

JFC:bc/kmc
F.# 9703321
motions.gsd

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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UNITED STATES OF AMERICA

- against -

NOTICE OF INTENT TO SEEK THE
DEATH PENALTY

GURMEET SINGH DHINSA,
also known as "Singh,"
GULZAR SINGH,
also known as "Vippan Sareem,"
OTILIO GALVAN, and
ANTONIO GALVAN,

97 CR 672(S-3) (ERK)

Defendants.

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PLEASE TAKE NOTICE that the circumstances of the offenses charged in Counts Four and Five of the Superseding Indictment in the above-captioned case are such that, if the defendant GURMEET SINGH DHINSA, also known as "Singh," is convicted of either of those counts, the United States will seek the sentence of death for the defendant GURMEET SINGH DHINSA, pursuant to the provisions of Title 18, United States Code, Sections 3591 et seq.; and

PLEASE TAKE FURTHER NOTICE that the government will seek to prove, as the statutory basis for seeking the sentence of death, that the defendant GURMEET SINGH DHINSA 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 Satinderjit Singh died as a direct result of the act. (18 U.S.C. § 3591(a)(2)(C)).

PLEASE TAKE FURTHER NOTICE that the government will seek to prove the following statutory aggravating factors as the basis for imposition of the death penalty against the defendant GURMEET SINGH DHINSA:

1. The defendant GURMEET SINGH DHINSA procured the commission of the offense by payment, or promise of payment, of a thing of pecuniary value. (18 U.S.C. § 3592(c)(7)).

2. The defendant GURMEET SINGH DHINSA committed the offense after substantial planning and premeditation to cause the death of Satinderjit Singh. (18 U.S.C. § 3592(c)(9)).

PLEASE TAKE FURTHER NOTICE that pursuant to Title 18, United States Code, Section 3592, in addition to the statutory aggravating factors identified above, the government will rely on the following non-statutory aggravating factors as the basis for imposition of the death penalty against the defendant GURMEET SINGH DHINSA:

1. The defendant GURMEET SINGH DHINSA participated in other serious acts of violence not charged in Counts Four or Five of the Superseding Indictment as follows:

(a) On or about August 7, 1989, the defendant GURMEET SINGH DHINSA attempted to murder Avtar Singh at a gas station in the vicinity of 50-24 Queens Boulevard, Queens, New York.

(b) On or about June 29, 1991, the defendant GURMEET SINGH DHINSA attempted to murder Nissin Amir in the vicinity of a gas station at 1811 Webster Avenue, Bronx, New York.

(c) On or about June 19, 1990, the defendant GURMEET SINGH DHINSA kidnaped Surander Kumar in Brooklyn, New York.

(d) On or about October 18, 1990, the defendant GURMEET SINGH DHINSA assaulted Emory Bent in the vicinity of a gas station at 138th Street and Third Avenue, Bronx, New York.

2. The defendant GURMEET SINGH DHINSA killed Satinderjit Singh in an effort to obstruct justice, tamper with a witness, and in retaliation for cooperating with authorities.

3. If convicted of the murder of Manmohan Singh, charged in Count Eight of the Superseding Indictment, and the murder of Satinderjit Singh, charged in Counts Four and Five of the Superseding Indictment, the defendant GURMEET SINGH DHINSA would have contemporaneous convictions for more than one killing.

4. The defendant GURMEET SINGH DHINSA poses a risk of future dangerousness to the lives and safety of other persons, as evidenced by the following:

(a) The defendant GURMEET SINGH DHINSA has engaged in specific threats of violence, including:

(1) On or about and between June 18, 1997 and July 1, 1997, both dates being approximate and inclusive, the defendant GURMEET SINGH DHINSA threatened to murder Balwant Singh.

(2) On or about July 1, 1991, the defendant GURMEET SINGH DHINSA threatened to murder Nissin Amir.

(3) On or about and between March 1, 1990 and January 1992, both dates being approximate and inclusive, the defendant GURMEET SINGH DHINSA threatened to murder the individual identified as John Doe in Racketeering Act Number Seven in Count One of the Superseding Indictment.

(b) The defendant GURMEET SINGH DHINSA has engaged in a continuing pattern of violence as follows:

(1) On or about August 7, 1989, the defendant GURMEET SINGH DHINSA attempted to murder Avtar Singh at a gas station in the vicinity of 50-24 Queens Boulevard, Queens, New York.

(2) On or about June 29, 1991, the defendant GURMEET SINGH DHINSA attempted to murder Nissin Amir in the vicinity of a gas station at 1811 Webster Avenue, Bronx, New York.

(3) On or about June 19, 1990, the defendant GURMEET SINGH DHINSA kidnaped Surander Kumar in Brooklyn, New York.

(4) On or about October 18, 1990, the defendant GURMEET SINGH DHINSA assaulted Emory Bent in the vicinity of a gas station at 138th Street and Third Avenue, Bronx, New York.

(5) On or about and between May 16, 1997 and July 7, 1997, the defendant GURMEET SINGH DHINSA conspired to murder Sarvjeet Singh.

(6) On or about and between June 28, 1997 and July 7, 1997, the defendant GURMEET SINGH DHINSA conspired to kidnap and murder Balwant Singh and others.

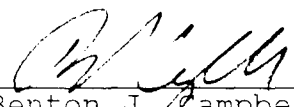
(c) The defendant GURMEET SINGH DHINSA has displayed a lack of remorse for the killing of Satinderjit Singh.


Dated: June 25, 1998
Brooklyn, New York

Respectfully submitted,

ZACHARY W. CARTER
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By:


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