



As permitted by 18 U.S.C. §§ 3593(a) and (d), the United States will also seek to prove certain non-statutory aggravating factors set forth in this Notice. The United States believes that the circumstances of each charged offense are such that, if the defendant is convicted, a sentence of death is justified under Chapter 228 of Title 18 of the United States Code.

The United States will seek to prove the following factors as justifying a sentence of death as to Counts 10 and 11:

**A. Statutory Proportionality Factors under 18 U.S.C. § 3591(a)(2)(A-D):**

1. **Intentional Killing.** The defendant intentionally killed Christopher Briede. 18 U.S.C. § 3591(a)(2)(A).

2. **Intentional Infliction of Serious Bodily Injury.** The defendant intentionally inflicted serious bodily injury that resulted in the death of Christopher Briede. 18 U.S.C. § 3591(a)(2)(B).

3. **Intentional Act to Take Life or Use Lethal Force.** The defendant intentionally participated in an act, contemplating that the life of Christopher Briede would be taken or intending that lethal force would be used in connection with Christopher Briede, who was not one of the participants in the offense, and Christopher Briede died as a direct result of the act. 18 U.S.C. § 3591(a)(2)(C).

4. **Intentional Act in Reckless Disregard for Life.** The defendant intentionally and specifically engaged in an act of violence, knowing that the act created a grave risk of death to

Christopher Briede, who was not one of the participants in the offense, such that participation in the act constituted a reckless disregard for human life, and Christopher Briede died as a direct result of the act. 18 U.S.C. § 3591(a)(2)(D).

**B. Statutory Aggravating Factors under 18 U.S.C. §§ 3592(c)(1)-(16):**

1. **Pecuniary Gain.** The defendant committed the killing of Christopher Briede as consideration for the receipt, or in the expectation of the receipt, of anything of pecuniary value. 18 U.S.C. § 3592(c)(8).

2. **Substantial Planning and Premeditation.** The defendant committed the killing of Christopher Briede after substantial planning and premeditation to cause the death of Christopher Briede. 18 U.S.C. § 3592(c)(9).

3. **Multiple Killings or Attempted Killings.** The defendant killed or attempted to kill more than one person in a single criminal episode. 18 U.S.C. § 3592(c)(16).

**C. Non-Statutory Factors Under 18 U.S.C. § 3593(a):**

1. **Participation in Other Serious Acts of Violence.** In addition to the capital offenses charged in the second superseding indictment, the defendant perpetrated the rape of Erika Arnold on March 11, 2002.

2. **Contemporaneous Convictions.** The defendant has also been charged with additional counts of carjacking, attempted carjacking, and commission of a crime of violence while armed with a firearm, as reflected in Counts 1 through 9 of the second superseding indictment.

3. **Future Dangerousness.** The defendant is likely to commit criminal acts of violence in the future which would be a continuing and serious threat to the lives and safety of other

persons, including, but not limited to, inmates and correctional officers in an institutional correctional setting, as evidenced by the offenses charged in the second superseding indictment and the statutory and non-statutory aggravating factors alleged in this Notice. Simmons v. South Carolina, 114 S.Ct. 2187, 2193 (1994). In addition to the capital offense(s) charged in the second superseding indictment and the statutory and non-statutory aggravating factors alleged in this Notice, the circumstances that demonstrate the defendant's future dangerousness include: his continuing pattern of violent criminal conduct; his threats of violence toward others; his demonstrated low rehabilitative potential; and his demonstrated lack of remorse.

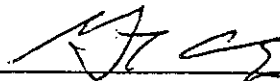
4. **Victim Impact Evidence.** The defendant caused injury, harm, and loss to the victim, the victim's family, and the victim's friends, as demonstrated by the victim's personal characteristics as an individual human being and the impact of the death upon the victim's family. Payne v. Tennessee, 111 S.Ct. 2597, 2608-09 (1991). The United States will present information concerning the effect of the offense on the victim and his family, which may include oral testimony, a victim impact statement that identifies the person named in Counts 10 and 11 of the second superseding indictment as the victim of the offense, and the extent and scope of the injury and loss suffered by the victim, his family, and any other relevant information. The family of the victim has suffered injury harm, and loss, as a result of the victim's death.

5. **Obstruction of Justice.** The defendant committed the offense with the intent to prevent the victim, or to retaliate against the victim, for providing information and assistance to law enforcement authorities in regard to the investigation or prosecution of the commission or possible commission of another offense.

The Government further gives notice that in support of imposition of the death penalty, it intends to rely upon all the evidence admitted by the Court at the guilt phase of the trial and the offenses of conviction as described in the second superseding indictment as they relate to the background and character of the defendant, Bryan Nelson, in his moral culpability, and the nature and circumstances of the offenses charged in the second superseding indictment.

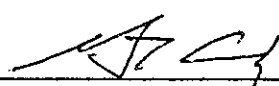
Respectfully submitted,

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**CERTIFICATE OF SERVICE**

I certify that a copy of the foregoing has been served upon John Reed, counsel for the defendant by United States mail on this 1 day of October 2003.

  
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Assistant United States Attorney