

victim, Jewell Leon Collins. Title 21, United States Code, Section 848(n)(1)(C).

4. The defendant intentionally engaged in conduct which defendant knew would create a grave risk of death to more than one person, other than the participants in the offense, and resulted in the death of an innocent victim, Jewell Leon Collins.

5. The offense was committed deliberately and with a reasonable expectation that the death of a human being would result.

6. The offense was committed for pecuniary benefit.

7. There is a probability that the defendant will commit criminal acts of violence that will constitute a continuing threat to society in the future.

8. A deadly weapon or weapons (a firearm or firearms) was/were used during the commission of this crime in an attempt to kidnap or kill Claude Avery Rogers.

9. A deadly weapon or weapons was/were used in the murder of Jewell Leon Collins.

10. The defendant has previously been convicted of two or more state or federal offenses punishable by imprisonment for more than one year, committed on different occasions, to-wit: second degree burglary (11/21/83) and robbery (11/86).


11. The defendant committed the offenses as to which he is charged in the Indictment herein.

12. The offense charged in Count 16 of the Indictment herein was committed in relation to certain drug trafficking criminality.

13. Repeated attempts to rehabilitate defendant or deter defendant from future felonious criminal behavior have been unsuccessful.

14. Any relevant aggravating conduct committed by defendant or attributable to defendant which is admitted at trial herein respecting the charged continuing criminal enterprise.

Respectfully submitted,



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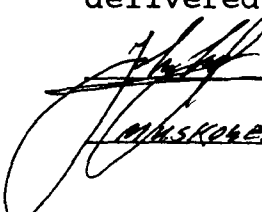
CERTIFICATE OF MAILING

I hereby certify that a copy of the foregoing Notice was mailed this 11th day of September, 1992, to Craig Bryant, Assistant Federal Public Defender, 222 S. Houston, St., Suite C, Tulsa, Oklahoma 74101.


JOHN RALEY
United States Attorney

CERTIFICATE OF SERVICE

A true and correct copy of the foregoing Notice was hand delivered to the defendant, John Javilo McCulloh, by

 DEPUTY U.S. MARSHAL on 9-11-92, 1992, at

WASKOWEE COUNTY JAIL