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 UNITED STATES OF AMERICA  
 10

11 UNITED STATES DISTRICT COURT

12 FOR THE CENTRAL DISTRICT OF CALIFORNIA

13	UNITED STATES OF AMERICA,	)	No. CR 02-220(B)-NM
		)	
14	Plaintiff,	)	<u>GOVERNMENT'S NOTICE OF INTENT</u>
		)	<u>TO SEEK THE DEATH PENALTY</u>
15	v.	)	<u>AGAINST DEFENDANT JURIJUS</u>
		)	<u>KADAMOVAS</u>
16	JURIJUS KADAMOVAS,	)	
		)	
17	Defendant.	)	
		)	

18 NOTICE OF INTENT TO SEEK THE DEATH PENALTY

19 The United States of America, pursuant to 18 U.S.C.  
 20 § 3593(a), notifies the Court and defendant JURIJUS KADAMOVAS  
 21 ("defendant"), that the Government believes the circumstances of  
 22 the offenses charged in Counts One, Two, Three, and Four of the  
 23 Second Superseding Indictment are such that, in the event of a  
 24 conviction, a sentence of death is justified under Chapter 228  
 25 (Sections 3591 through 3598) of Title 18 of the United States  
 26 Code, and that the Government will seek the sentence of death for  
 27 the following offenses: (1) conspiracy to commit hostage taking  
 28

1 resulting in the deaths of Meyer Muscatel, Rita Pekler, Alexander  
2 Umansky, Nick Kharabadze, and George Safiev, in violation of  
3 Title 18, United States Code, Section 1203 [Count One]; the  
4 hostage taking resulting in the death of Alexander Umansky, in  
5 violation of Title 18, United States Code, Section 1203 [Count  
6 Two]; the hostage taking resulting in the death of Nick  
7 Kharabadze, in violation of Title 18, United States Code, Section  
8 1203 [Count Three]; and the hostage taking resulting in the death  
9 of George Safiev, in violation of Title 18, United States Code,  
10 Section 1203 [Count Four], each of which carries a possible  
11 sentence of death.

12 The Government proposes to prove the following factors as  
13 justifying a sentence of death.

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

16 The following statutory proportionality factors apply to  
17 each of Counts 1, 2, 3, and 4.

18 **1. Intentionally Killing the Victim**

19 The defendant intentionally killed Meyer Muscatel [Count 1], Rita  
20 Pekler [Count 1], Alexander Umansky [Counts 1 and 2], Nick  
21 Kharabadze [Counts 1 and 3], and George Safiev [Counts 1 and 4].  
22 18 U.S.C. § 3591(a) (2) (A).

23 **2. Intentionally Inflicted Serious Bodily Injury that**  
24 **Resulted in the Death of the Victims**

25 The defendant intentionally inflicted serious bodily injury that  
26 resulted in the deaths of Meyer Muscatel [Count 1], Rita Pekler  
27

1 [Count 1], Alexander Umansky [Counts 1 and 2], Nick Kharabadze  
2 [Counts 1 and 3], and George Safiev [Counts 1 and 4]. 18 U.S.C.  
3 § 3591(a)(2)(B).

4 **3. Intentional Acts to Take Life or Use Lethal Force**

5 The defendant intentionally participated in an act, contemplating  
6 that the life of a person would be taken or intending that lethal  
7 force would be used in connection with a person, other than one  
8 of the participants in the offense, and Meyer Muscatel [Count 1],  
9 Rita Pekler [Count 1], Alexander Umansky [Counts 1 and 2], Nick  
10 Kharabadze [Counts 1 and 3], and George Safiev [Counts 1  
11 and 4] died as a direct result of the act. 18 U.S.C.  
12 § 3591(a)(2)(C).

13 **4. Intentionally and Specifically Engaged in an Act**  
14 **of Violence Creating a Grave Risk of Death**

15 The defendant intentionally and specifically engaged in an act of  
16 violence knowing that the act created a grave risk of death to a  
17 person, other than one of the participants in the offense, such  
18 that participation in the act constituted a reckless disregard  
19 for human life and Meyer Muscatel [Count 1], Rita Pekler [Count  
20 1], Alexander Umansky [Counts 1 and 2], Nick Kharabadze [Counts 1  
21 and 3], and George Safiev [Counts 1 and 4] died as a direct  
22 result of the act. 18 U.S.C. § 3591(a)(2)(D).

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

25 The following statutory aggravating factors apply to each of  
26 Counts 1, 2, 3, and 4.  
27  
28



1 a. Continuing Pattern of Violence

2 The defendant has engaged in a continuing pattern of violence,  
3 attempted violence, and threatened violence, including, at least,  
4 the crimes alleged against defendant in the Second Superseding  
5 Indictment.

6 b. Escape Risk and Institutional Misconduct

7 The defendant poses a future danger to the lives and safety of  
8 other persons, as demonstrated by institutional misconduct,  
9 including, at least, defendant's participation in a conspiracy to  
10 escape from the Metropolitan Detention Center - Los Angeles,  
11 California, which was detected by the government on or about  
12 March 7, 2003.

13 c. Lack of Remorse

14 The defendant has demonstrated a lack of remorse for the capital  
15 offenses committed in this case, as indicated by defendant's  
16 statements and actions during the course of and following the  
17 offenses alleged in the Second Superseding Indictment.

