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IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

JUL 25 2001

Sullivan & Sullivan

UNITED STATES OF AMERICA :  
v. : CRIM NO. 98-362-08  
CARLOS IVAN LLERA-PLAZA :  
a/k/a "Jose Rodriguez" :  
a/k/a "Ivan" :

**AMENDED NOTICE OF INTENT TO SEEK THE DEATH PENALTY  
FOR CARLOS IVAN LLERA-PLAZA**

The United States of America, by its attorneys, Michael L. Levy, United States Attorney for the Eastern District of Pennsylvania, and Thomas R. Perricone and David H. Resnicoff, Assistant United States Attorneys for the Eastern District of Pennsylvania, pursuant to 18 U.S.C. § 3593(a), hereby notifies the Court and defendant Carlos Ivan Llera-Plaza that the Government believes the circumstances of the offenses charged in Counts 24, 26, 29, 30 and 33 of the Sixth Superseding Indictment are such that, in the event of the defendant's conviction of one or more of these offenses, a sentence of death is justified under Chapter 228 of Title 18, United States Code, Sections 3591-3598, and that the Government will seek the sentence of death for these offenses:

Count 24, conspiracy to commit murder for hire, in violation of Title 18, United States Code, Section 1958, resulting in the deaths of Jorge Martinez, and Luis Garcia;

Count 26, murder for hire, in violation of Title 18, United States Code, Section 1958, resulting in the deaths of Jorge Martinez and Luis Garcia;

Count 29, murder in aid of racketeering, in violation of Title 18, United States Code, Sections 1959(a)(1) and 2, resulting in the death of Jorge Martinez;

Count 30, murder in aid of racketeering, in violation of Title 18, United States Code, Sections 1959(a)(1) and 2, resulting in the death of Luis Garcia; and

Count 33, murder in aid of racketeering, in violation of Title, 18 United States Code, Sections 1959(a)(1) and 2, resulting in the death of Jose Hernandez.

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

**COUNT TWENTY FOUR**

**CONSPIRACY TO COMMIT MURDER FOR HIRE (18 U.S.C. § 1958)  
RESULTING IN THE DEATHS OF JORGE MARTINEZ AND LUIS GARCIA**

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

1. **Intentional Killing.** The defendant intentionally killed Jorge Martinez and Luis Garcia.

Section 3591(a)(2)(A)

2. **Intentional Infliction of Serious Bodily Injury.** The defendant intentionally inflicted serious bodily injury that resulted in the death of Jorge Martinez and Luis Garcia. Section 3592(a)(2)(B).

3. **Intentional Act to Take Life or Use Lethal Force.** The defendant intentionally participated in an act, contemplating that the life of a person would be taken or intending that lethal force would be used in connection with a person, other than one of the participants in the offense, and that Jorge Martinez and Luis Garcia died as a direct result of that act. Section 3591(a)(2)(C).

4. **Intentional Act in Reckless Disregard for Life.** The defendant intentionally and specifically engaged in an act of violence, knowing that the act created a grave risk of death to a person, other than one of the participants in the offense, such that participation in the act constituted a reckless disregard for human life and Jorge Martinez and Luis Garcia died as a direct result of the act. Section 3592(a)(2)(D).

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

1. **Pecuniary Gain.** The defendant committed the offense as consideration for the receipt, and in the expectation of the receipt, of anything of pecuniary value. Section 3592(c)(8).

2. **Substantial Planning and Premeditation.** The defendant committed the offense after substantial planning and premeditation to cause the death of a person. Section 3592(c)(9).

3. **Grave Risk of Death to Additional Persons.** The defendant, in the commission of the offense, knowingly created a grave risk of death to one or more persons in addition to the victims of the offense. Section 3592(c)(5).

4. **Multiple Killings.** The defendant intentionally killed more than one person in a single criminal episode. Section 3592(c)(16).

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

1. **Future Dangerousness of the Defendant.** The defendant is likely to commit criminal acts of violence in the future which would be a continuing and serious threat to the lives and safety of others.

2. **Contemporaneous Conviction for Another Killing.**

A. The defendant also participated in the killing of Ricky Guevara-Velez, and he is subject to a contemporaneous conviction, as part of this case, for that killing, as charged in Count 23.

B. The defendant also participated in the killing of Jose Hernandez, and he is subject to a contemporaneous conviction, as part of this case, for that killing, as charged in Count 33.

