

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION

UNITED STATES OF AMERICA, :
Plaintiff, : Case No. 2:06-cr-039
v. : JUDGE ALGENON L. MARBLEY
THOMAS A. HENDERSON :
Defendant. :

COUNTS ONE and THREE
FINDING AS TO DEFENDANT'S AGE

We, the jury, unanimously find that the Government has established beyond a reasonable doubt that Thomas A. Henderson was eighteen years of age or older at the time of the offenses charged in both Counts One and Three.

Unanimously "Yes" _____
Foreperson

Unanimously "No" _____
Foreperson

Unable to reach unanimous agreement _____
Foreperson

SIGNED THIS 27th DAY OF JUNE, 2007.

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION**

UNITED STATES OF AMERICA,	:	
Plaintiff,	:	Case No. 2:06-cr-039
	:	
v.	:	JUDGE ALGENON L. MARBLEY
	:	
THOMAS A. HENDERSON	:	
Defendant.	:	

**COUNT ONE:
FINDINGS ON INTENT**

For the following verdict form, the foreperson should sign his or her name on the appropriate line. You must answer "Yes," "No," or "Unable to Reach Unanimous Agreement" as to whether you, the jury, unanimously find that the Government has established the existence of one of the following intent factors beyond a reasonable doubt.

- (1) **We, the jury, unanimously find that the Government has established beyond a reasonable doubt that Thomas A. Henderson intentionally killed Robert Bass.**

Unanimously "Yes" 
Foreperson

Unanimously "No" _____
Foreperson

Unable to reach unanimous agreement _____
Foreperson

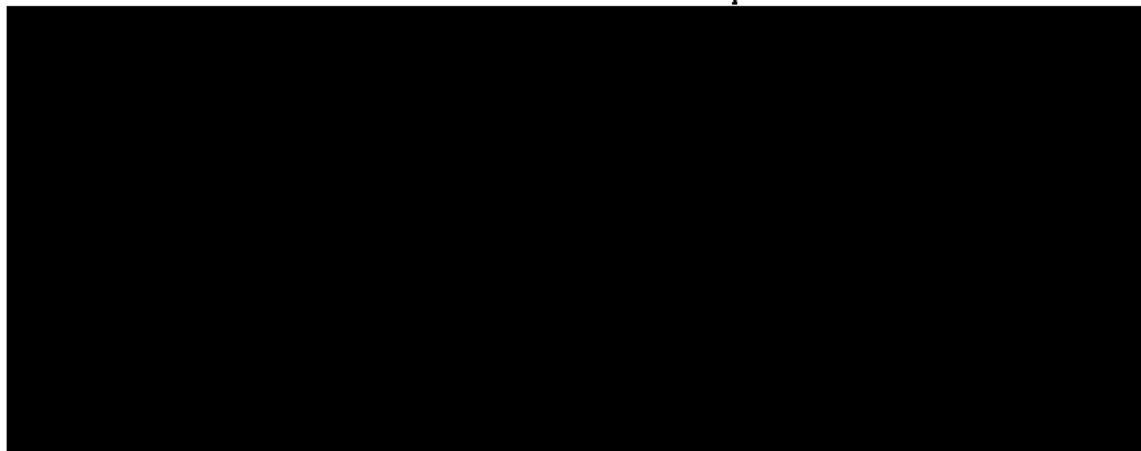
OR

- (2) **We, the jury, unanimously find that the Government has established beyond a reasonable doubt that Thomas A. Henderson intentionally inflicted serious bodily injury that resulted in the death of Robert Bass.**

Unanimously "Yes" _____
Foreperson

Unanimously "No" _____
Foreperson

Unable to reach unanimous agreement _____
person



SIGNED THIS 21th DAY OF JUNE, 2007.

If you answered "No" or "Unable to Reach Unanimous Agreement" on both of these questions, then stop your deliberations on Count One. You do not need to go on to decide any other questions because your deliberations are over on this count. You should proceed to Count Three.

If you answered "Yes" to either question, then continue your deliberations in accordance with the Court's instructions and proceed with Count One.

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION

UNITED STATES OF AMERICA,	:	
Plaintiff,	:	Case No. 2:06-cr-039
	:	
v.	:	JUDGE ALGENON L. MARBLEY
	:	
THOMAS A. HENDERSON	:	
Defendant.	:	

COUNT ONE:
FINDINGS ON STATUTORY AGGRAVATING FACTORS

For each of the following statutory aggravating factors, the foreperson should sign his or her name on the appropriate line following each finding. You must answer "Yes," "No," or "Unable to reach unanimous agreement" as to whether you, the jury, unanimously find the Government has proven each aggravating factor beyond a reasonable doubt.

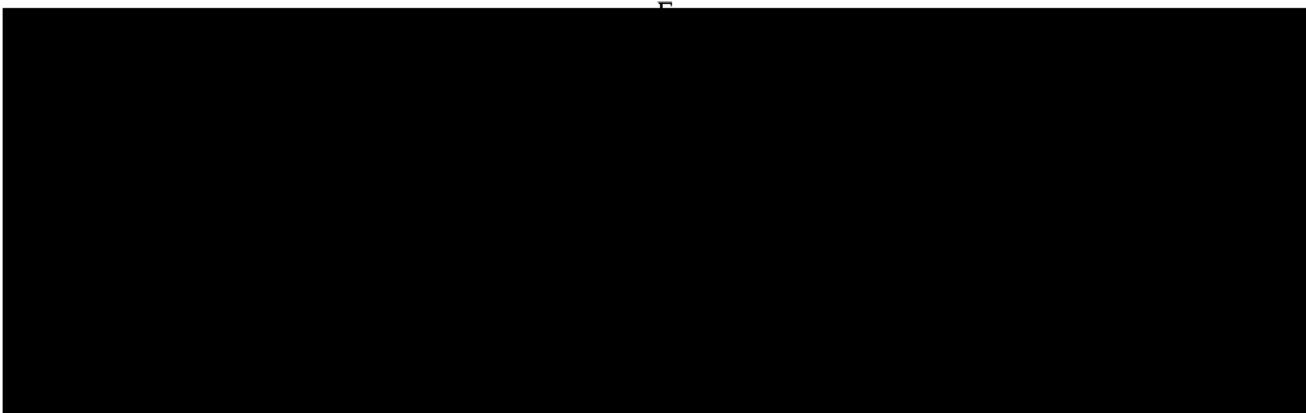
First Statutory Aggravating Factor for Count One

Thomas A. Henderson has at least one previous conviction for violent felonies involving firearms; these are either, Armed Bank Robbery in violation of 18 U.S.C. § 2113(d), on October 30, 1981, in the United States District Court for the Middle District of Georgia, or Voluntary Manslaughter in violation of § 2903.03 of the Ohio Revised Code, on October 4, 1982, in the Court of Common Pleas, Franklin County, Ohio.

