

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

UNITED STATES OF AMERICA,	)	
	)	
Plaintiff,	)	
	)	
v.	)	No. 94-00194-12-CR-W-9
	)	
KEVIN WYRICK,	)	
	)	
Defendant.	)	

NOTICE OF INTENT TO SEEK THE DEATH PENALTY

The United States of America, by its attorneys, Stephen L. Hill, Jr., United States Attorney, and Mark A. Miller, Assistant United States Attorney, both for the Western District of Missouri, pursuant to Title 21, United States Code, Sections 848(h)(1)(A) and (B), notifies the Court and the defendant, Kevin Wyrick that in the event the defendant is convicted of intentionally killing Elmont Kerns, as alleged in Counts Three and Four of the superseding indictment, the government will seek the sentence of death.

The government will seek to prove the following aggravating factor as the basis for imposition of the death penalty.

A. Statutory Aggravating Factors  
Enumerated Pursuant To Title 21,  
United States Code, Sections 848(n)(1)(A) Through (D)

1. Kevin Wyrick intentionally killed Elmont Kerns [21 U.S.C. § 848(n)(1)(A)].

2. Kevin Wyrick intentionally inflicted serious bodily injury which resulted in the death of Elmont Kerns [21 U.S.C. § 848(n)(1)(B)].

3. Kevin Wyrick intentionally engaged in conduct intending that Elmont Kerns be killed and that lethal force be employed against Elmont Kerns, which resulted in Elmont Kern's death [21 U.S.C. § 848(n)(1)(C)].

4. Kevin Wyrick intentionally engaged in conduct which:

- (i) Kevin Wyrick knew would create a grave risk of death to a person, other than one of the participants in the offense; and
- (ii) Resulted in the death of Elmont Kerns [21 U.S.C. § 848(n)(1)(D)].

**B. Statutory Aggravating Factors  
Enumerated Pursuant To Title 21,  
United States Code, Sections 848(n)(2) Through (12)**

1. Kevin Wyrick committed the offenses described in Counts Three and Four of the superseding indictment as consideration for the receipt and in the expectation of the receipt of something of pecuniary value, that is, the payment of money and an automobile [21 U.S.C. § 848(n)(7)].

2. Kevin Wyrick committed the offenses described in Counts Three and Four of the superseding indictment after substantial planning and premeditation [21 U.S.C. § 848(n)(8)].

**C. Non-Statutory Aggravating  
Factors Enumerated Pursuant To Title 21,  
United States Code, Sections 848(h)(1)(B) and 848(K)**

1. Kevin Wyrick has previously been convicted of a State felony offense punishable by a term of imprisonment of more than one year, in that, on or about August 2, 1988, in the Circuit Court of Cass County, Missouri, Kevin Wyrick was convicted of

carrying a concealed weapon, a felony under the laws of the State of Missouri.

2. Future dangerousness based upon the probability that Kevin Wyrick 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, among others:

a. Kevin Wyrick has displayed a complete lack of remorse for the killing of Elmont Kerns, in that, immediately after the murder of Elmont Kerns stated that it was unfortunate that he had to kill Kerns because Kerns was "a nice guy".

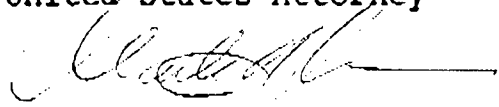
b. Kevin Wyrick used physical force and threats of violence to collect drug debts and enforce discipline for Dennis B. Moore, Sr.

3. Victim impact, as evidenced by the impact of the murder upon Elmont Kerns' family.

Respectfully submitted,

Stephen L. Hill, Jr.  
United States Attorney

By

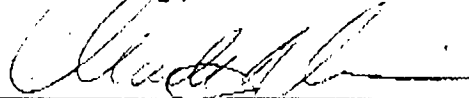
  
Mark A. Miller #30488  
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CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing was mailed  
this 22<sup>nd</sup> day of August, 1995 to the following:

Charles Atwell, Esquire  
1101 Walnut Street, Suite 1300  
Kansas City, Missouri 64106



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Mark A. Miller  
Assistant United States Attorney

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