

DISTRICT COURT, ARAPAHOE COUNTY,
STATE OF COLORADO
7325 S. Potomac St., Centennial, Colorado 80112
PEOPLE OF THE STATE OF COLORADO

v.

JAMES EAGAN HOLMES,
Defendant

COURT USE ONLY

Case Number: **12CR1522**

Division: **201**

VERDICT FORM

COUNT 1
MURDER IN THE FIRST DEGREE—AFTER DELIBERATION

PART A

I.* We, the jury, find the defendant, James Eagan Holmes, NOT GUILTY of Murder in the First Degree—After Deliberation and the lesser-included offenses of Murder in the Second Degree and Manslaughter.

FOREPERSON

II.** We, the jury, find the defendant, James Eagan Holmes, GUILTY of:

Murder in the First Degree—After Deliberation

OR

The Lesser-Included Offense of Murder in the Second Degree

OR

The Lesser-Included Offense of Manslaughter

FOREPERSON

* If you find the defendant NOT GUILTY of the charged offense and the lesser-included offenses, the foreperson should sign only on the designated line in section I in the previous page.

** If you find the defendant GUILTY of the charged offense or one of the lesser-included offenses, the foreperson should complete only section II in the previous page by placing, in ink, an "X" in the appropriate bracket, and signing on the designated line. ONLY ONE BRACKET may be filled in, with the other brackets to remain unmarked.

SAMPLE

PART B

If you find the defendant GUILTY of a charged offense or a lesser-included offense in any count, you should leave Part B of all of the verdict forms blank. If, however, you find the defendant NOT GUILTY of all the charged offenses and all the lesser-included offenses in this case, you should answer the verdict question below: did you find the defendant not guilty on this count solely based on the defense of insanity? The foreperson should mark, in ink, "Yes," if the jury unanimously decides that the only element of the charged offense and the lesser-included offenses in this count that the prosecution failed to prove beyond a reasonable doubt is that the defendant was sane at the time of the commission of the act. The foreperson should mark, in ink, "No," if the jury unanimously decides that the prosecution failed to prove beyond a reasonable doubt any other element of the charged offense and the lesser-included offenses in this count.

Did you find the defendant NOT GUILTY on this count solely based on the defense of insanity?

Yes

No

FOREPERSON

PART C

If you find the defendant NOT GUILTY of the charged offense and the lesser-included offenses in this count, you should leave Part C of this verdict form blank. If, however, you find the defendant GUILTY of the charged offense or of a lesser-included offense in this count, you should answer the verdict question below: did the defendant use, or possess and threaten the use of, a deadly weapon? The defendant used, or possessed and threatened the use of, a deadly weapon only if: (1) the defendant used, or possessed and threatened the use of, a deadly weapon, (2) during the commission of the offense proven in this count, or in the immediate flight therefrom. The foreperson should mark, in ink, "Yes," if the jury unanimously decides that the prosecution met its burden of proving beyond a reasonable doubt each of these two conditions. The foreperson should mark, in ink, "No," if the jury unanimously decides that the prosecution did not meet its burden of proving beyond a reasonable doubt each of these two conditions.

Did the defendant use, or possess and threaten the use of, a deadly weapon?

Yes

No

FOREPERSON

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VERDICT FORM

COUNT 13

MURDER IN THE FIRST DEGREE—EXTREME INDIFFERENCE

PART A

I.* We, the jury, find the defendant, James Eagan Holmes, NOT GUILTY of Murder in the First Degree—Extreme Indifference and the lesser-included offenses of Murder in the Second Degree and Manslaughter.

FOREPERSON

II.** We, the jury, find the defendant, James Eagan Holmes, GUILTY of:

Murder in the First Degree—Extreme Indifference

OR

The Lesser-Included Offense of Murder in the Second Degree

OR

The Lesser-Included Offense of Manslaughter

FOREPERSON

* If you find the defendant NOT GUILTY of the charged offense and the lesser-included offenses, the foreperson should sign only on the designated line in section I in the previous page.

** If you find the defendant GUILTY of the charged offense or one of the lesser-included offenses, the foreperson should complete only section II in the previous page by placing, in ink, an "X" in the appropriate bracket, and signing on the designated line. ONLY ONE BRACKET may be filled in, with the other brackets to remain unmarked.

