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9 UNITED STATES DISTRICT COURT
10 FOR THE CENTRAL DISTRICT OF CALIFORNIA

11 UNITED STATES OF AMERICA,) No. CR 96-1140(A) -ER
12)
Plaintiff,)
13)
v.)
14)
DANIEL RAY BENNETT,)
15)
Defendant.)
16 _____)

17
18
19 NOTICE OF INTENT TO SEEK THE DEATH PENALTY

20
21
22 COMES NOW the United States of America, pursuant to 18
23 U.S.C. § 3593(a), by and through its undersigned counsel, and
24 notifies the Court and the defendant in the above-captioned case
25 that the Government believes the circumstances of the capital
26 offenses in this case are such that, in the event of a
27 conviction, a sentence of death is justified under Chapter 228
28 (Sections 3591 through 3598) of Title 18 of the United States
Code, and that the Government will seek the sentence of death for

1 these offenses: conspiracy to use, and use of, interstate
2 commerce facilities to commit murder for hire resulting in the
3 death of Rickey Ray Hall, in violation of 18 U.S.C. 1958(a),
4 which carries a possible sentence of death.

5 The Government proposes to prove the following factors as
6 justifying a sentence of death for each and all of the above
7 capital offenses in this case.

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

10 1. **Intentional Killing.** The defendant intentionally
11 killed Rickey Ray Hall. Section 3591(a) (2) (A).

12 2. **Intentional Infliction of Serious Bodily Injury.**
13 The defendant intentionally inflicted serious bodily injury that
14 resulted in the death of Rickey Ray Hall. Section 3591(a) (2) (B).

15 3. **Intentional Acts to Take Life or Use Lethal Force.**
16 The defendant intentionally participated in an act, contemplating
17 that the life of a person would be taken or intending that lethal
18 force would be used in connection with a person, other than one
19 of the participants in the offense, and Rickey Ray Hall died as a
20 direct result of the act. Section 3591(a) (2) (C).

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

23 1. **Previous Conviction of Offense For Which a**
24 **Sentence of Death or Life Imprisonment Was Authorized.** The
25 defendant has previously been convicted of another Federal or
26 State offense resulting in the death of a person, for which a
27 sentence of life imprisonment or a sentence of death was
28 authorized by statute. Section 3592(c) (3).

1 2. **Grave Risk of Death to Additional Persons.** The
2 defendant, in the commission of the offense, or in escaping
3 apprehension for the violation of the offense, knowingly created
4 a grave risk of death to 1 or more persons in addition to the
5 victim of the offense. Section 3592(c)(5).

6 3. **Pecuniary Gain.** The defendant committed the
7 offense as consideration for the receipt, or in the expectation
8 of the receipt, of something of pecuniary value. Section
9 3592(c)(8).

10 4. **Substantial Planning and Premeditation.** The
11 defendant committed the offense after substantial planning and
12 premeditation to cause the death of Rickey Ray Hall. Section
13 3592(c)(9).

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

16 1. **Future Dangerousness of the Defendant.** The
17 defendant is likely to commit criminal acts of violence in the
18 future which would be a continuing and serious threat to society,
19 Simmons v. South Carolina, 114 S.Ct. 2187, 2193 (1994), based
20 upon evidence including but not limited to one or more of the
21 following:

22 (1) In a search of the defendant's home,
23 authorities found a handwritten poem which glorifies violence and
24 calls for the death of all "snitches". The poem states that the
25 author has the mentality of a serial killer.

26 (2) In a telephone conversation on December 2,
27 1996, the defendant said that Rickey Ray Hall's brother was
28 saying that he knew who had killed Rickey Ray Hall, and would not

1 rest in his efforts to obtain justice or revenge. The defendant
2 then said that he would kill the brother on sight if necessary.

3 (3) The defendant committed the capital offenses
4 charged in this case within sixteen months after serving a term
5 of imprisonment, and while on parole for a prior felony
6 conviction of Second Degree Murder.


7 (4) In the weeks following the murder of Rickey
8 Ray Hall, the defendant boasted about the killing of Rickey Ray
9 Hall, and about having gotten away with it.


10 2. **Victim Impact Evidence.** The impact of the
11 victim's death upon the victim's family. Payne v. Tennessee, 111
12 S.Ct. 2597, 2608-09 (1991). Rickey Ray Hall's family, including
13 his children, siblings, and nieces, has been devastated by his
14 death.

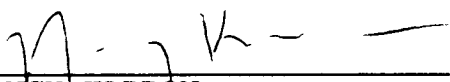
15
16 Dated: March 27, 1997

Respectfully submitted,

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CERTIFICATE OF SERVICE BY MAIL

I, Patricia Balderas, declare:

That I am a citizen of the United States and resident or employed in Los Angeles County, California; that my business address is Office of United States Attorney, United States Courthouse, 312 North Spring Street, Los Angeles, California 90012; that I am over the age of eighteen years, and am not a party to the above-entitled action;

That I am employed by the United States Attorney for the Central District of California who is a member of the Bar of the United States District Court for the Central District of California, at whose direction the service by mail described in this Certificate was made; that on March 27, 1997, I deposited in the United States mails in the United States Courthouse at 312 North Spring St., Los Angeles, California, in the above-entitled action, in an envelope bearing the requisite postage, a copy of NOTICE OF INTENT TO SEEK THE DEATH PENALTY

Addressed to: **See Attachment**
at their last known addresses, at which place there is a delivery service by United States mail.

This Certificate is executed on March 27, 1997, at Los Angeles, California.

I certify under penalty of perjury that the foregoing is true and correct.



Patricia Balderas

United States v. Edward Stanley et al., CR 96-1140 A

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