

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF KENTUCKY
OWENSBORO DIVISION

FILED
Jeffrey A. Apperson, Clerk

AUG -2 2001

U. S. DISTRICT COURT
WEST. DIST. KENTUCKY

CRIMINAL ACTION NO. 4:99CR-11-M
UNITED STATES OF AMERICA,

PLAINTIFF,

ORIGINAL

vs.

BILLY JOE LYON,

DEFENDANT.

Special Verdict Form for Murder of Jack Norris

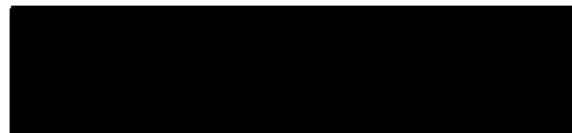
Section I. Threshold Mental State Factors

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

(A) Do you, the jury, unanimously find beyond a reasonable doubt that the defendant, Billy Joe Lyon, intentionally killed Jack Norris?

YES _____

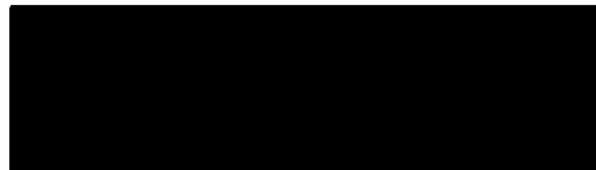
NO ☒



(B) Do you, the jury, unanimously find beyond a reasonable doubt that the defendant, Billy Joe Lyon, intentionally inflicted serious bodily injury that resulted in the death of Jack Norris?

YES _____

NO ☒



FILED
AUG 03 2001

(C) Do you, the jury, unanimously find beyond a reasonable doubt that the defendant, Billy Joe Lyon, 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 that Jack Norris died as a direct result of the act?

YES ✓

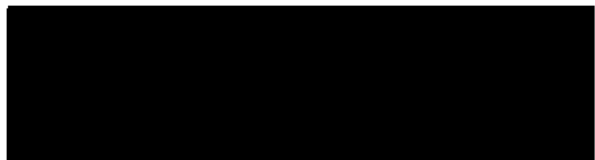
NO



(D) Do you, the jury, unanimously find beyond a reasonable doubt that the defendant, Billy Joe Lyon, 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 Jack Norris died as a direct result of the act?

YES

NO ✓



If you have answered "YES" to either A, B, C, or D, please continue to Section II: Statutory Aggravating Factors. If you have answered "NO" to A, B, C, and D, cease your deliberations with respect to the murder of Mr. Norris, proceed to Section VI.

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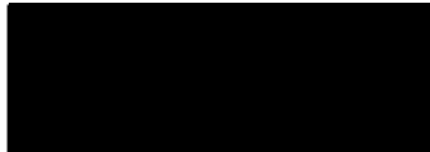
Section II. Statutory Aggravating Factors

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

(1) Do you, the jury, unanimously find the government has proved beyond a reasonable doubt that Billy Joe Lyon committed the offenses in an especially heinous, cruel, and depraved manner in that it involved torture and serious physical abuse to Jack Norris?

YES _____

NO ✓



(2) Do you, the jury, unanimously find the government has proved beyond a reasonable doubt that Billy Joe Lyon committed the murder of Jack Norris as consideration for the receipt, or in the expectation of the receipt, of anything of pecuniary value?

YES _____

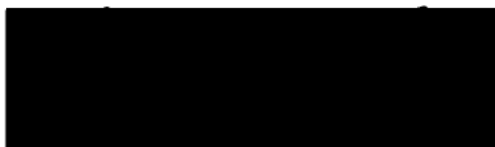
NO ✓



(3) Do you, the jury, unanimously find the government has proved beyond a reasonable doubt that Billy Joe Lyon committed the offense after substantial planning and premeditation to cause the death of Jack Norris?

YES _____

NO ✓



Chm

(4) Do you, the jury, unanimously find the government has proved beyond a reasonable doubt that Jack Norris was particularly vulnerable due to old age and infirmity?

