UNITED STATES DISTRICT COURT WESTERN DISTRICT OF KENTUCK MAY 21 P6:16 PADUCAH DIVISION CRIMINAL ACTION NO.: 5:06-CR-19-RIBIDISTRICT COURT

UNITED STATES V. STEVEN DALE GREEN

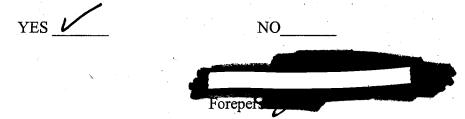
SPECIAL VERDICT FORM

COUNT 3

SECTION I. AGE OF DEFENDANT Count 3

Instructions: Answer "YES" or "NO."

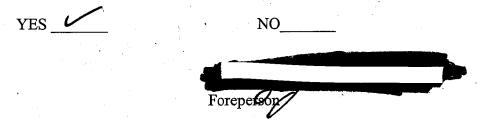
Do you, the jury, unanimously find the government has established beyond a reasonable doubt that the defendant was eighteen (18) years of age or older at the time of the offense?



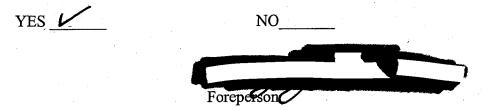
If you have answered "YES" please continue to Section II: Threshold Mental State. If you have answered "NO" cease your deliberations with respect to this Count, and proceed to Section VII: Certification.

Instructions: For each of the following, answer "YES" or "NO."

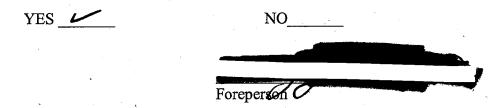
(A) Do you, the jury, unanimously find that the government has proved beyond a reasonable doubt that the defendant intentionally killed Abeer Al-Janabi?



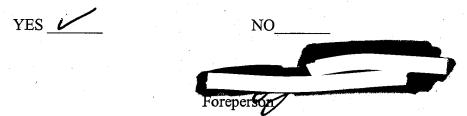
(B) Do you, the jury, unanimously find that the government has proved beyond a reasonable doubt that the defendant intentionally inflicted serious bodily injury that resulted in the death of Abeer Al-Janabi?



(C) Do you, the jury, unanimously find that the government has proved beyond a reasonable doubt that the defendant intentionally participated in an act, contemplating that the life of a person 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 Abeer AlJanabi died as a result of the act?



(D) Do you, the jury, unanimously find that the government has proved beyond a reasonable doubt that the defendant intentionally and specifically engaged in an act of violence, knowing that the act created a grave risk of death to a person, other than one of the participants in the offense, such that participation in the act constituted a reckless disregard for human life and Abeer Al-Janabi died as a direct result of the act?

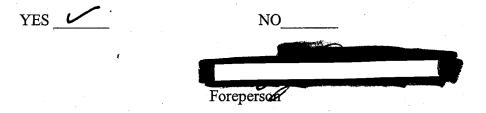


Instruction: If you have answered "YES" to either A, B, C, or D, please continue to Section III: Statutory Aggravating Factors. If you have answered "NO" to A, B, C, and D, cease your deliberations with respect to this Count, and proceed to Section VII: Certification.

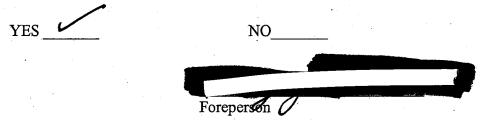
SECTION III. Statutory Aggravating Factors Count 3

Instructions: For each of the following, answer "YES" or "NO."

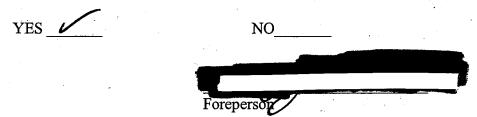
(A) Do you, the jury, unanimously find that the government has established beyond a reasonable doubt that the defendant intentionally killed Abeer Al-Janabi in an especially heinous, cruel, or depraved manner in that it involved serious physical abuse to her, as set out in Instruction No. 3?



(B) Do you, the jury, unanimously find that the government has established beyond a reasonable doubt that the defendant committed the offense of premeditated murder after substantial planning and premeditation to cause the death of Abeer Al-Janabi, as set out in Instruction No. 3?



(C) Do you, the jury, unanimously find that the government has established beyond a reasonable doubt that the victim, Abeer Al-Janabi, was particularly vulnerable due to youth, as set out in Instruction No. 3?



(D) Do you, the jury, unanimously find beyond a reasonable doubt that the government has established beyond a reasonable doubt that the defendant intentionally killed more than one person in a single criminal episode, as set out in Instruction No. 3?

YES	NO
•	
	Foreper

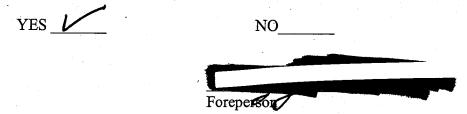
Filed 05/21/2009

Instruction: If you answered "YES" to either A, B, C, or D, please continue to Section IV: Non-Statutory Aggravating Factors. If you answered "NO" to all of the statutory aggravating factors set out in Section III, then stop your deliberations as to this Count, cross out Sections IV, V, and VI of this form, and proceed to Section VII of this form.

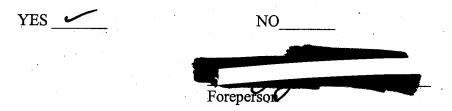
Section IV. Non-Statutory Aggravating Factors Count 3

Instructions: For each of the following, answer "YES" or "NO."

(A) Do you, the jury, unanimously find that the government has proved beyond a reasonable doubt that the defendant killed Abeer Al-Janabi in order to eliminate her as a possible witness to his crimes, and that fact tends to support imposition of the death penalty?



(B) Do you, the jury, unanimously find that the government has proved beyond a reasonable doubt that the defendant caused injury, harm, and loss to the family of Abeer Al-Janabi, as evidenced by her personal characteristics as a human being and the impact of her death on her family, and that fact tends to support imposition of the death penalty?



Instruction: Regardless of whether you answered "YES" or "NO" with respect to these non-statutory aggravating factors, please proceed to Section V: Mitigating Factors.

Section V: Mitigating Factors Count 3

Instructions: For each of the following mitigating factors indicate, in the space provided, the number of jurors who have found the existence of that mitigating factor to be proven by a preponderance of the evidence. Extra spaces are provided at the end of the section to write additional mitigating factors found by one or more jurors.

statutory mitigatir	z, equally culpable in the crime, will not be pung factor.	nished by death. This is a
	Number of jurors who so find	<u> </u>
2. Spc. James Bar a statutory mitigat	ker, equally culpable in the crime, will not be ping factor.	ounished by death. This is
	Number of jurors who so find	<u> </u>
conform conduct to	apacity to appreciate the wrongfulness of the other equirements of law was significantly impart impaired as to constitute a defense to the cl	ired, regardless of whether
	Number of jurors who so find	<u> </u>
4. PFC Green com a statutory mitigati	mitted the offense under severe mental or emoting factor.	ional disturbance. This is
	Number of jurors who so find	95
5. The defendant d a statutory mitigati	id not have a significant prior history of other ong factor.	criminal conduct. This is
	Number of jurors who so find	7
Spielman for their imprisonment that	prosecutions of Sgt. Paul Cortez, Spc. James involvement in the murders, the United Swill make each of them eligible for parole in 10 ion of the death penalty.	states imposed terms of
•	Number of jurors who so find	3 €

7. Steven Green offered to reenlist in the Army. If allowed back in the Army, PFC Green would have again been subject to the Uniform Code of Military Justice and could have been fully prosecuted and punished in the military system for the murders, as were Sgt. Paul Cortez, Spc. James Barker, PFC Jesse Spielman, and PFC Bryan Howard. Steven Green offered to re-enter the Army and subject himself to prosecution and punishment for the murders under the Uniform Code of Military Justice, the United States Army declined to accept his offer to reenlist, and these facts tend to mitigate imposition of the death penalty.

Number of jurors who so find

6

Page 9 of 18

8. After Green was discharged, the United States could have tried Paul Cortez, James Barker, Jesse Spielman, and the defendant together in this court under civilian law and procedures before a civilian judge and jury for their involvement in the murders; or the Army could have accepted Green's offer to reenlist and tried all of them in military court under the law and procedures of the Uniform Code of Military Justice before a military judge and jury, and this fact tends to mitigate imposition of the death penalty.

Number of jurors who so find



9. This case should have been tried in the military justice system under the Uniform Code of Military Justice, as were the cases of Sgt. Paul Cortez, Spc. James Barker, PFC Jesse Spielman, PFC Bryan Howard, and Sgt. Anthony Yribe, and this fact tends to mitigate imposition of the death penalty.

Number of jurors who so find



10. The favorable plea agreements offered to and the lenient sentences imposed on Sgt. Paul Cortez, Spc. James Barker, PFC Jesse Spielman, PFC Bryan Howard, and Sgt. Anthony Yribe were offered favorable plea agreements and lenient sentences, and this fact tends to mitigate imposition of the death penalty.

Number of jurors who so find



11. PFC Green's combat stress was a substantial factor that contributed to the offenses, and this fact tends to mitigate imposition of the death penalty.



a high risk of homicie	and and Combat Stress Control dal conduct against Iraqi citizen hout proper treatment or follouth penalty.	s due to his combat stre	ess, but returned
	Number of jurors who so find		# 5
by the United States	n was suffering from psychologi Army and could have and shoul Is to mitigate imposition of the	d have been properly t	
	Number of jurors who so find		45
	have declared PFC Green's pla from TCP duty, and this fact ter	-	
• • • • • • • • • • • • • • • • • • •	Number of jurors who so find		84
	ny command to provide adequa st Squad contributed to the mu th penalty.		
	Number of jurors who so find		• 4
· •	oon and squad suffered greater of mitigate the imposition of the		nan other units,
	Number of jurors who so find	y	2
	y command to recognize the un nd 1st Squad contributed to the n h penalty.		
	Number of jurors who so find	-	A 3
·	rmy command to adequately ders, and this fact tends to miti		-
	Number of jurges who so find		2.

19. PFC Green military superiors played a leadership role in planning, authorizing, and executing the murders, and this fact tends to mitigate imposition of the death penalty.
Number of jurors who so find
20. PFC Green committed the offenses while under the influence and control of his military superiors, Sgt. Cortez and Spc. Barker, and this fact tends to mitigate imposition of the death penalty.
Number of jurors who so find 6
21. PFC Green promptly confessed his involvement in the murders to Sgt. Anthony Yribe, his military superior and the head of the official Army team investigating the killings, and this fact tends to mitigate imposition of the death penalty.
Number of jurors who so find
22. Had Sgt. Anthony Yribe taken the proper and required steps to report PFC Green's timely confessions, PFC Green would have been prosecuted, tried, and sentenced by a military court under the Uniform Code of Military Justice, and this fact tends to mitigate imposition of the death penalty.
Number of jurors who so find
23. Steven Green never lied to his military superiors about his involvement in the murders, while Sgt. Paul Cortez, Spc. Barker, PFC Spielman, PFC Bryan Howard, and Sgt. Anthony Yribe repeatedly did so, and this fact tends to mitigate imposition of the death penalty.
Number of jurors who so find
24. Army personnel engaged in a cover-up of the murders, and this fact tends to mitigate imposition of the death penalty.
Number of jurors who so find
25. PFC Steven Green was 20 years of age on March 12, 2006, and this fact tends to mitigate imposition of the death penalty.

26. PFC Steven Green suffered from neurological and psychological problems that impaired

his ability to function properly under the extreme stresses present in the Triangle of Death, and this fact tends to mitigate imposition of the death penalty.	
Number of jurors who so find	
27. Steven Green suffers from a brain dysfunction which has impaired his ability to function in the absence of strong support and guidance, and this fact tends to mitigate imposition of the death penalty.	
Number of jurors who so find	
28. Steven Green was subjected to emotional and physical abuse as a child, and this fact tends to mitigate imposition of the death penalty.	
Number of jurors who so find	
29. Steven Green was subject to neglect as a child, and this fact tends to mitigate imposition of the death penalty.	
Number of jurors who so find	
30. Steven Green was deprived of the parental guidance and protection he needed, and this fact tends to mitigate imposition of the death penalty.	
Number of jurors who so find	
31. Steven Green's schoolwork and behavior markedly improved when he was in a supportive and structured environment, and this fact tends to mitigate imposition of the death penalty.	
Number of jurors who so find	
32. Steven Green has a positive relationship with many people who care for and love him, and this fact tends to mitigate imposition of the death penalty.	
Number of jurors who so find	
33. Steven Green joined the United States Army in a time of war, knowing that he would be sent into life threatening combat, and this fact tends to mitigate imposition of the death benalty.	

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	34. Steven Green did well at boot camp and was a good solider who served honorably unti- an unusually high number of horrific losses of his friends, fellow soldiers, and respected leaders at the hands of insurgents overwhelmed and broke him, and this fact tends to mitigate imposition of the death penalty.
•	Number of jurors who so find
	35. Steven Green sought help for his psychological deterioration, but received substandard care, and this fact tends to mitigate imposition of the death penalty.
	Number of jurors who so find
	36. Steven Green may be rehabilitated if sentenced to life in prison without the possibility of release, and this fact tends to mitigate imposition of the death penalty.
	Number of jurors who so find
	37. If Steven Green is not sentenced to death, he will remain in prison for the rest of his life without the possibility of release and will die in prison, and this fact tends to mitigate imposition of the death penalty.
	Number of jurors who so find
	38. If Steven Green receives the death penalty, extended family members and friends will suffer harm, and this fact tends to mitigate imposition of the death penalty.
	Number of jurors who so find
	39. Other factors in PFC Steven Green's background, record, or character or any other circumstance of the offense that any juror finds mitigate against imposition of the death sentence. This is a statutory mitigating factor.
additionarticul simply	are spaces in Section V (Mitigating Factors) of the Special Verdict Form to identify any onal mitigating factors that any one of you finds. It is not necessary, however to specifically ate such additional factors. If you think there is some other mitigating factor present, but are not able to put it into words so that you can write it down on a list, you should still give that your full consideration.
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		Number of jurors who so find		
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		Number of jurors who so find		<u> </u>
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		Number of jurors who so find	e e e e e e e e e e e e e e e e e e e	0
5.				
<i>J</i>				
		Number of jurors who so find		0

Instruction: Please proceed to Section VI: Sentencing Decisions. Continue your deliberations by filling out either Decision Form A imposing a sentence of death, Decision Form B imposing a sentence of life imprisonment without the possibility of release, or Decision Form C as appropriate.

Decision Form A Imposing Sentence of Death

Based upon 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, and whether death is therefore the appropriate sentence in this case:

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Decision Form B Imposing Sentence of Life Imprisonment Without Possibility of Release

Based upon 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, and whether death is therefore the appropriate sentence in this case:

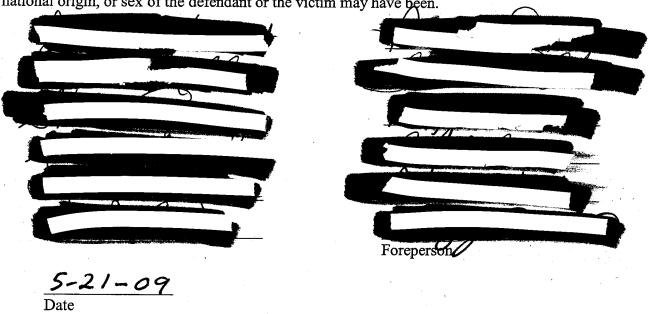
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Decision Form C Deadlock as to Sentence

Despite all reasonable efforts to reach unanimous agreement, we, the Jury, are unable to reach a unanimous decision on either a sentence of death or a sentence of life imprisonment without the possibility of release

Section VII: Certificate as to Count 3

By signing below, each of us individually certifies that consideration of the race, color, religious beliefs, national origin, or sex of Steven Green and of the victims, was not involved in reaching our respective individual decisions. Each of us individually further certifies that the same decision regarding a sentence would have been made no matter what the race, color, religious beliefs, national origin, or sex of the defendant or the victim may have been.



Please proceed to the Special Verdict Form for Count 4.

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF KENTUCKY
PADUCAH DIVISION
CRIMINAL ACTION NO.: 5:06-CR-19-R FILED COURT COURT CLUE

UNITED STATES V. STEVEN DALE GREEN

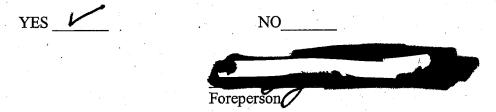
SPECIAL VERDICT FORM

Count 4

SECTION I. AGE OF DEFENDANT Count 4

Instructions: Answer "YES" or "NO."

Do you, the jury, unanimously find the government has established beyond a reasonable doubt that the defendant was eighteen (18) years of age or older at the time of the offense?

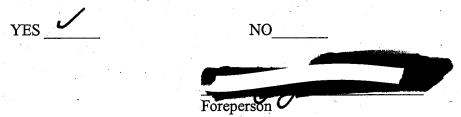


If you have answered "YES" please continue to Section II: Threshold Mental State. If you have answered "NO" cease your deliberations with respect to this Count, and proceed to Section VII: Certification.

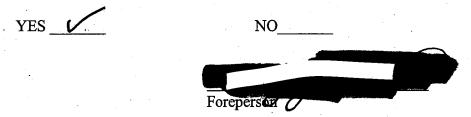
SECTION II. THRESHOLD MENTAL STATE FACTORS Count 4

Instructions: For each of the following, answer "YES" or "NO."

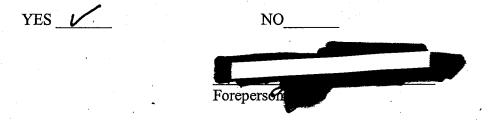
(A) Do you, the jury, unanimously find that the government has proved beyond a reasonable doubt that the defendant intentionally killed Hadeel Al-Janabi?



(B) Do you, the jury, unanimously find that the government has proved beyond a reasonable doubt that the defendant intentionally inflicted serious bodily injury that resulted in the death of Hadeel Al-Janabi?



(C) Do you, the jury, unanimously find that the government has proved beyond a reasonable doubt that the defendant intentionally participated in an act, contemplating that the life of a person 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 Hadeel AlJanabi died as a result of the act?



(D) Do you, the jury, unanimously find that the government has proved beyond a reasonable doubt that the defendant intentionally and specifically engaged in an act of violence, knowing that the act created a grave risk of death to a person, other than one of the participants in the offense, such that participation in the act constituted a reckless disregard for human life and Hadeel Al-Janabi died as a direct result of the act?

YES V	-	NO	_
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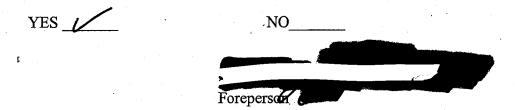
Instruction: If you have answered "YES" to either A, B, C, or D, please continue to Section III: Statutory Aggravating Factors. If you have answered "NO" to A, B, C, and D, cease your deliberations with respect to this Count, and proceed to Section VII: Certification.

Case 5:06-cr-00019-TBR

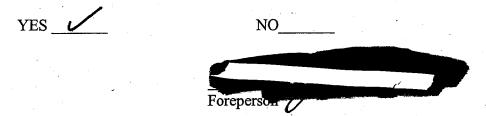
SECTION III. Statutory Aggravating Factors Count 4

Instructions: For each of the following, answer "YES" or "NO."

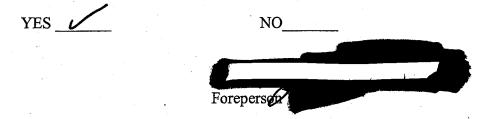
(A) Do you, the jury, unanimously find that the government has established beyond a reasonable doubt that the defendant committed the offense of premeditated murder after substantial planning and premeditation to cause the death of Hadeel Al-Janabi, as set out in Instruction No. 3?



(B) Do you, the jury, unanimously find that the government has established beyond a reasonable doubt that the victim, Hadeel Al-Janabi, was particularly vulnerable due to youth, as set out in Instruction No. 3?



(C) Do you, the jury, unanimously find beyond a reasonable doubt that the government has established beyond a reasonable doubt that the defendant intentionally killed more than one person in a single criminal episode, as set out in Instruction No. 3?

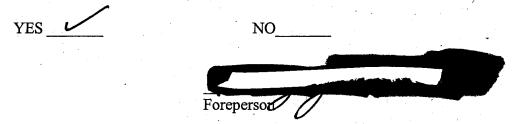


Instruction: If you answered "YES" to either A, B, or C, please continue to Section IV: Non-Statutory Aggravating Factors. If you answered "NO" to all of the statutory aggravating factors set out in Section III, then stop your deliberations as to this Count, cross out Sections IV, V, and VI of this form, and proceed to Section VII of this form.

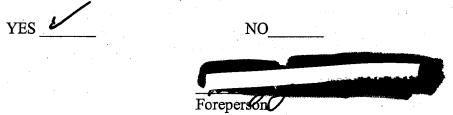
Section IV. Non-Statutory Aggravating Factors Count 4

Instructions: For each of the following, answer "YES" or "NO."

(A) Do you, the jury, unanimously find that the government has proved beyond a reasonable doubt that the defendant killed Hadeel Al-Janabi in order to eliminate her as a possible witness to his crimes, and that fact tends to support imposition of the death penalty?



(B) Do you, the jury, unanimously find that the government has proved beyond a reasonable doubt that the defendant caused injury, harm, and loss to the family of Hadeel Al-Janabi, as evidenced by her personal characteristics as a human being and the impact of her death on her family, and that fact tends to support imposition of the death penalty?



Instruction: Regardless of whether you answered "YES" or "NO" with respect to these non-statutory aggravating factors, please proceed to Section V: Mitigating Factors.