Unanimously "Yes" 
Foreperson /

Unanimously "No" _____
Foreperson

Unable to reach unanimous agreement _____





SIGNED THIS 27th DAY OF JUNE, 2007.



Second Statutory Aggravating Factor for Count One

Thomas A. Henderson has a previous conviction for a serious Federal drug offense, specifically, conspiracy to distribute over 100 kilograms of marijuana in violation of 21 U.S.C. § 846, on April 29, 2002, in the United States District Court for the Southern District of Ohio.

Unanimously "Yes" _____

Foreperson

Unanimously "No" _____

Foreperson

Unable to reach unanimous agreement _____

SIGNED THIS 27th DAY OF JUNE, 2007.

Third Statutory Aggravating Factor for Count One

Thomas A. Henderson committed the offense charged in Count One after substantial planning and premeditation.

Unanimously "Yes" _____

Foreperson/

Unanimously "No" _____

Foreperson

Unable to reach unanimous agreement _____

Foreperson

Please proceed to Count Three.


UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION

UNITED STATES OF AMERICA,	:	
Plaintiff,	:	Case No. 2:06-cr-039
	:	
v.	:	JUDGE ALGENON L. MARBLEY
	:	
THOMAS A. HENDERSON	:	
Defendant.	:	

**COUNT THREE:
FINDINGS ON INTENT**

For the following verdict form, the foreperson should sign his or her name on the appropriate line. You must answer "Yes," "No," or "Unable to Reach Unanimous Agreement" as to whether you, the jury, unanimously find that the Government has established the existence of one of the following intent factors beyond a reasonable doubt.

- (1) **We, the jury, unanimously find that the Government has established beyond a reasonable doubt that Thomas A. Henderson intentionally killed Ecolia Washington.**

Unanimously "Yes" 
Foreperson

Unanimously "No" _____
Foreperson

Unable to reach unanimous agreement _____
Foreperson

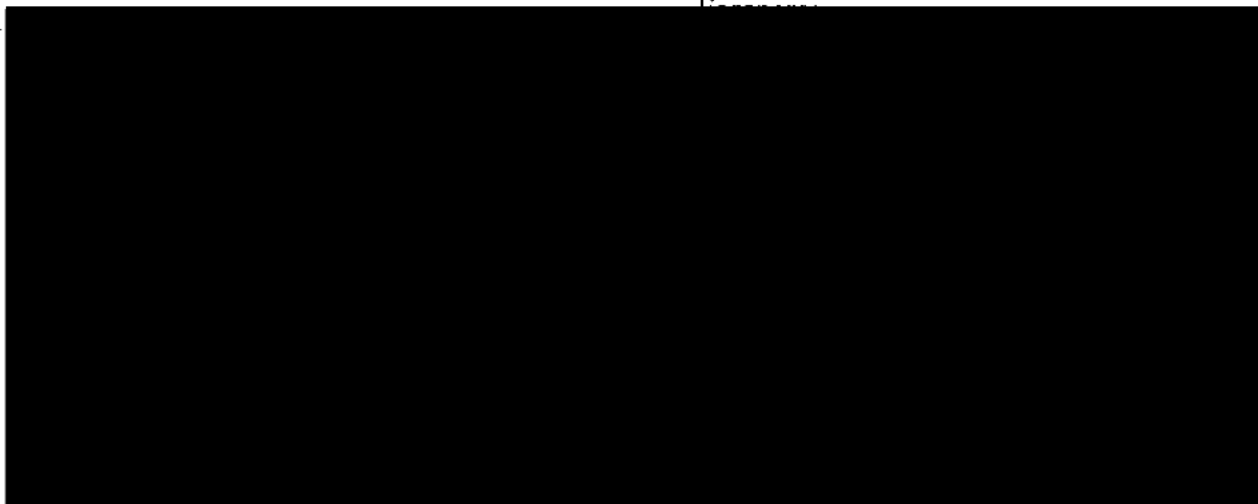
OR

- (2) **We, the jury, unanimously find that the Government has established beyond a reasonable doubt that Thomas A. Henderson intentionally inflicted serious bodily injury that resulted in the death of Ecolia Washington.**

Unanimously "Yes" _____
Foreperson

Unanimously "No" _____
Foreperson

Unable to reach unanimous agreement _____



SIGNED THIS 27 DAY OF JUNE, 2007.

If you answered "No" or "Unable to Reach Unanimous Agreement" on both of these questions, then stop your deliberations on Count Three. You do not need to go on to decide any other questions because your deliberations are over on this count.

If you answered "Yes" to either question, then continue your deliberations in accordance with the Court's instructions and proceed with Count Three.

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION

UNITED STATES OF AMERICA,	:	
Plaintiff,	:	Case No. 2:06-cr-039
	:	
v.	:	JUDGE ALGENON L. MARBLEY
	:	
THOMAS A. HENDERSON	:	
Defendant.	:	

**COUNT THREE:
FINDINGS ON STATUTORY AGGRAVATING FACTORS**

For each of the following statutory aggravating factors, the foreperson should sign his or her name on the appropriate line following each finding. You must answer "Yes," "No," or "Unable to reach unanimous agreement" as to whether you, the jury, unanimously find the Government has proven each aggravating factor beyond a reasonable doubt.

First Statutory Aggravating Factor for Count Three

Thomas A. Henderson has at least one previous conviction for violent felonies involving firearms; these are either, Armed Bank Robbery in violation of 18 U.S.C. § 2113(d), on October 30, 1981, in the United States District Court for the Middle District of Georgia, or Voluntary Manslaughter in violation of § 2903.03 of the Ohio Revised Code, on October 4, 1982, in the Court of Common Pleas, Franklin County, Ohio.

