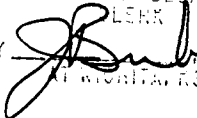


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**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF KANSAS**

RALPH L. DELOACH
LEHR
BY  DELOACH
ATTORNEY AT LAW, PC

UNITED STATES OF AMERICA,)
)
Plaintiff,)
)
v.)
)
CODY D. GLOVER,)
)
Defendant.)

Criminal Action

No. 98-10059-01-JWL

NOTICE OF INTENT TO SEEK DEATH PENALTY

COMES NOW the United States of America, by and through its undersigned Assistant United States Attorneys, and pursuant to 18 U.S.C. § 3593(a), notifies the Court, the defendant, Cody D. Glover, and the his counsel, that if the defendant is convicted of the murder of John Brewer, in violation of Title 18, United States Code, § 924(j)(1) and Title 18, United States Code § 924(c)(1), the United States will seek a sentence of death for Mr. Glover.

I.

The United States believes that the circumstances of the offense of causing the death of John Brewer with a firearm during the commission of a robbery are such that, if the defendant, Cody D. Glover, is convicted, a sentence of death is justified under Chapter 228 of Title 18, United States Code, including Sections 3591(a), 3592(a) and 3592(c).

II.

To justify a sentence of death,, at a hearing held pursuant to Title 18, United States Code §

175

3593, the United States will prove, beyond a reasonable doubt, that:

GATEWAY INTENT FACTORS

1. The defendant intentionally killed John Brewer;
2. The defendant intentionally inflicted serious bodily injury that resulted in the death of John Brewer;
3. The defendant 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 John Brewer died as a direct result of the act; or
4. The defendant 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 John Brewer died as a direct result of the act.

STATUTORY AGGRAVATING FACTORS

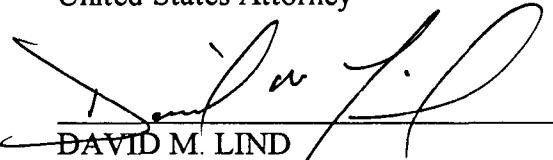
1. The defendant intentionally attempted to kill more than one person, John Brewer and Christy Lewis, in a single criminal episode. 18 U.S.C. § 3592(c)(16);
2. The defendant, in the commission of the murder, knowingly created a grave risk of death to Christy Lewis in addition to the victim of the offense, John Brewer. 18 U.S.C. § 3592(c)(5);
3. The defendant committed the offense in expectation of the receipt of something of pecuniary value. 18 U.S.C. § 3592(c)(8).

NONSTATUTORY AGGRAVATING FACTORS:

1. The defendant intentionally engaged in conduct, intending that John Brewer be killed and/or that lethal force be employed against John Brewer, which resulted in the death of John Brewer;
2. The defendant committed the murder for the purpose of avoiding or preventing a lawful arrest or prosecution for the robbery of the Kum & Go;
3. The defendant intentionally engaged in conduct which resulted in the death of John Brewer and serious physical and emotional injury to Christy Lewis;
4. In committing the murder, the defendant caused permanent harm to the family of John Brewer;
5. The defendant committed the murder of John Brewer after substantial premeditation to rob the Kum & Go;
6. The defendant lacks remorse for the murder of John Brewer; and/or
7. The defendant represents a continuing danger to the safety of others.

Respectfully submitted,

JACKIE N. WILLIAMS
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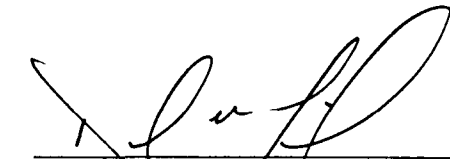
CERTIFICATE OF SERVICE

The undersigned hereby certifies that on the 2nd day of November, 1998, a true and correct copy of the above and foregoing documents was deposited in the United States mails, postage prepaid and properly addressed to:

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