

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
LUFKIN DIVISION

UNITED STATES OF AMERICA

VS.

NO.

[DEFENDANT 1]
[DEFENDANT 2]

NOTICE

TO: DEFENDANT 1

You are hereby notified that in the event of your conviction on Count One of the Indictment in this case which charges a violation of Title 21, United States Code, Section 848(e)(1)(B), the United States of America will seek the sentence of death.

You are further notified that the United States of America will seek to prove the following aggravating factors as the basis for the death penalty:

1. _____ was intentionally killed 21 USC 848(n)(1).
2. The offense was committed after substantial planning and premeditation 21 USC 848(n) (2) (8).
3. The offense was committed in an especially heinous, cruel, or depraved manner in that it involved serious physical abuse to _____. 21 USC 848(n)(2)(12).
4. The offense was committed deliberately and with the reasonable expectation that the death of _____ would result.
5. The offense was committed during a robbery of the person of _____.
6. The offense was committed to obstruct, interfere with, and impede law enforcement from investigating and prosecuting a drug related crime.

7. The offense was committed by the use of force and violence specifically to facilitate the escape from a lawful arrest and detention by law enforcement officials.
8. The offense was committed to prevent _____ from being a witness.
9. The victim, _____, was a law enforcement officer.
10. _____ was killed without any reasonable provocation.
11. The offense was committed for pecuniary benefit related to the drug related crime.
12. The offense was committed while on parole.
13. There is a probability that you would commit criminal acts of violence that would constitute a continuing threat to society in the future.
14. A deadly weapon to wit: a firearm was used during the commission of this crime.
15. Repeated attempts at rehabilitation have been unsuccessful.
16. At present, the government is unaware of any evidence which would constitute "mitigating factors", as that term is used in 21 USC 848(m).

Respectfully submitted,

United States Attorney

Assistant United States Attorney

ATTORNEY FOR THE
UNITED STATES OF AMERICA