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10 Attorneys for Plaintiff  
 11 UNITED STATES OF AMERICA

12 UNITED STATES DISTRICT COURT  
 13 FOR THE CENTRAL DISTRICT OF CALIFORNIA

|                              |   |                                       |
|------------------------------|---|---------------------------------------|
| 14 UNITED STATES OF AMERICA, | ) | No. CR 05-578(B)-JFW                  |
|                              | ) |                                       |
| Plaintiff,                   | ) | <u>GOVERNMENT'S AMENDED NOTICE OF</u> |
|                              | ) | <u>INTENT TO SEEK THE DEATH</u>       |
| v.                           | ) | <u>PENALTY AGAINST DEFENDANT RAUL</u> |
|                              | ) | <u>ROBLEDO</u>                        |
| RAUL ROBLEDO,                | ) |                                       |
|                              | ) |                                       |
| Defendant.                   | ) |                                       |
| _____                        | ) |                                       |

19 **AMENDED NOTICE OF INTENT TO SEEK THE DEATH PENALTY**

20  
 21 The United States of America, pursuant to 18 U.S.C.  
 22 § 3593(a), notifies the Court and defendant RAUL ROBLEDO  
 23 ("defendant"), that the Government believes the circumstances of  
 24 the offense charged in Count Four of the Second Superseding  
 25 Indictment are such that, in the event of a conviction, a  
 26 sentence of death is justified under Chapter 228 (Sections 3591  
 27 through 3598) of Title 18 of the United States Code, and that the  
 28 Government will seek the sentence of death for the offense of

1 violent crime (murder) in aid of racketeering, in violation of  
2 Title 18, United States Code, Section 1959(a)(1), which carries a  
3 possible sentence of death.

4 The Government proposes to prove the following factors as  
5 justifying a sentence of death.

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

8 The following statutory proportionality factors apply to  
9 Count Four.

10 1. **Intentionally Killing the Victim**

11 Defendant intentionally killed Martha Puebla. 18 U.S.C. §  
12 3591(a)(2)(A).

13 2. **Intentionally Inflicted Serious Bodily Injury that**  
14 **Resulted in the Death of the Victim**

15 Defendant intentionally inflicted serious bodily injury that  
16 resulted in the death of Martha Puebla. 18 U.S.C.  
17 § 3591(a)(2)(B).

18 3. **Intentional Acts to Take Life or Use Lethal Force**

19 Defendant intentionally participated in an act,  
20 contemplating that the life of a person would be taken or  
21 intending that lethal force would be used in connection with a  
22 person, other than one of the participants in the offense, and  
23 Martha Puebla died as a direct result of the act. 18 U.S.C.  
24 § 3591(a)(2)(C).

25 4. **Intentionally and Specifically Engaged in an Act**  
26 **of Violence Creating a Grave Risk of Death**

1 Defendant intentionally and specifically engaged in an act  
2 of violence knowing that the act created a grave risk of death to  
3 a person, other than one of the participants in the offense, such  
4 that participation in the act constituted a reckless disregard  
5 for human life and Martha Puebla died as a direct result of the  
6 act. 18 U.S.C. § 3591(a)(2)(D).

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

9 The following statutory aggravating factors apply to Count  
10 Four.

11 1. **Substantial Planning and Premeditation**

12 Defendant committed the offense charged in Count Four after  
13 substantial planning and premeditation to cause the death of a  
14 person. 18 U.S.C. § 3592(c)(9).

15 2. **Defendant was previously convicted of two or more**  
16 **prior felony drug offenses**

17 Defendant has previously been convicted of two or more State  
18 offenses punishable by a term of imprisonment of more than one  
19 year, committed on different occasions, involving the  
20 distribution of a controlled substance. 18 U.S.C. § 3592(c)(10).  
21 In 1996, defendant was convicted of possession of marijuana for  
22 sale. In 1997, defendant was convicted of possession of  
23 methamphetamine for sale. In 2002, defendant was convicted of  
24 possession of marijuana for sale.

