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 13 UNITED STATES OF AMERICA

14 UNITED STATES DISTRICT COURT

15 FOR THE CENTRAL DISTRICT OF CALIFORNIA

16 UNITED STATES OF AMERICA,
 17 Plaintiff,
 18 v.
 19 PAUL ANTHONY CIANCIA,
 20 Defendant.

No. CR 13-902-PSG

NOTICE OF INTENT TO SEEK THE DEATH
 PENALTY

21
 22 Plaintiff United States of America, by and through its counsel
 23 of record, the United States Attorney for the Central District of
 24 California, pursuant to 18 U.S.C. § 3593(a)(1), hereby notifies the
 25 Court and defendant PAUL ANTHONY CIANCIA that, in the event of
 26 conviction, the government intends to seek a sentence of death as to
 27 the offenses charged in Count One, First Degree Murder of a Federal
 28 Officer, in violation of 18 U.S.C. §§ 1114(1), 1111; Count Four,

1 Violence at an International Airport Causing Death, in violation of
2 18 U.S.C. § 37(a)(1); and Count Eight, Discharge of a Firearm During
3 a Crime of Violence Causing Death, in violation of 18 U.S.C.

4 §§ 924(j)(1), 924(c)(1)(A)(iii), of the Indictment, because the
5 circumstances of these offenses are such that a sentence of death is
6 justified under Chapter 228 of Title 18 of the United States Code.

7 Pursuant to 18 U.S.C. § 3593(a)(2), the government hereby
8 provides notice that it proposes to prove the following factors as
9 justifying a sentence of death as to Counts One, Four and Eight:

10 A. Statutory Threshold Findings Enumerated Under 18 U.S.C.
11 § 3591(a)(1) and (2)(A)-(D)

12 1. Defendant's Age at Time of Offense

13 Defendant PAUL ANTHONY CIANCIA was 18 years of age or older at
14 the time of the offense. 18 U.S.C. § 3591(a).

15 2. Intentional Killing

16 Defendant PAUL ANTHONY CIANCIA intentionally killed the victim,
17 Transportation Security Administration Officer Gerardo Hernandez. 18
18 U.S.C. § 3591(a)(2)(A).

19 3. Intentional Infliction of Serious Bodily Injury

20 Defendant PAUL ANTHONY CIANCIA intentionally inflicted serious
21 bodily injury that resulted in the death of the victim,
22 Transportation Security Administration Officer Gerardo Hernandez. 18
23 U.S.C. § 3591(a)(2)(B).

24 4. Intentional Participation in an Act, Contemplating
25 that the Life of Person Would be Taken

26 Defendant PAUL ANTHONY CIANCIA intentionally participated in an
27 act, contemplating that the life of a person would be taken or
28 intending that lethal force would be used in connection with a

1 person, other than one of the participants in the offense, and the
2 victim, Transportation Security Administration Officer Gerardo
3 Hernandez, died as a direct result of the act. 18 U.S.C.

4 § 3591(a)(2)(C).

5 5. Intentional Engagement in Act of Violence, Knowing the
6 Act Created a Grave Risk of Death to a Person

7 Defendant PAUL ANTHONY CIANCIA intentionally and specifically
8 engaged in an act of violence, knowing that the act created a grave
9 risk of death to a person, other than one of the participants in the
10 offense, such that participation in the act constituted a reckless
11 disregard for human life, and Transportation Security Administration
12 Officer Gerardo Hernandez died as a direct result of the act. 18
13 U.S.C. § 3591(a)(2)(D).

14 B. Statutory Aggravating Factors, Pursuant to 18 U.S.C.
15 § 3592(c)

16 1. Death During Commission of Another Crime

17 The death, and injury resulting in death, occurred during the
18 commission, or attempted commission of, offenses under 18 U.S.C.
19 § 37, Violence at an International Airport, as alleged in Counts
20 Five, Six and Seven. 18 U.S.C. § 3592(c)(1).

21 2. Grave Risk of Death to Additional Persons

22 Defendant PAUL ANTHONY CIANCIA, in the commission of the
23 offense, knowingly created a grave risk of death to one or more
24 persons in addition to Transportation Security Administration Officer
25 Gerardo Hernandez. 18 U.S.C. § 3592(c)(5).

1 3. Substantial Planning and Premeditation

2 Defendant PAUL ANTHONY CIANCIA committed the offense after
3 substantial planning and premeditation to cause the death of a
4 person. 18 U.S.C. § 3592(c)(9).

5 4. Multiple Killings or Attempted Killings

6 Defendant PAUL ANTHONY CIANCIA intentionally killed or attempted
7 to kill more than one person in a single criminal episode. 18 U.S.C.
8 § 3592(c)(16).

9 C. Non-Statutory Factors, Pursuant to 18 U.S.C. § 3593(a)(2)

10 1. Victim Impact

11 As reflected by victim Transportation Security Administration
12 Officer Gerardo Hernandez's personal characteristics as an individual
13 human being and the impact of the victim's murder on his family,
14 friends, and colleagues, defendant PAUL ANTHONY CIANCIA caused loss,
15 injury, and harm to the victim and the victim's family, friends, and
16 colleagues, including but not limited to the following:

17 a. *Characteristics of the Victim*

18 Defendant PAUL ANTHONY CIANCIA caused the death of
19 Transportation Security Administration Officer Gerardo Hernandez, a
20 39-year old husband, father, and employee with the Transportation
21 Security Administration, who enjoyed a strong relationship with his
22 family and co-workers.

23 b. *Impact of the Offense on the Family of the Victim*

24 The family of victim Transportation Security Administration
25 Officer Gerardo Hernandez has suffered severe and irreparable harm
26 including, but not limited to, emotional distress, grief, loss of
27 companionship, and loss of emotional and financial support.

1 c. *Impact of the Offense on the Colleagues of the*
2 *Victim*

3 The victim's colleagues within the Transportation Security
4 Administration have suffered substantial and irreparable harm
5 including, but not limited to, emotional distress, grief, loss of
6 companionship, and loss of service.

7 2. Status of the Victim

8 Victim Transportation Security Administration Officer Gerardo
9 Hernandez was an employee of the United States and was killed during
10 the performance of his official duties at Los Angeles International
11 Airport because defendant PAUL ANTHONY CIANCIA targeted and intended
12 to kill employees of the Transportation Security Administration.

13 3. Defendant Paul Anthony Ciancia Intended to Terrorize
14 Federal Employees and Dissuade them from the
15 Performance of their Duties

16 Defendant PAUL ANTHONY CIANCIA acted with the intent that his
17 crimes would strike fear in the hearts of Transportation Security
18 Administration employees and dissuade them from fulfillment of their
19 duties, which include securing the nation's airports and screening
20 passengers and baggage.

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1 4. Defendant Paul Anthony Ciancia Terrorized Numerous
2 Airline Passengers and Airport Employees by Committing
3 His Crimes on a Weekday Morning at Los Angeles
4 International Airport

5 By committing his crimes on a weekday morning in a crowded
6 terminal at one of the busiest airports in the world, defendant PAUL
7 ANTHONY CIANCIA terrorized numerous airline passengers and airport
8 employees by causing them to fear for their lives and experience
9 extreme emotional distress.

10 Dated: January 2, 2015

 Respectfully submitted,

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12 Acting United States Attorney

13 ROBERT E. DUGDALE
14 Assistant United States Attorney
15 Chief, Criminal Division

16 /s/Patrick R. Fitzgerald
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22 UNITED STATES OF AMERICA
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