

**IN THE UNITED STATES DISTRICT COURT FOR THE
DISTRICT OF COLORADO**

Criminal Case No. 00CR-531-D

UNITED STATES OF AMERICA,
Plaintiff,

v.

WILLIAM CONCEPCION SABLAN,
Defendant.

NOTICE OF INTENT TO SEEK THE DEATH PENALTY

The United States of America, by Richard T. Spriggs, United States Attorney for the District of Colorado, and through Alvin J. LaCabe and Brenda Taylor, Assistant United States Attorneys, pursuant to 18 U.S.C. § 3593(a), hereby notifies the Court and the defendant in the above-captioned case that the Government believes the circumstances of the offense charged in the one count Indictment are such that, in the event of the defendant's conviction of this offense, a sentence of death is justified under Chapter 228 (Sections 3591 through 3598) of Title 18 of the United States Code, and that the Government will seek the sentence of death for the offense of: Count One, the first degree murder of Joey Jesus Estrella in violation of 18 U.S.C. §§1111 and 2.

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

COUNT ONE

FIRST DEGREE MURDER OF JOEY JESUS ESTRELLA

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

1. Intentional Killing.

The defendant intentionally killed and aided and abetted the intentional killing of Joey

Jesus Estrella. Section 3591(a)(2)(A).

2. Intentional Infliction of Serious Bodily Injury.

The defendant intentionally inflicted and aided and abetted the intentional infliction of serious bodily injury which resulted in the death of Joey Jesus Estrella. Section 3591(a)(2)(B).

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

The defendant 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 Joey Jesus Estrella died as a direct result of the act. Section 3591(a)(2)(C).

4. Intentional Acts in Reckless Disregard for Life.

The defendant 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 Joey Jesus Estrella died as a direct result of the act. Section 3591(a)(2)(D).

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

1. Previous Conviction of Violent Felony Involving Firearm.

The defendant has previously been convicted of a Federal or State offense punishable by a term of imprisonment of more than one year, involving the use or attempted or threatened use of a firearm (as defined in 18 U.S.C. 921) against another person. Section 3592(c)(2). This prior conviction is described as follows:

Criminal Case No. CR99-00018, United States District Court, Northern Mariana Islands. On April 13, 1999, defendant William Concepcion Sablan pled guilty to and was

convicted of three felonies:

- a) 18 U.S.C. §§ 1203 & 2, Hostage Taking;
- b) 18 U.S.C. §922(g)(1), Felon in Possession of a Firearm; and
- c) 18 U.S.C. §924 (h), Transfer of a Firearm Knowing It Will Be Used to Commit Crime of Violence, to wit: Assault with a Dangerous Weapon.

On July 15, 1999, the defendant was sentenced to serve 252 months in prison in this case.

Underlying facts: These offenses occurred on March 9, 1999, and involved the takeover of the Central Male Detention Facility of the Department of Public Safety, Saipan, Commonwealth of the Northern Mariana Islands, by defendant William Concepcion Sablan and other inmates at that facility. Chinese inmates were held hostage and threatened with injury and death by the defendant. The defendant took possession of a 9 millimeter hand gun and is reported to have held the gun to the head of one of the hostages and pulled the trigger, but the gun did not fire. He later held the gun next to the side of the same victim's head and fired the gun twice. During the course of the takeover of the prison, defendant William Sablan is also reported to have pointed the gun at other hostages and to have threatened to kill police officers.

2. Heinous or Depraved Manner of Committing Offense.

The defendant committed the offense in an especially heinous or depraved manner in that it involved serious physical abuse to the victim. Section 3592(c)(6). The victim was strangled with a ligature and then his throat was slashed. In addition, his abdomen was cut open and his internal organs removed and displayed; this conduct constitutes the intentional infliction of senseless and gratuitous violence upon a helpless victim within the meaning of "especially heinous." The defendant's enjoyment of the killing, evidenced by celebratory shouts, offers of

body parts of the victim to other inmates, and debasing the body, constitutes relishing the crime within the meaning of “especially depraved.” *See, e.g., United States v. Jones*, 132 F.3d 232, 250 (5th Cir. 1998), *aff’d on other grounds*, 527 U.S. 373 (1999); *accord United States v. Hall*, 152 F.3d 381, 414-15 (5th Cir. 1998), *cert. denied*, 526 U.S. 1117 (1999).

