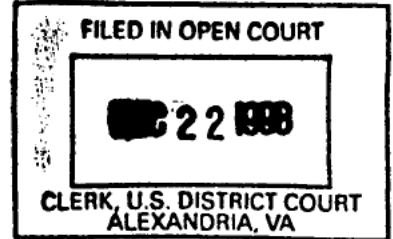


IN THE UNITED STATES DISTRICT COURT FOR THE

EASTERN DISTRICT OF VIRGINIA

Alexandria Division



UNITED STATES OF AMERICA)
)
 v.)
)
 SHAHEEM JOHNSON,)
 Defendant.)

Criminal No. 97-314-A

SPECIAL VERDICT FORM

Section I. THRESHOLD FACTORS

Instructions: For the following two threshold factors, you need find only one factor each as it relates to the intentional killings alleged in Count Five of the Indictment. You must unanimously find that the Government has established the existence of that one threshold factor beyond a reasonable doubt:

Count Five -- Procuring Murder of Richard Villa

1. SHAHEEM JOHNSON intentionally participated in an act, contemplating that the life of a person would be taken and intending that lethal force would be used in connection with a person, other than one of the participants in the offense, and Richard Villa died as a direct result of the act.

YES _____

NO _____

2. SHAHEEM JOHNSON 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 Richard Villa died as a direct result of the act.

YES _____

NO _____

Instructions: If you answered "NO" with respect to both of the Threshold Factors in Section I above as to Count Five, then that ends your consideration of the death penalty as to ~~that~~ Count. You must stop your deliberations as to that particular Count and indicate in the Section V RECOMMENDATION portion of this form with respect to that Count that the Jury has been unable to unanimously find beyond a reasonable doubt that any of the Threshold Factors exist. If you answered "NO" with respect to both Threshold Factors as to Count Five then that ends your consideration of the death penalty as to this defendant. You should indicate in the Section V RECOMMENDATION portion of this form with respect to all counts that the Jury has been unable to unanimously find beyond a reasonable doubt that any of the threshold factors exist. Then proceed to Section VI of this form.

If you answered "YES" with respect to one or more of the Threshold Factors in Section I above as to Count Five, then continue your deliberations in accordance with the Court's instructions and proceed to Section II which follows.

Section II. 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 that Statutory Aggravating Factor beyond a reasonable doubt as to Count Five.

Count Five -- Procuring Murder of Richard Villa

1. SHAHEEM JOHNSON procured the commission of the offense by payment and promise of payment of something of pecuniary value.

YES _____

NO ✓

2. SHAHEEM JOHNSON committed the offense after substantial planning and premeditation to cause the death of Richard Villa.

YES _____

NO ✓

3. SHAHEEM JOHNSON has previously been convicted of first degree robbery in the State of New York, an offense punishable by a term of imprisonment of more than 1 year, which offense involved the use and attempted use and threatened use of a firearm against another person.

YES ✓

NO _____

Instructions: If you answered "NO" with respect to all of the Statutory Aggravating Factors in Section II above as to Count Five then that ends your consideration of the death penalty. You must stop your deliberations as to that particular Count and indicate in the Section V RECOMMENDATION portion of this form with respect to that Count that the Jury has been unable to unanimously find beyond a reasonable doubt that any of the statutory factors exist. If you answered "NO" with respect to all of the Statutory Aggravating Factors as to Count Five then that ends your consideration of the death penalty as to this defendant. You should indicate in the Section V RECOMMENDATION portion of this form with respect to all of the Counts that the Jury has been unable to unanimously find beyond a reasonable doubt that any of the statutory factors exist. Then proceed to Section VI of this form.

If you answered "YES" with respect to any one or more of the Statutory Aggravating Factors alleged as to Count Five against the defendant SHAHEEM JOHNSON in Section II above, then you may continue your deliberations only if you also found a Threshold Factor in Section I as to that particular Count.

If you found one Threshold Factor in Section I and at least one statutory aggravating factor in Section II that relate to the defendant SHAHEEM JOHNSON in Count Five, then you must continue your deliberations in accordance with the Court's instructions and proceed to Section III which follows. You must have unanimously found one Threshold Factor from Section I and at least one Aggravating Factor from Section II as to the same Count. Otherwise, you should indicate in the Section V RECOMMENDATION portion of this form with respect to each Count that the Jury has been unable to unanimously find beyond a reasonable doubt that respective Threshold or statutory factors exist.

Section III. 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 that non-statutory aggravating factor beyond a reasonable doubt.

