

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF LOUISIANA  
ALEXANDRIA DIVISION

---

UNITED STATES OF AMERICA

CRIMINAL NO. 10-00351

-vs-

JUDGE DRELL

THOMAS STEVEN SANDERS

MAGISTRATE JUDGE KIRK

---

---

**PENALTY PHASE SPECIAL VERDICT FORM**  
**COUNT 1: KIDNAPPING RESULTING IN DEATH**

*You should proceed through this special verdict form section by section, in order, following the instructions given on the form.*

**I. Age of the Defendant**

*Please answer "Yes" or "No" to the following question.*

Do you, the jury, unanimously find the Government has proved beyond a reasonable doubt that the defendant, Thomas Steven Sanders, was eighteen (18) years of age or older at the time of the offense set forth in Count One the Superceding Indictment?

\_\_\_\_\_ NO

  X   YES

*If you answered "No" to the question above, please STOP your deliberations on this Count and proceed to Section VI on page 18.*

*Otherwise, please proceed to Section II.*

**II. Gateway Factors**

Please answer "Yes" or "No" to each of the next two (2) questions.

1. Do you, the jury, unanimously find the Government has proved beyond a reasonable doubt that the defendant intentionally killed Lexis Roberts?

\_\_\_\_\_ NO                      ~~\_\_\_\_\_~~ YES

2. Do you, the jury, unanimously find the Government has proved beyond a reasonable doubt that the defendant intentionally inflicted serious bodily injury that resulted in the death of Lexis Roberts?

\_\_\_\_\_ NO                      ~~\_\_\_\_\_~~ YES

If you answered "No" to all the Gateway Factors, please STOP your deliberations on this Count and proceed to Section VII on page 19.

Otherwise, please proceed to Section III.

**III. Statutory Aggravating Factors**

Please answer "Yes" or "No" to each of the next three (3) questions.

1. Do you, the jury, unanimously find the Government has proved beyond a reasonable doubt that the death, or injury resulting in death, of Lexis Roberts occurred during the commission or attempted commission of, or during the immediate flight from the commission of a kidnapping by the defendant, Thomas Steven Sanders?

\_\_\_\_\_ NO                      ~~\_\_\_\_\_~~ YES

2. Do you, the jury, unanimously find the Government has proved beyond a reasonable doubt that the defendant, Thomas Steven Sanders, committed the offense described in Count One of the Superceding Indictment after substantial planning and premeditation to cause the death of Lexis Roberts?

\_\_\_\_\_ NO                      ~~\_\_\_\_\_~~ YES

3. Do you, the jury, unanimously find the Government has proved beyond a reasonable doubt that the victim, Lexis Roberts, was particularly vulnerable due to her youth or infirmity?

\_\_\_\_\_ NO

\_\_\_\_\_  YES

*If you answered "No" to all the Statutory Aggravating Factors, please STOP your deliberations on this Count and proceed to Section VIII on page 20.*

*Otherwise, please proceed to Section IV.*

**IV. Non-statutory Aggravating Factors**

*Please answer "Yes" or "No" to the following question.*

1. Do you, the jury, unanimously find the Government has proved beyond a reasonable doubt that the defendant, Thomas Steven Sanders, caused injury, harm, and loss to Lexis Roberts' family because of the victim's personal characteristics as an individual human being and the impact of the death upon the victim's family?

\_\_\_\_\_ NO

\_\_\_\_\_  YES

*Regardless of your response to the previous question, please proceed to section V.*

**V. Mitigating Factors**

*For each of the following mitigating factors, you have the option to indicate, in the space provided, the number of jurors who have found the existence of that mitigating factor to be proved by a preponderance of the evidence. If none, enter "0" in the appropriate blank(s).*

*Your vote with respect to a mitigating factor need not be unanimous.*

*In addition to the mitigating factors specified below, this section also contains blank lines in which you may write any additional mitigating factors that any member or members of the jury have found. If none, write "None." If you need additional space, simply write "Continued" at the end of the blank list and write additional factors on the back side of the page.*

1. If not sentenced to death, Thomas Steven Sanders will be sentenced to life in prison without the possibility of release, which means he will spend every day of the rest of his life in prison until he dies.

Number of jurors who so find: 12

2. If sentenced to life in prison without the possibility of release, Thomas Steven Sanders will be confined in a highly structured and secure federal prison.