Unanimously "Yes" 
Foreperson

Unanimously "No" _____
Foreperson


Unable to reach unanimous agreement _____



SIGNED THIS 21 DAY OF JUNE, 2007.

Second Statutory Aggravating Factor for Count Three

Thomas A. Henderson has a previous conviction for a serious Federal drug offense, specifically, conspiracy to distribute over 100 kilograms of marijuana in violation of 21 U.S.C. § 846, on April 29, 2002, in the United States District Court for the Southern District of Ohio.

Unanimously "Yes" 

Foreperson

Unanimously "No" _____

Foreperson

Unable to reach unanimous agreement



SIGNED THIS 27 DAY OF JUNE, 2007.

Third Statutory Aggravating Factor for Count Three

Thomas A. Henderson committed the offense charged in Count Three after substantial planning and premeditation.

Unanimously "Yes" _____
Foreperson

Unanimously "No" _____
Foreperson

Unable to reach unanimous agreement

Foreperson

SIGNED THIS 27 DAY OF JUNE, 2007.

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION

UNITED STATES OF AMERICA,	:	
	:	
Plaintiff,	:	
	:	
v.	:	Case No. 2:06-cr-039
	:	
THOMAS HENDERSON,	:	JUDGE ALGENON L. MARBLEY
	:	
Defendant.	:	

COUNT ONE, STEP ONE:

Findings on Nonstatutory Aggravating Factors

Instructions: For the following nonstatutory aggravating factors, the foreperson should sign his or her name on the appropriate line. You must answer "Yes," "No," or "Unable to reach unanimous agreement" as to whether you, the jury, unanimously find that the Government has proven the following nonstatutory aggravating factors beyond a reasonable doubt

- (1) **In addition to the capital offenses charged and the aggravating factors alleged in this case, Thomas Henderson has engaged in a continuing pattern of violent conduct.**

Unanimously "Yes"


Foreperson

Unanimously "No"

Foreperson

Unable to Reach Unanimous Agreement _____

Foreperson

- (2) **The Defendant has previously been convicted for the felony offense of Bank Robbery, on or about April 27, 1973, in the Southern District of Ohio and the felony offenses of Making a False Statement in the Acquisition of a Firearm and twelve**

counts of Money Laundering on or about April 29, 2002, in the Southern District of Ohio.

Unanimously "Yes"



Foreperson

Unanimously "No"

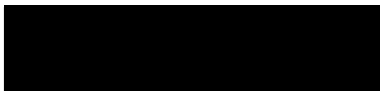
Foreperson

Unable to Reach Unanimous Agreement _____

Foreperson

(3) **The Defendant is likely to commit or attempt to commit criminal acts of violence in the future that would constitute a continuing and serious threat to the lives and safety of others.**

Unanimously "Yes"



Foreperson

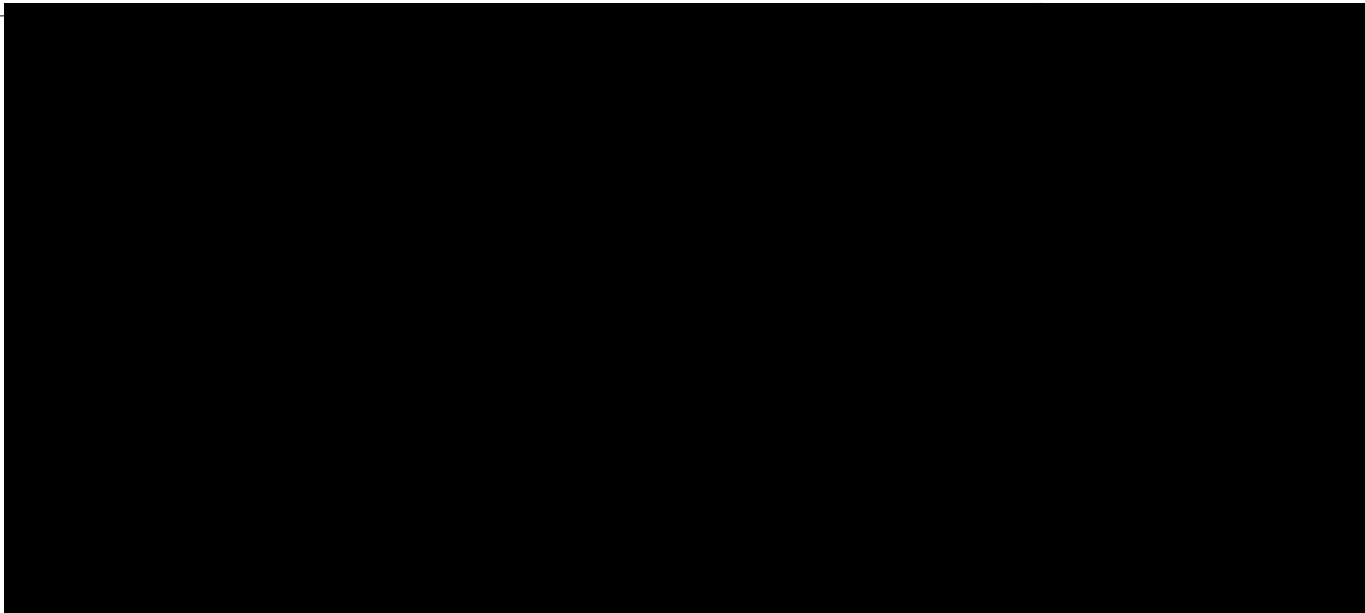
Unanimously "No"

Foreperson

Unable to Reach Unanimous Agreement _____

Foreperson

So say we all, this 3rd day of July, 2007.



After you have recorded your findings with respect to these nonstatutory aggravating factors, then continue your deliberations in accordance with this Court's instructions and proceed to Count One, Step Two.

