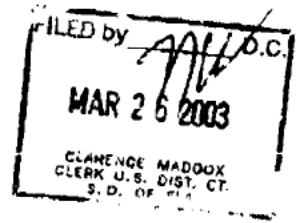


UNITED STATES DISTRICT COURT FOR THE SOUTHERN DISTRICT OF FLORIDA

CASE NO. 99-714-CR-MORENO



UNITED STATES OF AMERICA,

Plaintiff,

vs.

SPECIAL VERDICT FORM

JOSE DENIS,

Defendant.

Questions 1 to 5 must be answered by you unanimously and based upon proof beyond a reasonable doubt.

1. Was Jose Denis 18 years of age at the time of the offense?

X YES _____ NO

2. Did Jose Denis intentionally kill Richard Valdez?

_____ YES X NO

If you answered "no" to either question #1 or #2, then your verdict is for life imprisonment and you do not answer any more questions but simply sign the verdict form.

If you have answered "yes" to both questions #1 and #2, then proceed to answer the other questions.

3. Did Jose Denis commit the offense in a heinous, cruel, or depraved manner in that it involved torture or serious physical abuse to the victim?

_____ YES _____ NO

4. Did Jose Denis commit the offense as consideration for the receipt, or in the expectation of the receipt, of anything of pecuniary value?

_____ YES _____ NO

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/K

If you have answered "yes" to either question #3 or #4 then proceed to answer the other questions. If you have answered "no" to both questions #3 and #4 then your verdict is for life imprisonment. you do not answer any other questions but you sign and date the verdict form.

5. NON-STATUTORY AGGRAVATING FACTORS

A) Did Jose Denis participate in an additional uncharged attempted murder to obstruct justice?

___ YES ___ NO

B) Does Jose Denis present a danger to others in the future?

___ YES ___ NO

C) Did Jose Denis cause loss, injury and harm to the victim's family?

___ YES ___ NO

MITIGATING FACTORS

All the parts to question #6 may be found by any number of jurors and need be proven only by a preponderance of the evidence.

6. For each of the following factors indicate the number of jurors, if any, who have found the existence of that mitigating factor:

(1) Jose Denis was not a leader in the conspiracy to rob the victim.

___ YES If yes, # of jurors ___ ___ NO

(2) The deceased involved himself in the drug world knowing the risks involved in such activity.

___ YES If yes, # of jurors ___ ___ NO

(3) Other defendants equally or more culpable than Jose Denis have received less severe sentences than the death penalty:

___ YES If yes, # of jurors ___ ___ NO

- (4) Jose Denis grew up believing it was his role to protect Pedro Castillo.
_____ YES If yes, # of jurors _____ _____ NO
- (5) Jose Denis acted under the influence of Pedro Castillo.
_____ YES If yes, # of jurors _____ _____ NO
- (6) Jose Denis was youthful, only twenty-two years of age, at the time of the offense.
_____ YES If yes, # of jurors _____ _____ NO
- (7) Jose Denis has no history of criminal convictions.
_____ YES If yes, # of jurors _____ _____ NO
- (8) After the offense, Jose Denis took positive steps to change his life by returning to school, leaving the Miami area and setting positive career goals.
_____ YES If yes, # of jurors _____ _____ NO
- (9) Jose Denis has demonstrated his ability to make a positive adjustment to incarceration through his work performance and good conduct.
_____ YES If yes, # of jurors _____ _____ NO
- (10) Jose Denis would not present a future risk of danger to others in the prison setting.
_____ YES If yes, # of jurors _____ _____ NO
- (11) Jose Denis' life was shaped by the hardship and persecution his family suffered in Cuba and in fleeing Cuba to the United States.
_____ YES If yes, # of jurors _____ _____ NO
- (12) Jose Denis' life in the United States was shaped by hardship, poverty and his family's struggle.
_____ YES If yes, # of jurors _____ _____ NO

(13) Jose Denis has a strong work ethic and has worked hard throughout his life.

_____ YES If yes, # of jurors _____ NO

(14) Jose Denis has worked hard to obtain a college education.

_____ YES If yes, # of jurors _____ NO

(15) Jose Denis overcame language and learning problems to obtain an education.

