

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ILLINOIS

FILED

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UNITED STATES OF AMERICA,)
)
 Plaintiff,)
)
 vs.)
)
 RICHARD C. ABELN,)
)
 Defendant.)

CLERK U.S. DISTRICT COURT
SOUTHERN DISTRICT OF ILLINOIS
EAST ST. LOUIS OFFICE

CRIMINAL NO. 98-30022-WDS

NOTICE OF INTENT TO SEEK THE DEATH PENALTY

The United States, pursuant to Title 18, United States Code, Section 3593(a), provides the foregoing notice of its intent to seek the death penalty against the Defendant Richard C. Abeln. The Government states that it believes that the circumstances of the Defendant's offenses charged in Counts 2 through 7 of the May 21, 1998, Superseding Indictment, are such that, if the Defendant is convicted of any of those offenses, a sentence of death is justified under law, and that the Government will in fact seek the sentence of death. Furthermore, in compliance with Title 18, United States Code, Section 3593(a)(2), the Government sets forth the following aggravating factor or factors that the Government, if the Defendant is convicted of any or all of the counts charged in 2 through 7, proposes to prove as justifying a sentence of death:

1. That the Defendant, Richard C. Abeln, intentionally participated in an act, contemplating that the life of a person, that being his wife Debra Abeln, 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, Debra Abeln, died as a direct result of the act, *see* Title 18, United States Code, Section 3591(a)(2)(C);

2. That the death of Debra Abeln, or the injury resulting in the death of Debra Abeln, occurred during the commission or attempted commission or during the immediate flight from the commission of an offense under Title 18, United States Code, Section 37 (Violence at International Airports), *see* Title 18, United States Code, Section 3592(c)(1);
3. That the Defendant in the commission of the offenses with which he is charged and for which he is eligible for the death penalty, knowingly created a grave risk of death to one or more persons in addition to the victim of the offense, *see* Title 18, United States Code, Section 3592(c)(5);
4. That the Defendant procured the commission of the offenses for which he is eligible for the death penalty by payment or promise of payment, of anything of pecuniary value to another, *see* Title 18, United States Code, Section 3592(c)(7);
5. That the Defendant committed the offenses for which he is entitled to the death penalty after substantial planning and premeditation to cause the death of another person, Debra Abeln, *see* Title 18, United States Code, Section 3592(c)(9).

In addition, pursuant to Title 18, United States Code, Section 3593, the United States further notifies the Defendant, Richard Abeln, and the Court that additional aggravating factors may be presented to the Court at the time of the penalty phase in this matter relating to factors concerning the effect of the offense on the victim and the victim's family, and may include oral testimony, a victim impact statement that identifies the victims of the offense and the extent and scope of the injury and loss suffered by the victim and the victim's family and any other relevant information.

Respectfully submitted,

W. CHARLES GRACE
United States Attorney

A handwritten signature in black ink, appearing to read 'Leggans', with a large loop at the end.

THOMAS E. LEGGANS
Assistant United States Attorney
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PROOF OF SERVICE

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	
)	
vs.)	CRIMINAL NO. 98-30022-WDS
)	
RICHARD ABELN,)	
)	
Defendant.)	

The undersigned hereby certifies that she/he is an employee in the office of the United States Attorney for the Southern District of Illinois and is a person of such age and discretion as to be competent to serve papers.

That on July 24, 1998, she/he served a copy of the attached:

NOTICE OF INTENT TO SEEK THE DEATH PENALTY

by placing said copy in a postpaid envelope addressed to the person(s) hereinafter named, at the place(s) and address(es) stated below, which is/are the last known address(es), and by depositing said envelope and contents in the United States Mail at Nine Executive Drive, Suite 300, Fairview Heights, IL 62208.

ADDRESS(ES):

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