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 UNITED STATES OF AMERICA

UNITED STATES DISTRICT COURT

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 PETRO KRYLOV</u> |
|    |                           | ) |                                       |
| 16 | PETRO KRYLOV,             | ) |                                       |
|    |                           | ) |                                       |
| 17 | Defendant.                | ) |                                       |
|    |                           | ) |                                       |

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 PETRO KRYLOV  
 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 Rita Pekler, Alexander Umansky, Nick  
2 Kharabadze, and George Safiev, in violation of Title 18, United  
3 States Code, Section 1203 [Count One]; the hostage taking  
4 resulting in the death of Alexander Umansky, in violation of  
5 Title 18, United States Code, Section 1203 [Count Two]; the  
6 hostage taking resulting in the death of Nick Kharabadze, in  
7 violation of Title 18, United States Code, Section 1203 [Count  
8 Three]; and the hostage taking resulting in the death of George  
9 Safiev, in violation of Title 18, United States Code, Section  
10 1203 [Count Four], each of which carries a possible sentence of  
11 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 Rita Pekler [Count 1],  
20 Alexander Umansky [Counts 1 and 2], Nick Kharabadze [Counts 1 and  
21 3], and George Safiev [Counts 1 and 4]. 18 U.S.C.  
22 § 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 Rita Pekler [Count 1], Alexander  
27

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

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

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

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

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

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

23 The following statutory aggravating factors apply to each of  
24 Counts 1, 2, 3, and 4.

25 **1. Death During the Commission of Another Crime**

26 The deaths of Rita Pekler [Count 1], Alexander Umansky [Counts 1  
7 and 2], Nick Kharabadze [Counts 1 and 3], and George Safiev

1 [Counts 1 and 4] occurred during the commission and attempted  
2 commission of an offense under 18 U.S.C. § 1203 (conspiracy to  
3 commit hostage taking and hostage taking). 18 U.S.C.  
4 § 3592(c)(1).

5 **2. Pecuniary Gain**

6 The defendant committed the homicide offenses charged in Counts  
7 1, 2, 3, and 4 as consideration for the receipt, and in the  
8 expectation of the receipt, of something of pecuniary value,  
9 namely ransom proceeds. 18 U.S.C. § 3592(c)(8).

10 **3. Substantial Planning and Premeditation**

11 The defendant committed the offenses charged in Counts 1, 2, 3,  
12 and 4 after substantial planning and premeditation to cause the  
13 death of a person. 18 U.S.C. § 3592(c)(9).

14 **4. Multiple Killings**

15 The defendant intentionally killed more than one person in a  
16 single criminal episode. 18 U.S.C. § 3592(c)(16).

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

19 The following non-statutory, aggravating factors apply to  
20 each of Counts 1, 2, 3, and 4.

21 **1. Future Dangerousness of the Defendant**

22 The defendant is likely to commit criminal acts of violence in  
23 the future that would constitute a continuing and serious threat  
24 to the lives and safety of others, as evidenced by, at least, one  
25 or more of the following:

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 serious acts  
22 of violence which are not reflected in his criminal record.

23 Specifically:

24 i. Between on or about November 14, 2001 and on or about  
25 November 17, 2001, in Los Angeles County, within the Central  
26 District of California, defendant participated in the hostage  
27 taking of Armen Gyurdzhiyants.

1                   3.     **Contemporaneous Convictions**

2 Defendant faces contemporaneous convictions for multiple murders  
3 and other serious acts of violence.

4                   4.     **Witness Elimination**

5 Defendant participated in the killing of the victims, including  
6 Rita Pekler, Alexander Umansky, Nick Kharabadze, and George  
7 Safiev, with knowledge that the reason for the killings was to  
8 eliminate these victims as possible witnesses to the defendants'  
9 crimes.

10                   5.     **Emotional Suffering of the Victims**

11 Defendant displayed an indifference to the emotional suffering of  
12 the victims of his crimes, including Rita Pekler, Alexander  
13 Umansky, Nick Kharabadze, and George Safiev, as demonstrated by  
14 the extended period of time between the time defendant initially  
15 seized his victims and the time he ultimately killed them.

16                   6.     **Victim Impact Evidence**

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

21           ii.    The defendant caused injury, harm, and loss to the  
22 family, friends, and co-workers of Alexander Umansky as evidenced  
23 by his personal characteristics as a human being and the impact  
24 of his death on his family, his friends, and his co-workers.

25           iii.  The defendant caused injury, harm, and loss to the  
26

27

28

1 family, friends, and co-workers of Nick Kharabadze as evidenced  
2 by his personal characteristics as a human being and the impact  
3 of his death on his family, his friends, and his co-workers.

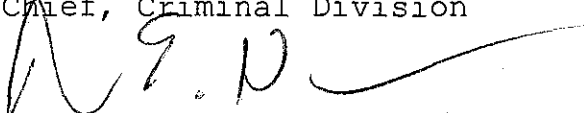
4 iv. The defendant caused injury, harm, and loss to the  
5 family, friends, and co-workers of George Safiev as evidenced by  
6 his personal characteristics as a human being and the impact of  
7 his death on his family, his friends, and his co-workers.

8 The Government further gives notice that in support of  
9 imposition of the death penalty it intends to rely upon all the  
10 evidence admitted by the Court at the guilt phase of the trial  
11 and the offenses of conviction as described in the Second  
12 Superseding Indictment as they relate to the background and  
13 character of the defendant, PETRO KRYLOV, his moral  
14 culpability, and the nature and circumstances of the offenses  
15 charged in the Second Superseding Indictment.

16 DATE: August 3, 2004      Respectfully submitted,

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