

UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF ALABAMA  
SOUTHERN DIVISION

UNITED STATES OF AMERICA

-vs-

CASE NO. 98-00056-CB

MARCUS SANDERS

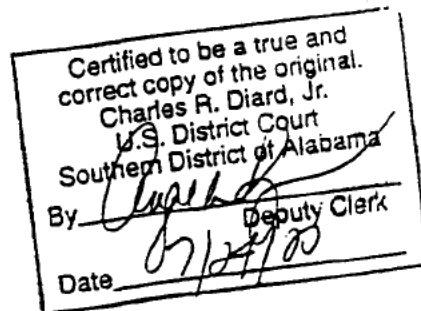
SPECIAL VERDICT FORM  
COUNT SIX: WITNESS RETALIATION WHICH RESULTED  
IN THE MURDER OF ROBERT M. GIBSON, SR.

A. REQUISITE MENTAL STATE

Do you find unanimously that the government has proved beyond a reasonable doubt that the defendant intentionally killed Robert M. Gibson, Sr. by shooting him?

Yes

No



If you answered "No" to the question above, then stop your deliberations, cross out sections B, C, and D, and proceed to sections E and F.

If you answered "Yes" to the question above, then proceed to section B.

B. STATUTORY AGGRAVATING FACTORS

Do you find unanimously that the government has proved beyond a reasonable doubt either of the following aggravating factors:

1. That Marcus Sanders, in the commission of the offense charged in Count Five, or in escaping apprehension for the offense charged in Count Five, knowingly created a grave risk of

death to one or more persons in addition to Robert M. Gibson, Sr.?

Yes

No



2. That Marcus Sanders committed the offense charged in Count Five after substantial planning and premeditation to cause the death of a person, Robert M. Gibson, Sr.?

Yes

No



If you answered "No" to both questions 1 and 2 above, then stop your deliberations, cross out sections C and D and proceed to sections E and F.

If you answered "Yes" to either question 1 or question 2, then proceed to Section C.

**C. NON-STATUTORY AGGRAVATING FACTORS**

1. Do you find unanimously that the government has proved beyond a reasonable doubt that Marcus Sanders committed the offense charged in Count Five with the intent to prevent Robert M. Gibson, Sr., from, or retaliate against Robert M. Gibson, Sr., for providing information and assistance to law enforcement authorities in regard to the investigation or prosecution of the commission or possible commission of another offense?

Yes

No



2. Do you find unanimously that the government has proved beyond a reasonable doubt that Marcus Sanders caused injury, harm, and loss to the victim Robert M. Gibson, Sr., or to his family?

Yes           ✓            
No                           



Regardless of whether you answered "Yes" or "No" to the questions in Section C, proceed to Section D.

**D. Mitigating Factors**

Indicate the number of jurors, if any, who have found the existence of each mitigating factor.

1. Do you find by a preponderance of the evidence that the defendant did not have a significant prior history of other criminal conduct?

Number of jurors who so find   11  

2. Do you find by a preponderance of the evidence that the defendant was under significant stress at the time of the murder?

Number of jurors who so find   12  

3. Do you find by a preponderance of the evidence that another defendant, Leslie Kelly, who is equally culpable in the crime will not be punished by death?

Number of jurors who so find   12  

4. Do you find by a preponderance of the evidence that the defendant is adaptable to incarceration?

Number of jurors who so find   9

5. Do you find by a preponderance of the evidence that there are other factors in the defendant's background, record, or character that mitigate against the imposition of the death penalty?

Number of jurors who so find 11

6. You may write in below additional mitigating factors, if any, found to exist 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.

a. defendant family

---

Number of jurors who so find 11

b. a chance to repent

---

Number of jurors who so find 10

c. NONE

---

Number of jurors who so find \_\_\_\_\_

**E. Determination**

Please sign beneath the decision that applies and cross out the other possible determination. Each juror should sign in the spaces provided below and proceed to Section F.

We, the jury, find unanimously that all the aggravating factor or factors found to exist sufficiently outweigh all the mitigating factors found to exist to justify a sentence of death, or, in the absence of a mitigating factor, that the aggravating factor or factors alone are sufficient to justify a sentence of death and, therefore, find that the defendant shall be sentenced to death.

