

Recorded
9/22/06

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NORTH DAKOTA
NORTHEASTERN DIVISION

| | | |
|---------------------------|---|------------------------------|
| United States of America, |) | |
| |) | SPECIAL FINDINGS FORM |
| Plaintiff, |) | |
| |) | |
| vs. |) | Criminal Case No. 2:04-cr-55 |
| |) | |
| Alfonso Rodriguez, Jr., |) | |
| |) | |
| Defendant. |) | |

I. SECTION ONE

NON-STATUTORY AGGRAVATING FACTOR

Do you unanimously find that the government has proved beyond a reasonable doubt that the defendant, Alfonso Rodriguez, Jr. caused loss, injury, and harm to Dru Sjodin and Dru Sjodin's family?

YES _____ NO _____

 H
Foreperson

II. SECTION TWO

MITIGATING FACTORS

Instructions: For each of the following mitigating factors indicate, in the space provided, the number of jurors who have found that factor to be proved by the greater weight of the evidence to mitigate against a sentence of death. If none of you find the listed mitigating factor to be proved by the greater weight of the evidence, enter a "0" on the line.

1. If he is not put to death, Alfonso Rodriguez will live every day of the rest of his life incarcerated in a federal prison.

Number of jurors who so find 12.

2. Alfonso Rodriguez was sexually abused as a child.

Number of jurors who so find 7.

3. Alfonso Rodriguez suffers from the effects of his exposure to toxins.

Number of jurors who so find 0.

4. Alfonso Rodriguez suffers from brain damage.

Number of jurors who so find 3.

5. Alfonso Rodriguez suffers from a mental disorder or impairment.

Number of jurors who so find 12.

6. Alfonso Rodriguez has neurological or psychological problems, which have impaired his ability to make good decisions.

Number of jurors who so find 0.

7. Alfonso Rodriguez was introduced to addictive drugs and alcohol at a young age and has suffered from alcoholism and drug addiction during his life.

Number of jurors who so find 12.

8. Alfonso Rodriguez had learning problems in school because he grew up in a migrant family that moved from place to place during the school year.

Number of jurors who so find 6.

9. Alfonso Rodriguez had learning problems in school because he was developmentally delayed as a child.

Number of jurors who so find 9.

10. Alfonso Rodriguez has experienced racial prejudice during his lifetime.

Number of jurors who so find 12.

11. Alfonso Rodriguez has shown love and kindness towards his mother Delores.

Number of jurors who so find 12.

12. Alfonso Rodriguez is loved by his mother, Delores, and Delores will suffer emotional pain if Alfonso is executed.

Number of jurors who so find 12.

13. Alfonso Rodriguez has shown love and kindness towards his sister, Sylvia D'Angelo.

Number of jurors who so find 12.

14. Alfonso Rodriguez is loved by his sister, Sylvia D'Angelo, and Sylvia will suffer emotional pain if Alfonso is executed.

Number of jurors who so find 12.

15. Alfonso Rodriguez has shown love and kindness towards his sister, Rosa Rodriguez.

Number of jurors who so find 12.

16. Alfonso Rodriguez is loved by his sister, Rosa Rodriguez, and Rosa will suffer emotional pain if Alfonso is executed.

Number of jurors who so find 12.

17. Alfonso Rodriguez has shown love and kindness towards his sister, Illeana Noyes.

Number of jurors who so find 12.

18. Alfonso Rodriguez is loved by his sister, Illeana Noyes, and Illeana will suffer emotional pain if Alfonso is executed.

Number of jurors who so find 12.

19. Alfonso Rodriguez has shown love and kindness towards his nephew, Joshua Noyes.

Number of jurors who so find 12.

20. Alfonso Rodriguez is loved by his nephew, Joshua Noyes, and Joshua will suffer emotional pain if Alfonso is executed.

Number of jurors who so find 12.

21. Alfonso Rodriguez has shown love and kindness towards his niece, Alina Noyes.

Number of jurors who so find 12.

22. Alfonso Rodriguez is loved by his niece, Alina Noyes, and Alina will suffer emotional pain if Alfonso is executed.

Number of jurors who so find 12.

23. The existence of other factors in Alfonso Rodriguez's childhood, background, or character.

Number of jurors who so find 0.

24. Alfonso Rodriguez offered to plead guilty to causing Dru Sjodin's death, thereby accepting responsibility for his actions in this matter.

Number of jurors who so find 0.

25. Alfonso Rodriguez has responded well to structured environments and would likely make a good adaptation to prison if he were sentenced to life imprisonment.

Number of jurors who so find 12.

26. Since his arrest on this charge, Alfonso Rodriguez has been a well-behaved inmate.

Number of jurors who so find 12.

27. Alfonso Rodriguez raised concerns to prison officials about being released from prison in 2003.

Number of jurors who so find 12.

28. Minnesota Department of Corrections personnel failed to act on statements of concern from Alfonso Rodriguez and his family about Alfonso Rodriguez's release from prison in 2003.

Number of jurors who so find 0.

29. Alfonso Rodriguez has the potential to grow spiritually.

Number of jurors who so find 10.

30. Considerations of mercy support a sentence of life imprisonment without the possibility of parole.

Number of jurors who so find 8.

Instructions: In the space below, write any other mitigating factors that any of you found to be proved by the greater weight of the evidence but were not alleged by the defendant. Also indicate the number of jurors who found that mitigating factor. If more space is needed to write in mitigating factors, write "Continued" after the last space provided and continue writing mitigating factors on the reverse side of the page.

30. _____

Number of jurors who so find _____.