

ORIGINAL

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
FORT WORTH DIVISION

U.S. DISTRICT COURT
NORTHERN DISTRICT OF TEXAS
FILED

MAR 18 2002

CLERK, U.S. DISTRICT COURT
BY [Signature] DEPUTY

UNITED STATES OF AMERICA

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VS.

ACTION NO. 4:00-CR-260-Y

JULIUS OMAR ROBINSON (2)

SPECIAL VERDICT FORM

Question No. 1:

Do you unanimously find beyond a reasonable doubt that Julius Omar Robinson was eighteen years of age or older at the time of the offenses alleged in the Second Superseding Indictment?

Answer "Yes" or "No."

Answer: Yes.

Instruction: If you answered "Yes" to Question No. 1, proceed to Question No. 2. If you answered "No" to Question No. 1, you are finished with your deliberations.

Question No. 2--Count Three--Killing of Johnny Lee Shelton While Engaging in or Working in Furtherance of a Continuing Criminal Enterprise:

2(A). Threshold Eligibility Factors

Instruction: If you answer "Yes" to **any** of the four following questions, you may immediately proceed to Question No. 2(B) on the following page. If you answer "No" to **all** of the four following questions, proceed to Question No. 3.

(1) Do you unanimously find beyond a reasonable doubt that Julius Omar Robinson intentionally killed Johnny Lee Shelton?

Answer "Yes" or "No."

Answer: Yes.

(2) Do you unanimously find beyond a reasonable doubt that Julius Omar Robinson intentionally inflicted serious bodily injury that resulted in the death of Johnny Lee Shelton?

Answer "Yes" or "No."

Answer: Yes.

(3) Do you unanimously find beyond a reasonable doubt that Julius Omar Robinson intentionally engaged in conduct intending that Johnny Lee Shelton be killed or that lethal force be employed against Johnny Lee Shelton, which conduct resulted in the death of Johnny Lee Shelton?

Answer "Yes" or "No."

Answer: Yes.

(4) Do you unanimously find beyond a reasonable doubt that Julius Omar Robinson intentionally engaged in conduct that he knew would create a grave risk of death to a person, other than one of the participants in the offense, which conduct resulted in the death of Johnny Lee Shelton?

Answer "Yes" or "No."

Answer: Yes.

2(B). Statutory Aggravating Factors

(1) Do you unanimously find beyond a reasonable doubt that Julius Omar Robinson knowingly created a grave risk of death to one or more persons in addition to the victim, Johnny Lee Shelton?

Answer "Yes" or "No."

Answer: Yes.

(2) Do you unanimously find beyond a reasonable doubt that Julius Omar Robinson committed the offense against Johnny Lee Shelton after substantial planning and premeditation to cause the death of Johnny Lee Shelton?

Answer "Yes" or "No."

Answer: Yes.

Instruction: If you answered "Yes" to **either** portion of Question No. 2(B), proceed to Question No. 2(C) on the following page. If you answered "No" to **both** portions of Question No. 2(B), proceed to Question No. 3.

2(C). Non-Statutory Aggravating Factors

(1) Do you unanimously find beyond a reasonable doubt that Julius Omar Robinson is a future danger to the lives and safety of other persons, as evidenced by a lack of remorse during or soon after the killing of Johnny Lee Shelton, poor rehabilitative potential, specific threats, or acts of violence?

Answer "Yes" or "No."

Answer: Yes.

(2) Do you unanimously find beyond a reasonable doubt that Julius Omar Robinson engaged in a prior act of violence, namely discharging a firearm at Sara Tucker on February 7, 1995?

Answer "Yes" or "No."

Answer: Yes.

Instruction: Proceed to Question No. 2(D) regardless of how you answered either part of Question No. 2(C).

2(D). Statutory Mitigating Factors

Instruction: For each of the following mitigating factors, you must indicate, on the space provided, the number of jurors, if any, who have found the existence of that mitigating factor by a preponderance of the evidence. A finding of a mitigating factor by a preponderance of the evidence 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 concur that the factor has been established.

(1) Do **any** of you find by a preponderance of the evidence that Julius Omar Robinson was under unusual and substantial duress, regardless of whether the duress was of such a degree as to constitute a defense to the charge, as to the killing of Johnny Lee Shelton?

Number of jurors who so find: 0

(2) Do **any** of you find by a preponderance of the evidence that Julius Omar Robinson is punishable as a principal in the killing of Johnny Lee Shelton, which killing 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

(3) Do **any** of you find by a preponderance of the evidence that Julius Omar Robinson could not reasonably have foreseen that his conduct in the course of the killing of Johnny Lee Shelton would cause, or would create a grave risk of causing, death to any person?

Number of jurors who so find: 0

(4) Do **any** of you find by a preponderance of the evidence that at the time of the killing of Johnny Lee Shelton, Julius Omar Robinson was youthful, although not under the age of eighteen?

Number of jurors who so find: 1

(5) Do **any** of you find by a preponderance of the evidence that at the time of the killing of Johnny Lee Shelton, Julius Omar Robinson did not have a significant prior criminal record?

Number of jurors who so find: 4

(6) Do **any** of you find by a preponderance of the evidence that another defendant or defendants, equally culpable in the killing of Johnny Lee Shelton, will not be punished by death?

Number of jurors who so find: 9

(7) Do **any** of you find by a preponderance of the evidence that other factors in Julius Omar Robinson's background or character mitigate against imposition of the death penalty?

Number of jurors who so find: 2

Instruction: Proceed to Question No. 2(E) regardless of how you answered any part of Question No. 2(D).

2(E). Non-Statutory Mitigating Factors

Instruction: For each of the following mitigating factors, you must indicate, on the space provided, the number of jurors, if any, who have found the existence of that mitigating factor by a preponderance of the evidence. A finding of a mitigating factor by a preponderance of the evidence 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 concur that the factor has been established.

(1) Do **any** of you find by a preponderance of the evidence that Julius Omar Robinson has exhibited good behavior in a jail, prison, institutional setting, or other structured environment and would adapt to prison if he were sentenced to life imprisonment without the possibility of release or parole, and that this mitigates against imposition of the death penalty?

Number of jurors who so find: 5

(2) Do **any** of you find by a preponderance of the evidence that Julius Omar Robinson was subjected to emotional abuse, abandonment, or neglect as a child and was deprived of the parental guidance and protection that he needed, and that this mitigates against imposition of the death penalty?

Number of jurors who so find: 0

(3) Do **any** of you find by a preponderance of the evidence that the fact that Julius Omar Robinson can be sentenced to life in prison without any possibility of parole or release if he is not executed mitigates against imposition of the death penalty?

