

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

UNITED STATES OF AMERICA :
 :
 v. : CRIMINAL ACTION
 :
 STEVEN NORTHINGTON : NO. 07-550-05
 :

SPECIAL VERDICT FORM FOR PENALTY PHASE

This special verdict sheet is supplied to you because you have found the Defendant Steven Northington guilty of a count in the indictment which carries a possible penalty of death. Therefore, this form applies to your findings on Count 7 (murder of Tybius Flowers in aid of racketeering). This form is organized as follows. In Section I, you are asked to make your findings on the Defendant's age. In section II, you are asked to make your findings on the requisite mental state or gateway factor. In Section III, you are asked to make your findings on the statutory aggravating factors. In Section IV, you are asked to make your findings on the non-statutory aggravating factors. In Section V, you are asked to make your findings on the mitigating factors. In Section VI, you are asked to record your decision with respect to the appropriate sentence.

COUNT 7 – Murder of Tybius Flowers in Aid of Racketeering

Section I - Defendant's Age

Instructions: Please answer "YES" or "NO" and have the foreperson sign (by juror number) after each verdict.

As to Count 7, do you, the jury, unanimously find that the government has established beyond a reasonable doubt that Steven Northington was eighteen years of age or older at the time of the offense?

YES ✓

NO _____

 [REDACTED]
Foreperson (juror number)

 6/3/2013
Date

If you answered "No" to this question in Section I, then stop your deliberations. You do not need to go on to decide any other questions because your deliberations are over. Steven Northington will be sentenced to life imprisonment without the possibility of release.

If you answered "Yes" to the question in Section I, then continue your deliberations in accordance with the Court's instructions and proceed to Section II.

Section II - Defendant's Intent

Instructions: Please answer "YES" or "NO" and have the foreperson sign after each verdict.

Do you, the jury, unanimously find that the government has established beyond a reasonable doubt that Steven Northington intentionally killed Tybius Flowers?

YES _____

NO ✓ _____

OR

Do you, the jury, unanimously find that the government has established beyond a reasonable doubt that Steven Northington intentionally inflicted serious bodily injury that resulted in the death of Tybius Flowers?

YES _____

NO ✓ _____

OR

Do you, the jury, unanimously find that the government has established beyond a reasonable doubt that Steven Northington intentionally participated in an act, contemplating that the life of a person would be taken or intending that lethal force would be used in connection with a person, other than one of the participants in the offense, and Tybius Flowers died as a direct result of the act?

YES ✓ _____

NO _____

OR

Do you, the jury, unanimously find that the government has established beyond a reasonable doubt that Steven Northington 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 Tybius Flowers died as a direct result of the act.

YES _____

NO ✓ _____

Foreperson (juror number)

6/13/2013
Date

If you answered "No" to all of the questions in Section II, then stop your deliberations. You do not need to go on to decide any other questions because your deliberations are over. Steven Northington will be sentenced to life imprisonment without the possibility of release.

If you answered "Yes" to any question in Section II, then continue your deliberations in accordance with the Court's instructions and proceed to Section III.

Section III - Statutory Aggravating Factors

Instructions: Please answer "YES" or "NO" and have the foreperson sign (by juror number) after each verdict.

First Statutory Aggravating Factor

Do you, the jury, unanimously find that the government has established beyond a reasonable doubt that Steven Northington has been previously convicted of another Federal or state offense resulting in the death of a person, for which a sentence of death or life imprisonment was authorized by statute?

YES _____ NO _____


Foreperson (juror number)

6/13/2013
Date

Second Statutory Aggravating Factor

Do you, the jury, unanimously find that the government has established beyond a reasonable doubt that Steven Northington has 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 five or more years may be imposed.

YES _____ NO _____


Foreperson (juror number)

6/13/2013
Date

Third Statutory Aggravating Factor

Do you, the jury, unanimously find that the government has established beyond a reasonable doubt that Steven Northington committed the offense after substantial planning and premeditation to cause the death of Tybius Flowers?

