

THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF VIRGINIA  
Alexandria Division

UNITED STATES OF AMERICA )  
 )  
 v. ) Criminal No. 01-455-A  
 ) Hon. Leonie M. Brinkema  
ZACARIAS MOUSSAOUI, )  
 a/k/a "Shaqil," )  
 a/k/a "Abu Khalid al Sahrawi," )  
 )  
 Defendant. )

**SPECIAL VERDICT FORM FOR PHASE II**

**COUNT I: Conspiracy to Commit Acts of Terrorism Transcending National Boundaries**

**Section I. Statutory Aggravating Factors**

**Instructions:** Answer "YES" or "NO" as to whether the Jury unanimously finds that the Government has proven any Statutory Aggravating Factor beyond a reasonable doubt:

**A. That the defendant, ZACARIAS MOUSSAOUI, in the commission of the offense, knowingly created a grave risk of death to one or more persons in addition to the victims of the offense?**

YES \_\_\_\_\_

NO \_\_\_\_\_

**B. That the defendant, ZACARIAS MOUSSAOUI, committed the offense in an especially heinous, cruel, or depraved manner in that it involved torture or serious physical abuse to the victim or victims?**

YES \_\_\_\_\_

NO \_\_\_\_\_

- C. That the defendant, ZACARIAS MOUSSAOUI, committed the offense after substantial planning and premeditation to cause the death of a person or to commit an act of terrorism?

YES \_\_\_\_\_

NO \_\_\_\_\_

**Instructions:** If you answered "NO" with respect to all three of the above Statutory Aggravating Factors, that ends your consideration of the death penalty as to ZACARIAS MOUSSAOUI for Count I. Go directly to **Section IV(A)** to record your decision and then proceed to **Section V** to certify your decision. If you answered "YES" with respect to any one of the above Statutory Aggravating Factors, go to **Section II**.

**Section II. Non-Statutory Aggravating Factors**

**Instructions:** Answer "YES" or "NO" as to whether the Jury unanimously finds that the Government has proven any of the Non-Statutory Aggravating Factors beyond a reasonable doubt:

- A. That on or about February 23, 2001, defendant, ZACARIAS MOUSSAOUI, entered the United States, for the purpose of gaining specialized knowledge in flying an aircraft in order to kill as many American citizens as possible?

YES \_\_\_\_\_

NO \_\_\_\_\_

- B. That the actions of defendant, ZACARIAS MOUSSAOUI, resulted in the deaths of approximately 3,000 people?

YES \_\_\_\_\_

NO \_\_\_\_\_

- C. That the actions of defendant, ZACARIAS MOUSSAOUI, resulted in serious physical and emotional injuries, including maiming, disfigurement, and permanent disability, to numerous individuals who survived the offense?

YES \_\_\_\_\_

NO \_\_\_\_\_

**D. That as demonstrated by the victims' personal characteristics as individual human beings and the impact of their deaths upon their families, friends, and co-workers, the defendant, ZACARIAS MOUSSAOUI, caused injury, harm, and loss to the victims, their families, their friends, and their co-workers?**

**YES \_\_\_\_\_**

**NO \_\_\_\_\_**

**E. That the Government has proven beyond a reasonable doubt that the actions of defendant, ZACARIAS MOUSSAOUI, were intended to cause, and in fact did cause, tremendous disruption to the function of the City of New York and its economy as evinced by the following:**

- 1. The deaths of 343 members of the New York City Fire Department, including the majority of its upper management, and the loss of approximately 92 pieces of fire-fighting apparatus including fire engines, ladder companies, ambulances and other rescue vehicles;**
- 2. The deaths of 37 Port Authority officers, the deaths of 38 Port Authority civilian employees, the destruction of the headquarters of the Port Authority, and the loss of approximately 114 Port Authority vehicles;**
- 3. The deaths of 23 New York City police officers and the loss of numerous vehicles used by the New York Police Department to fight crime;**
- 4. The deaths of 3 New York state court officers;**
- 5. The death of 1 Special Agent of the Federal Bureau of Investigation (FBI);**
- 6. The death of 1 Master Special Officer of the United States Secret Service, the destruction of the New York field office for the United States Secret Service, the loss of 184 vehicles used by the United States Secret Service, including 7 armored limousines, the loss of all of the weapons stored in the New York field office for the United States Secret Service, the destruction of communication equipment used by the New York field office for the United States Secret Service, and the destruction of evidence stored in the New York field office for the United States Secret Service, which was to be used in criminal prosecutions;**
- 7. The destruction of the United States Customs building, which housed all components of the United States Customs Service in New York City, the destruction of the laboratory utilized by the United States Customs Service in its northeast region, the loss of 50 vehicles used by the United States Customs Service to fight crime, the loss of the majority of the weapons stored in**