3. **Contemporaneous Conviction for a Serious Federal Drug Offense.** The defendant, as part of this case, is subject to a contemporaneous conviction for violating Title II of the Comprehensive Drug Abuse Prevention and Control Act of 1970 for which a sentence of 5 or more years may be imposed, as charged in Count One of the Sixth Superseding Indictment.

4. **Victim Impact.** The defendant's murders of Jorge Martinez and Luis Garcia have caused injury, harm, and loss to the victims, and to the victims' families because of the victims' personal characteristics and potential as individual human beings and the consequent impact of the deaths upon the victims families.

**COUNT TWENTY SIX**

**MURDER FOR HIRE (18 U.S.C. § 1958)  
RESULTING IN THE DEATHS OF JORGE MARTINEZ AND LUIS GARCIA**

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

1. **Intentional Killing.** The defendant intentionally killed Jorge Martinez and Luis Garcia.

Section 3591(a)(2)(A)

2. **Intentional Infliction of Serious Bodily Injury.** The defendant intentionally inflicted serious bodily injury that resulted in the death of Jorge Martinez and Luis Garcia. Section 3592(a)(2)(B).

3. **Intentional Act to Take Life or Use Lethal Force.** The defendant intentionally participated in an act, contemplating that the life of a person would be taken or intending that lethal force would be used in connection with a person, other than one of the participants in the offense, and that Jorge Martinez and Luis Garcia died as a direct result of that act. Section 3591(a)(2)(C).

4. **Intentional Act in Reckless Disregard for Life.** The defendant intentionally and specifically engaged in an act of violence, knowing that the act created a grave risk of death to a person, other than one of the participants in the offense, such that participation in the act constituted a reckless disregard for human life and Jorge Martinez and Luis Garcia died as a direct result of the act. Section 3592(a)(2)(D).

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

1. **Pecuniary Gain.** The defendant committed the offense as consideration for the receipt, and in the expectation of the receipt, of anything of pecuniary value. Section 3592(c)(8).

2. **Substantial Planning and Premeditation.** The defendant committed the offense after

substantial planning and premeditation to cause the death of a person. Section 3592(c)(9).

3. **Grave Risk of Death to Additional Persons.** The defendant, in the commission of the offense, knowingly created a grave risk of death to one or more persons in addition to the victims of the offense. Section 3592(c)(5).

4. **Multiple Killings.** The defendant intentionally killed more than one person in a single criminal episode. Section 3592(c)(16).

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

1. **Future Dangerousness of the Defendant.** The defendant is likely to commit criminal acts of violence in the future which would be a continuing and serious threat to the lives and safety of others.

2. **Contemporaneous Conviction for Another Killing.**

A. The defendant also participated in the killing of Ricky Guevara-Velez, and he is subject to a contemporaneous conviction, as part of this case, for that killing, as charged in Count 23.

B. The defendant also participated in the killing of Jose Hernandez, and he is subject to a contemporaneous conviction, as part of this case, for that killing, as charged in Count 33.

3. **Contemporaneous Conviction for a Serious Federal Drug Offense.** The defendant, as part of this case, is subject to a contemporaneous conviction for violating Title II of the Comprehensive Drug Abuse Prevention and Control Act of 1970 for which a sentence of 5 or more years may be imposed, as charged in Count One of the Sixth Superseding Indictment.

4. **Victim Impact.** The defendant's murders of Jorge Martinez and Luis Garcia have

caused injury, harm, and loss to the victims, and to the victims' families because of the victims' personal characteristics and potential as individual human beings and the consequent impact of the deaths upon the victims' families.