SAMPLE

PART B

If you find the defendant GUILTY of a charged offense or a lesser-included offense in any count, you should leave Part B of all of the verdict forms blank. If, however, you find the defendant NOT GUILTY of all the charged offenses and all the lesser-included offenses in this case, you should answer the verdict question below: did you find the defendant not guilty on this count solely based on the defense of insanity? The foreperson should mark, in ink, "Yes," if the jury unanimously decides that the only element of the charged offense and the lesser-included offenses in this count that the prosecution failed to prove beyond a reasonable doubt is that the defendant was sane at the time of the commission of the act. The foreperson should mark, in ink, "No," if the jury unanimously decides that the prosecution failed to prove beyond a reasonable doubt any other element of the charged offense and the lesser-included offenses in this count.

Did you find the defendant NOT GUILTY on this count solely based on the defense of insanity?

Yes

No

FOREPERSON

SAMPLE

PART C

If you find the defendant NOT GUILTY of the charged offense and the lesser-included offenses in this count, you should leave Part C of this verdict form blank. If, however, you find the defendant GUILTY of the charged offense or of a lesser-included offense in this count, you should answer the verdict question below: did the defendant use, or possess and threaten the use of, a deadly weapon? The defendant used, or possessed and threatened the use of, a deadly weapon only if: (1) the defendant used, or possessed and threatened the use of, a deadly weapon, (2) during the commission of the offense proven in this count, or in the immediate flight therefrom. The foreperson should mark, in ink, "Yes," if the jury unanimously decides that the prosecution met its burden of proving beyond a reasonable doubt each of these two conditions. The foreperson should mark, in ink, "No," if the jury unanimously decides that the prosecution did not meet its burden of proving beyond a reasonable doubt each of these two conditions.

Did the defendant use, or possess and threaten the use of, a deadly weapon?

[] Yes

[] No

FOREPERSON

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VERDICT FORM

COUNT 25

ATTEMPT TO COMMIT MURDER IN THE FIRST DEGREE—
AFTER DELIBERATION

PART A

I.* We, the jury, find the defendant, James Eagan Holmes, NOT GUILTY of Attempt to Commit Murder in the First Degree—After Deliberation and the lesser-included offenses of Attempt to Commit Murder in the Second Degree and Attempt to Commit Manslaughter.

FOREPERSON

II.** We, the jury, find the defendant, James Eagan Holmes, GUILTY of:

Attempt to Commit Murder in the First Degree—After Deliberation

OR

The Lesser-Included Offense of Attempt to Commit Murder in the Second Degree

OR

The Lesser-Included Offense of Attempt to Commit Manslaughter

FOREPERSON

* If you find the defendant NOT GUILTY of the charged offense and the lesser-included offenses, the foreperson should sign only on the designated line in section I in the previous page.

** If you find the defendant GUILTY of the charged offense or one of the lesser-included offenses, the foreperson should complete only section II in the previous page by placing, in ink, an "X" in the appropriate bracket, and signing on the designated line. ONLY ONE BRACKET may be filled in, with the other brackets to remain unmarked.

SAMPLE

PART B

If you find the defendant GUILTY of a charged offense or a lesser-included offense in any count, you should leave Part B of all of the verdict forms blank. If, however, you find the defendant NOT GUILTY of all the charged offenses and all the lesser-included offenses in this case, you should answer the verdict question below: did you find the defendant not guilty on this count solely based on the defense of insanity? The foreperson should mark, in ink, "Yes," if the jury unanimously decides that the only element of the charged offense and the lesser-included offenses in this count that the prosecution failed to prove beyond a reasonable doubt is that the defendant was sane at the time of the commission of the act. The foreperson should mark, in ink, "No," if the jury unanimously decides that the prosecution failed to prove beyond a reasonable doubt any other element of the charged offense and the lesser-included offenses in this count.

Did you find the defendant NOT GUILTY on this count solely based on the defense of insanity?

- Yes
 No

FOREPERSON

SAMPLED

PART C

If you find the defendant NOT GUILTY of the charged offense and the lesser-included offenses in this count, you should leave Part C of this verdict form blank. If, however, you find the defendant GUILTY of the charged offense or of a lesser-included offense in this count, you should answer the verdict question below: did the defendant use, or possess and threaten the use of, a deadly weapon? The defendant used, or possessed and threatened the use of, a deadly weapon only if: (1) the defendant used, or possessed and threatened the use of, a deadly weapon, (2) during the commission of the offense proven in this count, or in the immediate flight therefrom. The foreperson should mark, in ink, "Yes," if the jury unanimously decides that the prosecution met its burden of proving beyond a reasonable doubt each of these two conditions. The foreperson should mark, in ink, "No," if the jury unanimously decides that the prosecution did not meet its burden of proving beyond a reasonable doubt each of these two conditions.

Did the defendant use, or possess and threaten the use of, a deadly weapon?