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

1 The following non-statutory aggravating factors apply to  
2 Count Four.

3  
4  
5  
6 **1. The murder was committed in an attempt to obstruct**  
7 **justice**

8 Defendant participated in the murder of the victim because  
9 she had testified at a preliminary hearing for a co-conspirator  
10 in pretrial confinement and was expected to testify at the co-  
11 conspirator's trial.

12 **2. Victim Impact Evidence**

13 Defendant caused injury, harm, and loss to the  
14 family, friends, and classmates of Martha Puebla as evidenced by  
15 her personal characteristics as a human being and the impact of  
16 her death on her family, her friends, and her classmates.

17 The Government further gives notice that in support of  
18 imposition of the death penalty it intends to rely upon all the  
19 evidence admitted by the Court at the guilt phase of the trial  
20 and the offenses of conviction as described in the Second  
21 Superseding Indictment as they relate to the background and  
22 character of the defendant, RAUL ROBLED0, his moral culpability,  
23 and the nature and circumstances of the offenses charged in the  
24 Second Superseding Indictment.

25 DATE: February 14, 2007

26 Respectfully submitted,

27 GEORGE S. CARDONA  
28 Acting United States Attorney

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THOMAS P. O'BRIEN  
Assistant United States Attorney  
Chief, Criminal Division

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Assistant United States Attorney

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9 Attorneys for Plaintiff  
UNITED STATES OF AMERICA

11 UNITED STATES DISTRICT COURT

12 FOR THE CENTRAL DISTRICT OF CALIFORNIA

13 UNITED STATES OF AMERICA, ) No. CR 05-578(A)-JFW  
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14 Plaintiff, ) GOVERNMENT'S NOTICE OF INTENT  
) TO SEEK THE DEATH PENALTY  
15 v. ) AGAINST DEFENDANT RAUL ROBLEDO  
)  
16 RAUL ROBLEDO, )  
)  
17 Defendant. )  
)

18 NOTICE OF INTENT TO SEEK THE DEATH PENALTY

19 The United States of America, pursuant to 18 U.S.C.  
20 § 3593(a), notifies the Court and defendant RAUL ROBLEDO  
21 ("defendant"), that the Government believes the circumstances of  
22 the offense charged in Counts Six and Fifty-Four of the First  
23 Superseding Indictment are such that, in the event of a  
24 conviction, a sentence of death is justified under Chapter 228  
25 (Sections 3591 through 3598) of Title 18 of the United States  
26 Code, and that the Government will seek the sentence of death for  
27 the offense of violent crime (murder) in aid of racketeering, in  
28

1 violation of Title 18, United States Code, Section 1959(a)(1),  
2 which carries a possible sentence of death.

3 The Government proposes to prove the following factors as  
4 justifying a sentence of death.

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

7 The following statutory proportionality factors apply to  
8 Counts Six and Fifty-Four.

9 1. **Intentionally Killing the Victim**

10 Defendant intentionally killed Martha Puebla. 18 U.S.C. §  
11 3591(a)(2)(A).

12 2. **Intentionally Inflicted Serious Bodily Injury that**  
13 **Resulted in the Death of the Victim**

14 Defendant intentionally inflicted serious bodily injury that  
15 resulted in the death of Martha Puebla. 18 U.S.C.  
16 § 3591(a)(2)(B).

17 3. **Intentional Acts to Take Life or Use Lethal Force**

18 Defendant intentionally participated in an act,  
19 contemplating that the life of a person would be taken or  
20 intending that lethal force would be used in connection with a  
21 person, other than one of the participants in the offense, and  
22 Martha Puebla died as a direct result of the act. 18 U.S.C.  
23 § 3591(a)(2)(C).

24 4. **Intentionally and Specifically Engaged in an Act**  
25 **of Violence Creating a Grave Risk of Death**

26 Defendant intentionally and specifically engaged in an act  
27 of violence knowing that the act created a grave risk of death to  
28 a person, other than one of the participants in the offense, such

1 that participation in the act constituted a reckless disregard  
2 for human life and Martha Puebla died as a direct result of the  
3 act. 18 U.S.C. § 3591(a)(2)(D).

