

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MARYLAND

UNITED STATES OF AMERICA,                    )  
  )  
  Plaintiff,                    )  
  )  
  vs.                                    ) Case No. PJM-98-0520  
  )  
WILLIS MARK HAYNES,                         )  
  )  
  Defendant.                    )

SPECIAL VERDICT FORM FOR OFFENSES AGAINST MISHANN CHINN

INTRODUCTION

This special verdict form is to be used to record the jury's findings in regard to the following offenses against Mishann Chinn:

1. The first degree premeditated murder of Mishann Chinn;
2. The first degree murder of Mishann Chinn which occurred during perpetration or attempted perpetration of a felony (kidnapping); and
3. The kidnapping of Mishann Chinn which resulted in her death.

This special verdict form contains seven sections to record your determinations:

- (I) AGE OF DEFENDANT; (II) STATUTORY PROPORTIONALITY FACTORS; (III) STATUTORY AGGRAVATING FACTORS; (IV) NON-STATUTORY AGGRAVATING FACTORS; (V) MITIGATING FACTORS; (VI) DETERMINATION OF SENTENCE; and (VII) CERTIFICATION.


SECTION I: AGE OF THE DEFENDANT

Instructions: Answer "YES" or "NO" to the following and indicate your answer by placing an "X" in the space provided. This determination applies to all offenses.

**Age of the Defendant.** We, the jury, unanimously find proven beyond a reasonable doubt that the defendant was eighteen (18) years of age or older at the time of the offenses.

YES (as to all offenses) X

NO (as to all offenses) \_\_\_\_\_

  
(Signature of Foreperson)

Date: June 22, 2000

Instructions:

If you answered "NO" regarding the age of the defendant, then you are not to continue deliberations on the defendant's sentence for the offenses against Mishann Chinn. You should stop your deliberations, cross out Sections II, III, IV, V, and VI, and proceed to Section VII of this form.

If you answered "YES" regarding the age of the defendant, then you are to continue deliberations on the defendant's sentence for the offenses against Mishann Chinn. You should continue your deliberations in accordance with the court's instructions and proceed to Section II of this form.

SECTION II: STATUTORY PROPORTIONALITY FACTORS

Instructions: Answer "YES" or "NO" to the following and indicate your answer by placing an "X" in the space provided. These determinations apply to all offenses.

1. **Intentional Killing.** We, the jury, unanimously find proven beyond a reasonable doubt that the defendant intentionally killed Mishann Chinn.

YES (as to all offenses) X  
NO (as to all offenses) \_\_\_\_\_

2. **Intentional Infliction of Serious Bodily Injury.** We, the jury, unanimously find proven beyond a reasonable doubt that the defendant intentionally inflicted serious bodily injury that resulted in the death of Mishann Chinn.

YES (as to all offenses) X



(Signature of Foreperson)

Date: June \_\_, 2000

Instructions:

If you answered "NO" regarding BOTH of the statutory proportionality factors, then you are not to continue deliberations on the defendant's sentence for the offenses against Mishann Chinn. You should stop your deliberations, cross out Sections III, IV, V, and VI, and proceed to Section VII of this form.

If you answered "YES" regarding ONE OR BOTH of the statutory proportionality factors, then you are to continue deliberations on the defendant's sentence for the offenses against Mishann Chinn. You should continue your deliberations in accordance with the court's instructions and proceed to Section III of this form.

SECTION III: STATUTORY AGGRAVATING FACTORS

Instructions: Answer "YES" or "NO" to the following and indicate your answer by placing an "X" in the space provided. These determinations apply to all offenses except as indicated.

1. **Death during Commission of Another Crime.** We, the jury, unanimously find proven beyond a reasonable doubt that the death or injuries resulting in death occurred during the commission of, attempted commission of, or during the immediate flight from the commission of, an offense under 18 U.S.C. § 1201 (a) (2) (kidnapping).

This factor applies only to the two first degree murder offenses and does not apply to the offense of kidnapping resulting in death.

