

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF PUERTO RICO

UNITED STATES OF AMERICA,
Plaintiff,

v.

[2] IAN ROSARIO MONTAÑEZ,
Defendant.

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Criminal No. 96-001 (PG)

U.S. DISTRICT COURT
SAN JUAN, P.R.

**NOTICE OF INTENTION TO SEEK THE DEATH PENALTY
AS TO DEFENDANT IAN ROSARIO MONTAÑEZ**

TO THE HONORABLE COURT:

COMES NOW, the United States of America, by and through its attorneys, Guillermo Gil, United States Attorney for the District of Puerto Rico, Edwin O. Vázquez, Assistant U.S. Attorney, Deputy Chief, Criminal Division, and Jacobed Rodríguez Coss, Assistant U.S. Attorney for said District, attorneys for the government in the instant case, and very respectfully state as follows:

1. That they are attorneys for the government as that term is defined in Federal Rule of Criminal Procedure 54(c) and used in Title 18, United States Code, Section 3593. Further, that Mr. Vázquez and Ms. Rodríguez Coss are the prosecutors responsible for the prosecution of this case.

2. That defendant Ian Rosario Montañez was indicted by a federal grand jury for the offense of armed bank robbery resulting in the death of Mr. Angel Garcia Beltrán, in violation of Title 18, United States Code, Section 2113(a), (d) and (e).

Proportionality Factor

3. That defendant Rosario Montañez intentionally killed

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Mr. Angel Garcia Beltrán, a bank security guard, on December 4, 1995, by intentionally aiming and firing at his head with a semi-automatic pistol, without warning or hesitation, and while standing less than two feet away from the victim, during the commission of a bank robbery.

4. That this offense constitutes an offense described in Title 18, United States Code, Section 3591(a)(2)(A), in so far as it is an offense for which a sentence of death is provided, and defendant Rosario Montañez intentionally killed the victim, Mr. Angel Garcia Beltrán.

5. Pursuant to Title 18, United States Code, Section 3593, the government hereby notifies defendant Rosario Montañez that it believes the circumstances of the offense charged in the indictment are such that a sentence of death is warranted. Thus, the government will, upon conviction, seek that defendant Rosario Montañez be sentenced to death. 18 U.S.C. § 3592.¹

6. Upon conviction of defendant Rosario Montañez, the United States intends to prove the existence of the following aggravating factors that warrant the sentence of death:

a. Statutory Aggravating Factors

1. That defendant Rosario Montañez, during the commission of the offense, and while attempting to escape

¹ The United States Attorney for the District of Puerto Rico was authorized to seek the death penalty against defendant Rosario Montañez by the United States Attorney General. See Copy of Authorization attached hereto.

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apprehension for the offense, fired his weapon at police officers and other persons assisting them, as well as, at customers shopping in the area, both inside and outside the Plaza Carolina Mall during regular business hours. Seven other individuals, including four women, were injured during the commission of the bank robbery. Defendant Rosario Montañez, therefore, created a grave risk of death to other persons in addition to Mr. Angel Garcia Beltrán, the most serious victim of the offense. 18 U.S.C. § 3592(5).

2. That defendant Rosario Montañez attempted to kill more than one person during this single criminal episode. Defendant Rosario Montañez fired his weapon at the head of Mr. Angel Garcia Beltrán, killing him, and immediately thereafter, he fired his weapon at the chest of Mr. Felix Amaro Santos attempting to kill him. Mr. Amaro Santos' life was saved by a bullet proof vest which stopped the bullet fired by defendant Rosario Montañez. 18 U.S.C. § 3592(16).

3. That defendant Rosario Montañez committed the offense for the purpose, in consideration and with the expectation, of taking or receiving something of pecuniary value; to wit, money. 18 U.S.C. § 3592(8).

4. That defendant Rosario Montañez committed the offense after substantial planning and premeditation to cause the death of a person. 18 U.S.C. § 3592(9).

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b. Non-Statutory Aggravating Factors

1. That defendant Rosario Montañez committed the murder of Mr. Garcia Beltrán in order to perfect the bank robbery which he undertook for pecuniary gain.

