

IN THE UNITED STATES DISTRICT COURT FOR THE
EASTERN DISTRICT OF VIRGINIA

Newport News Division

UNITED STATES OF AMERICA)
)
 v.) Criminal No. 4:08cr16
)
DAVID ANTHONY RUNYON,)
)
 Defendant.)

NOTICE OF INTENT TO SEEK A SENTENCE OF DEATH

The United States of America hereby notifies the Court and the defendant, DAVID ANTHONY RUNYON, and his counsel, that in the event of the defendant’s conviction on any of Counts One, Two, Three or Five of the Indictment, wherein the defendant is charged respectively with Conspiracy to Commit Murder for Hire, in violation of Title 18, United States Code, Section 1958(a) (Count 1), Carjacking Resulting in Death, in violation Title 18, United States Code, Sections 2119 and 2 (Count 2), Bank Robbery Resulting in Death, in violation of Title 18, United States Code, Sections 2113(a), (e) and 2 (Count 3), and Murder with a Firearm in Relation to a Crime of Violence, in violation of Title 18 United States Code, Sections 924 (j) and 2 (Count 5), the United States will seek the sentence of death, in that the circumstances of the offenses are such that a sentence of death is justified.

I. Statutory Threshold Findings Enumerated in 18 U.S.C. § 3591(a)(2)(A)-(D):

The United States will seek to prove four threshold findings as the basis for imposition of the death penalty in relation to Counts One, Two, Three, and Five of the Indictment:

1. The defendant, DAVID ANTHONY RUNYON, intentionally killed Cory Allen Voss.
Section 3591(a)(2)(A);

2. The defendant, DAVID ANTHONY RUNYON, intentionally inflicted serious bodily injury that resulted in the death of Cory Allen Voss. Section 3591(a)(2)(B);

3. The defendant, DAVID ANTHONY RUNYON, 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 Cory Allen Voss died as a direct result of the act. Section 3591(a)(2)(C);

4. The defendant, DAVID ANTHONY RUNYON, 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 Cory Allen Voss died as a direct result of the act. Section 3591(a)(2)(D).

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

The United States will seek to prove the following statutory aggravating factors as the basis for imposition of the death penalty in relation to Counts One, Two, Three, and Five of the Indictment:

1. The defendant, DAVID ANTHONY RUNYON, committed the offenses described in Counts One, Two, Three, and Five, as consideration for the receipt, or in the expectation of the receipt, of anything of value. Section 3592(c)(8).

2. The defendant, DAVID ANTHONY RUNYON, committed the offenses described in Counts One, Two, Three, and Five, after substantial planning and premeditation to cause the death of a person. Section 3592(c)(9).

III. Other Non-Statutory Aggravating Factors Identified under 18 U.S.C. & 3593(a) and (C):

The United States will seek to prove the following non-statutory aggravating factors as the basis for imposition of the death penalty in relation to Counts One, Two, Three, and Five of the Indictment:

1. The defendant, DAVID ANTHONY RUNYON, caused injury, harm and loss to the victim and the victim's family and friends, as evinced by the victim's personal characteristics and by the impact of his death upon the victim's family, friends and co-workers.

2. The defendant, DAVID ANTHONY RUNYON, utilized education, training and experience that he received in college courses focused on criminal justice, as a law enforcement and correctional officer, as an officer of the Kansas National Guard and as a member of the United States Army to kill Cory Voss.

3. The defendant, DAVID ANTHONY RUNYON, engaged in acts of physical abuse toward women, including, but not limited to, his estranged spouse and former girlfriend.

4. The defendant, DAVID ANTHONY RUNYON, has demonstrated a lack of remorse for his actions as demonstrated by the evidence in the case after the murder of Cory Allen Voss.

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 Indictment as they relate to the background and character of the defendant, DAVID ANTHONY RUNYON, his moral culpability, and the nature and circumstances of the offenses charged in the Indictment.

Respectfully submitted,

CHUCK ROSENBERG
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EASTERN DISTRICT OF VIRGINIA

By: _____ /s/

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CERTIFICATE OF SERVICE

I hereby certify that on the 17th day of July 2008, I electronically filed the foregoing with the Clerk of Court using the CM/ECF system, which will send a notification of such filing (NEF) to the following:

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