



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

UNITED STATES OF AMERICA)
)
 v.) Criminal No. 2:11cr34
)
 AHMED MUSE SALAD,)
)
 Defendant)

SPECIAL VERDICT FORM - SELECTION PHASE

I. 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 that non-statutory aggravating factor beyond a reasonable doubt.

Factor 1. The defendant, Ahmed Muse Salad, caused injury, harm and loss to the victims and the victims' family and friends, as evidenced by the victims' personal characteristics and by the impact of their deaths upon the victims' family and friends.

YES ✓
NO _____

Factor 2. The defendant, Ahmed Muse Salad, made use of a minor individual (a person under the age of 18) to participate in the acts of hijacking and piracy.

YES _____
NO ✓

Factor 3. The defendant, Ahmed Muse Salad, engaged in a course of conduct that threatened and directed violence towards members of the United States Armed Forces.

YES _____
NO ✓

Factor 4. The defendant, Ahmed Muse Salad, engaged in at least one prior act of piracy or attempted piracy.

YES ✓
NO

Factor 5. Prior to the killings, the defendant, Ahmed Muse Salad, made threats of violence and death to Scott Underwood Adam, Jean Savage Adam, Phyllis Patricia Macay and Robert Campbell Riggle over a protracted period of time.

YES ✓
NO

Factor 6. The defendant, Ahmed Muse Salad, displayed a callous disregard for human life by killing the victims in an especially wanton and gratuitous manner.

YES ✓
NO

Factor 7. The defendant, Ahmed Muse Salad, has demonstrated a lack of remorse for his actions by making boastful statements about the murders of Scott Underwood Adam, Jean Savage Adam, Phyllis Patricia Macay and Robert Campbell Riggle.

YES ✓
NO

Instructions: Regardless of whether you answered "YES" or "NO" with respect to the Non-Statutory Aggravating Factors in Section I above, continue your deliberations in accordance with the Court's instructions and proceed to Section II which follows.

II. MITIGATING FACTORS

Instructions: For each of the following mitigating factors, you have the option to indicate, in the space provided, the number of jurors (from 0 to 12) who have found the existence of that mitigating factor to be proven by a preponderance of the evidence. You also have the option not to make these written findings by crossing out that factor with a large "X", and then continue your deliberations in accordance with the instructions of the Court.

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. Ahmed Muse Salad has adjusted well to incarceration, receiving no disciplinary reports in the more than two years he has been incarcerated.

Number of jurors who so find: 12

2. If sentenced to life in prison, Ahmed Muse Salad is unlikely to pose a danger to other inmates or to staff.

Number of jurors who so find: 3

3. Because he speaks very little English, Ahmed Muse Salad has difficulty making his needs known in jail.

Number of jurors who so find: 12

4. Ahmed Muse Salad was born a poor nomad, in the bush outside of Qardho, where he had no access to running water or electricity, and lived in an "AQAL," a primitive wood stick framed hut.

Number of jurors who so find: 2

5. As a child, adolescent and adult, Ahmed Muse Salad often had access to insufficient food and limited water.

Number of jurors who so find: 3

6. Even as a small boy, Ahmed Muse Salad was required to watch his family's goats, to ensure that no goats escaped or were harmed by wild animals.

Number of jurors who so find: X

7. Watching goats could be tense and fraught with danger, and included responsibility for ensuring that the goats not escape, and for protecting them from wild animals.

Number of jurors who so find: X

8. Ahmed Muse Salad's birth and infancy coincided with a severe drought in the area in which his family lived.

Number of jurors who so find: 3

9. During times of drought, Ahmed Muse Salad's family was forced to move to find grazing and water for their livestock, upon which they depended for nourishment.

Number of jurors who so find: 2

10. Food was so scarce where Ahmed Muse Salad grew up that there was a high risk of malnutrition for the inhabitants of the region.

Number of jurors who so find: X

11. Ahmed Muse Salad's childhood was chaotic and unpredictable, due to drought, physical dangers and chronic food shortages.