YES (as to both murder offenses) X

NO (as to both murder offenses) \_\_\_\_\_

2. **Previous Conviction of Violent Felony Involving Firearm.** We, the jury, unanimously find proven beyond a reasonable doubt that the defendant has previously been convicted of a federal or state offense punishable by a term of imprisonment of more than one year, involving the use, attempted, or threatened use of a firearm (as defined in 18 U.S.C. § 921) against another person.

YES (as to all offenses) X

NO (as to all offenses) \_\_\_\_\_

3. Conviction for Serious Federal Drug Offense. We, the jury, unanimously find proven beyond a reasonable doubt that the defendant had previously been convicted of a serious federal drug offense in violation of (Title II or Title III of) the Controlled Substances Act of 1970 (21 U.S.C. § 801, et seq.) for which a sentence of five or more years imprisonment may be imposed.

YES (as to all offenses) X

NO (as to all offenses) \_\_\_\_\_

4. Multiple Killings. We, the jury, unanimously find proven beyond a reasonable doubt that the defendant intentionally killed more than one person in a single criminal episode.

YES (as to all offenses) X

NO (as to all offenses) \_\_\_\_\_



(Signature of Foreperson)

Date: June 22, 2000

**Instructions:**

If you answered "NO" regarding ALL FOUR of the statutory aggravating factors, then you are not to continue deliberations on the defendant's sentence for the offenses against Mishann Chinn. You should stop your deliberations, cross out Sections IV, V, and VI, and proceed to Section VII of this form.

If you answered "YES" regarding ONE OR MORE of the statutory aggravating factors, applicable to each of the offenses, then you

are to continue deliberations on the defendant's sentence for the offenses against Mishann Chinn. You should continue your deliberations in accordance with the court's instructions and proceed to Section IV of this form.

SECTION IV: NON-STATUTORY AGGRAVATING FACTORS

Instructions: Answer "YES" or "NO" to the following and indicate your answer by placing an "X" in the space provided. These determinations apply to all offenses.

1. **Victim Impact Evidence.** We, the jury, unanimously find proven beyond a reasonable doubt that the defendant caused injury, harm, and loss to Mishann Chinn and her family because of the effect of the offense on Mishann Chinn, her personal characteristics as an individual human being, and the impact of the death upon Mishann Chinn and her family.

YES (as to all offenses) X


NO (as to all offenses) \_\_\_\_\_

2. **Future Dangerousness of the Defendant.** We, the jury, unanimously find proven beyond a reasonable doubt that the defendant, even if serving a sentence of life imprisonment without the possibility of release, is likely to commit criminal acts of violence in the future which would be a continuing and serious threat to the lives and safety of others.

YES (as to all offenses) \_\_\_\_\_


NO (as to all offenses) X



3. **Obstruction of Justice.** We, the jury, unanimously find proven beyond a reasonable doubt that the defendant obstructed the investigation of the kidnappings and murders of Tamika Black, Mishann Chinn, and Tanji Jackson, in that the defendant tampered or attempted to tamper with evidence <sup>AND/OR</sup>  and witnesses.

YES (as to all offenses) X

NO (as to all offenses)

  
(Signature of Foreperson)

Date: June 23, 2000

**Instructions:** Regardless of whether you answered "YES" or "NO" regarding ANY or ALL of the non-statutory aggravating factors, you are to continue deliberations on the defendant's sentence for the offenses against Mishann Chinn. You should continue your deliberations in accordance with the court's instructions and proceed to Section V of this form.

## SECTION V: MITIGATING FACTORS

Instructions: You are to record your findings of the number of jurors who find each factor proven by a preponderance of the evidence in the space provided. Extra spaces are provided to write in additional mitigating factors, if any, found by any juror(s). If no additional mitigating factors are found, write "NONE" above the first of the extra spaces and then cross out the extra spaces with a large "X". If more extra spaces are needed, write "CONTINUED" below the last of the extra spaces and then use the reverse side of that page.

These determinations apply to any or all offenses. Thus, you may find a mitigating factor to exist, in regard to any offense(s), regardless of whether you find that mitigating factor to exist in regard to any or all other offense(s).

**A. MITIGATING FACTORS ASSERTED BY THE DEFENDANT**

Instructions: Indicate in the space provided the number of jurors, if any, who find the following to exist. If no jurors so find, write "NONE" in the space provided.

