

IN THE UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF ALABAMA

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U.S. DISTRICT COURT
N.D. OF ALABAMA

UNITED STATES OF AMERICA,)
Plaintiff,)
)
v.)
)
CHARLES NATHAN HOLLAND,)
Defendant.)

Crim. No. CR 96-B-0208-NE

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 the defendant's conviction for the intentional killing of Ronald Avans, as charged in Count Three of the Superseding Indictment, the Government will seek the sentence of death.

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

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

(A) through (D):

1. **Intentional Acts to Take Life or Use Lethal Force.** 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. Section 848(n)(1)(C).

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

1. **Commission of Offense for Pecuniary Gain.** The defendant 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.** The defendant committed the offense after substantial planning and premeditation. Section 848(n)(8).

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

1. **Future Dangerousness of the Defendant.** The defendant is likely to commit criminal acts of violence in the future which would be a continuing and serious threat to society. Simmons v. South Carolina, 114 S. Ct. 2187, 2193 (1994). The evidence of this includes, but is not limited to, one or more of the following:

a. This defendant has also made veiled threats to Sheila Holley concerning the consequences of her cooperation should she provide evidence against him.

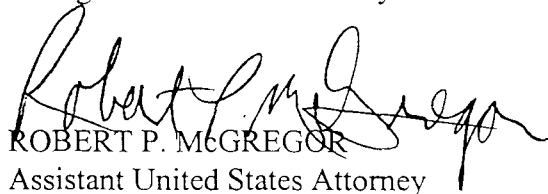
b. In 1981, this defendant committed a felony assault.

2. **Obstruction of Justice.** Ronald Avans was murdered in order to prevent him from testifying against Marvin Holley in the state drug trial.

3. **Victim Impact Evidence.** The family of the victim has suffered injury and loss as a result of his death. Payne v. Tennessee, 111 S. Ct. 2597, 2608-09 (1991).

Respectfully submitted this the 14th day of November, 1997.

CARYL P. PRIVETT
Acting United States Attorney


ROBERT P. MCGREGOR
Assistant United States Attorney

CERTIFICATE OF SERVICE

I hereby certify that on the 14th day of November, 1997, a true and correct copy of the foregoing notice of intent to seek the death penalty was [delivered by hand / mailed via first class mail, postage prepaid thereon], to the following attorneys of record:

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