

UNITED STATES DISTRICT COURT
DISTRICT OF CONNECTICUT

UNITED STATES OF AMERICA :
 :
 v. : Docket No. 3:06 CR 160 (PCD)
 :
 AZIKIWE AQUART : January 29, 2009
 :

**NOTICE OF INTENT TO SEEK THE DEATH PENALTY
AS TO DEFENDANT AZIKIWE AQUART**

The United States of America notifies the Court and defendant **AZIKIWE AQUART** under Chapter 228 (Sections 3591-3598) of Title 18 United States Code, that if the defendant is convicted for one or more of the intentional killings of Tina Johnson, James Reid or Basil Williams as charged by Counts Two, Three and Four of the Indictment, the Government will seek a sentence of death for defendant **AZIKIWE AQUART** as to each offense.

As required by 18 U.S.C. §§ 3593(a), (d), and (e), for each of Counts Two, Three and Four, the United States will introduce evidence establishing beyond a reasonable doubt:

- a. One or more of the statutory proportionality factors set forth by 18 U.S.C. § 3591(a)(2)(A-D), and
- b. One or more of the statutory aggravating factors set forth by 18 U.S.C. §§ 3592(c)(1)-(16).

As permitted by 18 U.S.C. §§ 3593(a) and (d), the United States will also seek to prove certain non-statutory aggravating factors set forth in this Notice. The United States believes that the circumstances of each charged offense are such that, if the defendant **AZIKIWE AQUART** is convicted, a sentence of death is justified under Chapter 228 of Title 18 of the United States Code.

The United States will seek to prove the following factors as justifying a sentence of death as to Counts Two, Three and Four.

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

1. **Intentional Killing.** The defendant intentionally killed Tina Johnson [Count Two], James Reid [Count Three] and Basil Williams [Count Four]. 18 U.S.C. § 3591(a)(2)(A).

2. **Intentional Infliction of Serious Bodily Injury.** The defendant intentionally inflicted serious bodily injury that resulted in the death of Tina Johnson [Count Two], James Reid [Count Three] and Basil Williams [Count Four]. 18 U.S.C. § 3591(a)(2)(B).

3. **Intentional Act to Take Life or Use Lethal Force.** The defendant 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 one of the participants in the homicide offense, and Tina Johnson [Count Two], James Reid [Count Three] and Basil Williams [Count Four] died as a direct result of the act. 18 U.S.C. § 3591(a)(2)(C).

4. **Intentional Act in Reckless Disregard for Life.** The defendant intentionally and specifically engaged in an act of violence, knowing that the act created a grave risk of death to a person, other than one of the participants in the homicide offense, such that participation in the act constituted a reckless disregard for human life, and Tina Johnson [Count Two], James Reid [Count Three] and Basil Williams [Count Four] died as a direct result of the act. 18 U.S.C. § 3591(a)(2)(D).

B. Statutory Aggravating Factors under 18 U.S.C. §§ 3592(c)(1)-(16):

Pursuant to 18 U.S.C. § 3592(c), the United States will rely on the following statutory aggravating factors as justifying a sentence of death for Counts Two, Three and Four:

1. **Heinous, Cruel, or Depraved Manner of Committing Offense:** The defendant committed the homicide offense in an especially heinous, cruel, or depraved manner in that it involved torture or serious physical abuse to Tina Johnson [Count Two], James Reid [Count Three] and Basil Williams [Count Four]. 18 U.S.C. § 3592(c)(6).

2. **Pecuniary Gain:** The defendant committed the homicide offense as consideration for the receipt, or in the expectation of the receipt, of anything of pecuniary value. 18 U.S.C. § 3592(c)(8).

3. **Substantial Planning and Premeditation:** The defendant committed the homicide offense after substantial planning and premeditation to cause the death of a person. 18 U.S.C. § 3592(c)(9).

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

Pursuant to 18 U.S.C. § 3592(c), the United States will also rely on the following statutory aggravating factors as justifying a sentence of death for Count Four:

5. **Vulnerability of Victim:** The victim Basil Williams was particularly vulnerable due to old age or infirmity. 18 U.S.C. § 3592(c)(11).

C. Non-Statutory Factors Under 18 U.S.C. § 3593(a):

1. **Victim Impact Evidence.** As reflected by the victims' personal characteristics as individual human beings and the impact of the offense on the victims and their families, the defendant caused loss, injury, and harm to the victims and their families, see Payne v. Tennessee, 501 U.S. 808, 825-827 (1991), including, but not limited to, the following:

(a) Characteristics of victim. The defendant caused the death of the victim(s) who enjoyed a strong relationship with their families, including their parents, their siblings, and their children and grandchildren.

(b) Impact of the offenses on the family of the victim. The victims' families have suffered severe and irreparable harm. The victim, Tina Johnson [Count Two], provided financial and emotional support to her entire family. The two other victims, James Reid [Count Three] and Basil Williams [Count Four], provided emotional support to their families.

The Government further gives notice that in support of imposition of the death penalty, it intends to rely upon all the evidence admitted by the Court at the guilt phase of the trial and the offenses of conviction as described in the Indictment as they relate to the background and character of the defendant **AZIKIWE AQUART** in his moral culpability, and the nature and circumstances of the offenses charged in the Indictment.

Dated: January 29, 2009
New Haven, Connecticut

Respectfully submitted,

/s/

NORA R. DANNEHY
ACTING UNITED STATES ATTORNEY
DISTRICT OF CONNECTICUT