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11 UNITED STATES DISTRICT COURT  
12 NORTHERN DISTRICT OF CALIFORNIA  
13 SAN FRANCISCO DIVISION

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15 UNITED STATES OF AMERICA, ) CR 18-0119 RS  
16 Plaintiff, )  
17 v. ) UNITED STATES' NOTICE OF INTENT TO SEEK  
THE DEATH PENALTY AS TO DEFENDANT  
REBOLLEDO  
18 JONATHAN AGUILAR, et al., )  
19 Defendants. )

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21 The United States of America, pursuant to Title 18, United States Code, Section 3593(a), notifies  
22 the Court and defendant MICHAEL REBOLLEDO, a/k/a "Gallo," that the circumstances of the offenses  
23 charged in Counts Four, Five, Six, Seven, and Eight of the Indictment are such that, in the event of a  
24 conviction, a sentence of death is justified under Chapter 228 (Sections 3591 through 3598) of Title 18  
25 of the United States Code, and that the government will seek the sentence of death for the following  
26 offenses: (1) murder in aid of racketeering, resulting in the death of Victim 1, in violation of 18 U.S.C.  
27 §§ 1959(a)(1) and 2 (Count Four); (2) murder in aid of racketeering, resulting in the death of Victim 2,

1 in violation of 18 U.S.C. §§ 1959(a)(1) and 2 (Count Five); (3) use of a firearm causing murder,  
2 resulting in the deaths of Victim 1 and Victim 2, in violation of 18 U.S.C. §§ 924(j)(1) and 2 (Count  
3 Six); (4) murder in aid of racketeering, resulting in the death of Victim 3, in violation of 18 U.S.C. §§  
4 1959(a)(1) and 2 (Count Seven); and (5) use of a firearm causing murder, resulting in the death of  
5 Victim 3, in violation of 18 U.S.C. §§ 924(j)(1) and 2 (Count Eight).

6 The United States proposes to prove the following factors as justifying a sentence of death with  
7 regard to Counts Four through Eight (except where other Counts are specified):

8 A. The defendant was 18 years of age or older at the time of the offense.

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

10 1. The defendant intentionally killed Victim 1 and Victim 2 (Counts Four, Five, and  
11 Six). 18 U.S.C. § 3591(a)(2)(A).

12 2. The defendant intentionally inflicted serious bodily injury that resulted in the  
13 deaths of Victim 1 and Victim 2 (Counts Four, Five, and Six). 18 U.S.C. § 3591(a)(2)(B).

14 3. The defendant intentionally participated in acts contemplating that the life of a  
15 person would be taken or intending that lethal force would be used in connection with a person,  
16 other than one of the participants in the offense, and Victim 1, Victim 2, and Victim 3 died as a  
17 direct result of the acts. 18 U.S.C. § 3591(a)(2)(C).

18 4. The defendant intentionally and specifically engaged in acts of violence knowing  
19 that the acts created a grave risk of death to a person, other than one of the participants in the  
20 offense, such that participation in the acts constituted a reckless disregard for human life, and  
21 Victim 1, Victim 2, and Victim 3 died as a direct result of the acts. 18 U.S.C. § 3591(a)(2)(D).

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

23 1. **Grave Risk of Death to Additional Persons.** The defendant, in the commission  
24 of the offenses charged in Counts Four, Five, and Six, or in escaping apprehension for the  
25 violation of the offenses, knowingly created a grave risk of death to 1 or more persons in  
26 addition to the victims of the offenses. 18 U.S.C. § 3592(c)(5).

27 2. **Substantial Planning and Premeditation.** The defendant committed the  
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1 offenses after substantial planning and premeditation to cause the death of a person or commit an  
2 act of terrorism. 18 U.S.C. § 3592(c)(9).

3 3. **Multiple Killings or Attempted Killing.** The defendant intentionally killed or  
4 attempted to kill more than one person in a single criminal episode (Counts Four, Five, and Six).  
5 18 U.S.C. § 3592(c)(16).

6 D. Other, Non-Statutory, Aggravating Factors Identified Under 18 U.S.C. § 3593(a)(2)

7 1. **Criminal street gang participation.** The defendant, in the commission of the  
8 offenses, participated in the 16th Street Sureños, a criminal street gang, as defined in 18 U.S.C. §  
9 521(a), with knowledge that its members engage in or have engaged in a continuing series of  
10 offenses, as described in § 521(c); and intended to promote or further the felonious activities of  
11 the criminal street gang or maintain or increase his position in the gang.

12 2. **Future Dangerousness.** The defendant represents a continuing danger to the  
13 lives and safety of other persons. The defendant is likely to commit criminal acts of violence in  
14 the future that would constitute a continuing and serious threat to the lives and safety of others,  
15 as evidenced by, at least, one or more of the following:

16 (a) Continuing Pattern of Violence: The defendant has engaged in a continuing  
17 pattern of violence, attempted violence, and threatened violence, including, at least, the  
18 crimes alleged against the defendant in the Indictment.

19 (b) Low Rehabilitative Potential: The defendant has demonstrated a low potential  
20 for rehabilitation as evidenced by his longstanding involvement in criminal activities,  
21 including drug trafficking and violence, leading up to the offenses charged in the  
22 Indictment.

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