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DISTRICT COURT OF NEW MEXICO  
95 JUN 21 AM 11:26

IN THE DISTRICT COURT OF THE UNITED STATES  
FOR THE DISTRICT OF NEW MEXICO

UNITED STATES OF AMERICA, )  
 )  
 Plaintiff, )  
 )  
 vs. )  
 )  
 VINCENT NAJAR, )  
 )  
 Defendant. )

CRIMINAL NO. 95-538-MV

NOTICE OF INTENT TO SEEK DEATH PENALTY AS TO  
DEFENDANT VINCENT NAJAR

The United States of America notifies the Court and defendant VINCENT NAJAR under 18 U.S.C. § 3591(a)(2), 18 U.S.C. § 3592(c), and 18 U.S.C. § 3593(a), that if defendant is convicted for one or more of the murders of Patrick Garcia, Edward Sandoval, Dwight Denard Cobbs, Johnny Lee Dixon, and Lawentosa Shawn Johnson, as charged by Counts Five, Seventeen, Twenty-Two, Twenty-Three, and Twenty-Four of the Second Superseding Indictment, the Government will seek the sentence of death for VINCENT NAJAR as to each offense.

As required by 18 U.S.C. §§ 3593(a), (d), and (e), the United States will introduce evidence establishing beyond a reasonable doubt:

- a. One of the statutory aggravating factors set forth by 18 U.S.C. § 3591(a)(2), and
- b. One or more of the statutory aggravating factors set forth by 18 U.S.C. §§ 3592(c)(1)-(16).

As permitted by 18 U.S.C. §§ 3593(a) and (d), the United States will also seek to prove the non-statutory aggravating factors set forth in paragraphs 4, 9, 15, 21, 27, and 28 of this Notice. The United States believes that the circumstances of each offense are such that, if the defendant VINCENT NAJAR is convicted, a sentence of death is justified under 18 U.S.C. §§ 3591 through 3593.

This Notice lists the statutory and non-statutory aggravating factors that the Government will seek to prove separately with respect to Count Five (for the murder of Patrick Garcia), Count Seventeen (for the murder of Edward Sandoval), Count Twenty-Two (for the murder of Dwight Denard Cobbs), Count Twenty-Three (for the murder of Johnny Lee Dixon), and Count Twenty-Four (for the murder of Lawuantoa Shawn Johnson). The non-statutory aggravating factor that applies to VINCENT NAJAR in connection with any of these offenses is set forth once, in paragraph 28 of this Notice.

AS TO COUNT FIVE ONLY:

MURDER OF PATRICK GARCIA

Statutory Factors under 18 U.S.C. § 3591(a)(2):

1. VINCENT NAJAR intentionally participated in an act, contemplating that the life of Patrick Garcia would be taken or intending that lethal force would be used in connection with Patrick Garcia, who was not one of the participants in the offense, and Patrick Garcia died as a direct result of the act. 18 U.S.C. § 3591(a)(2)(C).

2. In the alternative, VINCENT NAJAR intentionally and specifically engaged in an act of violence, knowing that the act created a grave risk of death to Patrick Garcia, who was not one of the participants in the offense, such that participation in the act constituted a reckless disregard for human life, and Patrick Garcia died as a direct result of the act.

18 U.S.C. § 3591(a)(2)(D).

Statutory Factors under 18 U.S.C. §§ 3592(c)(1)-(16):

3. VINCENT NAJAR, in the commission of the offense, knowingly created a grave risk of death to one or more persons in addition to Patrick Garcia. 18 U.S.C. § 3592(c)(5).

Non-Statutory Factor Under 18 U.S.C. § 3593(a):

4. Victim Impact. VINCENT NAJAR devastated the family of Patrick Garcia by murdering Patrick Garcia. Family members miss their son and brother and grieve over his death.

AS TO COUNT SEVENTEEN:

MURDER OF EDWARD SANDOVAL

Statutory Factors under 18 U.S.C. § 3591(a)(2):

5. VINCENT NAJAR intentionally participated in an act, contemplating that the life of Edward Sandoval would be taken or intending that lethal force would be used in connection with Edward Sandoval, who was not one of the participants in the offense, and Edward Sandoval died as a direct result of the act. 18 U.S.C. § 3591(a)(2)(C).

6. In the alternative, VINCENT NAJAR intentionally and specifically engaged in an act of violence, knowing that the act

created a grave risk of death to Edward Sandoval, who was not one of the participants in the offense, such that participation in the act constituted a reckless disregard for human life, and Edward Sandoval died as a direct result of the act.