**COUNT TWENTY NINE**

**MURDER IN AID OF RACKETEERING [18 U.S.C. §§ 1959(a)(1) and 2]**

**JORGE MARTINEZ**

- A. Statutory Proportionality Factors Enumerated under 18 U.S.C. § 3591(a)(2)(A)-(D).
1. **Intentional Killing.** The defendant intentionally killed Jorge Martinez . Section 3591(a)(2)(A)
  2. **Intentional Infliction of Serious Bodily Injury.** The defendant intentionally inflicted serious bodily injury that resulted in the death of Jorge Martinez. Section 3592(a)(2)(B).
  3. **Intentional Act to Take Life or Use Lethal Force.** The defendant intentionally participated in an act, contemplating that the life of a person would be taken or intending that lethal force would be used in connection with a person, other than one of the participants in the offense, and that Jorge Martinez died as a direct result of that act. Section 3591(a)(2)(C).
  4. **Intentional Act in Reckless Disregard for Life.** The defendant intentionally and specifically engaged in an act of violence, knowing that the act created a grave risk of death to a person, other than one of the participants in the offense, such that participation in the act constituted a reckless disregard for human life and Jorge Martinez died as a direct result of the act. Section 3592(a)(2)(D).
- B. Statutory Aggravating Factors Enumerated under 18 U.S.C. § 3592(c).
1. **Pecuniary Gain.** The defendant committed the offense as consideration for the receipt, and in the expectation of the receipt, of anything of pecuniary value. Section 3592(c)(8).
  2. **Substantial Planning and Premeditation.** The defendant committed the offense after substantial planning and premeditation to cause the death of a person. Section 3592(c)(9).
  3. **Grave Risk of Death to Additional Persons.** The defendant, in the

commission of the offense, knowingly created a grave risk of death to one or more persons in addition to the victim of the offense. Section 3592(c)(5).

4. **Multiple Killings.** The defendant intentionally killed more than one person in a single criminal episode. Section 3592(c)(16).

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

1. **Future Dangerousness of the Defendant.** The defendant is likely to commit criminal acts of violence in the future which would be a continuing and serious threat to the lives and safety of others.

2. **Contemporaneous Conviction for Another Killing.**

A. The defendant also participated in the killing of Ricky Guevara-Velez, and he is subject to a contemporaneous conviction, as part of this case, for that killing, as charged in Count 23.

B. The defendant also participated in the killing of Jose Hernandez, and he is subject to a contemporaneous conviction, as part of this case, for that killing, as charged in Count 33.

3. **Contemporaneous Conviction for a Serious Federal Drug Offense.** The defendant, as part of this case, is subject to a contemporaneous conviction for violating Title II of the Comprehensive Drug Abuse Prevention and Control Act of 1970 for which a sentence of 5 or more years may be imposed, as charged in Count One of the Fifth Superseding Indictment.

4. **Victim Impact.** The defendant's murder of Jorge Martinez has caused injury, harm, and loss to the victim, and to the victim's family, because of the victim's personal characteristics and potential as an individual human being and the consequent impact of the death upon the victim's family.



**COUNT THIRTY**

**MURDER IN AID OF RACKETEERING [18 U.S.C. §§ 1959(a)(1) and 2]**

**LUIS GARCIA**

- A. Statutory Proportionality Factors Enumerated under 18 U.S.C. § 3591(a)(2)(A)-(D).
1. **Intentional Killing.** The defendant intentionally killed Luis Garcia . Section 3591(a)(2)(A)
  2. **Intentional Infliction of Serious Bodily Injury.** The defendant intentionally inflicted serious bodily injury that resulted in the death of Luis Garcia. Section 3592(a)(2)(B).
  3. **Intentional Act to Take Life or Use Lethal Force.** The defendant intentionally participated in an act, contemplating that the life of a person would be taken or intending that lethal force would be used in connection with a person, other than one of the participants in the offense, and that Luis Garcia died as a direct result of that act. Section 3591(a)(2)(C).
  4. **Intentional Act in Reckless Disregard for Life.** The defendant intentionally and specifically engaged in an act of violence, knowing that the act created a grave risk of death to a person, other than one of the participants in the offense, such that participation in the act constituted a reckless disregard for human life and Luis Garcia died as a direct result of the act. Section 3592(a)(2)(D).
- B. Statutory Aggravating Factors Enumerated under 18 U.S.C. § 3592(c).
1. **Pecuniary Gain.** The defendant committed the offense as consideration for the receipt, and in the expectation of the receipt, of anything of pecuniary value. Section 3592(c)(8).
  2. **Substantial Planning and Premeditation.** The defendant committed the offense after substantial planning and premeditation to cause the death of a person. Section 3592(c)(9).
  3. **Grave Risk of Death to Additional Persons.** The defendant, in the

commission of the offense, knowingly created a grave risk of death to one or more persons in addition to the victim of the offense. Section 3592(c)(5).

4. **Multiple Killings.** The defendant intentionally killed more than one person in a single criminal episode. Section 3592(c)(16).