As to Count Five, the Government has alleged the following non-statutory aggravating factors as it relates to the killing of Richard Villa:

1. That the victim, Richard Villa, was killed in an effort by SHAHEEM JOHNSON to obstruct justice by silencing a potential witness against him.

YES _____
NO ✓

2. That SHAHEEM JOHNSON, in committing the offense and in furtherance of a continuing criminal enterprise of which the offense was a part, used a firearm and knowingly directed, advised, authorized, and assisted others to use firearms.

YES _____
NO ✓

3. That SHAHEEM JOHNSON participated in the additional voluntary manslaughter of Bernard Franklin as charged in Count Four of the Indictment.

YES ✓
NO _____

4. That SHAHEEM JOHNSON is likely to commit criminal acts of violence in the future which would be a continuing and serious threat to the lives and safety of others. In addition to the capital offenses charged in the Indictment and the statutory and non-statutory aggravating factors listed above, the defendant, SHAHEEM JOHNSON, poses a future danger to others in that: (a) he has engaged in a continuing pattern of violent conduct; (b) he has engaged in a continuing pattern of lawless conduct; (c) he has threatened others with violence; (d) he has willingly hired others to commit acts of violence for him; (e) he has demonstrated low rehabilitation potential; (f) he sanctioned the murders of Antonio Stevens and Shawn Thomas by his co-conspirators; and (g) he has demonstrated a lack of remorse for the acts of violence he has committed against others.

YES _____
NO ✓

Instructions: Regardless of whether you answered "YES" or "NO" with respect to the Non-Statutory Aggravating Factors in Section III above, continue your deliberations in accordance with the Court's instructions and proceed to Section IV which follows. You must, however, have unanimously found proven beyond a reasonable doubt the existence of one Threshold Factor in Section I above and at least one Statutory Aggravating Factor in Section II above as to one or all of the Counts.

Section IV. MITIGATING FACTORS

Instructions: For each of the following mitigating factors you have the option to indicate, in the space provided, the number of Jurors who have found the existence of that mitigating factor to be proven by a preponderance of the evidence. If you choose not to make these written findings, cross out each page of Section IV with a large "X" and then continue your deliberations in accordance with the instructions of the Court.

Regardless of whether or not you choose to make written findings, a finding that a mitigating factor has been proven by a preponderance of the evidence may be made by 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 a sentence of death shall be imposed, regardless of the number of Jurors who concur that the factor has been established.

Count Five -- Mitigating Factors as to Procuring the Murder of Richard Villa

1. The defendant is punishable as a principal in the offense, which was committed by another, but the defendant's 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 10.

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

Number of Jurors who so find 12.

3. The defendant did not have a significant prior history of other criminal conduct.

Number of Jurors who so find 8.

4. The victim Richard Villa consented to the criminal conduct that resulted in the victim's death.

Number of Jurors who so find 12.

5. Shaheem Johnson will not represent a continuing threat to society if he is sentenced to life imprisonment without the

possibility of release. He has adjusted well to incarceration and will not be a threat if sent to prison for the rest of his life.

Number of Jurors who so find 11.

6. Shaheem Johnson was exposed to significant negative family circumstances during critical stages of his life which rendered him vulnerable to influences which led him to criminal activity.

Number of Jurors who so find 12.

7. Shaheem Johnson 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 4.

8. Shaheem Johnson is a father of children and is an active participant in their lives.

Number of Jurors who so find 12.

9. Shaheem Johnson's life has considerable value to members of his family and extended family.

Number of Jurors who so find 12.

10. Shaheem Johnson will not be a future danger if sentenced to life in prison without possibility of release based on Mr. Johnson's advice in response to other co-defendants' decision to testify against him in this case.

Number of Jurors who so find 12.

11. Other factors in the defendant's childhood, background or character mitigate against imposition of a sentence of death.

Number of Jurors who so find 12.

Section V. RECOMMENDATION

A. Count Five -- Procuring Murder of Richard Villa

1. NO THRESHOLD OR STATUTORY AGGRAVATING FACTORS FOUND TO EXIST AS TO COUNT FIVE.

Instructions: If you have been unable to unanimously find beyond a reasonable doubt that any Threshold Factors exist (Section I of this form) or Statutory Aggravating Factors exist (Section II of this form) as to Count Five, then so indicate below.

We, the Jury, do not unanimously find proven, beyond a reasonable doubt, the existence of any of the Threshold Factors and/or Statutory Aggravating Factors required by law as prerequisites for the imposition of capital punishment, and therefore do not consider the death penalty as to the killing of Richard Villa, for which SHAHEEM JOHNSON has been convicted in Count Five.

