

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
RICHMOND DIVISION

UNITED STATES OF AMERICA

v.

RICHARD TIPTON
a.k.a. "Whitney"

Criminal Case No. 3:92CR68-01

SPECIAL FINDINGS

I. Statutory Aggravating Factors:

Category One: (21 U.S.C. § 848(n)(1))

WE, THE JURY, FIND as follows:

1A. That defendant RICHARD TIPTON intentionally killed the victim of the capital crime.

Proven to the jury's unanimous satisfaction,
beyond a reasonable doubt:

As to Douglas A. Talley	<u>Yes</u> (Yes or No)
As to Bobby Long	<u>No Yes</u> (Yes or No)
As to Anthony Carter	<u>No Yes</u> (Yes or No)
As to Dorothy Mae Armstrong	<u>Yes</u> (Yes or No)
As to Curtis Thorne	<u>Yes</u> (Yes or No)
As to Linwood Chiles	<u>Yes</u> (Yes or No)

1B. That defendant RICHARD TIPTON intentionally inflicted serious bodily injury which resulted in the death of the victim of the capital crime.

Proven to the jury's unanimous satisfaction,
beyond a reasonable doubt:

As to Douglas A. Talley	<u>Yes</u> (Yes or No)
As to Bobby Long	<u>NO Yes</u> (Yes or No)
As to Anthony Carter	<u>NO Yes</u> (Yes or No)
As to Dorothy Mae Armstrong	<u>Yes</u> (Yes or No)
As to Curtis Thorne	<u>Yes</u> (Yes or No)
As to Linwood Chiles	<u>Yes</u> (Yes or No)

1C. That defendant RICHARD TIPTON intentionally engaged in conduct intending that the victim of the capital crime be killed, or that lethal force be employed against the victim, which resulted in the death of the victim.

Proven to the jury's unanimous satisfaction,
beyond a reasonable doubt:

As to Douglas A. Talley	<u>Yes</u> (Yes or No)
As to Bobby Long	<u>Yes</u> (Yes or No)
As to Anthony Carter	<u>Yes</u> (Yes or No)
As to Dorothy Mae Armstrong	<u>Yes</u> (Yes or No)
As to Curtis Thorne	<u>Yes</u> (Yes or No)
As to Linwood Chiles	<u>Yes</u> (Yes or No)

1D. That defendant RICHARD TIPTON intentionally engaged in conduct which defendant TIPTON knew would create a grave risk of death to a person, other than one of the participants in the offense, and that such conduct resulted in the death of the victim of the capital crime.

Proven to the jury's unanimous satisfaction,
beyond a reasonable doubt:

As to Douglas A. Talley	<u>Yes</u> (Yes or No)
As to Bobby Long	<u>Yes</u> (Yes or No)
As to Anthony Carter	<u>Yes</u> (Yes or No)
As to Dorothy Mae Armstrong	<u>Yes</u> (Yes or No)
As to Curtis Thorne	<u>Yes</u> (Yes or No)
As to Linwood Chiles	<u>Yes</u> (Yes or No)

Jurors: At this point, review your findings on the Category One aggravating factors as to each individual victim. Each victim represents a separate capital crime. If, as to any victim, you have not found one of the Category One aggravating factors proven to your unanimous satisfaction, beyond a reasonable doubt, you must now complete Section A of the Decision Form for defendant RICHARD TIPTON that relates to that victim.

If, as to one or more victims, you have found a Category One aggravating factor proven to your unanimous satisfaction, continue to the Category Two factors on the following page.

Category Two: (21 U.S.C. §§ 848(n)(2)-(12))

WE, THE JURY, find as follows:

2A. That defendant RICHARD TIPTON committed the killing of the victim of the capital crime after substantial planning and premeditation.