Section V: Mitigating Factors Count 4

<u>Instructions</u>: For each of the following mitigating factors indicate, in the space provided, the number of jurors who have found the existence of that mitigating factor to be proven by a preponderance of the evidence. Extra spaces are provided at the end of the section to write additional mitigating factors found by one or more jurors.

on to write additional mitigating factors found by one or more jurors.
1. Sgt. Paul Cortez, equally culpable in the crime, will not be punished by death. This is a statutory mitigating factor.
Number of jurors who so find
2. Spc. James Barker, equally culpable in the crime, will not be punished by death. This is a statutory mitigating factor.
Number of jurors who so find
3. PFC Green's capacity to appreciate the wrongfulness of the defendant's conduct or to conform 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. This is a statutory mitigating factor.
Number of jurors who so find
4. PFC Green committed the offense under severe mental or emotional disturbance. This is a statutory mitigating factor.
Number of jurors who so find
5. The defendant did not have a significant prior history of other criminal conduct. This is a statutory mitigating factor.
Number of jurors who so find
6. In its criminal prosecutions of Sgt. Paul Cortez, Spc. James Barker, and PFC Jesse Spielman for their involvement in the murders, the United States imposed terms of imprisonment that will make each of them eligible for parole in 10 years, and that fact tends to mitigate imposition of the death penalty.
Number of jurors who so find

7. Steven Green offered to reenlist in the Army. If allowed back in the Army, PFC Green would have again been subject to the Uniform Code of Military Justice and could have been fully prosecuted and punished in the military system for the murders, as were Sgt. Paul Cortez, Spc. James Barker, PFC Jesse Spielman, and PFC Bryan Howard. Steven Green offered to re-enter the Army and subject himself to prosecution and punishment for the murders under the Uniform Code of Military Justice, the United States Army declined to accept his offer to reenlist, and these facts tend to mitigate imposition of the death penalty.

murders under the	the Army and subject himself to pro Uniform Code of Military Justice, the reenlist, and these facts tend to mitigat	e United States Army declined to
	Number of jurors who so find	_6_
Jesse Spielman, and before a civilian ju accepted Green's procedures of the U	discharged, the United States could have and the defendant together in this court udge and jury for their involvement in the offer to reenlist and tried all of them in Uniform Code of Military Justice before ate imposition of the death penalty.	under civilian law and procedures e murders; or the Army could have a military court under the law and
	Number of jurors who so find	6
of Military Justice	I have been tried in the military justice, as were the cases of Sgt. Paul Cortex yan Howard, and Sgt. Anthony Yribe leath penalty.	z, Spc. James Barker, PFC Jesse
	Number of jurors who so find	_6_
Cortez, Spc. Jame Yribe were offered	lea agreements offered to and the lenier is Barker, PFC Jesse Spielman, PFC B favorable plea agreements and lenient in of the death penalty.	ryan Howard, and Sgt. Anthony
	Number of jurors who so find	_3
	ombat stress was a substantial factor tha itigate imposition of the death penalty.	
	Number of jurors who so find	

12. The Army command and Combat Stress Control personnel knew that PFC Green was at a high risk of homicidal conduct against Iraqi citizens due to his combat stress, but returned

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	lers, and this fact tends to		
	Number of jurors who	so find	_5
	nmitted the offenses while ez and Spc. Barker, and th		
	Number of jurors who	so find	6
his military superio	mptly confessed his involor and the head of the officitigate imposition of the o	cial Army team inves	
	Number of jurors who	so find	2.
confessions, PFC G	ny Yribe taken the proper a reen would have been pros Code of Military Justice, a	secuted, tried, and sen	tenced by a military court
	Number of jurors who	so find	5
while Sgt. Paul Cort	ever lied to his military su tez, Spc. Barker, PFC Spi I so, and this fact tends to	elman, PFC Bryan H	oward, and Sgt. Anthony
	Number of jurors who	so find	
24. Army personnel mposition of the de	engaged in a cover-up o	f the murders, and the	nis fact tends to mitigate
	Number of jurors who	so find	_5_
25. PFC Steven Gree mposition of the de	en was 20 years of age on l ath penalty.	March 12, 2006, and t	this fact tends to mitigate
	Number of jurors who	so find	

his ability to function		ical and psychological probleme stresses present in the 'he death penalty.	
	Number of jurors who	so find	_4_
27. Steven Green suff in the absence of strothe death penalty.	ers from a brain dysfuncting support and guidance	tion which has impaired his e, and this fact tends to mitig	ability to function gate imposition of
	Number of jurors who	so find	3
	s subjected to emotiona osition of the death pena	l and physical abuse as a calty.	hild, and this fact
	Number of jurors who	so find	3
29. Steven Green was of the death penalty.	subject to neglect as a cl	hild, and this fact tends to m	itigate imposition
	Number of jurors who	so find	_3
	deprived of the parental imposition of the death p	l guidance and protection he penalty.	e needed, and this
	Number of jurors who s	so find	_ 3
		or markedly improved when s fact tends to mitigate impos	
•	Number of jurors who s	so find	2
	a positive relationship w nitigate imposition of th	vith many people who care it death penalty.	for and love him,
	Number of jurors who s	o find	3
		y in a time of war, knowing at tends to mitigate imposit	
	•		

	34. Steven Green did well at boot camp and was a good solider who served honorably an unusually high number of horrific losses of his friends, fellow soldiers, and respected leaders at the hands of insurgents overwhelmed and broke him, and this fact tends to mitiging imposition of the death penalty.	cted
	Number of jurors who so find ·	
	35. Steven Green sought help for his psychological deterioration, but received substant care, and this fact tends to mitigate imposition of the death penalty.	lard
/	Number of jurors who so find	
•	36. Steven Green may be rehabilitated if sentenced to life in prison without the possibility of release, and this fact tends to mitigate imposition of the death penalty.	lity
	Number of jurors who so find	
· .	37. If Steven Green is not sentenced to death, he will remain in prison for the rest of his without the possibility of release and will die in prison, and this fact tends to mitig imposition of the death penalty.	
	Number of jurors who so find	
	38. If Steven Green receives the death penalty, extended family members and friends v suffer harm, and this fact tends to mitigate imposition of the death penalty.	vill
	Number of jurors who so find	
	39. Other factors in PFC Steven Green's background, record, or character or any oth circumstance of the offense that any juror finds mitigate against imposition of the desentence. This is a statutory mitigating factor.	
additio articula simply	are spaces in Section V (Mitigating Factors) of the Special Verdict Form to identify a conal mitigating factors that any one of you finds. It is not necessary, however to specificate such additional factors. If you think there is some other mitigating factor present, but a not able to put it into words so that you can write it down on a list, you should still give the your full consideration.	lly are
	1.	

2		
	Number of jurors who so find	
3.		
	Number of jurors who so find	
4.		
	Number of jurors who so find	
5.		
	Number of jurors who so find	

Instruction: Please proceed to Section VI: Sentencing Decisions. Continue your deliberations by filling out either Decision Form A imposing a sentence of death, Decision Form B imposing a sentence of life imprisonment without the possibility of release, or Decision Form C as appropriate.

Decision Form A Imposing Sentence of Death

Based upon 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, and whether death is therefore the appropriate sentence in this case:

		_		•	
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Decision Form B Imposing Sentence of Life Imprisonment Without Possibility of Release

Based upon 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, and whether death is therefore the appropriate sentence in this case:

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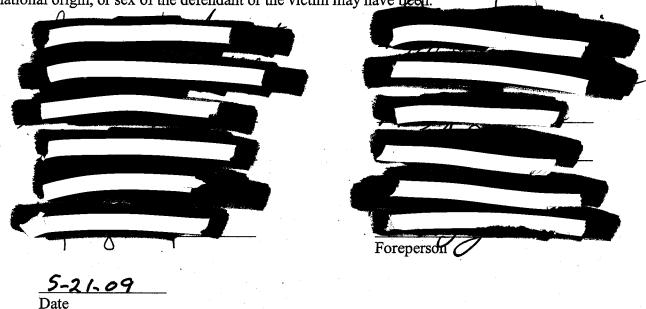
Decision Form C Deadlock as to Sentence

Despite all reasonable efforts to reach unanimous agreement, we, the Jury, are unable to reach a unanimous decision on either a sentence of death or a sentence of life imprisonment without the possibility of release

5-21-09	24.		
Date		Foreperson	

Section VII: Certificate as to Count 4

By signing below, each of us individually certifies that consideration of the race, color, religious beliefs, national origin, or sex of Steven Green and of the victims, was not involved in reaching our respective individual decisions. Each of us individually further certifies that the same decision regarding a sentence would have been made no matter what the race, color, religious beliefs, national origin, or sex of the defendant or the victim may have been.



Please proceed to the Special Verdict Form for Count 5.

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF KENTUCKY
PADUCAH DIVISION
PADUCAH DIVISION
PADUCAH DIVISION
CRIMINAL ACTION NO.: 5:06-CR-19-R
FILED

UNITED STATES V. STEVEN DALE GREEN

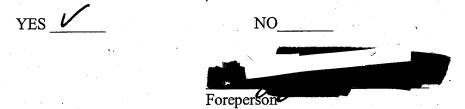
SPECIAL VERDICT FORM

Count 5

SECTION I. AGE OF DEFENDANT Count 5

Instructions: Answer "YES" or "NO."

Do you, the jury, unanimously find the government has established beyond a reasonable doubt that the defendant was eighteen (18) years of age or older at the time of the offense?



If you have answered "YES" please continue to Section II: Threshold Mental State. If you have answered "NO" cease your deliberations with respect to this Count, and proceed to Section VII: Certification.

SECTION II. THRESHOLD MENTAL STATE FACTORS Count 5

Instructions: For each of the following, answer "YES" or "NO."

(A) Do you, the jury, unanimously find that the government has proved	beyond a reasonable
doubt that the defendant intentionally killed Kassem Al-Janabi?	

YES	NO	
•		
	Foreperson /	

(B) Do you, the jury, unanimously find that the government has proved beyond a reasonable doubt that the defendant intentionally inflicted serious bodily injury that resulted in the death of Kassem Al-Janabi?

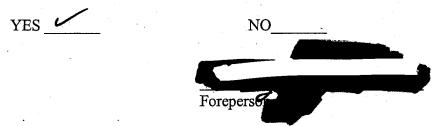
YES	NO	
•	Foreperson	

(C) Do you, the jury, unanimously find that the government has proved beyond a reasonable doubt that the defendant intentionally participated in an act, contemplating that the life of a person 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 Kassem Al-Janabi died as a result of the act?

YES V		NO	
, -			
	•	Foreperson	-

(D) Do you, the jury, unanimously find that the government has proved beyond a reasonable doubt that the defendant intentionally and specifically engaged in an act of violence, knowing that the act created a grave risk of death to a person, other than one of the participants in the offense, such that participation in the act constituted a reckless disregard for human life and Kassem Al-Janabi died as a direct result of the act?

Filed 05/21/2009



Instruction: If you have answered "YES" to either A, B, C, or D, please continue to Section III: Statutory Aggravating Factors. If you have answered "NO" to A, B, C, and D, cease your deliberations with respect to this Count, and proceed to Section VII: Certification.

SECTION III. Statutory Aggravating Factors Count 5

Instructions: For each of the following, answer "YES" or "NO."

(A) Do you, the jury, unanimously find that the government has established beyond a reasonable doubt that the defendant committed the offense of premeditated murder after substantial planning and premeditation to cause the death of Kassem Al-Janabi, as set out in Instruction No. 3?

YES	NO
	Foreperson

(B) Do you, the jury, unanimously find beyond a reasonable doubt that the government has established beyond a reasonable doubt that the defendant intentionally killed more than one person in a single criminal episode, as set out in Instruction No. 3?

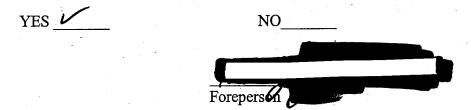
YES	NO
	Foreperson

Instruction: If you answered "YES" to either A or B please continue to Section IV: Non-Statutory Aggravating Factors. If you answered "NO" to all of the statutory aggravating factors set out in Section III, then stop your deliberations as to this Count, cross out Sections IV, V, and VI of this form, and proceed to Section VII of this form.

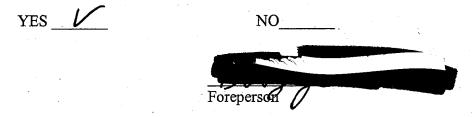
Section IV. Non-Statutory Aggravating Factors

Instructions: For each of the following, answer "YES" or "NO."

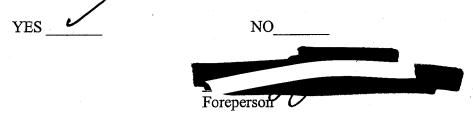
(A) Do you, the jury, unanimously find that the government has proved beyond a reasonable doubt that the defendant killed Kassem Al-Janabi in order to eliminate him as a possible witness to his crimes, and that fact tends to support imposition of the death penalty?



(B) Do you, the jury, unanimously find that the government has proved beyond a reasonable doubt that the defendant caused injury, harm, and loss to the family of Kassem Al-Janabi, as evidenced by his personal characteristics as a human being and the impact of his death on his family, and that fact tends to support imposition of the death penalty?



(C) Do you, the jury, unanimously find that the government has proved beyond a reasonable doubt that the injuries caused by the defendant extend especially to the two minor children orphaned as a result of their parents' death and to those presently caring for the children, and that fact tends to support imposition of the death penalty.



Instruction: Regardless of whether you answered "YES" or "NO" with respect to these nonstatutory aggravating factors, please proceed to Section V: Mitigating Factors.

Section V: Mitigating Factors Count 5

<u>Instructions</u>: For each of the following mitigating factors indicate, in the space provided, the number of jurors who have found the existence of that mitigating factor to be proven by a preponderance of the evidence. Extra spaces are provided at the end of the section to write additional mitigating factors found by one or more jurors.

1. Sgt. Paul Cortez, statutory mitigating	equally culpable in the crimfactor.	ne, will not be punished b	by death. This is a
	Number of jurors who so	find	3
2. Spc. James Barket a statutory mitigating	r, equally culpable in the cri g factor.	me, will not be punished	l by death. This is
	Number of jurors who so	find	3
conform conduct to the	acity to appreciate the wrong ne requirements of law was s impaired as to constitute a	ignificantly impaired, reg	gardless of whether
	Number of jurors who so	find	3
4. PFC Green commit a statutory mitigating	tted the offense under sever gractor.	e mental or emotional di	sturbance. This is
	Number of jurors who so	find	_5
5. The defendant did a statutory mitigating	not have a significant prior factor.	history of other criminal	l conduct. This is
	Number of jurors who so	find	
Spielman for their imprisonment that wi	rosecutions of Sgt. Paul Co involvement in the murde Il make each of them eligib n of the death penalty.	rs, the United States in	mposed terms of
	Number of jurors who so	find	3

7. Steven Green offered to reenlist in the Army. If allowed back in the Army, PFC Green would have again been subject to the Uniform Code of Military Justice and could have been fully prosecuted and punished in the military system for the murders, as were Sgt. Paul Cortez, Spc. James Barker, PFC Jesse Spielman, and PFC Bryan Howard. Steven Green offered to re-enter the Army and subject himself to prosecution and punishment for the murders under the Uniform Code of Military Justice, the United States Army declined to accept his offer to reenlist, and these facts tend to mitigate imposition of the death penalty.

Number of jurors who so find 8. After Green was discharged, the United States could have tried Paul Cortez, James Barker, Jesse Spielman, and the defendant together in this court under civilian law and procedures before a civilian judge and jury for their involvement in the murders; or the Army could have accepted Green's offer to reenlist and tried all of them in military court under the law and procedures of the Uniform Code of Military Justice before a military judge and jury, and this fact tends to mitigate imposition of the death penalty. Number of jurors who so find 9. This case should have been tried in the military justice system under the Uniform Code of Military Justice, as were the cases of Sgt. Paul Cortez, Spc. James Barker, PFC Jesse Spielman, PFC Bryan Howard, and Sgt. Anthony Yribe, and this fact tends to mitigate imposition of the death penalty. 6 Number of jurors who so find 10. The favorable plea agreements offered to and the lenient sentences imposed on Sgt. Paul Cortez, Spc. James Barker, PFC Jesse Spielman, PFC Bryan Howard, and Sgt. Anthony Yribe were offered favorable plea agreements and lenient sentences, and this fact tends to mitigate imposition of the death penalty. Number of jurors who so find

11. PFC Green's combat stress was a substantial factor that contributed to the offenses, and this fact tends to mitigate imposition of the death penalty.

Number of jurors who so find

12. The Army command and Combat Stress Control personnel knew that PFC Green was at a high risk of homicidal conduct against Iraqi citizens due to his combat stress, but returned

him to the field without proper treatment or follow up, and this fact tends to mitigate imposition of the death penalty.
Number of jurors who so find
13. PFC Steven Green was suffering from psychological impairments which were identified by the United States Army and could have and should have been properly treated, but were not, and this fact tends to mitigate imposition of the death penalty.
Number of jurors who so find
14. The Army should have declared PFC Green's platoon and squad to be not combat ready and withdrawn them from TCP duty, and this fact tends to mitigate imposition of the death penalty.
Number of jurors who so find
15. Failure of the Army command to provide adequate command, control, and supervision of 1st Platoon and 1st Squad contributed to the murders, and this fact tends to mitigate imposition of the death penalty.
Number of jurors who so find
16. PFC Green's platoon and squad suffered greater casualties and losses than other units, and this fact tends to mitigate imposition of the death penalty.
Number of jurors who so find
17. Failure of the Army command to recognize the unusually harsh and stressful conditions faced by 1st Platoon and 1st Squad contributed to the murders, and this fact tends to mitigate imposition of the death penalty.
Number of jurors who so find
18. Failure of the Army command to adequately support 1st Platoon and 1st Squad contributed to the murders, and this fact tends to mitigate imposition of the death penalty.
Number of jurors who so find

	ers, and this fact tends to mitigate impo		(all
	Number of jurors who so find		
	mitted the offenses while under the inflez and Spc. Barker, and this fact tends to		
	Number of jurors who so find	_6	
his military superio	nptly confessed his involvement in the r and the head of the official Army tear tigate imposition of the death penalty.		
	Number of jurors who so find	2_	
confessions, PFC Gr	y Yribe taken the proper and required sto een would have been prosecuted, tried, a Code of Military Justice, and this fact ter	and sentenced by a military co	our
	Number of jurors who so find	_5_	
while Sgt. Paul Cort	ver lied to his military superiors about lez, Spc. Barker, PFC Spielman, PFC Billso, and this fact tends to mitigate imposes	ryan Howard, and Sgt. Antho	
	Number of jurors who so find		
24. Army personnel imposition of the de	engaged in a cover-up of the murders, ath penalty.	and this fact tends to mitig	ate
	Number of jurors who so find	_6_	
25. PFC Steven Gree imposition of the dea	n was 20 years of age on March 12, 200 ath penalty.	6, and this fact tends to mitig	ate
	Number of jurors who so find		

his ability to function	n suffered from neurologic n properly under the extre mitigate imposition of th	me stresses prese		_
	Number of jurors who s	o find	· —	4
	fers from a brain dysfunctiong support and guidance,			
• •	Number of jurors who s	o find		3_
	as subjected to emotional osition of the death penal	and the second s	use as a child	, and this fact
	Number of jurors who s	o find	· · · · · · · · · · · · · · · · · · ·	3
29. Steven Green was of the death penalty.	s subject to neglect as a ch	ild, and this fact t	ends to mitiga	ate imposition
	Number of jurors who so	ofind		<u>3</u>
	s deprived of the parental imposition of the death p		otection he ne	eded, and this
	Number of jurors who so	find		3
	schoolwork and behaviored environment, and this		A Committee of the Comm	
	Number of jurors who so	find	· .	3
	a positive relationship wi nitigate imposition of the		who care for a	ınd love him,
	Number of jurors who so	find	·	3
	ed the United States Army ing combat, and this fact			
	Number of jurors who so	find		2

	34. Steven Green did well at boot camp and was a good solider who served honorably until an unusually high number of horrific losses of his friends, fellow soldiers, and respected leaders at the hands of insurgents overwhelmed and broke him, and this fact tends to mitigate imposition of the death penalty.
	Number of jurors who so find
	35. Steven Green sought help for his psychological deterioration, but received substandard care, and this fact tends to mitigate imposition of the death penalty.
	Number of jurors who so find
	36. Steven Green may be rehabilitated if sentenced to life in prison without the possibility of release, and this fact tends to mitigate imposition of the death penalty.
	Number of jurors who so find
	37. If Steven Green is not sentenced to death, he will remain in prison for the rest of his life without the possibility of release and will die in prison, and this fact tends to mitigate imposition of the death penalty.
•	Number of jurors who so find
	38. If Steven Green receives the death penalty, extended family members and friends will suffer harm, and this fact tends to mitigate imposition of the death penalty.
•	Number of jurors who so find
	39. Other factors in PFC Steven Green's background, record, or character or any other circumstance of the offense that any juror finds mitigate against imposition of the death sentence. This is a statutory mitigating factor.
additio articula simply	are spaces in Section V (Mitigating Factors) of the Special Verdict Form to identify any mal mitigating factors that any one of you finds. It is not necessary, however to specifically ate such additional factors. If you think there is some other mitigating factor present, but are not able to put it into words so that you can write it down on a list, you should still give that your full consideration.
)	1
	Number of jurors who so find

2	-		
•		Number of jurors who so find	
3.			
		Number of jurors who so find	
4			
	•		·
		Number of jurors who so find	_0_
5.			
	•		
		Number of jurors who so find	

Instruction: Please proceed to Section VI: Sentencing Decisions. Continue your deliberations by filling out either Decision Form A imposing a sentence of death, Decision Form B imposing a sentence of life imprisonment without the possibility of release, or Decision Form C as appropriate.

Decision Form A Imposing Sentence of Death

Based upon 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, and whether death is therefore the appropriate sentence in this case:

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	-		;
	_	Foreperson	

Decision Form B Imposing Sentence of Life Imprisonment Without Possibility of Release

Based upon 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, and whether death is therefore the appropriate sentence in this case:

prisonment without the po			s vote that a sent	
	;			
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		Foreperson		

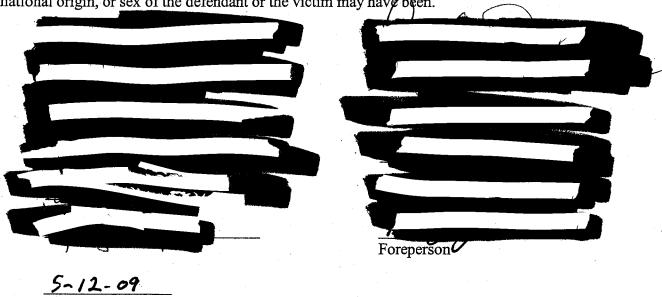
Decision Form C Deadlock as to Sentence

Despite all reasonable efforts to reach unanimous agreement, we, the Jury, are unable to reach a unanimous decision on either a sentence of death or a sentence of life imprisonment without the possibility of release

· .	5-21-09	
Date		Foreperson

Section VII: Certificate as to Count 5

By signing below, each of us individually certifies that consideration of the race, color, religious beliefs, national origin, or sex of Steven Green and of the victims, was not involved in reaching our respective individual decisions. Each of us individually further certifies that the same decision regarding a sentence would have been made no matter what the race, color, religious beliefs, national origin, or sex of the defendant or the victim may have been.



Please proceed to the Special Verdict Form for Count 6.

UNITED STATES DISTRICT COURT WESTERN DISTRICT OF KENTUCK YMAY 21 P6:17 PADUCAH DIVISION CRIMINAL ACTION NO.: 5:06-CR-19-R-15-LED

UNITED STATES V. STEVEN DALE GREEN

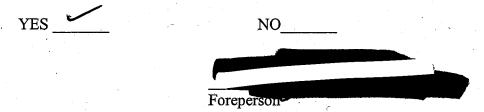
SPECIAL VERDICT FORM

Count 6

SECTION I. AGE OF DEFENDANT Count 6

Instructions: Answer "YES" or "NO."

