

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO

UNITED STATES OF AMERICA,)
)
 Plaintiff,) CRIMINAL NO. 07-1244 WJ
)
 vs.)
)
 DONALD SCOTT TAYLOR,)
)
 Defendant.)
)
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)

NOTICE OF INTENT TO SEEK A SENTENCE OF DEATH

Pursuant to the requirements of 18 U.S.C. § 3593(a), the United States hereby gives notice that the circumstances of this case are such that, in the event that the defendant, **DONALD SCOTT TAYLOR**, is convicted of one or both of the capital offenses relating to the death of victim, Jimmy S. “Bo” Chunn, a sentence of death is justified and that the United States will seek the death penalty. Specifically, the United States will seek a sentence of death for Count 2 of the First Superseding Indictment (the "Indictment"), which charges Violent Crimes in Aid of Racketeering (Murder of Jimmy S. “Bo” Chunn), in violation of 18 U.S.C. § 1959(a)(1); and Count 4 of the Indictment, which charges Using a Firearm During and in Relation to a Crime of Violence, in violation of 18 U.S.C. §§ 924(c)(1)(A)(iii) and (j)(1).

The United States asserts that the evidence will support the submission to the jury of the following factors as justifying a sentence of death.

The following factors apply to Counts 2 and 4:

I. Statutory Threshold Findings

The government will seek to prove the following threshold findings as the basis for imposition of the death penalty:

- a. Donald Scott Taylor was 18 years of age or older at the time of the offense charged in Counts 2 and 4 (18 U.S.C. § 3591(a));
- b. Donald Scott Taylor intentionally killed Jimmy S. “Bo” Chunn (18 U.S.C. § 3591(a)(2)(A));
- c. Donald Scott Taylor intentionally inflicted serious bodily injury that resulted in the death of Jimmy S. “Bo” Chunn (18 U.S.C. § 3591(a)(2)(B));
- d. Donald Scott Taylor intentionally participated in an act, contemplating that the life of a person would be taken and intending that lethal force would be used in connection with a person, other than one of the participants in the offense, and Jimmy S. “Bo” Chunn died as a direct result of the act (18 U.S.C. § 3591(a)(2)(C));
and
- e. Donald Scott Taylor 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 Jimmy S. “Bo” Chunn died as a direct result of the act (18 U.S.C. § 3591(a)(2)(D)).

The following factors apply to Counts 2 and 4:

II. Statutory Aggravating Factors

The government will seek to prove the following statutory aggravating factors as the basis for imposition of the death penalty in relation to the Indictment:

- a. Donald Scott Taylor has previously been convicted of a violent felony involving a firearm which is punishable by a term of imprisonment of more than one year (18 U.S.C. § 3592(c)(2));
- b. Donald Scott Taylor committed the offense as consideration for the receipt, or in the expectation of the receipt, of anything of pecuniary value (Title 18, United States Code, Section 3592(c)(8)); and
- c. Donald Scott Taylor committed the offense after substantial planning and premeditation to cause the death of Jimmy S. (Bo) Chunn (18 U.S.C. § 3592(c)(9)).

III. Non-Statutory Aggravating Factors

The government will seek to prove the following non-statutory aggravating factors as the basis for imposition of the death penalty in relation to the Indictment:

- (a) **Future dangerousness.** Donald Scott Taylor represents a continuing danger to the lives and safety of other persons. Donald Scott Taylor is likely to commit criminal acts of violence in the future that would constitute a continuing and serious threat to the lives and safety of others, as evidenced by, at least, one or more of the following:
 - (1) **Continuing pattern of violence.** Donald Scott Taylor has engaged in a continuing pattern of violence, attempted violence, and threatened violence,

including, at least, the crimes alleged against the defendant in the Indictment. While incarcerated for the instant offense, the defendant stabbed a prison guard with a homemade knife and has been charged by the State of New Mexico with the crimes of aggravated battery on a peace officer and possession of a deadly weapon by a prisoner.

- (2) **Low rehabilitative potential.** Donald Scott Taylor has demonstrated a low potential for rehabilitation as evidenced by his repeated acts of institutional misconduct while in the custody of various state and local correction or detention agencies, or the United States Marshal's Service.
- (3) **Lack of remorse.** Donald Scott Taylor has demonstrated a lack of remorse for killing Jimmy S. "Bo" Chunn, as demonstrated by the defendant's acts and statements following the offenses alleged in the Indictment.
- (b) **Victim impact evidence:** As reflected by the victim's personal characteristics as an individual human being and the impact of the offense on the victim and the victim's family, the defendant caused loss, injury, and harm to the victim and the victim's family (see Payne v. Tennessee, 501 U.S. 808, 825-27 (1991)).

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, **DONALD SCOTT TAYLOR**, his moral culpability, and the nature and circumstances of the offenses charged in the Indictment.

Dated: July 17, 2008

Respectfully submitted,

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I HEREBY CERTIFY this 17th day of July, 2008 that a copy of this document was filed electronically through the Court's CM/ECF system, which is designed to serve copies of this document to all counsel of record.

/s/
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