

UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF TEXAS

UNITED STATES OF AMERICA

§  
§  
§  
§  
§

versus

NO. 1:08-CR-36  
(Judge Crone)

JOSEPH EBON

**FILED**

*P.M.* 5-18 2009

VERDICT OF THE JURY—PHASE THREE  
DAVID J. MALAND, CLERK  
U.S. DISTRICT COURT

SPECIAL FINDING I

By mp  
DEPUTY

NON-STATUTORY AGGRAVATING FACTORS

1. We, the jury, unanimously find that the government  
 HAS \_\_\_\_\_ HAS NOT  
 proved beyond a reasonable doubt that Defendant Joseph Ebron's motive for committing the murder of Keith Barnes was Barnes's past cooperation and testimony in the prosecution of Barnes's co-defendants and this factor is aggravating.
  
2. We, the jury, unanimously find that the government  
 HAS \_\_\_\_\_ HAS NOT  
 proved beyond a reasonable doubt that Defendant Joseph Ebron poses a continuing danger to the lives and safety of others while incarcerated because it is likely that he will commit criminal acts of violence in the future and this factor is aggravating.

5/18/09

Date

\_\_\_\_\_  
Jury Foreperson

Regardless of whether you answered "HAS" or "HAS NOT" in response to either question in Section I, proceed to Section II, which follows.

**SPECIAL FINDING II**  
**MITIGATING FACTORS**

Indicate in the space provided the number of jurors who find that the defendant has proved by a preponderance of the evidence the existence of the following statutory mitigating factor.

1. The statutory mitigating factor that other co-defendants of Joseph Ebron who are equally culpable in the murder of Keith Barnes will not be punished by death.

Number of jurors who so find 12.

For each of the following proposed non-statutory mitigating factors, indicate in the space provided the number of jurors who find that the defendant has proved by a preponderance of the evidence the existence of such factor and that it is mitigating.

2. Joseph Ebron is the only defendant who is subject to receiving the death penalty.

Number of jurors who so find 0.

3. The government will dismiss the charge of capital murder against Charles Sherman.

Number of jurors who so find 0.

4. The government cannot prosecute Marwin Mosley because he is deceased.

Number of jurors who so find 0.

5. Michael Bacote was tested by a government mental health expert and found to be mentally retarded and, therefore, cannot be executed.

Number of jurors who so find 0.

6. Joseph Ebron was not the major "planner" in the murder of Keith Barnes.

Number of jurors who so find 0.

7. Joseph Ebron has expressed remorse for the death of Keith Barnes in 2005.

Number of jurors who so find 0.

8. Joseph Ebron has expressed remorse for the death of Arthur Steve in 1994.  
Number of jurors who so find 0.
9. Joseph Ebron has expressed remorse for the death of Anthony Tate in 1997.  
Number of jurors who so find 0.
10. Neither of Joseph Ebron's parents provided the structure or boundaries that were needed for his proper development.  
Number of jurors who so find 5.
11. Joseph Ebron's father was in and out of prison for most of Joseph's life.  
Number of jurors who so find 0.
12. Joseph Ebron's father, even when not in prison, was not emotionally available due to his heroin addiction.  
Number of jurors who so find 5.
13. Joseph Ebron's biological mother abandoned him and the family at the age of six months.  
Number of jurors who so find 0.
14. Joseph Ebron was sexually molested when he was a child.  
Number of jurors who so find 0.
15. Joseph Ebron's family has not visited him in eight years, but his stepmother has written letters to him, and he has responded to those letters.  
Number of jurors who so find 0.
16. Joseph Ebron is not a gang member.  
Number of jurors who so find 0.
17. Joseph Ebron is not a drug addict or user.  
Number of jurors who so find 0.

18. Joseph Ebron has been incarcerated for most of his life since the age of fifteen—he is now thirty years old.

Number of jurors who so find 0.

19. Joseph Ebron has been in the custody of the Bureau of Prisons for the last eight years.

Number of jurors who so find 0.