**the New York field office for the United States Customs Service, the destruction of communication equipment used by the New York field office for the United States Customs Service, and the destruction of evidence stored in the New York field office for the United States Customs Service, which was to be used in criminal prosecutions;**

- 8. The destruction of the offices of the New York field division of the Bureau of Alcohol, Tobacco and Firearms (ATF), the loss of 15 vehicles used by the ATF to fight crime, the destruction of the regional firearms center used to examine all firearms collected as evidence by the ATF as well as approximately 400 firearms which had been seized as evidence in criminal prosecutions, and the destruction of approximately 100 weapons used by ATF Special Agents to fight crime;**
- 9. The destruction of the offices of the New York field division of the Internal Revenue Service, the loss of 7 vehicles used by the Internal Revenue Service to fight crime, and the destruction of evidence stored in the New York field office of the Internal Revenue Service;**
- 10. The destruction of the offices of the New York field division of the Office of Inspector General (Office of Investigation) for the Department of Housing and Urban Development (HUD), the loss of 5 vehicles used by HUD, the destruction of approximately 46 weapons used by HUD to fight crime, and the destruction of evidence stored in the New York field office of HUD, which was to be used in criminal prosecutions;**
- 11. The destruction of the Office of Emergency Operations Center, which was designed to coordinate the response to large-scale emergencies in the City of New York;**
- 12. The disruption of service on train and subway lines, including the E line, subway lines 1 and 9, and the Port Authority Trans-Hudson (PATH) lines;**
- 13. The closure of parks, playgrounds, and schools in lower Manhattan;**
- 14. The displacement of businesses located in the World Trade Center and the economic harm to each of the businesses;**
- 15. The disruption of telephone service in Manhattan;**
- 16. The destruction of approximately 12 million square feet of office space;**
- 17. Property loss costing several billion dollars;**

18. **The temporary closure of the New York Stock Exchange (NYSE) and the New York Mercantile Exchange (NYMEX);**
19. **The temporary closure of state and federal courthouses in Manhattan; and,**
20. **The delay of the meeting of the United Nations General Assembly and a special meeting of the United Nations called to address UNICEF issues.**

YES \_\_\_\_\_

NO \_\_\_\_\_

**F. That the actions of defendant, ZACARIAS MOUSSAOUI, were intended to cause, and in fact did cause, tremendous disruption to the function of the Pentagon as evidenced by the following:**

1. **The destruction of the Naval Operations Center and the loss of the majority of its staff;**
2. **The destruction of the Naval Intelligence Plot and the loss of the majority of its staff;**
3. **The destruction of the Army Resource Management Center and the loss of its staff;**
4. **The destruction of 400,000 square feet and the damage of over 1 million square feet of office space;**
5. **The destruction of a portion of the Pentagon which had just been renovated at the cost of \$250 million; and,**
6. **The destruction of computers, other technological equipment, furniture, and safes specifically designed for use by the Pentagon because of its unique role as the center of military operations for the United States of America.**

YES \_\_\_\_\_

NO \_\_\_\_\_

**G. That the defendant, ZACARIAS MOUSSAOUI, has demonstrated a lack of remorse for his criminal conduct?**

YES \_\_\_\_\_

NO \_\_\_\_\_

**Instructions:** No matter how you answered with respect to the above Non-Statutory Aggravating Factors, proceed to **Section III**.

**Section III. Mitigating Factors**

**Instructions:** Indicate the number of Jurors who find that the defense has established the existence of each listed Mitigating Factor by a preponderance of the evidence. If no Juror finds that the defense proved a particular Mitigating Factor, the word “NONE” should be written in the blank. You may also write in **paragraph X** any additional Mitigating Factors found by at least one Juror, by a preponderance of the evidence, even if not raised by the defense.

- A. That if he is not sentenced to death, ZACARIAS MOUSSAOUI will be incarcerated in prison for the rest of his life, without the possibility of release.**  
Number of Jurors who so find \_\_\_\_
- B. That ZACARIAS MOUSSAOUI has maintained a non-violent record for the past four years while incarcerated in the Alexandria Detention Center with minimal rules violations.**  
Number of Jurors who so find \_\_\_\_
- C. That the Federal Bureau of Prisons has the authority and ability to maintain ZACARIAS MOUSSAOUI under highly secure conditions.**  
Number of Jurors who so find \_\_\_\_
- D. That given his conduct, and the likely conditions of his maximum security confinement, ZACARIAS MOUSSAOUI will not present a substantial risk to prison officials or other inmates if he is sentenced to life imprisonment without the possibility of release.**  
Number of Jurors who so find \_\_\_\_
- E. That a sentence of life in prison without the possibility of release, under the strict conditions the Bureau of Prisons is likely to impose, will be a more severe punishment for ZACARIAS MOUSSAOUI than a sentence of death.**  
Number of Jurors who so find \_\_\_\_
- F. That ZACARIAS MOUSSAOUI believes that his execution will be part of his Jihad and will provide him with the rewards attendant to a martyr’s death.**  
Number of Jurors who so find \_\_\_\_

