

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF SOUTH CAROLINA  
FLORENCE DIVISION

**FILED**

NOV 2 2004

LARRY W. PROPPS, CLERK  
COLUMBIA, SC

UNITED STATES OF AMERICA )  
 )  
 vs. )  
 )  
 BRANDON LEON BASHAM )  
 )  
 \_\_\_\_\_ )

CRIMINAL NO. 4:02-992 (JFA,Jr.)  
  
SPECIAL VERDICT FORM

**COUNT 1 – CARJACKING RESULTING IN DEATH**

**I. AGE OF DEFENDANT**

Instructions: Answer "YES" or "NO":

1. Do you, the jury, unanimously find that the government has established beyond a reasonable doubt that: Brandon Leon Basham was eighteen years of age or older at the time of the offense (carjacking resulting in death)?

☒ YES ☐ NO

Foreperson

Instructions: If you answered "NO" with respect to the determination in this Section, then stop your deliberations, skip over Sections II, III, IV, V and VI of this form, and proceed to Section VII. Each juror should then carefully read the statement in Section VII, 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 answered "YES" with respect to the determination in this Section I, proceed to Section II which follows.

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## II. THRESHOLD INTENT FACTOR

*Instructions: Select below the Threshold Intent Factor, if any, you unanimously find that the government proved beyond a reasonable doubt. You may not select more than one.*

- ☐ 1. Brandon Leon Basham intentionally killed Alice Donovan.
- ☐ 2. Brandon Leon Basham intentionally inflicted serious bodily injury that resulted in the death of Alice Donovan.
- ☐ 3. Brandon Leon Basham intentionally participated in an act, contemplating that the life of Alice Donovan would be taken or intending that lethal force would be used in connection with Alice Donovan, and Alice Donovan died as a direct result of the act.
- ☒ 4. Brandon Leon Basham intentionally and specifically engaged in an act of violence, knowing that the act created a grave risk of death to Alice Donovan, such that participation in the act constituted a reckless disregard for human life, and Alice Donovan died as a direct result of the act.
- ☐ 5. The government failed to prove a threshold intent factor beyond a reasonable doubt.

  
Foreperson

*Instructions: If you did not find any Threshold Intent Factor, then stop your deliberations, skip over Sections III, IV, V, and VI of this form, and proceed to Section VII. Each juror should carefully read the statement in Section VII, 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 found one of the Threshold Intent Factors in this Section II, proceed to Section III which follows.*

### III. STATUTORY AGGRAVATING FACTOR

Instructions: For the following Statutory Aggravating Factor, answer "YES" or "NO":

1. Do you, the jury, unanimously find that the government has established beyond a reasonable doubt that the death of Alice Donovan, or the injury resulting in the death of Alice Donovan, occurred during Brandon Leon Basham's commission or attempted commission of, or during his immediate flight from, his commission of a kidnapping?

☒ YES

☐ NO

Foreperson

Instructions: If you answered "NO" with respect to the Statutory Aggravating Factor in this Section, then stop your deliberations, skip over Sections IV, V and VI of this form, and proceed to Section VII of this form. Each juror should then carefully read the statement in Section VII, 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 found the requisite age in Section I, the Threshold Intent Factor in Section II, and answered "Yes" with respect to the Statutory Aggravating Factor in this Section III, proceed to Section IV which follows.

#### IV. NON-STATUTORY AGGRAVATING FACTORS

Instructions: For each of the following Non-Statutory Aggravating Factors, answer "YES" or "NO":

I. Do you, the jury, unanimously find that the government has established beyond a reasonable doubt that the defendant, Brandon Leon Basham:

1. Escaped from a detention facility in Hopkins County, Kentucky on November 4, 2002, where he was serving a five-year sentence related to forgery convictions?

☒ YES ☐ NO

Foreperson

2. Subsequent to his escape, participated in a carjacking and kidnapping that resulted in the death of Samantha Burns, a 19-year-old woman in Huntington, West Virginia?

☒ YES ☐ NO

Foreperson

3. Subsequent to his escape, participated in a first-degree burglary and other criminal conduct that resulted in the assault with intent to kill Carl Jordan, a citizen of Conway, South Carolina?

☒ YES ☒ NO

Foreperson

4. Subsequent to his escape, participated in the kidnapping and carjacking of James Hawkins, a citizen of Hanson, Kentucky?

