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IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF HAWAII

UNITED STATES OF AMERICA,)	CR. NO. 06-00079 DAE
)	
Plaintiff,)	NOTICE OF INTENT TO SEEK THE
)	DEATH PENALTY AS TO DEFENDANT
vs.)	NAEEM J. WILLIAMS
)	
NAEEM J. WILLIAMS,)	
)	
Defendant.)	
)	

**NOTICE OF INTENT TO SEEK THE DEATH PENALTY
AS TO DEFENDANT NAEEM J. WILLIAMS**

The United States of America hereby notifies the Court and the defendant, NAEEM J. WILLIAMS, and his counsel, under Chapter 228 (Sections 3591-3598) of Title 18, United States Code, that if the defendant is convicted of the offense charged in the Indictment, that is, First Degree Murder in the death of child T.E.W., the government will seek the sentence of death.

As required by 18 U.S.C. §§ 3593(a), (d), and (e) for the one-count Indictment, the United States will introduce evidence establishing beyond a reasonable doubt:

(a) One or more of the statutory proportionality factors set forth by 18 U.S.C. § 3591(a)(2)(A-D), and

(b) One or more of the statutory aggravating factors set forth by 18 U.S.C. §§ 3592(c)(1)-(16).

As permitted by 18 U.S.C. §§ 3593(a) and (d), the United States will also seek to prove certain non-statutory aggravating factors set forth in this notice. The United States believes that the circumstances of the charged offense are such that, if NAEEM J. WILLIAMS is convicted, a sentence of death is justified under Chapter 228 of Title 18 of the United States Code.

The United States will seek to prove the following factors as justifying a sentence of death as to the single-count Indictment:

I. Statutory Prerequisite

At the time the defendant NAEEM J. WILLIAMS committed the offense charged in the Indictment, he was older than 18 years of age (18 U.S.C. § 3591).

II. Statutory Proportionality Factors under 18 U.S.C. § 3591(a)(2)(A-D)

(a) The defendant NAEEM J. WILLIAMS intentionally inflicted serious bodily injury that resulted in the death of T.E.W. (18 U.S.C. § 3591(a)(2)(B));

- (b) The defendant NAEEM J. WILLIAMS intentionally participated in an act, contemplating that the life of a person would be taken, other than one of the participants in the offense, and T.E.W. died as a direct result of the act (18 U.S.C. § 3591(a)(2)(C)); and
- (c) The defendant NAEEM J. WILLIAMS 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 in the offense, such that participation in the act constituted a reckless disregard for human life and the victim, T.E.W., died as a direct result of the act (18 U.S.C. § 3591(a)(2)(D)).

**III. Statutory Aggravating Factors
under 18 U.S.C. § 3592(c)(1)-(16)**

- (a) The defendant NAEEM J. WILLIAMS committed the offense charged in the Indictment in an especially heinous, cruel, and depraved manner in that it involved torture and serious physical abuse to the victim, T.E.W. (18 U.S.C. § 3592(c)(6)); and
- (b) The defendant NAEEM J. WILLIAMS committed the offense charged in the Indictment against a victim, T.E.W., who was particularly vulnerable due to her youth (18 U.S.C. § 3592(c)(11)).

**IV. Non-Statutory Factors under
18 U.S.C. § 3593(a) and (c)**

- (a) After committing the final act of physical abuse against the child victim, T.E.W., the defendant NAEEM J. WILLIAMS intentionally waited before seeking medical attention for T.E.W., with such delay reducing any possibility that T.E.W. could have been medically treated and saved; and

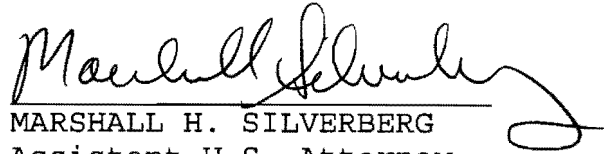
- (b) The defendant NAEEM J. WILLIAMS intentionally endeavored to impede the investigation into the murder of the victim, T.E.W., by washing the victim's blood from the walls of the scene of the crime, and by instructing his wife, D.S.W., to give a false statement regarding the murder of the victim to the investigating law enforcement officers; and
- (c) The defendant NAEEM J. WILLIAMS caused injury, harm, and loss to T.W., by causing the death of her daughter, T.E.W.

Dated: September 8, 2006, at Honolulu, Hawaii.

Respectfully submitted,

EDWARD H. KUBO, JR.
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By:


MARSHALL H. SILVERBERG
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CERTIFICATE OF SERVICE

I hereby certify that, on the dates and by the methods of service noted below, a true and correct copy of the foregoing was served on the following at their last known address:

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DATED: September 8, 2006, at Honolulu, Hawaii.