1. Although he was not under the age of 18, Willis Haynes was young both in years and in emotional maturity at the time of the offense.

Number of jurors who so find (as to any or all offenses) 5

2. The crime was instigated and ordered by Dustin Higgs.

Number of jurors who so find (as to any or all offenses) 6

3. Dustin Higgs is 5 ½ years older than Willis Haynes, and at the time of the offense, Mr. Higgs was a dominating figure in Willis Haynes' life.

Number of jurors who so find (as to any or all offenses) 1

4. At the time of the offense, Willis Haynes was under duress, although it was not of such a degree as to constitute a defense to the charges.

Number of jurors who so find (as to any or all offenses) 2

5. At the time of the offense, Willis Haynes' thinking and judgment were impaired by alcohol and marijuana.

Number of jurors who so find (as to any or all offenses) 3

6. Because so many people in his biological bloodline were afflicted with alcoholism and drug addiction, Willis Haynes was born at high risk for these addictive disorders.

Number of jurors who so find (as to any or all offenses) 5

7. Willis Haynes was born into a chaotic family environment with a multi-generational history of poverty, low education, substance abuse, sexual abuse, physical abuse, domestic abuse, low employability, teen pregnancy, institutionalization, and substandard housing.

Number of jurors who so find (as to any or all offenses) 7

8. Willis Haynes' parents and other adults in the home were incapacitated by mental illness and/or substance abuse, lacked the skills to raise children, and were a corrupting, rather than a guiding, influence on Willis Haynes.

Number of jurors who so find (as to any or all offenses) 10

9. As a child, Willis Haynes was subjected to severe physical and emotional abuse by his mother.

Number of jurors who so find (as to any or all offenses) 7

10. Willis Haynes has demonstrated remorse by his admissions of guilt.

Number of jurors who so find (as to any or all offenses) NONE

11. Willis Haynes will not pose a danger in the future if he is sentenced to life imprisonment without the possibility of release.

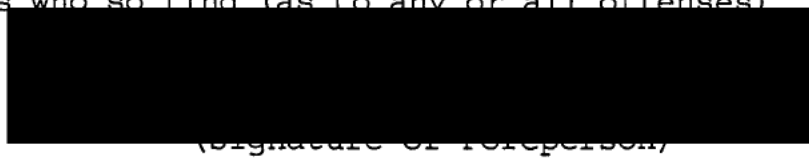
Number of jurors who so find (as to any or all offenses) 4

12. A sentence of death will have an adverse impact upon Willis Haynes' mother.

Number of jurors who so find (as to any or all offenses) 9

13. Other factors in the defendant's background, record, or character or any other circumstance of the offense that weigh against the imposition of a sentence of death.

Number of jurors who so find (as to any or all offenses) 1


  
(Signature of Foreperson)

Date: June 23, 2000

**B. EXTRA SPACES FOR ANY ADDITIONAL MITIGATING FACTORS**

Instructions: Indicate any additional mitigating factors found to exist and the number of jurors, if any, who so find, or if no jurors so find, write "NONE" in the space provided.

1. Although Willis Mark Haynes was identified as a child at risk and a Juvenile Offender; the

 Number of jurors who so find (as to any or all offenses) \_\_\_\_\_

extensive services provided by the legal system & social services were inadequate for Willis Mark Haynes.

Number of jurors who so find (as to any or all offenses) 8

3. \_\_\_\_\_

Number of jurors who so find (as to any or all offenses) \_\_\_\_\_

4. \_\_\_\_\_

Number of jurors who so find (as to any or all offenses) \_\_\_\_\_

5. \_\_\_\_\_

Number of jurors who so find (as to any or all offenses) \_\_\_\_\_

\_\_\_\_\_  
(Signature of Foreperson)

Date: June \_\_, 2000

Instructions: Regardless of whether any one or more juror(s) find(s) any one or more mitigating factors, you are to continue

deliberations on the defendant's sentence for the offenses against Mishann Chinn. You should continue your deliberations in accordance with the court's instructions and proceed to Section VI of this form.

