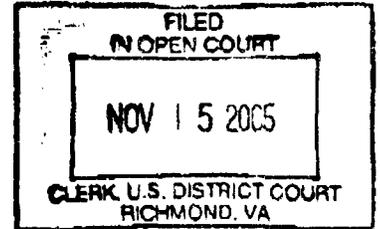


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**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
Richmond Division**



UNITED STATES OF AMERICA,)

v.)

Criminal No. 3:04CR58-HEH

ARTHUR LORENZO GORDON,)
Defendant.)

SPECIAL VERDICT FORM
SELECTION PHASE

COUNT ONE - MURDER OF DWAYNE TABON

I. 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 non-statutory aggravating factor beyond a reasonable doubt.

1. Defendant ARTHUR LORENZO GORDON has engaged in a pattern of criminal activity including, but not limited to, the following:

a. On or about February 18, 1993, defendant ARTHUR LORENZO GORDON was adjudicated guilty as a juvenile of operating a motor vehicle while not licensed and reckless driving in the Juvenile and Domestic Relations Court in Richmond, Virginia.

b. On or about January 13, 1994, defendant ARTHUR LORENZO GORDON was adjudicated guilty as a juvenile of failure to yield the right of way in the Juvenile and Domestic Relations Court in Richmond, Virginia.

c. On or about January 20, 1995, defendant ARTHUR LORENZO GORDON was adjudicated guilty as a juvenile of possession of cocaine and a firearm offenses in the Juvenile and Domestic Relations Court in Richmond, Virginia.

d. On or about April 26, 1995, defendant ARTHUR LORENZO GORDON was adjudicated guilty as a juvenile of disregarding a stop sign and improper registration in the Juvenile and Domestic Relations Court in Richmond, Virginia.

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e. On or about July 28, 1999, defendant ARTHUR LORENZO GORDON was convicted of driving on a suspended operator's license in the General District Court in Richmond, Virginia.

f. On or about December 2, 2002, defendant ARTHUR LORENZO GORDON pled guilty to distribution of "crack" cocaine in criminal case number 3:02CR312 in the United States District Court for the Eastern District of Virginia.

YES _____
NO _____

2. During the abduction of Dwayne Tabon on September 14, 2001, defendant ARTHUR LORENZO GORDON also participated with his conspirators in efforts to murder Alvin Hall, so Hall could not be a witness against them.

YES _____
NO _____

3. The impact of the loss of Dwayne Tabon on his family and friends is an aggravating factor.

YES _____
NO _____

Instructions: Regardless of whether you answered "YES" or "NO" with respect to the non-statutory aggravating factors in Section I above, continue your deliberations in accordance with the Court's instructions and proceed to Section II which follows.

II. MITIGATING FACTORS

Instructions: For each of the following mitigating factors, you have the option to indicate, in the space provided, the number of jurors who have found the existence of that mitigating factor to be proven by a preponderance of the evidence. If you choose not to make these written findings, cross out each page of Section II 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 should consider such factor in determining 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.

MITIGATING FACTORS AS TO MURDER OF DWAYNE TABON

ARTHUR LORENZO GORDON has alleged the following mitigating factors in his background or character, the circumstances of the crimes, or other relevant facts or circumstance as mitigation. If any one juror finds any such factor established by a preponderance of the evidence, he or she should weigh that factor against any aggravating factors:

