

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

UNITED STATES OF AMERICA )  
 )  
 v. )  
 )  
 GARY LEE SAMPSON )

CR No. 01-10384-MLW

VERDICT FORM FOR COUNT 1  
CARJACKING RESULTING IN THE DEATH OF PHILIP MCCLOSKEY

FILED  
Clerk's Office  
DSEC, Mass.  
Date 12-23-03  
BY KTB  
Deputy Clerk

DOCKETED

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**PART ONE - AGE OF THE DEFENDANT****Answer the following question.**

- A. Do each and every one of you find that the government has proven, beyond a reasonable doubt, that the defendant, Gary Sampson, was eighteen years of age or older at the time he committed the carjacking resulting in the death of Philip McCloskey?

ALL 12 JURORS SAY YES: 1 OR MORE JURORS SAY NO: 

If you answered this question "YES", then continue with Part Two of this Verdict Form. If you answered this question "NO", then continue with Part Seven of this Verdict Form.

04/23/2004 11:31

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**PART TWO - GATEWAY ELIGIBILITY FACTORS****Answer each of the following four questions.**

- A. Do each and every one of you find that the government has proven, beyond a reasonable doubt, that the defendant, Gary Sampson, intentionally killed Philip McCloskey?

ALL 12 JURORS SAY YES:  \_\_\_\_\_

1 OR MORE JURORS SAY NO: \_\_\_\_\_

- B. Do each and every one of you find that the government has proven, beyond a reasonable doubt, that the defendant, Gary Sampson, intentionally inflicted serious bodily injury that resulted in the death of Philip McCloskey?

ALL 12 JURORS SAY YES:  \_\_\_\_\_

1 OR MORE JURORS SAY NO: \_\_\_\_\_

- C. Do each and every one of you find that the government has proven, beyond a reasonable doubt, that the defendant, Gary Sampson, intentionally engaged in conduct intending that Philip McCloskey be killed or that lethal force would be used against Philip McCloskey, and Philip McCloskey died as a direct result of that conduct?

ALL 12 JURORS SAY YES:  \_\_\_\_\_

1 OR MORE JURORS SAY NO: \_\_\_\_\_

- D. Do each and every one of you find that the government has proven, beyond a reasonable doubt, that the defendant, Gary Sampson, intentionally and specifically engaged in conduct that he knew would create a grave risk of death of a person other than to himself and this conduct constituted a reckless disregard for human life, which directly resulted in the death of Philip McCloskey?

ALL 12 JURORS SAY YES:  \_\_\_\_\_

1 OR MORE JURORS SAY NO: \_\_\_\_\_

**If you answered A, B, C or D "YES", then continue with Part Three of this Verdict Form. If you answered A, B, C and D "NO", then continue with Part Seven of this Verdict Form.**

**PART THREE - STATUTORY AGGRAVATING FACTORS**

**Answer both of the following two questions.**

A. Do each and every one of you find that the government has proven, beyond a reasonable doubt, that the defendant, Gary Sampson, committed the carjacking resulting in the death of Philip McCloskey in an especially heinous, cruel, or depraved manner in that it involved serious physical abuse to Philip McCloskey?

ALL 12 JURORS SAY YES:           ✓          

1 OR MORE JURORS SAY NO:                                 

B. Do each and every one of you find that the government has proven, beyond a reasonable doubt, that Philip McCloskey was particularly vulnerable due to infirmity?

ALL 12 JURORS SAY YES:           ✓          

1 OR MORE JURORS SAY NO:                                 

**If you answered A or B "YES", then continue with Part Four of this Verdict Form. If you answered A and B "NO", then continue with Part Seven of this Verdict Form.**

**PART FOUR - NONSTATUTORY AGGRAVATING FACTORS**

**Answer each of the following seven questions.**

A. Do each and every one of you find that the government has proven, beyond a reasonable doubt, that the defendant, Gary Sampson, committed the murder of Robert Whitney on or about July 30, 2001 in Meredith, New Hampshire?

ALL 12 JURORS SAY YES:   ✓  

1 OR MORE JURORS SAY NO:                     

B. Do each and every one of you find that the government has proven, beyond a reasonable doubt, that the defendant, Gary Sampson, committed the carjacking of a 1989 Chrysler LeBaron, Vermont registration CSM916, from William Gregory on or about July 31, 2001?