_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____

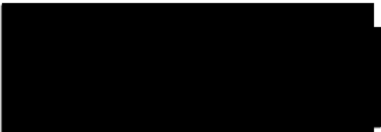
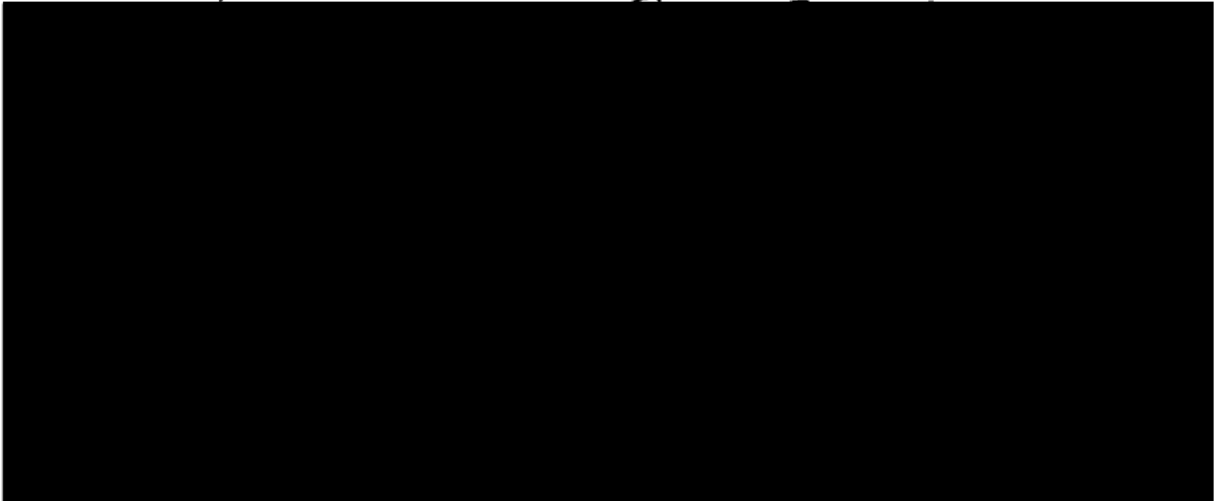
We, the jury, find that the defendant shall be sentenced to life imprisonment without the possibility of release.



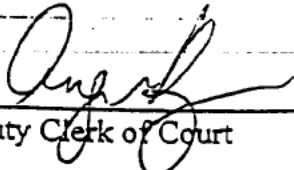
**F. Certification**

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 recommendation regarding a sentence for the crime or crimes in question regardless of the race, color religious beliefs, national origin or sex of the defendant or the victim.



Filed in open court this the 18<sup>th</sup> day of July, 2000.

  
\_\_\_\_\_  
Deputy Clerk of Court

UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF ALABAMA  
SOUTHERN DIVISION

UNITED STATES OF AMERICA

-vs-

CASE NO. 98-00056-CB

MARCUS SANDERS

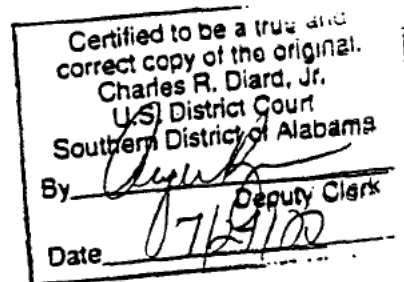
SPECIAL VERDICT FORM  
COUNT FIVE: WITNESS TAMPERING WHICH RESULTED IN THE MURDER OF  
ROBERT M. GIBSON, SR.

A. REQUISITE MENTAL STATE

Do you find unanimously that the government has proved beyond a reasonable doubt that the defendant intentionally killed Robert M. Gibson, Sr. by shooting him?

Yes

No



If you answered "No" to the question above, then stop your deliberations, cross out sections B, C, and D, and proceed to sections E and F.

If you answered "Yes" to the question above, then proceed to section B.

B. STATUTORY AGGRAVATING FACTORS

Do you find unanimously that the government has proved beyond a reasonable doubt either of the following aggravating factors:

1. That Marcus Sanders, in the commission of the offense charged in Count Five, or in escaping apprehension for the offense charged in Count Five, knowingly created a grave risk of

death to one or more persons in addition to Robert M. Gibson, Sr.?

Yes  \_\_\_\_\_  
No \_\_\_\_\_



2. That Marcus Sanders committed the offense charged in Count Five after substantial planning and premeditation to cause the death of a person, Robert M. Gibson, Sr.?

Yes  \_\_\_\_\_  
No \_\_\_\_\_



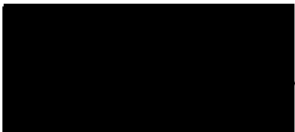
If you answered "No" to both questions 1 and 2 above, then stop your deliberations, cross out sections C and D and proceed to sections E and F.

If you answered "Yes" to either question 1 or question 2, then proceed to Section C.

**C. NON-STATUTORY AGGRAVATING FACTORS**

1. Do you find unanimously that the government has proven beyond a reasonable doubt that Marcus Sanders committed the offense charged in Count Five with the intent to prevent Robert M. Gibson, Sr., from, or retaliate against Robert M. Gibson, Sr., for providing information and assistance to law enforcement authorities in regard to the investigation or prosecution of the commission or possible commission of another offense?

