

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

UNITED STATES OF AMERICA,)
)
 Plaintiff,)
)
 v.) No. 01-00308-01-CR-W-2
)
WESLEY IRA PURKEY,)
)
 Defendant.)

NOTICE OF INTENT TO SEEK THE DEATH PENALTY

Comes now the United States of America, by and through Todd P. Graves, United States Attorney, and Mark A. Miller, 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 the offense of kidnaping resulting in death as alleged in the Superseding Indictment returned in this case, 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 Proportionality Factors Enumerated Pursuant to Title 18, United States Code, Sections 3591(a)(2)(A) through (D)

1. Wesley Ira Purkey intentionally killed Jennifer Long.
[18 U.S.C. § 3591(a)(2)(A)].

2. Wesley Ira Purkey intentionally inflicted serious bodily injury which resulted in the death of Jennifer Long.
[18 U.S.C. § 3591(a)(2)(B)].

3. Wesley Ira Purkey intentionally participated in an act, contemplating that the life of Jennifer Long would be taken and that lethal force would be used against Jennifer Long, a person other than a participant in the offense, resulting in her death. [18 U.S.C. § 3591(a)(2)(C)].

4. Wesley Ira Purkey intentionally and specifically engaged in an act of violence which:

(a) Wesley Ira Purkey knew would create a grave risk of death to the victim, Jennifer Long, a person other than a participant in the offense, such that Wesley Ira Purkey's participation in the act constituted a reckless disregard for human life, and

(b) Directly resulted in the death of Jennifer Long.

[18 U.S.C. § 3591(a)(2)(D)].

B. Statutory Aggravating Factors Enumerated Pursuant to Title 18, United States Code, Sections 3592(c)(1) through (16)

1. The death and injury resulting in the death of Jennifer Long occurred during the commission and attempted commission of her kidnaping by Wesley Ira Purkey, in violation of 18 U.S.C. § 1201. [18 U.S.C. § 3592(c)(1)].

2. Wesley Ira Purkey killed the victim in an especially heinous, cruel, and depraved manner in that the killing involved torture and serious physical abuse to Jennifer Long. [18 U.S.C. § 3592(c)(6)].

3. Jennifer Long, the victim, was particularly vulnerable due to her youthful age of 16 years. [18 U.S.C. § 3592(c)(11)].

4. The defendant has previously been convicted of an offense punishable by a term of imprisonment of more than one year, involving the use, attempted use, and threatened use of a firearm against another person. More specifically, the defendant was convicted in the State of Kansas of Aggravated Robbery and Aggravated Battery on April 23, 1981, in Case No. 80CR1701. [18 U.S.C. § 3592(c)(2)].

5. The defendant has previously been convicted of an offense resulting in the death of a person for which a sentence of life imprisonment was authorized by statute. More specifically, the defendant was convicted of Murder, First Degree

in the State of Kansas on April 28, 2000, and received a sentence of life imprisonment. [18 U.S.C. § 3592(c)(11)].

6. The defendant has previously been convicted of two or more offenses punishable by a term of imprisonment of more than one year, committed on different occasions, involving the infliction and attempted infliction of serious bodily injury and death upon another person. More specifically, the defendant has previously been convicted of the following offenses:

- (a) Murder First Degree in the State of Kansas on April 28, 2000;
- (b) Kidnaping in the State of Kansas on April 23, 1981;
- (c) Aggravated Robbery in the State of Kansas on April 23, 1981; and
- (d) Aggravated Battery in the State of Kansas on April 23, 1981.

[18 U.S.C. § 3592(c)(4)].

C. Non-Statutory Aggravating Factors Enumerated Pursuant to Title 18, United States Code, Section 3593(a)

1. Future dangerousness of defendant. The defendant poses a future danger based upon the probability that he would commit criminal acts of violence that would constitute a continuing threat to society, as evidenced for example, by one or more of the following:

- (a) Wesley Ira Purkey killed Mary Ruth Bales, an 80-year old woman, by striking her repeatedly with a hammer;

- (b) Wesley Ira Purkey has exhibited an allegiance to and belief in the principles of the Aryan Brotherhood, a violent White Supremist organization;
- (c) Wesley Ira Purkey has displayed a complete lack of remorse for the killing of Jennifer Long;
- (d) Wesley Ira Purkey has shown poor institutional adjustment while incarcerated in that he has committed numerous disciplinary violations including assaults and acts of violence.
- (e) Wesley Ira Purkey has committed a sexual assault while incarcerated; and
- (f) Wesley Ira Purkey has previously been convicted of Aggravated Escape From Custody in Case No. 78CR0733, in the District Court of Shawnee County, Kansas.

2. Victim impact evidence. The offense caused injury, loss and harm because of victim Jennifer Long's personal characteristics as an individual human being and the impact of the death upon victim Jennifer Long's family.

3. The defendant killed Mary Ruth Bales in a vicious manner in that he repeatedly struck her in the head with a hammer until she was dead.

4. Substantial criminal history. Wesley Ira Purkey has a significant criminal history including felony convictions for murder, kidnaping, aggravated robbery, and aggravated battery, and this history is made even more egregious by the underlying

facts upon which these convictions are based. Specifically, the defendant shot Greg W. Carlburg on or about August 3, 1980.

Respectfully submitted,

Todd P. Graves
United States Attorney

By /s/

Mark A. Miller #30488
Assistant United States Attorney

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CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing was mailed this 21st day of November 2002 to the following:

Frederick A. Duchardt, Jr.
Post Office Box 349
131 East Washington
Kearney, Missouri 64040

/s/

Mark A. Miller
Assistant United States Attorney