YES ✓

NO



If you have answered "YES" with respect to one or more of the Statutory Aggravating Factors, please proceed to Section III: Non-Statutory Aggravating Factors. If you have answered "NO" with respect to ALL of the Statutory Aggravating Factors, then stop your deliberations with respect to the murder of Mr. Norris, proceed to Section VI.

Section III. Non-Statutory Aggravating Factors

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

(1) Do you, the jury, unanimously find the government has proved beyond a reasonable doubt that Billy Joe Lyon participated in additional uncharged murders and attempted murders or other serious acts of violence?

YES _____

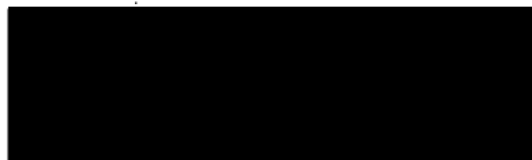
NO ✓



(2) Do you, the jury, unanimously find the government has proved beyond a reasonable doubt that Billy Joe Lyon has been contemporaneously convicted for more than one killing?

YES _____

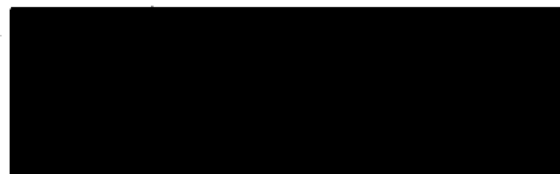
NO ✓



(3) Do you, the jury, unanimously find the government has proved beyond a reasonable doubt that Billy Joe Lyon is likely to commit criminal acts of violence in the future which would be a continuing and serious threat to the lives and safety of others?

YES _____

NO ✓



A handwritten signature or mark in the bottom right corner of the page.

Regardless of whether you answered “YES” or “NO” with respect to these non-statutory aggravating factors, please proceed to Section IV: Mitigating Factors.

Section IV. 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. Extra spaces are also provided at the end of the section to write additional mitigating factors found by one or more jurors.

- (1) Billy Joe Lyon's capacity to appreciate the wrongfulness of his conduct or to conform his conduct to the requirements of law was impaired, even though his capacity was not so impaired as to constitute a defense to the charges. This is a statutory mitigating factor.

Number of jurors who so find

12

- (2) Billy Joe Lyon was under duress, even though the duress was not of such a degree as to constitute a defense to the charges. This is a statutory mitigating factor.

Number of jurors who so find

12

- (3) Billy Joe Lyon's participation in the offenses charged was relatively minor compared to that of Charles Stewart or Larry Lyon, even though his participation was not so minor as to constitute a defense to the charges. This is a statutory mitigating factor.

Number of jurors who so find

12

- (4) Charles Stewart, a person equally or more culpable in the offenses charged, will not face the death penalty for his involvement in the murder of Mr. Norris. This is a statutory mitigating factor.

Number of jurors who so find

12

- (5) Charles Stewart, a person equally or more culpable in the offenses charged, will not face the death penalty in this case. This is a statutory mitigating factor.

Number of jurors who so find

12

- (6) Billy Joe Lyon did not have a significant history of criminal conduct prior to the offenses charged. This is a statutory mitigating factor.

Number of jurors who so find

12

- (7) Billy Joe Lyon was drawn into criminal conduct by his own father and uncle.

Number of jurors who so find

12

- (8) Billy Joe Lyon was only 18 years of age when he committed the charged offenses.

Number of jurors who so find

12

- (9) Billy Joe Lyon committed the offenses while he was under the influence or under the domination of his father, Larry Lyon, and/or his uncle, Charles Stewart.

Number of jurors who so find

12

- (10) Billy Joe Lyon suffers from psychological impairments which were identified and which could have been treated when he was a child and adolescent.

Number of jurors who so find

12

- (11) Billy Joe Lyon suffers from brain dysfunction which has impaired his ability to function in the absence of strong support and guidance.

Number of jurors who so find

12

- (12) Billy Joe Lyon's impaired capacity to appreciate the criminality of his conduct was aggravated by his use of drugs supplied to him by his father.

