

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF PUERTO RICO

UNITED STATES OF AMERICA,

Plaintiff,

v.

LORENZO CATALAN-ROMAN,

Defendant.

CRIMINAL NO. 02-117(PG)

*Received & Filed
May 2, 2005
at 6:50 P.M.
JMY, Deputy Clerk*

SPECIAL VERDICT FORM

MURDER OF GILBERTO RODRIGUEZ CABRERA
BY DEFENDANT LORENZO CATALAN-ROMAN

I. AGE OF DEFENDANT

Instructions: Answer "YES" or "NO."

1. Do you, the jury, unanimously find that the government has established beyond a reasonable doubt that:

Lorenzo Catalán-Román was eighteen years (18) of age or older at the time of the offense?

YES

NO


Foreperson

Instructions: If you answered "NO" with respect to the determination in this section, then stop your deliberations, cross out Sections II, III, IV, V and VI of this form, and proceed to Section VII. Each juror should then carefully read the statement in Section VII, and sign in the appropriate place if the statement accurately reflects the manner in which he or she reached his or her decision. You should then advise the court that you have reached a decision.

If you answered "YES" with respect to the determination in this Section I, proceed to Section II which follows.

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II. REQUISITE MENTAL STATE (STATUTORY THRESHOLD FINDINGS)

Instructions: For each of the following, answer "YES" or "NO."

1. Do you, the jury, unanimously find that the government has established beyond a reasonable doubt that Lorenzo Catalán-Román intentionally killed Gilberto Rodríguez Cabrera?

YES ✓

NO



Foreperson

2. Do you, the jury, unanimously find that the government has established beyond a reasonable doubt that Lorenzo Catalán-Román intentionally inflicted serious bodily injury which resulted in the death of Gilberto Rodríguez Cabrera ?

YES ✓

NO

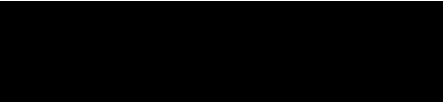


Foreperson

3. Do you, the jury, unanimously find that the government has established beyond a reasonable doubt that Lorenzo Catalán-Román intentionally participated in an act, contemplating that the life of a person would be taken and/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 Gilberto Rodríguez Cabrera died as a direct result of the act ?

YES

NO ✓

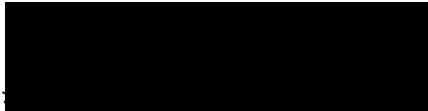


Foreperson

4. Do you, the jury, unanimously find that the government has established beyond a reasonable doubt that Lorenzo Catalán-Román 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 Gilberto Rodríguez Cabrera died as a direct result of the act ?

YES ✓

NO



Foreperson

Instructions: If you answered "NO" with respect to all of the determinations in this section, then stop your deliberations, cross out Sections III, IV, V, and VI of this form, and proceed to Section VII. Each juror should carefully read the statement in Section VII, and sign in the appropriate place if the statement accurately reflects the manner in which he or she reached his or her decision. You should then advise the court that you have reached a decision.

If you answered "YES" with respect to one or more of the determinations in this Section II, proceed to Section III which follows.

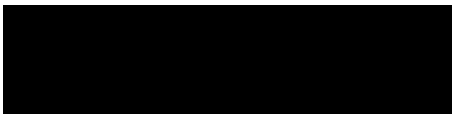
III. STATUTORY AGGRAVATING FACTORS

Instructions: For each of the following, answer "YES" or "NO."

1. Do you, the jury, unanimously find that the government has established beyond a reasonable doubt that Lorenzo Catalán-Román knowingly created a grave risk of death to one or more persons in addition to the victim of the crime, Gilberto Rodríguez Cabrera ?

YES

NO ✓



Foreperson

2. Do you, the jury, unanimously find that the government has established beyond a reasonable doubt that Lorenzo Catalán-Román committed the offense in an especially heinous, cruel, or depraved manner in that it involved torture or serious physical abuse to the victim Gilberto Rodríguez Cabrera ?

YES _____

NO ✓



For person

3. Do you, the jury, unanimously find that the government has established beyond a reasonable doubt that Lorenzo Catalán-Román committed the offense as consideration for the receipt, or in the expectation of the receipt of anything of pecuniary value ?

