

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
CORPUS CHRISTI DIVISION

United States Courts
Southern District of Texas
FILED

MAR 24 2004

Michael H. Kirby, Clerk of Court

UNITED STATES OF AMERICA

V.

ALFRED BOURGEOIS

§
§
§
§
§

CR. NO. C-02-216-SS

SPECIAL FINDINGS FORM

PART ONE: Age and Intent

Question No. 1:

Do you unanimously find that the United States has proved beyond a reasonable doubt that Defendant, Alfred Bourgeois, was eighteen years of age or older at the time he committed the murder of J.G., a female child?

YES

NO

If you answered YES to Question No. 1, proceed to Question No. 2. If you answered NO to Question No. 1, you are finished with your deliberations and must proceed to Decision Form A and the Certification.

Question No. 2:

(A) Do you unanimously find that the United States has proved beyond a reasonable doubt that Defendant, Alfred Bourgeois, intentionally killed J.G.?

YES

NO

(B) Do you unanimously find that the United States has proved beyond a reasonable doubt that Defendant, Alfred Bourgeois, intentionally inflicted serious bodily injury that resulted in the death of J.G.?

YES

NO

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(C) Do you unanimously find that the United States has proved beyond a reasonable doubt that Defendant, Alfred Bourgeois, 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 J.G. died as a direct result of the act?

YES

NO

If you answered YES to any of the three prior questions, proceed to Question No. 3 in Part Two. If you answered NO to all of the three prior questions, you are finished with your deliberations and must proceed to Decision Form A and the Certification.

PART TWO: Statutory Aggravating Factors

Question No. 3:

- (A) Do you unanimously find that the United States has proved beyond a reasonable doubt that Defendant, Alfred Bourgeois, committed the offense in an especially heinous, cruel, or depraved manner in that it involved torture and serious physical abuse to J.G.?

YES

NO

- (B) Do you unanimously find that the United States has proved beyond a reasonable doubt that Defendant, Alfred Bourgeois, committed the offense after substantial planning and premeditation to cause the death of J.G.?

YES

NO

- (C) Do you unanimously find that the United States has proved beyond a reasonable doubt that the victim, J.G., was particularly vulnerable due to her youth?

YES

NO

If you answered YES to any of these three questions, proceed to Question No. 4 in Part Three. If you answered NO to all of the three prior questions, you are finished with your deliberations and must proceed to Decision Form A and the Certification.

PART THREE: Non-Statutory Aggravating Factors

Question No. 4:

- (A) Do you unanimously find that the United States has proved beyond a reasonable doubt that Defendant, Alfred Bourgeois, is likely to commit criminal acts of violence in the future which would be a continuing and serious threat to the lives and safety of others?

YES

NO

- (B) Do you unanimously find that the United States has proved beyond a reasonable doubt that the murder of J.G. has caused the victim's family extreme emotional suffering, and the victim's family has suffered severe and irreparable harm?

YES

NO

Proceed to Question No. 5 in Part Four.

PART FOUR: Mitigating Factors

Question No. 5:

Do any of you find that the Defense has established by a preponderance of the evidence that the Defendant's, Alfred Bourgeois, capacity to appreciate the wrongfulness of his conduct or to conform his conduct to the requirements of the laws was significantly impaired, regardless of whether his capacity was so impaired as to constitute a defense to the charge?

YES _____ If Yes, number of jurors who so find _____

NO ✓

Question No. 6:

Do any of you find that the Defense has established by a preponderance of the evidence that the Defendant, Alfred Bourgeois, was under unusual and substantial duress, regardless of whether the duress was of such a degree as to constitute a defense to the charge?

YES _____ If Yes, number of jurors who so find _____

NO ✓

Question No. 7:

Do any of you find that the Defense has established by a preponderance of the evidence that the Defendant, Alfred Bourgeois, does not have a significant prior history of other criminal conduct?

YES _____ If Yes, number of jurors who so find _____

NO ✓

Question No. 8:

Do any of you find that the Defense has established by a preponderance of the evidence that the Defendant, Alfred Bourgeois, committed the offense under severe mental or emotional disturbance?

YES _____ If Yes, number of jurors who so find _____

NO ✓

Question No. 9:

Do any of you find that the Defense has established by a preponderance of the evidence that the Defendant, Alfred Bourgeois, suffered abuse as a child?

YES _____ If Yes, number of jurors who so find _____
NO _____

Question No. 10:

Do any of you find that the Defense has established by a preponderance of the evidence that other persons who may be culpable in this offense may not be punished?

YES _____ If Yes, number of jurors who so find _____
NO _____

Question No. 11:

Do any of you find that the Defense has established by a preponderance of the evidence that Defendant, Alfred Bourgeois, was under stress from family and economic factors?

YES _____ If Yes, number of jurors who so find 6
NO _____

Question No. 12:

Do any of you find that the Defense has established by a preponderance of the evidence that at the time of the offense, Defendant, Alfred Bourgeois, was driving across the country with three children and one other adult in a cab of an eighteen-wheel truck?

YES _____ If Yes, number of jurors who so find 12
NO _____

Question No. 13:

Do any of you find by a preponderance of the evidence that there is some other factor or factors in the Defendant's background or character that mitigates against the imposition of the death penalty?

YES _____
NO _____

If YES, use the space below to write in the additional mitigating factor(s) found by any one or more jurors and the number of jurors who so find.

<u>Mitigating Factor</u>	<u>Number of Jurors Who So Find</u>
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____

You have now completed your special findings. You should continue your deliberations in accordance with the Court's instructions by filling out Decision Form B recommending the death penalty, or Decision Form C recommending a life sentence without the possibility of release. After filling out the appropriate Decision Form, complete the document entitled "Certification" and advise the Court that you have reached a decision.

Decision Form A

We, the jury, have determined that a sentence of death should not be imposed because the United States has failed to prove beyond a reasonable doubt the existence of the required age or intent on the part of the Defendant, Alfred Bourgeois, or a required statutory aggravating factor.

Presiding Juror's Number

Date: March _____, 2004

Decision Form B

We, the jury, based upon our consideration, unanimously find that the aggravating factor or factors which have been found to exist outweigh any mitigating factor or factors that have been found to exist. Alternatively, if there have been no mitigating factors found to exist by any juror, we unanimously find that the aggravating factor or factors are themselves sufficient to justify a sentence of death.

We recommend, by unanimous vote, that Defendant, Alfred Bourgeois, be sentenced to death.

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Presiding Juror's Number

Date: March 24, 2004

Decision Form C

We, the jury, have determined that a sentence of death should not be imposed. We recommend, by unanimous vote, that Defendant, Alfred Bourgeois, be sentenced to life imprisonment without the possibility of release.

Presiding Juror's Number

Date: March _____, 2004

CERTIFICATION

By signing below, each juror certifies that, in considering whether a sentence of death is justified, 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 decisions, and the individual juror would have made the same recommendation regarding a sentence for the crime in question no matter what the race, color, religious beliefs, national origin, or sex of the defendant, or the victim would have been.

EACH JUROR'S NUMBER AS SIGNATURE:

11
7
21
133
124
115
57
64
96
76
40
105

Presiding Juror's Number

Date: March 24, 2004