

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF ARKANSAS

FILED
U.S. DISTRICT COURT
EASTERN DISTRICT ARKANSAS

AUG 20 1998

UNITED STATES OF AMERICA

JAMES W. McCORMACK, CLERK

v.

NO. LR-CR-97-243 ^{3*} ~~DEF. CLERK~~

CHEVIE O'BRIEN KEHOE,
a/k/a CHEVIE KEHOE
CHEVIE COLLINS, JONATHAN
COLLINS and BUD

and

DANIEL LEWIS LEE,
a/k/a DANNY LEE, D.L. GRAHAM,
DANIEL L. LEE, DANIEL LEWIS
LEE, DANIEL LEWIS GRAHAM,
D MAN and DAVID

GOVERNMENT'S MOTION TO AMEND NOTICE
OF INTENT TO SEEK A SENTENCE OF DEATH

COMES NOW the United States of America, pursuant to Title 18, United States Code, Section 3593(a), by and through its undersigned counsel, Paula J. Casey, United States Attorney to seek leave of the Court to file an Amended Notice of Intent to Seek a Sentence of Death against defendants CHEVIE O'BRIEN KEHOE and DANIEL LEWIS LEE. The proposed amended notices are attached as Exhibits One and Two to this motion.

Section 3593(a) of Title 18, United States Code, provides in relevant part that "[t]he court may permit the attorney for the government to amend the notice [of intent to seek a sentence of death] upon a showing of good cause" and that such notice be served "a reasonable time before the trial or before acceptance by the court of a plea of guilty"

Good Cause

For the reasons set forth below, the United States submits that "good cause" is shown severally or collectively wherein the Superseding Indictment no longer alleges that the United States will seek a penalty of death under Count VII, pursuant to 18 U.S.C. § 924(j); by correcting the United States' earlier notice

wherein it stated it was unaware of any mitigating factors to be brought to this Court's attention; and by setting forth specific elements that will constitute the basis for the United States' allegation of non-statutory aggravating factors of "future dangerousness."

1. The United States elects, in this case, not to employ the penalty enhancement found in 18 U.S.C. § 924(j) where the evidence does not suggest that the Mueller murders were proximately caused by gunfire.

2. In the notices provided to this Court and the defendants, filed March 20, 1998, the United States stated it was unaware of "any evidence which would constitute a mitigating factor as defined in 21 United States Code 848(m)." Upon reconsideration, the United States has identified the possible circumstance of the defendants' relative youth which this Court may take into account in determining whether the aggravating factors alleged by the United States outweigh the mitigating factors alleged by defendants. Moreover, the United States corrects the typographical reference to Title 21 of the United States Code, and notes that the appropriate mitigating factors to be considered in this case are found in 18 U.S.C. § 3592(a).

3. In addition to the statutory aggravating factors submitted in the original notices filed with this Court, the United States will rely on the non-statutory aggravating factor of "future dangerousness," and hereby notifies defendants on the specific elements upon which the United States will rely in establishing this aggravating factor.

WHEREFORE, the United States requests that this Court permit the filing of Amended Notices of Intent to Seek a Sentence of Death against defendants Chevie O'Brien Kehoe and Daniel Lewis Lee.

Respectfully submitted,



PAULA J. CASEY
United States Attorney
P.O. Box 1229
Little Rock, Arkansas 72203

CERTIFICATE OF SERVICE

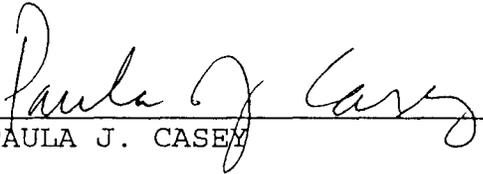
A copy of the foregoing has been mailed to the defendants' attorneys listed below on the 9th day of August 1998, by depositing it in the United States mail.