20. Joseph Ebron has lived in segregation since May 2005 with no disciplinary incidents.

Number of jurors who so find 0.

21. Joseph Ebron can comply with institutional rules.

Number of jurors who so find 0.

22. Joseph Ebron completed programs of self improvement, i.e., G.E.D., in Atlanta, Georgia.

Number of jurors who so find 1.

23. Prison staff has found Joseph Ebron to be a low risk for violence even after the murder of Keith Barnes.

Number of jurors who so find 0.

24. Joseph Ebron was poorly influenced by his peer group when he was a teenager.

Number of jurors who so find 6.

25. Joseph Ebron's neighborhood was a high crime area and his exposure to that environment interfered with his proper, moral development.

Number of jurors who so find 12.

26. Joseph Ebron did not learn to stay away from drugs and petty crime as a teenager with no supervision.

Number of jurors who so find 2.

27. Joseph Ebron was a significant positive influence on his brother.  
Number of jurors who so find 6.
28. Joseph Ebron showed remorse and responsibility when he advised his brother to avoid drugs and people who were bad influences.  
Number of jurors who so find 0.
29. Joseph Ebron's father provided poor role modeling to his son.  
Number of jurors who so find 6.
30. Joseph Ebron was a quiet and respectful child who had no behavioral problems at home or school until he was a teenager.  
Number of jurors who so find 0.
31. Joseph Ebron has an IQ of 89 which places him in the low average range of functioning.  
Number of jurors who so find 0.
32. Joseph Ebron's stepmother was the primary breadwinner for the family.  
Number of jurors who so find 0.
33. Joseph Ebron's stepmother described him as bright, well mannered, and respectful towards adults.  
Number of jurors who so find 0.
34. Joseph Ebron's friends growing up consisted of teenagers in similar family situations (i.e., no parental guidance, exposure to crime, drugs, and poverty).  
Number of jurors who so find 10.
35. Joseph Ebron was housed at a youth facility in Brush, Colorado, which was later closed due to abuse and neglect allegations.  
Number of jurors who so find 0.

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

\_\_\_\_.                     NONE                    \_\_\_\_\_

Number of jurors who so find \_\_\_\_\_.

\_\_\_\_. \_\_\_\_\_

Number of jurors who so find \_\_\_\_\_.

\_\_\_\_. \_\_\_\_\_

Number of jurors who so find \_\_\_\_\_.

\_\_\_\_. \_\_\_\_\_

Number of jurors who so find \_\_\_\_\_.

\_\_\_\_. \_\_\_\_\_

Number of jurors who so find \_\_\_\_\_.

\_\_\_\_. \_\_\_\_\_

Number of jurors who so find \_\_\_\_\_.

\_\_\_\_. \_\_\_\_\_

Number of jurors who so find \_\_\_\_\_.

5/18/09  
Date

\_\_\_\_\_  
Jury Foreperson

Regardless of how you answered in response to Section II, proceed to Section III, which follows.

**SPECIAL FINDING III**

**SELECTION OF PUNISHMENT**

Based upon our consideration of whether the aggravating factors found to exist sufficiently outweigh any mitigating factor(s) found to exist, or in the absence of any mitigating factors, whether the aggravating factors are themselves sufficient to justify a sentence of death, and whether death is therefore the appropriate sentence in this case, we, the jury, determine by unanimous vote, that the following sentence shall be imposed on Defendant Joseph Ebron as to Count I of the Indictment:

DEATH PENALTY     X    

LIFE IMPRISONMENT WITHOUT THE POSSIBILITY OF RELEASE \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

5/18/09  
Date

After each juror has signed Section III, proceed to Section IV, which follows.

**SPECIAL FINDING IV**

**JURY CERTIFICATION**

By my signature below, I certify that considerations of race, color, religious beliefs, national origin, or sex of the defendant or the victim were not involved in reaching these findings. I further certify that I would have made these findings regardless of the race, color, religious beliefs, national origin, or sex of either the defendant or the victim.

Date

After each juror has signed this Certification, let the court security officer know that you have reached a verdict.