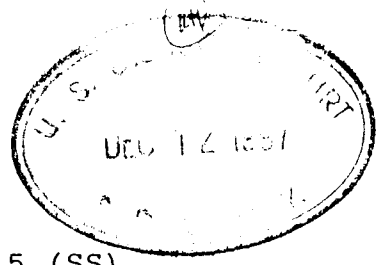


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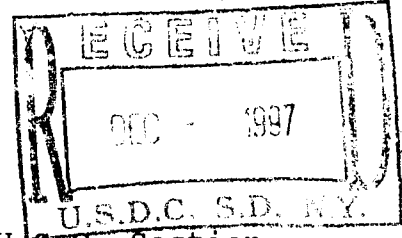


UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

-----X
UNITED STATES OF AMERICA :
 :
 -v- :
 :
 CLARENCE HEATLEY, :
 a/k/a "Preacher," :
 a/k/a "Dad," et al., :
 :
 Defendant. :
-----X

S3 96 Cr. 515 (SS)

NOTICE OF INTENT TO
SEEK THE DEATH PENALTY



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 CLARENCE HEATLEY is convicted of one or more of the murders of Tommy Jones, Jose Rodriguez, Milton Williams, Paul Singleton, Michael Booker, Hayward Shine, Anthony Boatwright, or James Brunson, as charged in Counts Twenty-Seven through Thirty-Four 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.

Pursuant to 21 U.S.C. Section 848(n)(1)(C), the United States will rely on the following preliminary factor to establish CLARENCE HEATLEY's eligibility for the death penalty:

1. The defendant intentionally engaged in conduct intending that each victim be killed or that lethal force be employed against each victim, which resulted in the death of each victim.

This Notice lists the statutory and non-statutory aggravating factors that the Government will seek to prove separately with respect to Count Twenty-Seven (the murder of Tommy Jones), Count Twenty-Eight (the murder of Jose Rodriguez), Count Twenty-Nine (the murder of Milton Williams), Count Thirty (the murder of Paul Singleton), Count Thirty-One (the murder of Michael Booker), Count Thirty-Two (the murder of Hayward Shine), Count Thirty-Three (the murder of Anthony Boatwright), and Count Thirty-Four (the murder of James Brunson). The non-statutory aggravating factors that apply to CLARENCE HEATLEY in connection with any of these offenses are set forth once below.

I. STATUTORY AGGRAVATING FACTORS UNDER 21 U.S.C. SECTION 848(n)

A. Count Twenty-Seven: Murder of Tommy Jones

1. **Pecuniary Gain.** CLARENCE HEATLEY 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.** CLARENCE HEATLEY committed the offense after substantial planning and premeditation. Section 848(n)(8).

B. Count Twenty-Eight: Murder of Jose Rodriguez

1. **Pecuniary Gain.** CLARENCE HEATLEY 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. Count Twenty-Nine: Murder of Milton Williams

1. **Pecuniary Gain.** CLARENCE HEATLEY 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.** CLARENCE HEATLEY committed the offense after substantial planning and premeditation. Section 848(n)(8).

D. Count Thirty: Murder of Paul Singleton

1. **Pecuniary Gain.** CLARENCE HEATLEY 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.** CLARENCE HEATLEY committed the offense after substantial planning and premeditation. Section 848(n)(8).

3. **Heinous, Depraved or Cruel Manner.** CLARENCE HEATLEY 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).

E. Count Thirty-One: Murder of Michael Booker

1. **Pecuniary Gain.** CLARENCE HEATLEY 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.** CLARENCE HEATLEY committed the offense after substantial planning and premeditation. Section 848(n)(8).

3. **Heinous, Depraved or Cruel Manner.** CLARENCE HEATLEY 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).

F. Count Thirty-Two: Murder of Hayward Shine

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

G. Count Thirty-Three: Murder of Anthony Boatwright

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

2. **Heinous, Depraved or Cruel Manner.** CLARENCE HEATLEY 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).

