

UNITED STATES DISTRICT COURT
(NAME OF DISTRICT)

United States :
 :
v. : No. 3:02cr7 (JBA)
 :
(Defendant) :

SPECIAL VERDICT FORM

SECTION I. FINDING AS TO DEFENDANT'S AGE

Do you unanimously find that the Government has established beyond a reasonable doubt that (defendant) was eighteen years or older at the time of the offense?

YES _____

NO _____

Foreperson _____

SECTION II. GATEWAY FACTOR (mental state)

For each count:

Do you, the jury, unanimously find that the Government has established beyond a reasonable doubt that (defendant) intentionally participated in an act, contemplating that the life of (victim) would be taken, or intending that lethal force would be used in connection with (victim), a person other than one of the participants in the offense, and that (victim) died as a direct result of the act?

Count One:	YES _____	NO _____
Count Two:	YES _____	NO _____
Count Four:	YES _____	NO _____
Count Five:	YES _____	NO _____

Foreperson

Instructions: If you answered "NO" as to all counts, proceed directly to Section VIII (cross out Sections III, IV, V, VI and VII of this form). Each juror should then carefully read the certification in Section VIII, and sign it if the certification accurately reflects the manner in which he or she reached his or her decision. You should then advise the court that you have reached a decision.

If you answered "YES" with respect to any counts, proceed to Section III on those counts only.

SECTION III. STATUTORY AGGRAVATING FACTORS (1. Payment of Pecuniary Value and 2. Substantial Planning)

For only each count on which you answered "YES" in Section II:

1. Do you unanimously find that the government has established beyond a reasonable doubt that (defendant) procured the commission of the offense by payment, or promise of payment, of anything of pecuniary value?

Count One:	YES	_____	NO	_____	Not Applicable*	_____
Count Two:	YES	_____	NO	_____	Not Applicable*	_____
Count Four:	YES	_____	NO	_____	Not Applicable*	_____
Count Five:	YES	_____	NO	_____	Not Applicable*	_____

Foreperson

*** Not applicable because the gateway factor from Section II not proved on this count.**

2. Do you, the jury, unanimously find that the Government has established beyond a reasonable doubt that (defendant) committed the offenses of which he has been convicted after substantial planning and premeditation to cause the death of a person?

Count One:	YES	_____	NO	_____	Not Applicable*	_____
Count Two:	YES	_____	NO	_____	Not Applicable*	_____
Count Four:	YES	_____	NO	_____	Not Applicable*	_____
Count Five:	YES	_____	NO	_____	Not Applicable*	_____

Foreperson

*** Not applicable because the gateway factor from Section II not proved on this count.**

Instructions: If you answered "NO" as to all applicable counts for both statutory aggravating factors, then proceed directly to Section VIII (cross out Sections IV, V, VI and VII of this form). Each juror should then carefully read the certification in Section VIII, and sign it if the certification accurately reflects the manner in which he or she reached his or her decision. You should then advise the court that you have reached a decision.

If you answered "YES" with respect to either of the statutory aggravating factors, proceed to Section IV on the applicable counts.

SECTION IV. NON-STATUTORY AGGRAVATING FACTOR (Leader)

For only those counts on which you answered "YES" in Section II and at least one subpart of Section III:

Do you, the jury unanimously find that the Government has established beyond a reasonable doubt that (defendant) committed the offenses in the counts of conviction in connection with his role as the leader of the (name) Organization?

Count One:	YES	_____	NO	_____	Not Applicable*	_____
Count Two:	YES	_____	NO	_____	Not Applicable*	_____
Count Four:	YES	_____	NO	_____	Not Applicable*	_____
Count Five:	YES	_____	NO	_____	Not Applicable*	_____

Foreperson

*** Not applicable because the gateway factor from Section II or both statutory aggravating factors in Section III not proved on this count.**

Instructions: Regardless of whether you answered "YES" or "NO" in this Section IV, proceed to Section V, only on those counts on which you answered "YES" in Section II and in at least one subpart of Section III.

SECTION VI. WEIGHING

Do you unanimously find beyond a reasonable doubt that the aggravating factor(s) found to exist sufficiently outweigh all of the mitigating factors, or in the absence of mitigating factors, that the aggravating factor(s) themselves justify a sentence of death?

Count One: YES _____ NO _____ Not Applicable* _____
Count Two: YES _____ NO _____ Not Applicable* _____
Count Four: YES _____ NO _____ Not Applicable* _____
Count Five: YES _____ NO _____ Not Applicable* _____

Foreperson

*** Not applicable because the gateway factor from Section II or both statutory aggravating factors in Section III not proved on this count.**

Please proceed to Section VII: Sentencing Determination.

Section VII. SENTENCING DETERMINATION

The three possible sentencing determinations are found on the following pages:

A (p. 15) if you unanimously find that (defendant) shall be sentenced to a sentence of life imprisonment without possibility of release.

B (p. 16) if you unanimously find that (defendant) shall be sentenced to death.

C (p. 17) if you are unable to reach a unanimous decision either way. In such circumstance, the Court will impose a sentence of life imprisonment without possibility of release on (defendant).

All twelve jurors must sign the section that accurately reflects the result of your deliberation.

A. Sentence of Life In Prison Without Possibility of Release

We determine, by unanimous vote, that (defendant) shall be sentenced to life imprisonment without possibility of release.

Check any applicable count(s):

Count One: _____

Count Two: _____

Count Four: _____

Count Five: _____

Juror Signatures:

1. _____
2. _____
3. _____
4. _____
5. _____
6. _____

7. _____
8. _____
9. _____
10. _____
11. _____
12. _____

Date: _____

B. Death Sentence

We determine, by unanimous vote, that (defendant) shall be sentenced to death.

Check any applicable count(s):

Count One: _____

Count Two: _____

Count Four: _____

Count Five: _____

Juror Signatures:

1. _____
2. _____
3. _____
4. _____
5. _____
6. _____

7. _____
8. _____
9. _____
10. _____
11. _____
12. _____

Date: _____

C. Court Imposed Sentence of Life in Prison Without Possibility of Release

We, the jury, are unable to reach a unanimous verdict either in favor of a life sentence or in favor of a death sentence. We understand that the consequence of this is that (defendant) will be sentenced to life imprisonment without the possibility of release by the Court.

Check any applicable count(s):

Count One: _____

Count Two: _____

Count Four: _____

Count Five: _____

Juror Signatures:

1. _____
2. _____
3. _____
4. _____
5. _____
6. _____

7. _____
8. _____
9. _____
10. _____
11. _____
12. _____

Date: _____

SECTION VIII. CERTIFICATION

By signing below, each juror certifies that consideration of the race, color, religious beliefs, national origin, or sex of the defendant or the victim was not involved in reaching his or her individual decision, and that the individual juror would have made the same recommendation regarding a sentence for the crime or crimes in question regardless of the race, color, religious beliefs, national origin, or sex of the defendant, or the victim.

Juror Signatures:

1.	7.
_____	_____
2.	8.
_____	_____
3.	9.
_____	_____
4.	10.
_____	_____
5.	11.
_____	_____
6.	12.
_____	_____

The foregoing responses reflect the jury's determinations in the sentencing phase.

So say we all, dated at (City), (State), this day of (date), at o'clock a.m./p.m.

Signature of Foreperson