

COPY

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF WEST VIRGINIA

U.S. DISTRICT COURT
FILED AT WHEELING WV
DEC 14 1998
NORTHERN DISTRICT OF WV
OFFICE OF THE CLERK

UNITED STATES OF AMERICA,

Plaintiff,

v.

Criminal No. 1:98CR34

RICKY LEE BROWN, BARBARA BROWN &
JANETTE ABLES,

Defendants.

NOTICE UNDER SEAL

Now comes the United States of America and William D. Wilmoth, United States Attorney for the Northern District of West Virginia, by Paul T. Camilletti, Assistant United States Attorney for said District and advises the Court and counsel that the Government believes that the circumstances of this offense are such that, if the defendants are convicted, a sentence of death is justified under this Chapter (Chapter 228, Part 2, Title 18, United States Code) and that the United States will seek the sentence of death.

The aggravating factors which the Government proposes to prove as justifying a sentence of death in the event the defendants or some of them are convicted are:

1. The defendants 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 victims died as a direct result of the act.

18 U.S.C. §3591(a)(2)(C).

2. The death occurred during the commission of an offense under Title 18 §844(i). Title 18 U.S.C. §3592(c)(1).

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3. The defendants committed the offense in a especially heinous, cruel and depraved manner in that it involved torture or serious physical abuse to the victims. Title 18, U.S.C. §3592(c)(6).

4. The defendants committed the offense in the expectation of the receipt of anything of pecuniary value. Title 18, U.S.C. §3592(c)(8).

5. The defendants committed the offense after substantial planning and premeditation to cause the death of a person or persons. Title 18, U.S.C. §3592(c)(9).

6. The victims were particularly vulnerable due to youth. Title 18, U.S.C. §3592(c)(11).

7. The defendants intentionally killed more than one person in a single criminal episode. Title 18, U.S.C. §3592(c)(16).

8. The impact of this offense upon the victims and the victims' families.

The recommendation of the United States Attorney is subject to review by the Attorney General of the United States and may be amended in accord with the result of that review.

Respectfully submitted,

WILLIAM D. WILMOTH
United States Attorney



By: Paul T. Camilletti
Assistant United States Attorney

CERTIFICATE OF SERVICE

I, Paul T. Camilletti, Assistant United States Attorney for the Northern District of West Virginia, hereby certify that the foregoing NOTICE OF THE UNITED STATES ATTORNEY'S RECOMMENDATION TO THE ATTORNEY GENERAL was served upon the defendants by placing a true and correct copy thereof in the United States Mail, postage prepaid, on December 14, 1998, addressed as follows:

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