

1 **Section I: Age of the Defendant:**

2 Instructions: Answer "yes" or "no." Do you, the jury,
3 unanimately find that the government has established beyond a
4 reasonable doubt that defendant Jurijus Kadamovas (the
5 "defendant") was 18 years of age or older at the time of the
6 offenses charged in Counts One, Two, Three, and Four of the
7 Second Superseding Indictment?

8 Yes

9 No

10 Foreperson:

11 Instructions: If you answered "no" with respect to the
12 determination in this Section, then stop your deliberations,
13 cross out Sections II, III, IV, V, and VI of this form, and
14 proceed to Section VII. Each juror should then carefully read
15 the statement in Section VII, and sign in the appropriate place
16 if the statement accurately reflects the manner in which you
17 reached your decision. You should then advise the Court that you
18 have reached a decision.

19 If you answered "yes" with respect to the determination in
20 this Section I, then proceed to Section II.

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1 Section II: Requisite Mental State

2 Instructions: For each of the following, answer "yes" or
3 "no."

4 A. Do you, the jury, unanimously find that the government
5 has established beyond a reasonable doubt that the defendant
6 intentionally killed the following victim or victims?

7	Meyer Muscatel	<u> ✓ </u>	YES	<u> </u>	NO
8	Rita Pekler	<u> ✓ </u>	YES	<u> </u>	NO
9	Alexander Umansky	<u> ✓ </u>	YES	<u> </u>	NO
10	George Safiev	<u> ✓ </u>	YES	<u> </u>	NO
11	Nick Kharabadze	<u> ✓ </u>	YES	<u> </u>	NO

12 IF YOU ANSWER YES TO ANY OF THE ABOVE, YOU NEED NOT ANSWER PART B
13 OF THIS SECTION AND YOU SHOULD PROCEED TO SECTION III. HOWEVER,
14 IF ANSWERED NO TO ALL OF PART A, GO TO PART B OF THIS SECTION.

15 B. Do you, the jury, unanimously find that the government
16 has established beyond a reasonable doubt that the defendant
17 intentionally participated in an act, contemplating that the life
18 of a person would be taken and/or that lethal force would be used
19 in connection with a person, other than one of the participants
20 in the offense, and that the following victim or victims died as
21 a direct result of the act?

22	Meyer Muscatel	<u> </u>	YES	<u> </u>	NO
23	Rita Pekler	<u> </u>	YES	<u> </u>	NO
24	Alexander Umansky	<u> </u>	YES	<u> </u>	NO
25	George Safiev	<u> </u>	YES	<u> </u>	NO
26	Nick Kharabadze	<u> </u>	YES	<u> </u>	NO

1 Instructions: If you answered "no" with respect to each of
2 the two determinations in this Section for each of the five
3 victims, then stop your deliberations, cross out Sections III,
4 IV, V, and VI of this form, and proceed to Section VII. Each
5 juror should carefully read the statement in Section VII, and
6 sign in the appropriate place if the statement accurately
7 reflects the manner in which you reached a decision.

8 If you answered "yes" with respect to one or more of the
9 determinations in this Section II, then proceed to Section III.

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1 **Section III: Statutory Aggravating Factors**

2 Instructions: For each of the following, answer "yes" or
3 "no."

4 1. Do you, the jury, unanimously find that the government
5 has established beyond a reasonable doubt that the victims'
6 deaths, or injuries resulting in death, occurred during the
7 commission of an offense under 18 U.S.C. Section 1203, that is,
8 conspiracy to engage in hostage taking resulting in death or
9 hostage taking resulting in death?

10 Yes

11 No

12 2. Do you, the jury, unanimously find that the government
13 has established beyond a reasonable doubt that the defendant
14 procured the commission of the offenses charged in Counts One,
15 Two, Three, and Four by payment, and/or the promise of payment,
16 of anything of pecuniary value?

17 Yes

18 No

19 3. Do you, the jury, unanimously find that the government
20 has proved beyond a reasonable doubt that the defendant committed
21 the offenses charged in Counts One, Two, Three, and Four of the
22 Second Superseding Indictment after substantial planning and
23 premeditation to cause the death of a person?

24 Yes

25 No

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1 4. Do you, the jury, unanimously find that the government
2 has proved beyond a reasonable doubt that the defendant killed or
3 attempted to kill more than one person in a single criminal
4 episode?

