

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
GREENVILLE DIVISION

United States of America)	CR. NO.: 6:05-1227-HMH
)	
vs.)	
)	SPECIAL VERDICT
Eric Preston Hans,)	
)	
Defendant.)	

COUNT 1 – ARSON RESULTING IN DEATH

I. AGE OF DEFENDANT

Instructions: Answer “YES” or “NO”:

- Do you, the jury, unanimously find that the government has established beyond a reasonable doubt that: Eric Preston Hans was eighteen years of age or older at the time of the offense?

YES NO

s/ Jury Foreperson

 Foreperson

Instructions: If you answered “NO” with respect to the determination in this Section, then stop your deliberations, skip over Sections II, III, IV, V and VI of this form, and proceed to Section VII. Each juror should then carefully read the statement in Section VII, and sign in the appropriate place if the statement accurately reflects the manner in which he or she reached his or her decision. You should then advise the court that you have reached a decision.

If you answered “YES” with respect to the determination in this Section I, proceed to Section II which follows.

II. THRESHOLD INTENT FACTOR

Instructions: Select below the Threshold Intent Factor, if any, you unanimously find that the government proved beyond a reasonable doubt. You may not select more than one.

1. Eric Preston Hans intentionally killed Melba Lashawn Canty.
2. Eric Preston Hans intentionally inflicted serious bodily injury that resulted in the death of Melba Lashawn Canty.
3. Eric Preston Hans 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, and Allison Lorraine Barfield, Melba Lashawn Canty, Jaden Demarion Cromer, Matthew Greene, Jessica Lane Hamby, and Donna Lea Swaim died as a direct result of the act.
4. Eric Preston Hans intentionally and specifically engaged in an act of violence, knowing that the act created a grave risk of death to a person, such that participation in the act constituted a reckless disregard for human life, and Allison Lorraine Barfield, Melba Lashawn Canty, Jaden Demarion Cromer, Matthew Greene, Jessica Lane Hamby, and Donna Lea Swaim died as a direct result of the act.
5. The government failed to prove a threshold intent factor beyond a reasonable doubt.

s/Jury Foreperson

Foreperson

Instructions: If you did not find any Threshold Intent Factor (1-4), then stop your deliberations, skip over Sections III, IV, V, and VI of this form, and proceed to Section VII. Each juror should carefully read the statement in Section VII, and sign in the appropriate place if the statement accurately reflects the manner in which he or she reached his or her decision. You should then advise the court that you have reached a decision.

If you found one of the Threshold Intent Factors in this Section II, proceed to Section III which follows.

III. STATUTORY AGGRAVATING FACTORS

Instructions: For the following Statutory Aggravating Factors, answer "YES" or "NO":

- 1. Do you, the jury, unanimously find that the government has established beyond a reasonable doubt that the deaths of Allison Lorraine Barfield, Melba Lashawn Canty, Jaden Demarion Cromer, Matthew Greene, Jessica Lane Hamby, and Donna Lea Swaim and the injuries resulting in the deaths of Allison Lorraine Barfield, Melba Lashawn Canty, Jaden Demarion Cromer, Matthew Greene, Jessica Lane Hamby, and Donna Lea Swaim occurred during Eric Preston Hans' commission and attempted commission of, or during his immediate flight from his commission of destruction of property affecting interstate commerce by fire?

YES NO s/Jury Foreperson

 Foreperson

- 2. Do you, the jury, unanimously find that the government has established beyond a reasonable doubt that Eric Preston Hans' commission of the offense, or his escaping of apprehension for the violation of the offense, knowingly created a grave risk of death to 1 or more persons in addition to the victims of the offense?

YES NO s/Jury Foreperson

 Foreperson

- 3. Do you, the jury, unanimously find that the government has established beyond a reasonable doubt that one of the victims, Jaden Demarion Cromer, was particularly vulnerable due to youth?

YES NO s/Jury Foreperson

 Foreperson

- 4. Do you, the jury, unanimously find that the government has established beyond a reasonable doubt that Eric Preston Hans intentionally killed or attempted to kill more than one person in a single criminal episode?

YES NO s/Jury Foreperson

 Foreperson

Instructions: If you answered "NO" with respect to each of the Statutory Aggravating Factors in this Section, then stop your deliberations, skip over Sections IV, V and VI of this form, and proceed to Section VII of this form. Each juror should then carefully read the statement in Section VII, and sign in the appropriate place if the statement accurately reflects the manner in which he or she reached his or her decision. You should then advise the court that you have reached a decision.

If you found the requisite age in Section I, the Threshold Intent Factor in Section II, and answered "Yes" with respect to at least one Statutory Aggravating Factor in this Section III, proceed to Section IV which follows.

IV. NON-STATUTORY AGGRAVATING FACTORS

Instructions: For each of the following Non-Statutory Aggravating Factors, answer "YES" or "NO":

I. Do you, the jury, unanimously find that the government has established beyond a reasonable doubt that the defendant, Eric Preston Hans, attempted to kill and commit seriously bodily injury against thirty-nine other guests not named in Count One of the Indictment who were staying at The Comfort Inn and Suites in Greenville, South Carolina on or about January 25, 2004, and that this factor is aggravating?

YES NO s/Jury Foreperson
Foreperson

II. Do you, the jury, unanimously find that the government has established beyond a reasonable doubt that the defendant, Eric Preston Hans, would be a danger in the future to the lives and safety of inmates and correctional officers in an institutional correctional setting, and that this factor is aggravating?

