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UNITED STATES DISTRICT COURT
FOR THE CENTRAL DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,)	CR No. 02-220(B)-DT
)	
Plaintiff,)	<u>SPECIAL VERDICT FORM FOR</u>
)	<u>DEFENDANT IOURI MIKHEL</u>
v.)	
)	(Penalty Phase)
IOURI MIKHEL and)	
JURIJUS KADAMOVAS,)	Courtroom of the Honorable
)	Dickran Tevrizian
Defendants.)	

1 **Section I: Age of the Defendant:**

2 Instructions: Answer "yes" or "no." Do you, the jury,
3 unanimously find that the government has established beyond a
4 reasonable doubt that defendant Iouri Mikhel (the "defendant")
5 was 18 years of age or older at the time of the offenses charged
6 in Counts One, Two, Three, and Four of the Second Superseding
7 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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Section II: Requisite Mental State

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

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

Meyer Muscatel	<u> ✓ </u>	YES	<u> </u>	NO
Rita Pekler	<u> ✓ </u>	YES	<u> </u>	NO
Alexander Umansky	<u> ✓ </u>	YES	<u> </u>	NO
George Safiev	<u> ✓ </u>	YES	<u> </u>	NO
Nick Kharabadze	<u> ✓ </u>	YES	<u> </u>	NO

IF YOU ANSWER YES TO ANY OF THE ABOVE, YOU NEED NOT ANSWER PART B OF THIS SECTION AND YOU SHOULD PROCEED TO SECTION III. HOWEVER, IF ANSWERED NO TO ALL OF PART A, GO TO PART B OF THIS SECTION.

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

Meyer Muscatel	<u> </u>	YES	<u> </u>	NO
Rita Pekler	<u> </u>	YES	<u> </u>	NO
Alexander Umansky	<u> </u>	YES	<u> </u>	NO
George Safiev	<u> </u>	YES	<u> </u>	NO
Nick Kharabadze	<u> </u>	YES	<u> </u>	NO

1 Foreperson:

2 Instructions: If you answered "no" with respect to each of
3 the two determinations in this Section for each of the five
4 victims, then stop your deliberations, cross out Sections III,
5 IV, V, and VI of this form, and proceed to Section VII. Each
6 juror should carefully read the statement in Section VII, and
7 sign in the appropriate place if the statement accurately
8 reflects the manner in which you reached a decision.

9 If you answered "yes" with respect to one or more of the
10 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 procured the commission of the offenses charged in Counts One,
15 Two, Three, and Four by payment, and/or the promise of payment,
16 of anything of pecuniary 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.

20 b. Escape Risk and Institutional Misconduct. The
21 defendant poses a future danger to the lives and safety of other
22 persons, as demonstrated by his escape risk and institutional
23 misconduct, including, at least: (1) defendant's participation
24 in a conspiracy to escape from the Metropolitan Detention Center
25 -- Los Angeles, California, which was detected by the government
26 on or about March 7, 2003, and charged as Count Six in the Second
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1 Superseding Indictment; and (2) defendant's attempt to escape
2 from the San Bernardino County Jail, which was detected by the
3 government on or about January 19, 2004.

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

9 ANSWER TO SECTION IV, QUESTION NUMBER 1:

10 Yes

11 No

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13 2. Contemporaneous Convictions. Do you, the jury,
14 unanimously find that the government has proved beyond a
15 reasonable doubt that the defendant faces contemporaneous
16 convictions for multiple murders and other serious acts of
17 violence?

18 ANSWER TO SECTION IV, QUESTION NUMBER 2:

19 Yes

20 No

1 3. Witness Elimination. Do you, the jury, unanimously
2 find that the government has proved beyond a reasonable doubt
3 that the defendant killed the victims of his crimes, including
4 Meyer Muscatel, Rita Pekler, Alexander Umansky, Nick Kharabadze,
5 and George Safiev, in order to eliminate these victims as
6 possible witnesses to his crimes?

7 ANSWER TO SECTION IV, QUESTION NUMBER 3:

8 Yes _____

9 No _____

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11 4. Emotional Suffering of the Victims. Do you, the jury,
12 unanimously find that the government has proved beyond a
13 reasonable doubt that the defendant displayed an indifference to
14 the emotional suffering of the victims of his crimes, Meyer
15 Muscatel, Rita Pekler, Alexander Umansky, Nick Kharabadze, and
16 George Safiev?

17 ANSWER TO SECTION IV, QUESTION NUMBER 4:

18 Yes _____

19 No _____

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1 5. 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 co-workers
5 of Meyer Muscatel, Rita Pekler, Alexander Umansky, George Safiev,
6 and Nick Kharabadze as evidenced by their personal
7 characteristics as human beings and the impact of their deaths on
8 their families, friends, and co-workers?

9 ANSWER TO SECTION IV, QUESTION NUMBER 5:

10 Yes

11 No

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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. Ainar Altmanis was intimately involved in each of the
10 murders for which Iouri Mikhel faces the death penalty, but
11 Altmanis has made deals with both the state and federal
12 authorities to avoid capital punishment. He faces a maximum of
13 twenty years in custody for his state conviction.

14 Number of Jurors who found this mitigating factor: 0

15 2. Iouri Mikhel has suffered catastrophic loss of close
16 family members at a young age. His father died when Mr. Mikhel
17 was eleven years old, his grandmother died when Mr. Mikhel was
18 thirteen, his mother passed away when Mr. Mikhel was 27 years
19 old. In addition, Mr. Mikhel's brother died at the age of 46.

