

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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UNITED STATES OF AMERICA :

- v. - : S4 97 Cr. 1293 (MGC)

PETER ROLLACK, : NOTICE OF INTENT TO  
a/k/a "Peter Rollock," : SEEK THE DEATH PENALTY  
a/k/a "Pistol Pete," :

Defendant. :  
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Pursuant to the requirements of 18 U.S.C. Section 3593(a), the United States hereby gives notice that it believes that the circumstances of this case are such that, in the event that defendant PETER ROLLACK is convicted of either or both of the murders of David Mullins and/or Efrain Solar, as charged in Counts Sixteen, Seventeen and Twenty-Two of Indictment S4 97 Cr. 1293 (MGC), a sentence of death is justified and that the United States will seek the death penalty as to each offense under Title 18 of the United States Code.

The Government will seek to prove the following aggravating factors as the basis for the imposition of the death penalty.

**COUNTS SIXTEEN AND TWENTY-TWO**

**MURDER OF DAVID MULLINS**

**A. Statutory Aggravating Factors Enumerated Under 18 U.S.C. Section 3591(a)(2)(A) through (D)**

Pursuant to 18 U.S.C. Section 3591(a)(2), the Government will rely on the following preliminary factor to establish the defendant's eligibility for the death penalty:

**1. Intentional Acts to Take Life or Use Lethal Force.**

PETER ROLLACK intentionally participated in an act, contemplating that the life of a person would be taken or that lethal force would be used in connection with a person, other than one of the participants in the offense, and the victim died as a direct result of the act. Section 3591(a)(2)(C).

**B. Statutory Aggravating Factors Enumerated Under 18 U.S.C. Section 3592(c)(1) through (16)**

Pursuant to 18 U.S.C. Section 3592(c), the United States will rely on the following statutory aggravating factors as justifying a sentence of death:

**1. Substantial Planning and Premeditation.** PETER

ROLLACK committed the offense after substantial planning and premeditation to cause the death of a person. Section 3592(c)(9).

**2. Conviction for Serious Federal Drug Offense.**

PETER ROLLACK had previously been convicted of violating title II or III of the Comprehensive Drug Abuse Prevention and Control Act of 1970 for which a sentence of five or more years may be imposed. Section 3592(c)(12).

**3. Multiple Killings or Attempted Killings.** PETER

ROLLACK intentionally killed or attempted to kill more than one person in a single criminal episode: in addition to David Mullins, Efrain Solar was killed. Section 3592(c)(16).

**C. Non-Statutory Aggravating Factor: Victim Impact**

Pursuant to 18 U.S.C. Section 3593(a), the United States will rely on the following non-statutory aggravating factor as justifying a sentence of death:

1. **Victim Impact.** PETER ROLLACK caused injury and loss to be suffered by the family of David Mullins as a result of the offense.

**COUNT SEVENTEEN**

**MURDER OF EFRAIN SOLAR**

**A. Statutory Aggravating Factors Enumerated Under 18 U.S.C. Section 3591(a)(2)(A) through (D)**

Pursuant to 18 U.S.C. Section 3591(a)(2), the Government will rely on the following preliminary factor to establish the defendant's eligibility for the death penalty:

1. **Intentional Acts to Take Life or Use Lethal Force.** PETER ROLLACK intentionally participated in an act, contemplating that the life of a person would be taken or that lethal force would be used in connection with a person, other than one of the participants in the offense, and the victim died as a direct result of the act. Section 3591(a)(2)(C).

**B. Statutory Aggravating Factors Enumerated Under 18 U.S.C. Section 3592(c)(1) through (16)**

Pursuant to 18 U.S.C. Section 3592(c), the United States will rely on the following statutory aggravating factors as justifying a sentence of death:

1. **Substantial Planning and Premeditation.** PETER ROLLACK committed the offense after substantial planning and

premeditation to cause the death of a person. Section 3592(c)(9).

**2. Conviction for Serious Federal Drug Offense.**

PETER ROLLACK had previously been convicted of violating title II or III of the Comprehensive Drug Abuse Prevention and Control Act of 1970 for which a sentence of five or more years may be imposed. Section 3592(c)(12).

