

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

UNITED STATES OF AMERICA,

Plaintiff,

v.

1. VICTOR MANUEL VALLE-LASSALLE, a/k/a "Manolo,"
2. JOSE RODRIGUEZ-MARRERO, a/k/a "Zurdo,"
3. NICHOLAS PEÑA-GONZALEZ, a/k/a "Nicky,"
4. OMAR F. GENAO-SANCHEZ, a/k/a "Omi,"
5. HERIBERTO NIEVES-ALONZO, a/k/a "Jun,"
6. HENRY PAMIAS-BURGOS, a/k/a "Moncho Orejas,"
7. PATRICIO PEREZ-VEGA,
8. ENRIQUE ARIZMENDI VELEZ,
9. LUIS ANGEL LOPEZ-LORENZO, a/k/a "Millo," and
- 10 RAUL SANTODOMINGO ROMERO,

Defendants.

Criminal No. 97-284 (JAF)

97-284 (JAF)
1998-11-13 13:51

UNITED STATES' NOTICE OF INTENTION TO SEEK
THE DEATH PENALTY AS TO CERTAIN DEFENDANTS

TO THE HONORABLE COURT:

COMES NOW the United States of America, by and through the undersigned attorneys, and, pursuant to Title 18, U.S.C., §3593(a), Title 21, U.S.C., §848(h), Local Rule 428(11)(B)(3), and the Scheduling Order of this Court, very respectfully submits the instant notice to the Court and counsel for the defendants in this case that the United States believes that the circumstances of the below enumerated offenses are such that, in the event of a conviction, a sentence of death is justified with

respect to Defendants [1] Victor Manuel Valle-Lassalle, a/k/a “Manolo,” and [3] Nicholas Peña-Gonzalez, a/k/a “Nicky,” for the murder of Roberto Rodriguez-Torres in violation of 18 U.S.C.

§ 924 (c), (j); Defendants [1] Victor Manuel Valle-Lassalle, a/k/a “Manolo,” [2] Jose Rodriguez-Marrero, a/k/a “Zurdo,” and [5] Heriberto Nieves-Alonzo, a/k/a “Jun,” for the murder of Edward Llaurador in violation of 18 U.S.C. § 1512(a); and, Defendants [1] Victor Manuel Valle-Lassalle, a/k/a “Manolo,” and [2] Jose Rodriguez-Marrero, a/k/a “Zurdo,” for the murder of Edward Llaurador in violation of 21 U.S.C. § 848(e) for the reasons set forth below. The United States proposes to prove the following factors, outlined separately with respect to each defendant, as justifying a sentence of death with respect to those defendants.

I. VICTOR MANUEL VALLE-LASSALLE, a/k/a “Manolo”

v. Murder of Roberto Rodriguez-Torres

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

a. Valle-Lassalle intentionally participated in an act contemplating that the life of a person would be taken in that he organized and ordered the murder of Roberto Rodriguez-Torres, a/k/a “Robert Caballo.” *See* Title 18, U.S.C., §3591(a)(2)(C).

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

a. Valle-Lassalle procured and recruited Nicholas Peña-Gonzalez to murder Roberto Rodriguez-Torres with the promise of payment of “anything of pecuniary value.” *See* Title 18, U.S.C., §3592(c)(7).

b. The murder of Roberto Rodriguez-Torres, which was, *inter alia*, ordered by Valle-Lassalle, involved substantial planning and premeditation. *See* Title 18, U.S.C., §3592(c)(9).

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

a. Valle-Lassalle is likely to commit criminal acts of violence in the future which would be a continuing and serious threat to society. See Simmons v. South Carolina, 512 U.S. 154, 114 S.Ct. 2187, 2193 (1994). In that regard, the defendant has a weapons conviction, a prior drug trafficking conviction, and a pending, federal drug trafficking charge and efforts to rehabilitate and/or deter the defendant from criminal conduct have failed. Furthermore, Valle-Lassalle was involved in a plan to escape from federal custody when transported to local court in Aguadilla in connection with his weapons case. Lastly, Valle-Lassalle has demonstrated a lack of remorse for the capital offenses committed in this case, through statements and/or actions, including, *inter alia*, bragging to a confidential informant about murdering and cutting the bodies of snitches into pieces.

b. The family of Roberto Rodriguez-Torres has suffered a significant negative impact from his violent murder. See Payne v. Tennessee, 501 U.S. 808, 111 S.Ct. 2597, 2608-09 (1991).

c. Valle-Lassalle's participation in multiple murders (Roberto Rodriguez-Torres and Edward Llaurador) constitutes an additional aggravating factor in favor of imposition of a sentence of death.

d. The fact that Valle-Lassalle offered to obstruct justice in exchange for the murder in that he offered to assist Nicholas Peña-Gonzalez, a/k/a "Nicky," by "fixing" (*i.e.*, resolving through corrupt means/obstruction of justice) a pending local

criminal case in relation to his participation in the murder of Roberto Rodriguez-Torres constitutes an additional aggravating factor in favor of imposition of capital punishment.

