

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND**

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	
)	
vs.)	Case No. RDB-08-056
)	
PATRICK ALBERT BYERS, JR.)	
)	
Defendant.)	

SPECIAL VERDICT FORM

INTRODUCTION

This special verdict form contains seven sections to record your determinations: (I) Age of Defendant; (II) Threshold Intent Factors; (III) Statutory Aggravating Factors; (IV) Non-statutory Aggravating Factors; (V) Mitigating Factors; (VI) Determination of Sentence; and (VII) Certification.

You should advise the court when you have reached a unanimous decision as to the determination of sentence, completed the form in its entirety, and individually signed the certification.

SECTION I: AGE OF THE DEFENDANT

As to the age of the defendant, the parties stipulate and agree that the defendant was eighteen (18) years of age or older at the time of the offenses.

all 12 agree.

SECTION II: THRESHOLD INTENT FACTORS

Instructions: Answer "YES" or "NO" to the following and indicate your answer by placing an "X" in the space provided. These determinations apply to all offenses.

1. Intentional Acts to Take Life or Use Lethal Force.

The defendant 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, Carl Stanley Lackl, died as a direct result of the act.

YES X

NO

2. Intentional Acts of Violence Creating a Grave Risk of Death.

The defendant 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 the victim, Carl Stanley Lackl, died as a direct result of the act.

YES X

NO

Date: 5/1/09

Instructions:

If you answered "NO" regarding ALL of the threshold intent factors, then you are not to

continue deliberations on the defendant's sentence. You should stop your deliberations, cross out Sections III, IV, and V, and proceed to Section VI and indicate that the sentence is life imprisonment without the possibility of release and you should then complete the certification in Section VII.

If you answered "YES" regarding ONE OR MORE of the threshold intent factors, then you are to continue deliberations on the defendant's sentence. You should continue your deliberations in accordance with the court's instructions and proceed to Section III of this form.

4

SECTION III: STATUTORY AGGRAVATING FACTORS

Instructions: Answer "YES" or "NO" to the following and indicate your answer by placing an "X" in the space provided. These factors apply to each of the offenses.

1. Procurement of Offense by Payment.

We, the jury, unanimously find proven beyond a reasonable doubt that the defendant procured the commission of the offenses by payment, or promise of payment, of anything of pecuniary gain.

YES

NO

2. Substantial Planning and Premeditation.

We, the jury, unanimously find proven beyond a reasonable doubt that the defendant committed the offenses after substantial planning and premeditation to cause the death of Carl Stanley Lackl.

YES

NO

Date: 5/1/09

Instructions:

If you answered "NO" regarding both statutory aggravating factors, then you are not to

5

continue deliberations on the defendant's sentence. You should stop your deliberations, cross out Sections IV and V, and proceed to Section VI and indicate that the sentence is life imprisonment without the possibility of release and you should then complete the certification in Section VII.

If you answered "YES" to either one of the statutory aggravating factors, then you are to continue deliberations on the defendant's sentence. You should continue your deliberations in accordance with the court's instructions and proceed to Section IV of this form.

SECTION IV: NON-STATUTORY AGGRAVATING FACTORS

Instructions: Answer “YES” or “NO” to the following and indicate your answer by placing an “X” in the space provided. These determinations apply to Counts One through Four and Six.

1. Obstruction of Justice

We, the jury, unanimously find proven beyond a reasonable doubt that the defendant caused the death of Carl Stanley Lackl in an effort to prevent further cooperation with law enforcement and prevent his testimony.

YES X

NO _____

2. Victim Impact Evidence.

We, the jury, unanimously find proven beyond a reasonable doubt that the defendant caused injury, harm, and loss to Carl Stanley Lackl and his family because of the effect of the offense on Carl Stanley Lackl, his personal characteristics as an individual human being, and the impact of the death upon Carl Stanley Lackl, and his family.

YES X

NO _____

3. Prior Homicide

We, the jury, unanimously find proven beyond a reasonable doubt that on March 4, 2006, in Baltimore, Maryland, the defendant shot and killed Larry Haynes.

YES X

NO 
~~YES~~

4. Lack of Remorse.

We, the jury, unanimously find proven beyond a reasonable doubt that the defendant has demonstrated a lack of remorse for the capital offenses charged in Counts One, Two, Three, Four, and Six, as indicated by the defendant's statements to Marcus Pearson on July 2, 2007 following the commission of the capital offense charged in these offenses, and/or by his telephone contacts with Joseph Parham in February and March of 2009.

YES

NO


(Signature of Foreperson)

Date: 5/1/09

Instructions: Regardless of whether you answered "YES" or "NO" regarding ANY or ALL of the non-statutory aggravating factors, you are to continue deliberations on the defendant's sentence. You should continue your deliberations in accordance with the court's instructions and proceed to Section V of this form.

SECTION V: MITIGATING FACTORS

Instructions: You are to record your findings of the number of jurors who find each factor proven by a preponderance of the evidence in the space provided. Extra spaces are provided to write in additional mitigating factors, if any, found by any juror(s). If no additional mitigating factors are found, write "NONE" above the first of the extra spaces and then cross out the extra spaces with a large "X". If more spaces are needed, write "CONTINUED" below the last of the extra spaces and then use the reverse side of that page.

