

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF ARKANSAS  
WESTERN DIVISION

FILED  
IN OPEN COURT

UNITED STATES OF AMERICA

MAY 10 1999  
Marge  
K. J. [unclear]  
US DISTRICT COURT  
EASTERN DISTRICT OF ARKANSAS

v. No. LR-CR-97-243(1)

CHEVIE O'BRIEN KEHOE,  
a/k/a Bud, et al.

SPECIAL VERDICT FORM NO. 1  
WILLIAM MUELLER MURDER

I. AGE OF DEFENDANT

Instructions: Answer "YES" or "NO." Do you, the jury, unanimously find that the government has established beyond a reasonable doubt that CHEVIE O'BRIEN KEHOE was eighteen years of age or older at the time he killed William Mueller, that being January 11, 1996?

YES

NO

Foreperson

Instructions: If you answered "NO" with respect to the determination in this section, Section I, then stop your deliberations, cross out Sections II, III, IV, V, and VI of this form, and proceed to Section VII. Each juror should then carefully read the

statement in Section VII, and sign in the appropriate place if the statement accurately reflects the manner in which he or she reached his or her decision. You should then advise the court that you have reached a decision.

If you answered "YES" with respect to the determination in this section, Section I, proceed to Section II which follows.

II. REQUISITE MENTAL STATE

Instructions: Answer "YES" or "NO." You must find one or more of the requisite mental states.

(A) Do you, the jury, unanimously find that the government has established beyond a reasonable doubt that CHEVIE O'BRIEN KEHOE intentionally killed William Mueller?

YES \_\_\_\_\_

NO  \_\_\_\_\_

Foreperson

(B) Do you, the jury, unanimously find that the government has established beyond a reasonable doubt that CHEVIE O'BRIEN KEHOE intentionally participated in an act, contemplating that the life of William Mueller would be taken, or intending that lethal force would be used against William Mueller, and William Mueller died as a direct result of that act?

YES \_\_\_\_\_  
NO  \_\_\_\_\_

Foreperson

(C) Do you, the jury, unanimously find that the government has established beyond a reasonable doubt that CHEVIE O'BRIEN KEHOE intentionally and specifically engaged in an act of violence, knowing that the act created a grave risk of death to William Mueller, and that participation in the act constituted a reckless disregard for human life and William Mueller died as a direct result of the act?

YES  \_\_\_\_\_  
NO \_\_\_\_\_

Foreperson

Instructions: If you answered "NO" with respect to all of the determinations in this section, Section II, then stop your deliberations, cross out Sections III, IV, V, and VI, and proceed to Section VII. Each juror should then carefully read the statement in Section VII, and sign in the appropriate place if the statement accurately reflects the manner in which he or she reached his or her decision. You should then advise the court that you have reached a decision.

If you answered "YES" with respect to one or more of the mental state determinations in this section, Section II, then proceed to Section III which follows.

### III. STATUTORY AGGRAVATING FACTORS

Instructions: For each of the following, answer "YES" or "NO." Do you, the jury, unanimously find that the government has established the existence of the following aggravating factor or factors beyond a reasonable doubt:

(A) That CHEVIE O'BRIEN KEHOE committed the offense of murdering William Mueller in the expectation of receiving something of pecuniary value?

YES  \_\_\_\_\_

NO \_\_\_\_\_

Foreperson

(B) That CHEVIE O'BRIEN KEHOE committed the offense of murdering William Mueller after substantial planning and premeditation?

YES \_\_\_\_\_

NO ✓

\_\_\_\_\_  
Foreperson

(C) That CHEVIE O'BRIEN KEHOE intentionally killed more than one person in a single criminal episode?

YES ✓

NO \_\_\_\_\_

\_\_\_\_\_  
Foreperson

Instructions: If you answered "NO" with respect to all of the Statutory Aggravating Factors in this section, Section III, then stop your deliberations, cross out Sections IV, V, and VI, and proceed to Section VII of this form. Each juror should then carefully read the statement in Section VII, and sign in the appropriate place if the statement accurately reflects the manner in which he or she reached his or her decision. You should then advise the court that you have reached a decision.