Do you, the jury, unanimously find the government has established beyond a reasonable doubt that the defendant was eighteen (18) years of age or older at the time of the offense?

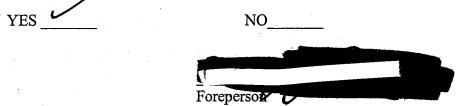


If you have answered "YES" please continue to Section II: Threshold Mental State. If you have answered "NO" cease your deliberations with respect to this Count, and proceed to Section VII: Certification.

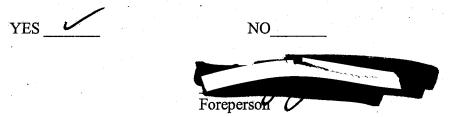
SECTION II. THRESHOLD MENTAL STATE FACTORS Count 6

Instructions: For each of the following, answer "YES" or "NO."

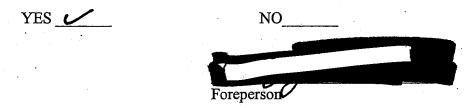
(A) Do you, the jury, unanimously find that the government has proved beyond a reasonable
doubt that the defendant intentionally killed Fakhriya Al-Janabi?



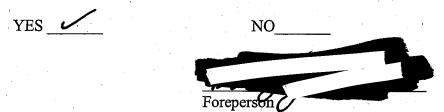
(B) Do you, the jury, unanimously find that the government has proved beyond a reasonable doubt that the defendant intentionally inflicted serious bodily injury that resulted in the death of Fakhriya Al-Janabi?



(C) Do you, the jury, unanimously find that the government has proved beyond a reasonable doubt that the defendant intentionally participated in an act, contemplating that the life of a person 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 Fakhriya Al-Janabi died as a result of the act?



(D) Do you, the jury, unanimously find that the government has proved beyond a reasonable doubt that the defendant intentionally and specifically engaged in an act of violence, knowing that the act created a grave risk of death to a person, other than one of the participants in the offense, such that participation in the act constituted a reckless disregard for human life and Fakhriya Al-Janabi died as a direct result of the act?

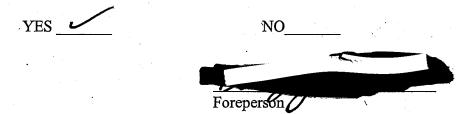


Instruction: If you have answered "YES" to either A, B, C, or D, please continue to Section III: Statutory Aggravating Factors. If you have answered "NO" to A, B, C, and D, cease your deliberations with respect to this Count, and proceed to Section VII: Certification.

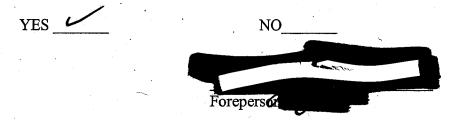
SECTION III. Statutory Aggravating Factors Count 6

Instructions: For each of the following, answer "YES" or "NO."

(A) Do you, the jury, unanimously find that the government has established beyond a reasonable doubt that the defendant committed the offense of premeditated murder after substantial planning and premeditation to cause the death of Fakhriya Al-Janabi, as set out in Instruction No. 3?



(B) Do you, the jury, unanimously find beyond a reasonable doubt that the government has established beyond a reasonable doubt that the defendant intentionally killed more than one person in a single criminal episode, as set out in Instruction No. 3?



Instruction: If you answered "YES" to either A or B please continue to Section IV: Non-Statutory Aggravating Factors. If you answered "NO" to all of the statutory aggravating factors set out in Section III, then stop your deliberations as to this Count, cross out Sections IV, V, and VI of this form, and proceed to Section VII of this form.

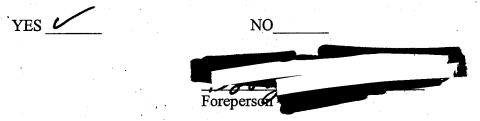
Section IV. Non-Statutory Aggravating Factors Count 6

Instructions: For each of the following, answer "YES" or "NO."

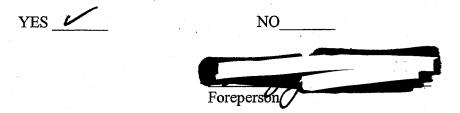
(A) Do you, the jury, unanimously find that the government has proved beyond a reasonable doubt that the defendant killed Fakhriya Al-Janabi in order to eliminate her as a possible witness to his crimes, and that fact tends to support imposition of the death penalty?



(B) Do you, the jury, unanimously find that the government has proved beyond a reasonable doubt that the defendant caused injury, harm, and loss to the family of Fakhriya Al-Janabi, as evidenced by her personal characteristics as a human being and the impact of her death on her family, and that fact tends to support imposition of the death penalty?



(C) Do you, the jury, unanimously find that the government has proved beyond a reasonable doubt that the injuries caused by the defendant extend especially to the two minor children orphaned as a result of their parents' death and to those presently caring for the children, and that fact tends to support imposition of the death penalty.



Instruction: Regardless of whether you answered "YES" or "NO" with respect to these nonstatutory aggravating factors, please proceed to Section V: Mitigating Factors.

Case 5:06-cr-00019-TBR

Section V: Mitigating Factors Count 6

<u>Instructions</u>: For each of the following mitigating factors indicate, in the space

prov	rided, the number of jurors who have found the existence of that mitigating factor to be yen by a preponderance of the evidence. Extra spaces are provided at the end of the on to write additional mitigating factors found by one or more jurors.
	1. Sgt. Paul Cortez, equally culpable in the crime, will not be punished by death. This is a statutory mitigating factor.
	Number of jurors who so find
	2. Spc. James Barker, equally culpable in the crime, will not be punished by death. This is a statutory mitigating factor.
,	Number of jurors who so find
	3. PFC Green's capacity to appreciate the wrongfulness of the defendant's conduct or to conform 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. This is a statutory mitigating factor.
	Number of jurors who so find
	4. PFC Green committed the offense under severe mental or emotional disturbance. This is a statutory mitigating factor.
•	Number of jurors who so find
	5. The defendant did not have a significant prior history of other criminal conduct. This is a statutory mitigating factor.
	Number of jurors who so find
	6. In its criminal prosecutions of Sgt. Paul Cortez, Spc. James Barker, and PFC Jesse Spielman for their involvement in the murders, the United States imposed terms of imprisonment that will make each of them eligible for parole in 10 years, and that fact tends to mitigate imposition of the death penalty.
	Number of jurors who so find

7. Steven Green offered to reenlist in the Army. If allowed back in the Army, PFC Green would have again been subject to the Uniform Code of Military Justice and could have been fully prosecuted and punished in the military system for the murders, as were Sgt. Paul Cortez, Spc. James Barker, PFC Jesse Spielman, and PFC Bryan Howard. Steven Green offered to re-enter the Army and subject himself to prosecution and punishment for the

	and these facts tend to mitigate imp	
Num	ber of jurors who so find	_6_
Jesse Spielman, and the defe before a civilian judge and ju accepted Green's offer to re	ed, the United States could have tried endant together in this court under any for their involvement in the murd enlist and tried all of them in milit code of Military Justice before a milition of the death penalty.	civilian law and procedure lers; or the Army could have ary court under the law and
Numb	per of jurors who so find	6
of Military Justice, as were	en tried in the military justice system the cases of Sgt. Paul Cortez, Spo ard, and Sgt. Anthony Yribe, and alty.	. James Barker, PFC Jesse
Numb	per of jurors who so find	6
Cortez, Spc. James Barker,	ments offered to and the lenient sent PFC Jesse Spielman, PFC Bryan I e plea agreements and lenient sente eath penalty.	Howard, and Sgt. Anthony
Numb	er of jurors who so find	_3
11. PFC Green's combat strethis fact tends to mitigate imp	ss was a substantial factor that cont position of the death penalty.	ributed to the offenses, and
Numb	er of jurors who so find	5

12. The Army command and Combat Stress Control personnel knew that PFC Green was at a high risk of homicidal conduct against Iraqi citizens due to his combat stress, but returned

him to the field without proper treatment or follow up, and this fact imposition of the death penalty.	tends to mitigate
Number of jurors who so find	5
13. PFC Steven Green was suffering from psychological impairments which by the United States Army and could have and should have been properly not, and this fact tends to mitigate imposition of the death penalty.	
Number of jurors who so find	<u>5</u>
14. The Army should have declared PFC Green's platoon and squad to be and withdrawn them from TCP duty, and this fact tends to mitigate impospenalty.	
Number of jurors who so find	
15. Failure of the Army command to provide adequate command, control, of 1st Platoon and 1st Squad contributed to the murders, and this fact t imposition of the death penalty.	
Number of jurors who so find	
16. PFC Green's platoon and squad suffered greater casualties and losses and this fact tends to mitigate imposition of the death penalty.	than other units,
Number of jurors who so find	
17. Failure of the Army command to recognize the unusually harsh and strefaced by 1st Platoon and 1st Squad contributed to the murders, and this fact imposition of the death penalty.	
Number of jurors who so find	2
18. Failure of the Army command to adequately support 1st Platoon contributed to the murders, and this fact tends to mitigate imposition of the	•
Number of jurors who so find	2

19. PFC Green military superiors played a leadership role in plant executing the murders, and this fact tends to mitigate imposition of t	
Number of jurors who so find	_5_
20. PFC Green committed the offenses while under the influence and superiors, Sgt. Cortez and Spc. Barker, and this fact tends to mitigate in penalty.	
Number of jurors who so find	_6_
21. PFC Green promptly confessed his involvement in the murders to his military superior and the head of the official Army team investigations fact tends to mitigate imposition of the death penalty.	
Number of jurors who so find	
22. Had Sgt. Anthony Yribe taken the proper and required steps to report confessions, PFC Green would have been prosecuted, tried, and sentence under the Uniform Code of Military Justice, and this fact tends to mitigate death penalty.	ced by a military court
Number of jurors who so find	<u> </u>
23. Steven Green never lied to his military superiors about his involve while Sgt. Paul Cortez, Spc. Barker, PFC Spielman, PFC Bryan Howa Yribe repeatedly did so, and this fact tends to mitigate imposition of t	rd, and Sgt. Anthony
Number of jurors who so find	2
24. Army personnel engaged in a cover-up of the murders, and this f imposition of the death penalty.	act tends to mitigate
Number of jurors who so find	
25. PFC Steven Green was 20 years of age on March 12, 2006, and this imposition of the death penalty.	fact tends to mitigate
Number of jurors who so find	

his ability to functi	een suffered from neurologi on properly under the extre to mitigate imposition of th	me stresses present in the	
	Number of jurors who	so find	4
	•	_	
	Number of jurors who s	so find	_3
	The state of the s		a child, and this fact
	Number of jurors who s	o find	_3
29. Steven Green w of the death penalty		ild, and this fact tends to	mitigate imposition
	Number of jurors who s	o find	_3_
	· · · · · · · · · · · · · · · · · · ·	-	n he needed, and this
	Number of jurors who so	find	3
	Number of jurors who so	find	<u>2</u>
			re for and love him,
	Number of jurors who so find Green was subjected to emotional and physical abuse as a child, and this fact trigate imposition of the death penalty. Number of jurors who so find Green was subject to neglect as a child, and this fact tends to mitigate imposition		
The state of the s	ned the United States Army ning combat, and this fact		_
	Number of jurors who so	find	2

34. Steven Green did well at boot camp and was a good solider who served honorably until an unusually high number of horrific losses of his friends, fellow soldiers, and respected leaders at the hands of insurgents overwhelmed and broke him, and this fact tends to mitigate

	imposition of the death penalty.	
•	Number of jurors who so find	_4_
	35. Steven Green sought help for his psychological deterioration, learner, and this fact tends to mitigate imposition of the death penalty	
	Number of jurors who so find	
•	36. Steven Green may be rehabilitated if sentenced to life in prison of release, and this fact tends to mitigate imposition of the death p	
	Number of jurors who so find	3
	37. If Steven Green is not sentenced to death, he will remain in pris without the possibility of release and will die in prison, and this imposition of the death penalty.	
	Number of jurors who so find	_4_
	38. If Steven Green receives the death penalty, extended family mosuffer harm, and this fact tends to mitigate imposition of the death	
٠	Number of jurors who so find	
	39. Other factors in PFC Steven Green's background, record, or circumstance of the offense that any juror finds mitigate against i sentence. This is a statutory mitigating factor.	
additi articu simpl	are spaces in Section V (Mitigating Factors) of the Special Verdic onal mitigating factors that any one of you finds. It is not necessary, late such additional factors. If you think there is some other mitigating y not able to put it into words so that you can write it down on a list, you your full consideration.	however to specifically g factor present, but are
	1	
	Number of jurors who so find	

2			*
	• .	Number of jurors who so find	
3			•
			·
		Number of jurors who so find	
4			
		Number of jurors who so find	
5.			
• •			
,		Number of jurors who so find	0

Instruction: Please proceed to Section VI: Sentencing Decisions. Continue your deliberations by filling out either Decision Form A imposing a sentence of death, Decision Form B imposing a sentence of life imprisonment without the possibility of release, or Decision Form C as appropriate.

Decision Form A Imposing Sentence of Death

Based upon 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, and whether death is therefore the appropriate sentence in this case:

1			
			٠,
		Foreperson	
Date	* .		

Decision Form B Imposing Sentence of Life Imprisonment Without Possibility of Release

Based upon 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, and whether death is therefore the appropriate sentence in this case:

and the state of t	ictions, determine	our consideration of the evidence and i by unanimous vote that a sentence of lit imposed	
imprisorment without the possio	inty of foldabe bo	m.posec.	
	-		
	-		
	- .		
	-		
		Foreperson	
Date			

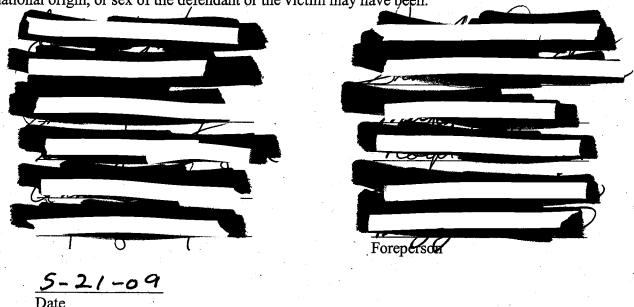
Decision Form C Deadlock as to Sentence

Despite all reasonable efforts to reach unanimous agreement, we, the Jury, are unable to reach a unanimous decision on either a sentence of death or a sentence of life imprisonment without the possibility of release

5-21-09 Date Foreperson U

Section VII: Certificate as to Count 6

By signing below, each of us individually certifies that consideration of the race, color, religious beliefs, national origin, or sex of Steven Green and of the victims, was not involved in reaching our respective individual decisions. Each of us individually further certifies that the same decision regarding a sentence would have been made no matter what the race, color, religious beliefs, national origin, or sex of the defendant or the victim may have been.



Please proceed to the Special Verdict Form for Count 7.

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF KENTUCKY
PADUCAH DIVISION 09 MAY 21 P6:17
CRIMINAL ACTION NO.: 5:06-CR-19-RELED

UNITED STATES V. STEVEN DALE GREEN

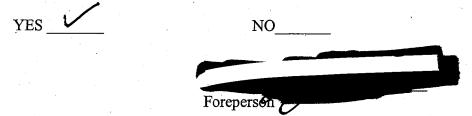
SPECIAL VERDICT FORM

Count 7

SECTION I. AGE OF DEFENDANT Count 7

Instructions: Answer "YES" or "NO."

Do you, the jury, unanimously find the government has established beyond a reasonable doubt that the defendant was eighteen (18) years of age or older at the time of the offense?



If you have answered "YES" please continue to Section II: Threshold Mental State. If you have answered "NO" cease your deliberations with respect to this Count, and proceed to Section VII: Certification.

SECTION II. THRESHOLD MENTAL STATE FACTORS Count 7

Instructions: For each of the following, answer "YES" or "NO."

(A) Do you, the jury, unanimously find that the government has proved beyond a reasonabl
doubt that the defendant intentionally killed Abeer Al-Janabi?

YES	NO
	Foreperson

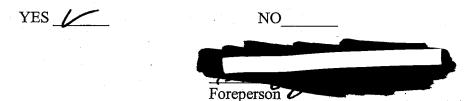
(B) Do you, the jury, unanimously find that the government has proved beyond a reasonable doubt that the defendant intentionally inflicted serious bodily injury that resulted in the death of Abeer Al-Janabi?

YES	NO
	Foreperson

(C) Do you, the jury, unanimously find that the government has proved beyond a reasonable doubt that the defendant intentionally participated in an act, contemplating that the life of a person 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 Abeer AlJanabi died as a result of the act?

YES _	NO
•	Foreperson

(D) Do you, the jury, unanimously find that the government has proved beyond a reasonable doubt that the defendant intentionally and specifically engaged in an act of violence, knowing that the act created a grave risk of death to a person, other than one of the participants in the offense, such that participation in the act constituted a reckless disregard for human life and Abeer Al-Janabi died as a direct result of the act?



Instruction: If you have answered "YES" to either A, B, C, or D, please continue to Section III: Statutory Aggravating Factors. If you have answered "NO" to A, B, C, and D, cease your deliberations with respect to this Count, and proceed to Section VII: Certification.

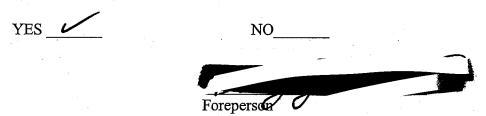
SECTION III. Statutory Aggravating Factors Count 7

Instructions: For each of the following, answer "YES" or "NO."

(A) Do you, the jury, unanimously find that the government has established beyond a reasonable doubt that the defendant intentionally killed Abeer Al-Janabi in an especially heinous, cruel, or depraved manner in that it involved serious physical abuse to her, as set out in Instruction No. 3?

YES V	NO
	Foreperson

(B) Do you, the jury, unanimously find that the government has established beyond a reasonable doubt that the defendant committed the offense of premeditated murder after substantial planning and premeditation to cause the death of Abeer Al-Janabi, as set out in Instruction No. 3?



(C) Do you, the jury, unanimously find that the government has established beyond a reasonable doubt that the victim, Abeer Al-Janabi, was particularly vulnerable due to youth, as set out in Instruction No. 3?

YES	NO
	Foreperson

(D) Do you, the jury, unanimously find beyond a reasonable doubt that the government has established beyond a reasonable doubt that the defendant intentionally killed more than one person in a single criminal episode, as set out in Instruction No. 3?

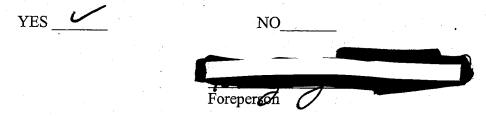
YES	NO
•	Foreperson (/

Instruction: If you answered "YES" to either A, B, C, or D, please continue to Section IV: Non-Statutory Aggravating Factors. If you answered "NO" to all of the statutory aggravating factors set out in Section III, then stop your deliberations as to this Count, cross out Sections IV, V, and VI of this form, and proceed to Section VII of this form.

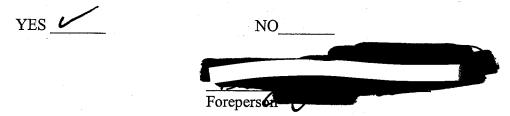
Section IV. Non-Statutory Aggravating Factors Count 7

Instructions: For each of the following, answer "YES" or "NO."

(A) Do you, the jury, unanimously find that the government has proved beyond a reasonable doubt that the defendant killed Abeer Al-Janabi in order to eliminate her as a possible witness to his crimes, and that fact tends to support imposition of the death penalty?



(B) Do you, the jury, unanimously find that the government has proved beyond a reasonable doubt that the defendant caused injury, harm, and loss to the family of Abeer Al-Janabi, as evidenced by her personal characteristics as a human being and the impact of her death on her family, and that fact tends to support imposition of the death penalty?



Instruction: Regardless of whether you answered "YES" or "NO" with respect to these nonstatutory aggravating factors, please proceed to Section V: Mitigating Factors.

Filed 05/21/2009

Section V: Mitigating Factors Count 7

<u>Instructions</u>: For each of the following mitigating factors indicate, in the space provided, the number of jurors who have found the existence of that mitigating factor to be proven by a preponderance of the evidence. Extra spaces are provided at the end of the section to write additional mitigating factors found by one or more jurors.

1. Sgt. Paul Cortez, equally culpable in the crime, will not be punished by death. This is a statutory mitigating factor.
Number of jurors who so find
2. Spc. James Barker, equally culpable in the crime, will not be punished by death. This is a statutory mitigating factor.
Number of jurors who so find
3. PFC Green's capacity to appreciate the wrongfulness of the defendant's conduct or to conform 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. This is a statutory mitigating factor.
Number of jurors who so find
4. PFC Green committed the offense under severe mental or emotional disturbance. This is a statutory mitigating factor.
Number of jurors who so find
5. The defendant did not have a significant prior history of other criminal conduct. This is a statutory mitigating factor.
Number of jurors who so find
6. In its criminal prosecutions of Sgt. Paul Cortez, Spc. James Barker, and PFC Jesse Spielman for their involvement in the murders, the United States imposed terms of imprisonment that will make each of them eligible for parole in 10 years, and that fact tends to mitigate imposition of the death penalty.
Number of jurors who so find

7. Steven Green offered to reenlist in the Army. If allowed back in the Army, PFC Green would have again been subject to the Uniform Code of Military Justice and could have been fully prosecuted and punished in the military system for the murders, as were Sgt. Paul Cortez, Spc. James Barker, PFC Jesse Spielman, and PFC Bryan Howard. Steven Green offered to re-enter the Army and subject himself to prosecution and punishment for the murders under the Uniform Code of Military Justice, the United States Army declined to accept his offer to reenlist, and these facts tend to mitigate imposition of the death penalty.

