

IN THE DISTRICT COURT OF CLEVELAND COUNTY  
STATE OF OKLAHOMA

JUN 25 2007

STATE OF OKLAHOMA )  
 )  
 Plaintiff )  
 )  
 vs. )  
 )  
 KEVIN RAY UNDERWOOD, )

DOCKET PAGE RECORDED  
Rhonda Hall, Court Clerk  
DEPUTY

Case No: CF-2007-513



**MORE DEFINITE AND CERTAIN  
STATEMENT REGARDING BILL OF PARTICULARS**

COMES NOW, the State of Oklahoma, by and through Susan P. Caswell, Assistant District Attorney and files a more definite and certain statement of the statutory aggravating circumstances asserted in the Bill of Particulars In Re Punishment filed in the above styled and numbered case.

In the bill of particulars filed by the State, the State alleged that:

1. The murder was committed for the purpose of avoiding or preventing a lawful arrest or prosecution.
2. The murder was especially heinous, atrocious or cruel.
3. at the present time there exists a probability that the defendant will commit criminal acts of violence that would constitute a continuing threat to society.

**1. The murder was committed for the purpose of avoiding or preventing a lawful arrest or prosecution.**

As to this first allegation in the bill of particulars, the State will incorporate all the testimony and evidence from the first stage of the trial. Defendant told S.A. Overby and Maag about killing Jamie Bolin. He struck her in the head with a cutting board three to four times trying to knock her out. When this did not work he placed his hand over her mouth and nose and held her in that manner until she died. Defendant stated that as soon as he started to hit her he wished he had not started. Clearly by that time he knew he had committed a vicious and wrongful assault (Assault and Battery with a Dangerous Weapon) on Jamie Bolin and had to kill her to avoid arrest or prosecution for that crime. She knew him and could identify him. Medical Examiner Dr. Yacoub will testify to the injuries she saw on the body of Jamie Bolin consistent with blunt force trauma to her head. She will also testify to the remaining injuries to her body and to the cause and manner of death as delineated in her Report of Autopsy.

**2. The murder was especially heinous, atrocious or cruel.**

As to this second allegation in the bill of particulars, the State will incorporate all the

testimony and evidence from the first stage of the trial. In addition the State will offer additional evidence to show the murder committed by Underwood was especially heinous, atrocious and cruel and caused her significant mental and physical pain, injury and suffering.

Defendant told S.A. Overby and Maag about killing Jamie Bolin. He described his pre planning to them; that he had been thinking about it for about a month. That about one year earlier he became interested in cannibalism. At first he wanted to eat someone and then it turned to wanting to have sex with her. He was going to grab someone and he "favored this girl [ Jamie Bolin]". He planned to duct tape and cuff them to restrain her. If he grabbed a child he would make them watch porn and have sex with them. He would then torture her, stick large objects in her anus, use skewers to poke through cheeks, and stick needles in her eyes. A Barbie doll was found by O.S.B.I. with nails in her eyes. While bound and gagged he intended to drape her over the bath tub and cut off her head to drain the blood. He would put the head on the desk to watch him and keep the corpse in bed with him to sleep and have sex with. One to two days later he would cut her up and cook and eat her. He would keep the skull and dispose of the parts he did not eat. He expected and wanted to become sexually aroused.

He bought supplies to carry out his plan and then acted on his plan on April 12, 2006 with Jamie Bolin.

He stated Jamie Bolin entered his apartment to play with his pet rat and that while she was on the floor pursuant to his plan he hit her with a wooden cutting board (sufficient to cause large bruises to the scalp per the Medical Examiner). After he hit her she cried out " I am sorry". He hit her two to three more times and she was screaming and saying "Oh God, I'm sorry". She had jumped up and began struggling with defendant. She said "Let me go I won't tell". He grabbed her from behind and held his hand over her mouth and nose. She continued to struggle desperately and he struggled to hold her. He shows carpet burns on his knees to the agents. The struggle dragged on for 15 to 20 minutes until he thought he had killed her. At this point Jamie Bolin was on the floor on her stomach with defendant on top of her with his hand still covering her mouth and nose. He describes that one time she slipped out of his grip and she reached out to grab things and opened a tool box on the floor but then she went limp. He stayed on her a couple more minutes to make sure she was dead, as Jamie could still get a bit of air through his fingers and his grip has slipped once. Once he was sure she was dead, he turned her over to her back but 30 seconds later she suddenly took a breath and "he had to do it all over again". It took another five minutes for her to go limp. When he was pretty sure she was dead he got up and put duct tape on her mouth and nose.

