

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

UNITED STATES OF AMERICA, )  
 )  
 Plaintiff, )  
 )  
 vs. )  
 )  
 JOHN P. STREET, )  
 )  
 Defendant. )

Case No. 04-00298-01-CR-W-GAF

FILED

**VERDICT FORM PENALTY PHASE**

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

UNITED STATES OF AMERICA, )  
)  
Plaintiff, )  
)  
v. ) No. 04-00298-01-CR-W-GAF  
)  
JOHN P. STREET, )  
)  
Defendant. )

**SPECIAL VERDICT FORM FOR THE MURDER OF  
DOUGLAS C. WEIL BY DEFENDANT JOHN P. STREET, COUNT I**

**I. AGE OF DEFENDANT**

Instructions: The parties have stipulated—that is, they have agreed—that the defendant was eighteen years of age or older at the time of the offense. You should therefore treat that fact as having been proven and proceed to Section II which follows.

**II. REQUISITE MENTAL STATE**

Instructions: Answer "YES" or "NO."

Do you, the jury, unanimously find that the government has established beyond a reasonable doubt that:

John P. Street intentionally participated in an act, contemplating that the life of a person would be taken or intending that lethal force would be used in connection with a person, other than one of the participants in the offense, and Douglas C. Weil died as a direct result of the act?

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

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 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 II, then continue your deliberations in accordance with the court's instructions and 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 John P. Street committed the murder in an especially heinous or depraved manner in that it involved serious physical abuse to Douglas C. Weil, as set out in Instruction No. 7?

YES \_\_\_\_\_  
NO   X  

2. Do you, the jury, unanimously find that the government has established beyond a reasonable doubt that John P. Street procured the commission of the murder by payment, or promise of payment, of anything of pecuniary value, that is the payment of money, as set out in Instruction No. 7?

YES   X    
NO \_\_\_\_\_

3. Do you, the jury, unanimously find that the government has established beyond a reasonable doubt that John P. Street committed the murder after substantial planning and premeditation, as set out in Instruction No. 7?

YES   X    
NO \_\_\_\_\_

**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 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 FACTOR**

**Instructions:** Answer "YES" or "NO" for each of the following:

1. Do you, the jury, unanimously find that the government has established beyond a reasonable doubt that John P. Street poses a threat of future dangerousness, based upon the probability that he would commit criminal acts of violence that would constitute a continuing threat to society, as evidenced for example, by one or more of the following, among others:

- a. He has displayed a complete lack of remorse for the killing of Douglas C. Weil; and
- b. He used physical force and threats of violence to collect drug debts and enforce discipline within his drug organization, as set out in Instruction No. 8?

YES   X

NO \_\_\_\_\_

2. Do you, the Y jury, unanimously find that the government has established beyond a reasonable doubt that the murder caused injury, loss and harm to the surviving family of Douglas C. Weil, as demonstrated by the victim's personal characteristics as an individual human being and the impact of the death upon Douglas C. Weil's family as set out in Instruction No. 8?

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

Instructions: Regardless of whether you answered "YES" or "NO" with respect to either of the Non-Statutory Aggravating Factors in this Section IV, proceed to Section V, which follows:

**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. Further, any juror may also weigh a mitigating factor found by another juror, even if he or she did not also find that factor to be mitigating.

Do you, the jury, find that the defendant has established by a preponderance of the evidence any of the following:

1. Mr. Street is the father of Jack Philip Street, and the two carry on a loving, father-son relationship, with Mr. Street providing Jack Philip Street advice, nurturance and emotional support, even while he has been incarcerated.

Number of jurors who so find 12

2. Jack Philip Street loves his father Mr. Street very much.

Number of jurors who so find 12

3. If Mr. Street is sentenced to life imprisonment without possibility of release, he and Jack Philip Street would continue to carry on a loving, nurturing father-son relationship.

Number of jurors who so find 12

4. Mr. Street is the father of Carli Watkins Street, and the two carry on a loving, father-daughter relationship, with Mr. Street providing Carli Watkins Street advice, nurturance and emotional support, even while he has been incarcerated.

Number of jurors who so find 12

5. Carli Watkins Street loves her father Mr. Street very much.

Number of jurors who so find 12

6. If Mr. Street is sentenced to life imprisonment without possibility of release, he and Carli Watkins Street would continue to carry on a loving, nurturing father-daughter relationship.

Number of jurors who so find 12

7. Mr. Street has loving and caring relationships with his mother, Elma Street, his father, John Henry Street, and his sister, Lydia Jones, and those relationships would continue if he was sentenced to life imprisonment without possibility of release.

Number of jurors who so find 12

8. In the time that he has been incarcerated, Mr. Street has assisted other inmates, particularly those who were younger than him, and those with disabilities, and Mr. Street would continue to do so if sentenced to life imprisonment without possibility of release.

Number of jurors who so find 12

9. With the exception of one fight, Mr. Street has peaceably served his previous sentence in the Bureau of Prisons.

Number of jurors who so find 12

10. The one fight which Mr. Street had while in the Bureau of Prisons happened because Mr. Street was preventing the sexual assault of another inmate.

Number of jurors who so find 12

11. If Mr. Street is sentenced to life imprisonment without release, he will serve his time peaceably.

Number of jurors who so find 0

12. While not reasonable doubt, there is lingering doubt concerning Mr. Street's guilt.

Number of jurors who so find 5.

13. A desire on the part of any member of the jury to show mercy, based on the circumstances of the offense or the character and background of the defendant.

Number of jurors who so find 6.

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.

14. Mr. Gooseman's assault was prevented by Phil. This instance allows Mr. Gooseman to lead a productive life.

Number of jurors who so find 10.

15. NONE

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

16. NONE

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

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

**VI. DETERMINATION**

Based upon consideration of whether the aggravating factors found to exist sufficiently outweigh any mitigating factors found to exist, or in the absence of any mitigating factors, whether the aggravating factors are themselves sufficient to justify for a sentence of death, and whether death is therefore an appropriate sentence in this case:

**A. Death Sentence**

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

YES \_\_\_\_\_  
NO   X  

If you answer "YES," the foreperson must sign here, and you must then proceed to Section VII. If you answer "NO" the foreperson must sign, and you must then proceed to Section VI(B).

Date: 12/14/06

**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   X    
NO \_\_\_\_\_

If you answer "YES," the foreperson must sign here, and then you must proceed to Section VII. If you answer "NO," the foreperson must sign, and you must proceed to Section VII.

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

**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.