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9 Attorneys for Plaintiff
UNITED STATES OF AMERICA

11 UNITED STATES DISTRICT COURT

12 FOR THE CENTRAL DISTRICT OF CALIFORNIA

13 UNITED STATES OF AMERICA,)	No. CR 02-938-GHK
)	
14 Plaintiff,)	<u>GOVERNMENT'S NOTICE OF INTENT</u>
)	<u>TO SEEK THE DEATH PENALTY</u>
15 v.)	<u>AGAINST DEFENDANT STINSON</u>
)	
16 JOHN WILLIAM STINSON,)	
)	
17 Defendant.)	

18 NOTICE OF INTENT TO SEEK THE DEATH PENALTY

19 The United States of America, pursuant to 18 U.S.C.
20 § 3593(a), notifies the Court and defendant JOHN WILLIAM STINSON
21 ("defendant") that the Government believes the circumstances of
22 the offenses charged in Counts Four and Five of the Indictment
23 are such that, in the event of a conviction, a sentence of death
24 is justified under Chapter 228 (Sections 3591 through 3598) of
25 Title 18 of the United States Code, and that the Government will
26 seek the sentence of death for the following offenses: (1)
27 commission of a violent crime in aid of racketeering activity, to
28

1 wit, the murder of Arthur Ruffo in violation of Title 18, United
2 States Code, Section 1959(a)(1) [Count Four]; and (2) commission
3 of a violent crime in aid of racketeering activity, to wit, the
4 murder of Aaron Marsh, in violation of Title 18, United States
5 Code, Section 1959(a)(1) [Count Five], each of which carries a
6 possible sentence of death.

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

9 A. Statutory Proportionality Factor Enumerated under 18
10 U.S.C. § 3591(a)(2)(C)

11 The following statutory proportionality factor applies to
12 each of Counts Four and Five.

13 1. **Intentional Acts to Take Life or Use Lethal Force**

14 The defendant intentionally participated in an act, contemplating
15 that the life of a person would be taken or intending that lethal
16 force would be used in connection with a person, other than one
17 of the participants in the offense, and Arthur Ruffo [Count
18 Four], and Aaron Marsh [Count Five] died as a direct result of
19 the act. 18 U.S.C. § 3591(a)(2)(C).

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

22 The following statutory aggravating factors apply to each of
23 Counts Four and Five.

24 1. **Previous conviction of violent felony involving**
25 **firearm**

26 The defendant committed the homicide offenses charged in Counts
27 Four and Five after having been previously convicted of a Federal

1 or State offense punishable by a term of imprisonment of more
2 than one year, involving the use or attempted or threatened use
3 of a firearm (as defined in 18 U.S.C. § 921) against another
4 person, to wit, conviction for first degree burglary and first
5 degree murder in Los Angeles County Superior Court, in Case No.
6 A019866. 18 U.S.C. § 3592(c)(2).

7 **2. Previous conviction of offense for which a**
8 **sentence of death or life imprisonment was authorized**

9 The defendant has previously been convicted of another Federal or
10 State offense resulting in the death of a person, for which a
11 sentence of life imprisonment or death was authorized by statute,
12 to wit, conviction for first degree murder in Los Angeles County
13 Superior Court, in Case No. A019866. 18 U.S.C. § 3592(c)(3).

14 **3. Substantial Planning and Premeditation**

15 The defendant committed the offenses charged in Counts Four and
16 Five after substantial planning and premeditation to cause the
17 death of a person. 18 U.S.C. § 3592(c)(9).

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

20 The following non-statutory, aggravating factors apply to
21 each of Counts Four and Five.

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

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

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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 Indictment, and the crimes of which the defendant was previously convicted, as described in ¶¶ B.1. and B.2. of this Notice.

b. Institutional Misconduct

The defendant poses a future danger to the lives and safety of other persons, as demonstrated by his institutional misconduct, including, at least, repeated acts of institutional misconduct while in the custody of the California Department of Corrections and the Los Angeles County Sheriff's Department.

