# **FILED**

#### UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF TEXAS WACO DIVISION

JUN	۱1	6	2000

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UNITED STATES OF AMERICA	§		
	§		
VS.	§	CAUSE NO.	W-99-CR-070
	§		
CHRISTOPHER ANDRE VIALVA, (	1) §		

#### SPECIAL FINDINGS FORM

#### COUNT ONE

#### I. PART ONE -- THE ELEMENT OF INTENT

<u>Instructions</u>: For each of the following, answer "YES" if you, the jury, unanimously find that the government has established the existence of the listed element of intent in the death of Todd A. Bagley beyond a reasonable doubt; answer "NO" if you do not so find:

I(A)	The defendant, Christopher Andre Vialva, intentionally killed the victim, Todd A. Bagley
	Unanimously YES
	NO
I(B)	The defendant, Christopher Andre Vialva, intentionally inflicted serious bodily injury that resulted in the death of the victim, Todd A. Bagley
	Unanimously YES
	NO .
/ T (C)	The defendant Characterian Andre Masiva Intentionally

I(C) The defendant, Christopher Andre Vialva, intentionally participated in an art, contemplating that the life of the victim, Todd A. Bagley 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 the victim, Todd A. Bagley, died as a result of the act;

Unanimously	YES	X
	NO	

I(D) The defendant, Christopher Andre Vialva, intentionally and specifically engaged in an act of violence, knowing that the act created a grave risk of death to someone other than one of the participants in the offense, such that participation in the act constituted a reckless disregard for human life, and the victim, Todd A. Bagley, died as a result of the act.

Unanimously	YES	
	NO	

<u>Instructions</u>: If you answered "NO" with respect to <u>all</u> of the elements of intent listed in Part One, above, then stop your deliberations, fill out Decision Form A, and advise the Court that you have reached a decision.

If you answered "YES" with respect to <u>one or more</u> of the elements of intent listed in Part One, above, then continue your deliberations in accordance with the Court's instructions and proceed to Part Two.

#### II. PART TWO - STATUTORY AGGRAVATING FACTORS

<u>Instructions</u>: For each of the following, answer "YES" if you, the jury, unanimously find that the government has established the existence of that statutory aggravating factor beyond a reasonable doubt; answer "NO" if you do not so find:

II (A). The defendant, Christopher Andre Vialva, committed the offense in an especially heinous, cruel or depraved manner in that it involved torture or serious physical abuse to the victim Todd A. Bagley.

Unanimously	YES	X
	NO	

II(B). The defendant, Christopher Andre Vialva, committed the offense as consideration for the receipt, or in the expectation of the receipt, of anything of pecuniary value.

Unanimously	YES	X
	NO	

II(C). The defendant, Christopher Andre Vialva, committed the offense after substantial planning and premeditation to cause the death of Todd A. Bagley.

Unanimously	YES	X
	ИО	

II(D). The defendant, Christopher Andre Vialva, intentionally killed or attempted to kill Todd A. Bagley and Stacie L. Bagley in a single criminal episode.

Unanimously	YES	
	NO	

<u>Instructions</u>: If you answered "NO" with respect to <u>all</u> of the statutory aggravating factors in Part Two, above, then stop your deliberations, fill out Decision Form B, and advise the Court that you have reached a decision.

If you answered "YES" with respect to <u>at least one</u> of the statutory aggravating factors in Part Two, above, then continue your deliberations in accordance with the Court's instructions and proceed to Part Three.

## III. PART THREE - NON-STATUTORY AGGRAVATING FACTORS

<u>Instructions</u>: For each of the following, answer "YES" if you, the jury, unanimously find that the government has established the existence of that non-statutory aggravating factor beyond a reasonable doubt; answer "NO" if you do not so find:

	ΙI	I (A)	. Т	he defer	ndant,	Chri	stopl	ner An	dre V	'ialva,	is	likel	ly t	0
comm	it	cri	mina	l acts	of vio	lence	e in	the f	utur	e which	wo	uld	be	a
cont	inu	ing	and	serious	threa	t to	the	lives	and	safety	of	othe	ers.	
					lina	വി. തവ	uelv	VF	'S	X				

III(B). The defendant, Christopher Andre Vialva, has caused injury, harm and loss to the family of the victim, Todd A. Bagley, because of the victim's personal characteristics as an individual human being and the impact of the death upon the victim's family.

Unanimously	YES	
	NO	

NO

The defendant, Christopher Andre Vialva, committed the offense for the purpose of preventing the victim, Todd A. Bagley, from providing information and assistance to law enforcement authorities in regard to the investigation or prosecution of the defendants.

