

4. That the defendant intentionally and specifically engaged in an act of violence, knowing that the act created a grave risk of death to a person, other than one of the participants in the offense, such that participation in the act constituted a reckless disregard for human life and the victim died as a direct result of the act. (18 U.S.C. 3591(a)(2)(D))

5. That the defendant has previously been convicted of a Federal or State offense punishable by a term of imprisonment of more than 1 year, involving the use and attempted use and threatened use of a firearm against another person. (18 U.S.C. 3592(c)(2))

6. That the defendant has previously been convicted of another Federal or State offense resulting in the death of a person, for which a sentence of life imprisonment or a sentence of death was authorized by statute. (18 U.S.C. 3592(c)(3))

7. That the defendant caused substantial pain and suffering to the victim before he died.

8. That the murder of the victim has had a profound and damaging impact on his family and friends.

9. That the defendant has demonstrated no remorse with respect to his killing of the victim.

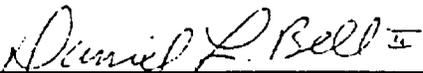
10. That the defendant poses a future danger to society in that he is likely to engage in acts of violence against others if he is ever released from incarceration.

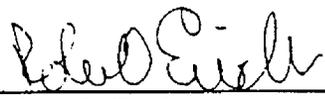
11. That the defendant poses a future danger to inmates and correctional officers in prison in that he is likely to engage in acts of violence against others.

The government further advises the Court that it gave verbal notice that the Attorney General had authorized the government to seek the death penalty to counsel for the defendant on October 2, 1997.

Respectfully submitted,

HELEN F. FAHEY
UNITED STATES ATTORNEY

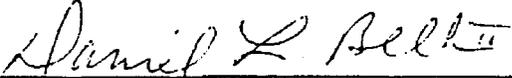
By: 
Daniel L. Bell, II
Assistant United States Attorney


Robert C. Erickson
Assistant United States Attorney

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true copy of the foregoing document was both mailed and faxed on this 3rd day of October, 1997 as indicated below.

Pleasant S. Brodnax, III, Esquire
Robert Jenkins, Esquire
Brodnax and Jenkins
2861 Duke Street
Alexandria, Virginia
Fax: (703) 751-5641



Daniel L. Bell, II
Assistant United States Attorney