

FILED

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
LUFKIN DIVISION

M. *July 11 1991*
MURRAY L. HARRIS, CLERK
U.S. DISTRICT COURT

By *Peggy Thompson*
DEPUTY

UNITED STATES OF AMERICA

§
§
§
§
§

VS.

9:91-CR-4(01)

BALDEMAR SAMBRANO VILLARREAL

SPECIAL FINDINGS

PART ONE

By checking "Yes" below, we, the jury, unanimously find that the aggravating factor listed in Part One has been established beyond a reasonable doubt:

1. That Defendant Baldemar Sambrano Villarreal intentionally killed Darrell Lunsford.

YES

_____ ✓ _____

NO

(If you have checked "NO" above, fill out Decision Form A and advise the Court that you have reached a decision which concludes the need for further deliberations. If you have checked "YES" above, continue with your deliberations in accordance with the Court's instructions.)

PART TWO

We, the jury, unanimously find that the aggravating factors checked "Yes" below have been proved beyond a reasonable doubt:

2. That Defendant Baldemar Sambrano Villarreal committed the offense described in Finding 1 after substantial planning and premeditation.

Yes _____
No _____

3. That Defendant Baldemar Sambrano Villarreal committed the offense described in Finding 1 in an especially heinous, cruel, or depraved manner in that it involved serious physical abuse to Darrell Lunsford.

Yes _____
No _____

(If you have checked "NO" as to the existence of both of the aggravating factors listed in Part Two, fill out Decision Form A and advise the Court you have reached a decision which concludes the need for further deliberations. If you have checked "YES" as to the existence of either or both of the aggravating factors listed in Part Two, continue with your deliberations and proceed to Parts Three and Four of the Special Findings Form. When you have completed Parts Three and Four of the Special Findings Form and have arrived at a decision, you shall enter your recommendation on either Decision Form B or Decision Form C. Note that the Decision Forms are mutually exclusive. Complete one or the other, but not both. After you enter your recommendation on either Decision Form B or Decision Form C, proceed to the Certificate on the last page of this form. Following completion of the Certificate, advise the Court that your deliberations are complete.

PART THREE

We, the jury, unanimously find that the existence of the aggravating factors checked "Yes" below have been established beyond a reasonable doubt:

4. That Defendant Baldemar Sambrano Villarreal committed the offense described in Finding 1 deliberately and with the reasonable expectation that the death of Darrell Lunsford would result.

Yes _____

No _____

5. That Defendant Baldemar Sambrano Villarreal committed the offense described in Finding 1 during a robbery of the person of Darrell Lunsford.

Yes _____

No _____

6. That Defendant Baldemar Sambrano Villarreal committed the offense described in Finding 1 in order to obstruct, interfere with, and impede law enforcement from investigating and prosecuting a drug related crime.

Yes _____

No _____

7. That Defendant Baldemar Sambrano Villarreal committed the offense described in Finding 1 by the use of force and violence specifically to facilitate the escape from a lawful arrest and detention by law enforcement officials.

Yes _____

No _____

8. That Defendant Baldemar Sambrano Villarreal committed the offense described in Finding 1 to prevent Darrell Lunsford from being a witness.

Yes _____

No _____

9. At the time of the offense described in Finding 1, Darrell Lunsford was a law enforcement officer.

Yes _____

No _____

10. That Defendant Baldemar Sambrano Villarreal committed the offense described in Finding 1 without any reasonable provocation.

Yes _____

No _____

11. That Defendant Baldemar Sambrano Villarreal committed the offense described in Finding 1 for pecuniary benefit related to a drug related crime.

Yes _____

No _____

12. That Defendant Baldemar Sambrano Villarreal committed the offense described in Finding 1 while on parole.

Yes _____

No _____

13. That there is a probability that Defendant Baldemar Sambrano Villarreal would commit criminal acts of violence that would constitute a continuing threat to society in the future.

Yes _____

No _____

14. That during the commission of the offense described in Finding 1, Defendant Baldemar Sambrano Villarreal used a deadly weapon, specifically a firearm.