- G. That the execution of ZACARIAS MOUSSAOUI will create a martyr for radical Muslim fundamentalists, and to al Qaeda in particular.  
Number of Jurors who so find \_\_\_\_**
- H. That ZACARIAS MOUSSAOUI's unstable early childhood and dysfunctional family resulted in his being placed in orphanages and having a home life without structure and emotional and financial support eventually resulting in his leaving home due to his hostile relationship with his mother.  
Number of Jurors who so find \_\_\_\_**
- I. That ZACARIAS MOUSSAOUI's father had a violent temper and physically and emotionally abused his family.  
Number of Jurors who so find \_\_\_\_**
- J. That ZACARIAS MOUSSAOUI's father abandoned Zacarias and his siblings, leaving Zacarias's mother to support and raise their children on her own.  
Number of Jurors who so find \_\_\_\_**
- K. That ZACARIAS MOUSSAOUI was subject to racism as a youngster because of his Moroccan background which affected him deeply.  
Number of Jurors who so find \_\_\_\_**
- L. That ZACARIAS MOUSSAOUI's mother had a violent uncle or men unrelated to the family living in the home with the family.  
Number of Jurors who so find \_\_\_\_**
- M. That ZACARIAS MOUSSAOUI's two sisters and his father all suffered from psychotic illnesses.  
Number of Jurors who so find \_\_\_\_**
- N. That even though ZACARIAS MOUSSAOUI arrived in England with no money and lived in a homeless shelter, he endured the hardship and through perseverance graduated with a masters degree from South Bank University.  
Number of Jurors who so find \_\_\_\_**

- O. That his mother's failure to provide her children with any meaningful religious training or practice left ZACARIAS MOUSSAOUI without the theological or intellectual basis to resist the preachings and propaganda of radical Muslim fundamentalists in London who provided him with a sense of group identity he never had.  
Number of Jurors who so find \_\_\_\_**
- P. That ZACARIAS MOUSSAOUI suffers from a psychotic disorder, most likely schizophrenia, paranoid subtype.  
Number of Jurors who so find \_\_\_\_**
- Q. That ZACARIAS MOUSSAOUI's role in al Qaeda while in Afghanistan was as a security clerk at a guesthouse and as a driver for persons staying at the guesthouse.  
Number of Jurors who so find \_\_\_\_**
- R. That ZACARIAS MOUSSAOUI's testimony about his plan to fly a plane into the White House is unreliable and is contradicted by his statements about other plots he was involved in.  
Number of Jurors who so find \_\_\_\_**
- S. That ZACARIAS MOUSSAOUI's role in the 9/11 operation, if any, was minor.  
Number of Jurors who so find \_\_\_\_**
- T. That ZACARIAS MOUSSAOUI was incarcerated on the day of the 9/11 attacks.  
Number of Jurors who so find \_\_\_\_**
- U. That ZACARIAS MOUSSAOUI was an ineffectual al Qaeda operative.  
Number of Jurors who so find \_\_\_\_**
- V. That other persons who were equally culpable in the offense, whether indicted or not, will not be punished by death and/or have not been the subject of a capital prosecution.  
Number of Jurors who so find \_\_\_\_**



**W. That other factors in the background or character of ZACARIAS MOUSSAOUI suggest that life without the possibility of release is the most appropriate punishment.**

**Number of Jurors who so find \_\_\_\_\_**

**X. List on the lines below any additional Mitigating Factors found by at least one Juror and the number of Jurors who so found. If you need additional space, ask for more paper:**

1. \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**Number of Jurors who so find \_\_\_\_\_**

2. \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**Number of Jurors who so find \_\_\_\_\_**

3. \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**Number of Jurors who so find \_\_\_\_\_**

4. \_\_\_\_\_  
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**Number of Jurors who so find \_\_\_\_\_**

5. \_\_\_\_\_  
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**Number of Jurors who so find** \_\_\_\_\_

6. \_\_\_\_\_  
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\_\_\_\_\_  
\_\_\_\_\_

**Number of Jurors who so find** \_\_\_\_\_

\_\_\_\_\_ **Instructions:** Go to **Section IV(B)** to record your decision as to the appropriate sentence recommendation.

**Section IV. FINAL DECISION AS TO COUNT I**

**Instructions:** Answer **Section IV(A)** only if the Jury found none of the Statutory Aggravating Factors in **Section I**. Answer either **Section IV(B)(1)** or **Section IV(B)(2)** if the Jury found at least one Statutory Aggravating Factor in **Section I**.