YES _____ NO _____


Foreperson (juror number)

6/13/2013
Date

If you answered "No" to all three of the statutory aggravating factors above, then you may stop your deliberations. Steven Northington will be sentenced to life imprisonment without the possibility of release.

If you answered "Yes" to one or more of the statutory aggravating factors, then continue your deliberations in accordance with the Court's instructions and proceed to Section IV.

Section IV - Non-Statutory Aggravating Factors


Instructions: Please answer "YES" or "NO" and have the foreperson sign (by juror number) after each verdict.

First Non-Statutory Aggravating Factor

Do you, the jury, unanimously find that the government has established beyond a reasonable doubt that Steven Northington would be a danger in the future to the lives and safety of other persons, and is likely to commit criminal acts of violence in the future?

YES _____

NO _____



Foreperson (juror number)

6/13/2013
Date

Second Non-Statutory Aggravating Factor

Do you, the jury, unanimously find that the government has established beyond a reasonable doubt that Steven Northington caused injury and loss to the victim, Tybius Flowers, and his family?

YES _____

NO _____



Foreperson (juror number)

6/13/2013
Date

Section V - Mitigating Factors

In this section, 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 with regard to each of the capital counts. You will note each question requires a count of the number of jurors who vote that such finding has been made. If no jurors vote that such a factor has been proven, indicate so by placing a "0" in the space provided. Space is provided at the end of the list of specifically alleged mitigating factors for you to record your findings on any additional mitigating factors found to exist by a juror or jurors by a preponderance of the evidence.

Your vote as a jury need not be unanimous with regard to each question in this section. 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 must consider such a factor 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.

Mitigating Factors:

1. While pregnant with him, Mr. Northington's mother and two older brothers were homeless.

Number of Jurors who so find: 12.

2. Mr. Northington's father abandoned him and provided minimal financial and emotional support to his family.

Number of Jurors who so find: 12.

3. There were no positive male role models in Mr. Northington's life.

Number of Jurors who so find: 2.

4. His mother, Annette Northington, used illegal drugs and drank to the point of intoxication while pregnant with Mr. Northington.

Number of Jurors who so find: 12.

5. His mother, Annette Northington, did not receive pre-natal care or proper nutrition while pregnant with Mr. Northington.

Number of Jurors who so find: 12.

6. Mr. Northington's mother has suffered from mental illness.

Number of Jurors who so find: 12.

7. The Northington family rarely had a stable address and lived in inadequate housing including homeless shelters, train stations and hotels during Mr. Northington's childhood.

Number of Jurors who so find: 12.

8. His mother was chronically abusing powder cocaine, marijuana, alcohol, LSD, and crack cocaine during Mr. Northington's childhood and adolescence.

Number of Jurors who so find: 12.

9. Mr. Northington's mother turned to prostitution (tricking) during Mr. Northington's childhood and teen-aged years.

Number of Jurors who so find: 12.

10. Ms. Northington left her children, even in infancy, unsupervised and without adequate food and other basic necessities for long periods of time.

Number of Jurors who so find: 12.

11. Ms. Northington was physically abusive to her son, Steven.

Number of Jurors who so find: 9.

12. Ms. Northington had 5 children by 3 men despite her family being impoverished.

Number of Jurors who so find: 12.

13. After Mr. Northington was born his mother lived with a man who was a drug dealer and heroin addict who was abusive to her in front of her children.

Number of Jurors who so find: 6.

14. Immediately thereafter, Ms. Northington lived for nearly ten years with a man who was an alcoholic, and physically abused her in front of her children.

Number of Jurors who so find: 0.

15. Mr. Northington grew up in communities characterized by violence, drugs and crime.

Number of Jurors who so find: 12.

16. Mr. Northington's brother, Jamal, was shot to death in a drug related homicide.

Number of Jurors who so find: 12.

17. Steven Northington's brother, Kadrice, died of a heart attack while addicted to drugs.

Number of Jurors who so find: 9.

