

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF PUERTO RICO

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UNITED STATES OF AMERICA )  
Plaintiff, )  
v. )  
(1) LORENZO CATALAN-ROMAN, )  
(3) HERNARDO MEDINA-VILLEGAS, )  
Defendants )  
\_\_\_\_\_ )

Criminal No. 02-117 (PG)

TO THE HONORABLE COURT:

NOTICE OF INTENT TO SEEK A SENTENCE OF DEATH

Pursuant to the attached Attorney General's authorization dated July 31, 2003 and Title 18, United States Code, Section 3593(a), the United States of America hereby notifies the Court and defendants, [1] **LORENZO CATALAN-ROMAN** and [3] **HERNARDO MEDINA-VILLEGAS**, and their respective counsels, that in the event of defendants' conviction on Count Eight of the Indictment, wherein the defendants are charged with aiding and abetting in knowingly carrying and using firearms, as that term is defined in Title 18, United States Code, Section 921(a)(3), during and in relation to a crime of violence as that term is defined in Title 18, United States Code, Section 924(c)(3), for which they may be prosecuted in a court of the United States, that is, interference with commerce by robbery in violation to Title 18, United States Code, Section 1951(a) and as set forth in Count Seven of this Indictment, which is realleged and incorporated by reference herein, and in the course of that crime, unlawfully killed Gilberto Rodriguez-Cabrera with malice aforethought through the use of a firearm, which is murder as defined in Title 18, United States Code, Section 1111, by knowingly, willfully, deliberately, maliciously, and with premeditation shooting Gilberto Rodriguez-Cabrera with a firearm, thus

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causing his death, in violation of Title 18, United States Code, Sections 924(j) and 2, the Government will seek the sentence of death, in that the circumstances of the offense are such that a sentence of death is justified.

**I. Statutory Threshold Findings Enumerated in 18 U.S.C. § 3591(a)(2)(A)(B)(C) & (D):**

The Government will seek to prove the following threshold findings as the basis for imposition of the death penalty in relation to Counts Eight of the Indictment:

1. The defendants, LORENZO CATALAN-ROMAN and HERNARDO MEDINA-VILLEGAS, intentionally killed the victim. Section 3591 (a)(2)(A).
2. The defendants, LORENZO CATALAN-ROMAN and HERNARDO MEDINA-VILLEGAS, intentionally inflicted serious bodily injury that resulted in the death of the victim. Section 3591(a)(2)(B)
3. The defendants , LORENZO CATALAN-ROMAN and HERNARDO MEDINA-VILLEGAS, intentionally participated in an act, contemplating that the life of a person would be taken or intending 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).
4. The defendants, LORENZO CATALAN-ROMAN and HERNARDO MEDINA-VILLEGAS, intentionally and specifically engaged in an act of violence, knowing that the act created a grave risk of death to a person, other than one of the participants in the offense, such that participation in the act constituted a reckless disregard for human life and the victim died as

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a direct result of the act. Section 3591(a)(2)(D).

**II. Statutory Aggravating Factors Enumerated under 18 U.S.C. § 3592(c)(1) through (16):**

The Government will seek to prove the following statutory aggravating factors as the basis for imposition of the death penalty in relation to Count Eight of the Indictment:

1. In committing the offense described in Count Eight, defendants LORENZO CATALAN-ROMAN and HERNARDO MEDINA-VILLEGAS, knowingly created a grave risk of death to one or more persons in addition to the victim of the offense. Section 3592(c)(5).

2. The defendants, LORENZO CATALAN-ROMAN and HERNARDO MEDINA-VILLEGAS, committed the offense described in Count Eight in an especially heinous, cruel, and depraved manner in that it involved torture and serious physical abuse to the victim. Section 3592(c)(6).

3. The defendants, LORENZO CATALAN-ROMAN and HERNARDO MEDINA-VILLEGAS, committed the offense described in Count Eight as consideration for the receipt, or in expectation of the receipt, of anything of pecuniary value. Section 3592(c)(8).

