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UNITED STATES OF AMERICA

11 UNITED STATES DISTRICT COURT
12 FOR THE CENTRAL DISTRICT OF CALIFORNIA

13 UNITED STATES OF AMERICA,) No. CR 05-578(A)-JFW
14 Plaintiff,) GOVERNMENT'S NOTICE OF INTENT
15 v.) TO SEEK THE DEATH PENALTY
16 JOSE LEDESMA,) AGAINST DEFENDANT JOSE LEDESMA
17 Defendant.)
18

19 NOTICE OF INTENT TO SEEK THE DEATH PENALTY

20 The United States of America, pursuant to 18 U.S.C.
21 § 3593(a), notifies the Court and defendant JOSE LEDESMA
22 ("defendant"), that the Government believes the circumstances of
23 the offense charged in Counts Six and Fifty-Four of the First
24 Superseding Indictment are such that, in the event of a
25 conviction, a sentence of death is justified under Chapter 228
26 (Sections 3591 through 3598) of Title 18 of the United States
27 Code, and that the Government will seek the sentence of death for
28 the offense of violent crime (murder) in aid of racketeering, in

1 violation of Title 18, United States Code, Section 1959(a)(1),
2 which carries a possible sentence of death.

3 The Government proposes to prove the following factors as
4 justifying a sentence of death.

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

7 The following statutory proportionality factors apply to
8 Counts Six and Fifty-Four.

9 1. **Intentional Acts to Take Life or Use Lethal Force**

10 Defendant intentionally participated in an act,
11 contemplating that the life of a person would be taken or
12 intending that lethal force would be used in connection with a
13 person, other than one of the participants in the offense, and
14 Martha Puebla died as a direct result of the act. 18 U.S.C.
15 § 3591(a)(2)(C).

16 2. **Intentionally and Specifically Engaged in an Act**
17 **of Violence Creating a Grave Risk of Death**

18 Defendant intentionally and specifically engaged in an act
19 of violence knowing that the act created a grave risk of death to
20 a person, other than one of the participants in the offense, such
21 that participation in the act constituted a reckless disregard
22 for human life and Martha Puebla died as a direct result of the
23 act. 18 U.S.C. § 3591(a)(2)(D).

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

26 The following statutory aggravating factors apply to Counts
27 Six and Fifty-Four.

1 1. **Substantial Planning and Premeditation**

2 Defendant committed the offense charged in Counts Six and
3 Fifty-Four after substantial planning and premeditation to cause
4 the death of a person. 18 U.S.C. § 3592(c)(9).

5 2. **Defendant was previously convicted of a violent
6 felony involving the use of a firearm**

7 Defendant has previously been convicted of a State offense
8 punishable by a term of imprisonment of more than one year,
9 involving the use or attempted or threatened use of a firearm, as
10 defined in 18 U.S.C. § 921, against another person. 18 U.S.C. §
11 3592(c)(2). On June 22, 2005, defendant was convicted of two
12 counts of first degree murder (Cal. Penal Code § 187(a)), two
13 counts of discharging a firearm in an inhabited dwelling/shooting
14 at an occupied vehicle (Cal. Penal Code § 246), and one count of
15 attempted murder.

16 3. **Defendant was previously convicted of an offense
17 for which life imprisonment was authorized**

18 Defendant has previously been convicted of a State offense
19 resulting in the death of a person, for which a sentence of life
20 imprisonment or a sentence of death was authorized by statute.
21 18 U.S.C. § 3592(c)(3). On June 22, 2005, defendant was
22 convicted of two counts of first degree murder, which authorized
23 a sentence of life imprisonment.

24 4. **Defendant was previously convicted of other
25 serious offenses**

26 Defendant has previously been convicted of two or more State
27 offenses, punishable by a term of imprisonment of more than one
28 year, committed on different occasions, involving the infliction

1 or attempted infliction of serious bodily injury or death upon
2 another person. 18 U.S.C. § 3592(c)(4). On June 22, 2005,
3 defendant was convicted of two counts of first degree murder
4 committed on separate occasions, which authorized a sentence of
5 life imprisonment.

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

8 The following non-statutory aggravating factors apply to
9 Counts Six and Fifty-Four.

10 1. **The murder was committed in an attempt to obstruct**
11 **justice**

12 Defendant, while in pretrial confinement, ordered and
13 solicited the murder of the victim because she had testified at
14 his preliminary hearing and was expected to testify at his trial.

15 2. **Future Dangerousness of the Defendant**

16 Defendant is likely to commit criminal acts of violence in
17 the future that would constitute a continuing and serious threat
18 to the lives and safety of others, as evidenced by, at least, one
19 or more of the following:

20 a. Continuing Pattern of Violence

21 Defendant has engaged in a continuing pattern of violence,
22 attempted violence, and threatened violence, including, at least,
23 the crimes alleged against defendant in the First Superseding
24 Indictment.

25 b. Attempted Murder While in Prison

26 Defendant poses a future danger to the lives and safety of
27 other persons, as demonstrated by his participation in the
28 attempted murder of another inmate at Los Angeles County Jail.

1 3. **Victim Impact Evidence**

2 Defendant caused injury, harm, and loss to the family,
3 friends, and classmates of Martha Puebla as evidenced by her
4 personal characteristics as a human being and the impact of her
5 death on her family, her friends, and her classmates.

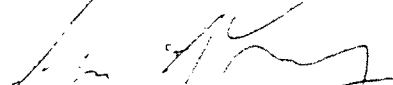
6 The Government further gives notice that in support of
7 imposition of the death penalty it intends to rely upon all the
8 evidence admitted by the Court at the guilt phase of the trial
9 and the offenses of conviction as described in the First
10 Superseding Indictment as they relate to the background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

14 DATE: June 28, 2006

Respectfully submitted,

15 DEBRA WONG YANG
United States Attorney

16 THOMAS P. O'BRIEN
17 Assistant United States Attorney
18 Chief, Criminal Division

19 
20 _____
MARK A. YOUNG
Assistant United States Attorney

21 Attorneys for Plaintiff
22 United States of America

1 CERTIFICATE OF SERVICE

2
3 I, REGINA AUTREY, declare:

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

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

12
13 **SERVICE WAS:**

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

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

17 By hand delivery
18 addressed as follows:

By facsimile as follows:

19 By messenger as follows:

By federal express as follows:

20 **SEE ATTACHED PROOF OF SERVICE LIST.**

21 This Certificate is executed on June 28, 2006, at Los Angeles, California.

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

23
24 
25 REGINA AUTREY
26
27
28