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U.S. DISTRICT COURT
DISTRICT OF VERMONT
FILED

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF VERMONT

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UNITED STATES OF AMERICA)	
)	
v.)	Crim. No. 2:01CR12-01
)	
DONALD FELL)	

NOTICE OF INTENT TO SEEK DEATH PENALTY

The United States of America, by and through its attorney, Peter W. Hall, United States Attorney for the District of Vermont, notifies the defendant Donald Fell, the Court and defendant's counsel that, in the event the defendant is convicted under Counts 1 and/or 2 of the indictment, relating to the death of Teresca King, the United States will seek the sentence of death.

The Government believes that the circumstances are such that if the defendant is convicted of either of those offenses, a sentence of death is justified. At a death penalty hearing, the Government will prove the threshold culpability factors and aggravating factors listed below.

I. Threshold Culpability Factors Enumerated Under 18 U.S.C. § 3591(a)(2)

1. The defendant intentionally killed Teresca King (18 U.S.C. § 3591(a)(2)(A)). This factor applies to both Counts 1 and 2.

2. The defendant intentionally inflicted serious bodily injury that resulted in the death of Teresca King (18 U.S.C. §

3591(a)(2)(B)). This factor applies to both Counts 1 and 2.

3. The defendant intentionally participated in one or more acts, 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 a participant in the offense, and Teresca King died as a direct result of such act or acts (18 U.S.C. § 3591(a)(2)(C)). This factor applies to both Counts 1 and 2.

4. The defendant intentionally and specifically engaged in one or more acts of violence, knowing that the act or acts created a grave risk of death to a person, other than one of the participants in the offense, such that participation in such act or acts constituted a reckless disregard for human life, and Teresca King died as a direct result of such act or acts (18 U.S.C. § 3591(a)(2)(D)). This factor applies to both Counts 1 and 2.

II. Aggravating Factors Enumerated Under 18 U.S.C. § 3592(c)(1) Through (6)

1. The death of Teresca King occurred during the commission of a violation of 18 U.S.C. § 1201 (kidnapping) (18 U.S.C. § 3592(c)(1)). This factor applies to both Counts 1 and 2.

2. The defendant committed the offense in an especially heinous, cruel, or depraved manner in that it involved serious physical abuse to Teresca King (18 U.S.C. § 3592(c)(6)). This factor applies to both Counts 1 and 2.

3. The defendant intentionally killed or attempted to kill more than one person in a single criminal episode (18 U.S.C. § 3592(c)(16)). This factor applies to both Counts 1 and 2.

III. Other Aggravating Factors Identified Under 18 U.S.C. § 3593(a)

1. Donald Fell participated in the abduction of Teresca King to facilitate his escape from the area in which he and an accomplice had committed a double murder. This factor applies to both Counts 1 and 2.

2. Donald Fell participated in the murder of Teresca King to prevent her from reporting the kidnapping and carjacking to authorities. This factor applies to both Counts 1 and 2.

3. Donald Fell participated in the murder of Teresca King after substantial premeditation to commit the crime of carjacking. This factor applies to both Counts 1 and 2.

4. 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, 825-27 (1991), including but not limited to the following:

(a) Infliction of distress on the victim. During the four-hour interval between her kidnapping and murder, Teresca King suffered extreme anxiety and emotional suffering.

(b) Impact of the offense on the family of the victim. The kidnapping and murder of Teresca King have caused the King family extreme emotional suffering, and the victim's family has suffered severe and irreparable harm.

This factor, non-statutory aggravating factor number 4, applies to both Counts 1 and 2.

Dated at Burlington, in the District of Vermont, this 30th day of January, 2002.

Respectfully submitted,

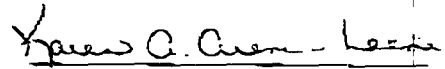
UNITED STATES OF AMERICA



PETER W. HALL
United States Attorney

CERTIFICATE OF SERVICE

I, Karen A. Arena-Leene, Legal Secretary for the United States Attorney's Office for the District of Vermont, do hereby certify that I have served a copy of the foregoing NOTICE OF INTENT TO SEEK DEATH PENALTY on the Defendant by mailing a copy thereof to Alexander Bunin, Federal Public Defender and Gene V. Primomo, Assistant Federal Public Defender, 39 North Pearl Street, 5th Floor, Albany, New York 12207, counsel for defendant, this 30th day of January, 2002.



KAREN A. ARENA-LEENE
Legal Secretary
U.S. Attorney's Office
P.O. Box 570
Burlington, VT 05402

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF VERMONT

UNITED STATES OF AMERICA

v.

)Crim. No. 2:01CR12-01

DONALD FELL

SUPPLEMENTAL NOTICE OF INTENT TO SEEK DEATH PENALTY

The United States of America, **by** and through its attorney, Peter W. Hall, United States Attorney for the District of Vermont, notifies the defendant Donald Fell, the Court and defendant's counsel that, in the event the defendant is convicted under Counts 1 and/or 2 of the Superseding Indictment, relating to the death of Teresca King, the United States will seek the sentence of death.

The Government believes that the circumstances are such that if the defendant is convicted of either of those offenses, a sentence of death is justified. At a death penalty hearing, the Government will prove the threshold culpability factors and statutory aggravating factors as set forth in the Superseding Indictment. In addition, the Government will prove the following aggravating factors identified under 18 U.S.C. § 3593 (a)

1. Donald Fell participated in the abduction of Teresca King to facilitate his escape from the area in which he and an accomplice had committed a double murder. This factor applies to both Counts 1 and 2.

2. Donald Fell participated in the murder of Teresca King to prevent her from reporting the kidnapping and carjacking to authorities. This factor applies to both Counts 1 and 2.

3. Donald Fell participated in the murder of Teresca King after substantial premeditation to commit the crime of carjacking. This factor applies to both Counts 1 and 2.

4. 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, 825-27 (1991), including but not limited to the following:

(a) Infliction of distress on the victim. During the four-hour interval between her kidnapping and murder, Teresca King suffered extreme anxiety and emotional suffering.

(b) Impact of the offense on the family of the victim. The kidnapping and murder of Teresca King have caused the King family extreme emotional suffering, and the victim's family has suffered severe and irreparable harm.

This factor, non-statutory aggravating factor number 4, applies to both Counts 1 and 2.

Dated at Burlington, in the District of Vermont, this 8th. day of July,
2002.

Respectfully submitted,
UNITED STATES OF AMERICA

PETER W. HALL
United States Attorney

CERTIFICATE OF SERVICE

I, JeanineM. W. Blais, Secretary to the U.S. Attorney and the Criminal Chief for the United States Attorney's Office for the District of Vermont, do hereby certify that I have served a copy of the foregoing SUPPLEMENTAL NOTICE OF INTENT TO SEEK DEATH PENALTY on the Defendant by mailing a copy thereof to Alexander Bunin, Federal Public Defender and Gene V. Primomo, Assistant Federal Public Defender at 39 North Pearl Street, 5th Floor, Albany, New York 12207 and Paul S. Volk, P.O. Box 8, Burlington, VT 05402-0465; counsel for the defendant, this 8th day of July, 2002.

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JEANNE M.W. BLAIS
Secy. to USA & Criminal Chief
U.S. Attorney's Office
P.O. Box 570
Burlington, VT 05402