

IN THE COURT OF COMMON PLEAS, PIKE COUNTY, PENNSYLVANIA -
CRIMINAL DIVISION

COMMONWEALTH OF PENNSYLVANIA

v.

ERIC MATTHEW FREIN

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:
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: NO: CR-19-2015
:

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PROTHONOTARY
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ENTERED FOR RECORD
PIKE COUNTY, PA

**COMMONWEALTH'S NOTICE OF AGGRAVATING CIRCUMSTANCES AND
INTENT TO SEEK THE DEATH PENALTY**

RE: BRYON K. DICKSON, II

TO THE HONORABLE JUDGES OF THE COURT OF COMMON PLEAS:

The Pike County District Attorney, Raymond J. Tonkin, respectfully represents:

1. The Commonwealth, by way of criminal complaint, charged the Defendant Eric Matthew Frein with the following offenses:
 - a. Murder of the First Degree, 18 Pa. C.S.A. § 2502(a);
 - b. Criminal Attempt to commit Murder of the First Degree, 18 Pa. C.S.A. § 901(a)/2502(a);
 - c. Murder of a Law enforcement Officer of the First Degree, 18 Pa. C.S.A. § 2507(a);
 - d. Criminal Attempt to commit Murder of a Law Enforcement Officer of the First Degree, 18 Pa. C.S.A. § 901(a)/2507(a);
 - e. Assault of a Law Enforcement Officer, 18 Pa. C.S.A. § 2702.1(a);
 - f. Terrorism, 18 Pa. C.S.A. § 2717(a)(2);
 - g. Terrorism, 18 Pa. C.S.A. § 2717(a)(3);
 - h. Weapons of Mass Destruction, 18 Pa. C.S.A. § 2716(a);
 - i. Weapons of Mass Destruction, 18 Pa. C.S.A. § 2716(a);
 - j. Discharging a Firearm into an Occupied Structure, 18 Pa. C.S.A. § 2707.1(a);
 - k. Possessing Instruments of Crime, 18 Pa. C.S.A. § 907(a); and
 - l. Recklessly Endangering Another Person, 18 Pa. C.S.A. § 2705.
2. On January 5, 2015, Magisterial District Judge Shannon L. Muir presided over the preliminary hearing in this matter.

3. At the conclusion of the preliminary hearing, Magisterial District Judge Shannon L. Muir determined that the Commonwealth had established a *prima facie* case on all charges, and she remanded the Defendant without bail.
4. The Commonwealth is seeking the death penalty in connection with the death of Bryon K. Dickson, II, upon conviction of the crime of Murder in the First Degree, and thus avers the following:
 - a. The victim, Bryon K. Dickson, II, was a peace officer or State law enforcement official, who was killed in the performance of his duties or as a result of his official position. 42 Pa. C.S.A. § 9711(d)(1);
 - b. The Defendant committed the killing while in the perpetration of a felony offense. 42 Pa. C.S.A. § 9711(d)(6). Specifically, the Defendant killed Bryon K. Dickson, II, while in the perpetration of 18 Pa. C.S.A. § 901/2502, Criminal Attempt to Commit Murder.
 - c. The Defendant committed the killing while in the perpetration of a felony offense. 42 Pa. C.S.A. § 9711(d)(6). Specifically, the Defendant killed Bryon K. Dickson, II, while in the perpetration of 18 Pa. C.S.A. § 901/2507(a), Criminal Attempt to Commit Murder of a Law Enforcement Officer of the First Degree.
 - d. The Defendant committed the killing while in the perpetration of a felony offense. 42 Pa. C.S.A. § 9711(d)(6). Specifically, the Defendant killed Bryon K. Dickson, II, while in the perpetration of 18 Pa. C.S.A. § 2702.1(a), Assault of a Law Enforcement Officer, graded as an F1.
 - e. The Defendant committed the killing while in the perpetration of a felony offense. 42 Pa. C.S.A. § 9711(d)(6). Specifically, the Defendant killed Bryon K. Dickson, II, while in the perpetration of 18 Pa. C.S.A. § 2717(a)(2), Terrorism, graded as an F1.
 - f. The Defendant committed the killing while in the perpetration of a felony offense. 42 Pa. C.S.A. § 9711(d)(6). Specifically, the Defendant killed Bryon K. Dickson, II, while in the perpetration of 18 Pa. C.S.A. § 2717(a)(3), Terrorism, graded as an F1.
 - g. The Defendant committed the killing while in the perpetration of a felony offense. 42 Pa. C.S.A. § 9711(d)(6). Specifically, the Defendant killed Bryon K. Dickson, II, while in the perpetration of 18 Pa. C.S.A. § 2716(a), Weapons of Mass Destruction, graded as an F2.
 - h. The Defendant committed the killing while in the perpetration of a felony offense. 42 Pa. C.S.A. § 9711(d)(6). Specifically, the Defendant


