

1 ALEJANDRO N. MAYORKAS
 United States Attorney
 2 GEORGE S. CARDONA
 Assistant United States Attorney
 3 Chief, Criminal Division
 MICHAEL J. GENNACO (CA Bar No. 112969)
 4 CAROLINE C. WITTCOFF (CA Bar No. 162943)
 Assistant United States Attorneys
 5 Civil Rights Section
 MICHAEL TERRELL (CA Bar No. 113656)
 6 Assistant United States Attorney
 Major Crimes Section
 7 BARBARA (BOBBI) BERNSTEIN (VA Bar No. 38490)
 Trial Attorney, Civil Rights Division
 8 1300 United States Courthouse
 312 North Spring Street
 9 Los Angeles, California 90012
 Telephone: (213) 894-2393

10 Attorneys for Plaintiff
 11 UNITED STATES OF AMERICA

12 UNITED STATES DISTRICT COURT
 13 FOR THE CENTRAL DISTRICT OF CALIFORNIA

14	UNITED STATES OF AMERICA,)	No. CR 99-838 (A)-RAP
15)	
16	Plaintiff,)	<u>GOVERNMENT'S NOTICE OF INTENT</u>
17)	<u>TO SEEK THE DEATH PENALTY</u>
18	v.)	
19)	[UNDER SEAL]
20	BUFORD O'NEAL FURROW, JR.,)	
21	aka Neal Furrow,)	
22)	
23	Defendant.)	

24 NOTICE OF INTENT TO SEEK THE DEATH PENALTY

25 The United States of America, pursuant to 18 U.S.C.
 26 § 3593(a), notifies the Court and defendant BUFORD O'NEAL FURROW,
 27 JR., aka Neal Furrow, that the Government believes the
 28 circumstances of the capital offenses charged in Counts One
 through Three of the First Superseding Indictment are such that,
 in the event of the defendant's conviction of one or more of
 these offenses, a sentence of death is justified under Chapter

1 228 (Sections 3591 through 3598) of Title 18 of the United States
2 Code, and that the Government will seek the sentence of death for
3 each and all of the following offenses: Count One, the first
4 degree murder of United States Postal Carrier Joseph Santos
5 Ilete, in violation of Title 18, United States Code, Sections
6 1111 and 1114; Count Two, the first degree murder of Joseph
7 Santos Ilete, in violation of Title 18, United States Code,
8 Section 924(c), (j); and, Count Three, the interference with the
9 federally protected rights of Joseph Santos Ilete which resulted
10 in his death, in violation of Title 18, United States Code,
11 Section 245(b)(4)(A); each of which carries a possible sentence
12 of death.

13 With respect to each of Count One, Count Two, and Count
14 Three, the Government proposes to prove the following factors as
15 justifying a sentence of death.

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

18 1. **Intentional Killing.** The defendant intentionally
19 killed Joseph Santos Ilete. Section 3591(a)(2)(A).

20 2. **Intentional Infliction of Serious Bodily Injury.**
21 The defendant intentionally inflicted serious bodily injury that
22 resulted in the death of Joseph Santos Ilete. Section
23 3591(a)(2)(B).

24 3. **Intentional Acts to Take Life or Use Lethal Force.**
25 The defendant intentionally participated in an act, contemplating
26 that the life of a person would be taken or intending that lethal
27 force would be used in connection with a person, other than one

1 of the participants in the offense, and Joseph Santos Ileteo died
2 as a direct result of the act. Section 3591(a)(2)(C).

3 4. Intentional Acts in Reckless Disregard for Life.

4 The defendant intentionally and specifically engaged in an act of
5 violence, knowing that the act created a grave risk of death to a
6 person, other than one of the participants in the offense, such
7 that participation in the act constituted a reckless disregard
8 for human life, and Joseph Santos Ileteo died as a direct result
9 of the act. Section 3591(a)(2)(D).

