

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF VIRGINIA  
ABINGDON DIVISION

CLERK'S OFFICE U.S. DIST. COURT  
AT ABINGDON, VA  
FILED

JUN 11 2002

JOHN F. CORCORAN, CLERK  
BY: *[Signature]*  
DEPUTY CLERK

UNITED STATES OF AMERICA

v.

SAMUEL STEPHEN EALY,

Defendant.

Case No. 1:00CR00104

**VERDICT**

(Robert Davis – Count Two)

**Part A**

Do you unanimously find that the government has proved beyond a reasonable doubt one of the following first category statutory aggravating factors?

- (1) The defendant intentionally killed the victim; or
- (2) The defendant intentionally inflicted serious bodily injury that resulted in the death of the victim; or
- (3) The defendant intentionally engaged in conduct intending that the victim be killed or that lethal force be employed against the victim, which resulted in the death of the victim; or
- (4) The defendant 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 the victim.

  /    
Yes

            
No

*Please continue to Part B if you answered "yes." Otherwise, stop your deliberations now and sign and date the bottom of this form.*

## Part B

Do you unanimously find that the government has proved beyond a reasonable doubt the existence of the following second category statutory aggravating factors?

- (1) Samuel Ealy committed the intentional killing as consideration for the receipt or the expectation of the receipt of cocaine or cash, or both.

_____ Yes	_____ No
--------------	-------------

- (2) Samuel Ealy committed the intentional killing after substantial planning and premeditation.

_____ Yes	_____ No
--------------	-------------

*Please continue to Part C if you answered "yes" to at least one of the questions. Otherwise, stop your deliberations now and sign and date the bottom of this form.*

## Part C

Do you unanimously find that the government has proved beyond a reasonable doubt the existence of the following non-statutory aggravating factors?

- (1) The impact on the family and friends of the victims caused by the murders.

_____ Yes	_____ No
--------------	-------------

- (2) The victims were killed in an effort by Samuel Ealy to obstruct justice.

_____ Yes	_____ No
--------------	-------------

- (3) Samuel Ealy murdered all three members of the Davis family in a single criminal episode.

\_\_\_\_\_  
Yes

\_\_\_\_\_  
No

*Regardless of whether you answered "yes" or "no" to these questions, please continue to Part D.*

### **Part D**

Does any juror find that the defendant has proved by a preponderance of the evidence the following mitigating factors?

- (1) Pete Church, who is equally culpable of the murders of the Davis family, will not be punished by death because he is mentally retarded.

\_\_\_\_\_  
Yes

\_\_\_\_\_  
No

- (2) Samuel Ealy has no history of violence at any point in his life.

\_\_\_\_\_  
Yes

\_\_\_\_\_  
No

- (3) Samuel Ealy is a good father and step-father.

\_\_\_\_\_  
Yes

\_\_\_\_\_  
No

- (4) Samuel Ealy is a good son.

\_\_\_\_\_  
Yes

\_\_\_\_\_  
No



- (5) Samuel Ealy is a good, responsible worker. His is trusted, respected, and well-liked by his boss and co-workers.

\_\_\_\_\_  
Yes

\_\_\_\_\_  
No

- (6) Samuel Stephen Ealy is well-liked in his community.

\_\_\_\_\_  
Yes

\_\_\_\_\_  
No

- (7) Samuel Ealy has volunteered help and community service and refused offers of compensation or payment.

\_\_\_\_\_  
Yes

\_\_\_\_\_  
No

- (8) Samuel Ealy was a quiet and respectful student.

\_\_\_\_\_  
Yes

\_\_\_\_\_  
No

- (9) Samuel Ealy responds well to structured environments, i.e., incarceration, and will make an excellent adaptation to prison if he is not sentenced to death.

\_\_\_\_\_  
Yes

\_\_\_\_\_  
No

- (10) Samuel Ealy did not flee from investigation, arrest, or prosecution .

\_\_\_\_\_  
Yes

\_\_\_\_\_  
No

- (11) If not sentenced to death, Samuel Ealy will be sentenced to life imprisonment without possibility of parole.

(Has been proved.)



- (12) Other factors in Samuel Ealy's childhood, background or character mitigate against imposition of the death sentence.

\_\_\_\_\_  
Yes

\_\_\_\_\_  
No

*Regardless of whether you answered "yes" or "no" to these questions, please continue to Part E.*

### Part E

Do you unanimously find beyond a reasonable doubt that the aggravating factors found to exist in Parts A, B, and C sufficiently outweigh the mitigating factors, if any, found to exist in Part D to justify a sentence of death?

