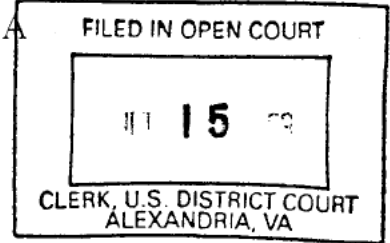


IN THE UNITED STATES DISTRICT COURT FOR THE
EASTERN DISTRICT OF VIRGINIA

Alexandria Division



UNITED STATES OF AMERICA)

)

v.)

Criminal No. 01-150-A

)

JAY LENTZ)

SPECIAL VERDICT FORM

Section I. AGE OF THE DEFENDANT

Instructions: Answer "YES" or "NO".

We unanimously find that the government has established beyond a reasonable doubt that the defendant Jay E. Lentz was eighteen years of age or older at the time of the offense.

YES _____

NO _____

Foreperson

Date: 7/15/03

Instructions: If you answered “NO” to the age determination, then you cannot consider the sentence of death for this defendant, and the Court will impose a sentence of life imprisonment without release. You should proceed to section VII of this Special Verdict Form.

If you answered “YES” to the age determination, then you should continue your deliberations in accordance with the court’s instructions and proceed to Section II which follows.

Section II. THRESHOLD INTENT FINDINGS

Instructions: For the following Threshold Intent Findings you must unanimously find that the government has established beyond a reasonable doubt that Jay E. Lentz acted with the following intent:

Count One – The government has alleged the following threshold intent findings:

1. Jay E. Lentz intentionally killed the victim, Doris Lentz.

YES _____
NO X _____

2. Jay E. Lentz intentionally inflicted serious bodily injury that resulted in the death of the victim, Doris Lentz.

YES _____
NO X _____

3. Jay E. Lentz 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 Doris Lentz died as a direct result of the act.

YES X
NO

4. Jay E. Lentz 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 Doris Lentz died as a direct result of the act.

YES
NO X

Instructions: If you answered “NO” with respect to all of the Threshold Intent Findings in Section II above, then that ends your consideration of the death penalty. You must stop your deliberations and indicate in the Section VI Recommendations portion of this form that the Jury has been unable to unanimously find beyond a reasonable doubt that a Threshold Intent Finding exists. Then proceed to Section VII of this form.

If you answered “YES” with respect to any Threshold Intent Finding in Section II above, then continue your deliberations in accordance with the Court’s instructions and proceed to Section III which follows.

Section III 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.

The government has alleged the following statutory aggravating factors:

1. Doris Lentz's death, or injury resulting in death, occurred during the commission or attempted commission of, or during the immediate flight from or the commission of kidnaping.

YES ✓

NO

2. Jay E. Lentz committed the offense as consideration for the receipt, or in the expectation of the receipt, of anything of pecuniary value, specifically, the avoidance of child support and property settlement payments.

YES

NO ✗

3. Jay E. Lentz committed the offense after substantial planning and premeditation to cause the death of a person, Doris Lentz.

YES _____
NO X

Instructions: If you answered “NO” with respect to all of the Statutory Aggravating Factors in Section III above then that ends your consideration of the death penalty. You must stop your deliberations and indicate in the Section VI RECOMMENDATION portion of this form that the Jury has been unable to unanimously find beyond a reasonable doubt that any of the statutory factors exist. Then proceed to Section VII of this form.

If you answered “YES” with respect to any of the Statutory Aggravating Factors alleged in Section III above, then you must continue your deliberations in accordance with the Court’s instructions and proceed to Section IV which follows. You must have unanimously found a Threshold Intent Finding from Section II and at least one Aggravating factor from Section III as to Count One. Otherwise you should indicate in the Section VI RECOMMENDATION portion of this form that the Jury has been unable to unanimously find beyond a reasonable doubt that respective Threshold Intent Findings and Statutory Aggravating Factors exist.

Section IV

OTHER NON-STATUTORY AGGRAVATING FACTORS

Instructions: For 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.

The government has alleged the following non-statutory aggravating factor:

1. Jay E. Lentz caused injury, harm, and loss to the victim’s family because of the victim’s personal characteristics as an individual human being and the impact of the death upon the victim’s family.

