

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
RICHMOND DIVISION**

UNITED STATES OF AMERICA

v.

JAMES H. ROANE, JR.
a.k.a. "J.R."

Criminal Case No. 8:92CR68-03

SPECIAL FINDINGS

I. Statutory Aggravating Factors:

Category One: (21 U.S.C. § 848(n)(1))

WE, THE JURY, FIND as follows:

1A. That defendant JAMES H. ROANE, JR., intentionally killed the victim of the capital crime.

**Proven to the jury's unanimous satisfaction,
beyond a reasonable doubt:**

As to Douglas Moody	<u>Yes</u> (Yes or No)
As to Peyton Maurice Johnson	<u>Yes</u> (Yes or No)
As to Louis J. Johnson, Jr.	<u>Yes</u> (Yes or No)

1B. That defendant JAMES H. ROANE, JR., intentionally inflicted serious bodily injury which resulted in the death of the victim of the capital crime.

Proven to the jury's unanimous satisfaction, beyond a reasonable doubt:

- As to Douglas Moody Yes
(Yes or No)
- As to Peyton Maurice Johnson Yes
(Yes or No)
- As to Louis J. Johnson, Jr. Yes
(Yes or No)

1C. That defendant JAMES H. ROANE, JR., intentionally engaged in conduct intending that the victim of the capital crime be killed, or that lethal force be employed against the victim, which resulted in the death of the victim.

Proven to the jury's unanimous satisfaction, beyond a reasonable doubt:

- As to Douglas Moody Yes
(Yes or No)
- As to Peyton Maurice Johnson Yes
(Yes or No)
- As to Louis J. Johnson, Jr. Yes
(Yes or No)

1D. That defendant JAMES H. ROANE, JR., intentionally engaged in conduct which defendant ROANE knew would create a grave risk of death to a person, other than one of the participants in the offense, and that such conduct resulted in the death of the victim of the capital crime.

Proven to the jury's unanimous satisfaction, beyond a reasonable doubt:

- As to Douglas Moody Yes
(Yes or No)
- As to Peyton Maurice Johnson Yes
(Yes or No)
- As to Louis J. Johnson, Jr. Yes
(Yes or No)

Jurors:

At this point, review your findings on the Category One aggravating factors as to each individual victim. Each victim represents a separate capital crime. If, as to any victim, you have not found one of the Category One aggravating factors proven to your unanimous satisfaction, beyond a reasonable doubt, you must now complete Section A of the Decision Form for defendant JAMES H. ROANE, JR., that relates to that victim.

If, as to one or more victims, you have found a Category One aggravating factor proven to your unanimous satisfaction, continue to the Category Two factors on the following page.

Category Two: (21 U.S.C. §§ 848(n)(2)-(12))

WE, THE JURY, find as follows:

2A. That defendant JAMES H. ROANE, JR., committed the killing of the victim of the capital crime after substantial planning and premeditation.

Proven to the jury's unanimous satisfaction, beyond a reasonable doubt:

- As to Douglas Moody Yes
(Yes or No)
- As to Peyton Maurice Johnson Yes
(Yes or No)
- As to Louis J. Johnson, Jr. Yes
(Yes or No)

Jurors: At this point, again review your findings as to each individual victim. If, as to any victim, you now have not found proven, to your unanimous satisfaction, both one of the Category One factors and one of the Category Two factors, you must complete Section A of the decision for JAMES H. ROANE, JR., that relates to that victim, if you have not already done so.

If, however, you have found both a Category One factor and a Category Two factor proven to your unanimous satisfaction as to one or more victims (i.e., one or more capital crimes), continue your deliberations with regard to those particular capital crimes by proceeding to the section on the next page dealing with nonstatutory aggravating factors.

II. Nonstatutory Aggravating Factors:

WE, THE JURY, FIND as follows:

- 1. That defendant JAMES H. ROANE, JR., committed multiple murders.

Proven to the jury's unanimous satisfaction,
beyond a reasonable doubt:

Yes
(Yes or No)

- 2. That defendant JAMES H. ROANE, JR., has a substantial criminal history.

Proven to the jury's unanimous satisfaction,
beyond a reasonable doubt:

Yes
(Yes or No)

- 3. That defendant JAMES H. ROANE, JR., was knowingly and willfully a member of a conspiracy which had as one of its goals the murder of individuals other than those for which the defendant was charged.