20 Number of Jurors who found this mitigating factor: 0

21 3. Iouri Mikhel was neglected and abandoned for the first
22 18 years of his life, living in orphanage-like boarding schools,
23 along with extended stays in hospitals for physical problems.

24 Number of Jurors who found this mitigating factor: 0

1 4. Iouri Mikhel suffered chronic respiratory illnesses,
2 including pneumonia for the first twelve years of his life.

3 Number of Jurors who found this mitigating factor: 0

4 5. Iouri Mikhel grew up in communist Russia, and was
5 impacted by the socio-economic changes, poverty, and political
6 turmoil during his formative years.

7 Number of Jurors who found this mitigating factor: 0

8 6. Iouri Mikhel was raised in a politically bankrupt
9 system in which little value was placed on human life.

10 Number of Jurors who found this mitigating factor: 0

11 7. Iouri Mikhel was raised in a political system in
12 which citizens were forced to perform acts criminalized by the
13 government in order to survive.

14 Number of Jurors who found this mitigating factor: 0

15 8. Iouri Mikhel was raised in an economic system which
16 kept its citizens at the poverty level.

17 Number of Jurors who found this mitigating factor: 0

18 9. Iouri Mikhel was raised in a political system that
19 punished economic crimes greater than violent crimes.

20 Number of Jurors who found this mitigating factor: 0

21 10. Iouri Mikhel was raised in a family that was
22 dysfunctional by Russian society standards.

23 Number of Jurors who found this mitigating factor: 0

1 11. Should the jury so direct, defendant Mikhel will
2 be sentenced to life imprisonment without any possibility of
3 release if he is not executed.

4 Number of Jurors who found this mitigating factor: 0

5 12. A sentence of life in prison would be substantial
6 punishment for Mr. Mikhel.

7 Number of Jurors who found this mitigating factor: 0

8 13. Iouri Mikhel has not engaged in any violent behavior
9 in almost five years of federal custody.

10 Number of Jurors who found this mitigating factor: 0

11 14. Iouri Mikhel's likelihood for future dangerousness in
12 federal maximum security prison is extremely low.

13 Number of Jurors who found this mitigating factor: 0

14 15. A sentence of life imprisonment without the possibility
15 of release is severe and extracts both significant and physical
16 restraints and hardship as well as great psychological pain,
17 particularly because defendant Iouri Mikhel is left for years to
18 contemplate his wrongdoing and to feel the loss of his children,
19 friends, and family.

20 Number of Jurors who found this mitigating factor: 0

21 16. A sentence of life imprisonment without the possibility
22 of release is an adequately harsh alternative punishment that
23 will protect society from any further risk of criminal conduct by
24 defendant Iouri Mikhel.

25 Number of Jurors who found this mitigating factor: 0
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1 17. Iouri Mikhel's family and friends, including the
2 young and elderly, will be adversely affected if he is executed.

3 Number of Jurors who found this mitigating factor: 0

4 18. Iouri Mikhel is the father of a daughter, and
5 step-father of a son, both of whom will suffer if he is executed.

6 Number of Jurors who found this mitigating factor: 0

7 Instructions: Regardless of whether you chose to make
8 written findings for the Mitigating Factors of Section V above,
9 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.

16 

17 Foreperson

Date: February 13, 2007

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

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

21 Yes

22 No

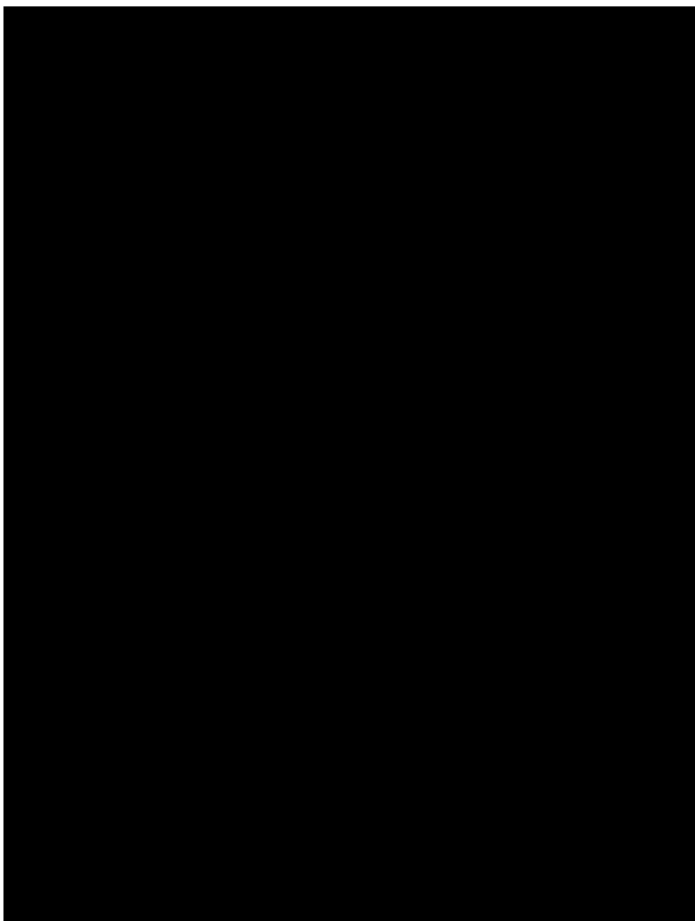
23 If you answer "yes," the foreperson must sign here, and you must
24 then proceed to Section VII.

25 _____
26 Foreperson

Date: _____

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 defendants 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 defendants or the victims.



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23 Foreperson

Date: February 13, 2007