Number of jurors who so find 6 8. After Green was discharged, the United States could have tried Paul Cortez, James Barker, Jesse Spielman, and the defendant together in this court under civilian law and procedures before a civilian judge and jury for their involvement in the murders; or the Army could have accepted Green's offer to reenlist and tried all of them in military court under the law and procedures of the Uniform Code of Military Justice before a military judge and jury, and this fact tends to mitigate imposition of the death penalty. Number of jurors who so find 9. This case should have been tried in the military justice system under the Uniform Code of Military Justice, as were the cases of Sgt. Paul Cortez, Spc. James Barker, PFC Jesse Spielman, PFC Bryan Howard, and Sgt. Anthony Yribe, and this fact tends to mitigate imposition of the death penalty. 6 Number of jurors who so find 10. The favorable plea agreements offered to and the lenient sentences imposed on Sgt. Paul Cortez, Spc. James Barker, PFC Jesse Spielman, PFC Bryan Howard, and Sgt. Anthony Yribe were offered favorable plea agreements and lenient sentences, and this fact tends to mitigate imposition of the death penalty. Number of jurors who so find 11. PFC Green's combat stress was a substantial factor that contributed to the offenses, and this fact tends to mitigate imposition of the death penalty. Number of jurors who so find

12. The Army command and Combat Stress Control personnel knew that P a high risk of homicidal conduct against Iraqi citizens due to his combat str him to the field without proper treatment or follow up, and this fact to imposition of the death penalty.	ess, but returned
Number of jurors who so find	_5_
13. PFC Steven Green was suffering from psychological impairments which by the United States Army and could have and should have been properly to not, and this fact tends to mitigate imposition of the death penalty.	
Number of jurors who so find	<u>5</u>
14. The Army should have declared PFC Green's platoon and squad to be not and withdrawn them from TCP duty, and this fact tends to mitigate imposit penalty.	
Number of jurors who so find	4
15. Failure of the Army command to provide adequate command, control, a of 1st Platoon and 1st Squad contributed to the murders, and this fact terimposition of the death penalty.	
Number of jurors who so find	
16. PFC Green's platoon and squad suffered greater casualties and losses than this fact tends to mitigate imposition of the death penalty.	han other units,
Number of jurors who so find	2
17. Failure of the Army command to recognize the unusually harsh and stres faced by 1st Platoon and 1st Squad contributed to the murders, and this fact te imposition of the death penalty.	
Number of jurors who so find	2
18. Failure of the Army command to adequately support 1st Platoon a contributed to the murders, and this fact tends to mitigate imposition of the	and 1st Squad death penalty.

Number of jurors who so find

executing the murders, and this fact tends to mitigate impo	2 0,
Number of jurors who so find	<u> </u>
20. PFC Green committed the offenses while under the influsuperiors, Sgt. Cortez and Spc. Barker, and this fact tends to penalty.	•
Number of jurors who so find	_6_
21. PFC Green promptly confessed his involvement in the rehis military superior and the head of the official Army team this fact tends to mitigate imposition of the death penalty.	
Number of jurors who so find	2
22. Had Sgt. Anthony Yribe taken the proper and required step confessions, PFC Green would have been prosecuted, tried, as under the Uniform Code of Military Justice, and this fact tend death penalty.	nd sentenced by a military court
Number of jurors who so find	
23. Steven Green never lied to his military superiors about his while Sgt. Paul Cortez, Spc. Barker, PFC Spielman, PFC Bry Yribe repeatedly did so, and this fact tends to mitigate impos	van Howard, and Sgt. Anthony
Number of jurors who so find	
24. Army personnel engaged in a cover-up of the murders, a imposition of the death penalty.	and this fact tends to mitigate
Number of jurors who so find	_5
25. PFC Steven Green was 20 years of age on March 12, 2006, mposition of the death penalty.	and this fact tends to mitigate

Number of jurors who so find

26. PFC Steven Green suffered from neurological and psychological problems that impaired

	on properly under the e to mitigate imposition			iangle of Death,
e e	Number of jurors w	ho so find		_4_
	offers from a brain dysfurong support and guida			
	Number of jurors w	ho so find		_3
	vas subjected to emotion position of the death p		l abuse as a chi	ld, and this fact
	Number of jurors w	ho so find	•	_3
29. Steven Green was of the death penalty	as subject to neglect as	a child, and this fa	act tends to miti	gate imposition
	Number of jurors wh	no so find		_3_
	as deprived of the parer e imposition of the dea		protection he n	eeded, and this
	Number of jurors wh	no so find		3
	schoolwork and behaured environment, and			
į.	Number of jurors wh	o so find	-	2_
	s a positive relationship mitigate imposition of			and love him,
	Number of jurors wh	o so find	··	3
	ned the United States Aming combat, and this			
e de la companya de l	Number of jurors who	o so find		2

34. Steven Green did well at boot camp and was a good solider who served honorably until an unusually high number of horrific losses of his friends, fellow soldiers, and respected

	leaders at the hands of insurgents overwhelmed and broke him, and this fact tends to mitigat imposition of the death penalty.	Э
	Number of jurors who so find	
	35. Steven Green sought help for his psychological deterioration, but received substandard care, and this fact tends to mitigate imposition of the death penalty.	1
	Number of jurors who so find	
	36. Steven Green may be rehabilitated if sentenced to life in prison without the possibility of release, and this fact tends to mitigate imposition of the death penalty.	,
	Number of jurors who so find	
	37. If Steven Green is not sentenced to death, he will remain in prison for the rest of his life without the possibility of release and will die in prison, and this fact tends to mitigate imposition of the death penalty.	
	Number of jurors who so find 4	
	38. If Steven Green receives the death penalty, extended family members and friends will suffer harm, and this fact tends to mitigate imposition of the death penalty.	
	Number of jurors who so find	
	39. Other factors in PFC Steven Green's background, record, or character or any other circumstance of the offense that any juror finds mitigate against imposition of the death sentence. This is a statutory mitigating factor.	
additio articula simply	are spaces in Section V (Mitigating Factors) of the Special Verdict Form to identify any mal mitigating factors that any one of you finds. It is not necessary, however to specifically ate such additional factors. If you think there is some other mitigating factor present, but are not able to put it into words so that you can write it down on a list, you should still give that your full consideration.	
	1	
,	Number of jurors who so find	

2			
· · · ·			
	ı	Number of jurors who so find	0
3			
		Number of jurors who so find	0
4			
		Number of jurors who so find	
5.			
·			
		Number of jurors who so find	 0

Instruction: Please proceed to Section VI: Sentencing Decisions. Continue your deliberations by filling out either Decision Form A imposing a sentence of death, Decision Form B imposing a sentence of life imprisonment without the possibility of release, or Decision Form C as appropriate.

Decision Form A Imposing Sentence of Death

Based upon 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, and whether death is therefore the appropriate sentence in this case:

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		•				•
		· ,	-			-
			j	Foreperson		
Date						

Decision Form B Imposing Sentence of Life Imprisonment Without Possibility of Release

Based upon 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, and whether death is therefore the appropriate sentence in this case:

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		<u>-</u>	Foreperson

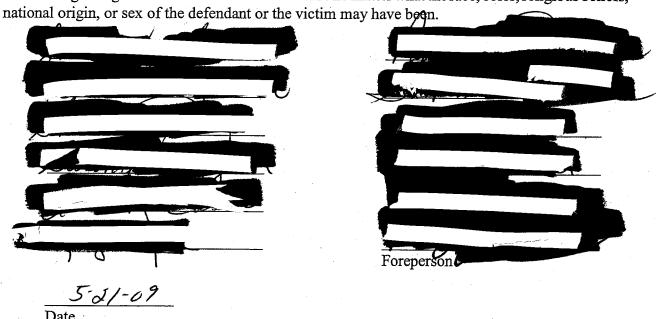
Decision Form C Deadlock as to Sentence

Despite all reasonable efforts to reach unanimous agreement, we, the Jury, are unable to reach a unanimous decision on either a sentence of death or a sentence of life imprisonment without the possibility of release

<u>5-21-09</u> Date Foreperson

Section VII: Certificate as to Count 7

By signing below, each of us individually certifies that consideration of the race, color, religious beliefs, national origin, or sex of Steven Green and of the victims, was not involved in reaching our respective individual decisions. Each of us individually further certifies that the same decision regarding a sentence would have been made no matter what the race, color, religious beliefs, national origin, or sex of the defendant or the victim may have been



Please proceed to the Special Verdict Form for Count 8.

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF KENTUCKY
PADUCAH DIVISION
OP MAY 21 P6:17
CRIMINAL ACTION NO.: 5:06-CR-19-R

UNITED STATES V. STEVEN DALE GREEN

SPECIAL VERDICT FORM

Count 8

SECTION I. AGE OF DEFENDANT Count 8

Instructions: Answer "YES" or "NO."

Do you, the jury, unanimously find the government has established beyond a reasonable doubt that the defendant was eighteen (18) years of age or older at the time of the offense?

YES		N	TO	
	•			
		Foreperso	on	لــــــــــــــــــــــــــــــــــــــ

If you have answered "YES" please continue to Section II: Threshold Mental State. If you have answered "NO" cease your deliberations with respect to this Count, and proceed to Section VII: Certification.

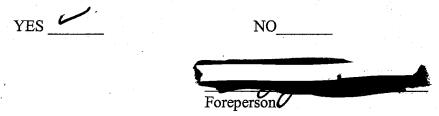
SECTION II. THRESHOLD MENTAL STATE FACTORS Count 8

Instructions: For each of the following, answer "YES" or "NO."

(A) Do you, the jury, unanimously find that the government has proved beyond a reasonable doubt that the defendant intentionally killed Hadeel Al-Janabi?

YES	NO
	Foreperson U

(B) Do you, the jury, unanimously find that the government has proved beyond a reasonable doubt that the defendant intentionally inflicted serious bodily injury that resulted in the death of Hadeel Al-Janabi?



(C) Do you, the jury, unanimously find that the government has proved beyond a reasonable doubt that the defendant intentionally participated in an act, contemplating that the life of a person 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 Hadeel AlJanabi died as a result of the act?

YES V	NO	
	Forepers 6	

(D) Do you, the jury, unanimously find that the government has proved beyond a reasonable doubt that the defendant intentionally and specifically engaged in an act of violence, knowing that the act created a grave risk of death to a person, other than one of the participants in the offense, such that participation in the act constituted a reckless disregard for human life and Hadeel Al-Janabi died as a direct result of the act?

YES	•	NO	_
			3
	•		
	I	oreperson	T. No.

Instruction: If you have answered "YES" to either A, B, C, or D, please continue to Section III: Statutory Aggravating Factors. If you have answered "NO" to A, B, C, and D, cease your deliberations with respect to this Count, and proceed to Section VII: Certification.

SECTION III. Statutory Aggravating Factors Count 8

Instructions: For each of the following, answer "YES" or "NO."

(A) Do you, the jury, unanimously find that the government has established beyond a reasonable doubt that the defendant committed the offense of premeditated murder after substantial planning and premeditation to cause the death of Hadeel Al-Janabi, as set out in Instruction No. 3?

YES V	NO
	Foreperson /

(B) Do you, the jury, unanimously find that the government has established beyond a reasonable doubt that the victim, Hadeel Al-Janabi, was particularly vulnerable due to youth, as set out in Instruction No. 3?

YES _	· · · · · · · · · · · · · · · · · · ·	NO
		Foreperson O

(C) Do you, the jury, unanimously find beyond a reasonable doubt that the government has established beyond a reasonable doubt that the defendant intentionally killed more than one person in a single criminal episode, as set out in Instruction No. 3?

YES_	,	NO	
•	•	Foreperson O	

Instruction: If you answered "YES" to either A, B, or C, please continue to Section IV: Non-Statutory Aggravating Factors. If you answered "NO" to all of the statutory aggravating factors set out in Section III, then stop your deliberations as to this Count, cross out Sections IV, V, and VI of this form, and proceed to Section VII of this form.

Section IV. Non-Statutory Aggravating Factors Count 8

.Instructions: For each of the following, answer "YES" or "NO."

(A) Do you, the jury, unanimously find that the government has proved beyond a reasonable doubt that the defendant killed Hadeel Al-Janabi in order to eliminate her as a possible witness to his crimes, and that fact tends to support imposition of the death penalty?

YES		NO	
			`
	•		1
	•	Foreperson U	

(B) Do you, the jury, unanimously find that the government has proved beyond a reasonable doubt that the defendant caused injury, harm, and loss to the family of Hadeel Al-Janabi, as evidenced by her personal characteristics as a human being and the impact of her death on her family, and that fact tends to support imposition of the death penalty?

YES	NO
	Foreperson

Instruction: Regardless of whether you answered "YES" or "NO" with respect to these non-statutory aggravating factors, please proceed to Section V: Mitigating Factors.

a

Section V: Mitigating Factors Count 8

Instructions: For each of the following mitigating factors indicate, in the space provided, the number of jurors who have found the existence of that mitigating factor to be proven by a preponderance of the evidence. Extra spaces are provided at the end of the section to write additional mitigating factors found by one or more jurors.

	Δt	
1. Sgt. Paul Constatutory mitiga	rtez, equally culpable in the crime, will not lating factor.	pe punished by death. This is a
	Number of jurors who so find	_3_
2. Spc. James B a statutory mitig	arker, equally culpable in the crime, will no gating factor.	t be punished by death. This is
	Number of jurors who so find	_3_
conform conduc	capacity to appreciate the wrongfulness of t to the requirements of law was significantly s so impaired as to constitute a defense to t r.	impaired, regardless of whether
	Number of jurors who so find	3
4. PFC Green co a statutory mitig	mmitted the offense under severe mental or ating factor.	emotional disturbance. This is
	Number of jurors who so find	
5. The defendant a statutory mitiga	t did not have a significant prior history of o	ther criminal conduct. This is
	Number of jurors who so find	
Spielman for the imprisonment that	al prosecutions of Sgt. Paul Cortez, Spc. J eir involvement in the murders, the Unit at will make each of them eligible for parole sition of the death penalty.	ted States imposed terms of
	Number of jurors who so find	3
		,

7. Steven Green offered to reenlist in the Army. If allowed back in the Army, PFC Green would have again been subject to the Uniform Code of Military Justice and could have been fully prosecuted and punished in the military system for the murders, as were Sgt. Paul Cortez, Spc. James Barker, PFC Jesse Spielman, and PFC Bryan Howard. Steven Green offered to re-enter the Army and subject himself to prosecution and punishment for the murders under the Uniform Code of Military Justice, the United States Army declined to accept his offer to reenlist, and these facts tend to mitigate imposition of the death penalty.
Number of jurors who so find
8. After Green was discharged, the United States could have tried Paul Cortez, James Barker, Jesse Spielman, and the defendant together in this court under civilian law and procedures before a civilian judge and jury for their involvement in the murders; or the Army could have accepted Green's offer to reenlist and tried all of them in military court under the law and procedures of the Uniform Code of Military Justice before a military judge and jury, and this fact tends to mitigate imposition of the death penalty.
Number of jurors who so find
9. This case should have been tried in the military justice system under the Uniform Code of Military Justice, as were the cases of Sgt. Paul Cortez, Spc. James Barker, PFC Jesse Spielman, PFC Bryan Howard, and Sgt. Anthony Yribe, and this fact tends to mitigate imposition of the death penalty.
Number of jurors who so find

Number of jurors who so find 3.

11. PFC Green's combat stress was a substantial factor that contributed to the offenses, and this fact tends to mitigate imposition of the death penalty.

12. The Army command and Combat Stress Control personnel knew that PFC Green was at a high risk of homicidal conduct against Iraqi citizens due to his combat stress, but returned

him to the field without proper treatment or follow up, and thi imposition of the death penalty.	s fact tends to mitigate
Number of jurors who so find	_5_
13. PFC Steven Green was suffering from psychological impairmen by the United States Army and could have and should have been pr not, and this fact tends to mitigate imposition of the death penalty.	operly treated, but were
Number of jurors who so find	
14. The Army should have declared PFC Green's platoon and squad and withdrawn them from TCP duty, and this fact tends to mitigate penalty.	
Number of jurors who so find	
15. Failure of the Army command to provide adequate command, of 1st Platoon and 1st Squad contributed to the murders, and this imposition of the death penalty.	- · · · ·
Number of jurors who so find	
16. PFC Green's platoon and squad suffered greater casualties and and this fact tends to mitigate imposition of the death penalty.	losses than other units,
Number of jurors who so find	2
17. Failure of the Army command to recognize the unusually harsh a faced by 1st Platoon and 1st Squad contributed to the murders, and thimposition of the death penalty.	
Number of jurors who so find	
18. Failure of the Army command to adequately support 1st P contributed to the murders, and this fact tends to mitigate imposition	
Number of jurors who so find	

	death penalty.
Number of jurors who so find	_5_
20. PFC Green committed the offenses while under the influence and co superiors, Sgt. Cortez and Spc. Barker, and this fact tends to mitigate impenalty.	
Number of jurors who so find	6
21. PFC Green promptly confessed his involvement in the murders to S his military superior and the head of the official Army team investigating this fact tends to mitigate imposition of the death penalty.	gt. Anthony Yribe, ag the killings, and
Number of jurors who so find	2.
22. Had Sgt. Anthony Yribe taken the proper and required steps to report P confessions, PFC Green would have been prosecuted, tried, and sentenced under the Uniform Code of Military Justice, and this fact tends to mitigat death penalty.	l by a military court
Number of jurors who so find	
23. Steven Green never lied to his military superiors about his involvement while Sgt. Paul Cortez, Spc. Barker, PFC Spielman, PFC Bryan Howard, Yribe repeatedly did so, and this fact tends to mitigate imposition of the	and Sgt. Anthony
Number of jurors who so find	
24. Army personnel engaged in a cover-up of the murders, and this fact imposition of the death penalty.	tends to mitigate
Number of jurors who so find	
25. PFC Steven Green was 20 years of age on March 12, 2006, and this fac imposition of the death penalty.	t tends to mitigate
imposition of the death penalty.	

his ability to functi	een suffered from neurologic on properly under the extren to mitigate imposition of the	ne stresses present in the T	
	Number of jurors who so) find	4
	affers from a brain dysfunction ong support and guidance, a		
	Number of jurors who so	find	
	vas subjected to emotional aposition of the death penalt		aild, and this fact
	Number of jurors who so	find	3
29. Steven Green w of the death penalty	as subject to neglect as a chil	d, and this fact tends to mi	tigate imposition
	Number of jurors who so	find	3
	as deprived of the parental g		needed, and this
	Number of jurors who so	find	
	schoolwork and behavior ured environment, and this fa		
	Number of jurors who so	find	
	s a positive relationship with mitigate imposition of the o	·	or and love him,
	Number of jurors who so	find	_3
	ned the United States Army ining combat, and this fact t		

Number of jurors who so find

34. Steven Green did well at boot camp and was a good solider who served honorably until
an unusually high number of horrific losses of his friends, fellow soldiers, and respecte
leaders at the hands of insurgents overwhelmed and broke him, and this fact tends to mitigat
imposition of the death penalty.

Filed 05/21/2009

	care, and this fact te	nds to mitigate imposition of the death pena	alty.
		Number of jurors who so find	<u> </u>
		ay be rehabilitated if sentenced to life in pri act tends to mitigate imposition of the death	
•		Number of jurors who so find	
		s not sentenced to death, he will remain in p ity of release and will die in prison, and t th penalty.	
		Number of jurors who so find	
•		eceives the death penalty, extended family fact tends to mitigate imposition of the dea	
		Number of jurors who so find	
	39 Other factors in	PFC Steven Green's background, record, offense that any juror finds mitigate agains	
	circumstance of the	atutory mitigating factor.	
ndditio articul simply	circumstance of the of sentence. This is a start are spaces in Section onal mitigating factors ate such additional fact	Atutory mitigating factor. V (Mitigating Factors) of the Special Verothat any one of you finds. It is not necessar fors. If you think there is some other mitigate words so that you can write it down on a list.	y, however to specifically ing factor present, but are

2		
	Number of jurors who so find	_ 0
3		·
	Number of jurors who so find	
4		<u>.</u>
		· · · · · · · · · · · · · · · · · · ·
	Number of jurors who so find	0
5.		
	Number of jurors who so find	_ o ^_ \

Instruction: Please proceed to Section VI: Sentencing Decisions. Continue your deliberations by filling out either Decision Form A imposing a sentence of death, Decision Form B imposing a sentence of life imprisonment without the possibility of release, or Decision Form C as appropriate.

Decision Form A Imposing Sentence of Death

Based upon 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, and whether death is therefore the appropriate sentence in this case:

leath be imposed.	•		
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• • • • • • • • • • • • • • • • • • • •		Foreperson	

Decision Form B Imposing Sentence of Life Imprisonment Without Possibility of Release

Based upon 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, and whether death is therefore the appropriate sentence in this case:

	*			•
		Foreperson		
		•		
				
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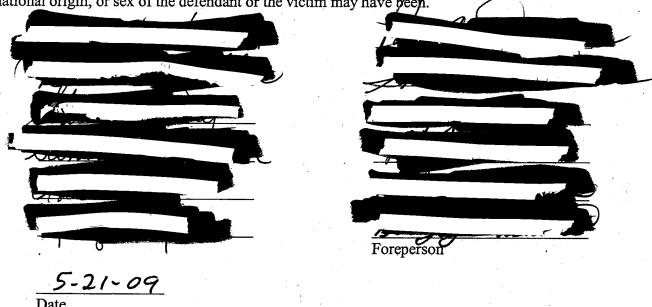
Decision Form C Deadlock as to Sentence

Despite all reasonable efforts to reach unanimous agreement, we, the Jury, are unable to reach a unanimous decision on either a sentence of death or a sentence of life imprisonment without the possibility of release

<u>5-21-09</u> Date Foreperson

Section VII: Certificate as to Count 8

By signing below, each of us individually certifies that consideration of the race, color, religious beliefs, national origin, or sex of Steven Green and of the victims, was not involved in reaching our respective individual decisions. Each of us individually further certifies that the same decision regarding a sentence would have been made no matter what the race, color, religious beliefs, national origin, or sex of the defendant or the victim may have been.



Please proceed to the Special Verdict Form for Count 9.

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF KENDUCKY P6:17
PADUCAH DIVISION
CRIMINAL ACTION NO.: 5:06-CR-19-R-11

UNITED STATES V. STEVEN DALE GREEN

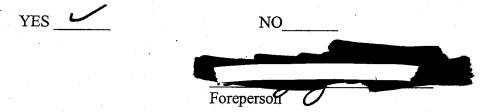
SPECIAL VERDICT FORM

Count 9

SECTION I. AGE OF DEFENDANT Count 9

Instructions: Answer "YES" or "NO."

Do you, the jury, unanimously find the government has established beyond a reasonable doubt that the defendant was eighteen (18) years of age or older at the time of the offense?



If you have answered "YES" please continue to Section II: Threshold Mental State. If you have answered "NO" cease your deliberations with respect to this Count, and proceed to Section VII: Certification.

SECTION II. THRESHOLD MENTAL STATE FACTORS Count 9

Instructions: For each of the following, answer "YES" or "NO."

(A) Do you, the jury, unanimously find that the government has proved beyond a rea	isonable
doubt that the defendant intentionally killed Kassem Al-Janabi?	

YES_	<u></u>	NO
•		
		Foreperson

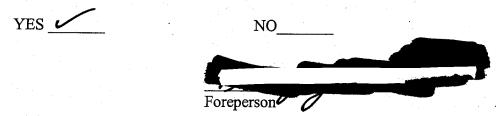
(B) Do you, the jury, unanimously find that the government has proved beyond a reasonable doubt that the defendant intentionally inflicted serious bodily injury that resulted in the death of Kassem Al-Janabi?

