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CLERK, U. S. DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
BROWNSVILLE DIVISION

FILED
FEB 12 1993

Michael N. Miiby, Clerk

UNITED STATES OF AMERICA,

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§

v.

CRIMINAL NO. B-93-009

JUAN RAUL GARZA,
et al.

AMENDED NOTICE OF INTENT TO SEEK THE DEATH PENALTY

COMES NOW the United States of America, pursuant to 21 U.S.C. § 848(h)(1) (A) and (B), by and through its undersigned counsel, and notifies the Court and the defendant in the above-captioned case that in the event of conviction for the murder of Gilberto Matos and/or the murder of Erasmo De La Fuente and/or the murder of Thomas Albert Rumbo, the Government will seek the sentence of death for Juan Raul Garza.

The Government will seek to prove the following aggravating factors as the basis for the death penalty.

I. For the Murder of Gilberto Matos

A. Aggravating Factors Enumerated under 21 U.S.C. § 848(n)(1) (A) through (D):

1. The defendant Juan Raul Garza intentionally killed the victim Gilberto Matos, (n)(1)(A).

2. The defendant Juan Raul Garza intentionally engaged in conduct intending that the victim be killed and that lethal force be employed against the victim, which resulted in the death of the victim Gilberto Matos, (n)(1)(C).

B. Aggravating Factors Enumerated under 21 U.S.C. § 848(n) (2) through (12):

1. The defendant Juan Raul Garza procured the commission of the offense by payment, and promise of payment, of something of pecuniary value, (n)(6).

2. The defendant Juan Raul Garza committed the offense after substantial planning and premeditation, (n)(8).

II. For the Murder of Erasmo De La Fuente

A. Aggravating Factors Enumerated under 21 U.S.C. § 848(n) (1) (A) through (D):

1. The defendant Juan Raul Garza intentionally killed the victim Erasmo De La Fuente, (n)(1)(A).

2. The defendant Juan Raul Garza intentionally engaged in conduct intending that the victim be killed and that lethal force be employed against the victim, which resulted in the death of the victim Erasmo De La Fuente, (n)(1)(C).

B. Aggravating Factors Enumerated under 21 U.S.C. § 848 (n) (2) through (12):

1. The defendant Juan Raul Garza procured the commission of the offense by payment, and promise of payment, of something of pecuniary value, (n)(6).

2. The defendant Juan Raul Garza committed the offense after substantial planning and premeditation, (n)(8).

III. For the Murder of Thomas Albert Rumbo

A. Aggravating Factors Enumerated under 21 U.S.C. § 848(n)

(1) (A) through (D):

1. The defendant Juan Raul Garza intentionally killed the victim Thomas Albert Rumbo, (n)(1)(A).

2. The defendant Juan Raul Garza intentionally engaged in conduct intending that the victim be killed and that lethal force be employed against the victim, which resulted in the death of the victim Thomas Albert Rumbo, (n) (1)(C).

B. Aggravating Factors Enumerated under 21 U.S.C. 848 (n)

(2) through (12):

1. The defendant Juan Raul Garza committed the offense after substantial planning and premeditation, (n) (8).

IV. For Each and All of the Murders of Gilberto Matos and/or Erasmo De La Fuente and/or Thomas Albert Rumbo

A. Other Aggravating Factors Identified under 21 U.S.C. § 848 (h)(1)(B) and § 848(k):

1. The defendant Juan Raul Garza has been convicted of more than one of the following Federal offenses, resulting in the death of a person, for which a sentence of life imprisonment and a sentence of death have been authorized by statute: the murder of Gilberto Matos, the murder of Erasmo De La Fuente, and/or the murder of Thomas Albert Rumbo.

2. The defendant Juan Raul Garza, while engaging in and working in furtherance of a continuing criminal enterprise, intentionally killed and counselled, commanded, induced, procured, and caused the intentional killing of Oscar Cantu in or near Rio Bravo, Mexico, in or around April 1991, by: (a) intentionally engaging in conduct intending that the victim be killed and that lethal force be employed against the victim, which resulted in the death of the victim Oscar Cantu; (b) procuring the commission of the killing by payment, and promise of payment, of something of pecuniary value; and (c) committing the killing after substantial planning and premeditation.

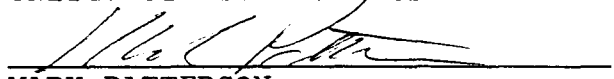
3. The defendant Juan Raul Garza, while engaging in and working in furtherance of a continuing criminal enterprise, intentionally killed and counselled, commanded, induced, procured, and caused the intentional killing of Antonio Nieto in or near Matamoros, Mexico, in or around May 1991, by: (a) intentionally engaging in conduct intending that the victim be killed and that lethal force be employed against the victim, which resulted in the death of the victim Antonio Nieto; (b) procuring the commission of the killing by payment, and promise of payment, of something of pecuniary value; and (c) committing the killing after substantial planning and premeditation.

4. The defendant Juan Raul Garza, while engaging in and acting in furtherance of a continuing criminal enterprise, intentionally killed and counselled, commanded, induced, procured, and caused the intentional killing of Bernabe Sosa in or near Rio Hondo, Mexico, on or about January 22, 1992, by: (a) intentionally engaging in conduct intending that the victim be killed and that lethal force be employed against the victim, which resulted in the death of the victim Bernabe Sosa; (b) procuring the commission of the killing by payment, and promise of payment, of something of monetary value; and (c) committing the killing after substantial planning and premeditation.

5. The defendant Juan Raul Garza, while engaging in and acting in furtherance of a continuing criminal enterprise, intentionally killed and counselled, commanded, induced, procured, and caused the intentional killing of Diana Flores Villarreal in or near Brownsville, Texas, on or about July 3, 1991; (a) by intentionally engaging in conduct intending that the victim be killed and that lethal force be employed against the victim, which resulted in the death of the victim Diana Flores Villarreal; (b) the defendant committed the offense in an especially heinous, cruel, or depraved manner in that it involved torture or serious physical abuse to the victim.

Respectfully submitted,


LAWRENCE D. FINDER
UNITED STATES ATTORNEY


MARK PATTERSON
Assistant United States Attorney

CERTIFICATE OF SERVICE

I hereby certify that on this 12th day of February, 1993;
a copy of Motion to Amend Notice to Seek Death Penalty and Amended
Notice of Intent to Seek the Death Penalty was mailed to Douglas C.
McNabb, Attorney At Law, 6200 Texas Commerce Tower, 600 Travis
Street, Houston, Texas 77002.

LAWRENCE D. FINDER
UNITED STATES ATTORNEY



MARK PATTERSON
Assistant United States Attorney