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| DISTRICT COURT, ARAPAHOE COUNTY, STATE OF COLORADO 7325 S. Potomac St., Centennial, Colorado 80112 | COURT USE ONLY Case Number: 12CR1522 Division: 201 |
| PEOPLE OF THE STATE OF COLORADO v. JAMES EAGAN HOLMES, Defendant | |

SENTENCING HEARING PHASE 1 VERDICT FORM

COUNT 1
MURDER IN THE FIRST DEGREE—AFTER DELIBERATION
(Jonathan Blunk)

PART A

I.* We, the jury, DO unanimously find that the prosecution has proven beyond a reasonable doubt the existence of at least one of the alleged aggravating factors with respect to this count of Murder in the First Degree.

FOREPERSON

II.** We, the jury, DO NOT unanimously find that the prosecution has proven beyond a reasonable doubt the existence of at least one of the alleged aggravating factors with respect to this count of Murder in the First Degree; therefore, we, the jury, render a sentencing verdict of life imprisonment without the possibility of parole on this count.

FOREPERSON

* If the jury unanimously finds that the prosecution has proven beyond a reasonable doubt the existence of at least one alleged aggravating factor with respect to this count, the foreperson should sign ONLY on the designated line in section I above. The jury must then complete Part B of this verdict form.

** If the jury does not unanimously find that the prosecution has proven beyond a reasonable doubt the existence of at least one alleged aggravating factor with respect to this count, the foreperson should sign ONLY on the designated line in section II above. The jury should then disregard Part B of this verdict form.

PART B

If the jury DOES NOT unanimously find that the prosecution has proven beyond a reasonable doubt the existence of at least one alleged aggravating factor with respect to this count, the jury should disregard this Part B. If, however, the jury DOES unanimously find that the prosecution has proven beyond a reasonable doubt the existence of at least one alleged aggravating factor with respect to this count, the jury must complete this Part B by having the foreperson mark with an “X,” in ink, the bracket or brackets next to the aggravating factor or factors the jury unanimously finds the prosecution has proven beyond a reasonable doubt.

Alleged Aggravating Factor No. 1—Two or More Persons (the defendant unlawfully and intentionally, knowingly, or with universal malice manifesting extreme indifference to the value of human life generally, killed two or more persons during the commission of the same criminal episode).

NOTE: Alleged Aggravating Factor No. 2—Intentionally Killed a Child Under 12 Years of Age—DOES NOT APPLY TO THIS COUNT

Alleged Aggravating Factor No. 3—Created a Grave Risk of Death to Another Person in Addition to the 12 Victims of the Crimes of Murder in the First Degree (in the commission of the offense of Murder in the First Degree, the defendant knowingly created a grave risk of death to another person in addition to the 12 victims of the Crimes of Murder in the First Degree).

Alleged Aggravating Factor No. 4—Especially Heinous, Cruel, or Depraved Manner (the defendant committed the offense of Murder in the First Degree in an especially heinous, cruel, or depraved manner).

Alleged Aggravating Factor No. 5—Lying In Wait Or From Ambush (the defendant committed the offense of Murder in the First Degree while lying in wait or from ambush).

FOREPERSON

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**

SENTENCING HEARING PHASE 1 VERDICT FORM

COUNT 9

MURDER IN THE FIRST DEGREE—AFTER DELIBERATION

(Veronica Moser-Sullivan)

PART A

I.* We, the jury, DO unanimously find that the prosecution has proven beyond a reasonable doubt the existence of at least one of the alleged aggravating factors with respect to this count of Murder in the First Degree.

FOREPERSON

II.** We, the jury, DO NOT unanimously find that the prosecution has proven beyond a reasonable doubt the existence of at least one of the alleged aggravating factors with respect to this count of Murder in the First Degree; therefore, we, the jury, render a sentencing verdict of life imprisonment without the possibility of parole on this count.

FOREPERSON

* If the jury unanimously finds that the prosecution has proven beyond a reasonable doubt the existence of at least one alleged aggravating factor with respect to this count, the foreperson should sign ONLY on the designated line in section I above. The jury must then complete Part B of this verdict form.

** If the jury does not unanimously find that the prosecution has proven beyond a reasonable doubt the existence of at least one alleged aggravating factor with respect to this count, the foreperson should sign ONLY on the designated line in section II above. The jury should then disregard Part B of this verdict form.

PART B

If the jury DOES NOT unanimously find that the prosecution has proven beyond a reasonable doubt the existence of at least one alleged aggravating factor with respect to this count, the jury should disregard this Part B. If, however, the jury DOES unanimously find that the prosecution has proven beyond a reasonable doubt the existence of at least one alleged aggravating factor with respect to this count, the jury must complete this Part B by having the foreperson mark with an “X,” in ink, the bracket or brackets next to the aggravating factor or factors the jury unanimously finds the prosecution has proven beyond a reasonable doubt.

Alleged Aggravating Factor No. 1—Two or More Persons (the defendant unlawfully and intentionally, knowingly, or with universal malice manifesting extreme indifference to the value of human life generally, killed two or more persons during the commission of the same criminal episode).

Alleged Aggravating Factor No. 2—Intentionally Killed a Child Under 12 Years of Age (the defendant intentionally killed a child who had not yet attained twelve years of age).

Alleged Aggravating Factor No. 3—Created a Grave Risk of Death to Another Person in Addition to the 12 Victims of the Crimes of Murder in the First Degree (in the commission of the offense of Murder in the First Degree, the defendant knowingly created a grave risk of death to another person in addition to the 12 victims of the crimes of Murder in the First Degree).

Alleged Aggravating Factor No. 4—Especially Heinous, Cruel, or Depraved Manner (the defendant committed the offense of Murder in the First Degree in an especially heinous, cruel, or depraved manner).

Alleged Aggravating Factor No. 5—Lying In Wait Or From Ambush (the defendant committed the offense of Murder in the First Degree while lying in wait or from ambush).

FOREPERSON