Unanimously	YES	X
	NO	

Instructions: Regardless of whether you answered "YES" or
"NO" with respect to the Non-Statutory Aggravating Factors in Part
Three, above, continue your deliberations in accordance with the
Court's instructions and proceed to Part Four.

#### IV. PART FOUR - MITIGATING FACTORS

<u>Instructions</u>: For each of the following mitigating factors, indicate the number of jurors who find the existence of each particular mitigating factor by a preponderance of the evidence; if none of the jurors find by a preponderance of the evidence that a particular mitigating factor exists, write the number "0" in the blank provided:

IV(A)		Christopher Vialva was subjected to emotional and physical abuse as a child, and was deprived of parental guidance and protection.
	Numbe	of jurors who so find, if any $\bigcirc$
IV(B)		Christopher Vialva has responded well to structured environments in the past.
	Numbe	of jurors who so find, if any
IV(C)		Christopher Vialva was nineteen at the time of the offense.
	Numbe	r of jurors who so find, if any
IA(D)		Another defendant or defendants who may be equally sulpable in the crime will not be punished by death.
	Numbe	r of jurors who so find, if any

IV(E).	backg circu again	round, imstance ist the	reco of impos	ord, th siti	or e of: on of	cha Eens the	Christo aracter se that e death spaces	or an may	y oth mitiga ce. Li	er te
	1.									
Numb	er of	jurors	who s	so i	find,	if	any			
	2.								· —————	
Numb	per of	jurors	who :	so :	find,	if	any			
	3.								· · · · · · · · · · · · · · · · · · ·	
Númb	per of	jurors	who :	so :	find,	i f	any			
	4 .									
Numb	per of	jurors	who	so	find,	if	any			

Proceed to the next page for further instructions.

<u>Instructions:</u> Continue your deliberations in accordance with the Court's instructions and then complete either Decision Form C recommending a sentence of death, or Decision Form D recommending a sentence of life imprisonment without the possibility of release.

# DECISION FORM A

	We	the	jury	have	determin	ed	that	a	sent	ence	of (	deat	h sl	houl	d
not	be i	impos	ed be	cause	the gove	ernm	ent !	has	fai	led t	to pr	ove	bey	ond	a
reas	onal	ble d	doubt	the e	existence	of	any	of	the	elem	nents	of	inte	ent.	

	FOREPERSON	
D.	ate:	 00

# DECISION FORM B

We the jury have determined that a sentence of death should not be imposed because the government has failed to prove beyond a reasonable doubt the existence of any of the aggravating factors.

FOREPERSON		
Date:	, 2000	
Date:	, 2000	

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#### DECISION FORM C

Based upon consideration of whether all the aggravating factor or factors found to exist sufficiently outweigh all the mitigating factor or factors found to exist to justify a sentence of death, or, in the absence of a mitigating factor, whether the aggravating factor or factors alone are sufficient to justify a sentence of death, we, the jury, recommend, by unanimous vote, that the defendant should be sentenced to death.



	0 -	1 7	_	
Date:	G ·	-		2000

0

# DECISION FORM D

	We, the jur	y, recomme	end, by	unanimous	verdict,	a	sentence	of
life	imprisonmen	t without	possib	ility of r	elease.			
	FOREPERSON	· · · · · · · · · · · · · · · · · · ·						
Date				. 2000				

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### UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF TEXAS WACO DIVISION

UNITED STA	TES OF AMERICA	§		
VS.		9 9	CAUSE NO.	<u>W-99-CR-070</u>
CHRISTOPHE	R ANDRE VIALVA, (1)	9		
	SPECIAL	FINDINGS	FORM	
	<u>co</u>	UNT THREE		
I. PART ON	E THE ELEMENT OF	FINTENT		
Instr	uctions: For each	of the foll	owing, answe	er "YES" if you,
the jury,	unanimously find th	at the gov	ernment has	established the
existence	of the listed eleme	ent of inte	ent in the d	eath of Todd A.
Bagley bey	ond a reasonable	doubt; ans	wer "NO" if	you do not so
find:				
I(A)	The defendant, Chr killed the victim,			, intentionally
	Una	nimously	YES	<u>X</u>
			NO	
I(B)	The defendant, Chr inflicted serious death of the victi	bodily in	jury that r	, intentionally resulted in the
	Una	nimously	YES	Χ
	•		NO	
Í(C)	The defendant, Chr participated in an the victim, Todd A that lethal force person other than of and the victim, To act;	act, cont Bagley would be one of the part	emplating twould be tak used in con participants	hat the life of ten or intending nection with a in the offense,
	Una	nimously	YES	<u> </u>
			NO	

I(D) The defendant, Christopher Andre Vialva, intentionally and specifically engaged in an act of violence, knowing that the act created a grave risk of death to someone other than one of the participants in the offense, such that participation in the act constituted a reckless disregard for human life, and the victim, Todd A. Bagley, died as a result of the act.

