

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
Richmond Division

UNITED STATES OF AMERICA

v.

Criminal No. 3:96CR66-05

CLAUDE GERALD DENNIS,
a/k/a "Jerry Lubin"
a/k/a "Jerry"
a/k/a "G-Man"

SPECIAL VERDICT FORM

I. CATEGORY ONE STATUTORY AGGRAVATING FACTORS

Instructions: For the following four statutory aggravating factors in Category One, you may find only one factor present as to the defendant and any count for which you have convicted the defendant for killing a particular victim. If you unanimously find that one of these four factors has been proved beyond a reasonable doubt place an "X" next to "YES" as to that factor and move on to the Category Two factors for that particular count.

COUNT FIVE -- KILLING OF DASMOND MILLER

1. CLAUDE GERALD DENNIS intentionally killed Dasmond Miller.

YES X
NO _____

2. CLAUDE GERALD DENNIS intentionally inflicted serious bodily injury which resulted in the death of the Dasmond Miller.

YES _____
NO _____

3. CLAUDE GERALD DENNIS intentionally engaged in conduct intending that Dasmond Miller be killed and/or that lethal force be employed against Dasmond Miller which resulted in the death of Dasmond Miller.

YES _____
NO _____

4. CLAUDE GERALD DENNIS intentionally engaged in conduct which he knew would create a grave risk of death to a person, other than one of the participants in the offense, and which resulted in the death of Dasmond Miller.

YES _____
NO _____

COUNT SIX -- KILLING OF SHERMAN AMBROSE

1. CLAUDE GERALD DENNIS intentionally killed Sherman Ambrose.

← YES X
NO _____

2. CLAUDE GERALD DENNIS intentionally inflicted serious bodily injury which resulted in the death of the Sherman Ambrose.

YES _____
NO _____

3. CLAUDE GERALD DENNIS intentionally engaged in conduct intending that Sherman Ambrose be killed and/or that lethal force be employed against Sherman Ambrose which resulted in the death of Sherman Ambrose.

YES _____
NO _____

4. CLAUDE GERALD DENNIS intentionally engaged in conduct which he knew would create a grave risk of death to a person, other than one of the participants in the offense, and which resulted in the death of Sherman Ambrose.

YES _____

NO _____

Instructions: If you answered "NO" with respect to all four of the Category One Statutory Aggravating Factors in Section I above as to either Count Five or Count Six, then that ends your consideration of the death penalty as to that count. Accordingly, you must stop your deliberations and complete Section A of the Decision Form for defendant CLAUDE GERALD DENNIS which relates to that count.

If you answered "NO" with respect to all four Category One Statutory Aggravating Factors as to both Counts Five and Six, then that ends your consideration of the death penalty as to this defendant. You must stop your deliberations and complete Section A of the Decision Form that relates to Count Five and Count Six for CLAUDE GERALD DENNIS. You should then sign the Certification Form and advise the Court that you have reached a decision respecting CLAUDE GERALD DENNIS.

If you answered "YES" with respect to one of the Category One Statutory Aggravating Factors in Section I above as to Count Five and/or Count Six, then continue your deliberations as to that count or counts in accordance with the Court's instructions and proceed to Section II which follows.

II. CATEGORY TWO STATUTORY AGGRAVATING FACTORS

Instructions: Please answer "YES" or "NO" as to whether you, the jury, unanimously find that the government has established the existence of the Category Two Statutory Aggravating Factor, which is listed below, beyond a reasonable doubt as to each of Counts Five and Six.

COUNT FIVE -- KILLING OF DASMOND MILLER

CLAUDE GERALD DENNIS committed the offense described in Count Five of the Superseding Indictment after substantial planning and premeditation.

o YES X
NO _____

COUNT SIX -- KILLING OF SHERMAN AMBROSE

CLAUDE GERALD DENNIS committed the offense described in Count Six of the Superseding Indictment after substantial planning and premeditation.

o YES X
NO _____

Instructions: If you answered "NO" with respect to the Category Two Statutory Aggravating Factor listed in Section II above as to either Count Five or Count Six, then that ends your consideration of the death penalty as to that Count. Accordingly, you must stop your deliberations and complete Section A of the Decision Form for CLAUDE GERALD DENNIS which relates to that count.