Number of jurors who so find: 4

(4) Do **any** of you find by a preponderance of the evidence that a substantial portion of the evidence against Julius Omar Robinson regarding the killing of Johnny Lee Shelton consisted of the testimony of either accomplices in the killing and/or persons who have made agreements with the government in expectation of possible leniency for their criminal conduct, and that this mitigates against imposition of the death penalty?

Number of jurors who so find: 3

(5) Do **any** of you find by a preponderance of the evidence that there was little or no physical evidence against Julius Omar Robinson linking him to or proving his involvement in the killing of Johnny Lee Shelton, and that this mitigates against imposition of the death penalty?

Number of jurors who so find: 6

(6) Do **any** of you find by a preponderance of the evidence that Julius Omar Robinson presents a low risk of harm to others in a prison or institutional setting, and that this mitigates against imposition of the death penalty?

Number of jurors who so find: 2

(7) Do any of you find by a preponderance of the evidence the existence of any other mitigating factor, outside of those provided for by statute or proposed by Julius Omar Robinson?

Mitigating Factor

Number of Jurors Who So Find

Instruction: Proceed to Question No. 2(F) regardless of how you answered any part of Question No. 2(E).

2(F). Recommendation

Based upon consideration of whether the aggravating factor or 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 factor or factors are themselves sufficient to justify a sentence of death, we recommend, by unanimous vote, that Julius Omar Robinson should be sentenced as follows for the killing of Johnny Lee Shelton while engaging in or working in furtherance of a continuing criminal enterprise:

- Death
 Life Imprisonment Without Possibility of Release
 Some Other Lesser Sentence

Instruction: Proceed to Question No. 3 regardless of how you answered Question No. 2(F).

Question No. 3--Count Three--Killing of Juan Reyes While Engaging in or Working in Furtherance of a Continuing Criminal Enterprise:

3 (A) . Threshold Eligibility Factors

Instruction: If you answer "Yes" to **any** of the four following questions, you may immediately proceed to Question No. 3(B) on the following page. If you answer "No" to **all** of the four following questions, proceed to Question No. 4.

(1) Do you unanimously find beyond a reasonable doubt that Julius Omar Robinson intentionally killed Juan Reyes?

Answer "Yes" or "No."

Answer: Yes.

(2) Do you unanimously find beyond a reasonable doubt that Julius Omar Robinson intentionally inflicted serious bodily injury that resulted in the death of Juan Reyes?

Answer "Yes" or "No."

Answer: Yes.

(3) Do you unanimously find beyond a reasonable doubt that Julius Omar Robinson intentionally engaged in conduct intending that Juan Reyes be killed or that lethal force be employed against Juan Reyes, which conduct resulted in the death of Juan Reyes?

Answer "Yes" or "No."

Answer: Yes.

(4) Do you unanimously find beyond a reasonable doubt that Julius Omar Robinson intentionally engaged in conduct that he knew would create a grave risk of death to a person, other than one of the participants in the offense, which conduct resulted in the death of Juan Reyes?

Answer "Yes" or "No."

Answer: Yes.

3 (B) . Statutory Aggravating Factors

(1) Do you unanimously find beyond a reasonable doubt that Julius Omar Robinson knowingly created a grave risk of death to one or more persons in addition to the victim, Juan Reyes?

Answer "Yes" or "No."

Answer: Yes.

(2) Do you unanimously find beyond a reasonable doubt that Julius Omar Robinson committed the offense against Juan Reyes after substantial planning and premeditation to cause the death of Juan Reyes?

Answer "Yes" or "No."

Answer: Yes.

(3) Do you unanimously find beyond a reasonable doubt that Julius Omar Robinson committed the offense against Juan Reyes in an especially heinous, cruel, or depraved manner in that it involved torture or serious physical abuse to Juan Reyes?

Answer "Yes" or "No."

Answer: Yes.

Instruction: If you answered "Yes" to **any** portion of Question No. 3(B), proceed to Question No. 3(C) on the following page. If you answered "No" to **all** portions of Question No. 3(B), proceed to Question No. 4.

3(C). Non-Statutory Aggravating Factors

(1) Do you unanimously find beyond a reasonable doubt that Julius Omar Robinson is a future danger to the lives and safety of other persons, as evidenced by a lack of remorse during or soon after the killing of Juan Reyes, poor rehabilitative potential, specific threats, or acts of violence?

Answer "Yes" or "No."

Answer: Yes.

(2) Do you unanimously find beyond a reasonable doubt that Julius Omar Robinson engaged in a prior act of violence, namely discharging a firearm at Sara Tucker on February 7, 1995?

Answer "Yes" or "No."

Answer: Yes.

Instruction: Proceed to Question No. 3(D) regardless of how you answered either part of Question No. 3(C).

3 (D) . Statutory Mitigating Factors

Instruction: For each of the following mitigating factors, you must indicate, on the space provided, the number of jurors, if any, who have found the existence of that mitigating factor by a preponderance of the evidence. A finding of a mitigating factor by a preponderance of the evidence 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 concur that the factor has been established.

(1) Do **any** of you find by a preponderance of the evidence that Julius Omar Robinson was under unusual and substantial duress, regardless of whether the duress was of such a degree as to constitute a defense to the charge, as to the killing of Juan Reyes?

Number of jurors who so find: 0

(2) Do **any** of you find by a preponderance of the evidence that Julius Omar Robinson is punishable as a principal in the killing of Juan Reyes, which killing 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

(3) Do **any** of you find by a preponderance of the evidence that Julius Omar Robinson could not reasonably have foreseen that his conduct in the course of the killing of Juan Reyes would cause, or would create a grave risk of causing, death to any person?

Number of jurors who so find: 0

(4) Do **any** of you find by a preponderance of the evidence that at the time of the killing of Juan Reyes, Julius Omar Robinson was youthful, although not under the age of eighteen?

Number of jurors who so find: 1

(5) Do **any** of you find by a preponderance of the evidence that at the time of the killing of Juan Reyes, Julius Omar Robinson did not have a significant prior criminal record?

Number of jurors who so find: 3

(6) Do **any** of you find by a preponderance of the evidence that another defendant or defendants, equally culpable in the killing of Juan Reyes, will not be punished by death?

Number of jurors who so find: 12

(7) Do **any** of you find by a preponderance of the evidence that other factors in Julius Omar Robinson's background or character mitigate against imposition of the death penalty?

Number of jurors who so find: 2

Instruction: Proceed to Question No. 3(E) regardless of how you answered any part of Question No. 3(D).

3 (E). Non-Statutory Mitigating Factors

Instruction: For each of the following mitigating factors, you must indicate, on the space provided, the number of jurors, if any, who have found the existence of that mitigating factor by a preponderance of the evidence. A finding of a mitigating factor by a preponderance of the evidence 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 concur that the factor has been established.

