

**MINUTE ENTRY
BERRIGAN, J.
AUGUST 9, 2005**

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF LOUISIANA**

UNITED STATES OF AMERICA

CRIMINAL ACTION

VERSUS

NUMBER: 94-381

LEN DAVIS

SECTION: "C"

**JURY TRIAL
(Cont'd from 8/08/05)**

COURT REPORTER: Karen Ibos
COURTROOM DEPUTY: Kimberly County

APPEARANCES: Michael McMahon and Mark Miller, Asst. U.S. Attorneys
Julian Murray and Carol Kolinchak, Counsel for Len Davis

PENALTY PHASE - PART 2

All present & ready.

Alternate jurors excused, subject to call, with thanks of the Court.

Jury retires for deliberation at 9:15 a.m.

Jury returns from deliberation at 11:42 a.m.

VERDICT: See Verdict Forms Attached

Neither party requested that jury be polled.

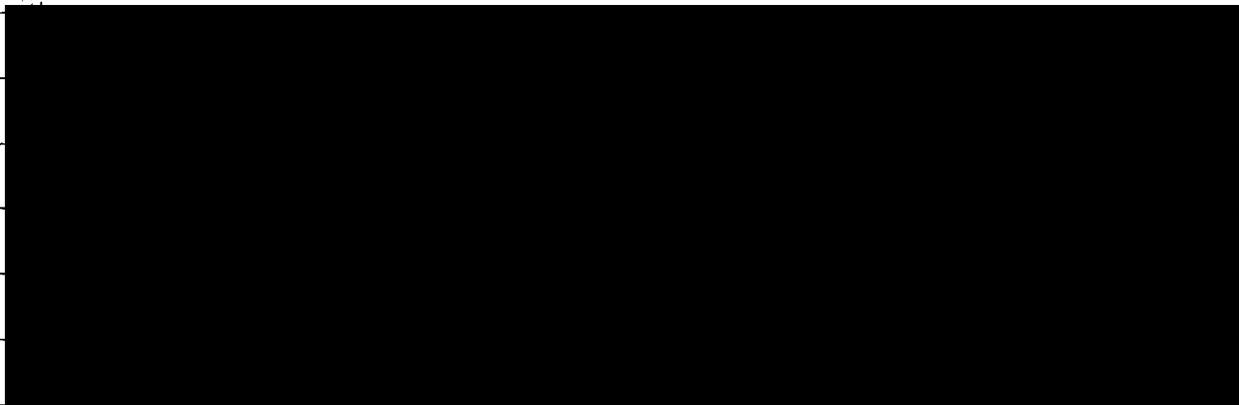
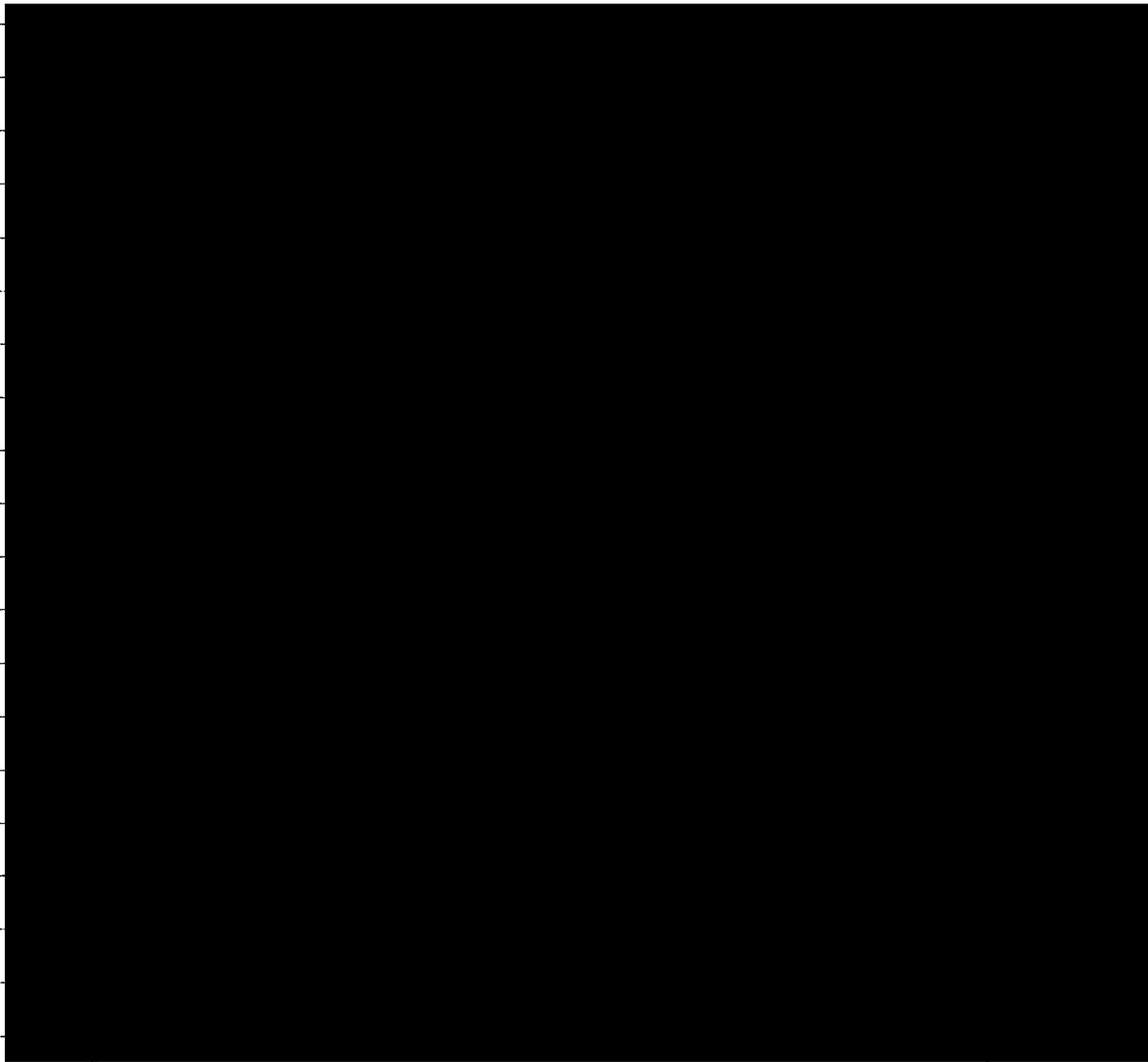
Court orders jury verdict be made judgment of the Court.