B. Murder of Edward Llaurador.

1. Statutory Proportionality Factors Enumerated under 18 U.S.C. § 3591(a)(2)(A)-(D) and/or 21 U.S.C. § 848(c)(1)(A)-(D).

a. Valle-Lassalle intentionally participated in an act contemplating that the life of a person would be taken in that he organized and ordered the murder of Edward Llaurador. *See* Title 18, U.S.C., §3591(a)(2)(C) and Title 21, U.S.C., §848(n)(1)(C).

2. Statutory Aggravating Factors Enumerated under 18 U.S.C. § 3592(c) and/or 21 U.S.C. § 848(n)(2)-(12).

a. The murder of Edward Llaurador was committed in an “especially heinous, cruel, or depraved manner.” For example, the decapitation and dismemberment of the victim was clearly shockingly evil and wicked (“heinous”) and the mutilation of the victim’s body reflects the depraved nature of the killing. *See* Title 18, U.S.C., §3592(c)(6), Title 21, U.S.C., §848(n)(12), and Sochor v. Florida, 504 U.S. 527, 112 S.Ct. 2114 (1992).

b. Valle-Lassalle procured and recruited others to assist in the murder of Edward Llaurador with the promise of payment of “anything of pecuniary value.” *See* Title 18, U.S.C., §3592(c)(7) and Title 21, U.S.C., §848(n)(6).

c. The murder of Edward Llaurador, which was, *inter alia*, ordered by Valle-Lassalle, involved substantial planning and premeditation. See Title 18, U.S.C., §3592(c)(9) and Title 21, U.S.C., §848(n)(8).

3. Other, Non-Statutory, Aggravating Factors Identified under 18 U.S.C. § 3593(a)(2) and/or 21 U.S.C. § 848 (j).

a. As set forth in Section I(A)(3)(a), above (incorporated herein by reference), Valle-Lassalle represents a future danger to society.

b. Valle-Lassalle's participation in multiple murders (Roberto Rodriguez-Torres and Edward Llaurador) constitutes an additional aggravating factor in favor of imposition of a sentence of death.

c. The fact that Edward Llaurador was a government witness/informant for the Commonwealth of Puerto Rico and the Drug Enforcement Administration (DEA) constitutes a special characteristic of the victim further justifying capital punishment.

d. The family of Edward Llaurador has suffered a significant negative impact from his violent murder, especially in light of the cruel, depraved and heinous manner in which the body was mutilated. See Payne v. Tennessee, 501 U.S. 808, 111 S.Ct. 2597, 2608-09 (1991).

II. JOSE RODRIGUEZ-MARRERO, a/k/a “Zurdo,”

A. Murder of Edward Llaurador.

1. Statutory Proportionality Factors Enumerated under 18 U.S.C. § 3591(a)(2)(A)-(D) and/or 21 U.S.C. § 848(c)(1)(A)-(D).

a. Rodriguez-Marrero intentionally killed Edward Llaurador by decapitating him with a machete. *See* Title 18, U.S.C., §3591(a)(2)(A) and Title 21, U.S.C., §848(n)(1)(A).

b. In the alternative to section II(A)(1)(a), Rodriguez-Marrero intentionally participated in an act contemplating that the life of a person would be taken in that he actively participated in the murder of Edward Llaurador (*see* Title 18, U.S.C., §3591(a)(2)(C)) and/or that lethal force be employed against Edward Llaurador (*see* Title 21, U.S.C., §848(n)(1)(C)) or, in the alternative, Rodriguez-Marrero intentionally inflicted serious bodily injury which resulted in the death of the victim (*see* Title 21, U.S.C., §848(n)(1)(B)).

2. Statutory Aggravating Factors Enumerated under 18 U.S.C. § 3592 (c) and/or 21 U.S.C. § 848(n)(2)-(12).

a. The murder of Edward Llaurador was committed in an “especially heinous, cruel, or depraved manner.” For example, the decapitation and dismemberment of the victim was clearly shockingly evil and wicked (“heinous”) and the mutilation of the victim’s body reflects the depraved nature of the killing. *See* Title 18, U.S.C., §3592(c)(6), Title 21, U.S.C., §848(n)(12), and Sochor v. Florida, 504 U.S. 527, 112 S.Ct. 2114 (1992).

c. The murder of Edward Llaurador in which Rodriguez-Marrero participated involved substantial planning and premeditation. *See* Title 18, U.S.C., §3592(c)(9) and Title 21, U.S.C., §848(n)(8).