(1) Do **any** of you find by a preponderance of the evidence that Julius Omar Robinson has exhibited good behavior in a jail, prison, institutional setting, or other structured environment and would adapt to prison if he were sentenced to life imprisonment without the possibility of release or parole, and that this mitigates against imposition of the death penalty?

Number of jurors who so find: 3

(2) Do **any** of you find by a preponderance of the evidence that Julius Omar Robinson was subjected to emotional abuse, abandonment, or neglect as a child and was deprived of the parental guidance and protection that he needed, and that this mitigates against imposition of the death penalty?

Number of jurors who so find: 0

(3) Do **any** of you find by a preponderance of the evidence that the fact that Julius Omar Robinson can be sentenced to life in prison without any possibility of parole or release if he is not executed mitigates against imposition of the death penalty?

Number of jurors who so find: 4

(4) Do **any** of you find by a preponderance of the evidence that a substantial portion of the evidence against Julius Omar Robinson regarding the killing of Juan Reyes consisted of the testimony of either accomplices in the killing and/or persons who have made agreements with the government in expectation of possible leniency for their criminal conduct, and that this mitigates against imposition of the death penalty?

Number of jurors who so find: 2

(5) Do any of you find by a preponderance of the evidence that there was little or no physical evidence against Julius Omar Robinson linking him to or proving his involvement in the killing of Juan Reyes, and that this mitigates against imposition of the death penalty?

Number of jurors who so find: 2

(6) Do any of you find by a preponderance of the evidence that Julius Omar Robinson presents a low risk of harm to others in a prison or institutional setting, and that this mitigates against imposition of the death penalty?

Number of jurors who so find: 3

(7) Do any of you find by a preponderance of the evidence the existence of any other mitigating factor, outside of those provided for by statute or proposed by Julius Omar Robinson?

Mitigating Factor

Number of Jurors Who So Find

Instruction: Proceed to Question No. 3(F) regardless of how you answered any part of Question No. 3(E).

3 (F) . Recommendation

Based upon consideration of whether the aggravating factor or 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 factor or factors are themselves sufficient to justify a sentence of death, we recommend, by unanimous vote, that Julius Omar Robinson should be sentenced as follows for the killing of Juan Reyes while engaging in or working in furtherance of a continuing criminal enterprise:

- Death
- Life Imprisonment Without Possibility of Release
- Some Other Lesser Sentence

Instruction: Proceed to Question No. 4 regardless of how you answered Question No. 3(F).

Question No. 4--Count Three--Killing of Rudolfo Resendez While Engaging in or Working in Furtherance of a Continuing Criminal Enterprise:

4 (A). Threshold Eligibility Factors

Instruction: If you answer "Yes" to **either** of the following questions, you may immediately proceed to Question No. 4(B) on the following page. If you answer "No" to **both** of the following questions, proceed to Question No. 5.

(1) Do you unanimously find beyond a reasonable doubt that Julius Omar Robinson intentionally engaged in conduct intending that Rudolfo Resendez be killed or that lethal force be employed against Rudolfo Resendez, which conduct resulted in the death of Rudolfo Resendez?

Answer "Yes" or "No."

Answer: No.

(2) Do you unanimously find beyond a reasonable doubt that Julius Omar Robinson intentionally engaged in conduct that he knew would create a grave risk of death to a person, other than one of the participants in the offense, which conduct resulted in the death of Rudolfo Resendez?

Answer "Yes" or "No."

Answer: Yes.

4(B). Statutory Aggravating Factors

(1) Do you unanimously find beyond a reasonable doubt that Julius Omar Robinson participated in the killing of Rudolfo Resendez as consideration for the receipt, or in the expectation of the receipt, of anything of pecuniary value?

Answer "Yes" or "No."

Answer: Yes.

(2) Do you unanimously find beyond a reasonable doubt that Julius Omar Robinson committed the offense against Rudolfo Resendez after substantial planning and premeditation to cause the death of Rudolfo Resendez?

Answer "Yes" or "No."

Answer: Yes.

Instruction: If you answered "Yes" to **either** portion of Question No. 4(B), proceed to Question No. 4(C) on the following page. If you answered "No" to **both** portions of Question No. 4(B), proceed to Question No. 5.

4 (C) . Non-Statutory Aggravating Factors

(1) Do you unanimously find beyond a reasonable doubt that Julius Omar Robinson is a future danger to the lives and safety of other persons, as evidenced by a lack of remorse during or soon after the killing of Rudolfo Resendez, poor rehabilitative potential, specific threats, or acts of violence?

Answer "Yes" or "No."

Answer: Yes.

(2) Do you unanimously find beyond a reasonable doubt that Julius Omar Robinson engaged in a prior act of violence, namely discharging a firearm at Sara Tucker on February 7, 1995?

Answer "Yes" or "No."

Answer: Yes.

Instruction: Proceed to Question No. 4 (D) regardless of how you answered any part of Question No. 4 (C) .

4 (D) . Statutory Mitigating Factors

Instruction: For each of the following mitigating factors, you must indicate, on the space provided, the number of jurors, if any, who have found the existence of that mitigating factor by a preponderance of the evidence. A finding of a mitigating factor by a preponderance of the evidence 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 concur that the factor has been established.

(1) Do **any** of you find by a preponderance of the evidence that Julius Omar Robinson was under unusual and substantial duress, regardless of whether the duress was of such a degree as to constitute a defense to the charge, as to the killing of Rudolfo Resendez?

Number of jurors who so find: 0

(2) Do **any** of you find by a preponderance of the evidence that Julius Omar Robinson is punishable as a principal in the killing of Rudolfo Resendez, which killing 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: 6

(3) Do **any** of you find by a preponderance of the evidence that Julius Omar Robinson could not reasonably have foreseen that his conduct in the course of the killing of Rudolfo Resendez would cause, or would create a grave risk of causing, death to any person?

Number of jurors who so find: 1

(4) Do **any** of you find by a preponderance of the evidence that at the time of the killing of Rudolfo Resendez, Julius Omar Robinson was youthful, although not under the age of eighteen?

Number of jurors who so find: 7

(5) Do **any** of you find by a preponderance of the evidence that at the time of the killing of Rudolfo Resendez, Julius Omar Robinson did not have a significant prior criminal record?

Number of jurors who so find: 3

(6) Do **any** of you find by a preponderance of the evidence that another defendant or defendants, equally culpable in the killing of Rudolfo Resendez, will not be punished by death?

Number of jurors who so find: 12

(7) Do **any** of you find by a preponderance of the evidence that other factors in Julius Omar Robinson's background or character mitigate against imposition of the death penalty?

Number of jurors who so find: 2

Instruction: Proceed to Question No. 4(E) regardless of how you answered any part of Question No. 4(D).

4 (E) . Non-Statutory Mitigating Factors

Instruction: For each of the following mitigating factors, you must indicate, on the space provided, the number of jurors, if any, who have found the existence of that mitigating factor by a preponderance of the evidence. A finding of a mitigating factor by a preponderance of the evidence 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 concur that the factor has been established.

