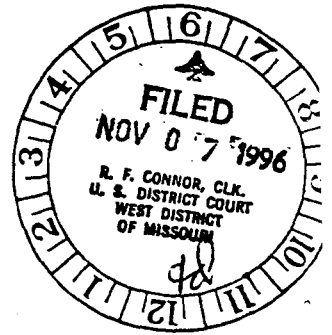


IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF MISSOURI
WESTERN DIVISION



UNITED STATES OF AMERICA,)
)
Plaintiff,)
)
v.)
)
DENNIS B. MOORE, SR.,)
)
Defendant.)

No. 94-00194-01-CR-W-9

VERDICT FORM 1

SECTION I.

Instructions: For the following, answer "YES" or "NO" whether you, the jury, unanimously find that the United States has established the existence of that aggravating factor beyond a reasonable doubt as set forth in Instruction 49:

FIRST, Dennis B. Moore, Sr. intentionally killed Elmont Kerns by commanding, inducing and procuring another or others to shoot Elmont Kerns.

YES X
NO _____

Instructions: If you answered "NO" with respect to the aggravating factor in Section I, then stop your deliberations, complete Section V of this form, consider Section VI of this form, and then advise the court that you have reached a decision.

If you answered "YES" with respect to the aggravating factor in Section I, then continue your deliberations in accordance with Instruction 50.

ORIGINAL

Ex. # 712

SECTION II.

Instructions: For each of the following, answer "YES" or "NO" whether you, the jury, unanimously find that the United States has established the existence of that aggravating factor beyond a reasonable doubt as set forth in Instruction 50:

FIRST, Dennis B. Moore, Sr. committed the murder of Elmont Kerns after substantial planning and premeditation.

YES X

NO _____

SECOND, Dennis B. Moore, Sr. procured the commission of the murder of Elmont Kerns by paying or promising to pay \$10,000 and an automobile.

YES X

NO _____

THIRD, the continuing criminal enterprise in which Dennis B. Moore, Sr. was engaged when Elmont Kerns was murdered involved the distribution by Dennis B. Moore, Sr. of controlled substances to persons under the age of 21.

YES X

NO _____

Instructions: If you answered "NO" with respect to each of the aggravating factors in Section II, then stop your deliberations, complete Section V of this form, consider Section VI of this form and then advise the court that you have reached a decision.

If you found at least one aggravating factor in Section II, then continue your deliberations in accordance with Instruction

1.

SECTION III.

Instructions: For each of the following, answer "YES" or "NO" whether you, the jury, unanimously find that the United States has established the existence of any of the following aggravating factors beyond a reasonable doubt, as set forth in Instruction 51.

FIRST, future dangerousness based upon the probability that Dennis B. Moore, Sr. would commit criminal acts of violence that would constitute a continuing threat to society:

YES X

NO _____

SECOND, Dennis B. Moore, Sr., while engaged in the continuing criminal enterprise set forth in Instruction 17, did employ persons under 21 years of age in the distribution of controlled substances.

YES X

NO _____

Instructions: Regardless of whether you answered "YES" or "NO" with respect to the aggravating factors in Section III, continue your deliberations in accordance with Instruction 52.

SECTION IV:

Instructions: For each of the following mitigating factors, you may, but are not required to, indicate in the space provided the number of jurors who have found that mitigating factor has been established by a preponderance of the evidence, as set forth in Instruction 53. If you choose not to furnish any information about the number of jurors, cross out each page of this Section with a large "X" and then continue your deliberations in accordance with Instruction 54.

Regardless of whether you choose to make written findings, any member of the jury may find a mitigating factor exists and may consider that mitigating factor in deciding whether a sentence of death will be imposed.

1. Dennis B. Moore, Sr. has been and continues to be a father for his children.

Number of jurors who so find 9.

2. Dennis B. Moore, Sr. has been a provider for his family.

Number of jurors who so find 11.

3. Dennis B. Moore, Sr. has shown love and compassion for his family.

Number of jurors who so find 6.

4. If not sentenced to death, Dennis B. Moore, Sr. will be sentenced to a lengthy term of imprisonment without possibility of probation, parole or release up to life imprisonment.

Number of jurors who so find 12.

5. Dennis B. Moore, Sr. has behaved well with jailers while incarcerated awaiting trial.

Number of jurors who so find 10.

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

Dennis B. Moore Sr. showed a good father/son relationship with Jack Moore -

Number of jurors who so find 7.

~~If Dennis Moore receives a life sentence, his
co-conspirators will receive lesser sentences off
time of their own sentences~~

Number of jurors who so find _____.

If Dennis Moore receives a life sentence versus
a death sentence, his co-conspirators will receive a
longer sentence.

Number of jurors who so find 3.

Number of jurors who so find _____.

Instructions: Regardless of whether or not you chose to
furnish any information about the number of jurors finding any
mitigating factor, continue your deliberations in accordance
with Instruction 54.

SECTION V.

DECISION

After considering whether the aggravating factors found to exist beyond a reasonable doubt outweigh any mitigating factor or factors found to exist and after considering whether the aggravating factors outweigh the mitigating factors sufficiently to justify a sentence of death, we decide, by unanimous vote, that defendant Dennis B. Moore, Sr. will be/will not be sentenced to death for the murder of Elmont Kerns.

