

IN THE UNITED STATES DISTRICT COURT  
FOR THE \_\_\_\_\_ DISTRICT OF \_\_\_\_\_

UNITED STATES OF AMERICA )  
 )  
 Plaintiff )  
 )  
 v. )  
 )  
 )  
 \*\*\*\*\* \*\*\*\*\* , et al. )  
 )  
 Defendants )

INDICTMENT NO. \_\_\_\_\_

**SPECIAL FINDINGS**

**Part I. FINDINGS ON INTENT**

(A) We the jury unanimously find beyond a reasonable doubt that the defendant, \*\*\*\*\* \*\*\*\*\*, intentionally killed the victim.

\_\_\_\_\_  
Foreman

OR

(B) We the jury unanimously find beyond a reasonable doubt that the defendant intentionally inflicted serious bodily injury that resulted in the death of the victim.

\_\_\_\_\_  
Foreman

OR

(C) We the jury unanimously find beyond a reasonable doubt that the defendant the 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 other than one of the participants in the offense, and the victim died as a direct result of the act;

\_\_\_\_\_  
Foreman

OR

- (D) We the jury unanimously find beyond a reasonable doubt that the 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 in 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.

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Foreman

OR

- (E) We the jury DO NOT unanimously find beyond a reasonable doubt any of A, B, C or D above.

Foreman

*(If you do not unanimously so find, sign finding E and report the decision to the Court and deliberate no more as to this victim as far as \*\*\*\*\* is concerned.)*

**Part II. Statutory Aggravating Factors**  
***[One form for each homicide]***

(to be proved by the government **beyond a reasonable doubt**)

- (1) \*\*\*\*\* committed the offense after substantial planning and premeditation.

Proved to the jury's unanimous satisfaction \_\_\_\_\_

Unable to reach unanimous agreement \_\_\_\_\_

*[Here list any additional alleged statutory aggravating factors.]*

(You may only continue with your deliberations if you have found at least one listed aggravating circumstance proved to the jury's unanimous satisfaction and beyond a reasonable doubt with respect to the intentional murder of this victim(s). If you do not find the aggravating factor or factors to have been proven, report this to the Court and your deliberations are concluded.)

**Part III. Non-statutory Aggravating Factor**  
(to be proved by the government **beyond a reasonable**

d

*[Here list each alleged nonstatutory aggravating factor]*

Proved to the jury's unanimous satisfaction \_\_\_\_\_

Unable to reach unanimous agreement \_\_\_\_\_

(Regardless of the finding you have made as to this non-statutory aggravating factor, proceed to the next part inquiring as to mitigating factors.)

**Part IV. Mitigating Factors**

(to be proved by the defense by a preponderance of the

e

(1) \*\*\*\*\*'s capacity to appreciate the wrongfulness of his conduct or to conform his conduct to the requirements of law was impaired, regardless of whether his capacity was so impaired as to constitute a defense to the charge.

Number of jurors who so find \_\_\_\_\_

(2) \*\*\*\*\* was under duress, regardless of whether the duress was of such a degree as to constitute a defense to the charge.

Number of jurors who so find \_\_\_\_\_

(3) \*\*\*\*\* does not have a significant prior criminal record.

Number of jurors who so find \_\_\_\_\_

(4) \*\*\*\*\* committed the killing or killings under mental and/or emotional disturbance.

Number of jurors who so find \_\_\_\_\_

(5) Another person, equally culpable in the crime(s), will not be punished by death.

Number of jurors who so find \_\_\_\_\_

(6) \*\*\*\*\* will be sentenced to life in prison without any possibility of release if he is not executed.

Number of jurors who so find \_\_\_\_\_

(7) \*\*\*\*\* was subjected to emotional and physical abuse, abandonment and neglect as a child, and was deprived of the parental guidance and protection which he needed.

Number of jurors who so find \_\_\_\_\_

(8) \*\*\*\*\* suffers from neurological impairments which were identified and which could have been treated when he was a child and adolescent.

Number of jurors who so find \_\_\_\_\_

(9) \*\*\*\*\* suffers from brain dysfunction which has gravely impaired his ability to function in the absence of strong support and guidance.

Number of jurors who so find \_\_\_\_\_

(10) \*\*\*\*\* was introduced to addictive drugs and alcohol while still a child, and was supported and reintroduced into drug selling by his own father.

