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CLERK U S DISTRICT COURT DISTRICT OF ARIZONA	
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10 UNITED STATES DISTRICT COURT
11 DISTRICT OF ARIZONA

12 United States of America

13 Plaintiff,

14 v.

15 Luis A. Cisneros, et al.,

16 Defendants.

17 CR-03-730-PHX-ROS

18 **NOTICE OF INTENT TO SEEK
19 DEATH PENALTY AS TO
20 DEFENDANT FELIPE N. CISNEROS**

21 The United States of America notifies the Court and defendant FELIPE N. CISNEROS,
22 under Chapter 228 (Sections 3591-3598) of Title 18, United States Code, that if defendant is
23 convicted of one or more of the intentional killings of Jose Moreno, Sr., and Jose Moreno, Jr., as
24 charged in Counts Five through Eight, Eleven, and Thirteen through Sixteen of the First
25 Superseding Indictment, the United States will seek the sentence of death for FELIPE N.
26 CISNEROS as to each offense.

27 The United States will seek to prove as to defendant FELIPE N. CISNEROS, for each of
28 the above-listed counts:

(1) One or more of the statutory proportionality factors set forth by Section
3591(a)(2)(A)-(D) of Title 18, and

(2) One or more of the statutory aggravating factors set forth by Sections
3592(c)(1)-(16) of Title 18.

As permitted by Sections 3593(a) and (d) of Title 18, the United States will also seek to prove
certain non-statutory aggravating factors as set forth in this Notice. The United States believes
that the circumstances of the offenses charged in any of the above-listed counts are such that, if

1 the defendant is convicted, a sentence of death is justified under Chapter 228 of Title 18 of the
2 United States Code.

3 The United States will seek to prove the following factors as justifying a sentence of death
4 as to each of the above-listed counts.

5 A. Statutory Proportionality Factors Enumerated under 18 U.S.C. § 3591(a)(2)(A)-(D).

6 1. **Intentional Act to Take Life or Use Lethal Force.** The defendant
7 intentionally participated in an act, contemplating that the life of a person would be taken or
8 intending that lethal force would be used in connection with a person, other than one of the
9 participants in the offense, and the victim named in the respective count of the First Superseding
10 Indictment died as a direct result of the act. 18 U.S.C. § 3591(a)(2)(C).

11 2. **Intentional Act in Reckless Disregard for Life.** The defendant intentionally
12 and specifically engaged in an act of violence, knowing that the act created a grave risk of death to
13 a person, other than one of the participants in the offense, such that participation in the act
14 constituted a reckless disregard for human life and the victim named in the respective count of the
15 First Superseding Indictment died as a direct result of the act. 18 U.S.C. § 3591(a)(2)(D).

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

17 1. **Procurement of the Offense by Payment.** The defendant procured the
18 commission of the killing of the victim named in the respective count of the First Superseding
19 Indictment by payment, or promise of payment, of anything of pecuniary value. 18 U.S.C. §
20 3592(c)(7).

21 2. **Substantial Planning and Premeditation.** The defendant committed the
22 killing of the victim named in the respective count of the First Superseding Indictment after
23 substantial planning and premeditation to cause the death of a person. 18 U.S.C. § 3592(c)(9).

24 3. **Multiple Killings or Attempted Killings.** The defendant killed or attempted
25 to kill more than one person in a single criminal episode. 18 U.S.C. § 3592(c)(16).

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

2 1. **Obstruction of Justice.** The victim named in the respective count of the First
3 Superseding Indictment was killed in an effort by the defendant to obstruct justice, tamper with a
4 witness, or in retaliation for cooperating with authorities.


5 2. **Future Dangerousness.** The defendant is likely to commit criminal acts of
6 violence in the future which would be a continuing and serious threat to the lives and safety of
7 other persons, including, but not limited to, inmates and correctional officers in an institutional
8 correctional setting, as evidenced by the offenses charged in the First Superseding Indictment and
9 the statutory and non-statutory aggravating factors alleged in this Notice. See Simmons v. South
10 Carolina, 512 U.S. 154, 162 (1994). In addition to the offenses charged in the First Superseding
11 Indictment and the statutory and non-statutory aggravating factors alleged in this Notice, the
12 circumstances that demonstrate the defendant's future dangerousness include: his making of
13 specific threats of violence; his long-term pattern of violent criminal conduct; his continuous
14 efforts to obstruct justice and threaten or kill witnesses; his leadership role in planning and
15 encouraging others to undertake criminal activities; his demonstrated low rehabilitative potential;
16 and his demonstrated lack of remorse for his criminal activities which have caused significant
17 damage to multiple communities, numerous victims, and their families.

18 3. **Victim Impact Evidence.** The defendant caused injury, harm, and loss to Jose
19 Moreno, Sr., and Jose Moreno, Jr., and their family as demonstrated by the victims' personal
20 characteristics as individual human beings and the impact of the death upon the victims' family.
21 See Payne v. Tennessee, 501 U.S. 808, 825-27 (1991). The United States will present
22 information concerning the effect of the offenses on Jose Moreno, Sr., and Jose Moreno, Jr., and
23 their family, which may include oral testimony, a victim impact statement that identifies Jose
24 Moreno, Sr., and Jose Moreno, Jr. as victims of the offenses and the extent and scope of the injury
25 and loss suffered by Jose Moreno, Sr., and Jose Moreno, Jr., their family, and any other relevant
26 information.

1 The United States further gives notice that in support of imposition of the death penalty, it
2 intends to rely upon all the evidence admitted by the Court at the guilt phase of the trial and the
3 offenses of conviction as described in the First Superseding Indictment as they relate to the
4 background and character of the defendant, FELIPE N. CISNEROS, his moral culpability, and the
5 nature and circumstances of the offenses charged in the First Superseding Indictment.

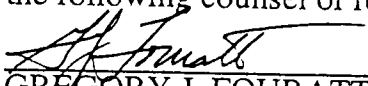
6 Respectfully submitted,

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1 I HEREBY CERTIFY that a true copy of the foregoing pleading was mailed first class to
2 the following counsel of record this 25th day of February, 2004.

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