

FILED IN OPEN COURT
U.S.D.C.-Atlanta

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION

MAR 12 1997

LUTHER D. THOMAS, CLERK

By:  Deputy Clerk

UNITED STATES OF AMERICA :
 :
vs. : 1:95-CR-528-ODE
 :
ANTHONY GEORGE BATTLE :

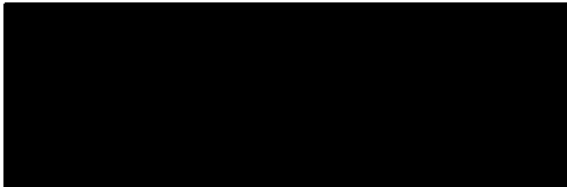
VERDICT

WE, THE JURY, UNANIMOUSLY FIND THE DEFENDANT, ANTHONY GEORGE BATTLE,

- Guilty
- Not guilty
- Not guilty only by reason of insanity

If the jury finds the defendant guilty, specify whether you find the defendant guilty of first degree murder or second degree murder by checking the applicable block. Note that this determination must be unanimous.

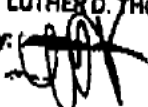
- First degree murder (Murder with malice aforethought and premeditation)
- Second degree murder (Murder with malice aforethought)



3/12/97
DATE

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION

MAR 20 1997

LUTHER D. THOMAS, CLERK
By:  Deputy Clerk

UNITED STATES OF AMERICA :
vs. : CRIMINAL ACTION
ANTHONY GEORGE BATTLE : NO. 1:95-CR-528-ODE
:

SPECIAL FINDINGS

INITIAL FINDING

Does the jury unanimously find beyond a reasonable doubt that at least one of the following applies in this case?

(A) The Defendant, Anthony George Battle, intentionally killed the victim, D'Antonio Washington

(B) The Defendant intentionally inflicted serious bodily injury that resulted in the death of the victim

(C) The Defendant intentionally and specifically engaged in conduct intending that the life of a person would be taken or that lethal force would be used, and the victim died as a result of the act.

Yes No

NOTE: IF YOUR ANSWER IS "NO," PROCEED NO FURTHER. GO TO THE END OF THE FORM AND SIGN IT. IF YOUR ANSWER IS "YES," GO ON TO THE NEXT SECTION.

FINDINGS WITH RESPECT TO AGGRAVATING AND MITIGATING FACTORS

Aggravating Factors

1. Does the jury unanimously find beyond a reasonable doubt that the Defendant was previously convicted of another federal or state offense resulting in the death of a person, for which either a sentence of life imprisonment or a sentence of death was authorized?

Yes ✓ No

2. Does the jury unanimously find beyond a reasonable doubt that the Defendant committed the instant offense in an especially heinous, cruel or depraved manner in that it involved serious physical abuse to the victim?

Yes ✓ No

3. Does the jury unanimously find beyond a reasonable doubt that the Defendant murdered an employee of a United States penal or correctional institution while the employee was engaged in the performance of his duties?

Yes ✓ No

NOTE: IF YOU HAVE ANSWERED "NO" TO ALL OF QUESTIONS 1, 2 AND 3 ON THIS PAGE, PROCEED NO FURTHER. GO TO THE END OF THE FORM AND SIGN IT. IF ANY OR ALL OF QUESTIONS 1, 2 AND 3 HAVE BEEN ANSWERED "YES," GO TO THE NEXT QUESTION.

4. Does the jury unanimously find beyond a reasonable doubt that the Defendant has a low potential for rehabilitation and that he is a danger to the lives and safety of other persons?

Yes ✓ No

5. Does the jury unanimously find beyond a reasonable doubt that the Defendant caused harm to the family of D'Antonio Washington as a result of the killing?

Yes ✓ No

Mitigating Factors

1. Do one or more members of the jury find by a preponderance of the evidence that the Defendant's capacity to appreciate the wrongfulness of his conduct or to conform his conduct to the requirements of law was significantly impaired, even though not so impaired as to constitute a defense to the charge?

