

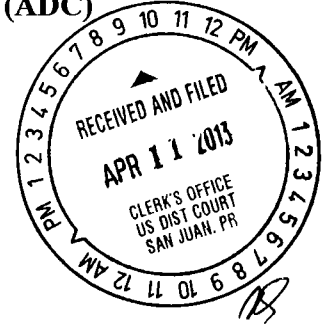
UNITED STATES DISTRICT COURT FOR THE DISTRICT OF PUERTO RICO

UNITED STATES OF AMERICA, Plaintiff,

CRIM. NO. 05-277 (ADC)

v.

LASHAUN CASEY, Defendant.



SPECIAL VERDICT FORM

I. DEFENDANT'S AGE AT THE TIME OF THE OFFENSES

Do you, the jury, unanimously find beyond a reasonable doubt that LASHAUN CASEY was at least 18 years of age on August 1, 2005?

A. Count One (Carjacking Resulting in Death)

YES X NO

B. Count Two (Use of a Firearm in Relation to a Crime of Violence Resulting in Death)

YES X NO

If your finding is "YES" as to Counts One or Two, move on to the Threshold Intent/Gateway Factors in Section II for that count. If your finding is "NO" as to all counts, stop your deliberations and complete Section VII.

II. THRESHOLD INTENT/GATEWAY FACTORS

Instructions: If you unanimously find that any of these four factors has been proved beyond a reasonable doubt, place an "X" next to "YES" as to each factor found to exist as to Count I. You may find more than one factor. If you do not unanimously find any of the factors has been proven beyond a reasonable doubt, place an "X" next to "NO". Move on to Count Two and repeat the same process.

A. COUNT ONE (Carjacking Murder)

1. Do you, the jury, unanimously find beyond a reasonable doubt that Defendant LASHAUN CASEY intentionally killed Jesus Lizardi Espada?

YES NO

2. Do you, the jury, unanimously find beyond a reasonable doubt that Defendant LASHAUN CASEY intentionally inflicted serious bodily injury that resulted in the death of Jesus Lizardi Espada?

YES NO

3. Do you, the jury, unanimously find beyond a reasonable doubt that Defendant LASHAUN CASEY 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 of the offense, and Jesus Lizardi Espada died as a direct result of the act?

YES NO

4. Do you, the jury, unanimously find beyond a reasonable doubt that Defendant LASHAUN CASEY 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 Jesus Lizardi Espada died as a direct result of the act?

YES NO

B. COUNT TWO (Use of a Firearm in Relation to a Crime of Violence Resulting in Death)

1. Do you, the jury, unanimously find beyond a reasonable doubt that Defendant LASHAUN CASEY intentionally killed Jesus Lizardi Espada?

YES NO

2. Do you, the jury, unanimously find beyond a reasonable doubt that Defendant LASHAUN CASEY intentionally inflicted serious bodily injury that resulted in the death of Jesus Lizardi Espada?

YES NO

3. Do you, the jury, unanimously find beyond a reasonable doubt that Defendant LASHAUN CASEY 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 of the offense, and Jesus Lizardi Espada died as a direct result of the act?

YES NO

4. Do you, the jury, unanimously find beyond a reasonable doubt that Defendant LASHAUN CASEY 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 Jesus Lizardi Espada died as a direct result of the act?

YES NO

III. STATUTORY AGGRAVATING FACTORS

Instructions: Answer "YES" or "NO" as to whether you unanimously find that the government has established, beyond a reasonable doubt, the existence of the statutory aggravating factors enumerated below as to Counts One and Two. You should consider each factor separately for each count, and may answer "YES" to more than one factor for each count.

FACTOR 1. Do you, the jury, unanimously find beyond a reasonable doubt that Defendant LASHAUN CASEY committed the offense as consideration for the receipt, or in the expectation of the receipt, of anything of pecuniary value?

A. COUNT ONE (Carjacking Murder)

YES _____
NO

B. COUNT TWO (Use of a Firearm in Relation to a Crime of Violence Resulting in Death)

YES _____
NO

FACTOR 2. Do you, the jury, unanimously find beyond a reasonable doubt that Defendant LASHAUN CASEY has previously been 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?

A. COUNT ONE (Carjacking Murder)

YES
NO _____

B. COUNT TWO (Use of a Firearm in Relation to a Crime of Violence Resulting in Death)

YES
NO _____

IV. NON-STATUTORY AGGRAVATING FACTORS

Instructions: For each of the following factors, answer YES or NO to whether you, the jury, unanimously find that the United States has established the existence of that non-statutory aggravating factor beyond a reasonable doubt.

FACTOR 1. Do you, the jury, unanimously find beyond a reasonable doubt that Defendant LASHAUN CASEY killed Jesus Lizardi Espada while Jesus Lizardi Espada was performing his official duties as an undercover agent?

YES
NO

FACTOR 2. Do you, the jury, unanimously find beyond a reasonable doubt that Defendant LASHAUN CASEY caused injury, harm, and loss to the victim's family as demonstrated by the victim's personal characteristics as an individual human being and the impact of his death upon his family?

At the time of his death, Jesus Lizardi Espada was a 34-year-old police officer with the Commonwealth of Puerto Rico, who enjoyed a strong relationship with his family.

YES
NO

Jesus Lizardi Espada's family has suffered severe and irreparable harm.

YES
NO

Instructions: Regardless of whether you answered YES or NO with respect to any of the Non-Statutory Aggravating Factors above, continue your deliberations in accordance with the Court's instructions and proceed to Section V.

