UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

UNITED STATES OF AMERICA **v.** **ELIAS RODRIGUEZ,** **Defendant.**	**No. 25-cr-224 (RDM)**

NOTICE OF INTENT TO SEEK THE DEATH PENALTY

The United States of America, by and through its undersigned counsel and pursuant to 18 U.S.C. § 3593(a), notifies the Court and ELIAS RODRIGUEZ, the defendant, that the United States believes the circumstances of the offenses charged in Counts One, Four, and Five of the Superseding Indictment are such that, in the event of a conviction, a sentence of death is justified under Chapter 228 (Sections 3591 through 3598) of Title 18 of the United States Code, and that the United States will seek the sentence of death for these offenses: Murder of a Foreign Official, in violation of Title 18, United States Code, Section 1116(a), and Discharge of a Firearm During a Crime of Violence and Causing Death Through the Use of a Firearm, in violation of Title 18, United States Code, Sections 924(c)(1)(A)(iii) and (j), all of which carry a possible sentence of death.

The United States proposes to prove the following factors as justifying a sentence of death with regard to Counts One, Four, and Five (except where Counts are specified):

ELIAS RODRIGUEZ was 18 years of age or older at the time of the offense. 18 U.S.C. § 3591(a).

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

1. **Intentional Killing.** ELIAS RODRIGUEZ intentionally killed victims Yaron Lischinsky and Sarah Milgrim. 18 U.S.C. § 3591(a)(2)(A).

2. **Intentional Infliction of Serious Bodily Injury.** ELIAS RODRIGUEZ intentionally inflicted serious bodily injury that resulted in the deaths of victims Yaron Lischinsky and Sarah Milgrim. 18 U.S.C. § 3591(a)(2)(B).

3. **Intentional Participation in Act Resulting in Death.** ELIAS RODRIGUEZ intentionally participated in an act, contemplating that the life of a person would be taken and intending that lethal force would be used in connection with a person, other than the participant in the offenses, and victims Yaron Lischinsky and Sarah Milgrim died as a direct result of the act. 18 U.S.C § 3591(a)(2)(C).

4. **Intentional Engagement in Act of Violence, Knowing that the Act Created a Grave Risk of Death to a Person.** ELIAS RODRIGUEZ intentionally and specifically engaged in an act of violence, knowing that the act created a grave risk of death to a person, other than the participant in the offense, such that participation in the act constituted a reckless disregard for human life, and victims Yaron Lischinsky and Sarah Milgrim died as a direct result of the acts. 18 U.S.C § 3591(a)(2)(D).

B. <u>Statutory Aggravating Factors Enumerated under 18 U.S.C. § 3592(c)</u>.

1. **Death During Commission of Another Crime.** The death, and injury resulting in death, occurred during the commission by ELIAS RODRIGUEZ of the offense of killing and attempted killing of diplomats under Title 18, United States Code, Section 1116. 18 U.S.C. § 3592(c)(1).

2. **Grave Risk of Death to Additional Persons.** ELIAS RODRIGUEZ, in the commission of the offense, knowingly created a grave risk of death to one or more persons in addition to victims Yaron Lischinsky and Sarah Milgrim. 18 U.S.C. § 3592(c)(5).

3. **Substantial Planning and Premeditation**. ELIAS RODRIGUEZ committed the offense after substantial planning and premeditation to cause the death of a person and commit an act of terrorism. 18 U.S.C. § 3592(c)(9).

4. **Vulnerability of Victim.** ELIAS RODRIGUEZ committed the offense against a victim, Sarah Milgrim, who was particularly vulnerable due to infirmity. 18 U.S.C. § 3592(c)(11). (Count Five).

5. **Multiple Killings**. ELIAS RODRIGUEZ intentionally killed and attempted to kill more than one person in a single criminal episode. 18 U.S.C. § 3592(c)(16).

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

1. **Victim Impact.** ELIAS RODRIGUEZ caused injury, harm, and loss to the individuals that he killed as well as to the family, friends, and co-workers of those individuals. The injury, harm, and loss caused by ELIAS RODRIGUEZ with respect to each deceased victim is evidenced by the victim's personal characteristics and by the impact of the victim's death upon his or her family, friends, and co-workers.

2. **Biased Motive for Committing the Offenses.** ELIAS RODRIGUEZ'S actions were motivated by political, ideological, national, and religious bias, contempt, and hatred.

3. **Selection of Target.** ELIAS RODRIGUEZ targeted individuals whom he perceived to have attended an event for young Jewish professionals, organized by the American Jewish Committee and hosted at the Capital Jewish Museum, to amplify the effect of his crimes.

Respectfully Submitted,

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