

UNITED STATES DISTRICT COURT  
DISTRICT OF CONNECTICUT

UNITED STATES OF AMERICA :  
 :  
 v. : Criminal No. 3:02CR7 (JBA)  
 :  
 WILFREDO PEREZ, :  
 aka "Wil" and "Wilfred"; :  
 :  
 JOSE ANTONIO PEREZ, :  
 aka "Tony"; :  
 :  
 SANTIAGO FELICIANO, :  
 aka "Jay" and "Fat Jay"; :  
 :  
 FAUSTO GONZALEZ :  
 aka "Fast" :  
 : Dated: January 21, 2003  
 RAYMOND PINA :  
 aka "Shorty" :

NOTICE OF INTENT TO SEEK THE  
DEATH PENALTY REGARDING FAUSTO GONZALEZ

COMES NOW the United States of America, by and through its undersigned counsel, and pursuant to Title 18, United States Code, Section 3593(a), hereby files this Notice of Intent to Seek the Death Penalty, notifying the Court and the defendant FAUSTO GONZALEZ and his counsel that the Government believes the circumstances of the offenses charged in Counts One, Two, Four, and Five of the Superseding Indictment are such that, in the event of a conviction against FAUSTO GONZALEZ on any of those counts, a sentence of death is justified under Chapter 229 (Sections 3591 through 3598) of Title 18 of the United States Code, and that the Government will seek the sentence of death.

The Government intends to prove, as to each of Counts One, Two, Four, and Five, the following factors as justifying a sentence of death:

A. Statutory Threshold Factors Enumerated under 18 U.S.C. § 3591(a)(2)

1. Intentional Killing -- The defendant FAUSTO GONZALEZ intentionally killed Theodore "Teddy" Casiano. 18 U.S.C. § 3591(a)(2)(A).
2. Intentional Infliction of Serious Bodily Injury -- The defendant FAUSTO GONZALEZ intentionally inflicted serious bodily injury that resulted in the death of Theodore "Teddy" Casiano. 18 U.S.C. § 3591(a)(2)(B).
3. Intentional Participation in an Act -- The defendant FAUSTO GONZALEZ intentionally participated in acts, contemplating that the life of Theodore "Teddy" Casiano would be taken and intending that lethal force would be used in connection with Theodore "Teddy" Casiano, a person other than one of the participants in the offense, and Theodore "Teddy" Casiano died as a direct result of the acts. 18 U.S.C. § 3591(a)(2)(C).
4. Intentional and Specific Engagement in an Act of Violence -- The defendant FAUSTO GONZALEZ

intentionally and specifically engaged in acts of violence, knowing that the acts created a grave risk of death to Theodore "Teddy" Casiano, a person other than one of the participants in the offense, such that participation in the acts constituted a reckless disregard for human life, and Theodore "Teddy" Casiano died as a direct result of the acts. 18 U.S.C. § 3591(a)(2)(D).

B. Statutory Aggravating Factors Enumerated under 18 U.S.C. § 3592(c)

1. Pecuniary Gain -- The defendant FAUSTO GONZALEZ committed the offense as consideration for the receipt, and in expectation of the receipt, of something of pecuniary value. 18 U.S.C.

§ 3592(c)(8).

2. Substantial Planning and Premeditation -- The defendant FAUSTO GONZALEZ committed the offense after substantial planning and premeditation to cause the death of Theodore "Teddy" Casiano. 18 U.S.C. § 3592(c)(9).

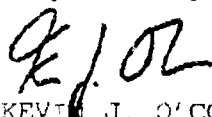
C. Other Non-Statutory Aggravating Factors Identified under 18 U.S.C. §§ 3592(c) and 3593(a)(2).

1. Future Dangerousness -- The defendant FAUSTO GONZALEZ poses a substantial threat of future

dangerousness to the lives and safety of other persons, as demonstrated by a continuing pattern of violence through his involvement in other killings, robberies, and armed assaults, and his lack of remorse for his criminal conduct.

The Government further gives notice that, in support of the imposition of the death penalty, it intends to rely upon all the evidence admitted by the Court at the guilt phase of the trial and the offenses of conviction as described in the Superseding Indictment, as they relate to the background and character of the defendant FAUSTO GONZALEZ, his moral culpability, and the nature and circumstances of the offenses charged in the Superseding Indictment.

Respectfully submitted,



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CERTIFICATE OF SERVICE

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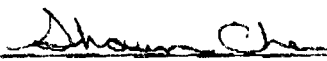
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