Please circle either "will be" or "will not be" as determined by your unanimous vote.

| | |
|-------|-------|
| _____ | _____ |
| _____ | _____ |
| _____ | _____ |
| _____ | _____ |
| _____ | _____ |
| _____ | _____ |

FOREPERSON

Kansas City, Missouri

November _____, 1996.

SECTION VI.

CERTIFICATION

By signing below, each of us certify that we did not consider the race, color, religious beliefs, national origin, or sex of the defendant or the victim in reaching his or her individual decision, and that each of us would have made the same decision about the sentence of death for defendant Dennis B. Moore, Sr. no matter what the race, color, religious beliefs, national origin, or sex of the defendant, or the victim, would have been.

FOREPERSON

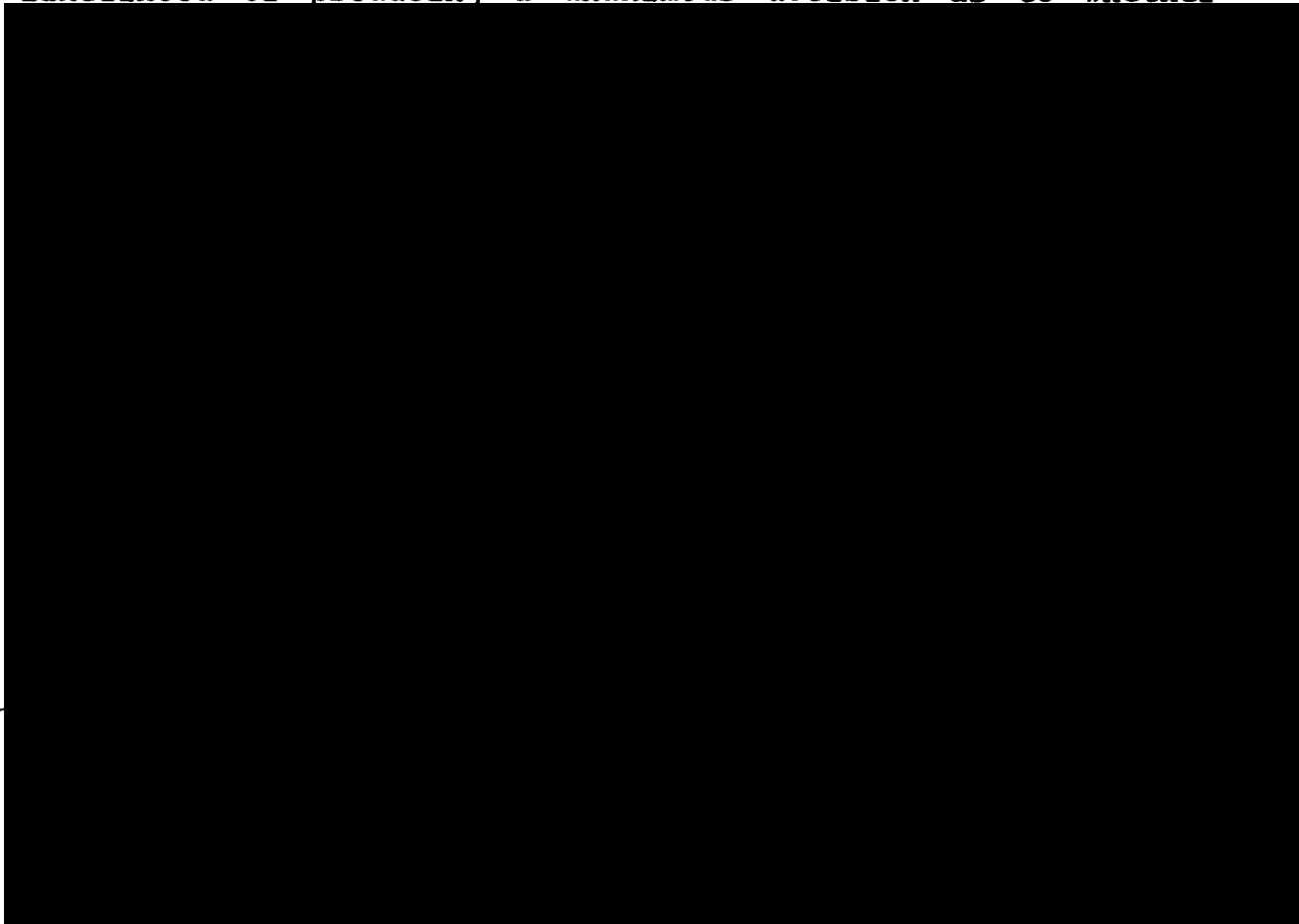
Kansas City, Missouri

November ____, 1996.

SECTION VII.

DECISION

After deliberation during which each of us has had enough time to express our views, we unanimously agree that we are deadlocked, that we are unable to reach a unanimous decision as to whether Dennis B. Moore, Sr. will be/will not be sentenced to death for the murder of Elmont Kerns and that further deliberation today or tomorrow would have no reasonable likelihood of producing a unanimous decision as to whether



Kansas City, Missouri

November 7, 1996.