Proven to the jury's unanimous satisfaction,
beyond a reasonable doubt:

As to Douglas A. Talley	<u>Yes</u> (Yes or No)
As to Bobby Long	<u>Yes</u> (Yes or No)
As to Anthony Carter	<u>Yes</u> (Yes or No)
As to Dorothy Mae Armstrong	<u>Yes</u> (Yes or No)
As to Curtis Thorne	<u>Yes</u> (Yes or No)
As to Linwood Chiles	<u>Yes</u> (Yes or No)

2B. That, in the commission of the capital crime, defendant RICHARD TIPTON knowingly created a grave risk of death to one or more persons in addition to the victim of the capital crime.

Proven to the jury's unanimous satisfaction,
beyond a reasonable doubt:

As to Curtis Thorne	<u>Yes</u> (Yes or No)
As to Linwood Chiles	<u>Yes</u> (Yes or No)

2C. That defendant RICHARD TIPTON committed the killing of the victim of the capital crime in an especially heinous, cruel or depraved manner in that it involved serious physical abuse to the victim.

Proven to the jury's unanimous satisfaction,
beyond a reasonable doubt:

As to Douglas A. Talley Yes
(Yes or No)

Jurors: At this point, again review your findings as to each individual victim. If, as to any victim, you now have not found proven, to your unanimous satisfaction, both one of the Category One factors and one of the Category Two factors, you must complete Section A of the Decision Form for defendant RICHARD TIPTON that relates to that victim, if you have not already done so.

If, however, you have found both a Category One factor and a Category Two factor proven to your unanimous satisfaction as to one or more victims (i.e., one or more capital crimes), continue your deliberations with regard to those particular capital crimes by proceeding to the section on the next page dealing with nonstatutory aggravating factors.

II. Nonstatutory Aggravating Factors:

WE, THE JURY, FIND as follows:

1. That defendant RICHARD TIPTON committed multiple murders.

Proven to the jury's unanimous satisfaction,
beyond a reasonable doubt:

Yes
(Yes or No)

2. That defendant RICHARD TIPTON has a substantial criminal history.

Proven to the jury's unanimous satisfaction,
beyond a reasonable doubt:

Yes
(Yes or No)

3. That defendant RICHARD TIPTON seriously wounded two individuals in the course of committing the CCE murders for which he has been convicted.

Proven to the jury's unanimous satisfaction,
beyond a reasonable doubt:

Yes
(Yes or No)

4. That defendant RICHARD TIPTON was knowingly and willfully a member of a conspiracy which had as one of its goals the murder of individuals other than those for which the defendant was charged.

Proven to the jury's unanimous satisfaction,
beyond a reasonable doubt:

Yes
(Yes or No)

Jurors: Regardless of your findings as to these nonstatutory aggravating factors, proceed to the next section concerning mitigating factors.

III. Mitigating Factors:

WE, THE JURY, FIND as follows:

Jurors: Consideration of the following mitigating factors is specifically provided for by statute.

1. That defendant RICHARD TIPTON's capacity to appreciate the wrongfulness of his conduct or to conform his conduct to the requirements of law was significantly impaired, regardless of whether the capacity was so impaired as to constitute a defense to the charge(s).

Number of jurors who so find,
by a preponderance of the evidence:

0
(Number)

2. That defendant RICHARD TIPTON is punishable as a principal (as defined in section 2 of Title 18 of the United States Code) in the offense(s), which was (were) committed by another, but defendant RICHARD TIPTON's participation was relatively minor, regardless of whether the participation was so minor as to constitute a defense to the charge(s).

Number of jurors who so find,
by a preponderance of the evidence:

0
(Number)

3. That defendant RICHARD TIPTON could not reasonably have foreseen that his conduct in the course of the commission of the murder(s) would cause, or would create a grave risk of causing, death to any person.