2. Contemporaneous Convictions

Defendant faces contemporaneous convictions for multiple murders, attempted murders, and other serious acts of violence.

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 defendant, JOHN WILLIAM STINSON, his moral culpability, and the nature and

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1 circumstances of the offenses charged in the Indictment.

2 DATE: May 9, 2005

Respectfully submitted,

3 DEBRA W. YANG
4 United States Attorney

5 STEVEN D. CLYMER
6 Special Assistant United States Attorney
7 Chief, Criminal Division

8 
9 _____
10 GREGORY W. JESSNER
11 JOEY W. BLANCH
12 STEPHEN G. WOLFE
13 Assistant United States Attorneys
14 Organized Crime and Terrorism Section

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Attorneys for Plaintiff
United States of America

1 CERTIFICATE OF SERVICE

2 I, CAREY P. CRONIN, declare:

3 That I am a citizen of the United States and resident or
4 employed in Los Angeles County, California; that my business
5 address is the Office of United States Attorney, United States
6 Courthouse, 312 North Spring Street, Los Angeles, California
7 90012; that I am over the age of eighteen years, and am not a
8 party to the above-entitled action;

9 That I am employed by the United States Attorney for the
10 Central District of California who is a member of the Bar of the
11 United States District Court for the Central District of
12 California, at whose direction I served a copy of:

13 GOVERNMENT'S NOTICE OF INTENT TO SEEK THE DEATH PENALTY AGAINST
14 DEFENDANT STINSON

15 service was:

16 Placed in a closed envelope, for collection
17 and interoffice delivery
18 addressed as follows:

16 Placed in a sealed envelope for collection and
17 mailing via United States Mail,
18 addressed as follows:

17 By hand delivery
18 addressed as follows:

17 By facsimile as follows:

19 By messenger as follows:

19 By federal express as follows:

21 **SEE ATTACHMENT**

22
23 This Certificate is executed on 5-9-05, at Los
24 Angeles, California. I certify under penalty of perjury that the
25 foregoing is true and correct.

26
27 
28 CAREY P. CRONIN

1 DEBRA WONG YANG
United States Attorney
2 THOMAS P. O'BRIEN
Assistant United States Attorney
3 Chief, Criminal Division
GREGORY W. JESSNER (California State Bar No. 121920)
4 DANIEL A. SAUNDERS (California State Bar No. 161051)
JOEY W. BLANCH (California State Bar No. 186487)
5 STEPHEN G. WOLFE (California State Bar No. 116400)
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9 Attorneys for Plaintiff
10 UNITED STATES OF AMERICA

11 UNITED STATES DISTRICT COURT

12 FOR THE CENTRAL DISTRICT OF CALIFORNIA

13 UNITED STATES OF AMERICA,) No. CR 02-938-RGK
14)
Plaintiff,) GOVERNMENT'S AMENDED NOTICE OF
15) INTENT TO SEEK THE DEATH
v.) PENALTY AGAINST DEFENDANT
16) STINSON
JOHN WILLIAM STINSON,)
17)
Defendant.)
18)

19 NOTICE OF INTENT TO SEEK THE DEATH PENALTY

20 The United States of America, pursuant to 18 U.S.C.
21 § 3593(a), notifies the Court and defendant JOHN WILLIAM STINSON
22 ("defendant") that the Government believes the circumstances of
23 the offenses charged in Counts Four and Five of the First
24 Superseding Indictment are such that, in the event of a
25 conviction, a sentence of death is justified under Chapter 228
26 (Sections 3591 through 3598) of Title 18 of the United States
27 Code, and that the Government will seek the sentence of death for
28 the following offenses: (1) commission of a violent crime in aid

EXHIBIT A

1 of racketeering activity, to wit, the murder of Arthur Ruffo in
2 violation of Title 18, United States Code, Section 1959(a) (1)
3 [Count Four]; and (2) commission of a violent crime in aid of
4 racketeering activity, to wit, the murder of Aaron Marsh, in
5 violation of Title 18, United States Code, Section 1959(a) (1)
6 [Count Five], each of which carries a possible sentence of death.

