

FILED  
U.S. DISTRICT COURT  
DISTRICT OF KANSAS

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF KANSAS  
(TOPEKA DOCKET)

JAN 31 4 42 AM '97  
RALPH L. DELDACH,  
CLERK  
BY *R. Carumello*  
AT TOPEKA, KS.

UNITED STATES OF AMERICA,  
Plaintiff,

Case No. 96-40018-01-DES

v.

GREGORY STOREY  
Defendant.

**NOTICE OF INTENT TO SEEK DEATH PENALTY**

The United States of America by and through Jackie N. Williams, United States Attorney for the District of Kansas, T. G. Luedke, and Robin D. Fowler, Assistant United States Attorneys for said District, respectfully notifies the Court, the defendant and counsel in the above-captioned case that the government believes the circumstances of the offense charged in Count One of the Superseding Indictment are such that, in the event of conviction, a sentence of death is justified under Chapter 228 (Section 3591 through 3598) of Title 18 United States Code, and that the government will seek the death penalty for the following offense: the first degree murder of Charles Leger in violation of Title 18, United States Code, Section 1111. This offense carries a maximum penalty of death.

The government proposes to prove the following factors as justifying a sentence of death:

**I. Statutory Proportionality Factors Enumerated Under 18 U.S.C. § 3591(a)(2)**

A. The defendant, Gregory George Storey, did intentionally kill Charles Leger, (18 U.S.C. § 3591(a)(2)(A));

B. The defendant, Gregory George Storey, did intentionally inflict serious bodily injury that resulted in the death of Charles Leger, (18 U.S.C. § 3591(a)(2)(B));

**II. Statutory Aggravating Factors Enumerated Under Title 18, United States Code § 3592(c)**

**A. Previous Conviction of Violent Felony Involving Firearm**

On October 1991 the defendant pled guilty and was convicted in the District of Nevada to armed bank robbery involving the use of a firearm. (18 U.S.C. § 3592(c)(2)).

**B. Substantial Planning and Premeditation**

The defendant committed the offense after substantial planning and premeditation to cause the death of Charles Leger. (18 U.S.C. § 3592(c)(9)).

**III. Other Non-Statutory Aggravating Factors Identified Under 18 U.S.C. § 3593(a)(2):**

A. **Future Dangerousness of the Defendant.** The defendant represents a continuing danger to the lives and safety of others and is likely to commit criminal acts of violence in the future as evidenced by his past conduct and character including, but not limited to, one or more of the following:

1. **Other Acts of Violence.** The defendant has committed or attempted to commit, and/or threatened to commit other acts of violence in addition to the capital offense committed in this case and the statutory factors alleged in this Notice:

- a. February 16, 1983 - Robbery. Eighth Judicial District, Clark County, Nevada. Convicted.
- b. July 24, 1985 - Robbery. Eighth Judicial District, Clark County, Nevada. Convicted.
- c. February 13, 1991 - Bank Robbery, District of Nevada.
- d. October 18, 1991 - Bank Robbery, District of Colorado.
- e. October 25, 1991 - Bank Robbery, District of Colorado.
- f. October 29, 1991 - Bank Robbery, District of Colorado.
- g. November 5, 1991 - Bank Robbery, District of Colorado. Convicted.

**2. Escapes from Custody**

- a. July 23, 1985 - Escape from Custody, Eighth Judicial District, Clark County, Nevada. Convicted.
- b. October 2, 1991 - Escape from Custody, District of Nevada. Convicted.

**3. Mental Condition**

- a. The defendant has been diagnosed as having Anti-Social Personality Disorder.

**4. Low Rehabilitative Potential**

- a. Prior terms of imprisonment have failed to deter or rehabilitate the defendant.
- b. The escalating nature of the defendant's violent conduct.

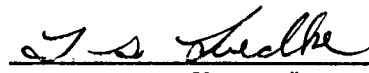
**5. Other Factors**

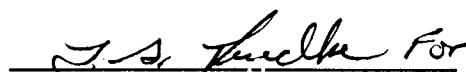
- a. The defendant committed the murder while confined in the special housing unit at the United States Penitentiary, Leavenworth, Kansas.
- b. The defendant is a member of a violent prison gang known as the Aryan Brotherhood.

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Respectfully submitted,

JACKIE N. WILLIAMS  
United States Attorney

  
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CERTIFICATE OF SERVICE

I hereby certify that on the 31st day of January, 1997, a true and correct copy of the foregoing Notice of Intent to Seek the Death Penalty was deposited in the United States Mail, postage prepaid, addressed to:

Mr. Thomas J. Bath, Jr., Esq.  
7944 Santa Fe Drive  
Overland Park, KS 66204

Mr. Charles M. Rogers, Esq.  
Attorney at Law  
1300 Mercantile Tower  
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 For  
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