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

6 The following statutory aggravating factors apply to Counts  
7 Six and Fifty-Four.

8 1. **Substantial Planning and Premeditation**

9 Defendant committed the offense charged in Counts Six and  
10 Fifty-Four after substantial planning and premeditation to cause  
11 the death of a person. 18 U.S.C. § 3592(c)(9).

12 2. **Defendant was previously convicted of two or more**  
13 **prior felony drug offenses**

14 Defendant has previously been convicted of two or more State  
15 offenses punishable by a term of imprisonment of more than one  
16 year, committed on different occasions, involving the  
17 distribution of a controlled substance. 18 U.S.C. § 3592(c)(10).  
18 In 1996, defendant was convicted of possession of marijuana for  
19 sale. In 1997, defendant was convicted of possession of  
20 methamphetamine for sale. In 2002, defendant was convicted of  
21 possession of marijuana for sale.

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

24 The following non-statutory aggravating factors apply to  
25 Counts Six and Fifty-Four.



1           1.    **The murder was committed in an attempt to obstruct**  
2                           **justice**

3           Defendant participated in the murder of the victim because  
4 she had testified at a preliminary hearing for a co-conspirator  
5 in pretrial confinement and was expected to testify at the co-  
6 conspirator's trial.

7           2.    **Victim Impact Evidence**

8           Defendant caused injury, harm, and loss to the  
9 family, friends, and classmates of Martha Puebla as evidenced by  
10 her personal characteristics as a human being and the impact of  
11 her death on her family, her friends, and her classmates.

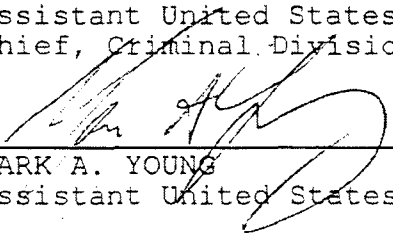
12           The Government further gives notice that in support of  
13 imposition of the death penalty it intends to rely upon all the  
14 evidence admitted by the Court at the guilt phase of the trial  
15 and the offenses of conviction as described in the First  
16 Superseding Indictment as they relate to the background and  
17 character of the defendant, RAUL ROBLED0, his moral culpability,  
18 and the nature and circumstances of the offenses charged in the  
19 Second Superseding Indictment.

20   DATE: June 28, 2006

Respectfully submitted,

21                           DEBRA WONG YANG  
22                           United States Attorney

23                           THOMAS P. O'BRIEN  
24                           Assistant United States Attorney  
25                           Chief, Criminal Division

26                             
27                           MARK A. YOUNG  
28                           Assistant United States Attorney

Attorneys for Plaintiff  
United States of America

1 CERTIFICATE OF SERVICE

2  
3 I, REGINA AUTREY, declare:

4 That I am a citizen of the United States and resident or employed in Los Angeles County,  
5 California; that my business address is the Office of United States Attorney, United States  
6 Courthouse, 312 North Spring Street, Los Angeles, California 90012; that I am over the age of  
7 eighteen years, and am not a party to the above-entitled action;

8 That I am employed by the United States Attorney for the Central District of California  
9 who is a member of the Bar of the United States District Court for the Central District of  
10 California, at whose direction I served a copy of: **GOVERNMENT'S NOTICE OF INTENT**  
11 **TO SEEK THE DEATH PENALTY AGAINST DEFENDANT RAUL ROBLEDO**

12  
13 **SERVICE WAS:**

14  Placed in a closed  
15 envelope, for collection  
16 and interoffice delivery  
addressed as follows:

Placed in a sealed  
envelope for collection and  
mailing via United States Mail,  
addressed as follows:

17  By hand delivery  
18 addressed as follows:

By facsimile as follows:

19  By messenger as follows:

By federal express as follows:

20 **SEE ATTACHED PROOF OF SERVICE LIST.**

21 This Certificate is executed on June 28, 2006, at Los Angeles, California.

22 I certify under penalty of perjury that the foregoing is true and correct.

23  
24   
25 REGINA AUTREY  
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