

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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UNITED STATES OF AMERICA : S11 96 Cr. 515 (SS)
 :
 -v- :
 : AMENDED NOTICE OF INTENT
 JOHN CUFF, : TO SEEK THE DEATH PENALTY
 a/k/a "Jack," :
 a/k/a "Big Cuz," :
 a/k/a "Frost," :
 et al., :
 Defendant. :

-----X

Pursuant to the requirements of 21 U.S.C. Section 848(h)(1)(A) and (B), the United States hereby gives notice that it believes that the circumstances of this case are such that, in the event that defendant JOHN CUFF is convicted of one or more of the intentional killings of Paul Singleton, Michael Booker, George Ford, Hayward Shine, Anthony Boatwright, Greg Hawkins, James Brunson, Sheila Berry, and/or Dale Graham, as charged in Counts Fifty-Seven through Sixty-Five of Indictment S11 96 Cr. 515 (SS), a sentence of death is justified and that the United States will seek the death penalty as to each offense under Title 21 of the United States Code.

Pursuant to the requirements of 18 U.S.C. Section 3593(a), the United States further hereby gives notice that it believes that the circumstances of this case are such that, in the event that defendant JOHN CUFF is convicted of one or more of the murders of Sheila Berry and/or Dale Graham, as charged in Counts Thirty-Five and Thirty-Nine of Indictment S11 96 Cr. 515

(SS), a sentence of death is justified and that the United States will seek the death penalty as to each offense under Title 18 of the United States Code.

The Government will seek to prove the following aggravating factors as the basis for the imposition of the death penalty.

COUNT THIRTY-FIVE

MURDER OF SHEILA BERRY

A. Statutory Aggravating Factors Enumerated Under 18 U.S.C. § 3591(a)(2)(A) through (D)

1. **Intentional Killing.** JOHN CUFF intentionally killed the victim. Section 3591(a)(2)(A).

2. **Intentional Acts to Take Life or Use Lethal Force.** JOHN CUFF intentionally participated in an act, contemplating that the life of a person would be taken or that lethal force would be used in connection with a person, other than one of the participants in the offense, and the victim died as a direct result of the act. Section 3591(a)(2)(C).

B. Statutory Aggravating Factors Enumerated Under 18 U.S.C. § 3592(c)(1) through (16)

1. **Pecuniary Gain.** JOHN CUFF committed the offense as consideration for the receipt, or in the expectation of the receipt, of anything of pecuniary value. Section 3592(c)(8).

2. **Substantial Planning and Premeditation.** JOHN CUFF committed the offense after substantial planning and premeditation to cause the death of a person. Section 3592(c)(9).

3. **Continuing Criminal Enterprise Involving Drug Sales to Minors.** JOHN CUFF committed the offense in the course of engaging in a continuing criminal enterprise in violation of 21 U.S.C. § 848(c) and the violation involved the distribution of drugs to persons under the age of 21 in violation of 21 U.S.C. § 859. Section 3592(c)(13).

D. Other, Non-Statutory, Aggravating Factors Identified Under 18 U.S.C. § 3593(a)

1. **Use of a Firearm.** In committing the offense, or in furtherance of a continuing criminal enterprise of which the offense was part, JOHN CUFF used a firearm or knowingly directed, advised, authorized, or assisted another to use a firearm to threaten, intimidate, assault, or injure the victim.

2. **Victim Impact Evidence.** JOHN CUFF has caused severe and irreparable harm to Sheila Berry's family, including her daughter and mother, which has been devastated by her death.

COUNT THIRTY-NINE

MURDER KILLING OF DALE GRAHAM

A. Statutory Aggravating Factors Enumerated Under 18 U.S.C. § 3591(a)(2)(A) through (D)

1. **Intentional Killing.** JOHN CUFF intentionally killed the victim. Section 3591(a)(2)(A).

2. **Intentional Acts to Take Life or Use Lethal Force.** JOHN CUFF intentionally participated in an act, contemplating that the life of a person would be taken or that lethal force would be used in connection with a person, other than one of the participants in the offense, and the victim died as a direct

result of the act. Section 3591(a)(2)(C).