Yes _____

No _____

15. That repeated attempts at rehabilitation of Defendant Baldemar Sambrano Villarreal have been unsuccessful.

Yes _____

No _____

FOREPERSON

PART FOUR

One or more members of the jury find the existence of the following mitigating factors has been established by a preponderance of the evidence:

1. That law enforcement officials testified to the nonviolent nature of Defendant Baldemar Sambrano Villarreal.

Yes _____

No _____

2. That Defendant Baldemar Sambrano Villarreal has shown remorse for his involvement in the death of Darrell Lunsford.

Yes _____

No _____

3. That there is a statistical basis for determining a very low likelihood of recidivism for Defendant Baldemar Sambrano Villarreal.

Yes _____

No _____

4. That Defendant Baldemar Sambrano Villarreal is married.

Yes _____

No _____

5. That Defendant Baldemar Sambrano Villarreal is the father of a child.

Yes _____

No _____

6. That Defendant Baldemar Sambrano Villarreal has been raised without an appropriate male father figure.

Yes _____

No _____

7. That Defendant Baldemar Sambrano Villarreal'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 his capacity was so impaired as to constitute a defense to the charges against him in this case.

Yes _____

No _____

8. That Defendant Baldemar Sambrano Villarreal was under unusual or substantial duress, regardless of whether the duress was of such a degree as to constitute a defense to the charges in this case.

Yes _____

No _____

9. That Defendant Baldemar Sambrano Villarreal has volunteered time in helping young boys in the Boy's Club of America programs.

Yes _____

No _____

10. That Defendant Baldemar Sambrano Villarreal could not reasonably have foreseen that his conduct in the course of the commission of the intentional killing of Darrell Lunsford would cause, or create a grave risk of causing, death to any person.

Yes _____

No _____

11. That Defendant Baldemar Sambrano Villarreal is youthful, although not under the age of 18.

Yes _____

No _____

12. That Defendant Baldemar Sambrano Villarreal did not have a significant prior criminal record.

Yes _____

No _____

13. That Defendant Baldemar Sambrano Villarreal committed the offense with which he is charged in this case under severe mental or emotional disturbance.

Yes _____

No _____

14. That another person or person, equally culpable in the crime, will not be punishable by death.

Yes _____

No _____

15. That Jesus (Jessie) Cortez Zambrano, equally culpable in crime, will not be punished by death.

Yes _____

No _____

16. That other factors in Defendant Baldemar Sambrano Villarreal's background or character mitigate against imposition of the death sentence.

Yes _____

No _____

17. That Defendant Baldemar Sambrano Villarreal comes from a poor or impoverished family.

Yes _____

No _____

18. That Defendant Baldemar Sambrano Villarreal has, in the past, been a victim of racial discrimination.

Yes _____

No _____

19. That Defendant Baldemar Sambrano Villarreal comes from a disrupted family.

Yes _____

No _____

20. That Defendant Baldemar Sambrano Villarreal is capable of rehabilitation.

Yes _____

No _____

21. That Defendant Baldemar Sambrano Villarreal has, before the incident involving Darrell Lunsford, had no past history of assaultive conduct other than in self defense or defense of third parties.

Yes _____

No _____

22. That Defendant Baldemar Sambrano Villarreal's family desires that he not be given the death penalty.

Yes _____

No _____

23. That Defendant Baldemar Sambrano Villarreal's friends desire that he not be given the death penalty.

Yes _____

No _____

24. That Defendant Baldemar Sambrano Villarreal has displayed empathy for the victim, the victim's family, and his family, including Reynaldo Villarreal.

Yes _____

No _____

25. That Defendant Baldemar Sambrano Villarreal has a low to mid-range lethality potential for the future if incarcerated rather than executed.