ALL 12 JURORS SAY YES:   ✓  

1 OR MORE JURORS SAY NO:

C. Do each and every one of you find that the government has proven, beyond a reasonable doubt, that the defendant, Gary Sampson, committed any of the following armed robberies:

(1) armed robbery of First National Bank, Archdale, North Carolina, on or about May 24, 2001?

ALL 12 JURORS SAY YES:         ✓        

1 OR MORE JURORS SAY NO:                         

(2) armed robbery of Lexington State Bank, Lexington, North Carolina, on or about May 31, 2001?

ALL 12 JURORS SAY YES:         ✓        

1 OR MORE JURORS SAY NO:                         

(3) armed robbery of Branch Banking and Trust Company, Denton, North Carolina, on or about June 15, 2001?

ALL 12 JURORS SAY YES:         ✓        

1 OR MORE JURORS SAY NO:                         

(4) armed robbery of First Bank, Archdale, North Carolina, on or about July 10, 2001?

ALL 12 JURORS SAY YES:         ✓        

1 OR MORE JURORS SAY NO:                         

D. Do each and every one of you find that the government has proven, beyond a reasonable doubt, that the defendant, Gary Sampson, intentionally killed Philip McCloskey and Jonathan Rizzo over the course of a series of criminal episodes?

ALL 12 JURORS SAY YES:         ✓        

1 OR MORE JURORS SAY NO:

E. Do each and every one of you find that the government has proven, beyond a reasonable doubt, that the defendant, Gary Sampson, murdered Philip McCloskey for the sole or primary purpose of preventing him from reporting the attempted theft of his automobile to authorities?

ALL 12 JURORS SAY YES: \_\_\_\_\_

1 OR MORE JURORS SAY NO: \_\_\_\_\_

F. Do each and every one of you find that the government has proven, beyond a reasonable doubt, that the defendant, Gary Sampson, caused injury, harm, or loss to the family of Philip McCloskey because of Philip McCloskey's personal characteristics as an individual human being and the impact of the death upon Philip McCloskey's family?

ALL 12 JURORS SAY YES: \_\_\_\_\_

1 OR MORE JURORS SAY NO: \_\_\_\_\_

G. Do each and every one of you find that the government has proven, beyond a reasonable doubt, that the defendant, Gary Sampson, is likely to commit criminal acts of violence in the future which would be a continuing and serious threat to the lives and safety of prison officials and inmates as demonstrated by his history of prison misconduct?

ALL 12 JURORS SAY YES: \_\_\_\_\_

1 OR MORE JURORS SAY NO: \_\_\_\_\_

Regardless of how you answered the questions in this Part, continue with Part Five of this Verdict Form.

**PART FIVE - MITIGATING FACTORS**

For each of the following seventeen mitigating factors, indicate the number of jurors, if any, who find that the defendant has proven, by a preponderance of the evidence, that the mitigating factor exists.

A. If not sentenced to death, Gary Sampson will be sentenced to a term of life in prison without any possibility of release.

NUMBER OF JURORS WHO SAY YES: 12

B. At the time he committed the carjacking resulting in the death of Philip McCloskey, Gary Sampson's capacity to conform his conduct to the requirements of the law was significantly impaired.

NUMBER OF JURORS WHO SAY YES: 0

C. At the time he committed the carjacking resulting in the death of Philip McCloskey, Gary Sampson was under a severe mental or emotional disturbance.

NUMBER OF JURORS WHO SAY YES: 0

D. At the time he committed the carjacking resulting in the death of Philip McCloskey, Gary Sampson was mentally ill.

NUMBER OF JURORS WHO SAY YES: 0

E. Gary Sampson is now mentally ill.

NUMBER OF JURORS WHO SAY YES: 0

F. Gary Sampson has a brain dysfunction.

NUMBER OF JURORS WHO SAY YES: 0

G. Gary Sampson attempted to surrender himself to the FBI before either of the offenses charged in this case occurred.

NUMBER OF JURORS WHO SAY YES: 8



H. Gary Sampson called 911 and surrendered himself to the Vermont State Police after the offenses charged in this case occurred.

NUMBER OF JURORS WHO SAY YES: 12

I. Following his surrender, Gary Sampson cooperated with every investigating agency which wished to speak with him about the offenses charged in this case.

