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UNITED STATES DISTRICT COURT  
FOR THE CENTRAL DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,	)	CR No. 02-220(B)-SJO
	)	
Plaintiff,	)	<u>SPECIAL VERDICT FORM FOR</u>
	)	<u>DEFENDANT PETRO KRYLOV</u>
v.	)	
	)	(Penalty Phase)
PETRO KRYLOV,	)	
	)	Courtroom of the Honorable
Defendant.	)	S. James Otero

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1 Section I: Age of the Defendant:

2 Instructions: Answer "yes" or "no."

3 Do you, the jury, unanimously find that the government has  
4 established beyond a reasonable doubt that defendant Petro Krylov  
5 (the "defendant") was 18 years of age or older at the time of the  
6 offenses charged in Counts One, Two, Three, and Four of the  
7 Second Superseding Indictment?

8 Yes

9 No

10 Foreperson:

11 Instructions: If you answered "no" with respect to the  
12 determination in this Section, then stop your deliberations,  
13 cross out Sections II, III, IV, V, and VI of this form, and  
14 proceed to Section VII. Each juror should then carefully read  
15 the statement in Section VII, and sign in the appropriate place  
16 if the statement accurately reflects the manner in which you  
17 reached your decision. You should then advise the Court that you  
18 have reached a decision.

19 If you answered "yes" with respect to the determination in  
20 this Section I, then proceed to Section II.

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1 Section II: Requisite Mental State

2 Instructions: For each of the following, answer "yes" or  
3 "no."

4 A. Do you, the jury, unanimously find that the government  
5 has established beyond a reasonable doubt that the defendant  
6 intentionally killed the following victim or victims?

7 George Safiev \_\_\_\_\_ YES  NO

8 Nick Kharabadze \_\_\_\_\_ YES  NO

9 IF YOU ANSWER "YES" TO ANY OF THE ABOVE, YOU NEED NOT ANSWER PART  
10 B OF THIS SECTION AND YOU SHOULD PROCEED TO SECTION III.

11 HOWEVER, IF YOU ANSWERED "NO" TO ALL OF PART A, GO TO PART B OF  
12 THIS SECTION.

13 B. Do you, the jury, unanimously find that the government  
14 has established beyond a reasonable doubt that the defendant  
15 intentionally participated in an act, contemplating that the life  
16 of a person would be taken and/or that lethal force would be used  
17 in connection with a person, other than one of the participants  
18 in the offense, and that the following victim or victims died as  
19 a direct result of the act?

20 Alexander Umansky  YES \_\_\_\_\_ NO

21 George Safiev  YES \_\_\_\_\_ NO

22 Nick Kharabadze  YES \_\_\_\_\_ NO

23 IF YOU ANSWER "YES" TO ANY OF THE ABOVE, YOU NEED NOT ANSWER PART  
24 C OF THIS SECTION AND YOU SHOULD PROCEED TO SECTION III.

25 HOWEVER, IF YOU ANSWERED "NO" TO ALL OF PART B, GO TO PART C OF  
26 THIS SECTION

1 C. Do you, the jury, unanimously find that the government  
2 has established beyond a reasonable doubt that the defendant  
3 intentionally and specifically engaged in an act of violence  
4 knowing that the act created a grave risk of death to a person,  
5 other than one of the participants in the offense, such that  
6 participation in the act constituted a reckless disregard for  
7 human life, and that the following victim or victims died as a  
8 direct result of the act?

9	Alexander Umansky	_____	YES	_____	NO
10	George Safiev	_____	YES	_____	NO
11	Nick Kharabadze	_____	YES	_____	NO

12 Foreperson:

13 Instructions: If you answered "no" with respect to each of  
14 the three determinations in this Section for each of the victims,  
15 then stop your deliberations, cross out Sections III, IV, V, and  
16 VI of this form, and proceed to Section VII. Each juror should  
17 carefully read the statement in Section VII, and sign in the  
18 appropriate place if the statement accurately reflects the manner  
19 in which you reached a decision.

20 If you answered "yes" with respect to one or more of the  
21 determinations in this Section II, then proceed to Section III.