Jack T. Lassiter
Hatfield & Lassiter
401 West Capitol Avenue, Suite 502
Little Rock, Arkansas 72201

John W. Hall, Jr.
Attorney at Law
523 West Third Street
Little Rock, Arkansas
72201

Cathleen V. Compton
Attorney at Law
212 Center Street, Suite 700
Little Rock, Arkansas 72201

Mark F. Hampton
Attorney at Law
310 Louisiana Street
Little Rock, Arkansas
72201



PAULA J. CASEY

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF ARKANSAS

UNITED STATES OF AMERICA

v.

NO. LR-CR-97-243(1)

CHEVIE O'BRIEN KEHOE,
a/k/a CHEVIE KEHOE
CHEVIE COLLINS, JONATHAN
COLLINS and BUD

and

DANIEL LEWIS LEE,
a/k/a DANNY LEE, D.L. GRAHAM,
DANIEL L. LEE, DANIEL LEWIS
LEE, DANIEL LEWIS GRAHAM,
D MAN and DAVIDAMENDED NOTICE OF INTENT TO SEEK A SENTENCE OF DEATH

COMES NOW the United States of America, pursuant to Title 18, United States Code, Sections 1959(a)(1) and 3593(a), by and through its undersigned counsel, Paula J. Casey, United States Attorney, and pursuant to the Court's Order of August _____, 1998 files an Amended Notice of Intent to Seek a Sentence of Death. The United States notifies the Court and defendant CHEVIE O'BRIEN KEHOE and his counsel that in the event of the defendant's conviction on any of Counts Three, Four or Five, of the Superseding Indictment, wherein the defendant is charged with murdering, and aiding and abetting the murder of, William Mueller, Nancy Mueller and Sarah Powell, respectively, in violation of the laws of the State of Arkansas and for the purpose of pecuniary gain or for maintaining or increasing his position in an enterprise engaged in racketeering activity, the United States will seek the sentence of death.

I. AGGRAVATING FACTORS AS TO COUNT THREE

The United States will seek to prove the following aggravating factors as the basis for imposition of the death penalty in relation to Count Three of the Superseding Indictment for the murder of William Mueller:

A. Statutory Aggravating Factors Enumerated under 18 U.S.C. §§ 3591(a)(2)(A), (C) and (D):

1. The defendant intentionally killed the victim, William Mueller. Section 3591(a)(2)(A).

2. The defendant intentionally participated in an act, contemplating that the life of a person would be taken or intending that lethal force would be used in connection with a person, other than one of the participants in the offense, and the victim, William Mueller, died as a direct result of the act. Section 3591(a)(2)(C).

3. The defendant intentionally and specifically engaged in an act of violence, knowing that the act created a grave risk of death to a person, other than one of the participants in the offense, such that participation in the act constituted a reckless disregard for human life and the victim, William Mueller, died as a direct result of the act. Section 3591(a)(2)(D).

B. Statutory Aggravating Factors Enumerated under 18 U.S.C. §§ 3592(c)(2) through (16):

1. The defendant CHEVIE O'BRIEN KEHOE committed the offense described in Count Three of the Superseding Indictment as consideration for the receipt, or in expectation of the receipt, of anything of pecuniary value. Section 3592(c)(8).

2. The defendant CHEVIE O'BRIEN KEHOE committed the offense described in Count Three of the Superseding Indictment after substantial planning and premeditation to cause the death of a person. Section 3592(c)(9).

3. In committing the offense described in Count Three of the Superseding Indictment, defendant CHEVIE O'BRIEN KEHOE intentionally killed or attempted to kill more than one person during a single criminal episode. Section 3592(c)(16).

C. Other, Non-Statutory, Aggravating Factors Identified under 18 U.S.C. §§ 3592(c) and 3593(a):

1. The defendant CHEVIE O'BRIEN KEHOE's continuing pattern of violence during the commission of the indicted offenses, in furtherance of promoting and building his white-supremacist organization dedicated to engaging in terrorist acts against individuals and federal and state governments; his low

rehabilitative potential; and his demonstrable lack of remorse establishes CHEVIE O'BRIEN KEHOE's future dangerousness, that is, the probability that the defendant would commit criminal acts of violence constituting a continuing threat to society, as evidenced by some or all of the following:

