

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

1. **Victim Impact.** SAYFULLO HABIBULLAEVIC SAIPOV caused injury, harm, and loss to the families and friends of Diego Enrique Angelini, Nicholas Cleves, Ann-Laure Decadt, Darren Drake, Ariel Erlij, Hernan Ferruchi, Hernan Diego Mendoza, and Alejandro Damian Pagnucco. The injury, harm, and loss caused by SAIPOV 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 and friends. (Counts One through Eight and Twenty Eight).

2. **Injury to Surviving Victims.** SAYFULLO HABIBULLAEVIC SAIPOV, apart from the impact of the deaths of victims as identified in C.1, *supra*, caused serious physical and emotional injury, including maiming, disfigurement, permanent disability, and grievous economic hardship, to individuals who survived the offense, including those victims identified in Counts Nine through Twenty Six of the Indictment. (Count Twenty Eight).

3. **Engaged in Acts of Violence to Support a Terrorist Organization.** SAYFULLO HABIBULLAEVIC SAIPOV committed the offense to support and further the ideological goals of the Islamic State of Iraq and al-Sham ("ISIS"), a terrorist organization that has as one of its goals to kill U.S. nationals around the world. (Counts One through Eight and Twenty Eight).

4. **Future Dangerousness.** SAYFULLO HABIBULLAEVIC SAIPOV is likely to commit criminal acts of violence in the future such that he poses a continuing and serious threat to the lives and safety of others as demonstrated by, among other things, his commission of the acts of violence charged in the Indictment, his stated intent to continue his attack in New York City had his truck not been rendered inoperable, and his continued support for the radical terrorist activities and goals of ISIS, which include the killing of U.S. nationals. (Counts One through Eight and Twenty Eight).

5. **Selection of Site for Acts of Terrorism.** SAYFULLO HABIBULLAEVIC SAIPOV targeted the bike path on the West Side Highway on Halloween because he intended to maximize the devastation to civilians and in an attempt to instill fear in New Yorkers and tourists who use the bike path. (Counts One through Eight and Twenty Eight).

6. **Lack of Remorse.** SAYFULLO HABIBULLAEVIC SAIPOV demonstrated a lack of remorse in the days and months following his crimes. (Counts One through Eight and Twenty Eight).

Respectfully Submitted,

GEOFFREY S. BERMAN
United States Attorney
Southern District of New York

By: _____ /s/
Andrew D. Beaty
Amanda Houle
Matthew Laroche
Assistant United States Attorneys
Tel.: (212) 637-2420

Cc: Defense Counsel (via ECF)