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1 Section III: Statutory Aggravating Factors

2 Instructions: For each of the following, answer "yes" or  
3 "no."

4 1. Do you, the jury, unanimously find that the government  
5 has established beyond a reasonable doubt that the victims'  
6 deaths, or injuries resulting in death, occurred during the  
7 commission of an offense under 18 U.S.C. Section 1203, that is,  
8 conspiracy to engage in hostage taking resulting in death or  
9 hostage taking resulting in death?

10 Yes

11 No

12 2. Do you, the jury, unanimously find that the government  
13 has established beyond a reasonable doubt that the defendant  
14 committed the offenses charged in Counts One, Two, Three, and  
15 Four in the expectation of the receipt of something of pecuniary  
16 value?

17 Yes

18 No

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1 3. Do you, the jury, unanimously find that the government  
2 has proved beyond a reasonable doubt that the defendant committed  
3 the offenses charged in Counts One, Two, Three, and Four of the  
4 Second Superseding Indictment after substantial planning and  
5 premeditation to cause the death of a person?

6 Yes

7 No

8 4. Do you, the jury, unanimously find that the government  
9 has proved beyond a reasonable doubt that the defendant killed or  
10 attempted to kill more than one person in a single criminal  
11 episode?

12 Yes

13 No

14 Foreperson:

15 Instructions: If you answered "no" with respect to all of  
16 the Statutory Aggravating Factors in this Section III, then stop  
17 your deliberations, cross out Sections IV, V, and VI, and proceed  
18 to Section VII of this form. Each juror should then read the  
19 statement in Section VII, and sign in the appropriate place if  
20 the statement accurately reflects the manner in which you have  
21 reached a decision. You should then advise the Court that you  
22 have reached a decision.

23 If you found the requisite age in Section I, the requisite  
24 mental state in Section II, and answered "yes" with respect to  
25 one or more of the statutory aggravating factors in this Section  
26 III, then proceed to Section IV.

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1 **Section IV: Non-Statutory Aggravating Factors**

2 Instructions: For each of the following questions, answer  
3 "yes" or "no" to the five numbered questions below. (You need  
4 not answer "yes" or "no" to the lettered statements contained in  
5 question number 1, which merely describe the government's  
6 allegation of how the existence of a non-statutory aggravating  
7 factor would be demonstrated.)

8 1. Future Dangerousness of Defendant If Confined To A  
9 Federal Prison For The Rest Of His Life Without The Possibility  
10 Of Release. Do you, the jury, unanimously find that the  
11 government has proved beyond a reasonable doubt that the  
12 defendant is likely to commit criminal acts of violence in the  
13 future that would constitute a continuing and serious threat to  
14 the lives and safety of others, including one or more of the  
15 following:

16 a. Continuing Pattern of Violence. The defendant has  
17 engaged in a continuing pattern of violence, attempted violence,  
18 and threatened violence, including, at least, the crimes charged  
19 in the Second Superseding Indictment.

1           b. Lack of Remorse. The defendant has demonstrated a  
2 lack of remorse for the capital offenses committed in this case,  
3 as indicated by his statements and actions during the course of  
4 and following the offenses alleged in the Second Superseding  
5 Indictment.

6           ANSWER TO SECTION IV, QUESTION NUMBER 1:

7           Yes \_\_\_\_\_

8           No       ✓      

9

10          2. Defendant's Participation in Other Uncharged Serious  
11 Acts of Violence. Do you, the jury, unanimously find that the  
12 government has proved beyond a reasonable doubt that, apart from  
13 the offenses charged in the Second Superseding Indictment, the  
14 defendant participated in the hostage taking of Armen  
15 Gyurdzhiyants.

16          ANSWER TO SECTION IV, QUESTION NUMBER 2:

17          Yes \_\_\_\_\_

18          No       ✓      

19

20          3. Contemporaneous Convictions. Do you, the jury,  
21 unanimously find that the government has proved beyond a  
22 reasonable doubt that the defendant faces contemporaneous  
23 convictions for multiple murders and other serious acts of  
24 violence?

25          ANSWER TO SECTION IV, QUESTION NUMBER 3:

26          Yes       ✓      

27          No \_\_\_\_\_

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1 4. Witness Elimination. Do you, the jury, unanimously  
2 find that the government has proved beyond a reasonable doubt  
3 that the defendant participated in the killings of the victims of  
4 his crimes, including Alexander Umansky, Nick Kharabadze, and/or  
5 George Safiev, for the sole or primary purpose of eliminating  
6 these victims as possible witnesses to his crimes?