B. Statutory Aggravating Factors Enumerated Under 18 U.S.C. § 3592(c)(1) through (16)

1. **Heinous, Cruel, or Depraved Manner of Committing the Offense.** JOHN CUFF committed the offense in an especially heinous, cruel, or depraved manner in that it involved torture or serious physical abuse to the victim. Section 3592(c)(6).

2. **Substantial Planning and Premeditation.** JOHN CUFF committed the offense after substantial planning and premeditation to cause the death of a person. Section 3592(c)(9).

4. **Continuing Criminal Enterprise Involving Drug Sales to Minors.** JOHN CUFF committed the offense in the course of engaging in a continuing criminal enterprise in violation of 21 U.S.C. § 848(c) and the violation involved the distribution of drugs to persons under the age of 21 in violation of 21 U.S.C. § 859. Section 3592(c)(13).

D. Other, Non-Statutory, Aggravating Factors Identified Under 18 U.S.C. § 3593(a)

1. **Victim Impact Evidence.** JOHN CUFF has caused severe and irreparable harm to Dale Graham's family, including his mother and brother, which has been devastated by his death.

2. **Use of a Firearm.** In committing the offense, or in furtherance of a continuing criminal enterprise of which the offense was part, JOHN CUFF used a firearm or knowingly directed, advised, authorized, or assisted another to use a firearm to threaten, intimidate, assault, or injure the victim.

COUNT FIFTY-SEVEN

INTENTIONAL KILLING OF PAUL SINGLETON

A. Statutory Aggravating Factor Enumerated Under 21 U.S.C. § 848(n)(1)(A) through (D)

1. **Intentional Acts to Take Life or Use Lethal Force.**

JOHN CUFF intentionally engaged in conduct intending that the victim be killed or that lethal force be employed against the victim, which resulted in the death of the victim. Section 848(n)(1)(C).

B. Statutory Aggravating Factors Enumerated Under 21 U.S.C. § 848(n)(2) through (12)

1. **Substantial Planning and Premeditation.** JOHN CUFF

committed the offense after substantial planning and premeditation. Section 848(n)(8).

2. **Heinous, Cruel, or Depraved Manner.** JOHN CUFF

committed the offense in an especially heinous, cruel, or depraved manner in that it involved torture or serious physical abuse to the victim. Section 848(n)(12).

C. Other, Non-Statutory, Aggravating Factor Identified Under 21 U.S.C. § 848(h)(1)(B) and § 848(k)

1. **Victim Impact Evidence.** JOHN CUFF has caused

severe and irreparable harm to Paul Singleton's family, including his child, which has been devastated by his death.

COUNT FIFTY-EIGHT

INTENTIONAL KILLING OF MICHAEL BOOKER

A. Statutory Aggravating Factor Enumerated Under 21 U.S.C. § 848(n)(1)(A) through (D)

1. Intentional Acts to Take Life or Use Lethal Force.

JOHN CUFF intentionally engaged in conduct intending that the victim be killed or that lethal force be employed against the victim, which resulted in the death of the victim. Section 848(n)(1)(C).

B. Statutory Aggravating Factors Enumerated Under 21 U.S.C. § 848(n)(2) through (12)

1. Substantial Planning and Premeditation. JOHN CUFF

committed the offense after substantial planning and premeditation. Section 848(n)(8).

2. Heinous, Cruel, or Depraved Manner. JOHN CUFF

committed the offense in an especially heinous, cruel, or depraved manner in that it involved torture or serious physical abuse to the victim. Section 848(n)(12).

C. Other, Non-Statutory, Aggravating Factor Identified Under 21 U.S.C. § 848(h)(1)(B) and § 848(k)

1. Victim Impact Evidence. JOHN CUFF has caused

severe and irreparable harm to Michael Booker's family, including his sisters and fiancé, which has been devastated by his death.

