

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

v.

HERMAN NORMAN JOHNSON,

Defendant.

CRIMINAL NO. 05-CR-80337

HON. GEORGE CARAM STEEH

NOTICE OF INTENT TO SEEK THE DEATH PENALTY

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 defendant in the above captioned case that in the event of a conviction for the murder of Waad Murad to prevent a person from providing information concerning a federal crime to a law enforcement officer of the United States, or in the event of a conviction for conspiracy to Murder Waad Murad to prevent a person from providing information concerning a federal crime to a law enforcement officer of the United States, the government will seek the penalty of death for Herman Norman Johnson.

The government will seek to prove the following aggravating factors as the basis for the death penalty.

A . Factors Enumerated under Title 18 United States Code § 3591(a)(2):

1. The Defendant, HERMAN NORMAN JOHNSON, intentionally killed the victim, Waad Murad.

2. The Defendant, HERMAN NORMAN JOHNSON, intentionally participated in an act, contemplating that the life of the victim, Waad Murad, would be taken, and Waad Murad died as a direct result of the act.

B. Aggravating Factors Enumerated under Title 18 United States Code § 3592(c):

1. The Defendant, HERMAN NORMAN JOHNSON, has previously been convicted of a federal or state offense punishable by a term of imprisonment of more than 1 year, involving the use, attempted use and threatened use of a firearm; specifically, HERMAN NORMAN JOHNSON was convicted of armed robbery, contrary to Mich. Comp. Laws §750.529, in Detroit Records Court in or about November, 1985, said offense involving the use, attempted use and threatened use of a firearm. 18 U.S.C. § 3592(c)(2);

2. The Defendant, HERMAN NORMAN JOHNSON, in committing the offenses charged in Count I and Count II, knowingly created a grave risk of death to one or more persons in addition to the victim of the offense; specifically HERMAN NORMAN JOHNSON created a grave risk of death to the individual seated next to Waad Murad when Murad was shot. 18 U.S.C. § 3592(c)(5);

3. The Defendant, HERMAN NORMAN JOHNSON, committed the offenses charged in Count I and Count II in expectation of the receipt of anything of pecuniary value, as more fully set forth in Count I Paragraphs 8 and 9. 18 U.S.C. §3592(c)(8);

4. The Defendant, HERMAN NORMAN JOHNSON, committed the offenses charged in Count I and Count II after substantial planning and premeditation to cause the death of Waad Murad. 18 U.S.C. § 3592(c)(9).

C. Other Aggravating Factors Identified Under 18 U.S.C. § 3593(a)(2) and § (e):

1. Defendant killed the victim in an effort to obstruct justice by preventing the victim's cooperation with law enforcement.
2. The defendant's conduct left behind Murad's widow and three minor children. The murder has had a devastating impact emotionally and financially on Murad's family.
3. Defendant has shown no remorse for the homicide.

Respectfully submitted,

s/STEPHEN J. MURPHY
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Dated: