**IMPORTANT NOTE**: this form should be utilized to 1) provide notice that a capital eligible case cannot be submitted for pre-indictment review due to extenuating circumstances and 2) to provide 45 day status updates leading up to the eventual case submission. USAM 9-10.060.

**United States Department of Justice**

**United States Attorney/Assistant Attorney General**

**District of \_\_\_\_\_\_\_\_\_\_/\_\_\_\_\_\_\_\_ Division**

Date

**NOTICE OF EXTENUATING CIRCUMSTANCES PRECLUDING SUBMISSION**

TO: P. Kevin Carwile

Chief, Capital Case Section

Criminal Division

FROM: [Name]

United States Attorney/Assistant Attorney General

District of \_\_\_\_\_\_\_\_\_/\_\_\_\_\_\_\_\_\_\_\_ Division

[Telephone Number]

[Name of Primary AUSA(s)/Component Attorney(s)]

[Telephone Number(s)]

The United States Attorney for the District of \_\_\_\_\_\_\_\_/Assistant Attorney General, \_\_\_\_\_\_\_\_\_\_ Division hereby provides notice that, due to extenuating circumstances, capital eligible defendant(s) will be/have been charged in the District of \_\_\_\_\_\_\_\_\_\_ prior to submitting their case for capital review.

**CAPITAL ELIGIBLE DEFENDANT(S)**

[Names of all capital eligible defendants]

**BRIEF DESCRIPTION OF FACTS AND CAPITAL ELIGIBLE OFFENSES**

[Brief narrative description of potential capital offense(s)]

**EXTENUATING CIRCUMSTANCES**

[Description of the extenuating circumstances which necessitate filing criminal charges prior to submitting the case for pre-indictment review. USAM 9-10.060]

**TIMETABLE**

[Identify indictment/charging date, any deadline established by the trial court for filing a notice of intent to seek the death penalty and trial date. If there is no deadline for filing a death notice, identify any additional considerations that could impact the time available for the review process. Finally, specify the anticipated date for submitting the case for capital review]

**NOTE: every 45 days after an initial notice is submitted, the United States Attorney/Assistant Attorney General must submit an updated notice setting forth 1) the extenuating circumstances that continue to justify not submitting the case for review, 2) the progress made toward a submission, and 3) the estimated date by which the case will be submitted for capital review. USAM 9-10.060**]

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

[Name]

United States Attorney/Assistant Attorney General

District of \_\_\_\_\_\_\_\_\_\_/\_\_\_\_\_\_\_\_\_\_ Division

Attachment

Indictment or other charging document