

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

UNITED STATES OF AMERICA,

CRIMINAL NO.98-80348

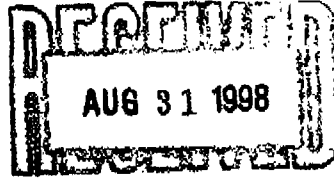
Plaintiff, _

HON: BERNARD FRIEDMAN

-VS-

D-1 ANTONIO MCKELTON

Defendant .



U.S. DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION
Aug 28 4 10 PM '98
111 111

NOTICE OF INTENT TO SEEK THE DEATH PENALTY

NOW COMES the United States of America, pursuant to 18 U.S.C. § 3593, by and through its undersigned counsel, and notifies the Court and the defendant in the above captioned case that in the event of conviction for the armed robbery wherein Everisto Duane Bosley was killed, the government will seek the penalty of death for Antonio McKelton.

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

A . Factors Enumerated under Title 18 United States Code §

3591(a)(2):

1. The defendant intentionally killed the victim. 18 U.S.C. § 3591(a)(2)(A).
2. The defendant intentionally inflicted serious bodily injury that resulted in the death of the victim. 18 U.S.C. § 3591(a)(2)(B).

B. Aggravating Factors Enumerated under Title 18 United States

Code § 3592(c):

1. The defendant has a previous conviction for a violent

felony involving a firearm, to wit: armed robbery. 18

U.S.C. § 3592(c)(4)

2. The defendant created a grave risk of death to others.

18 U.S.C. § 3592(c)(5).

3. The defendant committed the attempted armed robbery for

pecuniary gain. 18 U.S.C. § 3592(c)(8).


C. Other Aggravating Factors Identified Under 18 U.S.C.

§ 3593(a)(2) and § (e):

1. The defendant represents a continuing danger to the lives and safety in the future. This will be established by proof that defendant was involved in at least one armed robbery before the homicide and at least two armed robberies after the homicide where firearms were discharged and for which he has not been charged which will demonstrate a continuing pattern of violence.
2. Defendant has shown no remorse for the homicide.
3. Defendant caused harm as a result of the impact of the killing upon the family of Duane Everisto Bosley.

Respectfully submitted,

ALAN GERSHEL
Acting on Behalf of the United
States Attorney


MICHAEL C. LEIBSON P24092
Assistant United States Attorney

PAUL WALTON F45278
Special Assistant United States
Attorney

Dated: 8/28/98