## IN THE CIRCUIT COURT OF MILLER COUNTY, MISSOURI

STATE OF MISSOURI,	)
PLAINTIFF,	)
	)
VS.	) CASE NUMBER: 20ML-CR00982-01
	)
TERRY E. EWENS	)
DEFENDANT	)

## STATE'S NOTICE OF INTENT TO SEEK DEATH PENALTY

COMES NOW, the State of Missouri, by Miller County Prosecuting Attorney Benjamin Winfrey and gives notice to Defendant pursuant to section 565.005.1 RSMo that the State will seek the Death Penalty in this cause.

- 1. Defendant is charged in this matter with the class A felonies of First-Degree Murder and First-Degree Domestic Assault, in addition to three counts of the class B felonies of First-Degree Kidnapping.
- 2. Defendant was charged by felony information on or about January 7, 2021, and bond is set at \$500,000.00 cash or assured. A pretrial is set for September 14, 2021, and trial is set for November 15, 2021.
  - 3. The State hereby gives notice that it will seek the death penalty at trial by proving the following statutory aggravating factors or circumstances at a sentencing in this matter:

- a. The murder was "outrageously or wantonly vile, horrible or inhuman in that it involved torture, or depravity of mind..." Mo. Rev. Stat. § 565.032.02(7) (2020).
- b. The murder was "committed while the defendant was engaged in the perpetration of a felony of any degree of rape, sodomy, burglary, robbery, kidnapping, or any felony offense in chapter 195 or 579." Mo. Rev. Stat. § 565.032.02(11) (2020).
- 4. The State reserves the right to amend to or add to this notice as information becomes available and will accordingly supplement discovery. The State will timely provide subsequent discovery pursuant to section 565.005 RSMo.

copy of the foregoing has been served upon Matt Willis, counsel, for Defendant via e-filing X hand-delivery \_ mail or \_this 3rd day of August 2021.

## RESPECTFULLY SUBMITTED:

R. Benjamin Winfrey, #58320 Miller County Prosecuting Attorney

R. Benjamin Winfrey

Miller County PO Box 12

Tuscumbia, MO 65082

(573) 369-1940/ facsimile (573) 369-1949

E-filing: pa.efiling@millercountymo.org
Discovery: mcpo@millercountymo.org