18 U.S.C. § 3591(a)(2)(D).

Statutory Factors under 18 U.S.C. §§ 3592(c)(1)-(16):

7. VINCENT NAJAR, in the commission of the offense, knowingly created a grave risk of death to one or more persons in addition to Edward Sandoval. 18 U.S.C. § 3592(c)(5).

8. VINCENT NAJAR committed the offense after substantial planning and premeditation to cause the death of Edward Sandoval. 18 U.S.C. § 3592(c)(9).

Non-Statutory Factor Under 18 U.S.C. § 3593(a):

9. Victim Impact. By murdering Edward Sandoval, VINCENT NAJAR has devastated Edward Sandoval's family, especially Edward Sandoval's parents.

AS TO COUNT TWENTY-TWO ONLY:

MURDER OF DWIGHT DENARD COBBS

Statutory Factors under 18 U.S.C. § 3591(a)(2):

10. VINCENT NAJAR intentionally killed Dwight Denard Cobbs. 18 U.S.C. § 3591(a)(2)(A).

11. In the alternative, VINCENT NAJAR intentionally inflicted serious bodily injury that resulted in the death of Dwight Denard Cobbs. 18 U.S.C. § 3591(a)(2)(B).

12. In the alternative, VINCENT NAJAR intentionally participated in an act, contemplating that the life of Dwight

Denard Cobbs would be taken or intending that lethal force would be used in connection with Dwight Denard Cobbs, who was not one of the participants in the offense, and Dwight Denard Cobbs died as a direct result of the act. 18 U.S.C. § 3591(a)(2)(C).

Statutory Factors under 18 U.S.C. §§ 3592(c)(1)-(16):

13. VINCENT NAJAR committed the offense as consideration for the receipt, or in the expectation of the receipt, of something of pecuniary value. 18 U.S.C. § 3592(c)(8).

14. VINCENT NAJAR committed the offense after substantial planning and premeditation to cause the death of Dwight Denard Cobbs. 18 U.S.C. § 3592(c)(9).

Non-Statutory Factor Under 18 U.S.C. § 3593(a):

15. Victim Impact. By murdering Dwight Denard Cobbs, VINCENT NAJAR caused the family of Dwight Denard Cobbs to suffer, especially Dwight Denard Cobbs' mother, brother, and sister.

AS TO COUNT TWENTY-THREE ONLY:

MURDER OF JOHNNY LEE DIXON

Statutory Factors under 18 U.S.C. § 3591(a)(2):

16. VINCENT NAJAR intentionally killed Johnny Lee Dixon. 18 U.S.C. § 3591(a)(2)(A).

17. In the alternative, VINCENT NAJAR intentionally inflicted serious bodily injury that resulted in the death of Johnny Lee Dixon. 18 U.S.C. § 3591(a)(2)(B).

18. In the alternative, VINCENT NAJAR intentionally participated in an act, contemplating that the life of Johnny Lee Dixon would be taken or intending that lethal force would be used in connection with Johnny Lee Dixon, who was not one of the participants in the offense, and Johnny Lee Dixon died as a direct result of the act. 18 U.S.C. § 3591(a)(2)(C).

Statutory Factors under 18 U.S.C. §§ 3592(c)(1)-(16):

19. VINCENT NAJAR committed the offense as consideration for the receipt, or in the expectation of the receipt, of something of pecuniary value. 18 U.S.C. § 3592(c)(8).

20. VINCENT NAJAR committed the offense after substantial planning and premeditation to cause the death of Johnny Lee Dixon. 18 U.S.C. § 3592(c)(9).

Non-Statutory Factor Under 18 U.S.C. § 3593(a):

21. Victim Impact. VINCENT NAJAR caused the family of Johnny Lee Dixon to suffer by murdering Johnny Lee Dixon.

AS TO COURT TWENTY-FOUR ONLY:

MURDER OF LAWUENTOA SHAWN JOHNSON

Statutory Factors under 18 U.S.C. § 3591(a)(2):

22. VINCENT NAJAR intentionally killed Lawuentoa Shawn Johnson. 18 U.S.C. § 3591(a)(2)(A).

23. In the alternative, VINCENT NAJAR intentionally inflicted serious bodily injury that resulted in the death of Lawuentoa Shawn Johnson. 18 U.S.C. § 3591(a)(2)(B).

24. In the alternative, VINCENT NAJAR intentionally participated in an act, contemplating that the life of Lawuentoa Shawn Johnson would be taken or intending that lethal force would be used in connection with Lawuentoa Shawn Johnson, who was not one of the participants in the offense, and Lawuentoa Shawn Johnson died as a direct result of the act. 18 U.S.C. § 3591(a) (2)(C).

