

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MARYLAND**

UNITED STATES OF AMERICA,	)	
	)	
Plaintiff,	)	
	)	
vs.	)	Case No. PJM-03-457
	)	
KENNETH JAMAL LIGHTY	)	
	)	
Defendant.	)	

**SPECIAL VERDICT FORM**

**INTRODUCTION**

This special verdict form contains seven sections to record your determinations: (I) Age of Defendant; (II) Statutory Proportionality Factors; (III) Statutory Aggravating Factors; (IV) Non-statutory Aggravating Factors; (V) Mitigating Factors; (VI) Determination of Sentence; and (VII) Certification.

You should advise the court when you have reached a unanimous decision as to the determination of sentence, completed the form in its entirety, and individually signed the certification.

**SECTION I: AGE OF THE DEFENDANT**

**Instructions:** Answer "YES" or "NO" to the following and indicate your answer by placing an "X" in the space provided. This determination applies to all offenses.

**Age of the Defendant.** We, the jury, unanimously find proven beyond a reasonable doubt that the defendant was eighteen (18) years of age or older at the time of the offenses.

YES X

NO



Date: 10 Nov 05

**Instructions:**

If you answered "NO" regarding the age of the defendant, then you are not to continue deliberations on the defendant's sentence. You should stop your deliberations, cross out Sections II, III, IV, V, and VI, and proceed to Section VII of this form.

If you answered "YES" regarding the age of the defendant, then you are to continue deliberations on the defendant's sentence. You should continue your deliberations in accordance with the court's instructions and proceed to Section II of this form.

## SECTION II: STATUTORY PROPORTIONALITY FACTORS

**Instructions:** Answer "YES" or "NO" to the following and indicate your answer by placing an "X" in the space provided. These determinations apply to all offenses.

**1. Intentionally Killed the Victim.**

The defendant intentionally killed the victim, Eric Larry Hayes, II.

YES

NO

**2. Intentionally Inflicted Serious Bodily Injury that Resulted in the Death of the Victim.**

The defendant intentionally inflicted serious bodily injury that resulted in the death of the victim, Eric Larry Hayes, II.

YES

NO

**3. Intentional Acts to Take Life or Use Lethal Force.**

The defendant 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 the victim, Eric Larry Hayes, II, died as a direct result of the act.

YES

NO

4. **Intentional Acts of Violence Creating a Grave Risk of Death.**

The defendant 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 the victim, Eric Larry Hayes, II, died as a direct result of the act.

YES X

NO

Date: 19 Nov 05

**Instructions:**

If you answered "NO" regarding ALL of the statutory proportionality factors, then you are not to continue deliberations on the defendant's sentence. You should stop your deliberations, cross out Sections III, IV, V, and VI, and proceed to Section VII of this form.

If you answered "YES" regarding ONE OR MORE of the statutory proportionality factors, then you are to continue deliberations on the defendant's sentence. You should continue your deliberations in accordance with the court's instructions and proceed to Section III of this form.

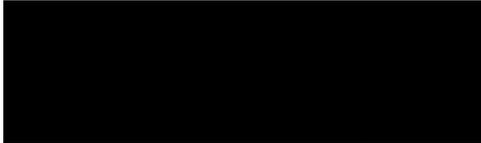
**SECTION III: STATUTORY AGGRAVATING FACTOR**

**Instructions:** Answer "YES" or "NO" to the following and indicate your answer by placing an "X" in the space provided.

**Death during Commission of Another Crime.** We, the jury, unanimously find proven beyond a reasonable doubt that the death or injuries resulting in death occurred during the commission of, attempted commission of, or during the immediate flight from the commission of, an offense under 18 U.S.C. § 1201 (a)(2)(kidnapping).

YES X

NO



Date: 10/20/05

**Instructions:**

If you answered "NO" regarding the statutory aggravating factor, then you are not to continue deliberations on the defendant's sentence. You should stop your deliberations, cross out Sections IV, V, and VI, and proceed to Section VII of this form.

