

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO
WESTERN DIVISION

FILED
2007 DEC 12 PM 2:58
CLERK U.S. DISTRICT COURT
NORTHERN DISTRICT OF OHIO
TOLEDO

UNITED STATES OF AMERICA

Plaintiff,

v.

THOMAS ANTHONY GALAN,

Defendant.

CASE NO. 3:06CR730

JUDGE JAMES G. CARR

COUNTS TWO and THREE
FINDING AS TO DEFENDANT'S AGE

We, the jury, unanimously find that the government has established beyond a reasonable doubt that THOMAS GALAN was eighteen years of age or older at the time of the offenses charged in both Counts Two and Three.

Unanimously "Yes"

Foreperson

Foreperson

SIGNED THIS 11th DAY OF DECEMBER, 2007.

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO
WESTERN DIVISION

UNITED STATES OF AMERICA

Plaintiff,

v.

THOMAS ANTHONY GALAN,

Defendant.

CASE NO. 3:06CR730

JUDGE JAMES G. CARR

COUNT THREE, STEP ONE: FINDINGS ON INTENT

- (1) We, the jury, unanimously find that the government has established beyond a reasonable doubt that Thomas Galan intentionally killed George Flores.

Unanimously "Yes"

Foreperson

AND/OR

- (2) We, the jury, unanimously find that the government has established beyond a reasonable doubt that Thomas Galan intentionally inflicted serious bodily injury that resulted in the death of George Flores.

Unanimously "Yes"

Foreperson

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[REDACTED]

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO
WESTERN DIVISION

UNITED STATES OF AMERICA

Plaintiff,

V.

THOMAS ANTHONY GALAN,

Defendant.

CASE NO. 3:06CR730

JUDGE JAMES G. CARR

COUNT THREE, STEP TWO
FINDINGS ON STATUTORY AGGRAVATING FACTORS FOR COUNT TWO

First Statutory Aggravating Factor for Count Three

Thomas Galan committed the offense of Murder with a Firearm in Relation to a Drug Trafficking Crime after substantial planning and substantial premeditation to cause the death of George Flores.

Unanimously "Yes"

Foreperson:

Foreperson

SIGNED THIS 2nd DAY OF DECEMBER, 2007.

Second Statutory Aggravating Factor for Count Three

SIGNED THIS 11th DAY OF DECEMBER, 2007.

**IF YOU HAVE NOT AGREED UNANIMOUSLY THAT THE GOVERNMENT HAS
MET ITS BURDEN OF PROOF AS TO AT LEAST ONE OF THE INTENT FACTORS,
YOU MUST STOP DELIBERATING AS TO COUNT THREE AND RETURN THIS
VERDICT.**

Thomas Galan committed the offense of Murder with a Firearm in Relation to a Drug Trafficking Crime (victim George Flores) in expectation of the receipt of anything of pecuniary value.

Unanimously "Yes" _____

Foreperson

Foreperson

SIGNED THIS 11th DAY OF DECEMBER, 2007.

Third Statutory Aggravating Factor for Count Three

Thomas Galan, in the commission of the offense of Murder with a Firearm in Relation to a Drug Trafficking Crime, knowingly created a grave risk of death to Damere Lockett.

Unanimously "Yes" _____

Foreperson

Foreperson

Fourth Statutory Aggravating Factor for Count Four

Fourth Statutory Aggravating Factor for Count Two

Thomas Galan intentionally killed more than one person in a single criminal episode, namely, that in addition to the victim named in this Count, Felipe A. Flores, Thomas Galan also intentionally killed George Flores

Unanimously "Yes"

Foreperson

SIGNED THIS 11th DAY OF DECEMBER, 2007.

IF YOU HAVE NOT AGREED UNANIMOUSLY THAT THE GOVERNMENT HAS MET ITS BURDEN OF PROOF AS TO AT LEAST ONE OF THE AGGRAVATING FACTORS, YOU MUST STOP DELIBERATING AS TO COUNT TWO AND RETURN THIS VERDICT.

THEN PROCEED TO DELIBERATE AS TO THE AGGRAVATING FACTORS AS TO COUNT THREE.

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO
WESTERN DIVISION

UNITED STATES OF AMERICA

Plaintiff,

V.

THOMAS ANTHONY GALAN,

Defendant.

CASE NO. 3:06CR730

JUDGE JAMES G. CARR

COUNT TWO, STEP ONE: FINDINGS ON INTENT

- (1) We, the jury, unanimously find that the government has established beyond a reasonable doubt that Thomas Galan intentionally killed Felipe A. Flores.

