

**REPORT OF THE TRIAL JUDGE
OF THE
SUPERIOR COURT OF _____ COUNTY, GEORGIA**

**THE STATE v. _____
(A case in which the death penalty was imposed)**

A. DATA CONCERNING THE DEFENDANT

1. Name _____ 2. Date of Birth _____
Last First Middle MM/DD/YY
3. Sex: M [] 4. Race: Black []
F [] White []
Other _____
5. Marital Status: Never married [] Married []
Separated [] Divorced []
Spouse deceased []
6. Number of children: _____; and ages: _____.
7. Father living: Yes [] No [], died 19_____.
Mother living: Yes [] No [], died 19_____.
8. Number of brothers and sisters _____.
9. Education completed: _____.
10. Intelligence level: (IQ below 70) Low []
(IQ 70 to 100) Medium []
(IQ above 100) High []
11. Psychiatric evaluation performed? Yes [] No []
If performed is defendant:
Yes No
a. Able to distinguish right from wrong? [] []
b. Able to adhere to the right? [] []
c. Able to cooperate intelligently in his
own defense? [] []
12. If examined, were character or behavior disorders found?
Yes [] No []
13. What other pertinent psychiatric (and psychological) information was revealed?

14. Prior work record of defendant:

	<u>Type job</u>	<u>Salary</u>	<u>Dates held</u>	<u>Reason for termination</u>
a.	_____	_____	_____	_____
b.	_____	_____	_____	_____
c.	_____	_____	_____	_____
d.	_____	_____	_____	_____
e.	_____	_____	_____	_____

B. DATA CONCERNING THE TRIAL

- How did the defendant plead? _____
- Was the guilt-phase of the case tried before a jury? _____
- Was the sentencing phase tried before a jury? _____

C. OFFENSE RELATED DATA

1. Offense(s) for which the defendant received a death sentence:

- | | |
|----------|----------|
| a. _____ | b. _____ |
| c. _____ | d. _____ |

2. If other offenses were tried in the same trial list those offenses:

- | | |
|----------|----------|
| a. _____ | b. _____ |
| c. _____ | d. _____ |

3. Which of the following statutory aggravating circumstances were instructed and which were found?

	Instructed	Found
a. The offense of murder, rape, armed robbery, or kidnapping was committed by a person with a prior record of conviction for a capital felony.	[]	[]
b. (1) The offense of murder, rape, armed robbery or kidnapping was committed while the offender was engaged in the commission of another capital felony or aggravated battery or	[]	[]

	Instructed	Found
(2) The offense of murder was committed while the offender was engaged in the commission of burglary or arson in the first degree.	[]	[]
c. The offender by his act of murder, armed robbery or kidnapping knowingly created a great risk of death to more than one person in a public place by means of a weapon or device which would normally be hazardous to the lives of more than one person.	[]	[]
d. The offender committed the offense of murder for himself or another, for the purpose of receiving money or any other thing of monetary value.	[]	[]
e. The murder of a judicial officer, former judicial officer, district attorney or solicitor-general or former district attorney or solicitor-general during or because of the exercise of his official duty.	[]	[]
f. The offender caused or directed another to commit murder or committed murder as an agent or employee of another person.	[]	[]
g. The offense of murder, rape, armed robbery, or kidnapping was outrageously or wantonly vile, horrible or inhuman in that it involved torture, depravity of mind, or an aggravated battery to the victim.	[]	[]
h. The offense of murder was committed against any peace officer, corrections employee or fireman while engaged in the performance of his official duties.	[]	[]
i. The offense of murder was committed by a person in, or who has escaped from, the lawful custody of a peace officer or place of lawful confinement.	[]	[]
j. The murder was committed for the purpose of avoiding, interfering with, or preventing, a lawful arrest or custody in a place of lawful confinement, of himself or another.	[]	[]

4. List significant nonstatutory aggravating circumstances indicated by the evidence:
- a. _____
 - b. _____
 - c. _____
 - d. _____

5. Which, if any, of the following mitigating circumstances was in evidence?

- a. The defendant has no significant history of prior criminal activity. []
- b. The murder was committed while the defendant was under the influence of extreme mental or emotional disturbance. []
- c. The victim was a participant in the defendant's homicidal conduct or consented to the homicidal act. []
- d. The murder was committed under circumstances which the defendant believed to provide a moral justification or extenuation for his conduct. []
- e. The defendant was an accomplice in a murder committed by another person and his participation in the homicidal act was relatively minor. []
- f. The defendant acted under duress or under the domination of another person. []
- g. At the time of the murder, the capacity of the defendant to appreciate the criminality (wrongfulness) of his conduct or to conform his conduct to the requirements of law was impaired as a result of mental disease or defect or intoxication. []
- h. The youth of the defendant at the time of the crime. []
- i. The evidence, although sufficient to sustain the conviction, does not foreclose all doubt respecting the defendant's guilt. []
- j. Other. []
Please explain if (j) is checked: _____

