

ORIGINAL FILED

IN THE UNITED STATES DISTRICT COURT SEP 12 2003
FOR THE DISTRICT OF SOUTH CAROLINA
FLORENCE DIVISION

LARRY W. PROPPS, CLERK
COLUMBIA, SC

UNITED STATES OF AMERICA)	CRIMINAL NO. 4:02-992
)	
v.)	
)	
CHADRICK EVAN FULKS,)	
)	
Defendant.)	
_____)	

**NOTICE OF INTENT TO SEEK DEATH PENALTY AS TO
DEFENDANT CHADRICK EVAN FULKS**

The United States of America hereby notifies the Court and the defendant, **CHADRICK EVAN FULKS**, and his counsel, under Chapter 228 (Sections 3591-3598) of Title 18, United States Code, that if the defendant is convicted on either Count One or Count Two of the Superseding Indictment, wherein the defendant is charged respectively with carjacking resulting in death in violation of Title 18, United States Code, Sections 2119 and 2, and kidnapping resulting in death in violation of Title 18, United States Code, Sections 1201(a)(1) and 2, the government will seek the sentence of death for **CHADRICK EVAN FULKS** as to each offense.

As required by 18 U.S.C. §§3593(a), (d), and (e) for Counts One and Two of the Superseding Indictment, the United States will introduce evidence establishing beyond a reasonable doubt:

- a. One or more of the statutory proportionality factors set forth by 18 U.S.C.

§3591(a)(2)(A-D), and

b. One or more of the statutory aggravating factors set forth by 18 U.S.C. §§3592(c)(1)-(16).

As permitted by 18 U.S.C. §§3593(a) and (d), the United States will also seek to prove certain non-statutory aggravating factors set forth in this notice. The United States believes that the circumstances of each charged offense are such that, if **CHADRICK EVAN FULKS** is convicted, a sentence of death is justified under Chapter 228 of Title 18 of the United States Code.

The United States will seek to prove the following factors as justifying a sentence of death as to Counts One and Two of the Superseding Indictment.

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

1. **Intentional Killing.** **CHADRICK EVAN FULKS**, intentionally killed Alice Donovan [Title 18, United States Code, Section 3591(a)(2)(A)];

2. **Intentional Infliction of Serious Bodily Injury.** **CHADRICK EVAN FULKS**, intentionally inflicted serious bodily injury that resulted in the death of Alice Donovan [Title 18, United States Code, Section 3591(a)(2)(B)];

3. **Intentional Act to Take Life or Use Lethal Force.** **CHADRICK EVAN FULKS**, intentionally participated in an act, contemplating that the life of Alice Donovan would be taken and intending that lethal force would be used in connection with Alice Donovan, who was not one of the participants in the offense, and Alice Donovan died as

a direct result of the act [Title 18, United States Code, Section 3591(a)(2)(C)];

4. Intentional Act in Reckless Disregard for Life. CHADRICK EVAN FULKS, intentionally and specifically engaged in an act of violence, knowing that the act created a grave risk of death to Alice Donovan, who was not one of the participants in the offense, such that participation in the act constituted a reckless disregard for human life, and Alice Donovan died as a direct result of the act [Title 18, United States Code, Section 3591(a)(2)(D)].

II. Statutory Aggravating Factors under 18 U.S.C. § 3592(c)(1)-(16):

1. Death During the Commission of Another Crime. The death of Alice Donovan, and the injury resulting in the death of Alice Donovan, occurred during **CHADRICK EVAN FULKS'** commission and attempted commission of, and during his immediate flight from his commission of, an offense under Title 18, United States Code, Section 1201 (Kidnapping) [Title 18, United States Code, Section 3592(c)(1)].

2. Pecuniary Gain. **CHADRICK EVAN FULKS**, committed the killing of Alice Donovan as consideration for the receipt, and in the expectation of the receipt, of something of pecuniary value [Title 18, United States Code, Section 3592(c)(8)].

III. Non-Statutory Factors Under 18 U.S.C. §3593(a) and (c):

A. Participation in Additional Uncharged Murders, Attempted Murders, or Other Serious Acts of Violence.

1. **CHADRICK EVAN FULKS** escaped from a detention facility in Hopkins County, Kentucky on November 4, 2002, where he was awaiting trial on several serious charges.
2. **CHADRICK EVAN FULKS**, subsequent to his escape, participated in a carjacking and kidnapping that resulted in the death of Samantha Burns, a 19 year old woman in Huntington, West Virginia.
3. **CHADRICK EVAN FULKS**, subsequent to his escape, participated in a burglary and other criminal conduct that resulted in the attempted murder of Carl Jordan, a citizen in Conway, South Carolina.
4. **CHADRICK EVAN FULKS**, subsequent to his escape, participated in the kidnapping and carjacking of James Hawkins, a citizen in Hanson, Kentucky.
5. **CHADRICK EVAN FULKS**, subsequent to his escape, participated in a high-speed vehicle chase that resulted in endangering the lives and safety of officers of the Ohio State Police.

