

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
FLORENCE DIVISION

UNITED STATES OF AMERICA

CR. NO.: 4:17-CR-866-RBH

v.

BRANDON MICHAEL COUNCIL

NOTICE OF INTENT TO SEEK THE DEATH PENALTY

The United States of America, by and through its undersigned counsel and pursuant to Section 3593(a) of Title 18 of the United States Code, notifies the Court and Defendant BRANDON MICHAEL COUNCIL that the United States believes the circumstances of the offenses charged in Counts 1 and 2 of the Indictment are such that, in the event of a conviction, a sentence of death is justified under Chapter 228 (Section 3591 through 3598) of Title 18 of the United States Code and that the United States will seek the sentence of death for these offenses (armed bank robbery resulting in death (Count 1) and use of a firearm in furtherance of a crime of violence to commit murder (Count 2)).

The United States will prove the following factors as justifying a sentence of death with regard to Counts 1 and 2:

(A) BRANDON MICHAEL COUNCIL was 18 years of age or older at the time of the offense.

(B) Statutory Threshold Factors Enumerated under 18 U.S.C. § 3592(a)(2)(A)-(D).

(1) Intentional Killing. BRANDON MICHAEL COUNCIL intentionally killed Donna Major and Kathryn Skeen. 18 U.S.C. § 3591(a)(2)(A).

(2) Intentional Infliction of Serious Bodily Injury. BRANDON MICHAEL COUNCIL intentionally inflicted serious bodily injury that resulted in the deaths of Donna Major and Kathryn Skeen. 18 U.S.C. § 3591(a)(2)(B).

(3) Intentional Participation in Acts Resulting in Death. BRANDON MICHAEL COUNCIL 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 Donna Major and Kathryn Skeen died as a direct result of such action. 18 U.S.C. § 3591(a)(2)(C).

(4) Intentional Engagement in Acts of Violence, Knowing that the Acts Created a Grave Risk of Death to a Person. BRANDON MICHAEL COUNCIL 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 Donna Major and Kathryn Skeen died as a direct result of such action. 18 U.S.C. § 3591(a)(2)(D).

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

(1) Multiple Killings. BRANDON MICHAEL COUNCIL, in committing the offense, intentionally killed more than one person in a single criminal episode. 18 U.S.C. § 3592(c)(16).

(2) Pecuniary Gain. BRANDON MICHAEL COUNCIL committed the offense in the expectation of the receipt of anything of pecuniary value. 18 U.S.C. § 3592(c)(8).

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

(1) Victim Impact. BRANDON MICHAEL COUNCIL caused injury, harm, and loss to the individuals that he killed as well as to the family, friends and co-workers of those individuals. The injury, harm, and loss caused by BRANDON MICHAEL COUNCIL with respect to each victim is evidenced by each victim's personal characteristics and by the impact of the victim's death upon her family, friends, and co-workers.

(2) Continuing and Escalating Pattern of Criminal Activity. BRANDON MICHAEL COUNCIL engaged in a continuing and escalating pattern of criminal activity - including a robbery of a Food Lion grocery store in Wilson, North Carolina on or about August 10, 2017, and a robbery of a Branch Bank and Trust (BB&T) bank located in Wilson, North Carolina on or about August 11, 2017 - culminating with the armed robbery of the

CresCom bank located in Conway, South Carolina on August 21, 2017.

(3) Targeting Innocent Victims. BRANDON MICHAEL COUNCIL displayed particular cruelty and callous disregard for human life by shooting both victims, who were unknown to him, multiple times at close range without warning and without provocation or resistance from the victims, in spite of the fact that such violence was not necessary to successfully complete the robbery of the CresCom bank.

(4) Lack of Remorse. BRANDON MICHAEL COUNCIL's actions from the commission of the offenses on August 21, 2017, until his arrest on August 23 2017, demonstrated a lack of remorse.

In support of the imposition of the death penalty the United States further gives notice that, in addition to evidence of the above-listed aggravating factors, 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 alleged in the Indictment as it relates to the background and character of BRANDON MICHAEL COUNCIL, his moral culpability, and the

nature and circumstances of the offenses charged in the
Indictment.

Respectfully submitted,

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