Number of jurors who so find \_\_\_\_\_

(11) \*\*\*\*\* has invariably responded well to structured environments, and would likely make an excellent adaptation to prison if he were sentenced to life imprisonment.

Number of jurors who so find \_\_\_\_\_

(12) \*\*\*\*\* grew up in an impoverished, violent and brutal environment, and was exposed to extreme violence as a child and throughout his life.

Number of jurors who so find \_\_\_\_\_

(13) That other factors in \*\*\*\*\*'s childhood, background or character mitigate against imposition of the death sentence.

Number of jurors who so find \_\_\_\_\_

IN THE UNITED STATES DISTRICT COURT  
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UNITED STATES OF AMERICA )  
 )  
Plaintiff )  
 )  
v. ) INDICTMENT NO. \*\*\*\*\*  
 ) **DECISION FORM A**  
 )  
\*\*\*\*\* \*\*\*, et al. )  
 )  
Defendants )

We, the jury, as to \*\*\*\*\* \*\*\*, **do not** unanimously find proved beyond a reasonable doubt the existence of a statutory aggravating circumstance as to the killing of any of the victims and, therefore, do not consider the death penalty in this case.

\_\_\_\_\_  
FOREPERSON

\_\_\_\_\_  
DATE

IN THE UNITED STATES DISTRICT COURT  
FOR THE \_\_\_\_\_ DISTRICT OF \_\_\_\_\_

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 Defendants )

INDICTMENT NO. \_\_\_\_\_

**DECISION FORM B**

We, the jury, as to \*\*\*\*\* , unanimously find beyond a reasonable doubt that the aggravating factor[s] proved in this case outweighs any mitigating factors, and is itself so serious that justice mandates a sentence of death. We vote unanimously that \*\*\*\*\* shall be sentenced to death.

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FOREPERSON  
February \_\_\_\_\_, 1993



IN THE UNITED STATES DISTRICT COURT

FOR THE \_\_\_\_\_ DISTRICT OF \_\_\_\_\_

UNITED STATES OF AMERICA )  
 )  
 Plaintiff )  
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 v. )  
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 \*\*\*\*\* , et al. )  
 )  
 Defendants )

INDICTMENT NO. \_\_\_\_\_  
**DECISION FORM C**

We, the jury, as to \*\*\*\*\* , **do not** unanimously find that the aggravating factor proved in this case so outweighs the mitigating factors that justice mandates a sentence of death. We, therefore, return a decision that \*\*\*\*\* not be sentenced to death.

\_\_\_\_\_  
FOREPERSON

DATE: \_\_\_\_\_

IN THE UNITED STATES DISTRICT COURT  
FOR THE \_\_\_\_\_ DISTRICT OF \_\_\_\_\_

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 Defendants )

INDICTMENT NO. \_\_\_\_\_  
**DECISION FORM D**

We, the jury, as to \*\*\*\*\* , having considered and evaluated the evidence presented in light of the instructions of the Court, are not unanimously persuaded that a death sentence should be imposed in this case. However, we do unanimously agree that \*\*\*\*\* should be sentenced to life imprisonment without possibility of release. Therefore, we hereby decide that \*\*\*\*\* should be sentenced to life imprisonment without possibility of release.

\_\_\_\_\_  
FOREPERSON

Date: \_\_\_\_\_

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FOR THE \_\_\_\_\_ DISTRICT OF \_\_\_\_\_

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 )  
Defendants )

INDICTMENT NO. \_\_\_\_\_  
**DECISION FORM E**

We, the jury, as to \*\*\*\*\* \*\*, having considered and evaluated the evidence presented in light of the instructions of the Court, are not unanimously persuaded that either a death sentence or a sentence of life imprisonment without possibility of release should be imposed in this case. Therefore, we hereby unanimously decide that \*\*\*\*\* \*\* should be be sentenced to a sentence of less than life imprisonment without possibility of release, to be set by the Court.

\_\_\_\_\_  
FOREPERSON

Date: \_\_\_\_\_

CERTIFICATE

By signing below, each of us individually hereby certifies that consideration of the race, color, religious beliefs, national origin, or sex of \*\*\*\*\* and of the victims, were not involved in reaching our respective individual decisions. Each of us individually further certifies that the same decision regarding a sentence would have been made no matter what the race, color, religious beliefs, national origin, or sex of the defendant or victims may have been.

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FOREPERSON

Date: \_\_\_\_\_