

**IN THE UNITED STATES DISTRICT COURT FOR THE
DISTRICT OF MARYLAND**

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	
)	
vs.)	Case No. <u>DKC-05-0393</u>
)	
JUAN CARLOS MORIERA,)	
a/k/a "Stockey,")	
a/k/a "Stokey,")	
)	
Defendant.)	

**NOTICE OF INTENTION TO SEEK THE DEATH PENALTY
AS TO DEFENDANT JUAN CARLOS MORIERA**

COMES NOW the United States of America, pursuant to 18 U.S.C. § 3593(a), by and through its undersigned counsel, and notifies the Court and the defendant in the above-captioned case that the Government believes the circumstances of the offenses charged in Counts Seven, Eight, and Ten of the Third Superseding Indictment are such that, in the event of the defendant's conviction of any of these offenses, a sentence of death is justified under Chapter 228 (Sections 3591 through 3598) of Title 18 of the United States Code, and that the Government will seek the sentence of death for these offenses: Count Seven, murder of Randy Calderon in aid of racketeering, in violation of 18 U.S.C. § 1959(a)(1); Count Eight, murder of Randy Calderon to prevent communication to law enforcement, in violation of 18 U.S.C. § 1512; and Count Ten, causing the death of Randy Calderon with a firearm, in violation of 18 U.S.C. § 924(j).

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

COUNT SEVEN

MURDER OF RANDY CALDERON

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

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

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

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

4. **Intentional Acts of Violence Creating a Grave Risk of Death.** 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 Randy Calderon died as a direct result of the act. 18 U.S.C. § 3591(a)(2)(D).

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

5. **Previous conviction of other serious offenses** – the defendant has previously been convicted of two or more Federal or State offenses, each punishable by a term of imprisonment of more than one year, committed on different occasions, involving the infliction of, or attempted infliction of, serious bodily injury or death upon another person; (18 U.S.C. § 3592(c)(4))

6. **Substantial planning and premeditation** – the defendant committed the offenses after substantial planning and premeditation to cause the death of a person (18 U.S.C. § 3592(c)(9)).

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

1. **Victim Impact Evidence.** As demonstrated by the victim's personal characteristics as an individual human being and the impact of the death upon the victim and the victim's family and friends, the defendant caused injury, harm, and loss to the victim and the victim's family and friends.

2. **Callous Disregard for the Severity of the Offense.** The defendant has demonstrated a callous disregard for the severity of the offense, as evidenced by comments made by the defendant in which he callously disregarded the severity of his actions in the murder of Randy Calderon.

3. **Obstruction of justice.** The defendant committed the offense with the intent to prevent the victim from providing information and assistance to law enforcement authorities in regard to the investigation or prosecution of the commission or possible commission of another offense.

4. **Participation in additional serious acts of violence.** Those serious acts of violence include, but are not limited to, the following:

- a) The assault of Osmin Alfaro Fuentes, a/k/a "Buso," on January 1, 2003;
- b) The murder of Anthony Campos on January 21, 2005 in Fairfax, Virginia.
- c) The shooting of Raushan Stevens on January 21, 2005 in Fairfax, Virginia
- d) The shooting of Eric Ventura on January 21, 2005 in Fairfax, Virginia

COUNT EIGHT
WITNESS TAMPERING

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

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

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

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

4. **Intentional Acts of Violence Creating a Grave Risk of Death.** 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 Randy Calderon died as a direct result of the act. 18 U.S.C. § 3591(a)(2)(D).

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

5. **Previous conviction of other serious offenses** – the defendant has previously been convicted of two or more Federal or State offenses, each punishable by a term of imprisonment of more than one year, committed on different occasions, involving the infliction of, or attempted infliction of, serious bodily injury or death upon another person; (18 U.S.C. § 3592(c)(4))

6. **Substantial planning and premeditation** – the defendant committed the offenses after substantial planning and premeditation to cause the death of a person (18 U.S.C. § 3592(c)(9)).

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

1. **Victim Impact Evidence.** As demonstrated by the victim's personal characteristics as an individual human being and the impact of the death upon the victim and the victim's family and friends, the defendant caused injury, harm, and loss to the victim and the victim's family and friends.

