

SENTENCING HEARING (PHASE 1) INTRODUCTORY INSTRUCTION

NO. 1

Members of the jury, now that the trial has been completed, we are starting the sentencing hearing. It is your duty to determine the punishment to be imposed on the defendant for the commission of the crimes of Murder in the First Degree. You will be solely responsible for determining such punishment.

Based upon your earlier verdicts, the defendant has been found guilty of 24 counts of Murder in the First Degree. As you know, there are two guilty verdicts for Murder in the First Degree with respect to each deceased victim because the prosecution pursued two theories of liability as to each deceased victim: Murder in the First Degree—After Deliberation and Murder in the First Degree—Extreme Indifference. The two guilty verdicts for each deceased victim will eventually merge into a single conviction for Murder in the First Degree, and, based solely on the jury's sentencing verdicts, the defendant will receive a single sentence for that conviction. Accordingly, the defendant will stand convicted of 12 Murders in the First Degree, and the jury's sentencing verdicts, alone, will determine the sentences for those crimes.

You must make 24 separate determinations (one for each count of Murder in the First Degree) in any phase we go through in this sentencing hearing. Only the 24 counts of Murder in the First Degree are subject to the sentencing hearing. It is