

FILED IN OPEN COURT
DATE: 10-6-04
Michelle Stone

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF VIRGINIA
CHARLOTTESVILLE DIVISION

DEPUTY CLERK

UNITED STATES OF AMERICA,)
)
)
v.)
)
MICHAEL ANTHONY CARPENTER)
)
)

Criminal No. 3:03cr00013

SPECIAL FINDINGS
AS TO COUNT FOUR

Part I. FINDINGS ON INTENT

(A) We the jury unanimously find beyond a reasonable doubt that the defendant, Michael Anthony Carpenter, intentionally killed Kevin Lee Hester.

Foreperson

AND/OR

(B) We the jury unanimously find beyond a reasonable doubt that the defendant, Michael Anthony Carpenter, intentionally inflicted serious bodily injury that resulted in the death of Kevin Lee Hester.

Foreperson

AND/OR

(C) We the jury find beyond a reasonable doubt that the defendant, Michael Anthony Carpenter, intentionally participated in an act, contemplating that the life of a person would be taken or intending that lethal force would force would be used in connection with a person, other than one of the participants in the offense, and Kevin Lee Hester died as a result of the act.

Foreperson

AND/OR

- (D) We the jury find beyond a reasonable doubt that the defendant, Michael Anthony Carpenter, 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 Kevin Lee Hester died as a direct result of the act.


Foreperson

OR


- (E) We the jury DO NOT unanimously find beyond a reasonable doubt one or more of (A),(B),(C), or (D), above.

Foreperson

If you do NOT unanimously find any one of elements A, B, C, or D, above, sign finding E and report the decision to the court and deliberate no more as to defendant Michael Anthony Carpenter.

Part II. STATUTORY AGGRAVATING FACTORS

- (A) We the jury unanimously find beyond a reasonable doubt that defendant, Michael Anthony Carpenter, acted in an especially heinous, cruel, or depraved manner involving torture or serious physical abuse to the victim.


Foreperson

AND/OR

- (B) We the jury unanimously find beyond a reasonable doubt that defendant, Michael Anthony Carpenter, procured the commission of the murder by payment, or promise of payment, of something of pecuniary value.

Foreperson

AND/OR

(C) We the jury unanimously find beyond a reasonable doubt that defendant, Michael Anthony Carpenter, committed the capital offenses described in Count Four after substantial planning and premeditation to cause the death of a person.

Foreperson

OR

(D) We the jury DO NOT unanimously find beyond a reasonable doubt one or more of (A), (B), or (C), above.

Foreperson

FILED IN OPEN COURT
IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF VIRGINIA
CHARLOTTESVILLE DIVISION
DEPUTY CLERK

DATE 10-6-04
Shelley Rosem

UNITED STATES OF AMERICA,)
)
)
v.)
)
MICHAEL ANTHONY CARPENTER)
)
)

Criminal No. 3:03cr00013
SPECIAL FINDINGS
AS TO COUNT FIVE

Part I. FINDINGS ON INTENT

(A) We the jury unanimously find beyond a reasonable doubt that the defendant, Michael Anthony Carpenter, intentionally killed Kevin Lee Hester.

Foreperson

AND/OR

(B) We the jury unanimously find beyond a reasonable doubt that the defendant, Michael Anthony Carpenter, intentionally inflicted serious bodily injury that resulted in the death of Kevin Lee Hester.

Foreperson

AND/OR

(C) We the jury find beyond a reasonable doubt that the defendant, Michael Anthony Carpenter, intentionally participated in an act, contemplating that the life of a person would be taken or intending that lethal force would force would be used in connection with a person, other than one of the participants in the offense, and Kevin Lee Hester died as a result of the act.

Foreperson

AND/OR

- (D) We the jury find beyond a reasonable doubt that the defendant, Michael Anthony Carpenter, 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 Kevin Lee Hester died as a direct result of the act.


Foreperson

OR

- (E) We the jury DO NOT unanimously find beyond a reasonable doubt one or more of (A),(B),(C), or (D), above.

Foreperson

If you do NOT unanimously find any one of elements A, B, C, or D, above, sign finding E and report the decision to the court and deliberate no more as to defendant Michael Anthony Carpenter.

Part II. STATUTORY AGGRAVATING FACTORS

- (A) We the jury unanimously find beyond a reasonable doubt that defendant, Michael Anthony Carpenter, acted in an especially heinous, cruel, or depraved manner involving torture or serious physical abuse to the victim.


Foreperson

AND/OR

- (B) We the jury unanimously find beyond a reasonable doubt that defendant, Michael Anthony Carpenter, procured the commission of the murder by payment, or promise of payment, of something of pecuniary value.

Foreperson

AND/OR

(C) We the jury unanimously find beyond a reasonable doubt that defendant, Michael Anthony Carpenter, committed the capital offenses described in Count Five after substantial planning and premeditation to cause the death of a person.

Foreperson

OR

(D) We the jury DO NOT unanimously find beyond a reasonable doubt one or more of (A), (B), or (C), above.

