

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF VIRGINIA  
Norfolk Division

UNITED STATES OF AMERICA

Plaintiff,

v.

CRIMINAL NO. 2:93cr131

FRANTZ OSCAR,

Defendant.

SPECIAL FINDINGS FORM REGARDING THE  
PUNISHMENT TO BE IMPOSED UPON FRANTZ OSCAR  
FOR THE KILLING OF WAYNE ANTHONY ASHLEY

I. PART ONE - CATEGORY ONE STATUTORY AGGRAVATING  
FACTORS

Instructions: For each of the following, answer "YES" or "NO"  
as to whether you, the Jury, unanimously find the government has  
established the existence of one of the following aggravating  
factors beyond a reasonable doubt:

1. Frantz Oscar intentionally engaged in conduct  
intending that Wayne Anthony Ashley be killed and  
that lethal force be employed against Wayne Anthony  
Ashley, which resulted in his death.

Unanimously	YES	_____
		Foreperson
	NO	_____
		Foreperson

or,

2. Frantz Oscar intentionally engaged in conduct which he knew would create a grave risk of death of a person, other than one of the participants in the offense, and that resulted in the death of Wayne Anthony Ashley.

Unanimously YES

Foreperson

NO

Foreperson

Instructions:

If you answered "NO" with respect to all of the Category One Statutory Aggravating Factors in Part One above, then stop your deliberations, and fill out Part Five finding against the imposition of the death penalty upon Frantz Oscar for the killing of Wayne Anthony Ashley.

If you answered "YES" with respect to one of the Category One Statutory Aggravating Factors in Part One, then continue your deliberations in accordance with the Court's instructions and proceed to Part Two which follows.



If you answered "YES" with respect to one or both of the Category Two Statutory Aggravating Factors in Part Two above, then you may continue your deliberations in accordance with the Court's instructions and proceed to Part Three which follows.

III. PART THREE - OTHER NON-STATUTORY AGGRAVATING FACTORS

Instructions:

For each of the following, answer "YES" or "NO" as to whether you, the jury, unanimously find that the Government has established the existence of the subject aggravating factors beyond a reasonable doubt:

1. Frantz Oscar represents a continuing danger to the lives of others in the future.

Unanimously	YES	<hr/>
		Foreperson
	NO	<hr/>
		Foreperson

2. Frantz Oscar has been found guilty in this trial of more than one offense that resulted in the death of a person.

Unanimously	YES	<hr/>
		Foreperson
	NO	<hr/>
		Foreperson

3. Frantz Oscar's background establishes a significant act of violence.

Unanimously	YES	<hr/>
		Foreperson
	NO	<hr/>
		Foreperson

4. Frantz Oscar caused harm to the family of Wayne Anthony Ashley as a result of the impact of the killing upon the family.

Unanimously	YES	<hr/>
		Foreperson
	NO	<hr/>
		Foreperson

IV. PART FOUR - MITIGATING FACTORS AS TO COUNT THREE

Instructions:

For each of the following mitigating factors, you have the option to indicate, in the space provided, whether or not any of you have found the existence of that mitigating factor. A mitigating factor must be established and proven by a preponderance of the evidence. If any of you so find, you may indicate such by filling in the number so finding in the space provided below.

Regardless of whether or not you choose to make written findings, 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 by a preponderance of the evidence, may consider such a factor established in deciding whether or not a sentence of death shall be imposed, regardless of the number of other jurors who concur that the factor has been established.

(If you choose not to make these written findings, cross out each page of Part Four with a large "X" and then continue your deliberations in accordance with the instructions of the Court.)

In determining whether a sentence of death is to be imposed on Frantz Oscar for the finding of guilty as to Count Three, you shall consider mitigating factors, including, but not limited to the following:

1. Frantz Oscar is punishable as a principal only because he aided and abetted in the 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

0  
Number

2. Frantz Oscar could not reasonably have foreseen that his conduct in the course of the commission of the killing, or other offense resulting in the death for which he was convicted, would cause, or would create a grave risk of causing, death to any person.

Number of Jurors Who So Find

0  
Number

3. Frantz Oscar was youthful, although not under the age of 18.

Number of Jurors Who So Find

0  
Number

4. Frantz Oscar does not have a significant prior criminal record.

Number of Jurors Who So Find

4  
Number

5. Another defendant or defendants, equally culpable in the crime, will not be punished by death.

Number of Jurors Who So Find

10  
Number

6. The love for Petrovna Sylvestre and the breakup of this relationship caused Frantz Oscar great emotional turmoil and affected his judgment.

