

NEWS RELEASE



OFFICE OF THE UNITED STATES ATTORNEY SOUTHERN DISTRICT OF CALIFORNIA San Diego, California

***United States Attorney
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For Immediate Release

NEWS RELEASE SUMMARY - November 3, 2008

San Diego, CA - United States Attorney Karen P. Hewitt announced today that both David Scaggs and Leonard Scaggs were sentenced in federal court in San Diego by United States District Court Judge John A. Houston to life in prison.

On June 10, 2008, a federal jury found brothers David Scaggs and Leonard Scaggs guilty of First Degree Murder on the 32nd Street Naval Station, which is within the territorial or special maritime jurisdiction of the United States.

According to Assistant U.S. Attorneys Paul S. Cook and Fred Sheppard, who prosecuted the case, the evidence at trial established that on January 16, 1993, David Scaggs, Leonard Scaggs and two others drove to the 32nd Street Naval Station with the intention of committing a robbery. They positioned themselves near the automatic teller machine (ATM) and watched as Mark Anthon Smith, a sailor stationed at 32nd Street, withdrew \$80.00 from the ATM. The Scaggs brothers then followed Smith as he walked away, confronted him in the parking lot and knocked him to the ground. They demanded money from him at gunpoint; when

Smith denied that he had any money, David Scaggs shot Smith with a .32 caliber semi-automatic pistol and grabbed Smith's wallet and ran away. The bullet passed through Smith's left hand and into his chest; he died of his wound.

United States Attorney Hewitt noted that this case was a cold case homicide that was jointly investigated by the Cold Case Homicide Unit of the San Diego County District Attorney's Office and the Cold Case Homicide Team of the San Diego Police Department. The Naval Criminal Investigative Service also assisted in the investigation.

DEFENDANTS

Case Number 06cr0206JAH

David Scaggs, a.k.a. Sly

Leonard Scaggs, a.k.a. Ricky

SUMMARY OF CHARGES

Title 18, United States Code, Section 1111 - First Degree Murder

Title 18, United States Code, Section 2 - Aiding and Abetting

AGENCIES

Cold Case Homicide Unit of the San Diego County District Attorney's Office

Cold Case Homicide Team of the San Diego Police Department

Naval Criminal Investigative Service