A. MITIGATING FACTORS ASSERTED BY THE DEFENDANT

Instructions: Indicate in the space provided the number of jurors, if any, who find the following to exist. If no jurors so find, write "NONE" in the space provided.

1. No one else involved in the murder of Carl Laki who is eligible for the death penalty—including others responsible for arranging, coordinating, or carrying out the shooting—will be sentenced to death.

Number of jurors who so find 8

2. If not sentenced to death, Patrick Byers will spend the rest of his life in a federal prison without possibility of release.

Number of jurors who so find 3

3. Patrick Byers has been incarcerated since March 20, 2006, and has never been alleged to have threatened to assault any correctional officer or other inmate, to have possessed a weapon, or to have attempted to escape.

Number of jurors who so find 2

4. Karen Cole was unable to provide the nurturing and protection of a mother.

Number of jurors who so find 10

5. Patrick Byers Sr. was incarcerated in federal prison for the majority of Patrick's childhood, leaving Patrick without a positive role model.

Number of jurors who so find 3

6. Patrick Byers' father helped "train" fifteen year old Patrick as a drug dealer when he got out of prison.

Number of jurors who so find 3

7. Patrick Byers' grandmother, who tried to step in to care for him, was overwhelmed by the addictions of her own children, the other grandchildren she attempted to care for, and the demands of caring for her employer's children.

Number of jurors who so find 6

8. Patrick Byers grew up in a neighborhood where he was exposed, from an early age, to poverty, guns, and violence.

Number of jurors who so find 12

9. Patrick Byers' IQ indicates that he is of low intelligence.

Number of jurors who so find 1

10. At the time of the offense, Mr. Byers was a young man. (22 years old)

Number of jurors who so find 0 / NONE

11. Patrick Byers, while incarcerated, maintains a positive and supportive role in his family.

Number of jurors who so find 0 / NONE

12. Patrick Byers' family, including his grandmother and children, will suffer grief and loss if he is executed.

Number of jurors who so find

3

13. Patrick is a human being whose life has value and can continue to have value.

Number of jurors who so find

4

14. Under all the facts and circumstances, one or more members of the jury may wish to show Patrick Byers mercy.

Number of jurors who so find

10

15. Other facts and circumstances in this case that weigh in favor of punishing Patrick Byers with a sentence of life imprisonment without the possibility of release rather than death found by at least one juror:

a. PATRICK BYERS SR WAS UNABLE TO PROVIDE
THE NURTURING AND PROTECTION OF A FATHER

Number of jurors who so find

12

b. GRAND MOTHER TRIED TO STEP IN AND
SAVE PATRICK

Number of jurors who so find

2

c. HIS LACK OF EDUCATION AND ^{LOW} COGNITIVE
ABILITY LIMITED HIS OPTIONS

Number of jurors who so find

11

d. WAS NOT ^{taught} TO VALUE AND RESPECT LIFE
INCLUDING HIS OWN LIFE

Number of jurors who so find

5

e. _____

Number of jurors who so find _____

f. _____

Number of jurors who so find _____

g. _____

Number of jurors who so find _____

h. _____


Number of jurors who so find _____

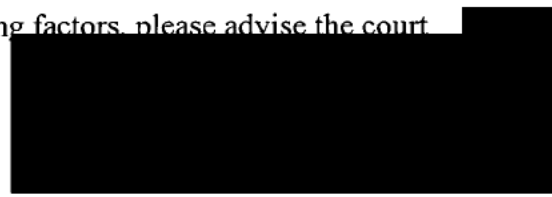
i. _____

Number of jurors who so find _____

j. _____

Number of jurors who so find _____

If you need additional forms for mitigating factors, please advise the court. 



Date: 5/1/2009

Instructions: Regardless of whether any one or more juror(s) find(s) any one or more mitigating factors, you are to continue deliberations on the defendant's sentence. You should continue your deliberations in accordance with the court's instructions and proceed to Section VI of this form.

SECTION VI: DETERMINATION OF SENTENCE

Instructions: You are to consider, separately for each offense, whether all the aggravating factor or factors found to exist sufficiently outweigh all the mitigating factor or factors found to exist to justify a sentence of death, or, in the absence of a mitigating factor, whether the aggravating factor or factors alone are sufficient to justify a sentence of death. Based upon this consideration, you are to determine by unanimous vote, whether the defendant should be sentenced to death or to life imprisonment without possibility of release.

We, the jury, by unanimous vote, have determined that the defendant should be sentenced to:

~~DEATH~~ DEATH

~~LIFE IMPRISONMENT WITHOUT POSSIBILITY OF RELEASE~~

UNABLE TO REACH A UNANIMOUS VERDICT

[REDACTED]
5/4/2009

Instructions: If you unanimously determined that the defendant should be sentenced to death, then all of you are to sign your names in the following space. If you unanimously determined that the defendant should be sentenced to life imprisonment without possibility of release for this offense, then the foreperson alone is to sign his or her name in the following space. If you should be unable to reach a unanimous decision as to the determination of sentence, you should advise the Court of this fact.

_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____

FOREPERSON

Date: _____

SECTION VII: 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 determination regarding a sentence for the crime in question no matter what the race, color, religious beliefs, national origin, or sex of the defendant or any victim may be.



FOREPERSON

Date: 5/4/2009