☒ YES ☐ NO

Foreperson

5. Subsequent to his escape, participated in the attempted murder of a police officer in Ashland, Kentucky?

☒ YES ☐ NO

Foreperson

If you find that one or more of the acts in 1-5 occurred beyond a reasonable doubt, do you find, further, that this factor or factors is aggravating?

☒ YES

☐ NO

Foreperson

II. Do you, the jury, unanimously find that the government has established beyond a reasonable doubt that the defendant, Brandon Leon Basham, would be a danger in the future to the lives and safety of other persons, including, but not limited to, inmates and correctional officers in an institutional correctional setting, and that this factor is aggravating?

☐ YES

☒ NO

Foreperson

III. Do you, the jury, unanimously find that the government has established beyond a reasonable doubt the effect of the death of Alice Donovan on her family, including the extent and scope of the injuries and losses suffered by Alice Donovan and her family, and that this factor is aggravating?

☒ YES

☐ NO

Foreperson

*Instructions: Regardless of whether you answered "YES" or "NO" with respect to the Non-Statutory Aggravating Factors in this Section IV, proceed to Section V, which follows.*

## V. MITIGATING FACTORS

Instructions: For each of the following Mitigating Factors, indicate in the space provided, the number of jurors, if any, who have found it proved by a preponderance of the evidence and that it is mitigating.

*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 to impose a sentence of life in prison without the possibility of release or a sentence of death, regardless of the number of other jurors who agree. Further, any juror may also weigh a Mitigating Factor found by another juror, even if he or she did not also find that factor to be mitigating:*

Statutory  
Mitigating Factors:

Number of Jurors Finding  
the Mitigating Factor:

1. Impaired capacity. Brandon Leon Basham's capacity to appreciate the wrongfulness of his conduct or to conform conduct to the requirements of law was significantly impaired, regardless of whether the capacity was so impaired as to constitute a defense to the charge, and this factor is mitigating.

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2. Duress. Brandon Leon Basham was under unusual and substantial duress, regardless of whether the duress was of such a degree as to constitute a defense to the charge, and this factor is mitigating.

0

3. Minor participation. Brandon Leon Basham is punishable as a principal in the offense, which was committed by another, but his participation was relatively minor, regardless of whether the participation was so minor as to constitute a defense to the charge, and this factor is mitigating.

0

4. Brandon Leon Basham did not have a significant prior history of other criminal conduct, and this factor is mitigating.

0

5. Disturbance. Brandon Leon Basham committed the offense under severe mental or emotional disturbance, and this factor is mitigating.

1

Non-Statutory  
Mitigating Factors:

Number of Jurors Finding  
the Mitigating Factor:

1. Brandon Leon Basham played a lesser role than Chadrick Evan Fulks in the kidnapping and carjacking of Alice Donovan, and this factor is mitigating. 0
2. Brandon Leon Basham's family, including both his maternal and paternal sides, has a history of violence, substance abuse, and mental illness, including schizophrenia, psychosis, depression, delusions, paranoia, and suicide, including numerous suicide attempts by Brandon's mother, and this factor is mitigating. 12
3. Brandon Leon Basham's mother abused alcohol and illegal drugs while she was pregnant with him and had a negative attitude towards prenatal care, and this factor is mitigating. 8
4. Brandon Leon Basham's parents spent most of the family's money on drugs and alcohol and Brandon frequently saw both parents intoxicated or under the influence, and this factor is mitigating. 8
5. Brandon Leon Basham's mother entertained strange men at her home for drugs and sex, sometimes kicking Brandon, Jimmie, and Charlotte out of the house on such occasions, and sometimes allowing the family to remain, resulting in Brandon Leon Basham occasionally seeing his mother involved with these strange men, and this factor is mitigating. 7
6. Brandon Leon Basham was sexually abused by men, and this factor is mitigating. 7
7. Brandon Leon Basham's parents often engaged in physical, verbal, and emotional violence towards each other and towards Brandon and his sister Charlotte, and this factor is mitigating. 12
8. Brandon Leon Basham's parents did not know how to take care of a special needs child and never concerned themselves with his education or treatment, and this factor is mitigating. 0
9. Brandon Leon Basham's parents and family failed to show up for visits or conferences at hospitals and institutions, and this factor is mitigating. 0