Unanimously	YES				
	NO				

<u>Instructions</u>: If you answered "NO" with respect to <u>all</u> of the elements of intent listed in Part One, above, then stop your deliberations, fill out Decision Form A, and advise the Court that you have reached a decision.

If you answered "YES" with respect to <u>one or more</u> of the elements of intent listed in Part One, above, then continue your deliberations in accordance with the Court's instructions and proceed to Part Two.

#### II. PART TWO - STATUTORY AGGRAVATING FACTORS

<u>Instructions</u>: For each of the following, answer "YES" if you, the jury, unanimously find that the government has established the existence of that statutory aggravating factor beyond a reasonable doubt; answer "NO" if you do not so find:

II(A). The defendant, Christopher Andre Vialva, committed the offense in an especially heinous, cruel or depraved manner in that it involved torture or serious physical abuse to the victim Todd A. Bagley.

Unanimously	YES	
	NO	-

II(B). The defendant, Christopher Andre Vialva, committed the offense as consideration for the receipt, or in the expectation of the receipt, of anything of pecuniary value.

II(C). The defendant, Christopher Andre Vialva, committed the offense after substantial planning and premeditation to cause the death of Todd A. Bagley.

II(D). The defendant, Christopher Andre Vialva, intentionally killed or attempted to kill Todd A. Bagley and Stacie L. Bagley in a single criminal episode.

Unanimously	YES _	
	NO	

<u>Instructions</u>: If you answered "NO" with respect to <u>all</u> of the statutory aggravating factors in Part Two, above, then stop your deliberations, fill out Decision Form B, and advise the Court that you have reached a decision.

If you answered "YES" with respect to <u>at least one</u> of the statutory aggravating factors in Part Two, above, then continue your deliberations in accordance with the Court's instructions and proceed to Part Three.

#### III. PART THREE - NON-STATUTORY AGGRAVATING FACTORS

<u>Instructions</u>: For each of the following, answer "YES" if you, the jury, unanimously find that the government has established the existence of that non-statutory aggravating factor beyond a reasonable doubt; answer "NO" if you do not so find:

III(A). The defendant, Christopher Andre Vialva, is likely to
commit criminal acts of violence in the future which would be a
continuing and serious threat to the lives and safety of others.
Unanimously YES
NO
III(B). The defendant, Christopher Andre Vialva, has caused
injury, harm and loss to the family of the victim, Todd A. Bagley,
because of the victim's personal characteristics as an individual
human being and the impact of the death upon the victim's family.
Unanimously YES
NO
III(C). The defendant, Christopher Andre Vialva,
committed the offense for the purpose of preventing the victim,
Todd A. Bagley, from providing information and assistance to law
enforcement authorities in regard to the investigation or

Unanimously YES

NO

prosecution of the defendants.

Instructions: Regardless of whether you answered "YES" or
"NO" with respect to the Non-Statutory Aggravating Factors in Part
Three, above, continue your deliberations in accordance with the
Court's instructions and proceed to Part Four.

#### IV. PART FOUR - MITIGATING FACTORS

<u>Instructions</u>: For each of the following mitigating factors, indicate the number of jurors who find the existence of each particular mitigating factor by a preponderance of the evidence; if none of the jurors find by a preponderance of the evidence that a particular mitigating factor exists, write the number "0" in the blank provided:

IV(A).	Christopher Vialva was subjected to emotional and physical abuse as a child, and was deprived of parental guidance and protection.
Numb	er of jurors who so find, if any
IV(B).	Christopher Vialva has responded well to structured environments in the past.
Numb	er of jurors who so find, if any
IV(C).	Christopher Vialva was nineteen at the time of the offense.
Numb	er of jurors who so find, if any
IV(D).	Another defendant or defendants who may be equally culpable in the crime will not be punished by death.
Numb	er of jurors who so find, if any

IV(E).	backc circu agair	ground, imstance ist the	reco of impos	ord, th	, or ne of ion of	ch fen th	Christo aracter se that e death e spaces	or a may senten	ny oth mitiga ce. Li	ner ate
	1.									
Numb	er of	jurors	who	so	find,	if	any			
	2.	***************************************								
Numb	er of	jurors	who	so	find,	if	any			
	3.	<del></del>		······································	5t					
Númb	er of	jurors	who	so	find,	if	any			
	4.			,						
Numb	er of	jurors	who	so	find,	ı£	any			
Proceed t	o the	next n	age f	or	furthe	-را ح	instruct	ions		

<u>Instructions:</u> Continue your deliberations in accordance with the Court's instructions and then complete either Decision Form C recommending a sentence of death, or Decision Form D recommending a sentence of life imprisonment without the possibility of release.

