



IN THE UNITED STATES DISTRICT COURT FOR THE
EASTERN DISTRICT OF VIRGINIA
Norfolk Division

UNITED STATES OF AMERICA)
)
 v.)
)
 SHANI NURANI SHIEKH ABRAR,)
)
 Defendant)

Criminal No. 2:11cr34

SPECIAL VERDICT FORM - SELECTION PHASE

I. NON-STATUTORY AGGRAVATING FACTORS

Instructions: For each of the following, answer "YES" or "NO" as to whether you, the jury, unanimously find that the government has established the existence of that non-statutory aggravating factor beyond a reasonable doubt.

Factor 1. The defendant, Shani Nurani Shiekh Abrar, caused injury, harm and loss to the victims and the victims' family and friends, as evidenced by the victims' personal characteristics and by the impact of their deaths upon the victims' family and friends.

YES ✓
NO _____

Factor 2. The defendant, Shani Nurani Shiekh Abrar, made use of a minor individual (a person under the age of 18) to participate in the acts of hijacking and piracy.

YES _____
NO ✓

Factor 3. The defendant, Shani Nurani Shiekh Abrar, engaged in a course of conduct that threatened and directed violence towards members of the United States Armed Forces.

YES _____
NO ✓

Factor 4. The defendant, Shani Nurani Shiekh Abrar, engaged in at least one prior act of piracy or attempted piracy.

YES _____
NO ✓

Factor 5. Prior to the killings, the defendant, Shani Nurani Shiekh Abrar, made threats of violence and death to Scott Underwood Adam, Jean Savage Adam, Phyllis Patricia Macay and Robert Campbell Riggle over a protracted period of time.

YES ✓
NO _____

Factor 6. The defendant, Shani Nurani Shiekh Abrar, displayed a callous disregard for human life by killing the victims in an especially wanton and gratuitous manner.

YES _____
NO ✓

Instructions: Regardless of whether you answered "YES" or "NO" with respect to the Non-Statutory Aggravating Factors in Section I above, continue your deliberations in accordance with the Court's instructions and proceed to Section II which follows.

II. MITIGATING FACTORS

Instructions: For each of the following mitigating factors, you have the option to indicate, in the space provided, the number of jurors (from 0 to 12) who have found the existence of that mitigating factor to be proven by a preponderance of the evidence. You also have the option not to make these written findings by crossing out that factor with a large "X", and then continue your deliberations in accordance with the instructions of the Court.

Any member of the jury who finds the existence of a mitigating factor may consider such a factor established in considering whether or not a sentence of death shall be imposed, regardless of the number of other jurors who concur that the factor has been established.

1. Shani Nurani Shiekh Abrar does not have a criminal record.

Number of jurors who so find: 2

2. There is evidence that at least one additional shooter directly participated in the murders of the victims, and neither he nor other persons equally culpable in the crime will be punished by death.

Number of jurors who so find: 2

3. Shani Nurani Shiekh Abrar was born into the Bantu ethnic group, a low-status caste whose members are not even considered to be Somali.

Number of jurors who so find: 2

4. From the time he was a boy, Shani Nurani Shiekh Abrar was identified on sight by others as "jareer"---someone who is an outcast, the target of threats, verbal and physical abuse, and restricted opportunities in life.

Number of jurors who so find: 1

5. The impact of Shani Nurani Shiekh Abrar's low social status was especially severe because he has lived almost his whole life in a war-torn country where government has collapsed, leaving Somalia's clan structure as the only source of social order.

Number of jurors who so find: 4

6. Shani Nurani Shiekh Abrar was abandoned by both his mother and father at a very early age.

Number of jurors who so find: X

7. Shani Nurani Shiekh Abrar's formal schooling ended at about age 8 or 9.

Number of jurors who so find: 2

8. As someone identified as Bantu in Somalia, Shani Nurani Shiekh Abrar was without many basic rights in his own country.

Number of jurors who so find: 3

9. In addition to being identified as Bantu, Shani Nurani Shiekh Abrar had no strong, protective attachment to any family group or clan.

Number of jurors who so find: X

10. Shani Nurani Shiekh Abrar has no prior history of piracy before the voyage that ended on February 22, 2011, and no prior history of violent conduct in any setting.

Number of jurors who so find: 4

11. Other defendants with greater authority in the piracy conspiracy will not be punished by death.

Number of jurors who so find: 5

12. Shani Nurani Shiekh Abrar did not finance, recruit, supervise, command or direct anyone in the piracy enterprise.

Number of jurors who so find: 4

13. Shani Nurani Shiekh Abrar's conduct did not involve substantial planning or premeditation to cause the victims' deaths.

Number of jurors who so find: 2

14. Shani Nurani Shiekh Abrar has adapted well to incarceration by:

- a. behaving appropriately in confinement since February, 2011;
- b. helping to reduce the threat of violence by other inmates; and
- c. seeking opportunities for productive work and learning.