Number of jurors who so find,
by a preponderance of the evidence:

0
(Number)

4. That defendant RICHARD TIPTON was youthful, although not under the age of 18.

Number of jurors who so find,
by a preponderance of the evidence:

10
(Number)

5. That defendant RICHARD TIPTON did not have a significant prior criminal record.

Number of jurors who so find,
by a preponderance of the evidence:

12
(Number)

6. That defendant RICHARD TIPTON committed the offense(s) under severe mental or emotional disturbance.

Number of jurors who so find,
by a preponderance of the evidence:

~~0~~
(Number)

7. That another defendant or defendants, equally culpable in the crime(s), will not be punished by death.

Number of jurors who so find,
by a preponderance of the evidence:

11
(Number)

8. That the victim(s) consented to the criminal conduct that resulted in his (her) (their) deaths.

Number of jurors who so find,
by a preponderance of the evidence:

11
(Number)

9. That the following other factors in the defendant's background or character mitigate against imposition of a death sentence:

Jurors: The following are nonstatutory mitigating factors.

- a) That defendant RICHARD TIPTON was subjected to emotional and physical abuse and neglect as a child, and was deprived of the parental guidance and protection that he needed.

Number of jurors who so find,
by a preponderance of the evidence:

10
(Number)

- b) That defendant RICHARD TIPTON suffers from attention deficit and hyperactivity disorder that went untreated when he was a child.

Number of jurors who so find,
by a preponderance of the evidence:

~~0~~
(Number)

- c) That defendant RICHARD TIPTON suffers from frontal lobe brain dysfunction that went untreated when he was a child.

Number of jurors who so find,
by a preponderance of the evidence:

10
(Number)

- d) That defendant RICHARD TIPTON has a history of birth complications, illness, disease and/or head injury and suffers brain dysfunction which has affected his ability to function, and/or his behavior.

Number of jurors who so find,
by a preponderance of the evidence:

4
(Number)

- e) That defendant RICHARD TIPTON was introduced to addictive drugs and alcohol while still a child.

Number of jurors who so find,
by a preponderance of the evidence:

12
(Number)

- f) That defendant RICHARD TIPTON is impulsive and is impaired in thinking about the consequences of his actions and in adjusting his thinking to changing events.

Number of jurors who so find,
by a preponderance of the evidence:

8
(Number)

- g) That defendant RICHARD TIPTON's full scale I.Q. is 85.

Number of jurors who so find,
by a preponderance of the evidence:

12
(Number)

- h) That defendant RICHARD TIPTON grew up in an impoverished, violent and brutal environment, and was exposed to extreme violence as a child and throughout his life.

Number of jurors who so find,
by a preponderance of the evidence:

12
(Number)

- i) That defendant RICHARD TIPTON, if not sentenced to death, will be sentenced to life in prison without any possibility of parole.

Number of jurors who so find,
by a preponderance of the evidence:

12
(Number)

Jurors: If any juror or jurors find(s) that a mitigating factor not listed above has been proven to exist by a preponderance of the evidence, please identify that mitigating factor on the following page, together with the number of jurors who so find. Remember, however, that you need not be able to articulate a mitigating factor with specificity to consider it in your deliberations.

If additional space is needed, use the back of the this page.

Factor: _____

Number of jurors who so find,
by a preponderance of the evidence:

(Number)

Factor: _____

Number of jurors who so find,
by a preponderance of the evidence:

(Number)

Factor: _____

Number of jurors who so find,
by a preponderance of the evidence:

(Number)

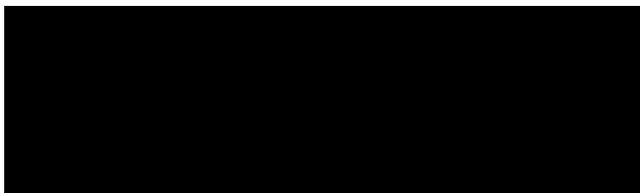
Factor: _____

Number of jurors who so find,
by a preponderance of the evidence:

(Number)

Jurors: You have completed the Special Findings as to defendant RICHARD TIPTON, and must now begin the process of weighing the aggravating and mitigating factors to determine if the death penalty is justified as to each capital crime for which this defendant has been convicted. Remember, you are now considering only those capital crimes for which you have not already completed Section A of the Decision Form. Upon completing your deliberations as to the remaining capital crimes charged to this defendant, complete Section B, C or D of the Decision Form for each crime as appropriate.

