UNITED STATES DISTRICT COURT WESTERN DISTRICT OF KENTUCKON MAY 21 P6:16 PADUCAH DIVISION CRIMINAL ACTION NO.: 5:06-CR-19-RIBIGI COURT

UNITED STATES V. STEVEN DALE GREEN

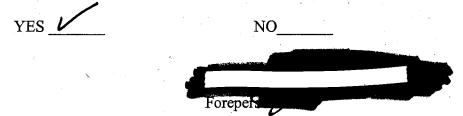
SPECIAL VERDICT FORM

COUNT 3

SECTION I. AGE OF DEFENDANT Count 3

Instructions: Answer "YES" or "NO."

Do you, the jury, unanimously find the government has established beyond a reasonable doubt that the defendant was eighteen (18) years of age or older at the time of the offense?



If you have answered "YES" please continue to Section II: Threshold Mental State. If you have answered "NO" cease your deliberations with respect to this Count, and proceed to Section VII: Certification.

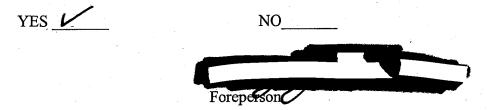
SECTION II. THRESHOLD MENTAL STATE FACTORS Count 3

Instructions: For each of the following, answer "YES" or "NO."

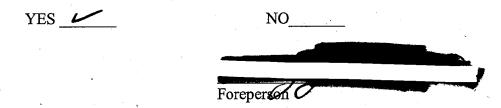
| (A) Do you, the jury, unanimously find that the government has | s proved beyond a reasonable |
|--|------------------------------|
| doubt that the defendant intentionally killed Abeer Al-Janabi? | ? |
| | • |

| YES | y 1 | NO |
|-----|--------|------------|
| | | |
| • | | Foreperson |

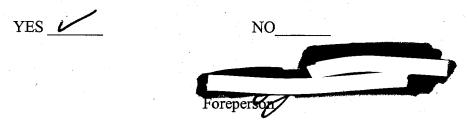
(B) Do you, the jury, unanimously find that the government has proved beyond a reasonable doubt that the defendant intentionally inflicted serious bodily injury that resulted in the death of Abeer Al-Janabi?



(C) Do you, the jury, unanimously find that the government has proved beyond a reasonable doubt that the defendant intentionally participated in an act, contemplating that the life of a person would be taken or intending that lethal force would be used in connection with a person, other than one of the participants in the offense, and Abeer Al-Janabi died as a result of the act?



(D) Do you, the jury, unanimously find that the government has proved beyond a reasonable doubt that the defendant intentionally and specifically engaged in an act of violence, knowing that the act created a grave risk of death to a person, other than one of the participants in the offense, such that participation in the act constituted a reckless disregard for human life and Abeer Al-Janabi died as a direct result of the act?

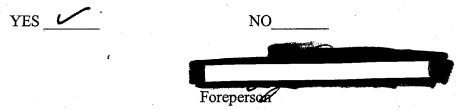


Instruction: If you have answered "YES" to either A, B, C, or D, please continue to Section III: Statutory Aggravating Factors. If you have answered "NO" to A, B, C, and D, cease your deliberations with respect to this Count, and proceed to Section VII: Certification.

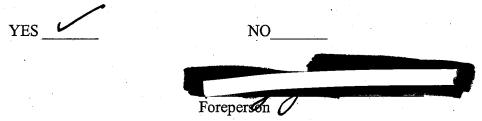
SECTION III. Statutory Aggravating Factors Count 3

Instructions: For each of the following, answer "YES" or "NO."

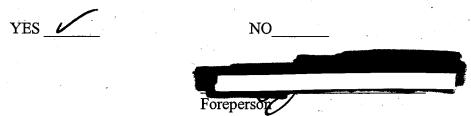
(A) Do you, the jury, unanimously find that the government has established beyond a reasonable doubt that the defendant intentionally killed Abeer Al-Janabi in an especially heinous, cruel, or depraved manner in that it involved serious physical abuse to her, as set out in Instruction No. 3?



(B) Do you, the jury, unanimously find that the government has established beyond a reasonable doubt that the defendant committed the offense of premeditated murder after substantial planning and premeditation to cause the death of Abeer Al-Janabi, as set out in Instruction No. 3?



(C) Do you, the jury, unanimously find that the government has established beyond a reasonable doubt that the victim, Abeer Al-Janabi, was particularly vulnerable due to youth, as set out in Instruction No. 3?



(D) Do you, the jury, unanimously find beyond a reasonable doubt that the government has established beyond a reasonable doubt that the defendant intentionally killed more than one person in a single criminal episode, as set out in Instruction No. 3?

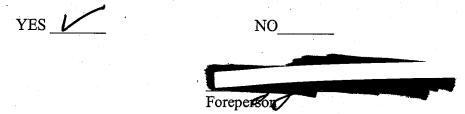
| YES | NO |
|-----|---------|
| · · | |
| | Foreper |

Instruction: If you answered "YES" to either A, B, C, or D, please continue to Section IV: Non-Statutory Aggravating Factors. If you answered "NO" to all of the statutory aggravating factors set out in Section III, then stop your deliberations as to this Count, cross out Sections IV, V, and VI of this form, and proceed to Section VII of this form.

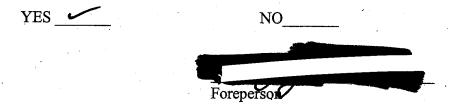
Section IV. Non-Statutory Aggravating Factors Count 3

Instructions: For each of the following, answer "YES" or "NO."

(A) Do you, the jury, unanimously find that the government has proved beyond a reasonable doubt that the defendant killed Abeer Al-Janabi in order to eliminate her as a possible witness to his crimes, and that fact tends to support imposition of the death penalty?



(B) Do you, the jury, unanimously find that the government has proved beyond a reasonable doubt that the defendant caused injury, harm, and loss to the family of Abeer Al-Janabi, as evidenced by her personal characteristics as a human being and the impact of her death on her family, and that fact tends to support imposition of the death penalty?



Instruction: Regardless of whether you answered "YES" or "NO" with respect to these non-statutory aggravating factors, please proceed to Section V: Mitigating Factors.

Section V: Mitigating Factors Count 3

<u>Instructions</u>: For each of the following mitigating factors 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. Extra spaces are provided at the end of the section to write additional mitigating factors found by one or more jurors.

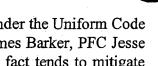
| 1. Sgt. Paul Corte statutory mitigati | ez, equally culpable in the crime, will not be punising factor. | shed by death. This is a |
|--|---|---|
| | Number of jurors who so find | 136 |
| 2. Spc. James Bar a statutory mitiga | ker, equally culpable in the crime, will not be pur ting factor. | nished by death. This is |
| | Number of jurors who so find | <u></u> 3 C |
| conform conduct t | apacity to appreciate the wrongfulness of the deto the requirements of law was significantly impaire so impaired as to constitute a defense to the char | ed, regardless of whether rge. This is a statutory |
| | Number of jurors who so find | <u> </u> |
| 4. PFC Green com a statutory mitigat | mitted the offense under severe mental or emotioning factor. | nal disturbance. This is |
| | Number of jurors who so find | 95 |
| 5. The defendant of statutory mitigat | lid not have a significant prior history of other cri- ing factor. | minal conduct. This is |
| | Number of jurors who so find | 7 |
| Spielman for the mprisonment that | prosecutions of Sgt. Paul Cortez, Spc. James Is involvement in the murders, the United Stawill make each of them eligible for parole in 10 years to of the death penalty. | tes imposed terms of |
| • | Number of jurors who so find | <u>03</u> |

7. Steven Green offered to reenlist in the Army. If allowed back in the Army, PFC Green would have again been subject to the Uniform Code of Military Justice and could have been fully prosecuted and punished in the military system for the murders, as were Sgt. Paul Cortez, Spc. James Barker, PFC Jesse Spielman, and PFC Bryan Howard. Steven Green offered to re-enter the Army and subject himself to prosecution and punishment for the murders under the Uniform Code of Military Justice, the United States Army declined to accept his offer to reenlist, and these facts tend to mitigate imposition of the death penalty.

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| Niimn | er ot 1 | illrors | wno. | so find | | | | | |
| | | | | | | | | | |

8. After Green was discharged, the United States could have tried Paul Cortez, James Barker, Jesse Spielman, and the defendant together in this court under civilian law and procedures before a civilian judge and jury for their involvement in the murders; or the Army could have accepted Green's offer to reenlist and tried all of them in military court under the law and procedures of the Uniform Code of Military Justice before a military judge and jury, and this fact tends to mitigate imposition of the death penalty.

Number of jurors who so find



9. This case should have been tried in the military justice system under the Uniform Code of Military Justice, as were the cases of Sgt. Paul Cortez, Spc. James Barker, PFC Jesse Spielman, PFC Bryan Howard, and Sgt. Anthony Yribe, and this fact tends to mitigate imposition of the death penalty.

Number of jurors who so find

10. The favorable plea agreements offered to and the lenient sentences imposed on Sgt. Paul Cortez, Spc. James Barker, PFC Jesse Spielman, PFC Bryan Howard, and Sgt. Anthony Yribe were offered favorable plea agreements and lenient sentences, and this fact tends to mitigate imposition of the death penalty.

Number of jurors who so find

11. PFC Green's combat stress was a substantial factor that contributed to the offenses, and this fact tends to mitigate imposition of the death penalty.

Number of jurors who so find



| a high risk of homic | nand and Combat Stre idal conduct against Ir ithout proper treatment eath penalty. | aqi citizens due to his | s combat stress | , but returne | d |
|---------------------------------------|--|-------------------------|---|---|---|
| | Number of jurors w | ho so find | · | 4. 5 | |
| by the United States | en was suffering from p Army and could have ads to mitigate imposit | and should have bee | en properly trea | | |
| | Number of jurors w | ho so find | · | 451 | |
| <u> </u> | d have declared PFC C from TCP duty, and t | • | - · · · · · · · · · · · · · · · · · · · | | |
| | Number of jurors w | ho so find | · · · · · · · · · · · · · · · · · · · | B H | |
| | my command to provi 1st Squad contributed ath penalty. | | | | |
| | Number of jurors w | ho so find | | <u>• 4 </u> | |
| | toon and squad suffere to mitigate the imposi | - | | other units, | |
| | Number of jurors w | no so find | · · · | 2 | |
| · · · · · · · · · · · · · · · · · · · | ny command to recogn and 1st Squad contribu ath penalty. | | | s to mitigate | |
| | Number of jurors wh | 10 so find | | 3 1 | |
| | Army command to acurders, and this fact ten | | | _ | |
| | Number of jurors wh | no so find | | 2 | |

| | litary superiors played a leader lers, and this fact tends to mitig | | |
|---|---|----------------------------|------------------------------------|
| | Number of jurors who so fin | nd | 5 |
| | nmitted the offenses while under ez and Spc. Barker, and this fact | | |
| p ondivy. | | | |
| • | Number of jurors who so fir | ıd | 6 |
| his military superio | mptly confessed his involvement r and the head of the official Artigate imposition of the death p | my team investigating | |
| | Number of jurors who so fin | d | 36 2 |
| confessions, PFC Gr | ry Yribe taken the proper and requeen would have been prosecuted Code of Military Justice, and this | l, tried, and sentenced by | va military court mposition of the |
| , | Number of jurors who so fine | đ | 15 |
| while Sgt. Paul Cort | ver lied to his military superiors ez, Spc. Barker, PFC Spielman, l so, and this fact tends to mitiga | PFC Bryan Howard, an | d Sgt. Anthony |
| | Number of jurors who so find | 1 | 2_ |
| 24. Army personnel imposition of the dea | engaged in a cover-up of the math penalty. | nurders, and this fact te | nds to mitigate |
| | Number of jurors who so find | | # 5 C |
| 25. PFC Steven Gree imposition of the dea | n was 20 years of age on March ath penalty. | 12, 2006, and this fact te | ends to mitigate |
| | Number of jurors who so find | | 0 |
| | | | • |

| his ability to functio | en suffered from neurological and psychological problems that impaired in properly under the extreme stresses present in the Triangle of Death, | |
|--|--|---|
| and this fact tends to | o mitigate imposition of the death penalty. | |
| | Number of jurors who so find | |
| | fers from a brain dysfunction which has impaired his ability to function ong support and guidance, and this fact tends to mitigate imposition of | |
| | Number of jurors who so find | |
| | as subjected to emotional and physical abuse as a child, and this fact position of the death penalty. | |
| • | Number of jurors who so find | 7 |
| 29. Steven Green was of the death penalty. | s subject to neglect as a child, and this fact tends to mitigate imposition | |
| | Number of jurors who so find | • |
| 30. Steven Green wa fact tends to mitigate | s deprived of the parental guidance and protection he needed, and this imposition of the death penalty. | |
| | Number of jurors who so find | |
| | schoolwork and behavior markedly improved when he was in a ared environment, and this fact tends to mitigate imposition of the death | |
| | Number of jurors who so find | |
| | a positive relationship with many people who care for and love him, mitigate imposition of the death penalty. | |
| | Number of jurors who so find | ٠ |
| | ed the United States Army in a time of war, knowing that he would be ing combat, and this fact tends to mitigate imposition of the death | |
| | Number of jurors who so find | 7 |

| | 34. Steven Green did well at boot camp and was a good solider who served honorably until an unusually high number of horrific losses of his friends, fellow soldiers, and respected leaders at the hands of insurgents overwhelmed and broke him, and this fact tends to mitigate imposition of the death penalty. |
|--------------------------|---|
| • | Number of jurors who so find |
| • | 35. Steven Green sought help for his psychological deterioration, but received substandard care, and this fact tends to mitigate imposition of the death penalty. |
| | Number of jurors who so find |
| | 36. Steven Green may be rehabilitated if sentenced to life in prison without the possibility of release, and this fact tends to mitigate imposition of the death penalty. |
| | Number of jurors who so find |
| | 37. If Steven Green is not sentenced to death, he will remain in prison for the rest of his life without the possibility of release and will die in prison, and this fact tends to mitigate imposition of the death penalty. |
| | Number of jurors who so find |
| | 38. If Steven Green receives the death penalty, extended family members and friends will suffer harm, and this fact tends to mitigate imposition of the death penalty. |
| | Number of jurors who so find |
| | 39. Other factors in PFC Steven Green's background, record, or character or any other circumstance of the offense that any juror finds mitigate against imposition of the death sentence. This is a statutory mitigating factor. |
| additionarticular simply | are spaces in Section V (Mitigating Factors) of the Special Verdict Form to identify any mal mitigating factors that any one of you finds. It is not necessary, however to specifically ate such additional factors. If you think there is some other mitigating factor present, but are not able to put it into words so that you can write it down on a list, you should still give that your full consideration. |

Number of jurors who so find

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| | Number of jurors who so find | | |
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| | Number of jurors who so find | | |
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| | Number of jurors who so find | | |
| 5. | | | |
| | | | |
| | Number of jurors who so find | | _0_ |

Instruction: Please proceed to Section VI: Sentencing Decisions. Continue your deliberations by filling out either Decision Form A imposing a sentence of death, Decision Form B imposing a sentence of life imprisonment without the possibility of release, or Decision Form C as appropriate.

Decision Form A Imposing Sentence of Death

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, and whether death is therefore the appropriate sentence in this case:

| | | | | Forepo | erson | | | |
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Decision Form B Imposing Sentence of Life Imprisonment Without Possibility of Release

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, and whether death is therefore the appropriate sentence in this case:

| | | | | | | Forepo | erson | |
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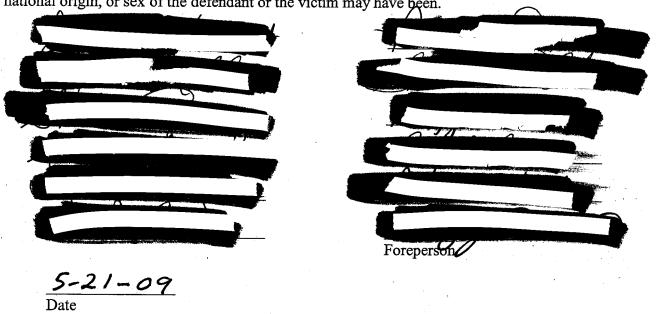
Decision Form C Deadlock as to Sentence

Despite all reasonable efforts to reach unanimous agreement, we, the Jury, are unable to reach a unanimous decision on either a sentence of death or a sentence of life imprisonment without the possibility of release

5-21-09 Date Foreperson

Section VII: Certificate as to Count 3

By signing below, each of us individually certifies that consideration of the race, color, religious beliefs, national origin, or sex of Steven Green and of the victims, was not involved in reaching our respective individual decisions. 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 the defendant or the victim may have been.



Please proceed to the Special Verdict Form for Count 4.

UNITED STATES DISTRICT COURT WESTERN DISTRICT OF KENTUCKY PADUCAH DIVISION CRIMINAL ACTION NO.: 5:06-CR-19-R FILED COURT COURT CLUE

UNITED STATES V. STEVEN DALE GREEN

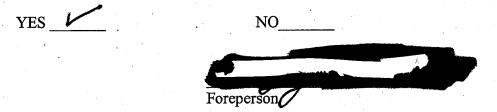
SPECIAL VERDICT FORM

Count 4

SECTION I. AGE OF DEFENDANT Count 4

Instructions: Answer "YES" or "NO."

Do you, the jury, unanimously find the government has established beyond a reasonable doubt that the defendant was eighteen (18) years of age or older at the time of the offense?

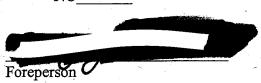


If you have answered "YES" please continue to Section II: Threshold Mental State. If you have answered "NO" cease your deliberations with respect to this Count, and proceed to Section VII: Certification.

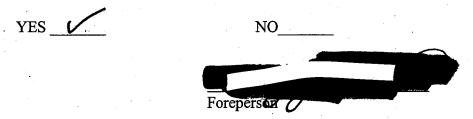
SECTION II. THRESHOLD MENTAL STATE FACTORS Count 4

Instructions: For each of the following, answer "YES" or "NO."

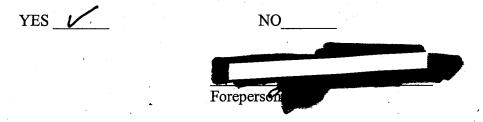
| (A) Do you, the jury, unanimously find that the government has proved beyond a reasonable | | | | |
|---|-----------------|---------------|--|--|
| doubt that the defendant intentional | lly killed Hade | el Al-Janabi? | | |
| | | | | |
| YES | | NO | | |



(B) Do you, the jury, unanimously find that the government has proved beyond a reasonable doubt that the defendant intentionally inflicted serious bodily injury that resulted in the death of Hadeel Al-Janabi?



(C) Do you, the jury, unanimously find that the government has proved beyond a reasonable doubt that the defendant intentionally participated in an act, contemplating that the life of a person would be taken or intending that lethal force would be used in connection with a person, other than one of the participants in the offense, and Hadeel AlJanabi died as a result of the act?



(D) Do you, the jury, unanimously find that the government has proved beyond a reasonable doubt that the defendant intentionally and specifically engaged in an act of violence, knowing that the act created a grave risk of death to a person, other than one of the participants in the offense, such that participation in the act constituted a reckless disregard for human life and Hadeel Al-Janabi died as a direct result of the act?

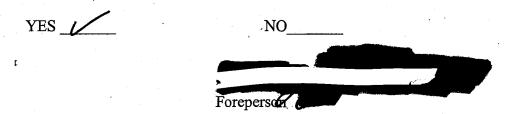
| YES V | NO |
|-------|-----------|
| | |
| | Foreperso |

Instruction: If you have answered "YES" to either A, B, C, or D, please continue to Section III: Statutory Aggravating Factors. If you have answered "NO" to A, B, C, and D, cease your deliberations with respect to this Count, and proceed to Section VII: Certification.

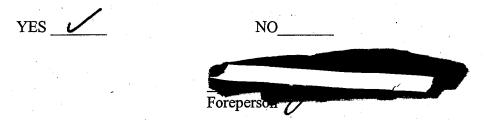
SECTION III. Statutory Aggravating Factors Count 4

Instructions: For each of the following, answer "YES" or "NO."

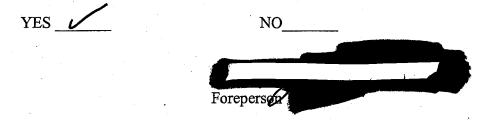
(A) Do you, the jury, unanimously find that the government has established beyond a reasonable doubt that the defendant committed the offense of premeditated murder after substantial planning and premeditation to cause the death of Hadeel Al-Janabi, as set out in Instruction No. 3?



(B) Do you, the jury, unanimously find that the government has established beyond a reasonable doubt that the victim, Hadeel Al-Janabi, was particularly vulnerable due to youth, as set out in Instruction No. 3?



(C) Do you, the jury, unanimously find beyond a reasonable doubt that the government has established beyond a reasonable doubt that the defendant intentionally killed more than one person in a single criminal episode, as set out in Instruction No. 3?



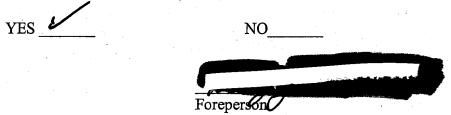
Instruction: If you answered "YES" to either A, B, or C, please continue to Section IV: Non-Statutory Aggravating Factors. If you answered "NO" to all of the statutory aggravating factors set out in Section III, then stop your deliberations as to this Count, cross out Sections IV, V, and VI of this form, and proceed to Section VII of this form.

Section IV. Non-Statutory Aggravating Factors Count 4

Instructions: For each of the following, answer "YES" or "NO."

| (A) Do you, the jury, unanimously find that the government has proved beyond a reasona | ıble |
|--|------|
| doubt that the defendant killed Hadeel Al-Janabi in order to eliminate her as a possi | ble |
| witness to his crimes, and that fact tends to support imposition of the death penalty? | ٠. |

(B) Do you, the jury, unanimously find that the government has proved beyond a reasonable doubt that the defendant caused injury, harm, and loss to the family of Hadeel Al-Janabi, as evidenced by her personal characteristics as a human being and the impact of her death on her family, and that fact tends to support imposition of the death penalty?



Instruction: Regardless of whether you answered "YES" or "NO" with respect to these non-statutory aggravating factors, please proceed to Section V: Mitigating Factors.