18. Mr. Northington has maintained a relationship with his family.

Number of Jurors who so find: ~~8~~ 9.

19. Mr. Northington had chronic absences and lateness throughout his time in school, beginning in Kindergarten as a result of parental neglect.

Number of Jurors who so find: 12.

20. Because of her addiction and mental illness, Ms. Northington was unable to oversee her children's education and advocate for the services that were necessary for Mr. Northington.

Number of Jurors who so find: 12.

21. Mr. Northington failed school and was held back in the 1st, 4th and 6th grades.

Number of Jurors who so find: 12.

22. After attending 45 days of 7th grade, Mr. Northington never returned to school.
Number of Jurors who so find: 12.
23. The Philadelphia School System failed to identify Steven Northington as a candidate for remedial or special education when he was in elementary school.
Number of Jurors who so find: 8.
24. Steven Northington has organic brain damage, which existed before 2000.
Number of Jurors who so find: 0.
25. Mr. Northington is mentally ill.
Number of Jurors who so find: 1.
26. As a result of the organic brain damage and/or mental illness, Mr. Northington's judgment is impaired.
Number of Jurors who so find: 8.
27. Mr. Northington's ability to make thoughtful, moral choices is impaired.
Number of Jurors who so find: 12.
28. During most of his life, Mr. Northington's brain damage and/or mental illness was undiagnosed and/or untreated.
Number of Jurors who so find: 12.
29. Treatment by mental health professionals, including use of medication, would benefit Mr. Northington.
Number of Jurors who so find: 8.

30. At the time Mr. Northington entered Pennsylvania prison systems as an 18 year-old, he was intellectually limited and emotionally damaged.

Number of Jurors who so find: 12.

31. Mr. Northington was kept in isolation for over seven years.

Number of Jurors who so find: 12.

32. Mr. Northington was subjected to on-going physical and emotional abuse while in isolation.

Number of Jurors who so find: 0.

33. While in state prison, Mr. Northington's mental health issues and brain damage were not adequately addressed.

Number of Jurors who so find: 12.

34. Mr. Northington was adversely affected by the circumstances of isolated confinement.

Number of Jurors who so find: 12.

35. Steven Northington was released from isolation directly to the street, to his former neighborhood, and his dysfunctional family.

Number of Jurors who so find: 12.

36. The Federal Bureau of Prisons is capable of fashioning conditions of confinement that will control Mr. Northington's activities while he is in prison.

Number of Jurors who so find: 12.

37. Steven Northington was neither the leader nor organizer of the drug enterprise that resulted in the victim's death.

Number of Jurors who so find: 12.

38. Although a drug dealer, Mr. Northington was capable of acts of caring and kindness as evidenced by his conduct with respect to Marilyn Campbell.

Number of Jurors who so find: 12.

39. Mr. Northington's role in the killing of Tybius Flowers was relatively minor when compared to the roles of Dawud Bey, John Tillman and Kaboni Savage.

Number of Jurors who so find: 0.

40. Mr. Northington's brain damage and/or mental illness made him susceptible to the influence of Kaboni Savage.

Number of Jurors who so find: 12.

41. Lamont Lewis, an equally culpable codefendant, will not be punished by death for any of the eleven premeditated murders he committed and may be freed after serving forty years for the premeditated murders he committed.

Number of Jurors who so find: 0.

42. If not sentenced to death, Steven Northington will be imprisoned in a federal penitentiary for the remainder of his life with no possibility of release.

Number of Jurors who so find: 12.

Additional Mitigating Factor: Steven Northington is a human being and his life has value.

Number of Jurors who so find: 12.

Additional Mitigating Factor: A sentence of death would adversely impact the Northington family.

Number of Jurors who so find: 12.

Additional Mitigating Factor: Life in prison is a harsh punishment.

Number of Jurors who so find: 12.

Additional Mitigating Factor: The Philadelphia School District failed to identify Steven as a candidate for intervention ~~by~~ at an early age.
Number of Jurors who so find: 12.