Number of jurors who so find

6

- (13) Billy Joe Lyon is the only witness who can directly tie Charles Stewart to the murders of Mr. Nichols and Mr. Norris. His execution would hinder federal and state prosecutions of Stewart.

Number of jurors who so find

2

Adm

- (14) If Billy Joe Lyon and Jason Persinger were both culpably involved in the death of Jason Brown, Billy Joe Lyon is the only witness who can directly connect Jason Persinger to the crime. Billy Joe Lyon's execution would hinder state investigation and prosecution of the Jason Brown murder.

Number of jurors who so find

11

- (15) Billy Joe Lyon was subjected to emotional and physical abuse and neglect as a child, and was deprived of the parental guidance and protection which he needed.

Number of jurors who so find

12

- (16) Billy Joe Lyon was raised in an environment without positive family figures to emulate.

Number of jurors who so find

12

- (17) Billy Joe Lyon grew up in a violent and brutal environment, and was exposed to violence as a child and throughout his life.

Number of jurors who so find

12

- (18) Billy Joe Lyon has demonstrated good behavior in jail and prison since his arrest.

Number of jurors who so find

12

AM

- (19) Billy Joe Lyon has invariably responded well to structured environments, and would likely make an excellent adaptation to prison if he were sentenced to life imprisonment without the possibility of release.

Number of jurors who so find

12

- (20) Given that Billy Joe Lyon will serve a sentence of life imprisonment without possibility of release if he is not executed, and given his good institutional record since his arrest, there is no reasonable likelihood that he would commit further acts of violence if his life is spared.

Number of jurors who so find

12

- (21) Other factors in Billy Joe Lyon's childhood, background or character or any other circumstance of the offense mitigate against imposition of the death sentence. This is a statutory mitigating factor.

Number of jurors who so find

12

- (22) Billy Joe Lyon was failed by the court system when psychological treatment was not forthcoming in 1997, when ordered by a judge.

Number of jurors who so find

12

(23) _____

Number of jurors who so find _____

(24) _____

Number of jurors who so find _____

(25) _____

Number of jurors who so find _____

Please Proceed to Section V: Sentencing Decisions. Continue your deliberations by filling out either Decision Form A recommending life imprisonment without the possibility of release, Decision Form B recommending death, or Decision Form C indicating that the jury could not reach a unanimous decision.