Deft to be sentenced at a later date.

Court adjourned.

JS-10: 0:30

Fee _____
Process _____
X Dktd _____
CtRmDep KE _____
Doc.No. _____





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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF LOUISIANA

UNITED STATES OF AMERICA

CRIMINAL ACTION

VERSUS

NO. 94-381

LEN DAVIS

SECTION "C"

VERDICT FORM AS TO COUNT ONE

PART ONE - AGGRAVATING FACTORS

For each of the following aggravating factors, answer as to whether you unanimously find that the government has proven beyond a reasonable doubt that particular factor as to Count One:

- A. Len Davis used his position as a police officer to affirmatively participate in conduct that seriously jeopardized the health and/or safety of other persons.

Unanimous Yes ✓
Not Unanimous

Proceed to B.

- B. Len Davis poses a threat of future dangerousness to the lives and safety of other persons in prison.

Unanimous Yes ✓
Not Unanimous

Proceed to C.

- C. The death of Kim Marie Groves has created harmful emotional distress upon her daughter.

Unanimous Yes ✓
Not Unanimous

Proceed to D.

- D. Len Davis committed the offense for the purpose of preventing his victim, Kim Marie Groves, from, or retaliating 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.

Unanimous Yes ✓
Not Unanimous

Proceed to Part Two.

PART TWO - MITIGATING FACTORS

For each of the following factors indicate the number of jurors who find the factor established by a preponderance of the evidence as to Count One:

- A. Other participants in one or more of the capital offenses who are equally or more culpable than Len Davis will not be punished by death, including, but not necessarily limited to, the following individuals: Sammie Williams, Steven Jackson, Damon Causey. Other participants in the capital offenses received reduced sentences as a result of plea agreements with the government. Other participants in the drug trafficking conspiracy are now eligible to receive reduced sentences as a result of their testimony against Mr. Davis and plea agreements with the government.