1. Arthur Gordon does not have a significant prior criminal record. Number of Jurors who so find 0.
2. Since his arrest in September, 2002, Arthur Gordon has been a cooperative inmate in jail and in prison. Number of Jurors who so find 11.
3. Arthur Gordon has maintained an excellent work record while in the custody of the Federal Bureau of Prisons. Number of Jurors who so find 9.
4. If Arthur Gordon is not sentenced to death, it is unlikely that he will be a danger to staff or other inmates in prison. Number of Jurors who so find 8.
5. If he is not sentenced to death, Arthur Gordon will be sentenced to a very lengthy prison sentence, including possibly life imprisonment. Whatever sentence he receives, it will be without possibility of parole. Number of Jurors who so find 10.
6. Arthur Gordon was abandoned by his natural father, who terminated his relationship with Gordon's mother and married another woman in September of 1977, immediately after Gordon's birth. His natural father never participated in his son's life. Number of Jurors who so find 12.
7. When Arthur Gordon was approximately six years old, his step-father, Silbert ("Larry") Chung, with whom Gordon had developed a good, father-son relationship, began to abuse drugs and his behavior became detrimental to the family. Number of Jurors who so find 12.
8. At least partially as a result of Silbert Chung's erratic behavior, Janette Chung sent Arthur Gordon and his sister, Tanya, to live in Jamaica with their maternal grandparents, Gordon believing that he was only going on vacation. Number of Jurors who so find 12.
9. When his visit to his grandparents turned into an extended stay in Jamaica, Arthur Gordon was separated, without warning, from not only his mother, but also from all his friends and family, and he did not adjust well to life in Jamaica. Number of Jurors who so find 8.
10. Following his return from Jamaica, Arthur Gordon and Silbert Chung reestablished their father-son relationship, but over the next several years, his step-father ceased to be a good father and became a detrimental influence on him. Number of Jurors who so find 9.

11. Silbert Chung became unreliable and neglectful and he dissipated the family's assets over the course of several years, which created financial insecurity, conflict and anxiety within the home. .

Number of Jurors who so find 12.

12. Arthur Gordon suffered through his stepfather's repeated attempts at rehabilitation, from which Mr. Chung always relapsed, even attending meetings with his parents. Number of Jurors who so find 11.

13. Following Janette Chung's separation from her husband, Silbert Chung broke into the family home on two occasions in January, 1989. Number of Jurors who so find 11.

14. Silbert Chung's substance abuse and unlawful behavior, and the affect it had on Janette Chung, devastated Arthur Gordon and caused him to lose the only positive male role model he ever had. Number of Jurors who so find 5.

15. In January, 1989, as a result of the family's fear of her estranged husband, Janette Chung first fled to the house of a neighbor, and then, with Arthur Gordon in tow, fled New Jersey for Richmond with almost no possessions, cutting off all contact for many years with her husband's family, including his aunt, Elaine Chung. Number of Jurors who so find 12.

16. As a result of the flight to Richmond, Arthur Gordon, once again without warning, lost his personal friends and his relatives and his neighbors. Number of Jurors who so find 11.

17. Very shortly after the family's flight to Richmond, at a time when he was particularly vulnerable, Arthur Gordon's grandmother, with whom he had lived both in New York and in Jamaica, died. Number of Jurors who so find 7.

18. In Richmond, Arthur Gordon and his mother first stayed with someone they did not know in the San Souci Apartments, and then, within a few months, moved into another apartment, which they had to share, where Arthur Gordon was exposed to the drug trade and the violence associated with it. Number of Jurors who so find 11.

19. Arthur Gordon had no positive male role model in his life after Silbert Chung's return to drug abuse, nor, once he moved to Richmond, did he have any relatives or family friends to take a special interest in his life, other than his mother. Number of Jurors who so find 3.

20. Because his mother had to work two jobs and lengthy hours to support the family once they moved to Richmond, Arthur Gordon was largely unsupervised at home. Number of Jurors who so find 12.

21. Arthur Gordon received no community support or intervention from any church, community or social services agency. Number of Jurors who so find 8.

22. Janette Chung was afflicted with rheumatoid arthritis while Arthur Gordon was an adolescent, leaving him feeling vulnerable and fearful for the family's future. Number of Jurors who so find 2.

23. Arthur Gordon became involved in the drug trade while still an adolescent, following the onset of his mother's illness. Number of Jurors who so find 12.

24. Arthur Gordon's best friend was shot and killed when Arthur was 19 years old. Number of Jurors who so find 0.

25. Arthur Gordon has suffered depression on and off since he was a child, attempting suicide once while living in Jamaica by cutting his wrists, and again by taking an overdose of valium following the murder of his friend. Number of Jurors who so find 1.