2. **Callous Disregard for the Severity of the Offense.** The defendant has demonstrated a callous disregard for the severity of the offense, as evidenced by comments made by the defendant in which he callously disregarded the severity of his actions in the murder of Randy Calderon.

3. **Obstruction of justice.** The defendant committed the offense with the intent to prevent the victim from providing information and assistance to law enforcement authorities in regard to the investigation or prosecution of the commission or possible commission of another offense.

4. **Participation in additional serious acts of violence.** Those serious acts of violence include, but are not limited to, the following:

- a) The assault of Osmin Alfaro Fuentes, a/k/a "Buso," on January 1, 2003;
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- c) The shooting of Raushan Stevens on January 21, 2005 in Fairfax, Virginia
- d) The shooting of Eric Ventura on January 21, 2005 in Fairfax, Virginia

COUNT TEN

MURDER RESULTING FROM THE USE AND CARRYING OF A FIREARM DURING AND IN RELATION TO A CRIME OF VIOLENCE

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

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

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

3. **Intentional Acts to Take Life or Use Lethal Force.** The defendant intentionally participated in an act, contemplating that the life of a person would be taken and intending that lethal force would be used in connection with a person, other than one of the

participants in the offense, and Randy Calderon died as a direct result of the act. 18 U.S.C. § 3591(a)(2)(C).

4. **Intentional Acts of Violence Creating a Grave Risk of Death.** 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 Randy Calderon died as a direct result of the act. 18 U.S.C. § 3591(a)(2)(D).

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

1. **Previous conviction of other serious offenses** – the defendant has previously been convicted of two or more Federal or State offenses, each punishable by a term of imprisonment of more than one year, committed on different occasions, involving the infliction of, or attempted infliction of, serious bodily injury or death upon another person; (18 U.S.C. § 3592(c)(4))

2. **Substantial planning and premeditation** – the defendant committed the offenses after substantial planning and premeditation to cause the death of a person (18 U.S.C. § 3592(c)(9)).

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

1. **Victim Impact Evidence.** As demonstrated by the victim's personal characteristics as an individual human being and the impact of the death upon the victim and the victim's family and friends, the defendant caused injury, harm, and loss to the victim and the victim's family and friends.

2. **Callous Disregard for the Severity of the Offense.** The defendant has demonstrated a callous disregard for the severity of the offense, as evidenced by comments made by the defendant in which he callously disregarded the severity of his actions in the murder of Randy Calderon.

3. **Obstruction of justice.** The defendant committed the offense with the intent to prevent the victim from providing information and assistance to law enforcement authorities in regard to the investigation or prosecution of the commission or possible commission of another offense.

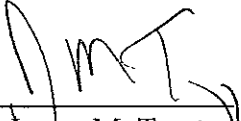
4. **Participation in additional serious acts of violence.** Those serious acts of violence include, but are not limited to, the following:

- a) The assault of Osmin Alfaro Fuentes, a/k/a "Buso," on January 1, 2003;
- b) The murder of Anthony Campos on January 21, 2005 in Fairfax, Virginia.
- c) The shooting of Raushan Stevens on January 21, 2005 in Fairfax, Virginia
- d) The shooting of Eric Ventura on January 21, 2005 in Fairfax, Virginia

The Government further gives notice that in support of imposition of the death penalty, it intends to rely upon all the evidence admitted by the Court at the guilt phase of the trial and the offenses of conviction as described in the Indictment as they relate to the background and character of the Defendant, in his moral culpability, and the nature and circumstances of the offenses charged in the Indictment.

Respectfully submitted,

Rod J. Rosenstein
United States Attorney

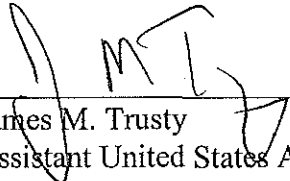
By: 
James M. Trusty
Assistant United States Attorney
District of Maryland

CERTIFICATE OF SERVICE

I hereby certify that on this 8th day of May, 2006, a true and correct copy of the above and foregoing Notice of Intention to Seek the Death Penalty As To Defendant JUAN CARLOS MORIERA to be mailed first class, postage prepaid to counsel for Moriera as follows:

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