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION**

UNITED STATES OF AMERICA,	:	
	:	
Plaintiff,	:	
	:	
v.	:	Case No. 2:06-cr-039
	:	
THOMAS A. HENDERSON,	:	JUDGE ALGENON L. MARBLEY
	:	
Defendant.	:	

COUNT ONE, STEP TWO

Findings on Mitigating Factors

Instructions: For each of the following mitigating factors, please indicate the number of jurors, using the numbers 0 through 12, who find the particular mitigating factor established by a preponderance of the evidence.

Your vote with respect to a mitigating factor *does not have to be unanimous*. A finding with respect to a mitigating factor may be made by any one or more of the members of the jury, and any member of the jury who finds the existence of a mitigating factor may consider such a factor established in considering whether or not to impose a sentence of death, regardless of the number of other jurors who agree that the factor has been established.

	Mitigating Factor	Number of jurors, from 0 to 12, that find this factor exists by a preponderance of the evidence
1	Thomas Henderson is 56 years old.	1
2	If sentenced to life in prison, Thomas Henderson will die in prison.	6

3	Thomas Henderson is currently serving a 20-year sentence for his 2002 federal felony convictions.	0
4	Robert Bass was a major drug dealer, user, and convicted criminal.	3
5	A grand jury found probable cause to indict Mario Wiley for the murder of Robert Bass.	0
6	Ecolia Washington was a drug dealer, user, and convicted criminal.	3
7	No trace evidence (i.e., DNA, fingerprints, blood, etc.) ties Thomas Henderson to either the murder of Robert Bass or the murder of Ecolia Washington.	6
8	No trace evidence (i.e., DNA, fingerprints, blood, etc.) ties Thomas Henderson to the murders of Edward Boyd, Robert Catchings, or Ronald Beauford, Sr.	11
9	Edward Boyd, Robert Catchings, and Ronald Beauford, Sr. were killed with small caliber handguns – not a .38 caliber revolver.	7
10	The Government primarily relied upon snitch testimony to establish its case against Thomas Henderson with respect to the murders of Robert Bass and Ecolia Washington.	5

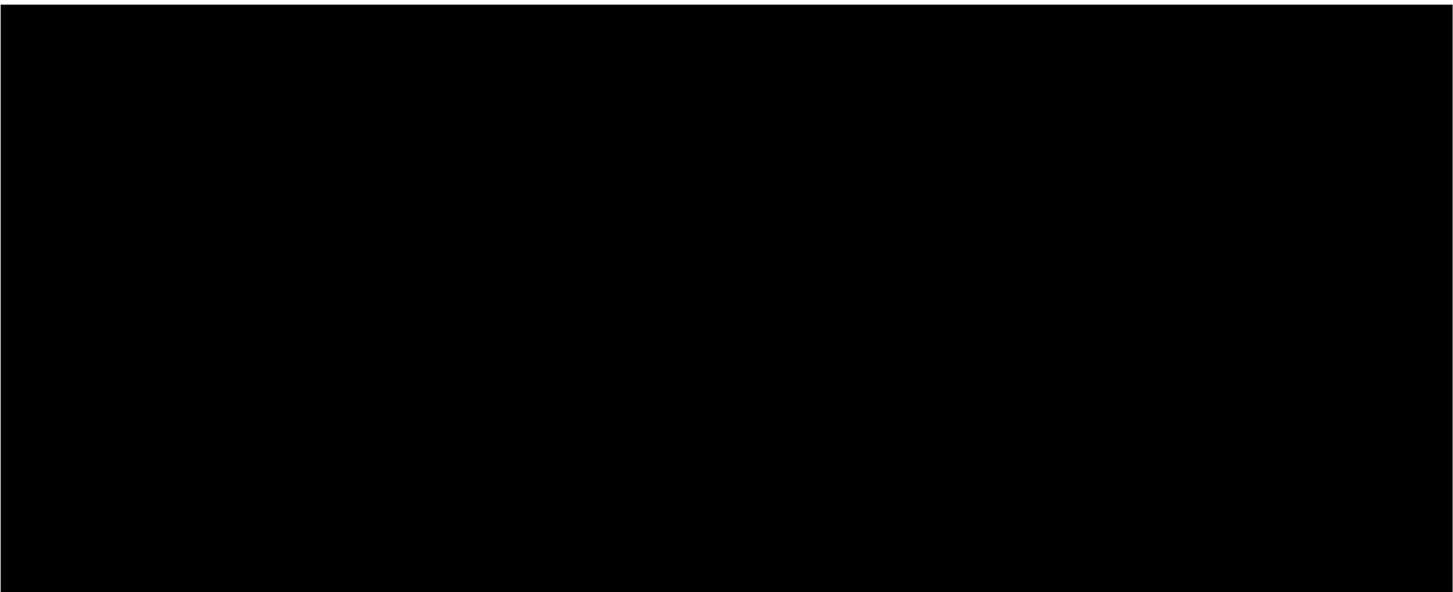
11	The Government will recommend leniency for Ron Beauford, Jr. in exchange for his testimony against Thomas Henderson.	0
12	The Government will recommend leniency for Michael Williams in exchange for his testimony against Thomas Henderson.	0
13	The Government will recommend leniency for Stanley Humphrey in exchange for his testimony against Thomas Henderson.	0
14	The Government will recommend leniency for General Smith in exchange for his testimony against Thomas Henderson.	0
15	David "Ace" McClendon will never serve a day in jail for his alleged involvement in the murder of Robert Bass.	0
16	Both David "Ace" McClendon and Stanley Humphrey were heroin addicts, high on heroine during the time frame to which they testified.	10
17	In at least 2000 recorded calls of Thomas Henderson, he has never threatened to kill or harm anyone.	0
18	Thomas Henderson has had no jail violations from 2000 - 2002 while incarcerated at the Franklin County Jail.	0

19	Thomas Henderson has had no jail violations during 2007 while incarcerated at the Franklin County Jail.	0
20	Thomas Henderson has had no jail violations during his incarceration at the Pickaway County Jail.	0
21	Thomas Henderson had no incidents of violence while incarcerated at Elkton Penitentiary.	0
22	The charges against Thomas Henderson involving the murders of Ronald Beauford, Sr. and Robert Catchings were dismissed in 1982 at the request of the Franklin County Common Pleas Court Prosecutor.	3
23	Thomas Henderson has never been charged with the murder of Edward Boyd.	5
24	Thomas Henderson maintains his innocence.	0

If any juror finds that any other evidence about the commission of the crime, or Thomas Henderson's background or character, establishes a reason to punish with life in prison without any possibility of release, rather than death, please list that factor on the lines below and indicate the number of jurors, from 0 to 12, that find this factor exists by a preponderance of the evidence. Please add more lines if necessary. Please leave this section blank if no juror finds any other mitigating factor exists.

