

CLERK, U.S. DISTRICT C
SOUTHERN DISTRICT OF T

FILED

7/31/93

MICHAEL N. MILBY, CLERK
DEPUTY Ed Leandro

UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
BROWNSVILLE DIVISION

UNITED STATES OF AMERICA *

v. * CRIMINAL NO. B-93-009

JUAN RAUL GARZA *

CLERK, U.S. DISTRICT C
SOUTHERN DISTRICT OF TI

FILED

8/2/93

MICHAEL N. MILBY, CLERK
DEPUTY Ed Leandro

SPECIAL FINDINGS FORM

I. PART ONE

CATEGORY ONE STATUTORY AGGRAVATING FACTORS

Instructions: For each of the following, answer "YES" or "NO" as to whether you, the jury, unanimously find that the government has established the existence of that aggravating factor beyond a reasonable doubt:

A. For the Killing of Thomas Albert Rumbo

1. Juan Raul Garza intentionally killed Thomas Albert Rumbo.

Unanimously YES

[Redacted]

Foreperson

JUROR ERROR

NO

[Redacted]

Foreperson

2. Juan Raul Garza intentionally engaged in conduct intending that Thomas Albert Rumbo be killed and/or that lethal force be employed against Thomas Albert Rumbo, which resulted in his death.

Unanimously YES

[Redacted]

Foreperson

NO

Foreperson

B. For the Killing of Gilberto Matos

1. Juan Raul Garza intentionally killed Gilberto Matos.

Unanimously YES

Foreperson

NO

[Redacted]

Foreperson

2. JUAN RAUL GARZA intentionally engaged in conduct intending that GILBERTO MATOS be killed and/or that lethal force be employed against GILBERTO MATOS, which resulted in his death.

Unanimously YES Foreperson

NO Foreperson

C. For the Killing of Erasmo De La Fuente

1. JUAN RAUL GARZA intentionally killed ERASMO DE LA FUENTE.

Unanimously YES Foreperson

NO Foreperson

2. JUAN RAUL GARZA intentionally engaged in conduct intending that ERASMO DE LA FUENTE be killed and/or that lethal force be employed against ERASMO DE LA FUENTE, which resulted in his death.

Unanimously YES Foreperson

NO Foreperson

Instructions: If you answered "NO" with respect to all of the Category One Statutory Aggravating Factors in Part One above, then stop your deliberations, fill out Part Five, and advise the Court that you have reached a decision.

If you answered "YES" with respect to one or more of the Category One Statutory Aggravating Factors in Part One, then continue your deliberations in accordance with the Court's instructions and proceed to Part Two which follows.

II. PART TWO

CATEGORY TWO STATUTORY AGGRAVATING FACTORS

Instructions: For each of the following, answer "YES" or "NO" as to whether you, the jury, unanimously find that the government has established the existence of that aggravating factor beyond a reasonable doubt:

A. For the Killing of Thomas Albert Rumbo

1. Juan Raul Garza committed the killing of Thomas Albert Rumbo after substantial planning and premeditation.

Unanimously YES


Foreperson

NO

Foreperson

B. For the Killing of Gilberto Matos

1. Juan Raul Garza procured the killing of Gilberto Matos by payment and/or promise of payment, of something of pecuniary value.

Unanimously YES

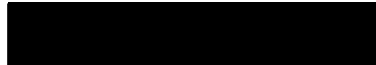

Foreperson

NO

Foreperson

2. ¹ Juan Raul Garza committed the killing of Gilberto Matos after substantial planning and premeditation.

Unanimously YES


Foreperson

NO

Foreperson

C. For the Killing of Erasmo De La Fuente

1. JUAN RAUL GARZA procured the killing of ERASMO DE LA FUENTE by payment and/or promise of payment of something of pecuniary value.

Unanimously YES

Foreperson

NO

Foreperson

2. JUAN RAUL GARZA committed the killing of ERASMO DE LA FUENTE after substantial planning and premeditation.

Unanimously YES

Foreperson

NO

Foreperson

Instructions: If you answered "NO" with respect to all of the Category Two Statutory Aggravating Factors in Part Two above then stop your deliberations, fill out Part Five, and advise the Court that you have reached a decision.

If you answered "YES" with respect to one or more of the Category Two Statutory Aggravating Factors in Part Two above, then you may continue your deliberations only if you also found a Category One Statutory Aggravating Factor in Part One that relates to the same victim or victims.

If you found at least one aggravating Factor in Part One and at least one aggravating factor in Part Two that relate to the same victim or victims, then continue your deliberations in accordance with the Court's instructions and proceed to Part Three which follows. Otherwise, fill out Part Five and advise the Court that you have reached a decision.

III. PART THREE

OTHER NON-STATUTORY AGGRAVATING FACTORS

Instructions: For each of the following, answer "YES" or "NO" as to whether you, the jury, unanimously find that the government has established the existence of that aggravating factor beyond a reasonable doubt:

1. JUAN RAUL GARZA intentionally engaged in conduct intending that OSCAR CANTU be killed and/or that lethal force be employed against OSCAR CANTU, which resulted in his death.