10. Brandon Leon Basham had inconsistent and inefficient nutrition provided to him in his home, and this factor is mitigating. 0
11. Brandon Leon Basham's home was often filthy and infected with roaches, and this factor is mitigating. 0
12. Brandon Leon Basham's mother removed him from appropriate care facilities, refused to follow recommendations of doctors and counselors, and refused to give him his prescribed medication for his mental illness, but gave him illegal drugs instead, and this factor is mitigating. 10
13. Brandon Leon Basham's mother encouraged him to steal to support their drug habits, and this factor is mitigating. 12
14. Brandon Leon Basham began huffing gasoline, smoking marijuana, and smoking crack cocaine at a young age, and this factor is mitigating. 12
15. Brandon Leon Basham was diagnosed with ADHD [Attention-Deficit/Hyperactivity Disorder] as a young child, was placed in a mental hospital for the first time at age 10, and was subsequently placed in several mental health facilities and institutions, and this factor is mitigating. 2
16. Brandon Leon Basham has received inconsistent care and has been prescribed an ever-changing mix of medicines, including antipsychotics, anxiolytics, antidepressants, and anticonvulsants, and this factor is mitigating. 3
17. Brandon Leon Basham suffers from emotional, behavioral, and learning disabilities and was placed in special education classes in early elementary school, and this factor is mitigating. 0
18. Brandon Leon Basham shows signs of neurological damage due to head trauma and substance abuse, which has inhibited his ability to process information and inhibit impulses, and this factor is mitigating. 0
19. Brandon Leon Basham suffers from dementia due to multiple etiologies, inhalant induced psychosis with hallucinations, and anxiety disorder not otherwise specified and ADHD, combined type, and this factor is mitigating. 1
20. Brandon Leon Basham has a mental condition that causes him to reject prescribed medications and self-medicate with other non-prescribed substances such as illegal drugs and alcohol, and this factor is mitigating. 0



21. Brandon Leon Basham is unable to operate a car, an ATM machine, or a phone card, and this factor is mitigating. 0
22. Brandon Leon Basham has suffered from low self esteem, sadness, and hopelessness from a young age, and this factor is mitigating. 0
23. Brandon Leon Basham has attempted suicide several times, and this factor is mitigating. 0
24. Brandon Leon Basham's intelligence scores have been deteriorating due to head injuries and substance abuse at an early age, and his I.Q. level is now in the low 70s, and this factor is mitigating. 0
25. Brandon Leon Basham is easily influenced and led by others, and this factor is mitigating. 6
26. At the time of the offenses, Brandon Leon Basham was suffering from severe mental and emotional disturbances, and this factor is mitigating. 1
27. At the time of the offenses, Brandon Leon Basham was not on his prescribed medication, and this factor is mitigating. 0
28. At the time of the offenses, Brandon Leon Basham was under the influence of alcohol and drugs, and this factor is mitigating. 0
29. Brandon Leon Basham has never harmed anyone in a correctional facility with or without a weapon, and this factor is mitigating. 0
30. No one has escaped from a high security federal prison since 1993, and this factor is mitigating. 0

## VI. DETERMINATION OF SENTENCE

### **Life in prison without possibility of release**

We unanimously conclude that Brandon Leon Basham shall be sentenced to life imprisonment without possibility of release.