Section V: Mitigating Factors Count 4

<u>Instructions</u>: For each of the following mitigating factors 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. Extra spaces are provided at the end of the section to write additional mitigating factors found by one or more jurors.

| 1. Sgt. Paul Cortez, equally culpable in the crime, will not be punished by death. This is a statutory mitigating factor. |
|--|
| Number of jurors who so find |
| 2. Spc. James Barker, equally culpable in the crime, will not be punished by death. This is a statutory mitigating factor. |
| Number of jurors who so find |
| 3. PFC Green's capacity to appreciate the wrongfulness of the defendant's conduct or to conform conduct to the requirements of law was significantly impaired, regardless of whether the capacity was so impaired as to constitute a defense to the charge. This is a statutory mitigating factor. |
| Number of jurors who so find |
| 4. PFC Green committed the offense under severe mental or emotional disturbance. This is a statutory mitigating factor. |
| Number of jurors who so find |
| 5. The defendant did not have a significant prior history of other criminal conduct. This is a statutory mitigating factor. |
| Number of jurors who so find |
| 6. In its criminal prosecutions of Sgt. Paul Cortez, Spc. James Barker, and PFC Jesse Spielman for their involvement in the murders, the United States imposed terms of imprisonment that will make each of them eligible for parole in 10 years, and that fact tends to mitigate imposition of the death penalty. |
| Number of jurors who so find |

| would have again be fully prosecuted ar Cortez, Spc. James offered to re-enter murders under the | fered to reenlist in the Army. If allowers subject to the Uniform Code of Mand punished in the military system as Barker, PFC Jesse Spielman, and the Army and subject himself to puniform Code of Military Justice, the enlist, and these facts tend to mitig | Military Justice and could for the murders, as were PFC Bryan Howard. Stew rosecution and punishme the United States Army designs. | have been Sgt. Paul ven Green nt for the eclined to |
|--|--|--|---|
| | Number of jurors who so find | _6 | · · |
| Jesse Spielman, and before a civilian jud accepted Green's of procedures of the Ur | lischarged, the United States could had the defendant together in this court ge and jury for their involvement in the first to reenlist and tried all of them niform Code of Military Justice before imposition of the death penalty. | under civilian law and property | rocedures ould have e law and |
| | Number of jurors who so find | 6 | |
| of Military Justice, | have been tried in the military justic as were the cases of Sgt. Paul Cort an Howard, and Sgt. Anthony Yril ath penalty. | ez, Spc. James Barker, P | FC Jesse |
| | Number of jurors who so find | _6 | · · · · · · · · · · · · · · · · · · · |
| 10. The favorable plea agreements offered to and the lenient sentences imposed on Sgt. Paul Cortez, Spc. James Barker, PFC Jesse Spielman, PFC Bryan Howard, and Sgt. Anthony Yribe were offered favorable plea agreements and lenient sentences, and this fact tends to mitigate imposition of the death penalty. | | | |
| | Number of jurors who so find | _3 | · · |
| 1. PFC Green's combat stress was a substantial factor that contributed to the offenses, and his fact tends to mitigate imposition of the death penalty. | | | |
| | Number of jurors who so find | _ 5 | |

| 12. The Army command and Combat Stress Control pers a high risk of homicidal conduct against Iraqi citizens du him to the field without proper treatment or follow up imposition of the death penalty. | e to his combat stress, but returned |
|--|--------------------------------------|
| Number of jurors who so find | _5 |
| 13. PFC Steven Green was suffering from psychological i by the United States Army and could have and should ha not, and this fact tends to mitigate imposition of the deat | ve been properly treated, but were |
| Number of jurors who so find | <u>5</u> |
| 14. The Army should have declared PFC Green's platoon and withdrawn them from TCP duty, and this fact tends t penalty. | |
| Number of jurors who so find | _4_ |
| 15. Failure of the Army command to provide adequate conflict Platoon and 1st Squad contributed to the murder imposition of the death penalty. | |
| Number of jurors who so find | _6_ |
| 16. PFC Green's platoon and squad suffered greater casu and this fact tends to mitigate imposition of the death per | |
| Number of jurors who so find | |
| 17. Failure of the Army command to recognize the unusua faced by 1st Platoon and 1st Squad contributed to the murd imposition of the death penalty. | |
| Number of jurors who so find | |
| 18. Failure of the Army command to adequately suppontributed to the murders, and this fact tends to mitigate | |
| Number of jurors who so find | _2_ |

| executing the murders, and this fact tends to mitigate imposition of the | • |
|---|---------------------|
| Number of jurors who so find | _5_ |
| 20. PFC Green committed the offenses while under the influence and con superiors, Sgt. Cortez and Spc. Barker, and this fact tends to mitigate impopenalty. | • |
| Number of jurors who so find | 6 |
| 21. PFC Green promptly confessed his involvement in the murders to Sg his military superior and the head of the official Army team investigating this fact tends to mitigate imposition of the death penalty. | |
| Number of jurors who so find | 2 |
| 22. Had Sgt. Anthony Yribe taken the proper and required steps to report PF confessions, PFC Green would have been prosecuted, tried, and sentenced tunder the Uniform Code of Military Justice, and this fact tends to mitigate death penalty. | oy a military court |
| Number of jurors who so find | 5 |
| 23. Steven Green never lied to his military superiors about his involvement while Sgt. Paul Cortez, Spc. Barker, PFC Spielman, PFC Bryan Howard, a Yribe repeatedly did so, and this fact tends to mitigate imposition of the distribution. | and Sgt. Anthony |
| Number of jurors who so find | 2 |
| 24. Army personnel engaged in a cover-up of the murders, and this fact timposition of the death penalty. | tends to mitigate |
| Number of jurors who so find | _5_ |
| 25. PFC Steven Green was 20 years of age on March 12, 2006, and this fact imposition of the death penalty. | tends to mitigate |
| Number of jurors who so find | |

| 26. PFC Steven Green suffered from neurological and p his ability to function properly under the extreme stres and this fact tends to mitigate imposition of the death p | ses present in the Triangle of Death, |
|--|--|
| Number of jurors who so find | |
| 27. Steven Green suffers from a brain dysfunction which in the absence of strong support and guidance, and this the death penalty. | |
| Number of jurors who so find | _3 |
| 28. Steven Green was subjected to emotional and phy tends to mitigate imposition of the death penalty. | vsical abuse as a child, and this fact |
| Number of jurors who so find | 3 |
| 29. Steven Green was subject to neglect as a child, and to of the death penalty. | his fact tends to mitigate imposition |
| Number of jurors who so find | _3 |
| 30. Steven Green was deprived of the parental guidance fact tends to mitigate imposition of the death penalty. | e and protection he needed, and this |
| Number of jurors who so find | <u> </u> |
| 31. Steven Green's schoolwork and behavior marke supportive and structured environment, and this fact tend penalty. | |
| Number of jurors who so find | _2_ |
| 32. Steven Green has a positive relationship with many and this fact tends to mitigate imposition of the death pe | |
| Number of jurors who so find | |
| 33. Steven Green joined the United States Army in a time sent into life threatening combat, and this fact tends to penalty. | <u>-</u> |
| Number of jurors who so find | 3 |

| | | 11 |
|---------------------------|---|---|
| | Number of jurors who so find · | <u> </u> |
| | 35. Steven Green sought help for his psychological deterioration, to care, and this fact tends to mitigate imposition of the death penalty | |
| / | Number of jurors who so find | <u></u> |
| | 36. Steven Green may be rehabilitated if sentenced to life in prison of release, and this fact tends to mitigate imposition of the death p | |
| | Number of jurors who so find | 3 |
| | 37. If Steven Green is not sentenced to death, he will remain in pris without the possibility of release and will die in prison, and thi imposition of the death penalty. | |
| | Number of jurors who so find | 4 |
| | 38. If Steven Green receives the death penalty, extended family mosuffer harm, and this fact tends to mitigate imposition of the death | |
| | Number of jurors who so find | |
| | 39. Other factors in PFC Steven Green's background, record, or circumstance of the offense that any juror finds mitigate against i sentence. This is a statutory mitigating factor. | |
| additi articu simpl | e are spaces in Section V (Mitigating Factors) of the Special Verdictional mitigating factors that any one of you finds. It is not necessary, late such additional factors. If you think there is some other mitigating y not able to put it into words so that you can write it down on a list, you your full consideration. | however to specifically g factor present, but are |
| | | |

| 2 | · · · · · · · · · · · · · · · · · · · | | |
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| | | | |
| | | Number of jurors who so find | |
| 3 | | | · · · · · · · · · · · · · · · · · · · |
| | | | |
| | | Number of jurors who so find | |
| 4. | , | en jaron erikan eri Erikan erikan erika | |
| | | | |
| | | Number of jurors who so find | <u> </u> |
| 5. | | | |
| | • | | |
| | | Number of jurors who so find | |

Instruction: Please proceed to Section VI: Sentencing Decisions. Continue your deliberations by filling out either Decision Form A imposing a sentence of death, Decision Form B imposing a sentence of life imprisonment without the possibility of release, or Decision Form C as appropriate.

Decision Form A Imposing Sentence of Death

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, and whether death is therefore the appropriate sentence in this case:

| accordance with the Court's instr | | our consideration of the evidence and in ne by unanimous vote that a sentence of |
|-----------------------------------|--------------|---|
| death be imposed. | • | |
| | _ | · |
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| | • 1 | |
| | | Foreperson |
| | | |
| Date | | |

Decision Form B Imposing Sentence of Life Imprisonment Without Possibility of Release

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, and whether death is therefore the appropriate sentence in this case:

| mprisomnem | without the pos | sibil | lity of release | be i | mposed. | | | | |
|---------------------------------------|-----------------|-------|-----------------|------|------------|-----|---|----|---|
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| • | - | _ | | | Foreperson | 1 . | | | |
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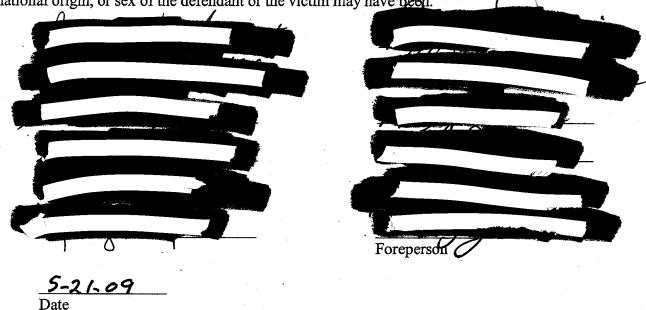
Decision Form C Deadlock as to Sentence

Despite all reasonable efforts to reach unanimous agreement, we, the Jury, are unable to reach a unanimous decision on either a sentence of death or a sentence of life imprisonment without the possibility of release

| 5-21-09 | | p# • | | |
|---------|-------------|------|------------|--|
| Date | | | Foreperson | |

Section VII: Certificate as to Count 4

By signing below, each of us individually certifies that consideration of the race, color, religious beliefs, national origin, or sex of Steven Green and of the victims, was not involved in reaching our respective individual decisions. 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 the defendant or the victim may have been.



Please proceed to the Special Verdict Form for Count 5.

UNITED STATES DISTRICT COURT WESTERN DISTRICT OF KENTUCKY '09 MAY 21 P6:17 PADUCARI DIVIDIO CRIMINAL ACTION NO.: 5:06-CR-19-R US DISTRICT COURT OF THE WESTN. DIST. RENTUCK: PADUCAH DIVISION

UNITED STATES V. STEVEN DALE GREEN

SPECIAL VERDICT FORM

Count 5

SECTION I. AGE OF DEFENDANT Count 5

Instructions: Answer "YES" or "NO."

Do you, the jury, unanimously find the government has established beyond a reasonable doubt that the defendant was eighteen (18) years of age or older at the time of the offense?

| YES | | NO | • |
|-----|----|------------|---|
| | •• | | |
| | | | |
| | | Foreperson | |

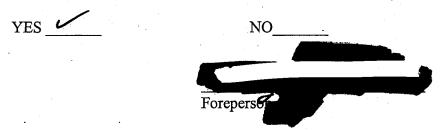
If you have answered "YES" please continue to Section II: Threshold Mental State. If you have answered "NO" cease your deliberations with respect to this Count, and proceed to Section VII: Certification.

SECTION II. THRESHOLD MENTAL STATE FACTORS Count 5

Instructions: For each of the following, answer "YES" or "NO."

| (A) Do you, the jury, unanimously find the doubt that the defendant intentionally ki | hat the government has proved beyond a reasonable lled Kassem Al-Janabi? |
|--|--|
| YES | NO |
| | Forepers on V |
| | hat the government has proved beyond a ntionally inflicted serious bodily injury that bi? |
| YES | NO |
| | Foreperson |
| that the life of a person would be taken o | hat the government has proved beyond a nationally participated in an act, contemplating or intending that lethal force would be used in of the participants in the offense, and Kassem |
| YES | NO |
| | Foreperson |

(D) Do you, the jury, unanimously find that the government has proved beyond a reasonable doubt that the defendant intentionally and specifically engaged in an act of violence, knowing that the act created a grave risk of death to a person, other than one of the participants in the offense, such that participation in the act constituted a reckless disregard for human life and Kassem Al-Janabi died as a direct result of the act?



Instruction: If you have answered "YES" to either A, B, C, or D, please continue to Section III: Statutory Aggravating Factors. If you have answered "NO" to A, B, C, and D, cease your deliberations with respect to this Count, and proceed to Section VII: Certification.

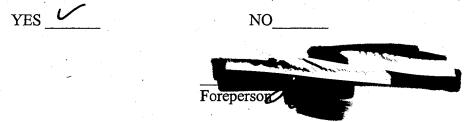
SECTION III. Statutory Aggravating Factors Count 5

Instructions: For each of the following, answer "YES" or "NO."

(A) Do you, the jury, unanimously find that the government has established beyond a reasonable doubt that the defendant committed the offense of premeditated murder after substantial planning and premeditation to cause the death of Kassem Al-Janabi, as set out in Instruction No. 3?

| YES | NO | |
|-----|------------|--|
| | | |
| | Foreperson | |

(B) Do you, the jury, unanimously find beyond a reasonable doubt that the government has established beyond a reasonable doubt that the defendant intentionally killed more than one person in a single criminal episode, as set out in Instruction No. 3?

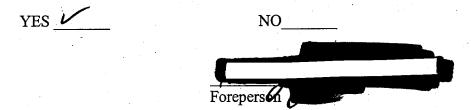


Instruction: If you answered "YES" to either A or B please continue to Section IV: Non-Statutory Aggravating Factors. If you answered "NO" to all of the statutory aggravating factors set out in Section III, then stop your deliberations as to this Count, cross out Sections IV, V, and VI of this form, and proceed to Section VII of this form.

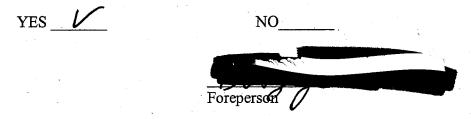
Section IV. Non-Statutory Aggravating Factors Count 5

Instructions: For each of the following, answer "YES" or "NO."

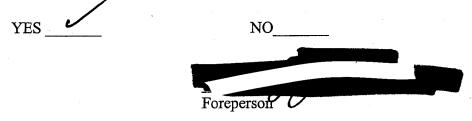
(A) Do you, the jury, unanimously find that the government has proved beyond a reasonable doubt that the defendant killed Kassem Al-Janabi in order to eliminate him as a possible witness to his crimes, and that fact tends to support imposition of the death penalty?



(B) Do you, the jury, unanimously find that the government has proved beyond a reasonable doubt that the defendant caused injury, harm, and loss to the family of Kassem Al-Janabi, as evidenced by his personal characteristics as a human being and the impact of his death on his family, and that fact tends to support imposition of the death penalty?



(C) Do you, the jury, unanimously find that the government has proved beyond a reasonable doubt that the injuries caused by the defendant extend especially to the two minor children orphaned as a result of their parents' death and to those presently caring for the children, and that fact tends to support imposition of the death penalty.



Instruction: Regardless of whether you answered "YES" or "NO" with respect to these non-statutory aggravating factors, please proceed to Section V: Mitigating Factors.

Section V: Mitigating Factors Count 5

<u>Instructions</u>: For each of the following mitigating factors 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. Extra spaces are provided at the end of the section to write additional mitigating factors found by one or more jurors.

| ecti | on to write additional mitigating factors found by one or more jurors. |
|------|--|
| | 1. Sgt. Paul Cortez, equally culpable in the crime, will not be punished by death. This is a statutory mitigating factor. |
| | Number of jurors who so find |
| | 2. Spc. James Barker, equally culpable in the crime, will not be punished by death. This is a statutory mitigating factor. |
| | Number of jurors who so find |
| | 3. PFC Green's capacity to appreciate the wrongfulness of the defendant's conduct or to conform conduct to the requirements of law was significantly impaired, regardless of whether the capacity was so impaired as to constitute a defense to the charge. This is a statutory mitigating factor. |
| | Number of jurors who so find |
| | 4. PFC Green committed the offense under severe mental or emotional disturbance. This is a statutory mitigating factor. |
| | Number of jurors who so find |
| | 5. The defendant did not have a significant prior history of other criminal conduct. This is a statutory mitigating factor. |
| | Number of jurors who so find |
| | 6. In its criminal prosecutions of Sgt. Paul Cortez, Spc. James Barker, and PFC Jesse Spielman for their involvement in the murders, the United States imposed terms of imprisonment that will make each of them eligible for parole in 10 years, and that fact tends to mitigate imposition of the death penalty. |
| , | Number of jurors who so find |

| 7. Steven Green offered to reenlist in the Army. If allowed back in the Army, PFC Green would have again been subject to the Uniform Code of Military Justice and could have been fully prosecuted and punished in the military system for the murders, as were Sgt. Paul Cortez, Spc. James Barker, PFC Jesse Spielman, and PFC Bryan Howard. Steven Green offered to re-enter the Army and subject himself to prosecution and punishment for the murders under the Uniform Code of Military Justice, the United States Army declined to accept his offer to reenlist, and these facts tend to mitigate imposition of the death penalty. |
|---|
| Number of jurors who so find |
| 8. After Green was discharged, the United States could have tried Paul Cortez, James Barker, Jesse Spielman, and the defendant together in this court under civilian law and procedures before a civilian judge and jury for their involvement in the murders; or the Army could have accepted Green's offer to reenlist and tried all of them in military court under the law and procedures of the Uniform Code of Military Justice before a military judge and jury, and this fact tends to mitigate imposition of the death penalty. |
| Number of jurors who so find 6 |
| 9. This case should have been tried in the military justice system under the Uniform Code of Military Justice, as were the cases of Sgt. Paul Cortez, Spc. James Barker, PFC Jesse Spielman, PFC Bryan Howard, and Sgt. Anthony Yribe, and this fact tends to mitigate imposition of the death penalty. |
| Number of jurors who so find 6 |
| 10. The favorable plea agreements offered to and the lenient sentences imposed on Sgt. Paul Cortez, Spc. James Barker, PFC Jesse Spielman, PFC Bryan Howard, and Sgt. Anthony Yribe were offered favorable plea agreements and lenient sentences, and this fact tends to mitigate imposition of the death penalty. |
| Number of jurors who so find |
| 11. PFC Green's combat stress was a substantial factor that contributed to the offenses, and this fact tends to mitigate imposition of the death penalty. |

Number of jurors who so find

| a high risk of homic | nand and Combat Stress Co idal conduct against Iraqi ci ithout proper treatment or eath penalty. | tizens due to his com | bat stress, but returned |
|--|---|-----------------------|--------------------------|
| e e e e e e e e e e e e e e e e e e e | Number of jurors who so | find | |
| by the United States | en was suffering from psych Army and could have and s ads to mitigate imposition o | should have been proj | |
| | Number of jurors who so | find | _5 |
| | d have declared PFC Green' a from TCP duty, and this fa | | _ |
| | Number of jurors who so | find | |
| the state of the s | my command to provide ad 1st Squad contributed to th ath penalty. | - | |
| | Number of jurors who so | find | 5 |
| | toon and squad suffered gre mitigate imposition of the | | sses than other units, |
| | Number of jurors who so | find | |
| | ny command to recognize the and 1st Squad contributed to the penalty. | | |
| | Number of jurors who so | find | |
| | Army command to adequated and this fact tends to | • • • | - |
| | Number of jurors who so | find | 2 |

| executing the murders, and this fact tend | - | | |
|---|--------------------|---------------------|------------------|
| Number of jurors | who so find | | _5 |
| 20. PFC Green committed the offenses v superiors, Sgt. Cortez and Spc. Barker, as penalty. | | | |
| Number of jurors | who so find | | 6 |
| 21. PFC Green promptly confessed his in his military superior and the head of the this fact tends to mitigate imposition of | official Army tea | _ | • |
| Number of jurors | who so find | | 2_ |
| 22. Had Sgt. Anthony Yribe taken the proconfessions, PFC Green would have been under the Uniform Code of Military Justideath penalty. | prosecuted, tried, | and sentenced by | a military court |
| Number of jurors | who so find | | _5_ |
| 23. Steven Green never lied to his militar while Sgt. Paul Cortez, Spc. Barker, PFC Yribe repeatedly did so, and this fact tend | Spielman, PFC B | ryan Howard, ar | d Sgt. Anthony |
| Number of jurors | who so find | • | |
| 24. Army personnel engaged in a cover-imposition of the death penalty. | up of the murders | , and this fact te | nds to mitigate |
| Number of jurors v | who so find | | 6 |
| 25. PFC Steven Green was 20 years of age imposition of the death penalty. | on March 12, 200 | 6, and this fact to | ends to mitigate |
| Number of jurors v | who so find | | 0 |

| | on properly under the extreme stresses to mitigate imposition of the death pen | |
|---|--|------------------------------------|
| | Number of jurors who so find | _4_ |
| | affers from a brain dysfunction which har rong support and guidance, and this fac | • |
| • | Number of jurors who so find | 3 |
| | was subjected to emotional and physical position of the death penalty. | al abuse as a child, and this fact |
| | Number of jurors who so find | _3 |
| 29. Steven Green w of the death penalty | as subject to neglect as a child, and this | fact tends to mitigate imposition |
| | Number of jurors who so find | <u>3</u> |
| | as deprived of the parental guidance an e imposition of the death penalty. | d protection he needed, and this |
| · | Number of jurors who so find | _3 |
| | s schoolwork and behavior markedly tured environment, and this fact tends to | |
| | Number of jurors who so find | _3 |
| | s a positive relationship with many peo mitigate imposition of the death penal | <u>-</u> |
| | Number of jurors who so find | _3 |
| | ned the United States Army in a time of ning combat, and this fact tends to m | |
| | Number of jurors who so find | 2 |

26. PFC Steven Green suffered from neurological and psychological problems that impaired

| | leaders at the hands of insurgents overwhelmed and broke him, and this fact tends to mitigate imposition of the death penalty. |
|--------------------------|--|
| | Number of jurors who so find |
| | 35. Steven Green sought help for his psychological deterioration, but received substandard care, and this fact tends to mitigate imposition of the death penalty. |
| | Number of jurors who so find |
| | 36. Steven Green may be rehabilitated if sentenced to life in prison without the possibility of release, and this fact tends to mitigate imposition of the death penalty. |
| | Number of jurors who so find |
| | 37. If Steven Green is not sentenced to death, he will remain in prison for the rest of his life without the possibility of release and will die in prison, and this fact tends to mitigate imposition of the death penalty. |
| | Number of jurors who so find |
| | 38. If Steven Green receives the death penalty, extended family members and friends will suffer harm, and this fact tends to mitigate imposition of the death penalty. |
| * | Number of jurors who so find |
| | 39. Other factors in PFC Steven Green's background, record, or character or any other circumstance of the offense that any juror finds mitigate against imposition of the death sentence. This is a statutory mitigating factor. |
| addit articu simpl | e are spaces in Section V (Mitigating Factors) of the Special Verdict Form to identify any ional mitigating factors that any one of you finds. It is not necessary, however to specifically plate such additional factors. If you think there is some other mitigating factor present, but are ly not able to put it into words so that you can write it down on a list, you should still give that r your full consideration. |
| | 1 |
| | |

| 2 | | |
|----|------------------------------|-----|
| | | |
| | Number of jurors who so find | |
| 3. | | |
| | | |
| | Number of jurors who so find | 0 |
| 4 | | , |
| | Number of jurors who so find | |
| 5 | | |
| | | . : |
| | Number of jurors who so find | 0 |

Instruction: Please proceed to Section VI: Sentencing Decisions. Continue your deliberations by filling out either Decision Form A imposing a sentence of death, Decision Form B imposing a sentence of life imprisonment without the possibility of release, or Decision Form C as appropriate.

Decision Form A Imposing Sentence of Death

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, and whether death is therefore the appropriate sentence in this case:

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| naga gana ga ara san an ana ana ana ana ana ana ana ana | | Foreperson | |

Decision Form B Imposing Sentence of Life Imprisonment Without Possibility of Release

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, and whether death is therefore the appropriate sentence in this case:

| | | | · | |
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| | | • | | |
| | | Foreperson | | |

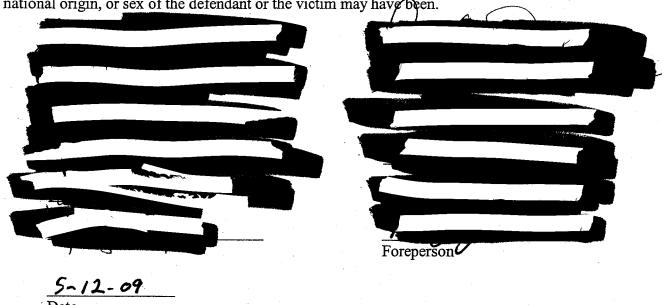
Decision Form C Deadlock as to Sentence

Despite all reasonable efforts to reach unanimous agreement, we, the Jury, are unable to reach a unanimous decision on either a sentence of death or a sentence of life imprisonment without the possibility of release

Date Foreperson

Section VII: Certificate as to Count 5

By signing below, each of us individually certifies that consideration of the race, color, religious beliefs, national origin, or sex of Steven Green and of the victims, was not involved in reaching our respective individual decisions. 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 the defendant or the victim may have been.