Unanimously YES

NO

2. JUAN RAUL GARZA procured the killing of OSCAR CANTU by payment and/or promise of payment of something of pecuniary value.

Unanimously YES

NO

3. JUAN RAUL GARZA committed the killing of OSCAR CANTU after substantial planning and premeditation.

Unanimously YES

NO

4. JUAN RAUL GARZA intentionally engaged in conduct intending that ANTONIO NIETO be killed and/or that lethal force be employed against ANTONIO NIETO, which resulted in his death.

Unanimously YES

NO

5. JUAN RAUL GARZA committed the killing of ANTONIO NIETO after substantial planning and premeditation.

Unanimously YES

NO

6. JUAN RAUL GARZA intentionally engaged in conduct intending that BERNABE SOSA be killed and/or that lethal force be employed against BERNABE SOSA, which resulted in his death.

Unanimously YES

NO

7. JUAN RAUL GARZA procured the killing of BERNABE SOSA by payment and/or promise of payment of something of pecuniary value.

Unanimously YES

NO

8. JUAN RAUL GARZA committed the killing of BERNABE SOSA after substantial planning and premeditation.

Unanimously YES

NO

9. JUAN RAUL GARZA intentionally killed DIANA FLORES VILLARREAL, in furtherance of a continuing criminal enterprise.

Unanimously YES

NO

10. JUAN RAUL GARZA intentionally engaged in conduct intending that DIANA FLORES VILLARREAL be killed and/or that lethal force be employed against DIANA FLORES VILLARREAL, which resulted in her death.

Unanimously YES

NO

11. JUAN RAUL GARZA intentionally killed FERNANDO ESCOBAR-GARCIA, in furtherance of a continuing criminal enterprise.

Unanimously YES

NO

12. JUAN RAUL GARZA committed the killing of FERNANDO ESCOBAR-GARCIA after substantial planning and premeditation.

Unanimously YES

NO

13. JUAN RAUL GARZA represents a continuing danger to the lives of others based upon his pattern of violent and brutal acts.

Unanimously YES

NO

Instructions: Regardless of whether you answered "YES" or "NO" with respect to the Non-Statutory Aggravating Factors in Part Three above, continue your deliberations by proceeding to Part Four.

IV. PART FOUR

MITIGATING FACTORS

Instructions: For each of the following mitigating factors, you have the option to indicate, in the space provided, whether or not any of you have found the existence of that mitigating factor to be proven by a preponderance of the evidence. If any of you so find, you may indicate such by answering "YES" below. If you choose not to make these written findings, cross out each page of Part Four with a large "X" and then continue your deliberations in accordance with the instructions of the Court.

Regardless of whether or not you choose to make written findings, a finding with respect to a mitigating factor may be made by 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 a sentence of death shall be imposed, regardless of the number of other jurors who concur that the factor has been established.

1. JUAN RAUL GARZA's capacity to appreciate the wrongfulness of his conduct or to conform his conduct to the requirements of the law was significantly impaired, regardless of whether the capacity was so impaired as to constitute a defense to the charge.

Answer "YES" or "NO".

ANSWER: NO

2. JUAN RAUL GARZA was under unusual and substantial duress, regardless of whether the duress was of such a degree as to constitute a defense to the charge.

Answer "YES" or "NO".

ANSWER: YES

3. JUAN RAUL GARZA is punishable as a principal only because he aided and abetted in the offense which was committed by another, but his participation was relatively minor, regardless of whether the participation was so minor as to constitute a defense to the charge.

Answer "YES" or "NO".

ANSWER: NO

4. JUAN RAUL GARZA could not reasonably have foreseen that his conduct in the course of the commission of murder, or other offense resulting in the death for which he was convicted, would cause, or would create a grave risk of causing, death to any person.

Answer "YES" or "NO".

ANSWER: NO

5. JUAN RAUL GARZA was youthful, although not under the age of 18.

Answer "YES" or "NO".

ANSWER: YES

6. JUAN RAUL GARZA does not have a significant prior criminal record.

Answer "YES" or "NO".

ANSWER: UNKNOWN

7. JUAN RAUL GARZA committed the offense under severe mental or emotional disturbance.

Answer "YES" or "NO".

ANSWER: NO

8. Another defendant or defendants, equally culpable in the crime, will not be punished by death.

Answer "YES" or "NO".

ANSWER: YES

9. The victim consented to the criminal conduct that resulted in the victim's death.

Answer "YES" or "NO".

ANSWER: YES

10. Any other factor(s) in the defendant's background, character, or the circumstances of the crimes that mitigate against imposition of the death sentence. (You may consider the following as mitigating factors, however, you are not limited to only those factors listed.)

11. JUAN RAUL GARZA's mental and/or emotional disturbances were caused in part by the emotional instability of his family members during his early development stages.