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Foreperson

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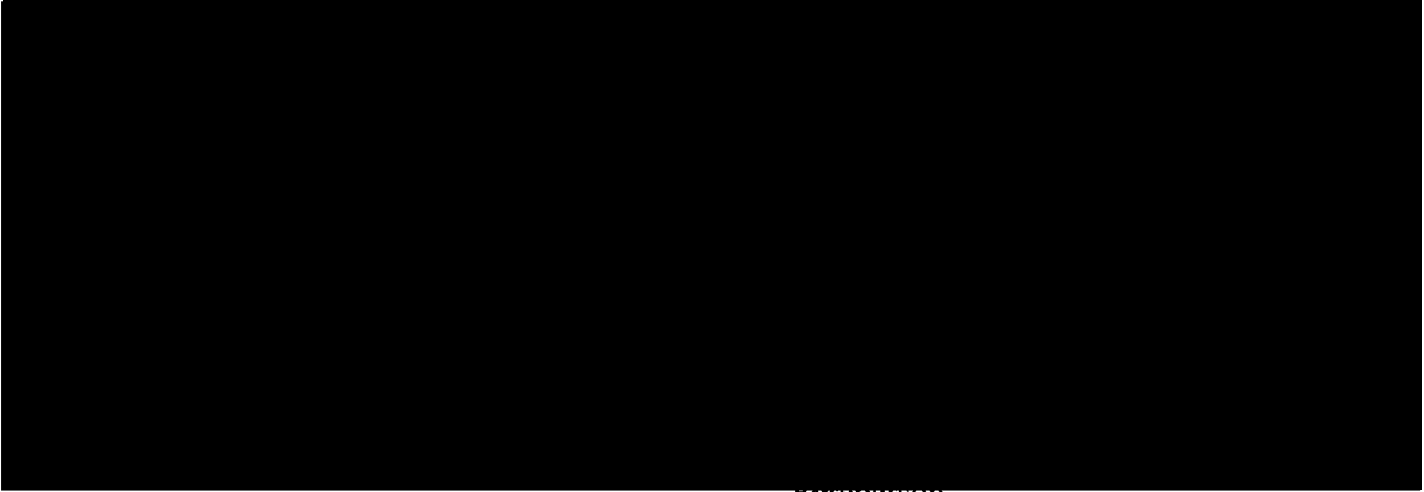
Date

*If you answer that a sentence of life in prison without possibility of release shall be imposed, then you must proceed to Section VII.*

**OR**

## Death

We, the jury, as to Brandon Leon Basham, unanimously find beyond a reasonable doubt that the aggravating factor(s) proved in this case outweigh(s) the mitigating factor(s) so as to justify a sentence of death; or, in the absence of any mitigating factor, that the aggravating factor or factors alone justify a sentence of death. We, therefore, unanimously conclude that Brandon Leon Basham shall be sentenced to death.



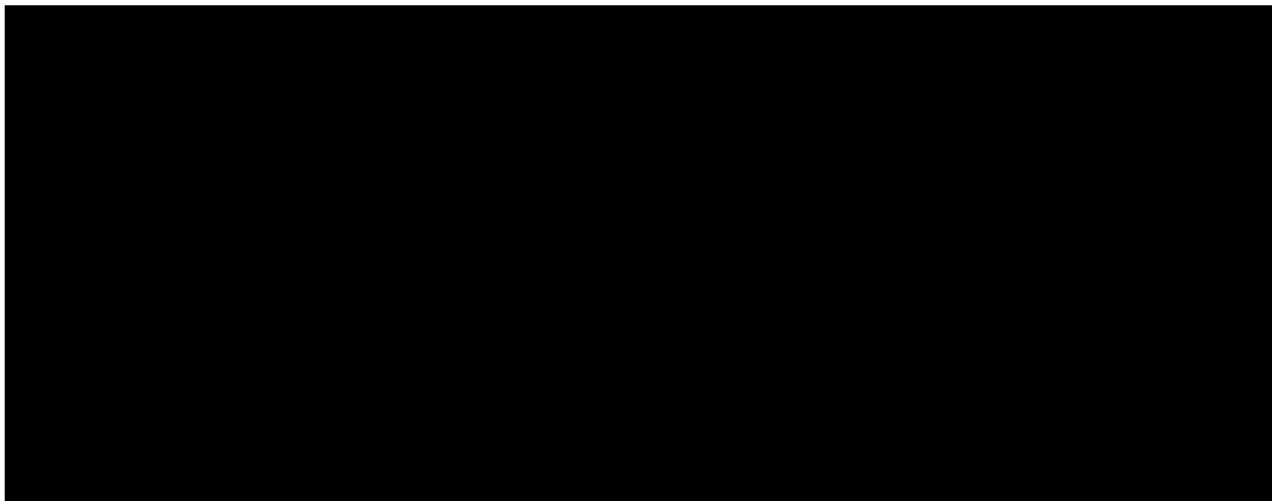
Foreperson

November 2, 2004  
Date

*If you answer that a sentence of death shall be imposed, then you must proceed to Section VII.*

## VII. CERTIFICATION STATEMENT

By signing below, each juror certifies that consideration of the race, color, religious beliefs, national origin, or sex of the defendant, Brandon Leon Basham, or the victim, Alice Donovan, 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

November 2, 2004  
Date

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF SOUTH CAROLINA  
FLORENCE DIVISION

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UNITED STATES OF AMERICA )  
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 vs. )  
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 BRANDON LEON BASHAM )  
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 )  
 )

CRIMINAL NO. 4:02-992 (JFA,Jr.)

