

JRC:BSK  
F.#199604366

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

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UNITED STATES OF AMERICA

- against -

01-CR 0516(JS)

JAIRO ZAPATA,

Defendant.

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

The United States of America hereby notifies the Court and the defendant, JAIRO ZAPATA, and his counsel, that in the event of the defendant's conviction on Count Two of the Indictment, wherein the defendant is charged with murder in aid of drug trafficking, the Government will seek the sentence of death, in that the circumstances of the offenses are such that a sentence of death is justified.

**I. Statutory Threshold Findings Enumerated in 21 U.S.C. § 848(n) (1) (A):**

The Government will seek to prove the following threshold finding as the basis for imposition of the death penalty in relation to Count Two:

The defendant, JAIRO ZAPATA, intentionally killed the victim, Hugo Betancur.

**II. Statutory Aggravating Factors Enumerated under 21 U.S.C. §§ 848(n) (1) through (12):**

**II. Statutory Aggravating Factors Enumerated under 21 U.S.C. §§ 848(n)(1) through (12)):**

The Government will seek to prove the following statutory aggravating factors as the basis for imposition of the death penalty in relation to Count Two of the Indictment:

1. In committing the offense described in Count Two, defendant JAIRO ZAPATA agreed to kill the victim, Hugo Betancur, as consideration for the receipt, and in the expectation of the receipt, of something of pecuniary value. 21 U.S.C. § 848(n)(7));

2. In committing the offense described in Count Two, defendant JAIRO ZAPATA engaged in substantial planning and premeditation. 21 U.S.C. § 848(n)(8).

**III. Non-Statutory Aggravating Factors**

The Government will seek to prove the following non-statutory aggravating factor as the basis for imposition of the death penalty in relation to Count Two:

The defendant participated in one or more additional, uncharged murders, including, but not limited to the killing of Juan Carlos Upegui.


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,

JAIRO ZAPATA, his moral culpability, and the nature and  
circumstances of the offenses charged in the Indictment.

Respectfully submitted,

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By:

  
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