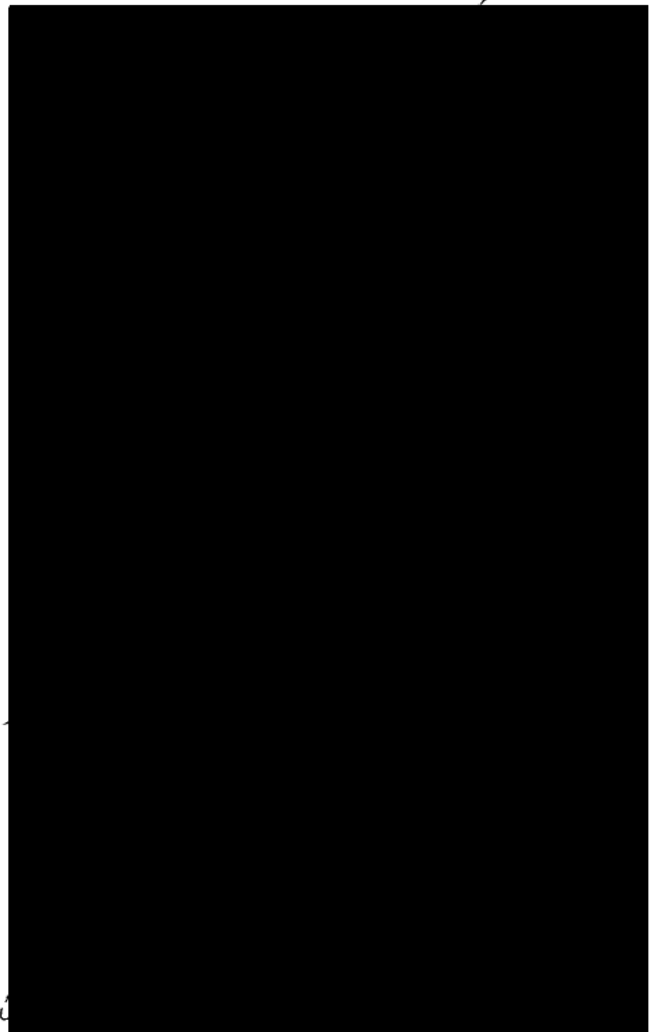
John

Section V Sentencing Decisions for Murder of Jack Norris

Decision Form A

Imposing Sentence of Life Imprisonment Without Possibility of Release

We, the jury, as to Billy Joe Lyon, do not unanimously find that the aggravating factors proved in this case so outweigh the mitigating factors that justice mandates a sentence of death. We, therefore, return a decision that Billy Joe Lyon not be sentenced to death and decide that he be sentenced to life imprisonment without the possibility of release.



Date: 8-2-01, 2001

Please proceed to Section VI: Certificate.

A small, handwritten signature or set of initials in the bottom right corner of the page.

Decision Form B

Imposing Sentence of Death

We, the jury, as to Billy Joe Lyon, unanimously find beyond a reasonable doubt that the aggravating factors proved in this case sufficiently outweigh any mitigating factors, and are themselves so serious that justice mandates a sentence of death. We vote unanimously that Billy Joe Lyon shall be sentenced to death.

Foreperson

Date: _____, 2001

Please proceed to Section VI: Certificate.

AM

Decision Form C
Deadlock as to Sentence

We, the jury, are unable to unanimously agree.

Foreperson

Date: _____, 2001

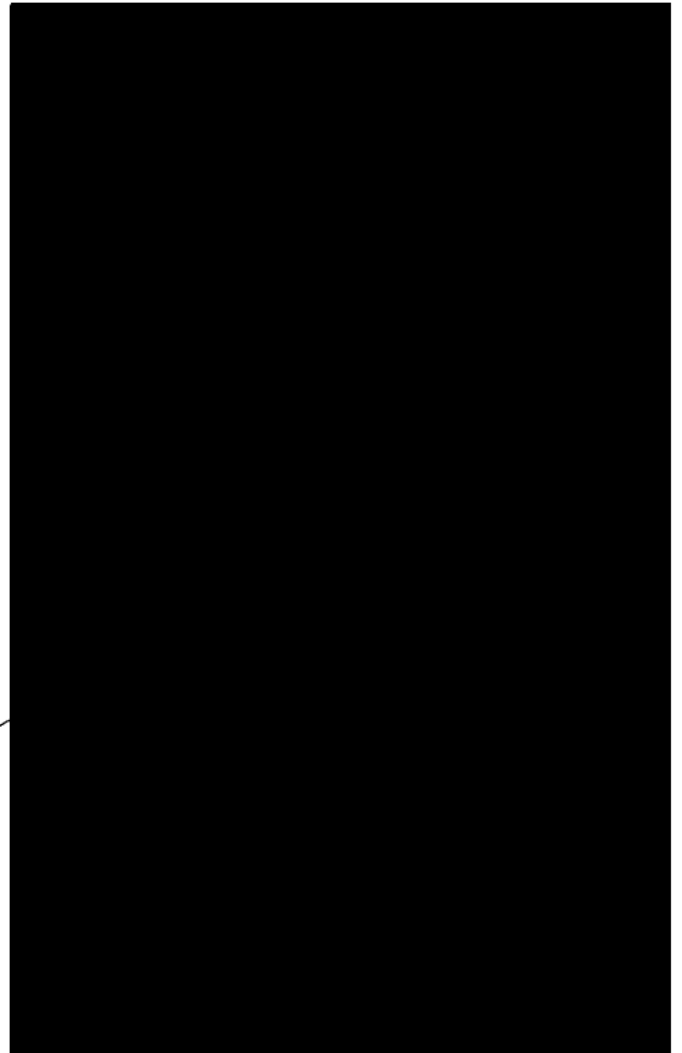
Please proceed to Section VI: Certificate.



