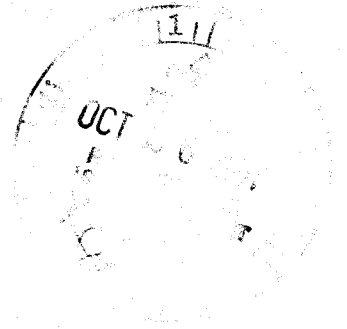


IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF MISSOURI
KANSAS CITY DIVISION



UNITED STATES OF AMERICA,)
)
Plaintiff,)
)
vs.)
)
LISA MONTGOMERY,)
)
Defendant.)

Case No. 05-06002-01-CR-SJ-GAF

SPECIAL VERDICT FORM

IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF MISSOURI
ST. JOSEPH DIVISION

UNITED STATES OF AMERICA,)

Plaintiff,)

v.)

LISA M. MONTGOMERY,)

Defendant.)

No. 05-06002-01-CR-SJ-GAF

SPECIAL VERDICT FORM

I. AGE OF DEFENDANT

Instructions: The parties have stipulated—that is, they have agreed—that the defendant was eighteen years of age or older at the time of the offense. You should therefore treat that fact as having been proved and proceed to Section II which follows.

II. REQUISITE MENTAL STATE

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

1(A). Do you, the jury, unanimously find that the government has established beyond a reasonable doubt that the defendant intentionally killed Bobbie Jo Stinnett?

YES

NO

Foreperson

1(B). Do you, the jury, unanimously find that the government has established beyond a reasonable doubt that the defendant intentionally inflicted serious bodily injury which resulted in the death of Bobbie Jo Stinnett?

YES

NO

~~Foreperson~~

Instructions: If you answered "NO" with respect to all of the determinations 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 one or more of the determinations in this Section II, proceed to Section III which follows.

III. 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 death and injury resulting in the death of Bobbie Jo Stinnett occurred during the commission of the kidnapping of Bobbie Jo Stinnett's infant daughter, Victoria Jo Stinnett, by the defendant?

YES

NO

~~Foreperson~~

2. Do you, the jury, unanimously find that the government has established beyond a reasonable doubt that the defendant, during the commission of the kidnapping of Victoria Jo Stinnett and murder of Bobbie Jo Stinnett, knowingly created a grave risk of death to an additional person,

Victoria Jo Stinnett, by using a kitchen knife to prematurely cut her from the womb of her mother,
Bobbie Jo Stinnett?

YES

NO

~~_____~~
Foreperson

3. Do you, the jury, unanimously find that the government has established beyond a reasonable doubt that the defendant killed the victim in an especially heinous or depraved manner in that the killing involved serious physical abuse to Bobbie Jo Stinnett, that is, the defendant strangled Bobbie Jo Stinnett with a rope and then used a kitchen knife to cut her infant daughter from her womb?

YES

NO

~~_____~~
Foreperson

4. Do you, the jury, find that the government has established beyond a reasonable doubt that the defendant committed the offense after substantial planning and premeditation to cause the death of Bobbie Jo Stinnett?

YES

NO

~~_____~~
Foreperson

5. Do you, the jury, unanimously find that the government has established beyond a reasonable doubt that Bobbie Jo Stinnett, the victim, was particularly vulnerable due to her infirmity, that is, at the time of her death Bobbie Jo Stinnett was eight months pregnant?

YES

NO

Foreperson

Instructions: If you answered "NO" with respect to all of the Statutory Aggravating Factors in 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 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.

If you found the requisite mental state in Section II and answered "YES" with respect to one or more of the aggravating factors in Section III, proceed to Section IV which follows.

IV. NONSTATUTORY AGGRAVATING FACTOR

Instructions: Answer "YES" or "NO."

1. Do you, the jury, unanimously find that the government has established beyond a reasonable doubt that the offense caused injury, loss and harm because of victim Bobbie Jo Stinnett's personal characteristics as an individual human being and the impact of the death upon victim Bobbie Jo Stinnett's family, and that this factor tends to support imposition of the death penalty?

YES

NO

Foreperson

Instructions: Regardless of whether you answered "YES" or "NO" with respect to the Nonstatutory Aggravating Factor in this Section IV, proceed to Section V.

V. 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.

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. Further, any juror may also weigh a mitigating factor found by another juror, even if he or she did not also find that factor to be mitigating.

1. Lisa Montgomery's capacity to appreciate the wrongfulness of her conduct or to conform her conduct to the requirements of the law was significantly impaired, regardless of whether her capacity was so impaired as to constitute a defense to the charge.

Number of jurors who so find 1.

2. Lisa Montgomery committed the offense under severe mental or emotional disturbance.

Number of jurors who so find 0.

3. Lisa Montgomery does not have a significant prior history of other criminal conduct.

Number of jurors who so find 5.

