

FILED  
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U. S. DISTRICT COURT ED. N.Y.  
★ JUL 6 1992 ★

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK  
-----X

UNITED STATES OF AMERICA

- against -

THOMAS PITERA,

Defendant.

90 CR 424(RR)

SPECIAL FINDINGS

-----X

RAGGI, District Judge:

**Part I. Statutory Aggravating Factors**  
(to be proved by the government beyond a reasonable doubt)

Category 1

1. That defendant intentionally killed the victims of the capital crime.

-- As to Richard Leone

Proved to the jury's unanimous satisfaction  
Unable to reach unanimous agreement

✓  
\_\_\_\_\_  
\_\_\_\_\_

-- As to Solomon Stern

Proved to the jury's unanimous satisfaction  
Unable to reach unanimous agreement

✓  
\_\_\_\_\_  
\_\_\_\_\_

\* \* \*

Category 2

2A. That defendant killed the victims of the capital crime after substantial planning and premeditation.

-- As to Richard Leone

Proved to the jury's unanimous satisfaction  
Unable to reach unanimous agreement

✓  
\_\_\_\_\_  
\_\_\_\_\_

-- As to Solomon Stern

Proved to the jury's unanimous satisfaction  
Unable to reach unanimous agreement

✓  
\_\_\_\_\_  
\_\_\_\_\_

2B. That defendant killed the victims of the capital crime in an especially heinous, cruel, or depraved manner in that the murders involved torture or serious physical abuse to the victims.

-- As to Richard Leone

Proved to the jury's unanimous satisfaction  
Unable to reach unanimous agreement

✓  
\_\_\_\_\_  
\_\_\_\_\_

-- As to Solomon Stern

Proved to the jury's unanimous satisfaction  
Unable to reach unanimous agreement

✓  
\_\_\_\_\_  
\_\_\_\_\_

(You may only continue with your deliberations if you have found both Number 1 and either Number 2A or 2B proved to the jury's unanimous satisfaction with respect to the same victim. If you have not found both Number 1 and either Number 2A or 2B proved to the jury's unanimous satisfaction with respect to the same victim, you must cease your deliberations. You should report the decision reflected in Decision Form A.)

Part II. Non-statutory Aggravating Factors  
(to be proved by the government beyond a reasonable doubt)

3A. That the commission of the Leone/Stern murders was part of a series of intentional and premeditated murders, to wit the murders of:

-- Talal Siksik

Proved to the jury's unanimous satisfaction  
Unable to reach unanimous agreement

✓  
\_\_\_\_\_  
\_\_\_\_\_

-- Phyllis Burdi

Proved to the jury's unanimous satisfaction  
Unable to reach unanimous agreement

✓  
\_\_\_\_\_  
\_\_\_\_\_

-- Marek Kucharsky

Proved to the jury's unanimous satisfaction  
Unable to reach unanimous agreement

*unable*  
\_\_\_\_\_  
\_\_\_\_\_

-- Joseph Balzano

Proved to the jury's unanimous satisfaction  
Unable to reach unanimous agreement

✓  
\_\_\_\_\_  
\_\_\_\_\_

3B. That defendant killed Talal Siksik in an especially heinous, cruel, or depraved manner in that the murder involved mental torture to the victim.

Proved to the jury's unanimous satisfaction  
Unable to reach unanimous agreement

✓  
\_\_\_\_\_  
\_\_\_\_\_

(Regardless of the findings you have made as to these non-statutory aggravating factors, proceed to the next page inquiring as to mitigating factors.)

**Part III. Mitigating Factors**

(to be proved by the defense by a preponderance of the evidence)

4A. That defendant does not have a prior criminal record.

Number of jurors who so find

12

4B. That William Bright and Richard David, neither of whom will be punished by death, are as equally culpable as defendant for the Leone/Stern murders.

Number of jurors who so find

6

4C. That the lesser sentences received by other defendants involved in the Leone/Stern murders mitigate against Mr. Pitera receiving a death sentence.

Number of jurors who so find

3

4D. That, if not sentenced to death, defendant will serve a term of life imprisonment without parole.

Number of jurors who so find

12

4E. That other factors about the commission of the crime or about Thomas Pitera's background or character mitigate against imposition of the death penalty. (Please identify the factor and the number of jurors who so find.)

Number of jurors who so find

Number of jurors who so find

Number of jurors who so find

Number of jurors who so find

(If more space is needed, simply write on the back of this sheet. Please remember that you need not be able to articulate a mitigating factor with specificity to consider it in your deliberations.)