12. JUAN RAUL GARZA never developed the ability to cope with daily tensions.

13. JUAN RAUL GARZA endured harsh and impoverished living conditions at home during developmental stage.

14. JUAN RAUL GARZA's childhood was very difficult and demanding in both a physical and emotional nature.

15. JUAN RAUL GARZA was deprived of a stable home environment due to constant relocation.

16. By the age of 10 years JUAN RAUL GARZA was forced to earn his own money to buy items of both necessity and survival.

17. JUAN RAUL GARZA was never able to develop a father-son relationship with his father.

18. JUAN RAUL GARZA was never able to show his emotional feelings or emotions due to conditions at home during his developmental years.

19. JUAN RAUL GARZA values life and was emotionally distraught over losing his mother to a disabling illness.

20. JUAN RAUL GARZA was deprived of a normal and stable education and withdrawn from school by his father.

21. JUAN RAUL GARZA showed initiative and desire to fulfill requirements to earn his G.E.D.

22. JUAN RAUL GARZA's neighborhood environment was one conducive to exposure of illegal methods of obtaining money and misuse and/or abuse of illegal drugs.

23. JUAN RAUL GARZA was primarily responsible for the emotional and physical support of his invalid mother.

24. The wife and two young children of JUAN RAUL GARZA face the emotional trauma of losing his physical and mental support.

25. JUAN RAUL GARZA has two children, ages 2 and 4, who face growing up without a father to provide for them.

26. JUAN RAUL GARZA values his children responsibility and Christian values and has personally introduced them into a religious teaching environment.

27. JUAN RAUL GARZA has established and provided a well rounded relationship with his son and daughter.

28. JUAN RAUL GARZA has established a reputation in the business of home construction in his community.

If you find any of the factors listed in 10-28 above, or any other mitigating factor or factors then, answer yes, otherwise answer no.

Answer "YES" or "NO".

ANSWER: YES

Instructions: Regardless of whether or not you chose to make written findings for the Mitigating Factors in Part Four above, continue your deliberations in accordance with the Court's instructions.

NOTE: When you have reached a decision, sign in the space provided in Part Five of this Form, complete the Certificate attached to this Form, and advise the Court that you have reached a decision.

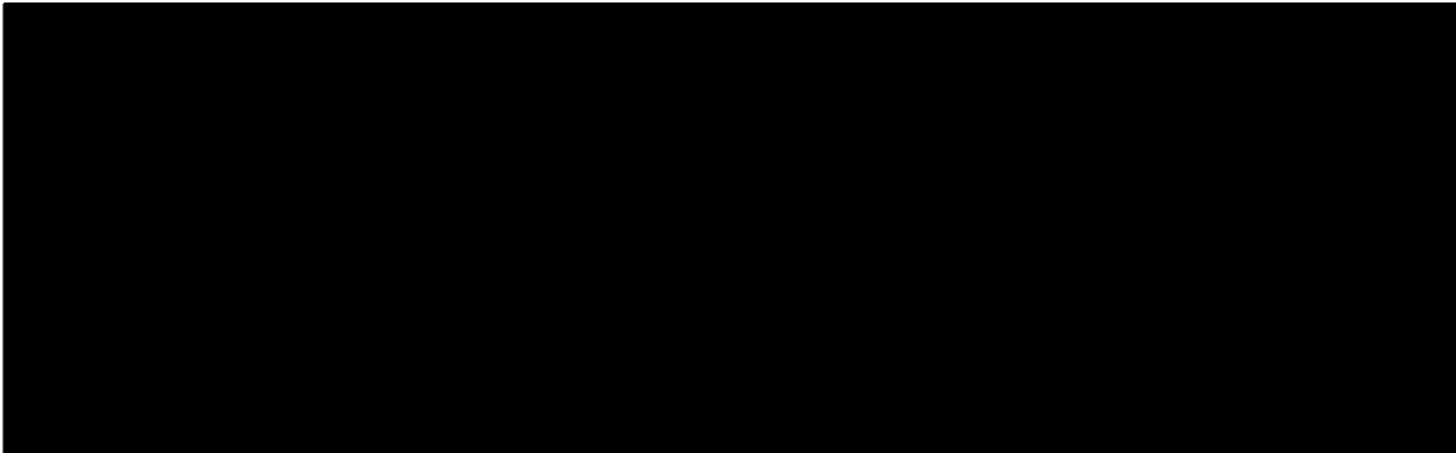
V. PART FIVE

We the Jury, unanimously find that the aggravating factors presented in this case sufficiently outweigh any mitigating factor or factors that have been found to exist, or in the absence of mitigating factors, the aggravating factors are themselves sufficient, and recommend that a sentence of death shall be imposed.

Answer "Yes" or "No".

ANSWER: YES

Signatures of Jurors



FOREPERSON

CERTIFICATE

By signing below, each of us, individually, hereby certifies that consideration of the race, color, religious beliefs, national origin, or sex of the defendant, JUAN RAUL GARZA, and of the victims, were not involved in reaching our respective decisions. Each of us individually further certifies that the same decision regarding a sentence for the crime in question would have been made no matter what the race, color, religious beliefs, national origin, or sex of JUAN RAUL GARZA or any of the victims may have been.

Signatures of Jurors



FOREPERSON

Date: ~~July~~ ^{AUGUST} 2, 1993.