

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

Case No. 06-80171-Cr-Hurley/Vitunac(s)(s)(s)

UNITED STATES OF AMERICA,
Plaintiff,

vs.

RICARDO SANCHEZ, JR.,
a/k/a "Rick,"
Defendant.

**GOVERNMENT'S NOTICE OF INTENT TO SEEK THE DEATH
PENALTY AGAINST DEFENDANT RICARDO SANCHEZ, JR.**

The United States of America, pursuant to 18 U.S.C. § 3593(a), notifies the Court and defendant RICARDO SANCHEZ, JR. ("defendant"), that the Government believes the circumstances of the offenses charged in Counts Six, Seven, Eight, Nine and Ten of the Third Superseding Indictment are such that, in the event of a conviction, 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 following offenses: (1) armed carjacking resulting in the deaths of Luis Damian Escobedo, Luis Julian Escobedo, Yessica Guerrero Escobedo, and Jose Luis Escobedo, in violation of Title 18, United States Code, Section 2119(3) [Count Six]; using or carrying a firearm in relation to a crime of violence and a drug trafficking crime, and in the course of this violation causing the death of Luis Damian Escobedo through the use of a firearm, in violation of Title 18, United States Code, Section 924(j)(1) [Count 7]; using or carrying a firearm in relation to a crime of violence and a drug trafficking crime, and in the course of this violation causing the death of Luis Julian Escobedo through the use of a firearm, in violation of Title 18,

United States Code, Section 924(j)(1) [Count 8]; using or carrying a firearm in relation to a crime of violence and a drug trafficking crime, and in the course of this violation causing the death of Yessica Guerrero Escobedo through the use of a firearm, in violation of Title 18, United States Code, Section 924(j)(1) [Count 9]; and using or carrying a firearm in relation to a crime of violence and a drug trafficking crime, and in the course of this violation causing the death of Jose Luis Escobedo through the use of a firearm, in violation of Title 18, United States Code, Section 924(j)(1) [Count 10]. Each of the crimes listed above carries a possible sentence of death.

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

A. Statutory Proportionality Factors Enumerated under Title 18, United States Code, Section 3591(a)(2)(A)-(D).

The following statutory proportionality factors apply to each of Counts 6, 7, 8, 9, and 10.

1. Intentional killings.

Defendant, Ricardo Sanchez, Jr. intentionally killed Luis Damian Escobedo [counts 6 and 7], Luis Julian Escobedo [counts 6 and 8], Yessica Guerrero Escobedo [counts 6 and 9], and Jose Luis Escobedo [counts 6 and 10]. Title 18, United States Code, Section 3591(a)(2)(A).

2. Intentional Infliction of Serious Bodily Injury.

Defendant, Ricardo Sanchez, Jr. intentionally inflicted serious bodily injury which resulted in the deaths of Luis Damian Escobedo [counts 6 and 7], Luis Julian Escobedo [counts 6 and 8], Yessica Guerrero Escobedo [counts 6 and 9], and Jose Luis Escobedo [counts 6 and 10]. Title 18, United States Code, Section 3591(a)(2)(B).

3. Intentional Participation in Act Contemplating Lethal Force.

Defendant, Ricardo Sanchez, Jr. 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 Luis Damian Escobedo [counts 6 and

7], Luis Julian Escobedo [counts 6 and 8], Yessica Guerrero Escobedo [counts 6 and 9], and Jose Luis Escobedo [counts 6 and 10] died as a direct result of the act. Title 18, United States Code, Section 3591(a)(2)(C).

4. Intentional Engagement in Violent Act Constituting Reckless Disregard For Human Life.

Defendant, Ricardo Sanchez, Jr. 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 Luis Damian Escobedo [counts 6 and 7], Luis Julian Escobedo [counts 6 and 8], Yessica Guerrero Escobedo [counts 6 and 9], and Jose Luis Escobedo [counts 6 and 10] died as a direct result of the act. Title 18, United States Code, Section 3591(a)(2)(D).

B. Statutory Factors Enumerated under Title 18, United States Code, Section 3592(c).

1. Pecuniary gain.

The defendant, Ricardo Sanchez, Jr., committed the capital offense in the expectation of the receipt of anything of value, that is, a 1998 black Jeep Cherokee and its contents. Title 18, United States Code, Section 3592(c)(8).