a. On June 12, 1995, at the direction and for the benefit of CHEVIE O'BRIEN KEHOE, Faron Lovelace, while armed, entered the home of Malcolm and Jill Friedman in Colville, Washington. Faron Lovelace forced Jill Friedman to entice her husband to return home early, whereupon Faron Lovelace held Malcolm Friedman hostage while Jill Friedman collected approximately \$15,000 in cash to pay Faron Lovelace. After obtaining the money, Faron Lovelace forced Malcolm and Jill Friedman to drive him to Spokane, Washington, where he released the hostages and left in their stolen car. CHEVIE O'BRIEN KEHOE then picked up Faron Lovelace in Spokane, Washington, and received and controlled the overwhelming majority of the proceeds from this crime.

b. In August 1995, after Jeremy Scott was beaten in CHEVIE O'BRIEN KEHOE's presence, Faron Lovelace murdered Jeremy Scott in Bonner County, Idaho, by shooting Jeremy Scott in the back of his head. CHEVIE O'BRIEN KEHOE participated in the burial of Jeremy Scott's body. The murder was committed to prevent Scott's wife, Kelli Kramer, from reuniting with her husband after she had entered into a polygamous relationship with CHEVIE O'BRIEN KEHOE.

c. On or about April 29, 1996, CHEVIE O'BRIEN KEHOE transported and placed an improvised explosive device at the Spokane City Hall building in Washington, which detonated and damaged the building.

d. On or about August or October 1996, CHEVIE O'BRIEN KEHOE murdered Jon Cox, an enterprise member, in Idaho, by shooting him in the back with a 12 gauge shotgun, after Jon Cox became a security threat to the enterprise by revealing details about the enterprise to friends.

e. On February 15, 1997, CHEVIE O'BRIEN KEHOE attempted to murder Wilmington Police Department officers Robert Martin and Rick Wood by firing between thirty and forty rounds from an AR-15 assault rifle at the officers who were attempting to arrest CHEVIE O'BRIEN KEHOE in connection with a shoot-out committed by Cheyne Kehoe with Ohio police officers that had occurred minutes earlier.

f. Defendant CHEVIE O'BRIEN KEHOE made numerous admissions and confessions to his brother, Cheyne Kehoe, and his mother, Gloria Kehoe, wherein he described his acts of murder, including admitting placing a plastic bag over the

head of Sarah Powell, cleaning blood from the carpet of the Mueller home to destroy evidence, and shooting Jon Cox twice with a shotgun from extremely close range, but CHEVIE O'BRIEN KEHOE never stated or displayed any indication of remorse for his actions. To the contrary, CHEVIE O'BRIEN KEHOE trivialized the Mueller murders by stating that he had put William and Nancy Mueller on "a liquid diet," referring to the fact that the Muellers' bodies were dumped in the Illinois Bayou near Russelville, Arkansas.

Future dangerousness is a recognized non-statutory aggravating factor. See Simmons v. South Carolina, 517 U.S. 154, 162, 114 S.Ct. 2187, 2193 (1994); Jurek v. Texas, 428 U.S. 262, 275, 96 S.Ct. 2950, 2958, 49 L.Ed.2d 929 (1976). Participation in uncharged homicides was recognized as a permissible adjunct to explaining the non-statutory aggravating factor of future dangerousness in United States v. Pitera, 795 F.Supp. 546, 562-64 (E.D.N.Y.), aff'd, 986 F.2d 499 (2d Cir. 1992). The murder of Jon Cox qualifies as an uncharged murder, in that despite its allegation as Racketeering Act Eight of Count One of the Superseding Indictment, there is no independent punishment for this offense. Similarly, the information describing the defendant's role and participation in the Jeremy Scott murder, alleged in Racketeering Act Three of Count One of the Superseding Indictment, is equally applicable. This information assists, during capital sentencing phase, in determining an accurate and complete picture of the defendant's character, and qualifies as "any other relevant information" within the meaning of 18 U.S.C. § 3593(a).