Yes _____

No _____

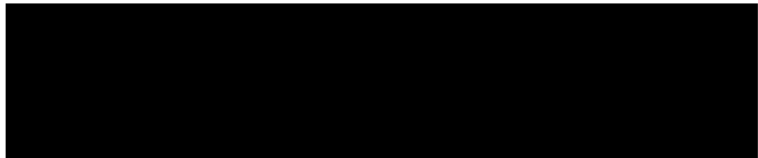
FOREPERSON

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
LUFKIN DIVISION

UNITED STATES OF AMERICA §
 §
VS. § CR. NO. 9:91CR4(01)
 §
BALDEMAR SAMBRANO VILLARREAL §

DECISION (FORM A)

We, the jury, do not unanimously find beyond a reasonable doubt the existence of either the aggravating factor set forth in Part One of the Special Findings form or one or both of the two aggravating factors set forth in Part Two of the Special Findings forms.



DATE: July 11, 1991.

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS

LUFKIN DIVISION

UNITED STATES OF AMERICA §
 §
VS. § CR. NO. 9:91CR4(01)
 §
BALDEMAR SAMBRANO VILLARREAL §

DECISION (FORM B)

We, the jury, unanimously find beyond a reasonable doubt the existence of the aggravating factor in Part One of the Special Findings form and one or both of the aggravating factors in Part Two of the Special Findings form. We have considered whether those and any other aggravating factors that have been unanimously found to exist beyond a reasonable doubt outweigh any mitigating factor or factors that one or more jurors have found to exist by a preponderance of the evidence.

As the result of our consideration, we unanimously find that the aggravating factors which have been found to exist outweigh any mitigating factor or factors that have been found to exist. Alternatively, if there have been no mitigating factors found to exist by any juror, we unanimously find that the aggravating factors are themselves sufficient to justify a sentence of death.

We vote unanimously that Defendant Baldemar Sambrano Villarreal shall be sentenced to death.

Foreperson

DATE: July _____, 1991

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS

LUFKIN DIVISION

UNITED STATES OF AMERICA	§	
	§	
VS.	§	CR. NO. 9:91CR4(01)
	§	
BALDEMAR SAMBRANO VILLARREAL	§	

DECISION (FORM C)

We, the jury, unanimously find beyond a reasonable doubt the existence of the aggravating factor in Part One of the Special Findings form and one or both of the aggravating factors in Part Two of the Special Findings form. We have considered whether the aggravating factors that have been unanimously found to exist beyond a reasonable doubt outweigh any mitigating factor or factors that one or more of the jurors have found to exist by a preponderance of the evidence.

As the result of our consideration, we do not unanimously find that the aggravating factors that have been found to exist outweigh any mitigating factor or factors that have been found to exist. Alternatively, if there have been no mitigating factors to be found to exist by any juror, we do not unanimously find that the aggravating factors are themselves sufficient to justify a sentence of death. As a further alternative, regardless of any findings with respect to aggravating and mitigating factors, we do not unanimously decide that the death sentence shall be imposed.

