

COPY FOR THE COURT

FILED

UNITED STATES DISTRICT COURT FOR THE MAY 29 2007
SOUTHERN DISTRICT OF WEST VIRGINIA
CHARLESTON

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

UNITED STATES OF AMERICA

v.

CRIMINAL NO. 2:05-00107-01

GEORGE M. LECCO

SPECIAL VERDICT FORM
AS TO DEFENDANT GEORGE M. LECCO

MURDER OF CARLA COLLINS BY DEFENDANT GEORGE M. LECCO

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 the defendant GEORGE M. LECCO 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

Second Threshold Intent Factor:

2. Do you unanimously find that the United States has established beyond a reasonable doubt that the defendant GEORGE M. LECCO 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

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 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 GEORGE M. LECCO procured the commission of the offense by payment or promise of payment of anything of pecuniary value?

Yes
YES or NO

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

Yes
YES or NO

3. Do you unanimously find that the United States has established beyond a reasonable doubt that defendant GEORGE M. LECCO had previously been convicted of violating Title II or III of the Comprehensive Drug Abuse Prevention and Control Act of 1970 for which a sentence of 5 or more years may be imposed?

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 GEORGE M. LECCO 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 GEORGE M. LECCO 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. George Lecco will serve a sentence of life in prison without the possibility of release if not sentenced to death.

NUMBER OF JURORS WHO SO FIND 12

2. George Lecco has never been arrested for any crimes other than drugs until his arrest in this case.

NUMBER OF JURORS WHO SO FIND 12

3. Other persons equally culpable in the crime will not be punished by death.

NUMBER OF JURORS WHO SO FIND 5

4. George Lecco has worked and has been legally employed for much of his life.

NUMBER OF JURORS WHO SO FIND 12

5. George Lecco committed acts of kindness and generosity for his neighbors and his community.

NUMBER OF JURORS WHO SO FIND 12

6. George Lecco was born with a genetic predisposition to addiction.

NUMBER OF JURORS WHO SO FIND 6

7. George Lecco did not use drugs for long periods of time during his life.

NUMBER OF JURORS WHO SO FIND 9

8. At the time of Carla Collins' death and for a period thereafter George Lecco was addicted to drugs.

NUMBER OF JURORS WHO SO FIND 12

9. At the time of Carla Collins' death and for a period thereafter George Lecco was often under the influence of cocaine and/or other drugs.

NUMBER OF JURORS WHO SO FIND 12

10. George Lecco committed the offense under severe mental or emotional disturbance.

NUMBER OF JURORS WHO SO FIND 1

11. George Lecco grew up in a family filled with parental conflict.

NUMBER OF JURORS WHO SO FIND 12

12. George Lecco's mother sent him away to live with relatives.

NUMBER OF JURORS WHO SO FIND 12

13. George Lecco's father was an abusive alcoholic which had an adverse effect on him.

NUMBER OF JURORS WHO SO FIND 12

14. The auto accident and injuries received that handicapped Willie Lecco, had an adverse effect on his father, George Lecco.

NUMBER OF JURORS WHO SO FIND 12

15. George Lecco has demonstrated his ability to make a positive adjustment to incarceration.

NUMBER OF JURORS WHO SO FIND 11

16. George Lecco has the respect and support of correctional officers and fellow inmates.

NUMBER OF JURORS WHO SO FIND 12

17. George Lecco has had no disciplinary write-ups while incarcerated and has helped other inmates to conduct themselves in non-violent or non-aggressive ways.

NUMBER OF JURORS WHO SO FIND 8

18. George Lecco has contributed to the well-being of his fellow inmates through Bible study.

NUMBER OF JURORS WHO SO FIND 10

19. If George Lecco is sentenced to life in prison without the possibility of release, he will have the opportunity to continue to contribute to help other inmates.

NUMBER OF JURORS WHO SO FIND 12

20. George Lecco does not present a risk of future violence or danger to the public while in prison for the rest of his life.

NUMBER OF JURORS WHO SO FIND 4

21. Willie Lecco, the disabled son of George Lecco, and Della Ricche, the daughter of George Lecco, will suffer emotional harm if their father is executed.

NUMBER OF JURORS WHO SO FIND 12

22. Mary "Okie" Lecco, the 82 year old mother of George Lecco, will suffer emotional harm if her only child, George Lecco, is executed.

NUMBER OF JURORS WHO SO FIND 12

23. The family and friends of George Lecco will suffer grief and loss if he is executed.

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.

24. None

_____ X
NUMBER OF JURORS WHO SO FIND X

25. None

_____ X
NUMBER OF JURORS WHO SO FIND X

26. 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 26, 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:

[Redacted signatures]

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.

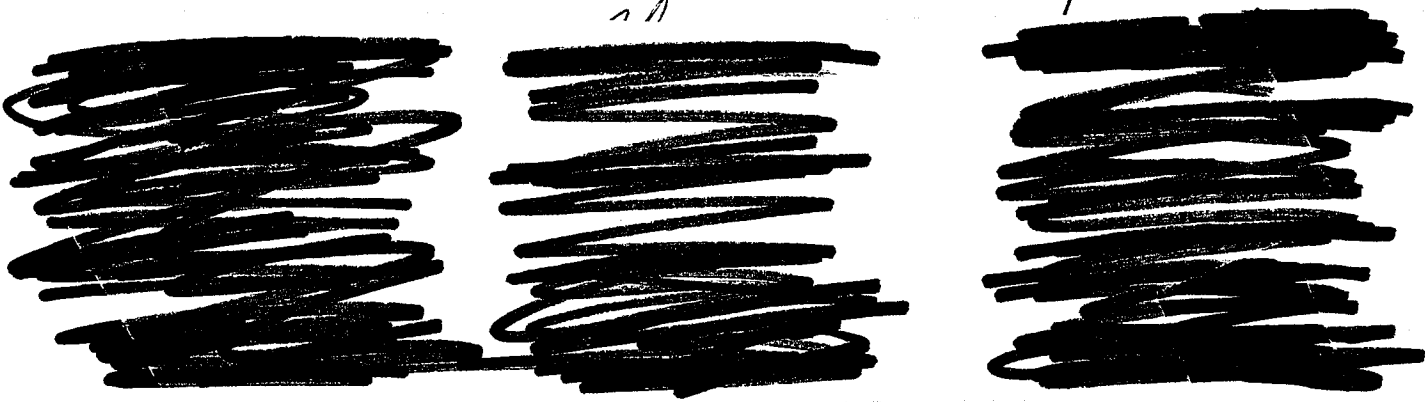
FOREPERSON



Date: _____

VI. CERTIFICATION

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

11
The text in this block consists of three columns of redacted signatures. Each column contains approximately 10-12 horizontal blacked-out lines, completely obscuring the names and any other identifying information of the jurors. Above the first column is a handwritten '11', and above the second column is a handwritten '1'.

Date: 5-29-07

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