

COPY FOR THE COURT

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TERESA L. DEPPNER, CLERK
U.S. District Court
Southern District of West Virginia

UNITED STATES DISTRICT COURT FOR THE
SOUTHERN DISTRICT OF WEST VIRGINIA
CHARLESTON

UNITED STATES OF AMERICA

v.

CRIMINAL NO. 2:05-00107-02

VALERIE FRIEND

SPECIAL VERDICT FORM
AS TO DEFENDANT VALERIE FRIEND

MURDER OF CARLA COLLINS BY DEFENDANT VALERIE FRIEND

AGE REQUIREMENT

COUNTS ELEVEN AND TWELVE CONSIDERED SEPARATELY

We, the jury, unanimously find that the defendant was more than 18 years of age at the time of the offense.

Yes

YES or NO

SECTION I. THRESHOLD INTENT FACTORS

General Instructions for Section I: For each of the following, indicate "YES" or "NO" after the appropriate finding by the jury.

COUNTS ELEVEN AND TWELVE CONSIDERED SEPARATELY

First Threshold Intent Factor:

1. Do you unanimously find that the United States has established beyond a reasonable doubt that defendant VALERIE FRIEND intentionally killed Carla Collins?

Yes

YES or NO

Second Threshold Intent Factor:

2. Do you unanimously find that the United States has established beyond a reasonable doubt that the defendant VALERIE FRIEND intentionally inflicted serious bodily injury which resulted in the death of Carla Collins?

Yes
YES or NO

Third Threshold Intent Factor:

3. Do you unanimously find that the United States has established beyond a reasonable doubt that the defendant VALERIE FRIEND intentionally participated in an act, contemplating that the life of a person would be taken and/or intending that lethal force would be used in connection with a person, other than one of the participants in the offense, and the victim Carla Collins died as a direct result of the act?

Yes
YES or NO

Fourth Threshold Intent Factor:

4. Do you unanimously find that the United States has established beyond a reasonable doubt that the defendant VALERIE FRIEND intentionally and specifically engaged in an act of violence, knowing that the act created a grave risk of death to a person, other than one of the participants in the offense, such that participation in the act constituted a reckless disregard for human life and the victim Carla Collins died as a direct result of the act?

Yes
YES or NO

5. As to your separate deliberations on Counts Eleven and Twelve, do you make the foregoing findings as to both Counts?

Yes
YES or NO

If you responded "NO" to question 5, please explain below:

General Instructions for Section I:

If you indicated that the United States has not established at least one of the Threshold Intent Factors in this Section I, then stop your deliberations and proceed to Section VI. Each juror should carefully read the statement in Section VI, and sign in the appropriate place if the statement 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 indicated that the United States has established at least one of the Threshold Intent Factors in this Section I, proceed to Section II which follows.

SECTION II. STATUTORY AGGRAVATING FACTORS

General Instructions for Section II: For each of the following, indicate "YES" or "NO" after the appropriate finding by the jury.

COUNTS ELEVEN AND TWELVE CONSIDERED SEPARATELY

1. Do you unanimously find that the United States has established beyond a reasonable doubt that defendant VALERIE FRIEND killed Carla Collins in an especially heinous, cruel, or depraved manner?

Yes
YES or NO

2. Do you unanimously find that the United States has established beyond a reasonable doubt that defendant VALERIE FRIEND killed Carla Collins as consideration for the receipt or in the expectation of the receipt of anything of pecuniary value?

Yes
YES or NO

3. Do you unanimously find that the United States has established beyond a reasonable doubt that defendant VALERIE FRIEND killed Carla Collins after substantial planning and premeditation to cause the death of Carla Collins?

Yes
YES or NO

4. As to your separate deliberations on Counts Eleven and Twelve, do you make the foregoing findings as to both Counts?

Yes
YES or NO

If you responded "NO" to question 4, please explain below:

General Instructions for Section II: If you indicated that the United States has not established at least one of the Statutory Aggravating Factors in this Section II, then stop your deliberations, and proceed to Section VI of this form. Each juror should then carefully read the statement in Section VI, and sign in the appropriate place if the statement 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 indicated that the United States has established at least one or more of the Threshold Intent Factor(s) in Section I, and indicated that the United States has established at least one or more of the Statutory Aggravating Factors in this Section II as to the same count, proceed to Section III which follows.

SECTION III. NON-STATUTORY AGGRAVATING FACTORS

General Instructions for Section III: For each of the following, indicate "YES" or "NO" after the appropriate finding by the jury.

COUNTS ELEVEN AND TWELVE CONSIDERED SEPARATELY

1. Do you unanimously find that the United States has established beyond a reasonable doubt that defendant VALERIE FRIEND caused injury, harm, and loss to Carla Collins' family and friends as demonstrated by the impact of death upon the victim's family and friends, and that this factor tends to support imposition of the death penalty?

Yes
YES or NO

2. Do you unanimously find that the United States has established beyond a reasonable doubt that defendant VALERIE FRIEND murdered Carla Collins to prevent Carla Collins from providing any additional information and assistance to law enforcement authorities regarding a federal criminal investigation, to retaliate against the victim for having provided assistance to law enforcement authorities with information regarding defendant's criminal activity, or both, and that this factor tends to support imposition of the death penalty.

yes
YES or NO

3. As to your separate deliberations on Counts Eleven and Twelve, do you make the foregoing findings as to both Counts?

yes
YES or NO

If you responded "NO" to question 3, please explain below:

General Instruction for Section III: Regardless of whether you found that the government has established one or more of the Non-Statutory Aggravating Factors in this Section III, proceed to Section IV, which follows.

