

C. We, the jury, unanimously find that the government has established beyond a reasonable doubt that Joseph P. Minerd 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 himself, and both Deana Mitts and Kayla Mitts died as a direct result of the act.

Unanimously YES



Foreperson

Unable to reach unanimous agreement

Foreperson

D. We, the jury, unanimously find that the government has established beyond a reasonable doubt that Joseph Minerd intentionally and specifically engaged in an act of violence, knowing that the act created a grave risk of death to a person, other than himself, such that participation in the act constituted a reckless disregard for human life and both Deana Mitts and Kayla Mitts died as a direct result of the act.

Unanimously YES



Foreperson

Unable to reach unanimous agreement

Foreperson

Instructions:

If you answered "Unable to reach unanimous agreement" with respect to all of the intent factors in Part One above, then stop your deliberations, cross out Parts Two, Three and Four of this form, and proceed to Part Five. Each juror should carefully read the statement in Part Five, and sign in the appropriate place if the statement accurately reflects the manner in which he or she reached a 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 intent factors in Part One above, then continue your deliberations in accordance with the Court's instructions and proceed to Part Two which follows.

PART TWO

FINDINGS ON STATUTORY AGGRAVATING FACTORS

Instructions:

For each of the following statutory aggravating factors, answer "YES" or "Unable to reach unanimous agreement" as to whether you, the jury, unanimously find that the government has proven the aggravating factor beyond a reasonable doubt:

- 1. that the death, or injury resulting in death, occurred during the commission or attempted commission of another crime, being an offense under 18 U.S.C. § 844(i);

Unanimously YES

[Redacted] Foreperson

Unable to reach unanimous agreement

Foreperson

- 2. that the defendant, in the commission of the offense, knowingly created a grave risk of death to one or more persons in addition to the victims of the offense;

Unanimously YES

Foreperson

Unable to reach unanimous agreement

[Redacted] Foreperson

3. that the defendant committed the offense in an especially heinous, cruel, or depraved manner in that it involved torture or serious physical abuse to the victims;

Unanimously YES

[Redacted]

Foreperson

Unable to reach unanimous agreement

Foreperson

4. that the defendant committed the offense after substantial planning and premeditation to cause the deaths of one or more persons;

Unanimously YES

[Redacted]

Foreperson

Unable to reach unanimous agreement

Foreperson

5. that the victims were particularly vulnerable due to old age, youth, or infirmity;

Unanimously YES

Foreperson

Unable to reach unanimous agreement

[Redacted]
Foreperson

6. that the defendant intentionally killed or attempted to kill more than one person in a single criminal episode.

Unanimously YES

[Redacted]

Foreperson

Unable to reach unanimous agreement

Foreperson

Instructions:

If you answered "Unable to reach unanimous agreement" with respect to all of the aggravating factors in Part Two above, then stop your deliberations, cross out Parts Three and Four of this form, and proceed to Part Five. Each juror should carefully read the statement in Part Five, and sign in the appropriate place if the statement accurately reflects the manner in which he or she reached a 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 statutory aggravating factors in Part Two above, then continue your deliberations in accordance with the Court's instructions and proceed to Part Three which follows.

PART THREE

FINDINGS ON MITIGATING FACTORS

Instructions:

For each of the following mitigating factors, you must indicate the number of jurors who find the factor established by a preponderance of the evidence.

Your vote with respect to a mitigating factor need not be unanimous. 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.

Statutory Mitigating Factors which have been proven by a preponderance of the evidence:

- 1. The defendant's capacity to appreciate the wrongfulness of his conduct or to conform his conduct to the requirements of law was significantly impaired, regardless of whether the capacity was so impaired as to constitute a defense to the charge; 18 U.S.C. § 3592(a)(1).

Number of jurors who so find 1

- 2. The defendant did not have a significant prior history of other criminal conduct; 18 U.S.C. § 3592(a)(5).

Number of jurors who so find 12

- 3. The defendant committed the offense under severe mental or emotional disturbance; 18 U.S.C. § 3592(a)(6).

Number of jurors who so find 1

Non-Statutory Mitigating Factors which have been proven by a preponderance of the evidence:

1. Joseph P. Minernd had never been arrested for any crime until his arrest in this case.

Number of jurors who so find 12

2. Joseph P. Minernd was 45 at the time of his arrest.

Number of jurors who so find 12

3. Joseph P. Minernd will serve a sentence of life in prison without the possibility of release if not sentenced by you to death.

Number of jurors who so find 12

4. Joseph P. Minernd presents no risk of future violence or danger to the public while in prison for the rest of his life.