Please proceed to the Special Verdict Form for Count 6.

UNITED STATES DISTRICT COURT WESTERN DISTRICT OF KENTUCK YMAY 21 P6:17 PADUCAH DIVISION CRIMINAL ACTION NO.: 5:06-CR-19-Registration

UNITED STATES V. STEVEN DALE GREEN

SPECIAL VERDICT FORM

Count 6

SECTION I. AGE OF DEFENDANT Count 6

Instructions: Answer "YES" or "NO."

Do you, the jury, unanimously find the government has established beyond a reasonable doubt that the defendant was eighteen (18) years of age or older at the time of the offense?

| YES | <i>2</i> [−] | NO | |
|-----|-----------------------|-----------|--|
| | | | |
| | | | |
| | Fo | oreperson | |

If you have answered "YES" please continue to Section II: Threshold Mental State. If you have answered "NO" cease your deliberations with respect to this Count, and proceed to Section VII: Certification.

SECTION II. THRESHOLD MENTAL STATE FACTORS Count 6

(A) Do you, the jury, unanimously find that the government has proved beyond a reasonable

NO___

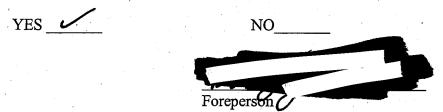
Instructions: For each of the following, answer "YES" or "NO."

doubt that the defendant intentionally killed Fakhriya Al-Janabi?

YES L

| | F | orepersor | |
|--|--|--|---|
| (B) Do you, the jury, unarreasonable doubt that the resulted in the death of Fa | defendant intentiona | _ | - |
| YES_ | | NO | - |
| | F | prepersor U | |
| (C) Do you, the jury, unar reasonable doubt that the that the life of a person we connection with a person, Al-Janabi died as a result | defendant intentional ould be taken or inter other than one of the | ly participated in ding that lethal f | an act, contemplating orce would be used in |
| YES 🗸 | • | NO | - |
| | Fo | preperson | |

(D) Do you, the jury, unanimously find that the government has proved beyond a reasonable doubt that the defendant intentionally and specifically engaged in an act of violence, knowing that the act created a grave risk of death to a person, other than one of the participants in the offense, such that participation in the act constituted a reckless disregard for human life and Fakhriya Al-Janabi died as a direct result of the aet?

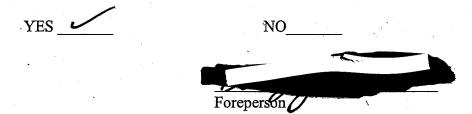


Instruction: If you have answered "YES" to either A, B, C, or D, please continue to Section III: Statutory Aggravating Factors. If you have answered "NO" to A, B, C, and D, cease your deliberations with respect to this Count, and proceed to Section VII: Certification.

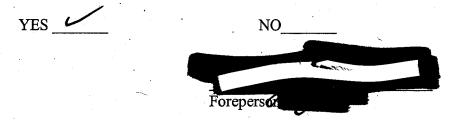
SECTION III. Statutory Aggravating Factors Count 6

Instructions: For each of the following, answer "YES" or "NO."

(A) Do you, the jury, unanimously find that the government has established beyond a reasonable doubt that the defendant committed the offense of premeditated murder after substantial planning and premeditation to cause the death of Fakhriya Al-Janabi, as set out in Instruction No. 3?



(B) Do you, the jury, unanimously find beyond a reasonable doubt that the government has established beyond a reasonable doubt that the defendant intentionally killed more than one person in a single criminal episode, as set out in Instruction No. 3?



Instruction: If you answered "YES" to either A or B please continue to Section IV: Non-Statutory Aggravating Factors. If you answered "NO" to all of the statutory aggravating factors set out in Section III, then stop your deliberations as to this Count, cross out Sections IV, V, and VI of this form, and proceed to Section VII of this form.

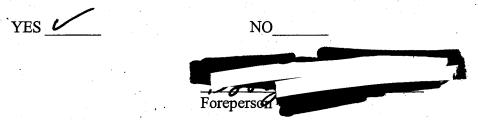
Section IV. Non-Statutory Aggravating Factors Count 6

Instructions: For each of the following, answer "YES" or "NO."

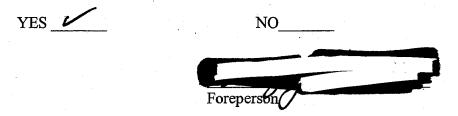
(A) Do you, the jury, unanimously find that the government has proved beyond a reasonable doubt that the defendant killed Fakhriya Al-Janabi in order to eliminate her as a possible witness to his crimes, and that fact tends to support imposition of the death penalty?



(B) Do you, the jury, unanimously find that the government has proved beyond a reasonable doubt that the defendant caused injury, harm, and loss to the family of Fakhriya Al-Janabi, as evidenced by her personal characteristics as a human being and the impact of her death on her family, and that fact tends to support imposition of the death penalty?



(C) Do you, the jury, unanimously find that the government has proved beyond a reasonable doubt that the injuries caused by the defendant extend especially to the two minor children orphaned as a result of their parents' death and to those presently caring for the children, and that fact tends to support imposition of the death penalty.



Instruction: Regardless of whether you answered "YES" or "NO" with respect to these non-statutory aggravating factors, please proceed to Section V: Mitigating Factors.

Section V: Mitigating Factors Count 6

<u>Instructions</u>: For each of the following mitigating factors 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. Extra spaces are provided at the end of the section to write additional mitigating factors found by one or more jurors.

| _ | ven by a preponderance of the evidence. Extra spaces are provided at the end of the ion to write additional mitigating factors found by one or more jurors. |
|-----|--|
| | 1. Sgt. Paul Cortez, equally culpable in the crime, will not be punished by death. This is a statutory mitigating factor. |
| | Number of jurors who so find |
| | 2. Spc. James Barker, equally culpable in the crime, will not be punished by death. This is a statutory mitigating factor. |
| j | Number of jurors who so find |
| | 3. PFC Green's capacity to appreciate the wrongfulness of the defendant's conduct or to conform conduct to the requirements of law was significantly impaired, regardless of whether the capacity was so impaired as to constitute a defense to the charge. This is a statutory mitigating factor. |
| | Number of jurors who so find |
| | 4. PFC Green committed the offense under severe mental or emotional disturbance. This is a statutory mitigating factor. |
| • | Number of jurors who so find |
| | 5. The defendant did not have a significant prior history of other criminal conduct. This is a statutory mitigating factor. |
| • . | Number of jurors who so find |
| | 6. In its criminal prosecutions of Sgt. Paul Cortez, Spc. James Barker, and PFC Jesse Spielman for their involvement in the murders, the United States imposed terms of imprisonment that will make each of them eligible for parole in 10 years, and that fact tends to mitigate imposition of the death penalty. |
| | Number of jurors who so find |

| 7. Steven Green offered to reenlist in the Army. If allowed back in would have again been subject to the Uniform Code of Military Justic fully prosecuted and punished in the military system for the murde Cortez, Spc. James Barker, PFC Jesse Spielman, and PFC Bryan F offered to re-enter the Army and subject himself to prosecution armurders under the Uniform Code of Military Justice, the United States accept his offer to reenlist, and these facts tend to mitigate imposition | te and could have been ers, as were Sgt. Paul Howard. Steven Green and punishment for the ates Army declined to |
|--|---|
| Number of jurors who so find | 6 |
| 8. After Green was discharged, the United States could have tried Paul Jesse Spielman, and the defendant together in this court under civilia before a civilian judge and jury for their involvement in the murders; or accepted Green's offer to reenlist and tried all of them in military co procedures of the Uniform Code of Military Justice before a military justice tends to mitigate imposition of the death penalty. | in law and procedures r the Army could have ourt under the law and |
| Number of jurors who so find | 6 |
| 9. This case should have been tried in the military justice system und of Military Justice, as were the cases of Sgt. Paul Cortez, Spc. James Spielman, PFC Bryan Howard, and Sgt. Anthony Yribe, and this fimposition of the death penalty. | es Barker, PFC Jesse |
| Number of jurors who so find | 6 |
| 10. The favorable plea agreements offered to and the lenient sentences Cortez, Spc. James Barker, PFC Jesse Spielman, PFC Bryan Howar Yribe were offered favorable plea agreements and lenient sentences, mitigate imposition of the death penalty. | rd, and Sgt. Anthony |
| Number of jurors who so find | _3 |
| 11. PFC Green's combat stress was a substantial factor that contribute this fact tends to mitigate imposition of the death penalty. | d to the offenses, and |
| Number of jurors who so find | 5 |

| 12. The Army command and Combat Stress Control personnel knew that PFC G a high risk of homicidal conduct against Iraqi citizens due to his combat stress, b him to the field without proper treatment or follow up, and this fact tends imposition of the death penalty. | out returned |
|---|--------------|
| Number of jurors who so find | 5 |
| 13. PFC Steven Green was suffering from psychological impairments which were by the United States Army and could have and should have been properly treated not, and this fact tends to mitigate imposition of the death penalty. | |
| Number of jurors who so find |) |
| 14. The Army should have declared PFC Green's platoon and squad to be not con and withdrawn them from TCP duty, and this fact tends to mitigate imposition openalty. | - |
| Number of jurors who so find 4 | <u>f</u> |
| 15. Failure of the Army command to provide adequate command, control, and so of 1st Platoon and 1st Squad contributed to the murders, and this fact tends to imposition of the death penalty. | - |
| Number of jurors who so find | <u>f`.</u> |
| 16. PFC Green's platoon and squad suffered greater casualties and losses than o and this fact tends to mitigate imposition of the death penalty. | ther units, |
| Number of jurors who so find 2 | • |
| 17. Failure of the Army command to recognize the unusually harsh and stressful of faced by 1st Platoon and 1st Squad contributed to the murders, and this fact tends to imposition of the death penalty. | |
| Number of jurors who so find 2 | |
| 18. Failure of the Army command to adequately support 1st Platoon and 1 contributed to the murders, and this fact tends to mitigate imposition of the death | |
| Number of jurors who so find 2 | , |

| | nilitary superiors played a leadership role rders, and this fact tends to mitigate imposed. | |
|---------------------------------------|--|--|
| | Number of jurors who so find | _5_ |
| | mmitted the offenses while under the influrtez and Spc. Barker, and this fact tends to a | |
| | Number of jurors who so find | _6 |
| his military superi | omptly confessed his involvement in the nior and the head of the official Army teamnitigate imposition of the death penalty. | and the control of th |
| | Number of jurors who so find | |
| confessions, PFC | ony Yribe taken the proper and required step Green would have been prosecuted, tried, and Code of Military Justice, and this fact tend | nd sentenced by a military court |
| | Number of jurors who so find | <u> </u> |
| while Sgt. Paul Co | never lied to his military superiors about his rtez, Spc. Barker, PFC Spielman, PFC Bry id so, and this fact tends to mitigate impos | yan Howard, and Sgt. Anthony |
| | Number of jurors who so find | <u>2</u> |
| 24. Army personne imposition of the d | el engaged in a cover-up of the murders, a leath penalty. | and this fact tends to mitigate |
| | Number of jurors who so find | |
| 25. PFC Steven Greimposition of the d | een was 20 years of age on March 12, 2006 leath penalty. | , and this fact tends to mitigate |
| | Number of jurors who so find | |
| | | |

| his ability to functi | een suffered from neurologica on properly under the extreme to mitigate imposition of the | e stresses present in the Tr | |
|---|---|-------------------------------|-------------------|
| | Number of jurors who so | find | _4 |
| | offers from a brain dysfunction rong support and guidance, ar | · • | |
| | Number of jurors who so | find | 3 |
| | was subjected to emotional an apposition of the death penalty. | | ld, and this fact |
| | Number of jurors who so | ind | _3 |
| 29. Steven Green w of the death penalty | as subject to neglect as a child | , and this fact tends to miti | gate imposition |
| | Number of jurors who so f | ind | _3_ |
| | as deprived of the parental gue imposition of the death pen | - | eeded, and this |
| | Number of jurors who so f | ind | 3 |
| | s schoolwork and behavior tured environment, and this fac | - | |
| | Number of jurors who so fi | nd _ | 2 |
| | s a positive relationship with mitigate imposition of the de | | and love him, |
| | Number of jurors who so fi | nd | 3 |
| | ned the United States Army in ning combat, and this fact te | • | |
| | Number of jurges who so fi | nd | 2 |

| | 34. Steven Green did well at boot camp and was a good solider who an unusually high number of horrific losses of his friends, fellow leaders at the hands of insurgents overwhelmed and broke him, and the imposition of the death penalty. | soldiers, and respected |
|--------------------------|---|--|
| | Number of jurors who so find | _4_ |
| | 35. Steven Green sought help for his psychological deterioration, be care, and this fact tends to mitigate imposition of the death penalty. | |
| | Number of jurors who so find | <u></u> |
| | 36. Steven Green may be rehabilitated if sentenced to life in prison of release, and this fact tends to mitigate imposition of the death per | <u>-</u> |
| | Number of jurors who so find | _3_ |
| | 37. If Steven Green is not sentenced to death, he will remain in priso without the possibility of release and will die in prison, and this imposition of the death penalty. | |
| | Number of jurors who so find | 4 |
| | 38. If Steven Green receives the death penalty, extended family mer suffer harm, and this fact tends to mitigate imposition of the death p | |
| • | Number of jurors who so find | 2 |
| | 39. Other factors in PFC Steven Green's background, record, or circumstance of the offense that any juror finds mitigate against in sentence. This is a statutory mitigating factor. | |
| additionarticular simply | are spaces in Section V (Mitigating Factors) of the Special Verdict onal mitigating factors that any one of you finds. It is not necessary, he ate such additional factors. If you think there is some other mitigating not able to put it into words so that you can write it down on a list, you your full consideration. | owever to specifically factor present, but are |
| | 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 | | |
| | | |
| <i>t</i> | Number of jurors who so find | |

Instruction: Please proceed to Section VI: Sentencing Decisions. Continue your deliberations by filling out either Decision Form A imposing a sentence of death, Decision Form B imposing a sentence of life imprisonment without the possibility of release, or Decision Form C as appropriate.

Decision Form A **Imposing Sentence of Death**

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, and whether death is therefore the appropriate sentence in this case:

| | Foreperson | |
|---|------------|----|
| • | | ٠, |
| | | _ |
| | | |
| | | _ |
| | | _ |
| | . 4. | _ |

Decision Form B Imposing Sentence of Life Imprisonment Without Possibility of Release

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, and whether death is therefore the appropriate sentence in this case:

| | . | |
|---|--------------|------------|
| | • | |
| • | | |
| | | |
| | | |
| | | Foreperson |

Decision Form C Deadlock as to Sentence

Despite all reasonable efforts to reach unanimous agreement, we, the Jury, are unable to reach a unanimous decision on either a sentence of death or a sentence of life imprisonment without the possibility of release

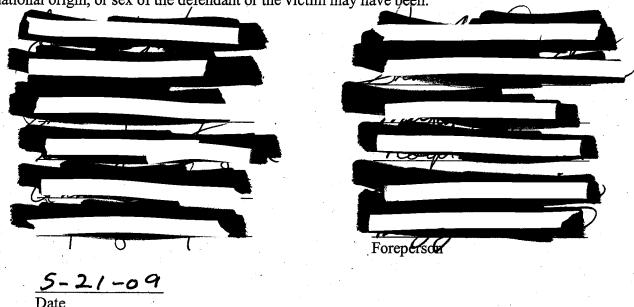
5-21-09

Date

Foreperson U

Section VII: Certificate as to Count 6

By signing below, each of us individually certifies that consideration of the race, color, religious beliefs, national origin, or sex of Steven Green and of the victims, was not involved in reaching our respective individual decisions. 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 the defendant or the victim may have been.



Please proceed to the Special Verdict Form for Count 7.

UNITED STATES DISTRICT COURT WESTERN DISTRICT OF KENTUCKY PADUCAH DIVISION OP MAY 21 P6:17 CRIMINAL ACTION NO.: 5:06-CR-19-Reflect US DISTRICT COURT CLIFT WESTER DISTRICT COURT CLIFT WESTER DISTRICT COURT WESTER DISTRICT WESTER WESTER DISTRICT WESTER WES

UNITED STATES V. STEVEN DALE GREEN

SPECIAL VERDICT FORM

Count 7

SECTION I. AGE OF DEFENDANT Count 7

Instructions: Answer "YES" or "NO."

Do you, the jury, unanimously find the government has established beyond a reasonable doubt that the defendant was eighteen (18) years of age or older at the time of the offense?

| YES | NO |
|-----|------------|
| | |
| | Foreperson |

If you have answered "YES" please continue to Section II: Threshold Mental State. If you have answered "NO" cease your deliberations with respect to this Count, and proceed to Section VII: Certification.

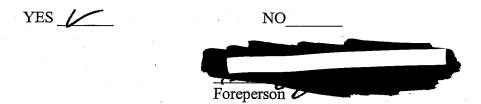
SECTION II. THRESHOLD MENTAL STATE FACTORS Count 7

Instructions: For each of the following, answer "YES" or "NO."

| (A) Do you, the jury, unanimously findoubt that the defendant intentional | nd that the government has proved beyond a reasonable y killed Abeer Al-Janabi? |
|---|--|
| YES | NO |
| | Foreperson |
| (B) Do you the jury unanimously fi | nd that the government has proved beyond a |
| | intentionally inflicted serious bodily injury that |
| YES | NO |
| | |
| | Foreperson |
| reasonable doubt that the defendant is that the life of a person would be take | and that the government has proved beyond a intentionally participated in an act, contemplating in or intending that lethal force would be used in one of the participants in the offense, and Abeer Al- |
| YES | NO |
| | |

Foreperson

(D) Do you, the jury, unanimously find that the government has proved beyond a reasonable doubt that the defendant intentionally and specifically engaged in an act of violence, knowing that the act created a grave risk of death to a person, other than one of the participants in the offense, such that participation in the act constituted a reckless disregard for human life and Abeer Al-Janabi died as a direct result of the act?



Instruction: If you have answered "YES" to either A, B, C, or D, please continue to Section III: Statutory Aggravating Factors. If you have answered "NO" to A, B, C, and D, cease your deliberations with respect to this Count, and proceed to Section VII: Certification.

SECTION III. Statutory Aggravating Factors Count 7

<u>Instructions</u>: For each of the following, answer "YES" or "NO."

| reasonable d | , the jury, unanimodoubt that the defer el, or depraved man | ndant intentionally | killed Abeer | Al-Janabi in a | n especially |
|----------------|--|---------------------|---------------------------------------|---------------------------------------|--------------|
| out in Instruc | ction No. 3? | | | | |
| | YES V | | NO | | |
| • • | | | | | |
| | | Fore | person | | |
| reasonable do | the jury, unanimous oubt that the defendanting and premedan No. 3? | dant committed the | e offense of pre | emeditated mu | rder after |
| | YES | | NO | · · · · · · · · · · · · · · · · · · · | · |
| <u>.</u> | | | · · · · · · · · · · · · · · · · · · · | | |
| | | Forep | person 0 | | |
| reasonable do | he jury, unanimous oubt that the victim out in Instruction N | , Abeer Al-Janabi, | | | |
| | YES V | | NO | | |
| | | | | | |
| | | Forep | erson | | |

(D) Do you, the jury, unanimously find beyond a reasonable doubt that the government has established beyond a reasonable doubt that the defendant intentionally killed more than one person in a single criminal episode, as set out in Instruction No. 3?

| YES | NO |
|-----|--------------|
| | |
| • | Foreperson (|

Instruction: If you answered "YES" to either A, B, C, or D, please continue to Section IV: Non-Statutory Aggravating Factors. If you answered "NO" to all of the statutory aggravating factors set out in Section III, then stop your deliberations as to this Count, cross out Sections IV, V, and VI of this form, and proceed to Section VII of this form.

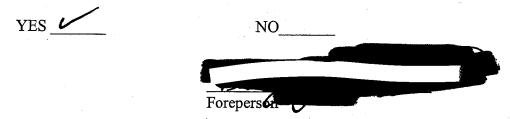
Section IV. Non-Statutory Aggravating Factors Count 7

Instructions: For each of the following, answer "YES" or "NO."

(A) Do you, the jury, unanimously find that the government has proved beyond a reasonable doubt that the defendant killed Abeer Al-Janabi in order to eliminate her as a possible witness to his crimes, and that fact tends to support imposition of the death penalty?

| YES | NO |
|-----|-----------|
| | |
| | Foreperch |

(B) Do you, the jury, unanimously find that the government has proved beyond a reasonable doubt that the defendant caused injury, harm, and loss to the family of Abeer Al-Janabi, as evidenced by her personal characteristics as a human being and the impact of her death on her family, and that fact tends to support imposition of the death penalty?



Instruction: Regardless of whether you answered "YES" or "NO" with respect to these non-statutory aggravating factors, please proceed to Section V: Mitigating Factors.