YES NO s/Jury Foreperson
Foreperson

III. Do you, the jury, unanimously find that the government has established beyond a reasonable doubt the effect of the deaths of Allison Lorraine Barfield, Melba Lashawn Canty, Jaden Demarion Cromer, Matthew Greene, Jessica Lane Hamby, and Donna Lea Swaim on their families, including the extent and scope of the injuries and losses suffered by Allison Lorraine Barfield, Melba Lashawn Canty, Jaden Demarion Cromer, Matthew Greene, Jessica Lane Hamby, and Donna Lea Swaim, and their families, and that this factor is aggravating?

YES NO s/Jury Foreperson
Foreperson

Instructions: Regardless of whether you answered "YES" or "NO" with respect to the Non-Statutory Aggravating Factors in this Section IV, proceed to Section V, which follows.

V. MITIGATING FACTORS

Instructions: For each of the following Mitigating Factors, indicate in the space provided, the number of jurors, if any, who have found it proved by a preponderance of the evidence and that it is mitigating.

A finding with respect to a Mitigating Factor may be made by one or more of the members of the jury, and any member of the jury who finds the existence of a Mitigating Factor must consider such a factor in considering whether to impose a sentence of life in prison without the possibility of release or a sentence of death, regardless of the number of other jurors who agree. Further, any juror may also weigh a Mitigating Factor found by another juror, even if he or she did not also find that factor to be mitigating:

<u>Mitigating Factors:</u>	<u>Number of Jurors finding the Mitigating Factor:</u>
1. If not sentenced to death, Mr. Hans will be sentenced to life in prison without possibility of release.	<u>12</u>
2. The evidence does not establish Mr. Hans' guilt with sufficient certainty to justify imposition of a sentence of death.	<u>9</u>
3. Mr. Hans did not intend to kill Melba Canty.	<u>12</u>
4. Mr. Hans did not intend to kill anyone.	<u>12</u>
5. There was no evidence of pre-meditation or substantial planning by Mr. Hans in setting fire at the Comfort Inn.	<u>12</u>
6. The Comfort Inn did not have a sprinkler system, which would have saved lives and injuries.	<u>8</u>
7. It is reasonably likely that no one would have died or been seriously injured had an employee at the Comfort Inn not turned off the initial fire alarm.	<u>12</u>
8. It is reasonably likely that no one would have died in the fire or been seriously injured if Zack Cromer had used one of the fire extinguishers or fire hoses on the third floor of the Comfort Inn.	<u>12</u>
9. Mr. Hans has adapted satisfactorily to a structured environment during the following periods of his life:	
(A) while under the tutelage of Richard Fowerbaugh in the 8 th grade at St. Mary's Catholic School;	<u>12</u>

(B) while under the supervision of Dick Zahm from December 1985 to April 1986; 12

(C) while under the supervision of Daniel McCullough from January 2002 to June 2003. 12

10. While working with Dick Zahm, Mr. Hans was dependable and trustworthy. 12

11. While working with Daniel McCullough, Mr. Hans was dependable and trustworthy. 12

12. Mr. Hans satisfactorily adapted to a structured environment within the Indiana Department of Corrections during such time as he was an inmate. 12

13. Mr. Hans satisfactorily adapted to a structured environment within the South Carolina Department of Corrections during such time as he was an inmate. 12

14. Mr. Hans satisfactorily adapted to a structured environment within the Spartanburg County Detention Facility during such time as he was held for this charge. 12

15. The evidence shows that Mr. Hans will not pose any risk of violence to prison staff or other inmates within the Federal Bureau of Prisons if sentenced to life in prison without the possibility of release. 12

16. Mr. Hans showed respect and decorum in this courtroom even under the significant stress of the capital trial. 12

17. Describe and identify any other factors that mitigate against the imposition of a sentence of death and identify the number of jurors, if any, who find such factor to have been established by a preponderance of the evidence:

(A) _____

(B) _____

(C) _____

VI. DETERMINATION OF SENTENCE

Life in prison without possibility of release

We unanimously conclude that Eric Preston Hans shall be sentenced to life imprisonment without possibility of release.

Foreperson

Date

If you answer that a sentence of life in prison without possibility of release shall be imposed, then you must proceed to Section VII.

OR

Death

We, the jury, as to Eric Preston Hans, unanimously find beyond a reasonable doubt that the aggravating factor or factors proved in this case outweigh the mitigating factor or factors so as to justify a sentence of death; or, in the absence of any mitigating factor, that the aggravating factor or factors alone justify a sentence of death. We, therefore, unanimously conclude that Eric Preston Hans shall be sentenced to death.

Foreperson

Date

If you answer that a sentence of death shall be imposed, then you must proceed to Section VII.

VII. CERTIFICATION STATEMENT

By signing below, each juror certifies that consideration of the race, color, religious beliefs, national origin, or sex of the defendant, Eric Preston Hans, or any victims, was not involved in reaching his or her individual decision, and that the individual juror would have made the same recommendation regarding a sentence for the crime or crimes in question regardless of the race, color, religious beliefs, national origin, or sex of the defendant or the victim.

s/ Juror
s/ Juror
s/ Juror
s/ Juror
s/ Juror
s/ Juror

s/ Juror
s/ Juror
s/ Juror
s/ Juror
s/ Juror

s/Jury Foreperson

Foreperson

August 10, 2007
Date