

SECTION I: DEFENDANT'S AGE AT THE TIME OF THE OFFENSE

- You are required to find, as to each statement below, that it has been “PROVEN” or “NOT PROVEN” beyond a reasonable doubt.
- Your finding(s) in this Section, whether “PROVEN” or “NOT PROVEN” must be unanimous.

As to Count Ten:

That the defendant was at least 18 years of age at the time of the offense charged in Count Ten of the Indictment.

 X PROVEN
 NOT PROVEN

As to Count Eleven:

That the defendant was at least 18 years of age at the time of the offense charged in Count Eleven of the Indictment.

 X PROVEN
 NOT PROVEN

As to Count Fifteen:

That the defendant was at least 18 years of age at the time of the offense charged in Count Fifteen of the Indictment.

 X PROVEN
 NOT PROVEN

As to Count Twenty-Two:

That the defendant was at least 18 years of age at the time of the offense charged in Count Twenty Two of the Indictment.

 X PROVEN

_____ NOT PROVEN

As to Count Twenty-Three:

That the defendant was at least 18 years of age at the time of the offense charged in Count Twenty-Three of the Indictment.

 X PROVEN

_____ NOT PROVEN

STOP:

- **IF YOUR ANSWER TO ALL QUESTIONS ABOVE IS “NOT PROVEN”** then you must skip forward to Section VII and complete that section in accordance with the directions there. Your deliberations will be over after completing Section VII.
- **IF YOUR ANSWER TO ANY OF THE QUESTIONS ABOVE IS “PROVEN”** then you must continue to Section II on the next page.

SECTION II: GATEWAY FACTORS

- You are required to find, as to each statement below, that it has been “PROVEN” or “NOT PROVEN” beyond a reasonable doubt.
- Your finding(s) in this Section, whether “PROVEN” or “NOT PROVEN” must be unanimous.

NOTE: If you found that the defendant was 18 years of age at the time of the offense charged in Count Ten, please complete the following

As to COUNT TEN:

- A. That 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 Tracey Saunders died as a result of the act.

 X PROVEN

 NOT PROVEN

- B. That 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 Tracey Saunders died as a result of the act.

 X PROVEN

 NOT PROVEN

NOTE: If you found that the defendant was 18 years of age at the time of the offense charged in Count Eleven, please complete the following

As to COUNT ELEVEN:

- A. That 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 Tracey Saunders died as a result of the act.

 X PROVEN

 NOT PROVEN

- B. That 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 Tracey Saunders died as a result of the act.

 X PROVEN

 NOT PROVEN

NOTE: If you found that the defendant was 18 years of age at the time of the offense charged in Count Fifteen, please complete the following

As to COUNT FIFTEEN:

- A. That 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 Antonio Rykard died as a result of the act.

 X PROVEN

 NOT PROVEN

- B. That 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 Antonio Rykard died as a result of the act.

 X PROVEN

 NOT PROVEN

NOTE: If you found that the defendant was 18 years of age at the time of the offense charged in Count Twenty-Two, please complete the following

As to COUNT TWENTY-TWO:

- A. That the defendant intentionally killed Karriem Washington.

 X PROVEN

_____ NOT PROVEN

- B. That the defendant intentionally inflicted serious bodily injury that resulted in the death of Karriem Washington.

 X PROVEN

_____ NOT PROVEN

NOTE: If you found that the defendant was 18 years of age at the time of the offense charged in Count Twenty-Three, please complete the following

As to COUNT TWENTY-THREE:

A. That the defendant intentionally killed Karriem Washington.

 X PROVEN

_____ NOT PROVEN

B. That the defendant intentionally inflicted serious bodily injury that resulted in the death of Karriem Washington.

 X PROVEN

_____ NOT PROVEN

STOP:

- **IF YOUR ANSWER TO ALL OF THE QUESTIONS IN SECTION II IS “NOT PROVEN”** then you must skip forward to Section VII and complete that section in accordance with the directions there. Your deliberations will be over after completing Section VII.
- **IF YOUR ANSWER TO ANY OF THE ABOVE QUESTIONS IS “PROVEN”** then you must continue to Section III on the next page.

SECTION III: STATUTORY AGGRAVATING FACTOR

- You are required to find, as to each statement below, that it has been “PROVEN” or “NOT PROVEN” beyond a reasonable doubt.
- Your finding(s) in this Section, whether “PROVEN” or “NOT PROVEN” must be unanimous.

NOTE: If you found that the defendant was 18 years of age at the time of the offense charged in Count Ten and answered “PROVEN” to any of the Gateway Factors contained in Section II as to Count Ten, please complete the following

As to COUNT TEN:

We find that the defendant committed the offense contained in Count Ten after substantial planning and premeditation to cause the death of Tracey Saunders.

