

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

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

I. SECTION ONE

“THRESHOLD ELIGIBILITY FACTOR” (REQUISITE MENTAL STATE)

1. Do you, the jury, unanimously find that the United States has established beyond a reasonable doubt that the defendant, Alfonso Rodriguez, Jr., intentionally killed Dru Katrina Sjodin?

YES _____ NO _____

Foreperson

2. Do you, the jury, unanimously find that the United States has established beyond a reasonable doubt that the defendant, Alfonso Rodriguez, Jr., intentionally inflicted serious bodily injury which resulted in the death of Dru Katrina Sjodin?

YES _____ NO _____

Foreperson

3. Do you, the jury, unanimously find that the United States has established beyond a reasonable doubt that the Defendant, Alfonso Rodriguez, Jr., intentionally participated in an act, contemplating that the life of Dru Katrina Sjodin would be taken or intending that lethal force would be used in connection with Dru Katrina Sjodin, and Dru Katrina Sjodin died as a direct result of the act?

YES _____

NO _____

Foreperson

4. Do you, the jury, unanimously find that the United States has established beyond a reasonable doubt that the Defendant, Alfonso Rodriguez, Jr., intentionally and specifically engaged in an act of violence, knowing that the act created a grave risk of death to Dru Katrina Sjodin, such that participation in the act constituted a reckless disregard for human life and Dru Katrina Sjodin died as a direct result of the act?

YES _____

NO _____

Foreperson

Instructions: If you answered “YES” with respect to **one or more** of the determinations in this section, then proceed to Section II, which follows. If you answered “NO” with respect to **all** four of the determinations in this section, then stop your deliberations, cross out Section II of this form, and proceed to Section III.

II. SECTION TWO

STATUTORY AGGRAVATING FACTORS

1. Do you, the jury, unanimously find that the United States has established beyond a reasonable doubt that the defendant, Alfonso Rodriguez, Jr., caused Dru Katrina Sjodin's death during the commission of the offense of kidnapping by the defendant?

YES _____ NO _____

Foreperson

2. Do you, the jury, unanimously find that the United States has established beyond a reasonable doubt that the defendant, Alfonso Rodriguez, Jr., has previously been convicted of two or more federal or state offenses, each of which is punishable by a term of imprisonment of more than one year, committed on different occasions, involving the infliction of, or attempted infliction of, serious bodily injury upon another person?

YES _____ NO _____

Foreperson

Please specify which convictions you found to have involved the infliction of, or attempted infliction of, serious bodily injury:

A. Attempted Aggravated Rape in Polk County Case No. 5438 (Shirley Seddon Iverson)?

YES _____ NO _____

B. Aggravated Rape in Polk County Case No. 5447 (Elizabeth Knudson)?

YES _____ NO _____

C. Attempted Kidnapping and Assault in the 1st Degree in Polk County Case No. 6192 (Ardyce Whalen)?

YES _____ NO _____

3. Do you, the jury, unanimously find that the United States has established beyond a reasonable doubt that the defendant, Alfonso Rodriguez, Jr., killed Dru Sjodin in an especially heinous, cruel, or depraved manner in that:

A. It involved the torture of Dru Sjodin?

YES _____ NO _____

Foreperson

B. It involved serious physical abuse of Dru Sjodin?

YES _____ NO _____

Foreperson

4. Do you, the jury, unanimously find that the United States has established beyond a reasonable doubt that the Defendant, Alfonso Rodriguez, Jr., killed Dru Sjodin after substantial planning and premeditation to cause the death of Dru Sjodin?

YES _____

NO _____

Foreperson

III. SECTION THREE

ELIGIBILITY DETERMINATION

If you did not find a “Threshold Eligibility Factor” in Section I or you did not find any “Statutory Aggravating Factors” in Section II, then enter a verdict below that the defendant is “not eligible” for consideration of the death penalty. However, if you found at least one “Threshold Eligibility Factor” in Section I, and you found at least one “Statutory Aggravating Factor” in Section II, then enter a verdict that the defendant is “eligible” for consideration of the death penalty.

ELIGIBLE _____

NOT ELIGIBLE _____

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	Juror
_____	_____
Juror	Juror
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Juror	Juror
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Juror	Juror
_____	_____
Juror	FOREPERSON

Date: _____