4. The defendants, LORENZO CATALAN-ROMAN, and HERNARDO MEDINA-VILLEGAS, committed the offense described in Count Eight after substantial planning and premeditation to cause the death of the victim. Section 3592(c)(9).

5. The defendants, LORENZO CATALAN-ROMAN and HERNARDO MEDINA-VILLEGAS, committed the offense described in Count Eight against a vulnerable victim. Section 3592(c)(11).

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6. The defendants, LORENZO CATALAN-ROMAN and HERNARDO MEDINA-VILLEGAS, in committing the offense described in Count Eight, intentionally attempted to kill more than one person in a single criminal episode. Section 3592(c)(16).

**III. Other Non-Statutory Aggravating Factors Identified under 18 U.S.C. § 3593(a) and (c):**

The Government will seek to prove the following non-statutory aggravating factors as the basis for imposition of the death penalty in relation to Count Eight of the Indictment:

1. As demonstrated by the victim's personal characteristics as individual human being and the impact of his death upon his family, friends, and co-workers, the defendants, LORENZO CATALAN-ROMAN and HERNARDO MEDINA-VILLEGAS, caused injury, harm, and loss to the victim, his family, his friends, and his co-workers.

2. The offenses charged against the defendant and their involvement in various crimes of violence demonstrates that the defendants, LORENZO CATALAN-ROMAN and HERNARDO MEDINA-VILLEGAS, had shown a likelihood of future dangerousness and constitute a serious threat to society.

3. The defendants, LORENZO CATALAN-ROMAN and HERNARDO MEDINA-VILLEGAS, have demonstrated a lack of remorse for their criminal conduct.

The Government further gives notice that in support of imposition of the death penalty it intends to rely upon all the evidence admitted by the Court at the guilt phase of the trial and the offenses of conviction as described in the Indictment as they relate to the background and character of the defendants, LORENZO CATALAN-ROMAN and HERNARDO MEDINA-

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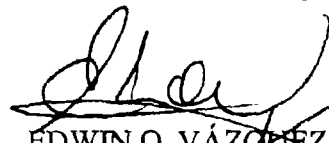
VILLEGAS, their moral culpability, and the nature and circumstances of the offenses charged in the Indictment.


WHEREFORE, the United States very respectfully request that its filing pursuant to Title 18, United States Code, Section 3593(a) of the Notice of Intent to Seek the Death Penalty in the instant case and in compliance with this court order be NOTED..

**RESPECTFULLY SUBMITTED.**

In San Juan, Puerto Rico, this 31<sup>st</sup> day of July, 2003.

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United States Attorney

  
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**CERTIFICATE OF SERVICE**

The undersigned hereby certifies that on the 31<sup>ST</sup> day of July, 2003, a copy of the Government's Notice was faxed to the following attorneys for the defendant:

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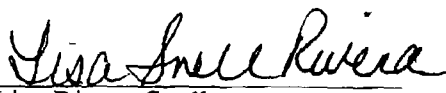
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\_\_\_\_\_  
Lisa Rivera Snell  
Assistant United States Attorney

FROM DOJ/CRIMINAL

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Office of the Attorney General  
Washington, D. C. 20530

July 31, 2003

The Honorable H.S. Garcia  
United States Attorney  
District of Puerto Rico  
Hato Rey, Puerto Rico 00918

Dear Mr. Garcia:

You are authorized to seek the death penalty against Hernando Medina-Villegas and Lorenzo Catalan-Roman.

As described in the United States Attorneys' Manual § 9-10.100, you may not enter into a plea agreement that requires withdrawal of the notice of intention to seek the death penalty without the prior approval of the Attorney General.

You are authorized not to seek the death penalty against Quester Sterling-Suarez, David Morales-Machuca, and Pablo Sanchez-Rodriguez.

Sincerely,

A handwritten signature in black ink, appearing to read "John Ashcroft", written in a cursive style.

John Ashcroft  
Attorney General