

BC:CF:PC  
F.# 2001R00972

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

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UNITED STATES OF AMERICA

NOTICE OF INTENT TO SEEK THE  
DEATH PENALTY

- against -

01 CR 389(S-2) (RJD)

EMILE DIXON,

Defendant.

- - - - - X

Pursuant to the requirements of 18 U.S.C. § 3593(a), the United States hereby gives notice that it believes that the circumstances of this case are such that, in the event that the defendant EMILE DIXON is convicted of the capital offense relating to the death of victim Robert Thompson, a sentence of death is justified and that the United States will seek the death penalty. Specifically, the United States will seek a sentence of death for Count Three of the Superseding Indictment, which charges an obstruction of justice murder in violation of 18 U.S.C. § 1512(a)(1)(C), Count Five of the Superseding Indictment, which charges murder in aid of racketeering in violation of 18 U.S.C. § 1959(a)(1), and Count Seven, which charges causing death through the use of a firearm in violation of 18 U.S.C. § 924(j)(1).

Pursuant to 18 U.S.C. § 3591(a)(2), the United States will rely on the following preliminary factor to establish the defendant's eligibility for the death penalty:

1. Intentional Acts to Take Life or Use Lethal Force. The defendant intentionally killed the victim. 18 U.S.C. § 3591(a)(2)(A).

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:

1. Grave risk of death. In the commission of the offense, the defendant knowingly created a grave risk of death to one or more persons in addition to the murder victim. (18 U.S.C. § 3592(c)(5)).

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

In addition to the statutory aggravating factors set forth above, the United States will rely on the following non-statutory aggravating factors to justify a sentence of death pursuant to 18 U.S.C. §§ 3592(c) and 3593(a)(2):

1. Nature of the Offense. The defendant killed the victim in an effort to obstruct justice, tamper with a witness, and in retaliation for cooperating with authorities.

2. Future Dangerousness of the Defendant. The defendant represents a continuing danger to the lives and safety of other persons. The defendant has committed the acts alleged in the capital offense charged in the Superseding Indictment and in the statutory and non-statutory aggravating factors contained in this Notice, and, in addition to, has committed and exhibited acts and characteristics including but not limited to the following:

(a) Low rehabilitative potential - The defendant has demonstrated a low potential for rehabilitation as evidenced by his longstanding involvement in criminal activities, including drug trafficking and violence, leading up to the capital offense charged in the Superseding Indictment.

(b) Lack of remorse - After the commission of the offense charged in the Superseding Indictment, the defendant, through his statements, demonstrated a lack of remorse over having committed the offense.

3. Victim Impact Evidence. As reflected by the victim's personal characteristics as an individual human being and the impact of the offense on the victim and the victim's family, the defendant caused loss, injury, and harm to the victim and the victim's family, 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 Robert Thompson, a 30-year-old man who enjoyed a strong relationship with his family, including his mother, two brothers and a son, and had many friends, including members of his soccer team.

(b) Impact of the offense on the family of the victim. The victim's family has suffered severe and irreparable harm. Robert Thompson provided financial and emotional support to his entire family, including, most significantly, his infant son.

Dated: April 8, 2002  
Brooklyn, New York

Respectfully submitted,

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ALAN VINEGRAD  
UNITED STATES ATTORNEY

cc: Ephraim Savitt, Esq.  
Richard Levitt, Esq.

  
BY: \_\_\_\_\_  
ACTING UNITED STATES ATTORNEY  
PURSUANT TO 28 C.F.R. C.131