**SPECIAL VERDICT FORM**

**COUNT 2 – KIDNAPPING RESULTING IN DEATH**

**I. AGE OF DEFENDANT**

Instructions: Answer "YES" or "NO":

1. Do you, the jury, unanimously find that the government has established beyond a reasonable doubt that: Brandon Leon Basham was eighteen years of age or older at the time of the offense (kidnapping resulting in death)?

☒ YES ☐ NO

foreperson

Instructions: If you answered "NO" with respect to the determination in this Section, then stop your deliberations, skip over Sections II, III, IV, V and VI of this form, and proceed to Section VII. Each juror should then carefully read the statement in Section VII, 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 answered "YES" with respect to the determination in this Section I, proceed to Section II which follows.

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## II. THRESHOLD INTENT FACTOR

Instructions: Select below the Threshold Intent Factor, if any, you unanimously find that the government proved beyond a reasonable doubt. You may not select more than one.

- ☐ 1. Brandon Leon Basham intentionally killed Alice Donovan.
- ☐ 2. Brandon Leon Basham intentionally inflicted serious bodily injury that resulted in the death of Alice Donovan.
- ☐ 3. Brandon Leon Basham intentionally participated in an act, contemplating that the life of Alice Donovan would be taken or intending that lethal force would be used in connection with Alice Donovan, and Alice Donovan died as a direct result of the act.
- ☒ 4. Brandon Leon Basham intentionally and specifically engaged in an act of violence, knowing that the act created a grave risk of death to Alice Donovan, such that participation in the act constituted a reckless disregard for human life, and Alice Donovan died as a direct result of the act.
- ☐ 5. The government failed to prove a threshold intent factor beyond a reasonable doubt.

  
Foreperson

Instructions: If you did not find any Threshold Intent Factor, then stop your deliberations, skip over Sections III, IV, V, and VI of this form, and proceed to Section VII. Each juror should carefully read the statement in Section VII, 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 found one of the Threshold Intent Factors in this Section II, proceed to Section III which follows.

### III. STATUTORY AGGRAVATING FACTOR

Instructions: For the following Statutory Aggravating Factor, answer "YES" or "NO":

1. Do you, the jury, unanimously find that the government has established beyond a reasonable doubt that the death of Alice Donovan, or the injury resulting in the death of Alice Donovan, occurred during Brandon Leon Basham's commission or attempted commission of, or during his immediate flight from, his commission of a kidnapping?

☒ YES

☐ NO

  
Foreperson

Instructions: If you answered "NO" with respect to the Statutory Aggravating Factor in this Section, then stop your deliberations, skip over Sections IV, V and VI of this form, and proceed to Section VII of this form. Each juror should then carefully read the statement in Section VII, 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 found the requisite age in Section I, the Threshold Intent Factor in Section II, and answered "Yes" with respect to the Statutory Aggravating Factor in this Section III, proceed to Section IV which follows.

#### IV. NON-STATUTORY AGGRAVATING FACTORS

Instructions: For each of the following Non-Statutory Aggravating Factors, answer "YES" or "NO":

I. Do you, the jury, unanimously find that the government has established beyond a reasonable doubt that the defendant, Brandon Leon Basham:

1. Escaped from a detention facility in Hopkins County, Kentucky on November 4, 2002, where he was serving a five-year sentence related to forgery convictions?

☒ YES ☐ NO

Foreperson

2. Subsequent to his escape, participated in a carjacking and kidnapping that resulted in the death of Samantha Burns, a 19-year-old woman in Huntington, West Virginia?

☒ YES ☐ NO

Foreperson

3. Subsequent to his escape, participated in a first-degree burglary and other criminal conduct that resulted in the assault with intent to kill Carl Jordan, a citizen of Conway, South Carolina?

☒ YES ☐ NO

Foreperson

4. Subsequent to his escape, participated in the kidnapping and carjacking of James Hawkins, a citizen of Hanson, Kentucky?

