

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

CRIMINAL NO. 05-80025

v.

HON. VICTORIA A. ROBERTS

D-1 TIMOTHY DENNIS O'REILLY  
D-2 NORMAN DUNCAN  
D-3 KEVIN WATSON  
D-4 ARCHIE BROOM  
D-5 EARL JOHNSON and  
D-6 KHAYYAM WILSON,

Defendants.

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**NOTICE OF INTENT TO SEEK THE DEATH PENALTY AS TO  
DEFENDANT, NORMAN DUNCAN**

NOW COMES the United States of America, pursuant to 18 U.S.C. § 3593, by and through its undersigned counsel, and notifies the Court and the defendants in the above captioned case that in the event of conviction for the murder of Norman Anthony Stephens by use of a firearm during and in relation to the crime of bank robbery, 18 U.S.C. § 924(j), as charged in Count Three of the Second Superseding Indictment, and for the crime of bank robbery resulting in the death of Norman Anthony Stephens, 18 U.S.C. § 2113(e), as charged

in Count Two of the Second Superseding Indictment, the government will seek the penalty of death for **D-2, Norman Duncan (“defendant”)**.

The government will seek to prove the following aggravating factors, beyond a reasonable doubt, as the basis for the death penalty.

A . Factors Enumerated Under 18 U.S.C. § 3591(a)(2):

1. 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 offense, and the victim died as a direct result of the act. 18 U.S.C. § 3591(a)(2)(C).

2. 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 of the offense, such that participation in the act constituted a reckless disregard for human life and the victim died as a direct result of the act. 18 U.S.C. § 3591(a)(2)(D).

B. Aggravating Factors Enumerated Under 18 U.S.C. § 3592(c):

1. Defendant has a previous conviction of a violent felony involving a firearm. 18 U.S.C. § 3592(c)(2).

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

3. Defendant committed the offense as consideration for the receipt, or in expectation of the receipt, of a thing of pecuniary value. 18 U.S.C. § 3592(c)(8).

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

1. Defendant directed co-defendants Timothy Dennis O'Reilly and Kevin Watson to use deadly force against the victim, Norman Stephens.

2. Additional violent behavior: Defendant committed the June 19, 2003 Comerica bank robbery during which he and co-defendant O'Reilly opened fire without warning on guard Jonathan Smith. Defendant shot and wounded Smith with a 9mm semi-automatic handgun as Smith attempted to run to safety. Defendant committed a *third* armored car robbery on February 12, 2004, along with co-defendant Watson and Eddie Cromer. During this robbery, Cromer was shot and killed by an armored car guard. Defendant also committed other armored car robberies and home invasion robberies of drug dealers with co-defendant Timothy O'Reilly.

3. Future Dangerousness: Defendant has been involved in a continuing pattern of violent behavior, which includes multiple armed robberies before and after

the Dearborn Federal Credit Union robbery/murder. Defendant has threatened to put a “hit” on at least one individual cooperating with the government.

4. Lack of remorse: Defendant has shown no remorse for his part in the robbery that resulted in the killing of Norman Stephens. Defendant has stated that he had wanted to kill all of the guards involved in the Dearborn Federal Credit Union robbery in order to ensure that he would not be caught.

5. The substantial and significant effect of the offense on the victim’s family will be established through oral testimony and victim impact statements.

Respectfully submitted,

STEPHEN J. MURPHY  
United States Attorney

s/John N. O'Brien II  
JOHN N. O'BRIEN II (P39912)  
Assistant U.S. Attorney  
211 W. Fort Street, Suite 2001  
Detroit, MI 48226  
Phone: (313) 226-9715  
E-Mail: [John.Obrien@usdoj.gov](mailto:John.Obrien@usdoj.gov)

s/R. Michael Bullotta  
R. MICHAEL BULLOTTA  
Assistant U.S. Attorney  
211 W. Fort Street, Suite 2001  
Detroit, MI 48226  
Phone: (313) 226-9507  
Bar ID: 163401 (CA)  
E-Mail: [Michael.Bullotta@usdoj.gov](mailto:Michael.Bullotta@usdoj.gov)

DATED: November 1, 2006

**CERTIFICATE OF SERVICE**

We hereby certify that on November 1, 2006, we electronically filed the foregoing document with the Clerk of the Court using the ECF system, which will send notification of such filing to the following:

ANTHONY T. CHAMBERS, ESQ.  
JENNIFER HERNON, ESQ.  
Attorneys for Defendant, NORMAN DUNCAN

s/John N. O'Brien II  
JOHN N. O'BRIEN II (P39912)  
Assistant U.S. Attorney  
211 W. Fort Street, Suite 2001  
Detroit, MI 48226  
Phone: (313) 226-9715  
E-Mail: [John.Obrien@usdoj.gov](mailto:John.Obrien@usdoj.gov)

s/R. Michael Bullotta  
R. MICHAEL BULLOTTA  
Assistant U.S. Attorney  
211 W. Fort Street, Suite 2001  
Detroit, MI 48226  
Phone: (313) 226-9507  
Bar ID: 163401 (CA)  
E-Mail: [Michael.Bullotta@usdoj.gov](mailto:Michael.Bullotta@usdoj.gov)

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