COUNT FIFTY-NINE

INTENTIONAL KILLING OF GEORGE FORD

A. Statutory Aggravating Factor Enumerated Under 21 U.S.C. § 848(n)(1)(A) through (D)

1. Intentional Acts to Take Life or Use Lethal Force.

JOHN CUFF intentionally engaged in conduct intending that the victim be killed or that lethal force be employed against the victim, which resulted in the death of the victim. Section 848(n)(1)(C).

B. Statutory Aggravating Factor Enumerated Under 21 U.S.C. § 848(n)(2) through (12)

1. **Pecuniary Gain.** JOHN CUFF committed the offense as consideration for the receipt, or in the expectation of the receipt, of anything of pecuniary value. Section 848(n)(7).

C. Other, Non-Statutory, Aggravating Factor Identified Under 21 U.S.C. § 848(h)(1)(B) and § 848(k)

1. **Victim Impact Evidence.** JOHN CUFF has caused severe and irreparable harm to George Ford's family, which has been devastated by his death.

COUNT SIXTY

INTENTIONAL KILLING OF HAYWARD SHINE

A. Alternative Statutory Aggravating Factors Enumerated Under 21 U.S.C. § 848(n)(1)(A) through (D)

1. **Intentional Killing.** JOHN CUFF intentionally killed the victim. Section 848(n)(1)(A).

2. **Intentional Infliction of Serious Bodily Injury.** JOHN CUFF intentionally inflicted serious bodily injury which resulted in the death of the victim. Section 848(n)(1)(B).

3. **Intentional Acts to Take Life or Use Lethal Force.** JOHN CUFF intentionally engaged in conduct intending that the victim be killed or that lethal force be employed against the victim, which resulted in the death of the victim. Section

848(n)(1)(C).

B. Statutory Aggravating Factors Enumerated Under 21 U.S.C. § 848(n)(2) through (12)

1. **Substantial Planning and Premeditation.** JOHN CUFF committed the offense after substantial planning and premeditation. Section 848(n)(8).

2. **Heinous, Cruel, or Depraved Manner.** JOHN CUFF committed the offense in an especially heinous, cruel, or depraved manner in that it involved torture or serious physical abuse to the victim. Section 848(n)(12).

C. Other, Non-Statutory, Aggravating Factor Identified Under 21 U.S.C. § 848(h)(1)(B) and § 848(k)

1. **Victim Impact Evidence.** JOHN CUFF has caused severe and irreparable harm to Hayward Shine's family, including his mother, father, sisters and fiancé, which has been devastated by his death.

COUNT SIXTY-ONE

INTENTIONAL KILLING OF ANTHONY BOATWRIGHT

A. Alternative Statutory Aggravating Factors Enumerated Under 21 U.S.C. § 848(n)(1)(A) through (D)

1. **Intentional Killing.** JOHN CUFF intentionally killed the victim. Section 848(n)(1)(A).

2. **Intentional Infliction of Serious Bodily Injury.** JOHN CUFF intentionally inflicted serious bodily injury which resulted in the death of the victim. Section 848(n)(1)(B).

3. **Intentional Acts to Take Life or Use Lethal Force.** JOHN CUFF intentionally engaged in conduct intending that the

victim be killed or that lethal force be employed against the victim, which resulted in the death of the victim. Section 848(n)(1)(C).

B. Statutory Aggravating Factors Enumerated Under 21 U.S.C. § 848(n)(2) through (12)

1. **Substantial Planning and Premeditation.** JOHN CUFF committed the offense after substantial planning and premeditation. Section 848(n)(8).

2. **Heinous, Cruel, or Depraved Manner.** JOHN CUFF committed the offense in an especially heinous, cruel, or depraved manner in that it involved torture or serious physical abuse to the victim. Section 848(n)(12).

C. Other, Non-Statutory, Aggravating Factor Identified Under 21 U.S.C. § 848(h)(1)(B) and § 848(k)

1. **Victim Impact Evidence.** JOHN CUFF has caused severe and irreparable harm to Anthony Boatwright's family, including his wife, which has been devastated by his death.