Section VI Certificate

By signing below, each of us individually certifies that consideration of the race, color, religious beliefs, national origin, or sex of Billy Joe Lyon and of the victims, was not involved in reaching our respective individual decisions. Each of us individually further certifies that the same decision regarding a sentence would have been made no matter what the race, color, religious beliefs, national origin, or sex of the defendant or victims may have been.

Date: 8-2, 2001.



Please proceed to Special Verdict Form for Murder of James Nichols

GA

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF KENTUCKY
OWENSBORO DIVISION

CRIMINAL ACTION NO. 4:99CR-11-M
UNITED STATES OF AMERICA,

PLAINTIFF,

vs.

BILLY JOE LYON,

DEFENDANT.

Special Verdict Form for Murder of James Nichols

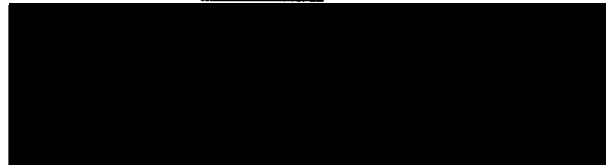
Section I. Threshold Mental State Factors

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

(A) Do you, the jury, unanimously find beyond a reasonable doubt that the defendant, Billy Joe Lyon, intentionally killed James Nichols?

YES _____

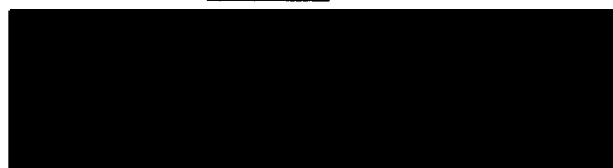
NO ✓



(B) Do you, the jury, unanimously find beyond a reasonable doubt that the defendant, Billy Joe Lyon, intentionally inflicted serious bodily injury that resulted in the death of James Nichols?

YES _____

NO ✓



MM

(C) Do you, the jury, unanimously find beyond a reasonable doubt that the defendant, Billy Joe Lyon, 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 that James Nichols died as a direct result of the act?

YES ✓

NO



(D) Do you, the jury, unanimously find beyond a reasonable doubt that the defendant, Billy Joe Lyon, 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 James Nichols died as a direct result of the act?

YES _____

NO ✓



If you have answered "YES" to either A, B, C, or D, please continue to Section II: Statutory Aggravating Factors. If you have answered "NO" to A, B, C, and D, cease your deliberations, proceed to Section VI.

Section II. Statutory Aggravating Factors

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

(1) Do you, the jury, unanimously find the government has proved beyond a reasonable doubt that Billy Joe Lyon committed the offenses in an especially heinous, cruel, and depraved manner in that it involved torture and serious physical abuse James Nichols?

YES _____

NO ☒



(2) Do you, the jury, unanimously find the government has proved beyond a reasonable doubt that Billy Joe Lyon committed the murder of James Nichols as consideration for the receipt, or in the expectation of the receipt, of anything of pecuniary value?

YES _____

NO ☒



(3) Do you, the jury, unanimously find the government has proved beyond a reasonable doubt that Billy Joe Lyon committed the offense after substantial planning and premeditation to cause the death of James Nichols?

YES _____

NO ☒

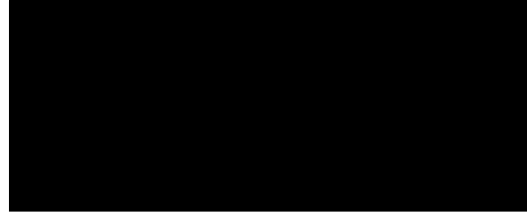


AB

(4) Do you, the jury, unanimously find the government has proved beyond a reasonable doubt that Billy Joe Lyon intentionally killed or attempted to kill more than one person in a single criminal episode?

YES _____

NO ✓



If you have answered “YES” with respect to one or more of the Statutory Aggravating Factors, please proceed to Section III: Non-Statutory Aggravating Factors. If you have answered “NO” with respect to ALL of the Statutory Aggravating Factors, then stop your deliberations, proceed to Section VI.