0 Jurors so find.

Proceed to B.

- B. Although the evidence presented at trial was sufficient to prove Len Davis's guilt beyond a reasonable doubt, his guilt was not proved to an absolute certainty and there is residual doubt as to his guilt.

0 Jurors so find.

Proceed to C.

- C. As a police officer, Len Davis frequently risked his own life to apprehend criminal suspects, assist fellow officers and save innocent victims. Len Davis was a decorated police officer and received many commendations, including a Purple Heart, while with the New Orleans Police Department.

0 Jurors so find.

Proceed to D.

- D. Although Len Davis can distinguish right from wrong and deserves to be held accountable for his actions, his behavior was negatively impacted by the stress of working in a high crime area, being shot at on numerous occasions, including on one occasion being shot in the stomach while coming to the assistance of fellow officers

0 Jurors so find.

Proceed to E.

E. Although Len Davis can distinguish right from wrong and deserves to be held accountable for his actions, his behavior was negatively impacted by his partner, Sammie Williams, who had a history of committing violent crimes against the citizens of New Orleans.

0 Jurors so find.

Proceed to F.

F. Len Davis does not pose a threat of future dangerousness in prison.

0 Jurors so find.

Proceed to G.

G. Other factors in Len Davis's background or character mitigate against imposition of a death sentence.

0 Jurors so find.

Proceed to Part Three.

PART THREE - SENTENCE AS TO COUNT ONE

- A. We, the jury, unanimously find that the aggravating factor[s] proved in this case sufficiently outweigh any mitigating factors so as to justify a sentence of death. We vote unanimously that Len Davis shall be sentenced to death as to Count One.

Unanimous Yes
Not Unanimous

If you answered "Unanimous Yes" to A, proceed to Part Four.
If you answered "Not Unanimous" to A, proceed to B.

- B. We, the jury, are not unanimously persuaded that a death sentence should be imposed in this case. However, we do unanimously agree that Len Davis should be sentenced to life imprisonment without possibility of release. Therefore, we hereby decide that Len Davis should be sentenced to life imprisonment without possibility of release as to Count One.

Unanimous Yes
Not Unanimous

If you answered "Unanimous Yes" to B, proceed to Part Four.
If you answered "Not Unanimous" to B, proceed to C.

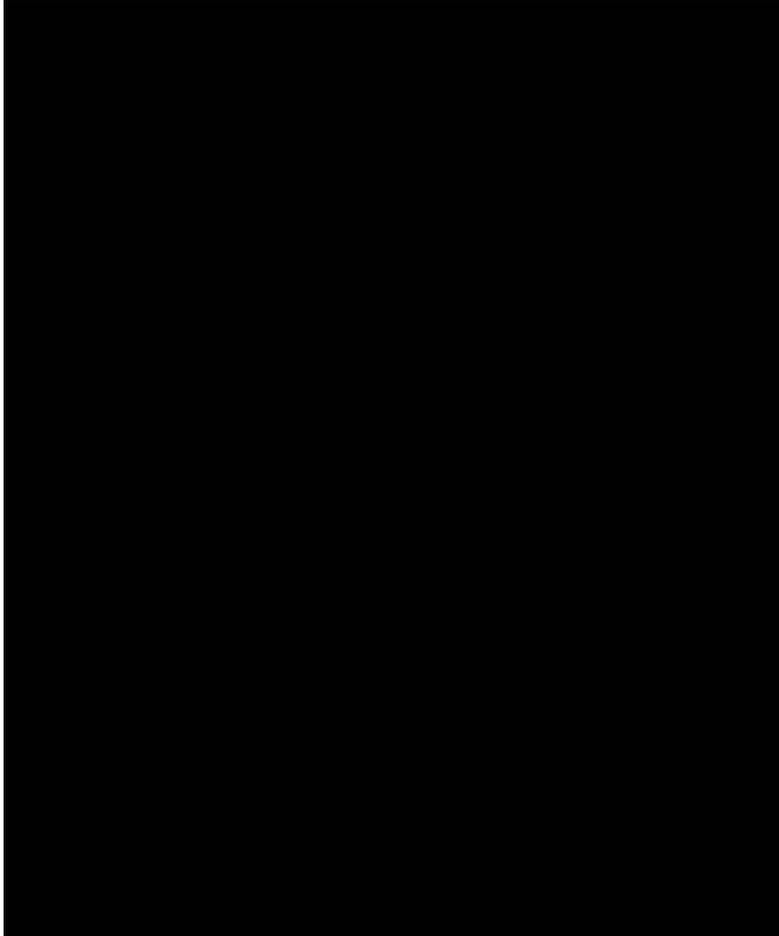
- C. We, the jury, do unanimously agree that Len Davis should be sentenced to imprisonment for a number of years lesser than life as to Count One.

