

ORIGINAL

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2
3 UNITED STATES DISTRICT COURT
4 FOR THE CENTRAL DISTRICT OF CALIFORNIA
5

6 UNITED STATES OF AMERICA,) No. CR 02-938-DOC
7)
8 Plaintiff,) SPECIAL VERDICT FORM RE
9) DEFENDANT BRIDGEWATER
10 v.)
11 WAYNE BRIDGEWATER,)
12)
13 Defendant.)
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OVERALL INSTRUCTIONS FOR FILLING OUT SPECIAL VERDICT FORM:

Below is a series of questions accompanied by instructions. Please read the instructions and place your answers to the questions in the appropriate spaces. As was described in the jury instructions provided by the Court, the questions are grouped into five sections that are numbered as Sections I - V. There is a parallel set of instructions and questions for each of Counts Six and Seven; the instructions and questions are the same for both counts. At the bottom of each Special Verdict Form as a whole, your foreperson must sign his juror number in the appropriate space. In addition, as to each of Counts Six and Seven, in Section V of each Special Verdict Form each juror must sign his or her juror number in the appropriate space.

SPECIAL VERDICT QUESTIONS REGARDING COUNT SIX (BRIDGEWATER)

Section I: Statutory Aggravating Factors

Instructions: For each of the following, answer "yes" or "no."

1. Do you, the jury, unanimously find that the government has proved beyond a reasonable doubt that the defendant committed the offense charged in Count Six after having been previously convicted of a federal or state offense punishable by a term of imprisonment of more than one year, involving the use or attempted or threatened use of a firearm against another person?

Yes X

No _____

2. Do you, the jury, unanimously find that the government has proved beyond a reasonable doubt that the defendant, in the commission of the offense charged in Count Six, knowingly created a grave risk of death to one or more persons in addition to the victims of the offenses?

~~Yes _____~~

~~No X~~

YES X # 87 8/16/7
No _____

3. Do you, the jury, unanimously find that the government has proved beyond a reasonable doubt that the defendant committed the offense charged in Count Six after substantial planning and premeditation to cause the death of a person?

Yes X

No _____

4. Do you, the jury, unanimously find that the government has proved beyond a reasonable doubt that the defendant ^{INTENTIONALLY} killed or

1 attempted to kill more than one person in a single criminal
2 episode?

3 Yes _____

4 No X

5 Instructions: If you answered "no" with respect to all four
6 of the Statutory Aggravating Factors in this Section I, then stop
7 your deliberations, cross out Sections II, III, and IV, and
8 proceed to Section V of this form. Each juror should then read
9 the statement in Section V, and sign in the appropriate place if
10 the statement accurately reflects the manner in which you have
11 reached a decision. You should then advise the Court that you
12 have reached a decision.

13 If you answered "yes" with respect to one or more of the
14 statutory aggravating factors in this Section I, then proceed to
15 Section II.

16
17 **Section II: Non-Statutory Aggravating Factors**

18 Instructions: For each of the following, answer "yes" or
19 "no" to the numbered questions below.

20 1. **Future Dangerousness of Defendant.** Do you, the jury,
21 unanimously find that the government has proved beyond a
22 reasonable doubt that the defendant is likely to commit criminal
23 acts of violence in the future that would constitute a continuing
24 and serious threat to the lives and safety of others.

25 Yes _____

26 No X

27 2. **Racial Animosity Was a Motive for the Murders.** Do you,
28 the jury, unanimously find that the government has proved beyond

1 a reasonable doubt that the defendant committed the crime charged
2 in Count Six in part from racial animosity against the victims of
3 the crimes?

4 Yes _____

5 No X

6 Instructions: Regardless of your answer with respect to the
7 non-statutory aggravating factors in this Section II, proceed to
8 Section III.

9
10 **Section III: Mitigating Factors**

11 Instructions: For each of the following mitigating factors,
12 you have the option to indicate, in the space provided, the
13 number of jurors who have found the existence of the mitigating
14 factor to be proven by a preponderance of the evidence. [If you
15 choose not to make these findings, cross out each page of Section
16 III with a large "X" and then continue your deliberations in
17 accordance with the instructions of the Court.]