Statutory Factors under 18 U.S.C. §§ 3592(c)(1)-(16):

25. VINCENT NAJAR committed the offense as consideration for the receipt, or in the expectation of the receipt, of something of pecuniary value. 18 U.S.C. § 3592(c)(8).

26. VINCENT NAJAR committed the offense after substantial planning and premeditation to cause the death of Lawuentoa Shawn Johnson. 18 U.S.C. § 3592(c)(9).

Non-Statutory Factor Under 18 U.S.C. § 3593(a):

27. Victim Impact. VINCENT NAJAR caused the family of Lawuentoa Shawn Johnson to suffer by murdering Lawuentoa Shawn Johnson.

FOR THE MURDERS OF

PATRICK GARCIA, EDWARD SANDOVAL, DWIGHT DENARD COBBS,

JOHNNY LEE DIXON, AND LAWUENTOA SHAWN JOHNSON,

OR ANY OF THEM

Non-Statutory Factor Under 18 U.S.C. § 3593(a):

28. Future Dangerousness. VINCENT NAJAR represents a continuing, serious threat to the lives and safety of others.

His future dangerousness is shown by his commission of offenses resulting in multiple deaths, by his commission of other acts of violence or potential violence, by his low potential for rehabilitation, by his lack of remorse for violent acts he has committed, and by his threats of violence to others, as described in the following subparagraphs.

a. On October 13, 1995, VINCENT NAJAR murdered three persons in a single criminal episode.

b. VINCENT NAJAR has engaged in acts of violence or potential violence in addition to the murders of Patrick Garcia, Edward Sandoval, Dwight Denard Cobbs, Johnny Lee Dixon, and Lawuentiona Shawn Johnson. These include, but are not limited to:

(1) On or about March 15, 1995, VINCENT NAJAR conspired to murder African Americans.

(2) On or about March 15, 1995, VINCENT NAJAR attempted to murder Brian Thomason and DeEarl Pounds.

(3) On or about March 15, 1995, VINCENT NAJAR murdered Eugene Bryant.

(4) On or about August 1, 1995, VINCENT NAJAR conspired to murder and attempted to murder Lorenzo Apodaca.

(5) On or about October 13, 1995, VINCENT NAJAR conspired to murder Rosa Montoya.

(6) On or about August 1, 1995, VINCENT NAJAR carried and used firearms during and in relation to a drug



trafficking crime, as charged in Count Seventy-Seven of the Second Superseding Indictment.

c. VINCENT NAJAR has a low potential for rehabilitation. This is shown by facts including, but not limited to:

(1) VINCENT NAJAR committed the acts charged in the Second Superseding Indictment after serving a term in a boot camp in Mendenhall, California.

d. VINCENT NAJAR lacks remorse for his violent acts. This is shown by facts including, but not limited to:

(1) After VINCENT NAJAR murdered Patrick Garcia on December 26, 1994, VINCENT NAJAR stated that "they deserved what they got because of what they did to the Townsman."

(2) After murdering Eugene Bryant on March 15, 1995, VINCENT NAJAR said that "he blew the cap off of a nigger," and laughed about the murder.

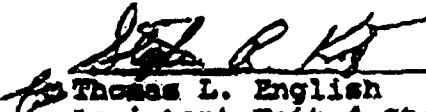
e. VINCENT NAJAR has made threats of violence against others. These include, but are not limited to:

(1) Prior to murdering Eugene Bryant on March 15, 1995, VINCENT NAJAR and codefendants John Acosta and Uriel Bustamante threatened to kill Brian Thomason.

(2) Prior to murdering Eugene Bryant on March 15, 1995, VINCENT NAJAR said, "Some black fool chased me. I am going to take care of business."

Respectfully submitted,

  
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JOHN J. KELLY  
United States Attorney


  
\_\_\_\_\_  
Thomas L. English  
Assistant United States Attorney

  
\_\_\_\_\_  
Stephen R. Kotz  
Assistant United States Attorney

P. O. Box 607  
Albuquerque, New Mexico 87103-0607  
(505) 766-3341

I CERTIFY that true copies of  
the foregoing NOTICE were served  
on the following counsel of record  
for VINCENT NAJAR this 21st  
day of June, 1996:

Gary C. Mitchell, Esq.  
Hank Farrah, Esq.  
Penni Adrian

  
\_\_\_\_\_  
Thomas L. English  
Stephen R. Kotz

Assistant U.S. Attorneys