Number of jurors who so find: 3

12. Ahmed Muse Salad never learned to read or write in Somali.

Number of jurors who so find: X

13. Ahmed Muse Salad had no access to modern health care as a child, adolescent or young man. When he suffered stomach illness as a child, Ahmed Muse Salad was treated by the searing of his stomach and torso with hot rods, and the cutting of the flesh on his stomach.

Number of jurors who so find: 4

14. Ahmed Muse Salad's mother died when he was a young child, leaving him with no adult female to consistently care for him or tend to his needs until his father's remarriage.

Number of jurors who so find: X

15. When Ahmed Muse Salad was approximately five years old, the Dictator of Somalia, General Mohammed Siad Barre, was overthrown in a military coup, beginning a period of political chaos, and, thus, from the time Ahmed Muse Salad was approximately five years old until he departed Somalia, there was no stable central Somali government.

Number of jurors who so find: 8

16. Around age eleven, Ahmed Muse Salad ran away from the bush to the "city" of Qardho, traveling alone.

Number of jurors who so find: 1

17. Ahmed Muse Salad lived on the streets of Qardho before family members found him.

Number of jurors who so find: X

18. Consistent with the instructional method at Quranic schools, Ahmed Muse Salad was hit with a stick while attending the Quran school in Qardho.

Number of jurors who so find: X

19. Ahmed Muse Salad did not attend other schools.

Number of jurors who so find: 3

20. After his older brother, Khadar's, death, Ahmed Muse Salad married his wife Bisharo in order to take care of her and his brother's children.

Number of jurors who so find: 7

21. Ahmed Muse Salad joined the Darawish (Puntland Military) when only about fifteen years old, which was a young age, even for Somalia.

Number of jurors who so find: 4

22. While a member of the Darawish, Ahmed Muse Salad was exposed to a serious bomb blast in 2008, when a truck loaded with explosives drove into the Puntland Intelligence Service Offices in Bosaaso.

Number of jurors who so find: 6

23. While in the Darawish, Ahmed Muse Salad fought against Somalia's branch of Al Qaeda, the terrorist group, Al Shabaab, where he was exposed to intense warfare and saw many people killed during the fighting in the mountains of Galgalo.

Number of jurors who so find: 7

24. During the fighting in the mountains of Galgalo, several fellow soldiers of Ahmed Muse Salad were killed in one day.

Number of jurors who so find: X

25. Ahmed Muse Salad was not a leader in the piracy venture which led to the hijacking of the *Quest*, was not a financier or organizer of the venture, and did not participate in the initial spotting or boarding of the *Quest*.

Number of jurors who so find: X

26. There are other, equally culpable persons involved in the *Quest* incident, who will not be sentenced to death.

Number of jurors who so find: 4

27. Ahmed Sala Ali Burale, aka "Hindi," shot in the direction of the American hostages, an act of violence reflecting a reckless disregard for human life, and does not face the death penalty.

Number of jurors who so find: 3

28. Life in prison without the possibility of release is a harsh punishment, especially for a foreign national like Ahmed Muse Salad, who will never see his family or homeland again, and who after more than two years in American custody still speaks very little English.

Number of jurors who so find: 1

29. Ahmed Muse Salad did not have a prior criminal record or significant prior history of other criminal conduct.

Number of jurors who so find: 5

The following extra spaces are provided to write in additional mitigating factors, if any, found by any one or more jurors. If none, write "NONE." If more space is needed, write "CONTINUED" and use the reverse side of this page.

The limited amount of personal history available for consideration.

