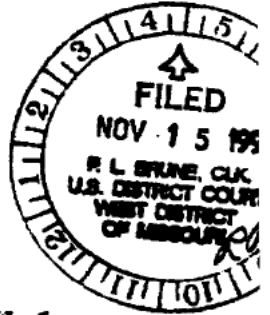


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IN THE UNITED STATES DISTRICT COURT FOR THE  
WESTERN DISTRICT OF MISSOURI  
WESTERN DIVISION



UNITED STATES OF AMERICA, )  
 )  
 Plaintiff, )  
 )  
 v. )  
 )  
 XAVIER LIGHTFOOT, )  
 )  
 Defendant. )

No. 98-00149-02-CR-W-6

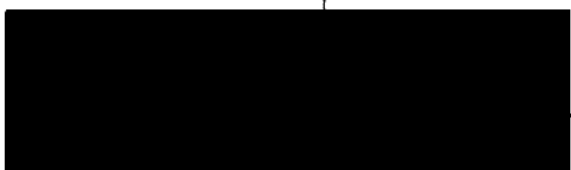
SPECIAL VERDICT FORM FOR MURDER OF  
JOVAN ROSS BY DEFENDANT XAVIER LIGHTFOOT

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:

The defendant was eighteen years of age or older at the time  
of the offense.

YES   X    
NO           



Instructions: If you answered "NO" with respect to  
the determination in this section, 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.

ORIGINAL

If you answered "YES" with respect to the determination in this Section I, then continue your deliberations in accordance with the court's instructions and proceed to Section II which follows.

II. REQUISITE MENTAL STATE

Instructions: Consider the following and answer "YES" or "NO." If you answer "YES", go to Section III without considering any remaining options in this section.

Do you, the jury, unanimously find that the government has established beyond a reasonable doubt that:

Xavier Lightfoot intentionally engaged in conduct intending that Jovan Ross be killed which directly resulted in the death of Jovan Ross.

YES   X    
NO           



foreperson

Instructions: If you answered "NO" with respect to the determination in this section, then stop your deliberations, cross out Sections III, IV, V and VI of this form, and proceed to Section VII. Each juror should 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 II then continue your deliberations in accordance with the court's instructions and proceed to Section III which follows.

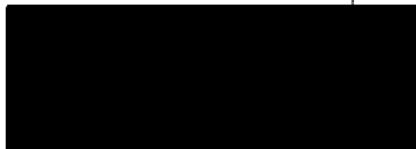
III. STATUTORY AGGRAVATING FACTORS

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:

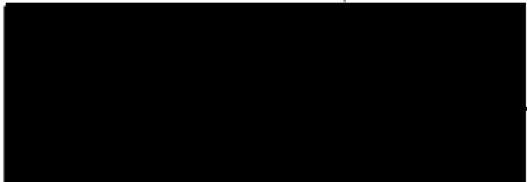
1. Did Xavier Lightfoot procure the commission of the murder of Jovan Ross by the payment or promise of payment of United States currency?

YES   X    
NO           



2. Did Xavier Lightfoot commit the murder of Jovan Ross after substantial planning and premeditation?

YES   X    
NO           



Instructions: If you answered "NO" with respect to all of the Statutory Aggravating Factors in this Section III, then stop your deliberations, cross out Sections IV, V and VI of this form, and proceed to Section VII of this form. Each juror should 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 mental state in Section II and answered "YES" with respect to one or more of the aggravating factors in this Section III, then continue your deliberations in accordance with the court's instructions and proceed to Section IV which follows.

**IV. NON-STATUTORY AGGRAVATING FACTORS**

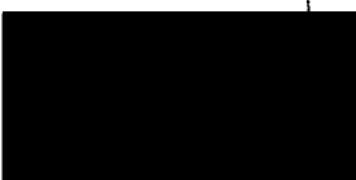
Instructions: For each of the following, answer "YES" or "NO."

1. Do you the jury unanimously find that the Government has established beyond a reasonable doubt that the defendant presents a future danger to other persons, based upon the possibility that defendant would commit acts of violence that would constitute a continuing threat to other persons, by reason of one or more of the robberies listed below?

(a) The robbery of the Educator's Federal Credit Union in Omaha, Nebraska, on November 28, 1997.

(b) The armed robbery of Malashock's Jewelry Store in Omaha, Nebraska, on November 3, 1997.

(c) The armed robbery of Enrique's Jewelry Store in Omaha, Nebraska, on October 15, 1997.