# DECISION FORM A

	We	the	jury	have	determi	ned	that	a	sent	ence	of	deat	h sh	ould
not	be	impo	sed be	cause	the gov	ern	nent	has	fail	led	to pr	cove	beyo	nd a
reas	sona	ble	doubt	the e	existence	e of	any	of	the	eler	ments	of	inte	nt.

_		 _
F	OREPERSON	
Date:		 2000

## DECISION FORM B

We the jury have determined that a sentence of death should not be imposed because the government has failed to prove beyond a reasonable doubt the existence of any of the aggravating factors.

	FOREPERSON	
Date:		, 2000



#### DECISION FORM C

Based upon consideration of whether all the aggravating factor or factors found to exist sufficiently outweigh all the mitigating factor or factors found to exist to justify a sentence of death, or, in the absence of a mitigating factor, whether the aggravating factor or factors alone are sufficient to justify a sentence of death, we, the jury, recommend, by unanimous vote, that the defendant should be sentenced to death.

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	,	\ <del>-</del>	
Date:	6 -	12-,	2000

# DECISION FORM D

	We,	the	jury	, recomm	end, by	unanimous	verdict,	a	sentence	of
life	impi	risor	nment	without	possib	ility of r	elease.			
	FORE	EPERS	SON			<del></del>				
Date	:					_, 2000				

#### UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF TEXAS WACO DIVISION

UNITED STA	TES OF AMERICA	§								
VS.		§ §	CAUSE NO. W-99-CR-070							
CHRISTOPHE	R ANDRE VIALVA, (1)	§ §								
	SPECIAL F	FINDINGS	FORM							
	COUNT FOUR									
I. PART ONE THE ELEMENT OF INTENT										
Instr	uctions: For each of	the foll	owing, answer "YES" if you	,						
the jury,	unanimously find that	the gove	ernment has established the	e						
existence	of the listed element	of inter	nt in the death of Stacie L							
Bagley bey	yond a reasonable do	ubt; ans	wer "NO" if you do not so	0						
find:										
I (A)	The defendant, Chris killed the victim, S		ndre Vialva, intentionall Bagley	Y						
	Unanis	mously	YES							
			NO							
I (B)		odily in	andre Vialva, intentionall jury that resulted in th L. Bagley							
	Unani	mously	YES							
	,		NO							
I(C)	participated in an a the victim, Stacie L that lethal force we person other than one	act, cont Bagley Buld be a of the p	Andre Vialva, intentionall templating that the life of would be taken or intending used in connection, with participants in the offense ley, died as a result of the second of the secon	: : 14 a a :						
	Unani	mously	YES							
			NO							

I(D) The defendant, Christopher Andre Vialva, intentionally and specifically engaged in an act of violence, knowing that the act created a grave risk of death to someone other than one of the participants in the offense, such that participation in the act constituted a reckless disregard for human life, and the victim, Stacie L. Bagley, died as a result of the act.

Unanimously	YES	
	NO	

<u>Instructions</u>: If you answered "NO" with respect to <u>all</u> of the elements of intent listed in Part One, above, then stop your deliberations, fill out Decision Form A, and advise the Court that you have reached a decision.

If you answered "YES" with respect to one or more of the elements of intent listed in Part One, above, then continue your deliberations in accordance with the Court's instructions and proceed to Part Two.

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#### II. PART TWO - STATUTORY AGGRAVATING FACTORS

<u>Instructions</u>: For each of the following, answer "YES" if you, the jury, unanimously find that the government has established the existence of that statutory aggravating factor beyond a reasonable doubt; answer "NO" if you do not so find:

II(A). The defendant, Christopher Andre Vialva, committed the offense in an especially heinous, cruel or depraved manner in that it involved torture or serious physical abuse to the victim Stacie L. Bagley.

Unanimously	YES _	
	NO	

II(B). The defendant, Christopher Andre Vialva, committed the offense as consideration for the receipt, or in the expectation of the receipt, of anything of pecuniary value.

Unanimously	YES	X
	NO	

II(C). The defendant, Christopher Andre Vialva, committed the offense after substantial planning and premeditation to cause the death of Stacie L. Bagley.