NUMBER OF JURORS WHO SAY YES: 11

J. Gary Sampson's post-arrest statements led to the recovery of Jonathan Rizzo's body.

NUMBER OF JURORS WHO SAY YES: 12

K. Gary Sampson's post-arrest statements led to the recovery of significant items of physical evidence later used in this prosecution.

NUMBER OF JURORS WHO SAY YES: 12

L. Gary Sampson offered to plead guilty to the murders in February 2002, and to accept a sentence of life in prison without possibility of release, at a time when the Department of Justice had not decided whether to seek the death penalty.

NUMBER OF JURORS WHO SAY YES: 12

M. On September 13, 2003, Gary Sampson voluntarily pled guilty to the two charges in this case.

NUMBER OF JURORS WHO SAY YES: 12

N. By his conduct Gary Sampson has accepted responsibility for his crimes.

NUMBER OF JURORS WHO SAY YES: 5

O. As a child, Gary Sampson was the subject of verbal, emotional, and/or physical abuse.

NUMBER OF JURORS WHO SAY YES: 0

P. Gary Sampson is remorseful for his conduct.

NUMBER OF JURORS WHO SAY YES: 0

Q. If Gary Sampson is executed, one or more other people will suffer grief and loss.

NUMBER OF JURORS WHO SAY YES: 11

In addition to the mitigating factors listed above, this part contains space for you to write any additional mitigating factors that any one or more of you may have found. As above, please indicate the number of jurors who find each such mitigating factor to have been proven by a preponderance of the evidence. You may write additional mitigating factors on the back of this page if necessary.

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NUMBER OF JURORS WHO SAY YES: \_\_\_\_\_

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NUMBER OF JURORS WHO SAY YES: \_\_\_\_\_

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NUMBER OF JURORS WHO SAY YES: \_\_\_\_\_

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NUMBER OF JURORS WHO SAY YES: \_\_\_\_\_

Regardless of how you answered the questions in this Part, continue with Part Six of this Verdict Form.

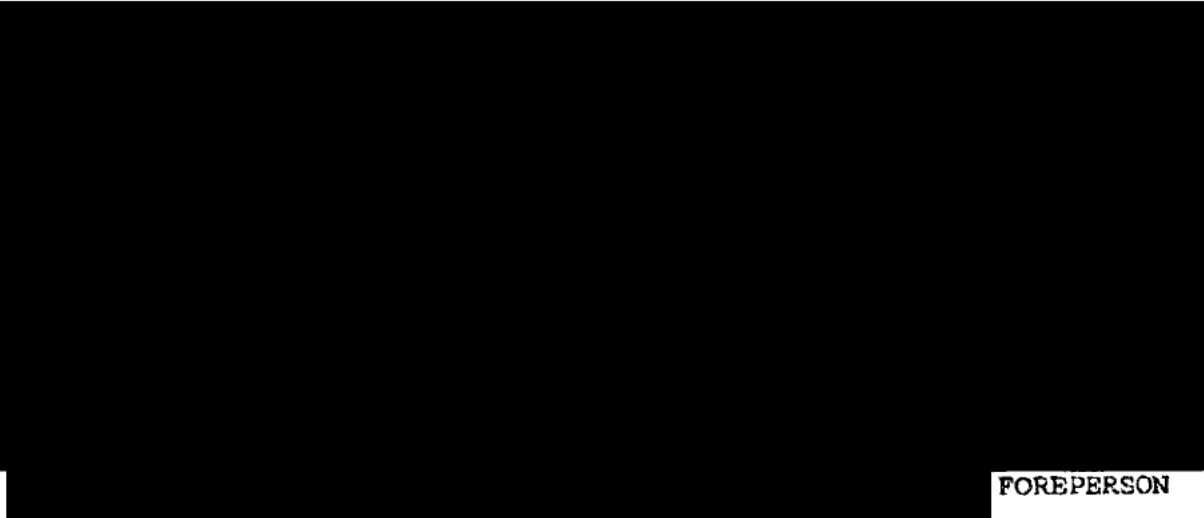
**PART SIX - DETERMINATION OF SENTENCE**

**Answer the following question. If the answer to Question 6A is "YES", each juror must sign his or her name. If the answer is "NO", the Foreperson must sign his or her name. If you answered Question 6A "YES", then continue with Part Seven of this Verdict Form. If you answered Question 6A "NO", then answer Question 6B.**

A. Do each and every one of you find that the government has proven, beyond a reasonable doubt, that the aggravating factor or factors found to exist sufficiently outweigh the mitigating factors found to exist to make death, rather than life in prison without the possibility of parole, the appropriate penalty for Gary Sampson for the carjacking resulting in the death of Philip McCloskey?

