

**UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLUMBIA**

**UNITED STATES OF AMERICA**

**v.**

**TOMMY EDELIN,**

**Defendant.**

**Criminal No. 98-264 (RCL)**

**SPECIAL VERDICT FORM**

**SECTION I. GATEWAY FACTOR**

**General directions for Section I:**

In this section, enter your findings regarding the following gateway factor alleged by the government. Your vote as a jury must be unanimous.

The defendant intentionally engaged in conduct intending that Maurice Doleman be killed or that lethal force be employed against Maurice Doleman, which resulted in the death of Maurice Doleman.

We unanimously find that the above factor **has been proven** beyond a reasonable doubt.

We unanimously find that the above factor **has not been proven** beyond a reasonable doubt.

**Directions:**

- If you found the gateway factor has been proven, continue on to Section II.
- If you found that the above gateway factor has not been proven, continue on to Section VI and complete that section in accordance with the directions there. Your deliberations will be over after completing Section VI.

**SECTION II. STATUTORY AGGRAVATING FACTORS**

**General directions for Section II:**  
In this section, enter your findings regarding the following statutory aggravating factors alleged by the government. Your vote as a jury must be unanimous as to each question in this section.

A. The defendant procured the commission of the intentional killing of Maurice Doleman by payment, or promise of payment, of anything of pecuniary value.

\_\_\_\_\_ We unanimously find that the above factor **has been proven** beyond a reasonable doubt.

✓ We unanimously find that the above factor **has not been proven** beyond a reasonable doubt.

B. The defendant committed the intentional killing of Maurice Doleman after substantial planning and premeditation to kill Maurice Doleman.

✓ We unanimously find that the above factor **has been proven** beyond a reasonable doubt.

\_\_\_\_\_ We unanimously find that the above factor **has not been proven** beyond a reasonable doubt.

C. The violation of Subchapter I of Title 21, United States Code, in relation to which the intentional killing of Maurice Doleman occurred was a violation of 21 U.S.C. § 859, in that the defendant, then over the age of eighteen (18), distributed controlled substances to persons under the age of twenty-one (21).

✓ We unanimously find that the above factor **has been proven** beyond a reasonable doubt.

\_\_\_\_\_ We unanimously find that the above factor **has not been proven** beyond a reasonable doubt.

**Directions:**

- If you found one or more statutory aggravating factor (s) has been proven, continue on to Section III.
- If you found that none of the above statutory aggravating factors had been proven, continue on to Section VI and complete that section in accordance with the directions

there. Your deliberations will be over after completing Section VI.

**SECTION III. NON-STATUTORY AGGRAVATING FACTORS**

**General directions for Section III:**

In this section, enter your findings regarding the following non-statutory aggravating factors alleged by the government. Your vote as a jury must be unanimous with regard to each question in this section. You may mark a particular factor as proven only in the event you find that the government has proven the factor beyond a reasonable doubt.

- 1. On or about July 12, 1993, in the District of Columbia, members/associates of the enterprise, while armed with firearms, did assault with intent to murder Troy Lewis, which assault was counseled, commanded, induced, procured and/or caused by TOMMY EDELIN, a/k/a Tommy McEachin, as charged in Count 6 of the indictment.

We unanimously find that the above factor **has been proven** beyond a reasonable doubt.

We find that the above factor **has not been proven** beyond a reasonable doubt.

- 2. On or about August 27, 1993, in the District of Columbia, members/associates of the enterprise, while armed with a firearm, did kill Emmanuel Bennett, which killing was counseled, commanded, induced, procured and/or caused by TOMMY EDELIN, a/k/a Tommy McEachin, as charged in Count 8 of the indictment.

We unanimously find that the above factor **has been proven** beyond a reasonable doubt.

We find that the above factor **has not been proven** beyond a reasonable doubt.