18 1. Allen Benton, an equally-culpable participant, will not
19 be punished by death for the murders of Frank Joyner and Abdul
20 Salaam.

21 Number of Jurors who found this mitigating factor: _____

22 2. Allen Benton was allowed to plead guilty to assault of
23 Abdul Salaam, was sentenced to 9 years, and may receive further
24 reduction of his sentence.

25 Number of Jurors who found this mitigating factor: _____

26 3. Barry Mills, an equally-culpable participant, will not
27 be punished by death for the murders of Frank Joyner and Abdul
28 Salaam.

1 Number of Jurors who found this mitigating factor: _____

2 4. T.D. Bingham, an equally-culpable participant, will not
3 be punished by death for the murders of Frank Joyner and Abdul
4 Salaam.

5 Number of Jurors who found this mitigating factor: _____

6 5. Apart from this case, Wayne Bridgewater had a release
7 date of October 26, 2004.

8 Number of Jurors who found this mitigating factor: _____

9 6. If he is not executed, Wayne Bridgewater will spend the
10 rest of his life in prison.

11 Number of Jurors who found this mitigating factor: _____

12 7. Wayne Bridgewater has a non-violent and incident-free
13 record in prison during the last nine years.

14 Number of Jurors who found this mitigating factor: _____

15 8. Wayne Bridgewater helped to quell racial tensions at
16 USP Lewisburg following the November 1996 killings of Randall
17 Anderson and Perry York.

18 Number of Jurors who found this mitigating factor: _____

19 9. The message - "War with DC Blacks. T.D." - meant that
20 a state of war existed between the DC Blacks and the Aryan
21 Brotherhood.

22 Number of Jurors who found this mitigating factor: _____

23 10. Wayne Bridgewater's killing of Frank Joyner was
24 motivated in part by his desire to survive.

25 Number of Jurors who found this mitigating factor: _____

26 11. On August 28, 1997, Wayne Bridgewater refused to kill
27 Butch Woods on the third floor.

28 Number of Jurors who found this mitigating factor: _____

1 12. On August 28, 1997, Wayne Bridgewater refused to kill
2 Harold "Red" Roberts in the second floor shower.

3 Number of Jurors who found this mitigating factor: _____

4 13. On August 28, 1997, Wayne Bridgewater refused to go up
5 to the TV room to kill.

6 Number of Jurors who found this mitigating factor: _____

7 14. On August 28, 1997, Wayne Bridgewater was reluctant to
8 kill anybody at USP Lewisburg.

9 Number of Jurors who found this mitigating factor: _____

10 15. On August 28, 1997, Wayne Bridgewater was under unusual
11 and substantial duress from Allen Benton to kill.

12 Number of Jurors who found this mitigating factor: _____

13 16. On August 28, 1997, the DC Blacks were a dangerous,
14 violent group in USP Lewisburg.

15 Number of Jurors who found this mitigating factor: _____

16 17. The following cooperating witnesses have received
17 sentences less than death: Donald Kennedy, Glen West, William
18 Kelly, Michael Wagner, Jesse Van Meter, Christopher Risk, and
19 Eugene Bentley.

20 Number of Jurors who found this mitigating factor: _____

21 18. If Wayne Bridgewater is executed, his family members
22 and friends will suffer grief and loss.

23 Number of Jurors who found this mitigating factor: _____

24 19. Wayne Bridgewater displayed exemplary conduct in court
25 during this trial.

26 Number of Jurors who found this mitigating factor: _____

27 20. The Bureau of Prisons was able over the last nine years
28 to maintain Wayne Bridgewater under highly secure conditions.