II. AGGRAVATING FACTORS AS TO COUNT FOUR

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 of the Superseding Indictment for the murder of Nancy Mueller:

A. Statutory Aggravating Factors Enumerated under 18 U.S.C. §§ 3591(a)(2)(A), (C) and (D):

1. The defendant intentionally killed the victim, Nancy Mueller. Section 3591(a)(2)(A).

2. The defendant intentionally participated in an act, contemplating that the life of a person would be taken or intending that lethal force would be used in connection with a person, other than one of the participants in the offense, and

the victim, Nancy Mueller, died as a direct result of the act. Section 3591(a)(2)(C).

3. The defendant intentionally and specifically engaged in an act of violence, knowing that the act created a grave risk of death to a person, other than one of the participants in the offense, such that participation in the act constituted a reckless disregard for human life and the victim, Nancy Mueller, died as a direct result of the act. Section 3591(a)(2)(D).

B. Statutory Aggravating Factors Enumerated under 18 U.S.C. §§ 3592(c)(2) through (16):

1. The defendant CHEVIE O'BRIEN KEHOE committed the offense described in Count Four of the Superseding Indictment as consideration for the receipt, or in expectation of the receipt, of anything of pecuniary value. Section 3592(c)(8).

2. The defendant CHEVIE O'BRIEN KEHOE committed the offense described in Count Four of the Superseding Indictment after substantial planning and premeditation to cause the death of a person. Section 3592(c)(9).

3. In committing the offense described in Count Four of the Superseding Indictment, defendant CHEVIE O'BRIEN KEHOE intentionally killed or attempted to kill more than one person during a single criminal episode. Section 3592(c)(16).

C. Other, Non-Statutory, Aggravating Factors Identified under 18 U.S.C. §§ 3592(c) and 3593(a):

1. The defendant CHEVIE O'BRIEN KEHOE's continuing pattern of violence during the commission of the indicted offenses, in furtherance of promoting and building his white-supremacist organization dedicated to engaging in terrorist acts against individuals and federal and state governments; his low rehabilitative potential; and his demonstrable lack of remorse establishes CHEVIE O'BRIEN KEHOE's future dangerousness, that is, the probability that the defendant would commit criminal acts of violence constituting a continuing threat to society, as evidenced by some or all of the following:

a. On June 12, 1995, at the direction and for the benefit of CHEVIE O'BRIEN KEHOE, Faron Lovelace, while armed, entered the home of Malcolm and Jill Friedman in Colville, Washington. Faron Lovelace forced Jill Friedman to entice her husband to return home early, whereupon Faron

Lovelace held Malcolm Friedman hostage while Jill Friedman collected approximately \$15,000 in cash to pay Faron Lovelace. After obtaining the money, Faron Lovelace forced Malcolm and Jill Friedman to drive him to Spokane, Washington, where he released the hostages and left in their stolen car. CHEVIE O'BRIEN KEHOE then picked up Faron Lovelace in Spokane, Washington, and received and controlled the overwhelming majority of the proceeds from this crime.

b. In August 1995, after Jeremy Scott was beaten in CHEVIE O'BRIEN KEHOE's presence, Faron Lovelace murdered Jeremy Scott in Bonner County, Idaho, by shooting Jeremy Scott in the back of his head. CHEVIE O'BRIEN KEHOE participated in the burial of Jeremy Scott's body. The murder was committed to prevent Scott's wife, Kelli Kramer, from reuniting with her husband after she had entered into a polygamous relationship with CHEVIE O'BRIEN KEHOE.

c. On or about April 29, 1996, CHEVIE O'BRIEN KEHOE transported and placed an improvised explosive device at the Spokane City Hall building in Washington, which detonated and damaged the building.

d. On or about August or October 1996, CHEVIE O'BRIEN KEHOE murdered Jon Cox, an enterprise member, in Idaho, by shooting him in the back with a 12 gauge shotgun, after Jon Cox became a security threat to the enterprise by revealing details about the enterprise to friends.

e. On February 15, 1997, CHEVIE O'BRIEN KEHOE attempted to murder Wilmington Police Department officers Robert Martin and Rick Wood by firing between thirty and forty rounds from an AR-15 assault rifle at the officers who were attempting to arrest CHEVIE O'BRIEN KEHOE in connection with a shoot-out committed by Cheyne Kehoe with Ohio police officers that had occurred minutes earlier.

