

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
VICTORIA DIVISION**

UNITED STATES OF AMERICA

v.

NOE ARANDA-SOTO

a/k/a "Robert Hernandez"
a/k/a "Diablo"
a/k/a "Chulo"
a/k/a "Wache"

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CRIMINAL NO. V-10-095-SSSSSS

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 **NOE ARANDA-SOTO** that the United States believes the circumstances of the offenses charged in Counts Seven through Thirteen and Counts Fifteen through Twenty-Three of the Sixth Superseding Indictment are such that, in the event of a conviction, a sentence of death is justified under Chapter 228 (Sections 3591 through 3598) of Title 18 of the United States Code, and that the United States will seek sentences of death for these offenses: Hostage Taking Resulting in Death; Use of a Firearm During and in Relation to a Crime of Violence Resulting in Death; Kidnapping Resulting in Death; Conspiracy to Harbor Aliens resulting in death; and Harboring Aliens resulting in death, all of which carry a possible sentence of death.

The United States intends to prove the following factors as justifying a sentence of death.

- A. Statutory Threshold Factors Enumerated Under Title 18, United States Code, Section 3591(a)(2)

As to Counts Seven to Thirteen and Fifteen to Twenty-Three:

1. **Intentional Killing.** NOE ARANDA SOTO intentionally killed Cristina Hernandez-Huerta. 18 U.S.C. § 3591(a)(2)(A).
 2. **Intentional Infliction of Serious Bodily Injury.** NOE ARANDA SOTO intentionally inflicted serious bodily injury that resulted in the death of Cristina Hernandez-Huerta. 18 U.S.C. § 3591(a)(2)(B).
 3. **Intentional Participation in Acts Resulting in Death.** NOE ARANDA SOTO intentionally participated in an act contemplating that the life of a person or persons would be taken and intending that lethal force would be used in connection with a person, other than a participant in the offense, and Cristina Hernandez-Huerta died as a direct result of the act. 18 U.S.C. § 3591(a)(2)(C).
 4. **Intentional Engagement in Acts of Violence, Knowing that the Acts Created a Grave Risk of Death to a Person.** NOE ARANDA SOTO 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 the participation in the act constituted a reckless disregard for human life, and Cristina Hernandez-Huerta died as a direct result of the act. 18 U.S.C. § 3591(a)(2)(D).
- B. Statutory Aggravating Factors Enumerated Under Title 18, United States Code, Section 3592(c)

As to Counts Seven to Thirteen and Fifteen to Twenty-Three:

1. **Death During Commission of Another Crime.** The death, and injury resulting in death, occurred during the commission or attempted commission of, and during

the immediate flight from the commission of, an offense under 18 U.S.C. § 1201 (Kidnapping) and an offense under 18 U.S.C. § 1203 (Hostage Taking). 18 U.S.C. § 3592(c)(1).

2. **Grave Risk of Death to Additional Person.** NOE ARANDA SOTO knowingly created a grave risk of death to one or more persons in addition to the victim of the offense in the commission of the offense and in escaping apprehension for the violation of the offense. 18 U.S.C. § 3592(c)(5).
3. **Heinous, Cruel and Depraved Manner of Committing the Offense.** NOE ARANDA SOTO committed the offense in an especially heinous, cruel and depraved manner in that it involved torture or serious physical abuse to the victim. 18 U.S.C. § 3592(c)(6).
4. **Multiple Killings or Attempted Killings.** NOE ARANDA SOTO intentionally killed and 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 Title 18, United States Code, Section 3593(a)

As to Counts Seven to Thirteen and Fifteen to Twenty-Three:

1. **OBSTRUCTION OF JUSTICE**

NOE ARANDA SOTO attempted to recruit another inmate in the Brazoria County jail to assist him in carrying out a murder-for-hire plan to kill Yadira Quezada-Reynosa.

2. FUTURE DANGEROUSNESS OF THE DEFENDANT

NOE ARANDA SOTO is a continuing danger to the lives and safety of other persons, and is likely to commit criminal acts of violence in the future as evidenced by, at least:

- (a) a willingness to take human life as demonstrated by statements that he made following these violent acts, and his recruitment of others, while in custody, to murder Yadira Quezada-Reynosa—the only eyewitness to NOE ARANDA SOTO’S murderous act.
- (b) a low potential for rehabilitation as demonstrated by his attempts to continue the operation of his hostage-taking/alien smuggling operation while in custody, and his failure to follow rules prohibiting the possession of contraband/weapons while in custody.
- (c) a disregard for authority as demonstrated by NOE ARANDA SOTO’s fugitive status in a federal alien smuggling case at the time of this murder, and one of which resulted in the death of two individuals and caused permanent, serious bodily injury to a juvenile.
- (d) an allegiance to and active membership in the “Paisas” prison gang, an organization falling within the definition of criminal street gangs set forth in 18 U.S.C. § 521(a).

3. LACK OF REMORSE

NOE ARANDA SOTO demonstrated a lack of remorse.

4. VICTIM IMPACT

NOE ARANDA SOTO caused injury, harm and loss to Cristina Hernandez-Huerta and her family and friends. The injury, harm and loss caused by NOE ARANDA SOTO is evidenced by the victim's personal characteristics and by the impact of the victim's death upon her family and friends.

5. UNCHARGED ACTS OF DOMESTIC VIOLENCE

NOE ARANDA SOTO engaged in acts of domestic violence, including physical abuse and threats of violence, toward his estranged common law spouse, Yvonne Perez.

6. ABUSE AND EXTORTION OF ALIEN-HOSTAGES

NOE ARANDA SOTO continued a pattern of savage and widespread physical and emotional abuse of aliens, including his acts of extortion with the families of aliens, stemming from his alien smuggling operation.

Respectfully submitted,

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CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing instrument has been furnished to counsel for the defendant, Noe Aranda-Soto, via ecf filing, on November 19, 2015.

By: /s Patti Hubert Booth
Patti Hubert Booth
Assistant United States Attorney

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Casey N. MacDonald
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