

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

UNITED STATES OF AMERICA

Plaintiff,

v.

CRIMINAL NO. 2:93cr131

JEAN CLAUDE OSCAR,

Defendant.

SPECIAL FINDINGS FORM REGARDING THE
PUNISHMENT TO BE IMPOSED UPON JEAN CLAUDE 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
factor beyond a reasonable doubt:

1. Jean Claude 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

or,

2. Jean Claude 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 | <u> ✓ </u> |
| | | Foreperson |
| | NO | <u> </u> |
| | | Foreperson |

Instructions:

If you answered "NO" with respect to the Category One Statutory Aggravating Factor in Part One above, then stop your deliberations and fill out Part Five finding against the imposition of the death penalty upon Jean Claude 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.

II. PART TWO - CATEGORY TWO 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 one or more of the following aggravating factors beyond a reasonable doubt:

1. Jean Claude Oscar has been previously convicted of two or more State or Federal offenses punishable by a term of imprisonment of more than one year, committed on different occasions, involving the infliction of, or attempted infliction of, serious bodily injury upon another person.

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

2. Jean Claude Oscar committed the offense charged in Count Four of the Indictment in an especially heinous, cruel, or depraved manner in that it involved torture or serious physical abuse to Wayne Anthony Ashley.

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

3. Jean Claude Oscar committed the offense charged in Count Four of the Indictment after substantial planning and premeditation.

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

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. Jean Claude Oscar represents a continuing danger to the lives of others in the future.

| | | |
|-------------|-----|------------|
| Unanimously | YES | _____ |
| | | Foreperson |
| | | ✓ |
| | NO | _____ |
| | | Foreperson |

2. Jean Claude 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. Jean Claude Oscar's background establishes significant acts of violence and/or other criminal activity.

| | | |
|-------------|-----|------------|
| Unanimously | YES | _____ |
| | | Foreperson |
| | NO | _____ |
| | | Foreperson |

4. Jean Claude Oscar has a low potential for rehabilitation.

| | | |
|-------------|-----|------------|
| Unanimously | YES | _____ |
| | | Foreperson |
| | NO | _____ |
| | | Foreperson |

1. The effect of the imposition of the death penalty upon his daughter, Shameeka Richards, and/or Sharon Richards.

Number of Jurors Who So Find

7
Number

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

Number of Jurors Who So Find

0
Number

3. There is a strong probability that Jean Claude Oscar will be sentenced to life in prison without any possibility of parole if a sentence of death is not imposed.

Number of Jurors Who So Find

4
Number

4. Jean Claude Oscar was subjected to physical and emotional abuse as a child.

Number of Jurors Who So Find

6
Number

5. Jean Claude Oscar was abandoned and neglected as a child.

Number of Jurors Who So Find

6
Number

6. Jean Claude Oscar was deprived of the parental guidance and protection which he needed as a child.

Number of Jurors Who So Find

8
Number

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

Number of Jurors Who So Find

1
Number

8. Jean Claude Oscar has responded well to structured environments, and would likely make a successful adaptation to prison if he were sentenced to life imprisonment.

Number of Jurors Who So Find

2

Number

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

Number of Jurors Who So Find

0

Number

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

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

UNITED STATES OF AMERICA

Plaintiff,

v.

CRIMINAL NO. 2:93cr131

JEAN CLAUDE OSCAR,

Defendant.

SPECIAL FINDINGS FORM REGARDING THE
PUNISHMENT TO BE IMPOSED UPON JEAN CLAUDE 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. Jean Claude Oscar intentionally killed Alma Marie
Baker;

Unanimously YES

 X
Foreperson

NO

 ✓
Foreperson

or,

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 upon Jean Claude Oscar for the finding of guilty as to Count Three, you shall consider mitigating factors, including, but not limited to the following:

1. The effect of the imposition of the death penalty upon his daughter, Shameeka Richards, and/or Sharon Richards.

Number of Jurors Who So Find 11
Number

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

Number of Jurors Who So Find

0
Number

3. There is a strong probability that Jean Claude Oscar will be sentenced to life in prison without any possibility of parole if a sentence of death is not imposed.

Number of Jurors Who So Find

3
Number

4. Jean Claude Oscar was subjected to physical and emotional abuse as a child.

Number of Jurors Who So Find

6
Number

5. Jean Claude Oscar was abandoned and neglected as a child.

Number of Jurors Who So Find

4
Number

6. Jean Claude Oscar was deprived of the parental guidance and protection which he needed as a child.

Number of Jurors Who So Find

6
Number

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

Number of Jurors Who So Find

1
Number

8. Jean Claude Oscar has responded well to structured environments, and would likely make a successful adaptation to prison if he were sentenced to life imprisonment.

Number of Jurors Who So Find

2
Number

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

Number of Jurors Who So Find

1
Number

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):

J.C. Oscar watched his brother die in Haiti

Number of Jurors Who So Find

1
Number

Adjustment to a different culture

Number of Jurors Who So Find

1
Number

Number of Jurors Who So Find

Number

Number of Jurors Who So Find

Number

Number of Jurors Who So Find

Number