

**IN THE UNITED STATES DISTRICT COURT FOR THE
EASTERN DISTRICT OF OKLAHOMA**

UNITED STATES OF AMERICA,)
)
) Plaintiff,)
)
 v.)
)
 RAMON MEDINA MOLINA,)
)
) Defendant.)

No. CR-92-32-S

FILED

MAR 19 1993

WILLIAM B. GUTHRIE
Clerk, U.S. District Court

By: _____
Deputy Clerk

SPECIAL FINDINGS FORM

PART ONE

For each of the following category one statutory aggravating factors, answer "Yes" or "No" as to whether you unanimously find that the government has proven beyond a reasonable doubt that particular factor:

1. That the defendant Ramon Medina Molina engaged in conduct intending that the victim be killed or that lethal force be employed against the victim, which resulted in the death of the victim.

YES _____

NO X

2. That the defendant Ramon Medina Molina engaged in conduct which he knew would create a grave risk of death to a person, other than one of the participants of the offense, and resulted in the death of the victim.

YES X

NO _____

(If you have checked "NO" as to each of the category one statutory aggravating factors, deliberate no further, sign this special findings form, fill out Decision Form A, complete

the attached certificate, and advise the court that you have reached a decision. If you have checked "YES" to either or both the category one statutory aggravating factors, continue with your deliberations in accordance with the court's instructions and proceed to Part Two of this special findings form.)

PART TWO

For each of the following category two statutory aggravating factors, answer "YES" or "NO" as to whether you unanimously find that the government has proven beyond a reasonable doubt that particular factor:

1. That the defendant Ramon Medina Molina committed the offense after substantial planning and premeditation.

YES X

NO _____

2. That the defendant Ramon Medina Molina procured the commission of the offense by payment, or promise of payment, of anything of pecuniary value.

YES X

NO _____

3. That the defendant Ramon Medina Molina has previously been convicted of two or more state or federal offenses punishable by imprisonment of more than one year, committed on different occasions, involving the distribution of a controlled substance.

YES X

NO _____

(If you have checked "No" as to each of the above listed category two statutory aggravating factors, deliberate no further, sign this special findings form, fill out Decision Form A, complete the attached certificate, and advise the court that you have reached a decision. If you have checked "Yes" to one or more of the above listed category two statutory aggravating factors, continue with your deliberations in accordance with the court's instructions and

proceed to Parts Three and Four of this special findings form.)

PART THREE

For each of the following non-statutory aggravating factors, answer "Yes" or "No" as to whether you unanimously find that the government has proven beyond a reasonable doubt that particular factor:

1. that a deadly weapon or weapons (a firearm or firearms) was/were used during the commission of the continuing criminal enterprise in an attempt to kidnap or kill Claude Avery Rogers.

YES X

NO

2. that a deadly weapon or weapons was/were used in the killing of Jewell Leon Collins.

YES X

NO

3. that the defendant James Norwood Hutching committed the offenses as to which he is charged in the indictment.

YES X

NO

4. that repeated attempts to rehabilitate the defendant James Norwood Hutching or deter him from future criminal behavior have been unsuccessful.

YES X

NO

PART FOUR

For each of the following mitigating factors indicate the number of jurors who have found the existence of a particular mitigating factor proven by a preponderance of the evidence:

1. that the defendant James Norwood Hutching is punishable as a principal in the killing 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 3

2. that the defendant James Norwood Hutching could not reasonably have foreseen that his conduct in the course of the killing would cause, or would create a grave risk of causing, death to any person.

Number of jurors who so find 0

3. that another defendant or defendants or others, equally culpable in the killing offense, will not be punished by death.

Number of jurors who so find 12

4. that the defendant James Norwood Hutching's age, fifty-six, along with the length of the minimum sentence that could be imposed under counts one through fifteen, of twenty years, combined with the consecutive sentence that would be imposed for count twenty-two of thirty years, would effectively be a life sentence without parole.

Number of jurors who so find 12

5. that the effective control and organization of the planning of the killing, the execution of the plans for the killing, and the killing itself were in Joseph Edward Arvizu and persons other than the defendant James Norwood Hutching.