3. Other, Non-Statutory, Aggravating Factors Identified under 18 U.S.C. § 3593(a)(2) and/or 21 U.S.C. § 848(j).

a. Rodriguez-Marrero is likely to commit criminal acts of violence in the future which would be a continuing and serious threat to society. *See* Simmons v. South Carolina, 512 U.S. 154, 114 S.Ct. 2187, 2193 (1994). In that regard, the defendant has been involved in prior criminal activity (e.g., complaint no. 95-8-116-09440) and efforts to rehabilitate and/or deter the defendant from criminal conduct have failed. Furthermore, Rodriguez-Marrero has demonstrated a lack of remorse for the capital offenses committed in this case.

b. The fact that Edward Llaurador was a government witness/informant for the Commonwealth of Puerto Rico and the Drug Enforcement Administration (DEA) constitutes a special characteristic of the victim further justifying capital punishment.

c. The family of Edward Llaurador has suffered a significant negative impact from his violent murder, especially in light of the cruel, depraved and heinous manner in which the body was mutilated. *See* Payne v. Tennessee, 501 U.S. 808, 111 S.Ct. 2597, 2608-09 (1991).

III. NICHOLAS PEÑA-GONZALEZ, a/k/a “Nicky”

A. Murder of Roberto Rodriguez-Torres.

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

a. Peña-Gonzalez intentionally killed Rodriguez-Torres by shooting him. *See* Title 18, U.S.C., §3591(a)(2)(A).

b. In the alternative to section III(A)(1)(a), above, Peña-Gonzalez intentionally participated in an act contemplating that the life of a person (Rodriguez-Torres) would be taken. *See* Title 18, U.S.C., §3591(a)(2)(C).

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

a. Peña-Gonzalez participated in the murder of Rodriguez-Torres based upon a promise of payment of anything of pecuniary value. *See* Title 18, U.S.C., §3592(c)(8).

b. The murder of Rodriguez-Torres involved substantial planning and premeditation. *See* Title 18, U.S.C., §3592(c)(9).

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

a. Peña-Gonzalez is likely to commit criminal acts of violence in the future which would be a continuing and serious threat to society. *See* Simmons v. South Carolina, 512 U.S. 154, 114 S.Ct. 2187, 2193 (1994). In that regard, the defendant has prior criminal convictions for, *inter alia*, damages, weapons law violation, aggravated aggression, transportation of stolen goods and a narcotics violation and efforts to rehabilitate and/or deter the defendant from criminal conduct have failed.

b. The family of Roberto Rodriguez-Torres has suffered a significant negative impact from his violent murder. *See Payne v. Tennessee*, 501 U.S. 808, 111 S.Ct. 2597, 2608-09 (1991).

c. The fact that Peña-Gonzalez agreed to murder Rodriguez-Torres in exchange for, *inter alia*, a promise from Valle-Lassalle to “fix” (*i.e.*, resolve through corrupt means/obstruction of justice) a pending local criminal case constitutes an additional aggravating factor in favor of imposition of capital punishment.

IV. HERIBERTO NIEVES-ALONZO, a/k/a “Jun”

A. Murder of Edward Llaurador.

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

a. Nieves-Alonzo intentionally participated in an act contemplating that the life of a person would be taken in that he actively participated in the murder of Edward Llaurador. *See* Title 18, U.S.C., §3591(a)(2)(C).

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

a. The murder of Edward Llaurador was committed in an “especially heinous, cruel, or depraved manner.” For example, the decapitation and dismemberment of the victim was clearly shockingly evil and wicked (“heinous”) and the mutilation of the victim’s body reflects the depraved nature of the killing. *See* Title 18, U.S.C., §3592(c)(6) and *Sochor v. Florida*, 504 U.S. 527, 112 S.Ct. 2114 (1992).

b. The murder of Edward Llaurador in which Nieves-Alonzo participated involved substantial planning and premeditation. *See* Title 18, U.S.C., §3592(c)(9)

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

- a. The fact that Edward Llaurador was a government witness/informant for the Commonwealth of Puerto Rico and the Drug Enforcement Administration (DEA) constitutes a special characteristic of the victim further justifying capital punishment.
- b. The family of Edward Llaurador has suffered a significant negative impact from his violent murder, especially in light of the cruel, depraved and heinous manner in which the body was mutilated. *See Payne v. Tennessee*, 501 U.S. 808, 111 S.Ct. 2597, 2608-09 (1991).

V. CONCLUSION

In accordance with Title 18, U.S.C., §3593(a) and/or Title 21, U.S.C., §848(h), and in light of, *inter alia*, the above-described aggravating factors, the United States submits that a sentence of death is justified under the circumstances of the case with respect to Defendants [1] Victor Manuel Valle-Lassalle, a/k/a “Manolo,” [2] Jose Rodriguez-Marrero, a/k/a “Zurdo,” [3] Nicholas Peña-Gonzalez, a/k/a “Nicky,” and [5] Heriberto Nieves-Alonzo, a/k/a “Jun.” Accordingly, the United States herein provides notice that, in the event of conviction of any or all of said defendants, the United States will seek the sentence of death.

WHEREFORE, the United States requests that the Court and the Defendants take notice of the above and for such other and further relief as is just and proper.

RESPECTFULLY SUBMITTED.

In San Juan, Puerto Rico, this 17th day of December, 1998.

GUILLERMO GIL
United States Attorney

A handwritten signature in black ink, appearing to read "W. Stephen Muldrow", is written over a horizontal line.

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