O.S.B.I. located the cutting board, tool box and duct tape in Underwood's apartment.

The manner of Jamies' death described by Underwood is consistent with the findings of Dr. Yacoub. She will testify to all her findings contained within her Report of Autopsy. She will further describe the manner in which your body responds to asphyxia and that Jamie consciously suffered serious physical abuse and/or physical anguish prior to her death. Dr. Yacoub found stomach contents in the mouth of Jamie Bolin consistent with her vomiting and choking during the attack by Underwood.

The above described plan and the manner in which the plan was carried out is wicked and evil and carried out with indifference to the suffering of Jamie Bolin. Further, defendant enjoyed the suffering of Jamie Bolin. He described to F.B.I. that he became very aroused and had an erection while he was killing Jamie Bolin; that by the time he was done killing her that his underwear was soaked from pre-ejaculate.

All of these facts make this murder especially heinous, atrocious and cruel.

**3. At the present time there exists a probability that the defendant will commit acts of violence that would constitute a continuing threat to society.**

As to this third allegation in the bill of particulars, the State will incorporate all the testimony and evidence from the first stage of the trial. In addition the State will offer further evidence to show that in the future, defendant Underwood would commit acts of violence that would constitute a continuing threat to society.

Defendant Underwood was cold, calculated and completely unremorseful with regard to this murder. Defendant told S.A. Overby and Maag about killing Jamie Bolin. He described his preplanning to them and that he had been thinking about it for about a month. That about one year earlier he became interested in cannibalism. At first he wanted to eat someone and then it turned to wanting to have sex with her. He was going to grab someone and he "favored this girl [ Jamie Bolin]". He planned to duct tape and cuff her to restrain her. He put a piece of tape by the front door to be ready for use. If he grabbed a child he would make them watch porn and have sex with them. He would then torture her, stick large objects in her anus, use skewers to poke through cheeks, and stick needles in her eyes. A Barbie doll was found by O.S.B.I. with nails in her eyes. While bound and gagged he intended to drape her over the bath tub and cut off the head to drain the blood. He would put the head on the desk to watch him and keep the corpse in bed with him to sleep and have sex with. One to two days later he would cut her up and cook and eat her. He would keep the skull and dispose of the parts he did not eat. He expected and wanted to become sexually aroused. He began to hang around outside his apartment and look for a victim. He wanted someone smaller so they would be less of a fight.

He bought supplies to carry out his plan and then acted on his plan on April 12, 2006 with Jamie Bolin. He was later told she was 10 years of age and Underwood thought she was 12 or 13.

He stated she entered his apartment to play with his pet rat and that while she was on the floor he hit her without warning with a wooden cutting board. After he hit her she cried out "I am sorry". He hit her two to three more times and she was screaming and saying "Oh God, I'm sorry". She had jumped up and began struggling with defendant. She said "Let me go I won't tell". He grabbed her from behind and held his hand over her mouth and nose. She continued to struggle and he struggled to hold her. He shows carpet burns on his knees to the agents. The struggle lasted 15 to 20 minutes until he thought he had killed her. At this point Jamie Bolin was on the floor on her stomach with defendant on top of her with his hand still covering her mouth and nose. He describes that one time she slipped out of his grip and she reached out to grab things and opened a tool box on the floor but then she went limp. He stayed on her a couple more minutes to make sure she was dead, as Jamie could still get a bit of air through his fingers and his grip has slipped once. Once he was sure she was dead, he turned her over to her back and 30 seconds later she took a breath and "he had to do it all over again". It took another five minutes for her to go limp. When he was pretty sure she was dead he got up and put duct tape on her mouth and nose. His actions were ruthless and in total disregard for the sanctity of life.

