

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

UNITED STATES OF AMERICA,	:	
	:	
v.	:	
	:	Criminal No.: 94-121 (SS)
DONZELL M. McCAULEY,	:	
also known as Donnie,	:	
	:	
Defendant.	:	
	:	
	:	

NOTICE OF INTENT TO SEEK THE DEATH PENALTY

The United States of America, by its attorney, the United States Attorney for the District of Columbia, pursuant to 21 United States Code, Section 848(h)(1)(A) and (B), notifies the Court and the defendant in the above-captioned matter that in the event of the defendant's conviction for intentionally killing District of Columbia Metropolitan Police Officer Jason E. White, as alleged in Count Three of the indictment, the government will seek the sentence of death.

The government will seek to prove the following aggravating factors as the basis for imposition of the death penalty.

A. Statutory Aggravating Factors Enumerated Under 21 United States Code, Section 848(n)(1)(A) through (D):

1. The defendant intentionally killed Officer Jason E. White. Section 848(n)(1)(A).

2. The defendant intentionally inflicted serious bodily injury which resulted in the death of Officer Jason E. White. Section 848(n)(1)(B).

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3. The defendant intentionally engaged in conduct intending that Officer Jason E. White be killed and that lethal force be employed against Officer White, which resulted in Officer White's death. Section 848(n)(1)(C).

B. Statutory Aggravating Factors Enumerated Under 21 United States Code, Section 848(n)(2) through (12):

1. The defendant, in committing the offense described in Count Three of the indictment, knowingly created a grave risk of death to another person in addition to Officer Jason E. White, that is, Officer Earline Harris, of the Metropolitan Police Department, who was Officer White's partner. Section 848(n)(5).

2. The defendant, in committing the offense described in Count Three of the indictment, killed Officer Jason E. White in an especially heinous and depraved manner which involved serious physical abuse in that the defendant shot Officer White four times in the head at close range with .40 caliber Winchester Black Talon "Cop Killer" Bullets. Section 848(n)(12).

C. Other, Non-Statutory, Aggravating Factors Identified Under 21 United States Code, Sections 848(h)(1)(B) and 848(k):

1. Future dangerousness based upon the probability that the defendant would commit criminal acts of violence that would constitute a continuing threat to society, as evidenced by one or more of the following:

- a. specific threats of violence,
- b. pattern of past violent acts,
- c. low rehabilitative potential,

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- d. lack of remorse,
- e. mental evaluation, and
- f. custody classification.

2. The defendant killed Officer Jason E. White as part of a predetermined response to interfere with any lawful inquiries by any law enforcement officers and agents into the drug-trafficking activities of the defendant and his co-conspirators.

3. The defendant, knowing that Officer Jason E. White was a law enforcement officer then in the performance of his duties, killed Officer White without any provocation, in order to avoid apprehension for illegally carrying a firearm.

4. Victim impact, as evidenced by one or both of the following:

- a. character of the victim, and
- b. impact of the murder upon the victim's family.

5. The defendant killed Officer Jason E. White in relation to a conspiracy to distribute cocaine base, also known as "crack" which involved distribution of a controlled substance to juveniles under the age of twenty-one.

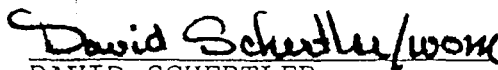
6. The statutory aggravating factor under Section 848(n)(5) above is realleged and incorporated by reference herein as a non-statutory aggravating factor, in the alternative for the contingencies of proof extending through trial and appeal.

7. The statutory aggravating factor under Section 848(n)(12) above is realleged and incorporated by reference herein as a non-statutory aggravating factor, in the alternative, for the contingencies of proof extending through trial and appeal.

Respectfully submitted,



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Assistant United States Attorney
Bar No.: 429369


CERTIFICATE OF SERVICE

I HEREBY CERTIFY that I have served a copy of the foregoing Notice upon defendant by faxing and hand delivering a copy thereof to:

G. Allen Dale, Esquire
307 G Street, N.W.
Washington, D.C. 20001

Robert Morin, Esquire
419 7th Street, N.W.
Suite 201
Washington, D.C. 20004

on this 24th day of March, 1995.


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