

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
Norfolk Division

UNITED STATES OF AMERICA

Plaintiff,

v.

CRIMINAL NO. 2:93cr131

ARNOLD MARK HENRY,

Defendant.

SPECIAL FINDINGS FORM REGARDING THE
PUNISHMENT TO BE IMPOSED UPON ARNOLD MARK HENRY
FOR THE KILLING OF WAYNE ANTHONY ASHLEY

I. PART ONE - CATEGORY ONE STATUTORY AGGRAVATING
FACTORS

Instructions: For each of the following, answer "YES" or "NO"
as to whether you, the Jury, unanimously find the government has
established the existence of one of the following aggravating
factors beyond a reasonable doubt:

1. Arnold Mark Henry intentionally engaged in conduct
intending that Wayne Anthony Ashley be killed and
that lethal force be employed against Wayne Anthony
Ashley, which resulted in his death;

Unanimously	YES	_____
		Foreperson
	NO	_____
		Foreperson

or,

III. PART THREE - OTHER NON-STATUTORY AGGRAVATING FACTORS

Instructions:

For each of the following, answer "YES" or "NO" as to whether you, the jury, unanimously find that the Government has established the existence of the subject aggravating factors beyond a reasonable doubt:

1. Arnold Mark Henry represents a continuing danger to the lives of others in the future.

Unanimously	YES	<u>Foreperson</u>
	NO	<u>Foreperson</u>

2. Arnold Mark Henry has been found guilty in this trial of more than one offense that resulted in the death of a person.

Unanimously	YES	<u>Foreperson</u>
	NO	<u>Foreperson</u>

3. Arnold Mark Henry caused harm to the family of Wayne Anthony Ashley as a result of the impact of the killing upon the family.

Unanimously	YES	<u>Foreperson</u>
	NO	<u>Foreperson</u>

1. Arnold Mark Henry's capacity to appreciate the wrongfulness of his conduct or to conform his conduct to the requirements of the law was significantly impaired, regardless of whether his capacity was so impaired as to constitute a defense to the charge.

Number of Jurors Who So Find 0
Number

2. Arnold Mark Henry was under unusual and substantial duress, regardless of whether the duress was of such a degree as to constitute a defense to the charge.

Number of Jurors Who So Find 0
Number

3. Arnold Mark Henry is punishable as a principal only because he aided and abetted in the offense which was committed by another, but his participation was relatively minor, regardless of whether the participation was so minor as to constitute a defense to the charge.

Number of Jurors Who So Find 0
Number

4. Arnold Mark Henry could not reasonably have foreseen that his conduct in the course of the commission of the killing, or other offense resulting in the death for which he was convicted, would cause, or would create a grave risk of causing, death to any person.

Number of Jurors Who So Find 0
Number

5. Arnold Mark Henry was youthful, although not under the age of 18.

Number of Jurors Who So Find 0
Number

6. Arnold Mark Henry does not have a significant prior criminal record.

Number of Jurors Who So Find 8
Number

7. There is a strong probability that Arnold Mark Henry will be sentenced to life in prison without any possibility of parole if a sentence of death is not imposed.

Number of Jurors Who So Find 4
Number

8. Arnold Mark Henry was subjected to emotional and physical abuse as a child.

Number of Jurors Who So Find 1
Number

9. Arnold Mark Henry has responded well to structured environments, and would likely make a successful adaptation to prison if he were sentenced to life imprisonment without parole.

Number of Jurors Who So Find 2
Number

11. A member or members of the Jury find factors which demonstrate, as to Arnold Mark Henry, that mercy should be considered.

Number of Jurors Who So Find 6
Number

12. Another defendant or defendants, equally culpable in the crime, will not be punished by death.

Number of Jurors Who So Find 9
Number

13. That other factors in Arnold Mark Henry's childhood, background or character mitigate against imposition of the death sentence.