Section V: Mitigating Factors Count 7

<u>Instructions</u>: For each of the following mitigating factors 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. Extra spaces are provided at the end of the section to write additional mitigating factors found by one or more jurors.

| 1. Sgt. Paul Cortez, equally culpable in the crime, will not be punished by death. This is a statutory mitigating factor. |
|--|
| Number of jurors who so find |
| 2. Spc. James Barker, equally culpable in the crime, will not be punished by death. This is a statutory mitigating factor. |
| Number of jurors who so find |
| 3. PFC Green's capacity to appreciate the wrongfulness of the defendant's conduct or to conform conduct to the requirements of law was significantly impaired, regardless of whether the capacity was so impaired as to constitute a defense to the charge. This is a statutory mitigating factor. |
| Number of jurors who so find |
| 4. PFC Green committed the offense under severe mental or emotional disturbance. This is a statutory mitigating factor. |
| Number of jurors who so find |
| 5. The defendant did not have a significant prior history of other criminal conduct. This is a statutory mitigating factor. |
| Number of jurors who so find |
| 6. In its criminal prosecutions of Sgt. Paul Cortez, Spc. James Barker, and PFC Jesse Spielman for their involvement in the murders, the United States imposed terms of imprisonment that will make each of them eligible for parole in 10 years, and that fact tends to mitigate imposition of the death penalty. |
| Number of jurors who so find |

| would have again beefully prosecuted and Cortez, Spc. James I offered to re-enter the murders under the U. | red to reenlist in the Army. If allowern subject to the Uniform Code of Military system for Barker, PFC Jesse Spielman, and PFO he Army and subject himself to prosmiform Code of Military Justice, the enlist, and these facts tend to mitigate | itary Justice and could have been the murders, as were Sgt. Paul C Bryan Howard. Steven Green ecution and punishment for the United States Army declined to |
|--|---|---|
| | Number of jurors who so find | _6_ |
| Jesse Spielman, and t before a civilian judge accepted Green's off procedures of the Uni | scharged, the United States could have the defendant together in this court un and jury for their involvement in the r er to reenlist and tried all of them in r form Code of Military Justice before a imposition of the death penalty. | nder civilian law and procedures nurders; or the Army could have nilitary court under the law and |
| | Number of jurors who so find | 6 |
| of Military Justice, as | ave been tried in the military justice s s were the cases of Sgt. Paul Cortez, n Howard, and Sgt. Anthony Yribe, th penalty. | Spc. James Barker, PFC Jesse |
| | Number of jurors who so find | 6 |
| Cortez, Spc. James B | agreements offered to and the lenient earker, PFC Jesse Spielman, PFC Bry vorable plea agreements and lenient s f the death penalty. | yan Howard, and Sgt. Anthony |
| | Number of jurors who so find | _3 |
| · · · · · · · · · · · · · · · · · · · | pat stress was a substantial factor that cate imposition of the death penalty. | contributed to the offenses, and |
| | Number of jurors who so find | .5 |

| a high risk of homic | nand and Combat Stre idal conduct against In thout proper treatme | raqi citizens due t | o his combat str | ess, but retur | nec |
|----------------------|---|---------------------|------------------|----------------|-----|
| imposition of the de | ath penalty. | | | | |
| | Number of jurors v | vho so find | .* | _5_ | |
| by the United States | on was suffering from Army and could have ds to mitigate imposi | and should have | been properly t | | |
| | Number of jurors w | ho so find | | 5 | |
| | I have declared PFC (from TCP duty, and | | - · | | - |
| | Number of jurors w | ho so find | | _4 | |
| • | my command to prov st Squad contributed ath penalty. | | | - | |
| | Number of jurors w | ho so find | | 5 | |
| - | coon and squad suffer mitigate imposition of | _ | | han other uni | ts, |
| | Number of jurors w | ho so find | | 2 | |
| | ny command to recog and 1st Squad contributh th penalty. | • | | | |
| | Number of jurors w | ho so find | | 2 | |
| | army command to a rders, and this fact te | | | - | |
| | Number of jurors w | ho so find | | 2 | |

| executing the murders, and this fact tends to mitigate imposition of the d | • |
|--|--|
| Number of jurors who so find | _5 |
| 20. PFC Green committed the offenses while under the influence and cont superiors, Sgt. Cortez and Spc. Barker, and this fact tends to mitigate imporpenalty. | • |
| Number of jurors who so find | _6_ |
| 21. PFC Green promptly confessed his involvement in the murders to Sgt his military superior and the head of the official Army team investigating this fact tends to mitigate imposition of the death penalty. | - |
| Number of jurors who so find | |
| 22. Had Sgt. Anthony Yribe taken the proper and required steps to report PF confessions, PFC Green would have been prosecuted, tried, and sentenced bunder the Uniform Code of Military Justice, and this fact tends to mitigate ideath penalty. | y a military court |
| douth politics. | • |
| Number of jurors who so find | _5 |
| | and Sgt. Anthony |
| Number of jurors who so find 23. Steven Green never lied to his military superiors about his involvemen while Sgt. Paul Cortez, Spc. Barker, PFC Spielman, PFC Bryan Howard, a | and Sgt. Anthony |
| Number of jurors who so find 23. Steven Green never lied to his military superiors about his involvemen while Sgt. Paul Cortez, Spc. Barker, PFC Spielman, PFC Bryan Howard, a Yribe repeatedly did so, and this fact tends to mitigate imposition of the design of the des | and Sgt. Anthony eath penalty. |
| Number of jurors who so find 23. Steven Green never lied to his military superiors about his involvement while Sgt. Paul Cortez, Spc. Barker, PFC Spielman, PFC Bryan Howard, a Yribe repeatedly did so, and this fact tends to mitigate imposition of the denoted Number of jurors who so find 24. Army personnel engaged in a cover-up of the murders, and this fact to | and Sgt. Anthony eath penalty. |
| Number of jurors who so find 23. Steven Green never lied to his military superiors about his involvement while Sgt. Paul Cortez, Spc. Barker, PFC Spielman, PFC Bryan Howard, a Yribe repeatedly did so, and this fact tends to mitigate imposition of the decent Number of jurors who so find 24. Army personnel engaged in a cover-up of the murders, and this fact to imposition of the death penalty. | and Sgt. Anthony eath penalty. 2 ends to mitigate |

| | ion properly under the extreme stresses prese to mitigate imposition of the death penalty. | nt in the Triangle of Death, |
|--|---|--|
| | Number of jurors who so find | _4_ |
| | uffers from a brain dysfunction which has imp trong support and guidance, and this fact tend | |
| | Number of jurors who so find | _3 |
| | was subjected to emotional and physical abunposition of the death penalty. | use as a child, and this fact |
| | Number of jurors who so find | _3 |
| 29. Steven Green wof the death penalty | vas subject to neglect as a child, and this fact to | ends to mitigate imposition |
| | Number of jurors who so find | _3_ |
| | vas deprived of the parental guidance and prote imposition of the death penalty. | tection he needed, and this |
| | Number of jurors who so find | _3 |
| | s schoolwork and behavior markedly importured environment, and this fact tends to mitig | and the state of t |
| | Number of jurors who so find | _2 |
| | as a positive relationship with many people we mitigate imposition of the death penalty. | ho care for and love him, |
| | Number of jurors who so find | _3_ |
| | ined the United States Army in a time of war, ening combat, and this fact tends to mitigate | |
| 4 | Number of jurors who so find | 2. |

26. PFC Steven Green suffered from neurological and psychological problems that impaired

| | an unusually high number of horrific losses of his friends, fellow soldiers, and respect leaders at the hands of insurgents overwhelmed and broke him, and this fact tends to mitig imposition of the death penalty. | |
|--------------------------|--|--------|
| | Number of jurors who so find | |
| | 35. Steven Green sought help for his psychological deterioration, but received substanda care, and this fact tends to mitigate imposition of the death penalty. | ırd |
| | Number of jurors who so find | |
| | 36. Steven Green may be rehabilitated if sentenced to life in prison without the possibil of release, and this fact tends to mitigate imposition of the death penalty. | ity |
| | Number of jurors who so find | |
| | 37. If Steven Green is not sentenced to death, he will remain in prison for the rest of his li without the possibility of release and will die in prison, and this fact tends to mitigate imposition of the death penalty. | |
| | Number of jurors who so find 4 | |
| | 38. If Steven Green receives the death penalty, extended family members and friends we suffer harm, and this fact tends to mitigate imposition of the death penalty. | 11 |
| | Number of jurors who so find | |
| | 39. Other factors in PFC Steven Green's background, record, or character or any othe circumstance of the offense that any juror finds mitigate against imposition of the deat sentence. This is a statutory mitigating factor. | |
| additionarticular simply | are spaces in Section V (Mitigating Factors) of the Special Verdict Form to identify an enal mitigating factors that any one of you finds. It is not necessary, however to specifically ate such additional factors. If you think there is some other mitigating factor present, but are not able to put it into words so that you can write it down on a list, you should still give the your full consideration. | y e |
| | 1. | _ |
| | | |
| | Number of jurors who so find | |

34. Steven Green did well at boot camp and was a good solider who served honorably until

| 2 | | | · | |
|---------|---|------------------------------|---|---|
| · · · · | • | | | |
| | , | Number of jurors who so find | | 0 |
| 3 | | | | |
| | | | | |
| | | Number of jurors who so find | | |
| 4 | | | · | |
| | | | | |
| | | Number of jurors who so find | | |
| 5. | | | | |
| | | | | |
| | | Number of jurors who so find | | 0 |

Instruction: Please proceed to Section VI: Sentencing Decisions. Continue your deliberations by filling out either Decision Form A imposing a sentence of death, Decision Form B imposing a sentence of life imprisonment without the possibility of release, or Decision Form C as appropriate.

Decision Form A Imposing Sentence of Death

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, and whether death is therefore the appropriate sentence in this case:

| | · | |
|----------|--------------|---|
| | | |
| <u> </u> | . | |
| | | • |
| | · • | |

Decision Form B Imposing Sentence of Life Imprisonment Without Possibility of Release

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, and whether death is therefore the appropriate sentence in this case:

| · · · · · · · · · · · · · · · · · · · |
|---------------------------------------|
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| |

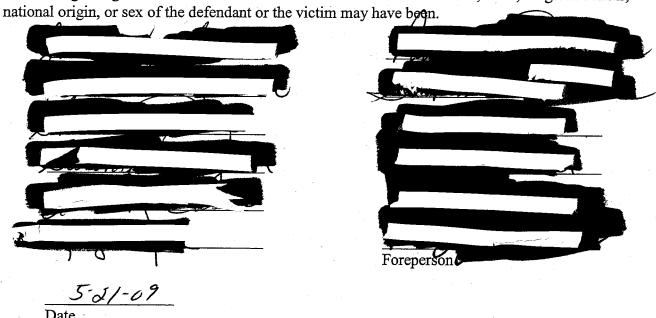
Decision Form C Deadlock as to Sentence

Despite all reasonable efforts to reach unanimous agreement, we, the Jury, are unable to reach a unanimous decision on either a sentence of death or a sentence of life imprisonment without the possibility of release

<u>5-21-09</u> Date Foreperson

Section VII: Certificate as to Count 7

By signing below, each of us individually certifies that consideration of the race, color, religious beliefs, national origin, or sex of Steven Green and of the victims, was not involved in reaching our respective individual decisions. 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 the defendant or the victim may have been



Please proceed to the Special Verdict Form for Count 8.

UNITED STATES DISTRICT COURT WESTERN DISTRICT OF KENTUCKY PADUCAH DIVISION PADUCAH DIVISION CRIMINAL ACTION NO.: 5:06-CR-19-RUED

UNITED STATES V. STEVEN DALE GREEN

SPECIAL VERDICT FORM

Count 8

SECTION I. AGE OF DEFENDANT Count 8

Instructions: Answer "YES" or "NO."

Do you, the jury, unanimously find the government has established beyond a reasonable doubt that the defendant was eighteen (18) years of age or older at the time of the offense?

| YES | | NO | NO | | | |
|-----|---|------------|----|--|--|--|
| | , | | | | | |
| | | Foreperson | ئے | | | |

If you have answered "YES" please continue to Section II: Threshold Mental State. If you have answered "NO" cease your deliberations with respect to this Count, and proceed to Section VII: Certification.

SECTION II. THRESHOLD MENTAL STATE FACTORS Count 8

Instructions: For each of the following, answer "YES" or "NO."

| YES | NO |
|-----|--------------|
| | |
| | |
| | Foreperson U |

(B) Do you, the jury, unanimously find that the government has proved beyond a reasonable doubt that the defendant intentionally inflicted serious bodily injury that resulted in the death of Hadeel Al-Janabi?

| YES | NO | |
|-----|------------|--|
| | | |
| | Foreperson | |

(C) Do you, the jury, unanimously find that the government has proved beyond a reasonable doubt that the defendant intentionally participated in an act, contemplating that the life of a person would be taken or intending that lethal force would be used in connection with a person, other than one of the participants in the offense, and Hadeel Al-Janabi died as a result of the act?

| YES V | NO | |
|-------|-------------|---|
| | | |
| | Forepers 6. | = |

(D) Do you, the jury, unanimously find that the government has proved beyond a reasonable doubt that the defendant intentionally and specifically engaged in an act of violence, knowing that the act created a grave risk of death to a person, other than one of the participants in the offense, such that participation in the act constituted a reckless disregard for human life and Hadeel Al-Janabi died as a direct result of the act?

| YES | • | | NO | | |
|-----|---|----|----------|---|----------|
| | | • | | | 3 |
| | | | | | |
| | | 4 | | | |
| | | Fo | reperson | 0 | ž v |

Instruction: If you have answered "YES" to either A, B, C, or D, please continue to Section III: Statutory Aggravating Factors. If you have answered "NO" to A, B, C, and D, cease your deliberations with respect to this Count, and proceed to Section VII: Certification.

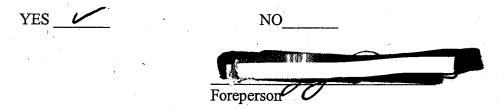
SECTION III. Statutory Aggravating Factors Count 8

Instructions: For each of the following, answer "YES" or "NO."

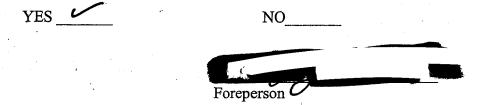
(A) Do you, the jury, unanimously find that the government has established beyond a reasonable doubt that the defendant committed the offense of premeditated murder after substantial planning and premeditation to cause the death of Hadeel Al-Janabi, as set out in Instruction No. 3?

| YES V | NO |
|-------|--------------|
| | |
| | Foreperson U |

(B) Do you, the jury, unanimously find that the government has established beyond a reasonable doubt that the victim, Hadeel Al-Janabi, was particularly vulnerable due to youth, as set out in Instruction No. 3?



(C) Do you, the jury, unanimously find beyond a reasonable doubt that the government has established beyond a reasonable doubt that the defendant intentionally killed more than one person in a single criminal episode, as set out in Instruction No. 3?



Instruction: If you answered "YES" to either A, B, or C, please continue to Section IV: Non-Statutory Aggravating Factors. If you answered "NO" to all of the statutory aggravating factors set out in Section III, then stop your deliberations as to this Count, cross out Sections IV, V, and VI of this form, and proceed to Section VII of this form.

Section IV. Non-Statutory Aggravating Factors Count 8

.Instructions: For each of the following, answer "YES" or "NO."

(A) Do you, the jury, unanimously find that the government has proved beyond a reasonable doubt that the defendant killed Hadeel Al-Janabi in order to eliminate her as a possible witness to his crimes, and that fact tends to support imposition of the death penalty?

| YES $ u$ | | NO | |
|----------|-----|------------|--|
| | | | |
| | * a | | |
| • | | Foreperson | |

(B) Do you, the jury, unanimously find that the government has proved beyond a reasonable doubt that the defendant caused injury, harm, and loss to the family of Hadeel Al-Janabi, as evidenced by her personal characteristics as a human being and the impact of her death on her family, and that fact tends to support imposition of the death penalty?

| YES | NO | |
|-----|------------|-----------|
| | | |
| | |) |
| | Foreperson | |

Instruction: Regardless of whether you answered "YES" or "NO" with respect to these non-statutory aggravating factors, please proceed to Section V: Mitigating Factors.

Section V: Mitigating Factors Count 8

<u>Instructions</u>: For each of the following mitigating factors 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. Extra spaces are provided at the end of the section to write additional mitigating factors found by one or more jurors.

| 1. Sgt. Paul Cortez, equally culpable in the crime, will not be punished by death. This is a statutory mitigating factor. |
|--|
| Number of jurors who so find |
| 2. Spc. James Barker, equally culpable in the crime, will not be punished by death. This is a statutory mitigating factor. |
| Number of jurors who so find |
| 3. PFC Green's capacity to appreciate the wrongfulness of the defendant's conduct or to conform conduct to the requirements of law was significantly impaired, regardless of whether the capacity was so impaired as to constitute a defense to the charge. This is a statutory mitigating factor. |
| Number of jurors who so find |
| 4. PFC Green committed the offense under severe mental or emotional disturbance. This is a statutory mitigating factor. |
| Number of jurors who so find |
| 5. The defendant did not have a significant prior history of other criminal conduct. This is a statutory mitigating factor. |
| Number of jurors who so find |
| 6. In its criminal prosecutions of Sgt. Paul Cortez, Spc. James Barker, and PFC Jesse Spielman for their involvement in the murders, the United States imposed terms of imprisonment that will make each of them eligible for parole in 10 years, and that fact tends to mitigate imposition of the death penalty. |
| Number of jurors who so find |

| 7. Steven Green offered to reenlist in the Army. If allowed bac would have again been subject to the Uniform Code of Military J fully prosecuted and punished in the military system for the n Cortez, Spc. James Barker, PFC Jesse Spielman, and PFC Bry offered to re-enter the Army and subject himself to prosecution murders under the Uniform Code of Military Justice, the Unite accept his offer to reenlist, and these facts tend to mitigate imposite | ustice and could have been nurders, as were Sgt. Paul ran Howard. Steven Green on and punishment for the d States Army declined to |
|---|--|
| Number of jurors who so find | 6 |
| 8. After Green was discharged, the United States could have tried I Jesse Spielman, and the defendant together in this court under cibefore a civilian judge and jury for their involvement in the murde accepted Green's offer to reenlist and tried all of them in military procedures of the Uniform Code of Military Justice before a military fact tends to mitigate imposition of the death penalty. | ivilian law and procedures ors; or the Army could have ry court under the law and |
| Number of jurors who so find | 6 |
| 9. This case should have been tried in the military justice system of Military Justice, as were the cases of Sgt. Paul Cortez, Spc. Spielman, PFC Bryan Howard, and Sgt. Anthony Yribe, and temposition of the death penalty. | James Barker, PFC Jesse |
| Number of jurors who so find | _6_ |
| 10. The favorable plea agreements offered to and the lenient senter Cortez, Spc. James Barker, PFC Jesse Spielman, PFC Bryan H Yribe were offered favorable plea agreements and lenient senten nitigate imposition of the death penalty. | oward, and Sgt. Anthony |
| Number of jurors who so find | _3 |
| 1. PFC Green's combat stress was a substantial factor that contribute fact tends to mitigate imposition of the death penalty. | buted to the offenses, and |
| Number of jurors who so find | _5_ |

| a high risk of homicidal conduct against Iraqi citizens him to the field without proper treatment or follow imposition of the death penalty. | |
|--|--------------------------------------|
| Number of jurors who so find | |
| 13. PFC Steven Green was suffering from psychologic by the United States Army and could have and should not, and this fact tends to mitigate imposition of the d | have been properly treated, but were |
| Number of jurors who so find | |
| 14. The Army should have declared PFC Green's plate and withdrawn them from TCP duty, and this fact tend penalty. | · · · · = |
| Number of jurors who so find | |
| 15. Failure of the Army command to provide adequate of 1st Platoon and 1st Squad contributed to the murimposition of the death penalty. | • |
| Number of jurors who so find | <u> </u> |
| 16. PFC Green's platoon and squad suffered greater cannot this fact tends to mitigate imposition of the death | |
| Number of jurors who so find | 2 |
| 17. Failure of the Army command to recognize the unu faced by 1st Platoon and 1st Squad contributed to the mimposition of the death penalty. | |
| Number of jurors who so find | |
| 18. Failure of the Army command to adequately so contributed to the murders, and this fact tends to mitigate | |
| Number of jurors who so find | |
| • | |

12. The Army command and Combat Stress Control personnel knew that PFC Green was at

| | een military superiors played a leadership role in emurders, and this fact tends to mitigate imposition | |
|----------------|---|-----------------------------|
| • | Number of jurors who so find | _5_ |
| | en committed the offenses while under the influence t. Cortez and Spc. Barker, and this fact tends to mitig | |
| | Number of jurors who so find | _6_ |
| his military s | en promptly confessed his involvement in the murd uperior and the head of the official Army team investo mitigate imposition of the death penalty. | |
| | Number of jurors who so find | |
| confessions, F | Anthony Yribe taken the proper and required steps to PFC Green would have been prosecuted, tried, and se form Code of Military Justice, and this fact tends to | ntenced by a military court |
| V | Number of jurors who so find | |
| while Sgt. Pau | een never lied to his military superiors about his inval al Cortez, Spc. Barker, PFC Spielman, PFC Bryan H dly did so, and this fact tends to mitigate imposition | Howard, and Sgt. Anthony |
| | Number of jurors who so find | |
| | sonnel engaged in a cover-up of the murders, and the death penalty. | this fact tends to mitigate |
| | Number of jurors who so find | |
| | n Green was 20 years of age on March 12, 2006, and the death penalty. | this fact tends to mitigate |
| e P | Number of jurors who so find | |
| | | |

| his ability to functi | een suffered from neurological and ion properly under the extreme stre to mitigate imposition of the deatl | esses present in the Tria | - |
|---|--|--|------------------|
| | Number of jurors who so find | | 4 |
| | uffers from a brain dysfunction where rong support and guidance, and the | | |
| | Number of jurors who so find | - | 3 |
| | was subjected to emotional and plane of the death penalty. | hysical abuse as a child | d, and this fact |
| | Number of jurors who so find | | 3 |
| 29. Steven Green w of the death penalty | vas subject to neglect as a child, and | l this fact tends to mitig | ate imposition |
| | Number of jurors who so find | | 3_ |
| | vas deprived of the parental guidante imposition of the death penalty. | | eded, and this |
| | Number of jurors who so find | | 3 |
| | s schoolwork and behavior mark tured environment, and this fact ten | • | |
| | Number of jurors who so find | - | 2 |
| | as a positive relationship with man o mitigate imposition of the death | * = = | and love him, |
| | Number of jurors who so find | <u>. </u> | 3 |
| _ | ned the United States Army in a tirening combat, and this fact tends | | |

Number of jurors who so find

| | leaders at the hands of insurgents overwhelmed and broke him, and imposition of the death penalty. | this fact tends to mitigate |
|--------------------------|---|---|
| • | Number of jurors who so find | <u> </u> |
| | 35. Steven Green sought help for his psychological deterioration, care, and this fact tends to mitigate imposition of the death penalt | |
| | Number of jurors who so find | _5_ |
| | 36. Steven Green may be rehabilitated if sentenced to life in priso of release, and this fact tends to mitigate imposition of the death p | · · · · · · · · · · · · · · · · · · · |
| | Number of jurors who so find | |
| | 37. If Steven Green is not sentenced to death, he will remain in pris without the possibility of release and will die in prison, and thi imposition of the death penalty. | |
| | Number of jurors who so find | |
| | 38. If Steven Green receives the death penalty, extended family m suffer harm, and this fact tends to mitigate imposition of the death | |
| | Number of jurors who so find | |
| | 39. Other factors in PFC Steven Green's background, record, or circumstance of the offense that any juror finds mitigate against sentence. This is a statutory mitigating factor. | · . · · · · · · · · · · · · · · · · · · |
| additionarticular simply | are spaces in Section V (Mitigating Factors) of the Special Verdic nal mitigating factors that any one of you finds. It is not necessary, ate such additional factors. If you think there is some other mitigatin not able to put it into words so that you can write it down on a list, y your full consideration. | however to specifically g factor present, but are |
| | 1. | |
| | | · |
| • | Number of jurors who so find | |

34. Steven Green did well at boot camp and was a good solider who served honorably until an unusually high number of horrific losses of his friends, fellow soldiers, and respected

| 2 | | | | · · · · · · · · · · · · · · · · · · · |
|---|---------------------------------------|------------------------------|---------|---------------------------------------|
| | | | * 5 · . | |
| - | | Number of jurors who so find | | _0_ |
| | · · · · · · · · · · · · · · · · · · · | | | |
| 3 | | | | |
| | | | | |
| | | Number of jurors who so find | | |
| 4 | | | | · |
| | | | | • |
| | | Number of jurors who so find | | |
| 5 | | | | |
| | • | | | |
| | | Number of jurors who so find | . * | <u>o</u> ^ |

Instruction: Please proceed to Section VI: Sentencing Decisions. Continue your deliberations by filling out either Decision Form A imposing a sentence of death, Decision Form B imposing a sentence of life imprisonment without the possibility of release, or Decision Form C as appropriate.

Decision Form A Imposing Sentence of Death

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, and whether death is therefore the appropriate sentence in this case:

| eath be imposed. | | | |
|------------------|--------|------------|----------|
| | - | | <u>.</u> |
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| | | Foreperson | |
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| ate . | | | |

Decision Form B Imposing Sentence of Life Imprisonment Without Possibility of Release

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, and whether death is therefore the appropriate sentence in this case:

| Foreperson | • | |
|------------|---|------------|
| | | Foreperson |
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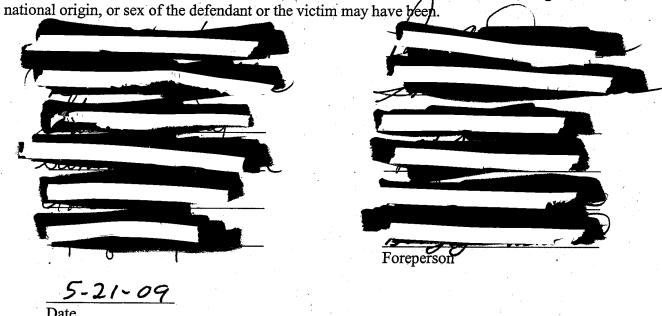
Decision Form C Deadlock as to Sentence

Despite all reasonable efforts to reach unanimous agreement, we, the Jury, are unable to reach a unanimous decision on either a sentence of death or a sentence of life imprisonment without the possibility of release

<u>5-21-09</u> Date Foreperson

Section VII: Certificate as to Count 8

By signing below, each of us individually certifies that consideration of the race, color, religious beliefs, national origin, or sex of Steven Green and of the victims, was not involved in reaching our respective individual decisions. 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 the defendent or the victim may have been



Please proceed to the Special Verdict Form for Count 9.

UNITED STATES DISTRICT COURT WESTERN DISTRICT OF KENDUCKY P6:17 PADUCAH DIVISION CRIMINAL ACTION NO.: 5:06-CR-19-R-11

UNITED STATES V. STEVEN DALE GREEN

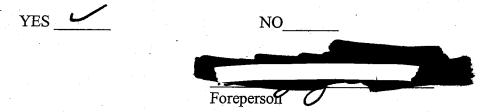
SPECIAL VERDICT FORM

Count 9

SECTION I. AGE OF DEFENDANT Count 9

Instructions: Answer "YES" or "NO."

Do you, the jury, unanimously find the government has established beyond a reasonable doubt that the defendant was eighteen (18) years of age or older at the time of the offense?



