

12.12.11

[1011 Jury]
Respectful request

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND

UNITED STATES OF AMERICA

v.

Criminal No. WMN-96-458
WMN-97-0355

ANTHONY AYENI JONES,
Defendant

...oooOooo...

SPECIAL VERDICT FORM

Instructions: As much as possible, you should proceed through this Special Verdict Form section by section in numerical order.

I. THRESHOLD ELIGIBILITY FACTORS

Instructions: Answer "YES" or "NO."

We unanimously find that the government has established beyond a reasonable doubt that the defendant, Anthony Ayeni Jones, intentionally inflicted serious bodily injury that resulted in the death of Keith Westmoreland.

YES _____
NO _____

We unanimously find that the government has established beyond a reasonable doubt that the defendant, Anthony Ayeni Jones, 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 Derrick Rivers died as a direct result of the act.

YES _____
NO _____

We unanimously find that the government has established beyond a reasonable doubt that the defendant, Anthony Ayeni Jones, 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 John Jones died as a direct result of the act.

YES
NO

Instructions: If you answered "No" with respect to this "threshold eligibility factor" for any of the three murders, then that ends your consideration of the death penalty for that murder. For any murder for which you answered "No," you should stop your deliberations, cross out that part of Sections II, III, IV that relate to that murder and indicate in the Section V RECOMMENDATION portion of this form that the jury has not unanimously found beyond a reasonable doubt that the "threshold eligibility factor" exists.

If you answered "YES" with respect to this "threshold eligibility factor" for any murder, then continue your deliberations in accordance with the court's instructions and proceed to Section II which follows.

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 each statutory aggravating factor beyond a reasonable doubt.

For the murder of Keith Westmoreland:

1. Defendant Anthony Ayeni Jones committed the offense after substantial planning and premeditation to cause the death of Keith Westmoreland.

YES _____
NO _____

For the murder of Derrick Rivers:

1. Defendant Anthony Ayeni Jones procured the commission of the offense by payment, or promise of payment, of anything of pecuniary value.

YES _____
NO _____

2. Defendant Anthony Ayeni Jones caused the death of Derrick Rivers after substantial planning and premeditation.

YES _____
NO _____

For the murder of John Jones:

1. Defendant Anthony Ayeni Jones procured the commission of the offense by payment, or promise of payment, of anything of pecuniary value.

YES _____
NO _____

2. Defendant Anthony Ayeni Jones committed the offense after substantial planning and premeditation to cause the death of John Jones.

YES _____
NO _____

Instructions: If you answered "NO" with respect to all of the statutory aggravating factors for any one murder, that ends your consideration of the death penalty for that murder. You should stop your deliberations as to that murder, cross out Sections III and IV where that murder appears and indicate in the Section V RECOMMENDATION portion of this form that the jury has not unanimously found beyond a reasonable doubt that any of the statutory aggravating factors exist for that murder. Then proceed to Section VI of this form.

If you answered "YES" with respect to any one or more of these statutory aggravating factors for any of the murders, then you must continue your deliberations in accordance with the court's instructions, if you also found the "threshold eligibility factor" for that murder in Section I. For that murder or those murders, proceed to Section III which follows.

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 each non-statutory aggravating factor beyond a reasonable doubt.

For the murder of Keith Westmoreland:

1. Defendant Anthony Ayeni Jones is a violent individual who constitutes a future danger to our community. *objection*

YES _____
NO _____

2. Defendant Anthony Ayeni Jones's murder of Keith Westmoreland caused great impact upon the victim's family.

YES _____
NO _____

For the murder of Derrick Rivers:

1. Defendant Anthony Ayeni Jones is a violent individual who constitutes a future danger to our community.

YES _____
NO _____

2. Defendant Anthony Ayeni Jones's murder of Derrick Rivers caused great impact upon the victim's family.

YES _____
NO _____

For the murder of John Jones:

1. Defendant Anthony Ayeni Jones is likely to commit criminal acts of violence in the future which would be a continuing and serious threat to society.

YES _____
NO _____

2. Defendant Anthony Ayeni Jones's murder of John Jones caused great impact upon the victim's family.

YES _____
NO _____

3. One of the purposes for Defendant Anthony Ayeni Jones' murder of John Jones was the obstruction of justice.

YES _____
NO _____

Instructions: Regardless of whether you answered "YES" or "NO" with respect to these Non-Statutory Aggravating Factors, 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 the "threshold eligibility factor" in Section I above and at least one statutory aggravating factor in Section II above.

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 other jurors who concur that the factor has been established.

1. Other persons equally culpable in the crimes will not be punished by death.

Number of jurors who so find 7

2. Other persons who have been the subject of testimony during this trial have committed murders and other acts of violence, and have agreements from the government that will allow them to avoid the death penalty and life imprisonment without possibility of release, and will also permit many of them to be released from prison within the next twenty years.

Number of jurors who so find 7

3. Any concern respecting future dangerousness of Anthony Jones is significantly reduced since the Federal Bureau of Prisons is empowered to classify a prisoner serving a life sentence without possibility of release to the highest security level federal prison, under conditions of confinement that eliminate any reasonable probability that the prisoner will be a continuing and serious threat to society.

Number of jurors who so find 7

4. Any concern respecting future dangerousness of Anthony Jones is significantly reduced because the "Anthony Jones Organization" has been effectively dismantled and destroyed by the government.

Number of jurors who so find 7

5. Statistical studies support the conclusion that the likelihood of criminal violence in males generally, in both community and prison contexts, sharply declines with

age, beginning around age 25.

Number of jurors who so find 4

6. Anthony Jones' family history, including abandonment by his biological parents and adverse foster parent relationship, significantly reduced his ability to interact with people in a normal, healthy and responsible fashion.