V. MITIGATING FACTORS

Instructions: For each of the listed mitigating factors, you have the option to indicate in the space provided the number of jurors who have found the existence of that mitigating factor to be proven by a preponderance of the evidence. If no juror so finds, please write a "0" in the space.

1. If he is spared a sentence of death, Lashaun will be incarcerated for the remainder of his lifetime in a federal prison with no possibility of release.

8 jurors so find

2. Lashaun's life has value to his family and loved ones.

4 jurors so find

3. Lashaun can continue his family relationships even while serving a sentence of life imprisonment without the possibility of release.

7 jurors so find

4. Lashaun has been a loving and supportive son to his mother.

0 jurors so find

5. Lashaun has been a helpful and supportive neighbor and friend.

1 jurors so find

6. Lashaun, through no fault of his own, was rejected by his biological father and lacked meaningful guidance from his father while growing up.

4 jurors so find

7. Lashaun could not escape the rejection of his father since he lived, from the time he was born until he left for Puerto Rico at the age of 13, less than a mile and a half from his father.

4 jurors so find

8. Lashaun was raised by a mother who had limited parenting abilities.

6 jurors so find

9. Through no fault of his own, Lashaun's mother moved frequently during his early childhood, thus not providing him with a stable environment.

1 jurors so find

10. Lashaun did not receive adequate guidance and/or structure from his parents.

3 jurors so find

11. At a young age, Lashaun was exposed to violence and bad influences.

7 jurors so find

12. Lashaun did not receive the help, treatment and support that he needed when he was a child and teenager.

3 jurors so find

13. The school system in New York recognized that Lashaun needed additional assistance but did not provide all that was needed.

1 jurors so find

14. Lashaun was sent to live in Puerto Rico with his grandmother at age 13, and experienced difficulty on many levels adjusting to life in Puerto Rico.

9 jurors so find

15. Lashaun suffered from depression.

0 jurors so find

16. At the time of the offense, there is no evidence to suggest that Lashaun knew the victim was a police officer; rather, the evidence suggests that he thought Mr. Lizardi was a drug dealer.

6 jurors so find

17. Lashaun's family and loved ones will suffer grief and loss if he were executed.

7 jurors so find

18. Lashaun has shown remorse for the death of Officer Lizardi.

0 jurors so find

19. Lashaun applied for and worked at legitimate jobs.

0 jurors so find

20. Lashaun professed religious beliefs.

0 jurors so find

21. Other mitigating factors exist which weigh against imposition of a death sentence. If you write in additional mitigating factors, please indicate how many jurors find each factor. If none are found, write "NONE." If more space is needed, write "CONTINUED" and use the reverse side of this page.

MITIGATING FACTOR:

NUMBER OF JURORS:

1. Lashaun is the only Biological parent
alive for Christine, his daughter.

1. 7

2. Life in Prison may be a more severe
punishment than death

2. 2

3. Lashaun being incarcerated for the
remainder of his life time in a
federal prison with no possibility
of release does not pose a
Threat to society.

3. 4

VI. SENTENCE

COUNT ONE – (Carjacking Resulting in Death)

As to Count One, based upon consideration of whether the aggravating factors found to exist sufficiently outweigh any mitigating factor or factors found to exist, or, in the absence of any mitigating factors, whether the aggravating factors are themselves sufficient to justify a sentence of death, and whether death or life in prison without the possibility of release is the appropriate sentence in this case, we determine as follows:

1. Death Sentence

We determine, by unanimous vote, that a sentence of death shall be imposed:

YES _____ NO X

2. Life Imprisonment Without Possibility of Release

We determine, by unanimous vote, that a sentence of life imprisonment without the possibility of release shall be imposed:

YES _____ NO X

3. Unable to Reach Unanimous Decision

After due deliberation, we are unable to come to a unanimous agreement on the issue of punishment. We understand that the Court will impose a sentence of life imprisonment without the possibility of release.

YES X NO _____

NOTE: the jury must mark "YES" as to one, and only one, of the choices.

COUNT TWO- (Murder with a Firearm in Relation to a Crime of Violence)

As to Count Two, based upon consideration of whether the aggravating factors found to exist sufficiently outweigh any mitigating factor or factors found to exist, or, in the absence of any mitigating factors, whether the aggravating factors are themselves sufficient to justify a sentence of death, and whether death or life in prison without the possibility of release is the appropriate sentence in this case, we determine as follows:

1. Death Sentence

We determine, by unanimous vote, that a sentence of death shall be imposed:

YES _____

NO X _____

2. Life Imprisonment Without Possibility of Release

We determine, by unanimous vote, that a sentence of life imprisonment without the possibility of release shall be imposed:

YES _____

NO X _____

3. Unable to Reach Unanimous Decision

After due deliberation, we are unable to come to a unanimous agreement on the issue of punishment. We understand that the Court will impose a sentence of life imprisonment without the possibility of release.

YES X _____

NO _____

NOTE: the jury must mark "YES" as to one, and only one, of the choices.

VII. CERTIFICATION

By signing below, each juror certifies that 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 decision, and that the individual juror would have made the same decisions without regard to these considerations.

All jurors and foreperson must sign their names and juror numbers below:

REDACTED	REDACTED
REDACTED	REDACTED
REDACTED	REDACTED
REDACTED	REDACTED
REDACTED	REDACTED
REDACTED	REDACTED

I hereby certify this is the unanimous verdict of the Jury.

Foreperson: **REDACTED**

Date 11/Apr/13