

IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF MISSOURI
ST. JOSEPH DIVISION

UNITED STATES OF AMERICA,)
)
 Plaintiff,)
)
 v.) No. 05-06002-01-CR-SJ-GAF
)
)
LISA M. MONTGOMERY,)
)
 Defendant.)

NOTICE OF INTENT TO SEEK THE DEATH PENALTY

_____ Comes now the United States of America, by and through Todd P. Graves, United States Attorney, Roseann Ketchmark, First Assistant United States Attorney, and Matt J. Whitworth, Deputy United States Attorney, all for the Western District of Missouri, and pursuant to Title 18, United States Code, Section 3593(a), files this Notice of Intent to Seek the Death Penalty, notifying the Court and the defendant that in the event the defendant is convicted of the offense of kidnapping resulting in death as alleged in the Indictment returned in this case on January 12, 2005, the government believes a sentence of death is justified, and the government will seek a sentence of death.

If the defendant is convicted, the government intends to prove the following aggravating factors as the basis for imposition of the death penalty.

A. Statutory Proportionality Factors Enumerated Pursuant to Title 18, United States Code, Sections 3591(a)(2)(A) through (D)

1. LISA M. MONTGOMERY intentionally killed Bobbie Jo Stinnett. [18 U.S.C. § 3591(a)(2)(A).]

2. LISA M. MONTGOMERY intentionally inflicted serious bodily injury which resulted in the death of Bobbie Jo Stinnett. [18 U.S.C. § 3591(a)(2)(B).]

3. LISA M. MONTGOMERY intentionally participated in an act, contemplating that the life of Bobbie Jo Stinnett would be taken and that lethal force would be used against Bobbie Jo Stinnett, a person other than a participant in the offense, resulting in her death. [18 U.S.C. § 3591(a)(2)(C).]

4. LISA M. MONTGOMERY intentionally and specifically engaged in an act of violence which:

- (a) LISA M. MONTGOMERY knew would create a grave risk of death to the victim, Bobbie Jo Stinnett, a person other than a participant in the offense, such that LISA M. MONTGOMERY's participation in the act constituted a reckless disregard for human life, and
- (b) Directly resulted in the death of Bobbie Jo Stinnett. [18 U.S.C. § 3591(a)(2)(D).]

B. Statutory Aggravating Factors Enumerated Pursuant to Title 18, United States Code, Sections 3592(c)(1) through (16)

1. The death and injury resulting in the death of Bobbie Jo Stinnett occurred during the commission and attempted commission of the kidnapping of Bobbie Jo Stinnett's infant daughter, Victoria Jo Stinnett, by LISA M. MONTGOMERY, in violation of 18 U.S.C. § 1201. [18 U.S.C. § 3592(c)(1).]

2. LISA M. MONTGOMERY, during the commission of the kidnapping of Victoria Jo Stinnett and murder of Bobbie Joe Stinnett, knowingly created a grave risk of death to an

additional person, Victoria Jo Stinnett, by using a kitchen knife to prematurely cut her from the womb of her mother, Bobbie Jo Stinnett. [18 U.S.C. § 3592(c)(5).]

3. LISA M. MONTGOMERY killed the victim in an especially heinous, cruel, and depraved manner in that the killing involved torture and serious physical abuse to Bobbie Jo Stinnett, that is, LISA M. MONTGOMERY strangled Bobbie Jo Stinnett with a rope and then used a kitchen knife to cut her infant daughter (Victoria Jo Stinnett) from her womb. [18 U.S.C. § 3592(c)(6).]

4. LISA M. MONTGOMERY committed the offense after substantial planning and premeditation to cause the death of a person, that is, Bobbie Jo Stinnett. [18 U.S.C. § 3592(c)(9).]

5. Bobbie Jo Stinnett, the murder victim, was particularly vulnerable due to her infirmity, that is, at the time of her death Bobbie Jo Stinnett was eight months pregnant. [18 U.S.C. § 3592(c)(11).]

C. Non-Statutory Aggravating Factors Enumerated Pursuant to Title 18, United States Code, Section 3593(a)

1. Victim impact evidence. The offense caused injury, loss and harm because of victim Bobbie Jo Stinnett's personal characteristics as an individual human being and the impact of the death upon Bobbie Jo Stinnett's family.

Respectfully submitted,

/s/ Todd P. Graves

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/s/ Matt J. Whitworth

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CERTIFICATE OF SERVICE

The undersigned hereby certifies that a copy of the foregoing was delivered on November 16, 2005, to the CM-ECF system of the United States District Court for the Western District of Missouri for electronic delivery to all counsel of record.

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