UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY

UNITED STATES OF AMERICA	)	CRIMINAL NO. 12-298 (ES)
	)	
v.	)	GOVERNMENT'S NOTICE OF INTENT TO
	)	SEEK THE DEATH PENALTY AGAINST
FARAD ROLAND	)	DEFENDANT FARAD ROLAND

NOTICE OF INTENT TO SEEK THE DEATH PENALTY

The United States of America, pursuant to Title 18, United States Code, Section 3593(a), notifies the Court and defendant FARAD ROLAND (the "defendant") that the circumstances of the offenses charged in Counts Three, Five, Six, Seven, and Eight of the Second Superseding Indictment are such that, in the event of a 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 government will seek the sentence of death for the following offenses: (1) murder in aid of racketeering, resulting in the death of Rashaun Leaks, in violation of Title 18, U.S.C. §§ 1959(a)(1) and 2 [Count Three]; (2) murder in aid of racketeering, resulting in the death of Fuquan Billings (referred to as "Fu" in the Second Superseding Indictment), in violation of Title 18, U.S.C. §§ 1959(a)(1) and 2 [Count Five]; (3) murder in aid of racketeering, resulting in the death of Abdul Billups (referred to as "Dubird" in the Second Superseding Indictment), in violation of Title 18, U.S.C. §§ 1959(a)(1) and 2 [Count Six]; (4) murder in aid of racketeering, resulting in the death of Maurice Silas, in violation of Title 18, U.S.C. §§ 1959(a)(1) and 2 [Count Seven]; (5) murder in aid of racketeering, resulting in the death of Kasan Prince, in violation of Title 18, U.S.C. §§ 1959(a)(1) and 2 [Count Eight].

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

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

1. **Intentionally Killing the Victim**

The defendant, being at the time over 18 years of age, intentionally killed Rashaun Leaks [Count Three], Fuquan Billings [Count Five], and Abdul Billups [Count Six]. 18 U.S.C. § 3591(a)(2)(A).

2. **Intentionally Inflicting Serious Bodily Injury that Resulted in the Death of the Victim**

The defendant, being at the time over 18 years of age, intentionally inflicted serious bodily injury that resulted in the death of Rashaun Leaks [Count Three], Fuquan Billings [Count Five], and Abdul Billups [Count Six]. 18 U.S.C. § 3591(a)(2)(B).

3. **Intentional Acts to Take Life or Use Lethal Force**

The defendant, being at the time over 18 years of age, intentionally participated in 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 Rashaun Leaks [Count Three], Fuquan Billings [Count Five], Abdul Billups [Count Six], Maurice Silas [Count Seven], and Kasan Prince [Count Eight] died as a direct result of these acts. 18 U.S.C. § 3591(a)(2)(C).

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

The defendant, being at the time over 18 years of age, intentionally and specifically engaged in acts of violence knowing that the acts created a grave risk of death to a person, other

than one of the participants in the offense, such that participation in the acts constituted a reckless disregard for human life, and Rashaun Leaks [Count Three], Fuquan Billings [Count Five], Abdul Billups [Count Six], Maurice Silas [Count Seven], and Kasan Prince [Count Eight] died as a direct result of those acts. 18 U.S.C. § 3591(a)(2)(D).

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

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. **Previous Conviction of Violent Felony Involving a Firearm**

The defendant has previously been convicted of a Federal or State offense punishable by a term of imprisonment of more than 1 year, involving the use or attempted or threatened use of a firearm (as defined in section 921) against another person. 18 U.S.C. § 3592(c)(2). On July 16, 2009, the defendant pled guilty to third degree aggravated assault in violation of N.J.S. 2C:12-1. Third degree aggravated assault is a felony that is punishable by a term of imprisonment in excess of one year. The aggravated assault conviction qualifies as a violent felony offense involving the use, or attempted or threatened use of a firearm against another person.

2. **Grave Risk of Death to Additional Persons**

The defendant, in the commission of the offense, or in escaping apprehension for the violation of the offense, knowingly created a grave risk of death to 1 or more persons in addition to the victim of the offense. 18 U.S.C. § 3592(c)(5). This factor applies to the deaths of Rashaun Leaks [Count Three], Maurice Silas [Count Seven], and Kasan Prince [Count Eight].