Yes

No

FOREPERSON

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VERDICT FORM

COUNT 83
ATTEMPT TO COMMIT MURDER IN THE FIRST DEGREE--
EXTREME INDIFFERENCE
[REDACTED]

PART A

I.* We, the jury, find the defendant, James Eagan Holmes, NOT GUILTY of Attempt to Commit Murder in the First Degree—Extreme Indifference and the lesser-included offenses of Attempt to Commit Murder in the Second Degree and Attempt to Commit Manslaughter.

FOREPERSON

II.** We, the jury, find the defendant, James Eagan Holmes, GUILTY of:

Attempt to Commit Murder in the First Degree—Extreme Indifference

OR

The Lesser-Included Offense of Attempt to Commit Murder in the Second Degree

OR

The Lesser-Included Offense of Attempt to Commit Manslaughter

FOREPERSON

* If you find the defendant NOT GUILTY of the charged offense and the lesser-included offenses, the foreperson should sign only on the designated line in section I in the previous page.

** If you find the defendant GUILTY of the charged offense or one of the lesser-included offenses, the foreperson should complete only section II in the previous page by placing, in ink, an "X" in the appropriate bracket, and signing on the designated line. ONLY ONE BRACKET may be filled in, with the other brackets to remain unmarked.

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PART B

If you find the defendant GUILTY of a charged offense or a lesser-included offense in any count, you should leave Part B of all of the verdict forms blank. If, however, you find the defendant NOT GUILTY of all the charged offenses and all the lesser-included offenses in this case, you should answer the verdict question below: did you find the defendant not guilty on this count solely based on the defense of insanity? The foreperson should mark, in ink, "Yes," if the jury unanimously decides that the only element of the charged offense and the lesser-included offenses in this count that the prosecution failed to prove beyond a reasonable doubt is that the defendant was sane at the time of the commission of the act. The foreperson should mark, in ink, "No," if the jury unanimously decides that the prosecution failed to prove beyond a reasonable doubt any other element of the charged offense and the lesser-included offenses in this count.

Did you find the defendant NOT GUILTY on this count solely based on the defense of insanity?

Yes

No

FOREPERSON

SAMPLE

PART C

If you find the defendant NOT GUILTY of the charged offense and lesser-included offenses in this count, you should leave Part C of this verdict form blank. If, however, you find the defendant GUILTY of the charged offense or of a lesser-included offense in this count, you should answer the verdict question below: did the defendant use, or possess and threaten the use of, a deadly weapon? The defendant used, or possessed and threatened the use of, a deadly weapon only if: (1) the defendant used, or possessed and threatened the use of, a deadly weapon, (2) during the commission of the offense proven in this count, or in the immediate flight therefrom. The foreperson should mark, in ink, "Yes," if the jury unanimously decides that the prosecution met its burden of proving beyond a reasonable doubt each of these two conditions. The foreperson should mark, in ink, "No," if the jury unanimously decides that the prosecution did not meet its burden of proving beyond a reasonable doubt each of these two conditions.

Did the defendant use, or possess and threaten the use of, a deadly weapon?

[] Yes

[] No

FOREPERSON

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VERDICT FORM

COUNT 141

POSSESSION OR CONTROL OF AN EXPLOSIVE OR INCENDIARY DEVICE

PART A

I.* We, the jury, find the defendant, James Eagan Holmes, NOT GUILTY of Possession or Control of an Explosive or Incendiary Device

FOREPERSON

II.** We, the jury, find the defendant, James Eagan Holmes, GUILTY of Possession or Control of an Explosive or Incendiary Device.

FOREPERSON

* If you find the defendant NOT GUILTY of the charged offense, the foreperson should sign only section I above.

** If you find the defendant GUILTY of the charged offense, the foreperson should sign only section II above.

PART B

If you find the defendant GUILTY of a charged offense or a lesser-included offense in any count, you should leave Part B of all of the verdict forms blank. If, however, you find the defendant NOT GUILTY of all the charged offenses and all the lesser-included offenses in this case, you should answer the verdict question below: did you find the defendant not guilty on this count solely based on the defense of insanity? The foreperson should mark, in ink, "Yes," if the jury unanimously decides that the only element of the charged offense in this count that the prosecution failed to prove beyond a reasonable doubt is that the defendant was sane at the time of the commission of the act. The foreperson should mark, in ink, "No," if the jury unanimously decides that the prosecution failed to prove beyond a reasonable doubt any other element of the charged offense in this count.

Did you find the defendant NOT GUILTY on this count solely based on the defense of insanity?

Yes

No

FOREPERSON

SAMPLE