 X PROVEN
 NOT PROVEN

NOTE: If you found that the defendant was 18 years of age at the time of the offense charged in Count Eleven and answered “PROVEN” to any of the Gateway Factors contained in Section II as to Count Eleven, please complete the following

As to COUNT ELEVEN:

We find that the defendant committed the offense contained in Count Eleven after substantial planning and premeditation to cause the death of Tracey Saunders.

 X PROVEN
 NOT PROVEN

NOTE: If you found that the defendant was 18 years of age at the time of the offense charged in Count Fifteen and answered "PROVEN" to any of the Gateway Factors contained in Section II as to Count Fifteen, please complete the following

As to COUNT FIFTEEN:

We find that the defendant committed the offense contained in Count Fifteen after substantial planning and premeditation to cause the death of Antonio Rykard.

 X PROVEN
 NOT PROVEN

NOTE: If you found that the defendant was 18 years of age at the time of the offense charged in Count Twenty-Two and answered "PROVEN" to any of the Gateway Factors contained in Section II as to Count Twenty-Two, please complete the following

As to COUNT TWENTY-TWO:

We find that the defendant committed the offense contained in Count Twenty-Two after substantial planning and premeditation to cause the death of Karriem Washington.

 X PROVEN
 NOT PROVEN

NOTE: If you found that the defendant was 18 years of age at the time of the offense charged in Count Twenty-Three and answered "PROVEN" to any of the Gateway Factors contained in Section II as to Count Twenty-Three, please complete the following

As to **COUNT TWENTY-THREE:**

We find that the defendant committed the offense contained in Count Twenty-Three after substantial planning and premeditation to cause the death of Karriem Washington.

 X PROVEN

 NOT PROVEN

STOP:

- **IF YOUR ANSWER TO ALL OF THE QUESTIONS IN SECTION III IS "NOT PROVEN"** then you must skip forward to Section VII and complete that section in accordance with the directions there. Your deliberations will be over after completing Section VII.
- **IF YOUR ANSWER TO ANY OF THE ABOVE QUESTIONS IS "PROVEN"** then you must continue to Section IV on the next page.

SECTION IV. NON-STATUTORY AGGRAVATING FACTORS

- You are required to find, as to each statement below, that it has been “PROVEN” or “NOT PROVEN” beyond a reasonable doubt.
- Your finding(s) in this Section, whether “PROVEN” or “NOT PROVEN” must be unanimous.

NOTE: If you found that the defendant was 18 years of age at the time of the offense charged in Count Ten, AND answered “PROVEN” to any of the Gateway Factors contained in Section II as to Count Ten, AND answered “PROVEN” to the Statutory Aggravating Factor contained in Section III as to Count Ten, please complete the following

As to COUNT TEN:

A. Victim Impact Evidence

That the defendant caused injury and loss to the victim, Tracey Saunders, and the family of Tracey Saunders.

 X PROVEN
 NOT PROVEN

B. Contemporaneous Convictions

That the defendant committed and has been convicted of additional murders.

 X PROVEN
 NOT PROVEN

C. Obstruction of Justice:

That the defendant committed the offense contained in Count Ten with the intent to prevent the victim from providing information and assistance to law enforcement authorities in regard to the investigation or prosecution of the commission or possible commission of another offense.

 X PROVEN
 NOT PROVEN

NOTE: If you found that the defendant was 18 years of age at the time of the offense charged in Count Eleven, AND answered "PROVEN" to any of the Gateway Factors contained in Section II as to Count Eleven, AND answered "PROVEN" to the Statutory Aggravating Factor contained in Section III as to Count Eleven, please complete the following

As to **COUNT ELEVEN:**

A. Victim Impact Evidence

That the defendant caused injury and loss to the victim, Tracey Saunders, and the family of Tracey Saunders.

 X PROVEN

_____ NOT PROVEN

B. Contemporaneous Convictions

That the defendant committed and has been convicted of additional murders.

 X PROVEN

_____ NOT PROVEN

C. Obstruction of Justice:

That the defendant committed the offense contained in Count Eleven with the intent to prevent the victim from providing information and assistance to law enforcement authorities in regard to the investigation or prosecution of the commission or possible commission of another offense.

 X PROVEN

_____ NOT PROVEN

NOTE: If you found that the defendant was 18 years of age at the time of the offense charged in Count Fifteen, AND answered "PROVEN" to any of the Gateway Factors contained in Section II as to Count Fifteen, AND answered "PROVEN" to the Statutory Aggravating Factor contained in Section III as to Count Fifteen, please complete the following

As to **COUNT FIFTEEN:**

A. Victim Impact Evidence

That the defendant caused injury and loss to the victim, Antonio Rykard, and the family of Antonio Rykard.