Number of jurors who so find: 12

3. Thomas Steven Sanders loved Suellen Roberts.

Number of jurors who so find: 2

4. Thomas Steven Sanders cooperated with law enforcement at the time of his arrest, including helping the authorities locate the remains of Suellen Roberts.

Number of jurors who so find: 12

5. Thomas Steven Sanders accepts responsibility for the death of Lexis Roberts.

Number of jurors who so find: 12

6. Thomas Steven Sanders is remorseful about his killing Lexis Roberts.

Number of jurors who so find: 0

7. The vacation to the Grand Canyon and Bearizona was the idea of both Suellen Roberts and Thomas Steven Sanders.

Number of jurors who so find: 9

8. Thomas Steven Sanders has not been convicted of any prior felonies.

Number of jurors who so find: 12

9. Throughout his life, Thomas Steven Sanders has shown empathy towards others and they have shown empathy to him.

Number of jurors who so find: 1

10. Thomas Steven Sanders has brain damage.

Number of jurors who so find: 12

11. Thomas Steven Sanders suffers from brain dysfunction.

Number of jurors who so find: 6

12. Thomas Steven Sanders' family history and genetics made him more susceptible to mental illness.

Number of jurors who so find: 11

13. Thomas Steven Sanders suffers from mental illness.

Number of jurors who so find: 0

14. Because of mental illness, Thomas Steven Sanders hears voices that others do not.

Number of jurors who so find: 0

15. Thomas Steven Sanders experiences delusions.

Number of jurors who so find: 0

16. Because of his mental illness, Thomas Steven Sanders experiences disorganized thinking and speech.

Number of jurors who so find: 0

17. Thomas Steven Sanders suffers with mania.

Number of jurors who so find: 0

18. Thomas Steven Sanders suffers with depression.  
Number of jurors who so find: 2
19. Thomas Steven Sanders experiences suicidal thoughts.  
Number of jurors who so find: 3
20. When Thomas Steven Sanders experiences a manic or depressive state, the symptoms of his mental illness can worsen, including the symptoms of delusions and hearing voices that are not heard by others.  
Number of jurors who so find: 0
21. Brain damage and/or mental illness impact Thomas Steven Sanders on a regular basis.  
Number of jurors who so find: 2
22. Brain damage and/or mental illness impacted Thomas Steven Sanders at the time of the offense.  
Number of jurors who so find: 0
23. Because of brain damage and/or mental illness, Thomas Steven Sanders' ability to make a decision or consider alternative courses of action at the time of the crime was impaired.  
Number of jurors who so find: 0
24. Throughout Thomas Steven Sanders' adult life, he has tried to cope with his impairments, but struggled because he continued to deteriorate from his mental illness.  
Number of jurors who so find: 0
25. Thomas Steven Sanders suffers memory loss or memory distortion because of mental illness and/or brain damage.  
Number of jurors who so find: 0

26. Results of neurocognitive testing and structural and functional imaging of Thomas Steven Sanders' brain show abnormalities demonstrating that he suffers from brain damage.

Number of jurors who so find: 4

27. Important parts of Thomas Steven Sanders' brain network responsible for perception and regulation of emotions are structurally damaged.

Number of jurors who so find: 0

28. Thomas Steven Sanders' combined structural and functional abnormalities in his brain impair his ability to process his environment and respond appropriately.

Number of jurors who so find: 0

29. As a result of the abnormalities of his brain, Thomas Steven Sanders has a decreased ability to regulate emotions and motivated behavior.

Number of jurors who so find: 0

30. Important components of Thomas Steven Sanders' brain network responsible for perception and regulation of emotions are structurally damaged.

Number of jurors who so find: 0

31. The same components of Thomas Steven Sanders' brain are over-activated when he is challenged.

Number of jurors who so find: 0

32. As a result of damage to his brain, Mr. Sanders' ability to process his environment and respond appropriately is impaired.

Number of jurors who so find: 0

33. Thomas Steven Sanders was born with a vulnerable brain and then suffered further insults to his brain, including concussions.

Number of jurors who so find: 0

34. Abnormalities in Thomas Steven Sanders' brain are indicated by the MRI and EEG imaging.

Number of jurors who so find: 0

35. Thomas Steven Sanders suffers from a Cognitive Disorder.

Number of jurors who so find: 0

36. The life choices available to Thomas Steven Sanders were limited throughout much of his life by brain damage, genetic predisposition, and mental illness.