Number of jurors who so find: 2

Number of jurors who so find: _____

Number of jurors who so find: _____

III. RECOMMENDATION

Based upon consideration of whether the statutory and non-statutory aggravating 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 factors are themselves sufficient to justify a sentence of death, we recommend, by unanimous vote, that the following sentence shall be imposed upon the defendant, Ahmed Muse Salad:

COUNT ONE - (Conspiracy to Commit Hostage Taking Resulting in Death)

A. Death _____

or

B. Life Imprisonment Without the Possibility of Release ✓

COUNT TWO - (Hostage Taking Resulting in Death)

A. Death _____

or

B. Life Imprisonment Without the Possibility of Release ✓

COUNT THREE - (Hostage Taking Resulting in Death)

A. Death _____

or

B. Life Imprisonment Without the Possibility of Release ✓

COUNT FOUR - (Hostage Taking Resulting in Death)

A. Death _____

or

B. Life Imprisonment Without the Possibility of Release ✓

COUNT FIVE - (Hostage Taking Resulting in Death)

A. Death _____

or

B. Life Imprisonment Without the Possibility of Release ✓

COUNT SEVEN - (Kidnapping Resulting in Death)

A. Death _____

or

B. Life Imprisonment Without the Possibility of Release ✓

COUNT EIGHT - (Kidnapping Resulting in Death)

A. Death _____

or

B. Life Imprisonment Without the Possibility of Release ✓

COUNT NINE - (Kidnapping Resulting in Death)

A. Death _____

or

B. Life Imprisonment Without the Possibility of Release ✓

COUNT TEN - (Kidnapping Resulting in Death)

A. Death _____

or

B. Life Imprisonment Without the Possibility of Release ✓

COUNT ELEVEN- (Conspiracy to Commit Violence Against Maritime Navigation Resulting in Death)

A. Death _____

or

B. Life Imprisonment Without the Possibility of Release ✓

COUNT TWELVE- (Violence Against Maritime Navigation Resulting in Death)

A. Death _____

or

B. Life Imprisonment Without the Possibility of Release ✓

COUNT THIRTEEN- (Violence Against Maritime Navigation Resulting in Death)

A. Death _____

or

B. Life Imprisonment Without the Possibility of Release ✓

COUNT FOURTEEN - (Violence Against Maritime Navigation Resulting in Death)

A. Death _____

or

B. Life Imprisonment Without the Possibility of Release ✓

or

COUNT FIFTEEN - (Violence Against Maritime Navigation Resulting in Death)

A. Death _____

or

B. Life Imprisonment Without the Possibility of Release ✓

COUNT SIXTEEN - (Murder Within the Special Maritime and Territorial Jurisdiction of the United States)

A. Death _____

or

B. Life Imprisonment Without the Possibility of Release ✓

COUNT SEVENTEEN - (Murder Within the Special Maritime and Territorial Jurisdiction of the United States)

A. Death _____

or

B. Life Imprisonment Without the Possibility of Release ✓

COUNT EIGHTEEN - (Murder Within the Special Maritime and Territorial Jurisdiction of the United States)

A. Death _____

or

B. Life Imprisonment Without the Possibility of Release ✓

COUNT NINETEEN - (Murder Within the Special Maritime and Territorial Jurisdiction of the United States)

A. Death _____

or

B. Life Imprisonment Without the Possibility of Release ✓

COUNT TWENTY-TWO - (Use, Carry, Brandish and Discharge of a Firearm During a Crime of Violence Causing Death)

A. Death _____

or

B. Life Imprisonment Without the Possibility of Release ✓

COUNT TWENTY-THREE - (Use, Carry, Brandish and Discharge of a Firearm During a Crime of Violence Causing Death)

A. Death _____

or

B. Life Imprisonment Without the Possibility of Release ✓

COUNT TWENTY-FOUR - (Use, Carry, Brandish and Discharge of a Firearm During a Crime of Violence Causing Death)

A. Death _____

or

B. Life Imprisonment Without the Possibility of Release ✓

COUNT TWENTY-FIVE - (Use, Carry, Brandish and Discharge of a Firearm During a Crime of Violence Causing Death)

A. Death _____

or

B. Life Imprisonment Without the Possibility of Release ✓

Pursuant to the E-Government Act,
the original of this page has been filed
under seal in the Clerk's Office.

IV. CERTIFICATION

By signing below, each juror certifies that 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 decision, and that the individual juror would have made the same decisions without regard to these considerations.

All jurors and foreperson sign below

REDACTED COPY

FOREPERSON

Date: August 2, 2013.