 X PROVEN

_____ NOT PROVEN

B. Contemporaneous Convictions

That the defendant committed and has been convicted of additional murders.

 X PROVEN

_____ NOT PROVEN

C. Obstruction of Justice:

That the defendant committed the offense contained in Count Fifteen with the intent to prevent the victim from providing information and assistance to law enforcement authorities in regard to the investigation or prosecution of the commission or possible commission of another offense.

_____ PROVEN

 X NOT PROVEN

(If you unanimously find "Proven" on the above "Obstruction of Justice with the intent to prevent..." skip to consideration of the next count, Count Twenty-Two; if you find "Not Proven," then proceed to consider the following aggravating factor of "Obstruction of Justice with the intent to retaliate...").

That the defendant committed the offense contained in Count Fifteen with the intent to retaliate against the victim for providing information and assistance to law enforcement authorities in regard to the investigation or prosecution of the commission or possible commission of another offense.

 X PROVEN

_____ NOT PROVEN

NOTE: If you found that the defendant was 18 years of age at the time of the offense charged in Count Twenty-Two, AND answered "PROVEN" to any of the Gateway Factors contained in Section II as to Count Twenty-Two, AND answered "PROVEN" to the Statutory Aggravating Factor contained in Section III as to Count Twenty-Two, please complete the following

As to COUNT TWENTY-TWO:

A. Victim Impact Evidence

That the defendant caused injury and loss to the victim, Karriem Washington, and the family of Karriem Washington.

 X PROVEN

_____ NOT PROVEN

B. Contemporaneous Convictions

That the defendant committed and has been convicted of additional murders.

 X PROVEN

_____ NOT PROVEN

NOTE: If you found that the defendant was 18 years of age at the time of the offense charged in Count Twenty-Three, AND answered "PROVEN" to any of the Gateway Factors contained in Section II as to Count Twenty-Three, AND answered "PROVEN" to the Statutory Aggravating Factor contained in Section III as to Count Twenty-Three, please complete the following

As to COUNT TWENTY-THREE:

A. Victim Impact Evidence

That the defendant caused injury and loss to the victim, Karriem Washington, and the family of Karriem Washington.

 X

PROVEN

NOT PROVEN

B. Contemporaneous Convictions

That the defendant committed and has been convicted of additional murders.

 X

PROVEN

NOT PROVEN

REGARDLESS OF WHETHER YOU HAVE ANSWERED "PROVEN" OR "NOT PROVEN" TO ANY OF THE QUESTIONS IN SECTION IV, YOU MUST PROCEED TO SECTION V WHICH FOLLOWS

SECTION V. MITIGATING FACTORS

DIRECTIONS FOR SECTION V:

- In this section, 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 with regard to each of the capital counts. You will note each question requires a count of the number of jurors who vote that such finding has been made. If no jurors vote that such a finding has been made, indicate so by placing a "0" in the space provided.
- Your vote as a jury need not be unanimous with regard to each question in this section. 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.

1. Andre Cooper has two young children Tahaj Cooper and Andre Cooper, Jr., who are both 6 years of age.

Number of jurors who so find: 7.

2. If spared execution, Andre Cooper will have an opportunity to continue to be a father to his two young children.

Number of jurors who so find: 7.

3. Andre Cooper, Jr., was severely injured in the automobile accident that killed his mother, Nakira Grable.

Number of jurors who so find: 2.

4. Executing Andre Cooper will make Andre Cooper, Jr. an orphan.

Number of jurors who so find: 4.

5. Andre Cooper grew up in a community that suffered from the conditions of poverty.

Number of jurors who so find: 2.

6. As a young boy, Andre Cooper was raised in a community that had, and continues to have, the highest per capita murder rate in the country and the highest levels of violent crimes in Pennsylvania.

Number of jurors who so find: 8.

7. Exposure to violence and drug abuse at a young age, can negatively harm a child's development.

Number of jurors who so find: 7.

8. At a young age, Andre Cooper was exposed to exceptional levels of violence and drug crimes.

Number of jurors who so find: 10.

9. Andre Cooper grew up in Chester, one of the worst communities in the Commonwealth of Pennsylvania in which to raise children.

Number of jurors who so find: 7.

10. Andre Cooper was born to teenaged parents who did not provide a stable and safe home environment.

Number of jurors who so find: 5.

11. At an early age, Andre Cooper was exposed to drugs and drug use, in his own home in Chester.

Number of jurors who so find: 4.

12. When he was 11, Andre Cooper went to live with his father's family in Delaware, where he was united and lived together, as a family, with his younger brother Kevin and his sisters Kirsten and Brittany, until their was a marital separation.

Number of jurors who so find: 0.