**A. NO STATUTORY AGGRAVATING FACTORS FOUND.**

**We, the Jury, find as to Count I, that the Government has not proven, beyond a reasonable doubt, the existence of any Statutory Aggravating Factors required by law as a prerequisite for the imposition of capital punishment, and therefore do not recommend the death penalty for ZACARIAS MOUSSAOUI as to Count I.**

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**FOREPERSON (Signature & Juror Number)**

**Date:** \_\_\_\_\_, 2006

**Instructions:** Go directly to **Section V** to certify this decision.

**Section IV. FINAL DECISION AS TO COUNT I (Cont.)**

**B. THE JURY'S SENTENCING RECOMMENDATION**

Instructions: Answer either **B(1)** or **B(2)** but not both. Then go directly to **Section V** to certify your decision.

**1. DEATH SENTENCE**

**Based upon consideration of whether the aggravating factor or 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 factor or factors are themselves sufficient to justify a sentence of death, we the jury, by unanimous vote, determine that a sentence of death shall be imposed.**

\_\_\_\_\_  
(Signature & Juror Number)

\_\_\_\_\_  
(Signature & Juror Number)

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(Signature & Juror Number)

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(Signature & Juror Number)

\_\_\_\_\_  
FOREPERSON (Signature & Juror Number)

Date: \_\_\_\_\_, 2006

**Section IV. FINAL DECISION AS TO COUNT I (Cont.)**

**2. SENTENCE OF LIFE IMPRISONMENT WITHOUT POSSIBILITY OF RELEASE**

**Based upon consideration of whether the aggravating factor or 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 factor or factors are themselves sufficient to justify a sentence of death, we the jury, do not unanimously find that a sentence of death shall be imposed on the defendant.**

---

**FOREPERSON (Signature & Juror Number)**

**Date: \_\_\_\_\_, 2006**

**Section V. CERTIFICATION**

**By signing below, each juror certifies that consideration of the race, color, religious beliefs, national origin, or sex of the defendant or the victim was not involved in reaching his or her individual decision, and that the individual juror would have made the same sentence recommendation for ZACARIAS MOUSSAOUI no matter what the race, color, religious beliefs, national origin, or sex of the defendant, or the victim, would have been.**

**All Jurors and Foreperson must sign below:**

\_\_\_\_\_  
(Signature & Juror Number)

\_\_\_\_\_  
(Signature & Juror Number)

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(Signature & Juror Number)

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(Signature & Juror Number)

\_\_\_\_\_  
FOREPERSON (Signature & Juror Number)

Date: \_\_\_\_\_, 2006

**COUNT III: Conspiracy to Destroy Aircraft**

**Section I. Statutory Aggravating Factors**

**Instructions:** Answer "YES" or "NO" as to whether the Jury unanimously finds that the Government has proven any Statutory Aggravating Factor beyond a reasonable doubt:

**A. That the defendant, ZACARIAS MOUSSAOUI, in the commission of the offense, knowingly created a grave risk of death to one or more persons in addition to the victims of the offense?**

**YES** \_\_\_\_\_

**NO** \_\_\_\_\_

**B. That the defendant, ZACARIAS MOUSSAOUI, committed the offense in an especially heinous, cruel, or depraved manner in that it involved torture or serious physical abuse to the victim or victims?**

**YES** \_\_\_\_\_

**NO** \_\_\_\_\_

**C. That the defendant, ZACARIAS MOUSSAOUI, committed the offense after substantial planning and premeditation to cause the death of a person or to commit an act of terrorism?**

**YES** \_\_\_\_\_

**NO** \_\_\_\_\_

**Instructions:** If you answered "NO" with respect to all three of the above Statutory Aggravating Factors, that ends your consideration of the death penalty as to ZACARIAS MOUSSAOUI for Count III. Go directly to **Section IV(A)** to record your decision and then proceed to **Section V** to certify your decision. If you answered "YES" with respect to any one of the above Statutory Aggravating Factors, go to **Section II**.