Number of Jurors who found this mitigating factor: _____

21. Wayne Bridgewater became addicted to drugs at age 15, and became a heroin addict at age 17.

Number of Jurors who found this mitigating factor: _____

22. Wayne Bridgewater is 55 years old.

Number of Jurors who found this mitigating factor: _____

23. Wayne Bridgewater suffers from Hepatitis-B and Hepatitis-C.

Number of Jurors who found this mitigating factor: _____

24. Wayne Bridgewater's life has value.

Number of Jurors who found this mitigating factor: _____

25. One or more members of the jury may wish to show Wayne Bridgewater mercy.

Number of Jurors who found this mitigating factor: _____

26. Any additional mitigating factors found by one or more jurors by a preponderance of the evidence: _____

Number of Jurors who found this mitigating factor: _____

Instructions: Regardless of whether you chose to record your findings for the Mitigating Factors of Section III above, proceed to Section IV and Section V.

Section IV: Determination

Based upon consideration of whether the aggravating factors found to exist sufficiently outweigh any mitigating factors found to exist, or in the absence of any mitigating factors, whether

1 the aggravating factors are themselves sufficient to justify a
2 sentence of death, and whether death is therefore the appropriate
3 sentence in this case:

4

5 A. Death Sentence

6 We determine, by unanimous vote, that a sentence of death
7 shall be imposed.

8 Yes _____

9 No X

10 If you answer "yes," the foreperson must sign here, and you must
11 then proceed to Section V. If you answer "no," the foreperson
12 must sign his or her juror number and you must then proceed to
13 Section IV(B).

14 87
15 Foreperson

16 Date: ~~8/13/7~~ 8/16/7

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1 B. Sentence of Life in Prison Without Possibility of Release

2 We determine, by unanimous vote, that a sentence of life
3 imprisonment without possibility of release shall be imposed.

4 Yes _____

5 No X

6 If you answer "yes," the foreperson must sign his or her juror
7 number here, and you must then proceed to Section V.

8 87
9 Foreperson

10 Date: ~~8/13/7~~ 8/16/7

12 Section V: Certification

13 By signing his or her juror numbers below, each juror
14 certifies that consideration of the race, color, religious
15 beliefs, national origin or sex of the defendants or any victims
16 was not involved in reaching his or her individual decision, and
17 that the individual juror would have made the same recommendation
18 regarding a sentence for the crimes in question regardless of the
19 race, color, religious beliefs, national origin, or sex of the
20 defendants or the victims.

21	<u>87</u>	<u>154</u>
22	<u>112</u>	<u>55</u>
23	<u>18</u>	<u>162</u>
24	<u>79</u>	<u>54</u>
25	<u>175</u>	<u>35</u>
26	<u>189</u>	<u>1</u>

SPECIAL VERDICT QUESTIONS REGARDING COUNT SEVEN (BRIDGEWATER)

Section I: Statutory Aggravating Factors

Instructions: For each of the following, answer "yes" or "no."

1. Do you, the jury, unanimously find that the government has proved beyond a reasonable doubt that the defendant committed the offense charged in Count Seven after having been previously convicted of a federal or state offense punishable by a term of imprisonment of more than one year, involving the use or attempted or threatened use of a firearm against another person?

Yes X

No

2. Do you, the jury, unanimously find that the government has proved beyond a reasonable doubt that the defendant, in the commission of the offense charged in Count Seven, knowingly created a grave risk of death to one or more persons in addition to the victims of the offenses?

Yes

No X

3. Do you, the jury, unanimously find that the government has proved beyond a reasonable doubt that the defendant committed the offense charged in Count Seven after substantial planning and premeditation to cause the death of a person?

Yes

No X

YES X # 87 8/16/7
No

4. Do you, the jury, unanimously find that the government has proved beyond a reasonable doubt that the defendant ^{INTENTIONALLY} killed or

1 attempted to kill more than one person in a single criminal
2 episode?

3 Yes _____

4 No X

5 Instructions: If you answered "no" with respect to all of
6 the Statutory Aggravating Factors in this Section I, then stop
7 your deliberations, cross out Sections II, III, and IV, and
8 proceed to Section V of this form. Each juror should then read
9 the statement in Section V, and sign in the appropriate place if
10 the statement accurately reflects the manner in which you have
11 reached a decision. You should then advise the Court that you
12 have reached a decision.