\_\_\_\_\_  
Yes

~~\_\_\_\_\_~~   
No

*Please continue to Part F if you answered "yes" to this question. Otherwise, stop your deliberations now and sign and date the bottom of this form.*

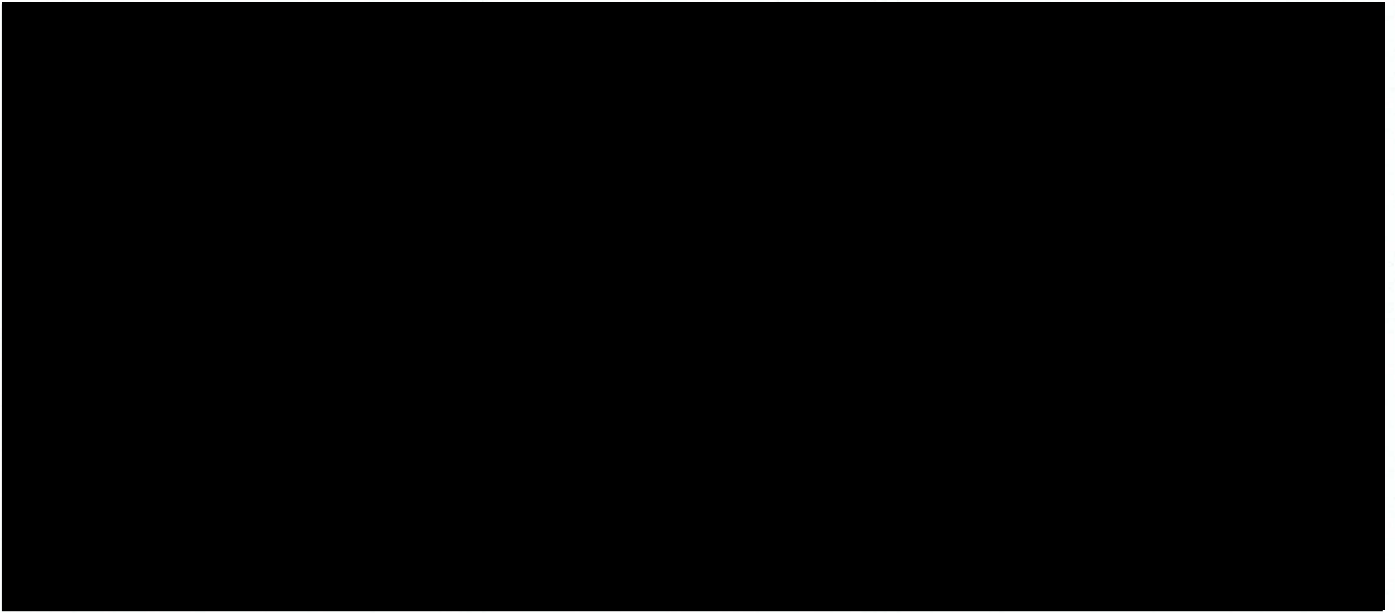
### Part F

Do you unanimously find beyond a reasonable doubt that the death penalty is the correct sentence as to this count of the indictment?

\_\_\_\_\_  
Yes

\_\_\_\_\_  
No

*Each juror must sign below. By signing this form, each juror agrees that this verdict form accurately reflects the findings of the jury and further certifies that consideration of the race, color, religious beliefs, national origin, or sex of either the defendant or the victims was not involved in reaching this decision, and that each juror would have made the same recommendation regarding a sentence for the crime in question no matter what the race, color, religious beliefs, national origin, or sex of the defendant, or the victims, may be.*



June 11, 2002  
Date





## Part B

Do you unanimously find that the government has proved beyond a reasonable doubt the existence of the following second category statutory aggravating factors?

- (1) Samuel Ealy committed the intentional killing as consideration for the receipt or the expectation of the receipt of cocaine or cash, or both.

_____ Yes	_____ No
--------------	-------------

- (2) Samuel Ealy committed the intentional killing after substantial planning and premeditation.

_____ Yes	_____ No
--------------	-------------

*Please continue to Part C if you answered "yes" to at least one of the questions. Otherwise, stop your deliberations now and sign and date the bottom of this form.*

## Part C

Do you unanimously find that the government has proved beyond a reasonable doubt the existence of the following non-statutory aggravating factors?