If you found the requisite age in Section I, one or more of the requisite mental states in Section II, and answered "YES" with respect to one or more of the statutory aggravating factors in this section, Section III, proceed to Section IV which follows.

**IV. NON-STATUTORY AGGRAVATING FACTOR - FUTURE DANGEROUSNESS**

Instructions: Answer "YES" or "NO." Do you, the jury, unanimously find that the government has established the existence of the following aggravating factor beyond a reasonable doubt:

That CHEVIE O'BRIEN KEHOE's involvement in (a) the conspiracy to rob Jill and Malcolm Friedman on and about June 12, 1995; (b) shooting at Ohio law enforcement officers on February 15, 1997; and (c) lack of remorse, as evidenced by his statements regarding the Mueller murders made to Gloria Kehoe and Cheyne Kehoe, establishes that CHEVIE O'BRIEN KEHOE would be a danger in the future to the lives and safety of other persons?

YES \_\_\_\_\_

NO  \_\_\_\_\_

Foreperson

Instructions: Regardless of whether you answered “YES” or “NO” with respect to the Non-Statutory Aggravating Factor in this Section IV, proceed to Section V, which follows.

V. MITIGATING FACTORS

Instructions: For each of the following mitigating factors, 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.

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 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 agree that the factor has been established.

Defendant CHEVIE O’BRIEN KEHOE alleges the following mitigating factors:

1. Mr. Chevie Kehoe has no prior criminal record.

Number of jurors, if any, who so find 8.

2. Mr. Chevie Kehoe is a loving father with young children.

Number of jurors, if any, who so find 7.

3. With life imprisonment without possibility of release, Mr. Chevie Kehoe could still be involved in the lives of his children.

Number of jurors, if any, who so find 4.

4. Mr. Chevie Kehoe was a responsible, honest, and hard worker in the past.

Number of jurors, if any, who so find 1.

5. Mr. Chevie Kehoe is the product of a dysfunctional family.

Number of jurors, if any, who so find 12.

6. Mr. Chevie Kehoe is relatively young, being 19 at the start of the conspiracy (1992).

Number of jurors, if any, who so find 6.

7. Mr. Chevie Kehoe was removed from public schools at age 15 by his parents and was thus deprived by his parents of normal social development.

Number of jurors, if any, who so find 8.

8. Mr. Chevie Kehoe was influenced by one or both of his parents and his parents' friends to accept and espouse extremist religious views.

Number of jurors, if any, who so find 12.

9. Mr. Chevie Kehoe was influenced by one or both of his parents and his parents' friends to accept and espouse extremist political views.

Number of jurors, if any, who so find 12.

10. Mr. Chevie Kehoe was influenced by one or both of his parents and his parents' friends to accept and espouse extremist social views.

Number of jurors, if any, who so find 12.

11. Mr. Chevie Kehoe was influenced by his father to commit crimes.

Number of jurors, if any, who so find 12.

12. Mr. Chevie Kehoe was ordered to kill another human being at the direction of his father, and he refused.

Number of jurors, if any, who so find 3.

13. Other persons were involved in this racketeering enterprise and conspiracy who will, under the law, receive no sentence or substantially less punishment or were not prosecuted.

Number of jurors, if any, who so find 7.

14. Kirby Kehoe was involved in the planning of the 1996 burglary of the Muellers.

Number of jurors, if any, who so find 9.

15. Mr. Chevie Kehoe could live a productive life in prison.

Number of jurors, if any, who so find 8.

16. Mr. Chevie Kehoe is a human being.

Number of jurors, if any, who so find 5.

The following extra spaces are provided to write in additional mitigating factors, if any, found by any one or more of the 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 \_\_\_\_\_.~~

Instructions: Proceed to Section VI and Section VII which follow.