Number of jurors who so find: 0

37. Because of his mental illness and/or brain damage, he was unable to succeed in life despite his efforts.

Number of jurors who so find: 0

38. Thomas Steven Sanders made efforts at resiliency throughout his life, most notably in his continuing efforts to obtain and maintain employment and support himself even while homeless.

Number of jurors who so find: 12

39. Thomas Steven Sanders comes from a family that, for multiple generations, suffered from isolation, poverty, lack of education and opportunity, and dysfunction.

Number of jurors who so find: 0

40. Mary Sue Boothe, Thomas Steven Sanders' mother, was overwhelmed and ill-equipped to raise Mr. Sanders in a healthy and nurturing environment.

Number of jurors who so find: 0

41. Thomas Steven Sanders' mother found it necessary to flee her impoverished family.

Number of jurors who so find: 12

42. Thomas Steven Sanders' maternal grandfather was born out of wedlock from an affair between Valentine Boothe and Pina Mae Boothe, who were cousins.

Number of jurors who so find: 12

43. Because of the circumstances of his birth, Thomas Steven Sanders' maternal grandfather did not inherit any family lands and was, therefore, poorer than other family members.

Number of jurors who so find: 6

44. Thomas Steven Sanders' mother, along with her siblings, would have starved if not for the assistance of other family members and commodities.

Number of jurors who so find: 0

45. Thomas Steven Sanders' mother and her siblings were put to work to make money for the family during their grade school years, doing hard labor like cotton picking and commercial fishing, as a result of which they were denied adequate educations.

Number of jurors who so find: 0

46. Medical care was not available to the Boothers, and they relied on home remedies, including kerosene. Mary Sue Boothe did not see a doctor until after she was married.

Number of jurors who so find: 12

47. Mary Sue Boothe suffered from being raised in a verbally and physically abusive home with an alcoholic father and did not have a good model of parenting.

Number of jurors who so find: 0

48. Since the time she was a young girl, Mary Sue Boothe's job as the oldest daughter was to help look after her younger brothers and sisters, who numbered seven before she left home.

Number of jurors who so find: 12

49. Trying to make a better life, Mary Sue Boothe ran away from home as a teenager.

Number of jurors who so find: 12

50. While working in a bar, Mary Sue Boothe met Edward Kilby Sanders, whom she married when she was only 17 years old.

Number of jurors who so find: 12

51. Mary Sue Boothe gave birth to Thomas Steven Sanders just after turning 18 years old.

Number of jurors who so find: 12

52. Mary Sue Boothe had a long and difficult labor with Thomas Steven Sanders, and he was born with low birth weight and the umbilical cord wrapped around his neck.

Number of jurors who so find: 12

53. Thomas Steven Sanders suffered a head injury at age 3, after which he had to learn to walk and talk again.

Number of jurors who so find: 4

54. Even after Thomas Steven Sanders was born, Mary Sue Boothe continued to take in her own siblings, which diminished the time and attention she had for raising Mr. Sanders.

Number of jurors who so find: 2

55. Mary Sue Boothe's second son, Bryce Sanders, had special needs which consumed most of her time.

Number of jurors who so find: 12

56. Thomas Steven Sanders interpreted for his brother, Bryce Sanders, who was late in learning to talk as a child.

Number of jurors who so find: 0

57. Thomas Steven Sanders' father, Edward Kilby Sanders, was a suicidal alcoholic.

Number of jurors who so find: 0

58. Edward Kilby Sanders did not help parent Thomas Steven Sanders and Bryce Sanders.

Number of jurors who so find: 0

59. Because of the burdens on Mary Sue Boothe from her special needs son and alcoholic husband, she was unable adequately to tend to the emotional and developmental needs of Thomas Steven Sanders.

Number of jurors who so find: 0

60. Thomas Steven Sanders showed potential in the Boy Scouts and was a valuable member of Troop 48.

Number of jurors who so find: 0

61. Thomas Steven Sanders' paternal grandmother, Mary Elizabeth Sanders, was an orphan, who married her first cousin.

Number of jurors who so find: 12

62. Thomas Steven Sanders' paternal grandfather worked away from home for long periods of time, leaving Edward Kilby Sanders to care for his sick mother and his siblings at a young age without any model of parenting.