9/4

Section III. Non-Statutory Aggravating Factors

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

(1) Do you, the jury, unanimously find the government has proved beyond a reasonable doubt that Billy Joe Lyon participated in additional uncharged murders and attempted murders or other serious acts of violence?

YES _____

NO _____

Foreperson

(2) Do you, the jury, unanimously find the government has proved beyond a reasonable doubt that Billy Joe Lyon has been contemporaneously convicted for more than one killing?

YES _____

NO _____

Foreperson

(3) Do you, the jury, unanimously find the government has proved beyond a reasonable doubt that Billy Joe Lyon is likely to commit criminal acts of violence in the future which would be a continuing and serious threat to the lives and safety of others?

YES _____

NO _____

Foreperson

(4) Do you, the jury, unanimously find the government has proved beyond a reasonable doubt that James Nichols' personal characteristics as a human being and the impact of his death upon his family constitute an aggravating factor of the offense?

YES _____

NO _____

Foreperson

Regardless of whether you answered "YES" or "NO" with respect to these non-statutory aggravating factors, please proceed to Section IV: Mitigating Factors.

Section IV. 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. Extra spaces are also provided at the end of the section to write additional mitigating factors found by one or more jurors.

- (1) Billy Joe Lyon's capacity to appreciate the wrongfulness of his conduct or to conform his conduct to the requirements of law was impaired, even though his capacity was not so impaired as to constitute a defense to the charges. This is a statutory mitigating factor.

Number of jurors who so find

12

- (2) Billy Joe Lyon was under duress, even though the duress was not of such a degree as to constitute a defense to the charges. This is a statutory mitigating factor.

Number of jurors who so find

12

- (3) Billy Joe Lyon's participation in the offenses charged was relatively minor compared to that of Charles Stewart or Larry Lyon, even though his participation was not so minor as to constitute a defense to the charges. This is a statutory mitigating factor.

Number of jurors who so find

5

- (4) Charles Stewart, a person equally or more culpable in the offenses charged, will not face the death penalty for his involvement in the murder of Mr. Norris. This is a statutory mitigating factor.

Number of jurors who so find

12

- (5) Charles Stewart, a person equally or more culpable in the offenses charged, will not face the death penalty in this case. This is a statutory mitigating factor.

Number of jurors who so find

12

- (6) Billy Joe Lyon did not have a significant history of criminal conduct prior to the offenses charged. This is a statutory mitigating factor.

Number of jurors who so find

12

- (7) Billy Joe Lyon was drawn into criminal conduct by his own father and uncle.

Number of jurors who so find

12

- (8) Billy Joe Lyon was only 18 years of age when he committed the charged offenses.

Number of jurors who so find

12

- (9) Billy Joe Lyon committed the offenses while he was under the influence or under the domination of his father, Larry Lyon, and/or his uncle, Charles Stewart.

Number of jurors who so find

12

- (10) Billy Joe Lyon suffers from psychological impairments which were identified and which could have been treated when he was a child and adolescent.

Number of jurors who so find

12

- (11) Billy Joe Lyon suffers from brain dysfunction which has impaired his ability to function in the absence of strong support and guidance.

Number of jurors who so find

9

- (12) Billy Joe Lyon's impaired capacity to appreciate the criminality of his conduct was aggravated by his use of drugs supplied to him by his father.

Number of jurors who so find

7

- (13) Billy Joe Lyon is the only witness who can directly tie Charles Stewart to the murders of Mr. Nichols and Mr. Norris. His execution would hinder federal and state prosecutions of Stewart.

Number of jurors who so find

9

- (14) If Billy Joe Lyon and Jason Persinger were both culpably involved in the death of Jason Brown, Billy Joe Lyon is the only witness who can directly connect Jason Persinger to the crime. Billy Joe Lyon's execution would hinder state investigation and prosecution of the Jason Brown murder.