☒ YES ☐ NO

Foreperson

5. Subsequent to his escape, participated in the attempted murder of a police officer in Ashland, Kentucky?

☒ YES ☐ NO

Foreperson



If you find that one or more of the acts in 1-5 occurred beyond a reasonable doubt, do you find, further, that this factor or factors is aggravating?

☒ YES ☐ NO

[REDACTED]

Foreperson

II. Do you, the jury, unanimously find that the government has established beyond a reasonable doubt that the defendant, Brandon Leon Basham, would be a danger in the future to the lives and safety of other persons, including, but not limited to, inmates and correctional officers in an institutional correctional setting, and that this factor is aggravating?

☐ YES ☒ NO

[REDACTED]

V

III. Do you, the jury, unanimously find that the government has established beyond a reasonable doubt the effect of the death of Alice Donovan on her family, including the extent and scope of the injuries and losses suffered by Alice Donovan and her family, and that this factor is aggravating?

☒ YES ☐ NO

[REDACTED]

Foreperson

Instructions: Regardless of whether you answered "YES" or "NO" with respect to the Non-Statutory Aggravating Factors in this Section IV, proceed to Section V, which follows.

## V. MITIGATING FACTORS

*Instructions: For each of the following Mitigating Factors, indicate in the space provided, the number of jurors, if any, who have found it proved by a preponderance of the evidence and that it is mitigating.*

*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 to impose a sentence of life in prison without the possibility of release or a sentence of death, regardless of the number of other jurors who agree. Further, any juror may also weigh a Mitigating Factor found by another juror, even if he or she did not also find that factor to be mitigating:*

Statutory  
Mitigating Factors:

Number of Jurors Finding  
the Mitigating Factor:

1. Impaired capacity. Brandon Leon Basham's capacity to appreciate the wrongfulness of his conduct or to conform conduct to the requirements of law was significantly impaired, regardless of whether the capacity was so impaired as to constitute a defense to the charge, and this factor is mitigating.

4

2. Duress. Brandon Leon Basham was under unusual and substantial duress, regardless of whether the duress was of such a degree as to constitute a defense to the charge, and this factor is mitigating.

0

3. Minor participation. Brandon Leon Basham is punishable as a principal in the offense, which was committed by another, but his participation was relatively minor, regardless of whether the participation was so minor as to constitute a defense to the charge, and this factor is mitigating.

0

4. Brandon Leon Basham did not have a significant prior history of other criminal conduct, and this factor is mitigating.

0

5. Disturbance. Brandon Leon Basham committed the offense under severe mental or emotional disturbance, and this factor is mitigating.

1

Non-Statutory  
Mitigating Factors:

Number of Jurors Finding  
the Mitigating Factor:

1. Brandon Leon Basham played a lesser role than Chadrick Evan Fulks in the kidnapping and carjacking of Alice Donovan, and this factor is mitigating. 0
2. Brandon Leon Basham's family, including both his maternal and paternal sides, has a history of violence, substance abuse, and mental illness, including schizophrenia, psychosis, depression, delusions, paranoia, and suicide, including numerous suicide attempts by Brandon's mother, and this factor is mitigating. 12
3. Brandon Leon Basham's mother abused alcohol and illegal drugs while she was pregnant with him and had a negative attitude towards prenatal care, and this factor is mitigating. 6
4. Brandon Leon Basham's parents spent most of the family's money on drugs and alcohol and Brandon frequently saw both parents intoxicated or under the influence, and this factor is mitigating. 5
5. Brandon Leon Basham's mother entertained strange men at her home for drugs and sex, sometimes kicking Brandon, Jimmie, and Charlotte out of the house on such occasions, and sometimes allowing the family to remain, resulting in Brandon Leon Basham occasionally seeing his mother involved with these strange men, and this factor is mitigating. 5
6. Brandon Leon Basham was sexually abused by men, and this factor is mitigating. 6
7. Brandon Leon Basham's parents often engaged in physical, verbal, and emotional violence towards each other and towards Brandon and his sister Charlotte, and this factor is mitigating. 12
8. Brandon Leon Basham's parents did not know how to take care of a special needs child and never concerned themselves with his education or treatment, and this factor is mitigating. 0
9. Brandon Leon Basham's parents and family failed to show up for visits or conferences at hospitals and institutions, and this factor is mitigating. 0