f. Defendant CHEVIE O'BRIEN KEHOE made numerous admissions and confessions to his brother, Cheyne Kehoe, and his mother, Gloria Kehoe, wherein he described his acts of murder, including admitting placing a plastic bag over the head of Sarah Powell, cleaning blood from the carpet of the Mueller home to destroy evidence, and shooting Jon Cox twice with a shotgun from extremely close range, but CHEVIE O'BRIEN KEHOE never stated or displayed any indication of remorse for his actions. To the contrary, CHEVIE O'BRIEN KEHOE trivialized the Mueller murders by stating that he had put William and Nancy Mueller on "a liquid diet," referring to the fact that the Muellers' bodies were dumped in the Illinois Bayou near Russelville, Arkansas.

Future dangerousness is a recognized non-statutory

aggravating factor. See Simmons v. South Carolina, 517 U.S. 154, 162, 114 S.Ct. 2187, 2193 (1994); Jurek v. Texas, 428 U.S. 262, 275, 96 S.Ct. 2950, 2958, 49 L.Ed.2d 929 (1976). Participation in uncharged homicides was recognized as a permissible adjunct to explaining the non-statutory aggravating factor of future dangerousness in United States v. Pitera, 795 F.Supp. 546, 562-64 (E.D.N.Y.), aff'd, 986 F.2d 499 (2d Cir. 1992). The murder of Jon Cox qualifies as an uncharged murder, in that despite its allegation as Racketeering Act Eight of Count One of the Superseding Indictment, there is no independent punishment for this offense. Similarly, the information describing the defendant's role and participation in the Jeremy Scott murder, alleged in Racketeering Act Three of Count One of the Superseding Indictment, is equally applicable. This information assists, during capital sentencing phase, in determining an accurate and complete picture of the defendant's character, and qualifies as "any other relevant information" within the meaning of 18 U.S.C. § 3593(a).

III. AGGRAVATING FACTORS AS TO COUNT FIVE

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 of the Superseding Indictment for the murder of Sarah Powell:

A. Statutory Aggravating Factors Enumerated under 18 U.S.C. §§ 3591(a)(2)(A), (C) and (D):

1. The defendant intentionally killed the victim, Sarah Powell. Section 3591(a)(2)(A).

2. The defendant intentionally participated in an act, contemplating that the life of a person would be taken or intending that lethal force would be used in connection with a person, other than one of the participants in the offense, and the victim, Sarah Powell, died as a direct result of the act. Section 3591(a)(2)(C).

3. The defendant intentionally and specifically engaged in an act of violence, knowing that the act created a grave risk of death to a person, other than one of the participants in the offense, such that participation in the act constituted a reckless disregard for human life and the victim, Sarah Powell, died as a direct result of the act. Section 3591(a)(2)(D).

B. Statutory Aggravating Factors Enumerated under 18 U.S.C. §§ 3592(c)(2) through (16):

1. The defendant CHEVIE O'BRIEN KEHOE committed the offense described in Count Five of the Superseding Indictment as consideration for the receipt, or in expectation of the receipt, of anything of pecuniary value. Section 3592(c)(8).

2. The defendant CHEVIE O'BRIEN KEHOE committed the offense described in Count Five of the Superseding Indictment after substantial planning and premeditation to cause the death of a person. Section 3592(c)(9).

3. The defendant CHEVIE O'BRIEN KEHOE committed the offense described in Count Five of the Superseding Indictment against a victim who was particularly vulnerable due to her youth, that being eight years of age. Section 3592(c)(11).

4. In committing the offense described in Count Five of the Superseding Indictment, defendant CHEVIE O'BRIEN KEHOE intentionally killed or attempted to kill more than one person during a single criminal episode. Section 3592(c)(16).