Number of jurors who so find

11

- (15) Billy Joe Lyon was subjected to emotional and physical abuse and neglect as a child, and was deprived of the parental guidance and protection which he needed.

Number of jurors who so find

12

- (16) Billy Joe Lyon was raised in an environment without positive family figures to emulate.

Number of jurors who so find

12

- (17) Billy Joe Lyon grew up in a violent and brutal environment, and was exposed to violence as a child and throughout his life.

Number of jurors who so find

12

- (18) Billy Joe Lyon has demonstrated good behavior in jail and prison since his arrest.

Number of jurors who so find

12

- (19) Billy Joe Lyon has invariably responded well to structured environments, and would likely make an excellent adaptation to prison if he were sentenced to life imprisonment without the possibility of release.

Number of jurors who so find

12

- (20) Given that Billy Joe Lyon will serve a sentence of life imprisonment without possibility of release if he is not executed, and given his good institutional record since his arrest, there is no reasonable likelihood that he would commit further acts of violence if his life is spared.

Number of jurors who so find

12

- (21) Other factors in Billy Joe Lyon's childhood, background or character or any other circumstance of the offense mitigate against imposition of the death sentence. This is a statutory mitigating factor.

Number of jurors who so find

12

- (22) *Billy Joe Lyon was failed by the court system when psychological treatment was not forthcoming in 1997 when ordered by a judge.*

Number of jurors who so find

12

(23) _____

Number of jurors who so find _____

(24) _____

Number of jurors who so find _____

(25) _____

Number of jurors who so find _____

Please Proceed to Section V: Sentencing Decisions. Continue your deliberations by filling out either Decision Form A recommending life imprisonment without the possibility of release, Decision Form B recommending death, or Decision Form C indicating that the jury could not reach a unanimous decision.