- (1) The impact on the family and friends of the victims caused by the murders.

_____ Yes	_____ No
--------------	-------------

- (2) The victims were killed in an effort by Samuel Ealy to obstruct justice.

_____ Yes	_____ No
--------------	-------------

- (3) Samuel Ealy murdered all three members of the Davis family in a single criminal episode.

\_\_\_\_\_  
Yes

\_\_\_\_\_  
No

*Regardless of whether you answered "yes" or "no" to these questions, please continue to Part D.*

### **Part D**

Does any juror find that the defendant has proved by a preponderance of the evidence the following mitigating factors?

- (1) Pete Church, who is equally culpable of the murders of the Davis family, will not be punished by death because he is mentally retarded.

\_\_\_\_\_  
Yes

\_\_\_\_\_  
No

- (2) Samuel Ealy has no history of violence at any point in his life.

\_\_\_\_\_  
Yes

\_\_\_\_\_  
No

- (3) Samuel Ealy is a good father and step-father.

\_\_\_\_\_  
Yes

\_\_\_\_\_  
No

- (4) Samuel Ealy is a good son.

\_\_\_\_\_  
Yes

\_\_\_\_\_  
No

- (5) Samuel Ealy is a good, responsible worker. His is trusted, respected, and well-liked by his boss and co-workers.

\_\_\_\_\_  
Yes

\_\_\_\_\_  
No

- (6) Samuel Stephen Ealy is well-liked in his community.

\_\_\_\_\_  
Yes

\_\_\_\_\_  
No

- (7) Samuel Ealy has volunteered help and community service and refused offers of compensation or payment.

\_\_\_\_\_  
Yes

\_\_\_\_\_  
No

- (8) Samuel Ealy was a quiet and respectful student.

\_\_\_\_\_  
Yes

\_\_\_\_\_  
No

- (9) Samuel Ealy responds well to structured environments, i.e., incarceration, and will make an excellent adaptation to prison if he is not sentenced to death.

\_\_\_\_\_  
Yes

\_\_\_\_\_  
No

- (10) Samuel Ealy did not flee from investigation, arrest, or prosecution .

\_\_\_\_\_  
Yes

\_\_\_\_\_  
No

- (11) If not sentenced to death, Samuel Ealy will be sentenced to life imprisonment without possibility of parole.

(Has been proved.)



- (12) Other factors in Samuel Ealy's childhood, background or character mitigate against imposition of the death sentence.

\_\_\_\_\_  
Yes

\_\_\_\_\_  
No

*Regardless of whether you answered "yes" or "no" to these questions, please continue to Part E.*

### **Part E**

Do you unanimously find beyond a reasonable doubt that the aggravating factors found to exist in Parts A, B, and C sufficiently outweigh the mitigating factors, if any, found to exist in Part D to justify a sentence of death?

\_\_\_\_\_  
Yes

\_\_\_\_\_  
No

*Please continue to Part F if you answered "yes" to this question. Otherwise, stop your deliberations now and sign and date the bottom of this form.*

### **Part F**

Do you unanimously find beyond a reasonable doubt that the death penalty is the correct sentence as to this count of the indictment?

\_\_\_\_\_  
Yes

\_\_\_\_\_  
No

*Each juror must sign below. By signing this form, each juror agrees that this verdict form accurately reflects the findings of the jury and further certifies that consideration of the race, color, religious beliefs, national origin, or sex of either the defendant or the victims was not involved in reaching this decision, and that each juror would have made the same recommendation regarding a sentence for the crime in question no matter what the race, color, religious beliefs, national origin, or sex of the defendant, or the victims, may be.*



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UNITED STATES OF AMERICA

v.

SAMUEL STEPHEN EALY,

Defendant.

Case No. 1:00CR00104

**VERDICT**

(Robert Hopewell – Count Four)

**Part A**

Do you unanimously find that the government has proved beyond a reasonable doubt one of the following first category statutory aggravating factors?

- (1) The defendant intentionally killed the victim; or
- (2) The defendant intentionally inflicted serious bodily injury that resulted in the death of the victim; or
- (3) The defendant intentionally engaged in conduct intending that the victim be killed or that lethal force be employed against the victim, which resulted in the death of the victim; or
- (4) The defendant 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 the victim.