YES X
NO

Like the threshold intent findings and statutory aggravating factors, the government bears the burden of proving beyond a reasonable doubt the existence of any non-statutory aggravating factor. Whether any aggravating factor or threshold intent finding has been established beyond a reasonable doubt is for you, the Jury to determine, but the only aggravating factors that you may take into account are those that I have outlined for you in these instructions.

Instructions: Regardless of your finding as to the Non-Statutory Aggravating Factors in Section IV above, continue your deliberations in

accordance with the Court's instructions and proceed to SECTION V which follows. You must however, have unanimously found proven beyond a reasonable doubt the existence of one Threshold Intent Finding in Section II above and at least one Statutory Aggravating Factor in Section III as to Count One.

Section V. 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 V 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.

NON-STATUTORY MITIGATING FACTORS

Instructions: The defendant has alleged the following additional non-statutory mitigating factors in his background or character, the circumstances of the crimes, or other relevant facts or circumstances as mitigation. If any one juror finds any such factor established by a preponderance of the evidence, he or she may weigh that factor against any aggravating factors:

The mitigating factors relied upon by the defense in this case are:

1. Jay Lentz voluntarily enlisted in the United States military in service to his country at the age of 17 and continued his service to the defense of our nation in the United States Army and Navy for a total of more than 15 years.

Number of Jurors who so find 4.

2. Jay Lentz' service as a military intelligence officer in the armed services included service on foreign soil, including in the Persian Gulf.

Number of Jurors who so find 2.

3. Jay Lentz retired from the military service with an honorable discharge on July 31, 1995.

Number of Jurors who so find 4.

4. The execution of Jay Lentz will cause his innocent daughter, Julia Lentz, irreparable and extraordinary psychological and emotional harm.

Number of Jurors who so find 12.

5. The execution of Jay Lentz will cause his daughter, Julia Lentz, to be without his parenting, advice and love.

Number of Jurors who so find 5.

6. Julia Lentz will suffer additional emotional and psychological harm during the period between when Jay Lentz is sentenced to death and when that sentenced is carried out.

Number of Jurors who so find 9.

7. If not sentenced to death, Jay Lentz will be sentenced to life imprisonment without possibility of release.

Number of Jurors who so find 12.

8. If sentenced to life imprisonment without possibility of release, Jay Lentz will be available to his daughter Julia as she grows older and has questions concerning her own family, including questions about her mother.

Number of Jurors who so find 9.

9. The execution of Jay Lentz will be devastating to his family.

Number of Jurors who so find 8.

10. The evidence of Jay Lentz' guilt is not so overwhelming as to eliminate with total certainty the possibility of executing an innocent person. Evidence that might have proven his guilt or innocence to certainty was not available.

Number of Jurors who so find 7.

11. Jay Lentz has no prior criminal convictions.

Number of Jurors who so find 0.

12. Jay Lentz did not benefit financially from Doris Lentz' disappearance.

Number of Jurors who so find 0.

The death penalty statute also permits you to consider *anything* else about the circumstances of the offense or about Jay Lentz's background, record or character that would mitigate against imposition of the death penalty. Thus, if there are any such mitigating factors, whether or not specifically argued by defense counsel, but which are established by a preponderance of the evidence, you are free to consider them in your deliberations.

In short, your discretion in considering mitigating factors is much broader

than your discretion in consider aggravating factors. This was a choice expressly made by Congress in enacting the capital punishment statute here at issue. Now, you are asked on the jury form to identify any such additional mitigating factors that any one of you considers. If, however, you do think there is some other mitigating factor present, but are simply not able to put it into words so that you can write it down on a list, you should still give that factor your full consideration.

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 _____~~

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

Section VI. RECOMMENDATION

Count One -- Kidnaping Resulting in the Death of Doris Lentz

1. NO THRESHOLD INTENT FINDINGS OR AGGRAVATING FACTORS
FOUND TO EXIST

Instructions: If you have been unable to unanimously find beyond a reasonable doubt that any Threshold Intent Findings or Statutory Aggravating Factors exist then so indicate below.

We, the Jury, do not unanimously find proven, beyond a reasonable doubt, the existence of any of the Threshold Intent Findings 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 Doris Lentz, for which Jay E. Lentz has been convicted.

[Redacted Signature]

*Sned
UN 2/10 R*

Date: 7/15/03

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

If you have unanimously found beyond a reasonable doubt that at least one Threshold Intent Finding and at least one Statutory Aggravating Factor exists, then you should proceed to recommend and 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 of 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 Jay E. Lentz for the killing of Doris Lentz as described in the Indictment.