If you have answered "YES" please continue to Section II: Threshold Mental State. If you have answered "NO" cease your deliberations with respect to this Count, and proceed to Section VII: Certification.

SECTION II. THRESHOLD MENTAL STATE FACTORS Count 9

(A) Do you, the jury, unanimously find that the government has proved beyond a reasonable

NO

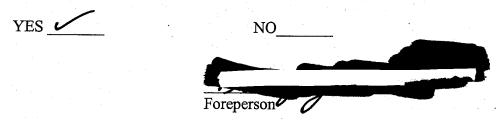
Instructions: For each of the following, answer "YES" or "NO."

doubt that the defendant intentionally killed Kassem Al-Janabi?

YES V

| | Foreperson |
|---|--|
| (B) Do you, the jury, unanimously find that reasonable doubt that the defendant intention resulted in the death of Kassem Al-Janabi? | onally inflicted serious bodily injury that |
| YES | NO |
| | |
| | Forenergon |
| | Foreperson / |
| (C) Do you, the jury, unanimously find that reasonable doubt that the defendant intention that the life of a person would be taken or in connection with a person, other than one of Al-Janabi died as a result of the act? | onally participated in an act, contemplating |
| YES | NO |
| | |
| | Foreperson V |

(D) Do you, the jury, unanimously find that the government has proved beyond a reasonable doubt that the defendant intentionally and specifically engaged in an act of violence, knowing that the act created a grave risk of death to a person, other than one of the participants in the offense, such that participation in the act constituted a reckless disregard for human life and Kassem Al-Janabi died as a direct result of the act?



Instruction: If you have answered "YES" to either A, B, C, or D, please continue to Section III: Statutory Aggravating Factors. If you have answered "NO" to A, B, C, and D, cease your deliberations with respect to this Count, and proceed to Section VII: Certification.

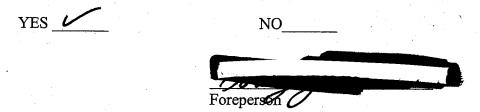
SECTION III. Statutory Aggravating Factors Count 9

Instructions: For each of the following, answer "YES" or "NO."

(A) Do you, the jury, unanimously find that the government has established beyond a reasonable doubt that the defendant committed the offense of premeditated murder after substantial planning and premeditation to cause the death of Kassem Al-Janabi, as set out in Instruction No. 3?

| YES | NO |
|-----|-----------|
| | Foreperso |

(B) Do you, the jury, unanimously find beyond a reasonable doubt that the government has established beyond a reasonable doubt that the defendant intentionally killed more than one person in a single criminal episode, as set out in Instruction No. 3?



Instruction: If you answered "YES" to either A or B please continue to Section IV: Non-Statutory Aggravating Factors. If you answered "NO" to all of the statutory aggravating factors set out in Section III, then stop your deliberations as to this Count, cross out Sections IV, V, and VI of this form, and proceed to Section VII of this form.

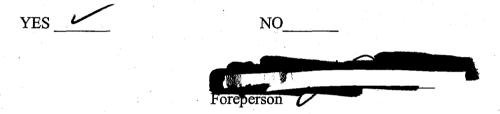
Section IV. Non-Statutory Aggravating Factors Count 9

Instructions: For each of the following, answer "YES" or "NO."

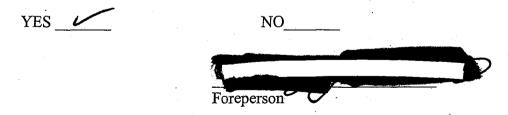
(A) Do you, the jury, unanimously find that the government has proved beyond a reasonable doubt that the defendant killed Kassem Al-Janabi in order to eliminate him as a possible witness to his crimes, and that fact tends to support imposition of the death penalty?

| YES | NO |
|-----|------------|
| | Forepersor |

(B) Do you, the jury, unanimously find that the government has proved beyond a reasonable doubt that the defendant caused injury, harm, and loss to the family of Kassem Al-Janabi, as evidenced by his personal characteristics as a human being and the impact of his death on his family, and that fact tends to support imposition of the death penalty?



(C) Do you, the jury, unanimously find that the government has proved beyond a reasonable doubt that the injuries caused by the defendant extend especially to the two minor children orphaned as a result of their parents' death and to those presently caring for the children, and that fact tends to support imposition of the death penalty.



Instruction: Regardless of whether you answered "YES" or "NO" with respect to these non-statutory aggravating factors, please proceed to Section V: Mitigating Factors.

Section V: Mitigating Factors Count 9

<u>Instructions</u>: For each of the following mitigating factors 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. Extra spaces are provided at the end of the section to write additional mitigating factors found by one or more jurors.

| 1. Sgt. Paul Cortez, equally culpable in the crime, will not be punished by death. This is a statutory mitigating factor. |
|--|
| Number of jurors who so find |
| 2. Spc. James Barker, equally culpable in the crime, will not be punished by death. This is a statutory mitigating factor. |
| Number of jurors who so find |
| 3. PFC Green's capacity to appreciate the wrongfulness of the defendant's conduct or to conform conduct to the requirements of law was significantly impaired, regardless of whether the capacity was so impaired as to constitute a defense to the charge. This is a statutory mitigating factor. |
| Number of jurors who so find |
| 4. PFC Green committed the offense under severe mental or emotional disturbance. This is a statutory mitigating factor. |
| Number of jurors who so find |
| 5. The defendant did not have a significant prior history of other criminal conduct. This is a statutory mitigating factor. |
| Number of jurors who so find |
| 6. In its criminal prosecutions of Sgt. Paul Cortez, Spc. James Barker, and PFC Jesse Spielman for their involvement in the murders, the United States imposed terms of imprisonment that will make each of them eligible for parole in 10 years, and that fact tends to mitigate imposition of the death penalty. |
| Number of jurors who so find |

| 7. Steven Green offered to reenlist in the Army. If allowed back in the Army, PFC Green would have again been subject to the Uniform Code of Military Justice and could have been fully prosecuted and punished in the military system for the murders, as were Sgt. Paul Cortez, Spc. James Barker, PFC Jesse Spielman, and PFC Bryan Howard. Steven Green offered to re-enter the Army and subject himself to prosecution and punishment for the murders under the Uniform Code of Military Justice, the United States Army declined to accept his offer to reenlist, and these facts tend to mitigate imposition of the death penalty. |
|---|
| Number of jurors who so find |
| 8. After Green was discharged, the United States could have tried Paul Cortez, James Barker, Jesse Spielman, and the defendant together in this court under civilian law and procedures before a civilian judge and jury for their involvement in the murders; or the Army could have accepted Green's offer to reenlist and tried all of them in military court under the law and procedures of the Uniform Code of Military Justice before a military judge and jury, and this fact tends to mitigate imposition of the death penalty. |
| Number of jurors who so find 6 |
| 9. This case should have been tried in the military justice system under the Uniform Code of Military Justice, as were the cases of Sgt. Paul Cortez, Spc. James Barker, PFC Jesse Spielman, PFC Bryan Howard, and Sgt. Anthony Yribe, and this fact tends to mitigate mposition of the death penalty. |
| Number of jurors who so find 6 |
| 10. The favorable plea agreements offered to and the lenient sentences imposed on Sgt. Paul Cortez, Spc. James Barker, PFC Jesse Spielman, PFC Bryan Howard, and Sgt. Anthony Wribe were offered favorable plea agreements and lenient sentences, and this fact tends to nitigate imposition of the death penalty. |
| Number of jurors who so find |
| 1. PFC Green's combat stress was a substantial factor that contributed to the offenses, and his fact tends to mitigate imposition of the death penalty. |
| Number of jurger who so find |

| a high risk of homi | mand and Combat Stress Control cidal conduct against Iraqi citizen rithout proper treatment or follo eath penalty. | s due to his combat str | ess, but returned |
|---------------------|--|-------------------------|-------------------|
| | Number of jurors who so find | | _5 |
| by the United State | en was suffering from psychologies Army and could have and shouled not be mitigate imposition of the | d have been properly t | |
| | Number of jurors who so find | | <u>_5</u> |
| • | d have declared PFC Green's plant in from TCP duty, and this fact ter | • | |
| | Number of jurors who so find | | 4 |
| | rmy command to provide adequal 1st Squad contributed to the muath penalty. | | - ' |
| | Number of jurors who so find | | _5_ |
| - | atoon and squad suffered greater of mitigate imposition of the death | | nan other units, |
| • | Number of jurors who so find | | 2 |
| | my command to recognize the un and 1st Squad contributed to the n ath penalty. | | |
| | Number of jurors who so find | · | 2 |
| | Army command to adequately urders, and this fact tends to mitig | | |
| | Number of jurors who so find | | 2 |

| | en military superiors played a leadership role murders, and this fact tends to mitigate impos | |
|--------------------------------------|---|--|
| | Number of jurors who so find | <u>.5</u> |
| 20. PFC Gree superiors, Sgt penalty. | n committed the offenses while under the influ . Cortez and Spc. Barker, and this fact tends to r | ence and control of his military mitigate imposition of the death |
| • | Number of jurors who so find | _6_ |
| his military su | n promptly confessed his involvement in the naperior and the head of the official Army team to mitigate imposition of the death penalty. | nurders to Sgt. Anthony Yribe, investigating the killings, and |
| | Number of jurors who so find | |
| confessions, Pl | nthony Yribe taken the proper and required step FC Green would have been prosecuted, tried, an orm Code of Military Justice, and this fact tend | d sentenced by a military court |
| | Number of jurors who so find | |
| while Sgt. Paul | en never lied to his military superiors about his Cortez, Spc. Barker, PFC Spielman, PFC Bry ly did so, and this fact tends to mitigate impos | an Howard, and Sgt. Anthony |
| | Number of jurors who so find | 2 |
| 24. Army perso | onnel engaged in a cover-up of the murders, a ne death penalty. | nd this fact tends to mitigate |
| | Number of jurors who so find | _5_ |
| 25. PFC Steven imposition of th | Green was 20 years of age on March 12, 2006, he death penalty. | and this fact tends to mitigate |
| | Number of jurors who so find | |
| | | |

| his ability to function properly under the extreme stresses present in and this fact tends to mitigate imposition of the death penalty. | - |
|--|--------------------------|
| Number of jurors who so find | |
| 27. Steven Green suffers from a brain dysfunction which has impaire in the absence of strong support and guidance, and this fact tends to the death penalty. | |
| Number of jurors who so find | _3 |
| 28. Steven Green was subjected to emotional and physical abuse a tends to mitigate imposition of the death penalty. | s a child, and this fact |
| Number of jurors who so find | 3 |
| 29. Steven Green was subject to neglect as a child, and this fact tends of the death penalty. | to mitigate imposition |
| Number of jurors who so find | _3 |
| 30. Steven Green was deprived of the parental guidance and protecti fact tends to mitigate imposition of the death penalty. | on he needed, and this |
| Number of jurors who so find | _3 |
| 31. Steven Green's schoolwork and behavior markedly improve supportive and structured environment, and this fact tends to mitigate i penalty. | |
| Number of jurors who so find | 2 |
| 32. Steven Green has a positive relationship with many people who and this fact tends to mitigate imposition of the death penalty. | care for and love him, |
| Number of jurors who so find | 13 |
| 33. Steven Green joined the United States Army in a time of war, knowsent into life threatening combat, and this fact tends to mitigate impenalty. | _ |
| Number of jurors who so find | 2 |

| 34. Steven Green did well at boot camp and was a good solider who served honora an unusually high number of horrific losses of his friends, fellow soldiers, and releaders at the hands of insurgents overwhelmed and broke him, and this fact tends to imposition of the death penalty. | espected |
|--|----------------------|
| Number of jurors who so find 4 | |
| 35. Steven Green sought help for his psychological deterioration, but received subscare, and this fact tends to mitigate imposition of the death penalty. | standard |
| Number of jurors who so find | |
| 36. Steven Green may be rehabilitated if sentenced to life in prison without the post of release, and this fact tends to mitigate imposition of the death penalty. | ssibility |
| Number of jurors who so find | · . |
| 37. If Steven Green is not sentenced to death, he will remain in prison for the rest of without the possibility of release and will die in prison, and this fact tends to n imposition of the death penalty. | his life nitigate |
| Number of jurors who so find 4 | <u>:</u> |
| 38. If Steven Green receives the death penalty, extended family members and frien suffer harm, and this fact tends to mitigate imposition of the death penalty. | ds will |
| Number of jurors who so find 2 | <u></u> |
| 39. Other factors in PFC Steven Green's background, record, or character or any circumstance of the offense that any juror finds mitigate against imposition of the sentence. This is a statutory mitigating factor. | other death |
| There are spaces in Section V (Mitigating Factors) of the Special Verdict Form to identify additional mitigating factors that any one of you finds. It is not necessary, however to special articulate such additional factors. If you think there is some other mitigating factor present, be simply not able to put it into words so that you can write it down on a list, you should still give factor your full consideration. | fically out are |
| 1. | |
| | · . |
| Number of jurors who so find | - |

| 2 | • | | | |
|-------------|---------------------------------------|------------------------------|---|----------|
| | | | | |
| | | Number of jurors who so find | | © |
| 3. | | | | |
| Ţ., <u></u> | | | * | |
| | | Number of jurors who so find | | 0 |
| 4 | | | | |
| | | * | | • |
| | | Number of jurors who so find | | 0 |
| 5 | | | | |
| | · · · · · · · · · · · · · · · · · · · | | | · · · |
| | | Number of jurors who so find | | 0_ |

Instruction: Please proceed to Section VI: Sentencing Decisions. Continue your deliberations by filling out either Decision Form A imposing a sentence of death, Decision Form B imposing a sentence of life imprisonment without the possibility of release, or Decision Form C as appropriate.

Decision Form A Imposing Sentence of Death

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, and whether death is therefore the appropriate sentence in this case:

| Foreperson | |
|------------|--|

Decision Form B Imposing Sentence of Life Imprisonment Without Possibility of Release

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, and whether death is therefore the appropriate sentence in this case:

| | | _ | | |
|---|---|--------------|------------|--|
| | | | | |
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| | | | | |
| | | • | • . | |
| (| | | Foreperson | |
| | | | | `````````````````````````````````````` |

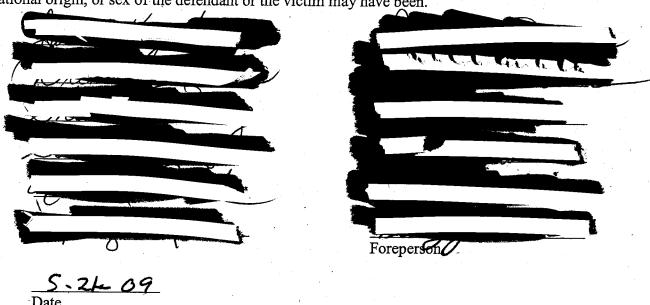
Decision Form C Deadlock as to Sentence

Despite all reasonable efforts to reach unanimous agreement, we, the Jury, are unable to reach a unanimous decision on either a sentence of death or a sentence of life imprisonment without the possibility of release

5-21-09 Date Foreperson /

Section VII: Certificate as to Count 9

By signing below, each of us individually certifies that consideration of the race, color, religious beliefs, national origin, or sex of Steven Green and of the victims, was not involved in reaching our respective individual decisions. 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 the defendant or the victim may have been.



Please proceed to the Special Verdict Form for Count 10.

UNITED STATES DISTRICT COURT WESTERN DISTRICT OF KENTUCKY P6:17 PADUCAH DIVISION CRIMINAL ACTION NO.: 5:06-CR-19-R

UNITED STATES V. STEVEN DALE GREEN

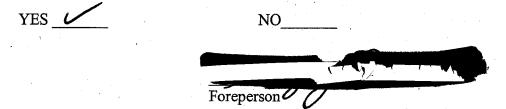
SPECIAL VERDICT FORM

Count 10

SECTION I. AGE OF DEFENDANT Count 10

Instructions: Answer "YES" or "NO."

Do you, the jury, unanimously find the government has established beyond a reasonable doubt that the defendant was eighteen (18) years of age or older at the time of the offense?



If you have answered "YES" please continue to Section II: Threshold Mental State. If you have answered "NO" cease your deliberations with respect to this Count, and proceed to Section VII: Certification.

SECTION II. THRESHOLD MENTAL STATE FACTORS Count 10

(A) Do you, the jury, unanimously find that the government has proved beyond a reasonable

Instructions: For each of the following, answer "YES" or "NO."

doubt that the defendant intentionally killed Fakhriya Al-Janabi?

| YES V | NO |
|--|---|
| | |
| | Foreperson O |
| | sly find that the government has proved beyond a dant intentionally inflicted serious bodily injury that a Al-Janabi? |
| YES V | NO |
| | |
| | Foreperson U |
| reasonable doubt that the defend that the life of a person would be | ly find that the government has proved beyond a ant intentionally participated in an act, contemplating taken or intending that lethal force would be used in than one of the participants in the offense, and Fakhriy act? |
| YES | NO |
| | Foreperson |

(D) Do you, the jury, unanimously find that the government has proved beyond a reasonable doubt that the defendant intentionally and specifically engaged in an act of violence, knowing that the act created a grave risk of death to a person, other than one of the participants in the offense, such that participation in the act constituted a reckless disregard for human life and Fakhriya Al-Janabi died as a direct result of the act?

| YES | NO |
|-----|--------------|
| | |
| | Foreperson V |

Instruction: If you have answered "YES" to either A, B, C, or D, please continue to Section III: Statutory Aggravating Factors. If you have answered "NO" to A, B, C, and D, cease your deliberations with respect to this Count, and proceed to Section VII: Certification.

SECTION III. Statutory Aggravating Factors Count 10

Instructions: For each of the following, answer "YES" or "NO."

(A) Do you, the jury, unanimously find that the government has established beyond a reasonable doubt that the defendant committed the offense of premeditated murder after substantial planning and premeditation to cause the death of Fakhriya Al-Janabi, as set out in Instruction No. 3?

| YES | NO |
|-----|------------|
| * | |
| | Forenerson |

(B) Do you, the jury, unanimously find beyond a reasonable doubt that the government has established beyond a reasonable doubt that the defendant intentionally killed more than one person in a single criminal episode, as set out in Instruction No. 3?

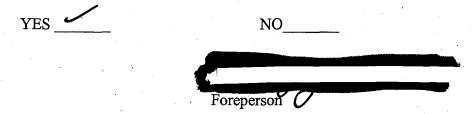
| YES V | NO |
|-------|---|
| | 100 m |
| | Foreperson |

Instruction: If you answered "YES" to either A or B please continue to Section IV: Non-Statutory Aggravating Factors. If you answered "NO" to all of the statutory aggravating factors set out in Section III, then stop your deliberations as to this Count, cross out Sections IV, V, and VI of this form, and proceed to Section VII of this form.

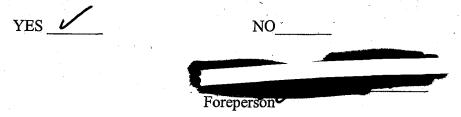
Section IV. Non-Statutory Aggravating Factors Count 10

Instructions: For each of the following, answer "YES" or "NO."

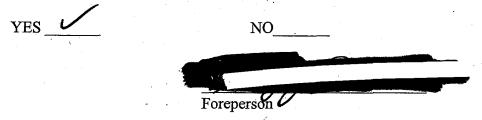
(A) Do you, the jury, unanimously find that the government has proved beyond a reasonable doubt that the defendant killed Fakhriya Al-Janabi in order to eliminate her as a possible witness to his crimes, and that fact tends to support imposition of the death penalty?



(B) Do you, the jury, unanimously find that the government has proved beyond a reasonable doubt that the defendant caused injury, harm, and loss to the family of Fakhriya Al-Janabi, as evidenced by her personal characteristics as a human being and the impact of her death on her family, and that fact tends to support imposition of the death penalty?



(C) Do you, the jury, unanimously find that the government has proved beyond a reasonable doubt that the injuries caused by the defendant extend especially to the two minor children orphaned as a result of their parents' death and to those presently caring for the children, and that fact tends to support imposition of the death penalty.



Instruction: Regardless of whether you answered "YES" or "NO" with respect to these non-statutory aggravating factors, please proceed to Section V: Mitigating Factors.

Section V: Mitigating Factors Count 10

<u>Instructions</u>: For each of the following mitigating factors 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. Extra spaces are provided at the end of the section to write additional mitigating factors found by one or more jurors.

| 1. Sgt. Paul Cortez, equally culpable in the crime, will not be punish statutory mitigating factor. | ned by death. This is a |
|---|-------------------------|
| Number of jurors who so find | 3 |
| 2. Spc. James Barker, equally culpable in the crime, will not be punia a statutory mitigating factor. | shed by death. This is |
| Number of jurors who so find | 3 |
| 3. PFC Green's capacity to appreciate the wrongfulness of the defe conform conduct to the requirements of law was significantly impaired the capacity was so impaired as to constitute a defense to the charg mitigating factor. | , regardless of whether |
| Number of jurors who so find | 3 |
| 4. PFC Green committed the offense under severe mental or emotiona a statutory mitigating factor. | disturbance. This is |
| Number of jurors who so find | _5_ |
| 5. The defendant did not have a significant prior history of other crim a statutory mitigating factor. | inal conduct. This is |
| Number of jurors who so find | _5_ |
| 6. In its criminal prosecutions of Sgt. Paul Cortez, Spc. James Ba Spielman for their involvement in the murders, the United State imprisonment that will make each of them eligible for parole in 10 year to mitigate imposition of the death penalty. | s imposed terms of |
| Number of jurors who so find | |

| | 7. Steven Green offered to reenlist in the Army. If allowed back in the Army, PFC Green would have again been subject to the Uniform Code of Military Justice and could have been fully prosecuted and punished in the military system for the murders, as were Sgt. Paul Cortez, Spc. James Barker, PFC Jesse Spielman, and PFC Bryan Howard. Steven Green offered to re-enter the Army and subject himself to prosecution and punishment for the murders under the Uniform Code of Military Justice, the United States Army declined to accept his offer to reenlist, and these facts tend to mitigate imposition of the death penalty. |
|---|---|
| | Number of jurors who so find 6 |
| | 8. After Green was discharged, the United States could have tried Paul Cortez, James Barker, Jesse Spielman, and the defendant together in this court under civilian law and procedures before a civilian judge and jury for their involvement in the murders; or the Army could have accepted Green's offer to reenlist and tried all of them in military court under the law and procedures of the Uniform Code of Military Justice before a military judge and jury, and this fact tends to mitigate imposition of the death penalty. |
| | Number of jurors who so find 6 |
| | 9. This case should have been tried in the military justice system under the Uniform Code of Military Justice, as were the cases of Sgt. Paul Cortez, Spc. James Barker, PFC Jesse Spielman, PFC Bryan Howard, and Sgt. Anthony Yribe, and this fact tends to mitigate imposition of the death penalty. |
| | Number of jurors who so find |
| ? | 10. The favorable plea agreements offered to and the lenient sentences imposed on Sgt. Paul Cortez, Spc. James Barker, PFC Jesse Spielman, PFC Bryan Howard, and Sgt. Anthony Yribe were offered favorable plea agreements and lenient sentences, and this fact tends to mitigate imposition of the death penalty. |
| | Number of jurors who so find |
| | 1. PFC Green's combat stress was a substantial factor that contributed to the offenses, and his fact tends to mitigate imposition of the death penalty. |
| | Number of jurors who so find |

| | cidal conduct against I rithout proper treatme eath penalty. | = ' | | | |
|---|--|-------------------------------------|---------------------------------------|----------------------------|-----------|
| | Number of jurors v | who so find | | | 5 |
| by the United States | en was suffering from s Army and could have nds to mitigate imposi | e and should have | e been properly t | | |
| | Number of jurors v | vho so find | | 5 | |
| | d have declared PFC (n from TCP duty, and | | | | |
| | Number of jurors w | ho so find | | | |
| 15. Failure of the Ar of 1st Platoon and imposition of the de | my command to prov 1st Squad contributed ath penalty. | ide adequate com to the murders, | mand, control, and this fact te | and supervisinds to mitiga | on ate |
| | Number of jurors w | ho so find | | | |
| | toon and squad suffer mitigate imposition o | | | han other uni | ts, |
| | Number of jurors w | ho so find | | 2 | |
| | ny command to recog and 1st Squad contribu ath penalty. | | | | |
| | Number of jurors w | ho so find | . · | 2_ | |
| | Army command to a urders, and this fact te | | | | |
| | Number of jurors wh | no so find | · · · · · · · · · · · · · · · · · · · | 2 | |

