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CLERK OF COURT

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IN THE UNITED STATES DISTRICT COURT FOR THE  
EASTERN DISTRICT OF OKLAHOMA

UNITED STATES OF AMERICA,	)	
	)	
Plaintiff,	)	
	)	
v.	)	Case No. CR-92-32
	)	
JAMES NORWOOD HUTCHING, et al,	)	
	)	
Defendants.	)	

NOTICE

TO: JAMES NORWOOD HUTCHING

You are hereby notified that in the event of your conviction on Count 16 of the Indictment in this case which charges a violation of Title 21, United States Code, Section 848(e)(1)(A), the United States of America will seek the sentence of death.

You are further notified that the United States of America will seek to prove the following aggravating factors as the basis for the death penalty:

1. Jewell Leon Collins was intentionally killed. Title 21, United States Code Section 848(n)(1).
2. The offense was committed after substantial planning and premeditation. Title 21, United States Code, Section 848(n)(2)(8).
3. The defendant intentionally engaged in conduct intending that a person be killed or that lethal force be employed against Claude Avery Rogers which resulted in the death of an innocent

victim, Jewell Leon Collins. Title 21, United States Code, Section 848(n)(1)(C).

4. The defendant intentionally engaged in conduct which defendant knew would create a grave risk of death to more than one person, other than the participants in the offense, and resulted in the death of an innocent victim, Jewell Leon Collins.

5. The offense was committed deliberately and with a reasonable expectation that the death of a human being would result.

6. The offense was committed for pecuniary benefit.

7. There is a probability that the defendant will commit criminal acts of violence that will constitute a continuing threat to society in the future.

8. A deadly weapon or weapons (a firearm or firearms) was/were used during the commission of this crime in an attempt to kidnap or kill Claude Avery Rogers.

9. A deadly weapon or weapons was/were used in the murder of Jewell Leon Collins.

10. The defendant has previously been convicted of two or more state or federal offenses punishable by imprisonment of more than one year, committed on different occasions, involving the distribution of a controlled substance.

11. The defendant engaged in conduct in order to enable identification of an intended target of violence by another person or persons charged with the responsibility to kidnap, murder, or otherwise harm such intended target person.

12. The defendant committed the offenses as to which he is charged in the Indictment herein.

13. The offense charged in Count 16 of the Indictment herein was committed in relation to certain drug trafficking criminality.

14. Repeated attempts to rehabilitate defendant or deter defendant from future felonious criminal behavior have been unsuccessful.

15. Any relevant aggravating conduct committed by defendant or attributable to defendant which is admitted at trial herein respecting the charged continuing criminal enterprise.

Respectfully submitted,



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JOHN RALEY  
United States Attorney

SHELDON J. SPERLING  
Assistant United States Attorney

PAUL G. HESS  
Assistant United States Attorney  
333 U.S. Courthouse  
5th & Okmulgee Streets  
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(918) 687-2543

CERTIFICATE OF MAILING

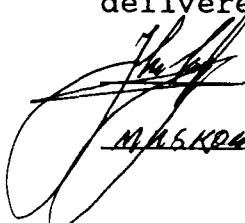
I hereby certify that a copy of the foregoing Notice was mailed this 11<sup>th</sup> day of September, 1992, to Roger Hilfiger, Attorney at Law, 330 N. 4th Street, Muskogee, Oklahoma 74401.



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JOHN RALEY  
United States Attorney

CERTIFICATE OF SERVICE

A true and correct copy of the foregoing Notice was hand delivered to the defendant, James Norwood Hutching, by

 DEPUTY U.S. MARSHAL on 9-11-92, 1992, at  
MUSKOGEE COUNTY JAIL