H. Count Thirty-Four: Murder of James Brunson

1. **Pecuniary Gain.** CLARENCE HEATLEY 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.** CLARENCE

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

II. NON-STATUTORY AGGRAVATING FACTORS

In addition to the 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 CLARENCE HEATLEY for the murders of Tommy Jones (Count Twenty-Seven), Jose Rodriguez (Count Twenty-Eight), Milton Williams (Count Twenty-Nine), Paul Singleton (Count Thirty), Michael Booker (Count Thirty-One), Hayward Shine (Count Thirty-Two), Anthony Boatwright (Count Thirty-Three), and James Brunson (Count Thirty-Four):

A. Future Dangerousness. CLARENCE HEATLEY represents a continuing, serious threat to the lives and safety of others. His future dangerousness is shown by his commission of offenses resulting in multiple deaths and other acts of violence. In addition to the crimes charged against CLARENCE HEATLEY in Indictment S3 96 Cr. 515 (SS), he has also committed the following crimes:

1. On or about April 4, 1986, CLARENCE HEATLEY participated in the murder of James Stacey Addison.

2. From on or about December 5, 1989, through on or about January 20, 1990, CLARENCE HEATLEY participated in the kidnapping, torture and murder of Donnell Porter.

3. On or about September 4, 1991, CLARENCE HEATLEY participated in the murder of James Stewart.

4. On or about April 29, 1993, CLARENCE HEATLEY participated in the murder of Mark Luker.

5. On or about July 22, 1993, CLARENCE HEATLEY participated in the murder of Charles Whittaker.

6. On or about September 9, 1993, CLARENCE HEATLEY participated in the attempted murder of Stanley Campbell.

7. On or about September 15, 1993, CLARENCE HEATLEY participated in the murder of Stanley Campbell.

8. On or about April 26, 1995, CLARENCE HEATLEY participated in the murder of Robert Riley.

9. During his incarceration at various state prisons in the 1970's and early 1980's, CLARENCE HEATLEY sexually molested other inmates.

B. **Low Potential For Rehabilitation:** CLARENCE HEATLEY has a low potential for rehabilitation. This is shown by facts including, but not limited to, the fact that CLARENCE HEATLEY committed the crimes charged in Indictment S3 96 Cr. 515 (SS) after receiving the following sentences and serving the following prison terms:

1. On or about May 21, 1970, CLARENCE HEATLEY was convicted of petit larceny in New York County and received a sentence of six months' imprisonment.

2. On or about January 8, 1971, CLARENCE HEATLEY was convicted of possession of a loaded firearm in New York County and received a sentence of three months' imprisonment.

3. On or about March 25, 1971, CLARENCE HEATLEY was

convicted of robbery in New York County and received a sentence of one year imprisonment.

4. On or about June 30, 1972, CLARENCE HEATLEY was convicted of harassment and received a sentence of ten days' imprisonment.

5. On or about October 5, 1972, CLARENCE HEATLEY was convicted of robbery and possession of a dangerous weapon in New York County and received a term of two to nine years' imprisonment.

6. On or about February 20, 1973, CLARENCE HEATLEY was convicted of robbery in New York County and received a sentence of nine years' imprisonment.

7. On or about November 17, 1976, CLARENCE HEATLEY was convicted of robbery in New York County and received a sentence of six to twelve years' imprisonment.

C. **Lack of Remorse:** CLARENCE HEATLEY lacks remorse for the murders and other acts of violence which he has committed. This is shown by facts including, but not limited to:

1. After Tommy Jones was murdered, CLARENCE HEATLEY praised the shooter for doing a good job.

2. After Jose Rodriguez was murdered, CLARENCE HEATLEY praised the shooter for doing a good job.

3. After Milton Williams was murdered, CLARENCE HEATLEY praised the shooter for doing a good job.

4. After Anthony Boatwright was murdered, CLARENCE HEATLEY directed others to dismember his body and dispose of the

body parts, including burning his arms and head.

5. After Hayward Shine was murdered, CLARENCE HEATLEY and others shared a champagne toast in celebration of the murder.

6. After James Brunson was murdered, CLARENCE HEATLEY praised the shooter for doing a good job.

D. **Victim Impact:** CLARENCE HEATLEY caused severe and irreparable harm to the families of his victims.

1. Tommy Jones's family, including his wife and sons, has been devastated by his death.

2. Jose Rodriguez's family, including his mother, father and girlfriend, has been devastated by his death.

3. Milton Williams's family, including his mother and sister, has been devastated by his death.

4. Paul Singleton's family, including his child, has been devastated by his death.

5. Michael Booker's family, including his sisters and fiancé, has been devastated by his death.

6. Hayward Shine's family, including his mother, father, sisters and fiancé, has been devastated by his death.

7. Anthony Boatwright's family, including his wife, has been devastated by his death.

8. James Brunson's family, including his wife, father and brother, has been devastated by his death.

DATED: New York, New York
December 11, 1997

Respectfully submitted,



MARY JO WHITE MFP
United States Attorney