

Poll - HHT HHT II

① ORDER  
VERDICT  
TAKEN

Jury Verdict  
on 10/25/00  
Verdict Taken at  
2:00 A.M on  
10/26/00

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MARYLAND

UNITED STATES OF AMERICA,	)	
	)	
Plaintiff,	)	
	)	
vs.	)	Case No. PJM-98-0520
	)	
DUSTIN JOHN HIGGS,	)	
	)	
Defendant.	)	

SPECIAL VERDICT FORM FOR OFFENSES AGAINST TANJI JACKSON

INTRODUCTION

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

1. The first degree premeditated murder of Tanji Jackson;
2. The first degree murder of Tanji Jackson which occurred during perpetration or attempted perpetration of a felony (kidnapping); and
3. The kidnapping of Tanji Jackson 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.

You should advise the court when you have reached a unanimous decision as to the Determination of Sentence, completed the form in its entirety, and individually signed the 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)       

  JS  

(Signature of Foreperson)

Date:   10/26/00  

**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 Tanji Jackson. 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 Tanji Jackson. 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 Acts to Take Life or Use Lethal Force.** We, the jury, unanimously find proven 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 Tanji Jackson died as a direct result of the act.

YES (as to all offenses)   X  

NO (as to all offenses)       

2. **Intentional Acts of Violence Creating a Grave Risk of Death.** We, the jury, unanimously find proven 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 Tanji Jackson died as a direct result of the act.

YES (as to all offenses) X

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

/s/ \_\_\_\_\_

(Signature of Foreperson)

Date: 10/26/00 \_\_\_\_\_

**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 Tanji Jackson. 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 Tanji Jackson. 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 (premeditated murder and felony murder) 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) \_\_\_\_\_

/s/ \_\_\_\_\_

(Signature of Foreperson)

Date: 10/26/00

**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 Tanji Jackson. You should stop your deliberations, cross out Sections IV, V, and VI, and proceed to Section VII of this form.

If you answered "YES" to at least ONE 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 Tanji Jackson. 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 Tanji Jackson and her family because of the effect of the offense on Tanji Jackson, her personal characteristics as an individual human being, and the impact of the death upon Tanji Jackson and her family.

YES (as to all offenses) X

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

2. **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 Tanji Jackson, Mishann Chinn, and Tamika Black in that the defendant tampered or attempted to tamper with evidence and witnesses.

YES (as to all offenses) X

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

/s/ \_\_\_\_\_

(Signature of Foreperson)

Date: 10/26/00 \_\_\_\_\_

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

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

2. Dustin Higgs was not the sole proximate cause of the deaths of Tamika Black, Mishann Chinn, and Tanji Jackson.

Number of jurors who so find (as to any or all offenses) 12

3. At the time of the offense Dustin Higgs' thinking and judgment were impaired by alcohol and marijuana.

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

4. Dustin Higgs' family history, including the loss of his mother at an early age and abandonment by his father, influenced the direction that his life has taken.

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

5. A sentence of death will have an adverse impact on Dustin Higgs' son.

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

6. There are other factors in Dustin Higgs' background, record, or character or other circumstances of the offense that mitigate against the imposition of the death sentence.

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

/s/  
\_\_\_\_\_  
(Signature of Foreperson)

Date: 10/26/00

**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. \_\_\_\_\_  
\_\_\_\_\_.

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

2. \_\_\_\_\_  
\_\_\_\_\_.

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

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: \_\_\_\_\_

**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 Tanji Jackson. 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.

**A. FIRST DEGREE PREMEDITATED MURDER OF TANJI JACKSON**

**Instructions:** Indicate your determination by placing an "X" in the appropriate space.

We, the jury, by unanimous vote, have determined that the defendant should be sentenced to:

DEATH

LIFE IMPRISONMENT WITHOUT POSSIBILITY OF RELEASE

for this offense.

**Instructions:** If you unanimously determined that the defendant should be sentenced to death for this offense, then all of you are to sign your names in the following space. If you

unanimously determined that the defendant should be sentenced to life imprisonment without possibility of release for this offense, then the foreperson alone is to sign his or her name in the following space. If you should be unable to reach a unanimous decision as to the Determination of Sentence, you should advise the Court of this fact.

/s/ \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

\_\_\_\_\_

FOREPERSON

Date: 10/26/00

**Instructions:** Proceed to the next offense.

**B. FIRST DEGREE MURDER OF TANJI JACKSON WHICH OCCURRED DURING PERPETRATION OR ATTEMPTED PERPETRATION OF A FELONY (KIDNAPPING)**

**Instructions:** Indicate your determination by placing an "X" in the appropriate space.

We, the jury, by unanimous vote, have determined that the defendant should be sentenced to:

DEATH

LIFE IMPRISONMENT WITHOUT POSSIBILITY OF RELEASE

for this offense.

**Instructions:** If you unanimously determined that the defendant should be sentenced to death for this offense, then all of you are to sign your names in the following space. If you unanimously determined that the defendant should be sentenced to life imprisonment without possibility of release for this offense, then the foreperson alone is to sign his or her name in the following space. If you should be unable to reach a unanimous decision as to the Determination of Sentence, you should advise the Court of this fact.

/s/  
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FOREPERSON

Date: 10/26/00

**Instructions:** Proceed to the next offense.

C. KIDNAPPING OF TANJI JACKSON WHICH RESULTED IN HER DEATH

**Instructions:** Indicate your determination by placing an "X" in the appropriate space. You are not to consider the aggravating factor "Death during Commission of Another Crime" in determining the punishment for this offense.

We, the jury, by unanimous vote, have determined that the defendant should be sentenced to:

X DEATH

\_\_\_\_\_ LIFE IMPRISONMENT WITHOUT POSSIBILITY OF RELEASE

for this offense.

**Instructions:** If you unanimously determined that the defendant should be sentenced to death for this offense, then all of you are to sign your names in the following space. If you unanimously determined that the defendant should be sentenced to life imprisonment without possibility of release for this offense, then the foreperson alone is to sign his or her name in the following space. If you should be unable to reach a unanimous decision as to the Determination of Sentence, you should advise the Court of this fact.

/s/  
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FOREPERSON  
Date: 10/26/00

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.

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FOREPERSON

Date: 10/26/00