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UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY

UNITED STATES OF AMERICA : Hon. Joel A. Pisano
v. : Criminal No. 03-836
WILLIAM BASKERVILLE, :
a/k/a "Cheeb" :

RECEIVED
MAY 07 2007
AT 8:30
WILLIAM
CLERK

SPECIAL VERDICT FORM
FOR COUNT ONE:
CONSPIRACY TO MURDER A WITNESS, WHICH RESULTED IN DEATH

I. AGE OF DEFENDANT

Instructions: Answer the following question:

Do you, the Jury, find unanimously that the Government has established beyond a reasonable doubt that the defendant, William Baskerville a/k/a "Cheeb," was eighteen years of age or older at time of the offense?

✓

WE UNANIMOUSLY FIND THIS FACTOR PROVEN

WE DO NOT UNANIMOUSLY FIND THIS FACTOR PROVEN



Instructions: If you answered "WE UNANIMOUSLY FIND THIS FACTOR PROVEN" to this question, then proceed to Section II. If you answered "WE DO NOT UNANIMOUSLY FIND THIS FACTOR PROVEN" to this question, then cross out Section II and Section III of this form, and proceed to Section IV. Each juror should carefully read the statement in Section IV, 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.

II. REQUISITE THRESHOLD MENTAL CULPABILITY FACTOR

Instructions: Answer the following question:

As to Count One, Conspiracy to Murder a Witness, which resulted in death, do you, the jury, unanimously find that the Government has established beyond a reasonable doubt that defendant, William Baskerville, a/k/a "Cheeb," 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 the victim died as a direct result of the act?

✓

WE UNANIMOUSLY FIND THIS FACTOR PROVEN

WE DO NOT UNANIMOUSLY FIND THIS FACTOR PROVEN



Instructions: If you answered "WE UNANIMOUSLY FIND THIS FACTOR PROVEN" to this question, then proceed to Section III. If you answered "WE DO NOT UNANIMOUSLY FIND THIS FACTOR PROVEN" to this question, then cross out Section III of this form, and proceed to Section IV. Each juror should carefully read the statement in Section IV, 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.

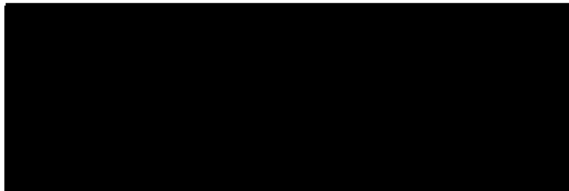
III. REQUISITE THRESHOLD STATUTORY AGGRAVATING FACTORS

Instructions: Answer the following question:

As to Count One, Conspiracy to Murder a Witness, which resulted in death, do you, the jury, unanimously find that the Government has established beyond a reasonable doubt that defendant, William Baskerville, a/k/a "Cheeb," has previously been convicted of a Federal or State offense punishable by a term of imprisonment of more than 1 year, involving the use or attempted or threatened use of a firearm against another person?

WE UNANIMOUSLY FIND THIS FACTOR
PROVEN

WE DO NOT UNANIMOUSLY FIND THIS
FACTOR PROVEN



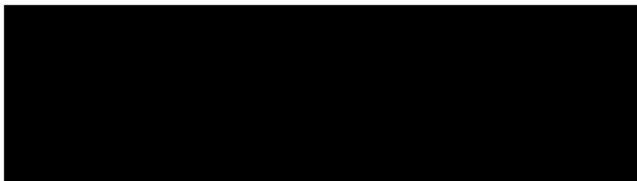
Instructions: Answer the following question:

As to Count One, Conspiracy to Murder a Witness, which resulted in death, do you, the jury, unanimously find that the Government has established beyond a reasonable doubt that defendant, William Baskerville, a/k/a "Cheeb," has previously been convicted of 2 or more State or Federal offenses punishable by a term of imprisonment of more than one year, committed on different occasions, involving the distribution of a controlled substance?

✓

WE UNANIMOUSLY FIND THIS FACTOR
PROVEN

WE DO NOT UNANIMOUSLY FIND THIS
FACTOR PROVEN



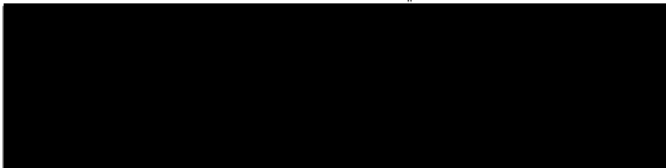
Instructions: Proceed to Section IV. Each juror should carefully read the statement in Section IV, and sign in the appropriate place if the statement accurately reflects the manner in which he or she reached his or her decision. You should then advise the Court that you have reached a decision.

