

B. Statutory Aggravating Factors Enumerated Under 18 U.S.C. § 3592(c).

1. **Heinous, Cruel, or Depraved Manner of Committing Offense.** The defendant committed the offenses in an especially heinous, cruel, and depraved manner in that it involved torture and serious physical abuse to Sherman Williams, Section 3592(c)(6).

2. **Pecuniary Gain.** The defendant committed the offense in the expectation of the receipt of something of pecuniary value. Section 3592(c)(8).

3. **Vulnerability of Victim.** The victim was particularly vulnerable due to old age. Section 3592(c)(11).

C. Other, Non-Statutory, Aggravating Factors Identified Under 18 U.S.C. § 3593(a)(2).

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).

a. Other Acts of Violence. The defendant has committed, attempted to commit, and/or threatened to commit other acts of violence, in addition to the capital offenses committed in this case and the statutory factors alleged in this Notice, including but not limited to one or more of the following:

(1) On or about June 15, 1995, the defendant threatened individuals with a handgun.

(2) The defendant has two prior firearms convictions and two prior burglary convictions.

b. Obstruction of Justice. The victim was killed to prevent the defendant from being identified as a participant in the robbery.

c. Lack of Remorse. The defendant has demonstrated a lack of remorse for the capital offenses committed in this case, by statements and/or actions, including but not limited to one or more of the following:

- (1) The defendant has a total lack of remorse.
- (2) The defendant laughed about the murder.
- (3) The defendant spoke about the murder in terms of doing business and the victim being in the wrong place at the wrong time.

2. **Victim Impact Evidence**. The victim's personal characteristics as an individual human being and/or the impact of the death upon the victim's family. Payne v. Tennessee, 111 S. Ct. 2597, 2608-09 (1991).

a. Characteristics. The victim's personal characteristics as an individual human being include but are not limited to one or more of the following:

- (1) Father
- (2) Grandfather
- (3) College graduate
- (4) Retired State Director of the FmHA
- (5) Avid fisherman, photographer and jogger
- (6) United States army veteran

b. Impact of Death. The family of the victim has suffered injury and loss, as a result of the victim's death, including but not limited to one or more of the following:

- (1) Disruption of order
- (2) Reality of violence

- (3) Wanting to be isolated
- (4) A stunning troubling experience
- (5) Indescribable feeling of loss

Respectfully submitted,

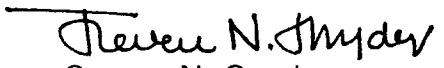
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By: 

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CERTIFICATE OF SERVICE

This is to certify that I have mailed a copy of the forgoing Notice of Intent to Seek the Death Penalty to Mr. Richard L. Depper, Jr., Attorney at Law, 314 East Oak Street, El Dorado, Arkansas 71730, this 23 day of January, 1997.


Steven N. Snyder
Senior Litigation Counsel
Assistant U.S. Attorney