

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF TENNESSEE  
WESTERN DIVISION

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UNITED STATES OF AMERICA,  
Plaintiff,  
vs.  
WILLIAM OTIS MAXWELL  
Defendant.

Robert R. Di Tollo  
CLERK U.S. DIST. CT.  
W.D. OF TN. MEMPHIS

Cr. No. 01-20247-D

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NOTICE OF INTENT TO SEEK THE DEATH PENALTY

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COMES NOW the United States of America, pursuant to Title 18, United States Code, Section 3593(a), by and through its undersigned counsel, and notifies the Court and the defendant William Otis Maxwell, that the United States believes the circumstances of the offenses charged in counts Two and Four of the indictment are such that, in the event of conviction, a sentence of death is justified under Chapter 228 (Sections 3591 through 3598) of Title 18 of the United States Code, and that the United States will seek the sentence of death for these offenses: killing Sheryl White during the commission of a bank robbery, in violation of Title 18, United States Code, Section 2113(e), and, in the course of using and carrying a firearm during and in relation to a crime of violence, causing the death of Sheryl White through the use of a firearm in violation of Title 18, United States Code, Section 924(j), both of which offenses carry a possible sentence of death.

Exhibit A

The United States proposes to prove the following factors as justifying a sentence of death.

A. Statutory Proportionality Factors Enumerated Under Title 18, United States Code, Section 3591(a)(2)(A)-(E)

1. Intentional Acts to Engage in Act of Violence, Knowing Actions Created Grave Risk of Death -

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 to one of the participants in the offense, such that participation in the act constituted a reckless disregard for human life, and Sheryl White died as a direct result of the act. Section 3591(a)(2)(D).

B. Statutory Aggravating Factors Enumerated Under Title 18, United States Code, Section 3592(c)

1. Grave Risk of Death to Additional Persons -

The defendant, in the commission of the offense, knowingly created a grave risk of death to a person in addition to the victim of the offense. Section 3592(c)(1).

2. Pecuniary Gain - The defendant committed the offense as consideration for the receipt, or in the expectation of the receipt, of things of pecuniary value. Section 3592(c)(8).

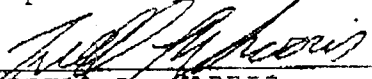
3. Substantial Planning and Premeditation - The defendant committed the offense after substantial planning and premeditation to cause the death of a person. Section 3592(c)(9).


4. Multiple Killings or Attempted Killings - The defendant intentionally killed or attempted to kill more than one person in a single criminal episode. Section 3592(c)(16).

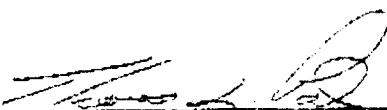
C. Other Non-Statutory Aggravating Factors Identified Under Title 18, United States Code, Section 3593(a)(2).

1. Victim Impact Evidence - As reflected by Sheryl White's personal characteristics as an individual human being and the impact of the offense on Sheryl White and her family, the defendant caused loss to Sheryl White and her family. Section 3593(a).

Respectfully submitted,

  
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