**3. Multiple Killings or Attempted Killings.** PETER ROLLACK intentionally killed or attempted to kill more than one person in a single criminal episode: in addition to Efrain Solar, David Mullins was killed. Section 3592(c)(16).

**C. Non-Statutory Aggravating Factor: Victim Impact**

Pursuant to 18 U.S.C. Section 3593(a), the United States will rely on the following non-statutory aggravating factor as justifying a sentence of death:

**1. Victim Impact.** PETER ROLLACK caused injury and loss to be suffered by the family of Efrain Solar as a result of the offense.

**NON-STATUTORY AGGRAVATING FACTORS APPLICABLE TO BOTH MURDERS**

In addition to the statutory and non-statutory aggravating factors set forth above, the United States will rely on the following non-statutory aggravating factors to justify a sentence of death as to each of the murders of David Mullins and Efrain Solar:

**1. Future Dangerousness.** PETER ROLLACK represents a continuing, serious threat to the lives and safety of others as

shown by one or more of the following:

a. PETER ROLLACK ordered the murder of David Mullins while ROLLACK was incarcerated at the Mecklenberg jail in Charlotte, North Carolina in 1997.

b. Since his incarceration at the Metropolitan Detention Center, Brooklyn, New York, where he has been since approximately the summer of 1998, PETER ROLLACK has issued orders for the murders of people and of friends and/or family members of some of those people.

c. PETER ROLLACK has a low potential for rehabilitation, as shown by one or more of the following:

i. PETER ROLLACK was convicted, on or about April 15, 1993, of criminal possession of a controlled substance, for which he received a sentence of 30 days' imprisonment.

ii. PETER ROLLACK was convicted, on or about August 9, 1995, of criminal possession of a weapon, for which he was sentenced to from two to six years' imprisonment.

iii. PETER ROLLACK was convicted, on or about March 31, 1998, of participating in a narcotics conspiracy and of using and carrying firearms, for which he was sentenced to 45 years' imprisonment.

2. **Obstruction of Justice.** PETER ROLLACK has obstructed justice by killing people and attempting to kill people with the intent to (1) prevent their attendance or testimony at an official proceeding, (2) prevent them from producing any record, document, or other object in an official

proceeding, and/or (3) prevent them from communicating with a law-enforcement officer or judge regarding the commission or possible commission of a federal offense, as shown by one or more of the following:

a. PETER ROLLACK ordered the murder of David Mullins because he believed Mullins to be cooperating with and/or providing information to the authorities in a federal narcotics case then pending against ROLLACK in the Western District of North Carolina.

b. PETER ROLLACK murdered Carlos Mestre because he believed Mestre to be cooperating with and/or providing information to the authorities in connection with an investigation of the murder of Carlton Hines.

3. **Multiple Killings or Attempted Murders.** PETER ROLLACK has participated in multiple murders and has attempted several murders, in addition to his participation in the murders of David Mullins and Efrain Solar, as shown by two or more of the following:

a. On or about August 16, 1993, PETER ROLLACK murdered Keenyon Jenkins.

b. On or about March 9, 1994, PETER ROLLACK attempted to murder Domingo Osario.

c. On or about April 8, 1994, PETER ROLLACK murdered Carlton Hines.

d. On or about April 8, 1994, PETER ROLLACK attempted to murder Carlos Mestre.

e. In or about June 1994, PETER ROLLACK murdered Anthony Dunkley.

f. On or about July 17, 1994, PETER ROLLACK murdered Carlos Mestre.

Dated: New York, New York  
January 27, 1999

Respectfully submitted,

  
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MARY JO WHITE *MJP*  
United States Attorney

**CERTIFICATE OF SERVICE**

NICOLE A. LaBARBERA declares as follows:

I am an Assistant United States Attorney in the United States Attorney's Office, Southern District of New York.

On January 28, 1999, I caused a copy of the Government's Notice of Intent to Seek the Death Penalty against Peter Rollack to be served by Federal Express and facsimile on:

Avraham Moskowitz, Esq.  
Moskowitz & Book  
1372 Broadway, 14th Floor  
New York, NY 10018

Kevin McNally, Esq.  
513 Capitol Ave.  
Frankfort, Kentucky 40601

I declare under penalty of perjury that the forgoing is true and correct.

Dated: New York, New York  
January 28, 1999

  
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NICOLE A. LaBARBERA