

SECTION I: JAMES DINKINS' CONVICTION FOR THE MURDER OF SHANNON JEMMISON


A. AGE OF THE DEFENDANT DINKINS

Instructions: Answer "YES" or "NO" to the following and indicate your answer by placing an "X" in the space provided.

Age of the Defendant. We, the jury, unanimously find proven beyond a reasonable doubt that the defendant James Dinkins was eighteen (18) years of age or older at the time of the offense.

YES

NO


(Signature of Foreperson)

Date: June 30, 2009

Instructions:

If you answered "NO" regarding the age of the defendant Dinkins, then you are not to continue deliberations on the defendant's sentence. You should stop your deliberations, cross out Subsections B – F and proceed to Section II of this form.

If you answered "YES" regarding the age of the defendant, then you are to continue deliberations on the defendant's sentence. You should continue your deliberations on the defendant's sentence for the murder of Shannon Jemmison and proceed to Subsection B of this Section.

B. GATEWAY FACTORS

Instructions: Answer “YES” or “NO” to the following and indicate your answer by placing an “X” in the space provided. We the jury unanimously find beyond a reasonable doubt as follows:

1. Intentionally Killed the Victim.

The defendant intentionally killed Shannon Jemmison.

YES

NO

2. Intentionally Inflicted Serious Bodily Injury.

The defendant intentionally inflicted serious bodily injury that resulted in the death of Shannon Jemmison.

YES

NO

3. Intentional Act to Take Life or Use Lethal Force.

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 Shannon Jemmison died as a direct result of the act.

YES

NO


4. Intentional Act in Reckless Disregard for Life.

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 Shannon Jemmison

died as a direct result of the act.

YES

NO


(Signature of Foreperson)

Date: June 30, 2009

Instructions:

If you answered “NO” regarding ALL of the statutory proportionality factors, then you are not to continue deliberations on the defendant’s sentence for this murder. You should stop your deliberations, cross out Subsections C – F, and proceed to Section II of this form.

If you answered “YES” regarding ONE OR MORE of the statutory proportionality factors, then you are to continue deliberations on the defendant’s sentence. You should continue your deliberations in accordance with the court’s instructions and proceed to Subsection C of this Section.

C. STATUTORY AGGRAVATING FACTORS

Instructions: Answer “YES” or “NO” to the following and indicate your answer by placing an “X” in the space provided.

STATUTORY AGGRAVATING FACTORS AS TO BOTH COUNTS FOUR AND SIX

1. **Previous Conviction of Other Serious Offenses.** Dinkins has stipulated that he has been previously been convicted of 2 or more Federal or State offenses, punishable by a term of

imprisonment of more than 1 year, committed on different occasions, involving the infliction of, or attempted infliction of serious bodily injury upon another person.

YES

2. **Grave Risk of Death to Additional Persons.** We, the jury, unanimously find proven beyond a reasonable doubt that, during the commission of the charged offense resulting in the death of Shannon Jemmison, the defendant created a grave risk of death to several people who were seated near the victim at the time of his shooting.

YES

NO

3. **Pecuniary Gain.** We, the jury, unanimously find proven beyond a reasonable doubt that the defendant committed the offense resulting in the death of Shannon Jemmison in consideration for, or in the expectation of the receipt, of payment.

YES

NO

4. **Substantial Planning and Premeditation.** We, the jury, unanimously find proven beyond a reasonable doubt that the defendant committed the charged offenses resulting in the death of Shannon Jemmison after substantial planning and premeditation to cause the death of a person.


YES

NO

5. **Previous Conviction of Violent Felony Involving a Firearm.** Dinkins has stipulated that he has been previously been convicted of violent felony involving a firearm. We, the jury,

unanimously find proven beyond a reasonable doubt that the defendant has previously been convicted of violent felony involving a firearm.

YES


(Signature of Foreperson)

Date: June 30, 2009

Instructions

If you answered “NO” regarding ALL of the statutory aggravating factors, then you are not to continue deliberations on the defendant’s sentence for the murder of Shannon Jemmison. You should stop your deliberations, cross out Subsections D – F, and proceed to Section II of this form.

If you answered “YES” regarding ONE OR MORE of the statutory aggravating factors, then you are to continue deliberations on the defendant’s sentence. You should continue your deliberations in accordance with the court’s instructions and proceed to Subsection D of this Section.

D. NON-STATUTORY AGGRAVATING FACTORS

Instructions: Answer “YES” or “NO” to the following and indicate your answer by placing an “X” in the space provided.