(1) Do **any** of you find by a preponderance of the evidence that Julius Omar Robinson has exhibited good behavior in a jail, prison, institutional setting, or other structured environment and would adapt to prison if he were sentenced to life imprisonment without the possibility of release or parole, and that this mitigates against imposition of the death penalty?

Number of jurors who so find: 3

(2) Do **any** of you find by a preponderance of the evidence that Julius Omar Robinson was subjected to emotional abuse, abandonment, or neglect as a child and was deprived of the parental guidance and protection that he needed, and that this mitigates against imposition of the death penalty?

Number of jurors who so find: 0

(3) Do **any** of you find by a preponderance of the evidence that the fact that Julius Omar Robinson can be sentenced to life in prison without any possibility of parole or release if he is not executed mitigates against imposition of the death penalty?

Number of jurors who so find: 8

(4) Do **any** of you find by a preponderance of the evidence that a substantial portion of the evidence against Julius Omar Robinson regarding the killing of Rudolfo Resendez consisted of the testimony of either accomplices in the killing and/or persons who have made agreements with the government in expectation of possible leniency for their criminal conduct, and that this mitigates against imposition of the death penalty?

Number of jurors who so find: 12

(5) Do any of you find by a preponderance of the evidence that there was little or no physical evidence against Julius Omar Robinson linking him to or proving his involvement in the killing of Rudolfo Resendez, and that this mitigates against imposition of the death penalty?

Number of jurors who so find: 12

(6) Do **any** of you find by a preponderance of the evidence that Julius Omar Robinson presents a low risk of harm to others in a prison or institutional setting, and that this mitigates against imposition of the death penalty?

Number of jurors who so find: 3

(7) Do **any** of you find by a preponderance of the evidence the existence of any other mitigating factor, outside of those provided for by statute or proposed by Julius Omar Robinson?

Mitigating Factor

Number of Jurors Who So Find

Instruction: Proceed to Question No. 4(F) regardless of how you answered any part of Question No. 4(E).

4 (F) . Recommendation

Based upon consideration of whether the aggravating factor or 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 factor or factors are themselves sufficient to justify a sentence of death, we recommend, by unanimous vote, that Julius Omar Robinson should be sentenced as follows for the killing of Rudolfo Resendez while engaging in or working in furtherance of a continuing criminal enterprise:

- Death
✓ Life Imprisonment Without Possibility of Release
 Some Other Lesser Sentence

Instruction: Proceed to Question No. 5 regardless of how you answered Question No. 4(F) .

Question No. 5--Count Seven--Killing of Johnny Lee Shelton in the Course of Carrying or Using a Firearm During and in Relation to a Drug-Trafficking Crime:

5 (A). Threshold Eligibility Factors

Instruction: If you answer "Yes" to **any** of the four following questions, you may immediately proceed to Question No. 5(B) on the following page. If you answer "No" to **all** of the four following questions, proceed to Question No. 6.

(1) Do you unanimously find beyond a reasonable doubt that Julius Omar Robinson intentionally killed Johnny Lee Shelton?

Answer "Yes" or "No."

Answer: Yes.

(2) Do you unanimously find beyond a reasonable doubt that Julius Omar Robinson intentionally inflicted serious bodily injury that resulted in the death of Johnny Lee Shelton?

Answer "Yes" or "No."

Answer: Yes.

(3) Do you unanimously find beyond a reasonable doubt that Julius Omar Robinson intentionally participated in an act, contemplating that the life of a person would be taken, or intending that lethal force would be used in connection with a person, other than one of the participants in the offense, and Johnny Lee Shelton died as a direct result of the act?

Answer "Yes" or "No."

Answer: Yes.

(4) Do you unanimously find beyond a reasonable doubt that Julius Omar Robinson intentionally and specifically engaged in an act of violence, knowing that the act created a grave risk of death to a person, other than one of the participants in the offense, such that participation in the act constituted a reckless disregard for human life, and Johnny Lee Shelton died as a direct result of the act?

Answer "Yes" or "No."

Answer: Yes.

5(B). Statutory Aggravating Factors

(1) Do you unanimously find beyond a reasonable doubt that Julius Omar Robinson, in the commission of the offense, knowingly created a grave risk of death to one or more persons in addition to Johnny Lee Shelton, the victim of the offense?

Answer "Yes" or "No."

Answer: Yes.

(2) Do you unanimously find beyond a reasonable doubt that Julius Omar Robinson committed the offense against Johnny Lee Shelton after substantial planning and premeditation to cause the death of Johnny Lee Shelton?

Answer "Yes" or "No."

Answer: Yes.

Instruction: If you answered "Yes" to **either** portion of Question No. 5(B), proceed to Question No. 5(C) on the following page. If you answered "No" to **both** portions of Question No. 5(B), proceed to Question No. 6.

5(C). Non-Statutory Aggravating Factors

(1) Do you unanimously find beyond a reasonable doubt that Julius Omar Robinson is a future danger to the lives and safety of other persons, as evidenced by a lack of remorse during or soon after the killing of Johnny Lee Shelton, poor rehabilitative potential, specific threats, or acts of violence?

Answer "Yes" or "No."

Answer: Yes.

(2) Do you unanimously find beyond a reasonable doubt that Julius Omar Robinson engaged in a prior act of violence, namely discharging a firearm at Sara Tucker on February 7, 1995?

Answer "Yes" or "No."

Answer: Yes.

Instruction: Proceed to Question No. 5(D) regardless of how you answered any part of Question No. 5(C).

5(D). Statutory Mitigating Factors

Instruction: For each of the following mitigating factors, you must indicate, on the space provided, the number of jurors, if any, who have found the existence of that mitigating factor by a preponderance of the evidence. A finding of a mitigating factor by a preponderance of the evidence 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 concur that the factor has been established.

(1) Do **any** of you find by a preponderance of the evidence that Julius Omar Robinson was under unusual and substantial duress, regardless of whether the duress was of such a degree as to constitute a defense to the charge, as to the killing of Johnny Lee Shelton?

Number of jurors who so find: 0

(2) Do **any** of you find by a preponderance of the evidence that Julius Omar Robinson is punishable as a principal in the killing of Johnny Lee Shelton, which killing 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

(3) Do **any** of you find by a preponderance of the evidence that another defendant or defendants, equally culpable in the killing of Johnny Lee Shelton, will not be punished by death?

Number of jurors who so find: 10

(4) Do **any** of you find by a preponderance of the evidence that other factors in Julius Omar Robinson's background or character mitigate against imposition of the death penalty?

Number of jurors who so find: 2

Instruction: Proceed to Question No. 5(E) regardless of how you answered any part of Question No. 5(D).

