

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF KANSAS

FILED  
U.S. DISTRICT COURT  
DISTRICT OF KANSAS

JUN 1 2 02 PM '95

RALPH L. DELOACH  
CLERK  
BY \_\_\_\_\_, DEPUTY  
AT WICHITA, KS.

UNITED STATES OF AMERICA, )  
 )  
Plaintiff, )  
 )  
v. )  
 )  
BOUNTAEM CHANTHADARA, )  
a/k/a "Taem" )  
 )  
Defendant. )

Case No. 94-10128-01

NOTICE OF INTENT TO SEEK 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, the defendant BOUNTAEM CHANTHADARA, and the defendant's counsel, that in the event this defendant is convicted of the murder of Barbara Sun, in violation of Title 18, United States Code § 924(i)(1) and Title 18, United States Code § 924(c)(1), the United States will seek the sentence of death for BOUNTAEM CHANTHADARA.

I.

The United States of America believes that the circumstances of the instant offense of causing a death with a firearm during the commission of a robbery are such that, if the defendant, BOUNTAEM CHANTHADARA, is convicted, a sentence of death is justified under Title 18, United States Code, Sections 3591(a), 3592(a) and 3592(c).

## II.

The United States will prove, at a hearing held pursuant to Title 18, United States Code § 3593, that:

a. The defendant, BOUNTAEM CHANTHADARA, did intentionally kill Barbara Sun;

b. The defendant, BOUNTAEM CHANTHADARA, did intentionally inflict serious bodily injury that resulted in the death of Barbara Sun;

c. The defendant, BOUNTAEM CHANTHADARA, did intentionally participate 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 Barbara Sun died as a direct result of the act;

d. The defendant, BOUNTAEM CHANTHADARA, did intentionally and specifically participate 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 Barbara Sun died as a direct result of the act.

## III.

Aggravating Factors Enumerated Under Title 18, United States Code § 3592(c):

As the basis for the imposition of the death penalty against BOUNTAEM CHANTHADARA, the United States will seek to prove the aggravating factors listed below.

1. The defendant committed the offense in an especially heinous, cruel or depraved manner in that it included torture or serious physical abuse to Barbara Sun (18 U.S.C. § 3592(c)(6));

2. The defendant committed the offense in expectation of the receipt of something of pecuniary value (18 U.S.C. § 3592(c)(8)).

#### IV.

##### Other Aggravating Factors:

The United States will prove the following additional aggravating factors to justify a sentence of death:

1. The defendant, BOUNTAEM CHANTHADARA, did intentionally kill Barbara Sun;

2. The defendant, BOUNTAEM CHANTHADARA, did intentionally inflict serious bodily injury that resulted in the death of Barbara Sun;

3. The defendant, BOUNTAEM CHANTHADARA, did intentionally participate 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 Barbara Sun died as a direct result of the act;

4. The defendant, BOUNTAEM CHANTHADARA, did intentionally and specifically participate 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 Barbara Sun died as a direct result of the act.

5. The defendant has a lack of remorse for his participation in the murder of Barbara Sun;

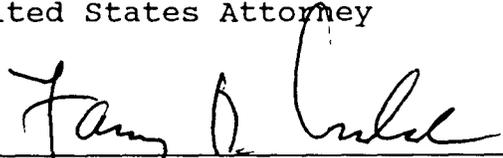
6. The defendant represents a continuing danger to the lives and safety of others in the future as is evidenced by his past criminal conduct which was escalating in severity;

7. The defendant caused permanent harm to the family of Barbara Sun by her murder which was committed in close proximity to her husband and two daughters;

8. The defendant has a low potential for rehabilitation;

Respectfully submitted,

RANDALL K. RATHBUN  
United States Attorney



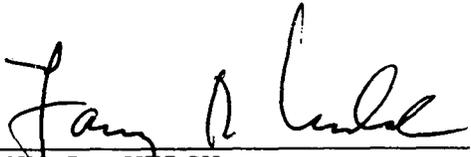
---

LANNY D. WELCH  
Assistant U.S. Attorney  
1200 Epic Center  
301 N. Main  
Wichita, Kansas 67202  
Ks.S.Ct. # 13267

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true and correct copy of the Government's Notice of Intent to Seek the Death Penalty was mailed, postage prepaid, on this 1st day of June, 1995 to:

Greg Lower  
Attorney for Defendant Chanthadara  
142 N. Mosley, 2nd Floor  
Wichita, Kansas 67202

  
\_\_\_\_\_  
LANNY D. WELCH  
Asst. U.S. Attorney