The date and your foreperson's signature should appear below, certifying that these are your Special Findings as to defendant RICHARD TIPTON.

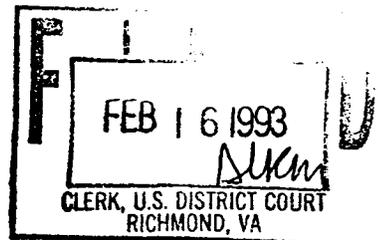


FOREPERSON'S SIGNATURE

2/13/93

DATE

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
RICHMOND DIVISION



UNITED STATES OF AMERICA)
)
v.)
)
RICHARD TIPTON)
a.k.a. "Whitney")

Criminal Case No. 3:92CR68-01

DECISION FORM

As to the crime of killing Linwood Chiles while engaged in, or in furtherance of, a continuing criminal enterprise:

A. WE, THE JURY, do not unanimously find proven, beyond a reasonable doubt, the existence of the statutory aggravating factors required by law as prerequisites for the imposition of capital punishment, and therefore do not consider the death penalty as to this capital crime for which defendant Richard Tipton has been convicted.

FOREPERSON'S SIGNATURE

DATE

OR

B. WE, THE JURY, unanimously find beyond a reasonable doubt that the aggravating factors required by law as prerequisites for the imposition of capital punishment have been proven by the government as to this capital crime. We further find, unanimously and beyond a reasonable doubt, that the aggravating factors proven in this case, as to this crime and this defendant, sufficiently outweigh any mitigating factors, and are themselves so serious, that justice mandates a sentence of death. We vote unanimously that Richard Tipton shall be sentenced to death for this capital crime.


FOREPERSON'S SIGNATURE

2/15/93
DATE

OR

C.

WE, THE JURY, do not unanimously find that the aggravating factors proven in this case, as to this capital crime and this defendant, so outweigh the mitigating factors that justice mandates a sentence of death. We, therefore, return a decision that Richard Tipton not be sentenced to death for this capital crime.

FOREPERSON'S SIGNATURE

DATE

OR

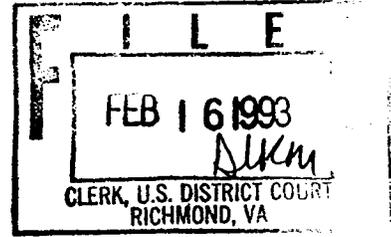
D.

WE, THE JURY, having considered and evaluated the evidence presented in light of the instructions of the Court, are not unanimously persuaded that a death sentence should be imposed for this capital crime. We, therefore, return a decision that Richard Tipton not be sentenced to death for this capital crime.

FOREPERSON'S SIGNATURE

DATE

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
RICHMOND DIVISION



UNITED STATES OF AMERICA)
)
v.)
)
RICHARD TIPTON)
a.k.a. "Whitney")

Criminal Case No. 3:92CR68-01

DECISION FORM

As to the crime of killing Dorothy Mae Armstrong while engaged in, or in furtherance of, a continuing criminal enterprise:

A. WE, THE JURY, do not unanimously find proven, beyond a reasonable doubt, the existence of the statutory aggravating factors required by law as prerequisites for the imposition of capital punishment, and therefore do not consider the death penalty as to this capital crime for which defendant Richard Tipton has been convicted.

FOREPERSON'S SIGNATURE

DATE

OR

B. WE, THE JURY, unanimously find beyond a reasonable doubt that the aggravating factors required by law as prerequisites for the imposition of capital punishment have been proven by the government as to this capital crime. We further find, unanimously and beyond a reasonable doubt, that the aggravating factors proven in this case, as to this crime and this defendant, sufficiently outweigh any mitigating factors, and are themselves so serious, that justice mandates a sentence of death. We vote unanimously that Richard Tipton shall be sentenced to death for this capital crime.

