

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MISSOURI  
EASTERN DIVISION

UNITED STATES OF AMERICA,	)	
	)	
Plaintiff,	)	
	)	
v.	)	No. S-1 4:24 CR 633 SEP (NCC)
	)	
EMMANUEL SUAREZ,	)	
	)	
Defendant.	)	

**UNITED STATES OF AMERICA’S  
NOTICE OF INTENT TO SEEK THE DEATH PENALTY  
PURSUANT TO TITLE 18, UNITED STATES CODE, SECTION 3593**

Pursuant to Title 18, United States Code, Section 3593(a), the United States of America hereby notifies the Court and defendant Emmanuel Suarez (Suarez) that the United States believes the circumstances of the offense charged in Count One of the First Superseding Indictment is such that, in the event the defendant is convicted of this charge, a sentence of death is justified, under Chapter 228 (Section 3591 through 3598) of Title 18 of the United States Code, and that the United States will seek the sentence of death for the offense of Kidnapping Resulting in Death in violation of Title 18, United States Code, Sections 1201(a)(1) and 2.

The United States proposes to prove the following factors justifying a sentence of death with regards to Count One as specified below:

Defendant Suarez was 18 years of age or older at the time of the offense

A. Statutory Threshold Factors Enumerated under 18 U.S.C. § 3592(a)(2)(A)-(D).

1. **Intentional Participation in Acts Resulting in Death.** Suarez intentionally participated in an act, contemplating that the life of a person would be taken or intending that lethal

force would be used in connection with a person, other than one of the participants in the offense, and Michelle Hampton died as a result of the act (18 U.S.C. § 3591(a)(2)(C));

2. **Intentional Engagement in Acts of Violence, Knowing that the Acts Created a Grave Risk of Death to a Person.** Suarez intentionally and specifically engaged in an act of violence, knowing that the act created a grave risk of death to a person, other than one of the participants in the offense, such that participation in the act constituted a reckless disregard for human life and Michelle Hampton died as a direct result of the act (18 U.S.C. § 3591(a)(2)(D)).

B. Statutory Aggravating Factors Enumerated under 18 U.S.C. § 3592(c).

1. **Death During the Commission of Kidnapping.** Michelle Hampton's death, or injury resulting in death, occurred during the commission or attempted commission of, or during the immediate flight from the commission of, an offense under 18 U.S.C. § 1201 (Kidnapping)(18 U.S.C. § 3592(c)(1)).

2. **Grave Risk of Death to Additional Persons.** Suarez, in the commission of the offense, or in escaping apprehension for the violation of the offense, knowingly created a grave risk of death to 1 or more persons, in addition to the victim of the offense (18 U.S.C. § 3592(c)(5)).

3. **Pecuniary Gain.** Suarez committed the offense as consideration for the receipt, or the expectation of the receipt, of anything of pecuniary value (18 U.S.C. § 3592(c)(8)).

4. **Substantial Planning and Premeditation.** Suarez committed the offense after substantial planning and premeditation to cause the death of a person (18 U.S.C. § 3592(c)(9)).

5. **Previous Conviction of a Serious Federal Drug Offense.** Suarez has been previously convicted of violating title II or III of the Comprehensive Drug Abuse Prevention and Control Act of 1970 for which a sentence of 5 or more years may be imposed or has previously been convicted of engaging in a continuing criminal enterprise (18 U.S.C. § 3592(c)(12)).

6. **Multiple killings or attempted killings.** Suarez intentionally killed or attempted to kill more than one person in a single criminal episode (18 U.S.C. § 3592(c)(16)).

C. Non-statutory aggravating factors identified under 18 U.S.C. § 3593(a)(2):

**Victim impact.** Defendant Suarez caused injury, harm, and loss to Michelle Hampton and to Michelle Hampton's family and friends as evidenced by the victim's personal characteristics and by the impact of the victim's death upon her family, friends, and associates.

Respectfully submitted,

THOMAS C. ALBUS  
UNITED STATES ATTORNEY

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