He took great pleasure in violating her body, even in death. He stripped off her clothes and his and began to lick her nipples and smell her vagina. Jamie Bolin had wet herself during the struggle. He put the tip of his penis in her vagina but could not get it all the way in due to her

position. She was moved to the bedroom and he retrieved her bike so people would think she left on her own. He moved her body to the bathroom to follow his plan of beheading her and having sex with the body. Underwood propped her over the tub and put her hair in a rubber band to keep it clean. He took a dagger (recovered by O.S.B.I.) and began to cut off her head, draining her blood into the tub. He could not cut through her spine. He decided to put her in a tub he bought for that purpose. He then taped it shut so it would stay shut. Later he taped it some more. (Jamie Bolin was found in a duct taped tub in defendant's bedroom closet.) He later disassembled her bike and hid it in his apartment intending to get rid of it later. (The bike was recovered by O.S.B.I. in two separate locations in the apartment, packaged for piece-by-piece removal and disposal.

O.S.B.I. located the cutting board, tool box, skewers, hacksaw, tub, and duct tape in Underwood's apartment.

Defendant expressed that he greatly enjoyed the suffering of Jamie Bolin. His acts were calloused and heartless; without mercy or remorse. He described to F.B.I that he became very aroused and had an erection while he was killing Jamie Bolin; that by the time he was done killing her that his underwear was soaked from pre-ejaculate.

Instant message records obtained from the computer of Melissa Custer show that defendant was messaging Custer on April 12, 2006 from 2:10 p.m. to 2:54. Defendant told Custer he would be back in a few hours. There is no further correspondence until 4:08 when defendant begins another conversation with Custer. That conversation appears to be a typical conversation between the two. Between the two conversations is when Underwood attacked and killed Jamie Bolin. He told the F.B.I. that he had killed Jamie Bolin and taken her body to the bathroom to drain her blood. That he almost cut her head off and then left her to drain into the tub while he got on the computer with Custer. He had previously bought a bowl (recovered by O.S.B.I.) to put some blood in and drink it. Jim Ealey O.S.B.I. recovered the messages from both Custer's and Underwood's computers. His lack of remorse and conscience is evident.

Other instant messages between Melissa Custer and Underwood demonstrate his interest in violence and death. On February 5, 2006 he writes that he likes gore and death and that he goes to web-sites to look at mutilated corpses and "weird and gross porn". On January 26, 2006 he also writes to Melissa Custer that videos of normal sex do not turn him on anymore. On February 2, 2006 he writes to Melissa Custer that he is thinking about writing a children's book and include anal sex as "children need more books about ass fucking". On January 10, 2006 he writes to Melissa Cooper that if he does not have sex soon he will kill someone. On December 19, 2005, he writes to Melissa Custer that he has a shopping list of "milk, eggs, bread, human souls". All of these text messages were recovered from Melissa Custer and Underwood's computer by Jim Ealey, O.S.B.I.

Also recovered from Underwood's computer by O.S.B.I. Dee Cordry are six photographs pertaining to or depicting death. The first photo is a nude "anime" character being sliced and eaten. The second is a photo of an infant with caption "Baby Doom Knew they all had to die." The third is an infant in a cooking pot on the stove entitled "baby food". The three remaining photos are of an autopsy of a woman. Defendant exhibits an abnormal and morbid fascination and obsession with death and torture.

Defendant told S.A. Overby and Maag that he deleted porn, death photos and web sites with crime scene photos from his computer when the police began looking for Jamie Bolin. He said the closest thing he had to child porn was four to five pictures of 10 year old children in

swimsuits but he also deleted them. He also said he had a DVD on Manson and investigative methods. He also downloaded pictures of women on cooking spits and he became greatly aroused. He would masturbate to cannibalism pictures.

Defendant wrote in his journals (seized by O.S.B.I.) for many years. In 2002 his writings are expressive and could be considered poetic. In 2005 and 2006 the writings are dark and twisted exhibiting an abnormal fascination and obsession with death and torture.

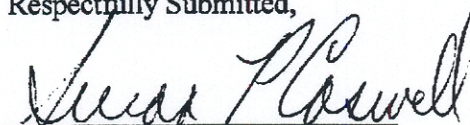
Defendant talked with Christopher Lansdale about cannibalism. He knew that defendant had videos on John Wayne Gacy (serial killer) and Underwood liked to search the Crimelibrary.org for profiles on crimes in the past.