13 If you answered "yes" with respect to one or more of the
14 statutory aggravating factors in this Section I, then proceed to
15 Section II.

16
17 **Section II: Non-Statutory Aggravating Factors**

18 Instructions: For each of the following, answer "yes" or
19 "no" to the numbered questions below.

20 1. **Future Dangerousness of Defendant.** Do you, the jury,
21 unanimously find that the government has proved beyond a
22 reasonable doubt that the defendant is likely to commit criminal
23 acts of violence in the future that would constitute a continuing
24 and serious threat to the lives and safety of others.

25 Yes _____

26 No X

27 2. **Racial Animosity Was a Motive for the Murders.** Do you,
28 the jury, unanimously find that the government has proved beyond

1 a reasonable doubt that the defendant committed the crime charged
2 in Count Seven in part from racial animosity against the victims
3 of the crimes?

4 Yes _____

5 No X

6 Instructions: Regardless of whether you answered "yes" or
7 "no" with respect to the non-statutory aggravating factors in
8 this Section II, proceed to Section III.

9

10 **Section III: Mitigating Factors**

11 Instructions: For each of the following mitigating factors,
12 you have the option to indicate, in the space provided, the
13 number of jurors who have found the existence of the mitigating
14 factor to be proven by a preponderance of the evidence. If you
15 choose not to make these findings, cross out each page of Section
16 III with a large "X" and then continue your deliberations in
17 accordance with the instructions of the Court.

18 1. Allen Benton, an equally-culpable participant, will not
19 be punished by death for the murders of Frank Joyner and Abdul
20 Salaam.

21 Number of Jurors who found this mitigating factor: _____

22 2. Allen Benton was allowed to plead guilty to assault of
23 Abdul Salaam, was sentenced to 9 years, and may receive further
24 reduction of his sentence.

25 Number of Jurors who found this mitigating factor: _____

26 3. Barry Mills, an equally-culpable participant, will not
27 be punished by death for the murders of Frank Joyner and Abdul
28 Salaam.

1 Number of Jurors who found this mitigating factor: _____

2 4. T.D. Bingham, an equally-culpable participant, will not
3 be punished by death for the murders of Frank Joyner and Abdul
4 Salaam.

5 Number of Jurors who found this mitigating factor: _____

6 5. Apart from this case, Wayne Bridgewater had a release
7 date of October 26, 2004.

8 Number of Jurors who found this mitigating factor: _____

9 6. If he is not executed, Wayne Bridgewater will spend the
10 rest of his life in prison.

11 Number of Jurors who found this mitigating factor: _____

12 7. Wayne Bridgewater has a non-violent and incident-free
13 record in prison during the last nine years.

14 Number of Jurors who found this mitigating factor: _____

15 8. Wayne Bridgewater helped to quell racial tensions at
16 USP Lewisburg following the November 1996 killings of Randall
17 Anderson and Perry York.

18 Number of Jurors who found this mitigating factor: _____

19 9. The message - "War with DC Blacks. T.D." - meant that
20 a state of war existed between the DC Blacks and the Aryan
21 Brotherhood.

22 Number of Jurors who found this mitigating factor: _____

23 10. Wayne Bridgewater's killing of Frank Joyner was
24 motivated in part by his desire to survive.

25 Number of Jurors who found this mitigating factor: _____

26 11. On August 28, 1997, Wayne Bridgewater refused to kill
27 Butch Woods on the third floor.

28 Number of Jurors who found this mitigating factor: _____

1 12. On August 28, 1997, Wayne Bridgewater refused to kill
2 Harold "Red" Roberts in the second floor shower.

3 Number of Jurors who found this mitigating factor: _____

4 13. On August 28, 1997, Wayne Bridgewater refused to go up
5 to the TV room to kill.

6 Number of Jurors who found this mitigating factor: _____

7 14. On August 28, 1997, Wayne Bridgewater was reluctant to
8 kill anybody at USP Lewisburg.