	Mitigating Factor	Number of jurors, from 0 to 12, that find this factor exists by a preponderance of the evidence
1	<i>Thomas Henderson had opportunities to eliminate "Ace" McClendon and he did not</i>	<i>6</i>
2		
3		
4		

So say we all, this 3rd day of July, 2007.



After you have recorded your findings with respect to these mitigating factors, please proceed to Count One, Steps Three and Four, as described in Instruction Nos. 18 and 19.

When you have reached a decision in Count One, Step Four, all jurors should sign the verdict form in Count One, Step Four that accurately reflects the decision you have reached.

Then, all jurors should complete the form titled, "Count One: Certificate."

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

v.

THOMAS A. HENDERSON,

Defendant.

:
:
:
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:
:

Case No. 2:06-cr-039

JUDGE ALGENON L. MARBLEY

COUNT ONE, STEP FOUR
Verdict Form A

This form should ONLY be completed if you have reached a unanimous decision to sentence Thomas A. Henderson to death by execution.

We, the Jury, unanimously find beyond a reasonable doubt that the statutory and nonstatutory aggravating factors which were proved in this case beyond a reasonable doubt sufficiently outweigh any mitigating factors that have been found to exist. We vote unanimously that Thomas A. Henderson shall be sentenced to death.

So say we all, this _____ day of July, 2007.

Foreperson

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION**

UNITED STATES OF AMERICA,	:	
	:	
Plaintiff,	:	
	:	
v.	:	Case No. 2:06-cr-039
	:	
THOMAS A. HENDERSON,	:	JUDGE ALGENON L. MARBLEY
	:	
Defendant.	:	

**COUNT ONE, STEP FOUR
Verdict Form B**

This form should ONLY be completed if you have reached one of the three following decisions. Please indicate the jury's verdict, by circling the number next to the appropriate paragraph.

(1) We agree unanimously that the statutory and nonstatutory aggravating factors sufficiently outweigh the mitigating factors, but we unanimously find that the death penalty is not the appropriate punishment for Thomas A. Henderson. Thus, we vote unanimously that Thomas A. Henderson shall be sentenced to life in prison without any possibility of release

OR

(2) We find that the statutory and nonstatutory aggravating factors which were proved in this case do not sufficiently outweigh any mitigating factors that have been found to exist. Or we find, beyond any reasonable doubt, that the statutory and nonstatutory aggravating factors in themselves are not sufficient to sentence

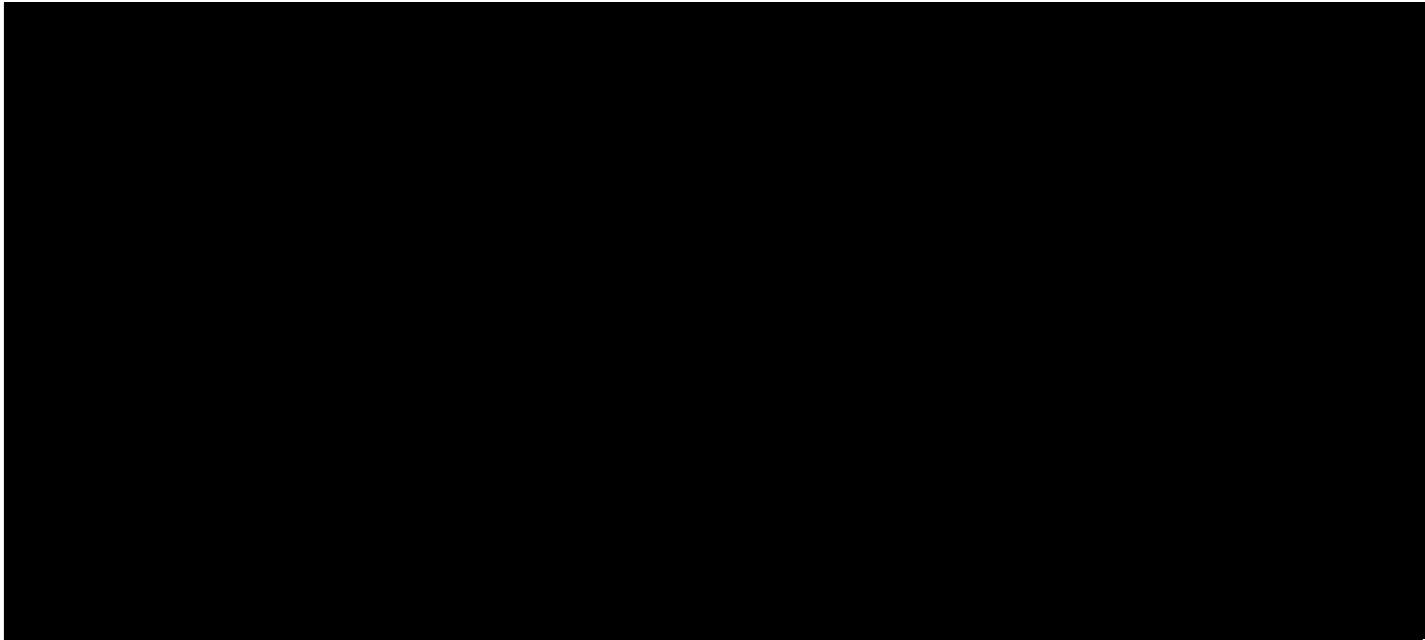
Thomas A. Henderson to death. Thus, we vote unanimously that Thomas A. Henderson shall be sentenced to life in prison without any possibility of release.

OR

(3)

We cannot reach a unanimous decision regarding the appropriate punishment in this case. Because we cannot unanimously agree, we have “agreed to disagree.” This means that one or more of us believes that death by execution is the appropriate punishment, and one or more of us believes that life in prison without any possibility of release is the appropriate punishment. We understand that because we do not unanimously agree, the Court will sentence Thomas A. Henderson to life in prison without any possibility of release.