12. The Army command and Combat Stress Control personnel knew that PFC Green was at

| Number of jurors who so find | 5 |
|--|---------------|
| 20. PFC Green committed the offenses while under the influence and control of superiors, Sgt. Cortez and Spc. Barker, and this fact tends to mitigate imposition penalty. | |
| Number of jurors who so find | 6_ |
| 21. PFC Green promptly confessed his involvement in the murders to Sgt. Anthhis military superior and the head of the official Army team investigating the k this fact tends to mitigate imposition of the death penalty. | |
| Number of jurors who so find | 2 |
| 22. Had Sgt. Anthony Yribe taken the proper and required steps to report PFC Green confessions, PFC Green would have been prosecuted, tried, and sentenced by a munder the Uniform Code of Military Justice, and this fact tends to mitigate impost death penalty. | ilitary court |
| Number of jurors who so find | 5 |
| 23. Steven Green never lied to his military superiors about his involvement in the while Sgt. Paul Cortez, Spc. Barker, PFC Spielman, PFC Bryan Howard, and Sg Yribe repeatedly did so, and this fact tends to mitigate imposition of the death p | gt. Anthony |
| Number of jurors who so find | 2 |
| 24. Army personnel engaged in a cover-up of the murders, and this fact tends imposition of the death penalty. | to mitigate |
| Number of jurors who so find | 5_ |
| | |
| 25. PFC Steven Green was 20 years of age on March 12, 2006, and this fact tends imposition of the death penalty. | to mitigate |

| his ability to funct | reen suffered from neurological and psy tion properly under the extreme stresse to mitigate imposition of the death pe | es present in the Triangle of Death, |
|---|--|--|
| | Number of jurors who so find | |
| 27. Steven Green s in the absence of s the death penalty. | uffers from a brain dysfunction which l trong support and guidance, and this fa | nas impaired his ability to function act tends to mitigate imposition of |
| | Number of jurors who so find | |
| 28. Steven Green tends to mitigate in | was subjected to emotional and physinposition of the death penalty. | cal abuse as a child, and this fact |
| | Number of jurors who so find | _3_ |
| 29. Steven Green wo of the death penalty | vas subject to neglect as a child, and thi | s fact tends to mitigate imposition |
| | Number of jurors who so find | _3 |
| 30. Steven Green w fact tends to mitigat | vas deprived of the parental guidance a te imposition of the death penalty. | nd protection he needed, and this |
| | Number of jurors who so find | _3 |
| 31. Steven Green's supportive and struc penalty. | s schoolwork and behavior markedly tured environment, and this fact tends to | y improved when he was in a mitigate imposition of the death |
| | Number of jurors who so find | |
| 32. Steven Green ha | s a positive relationship with many pe mitigate imposition of the death pena | ople who care for and love him, llty. |
| | Number of jurors who so find | 3 |
| 33. Steven Green join ent into life threate enalty. | ned the United States Army in a time on ning combat, and this fact tends to me | f war, knowing that he would be nitigate imposition of the death |
| • | Number of jurors who so find | 2 |

| | leaders at the hands of insurgents overwhelmed and broke him, and this fact tends to mi imposition of the death penalty. | itigate |
|-------------------------------|--|--------------|
| | Number of jurors who so find 4 | - |
| | 35. Steven Green sought help for his psychological deterioration, but received substacare, and this fact tends to mitigate imposition of the death penalty. | ndard |
| | Number of jurors who so find | - |
| | 36. Steven Green may be rehabilitated if sentenced to life in prison without the possion of release, and this fact tends to mitigate imposition of the death penalty. | ibility |
| | Number of jurors who so find 3 | - |
| | 37. If Steven Green is not sentenced to death, he will remain in prison for the rest of he without the possibility of release and will die in prison, and this fact tends to mi imposition of the death penalty. | |
| | Number of jurors who so find 4 | - |
| | 38. If Steven Green receives the death penalty, extended family members and friends suffer harm, and this fact tends to mitigate imposition of the death penalty. | s will |
| | Number of jurors who so find | |
| | 39. Other factors in PFC Steven Green's background, record, or character or any circumstance of the offense that any juror finds mitigate against imposition of the estatement. This is a statutory mitigating factor. | |
| additio articula simply | are spaces in Section V (Mitigating Factors) of the Special Verdict Form to identify on all mitigating factors that any one of you finds. It is not necessary, however to specificate such additional factors. If you think there is some other mitigating factor present, but not able to put it into words so that you can write it down on a list, you should still give your full consideration. | cally at are |
| | 1. | |
| | | , . |
| | Number of jurors who so find | |

34. Steven Green did well at boot camp and was a good solider who served honorably until an unusually high number of horrific losses of his friends, fellow soldiers, and respected

| 2 | | · · · · · · · · · · · · · · · · · · · | · |
|----|------------------------------|---------------------------------------|----|
| | | | |
| | Number of jurors who so find | - | 0 |
| 3 | | | |
| | | | |
| | Number of jurors who so find | - | 0_ |
| 4 | | | |
| | | | • |
| | Number of jurors who so find | | 0 |
| 5. | | | |
| | | | |
| | Number of jurors who so find | - | 6 |

Instruction: Please proceed to Section VI: Sentencing Decisions. Continue your deliberations by filling out either Decision Form A imposing a sentence of death, Decision Form B imposing a sentence of life imprisonment without the possibility of release, or Decision Form C as appropriate.

Decision Form A Imposing Sentence of Death

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, and whether death is therefore the appropriate sentence in this case:

| | | | | | | • | |
|-------------|--------------|---|---|-------------|------|-----|---|
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| | , | • | - | Foreperson | | | • |

Decision Form B Imposing Sentence of Life Imprisonment Without Possibility of Release

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, and whether death is therefore the appropriate sentence in this case:

| | • | * · · · · · · · · · · · · · · · · · · · | | | |
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| | | Forepe | rson | | _ |

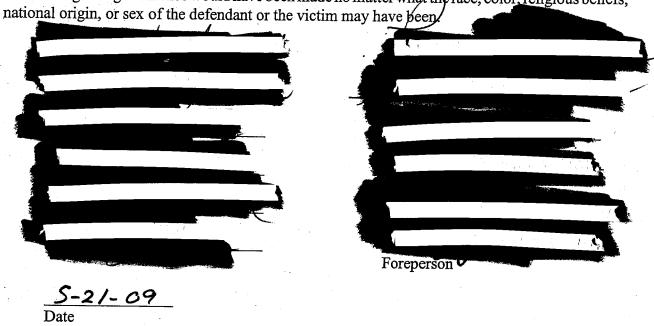
Decision Form C Deadlock as to Sentence

Despite all reasonable efforts to reach unanimous agreement, we, the Jury, are unable to reach a unanimous decision on either a sentence of death or a sentence of life imprisonment without the possibility of release

5-21-09 Date Foreperson

Section VII: Certificate as to Count 10

By signing below, each of us individually certifies that consideration of the race, color, religious beliefs, national origin, or sex of Steven Green and of the victims, was not involved in reaching our respective individual decisions. 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 say of the defendant on the middle product of the defendant on the middle product.



Please proceed to the Special Verdict Form for Count 13.

UNITED STATES DISTRICT COURT WESTERN DISTRICT OF KENTUCKAY 21 P6:17 PADUCAH DIVISION CRIMINAL ACTION NO.: 5:06-CR-19-R COURT COURT

UNITED STATES V. STEVEN DALE GREEN

SPECIAL VERDICT FORM

Count 13

SECTION I. AGE OF DEFENDANT Count 13

Instructions: Answer "YES" or "NO."

Do you, the jury, unanimously find the government has established beyond a reasonable doubt that the defendant was eighteen (18) years of age or older at the time of the offense?

| YES | NO | |
|-----|--------------|-------|
| | | L, |
| | Foreperson U | \ |

If you have answered "YES" please continue to Section II: Threshold Mental State. If you have answered "NO" cease your deliberations with respect to this Count, and proceed to Section VII: Certification.

SECTION II. THRESHOLD MENTAL STATE FACTORS Count 13

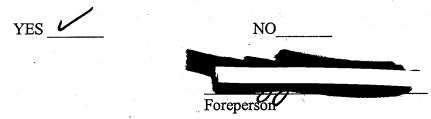
(A) Do you, the jury, unanimously find that the government has proved beyond a reasonable

Instructions: For each of the following, answer "YES" or "NO."

doubt that the defendant intentionally killed Abeer Al-Janabi?

| YES | NO | |
|---|--|--------------------|
| | The Control of the Control | |
| | Foreperson | |
| (B) Do you, the jury, unanimously find the reasonable doubt that the defendant interresulted in the death of Abeer Al-Janabi? | ntionally inflicted serious bodily injury | |
| YES | NO | • |
| | | |
| | The state of the s | |
| | Foreperson C | , |
| (C) Do you, the jury, unanimously find the reasonable doubt that the defendant intense that the life of a person would be taken of connection with a person, other than one Janabi died as a result of the act? | ntionally participated in an act, contempor intending that lethal force would be u | olating ised in |
| YES | NO | |
| | | |
| | Foreperson U | |

(D) Do you, the jury, unanimously find that the government has proved beyond a reasonable doubt that the defendant intentionally and specifically engaged in an act of violence, knowing that the act created a grave risk of death to a person, other than one of the participants in the offense, such that participation in the act constituted a reckless disregard for human life and Abeer Al-Janabi died as a direct result of the act?



Instruction: If you have answered "YES" to either A, B, C, or D, please continue to Section III: Statutory Aggravating Factors. If you have answered "NO" to A, B, C, and D, cease your deliberations with respect to this Count, and proceed to Section VII: Certification.

SECTION III. Statutory Aggravating Factors Count 13

(A) Do you, the jury, unanimously find that the government has established beyond a

Instructions: For each of the following, answer "YES" or "NO."

| reasonable do heinous, cruel out in Instruct | , or depr | aved manner | | | | |
|--|------------------------|----------------|---------------|--|---|-------------|
| | YES_ | | • | NO | <u>.</u> | |
| | • | | | | | <u>.</u> |
| | | | Fore | person U | • | |
| (B) Do you, the reasonable does substantial plate in Instruction | ubt that t nning an | he defendant o | committed the | offense of pr | emeditated m | urder after |
| | YES _ | | • | NO | - | |
| • | | | | | | _ |
| | | | Forep | erson | | |
| (C) Do you, the reasonable down youth, as set or | bt that tl | ne victim, Abe | er Al-Janabi, | the second secon | | - |
| • | YES _ | | | NO | - | |
| | | | Forep | erson C | San | |

(D) Do you, the jury, unanimously find beyond a reasonable doubt that the government has established beyond a reasonable doubt that the defendant intentionally killed more than one person in a single criminal episode, as set out in Instruction No. 3?

| YES _ | | NO | |
|-------|--|--------------|--|
| | | | |
| | | Foreperson C | |

Instruction: If you answered "YES" to either A, B, C, or D, please continue to Section IV: Non-Statutory Aggravating Factors. If you answered "NO" to all of the statutory aggravating factors set out in Section III, then stop your deliberations as to this Count, cross out Sections IV, V, and VI of this form, and proceed to Section VII of this form.

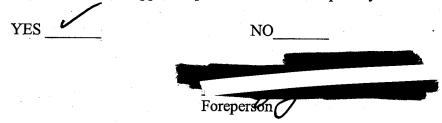
Section IV. Non-Statutory Aggravating Factors Count 13

<u>Instructions</u>: For each of the following, answer "YES" or "NO."

(A) Do you, the jury, unanimously find that the government has proved beyond a reasonable doubt that the defendant killed Abeer Al-Janabi in order to eliminate her as a possible witness to his crimes, and that fact tends to support imposition of the death penalty?

| YES _ | | NO |
|-------|----|------------|
| | ·. | |
| • | | Foreperson |

(B) Do you, the jury, unanimously find that the government has proved beyond a reasonable doubt that the defendant caused injury, harm, and loss to the family of Abeer Al-Janabi, as evidenced by her personal characteristics as a human being and the impact of her death on her family, and that fact tends to support imposition of the death penalty?



Instruction: Regardless of whether you answered "YES" or "NO" with respect to these non-statutory aggravating factors, please proceed to Section V: Mitigating Factors.

Section V: Mitigating Factors Count 13

Instructions: For each of the following mitigating factors indicate, in the space provided, the number of jurors who have found the existence of that mitigating factor to be

| 1. Sgt. Paul Co statutory mitig | ortez, equally culpable in the crime, will not be pating factor. | unished by death. This is |
|-------------------------------------|--|------------------------------|
| | Number of jurors who so find | 3 |
| 2. Spc. James I a statutory mit | Barker, equally culpable in the crime, will not be gating factor. | punished by death. This i |
| | Number of jurors who so find | _3 |
| conform condu | s capacity to appreciate the wrongfulness of the ct to the requirements of law was significantly impass o impaired as to constitute a defense to the cor. | paired, regardless of whethe |
| | Number of jurors who so find | 3 |
| 4. PFC Green c a statutory miti | ommitted the offense under severe mental or emogating factor. | otional disturbance. This i |
| | Number of jurors who so find | 5 |
| 5. The defendar a statutory miti | nt did not have a significant prior history of other gating factor. | criminal conduct. This is |
| | Number of jurors who so find | _5_ |
| Spielman for timprisonment t | nal prosecutions of Sgt. Paul Cortez, Spc. Jame heir involvement in the murders, the United hat will make each of them eligible for parole in 1 osition of the death penalty. | States imposed terms o |
| • | Number of jurors who so find | 7 |

| 7. Steven Green offered to reenlist in the Army. If allowed back in the would have again been subject to the Uniform Code of Military Justice at fully prosecuted and punished in the military system for the murders, Cortez, Spc. James Barker, PFC Jesse Spielman, and PFC Bryan How offered to re-enter the Army and subject himself to prosecution and p murders under the Uniform Code of Military Justice, the United States accept his offer to reenlist, and these facts tend to mitigate imposition of | as were Sgt. Paul ard. Steven Green unishment for the Army declined to |
|--|---|
| Number of jurors who so find | _6_ |
| 8. After Green was discharged, the United States could have tried Paul Cor Jesse Spielman, and the defendant together in this court under civilian labefore a civilian judge and jury for their involvement in the murders; or the accepted Green's offer to reenlist and tried all of them in military court procedures of the Uniform Code of Military Justice before a military judge fact tends to mitigate imposition of the death penalty. | w and procedures Army could have under the law and |
| Number of jurors who so find | 6 |
| 9. This case should have been tried in the military justice system under to f Military Justice, as were the cases of Sgt. Paul Cortez, Spc. James E Spielman, PFC Bryan Howard, and Sgt. Anthony Yribe, and this fact imposition of the death penalty. | Barker, PFC Jesse |
| Number of jurors who so find | _6_ |
| 10. The favorable plea agreements offered to and the lenient sentences imp Cortez, Spc. James Barker, PFC Jesse Spielman, PFC Bryan Howard, a Yribe were offered favorable plea agreements and lenient sentences, and mitigate imposition of the death penalty. | and Sgt. Anthony |
| Number of jurors who so find | 3 |
| 1. PFC Green's combat stress was a substantial factor that contributed to his fact tends to mitigate imposition of the death penalty. | the offenses, and |
| Number of jurors who so find | 5 |

| a high risk of homicidal conduct against Iraqi citizens du him to the field without proper treatment or follow u imposition of the death penalty. | e to his combat stress, but returned |
|--|--------------------------------------|
| Number of jurors who so find | |
| 13. PFC Steven Green was suffering from psychological by the United States Army and could have and should have not, and this fact tends to mitigate imposition of the dear | we been properly treated, but were |
| Number of jurors who so find | <u> </u> |
| 14. The Army should have declared PFC Green's platoon and withdrawn them from TCP duty, and this fact tends to penalty. | |
| Number of jurors who so find | <u> </u> |
| 15. Failure of the Army command to provide adequate confirmation of 1st Platoon and 1st Squad contributed to the murder imposition of the death penalty. | |
| Number of jurors who so find | |
| 16. PFC Green's platoon and squad suffered greater casu and this fact tends to mitigate imposition of the death per | |
| Number of jurors who so find | |
| 17. Failure of the Army command to recognize the unusual faced by 1st Platoon and 1st Squad contributed to the murdimposition of the death penalty. | • |
| Number of jurors who so find | |
| 18. Failure of the Army command to adequately suppontributed to the murders, and this fact tends to mitigate | |
| Number of jurors who so find | |

| | nurders, and this fact tends to mitigate imposition | · |
|---------------------------------------|--|-----------------------------|
| | Number of jurors who so find | _5 |
| | committed the offenses while under the influence Cortez and Spc. Barker, and this fact tends to mitig | |
| | Number of jurors who so find | _6 |
| his military supe | promptly confessed his involvement in the murderior and the head of the official Army team investigate imposition of the death penalty. | |
| | Number of jurors who so find | |
| confessions, PFC | hony Yribe taken the proper and required steps to a C Green would have been prosecuted, tried, and seam Code of Military Justice, and this fact tends to | ntenced by a military court |
| | Number of jurors who so find | |
| while Sgt. Paul C | n never lied to his military superiors about his inv Cortez, Spc. Barker, PFC Spielman, PFC Bryan H did so, and this fact tends to mitigate imposition | Ioward, and Sgt. Anthony |
| | Number of jurors who so find | |
| 24. Army person imposition of the | nel engaged in a cover-up of the murders, and to death penalty. | his fact tends to mitigate |
| | Number of jurors who so find | |
| 25. PFC Steven C imposition of the | Green was 20 years of age on March 12, 2006, and death penalty. | this fact tends to mitigate |
| | Number of jurors who so find | |
| | | |

| his ability to function properly under the extreme stresses present in and this fact tends to mitigate imposition of the death penalty. | the Triangle of Death |
|---|-------------------------|
| Number of jurors who so find | |
| 27. Steven Green suffers from a brain dysfunction which has impaired in the absence of strong support and guidance, and this fact tends to the death penalty. | |
| Number of jurors who so find | |
| 28. Steven Green was subjected to emotional and physical abuse as tends to mitigate imposition of the death penalty. | s a child, and this fac |
| Number of jurors who so find | |
| 29. Steven Green was subject to neglect as a child, and this fact tends of the death penalty. | to mitigate imposition |
| Number of jurors who so find | |
| 30. Steven Green was deprived of the parental guidance and protection fact tends to mitigate imposition of the death penalty. | on he needed, and this |
| Number of jurors who so find | _3 |
| 31. Steven Green's schoolwork and behavior markedly improved supportive and structured environment, and this fact tends to mitigate in penalty. | |
| Number of jurors who so find | |
| 32. Steven Green has a positive relationship with many people who cand this fact tends to mitigate imposition of the death penalty. | are for and love him, |
| Number of jurors who so find | _3 |
| 33. Steven Green joined the United States Army in a time of war, know sent into life threatening combat, and this fact tends to mitigate impenalty. | • |
| Number of jurors who so find | 2 |

26. PFC Steven Green suffered from neurological and psychological problems that impaired

| | an unusually high number of horrific losses of his friends, fellow soldiers, leaders at the hands of insurgents overwhelmed and broke him, and this fact to | • |
|--------------------------------|---|--------------------------------|
| | imposition of the death penalty. | |
| | Number of jurors who so find | 4 |
| | 35. Steven Green sought help for his psychological deterioration, but receive care, and this fact tends to mitigate imposition of the death penalty. | ed substandard |
| | Number of jurors who so find | 5 |
| | 36. Steven Green may be rehabilitated if sentenced to life in prison without of release, and this fact tends to mitigate imposition of the death penalty. | the possibility |
| F | Number of jurors who so find | 3 |
| | 37. If Steven Green is not sentenced to death, he will remain in prison for the without the possibility of release and will die in prison, and this fact ten imposition of the death penalty. | |
| | Number of jurors who so find | 4 |
| . • | 38. If Steven Green receives the death penalty, extended family members are suffer harm, and this fact tends to mitigate imposition of the death penalty. | nd friends will |
| | Number of jurors who so find | 2 |
| | 39. Other factors in PFC Steven Green's background, record, or character circumstance of the offense that any juror finds mitigate against imposition sentence. This is a statutory mitigating factor. | • |
| addition articula simply | are spaces in Section V (Mitigating Factors) of the Special Verdict Form to nal mitigating factors that any one of you finds. It is not necessary, however that such additional factors. If you think there is some other mitigating factor proportion not able to put it into words so that you can write it down on a list, you should your full consideration. | o specifically resent, but are |
| | | |
| | 1. | |
| ٠. | | |
| | Number of jurors who so find | 0 |

34. Steven Green did well at boot camp and was a good solider who served honorably until

| 2. | | | | |
|----|------------------------------|---|----------|--|
| | | • | | |
| | Number of jurors who so find | | 0 | |
| 3. | | | | |
| | | | | |
| | Number of jurors who so find | | <u> </u> | |
| 4 | | | | |
| | | • | | |
| | Number of jurors who so find | | | |
| 5. | | | | |
| | | | - | |
| | Number of jurors who so find | | | |

Instruction: Please proceed to Section VI: Sentencing Decisions. Continue your deliberations by filling out either Decision Form A imposing a sentence of death, Decision Form B imposing a sentence of life imprisonment without the possibility of release, or Decision Form C as appropriate.

Decision Form A Imposing Sentence of Death

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, and whether death is therefore the appropriate sentence in this case:

| | • | | |
|------|---|------------|--|
| | | | |
| | | Foreperson | |
| | | | |
| Pate | , | | |

Decision Form B Imposing Sentence of Life Imprisonment Without Possibility of Release

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, and whether death is therefore the appropriate sentence in this case:

| We, the Jury, as to Steven Dale Gr | | | |
|--|---------------------------------------|------------|----------------------|
| accordance with the Court's instru imprisonment without the possibi | | | t a sentence of life |
| | | | |
| | | | |
| | · · · · · · · · · · · · · · · · · · · | | |
| | | | |
| | | | |
| | | | |
| | • | Foreperson | |
| | | | |
| Date | | | |

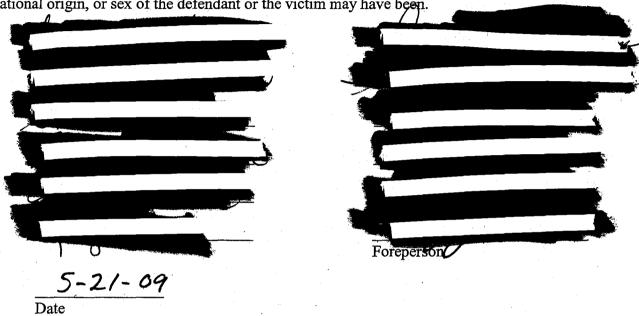
Decision Form C Deadlock as to Sentence

Despite all reasonable efforts to reach unanimous agreement, we, the Jury, are unable to reach a unanimous decision on either a sentence of death or a sentence of life imprisonment without the possibility of release

5-21-09 Date Foreperson

Section VII: Certificate as to Count 13

By signing below, each of us individually certifies that consideration of the race, color, religious beliefs, national origin, or sex of Steven Green and of the victims, was not involved in reaching our respective individual decisions. 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 the defendant or the victim may have been.



Please proceed to the Special Verdict Form for Count 14.

UNITED STATES DISTRICT COURT WESTERN DISTRICT OF KENTLICKY 21 P6:17 PADUCAH DIVISION CRIMINAL ACTION NO.: 5:06-CR:19-RICED RECORDS OF THE PROPERTY OF THE PROP

UNITED STATES V. STEVEN DALE GREEN

SPECIAL VERDICT FORM

Count 14

SECTION I. AGE OF DEFENDANT Count 14

Instructions: Answer "YES" or "NO."

Do you, the jury, unanimously find the government has established beyond a reasonable doubt that the defendant was eighteen (18) years of age or older at the time of the offense?

| YES_ | NO | | |
|------|--------------|---------|--|
| | | | |
| | | 1.1.1.1 | |
| | Foreperson 0 | : | |

If you have answered "YES" please continue to Section II: Threshold Mental State. If you have answered "NO" cease your deliberations with respect to this Count, and proceed to Section VII: Certification.