COUNT SIXTY-TWO

INTENTIONAL KILLING OF GREG HAWKINS

A. Statutory Aggravating Factor Enumerated Under 21 U.S.C. § 848(n)(1)(A) through (D)

1. **Intentional Acts to Take Life or Use Lethal Force.** JOHN CUFF intentionally engaged in conduct intending that the victim be killed or that lethal force be employed against the victim, which resulted in the death of the victim. Section 848(n)(1)(C).

B. Statutory Aggravating Factor Enumerated Under 21 U.S.C. § 848(n)(2) through (12)

1. **Substantial Planning and Premeditation.** JOHN CUFF committed the offense after substantial planning and premeditation. Section 848(n)(8).

C. Other, Non-Statutory, Aggravating Factor Identified Under 21 U.S.C. § 848(h)(1)(B) and § 848(k)

1. **Victim Impact Evidence.** JOHN CUFF has caused severe and irreparable harm to Greg Hawkins's family, which has been devastated by his death.

COUNT SIXTY-THREE

INTENTIONAL KILLING OF JAMES BRUNSON

A. Statutory Aggravating Factor Enumerated Under 21 U.S.C. § 848(n)(1)(A) through (D)

1. **Intentional Acts to Take Life or Use Lethal Force.** JOHN CUFF intentionally engaged in conduct intending that the victim be killed or that lethal force be employed against the victim, which resulted in the death of the victim. Section 848(n)(1)(C).

B. Statutory Aggravating Factors Enumerated Under 21 U.S.C. § 848(n)(2) through (12)

1. **Pecuniary Gain.** JOHN CUFF committed the offense as consideration for the receipt, or in the expectation of the receipt, of anything of pecuniary value. Section 848(n)(7).

2. **Substantial Planning and Premeditation.** JOHN CUFF committed the offense after substantial planning and premeditation. Section 848(n)(8).

C. Other, Non-Statutory, Aggravating Factor Identified Under 21 U.S.C. § 848(h)(1)(B) and § 848(k)

1. **Victim Impact Evidence.** JOHN CUFF has caused severe and irreparable harm to James Brunson's family, including his wife, father and brother, which has been devastated by his death.

COUNT SIXTY-FOUR

INTENTIONAL KILLING OF SHEILA BERRY

A. Alternative Statutory Aggravating Factors Enumerated Under 21 U.S.C. § 848(n)(1)(A) through (D)

1. **Intentional Killing.** JOHN CUFF intentionally killed the victim. Section 848(n)(1)(A).

2. **Intentional Acts to Take Life or Use Lethal Force.** JOHN CUFF intentionally engaged in conduct intending that the victim be killed or that lethal force be employed against the victim, which resulted in the death of the victim. Section 848(n)(1)(C).

B. Statutory Aggravating Factors Enumerated Under 21 U.S.C. § 848(n)(2) through (12)

1. **Pecuniary Gain.** JOHN CUFF committed the offense as consideration for the receipt, or in the expectation of the receipt, of anything of pecuniary value. Section 848(n)(7).

2. **Substantial Planning and Premeditation.** JOHN CUFF committed the offense after substantial planning and premeditation. Section 848(n)(8).

C. Other, Non-Statutory, Aggravating Factor Identified Under 21 U.S.C. § 848(h)(1)(B) and § 848(k)

1. **Victim Impact Evidence.** JOHN CUFF has caused severe and irreparable harm to Sheila Berry's family, including her daughter and mother, which has been devastated by her death.

COUNT SIXTY-FIVE

INTENTIONAL KILLING OF DALE GRAHAM

A. Alternative Statutory Aggravating Factors Enumerated Under 21 U.S.C. § 848(n)(1)(A) through (D)

1. **Intentional Killing.** JOHN CUFF intentionally killed the victim. Section 848(n)(1)(A).

2. **Intentional Acts to Take Life or Use Lethal Force.** JOHN CUFF intentionally engaged in conduct intending that the victim be killed or that lethal force be employed against the victim, which resulted in the death of the victim. Section 848(n)(1)(C).