Elvira Griffin is a hairdresser at Supercuts. On April 7<sup>th</sup> she cut defendants' hair. He commented on the picture of her one year old son. He talked of her sons' nipples (although not in the photo) and that it was unfair girls could not show their nipples. He asked her if she had any recipes for cooking organs so they could be eaten. She made a reference to Jeffrey Dahmer. He said his Uncle had died or been murdered in 1997. She said her mother had died and Underwood said "Doesn't that make you want to kill someone?" and "Wouldn't it be funny if they found them right under their nose?"

Defendant would talk to Michael Horner of killing people and once saw a female customer and commented "I wonder what she would taste like?" He was afraid Underwood would actually kill someday.

This evidence is presented to show the lack of remorse of defendant, and the sheer callousness in which defendant committed this murder. The nature and circumstances of this killing shows a propensity toward future acts of violence. His behavior has demonstrated he is a threat to society and there is a strong probability this threat will continue to exist in the future.

Respectfully Submitted,

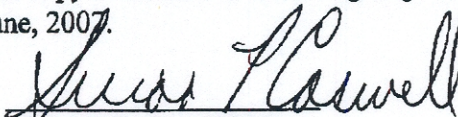


SUSAN P. CASWELL, OBA # 6877

Assistant District Attorney

CERTIFICATE OF SERVICE

This is to certify that a true and correct copy of the above and foregoing was faxed to Silas Lyman 801-2726 this 25 day of June, 2007.

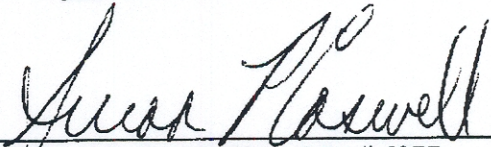


SUSAN P. CASWELL



CERTIFICATE OF SERVICE

This is to certify that a true and correct copy of this Amended Page II, Bill of Particulars In Re Punishment, was served on Silas Lyman, by fax at 801-2726 this 29 day of June, 2007.

  
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SUSAN P. CASWELL, OBA# 6877  
ASSISTANT DISTRICT ATTORNEY

ORIGINAL

IN AND FOR THE DISTRICT COURT OF CLEVELAND COUNTY  
STATE OF OKLAHOMA



STATE OF OKLAHOMA, )  
STATE OF OKLAHOMA ) S.S.  
CLEVELAND COUNTY )  
Plaintiff, FILED In The  
Office of the Court Clerk

vs.

JUN 25 2007

Case No. CF-2007-513

KEVIN RAY UNDERWOOD, )  
DOCKET PAGE RECORDED  
Rhonda Hall, Court Clerk  
Defendant, ) DEPUTY

**NOTICE TO THE COURT REGARDING INABILITY TO MEET DISCOVERY  
DEADLINE AND REQUEST FOR ADDITIONAL TIME**

Comes now the Defendant, Kevin Ray Underwood, through counsel and gives notice that he will be unable to meet the court-imposed discovery turnover deadline of June 25, 2007. As previously announced to this Court, counsel has been hindered in preparing a defense in this case due to the State's non-compliance with Court orders and failure to timely deliver discovery material to the defense. This has directly and negatively affected the production of any type of witness and exhibit list. Consequently, Defendant cannot meet this deadline and requests this Court allow him additional time in which to turn over this material.

Respectfully submitted,

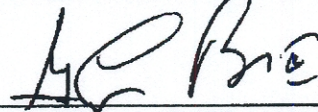
Silas R. Lyman, II, OBA #13165  
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Capital Trial Division  
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P.O. Box 926  
Norman, OK 73070  
405/801-2700

**ATTORNEYS FOR KEVIN RAY UNDERWOOD**



**CERTIFICATE OF SERVICE**

The undersigned hereby certifies that a true and correct copy of the foregoing instrument was delivered to Greg Mashburn, District Attorney, David Brockman, First Assistant District Attorney, Dave Batton, Assistant District Attorney, Richard Sitzman, Assistant District Attorney, and/or Susan Caswell, Assistant District Attorney, Cleveland County Courthouse, 200 South Peters, Norman, OK 73069, on this 25<sup>th</sup> day of June, 2007.



\_\_\_\_\_  
Silas R. Lyman, II, OBA #13165

G. Lynn Burch, OBA #14986

Matthew Haire, OBA #14916