6. If tried with a jury, was the jury instructed to consider mitigating circumstances? Yes [] No. []

7. Does the defendant's physical or mental condition call for special consideration? Yes [] No. []
8. Was the victim related by blood or marriage to defendant? Yes [] No. []
If yes, what relationship? _____
9. Was the victim an employer or employee of defendant? No []
Employer [] Employee []
10. Was the victim acquainted with the defendant? No []
Casual acquaintance [] Friend []
11. Was the victim a local resident or transient in the community? Resident [] Transient []
12. Was the victim the same race as defendant? Yes [] No. []
13. Was the victim the same sex as the defendant? Yes [] No. []
14. Was the victim held hostage during the crime? No []
yes - less than an hour [] yes - more than an hour []
15. The victim's reputation in the community was:
Good [] Bad [] Unknown []
16. Was the victim tortured? Yes [] No. []
If yes, state extent of torture: _____
-
-
-

17. What was the age of the victim? _____

18. If a weapon was used in commission of the crime, was it:
No weapon used [] Blunt instrument [] Poison []
Motor vehicle [] Sharp instrument [] Firearm []

19. Does the defendant have a record of prior convictions? Yes [] No. []

20. If answer is yes, list the offenses, the dates of the offenses, and the sentences imposed.

_____ Offense _____ Date of offense _____ Sentence imposed

E. GENERAL CONSIDERATIONS

1. Did race appear as an issue in the trial? Yes [] No []
2. Was there extensive publicity in the community concerning the case?
 Yes [] No []
3. Was the jury impermissibly influenced by passion, prejudice, or any other arbitrary factor
when imposing sentence? Yes [] No []
4. In answer is yes, explain: _____

5. In your opinion, was the death sentence imposed in this case appropriate?
 Yes [] No []
General comments concerning your answer: _____

F. FORMS FOR REQUIRED JURY CERTIFICATES

These certificates are required by Rule II (A) (6)
of the Unified Appeal Procedure.

(NOTE: To convert a decimal number to percentage notation, move the
decimal point two places to the right. Example: .055 = 5.5%)

Grand Jury Certificate

This court has reviewed the Grand Jury List for _____ County from which the grand jury was selected that rendered the indictment in this case. This Grand Jury List was last revised in the year _____.

The following categories are "cognizable groups" in this county within the meaning of the Unified Appeal and current state and federal law:

- A. Males B. Females C. African Americans D. Whites
E. _____ F. _____

The total county population according to the most recent decennial census is _____ .
The total county population over 18 years old, according to the most recent census is _____ .
The total number of persons on the grand jury list is _____ .

For each "cognizable group" listed above, calculate the percentage of the over-18 population of the county represented by the cognizable group, as follows:

A. Males

1. The total population over 18 years old in the county is _____.
2. The total population of cognizable group A (males) is _____.
3. Divide answer 2 by answer 1, move the decimal 2 places to the right: _____%
4. The number of people on the grand jury list is _____.
5. The number of males on the grand jury list is _____.
6. Divide answer 5 by answer 4, move the decimal 2 places to the right: _____%
7. Subtract the larger from the smaller; the difference must be less than 5%: _____%

B. Females

1. The total population over 18 years old in the county is _____
2. The total population of cognizable group B (females) is _____
3. Divide answer 2 by answer 1, move the decimal 2 places to the right: _____%
4. The number of people on the grand jury list is _____.
5. The number of females on the grand jury list is _____.
6. Divide answer 5 by answer 4, move the decimal 2 places to the right: _____%
7. Subtract the larger from the smaller; the difference must be less than 5%: _____%

C. African Americans

1. The total population over 18 years old in the county is _____
2. The total population of cognizable group C (African Americans) is _____
3. Divide answer 2 by answer 1, move the decimal 2 places to the right: _____%
4. The number of people on the grand jury list is _____.
5. The number of African Americans on the grand jury list is _____.
6. Divide answer 5 by answer 4, move the decimal 2 places to the right: _____%
7. Subtract the larger from the smaller; the difference must be less than 5%: _____%

D. Whites

1. the total population over 18 years old in the county is _____
2. the total population of cognizable group D (whites) is _____
3. Divide answer 2 by answer 1, move the decimal 2 places to the right: _____%
4. The number of people on the grand jury list is _____.
5. The number of whites on the grand jury list is _____.
6. Divide answer 5 by answer 4, move the decimal 2 places to the right: _____%
7. Subtract the larger from the smaller; the difference must be less than 5%: _____%

E. _____

1. The total population over 18 years old in the county is _____
2. The total population of cognizable group E is _____
3. Divide answer 2 by answer 1, move the decimal 2 places to the right: _____%

4. The number of people on the grand jury list is _____.
5. The number of cognizable group E on the grand jury list is _____.
6. Divide answer 5 by answer 4, move the decimal 2 places to the right: _____%
7. Subtract the larger from the smaller; the difference must be less than 5%: _____%

F. _____

1. The total population over 18 years old in the county is _____.
2. The total population of cognizable group F is _____.
3. Divide answer 2 by answer 1, move the decimal 2 places to the right: _____%
4. The number of people on the grand jury list is _____.
5. The number of cognizable group F on the grand jury list is _____.
6. Divide answer 5 by answer 4, move the decimal 2 places to the right: _____%
7. Subtract the larger from the smaller; the difference must be less than 5%: _____%

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This court is satisfied that the identified cognizable groups are adequately represented on the grand jury list.