Number of jurors who so find: 12

63. Thomas Steven Sanders voluntarily served in the U.S. Marine Corps for two years.

Number of jurors who so find: 12

64. Thomas Steven Sanders received an honorable discharge from the U.S. Marine Corps.

Number of jurors who so find: 12

65. While serving in the U.S. Marine Corps, Thomas Steven Sanders was hit in the head with a bowling ball, and became deaf in one ear.

Number of jurors who so find: 0

66. While serving in the U.S. Marine Corps, Thomas Steven Sanders was in a car accident and suffered head trauma and headaches.

Number of jurors who so find: 1

67. Thomas Steven Sanders started working while in high school.

Number of jurors who so find: 10

68. Thomas Steven Sanders earned his GED.

Number of jurors who so find: 12

69. Thomas Steven Sanders earned a welding certification.

Number of jurors who so find: 0

70. Thomas Steven Sanders has always worked to make his own way in the world.

Number of jurors who so find: 12

71. During his childhood, the adults in Thomas Steven Sanders's life were either absent, overwhelmed, mentally ill, addicted, or ineffective.

Number of jurors who so find: 0

72. As a child, Thomas Steven Sanders was a victim of sexual abuse.

Number of jurors who so find: 0

73. As a child, Thomas Steven Sanders was not able to talk normally, and was mocked for the way his mouth twisted to the side.

Number of jurors who so find: 12

74. As a child, Thomas Steven Sanders had few or no positive male role models.

Number of jurors who so find: 0

75. Because of an accident in 1976, soon after Thomas Steven Sanders returned home from the Marine Corps, his father, Edward Kilby Sanders, suffered a spinal cord injury that left him unable to use his arms or legs, and Mary Sue Boothe constantly had to tend to his needs.

Number of jurors who so find: 12

76. Mary Sue Boothe opened her own bar to provide income for her family. Thomas Steven Sanders helped build an apartment onto the bar where his parents could live.

Number of jurors who so find: 12

77. Thomas Steven Sanders was a respectful child and well behaved.

Number of jurors who so find: 12

78. Thomas Steven Sanders' family has always worked hard and they passed on that work ethic to Mr. Sanders.

Number of jurors who so find: 12

79. Thomas Steven Sanders' second marriage, to Candice Gardner, was tumultuous.

Number of jurors who so find: 12

80. Thomas Steven Sanders worked and tried to support his second wife, Candice Gardner, and their three children.

Number of jurors who so find: 12

81. Thomas Steven Sanders tried to support his third wife, Lisa Poindexter, and her three children by opening a business with her.

Number of jurors who so find: 2

82. Thomas Steven Sanders was unable to handle the paperwork or business calls.

Number of jurors who so find: 12

83. Thomas Steven Sanders lived on the margins of society.

Number of jurors who so find: 12

84. Thomas Steven Sanders was helpful to the management and tenants at Pacific Mini Storage.

Number of jurors who so find: 12

85. While living in Las Vegas, Thomas Steven Sanders made a friend, Selina Johnson, whom he helped after she suffered a series of mini strokes and was hospitalized.

Number of jurors who so find: 12

86. Thomas Steven Sanders was trusted by Selina Johnson with her checkbook to pay bills and mail them for her during her hospitalization. He was invited into her home to perform handyman tasks. He did these things responsibly.

Number of jurors who so find: 12

87. Thomas Steven Sanders brought food and Ms. Johnson's beloved pet to visit her while she was hospitalized.

Number of jurors who so find: 12

88. Thomas Steven Sanders has performed acts of generosity.

Number of jurors who so find: 12

89. Thomas Steven Sanders has shown acts of kindness to people throughout his life.

Number of jurors who so find: 12

90. Because of his age and physical condition, Thomas Steven Sanders is unlikely to be a danger in jail and in fact is more likely to be victimized by other inmates.