18 2. **Uncharged Murders, Attempted Murders, and Other**  
19 **Serious Acts of Violence**

20 Apart from the offenses charged in the Second Superseding  
21 Indictment, the defendant has been involved in other murders and  
22 serious acts of violence which are not reflected in his criminal  
23 record. Specifically:

24 i. Between on or about November 5, 2000 and on or about  
25 November 17, 2000, in Istanbul, Turkey, defendant participated in  
26 the hostage taking, resulting in death, of Anton Popsuy-Shapko;

27 ii. Between on or about May 29, 2001 and on or about  
28

1 June 16, 2001, in Pathos, Cyprus and elsewhere, defendant  
2 participated in the hostage taking, resulting in death, of Valery  
3 Papou; and

4 iii. Between on or about November 14, 2001 and on or about  
5 November 17, 2001, in Los Angeles County, within the Central  
6 District of California, defendant participated in the hostage  
7 taking of Armen Gyurdzhiyants.

### 8 3. **Contemporaneous Convictions**

9 Defendant faces contemporaneous convictions for multiple murders  
10 and other serious acts of violence.

### 11 4. **Witness Elimination**

12 Defendant killed the victims of his crimes, including Meyer  
13 Muscatel, Rita Pekler, Alexander Umansky, Nick Kharabadze, and  
14 George Safiev, in order to eliminate these victims as possible  
15 witnesses to defendant's crimes.

### 16 5. **Emotional Suffering of the Victims**

17 Defendant displayed an indifference to the emotional suffering of  
18 the victims of his crimes, including Meyer Muscatel, Rita Pekler,  
19 Alexander Umansky, Nick Kharabadze, and George Safiev, as  
20 demonstrated by the extended period of time between the time  
21 defendant initially seized his victims and the time he ultimately  
22 killed them.

### 23 6. **Victim Impact Evidence**

24 i. The defendant caused injury, harm, and loss to the  
25 family, friends, and co-workers of Rita Pekler as evidenced by  
26 her personal characteristics as a human being and the impact of  
27 her death on her family, her friends, and her co-workers.

1       ii. The defendant caused injury, harm, and loss to the  
2 family, friends, and co-workers of Meyer Muscatel as evidenced by  
3 his personal characteristics as a human being and the impact of  
4 his death on his family, his friends, and his co-workers.

5       iii. The defendant caused injury, harm, and loss to the  
6 family, friends, and co-workers of Alexander Umansky as evidenced  
7 by his personal characteristics as a human being and the impact  
8 of his death on his family, his friends, and his co-workers.

9       iv. The defendant caused injury, harm, and loss to the  
10 family, friends, and co-workers of Nick Kharabadze as evidenced  
11 by his personal characteristics as a human being and the impact  
12 of his death on his family, his friends, and his co-workers.

13       v. The defendant caused injury, harm, and loss to the  
14 family, friends, and co-workers of George Safiev as evidenced by  
15 his personal characteristics as a human being and the impact of  
16 his death on his family, his friends, and his co-workers.

17       The Government further gives notice that in support of  
18 imposition of the death penalty it intends to rely upon all the  
19 evidence admitted by the Court at the guilt phase of the trial  
20 and the offenses of conviction as described in the Second  
21 Superseding Indictment as they relate to the background and  
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1 character of the defendant, JURIJUS KADAMOVAS, his moral  
2 culpability, and the nature and circumstances of the offenses  
3 charged in the Second Superseding Indictment.

4 DATE: August 3, 2004

Respectfully submitted,

5 DEBRA W. YANG  
6 United States Attorney

7 STEVEN D. CLYMER  
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9 Chief, Criminal Division



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16  
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18 Attorneys for Plaintiff  
19 United States of America  
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CERTIFICATE OF SERVICE

I, **SUSAN M. CRUZ**, declare:

That I am a citizen of the United States and resident or employed in Los Angeles County, California; that my business address is the Office of United States Attorney, United States Courthouse, 312 North Spring Street, Los Angeles, California 90012; that I am over the age of eighteen years, and am not a party to the above-entitled action;

That I am employed by the United States Attorney for the Central District of California who is a member of the Bar of the United States District Court for the Central District of California, at whose direction I served a copy of: **GOVERNMENT'S NOTICE OF INTENT TO SEEK THE DEATH PENALTY AGAINST DEFENDANT JURIJUS KADAMOVAS**

**service was:**

Placed in a closed envelope, for collection and interoffice delivery addressed as follows:

Placed in a sealed envelope for collection and mailing via United States Mail, addressed as follows:

By hand delivery addressed as follows:

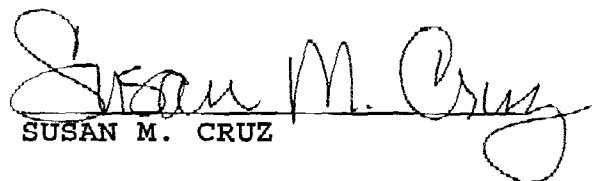
By facsimile as follows:

By messenger as follows:  By federal express as follows:

**SEE ATTACHMENT**

This Certificate is executed on **August 3, 2004**, at Los Angeles, California.

I certify under penalty of perjury that the foregoing is true and correct.

  
**SUSAN M. CRUZ**

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