

MELISSA HOLYOAK, First Assistant United States Attorney (#9832)  
SIRENA MILLER WISLER, Assistant United States Attorney (#7450)  
BRYANT L. WATSON, Assistant United States Attorney (#16980)  
Attorneys for the United States of America  
Office of the United States Attorney  
111 South Main Street, Suite 1800  
Salt Lake City, Utah 84111-2176  
Telephone: (801) 524-5682  
Email: [Sirena.Wissler@usdoj.gov](mailto:Sirena.Wissler@usdoj.gov)

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IN THE UNITED STATES DISTRICT COURT  
DISTRICT OF UTAH

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<p>UNITED STATES OF AMERICA,</p> <p>Plaintiff,</p> <p>vs.</p> <p>YEAGER GLEAVE, a/k/a “Happy,” “White Man,”</p> <p>Defendant.</p>	<p>Case No. 2:25 CR 0043</p> <p>NOTICE OF INTENT TO SEEK THE DEATH PENALTY</p> <p>Judge Howard C. Nielson, Jr.</p>
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**NOTICE OF INTENT TO SEEK THE DEATH PENALTY**

The United States of America, through undersigned counsel and pursuant to 18 U.S.C. § 3593(a), notifies the Court and Defendant YEAGER GLEAVE, a/k/a “Happy,” “White Man,” that the United States believes that the circumstances in Counts Nine, Ten, and Eleven of the Second Superseding Indictment (Dkt. 166), are such that, in the event YEAGER GLEAVE is convicted of any of the capital offenses relating to the deaths of victims F.A, A.M., and M.M., a sentence of death is authorized under 18 U.S.C. §§ 3591-99, and the United States will seek the death penalty.

The United States will seek a sentence of death for the following criminal offenses as provided for in Counts Nine, Ten, and Eleven of the Second Superseding Indictment: Violent

Crime in Aid of Racketeering – Murder, in violation of 18 U.S.C. § 1959(a)(1) and 18 U.S.C. § 2, each of which carries a possible sentence of death.

The United States proposes to prove the following factors as justifying a sentence of death with regards to Counts Nine, Ten, and Eleven, as specified below:

(A) Defendant’s Age Under 18 U.S.C. § 3591(a).

1. YEAGER GLEAVE was 18 years of age or older at the time of the offense. 18 U.S.C. § 3591(a). (Counts Nine, Ten, and Eleven).

(B) Statutory Threshold Factors Enumerated Under 18 U.S.C. §§ 3591(a)(2)(C)-(D):

1. **Intentional Participation in an Act Resulting in Death:** YEAGER GLEAVE intentionally participated in an act, contemplating that the life of a person would be taken and intending that lethal force would be used in connection with a person, other than one of the participants in the offense, and F.A., A.M., and M.M. died as a direct result of the act. 18 U.S.C. § 3591(a)(2)(C). (Counts Nine, Ten, and Eleven).

2. **Intentional Engagement in an Act of Violence, Knowing That the Act Created a Grave Risk of Death to a Person:** YEAGER GLEAVE 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 F.A., A.M., and M.M. died as a direct result of the act. 18 U.S.C. § 3591(a)(2)(D). (Counts Nine, Ten, and Eleven).

(C) Statutory Aggravating Factors Enumerated Under 18 U.S.C. § 3592(c):

1. **Previous Conviction of Violent Felony Involving a Firearm:** YEAGER GLEAVE 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). (Counts Nine, Ten, and Eleven).

2. **Substantial Planning and Premeditation:** YEAGER GLEAVE committed the offense after substantial planning and premeditation to cause the death of a person. 18 U.S.C. § 3592(c)(9). (Counts Nine, Ten, and Eleven).

3. **Multiple Killings or Attempted Killings:** YEAGER GLEAVE intentionally killed and attempted to kill more than one person in a single criminal episode. 18 U.S.C. § 3592(c)(16). (Counts Nine, Ten, and Eleven).

D. Non-Statutory Aggravating Factors Identified Under 18 U.S.C. § 3593(a)(2):

1. **Pattern of Violent Activity:** YEAGER GLEAVE engaged in a pattern of violent activity, including but not limited to crimes charged in the Second Superseding Indictment and the following: (i) a 2017 targeted aggravated assault and stabbing of E.G. (Overt Act 23.1); (ii) 2018 targeted shooting of the rival Washington Boys gang (Overt Act 23.2); (iii) two 2019 targeted shootings of the rival Norteños gang (Overt Acts 23.3 and 23.4; Counts Three and Four); (iv) a 2020 kidnapping and robbery of E.G. (Overt Act 23.6); (v) a 2022 armed robbery and shooting of N.S. (Overt Acts 23.8 and 23.9; Count Two); (vi) a 2023 targeted shooting of the rival Brownside gang (Overt Act 23.14); (vii) a 2024 armed robbery of C.L. (Overt Act 23.15); (viii) a 2023 attempted murder of A.H., a 13-year old gang member suspected of cooperating with the police; and (ix) a 2025 assault and stabbing of J.G., a Norteños gang member (Overt Act 23.17; Count Eight). (Counts Nine, Ten, and Eleven).

2. **Victim Impact:** YEAGER GLEAVE caused injury, harm, and loss to the family, friends, and associates of F.A., A.M., and M.M. The injury, harm, and loss caused by YEAGER GLEAVE with respect to each victim is evidenced by each victim's personal characteristics and

by the impact of that victim's death upon his or her family and friends. (Counts Nine, Ten, and Eleven).

3. **Lack for Remorse:** YEAGER GLEAVE demonstrated a lack of remorse for killing F.A., A.M., and M.M., as evidenced by his words and conduct after the offenses, including but not limited to: promoting one of the shooters for his participation in the murders of F.A., A.M., and M.M., maintaining involvement with Florencia 13, and following his arrest, telling allied gang leaders that he promised to take steps to regain his status and the trust of gang leadership. (Counts Nine, Ten, and Eleven).

4. **Recruitment of Minors:** YEAGER GLEAVE targeted and recruited juveniles experiencing social and economic hardships for gang membership and groomed them to commit acts of violence, including murder, against rival criminal street gangs. (Counts Nine, Ten, and Eleven).

5. **Gang Motivated Killings:** YEAGER GLEAVE has demonstrated an allegiance to, and maintained a leadership role in, Florencia 13, a violent criminal enterprise, and committed the offenses charged in Counts, 9, 10, and 11, to protect and maintain the name and reputation of Florencia 13, and to advance his position and reputation within the criminal enterprise. (Counts Nine, Ten, and Eleven).

DATED this 12<sup>th</sup> day of May, 2026.

MELISSA HOLYOAK  
First Assistant United States Attorney

/s/Sirena Miller Wissler  
SIRENA MILLER WISSLER  
Assistant United States Attorney