Yes No

2. Do one or more members of the jury find by a preponderance of the evidence that the Defendant committed the offense under severe mental or emotional disturbance?

Yes No

3. Do one or more members of the jury find by a preponderance of the evidence that the Defendant was under unusual or substantial duress, even though not of such a degree as to constitute a defense to the charge?

Yes No

4. Do one or more members of the jury find by a preponderance of the evidence that there are factors in the Defendant's background, record, or character that weigh against imposition of the death penalty?

Yes No

5. Do one or more members of the jury find by a preponderance of the evidence that any circumstance of the offense not previously mentioned weighs against imposition of the death penalty?

Yes No

If yes, specify such circumstance(s) _____

6. Do one or more members of the jury find by a preponderance of the evidence that there is/are any mitigating circumstance(s) not specifically set forth?

Yes _____ No

If yes, specify any such factor(s) _____

UNDERSTANDING

We understand that we are to consider whether the aggravating factors unanimously found by us to exist sufficiently outweigh any mitigating factor or factors found to exist to justify a sentence of death, or in the absence of mitigating factors, whether the aggravating factors are themselves sufficient to justify a sentence of death. We also understand that a finding with respect to a mitigating factor may be made by any one or more of the members of the jury, and any member of the jury who finds the existence of a mitigating factor may consider such a factor established for purposes of his or her weighing of the aggravating factors and mitigating factors regardless of the number of jurors who concur that the factor has been established. We also understand that a jury is never required to impose a death sentence and that a sentence of death cannot be imposed except by unanimous vote.

SENTENCING DETERMINATION

We the jury have unanimously determined that the death penalty should be imposed. (Note that if any members of the jury do not find that the death penalty should be imposed, you would check "No" and a nonparoleable life sentence would be imposed.)

YES

NO


CERTIFICATE

By signing below, each of us individually hereby certifies that consideration of the race, color, religious beliefs, national origin or sex of Defendant Anthony George Battle and of the victim D'Antonio Washington were not involved in reaching our respective individual decisions. Each of us further individually certifies that the same determination regarding the sentence for the crime in question would have been made no matter what the race, color, religious beliefs, national origin or sex of Defendant Anthony George Battle and of D'Antonio Washington.

DATE March 20, 1997

UNITED STATES DISTRICT COURT
Northern District of Georgia

MAR 20 1997

LUTHER D. THOMAS, CLERK
By:  Deputy Clerk

UNITED STATES OF AMERICA :

v. :

ANTHONY GEORGE BATTLE :

Defendant. :

Case Number: 1:95-CR-528-01-ODE

JUDGMENT IN A CRIMINAL CASE
(For Offenses Committed On or After November 1, 1987)

The defendant, ANTHONY GEORGE BATTLE, was represented by John Richard Martin and Stephanie Kearns.

The defendant was found guilty on count(s) one after a plea of not guilty. Accordingly, the defendant is adjudged guilty of such count(s), involving the following offense(s):

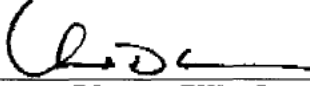
<u>Title & Section</u>	<u>Nature of Offense</u>	<u>Count Number(s)</u>
18 USC 1118	Murder While Confined in a Federal Correctional Institution	One

As pronounced on March 20, 1997, the defendant is sentenced as provided in pages 2 through 2 of this Judgment. The sentence is imposed pursuant to the Sentencing Reform Act of 1984.

It is ordered that the defendant shall pay to the United States a special assessment of \$ 50.00, for count(s) one, which shall be due immediately.

It is further ordered that the defendant shall notify the United States Attorney for this district within 30 days of any change of name, residence, or mailing address until all fines, restitution, costs, and special assessments imposed by this Judgment are fully paid.

Signed this the 20 day of March, 1997.




ORINDA D. EVANS
UNITED STATES DISTRICT JUDGE

ATTACHED: 4 PAGE COPY
CERTIFIED TRUE

Defendant's Soc. Sec. No.: 246-21-7789
Defendant's Date of Birth: 12/2/62

MAR 24 1997

Luther D. Thomas, Clerk
By:  Deputy Clerk