

ORIGINAL
A.T. (handcarried)

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
FORT WORTH DIVISION

FILED
U.S. DISTRICT COURT
NORTHERN DIST. OF TX.
FT WORTH DIVISION
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CLERK OF COURT

UNITED STATES OF AMERICA

vs.

L. J. BRITT

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Criminal No. 4:00-CR-0260-Y (15)

NOTICE OF INTENT TO SEEK THE DEATH PENALTY

COMES NOW the United States of America, by and through the United States Attorney for the Northern District of Texas, and files, pursuant to Title 18, United States Code, Sections 3591 through 3593, and Title 21, United States Code, Section 848, this notice of its intent to seek the death penalty against the defendant, **L. J. BRITT**, in the event **BRITT** is convicted of Count Seven, Twelve, or Fifteen of the superseding indictment, which charges defendant with using, carrying, and discharging firearms during and in relation to a drug trafficking crime and in the course of such violation did cause death, in violation of Title 18, United States Code, Section 924(j), and Possession With Intent to Distribute a Controlled Substance and while engaging in such offense defendant intentionally caused the death of another in violation of Title 21, United States Code, Section 841 (a)(1) and 848 (e)(1)(A) and would show the Court and the jury, as follows:

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TITLE 18 OFFENSES

The United States of America believes that the circumstances of the instant offenses of using/carrying/discharging a firearm and causing the death of Johnny Lee Shelton and Rudolfo Resendez are such that if the defendant, **L. J. BRITT**, is convicted a sentence of death is justified for each offense under Title 18, United States Code, Sections 3591(a), 3592(a), and 3592(c).

The United States of America will prove, at a hearing held pursuant to Title 18, United States Code, Section 3593, that:

Count Seven

a. On or about December 3, 1998, in the Northern District of Texas, the defendant, **L. J. BRITT**, did intentionally kill Johnny Lee Shelton by shooting and killing him with a firearm (18, U.S.C. § 3591(a)(2)(A));

b. On or about December 3, 1998, in the Northern District of Texas, the defendant, **L.J. BRITT**, intentionally inflicted serious bodily injury that resulted in the death of Johnny Lee Shelton (18, U.S.C. § 3591 (a)(2)(B));

c. On or about December 3, 1998, in the Northern District of Texas, the defendant, **L.J. BRITT**, did intentionally participate 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 Johnny Lee Shelton died as a direct result of the act (18 U.S.C. § 3591 (a)(2)(C));

d. On or about December 3, 1998, in the Northern District of Texas, the defendant, **L.J. BRITT**, 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 Johnny Lee Shelton died as a direct result of the act (18 U.S.C. § 3591 (a)(2)(D));

e. the defendant, **L.J. BRITT**, in the commission of the offense knowingly created a grave risk of death to one or more persons in addition to Johnny Lee Shelton, the victim of the offense (18 U.S.C. § 3592(c)(5));

f. the defendant, **L.J. BRITT**, committed the offense after substantial planning and premeditation to cause the death of a person (18, U.S.C. § 3592(c)(9));

g. Johnny Shelton's personal characteristics and the severe and detrimental effect of the instant offense on Johnny Shelton's family. See 18 U.S.C. § 3593(a) and Payne v. Tennessee, 501 U.S. 808, 111 S. Ct. 2597 (1991);

h. future dangerousness to the lives and safety of other persons, as evidenced by a lack of remorse, poor rehabilitative potential, and specific threats and acts of violence. See Jurek v. Texas, 428 U.S. 262, 272-273, 96 S. Ct. 2950, 2956- 2957 (1976) ("probability that the defendant would commit criminal acts of violence that would constitute a continuing threat to society").

