

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

UNITED STATES OF AMERICA)
) 02:05cr385
 v.)
)
 JELANI SOLOMON)

SPECIAL VERDICT FORM

SECTION I. AGE OF THE DEFENDANT

INSTRUCTIONS: Answer the following question either "YES" OR "NO."

Do you, the jury, unanimously find that the government has established beyond a reasonable doubt that Jelani Solomon was eighteen years of age or older at the time of the offense.

YES

NO

FOREPERSON/ DATE *11/2/07*

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 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, proceed to Section II, which follows.

SECTION II. REQUISITE MENTAL STATE

INSTRUCTION: Answer the following question either "YES" OR "NO."

Do you, the jury, unanimously find that the government has established beyond a reasonable doubt that Jelani Solomon intentionally participated in an act, contemplating that the life of a person 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, Frank Helisek, Jr., died as a direct result of the act.

YES _____

NO _____

FOREPERSON / DATE

— 11/2/07

INSTRUCTIONS: If you answered "NO," with respect to the determination 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 the determination in this Section, proceed to Section III, which follows.

SECTION III. STATUTORY AGGRAVATING FACTORS

INSTRUCTION: For each of the following answer either "YES" OR "NO."

1. Do you, the jury, unanimously find that the government has established beyond a reasonable doubt that Jelani Solomon procured the commission of the offense by payment or promise of payment of anything of pecuniary value?

YES _____

NO _____

11/2/07

~~FOREPERSON~~ / DATE

2. Do you, the jury, unanimously find that the government has established beyond a reasonable doubt that Jelani Solomon committed the offense after substantial planning and premeditation to cause the death of Frank Helisek, Jr.?

YES _____

NO _____

11/2/07

~~FOREPERSON~~ / DATE

INSTRUCTIONS: If you answered "NO" with respect to both of the Statutory Aggravating Factors in this Section, then stop your deliberations, cross out Sections 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 both of the aggravating factors in this Section, proceed to Section IV, which follows.

SECTION IV. NON-STATUTORY AGGRAVATING FACTORS

INSTRUCTION: For each of the following answer either "YES" OR "NO."

1. Do you, the jury, unanimously find that the government has established beyond a reasonable doubt the future dangerousness of Jelani Solomon?

YES

NO

11/2/07
FOREPERSON / DATE

2. Do you, the jury, unanimously find that the government has established beyond a reasonable doubt that Jelani Solomon knowingly targeted an innocent victim (Frank Helisek, Jr.)?

YES

NO

11/2/07
FOREPERSON / DATE

3. Do you, the jury, unanimously find that the government has established beyond a reasonable doubt that Jelani Solomon committed the capital offense to obstruct justice or to intimidate or retaliate against a witness (Shawn Helisek)?

YES

NO

11/2/07
FOREPERSON / DATE

SECTION V. MITIGATING FACTORS

INSTRUCTION: 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. If the number zero (-0-) is placed in the blank space, it will signify that no juror found the alleged mitigating factor.

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 a sentence of death, a sentence of life in prison without the possibility of release, or a lesser sentence of a term of years shall be imposed, regardless of the number of other jurors who agree that the factor has been established. Further, any juror may also weigh a mitigating factor found by another juror, even if he or she did not find that factor to be mitigating.

1. One or more jurors find by a preponderance of the evidence that another person or persons who participated in the death of Frank Helisek, Jr., will not be sentenced to death.

Number of jurors who so find 2 .

2. One or more jurors find by a preponderance of the evidence that Jelani Solomon is the product of a chaotic, abusive and neglectful childhood.

Number of jurors who so find 4 .

3. One or more jurors find by a preponderance of the evidence that as a toddler Jelani Solomon was at times left at home, alone with his sister, without food or supervision.

Number of jurors who so find -0- .

4. One or more jurors find by a preponderance of the evidence that Jelani Solomon did not have a good father or a good father figure.

Number of jurors who so find 3.

5. One or more jurors find by a preponderance of the evidence that as a child Jelani Solomon was surrounded by drug users and drug dealers.

Number of jurors who so find 4.

