

and 1114; and Count Two, which charges Attempted Carjacking Resulting in Death, in violation of 18 U.S.C. § 2119. Each of these offenses is punishable by death.

As to each offense, the United States intends to prove the following eligibility factors, statutory aggravating factors, and non-statutory aggravating factors that justify the imposition of a sentence of death:

Eligibility Factors

1. The Defendant was 18 years of age or older at the time of the offense. 18 U.S.C. 3591(a).

2. The Defendant:

A. intentionally killed the victim, Francisco Paul Flattes II;

B. intentionally inflicted serious bodily injury that resulted in the death of the victim, Francisco Paul Flattes II;

C. 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 the victim, Francisco Paul Flattes II, died as a direct result of the act; or,

D. 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 the victim, Francisco Paul Flattes II, died as a direct result of the act.

18 U.S.C. § 3591(a)(2)(A–D).

Statutory Aggravating Factors

3. **Death during commission of another crime.** The death of the victim, Francisco Paul Flattes II, or injury resulting in his death, occurred during the commission or attempted commission of, or during the immediate flight from the commission of, an offense under Title 18, United States Code, Section 751, that being escape and attempted escape. 18 U.S.C. § 3592(c)(1).

4. **Previous conviction of violent felony involving firearm.** The Defendant has previously been convicted of a Federal or State offense punishable by a term of imprisonment of more than one year, involving the use or attempted or threatened use of a firearm (as

defined in 18 U.S.C. § 921) against another person. 18 U.S.C. § 3592(c)(2). The Defendant was convicted of the following qualifying crimes on or about February 10, 2005, in North Carolina Superior Court, Cabarrus County, each of which was punishable by a term of imprisonment of more than one year, and each of which involved the use or attempted use or threatened use of a firearm against another person:

- a. second-degree kidnapping of S.L.,
- b. robbery with a dangerous weapon of S.L.,
- c. first-degree burglary,
- d. second-degree kidnapping of M.W., and
- e. robbery with a dangerous weapon of M.W.

5. **Grave risk of death to additional persons.** The Defendant, in the commission of the offense, or in escaping apprehension for the violation of the offense, knowingly created a grave risk of death to one or more persons in addition to the victim of the offense, Francisco Paul Flattes II. 18 U.S.C. § 3592(c)(5).

Non-Statutory Aggravating Factors

6. **Law enforcement officer victim.** The victim, Francisco Paul Flattes II, was a law enforcement officer engaged in the

performance of his official duties, and the Defendant killed the victim because of, and during the performance of, the victim's official duties.

7. **Victim impact.** The Defendant caused injury, harm, and loss to the family, friends, and co-workers of the victim, Francisco Paul Flattes II. The injury, harm, and loss caused by the Defendant's actions with respect to the victim is evidenced by the victim's personal characteristics and by the impact of the victim's death upon his family, friends, and co-workers.

8. **Future dangerousness.** The Defendant poses a continuing danger to the lives and safety of other persons. The Defendant is likely to commit criminal acts of violence in the future that would constitute a continuing and serious threat to the lives and safety of others, as evidenced by, at least, one or more of the following:

- a. **Multiple prior escapes and escape attempts.** The Defendant has escaped from custody, or attempted to do so, on multiple prior occasions, threatening the lives and safety of law enforcement officers and members of the public.
- b. **Multiple prior incidents of dangerous flight from law enforcement officers.** The Defendant has engaged in

dangerous, high-speed, vehicular flight from law enforcement officers to elude arrest on multiple prior occasions, often after stealing a car or carjacking one, recklessly endangering the lives and safety of law enforcement officers and other motorists and pedestrians.

c. **Continuing pattern of violence.** The Defendant has engaged in a continuing pattern of violence, attempted violence, and threatened violence, against others.

d. **Low rehabilitative potential.** The Defendant has demonstrated a low potential for rehabilitation as evidenced by his longstanding involvement with criminal activities leading up to the capital offenses charged in the Bill of Indictment and continuing while he has been incarcerated. Through his words and recidivism, he has demonstrated that the threat of incarceration does not deter his misconduct.


9. **Intent to commit additional murders.** Had the Defendant escaped from his pursuers on or about June 30, 2025, he intended to rob another bank, then murder another man and the man's parents.

10. **Uncharged acts of violence and contemporaneous convictions.** The Defendant committed multiple other serious acts of violence, attempted violence, and threatened violence, both for which he faces contemporaneous convictions and for which he has not been charged, during his escape and subsequent flight from law enforcement.

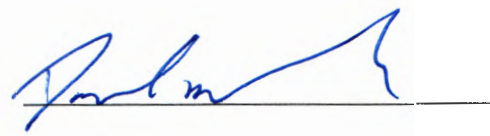
RESPECTFULLY SUBMITTED, this the 17th day of March, 2026.



RUSS FERGUSON
UNITED STATES ATTORNEY



DON GAST
ASSISTANT UNITED STATES
ATTORNEY
N.C. Bar Number: 23801
100 Otis Street, Suite 233
Asheville, NC 28801
Telephone: (828) 271-4661
Facsimile: (828) 271-4670
Don.Gast@usdoj.gov



DAVID A. THORNELOE
ASSISTANT UNITED STATES
ATTORNEY
N.C. Bar Number: 54463
100 Otis Street, Suite 233
Asheville, NC 28801
Telephone: (828) 271-4661
Facsimile: (828) 271-4670
David.Thorneloe@usdoj.gov