VI. DETERMINATION

Based upon consideration of whether the aggravating factor or 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 factor or factors are themselves sufficient to justify a sentence of death:

(A). **Death Sentence**

We determine, by unanimous vote, that a sentence of death shall be imposed for the murder of William Mueller.

YES \_\_\_\_\_

NO  \_\_\_\_\_

If you answered "YES," sign your names here and then proceed to Section VII.

If you answered "NO," the foreperson alone should sign, and you should proceed to

Section VI, (B):

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\_\_\_\_\_  
\_\_\_\_\_

Foreperson

Date: 5-7-99

**(B). Sentence of Life in Prison Without Possibility of Release**

We determine, by unanimous vote, that a sentence of life imprisonment without possibility of release shall be imposed for the murder of William Mueller.

YES

NO

If you answered "YES," sign your names here, and then proceed to Section VII.

If you answered "NO," the foreperson alone should sign, and you should proceed to

Section VII.

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Foreperson

Date: 5-9-99

VII. CERTIFICATION

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 the crime in question regardless of the race, color, religious beliefs, national origin, or sex of the defendant or the victim.

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF ARKANSAS  
WESTERN DIVISION

FILED  
IN OPEN COURT

MAY 10 1999  
M. J. [Signature]  
U.S. DISTRICT COURT  
EASTERN DISTRICT OF ARKANSAS

UNITED STATES OF AMERICA

v. No. LR-CR-97-243(1)

CHEVIE O'BRIEN KEHOE,  
a/k/a Bud, et al.

SPECIAL VERDICT FORM NO. 2  
NANCY MUELLER MURDER

I. AGE OF DEFENDANT

Instructions: Answer "YES" or "NO." Do you, the jury, unanimously find that the government has established beyond a reasonable doubt that CHEVIE O'BRIEN KEHOE was eighteen years of age or older at the time he killed Nancy Mueller, that being January 11, 1996?

YES

NO

Foreperson —

Instructions: If you answered "NO" with respect to the determination in this section, Section I, then stop your deliberations, cross out Sections II, III, IV, V, and VI of this form, and proceed to Section VII. Each juror should then carefully read the

statement in Section VII, and sign in the appropriate place if the statement accurately reflects the manner in which he or she reached his or her decision. You should then advise the court that you have reached a decision.

If you answered "YES" with respect to the determination in this section, Section I, proceed to Section II which follows.

II. REQUISITE MENTAL STATE

Instructions: Answer "YES" or "NO." You must find one or more of the requisite mental states.

(A) Do you, the jury, unanimously find that the government has established beyond a reasonable doubt that CHEVIE O'BRIEN KEHOE intentionally killed Nancy Mueller?

YES \_\_\_\_\_  
NO  \_\_\_\_\_

Foreperson \_\_\_\_\_

(B) Do you, the jury, unanimously find that the government has established beyond a reasonable doubt that CHEVIE O'BRIEN KEHOE intentionally participated in an act, contemplating that the life of Nancy Mueller would be taken, or intending that lethal force would be used against Nancy Mueller, and Nancy Mueller died as a direct result of that act?

YES \_\_\_\_\_  
NO  \_\_\_\_\_

\_\_\_\_\_  
Foreperson

(C) Do you, the jury, unanimously find that the government has established beyond a reasonable doubt that CHEVIE O'BRIEN KEHOE intentionally and specifically engaged in an act of violence, knowing that the act created a grave risk of death to Nancy Mueller, and that participation in the act constituted a reckless disregard for human life and Nancy Mueller died as a direct result of the act?

YES  \_\_\_\_\_  
NO \_\_\_\_\_

\_\_\_\_\_  
Foreperson

Instructions: If you answered "NO" with respect to all of the determinations in this section, Section II, then stop your deliberations, cross out Sections III, IV, V, and VI, and proceed to Section VII. Each juror should then carefully read the statement in Section VII, and sign in the appropriate place if the statement accurately reflects the manner in which he or she reached his or her decision. You should then advise the court that you have reached a decision.