Unanimous Yes
Not Unanimous

Proceed to Part Four.

PART FOUR - CERTIFICATE

By signing below, each of us individually hereby certifies that this Verdict represents his or her decision as to Count One and that consideration of the race, color, religious beliefs, national origin, or sex of Len Davis and of the victim, were not involved in reaching our respective individual decisions. Each of us individually further certifies that the same decision regarding a sentence would have been made no matter what the race, color, religious beliefs, national origin, or sex of the defendant or victim may have been.



FOREPERSON

New Orleans, Louisiana, this 9th day of August, 2005.

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF LOUISIANA

UNITED STATES OF AMERICA

CRIMINAL ACTION

VERSUS

NO. 94-381

LEN DAVIS

SECTION "C"

VERDICT FORM AS TO COUNT TWO

PART ONE - AGGRAVATING FACTORS

For each of the following aggravating factors, answer as to whether you unanimously find that the government has proven beyond a reasonable doubt that particular factor as to Count Two:

- A. Len Davis used his position as a police officer to affirmatively participate in conduct that seriously jeopardized the health and/or safety of other persons.

Unanimous Yes
Not Unanimous

 ✓

Proceed to B.

- B. Len Davis poses a threat of future dangerousness to the lives and safety of other persons in prison.

Unanimous Yes
Not Unanimous

 ✓

Proceed to C.

- C. The death of Kim Marie Groves has created harmful emotional distress upon her daughter.

Unanimous Yes
Not Unanimous

 ✓

Proceed to D.

- D. Len Davis committed the offense for the purpose of preventing his victim, Kim Marie Groves, from, or retaliating 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.

Unanimous Yes
Not Unanimous

 ✓

Proceed to Part Two.

PART TWO - MITIGATING FACTORS

For each of the following factors indicate the number of jurors who find the factor established by a preponderance of the evidence as to Count Two:

- A. Other participants in one or more of the capital offenses who are equally or more culpable than Len Davis will not be punished by death, including, but not necessarily limited to, the following individuals: Sammie Williams, Steven Jackson, Damon Causey. Other participants in the capital offenses received reduced sentences as a result of plea agreements with the government. Other participants in the drug trafficking conspiracy are now eligible to receive reduced sentences as a result of their testimony against Mr. Davis and plea agreements with the government.

0 Jurors so find.

Proceed to B.

- B. Although the evidence presented at trial was sufficient to prove Len Davis's guilt beyond a reasonable doubt, his guilt was not proved to an absolute certainty and there is residual doubt as to his guilt.

0 Jurors so find.

Proceed to C.

- C. As a police officer, Len Davis frequently risked his own life to apprehend criminal suspects, assist fellow officers and save innocent victims. Len Davis was a decorated police officer and received many commendations, including a Purple Heart, while with the New Orleans Police Department.

0 Jurors so find.

Proceed to D.

- D. Although Len Davis can distinguish right from wrong and deserves to be held accountable for his actions, his behavior was negatively impacted by the stress of working in a high crime area, being shot at on numerous occasions, including on one occasion being shot in the stomach while coming to the assistance of fellow officers.

0 Jurors so find.

Proceed to E.

E. Although Len Davis can distinguish right from wrong and deserves to be held accountable for his actions, his behavior was negatively impacted by his partner, Sammie Williams, who had a history of committing violent crimes against the citizens of New Orleans.

0 Jurors so find.

Proceed to F.

