

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

Ruhnke & Barrett 7/24/96

Attorneys at Law

20 Northfield Avenue, West Orange, NJ 07062

UNITED STATES OF AMERICA

- against -

FU-XIN CHEN, also known as "Ron" and "The Driver,"  
JIANG-WU CHEN, also known as "Wo Jai" and "The Fat Guy",  
YOU-KHONG PENG, also known as "The Guy with Glasses"  
and  
MING-SHUN HU,

Defendants.

David + Kevin —  
Aggs-fa co - Δs  
in Chen.  
David

(201) 325-7970  
FAX (201) 325-2248

-----X

PLEASE TAKE NOTICE that the circumstances of the offense charged in Count Four of the Superseding Indictment in the above-captioned case are such that, if the defendant YOU-KHONG PENG, also known as "The Guy with Glasses", is convicted of that count, the United States will seek the sentence of death for the defendant pursuant to the provisions of Title 18, United States Code, Sections 3591 et seq.; and

PLEASE TAKE FURTHER NOTICE that the government will seek to prove the following aggravating factors as the basis for imposition of the death penalty against the defendant YOU-KHONG PENG, also known as "The Guy with Glasses":

1. The defendant intentionally killed Ko-Lai Zhang (18 U.S.C. § 3591(a)(2)(A));
2. The death occurred during the commission of an offense under section 1203 of Title 18, United States Code (18 U.S.C. § 3592(c)(1));

3. The offense was committed in an especially heinous, cruel and depraved manner, in that it involved torture and serious physical abuse to the victim (18 U.S.C. § 3592(c)(6));

3. The defendant committed the kidnapping that resulted in death in expectation of the receipt of pecuniary gain (18 U.S.C. § 3592(c)(8)); and

4. The defendant committed the offense after substantial planning and premeditation to cause the death of Ko-Lai Zhang (18 U.S.C. § 3592(c)(9)); and

PLEASE TAKE FURTHER NOTICE that pursuant to Title 18, United States Code, Section 3592, in addition to the statutory aggravating factors, the government will rely on the following non-statutory aggravating factors as the basis for imposition of the death penalty against the defendant YOH-KHONG PENG, also known as "The Guy with Glasses":

1. The defendant YOH-KHONG PENG engaged in a continuing pattern of violence as follows:

a. During the summer of 1995, in South Carolina, the defendant YOH-KHONG PENG planned the kidnaping of unknown Asian individuals;

b. In or about July 1995, the defendant YOH-KHONG PENG participated in an armed robbery of the occupants of a house of prostitution located in Atlanta, Georgia;

c. During the summer of 1995, the defendant YOO-KHONG PING planned the armed robbery of the occupants of an apartment located on 28th Street, New York, New York;

d. On or about August 26, 1995, the defendant YOO-KHONG PING participated in the kidnapping of Xiu Pu Lin from a street in Brooklyn, New York;

e. From in or about and between August 26, 1995 and September 1, 1995, the defendant YOO-KHONG PING participated in repeated assaults of Xiu Pu Lin;

f. On or about September 1, 1995, the defendant YOO-KHONG PING participated in the attempted murder of Xiu Pu Lin;

g. On or about August 26, 1995, the defendant YOO-KHONG PING participated in the kidnapping of Yue Mg Dong from a street in New York County, New York;

h. From in or about August 26, 1995 and September 2, 1995, the defendant YOO-KHONG PING participated in repeated assaults of Yue Mg Dong; and

i. From in or about August 26, 1995 and September 2, 1995, the defendant YOO-KHONG PING raped and sexually abused Yue Mg Dong.

2. The defendant YOO-KHONG PING has displayed a total lack of remorse for the killing of Ko-Lai Zhang.

3. Based upon the foregoing continuing pattern of violence and total lack of remorse the defendant YOO-KHONG PING poses a risk of future dangerousness to the lives and safety of others.


4

4. Victim impact, as evidenced by the impact of the murder upon Ko-Lai Zhang's family.

Dated: July 19, 1996  
Brooklyn, New York

Respectfully submitted,

ZACHARY W. CARTER  
United States Attorney  
Eastern District of New York

  
By: John F. Curran, Jr.  
Assistant U.S. Attorney

cc: Ephraim Savitt, Esq.