Proven to the jury's unanimous satisfaction,
beyond a reasonable doubt:

Yes
(Yes or No)

Jurors: Regardless of your findings as to these nonstatutory aggravating factors, proceed to the next section concerning mitigating factors.

III. Mitigating Factors:

WE, THE JURY, FIND as follows:

Jurors: Consideration of the following mitigating factors is specifically provided for by statute.

- 1. That defendant JAMES H. ROANE, JR.'s capacity to appreciate the wrongfulness of his conduct or to conform his conduct to the requirements of law was significantly impaired, regardless of whether the capacity was so impaired as to constitute a defense to the charge(s).

Number of jurors who so find,
by a preponderance of the evidence: 0
(Number)

- 2. That defendant JAMES H. ROANE, JR., is punishable as a principal (as defined in section 2 of Title 18 of the United States Code) in the offense(s), which was (were) committed by another, but defendant JAMES H. ROANE, JR.'s participation was relatively minor, regardless of whether the participation was so minor as to constitute a defense to the charge(s).

Number of jurors who so find,
by a preponderance of the evidence: 0
(Number)

- 3. That defendant JAMES H. ROANE, JR., could not reasonably have foreseen that his conduct in the course of the commission of the murder(s) would cause, or would create a grave risk of causing, death to any person.

Number of jurors who so find,
by a preponderance of the evidence: 0
(Number)

- 4. That defendant JAMES H. ROANE, JR., was youthful, although not under the age of 18.

Number of jurors who so find,
by a preponderance of the evidence: 0
(Number)

5. That defendant JAMES H. ROANE, JR., did not have a significant prior criminal record.

Number of jurors who so find,
by a preponderance of the evidence:

0
(Number)

6. That defendant JAMES H. ROANE, JR., committed the offense(s) under severe mental or emotional disturbance.

Number of jurors who so find,
by a preponderance of the evidence:

0
(Number)

7. That another defendant or defendants, equally culpable in the crime(s), will not be punished by death.

Number of jurors who so find,
by a preponderance of the evidence:

12
(Number)

8. That the victim(s) consented to the criminal conduct that resulted in his (their) deaths.

Number of jurors who so find,
by a preponderance of the evidence:

12
(Number)

9. That the following other factors in the defendant's background or character mitigate against imposition of a death sentence:

Jurors: The following are nonstatutory mitigating factors.

- a) That defendant JAMES H. ROANE, JR., was subjected to emotional, physical and sexual abuse, abandonment and neglect as a child, and was deprived of the parental guidance and protection that he needed.

Number of jurors who so find,
by a preponderance of the evidence:

12
(Number)

- b) That defendant JAMES H. ROANE, JR., suffers from neurological impairments which were identified and which could have been treated when he was a child or adolescent.

Number of jurors who so find,
by a preponderance of the evidence:

10
(Number)

c) That defendant JAMES H. ROANE, JR., suffers from brain dysfunction which has gravely impaired his ability to function in the absence of strong support and guidance.

Number of jurors who so find, by a preponderance of the evidence: 5
(Number)

d) That defendant JAMES H. ROANE, JR., has developed a paranoid mental disorder as a result of his untreated neurological impairment.

Number of jurors who so find, by a preponderance of the evidence: 0
(Number)

e) That defendant JAMES H. ROANE, JR., has responded well to structured environments, and would likely make an adaptation to prison if he were sentenced to life imprisonment.

Number of jurors who so find, by a preponderance of the evidence: 8
(Number)

f) That defendant JAMES H. ROANE, JR.'s full scale I.Q. is 85.

Number of jurors who so find, by a preponderance of the evidence: 4
(Number)

g) That defendant JAMES H. ROANE, JR., grew up in an impoverished, violent and brutal environment, and was exposed to extreme violence as a child and throughout his life.

Number of jurors who so find, by a preponderance of the evidence: 12
(Number)

h) That defendant JAMES H. ROANE, JR., if not sentenced to death, will be sentenced to life in prison without any possibility of parole.

Number of jurors who so find, by a preponderance of the evidence: 12
(Number)

Jurors:

If any juror or jurors find(s) that a mitigating factor not listed above has been proven to exist by a preponderance of the evidence, please identify that mitigating factor on the following page, together with the number of jurors who so find. Remember, however, that you need not be able to articulate a mitigating factor with specificity to consider it in your deliberations.

If additional space is needed, use the back of this page.