YES _____

NO X

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





FOREPERSON

Date: 7/15/03

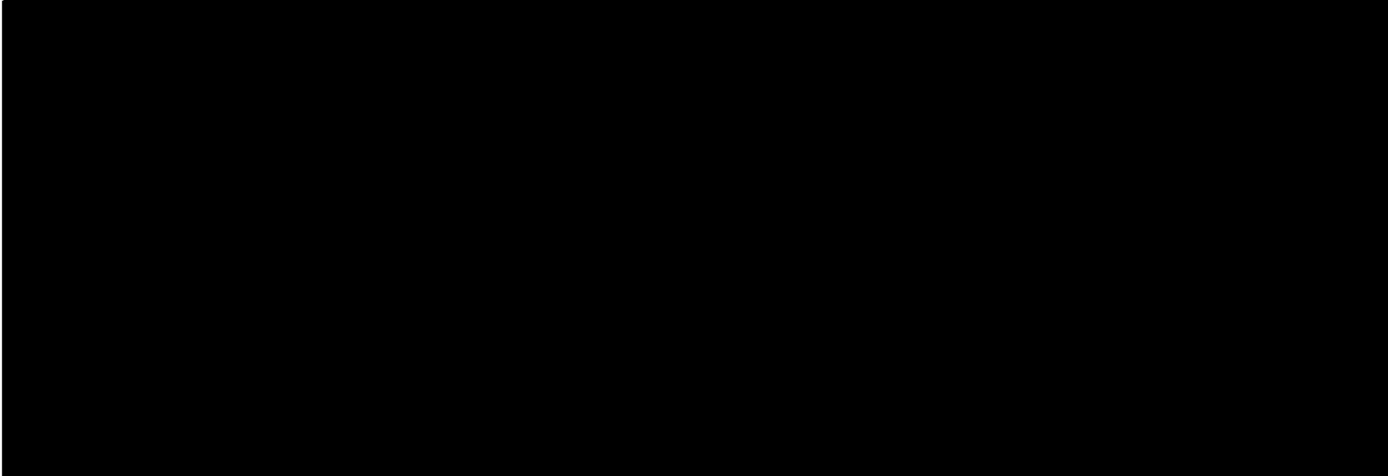
3. SENTENCE OF LIFE IN PRISON WITHOUT POSSIBILITY OF RELEASE

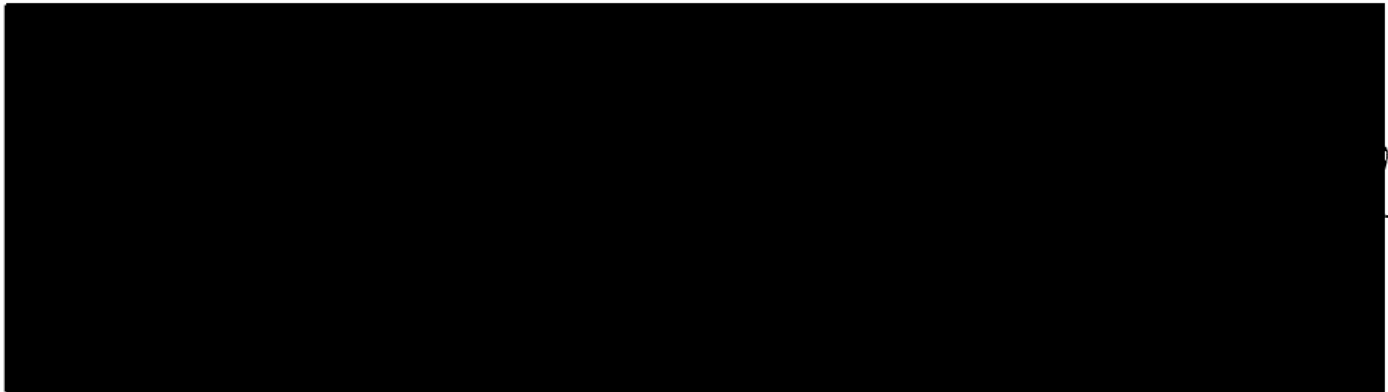
Based upon consideration of whether the aggravating factors found to exist sufficiently outweigh any mitigating factor or factors found to exist, or in the absence of any mitigating factors, whether the aggravating factors are themselves sufficient to justify a sentence of death, we recommend, by unanimous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

