

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA

- against -

PU-XIN CHEN, also known as "Ron" and "The Driver,"
JIANG-WU CHEN, also known as
"Wu Jai" and "The Fat
Guy";
YOU-ZHONG PENG, also known as
"The Guy with Glasses"
and
MING-SHUN HU,

Defendants.

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Daniel + Kevin —
Boggs for co-As
in Chen.

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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-ZHONG 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-ZHONG 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
brutous, cruel and degrading 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 YOUNG-ZHONG PENG, also
known as "The Guy with Glasses":

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

a. During the summer of 1995, in South Carolina, the
defendant YOUNG-ZHONG PENG planned the kidnapping of unknown Asian
individuals;

b. In or about July 1995, the defendant YOUNG-ZHONG
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 YOUNG PENG 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 YOUNG PENG participated in the kidnapping of Xiu Fu Lin from a street in Brooklyn, New York;
- e. From in or about and between August 26, 1995 and September 1, 1995, the defendant YOUNG PENG participated in repeated assaults of Xiu Fu Lin;
- f. On or about September 1, 1995, the defendant YOUNG PENG participated in the attempted murder of Xiu Fu Lin;
- g. On or about August 26, 1995, the defendant YOUNG PENG participated in the kidnapping of Xue Ng Dong from a street in New York County, New York;
- h. From in or about August 26, 1995 and September 2, 1995, the defendant YOUNG PENG participated in repeated assaults of Xue Ng Dong; and
- i. From in or about August 26, 1995 and September 2, 1995, the defendant YOUNG PENG raped and sexually abused Xue Ng Dong.
2. The defendant YOUNG PENG 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 YOUNG PENG poses a risk of future dangerousness to the lives and safety of others.

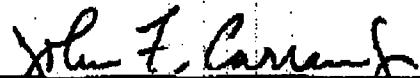
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4. Victim impact, as evidenced by the impact of the
murder upon Ko-Lai Zhang's family.

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.