B. Statutory Aggravating Factor Enumerated Under 21 U.S.C. § 848(n)(2) through (12)

1. **Substantial Planning and Premeditation.** JOHN CUFF committed the offense after substantial planning and premeditation. Section 848(n)(8).

C. Other, Non-Statutory, Aggravating Factor Identified Under 21 U.S.C. § 848(h)(1)(B) and § 848(k)

1. **Victim Impact Evidence.** JOHN CUFF has caused severe and irreparable harm to Dale Graham's family, including his mother and brother, which has been devastated by his death.

ADDITIONAL NON-STATUTORY AGGRAVATING FACTORS APPLICABLE
TO EACH AND ALL OF THE INTENTIONAL KILLINGS AND MURDERS

In addition to the statutory and non-statutory aggravating factors set forth above as to each specific intentional killing and murder, the United States will rely on the following non-statutory aggravating factors to justify a sentence of death for JOHN CUFF for each and all of the intentional killings and murders of Sheila Berry (Counts Thirty-Five and Sixty-Four), Dale Graham (Counts Thirty-Nine and Sixty-Five), Paul Singleton (Count Fifty-Seven), Michael Booker (Count Fifty-Eight), George Ford (Count Fifty-Nine), Hayward Shine (Count Sixty), Anthony Boatwright (Count Sixty-One), Greg Hawkins (Count Sixty-Two), and/or James Brunson (Count Sixty-Three):

A. Future Dangerousness. JOHN CUFF represents a continuing, serious threat to the lives and safety of others. His future dangerousness is shown by evidence including, but not limited to, one or more of the following: his commission of multiple murders, by his commission of other acts of violence or potential violence, by his low potential for rehabilitation, and/or by his lack of remorse for violent acts he has committed, as described below.

1. JOHN CUFF has engaged in acts of violence or potential violence in addition to the murders of Sheila Berry, Dale Graham, Paul Singleton, Michael Booker, George Ford, Hayward Shine, Anthony Boatwright, Greg Hawkins, James Brunson, Sheila Berry, and Dale Graham. These include, but are not limited to,

one or more of the following:

a. On or about April 4, 1986, JOHN CUFF participated in the murder of James Stacey Addison.

b. On or about June 1, 1994, JOHN CUFF participated in the murder of Alex Brown.

c. On or about June 10, 1994, JOHN CUFF participated in the attempted murder of John Porter.

d. In or about 1994 or 1995, JOHN CUFF participated in the robbery of Rahan Frather and an unidentified individual.

e. In or about 1992 and 1993, JOHN CUFF participated in the extortion of the owner of a grocery store located in the vicinity of 144th Street and 8th Avenue, New York, New York.

f. In or about 1996, JOHN CUFF participated in a conspiracy to extort the owner of Taste of Seafood, located in the vicinity of 125th Street and Madison Avenue, New York, New York.

g. In or about 1996, JOHN CUFF participated in an attempt to commit arson at Taste of Seafood, located in the vicinity of 117th Street and Seventh Avenue, New York, New York.

2. JOHN CUFF has a low potential for rehabilitation. This is shown by facts including, but not limited to one or more of the following:

a. JOHN CUFF was convicted, on or about August 8, 1989, for criminal possession of a weapon, for which he

received a sentence of 18 months to 54 months' imprisonment.

b. JOHN CUFF was a member of the New York City Housing Police Department until approximately 1986.

3. JOHN CUFF lacks remorse for the murders and other acts of violence which he has committed. This is shown by facts including, but not limited to one or more of the following:

a. After Michael Booker had been strangled, JOHN CUFF jumped up and down on the chest of Michael Booker to make sure that he was dead.

b. After Hayward Shine was murdered, JOHN CUFF shared a champagne toast with others in celebration of Shine's murder.

c. After Anthony Boatwright was murdered, JOHN CUFF participated in the dismemberment of Boatwright's body, directed others to dismember his body, and disposed of the body parts, including burning his arms and head.

d. After James Brunson was murdered, JOHN CUFF directed others to murder Brunson's partner, Larry Jones.

e. After Sheila Berry was murdered, JOHN CUFF participated in the disposal of Berry's body in an abandoned building.