**Section II. Non-Statutory Aggravating Factors**

**Instructions:** Answer "YES" or "NO" as to whether the Jury unanimously finds that the Government has proven any of the Non-Statutory Aggravating Factors beyond a reasonable doubt:

- A. That on or about February 23, 2001, defendant, ZACARIAS MOUSSAOUI, entered the United States, for the purpose of gaining specialized knowledge in flying an aircraft in order to kill as many American citizens as possible?**

**YES** \_\_\_\_\_

**NO** \_\_\_\_\_

- B. That the actions of defendant, ZACARIAS MOUSSAOUI, resulted in the deaths of approximately 3,000 people?**

**YES** \_\_\_\_\_

**NO** \_\_\_\_\_

- C. That the actions of defendant, ZACARIAS MOUSSAOUI, resulted in serious physical and emotional injuries, including maiming, disfigurement, and permanent disability, to numerous individuals who survived the offense?**

**YES** \_\_\_\_\_

**NO** \_\_\_\_\_

- D. That as demonstrated by the victims' personal characteristics as individual human beings and the impact of their deaths upon their families, friends, and co-workers, the defendant, ZACARIAS MOUSSAOUI, caused injury, harm, and loss to the victims, their families, their friends, and their co-workers?**

**YES** \_\_\_\_\_

**NO** \_\_\_\_\_

- E. That the Government has proven beyond a reasonable doubt that the actions of defendant, ZACARIAS MOUSSAOUI, were intended to cause, and in fact did cause, tremendous disruption to the function of the City of New York and its economy as evinced by the following:**

- 1. The deaths of 343 members of the New York City Fire Department, including the majority of its upper management, and the loss of approximately 92 pieces of fire-fighting apparatus including fire engines, ladder companies, ambulances and other rescue vehicles;**



2. **The deaths of 37 Port Authority officers, the deaths of 38 Port Authority civilian employees, the destruction of the headquarters of the Port Authority, and the loss of approximately 114 Port Authority vehicles;**
3. **The deaths of 23 New York City police officers and the loss of numerous vehicles used by the New York Police Department to fight crime;**
4. **The deaths of 3 New York state court officers;**
5. **The death of 1 Special Agent of the Federal Bureau of Investigation (FBI);**
6. **The death of 1 Master Special Officer of the United States Secret Service, the destruction of the New York field office for the United States Secret Service, the loss of 184 vehicles used by the United States Secret Service, including 7 armored limousines, the loss of all of the weapons stored in the New York field office for the United States Secret Service, the destruction of communication equipment used by the New York field office for the United States Secret Service, and the destruction of evidence stored in the New York field office for the United States Secret Service, which was to be used in criminal prosecutions;**
7. **The destruction of the United States Customs building, which housed all components of the United States Customs Service in New York City, the destruction of the laboratory utilized by the United States Customs Service in its northeast region, the loss of 50 vehicles used by the United States Customs Service to fight crime, the loss of the majority of the weapons stored in the New York field office for the United States Customs Service, the destruction of communication equipment used by the New York field office for the United States Customs Service, and the destruction of evidence stored in the New York field office for the United States Customs Service, which was to be used in criminal prosecutions;**
8. **The destruction of the offices of the New York field division of the Bureau of Alcohol, Tobacco and Firearms (ATF), the loss of 15 vehicles used by the ATF to fight crime, the destruction of the regional firearms center used to examine all firearms collected as evidence by the ATF as well as approximately 400 firearms which had been seized as evidence in criminal prosecutions, and the destruction of approximately 100 weapons used by ATF Special Agents to fight crime;**
9. **The destruction of the offices of the New York field division of the Internal Revenue Service, the loss of 7**

vehicles used by the Internal Revenue Service to fight crime, and the destruction of evidence stored in the New York field office of the Internal Revenue Service;

10. The destruction of the offices of the New York field division of the Office of Inspector General (Office of Investigation) for the Department of Housing and Urban Development (HUD), the loss of 5 vehicles used by HUD, the destruction of approximately 46 weapons used by HUD to fight crime, and the destruction of evidence stored in the New York field office of HUD, which was to be used in criminal prosecutions;
11. The destruction of the Office of Emergency Operations Center, which was designed to coordinate the response to large-scale emergencies in the City of New York;
12. The disruption of service on train and subway lines, including the E line, subway lines 1 and 9, and the Port Authority Trans-Hudson (PATH) lines;
13. The closure of parks, playgrounds, and schools in lower Manhattan;
14. The displacement of businesses located in the World Trade Center and the economic harm to each of the businesses;
15. The disruption of telephone service in Manhattan;
16. The destruction of approximately 12 million square feet of office space;
17. Property loss costing several billion dollars;
18. The temporary closure of the New York Stock Exchange (NYSE) and the New York Mercantile Exchange (NYMEX);
19. The temporary closure of state and federal courthouses in Manhattan; and,
20. The delay of the meeting of the United Nations General Assembly and a special meeting of the United Nations called to address UNICEF issues.

