

IN THE CIRCUIT COURT OF THE TWENTIETH JUDICIAL CIRCUIT IN AND FOR
HENDRY COUNTY, FLORIDA CRIMINAL ACTION

STATE OF FLORIDA

CASE NO: 16-000454CF - (JDS)
(ART)

vs.

BUBBA WAYNE O'CONNOR

NOTICE OF INTENT TO SEEK DEATH PENALTY

COMES NOW the STATE OF FLORIDA, by and through the undersigned Assistant State Attorney, pursuant to Rule 3.181 of the Florida Rules of Criminal Procedure, and hereby serves Notice of Intent to Seek the Death Penalty in this cause.

The defendant was charged by Indictment with the capital offense of First Degree Murder on October 11, 2016. The defendant was arraigned on said charge on November 14, 2016. This Notice is being filed within 45 days of arraignment pursuant to Rule 3.181.

As grounds for the imposition of the death penalty, the State intends to prove the following aggravating factors, which the State has reason to believe it can prove beyond a reasonable doubt:

- 1) The defendant was previously convicted of another capital felony or of a felony involving the use or threat of violence to the person. F.S. 921.141(6)(b).
- 2) The capital felony was committed while the defendant was engaged, or was an accomplice, in the commission of, or an attempt to commit, or flight after committing or attempting to commit, any: robbery; sexual battery; aggravated child abuse; abuse of an elderly person or disabled adult resulting in great bodily harm, permanent disability, or permanent disfigurement; arson; burglary; kidnapping; aircraft piracy; or unlawful throwing, placing, or discharging of a destructive device or bomb. F.S. 921.141(6)(d).
- 3) The capital felony was committed for the purpose of avoiding or preventing a lawful arrest or effecting an escape from custody. F.S. 921.141(6)(e).
- 4) The capital felony was committed for pecuniary gain. F.S. 921.141(6)(f).
- 5) The capital felony was especially heinous, atrocious, or cruel. F.S. 921.141(6)(h).
- 6) The capital felony was a homicide and was committed in a cold, calculated, and premeditated manner without any pretense of moral or legal justification. F.S. 921.141(6)(i).
- 7) The victim of the capital felony was particularly vulnerable due to advanced age or disability, or because the defendant stood in a position of familial or custodial authority over the victim. F.S. 921.141(6)(m).

RE: BUBBA WAYNE O'CONNOR, 16-000454CF

The State further requests, pursuant to Rule 3.202 of the Florida Rules of Criminal Procedure, that the defendant provide the State, not less than 20 days before trial of this cause, written notice of intent to present testimony of a mental health professional in order to establish any statutory or nonstatutory mental mitigating circumstances.

STEPHEN B. RUSSELL
STATE ATTORNEY

BY: /s/ Abraham R. Thornburg
Abraham R. Thornburg
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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the above and foregoing has been furnished to Byron P. Hileman, Attorney for the Defense, Office of Regional Conflict Counsel, Post Office Box 9000, Drawer RC-2, Bartow, FL 33831 by Electronic Transmission this 23rd day of November, 2016.

/s/ Abraham R. Thornburg
Abraham R. Thornburg
Assistant State Attorney

If you are a person with a disability who needs any accommodation in order to participate in this proceeding, you are entitled, at no cost to you, to the provision of certain assistance. Please contact Dawn Oliver, Administrative Services Manager whose office is located at Hendry County Courthouse, 25 E. Hickpochee, Labelle, Florida 33935, and whose telephone number is (863)675-5374, at least 7 days before your scheduled court appearance, or immediately upon receiving this notification if the time before the scheduled appearance is less than 7 days; if you are hearing or voice impaired, call 1-800-955-8711.