- 3. On or about March 29, 1994, in the District of Columbia, members/associates of the enterprise, while armed with firearms, did assault with intent to murder Maurice Willis, a/k/a Black, which assault was counseled, commanded, induced, procured and/or caused by TOMMY EDELIN, a/k/a Tommy McEachin, as charged in Count 15 of the indictment.

✓

We unanimously find that the above factor **has been proven** beyond a reasonable doubt.

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We find that the above factor **has not been proven** beyond a reasonable doubt.

- 4. On or about March 29, 1994, in the District of Columbia, members/associates of the enterprise, while armed with firearms, did assault with intent to murder Ira Clayton, a/k/a Idaho, which assault was counseled, commanded, induced, procured and/or caused by TOMMY EDELIN, a/k/a Tommy McEachin, as charged in Count 16 of the indictment.

✓

We unanimously find that the above factor **has been proven** beyond a reasonable doubt.

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We find that the above factor **has not been proven** beyond a reasonable doubt.

- 5. On or about April 1, 1994, in Suitland, Maryland, members/associates of the enterprise, while armed with firearms, did assault with intent to murder Jummor Mackel, which assault was counseled, commanded, induced, procured and/or caused by TOMMY EDELIN, a/k/a Tommy McEachin, as charged in Count 3, Racketeering Act 16, of the indictment.

✓

We unanimously find that the above factor **has been proven** beyond a reasonable doubt.

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We find that the above factor **has not been proven** beyond a reasonable doubt.

- 6. On or about April 1, 1994, in Suitland, Maryland, members/associates of the enterprise, while armed with firearms, did assault with intent to murder Samuel Luckey, which assault was counseled, commanded, induced, procured and/or caused by TOMMY EDELIN, a/k/a Tommy McEachin, as charged in Count 3, Racketeering Act 16, of the indictment.

We unanimously find that the above factor **has been proven** beyond a reasonable doubt.

We find that the above factor **has not been proven** beyond a reasonable doubt.

- 7. On or about April 23, 1994, in Alamance County, North Carolina, a member/associate of the enterprise, while armed with a firearm, did kill Arion Wilson, which killing was counseled, commanded, induced, procured and/or caused by TOMMY EDELIN, a/k/a Tommy McEachin, as charged in Count 17 of the indictment.

We unanimously find that the above factor **has been proven** beyond a reasonable doubt.

We find that the above factor **has not been proven** beyond a reasonable doubt.

- 8. On or about April 23, 1994, in Alamance County, North Carolina, a member/associate of the enterprise, while armed with a firearm, did kill Charles Morgan, which killing was counseled, commanded, induced, procured and/or caused by TOMMY EDELIN, a/k/a Tommy McEachin, as charged in Count 18 of the indictment.

We unanimously find that the above factor **has been proven** beyond a reasonable doubt.

We find that the above factor **has not been proven** beyond a reasonable doubt.

- 9. From on or about sometime in 1985 and continuing until sometime in 1998, as set forth in the superseding indictment, TOMMY EDELIN, a/k/a Tommy McEachin, obtained, possessed with intent to distribute and distributed quantities of powder cocaine, cocaine base, also known as crack cocaine, heroin and marijuana, which were subsequently distributed to members/associates of the enterprise and customers in the District of Columbia, the State of Maryland, and elsewhere, including, but not limited to, one or more of the following:

- a. On or about April 10, 1990, in Suitland, Maryland, TOMMY EDELIN, a/k/a Tommy McEachin, and other

members/associates of the enterprise, possessed with intent to distribute approximately 1.4 kilograms of a mixture and substance containing cocaine base, also known as crack cocaine, as charged in Count 3, Racketeering Act 2, of the indictment.

We unanimously find that the above factor **has been proven** beyond a reasonable doubt.

We find that the above factor **has not been proven** beyond a reasonable doubt.

b. On or about July 28, 1998, in Waldorf, Maryland, TOMMY EDELIN, a/k/a Tommy McEachin, possessed with intent to distribute approximately 106.8 grams of a mixture and substance containing cocaine, as charged in Count 3, Racketeering Act 4(b) of the indictment.