13. During the marital separation, Andre Cooper lived with his father, in the home of his paternal grandmother, where there was little or no supervision.

Number of jurors who so find: 0.

14. When there was a marital reconciliation, Andre Cooper was not included, remained separated from his brother and his sisters, and left in a situation where there was little or no supervision.

Number of jurors who so find: 10.

15. Andre Cooper was influenced to participate in drug dealing by Anthony "Stone" Thomas, his uncle.

Number of jurors who so find: 5.

16. Although legally an adult, Andre Cooper was quite young at the time he committed the criminal conduct charged in this case.

Number of jurors who so find: 0.

17. Andre Cooper has no significant history of criminal conduct, other than charged in this case.

Number of jurors who so find: 0.

18. Andre Cooper has a close loving relationship with his younger brother and sisters, and has encouraged them toward a life away from drugs, violence and away from the streets.

Number of jurors who so find: 2.

19. Executing Andre Cooper will cause great grief and loss to those who love him.

Number of jurors who so find: 1.

20. Andre Cooper will continue to make a positive adjustment to incarceration.

Number of jurors who so find: 0.

21. While serving a life sentence, Andre Cooper can have a positive impact on the lives of other prisoners, his family and the community.

Number of jurors who so find: 2.

22. Andre Cooper is a person who is and will continue to be capable of redemption.

Number of jurors who so find: 2.

23. Others who were of equal or greater culpability in the murders will not be sentenced to death.

Number of jurors who so find: 3.

24. Brian Rogers, the man who man who shot and killed Tracey Saunders, does not face the death penalty.

Number of jurors who so find: 4.

25. Vincent Williams, the man who shot and killed Antonio Rykard, does not face the death penalty.

Number of jurors who so find: 0.

26. Mark Rogers is not facing the death penalty in connection with any of the murders.

Number of jurors who so find: 1.

27. Andre Cooper should not be executed, based upon the fact Brian Rogers, who was involved in the murder of Tracey Saunders may have the opportunity to be released from prison in 25 years.

Number of jurors who so find: 4.

28. Andre Cooper should not be executed, based upon the fact Brian Rogers, who was involved in the murder of Antonio Rykard, may have the opportunity to be released from prison in 25 years.

Number of jurors who so find: 0.

Additional Mitigating Factor Enumerated:

29. The law mandates that if Andre Cooper is not sentenced to death, he will spend the rest of his life in a United States Prison, without the possibility of release.

Number of Jurors who so Find: 11

List additional mitigating factor(s) in the defendant's background or character, the circumstances of the crime(s), or other relevant fact or circumstance identified by the defendant as mitigation:

1. _____

NUMBER OF JURORS WHO SO FIND _____

2. _____

NUMBER OF JURORS WHO SO FIND _____

3. _____

NUMBER OF JURORS WHO SO FIND _____

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.

1. _____

NUMBER OF JURORS WHO SO FIND _____

2. _____

NUMBER OF JURORS WHO SO FIND _____

3. _____

NUMBER OF JURORS WHO SO FIND _____

SECTION VI. DETERMINATION OF SENTENCE

DIRECTIONS: In this section, enter your determination of the defendant's sentence with regard to each of the capital counts.

Based upon consideration of whether the aggravating factors found to exist sufficiently outweigh any mitigating factor or factors found to exist to justify a sentence of death, or, in the absence of any mitigating factors, whether the aggravating factors is itself sufficient to justify a sentence of death:

As to COUNT TEN:

_____ We sentence the defendant to death.

 X We sentence the defendant to life imprisonment without the possibility of release.

As to COUNT ELEVEN:

_____ We sentence the defendant to death.

 X We sentence the defendant to life imprisonment without the possibility of release.

As to COUNT FIFTEEN:

_____ We sentence the defendant to death.

 X We sentence the defendant to life imprisonment without the possibility of release.

As to COUNT TWENTY-TWO:

_____ We sentence the defendant to death.

 X We sentence the defendant to life imprisonment without the possibility of release.

As to COUNT TWENTY-THREE:

_____ We sentence the defendant to death.

X _____ We sentence the defendant to life imprisonment without the possibility of release.

Each juror must sign their juror number below, indicating that the above sentence determination reflects the jury's unanimous decision:

343

98

199

202

320

289

50

163

168

16

2

311

FOREPERSON

DATE: may 15, 2006.

CONTINUE TO SECTION VII

SECTION VII: CERTIFICATION

By signing their juror number 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 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.

343

98

199

202

320

289

50

163

168

16

2

311

FOREPERSON

DATE: May 15, 2006.

Additional Mitigating Factor Enumerated:

29. The law mandates that if Andre Cooper is not sentenced to death, he will spend the rest of his life in a United States Prison, without the possibility of release.

Number of Jurors who so Find: 11