Foreperson

Date: _____, 19__

Instructions: If you have been unable to unanimously find beyond a reasonable doubt that any threshold or statutory aggravating factor exists as to Count Five, then after the Foreperson so indicates above, you should proceed to Section VI of this form.

If you have unanimously found beyond a reasonable doubt that at least one Threshold and Statutory Aggravating Factor exists as to Count Five, then you should proceed to recommend an appropriate punishment as set forth below.

2. DEATH SENTENCE

Based upon consideration of whether the aggravating factors found to exist sufficiently outweigh any mitigating factor or factors found to exist, or in the absence of any mitigating factors, whether the aggravating factors are themselves sufficient to justify a sentence of death, we recommend, by unanimous vote, that a sentence of death shall be imposed upon the defendant SHAHEEM JOHNSON for the killing of Richard Villa as described in Count Five.

YES _____
NO ✓

If you answer "YES", sign your names here, and then proceed to Section VI. If you answer "NO", the Foreperson alone should sign, and you should proceed to Section V.C.3.

FOREPERSON

Date: 17 27 , 19 98

3. SENTENCE OF LIFE IN PRISON WITHOUT POSSIBILITY OF RELEASE

Based upon consideration of whether the aggravating factors found to exist sufficiently outweigh any mitigating factor or factors found to exist, or in the absence of any mitigating factors, whether the aggravating factors are themselves sufficient to justify a sentence of death, we recommend, by unanimous vote, that a sentence of life imprisonment without possibility of release shall be imposed upon the defendant SHAHEEM JOHNSON for the killing of Richard Villa as described in Count Five.

YES ✓

NO _____

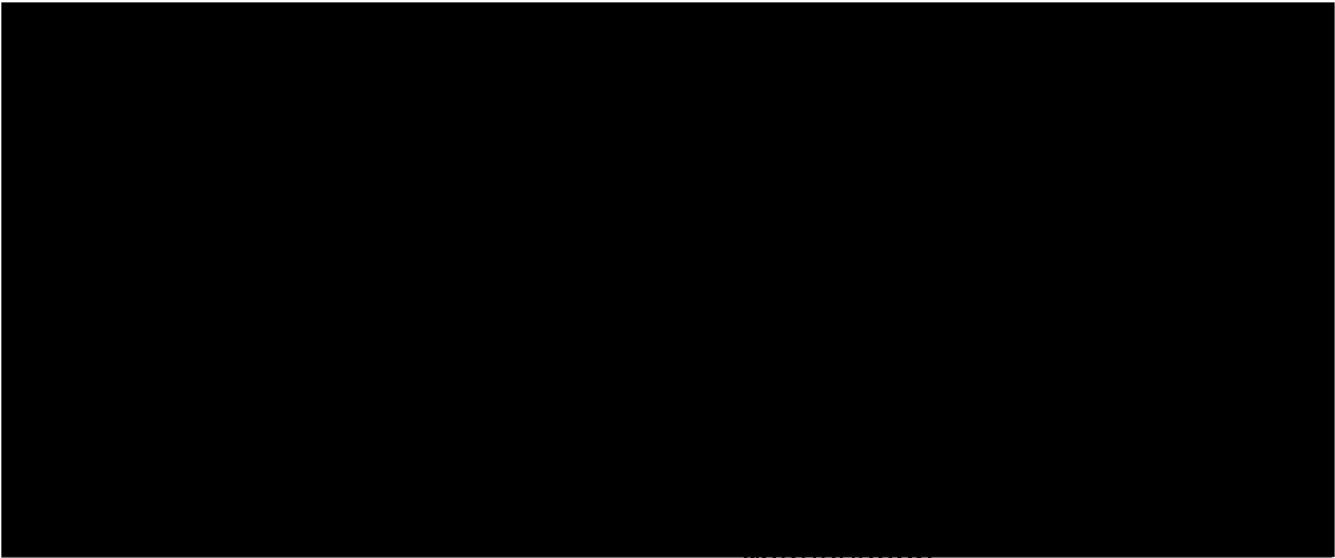
If you answer "YES", sign your names here, and then proceed to Section VI of this form. If you answer "NO", the Foreperson alone should sign, and you should proceed to Section V.C.4.

FOREPERSON

Date: 12 22, 1996

SECTION VI. CERTIFICATION

By signing below, each juror certifies that consideration of the race, color, religious beliefs, national origin, or sex of the defendant or the victims was not involved in reaching his or her individual decision, and that the individual juror would have made the same recommendation regarding a sentence for SHAHEEM JOHNSON for the crimes in question no matter what the race, color, religious beliefs, national origin, or sex of the defendant, or the victims, would have been.



FOREPERSON

Date: 12 22, 1998