3. **Substantial Planning and Premeditation**

The defendant committed the offense after substantial planning and premeditation to

cause the death of a person or commit an act of terrorism. This factor applies to the deaths of Fuquan Billings [Count Five], Abdul Billups [Count Six], Maurice Silas [Count Seven], and Kasan Prince [Count Eight]. U.S.C. § 3592(c)(9).

4. **Multiple Killings or Attempted Killings**

The defendant intentionally killed or attempted to kill more than one person in a single criminal episode. U.S.C. § 3592(c)(16). This factor applies to the deaths of Rashaun Leaks [Count Three], Maurice Silas [Count Seven], and Kasan Prince [Count Eight].

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

1. **Obstruction of Justice**

The motive for the murder of Fuquan Billings was to ensure that Billings did not cooperate with law enforcement and implicate the defendant in the robbery/murder of Jamar Stewart.

2. **Future Dangerousness**

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

(a) Membership in an Organized Criminal Enterprise

The defendant has demonstrated an allegiance to, active membership in, and leadership of the South Side Cartel, a criminal enterprise as defined in Title 18, U.S.C. § 1961(4), and he has continued his participation in that criminal enterprise despite incarceration.

(b) Continuing Pattern of Violence

Throughout his life, the defendant has engaged in a continuing pattern of violence, including at least the crimes charged in the Second Superseding Indictment, and other murders, attempted murders, murder conspiracies, murder solicitations, and murder authorizations.

(c) Low Rehabilitative Potential

The defendant has demonstrated a low potential for rehabilitation as evidenced by his longstanding involvement in violent criminal activities during the time period involved in the Second Superseding Indictment, and despite having been arrested and prosecuted numerous times for his various crimes.

(d) Lack of Remorse

The defendant has demonstrated a lack of remorse for the capital offenses committed in this case, as indicated by the defendant's statements and actions during the course of, and following, those offenses.

(e) Specific Acts and Statements of Violence While In Prison

Despite his arrest and incarceration, the defendant has continued to engage in violent conduct, including but not limited to assault with a dangerous weapon, and threats of violence.

3. **Contemporaneous Convictions For Other Killings and Other Acts of Violence**

The defendant also participated in the killing of one or more victims and is subject to contemporaneous convictions as part of this case for those killings, as charged in Counts Three, Four, Five, Six, Seven, and Eight. Additionally, the defendant participated in other violent acts, and is subject to contemporaneous convictions as part of this case for those acts, including those

charged in Counts One (Racketeering) and Two (Racketeering Conspiracy).

4. **Participation in Additional Uncharged Homicides, Attempted Homicides or Other Serious Crimes of Violence**

The defendant has participated in uncharged murders, attempted murders, murder conspiracies, murder solicitations, murder authorizations, and other serious crimes of violence.

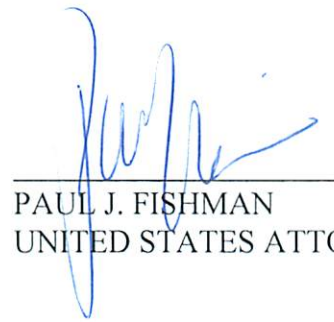
5. **Defendant Enlisted a Minor To Carry Out a Capital Offense**

The defendant, as part of the criminal enterprise, recruited J.W. into the South Side Cartel, and directed J.W. to take actions on March 27, 2008 that caused the deaths of Maurice Silas [Count Seven] and Kasan Prince [Count Eight] when J.W. was 15 years old.

6. **Victim Impact Evidence**

As reflected by the victims' personal characteristics and the impact of the offenses on the victims and the victims' families, the defendant caused loss, injury, and harm to the victims and the victims' families. See Payne v. Tennessee, 501 U.S. 808, 825-827 (1991).

Respectfully submitted,



PAUL J. FISHMAN
UNITED STATES ATTORNEY

DATE: February 5, 2015