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9 UNITED STATES DISTRICT COURT
DISTRICT OF ARIZONA

10
11 United States of America,
12 Plaintiff,

13 vs.

14 Ryan Phillip Schlesinger,
15 Defendant.
16
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CR 18-02719-TUC-RCC (BGM)

**NOTICE OF INTENT TO SEEK
SENTENCE OF DEATH**

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19 Pursuant to 18 U.S.C. § 3593(a), the United States hereby notifies the Court,
20 Defendant Ryan Phillip Schlesinger, and his attorneys, that the United States believes the
21 circumstances of the offense charged in Count One of the Indictment (Doc. 26) are such
22 that, in the event of a conviction of this offense, a sentence of death is justified pursuant to
23 Chapter 228 (Sections 3591 through 3699) of Title 18 of the United States Code.¹
24 Specifically, the United States will seek a sentence of death for First Degree Murder of a
25 Federal Officer, in violation of 18 U.S.C. §§ 1111(a) and 1114, which carries a possible
26 sentence of death.

27 _____
28 ¹ As previously discussed with the Court and defendant, the United States anticipates filing
an Amended Notice at a future date.

1 **A. Statutory Threshold Findings Enumerated in 18 U.S.C. §§ 3591(a)(1) and**
2 **(2)(A)-(D).**

3 The United States will seek to prove the following threshold findings as the basis
4 for the imposition of the death penalty in relation to Count One of the Indictment:

5 1. Ryan Phillip Schlesinger was 18 years of age or older at the time of the
6 offenses. 18 U.S.C. § 3591(a).

7 2. Ryan Phillip Schlesinger intentionally killed Deputy United States Marshal
8 C. W. 18 U.S.C. § 3591(a)(2)(A).

9 3. Ryan Phillip Schlesinger intentionally inflicted serious bodily injury that
10 resulted in the death of Deputy United States Marshal C. W. 18 U.S.C. § 3591(a)(2)(B).

11 4. Ryan Phillip Schlesinger intentionally participated in an act, contemplating
12 that the life of a person would be taken or intending that lethal force would be used in
13 connection with a person, other than a participant in the offense, and Deputy United States
14 Marshal C. W. died as a direct result of the act. 18 U.S.C. § 3591(a)(2)(C).

15 5. Ryan Phillip Schlesinger intentionally and specifically engaged in an act of
16 violence, knowing that the act created a grave risk of death to a person, other than a
17 participant in the offense, such that participation in the act constituted a reckless disregard
18 for human life and Deputy United States Marshal C. W. died as a direct result of the act.
19 18 U.S.C. § 3591(a)(2)(D).

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

21 The United States will seek to prove the following statutory aggravating factors as
22 the basis for the imposition of the death penalty in relation to Count One of the Indictment.

23 1. **Substantial Planning and Premeditation.** Ryan Phillip Schlesinger
24 committed the offense after substantial planning and premeditation to cause the death of a
25 person. 18 U.S.C. § 3592(c)(9).

26 2. **High Public Officials.** Ryan Phillip Schlesinger committed the offense
27 against a Federal public servant who is a law enforcement officer, while he was engaged
28 in the performance of his official duties, because of the performance of his official duties,

1 and because of his status as a public servant. 18 U.S.C. § 3592(c)(14)(D).

2 3. **Multiple Killings or Attempted Killings.** Ryan Phillip Schlesinger
3 intentionally killed or attempted to kill more than one person in a single criminal episode.
4 18 U.S.C. § 3592(c)(16).

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

6 The United States will seek to prove the following non-statutory aggravating
7 factors as the basis for the imposition of the death penalty in relation to Count One of the
8 Indictment:

9 1. **Victim Impact.** Ryan Phillip Schlesinger caused injury, harm, and loss to
10 Deputy United States Marshal C.W., as well as to his family, friends, and co-workers, as
11 evidenced by his personal characteristics as an individual human being and the impact of
12 his death upon him and his family, friends, and co-workers. 18 U.S.C. § 3593(a); *Payne v.*
13 *Tennessee*, 501 U.S. 808, 827 (1991).

14 2. **Future Dangerousness.** Ryan Phillip Schlesinger poses a continuing danger
15 to others in that he is likely to commit criminal acts of violence in the future that would
16 constitute a continuous and serious threat to the lives and safety of others, as evidenced by
17 at least one or more of the following:

18 a. **History of antagonism and threatening behavior.** Ryan Phillip
19 Schlesinger has engaged in a continuous pattern of antagonist and
20 threatening behavior towards law enforcement and persons in
21 positions of authority including repeated threats of violence and
22 stalking.

23 b. **Continuing pattern of violence.** Ryan Phillip Schlesinger has
24 engaged in a continuing pattern of violence, threatened violence, and
25 attempted violence, including but not limited to the crimes alleged in
26 the Indictment.

27 c. **Lack of remorse.** Ryan Phillip Schlesinger has demonstrated a lack
28 of remorse for the murder of Deputy United States Marshal C.W., as

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evidenced by his statements and actions during the course of and following the commission of the offense.

Respectfully submitted this 8th day of September, 2020.

MICHAEL BAILEY
United States Attorney
District of Arizona

s/Erica L. Seger
s/Sarah B. Houston

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SARAH B. HOUSTON
Assistant U.S. Attorneys

Copy of the foregoing served electronically or by other means this 8th day of September, 2020, to:

All ECF Participants