26. Arthur Gordon has provided comfort and support to Latasha Miller, the mother of two of his children, when she has gone through difficult emotional and physical times. Number of Jurors who so find 10.

27. Beginning soon after his return from Jamaica, Arthur Gordon has provided his mother with emotional and physical support, through their relocation to Richmond and her battle with rheumatoid arthritis. Number of Jurors who so find 8.

28. Arthur Gordon was forced into the adult role of caretaker and was largely deprived of his childhood by his involvement in Silbert Chung's attempts at recovery, the flight to Richmond, the circumstances of the family's life in Richmond, and his mother's illness. Number of Jurors who so find 1.

29. Some or all of the following circumstances made Arthur Gordon susceptible to the corruption of the drug trade: multiple instances of abandonment and dislocation, the chaos and trauma caused by Silbert Chung, his mother's inability to provide the supervision he needed, the lack of a male role model in his life, the separation from all but his immediate family for many years, the lack of any community intervention, his mother's illness, the need for him to become a caretaker at an early age and his exposure to drugs and violence. Number of Jurors who so find 11.

30. Arthur Gordon has been a loving and supportive son to his mother. Number of Jurors who so find 10.

31. Before his incarceration, Arthur Gordon was a devoted father to his children. Number of Jurors who so find 8.

32. Prior to his incarceration, Arthur Gordon played an active role in the education of his daughter, Lea, and his son, A.J., both in connection with day care and school. **Number of Jurors who so find** 10.

33. Since his incarceration, Arthur Gordon has continued to provide love, emotional support and encouragement to his children and his nephew, and assistance to his mother in providing discipline and structure to their lives. **Number of Jurors who so find** 2.

34. Arthur Gordon has always treated his nephew, Quantrell ("Q") as his own son. **Number of Jurors who so find** 0.

35. Despite Silbert Chung's abandonment of Janette Chung and her children, and the damage he caused them, Arthur Gordon reached out to Mr. Chung in the late 1990s. **Number of Jurors who so find** 13.

36. Even during his trip to Florida in August, 2002, Arthur Gordon took time to visit his aunt, Elaine Chung, from whom he had been separated since 1989. **Number of Jurors who so find** 12.

37. Because of the love and support he has shown them, Arthur Gordon's execution would have a devastating impact on his family. **Number of Jurors who so find** 11.

38. If he is not executed, Arthur Gordon will continue to provide love, emotional support and encouragement to his children and his nephew, which will help them grow to be responsible and productive members of society. **Number of Jurors who so find** 3.

39. One or more other equally culpable participants in the murder of Dwayne Tabon will not be sentenced to death or may receive a lesser sentence. **Number of Jurors who so find** 8.

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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" and line out the extra spaces with a large "X." If more space is needed, write "CONTINUED" and use the reverse side of this page.

1. _____
_____ . Number of jurors who so
find _____
2. _____
_____ . Number of jurors who so
find _____
3. _____
_____ . Number of jurors who so
find _____
4. _____
_____ . Number of jurors who so
find _____
5. _____
_____ . Number of jurors who so
find _____

Instructions: Regardless of whether or not you chose to make written findings for the Mitigating Factors in Section H above, continue your deliberations in accordance with the Court's instructions and proceed to Section III and Section IV which follow.

III. SENTENCING FINDINGS

COUNT ONE - MURDER OF DWAYNE TABON

Based upon consideration of whether the aggravating factors found to exist sufficiently outweigh any mitigating factor or factors found to exist, or in the absence of any mitigating factors, whether the aggravating factors are themselves sufficient to justify a sentence of death, we find, by unanimous vote, that a sentence of death shall be imposed upon the defendant, ARTHUR LORENZO GORDON, for the murder of Dwayne Tabon as described in Count One of the Second Superseding Indictment.

YES _____
NO