

FILED
UNITED STATES DISTRICT COURT
DISTRICT OF NEW MEXICO
95 JUN 21 AM 11:25

IN THE DISTRICT COURT OF THE UNITED STATES

FOR THE DISTRICT OF NEW MEXICO

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	
)	
vs.)	CRIMINAL NO. 95-538-MV
)	
JASON DELATORRE,)	
)	
Defendant.)	

**NOTICE OF INTENT TO SEEK DEATH PENALTY AS TO
DEFENDANT JASON DELATORRE**

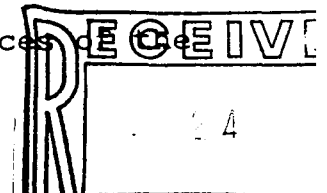
The United States of America notifies the Court and defendant JASON DELATORRE under 18 U.S.C. § 3591(a)(2), 18 U.S.C. § 3592(c), and 18 U.S.C. § 3593(a), that if defendant is convicted for the murder of Edward Sandoval as charged by Count Seventeen of the Second Superseding Indictment, the Government will seek the sentence of death for JASON DELATORRE.

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 6 and 7 of this Notice. The United States believes that the circumstances



offense are such that, if the defendant JASON DELATORRE is convicted, a sentence of death is justified under 18 U.S.C. §§ 3591 through 3593.

COUNT SEVENTEEN:

MURDER OF EDWARD SANDOVAL

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

1. JASON DELATORRE intentionally killed Edward Sandoval. 18 U.S.C. § 3591(a)(2)(A).

2. In the alternative, JASON DELATORRE intentionally inflicted serious bodily injury that resulted in the death of Edward Sandoval. 18 U.S.C. § 3591(a)(2)(B).

3. In the alternative, JASON DELATORRE intentionally participated in an act, contemplating that the life of Edward Sandoval would be taken or intending that lethal force would be used in connection with Edward Sandoval, who was not one of the participants in the offense, and Edward Sandoval 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):

4. JASON DELATORRE, in the commission of the offense, knowingly created a grave risk of death to one or more persons in addition to Edward Sandoval. 18 U.S.C. § 3592(c)(5).

5. JASON DELATORRE committed the offense after substantial planning and premeditation to cause the death of Edward Sandoval. 18 U.S.C. § 3592(c)(9).

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

6. Victim Impact. By murdering Edward Sandoval, JASON DELATORRE has devastated Edward Sandoval's family, especially Edward Sandoval's parents.

7. Future Dangerousness. JASON DELATORRE represents a continuing, serious threat to the lives and safety of others. His future dangerousness is shown 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.

a. JASON DELATORRE has engaged in acts of violence or potential violence in addition to the murder of Edward Sandoval. These include, but are not limited to:

(1) On or about December 26, 1994, JASON DELATORRE conspired to murder and murdered Patrick Garcia.

(2) On or about June 13, 1995, JASON DELATORRE conspired to murder and attempted to murder Robert King.

(3) On or about June 14, 1995, JASON DELATORRE conspired to murder and attempted to murder Franklin Snowden.

(4) On or about August 1, 1995, JASON DELATORRE conspired to murder and attempted to murder Lorenzo Apodaca.

(5) On or about October 13, 1995, JASON DELATORRE conspired to murder Rosa Montoya.

(6) On or about August 1, 1995, JASON DELATORRE carried and used firearms during and in relation to a drug

trafficking crime, as charged in Count Seventy-Seven of the Second Superseding Indictment.

b. JASON DELATORRE has a low potential for rehabilitation. This is shown by facts including, but not limited to:

(1) JASON DELATORRE engaged in substantial violence during the time frame alleged in the Second Superseding Indictment.

c. JASON DELATORRE lacks remorse for his violent acts. This is shown by facts including, but not limited to:


(1) After attempting to murder Robert King on June 13, 1995, JASON DELATORRE bragged about "blasting" Robert King.

d. JASON DELATORRE has made threats of violence against others. These include, but are not limited to:

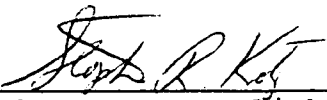
(1) Prior to attempting to murder Robert King on June 13, 1995, JASON DELATORRE said that he was going to shoot Robert King for a \$20 drug debt.

(2) On or about August 1, 1995, JASON DELATORRE threatened to shoot a firearm into a crowd of children.

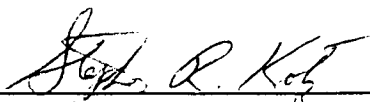
Respectfully submitted,



JOHN J. KELLY
United States Attorney

for 

Thomas L. English
Assistant United States Attorney

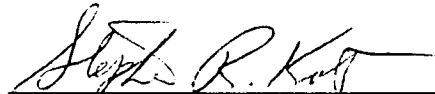


Stephen R. Kotz
Assistant United States Attorney

P. O. Box 607
Albuquerque, New Mexico 87103-0607
(505) 766-3341

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

Natman Schaye, Esq.
Ray Twohig, Esq.
Jeffrey Buckles, Esq.



Thomas L. English
Stephen R. Kotz