If you answered "YES" with respect to one or more of the mental state determinations in this section, Section II, then proceed to Section III which follows.

### III. STATUTORY AGGRAVATING FACTORS

Instructions: For each of the following, answer "YES" or "NO." Do you, the jury, unanimously find that the government has established the existence of the following aggravating factor or factors beyond a reasonable doubt:

(A) That CHEVIE O'BRIEN KEHOE committed the offense of murdering Nancy Mueller in the expectation of receiving something of pecuniary value?

YES  \_\_\_\_\_

NO \_\_\_\_\_

Foreperson

(B) That CHEVIE O'BRIEN KEHOE committed the offense of murdering Nancy Mueller after substantial planning and premeditation?

YES \_\_\_\_\_

NO  \_\_\_\_\_

Foreperson

(C) That CHEVIE O'BRIEN KEHOE intentionally killed more than one person in a single criminal episode?

YES  \_\_\_\_\_

NO \_\_\_\_\_

Foreperson

Instructions: If you answered "NO" with respect to all of the Statutory Aggravating Factors in this section, Section III, then stop your deliberations, cross out Sections IV, V, and VI, and proceed to Section VII of this form. Each juror should then carefully read the statement in Section VII, and sign in the appropriate place if the statement accurately reflects the manner in which he or she reached his or her decision. You should then advise the court that you have reached a decision.

If you found the requisite age in Section I, one or more of the requisite mental states in Section II, and answered "YES" with respect to one or more of the statutory aggravating factors in this section, Section III, proceed to Section IV which follows.

IV. NON-STATUTORY AGGRAVATING FACTOR - FUTURE DANGEROUSNESS

Instructions: Answer "YES" or "NO." Do you, the jury, unanimously find that the government has established the existence of the following aggravating factor beyond a reasonable doubt:

That CHEVIE O'BRIEN KEHOE's involvement in (a) the conspiracy to rob Jill and Malcolm Friedman on and about June 12, 1995; (b) shooting at Ohio law enforcement officers on February 15, 1997; and (c) lack of remorse, as evidenced by his statements regarding the Mueller murders made to Gloria Kehoe and Cheyne Kehoe, establishes that CHEVIE O'BRIEN KEHOE would be a danger in the future to the lives and safety of other persons?

YES \_\_\_\_\_

NO  \_\_\_\_\_

Foreperson

Instructions: Regardless of whether you answered "YES" or "NO" with respect to the Non-Statutory Aggravating Factor in this Section IV, proceed to Section V, which follows.

V. MITIGATING FACTORS

Instructions: For each of the following mitigating factors, 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.

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 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 agree that the factor has been established.

Defendant CHEVIE O'BRIEN KEHOE alleges the following mitigating factors:

1. Mr. Chevie Kehoe has no prior criminal record.

Number of jurors, if any, who so find 8.

2. Mr. Chevie Kehoe is a loving father with young children.

Number of jurors, if any, who so find 7.

3. With life imprisonment without possibility of release, Mr. Chevie Kehoe could still be involved in the lives of his children.

Number of jurors, if any, who so find 6.

4. Mr. Chevie Kehoe was a responsible, honest, and hard worker in the past.

Number of jurors, if any, who so find 1.

5. Mr. Chevie Kehoe is the product of a dysfunctional family.

Number of jurors, if any, who so find 12.

6. Mr. Chevie Kehoe is relatively young, being 19 at the start of the conspiracy (1992).

Number of jurors, if any, who so find 6.

7. Mr. Chevie Kehoe was removed from public schools at age 15 by his parents and was thus deprived by his parents of normal social development.

Number of jurors, if any, who so find 8.

8. Mr. Chevie Kehoe was influenced by one or both of his parents and his parents' friends to accept and espouse extremist religious views.

Number of jurors, if any, who so find 12.

9. Mr. Chevie Kehoe was influenced by one or both of his parents and his parents' friends to accept and espouse extremist political views.

