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ORIGINAL

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
FORT WORTH DIVISION

U.S. DISTRICT COURT
NORTHERN DISTRICT OF TEXAS
FILED
FEB 23 1995
NAME: [Signature], CLERK
BY: [Signature]
Deputy

UNITED STATES OF AMERICA

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vs.

NO. 4-94 CR 121-Y

BRUCE CARNEIL WEBSTER

(1)

NOTICE OF INTENT TO SEEK THE DEATH PENALTY

COMES NOW, the United States of America, by and through the United States Attorney for the Northern District of Texas, and files, pursuant to Title 18, United States Code, Sections 3591 through 3593, this notice of its intent to seek the death penalty against the defendant, BRUCE CARNEIL WEBSTER, in the event WEBSTER is convicted of Count One of the superseding indictment, which charges kidnapping resulting in death, in violation of Title 18, United States Code, Section 1201(a), and would show the Court and the jury, as follows:

I.

The United States of America believes that the circumstances of the instant offense of kidnapping resulting in death are such that, if the defendant, BRUCE CARNEIL WEBSTER, is convicted, a sentence of death is justified under Chapter 228 of Title 18, United States Code, namely, Title 18, United States Code, Sections 3591(a), 3592(a), and 3592(c).

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II.

The United States of America will prove, at a hearing held pursuant to Title 18, United States Code, Section 3593, that:

a. the defendant, BRUCE CARNEIL WEBSTER, on or about September 26, 1994, did intentionally kill Lisa Rene by hitting her, and causing her to be hit, in the head with a shovel;

b. the defendant, BRUCE CARNEIL WEBSTER, on or about September 26, 1994, did intentionally kill Lisa Rene by causing her to be suffocated;

c. the defendant, BRUCE CARNEIL WEBSTER, on or about September 26, 1994, did intentionally inflict serious bodily injury, that resulted in the death of the victim, Lisa Rene, by hitting her, and causing her to be hit, in the head with a shovel;

d. the defendant, BRUCE CARNEIL WEBSTER, on or about September 26, 1994, did intentionally inflict serious bodily injury, that resulted in the death of the victim, Lisa Rene, by causing her to be suffocated;

e. the defendant, BRUCE CARNEIL WEBSTER, on or about September 26, 1994, did intentionally participate in an act, namely, hit Lisa Rene, and cause her to be hit, in the head with a shovel, contemplating that the life of Lisa Rene would be taken and intending that lethal force would be used in connection with Lisa Rene, and the victim, Lisa Rene, a person other than one of the participants in the offense, died as a direct result of the act;

f. the defendant, BRUCE CARNEIL WEBSTER, on or about September 26, 1994, did intentionally participate in an act,

namely, cause Lisa Rene to be suffocated, contemplating that the life of Lisa Rene would be taken and intending that lethal force would be used in connection with Lisa Rene, and the victim, Lisa Rene, a person other than one of the participants in the offense, died as a direct result of the act; and

g. the defendant, **BRUCE CARNEIL WEBSTER**, on or about September 26, 1994, did intentionally and specifically engage in an act of violence, namely, hit Lisa Rene, and cause her to be hit, in the head with a shovel, 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 the victim, Lisa Rene, died as a direct result of the act.

h. the defendant, **BRUCE CARNEIL WEBSTER**, on or about September 26, 1994, did intentionally and specifically engage in an act of violence, namely, cause Lisa Rene to be suffocated, 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 the victim, Lisa Rene, died as a direct result of the act.

III.

The United States of America will prove the following statutory aggravating factors to justify a sentence of death:

a. the defendant, **BRUCE CARNEIL WEBSTER**, caused the death, and injury resulting in the death of Lisa Rene, which occurred

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during the commission of the offense of kidnapping (Title 18, United States Code, Section 3592(c)(1));

b. the defendant, BRUCE CARNEIL WEBSTER, committed the offense in an especially heinous, cruel, and depraved manner in that it involved torture and serious physical abuse to the victim, Lisa Rene, by, namely, causing her to fear for her life, causing her to be bound, sexually assaulting her, striking her in the head and body, and burying her (Title 18, United States Code, Section 3592(c)(6));

c. the defendant, BRUCE CARNEIL WEBSTER, committed the offense after substantial planning and premeditation to cause the death of Lisa Rene and to commit an act of terrorism against Lisa Rene (Title 18, United States Code, Section 3592(c)(9)); and

d. the victim, Lisa Rene who was a sixteen-year-old student at the time of the offense, was particularly vulnerable due to age (Title 18, United States Code, Section 3592(c)(11)).

IV.

The United States of America will prove the following non-statutory aggravating factors to justify a sentence of death:

a. future dangerousness to the lives and safety of other persons, as evidenced by specific threats and acts of violence. See Jurek v. Texas, 428 U.S. 262, 272-273, 96 S. Ct. 2950, 2956-2957 (1976) ("probability that the defendant would commit criminal acts of violence that would constitute a continuing threat to society");

b. future dangerousness to the lives and safety of other persons, as evidenced by WEBSTER'S lack of remorse;

c. future dangerousness to the lives and safety of other persons, as evidenced by WEBSTER'S substantial criminal history, including the following:

1. On or about March 6, 1989, in the Circuit Court of Jefferson County, Arkansas, in Cause Number CR-88-695-1, BRUCE CARNEIL WEBSTER was convicted of the offense of burglary and placed on probation for five years. On or about July 21, 1989, the same court, in the same cause number, revoked WEBSTER's probation and sentenced him to imprisonment for a term of six years.

2. On or about July 21, 1989, in the Circuit Court of Jefferson County, Arkansas, in Cause Number CR-89-297-1, BRUCE CARNEIL WEBSTER was convicted of the offense of interference with a law enforcement officer and sentenced to a term of imprisonment of six years.

3. On or about July 21, 1989, in the Circuit Court of Jefferson County, Arkansas, in Cause Number CR-89-297-1, BRUCE CARNEIL WEBSTER was convicted of the offense of being a felon in possession of a firearm, and was sentenced to a term of imprisonment of six years.

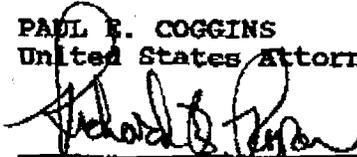
4. On or about October 28, 1992, in the Circuit Court of Jefferson County, Arkansas, in Cause Number CR-92-623-2C, BRUCE CARNEIL WEBSTER was convicted of the offense of being a felon in possession of a firearm, and was sentenced to a term of imprisonment of two years.

d. Lisa Rene's personal characteristics and the effect of the instant offense on Lisa Rene's family. See 18 U.S.C. § 3593(a) and Payne v. Tennessee, 501 U.S. 808, 111 S. Ct. 2597 (1991).

WHEREFORE, the United States of America, by and through the United States Attorney for the Northern District of Texas, prays that this Court will permit the government to seek the death penalty as to BRUCE CARNEIL WEBSTER and to introduce evidence to the jury in support of such punishment.

Respectfully submitted,

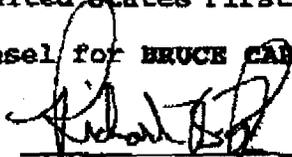
PAUL E. COGGINS
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CERTIFICATE OF SERVICE

I certify that on this the 23rd day of February, 1995, a true and correct copy of the Government's Notice of Intent to Seek the Death Penalty was served by United States First Class mail on Larry Moore and Allan Butcher, counsel for BRUCE CARNELL WEBSTER.



Richard B. Roper
Assistant United States Attorney

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