

**IN THE CIRCUIT COURT OF GASCONADE COUNTY
STATE OF MISSOURI**

State of Missouri,

Plaintiff,

v.

Cause No. 23GA-CR00072-01

Kenneth Lee Simpson,

Defendant.

STATE'S NOTICE OF INTENT TO SEEK THE DEATH PENALTY

COMES NOW the State of Missouri by Kelly Snyder, Special Prosecuting Attorney for the County of Gasconade, and hereby gives notice to Defendant, pursuant to Section 565.005.1, RSMo, that the State intends to seek the death penalty in this cause.

With respect to Count I, the State announces that it intends to prove the following statutory aggravating circumstance or circumstances:

1. The murder in the first degree was committed while the offender was engaged in the attempted commission of another unlawful homicide. Section 565.032.2(2).
2. The offender by his act of murder in the first degree knowingly created a great risk of death to more than one person by means of a weapon or device which would normally be hazardous to the lives of more than one person. Section 565.032.2(3).

3. The murder in the first degree was committed against a peace officer or former peace officer during or because of the exercise of his official duty. Section 565.032.2(5).
4. The murder in the first degree was outrageously or wantonly vile, horrible or inhuman in that it involved torture, or depravity of mind. Section 565.032.2(7).
5. The murder in the first degree was committed against any peace officer while engaged in the performance of his official duty. Section 565.032.2(8).
6. The murder in the first degree was committed for the purpose of avoiding, interfering with, or preventing a lawful arrest or custody in a place of lawful confinement of himself. Section 565.032.2(10).
7. The murder in the first degree was committed while the defendant was engaged in the perpetration or was aiding or encouraging another person to perpetrate or attempt to perpetrate any felony offense in chapter 195 or 579. Section 565.032.2(11).
8. The murder was committed for the purpose of concealing or attempting to conceal any felony offense defined in chapter 195 or 579. Section 565.032.2(15).

With respect to Count I, the State announces further that it intends to prove the following non-statutory aggravating circumstances during the

penalty phase of trial by authority of Section 565.032, RSMo, and *State v. Debler*, 856 S.W.2d 641 (Mo. banc 1993):

9. The defendant committed the offense of armed criminal action as charged in Count II.
10. The defendant committed the offense of assault first degree or attempt – serious physical injury or special victim as charged in Count III.
11. The defendant committed the offense of armed criminal action as charged in Count IV.
12. The defendant committed the offense of unlawful possession of a firearm as charged in Count V.
13. The defendant committed the offense of unlawful possession of a firearm as charged in Count VI.
14. The defendant committed the offense of unlawful possession, transport, manufacture, repair or sale of an illegal weapon as charged in Count VII.
15. The defendant committed the offense of possession of a controlled substance except 35 grams or less of marijuana/synthetic cannabinoid as charged in Count VIII.
16. The defendant committed the offense of resisting/interfering with an arrest for a felony as charged in Count IX.

17. On or about October 5, 2004, Defendant pled guilty to the felony offense of tampering with a motor vehicle, airplane, motor boat, etc., 1st degree in the 12th Judicial Circuit Court of Warren County, State of Missouri, cause number 04A8-CR00713-01, as charged in Count I.
18. On or about October 5, 2004, Defendant pled guilty to the felony offense of tampering with a motor vehicle, airplane, motor boat, etc., 1st degree in the 12th Judicial Circuit Court of Warren County, State of Missouri, cause number 04A8-CR00713-01, as charged in Count II.
19. On or about October 5, 2004, Defendant pled guilty to the felony offense of tampering with a motor vehicle, airplane, motor boat, etc., 1st degree in the 12th Judicial Circuit Court of Warren County, State of Missouri, cause number 04A8-CR00713-01, as charged in Count III.
20. On or about October 5, 2004, Defendant pled guilty to the felony offense of tampering with a motor vehicle, airplane, motor boat, etc., 1st degree in the 12th Judicial Circuit Court of Warren County, State of Missouri, cause number 04A8-CR00713-01, as charged in Count IV.
21. On or about October 5, 2004, Defendant pled guilty to the felony offense of tampering with a motor vehicle, airplane, motor boat,

etc., 1st degree in the 12th Judicial Circuit Court of Warren County, State of Missouri, cause number 04A8-CR00713-01, as charged in Count V.

