

IN THE UNITED STATE DISTRICT COURT
FOR THE EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

FILED

AUG 14 2003

CLERK'S OFFICE
U. S. DISTRICT COURT
EASTERN MICHIGAN

UNITED STATES OF AMERICA,)
)
Plaintiff,)
)
v.)
)
JOHN BASS,)
)
Defendant.)


Criminal No. 97-CR-80235

SPECIAL FINDINGS FORMS

**PART ONE:
FINDINGS ON INTENT**

Instructions: For each of the following, the foreperson should sign his or her name on the appropriate line. You must answer "Yes" or "Unable to reach unanimous agreement" as to whether you, the jury, unanimously find the government has established the existence of the following intent factor beyond a reasonable doubt.

We, the jury, unanimously find that the government has established beyond a reasonable doubt that John Bass intentionally killed Armenty Shelton.

-
Unanimously "Yes" 

Foreperson

Unable to reach unanimous agreement _____

Foreperson

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1007

If you answered “Unable to reach unanimous agreement,” then stop your deliberations. You do not need to go on to decide any other questions because your deliberations are over. You should simply advise the Court that you have reached a decision.

If you answered “Yes,” then continue your deliberations in accordance with the Court’s instructions and proceed to Part Two.

**PART TWO:
FINDINGS ON STATUTORY AGGRAVATING FACTORS**

Instructions: For each of the following statutory aggravating factors, the foreperson should sign his or her name on the appropriate line following each finding. You must answer “Yes” or “Unable to reach unanimous agreement” as to whether you, the jury, unanimously find the government has proven each aggravating factor beyond a reasonable doubt.

1. **John Bass committed the offense after substantial planning and substantial premeditation to cause the death of Armenty Shelton.**

Unanimously “Yes” _____
Foreperson

Unable to reach unanimous agreement _____

2. **In committing the offense, John Bass used a firearm or knowingly directed, advised, authorized, or assisted another person to use a firearm to threaten, intimidate, assault, or injure a person.**

Unanimously “Yes” _____

Unable to reach unanimous agreement _____
Foreperson

If you answered “Unable to reach unanimous agreement” with respect to both of the aggravating factors in Part Two above, then stop your deliberations, cross out Parts Three and Four of this form, and proceed to Part Five-B. Each juror

should then sign his or her name in Part Five-B, thereby sentencing John Bass to life in prison without any possibility of release because that is the only punishment that is available if you do not unanimously find that the government proved at least one statutory aggravating factor beyond a reasonable doubt.

After you sign Part Five-B, then carefully read the statement in Part Six. Each juror should then sign Part Six if the statement accurately reflects the manner in which he or she reached a decision. You should then advise the Court that you have reached a decision.

If you answered “Yes” with respect to one or both of the statutory aggravating factors in Part Two above, then continue your deliberations in accordance with the Court’s instructions and proceed to Part Three.

**PART THREE:
FINDINGS ON NON-STATUTORY AGGRAVATING FACTOR**

Instructions: For the following non-statutory aggravating factor, the foreperson should sign his or her name on the appropriate line. You must answer “Yes” or “Unable to reach unanimous agreement” as to whether you, the jury, unanimously find the government has proven the following non-statutory aggravating factor beyond a reasonable doubt.

John Bass represents a continuing danger to the life and safety of other people in the future.

Unanimously “Yes” _____
Foreperson

Unable to reach unanimous agreement _____



After you have recorded your finding with respect to this non-statutory aggravating factor, then continue your deliberations in accordance with the Court's instructions and proceed to Part Four.

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**PART FOUR:
FINDINGS ON MITIGATING FACTORS**

Instructions: For each of the following mitigating factors, you must indicate the number of jurors who find the factor established by a preponderance of the evidence.

Your vote with respect to a mitigating factor does not have to be unanimous. A finding with respect to a mitigating factor may be made by any one or more of the members of the jury, and any member of the jury who finds the existence of a mitigating factor may consider such a factor established in considering whether or not to impose a sentence of death, regardless of the number of other jurors who agree that the factor has been established.

Mitigating factors which have been proven by a preponderance of the evidence:

1. John Bass grew up in extreme poverty.
Both parties agree that this factor has been established.
2. John Bass grew up surrounded by violence, both in his home and his neighborhoods.
Number of jurors who so find: 12
3. John Bass's mother was and is a drug addict and introduced the family to drugs.
Both parties agree that this factor has been established.
4. The only parental figure in John Bass's life was his mother; there was no father or father figure in the home.
Both parties agree that this factor has been established.
5. John Bass never had a male role model.
Number of jurors who so find: 10
6. John Bass was 27 years old at the time of his arrest.
Both parties agree that this factor has been established.
7. John Bass will serve a sentence of life in prison without any possibility of release if not sentenced by you to death.

Both parties agree that this factor has been established.

8. John Bass presents no risk of future violence or danger to the public while in prison for the rest of his life.

Number of jurors who so find: 12

9. John Bass has made a good adjustment to being incarcerated.

Number of jurors who so find: 12

10. John Bass has made the lives of guards and other prison employees easier while incarcerated.

Number of jurors who so find: 11

11. John Bass suffered a brain injury. John Bass's brain injury, while not extreme, relates to John Bass's character, background, record, and/or to the circumstances of the offense.