5(E). Non-Statutory Mitigating Factors

Instruction: For each of the following mitigating factors, you must indicate, on the space provided, the number of jurors, if any, who have found the existence of that mitigating factor by a preponderance of the evidence. A finding of a mitigating factor by a preponderance of the evidence 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 concur that the factor has been established.

(1) Do **any** of you find by a preponderance of the evidence that Julius Omar Robinson has exhibited good behavior in a jail, prison, institutional setting, or other structured environment and would adapt to prison if he were sentenced to life imprisonment without the possibility of release or parole, and that this mitigates against imposition of the death penalty?

Number of jurors who so find: 3

(2) Do **any** of you find by a preponderance of the evidence that Julius Omar Robinson was subjected to emotional abuse, abandonment, or neglect as a child and was deprived of the parental guidance and protection that he needed, and that this mitigates against imposition of the death penalty?

Number of jurors who so find: 0

(3) Do **any** of you find by a preponderance of the evidence that the fact that Julius Omar Robinson can be sentenced to life in prison without any possibility of parole or release if he is not executed mitigates against imposition of the death penalty?

Number of jurors who so find: 3

(4) Do **any** of you find by a preponderance of the evidence that a substantial portion of the evidence against Julius Omar Robinson regarding the killing of Johnny Lee Shelton consisted of the testimony of either accomplices in the killing and/or persons who have made agreements with the government in expectation of possible leniency for their criminal conduct, and that this mitigates against imposition of the death penalty?

Number of jurors who so find: 2

(5) Do **any** of you find by a preponderance of the evidence that there was little or no physical evidence against Julius Omar Robinson linking him to or proving his involvement in the killing of Johnny Lee Shelton, and that this mitigates against imposition of the death penalty?

Number of jurors who so find: 10

(6) Do **any** of you find by a preponderance of the evidence that at the time of the killing of Johnny Lee Shelton, Julius Omar Robinson was youthful, although not under the age of eighteen?

Number of jurors who so find: 7

(7) Do **any** of you find by a preponderance of the evidence that at the time of the killing of Johnny Lee Shelton, Julius Omar Robinson did not have a significant prior criminal record?

Number of jurors who so find: 5

(8) Do **any** of you find by a preponderance of the evidence that Julius Omar Robinson presents a low risk of harm to others in a prison or institutional setting, and that this mitigates against imposition of the death penalty?

Number of jurors who so find: 3

(9) Do **any** of you find by a preponderance of the evidence the existence of any other mitigating factor, outside of those provided for by statute or proposed by Julius Omar Robinson?

Mitigating Factor

Number of Jurors Who So Find

Instruction: Proceed to Question No. 5(F) regardless of how you answered any part of Question No. 5(E).

5 (F) . Recommendation

Based upon consideration of whether the aggravating factor or 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 factor or factors are themselves sufficient to justify a sentence of death, we recommend, by unanimous vote, that Julius Omar Robinson should be sentenced as follows for the killing of Johnny Lee Shelton in the course of carrying or using a firearm during and in relation to a drug-trafficking crime:

- Death
- Life Imprisonment Without Possibility of Release
- Some Other Lesser Sentence

Instruction: Proceed to Question No. 6 regardless of how you answered Question No. 5(F) .

Question No. 6--Count Eleven--Killing of Juan Reyes in the Course of Carrying or Using a Firearm During and in Relation to a Drug-Trafficking Crime:

6(A). Threshold Eligibility Factors

Instruction: If you answer "Yes" to **any** of the four following questions, you may immediately proceed to Question No. 6(B) on the following page. If you answer "No" to **all** of the four following questions, proceed to Question No. 7.

(1) Do you unanimously find beyond a reasonable doubt that Julius Omar Robinson intentionally killed Juan Reyes?

Answer "Yes" or "No."

Answer: Yes.

(2) Do you unanimously find beyond a reasonable doubt that Julius Omar Robinson intentionally inflicted serious bodily injury that resulted in the death of Juan Reyes?

Answer "Yes" or "No."

Answer: Yes.

(3) Do you unanimously find beyond a reasonable doubt that Julius Omar Robinson intentionally participated in an act, contemplating that the life of a person would be taken, or intending that lethal force would be used in connection with a person, other than one of the participants in the offense, and Juan Reyes died as a direct result of the act?

Answer "Yes" or "No."

Answer: Yes.

(4) Do you unanimously find beyond a reasonable doubt that Julius Omar Robinson intentionally and specifically engaged in an act of violence, knowing that the act created a grave risk of death to a person, other than one of the participants in the offense, such that participation in the act constituted a reckless disregard for human life, and Juan Reyes died as a direct result of the act?

Answer "Yes" or "No."

Answer: Yes.

6(B). Statutory Aggravating Factors

(1) Do you unanimously find beyond a reasonable doubt that Julius Omar Robinson, in the commission of the offense, knowingly created a grave risk of death to one or more persons in addition to Juan Reyes, the victim of the offense?

Answer "Yes" or "No."

Answer: Yes.

(2) Do you unanimously find beyond a reasonable doubt that Julius Omar Robinson committed the offense against Juan Reyes in an especially heinous, cruel, and depraved manner in that it involved torture or serious physical abuse to Juan Reyes?

Answer "Yes" or "No."

Answer: Yes.

(3) Do you unanimously find beyond a reasonable doubt that Julius Omar Robinson committed the offense against Juan Reyes after substantial planning and premeditation to cause the death of Juan Reyes?

Answer "Yes" or "No."

Answer: Yes.

(4) Do you unanimously find beyond a reasonable doubt that, during the killing of Juan Reyes, Julius Omar Robinson intentionally killed or attempted to kill more than one person in a single criminal episode?

Answer "Yes" or "No."

Answer: Yes.

Instruction: If you answered "Yes" to **any** portion of Question No. 6(B), proceed to Question No. 6(C) on the following page. If you answered "No" to **all** portions of Question No. 6(B), proceed to Question No. 7.

6 (C). Non-Statutory Aggravating Factors

(1) Do you unanimously find beyond a reasonable doubt that Julius Omar Robinson is a future danger to the lives and safety of other persons, as evidenced by a lack of remorse during or soon after the killing of Juan Reyes, poor rehabilitative potential, and specific threats, and acts of violence?

Answer "Yes" or "No."

Answer: Yes.

(2) Do you unanimously find beyond a reasonable doubt that Julius Omar Robinson engaged in a prior act of violence, namely discharging a firearm at Sara Tucker on February 7, 1995?

Answer "Yes" or "No."

Answer: Yes.

Instruction: Proceed to Question No. 6 (D) regardless of how you answered any part of Question No. 6 (C).

6 (D). Statutory Mitigating Factors

Instruction: For each of the following mitigating factors, you must indicate, on the space provided, the number of jurors, if any, who have found the existence of that mitigating factor by a preponderance of the evidence. A finding of a mitigating factor by a preponderance of the evidence 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 concur that the factor has been established.