1. **Victim Impact Evidence.** We, the jury, unanimously find proven beyond a reasonable doubt that, as evidenced by the victim’s personal characteristics as an individual human being and the impact of the death upon the victim’s family and friends, the defendant caused injury,

harm and loss to the victim and the victim's family and friends..

YES

NO

2. **Obstruction of justice.** We, the jury, unanimously find proven beyond a reasonable doubt that the victim Shannon Jemmison was killed in an effort by the defendant to obstruct justice, tamper with a witness, or in retaliation for cooperating with authorities, that Jemmison was murdered in retaliation for his suspected cooperation in a federal prosecution of other drug dealers.

YES

NO

3. **Pattern of Prior Convictions for Serious and Violent Offenses.** Dinkins has stipulated that he has engaged in a pattern of prior convictions for serious and violent offenses. We, the jury, unanimously find proven beyond a reasonable doubt that the defendant has engaged in a continuing pattern of serious and violent offenses.

YES

4. **Contemporaneous Convictions.** We, the jury, unanimously find proven beyond a reasonable doubt that the defendant faces contemporaneous convictions for multiple murders and other serious offenses.

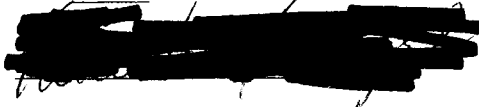
YES

NO

5. **Lack of Remorse.** We, the jury, unanimously find proven beyond a reasonable doubt that the defendant demonstrated a lack of remorse for his commission of violent offenses.

YES

NO



(Signature of Foreperson)

Date: June 30, 2009

Instructions: Regardless of whether you answered “YES” or “NO” regarding ANY or ALL of the non-statutory aggravating factors, you are to continue deliberations on the defendant’s sentence. You should continue your deliberations in accordance with the court’s instructions and proceed to of this form.

E. MITIGATING FACTORS

Instructions: You are to record your findings of the number of jurors who find each factor proven by a preponderance of the evidence in the space provided. Extra spaces are provided to write in additional mitigating factors, if any, found by any juror(s). If no additional mitigating factors are found, write “NONE” above the first of the extra spaces and then cross out the extra spaces with a large “X”. If more extra spaces are needed, write “CONTINUED” below the last of the extra spaces and then use the reverse side of that page.

1. MITIGATING FACTORS ASSERTED BY THE DEFENDANT

Instructions: Indicate in the space provided the number of jurors, if any, who find the following to exist. If no jurors so find, write “NONE” in the space provided.

1. Frank Batts, who arranged the murder, supplied the weapon, and admitted to driving the get away car during the Shannon Jemmison murder will not be sentenced to death.

Number of jurors who so find 12

2. James Dinkins grew up in an neighborhood where he was exposed, when still a small child, to poverty, drugs, chaos, and violence..

Number of jurors who so find 12

3. James Dinkins experienced serious medical and mental health afflictions prior to reaching the age of eighteen.

Number of jurors who so find 10

4. James Dinkins has experienced the deaths of three of his brothers and sisters.

Number of jurors who so find 5

5. James Dinkins had few or no positive male role models during his formative years.

Number of jurors who so find 8

6. James Dinkins did not receive the help, treatment and support that he needed when he was a child and teenager.

Number of jurors who so find 9

7. James Dinkins, while incarcerated, maintains a positive and supportive role in his family.

Number of jurors who so find 7

8. James Dinkins poetry shows that he is capable of creating positive things.

Number of jurors who so find 0

9. Other persons who committed murders in this drug conspiracy will not be punished by death.

Number of jurors who so find 4

10. Any one juror may also find mitigating factors that weigh in favor of punishing James Dinkins with a sentence of life imprisonment without the possibility of release rather than death. If any, please list below and list the number of jurors who so find.

(A) IMPACT ON DEFENDANT'S FAMILY / DEATH SENT.

Number of jurors who find: 6

(B) _____

Number of jurors who find: _____

(C) _____

Number of jurors who find: _____

(D) _____

Number of jurors who find: _____

(E) _____

Number of jurors who find: _____

(F) _____

Number of jurors who find: _____

(H) _____

Number of jurors who find: _____

(I) _____

Number of jurors who find: _____

(J) _____

Number of jurors who find: _____

(K) _____

Number of jurors who find: _____


(Signature of Foreperson)

Date: June 30, 2007

Instructions: Regardless of whether any one or more juror(s) find(s) any one or more mitigating factors, you are to continue deliberations on the defendant's sentence. You should continue your deliberations in accordance with the court's instructions and proceed to Subsection F of this Section.

