Filed in District Court
State of Minnesota
11/17/2023 3:34 PM

STATE OF MINNESOTA **DISTRICT COURT**

COUNTY OF WINONA **THIRD JUDICIAL DISTRICT**

State of Minnesota,

Plaintiff,

-vs-

NOTICE BY PROSECUTING ATTORNEY OF INTENT TO SEEK AN AGGRAVATED SENTENCE PURSUANT TO RULE 7.03 (Amendment #1)

Adam Taylor Fravel,

Defendant.

District Court File No.: 85-CR-23-937
County Attorney File No.: 0007990/65187

TO: The District Court of the Third Judicial District, and Zachary C Bauer, attorney for defendant:

PLEASE TAKE NOTICE pursuant to Rule 7.03 of the Minnesota Rules of Criminal Procedure that the prosecuting attorney intends to seek an aggravated sentence in this matter.

The State relies upon the following grounds and/or statutes as support for the aggravated sentence, without limitation:

The victims were "treated with particular cruelty for which the offender should be held responsible." Minn. Stat. 244.10, subd. 5a (2); Minn. Sent. Guidelines II.D.3(b)(2).

The Defendant concealed the deceased's body. State v. Hicks, 864 N.W.2d 153, 159 (Minn. 2015) (The "concealment of a homicide victim's body, in and of itself, may be an aggravating factor under the sentencing guidelines that supports an upward durational departure."); State v. Griller, 583 N.W.2d 736 (Minn. 1998); State v. Folkers, 581 N.W.2d 321 (Minn. 1998); State v. Ming Sen Shiue, 326 N.W.2d 648 (Minn. 1982); Contra State v. Leja, 684 N.W.2d 442 (Minn. 2004).

These theories are based, without limitation, on the following factual grounds. The Defendant concealed the deceased's body. The deceased's body was left in an isolated area off a road with signs reading "Dead End" and "Minimum Maintenance Road" in rural Minnesota. The body was wrapped in a sheet, partially encapsulated by a culvert, and appeared to have been covered by wooden debris.

Madeline Kingsbury was reported missing on March 31, 2023. Her body was located by law enforcement officials on June 7, 2023. Her loved ones, including family and friends, spent 69 days not knowing whether she was alive or dead. They were deprived of saying their final goodbyes in a timely manner before her body started decomposing after spending 69 days concealed in the woods. Moreover, Ms. Kingsbury's children, both under the age of 7, were left in a state of confusion and uncertainty as they did not know where their mother was, what

Filed in District Court
State of Minnesota
11/17/2023 3:34 PM

happened to their mother, or why they could not spend time with her for 69 days before someone could attempt the heart wrenching task of explaining to them that their mother was dead.

In addition, the Defendant's concealment of Ms. Kingsbury's body outdoors led to significant decomposition to and/or disfigurement of Ms. Kingbury's body. Having to see Ms. Kingbury's body in such a state would likely have caused extreme trauma and anguish to the family and friends of Ms. Kingbury and thus limited grieving, remembrance, religious and ceremonial undertakings commonly associated with the death of an individual.

The offense was committed in a location in which the victim had an expectation of privacy. Minn. Stat. 244.10, subd. 5a (14); Minn. Sent. Guidelines II.D.3(b)(14); State v. Mohamed, 779 N.W.2d 93, 100 (Minn. Ct. App. 2010) (The aggravating factor of zone-of-privacy can apply, even when parties share a home, if the crime occurs in the alleged victim's bedroom.)

In this case, the offense occurred within the home, including the possibility of being in the bedroom, of Ms. Kingsbury.

This notice also incorporates the facts included in the original criminal complaint for 85-CR-23-937.

The State is not limited to the factors expressly stated in the Sentencing Guidelines when providing reasonable notice of intent to seek an aggravated sentence. Minn. Stat. 244.10, subd. 4. The State further reserves its right to provide required notice and seek an aggravated sentence should it become aware, during the course of its ongoing investigation and prosecution, of additional information or facts that would support an aggravated sentencing departure.

Respectfully submitted,

Dated: November 17, 2023

/s/ Kevin O'Laughlin

Kevin P. O'Laughlin
Assistant Winona County Attorney
171 W Third Street
Winona, MN 55987
(507) 457-6310
Atty. Reg. No.: 306721
kolaughlin@co.winona.mn.us