C. Other, Non-Statutory, Aggravating Factors Identified under 18 U.S.C. §§ 3592(c) and 3593(a):

1. The defendant CHEVIE O'BRIEN KEHOE's continuing pattern of violence during the commission of the indicted offenses, in furtherance of promoting and building his white-supremacist organization dedicated to engaging in terrorist acts against individuals and federal and state governments; his low rehabilitative potential; and his demonstrable lack of remorse establishes CHEVIE O'BRIEN KEHOE's future dangerousness, that is, the probability that the defendant would commit criminal acts of violence constituting a continuing threat to society, as evidenced by some or all of the following:

a. On June 12, 1995, at the direction and for the benefit of CHEVIE O'BRIEN KEHOE, Faron Lovelace, while armed, entered the home of Malcolm and Jill Friedman in Colville, Washington. Faron Lovelace forced Jill Friedman to entice her husband to return home early, whereupon Faron Lovelace held Malcolm Friedman hostage while Jill Friedman collected approximately \$15,000 in cash to pay Faron Lovelace. After obtaining the money, Faron Lovelace forced Malcolm and Jill Friedman to drive him to Spokane, Washington, where he released the hostages and left in their

stolen car. CHEVIE O'BRIEN KEHOE then picked up Faron Lovelace in Spokane, Washington, and received and controlled the overwhelming majority of the proceeds from this crime.

b. In August 1995, after Jeremy Scott was beaten in CHEVIE O'BRIEN KEHOE's presence, Faron Lovelace murdered Jeremy Scott in Bonner County, Idaho, by shooting Jeremy Scott in the back of his head. CHEVIE O'BRIEN KEHOE participated in the burial of Jeremy Scott's body. The murder was committed to prevent Scott's wife, Kelli Kramer, from reuniting with her husband after she had entered into a polygamous relationship with CHEVIE O'BRIEN KEHOE.

c. On or about April 29, 1996, CHEVIE O'BRIEN KEHOE transported and placed an improvised explosive device at the Spokane City Hall building in Washington, which detonated and damaged the building.

d. On or about August or October 1996, CHEVIE O'BRIEN KEHOE murdered Jon Cox, an enterprise member, in Idaho, by shooting him in the back with a 12 gauge shotgun, after Jon Cox became a security threat to the enterprise by revealing details about the enterprise to friends.

e. On February 15, 1997, CHEVIE O'BRIEN KEHOE attempted to murder Wilmington Police Department officers Robert Martin and Rick Wood by firing between thirty and forty rounds from an AR-15 assault rifle at the officers who were attempting to arrest CHEVIE O'BRIEN KEHOE in connection with a shoot-out committed by Cheyne Kehoe with Ohio police officers that had occurred minutes earlier.

f. Defendant CHEVIE O'BRIEN KEHOE made numerous admissions and confessions to his brother, Cheyne Kehoe, and his mother, Gloria Kehoe, wherein he described his acts of murder, including admitting placing a plastic bag over the head of Sarah Powell, cleaning blood from the carpet of the Mueller home to destroy evidence, and shooting Jon Cox twice with a shotgun from extremely close range, but CHEVIE O'BRIEN KEHOE never stated or displayed any indication of remorse for his actions. To the contrary, CHEVIE O'BRIEN KEHOE trivialized the Mueller murders by stating that he had put William and Nancy Mueller on "a liquid diet," referring to the fact that the Muellers' bodies were dumped in the Illinois Bayou near Russelville, Arkansas.

Future dangerousness is a recognized non-statutory aggravating factor. See Simmons v. South Carolina, 517 U.S. 154, 162, 114 S.Ct. 2187, 2193 (1994); Jurek v. Texas, 428 U.S. 262, 275, 96 S.Ct. 2950, 2958, 49 L.Ed.2d 929 (1976). Participation in uncharged homicides was recognized as a permissible adjunct to explaining the non-statutory aggravating factor of future

dangerousness in United States v. Pitera, 795 F.Supp. 546, 562-64 (E.D.N.Y.), aff'd, 986 F.2d 499 (2d Cir. 1992). The murder of Jon Cox qualifies as an uncharged murder, in that despite its allegation as Racketeering Act Eight of Count One of the Superseding Indictment, there is no independent punishment for this offense. Similarly, the information describing the defendant's role and participation in the Jeremy Scott murder, alleged in Racketeering Act Three of Count One of the Superseding Indictment, is equally applicable. This information assists, during capital sentencing phase, in determining an accurate and complete picture of the defendant's character, and qualifies as "any other relevant information" within the meaning of 18 U.S.C. § 3593(a).

