

**IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF MISSOURI
SOUTHERN DIVISION**

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	
)	
v.)	No. 10-03090-01-CR-S-DGK
)	
ULYSSES JONES, Jr.,)	
)	
Defendant.)	

NOTICE OF INTENT TO SEEK THE DEATH PENALTY

COMES NOW the United States of America, by David M. Ketchmark, Acting United States Attorney, and Gary Milligan, Assistant United States Attorney, both for the Western District of Missouri, and pursuant to Title 18, United States Code, Section 3593(a), files this Notice of Intent to Seek the Death Penalty, notifying the Court and the defendant that in the event the defendant is convicted of one of the offenses of murder as alleged in the Indictment returned in this case on October 3, 2012, the government believes a sentence of death is justified, and the government will seek a sentence of death.

If the defendant is convicted, the government intends to prove the following aggravating factors as the basis for imposition of the death penalty.

A. Statutory Factors Enumerated under Title 18, U.S.C., Section 3591

1. ULYSSES JONES, Jr. was 18 years of age or older at the time of the offense. [18 U.S.C. § 3591(a).]

2. ULYSSES JONES, Jr. intentionally killed Timothy Baker. [18 U.S.C. § 3591(a)(2)(A).]

3. ULYSSES JONES, Jr. intentionally inflicted serious bodily injury that resulted in the death of Timothy Baker. [18 U.S.C. § 3591(a)(2)(B).]

4. ULYSSES JONES, Jr. 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 a participant in the offense, and Timothy Baker died as a direct result of the act. [18 U.S.C. § 3591(a)(2)(C).]

5. ULYSSES JONES, Jr. 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 offense, such that participation in the act constituted a reckless disregard for human life and Timothy Baker died as a direct result of the act. [18 U.S.C. § 3591(a)(2)(D).]

B. Statutory Factors Enumerated under Title 18, U.S.C., Section 3592(c)

1. The death or injuries resulting in the death of Timothy Baker, occurred during the commission or attempted commission, of the offense of murder by a prisoner serving a life term, in violation of 18 U.S.C., § 1118. [18 U.S.C. § 3592(c)(1).]

2. ULYSSES JONES, Jr. has previously been convicted of a Federal or State offense punishable by a term of imprisonment of more than 1 year, involving the use or attempted or threatened use of a firearm against another person. [18 U.S.C. § 3592(c)(2).]

3. ULYSSES JONES, Jr. has previously been convicted of another Federal or State offense resulting in the death of a person, for which a sentence of life imprisonment or a sentence of death was authorized by statute. [18 U.S.C. § 3592(c)(3).]

4. ULYSSES JONES, Jr. has previously been convicted of 2 or more Federal or State offenses punishable by a term of imprisonment of more than 1 year, committed on different

occasions, involving the infliction of, or attempted infliction of, serious bodily injury or death upon another person. [18 U.S.C. § 3592(c)(4).]

5. ULYSSES JONES, Jr., in the commission of the offense, or in escaping apprehension for the violation of the offense, knowingly created a grave risk of death to 1 or more persons in addition to the victim of the offense, that is R.R. [18 U.S.C. § 3592(c)(5).]

6. ULYSSES JONES, Jr. committed the offense after substantial planning and premeditation to cause the death of Timothy Baker. [18 U.S.C. § 3592(c)(9).]

7. The victim, Timothy Baker, was particularly vulnerable due to infirmity, in this case, the victim was sleeping when attacked and was taking sleeping medication. [18 U.S.C. § 3592(c)(11).]

8. The defendant intentionally attempted to kill more than one person in this same criminal episode, by stabbing R.R. multiple times after stabbing Timothy Baker to death. [18 U.S.C. § 3592(c)(16).]

B. Non-Statutory Factors Enumerated under Title 18, U.S.C., Section 3593(a)

1. Victim Impact Evidence. The offense caused injury, loss and harm because of victim Timothy Baker's personal characteristics as an individual human being and the impact of the death upon Timothy Baker's family.

Respectfully submitted,

DAVID M. KETCHMARK
Acting United States Attorney

By /s/ Gary K. Milligan
Gary K. Milligan, DC Bar #484813
Assistant United States Attorney
901 St. Louis Street, Suite 500
Springfield, Missouri 65806-2511

Certificate of Service

The undersigned hereby certifies that a copy of the foregoing was delivered on October 4, 2012, to the CM-ECF system of the United States District Court for the Western District of Missouri for electronic delivery to all counsel of record.

/s/ Gary K. Milligan

Gary K. Milligan

Assistant United States Attorney