Factor: _____

Number of jurors who so find,
by a preponderance of the evidence: _____
(Number)

Factor: _____

Number of jurors who so find,
by a preponderance of the evidence: _____
(Number)

Factor: _____

Number of jurors who so find,
by a preponderance of the evidence: _____
(Number)

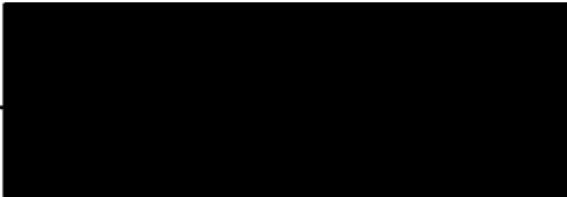
Factor: _____

Number of jurors who so find,
by a preponderance of the evidence: _____
(Number)

Jurors:

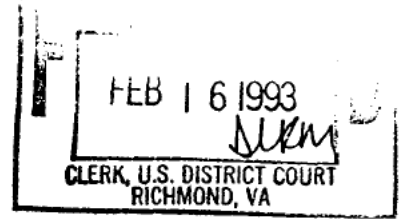
You have completed the Special Findings as to defendant JAMES H. ROANE, JR., and must now begin the process of weighing the aggravating and mitigating factors to determine if the death penalty is justified as to this defendant. Remember, you are now considering only those capital crimes for which you have not already completed Section A of the Decision Form. Upon completing your deliberations as to the remaining capital crimes charged to this defendant, complete Section B, C or D of the Decision Form for each crime as appropriate.

The date and your foreperson's signature should appear below, certifying that these are your Special Findings as to defendant JAMES H. ROANE, JR.



2/16/93
DATE

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UNITED STATES OF AMERICA

v.

JAMES H. ROANE, JR.
a.k.a. "J.R."

Criminal Case No. 3:92CR68-03

DECISION FORM

As to the crime of killing Douglas Moody while engaged in, or in furtherance of, a continuing criminal enterprise:

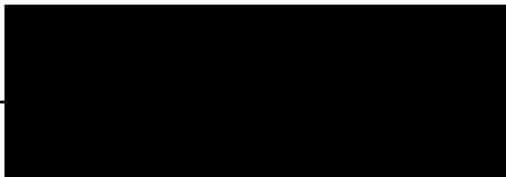
- A. WE, THE JURY, do not unanimously find proven, beyond a reasonable doubt, the existence of the statutory aggravating factors required by law as prerequisites for the imposition of capital punishment, and therefore do not consider the death penalty as to this capital crime for which defendant James H. Roane, Jr. has been convicted.

FOREPERSON'S SIGNATURE

DATE

OR

- B. WE, THE JURY, unanimously find beyond a reasonable doubt that the aggravating factors required by law as prerequisites for the imposition of capital punishment have been proven by the government as to this capital crime. We further find, unanimously and beyond a reasonable doubt, that the aggravating factors proven in this case, as to this crime and this defendant, sufficiently outweigh any mitigating factors, and are themselves so serious, that justice mandates a sentence of death. We vote unanimously that James H. Roane, Jr. shall be sentenced to death for this capital crime.



2/16/93
DATE

OR

C.

WE, THE JURY, do not unanimously find that the aggravating factors proven in this case, as to this capital crime and this defendant, so outweigh the mitigating factors that justice mandates a sentence of death. We, therefore, return a decision that James H. Roane, Jr. not be sentenced to death for this capital crime.

FOREPERSON'S SIGNATURE

DATE

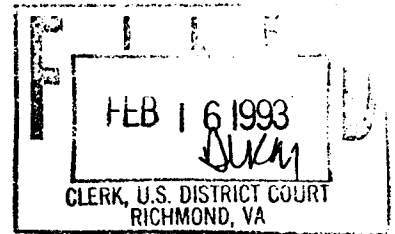
OR

D. WE, THE JURY, having considered and evaluated the evidence presented in light of the instructions of the Court, are not unanimously persuaded that a death sentence should be imposed for this capital crime. We, therefore, return a decision that James H. Roane, Jr. not be sentenced to death for this capital crime.

FOREPERSON'S SIGNATURE

DATE

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
RICHMOND DIVISION



UNITED STATES OF AMERICA)

v.)

JAMES H. ROANE, JR.)
a.k.a. "J.R.")

Criminal Case No. 3:92CR68-03

DECISION FORM

As to the crime of killing Peyton Maurice Johnson while engaged in, or in furtherance of, a continuing criminal enterprise:

- A. WE, THE JURY, do not unanimously find proven, beyond a reasonable doubt, the existence of the statutory aggravating factors required by law as prerequisites for the imposition of capital punishment, and therefore do not consider the death penalty as to this capital crime for which defendant James H. Roane, Jr. has been convicted.