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

1. **Future Dangerousness of the Defendant.** The defendant is likely to commit criminal acts of violence in the future which would be a continuing and serious threat to the lives and safety of others.

2. **Contemporaneous Conviction for Another Killing.**

A. The defendant also participated in the killing of Ricky Guevara-Velez, and he is subject to a contemporaneous conviction, as part of this case, for that killing, as charged in Count 23.

B. The defendant also participated in the killing of Jose Hernandez, and he is subject to a contemporaneous conviction, as part of this case, for that killing, as charged in Count 33.

3. **Contemporaneous Conviction for a Serious Federal Drug Offense.** The defendant, as part of this case, is subject to a contemporaneous conviction for violating Title II of the Comprehensive Drug Abuse Prevention and Control Act of 1970 for which a sentence of 5 or more years may be imposed, as charged in Count One of the Sixth Superseding Indictment.

4. **Victim Impact.** The defendant's murder of Luis Garcia has caused injury, harm, and loss to the victim, and to the victim's family, because of the victim's personal characteristics and potential as an individual human being and the consequent impact of the death upon the victim's family.

COUNT THIRTY-THREE

**MURDER IN AID OF RACKETEERING [18 U.S.C. §§ 1959(a)(1) and 2]**

**JOSE HERNANDEZ**

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

1. **Intentional Killing.** The defendant intentionally killed Jose Hernandez. Section 3591(a)(2)(A)

2. **Intentional Infliction of Serious Bodily Injury.** The defendant intentionally inflicted serious bodily injury that resulted in the death of Jose Hernandez. Section 3592(a)(2)(B).

3. **Intentional Act to Take Life or Use Lethal Force.** The defendant intentionally participated in an act, contemplating that the life of a person would be taken or intending that lethal force would be used in connection with a person, other than one of the participants in the offense, and that Jose Hernandez died as a direct result of that act. Section 3591(a)(2)(C).

4. **Intentional Act in Reckless Disregard for Life.** The defendant intentionally and specifically engaged in an act of violence, knowing that the act created a grave risk of death to a person, other than one of the participants in the offense, such that participation in the act constituted a reckless disregard for human life and Jose Hernandez died as a direct result of the act. Section 3592(a)(2)(D).

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

1. **Pecuniary Gain.** The defendant committed the offense as consideration for the receipt, and in the expectation of the receipt, of anything of pecuniary value. Section 3592(c)(8).

2. **Substantial Planning and Premeditation.** The defendant committed the offense after substantial planning and premeditation to cause the death of a person. Section 3592(c)(9).

3. **Grave Risk of Death to Additional Persons.** The defendant, in the

commission of the offense, knowingly created a grave risk of death to one or more persons in addition to the victim of the offense. Section 3592(c)(5).

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

1. **Future Dangerousness of the Defendant.** The defendant is likely to commit criminal acts of violence in the future which would be a continuing and serious threat to the lives and safety of others.

2. **Contemporaneous Conviction for Another Killing.**

A. The defendant also participated in the killing of Ricky Guevara-Velez, and he is subject to a contemporaneous conviction, as part of this case, for that killing, as charged in Count 23.

B. The defendant also participated in the killing of Jorge Martinez, and he is subject to a contemporaneous conviction, as part of this case, for that killing, as charged in Counts 24, 26 and 29.

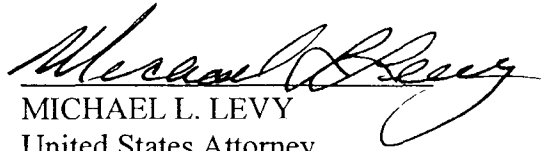
C. The defendant also participated in the killing of Luis Garcia, and he is subject to a contemporaneous conviction, as part of this case, for that killing, as charged in Counts 24, 26 and 30.

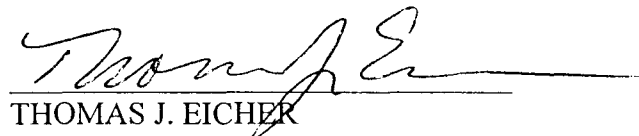
3. **Contemporaneous Conviction for a Serious Federal Drug Offense.** The defendant, as part of this case, is subject to a contemporaneous conviction for violating Title II of the Comprehensive Drug Abuse Prevention and Control Act of 1970 for which a sentence of 5 or more years may be imposed, as charged in Count One of the Sixth Superseding Indictment.