SECTION IV. MITIGATING FACTORS

General Instructions for Section IV: For each of the following mitigating factors, please 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.

Your vote with respect to a mitigating factor need not be unanimous. 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.

1. If she is not sentenced to death, Valeri Friend will spend the rest of her life in a federal prison without the possibility of release.

NUMBER OF JURORS WHO SO FIND 12

2. Patricia Burton is equally culpable in the death of Carla Collins, and will not be executed and may receive a sentence of less than life imprisonment.

NUMBER OF JURORS WHO SO FIND 7

3. Carmella Blankenship was involved in the death of Carla Collins, but she has not been prosecuted.

NUMBER OF JURORS WHO SO FIND 12

4. At the time of Carla Collins' death, Valeri Friend was acting under severe mental or emotional disturbance, although it was not sufficient to constitute a defense to murder or excuse for her actions.

NUMBER OF JURORS WHO SO FIND 0

5. Valeri Friend has never before been convicted of a crime.

NUMBER OF JURORS WHO SO FIND 12

6. Valeri Friend has no significant prior history of other criminal conduct.

NUMBER OF JURORS WHO SO FIND 0

7. At the time of Carla Collins' death Valeri Friend was under the influence of alcohol and cocaine.

NUMBER OF JURORS WHO SO FIND 12

8. Valeri Friend is the mother of five children who will be emotionally harmed by her execution.

NUMBER OF JURORS WHO SO FIND 12

9. The family and friends of Valeri Friend will suffer grief and loss if she is executed.

NUMBER OF JURORS WHO SO FIND 12

10. Valeri Friend was a victim of sexual assault or rape.

NUMBER OF JURORS WHO SO FIND 11

11. The men in Valeri Friend's life subjected her to physical and emotional abuse.

NUMBER OF JURORS WHO SO FIND 12

12. Valeri Friend has suffered traumatic events including the deaths of friends and loved ones.

NUMBER OF JURORS WHO SO FIND 12

13. Valeri Friend struggled under difficult circumstances to raise five sons with little assistance from their fathers.

NUMBER OF JURORS WHO SO FIND 12

14. Valeri Friend suffered from depression and anxiety.

NUMBER OF JURORS WHO SO FIND 11

15. Valeri Friend's abuse of alcohol, prescription pills and cocaine was, in part, caused by her depression, anxiety and the stress of raising five sons alone.

NUMBER OF JURORS WHO SO FIND 9

16. At the time of Carla Collins death, Valeri Friend was suffering from Post-Traumatic Stress Disorder.

NUMBER OF JURORS WHO SO FIND 6

17. Valeri Friend was suffering from mental and emotional problems which contributed to her substance abuse and involvement with persons related to the offenses.

NUMBER OF JURORS WHO SO FIND 11

18. Valeri Friend cooperated with Social Services, worked to improve her parenting skills and sought services for her children.

NUMBER OF JURORS WHO SO FIND 12

19. Valeri Friend grew up in a family in which men were controlling.

NUMBER OF JURORS WHO SO FIND 0

20. Valeri Friend grew up in a family in which harsh physical discipline was the norm.

NUMBER OF JURORS WHO SO FIND 0

21. Valeri Friend's family history pre-disposed her to substance abuse and mental illness.

NUMBER OF JURORS WHO SO FIND 8

22. Valeri Friend was a reliable and hard-working employee.

NUMBER OF JURORS WHO SO FIND 12

23. Valeri Friend has demonstrated her ability to make a positive adjustment to incarceration.

NUMBER OF JURORS WHO SO FIND 12

24. Valeri Friend has made positive contributions to others during her incarceration.

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" 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.

25. None
_____ X _____

NUMBER OF JURORS WHO SO FIND X

26. None
_____ X _____

NUMBER OF JURORS WHO SO FIND X

27. As to your separate deliberations on Counts Eleven and Twelve, do you make the foregoing findings as to both Counts?

Yes
YES or NO

If you responded "NO" to question 27, please explain below:

General Instructions for Section IV: When you have completed Section IV above, proceed to Section V and Section VI which follow.

V. DETERMINATION OF SENTENCE

General Instructions for Section V: Based upon consideration of whether the 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 factor(s) so found are themselves sufficient to justify a sentence of death -- we choose as follows between Option A and Option B below:

Option A. Death Sentence

We the jury determine, by unanimous vote, that a sentence of death shall be imposed as to Count Eleven.

Yes
YES or NO

We the jury determine, by unanimous vote, that a sentence of death shall be imposed as to Count Twelve.

Yes
YES or NO

If you indicate "YES," sign your names here, and then proceed to Section VI. If you do not indicate "YES," the foreperson alone should sign, and you should proceed to Option B:



Date: 5-29-07

Option B. Sentence of Life in Prison Without Possibility of Release

We the jury determine, by unanimous vote, that a sentence of life imprisonment without possibility of release shall be imposed as to Count Eleven.

YES or NO

We the jury determine, by unanimous vote, that a sentence of life imprisonment without possibility of release shall be imposed as to Count Twelve.

YES or NO

If you answer "YES," sign your names here, and then proceed to Section VI.

FOREPERSON

Date: _____

VI. CERTIFICATION

By signing below, each juror certifies that consideration of the race, color, religious beliefs, national origin, or sex of the defendant, the defendant's children, 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, the defendant's children, or the victim(s).

[REDACTED]

Date: 5-29-07