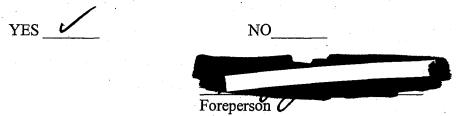
SECTION II. THRESHOLD MENTAL STATE FACTORS Count 14

Instructions: For each of the following, answer "YES" or "NO."

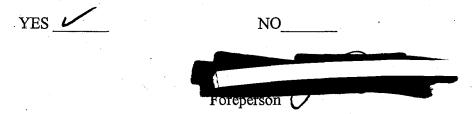
| (A) Do you, the jury, unanimously find that the government has proved be | yond a | reasonat | le |
|--|--------|----------|----|
| doubt that the defendant intentionally killed Hadeel Al-Janabi? | | | |

| YES | - NO |
|-----|--------------|
| | |
| | Foreperson O |

(B) Do you, the jury, unanimously find that the government has proved beyond a reasonable doubt that the defendant intentionally inflicted serious bodily injury that resulted in the death of Hadeel Al-Janabi?



(C) Do you, the jury, unanimously find that the government has proved beyond a reasonable doubt that the defendant intentionally participated in an act, contemplating that the life of a person would be taken or intending that lethal force would be used in connection with a person, other than one of the participants in the offense, and Hadeel AlJanabi died as a result of the act?



(D) Do you, the jury, unanimously find that the government has proved beyond a reasonable doubt that the defendant intentionally and specifically engaged in an act of violence, knowing that the act created a grave risk of death to a person, other than one of the participants in the offense, such that participation in the act constituted a reckless disregard for human life and Hadeel Al-Janabi died as a direct result of the act?

| YES V | NO | |
|-------|-----------------|--|
| | | |
| | Forepers on 1/2 | |

Instruction: If you have answered "YES" to either A, B, C, or D, please continue to Section III: Statutory Aggravating Factors. If you have answered "NO" to A, B, C, and D, cease your deliberations with respect to this Count, and proceed to Section VII: Certification.

SECTION III. Statutory Aggravating Factors Count 14

Instructions: For each of the following, answer "YES" or "NO."

| | Foreperson / Do you, the jury, unanimously find that the government has established beyond a sonable doubt that the victim, Hadeel Al-Janabi, was particularly vulnerable due to |
|---|---|
| reasonable doubt that the defendant | committed the offense of premeditated murder after |
| YES | NO |
| | |
| | Foreperson U |
| reasonable doubt that the victim, Ha youth, as set out in Instruction No. 3 | deel Al-Janabi, was particularly vulnerable due to |
| YES | NO |
| | Foreperson |
| has established beyond a reasonable | nd beyond a reasonable doubt that the government doubt that the defendant intentionally killed more episode, as set out in Instruction No. 3? |
| YES | NO |

Instruction: If you answered "YES" to either A, B, or C, please continue to Section IV: Non-Statutory Aggravating Factors. If you answered "NO" to all of the statutory aggravating factors set out in Section III, then stop your deliberations as to this Count, cross out Sections IV, V, and VI of this form, and proceed to Section VII of this form.

Foreperson /

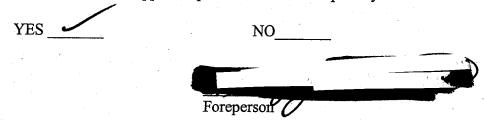
Section IV. Non-Statutory Aggravating Factors Count 14

Instructions: For each of the following, answer "YES" or "NO."

(A) Do you, the jury, unanimously find that the government has proved beyond a reasonable doubt that the defendant killed Hadeel Al-Janabi in order to eliminate her as a possible witness to his crimes, and that fact tends to support imposition of the death penalty?

| YES_ | | 1 | NO | |
|------|---|----------|--------|--|
| | | | | |
| | - | Forepers | soft / | |

(B) Do you, the jury, unanimously find that the government has proved beyond a reasonable doubt that the defendant caused injury, harm, and loss to the family of Hadeel Al-Janabi, as evidenced by her personal characteristics as a human being and the impact of her death on her family, and that fact tends to support imposition of the death penalty?



Instruction: Regardless of whether you answered "YES" or "NO" with respect to these non-statutory aggravating factors, please proceed to Section V: Mitigating Factors.

Section V: Mitigating Factors Count 14

Instructions: For each of the following mitigating factors indicate, in the space provided, the number of jurors who have found the existence of that mitigating factor to be

| 1. Sgt. Paul Co statutory mitig | ortez, equally culpable in the crime, will not be pating factor. | unished by death. Thi |
|--------------------------------------|---|--------------------------|
| | Number of jurors who so find | _3_ |
| 2. Spc. James I a statutory miti | Barker, equally culpable in the crime, will not be gating factor. | punished by death. The |
| | Number of jurors who so find | 3 |
| conform conduc | s capacity to appreciate the wrongfulness of the ct to the requirements of law was significantly impus so impaired as to constitute a defense to the cor. | aired, regardless of who |
| | Number of jurors who so find | _3 |
| 4. PFC Green co a statutory mitig | ommitted the offense under severe mental or emogating factor. | tional disturbance. Th |
| | Number of jurors who so find | _5 |
| 5. The defendan a statutory mitig | t did not have a significant prior history of other ating factor. | criminal conduct. Th |
| | Number of jurors who so find | |
| Spielman for th | al prosecutions of Sgt. Paul Cortez, Spc. Jame neir involvement in the murders, the United S at will make each of them eligible for parole in 10 | States imposed terms |

| 7. Steven Green offered to reenlist in the Army. If allowed back in the Army, PFC Green would have again been subject to the Uniform Code of Military Justice and could have been fully prosecuted and punished in the military system for the murders, as were Sgt. Pau Cortez, Spc. James Barker, PFC Jesse Spielman, and PFC Bryan Howard. Steven Green offered to re-enter the Army and subject himself to prosecution and punishment for the murders under the Uniform Code of Military Justice, the United States Army declined to accept his offer to reenlist, and these facts tend to mitigate imposition of the death penalty. |
|--|
| Number of jurors who so find |
| 8. After Green was discharged, the United States could have tried Paul Cortez, James Barker, Jesse Spielman, and the defendant together in this court under civilian law and procedures before a civilian judge and jury for their involvement in the murders; or the Army could have accepted Green's offer to reenlist and tried all of them in military court under the law and procedures of the Uniform Code of Military Justice before a military judge and jury, and this fact tends to mitigate imposition of the death penalty. |
| Number of jurors who so find |
| 9. This case should have been tried in the military justice system under the Uniform Code of Military Justice, as were the cases of Sgt. Paul Cortez, Spc. James Barker, PFC Jesse Spielman, PFC Bryan Howard, and Sgt. Anthony Yribe, and this fact tends to mitigate imposition of the death penalty. |
| Number of jurors who so find |
| 10. The favorable plea agreements offered to and the lenient sentences imposed on Sgt. Paul Cortez, Spc. James Barker, PFC Jesse Spielman, PFC Bryan Howard, and Sgt. Anthony Yribe were offered favorable plea agreements and lenient sentences, and this fact tends to mitigate imposition of the death penalty. |
| Number of jurors who so find |
| 11. PFC Green's combat stress was a substantial factor that contributed to the offenses, and this fact tends to mitigate imposition of the death penalty. |

Number of jurors who so find

| 12. The Army command and Combat Stress Control personnel knew a high risk of homicidal conduct against Iraqi citizens due to his comhim to the field without proper treatment or follow up, and this imposition of the death penalty. | bat stress, but returned |
|---|--------------------------|
| Number of jurors who so find | 5 |
| 13. PFC Steven Green was suffering from psychological impairments by the United States Army and could have and should have been pronot, and this fact tends to mitigate imposition of the death penalty. | |
| Number of jurors who so find | _5_ |
| 14. The Army should have declared PFC Green's platoon and squad and withdrawn them from TCP duty, and this fact tends to mitigate it penalty. | |
| Number of jurors who so find | <u> </u> |
| 15. Failure of the Army command to provide adequate command, co of 1st Platoon and 1st Squad contributed to the murders, and this imposition of the death penalty. | |
| Number of jurors who so find | _5_ |
| 16. PFC Green's platoon and squad suffered greater casualties and loand this fact tends to mitigate imposition of the death penalty. | osses than other units, |
| Number of jurors who so find | |
| 17. Failure of the Army command to recognize the unusually harsh are faced by 1st Platoon and 1st Squad contributed to the murders, and this imposition of the death penalty. | |
| Number of jurors who so find | |
| 18. Failure of the Army command to adequately support 1st Pla contributed to the murders, and this fact tends to mitigate imposition | - · · |

Number of jurors who so find

| | ders, and this fact tends to mitigate imposition | , |
|--|---|-----------------------------|
| | Number of jurors who so find | |
| | mmitted the offenses while under the influence tez and Spc. Barker, and this fact tends to mitig | |
| | Number of jurors who so find | 6 |
| his military superio | omptly confessed his involvement in the murde or and the head of the official Army team inve nitigate imposition of the death penalty. | |
| • | Number of jurors who so find | 2 |
| confessions, PFC C | ny Yribe taken the proper and required steps to referen would have been prosecuted, tried, and ser Code of Military Justice, and this fact tends to remain Number of jurors who so find | ntenced by a military court |
| while Sgt. Paul Con | ever lied to his military superiors about his invertez, Spc. Barker, PFC Spielman, PFC Bryan H d so, and this fact tends to mitigate imposition | oward, and Sgt. Anthony |
| • | Number of jurors who so find | |
| 24. Army personne imposition of the de | l engaged in a cover-up of the murders, and the eath penalty. | his fact tends to mitigate |
| | Number of jurors who so find | _5_ |
| 25. PFC Steven Gre imposition of the de | en was 20 years of age on March 12, 2006, and eath penalty. | this fact tends to mitigate |
| . • | Number of jurors who so find | |

| his ability to funct | ion properly under the extreme stresses presen | |
|--|--|------------------------------|
| | Number of jurors who so find | <u> </u> |
| | - · · · · · · · · · · · · · · · · · · · | · · |
| | Number of jurors who so find | 3 |
| | · · · · · · · · · · · · · · · · · · · | se as a child, and this fact |
| | Number of jurors who so find | <u>3</u> |
| | | nds to mitigate imposition |
| | Number of jurors who so find | _3 |
| | | ection he needed, and this |
| • | Number of jurors who so find | 3 |
| | | |
| 27. Steven Green suffers from a brain dysfunction which has impaired his ability to fur in the absence of strong support and guidance, and this fact tends to mitigate imposition the death penalty. Number of jurors who so find 28. Steven Green was subjected to emotional and physical abuse as a child, and this tends to mitigate imposition of the death penalty. Number of jurors who so find 29. Steven Green was subject to neglect as a child, and this fact tends to mitigate imposition of the death penalty. Number of jurors who so find 30. Steven Green was deprived of the parental guidance and protection he needed, and fact tends to mitigate imposition of the death penalty. Number of jurors who so find 31. Steven Green's schoolwork and behavior markedly improved when he was supportive and structured environment, and this fact tends to mitigate imposition of the depenalty. Number of jurors who so find 22. Steven Green has a positive relationship with many people who care for and love and this fact tends to mitigate imposition of the death penalty. Number of jurors who so find 33. Steven Green joined the United States Army in a time of war, knowing that he wouls sent into life threatening combat, and this fact tends to mitigate imposition of the depenalty. | | |
| | | ho care for and love him, |
| | Number of jurors who so find | _3 |
| sent into life threat | | |
| | Number of jurors who so find | 12 |

| | 34. Steven Green did well at boot camp and was a good solider who serve an unusually high number of horrific losses of his friends, fellow sold leaders at the hands of insurgents overwhelmed and broke him, and this faimposition of the death penalty. | iers, and respected |
|-------------------------------|--|---|
| | Number of jurors who so find | 4 |
| | 35. Steven Green sought help for his psychological deterioration, but recare, and this fact tends to mitigate imposition of the death penalty. | ceived substandard |
| | Number of jurors who so find | |
| | 36. Steven Green may be rehabilitated if sentenced to life in prison with of release, and this fact tends to mitigate imposition of the death penalty | |
| | Number of jurors who so find | 3 |
| | 37. If Steven Green is not sentenced to death, he will remain in prison for without the possibility of release and will die in prison, and this fact imposition of the death penalty. | |
| | Number of jurors who so find | 4 |
| | 38. If Steven Green receives the death penalty, extended family member suffer harm, and this fact tends to mitigate imposition of the death penalty. | |
| | Number of jurors who so find | 2 |
| | 39. Other factors in PFC Steven Green's background, record, or characircumstance of the offense that any juror finds mitigate against impossentence. This is a statutory mitigating factor. | |
| additio articula simply | are spaces in Section V (Mitigating Factors) of the Special Verdict Formal mitigating factors that any one of you finds. It is not necessary, however the such additional factors. If you think there is some other mitigating factor not able to put it into words so that you can write it down on a list, you show your full consideration. | ver to specifically or present, but are |
| • | 1. | |
| | | |
| | Number of jurors who so find | |

| 2 | | | <u> </u> |
|----|----------|------------------------------|----------|
| | | | |
| | | | |
| | | Number of jurors who so find | |
| | | | |
| 3. | | | • |
| | | | |
| | | Number of jurors who so find | 0 |
| 4 | <u> </u> | | |
| ٠. | | | |
| | | Number of jurors who so find | 0 |
| | | | |
| 5. | | | |
| | | | |
| | | Number of jurors who so find | 0 |

Instruction: Please proceed to Section VI: Sentencing Decisions. Continue your deliberations by filling out either Decision Form A imposing a sentence of death, Decision Form B imposing a sentence of life imprisonment without the possibility of release, or Decision Form C as appropriate.

Decision Form A Imposing Sentence of Death

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, and whether death is therefore the appropriate sentence in this case:

| death be imposed. | | | | | | | | |
|-------------------|--------------|-----|---|-----------|---------------------------------------|--------------|-----------------|--|
| | . | | | | | | | |
| | | . , | | | | | | |
| | - | * | | | | | | |
| | | | | . • | · · · · · · · · · · · · · · · · · · · | | | |
| | - | | | | | | | |
| | • * | | ; | | <u> </u> | | · · · | |
| • | - | | | Foreperso | n | | • | |
| C . | | | | | | | | |

Decision Form B Imposing Sentence of Life Imprisonment Without Possibility of Release

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, and whether death is therefore the appropriate sentence in this case:

| | Foreperson | _ . |
|-------|------------|-----------------|
| | • | |
| • | | |
| | | |
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| - | | |
| | | |
| = | | |

Decision Form C Deadlock as to Sentence

Despite all reasonable efforts to reach unanimous agreement, we, the Jury, are unable to reach a unanimous decision on either a sentence of death or a sentence of life imprisonment without the possibility of release

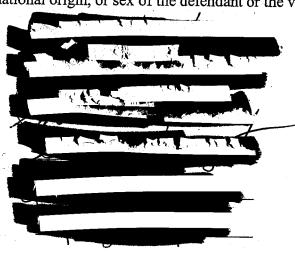
Foreperson

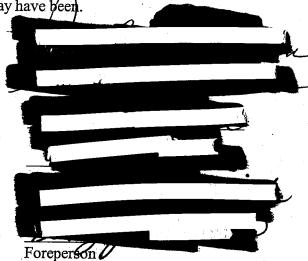
5-21-09

Date

Section VII: Certificate as to Count 14

By signing below, each of us individually certifies that consideration of the race, color, religious beliefs, national origin, or sex of Steven Green and of the victims, was not involved in reaching our respective individual decisions. 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 the defendant or the victim may have been.





5-21-09 Date

Please proceed to the Special Verdict Form for Count 15.

UNITED STATES DISTRICT COURT WESTERN DISTRICT OF KENTUCKY P6:17 PADUCAH DIVISION CRIMINAL ACTION NO.: 5:06-CR-19-R

UNITED STATES V. STEVEN DALE GREEN

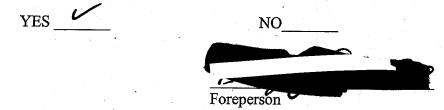
SPECIAL VERDICT FORM

Count 15

SECTION I. AGE OF DEFENDANT Count 15

Instructions: Answer "YES" or "NO."

Do you, the jury, unanimously find the government has established beyond a reasonable doubt that the defendant was eighteen (18) years of age or older at the time of the offense?



If you have answered "YES" please continue to Section II: Threshold Mental State. If you have answered "NO" cease your deliberations with respect to this Count, and proceed to Section VII: Certification.

SECTION II. THRESHOLD MENTAL STATE FACTORS Count 15

(A) Do you, the jury, unanimously find that the government has proved beyond a reasonable

<u>Instructions</u>: For each of the following, answer "YES" or "NO."

doubt that the defendant intentionally killed Kassem Al-Janabi?

| YES | NO |
|---|---|
| | |
| | Foreperson U |
| | d that the government has proved beyond a attentionally inflicted serious bodily injury that nabi? |
| YES | NO |
| | |
| | Foreperson |
| reasonable doubt that the defendant in that the life of a person would be taken | I that the government has proved beyond a tentionally participated in an act, contemplating to or intending that lethal force would be used in the offense, and Kassen of the participants in the offense, and Kassen |
| YES | NO |
| | |
| • | Foreperson |

(D) Do you, the jury, unanimously find that the government has proved beyond a reasonable doubt that the defendant intentionally and specifically engaged in an act of violence, knowing that the act created a grave risk of death to a person, other than one of the participants in the offense, such that participation in the act constituted a reckless disregard for human life and Kassem Al-Janabi died as a direct result of the act?

| YES | NO |
|-----|------------|
| | |
| | |
| | Foreperson |

Instruction: If you have answered "YES" to either A, B, C, or D, please continue to Section III: Statutory Aggravating Factors. If you have answered "NO" to A, B, C, and D, cease your deliberations with respect to this Count, and proceed to Section VII: Certification.

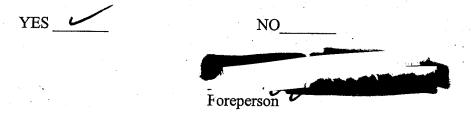
SECTION III. Statutory Aggravating Factors Count 15

Instructions: For each of the following, answer "YES" or "NO."

(A) Do you, the jury, unanimously find that the government has established beyond a reasonable doubt that the defendant committed the offense of premeditated murder after substantial planning and premeditation to cause the death of Kassem Al-Janabi, as set out in Instruction No. 3?

| YES_ | | | NO | -: | | • | |
|------|---|----|------------|----|---|---|----------|
| | 2 | ·. | | | | | - |
| | | | Foreperson | | 7 | | |

(B) Do you, the jury, unanimously find beyond a reasonable doubt that the government has established beyond a reasonable doubt that the defendant intentionally killed more than one person in a single criminal episode, as set out in Instruction No. 3?

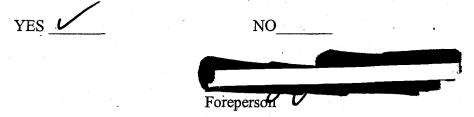


Instruction: If you answered "YES" to either A or B please continue to Section IV: Non-Statutory Aggravating Factors. If you answered "NO" to all of the statutory aggravating factors set out in Section III, then stop your deliberations as to this Count, cross out Sections IV, V, and VI of this form, and proceed to Section VII of this form.

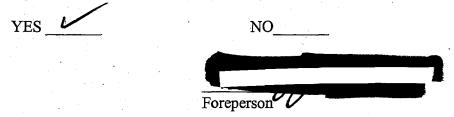
Section IV. Non-Statutory Aggravating Factors Count 15

Instructions: For each of the following, answer "YES" or "NO."

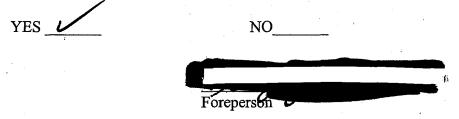
| (A) Do you, the jury, unanimously find that the government has proved beyond a reasonabl |
|--|
| doubt that the defendant killed Kassem Al-Janabi in order to eliminate him as a possibl |
| witness to his crimes, and that fact tends to support imposition of the death penalty? |



(B) Do you, the jury, unanimously find that the government has proved beyond a reasonable doubt that the defendant caused injury, harm, and loss to the family of Kassem Al-Janabi, as evidenced by his personal characteristics as a human being and the impact of his death on his family, and that fact tends to support imposition of the death penalty?



(C) Do you, the jury, unanimously find that the government has proved beyond a reasonable doubt that the injuries caused by the defendant extend especially to the two minor children orphaned as a result of their parents' death and to those presently caring for the children, and that fact tends to support imposition of the death penalty.



Instruction: Regardless of whether you answered "YES" or "NO" with respect to these non-statutory aggravating factors, please proceed to Section V: Mitigating Factors.