✓  
Yes

\_\_\_\_\_  
No

*Please continue to Part B if you answered "yes." Otherwise, stop your deliberations now and sign and date the bottom of this form.*



## Part B

Do you unanimously find that the government has proved beyond a reasonable doubt the existence of the following second category statutory aggravating factors?

- (1) Samuel Ealy committed the intentional killing as consideration for the receipt or the expectation of the receipt of cocaine or cash, or both.

\_\_\_\_\_  
Yes

\_\_\_\_\_  
No

- (2) Samuel Ealy committed the intentional killing after substantial planning and premeditation.

\_\_\_\_\_  
Yes

\_\_\_\_\_  
No

- (3) Robert Hopewell was a vulnerable victim by virtue of his youth and infirmity.

\_\_\_\_\_  
Yes

\_\_\_\_\_  
No

*Please continue to Part C if you answered "yes" to at least one of the questions. Otherwise, stop your deliberations now and sign and date the bottom of this form.*

## Part C

Do you unanimously find that the government has proved beyond a reasonable doubt the existence of the following non-statutory aggravating factors?

- (1) The impact on the family and friends of the victims caused by the murders.

\_\_\_\_\_  
Yes

\_\_\_\_\_  
No

- (2) The victims were killed in an effort by Samuel Ealy to obstruct justice.

\_\_\_\_\_  
Yes

\_\_\_\_\_  
No

- (3) Samuel Ealy murdered all three members of the Davis family in a single criminal episode.

\_\_\_\_\_  
Yes

\_\_\_\_\_  
No

*Regardless of whether you answered "yes" or "no" to these questions, please continue to Part D.*

#### Part D

Does any juror find that the defendant has proved by a preponderance of the evidence the following mitigating factors?

- (1) Pete Church, who is equally culpable of the murders of the Davis family, will not be punished by death because he is mentally retarded.

\_\_\_\_\_  
Yes

\_\_\_\_\_  
No

- (2) Samuel Ealy has no history of violence at any point in his life.

\_\_\_\_\_  
Yes

\_\_\_\_\_  
No

- (3) Samuel Ealy is a good father and step-father.

\_\_\_\_\_  
Yes

\_\_\_\_\_  
No

- (4) Samuel Ealy is a good son.

✓  
Yes

\_\_\_\_\_  
No

- (5) Samuel Ealy is a good, responsible worker. His is trusted, respected, and well-liked by his boss and co-workers.

✓  
Yes

\_\_\_\_\_  
No

- (6) Samuel Stephen Ealy is well-liked in his community.

✓  
Yes

\_\_\_\_\_  
No

- (7) Samuel Ealy has volunteered help and community service and refused offers of compensation or payment.

✓  
Yes

\_\_\_\_\_  
No

- (8) Samuel Ealy was a quiet and respectful student.

✓  
Yes

\_\_\_\_\_  
No

- (9) Samuel Ealy responds well to structured environments, i.e., incarceration, and will make an excellent adaptation to prison if he is not sentenced to death.

✓  
Yes

\_\_\_\_\_  
No



(10) Samuel Ealy did not flee from investigation, arrest, or prosecution .

✓  
Yes

\_\_\_\_\_  
No

(11) If not sentenced to death, Samuel Ealy will be sentenced to life imprisonment without possibility of parole.

(Has been proved.)

(12) Other factors in Samuel Ealy's childhood, background or character mitigate against imposition of the death sentence.

✓  
Yes

\_\_\_\_\_  
No

*Regardless of whether you answered "yes" or "no" to these questions, please continue to Part E.*

### Part E

Do you unanimously find beyond a reasonable doubt that the aggravating factors found to exist in Parts A, B, and C sufficiently outweigh the mitigating factors, if any, found to exist in Part D to justify a sentence of death?

✓  
Yes

~~\_\_\_\_\_~~  
No

*Please continue to Part F if you answered "yes" to this question. Otherwise, stop your deliberations now and sign and date the bottom of this form.*

## Part F

Do you unanimously find beyond a reasonable doubt that the death penalty is the correct sentence as to this count of the indictment?

\_\_\_\_\_  
Yes

\_\_\_\_\_  
No

*Each juror must sign below. By signing this form, each juror agrees that this verdict form accurately reflects the findings of the jury and further certifies that consideration of the race, color, religious beliefs, national origin, or sex of either the defendant or the victims was not involved in reaching this decision, and that each juror would have made the same recommendation regarding a sentence for the crime in question no matter what the race, color, religious beliefs, national origin, or sex of the defendant, or the victims, may be.*

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