ALL 12 JURORS SAY YES:         ✓        

1 OR MORE JURORS SAY NO:                         



FOREPERSON

DATE Dec 22, 2003

**If the answer to Question 5B is "YES", each juror must sign his or her name. If the answer is "NO", the Foreperson must sign his or her name.**

B. Do each and every one of you find that the government has failed to prove, beyond a reasonable doubt, that the aggravating factor or factors found to exist sufficiently outweigh the mitigating factors found to exist to make death, rather than life in prison without the possibility of parole, the appropriate penalty for Gary Sampson for the carjacking resulting in the death of Philip McCloskey?

ALL 12 JURORS SAY YES: \_\_\_\_\_

1 OR MORE JURORS SAY NO: \_\_\_\_\_

_____	_____
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FOREPERSON

DATE \_\_\_\_\_

**If you answered Question 6B "YES", then continue with Part Seven of this Verdict Form. If you answered Question 6B "NO", then the Foreperson shall sign the following statement if it is true.**

- C. After making all reasonable efforts, the jury is unable to reach a unanimous decision on whether the government has proven, beyond a reasonable doubt, that the aggravating factor or factors found to exist sufficiently outweigh the mitigating factors found to exist to make death, rather than life in prison without the possibility of parole, the appropriate penalty for Gary Sampson for the carjacking resulting in the death of Philip McCloskey.

\_\_\_\_\_  
FOREPERSON

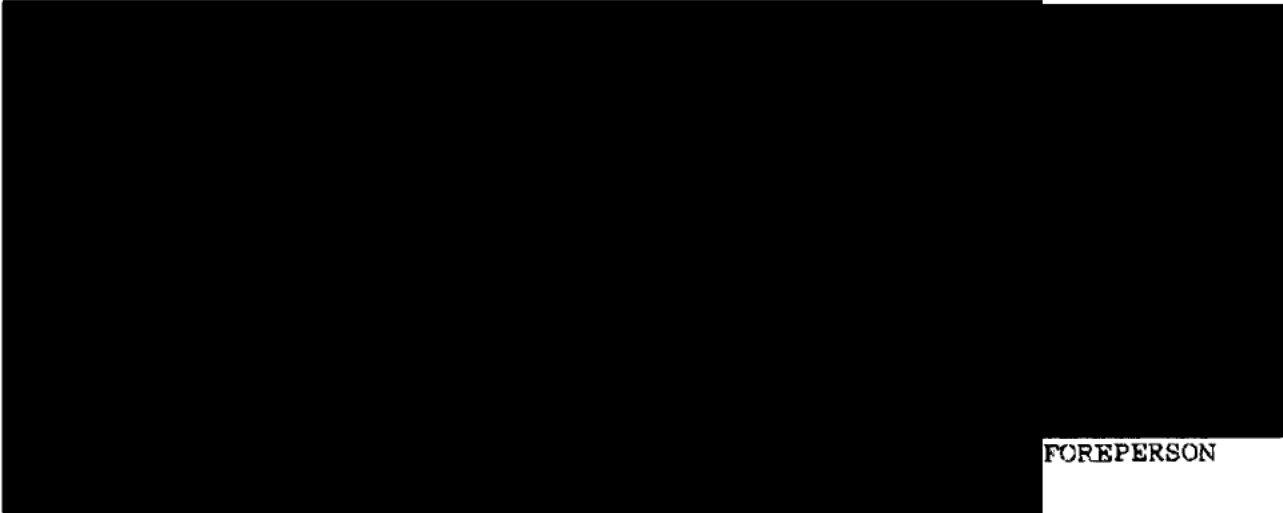
DATE \_\_\_\_\_

**Continue with Part Seven of this Verdict Form.**

PART SEVEN - CERTIFICATION

**Each of you must sign this certification if and only if it accurately describes your deliberations.**

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 decision regarding the sentence for the defendant for the carjacking resulting in the death of Philip McCloskey no matter what the race, color, religious beliefs, national origin, or sex of the defendant or the victim would have been.