10 B. Statutory Aggravating Factor Enumerated under 18 U.S.C.
11 § 3592(c).

12 The following statutory aggravating factor applies to each
13 of the charged capital offenses, Counts One through Three:

14 1. Substantial Planning and Premeditation.

15 The defendant committed the offense after substantial planning
16 and premeditation to cause the death of a person and commit an
17 act of terrorism. Section 3592(c)(9).

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

20 The following non-statutory aggravating factors apply to
21 each of the charged capital offenses, Counts One through Three:

22 1. Hate Crime Motivation For The Capital Murder.

23 The defendant intentionally targeted and killed Joseph Santos
24 Ileteo, who was Filipino-American, because of the victim's race,
25 color, and national origin. Evidence of this includes, but is
26 not limited to, one or more of the following:

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28

1 a. On August 11, 1999, the defendant told law enforcement
2 authorities that he would not have killed Joseph Santos Ilete if
3 the victim had been white.

4 b. During an interview with law enforcement authorities on
5 August 11, 1999, the defendant described Joseph Santos Ilete as a
6 "chink or spic" and referred to Mr. Ilete as a "target of
7 opportunity" to murder.

8 c. On August 11, 1999, the defendant told law enforcement
9 authorities that he intended the murder of Joseph Santos Ilete to
10 send a message of racial hatred to, and instill fear in, other
11 non-white persons throughout the United States.

12 2. Lack of Remorse

13 The defendant has demonstrated a lack of remorse for the killing
14 of Joseph Santos Ilete through statements and actions. Evidence
15 of the defendant's lack of remorse includes, but is not limited
16 to, one or more of the following:

17 a. On August 11, 1999, the defendant stated that he is
18 at war with the Jewish-controlled federal government, and
19 explained that he hoped others would emulate his actions by
20 committing crimes similar to the crimes the defendant committed
21 on August 10, 1999.

22 b. On August 11, 1999, the defendant informed
23 authorities that he intended to send a message to the nation, and
24 that the murder of Joseph Santos Ilete was part of that message.

25 c. On August 11, 1999, the defendant explicitly stated
26 that he is not sorry for his crimes.

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1 3. Victim Impact Evidence

2 The defendant caused injury, harm, and loss to the family of
3 Joseph Santos Ileta because of the victim's personal
4 characteristics as an individual human being and the impact of
5 his death upon the victim's family.

6 4. Other Violent Hate Crimes Committed by the
7 Defendant

8 The defendant has committed other violent hate crimes involving
9 acts of violence against others because of their actual or
10 perceived religion. Evidence of these acts includes, but is not
11 limited to, one or more of the following, committed in a single
12 criminal episode:

13 a. On August 10, 1999, the defendant shot and
14 injured Isabelle Shalometh, a 68 year old woman, at the North
15 Valley Jewish Community Center in Granada Hills, California,
16 because the victim is Jewish, as alleged in Count Four of the
17 First Superseding Indictment.

18 b. On August 10, 1999, the defendant shot and
19 injured Jane Doe, a sixteen year old female, at the North Valley
20 Jewish Community Center in Granada Hills, California, because the
21 victim is Jewish, as alleged in Count Five of the First
22 Superseding Indictment.

23 c. On August 10, 1999, the defendant shot and
24 injured John Doe 1, a five year old boy, at the North Valley
25 Jewish Community Center in Granada Hills, California, because the
26 victim is Jewish, as alleged in Count Six of the First
27 Superseding Indictment.

1 d. On August 10, 1999, the defendant shot and
2 injured John Doe 2, a six year old boy, at the North Valley
3 Jewish Community Center in Granada Hills, California, because the
4 victim is Jewish, as alleged in Count Seven of the First
5 Superseding Indictment.

6 e. On August 10, 1999, the defendant shot and
7 injured John Doe 3, a six year old boy, at the North Valley
8 Jewish Community Center in Granada Hills, California, because the
9 victim is Jewish, as alleged in Count Eight of the First
10 Superseding Indictment.

