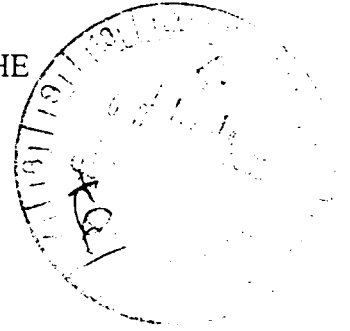


IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF MISSOURI
WESTERN DIVISION



UNITED STATES OF AMERICA,)

Plaintiff,)

vs.)

GERMAN C. SINISTERRA, et al.,)

Defendants.)

Case No. 98-00311-02/03/04-CR-W-4

VERDICT DEFENDANT SINIESTERRA
PENALTY PHASE

IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF MISSOURI
WESTERN DIVISION

UNITED STATES OF AMERICA,)
)
 Plaintiff,)
)
 v.) No. 98-00149-02-CR-W-4
)
 GERMAN SINISTERRA,)
)
 Defendant.)

SPECIAL VERDICT FORM
DEFENDANT GERMAN SINISTERRA

COUNT II - USING OR CARRYING A FIREARM DURING AND IN RELATION TO
A DRUG TRAFFICKING CRIME WHICH RESULTED IN THE MURDER OF
JULIAN COLON


I. AGE OF DEFENDANT

Instructions: Answer "YES" or "NO." Do you, the jury,
unanimously find that the government has established beyond a
reasonable doubt that:

The defendant was eighteen years of age or older at the time
of the offense.

YES

NO


Foreperson

Instructions: If you answered "NO" with respect to the
determination in this section, then stop your deliberations,
cross out Sections II, III, IV, V and VI of this form, and
proceed to Section VII. Each juror should then carefully read
the statement in Section VII, and sign in the appropriate place
if the statement accurately reflects the manner in which he or

she reached his or her decision. You should then advise the court that you have reached a decision.

If you answered "YES" with respect to the determination in this Section I, then continue your deliberations in accordance with the court's instructions and proceed to Section II which follows.

II. REQUISITE MENTAL STATE

Instructions: For each of the following, answer "YES" or "NO."

Do you, the jury, unanimously find that the government has established beyond a reasonable doubt that the defendant intentionally killed Julian Colon.

YES _____

NO _____


Foreperson

Do you, the jury, unanimously find that the government has established beyond a reasonable doubt that the defendant intentionally participated in an act, contemplating that the life of the victim, Julian Colon, would be taken and/or intending that lethal force would be used in connection with a person, other than one of the participants in the offense, and the victim Julian Colon, died as a direct result of the act?

YES _____

NO _____


Foreperson

Instructions: If you answered "NO" with respect to the determinations in this section, then stop your deliberations, cross out Sections III, IV, V and VI of this form, and proceed to Section VII. Each juror should carefully read the statement in Section VII, and sign in the appropriate place if the statement accurately reflects the manner in which he or she reached his or her decision. You should then advise the court that you have reached a decision.

If you answered "YES" with respect to one or more of the determination[s] in this Section II, then proceed to Section III which follows.

III. STATUTORY AGGRAVATING FACTORS

Instructions: For each of the following, answer "YES" or "NO."

1. Do you, the jury, unanimously find that the government has established beyond a reasonable doubt that the defendant committed the offense in the expectation of the receipt of anything of pecuniary value, as set out in Instruction No. 7?

YES ✓

NO



Foreperson

2. Do you, the jury, unanimously find that the government has established beyond a reasonable doubt that the defendant committed the offense of murder of Julian Colon after substantial planning and premeditation to cause the death of a person as set

out in Instruction No. 7?

YES ✓

NO


Foreperson

3. Do you, the jury, unanimously find that the government has established beyond a reasonable doubt that the defendant in concert with others intentionally attempted to kill more than one person in a single criminal episode as set out in Instruction No. 7?

YES ✓

NO


Foreperson

Instructions: If you answered "NO" with respect to all of the Statutory Aggravating Factors in this Section III, then stop your deliberations, cross out Sections IV, V and VI of this form, and proceed to Section VII of this form. Each juror should carefully read the statement in Section VII, and sign in the appropriate place if the statement accurately reflects the manner in which he or she reached his or her decision. You should then advise the court that you have reached a decision.