4. Lisa Montgomery was the victim of childhood physical and sexual abuse at the hands of her stepfather, Jack Kleiner, and was psychologically and emotionally damaged as a result of that abuse.

Number of jurors who so find 8.

5. Lisa Montgomery was the victim of childhood emotional abuse at the hands of her mother Judy Kleiner (now Judy Shaughnessy), and was psychologically and emotionally damaged as a result of that abuse.

Number of jurors who so find 7.

6. Lisa Montgomery continued to receive emotional abuse from her mother Judy Kleiner (now Judy Shaughnessy) into adulthood, and has been psychologically and emotionally damaged as a result of that abuse.

Number of jurors who so find 2.

7. Lisa Montgomery never received adequate treatment for the abuse which she received.

Number of jurors who so find 10.

8. Despite having been the victim of significant sexual, physical and emotional abuse, Lisa Montgomery raised four good children and worked many jobs to support her children.

Number of jurors who so find 9.

9. Lisa Montgomery's mental health has substantially improved since her incarceration because she is now receiving psychiatric treatment, including medication, to address her condition.

Number of jurors who so find 0.

10. In the time that she has been incarcerated, Lisa Montgomery has assisted other inmates, particularly those who were younger than her, and those with disabilities, teaching other inmates crafts and other things, and Lisa Montgomery would continue to do so if sentenced to life imprisonment without possibility of release.

Number of jurors who so find 1.

11. Lisa Montgomery has peaceably served her time awaiting sentencing.

Number of jurors who so find 5.

12. If Lisa Montgomery is sentenced to life imprisonment without release, she will serve her time peaceably.

Number of jurors who so find ∅.

13. Lisa Montgomery continues to attempt to offer advice, nurturance and emotional support to her children, even while she has been incarcerated.

Number of jurors who so find 1.

14. If Lisa Montgomery is sentenced to life imprisonment without possibility of release, she will continue to reach out to her children, to offer advice, nurturance and emotional support to her children, even while incarcerated.

Number of jurors who so find 2.

15. Lisa Montgomery is the wife of Kevin Montgomery, and the two carry on a loving, husband-wife relationship, with Lisa Montgomery providing Kevin Montgomery advice, nurturance and emotional support, even while she has been incarcerated.

Number of jurors who so find ∅.

16. Kevin Montgomery loves his wife Lisa Montgomery very much.

Number of jurors who so find 1.

17. If Lisa Montgomery is sentenced to life imprisonment without possibility of release, she and Kevin Montgomery would continue to carry on a loving, nurturing husband-wife relationship.

Number of jurors who so find ∅.

18. If Lisa Montgomery is sentenced to life imprisonment without possibility of release, she and her sister, Diane Mattingly, would carry on a loving, nurturing sister-sister relationship.

Number of jurors who so find 7.

19. If Lisa Montgomery is sentenced to life imprisonment without possibility of release, she and her father, John Patterson, would carry on a loving, nurturing father-daughter relationship.

Number of jurors who so find 0.

The following extra spaces are provided to write in additional mitigating factors, if any, found by any one or more jurors. If none, write "NONE" and line out the extra spaces with a large "X."

If more space is needed, write "CONTINUED" and use the reverse side of this page.

NONE

~~Number of jurors who so find _____.~~

~~Number of jurors who so find _____.~~

~~Number of jurors who so find _____.~~

~~Number of jurors who so find _____.~~

Instructions: Proceed to Section VI and Section VII which follow.

VI. DETERMINATION

Based upon consideration of whether the aggravating factors found to exist sufficiently outweigh any mitigating factor or factors found to exist, or in the absence of any mitigating factors,

whether the aggravating factors are themselves sufficient to justify a sentence of death, and whether death is therefore the appropriate sentence in this case:

A. Death Sentence

We determine, by unanimous vote, that a sentence of death shall be imposed.

YES

NO

If you answer "YES," the foreperson must sign here, and you must then proceed to Section VII. If you answer "NO," the foreperson must sign, and you must then proceed to Section VI(B):

Date: October 26, 2007

B. Sentence of Life in Prison Without Possibility of Release

We determine, by unanimous vote, that a sentence of life imprisonment without possibility of release shall be imposed.

YES

NO

Regardless of whether you answer "YES" or "NO," the foreperson must sign here, and then you must proceed to Section VII.

Foreperson

Date: _____, __, 2007

VII. CERTIFICATION

By signing below, each juror certifies that consideration of the race, color, religious beliefs, national origin, or sex of the defendant or the victim was not involved in reaching his or her

decision, and that the individual juror would have made the same recommendation regarding a sentence for the crime or crimes in question regardless of the race, color, religious beliefs, national origin, or sex of the defendant, or the victim.

