IN THE UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF OKLAHOMA

UNITED STATES OF AMERICA, Plaintiff,	)	
v.	)	No. CR-92-32-S
JAMES NORWOOD HUTCHING, Defendant.	)	

FILED

MAR 17 1993

WILLIAM B. GUTHRIE
Clerk, U.S. District Court
By _____ Deputy Clerk

SPECIAL FINDINGS FORM

PART ONE

For each of the following category one statutory aggravating factors, answer "Yes" or "No" as to whether you unanimously find that the government has proven beyond a reasonable doubt that particular factor:

1. That the defendant James Norwood Hutching engaged in conduct intending that the victim be killed or that lethal force be employed against the victim, which resulted in the death of the victim.

YES _____

NO __X__

2. That the defendant James Norwood Hutching engaged in conduct which he knew would create a grave risk of death to a person, other than one of the participants of the offense, and resulted in the death of the victim.

YES __X__

NO _____

(If you have checked "NO" as to each of the category one statutory aggravating factors, deliberate no further, sign this special findings form, fill out Decision Form A, complete

the attached certificate, and advise the court that you have reached a decision. If you have checked "YES" to either or both the category one statutory aggravating factors, continue with your deliberations in accordance with the court's instructions and proceed to Part Two of this special findings form.)

PART TWO

For each of the following category two statutory aggravating factors, answer "YES" or "NO" as to whether you unanimously find that the government has proven beyond a reasonable doubt that particular factor:

1. That the defendant James Norwood Hutching committed the offense after substantial planning and premeditation.

YES X

NO _____

2. That the defendant James Norwood Hutching procured the commission of the offense by payment, or promise of payment, of anything of pecuniary value.

YES _____

NO X

3. That the defendant James Norwood Hutching has previously been convicted of two or more state or federal offenses punishable by imprisonment of more than one year, committed on different occasions, involving the distribution of a controlled substance.

YES X

NO _____

(If you have checked "No" as to each of the above listed category two statutory aggravating factors, deliberate no further, sign this special findings form, fill out Decision Form A, complete the attached certificate, and advise the court that you have reached a decision. If you have checked "Yes" as to one or more of the above listed category two statutory aggravating factors, continue with your deliberations in accordance with the court's instructions and

proceed to Parts Three and Four of this special findings form.)

PART THREE

For each of the following non-statutory aggravating factors, answer "Yes" or "No" as to whether you unanimously find that the government has proven beyond a reasonable doubt that particular factor:

1. that a deadly weapon or weapons (a firearm or firearms) was/were used during the commission of the continuing criminal enterprise in an attempt to kidnap or kill Claude Avery Rogers.

YES X

NO _____

2. that a deadly weapon or weapons was/were used in the killing of Jewell Leon Collins.

YES X

NO _____

3. that the defendant Ramon Medina Molina committed the offenses as to which he is charged in the indictment.

YES X

NO _____

4. that repeated attempts to rehabilitate the defendant Ramon Medina Molina or deter him from future criminal behavior have been unsuccessful.

YES X

NO _____

PART FOUR

For each of the following mitigating factors indicate the number of jurors who have found the existence of a particular mitigating factor proven by a preponderance of the evidence:

1. that the defendant Ramon Medina Molina did not have a significant prior criminal record for violent crimes.

Number of jurors who so find 4

2. that another defendant or defendants, or other persons, equally culpable in the killing offense, will not be punished by death.

Number of jurors who so find 12

3. that the defendant Ramon Medina Molina's emotional and social development as a child and as an adult, was affected by influences, including drug addiction, to the extent that they significantly contributed to his progressive involvement in criminal behavior, particularly his drug-related activities.

Number of jurors who so find 9

4. that the family atmosphere in which the defendant Ramon Medina Molina was raised was characterized by alienation, limited emotional security, social and emotional rejection, inferiority and enormous needs for acceptance and belonging.

Number of jurors who so find 9

5. that the defendant Ramon Medina Molina is the father of five children and has two step-children.

Number of jurors who so find 12

6. that the defendant Ramon Medina Molina has been raised by a father figure who openly consumed drugs, provided them to the defendant at a tender age, and involved the defendant in his drug smuggling business.

Number of jurors who so find 12

7. that the defendant James Norwood Hutching has been gainfully employed as a machinist in the past.

Number of jurors who so find 12

8. that the defendant James Norwood Hutching's past employment skills could be utilized in prison industries.

Number of jurors who so find 12

9. that the defendant James Norwood Hutching has contributed to the general retail business in Ft. Gibson by establishing two legitimate businesses.

Number of jurors who so find 12

10. that the defendant James Norwood Hutching is a very hard-working person that would continue to work in the prison system industries.

Number of jurors who so find 10

11. that the defendant James Norwood Hutching is a good prisoner, does abide by the rules and regulations of the jail system, and would be able to live under the rules and regulations of the prison system.

Number of jurors who so find 5

12. that the defendant James Norwood Hutching has helped others in time of need.

Number of jurors who so find 6

(When you have completed Parts Three and Four and have arrived at a decision, sign this special findings form, enter your decision on either Decision Form B or Decision Form C, complete the attached certificate, and advise the court that your deliberations are complete. Note that Decision Form B and Decision Form C are mutually exclusive. Complete one or the other, but not both.)

[redacted]

Date: March 17th, 1993.