

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
GREENVILLE DIVISION

UNITED STATES OF AMERICA)	CRIMINAL NO. 6:05-1227
)	
v.)	
)	
ERIC PRESTON HANS,)	
)	
Defendant.)	
_____)	

**NOTICE OF INTENT TO SEEK DEATH PENALTY AS TO
DEFENDANT ERIC PRESTON HANS**

The United States of America hereby notifies the Court and the defendant.

ERIC PRESTON HANS, and his counsel, under Chapter 228 (Sections 3591-3598) of Title 18, United States Code, that if the defendant is convicted on Count One of the Indictment, wherein the defendant is charged with Destruction of Property Affecting Interstate Commerce by Explosives Resulting in Death in violation of Title 18, United States Code, Section 844(i), the government will seek the sentence of death for **ERIC PRESTON HANS**.

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

- a. At the time of the offense alleged in Count 1, the Defendant, **ERIC PRESTON HANS**, was eighteen (18) years of age or older. Title 18, United States Code, Section 3591 (a);
- b. One or more of the statutory proportionality factors set forth by 18 U.S.C. §3591(a)(2)(A-D), and
- c. 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

6:05-cr-01227-HMH Date Filed 08/01/2006 Entry Number 24 Page 2 of 6

certain non-statutory aggravating factors set forth in this notice. The United States believes that the circumstances of the charged offense is such that, if **ERIC PRESTON HANS** 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 Count One of the Indictment.

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

1. Intentional Killing. **ERIC PRESTON HANS**, intentionally killed Melba Lashawn Canty [Title 18, United States Code, Section 3591(a)(2)(A)];

2. Intentional Infliction of Serious Bodily Injury. **ERIC PRESTON HANS**, intentionally inflicted serious bodily injury that resulted in the death of Melba Lashawn Canty [Title 18, United States Code, Section 3591(a)(2)(B)];

3. Intentional Act to Take Life or Use Lethal Force. **ERIC PRESTON HANS**, intentionally participated in an act, contemplating that the life of a person would be taken and intending that lethal force would be used in connection with a person, who was not one of the participants in the offense, and Allison Lorraine Barfield, Melba Lashawn Canty, Jaden Demarion Cromer, Matthew Greene, Jessica Lane Hamby, and Donna Lea Swaim 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. **ERIC PRESTON HANS**, intentionally and specifically engaged in an act of violence, knowing that the act created a grave risk of death to a person, who was not one of the participants in the offense, such that

6:05-cr-01227-HMH Date Filed 08/01/2006 Entry Number 24 Page 3 of 6

participation in the act constituted a reckless disregard for human life, and Allison Lorraine Barfield, Melba Lashawn Canty, Jaden Demarion Cromer, Matthew Greene, Jessica Lane Hamby, and Donna Lea Swaim 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 deaths of Allison Lorraine Barfield, Melba Lashawn Canty, Jaden Demarion Cromer, Matthew Greene, Jessica Lane Hamby, and Donna Lea Swaim and the injuries resulting in the deaths of Allison Lorraine Barfield, Melba Lashawn Canty, Jaden Demarion Cromer, Matthew Greene, Jessica Lane Hamby, and Donna Lea Swaim occurred during **ERIC PRESTON HANS'** commission and attempted commission of, and during his immediate flight from his commission of, an offense under Title 18, United States Code, Section 844(i) (Destruction of Property Affecting Interstate Commerce by Explosives) [Title 18, United States Code, Section 3592(c)(1)].

2. Grave Risk of Death to Additional Persons. **ERIC PRESTON HANS'** commission of the offense, and his escaping of apprehension for the violation of the offense, knowingly created a grave risk of death to 1 or more persons in addition to the victims of the offense [Title 18, United States Code, Section 3592(c)(5)].

3. Substantial Planning and Premeditation. **ERIC PRESTON HANS** committed the offense after substantial planning and premeditation to cause the death of a person or persons [Title 18, United States Code, Section 3592(c)(9)]

6:05-cr-01227-HMH Date Filed 08/01/2006 Entry Number 24 Page 4 of 6

4. **Vulnerability of Victim.** The victim, Jaden Demarron Cromer, was particularly vulnerable due to his youthful age (16 months old) [Title 18, United States Code, Section 3592(c)(11)].

5. **Multiple Killings or Attempted Killings.** ERIC PRESTON HANS intentionally killed and attempted to kill more than one person in a single criminal episode [Title 18, United States Code, Section 3592(c)(16)].

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.** The defendant, ERIC PRESTON HANS, attempted to kill and commit seriously bodily injury against thirty-nine other guests not named in Count One of the Indictment that were staying at The Comfort Inn and Suites in Greenville, South Carolina on or about January 25, 2004.

B. **Future Dangerousness.** ERIC PRESTON HANS 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 offense charged in the 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 offense charged in Count One in the Indictment and the statutory and non-statutory aggravating factors alleged in this notice, the circumstances that demonstrate the defendant's future dangerousness include:

1. ERIC PRESTON HANS has engaged in a continuous pattern of violence

6:05-cr-01227-HMH Date Filed 08/01/2006 Entry Number 24 Page 5 of 6

throughout his juvenile and adult life (some acts of violence have been adjudicated and other conduct has not been non-adjudicated).

2. **ERIC PRESTON HANS** has failed to adapt his behavior to societal norms, thereby demonstrating a significantly low rehabilitative potential.

3. **ERIC PRESTON HANS** has demonstrated a lack of remorse for his criminal conduct.

C. Victim Impact Evidence. The defendant, **ERIC PRESTON HANS**, caused injury, harm and loss to Allison Lorraine Barfield, Melba Lashawn Canty, Jaden Demarion Cromer, Matthew Greene, Jessica Lane Hamby, and Donna Lea Swaim, their families, and their friends and co-workers as demonstrated by Allison Lorraine Barfield's, Melba Lashawn Canty's, Jaden Demarion Cromer's, Matthew Greene's, Jessica Lane Hamby's, and Donna Lea Swaim's personal characteristics as individual human beings and the impact of the death upon Allison Lorraine Barfield's, Melba Lashawn Canty's, Jaden Demarion Cromer's, Matthew Greene's, Jessica Lane Hamby's, and Donna Lea Swaim's families. Payne v. Tennessee, 111 S.Ct. 2597, 2608-09 (1991). The United States will present information concerning the effect of the offense on Allison Lorraine Barfield, Melba Lashawn Canty, Jaden Demarion Cromer, Matthew Greene, Jessica Lane Hamby, and Donna Lea Swaim and their families, which will include evidence and testimony that describes in detail the extent and scope of the injury and loss suffered by Allison Lorraine Barfield, Melba Lashawn Canty, Jaden Demarion Cromer, Matthew Greene, Jessica Lane Hamby, and Donna Lea Swaim, their families, and any other relevant information. The families of Allison Lorraine Barfield, Melba Lashawn Canty, Jaden Demarion Cromer, Matthew Greene, Jessica Lane Hamby, and Donna Lea Swaim have suffered injury, harm and loss, as a

6:05-cr-01227-HMH Date Filed 08/01/2006 Entry Number 24 Page 6 of 6

result of Allison's, Melba's, Jaden's, Matthew's, Jessica's, and Donna's deaths.

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 offense of conviction as described in the Indictment as it relates to the background and character of **ERIC PRESTON HANS**, his moral culpability, and the nature and circumstances of the offense charged in the Indictment.

Respectfully submitted,

s/ Reginald I. Lloyd
REGINALD I. LLOYD
UNITED STATES ATTORNEY

July 31, 2006