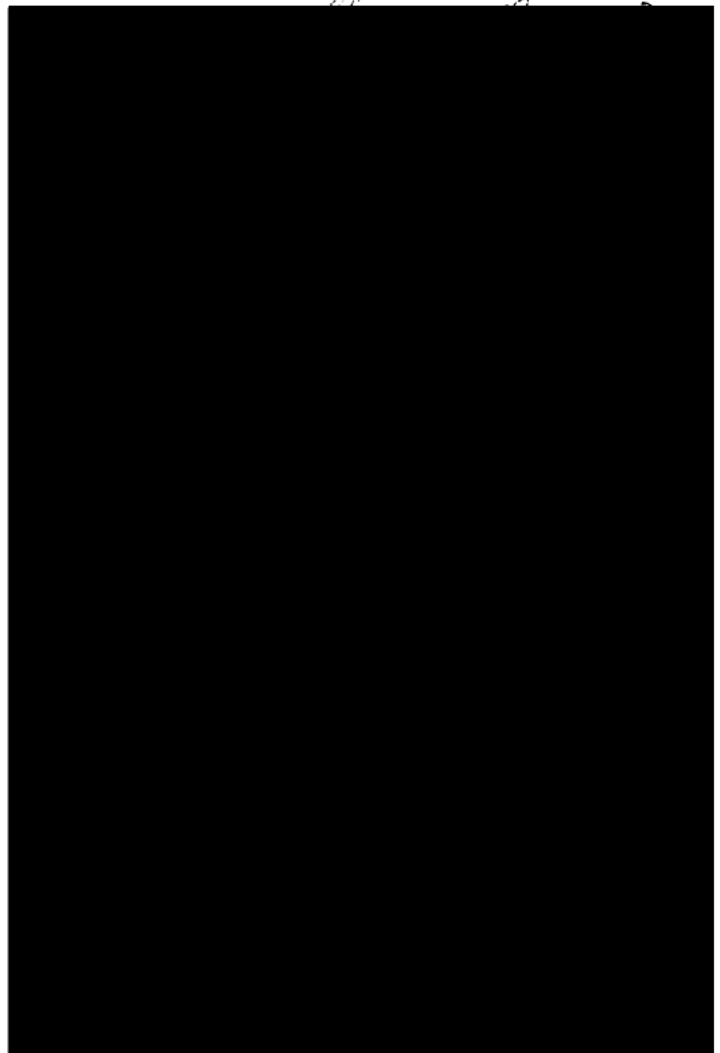
John

Section V Sentencing Decisions for Murder of James Nichols

Decision Form A

Imposing Sentence of Life Imprisonment Without Possibility of Release

We, the jury, as to Billy Joe Lyon, do not unanimously find that the aggravating factors proved in this case so outweigh the mitigating factors that justice mandates a sentence of death. We, therefore, return a decision that Billy Joe Lyon not be sentenced to death and decide that he be sentenced to life imprisonment without the possibility of release.



Date: August 2, 2001

Please proceed to Section VI: Certificate.

mtv

We, the jury, as to Billy Joe Lyon, unanimously find beyond a reasonable doubt that the aggravating factors proved in this case sufficiently outweigh any mitigating factors, and are themselves so serious that justice mandates a sentence of death. We vote unanimously that Billy Joe Lyon shall be sentenced to death.

Date: _____, 2001



Decision Form C
Deadlock as to Sentence

We, the jury, are unable to unanimously agree.

Foreperson

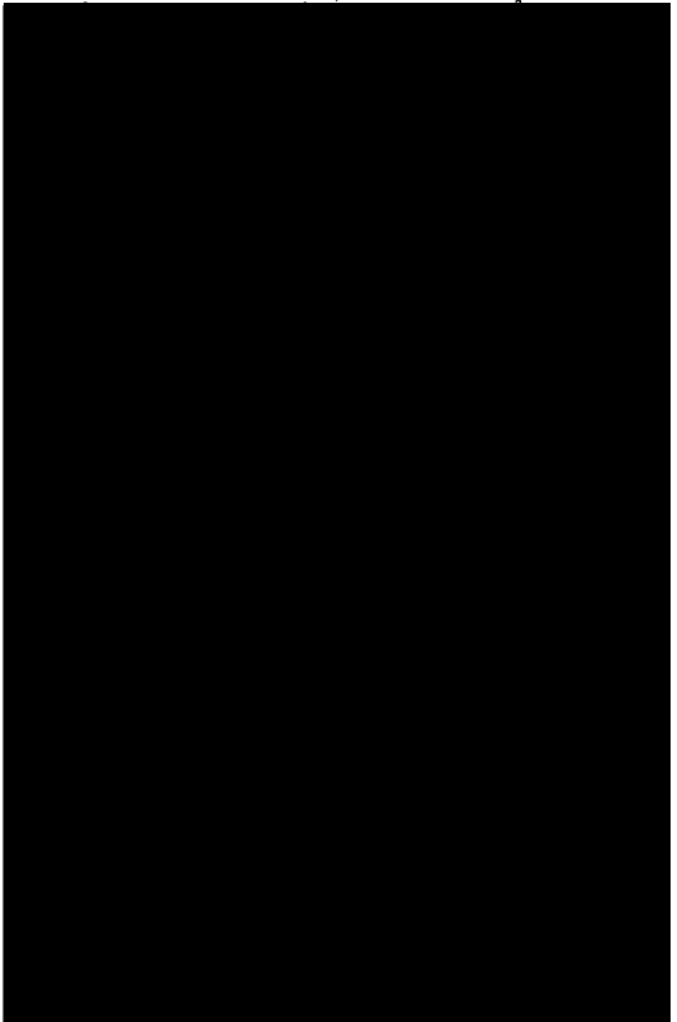
Date: _____, 2001

Please proceed to Section VI: Certificate.



Section VI Certificate

By signing below, each of us individually certifies that consideration of the race, color, religious beliefs, national origin, or sex of Billy Joe Lyon and of the victims, was not involved in reaching our respective individual decisions. Each of us individually further certifies that the same decision regarding a sentence would have been made no matter what the race, color, religious beliefs, national origin, or sex of the defendant or victims may have been.



Date: August 2, 2001.

Proceed no further and notify the Marshal you have reached a verdict.

A handwritten signature in the bottom right corner.