If you found the requisite age in Section I, the requisite mental state in Section II and answered "Yes" with respect to one or more of the aggravating factors in this Section III, proceed

to Section IV which follows.

IV. NON-STATUTORY AGGRAVATING FACTORS

Instructions: For each of the following, answer "YES" or "NO."

1. Do you, the jury, unanimously find that the government has established beyond a reasonable doubt that the defendant is likely to commit criminal acts of violence in the future which would be a continuing and a serious threat to society.

YES _____

NO _____

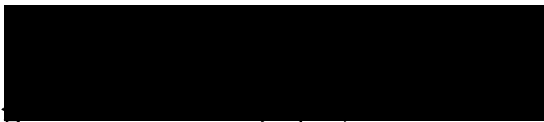


Foreperson

2. Do you, the jury, unanimously find that the government has established beyond a reasonable doubt that the defendant's vile conduct in committing the offense, apart from the other aggravating factors, was substantially greater in degree than that described in the definition of the crime?

YES _____

NO _____



Foreperson

3. Do you, the jury, unanimously find that the government has established beyond a reasonable doubt that Julian Colon's personal characteristics as an individual human being and the impact of the death of Julian Colon upon his family makes this crime more worthy of the death penalty than other murders?



Foreperson

YES _____

NO ✓

V. MITIGATING FACTORS

Instructions: For each of the following mitigating factors, indicate, in the space provided, the number of jurors who have found the existence of that mitigating factor to be proven by a preponderance of the evidence.

A finding with respect to a mitigating factor may be made by one or more of the members of the jury, and 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 agree that the factor has been established:

A. Statutory Mitigating Factors

1. Factors in German Sinisterra's background, record, or character, or any other circumstances of the offenses, that mitigate against imposition of the death sentence.

Number of jurors who so find 0 .

B. Non-Statutory Mitigating Factors

The non-statutory mitigating factors the defendant asserts he has proven by a preponderance of the evidence are:

1. German Sinisterra has actively supported, nurtured and loved his children throughout their lives.

Number of jurors who so find 12.

2. German Sinisterra has actively loved and nurtured his wife, Michelle Sinisterra.

Number of jurors who so find 12.

3. German Sinisterra has actively loved and helped to support his mother, Dalila Candelo.

Number of jurors who so find 9.

4. German Sinisterra has actively supported, nurtured and loved his children while he has been in custody over the last seventeen months that he has been incarcerated awaiting trial.

Number of jurors who so find 9.

5. German Sinisterra has actively loved and nurtured his wife, Michelle Sinisterra over the last seventeen months that he has been incarcerated awaiting trial.

Number of jurors who so find 5.

6. If German Sinisterra is sentenced to life imprisonment

without possibility of release, he will continue to provide his children counseling, guidance, nurturing and love.

Number of jurors who so find 3.

7. If German Sinisterra is sentenced to life imprisonment without possibility of release, he will continue to provide nurturing and love to his wife, Michelle Sinisterra.

Number of jurors who so find 7.

8. German Sinisterra provided exceptional care and support to his wife, Michelle Sinisterra, and his mother in law, Delores Rankin, after the death of Michelle's father, Alvin Rankin.

Number of jurors who so find 11.

9. If German Sinisterra is sentenced to life imprisonment without possibility of release, he will serve his time peaceably.

Number of jurors who so find 6.

10. German Sinisterra was gainfully employed as often as he was able and, at other times, took responsibility for the primary care of his children and his household.

Number of jurors who so find 5.

11. German Sinisterra has helped many persons in addition to family members and close friends with his time, support, and when able, his money.

Number of jurors who so find 12.

12. German Sinisterra has been a source of advice, counsel, and support for his family and friends, which has benefitted the lives of those he has given such counsel to.

Number of jurors who so find 0.

13. If German Sinisterra is put to death, his death will have an impact on his children, his wife, his mother, and his other family and friends.

Number of jurors who so find 12.

