

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND

UNITED STATES OF AMERICA

v.

EDIS OMAR
VALENZUELA-RODRIGUEZ,
a.k.a. “Little Felon,”

Defendant.

Criminal No. SAG-22-0409

* * * * *

NOTICE OF INTENT TO SEEK THE DEATH PENALTY

The United States of America, by and through its undersigned counsel and pursuant to 18 U.S.C. § 3593(a), notifies the Court and Defendant **EDIS OMAR VALENZUELA-RODRIGUEZ a.k.a. “Little Felon,”** that, in the above captioned case, the United States believes the circumstances in Counts Two and Three of the Superseding Indictment are such that, in the event of a conviction, a sentence of death is justified under 18 U.S.C. § 3591, *et seq.*, and that the United States will seek the sentence of death for these offenses.

The United States proposes to prove the following factors as justifying a sentence of death with regard to Count Two:

1. Defendant **EDIS OMAR VALENZUELA-RODRIGUEZ** was 18 years of age or older at the time of the offense (18 U.S.C. § 3591(a)).
2. The government will prove the following intent factors enumerated under 18 U.S.C. § 3591(a)(2)(A)–(D) in justifying a sentence of death:
 - a. **EDIS OMAR VALENZUELA-RODRIGUEZ** intentionally killed the victim. (18 U.S.C. § 3591(a)(2)(A));
 - b. **EDIS OMAR VALENZUELA-RODRIGUEZ** intentionally inflicted

serious bodily injury that resulted in the death of the victim (18 U.S.C. § 3591(a)(2)(B));

c. **EDIS OMAR VALENZUELA-RODRIGUEZ** 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 died as a direct result of the act (18 U.S.C. § 3591(a)(2)(C)); and

d. **EDIS OMAR VALENZUELA-RODRIGUEZ** 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 died as a direct result of the act (18 U.S.C. § 3591(a)(2)(D)).

3. The government will prove the following statutory aggravating factors enumerated under 18 U.S.C. § 3592(c) in justifying a sentence of death:

a. **EDIS OMAR VALENZUELA-RODRIGUEZ** committed the offense in an especially heinous, cruel, or depraved manner in that it involved torture or serious physical abuse to the victim. (18 U.S.C. § 3592(c)(6));

b. **EDIS OMAR VALENZUELA-RODRIGUEZ** committed the offense after substantial planning and premeditation to cause the death of a person (18 U.S.C. § 3592(c)(9)); and

c. The victim was particularly vulnerable due to youth. (18 § 3592(c)(11)).

4. Pursuant to 18 U.S.C. § 3593(a), the government will prove the following other aggravating factors in justifying a sentence of death:

a. **EDIS OMAR VALENZUELA-RODRIGUEZ** caused injury, harm, and loss to the victim as well as to the family and friends of the victim. The injury, harm, and loss caused by **EDIS OMAR VALENZUELA-RODRIGUEZ** 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 and friends.

b. **EDIS OMAR VALENZUELA-RODRIGUEZ** committed other charged crimes of violence: Conspiracy to Participate in a Racketeering Enterprise as charged in Count 1 of the Superseding Indictment, and Murder in Aid of Racketeering, as charged in Count Three of the Superseding Indictment.

The United States proposes to prove the following factors as justifying a sentence of death with regard to Counts Three:

1. Defendant **EDIS OMAR VALENZUELA-RODRIGUEZ** was 18 years of age or older at the time of the offense (18 U.S.C. § 3591(a)).
2. The government will prove the following intent factors enumerated under 18 U.S.C. § 3591(a)(2)(A)–(D) in justifying a sentence of death:
 - a. **EDIS OMAR VALENZUELA-RODRIGUEZ** intentionally killed the victim (18 U.S.C. § 3591(a)(2)(A));
 - b. **EDIS OMAR VALENZUELA-RODRIGUEZ** intentionally inflicted serious bodily injury that resulted in the death of the victim (18 U.S.C. § 3591(a)(2)(B));
 - c. **EDIS OMAR VALENZUELA-RODRIGUEZ** 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 died as a direct result of the act (18 U.S.C. § 3591(a)(2)(C)); and

- d. **EDIS OMAR VALENZUELA-RODRIGUEZ** 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 died as a direct result of the act (18 U.S.C. § 3591(a)(2)(D)).

3. The government will prove the following statutory aggravating factors enumerated under 18 U.S.C. § 3592(c) in justifying a sentence of death:

- a. **EDIS OMAR VALENZUELA-RODRIGUEZ** committed the offense in an especially heinous, cruel, or depraved manner in that it involved torture or serious physical abuse to the victim. (18 U.S.C. § 3592(c)(6));
- b. **EDIS OMAR VALENZUELA-RODRIGUEZ** committed the offense after substantial planning and premeditation to cause the death of a person (18 U.S.C. § 3592(c)(9)); and
- c. The victim was particularly vulnerable due to youth. (18 U.S.C. § 3592(c)(11)).

4. Pursuant to 18 U.S.C. § 3593(a), the government will prove the following other aggravating factors in justifying a sentence of death:

- a. **EDIS OMAR VALENZUELA-RODRIGUEZ** caused injury, harm, and loss to the victim, as well as to the family and friends of the victim. The injury, harm, and loss caused by **EDIS OMAR VALENZUELA-RODRIGUEZ** 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 and friends;

b. **EDIS OMAR VALENZUELA-RODRIGUEZ** committed other charged crimes of violence: Conspiracy to Participate in a Racketeering Enterprise as charged in Count 1 of the Superseding Indictment, and Murder in Aid of Racketeering, as charged in Count Two of the Superseding Indictment.

Respectfully submitted,

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