If you answered "YES" with respect to the Category Two Statutory Aggravating Factor alleged as to Count Five or Count Six, or both, for the defendant CLAUDE GERALD DENNIS in Section II above, then you may continue your deliberations in accordance with the Court's instructions only if you also found a Category One Statutory Aggravating Factor in Section I as to that particular count. If you have so found, please proceed to Section III which follows.

In short, you must have unanimously found one Aggravating Factor from Section I and you also must have found the listed Aggravating Factor from Section II proven beyond a reasonable doubt as to the same count. Otherwise, stop your deliberations and complete Section A of the appropriate Decision Form. If you have

signed Section A as to both Count Five and Count Six, then you should also sign the Certification Form and advise the Court that you have reached a decision respecting CLAUDE GERALD DENNIS.

III. NON-STATUTORY AGGRAVATING FACTORS

Instructions: Please answer "YES" or "NO" as to whether you, the jury, unanimously find that the government has established the following non-statutory aggravating factors beyond a reasonable doubt. You may find more than one of the following factors for each of Counts Five and Six.

COUNT FIVE -- KILLING OF DASMOND MILLER

1. The defendant CLAUDE GERALD DENNIS poses a future danger to the community in that there is a high probability that the defendant would commit criminal acts of violence constituting a continuing threat to society

YES _____
NO X

2. The defendant CLAUDE GERALD DENNIS intentionally killed and aided and abetted in the intentional killing of more than one person in a single criminal episode, to wit: Dasmond Miller and Sherman Ambrose.

YES X
NO _____

COUNT SIX -- KILLING OF SHERMAN AMBROSE

1. The defendant CLAUDE GERALD DENNIS poses a future danger to the community in that there is a high probability that the defendant would commit criminal acts of violence constituting a continuing threat to society

YES _____
NO X

2. The defendant CLAUDE GERALD DENNIS intentionally killed and aided and abetted in the intentional killing of more than one person in a single criminal episode, to wit: Dasmond Miller and Sherman Ambrose.

YES X
NO _____

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

IV. MITIGATING FACTORS

Instructions: Please answer each of the following questions, respecting the mitigating factors alleged by the defendant, "YES" or "NO." A "YES" answer must be recorded if one juror believes the mitigating factor to have been established by the defendant by a preponderance of the evidence. For each of the following, you also must 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.

A finding with respect to a mitigating factor may be made by one or more of the members of the jury. Any member of the jury who finds a mitigating factor proven by a preponderance of the evidence, whether or not specifically argued by defense counsel, may consider such a factor in determining whether a sentence of death shall be imposed. This is true even if no other juror concurs that the factor has been proved. Any juror may find more than one mitigating factor.

MITIGATING FACTORS AS TO THE KILLING OF DASMOND MILLER

(COUNT FIVE)

1. As of the date of the offense, CLAUDE GERALD DENNIS was youthful, although not under the age of 18.

YES X
NO _____

Number of jurors who so find: 2

2. Dasmond Miller and Sherman Ambrose consented to the criminal conduct resulting in their deaths.

• YES X
NO _____

Number of jurors who so find: 4.

3. As of the date of the offense, CLAUDE GERALD DENNIS did not have a significant prior criminal record.

• YES X
NO _____

Number of jurors who so find: 10.

4. CLAUDE GERALD DENNIS' father left the family when he was eight years old, depriving him of a strong male role model during his formative years.

• YES X
NO _____

Number of jurors who so find: 6.

5. CLAUDE GERALD DENNIS' circumstances and environment were conducive to his becoming involved in the drug business as a seller, user, or both.

• YES X
NO _____

Number of jurors who so find: 7.

6. Other persons who committed murders in furtherance of the continuing criminal enterprise or drug conspiracy alleged in this case, whether indicted or not, will not be punished by death.

• YES X
NO _____

Number of jurors who so find: 5.

7. CLAUDE GERALD DENNIS had no prior involvement with any drug organization prior to his arrival in Richmond, around Thanksgiving, 1988.

✓ YES _____
NO X

Number of jurors who so find: 0 .

8. Since October 9, 1989, CLAUDE GERALD DENNIS has not been implicated in any act of violence which has resulted in injury to another person.