B. **Multiple Intentional Killings.** JOHN CUFF participated in intentionally killing more than one person in furtherance of a continuing criminal enterprise.

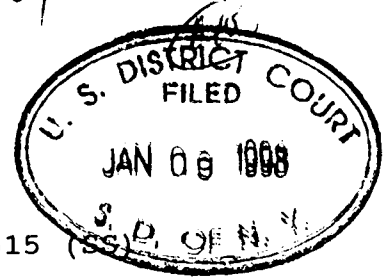
DATED: New York, New York
August 6, 1998

Respectfully submitted,



MARY JO WHITE
United States Attorney

Doc. # 201



UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK
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UNITED STATES OF AMERICA :
-v- :
JOHN CUFF, :
a/k/a "Jack," :
a/k/a "Big Cuz," et al., :
Defendant. :

S3 96 Cr. 515 (SS)
NOTICE OF INTENT TO
SEEK THE DEATH PENALTY

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Pursuant to the requirements of 21 U.S.C. Section 848(h)(1)(A) and (B), the United States hereby gives notice that it believes that the circumstances of this case are such that, in the event that defendant JOHN CUFF is convicted of one or more of the intentional killings of Paul Singleton, Michael Booker, Hayward Shine, Anthony Boatwright, and/or James Brunson, as charged in Counts Thirty-Six through Forty of Indictment S3 96 Cr. 515 (SS), a sentence of death is justified and that the United States will seek the death penalty as to each offense.

The Government will seek to prove the following aggravating factors as the basis for the imposition of the death penalty.

COUNT THIRTY-SIX

INTENTIONAL KILLING OF PAUL SINGLETON

A. Statutory Aggravating Factor Enumerated Under 21 U.S.C. § 848(n)(1)(A) through (D)

1. Intentional Acts to Take Life or Use Lethal Force.

JOHN CUFF intentionally engaged in conduct intending that the

victim be killed or that lethal force be employed against the victim, which resulted in the death of the victim. Section 848(n)(1)(C).

B. Statutory Aggravating Factors Enumerated Under 21 U.S.C. § 848(n)(2) through (12)

1. **Substantial Planning and Premeditation.** JOHN CUFF committed the offense after substantial planning and premeditation. Section 848(n)(8).

2. **Heinous, Cruel, or Depraved Manner.** JOHN CUFF committed the offense in an especially heinous, cruel, or depraved manner in that it involved torture or serious physical abuse to the victim. Section 848(n)(12).

C. Other, Non-Statutory, Aggravating Factor Identified Under 21 U.S.C. § 848(h)(1)(B) and § 848(k)

1. **Victim Impact Evidence.** JOHN CUFF has caused severe and irreparable harm to Paul Singleton's family, including his child, which has been devastated by his death.

COUNT THIRTY-SEVEN

INTENTIONAL KILLING OF MICHAEL BOOKER

A. Statutory Aggravating Factor Enumerated Under 21 U.S.C. § 848(n)(1)(A) through (D)

1. **Intentional Acts to Take Life or Use Lethal Force.** JOHN CUFF intentionally engaged in conduct intending that the victim be killed or that lethal force be employed against the victim, which resulted in the death of the victim. Section 848(n)(1)(C).

B. Statutory Aggravating Factors Enumerated Under 21 U.S.C. § 848(n)(2) through (12)

1. **Substantial Planning and Premeditation.** JOHN CUFF committed the offense after substantial planning and premeditation. Section 848(n)(8).

2. **Heinous, Cruel, or Depraved Manner.** JOHN CUFF committed the offense in an especially heinous, cruel, or depraved manner in that it involved torture or serious physical abuse to the victim. Section 848(n)(12).

C. Other, Non-Statutory, Aggravating Factor Identified Under 21 U.S.C. § 848(h)(1)(B) and § 848(k)

1. **Victim Impact Evidence.** JOHN CUFF has caused severe and irreparable harm to Michael Booker's family, including his sisters and fiancé, which has been devastated by his death.

