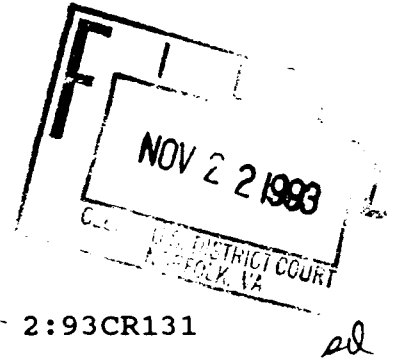


IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
Norfolk Division



UNITED STATES OF AMERICA,)
)
 v.)
)
ARNOLD MARK HENRY)

CRIMINAL NO. 2:93CR131

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 Alma Marie Baker and/or the murder of Wayne Anthony Ashley, the Government will seek the sentence of death for ARNOLD MARK HENRY.

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

I. For the Murder of Alma Marie Baker

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).

4. The defendant intentionally engaged in conduct which he knew would create a grave risk of death to a person, other than one of the participants in the offense, and that resulted in the death of the victim, (n)(1)(D).

103

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).

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

II. **For the Murder of Wayne Anthony Ashley**

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).

4. The defendant intentionally engaged in conduct that he knew would create a grave risk of death to a person, other than one of the participants in the offense, and that resulted in the death of the victim, (n)(1)(D).

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).

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

III. For Either and/or Both of the Murders of Alma Marie Baker and/or Wayne Anthony Ashley

A. 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.

2. The defendant has sustained a conviction of more than one offense that resulted in the death of a person.

3. The defendant's background establishes significant acts of violence and/or other criminal activity.

4. The defendant has a low potential for rehabilitation.

5. The defendant has a lack of remorse for his participation in the murders.

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

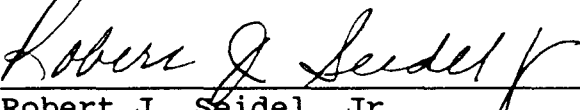
(a) Alma Marie Baker, and

(b) Wayne Anthony Ashley.

Respectfully submitted,

HELEN F. FAHEY
UNITED STATES ATTORNEY

By:

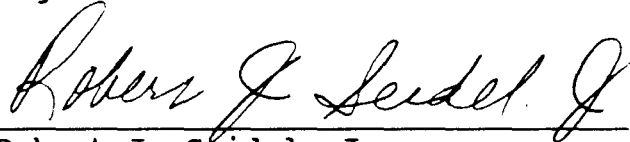

Robert J. Seidel, Jr.
Assistant United States Attorney
Suite 8000, 101 West Main Street
Norfolk, Virginia 23510
(804) 441-6331

CERTIFICATE OF SERVICE

This is to certify that a copy of the foregoing Government's Notice of Intent to Seek the Death Penalty, was mailed to counsel listed below, on this 16th day of November, 1993.

Walter B. Dalton, Esquire
125 St. Paul's Boulevard, Suite 600
Norfolk, Virginia 23510

Larry W. Shelton, Esquire
Post Office Box 3505
Norfolk, Virginia 23514



Robert J. Seidel, Jr.
Assistant United States Attorney

CERTIFICATE OF SERVICE

I Samuel Powers, Deputy U.S. Marshal, HEREBY
CERTIFY, that a copy of the foregoing Government's Notice of Intent
to Seek the Death Penalty, was served upon the defendant ARNOLD
MARK HENRY, on this 16TH day of November, 1993.

Roger Ray U.S. Marshal

By Samuel Powers
Deputy U.S. Marshal