

## PUNISHMENT MAY BE DEATH

Detroit Free Press (MI) - Thursday, June 24, 2004

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Michigan doesn't have the **death** penalty, but the men wanted for gunning down a Farmington Hills man on Tuesday could face the **death** penalty if Police Chief William Dwyer has his way.

Dwyer said Wednesday that he's seriously considering seeking the federal **death** penalty in the ambush slaying of the brother of a federal drug snitch. The U.S. Attorney's Office said it would consider the request. Dwyer called the killing a case of mistaken identity.

"It was an execution-style slaying," Dwyer said. "Here's a guy who every morning went to work trying to provide a living for himself and his partner."

Armond Hickmon, 21, was gunned down as he left his apartment Tuesday morning. Dwyer said the killers thought they were shooting Hickmon's brother, Antoine, 31, who had testified as recently as October in a major federal marijuana case.

First Assistant U.S. Attorney Jonathan Tukel said his office would consider the request "based on the facts and the law."

But requesting the federal **death** penalty, getting it cleared by the Department of Justice and persuading a federal jury to impose it is a daunting task -- especially in states like Michigan that prohibit the **death** penalty in murder cases filed under state law.

"The track record is not all that good for federal prosecutions across the country," said attorney David Bruck of Columbia, S.C., a member of the Capital Defense Network. The federally funded group helps court-appointed lawyers defend suspects in **death** -penalty cases. "In states like Michigan that don't have a **death** penalty under state law, the **death** sentence is rarely imposed."

Since 1988, the Justice Department has authorized the **death** penalty in 318 cases. In the 254 cases that have gone to trial, juries imposed the **death** penalty only 38 times. Only three of those sentences have been carried out.

Bruck said most juries opt for imposing life in prison without parole, which, he said, provides severe **punishment** and adequate protection for society.

Last August, jurors in U.S. District Court in Detroit spared the life of John Bass, 34, of Detroit after convicting him of first-degree murder for killing his half-brother in 1996 to seize control of his drug gang and then killing the hit man to cover up the crime. It was the first time in 61 years that anyone had gone to trial in eastern Michigan on a federal- **death** penalty charge. In 2002, Marvin Gabrion II, then 48, was sentenced to **death** in U.S. District Court in Grand Rapids for killing a 19-year-old woman to prevent her from testifying against him in a rape trial. He is in a federal prison in Terra Haute, Ind., awaiting execution.

In 1846, Michigan became the first English-speaking government to ban the **death** penalty. The last person executed in Michigan was Anthony Chebatoris. In 1938 he was hanged after a federal judge sentenced him to **death** for fatally shooting a bystander during a bank robbery in Midland.

Federal law permits the **death** penalty for premeditated killings in federal crimes, including cases of mistaken identity where killers try to silence federal witnesses. That's what evidence shows happened with Armond Hickmon's killing, Dwyer said.

He also said police have tried to question one person who lives across the hall from Hickmon's apartment at the Independence Green complex at Grand River and Halsted. Dwyer said the gunmen waited in the apartment across the hall from Hickmon's until he left for work. Dwyer said police also are seeking a second occupant of that apartment for questioning.

"We believe they have significant knowledge of the events that led up to this execution-style slaying," Dwyer said.

He said investigators "have determined without a doubt" that the killers were trying to shoot Hickmon's brother, Antoine, who had testified before a grand jury in a case that resulted in the indictments in March of Tommie Hodges, 31, and Leonard Shoulders, 27, both of Detroit. They were indicted on charges of running a high-volume marijuana ring. Both are in custody.

Dwyer said the brothers looked alike and were of similar stature. Antoine Hickmon's white Dodge Intrepid was parked at the complex.

Court documents said a war between Hodges' gang and a rival group has resulted in 11 homicides.

Dwyer said Antoine Hickmon and Armond Hickmon's family are being protected, but he wouldn't go into details or discuss Antoine Hickmon's whereabouts.

The Farmington Hills Police Department is offering a \$5,000 reward for information leading to the arrest of the killers. Anyone with information can call 248-871-2610 anytime.

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Edition: METRO FINAL

Section: NWS

Page: 1B

Index Terms: Armond Hickmon ; homicide ; shooting ; investigation ; death penalty ; Michigan ; drug

Record Number: 0410862039

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