Count Fifteen

a. On or about July 12, 1999, in the Northern District of Texas, the defendant, **L.J. BRITT**, did intentionally kill Rudolfo Resendez by shooting and killing him with a firearm (18 U.S.C. § 3591 (a)(2)(A));

b. On or about July 12, 1999, in the Northern District of Texas, the defendant, **L.J. BRITT**, intentionally inflicted serious bodily injury that resulted in the death of Rudolfo Resendez (18 U.S.C. § 3591 (a)(2)(B));

c. On or about July 12, 1999, in the Northern District of Texas, the defendant, **L.J. BRITT**, did intentionally participate 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 Rudolfo Resendez died as a direct result of the act (18 U.S.C. § 3591 (a)(2)(C));

d. On or about July 12, 1999, in the Northern District of Texas, the defendant, **L.J. BRITT**, 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 Rudolfo Resendez died as a direct result of the act (18 U.S.C. § 3591 (a)(2)(D));

e. the defendant, **L. J. BRITT**, committed the offense as consideration for the receipt, or in the expectation of the receipt, of anything of pecuniary value (18 U.S.C. § 3592(c)(8));

f. the defendant, **L. J. BRITT**, committed the offense after substantial planning and premeditation to cause the death of Rudolfo Resendez (18 U.S.C. § 3592(c)(9));

g. future dangerousness to the lives and safety of other persons, as evidenced by a lack of remorse, poor rehabilitative potential, and specific threats and acts of violence. See Jurek v. Texas, 428 U.S. 262, 272-273, 96 S. Ct. 2950, 2956- 2957 (1976) ("probability that the defendant would commit criminal acts of violence that would constitute a continuing threat to society").

II

TITLE 21 OFFENSE

The United States of America believes that the circumstances of the instant offense of Possession With Intent to Distribute a Controlled Substance and while engaging in such offense

defendant intentionally killed Rudolfo Resendez, are such that if the defendant, **L. J. BRITT**, is convicted on Count Twelve a sentence of death is justified under Title 21, United States Code, Section 848 (e)(1)(A).

The United States of America will prove, at a hearing held pursuant to Title 21, United States Code, Section 848, that:

a. On or about July 12, 1999, in the Northern District of Texas, the defendant, **L.J. BRITT**, did intentionally kill Rudolfo Resendez by shooting and killing him with a firearm (21 U.S.C. § 848 (n)(1)(A));

b. On or about July 12, 1999, in the Northern District of Texas, the defendant, **L.J. BRITT**, intentionally inflicted serious bodily injury which resulted in the death of Rudolfo Resendez (21 U.S.C. § 848 (n)(1)(B));

c. On or about July 12, 1999, in the Northern District of Texas, the defendant, **L.J. BRITT**, intentionally engaged in conduct intending that Rudolfo Resendez be killed or that lethal force be employed against Rudolfo Resendez, which resulted in the death of Rudolfo Resendez (21 U.S.C. § 848 (n)(1)(C));

d. On or about July 12, 1999, in the Northern District of Texas, the defendant, **L.J. BRITT**, intentionally engaged in conduct, namely, shoot at Rudolfo Resendez, which the defendant knew would create a grave risk of death to a person, other than one of the participants in the offense, and resulted in the death of Rudolfo Resendez (21 U.S.C. § 848 (n)(1)(D));

e. the defendant, **L. J. BRITT**, committed the offense as consideration for the receipt, or in the expectation of the receipt, of anything of pecuniary value (21 U.S.C. § 848(n)(7));

f. the defendant, **L. J. BRITT**, committed the offense after substantial planning and premeditation to cause the death of a person (21 U.S.C. § 848(n)(8));

g. future dangerousness to the lives and safety of other persons, as evidenced by a lack of remorse, poor rehabilitative potential, and specific threats and acts of violence. See Jurek v. Texas, 428 U.S. 262, 272-273, 96 S. Ct. 2950, 2956- 2957 (1976) ("probability that the defendant would commit criminal acts of violence that would constitute a continuing threat to society").

Respectfully submitted,

RICHARD H. STEPHENS
United States Attorney

by: 
FREDERICK M. SCHATTMAN

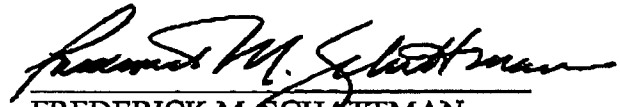
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CERTIFICATE OF SERVICE

I certify that on this the 19th day of October, 2001, a true and correct copy of the Government's Notice of Intent to Seek the Death Penalty was served by United States First Class mail on the attorney for defendant.



FREDERICK M. SCHATTMAN
Assistant United States Attorney