Number of jurors, if any, who so find 12.

10. Mr. Chevie Kehoe was influenced by one or both of his parents and his parents' friends to accept and espouse extremist social views.

Number of jurors, if any, who so find 12.

11. Mr. Chevie Kehoe was influenced by his father to commit crimes.

Number of jurors, if any, who so find 12.

12. Mr. Chevie Kehoe was ordered to kill another human being at the direction of his father, and he refused.

Number of jurors, if any, who so find 3.

13. Other persons were involved in this racketeering enterprise and conspiracy who will, under the law, receive no sentence or substantially less punishment or were not prosecuted.

Number of jurors, if any, who so find 7.

14. Kirby Kehoe was involved in the planning of the 1996 burglary of the Muellers.

Number of jurors, if any, who so find 9.

15. Mr. Chevie Kehoe could live a productive life in prison.

Number of jurors, if any, who so find 8.

16. Mr. Chevie Kehoe is a human being.

Number of jurors, if any, who so find 5.

The following extra spaces are provided to write in additional mitigating factors, if any, found by any one or more of the 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 \_\_\_\_\_.~~

Instructions: Proceed to Section VI and Section VII which follow.

VI. DETERMINATION

Based upon consideration of whether the aggravating factor or 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 factor or factors are themselves sufficient to justify a sentence of death:

(A). **Death Sentence**

We determine, by unanimous vote, that a sentence of death shall be imposed for the murder of Nancy Mueller.

YES \_\_\_\_\_

NO ✓ \_\_\_\_\_

If you answered "YES," sign your names here and then proceed to Section VII.

If you answered "NO," the foreperson alone should sign, and you should proceed to

Section VI, (B):

_____	_____
_____	_____
_____	_____
_____	_____

\_\_\_\_\_  
\_\_\_\_\_  
Foreperson

Date: 5-7-99

**(B). Sentence of Life in Prison Without Possibility of Release**

We determine, by unanimous vote, that a sentence of life imprisonment without possibility of release shall be imposed for the murder of Nancy Mueller.

YES

NO

If you answered "YES," sign your names here, and then proceed to Section VII.  
If you answered "NO," the foreperson alone should sign, and you should proceed to Section VII.

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Foreperson

Date: 5-11-77

VII. CERTIFICATION

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 the crime in question regardless of the race, color, religious beliefs, national origin, or sex of the defendant or the victim

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF ARKANSAS  
WESTERN DIVISION

FILED  
IN OPEN COURT  
MAY 10 1999  
Marge Haggerty  
U.S. DISTRICT COURT  
EASTERN DISTRICT OF ARKANSAS

UNITED STATES OF AMERICA

v.

No. LR-CR-97-243(1)

CHEVIE O'BRIEN KEHOE,  
a/k/a Bud, et al.

SPECIAL VERDICT FORM NO. 3  
SARAH POWELL MURDER

I. AGE OF DEFENDANT

Instructions: Answer "YES" or "NO." Do you, the jury, unanimously find that the government has established beyond a reasonable doubt that CHEVIE O'BRIEN KEHOE was eighteen years of age or older at the time he killed Sarah Powell, that being January 11, 1996?

YES  \_\_\_\_\_

NO \_\_\_\_\_

Foreperson

Instructions: If you answered "NO" with respect to the determination in this section, Section I, then stop your deliberations, cross out Sections II, III, IV, V, and VI of this form, and proceed to Section VII. Each juror should then carefully read the

statement in Section VII, and sign in the appropriate place if the statement accurately reflects the manner in which he or she reached his or her decision. You should then advise the court that you have reached a decision.

If you answered "YES" with respect to the determination in this section, Section I, proceed to Section II which follows.

## II. REQUISITE MENTAL STATE

Instructions: Answer "YES" or "NO." You must find one or more of the requisite mental states.