FOREPERSON'S SIGNATURE

DATE

OR

C. WE, THE JURY, do not unanimously find that the aggravating factors proven in this case, as to this capital crime and this defendant, so outweigh the mitigating factors that justice mandates a sentence of death. We, therefore, return a decision that Richard Tipton not be sentenced to death for this capital crime.

FOREPERSON'S SIGNATURE

DATE

OR

D. WE, THE JURY, having considered and evaluated the evidence presented in light of the instructions of the Court, are not unanimously persuaded that a death sentence should be imposed for this capital crime. We, therefore, return a decision that Richard Tipton not be sentenced to death for this capital crime.



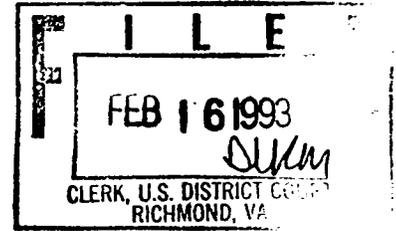
FOREPERSON'S SIGNATURE

2/13/93

DATE

Edit Text

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
RICHMOND DIVISION



UNITED STATES OF AMERICA)

v.)

RICHARD TIPTON)
a.k.a. "Whitney")

Criminal Case No. 3:92CR68-01

DECISION FORM

As to the crime of killing Anthony Carter while engaged in, or in furtherance of, a continuing criminal enterprise:

- A. WE, THE JURY, do not unanimously find proven, beyond a reasonable doubt, the existence of the statutory aggravating factors required by law as prerequisites for the imposition of capital punishment, and therefore do not consider the death penalty as to this capital crime for which defendant Richard Tipton has been convicted.

FOREPERSON'S SIGNATURE

DATE

OR

- B. WE, THE JURY, unanimously find beyond a reasonable doubt that the aggravating factors required by law as prerequisites for the imposition of capital punishment have been proven by the government as to this capital crime. We further find, unanimously and beyond a reasonable doubt, that the aggravating factors proven in this case, as to this crime and this defendant, sufficiently outweigh any mitigating factors, and are themselves so serious, that justice mandates a sentence of death. We vote unanimously that Richard Tipton shall be sentenced to death for this capital crime.

FOREPERSON'S SIGNATURE

DATE

OR

c.

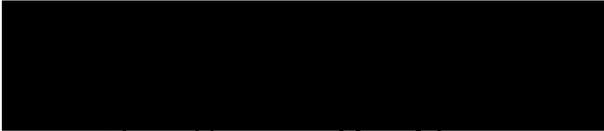
WE, THE JURY, do not unanimously find that the aggravating factors proven in this case, as to this capital crime and this defendant, so outweigh the mitigating factors that justice mandates a sentence of death. We, therefore, return a decision that Richard Tipton not be sentenced to death for this capital crime.

FOREPERSON'S SIGNATURE

DATE

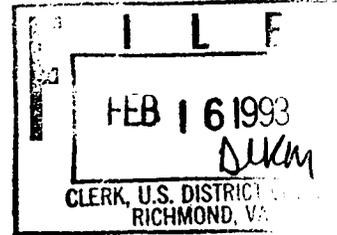
OR

D. WE, THE JURY, having considered and evaluated the evidence presented in light of the instructions of the Court, are not unanimously persuaded that a death sentence should be imposed for this capital crime. We, therefore, return a decision that Richard Tipton not be sentenced to death for this capital crime.


FOREPERSON'S SIGNATURE

2/13/93
DATE

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
RICHMOND DIVISION



UNITED STATES OF AMERICA)

v.)

RICHARD TIPTON)
a.k.a. "Whitney")

Criminal Case No. 3:92CR68-01

DECISION FORM

As to the crime of killing Bobby Long while engaged in, or in furtherance of, a continuing criminal enterprise:

A. WE, THE JURY, do not unanimously find proven, beyond a reasonable doubt, the existence of the statutory aggravating factors required by law as prerequisites for the imposition of capital punishment, and therefore do not consider the death penalty as to this capital crime for which defendant Richard Tipton has been convicted.