Significant injury and damage was inflicted upon the victim’s body above and beyond what was necessary to commit the murder thereby constituting “serious physical abuse” of the victim. Serious physical abuse may be inflicted either before or after death and does not require that the victim be conscious of the abuse at the time it was inflicted. *See Richmond v. Lewis*, 506 U.S. 40, 51 (1992); *Lewis v. Jeffers*, 497 U.S. 764, 766-67 (1990).

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

1. **Future Dangerousness of the Defendant.**

The defendant is likely to commit criminal acts of violence in the future which would be a continuing and serious threat to the lives and safety of others. *Simmons v. South Carolina*, 114 S.Ct. 2187, 2193 (1994). In addition to the capital offense charged in the Indictment and the statutory aggravating factors alleged in this Notice, the defendant has engaged in a continuing pattern of violent conduct in and out of an institutional setting, has threatened others with violence, has demonstrated low rehabilitative potential, and/or has demonstrated lack of remorse, including but not limited to one or more of the following:

Non-Institutional Setting

a) **Criminal Case No. 84-69 (Assault):** On or about August 17, 1984, in Saipan, Commonwealth of the Northern Mariana Islands, William Concepcion Sablan, along with two others, burglarized the residence of Victor C. Pangelinan and assaulted him with a knife.

Defendant pled guilty to misdemeanor assault in the Commonwealth of the Northern Mariana Islands Trial Court and was sentenced to one year in prison.

b) **Criminal Case No. 84-68 (Burglary):** On or about August 19, 1984, in Saipan, Commonwealth of the Northern Mariana Islands, William Concepcion Sablan, along with two others, burglarized Lovi's Emporium Store and robbed, tied up, and assaulted the storekeeper, George Ramnani, kicking and punching him in the face and body. The defendant pled guilty to burglary in the Commonwealth of the Northern Mariana Islands Trial Court and was sentenced to five years in prison, to run concurrently with the sentence imposed in Case No. 84-69.

c) **Criminal Case No. 85-49 (Armed Robbery):** On or about May 20, 1985, in Saipan, Commonwealth of the Northern Mariana Islands, William Concepcion Sablan robbed a group of Japanese tourists at knife and gun point. The defendant was convicted in the Commonwealth of the Northern Mariana Islands Trial Court of armed robbery and use of a knife but acquitted of assault with a dangerous weapon. He was sentenced to six years in prison.

d) **Criminal Case Nos. 90-27 (Assault) and 90-30 (Disturbing the Peace) :** On or about January 24, 1990, in Saipan, Commonwealth of the Northern Mariana Islands, William Concepcion Sablan assaulted Mateo Norita with his fists. He was charged in the Superior Court for the Commonwealth of the Northern Mariana Islands, Case No. 90-27, with the commission of aggravated assault, a felony. On February 13, 1990, the defendant threatened the same victim, Mateo Norita, with bodily harm. He was charged in the Superior Court for the Commonwealth of the Northern Mariana Islands, Case No. 90-30, with disturbance of the peace. Both cases were dismissed on April 26, 1990, on motion of the government at the request of the victim.

e) **Criminal Case No. 90-84 (Assault):** On or about April 22, 1990, in the Commonwealth of the Northern Mariana Islands, William Concepcion Sablan, along with two others, assaulted Leonardo Begonia. The defendant was originally charged with the commission of aggravated assault, a felony. He pled guilty to misdemeanor assault in the Superior Court of the Commonwealth of the Northern Mariana Islands.

f) **Criminal Case No. 96-235 (Robbery):** On or about September 29, 1996, in Saipan, Commonwealth of the Northern Mariana Islands, William Concepcion Sablan robbed two Japanese people at knife point. Victim Kiyoshi Nemoto gave a statement that he and his friend were accosted on a golf course by a masked man holding a knife in his hand and demanding money; during the encounter, the man pulled his arm back as if to throw his knife at Mr. Nemoto. The defendant, after trial to a jury, was convicted in the Superior Court of the Commonwealth of the Northern Mariana Islands of robbery and acquitted of assault with a deadly weapon. He was sentenced to ten years in prison with five years suspended. After his arrest on this case, he escaped from detention and was at large for two days before being re-arrested.