_____ YES If yes, # of jurors _____ NO

(16) At age 29, Jose Denis is still a young man.

_____ YES If yes, # of jurors _____ NO

(17) Jose Denis registered for the draft prior to becoming a naturalized citizen.

_____ YES If yes, # of jurors _____ NO

(18) Jose Denis has demonstrated concern for other through participation in community service projects while in college.

_____ YES If yes, # of jurors _____ NO

(19) Jose Denis has an extended, loving family that will suffer loss, harm and grief if he is killed.

_____ YES If yes, # of jurors _____ NO

(20) Any other factors in Jose Denis' background, record, or character or the circumstances of the offense or any other relevant factor that mitigates against the imposition of a sentence of death.

_____ YES If yes, # of jurors _____ NO

Please indicate what these factors are and the number of jurors who so find.

_____ # of jurors _____

_____ # of jurors _____

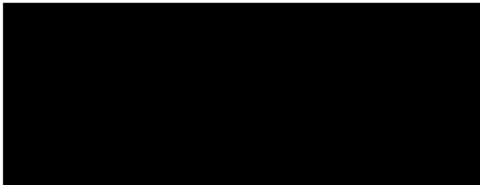
_____ # of jurors _____
 _____ # of jurors _____
 _____ # of jurors _____

7. You shall consider whether all the aggravating factor or factors found to exist sufficiently outweigh all the mitigating factor or factors found to exist to justify a sentence of death, or, in the absence of a mitigating factor, whether the aggravating factor or factors alone are sufficient to justify a sentence of death.

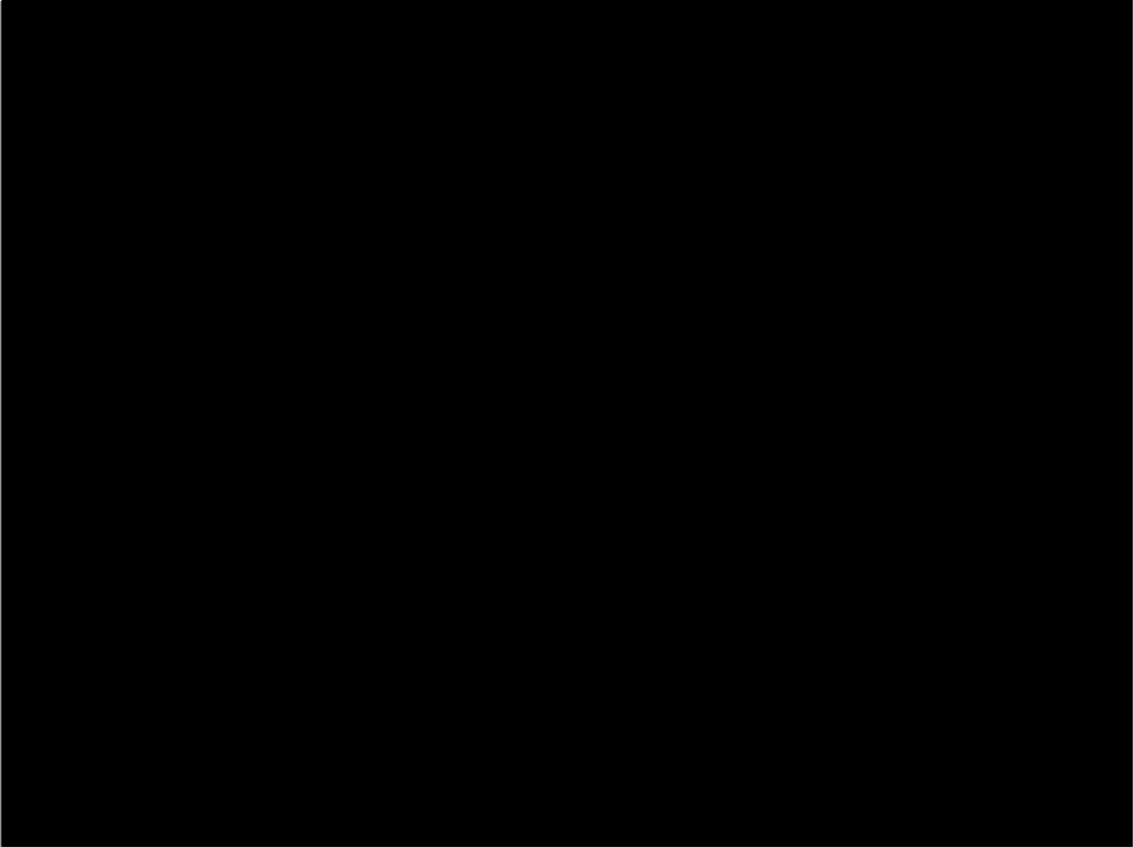
Based upon this consideration, the jury by unanimous vote determines that the sentence to be imposed on Jose Denis as to Count IV shall be:

 X life imprisonment without possibility of release
 OR
 _____ death

DONE and ORDERED this 26 day of March 2003.

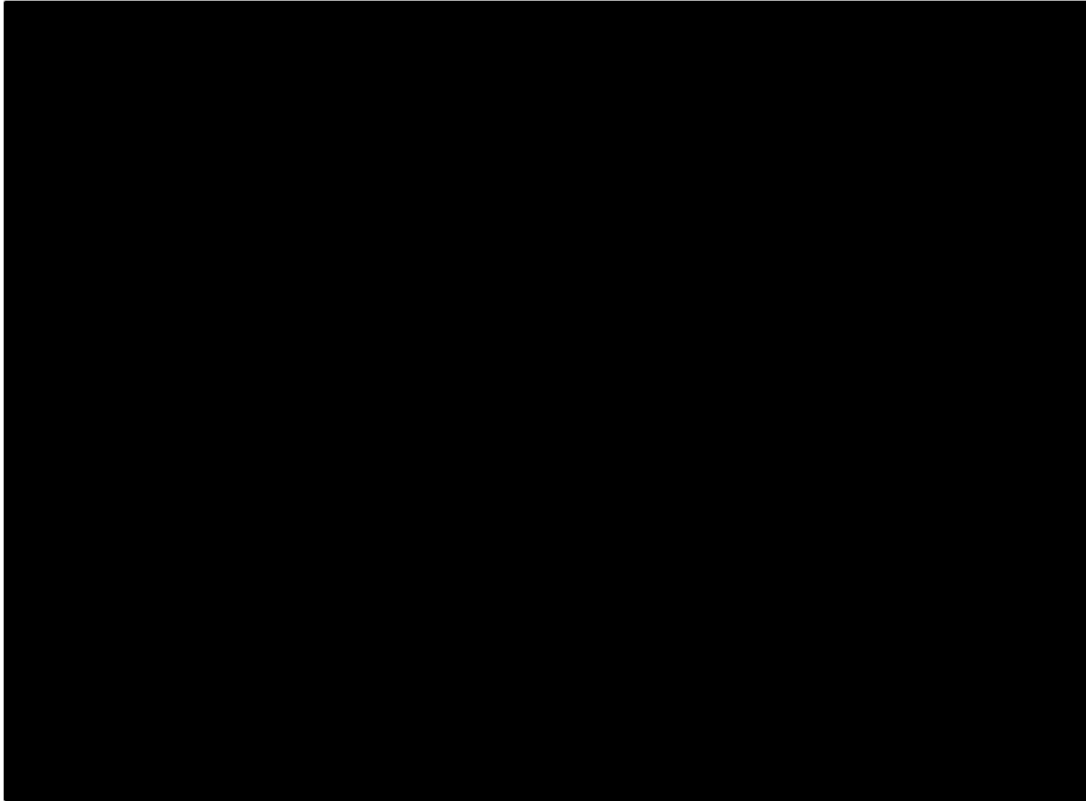


Each juror must sign below, indicating that the above sentence reflects the jury's unanimous decision.



DATE: March 26, 2003

By signing below, each of us, individually, hereby certifies that ~~consideration~~ of the race, color, religious beliefs, national origin, or sex of Jose Denis and Richard Valdez was not involved in reaching our individual decisions. Each of us, individually, further certifies that the same decision regarding a sentence for the crime in question would have been made no matter what the race, color, religious belief, national origin, or sex of Jose Denis or Richard Valdez may have been.



Date: March 24, 2003