Additional Mitigating Factor: Steven Northington has organic brain damage
Number of Jurors who so find: 10.

Additional Mitigating Factor: Steven Northington has symptoms of ~~a~~ mental illness.
Number of Jurors who so find: 12.

Additional Mitigating Factor: Social services failed to follow up on Annette Northington's parental negligence.
Number of Jurors who so find: 12.

Additional Mitigating Factor: Steven Northington played a lesser role in the ~~murder~~ murder of Tybuis Flowers than the other participants.
Number of Jurors who so find: 12.

Additional Mitigating Factor: Lamont Lewis will not be sentenced to death for eleven premeditated murders.
Number of Jurors who so find: 12.

Additional Mitigating Factor: _____

Number of Jurors who so find: _____.

Additional Mitigating Factor: _____

Number of Jurors who so find: _____.

[Additional mitigating factors may be handwritten on this form.]

Section VI - Determination of Sentence for Count 7: The Murder of Tybius Flowers

In this section, enter your determination of the defendant's sentence with regard to Count 7. Your vote as a juror must be unanimous with regard to each question in this section.

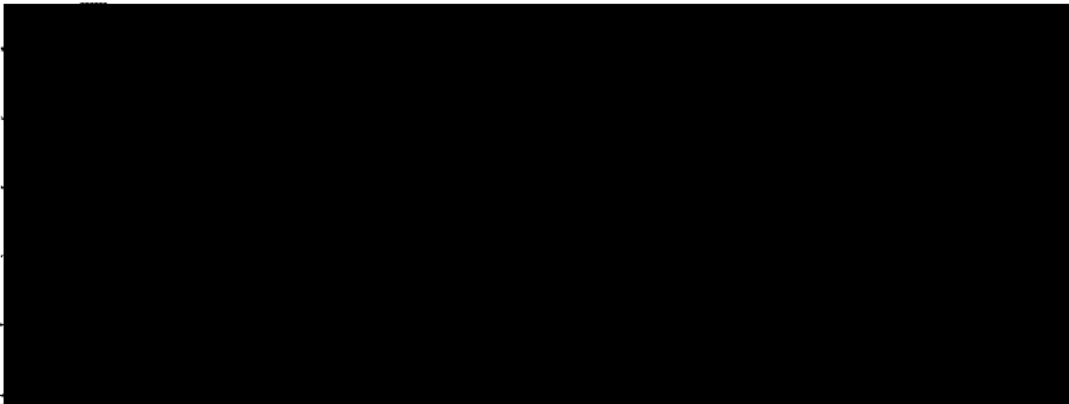
Based upon consideration of whether the statutory and non-statutory aggravating factors which were proved in this case beyond a reasonable doubt sufficiently outweigh any mitigating factors that have been found to exist, or, in the absence of any mitigating factors, the aggravating factor(s) alone is/are sufficient to justify a sentence of death:

We vote unanimously that Steven Northington shall be sentenced to death.

We vote unanimously that Steven Northington shall be sentenced to life imprisonment without the possibility of release.

We cannot reach a unanimous decision regarding the appropriate punishment in this case. One or more of us believes that death by execution is the appropriate punishment, and one or more of us believes that life in prison without any possibility of release is the appropriate punishment. We understand that because we do not unanimously agree, the Court will sentence Steven Northington to life in prison without any possibility of release.

Each juror must sign his/her juror number below, indicating that the above sentence determination reflects the jury's unanimous decision:

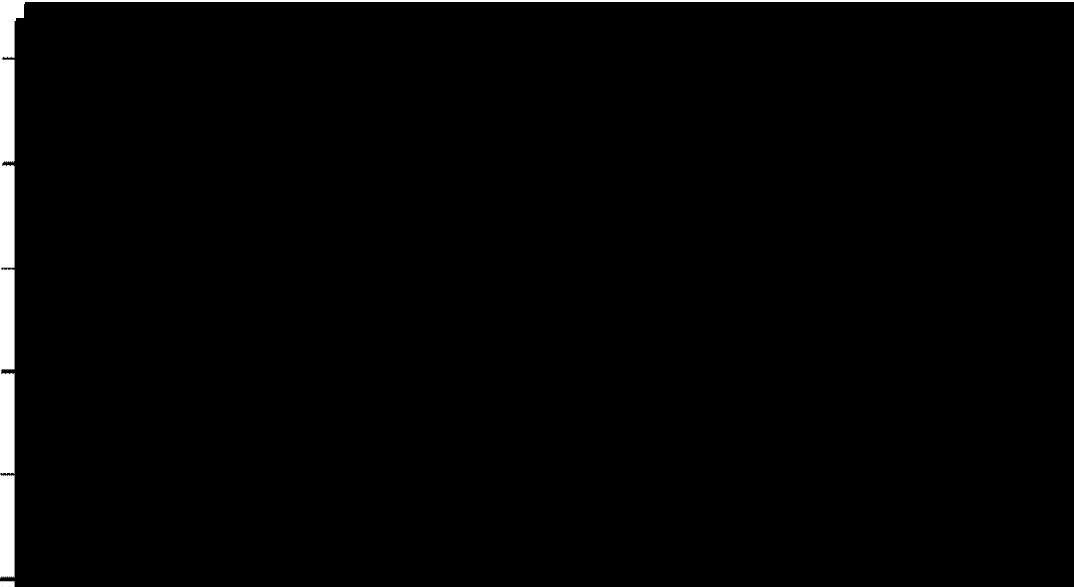


FOREPERSON

Date: 6/13/2013

Section VII - Certification

By signing below (by juror number), 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 victim.

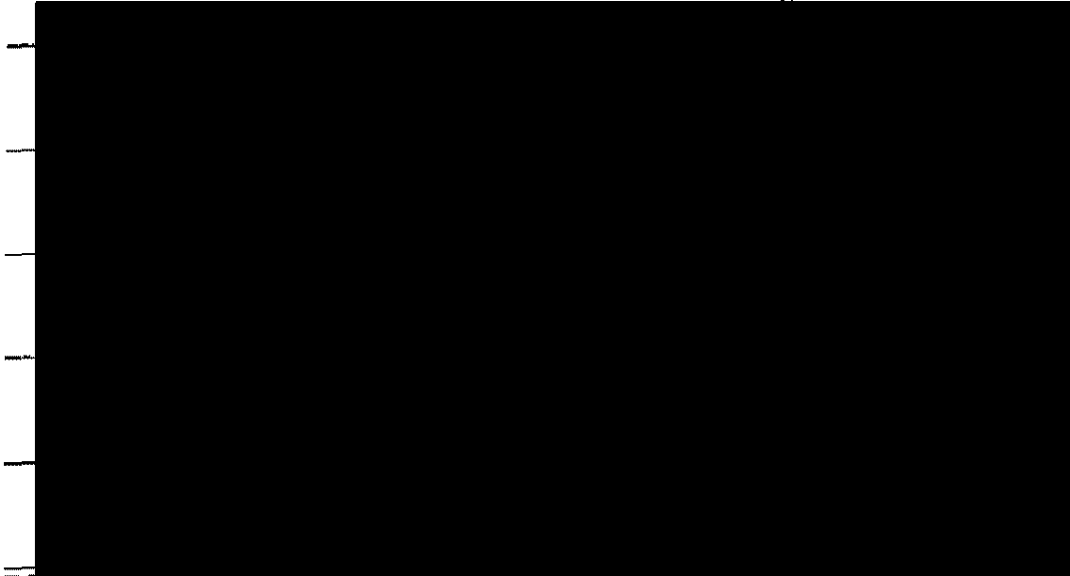


FOREPERSON

Date: 6/13/2013

Sentencing Determination Certification

By signing below (by juror number), each juror certifies that each of the above sentencing determinations reflect the jury's decision on that question.



FOREPERSON

Date: 6/13/2013