

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF OHIO  
EASTERN DIVISION

UNITED STATES OF AMERICA            )  
                                          )  
                  v.                        ) Criminal No. CR2-05-011  
                                          )  
DARYL M. LAWRENCE                    )

**NOTICE OF INTENT TO SEEK THE DEATH PENALTY**

NOW comes the United States of America, pursuant to 18 U.S.C. §3593(a), by and through its undersigned counsel, and notifies the Court and the defendant in the above-captioned case that the Government believes the circumstances involved in the offenses charged in Counts 7 and 8 of the Indictment are such that, in the event of the defendant's conviction on those Counts, a sentence of death is justified under Chapter 228 (Sections 3591 through 3598) of Title 18 of the United States Code, and that the Government will seek the sentence of death for these offenses: Bank Robbery, resulting in death, in violation of 18 U.S.C. §§2113(a), (d) and (e); and Use, Carry, Brandish and Discharge a Firearm During and in Relation to a Crime of Violence, resulting in death, in violation of 18 U.S.C. §§924(c) and 924(j)(1).

**COUNTS SEVEN AND EIGHT**

The Government believes that the evidence will support submission of the following factors to the jury justifying a sentence of death as these factors relate to Count 7 and 8 of the Indictment:

A. Statutory Proportionality Factors Enumerated under 18 U.S.C. §3591(a)(2).

1. **Intentional Killing.** The defendant intentionally killed Columbus Police Officer Bryan Hurst. (18 U.S.C. §3591(a)(2)(A)).

2. **Intentional Infliction of Serious Bodily Injury.** The defendant intentionally inflicted serious bodily injury that resulted in the death of Officer Bryan Hurst. (18 U.S.C. §3591(a)(2)(B)).

3. **Intentional Participation in an Act, Contemplating Life Would Be Taken.** The defendant 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 one of the participants in the offense, and Officer Bryan Hurst died as a direct result of that act. (18 U.S.C. §3591(a)(2)(C));

4. **Intentional and Specific Engagement in an Act of Violence.** The defendant 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 Officer Bryan Hurst died as a direct result of the act. (18 U.S.C. §3591(a)(2)(D)).

B. Statutory Aggravating Factors Enumerated under 18 U.S.C. §3592(c).

1. **Grave Risk of Death to Additional Persons.** The defendant, during the commission of the offense, or in escaping apprehension for the violation of the offense, knowingly created a grave risk of death to one or more persons in addition to the victim of the offense (18 U.S.C. §3592(c)(5)).

2. **Pecuniary Gain.** The defendant committed the offense in the expectation of receipt, of anything of pecuniary value (18 U.S.C. §3592(c)(8)).

C. Other Non-Statutory Aggravating Factors Identified Under 18 U.S.C. §§ 3593(a)(2) & 3592(c).

1. **Contemporaneous Findings of Guilt.** The defendant has also been charged in this indictment with three additional counts of armed bank robbery. All of these bank robberies took place within a year of the capital offences. All of these bank robberies, including the capital bank robbery, involved a firearm, a mask and threats to victims.

2. **Victim Impact Evidence.** - Victim impact, as evidenced by the impact of Officer Bryan Hurst's murder upon his family, friends and community, including the witnesses to his murder, due to Officer Bryan Hurst's personal characteristics.

Respectfully submitted,

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CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing Notice of Intention to Seek the Death Penalty was electronically served this 6<sup>th</sup> day of September 2005, on Kort Gatterdam and Diane Menashe, counsel for Daryl Lawrence.

s/David M. DeVillers  
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