F. DETERMINATION OF SENTENCE AS TO JAMES DINKINS FOR THE MURDER OF SHANNON JEMMISON AS CHARGED IN COUNTS FOUR AND SIX

We, the jury, by unanimous vote, have determined that on **Count Four** (Shannon Jemmison - Murder in Furtherance of Witness Tampering) the defendant should be sentenced to:

_____ DEATH

_____ LIFE IMPRISONMENT WITHOUT POSSIBILITY OF RELEASE

We, the jury, by unanimous vote, have determined that on **Count Six** (Shannon Jemmison - Possession and Discharge of a Firearm in Furtherance of a Drug Trafficking Crime Resulting in Death) the defendant should be sentenced to:

_____ DEATH

_____ LIFE IMPRISONMENT WITHOUT POSSIBILITY OF RELEASE

Instructions: If you unanimously determined that the defendant should be sentenced to death on either Count Four or Count Six, then all of you are to sign your names in the following space. If you unanimously determined that the defendant should be sentenced to life imprisonment without possibility of release for this offense, then the foreperson alone is to sign his or her name in the following space.

FOREPERSON

Date: _____

SECTION II: JAMES DINKINS' CONVICTION FOR THE MURDER OF MICHAEL BRYANT


A. AGE OF THE DEFENDANT DINKINS

Instructions: Answer "YES" or "NO" to the following and indicate your answer by placing an "X" in the space provided.

Age of the Defendant. We, the jury, unanimously find proven beyond a reasonable doubt that the defendant James Dinkins was eighteen (18) years of age or older at the time of the offense.

YES

NO


(Signature of Foreperson)

Date: June 30, 2009

Instructions:

If you answered "NO" regarding the age of the defendant Dinkins, then you are not to continue deliberations on the defendant's sentence. You should stop your deliberations, cross out Subsections B – F, and proceed to Section II of this form.

If you answered "YES" regarding the age of the defendant, then you are to continue deliberations on the defendant's sentence. You should continue your deliberations on the defendant's sentence for the murder of Michael Bryant and proceed to Subsection B of this Section.

B. GATEWAY FACTORS

Instructions: Answer "YES" or "NO" to the following and indicate your answer by placing an "X" in the space provided. We the jury unanimously find beyond a reasonable doubt as follows:

1. Intentionally Killed the Victim.

The defendant intentionally killed Michael Bryant

YES

NO

2. Intentionally Inflicted Serious Bodily Injury.

The defendant intentionally inflicted serious bodily injury that resulted in the death of Michael Bryant.

YES

NO

3. Intentional Act to Take Life or Use Lethal Force.

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 Michael Bryant died as a direct result of the act.

YES

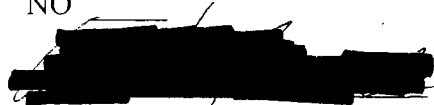
NO

4. Intentional Act in Reckless Disregard for Life.

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 Michael Bryant died as a direct result of the act.

YES

NO



(Signature of Foreperson)

Date: June 30, 2009

Instructions:

If you answered “NO” regarding ALL of the statutory proportionality factors, then you are not to continue deliberations on the defendant’s sentence on this murder. You should stop your deliberations, cross out Subsections C – F, and proceed to Section III of this form.

If you answered “YES” regarding ONE OR MORE of the statutory proportionality factors, then you are to continue deliberations on the defendant’s sentence. You should continue your deliberations in accordance with the court’s instructions and proceed to Subsection C of this Section.

C. STATUTORY AGGRAVATING FACTORS

Instructions: Answer “YES” or “NO” to the following and indicate your answer by placing an “X” in the space provided.

1. **Previous Conviction of Other Serious Offenses.** Dinkins has stipulated that he has been previously been convicted of 2 or more Federal or State offenses, punishable by a term of imprisonment of more than 1 year, committed on different occasions, involving the infliction of, or attempted infliction of serious bodily injury upon another person.


YES

2. **Substantial Planning and Premeditation.** We, the jury, unanimously find proven beyond a reasonable doubt that the defendant committed the charged offense resulting in the death

of Michael Bryant after substantial planning and premeditation to cause the death of a person.
Section 3592©)(9).

YES _____

NO


(Signature of Foreperson)

Date: June 30, 2009

Instructions

If you answered “NO” regarding ALL of the statutory aggravating factors, then you are not to continue deliberations on the defendant’s sentence for the murder of Michael Bryant. You should stop your deliberations, cross out Subsections D – F, and proceed to Section III of this form.

