

FILED

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UNITED STATES DISTRICT COURT
DISTRICT OF ALASKA
By _____ Deputy

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**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ALASKA**

UNITED STATES OF AMERICA,)

Plaintiff,)

v.)

ABRAM PAUL WALTER,)

Defendant.)

No. F96-026 Cr. (HRH)

**NOTICE OF INTENT TO
SEEK THE DEATH PENALTY**

COMES NOW the United States of America, pursuant to 18 U.S.C. §3593(a), by and through its undersigned counsel, and notifies the Court and the defendant in the above-captioned case that the Government believes the circumstances of the offenses charged in Counts 1, 3 and 4 of the Indictment are such that, in the event of a conviction, a sentence of death is justified under Chapter 228 (Sections 3591 through 3598) of Title 18 of the United States Code, and that the Government will seek the sentence of death for these offenses: murder in the first degree, in violation of 18 U.S.C. §1114 and 1111; homicide while possessing a firearm in a federal facility, in violation of 18 U.S.C. §930(b) and (c); and firearms murder during or in relation to a violent crime, in violation of 18 U.S.C. §924(D)(1).

The Government proposes to prove the following factors as justifying a sentence of death.

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A. Statutory Proportionality Factors Enumerated in 18 U.S.C. 53591(a)(2)(A) - (D).

1. **Intentional Killing.** The defendant intentionally killed Agnes Wright.

Section 3591(a)(2)(A).

2. **Intentional Infliction of Serious Bodily Injury.** The defendant

intentionally inflicted serious bodily injury that resulted in the death of Agnes Wright. Section 3591(a)(2)(B).

3. **Intentional Use of Lethal Force.** The defendant intentionally participated

in an act intending that lethal force would be used in connection with a person, other than one of the participants in the offense, and Agnes Wright died as a direct result of the act. Section 3591(a)(2)(C).

B. Statutory Aggravating Factors Enumerated in 18 U.S.C. 53592(c).

1. **Heinous, Cruel, or Depraved Manner of Committing Offense.** The

defendant committed the offenses in an especially heinous, cruel, and depraved manner in that it involved serious physical abuse to Agnes Wright. Section 3592(c)(6).

2. **Pecuniary Gain.** The defendant committed the offenses in expectation of

the receipt of something of pecuniary value, namely, property and currency. Section 3592(c)(8).

C. Other, Non-Statutory, Aggravating Factors Identified under 18 U.S.C.

§3593(a)(2).

1. **Obstruction of Justice.** The defendant's actions constitute an obstruction of

justice in that he killed Agnes Wright in an apparent attempt to conceal his criminal activities.

2. **Victim Impact Evidence.** The victim's personal characteristics as an individual

human being and/or the impact of the death upon the victim's family. Payne v. Tennessee, 111 S.Ct. 2597, 2608-09 (1991).

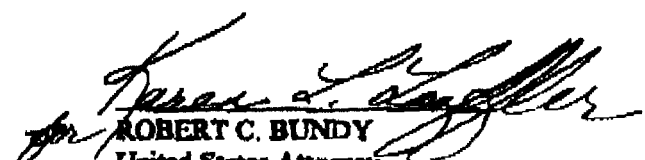
a. Characteristics. The victim's personal characteristics as an individual human being include but are not limited to one or more of the following:

Agnes Wright was a single mother of three children. She was the postmaster at Ruby, Alaska for the 5 years preceding her death. She was thirty two years old and had lived in Ruby all of her life. She was well known, loved and popular.

b. Impact of Death. The family of the victim has suffered injury and loss, as a result of the victim's death, including but not limited to the following:

Agnes Wright was a single mother of a teenager and two small children. At the time of her death her children were 15, four and three years old. The two small children are presently in the custody of her sister; they also spend much of their time at their grandparents. Ms. Wright's teenage daughter is the one who discovered her body. Her parents and siblings as well as her children have suffered injury and loss as a result of her death.

RESPECTFULLY SUBMITTED, this 20th day of February, 1997, at Anchorage, Alaska.


ROBERT C. BUNDY
United States Attorney