5 Yes

6 No

7 Foreperson:

8 Instructions: If you answered "no" with respect to all of
9 the Statutory Aggravating Factors in this Section III, then stop
10 your deliberations, cross out Sections IV, V, and VI, and proceed
11 to Section VII of this form. Each juror should then read the
12 statement in Section VII, and sign in the appropriate place if
13 the statement accurately reflects the manner in which you have
14 reached a decision. You should then advise the Court that you
15 have reached a decision.

16 If you found the requisite age in Section I, the requisite
17 mental state in Section II, and answered "yes" with respect to
18 one or more of the statutory aggravating factors in this Section
19 III, then proceed to Section IV.

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1 **Section IV: Non-Statutory Aggravating Factors**

2 Instructions: For each of the following questions, answer
3 "yes" or "no" to the five numbered questions below. (You need
4 not answer "yes" or "no" to the lettered statements contained in
5 question number 1, which merely describe the government's
6 allegation of how the existence of a non-statutory aggravating
7 factor would be demonstrated.)

8 1. Future Dangerousness of Defendant If Confined To A
9 Federal Prison For The Rest Of His Life Without The Possibility
10 Of Release. Do you, the jury, unanimously find that the
11 government has proved beyond a reasonable doubt that the
12 defendant is likely to commit criminal acts of violence in the
13 future that would constitute a continuing and serious threat to
14 the lives and safety of others, including one or more of the
15 following:

16 a. Continuing Pattern of Violence. The defendant has
17 engaged in a continuing pattern of violence, attempted violence,
18 and threatened violence, including, at least, the crimes charged
19 in the Second Superseding Indictment.

20 b. Escape Risk and Institutional Misconduct. The
21 defendant poses a future danger to the lives and safety of other
22 persons, as demonstrated by his escape risk and institutional
23 misconduct, including, at least: defendant's participation in a
24 conspiracy to escape from the Metropolitan Detention Center --
25 Los Angeles, California, which was detected by the government on
26 or about March 7, 2003, and charged as Count Six in the Second
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1 Superseding Indictment.

2 c. Lack of Remorse. The defendant has demonstrated a
3 lack of remorse for the capital offenses committed in this case,
4 as indicated by his statements and actions during the course of
5 and following the offenses alleged in the Second Superseding
6 Indictment.

7 ANSWER TO SECTION IV, QUESTION NUMBER 1:

8 Yes

9 No

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11 2. Contemporaneous Convictions. Do you, the jury,
12 unanimously find that the government has proved beyond a
13 reasonable doubt that the defendant faces contemporaneous
14 convictions for multiple murders and other serious acts of
15 violence?

16 ANSWER TO SECTION IV, QUESTION NUMBER 2:

17 Yes

18 No

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1 3. Witness Elimination. Do you, the jury, unanimously
2 find that the government has proved beyond a reasonable doubt
3 that the defendant killed the victims of his crimes, including
4 Meyer Muscatel, Rita Pekler, Alexander Umansky, Nick Kharabadze,
5 and George Safiev, in order to eliminate these victims as
6 possible witnesses to his crimes?

7 ANSWER TO SECTION IV, QUESTION NUMBER 3:

8 Yes

9 No

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11 4. Emotional Suffering of the Victims. Do you, the jury,
12 unanimously find that the government has proved beyond a
13 reasonable doubt that the defendant displayed an indifference to
14 the emotional suffering of the victims of his crimes, Meyer
15 Muscatel, Rita Pekler, Alexander Umansky, Nick Kharabadze, and
16 George Safiev?

17 ANSWER TO SECTION IV, QUESTION NUMBER 4:

18 Yes

19 No

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1 5. Victim Impact Evidence

2 Do you, the jury, unanimously find that the government has
3 proved beyond a reasonable doubt that the defendant caused
4 injury, harm, and loss to the families, friends, and co-workers
5 of Meyer Muscatel, Rita Pekler, Alexander Umansky, George Safiev,
6 and Nick Kharabadze as evidenced by their personal
7 characteristics as human beings and the impact of their deaths on
8 their families, friends, and co-workers?