Number of jurors who so find 7

5. Joseph P. Minernd has made a remarkable adjustment to prison.

Number of jurors who so find 12

6. Joseph P. Minernd has helped other inmates with their schooling and religious studies while incarcerated.

Number of jurors who so find 12

7. Joseph P. Minernd has helped other inmates by acting as a mentor while incarcerated.

Number of jurors who so find 1

8. Joseph P. Minernd has made the lives of guards easier while incarcerated by assisting them with their chores.

Number of jurors who so find 12

9. Joseph P. Minernd suffered a brain injury in July 1997.

Number of jurors who so find 1

10. Joseph P. Minernd made an effort to treat his brain injury by consulting Dr. James M. Oppy.

Number of jurors who so find 0

11. Joseph P. Minernd suffered from depression.

Number of jurors who so find 12

12. Joseph P. Minernd made an effort to treat his depression by consulting Dr. James M. Oppy.

Number of jurors who so find 12

13. Joseph P. Minernd received inadequate treatment for his depression by not being referred to counseling, and by being given medications, the withdrawal from which caused serious adverse effects.

Number of jurors who so find 0

14. Joseph P. Minernd's capacity to appreciate the wrongfulness of his conduct or to conform his conduct to the requirements of the law, while not extreme, relates to Joe Minernd's character, background, record or to the circumstances of the offense.

Number of jurors who so find 0

15. The presence of a mental or emotional difficulty, while not extreme, relates to Joseph P. Miner's character, background, record or to the circumstances of the offense.

Number of jurors who so find 10

16. Joseph P. Miner's depression, while not extreme, relates to Joe Miner's character, background, record or to the circumstances of the offense.

Number of jurors who so find 11

17. Joseph P. Miner's brain injury, while not extreme, relates to Joe Miner's character, background, record or to the circumstances of the offense.

Number of jurors who so find 1

18. Joseph P. Miner's father suffered from depression that affected Joe Miner and his family.

Number of jurors who so find 0

19. Joseph P. Miner's father committed suicide which affected Joe Miner and his family.

Number of jurors who so find 12

20. Joseph P. Miner helped take care of his mother and younger brother after his father's suicide.

Number of jurors who so find 12

21. Joseph P. Miner contributed to the financial well-being of his mother and younger brother until his arrest.

Number of jurors who so find 0

22. Joseph P. Minernd undertook to build, with his brothers, a home for his mother and younger brother.

Number of jurors who so find 12

23. Joseph P. Minernd acted as a father figure to his younger brother Mark Minernd.

Number of jurors who so find 12

24. Joseph P. Minernd encouraged Mark Minernd to become the first Minernd to attend college.

Number of jurors who so find 12

25. Joseph P. Minernd provided money to Mark Minernd so that Mark Minernd could attend college.

Number of jurors who so find 12

26. Joseph P. Minernd has been a positive influence to his nephew James Minernd, Jr. and his niece April Golden.

Number of jurors who so find 12

27. Joseph P. Minernd has been steadily employed since his youth.

Number of jurors who so find 12

28. Joseph P. Minernd had an excellent attendance record for over 25 years at the Elliott Company.

Number of jurors who so find 12

29. Joseph P. Minernd was a stable and excellent worker for 25 years with the Elliott Company.

Number of jurors who so find 12

30. Joseph P. Minernd will maintain a positive relationship with his brothers and mother if sentenced to life imprisonment without possibility of parole.

Number of jurors who so find 6

31. Joseph P. Minernd will maintain a positive relationship with his nephew James Minernd, Jr., and his niece April Golden, and their children if sentenced to life imprisonment without possibility of release.

Number of jurors who so find 7

32. Joseph P. Minernd committed acts of kindness and generosity for his neighbors and friends.

Number of jurors who so find 0

33. Joseph P. Minernd's execution will cause his family great emotional pain and distress.

Number of jurors who so find 12

34. Joseph P. Minernd's execution will cause great emotional pain and distress to the community of the Greenwood Heights Church of God in Connelville, PA.

Number of jurors who so find 12

You may also find as mitigating factors any other factors in the defendant's background, record, or character or any other circumstance of the offense that mitigate against imposition of the death sentence and weigh in favor of a sentence of life imprisonment without any possibility of release.

You may write in any other mitigating factor(s) any of you finds proven by a

preponderance of the evidence. You may consider additional mitigating factors without listing them here. If you choose not to write any additional factors in, you should mark an "X" in the blank provided. If more space is needed to list additional mitigating factors, you should use the reverse side of this page.

Factor _____ X _____

Number of jurors who so find _____

Factor _____ X _____

Number of jurors who so find _____

Factor _____ X _____

Number of jurors who so find _____

Factor _____ X _____

Number of jurors who so find _____

Factor _____ X _____

Number of jurors who so find _____

Factor _____ X _____

Number of jurors who so find _____



Foreperson

Instructions:

Now continue your deliberations in accordance with the Court's instructions. When you have reached a decision, sign one of the spaces provided in Part Four of this verdict form, complete the Certificate attached as Part Five of this verdict form, and advise the Court that you have reached a decision.