(A) Do you, the jury, unanimously find that the government has established beyond a reasonable doubt that CHEVIE O'BRIEN KEHOE intentionally killed Sarah Powell?

YES \_\_\_\_\_

NO  \_\_\_\_\_

Foreperson

(B) Do you, the jury, unanimously find that the government has established beyond a reasonable doubt that CHEVIE O'BRIEN KEHOE intentionally participated in an act, contemplating that the life of Sarah Powell would be taken, or intending that lethal force would be used against Sarah Powell, and Sarah Powell died as a direct result of that act?

YES \_\_\_\_\_

NO  \_\_\_\_\_

Foreperson

(C) Do you, the jury, unanimously find that the government has established beyond a reasonable doubt that CHEVIE O'BRIEN KEHOE intentionally and specifically engaged in an act of violence, knowing that the act created a grave risk of death to Sarah Powell, and that participation in the act constituted a reckless disregard for human life and Sarah Powell died as a direct result of the act?

YES  \_\_\_\_\_

NO \_\_\_\_\_

Foreperson

Instructions: If you answered "NO" with respect to all of the determinations in this section, Section II, then stop your deliberations, cross out Sections III, IV, V, and VI, and proceed to Section VII. Each juror should then carefully read the statement in Section VII, and sign in the appropriate place if the statement accurately reflects the manner in which he or she reached his or her decision. You should then advise the court that you have reached a decision.

If you answered "YES" with respect to one or more of the mental state determinations in this section, Section II, then proceed to Section III which follows.

### III. STATUTORY AGGRAVATING FACTORS

Instructions: For each of the following, answer "YES" or "NO." Do you, the jury, unanimously find that the government has established the existence of the following aggravating factor or factors beyond a reasonable doubt:

(A) That CHEVIE O'BRIENKEHOE committed the offense of murdering Sarah Powell in the expectation of receiving something of pecuniary value?

YES

NO

Foreperson

(B) That CHEVIE O'BRIEN KEHOE committed the offense of murdering Sarah Powell after substantial planning and premeditation?

YES \_\_\_\_\_

NO  \_\_\_\_\_

Foreperson

(C) That Sarah Powell was a particularly vulnerable victim due to her youth, that being eight years old?

YES  \_\_\_\_\_

NO \_\_\_\_\_

Foreperson

(D) That CHEVIE O'BRIEN KEHOE intentionally killed more than one person in a single criminal episode?

YES  \_\_\_\_\_

NO \_\_\_\_\_

\_\_\_\_\_  
Foreperson

Instructions: If you answered “NO” with respect to all of the Statutory Aggravating Factors in this section, Section III, then stop your deliberations, cross out Sections IV, V, and VI, and proceed to Section VII of this form. Each juror should then carefully read the statement in Section VII, and sign in the appropriate place if the statement accurately reflects the manner in which he or she reached his or her decision. You should then advise the court that you have reached a decision.

If you found the requisite age in Section I, one or more of the requisite mental states in Section II, and answered “YES” with respect to one or more of the statutory aggravating factors in this section, Section III, proceed to Section IV which follows.

IV. **NON-STATUTORY AGGRAVATING FACTOR - FUTURE DANGEROUSNESS**

Instructions: Answer “YES” or “NO.” Do you, the jury, unanimously find that the government has established the existence of the following aggravating factor beyond a reasonable doubt:

That CHEVIE O’BRIEN KEHOE’s involvement in (a) the conspiracy to rob Jill and Malcolm Friedman on and about June 12, 1995; (b) shooting at Ohio law enforcement officers on February 15, 1997; and (c) lack of remorse, as evidenced by

his statements regarding the Mueller murders made to Gloria Kehoe and Cheyne Kehoe, establishes that CHEVIE O'BRIEN KEHOE would be a danger in the future to the lives and safety of other persons?

YES \_\_\_\_\_

NO ✓

Foreperson

Instructions: Regardless of whether you answered "YES" or "NO" with respect to any Non-Statutory Aggravating Factor in this Section IV, proceed to Section V, which follows.