2. Substantial planning and premeditation.

The defendant, Ricardo Sanchez, Jr., committed the offense after substantial planning and premeditation to cause the deaths of Luis Damian Escobedo [counts 6 and 7], Luis Julian Escobedo [counts 6 and 8], Yessica Guerrero Escobedo [counts 6 and 9], and Jose Luis Escobedo [counts 6 and 10]. Title 18, United States Code, Section 3592(c)(9).

3. Vulnerability of victims.

a. The victim, Luis Damian Escobedo [counts 6 and 7], age three years, was particularly vulnerable due to youth. Title 18, United States Code, Section 3592(c)(11).

b. The victim, Luis Julian Escobedo [counts 6 and 8], age four years, was particularly vulnerable due to youth. Title 18, United States Code, Section 3592(c)(11).

4. Multiple killings.

The defendant, Ricardo Sanchez, Jr., intentionally killed more than one person in a single criminal episode. Title 18, United States Code, Section 3592(c)(16).

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

The following non-statutory aggravating factors apply to each of Counts 6, 7, 8, 9, and 10.

1. Future Dangerousness of the Defendant.

The defendant, Ricardo Sanchez, Jr., is likely to commit criminal acts of violence in the future that would constitute a continuing and serious threat to the lives and safety of others, as evidenced by, at least, one or more of the following:

a. Continuing Pattern of Violence

The defendant has engaged in a continuing pattern of violence, attempted violence, and threatened violence, including, at least, the crimes alleged against defendant in the Third Superseding Indictment.

b. Lack of Remorse

The defendant has demonstrated a lack of remorse for the capital offenses committed in this case, as demonstrated by defendant's statements and actions during the course of, and following the offenses, alleged in the Third Superseding Indictment.

2. Uncharged Murders, Attempted Murders, and Other Serious Acts of Violence.

Apart from the offenses charged in the Third Superseding Indictment, the defendant, Ricardo Sanchez, Jr., has been involved in other murders, attempted murders, and serious acts of violence which are not reflected in his criminal record.

3. Contemporaneous Convictions.

The defendant, Ricardo Sanchez, Jr., faces contemporaneous convictions for multiple murders and other serious acts of violence.

4. Witness Elimination.

The defendant, Ricardo Sanchez, Jr., killed the victims of his crimes, including Luis Damian Escobedo [counts 6 and 7], Luis Julian Escobedo [counts 6 and 8], Yessica Guerrero Escobedo [counts 6 and 9], and Jose Luis Escobedo [counts 6 and 10], in order to eliminate these victims as possible witnesses to the defendant's crimes.

5. Victim Impact Evidence.

a. The defendant, Ricardo Sanchez, Jr. caused injury, harm, and loss to the family of Luis Damian Escobedo as evidenced by his personal characteristics as a human being and the impact of his death on his family members.

b. The defendant, Ricardo Sanchez, Jr. caused injury, harm, and loss to the family of Luis Julian Escobedo as evidenced by his personal characteristics as a human being and the impact of his death on his family members.

c. The defendant caused injury, harm, and loss to the family and friends of Yessica Guerrero Escobedo as evidenced by her personal characteristics as a human being and the impact of her death on her family and her friends.

d. The defendant caused injury, harm, and loss to the family and friends of Jose Luis Escobedo as evidenced by his personal characteristics as a human being and the impact of his death on his family and his friends.

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 Third Superseding Indictment as they relate to the background and character of the defendant, RICARDO SANCHEZ, JR., his moral culpability, and the nature and circumstances of the offenses charged in the Third Superseding Indictment.

Respectfully submitted,

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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on February 20, 2008, I electronically filed the foregoing document with the Clerk of the Court using CM/ECF. I also certify that the foregoing document is being served this day on all counsel of record identified on the attached Service List in the manner specified, either via transmission of Notices of Electronic Filing generated by CM/ECF or in some other authorized manner for those counsel or parties who are not authorized to receive electronically Notices of Electronic Filing.

/s/ Stephen Carlton

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