PART FOUR - A

DECISION IMPOSING A SENTENCE OF DEATH

We, the jury, unanimously find that the aggravating factors proved in this case sufficiently outweigh any mitigating factor or factors that have been found to exist, or, in the absence of mitigating factors, we unanimously find that the aggravating factors in themselves are sufficient to justify a sentence of death. We vote unanimously that Joseph Minerd shall be sentenced to death.

So say we all, this _____ day of _____, 2002

Foreperson

PART FOUR - B

DECISION IMPOSING A SENTENCE OF LIFE IN PRISON WITHOUT POSSIBILITY OF RELEASE

We, the jury, unanimously find that the aggravating factors proved in this case do not sufficiently outweigh any mitigating factor or factors that have been found to exist, or, in the absence of mitigating factors, we unanimously find, that the aggravating factors in themselves are insufficient so as to justify a sentence of death. We vote unanimously that Joseph P. Minerd be sentenced to life imprisonment without possibility of release.

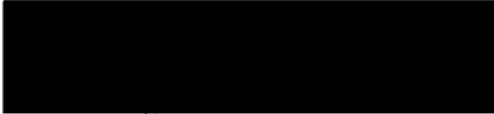
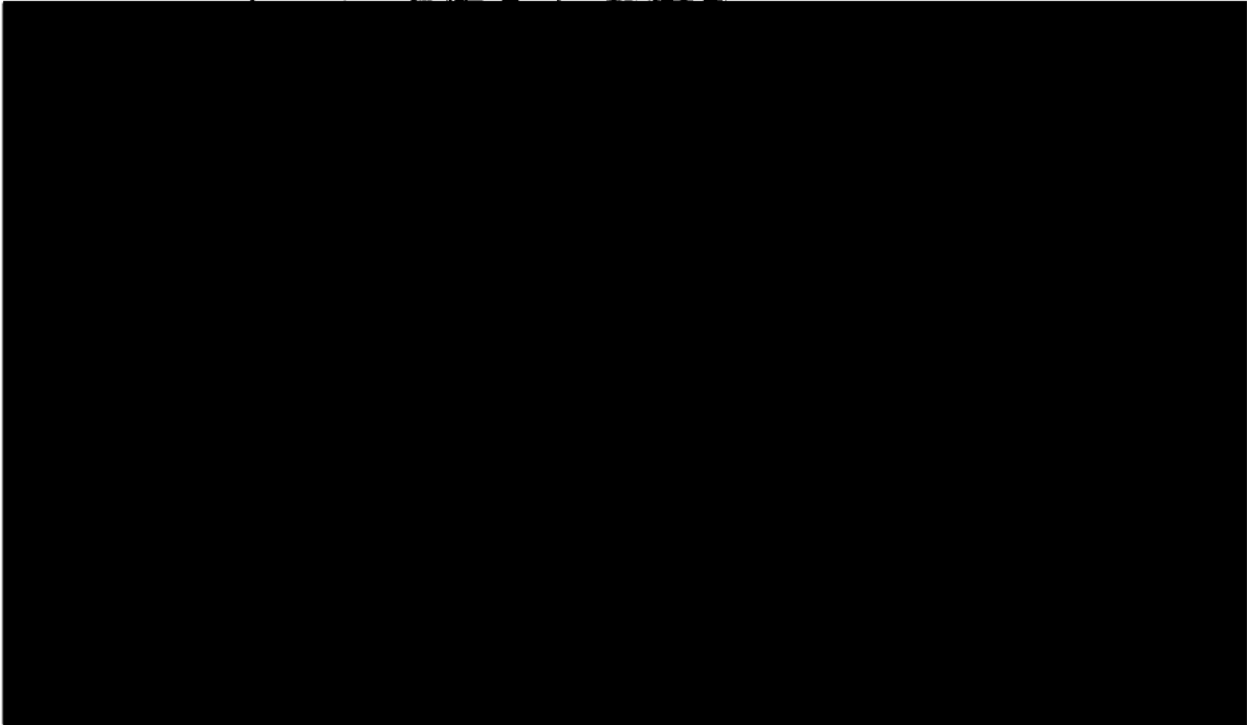
So say we all, this _____ day of _____, 2002.

Foreperson

PART FOUR - C

We, the Jury, after thorough deliberation, cannot unanimously agree as to whether the aggravating factors proved in this case sufficiently outweigh any mitigating factor(s) to justify a sentence of death. We also believe that further deliberation on this issue would be futile.

So say we all, this 30 day of MAY, 2002.



Foreperson

**PART FIVE
CERTIFICATE**

By signing below, each of us individually certify that consideration of the race, color, religious beliefs, national origin or sex of Joseph Minerd and of the victims, were 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 victim may have been.

So say we all, this 30 day of MAY, 2002.