4. **Victim Impact.** The defendant's murder of Jose Hernandez has caused injury, harm, and loss to the victim, and to the victim's family, because of the victim's personal characteristics and

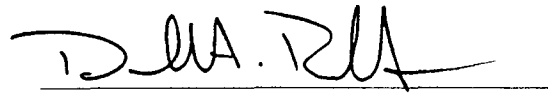
potential as an individual human being and the consequent impact of the death upon the victim's family.

Respectfully submitted,

  
MICHAEL L. LEVY  
United States Attorney

  
THOMAS J. EICHER  
Chief, Narcotics

  
THOMAS R. PERRICONE  
Assistant United States Attorney

  
DAVID H. RESNICOFF  
Assistant United States Attorney



CERTIFICATE OF SERVICE

I hereby certify that on \_\_\_\_\_, 2001, a true and correct copy of the foregoing Amended Notice of Intent to Seek the Death Penalty For Carlos Ivan Llera-Plaza, the original of which was filed with the Court this day, was delivered by hand delivery and First Class Mail, postage prepaid, to the following attorneys of record:

Jules Epstein, Esquire  
Kairys, Rudovsky, Epstein,  
Messing & Rau  
924 Cherry Street  
Suite 500  
Phila., PA 19107

Timothy Sullivan, Esquire  
7305 Baltimore Ave.  
Suite 301  
College Park, MD 20740

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THOMAS R. PERRICONE  
Assistant United States Attorney

CERTIFICATE OF SERVICE

I hereby certify that on July 23, 2001, a true and correct copy of the foregoing Amended Notice of Intent to Seek the Death Penalty For Carlos Ivan Llera-Plaza, the original of which was filed with the Court this day, was delivered by hand delivery and First Class Mail, postage prepaid, to the following attorney of record:

Jules Epstein, Esquire  
Kairys, Rudovsky, Epstein,  
Messing & Rau  
924 Cherry Street  
Suite 500  
Phila., PA 19107

I hereby further certify that on July 23, 2001, a true and correct copy of the foregoing Amended Notice of Intent to Seek the Death Penalty For Carlos Ivan Llera-Plaza, the original of which was filed with the Court this day, was delivered by fax and First Class Mail, postage prepaid, to the following attorney of record:

Timothy Sullivan, Esquire  
7305 Baltimore Ave.  
Suite 301  
College Park, MD 20740



THOMAS R. PERRICONE  
Assistant United States Attorney

CP

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

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UNITED STATES OF AMERICA

**FILED**

v.

CRIM NO. 98-362

CARLOS IVAN LLERA-PLAZA MAY 30 2000

a/k/a "Jose Rodriguez"

**MICHAEL E. KUNZ, Clerk**

a/k/a "Ivan"

By MEK **Dep. Clerk**

**NOTICE OF INTENT TO SEEK THE DEATH PENALTY  
FOR CARLOS IVAN LLERA-PLAZA**

The United States of America, by its attorneys, Michael R. Stiles, United States Attorney for the Eastern District of Pennsylvania, and Thomas R. Perricone and David H. Resnicoff, Assistant United States Attorneys for the Eastern District of Pennsylvania, pursuant to 18 U.S.C. § 3593(a), hereby notifies the Court and defendant Carlos Ivan Llera-Plaza that the Government believes the circumstances of the offenses charged in Counts 24, 26, 29, and 30 of the Fifth Superseding Indictment are such that, in the event of the defendant's conviction of one or more of these offenses, a sentence of death is justified under Chapter 228 of Title 18, United States Code, Sections 3591-3598, and that the Government will seek the sentence of death for these offenses:

Count 24, conspiracy to commit murder for hire, in violation of Title 18, United States Code, Section 1958, resulting in the deaths of Jorge Martinez, and Luis Garcia;

Count 26, murder for hire, in violation of Title 18, United States Code, Section 1958, resulting in the deaths of Jorge Martinez and Luis Garcia;

Count 29, murder in aid of racketeering, in violation of Title 18, United States Code, Sections 1959(a)(1) and 2, resulting in the death of Jorge Martinez; and

Count 30, murder in aid of racketeering, in violation of Title 18, United States Code, Sections 1959(a)(1) and 2, resulting in the death of Luis Garcia.