14. On November 28, 1998, Julian Colon prepared to rob and murder another person by obtaining duct tape and rubber gloves and by mixing up fake cocaine and by taking a gun with him with the willingness to participate in the killing of another person.

Number of jurors who so find 15.

15. Julian Colon intentionally placed his own life in danger because of his occupation, his lifestyle, and his specific actions taken on November 28, 1998.

Number of jurors who so find 15.

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" and line out the extra spaces with a large "X." If more space is needed, write "CONTINUED" and use the reverse side of this page.

____. 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 _____.

Instructions: Proceed to Section VI and Section VII which follow.

VI. DETERMINATION

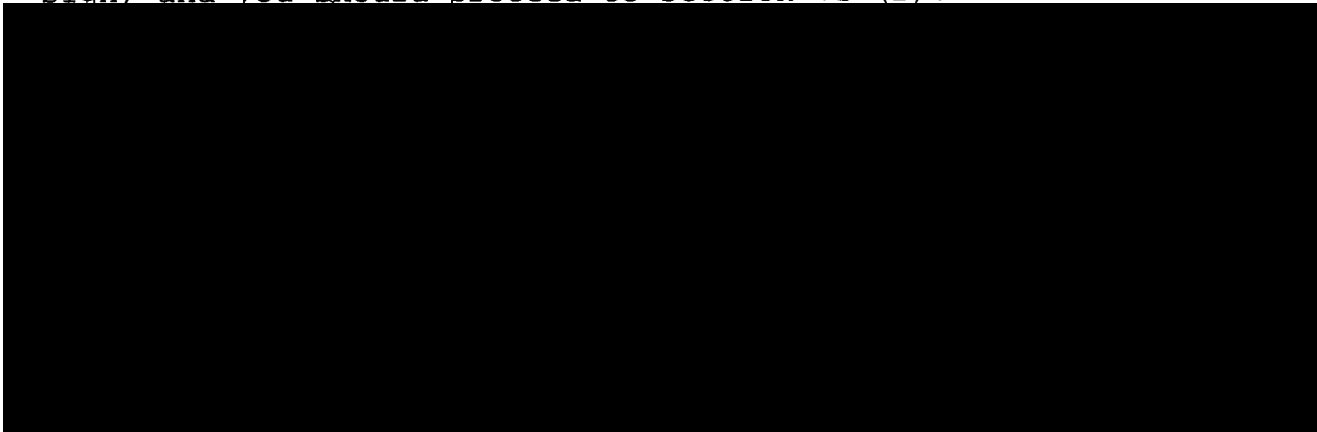
A. Death Sentence

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,

We determine, by unanimous vote, that a sentence of death shall be imposed:

YES ✓
NO

If you answer "YES," sign your names here, and then proceed to Section VII. If you answer "NO," the foreperson alone should sign, and you should proceed to Section VI (B):



FOREPERSON ✓

Date: Nov 8 , 2000

B. Sentence of Life in Prison Without Possibility of Release

We determine, by unanimous vote, that a sentence of life imprisonment without possibility of release shall be imposed.

YES _____

NO _____

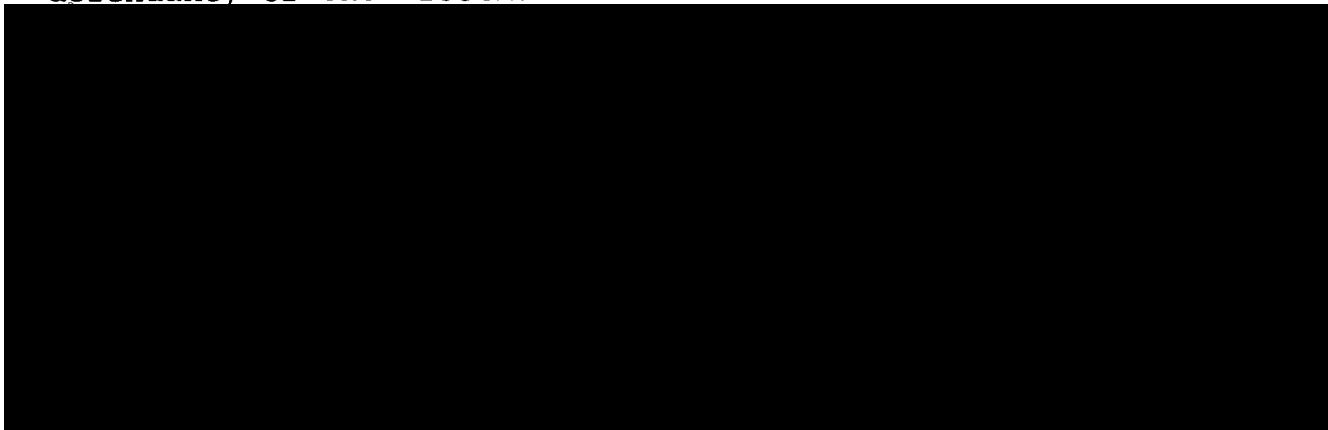
If you answer "YES," sign your names here, and then proceed to Section VII.