10. Brandon Leon Basham had inconsistent and inefficient nutrition provided to him in his home, and this factor is mitigating. 0
11. Brandon Leon Basham's home was often filthy and infected with roaches, and this factor is mitigating. 1
12. Brandon Leon Basham's mother removed him from appropriate care facilities, refused to follow recommendations of doctors and counselors, and refused to give him his prescribed medication for his mental illness, but gave him illegal drugs instead, and this factor is mitigating. 4
13. Brandon Leon Basham's mother encouraged him to steal to support their drug habits, and this factor is mitigating. 11
14. Brandon Leon Basham began huffing gasoline, smoking marijuana, and smoking crack cocaine at a young age, and this factor is mitigating. 10
15. Brandon Leon Basham was diagnosed with ADHD [Attention-Deficit/Hyperactivity Disorder] as a young child, was placed in a mental hospital for the first time at age 10, and was subsequently placed in several mental health facilities and institutions, and this factor is mitigating. 2
16. Brandon Leon Basham has received inconsistent care and has been prescribed an ever-changing mix of medicines, including antipsychotics, anxiolytics, antidepressants, and anticonvulsants, and this factor is mitigating. 4
17. Brandon Leon Basham suffers from emotional, behavioral, and learning disabilities and was placed in special education classes in early elementary school, and this factor is mitigating. 1
18. Brandon Leon Basham shows signs of neurological damage due to head trauma and substance abuse, which has inhibited his ability to process information and inhibit impulses, and this factor is mitigating. 1
19. Brandon Leon Basham suffers from dementia due to multiple etiologies, inhalant induced psychosis with hallucinations, and anxiety disorder not otherwise specified and ADHD, combined type, and this factor is mitigating. 1
20. Brandon Leon Basham has a mental condition that causes him to reject prescribed medications and self-medicate with other non-prescribed substances such as illegal drugs and alcohol, and this factor is mitigating. 0

21. Brandon Leon Basham is unable to operate a car, an ATM machine, or a phone card, and this factor is mitigating. 0
22. Brandon Leon Basham has suffered from low self esteem, sadness, and hopelessness from a young age, and this factor is mitigating. 0
23. Brandon Leon Basham has attempted suicide several times, and this factor is mitigating. 0
24. Brandon Leon Basham's intelligence scores have been deteriorating due to head injuries and substance abuse at an early age, and his I.Q. level is now in the low 70s, and this factor is mitigating. 0
25. Brandon Leon Basham is easily influenced and led by others, and this factor is mitigating. 4
26. At the time of the offenses, Brandon Leon Basham was suffering from severe mental and emotional disturbances, and this factor is mitigating. 0
27. At the time of the offenses, Brandon Leon Basham was not on his prescribed medication, and this factor is mitigating. 0
28. At the time of the offenses, Brandon Leon Basham was under the influence of alcohol and drugs, and this factor is mitigating. 0
29. Brandon Leon Basham has never harmed anyone in a correctional facility with or without a weapon, and this factor is mitigating. 0
30. No one has escaped from a high security federal prison since 1993, and this factor is mitigating. 0

VI. DETERMINATION OF SENTENCE

**Life in prison without possibility of release**

We unanimously conclude that Brandon Leon Basham shall be sentenced to life imprisonment without possibility of release.