YES _____

NO ✓

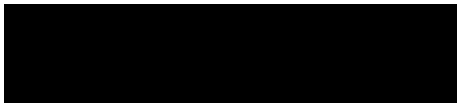


For person

4. Do you, the jury, unanimously find that the government has established beyond a reasonable doubt that Lorenzo Catalán-Román committed the offense described in Count 8 against a vulnerable victim, Gilberto Rodríguez Cabrera ?

YES ✓

NO _____



For person

Instructions: If you answered "NO" with respect to all of the Statutory Aggravating Factors in this Section III, then stop your deliberations, cross out Sections IV, V, and VI of this form, and proceed to Section VII of this form. Each juror should then carefully read the statement in Section VII, and sign in the appropriate place if the statement accurately reflects the manner in which he or she reached his or her decision. You should then advise the court that you have reached a decision.

If you found the requisite age in Section I, the requisite mental state in Section II and answered "Yes" with respect to one or more of the aggravating factors in this Section III, proceed to Section IV which follows.

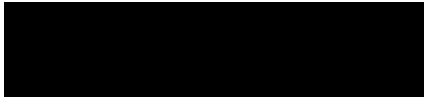
IV. NON-STATUTORY AGGRAVATING FACTORS

Instructions: For each of the following, answer "YES" or "NO."

1. Do you, the jury, unanimously find that the government has established beyond a reasonable doubt that Lorenzo Catalán-Román caused injury, harm, and loss to the victim, his family, his friends, and his co-workers, and that this factor tends to support imposition of the death penalty?

YES ✓

NO _____



For person

Instructions: Regardless of whether you answered "YES" or "NO" with respect to the Non-Statutory Aggravating Factors in this Section IV, proceed to Section V, which follows.

V. MITIGATING FACTORS

Instructions: For each of the following 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 you choose not to make these written findings, cross out each page of Section V with a large "X" and then continue your deliberations in accordance with the instructions of the court.

A finding with respect to a mitigating factor may be made by one or more of the members of the jury, and any member of the jury who finds the existence of a mitigating factor may consider such a factor established in considering whether or not a sentence of death shall be imposed, regardless of the number of other jurors who agree that the factor has been established. Further, any juror may also weigh a mitigating factor found by another juror, even if he or she did not also find that factor to be mitigating:

1. The defendant's capacity to appreciate the wrongfulness of his conduct or to conform his conduct to the requirements of the law was significantly impaired, regardless of whether the capacity was so impaired as to constitute a defense to the charge.

Number of jurors who so find W/A.

2. The defendant was under unusual and substantial duress, regardless of whether the duress was of such a degree as to constitute a defense to the charge.

Number of jurors who so find N/A.

3. The defendant was equally culpable in the crime as to another co-defendant who will not be punished by death.

Number of jurors who so find 0.

4. The Defendant was a substantial positive influence in the life and development of a young man, Charlie O'Neill Berrios.

Number of jurors who so find 12

5. The Defendant counseled a young man who was contemplating suicide and saved his life.

Number of jurors who so find 12

6. The Defendant treated the handicapped and elderly with great respect and kindness.

Number of jurors who so find 7

7. The Defendant was active in his Church, and his church activities benefitted the lives of other members of his congregation in times of need.

Number of jurors who so find 12

8. The Defendant performed acts of charity and kindness to underprivileged children and adults in the Dominican Republic.

Number of jurors who so find 12

9. The Defendant was an exceptional worker with the Department of Civil Defense and made substantial contributions to the community in times of emergency and need.

Number of jurors who so find 12

10. The Defendant has been a well behaved and respectful prisoner.

Number of jurors who so find 12

11. The Defendant has counseled and been a positive influence on other inmates.

Number of jurors who so find 12

12. The Defendant has been a good and hard worker while incarcerated.

Number of jurors who so find 6

13. The Defendant convinced his consensual partner, Wilnelia Nieves not to terminate the life of her unborn child, Mimi.

Number of jurors who so find 10

14. The Defendant accepted Wilnelia's son Jose as his own and was a good and loving father to him.

Number of jurors who so find 8

15. The Defendant, despite his incarceration, continues to be a good and loving parent to both Jose and Mimi, and they benefit from his love, support and guidance.

Number of jurors who so find 9

16. The Defendant continues to be a positive influence on his niece Darleen, who gives special significance to his words and accepts and relies upon his advice in her daily life.

