

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF PUERTO RICO

UNITED STATES OF AMERICA,
Plaintiff,

v.

LASHAUN CASEY
Defendant.

CRIMINAL NO. 05-277 (PG)

UNITED STATES' NOTICE OF INTENT TO SEEK THE DEATH PENALTY

TO THE HONORABLE COURT:

COMES NOW the United States of America, pursuant to Title 18, United States Code Section 3593(a), by and through its undersigned counsel, and notifies the Court and Defendant Lashaun Casey that the Government believes the circumstances of the offenses charged in Counts One and Two of the 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 Government will seek the sentence of death for these offenses: carjacking resulting in death, in violation of 18 U.S.C. § 2119, and use of a firearm during a crime of violence that resulted in death, in violation of 18 U.S.C. § 924(j), both of which carry a possible sentence of death. Attached and made part of this notice is the Attorney General's authorization to seek the death penalty dated July 10, 2007.

The Government proposes to prove the following factors as justifying a sentence of death with regard to each of Count One and Count Two:

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 Serious Bodily Injury.** 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 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).

4. **Intentional Engagement in an Act of Violence, Knowing that the Act Created a Grave Risk of Death to a Person.** 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 the victim 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).

1. **Pecuniary Gain.** The Defendant committed the offense as consideration for the receipt, or in the expectation of the receipt, of anything of pecuniary value. 18 U.S.C. § 3592(c)(8).

2. **Substantial Planning and Premeditation.** The Defendant committed the offense after substantial planning and premeditation to cause the death of a person. 18 U.S.C. § 3592(c)(9).

3. **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 (as defined in 18 U.S.C. § 921) against another person. 18 U.S.C. § 3592(c)(2).

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

1. **Status of the Victim.** The victim was killed while performing his official duties as an undercover agent.

2. **Future Dangerousness.** The Defendant is likely to commit criminal acts of violence in the future that would constitute a continuing and serious threat to the lives and safety of others, as evidenced by, at least one or more of the following:

A. **Continuing Pattern of Violence.** The Defendant has engaged in a continuing pattern of violence, attempted violence, and threatened violence, including, at least, the crimes alleged against the Defendant in the Indictment and the crimes of which the Defendant was previously convicted, as described in ¶B.3 of this Notice.

B. **Low Rehabilitative Potential.** The Defendant has demonstrated a low potential for rehabilitation as evidenced by his repeated acts of institutional misconduct while in the custody of local correction or detention agencies, the United States Bureau of Prisons, or United States Marshal's Service.

C. **Lack of Remorse.** The Defendant has demonstrated a lack of remorse for the capital offenses committed in this case, as indicated by the Defendant's statements following the offense alleged in Counts One and Two of the Indictment.

3. **Victim Impact Evidence.** The Defendant caused injury, harm, and loss to the victim's family as demonstrated by the victim's personal characteristics as an individual human being and the impact of his death upon his family, Payne v. Tennessee, 501 U.S. 808, 825-26 (1991), including but not limited to, the following:

A. **Characteristics of the Victim.** At the time of his death, the victim was a 34-year-old police officer with the Commonwealth of Puerto Rico, who enjoyed a strong relationship with his family.

B. **Impact of the Offense on the Victim's Family.** The victim's family has suffered severe and irreparable harm.

The United States 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, **Lashaun Casey**, his moral culpability, and the nature and circumstances of the offenses charged in the Indictment.

WHEREFORE, the United States very respectfully requests that its compliance with 18 U.S.C. § 3593 be Noted.

RESPECTFULLY SUBMITTED.

In San Juan, Puerto Rico, this 17th. day of July, 2007.

ROSA E. RODRIGUEZ-VELEZ
United States Attorney

S/Maria Dominguez Victoriano
Maria Dominguez Victoriano
First Assistant U.S. Attorney

S/Antonio R. Bazan
Antonio R. Bazan, 117007
Senior Litigation Counsel
Torre Chardon, Suite 1201
350 Carlos Chardón Street
Hato Rey, Puerto Rico, 00918
Tel. (787) 766-5656

CERTIFICATE OF SERVICE

I HEREBY CERTIFY on this 17th. day of July, 2007, that a true and correct copy of the foregoing United States' Notice of Intent to Seek the Death Penalty is being hand-delivered and served via ECF to counsel for Defendant, as follows: Johanny Plaza, Esq.; Hector E. Guzman, Esq.; and David Lewis, Esq.

S/Antonio R. Bazan
Assistant U. S. Attorney