22. On or about October 5, 2004, Defendant pled guilty to the felony offense of tampering with a motor vehicle, airplane, motor boat, etc., 1st degree in the 12th Judicial Circuit Court of Warren County, State of Missouri, cause number 04A8-CR00713-01, as charged in Count VI.

23. On or about October 5, 2004, Defendant pled guilty to the felony offense of tampering with a motor vehicle, airplane, motor boat, etc., 1st degree in the 12th Judicial Circuit Court of Warren County, State of Missouri, cause number 04A8-CR00713-01, as charged in Count VII.

24. On or about October 5, 2004, Defendant pled guilty to the felony offense of tampering with a motor vehicle, airplane, motor boat, etc., 1st degree in the 12th Judicial Circuit Court of Warren County, State of Missouri, cause number 04A8-CR00713-01, as charged in Count VIII.

25. On or about October 5, 2004, Defendant pled guilty to the felony offense of tampering with a motor vehicle, airplane, motor boat, etc., 1st degree in the 12th Judicial Circuit Court of Warren County,

State of Missouri, cause number 04A8-CR00713-01, as charged in Count IX.

26. On or about October 5, 2004, Defendant pled guilty to the felony offense of tampering with a motor vehicle, airplane, motor boat, etc., 1st degree in the 12th Judicial Circuit Court of Warren County, State of Missouri, cause number 04A8-CR00713-01, as charged in Count X.

27. On or about October 5, 2004, Defendant pled guilty to the felony offense of property damage 1st degree in the 12th Judicial Circuit Court of Warren County, State of Missouri, cause number 04A8-CR00713-01, as charged in Count XI.

28. On or about November 2, 2004, Defendant pled guilty to the offense of property damage 2nd degree in the 12th Judicial Circuit Court of Warren County, State of Missouri, cause number 04A8-CR00713, as charged in Count I.

29. On or about November 2, 2004, Defendant pled guilty to the offense of property damage 2nd degree in the 12th Judicial Circuit Court of Warren County, State of Missouri, cause number 04A8-CR00713, as charged in Count II.

30. On or about November 2, 2004, Defendant pled guilty to the offense of property damage 2nd degree in the 12th Judicial Circuit Court of

Warren County, State of Missouri, cause number 04A8-CR00713, as charged in Count III.

31. On or about April 7, 2005, Defendant was found guilty of the felony of tampering with a motor vehicle, airplane, motor boat, etc., 1st degree in the 12th Judicial Circuit Court of Warren County, State of Missouri, cause number 05A8-CR00022-01.
32. On or about December 7, 2020, in Warren County, State of Missouri, Defendant committed the felony offense of possession of a controlled substance except 35 grams or less of marijuana/synthetic cannabinoid by possessing methamphetamine, a controlled substance, knowing of its presence and nature.
33. On or about December 7, 2020, in Warren County, State of Missouri, Defendant committed the felony offense of possession of a controlled substance except 35 grams or less of marijuana/synthetic cannabinoid by possessing amphetamine, a controlled substance, knowing of its presence and nature.
34. On or about December 7, 2020, in Warren County, State of Missouri, Defendant committed the felony offense of possession of a controlled substance except 35 grams or less of marijuana/synthetic cannabinoid by possessing oxycodone, a controlled substance, knowing of its presence and nature.

35. On or about January 25, 2020, in Warren County, State of Missouri, Defendant committed the felony offense of possession of a controlled substance except 35 grams or less of marijuana/synthetic cannabinoid by possessing methamphetamine, a controlled substance, knowing of its presence and nature.
36. On or about June 6, 2019, in Warren County, State of Missouri, Defendant committed the felony offense of assault – 3rd degree by, either alone or acting with another, knowingly causing physical injury to N.K. by striking him in the head, kicking him, and slamming him against concrete.
37. On or about April 21, 2018, in Warren County, State of Missouri, Defendant committed the felony offense of property damage 1st degree by knowingly damaging a house located at 16410 Shetland Lane, which property was possessed by J.B., by hitting the house with golf balls, and the damages to such property exceeded seven hundred and fifty dollars.
38. On or about September 13, 2017, in Warren County, State of Missouri, Defendant committed the felony offense of unlawful possession, transport, manufacture, repair or sale of illegal weapon by knowingly possessing an explosive material with the purpose to possess an explosive weapon.