B. Future Dangerousness. **CHADRICK EVAN FULKS**, is likely to commit in the future criminal acts of violence that would be a continuing and serious threat to the lives and safety of other persons, including, but not limited to, inmates and correctional officers in an institutional correctional setting, as evidenced by the offenses charged in the Superseding Indictment and the statutory and non-statutory aggravating factors alleged in this Notice. Simmons v. South Carolina, 114 S.Ct. 2187, 2193

(1994). In addition to the capital offenses charged in Counts One and Two in the Superseding Indictment and the statutory and non-statutory aggravating factors alleged in this notice, the circumstances that demonstrate the defendant's future dangerousness include:

1. **CHADRICK EVAN FULKS** had previously escaped from a detention facility prior to his escape from the Hopkins County Jail on November 4, 2002 and he will continue to present an escape risk.

2. **CHADRICK EVAN FULKS** has engaged in a continuous pattern of violence throughout his adult life (some acts of violence have been adjudicated and other conduct has not been non-adjudicated); and he has specifically admitted to numerous acts of violence after his escape from jail on November 4, 2002.

3. **CHADRICK EVAN FULKS** has failed to adapt his behavior to societal norms, thereby demonstrating a significantly low rehabilitative potential.

4. **CHADRICK EVAN FULKS** has demonstrated a lack of remorse for his criminal conduct.

5. **CHADRICK EVAN FULKS**, subsequent to his escape, continuously participated in the use of illegal drugs (to include the smoking of crack cocaine) and alcohol during the course of his criminal conduct including prior to and after the killing of both Samantha Burns and Alice Donovan.

C. **Victim Impact Evidence.** The defendant, **CHADRICK EVAN**

FULKS, caused injury, harm and loss to Alice Donovan, Alice Donovan's family, and Alice Donovan's friends and co-workers as demonstrated by Alice Donovan's personal characteristics as an individual human being and the impact of the death upon Alice Donovan's family. Payne v. Tennessee, 111 S.Ct. 2597, 2608-09 (1991). The United States will present information concerning the effect of the offenses on Alice Donovan and her family, which will include evidence and testimony that describes in detail the extent and scope of the injury and loss suffered by Alice Donovan, her family, and any other relevant information. The family of Alice Donovan has suffered injury, harm and loss, as a result of Alice's death, including but not limited to one or more of the following:


1. **CHADRICK EVAN FULKS** engaged in a series of lies and deceit during law enforcement's initial efforts to locate Alice Donovan's body which resulted in obstructing the search efforts and gave Alice Donovan's family a false sense of hope during a period of intense despair.
2. **CHADRICK EVAN FULKS** engaged in a premeditated plan to dispose of Alice Donovan's body in such a manner that recovery of the remains has not been achieved. This action by the defendant, **CHADRICK EVAN FULKS**, has caused significant emotional and psychological pain to Alice Donovan's family beyond the expected grief associated in homicide cases and has caused a tremendous burden on law enforcement which has expended a large amount of time and resources in the search

efforts.

3. **CHADRICK EVAN FULKS** committed a sexual assault upon Alice Donovan prior to her death. The evidence of this most egregious act of violence against Alice Donovan not only will be offered to demonstrate the impact on her as a human being, but also to explain the emotionally devastating impact this act has had on Alice's husband, her mother, her daughters, and those that were closest to her.

The United States further gives notice that in support of imposition of the death penalty, it intends to rely upon all the evidence admitted by the Court at the guilt phase of the trial and the offenses of conviction as described in the Superseding Indictment as they relate to the background and character of **CHADRICK EVAN FULKS**, his moral culpability, and the nature and circumstances of the offenses charged in the Superseding Indictment.

Respectfully submitted,


J. STROM THURMOND, JR.
UNITED STATES ATTORNEY

September 12, 2003

IN THE UNITED STATES DISTRICT COURT
DISTRICT OF SOUTH CAROLINA
FLORENCE DIVISION

UNITED STATES OF AMERICA)	CRIMINAL NO. 4:02-992-17
)	
)	
v.)	
)	
CHADRICK EVAN FULKS)	
)	
Defendants.)	

CERTIFICATE OF SERVICE BY FAX & MAIL

The undersigned hereby certifies that she is an employee in the Office of the United States Attorney for the District of South Carolina and is a person of such age and discretion as to be competent to serve papers.

That on September 12, 2003, she served copies of the attached

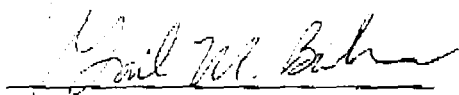
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by placing said copies in a postpaid envelope addressed to the person(s) hereinafter named, at the place(s) and address(es), and by depositing said envelope and contents in the United States Mail at U.S. Attorney's Office, 1441 Main Street, Suite 500, Columbia, SC 29201 and by fax to the fax numbers listed below:

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GAIL M. BAKER
Legal Secretary