Instructions: Answer the following question:

As to Count One, Conspiracy to Murder a Witness, which resulted in death, do you, the jury, unanimously find that the Government has established beyond a reasonable doubt that defendant, William Baskerville, a/k/a "Cheeb," committed the offense after substantial planning and premeditation to cause the death of a person?

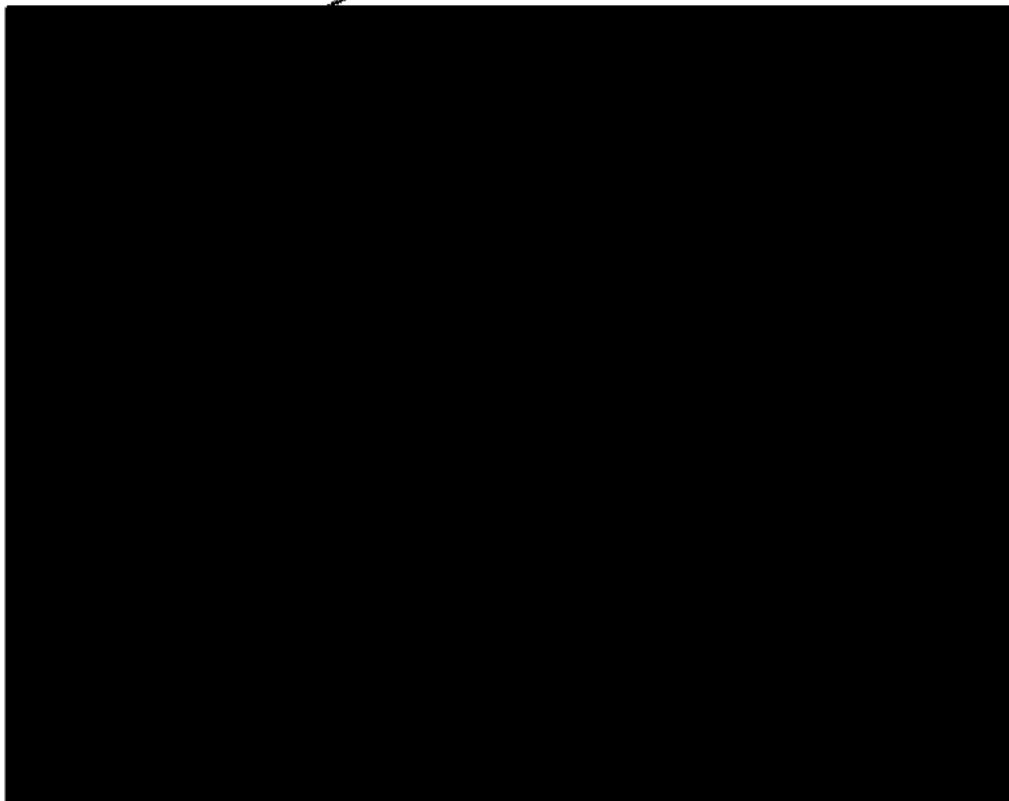
WE UNANIMOUSLY FIND THIS FACTOR
PROVEN

WE DO NOT UNANIMOUSLY FIND THIS
FACTOR PROVEN



IV. CERTIFICATION

By signing below, each juror certifies that consideration of the race, color, religious beliefs, national origin, or sex of the defendant or any victim was not involved in reaching his or her individual decision, and that the individual juror would have made the same finding regardless of the race, color, religious beliefs, national origin, or sex of the defendant or any victim.



DATE:

May 7, 2007

RECEIVED

MAY 11 2007

AT 8:30
WILLIAM T. WALSH
CLERK

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY

UNITED STATES OF AMERICA

v.

WILLIAM BASKERVILLE

Criminal No. 03-836 (JAP)

**PENALTY SELECTION STAGE
SPECIAL VERDICT FORM**

As to defendant William Baskerville, on the penalty selection stage issues submitted for our determination, we, the Jury, find as follows:

Step One: "Non-statutory" Aggravating Factors

For each Count, which one or more of the Non-statutory Aggravating Factors, if any, do you unanimously find the prosecution has proved beyond a reasonable doubt? Non-statutory Aggravating Factors are identified below and were explained in the Court's Penalty Selection Stage instructions to you. For each Non-statutory Aggravating Factor listed below, please put an "X" in the appropriate column under each Count to indicate whether you unanimously find that the prosecution has proven beyond a reasonable doubt the existence of that Non-statutory Aggravating Factor.

Non-statutory Aggravating Factors	Count 1		Count 2	
	We unanimously find this factor has been proved.	We do not unanimously find this factor has been proved.	We unanimously find this factor has been proved.	We do not unanimously find this factor has been proved.
Obstruction of Justice	X		X	
Future Dangerousness		X	X	
Victim Impact	X		X	

If you unanimously found at least one Non-statutory Aggravating Factor for a particular Count, you may consider that factor or those factors in **Step Three**, below, for that Count. Whether or not you find any Non-statutory Aggravating Factors, go on to **Step Two**.