39. On or about September 13, 2017, in Warren County, State of Missouri, Defendant committed the felony offense of unlawful possession, transport, manufacture, repair or sale of illegal weapon by knowingly manufacturing an explosive material with the purpose to possess an explosive weapon.
40. On or about September 13, 2017, in Warren County, State of Missouri, Defendant committed the felony offense of unlawful possession of a firearm by knowingly possessing a Hi-Point 9mm pistol, a firearm, and defendant had previously been convicted of a felony offense.
41. On or about September 13, 2017, in Warren County, State of Missouri, Defendant committed the felony offense of possession of a controlled substance except 35 grams or less of marijuana/synthetic cannabinoid by knowingly possessing methamphetamine, a controlled substance, knowing of its presence and nature.
42. On or about July 11, 2016, Defendant was found guilty of the offense of trespassing – 2nd degree in the 12th Judicial Circuit Court of Warren County, State of Missouri, cause no. 16BB-CR00509.
43. On or about August 14, 2019, Defendant pled guilty to the offense of assault 4th degree pursuant to subdivisions (1), (2), (4), (5), in the 12th Judicial Circuit Court of Warren County, State of Missouri, cause no. 17BB-CR00643-01.

44. On or about September 18, 2017, Defendant pled guilty to the offense of unlawful possession of drug paraphernalia in the 12th Judicial Circuit Court of Warren County, State of Missouri, cause no. 17BB-CR00494.
45. On or about August 14, 2019, Defendant pled guilty to the offense of unlawful possession, transport, manufacture, repair or sale of illegal weapon in the 12th Judicial Circuit Court of Warren County, State of Missouri, cause no. 17BB-CR00783-01.
46. On or about August 14, 2019, Defendant pled guilty to the offense of assault 4th degree pursuant to subdivisions (1), (2), (4), (5), in the 12th Judicial Circuit Court of Warren County, State of Missouri, cause no. 17BB-CR00812-01.
47. On or about November 14, 2006, Defendant pled guilty to the felony offense of property damage 1st degree in the 12th Judicial Circuit Court of Warren County, State of Missouri, cause no. 06BB-CR00308-01, as charged in Count I.
48. On or about November 14, 2006, Defendant pled guilty to the felony offense of tampering with a motor vehicle -1st degree in the 12th Judicial Circuit Court of Warren County, State of Missouri, cause no. 06BB-CR00308-01, as charged in Count II.
49. On or about July 2, 2017, in Warren County, State of Missouri, Defendant committed the felony offense of possession of a controlled

substance except 35 grams or less of marijuana/synthetic cannabinoid by knowingly possessing methamphetamine, a controlled substance, knowing of its presence and nature.

50. On or about March 5, 2013, Defendant pled guilty to the offense of possession of up to 35 grams of a synthetic cannabinoid in the 12th Judicial Circuit Court of Warren County, State of Missouri, cause no. 12BB-CR00595-01, as charged in count I.
51. On or about March 5, 2013, Defendant pled guilty to the offense of unlawful use of drug paraphernalia in the 12th Judicial Circuit Court of Warren County, State of Missouri, cause no. 12BB-CR00595-01, as charged in count II.
52. On or about November 2, 2004, in Madison County, State of Illinois, Defendant committed the felony offense of unlawful possession of a weapon by a felon by knowingly possessing a Hi-Point .45 caliber handgun, having previously been convicted of a felony offense.
53. On or about November 2, 2004, in Madison County, State of Illinois, Defendant committed the felony offense of unlawful possession of methamphetamine by knowingly possessing less than 5 grams of a substance containing methamphetamine, a controlled substance.

54. On or about April 28, 2021, Defendant pled guilty to the offense of criminal damage to property <\$500 in the 7th Judicial Circuit Court of Macoupin County, State of Illinois, cause no. 20-CM-230.

Respectfully submitted,

KELLY SNYDER
Assistant Attorney General

/s/ Kelly Snyder
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ATTORNEYS FOR STATE

CERTIFICATE OF SERVICE

I do hereby certify that a true copy of the foregoing was e-filed on September 14, 2023, via Case.net and thereby served to the parties.

/s/ Kelly Snyder