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

COUNT TWENTY FOUR

**CONSPIRACY TO COMMIT MURDER FOR HIRE (18 U.S.C. § 1958)  
RESULTING IN THE DEATHS OF JORGE MARTINEZ AND LUIS GARCIA**

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

1. **Intentional Killing.** The defendant intentionally killed Jorge Martinez and Luis Garcia. Section 3591(a)(2)(A)

2. **Intentional Infliction of Serious Bodily Injury.** The defendant intentionally inflicted serious bodily injury that resulted in the death of Jorge Martinez and Luis Garcia. Section 3592(a)(2)(B).

3. **Intentional Act to Take Life or Use Lethal Force.** The defendant intentionally participated in an act, contemplating that the life of a person would be taken or intending that lethal force would be used in connection with a person, other than one of the participants in the offense, and that Jorge Martinez and Luis Garcia died as a direct result of that act. Section 3591(a)(2)(C).

4. **Intentional Act in Reckless Disregard for Life.** The defendant intentionally and specifically engaged in an act of violence, knowing that the act created a grave risk of death to a person, other than one of the participants in the offense, such that participation in the act constituted a reckless disregard for human life and Jorge Martinez and Luis Garcia died as a direct result of the act. Section 3592(a)(2)(D).

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

1. **Pecuniary Gain.** The defendant committed the offense as consideration for the receipt, and in the expectation of the receipt, of anything of pecuniary value. Section 3592(c)(8).

2. **Substantial Planning and Premeditation.** The defendant committed the offense after substantial planning and premeditation to cause the death of a person. Section 3592(c)(9).

3. **Grave Risk of Death to Additional Persons.** The defendant, in the commission of the offense, knowingly created a grave risk of death to one or more persons in addition to the victims of the offense. Section 3592(c)(5).

4. **Multiple Killings.** The defendant intentionally killed more than one person in a single criminal episode. Section 3592(c)(16).

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

1. **Future Dangerousness of the Defendant.** The defendant is likely to commit criminal acts of violence in the future which would be a continuing and serious threat to the lives and safety of others.

2. **Contemporaneous Conviction for Another Killing.** The defendant also participated in the killing of Ricky Guevara-Velez, and he is subject to a contemporaneous conviction, as part of this case, for that killing, as charged in Count 23.

3. **Contemporaneous Conviction for a Serious Federal Drug Offense.** The defendant, as part of this case, is subject to a contemporaneous conviction for violating Title II of the Comprehensive Drug Abuse Prevention and Control Act of 1970 for which a sentence of 5 or more years may be imposed, as charged in Count One of the Fifth Superseding Indictment.

4. **Victim Impact.** The defendant's murders of Jorge Martinez and Luis Garcia have caused injury, harm, and loss to the victims, and to the victims' families because of the victims' personal characteristics and potential as individual human beings and the consequent impact of the deaths upon the victims families.

**5. Defendant's Participation in Another Killing, Not Charged in This Case.** The defendant participated in the killing of Jose Hernandez on September 24, 1998 in Philadelphia, Pennsylvania.

COUNT TWENTY SIX

**MURDER FOR HIRE (18 U.S.C. § 1958)  
RESULTING IN THE DEATHS OF JORGE MARTINEZ AND LUIS GARCIA**

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

1. **Intentional Killing.** The defendant intentionally killed Jorge Martinez and Luis Garcia. Section 3591(a)(2)(A)

2. **Intentional Infliction of Serious Bodily Injury.** The defendant intentionally inflicted serious bodily injury that resulted in the death of Jorge Martinez and Luis Garcia. Section 3592(a)(2)(B).

3. **Intentional Act to Take Life or Use Lethal Force.** The defendant intentionally participated in an act, contemplating that the life of a person would be taken or intending that lethal force would be used in connection with a person, other than one of the participants in the offense, and that Jorge Martinez and Luis Garcia died as a direct result of that act. Section 3591(a)(2)(C).

4. **Intentional Act in Reckless Disregard for Life.** The defendant intentionally and specifically engaged in an act of violence, knowing that the act created a grave risk of death to a person, other than one of the participants in the offense, such that participation in the act constituted a reckless disregard for human life and Jorge Martinez and Luis Garcia died as a direct result of the act. Section 3592(a)(2)(D).