9 ANSWER TO SECTION IV, QUESTION NUMBER 5:

10 Yes

11 No

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13 Foreperson:

14 Instructions: Regardless of whether you answered "yes" or
15 "no" with respect to the non-statutory aggravating factors in
16 this Section IV, proceed to Section V.

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1 **Section V: Mitigating Factors**

2 Instructions: Indicate the number of jurors who find that
3 the defense has established the existence of each listed
4 mitigating factor by a preponderance of the evidence. For each
5 of the following mitigating factors, please indicate, in the
6 space provided, the number of jurors who have found the existence
7 of the mitigating factor or factors to be proven by a
8 preponderance of the evidence:
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10 1. If Jurijus Kadamovas is not put to death, he will
11 spend every day of the rest of his life locked up in a Federal
12 Prison. He will die in a Federal Prison without ever enjoying
13 freedom again.

14 Number of Jurors who found this mitigating factor: 0

15 2. Jurijus Kadamovas was raised under a communist system
16 of government that devalued the life of the individual.

17 Number of Jurors who found this mitigating factor: 0

18 3. Jurijus Kadamovas performed honorable military service
19 in the Soviet Union.

20 Number of Jurors who found this mitigating factor: 0

21 4. Prior to these offenses for which he has been
22 convicted, Jurijus Kadamovas had a history of hard work.

23 Number of Jurors who found this mitigating factor: 0

24 5. Ainar Altmanis, who is guilty of five hostage takings
25 resulting in death, will not be sentenced to death.

26 Number of Jurors who found this mitigating factor: 0
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1 6. Ainar Altmanis has an agreement with the State of
2 California, that as punishment for the killing of the same
3 individuals, his term of imprisonment will not exceed twenty
4 years.

5 Number of Jurors who found this mitigating factor: 0

6 7. Jurijus Kadamovas has no prior criminal record.

7 Number of Jurors who found this mitigating factor: 0

8 8. Jurijus Kadamovas has not engaged in violent or
9 assaultive behavior in almost five years of federal custody.

10 Number of Jurors who found this mitigating factor: 0

11 9. Jurijus Kadamovas' likelihood for future violence in
12 federal prison is low.

13 Number of Jurors who found this mitigating factor: 0

14 Instructions: Regardless of whether you chose to make
15 written findings for the Mitigating Factors of Section V above,
16 proceed to Section VI and Section VII.

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1 **Section VI: Determination**

2 Based upon consideration of whether the aggravating factors
3 found to exist sufficiently outweigh any mitigating factors found
4 to exist, or in the absence of any mitigating factors, whether
5 the aggravating factors are themselves sufficient to justify a
6 sentence of death, and whether death is therefore the appropriate
7 sentence in this case:

8 **A. Death Sentence**

9 We determine, by unanimous vote, that a sentence of death
10 shall be imposed.

11 Yes

12 No

13 If you answer "yes," the foreperson must sign here, and you must
14 then proceed to Section VII. If you answer "no," the foreperson
15 must sign and you must then proceed to Section VIB.

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17 SEAT 10 Juror 8
18 Foreperson

Date: February 13, 2007

19 **B. Sentence of Life in Prison Without Possibility of Release**

20 We determine, by unanimous vote, that a sentence of life
21 imprisonment without the possibility of release shall be imposed.

22 Yes

23 No

24 If you answer "yes," the foreperson must sign here, and you must
25 then proceed to Section VII.

26 _____
27 Foreperson

Date: _____

1 Section VII: Certification

2 By signing below, each juror certifies that consideration of
3 the race, color, religious beliefs, national origin (except as it
4 may bear on mitigation), or sex of the defendants or any victims
5 was not involved in reaching his or her individual decision, and
6 that the individual juror would have made the same recommendation
7 regarding a sentence for the crimes in question regardless of the
8 race, color, religious beliefs, national origin, or sex of the
9 defendants or the victims.

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- JUROR #1 # 84
- JUROR #2 # 227
- JUROR #3 # 39
- JUROR #4 JUROR 177
- JUROR #5 Juror 31
- JUROR #6 # 239
- JUROR #7 # 36
- JUROR #8 95
- JUROR #9 # 57
- JUROR #10 # 8
- JUROR #11 # 67
- JUROR #12 # 256

SEAT # 10 Juror 8
Foreperson

Date: February 13, 2007