Step Two: "Mitigating" Factors

Which Mitigating Factors, if any, do any of you find the defendant has proved by the greater weight of the evidence for each Count? Mitigating Factors were explained in the Court's Penalty Selection Stage instructions to you, and those factors specifically asserted by the defendant are listed below. You may also identify any further Mitigating Factors that any juror finds, and this section contains blank lines in which you may write these additional factors, if any. (If you need additional space, simply write "continued" on the bottom of the page and continue on the back.) You will recall that a finding that a Mitigating Factor has been proven by the greater weight of the evidence need not be unanimous. Please indicate the **number of jurors** finding any Mitigating Factor in the column for any Count for which those jurors find that the Mitigating Factor applies.

Mitigating Factors	Count 1 Number of Jurors Who Find Mitigating Factor	Count 2 Number of Jurors Who Find Mitigating Factor
1. If William Baskerville is not executed, he will spend the rest of his life in a federal prison, without the possibility of release.	7	7
2. William Baskerville did not personally shoot Kemo McCray.	4	4
3. The individual who shot and killed Kemo McCray, Anthony Young, will not be sentenced to death and may not even receive a life sentence.	4	4
4. Others responsible for contributing to the death of Kemo McCray have not been charged with murder or any other crime associated with his murder.	3	3
5. Based upon his prison and jail records, it is unlikely that William Baskerville will present a risk to prison officials or other inmates if he is sentenced to life in prison without the possibility of release.	3	2
6. William Baskerville is a loving father to his three children, Keilah, Asad, and E'Nyah, who will suffer grief and loss if he is sentenced to death.	7	7
7. The growth and development of William Baskerville's three children will be adversely affected if he is executed.	5	5
8. There are a number of William Baskerville's family members who will suffer grief and loss if William Baskerville is executed.	9	11
9. There is lingering doubt about William Baskerville's specific intent, although it does not rise to the level of reasonable doubt.	0	2

Step Two: Mitigating Factors (Continued)

Mitigating Factors (Continued)	Count 1 Number of Jurors Who Find Mitigating Factor	Count 2 Number of Jurors Who Find Mitigating Factor
10. William Baskerville grew up in a home without a constant or positive father figure, with an often absent mother and was left as the oldest child to be a parental figure to his six siblings.	0	0
11. William Baskerville's childhood was characterized by poverty, frequent moves, and an unstable home environment.	0	0
12. William Baskerville's life will have value to others if he is sentenced to spend the rest of his life in prison without the possibility of release.	11	9
13. You may have residual or lingering doubts as to William Baskerville's guilt or innocence or his role in the offenses, even though those doubts did not rise to the level of "reasonable doubts" under the instructions given to you during the "guilt phase" of the trial.	1	2
Additional mitigating factor, if any (please identify): All the testimony in the guilt phase for these counts was convicted felons with extensive rap sheets	2	2
Additional mitigating factor, if any (please identify): William Baskerville was ill served by his original lawyer.	9	10
Additional mitigating factor, if any (please identify): Kemo put himself in harms way.	2	2
Additional mitigating factor, if any (please identify):		

In Step Three, for each Count, each of you must weigh any mitigating factor or factors that you individually found to exist in this Step Two. Each of you may also weigh any mitigating factor or factors that another or others of your fellow jurors found to exist.

Step Three: Weighing The Factors

After weighing the "Statutory" Aggravating Factors found in the "eligibility stage" of the trial, together with any Non-statutory Aggravating Factors found in **Step One** of this "penalty selection stage," and any Mitigating Factors found in **Step Two**, as explained in the Court's Penalty Selection Stage instructions to you, what sentence do you impose for each Count? Please put an "X" in the column for each Count to indicate your finding that a particular sentence must be imposed.

Sentence	Count 1	Count 2	
We the jury decide, by unanimous vote, that a sentence of life imprisonment without possibility of release shall be imposed upon defendant William Baskerville.			
We the jury decide, by unanimous vote, that a sentence of death shall be imposed upon defendant William Baskerville.			
We the jury, having carefully considered the issues before us, having made any appropriate findings in accordance with the Court's instructions, and having engaged in careful and thorough deliberation and discussion, are nonetheless unable to reach a unanimous verdict as to whether death is the appropriate sentence for William Baskerville. We understand that the consequence of this is that the defendant will be sentenced to life imprisonment without the possibility of release.	X	X	

Certification: By signing below, first by juror number, then by name, each juror certifies that consideration of the race, color, religious beliefs, national origin, or sex of the defendant or any victim was not involved in reaching his or her individual decision, and that the individual juror would have made the same determination 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 or victims. (See Instruction titled "Justice Without Discrimination" in Final Instructions for Penalty Selection Stage).