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

1. **Pecuniary Gain.** The defendant committed the offense as consideration for the receipt, and in the expectation of the receipt, of anything of pecuniary value. Section 3592(c)(8).

2. **Substantial Planning and Premeditation.** The defendant committed the offense after substantial planning and premeditation to cause the death of a person. Section 3592(c)(9).

3. **Grave Risk of Death to Additional Persons.** The defendant, in the commission of the offense, knowingly created a grave risk of death to one or more persons in addition to the victims of the offense. Section 3592(c)(5).

4. **Multiple Killings.** The defendant intentionally killed more than one person in a single criminal episode. Section 3592(c)(16).

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

1. **Future Dangerousness of the Defendant.** The defendant is likely to commit criminal acts of violence in the future which would be a continuing and serious threat to the lives and safety of others.

2. **Contemporaneous Convictions for Another Killing.** The defendant also participated in the killing of Ricky Guevara-Velez, and he is subject to a contemporaneous conviction, as part of this case, for that killing, as charged in Count 23.

3. **Contemporaneous Conviction for a Serious Federal Drug Offense.** The defendant, as part of this case, is subject to a contemporaneous conviction for violating Title II of the Comprehensive Drug Abuse Prevention and Control Act of 1970 for which a sentence of 5 or more years may be imposed, as charged in Count One of the Fifth Superseding Indictment.

4. **Victim Impact.** The defendant's murders of Jorge Martinez and Luis Garcia have caused injury, harm, and loss to the victims, and to the victims' families because of the victims' personal characteristics and potential as individual human beings and the consequent impact of the deaths upon the victims' families.



**5. Defendant's Participation in Another Killing, Not Charged in This Case.** The defendant participated in the killing of Jose Hernandez on September 24, 1998 in Philadelphia, Pennsylvania.

COUNT TWENTY NINE

**MURDER IN AID OF RACKETEERING [18 U.S.C. §§ 1959(a)(5) and 2]**

**JORGE MARTINEZ**

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

1. **Intentional Killing.** The defendant intentionally killed Jorge Martinez . Section 3591(a)(2)(A)
2. **Intentional Infliction of Serious Bodily Injury.** The defendant intentionally inflicted serious bodily injury that resulted in the death of Jorge Martinez. Section 3592(a)(2)(B).
3. **Intentional Act to Take Life or Use Lethal Force.** The defendant intentionally participated in an act, contemplating that the life of a person would be taken or intending that lethal force would be used in connection with a person, other than one of the participants in the offense, and that Jorge Martinez died as a direct result of that act. Section 3591(a)(2)(C).
4. **Intentional Act in Reckless Disregard for Life.** The defendant intentionally and specifically engaged in an act of violence, knowing that the act created a grave risk of death to a person, other than one of the participants in the offense, such that participation in the act constituted a reckless disregard for human life and Jorge Martinez died as a direct result of the act. Section 3592(a)(2)(D).

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

1. **Pecuniary Gain.** The defendant committed the offense as consideration for the receipt, and in the expectation of the receipt, of anything of pecuniary value. Section 3592(c)(8).
2. **Substantial Planning and Premeditation.** The defendant committed the offense after substantial planning and premeditation to cause the death of a person. Section 3592(c)(9).

3. **Grave Risk of Death to Additional Persons.** The defendant, in the commission of the offense, knowingly created a grave risk of death to one or more persons in addition to the victim of the offense. Section 3592(c)(5).

4. **Multiple Killings.** The defendant intentionally killed more than one person in a single criminal episode. Section 3592(c)(16).

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

1. **Future Dangerousness of the Defendant.** The defendant is likely to commit criminal acts of violence in the future which would be a continuing and serious threat to the lives and safety of others.

2. **Contemporaneous Conviction for Another Killing.** The defendant also participated in the killing of Ricky Guevara-Velez and he is subject to a contemporaneous conviction, as part of this case, for that killing, as charged in Count 23.

3. **Contemporaneous Conviction for a Serious Federal Drug Offense.** The defendant, as part of this case, is subject to a contemporaneous conviction for violating Title II of the Comprehensive Drug Abuse Prevention and Control Act of 1970 for which a sentence of 5 or more years may be imposed, as charged in Count One of the Fifth Superseding Indictment.