YES X

NO _____

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





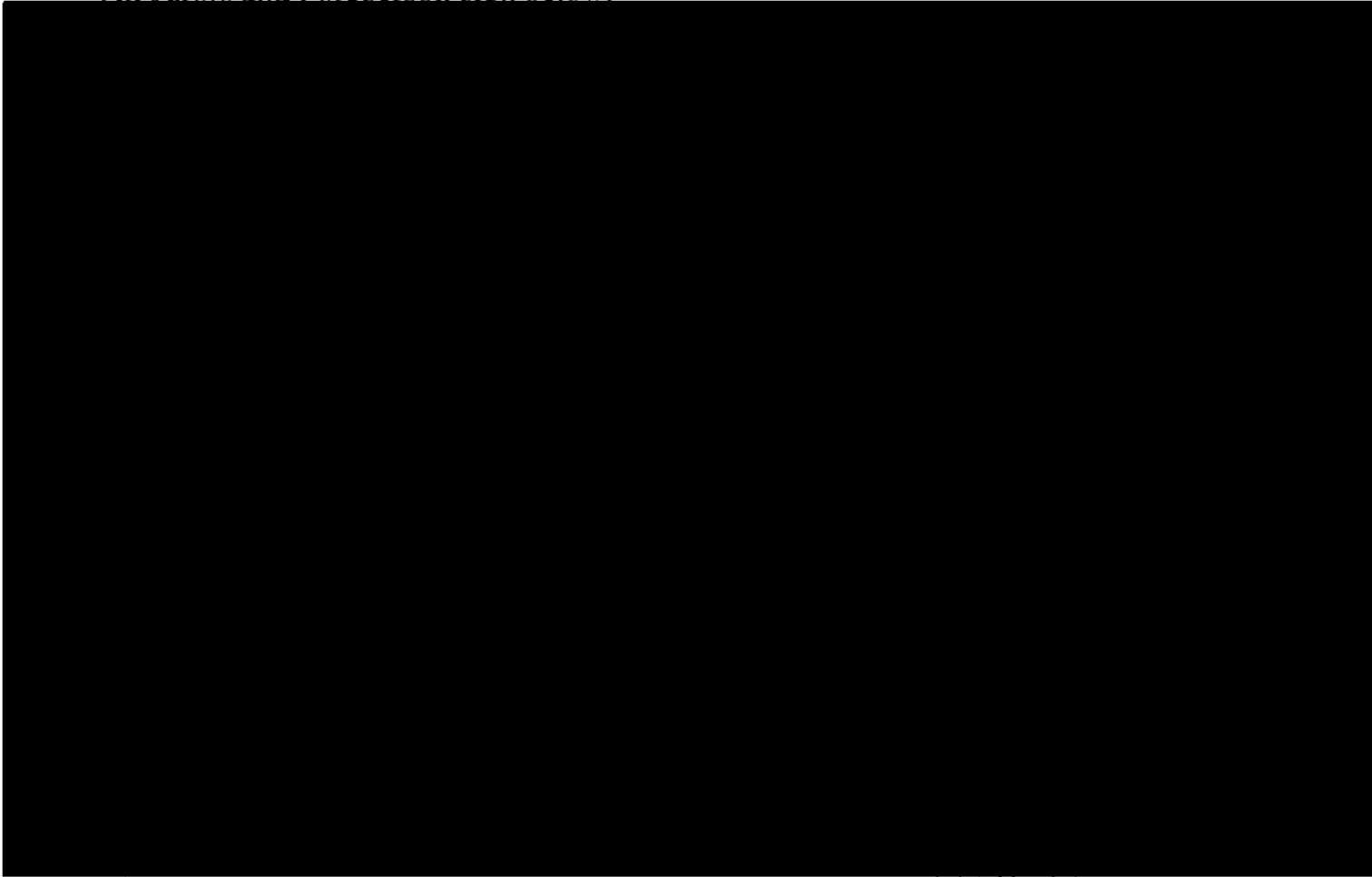
FOREPERSON

Date: 7/15/03

SECTION 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 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 Jay E. Lentz for the crimes in question 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: 7/19/07