FOREPERSON

Date: _____, 2000

VII. 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 no matter what the race, color, religious beliefs, national origin, or sex of the defendant, or the victim.



FOREPERSON

Date: Nov 3, 2000

IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF MISSOURI
WESTERN DIVISION

UNITED STATES OF AMERICA,)
)
 Plaintiff,)
)
 v.) No. 98-00149-02-CR-W-4
)
 GERMAN SINISTERRA,)
)
 Defendant.)

SPECIAL VERDICT FORM
DEFENDANT GERMAN SINISTERRA

COUNT III - USE OF INTERSTATE COMMERCE FACILITIES IN THE
COMMISSION OF A MURDER-FOR-HIRE SCHEME WHICH RESULTED IN THE
DEATH OF JULIAN COLON

I. AGE OF DEFENDANT

Instructions: Answer "YES" or "NO." Do you, the jury,
unanimously find that the government has established beyond a
reasonable doubt that:

The defendant was eighteen years of age or older at the time
of the offense.

YES

NO


Foreperson

Instructions: If you answered "NO" with respect to the
determination in this section, then stop your deliberations,
cross out Sections II, III, IV, V and VI of this form, and
proceed to Section VII. Each juror should then carefully read
the statement in Section VII, and sign in the appropriate place
if the statement accurately reflects the manner in which he or

she reached his or her decision. You should then advise the court that you have reached a decision.


If you answered "YES" with respect to the determination in this Section I, then continue your deliberations in accordance with the court's instructions and proceed to Section II which follows.

II. REQUISITE MENTAL STATE

Instructions: For each of the following, answer "YES" or "NO."

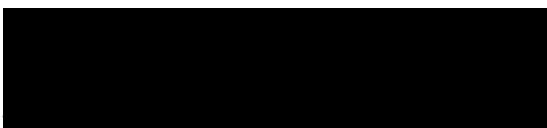
Do you, the jury, unanimously find that the government has established beyond a reasonable doubt that the defendant intentionally killed Julian Colon.

YES ✓
NO _____


foreperson

Do you, the jury, unanimously find that the government has established beyond a reasonable doubt that the defendant intentionally participated in an act, contemplating that the life of the victim, Julian Colon, would be taken and/or intending that lethal force would be used in connection with a person, other than one of the participants in the offense, and the victim Julian Colon, died as a direct result of the act?

YES ✓
NO _____


foreperson

Instructions: If you answered "NO" with respect to the determinations in this section, then stop your deliberations, cross out Sections III, IV, V and VI of this form, and proceed to Section VII. Each juror should carefully read the statement in Section VII, and sign in the appropriate place if the statement accurately reflects the manner in which he or she reached his or her decision. You should then advise the court that you have reached a decision.

If you answered "YES" with respect to one or more of the determination[s] in this Section II, then proceed to Section III which follows.

III. STATUTORY AGGRAVATING FACTORS

Instructions: For each of the following, answer "YES" or "NO."

1. Do you, the jury, unanimously find that the government has established beyond a reasonable doubt that the defendant committed the offense in the expectation of the receipt of anything of pecuniary value, as set out in Instruction No. 7?