7 ANSWER TO SECTION IV, QUESTION NUMBER 4:

8 Yes \_\_\_\_\_

9 No ✓

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5. Emotional Suffering of the Victims. Do you, the jury,  
unanimously find that the government has proved beyond a  
reasonable doubt that the defendant displayed an indifference to  
the emotional suffering of the victims of his crimes, Alexander  
Umansky, Nick Kharabadze, and George Safiev?

ANSWER TO SECTION IV, QUESTION NUMBER 5:

Yes \_\_\_\_\_

No ✓

1           6.    Victim Impact Evidence

2           Do you, the jury, unanimously find that the government has  
3 proved beyond a reasonable doubt that the defendant caused  
4 injury, harm, and loss to the families, friends, and/or co-  
5 workers of Alexander Umansky, George Safiev, and Nick Kharabadze  
6 as evidenced by their personal characteristics as human beings  
7 and the impact of their deaths on their families, friends, and/or  
8 co-workers?

9           ANSWER TO SECTION IV, QUESTION NUMBER 6:

10          Yes  \_\_\_\_\_

11          No    \_\_\_\_\_

12  
13 Foreperson:

14           Instructions: Regardless of whether you answered "yes" or  
15 "no" with respect to the non-statutory aggravating factors in  
16 this Section IV, proceed to Section V.

1 **Section V: Mitigating Factors**

2        Instructions: Indicate the number of jurors who find that  
3 the defense has established the existence of each listed  
4 mitigating factor by a preponderance of the evidence. For each  
5 of the following mitigating factors, please indicate, in the  
6 space provided, the number of jurors who have found the existence  
7 of the mitigating factor or factors to be proven by a  
8 preponderance of the evidence:

9        1. If not sentenced to death, defendant Krylov will be  
10 sentenced to life in prison without the possibility of release.

11        Number of Jurors who found this mitigating factor: 6

12        2. A sentence of life imprisonment without the possibility  
13 of release is severe and exacts significant and physical  
14 restraints and hardship as well as great psychological pain,  
15 particularly because defendant Krylov will be left for years to  
16 contemplate his wrongdoing and to feel the loss of his child,  
17 wife, friends, and family.

18        Number of Jurors who found this mitigating factor: 8

19        3. Imposing a sentence of life imprisonment without the  
20 possibility of release, yet preserving defendant Krylov's life,  
21 protects society.

22        Number of Jurors who found this mitigating factor: 0

1 4. Others who were of equal or greater culpability than  
2 defendant Krylov -- whether or not indicted -- will not be  
3 punished by death and/or have not been the subject of capital  
4 prosecution.

5 Number of Jurors who found this mitigating factor: 10

6 5. Defendant Krylov is less culpable than Iouri Mikhel and  
7 Jurijus Kadamovas, who orchestrated the kidnappings and murders  
8 of Meyer Muscatel, Rita Pekler, Alexander Umansky, Nick  
9 Kharabadze and Georges Safiev, and who have been separately  
10 tried, convicted, and sentenced to death.

11 Number of Jurors who found this mitigating factor: 12

12 6. The planning and methodology of taking hostages,  
13 demanding ransoms, and then killing the victims orchestrated by  
14 Iouri Mikhel and Jurijus Kadamovas began before Kadamovas and  
15 Mikhel ever met defendant Krylov with the abduction and murder of  
16 Meyer Muscatel if not sooner.

17 Number of Jurors who found this mitigating factor: 12

18 7. Defendant Krylov is less culpable than Ainar Altmanis  
19 who actively participated in the kidnappings and murders of Meyer  
20 Muscatel, Rita Pekler, Alexander Umansky, Nick Kharabadze and  
21 Georges Safiev and has made deals with both the state and federal  
22 authorities to avoid capital punishment.

23 Number of Jurors who found this mitigating factor: 5

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1 8. Ainar Altmanis was an active and willing participant in  
2 the abduction and murder of Rita Pekler, Alexander Umansky, Nick  
3 Kharabadze and Georges Safiev and participated in the kidnappings  
4 and murder of Meyer Muscatel, before he, Kadamovas or Mikhel ever  
5 met defendant Krylov.

