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UNITED STATES OF AMERICA

IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF HAWAII

UNITED STATES OF AMERICA,)	CR. NO. 06-00079 DAE
)	
Plaintiff,)	SECOND AMENDED NOTICE OF
)	INTENT TO SEEK THE DEATH
vs.)	PENALTY OF DEFENDANT NAEEM J.
)	WILLIAMS; CERTIFICATE OF
NAEEM J. WILLIAMS,)	SERVICE
)	
Defendant.)	
_____)	

SECOND AMENDED 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 NAEEM J. WILLIAMS is convicted of the offenses charged in either counts 1 or 2 of the Second Superseding Indictment, that is, First Degree Felony Murder in the death of five-year-old Talia Williams, the government will seek the sentence of death.

As required by 18 U.S.C. §§ 3593, for counts 1 and 2 of the Second Superseding 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 Counts 1 and 2 of the Second Superseding Indictment:

I. Statutory Prerequisite

At the time the defendant NAEEM J. WILLIAMS committed the offenses charged in Counts 1 and 2 of the Second Superseding 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 the victim, Talia Williams. (18 U.S.C. § 3591(a)(2)(B));

- (b) 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, Talia Williams, 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 offenses charged in Counts 1 and 2 of the Second Superseding Indictment in an especially heinous, cruel, and depraved manner in that it involved torture and serious physical abuse to the victim, Talia Williams (18 U.S.C. § 3592(c)(6)); and
- (b) The defendant NAEEM J. WILLIAMS committed the offenses charged in Counts 1 and 2 of the Second Superseding Indictment against a victim, Talia Williams, who was particularly vulnerable due to her youth (18 U.S.C. § 3592(c)(11)).

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

- (a) After committing the final act of physical abuse against Talia Williams, the defendant NAEEM J. WILLIAMS intentionally waited before seeking medical attention for Talia Williams, with such delay reducing the possibility that Talia Williams could have been medically treated and saved;
- (b) The defendant NAEEM J. WILLIAMS intentionally endeavored to impede the investigation into the murder of the victim, Talia Williams, by washing Talia's blood from her bedroom wall as charged in Count 4 of the Second Superseding Indictment;

- (c) The defendant NAEEM J. WILLIAMS knowingly and willfully made a false material statement to law enforcement officers to conceal the true cause of Talia's death, as charged in Count 5 of the Second Superseding Indictment;
- (d) The defendant NAEEM J. WILLIAMS endeavored to obstruct justice by instructing his wife, Delilah S. Williams, to give a false statement to law enforcement officers, that is, that Talia fell in the bathtub, in order to conceal the true cause of Talia's death;
- (e) The defendant NAEEM J. WILLIAMS caused injury, harm, and loss to T.W., by causing the death of her daughter, Talia Williams;
- (f) The defendant NAEEM J. WILLIAMS retained custody of Talia Williams and continued to abuse, assault, and torture her while knowing that others were willing to accept custody of Talia and raise her without physical abuse, assault, or torture; and
- (g) The defendant NAEEM J. WILLIAMS committed the offenses charged in Counts 1 and 2 of the Second Superseding Indictment against a victim, Talia Williams, who was particularly vulnerable due to her special needs, including her developmental delays and her asthma.

Dated: January 6, 2010, at Honolulu, Hawaii.

FLORENCE T. NAKAKUNI
United States Attorney
District of Hawaii

By: /s/Marshall H. Silverberg
MARSHALL H. SILVERBERG
Assistant U.S. Attorney

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:

Served Electronically through CM/ECF:

DAVID F. KLEIN, ESQ. dfklein@gmail.com
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Attorneys for Defendant
NAEEM J. WILLIAMS

DATED: January 6, 2010, at Honolulu, Hawaii.

/s/Kelly Muranaka