V. MITIGATING FACTORS

Instructions: For each of the following mitigating factors, 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.

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 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

agree that the factor has been established.

Defendant CHEVIE O'BRIEN KEHOE alleges the following mitigating factors:

1. Mr. Chevie Kehoe has no prior criminal record.

Number of jurors, if any, who so find 8.

2. Mr. Chevie Kehoe is a loving father with young children.

Number of jurors, if any, who so find 7.

3. With life imprisonment without possibility of release, Mr. Chevie Kehoe could still be involved in the lives of his children.

Number of jurors, if any, who so find 6.

4. Mr. Chevie Kehoe was a responsible, honest, and hard worker in the past.

Number of jurors, if any, who so find 1.

5. Mr. Chevie Kehoe is the product of a dysfunctional family.

Number of jurors, if any, who so find 12.

6. Mr. Chevie Kehoe is relatively young, being 19 at the start of the conspiracy (1992).

Number of jurors, if any, who so find 6.

7. Mr. Chevie Kehoe was removed from public schools at age 15 by his parents and was thus deprived by his parents of normal social development.

Number of jurors, if any, who so find 8.

8. Mr. Chevie Kehoe was influenced by one or both of his parents and his parents' friends to accept and espouse extremist religious views.

Number of jurors, if any, who so find 12.

9. Mr. Chevie Kehoe was influenced by one or both of his parents and his parents' friends to accept and espouse extremist political views.

Number of jurors, if any, who so find 12.

10. Mr. Chevie Kehoe was influenced by one or both of his parents and his parents' friends to accept and espouse extremist social views.

Number of jurors, if any, who so find 12.

11. Mr. Chevie Kehoe was influenced by his father to commit crimes.

Number of jurors, if any, who so find 12.

12. Mr. Chevie Kehoe was ordered to kill another human being at the direction of his father, and he refused.

Number of jurors, if any, who so find 3.

13. Other persons were involved in this racketeering enterprise and conspiracy who will, under the law, receive no sentence or substantially less punishment or were not prosecuted.

Number of jurors, if any, who so find 7.

14. Kirby Kehoe was involved in the planning of the 1996 burglary of the Muellers.

Number of jurors, if any, who so find 9.

15. Mr. Chevie Kehoe could live a productive life in prison.

Number of jurors, if any, who so find 8.

16. Mr. Chevie Kehoe is a human being.

Number of jurors, if any, who so find 5.

The following extra spaces are provided to write in additional mitigating factors, if any, found by any one or more of the 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 \_\_\_\_\_.

~~NONE~~

Number of jurors who so find \_\_\_\_\_.

~~NONE~~

Number of jurors who so find \_\_\_\_\_.

None

Number of jurors who so find \_\_\_\_\_.

Number of jurors who so find \_\_\_\_\_.

Instructions: Proceed to Section VI and Section VII which follow.

**VI. DETERMINATION**

Based upon consideration of whether the aggravating factor or 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 factor or factors are themselves sufficient to justify a sentence of death:

**(A). Death Sentence**

We determine, by unanimous vote, that a sentence of death shall be imposed for the murder of Sarah Powell.

YES \_\_\_\_\_  
NO  \_\_\_\_\_

If you answered "YES," sign your names here, and then proceed to Section VII.

If you answered "NO," the foreperson alone should sign, and you should proceed to Section VI, (B).

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Foreperson

Date: 5-7-99

**(B). Sentence of Life in Prison Without Possibility of Release**

We determine, by unanimous vote, that a sentence of life imprisonment without possibility of release shall be imposed for the murder of Sarah Powell.

YES

NO

If you answered "YES," sign your names here, and then proceed to Section VII.

If you answered "NO," the foreperson alone should sign, and you should proceed to

Date: 5-10-99

**VII. CERTIFICATION**

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 the crime in question regardless of the race, color, religious beliefs, national origin, or sex of the defendant or the victim.

Date: 5-10-74