DATE Dec 22, 2003

*Part II*

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

UNITED STATES OF AMERICA )

v. )

GARY LEE SAMPSON )

CR No. 01-10384-MLW

VERDICT FORM FOR COUNT 2  
CARJACKING RESULTING IN THE DEATH OF JONATHAN RIZZO

FILED  
Clerk's Office  
USDC, Mass.  
Date 12-23-03  
BY ISB  
Deputy Clerk

**PART ONE - AGE OF THE DEFENDANT**

**Answer the following question.**

- A. Do each and every one of you find that the government has proven, beyond a reasonable doubt, that the defendant, Gary Sampson, was eighteen years of age or older at the time he committed the carjacking resulting in the death of Jonathan Rizzo?

ALL 12 JURORS SAY YES:       ✓      

1 OR MORE JURORS SAY NO:                     

**If you answered this question "YES", then continue with Part Two of this Verdict Form. If you answered this question "NO", then continue with Part Seven of this Verdict Form.**



**PART TWO - GATEWAY ELIGIBILITY FACTORS**

**Answer each of the following four questions.**

A. Do each and every one of you find that the government has proven, beyond a reasonable doubt, that the defendant, Gary Sampson, intentionally killed Jonathan Rizzo?

ALL 12 JURORS SAY YES: 12 ✓

1 OR MORE JURORS SAY NO: \_\_\_\_\_

B. Do each and every one of you find that the government has proven, beyond a reasonable doubt, that the defendant, Gary Sampson, intentionally inflicted serious bodily injury that resulted in the death of Jonathan Rizzo?

ALL 12 JURORS SAY YES: 12 ✓

1 OR MORE JURORS SAY NO: \_\_\_\_\_

C. Do each and every one of you find that the government has proven, beyond a reasonable doubt, that the defendant, Gary Sampson, intentionally engaged in conduct intending that Jonathan Rizzo be killed or that lethal force would be used against Jonathan Rizzo, and Jonathan Rizzo died as a direct result of that conduct?

ALL 12 JURORS SAY YES: 12 ✓

1 OR MORE JURORS SAY NO: \_\_\_\_\_

D. Do each and every one of you find that the government has proven, beyond a reasonable doubt, that the defendant, Gary Sampson, intentionally and specifically engaged in conduct that he knew would create a grave risk of death of a person other than to himself and this conduct constituted a reckless disregard for human life, which directly resulted in the death of Jonathan Rizzo?

ALL 12 JURORS SAY YES: 12 ✓

1 OR MORE JURORS SAY NO: \_\_\_\_\_

**If you answered A, B, C or D "YES", then continue with Part Three of this Verdict Form. If you answered A, B, C and D "NO", then continue with Part Seven of this Verdict Form.**

PART THREE - STATUTORY AGGRAVATING FACTORS

Answer both of the following two questions.

A. Do each and every one of you find that the government has proven, beyond a reasonable doubt, that the defendant, Gary Sampson, committed the carjacking resulting in the death of Jonathan Rizzo in an especially heinous, cruel, or depraved manner in that it involved serious physical abuse to Jonathan Rizzo?

ALL 12 JURORS SAY YES: ✓

1 OR MORE JURORS SAY NO: \_\_\_\_\_

B. Do each and every one of you find that the government has proven, beyond a reasonable doubt, that the defendant, Gary Sampson, committed the carjacking resulting in the death of Jonathan Rizzo after substantial planning and premeditation to cause the death of Jonathan Rizzo?

ALL 12 JURORS SAY YES: ✓

1 OR MORE JURORS SAY NO: \_\_\_\_\_

If you answered A or B "YES", then continue with Part Four of this Verdict Form. If you answered A and B "NO", then continue with Part Seven of this Verdict Form.

**PART FOUR - NONSTATUTORY AGGRAVATING FACTORS**

**Answer each of the following seven questions.**

A. Do each and every one of you find that the government has proven, beyond a reasonable doubt, that the defendant, Gary Sampson, committed the murder of Robert Whitney on or about July 30, 2001 in Meredith, New Hampshire?

ALL 12 JURORS SAY YES:                      ✓

1 OR MORE JURORS SAY NO:                     

B. Do each and every one of you find that the government has proven, beyond a reasonable doubt, that the defendant, Gary Sampson, committed the carjacking of a 1989 Chrysler LeBaron, Vermont registration CSM916, from William Gregory on or about July 31, 2001?

