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CLERK U S DISTRICT COURT DISTRICT OF ARIZONA	
BY _____	S DEPUTY

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5
6 UNITED STATES DISTRICT COURT
7 DISTRICT OF ARIZONA

8 United States of America

9 Plaintiff,

10 v.

11 Luis Cisneros, et al.,

12 Defendants.

CR-03-730-PHX-ROS

**NOTICE OF INTENT TO SEEK
DEATH PENALTY AS TO
DEFENDANT ANGEL R. RIVERA**

13
14 The United States of America notifies the Court and defendant ANGEL R. RIVERA,
15 under Chapter 228 (Sections 3591-3598) of Title 18, United States Code, that if defendant is
16 convicted of one or more of the intentional killings of Jose Moreno, Sr., and Jose Moreno, Jr., as
17 charged in Counts Five through Eight, Eleven, and Thirteen through Sixteen of the First
18 Superseding Indictment, the United States will seek the sentence of death for ANGEL R.
19 RIVERA as to each offense.

20 The United States will seek to prove as to defendant ANGEL R. RIVERA, for each of the
21 above-listed counts:

22 (1) One or more of the statutory proportionality factors set forth by Section
23 3591(a)(2)(A)-(D) of Title 18, and

24 (2) One or more of the statutory aggravating factors set forth by Sections
25 3592(c)(1)-(16) of Title 18.

26 As permitted by Sections 3593(a) and (d) of Title 18, the United States will also seek to prove
27 certain non-statutory aggravating factors as set forth in this Notice. The United States believes
28 that the circumstances of the offenses charged in any of the above-listed counts are such that, if

1 the defendant is convicted, a sentence of death is justified under Chapter 228 of Title 18 of the
2 United States Code.

3 The United States will seek to prove the following factors as justifying a sentence of death
4 as to each of the above-listed counts.

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

6 1. **Intentional Killing.** The defendant intentionally killed the victim named in the
7 respective count of the First Superseding Indictment. 18 U.S.C. § 3591(a)(2)(A).

8 2. **Intentional Act to Take Life or Use Lethal Force.** The defendant
9 intentionally participated in an act, contemplating that the life of a person would be taken or
10 intending that lethal force would be used in connection with a person, other than one of the
11 participants in the offense, and the victim named in the respective count of the First Superseding
12 Indictment died as a direct result of the act. 18 U.S.C. § 3591(a)(2)(C).

13 3. **Intentional Act in Reckless Disregard for Life.** The defendant intentionally
14 and specifically engaged in an act of violence, knowing that the act created a grave risk of death to
15 a person, other than one of the participants in the offense, such that participation in the act
16 constituted a reckless disregard for human life and the victim named in the respective count of the
17 First Superseding Indictment died as a direct result of the act. 18 U.S.C. § 3591(a)(2)(D).

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

19 1. **Previous Conviction of Violent Felony Involving Firearm.** The defendant
20 has previously been convicted of a State offense punishable by a term of imprisonment of more
21 than one year, involving the use or attempted or threatened use of a firearm against another
22 person. 18 U.S.C. § 3592(c)(2).

23 2. **Commission of the Offense for Pecuniary Gain.** The defendant committed
24 the killing of the victim named in the respective count of the First Superseding Indictment as
25 consideration for the receipt, or in the expectation of the receipt, of anything of pecuniary value.
26 18 U.S.C. § 3592(c)(8).


1 enforces through threats of violence and actual violence including aggravated assault, attempted
2 murder, and murder.

3 4. **Victim Impact Evidence.** The defendant caused injury, harm, and loss to Jose
4 Moreno, Sr., and Jose Moreno, Jr., and their family as demonstrated by the victims' personal
5 characteristics as individual human beings and the impact of the death upon the victims' families.
6 See Payne v. Tennessee, 501 U.S. 808, 825-27 (1991). The United States will present
7 information concerning the effect of the offenses on Jose Moreno, Sr., and Jose Moreno, Jr., and
8 their family, which may include oral testimony, a victim impact statement that identifies Jose
9 Moreno, Sr., and Jose Moreno, Jr. as victims of the offenses and the extent and scope of the injury
10 and loss suffered by Jose Moreno, Sr., and Jose Moreno, Jr., their family, and any other relevant
11 information.

12 The United States further gives notice that in support of imposition of the death penalty, it
13 intends to rely upon all the evidence admitted by the Court at the guilt phase of the trial and the
14 offenses of conviction as described in the First Superseding Indictment as they relate to the
15 background and character of the defendant, ANGEL R. RIVERA, his moral culpability, and the
16 nature and circumstances of the offenses charged in the First Superseding Indictment.

17 Respectfully submitted,

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1 I HEREBY CERTIFY that a true copy of the foregoing pleading was mailed first class to
2 the following counsel of record this 25th day of February, 2004.

3 

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