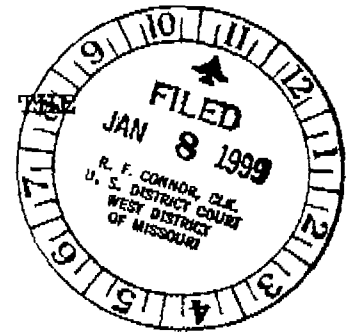


IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF MISSOURI
WESTERN DIVISION



UNITED STATES OF AMERICA,)
)
 Plaintiff,)
)
 v.)
)
 CORNELIUS PEOPLES,)
)
 Defendant.)

No. 98-00149-01-CR-W-6

NOTICE OF INTENT TO SEEK THE DEATH PENALTY

Comes now the United States of America, by Stephen L. Hill, Jr., United States Attorney and Mark A. Miller, Assistant United States Attorney, both for the Western District of Missouri, pursuant to Title 18, United States Code, Section 3593(a), notifies the Court and the defendant, Cornelius Peoples, that in the event the defendant is convicted of intentionally killing Jovan S. Ross, as alleged in Count Two of the superseding indictment, the government will seek a 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 Pursuant to Title 18, United States Code, Sections 3591(A) through (D)

1. Cornelius Peoples intentionally killed or caused to be killed Jovan S. Ross [18 U.S.C. § 3591(a)(2)(A)].
2. Cornelius Peoples intentionally inflicted or caused to be inflicted serious bodily injury which resulted in the death of Jovan S. Ross [18 U.S.C. § 3591(a)(2)(B)].
3. Cornelius Peoples intentionally engaged in conduct or caused others to engage in conduct intending that Jovan S. Ross

be killed and that lethal force be employed against Jovan S. Ross, which resulted in Jovan S. Ross' death [18 U.S.C. § 3591(a)(2)(C)].

4. Cornelius Peoples intentionally engaged or caused others to engage in conduct which:

(i) Cornelius Peoples knew would create a grave risk of death to a person, other than one of the participants in the offense; and

(ii) resulted in the death of Jovan S. Ross [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 defendant committed the offenses described in Count Two of the superseding indictment after substantial planning and premeditation. [18 U.S.C. § 3592(c)(9)].

2. The defendant procured the commission of the murder described in Count Two of the superseding indictment by payment or promise of payment of United States currency. [18 U.S.C. § 3592(c)(7)].

3. The defendant has a previous conviction for a violent felony involving a firearm which was punishable by a term of imprisonment of more than one year. [18 U.S.C. § 3592(c)(2)].

4. Defendant has two or more Federal or state convictions for serious offenses committed at different times which were both punishable by a term of imprisonment of more than one year and involved the infliction of or the attempted infliction of serious

bodily injury or death upon another person. [18 U.S.C. § 3592(c)(3)]

C. Other, Non-Statutory Aggravating Factors Enumerated Pursuant to Title 18, United States Code, Sections 848(h)(1)(B) and 848(K)

1. Future dangerousness based upon the probability that Cornelius Peoples 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) Armed Robbery of a Credit Union. Defendant and two other persons committed the robbery of the Educator's Federal Credit Union in Omaha, Nebraska on November 28, 1997.

(b) Armed Robbery of a Jewelry Store. Defendant Peoples and two other persons committed an armed robbery of the Buchroeders Jewelry Store in Columbia, Missouri on April 9, 1998. Jewelry valued at \$15,000.00 was taken. A handgun and sawed-off shotgun were used during the robbery.

(c) Armed Robbery of a Jewelry Store. Defendant Peoples and others committed the armed robbery of Malashook's Jewelry Store in Omaha, Nebraska, on November 3, 1997. Jewelry valued at approximately \$80,000.00 was taken. A handgun was used during the robbery.

(d) Armed Robbery of a Jewelry Store. Defendant Peoples and others committed the armed robbery of Enrique's Jewelry Store in Omaha, Nebraska, on October 15, 1997. Jewelry valued at approximately \$132,000.00 was taken. A handgun was used during the robbery.

(d) Armed Home Invasion. On July 17, 1998, defendant Peoples and several other persons entered a residence in Kansas City, Kansas, and held the occupants hostage, demanded items of value and pointed a gun at the head of a minor child.

2. Cornelius Peoples has previously been convicted of two serious State felony offenses, each punishable by a term of imprisonment of more than one year.

(a) On or about December 31, 1991, defendant was convicted of Aggravated Battery (2 counts) in the District Court of Wyandotte County, Kansas in Case No. 91CR1325 and sentenced to a term of not less than five (5) years or more than 15 years imprisonment;

(b) On or about January 10, 1991, defendant was convicted as a juvenile of Involuntary Manslaughter in the District Court of Wyandotte County, Kansas in Case No. 89JV1795;

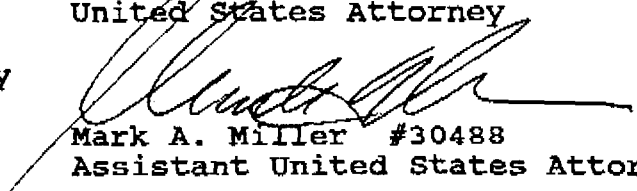
3. Victim impact, as evidenced by the impact of the murder upon Jovan Ross' family, particularly his mother.

4. The victim was killed by the defendant to obstruct justice, tamper with the witness and in retaliation for cooperating with law enforcement authorities.

Respectfully submitted,

Stephen L. Hill, Jr.
United States Attorney

By


Mark A. Miller #30488
Assistant United States Attorney

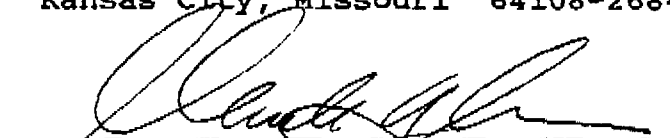
Charles Evans Whittaker Courthosue
400 East 9th Street, 5th Floor
Kansas City, Missouri 64106-2149
(816) 426-3122

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing was mailed
this 9th day of January, 1999, to the following:

Jay DeHart
4505 Madison Avenue
Kansas City, Missouri 64111

William C. Odle
2345 Grand Boulevard
Suite 2500
Kansas City, Missouri 64108-2684



Mark A. Miller
Assistant United States Attorney

MAM/nlg