Unanimously "Yes"

Foreperson

AND/OR

- (2) We, the jury, unanimously find that the government has established beyond a reasonable doubt that Thomas Galan intentionally inflicted serious bodily injury that resulted in the death of Feline Flores.

Unanimously "Yes"

Foreperson

Foreperson

SIGNED THIS 11th DAY OF DECEMBER, 2007.

IF YOU HAVE NOT AGREED UNANIMOUSLY THAT THE GOVERNMENT HAS MET ITS BURDEN OF PROOF AS TO AT LEAST ONE OF THE INTENT FACTORS, YOU MUST STOP DELIBERATING AS TO COUNT TWO AND RETURN THIS VERDICT.

THEN PROCEED TO DELIBERATE AS TO THE INTENT FACTORS AS TO COUNT THREE.

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO
WESTERN DIVISION

UNITED STATES OF AMERICA

Plaintiff,

V.

THOMAS ANTHONY GALAN,

Defendant.

CASE NO. 3:06CR730

JUDGE JAMES G. CARR

COUNT TWO, STEP TWO
FINDINGS ON STATUTORY AGGRAVATING FACTORS FOR COUNT TWO

First Statutory Aggravating Factor for Count Two

Thomas Galan committed the offense of Murder with a Firearm in Relation to a Drug Trafficking Crime after substantial planning and substantial premeditation to cause the death of Felipe A. Flores.

Unanimously "Yes"

Foreperson

Foreperson

SIGNED THIS 12TH DAY OF DECEMBER, 2007.

Second Statutory Aggravating Factor for Count Two

Thomas Galan committed the offense of Murder with a Firearm in Relation to a Drug Trafficking Crime (victim Felipe A. Flores) in expectation of the receipt of anything of pecuniary value.

Unanimously "Yes"

Foreperson

Foreperson

SIGNED THIS 11th DAY OF DECEMBER, 2007.

Third Statutory Aggravating Factor for Count Two

Thomas Galan, in the commission of the offense of Murder with a Firearm in Relation to a Drug Trafficking Crime, knowingly created a grave risk of death to Daemere Lockett.

Unanimously "Yes"

Foreperson

Foreperson

Thomas Galan intentionally killed more than one person in a single criminal episode, namely, that in addition to the victim named in this Count, George Flores, Thomas Galan also intentionally killed Felipe A. Flores.

Unanimously "Yes"

Foreperson

Foreperson

SIGNED THIS 11th DAY OF DECEMBER, 2007.

IF YOU HAVE NOT AGREED UNANIMOUSLY THAT THE GOVERNMENT HAS MET ITS BURDEN OF PROOF AS TO AT LEAST ONE OF THE AGGRAVATING FACTORS, YOU MUST STOP DELIBERATING AS TO COUNT THREE AND RETURN THIS VERDICT.

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO

FILED
2007 DEC 12 AM 10:45
CLERK U.S. DISTRICT COURT
NORTHERN DISTRICT OF OHIO
TOLEDO

Judge James G. Carr

Case Number: 3:06cr730

Date: 12-12-07

Question to the Court:

Please clarify do we need to have
all 4 of the aggravating factors or
one of the 4 factors

We heard in the court that we needed
all 4 but is wrote that we only need
one



Foreperson

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO
WESTERN DIVISION

UNITED STATES OF AMERICA

Plaintiff,

v.

THOMAS ANTHONY GALAN,

Defendant.

) CASE NO. 3:06CR730
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)
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)

JUDGE JAMES G. CARR

COUNT TWO: CERTIFICATE

By signing below, each of us individually certifies that consideration of the race, color, religious beliefs, national origin, or sex of Thomas Galan and Felipe A. Flores were not involved in reaching our respective individual decisions. If we reached a decision regarding a sentence, each of us individually further certifies that the same decision regarding a sentence would have been made no matter what the race, color, religious beliefs, national origin, or sex of Thomas Galan or Felipe A. Flores may have been.

SD

2

After you have recorded your findings with respect to these mitigating factors,
please proceed to Count Two, Steps Three and ~~Four~~¹²⁻¹⁴⁻⁰⁷, as described in the Selection Phase
Instruction Nos. 13 and 14.

When you have reached a decision in Count Two, Step ~~Four~~^{Three}¹²⁻¹⁴⁻⁰⁷, all jurors should
sign the verdict form in Count Two, Step ~~Four~~^{Three} that accurately reflects the decision you
have reached. Then, all jurors should complete the form titled, "Count Two: Certificate."