6. One or more jurors find by a preponderance of the evidence that Wanda Solomon, the mother of Jelani Solomon, was a teen-age single parent.

Number of jurors who so find -0-.

7. One or more jurors find by a preponderance of the evidence that Wanda Solomon, the mother of Jelani Solomon, was a drug abuser.

Number of jurors who so find 2.

8. One or more jurors find by a preponderance of the evidence that Jelani Solomon was removed by his mother, Wanda Solomon, from stable, loving homes that provided him security and was returned to live with her in an unstable environment.

Number of jurors who so find 4.

9. One or more jurors find by a preponderance of the evidence that at a young age Jelani Solomon was involved in drug activity with his mother, Wanda Solomon, and other adults in his life.

Number of jurors who so find 4.

10. One or more jurors find by a preponderance of the evidence that the children of Jelani Solomon will suffer grief and loss if he is executed.

Number of jurors who so find - 0 -.

11. One or more jurors find by a preponderance of the evidence that others who love or care for Jelani Solomon will suffer grief and loss if he is executed.

Number of jurors who so find - 0 -.

12. One or more jurors find by a preponderance of the evidence that Jelani Solomon has responded well to structured environments.

Number of jurors who so find 1.

13. One or more jurors find by a preponderance of the evidence that Jelani Solomon has engaged in no assaultive conduct in approximately five (5) years of confinement in state or federal custody.

Number of jurors who so find 0.

14. One or more jurors find by a preponderance of the evidence that Jelani Solomon can be adequately managed by the Federal Bureau of Prisons without unnecessary risk to staff or others or to the general public.

Number of jurors who so find 0.

15. One or more jurors find by a preponderance of the evidence that there is another mitigating factor or mitigating factors after considering anything else about the commission of the crime or about the defendant's background or character or any other relevant circumstance that would mitigate against the imposition of the death penalty. 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 the page.

A description of such a mitigating factor or factors follow:

NONE

~~_____~~

Number of jurors who so find ~~_____~~.

~~_____~~

Number of jurors who so find ~~_____~~.

~~_____~~ - 11/5/07
FOREPERSON / DATE

INSTRUCTION: Regardless of whether you found to exist any Mitigating Factors, proceed to Section VI and Section VII which follow.

SECTION VI-A. DETERMINATION

Based upon consideration of whether the aggravating factor(s) found to exist sufficiently outweigh any mitigating factor or factors found to exist, or in the absence of any mitigating factors, whether the aggravating factor(s) is itself sufficient to justify a sentence of death, and whether death is therefore the appropriate sentence in this case:

A. DEATH SENTENCE

We, the jury, determine, by unanimous vote, that a sentence of death shall be imposed.

YES _____

NO ✓

If you answer "YES," then each of you must sign here and you must proceed to Section VII. If you answer "NO," only the foreperson must sign, and you must then proceed to Section VI-B, which follows.

FOREPERSON / DATE	<u>11/5/07</u>	_____
_____		_____
_____		_____
_____		_____
_____		_____
_____		_____

DATE: November 5, 2007

SECTION VI-B. DETERMINATION

B. SENTENCE OF LIFE IN PRISON WITHOUT POSSIBILITY OF RELEASE

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

YES _____

NO _____

If you answer "YES," then each of you must sign here and you must proceed to Section VII. If you answer "NO," only the foreperson must sign, and you must then proceed to Section VI-C, which follows.

DATE: November 9, 2007

SECTION VI. DETERMINATION

C. LESSER SENTENCE

We, the jury, recommend, by unanimous vote, that a sentence of a term of years, which may or may not be up to life imprisonment, shall be imposed by the Court.

YES _____

NO ✓ N/A

If you answer "YES," then each of you must sign here and proceed to Section VII, which follows.

_____ ^{11/5/07}	_____
FOREPERSON ✓ DATE	
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____

DATE: November 5, 2007

SECTION VII. CERTIFICATION

INSTRUCTIONS: Complete this form without regard to your answers in any of the preceding sections.

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 regardless of the race, color, religious beliefs, national origin, or sex of the defendant or the victim(s).

November 5, 2007.