F. Len Davis does not pose a threat of future dangerousness in prison.

0 Jurors so find.

Proceed to G.

G. Other factors in Len Davis's background or character mitigate against imposition of a death sentence.

0 Jurors so find.

Proceed to Part Three.

PART THREE - SENTENCE AS TO COUNT TWO

- A. We, the jury, unanimously find that the aggravating factor[s] proved in this case sufficiently outweigh any mitigating factors so as to justify a sentence of death. We vote unanimously that Len Davis shall be sentenced to death as to Count Two.

Unanimous Yes ✓
Not Unanimous

If you answered "Unanimous Yes" to A, proceed to Part Four.
If you answered "Not Unanimous" to A, proceed to B.

- B. We, the jury, are not unanimously persuaded that a death sentence should be imposed in this case. However, we do unanimously agree that Len Davis should be sentenced to life imprisonment without possibility of release. Therefore, we hereby decide that Len Davis should be sentenced to life imprisonment without possibility of release as to Count Two.

Unanimous Yes
Not Unanimous

If you answered "Unanimous Yes" to B, proceed to Part Four.
If you answered "Not Unanimous" to B, proceed to C.

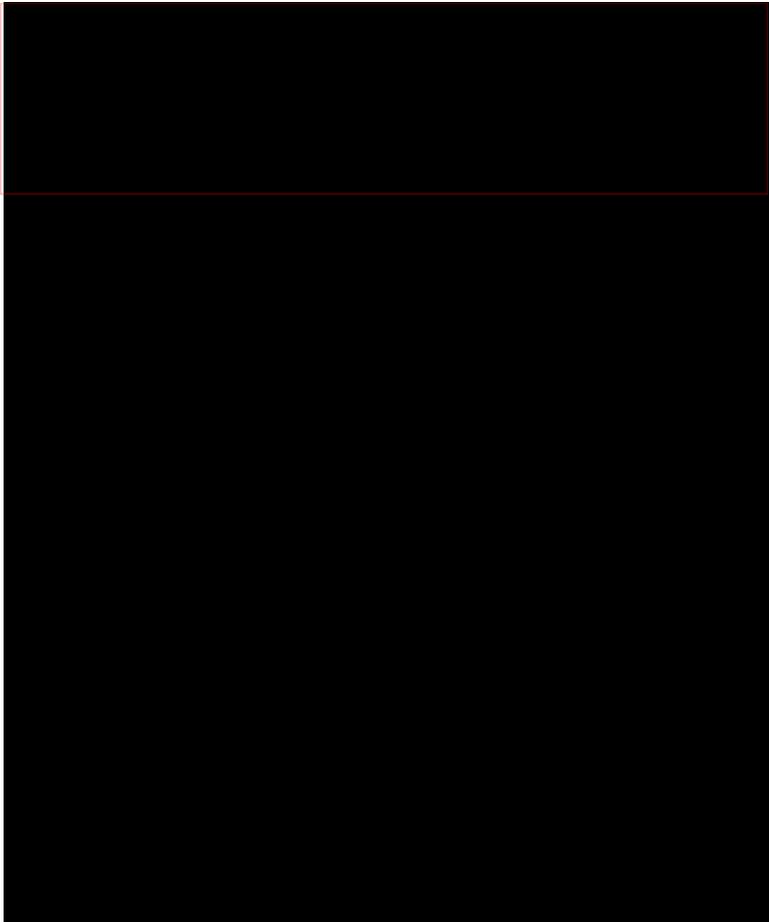
- C. We, the jury, do unanimously agree that Len Davis should be sentenced to imprisonment for a number of years lesser than life as to Count Two.

Unanimous Yes
Not Unanimous

Proceed to Part Four.

PART FOUR - CERTIFICATE

By signing below, each of us individually hereby certifies that this Verdict represents his or her decision as to Count Two and that consideration of the race, color, religious beliefs, national origin, or sex of Len Davis and of the victim, were not involved in reaching our respective individual decisions. Each of us individually further certifies that the same decision regarding a sentence would have been made no matter what the race, color, religious beliefs, national origin, or sex of the defendant or victim may have been.



/FOREPERSON

New Orleans, Louisiana, this 9th day of August, 2005.