We unanimously find that the above factor **has been proven** beyond a reasonable doubt.

We find that the above factor **has not been proven** beyond a reasonable doubt.

c. On or about July 28, 1998, in Waldorf, Maryland, TOMMY EDELIN, a/k/a Tommy McEachin, possessed with intent to distribute approximately 111.2 grams of a mixture and substance containing cocaine base, also known as crack cocaine, as charged in Count 3, Racketeering Act 4(a), of the indictment.

We unanimously find that the above factor **has been proven** beyond a reasonable doubt.

We find that the above factor **has not been proven** beyond a reasonable doubt.



10. From on or about sometime in 1985 and continuing until sometime in 1998, as set forth in the superseding indictment and this notice, TOMMY EDELIN, a/k/a Tommy McEachin, obstructed or impeded and attempted to obstruct or impede the administration of justice during the course of the investigation or prosecution of his criminal activities, including, but not limited to the following:

a. On or about March 29, 1994, in the District of Columbia, members/associates of the enterprise, while armed with firearms, did assault with intent to murder Maurice Willis, a/k/a Black, which assault was counseled, commanded, induced, procured and/or caused by TOMMY EDELIN, a/k/a Tommy McEachin, because he suspected that Maurice Willis, a/k/a Black was cooperating with law enforcement, as charged in Count 15 of the indictment.

\_\_\_\_\_ We unanimously find that the above factor **has been proven** beyond a reasonable doubt.

✓ We find that the above factor **has not been proven** beyond a reasonable doubt.

11. From on or about sometime in 1985 and continuing until sometime in 1998, TOMMY EDELIN, a/k/a Tommy McEachin, maintained a leadership role in the organization, management and administration of the continuing criminal enterprise set forth in the indictment.

✓ We unanimously find that the above factor **has been proven** beyond a reasonable doubt.

\_\_\_\_\_ We find that the above factor **has not been proven** beyond a reasonable doubt.

12. As demonstrated by the personal human characteristics of the deceased victim named in the respective count of the indictment and the impact of the victim's death on the victim's family, the defendant caused injury, harm, and loss to the family of the victim.

We unanimously find that the above factor **has been proven** beyond a reasonable doubt.

We find that the above factor **has not been proven** beyond a reasonable doubt.

**Directions:** After you have completed your findings in this section (whether or not you have found any of the above non-statutory aggravating factors to have been proven), continue on to Section IV.

**SECTION IV.      MITIGATING FACTORS****General directions for Section IV:**

- In this section, [you have the option to] indicate, in the space provided, the number of jurors who have found the existence of that mitigating factor to be proven by a preponderance of the evidence with regard to one or more of the capital counts. [If you choose not to make these written findings, cross out each page of Section V with a large "X" and then continue your deliberations in accordance with the instructions of the court.]
- Your vote as a jury need not be unanimous with regard to each question in this section. A finding with respect to a mitigating factor may be made by 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 in considering whether or not a sentence of death shall be imposed, regardless of the number of other jurors who agree that the factor has been established.

**A.      Statutory Mitigating Factors**

1.      Tommy Edelin was youthful, although not under the age of 18.  
Number of jurors who so find   2  .
2.      Tommy Edelin did not have a significant prior criminal record.  
Number of jurors who so find   11  .
3.      Another defendant or defendants, equally culpable in the crime, will not be punished by death.  
Number of jurors who so find   11  .
4.      The victim consented to the criminal conduct that resulted in the victim's death.  
Number of jurors who so find   2  .

5. That other factors in the defendant's background or character mitigate against the imposition of the death sentence.

Number of jurors who so find 10.

**B. Non-statutory Mitigating Factors:**

The non-statutory mitigating factors the defendant asserts he has proven by a preponderance of the evidence are:

1. Tommy Edelin was born into a chaotic family environment with a multigenerational history of poverty, low education, substance abuse, low employability, teen pregnancy, and institutionalization.