14	The defendant's lack of criminal convictions for other crimes of violence	7	
15	The death penalty is a sentence of last resort	0	
16	Despite Thomas Galan's criminality, his background or character mitigate against a sentence of death	5	
17	Mercy, based upon the mitigation testimony	9	

If any juror finds that other evidence about the commission of the crime that establishes a mitigating factor, or Thomas Galan's background or character, establishes a reason to punish with life in prison without any possibility of release, rather than death, please list that factor on the lines below. Indicate the total number of jurors, from 0 to 12, that find this factor exists by a preponderance of the evidence. Please add more lines on the back of this page if necessary. Please leave this section blank if no juror finds any other mitigating factor exists.

	Mitigating Factor	Total number of jurors, from 0 to 12 that find this factor exists by a preponderance of the evidence

So say we all, this, 14 day of December, 2007.

2	The emotional abandonment of the defendant by his parents during his teen years	8 10 88	
3	The homicides arose from drug activity	8	
4	The victims initiated the events on date of homicides	0	
5	The defendant's execution will cause his family and children emotional pain and distress	8	
6	The likely ability of the defendant to successfully adapt to a term of life in prison without parole	0	
7	The family history of substance abuse	5	
8	The defendant's own substance abuse and/or lack of sleep directly impacted on his behavior on the day of the homicides	5	
9	The defendant did not harm or threaten to harm the only witness to the homicides in the years following the offense	0	
10	The defendant's criminality was formed in part by spending his early teens in a community with a heavy drug environment	8	
11	The lack of an appropriate male role model in the defendant's life	10	
12	The defendant aided the local jail in diffusing possible conflicts thereby helping to ensure the safety of staff and inmates	0	
13	Life in prison without release will ensure the safety of the community	0	

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO
WESTERN DIVISION

UNITED STATES OF AMERICA,)	CASE NO. 3:06CR730
)	
Plaintiff,)	CHIEF JUDGE JAMES G. CARR
)	
vs.)	
)	
THOMAS ANTHONY GALAN,)	
)	
Defendant.)	

COUNT TWO, STEP TWO

FINDINGS ON MITIGATING FACTORS

Instructions: For each of the following mitigating factors, please indicate the total number of jurors, using the numbers 0 through 12, who find the particular mitigating factor established by a preponderance of the evidence.

Your vote with respect to a mitigating factor does not have to be unanimous. A finding with respect to a mitigating factor may be made by any one or more of the members of the jury, and any member of the jury who finds the existence of a mitigating factor may consider such a factor established in considering whether or not to impose a sentence of death, regardless of the number of other jurors who agree that the factor has been established.

	Mitigating Factor	Total number of jurors, from 0 to 12, that find this factor exists by a preponderance of the evidence
1	Although over the age of 18, the age of the defendant at the time of offense (22 years)	0

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO
WESTERN DIVISION

UNITED STATES OF AMERICA

Plaintiff,

v.

THOMAS ANTHONY GALAN,

Defendant.

CASE NO. 3:06CR730

JUDGE JAMES G. CARR

**COUNT TWO, STEP ONE:
NONSTATUTORY AGGRAVATING FACTOR**

We the jury unanimously find the nonstatutory aggravating factor that Felipe A. Flores' family members have been harmed by his death.

Unanimously

The jury does not unanimously find that Felipe A. Flores' family members have been harmed by his death..

Foreperson

Date: _____

After you have recorded your findings with respect to the nonstatutory aggravating factor, then continue your deliberations in accordance with this Court's instructions and proceed to Count Two, Step Two.

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO
WESTERN DIVISION

FILED

2007 DEC 14 PM 5:29

UNITED STATES OF AMERICA

Plaintiff,

v.

THOMAS ANTHONY GALAN,

Defendant.

CAS
CLERK U.S. DISTRICT COURT
NORTHERN DISTRICT OF OHIO
TOLEDO

JUDGE JAMES G. CARR

COUNT THREE: CERTIFICATE

By signing below, each of us individually certifies that consideration of the race, color, religious beliefs, national origin, or sex of Thomas Galan and George Flores were not involved in reaching our respective individual decisions. If we reached a decision regarding a sentence, each of us individually further certifies that the same decision regarding a sentence would have been made no matter what the race, color, religious beliefs, national origin, or sex of Thomas Galan or George Flores may have been.

