



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

UNITED STATES OF AMERICA)
)
 v.) Criminal No. 2:11cr34
)
 ABUKAR OSMAN BEYLE,)
)
 Defendant)

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, Abukar Osman Beyle, 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, Abukar Osman Beyle, 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, Abukar Osman Beyle, 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, Abukar Osman Beyle, engaged in at least one prior act of piracy or attempted piracy.

YES _____
NO ✓

Factor 5. Prior to the killings, the defendant, Abukar Osman Beyle, made threats of violence and death to Scott Underwood Adam, Jean Savage Adam, Phyllis Patricia Macay and Robert Campbell Riggie over a protracted period of time.

YES ✓
NO _____

Factor 6. The defendant, Abukar Osman Beyle, 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. Abukar Osman Beyle is not likely to commit future acts of violence if sentenced to life in prison without release.

Number of jurors who so find: 6

2. Abukar Osman Beyle showed respectful decorum in this courtroom, even under the significant stress of a capital trial.

Number of jurors who so find: 12

3. Life in prison without the possibility of release, especially for a foreign national who will never see his family or homeland again, is a harsh punishment.

Number of jurors who so find: 5

4. Another defendant or co-defendant, equally culpable in the crime, will not be punished by death.

Number of jurors who so find: 4

5. Abukar Osman Beyle had inconsistent and insufficient nutrition provided to him during periods of famine.

Number of jurors who so find: 1

6. Abukar Osman Beyle grew up in a country where he witnessed famine, lawlessness, civil war, violence, and military dictatorship, starting at an early age.

Number of jurors who so find: 4

7. Throughout his life, Abukar Osman Beyle lived in one of the most poverty-stricken countries on the world with limited economic opportunities.

Number of jurors who so find: 4

8. Despite his living environment, Abukar Osman Beyle throughout his childhood was obedient, respectful, and well-behaved at home and in school.

Number of jurors who so find: 7

9. Despite growing up in a failed state among chaos, Abukar Osman Beyle sought to better his future through education.

Number of jurors who so find: 4

10. According to his teacher, Abukar Osman Beyle was a respectful, dedicated student who only stopped his education when the government collapsed and the schools were closed.

Number of jurors who so find: 4

11. Abukar Osman Beyle was never involved in any para-military or violent gang-related activity while growing up in Somalia.

Number of jurors who so find: 2

12. Abukar Osman Beyle was not a leader or organizer in the organization and did not participate in planning the conspiracy which led to the piracy and murders on the *Quest*.

Number of jurors who so find: 7

13. Abukar Osman Beyle is punishable as a principal in the offense, which was committed by another, but his participation was relatively minor, regardless of whether his participation was so minor to constitute a defense to the charge.

Number of jurors who so find: X

14. Abukar Osman Beyle's acts were a single criminal occurrence that was committed without significant planning, was of limited duration, and represented a marked deviation from an otherwise law-abiding life.

Number of jurors who so find: 1

15. Prior to his involvement with the incident involving the *Quest*, Abukar Osman Beyle has not ever been charged or convicted of any criminal charges.

Number of jurors who so find: 3

16. Prior to the incident involving the *Quest*, Abukar Osman Beyle was employed as a legitimate fisherman supporting his family.

Number of jurors who so find: 6

17. That Abukar Osman Beyle has performed numerous acts of kindness and generosity for his family and for a total stranger by traveling great distances to give blood to his first cousin and a young girl who was not of his family or clan, through which he has demonstrated that there are other human beings for whom he cares.

Number of jurors who so find: 12

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, Abukar Osman Beyle:

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 √