6 Number of Jurors who found this mitigating factor: 3

7 9. The only direct evidence of defendant Krylov's  
8 participation in the actual killing of Rita Pekler comes from the  
9 testimony of Ainar Altmanis who is more culpable than defendant  
10 Krylov, has his own motive to fabricate evidence, and, in order  
11 to help his own case, has cooperated with the government.

12 Number of Jurors who found this mitigating factor: 5

13 10. Defendant Krylov did not personally participate in the  
14 actual killing of Rita Pekler.

15 Number of Jurors who found this mitigating factor: 4

16 11. Defendant Krylov did not personally participate in the  
17 actual killing of Alexander Umansky.

18 Number of Jurors who found this mitigating factor: 3

19 12. The only direct evidence of defendant Krylov's  
20 participation in the actual killing of Nick Kharabadze comes from  
21 the testimony of Ainar Altmanis who is more culpable than  
22 defendant Krylov, has his own motive to fabricate evidence, and,  
23 in order to help his own case, has cooperated with the  
24 government.

25 Number of Jurors who found this mitigating factor: 4

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1 13. Defendant Krylov did not personally participate in the  
2 actual killing of Nick Kharabadze.

3 Number of Jurors who found this mitigating factor: 3

4 14. The only direct evidence of defendant Krylov's  
5 participation in the actual killing of Georges Safiev comes from  
6 testimony of Ainar Altmanis who is more culpable than defendant  
7 Krylov, has his own motive to fabricate evidence, and, in order  
8 to help his own, case, has cooperated with the government.

9 Number of Jurors who found this mitigating factor: 2

10 15. Defendant Krylov did not personally participate in the  
11 actual killing of Georges Safiev.

12 Number of Jurors who found this mitigating factor: 2

13 16. Defendant Krylov was under unusual and substantial  
14 duress, regardless of whether the duress was of such a degree as  
15 to constitute a defense to charges.

16 Number of Jurors who found this mitigating factor: 6

17 17. Organized crime in the republics of the former Soviet  
18 Union (or the "Russian Mafia") is organized internationally and  
19 has contacts throughout the world.

20 Number of Jurors who found this mitigating factor: 6

21 18. Organized crime in the republics of the former Soviet  
22 Union (or the "Russian Mafia") is ruthless in its actions, not  
23 hesitating to kill women and children to establish a point.

24 Number of Jurors who found this mitigating factor: 5

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1 19. Iouri Mikhel and Jurijus Kadamovas were actively  
2 involved with the "Russian Mafia".

3 Number of Jurors who found this mitigating factor: 5

4 20. Defendant Krylov believed, whether or not you agree  
5 that his belief was reasonable, that Iouri Mikhel and Jurijus  
6 Kadamovas were actively involved with the Russian Mafia.

7 Number of Jurors who found this mitigating factor: 8

8 21. Defendant Krylov believed, whether or not you agree  
9 that his belief was reasonable, that if he did not follow the  
10 orders of Iouri Mikhel, his wife and daughter as well as his  
11 family members -- his mother, father, sister and grandmother --  
12 in Odessa, Ukraine would be killed.

13 Number of Jurors who found this mitigating factor: 6

14 22. Defendant Krylov believed, whether or not you agree  
15 that his belief was reasonable, that by following the orders of  
16 Iouri Mikhel, he would save the lives of his wife and daughter  
17 and of his family member -- his mother, father, sister and  
18 grandmother -- in Odessa, Ukraine.

19 Number of Jurors who found this mitigating factor: 5

20 23. Defendant Krylov did everything in his power to create  
21 the impression with Iouri Mikhel, and Jurijus Kadamovas that he  
22 was a loyal "member of the team" out of fear that if they felt  
23 different his family members -- his mother, father, sister and  
24 grandmother -- in Odessa, Ukraine would be killed.

25 Number of Jurors who found this mitigating factor: 3

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1 24. Defendant Krylov was 29 years old at the time of his  
2 arrest.

3 Number of Jurors who found this mitigating factor: 2

4 25. Defendant Krylov graduated from the Marine Academy in  
5 Odessa with distinction.

6 Number of Jurors who found this mitigating factor: 2

7 26. Defendant Krylov is a university graduate.

8 Number of Jurors who found this mitigating factor: 2

9 27. At the time of his arrest defendant Krylov had no prior  
10 criminal record.