COUNT THIRTY-EIGHT

INTENTIONAL KILLING OF HAYWARD SHINE

A. Alternative Statutory Aggravating Factors Enumerated Under 21 U.S.C. § 848(n)(1)(A) through (D)

1. **Intentional Killing.** JOHN CUFF intentionally killed the victim. Section 848(n)(1)(A).

2. **Intentional Infliction of Serious Bodily Injury.** JOHN CUFF intentionally inflicted serious bodily injury which resulted in the death of the victim. Section 848(n)(1)(B).

3. **Intentional Acts to Take Life or Use Lethal Force.** JOHN CUFF intentionally engaged in conduct intending that the victim be killed or that lethal force be employed against the victim, which resulted in the death of the victim. Section

848(n)(1)(C).

B. Statutory Aggravating Factors Enumerated Under 21 U.S.C. § 848(n)(2) through (12)

1. **Substantial Planning and Premeditation.** JOHN CUFF committed the offense after substantial planning and premeditation. Section 848(n)(8).

2. **Heinous, Cruel, or Depraved Manner.** JOHN CUFF committed the offense in an especially heinous, cruel, or depraved manner in that it involved torture or serious physical abuse to the victim. Section 848(n)(12).

C. Other, Non-Statutory, Aggravating Factor Identified Under 21 U.S.C. § 848(h)(1)(B) and § 848(k)

1. **Victim Impact Evidence.** JOHN CUFF has caused severe and irreparable harm to Hayward Shine's family, including his mother, father, sisters and fiancé, which has been devastated by his death.

COUNT THIRTY-NINE

INTENTIONAL KILLING OF ANTHONY BOATWRIGHT

A. Alternative Statutory Aggravating Factors Enumerated Under 21 U.S.C. § 848(n)(1)(A) through (D)

1. **Intentional Killing.** JOHN CUFF intentionally killed the victim. Section 848(n)(1)(A).

2. **Intentional Infliction of Serious Bodily Injury.** JOHN CUFF intentionally inflicted serious bodily injury which resulted in the death of the victim. Section 848(n)(1)(B).

3. **Intentional Acts to Take Life or Use Lethal Force.** JOHN CUFF intentionally engaged in conduct intending that the

victim be killed or that lethal force be employed against the victim, which resulted in the death of the victim. Section 848(n)(1)(C).

B. Statutory Aggravating Factors Enumerated Under 21 U.S.C. § 848(n)(2) through (12)

1. **Substantial Planning and Premeditation.** JOHN CUFF committed the offense after substantial planning and premeditation. Section 848(n)(8).

2. **Heinous, Cruel, or Depraved Manner.** JOHN CUFF committed the offense in an especially heinous, cruel, or depraved manner in that it involved torture or serious physical abuse to the victim. Section 848(n)(12).

C. Other, Non-Statutory, Aggravating Factor Identified Under 21 U.S.C. § 848(h)(1)(B) and § 848(k)

1. **Victim Impact Evidence.** JOHN CUFF has caused severe and irreparable harm to Anthony Boatwright's family, including his wife, which has been devastated by his death.

COUNT FORTY

INTENTIONAL KILLING OF JAMES BRUNSON

A. Statutory Aggravating Factor Enumerated Under 21 U.S.C. § 848(n)(1)(A) through (D)

1. **Intentional Acts to Take Life or Use Lethal Force.** JOHN CUFF intentionally engaged in conduct intending that the victim be killed or that lethal force be employed against the victim, which resulted in the death of the victim. Section 848(n)(1)(C).

B. Statutory Aggravating Factors Enumerated Under 21 U.S.C. § 848(n)(2) through (12)

1. **Pecuniary Gain.** JOHN CUFF committed the offense as consideration for the receipt, or in the expectation of the receipt, of anything of pecuniary value. Section 848(n)(7).

2. **Substantial Planning and Premeditation.** JOHN CUFF committed the offense after substantial planning and premeditation. Section 848(n)(8).