FOREPERSON'S SIGNATURE

DATE

OR

- B. WE, THE JURY, unanimously find beyond a reasonable doubt that the aggravating factors required by law as prerequisites for the imposition of capital punishment have been proven by the government as to this capital crime. We further find, unanimously and beyond a reasonable doubt, that the aggravating factors proven in this case, as to this crime and this defendant, sufficiently outweigh any mitigating factors, and are themselves so serious, that justice mandates a sentence of death. We vote unanimously that James H. Roane, Jr. shall be sentenced to death for this capital crime.

FOREPERSON'S SIGNATURE

DATE

OR

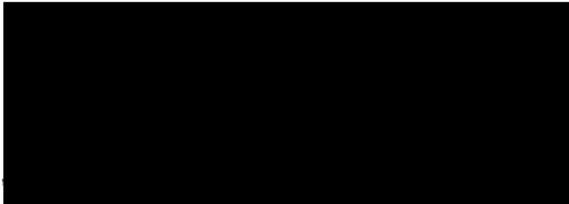
C. WE, THE JURY, do not unanimously find that the aggravating factors proven in this case, as to this capital crime and this defendant, so outweigh the mitigating factors that justice mandates a sentence of death. We, therefore, return a decision that James H. Roane, Jr. not be sentenced to death for this capital crime.

FOREPERSON'S SIGNATURE

DATE

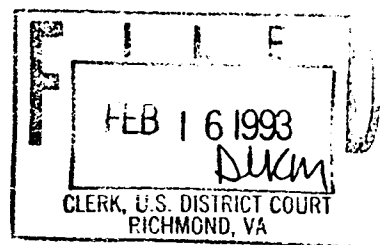
OR

D. WE, THE JURY, having considered and evaluated the evidence presented in light of the instructions of the Court, are not unanimously persuaded that a death sentence should be imposed for this capital crime. We, therefore, return a decision that James H. Roane, Jr. not be sentenced to death for this capital crime.



2/16/93
DATE

IN THE UNITED STATES DISTRICT COURT
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UNITED STATES OF AMERICA)

v.)

JAMES H. ROANE, JR.)
a.k.a. "J.R.")

Criminal Case No. 3:92CR68-03

DECISION FORM

As to the crime of killing Louis J. Johnson, Jr. while engaged in, or in furtherance of, a continuing criminal enterprise:

- A. WE, THE JURY, do not unanimously find proven, beyond a reasonable doubt, the existence of the statutory aggravating factors required by law as prerequisites for the imposition of capital punishment, and therefore do not consider the death penalty as to this capital crime for which defendant James H. Roane, Jr. has been convicted.

FOREPERSON'S SIGNATURE

DATE

OR

- B. WE, THE JURY, unanimously find beyond a reasonable doubt that the aggravating factors required by law as prerequisites for the imposition of capital punishment have been proven by the government as to this capital crime. We further find, unanimously and beyond a reasonable doubt, that the aggravating factors proven in this case, as to this crime and this defendant, sufficiently outweigh any mitigating factors, and are themselves so serious, that justice mandates a sentence of death. We vote unanimously that James H. Roane, Jr. shall be sentenced to death for this capital crime.

FOREPERSON'S SIGNATURE

DATE

OR

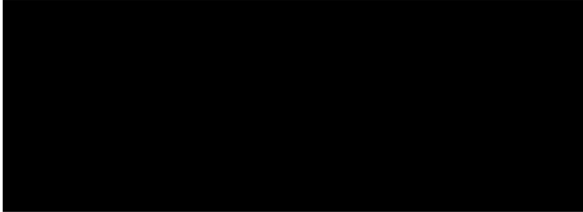
WE, THE JURY, do not unanimously find that the aggravating factors proven in this case, as to this capital crime and this defendant, so outweigh the mitigating factors that justice mandates a sentence of death. We, therefore, return a decision that James H. Roane, Jr. not be sentenced to death for this capital crime.

FOREPERSON'S SIGNATURE

DATE

OR

- D. WE, THE JURY, having considered and evaluated the evidence presented in light of the instructions of the Court, are not unanimously persuaded that a death sentence should be imposed for this capital crime. We, therefore, return a decision that James H. Roane, Jr. not be sentenced to death for this capital crime.



2/16/93
DATE