11 5. **Future Dangerousness of the Defendant.**

12 The defendant is likely to commit criminal acts of violence in
13 the future which would be a continuing and serious threat to the
14 lives and safety of others. In addition to the capital offenses
15 and non-capital offenses charged in the First Superseding
16 Indictment and the statutory and non-statutory aggravating
17 factors in this Notice, the defendant has committed acts
18 including, but not limited to, one or more of the following:

19 a. The defendant has admitted a desire to assault
20 and kill non-white law enforcement authorities, in that, on
21 August 11, 1999, he stated that:

22 i. as he was driving from the State of
23 Washington to Southern California, he had within reach a fully-
24 automatic rifle, which was loaded with steel core armor-piercing
25 ammunition, and he was prepared to use it to shoot any non-white
26 law enforcement officer who happened to stop his vehicle; and
27

1 ii. he would have tried to kill any non-
2 white law enforcement officer who attempted to arrest him for his
3 August 10, 1999, crimes.

4 b. On August 11, 1999, the defendant stated that
5 if he could kill all non-white persons, he would not hesitate to
6 do so.

7 c. On or about October 27, 1999, while
8 incarcerated in the Metropolitan Detention Center in Los Angeles,
9 California, the defendant threatened to kill Raul Lopez, a Latino
10 inmate, and guards who were assigned to the defendant's housing
11 unit.

12 d. On August 10, 1999, in Los Angeles County,
13 California, as defendant was fleeing from the shooting at the
14 Jewish Community Center, the defendant carjacked a vehicle at
15 gunpoint by pointing a firearm at the driver and forcing her back
16 into the vehicle. After the victim escaped, the defendant
17 brandished the firearm at her and other witnesses, before fleeing
18 the area in the carjacked vehicle.

19 e. On or about August 10, 1999, in Los Angeles
20 County, California, the defendant illegally possessed seven
21 firearms, including five rifles which he admitted to having
22 modified. The modifications the defendant stated he performed
23 included converting a Maadi rifle to fully automatic, (thereby
24 converting it to be a machine gun and making the weapon more
25 dangerous), and shortening the barrel of a Norinco model 320, 9mm
26 rifle, (making the weapon easier to conceal and to aim in a
27 confined area), The defendant possessed the seven firearms after
28

1 having acknowledged on June 16, 1999, that he knew that he could
2 not legally possess a firearm because he was a convicted felon.

3 f. The defendant has previously been convicted of
4 a State felony punishable by a term of imprisonment of more than
5 one year, involving the October 28, 1998, brandishing of a knife
6 at two female victims and a police officer, in that, on May 21,
7 1999, in the Superior Court of Washington for King County, the
8 defendant was convicted of Assault in the Second Degree, in
9 violation of the Revised Code of Washington 9A.36.021(1)(c), a
10 felony under the laws of the State of Washington. The defendant
11 killed Joseph Santos Ilete while on probation for his assault
12 conviction.

13 g. In October 1998, the defendant reported having
14 homicidal thoughts about committing mass murder.

15 h. The defendant has threatened physical harm to
16 the woman he referred to as his wife and to her son, including a
17 threat to deliver the son's head to her on a platter.

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The Government further gives notice that, in support of imposition of the death penalty, it intends to rely upon evidence admitted by the Court at the guilt phase of the trial and the offenses of conviction as described in the First Superseding Indictment as they relate to the defendant's hate crime motivation for the capital murder, his lack of remorse, other violent hate crimes committed by the defendant, and his future dangerousness.

DATE: February 18, 2000

Respectfully submitted,

ALEJANDRO N. MAYORKAS
United States Attorney

GEORGE S. CARDONA
Assistant United States Attorney
Chief, Criminal Division


CAROLINE C. WITTCOFF

MICHAEL J. GENNACO
MICHAEL TERRELL
Assistant United States Attorneys
BARBARA BERNSTEIN
Dept. of Justice Trial Attorney

Attorneys for Plaintiff
United States of America