Number of jurors who so find 1

7. Anthony Jones' placement in a community environment of poverty, rampant drug abuse, violence, open criminal activity fostered by the criminal element from New York City and elsewhere and a lack of normal economic opportunities, placed him at a severe disadvantage in his ability to acquire and develop normal and acceptable social and personal skills.

Number of jurors who so find 6

8. The execution of Anthony Jones is unlikely to serve as a significant deterrent to others and, in particular, those involved in the routinely violent and life threatening atmosphere of urban drug trafficking as opposed to incarceration for life in a high-security federal prison without any possibility of release.

Number of jurors who so find 3

9. As in all human life, there is value in the remainder of Anthony Jones' life as a federal prisoner.

Number of jurors who so find 7

10. That other factors in the childhood, background or character of Anthony Ayeni Jones mitigate against the imposition of the death penalty.

Number of jurors who so find 4

The following extra spaces are provided to write in additional mitigating factors, if any, found by any one or more jurors. If none, write "NONE" and line out the extra spaces with a large "X." If more space is needed, write "CONTINUED" and use the reverse side of this page.

— None —

Number of jurors who so find _____.

— _____ —

Number of jurors who so find _____.

— _____ —

Number of jurors who so find _____.

Instructions: Regardless of whether or not you chose to make written findings for the Mitigating Factors in Section IV above, continue your deliberations in accordance with the Court's instructions and proceed to Section V and Section VI which follow.

V. RECOMMENDATION

A. If No “threshold eligibility factor” and/or statutory aggravating factors are found to exist:

Instructions: If you have been unable to unanimously find beyond a reasonable doubt that either the “threshold eligibility factor” (Section I of this form) or any statutory aggravating factors (Section II of this form) exist for any of the three murders, then so indicate below.

Keith Westmoreland. We, the jury, do not unanimously find proven, beyond a reasonable doubt, the existence of the “threshold eligibility factor” and/or any 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 Keith Westmoreland for which Anthony Ayeni Jones has been convicted.

No

FOREPERSON

June __, 1998.

Derrick Rivers. We, the jury, do not unanimously find proven, beyond a reasonable doubt, the existence of the “threshold eligibility factor” and/or any 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 Derrick Rivers for which Anthony Ayeni Jones has been convicted.

No

FOREPERSON

June __, 1998.

John Jones. We, the jury, do not unanimously find proven, beyond a reasonable doubt, the existence of the “threshold eligibility factor” and/or any 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 John Jones for which Anthony Ayeni Jones has been convicted.

No

FOREPERSON

June __, 1998.

Instructions: If you have been unable to unanimously find beyond a reasonable doubt that any “threshold eligibility factors” and/or statutory aggravating factors exist for any of the three murders, then you should proceed to Section VI of this form for that murder or murders.

If you have unanimously found beyond a reasonable doubt that at least one “threshold eligibility factor” and one statutory aggravating factor exist for a murder, then you should proceed to recommend an appropriate punishment for that murder charge as set forth below.

B. If at least one “threshold eligibility factor” and one statutory aggravating factor have been found to exist:

1. Keith Westmoreland

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 Anthony Ayeni Jones, for the killing of Keith Westmoreland as described in the Redacted Fourth Superseding Indictment [WMN-96-0458].

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 the Court will automatically impose a sentence of life without parole, as the statute allows for no lower sentence.

_____	_____
_____	_____
_____	_____
_____	_____
_____	_____

FOREPERSON

Date: June __, 1998.

2. Derrick Rivers

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 Anthony Ayeni Jones, for the killing of Derrick Rivers as described in the Redacted Fourth Superseding Indictment [WMN-96-0458].

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 the Court will automatically impose a sentence of life without parole, as the statute allows for no lower sentence.

_____	_____
_____	_____
_____	_____
_____	_____
_____	_____

FOREPERSON

Date: June __, 1998.

3. John Jones

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 Anthony Ayeni Jones, for the killing of John Jones as described in the Redacted Indictment [WMN-97-0355].

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 the Court will automatically impose a sentence of life without parole, as the statute allows for no lower sentence.

_____	_____
_____	_____
_____	_____
_____	_____
_____	_____

FOREPERSON

Date: June __, 1998.

VI. CERTIFICATIONS

1. By signing below, each juror certifies that consideration of the race, color, religious beliefs, national origin, or sex of the defendant or the victim 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 Anthony Ayeni Jones for causing the death of Keith Westmoreland as described in the Redacted Fourth Superseding Indictment [WMN-96-0458] no matter what the race, color, religious beliefs, national origin, or sex of the defendant, or the victim, would have been.

All jurors and foreperson sign below:

_____	_____
_____	_____
_____	_____
_____	_____
_____	_____

FOREPERSON

Date: June __, 1998.

2. By signing below, each juror certifies that consideration of the race, color, religious beliefs, national origin, or sex of the defendant or the victim 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 Anthony Ayeni Jones for causing the death of Derrick Rivers as described in the Redacted Fourth Superseding Indictment [WMN-96-0458] no matter what the race, color, religious beliefs, national origin, or sex of the defendant, or the victim, would have been.

All jurors and foreperson sign below:

_____	_____
_____	_____
_____	_____
_____	_____
_____	_____

FOREPERSON

Date: June __, 1998.

3. By signing below, each juror certifies that consideration of the race, color, religious beliefs, national origin, or sex of the defendant or the victim 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 Anthony Ayeni Jones for causing the death of John Jones as described in the Redacted Indictment [WMN-97-0355] no matter what the race, color, religious beliefs, national origin, or sex of the defendant, or the victim, would have been.

All jurors and foreperson sign below:

_____	_____
_____	_____
_____	_____
_____	_____
_____	_____

FOREPERSON

Date: June __, 1998.