YES	V		NO	
			4	
	· -	Foreper		

(C) Do you, the jury, unanimously find that the government has proved beyond a reasonable doubt that the defendant intentionally participated in an act, contemplating that the life of a person 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 Kassem Al-Janabi died as a result of the act?

YES V	NO	
		-
• •	Foreperson V	

(D) Do you, the jury, unanimously find that the government has proved beyond a reasonable doubt that the defendant intentionally and specifically engaged in an act of violence, knowing that the act created a grave risk of death to a person, other than one of the participants in the offense, such that participation in the act constituted a reckless disregard for human life and Kassem Al-Janabi died as a direct result of the act?



Filed 05/21/2009

Instruction: If you have answered "YES" to either A, B, C, or D, please continue to Section III: Statutory Aggravating Factors. If you have answered "NO" to A, B, C, and D, cease your deliberations with respect to this Count, and proceed to Section VII: Certification.

SECTION III. Statutory Aggravating Factors Count 9

Instructions: For each of the following, answer "YES" or "NO."

(A) Do you, the jury, unanimously find that the government has established beyond a reasonable doubt that the defendant committed the offense of premeditated murder after substantial planning and premeditation to cause the death of Kassem Al-Janabi, as set out in Instruction No. 3?

YES	NO
	Forepersoa

(B) Do you, the jury, unanimously find beyond a reasonable doubt that the government has established beyond a reasonable doubt that the defendant intentionally killed more than one person in a single criminal episode, as set out in Instruction No. 3?

YES V	NO	
	N. Common	
	Foreperson (

Instruction: If you answered "YES" to either A or B please continue to Section IV: Non-Statutory Aggravating Factors. If you answered "NO" to all of the statutory aggravating factors set out in Section III, then stop your deliberations as to this Count, cross out Sections IV, V, and VI of this form, and proceed to Section VII of this form.

Case 5:06-cr-00019-TBR

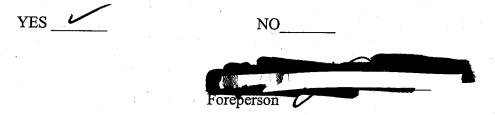
Section IV. Non-Statutory Aggravating Factors Count 9

Instructions: For each of the following, answer "YES" or "NO."

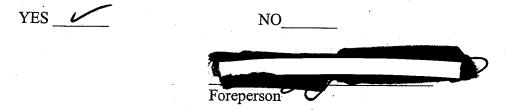
(A) Do you, the jury, unanimously find that the government has proved beyond a reasonable doubt that the defendant killed Kassem Al-Janabi in order to eliminate him as a possible witness to his crimes, and that fact tends to support imposition of the death penalty?

YES	NO
	Foreperson/

(B) Do you, the jury, unanimously find that the government has proved beyond a reasonable doubt that the defendant caused injury, harm, and loss to the family of Kassem Al-Janabi, as evidenced by his personal characteristics as a human being and the impact of his death on his family, and that fact tends to support imposition of the death penalty?



(C) Do you, the jury, unanimously find that the government has proved beyond a reasonable doubt that the injuries caused by the defendant extend especially to the two minor children orphaned as a result of their parents' death and to those presently caring for the children, and that fact tends to support imposition of the death penalty.



Instruction: Regardless of whether you answered "YES" or "NO" with respect to these non-statutory aggravating factors, please proceed to Section V: Mitigating Factors.

Filed 05/21/2009

Section V: Mitigating Factors Count 9

<u>Instructions</u>: For each of the following mitigating factors indicate, in the space provided, the number of jurors who have found the existence of that mitigating factor to be proven by a preponderance of the evidence. Extra spaces are provided at the end of the section to write additional mitigating factors found by one or more jurors.

1. Sgt. Paul Cortez statutory mitigating	z, equally culpable in the crime, will not be punished by death. The factor.	his is a
	Number of jurors who so find	
2. Spc. James Bark a statutory mitigation	ter, equally culpable in the crime, will not be punished by death. Ing factor.	This is
	Number of jurors who so find 3	-
conform conduct to	pacity to appreciate the wrongfulness of the defendant's conduct the requirements of law was significantly impaired, regardless of who impaired as to constitute a defense to the charge. This is a sta	hether
	Number of jurors who so find	
4. PFC Green comma statutory mitigating	nitted the offense under severe mental or emotional disturbance. In factor.	his is
	Number of jurors who so find 5	-
5. The defendant did a statutory mitigatin	d not have a significant prior history of other criminal conduct. T	his is
	Number of jurors who so find 5	-
Spielman for their imprisonment that w	prosecutions of Sgt. Paul Cortez, Spc. James Barker, and PFC involvement in the murders, the United States imposed term will make each of them eligible for parole in 10 years, and that fact to on of the death penalty.	ns of
	Number of jurors who so find	

7. Steven Green offered to reenlist in the Army. If allowed back in the Army, PFC Green would have again been subject to the Uniform Code of Military Justice and could have been fully prosecuted and punished in the military system for the murders, as were Sgt. Paul Cortez, Spc. James Barker, PFC Jesse Spielman, and PFC Bryan Howard. Steven Green offered to re-enter the Army and subject himself to prosecution and punishment for the murders under the Uniform Code of Military Justice, the United States Army declined to accept his offer to reenlist, and these facts tend to mitigate imposition of the death penalty.
Number of jurors who so find 6
8. After Green was discharged, the United States could have tried Paul Cortez, James Barker, Jesse Spielman, and the defendant together in this court under civilian law and procedures before a civilian judge and jury for their involvement in the murders; or the Army could have accepted Green's offer to reenlist and tried all of them in military court under the law and procedures of the Uniform Code of Military Justice before a military judge and jury, and this fact tends to mitigate imposition of the death penalty.
Number of jurors who so find 6
9. This case should have been tried in the military justice system under the Uniform Code of Military Justice, as were the cases of Sgt. Paul Cortez, Spc. James Barker, PFC Jesse Spielman, PFC Bryan Howard, and Sgt. Anthony Yribe, and this fact tends to mitigate imposition of the death penalty.
Number of jurors who so find 6
10. The favorable plea agreements offered to and the lenient sentences imposed on Sgt. Paul Cortez, Spc. James Barker, PFC Jesse Spielman, PFC Bryan Howard, and Sgt. Anthony Yribe were offered favorable plea agreements and lenient sentences, and this fact tends to mitigate imposition of the death penalty.
Number of jurors who so find
1. PFC Green's combat stress was a substantial factor that contributed to the offenses, and his fact tends to mitigate imposition of the death penalty

12. The Army command and Combat Stress Control personnel knew that a high risk of homicidal conduct against Iraqi citizens due to his combat him to the field without proper treatment or follow up, and this fac imposition of the death penalty.	stress, but returned
Number of jurors who so find	5
13. PFC Steven Green was suffering from psychological impairments who by the United States Army and could have and should have been properly not, and this fact tends to mitigate imposition of the death penalty.	ich were identified ly treated, but were
Number of jurors who so find	_5
14. The Army should have declared PFC Green's platoon and squad to be and withdrawn them from TCP duty, and this fact tends to mitigate impopenalty.	e not combat ready osition of the death
Number of jurors who so find	
15. Failure of the Army command to provide adequate command, control of 1st Platoon and 1st Squad contributed to the murders, and this fact imposition of the death penalty.	l, and supervision tends to mitigate
Number of jurors who so find	_5_
16. PFC Green's platoon and squad suffered greater casualties and losses and this fact tends to mitigate imposition of the death penalty.	s than other units,
Number of jurors who so find	2
17. Failure of the Army command to recognize the unusually harsh and straced by 1st Platoon and 1st Squad contributed to the murders, and this fact imposition of the death penalty.	ressful conditions t tends to mitigate
Number of image who as for 1	
Number of jurors who so find	
8. Failure of the Army command to adequately support 1st Platoon contributed to the murders, and this fact tends to mitigate imposition of the	and 1st Squad ne death penalty.

19. PFC Green military superiors played a leadership role in planning, executing the murders, and this fact tends to mitigate imposition of the de	authorizing, and ath penalty.
Number of jurors who so find	_5_
20. PFC Green committed the offenses while under the influence and controsuperiors, Sgt. Cortez and Spc. Barker, and this fact tends to mitigate imposipenalty.	ol of his military tion of the death
Number of jurors who so find	_6_
21. PFC Green promptly confessed his involvement in the murders to Sgt. his military superior and the head of the official Army team investigating this fact tends to mitigate imposition of the death penalty.	Anthony Yribe, he killings, and
Number of jurors who so find	
22. Had Sgt. Anthony Yribe taken the proper and required steps to report PFC confessions, PFC Green would have been prosecuted, tried, and sentenced by under the Uniform Code of Military Justice, and this fact tends to mitigate in death penalty.	a military court
Number of jurors who so find	5
23. Steven Green never lied to his military superiors about his involvement while Sgt. Paul Cortez, Spc. Barker, PFC Spielman, PFC Bryan Howard, and Yribe repeatedly did so, and this fact tends to mitigate imposition of the dear	d Sgt. Anthony
Number of jurors who so find	
24. Army personnel engaged in a cover-up of the murders, and this fact ter imposition of the death penalty.	ids to mitigate
Number of jurors who so find	5
25. PFC Steven Green was 20 years of age on March 12, 2006, and this fact ter imposition of the death penalty.	nds to mitigate

his ability to function	n suffered from neurologican n properly under the extrem n mitigate imposition of the	ne stresses present	-	-	
	Number of jurors who so	find	• .	4	
	fers from a brain dysfunctiong support and guidance, a	· · · · · ·			
	Number of jurors who so	find		3	
	as subjected to emotional a position of the death penalty		e as a child, a	nd this fa	ict
	Number of jurors who so	find		?	
29. Steven Green was of the death penalty.	s subject to neglect as a chile	d, and this fact tend	ds to mitigate	impositio	on
	Number of jurors who so	find		<u>}</u>	
	s deprived of the parental gr imposition of the death per	_	ction he neede	d, and th	is
	Number of jurors who so	find	_ 3	· ·	
	schoolwork and behavior red environment, and this fa				
	Number of jurors who so	and		<u>.</u>	
	a positive relationship with nitigate imposition of the d		o care for and	love him	1,
	Number of jurors who so f	ind	<u> </u>	3	
	ed the United States Army in ing combat, and this fact to				
÷ .	Number of jurors who so f	ind	5	2	

34. Steven Green did well at boot camp and was a good solider who served honorably until

an unusually high number of horrific losses of his friends, fellow soldi leaders at the hands of insurgents overwhelmed and broke him, and this facing imposition of the death penalty.	ers, and respected
Number of jurors who so find	
35. Steven Green sought help for his psychological deterioration, but recovere, and this fact tends to mitigate imposition of the death penalty.	eived substandard
Number of jurors who so find	
36. Steven Green may be rehabilitated if sentenced to life in prison without of release, and this fact tends to mitigate imposition of the death penalty.	out the possibility
Number of jurors who so find	3
37. If Steven Green is not sentenced to death, he will remain in prison for twithout the possibility of release and will die in prison, and this fact timposition of the death penalty.	the rest of his life tends to mitigate
Number of jurors who so find	
38. If Steven Green receives the death penalty, extended family members suffer harm, and this fact tends to mitigate imposition of the death penalty	and friends will
Number of jurors who so find	2
39. Other factors in PFC Steven Green's background, record, or characterized circumstance of the offense that any juror finds mitigate against imposition sentence. This is a statutory mitigating factor.	ter or any other ion of the death
There are spaces in Section V (Mitigating Factors) of the Special Verdict Form additional mitigating factors that any one of you finds. It is not necessary, however articulate such additional factors. If you think there is some other mitigating factor simply not able to put it into words so that you can write it down on a list, you shou factor your full consideration.	er to specifically
1.	

2.	•			•
		Number of jurors who so find	_	79
3.				•
			÷	
		Number of jurors who so find	_	0
4	· · · · · · · · · · · · · · · · · · ·			
				•
		Number of jurors who so find		0
5	•		· · · · · · · · · · · · · · · · · · ·	
.				
		Number of jurors who so find	· · · · · · · · · · · · · · · · · · ·	0

Instruction: Please proceed to Section VI: Sentencing Decisions. Continue your deliberations by filling out either Decision Form A imposing a sentence of death, Decision Form B imposing a sentence of life imprisonment without the possibility of release, or Decision Form C as appropriate.

Decision Form A Imposing Sentence of Death

Based upon 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, and whether death is therefore the appropriate sentence in this case:

	<u>-</u>	

Decision Form B Imposing Sentence of Life Imprisonment Without Possibility of Release

Based upon 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, and whether death is therefore the appropriate sentence in this case:

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(-	Foreperson
	.	

Decision Form C Deadlock as to Sentence

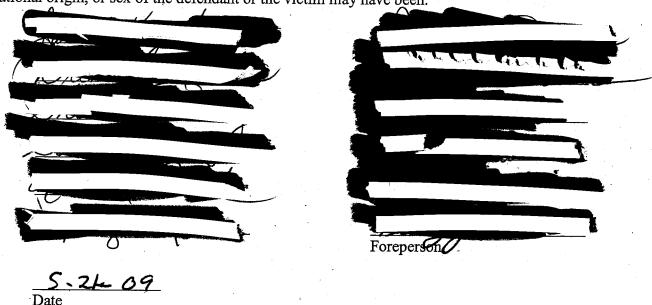
Despite all reasonable efforts to reach unanimous agreement, we, the Jury, are unable to reach a unanimous decision on either a sentence of death or a sentence of life imprisonment without the possibility of release

	5-21-09	
Date		

Foreperson U

Section VII: Certificate as to Count 9

By signing below, each of us individually certifies that consideration of the race, color, religious beliefs, national origin, or sex of Steven Green and of the victims, was not involved in reaching our respective individual decisions. Each of us individually further certifies that the same decision regarding a sentence would have been made no matter what the race, color, religious beliefs, national origin, or sex of the defendant or the victim may have been.



Please proceed to the Special Verdict Form for Count 10.

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF KENTUCKY P6:17
PADUCAH DIVISION
CRIMINAL ACTION NO.: 5:06-CR-19-Report

UNITED STATES V. STEVEN DALE GREEN

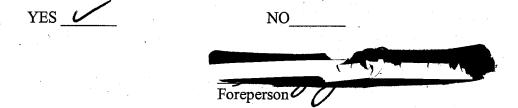
SPECIAL VERDICT FORM

Count 10

SECTION I. AGE OF DEFENDANT Count 10

Instructions: Answer "YES" or "NO."

Do you, the jury, unanimously find the government has established beyond a reasonable doubt that the defendant was eighteen (18) years of age or older at the time of the offense?



If you have answered "YES" please continue to Section II: Threshold Mental State. If you have answered "NO" cease your deliberations with respect to this Count, and proceed to Section VII: Certification.

SECTION II. THRESHOLD MENTAL STATE FACTORS Count 10

Instructions: For each of the following, answer "YES" or "NO."

(A) Do you, the jury, unanimously find that the government has proved beyond a reasonable doubt that the defendant intentionally killed Fakhriya Al-Janabi?

YES V	NO
	Foreperson O

(B) Do you, the jury, unanimously find that the government has proved beyond a reasonable doubt that the defendant intentionally inflicted serious bodily injury that resulted in the death of Fakhriya Al-Janabi?

YES V	NO
	Foreperson U

(C) Do you, the jury, unanimously find that the government has proved beyond a reasonable doubt that the defendant intentionally participated in an act, contemplating that the life of a person 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 Fakhriya Al-Janabi died as a result of the act?

YES_	/	NO
		Foreperson

(D) Do you, the jury, unanimously find that the government has proved beyond a reasonable doubt that the defendant intentionally and specifically engaged in an act of violence, knowing that the act created a grave risk of death to a person, other than one of the participants in the offense, such that participation in the act constituted a reckless disregard for human life and Fakhriya Al-Janabi died as a direct result of the act?

YES	NO
	Forepersón V

Instruction: If you have answered "YES" to either A, B, C, or D, please continue to Section III: Statutory Aggravating Factors. If you have answered "NO" to A, B, C, and D, cease your deliberations with respect to this Count, and proceed to Section VII: Certification.

SECTION III. Statutory Aggravating Factors Count 10

Instructions: For each of the following, answer "YES" or "NO."

(A) Do you, the jury, unanimously find that the government has established beyond a reasonable doubt that the defendant committed the offense of premeditated murder after substantial planning and premeditation to cause the death of Fakhriya Al-Janabi, as set out in Instruction No. 3?

YES	NO
	Foreperson /

(B) Do you, the jury, unanimously find beyond a reasonable doubt that the government has established beyond a reasonable doubt that the defendant intentionally killed more than one person in a single criminal episode, as set out in Instruction No. 3?

YES V	NO	
	Foreperson	5

Instruction: If you answered "YES" to either A or B please continue to Section IV: Non-Statutory Aggravating Factors. If you answered "NO" to all of the statutory aggravating factors set out in Section III, then stop your deliberations as to this Count, cross out Sections IV, V, and VI of this form, and proceed to Section VII of this form.

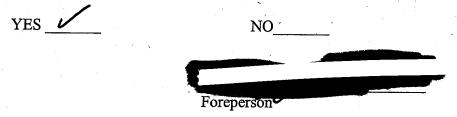
Section IV. Non-Statutory Aggravating Factors Count 10

Instructions: For each of the following, answer "YES" or "NO."

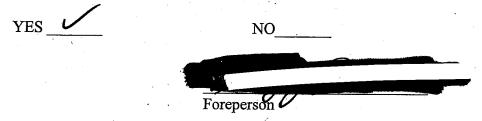
(A) Do you, the jury, unanimously find that the government has proved beyond a reasonable doubt that the defendant killed Fakhriya Al-Janabi in order to eliminate her as a possible witness to his crimes, and that fact tends to support imposition of the death penalty?

YES_			NO	 •
	v v			
	e e	Fore	person (

(B) Do you, the jury, unanimously find that the government has proved beyond a reasonable doubt that the defendant caused injury, harm, and loss to the family of Fakhriya Al-Janabi, as evidenced by her personal characteristics as a human being and the impact of her death on her family, and that fact tends to support imposition of the death penalty?



(C) Do you, the jury, unanimously find that the government has proved beyond a reasonable doubt that the injuries caused by the defendant extend especially to the two minor children orphaned as a result of their parents' death and to those presently caring for the children, and that fact tends to support imposition of the death penalty.



Instruction: Regardless of whether you answered "YES" or "NO" with respect to these non-statutory aggravating factors, please proceed to Section V: Mitigating Factors.

Case 5:06-cr-00019-TBR

Section V: Mitigating Factors Count 10

Instructions: For each of the following mitigating factors indicate, in the space provided, the number of jurors who have found the existence of that mitigating factor to be proven by a preponderance of the evidence. Extra spaces are provided at the end of the section to write additional mitigating factors found by one or more jurors.

1. Sgt. Paul Cortez, equally culpable in the crime, will not be punished	by death. This is a
statutory mitigating factor.	by death. This is a
Number of jurors who so find	3
2. Spc. James Barker, equally culpable in the crime, will not be punishe a statutory mitigating factor.	d by death. This is
Number of jurors who so find	
3. PFC Green's capacity to appreciate the wrongfulness of the defendation conduct to the requirements of law was significantly impaired, rethe capacity was so impaired as to constitute a defense to the charge. mitigating factor.	gardless of whether
Number of jurors who so find	3
4. PFC Green committed the offense under severe mental or emotional dia statutory mitigating factor.	isturbance. This is
Number of jurors who so find	
5. The defendant did not have a significant prior history of other crimina a statutory mitigating factor.	l conduct. This is
Number of jurors who so find	_5
6. In its criminal prosecutions of Sgt. Paul Cortez, Spc. James Barke Spielman for their involvement in the murders, the United States i imprisonment that will make each of them eligible for parole in 10 years, to mitigate imposition of the death penalty.	mposed terms of
Number of jurors who so find	

7. Steven Green offered to reenlist in the Army. If allowed back in the Army, PFC Green would have again been subject to the Uniform Code of Military Justice and could have been fully prosecuted and punished in the military system for the murders, as were Sgt. Paul Cortez, Spc. James Barker, PFC Jesse Spielman, and PFC Bryan Howard. Steven Green offered to re-enter the Army and subject himself to prosecution and punishment for the murders under the Uniform Code of Military Justice, the United States Army declined to accept his offer to reenlist, and these facts tend to mitigate imposition of the death penalty.

accept his offer to reenlist, and these facts tend to mitigate impos	
Number of jurors who so find	6
8. After Green was discharged, the United States could have tried P Jesse Spielman, and the defendant together in this court under cive before a civilian judge and jury for their involvement in the murder accepted Green's offer to reenlist and tried all of them in military procedures of the Uniform Code of Military Justice before a military fact tends to mitigate imposition of the death penalty.	vilian law and procedures s; or the Army could have y court under the law and
Number of jurors who so find	_6_
9. This case should have been tried in the military justice system of Military Justice, as were the cases of Sgt. Paul Cortez, Spc. J Spielman, PFC Bryan Howard, and Sgt. Anthony Yribe, and the imposition of the death penalty.	ames Barker, PFC Jesse
Number of jurors who so find	_6
10. The favorable plea agreements offered to and the lenient sentent Cortez, Spc. James Barker, PFC Jesse Spielman, PFC Bryan Ho Yribe were offered favorable plea agreements and lenient sentent mitigate imposition of the death penalty.	ward, and Sgt. Anthony
Number of jurors who so find	_3
11. PFC Green's combat stress was a substantial factor that contrib this fact tends to mitigate imposition of the death penalty.	outed to the offenses, and
Number of jurors who so find	_5_

