

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TEXAS

BEAUMONT DIVISION

UNITED STATES OF AMERICA \*  
\*  
V. \* NO. 1:09-CR- 15  
\* JUDGE HEARTFIELD  
MARK ISAAC SNARR \*

**NOTICE OF INTENT TO SEEK THE DEATH PENALTY**

COMES NOW, the United States of America, by and through the United States Attorney for the Eastern District of Texas, and pursuant to Title 18, United States Code, Section 3593(a), and files this Notice of Intent to Seek the Death Penalty, notifying the Court and the Defendant, **MARK ISAAC SNARR** that in the event the Defendant is convicted of the offense of murder as alleged in Count 1 of the Indictment of this case, the Government believes a sentence of death is justified, and the Government will seek a sentence of death under Count 1.

If the Defendant is convicted, the Government intends to prove the following aggravating factors as the basis for imposition of the death penalty under Count 1.

A. Statutory Factors Enumerated Pursuant to Title 18, United States Code, Section 3591(a)(2)

1. **MARK ISAAC SNARR** was 18 years of age or older at the time of the offense. (18 U.S.C. § 3591(a));

2. **MARK ISAAC SNARR** intentionally killed Gabriel Rhone. (18 U.S.C. § 3591(a)(2)(A));

3. **MARK ISAAC SNARR** intentionally inflicted serious bodily injury that resulted in the death of Gabriel Rhone. (18 U.S.C. § 3591(a)(2)(B));

4. **MARK ISAAC SNARR** intentionally participated in an act, contemplating that the

life of Gabriel Rhone would be taken or intending that lethal force would be used in connection with Gabriel Rhone, a person other than a participant in the offense, and Gabriel Rhone died as a direct result of the act. (18 U.S.C. § 3591(a)(2)(C)); and

5. **MARK ISAAC SNARR** intentionally and specifically engaged in an act of violence that **MARK ISAAC SNARR** knew would create a grave risk of death to Gabriel Rhone, a person other than one of the participants of the offense, such that **MARK ISAAC SNARR's** participation in the act constituted a reckless disregard for human life, and Gabriel Rhone died as a direct result of the act. (18 U.S.C. § 3591(a)(2)(D)).

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

1. **MARK ISAAC SNARR** has previously been convicted of two or more Federal or State offenses, punishable by a term of imprisonment of more than one year, committed on different occasions, involving the infliction of, or attempted infliction of, serious bodily injury or death upon another person, including but not necessarily limited to the following: on or about June 10, 2004, **MARK ISAAC SNARR** was convicted in the Second District Court, Farmington-Davis County, Utah, of Aggravated Assault by a Prisoner; on or about August 12, 2005, **MARK ISAAC SNARR** was convicted in the District of Utah, of Racketeer Influenced and Corrupt Organizations Conspiracy; and on or about October 15, 2007, **MARK ISAAC SNARR** was convicted in the Eastern District of Texas, of Possession of a Weapon by a Federal Inmate. (18 U.S.C. § 3592 (c)(4));

2. **MARK ISAAC SNARR**, in the commission of the offense, knowingly created a grave risk of death to one or more persons in addition to the victim of the offense. (18 U.S.C. §3592(c)(5));

3. **MARK ISAAC SNARR** committed the offense described in Count 1 of the Indictment in an especially heinous, cruel, or depraved manner in that it involved torture or serious physical abuse to the victim. (18 U.S.C. § 3592(c)(6)); and

4. **MARK ISAAC SNARR** committed the offense described in Count 1 of the Indictment after substantial planning and premeditation to cause the death of a person. (18 U.S.C. § 3592(c)(9)).

5. **MARK ISAAC SNARR** intentionally killed or attempted to kill more than one person in a single criminal episode. (18 U.S.C. § 3592 (c)(16)).

C. Non-statutory Aggravating Factor Enumerated Pursuant to Title 18, United States Code, Section 3593(a)

1. **FUTURE DANGEROUSNESS.**

**MARK ISAAC SNARR** 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

**MARK ISAAC SNARR** has engaged in a continuing pattern of violence, attempted violence, and threatened violence, including, at least, the crimes alleged against defendant in the Indictment and the crimes of which the defendant was previously convicted, as described in ¶B.1 of this Notice; and

b. Institutional Misconduct

**MARK ISAAC SNARR** poses a future danger to the lives and safety of other persons, as demonstrated by his repeated acts of institutional misconduct while in the custody of various state and local correction or detention agencies, the United States Bureau of Prisons, or United

States Marshal's Service.

c. Lack of Remorse

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

d. Low Likelihood of Rehabilitation

**MARK ISAAC SNARR** has demonstrated a low potential for rehabilitation as evidenced by his record of institutional misconduct and his longstanding involvement in criminal activities, including, at least, those crimes described in ¶B.1 of this Notice leading up to the capital offenses charged in the Indictment.

e. Membership in Racist Gangs

**MARK ISAAC SNARR** has demonstrated an allegiance to and active membership in gangs in and out of prisons -- organizations falling within the definition of criminal street gangs set forth in 18 U.S.C. § 521(a).

## 2. VICTIM IMPACT

As reflected by the victim's personal characteristics as a human beings and the impact of the offenses on the victim and the victim's family, **MARK ISAAC SNARR** caused loss, injury, and harm to the victim and the victim's family (*see Payne v. Tennessee*, 501 U.S. 808, 825-827 (1991)) including, but not limited to, the fact that the victim's family suffered severe and irreparable harm.

## 3. VULNERABLE VICTIM

The victim was particularly vulnerable due to the fact that he was locked in a cell and devoid of any means with which to defend himself from the armed defendant.

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 offense of conviction as described in the Indictment as they relate to the background and character of the defendant, **MARK ISAAC SNARR**, his moral culpability, and the nature and circumstances of the offenses charged in the Indictment.

Respectfully submitted,

REBECCA A. GREGORY  
UNITED STATES ATTORNEY

/s/  
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**CERTIFICATE OF SERVICE**

I hereby certify that a true and correct copy of the foregoing instrument has been furnished to G. Patrick Black, Attorney for Defendant Mark Isaac Snarr, via electronic transmission on this the 4th day of February, 2009.

/s/  
Joseph R. Batte  
Assistant United States Attorney