YES _____

NO _____



Foreperson 

2. Do you, the jury, unanimously find that the government has established beyond a reasonable doubt that the defendant committed the offense of murder of Julian Colon after substantial planning and premeditation to cause the death of a person as set

out in Instruction No. 7?

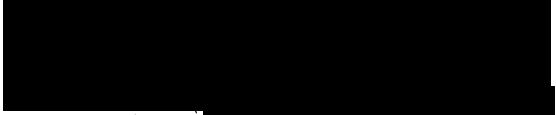
YES ✓
NO _____



Foreperson

3. Do you, the jury, unanimously find that the government has established beyond a reasonable doubt that the defendant in concert with others intentionally attempted to kill more than one person in a single criminal episode as set out in Instruction No. 7?

YES ✓
NO _____



Foreperson

Instructions: If you answered "NO" with respect to all of the Statutory Aggravating Factors in this Section III, then stop your deliberations, cross out Sections IV, V and VI of this form, and proceed to Section VII of this form. Each juror should carefully read the statement in Section VII, and sign in the appropriate place if the statement accurately reflects the manner in which he or she reached his or her decision. You should then advise the court that you have reached a decision.

If you found the requisite age in Section I, the requisite mental state in Section II and answered "Yes" with respect to one or more of the aggravating factors in this Section III, proceed

to Section IV which follows.

IV. NON-STATUTORY AGGRAVATING FACTORS

Instructions: For each of the following, answer "YES" or "NO."

1. Do you, the jury, unanimously find that the government has established beyond a reasonable doubt that the defendant is likely to commit criminal acts of violence in the future which would be a continuing and a serious threat to society.

YES ✓

NO



foreperson

2. Do you, the jury, unanimously find that the government has established beyond a reasonable doubt that the defendant's vile conduct in committing the offense, apart from the other aggravating factors, was substantially greater in degree than that described in the definition of the crime?

YES ✓

NO



foreperson

3. Do you, the jury, unanimously find that the government has established beyond a reasonable doubt that Julian Colon's personal characteristics as an individual human being and the impact of the death of Julian Colon upon his family makes this crime more worthy of the death penalty than other murders?



Foreperson

YES _____
NO _____

V. MITIGATING FACTORS

Instructions: For each of the following mitigating factors, indicate, in the space provided, the number of jurors who have found the existence of that mitigating factor to be proven by a preponderance of the evidence.

A finding with respect to a mitigating factor may be made by one or more of the members of the jury, and 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 agree that the factor has been established:

A. Statutory Mitigating Factors

1. Factors in German Sinisterra's background, record, or character, or any other circumstances of the offenses, that mitigate against imposition of the death sentence.

Number of jurors who so find 0.

B. Non-Statutory Mitigating Factors

The non-statutory mitigating factors the defendant asserts he has proven by a preponderance of the evidence are:

1. German Sinisterra has actively supported, nurtured and loved his children throughout their lives.

Number of jurors who so find 12.

2. German Sinisterra has actively loved and nurtured his wife, Michelle Sinisterra.

Number of jurors who so find 12.

3. German Sinisterra has actively loved and helped to support his mother, Dalila Candelo.

Number of jurors who so find 9.

4. German Sinisterra has actively supported, nurtured and loved his children while he has been in custody over the last seventeen months that he has been incarcerated awaiting trial.

Number of jurors who so find 9.

5. German Sinisterra has actively loved and nurtured his wife, Michelle Sinisterra over the last seventeen months that he has been incarcerated awaiting trial.

Number of jurors who so find 5.

6. If German Sinisterra is sentenced to life imprisonment

without possibility of release, he will continue to provide his children counseling, guidance, nurturing and love.

Number of jurors who so find 3.

7. If German Sinisterra is sentenced to life imprisonment without possibility of release, he will continue to provide nurturing and love to his wife, Michelle Sinisterra.

Number of jurors who so find 7.

8. German Sinisterra provided exceptional care and support to his wife, Michelle Sinisterra, and his mother in law, Delores Rankin, after the death of Michelle's father, Alvin Rankin.

Number of jurors who so find 1.

9. If German Sinisterra is sentenced to life imprisonment without possibility of release, he will serve his time peaceably.

Number of jurors who so find 1.

