

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

UNITED STATES OF AMERICA,)
)
 Plaintiff,)
) Case No. 99-00303-01-CR-W-2
 v.)
)
 KEITH DWAYNE NELSON,)
)
 Defendant.)

NOTICE OF INTENT TO SEEK THE DEATH PENALTY

Comes now the United States of America, by and through Stephen L. Hill, Jr., United States Attorney, and Sheryle L. Jeans, Assistant United States Attorney, both for the Western District of Missouri, and pursuant to Title 18, United States Code, Section 3593(a), notifies the Court and the defendant that that in the event the defendant is convicted of either or both the offenses as alleged in Counts One and Two of the Indictment returned in this case, the Government will seek a sentence of death.

As to each count of which defendant is convicted, the Government intends to prove the following aggravating factors as the basis for imposition of the death penalty.

- A. Statutory Proportionality Factors Enumerated Pursuant to Title 18, United States Code, Sections 3591(a)(2)(A) through (D)

1. Keith Dwayne Nelson intentionally killed Pamela Butler.
[18 U.S.C. § 3591(a)(2)(A)].

2. Keith Dwayne Nelson intentionally inflicted serious bodily injury which resulted in the death of Pamela Butler.
[18 U.S.C. § 3591(a)(2)(B)].

3. Keith Dwayne Nelson intentionally participated in an act, contemplating that the life of Pamela Butler would be taken and that lethal force would be used against Pamela Butler, resulting in her death. [18 U.S.C. § 3591(a)(2)(C)].

4. Keith Dwayne Nelson intentionally and specifically engaged in an act of violence which:

- (i) Keith Dwayne Nelson knew would create a grave risk of death to the victim, Pamela Butler (a person other than a participant in the offense); and
- (ii) Resulted in the death of Pamela Butler.

[18 U.S.C. § 3591(a)(2)(D)].

B. Statutory Aggravating Factors Enumerated Pursuant to Title 18, United States Code, Sections 3592(c)(1) through (16)

1. The death and injury resulting in the death of Pamela Butler occurred during the commission of her kidnapping by Keith Dwayne Nelson, in violation of 18 U.S.C. § 1201. [18 U.S.C. § 3592(c)(1)].

2. Keith Dwayne Nelson committed the offenses described in the Indictment after substantial planning and premeditation. [18 U.S.C. § 3592(c)(9)].

3. Keith Dwayne Nelson committed the offenses described in the Indictment in an especially heinous, cruel, and depraved manner in that the offenses involved torture or serious physical and mental abuse to Pamela Butler. [18 U.S.C. § 3592(c)(6)].

4. Pamela Butler, the victim, was particularly vulnerable due to her youthful age of 10 years. [18 U.S.C. § 3592(c)(11)].

C. Non-Statutory Aggravating Factors Enumerated Pursuant to Title 18, United States Code, Section 3593(a)

1. Future dangerousness based upon the probability that Keith Dwayne Nelson would commit criminal acts of violence that would constitute a continuing threat to society, as evidenced for example, by one or more of the following, among others:

(a) Keith Dwayne Nelson has boasted of his desire to kidnap a girl, rape, torture, electrocute, and kill her and bury her remains;

(b) Keith Dwayne Nelson has boasted of his plans to create a relation with a female who would assist him with future abductions of other females;

(c) Keith Dwayne Nelson has boasted of his plans to buy a rural isolated plot of ground to further his abduction plans;

(d) Keith Dwayne Nelson has boasted of his plans, if trapped by law enforcement, to take hostages and engage the police in a shoot-out;

(e) Keith Dwayne Nelson has boasted of killing persons in the past;

(f) Keith Dwayne Nelson, on October 2, 1999, ten days prior to the abduction of Pamela Butler, attempted an abduction of a female by force, a weapon, and an item of restraint; and

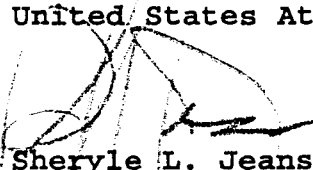
(g) Keith Dwayne Nelson has displayed a complete lack of remorse for the killing of Pamela Butler.

2. Victim impact, as evidenced by the impact of the murder upon Pamela Butler's family.

Respectfully submitted,

Stephen L. Hill, Jr.
United States Attorney

By



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CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing was hand-delivered this 5th day of April 2000 to the following:

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