Traverse Jury Certificate

This court has reviewed the Traverse Jury List for _____ County from which the defendant's traverse jury panel will be selected. This Traverse Jury List was last revised in the year _____.

The following categories are "cognizable groups" in this county within the meaning of the Unified Appeal and current state and federal law:

- A. Males B. Females C. African Americans D. Whites
E. _____ F. _____

The total county population according to the most recent decennial census is _____ .
The total county population over 18 years old, according to the most recent census is _____ .
The total number of persons on the traverse jury list is _____ .

For each "cognizable group" listed above, calculate the percentage of the over-18 population of the county represented by the cognizable group, as follows:

A. Males

1. The total population over 18 years old in the county is _____.
2. The total population of cognizable group A (males) is _____.
3. Divide answer 2 by answer 1, move the decimal 2 places to the right: _____ %
4. The number of people on the traverse jury list is _____.
5. The number of males on the traverse jury list is _____.
6. Divide answer 5 by answer 4, move the decimal 2 places to the right: _____ %
7. Subtract the larger from the smaller; the difference must be less than 5%: _____ %

B. Females

1. The total population over 18 years old in the county is _____
2. The total population of cognizable group B (females) is _____
3. Divide answer 2 by answer 1, move the decimal 2 places to the right: _____ %
4. The number of people on the traverse jury list is _____.
5. The number of females on the traverse jury list is _____.
6. Divide answer 5 by answer 4, move the decimal 2 places to the right: _____ %
7. Subtract the larger from the smaller; the difference must be less than 5%: _____ %

C. African Americans

1. The total population over 18 years old in the county is _____
2. The total population of cognizable group C (African Americans) is _____
3. Divide answer 2 by answer 1, move the decimal 2 places to the right: _____ %
4. The number of people on the traverse jury list is _____.
5. The number of African Americans on the traverse jury list is _____.
6. Divide answer 5 by answer 4, move the decimal 2 places to the right: _____ %
7. Subtract the larger from the smaller; the difference must be less than 5%: _____ %

D. Whites

1. the total population over 18 years old in the county is _____
2. the total population of cognizable group D (whites) is _____
3. Divide answer 2 by answer 1, move the decimal 2 places to the right: _____ %
4. The number of people on the traverse jury list is _____.
5. The number of whites on the traverse jury list is _____.
6. Divide answer 5 by answer 4, move the decimal 2 places to the right: _____ %
7. Subtract the larger from the smaller; the difference must be less than 5%: _____ %

E. _____

1. The total population over 18 years old in the county is _____.
2. The total population of cognizable group E is _____.
3. Divide answer 2 by answer 1, move the decimal 2 places to the right: _____ %

4. The number of people on the traverse jury list is _____.
5. The number of cognizable group E. on the traverse jury list is _____.
6. Divide answer 5 by answer 4, move the decimal 2 places to the right: _____%
7. Subtract the larger from the smaller; the difference must be less than 5%: _____%

F. _____

1. The total population over 18 years old in the county is _____.
2. The total population of cognizable group F is _____.
3. Divide answer 2 by answer 1, move the decimal 2 places to the right: _____%
4. The number of people on the traverse jury list is _____.
5. The number of cognizable group F on the traverse jury list is _____.
6. Divide answer 5 by answer 4, move the decimal 2 places to the right: _____%
7. Subtract the larger from the smaller; the difference must be less than 5%: _____%

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This court is satisfied that the identified cognizable groups are adequately represented on the traverse jury list.

G. CHRONOLOGY OF CASE

		<u>Elapsed Days</u>
1.	Date of offense	_____
2.	Date of arrest	_____
3.	Date trial began	_____
4.	Date sentence imposed	_____
5.	Date motion for new trial ruled on	_____
6.	Date trial judge's report completed	_____
7.	Date received by Supreme Court*	_____
8.	Date sentence review completed	_____
9.	Total elapsed days*	_____

(*To be completed by Supreme Court.)

This report was submitted to the defendant's counsel for such comments as counsel desired to make concerning the factual accuracy of the report, and

- 1. Defense counsel's comments are attached []
- 2. Defense counsel offered no comments []
- 3. Defense counsel has not responded []

 (Date) Judge, Superior Court of _____ County