Number of jurors who so find: 12

91. Thomas Steven Sanders is unlikely to be a danger to staff or other inmates while incarcerated.

Number of jurors who so find: 6

92. Thomas Steven Sanders is a complicated person who is capable of good deeds.

Number of jurors who so find: 12

93. Mary Sue Boothe loves her son, Thomas Steven Sanders.

Number of jurors who so find: 11

94. Executing Thomas Steven Sanders would cause pain and loss to Mary Sue Boothe.

Number of jurors who so find: 12

95. Thomas Steven Sanders is an important person to his daughter, Shawna Dunaway, and she loves him.

Number of jurors who so find: 12

96. Shawna Dunaway will suffer grief and loss if Thomas Steven Sanders is executed.

Number of jurors who so find: 12

97. Thomas Steven Sanders has begun to reunite with his daughter and his mother.

Number of jurors who so find: 12

98. Thomas Steven Sanders has not harmed other inmates or staff while in jail.  
Number of jurors who so find: 12
99. While in jail for this offense, Thomas Steven Sanders has not been cited for any disciplinary violations.  
Number of jurors who so find: 12
100. Thomas Steven Sanders has shown kindness to others while incarcerated.  
Number of jurors who so find: 12
101. Thomas Steven Sanders has helped another inmate positively adjust to jail.  
Number of jurors who so find: 12
102. Thomas Steven Sanders is able to function well in highly structured settings.  
Number of jurors who so find: 12
103. Thomas Steven Sanders' life has value.  
Number of jurors who so find: 12
104. Thomas Steven Sanders is a human being, capable of redemption.  
Number of jurors who so find: 0
105. There are other factors in Thomas Steven Sanders' life, background, record, character, or any other circumstance of the offense that mitigate against imposition of death.  
Number of jurors who so find: 0
106. Thomas Steven Sanders is deserving of mercy.  
Number of jurors who so find: 2

Additional mitigating factors, if any:

(none)

---

---

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

---

---

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

---

---

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

---

---

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

---

---

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

---

---

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

*Regardless of whether you chose to make written findings for the Mitigating Factors in Section V, please proceed to Section IX on page 21.*

**VI. Determination (Age of the Defendant)**

*Only if you answered "No" to the Question in Section I, the foreperson should sign and date the statement which follows.*

*Otherwise, please do not complete this page.*

We, the jury, do not unanimously find proved, beyond a reasonable doubt, that the defendant, Thomas Steven Sanders, was eighteen (18) years of age or older at the time of the offense at issue, and we therefore do not consider the death penalty in relation to the crime for which the defendant has been convicted in Count One.

---

FOREPERSON

Date: \_\_\_\_\_

*Please proceed to Section X on page 22.*

**VII. Determination (Gateway Factors)**

*Only if you answered "No" to all the Questions in Section II, the foreperson should sign and date the statement which follows.*

*Otherwise, please do not complete this page.*

We, the jury, do not unanimously find proved, beyond a reasonable doubt, the existence any of the "Gateway Factors" required by law as prerequisites for the imposition of capital punishment, and therefore do not consider the death penalty in relation to the crime for which the defendant has been convicted in Count One.

---

FOREPERSON

Date: \_\_\_\_\_

*Please proceed to Section X on page 22.*

**VIII. Determination (Statutory Aggravating Factors)**

*Only if you answered "No" to all the Questions in Section III, the foreperson should sign and date the statement which follows.*

*Otherwise, please do not complete this page.*

We, the jury, do not unanimously find proved, beyond a reasonable doubt, the existence any of the "Statutory Aggravating Factors" required by law as prerequisites for the imposition of capital punishment, and therefore do not consider the death penalty in relation to the crime for which the defendant has been convicted in Count One.

---

FOREPERSON

Date: \_\_\_\_\_

*Please proceed to Section X on page 22.*

**IX. Determination**

Based upon consideration of whether the 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, and whether death is therefore the appropriate sentence in this case:

We determine, by unanimous vote, that a sentence of death shall be imposed upon Thomas Steven Sanders for the offense described in Count One of the Superceding Indictment.

\_\_\_\_\_ NO                            X       YES

*If you answer "Yes" or "No," the foreperson must sign here, and you must then proceed to Section X on page 22.*

\_\_\_\_\_  
FOREPERSON

Date: \_\_\_\_\_

**X. 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 in question regardless of the race, color, religious beliefs, national origin, or sex of the defendant, or the victim.

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

\_\_\_\_\_  
FOREPERSON

Date: \_\_\_\_\_

*Regardless of your decision on this Count, please use the separate Verdict Form and continue your deliberations regarding Count Two.*