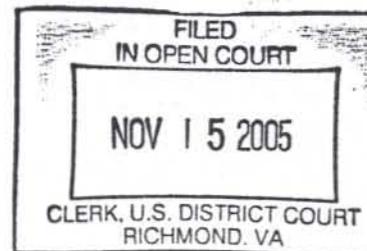


IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
Richmond Division



UNITED STATES OF AMERICA,)

v.)

PETER ROBERT JORDAN,)
Defendant.)

Criminal No. 3:04CR58-HEH

SPECIAL VERDICT FORM
SELECTION PHASE

COUNT ONE – MURDER OF DWAYNE TABON

I. 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.

1. The defendant, PETER ROBERT JORDAN, has engaged in a pattern of criminal activity including, but not limited to, the following:

a. On or about January 15, 1971, defendant PETER ROBERT JORDAN was convicted of vehicle theft in the Superior Court for Gloucester County, New Jersey.

b. On or about March 21, 1974, defendant PETER ROBERT JORDAN pled guilty to bank robbery by force and bank robbery with a dangerous weapon in the United States District Court for the District of New Jersey.

c. On or about April 19, 1978, defendant PETER ROBERT JORDAN was found guilty of simple assault in the Municipal Court for the City of Woodbury, New Jersey.

d. On or about February 13, 1979, defendant PETER ROBERT JORDAN was convicted of larceny in the Circuit Court for Henrico County, Virginia.

e. On or about November 3, 1982, defendant PETER ROBERT JORDAN was convicted of narcotics possession in New Haven, Connecticut.

f. On or about December 17, 1982, defendant PETER ROBERT JORDAN was paroled from the United States Bureau of Prisons and then engaged in further criminal activity.

g. On or about September 9, 2003, defendant PETER ROBERT JORDAN pled guilty to disorderly conduct in the criminal court for Queens, New York.

YES _____
NO _____

2. During the abduction of Dwayne Tabon on September 14, 2001, defendant PETER ROBERT JORDAN, also participated with his conspirators in efforts to murder Alvin Hall, so Hall could not be a witness against them.

YES _____
NO _____

3. The impact of the loss of Dwayne Tabon on his family and friends is an aggravating factor.

YES _____
NO _____

Instructions: Regardless of whether you answered "YES" or "NO" with respect to the non-statutory aggravating factors in Section I above, continue your deliberations in accordance with the Court's instructions and proceed to Section II which follows.

II. 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 II 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 with respect to a mitigating factor 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 should consider such factor in determining 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.

MITIGATING FACTORS AS TO MURDER OF DWAYNE TABON

PETER ROBERT JORDAN has alleged the following factors in his background or character, the circumstances of the crimes, or other relevant facts or circumstance as mitigation. If any one juror finds any such factor established by a preponderance of the evidence, he or she should weigh that factor against any aggravating factors:

1. Peter Robert Jordan has adjusted well to incarceration. **Number of jurors who so find** 9.
2. While incarcerated, Peter Robert Jordan has provided positive and effective guidance and counsel to younger inmates. **Number of jurors who so find** 0.
3. If incarcerated in the future, Peter Robert Jordan is unlikely to represent a continuing danger to society. **Number of jurors who so find** 8.
4. With the exception of one misdemeanor conviction for disorderly conduct, Peter Robert Jordan's convictions all occurred over twenty-three (23) years ago. **Number of jurors who so find** 12.
5. Peter Robert Jordan was not an organizer or leader in the incident leading to Dwayne Tabon's murder. **Number of jurors who so find** 2.
6. Peter Robert Jordan suffered the sudden loss of his mother in a tragic car accident when he was 13 years old. In that same accident, his father was seriously injured and remained in a coma and incapacitated for an extended period of time. As a result, Jordan and his siblings were suddenly left without parents and Jordan was placed by authorities in the custody of a relative that he did not know who lived in another state. Because this tragedy and the dramatic change in his life circumstances occurred at a critical stage in Jordan's development, his social, psychological and moral development was significantly impaired. **Number of jurors who so find** 6.
7. Peter Robert Jordan has developed numerous skills in carpentry and various other areas of construction and residential renovation. He has a relatively consistent history of gainful employment and is described as a hard worker by his employers. **Number of jurors who so find** 8.

8. Peter Robert Jordan has used his skills to help others, including an elderly neighbor, with household repairs and maintenance. **Number of jurors who so find** 6.
9. Peter Robert Jordan is the father of five children who love him. His two ex-wives continue to have a mutually respectful relationship with him and they attest to his love for his children as well as his kind-heartedness and hard-working character. **Number of jurors who so find** 4.
10. Numerous persons, including Jordan's children and siblings, will suffer greatly if Jordan is executed. **Number of jurors who so find** 8.
11. During his current incarceration, doctors have discovered that Peter Robert Jordan has several spots on his lungs for which there may be a possible diagnosis of lung cancer. To date, Jordan's diagnosis in this regard is undetermined. **Number of jurors who so find** 12.
12. One or more other equally culpable participants in the murder of Dwayne Tabon will not be sentenced to death or may receive a lesser sentence. **Number of jurors who so find** 7.

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.

1. _____

find _____ . **Number of jurors who so**
2. _____

find _____ . **Number of jurors who so**
3. _____

find _____ . **Number of jurors who so**
4. _____

find _____ . **Number of jurors who so**
5. _____

find _____ . **Number of jurors who so**

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

III. SENTENCING FINDING

COUNT ONE – MURDER OF DWAYNE TABON

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 find, by unanimous vote, that a sentence of death shall be imposed upon the defendant, PETER ROBERT JORDAN, for the murder of Dwayne Tabon as described in Count One of the Second Superseding Indictment.

YES _____
NO _____ ✓

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