	12. The Army command and Combat Stress Control personnel knew that PFC a high risk of homicidal conduct against Iraqi citizens due to his combat stress him to the field without proper treatment or follow up, and this fact tend imposition of the death penalty.	s, but returned
	Number of jurors who so find	<u>5</u>
	13. PFC Steven Green was suffering from psychological impairments which we by the United States Army and could have and should have been properly treatnot, and this fact tends to mitigate imposition of the death penalty.	
	Number of jurors who so find	5
•	14. The Army should have declared PFC Green's platoon and squad to be not and withdrawn them from TCP duty, and this fact tends to mitigate imposition penalty.	
	Number of jurors who so find	4
	15. Failure of the Army command to provide adequate command, control, and of 1st Platoon and 1st Squad contributed to the murders, and this fact tend imposition of the death penalty.	
	Number of jurors who so find	5
	16. PFC Green's platoon and squad suffered greater casualties and losses that and this fact tends to mitigate imposition of the death penalty.	other units,
	Number of jurors who so find	2
	17. Failure of the Army command to recognize the unusually harsh and stressful faced by 1st Platoon and 1st Squad contributed to the murders, and this fact tend imposition of the death penalty.	
	Number of jurors who so find	2
	18. Failure of the Army command to adequately support 1st Platoon and contributed to the murders, and this fact tends to mitigate imposition of the de-	
	Number of jurges who so find	2

	military superiors played a leadership role in purders, and this fact tends to mitigate imposition	
	Number of jurors who so find	_5"
	ommitted the offenses while under the influence ortez and Spc. Barker, and this fact tends to mitiga	
•	Number of jurors who so find	_6_
his military supe	romptly confessed his involvement in the murde rior and the head of the official Army team inve mitigate imposition of the death penalty.	
	Number of jurors who so find	
confessions, PFC	nony Yribe taken the proper and required steps to r Green would have been prosecuted, tried, and sen in Code of Military Justice, and this fact tends to r	tenced by a military court
	Number of jurors who so find	5
while Sgt. Paul C	never lied to his military superiors about his involved ortez, Spc. Barker, PFC Spielman, PFC Bryan Hodid so, and this fact tends to mitigate imposition	oward, and Sgt. Anthony
	Number of jurors who so find	2
24. Army personr mposition of the	nel engaged in a cover-up of the murders, and the	nis fact tends to mitigate
	Number of jurors who so find	_5_
25. PFC Steven Graposition of the	reen was 20 years of age on March 12, 2006, and t death penalty.	his fact tends to mitigate
	Number of jurors who so find	

26. PFC Steven Green suffered from neurological and psycho his ability to function properly under the extreme stresses prand this fact tends to mitigate imposition of the death penalt	esent in the Triangle of Death,
Number of jurors who so find	
27. Steven Green suffers from a brain dysfunction which has in the absence of strong support and guidance, and this fact to the death penalty.	mpaired his ability to function ends to mitigate imposition of
Number of jurors who so find	3
28. Steven Green was subjected to emotional and physical attends to mitigate imposition of the death penalty.	abuse as a child, and this fact
Number of jurors who so find	_3_
29. Steven Green was subject to neglect as a child, and this fac of the death penalty.	et tends to mitigate imposition
Number of jurors who so find	<u>3</u>
30. Steven Green was deprived of the parental guidance and p fact tends to mitigate imposition of the death penalty.	protection he needed, and this
Number of jurors who so find	_ 3
31. Steven Green's schoolwork and behavior markedly in supportive and structured environment, and this fact tends to mi penalty.	nproved when he was in a tigate imposition of the death
Number of jurors who so find	2
32. Steven Green has a positive relationship with many people and this fact tends to mitigate imposition of the death penalty.	who care for and love him,
Number of jurors who so find	3
33. Steven Green joined the United States Army in a time of wa sent into life threatening combat, and this fact tends to mitig penalty.	r, knowing that he would be ate imposition of the death

34. Steven Green did well at boot camp and was a good solider who served honorably until

lea	unusually high number or ders at the hands of insurg position of the death pena	of horrific losses of his ents overwhelmed and	friends, fellow	soldiers, and respected his fact tends to mitigate
	Numb	er of jurors who so fin	ıd	
35 car	Steven Green sought help e, and this fact tends to m	o for his psychological itigate imposition of th	deterioration, but ne death penalty.	it received substandard
	Numb	er of jurors who so fin	d	_5_
36. of 1	Steven Green may be rehrelease, and this fact tends	abilitated if sentenced to mitigate imposition	to life in prison of the death pen	without the possibility nalty.
•	Numbe	er of jurors who so find	1	_3
wit	If Steven Green is not sen nout the possibility of releastion of the death penal	ease and will die in 1	l remain in prisor prison, and this	n for the rest of his life fact tends to mitigate
•	Numbe	er of jurors who so find	1	<u> 4.</u>
38. suff	If Steven Green receives ter harm, and this fact tend	he death penalty, extens to mitigate imposition	nded family men on of the death pe	nbers and friends will nalty.
	Numbe	r of jurors who so find		
circi	Other factors in PFC Stenmstance of the offense thence. This is a statutory manager	nat any juror finds mit	nd, record, or cligate against im	naracter or any other position of the death
additional marticulate su simply not a	paces in Section V (Mitiguitigating factors that any och additional factors. If you ble to put it into words so full consideration.	one of you finds. It is not think there is some of	not necessary, ho other mitigating f	wever to specifically actor present, but are
1		<u> </u>		
				· .
	Number	of jurors who so find		0

. 2	•			•
-				
_		Number of jurors who so find	_	0
3.	. •			
	•			
		Number of jurors who so find		0
4.				
		Number of jurors who so find		0
· 5				
-				<i>y</i>
		Number of jurors who so find		6

Instruction: Please proceed to Section VI: Sentencing Decisions. Continue your deliberations by filling out either Decision Form A imposing a sentence of death, Decision Form B imposing a sentence of life imprisonment without the possibility of release, or Decision Form C as appropriate.

Decision Form A Imposing Sentence of Death

Based upon 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, and whether death is therefore the appropriate sentence in this case:

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		÷	_	Foreperson			

Decision Form B Imposing Sentence of Life Imprisonment Without Possibility of Release

Based upon 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, and whether death is therefore the appropriate sentence in this case:

-			
*	•		
-			· · · · · · · · · · · · · · · · · · ·
•		3	
		Foreperson	

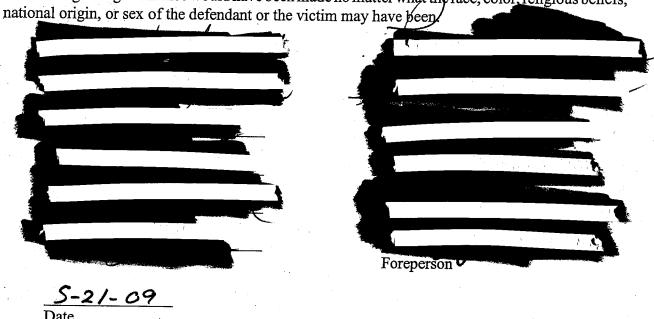
Decision Form C Deadlock as to Sentence

Despite all reasonable efforts to reach unanimous agreement, we, the Jury, are unable to reach a unanimous decision on either a sentence of death or a sentence of life imprisonment without the possibility of release

5-21-09 Date Foreperson

Section VII: Certificate as to Count 10

By signing below, each of us individually certifies that consideration of the race, color, religious beliefs, national origin, or sex of Steven Green and of the victims, was not involved in reaching our respective individual decisions. Each of us individually further certifies that the same decision regarding a sentence would have been made no matter what the race, color, religious beliefs, national origin, or sex of the defendant or the victim may be an experience.



Please proceed to the Special Verdict Form for Count 13.

UNITED STATES DISTRICT COURT WESTERN DISTRICT OF KENTUCKAY 21 P6:17 PADUCAH DIVISION CRIMINAL ACTION NO.: 5:06-CR-19-R-COURT CLIP

UNITED STATES V. STEVEN DALE GREEN

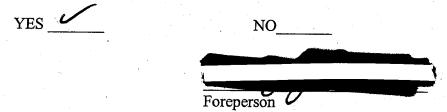
SPECIAL VERDICT FORM

Count 13

SECTION I. AGE OF DEFENDANT Count 13

Instructions: Answer "YES" or "NO."

Do you, the jury, unanimously find the government has established beyond a reasonable doubt that the defendant was eighteen (18) years of age or older at the time of the offense?



If you have answered "YES" please continue to Section II: Threshold Mental State. If you have answered "NO" cease your deliberations with respect to this Count, and proceed to Section VII: Certification.

SECTION II. THRESHOLD MENTAL STATE FACTORS Count 13

-	Instructions:	~~	•		e 11 ·		(CT / E3 (199		CONTAN 95
	metwinotioner	LOP	$\alpha \alpha \alpha b$	of the	TALLATINA	OBCTROP		Ar	00 10 1 1 1
	HISTI BULLIOHIS:	Treat.	CAUL	471 1.146		answei	11/1/3	v	110.

(A) Do you, the jury, unanimously find the	at the government has proved beyond a reasonable
doubt that the defendant intentionally kil	led Abeer Al-Janabi?
YES	NO



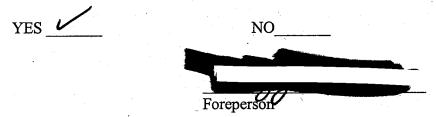
(B) Do you, the jury, unanimously find that the government has proved beyond a reasonable doubt that the defendant intentionally inflicted serious bodily injury that resulted in the death of Abeer Al-Janabi?

YES	NO	
	The second secon	
	Foreperson /	

(C) Do you, the jury, unanimously find that the government has proved beyond a reasonable doubt that the defendant intentionally participated in an act, contemplating that the life of a person 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 Abeer Al-Janabi died as a result of the act?

YES_	/	· · · · · · · · · · · · · · · · · · ·	NO	
	•		Foreperson	

(D) Do you, the jury, unanimously find that the government has proved beyond a reasonable doubt that the defendant intentionally and specifically engaged in an act of violence, knowing that the act created a grave risk of death to a person, other than one of the participants in the offense, such that participation in the act constituted a reckless disregard for human life and Abeer Al-Janabi died as a direct result of the act?



Instruction: If you have answered "YES" to either A, B, C, or D, please continue to Section III: Statutory Aggravating Factors. If you have answered "NO" to A, B, C, and D, cease your deliberations with respect to this Count, and proceed to Section VII: Certification.

SECTION III. Statutory Aggravating Factors Count 13

Instructions: For each of the following, answer "YES" or "NO."

(A) Do you, the jury, unanimously find that the government has established beyond a reasonable doubt that the defendant intentionally killed Abeer Al-Janabi in an especially heinous, cruel, or depraved manner in that it involved serious physical abuse to her, as set out in Instruction No. 3?

YES_	NO
•	
	Foreperson O

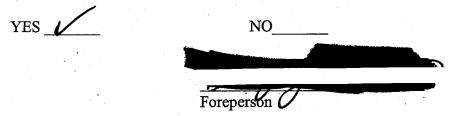
(B) Do you, the jury, unanimously find that the government has established beyond a reasonable doubt that the defendant committed the offense of premeditated murder after substantial planning and premeditation to cause the death of Abeer Al-Janabi, as set out in Instruction No. 3?

YES		•	NO_	
			Foreperson	

(C) Do you, the jury, unanimously find that the government has established beyond a reasonable doubt that the victim, Abeer Al-Janabi, was particularly vulnerable due to youth, as set out in Instruction No. 3?

YES	NO	
	11/	
		1.3536
	Foreperson C	• •

(D) Do you, the jury, unanimously find beyond a reasonable doubt that the government has established beyond a reasonable doubt that the defendant intentionally killed more than one person in a single criminal episode, as set out in Instruction No. 3?



Instruction: If you answered "YES" to either A, B, C, or D, please continue to Section IV: Non-Statutory Aggravating Factors. If you answered "NO" to all of the statutory aggravating factors set out in Section III, then stop your deliberations as to this Count, cross out Sections IV, V, and VI of this form, and proceed to Section VII of this form.

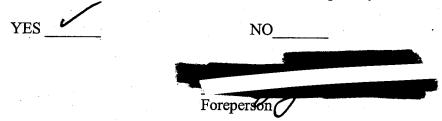
Section IV. Non-Statutory Aggravating Factors Count 13

Instructions: For each of the following, answer "YES" or "NO."

(A) Do you, the jury, unanimously find that the government has proved beyond a reasonable doubt that the defendant killed Abeer Al-Janabi in order to eliminate her as a possible witness to his crimes, and that fact tends to support imposition of the death penalty?

YES_	/	•	NO
		, / •.	
,			Foreperson

(B) Do you, the jury, unanimously find that the government has proved beyond a reasonable doubt that the defendant caused injury, harm, and loss to the family of Abeer Al-Janabi, as evidenced by her personal characteristics as a human being and the impact of her death on her family, and that fact tends to support imposition of the death penalty?



Instruction: Regardless of whether you answered "YES" or "NO" with respect to these non-statutory aggravating factors, please proceed to Section V: Mitigating Factors.

Case 5:06-cr-00019-TBR

Section V: Mitigating Factors Count 13

Instructions: For each of the following mitigating factors indicate, in the space

rov	ided, the number of jurors who have found the existence of that mitigating factor to be en by a preponderance of the evidence. Extra spaces are provided at the end of the on to write additional mitigating factors found by one or more jurors.
	1. Sgt. Paul Cortez, equally culpable in the crime, will not be punished by death. This is a statutory mitigating factor.
	Number of jurors who so find
	2. Spc. James Barker, equally culpable in the crime, will not be punished by death. This is a statutory mitigating factor.
	Number of jurors who so find
	3. PFC Green's capacity to appreciate the wrongfulness of the defendant's conduct or to conform 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. This is a statutory mitigating factor.
	Number of jurors who so find
	4. PFC Green committed the offense under severe mental or emotional disturbance. This is a statutory mitigating factor.
	Number of jurors who so find
	5. The defendant did not have a significant prior history of other criminal conduct. This is a statutory mitigating factor.
	Number of jurors who so find
	6. In its criminal prosecutions of Sgt. Paul Cortez, Spc. James Barker, and PFC Jesse Spielman for their involvement in the murders, the United States imposed terms of imprisonment that will make each of them eligible for parole in 10 years, and that fact tends to mitigate imposition of the death penalty.
	Number of jurors who so find

7. Steven Green offered to reenlist in the Army. If allo would have again been subject to the Uniform Code of Milly prosecuted and punished in the military system. Cortez, Spc. James Barker, PFC Jesse Spielman, and offered to re-enter the Army and subject himself to punished to re-enter the Uniform Code of Military Justice, the accept his offer to reenlist, and these facts tend to mitigate the control of the	Military Justice for the murders PFC Bryan Ho rosecution and the United State	and could have been s, as were Sgt. Paul ward. Steven Green punishment for the es Army declined to
Number of jurors who so find		_6_
8. After Green was discharged, the United States could have Jesse Spielman, and the defendant together in this court before a civilian judge and jury for their involvement in the accepted Green's offer to reenlist and tried all of them procedures of the Uniform Code of Military Justice before fact tends to mitigate imposition of the death penalty.	t under civilian he murders; or t in military cour	law and procedures he Army could have t under the law and
Number of jurors who so find		6
9. This case should have been tried in the military justice of Military Justice, as were the cases of Sgt. Paul Cort Spielman, PFC Bryan Howard, and Sgt. Anthony Yril imposition of the death penalty.	ez, Spc. James	Barker, PFC Jesse
Number of jurors who so find		6_

11. PFC Green's combat stress was a substantial factor that contributed to the offenses, and this fact tends to mitigate imposition of the death penalty.

Number of jurors who so find

12. The Army command and Combat Stress Control personnel knew that PFC Green was at

a high risk of homicidal conduct against Iraqi citizens due to his com him to the field without proper treatment or follow up, and this imposition of the death penalty.	• -
Number of jurors who so find	_5_
13. PFC Steven Green was suffering from psychological impairments by the United States Army and could have and should have been pronot, and this fact tends to mitigate imposition of the death penalty.	
Number of jurors who so find	<u>. 5</u>
14. The Army should have declared PFC Green's platoon and squad t and withdrawn them from TCP duty, and this fact tends to mitigate in penalty.	
Number of jurors who so find	4
15. Failure of the Army command to provide adequate command, co of 1st Platoon and 1st Squad contributed to the murders, and this imposition of the death penalty.	-
Number of jurors who so find	
16. PFC Green's platoon and squad suffered greater casualties and lo and this fact tends to mitigate imposition of the death penalty.	osses than other units,
Number of jurors who so find	2_
17. Failure of the Army command to recognize the unusually harsh an faced by 1st Platoon and 1st Squad contributed to the murders, and this imposition of the death penalty.	
Number of jurors who so find	
18. Failure of the Army command to adequately support 1st Pla contributed to the murders, and this fact tends to mitigate imposition	
Number of jurors who so find	

19. PFC Green military superiors played a leadership role in planning, authorizing, and

executing the m	turders, and this fact tends to mitigate imposition	of the death penalty.
	Number of jurors who so find	_5
	committed the offenses while under the influence Cortez and Spc. Barker, and this fact tends to mitiga	The state of the s
	Number of jurors who so find	<u> 6</u>
his military supe	promptly confessed his involvement in the murde erior and the head of the official Army team inve o mitigate imposition of the death penalty.	· · · · · · · · · · · · · · · · · · ·
	Number of jurors who so find	
confessions, PFC	hony Yribe taken the proper and required steps to r C Green would have been prosecuted, tried, and ser m Code of Military Justice, and this fact tends to r	ntenced by a military court
	Number of jurors who so find	
while Sgt. Paul C	n never lied to his military superiors about his inv Cortez, Spc. Barker, PFC Spielman, PFC Bryan H did so, and this fact tends to mitigate imposition	loward, and Sgt. Anthony
	Number of jurors who so find	
24. Army person imposition of the	nel engaged in a cover-up of the murders, and the death penalty.	his fact tends to mitigate
	Number of jurors who so find	
25. PFC Steven C imposition of the	Green was 20 years of age on March 12, 2006, and death penalty.	this fact tends to mitigate
	Number of jurors who so find	

26. PFC Steven Green suffered from neurological and psychological his ability to function properly under the extreme stresses present in and this fact tends to mitigate imposition of the death penalty.	
Number of jurors who so find	
27. Steven Green suffers from a brain dysfunction which has impaire in the absence of strong support and guidance, and this fact tends to the death penalty.	
Number of jurors who so find	
28. Steven Green was subjected to emotional and physical abuse tends to mitigate imposition of the death penalty.	as a child, and this fact
Number of jurors who so find	_3
29. Steven Green was subject to neglect as a child, and this fact tends of the death penalty.	s to mitigate imposition
Number of jurors who so find	_3
30. Steven Green was deprived of the parental guidance and protect fact tends to mitigate imposition of the death penalty.	ion he needed, and this
Number of jurors who so find	3
31. Steven Green's schoolwork and behavior markedly improve supportive and structured environment, and this fact tends to mitigate penalty.	
Number of jurors who so find	
32. Steven Green has a positive relationship with many people who and this fact tends to mitigate imposition of the death penalty.	care for and love him,
Number of jurors who so find	_3
33. Steven Green joined the United States Army in a time of war, kno sent into life threatening combat, and this fact tends to mitigate in penalty.	•
Number of jurors who so find	2

34. Steven Green did well at boot camp and was a good solider who served honorably until an unusually high number of horrific losses of his friends, fellow soldiers, and respected leaders at the hands of insurgents overwhelmed and broke him, and this fact tends to mitigate

		Number of jurors	who so find	
		reen sought help for his psy fact tends to mitigate impo	•	•
		Number of jurors	who so find	
		reen may be rehabilitated if d this fact tends to mitigate		=
		Number of jurors	who so find	3
	without the p	Green is not sentenced to de cossibility of release and we the death penalty.		
		Number of jurors	who so find	
. •		Green receives the death pend this fact tends to mitigate	• • • • • • • • • • • • • • • • • • • •	
		Number of jurors	who so find	_2_
	circumstance	tors in PFC Steven Green' of the offense that any jure s is a statutory mitigating fa	or finds mitigate agains	
		Section V (Mitigating Factor		y, however to specifically
ddition rticul imply	onal mitigating late such additio	nal factors. If you think the it into words so that you ca	ere is some other mitigat	•
ddition rticul imply	onal mitigating late such additio y not able to put	nal factors. If you think the it into words so that you ca	ere is some other mitigat	
ddition rticul imply	onal mitigating late such additio y not able to put	nal factors. If you think the it into words so that you ca	ere is some other mitigat	•

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		Number of jurors who so find		0
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		Number of jurors who so find		
4.			· ·	
			•	·
		Number of jurors who so find		
5.				
	· · · · · · · · · · · · · · · · · · ·	Number of jurors who so find		O

Instruction: Please proceed to Section VI: Sentencing Decisions. Continue your deliberations by filling out either Decision Form A imposing a sentence of death, Decision Form B imposing a sentence of life imprisonment without the possibility of release, or Decision Form C as appropriate.

Decision Form A Imposing Sentence of Death

Based upon 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, and whether death is therefore the appropriate sentence in this case:

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		Foreperson
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Decision Form B Imposing Sentence of Life Imprisonment Without Possibility of Release

Based upon 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, and whether death is therefore the appropriate sentence in this case:

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		Foreperson	•

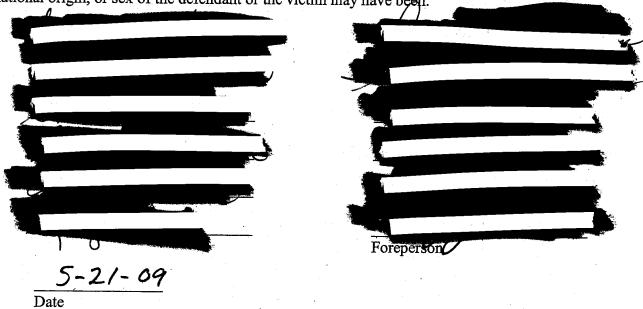
Decision Form C Deadlock as to Sentence

Despite all reasonable efforts to reach unanimous agreement, we, the Jury, are unable to reach a unanimous decision on either a sentence of death or a sentence of life imprisonment without the possibility of release



Section VII: Certificate as to Count 13

By signing below, each of us individually certifies that consideration of the race, color, religious beliefs, national origin, or sex of Steven Green and of the victims, was not involved in reaching our respective individual decisions. Each of us individually further certifies that the same decision regarding a sentence would have been made no matter what the race, color, religious beliefs, national origin, or sex of the defendant or the victim may have been.



Please proceed to the Special Verdict Form for Count 14.

Case 5:06-cr-00019-TBR Document 257-10 Filed 05/21/2009 Page 1 of 17

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF KENTUCKY 21 P6:17
PADUCAH DIVISION
CRIMINAL ACTION NO.: 5:06-CR:19:RICED COURT CLEE

UNITED STATES V. STEVEN DALE GREEN

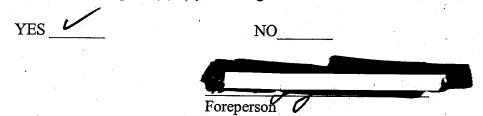
SPECIAL VERDICT FORM

Count 14

SECTION I. AGE OF DEFENDANT Count 14

Instructions: Answer "YES" or "NO."

Do you, the jury, unanimously find the government has established beyond a reasonable doubt that the defendant was eighteen (18) years of age or older at the time of the offense?



If you have answered "YES" please continue to Section II: Threshold Mental State. If you have answered "NO" cease your deliberations with respect to this Count, and proceed to Section VII: Certification.