Number of jurors who so find 11.

2. Tommy Edelin was born into a family with a serious history of drug and alcohol abuse.

Number of jurors who so find 11.

3. Tommy Edelin's parents and other adults in the home were incapacitated by substance abuse and lacked the skills to raise children.

Number of jurors who so find 11.

4. As a child, Tommy Edelin was subjected to severe physical and emotional abuse by his mother.

Number of jurors who so find 11.

5. Tommy Edelin was born under the influence of heroin.  
Number of jurors who so find 10.
6. Tommy Edelin lived with heroin-addicted family members.  
Number of jurors who so find 11.
7. As a child and adolescent, Tommy Edelin was neglected by adult family members.  
Number of jurors who so find 11.
8. There was no intervention in the life of Tommy Edelin by government and community-based organizations.  
Number of jurors who so find 7.
9. Tommy Edelin's mother and other adults in the home were a corrupting, rather than a guiding influence on Tommy's social development.  
Number of jurors who so find 11.
10. Tommy Edelin grew up in a neighborhood environment comprised of similarly disadvantaged residents, and unsavory persons and activities.  
Number of jurors who so find 10.
11. Tommy Edelin served as a surrogate father for his sisters, Tomeaki and Teisha, and his cousins Lossie McEachin and Nikki Jackson.  
Number of jurors who so find 11.
12. A sentence of Death will have an adverse impact upon Tommy Edelin's mother, sisters, cousins, and extended family.  
Number of jurors who so find 7.

13. Tommy Edelin's jail record indicates a favorable adjustment to incarceration.

Number of jurors who so find 11.

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" and line out the extra spaces with a large "X." If more space is needed, write "CONTINUED" and use the reverse side of this page.

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

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

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

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

**Directions:** After you have completed your findings in this section (whether or not you have entered written findings of mitigating factors in this section), continue on to Section V.

**SECTION V. DETERMINATION OF SENTENCE**

**General directions for Section V:**

- In this section, enter your determination of the defendant's sentence. Your vote as a jury must be unanimous with regard to each question in this section.
- **You may not complete this section unless you have first found, unanimously and beyond a reasonable doubt, at least one gateway factor in Section I and at least one statutory aggravating factor in Section II.**

Based upon consideration of whether the aggravating factors found to exist sufficiently outweigh any mitigating factor or factors found to exist to justify a sentence of death, or, in the absence of any mitigating factors, whether the aggravating factors are themselves sufficient to justify a sentence of death:

\_\_\_\_\_ We unanimously sentence the defendant to death on Count 10 for the killing of Maurice Doleman.

✓ We unanimously sentence the defendant to life imprisonment without the possibility of release on Count 10 for the killing of Maurice Doleman.

Each juror must sign below, by your juror number, indicating that the above sentence determination reflects the jury's unanimous decision:

_____	_____
_____	_____
_____	_____
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_____	_____
_____	_____

Date: October 24<sup>th</sup>, 2001

FOREPERSON



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**Directions:** After you have completed your sentence determination in this section (regardless of what that determination was), continue on to Section VI.

After you have completed this form, you will each be given a new certification, headed Juror No. \_\_, and an envelope which bears your juror number on the outside. Please sign that certificate using your real name, place the certificate in the envelope, seal the envelope and give the envelope to the Marshal. All of the certificates bearing your real name will be kept by the Court under seal.

**SECTION VI. CERTIFICATION**

By signing below, by juror number, each juror certifies that consideration of the race, color, religious beliefs, national origin, or sex of the defendant or the victims 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 victims.

_____	_____
_____	_____
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**FOREPERSON**

Date: October \_\_, 2001

After you have completed this form, you will each be given a new certification, headed Juror No. \_\_, and an envelope which bears your juror number on the outside. Please sign that certificate using your real name, place the certificate in the envelope, seal the envelope and give the envelope to the Marshal. All of the certificates bearing your real name will be kept by the Court under seal.