(1) Do **any** of you find by a preponderance of the evidence that Julius Omar Robinson was under unusual and substantial duress, regardless of whether the duress was of such a degree as to constitute a defense to the charge, as to the killing of Juan Reyes?

Number of jurors who so find: 0

(2) Do **any** of you find by a preponderance of the evidence that Julius Omar Robinson is punishable as a principal in the killing of Juan Reyes, which killing 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

(3) Do **any** of you find by a preponderance of the evidence that another defendant or defendants, equally culpable in the killing of Juan Reyes, will not be punished by death?

Number of jurors who so find: 11

(4) Do **any** of you find by a preponderance of the evidence that other factors in Julius Omar Robinson's background or character mitigate against imposition of the death penalty?

Number of jurors who so find: 2

Instruction: Proceed to Question No. 6 (E) regardless of how you answered any part of Question No. 6 (D).

6 (E) . Non-Statutory Mitigating Factors

Instruction: For each of the following mitigating factors, you must indicate, on the space provided, the number of jurors, if any, who have found the existence of that mitigating factor by a preponderance of the evidence. A finding of a mitigating factor by a preponderance of the evidence 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 concur that the factor has been established.

(1) Do **any** of you find by a preponderance of the evidence that Julius Omar Robinson has exhibited good behavior in a jail, prison, institutional setting, or other structured environment and would adapt to prison if he were sentenced to life imprisonment without the possibility of release or parole, and that this mitigates against imposition of the death penalty?

Number of jurors who so find: 3

(2) Do **any** of you find by a preponderance of the evidence that Julius Omar Robinson was subjected to emotional abuse, abandonment, or neglect as a child and was deprived of the parental guidance and protection that he needed, and that this mitigates against imposition of the death penalty?

Number of jurors who so find: 0

(3) Do **any** of you find by a preponderance of the evidence that the fact that Julius Omar Robinson can be sentenced to life in prison without any possibility of parole or release if he is not executed mitigates against imposition of the death penalty?

Number of jurors who so find: 4

(4) Do **any** of you find by a preponderance of the evidence that a substantial portion of the evidence against Julius Omar Robinson regarding the killing of Juan Reyes consisted of the testimony of either accomplices in the killing and/or persons who have made agreements with the government in expectation of possible leniency for their criminal conduct, and that this mitigates against imposition of the death penalty?

Number of jurors who so find: 2

(5) Do **any** of you find by a preponderance of the evidence that there was little or no physical evidence against Julius Omar Robinson linking him to or proving his involvement in the killing of Juan Reyes, and that this mitigates against imposition of the death penalty?

Number of jurors who so find: 0

(6) Do **any** of you find by a preponderance of the evidence that at the time of the killing of Juan Reyes, Julius Omar Robinson was youthful, although not under the age of eighteen?

Number of jurors who so find: 7

(7) Do **any** of you find by a preponderance of the evidence that at the time of the killing of Juan Reyes, Julius Omar Robinson did not have a significant prior criminal record?

Number of jurors who so find: 5

(8) Do **any** of you find by a preponderance of the evidence that Julius Omar Robinson presents a low risk of harm to others in a prison or institutional setting, and that this mitigates against imposition of the death penalty?

Number of jurors who so find: 3

(9) Do **any** of you find by a preponderance of the evidence the existence of any other mitigating factor, outside of those provided for by statute or proposed by Julius Omar Robinson?

Mitigating Factor

Number of Jurors Who So Find

Instruction: Proceed to Question No. 6(F) regardless of how you answered any part of Question No. 6(E).

6 (F) . Recommendation

Based upon consideration of whether the aggravating factor or 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 factor or factors are themselves sufficient to justify a sentence of death, we recommend, by unanimous vote, that Julius Omar Robinson should be sentenced as follows for the killing of Juan Reyes in the course of carrying or using a firearm during and in relation to a drug-trafficking crime:

- Death
 Life Imprisonment Without Possibility of Release
 Some Other Lesser Sentence

Instruction: Proceed to Question No. 7 regardless of how you answered Question No. 6 (F) .

Question 7--Count Fifteen--Killing of Rudolfo Resendez in the Course of Carrying or Using a Firearm During and in Relation to a Drug-Trafficking Crime:

7 (A). Threshold Eligibility Factor

Do you unanimously find beyond a reasonable doubt that Julius Omar Robinson intentionally participated in an act, contemplating that the life of a person would be taken, or intending that lethal force would be used in connection with a person, other than one of the participants in the offense, and Rudolfo Resendez died as a direct result of the act?

Answer "Yes" or "No."

Answer: Yes.

Instruction: If you answered "Yes" to the question above, proceed to Question No. 7(B) on the following page. If you answered "No" to question above, proceed to Question No. 8.

7(B). Statutory Aggravating Factors

(1) Do you unanimously find beyond a reasonable doubt that Julius Omar Robinson, participated in the killing of Rudolfo Resendez as consideration for the receipt, or in the expectation of the receipt of anything of pecuniary value?

Answer "Yes" or "No."

Answer: Yes.

(2) Do you unanimously find beyond a reasonable doubt that Julius Omar Robinson committed the offense against Rudolfo Resendez after substantial planning and premeditation to cause the death of Rudolfo Resendez?

Answer "Yes" or "No."

Answer: Yes.

Instruction: If you answered "Yes" to **either** portion of Question No. 7(B), proceed to Question No. 7(C) on the following page. If you answered "No" to **both** portions of Question No. 7(B), proceed to Question No. 8.

7(C). Non-Statutory Aggravating Factors

(1) Do you unanimously find beyond a reasonable doubt that Julius Omar Robinson is a future danger to the lives and safety of other persons, as evidenced by a lack of remorse during or soon after the killing of Rudolfo Resendez, poor rehabilitative potential, and specific threats, and acts of violence?

Answer "Yes" or "No."

Answer: Yes.

(2) Do you unanimously find beyond a reasonable doubt that Julius Omar Robinson engaged in a prior act of violence, namely discharging a firearm at Sara Tucker on February 7, 1995?

Answer "Yes" or "No."

Answer: Yes.

Instruction: Proceed to Question No. 7(D) regardless of how you answered any part of Question No. 7(C).

7(D). Statutory Mitigating Factors

Instruction: For each of the following mitigating factors, you must indicate, on the space provided, the number of jurors, if any, who have found the existence of that mitigating factor by a preponderance of the evidence. A finding of a mitigating factor by a preponderance of the evidence 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 concur that the factor has been established.

(1) Do **any** of you find by a preponderance of the evidence that Julius Omar Robinson was under unusual and substantial duress, regardless of whether the duress was of such a degree as to constitute a defense to the charge, as to the killing of Rudolfo Resendez?

