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9 UNITED STATES DISTRICT COURT  
 DISTRICT OF ARIZONA

10  
 11 United States of America,  
 Plaintiff,  
 12  
 13 vs.  
 14 Ryan Phillip Schlesinger,  
 15 Defendant.  
 16  
 17  
 18

CR 18-02719-TUC-RCC (BGM)

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

19 Pursuant to 18 U.S.C. § 3593(a), the United States hereby notifies the Court,  
 20 Defendant Ryan Phillip Schlesinger, and his attorneys, that the United States believes the  
 21 circumstances of the offenses charged in Counts One and Nine of the Superseding  
 22 Indictment (Doc. 192) are such that, in the event of a conviction of either of these offenses,  
 23 a sentence of death is justified pursuant to Chapter 228 (Sections 3591 through 3699) of  
 24 Title 18 of the United States Code. Specifically, the United States will seek a sentence of  
 25 death for First Degree Murder of a Federal Officer, in violation of 18 U.S.C. §§ 1111(a)  
 26 and 1114 (Count One), and Using a Firearm During and in Relation to a Crime of Violence  
 27 Resulting in Death (Count Nine), in violation of 18 U.S.C. §§ 924(c)(1)(A) and (j)(1), both  
 28 of which carry a possible sentence of death.

1           **A. Statutory Threshold Findings Enumerated in 18 U.S.C. §§ 3591(a)(1) and**  
2           **(2)(A)-(D).**

3           The United States will seek to prove the following threshold findings as the basis  
4 for the imposition of the death penalty in relation to Counts One and Nine of the  
5 Superseding Indictment:

6           1. Ryan Phillip Schlesinger was 18 years of age or older at the time of the  
7 offenses. 18 U.S.C. § 3591(a).

8           2. Ryan Phillip Schlesinger intentionally killed Deputy United States Marshal  
9 C. W. 18 U.S.C. § 3591(a)(2)(A).

10          3. Ryan Phillip Schlesinger intentionally inflicted serious bodily injury that  
11 resulted in the death of Deputy United States Marshal C. W. 18 U.S.C. § 3591(a)(2)(B).

12          4. Ryan Phillip Schlesinger intentionally participated in an act, contemplating  
13 that the life of a person would be taken or intending that lethal force would be used in  
14 connection with a person, other than a participant in the offense, and Deputy United States  
15 Marshal C. W. died as a direct result of the act. 18 U.S.C. § 3591(a)(2)(C).

16          5. Ryan Phillip Schlesinger intentionally and specifically engaged in an act of  
17 violence, knowing that the act created a grave risk of death to a person, other than a  
18 participant in the offense, such that participation in the act constituted a reckless disregard  
19 for human life and Deputy United States Marshal C. W. died as a direct result of the act.  
20 18 U.S.C. § 3591(a)(2)(D).

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

22           The United States will seek to prove the following statutory aggravating factors as  
23 the basis for the imposition of the death penalty in relation to Counts One and Nine of the  
24 Superseding Indictment.

25          1.    **Substantial Planning and Premeditation.** Ryan Phillip Schlesinger  
26 committed the offense after substantial planning and premeditation to cause the death of a  
27 person. 18 U.S.C. § 3592(c)(9).  
28

1           2.    **High Public Officials.** Ryan Phillip Schlesinger committed the offense  
2 against a Federal public servant who is a law enforcement officer, while he was engaged  
3 in the performance of his official duties, because of the performance of his official duties,  
4 and because of his status as a public servant. 18 U.S.C. § 3592(c)(14)(D).

5           3.    **Multiple Killings or Attempted Killings.** Ryan Phillip Schlesinger  
6 intentionally killed or attempted to kill more than one person in a single criminal episode.  
7 18 U.S.C. § 3592(c)(16).

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

9           The United States will seek to prove the following non-statutory aggravating  
10 factors as the basis for the imposition of the death penalty in relation to Counts One and  
11 Nine of the Superseding Indictment:

12           1.    **Victim Impact.** Ryan Phillip Schlesinger caused injury, harm, and loss to  
13 Deputy United States Marshal C.W., as well as to his family, friends, and co-workers, as  
14 evidenced by his personal characteristics as an individual human being and the impact of  
15 his death upon him and his family, friends, and co-workers. 18 U.S.C. § 3593(a); *Payne v.*  
16 *Tennessee*, 501 U.S. 808, 827 (1991).

17           2.    **Future Dangerousness.** Ryan Phillip Schlesinger poses a continuing danger  
18 to others in that he is likely to commit criminal acts of violence in the future that would  
19 constitute a continuous and serious threat to the lives and safety of others, as evidenced by  
20 at least one or more of the following:

21           a.    **History of antagonism and threatening behavior.** Ryan Phillip  
22 Schlesinger has engaged in a continuous pattern of antagonist and  
23 threatening behavior towards law enforcement and persons in positions  
24 of authority including repeated threats of violence and stalking.

25           b.    **Continuing pattern of violence.** Ryan Phillip Schlesinger has engaged  
26 in a continuing pattern of violence, threatened violence, and attempted  
27 violence, including but not limited to the crimes alleged in the  
28 Superseding Indictment.

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c. **Lack of remorse.** Ryan Phillip Schlesinger has demonstrated a lack of remorse for the murder of Deputy United States Marshal C.W, as evidenced by his statements and actions during the course of and following the commission of the offense.

Respectfully submitted this 2nd day of October, 2020.

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United States Attorney  
District of Arizona

*s/Erica L. Seger*  
*s/Sarah B. Houston*

ERICA L. SEGER  
SARAH B. HOUSTON  
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Copy of the foregoing served electronically or by other means this 2nd day of October, 2020, to:

All ECF Participants