FOREPERSON'S SIGNATURE

DATE

OR

B. WE, THE JURY, unanimously find beyond a reasonable doubt that the aggravating factors required by law as prerequisites for the imposition of capital punishment have been proven by the government as to this capital crime. We further find, unanimously and beyond a reasonable doubt, that the aggravating factors proven in this case, as to this crime and this defendant, sufficiently outweigh any mitigating factors, and are themselves so serious, that justice mandates a sentence of death. We vote unanimously that Richard Tipton shall be sentenced to death for this capital crime.

FOREPERSON'S SIGNATURE

DATE

OR

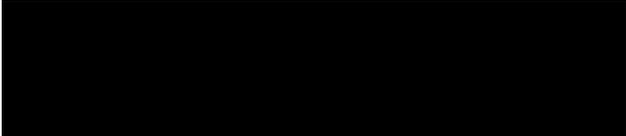
WE, THE JURY, do not unanimously find that the aggravating factors proven in this case, as to this capital crime and this defendant, so outweigh the mitigating factors that justice mandates a sentence of death. We, therefore, return a decision that Richard Tipton not be sentenced to death for this capital crime.

FOREPERSON'S SIGNATURE

DATE

OR

D. WE, THE JURY, having considered and evaluated the evidence presented in light of the instructions of the Court, are not unanimously persuaded that a death sentence should be imposed for this capital crime. We, therefore, return a decision that Richard Tipton not be sentenced to death for this capital crime.

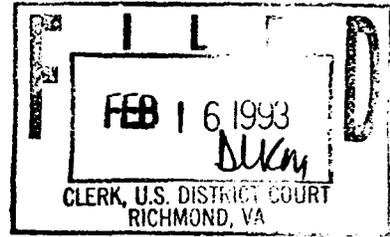


FOREPERSON'S SIGNATURE

2/13/03

DATE

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
RICHMOND DIVISION



UNITED STATES OF AMERICA)
)
v.)
)
RICHARD TIPTON)
a.k.a. "Whitney")

Criminal Case No. 3:92CR68-01

DECISION FORM

As to the crime of killing Douglas A. Talley while engaged in, or in furtherance of, a continuing criminal enterprise:

- A. WE, THE JURY, do not unanimously find proven, beyond a reasonable doubt, the existence of the statutory aggravating factors required by law as prerequisites for the imposition of capital punishment, and therefore do not consider the death penalty as to this capital crime for which defendant Richard Tipton has been convicted.

FOREPERSON'S SIGNATURE

DATE

OR

- B. WE, THE JURY, unanimously find beyond a reasonable doubt that the aggravating factors required by law as prerequisites for the imposition of capital punishment have been proven by the government as to this capital crime. We further find, unanimously and beyond a reasonable doubt, that the aggravating factors proven in this case, as to this crime and this defendant, sufficiently outweigh any mitigating factors, and are themselves so serious, that justice mandates a sentence of death. We vote unanimously that Richard Tipton shall be sentenced to death for this capital crime.


FOREPERSON'S SIGNATURE

2/13/93
DATE

OR

C.

WE, THE JURY, do not unanimously find that the aggravating factors proven in this case, as to this capital crime and this defendant, so outweigh the mitigating factors that justice mandates a sentence of death. We, therefore, return a decision that Richard Tipton not be sentenced to death for this capital crime.

FOREPERSON'S SIGNATURE

DATE

OR

D. WE, THE JURY, having considered and evaluated the evidence presented in light of the instructions of the Court, are not unanimously persuaded that a death sentence should be imposed for this capital crime. We, therefore, return a decision that Richard Tipton not be sentenced to death for this capital crime.

FOREPERSON'S SIGNATURE

DATE