So say we all, this 5th day of July, 2007.



**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION**

UNITED STATES OF AMERICA,

Plaintiff,

v.

THOMAS A. HENDERSON,

Defendant.

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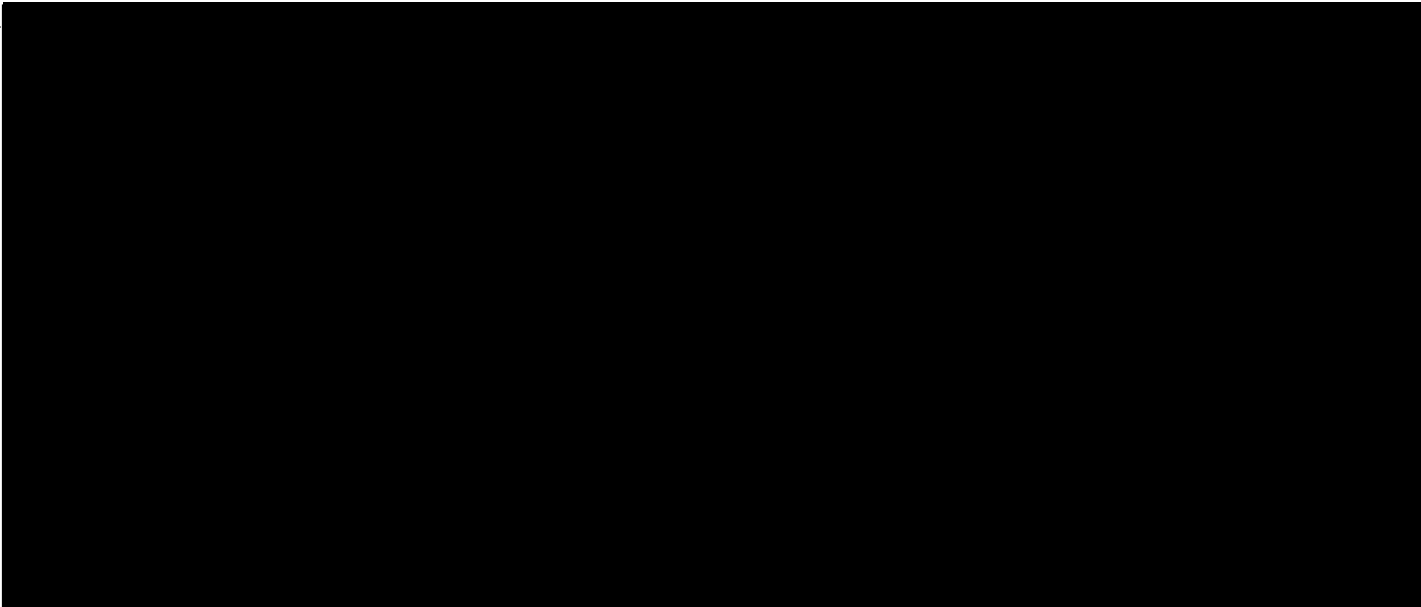
Case No. 2:06-cr-039

JUDGE ALGENON L. MARBLEY

COUNT ONE: CERTIFICATE

By signing below, each of us individually certifies that consideration of the race, color, religious beliefs, national origin, or sex of Thomas A. Henderson or Robert Bass were not involved in reaching our respective individual decisions. If we reached a decision regarding a sentence, 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 Thomas A. Henderson or Robert Bass may have been.

So say we all, this 5th day of July, 2007.



IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION

UNITED STATES OF AMERICA,	:	
	:	
Plaintiff,	:	
	:	
v.	:	Case No. 2:06-cr-039
	:	
THOMAS HENDERSON,	:	JUDGE ALGENON L. MARBLEY
	:	
Defendant.	:	

COUNT THREE, STEP ONE:

Findings on Nonstatutory Aggravating Factors

Instructions: For the following nonstatutory aggravating factors, the foreperson should sign his or her name on the appropriate line. You must answer "Yes," "No," or "Unable to reach unanimous agreement" as to whether you, the jury, unanimously find that the Government has proven the following nonstatutory aggravating factors beyond a reasonable doubt

- (1) **In addition to the capital offenses charged and the aggravating factors alleged in this case, Thomas Henderson has engaged in a continuing pattern of violent conduct.**

Unanimously "Yes" 
Foreperson

Unanimously "No" _____
Foreperson

Unable to Reach Unanimous Agreement _____
Foreperson

- (2) **The Defendant has previously been convicted for the felony offense of Bank Robbery, on or about April 27, 1973, in the Southern District of Ohio and the felony offenses of Making a False Statement in the Acquisition of a Firearm and twelve**

counts of Money Laundering on or about April 29, 2002, in the Southern District of Ohio.

Unanimously "Yes"


Foreperson

Unanimously "No"

Foreperson

Unable to Reach Unanimous Agreement _____

Foreperson

(3) **The Defendant is likely to commit or attempt to commit criminal acts of violence in the future that would constitute a continuing and serious threat to the lives and safety of others.**

Unanimously "Yes"