Number of Jurors Who So Find

0  
Number

7. Frantz Oscar was raised in an environment where he was subjected to an inordinate amount of pressure to achieve very often at the expense of his older siblings.

Number of Jurors Who So Find

0  
Number

8. The disparity with which Frantz Oscar's parents treated him as opposed to how his brother Jean was treated engendered feelings of tremendous guilt in him.

Number of Jurors Who So Find 0  
Number

9. His parents actively sought to destroy the close bond which he had formed with his older brother.

Number of Jurors Who So Find 1  
Number

10. A member or members of the Jury find factors which demonstrate, as to Frantz Oscar, that mercy should be considered.

Number of Jurors Who So Find 7  
Number

11. Frantz Oscar has been a model prisoner.

Number of Jurors Who So Find 2  
Number

12. Frantz Oscar has responded well to structured environments, and would likely make a successful adaptation to prison.

Number of Jurors Who So Find 2  
Number

13. Frantz Oscar has good chances of rehabilitation.

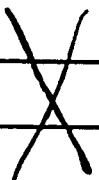
Number of Jurors Who So Find 9  
Number

14. That other factors in the defendant's background or character mitigate against imposition of the death sentence.

0



You shall consider any other mitigating factors which you find from a preponderance of the evidence and you may set forth any mitigating factor so proven herein (but you are not required to set forth such a mitigating factor in writing in order to consider it):



Number of Jurors Who So Find

\_\_\_\_\_ Number

Number of Jurors Who So Find

\_\_\_\_\_ Number

Number of Jurors Who So Find

\_\_\_\_\_ Number

Number of Jurors Who So Find

\_\_\_\_\_ Number

Number of Jurors Who So Find

\_\_\_\_\_ Number

(use back of form for additional space if needed)

A mitigating factor may not be considered an aggravating factor under any circumstance. Only those aggravating factors specifically described in these instructions may be considered as such by you in determining whether a sentence of death is to be imposed upon Frantz Oscar.

Instructions:

Regardless of whether or not you choose to make written findings for the Mitigating Factors in Part Four above, continue your deliberations in accordance with the Court's instructions.

Note: When you have reached a decision, sign in one of the spaces provided in Part Five of this Form, complete the Certificate attached as the last page of this Form, and advise the Court that you have reached a decision.

V. PART FIVE - AS TO COUNT FOUR OF THE INDICTMENT

One or more members of the Jury do not agree that the evidence meets the required criteria, or one or more members of the Jury, do not agree that a death sentence is the appropriate punishment for this offense and, therefore, find that a sentence of death shall not be imposed upon Frantz Oscar for the killing of Wayne Anthony Ashley.

✓  
\_\_\_\_\_  
Foreperson

3/23/94  
\_\_\_\_\_  
Date

OR

We, the Jury, unanimously find beyond a reasonable doubt that at least one Category One and at least one Category Two aggravating factors have been proven and, further find that the aggravating factors presented in this case sufficiently outweigh any mitigating factor or factors that have been found to exist or, in the absence of mitigating factors, we find that the aggravating factors are themselves sufficient, and find that a sentence of death shall be imposed upon Frantz Oscar for the killing of Wayne Anthony Ashley.

\_\_\_\_\_  
Foreperson

\_\_\_\_\_  
Date

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF VIRGINIA  
Norfolk Division

UNITED STATES OF AMERICA

Plaintiff,

v.

CRIMINAL NO. 2:93cr131

FRANTZ OSCAR,

Defendant.

SPECIAL FINDINGS FORM REGARDING THE  
PUNISHMENT TO BE IMPOSED UPON FRANTZ OSCAR  
FOR THE KILLING OF ALMA MARIE BAKER

I. PART ONE - CATEGORY ONE STATUTORY AGGRAVATING  
FACTORS

Instructions: For each of the following, answer "YES" or "NO"  
as to whether you, the Jury, unanimously find the government has  
established the existence of one of the following aggravating  
factors beyond a reasonable doubt:

1. Frantz Oscar intentionally engaged in conduct  
intending that Alma Marie Baker be killed and that  
lethal force be employed against Alma Marie Baker,  
which resulted in her death;

Unanimously YES

\_\_\_\_\_  
Foreperson

NO

\_\_\_\_\_  
Foreperson

or,

2. Frantz Oscar intentionally engaged in conduct which he knew would create a grave risk of death of a person, other than one of the participants in the offense, and that resulted in the death of Alma Marie Baker.