ALL 12 JURORS SAY YES:                      ✓

1 OR MORE JURORS SAY NO:

C. Do each and every one of you find that the government has proven, beyond a reasonable doubt, that the defendant, Gary Sampson, committed any of the following armed robberies:

(1) armed robbery of First National Bank, Archdale, North Carolina, on or about May 24, 2001?

ALL 12 JURORS SAY YES:       ✓      

1 OR MORE JURORS SAY NO:                     

(2) armed robbery of Lexington State Bank, Lexington, North Carolina, on or about May 31, 2001?

ALL 12 JURORS SAY YES:       ✓      

1 OR MORE JURORS SAY NO:                     

(3) armed robbery of Branch Banking and Trust Company, Denton, North Carolina, on or about June 15, 2001?

ALL 12 JURORS SAY YES:       ✓      

1 OR MORE JURORS SAY NO:                     

(4) armed robbery of First Bank, Archdale, North Carolina, on or about July 10, 2001?

ALL 12 JURORS SAY YES:       ✓      

1 OR MORE JURORS SAY NO:                     

D. Do each and every one of you find that the government has proven, beyond a reasonable doubt, that the defendant, Gary Sampson, intentionally killed Philip McCloskey and Jonathan Rizzo over the course of a series of criminal episodes?

ALL 12 JURORS SAY YES:       ✓      

1 OR MORE JURORS SAY NO:

E. Do each and every one of you find that the government has proven, beyond a reasonable doubt, that the defendant, Gary Sampson, murdered Jonathan Rizzo for the sole or primary purpose of preventing him from reporting the theft of his automobile to authorities?

ALL 12 JURORS SAY YES: \_\_\_\_\_

1 OR MORE JURORS SAY NO:           ✓          

F. Do each and every one of you find that the government has proven, beyond a reasonable doubt, that the defendant, Gary Sampson, caused injury, harm, or loss to the family of Jonathan Rizzo because of Jonathan Rizzo's personal characteristics as an individual human being and the impact of the death upon Jonathan Rizzo's family?

ALL 12 JURORS SAY YES:           ✓          

1 OR MORE JURORS SAY NO: \_\_\_\_\_

G. Do each and every one of you find that the government has proven, beyond a reasonable doubt, that the defendant, Gary Sampson, is likely to commit criminal acts of violence in the future which would be a continuing and serious threat to the lives and safety of prison officials and inmates as demonstrated by his history of prison misconduct?

ALL 12 JURORS SAY YES: \_\_\_\_\_

1 OR MORE JURORS SAY NO:           ✓          

**Regardless of how you answered the questions in this Part, continue with Part Five of this Verdict Form.**

**PART FIVE - MITIGATING FACTORS**

For each of the following seventeen mitigating factors, indicate the number of jurors, if any, who find that the defendant has proven, by a preponderance of the evidence, that the mitigating factor exists.

A. If not sentenced to death, Gary Sampson will be sentenced to a term of life in prison without any possibility of release.

NUMBER OF JURORS WHO SAY YES: 12

B. At the time he committed the carjacking resulting in the death of Jonathan Rizzo, Gary Sampson's capacity to conform his conduct to the requirements of the law was significantly impaired.

NUMBER OF JURORS WHO SAY YES: 0

C. At the time he committed the carjacking resulting in the death of Jonathan Rizzo, Gary Sampson was under a severe mental or emotional disturbance.

NUMBER OF JURORS WHO SAY YES: 0

D. At the time he committed the carjacking resulting in the death of Jonathan Rizzo, Gary Sampson was mentally ill.

NUMBER OF JURORS WHO SAY YES: 0

E. Gary Sampson is now mentally ill.

NUMBER OF JURORS WHO SAY YES: 0

F. Gary Sampson has a brain dysfunction.

NUMBER OF JURORS WHO SAY YES: 0

G. Gary Sampson attempted to surrender himself to the FBI before either of the offenses charged in this case occurred.

NUMBER OF JURORS WHO SAY YES: 8

- H. Gary Sampson called 911 and surrendered himself to the Vermont State Police after the offenses charged in this case occurred.

NUMBER OF JURORS WHO SAY YES: 12

- I. Following his surrender, Gary Sampson cooperated with every investigating agency which wished to speak with him about the offenses charged in this case.