IV. MITIGATING FACTORS

The United States brings to this Court's attention the statutory and non-statutory mitigating factors that may be applicable to defendant CHEVIE O'BRIEN KEHOE, pursuant to 18 United States Code § 3592(a).

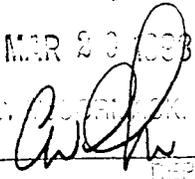
A. Statutory Mitigating Factor Enumerated under 18 U.S.C. §§ 3592(a)(5):

1. Prior to engaging in this two-year-long enterprise of murder, robbery and other crimes, defendant CHEVIE O'BRIEN KEHOE had no prior criminal record.

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF ARKANSAS

FILED
U.S. DISTRICT COURT
EASTERN DISTRICT OF ARKANSAS

MAR 20 2008

JAMES W. JAMES, CLERK
By:  CLERK
DEP. CLERK

UNITED STATES OF AMERICA

v.

NO. LR-CR-97-243

CHEVIE O'BRIEN KEHOE,
a/k/a CHEVIE KEHOE
CHEVIE COLLINS, JONATHAN
COLLINS and BUD

DANIEL LEWIS LEE,
a/k/a DANNY LEE, D.L. GRAHAM,
DANIEL L. LEE, DANIEL LEWIS
LEE, DANIEL LEWIS GRAHAM,
D MAN and DAVID

AND

FARON EARL LOVELACE,
a/k/a DAN and LEM

NOTICE OF INTENT TO SEEK THE DEATH PENALTY

TO: CHEVIE O'BRIEN KEHOE

YOU ARE HEREBY NOTIFIED that in the event of your conviction on Count III, Count IV, or Count V of the indictment in this case, each of which Counts charges a violation of 18 United States Code 1959(a)(1), or in the event of your conviction on Count VII of the indictment which charges a violation of 18 United States Code 924(c) and 924(j), the United States will seek the sentence of death.

YOU ARE FURTHER NOTIFIED that the United States will seek to prove the following aggravating factors as the basis for the death penalty:

1. You intentionally killed William Mueller. 18 United States Code 3591(a)(2)(A).
2. You intentionally killed Nancy Mueller. 18 United States Code 3591(a)(2)(A).
3. You intentionally killed Sarah Powell. 18 United States Code 3591(a)(2)(A).

4. You committed the offenses as consideration for the receipt, or the expectation of the receipt, of a thing of pecuniary value. 18 United States Code 3592(c)(8).

5. You committed the offenses after substantial planning and premeditation. 18 United States Code 3592(c)(9).

6. You committed the offense against a victim, Sarah Powell, who was particularly vulnerable due to youth. 18 United States Code 3592(c)(11).

7. You intentionally killed more than one person in a single criminal episode. 18 United States Code 3592(c)(16).

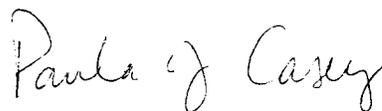
8. You participated in a criminal act that resulted in the death of Jeremy Scott.

9. You participated in a criminal act that resulted in the death of Jon Cox.

10. The intentional killing of William Mueller, Nancy Mueller, and Sarah Powell adversely affected the families of the victims.

The United States is not aware, at this time, of any evidence which would constitute a mitigating factor as defined in 21 United States Code 848(m), except your lack of a criminal record prior to the commission of this offense.

Respectfully submitted,



PAULA J. CASEY
United States Attorney
P.O. Box 1229
Little Rock, Arkansas 72203

CERTIFICATE OF SERVICE

A copy of the foregoing has been mailed to the defendants' attorneys listed below on the 20th day of March 1998, by depositing it in the United States mail.

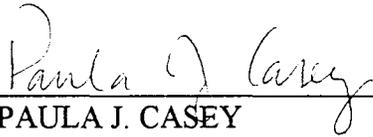
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Mark F. Hampton
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PAULA J. CASEY