

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS

BEAUMONT DIVISION

UNITED STATES OF AMERICA *
*
V. * NO. 1:05-CR-51(02)
*
DAVID LEE JACKSON *

NOTICE OF INTENT TO SEEK THE DEATH PENALTY

COMES NOW, the United States of America, by and through the United States Attorney for the Eastern District of Texas, and pursuant to Title 18, United States Code, Section 3593(a), and files this Notice of Intent to Seek the Death Penalty, notifying the Court and the Defendant, **DAVID LEE JACKSON**, that in the event the Defendant is convicted of the offenses of murder as alleged in Counts 1 and 2 of the Indictment of this case, the Government believes a sentence of death is justified, and the Government will seek a sentence of death.

If the Defendant is convicted, the Government intends to prove the following aggravating factors as the basis for imposition of the death penalty.

A. Statutory Factors Enumerated Pursuant to Title 18, United States Code, Section 3591 (a)(2)

1. **DAVID LEE JACKSON** intentionally killed Daryl Brown (18 U.S.C. §3591(a)(2)(A)).
2. **DAVID LEE JACKSON** intentionally inflicted serious bodily injury which resulted in the death of Daryl Brown (18 U.S.C. §3591 (a)(2)(B)).
3. **DAVID LEE JACKSON** intentionally participated in an act, contemplating that the life of Daryl Brown would be taken or intending that lethal force would be used in

connection with Daryl Brown, a person other than a participant in the offense, and Daryl Brown died as a result of the act (18 U.S.C. §3591(a)(2)(C)).

4. **DAVID LEE JACKSON** intentionally and specifically engaged in an act of violence which **DAVID LEE JACKSON** knew would create a grave risk of death to Daryl Brown, a person other than a participant of the offense, such that **DAVID LEE JACKSON** participation in the act constituted a reckless disregard for human life, and Daryl Brown died as a direct result of the act (18 U.S.C. §3591 (a)(2)(D)).

B. Statutory Aggravating Factors Enumerated Pursuant to Title 18, United States Code, Section 3592(c)

1. **DAVID LEE JACKSON** has previously been convicted of a State offense punishable by a term of imprisonment of more than one (1) year involving the use or attempted or threatened use of a firearm, as defined in 18 U.S.C. §921, against another person, namely on or about March 22, 1977, **DAVID LEE JACKSON** was convicted in the Sixth Circuit Court, State of Michigan, of two counts of Aggravated Robbery. (18 U.S.C. §3592(c)(2)).

Additionally, **DAVID LEE JACKSON** has previously been convicted of a Federal offense punishable by a term of imprisonment of more than one (1) year involving the use or attempted or threatened use of a firearm, as defined in 18 U.S.C. §921, against another person, namely, on or about November 4, 2004, **DAVID LEE JACKSON** was convicted in the United States District Court for the Southern District of Mississippi, of Armed Bank Robbery and Brandishing a Firearm during a Crime of Violence, (18, U.S.C. §3592(c)(2)).

C. Non-statutory Aggravating Factors Enumerated Pursuant to Title 18, United States Code, Section 3593(a)

1. **DAVID LEE JACKSON** poses a future danger to others based upon the probability that he would commit criminal acts of violence that would constitute a continuing threat to society.

2. **DAVID LEE JACKSON** has a significant history of disciplinary violations while he has been incarcerated.

Respectfully submitted,

MATTHEW D. ORWIG
UNITED STATES ATTORNEY

/s/

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CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing instrument has been furnished to Doug Barlow, Attorney for Defendant David Lee Jackson, 485 Milam, Beaumont, Texas 77701 via electronic filing on this the 4th day of January, 2006

/s/

Joseph R. Batte
Assistant U.S. Attorney