- killed Bryon K. Dickson, II, while in the perpetration of 18 Pa. C.S.A. § 2716(a), Weapons of Mass Destruction, graded as an F2
- i. The Defendant committed the killing while in the perpetration of a felony offense. 42 Pa. C.S.A. § 9711(d)(6). Specifically, the Defendant killed Bryon K. Dickson, II while in the perpetration of 18 Pa. C.S.A. § 2707.1, Discharge of a Firearm into an Occupied Structure, graded as an F3.
 - j. In the commission of the offense the Defendant knowingly created a grave risk of death to another person, Alex Douglass, in addition to Bryon K. Dickson, II. 42 Pa. C.S.A. § 9711(d)(7).
 - k. In the commission of the offense the Defendant knowingly created a grave risk of death to another person, Nicole Palmer, in addition to Bryon K. Dickson, II. 42 Pa. C.S.A. § 9711(d)(7).
 - l. The Defendant has been convicted of another Federal or State offense, committed either before or at the time of the offense at issue, for which a sentence of life imprisonment or death was imposable or the defendant was undergoing a sentence of life imprisonment for any reason at the time of the commission of the offense. 42 Pa. C.S.A. § 9711(d)(10).
5. The Commonwealth is seeking the death penalty in connection with the death of Bryon K. Dickson, II, upon conviction of the crime of Murder of a Law Enforcement Officer in the First Degree, and thus avers the following:
- a. The Defendant committed the killing while in the perpetration of a felony offense. 42 Pa. C.S.A. § 9711(d)(6). Specifically, the Defendant killed Bryon K. Dickson, II, while in the perpetration of 18 Pa. C.S.A. § 901/2502, Criminal Attempt to Commit Murder.
 - b. The Defendant committed the killing while in the perpetration of a felony offense. 42 Pa. C.S.A. § 9711(d)(6). Specifically, the Defendant killed Bryon K. Dickson, II, while in the perpetration of 18 Pa. C.S.A. § 901/2507(a), Criminal Attempt to Commit Murder of a Law Enforcement Officer of the First Degree.
 - c. The Defendant committed the killing while in the perpetration of a felony offense. 42 Pa. C.S.A. § 9711(d)(6). Specifically, the Defendant killed Bryon K. Dickson, II, while in the perpetration of 18 Pa. C.S.A. § 2702.1(a), Assault of a Law Enforcement Officer, graded as an F1.

- d. The Defendant committed the killing while in the perpetration of a felony offense. 42 Pa. C.S.A. § 9711(d)(6). Specifically, the Defendant killed Bryon K. Dickson, II, while in the perpetration of 18 Pa. C.S.A. § 2717(a)(2), Terrorism, graded as an F1.
 - e. The Defendant committed the killing while in the perpetration of a felony offense. 42 Pa. C.S.A. § 9711(d)(6). Specifically, the Defendant killed Bryon K. Dickson, II, while in the perpetration of 18 Pa. C.S.A. § 2717(a)(3), Terrorism, graded as an F1.
 - f. The Defendant committed the killing while in the perpetration of a felony offense. 42 Pa. C.S.A. § 9711(d)(6). Specifically, the Defendant killed Bryon K. Dickson, II, while in the perpetration of 18 Pa. C.S.A. § 2716(a), Weapons of Mass Destruction, graded as an F2.
 - g. The Defendant committed the killing while in the perpetration of a felony offense. 42 Pa. C.S.A. § 9711(d)(6). Specifically, the Defendant killed Bryon K. Dickson, II, while in the perpetration of 18 Pa. C.S.A. § 2716(a), Weapons of Mass Destruction, graded as an F2.
 - h. The Defendant committed the killing while in the perpetration of a felony offense. 42 Pa. C.S.A. § 9711(d)(6). Specifically, the Defendant killed Bryon K. Dickson, II while in the perpetration of 18 Pa. C.S.A. § Discharge of a Firearm into an Occupied Structure, graded as an F3.
 - i. In the commission of the offense the Defendant knowingly created a grave risk of death to another person, Alex Douglass, in addition to Bryon K. Dickson, II. 42 Pa. C.S.A. § 9711(d)(7).
 - j. In the commission of the offense the Defendant knowingly created a grave risk of death to another person, Nicole Palmer, in addition to Bryon K. Dickson, II. 42 Pa. C.S.A. § 9711(d)(7).
 - k. The Defendant has been convicted of another Federal or State offense, committed either before or at the time of the offense at issue, for which a sentence of life imprisonment or death was imposable or the defendant was undergoing a sentence of life imprisonment for any reason at the time of the commission of the offense. 42 Pa. C.S.A. § 9711(d)(10).
6. If the Defendant is convicted of First Degree Murder, and/or Murder of a Law Enforcement Officer in the First Degree, the Commonwealth intends to present testimony concerning the victim, Bryon K, Dickson, II, and

victim impact testimony during the sentencing phase from the employer, co-workers, friends and family of Bryon K. Dickson, II. 42 Pa. C.S.A. §9711(a)(2). *See Commonwealth v. Rega*, 933 A.2d 997, 1021-1023 (Pa. 2007); *see also Commonwealth v. Taylor*, 876 A.2d 916, 934-36 (Pa. 2005).

WHEREFORE, the Commonwealth respectfully gives notice to this Honorable Court and the Defendant of its intent to seek the death penalty in connection with the death of Bryon K. Dickson, II.

Respectfully Submitted,


Raymond J. Tonkin
District Attorney

CERTIFICATE OF SERVICE

I, Peggy Sue Goble, hereby certify that I am this day serving the foregoing motion upon the persons and in the manner indicated below which satisfies the requirements of Pa. R. Crim.

P. 576:

Service is made *via* Facsimile and by leaving a copy in the Courthouse Mailbox as follows:

COUNSEL FOR THE DEFENDANT

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MILFORD, PA 18337

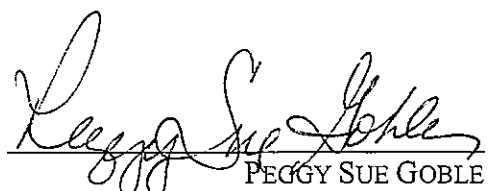
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