Institutional Setting

a) On or about September 5, 1985, in a facility of the Commonwealth of the Northern Mariana Islands Department of Public Safety, Division of Corrections, a hacksaw blade was confiscated from inmate William Concepcion Sablan by Officer H. Taitingfong.

b) **Criminal Case No. 97-133 (Assault and Battery):** On or about February 8, 1997, in the Detention Facility, Department of Public Safety Susupe, Saipan, Commonwealth of the Northern Mariana Islands, inmate William Concepcion Sablan was involved in a struggle with officers when he refused to be returned to his cell. During the struggle, the defendant cut Officer

Joaquin K. Camacho with a piece of metal he had hidden in his hand. The defendant pled guilty to assault and battery on May 12, 1998.

c) On or about November 18, 1999, in the Federal Correctional Institution (FCI), Florence, Colorado, inmate William Concepcion Sablan pounded on the window of his cell door with a cup, breaking the glass. He refused to cooperate with officers, was removed from his cell and placed in four-point restraints. The defendant then broke free of the metal handcuffs on both of his hands.

d) On or about December 5, 1999, at FCI Florence, inmate William Concepcion Sablan became angry when directed to stand for a count. He then verbally threatened an officer, and, brandishing a razor blade, threatened to kill the officer and to cut anyone who opened his cell door or the food slot in his door. He repeatedly refused to relinquish the weapon or allow staff to enter the cell until a five-man team arrived and removed him from the cell.

e) On or about June 9, 2000, at ADX Florence, inmate William Concepcion Sablan spit on and threatened to kill prison staff.

f) On or about January 19, 2001, in the SHU at the Federal Correctional Institution at Englewood, Colorado (FCI-Englewood), inmate William Concepcion Sablan detached a metal desk from his cell wall and beat the desk against the cell door; during this same incident, he threatened to beat and kill another inmate.

g) On or about February 9, 2001, in the SHU at FCI-Englewood, inmate William Concepcion Sablan became angry at prison staff for removing trash and old fruit from his cell and threatened the staff member, saying "You had better respect me, because I am not like the rest of these guys in here and I will fuck you up. you motherfucker."

h) On or about February 12, 2001, at the SHU at FCI- Englewood, inmate William Concepcion Sablan threw hot coffee on prison staff, resisted removal from his cell, and broke his right arm free from soft restraints. When officers came in to secure him with hard restraints, he again physically resisted and attempted to bite the officers.

i) On or about March 24, 2001, at the ADX in Florence, Colorado, inmate William Concepcion Sablan became aggressive with officers while being escorted to a cell during cell rotation. Once he was inside the cell and his hand restraints were removed, he reached through the bars and grabbed an officer by the shirt, pulling him into the bars. As a result of this conduct, the defendant was placed in a cell with plexiglass over the bar front.

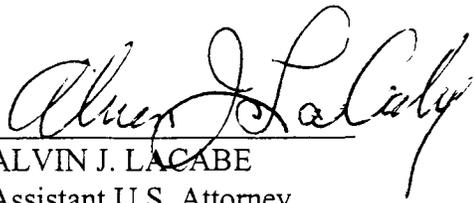
CONCLUSION

Based on all of the information regarding the defendant's prior criminal history and assaultive behavior available from Guam, the Commonwealth of the Northern Mariana Islands, and the Bureau of Prisons at this time, the Government believes that the above-listed statutory and non-statutory aggravating factors apply to defendant William Concepcion Sablan. Should additional information become available which is applicable to these factors, the Government will seek to amend this Notice at a reasonable time prior to trial.

Respectfully submitted this 1st day of May, 2001,

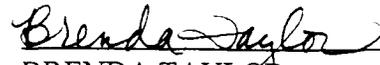

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CERTIFICATE OF SERVICE

I hereby certify that on the 15th day of May, 2001, a true and correct copy of the foregoing **NOTICE OF INTENT TO SEEK DEATH PENALTY** regarding defendant William Concepcion Sablan was delivered by hand to the following:

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