Foreperson

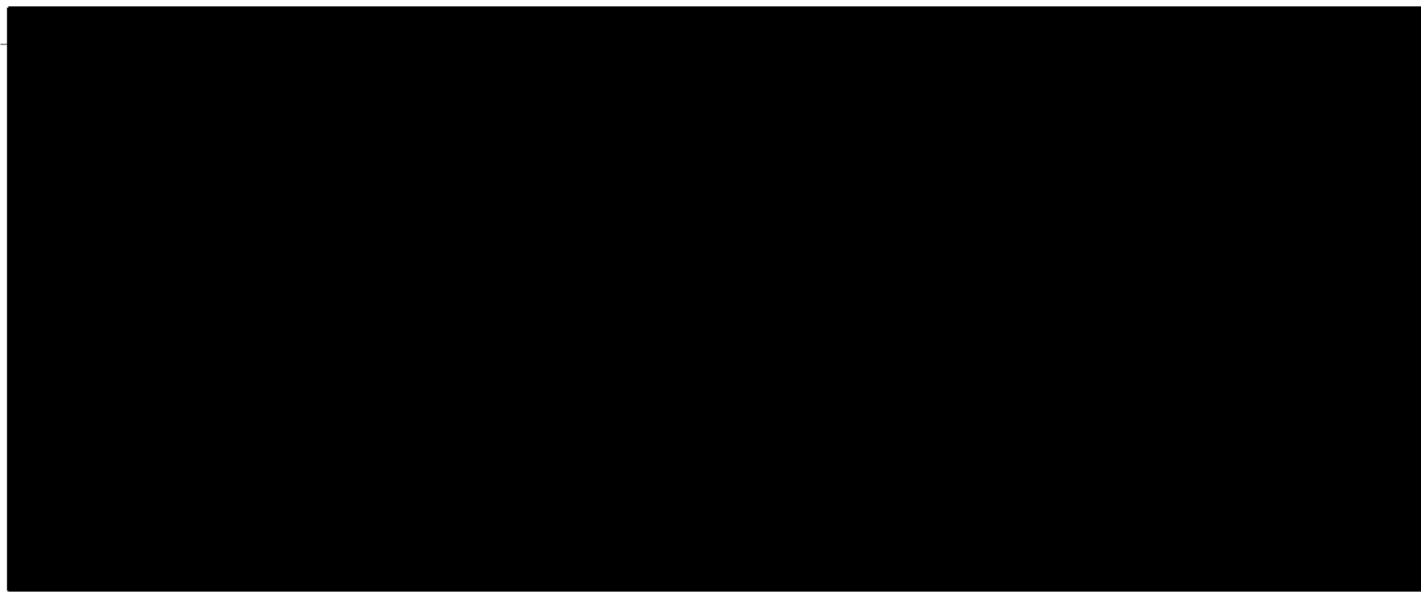
Unanimously "No"

Foreperson

Unable to Reach Unanimous Agreement _____

Foreperson

So say we all, this 5th day of July, 2007.



After you have recorded your findings with respect to these nonstatutory aggravating factors, then continue your deliberations in accordance with this Court's instructions and proceed to Count Three, Step Two.

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION**

UNITED STATES OF AMERICA,	:	
	:	
Plaintiff,	:	
	:	
v.	:	Case No. 2:06-cr-039
	:	
THOMAS A. HENDERSON,	:	JUDGE ALGENON L. MARBLEY
	:	
Defendant.	:	

COUNT THREE, STEP TWO

Findings on Mitigating Factors

Instructions: For each of the following mitigating factors, please indicate the number of jurors, using the numbers 0 through 12, who find the particular mitigating factor established by a preponderance of the evidence.

Your vote with respect to a mitigating factor *does not have to be unanimous*. A finding with respect to a mitigating factor may be made by any one or more of the members of the jury, and any member of the jury who finds the existence of a mitigating factor may consider such a factor established in considering whether or not to impose a sentence of death, regardless of the number of other jurors who agree that the factor has been established.

	Mitigating Factor	Number of jurors, from 0 to 12, that find this factor exists by a preponderance of the evidence
1	Thomas Henderson is 56 years old.	1
2	If sentenced to life in prison, Thomas Henderson will die in prison.	6

3	Thomas Henderson is currently serving a 20-year sentence for his 2002 federal felony convictions.	0
4	Robert Bass was a major drug dealer, user, and convicted criminal.	3
5	A grand jury found probable cause to indict Mario Wiley for the murder of Robert Bass.	0
6	Ecolia Washington was a drug dealer, user, and convicted criminal.	3
7	No trace evidence (i.e., DNA, fingerprints, blood, etc.) ties Thomas Henderson to either the murder of Robert Bass or the murder of Ecolia Washington.	6
8	No trace evidence (i.e., DNA, fingerprints, blood, etc.) ties Thomas Henderson to the murders of Edward Boyd, Robert Catchings, or Ronald Beauford, Sr.	11
9	Edward Boyd, Robert Catchings, and Ronald Beauford, Sr. were killed with small caliber handguns – not a .38 caliber revolver.	7
10	The Government primarily relied upon snitch testimony to establish its case against Thomas Henderson with respect to the murders of Robert Bass and Ecolia Washington.	5

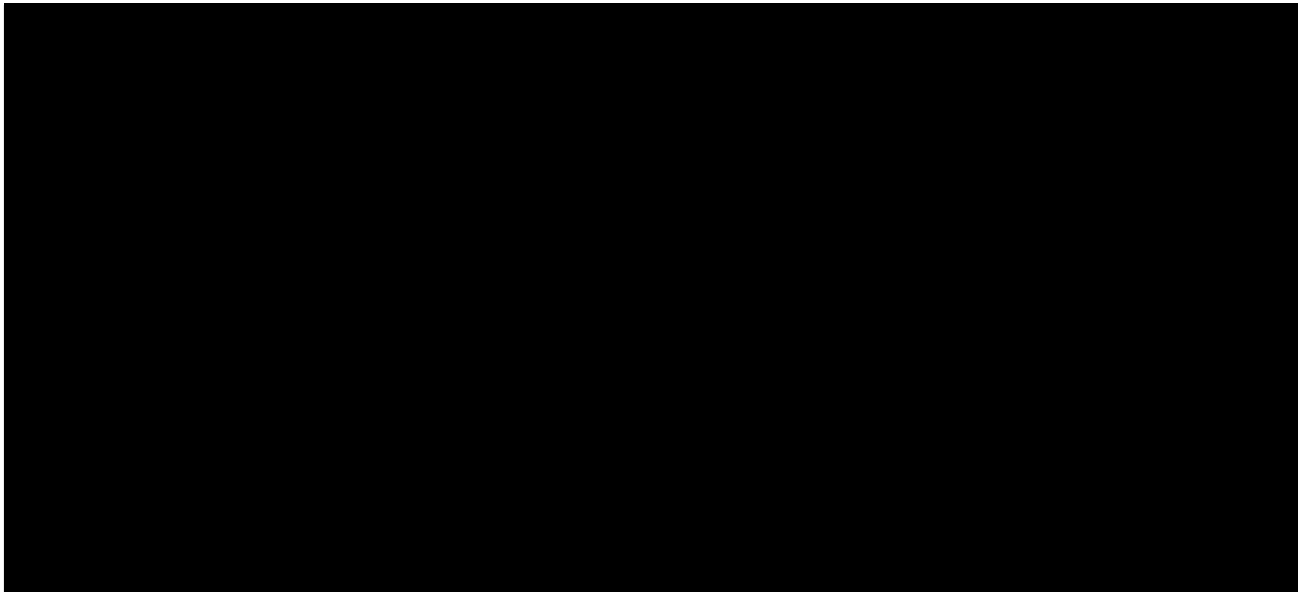
11	The Government will recommend leniency for Ron Beauford, Jr. in exchange for his testimony against Thomas Henderson.	0
12	The Government will recommend leniency for Michael Williams in exchange for his testimony against Thomas Henderson.	0
13	The Government will recommend leniency for Stanley Humphrey in exchange for his testimony against Thomas Henderson.	0
14	The Government will recommend leniency for General Smith in exchange for his testimony against Thomas Henderson.	0
15	David "Ace" McClendon will never serve a day in jail for his alleged involvement in the murder of Robert Bass.	0
16	Both David "Ace" McClendon and Stanley Humphrey were heroin addicts, high on heroine during the time frame to which they testified.	10
17	In at least 2000 recorded calls of Thomas Henderson, he has never threatened to kill or harm anyone.	0
18	Thomas Henderson has had no jail violations from 2000 - 2002 while incarcerated at the Franklin County Jail.	0