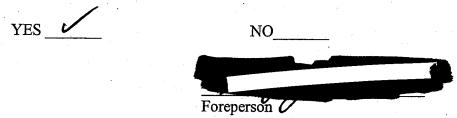
SECTION II. THRESHOLD MENTAL STATE FACTORS Count 14

Instructions: For each of the following, answer "YES" or "NO."

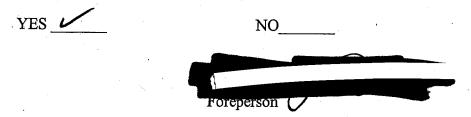
(A) Do you, the jury, unanimously find that the government has proved beyond a	i reasonable
doubt that the defendant intentionally killed Hadeel Al-Janabi?	

YES	- NO
	Foreperson O

(B) Do you, the jury, unanimously find that the government has proved beyond a reasonable doubt that the defendant intentionally inflicted serious bodily injury that resulted in the death of Hadeel Al-Janabi?



(C) Do you, the jury, unanimously find that the government has proved beyond a reasonable doubt that the defendant intentionally participated in an act, contemplating that the life of a person 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 Hadeel Al-Janabi died as a result of the act?



Document 257-10

(D) Do you, the jury, unanimously find that the government has proved beyond a reasonable doubt that the defendant intentionally and specifically engaged in an act of violence, knowing that the act created a grave risk of death to a person, other than one of the participants in the offense, such that participation in the act constituted a reckless disregard for human life and Hadeel Al-Janabi died as a direct result of the act?

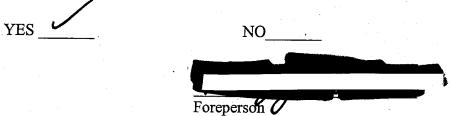
YES V	NO	
	Forepers /h	

Instruction: If you have answered "YES" to either A, B, C, or D, please continue to Section III: Statutory Aggravating Factors. If you have answered "NO" to A, B, C, and D, cease your deliberations with respect to this Count, and proceed to Section VII: Certification.

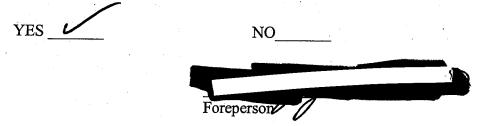
SECTION III. Statutory Aggravating Factors Count 14

Instructions: For each of the following, answer "YES" or "NO."

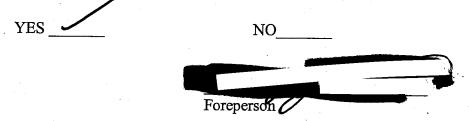
(A) Do you, the jury, unanimously find that the government has established beyond a	
reasonable doubt that the defendant committed the offense of premeditated murder after	r
substantial planning and premeditation to cause the death of Hadeel Al-Janabi, as set of	
in Instruction No. 3?	



(B) Do you, the jury, unanimously find that the government has established beyond a reasonable doubt that the victim, Hadeel Al-Janabi, was particularly vulnerable due to youth, as set out in Instruction No. 3?



(C) Do you, the jury, unanimously find beyond a reasonable doubt that the government has established beyond a reasonable doubt that the defendant intentionally killed more than one person in a single criminal episode, as set out in Instruction No. 3?



Instruction: If you answered "YES" to either A, B, or C, please continue to Section IV: Non-Statutory Aggravating Factors. If you answered "NO" to all of the statutory aggravating factors set out in Section III, then stop your deliberations as to this Count, cross out Sections IV, V, and VI of this form, and proceed to Section VII of this form.

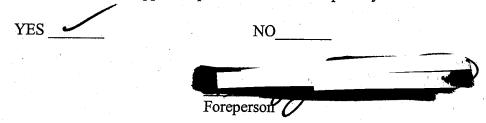
Section IV. Non-Statutory Aggravating Factors Count 14

Instructions: For each of the following, answer "YES" or "NO."

(A) Do you, the jury, unanimously find that the government has proved beyond a reasonable doubt that the defendant killed Hadeel Al-Janabi in order to eliminate her as a possible witness to his crimes, and that fact tends to support imposition of the death penalty?

		* .	•	
YES_	•	NO	·	
		Foreperson		

(B) Do you, the jury, unanimously find that the government has proved beyond a reasonable doubt that the defendant caused injury, harm, and loss to the family of Hadeel Al-Janabi, as evidenced by her personal characteristics as a human being and the impact of her death on her family, and that fact tends to support imposition of the death penalty?



Instruction: Regardless of whether you answered "YES" or "NO" with respect to these non-statutory aggravating factors, please proceed to Section V: Mitigating Factors.

Section V: Mitigating Factors Count 14

Instructions: For each of the following mitigating factors indicate, in the space p p

roven by a prep	imber of jurors who have found the existence of that ponderance of the evidence. Extra spaces are provided additional mitigating factors found by one or more j	ded at the end of the
1. Sgt. Pau statutory n	ul Cortez, equally culpable in the crime, will not be pur mitigating factor.	nished by death. This is a
	Number of jurors who so find	3
	nes Barker, equally culpable in the crime, will not be purmitigating factor.	unished by death. This is
	Number of jurors who so find	3
conform co	een's capacity to appreciate the wrongfulness of the donduct to the requirements of law was significantly impair y was so impaired as to constitute a defense to the chafactor.	red, regardless of whether
	Number of jurors who so find	_3
4. PFC Great a statutory is	en committed the offense under severe mental or emotion mitigating factor.	onal disturbance. This is
	Number of jurors who so find	_5_
5. The defer a statutory r	ndant did not have a significant prior history of other cr mitigating factor.	riminal conduct. This is
	Number of jurors who so find	_5_
Spielman for imprisonme	riminal prosecutions of Sgt. Paul Cortez, Spc. James or their involvement in the murders, the United Stant that will make each of them eligible for parole in 10 y imposition of the death penalty.	ates imposed terms of
	Number of jurors who so find	<u>•3</u>

7. Steven Green offered to reenlist in the Army. If allowed back in the Army, PFC Green
would have again been subject to the Uniform Code of Military Justice and could have been
fully prosecuted and punished in the military system for the murders, as were Sgt. Paul
Cortez, Spc. James Barker, PFC Jesse Spielman, and PFC Bryan Howard. Steven Green
offered to re-enter the Army and subject himself to prosecution and punishment for the
murders under the Uniform Code of Military Justice, the United States Army declined to
accept his offer to reenlist, and these facts tend to mitigate imposition of the death penalty.
Number of jurges who so find

would have again been subject to the Uniform Code of Military Justice and of fully prosecuted and punished in the military system for the murders, as Cortez, Spc. James Barker, PFC Jesse Spielman, and PFC Bryan Howard offered to re-enter the Army and subject himself to prosecution and punimurders under the Uniform Code of Military Justice, the United States Ar accept his offer to reenlist, and these facts tend to mitigate imposition of the	were Sgt. Paul I. Steven Green ishment for the rmy declined to
Number of jurors who so find	_6_
8. After Green was discharged, the United States could have tried Paul Cortez Jesse Spielman, and the defendant together in this court under civilian law a before a civilian judge and jury for their involvement in the murders; or the Accepted Green's offer to reenlist and tried all of them in military court under procedures of the Uniform Code of Military Justice before a military judge are fact tends to mitigate imposition of the death penalty.	and procedures rmy could have der the law and
Number of jurors who so find	6
9. This case should have been tried in the military justice system under the of Military Justice, as were the cases of Sgt. Paul Cortez, Spc. James Bark Spielman, PFC Bryan Howard, and Sgt. Anthony Yribe, and this fact ten imposition of the death penalty.	ker, PFC Jesse
Number of jurors who so find	6_
10. The favorable plea agreements offered to and the lenient sentences imposed Cortez, Spc. James Barker, PFC Jesse Spielman, PFC Bryan Howard, and Yribe were offered favorable plea agreements and lenient sentences, and this mitigate imposition of the death penalty.	Sgt. Anthony
Number of jurors who so find	3
11. PFC Green's combat stress was a substantial factor that contributed to the this fact tends to mitigate imposition of the death penalty.	offenses, and

a high risk of homicidal conduct against Iraqi citizens due to his comb him to the field without proper treatment or follow up, and this fi imposition of the death penalty.	at stress, but returned
Number of jurors who so find	5
13. PFC Steven Green was suffering from psychological impairments of by the United States Army and could have and should have been proponot, and this fact tends to mitigate imposition of the death penalty.	which were identified erly treated, but were
Number of jurors who so find	_5_
14. The Army should have declared PFC Green's platoon and squad to and withdrawn them from TCP duty, and this fact tends to mitigate impenalty.	be not combat ready position of the death
Number of jurors who so find	4
15. Failure of the Army command to provide adequate command, cont of 1st Platoon and 1st Squad contributed to the murders, and this faimposition of the death penalty.	rol, and supervision ct tends to mitigate
Number of jurors who so find	_5_
16. PFC Green's platoon and squad suffered greater casualties and loss and this fact tends to mitigate imposition of the death penalty.	ses than other units,
Number of jurors who so find	
17. Failure of the Army command to recognize the unusually harsh and faced by 1st Platoon and 1st Squad contributed to the murders, and this faimposition of the death penalty.	stressful conditions act tends to mitigate
Number of jurors who so find	<u>2</u>
18. Failure of the Army command to adequately support 1st Plato contributed to the murders, and this fact tends to mitigate imposition of	on and 1st Squad the death penalty.
Number of jurors who so find	2

19. PFC Green executing the m	military superiors played a leadership role in nurders, and this fact tends to mitigate imposition	planning, authorizing, and of the death penalty.
	Number of jurors who so find	
20. PFC Green of superiors, Sgt. C penalty.	committed the offenses while under the influence cortez and Spc. Barker, and this fact tends to mitig	e and control of his military gate imposition of the death
	Number of jurors who so find	6
his military supe	promptly confessed his involvement in the murd erior and the head of the official Army team involvement imposition of the death penalty.	lers to Sgt. Anthony Yribe, estigating the killings, and
	Number of jurors who so find	
confessions, PFC	hony Yribe taken the proper and required steps to C Green would have been prosecuted, tried, and se m Code of Military Justice, and this fact tends to	entenced by a military court
	Number of jurors who so find	<u>5</u>
while Sgt. Paul C	never lied to his military superiors about his interest, Spc. Barker, PFC Spielman, PFC Bryan I did so, and this fact tends to mitigate imposition	Howard, and Sgt. Anthony
•	Number of jurors who so find	2
24. Army person imposition of the	nel engaged in a cover-up of the murders, and t death penalty.	this fact tends to mitigate
	Number of jurors who so find	_5_
25. PFC Steven G imposition of the	reen was 20 years of age on March 12, 2006, and death penalty.	this fact tends to mitigate
. •	Number of jurors who so find	0

26. PFC Steven Green suffered from neurological and psychological his ability to function properly under the extreme stresses present in and this fact tends to mitigate imposition of the death penalty.	problems that impaired the Triangle of Death,
Number of jurors who so find	<u> </u>
27. Steven Green suffers from a brain dysfunction which has impaired in the absence of strong support and guidance, and this fact tends to the death penalty.	d his ability to function mitigate imposition of
Number of jurors who so find	3
28. Steven Green was subjected to emotional and physical abuse a tends to mitigate imposition of the death penalty.	s a child, and this fact
Number of jurors who so find	3
29. Steven Green was subject to neglect as a child, and this fact tends of the death penalty.	to mitigate imposition
Number of jurors who so find	3
30. Steven Green was deprived of the parental guidance and protection fact tends to mitigate imposition of the death penalty.	on he needed, and this
Number of jurors who so find	3
31. Steven Green's schoolwork and behavior markedly improved supportive and structured environment, and this fact tends to mitigate in penalty.	I when he was in a mposition of the death
Number of jurors who so find	
32. Steven Green has a positive relationship with many people who cand this fact tends to mitigate imposition of the death penalty.	are for and love him,
Number of jurors who so find	_3_
33. Steven Green joined the United States Army in a time of war, know tent into life threatening combat, and this fact tends to mitigate impoenalty.	ving that he would be position of the death

	imposition of the death penalty.	4	
	Number of jurors who so find	<u></u>	
	35. Steven Green sought help for his psychological deterioration, be care, and this fact tends to mitigate imposition of the death penalty	out received substandard.	1
	Number of jurors who so find	_5	
	36. Steven Green may be rehabilitated if sentenced to life in prison of release, and this fact tends to mitigate imposition of the death per	n without the possibility enalty.	<i>J</i>
* * * * * * * * * * * * * * * * * * * *	Number of jurors who so find	3	
	37. If Steven Green is not sentenced to death, he will remain in prise without the possibility of release and will die in prison, and this	on for the rest of his life a fact tends to mitigate	; ·
	imposition of the death penalty.		
V.	imposition of the death penalty. Number of jurors who so find	_4_	
	imposition of the death penalty.	# embers and friends will	
	imposition of the death penalty. Number of jurors who so find 38. If Steven Green receives the death penalty, extended family me	# embers and friends will	
	Number of jurors who so find 38. If Steven Green receives the death penalty, extended family me suffer harm, and this fact tends to mitigate imposition of the death penalty.	embers and friends will benalty. 2 character or any other	
additional articul simply	Number of jurors who so find 38. If Steven Green receives the death penalty, extended family me suffer harm, and this fact tends to mitigate imposition of the death position o	embers and friends will benalty. 2 character or any other imposition of the death in the form to identify any however to specifically a factor present, but are	

2		
	Number of jurors who so find	
3.		
	Number of jurors who so find	0
4		
	Number of jurors who so find	0
5		
	Number of jurors who so find	

Instruction: Please proceed to Section VI: Sentencing Decisions. Continue your deliberations by filling out either Decision Form A imposing a sentence of death, Decision Form B imposing a sentence of life imprisonment without the possibility of release, or Decision Form C as appropriate.

Decision Form A Imposing Sentence of Death

Based upon 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, and whether death is therefore the appropriate sentence in this case:

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eath be imposed.									

Decision Form B Imposing Sentence of Life Imprisonment Without Possibility of Release

Based upon 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, and whether death is therefore the appropriate sentence in this case:

	Foreper	son		
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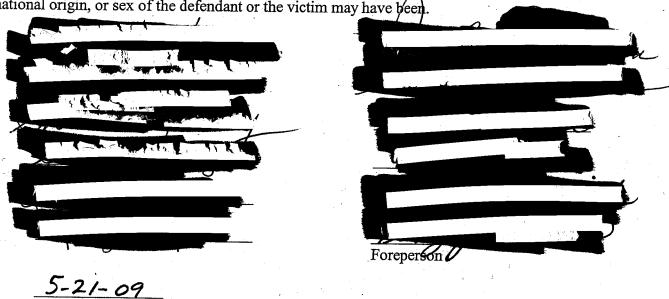
Decision Form C Deadlock as to Sentence

Despite all reasonable efforts to reach unanimous agreement, we, the Jury, are unable to reach a unanimous decision on either a sentence of death or a sentence of life imprisonment without the possibility of release

5-21-09 Date Foreperson

Section VII: Certificate as to Count 14

By signing below, each of us individually certifies that consideration of the race, color, religious beliefs, national origin, or sex of Steven Green and of the victims, was not involved in reaching our respective individual decisions. Each of us individually further certifies that the same decision regarding a sentence would have been made no matter what the race, color, religious beliefs, national origin, or sex of the defendant or the victim may have been.



Please proceed to the Special Verdict Form for Count 15.

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF KENTJUCKY P6:17
PADUCAH DIVISION
CRIMINAL ACTION NO.: 5:06-CR-19-R

UNITED STATES V. STEVEN DALE GREEN

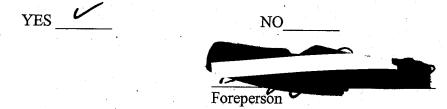
SPECIAL VERDICT FORM

Count 15

SECTION I. AGE OF DEFENDANT Count 15

Instructions: Answer "YES" or "NO."

Do you, the jury, unanimously find the government has established beyond a reasonable doubt that the defendant was eighteen (18) years of age or older at the time of the offense?



If you have answered "YES" please continue to Section II: Threshold Mental State. If you have answered "NO" cease your deliberations with respect to this Count, and proceed to Section VII: Certification.

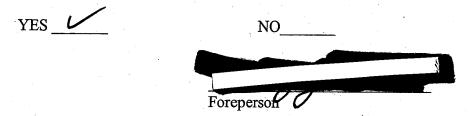
SECTION II. THRESHOLD MENTAL STATE FACTORS Count 15

Instructions: For each of the following, answer "YES" or "NO."

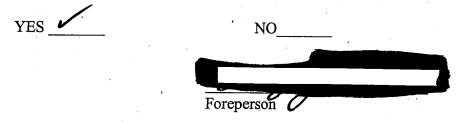
(A) Do you, the jury, unanimously find that the government has proved beyond a reasonable doubt that the defendant intentionally killed Kassem Al-Janabi?

YES	NO
	Foreperson 0

(B) Do you, the jury, unanimously find that the government has proved beyond a reasonable doubt that the defendant intentionally inflicted serious bodily injury that resulted in the death of Kassem Al-Janabi?



(C) Do you, the jury, unanimously find that the government has proved beyond a reasonable doubt that the defendant intentionally participated in an act, contemplating that the life of a person 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 Kassem Al-Janabi died as a result of the act?



(D) Do you, the jury, unanimously find that the government has proved beyond a reasonable doubt that the defendant intentionally and specifically engaged in an act of violence, knowing that the act created a grave risk of death to a person, other than one of the participants in the offense, such that participation in the act constituted a reckless disregard for human life and Kassem Al-Janabi died as a direct result of the act?

YES	NO
	· ·
	Foreperson

Instruction: If you have answered "YES" to either A, B, C, or D, please continue to Section III: Statutory Aggravating Factors. If you have answered "NO" to A, B, C, and D, cease your deliberations with respect to this Count, and proceed to Section VII: Certification.

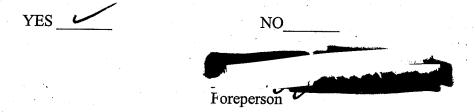
SECTION III. Statutory Aggravating Factors Count 15

Instructions: For each of the following, answer "YES" or "NO."

(A) Do you, the jury, unanimously find that the government has established beyond a reasonable doubt that the defendant committed the offense of premeditated murder after substantial planning and premeditation to cause the death of Kassem Al-Janabi, as set out in Instruction No. 3?

YES_	NO	•	• •
	Foreperson /		

(B) Do you, the jury, unanimously find beyond a reasonable doubt that the government has established beyond a reasonable doubt that the defendant intentionally killed more than one person in a single criminal episode, as set out in Instruction No. 3?



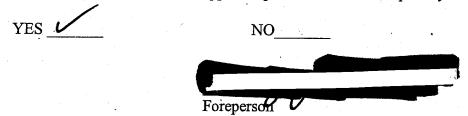
Instruction: If you answered "YES" to either A or B please continue to Section IV: Non-Statutory Aggravating Factors. If you answered "NO" to all of the statutory aggravating factors set out in Section III, then stop your deliberations as to this Count, cross out Sections IV, V, and VI of this form, and proceed to Section VII of this form.

Filed 05/21/2009

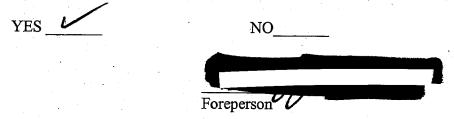
Section IV. Non-Statutory Aggravating Factors Count 15

Instructions: For each of the following, answer "YES" or "NO."

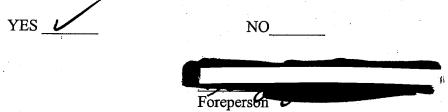
(A) Do you, the jury, unanimously find that the government has proved beyond a reasonable doubt that the defendant killed Kassem Al-Janabi in order to eliminate him as a possible witness to his crimes, and that fact tends to support imposition of the death penalty?



(B) Do you, the jury, unanimously find that the government has proved beyond a reasonable doubt that the defendant caused injury, harm, and loss to the family of Kassem Al-Janabi, as evidenced by his personal characteristics as a human being and the impact of his death on his family, and that fact tends to support imposition of the death penalty?



(C) Do you, the jury, unanimously find that the government has proved beyond a reasonable doubt that the injuries caused by the defendant extend especially to the two minor children orphaned as a result of their parents' death and to those presently caring for the children, and that fact tends to support imposition of the death penalty.



