

3. Victims have been impacted, as evidenced by the impact of the murders upon the families of Ricky Green, Jahi Bell, Vanessa Hankins, and David Twitty, due to the victims' personal characteristics. The surviving members of the family have been deprived of their loved ones and the benefit of having their loved ones in their lives.

4. Jarvis Brown participated in the murder of Ricky Green, Jahi Bell, Vanessa Hankins, and David Twitty in order to advance and protect the defendant's continued narcotics distribution and robbery activities.

5. Jarvis Brown engaged in the following conduct to hinder, delay or prevent the communication by the named persons to law enforcement of information concerning the defendant's criminal activities, including information relating to the murders of Ricky Green and Jahi Bell, and/or to influence, delay or prevent the named persons from testifying regarding the defendant's criminal activities:

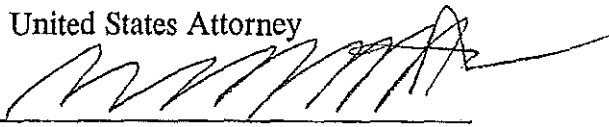
a. Jarvis Brown participated in the murder of Ricky Green and shooting and

g. Jarvis Brown murdered David Twitty during the December 31, 2005, robbery at 711 Fairfield Avenue, Indianapolis, Indiana (Count One, Overt Acts paragraph 10, Counts Eighteen and Nineteen).

Respectfully Submitted

Susan W. Brooks
United States Attorney

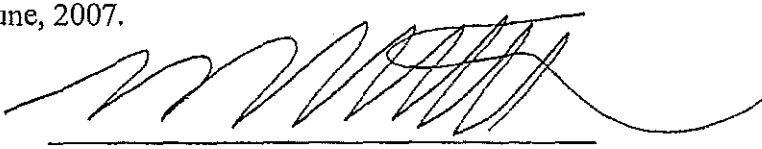
By:


Matthew P. Brookman
Assistant United States Attorney

Office Of The United States Attorney
101 NW Martin Luther King Jr. Boulevard, Room 250
Evansville, IN 47708

CERTIFICATE OF SERVICE

This is to certify that I have served copy of the foregoing Government's Notice of Intent to Seek the Death Penalty, by mailing a copy to counsel of record, Tim Dodd, Attorney at Law, and John Goodridge, Attorney at Law, 915 Main Street, Suite 208, Evansville, Indiana, 47708, first class mail, postage prepaid, on this 22nd day of June, 2007.


Matthew P. Brookman
Assistant United States Attorney

Office of the United States Attorney
101 N.W. Martin Luther King, Jr. Blvd., Suite 250
Evansville, Indiana 47708
Telephone: 812 465-6475

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF INDIANA
EVANSVILLE DIVISION

FILED
U.S. DISTRICT COURT
EVANSVILLE, IN
07 JUN 26 PM 4:51

UNITED STATES OF AMERICA,)
)
Plaintiff,)
)
v.) CAUSE NO. EV 06-014-CR-01-Y/H
)
JARVIS BROWN,)
)
Defendant.)

LAURA A. KRISGS
CLERK

SUPPLEMENTAL NOTICE
OF INTENT TO SEEK THE DEATH PENALTY

Comes now the United States of America, by Susan W. Brooks, the United States Attorney for the Southern District of Indiana, and Matthew P. Brookman, Assistant United States Attorney, and pursuant to Title 18, United States Code, Section 3593(a), and hereby supplements its notice of June 22, 2007 to the Court and the defendant Jarvis Brown with the following further information elaborating upon Section C, Paragraph 1 of the original Notice:

C. Other, Non-Statutory Aggravating Factors Enumerated Pursuant to Title 18, United States Code, Sections 3593(a)(2)

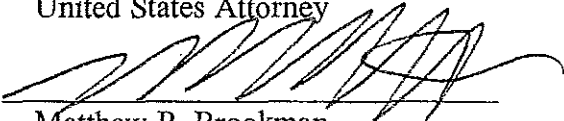
1. Future dangerousness based upon the probability that he would commit criminal acts of violence that would constitute a continuing threat to the lives and safety of others. In addition to the capital offenses charged in the Superseding Indictment, the other serious incidents of violence set forth in the facts recounted in Counts One and Two of the Superseding Indictment, and the statutory and non-statutory aggravating factors alleged in this Notice, Jarvis Brown has engaged in a continuing pattern of violent conduct, has threatened others with violence, and/or has demonstrated lack of remorse, including but not limited to one or more of the following:

r. On or about March 22, 2001, Jarvis Brown kicked and struck in the head Robin Hamilton. After beating Hamilton, Brown threatened her with a handgun, stating that he was going to kill her.

s. On or about July 9, 2001, Jarvis Brown choked, punched, kicked and threw Robin Hamilton to the ground. Hamilton's thirteen year old son and eleven year old daughter attempted to stop Brown from assaulting their mother, upon which Brown then punched the son and daughter.

Respectfully Submitted
Susan W. Brooks
United States Attorney

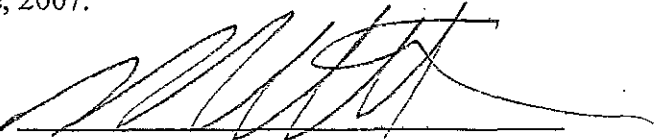
By:


Matthew P. Brookman
Assistant United States Attorney

Office Of The United States Attorney
101 NW Martin Luther King Jr. Boulevard, Room 250
Evansville, IN 47708

CERTIFICATE OF SERVICE

This is to certify that I have served copy of the foregoing Supplemental Notice of Intent to Seek the Death Penalty, by mailing a copy to counsel of record, Tim Dodd, Attorney at Law, and John Goodridge, Attorney at Law, 915 Main Street, Suite 208, Evansville, Indiana, 47708, first class mail, postage prepaid, on this 26th day of June, 2007.


Matthew P. Brookman
Assistant United States Attorney

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