4. **Victim Impact.** The defendant's murder of Jorge Martinez has caused injury, harm, and loss to the victim, and to the victim's family, because of the victim's personal characteristics and potential as an individual human being and the consequent impact of the death upon the victim's family.

5. **Defendant's Participation in Another Killing, Not Charged in This Case.** The defendant participated in the killing of Jose Hernandez on September 24, 1998 in Philadelphia, PA.

COUNT THIRTY

**MURDER IN AID OF RACKETEERING [18 U.S.C. §§ 1959(a)(5) and 2]**

**LUIS GARCIA**

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

1. **Intentional Killing.** The defendant intentionally killed Luis Garcia . Section 3591(a)(2)(A)
2. **Intentional Infliction of Serious Bodily Injury.** The defendant intentionally inflicted serious bodily injury that resulted in the death of Luis Garcia. Section 3592(a)(2)(B).
3. **Intentional Act to Take Life or Use Lethal Force.** The defendant intentionally participated in an act, contemplating that the life of a person would be taken or intending that lethal force would be used in connection with a person, other than one of the participants in the offense, and that Luis Garcia died as a direct result of that act. Section 3591(a)(2)(C).
4. **Intentional Act in Reckless Disregard for Life.** The defendant intentionally and specifically engaged in an act of violence, knowing that the act created a grave risk of death to a person, other than one of the participants in the offense, such that participation in the act constituted a reckless disregard for human life and Luis Garcia died as a direct result of the act. Section 3592(a)(2)(D).

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

1. **Pecuniary Gain.** The defendant committed the offense as consideration for the receipt, and in the expectation of the receipt, of anything of pecuniary value. Section 3592(c)(8).
2. **Substantial Planning and Premeditation.** The defendant committed the offense after substantial planning and premeditation to cause the death of a person. Section 3592(c)(9).

3. **Grave Risk of Death to Additional Persons.** The defendant, in the commission of the offense, knowingly created a grave risk of death to one or more persons in addition to the victim of the offense. Section 3592(c)(5).

4. **Multiple Killings.** The defendant intentionally killed more than one person in a single criminal episode. Section 3592(c)(16).

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

1. **Future Dangerousness of the Defendant.** The defendant is likely to commit criminal acts of violence in the future which would be a continuing and serious threat to the lives and safety of others.

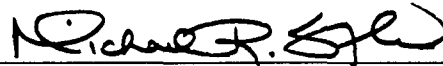
2. **Contemporaneous Convictions for other Killings.** The defendant also participated in the killing of Ricky Guevara-Velez and he is subject to a contemporaneous conviction, as part of this case, for that killing, as charged in Count 23.

3. **Contemporaneous Conviction for a Serious Federal Drug Offense.** The defendant, as part of this case, is subject to a contemporaneous conviction for violating Title II of the Comprehensive Drug Abuse Prevention and Control Act of 1970 for which a sentence of 5 or more years may be imposed, as charged in Count One of the Fifth Superseding Indictment.

4. **Victim Impact.** The defendant's murder of Luis Garcia has caused injury, harm, and loss to the victim, and to the victim's family, because of the victim's personal characteristics and potential as an individual human being and the consequent impact of the death upon the victim's family.

5. **Defendant's Participation in Another Killing, Not Charged in This Case.** The defendant participated in the killing of Jose Hernandez on September 24, 1998 in Philadelphia, Pennsylvania.

Respectfully submitted,



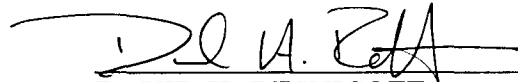
MICHAEL R. STILES  
United States Attorney



THOMAS J. EICHER  
Chief, Narcotics



THOMAS R. PERRICONE  
Assistant United States Attorney



DAVID H. RESNICOFF  
Assistant United States Attorney

CERTIFICATE OF SERVICE

I hereby certify that on May 30, 2000, a true and correct copy of the foregoing Notice of Intent to Seek the Death Penalty For Carlos Ivan Llera-Plaza, the original of which was filed with the Court this day, was delivered by First Class Mail, postage prepaid, to the following attorney of record:

Jose Muñiz, Esquire  
305 Broadway  
Suite 200  
New York, NY 10007

**FILED**

MAY 30 2000

**MICHAEL E. KUNZ, Clerk**

By CAC **Dep. Clerk**



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THOMAS R. PERRICONE  
Assistant United States Attorney