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 EASTERN DISTRICT OF CALIFORNIA
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6 IN THE UNITED STATES DISTRICT COURT
 7 FOR THE EASTERN DISTRICT OF CALIFORNIA

8 UNITED STATES OF AMERICA,)	CR NO. S-97-054 WBS
9 Plaintiff,)	
10 v.)	NOTICE OF INTENT TO
11 TANH HUU LAM,)	SEEK THE DEATH PENALTY
12 Defendant.)	
13)	
14)	

15
 16 Pursuant to the requirements of 18 U.S.C. § 3593(a),
 17 the United States hereby gives notice that it believes that the
 18 circumstances of this case are such that, in the event that the
 19 defendant is convicted of the capital offense relating to the
 20 death of Hien Tran, a sentence of death is justified and that the
 21 United States will seek the death penalty. Specifically, the
 22 United States will seek a sentence of death for Count One of the
 23 indictment which charges arson in violation of 18 U.S.C. §
 24 844(i).

25 Pursuant to 18 U.S.C. § 3591(a)(2), the United States
 26 will rely on the following preliminary factors to establish the
 27 defendant's eligibility for the death penalty:

28 ////

1 **1. Intentional Killing.** The defendant intentionally
2 killed the victim. 18 U.S.C. § 3591(a)(2)(A).

3 **2. Intentional Infliction of Serious Bodily Injury.**
4 The defendant intentionally inflicted serious bodily injury that
5 resulted in the death of the victim. 18 U.S.C. § 3591(a)(2)(B).

6 **3. Intentional Acts to Take Life or Use Lethal Force.**
7 The defendant intentionally participated in an act, contemplating
8 that the life of a person would be taken or intending that lethal
9 force would be used in connection with a person, other than one
10 of the participants in the offense, and the victim died as a
11 direct result of the act. 18 U.S.C. § 3591(a)(2)(C).

12 **4. Intentional Act Creating Grave Risk of Death.** The
13 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 the victim died as a direct result of the act.
18 18 U.S.C. § 3591(a)(2)(D).

19 Pursuant to 18 U.S.C. § 3592(c), the United States will
20 rely on the following statutory aggravating factors as justifying
21 a sentence of death:

22 **1. Death Resulting from Arson.** The death, or injury
23 resulting in death, occurred during the commission or attempted
24 commission of an offense under 18 U.S.C. § 844(i) which prohibits
25 arson of a building used in or affecting interstate commerce. 18
26 U.S.C. § 3592(c)(1).

27 **2. Risk of Death to Others.** The defendant, in the
28 commission of the offense, knowingly created a grave risk of

1 death to one or more persons in addition to the victim of the
2 offense. 18 U.S.C. § 3592(c)(5).

3 **3. Pecuniary Gain.** The defendant procured the
4 commission of the offense by payment, or promise of payment, of
5 anything of pecuniary value. 18 U.S.C. § 3592(c)(7).

6 **4. Substantial Planning and Premeditation.** The
7 defendant committed the offense after substantial planning and
8 premeditation to cause the death of one or more persons and to
9 commit an act of terrorism. 18 U.S.C. § 3592(c)(9).

10 **5. Vulnerable Victim.** The victim was particularly
11 vulnerable due to old age, youth, or infirmity. 18 U.S.C. §
12 3592(c)(11).

13 **6. Multiple Potential Victims.** The defendant
14 intentionally killed or attempted to kill more than one person in
15 a single criminal episode. 18 U.S.C. § 3592(c)(16).

16 In addition to the statutory aggravating factors set
17 forth above, the United States will rely on the following non-
18 statutory aggravating factors to justify a sentence of death:

19 **1. Future Dangerousness of the Defendant.** The
20 defendant represents a continuing danger to the lives and safety
21 of other persons. In addition to the capital offense charged in
22 the indictment and the statutory and non-statutory aggravating
23 factors alleged in this Notice, the defendant has engaged in a
24 continuing pattern of intimidating and potentially violent
25 conduct, has threatened others with violence, has demonstrated
26 low rehabilitative potential and has demonstrated lack of remorse
27 for the death and injuries he has inflicted, including but not
28 limited to the following:

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(a) The defendant sent intimidating and threatening correspondence to the intended target of the capital offense.

(b) The defendant attempted to hire an individual to firebomb the home of the sister of the intended target of the capital offense.

2. **Victim Impact.** The defendant caused severe and irreparable harm to the family of the murder victim and caused life altering injuries to a survivor of the capital offense.

DATED: Dec. 17, 1998

Respectfully submitted,



PAUL L. SEAVE
United States Attorney