NUMBER OF JURORS WHO SAY YES: 11

- J. Gary Sampson's post-arrest statements led to the recovery of Jonathan Rizzo's body.

NUMBER OF JURORS WHO SAY YES: 12

- K. Gary Sampson's post-arrest statements led to the recovery of significant items of physical evidence later used in this prosecution.

NUMBER OF JURORS WHO SAY YES: 12

- L. Gary Sampson offered to plead guilty to the murders in February 2002, and to accept a sentence of life in prison without possibility of release, at a time when the Department of Justice had not decided whether to seek the death penalty.

NUMBER OF JURORS WHO SAY YES: 12

- M. On September 13, 2003, Gary Sampson voluntarily pled guilty to the two charges in this case.

NUMBER OF JURORS WHO SAY YES: 12

- N. By his conduct Gary Sampson has accepted responsibility for his crimes.

NUMBER OF JURORS WHO SAY YES: 5

- O. As a child, Gary Sampson was the subject of verbal, emotional, and/or physical abuse.

NUMBER OF JURORS WHO SAY YES: 0

- P. Gary Sampson is remorseful for his conduct.

NUMBER OF JURORS WHO SAY YES: 0

Q. If Gary Sampson is executed, one or more other people will suffer grief and loss.

NUMBER OF JURORS WHO SAY YES: 11

In addition to the mitigating factors listed above, this part contains space for you to write any additional mitigating factors that any one or more of you may have found. As above, please indicate the number of jurors who find each such mitigating factor to have been proven by a preponderance of the evidence. You may write additional mitigating factors on the back of this page if necessary.

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NUMBER OF JURORS WHO SAY YES: \_\_\_\_\_

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NUMBER OF JURORS WHO SAY YES: \_\_\_\_\_

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NUMBER OF JURORS WHO SAY YES: \_\_\_\_\_

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NUMBER OF JURORS WHO SAY YES: \_\_\_\_\_

Regardless of how you answered the questions in this Part, continue with Part Six of this Verdict Form.



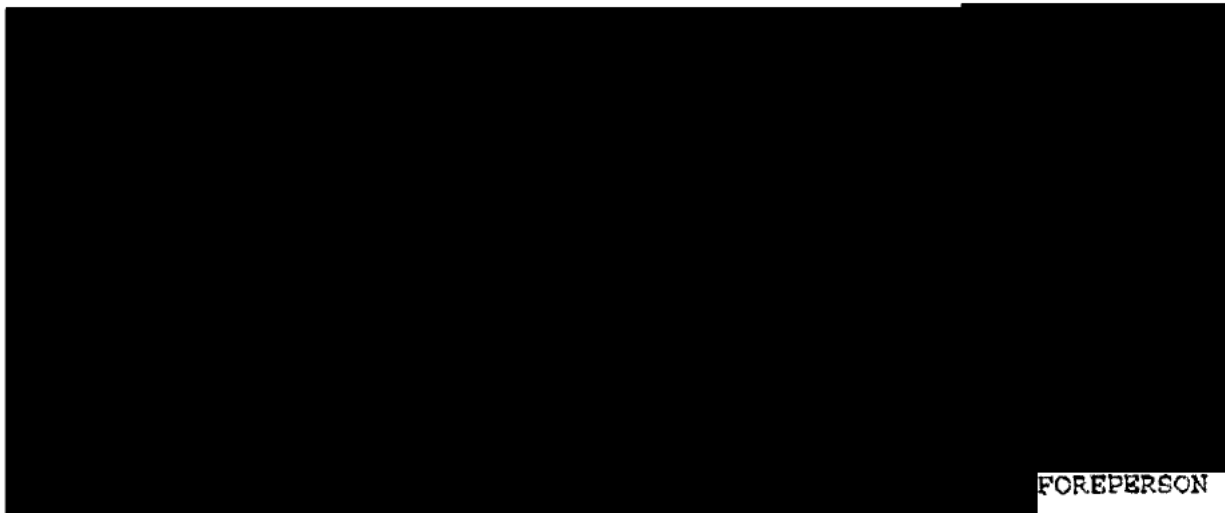
**PART SIX - DETERMINATION OF SENTENCE**

Answer the following question. If the answer to Question 6A is "YES", each juror must sign his or her name. If the answer is "NO", the Foreperson must sign his or her name. If you answered Question 6A "YES", then continue with Part Seven of this Verdict Form. If you answered Question 6A "NO", then answer Question 6B.

