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First-Degree Murder Trial

Woman charged in smothering death

By Herbert Lowe
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A Brooklyn woman smothered her half-brother's fiancee in Jamaica during a burglary and helped torch the house to destroy evidence, a Queens prosecutor said yesterday.

A key witness in the first-degree murder trial of Nicki Havner, 27, is expected to be Ivory Sanders, one of the five men who allegedly helped her commit the early morning burglary and arson on 164th Street on Oct. 23, 1999, officials said.


Nicki Havner

Sanders, Havner's former boyfriend, will testify he saw her use a pillow to smother Tracie Harrison, 31, while the victim was face down in her bed and bound with duct tape and other restraints, Assistant District Attorney Shawn Clark told the jury in State Supreme Court in Kew Gardens.

"Ivory Sanders said, 'What are you doing?'" Clark, quoting the witness, told the jury in his opening statement. "The defendant said, 'I'm finishing the job.'" Clark did not discuss a motive.

However, police have said that Havner wanted to avenge a burglary committed by Harrison and her fiance, a few weeks before at the 340 Williams Ave. apartment Havner and Sanders shared.

Defense attorney Jonathan Latimer conceded that Havner went to the house with the alleged accomplices. But Havner, who only wanted to get back her stereo equipment and television, quickly found herself in over her head with men set on a much bigger bounty, he said.

"She had no idea what they were capable of," Latimer said in his opening statement.

The Queens district attorney's office decided not to seek the death penalty. Her case is only one of a few of first-degree murder prosecutions against a woman in the state since the death penalty was reinstated in 1995. Just 13 of the 361 people indicted on that top murder charge since 1995 statewide have been women, said Scott Steinhardt, spokesman for the state Division of Criminal Justice Services.

Besides two counts of first-degree murder, Havner also faces multiple charges of second-degree murder, arson, robbery and burglary. She faces a maximum of life without parole if convicted of the top charges. She rejected a plea deal to serve 20 years to life, prosecutors said.

Her alleged accomplices are all from Brooklyn and were charged with second-degree murder because they were committing felonies when Harrison was killed. Sanders, 31, and Charles Robertson, 29, are awaiting sentencing after each pleaded guilty to first-degree burglary in exchange for testifying against Havner, prosecutors said.

The cases against three other men are pending.

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