George YD
12-14-07

14	The defendant's lack of criminal convictions for other crimes of violence	7	
15	The death penalty is a sentence of last resort	0	
16	Despite Thomas Galan's criminality, his background or character mitigate against a sentence of death	5	
17	Mercy, based upon the mitigation testimony	9	

If any juror finds that other evidence about the commission of the crime that establishes a mitigating factor, or Thomas Galan's background or character, establishes a reason to punish with life in prison without any possibility of release, rather than death, please list that factor on the lines below. Indicate the total number of jurors, from 0 to 12, that find this factor exists by a preponderance of the evidence. Please add more lines on the back of this page if necessary. Please leave this section blank if no juror finds any other mitigating factor exists.

	Mitigating Factor	Total number of jurors, from 0 to 12 that find this factor exists by a preponderance of the evidence	

So say we all, this, 14 day of December, 2007.

2	The emotional abandonment of the defendant by his parents during his teen years	10	
3	The homicides arose from drug activity	8	
4	The victims initiated the events on date of homicides	0	
5	The defendant's execution will cause his family and children emotional pain and distress	8	
6	The likely ability of the defendant to successfully adapt to a term of life in prison without parole	0	
7	The family history of substance abuse	5	
8	The defendant's own substance abuse and/or lack of sleep directly impacted on his behavior on the day of the homicides	5	
9	The defendant did not harm or threaten to harm the only witness to the homicides in the years following the offense	0	
10	The defendant's criminality was formed in part by spending his early teens in a community with a heavy drug environment	8	
11	The lack of an appropriate male role model in the defendant's life	10	
12	The defendant aided the local jail in diffusing possible conflicts thereby helping to ensure the safety of staff and inmates	0	
13	Life in prison without release will ensure the safety of the community	0	

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO
WESTERN DIVISION

UNITED STATES OF AMERICA,)	CASE NO. 3:06CR730
)	
Plaintiff,)	CHIEF JUDGE JAMES G. CARR
)	
vs.)	
)	
THOMAS ANTHONY GALAN,)	
)	
Defendant.)	

COUNT THREE, STEP TWO

FINDINGS ON MITIGATING FACTORS

Instructions: For each of the following mitigating factors, please indicate the total number of jurors, using the numbers 0 through 12, who find the particular mitigating factor established by a preponderance of the evidence.

Your vote with respect to a mitigating factor does not have to be unanimous. A finding with respect to a mitigating factor may be made by any one or more of the members of the jury, and any member of the jury who finds the existence of a mitigating factor may consider such a factor established in considering whether or not to impose a sentence of death, regardless of the number of other jurors who agree that the factor has been established.

	Mitigating Factor	Total number of jurors, from 0 to 12, that find this factor exists by a preponderance of the evidence
1	Although over the age of 18, the age of the defendant at the time of offense (22 years)	0

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO
WESTERN DIVISION

UNITED STATES OF A

Plaintiff,

v.

THOMAS ANTHONY G

Defendant.

NO

We the jury unanim
family members have been

Unanimously "Yes"

[Signature]
Foreperson

Date: 12-14-07

OR

The jury does not unanimously find that George Flores' family members have been harmed
by his death..

[Signature]
Foreperson

Date: _____

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO
WESTERN DIVISION

UNITED STATES OF AMERICA

Plaintiff,

v.

THOMAS ANTHONY GALAN,

Defendant.

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CASE NO. 3:06CR730

JUDGE JAMES G. CARR

COUNT TWO, STEP THREE

We, the Jury, unanimously find that the statutory and nonstatutory aggravating factors proven in this case as to Count Two sufficiently outweigh any mitigating factors found to exist to justify a sentence of death. We vote unanimously that Thomas Galan shall be sentenced to death.

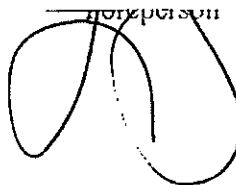
Foreperson

Date: _____

OR

The jury does not unanimously agree that the statutory and nonstatutory aggravating factors sufficiently outweigh the mitigating factors to make death an appropriate verdict as to Count Two.

Date: 12-14-07

foreperson


UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO
WESTERN DIVISION

UNITED STATES OF AMERICA

Plaintiff,

v.

THOMAS ANTHONY GALAN,

Defendant.

CASE NO. 3:06CR730

JUDGE JAMES G. CARR

COUNT THREE, STEP THREE

We, the Jury, unanimously find that the statutory and nonstatutory aggravating factors proved in this case as to Count Three sufficiently outweigh any mitigating factors found to exist to justify a sentence of death. We vote unanimously that Thomas Galan shall be sentenced to death.

Foreperson

Date: _____

OR

The jury does not unanimously agree that the statutory and nonstatutory aggravating factors sufficiently outweigh the mitigating factors to make death an appropriate verdict as to Count Three.

Date: 12-14-07

Foreperson