Foreperson

FILED IN OPEN COURT
DATE: 10-6-04
IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF VIRGINIA
CHARLOTTESVILLE DIVISION
DEPUTY CLERK

UNITED STATES OF AMERICA,)
)
)
v.)
)
MICHAEL ANTHONY CARPENTER)
)
)

Criminal No. 3:03cr00013

SPECIAL FINDINGS
AS TO COUNT SIX

Part I. FINDINGS ON INTENT

(A) We the jury unanimously find beyond a reasonable doubt that the defendant, Michael Anthony Carpenter, intentionally killed Kevin Lee Hester.

Foreperson

AND/OR

(B) We the jury unanimously find beyond a reasonable doubt that the defendant, Michael Anthony Carpenter, intentionally inflicted serious bodily injury that resulted in the death of Kevin Lee Hester.

Foreperson


AND/OR

(C) We the jury find beyond a reasonable doubt that the defendant, Michael Anthony Carpenter, intentionally participated in an act, contemplating that the life of a person would be taken or intending that lethal force would force would be used in connection with a person, other than one of the participants in the offense, and Kevin Lee Hester died as a result of the act.

Foreperson

AND/OR

- (D) We the jury find beyond a reasonable doubt that the defendant, Michael Anthony Carpenter, 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 Kevin Lee Hester died as a direct result of the act.



Foreperson

OR


- (E) We the jury DO NOT unanimously find beyond a reasonable doubt one or more of (A),(B),(C), or (D), above.

Foreperson

If you do NOT unanimously find any one of elements A, B, C, or D, above, sign finding E and report the decision to the court and deliberate no more as to defendant Michael Anthony Carpenter.

Part II. STATUTORY AGGRAVATING FACTORS

- (A) We the jury unanimously find beyond a reasonable doubt that defendant, Michael Anthony Carpenter, acted in an especially heinous, cruel, or depraved manner involving torture or serious physical abuse to the victim.



Foreperson

AND/OR

- (B) We the jury unanimously find beyond a reasonable doubt that defendant, Michael Anthony Carpenter, procured the commission of the murder by payment, or promise of payment, of something of pecuniary value.

Foreperson

AND/OR

(C) We the jury unanimously find beyond a reasonable doubt that defendant, Michael Anthony Carpenter, committed the capital offenses described in Count Six after substantial planning and premeditation to cause the death of a person.

Foreperson

OR

(D) We the jury DO NOT unanimously find beyond a reasonable doubt one or more of (A), (B), or (C), above.

Foreperson

FILED IN OPEN COURT
DATE: 10-13-04
Michael Anthony Carpenter

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF VIRGINIA
CHARLOTTESVILLE DIVISION

UNITED STATES OF AMERICA)
)
)
v.) Criminal No. 3:03cr00013
)
MICHAEL ANTHONY CARPENTER) SPECIAL FINDINGS
)

Part I. Non-statutory Aggravating Factors

[To be proved by the Government beyond a reasonable doubt]

As to each of Counts Four, Five, and Six:

(1) We the jury unanimously find beyond a reasonable doubt that the defendant, Michael Anthony Carpenter, participated in other criminal conduct on August 8 and 9, 2002, including (a) conspiracy to commit robbery , (b) robbery , (c) possession of prohibited weapons , (d) assault , and (e) obstruction of justice .


Foreperson

AND/OR

(2)(a) We the jury unanimously find beyond a reasonable doubt that the defendant, Michael Anthony Carpenter, has committed other criminal offenses, including: (a) multiple robberies , (b) narcotics trafficking , (c) possession of prohibited weapons , (d) receipt of stolen goods , (e) escape from a halfway house in Washington, D.C. , and (f) petit larceny in Fairfax County, Virginia .


Foreperson

AND/OR

Part II. Mitigating Factors

[To be proved by the defense by a **preponderance of the evidence**]

(1) Michael Carpenter turned himself in when he became aware of these criminal charges, and made a statement to police acknowledging his guilt in the death of Kevin Lee Hester.

Number of jurors who so find: 12

(2) Michael Carpenter does not have a prior criminal record of violent acts.

Number of jurors who so find: 11

(3) Numerous circumstances in Michael Carpenter's upbringing, including his mother's drug addiction, prostitution, multiple incarcerations, his mother's failure to provide meaningful parental guidance or structure, and the frequent disruptions of his educational, community, and family life, significantly impaired Michael Carpenter's social, psychological, and moral development.

Number of jurors who so find: 12

(4) If incarcerated, Michael Carpenter is unlikely to represent a continuing danger to society.

Number of jurors who so find: 11

(5) Michael Carpenter has demonstrated an affection for his daughter and her half-brother, and continues to mentor them from jail.

Number of jurors who so find: 12

(6) Other factors in Michael Carpenter's childhood, background, or character or the circumstances of the offense mitigate against imposition of the death penalty.

Number of jurors who so find: 9

(7) There is some doubt as to whether Michael Carpenter intentionally shot Kevin Lee Hester.


Number of jurors who so find: 0

(8) Robbie Outterbridge and Kevin Cassell, who are equally responsible for the death of Kevin Lee Hester, will not receive the death penalty.

Number of jurors who so find: 12

(9) At age 28, Michael Carpenter's increasing age is a good indicator that he will not pose a substantial risk of harm to others in prison.

Number of jurors who so find: 0


Foreperson