C. Other, Non-Statutory, Aggravating Factor Identified Under 21 U.S.C. § 848(h)(1)(B) and § 848(k)

1. **Victim Impact Evidence.** JOHN CUFF has caused severe and irreparable harm to James Brunson's family, including his wife, father and brother, which has been devastated by his death.

ADDITIONAL NON-STATUTORY AGGRAVATING FACTORS

APPLICABLE TO EACH AND ALL OF THE INTENTIONAL KILLINGS

In addition to the statutory and non-statutory aggravating factors set forth above as to each specific murder, the United States will rely on the following non-statutory aggravating factors to justify a sentence of death for JOHN CUFF for each and all of the murders of Paul Singleton (Count Thirty-Six), Michael Booker (Count Thirty-Seven), Hayward Shine (Count Thirty-Eight), Anthony Boatwright (Count Thirty-Nine), and/or James Brunson (Count Forty):

A. **Future Dangerousness.** JOHN CUFF represents a continuing, serious threat to the lives and safety of others. His future dangerousness is shown by evidence including, but not

limited to, one or more of the following: his commission of multiple murders, by his commission of other acts of violence or potential violence, by his low potential for rehabilitation, and/or by his lack of remorse for violent acts he has committed, as described below.

1. JOHN CUFF has engaged in acts of violence or potential violence in addition to the murders of Paul Singleton, Michael Booker, Hayward Shine, Anthony Boatwright, and James Brunson. These include, but are not limited to, one or more of the following:

a. On or about April 4, 1986, JOHN CUFF participated in the murder of James Stacey Addison.

b. On or about January 4, 1994, JOHN CUFF participated in the murder of George Ford.

c. On or about April 5, 1994, JOHN CUFF participated in the murder of Gregory Hawkins.

d. On or about June 1, 1994, JOHN CUFF participated in the murder of Alex Brown.

e. On or about June 10, 1994, JOHN CUFF participated in the attempted murder of John Porter.

f. On or about March 13, 1995, JOHN CUFF participated in the murder of Sheila Berry.

g. On or about April 30, 1995, JOHN CUFF participated in the murder of Dale Graham.

h. In or about 1994 or 1995, JOHN CUFF participated in the robbery of Rahan Frather and an unidentified

individual.

i. In or about 1992 and 1993, JOHN CUFF participated in the extortion of the owner of a grocery store located in the vicinity of 144th Street and 8th Avenue, New York, New York.

j. In or about 1996, JOHN CUFF participated in a conspiracy to extort the owner of Taste of Seafood, located in the vicinity of 125th Street and Madison Avenue, New York, New York.

k. In or about 1996, JOHN CUFF participated in an attempt to commit arson at Taste of Seafood, located in the vicinity of 117th Street and Seventh Avenue, New York, New York.

2. JOHN CUFF has a low potential for rehabilitation. This is shown by facts including, but not limited to one or more of the following:

a. JOHN CUFF was convicted, on or about August 8, 1989, for criminal possession of a weapon, for which he received a sentence of 18 months to 54 months' imprisonment.

b. JOHN CUFF was a member of the New York City Housing Police Department until approximately 1986.

3. JOHN CUFF lacks remorse for the murders and other acts of violence which he has committed. This is shown by facts including, but not limited to one or more of the following:

a. After Michael Booker had been strangled, JOHN CUFF jumped up and down on the chest of Michael Booker to make sure that he was dead.

b. After Hayward Shine was murdered, JOHN CUFF shared a champagne toast with others in celebration of Shine's murder.


c. After Anthony Boatwright was murdered, JOHN CUFF participated in the dismemberment of Boatwright's body, directed others to dismember his body, and disposed of the body parts, including burning his arms and head.

d. After James Brunson was murdered, JOHN CUFF directed others to murder Brunson's partner, Larry Jones.

B. Multiple Intentional Killings. JOHN CUFF participated in intentionally killing more than one person in furtherance of a continuing criminal enterprise.

DATED: New York, New York
January 8, 1998

Respectfully submitted,



MARY JO WHITE *mlf*
United States Attorney