If you answered "YES" to the statutory aggravating factor, then you are to continue deliberations on the defendant's sentence. You should continue your deliberations in accordance with the court's instructions and proceed to Section IV of this form.

**SECTION IV: NON-STATUTORY AGGRAVATING FACTORS**

**Instructions:** Answer "YES" or "NO" to the following and indicate your answer by placing an "X" in the space provided. These determinations apply to all offenses.

1. **Victim Impact Evidence.** We, the jury, unanimously find proven beyond a reasonable doubt that the defendant caused injury, harm, and loss to Eric Hayes and his family because of the effect of the offense on Eric Hayes, his personal characteristics as an individual human being, and the impact of the death upon Eric Hayes and his family.

YES X

NO \_\_\_\_\_

2. **Lack of Remorse.** We, the jury, unanimously find proven beyond a reasonable doubt that the defendant has demonstrated a lack of remorse for the capital offense charged in Count One, as indicated by defendant's statements made following the commission of the capital offense charged in Count One, and by defendant's actions during the course of and following the commission of the capital offense charged in Count One.

YES X

NO \_\_\_\_\_

3. **Commission of Other Serious Acts of Violence, including Murder.** We, the jury, unanimously find proven beyond a reasonable doubt that apart from the offenses charged in the Indictment, the defendant engaged in other acts of violence.

YES X

NO \_\_\_\_\_

4. **Commission of the Capital Offense While the Defendant Was Subject to Conditions Pertaining to Other Charges and Adjudications.** We, the jury, unanimously find proven beyond a reasonable doubt that at the time of the commission of the capital offense charged in Count One, the defendant was under court ordered conditions.

YES

NO



Date: 14 Nov 05

**Instructions:** Regardless of whether you answered “YES” or “NO” regarding ANY or ALL of the non-statutory aggravating factors, you are to continue deliberations on the defendant’s sentence. You should continue your deliberations in accordance with the court’s instructions and proceed to Section V of this form.

## SECTION V: MITIGATING FACTORS

**Instructions:** You are to record your findings of the number of jurors who find each factor proven by a preponderance of the evidence in the space provided. Extra spaces are provided to write in additional mitigating factors, if any, found by any juror(s). If no additional mitigating factors are found, write "NONE" above the first of the extra spaces and then cross out the extra spaces with a large "X". If more extra spaces are needed, write "CONTINUED" below the last of the extra spaces and then use the reverse side of that page.

### A. STATUTORY MITIGATING FACTORS ASSERTED BY THE DEFENDANT

**Instructions:** Indicate in the space provided the number of jurors, if any, who find the following to exist. If no jurors so find, write "NONE" in the space provided.

1. Another defendant or defendants, equally culpable in the crime, will not be punished by death.

Number of jurors who so find

9

2. Other factors in the defendant's background, record, or character or other circumstances of the offense that mitigate against the imposition of the death sentence.

Number of jurors who so find

11

### B. EXTRA SPACES FOR ANY ADDITIONAL MITIGATING FACTORS

**Instructions:** Indicate any additional mitigating factors found to exist and the number of jurors, if any, who so find, or if no jurors so find, write "NONE" in the space provided.

1. All life has value

Number of jurors who so find 11

(Grandmother)

2. The effect of the sentence on Nancy Westfield

Number of jurors who so find 14

3. Poor ~~an~~ defense

Number of jurors who so find 3

4. \_\_\_\_\_

Number of jurors who so find (as to any or all offenses) \_\_\_\_\_

5. \_\_\_\_\_

Number of jurors who so find (as to any or all offenses) \_\_\_\_\_

6. \_\_\_\_\_

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

7. \_\_\_\_\_

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

8. \_\_\_\_\_

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

9. \_\_\_\_\_

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Number of jurors who so find (as to any or all offenses) \_\_\_\_\_

10. \_\_\_\_\_

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Number of jurors who so find (as to any or all offenses) \_\_\_\_\_

If you need additional forms for mitigating factors, please advise the court.

