

- (C) We the jury unanimously find beyond a reasonable doubt that the defendant, Coleman Leake Johnson, Jr., 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 the victim died as a direct result of the act other than one of the participants in the offense, and the victim died as a direct result of the act;

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Foreperson

OR

- (D) We the jury unanimously find beyond a reasonable doubt that the defendant, Coleman Leake Johnson, Jr., 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 the victim died as a direct result of the act.

[REDACTED]

Foreperson

OR

- (E) We the jury DO NOT unanimously find beyond a reasonable doubt any of A, B, C or D above.

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Foreperson

*(If you do not unanimously find one of the findings of intent, sign finding E and Decision Form A and deliberate no more.)*

PART III. STATUTORY AGGRAVATING FACTORS

We, the jury, unanimously find beyond a reasonable doubt:

(1) The death of Tammy Baker occurred during the commission of another offense, namely the destruction of property affecting interstate commerce by explosives.

YES 

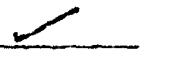
NO \_\_\_\_\_

(2) The defendant, in the commission of the offense, knowingly created a grave risk of death to one or more persons in addition to Tammy Baker.

YES 

NO \_\_\_\_\_

(3) The defendant committed the offense as consideration for the receipt, or in the expectation of the receipt, of anything of pecuniary value.

YES 

NO \_\_\_\_\_

(4) The defendant committed the intentional killing after substantial planning and premeditation.

YES 

NO 

(If you do not find at least one of the statutory aggravating factors to have been proven, complete Decision Form B and your deliberations are concluded. If you have unanimously found at least one of the listed statutory aggravating factors beyond a reasonable doubt, continue with your deliberations.)

### Part III. NON-STATUTORY AGGRAVATING FACTORS

We, the jury, unanimously find beyond a reasonable doubt:

- (1) The defendant knowingly terminated the victim's pregnancy.

YES

NO

- (2) The defendant caused injury and loss to the victim, Tammy Baker, and the family of Tammy Baker.

YES

NO

- (3) There is a reasonable probability that the defendant will commit criminal acts of violence while incarcerated in prison for life.

YES

NO

*(Regardless of the finding you have made as to these non-statutory aggravating factors, proceed to the next part, which addresses mitigating factors.)*

**Part IV. MITIGATING FACTORS**

(To be proven by a preponderance of the evidence)

1. Coleman Leake Johnson, Jr. has adjusted well to incarceration.

Number of jurors who so find 7.

2. If incarcerated, Coleman Leake Johnson, Jr. is unlikely to represent a continuing danger to society.

Number of jurors who so find 5.

3. Coleman Leake Johnson, Jr. does not have a significant prior criminal record.

Number of jurors who so find 10.

4. A series of abandonments by his parents and other parental figures at multiple, critical stages of development significantly impaired the social, psychological and moral development of Coleman Leake Johnson, Jr.

Number of jurors who so find 5.

5. Numerous circumstances in the upbringing of Coleman Leake Johnson, Jr., including his mother's involvement with numerous male partners, the alcoholism of those men and of his own father, his parents' failure to involve themselves in his life in a meaningful way or to provide meaningful parental guidance or structure, and the repetitive disruption of his educational, community and family life, significantly impaired the social, psychological and moral development of Coleman Leake Johnson, Jr.

Number of jurors who so find 7.

6. His mother's involvement with numerous male partners and the chaotic and abusive environment in which he was raised significantly contributed to Coleman Leake Johnson's lack of respect for both himself and many women in his life, and greatly increased the likelihood that he would engage in significant acts of violence towards domestic partners.

Number of jurors who so find 9.

7. An extensive family history of alcoholism, mood disorder and emotional and physical abuse rendered Coleman Leake Johnson, Jr. socially and psychologically vulnerable.

Number of jurors who so find 9.

8. Coleman Leake Johnson, Jr. has performed numerous kind acts for friends and relatives, including the young and the elderly, through which he has demonstrated that there are other human beings for whom he cares.

Number of jurors who so find 11.

9. Although he directly terminated the pregnancy of Tammy Baker, Coleman Leake Johnson, Jr. has demonstrated his affection for numerous infants, babies and small children, including his own and those of his friends and siblings.

Number of jurors who so find 0.

10. Numerous persons, including grandparents, parents, siblings, aunts and uncles, nephews and nieces, and friends, will suffer greatly if Coleman Leake Johnson, Jr. is executed.

Number of jurors who so find 11.

11. Despite many damaging developmental experiences, Coleman Leake Johnson, Jr. was a hard worker and attempted to constructively better himself by attending and doing well in college, and by obtaining a pilot's license.

Number of jurors who so find 2.

12. That other factors in Coleman Leake Johnson Jr.'s childhood, background or character, or the circumstances of the offense mitigate against imposition of the death sentence.

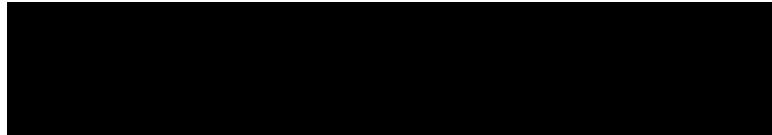
Number of jurors who so find 0.

FILED IN OPEN COURT  
IN THE UNITED STATES DISTRICT COURT: 25 May 2001  
FOR THE WESTERN DISTRICT OF VIRGINIA  
Charlottesville Division Mary J. Thurman  
DEPUTY CLERK

UNITED STATES OF AMERICA, )  
 )  
v. ) Criminal No. 3:00CR00026  
 )  
COLEMAN LEAKE JOHNSON, JR., )  
 )  
Defendant.

DECISION FORM E

We, the jury, having considered and evaluated the evidence presented in light of the instructions of the Court, do not unanimously find that the aggravating factors proved in this case so outweigh the mitigating factors that justice mandates a sentence of death. We, therefore, return a decision that Coleman Leake Johnson, Jr. not be sentenced to death. We also do not unanimously find that Coleman Leake Johnson, Jr. should be sentenced to life imprisonment without possibility of release. We do unanimously vote to allow the judge to sentence Coleman Leake Johnson, Jr. to a term of imprisonment of life imprisonment without possibility of release.



FOREPERSON

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May 25, 2001