Section V: Mitigating Factors Count 15

<u>Instructions</u>: For each of the following mitigating factors indicate, in the space provided, the number of juryers who have found the existence of that mitigating factor

a

| pro | vided, the number of jurors who have found the existence of that mitigating factor to be ven by a preponderance of the evidence. Extra spaces are provided at the end of the ion to write additional mitigating factors found by one or more jurors. |
|-----|--|
| • | 1. Sgt. Paul Cortez, equally culpable in the crime, will not be punished by death. This is a statutory mitigating factor. |
| | Number of jurors who so find |
| | 2. Spc. James Barker, equally culpable in the crime, will not be punished by death. This is a statutory mitigating factor. |
| | Number of jurors who so find |
| | 3. PFC Green's capacity to appreciate the wrongfulness of the defendant's conduct or to conform conduct to the requirements of law was significantly impaired, regardless of whether the capacity was so impaired as to constitute a defense to the charge. This is a statutory mitigating factor. |
| | Number of jurors who so find |
| | 4. PFC Green committed the offense under severe mental or emotional disturbance. This is a statutory mitigating factor. |
| | Number of jurors who so find |
| | 5. The defendant did not have a significant prior history of other criminal conduct. This is a statutory mitigating factor. |
| | Number of jurors who so find |
| | 6. In its criminal prosecutions of Sgt. Paul Cortez, Spc. James Barker, and PFC Jesse Spielman for their involvement in the murders, the United States imposed terms of imprisonment that will make each of them eligible for parole in 10 years, and that fact tends to mitigate imposition of the death penalty. |
| | Number of jurors who so find |

| | 7. Steven Green offered to reenlist in the Army. If allowed back in the Army, PFC Green would have again been subject to the Uniform Code of Military Justice and could have been fully prosecuted and punished in the military system for the murders, as were Sgt. Paul Cortez, Spc. James Barker, PFC Jesse Spielman, and PFC Bryan Howard. Steven Green offered to re-enter the Army and subject himself to prosecution and punishment for the murders under the Uniform Code of Military Justice, the United States Army declined to accept his offer to reenlist, and these facts tend to mitigate imposition of the death penalty. | | | | |
|-------------|---|--|--|--|--|
| | Number of jurors who so find | | | | |
| i i i | 8. After Green was discharged, the United States could have tried Paul Cortez, James Barker, Jesse Spielman, and the defendant together in this court under civilian law and procedures before a civilian judge and jury for their involvement in the murders; or the Army could have accepted Green's offer to reenlist and tried all of them in military court under the law and procedures of the Uniform Code of Military Justice before a military judge and jury, and this fact tends to mitigate imposition of the death penalty. | | | | |
| | Number of jurors who so find | | | | |
| S | O. This case should have been tried in the military justice system under the Uniform Code of Military Justice, as were the cases of Sgt. Paul Cortez, Spc. James Barker, PFC Jesse Spielman, PFC Bryan Howard, and Sgt. Anthony Yribe, and this fact tends to mitigate mposition of the death penalty. | | | | |
| | Number of jurors who so find | | | | |
| Y | 10. The favorable plea agreements offered to and the lenient sentences imposed on Sgt. Paul Cortez, Spc. James Barker, PFC Jesse Spielman, PFC Bryan Howard, and Sgt. Anthony Yribe were offered favorable plea agreements and lenient sentences, and this fact tends to mitigate imposition of the death penalty. | | | | |
| | Number of jurors who so find | | | | |
| | 1. PFC Green's combat stress was a substantial factor that contributed to the offenses, and his fact tends to mitigate imposition of the death penalty. | | | | |
| | Number of jurors who so find 5 | | | | |

| a high risk of homicidal con | duct against Iraqi citizens due roper treatment or follow up, | anel knew that PFC Green was at to his combat stress, but returned and this fact tends to mitigate |
|---|---|--|
| Num | ber of jurors who so find | _5 |
| by the United States Army a | uffering from psychological im and could have and should have itigate imposition of the death | pairments which were identified been properly treated, but were penalty. |
| Numb | per of jurors who so find | 5 |
| 14. The Army should have d and withdrawn them from Topenalty. | eclared PFC Green's platoon as CP duty, and this fact tends to | nd squad to be not combat ready mitigate imposition of the death |
| Numb | per of jurors who so find | <u> 4</u> |
| 15. Failure of the Army comof 1st Platoon and 1st Squa imposition of the death penal | d contributed to the murders, | mand, control, and supervision and this fact tends to mitigate |
| Numb | er of jurors who so find | |
| 16. PFC Green's platoon and and this fact tends to mitigate | squad suffered greater casualt imposition of the death penal | ies and losses than other units, |
| Numbe | er of jurors who so find | |
| 17. Failure of the Army commaced by 1st Platoon and 1st Somposition of the death penale | quad contributed to the murders | harsh and stressful conditions s, and this fact tends to mitigate |
| Numbe | er of jurors who so find | |
| 8. Failure of the Army contributed to the murders, an | mmand to adequately suppor ad this fact tends to mitigate im | t 1st Platoon and 1st Squad position of the death penalty. |
| Numbe | r of jurors who so find | 2 |

| executing the murders, and this fact tends to mitigate imposition of | |
|---|---|
| Number of jurors who so find | 5 |
| 20. PFC Green committed the offenses while under the influence and superiors, Sgt. Cortez and Spc. Barker, and this fact tends to mitigate penalty. | |
| Number of jurors who so find | 6 |
| 21. PFC Green promptly confessed his involvement in the murders this military superior and the head of the official Army team investigate this fact tends to mitigate imposition of the death penalty. | _ |
| Number of jurors who so find | 2 |
| 22. Had Sgt. Anthony Yribe taken the proper and required steps to report confessions, PFC Green would have been prosecuted, tried, and sentent under the Uniform Code of Military Justice, and this fact tends to mitigate the confessions. | nced by a military court |
| death penalty. | |
| death penalty. Number of jurors who so find | 5_ |
| | ard, and Sgt. Anthony |
| Number of jurors who so find 23. Steven Green never lied to his military superiors about his involv while Sgt. Paul Cortez, Spc. Barker, PFC Spielman, PFC Bryan Howe | ard, and Sgt. Anthony |
| Number of jurors who so find 23. Steven Green never lied to his military superiors about his involv while Sgt. Paul Cortez, Spc. Barker, PFC Spielman, PFC Bryan How Yribe repeatedly did so, and this fact tends to mitigate imposition of | ard, and Sgt. Anthony the death penalty. |
| Number of jurors who so find 23. Steven Green never lied to his military superiors about his involv while Sgt. Paul Cortez, Spc. Barker, PFC Spielman, PFC Bryan How Yribe repeatedly did so, and this fact tends to mitigate imposition of Number of jurors who so find 24. Army personnel engaged in a cover-up of the murders, and this | ard, and Sgt. Anthony the death penalty. |
| Number of jurors who so find 23. Steven Green never lied to his military superiors about his involv while Sgt. Paul Cortez, Spc. Barker, PFC Spielman, PFC Bryan How Yribe repeatedly did so, and this fact tends to mitigate imposition of Number of jurors who so find 24. Army personnel engaged in a cover-up of the murders, and this imposition of the death penalty. | ard, and Sgt. Anthony the death penalty. 2. fact tends to mitigate |

| his ability to function pro | | sychological problems that impaired es present in the Triangle of Death, enalty. |
|---|---|--|
| N | umber of jurors who so find | |
| | | has impaired his ability to function fact tends to mitigate imposition of |
| N | umber of jurors who so find | _3_ |
| 28. Steven Green was stends to mitigate imposit | | sical abuse as a child, and this fact |
| Nı | umber of jurors who so find | |
| 29. Steven Green was sub of the death penalty. | pject to neglect as a child, and th | is fact tends to mitigate imposition |
| Nu | mber of jurors who so find | |
| | prived of the parental guidance osition of the death penalty. | and protection he needed, and this |
| Nu | mber of jurors who so find | |
| | | lly improved when he was in a to mitigate imposition of the death |
| Nu | mber of jurors who so find | |
| | sitive relationship with many pagate imposition of the death pe | people who care for and love him, nalty. |
| Nu | mber of jurors who so find | _3 |
| • | | of war, knowing that he would be mitigate imposition of the death |
| Nui | mber of jurors who so find | 2 |

| | an unusually high | id well at boot camp number of horrific lo | sses of his friend | ls, fellow soldiers | s, and respected |
|-----------------------------|---|--|--|---|---------------------------------------|
| | leaders at the hands imposition of the d | of insurgents overwheath penalty. | elmed and broke l | nim, and this fact t | ends to mitigate |
| | | Number of jurors | who so find | | 4 |
| | • | ought help for his psy ends to mitigate impo | '= ' | | ed substandard |
| | | Number of jurors | who so find | | |
| | | ay be rehabilitated it fact tends to mitigate | | | t the possibility |
| | , | Number of jurors | who so find | | 3 |
| | | is not sentenced to de lity of release and v ath penalty. | · · | - . | |
| | | Number of jurors | who so find | <i>/</i> ~ | 4 |
| | 38. If Steven Green suffer harm, and this | | | | nd friends will |
| | | Number of jurors | who so find | | 2_ |
| | 39. Other factors in circumstance of the sentence. This is a s | offense that any jur | or finds mitigate | | - |
| additional articular simply | are spaces in Section and mitigating factors ate such additional factor not able to put it into your full consideration | that any one of you ctors. If you think the words so that you ca | finds. It is not ne ere is some other r | cessary, however nitigating factor p | to specifically present, but are |
| | 1. | | · . | | |
| - | · · · · · · · · · · · · · · · · · · · | · | | | · · · · · · · · · · · · · · · · · · · |
| | | Number of jurors v | vho so find | | 0 |

| 2 | <u> </u> | · · · · · · · · · · · · · · · · · · · | |
|-----|----------|---------------------------------------|----------|
| . • | | | |
| | | Number of jurors who so find | |
| 3. | | | |
| | | | |
| 4. | | Number of jurors who so find | <u> </u> |
| | | | |
| | | Number of jurors who so find | |
| 5 | · . | | |
| | | | |
| | | Number of jurors who so find | |

Instruction: Please proceed to Section VI: Sentencing Decisions. Continue your deliberations by filling out either Decision Form A imposing a sentence of death, Decision Form B imposing a sentence of life imprisonment without the possibility of release, or Decision Form C as appropriate.

Decision Form A Imposing Sentence of Death

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, and whether death is therefore the appropriate sentence in this case:

| | , . | • * | • | |
|---|-----|-----|---|------------|
| • | | | | |
| | | | • | |
| | | | | |
| | | | | |
| | | | | Foreperson |

Decision Form B Imposing Sentence of Life Imprisonment Without Possibility of Release

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, and whether death is therefore the appropriate sentence in this case:

| Foreperson |
|-------------|
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| |

Decision Form C Deadlock as to Sentence

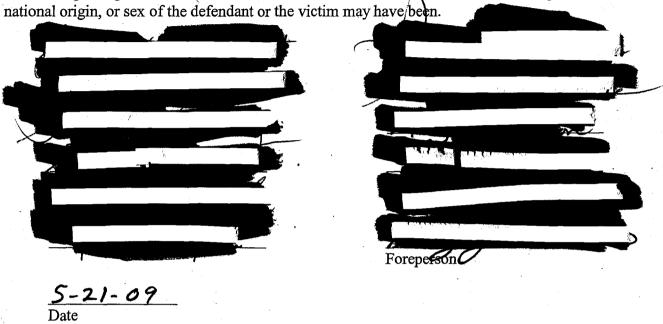
Despite all reasonable efforts to reach unanimous agreement, we, the Jury, are unable to reach a unanimous decision on either a sentence of death or a sentence of life imprisonment without the possibility of release

5-21-09

Foreperson

Section VII: Certificate as to Count 15

By signing below, each of us individually certifies that consideration of the race, color, religious beliefs, national origin, or sex of Steven Green and of the victims, was not involved in reaching our respective individual decisions. 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,



Please proceed to the Special Verdict Form for Count 16.

UNITED STATES DISTRICT COURT WESTERN DISTRICT OF KENTUCKY PADUCAH DIVISION CRIMINAL ACTION NO.: 5:06-CR-19-RLED COURT CLEEP

UNITED STATES V. STEVEN DALE GREEN

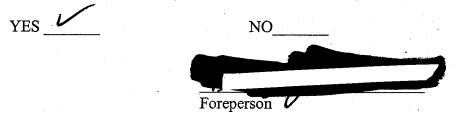
SPECIAL VERDICT FORM

Count 16

SECTION I. AGE OF DEFENDANT Count 16

Instructions: Answer "YES" or "NO."

Do you, the jury, unanimously find the government has established beyond a reasonable doubt that the defendant was eighteen (18) years of age or older at the time of the offense?



If you have answered "YES" please continue to Section II: Threshold Mental State. If you have answered "NO" cease your deliberations with respect to this Count, and proceed to Section VII: Certification.

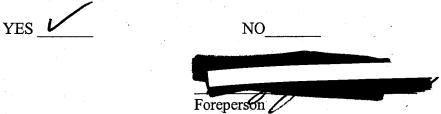
SECTION II. THRESHOLD MENTAL STATE FACTORS Count 16

Instructions: For each of the following, answer "YES" or "NO."

| (A) Do you, the jury, unanimously find that the government has proved beyond | a reasona | able |
|--|-----------|------|
| doubt that the defendant intentionally killed Fakhriya Al-Janabi? | | |

| YES V | NO |
|-------|--------------|
| | |
| | Foreperson (|

(B) Do you, the jury, unanimously find that the government has proved beyond a reasonable doubt that the defendant intentionally inflicted serious bodily injury that resulted in the death of Fakhriya Al-Janabi?



(C) Do you, the jury, unanimously find that the government has proved beyond a reasonable doubt that the defendant intentionally participated in an act, contemplating that the life of a person would be taken or intending that lethal force would be used in connection with a person, other than one of the participants in the offense, and Fakhriya Al-Janabi died as a result of the act?

| YES_ | | NO |
|------|----|------------|
| | r. | |
| | | |
| | | Foreperson |

(D) Do you, the jury, unanimously find that the government has proved beyond a reasonable doubt that the defendant intentionally and specifically engaged in an act of violence, knowing that the act created a grave risk of death to a person, other than one of the participants in the offense, such that participation in the act constituted a reckless disregard for human life and Fakhriya Al-Janabi died as a direct result of the act?

| YES_ | NO | |
|------|------------|--|
| | | |
| • | Foreperson | |

Instruction: If you have answered "YES" to either A, B, C, or D, please continue to Section III: Statutory Aggravating Factors. If you have answered "NO" to A, B, C, and D, cease your deliberations with respect to this Count, and proceed to Section VII: Certification.

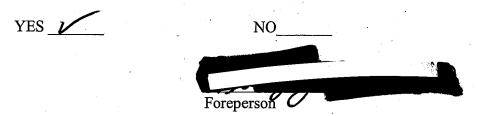
SECTION III. Statutory Aggravating Factors Count 16

Instructions: For each of the following, answer "YES" or "NO."

(A) Do you, the jury, unanimously find that the government has established beyond a reasonable doubt that the defendant committed the offense of premeditated murder after substantial planning and premeditation to cause the death of Fakhriya Al-Janabi, as set out in Instruction No. 3?

| YES_ | NO | |
|------|--|--|
| | | |
| | A MANAGE TO A STATE OF THE STAT | |
| | Foreperson | |

(B) Do you, the jury, unanimously find beyond a reasonable doubt that the government has established beyond a reasonable doubt that the defendant intentionally killed more than one person in a single criminal episode, as set out in Instruction No. 3?

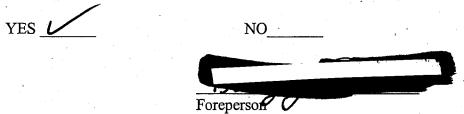


Instruction: If you answered "YES" to either A or B please continue to Section IV: Non-Statutory Aggravating Factors. If you answered "NO" to all of the statutory aggravating factors set out in Section III, then stop your deliberations as to this Count, cross out Sections IV, V, and VI of this form, and proceed to Section VII of this form.

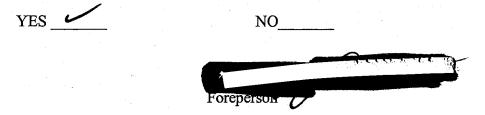
Section IV. Non-Statutory Aggravating Factors Count 16

Instructions: For each of the following, answer "YES" or "NO."

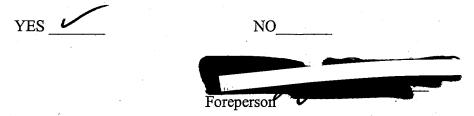
(A) Do you, the jury, unanimously find that the government has proved beyond a reasonable doubt that the defendant killed Fakhriya Al-Janabi in order to eliminate her as a possible witness to his crimes, and that fact tends to support imposition of the death penalty?



(B) Do you, the jury, unanimously find that the government has proved beyond a reasonable doubt that the defendant caused injury, harm, and loss to the family of Fakhriya Al-Janabi, as evidenced by her personal characteristics as a human being and the impact of her death on her family, and that fact tends to support imposition of the death penalty?



(C) Do you, the jury, unanimously find that the government has proved beyond a reasonable doubt that the injuries caused by the defendant extend especially to the two minor children orphaned as a result of their parents' death and to those presently caring for the children, and that fact tends to support imposition of the death penalty.



Instruction: Regardless of whether you answered "YES" or "NO" with respect to these non-statutory aggravating factors, please proceed to Section V: Mitigating Factors.

Section V: Mitigating Factors Count 16

<u>Instructions</u>: For each of the following mitigating factors 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. Extra spaces are provided at the end of the section to write additional mitigating factors found by one or more jurors.

| ction to write additional mitigating factors found by one or more jurors. | |
|--|---|
| 1. Sgt. Paul Cortez, equally culpable in the crime, will not be punished by death. This is statutory mitigating factor. | a |
| Number of jurors who so find 3 | |
| 2. Spc. James Barker, equally culpable in the crime, will not be punished by death. This is a statutory mitigating factor. | S |
| Number of jurors who so find | |
| 3. PFC Green's capacity to appreciate the wrongfulness of the defendant's conduct or to conform conduct to the requirements of law was significantly impaired, regardless of whether the capacity was so impaired as to constitute a defense to the charge. This is a statutory mitigating factor. | r |
| Number of jurors who so find | |
| 4. PFC Green committed the offense under severe mental or emotional disturbance. This is a statutory mitigating factor. | ; |
| Number of jurors who so find | |
| 5. The defendant did not have a significant prior history of other criminal conduct. This is a statutory mitigating factor. | |
| Number of jurors who so find | |
| 6. In its criminal prosecutions of Sgt. Paul Cortez, Spc. James Barker, and PFC Jesse Spielman for their involvement in the murders, the United States imposed terms of imprisonment that will make each of them eligible for parole in 10 years, and that fact tends to mitigate imposition of the death penalty. | • |
| Number of jurors who so find | |

| • | |
|---|---|
| | 7. Steven Green offered to reenlist in the Army. If allowed back in the Army, PFC Green would have again been subject to the Uniform Code of Military Justice and could have been fully prosecuted and punished in the military system for the murders, as were Sgt. Paul Cortez, Spc. James Barker, PFC Jesse Spielman, and PFC Bryan Howard. Steven Green offered to re-enter the Army and subject himself to prosecution and punishment for the murders under the Uniform Code of Military Justice, the United States Army declined to accept his offer to reenlist, and these facts tend to mitigate imposition of the death penalty. |
| | Number of jurors who so find 6 |
| | 8. After Green was discharged, the United States could have tried Paul Cortez, James Barker, Jesse Spielman, and the defendant together in this court under civilian law and procedures before a civilian judge and jury for their involvement in the murders; or the Army could have accepted Green's offer to reenlist and tried all of them in military court under the law and procedures of the Uniform Code of Military Justice before a military judge and jury, and this fact tends to mitigate imposition of the death penalty. |
| | Number of jurors who so find |
| | 9. This case should have been tried in the military justice system under the Uniform Code of Military Justice, as were the cases of Sgt. Paul Cortez, Spc. James Barker, PFC Jesse Spielman, PFC Bryan Howard, and Sgt. Anthony Yribe, and this fact tends to mitigate imposition of the death penalty. |
| | Number of jurors who so find 6 |
| | 10. The favorable plea agreements offered to and the lenient sentences imposed on Sgt. Paul Cortez, Spc. James Barker, PFC Jesse Spielman, PFC Bryan Howard, and Sgt. Anthony Yribe were offered favorable plea agreements and lenient sentences, and this fact tends to mitigate imposition of the death penalty. |
| | Number of jurors who so find |
| | 11. PFC Green's combat stress was a substantial factor that contributed to the offenses, and this fact tends to mitigate imposition of the death penalty. |

Number of jurors who so find

| a high risk of ho him to the fiel | ommand and Combat Stres omicidal conduct against Ira d without proper treatmen ne death penalty. | ıqi citizens due | to his combat st | tress, but returned |
|---------------------------------------|---|------------------|------------------|---------------------|
| | Number of jurors wl | ho so find | | |
| by the United S | Green was suffering from p tates Army and could have a t tends to mitigate impositi | and should hav | e been properly | |
| · · · · · · · · · · · · · · · · · · · | Number of jurors wh | 10 so find | | _5 |
| | nould have declared PFC Gr hem from TCP duty, and th | | | |
| | Number of jurors wh | o so find | | |
| | e Army command to providend 1st Squad contributed to death penalty. | | | |
| 4 | Number of jurors wh | o so find | | |
| | platoon and squad suffered is to mitigate imposition of | | | than other units, |
| | Number of jurors who | o so find | | |
| | Army command to recognic oon and 1st Squad contribute death penalty. | | | |
| | Number of jurors who | so find | | _2_ |
| | ne Army command to add e murders, and this fact tend | | | |
| - - | Number of jurger who | so find | | 2 |

| | een military superiors played a leadership role in ple murders, and this fact tends to mitigate imposition of | |
|----------------|---|----------------------------|
| | Number of jurors who so find | _5_ |
| | en committed the offenses while under the influence a t. Cortez and Spc. Barker, and this fact tends to mitigat | |
| | Number of jurors who so find | _6 |
| his military s | en promptly confessed his involvement in the murder uperior and the head of the official Army team invest to mitigate imposition of the death penalty. | <u> </u> |
| | Number of jurors who so find | |
| confessions, I | Anthony Yribe taken the proper and required steps to re PFC Green would have been prosecuted, tried, and sent form Code of Military Justice, and this fact tends to m | tenced by a military court |
| • | Number of jurors who so find | |
| while Sgt. Par | reen never lied to his military superiors about his involuted Cortez, Spc. Barker, PFC Spielman, PFC Bryan Hodly did so, and this fact tends to mitigate imposition of | oward, and Sgt. Anthony |
| | Number of jurors who so find | _2_ |
| | sonnel engaged in a cover-up of the murders, and the death penalty. | is fact tends to mitigate |
| | Number of jurors who so find | 5 |
| | on Green was 20 years of age on March 12, 2006, and the death penalty. | his fact tends to mitigate |
| | Number of jurors who so find | _6_ |
| | • | |

| . . | on properly under the extrem to mitigate imposition of the | - | riangle of Death, |
|---|--|--------------------------------|--------------------|
| | Number of jurors who so | find | _4_ |
| | ffers from a brain dysfunctio rong support and guidance, a | | <u> </u> |
| | Number of jurors who so | find | _3 |
| | vas subjected to emotional a position of the death penalty | | lld, and this fact |
| | Number of jurors who so | find | <u>3</u> |
| 29. Steven Green woof the death penalty | as subject to neglect as a chile | d, and this fact tends to miti | igate imposition |
| | Number of jurors who so | find | 3 |
| | as deprived of the parental g e imposition of the death per | - | needed, and this |
| | Number of jurors who so | find | 3 |
| | schoolwork and behavior ured environment, and this fa | | |
| | Number of jurors who so | find | 2_ |
| | s a positive relationship with mitigate imposition of the d | | r and love him, |
| | Number of jurors who so | find | 3 |
| | ned the United States Army in ning combat, and this fact t | | · |
| • | Number of jurors who so f | ind | 2 |

26. PFC Steven Green suffered from neurological and psychological problems that impaired

| | 34. Steven Green did well at boot camp and was a good solider who served honorably until an unusually high number of horrific losses of his friends, fellow soldiers, and respected leaders at the hands of insurgents overwhelmed and broke him, and this fact tends to mitigate imposition of the death penalty. |
|-------------------------------|---|
| | Number of jurors who so find 4 |
| | 35. Steven Green sought help for his psychological deterioration, but received substandard care, and this fact tends to mitigate imposition of the death penalty. |
| | Number of jurors who so find |
| | 36. Steven Green may be rehabilitated if sentenced to life in prison without the possibility of release, and this fact tends to mitigate imposition of the death penalty. |
| | Number of jurors who so find |
| | 37. If Steven Green is not sentenced to death, he will remain in prison for the rest of his life without the possibility of release and will die in prison, and this fact tends to mitigate imposition of the death penalty. |
| | Number of jurors who so find |
| · | 38. If Steven Green receives the death penalty, extended family members and friends will suffer harm, and this fact tends to mitigate imposition of the death penalty. |
| | Number of jurors who so find |
| | 39. Other factors in PFC Steven Green's background, record, or character or any other circumstance of the offense that any juror finds mitigate against imposition of the death sentence. This is a statutory mitigating factor. |
| additio articula simply | are spaces in Section V (Mitigating Factors) of the Special Verdict Form to identify any nal mitigating factors that any one of you finds. It is not necessary, however to specifically ate such additional factors. If you think there is some other mitigating factor present, but are not able to put it into words so that you can write it down on a list, you should still give that your full consideration. |
| | 1. |
| | |
| | Number of jurges who so find |

| 2 | | | |
|---|------------------------------|----|---|
| | | | |
| | Number of jurors who so find | | 0 |
| | • | | |
| 3 | | | |
| | | | • |
| | Number of jurors who so find | | 0 |
| · | | ., | |
| | | | |
| * | Number of jurors who so find | | |
| | | | |
| • | | | |
| | Number of jurors who so find | | |

Instruction: Please proceed to Section VI: Sentencing Decisions. Continue your deliberations by filling out either Decision Form A imposing a sentence of death, Decision Form B imposing a sentence of life imprisonment without the possibility of release, or Decision Form C as appropriate.

Decision Form A Imposing Sentence of Death

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, and whether death is therefore the appropriate sentence in this case:

| <u> </u> | |
|--------------|------------|
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| - | |
| _ | * |
| • | |
| - | Foreperson |

Decision Form B Imposing Sentence of Life Imprisonment Without Possibility of Release

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, and whether death is therefore the appropriate sentence in this case:

| · · · · · · · · · · · · · · · · · · · | | . • | | | <u></u> |
|---------------------------------------|-----------------|-----|--------|------|------------|
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| | | 4 | | | |
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| | | • | • | | |
| | | | Forepe | rson | |

Decision Form C Deadlock as to Sentence

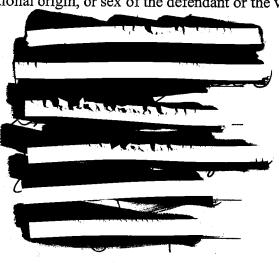
Despite all reasonable efforts to reach unanimous agreement, we, the Jury, are unable to reach a unanimous decision on either a sentence of death or a sentence of life imprisonment without the possibility of release

5-21-09 Date

Foreperson U

Section VII: Certificate as to Count 16

By signing below, each of us individually certifies that consideration of the race, color, religious beliefs, national origin, or sex of Steven Green and of the victims, was not involved in reaching our respective individual decisions. 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 the defendant or the victim may have been.





When you have completed all 12 Special Verdict Forms please notify the jury officer.