

**IN THE DISTRICT COURT OF THE VIRGIN ISLANDS  
DIVISION OF ST. THOMAS AND ST. JOHN**

**UNITED STATES OF AMERICA,**

v.

**23-cr-00016-WAL-EAH-1**

**JIOVONI SMITH**  
**Defendant.**

**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 Defendant **JIOVONI SMITH** that the United States believes the circumstances in Count Three of the Indictment (Use of a Firearm During a Crime of Violence Resulting in Death) are such that, in the event of a conviction, a sentence of death is justified under 18 U.S.C. § 3591, *et seq.*, and that the United States will seek the sentence of death for this offense.

The United States proposes to prove the following factors as justifying a sentence of death with regard to Count Three:

1. Defendant **JIOVONI SMITH** was 18 years of age or older at the time of the offense (18 U.S.C. § 3591(a)).
2. The government will prove the following intent factors enumerated under 18 U.S.C. § 3591(a)(2)(A)–(D) in justifying a sentence of death:
  - a. **JIOVONI SMITH** intentionally killed the victim (18 U.S.C. § 3591(a)(2)(A));
  - b. **JIOVONI SMITH** intentionally inflicted serious bodily injury that resulted in the death of the victim (18 U.S.C. § 3591(a)(2)(B));

- c. **JIOVONI SMITH** intentionally participated in an act, contemplating that the life of a person would be taken or intending that lethal force would be used in connection with a person, other than a participant in the offense, and the victim died as a direct result of the act (18 U.S.C. § 3591(a)(2)(C)); and
- d. **JIOVONI SMITH** intentionally and specifically engaged in an act of violence, knowing that the act created a grave risk of death to a person, other than a participant in the offense, such that participation in the act constituted a reckless disregard for human life and the victim died as a direct result of the act (18 U.S.C. § 3591(a)(2)(D)).

3. The government will prove the following statutory aggravating factors enumerated under 18 U.S.C. § 3592(c) in justifying a sentence of death:

- a. **JIOVONI SMITH** has previously been convicted of a Federal or State offense punishable by a term of imprisonment of more than one year, involving the use or attempted or threatened use of a firearm against another person. Specifically, **JIOVONI SMITH** was convicted of second-degree murder for shooting and killing a woman in 2020. He received a 30-year prison sentence for that offense. (18 U.S.C. § 3592(c)(2)); and
- b. **JIOVONI SMITH** in the commission of the offense, or in escaping apprehension for the violation of the offense, knowingly created a grave risk of death to one or more persons in addition to the victim of the offense. (18 U.S.C. § 3592(c)(5)).

4. Pursuant to 18 U.S.C. § 3593(a), the government will prove the following other aggravating factors in justifying a sentence of death:

a. **JIOVONI SMITH** killed the victim to in an attempt to obstruct justice by eliminating a witness to the robbery.

Respectfully submitted,

ADAM SLEEPER,  
Acting United States Attorney

Dated: July 18, 2025

By: /s/ Michael J. Conley  
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