YES \_\_\_\_\_  
NO   X   \_\_\_\_\_

2. Do you, the jury, unanimously find that the Government has established beyond a reasonable doubt that Jovan Ross was killed by the defendant to obstruct justice, tamper with the witness and in retaliation for cooperating with law enforcement authorities?



YES   X   \_\_\_\_\_  
NO \_\_\_\_\_

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

**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.

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:

1. Xavier Lightfoot is punishable as a principal in the offense, which was committed by another, but his participation was relatively minor, regardless of whether the participation was so minor as to constitute a defense to the charge.

Number of jurors who so find 0.

2. Xavier Lightfoot was not present when Jovan Ross was killed.

Number of jurors who so find 12.

3. Xavier Lightfoot was abandoned by his biological father, Earnest Mickens.

Number of jurors who so find 12.

4. Xavier Lightfoot was rejected by his stepfather, James Boyd.

Number of jurors who so find 0.

5. Xavier Lightfoot is loved by his mother, Barbara Boyd.

Number of jurors who so find 12.

6. Xavier Lightfoot is loved by his grandmother, Esther Maybelle Fitch.

Number of jurors who so find 12.

7. Xavier Lightfoot is loved by his sister, Bianca Rush, and her husband, Lordell Rush.

Number of jurors who so find 12.



8. Xavier Lightfoot has attempted to maintain a loving relationship with his son, Brian Boyd.

Number of jurors who so find 0.

9. Xavier Lightfoot had a loving and caring relationship with Jovan Ross.

Number of jurors who so find 11.

10. Xavier Lightfoot provided a home for Jovan Ross.

Number of jurors who so find 8.

11. Xavier Lightfoot helped Jovan Ross financially.

Number of jurors who so find 7.

12. Xavier Lightfoot felt betrayed by Jovan Ross.

Number of jurors who so find 12.

13. Xavier Lightfoot suffers from an incurable terminal disease.

Number of jurors who so find 12.

14. Xavier Lightfoot's culpable role in the offense is uncertain, as compared with the role of Cornelius Peoples and others.

Number of jurors who so find 0.

15. A desire on the part of any member of the jury to show mercy, based on the circumstances of the offense or the character and background of the defendant.

Number of jurors who so find 5.

The following extra spaces are provided to write in additional mitigating factors, if any, found by any one or more jurors, as explained in paragraph 16 of Instruction No. I.

16. Xavier's Lightfoot's mother, Barbara Boyd, was stricken with polio.

Number of jurors who so find 12.

17. Xavier Lightfoot spent several years institutionalized during his teen years.

Number of jurors who so find 12.



18. Xavier Light foot received greater punishment than his friend. Was not punished at all. ~~was punished severely when his~~

Number of jurors who so find 9.

19. \_\_\_\_\_

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

Instructions: Continue your deliberations in accordance with the court's instructions and proceed to Section V and Section VI which follow.

**VI. Determination**

**A. Death Sentence**

Based upon consideration of whether the aggravating factors found to exist sufficiently outweigh any mitigating factor or factors found to exist to justify a sentence of death, we determine, by unanimous vote, that a sentence of death shall be imposed.

Yes \_\_\_\_\_

No \_\_\_\_\_

If you answer "YES," sign your names here, and then proceed to Section VII. If you answer "NO," the foreperson alone should sign, and you should proceed to Section VI(B). If you cannot reach a unanimous decision, proceed to Section VI(C).

_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____

Foreperson

Date: \_\_\_\_\_, 1999

**B. 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 to justify a sentence of death, we determine, by unanimous vote, that a sentence of life in prison without possibility of release shall be imposed.

Yes \_\_\_\_\_

No \_\_\_\_\_

If you answer "YES," sign your names here, and then proceed to Section VII. If you cannot reach a unanimous decision, proceed to Section VI (C):

_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____

Foreperson

Dated: \_\_\_\_\_, 1999

**C. No Unanimous Decision**

After due deliberation, we are unable to reach a unanimous decision. We understand that the court will impose a sentence of life in prison without possibility of release.



Dated: Nov. 15, 1999.

Foreperson

**VII. CERTIFICATION**

By signing below, each juror certifies that consideration of the race, color, religious beliefs, national origin, or sex of the defendant or Jovan Ross was not involved in reaching his or her individual decision, and that the individual juror would have made the same determination regarding a sentence for the crime in question no matter what the race, color, religious beliefs, national origin, or sex of the defendant, or Jovan Ross may be.



Dated: NOVEMBER 15, 1999