Unanimously	YES	X
	NO	***************************************

Unanimously	YES	
	NO	

<u>Instructions</u>: If you answered "NO" with respect to <u>all</u> of the statutory aggravating factors in Part Two, above, then stop your deliberations, fill out Decision Form B, and advise the Court that you have reached a decision.

If you answered "YES" with respect to <u>at least one</u> of the statutory aggravating factors in Part Two, above, then continue your deliberations in accordance with the Court's instructions and proceed to Part Three.

#### III. PART THREE - NON-STATUTORY AGGRAVATING FACTORS

Instructions: For each of the following, answer "YES" if you,
the jury, unanimously find that the government has established the
existence of that non-statutory aggravating factor beyond a
reasonable doubt; answer "NO" if you do not so find:

III(A). The defendant, Christopher Andre Vialva, is likely to commit criminal acts of violence in the future which would be a continuing and serious threat to the lives and safety of others.

Unanimously	YES	
	NO	

III(B). The defendant, Christopher Andre Vialva, has caused injury, harm and loss to the family of the victim, Stacie L. Bagley, because of the victim's personal characteristics as an individual human being and the impact of the death upon the victim's family.

III(C). The defendant, Christopher Andre Vialva, committed the offense for the purpose of preventing the victim, Stacie L. Bagley, from providing information and assistance to law enforcement authorities in regard to the investigation or prosecution of the defendants.

Unanimously	YES	X
	NO	

Instructions: Regardless of whether you answered "YES" or
"NO" with respect to the Non-Statutory Aggravating Factors in Part
Three, above, continue your deliberations in accordance with the
Court's instructions and proceed to Part Four.

# IV. PART FOUR - MITIGATING FACTORS

<u>Instructions</u>: For each of the following mitigating factors, indicate the number of jurors who find the existence of each particular mitigating factor by a preponderance of the evidence; if none of the jurors find by a preponderance of the evidence that a particular mitigating factor exists, write the number "0" in the blank provided:

IV(A).	Christopher Vialva was subjected to emotional and physical abuse as a child, and was deprived of parental guidance and protection.
Numbe	er of jurors who so find, if any
IV(B).	Christopher Vialva has responded well to structured environments in the past.
Numbe	er of jurors who so find, if any $Q$
IV(C).	Christopher Vialva was nineteen at the time of the offense.
Numbe	er of jurors who so find, if any $\mathcal{O}$
IV(D).	Another defendant or defendants who may be equally culpable in the crime will not be punished by death.
Numb	er of jurors who so find, if any

IV(E).	backg circu again	round, mstance st the	record of t imposit	, or he of: ion of	charac fense the de	ter or that may	Vialva's any other mitigate nce. List w.
	1.						
Numbe	er of	jurors	who so	find,	if any		
	2.						
Numb	er of	jurors	who so	find,	if any		
	3.					and the same of th	
Nümb	er of	jurors	who so	find,	if any		
	4 .						
Numb	er of	jurors	who so	find,	if any		P
Proceed t	o the	next p	age for	furthe	er inst	ructions.	

<u>Instructions:</u> Continue your deliberations in accordance with the Court's instructions and then complete either Decision Form C recommending a sentence of death, or Decision Form D recommending a sentence of life imprisonment without the possibility of release.

# DECISION FORM A

Date: \_\_

	We	the	e jury	have	e dete	ermin	ed	that	a	sent	ence	of	deat	.h sh	nould
not	be .	impo	sed be	ecaus	e the	gove	rnm	ent	has	fai	led	to pr	ove	beyo	ond a
reas	sona	ble	doubt	the	exist	ence	of	any	of	the	eler	ments	of	inte	ent.
	FO	REPI	ERSON												

\_\_\_\_\_\_, 2000

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# DECISION FORM B

We the jury have determined that a sentence of death should not be imposed because the government has failed to prove beyond a reasonable doubt the existence of any of the aggravating factors.

FOREPERSON	-
Date:,	2000

#### DECISION FORM C

Based upon consideration of whether all the aggravating factor or factors found to exist sufficiently outweigh all the mitigating factor or factors found to exist to justify a sentence of death, or, in the absence of a mitigating factor, whether the aggravating factor or factors alone are sufficient to justify a sentence of death, we, the jury, recommend, by unanimous vote, that the defendant should be sentenced to death.



Date:	6-12-	2000

# DECISION FORM D

	We, the jury, recommend, by unanimous verdict, a sentence	of
life	imprisonment without possibility of release.	
	FOREPERSON	
Dato	2000	