YES _____
✓ NO X

Number of jurors who so find: 0 .

9. As of this date, CLAUDE GERALD DENNIS has no criminal record other than the misdemeanor and felony abduction convictions referring to Tracy LaVache, cited in the Government's aggravators.

YES _____
✓ NO X

Number of jurors who so find: 0 .

10. CLAUDE GERALD DENNIS served six months in jail in 1988-1989, and an eighteen month sentence in prison or at a work camp in 1990-91, and has been incarcerated continuously since August 26, 1996 without any disciplinary infractions.

✓ YES X
NO _____

Number of jurors who so find: 7 .

11. CLAUDE GERALD DENNIS is an intelligent, articulate individual capable of personal advancement and appropriate response to a structured prison setting.

✓ YES X
NO _____

Number of jurors who so find: 8 .

12. Another defendant or co-conspirator, equally culpable in the crime, will not be punished by death.

YES X
NO _____

Number of jurors who so find: 5.

MITIGATING FACTORS AS TO THE KILLING OF SHERMAN AMBROSE

(COUNT SIX)

1. As of the date of the offense, CLAUDE GERALD DENNIS was youthful, although not under the age of 18.

YES X
NO _____

Number of jurors who so find: 2.

2. Dasmond Miller and Sherman Ambrose consented to the criminal conduct resulting in their deaths.

YES X
NO _____

Number of jurors who so find: 4.

3. As of the date of the offense, CLAUDE GERALD DENNIS did not have a significant prior criminal record.

YES X
NO _____

Number of jurors who so find: 10.

4. CLAUDE GERALD DENNIS' father left the family when he was eight years old, depriving him of a strong male role model during his formative years.

YES X
NO _____

Number of jurors who so find: 6.

5. CLAUDE GERALD DENNIS' circumstances and environment were conducive to his becoming involved in the drug business as a seller, user, or both.

YES X
NO

Number of jurors who so find: 7 .

6. Other persons who committed murders in furtherance of the continuing criminal enterprise or drug conspiracy alleged in this case, whether indicted or not, will not be punished by death.

YES X
NO

Number of jurors who so find: 5 .

7. CLAUDE GERALD DENNIS had no prior involvement with any drug organization prior to his arrival in Richmond, around Thanksgiving, 1988.

YES
NO X

Number of jurors who so find: 0 .

8. Since October 9, 1989, CLAUDE GERALD DENNIS has not been implicated in any act of violence which has resulted in injury to another person.

YES
NO X

Number of jurors who so find: 0 .

9. As of this date, CLAUDE GERALD DENNIS has no criminal record other than the misdemeanor and felony abduction convictions referring to Tracy LaVache, cited in the Government's aggravators.

YES
NO X

Number of jurors who so find: 0 .

10. CLAUDE GERALD DENNIS served six months in jail in 1988-1989, and an eighteen month sentence in prison or at a work camp in 1990-91, and has been incarcerated continuously since August 26, 1996 without any disciplinary infractions.

YES X
NO _____

Number of jurors who so find: 7.

11. CLAUDE GERALD DENNIS is an intelligent, articulate individual capable of personal advancement and appropriate response to a structured prison setting.

YES X
NO _____

Number of jurors who so find: 8.

12. Another defendant or co-conspirator, equally culpable in the crime, will not be punished by death.

YES X
NO _____

Number of jurors who so find: 5.

ADDITIONAL MITIGATING FACTORS

The following extra spaces are provided to write in additional mitigating factors, if any, found proven by a preponderance of the evidence by one or more jurors. If none, write "NONE" and cross out the extra spaces with a large "X." If more space is needed, write "CONTINUED" and use the reverse side of this page.

13. Less tendency towards violence in prison because of Age.

Number of jurors who so find 7.

14. Questionable reliability of key inmate witnesses.

Number of jurors who so find 2.

Number of jurors who so find _____.

Instructions: You have now completed your Special Findings respecting CLAUDE GERALD DENNIS and must begin the process of weighing the aggravating and mitigating factors, in accordance with the Court's instructions, to determine if you will recommend a sentence of death. Remember, you are now considering only those killings for which you have not already completed Section A of the Decision Form. Upon completing your deliberations as to the remaining killings for which you have convicted CLAUDE GERALD DENNIS, complete Section B, C, or D of the Decision Form as appropriate for each crime.