## SECTION VI: DETERMINATION OF SENTENCE

Instructions: You are to consider, separately for each offense, whether all the aggravating factor or factors found to exist sufficiently outweigh all the mitigating factor or factors found to exist to justify a sentence of death, or, in the absence of a mitigating factor, whether the aggravating factor or factors alone are sufficient to justify a sentence of death. Based upon this consideration, you are to determine by unanimous vote, separately for each offense, whether the defendant should be sentenced to death or to life imprisonment without possibility of release.

Sections A, B, and C, which follow, are provided for you to make and indicate your determinations separately for each offense.

If you unanimously determine that the defendant should be sentenced to death for an offense, then your determinations for that offense are complete and you are to proceed to the next offense, and continue your deliberations in accordance with the court's instructions.

If you do not unanimously determine that the defendant should be sentenced to death for an offense, then you are to continue your deliberations for that offense, and determine whether the defendant should be sentenced to life imprisonment without the possibility of release. Then you are to proceed to the next offense, and continue your deliberations in accordance with the court's instructions.



A. FIRST DEGREE PREMEDITATED MURDER OF MISHANN CHINN

Instructions: Answer "YES" or "NO" to the following and indicate your answer by placing an "X" in the space provided.

1. Sentence of Death. We, the jury, by unanimous vote, have determined that the defendant should be sentenced to death, for this offense.

YES \_\_\_\_\_  
NO  X

Instructions: If you answered "YES" regarding a sentence of death, in Section 1 above, then all of you are to sign your names in the following space, then cross out Section 2 below and proceed to the next offense. If you answered "NO" regarding a sentence of death in Section 1 above, then the foreperson alone is to sign his or her name in the following space, and then you are to proceed to Section 2 below.

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_



FOREPERSON

Date: June 28 2000

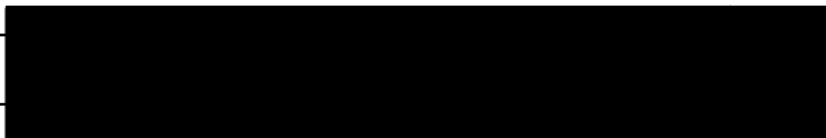
2. Sentence of Life Imprisonment without Possibility of Release. We, the jury, by unanimous vote, have determined that the defendant should be sentenced to life imprisonment without possibility of release, for this offense.

YES \_\_\_\_\_

NO X

**Instructions:** If you answered "YES" regarding a sentence of life imprisonment without the possibility of release, in Section 2 above, then all of you are to sign your names in the following space. If you answered "NO" regarding a sentence of life imprisonment without the possibility of release, in Section 2 above, then the foreperson alone is to sign his or her name in the following space.

_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____



FOREPERSON

Date: June 28, 2000

**Instructions:** Whether you answered "YES" or "NO" regarding a sentence of life imprisonment without the possibility of release in Section 2 above, you are to proceed to the next offense.

B. FIRST DEGREE MURDER OF MISHANN CHINN WHICH OCCURRED DURING PERPETRATION OR ATTEMPTED PERPETRATION OF A FELONY (KIDNAPPING)

Instructions: Answer "YES" or "NO" to the following and indicate your answer by placing an "X" in the space provided.

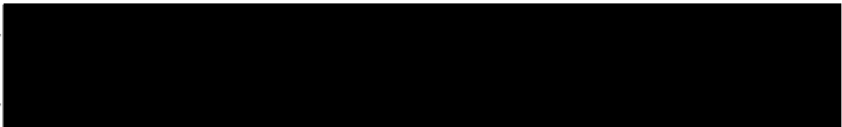
1. Sentence of Death. We, the jury, by unanimous vote, have determined that the defendant should be sentenced to death, for this offense.

YES \_\_\_\_\_

NO   X  

Instructions: If you answered "YES" regarding a sentence of death, in Section 1 above, then all of you are to sign your names in the following space, then cross out Section 2 below and proceed to the next offense. If you answered "NO" regarding a sentence of death in Section 1 above, then the foreperson alone is to sign his or her name in the following space, and then you are to proceed to Section 2 below.

_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____



FOREPERSON

Date: June 28, 2000

C. KIDNAPPING OF MISHANN CHINN WHICH RESULTED IN HER DEATH

Instructions: Answer "YES" or "NO" to the following and indicate your answer by placing an "X" in the space provided. You are not to consider the aggravating factor Death during Commission of Another Crime in determining the punishment for this offense.

