

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NORTH DAKOTA
NORTHEASTERN DIVISION

United States of America,)
)
 Plaintiff,) **SPECIAL FINDINGS FORM**
)
 vs.) Criminal Case No. 2:04-cr-55
)
 Alfonso Rodriguez, Jr.,)
)
 Defendant.)

I. SECTION ONE

NON-STATUTORY AGGRAVATING FACTOR

Do you unanimously find that the government has proved beyond a reasonable doubt that the defendant, Alfonso Rodriguez, Jr. caused loss, injury, and harm to Dru Sjodin and Dru Sjodin's family?

YES _____

NO _____

Foreperson

II. SECTION TWO

MITIGATING FACTORS

Instructions: For each of the following mitigating factors indicate, in the space provided, the number of jurors who have found that factor to be proved by the greater weight of the evidence to mitigate against a sentence of death. If none of you find the listed mitigating factor to be proved by the greater weight of the evidence, enter a "0" on the line.

1. If he is not put to death, Alfonso Rodriguez will live every day of the rest of his life

incarcerated in a federal prison.

Number of jurors who so find ____.

2. Alfonso Rodriguez was sexually abused as a child.

Number of jurors who so find ____.

3. Alfonso Rodriguez suffers from the effects of his exposure to toxins.

Number of jurors who so find ____.

4. Alfonso Rodriguez suffers from brain damage.

Number of jurors who so find ____.

5. Alfonso Rodriguez suffers from a mental disorder or impairment.

Number of jurors who so find ____.

6. Alfonso Rodriguez has neurological or psychological problems, which have impaired his ability to make good decisions.

Number of jurors who so find ____.

7. Alfonso Rodriguez was introduced to addictive drugs and alcohol at a young age and has suffered from alcoholism and drug addiction during his life.

Number of jurors who so find ____.

8. Alfonso Rodriguez had learning problems in school because he grew up in a migrant family that moved from place to place during the school year.

Number of jurors who so find ____.

9. Alfonso Rodriguez had learning problems in school because he was developmentally delayed as a child.

Number of jurors who so find ____.

10. Alfonso Rodriguez has experienced racial prejudice during his lifetime.

Number of jurors who so find _____.

11. Alfonso Rodriguez has shown love and kindness towards his mother Delores.

Number of jurors who so find _____.

12. Alfonso Rodriguez is loved by his mother, Delores, and Delores will suffer emotional pain if Alfonso is executed.

Number of jurors who so find _____.

13. Alfonso Rodriguez has shown love and kindness towards his sister, Sylvia D'Angelo.

Number of jurors who so find _____.

14. Alfonso Rodriguez is loved by his sister, Sylvia D'Angelo, and Sylvia will suffer emotional pain if Alfonso is executed.

Number of jurors who so find _____.

15. Alfonso Rodriguez has shown love and kindness towards his sister, Rosa Rodriguez.

Number of jurors who so find _____.

16. Alfonso Rodriguez is loved by his sister, Rosa Rodriguez, and Rosa will suffer emotional pain if Alfonso is executed.

Number of jurors who so find _____.

17. Alfonso Rodriguez has shown love and kindness towards his sister, Illeana Noyes.

Number of jurors who so find _____.

18. Alfonso Rodriguez is loved by his sister, Illeana Noyes, and Illeana will suffer emotional pain if Alfonso is executed.

Number of jurors who so find _____.

19. Alfonso Rodriguez has shown love and kindness towards his nephew, Joshua Noyes.

Number of jurors who so find _____.

20. Alfonso Rodriguez is loved by his nephew, Joshua Noyes, and Joshua will suffer emotional pain if Alfonso is executed.

Number of jurors who so find _____.

21. Alfonso Rodriguez has shown love and kindness towards his niece, Alina Noyes.

Number of jurors who so find _____.

22. Alfonso Rodriguez is loved by his niece, Alina Noyes, and Alina will suffer emotional pain if Alfonso is executed.

Number of jurors who so find _____.

23. The existence of other factors in Alfonso Rodriguez's childhood, background, or character.

Number of jurors who so find _____.

24. Alfonso Rodriguez offered to plead guilty to causing Dru Sjodin's death, thereby accepting responsibility for his actions in this matter.

Number of jurors who so find _____.

25. Alfonso Rodriguez has responded well to structured environments and would likely make a good adaptation to prison if he were sentenced to life imprisonment.

Number of jurors who so find _____.

26. Since his arrest on this charge, Alfonso Rodriguez has been a well-behaved inmate.

Number of jurors who so find _____.

27. Alfonso Rodriguez raised concerns to prison officials about being released from prison in 2003.

Number of jurors who so find _____.

28. Minnesota Department of Corrections personnel failed to act on statements of concern from Alfonso Rodriguez and his family about Alfonso Rodriguez's release from prison in 2003.

Number of jurors who so find _____.

29. Alfonso Rodriguez has the potential to grow spiritually.

Number of jurors who so find _____.

30. Considerations of mercy support a sentence of life imprisonment without the possibility of parole.

Number of jurors who so find _____.

Instructions: In the space below, write any other mitigating factors that any of you found to be proved by the greater weight of the evidence but were not alleged by the defendant. Also indicate the number of jurors who found that mitigating factor. If more space is needed to write in mitigating factors, write "Continued" after the last space provided and continue writing mitigating factors on the reverse side of the page.

30. _____

Number of jurors who so find _____.

31. _____

Number of jurors who so find _____.

32. _____

Number of jurors who so find _____.

33. _____

Number of jurors who so find _____.

34. _____

Number of jurors who so find _____.

III. SECTION THREE

DETERMINATION

A. Death Sentence

Based upon the consideration of whether the aggravating factors found to exist sufficiently outweigh any mitigating factor or factors found to exist, or in the absence of any mitigating factors, whether the aggravating factors are themselves sufficient to justify a sentence of death, we find by unanimous vote that a sentence of death shall be imposed on the defendant.

YES _____

NO _____

If you answer “YES,” then everyone must sign here, and you must proceed to Section IV. If you answer “NO,” then only the foreperson must sign below, and you must proceed to question B.

Juror

Foreperson

B. Sentence of Life in Prison Without the Possibility of Parole

Based upon the consideration of whether the aggravating factors found to exist sufficiently outweigh any mitigating factor or factors found to exist, we find that a sentence of life imprisonment without the possibility of parole shall be imposed on the defendant.

YES _____

NO _____

If you answer “YES,” then everyone must sign here, and you must proceed to Section IV. If you answer “NO,” then only the foreperson must sign below, and you must proceed to question C.

Juror

Foreperson

C. No Unanimous Decision

After due deliberation, we are unable to reach a unanimous decision. We understand that the Court will impose a sentence of life in prison without the possibility of parole.

YES _____

NO _____

Juror

Foreperson

IV. SECTION FOUR

CERTIFICATION

Each juror should carefully read the statement below, and sign in the appropriate place if the statement accurately reflects the manner in which he or she reached his or her decision.

By signing below, each juror certifies that consideration of the race, color, religious beliefs, national origin, or sex of the defendant, Alfonso Rodriguez, Jr., or the victim, Dru Katrina Sjodin, was not involved in reaching his or her individual decision, and that the individual juror would have made the same determination regarding the defendant's eligibility for consideration of a sentence of death for the crime in question regardless of the race, color, religious beliefs, national origin, or sex of the defendant or the victim.

_____ Juror	_____ Juror
_____ Juror	_____ Foreperson