Number of jurors who so find: 0

(2) Do **any** of you find by a preponderance of the evidence that Julius Omar Robinson is punishable as a principal in the killing of Rudolfo Resendez, which killing 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: 7

(3) Do **any** of you find by a preponderance of the evidence that another defendant or defendants, equally culpable in the killing of Rudolfo Resendez, will not be punished by death?

Number of jurors who so find: 12

(4) Do **any** of you find by a preponderance of the evidence that other factors in Julius Omar Robinson's background or character mitigate against imposition of the death penalty?

Number of jurors who so find: 2

Instruction: Proceed to Question No. 7(E) regardless of how you answered any part of Question No. 7(D).

7(E). Non-Statutory Mitigating Factors

Instruction: For each of the following mitigating factors, you must indicate, on the space provided, the number of jurors, if any, who have found the existence of that mitigating factor by a preponderance of the evidence. A finding of a mitigating factor by a preponderance of the evidence 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 concur that the factor has been established.

(1) Do **any** of you find by a preponderance of the evidence that Julius Omar Robinson has exhibited good behavior in a jail, prison, institutional setting, or other structured environment and would adapt to prison if he were sentenced to life imprisonment without the possibility of release or parole, and that this mitigates against imposition of the death penalty?

Number of jurors who so find: 3

(2) Do **any** of you find by a preponderance of the evidence that Julius Omar Robinson was subjected to emotional abuse, abandonment, or neglect as a child and was deprived of the parental guidance and protection that he needed, and that this mitigates against imposition of the death penalty?

Number of jurors who so find: 0

(3) Do **any** of you find by a preponderance of the evidence that the fact that Julius Omar Robinson can be sentenced to life in prison without any possibility of parole or release if he is not executed mitigates against imposition of the death penalty?

Number of jurors who so find: 4

(4) Do **any** of you find by a preponderance of the evidence that a substantial portion of the evidence against Julius Omar Robinson regarding the killing of Rudolfo Resendez consisted of the testimony of either accomplices in the killing and/or persons who have made agreements with the government in expectation of possible leniency for their criminal conduct, and that this mitigates against imposition of the death penalty?

Number of jurors who so find: 10

(5) Do **any** of you find by a preponderance of the evidence that there was little or no physical evidence against Julius Omar Robinson linking him to or proving his involvement in the killing of Rudolfo Resendez, and that this mitigates against imposition of the death penalty?

Number of jurors who so find: 12

(6) Do **any** of you find by a preponderance of the evidence that at the time of the killing of Rudolfo Resendez, Julius Omar Robinson was youthful, although not under the age of eighteen?

Number of jurors who so find: 7

(7) Do **any** of you find by a preponderance of the evidence that at the time of the killing of Rudolfo Resendez, Julius Omar Robinson did not have a significant prior criminal record?

Number of jurors who so find: 5

(8) Do **any** of you find by a preponderance of the evidence that Julius Omar Robinson presents a low risk of harm to others in a prison or institutional setting, and that this mitigates against imposition of the death penalty?

Number of jurors who so find: 3

(9) Do **any** of you find by a preponderance of the evidence the existence of any other mitigating factor, outside of those provided for by statute or proposed by Julius Omar Robinson?

Mitigating Factor

Number of Jurors Who So Find

Instruction: Proceed to Question No. 7(F) regardless of how you answered any part of Question No. 7(E).

7(F). Recommendation

Based upon consideration of whether the aggravating factor or 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 factor or factors are themselves sufficient to justify a sentence of death, we recommend, by unanimous vote, that Julius Omar Robinson should be sentenced as follows for the killing of Rudolfo Resendez in the course of carrying or using a firearm during and in relation to a drug-trafficking crime:

- Death
✓ Life Imprisonment Without Possibility of Release
 Some Other Lesser Sentence

Instruction: Proceed to Question No. 8 regardless of how you answered Question No. 7(F).

Question No. 8--Count Twelve--Killing of Rudolfo Resendez While Engaging In Drug-Trafficking Crime:

8(A). Threshold Eligibility Factors

Instruction: If you answer "Yes" to **either** of the following questions, you may immediately proceed to Question No. 8(B) on the following page. If you answer "No" to **both** of the following questions, proceed to the next-to-last page of this Special Verdict Form.

(1) Do you unanimously find beyond a reasonable doubt that Julius Omar Robinson intentionally engaged in conduct intending that Rudolfo Resendez be killed or that lethal force be employed against Rudolfo Resendez, which conduct resulted in the death of Rudolfo Resendez?

Answer "Yes" or "No."

Answer: Yes.

(2) Do you unanimously find beyond a reasonable doubt that Julius Omar Robinson intentionally engaged in conduct that he knew would create a grave risk of death to a person, other than one of the participants in the offense, and that resulted in the death of Rudolfo Resendez?

Answer "Yes" or "No."

Answer: Yes.

8(B). Statutory Aggravating Factors

(1) Do you unanimously find beyond a reasonable doubt that Julius Omar Robinson, participated in the killing of Rudolfo Resendez as consideration for the receipt, or in the expectation of the receipt of anything of pecuniary value?

Answer "Yes" or "No."

Answer: Yes.

(2) Do you unanimously find beyond a reasonable doubt that Julius Omar Robinson committed the offense against Rudolfo Resendez after substantial planning and premeditation to cause the death of Rudolfo Resendez?

Answer "Yes" or "No."

Answer: Yes.

Instruction: If you answered "Yes" to **either** portion of Question No. 8(B), proceed to Question No. 8(C) on the following page. If you answered "No" to **both** portions of Question No. 8(B), proceed to the next-to-last page of this Special Verdict Form.

8 (C) . Non-Statutory Aggravating Factors

(1) Do you unanimously find beyond a reasonable doubt that Julius Omar Robinson is a future danger to the lives and safety of other persons, as evidenced by a lack of remorse during or soon after the killing of Rudolfo Resendez, poor rehabilitative potential, specific threats, and acts of violence?

Answer "Yes" or "No."

Answer: Yes.

(2) Do you unanimously find beyond a reasonable doubt that Julius Omar Robinson engaged in a prior act of violence, namely discharging a firearm at Sara Tucker on February 7, 1995?

Answer "Yes" or "No."

Answer: Yes.

Instruction: Proceed to Question No. 8 (D) regardless of how you answered any part of Question No. 8 (C) .

8 (D). Statutory Mitigating Factors

Instruction: For each of the following mitigating factors, you must indicate, on the space provided, the number of jurors, if any, who have found the existence of that mitigating factor by a preponderance of the evidence. A finding of a mitigating factor by a preponderance of the evidence 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 concur that the factor has been established.

(1) Do **any** of you find by a preponderance of the evidence that Julius Omar Robinson was under unusual and substantial duress, regardless of whether the duress was of such a degree as to constitute a defense to the charge, as to the killing of Rudolfo Resendez?