\_\_\_\_\_  
Foreperson

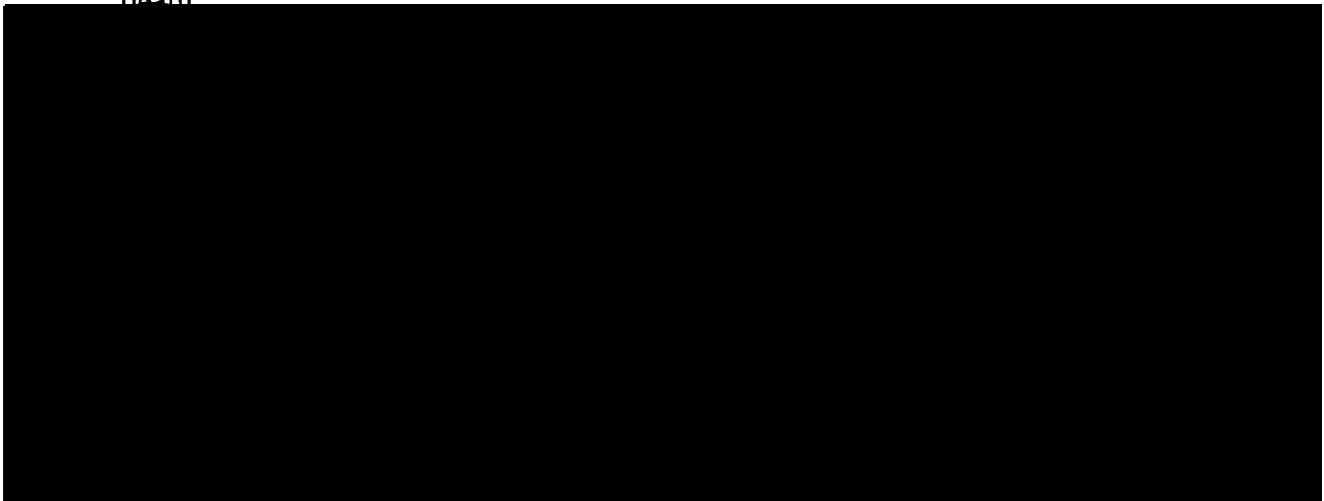
\_\_\_\_\_  
Date

*If you answer that a sentence of life in prison without possibility of release shall be imposed, then you must proceed to Section VII.*

**OR**

## Death

We, the jury, as to Brandon Leon Basham, unanimously find beyond a reasonable doubt that the aggravating factor(s) proved in this case outweigh(s) the mitigating factor(s) so as to justify a sentence of death; or, in the absence of any mitigating factor, that the aggravating factor or factors alone justify a sentence of death. We, therefore, unanimously conclude that Brandon Leon Basham shall be sentenced to death



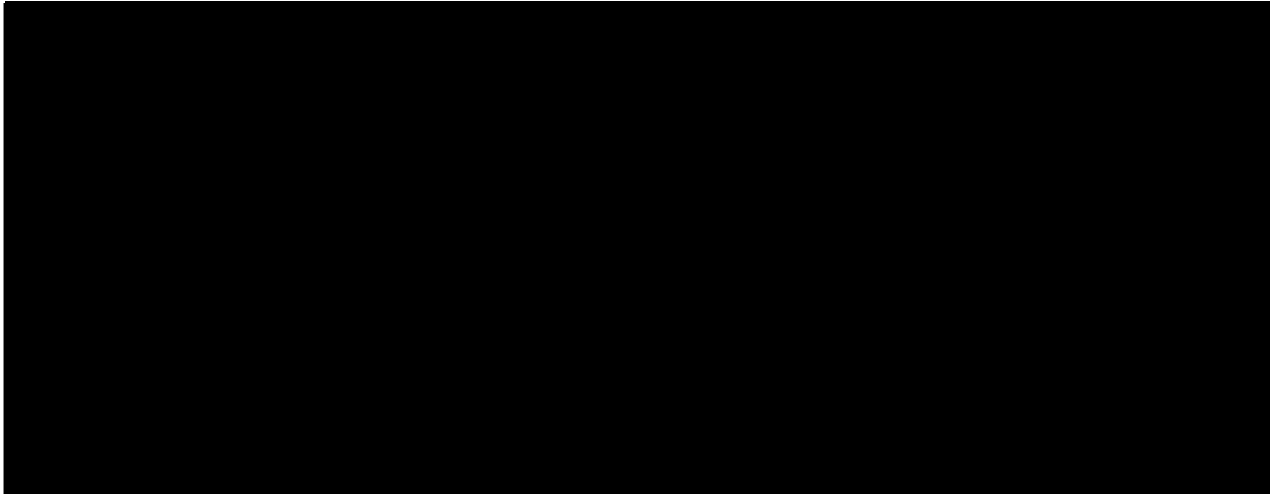
Foreperson

November 2, 2004  
Date

*If you answer that a sentence of death shall be imposed, then you must proceed to Section VII.*

## VII. CERTIFICATION STATEMENT

By signing below, each juror certifies that consideration of the race, color, religious beliefs, national origin, or sex of the defendant, Brandon Leon Basham, or the victim, Alice Donovan, 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

November 2, 2004  
Date