

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF LOUISIANA

United States of America

Criminal Docket No.
Section:

v.
Defendant

NOTICE OF INTENT TO SEEK THE DEATH PENALTY

TO: [Defendant]

YOU ARE HEREBY NOTIFIED that in the event of your conviction of guilty on count one of the second superseding indictment in this case, which charges a violation of Title 18, United States Code, Section 241, the government will seek the sentence of death.

YOU ARE HEREBY NOTIFIED that in the event of your conviction of guilty on count two of the second superseding indictment in this case, which charges a violation of Title 18, United States Code, Section 2 and 242, the government will seek the sentence of death.

YOU ARE HEREBY NOTIFIED that in the event of your conviction of guilty on count three of the second superseding indictment in this case, which charges a violation of Title 18, United States Code, Section 1512(a)(1)(c) and 2, the government will seek the sentence of death.

YOU ARE FURTHER NOTIFIED that upon each of the convictions of guilty noticed above, the government intends to prove the aggravating factors listed below.

I. AGGRAVATING FACTORS ENUMERATED UNDER 18 U.S.C. § 3591

(a)(2)(A) through (D):

(A) You intentionally killed the victim, _____ (18 U.S.C. § 3591

(a) (2) (A));

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

and

- (C) You 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)).
- (D) You 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)).

II. AGGRAVATING FACTORS ENUMERATED UNDER 18 U.S.C. § 3592 (c)(1) through (15)

- 1. You procured the commission of the offense by payment, and promise of payment of a thing of pecuniary value (18 U.S.C. § 3592 (c) (7)); and
- 2. You committed the offense after substantial planning and premeditation (18 U.S.C § 3592 (c) (9)).

Furthermore, if [defendant] is convicted in this Court in Criminal Action Number _____, wherein he is charged with conspiring to possess with intent to distribute and to distribute a quantity of cocaine under Title 21, United States Code, Section 841 (a) (1), all in violation of Title 21, United States Code, section 846, then the government will seek to prove the following statutory aggravating factor as a basis for the death penalty, to wit:

3. You have previously been convicted of violating Title II or III of the Controlled Substance Act for which a sentence of 5 or more years may be imposed. (18 U.S.C. §3592 (c) (12)).

YOU ARE FURTHER NOTIFIED that the government will provide a list of the non-statutory aggravating factors it intends to prove at the trial in this case in a timely manner.

Respectfully submitted,
United States Attorney
Assistant United States Attorney