19	Thomas Henderson has had no jail violations during 2007 while incarcerated at the Franklin County Jail.	0
20	Thomas Henderson has had no jail violations during his incarceration at the Pickaway County Jail.	0
21	Thomas Henderson had no incidents of violence while incarcerated at Elkton Penitentiary.	0
22	The charges against Thomas Henderson involving the murders of Ronald Beauford, Sr. and Robert Catchings were dismissed in 1982 at the request of the Franklin County Common Pleas Court Prosecutor.	3
23	Thomas Henderson has never been charged with the murder of Edward Boyd.	5
24	Thomas Henderson maintains his innocence.	0

If any juror finds that any other evidence about the commission of the crime, or Thomas Henderson's background or character, establishes a reason to punish with life in prison without any possibility of release, rather than death, please list that factor on the lines below and indicate the number of jurors, from 0 to 12, that find this factor exists by a preponderance of the evidence. Please add more lines if necessary. Please leave this section blank if no juror finds any other mitigating factor exists.

	Mitigating Factor	Number of jurors, from 0 to 12, that find this factor exists by a preponderance of the evidence
1	<i>Thomas Henderson had opportunities to eliminate "Ace" McClendon and he did not</i>	<i>6</i>
2		
3		
4		

So say we all, this *5th* day of July, 2007.



After you have recorded your findings with respect to these mitigating factors, please proceed to Count Three, Steps Three and Four, as described in Instruction Nos. 18 and 19.

When you have reached a decision in Count Three, Step Four, all jurors should sign the verdict form in Count Three, Step Four that accurately reflects the decision you have reached. Then, all jurors should complete the form titled, "Count Three: Certificate."

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION**

UNITED STATES OF AMERICA,

Plaintiff,

v.

THOMAS A. HENDERSON,

Defendant.

:
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:
:
:
:

Case No. 2:06-cr-039

JUDGE ALGENON L. MARBLEY

**COUNT THREE, STEP FOUR
Verdict Form A**

This form should ONLY be completed if you have reached a unanimous decision to sentence Thomas A. Henderson to death by execution.

We, the Jury, unanimously find beyond a reasonable doubt that the statutory and nonstatutory aggravating factors which were proved in this case beyond a reasonable doubt sufficiently outweigh any mitigating factors that have been found to exist. We vote unanimously that Thomas A. Henderson shall be sentenced to death.

So say we all, this _____ day of July, 2007.

Foreperson

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION**

UNITED STATES OF AMERICA,	:	
	:	
Plaintiff,	:	
	:	
v.	:	Case No. 2:06-cr-039
	:	
THOMAS A. HENDERSON,	:	JUDGE ALGENON L. MARBLEY
	:	
Defendant.	:	

**COUNT THREE, STEP FOUR
Verdict Form B**

This form should ONLY be completed if you have reached one of the three following decisions. Please indicate the jury's verdict, by circling the number next to the appropriate paragraph.

(1) We agree unanimously that the statutory and nonstatutory aggravating factors sufficiently outweigh the mitigating factors, but we unanimously find that the death penalty is not the appropriate punishment for Thomas A. Henderson. Thus, we vote unanimously that Thomas A. Henderson shall be sentenced to life in prison without any possibility of release

OR

(2) We find that the statutory and nonstatutory aggravating factors which were proved in this case do not sufficiently outweigh any mitigating factors that have been found to exist. Or we find, beyond any reasonable doubt, that the statutory and nonstatutory aggravating factors in themselves are not sufficient to sentence

Thomas A. Henderson to death. Thus, we vote unanimously that Thomas A. Henderson shall be sentenced to life in prison without any possibility of release.

OR

(3)

We cannot reach a unanimous decision regarding the appropriate punishment in this case. Because we cannot unanimously agree, we have "agreed to disagree." This means that one or more of us believes that death by execution is the appropriate punishment, and one or more of us believes that life in prison without any possibility of release is the appropriate punishment. We understand that because we do not unanimously agree, the Court will sentence Thomas A. Henderson to life in prison without any possibility of release.

So say we all, this 5th day of July, 2007.

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION**

UNITED STATES OF AMERICA,

Plaintiff,

v.

THOMAS A. HENDERSON,

Defendant.

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Case No. 2:06-cr-039

JUDGE ALGENON L. MARBLEY

COUNT THREE: CERTIFICATE

By signing below, each of us individually certifies that consideration of the race, color, religious beliefs, national origin, or sex of Thomas A. Henderson or Ecolia Washington were not involved in reaching our respective individual decisions. If we reached a decision regarding a sentence, 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 Thomas A. Henderson or Ecolia Washington may have been.

So say we all, this 5th day of July, 2007.