Instruction: Regardless of whether you answered "YES" or "NO" with respect to these non-statutory aggravating factors, please proceed to Section V: Mitigating Factors.

a

Section V: Mitigating Factors Count 15

<u>Instructions</u>: For each of the following mitigating factors indicate, in the space provided, the number of jurors who have found the existence of that mitigating factor to be sec

oven by a prepon	iderance of the evidence. Extra spaces are p litional mitigating factors found by one or m	rovided at the end of the
1. Sgt. Paul C statutory miti	Cortez, equally culpable in the crime, will not b gating factor.	e punished by death. This is a
	Number of jurors who so find	_3_
2. Spc. James a statutory mi	Barker, equally culpable in the crime, will not tigating factor.	be punished by death. This is
	Number of jurors who so find	3
conform condi	's capacity to appreciate the wrongfulness of the suct to the requirements of law was significantly in the second as to constitute a defense to the tor.	mpaired, regardless of whether
	Number of jurors who so find	3
4. PFC Green of a statutory mit	committed the offense under severe mental or enigating factor.	motional disturbance. This is
	Number of jurors who so find	_5_
5. The defenda a statutory miti	ant did not have a significant prior history of othigating factor.	ner criminal conduct. This is
	Number of jurors who so find	_5
Spielman for timprisonment t	inal prosecutions of Sgt. Paul Cortez, Spc. Ja their involvement in the murders, the Unite hat will make each of them eligible for parole in osition of the death penalty.	d States imposed terms of
	Number of jurors who so find	<u>3</u>

7. Steven Green offered to reenlist in the Army. If allowed back in the would have again been subject to the Uniform Code of Military Justice a fully prosecuted and punished in the military system for the murders Cortez, Spc. James Barker, PFC Jesse Spielman, and PFC Bryan How offered to re-enter the Army and subject himself to prosecution and murders under the Uniform Code of Military Justice, the United States accept his offer to reenlist, and these facts tend to mitigate imposition of	and could have been, as were Sgt. Paul ward. Steven Green punishment for the s Army declined to
Number of jurors who so find	6
8. After Green was discharged, the United States could have tried Paul Co Jesse Spielman, and the defendant together in this court under civilian I before a civilian judge and jury for their involvement in the murders; or the accepted Green's offer to reenlist and tried all of them in military court procedures of the Uniform Code of Military Justice before a military judge fact tends to mitigate imposition of the death penalty.	aw and procedures the Army could have the law and
Number of jurors who so find	6
9. This case should have been tried in the military justice system under of Military Justice, as were the cases of Sgt. Paul Cortez, Spc. James I Spielman, PFC Bryan Howard, and Sgt. Anthony Yribe, and this fact imposition of the death penalty.	Barker, PFC Jesse
Number of jurors who so find	_6_
10. The favorable plea agreements offered to and the lenient sentences importez, Spc. James Barker, PFC Jesse Spielman, PFC Bryan Howard, Yribe were offered favorable plea agreements and lenient sentences, and mitigate imposition of the death penalty.	and Sgt. Anthony
Number of jurors who so find	3
11. PFC Green's combat stress was a substantial factor that contributed to this fact tends to mitigate imposition of the death penalty.	the offenses, and

Number of jurors who so find

12. The Army command and Combat Stress Control personnel knew a high risk of homicidal conduct against Iraqi citizens due to his con him to the field without proper treatment or follow up, and this imposition of the death penalty.	nbat stress, but returned
Number of jurors who so find	_5
13. PFC Steven Green was suffering from psychological impairment by the United States Army and could have and should have been pro- not, and this fact tends to mitigate imposition of the death penalty.	s which were identified operly treated, but were
Number of jurors who so find	5
14. The Army should have declared PFC Green's platoon and squad and withdrawn them from TCP duty, and this fact tends to mitigate i penalty.	to be not combat ready imposition of the death
Number of jurors who so find	
15. Failure of the Army command to provide adequate command, co of 1st Platoon and 1st Squad contributed to the murders, and this imposition of the death penalty.	ontrol, and supervision fact tends to mitigate
Number of jurors who so find	_5_
16. PFC Green's platoon and squad suffered greater casualties and loand this fact tends to mitigate imposition of the death penalty.	osses than other units,
Number of jurors who so find	2
17. Failure of the Army command to recognize the unusually harsh an faced by 1st Platoon and 1st Squad contributed to the murders, and this imposition of the death penalty.	nd stressful conditions s fact tends to mitigate
Number of jurors who so find	_2_
8. Failure of the Army command to adequately support 1st Pla contributed to the murders, and this fact tends to mitigate imposition	atoon and 1st Squad of the death penalty

Number of jurors who so find

	nurders, and this fact tends to mitigate imposition	
	Number of jurors who so find	5
20. PFC Green superiors, Sgt. openalty.	committed the offenses while under the influence and Spc. Barker, and this fact tends to mitigate	and control of his military ate imposition of the death
	Number of jurors who so find	6
his military sup	promptly confessed his involvement in the murder erior and the head of the official Army team investor mitigate imposition of the death penalty.	rs to Sgt. Anthony Yribe, stigating the killings, and
	Number of jurors who so find	2
confessions, PF	thony Yribe taken the proper and required steps to re C Green would have been prosecuted, tried, and sen m Code of Military Justice, and this fact tends to n	tenced by a military court
	Number of jurors who so find	_5_
while Sgt. Paul (n never lied to his military superiors about his invo Cortez, Spc. Barker, PFC Spielman, PFC Bryan Ho did so, and this fact tends to mitigate imposition	oward, and Sgt. Anthony
	Number of jurors who so find	
24. Army person imposition of the	mel engaged in a cover-up of the murders, and the death penalty.	is fact tends to mitigate
•	Number of jurors who so find	
25. PFC Steven Composition of the	Green was 20 years of age on March 12, 2006, and the death penalty.	nis fact tends to mitigate
	Number of jurors who so find	0

his ability to	ven Green suffered from neurological and psychologor function properly under the extreme stresses present tends to mitigate imposition of the death penalty.	ical problems that impaired nt in the Triangle of Death,
•	Number of jurors who so find	<u> 4</u>
27. Steven G in the absence the death per	breen suffers from a brain dysfunction which has impose of strong support and guidance, and this fact tendualty.	aired his ability to function s to mitigate imposition of
	Number of jurors who so find	_3_
	Green was subjected to emotional and physical abugate imposition of the death penalty.	se as a child, and this fact
	Number of jurors who so find	3
29. Steven G of the death p	reen was subject to neglect as a child, and this fact te benalty.	nds to mitigate imposition
	Number of jurors who so find	3
30. Steven G fact tends to r	reen was deprived of the parental guidance and protentigate imposition of the death penalty.	ection he needed, and this
•	Number of jurors who so find	3
31. Steven G supportive and penalty.	Green's schoolwork and behavior markedly improduced structured environment, and this fact tends to mitigate	oved when he was in a ate imposition of the death
	Number of jurors who so find	2
32. Steven Grand this fact to	een has a positive relationship with many people wlends to mitigate imposition of the death penalty.	no care for and love him,
	Number of jurors who so find	3
33. Steven Gresent into life to be alty.	een joined the United States Army in a time of war, k threatening combat, and this fact tends to mitigate	nowing that he would be imposition of the death
<i>y</i> * 	Number of jurors who so find	

	34. Steven Green did well at boot camp and was a good solider whan unusually high number of horrific losses of his friends, fellow leaders at the hands of insurgents overwhelmed and broke him, and imposition of the death penalty.	v soldiers, and respected
		4
	Number of jurors who so find	
	35. Steven Green sought help for his psychological deterioration, to care, and this fact tends to mitigate imposition of the death penalty	out received substandard
	Number of jurors who so find	_5_
	36. Steven Green may be rehabilitated if sentenced to life in prison of release, and this fact tends to mitigate imposition of the death pe	n without the possibility enalty.
	Number of jurors who so find	3
	37. If Steven Green is not sentenced to death, he will remain in prise without the possibility of release and will die in prison, and this imposition of the death penalty.	on for the rest of his life s fact tends to mitigate
	Number of jurors who so find	4
	38. If Steven Green receives the death penalty, extended family me suffer harm, and this fact tends to mitigate imposition of the death 1	embers and friends will penalty.
	Number of jurors who so find	
	39. Other factors in PFC Steven Green's background, record, or circumstance of the offense that any juror finds mitigate against it sentence. This is a statutory mitigating factor.	character or any other mposition of the death
addition articular simply	are spaces in Section V (Mitigating Factors) of the Special Verdictional mitigating factors that any one of you finds. It is not necessary, have such additional factors. If you think there is some other mitigating y not able to put it into words so that you can write it down on a list, you your full consideration.	nowever to specifically g factor present, but are
	1	

Number of jurors who so find

2		
	Number of jurors who so find	0
3		•
	Number of jurors who so find	
4		
· · · · · · · · · · · · · · · · · · ·	Number of jurors who so find	
5		
•	Number of jurors who so find	

Instruction: Please proceed to Section VI: Sentencing Decisions. Continue your deliberations by filling out either Decision Form A imposing a sentence of death, Decision Form B imposing a sentence of life imprisonment without the possibility of release, or Decision Form C as appropriate.

Decision Form A Imposing Sentence of Death

Based upon 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, and whether death is therefore the appropriate sentence in this case:

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	•				Foreperson

Decision Form B Imposing Sentence of Life Imprisonment Without Possibility of Release

Based upon 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, and whether death is therefore the appropriate sentence in this case:

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		Forenerson	Forenerson	Forenerson	Foreperson

Decision Form C Deadlock as to Sentence

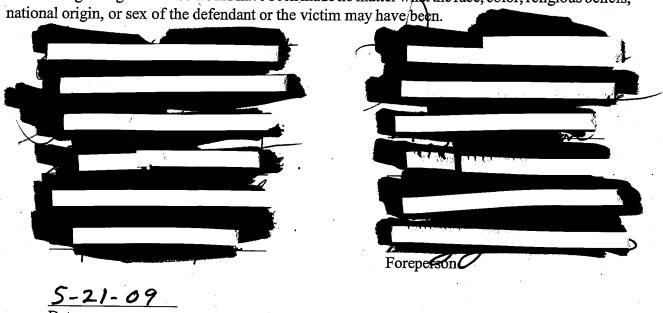
Despite all reasonable efforts to reach unanimous agreement, we, the Jury, are unable to reach a unanimous decision on either a sentence of death or a sentence of life imprisonment without the possibility of release

Foreperson

5-21-09 Date

Section VII: Certificate as to Count 15

By signing below, each of us individually certifies that consideration of the race, color, religious beliefs, national origin, or sex of Steven Green and of the victims, was not involved in reaching our respective individual decisions. Each of us individually further certifies that the same decision regarding a sentence would have been made no matter what the race, color, religious beliefs, national origin, or sex of the defendant or the victim may have been



Please proceed to the Special Verdict Form for Count 16.

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF KENTUCKY
PADUCAH DIVISION
CRIMINAL ACTION NO.: 5:06-CR-19-RLED
COURT CLEEN

UNITED STATES V. STEVEN DALE GREEN

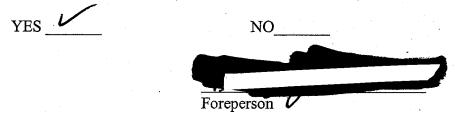
SPECIAL VERDICT FORM

Count 16

SECTION I. AGE OF DEFENDANT Count 16

Instructions: Answer "YES" or "NO."

Do you, the jury, unanimously find the government has established beyond a reasonable doubt that the defendant was eighteen (18) years of age or older at the time of the offense?



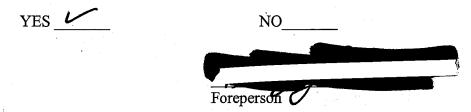
Page 2 of 17

If you have answered "YES" please continue to Section II: Threshold Mental State. If you have answered "NO" cease your deliberations with respect to this Count, and proceed to Section VII: Certification.

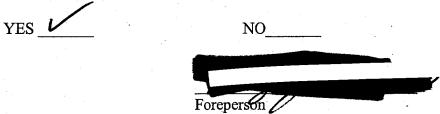
SECTION II. THRESHOLD MENTAL STATE FACTORS Count 16

Instructions: For each of the following, answer "YES" or "NO."

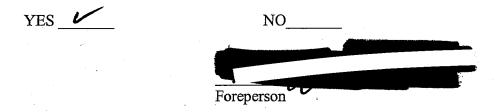
(A) Do you, the jury, unanimously find that the government has proved beyond a reasonable doubt that the defendant intentionally killed Fakhriya Al-Janabi?



(B) Do you, the jury, unanimously find that the government has proved beyond a reasonable doubt that the defendant intentionally inflicted serious bodily injury that resulted in the death of Fakhriya Al-Janabi?



(C) Do you, the jury, unanimously find that the government has proved beyond a reasonable doubt that the defendant intentionally participated in an act, contemplating that the life of a person 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 Fakhriya Al-Janabi died as a result of the act?



(D) Do you, the jury, unanimously find that the government has proved beyond a reasonable doubt that the defendant intentionally and specifically engaged in an act of violence, knowing that the act created a grave risk of death to a person, other than one of the participants in the offense, such that participation in the act constituted a reckless disregard for human life and Fakhriya Al-Janabi died as a direct result of the act?

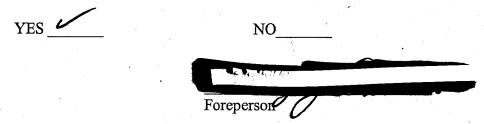
YES	NO	
	Foreperson	

Instruction: If you have answered "YES" to either A, B, C, or D, please continue to Section III: Statutory Aggravating Factors. If you have answered "NO" to A, B, C, and D, cease your deliberations with respect to this Count, and proceed to Section VII: Certification.

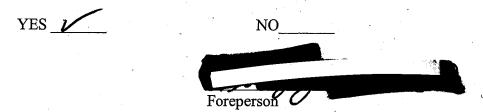
SECTION III. Statutory Aggravating Factors Count 16

Instructions: For each of the following, answer "YES" or "NO."

(A) Do you, the jury, unanimously find that the government has established beyond a reasonable doubt that the defendant committed the offense of premeditated murder after substantial planning and premeditation to cause the death of Fakhriya Al-Janabi, as set out in Instruction No. 3?



(B) Do you, the jury, unanimously find beyond a reasonable doubt that the government has established beyond a reasonable doubt that the defendant intentionally killed more than one person in a single criminal episode, as set out in Instruction No. 3?

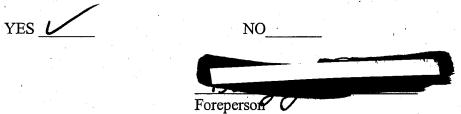


Instruction: If you answered "YES" to either A or B please continue to Section IV: Non-Statutory Aggravating Factors. If you answered "NO" to all of the statutory aggravating factors set out in Section III, then stop your deliberations as to this Count, cross out Sections IV, V, and VI of this form, and proceed to Section VII of this form.

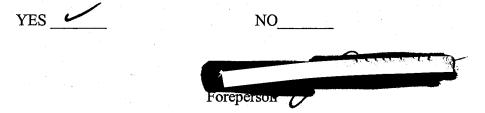
Section IV. Non-Statutory Aggravating Factors Count 16

Instructions: For each of the following, answer "YES" or "NO."

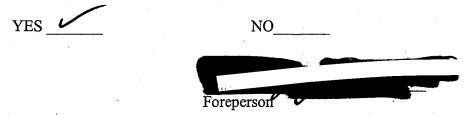
(A) Do you, the jury, unanimously find that the government has proved beyond a reasonable doubt that the defendant killed Fakhriya Al-Janabi in order to eliminate her as a possible witness to his crimes, and that fact tends to support imposition of the death penalty?



(B) Do you, the jury, unanimously find that the government has proved beyond a reasonable doubt that the defendant caused injury, harm, and loss to the family of Fakhriya Al-Janabi, as evidenced by her personal characteristics as a human being and the impact of her death on her family, and that fact tends to support imposition of the death penalty?



(C) Do you, the jury, unanimously find that the government has proved beyond a reasonable doubt that the injuries caused by the defendant extend especially to the two minor children orphaned as a result of their parents' death and to those presently caring for the children, and that fact tends to support imposition of the death penalty.



Instruction: Regardless of whether you answered "YES" or "NO" with respect to these nonstatutory aggravating factors, please proceed to Section V: Mitigating Factors.

Case 5:06-cr-00019-TBR

Section V: Mitigating Factors Count 16

<u>Instructions</u>: For each of the following mitigating factors indicate, in the space provided, the number of jurors who have found the existence of that mitigating factor to be proven by a preponderance of the evidence. Extra spaces are provided at the end of the section

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7. Steven Green offered to reenlist in the Army. If allowed back in the Army, PFC Green ul en he to y.

would have again been subject to the Uniform Code of Military Justice and could have been fully prosecuted and punished in the military system for the murders, as were Sgt. Paul Cortez, Spc. James Barker, PFC Jesse Spielman, and PFC Bryan Howard. Steven Green offered to re-enter the Army and subject himself to prosecution and punishment for the murders under the Uniform Code of Military Justice, the United States Army declined to accept his offer to reenlist, and these facts tend to mitigate imposition of the death penalty.
Number of jurors who so find 6
8. After Green was discharged, the United States could have tried Paul Cortez, James Barker, Jesse Spielman, and the defendant together in this court under civilian law and procedures before a civilian judge and jury for their involvement in the murders; or the Army could have accepted Green's offer to reenlist and tried all of them in military court under the law and procedures of the Uniform Code of Military Justice before a military judge and jury, and this fact tends to mitigate imposition of the death penalty.
Number of jurors who so find 6
9. This case should have been tried in the military justice system under the Uniform Code of Military Justice, as were the cases of Sgt. Paul Cortez, Spc. James Barker, PFC Jesse Spielman, PFC Bryan Howard, and Sgt. Anthony Yribe, and this fact tends to mitigate imposition of the death penalty.
Number of jurors who so find 6
10. The favorable plea agreements offered to and the lenient sentences imposed on Sgt. Paul Cortez, Spc. James Barker, PFC Jesse Spielman, PFC Bryan Howard, and Sgt. Anthony Yribe were offered favorable plea agreements and lenient sentences, and this fact tends to mitigate imposition of the death penalty.
Number of jurors who so find
11. PFC Green's combat stress was a substantial factor that contributed to the offenses, and this fact tends to mitigate imposition of the death penalty.
Number of jurors who so find

12. The Army command and Combat Stress Control personnel knew that a high risk of homicidal conduct against Iraqi citizens due to his combat shim to the field without proper treatment or follow up, and this fact imposition of the death penalty.	stress, but returned
Number of jurors who so find	
13. PFC Steven Green was suffering from psychological impairments whi by the United States Army and could have and should have been properly not, and this fact tends to mitigate imposition of the death penalty.	
Number of jurors who so find	
14. The Army should have declared PFC Green's platoon and squad to be and withdrawn them from TCP duty, and this fact tends to mitigate impospenalty.	
Number of jurors who so find	
15. Failure of the Army command to provide adequate command, control of 1st Platoon and 1st Squad contributed to the murders, and this fact imposition of the death penalty.	•
Number of jurors who so find	
16. PFC Green's platoon and squad suffered greater casualties and losses and this fact tends to mitigate imposition of the death penalty.	than other units,
Number of jurors who so find	
17. Failure of the Army command to recognize the unusually harsh and str faced by 1st Platoon and 1st Squad contributed to the murders, and this fact imposition of the death penalty.	
Number of jurors who so find	_2_
18. Failure of the Army command to adequately support 1st Platoon contributed to the murders, and this fact tends to mitigate imposition of the	-
Number of jurors who so find	2

executing the murders, and this fact tends to mitigate imposition of the	O-
Number of jurors who so find	5
20. PFC Green committed the offenses while under the influence and c superiors, Sgt. Cortez and Spc. Barker, and this fact tends to mitigate impenalty.	
Number of jurors who so find	6
21. PFC Green promptly confessed his involvement in the murders to his military superior and the head of the official Army team investigat this fact tends to mitigate imposition of the death penalty.	
his military superior and the head of the official Army team investigating the killings this fact tends to mitigate imposition of the death penalty. Number of jurors who so find 2. 22. Had Sgt. Anthony Yribe taken the proper and required steps to report PFC Green's ti confessions, PFC Green would have been prosecuted, tried, and sentenced by a military under the Uniform Code of Military Justice, and this fact tends to mitigate imposition of death penalty. Number of jurors who so find 23. Steven Green never lied to his military superiors about his involvement in the mure	
confessions, PFC Green would have been prosecuted, tried, and sentence under the Uniform Code of Military Justice, and this fact tends to mitigate the confessions.	ed by a military court
Number of jurors who so find	_5
23. Steven Green never lied to his military superiors about his involven while Sgt. Paul Cortez, Spc. Barker, PFC Spielman, PFC Bryan Howard Yribe repeatedly did so, and this fact tends to mitigate imposition of the	d, and Sgt. Anthony
Number of jurors who so find	2
24. Army personnel engaged in a cover-up of the murders, and this facint imposition of the death penalty.	ct tends to mitigate
Number of jurors who so find	_5
25. PFC Steven Green was 20 years of age on March 12, 2006, and this fa imposition of the death penalty.	act tends to mitigate
Number of jurors who so find	_6_

his ability to func	reen suffered from neurologica tion properly under the extrem s to mitigate imposition of the	ne stresses present in	= · ·
	Number of jurors who so	find	_4_
	suffers from a brain dysfunctio strong support and guidance, a		
	Number of jurors who so	find	_3
	was subjected to emotional amposition of the death penalty		s a child, and this fact
	Number of jurors who so	find	
29. Steven Green of the death penalt	was subject to neglect as a chil	d, and this fact tends	to mitigate imposition
	Number of jurors who so	find	3
	was deprived of the parental g ate imposition of the death per	-	on he needed, and this
	Number of jurors who so	find	_3_
	's schoolwork and behavior ctured environment, and this fa		
	Number of jurors who so	find	
	nas a positive relationship with to mitigate imposition of the c	* * *	are for and love him,
	Number of jurors who so	find	_3
	oined the United States Army i tening combat, and this fact t	,	,
	Number of jurors who so f	find	

34. Steven Green did well at boot camp and was a good solider who served honorably until an unusually high number of horrific losses of his friends, fellow soldiers, and respected

leaders at the hands of insurgents overwhelmed and broke him, and this fact tends to imposition of the death penalty.	mitigate
Number of jurors who so find 4	
35. Steven Green sought help for his psychological deterioration, but received sub care, and this fact tends to mitigate imposition of the death penalty.	standard
Number of jurors who so find	· ·
36. Steven Green may be rehabilitated if sentenced to life in prison without the poof release, and this fact tends to mitigate imposition of the death penalty.	ssibility
Number of jurors who so find 3	
37. If Steven Green is not sentenced to death, he will remain in prison for the rest of without the possibility of release and will die in prison, and this fact tends to imposition of the death penalty.	
Number of jurors who so find 4	<u>:</u>
38. If Steven Green receives the death penalty, extended family members and frien suffer harm, and this fact tends to mitigate imposition of the death penalty.	nds will
Number of jurors who so find 2	<u>•</u>
39. Other factors in PFC Steven Green's background, record, or character or an circumstance of the offense that any juror finds mitigate against imposition of th sentence. This is a statutory mitigating factor.	
There are spaces in Section V (Mitigating Factors) of the Special Verdict Form to ident additional mitigating factors that any one of you finds. It is not necessary, however to spec articulate such additional factors. If you think there is some other mitigating factor present, simply not able to put it into words so that you can write it down on a list, you should still gractor your full consideration.	ifically but are
1.	
	. •
Number of jurors who so find	

2		•				
	Number of jurors who so find		0			
	•					
3						
	Number of jurors who so find		0			
4.		• *				
	Number of jurors who so find					
5.						
	Number of jurors who so find					

Instruction: Please proceed to Section VI: Sentencing Decisions. Continue your deliberations by filling out either Decision Form A imposing a sentence of death, Decision Form B imposing a sentence of life imprisonment without the possibility of release, or Decision Form C as appropriate.

Decision Form A Imposing Sentence of Death

Based upon 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, and whether death is therefore the appropriate sentence in this case:

	
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Decision Form B Imposing Sentence of Life Imprisonment Without Possibility of Release

Based upon 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, and whether death is therefore the appropriate sentence in this case:

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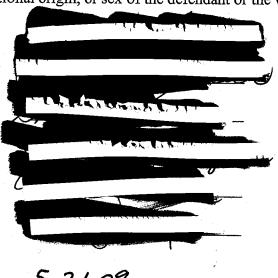
Decision Form C Deadlock as to Sentence

Despite all reasonable efforts to reach unanimous agreement, we, the Jury, are unable to reach a unanimous decision on either a sentence of death or a sentence of life imprisonment without the possibility of release

5-21-09 Date Foreperson U

Section VII: Certificate as to Count 16

By signing below, each of us individually certifies that consideration of the race, color, religious beliefs, national origin, or sex of Steven Green and of the victims, was not involved in reaching our respective individual decisions. Each of us individually further certifies that the same decision regarding a sentence would have been made no matter what the race, color, religious beliefs, national origin, or sex of the defendant or the victim may have been.





5-21-09 Date

When you have completed all 12 Special Verdict Forms please notify the jury officer.