

IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF MARYLAND

UNITED STATES OF AMERICA,)
Plaintiff,)
vs.) Case No. DKC-05-0393
JORGE RIGOBERTO AMADOR,)
a/k/a "Santo Diablo,")
Defendant.)

NOTICE OF INTENTION TO SEEK THE DEATH PENALTY AS TO DEFENDANT JORGE RIGOBERTO AMADOR

COMES NOW the United States of America, pursuant to 18 U.S.C. § 3593(a), by and through its undersigned counsel, and notifies the Court and the defendant in the above-captioned case that the Government believes the circumstances of the offenses charged in Counts Twenty-Four and Twenty-Six of the Third Superseding Indictment are such that, in the event of the defendant's conviction of any of these offenses, a sentence of death is justified under Chapter 228 (Sections 3591 through 3598) of Title 18 of the United States Code, and that the Government will seek the sentence of death for these offenses: Count Twenty-Four, murder of Jose Arias in aid of racketeering, in violation of 18 U.S.C. § 1959(a)(1); and Count Twenty-Six, causing the death of Jose Arias with a firearm, in violation of 18 U.S.C. § 924(j).

The Government proposes to prove the following factors beyond a reasonable doubt as justifying a sentence of death.

COUNT TWENTY-FOUR

MURDER IN AID OF RACKETEERING

A. Statutory Proportionality Factors Enumerated under 18 U.S.C. § 3591(a)(2)(A)-(D).

1. **Intentional Killing.** The defendant intentionally killed the victim. 18 U.S.C. § 3591(a)(2)(A).
2. **Intentional Infliction of Injury Resulting in Death.** The defendant intentionally inflicted serious bodily injury that resulted in the death of the victim. 18 U.S.C. § 3591 (a)(2)(B).
3. **Intentional Acts to Take Life or Use Lethal Force.** The defendant 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 Jose Arias died as a direct result of the act. 18 U.S.C. § 3591(a)(2)(C).
4. **Intentional Acts of Violence Creating a Grave Risk of Death.** The defendant 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 Jose Arias died as a direct result of the act. 18 U.S.C. § 3591(a)(2)(D).

B. Statutory Aggravating Factors Enumerated under 18 U.S.C. § 3592(c).

5. **Grave risk of death to additional persons -** the defendant, in the commission of the offense, or in escaping apprehension for the offense, knowingly created a

grave risk of death to one or more persons in addition to the victim of the offense (18 U.S.C. § 3592(c)(5));

6. **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 against another person (18 U.S.C. § 3592(c)(2)); and

7. **Multiple killings or attempted killings** - the defendant killed or 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 18 U.S.C. § 3593 (a)(2).

1. **Victim Impact Evidence.** As demonstrated by the victim's personal characteristics as an individual human being and the impact of the death upon the victim and the victim's family and friends, the defendant caused injury, harm, and loss to the victim and the victim's family and friends.

COUNT TWENTY-SIX

THE CONSPIRACY TO MURDER JOSE ARIAS

A. Statutory Proportionality Factors Enumerated under 18 U.S.C. § 3591(a)(2)(A)-(D).

1. **Intentional Killing.** The defendant intentionally killed the victim. 18 U.S.C. § 3591(a)(2)(A).

2. **Intentional Infliction of Injury Resulting in Death.** The defendant intentionally inflicted serious bodily injury that resulted in the death of the victim. 18 U.S.C. §

3591 (a)(2)(B).

3. **Intentional Acts to Take Life or Use Lethal Force.** The defendant 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 Jose Arias died as a direct result of the act. 18 U.S.C.

§ 3591(a)(2)(C).

4. **Intentional Acts of Violence Creating a Grave Risk of Death.** The defendant 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 Jose Arias died as a direct result of the act. 18 U.S.C. § 3591(a)(2)(D).

B. Statutory Aggravating Factors Enumerated under 18 U.S.C. § 3592(c).

5. **Grave risk of death to additional persons** - the defendant, in the commission of the offense, or in escaping apprehension for the offense, knowingly created a grave risk of death to one or more persons in addition to the victim of the offense (18 U.S.C. § 3592(c)(5));

6. **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 against another person (18 U.S.C. § 3592(c)(2)); and

7. **Multiple killings or attempted killings** - the defendant killed or

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 18 U.S.C. § 3593 (a)(2).

1. **Victim Impact Evidence.** As demonstrated by the victim's personal characteristics as an individual human being and the impact of the death upon the victim and the victim's family and friends, the defendant caused injury, harm, and loss to the victim and the victim's family and friends.

The Government further gives notice that in support of imposition of the death penalty, it intends to rely upon all the evidence admitted by the Court at the guilt phase of the trial and the offenses of conviction as described in the Indictment as they relate to the background and character of the Defendant, in his moral culpability, and the nature and circumstances of the offenses charged in the Indictment.

Respectfully submitted,

Rod J. Rosenstein
United States Attorney

By: 

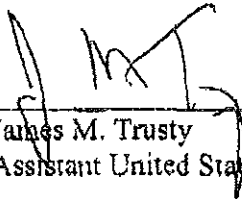
James M. Trusty
Assistant United States Attorney
District of Maryland

CERTIFICATE OF SERVICE

I hereby certify that on this 8th day of May, 2006, a true and correct copy of the above and foregoing Notice of Intention to Seek the Death Penalty As To Defendant JONATHAN RIGOBERTO AMADOR to be mailed first class, postage prepaid to counsel for Amador as follows:

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