Number of Jurors Who So Find 0
Number

14. Mental retardation may also be considered a mitigating factor if proven to any one or more members of the Jury.

Number of Jurors Who So Find 2

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
Norfolk Division

UNITED STATES OF AMERICA

Plaintiff,

v.

CRIMINAL NO. 2:93cr131

ARNOLD MARK HENRY,

Defendant.

SPECIAL FINDINGS FORM REGARDING THE
PUNISHMENT TO BE IMPOSED UPON ARNOLD MARK HENRY
FOR THE KILLING OF ALMA MARIE BAKER

I. PART ONE - CATEGORY ONE STATUTORY AGGRAVATING
FACTORS

Instructions: For each of the following, answer "YES" or "NO"
as to whether you, the Jury, unanimously find the government has
established the existence of one of the following aggravating
factors beyond a reasonable doubt:

1. Arnold Mark Henry intentionally engaged in conduct
intending that Alma Marie Baker be killed and that
lethal force be employed against Alma Marie Baker,
which resulted in her death.

Unanimously YES

Foreperson

NO

Foreperson

or,

2. Arnold Mark Henry intentionally engaged in conduct which he knew would create a grave risk of death of a person, other than one of the participants in the offense, and that resulted in the death of Alma Marie Baker.

Unanimously YES

Foreperson

NO

Foreperson

Instructions:

If you answered "NO" with respect to all of the Category One Statutory Aggravating Factors in Part One above, then stop your deliberations, and fill out Part Five finding against the imposition of the death penalty upon Arnold Mark Henry for the killing of Alma Marie Baker.

If you answered "YES" with respect to one of the Category One Statutory Aggravating Factors in Part One, then continue your deliberations in accordance with the Court's instructions and proceed to Part Two which follows.

1. Arnold Mark Henry's capacity to appreciate the wrongfulness of his conduct or to conform his conduct to the requirements of the law was significantly impaired, regardless of whether his capacity was so impaired as to constitute a defense to the charge.

Number of Jurors Who So Find 0
Number

2. Arnold Mark Henry was under unusual and substantial duress, regardless of whether the duress was of such a degree as to constitute a defense to the charge.

Number of Jurors Who So Find 0
Number

3. Arnold Mark Henry is punishable as a principal only because he aided and abetted in the offense which was committed by another, but his participation was relatively minor, regardless of whether the participation was so minor as to constitute a defense to the charge.

Number of Jurors Who So Find 0
Number

4. Arnold Mark Henry could not reasonably have foreseen that his conduct in the course of the commission of the killing, or other offense resulting in the death for which he was convicted, would cause, or would create a grave risk of causing, death to any person.

Number of Jurors Who So Find 0
Number

5. Arnold Mark Henry was youthful, although not under the age of 18.

Number of Jurors Who So Find 0
Number

6. Arnold Mark Henry does not have a significant prior criminal record.

Number of Jurors Who So Find 9
Number

7. There is a strong probability that Arnold Mark Henry

will be sentenced to life in prison without any possibility of parole if a sentence of death is not imposed.

Number of Jurors Who So Find

4
Number

8. Arnold Mark Henry was subjected to emotional and physical abuse as a child.

Number of Jurors Who So Find

1
Number

9. Arnold Mark Henry has responded well to structured environments, and would likely make a successful adaptation to prison if he were sentenced to life imprisonment without parole.

Number of Jurors Who So Find

2
Number

11. A member or members of the Jury find factors which demonstrate, as to Arnold Mark Henry, that mercy should be considered.

Number of Jurors Who So Find

6
Number

12. Another defendant or defendants, equally culpable in the crime, will not be punished by death.

Number of Jurors Who So Find

10
Number

13. That other factors in Arnold Mark Henry's childhood, background or character mitigate against imposition of the death sentence.

Number of Jurors Who So Find

0
Number

14. Mental retardation may also be considered a mitigating factor if proven to any one or more members of the Jury.

Number of Jurors Who So Find

2
Number