  
(Signature of Foreperson)

Date: 10 NOV 05

**Instructions:** Regardless of whether any one or more juror(s) find(s) any one or more mitigating factors, you are to continue deliberations on the defendant's sentence. You should continue your deliberations in accordance with the court's instructions and proceed to Section VI of this form.

## SECTION VI: DETERMINATION OF SENTENCE

**Instructions:** You are to consider, separately for each offense, whether all the aggravating factor or factors found to exist sufficiently outweigh all the mitigating factor or factors found to exist to justify a sentence of death, or, in the absence of a mitigating factor, whether the aggravating factor or factors alone are sufficient to justify a sentence of death. Based upon this consideration, you are to determine by unanimous vote, whether the defendant should be sentenced to death or to life imprisonment without possibility of release.

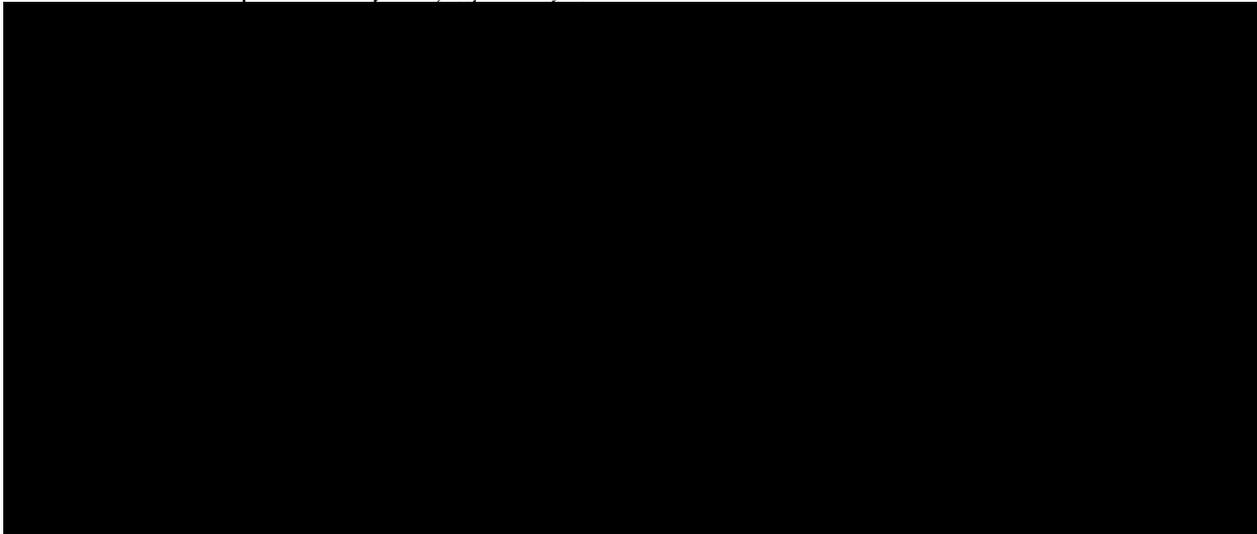
We, the jury, by unanimous vote, have determined that the defendant should be sentenced to:

DEATH

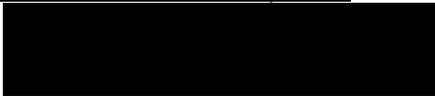
LIFE IMPRISONMENT WITHOUT POSSIBILITY OF RELEASE

**Instructions:** If you unanimously determined that the defendant should be sentenced to death, then all of you are to sign your names in the following space. If you unanimously determined that the defendant should be sentenced to life imprisonment without possibility of release for this offense, then the foreperson alone is to sign his or her name in the following space. If you should be unable to reach a unanimous decision as to the determination of sentence, you should advise the Court of this fact.

*10/11/05*



FOREPERSON



Date: 10/11/05

**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 any victim 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 any victim may be.



FOREPERSON

Date: 10 Nov 05