YES \_\_\_\_\_

NO \_\_\_\_\_

**F. That the actions of defendant, ZACARIAS MOUSSAOUI, were intended to cause, and in fact did cause, tremendous disruption to the function of the Pentagon as evidenced by the following:**

- 1. The destruction of the Naval Operations Center and the loss of the majority of its staff;**
- 2. The destruction of the Naval Intelligence Plot and the loss of the majority of its staff;**
- 3. The destruction of the Army Resource Management Center and the loss of its staff;**
- 4. The destruction of 400,000 square feet and the damage of over 1 million square feet of office space;**
- 5. The destruction of a portion of the Pentagon which had just been renovated at the cost of \$250 million; and,**
- 6. The destruction of computers, other technological equipment, furniture, and safes specifically designed for use by the Pentagon because of its unique role as the center of military operations for the United States of America.**

**YES \_\_\_\_\_**

**NO \_\_\_\_\_**

**G. That the defendant, ZACARIAS MOUSSAOUI, has demonstrated a lack of remorse for his criminal conduct?**

**YES \_\_\_\_\_**

**NO \_\_\_\_\_**

**Instructions:** No matter how you answered with respect to the above Non-Statutory Aggravating Factors, proceed to **Section III**.

**Section III. Mitigating Factors**

**Instructions:** Indicate the number of Jurors who find that the defense has established the existence of each listed Mitigating Factor by a preponderance of the evidence. If no Juror finds that the defense proved a particular Mitigating Factor, the word “NONE” should be written in the blank. You may also write in **paragraph X** any additional Mitigating Factors found by at least one Juror, by a preponderance of the evidence, even if not raised by the defense.

- A. That if he is not sentenced to death, ZACARIAS MOUSSAOUI will be incarcerated in prison for the rest of his life, without the possibility of release.**  
Number of Jurors who so find \_\_\_\_
- B. That ZACARIAS MOUSSAOUI has maintained a non-violent record for the past four years while incarcerated in the Alexandria Detention Center with minimal rules violations.**  
Number of Jurors who so find \_\_\_\_
- C. That the Federal Bureau of Prisons has the authority and ability to maintain ZACARIAS MOUSSAOUI under highly secure conditions.**  
Number of Jurors who so find \_\_\_\_
- D. That given his conduct, and the likely conditions of his maximum security confinement, ZACARIAS MOUSSAOUI will not present a substantial risk to prison officials or other inmates if he is sentenced to life imprisonment without the possibility of release.**  
Number of Jurors who so find \_\_\_\_
- E. That a sentence of life in prison without the possibility of release, under the strict conditions the Bureau of Prisons is likely to impose, will be a more severe punishment for ZACARIAS MOUSSAOUI than a sentence of death.**  
Number of Jurors who so find \_\_\_\_
- F. That ZACARIAS MOUSSAOUI believes that his execution will be part of his Jihad and will provide him with the rewards attendant to a martyr’s death.**  
Number of Jurors who so find \_\_\_\_

- G. That the execution of ZACARIAS MOUSSAOUI will create a martyr for radical Muslim fundamentalists, and to al Qaeda in particular.  
Number of Jurors who so find \_\_\_\_**
- H. That ZACARIAS MOUSSAOUI's unstable early childhood and dysfunctional family resulted in his being placed in orphanages and having a home life without structure and emotional and financial support eventually resulting in his leaving home due to his hostile relationship with his mother.  
Number of Jurors who so find \_\_\_\_**
- I. That ZACARIAS MOUSSAOUI's father had a violent temper and physically and emotionally abused his family.  
Number of Jurors who so find \_\_\_\_**
- J. That ZACARIAS MOUSSAOUI's father abandoned Zacarias and his siblings, leaving Zacarias's mother to support and raise their children on her own.  
Number of Jurors who so find \_\_\_\_**
- K. That ZACARIAS MOUSSAOUI was subject to racism as a youngster because of his Moroccan background which affected him deeply.  
Number of Jurors who so find \_\_\_\_**
- L. That ZACARIAS MOUSSAOUI's mother had a violent uncle or men unrelated to the family living in the home with the family.  
Number of Jurors who so find \_\_\_\_**
- M. That ZACARIAS MOUSSAOUI's two sisters and his father all suffered from psychotic illnesses.  
Number of Jurors who so find \_\_\_\_**
- N. That even though ZACARIAS MOUSSAOUI arrived in England with no money and lived in a homeless shelter, he endured the hardship and through perseverance graduated with a masters degree from South Bank University.  
Number of Jurors who so find \_\_\_\_**

