

Stephen A. Hunting, #21648  
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**IN THE DISTRICT COURT OF FRANKLIN COUNTY, KANSAS  
FOURTH JUDICIAL DISTRICT**

STATE OF KANSAS, )  
Plaintiff, )  
vs. ) Case No. 2013 CR 104  
KYLE FLACK, )  
Defendant. )

**STATE'S NOTICE OF INTENT TO SEEK DEATH AND REQUEST SEPARATE  
SENTENCING AND NOTICE OF AGGRAVATING CIRCUMSTANCES**

**COMES NOW** the State, by and through Stephen A. Hunting, the duly elected and qualified County Attorney for Franklin County Attorney and Derek Schmidt, the duly elected and qualified Kansas Attorney General, pursuant to K.S.A. 21-6617(a) hereby provide notice to the defendant Kyle Trevor Flack, his attorney, Ronald Evans, and the Court that the State of Kansas intends, upon conviction of the defendant of the crime of Capital Murder, to request a separate sentencing proceeding to determine whether the defendant should be sentenced to death.

**NOTICE IS FURTHER PROVIDED** to the defendant, Kyle Trevor Flack, his attorney, Ronald Evans, and the Court of the Aggravating Circumstances set forth in K.S.A. 21-6624 upon which the State will rely at the sentencing phase in the above captioned matter.

The State hereby notifies the defendant, pursuant to K.S.A. 21-6617(c) that at the sentencing proceeding, evidence will be presented concerning any and all matters deemed relevant to the question of sentence and shall include matters relating to the following specifically enumerated aggravated circumstances as set forth in K.S.A. 21-6624:

**AGGRAVATING CIRCUMSTANCES**

With respect to the murders of Kaylie Bailey and L.B. (xx/xx/2011):

1. The defendant was previously convicted in Franklin County case # 05 CR 159 of attempted second degree murder in which the defendant inflicted great bodily harm on another. K.S.A. 21-6624(a)
2. The defendant knowingly or purposely killed more than one person. K.S.A. 21-6624(b)
3. The defendant committed the crime in order to avoid or prevent lawful arrest or prosecution. K.S.A. 21-6624(e)
4. The defendant, as to Kaylie Bailey, committed the crime in an especially heinous, atrocious, or cruel manner. K.S.A. 21-6624(f)
5. The victim, Kaylie Bailey, was killed because of the victim's prospective performance of the victim's duties as a witness in a criminal proceeding. K.S.A. 21-6624(h)

**MITIGATING CIRCUMSTANCES**

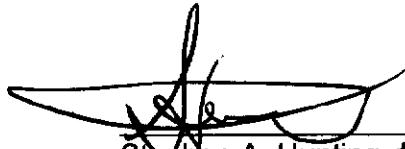
The State hereby notifies the defendant that based upon the evidence reviewed to the date of the filing of this notice, there are no mitigating circumstances. The State requests that the defendant, by and through counsel,

advises the State of any and all mitigating circumstances upon which the defendant intends to rely upon at the sentencing proceeding.

**RESERVATION OF RIGHTS**

The State reserves the right to amend the list of aggravating and/or mitigating circumstances as set forth above in this notice. The evidence upon which the State will rely to support the above stated aggravating factors has been provided to the defense by way of discovery. Consistent with the State's continuing obligation to provide discovery, the State reserves the right to rely upon evidence supplied between today's date and the time of sentencing to support the aggravating factors submitted to the trier of fact.

Respectfully submitted,



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Stephen A. Hunting, #21648  
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301 S. Main Street  
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Attorney for the plaintiff



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Derek L. Schmidt, #17781  
Kansas Attorney General  
120 SW 10th Avenue, Room 200  
Topeka, KS 66612  
(785) 296-2215  
Attorney for the plaintiff

**CERTIFICATE OF SERVICE**

I hereby certify that the State's Notice of Intent to Seek Death and Request Separate Sentencing and Notice of Aggravating Circumstances was hand-delivered on the 22<sup>nd</sup> day of April, 2014, to:

The Clerk of the Franklin County District Court  
301 S. Main Street  
Ottawa, KS 66067

and, I hereby certify that a true and accurate copy of the State's Notice of Intent to Seek Death and Request Separate Sentencing and Notice of Aggravating Circumstances was hand-delivered on the 22<sup>nd</sup> day of April, 2014 to:

Ronald Evans  
Attorney for the Defendant  
714 SW Jackson Street, Suite 200  
Topeka, KS 66603

and, I hereby certify that a chamber copy of the State's Notice of Intent to Seek Death and Request Separate Sentencing and Notice of Aggravating Circumstances was delivered to Hon. Eric Godderz on the 22<sup>nd</sup> day of April, 2014.



Stephen A. Hunting, #21648  
Franklin County Attorney

#183