Under any of the foregoing alternatives, we do not unanimously

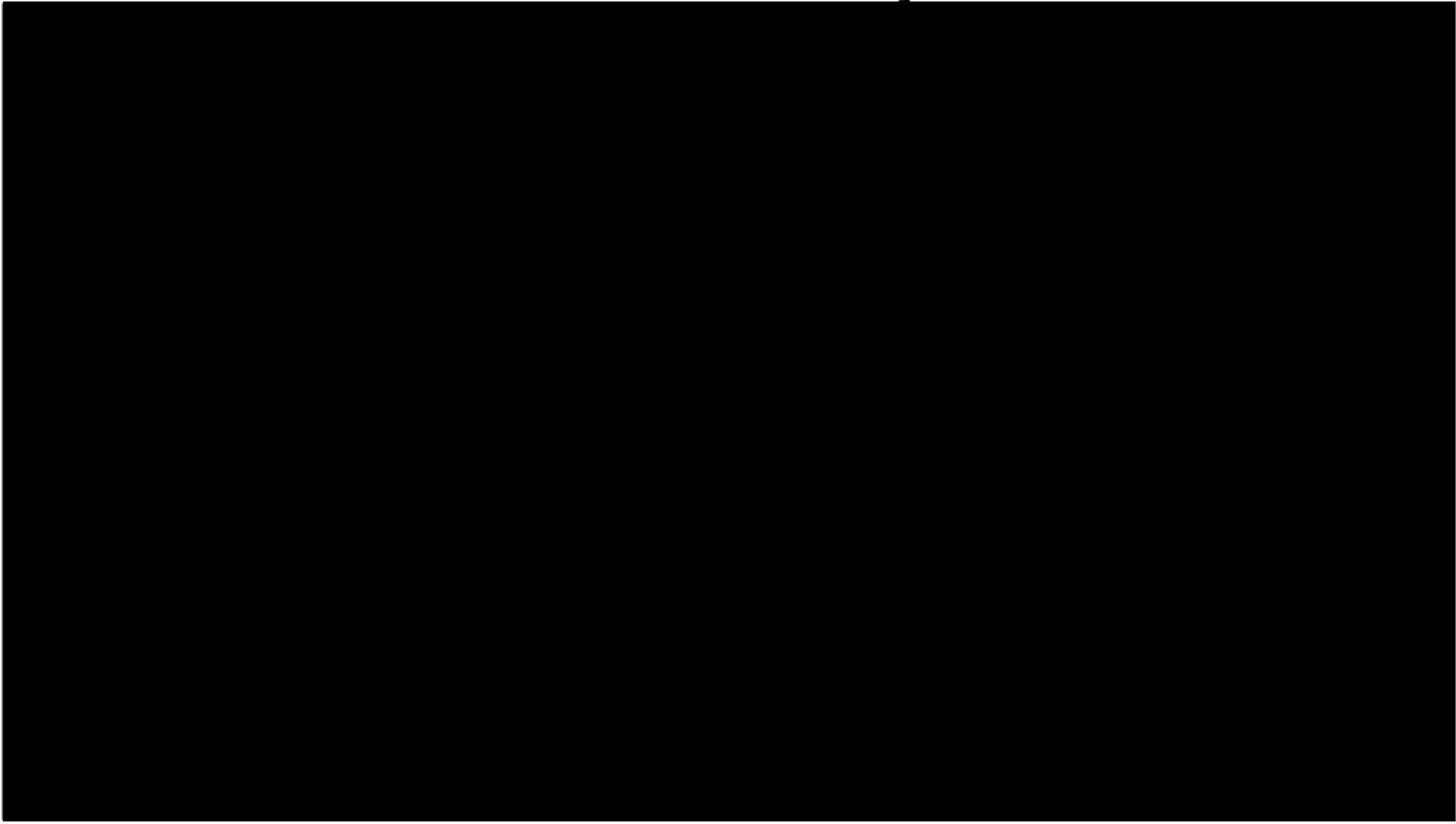
find that the court shall sentence Defendant Baldemar Sambrano Villarreal to death.

Foreperson

Date: July _____, 1991

CERTIFICATE

By signing below, each of us individually hereby certifies that consideration of the race, color, religious beliefs, national origin, or sex of Defendant Baldemar Sambrano Villarreal and of Darrell Lunsford were not involved in reaching our respective individual decisions. Each of us further individually certifies that the same recommendation regarding a sentence for the crime in question would have been made no matter what the race, color, religious beliefs, national origin, or sex of Defendant Baldemar Sambrano Villarreal or Darrell Lunsford may have been.



DATE: July 11, 1991

FILED

4:09 P.M. July 1 19 91

IN THE UNITED STATES DISTRICT COURT MURRAY L. HARRIS, CLERK
U.S. DISTRICT COURT

FOR THE EASTERN DISTRICT OF TEXAS By Peggy Thompson
DEPUTY

TYLER DIVISION

UNITED STATES OF AMERICA

§
§
§
§
§

VS.

NO. 9:91CR4(01)

BALDEMAR SAMBRANO VILLARREAL

VERDICT FORM

On Count I, we, the Jury, find Defendant, Baldemar Sambrano Villarreal,

Guilty

✓

Not Guilty

7-1-91
Date