11 Number of Jurors who found this mitigating factor: 5

12 28. At the time of his arrest defendant Krylov had no  
13 record of prior acts of violence.

14 Number of Jurors who found this mitigating factor: 5

15 29. At the time of his arrest defendant Krylov had no  
16 criminal convictions related to drug abuse.

17 Number of Jurors who found this mitigating factor: 2

18 30. Defendant Krylov does not present a risk to prison  
19 officials or other inmates if he is sentenced to life in prison  
20 without possibility of release.

21 Number of Jurors who found this mitigating factor: 5

22 31. Defendant Krylov was a devoted husband to his wife  
23 Natalya and his infant daughter Milana, prior to his arrest.

24 Number of Jurors who found this mitigating factor: 3

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1 32. Defendant Krylov has a close loving relationship with  
2 his mother Alexandra, his father Andrei, and his sister Anna.

3 Number of Jurors who found this mitigating factor: 3

4 33. Defendant Krylov will have an opportunity to continue  
5 to be a loving father, husband, and son if he is spared  
6 execution.

7 Number of Jurors who found this mitigating factor: 8

8 34. Defendant Krylov has a close loving relationship with  
9 his extended family.

10 Number of Jurors who found this mitigating factor: 3

11 35. Executing defendant Krylov will cause great grief and  
12 suffering to those who love him.

13 Number of Jurors who found this mitigating factor: 4

14 36. Defendant Krylov has accepted responsibility for the  
15 crimes he has committed.

16 Number of Jurors who found this mitigating factor: 2

17 37. Defendant Krylov has shown remorse for the crimes he  
18 has committed.

19 Number of Jurors who found this mitigating factor: 2

20 Instructions: Regardless of whether you chose to make  
21 written findings for the Mitigating Factors of Section V above,  
22 proceed to Section VI and Section VII.

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1 **Section VI: Determination**

2 Based upon consideration of whether the aggravating factors  
3 found to exist sufficiently outweigh any mitigating factors found  
4 to exist, or in the absence of any mitigating factors, whether  
5 the aggravating factors are themselves sufficient to justify a  
6 sentence of death, and whether death is therefore the appropriate  
7 sentence in this case:

8 **A. Death Sentence**

9 We determine, by unanimous vote, that a sentence of death  
10 shall be imposed.

11 Yes \_\_\_\_\_

12 No ✓

13 If you answer "yes," the foreperson must sign here, and you must  
14 then proceed to Section VII. If you answer "no," the foreperson  
15 must sign and you must then proceed to Section VIB.

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18 \_\_\_\_\_  
Foreperson

Date: \_\_\_\_\_

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19 **B. Sentence of Life in Prison Without Possibility of Release**

20 We determine, by unanimous vote, that a sentence of life  
21 imprisonment without the possibility of release shall be imposed.

22 Yes ✓

23 No ~~\_\_\_\_\_~~

24 If you answer "yes," the foreperson must sign here, and you must  
25 then proceed to Section VII.

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27 \_\_\_\_\_  
Foreperson

Date: 5/22/07

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1 Section VII: Certification

2 By signing below, each juror certifies that consideration of  
3 the race, color, religious beliefs, national origin or sex of the  
4 defendant or any victims was not involved in reaching his or her  
5 individual decision, and that the individual juror would have  
6 made the same recommendation regarding a sentence for the crimes  
7 in question regardless of the race, color, religious beliefs,  
8 national origin, or sex of the defendant or the victims.

9

- 10 JUROR #1 \_\_\_\_\_
- 11 JUROR #2 \_\_\_\_\_
- 12 JUROR #3 \_\_\_\_\_
- 13 JUROR #4 \_\_\_\_\_
- 14 JUROR #5 \_\_\_\_\_
- 15 JUROR #6 \_\_\_\_\_
- 16 JUROR #7 \_\_\_\_\_
- 17 JUROR #8 \_\_\_\_\_
- 18 JUROR #9 \_\_\_\_\_
- 19 JUROR #10 \_\_\_\_\_
- 20 JUROR #11 \_\_\_\_\_
- 21 JUROR #12 \_\_\_\_\_

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23 \_\_\_\_\_  
24 Foreperson

Date: \_\_\_\_\_

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