

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF TEXAS  
CORPUS CHRISTI DIVISION

United States District Court  
Southern District of Texas  
FILED

JUL 23 2003

Michael N. Milby, Clerk

11:25 AM

UNITED STATES OF AMERICA

vs.

ALFRED BOURGEOIS

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§  
§

CRIMINAL NO. C-02-216-SS

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

COMES NOW the United States of America, pursuant to Title 18 U.S.C., §3593(a), by and through its undersigned attorneys, and notifies the Court and the Defendant, ALFRED BOURGEOIS, in the above-captioned case that the Government believes the circumstances of the offense charged in Count One of the Second Superseding Indictment 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: the premeditated murder of J.G., a female child, in violation of Title 18 U.S.C., Sections 7 and 1111, which carries a possible sentence of death.

The Government proposes to prove the following statutory factors pursuant to Title 18, U.S.C. § 3591(a)(2) and 3592(c) as charged in the Second Superseding Indictment Notice of Special Findings, hereby incorporated by reference, and non-statutory factors pursuant to Title 18, U.S.C. § 3593(a)(2), as justifying a sentence of death.

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COUNT ONE

PHYSICAL ASSAULT RESULTING IN THE DEATH OF J.G., A FEMALE

CHILD

A. Statutory Proportionality Factors Enumerated Under Title 18, U.S.C. , §3591(a),

(2)(A)-(D).

1. **Intentional Killing.** The Defendant, ALFRED BOURGEOIS, intentionally killed J.G., a female child (Title 18, U.S.C. §3591(a)(2)(A)).

2. **Intentional Infliction of Serious Bodily Injury.** The Defendant, ALFRED BOURGEOIS, intentionally inflicted serious bodily injury that resulted in the death of J.G., a female child (Title 18, U.S.C. §3591(a)(2)(B)).

3. **Intentional Act Contemplating the Taking of the Life of Another or Intending Lethal Force.** The Defendant, ALFRED BOURGEOIS, 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 J.G., a female child, died as a direct result of the act (18 U.S.C. §3591(a)(2)(C));

4. **Intentional Act of Violence in Reckless Disregard for Human Life.** The Defendant, ALFRED BOURGEOIS, 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 act, such that participation in the act constituted a reckless disregard for human life and J.G., a female child, died as a direct result of the act (18 U.S.C. §3591(a)(2)(D)).

B Statutory Aggravating Factors Enumerated Under Title 18 U.S.C., §3592(c).

1. **Heinous, Cruel, or Depraved Manner of Committing the Offense.** The Defendant, ALFRED BOURGEOIS, committed the offense in an especially heinous, cruel, or depraved manner in that it involved torture and serious physical abuse to J.G., a female child (Title 18, U.S.C. §3592(c)(6)).

2. **Substantial Planning and Premeditation.** The Defendant, ALFRED BOURGEOIS, committed the offense after substantial planning and premeditation to cause the death of J.G., a female child (Title 18, U.S.C. §3592(c)(9)).

3. **Vulnerability of Victim.** The victim, J.G., a female child, was particularly vulnerable due to her youth (Title 18, U.S.C. § 3592(c)(11)).

C. Other, Non-Statutory, Aggravating Factors Identified Under Title 18 U.S.C., §3593(a)(2).

1. **Future Dangerousness of the Defendant.** The Defendant, ALFRED BOURGEOIS, 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 others.

Simmons v. South Carolina, 114 S.Ct. 2187, 2193 (1994). In addition to the capital offense charges in Count I of the Second Superseding Indictment and the statutory and non-statutory aggravating factors alleged in this Notice, the Defendant has threatened others with violence, has demonstrated low rehabilitative potential, and/or has demonstrated lack of remorse.

2. **Victim Impact Evidence.** The Defendant, ALFRED BOURGEOIS, caused injury, harm and loss to the family of J.G. because of the victim's personal characteristics as an individual human being and the impact of the death upon the

victim's family. Payne v. Tennessee, 111S.Ct. 2597, 2608-09 (1991). The murder of J.G. has caused the victim's family extreme emotional suffering, and the victim's family has suffered severe and irreparable harm.

Respectfully submitted,

MICHAEL T. SHELBY  
UNITED STATES ATTORNEY

By: *Patti Hubert Booth*  
PATTI HUBERT BOOTH  
Assistant United States Attorney

By: *Elsa Salinas-Patterson*  
ELSA SALINAS PATTERSON  
Assistant United States Attorney

**CERTIFICATE OF SERVICE**

Patti Hubert Booth, Assistant United States Attorney and Elsa Salinas Patterson, Assistant United States Attorney, do hereby certify that a true and correct copy of the above and foregoing has been served by placing same in the United States mail, postage prepaid, on this day, July 23, 2003, addressed to John Gilmore and Douglas Tinker, counsel for the Defendant.

*Patti Hubert Booth*

PATTI HUBERT BOOTH  
Assistant United States Attorney

*Elsa Salinas Patterson*

ELSA SALINAS PATTERSON  
Assistant United States Attorney

TRUE COPY I CERTIFY  
ATTEST: MAY 21 2004  
MICHAEL N. MILBY, Clerk  
By *Michael N. Milby*  
Deputy Clerk