Unanimously	YES	<input checked="" type="checkbox"/>	_____ Foreperson
	NO	<input type="checkbox"/>	_____ Foreperson

Instructions:

If you answered "NO" with respect to all of the Category One Statutory Aggravating Factors in Part One above, then stop your deliberations, and fill out Part Five finding against the imposition of the death penalty upon Frantz Oscar for the killing of Alma Marie Baker.

If you answered "YES" with respect to one of the Category One Statutory Aggravating Factors in Part One, then continue your deliberations in accordance with the Court's instructions and proceed to Part Two which follows.

II. PART TWO - CATEGORY TWO STATUTORY AGGRAVATING FACTORS

Instructions:

For the following question, answer "YES" or "NO" as to whether you, the jury, unanimously find that the government has established the existence of the following aggravating factor beyond a reasonable doubt:

- 1. Frantz Oscar committed the offense charged in Count 3 of the indictment in an especially heinous, cruel, or depraved manner in that it involved torture or serious physical abuse to Alma Marie Baker.

Unanimously YES Foreperson  
NO Foreperson

Instructions:

If you answered "NO" with respect to the Category Two Statutory Aggravating Factor in Part Two above, then stop your deliberations, and fill out Part Five finding against the imposition of the death penalty upon Frantz Oscar for the killing of Alma Marie Baker.

If you answered "YES" with respect to the Category Two Statutory Aggravating Factor in Part Two above, then you may continue your deliberations in accordance with the Court's instructions and proceed to Part Three which follows.

III. PART THREE - OTHER NON-STATUTORY AGGRAVATING FACTORS

Instructions:

For each of the following, answer "YES" or "NO" as to whether you, the jury, unanimously find that the Government has established the existence of the subject aggravating factors beyond a reasonable doubt:

1. Frantz Oscar represents a continuing danger to the lives of others in the future.

Unanimously	YES	_____
		Foreperson
	NO	_____
		Foreperson

2. Frantz Oscar has been found guilty in this trial of more than one offense that resulted in the death of a person.

Unanimously	YES	_____
		Foreperson
	NO	_____
		Foreperson

3. Frantz Oscar's background establishes a significant act of violence.

Unanimously	YES	_____
		Foreperson
	NO	_____
		Foreperson

4. Frantz Oscar displayed a lack of remorse immediately following the killing of Alma Marie Baker.

Unanimously	YES	_____
		Foreperson
	NO	_____
		Foreperson





1. Frantz Oscar is punishable as a principal only because he aided and abetted in the 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 1  
Number

2. Frantz Oscar could not reasonably have foreseen that his conduct in the course of the commission of the killing, or other offense resulting in the death for which he was convicted, would cause, or would create a grave risk of causing, death to any person.

Number of Jurors Who So Find 1  
Number

3. Frantz Oscar was youthful, although not under the age of 18.

Number of Jurors Who So Find 0  
Number

4. Frantz Oscar does not have a significant prior criminal record.

Number of Jurors Who So Find 6  
Number

5. Another defendant or defendants, equally culpable in the crime, will not be punished by death.

Number of Jurors Who So Find 10  
Number

6. The love for Petrovna Sylvestre and the breakup of this relationship caused Frantz Oscar great emotional turmoil and affected his judgment.

Number of Jurors Who So Find 0  
Number

7. Frantz Oscar was raised in an environment where he was subjected to an inordinate amount of pressure to achieve very often at the expense of his older siblings.

Number of Jurors Who So Find 0  
Number

8. The disparity with which Frantz Oscar's parents treated him as opposed to how his brother Jean was treated engendered feelings of tremendous guilt in him.

Number of Jurors Who So Find 0  
Number

9. His parents actively sought to destroy the close bond which he had formed with his older brother.

Number of Jurors Who So Find 1  
Number

10. A member or members of the Jury find factors which demonstrate, as to Frantz Oscar, that mercy should be considered.

Number of Jurors Who So Find 6  
Number

11. Frantz Oscar has been a model prisoner.

Number of Jurors Who So Find 3  
Number

12. Frantz Oscar has responded well to structured environments, and would likely make a successful adaptation to prison.

Number of Jurors Who So Find 3  
Number

13. Frantz Oscar has good chances of rehabilitation.

Number of Jurors Who So Find 7  
Number

14. That other factors in the defendant's background or character mitigate against imposition of the death sentence.

2