A. Do each and every one of you find that the government has proven, beyond a reasonable doubt, that the aggravating factor or factors found to exist sufficiently outweigh the mitigating factors found to exist to make death, rather than life in prison without the possibility of parole, the appropriate penalty for Gary Sampson for the carjacking resulting in the death of Jonathan Rizzo?

ALL 12 JURORS SAY YES:         ✓        

1 OR MORE JURORS SAY NO:                         



FOREPERSON

DATE Dec 23, 2003

**If the answer to Question 6B is "YES", each juror must sign his or her name. If the answer is "NO", the Foreperson must sign his or her name.**

B. Do each and every one of you find that the government has failed to prove, beyond a reasonable doubt, that the aggravating factor or factors found to exist sufficiently outweigh the mitigating factors found to exist to make death, rather than life in prison without the possibility of parole, the appropriate penalty for Gary Sampson for the carjacking resulting in the death of Jonathan Rizzo?

ALL 12 JURORS SAY YES: \_\_\_\_\_

1 OR MORE JURORS SAY NO: \_\_\_\_\_

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FOREPERSON

DATE \_\_\_\_\_

**If you answered Question 6B "YES", then continue with Part Seven of this Verdict Form. If you answered Question 6B "NO", then the Foreperson shall sign the following statement if it is true.**

C. After making all reasonable efforts, the jury is unable to reach a unanimous decision on whether the government has proven, beyond a reasonable doubt, that the aggravating factor or factors found to exist sufficiently outweigh the mitigating factors found to exist to make death, rather than life in prison without the possibility of parole, the appropriate penalty for Gary Sampson for the carjacking resulting in the death of Jonathan Rizzo.

\_\_\_\_\_  
FOREPERSON

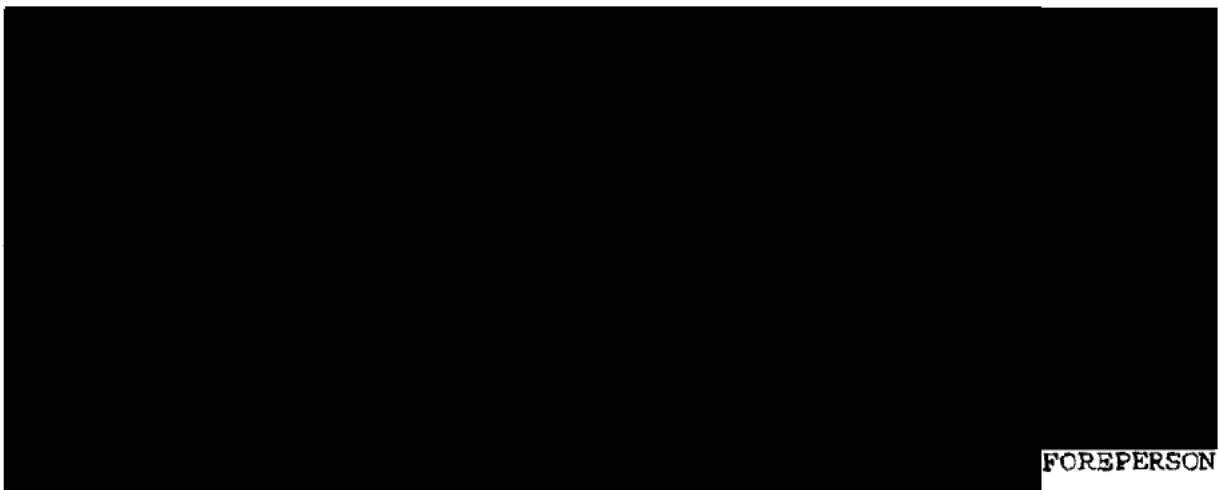
DATE \_\_\_\_\_

**Continue with Part Seven of this Verdict Form.**

PART SEVEN - CERTIFICATION

**Each of you must sign this certification if and only if it accurately describes your deliberations.**

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 decision regarding the sentence for the defendant for the carjacking resulting in the death of Jonathan Rizzo no matter what the race, color, religious beliefs, national origin, or sex of the defendant or the victim would have been.



FOREPERSON

DATE Dec 23, 2003