- O. That his mother's failure to provide her children with any meaningful religious training or practice left ZACARIAS MOUSSAOUI without the theological or intellectual basis to resist the preachings and propaganda of radical Muslim fundamentalists in London who provided him with a sense of group identity he never had.  
Number of Jurors who so find \_\_\_\_**
- P. That ZACARIAS MOUSSAOUI suffers from a psychotic disorder, most likely schizophrenia, paranoid subtype.  
Number of Jurors who so find \_\_\_\_**
- Q. That ZACARIAS MOUSSAOUI's role in al Qaeda while in Afghanistan was as a security clerk at a guesthouse and as a driver for persons staying at the guesthouse.  
Number of Jurors who so find \_\_\_\_**
- R. That ZACARIAS MOUSSAOUI's testimony about his plan to fly a plane into the White House is unreliable and is contradicted by his statements about other plots he was involved in.  
Number of Jurors who so find \_\_\_\_**
- S. That ZACARIAS MOUSSAOUI's role in the 9/11 operation, if any, was minor.  
Number of Jurors who so find \_\_\_\_**
- T. That ZACARIAS MOUSSAOUI was incarcerated on the day of the 9/11 attacks.  
Number of Jurors who so find \_\_\_\_**
- U. That ZACARIAS MOUSSAOUI was an ineffectual al Qaeda operative.  
Number of Jurors who so find \_\_\_\_**
- V. That other persons who were equally culpable in the offense, whether indicted or not, will not be punished by death and/or have not been the subject of a capital prosecution.  
Number of Jurors who so find \_\_\_\_**

**W. That other factors in the background or character of ZACARIAS MOUSSAOUI suggest that life without the possibility of release is the most appropriate punishment.**

**Number of Jurors who so find \_\_\_\_\_**

**X. List on the lines below any additional Mitigating Factors found by at least one Juror and the number of Jurors who so found. If you need additional space, ask for more paper:**

1. \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**Number of Jurors who so find \_\_\_\_\_**

2. \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**Number of Jurors who so find \_\_\_\_\_**

3. \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**Number of Jurors who so find \_\_\_\_\_**

4. \_\_\_\_\_  
\_\_\_\_\_  
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**Number of Jurors who so find \_\_\_\_\_**

5. \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**Number of Jurors who so find \_\_\_\_\_**

6. \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**Number of Jurors who so find \_\_\_\_\_**

\_\_\_\_\_ **Instructions:** Go to **Section IV(B)** to record your decision as to the appropriate sentence recommendation.



**Section IV. FINAL DECISION AS TO COUNT III**

**Instructions:** Answer **Section IV(A)** only if the Jury found none of the Statutory Aggravating Factors in **Section I**. Answer either **Section IV(B)(1)** or **Section IV(B)(2)** if the Jury found at least one Statutory Aggravating Factor in **Section I**.

**A. NO STATUTORY AGGRAVATING FACTORS FOUND.**

**We, the Jury, find as to Count III, that the Government has not proven, beyond a reasonable doubt, the existence of any Statutory Aggravating Factors required by law as a prerequisite for the imposition of capital punishment, and therefore do not recommend the death penalty for ZACARIAS MOUSSAOUI as to Count III.**

---

**FOREPERSON (Signature & Juror Number)**

**Date:** \_\_\_\_\_, 2006

**Instructions:** Go directly to **Section V** to certify this decision.

**Section IV. FINAL DECISION AS TO COUNT III (Cont.)**

**B. THE JURY'S SENTENCING RECOMMENDATION**

Instructions: Answer either **B(1)** or **B(2)** but not both. Then go directly to **Section V** to certify your decision.

**1. DEATH SENTENCE**

**Based upon consideration of whether the aggravating factor or 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 factor or factors are themselves sufficient to justify a sentence of death, we the jury, by unanimous vote, determine that a sentence of death shall be imposed.**

\_\_\_\_\_  
(Signature & Juror Number)

\_\_\_\_\_  
(Signature & Juror Number)

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(Signature & Juror Number)

\_\_\_\_\_  
(Signature & Juror Number)

\_\_\_\_\_  
FOREPERSON (Signature & Juror Number)

Date: \_\_\_\_\_, 2006

**Section IV. FINAL DECISION AS TO COUNT III (Cont.)**

**2. SENTENCE OF LIFE IMPRISONMENT WITHOUT POSSIBILITY OF RELEASE**

**Based upon consideration of whether the aggravating factor or 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 factor or factors are themselves sufficient to justify a sentence of death, we the jury, do not unanimously find that a sentence of death shall be imposed on the defendant.**

---

**FOREPERSON (Signature & Juror Number)**

**Date: \_\_\_\_\_, 2006**

**Section V. CERTIFICATION**

**By signing below, each juror certifies that consideration of the race, color, religious beliefs, national origin, or sex of the defendant or the victim was not involved in reaching his or her individual decision, and that the individual juror would have made the same sentence recommendation for ZACARIAS MOUSSAOUI no matter what the race, color, religious beliefs, national origin, or sex of the defendant, or the victim, would have been.**

**All Jurors and Foreperson must sign below:**

\_\_\_\_\_  
(Signature & Juror Number)

\_\_\_\_\_  
(Signature & Juror Number)

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(Signature & Juror Number)

\_\_\_\_\_  
FOREPERSON (Signature & Juror Number)