1. Sentence of Death. We, the jury, by unanimous vote, have determined that the defendant should be sentenced to death, for this offense.

YES \_\_\_\_\_

NO X \_\_\_\_\_

Instructions: If you answered "YES" regarding a sentence of death, in Section 1 above, then all of you are to sign your names in the following space, then cross out Section 2 below and proceed to Section VII of this form. If you answered "NO" regarding a sentence of death in Section 1 above, then the foreperson alone is to sign his or her name in the following space, and then you are to proceed to Section 2 below.

_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____



FOREPERSON

Date: June 28, 2000

2. Sentence of Life Imprisonment without Possibility of Release. We, the jury, by unanimous vote, have determined that the defendant should be sentenced to life imprisonment without possibility of release, for this offense.

YES \_\_\_\_\_

NO X \_\_\_\_\_

Instructions: If you answered "YES" regarding a sentence of life imprisonment without the possibility of release, in Section 2 above, then all of you are to sign your names in the following space. If you answered "NO" regarding a sentence of life imprisonment without the possibility of release, in Section 2 above, then the foreperson alone is to sign his or her name in the following space.

_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____



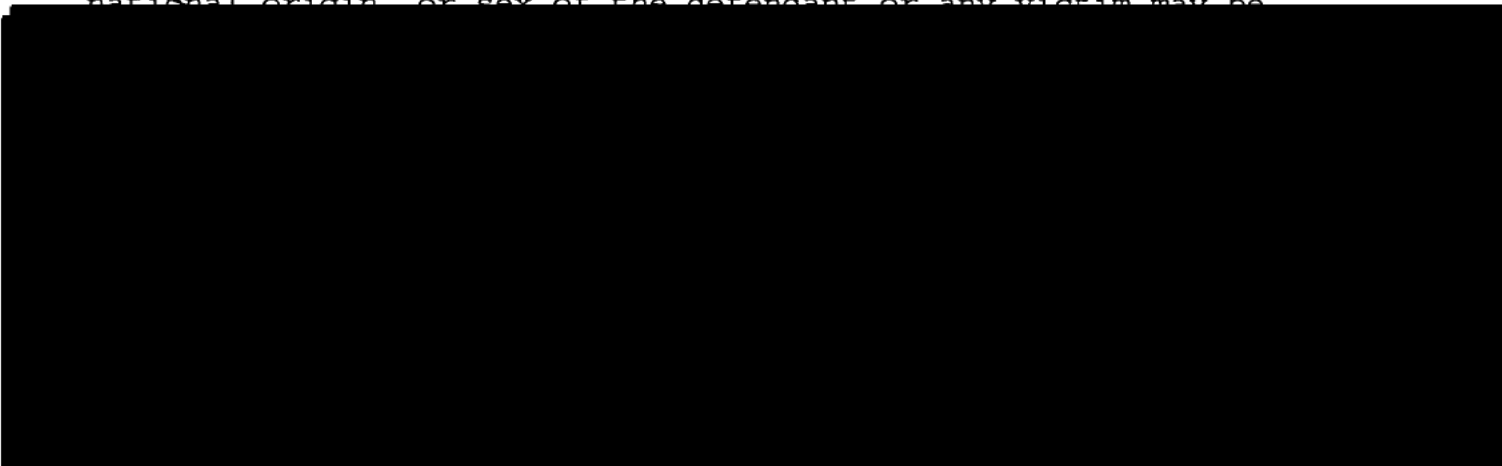
FOREPERSON

Date: June 28, 2000

Instructions: Whether you answered "YES" or "NO" regarding a sentence of life imprisonment without the possibility of release in Section 2 above, you are to proceed to Section VII, following.

SECTION VII: CERTIFICATION

By signing below, each juror certifies that consideration of the race, color, religious beliefs, national origin, or sex of the defendant or any victim was not involved in reaching his or her individual decision and that the individual juror would have made the same determination regarding a sentence for the crime in question no matter what the race, color, religious beliefs, national origin, or sex of the defendant or any victim may be



FOREPERSON

Date: June 28, 2000