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

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

11 The following statutory proportionality factor applies to
12 each of Counts Four and Five.

13 1. **Intentional Acts to Take Life or Use Lethal Force**

14 The defendant intentionally participated in an act, contemplating
15 that the life of a person would be taken or intending that lethal
16 force would be used in connection with a person, other than one
17 of the participants in the offense, and Arthur Ruffo [Count
18 Four], and Aaron Marsh [Count Five] died as a direct result of
19 the act. 18 U.S.C. § 3591(a) (2) (C).

20 2. **Intentional Acts of Violence Creating Grave Risk of**
21 **Death**

22 The defendant intentionally and specifically engaged in an act of
23 violence knowing that the act created a grave risk of death to a
24 person, other than one of the participants in the offense, such
25 that participation in the act constituted a reckless disregard
26 for human life, and Arthur Ruffo [Count Four], and Aaron Marsh

1 [Count Five] died as a direct result of the act. 18 U.S.C. §
2 3591(a)(2)(D).

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

5 The following statutory aggravating factors apply to each of
6 Counts Four and Five.

7 1. **Previous conviction of violent felony involving**
8 **firearm**

9 The defendant committed the homicide offenses charged in Counts
10 Four and Five after having been previously convicted of a Federal
11 or State offense punishable by a term of imprisonment of more
12 than one year, involving the use or attempted or threatened use
13 of a firearm (as defined in 18 U.S.C. § 921) against another
14 person, to wit, conviction for first degree burglary and first
15 degree murder in Los Angeles County Superior Court, in Case No.
16 A019866. 18 U.S.C. § 3592(c)(2).

17 2. **Previous conviction of offense for which a**
18 **sentence of death or life imprisonment was authorized**

19 The defendant has previously been convicted of another Federal or
20 State offense resulting in the death of a person, for which a
21 sentence of life imprisonment or death was authorized by statute,
22 to wit, conviction for first degree murder in Los Angeles County
23 Superior Court, in Case No. A019866. 18 U.S.C. § 3592(c)(3).

24 3. **Substantial Planning and Premeditation**

25 The defendant committed the offenses charged in Counts Four and
26 Five after substantial planning and premeditation to cause the
27 death of a person. 18 U.S.C. § 3592(c)(9).

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

3 The following non-statutory, aggravating factors apply to
4 each of Counts Four and Five.

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

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

10 a. Continuing Pattern of Violence

11 The defendant has engaged in a continuing pattern of violence,
12 attempted violence, and threatened violence, including, at least,
13 the crimes alleged against defendant in the First Superseding
14 Indictment, and the crimes of which the defendant was previously
15 convicted, as described in ¶¶ B.1. and B.2. of this Notice.

16 b. Institutional Misconduct

17 The defendant poses a future danger to the lives and safety of
18 other persons, as demonstrated by his institutional misconduct,
19 including, at least, repeated acts of institutional misconduct
20 while in the custody of the California Department of Corrections
21 and the Los Angeles County Sheriff's Department.

22 2. **Contemporaneous Convictions**

23 Defendant faces contemporaneous convictions for multiple murders,
24 attempted murders, and other serious acts of violence.

25 The Government further gives notice that in support of
26 imposition of the death penalty it intends to rely upon all the
27 evidence admitted by the Court at the guilt phase of the trial.

1 and the offenses of conviction as described in the First
2 Superseding Indictment as they relate to the background and
3 character of the defendant, JOHN WILLIAM STINSON, his moral
4 culpability, and the nature and circumstances of the offenses
5 charged in the First Superseding Indictment.

6 DATE: August ____, 2005 Respectfully submitted,

7 DEBRA WONG YANG
8 United States Attorney

9 THOMAS P. O'BRIEN
10 Assistant United States Attorney
11 Chief, Criminal Division

12 _____
13 GREGORY W. JESSNER
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