Number of jurors who so find: 4

12. John Bass contributed to the financial and emotional well-being of his younger sister Jessica until his arrest.

Number of jurors who so find: 9

13. John Bass provided support and encouragement to Katrina Bennett to go to school.

Both parties agree that this factor has been established.

14. John Bass attempted to be a positive father.

Number of jurors who so find: 6

15. John Bass acted as a father figure to his sisters Randolyn and Jessica.

Number of jurors who so find: 11

16. John Bass will maintain a positive relationship with his family if sentenced to life imprisonment without any possibility of release.

Both parties agree that this factor has been established.

17. John Bass's execution will cause his family great emotional pain and distress.

Both parties agree that this factor has been established.

18. John Bass's execution may cause his children to believe they are worthless, as well as causing them grief.
 Number of jurors who so find: 12
19. John Bass's criminality was caused, in part, by his upbringing.
 Number of jurors who so find: 12
20. John Bass was negatively affected by his mother's killing of Michael Parker.
 Number of jurors who so find: 11
21. John Bass attempted, although he was not successful, to stop using drugs.
 Number of jurors who so find: over * (3)
22. John Bass has a religious faith.
 Number of jurors who so find: 6
23. John Bass may be rehabilitated even while in prison.
 Number of jurors who so find: 11
24. Other co-defendants, or possible co-defendants, are equally or more culpable than John Bass for some of his actions, but are not sentenced to death.
 Number of jurors who so find: 12
25. John Bass is a human being.
 Both parties agree that this factor has been established.
26. Armenty Shelton participated in the defendant's conduct.
 Both parties agree that this factor has been established.
27. The death penalty is a penalty of last resort.
 Both parties agree that this factor has been established.
28. Any other evidence about the commission of the crime, or John Bass's background or character, that establishes a reason to punish with life in prison without any possibility of release, rather than death.

(You may list any such evidence, and the number of jurors who so find it, on the blank lines below).

As explained in #25 above, you may write in any other mitigating factor(s) any of you finds proven by a preponderance of the evidence. You may find as mitigating any other factors in the defendant's background, record, or character, or any other circumstance of the offense, that mitigates against imposition of the death sentence and weighs in favor of a sentence of life in prison without any possibility of release.

You also may consider additional mitigating factors without listing them here if the additional mitigating factor is too difficult to put into words. If you choose not to write in any additional factors, you should mark "X" in the blank provided. If more space is needed to list additional mitigating factors, you should use the reverse side of this page.

John Bass's conduct was caused in part
Factor *by an inadequate social service system (i.e. child protective services)*
Number of jurors who so find: 9

Factor _____

Number of jurors who so find: _____

Factor _____

Number of jurors who so find: _____

After you have completed Part Four, you should continue your deliberations in accordance with the Court's instructions and proceed to Part Five. When you have reached a decision in Part Five, all jurors should sign the verdict form in Part Five that accurately reflects the decision you have reached, then all jurors should complete the certificate attached as Part Six of this verdict form. You should then advise the Court that you have reached a decision.

Instructions: In Part Five, you should complete form "A" only if you have reached a unanimous decision to sentence John Bass to death by execution. In contrast, you may complete form "B" if you have reached a unanimous decision that John Bass should be sentenced to life in prison without any possibility of release, but you may also complete form "B" if you cannot unanimously agree about what the appropriate punishment is. If you cannot agree, you will "agree to disagree" by signing form "B."

PART FIVE - A

DECISION IMPOSING A SENTENCE OF DEATH

We, the Jury, unanimously find beyond a reasonable doubt that the aggravating factor or factors which were proved in this case beyond a reasonable doubt sufficiently outweigh any mitigating factors that have been found to exist. We vote unanimously that John Bass shall be sentenced to death.

So say we all, this _____ day of August, 2003.

Foreperson: _____

Juror: _____

Juror: _____

Juror: _____

Juror: _____

Juror: _____

Juror: _____

Juror: _____

Juror:

Juror:

Juror:

Juror:

PART SIX:
CERTIFICATE

By signing below, each of us individually certifies that consideration of the race, color, religious beliefs, national origin, or sex of John Bass and of the victims, were not involved in reaching our respective individual decisions. If we reached a decision regarding a sentence, each of us individually further certifies that the same decision regarding a sentence would have been made no matter what the race, color, religious beliefs, national origin, or sex of the defendant or victim(s) may have been.

So say we all, this 14 day of August, 2003.

PART FIVE - B

**DECISION IMPOSING A SENTENCE OF
LIFE IN PRISON WITHOUT ANY POSSIBILITY OF RELEASE**

We, the Jury, have reached one of the following two decisions:

(1) We unanimously find that the aggravating factor or factors which were proved in this case do not sufficiently outweigh any mitigating factors that have been found to exist. Or, we unanimously find, beyond any reasonable doubt, that the aggravating factors in themselves are not sufficient to sentence John Bass to death. In either case, we vote unanimously that John Bass shall be sentenced to life in prison without any possibility of release.

OR

(2) We cannot reach a unanimous decision regarding the appropriate punishment in this case. Because we cannot unanimously agree, we have "agreed to disagree." This means that one or more of us believes that death by execution is the appropriate punishment, and one or more of 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 John Bass to life in prison without any possibility of release.

So say we all, this 14 day of August, 2003.