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*Peter Schoen!*

IN THE DISTRICT COURT OF THE UNITED STATES

95 JUN 21 AM 11:25

FOR THE DISTRICT OF NEW MEXICO

UNITED STATES OF AMERICA, )  
 )  
 Plaintiff, )  
 )  
 vs. )  
 )  
 JOHN ACOSTA, )  
 )  
 Defendant. )

CRIMINAL NO. 95-538-MV

NOTICE OF INTENT TO SEEK DEATH PENALTY AS TO  
 DEFENDANT JOHN ACOSTA

The United States of America notifies the Court and defendant JOHN ACOSTA under 18 U.S.C. § 3591(a)(2), 18 U.S.C. § 3592(c), and 18 U.S.C. § 3593(a), that if defendant is convicted for one or more of the murders of Patrick Garcia and Eugene Bryant, as charged by Counts Five and Seven of the Second Superseding Indictment, the Government will seek the sentence of death for JOHN ACOSTA as to each offense.

As required by 18 U.S.C. §§ 3593(a), (d), and (e), the United States will introduce evidence establishing beyond a reasonable doubt:

- a. One of the statutory aggravating factors set forth by 18 U.S.C. § 3591(a)(2), and
- b. One or more of the statutory aggravating factors set forth by 18 U.S.C. §§ 3592(c)(1)-(16).

As permitted by 18 U.S.C. §§ 3593(a) and (d), the United States will also seek to prove the non-statutory aggravating factors set forth in paragraphs 4, 9, and 10 of this



the act constituted a reckless disregard for human life, and Patrick Garcia died as a direct result of the act.

18 U.S.C. § 3591(a)(2)(D).

Statutory Factors under 18 U.S.C. §§ 3592(c)(1)-(16):

3. JOHN ACOSTA, in the commission of the offense, knowingly created a grave risk of death to one or more persons in addition to Patrick Garcia. 18 U.S.C. § 3592(c)(5).

Non-Statutory Factor Under 18 U.S.C. § 3593(a):

4. Victim Impact. JOHN ACOSTA devastated the family of Patrick Garcia by murdering Patrick Garcia. Family members miss their son and brother and grieve over his death. *what is the*

AS TO COUNT SEVEN ONLY:

*discovery*

MURDER OF EUGENE BRYANT

Statutory Factors under 18 U.S.C. § 3591(a)(2):

5. JOHN ACOSTA intentionally killed Eugene Bryant. 18 U.S.C. § 3591(a)(2)(A).

6. In the alternative, JOHN ACOSTA intentionally inflicted serious bodily injury that resulted in the death of Eugene Bryant. 18 U.S.C. § 3591(a)(2)(B).

7. In the alternative, JOHN ACOSTA intentionally participated in an act, contemplating that the life of Eugene Bryant would be taken or intending that lethal force would be used in connection with Eugene Bryant, who was not one of the participants in the offense, and Eugene Bryant died as a direct result of the act. 18 U.S.C. § 3591(a)(2)(C).

Statutory Factors under 18 U.S.C. §§ 3592(c)(1)-(16):

8. JOHN ACOSTA, in the commission of the offense, knowingly created a grave risk of death to one or more persons in addition to Eugene Bryant. 18 U.S.C. § 3592(c)(5).

Non-Statutory Factor Under 18 U.S.C. § 3593(a):

9. Victim Impact. By murdering Eugene Bryant, JOHN ACOSTA caused the family of Eugene Bryant to suffer, especially Eugene Bryant's mother.

FOR THE MURDERS

OF PATRICK GARCIA

AND EUGENE BRYANT, OR ANY OF THEM

Non-Statutory Factor Under 18 U.S.C. § 3593(a):

10. Future Dangerousness. JOHN ACOSTA represents a continuing, serious threat to the lives and safety of others. His future dangerousness is shown by his commission of offenses resulting in multiple deaths, by his commission of other acts of violence or potential violence, by his low potential for rehabilitation, by his lack of remorse for violent acts he has committed, and by his threats of violence to others, as described in the following subparagraphs.

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Both*

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a. JOHN ACOSTA has engaged in acts of violence or potential violence in addition to the murders of Patrick Garcia and Eugene Bryant. These include, but are not limited to:

(1) On or about March 15, 1995, JOHN ACOSTA conspired to murder African Americans.

*give me a break*



(1) Prior to murdering Eugene Bryant, JOHN ACOSTA and codefendants Vincent Najjar and Uriel Bustamante threatened to kill Brian Thomason.

(2) Prior to murdering Eugene Bryant on March 15, 1995, JOHN ACOSTA threatened to kill "all the niggers on the street."

Respectfully submitted,



JOHN J. KELLY  
United States Attorney



Thomas L. English  
Assistant United States Attorney

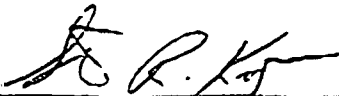


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Assistant United States Attorney

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I CERTIFY that true copies of  
the foregoing NOTICE were served  
on the following counsel of record  
for JOHN ACOSTA this 21st day of June, 1996:

Mark Donatelli, Esq.  
Peter Schoenburg, Esq.  
Gail Evans, Esq.



Thomas L. English  
Stephen R. Kotz

Assistant U.S. Attorneys  
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