

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

v.

D-4 STACEY CULBERT

Defendant.

CRIMINAL NO. 92-81127

HONORABLE AVERN COHN

AMENDED NOTICE OF INTENT TO SEEK THE DEATH PENALTY

COMES NOW the United States of America, pursuant to 21 U.S.C. § 848(h)(1) (A) and (B), by and through its undersigned counsel, and notifies the Court and the defendant in the above-captioned case that in the event of conviction for the murder of Frank Maxwell, the government will seek the sentence of death for Stacey Culbert.

The government will seek to prove the following aggravating factors as the basis for the death penalty.

I. For the Murder of Frank Maxwell

A. Aggravating Factors Enumerated under 21 U.S.C. § 848(n) (1)

(A) through (D):

1. The defendant intentionally killed the victim, (n) (1) (A).
2. The defendant intentionally inflicted serious bodily injury which resulted in the death of the victim, (n) (1) (B).

3. The defendant intentionally engaged in conduct intending that the victim be killed and that lethal force be employed against the victim, which resulted in the death of the victim, (n) (1) (C).

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

1. The defendant committed the offense after substantial planning and premeditation, (n) (8).

C. Other Aggravating Factors Identified under 21 U.S.C. § 848 (h) (1) (B) and § 848(k):

1. The defendant represents a continuing danger to the lives of others in the future based upon:

(a) continuing pattern of indiscriminate violence and criminal activity; namely, the defendant intentionally killed and counseled, commanded, induced, procured and caused the intentional killing of Christopher Gaston, and such killing resulted,

(b) continuing pattern of indiscriminate violence and criminal activity; namely, the defendant intentionally killed and counseled, commanded, induced, procured and caused the intentional killing of Alfred Austin, Lori Roper, Harry Roper, and Lawrence Gainey, and such killing resulted,

(c) continuing pattern of indiscriminate violence and criminal activity; namely, the defendant intentionally killed and counseled, commanded, induced, procured and caused the intentional killing of Steven Brown, and such killing resulted,

(d) continuing pattern of indiscriminate violence and criminal activity; namely, the defendant intentionally killed and counseled, commanded, induced, procured and caused the intentional killing of Dwight Farrell, and such killing resulted,

(e) continuing pattern of indiscriminate violence and criminal activity; namely, the defendant intentionally killed and counseled, commanded, induced, procured and caused the intentional killing of Al Foster, and such killing resulted,

(f) continuing pattern of indiscriminate violence and criminal activity; namely, the defendant intentionally killed and counseled, commanded, induced, procured and caused the intentional killing of Michael Mitchell, and such killing resulted,

(g) continuing pattern of indiscriminate violence and criminal activity; namely, the defendant intentionally killed and counseled, commanded, induced, procured and caused the intentional killing of Walter Daniels, and such killing resulted,

(h) continuing pattern of indiscriminate violence and criminal activity; namely, the defendant intentionally killed and counseled, commanded, induced, procured and caused the intentional killing of Terrance Brown, and such killing resulted,

(i) low potential for rehabilitation, and

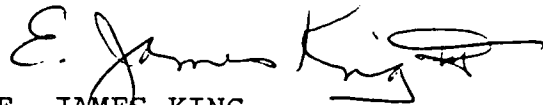
(j) lack of remorse.

2. The defendant caused harm as a result of the impact of the killing upon the family of one or more of the victims:

- (a) Frank Maxwell
- (b) Christopher Gaston
- (c) Alfred Austin
- (d) Lori Roper
- (e) Harry Roper
- (f) Lawrence Gainey
- (g) Steven Brown
- (h) Dwight Farrell
- (i) Al Foster
- (j) Mike Mitchell
- (k) Walter Daniels
- (l) Terrance Brown

Respectfully submitted,

SAUL A. GREEN
UNITED STATES ATTORNEY



E. JAMES KING
Assistant United States Attorney



F. WILLIAM SOISSON
Assistant United States Attorney

DATED: 3/10/95

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FOR THE EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

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D-4 STACEY CULBERT

Defendant.

CRIMINAL NO. 92-81127

HONORABLE AVERN COHN

NOTICE OF INTENT TO SEEK THE DEATH PENALTY

COMES NOW the United States of America, pursuant to 21 U.S.C. § 848(h)(1)(A) and (B), by and through its undersigned counsel, and notifies the Court and the defendant in the above-captioned case that in the event of conviction for the murder of Frank Maxwell and/or the murders of Joseph Long and Stanley Minkerson, the government will seek the sentence of death for Stacey Culbert.

The government will seek to prove the following aggravating factors as the basis for the death penalty.

I. For the Murder of Frank Maxwell

A. Aggravating Factors Enumerated under 21 U.S.C. § 848(n)(1)(A) through (D):

1. The defendant intentionally killed the victim,
(n)(1)(A).

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#630

2. The defendant intentionally inflicted serious bodily injury which resulted in the death of the victim, (n)(1)(B).

3. The defendant intentionally engaged in conduct intending that the victim be killed and that lethal force be employed against the victim, which resulted in the death of the victim, (n)(1)(C).

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

1. The defendant committed the offense after substantial planning and premeditation, (n)(8).

C. Other Aggravating Factors Identified under 21 U.S.C. § 848 (h)(1)(B) and § 848(k):

1. The defendant represents a continuing danger to the lives of others in the future based upon:

(a) continuing pattern of indiscriminate violence and criminal activity; namely, the defendant intentionally killed and counseled, commanded, induced, procured and caused the intentional killing of Michael Mitchell, and such killing resulted,

(b) low potential for rehabilitation, and

(c) lack of remorse.

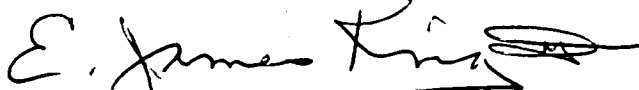
2. The defendant caused harm as a result of the impact of the killing upon the family of one or more of the victims:

(a) Frank Maxwell

(b) Mike Mitchell

Respectfully submitted,

SAUL A. GREEN
UNITED STATES ATTORNEY

A handwritten signature in cursive script, appearing to read "E. James King". The signature is written in dark ink and is positioned above the typed name.

E. JAMES KING
Assistant United States Attorney

A handwritten signature in cursive script, appearing to read "F. William Soisson". The signature is written in dark ink and is positioned above the typed name.

F. WILLIAM SOISSON
Assistant United States Attorney

DATED: 7/21/94

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

CRIMINAL NO. 92-81127

-vs-

HONORABLE AVERN COHN

D-4 STACEY CULBERT,

Defendant.

CERTIFICATE OF SERVICE

It is hereby certified that a copy of the GOVERNMENT'S NOTICE OF INTENT TO SEEK THE DEATH PENALTY, has, on this ^{22nd} day of July, 1994, been made upon the counsel for defendant by placing same in a government franked envelope and depositing said envelope in the United States mail addressed to:

Michele LaFlora, Esq.
1959 E. Jefferson
Detroit, Michigan 48207

Cheri L. Randall

CHERI L. RANDALL
Secretary, U.S. Attorney's Office

Dated: 7/22/94