10. German Sinisterra was gainfully employed as often as he was able and, at other times, took responsibility for the primary care of his children and his household.

Number of jurors who so find 5.

11. German Sinisterra has helped many persons in addition to family members and close friends with his time, support, and when able, his money.

Number of jurors who so find 12.

12. German Sinisterra has been a source of advice, counsel, and support for his family and friends, which has benefitted the lives of those he has given such counsel to.

Number of jurors who so find 11.

13. If German Sinisterra is put to death, his death will have an impact on his children, his wife, his mother, and his other family and friends.

Number of jurors who so find 15.

14. On November 28, 1998, Julian Colon prepared to rob and murder another person by obtaining duct tape and rubber gloves and by mixing up fake cocaine and by taking a gun with him with the willingness to participate in the killing of another person.

Number of jurors who so find 15.

15. Julian Colon intentionally placed his own life in danger because of his occupation, his lifestyle, and his specific actions taken on November 28, 1998.

Number of jurors who so find 15.

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" and line out the extra spaces with a large "X." If more space is needed, write "CONTINUED" and use the reverse side of this page.

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 _____.

Instructions: Proceed to Section VI and Section VII which follow.

VI. DETERMINATION

A. Death Sentence

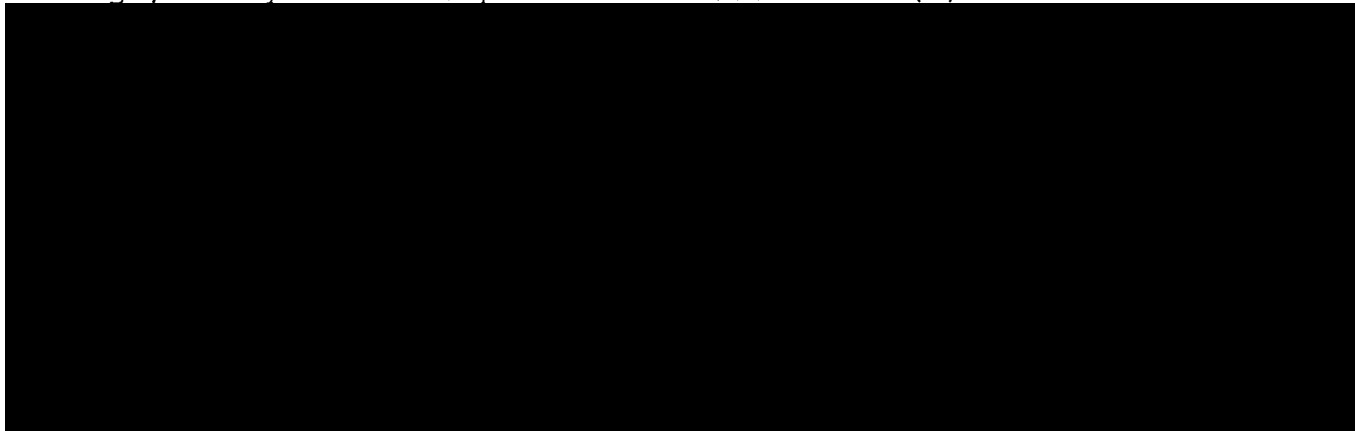
Based upon consideration of whether the aggravating factors found to exist sufficiently outweigh any mitigating factor or factors found to exist, or in the absence of any mitigating factors, whether the aggravating factors are themselves sufficient to justify a sentence of death,

We determine, by unanimous vote, that a sentence of death shall be imposed:

YES ✓

NO

If you answer "YES," sign your names here, and then proceed to Section VII. If you answer "NO," the foreperson alone should sign, and you should proceed to Section VI (B):



FOREPERSON ✓

Date: May 3 , 2000

B. Sentence of Life in Prison Without Possibility of Release

We determine, by unanimous vote, that a sentence of life imprisonment without possibility of release shall be imposed.

YES _____

NO _____

If you answer "YES," sign your names here, and then proceed to Section VII.

FOREPERSON

Date: _____, 2000

VII. 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 no matter what the race, color, religious beliefs, national origin, or sex of the defendant, or the victim.



FOREPERSON

Date: May 2, 2000