Number of jurors who so find: 0

(2) Do **any** of you find by a preponderance of the evidence that Julius Omar Robinson is punishable as a principal in the killing of Rudolfo Resendez, which killing 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: 6

(3) Do **any** of you find by a preponderance of the evidence that Julius Omar Robinson could not reasonably have foreseen that his conduct in the course of the killing of Rudolfo Resendez would cause, or would create a grave risk of causing, death to any person?

Number of jurors who so find: 0

(4) Do **any** of you find by a preponderance of the evidence that at the time of the killing of Rudolfo Resendez, Julius Omar Robinson was youthful, although not under the age of eighteen?

Number of jurors who so find: 7

(5) Do **any** of you find by a preponderance of the evidence that at the time of the killing of Rudolfo Resendez, Julius Omar Robinson did not have a significant prior criminal record?

Number of jurors who so find: 4

(6) Do **any** of you find by a preponderance of the evidence that another defendant or defendants, equally culpable in the killing of Rudolfo Resendez, will not be punished by death?

Number of jurors who so find: 12

(7) Do **any** of you find by a preponderance of the evidence that other factors in Julius Omar Robinson's background or character mitigate against imposition of the death penalty?

Number of jurors who so find: 2

Instruction: Proceed to Question No. 8(E) regardless of how you answered any part of Question No. 8(D).

8(E). Non-Statutory Mitigating Factors

Instruction: For each of the following mitigating factors, you must indicate, on the space provided, the number of jurors, if any, who have found the existence of that mitigating factor by a preponderance of the evidence. A finding of a mitigating factor by a preponderance of the evidence 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 concur that the factor has been established.

(1) Do **any** of you find by a preponderance of the evidence that Julius Omar Robinson has exhibited good behavior in a jail, prison, institutional setting, or other structured environment and would adapt to prison if he were sentenced to life imprisonment without the possibility of release or parole, and that this mitigates against imposition of the death penalty?

Number of jurors who so find: 3

(2) Do **any** of you find by a preponderance of the evidence that Julius Omar Robinson was subjected to emotional abuse, abandonment, or neglect as a child and was deprived of the parental guidance and protection that he needed, and that this mitigates against imposition of the death penalty?

Number of jurors who so find: 0

(3) Do **any** of you find by a preponderance of the evidence that the fact that Julius Omar Robinson can be sentenced to life in prison without any possibility of parole or release if he is not executed mitigates against imposition of the death penalty?

Number of jurors who so find: 7

(4) Do **any** of you find by a preponderance of the evidence that a substantial portion of the evidence against Julius Omar Robinson regarding the killing of Rudolfo Resendez consisted of the testimony of either accomplices in the killing and/or persons who have made agreements with the government in expectation of possible leniency for their criminal conduct, and that this mitigates against imposition of the death penalty?

Number of jurors who so find: 9

(5) Do **any** of you find by a preponderance of the evidence that there was little or no physical evidence against Julius Omar Robinson linking him to or proving his involvement in the killing of Rudolfo Resendez, and that this mitigates against imposition of the death penalty?

Number of jurors who so find: 11

(6) Do **any** of you find by a preponderance of the evidence that Julius Omar Robinson presents a low risk of harm to others in a prison or institutional setting, and that this mitigates against imposition of the death penalty?

Number of jurors who so find: 3

(7) Do **any** of you find by a preponderance of the evidence the existence of any other mitigating factor, outside of those provided for by statute or proposed by Julius Omar Robinson?

Mitigating Factor

Number of Jurors Who So Find

Instruction: Proceed to Question No. 8(F) regardless of how you answered any part of Question No. 8(E).

8 (F) . Recommendation

Based upon consideration of whether the aggravating factor or 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 factor or factors are themselves sufficient to justify a sentence of death, we recommend, by unanimous vote, that Julius Omar Robinson should be sentenced as follows for the killing of Rudolfo Resendez while engaging in a drug-trafficking crime:

- Death
✓ Life Imprisonment Without Possibility of Release
 Some Other Lesser Sentence

Instruction: Proceed to the next page.

The answers to the preceding questions represent the verdict of the jury.



Presiding Juror

3/18/02

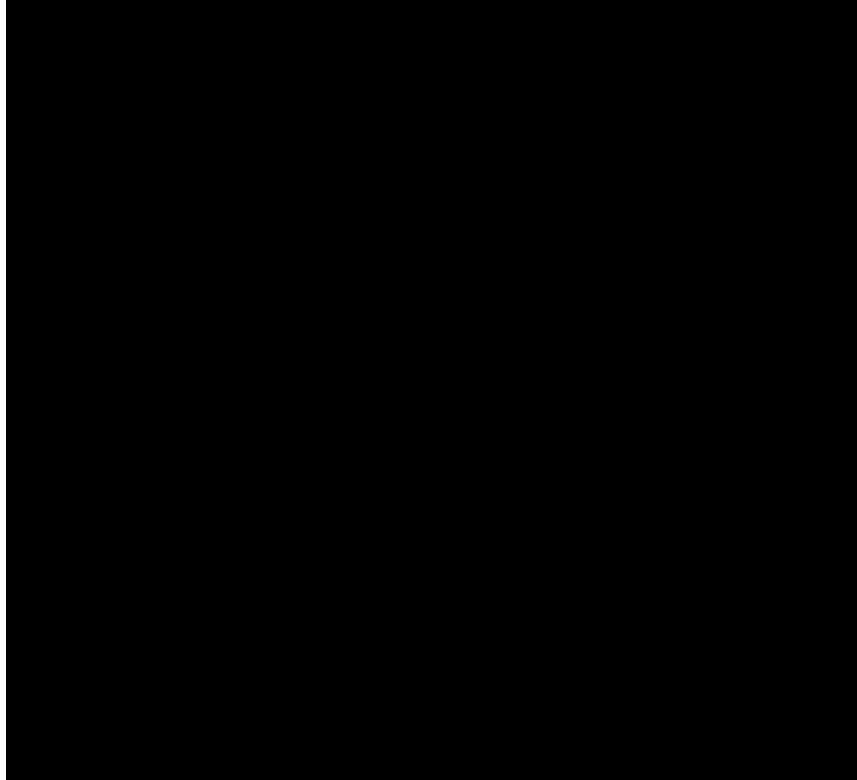
Date

Instruction: Proceed to the next page.

Certification:

By signing below, each juror certifies that, in considering whether a sentence of death is justified, 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 individual decisions, and that the individual juror would have made the same recommendation regarding a sentence for the crime in question no matter what the race, color, religious beliefs, national origin, or sex of the defendant, or the victim.

SIGNATURES OF ALL JURORS:



PRESIDING JUROR

Date: 3/18/02