

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

UNITED STATES OF AMERICA,

CRIMINAL NO. 01-80571

Plaintiff,

HONORABLE CORBETT O'MEARA

-vs-

D-1 MILTON "BUTCH" JONES,
a/k/a "James Mays, Mark Marshall,
"Big Boy"

Defendant.

FILED
2003 FEB 26 AM 11:30
U.S. DIST. COURT
EAST. DIST. MICHIGAN
DETROIT

UNITED STATES' NOTICE OF INTENT TO
SEEK A SENTENCE OF DEATH AGAINST DEFENDANT MILTON "BUTCH" JONES

Pursuant to 18 U.S.C. §3593 and 21 U.S.C. §848(h), the United States of America hereby notifies the court, defendant MILTON "BUTCH" JONES, and the defendant's counsel that the government believes that the circumstances of the offenses addressed herein are such that a sentence of death is justified and that the government will seek the sentence of death for defendant MILTON "BUTCH" JONES in the event of his conviction on any of the following counts in the Indictment relating to the killings of Mark Grice and Antoine Carruthers.

Count Four charges the killing of Mark Grice in furtherance of a continuing criminal enterprise and a conspiracy to distribute controlled substances, in violation of Title 21, United States Code, Section 848(e)(1)(A).

Count Five charges the killing of Antoine Carruthers in furtherance of a continuing criminal enterprise and a conspiracy to distribute controlled substances, in violation of Title 21,

United States Code, Section 848(e)(1)(A) and Title 18, United States Code, Section 2.

I. CAPITAL OFFENSES UNDER TITLE 21 OF THE UNITED STATES CODE

A. Statutory Aggravating Factors Enumerated in 21, United States Code, Section 848(n)(1)

1. With respect to **Count Fours and Five**, defendant MILTON "BUTCH" JONES, intentionally engaged in conduct intending that the victims be killed or that lethal force be employed against the victims, which resulted in the death of the victims. 21 U.S.C. §848(n)(1)(C).

B. Aggravating Factors for Title 21 Offenses

Count Four: CCE/Drug Conspiracy Killing of Mark Grice

The United States will seek to prove the following aggravating factors as the basis for imposition of the death penalty in relation to **Count Four (CCE/Drug conspiracy killing of Mark Grice)** of the Indictment:

1. Statutory Aggravating Factors Enumerated Pursuant to Title 21, United States Code, Sections 848(n)(2) through (12):

a. Procurement by payment. The defendant procured the commission of the offense by promising to pay Jason Henderson \$5,000 for the execution of Mark Grice, and actually paying Jason Henderson \$3,000. 21 U.S.C. 848(n)(6).

b. Substantial planning and premeditation. The defendant committed the offense after substantial planning and premeditation. 21 U.S.C. §848(n)(8).

c. Prior conviction for continuing criminal enterprise. The defendant has previously been convicted of engaging in a continuing criminal enterprise. 21. U.S.C.

§848(n)(10).

2. Other Non-Statutory Aggravating Factors Enumerated Pursuant to Title 21, United States Code, Sections 848(h)(1)(B) and 848(k):

a. The defendant participated in, directed, approved, or solicited other acts of violence including acts described in the Indictment.

b. The defendant caused the victim's family and friends to suffer as a result of the impact of the killing on them.

c. Continuing Danger. The defendant represents a continuing danger to the lives and safety of other persons. The defendant has committed the acts alleged in the capital offenses charged in the Indictment and in the statutory and non-statutory aggravating factors contained in this Notice, and in addition, has committed and exhibited acts and characteristics including but not limited to the following:

(1). The defendant has demonstrated a low potential for rehabilitation. In the early 1980s the defendant was the organizer and leader of the Young Boys Incorporated a criminal organization which utilized young boys to distribute large quantities of illegal contraband. Upon his release from prison, he organized a new criminal enterprise, the "Dog Pound" which also utilized young men to distribute large quantities of illegal contraband.

(2). The defendant, through his actions and statements after this offense, has demonstrated that he lacks remorse for having committed the offense.

d. The victim was killed in an effort to eliminate rival drug competition in an area which the defendant determined was the "Dog Pound's" turf.

Count Five: CCE/Drug Conspiracy Killing Of Antoine Carruthers

The United States will seek to prove the following aggravating factors as the basis for imposition of the death penalty in relation to **Count Five (CCE/Drug conspiracy killing of Antoine Carruthers)** of the Indictment:

1. Statutory Aggravating Factors Enumerated Pursuant to Title 21, United States Code, Sections 848(n)(2) through (12):

a. Pecuniary gain. The defendant sought pecuniary gain by extorting ransom money from the victim's family. 21 U.S.C. 848(n)(6).

b. Prior conviction for continuing criminal enterprise. The defendant has previously been convicted of engaging in a continuing criminal enterprise. 21 U.S.C. §848(n)(10).

c. 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. The defendant arranged for several members of the "Dog Pound" to rob and kidnap a rival drug competitor, Antoine Carruthers. Carruthers was transported to a residence owned by the defendant where he was tortured and executed. Carruthers was stabbed with a bayonet, beaten, shot in the buttocks and finally shot twice in the head. The defendant ordered the victim be executed, 21 U.S.C. §848(n)(12).

2. Other Non-Statutory Aggravating Factors Enumerated Pursuant to Title 21, United States Code, Sections 848(h)(1)(B) and 848(k):

a. The defendant participated in, directed, approved, or solicited other acts of violence including acts described in the Indictment.

b. The defendant caused the victim's family and friends to suffer as a result of the impact of the killing on them.

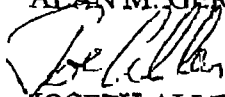
c. Continuing Danger. The defendant represents a continuing danger to the lives and safety of other persons. The defendant has committed the acts alleged in the capital offenses charged in the Indictment and in the statutory and non-statutory aggravating factors contained in this Notice, and in addition, has committed and exhibited acts and characteristics including but not limited to the following:

(1). The defendant has demonstrated a low potential for rehabilitation. In the early 1980s the defendant was the organizer and leader of the Young Boys Incorporated a criminal organization which utilized young boys to distribute large quantities of illegal contraband. Upon his release from prison, he organized a new criminal enterprise, the "Dog Pound" which also utilized young men to distribute large quantities of illegal contraband.

(2). The defendant, through his actions and statements after this offense, has demonstrated that he lacks remorse for having committed the offense.

Respectfully submitted,

ALAN M. GERSHEL


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Dated:

2/6/03

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CERTIFICATE OF SERVICE

I hereby certify that a true and accurate copy of United States' Notice of Intent to Seek A
Sentence of Death has this 6th day of February, 2003, been made upon the following:

Harold Gurewitz, Esq.
333 West Fort Street
11th Floor
Detroit, MI 48226

by way of:

Telefax ((313) 628-4701) and
U.S. First Class Mail


REGINA R. McCULLOUGH, Paralegal
Office of the U.S. Attorney