If you answered “YES” regarding ONE OR MORE of the statutory aggravating factors, then you are to continue deliberations on the defendant’s sentence. You should continue your deliberations in accordance with the court’s instructions and proceed to Subsection D of this Section.

D. NON-STATUTORY AGGRAVATING FACTORS

Instructions: Answer “YES” or “NO” to the following and indicate your answer by placing an “X” in the space provided.

1. **Victim Impact Evidence.** We, the jury, unanimously find proven beyond a reasonable doubt that, as evidenced by the victim’s personal characteristics as an individual human being and the impact of the death upon the victim’s family and friends, the defendant caused injury, harm and loss to the victim and the victim’s family and friends..

YES

NO

2. **Pattern of Prior Convictions for Serious and Violent Offenses.** Dinkins has stipulated that he has engaged in a pattern of prior convictions for serious and violent offenses. We, the jury, unanimously find proven beyond a reasonable doubt that the defendant has engaged in a continuing pattern of serious and violent offenses.

YES

3. **Contemporaneous Convictions.** We, the jury, unanimously find proven beyond a reasonable doubt that the defendant faces contemporaneous convictions for multiple murders and other serious offenses.

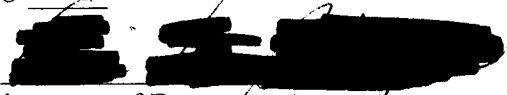
YES

NO

4. **Lack of Remorse.** We, the jury, unanimously find proven beyond a reasonable doubt that the defendant demonstrated a lack of remorse for his commission of violent offenses.

YES

NO


(Signature of Foreperson)

Date: June 30, 2009

Instructions: Regardless of whether you answered “YES” or “NO” regarding ANY or ALL of the non-statutory aggravating factors, you are to continue deliberations on the defendant’s

sentence. You should continue your deliberations in accordance with the court's instructions and proceed to Subsection E of this subsection.

E. MITIGATING FACTORS

Instructions: Indicate in the space provided the number of jurors, if any, who find the following to exist. If no jurors so find, write "NONE" in the space provided.

1. James Dinkins grew up in an neighborhood where he was exposed, when still a small child, to poverty, drugs, chaos, and violence.

Number of jurors who so find 12

2. James Dinkins experienced serious medical and mental health afflictions prior to reaching the age of eighteen.

Number of jurors who so find 10

3. James Dinkins has experienced the deaths of three of his brothers and sisters.

Number of jurors who so find 5

4. James Dinkins had few or no positive male role models during his formative years..

Number of jurors who so find 8

5. James Dinkins did not receive the help, treatment and support that he needed when he was a child and teenager.

Number of jurors who so find 9

6. James Dinkins, while incarcerated, maintains a positive and supportive role in his family.

Number of jurors who so find 7

7. James Dinkins poetry shows that he is capable of creating positive things.

Number of jurors who so find 0 NONE

8. Other persons who committed murders in this drug conspiracy will not be punished by death.

Number of jurors who so find 4

9. Any one juror may also find mitigating factors that weigh in favor of punishing James Dinkins with a sentence of life imprisonment without the possibility of release rather than death. If any, please list below and list the number of jurors who so find.

(A) Impact of death sentence on dependant's family.

Number of jurors who find: 6

(B) _____

Number of jurors who find: _____

(C) _____

Number of jurors who find: _____

(D) _____

Number of jurors who find: _____

(E) _____

Number of jurors who find: _____

(F) _____

Number of jurors who find: _____

(G) _____

Number of jurors who find: _____

(H) _____

Number of jurors who find: _____

(I) _____

Number of jurors who find: _____

(J) _____

Number of jurors who find: _____

(K) _____

Number of jurors who find: _____

(Signature of Foreperson)

Date: _____

Instructions: Regardless of whether any one or more juror(s) find(s) any one or more mitigating factors, you are to continue deliberations on the defendant's sentence. You should continue your deliberations in accordance with the court's instructions and proceed to Subsection F of this Section.

F. DETERMINATION OF SENTENCE AS TO JAMES DINKINS FOR THE MURDER OF MICHAEL BRYANT AS CHARGED IN COUNT NINE

We, the jury, by unanimous vote, have determined that the defendant should be sentenced to:

_____ DEATH

_____ LIFE IMPRISONMENT WITHOUT POSSIBILITY OF RELEASE

Instructions: If you unanimously determined that the defendant should be sentenced to death, then all of you are to sign your names in the following space. If you unanimously determined that the defendant should be sentenced to life imprisonment without possibility of release for this offense, then the foreperson alone is to sign his or her name in the following space.

_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____

FOREPERSON

Date: _____