The date and your foreperson's signature should appear below, certifying that these are your Special Findings respecting CLAUDE GERALD DENNIS.

Date

Foreperson

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
RICHMOND DIVISION

UNITED STATES OF AMERICA

v.

Criminal No. 3:96cr66-05

CLAUDE GERALD DENNIS,
a/k/a "Jerry Lubin"
a/k/a "Jerry"
a/k/a "G-Man"

DECISION FORM

As to the crime of killing DASMOND MILLER while engaged in, or in furtherance of, a continuing criminal enterprise as set forth in Count Five of the Superseding Indictment:

- A. WE, THE JURY, do not unanimously find proven, beyond a reasonable doubt, the existence of the statutory aggravating factors required by law as prerequisites for the imposition of capital punishment, and therefore do not consider the death penalty as to the killing of DASMOND MILLER for which defendant CLAUDE GERALD DENNIS has been convicted.

Date

Foreperson

OR

- B. WE, THE JURY, unanimously find proven, that the aggravating factors required by law as prerequisites for the imposition of capital punishment have been proven by the government beyond a reasonable doubt as to Count Five and as to CLAUDE GERALD DENNIS. We further unanimously find that the proven

aggravating factors, as to this crime and this defendant, sufficiently outweigh any mitigating factors, and, in the absence of mitigating factors, we unanimously find that the proven aggravating factors are themselves sufficient to justify a sentence of death. We vote unanimously that CLAUDE GERALD DENNIS shall be sentenced to death for the killing of DASMOND MILLER.

Date

Foreperson

OR

- C. WE, THE JURY, do not unanimously find that the proven aggravating factors respecting Count Five and CLAUDE GERALD DENNIS sufficiently outweigh the proven mitigating factors. We, therefore, return a decision that CLAUDE GERALD DENNIS not be sentenced to death for the killing of DASMOND MILLER.

Date

Foreperson

OR

- D. WE, THE JURY, having considered and evaluated the evidence presented in light of the instructions of the Court, are not unanimously persuaded that a death sentence should be imposed upon CLAUDE GERALD DENNIS for Count Five. We, therefore, return a decision that CLAUDE GERALD DENNIS not be sentenced to death for the killing of DASMOND MILLER.

Date

Foreperson

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a/k/a "G-Man"

DECISION FORM

As to the crime of killing SHERMAN AMBROSE while engaged in, or in furtherance of, a continuing criminal enterprise as set forth in Count Six of the Superseding Indictment:

- A. WE, THE JURY, do not unanimously find proven, beyond a reasonable doubt, the existence of the statutory aggravating factors required by law as prerequisites for the imposition of capital punishment, and therefore do not consider the death penalty as to the killing of SHERMAN AMBROSE for which defendant CLAUDE GERALD DENNIS has been convicted.

Date

Foreperson

OR

- B. WE, THE JURY, unanimously find proven, that the aggravating factors required by law as prerequisites for the imposition of capital punishment have been proven by the government beyond a reasonable doubt as to Count Six and as to CLAUDE GERALD

DENNIS. We further unanimously find that the proven aggravating factors, as to this crime and this defendant, sufficiently outweigh any mitigating factors, and, in the absence of mitigating factors, we unanimously find that the proven aggravating factors are themselves sufficient to justify a sentence of death. We vote unanimously that CLAUDE GERALD DENNIS shall be sentenced to death for the killing of SHERMAN AMBROSE.

Date

Foreperson

OR

- C. WE, THE JURY, do not unanimously find that the proven aggravating factors respecting Count Six and CLAUDE GERALD DENNIS sufficiently outweigh the proven mitigating factors. We, therefore, return a decision that CLAUDE GERALD DENNIS not be sentenced to death for the killing of SHERMAN AMBROSE.

Date

Foreperson

OR

- D. WE, THE JURY, having considered and evaluated the evidence presented in light of the instructions of the Court, are not unanimously persuaded that a death sentence should be imposed upon CLAUDE GERALD DENNIS for Count Six. We, therefore, return a decision that CLAUDE GERALD DENNIS not be sentenced to death for the killing of SHERMAN AMBROSE.

Date

Foreperson