2. That defendant Rosario Montañez committed the bank robbery after previous surveillance of the bank, substantial planning and premeditation.

3. That defendant Rosario Montañez has been previously convicted of other serious offenses involving the infliction or attempted infliction of serious bodily injury or death upon another person.

4. That defendant Rosario Montañez has been previously convicted of an offense involving the use or attempted or threatened use of a firearm against another person.

5. That Rosario Montañez is a violent individual who constitutes a future danger to our community.

6. That Rosario Montañez' murder of Mr. Angel Garcia Beltrán caused great impact upon the victims of the bank robbery. Mr. Garcia Beltrán is survived by his widow, to whom he was married for twenty-two (22) years. She is now left without equal means of support and alone.

7. Given the exigencies of proof, the government may move to amend this notice with leave of court, pursuant to Title 18, United States Code, Section 3593(a).

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8. Further, the government hereby informs the Honorable Court that it will not seek the sentence of death as to defendants [3] Manuel L. Medero Rosario and [4] Alexis Terreforte Quidgley. Moreover, the government acknowledges that the Death Penalty Statute does not authorize the seeking of the sentence of death as to [5] Marcos A. Carrasquillo Gomez as he was less than eighteen years of age at the time of the commission of the offense.

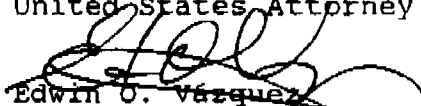
18 U.S.C. § 3591.²


WHEREFORE the United States respectfully requests that the Honorable Court take notice of the foregoing.

RESPECTFULLY SUBMITTED.

In San Juan, Puerto Rico, this 21st day of January, 1997.

GUILLERMO GIL
United States Attorney


Edwin O. Vazquez
Assistant U.S. Attorney
Deputy Chief, Criminal Division
U.S.D.C. No. 201512

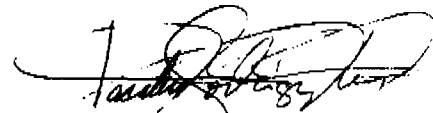

Jacobed Rodriguez Coss
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U.S. Attorney's Office
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Carlos Chardon Ave.
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² In the case of defendant [1] Hugo Sánchez Ramos, this Honorable Court has granted the government an extension of time to notify whether or not it will seek the death penalty.

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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this date a true and correct copy of the foregoing motion has been mailed to: Francisco M. Dolz Sánchez, Esq., P.O. Box 361451, San Juan, Puerto Rico 00936-1451; Edward S. Stafman, Esq., 6950 Bradfordville Rd., Tallahassee, FL 32308; Rafael F. Castrolang, Esq., P.O. Box 3222, San Juan, Puerto Rico 00902-3222; William D. Matthewman, P.A., Esq., 1481 N.W. North River Drive, Miami, FL 33125; Joseph Laws, Esq., Capital Center Bldg., Suite 402, #239 Arterial Hostos, Hato Rey, Puerto Rico 00918; Robert A. Norgard, Esq., P.O. Box 811, Bartow, FL 33831; Carlos Perez Olivo, Esq., 259 Chik Street, Hato Rey, Puerto Rico 00917; Donald West, Esq., 626 West Yale Street, Orlando, FL 32804; Ricardo Rodríguez Padilla, Esq., P.O. Box 4837, San Juan, Puerto Rico 00902.



Jacobed Rodríguez Coss
Assistant U.S. Attorney
U.S.D.C. No. 207309



Office of the Attorney General
Washington, D. C. 20530

January 16, 1997

The Honorable Guillermo Gil
United States Attorney
District of Puerto Rico
Hato Rey, Puerto Rico 00918

Dear Mr. Gil:

I concur with your recommendations and authorize you to seek the death penalty against Ian Rosario-Montanez and not to seek the death penalty against Manuel I. Medero-Rosario and Alexis Terreforte Quidgely for the murder of Angel Garcia Baltran.

Sincerely,

Janet Reno
Janet Reno

RECEIVED
FEDERAL BUREAU OF INVESTIGATION
JAN 17 1997
WASHINGTON, D.C.