9 Number of Jurors who found this mitigating factor: _____

10 15. On August 28, 1997, Wayne Bridgewater was under unusual
11 and substantial duress from Allen Benton to kill.

12 Number of Jurors who found this mitigating factor: _____

13 16. On August 28, 1997, the DC Blacks were a dangerous,
14 violent group in USP Lewisburg.

15 Number of Jurors who found this mitigating factor: _____

16 17. The following cooperating witnesses have received
17 sentences less than death: Donald Kennedy, Glen West, William
18 Kelly, Michael Wagner, Jesse Van Meter, Christopher Risk, and
19 Eugene Bentley.

20 Number of Jurors who found this mitigating factor: _____

21 18. If Wayne Bridgewater is executed, his family members
22 and friends will suffer grief and loss.

23 Number of Jurors who found this mitigating factor: _____

24 19. Wayne Bridgewater displayed exemplary conduct in court
25 during this trial.

26 Number of Jurors who found this mitigating factor: _____

27 20. The Bureau of Prisons was able over the last nine years
28 to maintain Wayne Bridgewater under highly secure conditions.

Number of Jurors who found this mitigating factor: _____

21. Wayne Bridgewater became addicted to drugs at age 15, and became a heroin addict at age 17.

Number of Jurors who found this mitigating factor: _____

22. Wayne Bridgewater is 55 years old.

Number of Jurors who found this mitigating factor: _____

23. Wayne Bridgewater suffers from Hepatitis-B and Hepatitis-C.

Number of Jurors who found this mitigating factor: _____

24. Wayne Bridgewater's life has value.

Number of Jurors who found this mitigating factor: _____

25. One or more members of the jury may wish to show Wayne Bridgewater mercy.

Number of Jurors who found this mitigating factor: _____

26. Any additional mitigating factors found by one or more jurors by a preponderance of the evidence: _____

Number of Jurors who found this mitigating factor: _____

Instructions: Regardless of whether you chose to record your findings for the Mitigating Factors of Section III above, proceed to Section IV and Section V.

Section IV: Determination

Based upon consideration of whether the aggravating factors found to exist sufficiently outweigh any mitigating factors found to exist, or in the absence of any mitigating factors, whether

1 the aggravating factors are themselves sufficient to justify a
2 sentence of death, and whether death is therefore the appropriate
3 sentence in this case:

4

5 A. Death Sentence

6 We determine, by unanimous vote, that a sentence of death
7 shall be imposed.

8 Yes _____

9 No X

10 If you answer "yes," the foreperson must his or her juror number
11 sign here, and you must then proceed to Section V. If you answer
12 "no," the foreperson must sign and you must then proceed to
13 Section IV(B).

14 87
15 Foreperson

16 Date: ~~8/13/7~~ 8/16/7

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1 B. Sentence of Life in Prison Without Possibility of Release

2 We determine, by unanimous vote, that a sentence of life
3 imprisonment without possibility of release shall be imposed.

4 Yes _____

5 No X

6 If you answer "yes," the foreperson must sign his or her juror
7 number here, and you must then proceed to Section ~~VII~~. V.

8 87
9 Foreperson

10 Date: ~~8/13/7~~ 8/16/7

12 Section V: Certification

13 By signing his or her juror number below, each juror
14 certifies that consideration of the race, color, religious
15 beliefs, national origin or sex of the defendants or any victims
16 was not involved in reaching his or her individual decision, and
17 that the individual juror would have made the same recommendation
18 regarding a sentence for the crimes in question regardless of the
19 race, color, religious beliefs, national origin, or sex of the
20 defendants or the victims.

21	<u>87</u>	<u>1</u>
22	<u>112</u>	<u>154</u>
23	<u>18</u>	<u>55</u>
24	<u>79</u>	<u>162</u>
25	<u>175</u>	<u>54</u>
26	<u>184</u>	<u>35</u>

1 Signature (Juror Number) of Foreperson as to Overall Verdict Form

2 Re Defendant Bridgwater

3 Foreperson: 87

4 Date: ~~8/13/7~~ 8/16/7

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