

**UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF WEST VIRGINIA**

**UNITED STATES OF AMERICA,
Plaintiff,**

v.

**EUGENE J. TALIK, JR.
Defendant.**

**Criminal No. 5:06CR51
(Stamp)**

**UNITED STATES'
NOTICE OF INTENT TO SEEK DEATH PENALTY**

Now comes the United States of America and Sharon L. Potter, United States Attorney for the Northern District of West Virginia, by Robert H. McWilliams, Jr., Assistant United States Attorney for said District, and files the United States' Notice of Intent to Seek Death Penalty as follows:

Pursuant to Title 18, United States Code, Section 3593, the government believes that the circumstances of the offense in Count Three are such that, if the defendant is convicted, a sentence of death is justified under Chapter 228 of Title 18 of the United States Code and that the government will seek the sentence of death.

The aggravating factors that the government, if the defendant is convicted, proposes to prove as justifying a sentence of death are:

- A. The defendant was more than 18 years of age at the time of the offense.
- B. Statutory Factor Enumerated under 18 U.S.C. § 3591(a)(2)(C)
 1. The defendant intentionally participated in an act, contemplating that the life of a person would be taken, other than one of the participants in the offense, and the victim died as a direct result of the act.

C. Statutory Factors Enumerated Under 18 U.S.C. § 3592(c)

1. The defendant committed the offense after substantial planning and premeditation to cause the death of a person; and,
2. The defendant procured the commission of the offense by payment and the promise of payment, of anything of pecuniary value.

D. Other, Non-Statutory, Aggravating Factors Identified under 18 U.S.C. § 3593(a)(2)

1. The defendant presents a threat of future dangerousness;
2. The defendant cremated the victim;
3. The defendant committed a sexual act against the victim shortly before he killed her; and,
4. The effect of the offense on the victim and the victim's family, including leaving the victim's two young sons motherless.

Respectfully submitted,

SHARON L. POTTER
United States Attorney

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CERTIFICATE OF SERVICE

I hereby certify that I electronically filed the UNITED STATES' NOTICE OF INTENT TO SEEK DEATH PENALTY with the Clerk of the Court using the CM/ECF system, which will send notification of such filing to the following on this 29th day of December, 2006.

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