Nola Tedesco Foulston # 09175 District Attorney Office of the District Attorney Eighteenth Judicial District Sedgwick County Courthouse Annex 535 North Main, 2nd Floor Wichita, Kansas 67203 Telephone: (316)660-3600 FILED FILED 1005 MAY 3 AM 9 01

CLERK OF WAT. COURT 18TH JUDICH! L DISTRICT SEDGWICK JOURNES

IN THE EIGHTEENTH JUDICIAL DISTRICT
DISTRICT COURT, SEDGWICK COUNTY, KANSAS
CRIMINAL DEPARTMENT

THE STATE OF KANSAS,	)	
Plaintiff,	)	
	)	
vs.	) C:	ase No. 05CR498
	)	
DENNIS L. RADER,	) D	ivision 5
Defendant.	)	
	)	

# NOTICE OF INTENT TO REQUEST SEPARATE SENTENCING PROCEEDING

COMES NOW, Nola Tedesco Foulston, the duly elected and qualified District Attorney of the Eighteenth Judicial District of the State of Kansas, and for and on behalf of said State of Kansas hereby gives notice pursuant to L. 1990, ch. 99, Section 4 that upon conviction or adjudication of guilt of the defendant, Dennis L. Rader, for the crime of murder in the first degree of Delores Davis based upon the finding of premeditated murder, the State intends to request a separate sentencing proceeding to determine whether the defendant should be required to serve a mandatory term of imprisonment of forty (40) years.

The State hereby notifies defendant of the circumstances, both aggravating and mitigating, on which the State intends to rely in requesting a mandatory 40-year term of imprisonment pursuant to L. 1990, ch. 99, Sections 5 and 6:

### Aggravating Circumstances

1. That the defendant committed the crime in order to avoid or prevent a lawful arrest or prosecution.

2. That the defendant committed the crime in an especially heinous, atrocious or cruel manner. The term "heinous" means extremely wicked or shockingly evil; "atrocious" means outrageously wicked and vile; "cruel" means pitiless or designed to inflict a high degree of pain, utter indifference to, or enjoyment of, the sufferings of others.

## Mitigating Circumstances

There are no mitigating circumstances.

ola Tedesco Foulston, #09

District Attorney

#### CERTIFICATE OF FILING WITH CLERK

The undersigned hereby certifies that the above and foregoing Notice of Intent To Request Mandatory 40-Year Imprisonment has been filed with the Clerk of the District Court on this 3<sup>rd</sup> day of May, 2005.

CLERK OF THE DISTRICT COURT

### CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true and correct copy of the above and foregoing Notice of Intent To Request Mandatory 40-Year Imprisonment and certificate of filing with the Clerk of the District Court has been served by hand delivering the same upon defendant and counsel herein at the time of arraignment on the 3<sup>rd</sup> day of May, 2005.

Vela Tedesco Foulston, #09175

District Attorney