Number of jurors who so find 4

6. that the defendant James Norwood Hutching had no control or input over the different plans proposed for the killing, the execution of the final plan for the killing, and the killing itself.

Number of jurors who so find 2

7. that the defendant Ramon Medina Molina's capacity to appreciate the wrongfulness of his conduct or to conform his conduct to the requirements of the law was significantly impaired, regardless of whether his capacity was so impaired as to constitute a defense to the charges against him in this case.

Number of jurors who so find 0

8. that during the course of his prior prison incarcerations, the defendant Ramon Medina Molina a) was never involved in aggressive or assaultive incidents, b) demonstrated discipline and responsibility in his work assignments, c) worked at improving his academic skills, and d) avoided gang membership.

Number of jurors who so find 3

9. that the defendant Ramon Medina Molina suffered from a heroin addiction and alcohol and marijuana abuse disorder that impacted his ability to analyze situations, exercise common sense judgment, and prevented him from controlling his impulses.

Number of jurors who so find 1

10. that the defendant Ramon Medina Molina has developed and maintained positive relationships with his daughters, friends and other family members in spite of and during prior incarcerations.

Number of jurors who so find 10

11. that the defendant Ramon Medina Molina's natural and step-children have received love, nurturance, support, and constancy from him as a father, and that they, as well as the rest of his family, desire that he not be given the death penalty.

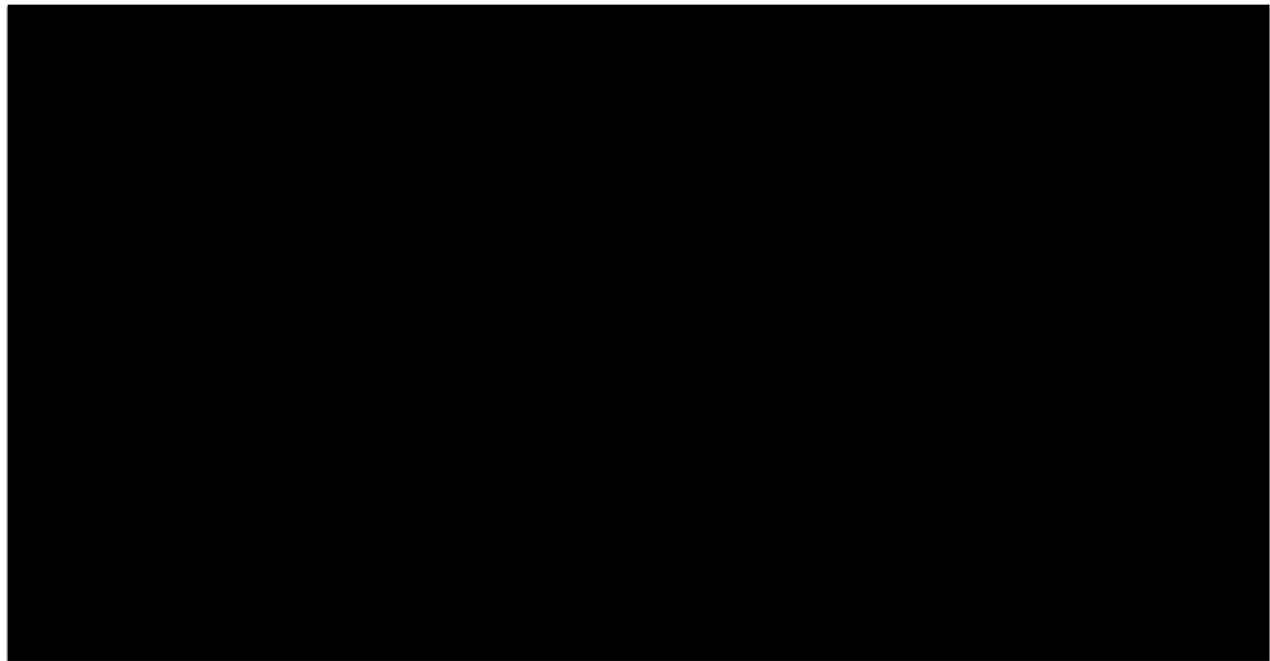
Number of jurors who so find 7

12. that if the defendant Ramon Medina Molina does not receive a sentence of death, he will spend the rest of his life in a maximum security prison.

