



FILED
P.M. Feb. 27 2008
DAVID J. MALAND, CLERK
U.S. DISTRICT COURT
By _____
DEPUTY

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
BEAUMONT DIVISION**

UNITED STATES OF AMERICA

v.

ELLIS JOSEPH MOSHER

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§

CRIMINAL ACTION NO. 1:06-CR-101-TH

VERDICT OF THE JURY—PHASE THREE

**SPECIAL FINDING I
NON-STATUTORY AGGRAVATING FACTOR**

Do you, the jury, find that the Government has established beyond a reasonable doubt that the defendant, Ellis Joseph Mosher, poses a continuing danger to the lives and safety of others while incarcerated because it is likely that he will commit criminal acts of violence in the future?

YES _____
NO _____

Jury Foreperson

Regardless of whether you answered "YES" or "NO" in response to Section I, proceed to Section II, which follows.

**SPECIAL FINDING II
MITIGATING FACTORS**

For each of the following mitigating factors, indicate in the space provided, the number of jurors who find the existence of that mitigating factor to have been proven by a preponderance of the evidence.

1. Ellis Joseph Mosher presents no risk of future violence or danger to the public while in prison.
Number of jurors who so find 5

2. Ellis Joseph Mosher's teenage mother never connected with him.
Number of jurors who so find 3

3. Ellis Joseph Mosher's biological father abandoned him.
Number of jurors who so find 12

4. Ellis Joseph Mosher's mother divorced his "father."
Number of jurors who so find 12

5. Ellis Joseph Mosher's family never provided him with a structured environment.
Number of jurors who so find 1

6. Ellis Joseph Mosher's family has not visited him in the last fifteen years.
Number of jurors who so find 12

7. Ellis Joseph Mosher loves his family.
Number of jurors who so find 9

8. Ellis Joseph Mosher accepts his responsibility.
Number of jurors who so find 7

9. Ellis Joseph Mosher has expressed remorse for the offense.
Number of jurors who so find 0
10. Ellis Joseph Mosher suffers from an attachment disorder.
Number of jurors who so find 3
11. Ellis Joseph Mosher suffers from fetal alcohol effect.
Number of jurors who so find 0
12. Ellis Joseph Mosher suffers from rape trauma syndrome.
Number of jurors who so find 0
13. Ellis Joseph Mosher is a playful kid.
Number of jurors who so find 0
14. Ellis Joseph Mosher is not a gang member.
Number of jurors who so find 12
15. Ellis Joseph Mosher is not a drug user.
Number of jurors who so find 12
16. Ellis Joseph Mosher was influenced by the wrong crowd.
Number of jurors who so find 5
17. There are no options for weakness in prison.
Number of jurors who so find 2
18. Ellis Joseph Mosher can comply with institutional rules.
Number of jurors who so find 3

19. Ellis Joseph Mosher spent the last ten years in some form of solitary confinement.
Number of jurors who so find 12

20. Ellis Joseph Mosher responded well to Supermax prison conditions.
Number of jurors who so find 5

21. Ellis Joseph Mosher completed programs of self-improvement.
Number of jurors who so find 12

22. The following extra space is provided for you to make findings as to additional mitigating factors, if any, found by any one or more jurors to exist by a preponderance of the evidence. If more space is needed, write "CONTINUED" and use the reverse side of this page.

_____	Number of jurors who so find _____
_____	Number of jurors who so find _____
_____	Number of jurors who so find _____
_____	Number of jurors who so find _____
_____	Number of jurors who so find _____
_____	Number of jurors who so find _____
_____	Number of jurors who so find _____
_____	Number of jurors who so find _____


jury foreperson

*Regardless of how you answered in response to Section II,
proceed to Section III, which follows.*

**SPECIAL FINDING III
SELECTION OF PUNISHMENT**

Based upon our consideration of whether the aggravating factors found to exist sufficiently outweigh any mitigating factor(s) 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, we determine, by unanimous vote, that the following sentence shall be imposed on the defendant Ellis Joseph Mosher as to Count I of the Indictment:

DEATH PENALTY _____

LIFE IMPRISONMENT WITHOUT POSSIBILITY OF RELEASE _____

After each juror has signed Section III, proceed to Section IV, which follows.

**SPECIAL FINDING IV
JURY CERTIFICATION**

By my signature below, I certify that considerations of race, color, religious beliefs, national origin, or sex of the defendant or the victim were not involved in reaching these findings.

I further certify that I would have made these findings regardless of the race, color, religious beliefs, national origin or sex of either the defendant or the victim.

Date: _____

After each juror has signed this certification, let the Courtroom Security Officer know that you have reached a verdict.