Number of jurors who so find 11

17. The Defendant's children, siblings and other loved ones would suffer greatly if he were executed, because of positive aspects of his character and the manner in which he continues to treat them.

Number of jurors who so find 9

18. The Defendant regularly attends to and assists in religious services while in prison.

Number of jurors who so find 12

19. The Defendant grew up in an impoverished home without the positive influence of a father.

Number of jurors who so find 0

The following extra spaces are provided to write in additional mitigating factors, if any, found by any one or more jurors.

If none, write "NONE" and line out the extra spaces with a large "X." If more space is needed, write "CONTINUED" and use the reverse side of this page.

The physical injured condition of Lorenzo Catala Roman at the time he fired his weapon impaired his judgment of conduct.

Number of jurors who so find 2

~~_____~~
~~_____~~

Number of jurors who so find ~~X~~

Instructions: Regardless of whether you chose to make written findings for the Mitigating Factors in Section V above, proceed to Section VI which follows.

VI. DETERMINATION

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 is therefore the appropriate sentence in this case:

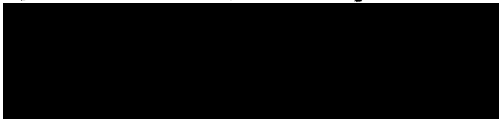
A. Death Sentence

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

YES _____

NO ✓

If you answer "YES," the foreperson must sign here, and you must then proceed to Section VII. If you answer "NO," the foreperson must sign, and you must then proceed to Section B:



FOREPERSON

Date: April 21, 2005

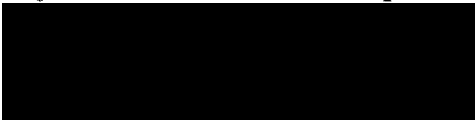
B. Sentence of Life in Prison Without Possibility of Release

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

YES ✓

NO _____

If you answer "YES," the foreperson must sign here, and then you must proceed to Section VII.

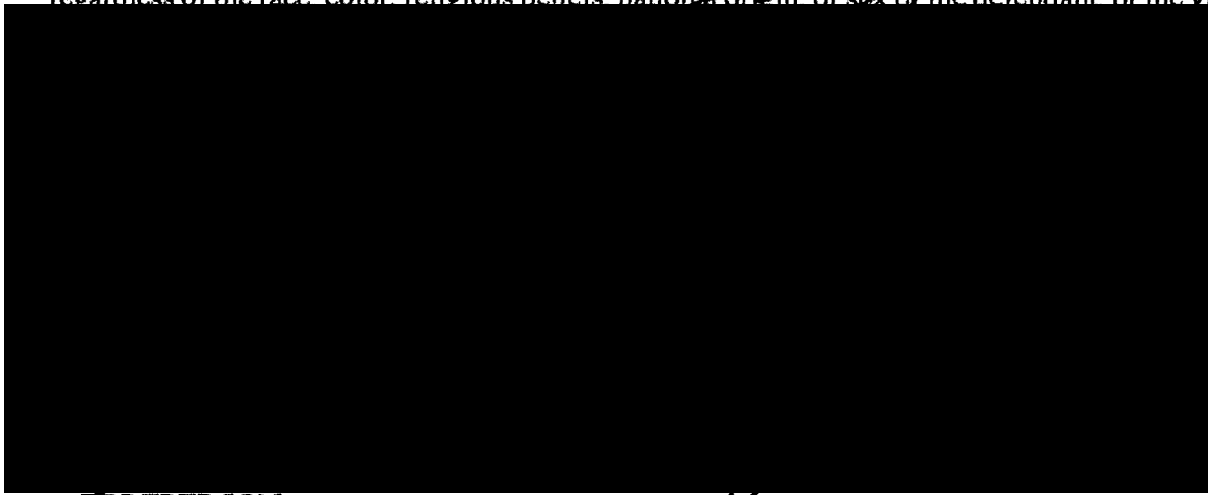


FOREPERSON

Date: April 21, 2005

VII. CERTIFICATION

By signing below, each juror certifies that consideration of the race, color, religious beliefs, national origin, or sex of the defendant Lorenzo Catalán-Román or the victim Gilberto Rodríguez Cabrera was not involved in reaching his or her individual decision, and that the individual juror would have made the same recommendation regarding a sentence for the crime or crimes in question regardless of the race, color, religious beliefs, national origin, or sex of the defendant or the victim.



FOREPERSON

Date: April 21, 2005