Number of jurors who so find 11

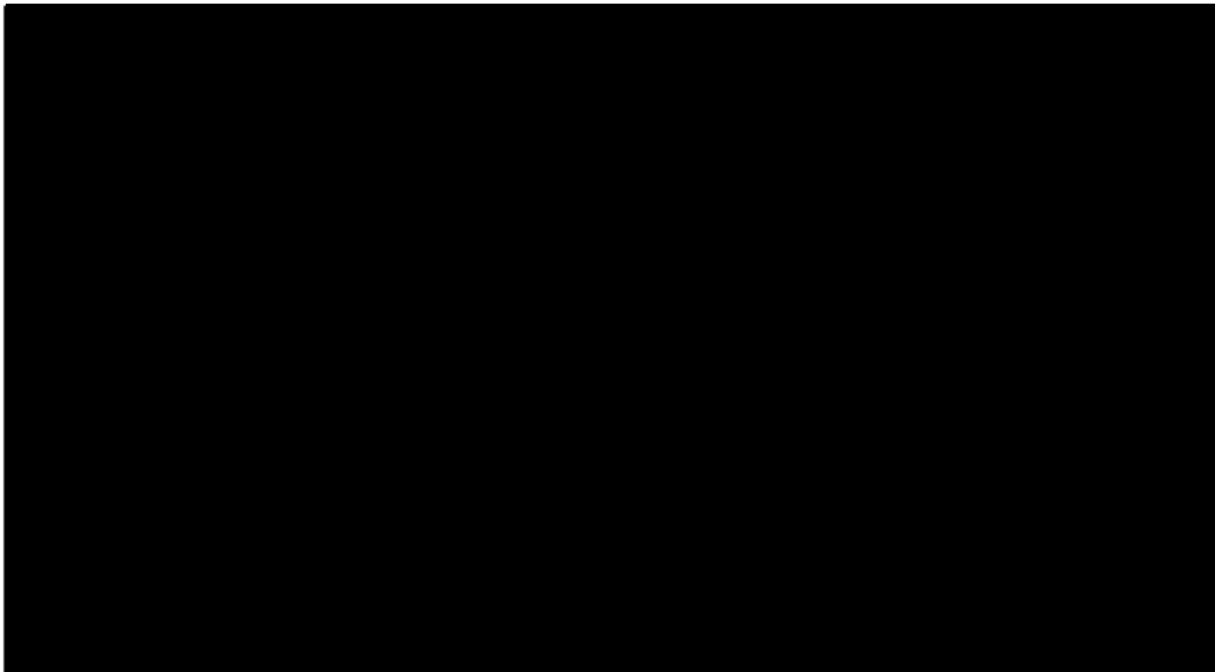
(When you have completed Parts Three and Four and have arrived at a decision, sign this special findings form, enter your decision on either Decision Form B or Decision Form C, complete the attached certificate, and advise the court that

your deliberations are complete. Note that Decision Form B and Decision Form C are mutually exclusive. Complete one or the other, but not both.)



Date: March 19th, 1993.

Under any of the foregoing alternatives, we do not unanimously find that the court shall sentence the defendant Ramon Medina Molina to death.



Date: March 19th, 1993.

CERTIFICATE

By signing below, each of us individually hereby certifies that in considering whether the sentence of death was justified, the race, color, religious beliefs, national origin or sex of the defendant Ramon Medina Molina and of the victim Jewell Leon Collins were not considered in reaching our respective individual decisions. Each of us further individually certifies that the same decision regarding a sentence for the crime in question would have been made no matter what the race, color, religious beliefs, national origin or sex of the defendant Ramon Medina Molina and of the victim Jewell Leon Collins.



Foreperson

Date: March 19th 1993.

FILED

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WILLIAM B. GUTHRIE
Clerk, U.S. District Court

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