Yes  \_\_\_\_\_  
No \_\_\_\_\_





2. Do you find unanimously that the government has proved beyond a reasonable doubt that Marcus Sanders caused injury, harm, and loss to the victim Robert M. Gibson, Sr., or to his family?

Yes ✓

No \_\_\_\_\_



Regardless of whether you answered "Yes" or "No" to the questions in Section C, proceed to Section D.

**D. Mitigating Factors**

Indicate the number of jurors, if any, who have found the existence of each mitigating factor.

1. Do you find by a preponderance of the evidence that the defendant did not have a significant prior history of other criminal conduct?

Number of jurors who so find 11

2. Do you find by a preponderance of the evidence that the defendant was under significant stress at the time of the murder?

Number of jurors who so find 12

3. Do you find by a preponderance of the evidence that another defendant, Leslie Kelly, who is equally culpable in the crime will not be punished by death?

Number of jurors who so find 12

4. Do you find by a preponderance of the evidence that the defendant is adaptable to incarceration?

Number of jurors who so find 9

5. Do you find by a preponderance of the evidence that there are other factors in the defendant's background, record, or character that mitigate against the imposition of the death penalty?

Number of jurors who so find 11

6. You may write in below additional mitigating factors, if any, found to exist 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.

a. defendant's family

---

Number of jurors who so find 11

b. ~~None~~ a chance to report

---

Number of jurors who so find 10

c. NONE

---

Number of jurors who so find \_\_\_\_\_

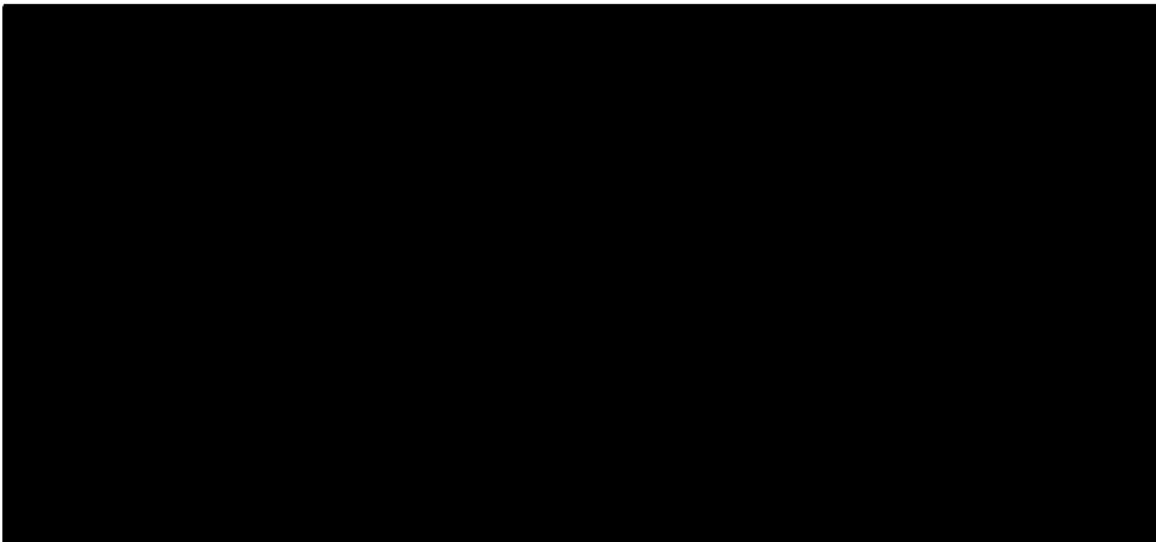
**E. Determination**

Please sign beneath the decision that applies and cross out the other possible determination. Each juror should sign in the spaces provided below and proceed to Section F.

We, the jury, find unanimously that the all the aggravating factor or factors found to exist sufficiently outweigh all the mitigating factors found to exist to justify a sentence of death. or, in the absence of a mitigating factor, that the aggravating factor or factors alone are sufficient to justify a sentence of death and, therefore, find that the defendant shall be sentenced to death.

_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____

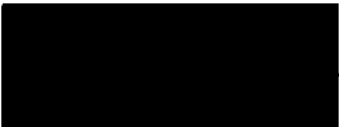
We, the jury, find that the defendant shall be sentenced to life imprisonment without the possibility of release.



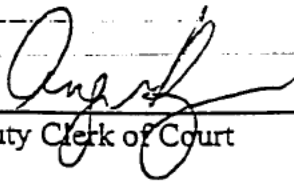
**F. Certification**

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 recommendation

her individual decision, and that the individual juror would have made the same recommendation regarding a sentence for the crime or crimes in question regardless of the race, color religious beliefs, national origin or sex of the defendant or the victim



Filed in open court this the 18<sup>th</sup> day of July, 2000.

  
A handwritten signature in cursive script is written over a horizontal line.

Deputy Clerk of Court