

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF FLORIDA

FILED BY  D.C.

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MIAMI DIVISION

CARLOS JUEPKE  
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S.D. OF FLA. - MIAMI

Case No. 97-0233-Cr-Gold (s)(s)/Bandstra

UNITED STATES OF AMERICA,	)
Plaintiff,	)
	)
v.	)
	)
IAN ORVILLE AIKEN,	)
ROLAND DAVID AIKEN,	)
DANIEL PATRICK AIKEN,	)
DONOVAN SIBBLEY,	)
and	)
ERIC LIVINGSTON MORRIS,	)
Defendants.	)
_____	)

**NOTICE OF INTENT TO SEEK DEATH PENALTY  
AS TO DEFENDANT IAN ORVILLE AIKEN**

COMES NOW the United States of America, by and through the undersigned Assistant United States Attorney, pursuant to Title 18, United States Code, Section 3593(a) and hereby notifies the Court and defendant IAN ORVILLE AIKEN in the above-captioned case that the Government believes the circumstances of the offense charged in Count Three of the Second 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 the Government will seek the



sentence of death for this offense, that is, the murder of Derrick Christian in aid of racketeering, in violation of 18 U.S.C. §1959(a)(1), which carries a possible sentence of death.

The Government proposes to prove the following factors as justifying a sentence of death:

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

1. IAN ORVILLE AIKEN intentionally killed Derrick Christian. 18 U.S.C. §3591(a)(2)(A).

2. IAN ORVILLE AIKEN intentionally inflicted serious bodily injury that resulted in the death of Derrick Christian. 18 U.S.C. §3591(a)(2)(B).

3. IAN ORVILLE AIKEN 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 offense, and Derrick Christian died as a direct result of the act. 18 U.S.C. §3591(a)(2)(C).

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

1. IAN ORVILLE AIKEN 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. 18 U.S.C. §3592(c)(2).

2. IAN ORVILLE AIKEN has previously been convicted of 2 or more Federal or State offenses, punishable by a term of imprisonment of more than 1 year, committed on different occasions, involving the infliction of, or attempted infliction of, serious bodily injury or death upon another person. 18 U.S.C. §3592(c)(4).

3. IAN ORVILLE AIKEN committed the offense after substantial planning and premeditation to cause the death of Derrick Christian. 18 U.S.C. §3592(c)(9).

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

1. IAN ORVILLE AIKEN has participated in additional murders, attempted murders and other serious violent crimes including, but not limited to, one or more of the following acts:

- a. The murder of Winston Wilson on or about August 25, 1986.
- b. The home invasion burglary, robbery and kidnappings at the London residence on or about October 21, 1987.
- c. The murder of Cordell Hines and attempted murder of Michael Coote on or about August 21, 1988.

d. The murder of Desmond LaTouche on or about October 28, 1995.

2. IAN ORVILLE AIKEN is likely to commit criminal acts of violence in the future which would be a continuing and serious threat to others. Evidence of the defendant's future dangerousness includes, but is not limited to, one or more of the following:

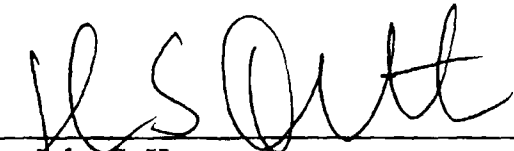
a. IAN ORVILLE AIKEN has threatened violence and has caused violence to occur against witnesses, potential witnesses and their respective family members.

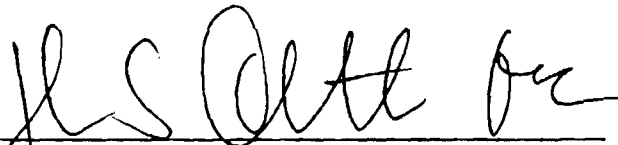
b. IAN ORVILLE AIKEN has a low potential for rehabilitation. This is shown by facts and events including, but not limited to, the fact that IAN ORVILLE AIKEN committed the murder of Derrick Christian after serving a term of

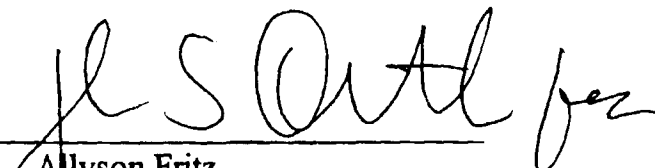
imprisonment in Florida for aggravated battery, a crime of violence.

Respectfully submitted,

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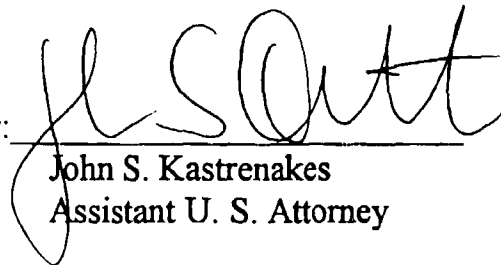
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**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that a true and correct copy of the foregoing was furnished to: Jane W. Moscovitz, Esq., 100 SE 2<sup>nd</sup> Street, Suite 3700, Miami, Florida, 33131 and H. Dohn Williams, Jr., Esq., P.O. Box 1722, Fort Lauderdale, Florida, 33302, attorneys for defendant IAN ORVILLE AIKEN; William Matthewman, Esq., 44 West Flagler Street, Suite 1700, Miami, Florida, 33130, attorney for defendant ROLAND DAVID AIKEN; Howard Schumacher, Esq., 1 East Broward Blvd., Suite 700, Fort Lauderdale, Florida, 33301, attorney for defendant DANIEL PATRICK AIKEN; Alvin E. Entin, Esq., 200 E. Broward Blvd., Suite 1210, Fort Lauderdale, Florida, 33301, attorney for defendant DONOVAN SIBBLEY; Kirk Barrow, Esq., 3500 North State Road 7, Suite 201, Lauderdale Lakes, Florida, 33319, attorney for defendant ERIC LIVINGSTON MORRIS on this 29 day of April, 1999.

By:



John S. Kastrenakes  
Assistant U. S. Attorney