Number of jurors who so find: 6

15. A lifetime of incarceration in an alien environment with no hope of release, and no hope of ever returning to his own country, culture, or family, is a harsh punishment.

Number of jurors who so find: 1

The following extra spaces are provided to write in additional mitigating factors, if any, found by any one or more jurors. If none, write "NONE." If more space is needed, write "CONTINUED" and use the reverse side of this page.

The limited amount of personal history for consideration

Number of jurors who so find: 2

Number of jurors who so find: _____

Number of jurors who so find: _____

III. RECOMMENDATION

Based upon consideration of whether the statutory and non-statutory aggravating factors found to exist sufficiently outweigh any mitigating factor or factors found to exist, or in the absence of any mitigating factors, whether the aggravating factors are themselves sufficient to justify a sentence of death, we recommend, by unanimous vote, that the following sentence shall be imposed upon the defendant, Shani Nurani Shiekh Abrar:

COUNT ONE - (Conspiracy to Commit Hostage Taking Resulting in Death)

A. Death _____

or

B. Life Imprisonment Without the Possibility of Release ✓

COUNT TWO - (Hostage Taking Resulting in Death)

A. Death _____

or

B. Life Imprisonment Without the Possibility of Release ✓

COUNT THREE - (Hostage Taking Resulting in Death)

A. Death _____

or

B. Life Imprisonment Without the Possibility of Release ✓

COUNT FOUR - (Hostage Taking Resulting in Death)

A. Death _____

or

B. Life Imprisonment Without the Possibility of Release ✓

COUNT FIVE - (Hostage Taking Resulting in Death)

A. Death _____

or

B. Life Imprisonment Without the Possibility of Release ✓

COUNT SEVEN - (Kidnapping Resulting in Death)

A. Death _____

or

B. Life Imprisonment Without the Possibility of Release ✓

COUNT EIGHT - (Kidnapping Resulting in Death)

A. Death _____

or

B. Life Imprisonment Without the Possibility of Release ✓

COUNT NINE - (Kidnapping Resulting in Death)

A. Death _____

or

B. Life Imprisonment Without the Possibility of Release ✓

COUNT TEN - (Kidnapping Resulting in Death)

A. Death _____

or

B. Life Imprisonment Without the Possibility of Release ✓

COUNT ELEVEN - (Conspiracy to Commit Violence Against Maritime Navigation Resulting in Death)

A. Death _____

or

B. Life Imprisonment Without the Possibility of Release ✓

COUNT TWELVE- (Violence Against Maritime Navigation Resulting in Death)

A. Death _____

or

B. Life Imprisonment Without the Possibility of Release ✓

COUNT THIRTEEN- (Violence Against Maritime Navigation Resulting in Death)

A. Death _____

or

B. Life Imprisonment Without the Possibility of Release ✓

COUNT FOURTEEN- (Violence Against Maritime Navigation Resulting in Death)

A. Death _____

or

B. Life Imprisonment Without the Possibility of Release ✓

COUNT FIFTEEN- (Violence Against Maritime Navigation Resulting in Death)

A. Death _____

or

B. Life Imprisonment Without the Possibility of Release ✓

COUNT SIXTEEN - (Murder Within the Special Maritime and Territorial Jurisdiction of the United States)

A. Death _____

or

B. Life Imprisonment Without the Possibility of Release ✓

COUNT SEVENTEEN - (Murder Within the Special Maritime and Territorial Jurisdiction of the United States)

A. Death _____

or

B. Life Imprisonment Without the Possibility of Release ✓

COUNT EIGHTEEN - (Murder Within the Special Maritime and Territorial Jurisdiction of the United States)

A. Death _____

or

B. Life Imprisonment Without the Possibility of Release ✓

COUNT NINETEEN - (Murder Within the Special Maritime and Territorial Jurisdiction of the United States)

A. Death _____

or

B. Life Imprisonment Without the Possibility of Release ✓

COUNT TWENTY-TWO - (Use, Carry, Brandish and Discharge of a Firearm During a Crime of Violence Causing Death)

A. Death _____

or

B. Life Imprisonment Without the Possibility of Release ✓

COUNT TWENTY-THREE - (Use, Carry, Brandish and Discharge of a Firearm During a Crime of Violence Causing Death)

A. Death _____

or

B. Life Imprisonment Without the Possibility of Release ✓

COUNT TWENTY-FOUR - (Use, Carry, Brandish and Discharge of a Firearm During a Crime of Violence Causing Death)

A. Death _____

or

B. Life Imprisonment Without the Possibility of Release ✓

COUNT TWENTY-FIVE - (Use, Carry, Brandish and Discharge of a Firearm During a Crime of Violence Causing Death)

A. Death _____

or

B. Life Imprisonment Without the Possibility of Release ✓

IV. 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 decisions without regard to these considerations.

All jurors and foreperson sign below:

REDACTED COPY

FOREPERSON

Date: August 2, 2013.