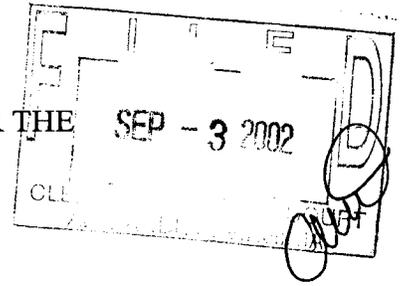


IN THE UNITED STATES DISTRICT COURT FOR THE
EASTERN DISTRICT OF VIRGINIA



UNITED STATES OF AMERICA,)
Plaintiff,)
)
v.)
)
JAY E. LENTZ,)
Defendant.)

Case No. 01-150-A

SUPERSEDING 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 offense charged in Count One of the Superseding Indictment and the Special Findings are such that, in the event of the defendant's 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 this offense: Count One, Kidnaping resulting in the death of Doris Lentz, in violation of 18 U.S.C. 1201(a), which carries a possible sentence of death.

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

COUNT ONE

KIDNAPING RESULTING IN THE DEATH OF DORIS LENTZ

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

1. **Intentional Killing.** The defendant intentionally killed Doris Lentz.

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

130

2. **Intentional Infliction of Serious Bodily Injury.** The defendant intentionally inflicted serious bodily injury that resulted in the death of Doris Lentz. Section 3591(a)(2)(B).

3. **Intentional Acts to Take Life or Use Lethal Force.** The defendant intentionally participated in an act, contemplating that the life of a person would be taken or intending that lethal force would be used in connection with a person, other than one of the participants in the offense, and Doris Lentz died as a direct result of the act. Section 3591(a)(2)(C).

4. **Intentional Acts 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 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 Doris Lentz died as a direct result of the act. Section 3591(a)(2)(D).

B. Statutory Aggravating Factors Enumerated under 18 U.S.C. § 3592(c).

1. **Death During Commission of Another Crime.** The death, or injury resulting in death, occurred during the commission or attempted commission of, or during the immediate flight from or the commission of, an offense under one of the enumerated crimes, namely kidnaping. Section 3592(c)(1).

2. **Pecuniary Gain.** The defendant committed the offense as consideration for the receipt, or in the expectation of the receipt, of anything of pecuniary value, specifically the avoidance of child support and property settlement payments. Section 3592(c)(8).

3. **Substantial Planning and Premeditation.** The defendant committed the offense after substantial planning and premeditation to cause the death of a person. Section 3592(c)(9).

C. Non-statutory Aggravating Factors

1. **Other offenses and threatened offenses.** The defendant committed or threatened to commit other criminal offenses on other occasions, whether or not those prior offenses or threats resulted in any conviction. These criminal offenses and threats include but are not limited to one or more of the following:

- a. 1991 Domestic assault of Doris Lentz, causing bruising on her upper arm and legs;
- b. 1994 Domestic assault and battery of Doris Lentz;
- c. 1995 Threatening and harassing phone calls to Doris Lentz, reported to the police on June 2, 1995, December 4, 1995, and December 14, 1995.

2. **Victim Impact Evidence.** As reflected by the victim's personal characteristics as an individual human being and the impact of the offense on the victim and the victim's family, the defendant caused loss, injury, and harm to the victim and the victim's family. See Payne v. Tennessee, 501 U.S. 808, 825-827 (1991).

Respectfully submitted,

PAUL J. MCNULTY
United States Attorney

By:



STEVEN D. MELLIN

CERTIFICATE OF SERVICE

I hereby certify that on the 3 day of September, 2002, a true and correct copy of the foregoing notice of intent to seek the death penalty was faxed to the following attorneys of record:

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