Date: \_\_\_\_\_, 2006

**COUNT IV: Conspiracy to Use Weapons of Mass Destruction**

**Section I. Statutory Aggravating Factors**

**Instructions:** Answer "YES" or "NO" as to whether the Jury unanimously finds that the Government has proven any Statutory Aggravating Factor beyond a reasonable doubt:

- A. That the defendant, ZACARIAS MOUSSAOUI, in the commission of the offense, knowingly created a grave risk of death to one or more persons in addition to the victims of the offense?**

**YES** \_\_\_\_\_

**NO** \_\_\_\_\_

- B. That the defendant, ZACARIAS MOUSSAOUI, committed the offense in an especially heinous, cruel, or depraved manner in that it involved torture or serious physical abuse to the victim or victims?**

**YES** \_\_\_\_\_

**NO** \_\_\_\_\_

- C. That the defendant, ZACARIAS MOUSSAOUI, committed the offense after substantial planning and premeditation to cause the death of a person or to commit an act of terrorism?**

**YES** \_\_\_\_\_

**NO** \_\_\_\_\_

**Instructions:** If you answered "NO" with respect to all three of the above Statutory Aggravating Factors, that ends your consideration of the death penalty as to ZACARIAS MOUSSAOUI for Count IV. Go directly to **Section IV(A)** to record your decision and then proceed to **Section V** to certify your decision. If you answered "YES" with respect to any one of the above Statutory Aggravating Factors, go to **Section II**.

**Section II. Non-Statutory Aggravating Factors**

**Instructions:** Answer "YES" or "NO" as to whether the Jury unanimously finds that the Government has proven any of the Non-Statutory Aggravating Factors beyond a reasonable doubt:

- A. That on or about February 23, 2001, defendant, ZACARIAS MOUSSAOUI, entered the United States, for the purpose of gaining specialized knowledge in flying an aircraft in order to kill as many American citizens as possible?**

**YES** \_\_\_\_\_

**NO** \_\_\_\_\_

- B. That the actions of defendant, ZACARIAS MOUSSAOUI, resulted in the deaths of approximately 3,000 people?**

**YES** \_\_\_\_\_

**NO** \_\_\_\_\_

- C. That the actions of defendant, ZACARIAS MOUSSAOUI, resulted in serious physical and emotional injuries, including maiming, disfigurement, and permanent disability, to numerous individuals who survived the offense?**

**YES** \_\_\_\_\_

**NO** \_\_\_\_\_

- D. That as demonstrated by the victims' personal characteristics as individual human beings and the impact of their deaths upon their families, friends, and co-workers, the defendant, ZACARIAS MOUSSAOUI, caused injury, harm, and loss to the victims, their families, their friends, and their co-workers?**

**YES** \_\_\_\_\_

**NO** \_\_\_\_\_

- E. That the Government has proven beyond a reasonable doubt that the actions of defendant, ZACARIAS MOUSSAOUI, were intended to cause, and in fact did cause, tremendous disruption to the function of the City of New York and its economy as evinced by the following:**

- 1. The deaths of 343 members of the New York City Fire Department, including the majority of its upper management, and the loss of approximately 92 pieces of fire-fighting apparatus including fire engines, ladder companies, ambulances and other rescue vehicles;**

2. **The deaths of 37 Port Authority officers, the deaths of 38 Port Authority civilian employees, the destruction of the headquarters of the Port Authority, and the loss of approximately 114 Port Authority vehicles;**
3. **The deaths of 23 New York City police officers and the loss of numerous vehicles used by the New York Police Department to fight crime;**
4. **The deaths of 3 New York state court officers;**
5. **The death of 1 Special Agent of the Federal Bureau of Investigation (FBI);**
6. **The death of 1 Master Special Officer of the United States Secret Service, the destruction of the New York field office for the United States Secret Service, the loss of 184 vehicles used by the United States Secret Service, including 7 armored limousines, the loss of all of the weapons stored in the New York field office for the United States Secret Service, the destruction of communication equipment used by the New York field office for the United States Secret Service, and the destruction of evidence stored in the New York field office for the United States Secret Service, which was to be used in criminal prosecutions;**
7. **The destruction of the United States Customs building, which housed all components of the United States Customs Service in New York City, the destruction of the laboratory utilized by the United States Customs Service in its northeast region, the loss of 50 vehicles used by the United States Customs Service to fight crime, the loss of the majority of the weapons stored in the New York field office for the United States Customs Service, the destruction of communication equipment used by the New York field office for the United States Customs Service, and the destruction of evidence stored in the New York field office for the United States Customs Service, which was to be used in criminal prosecutions;**
8. **The destruction of the offices of the New York field division of the Bureau of Alcohol, Tobacco and Firearms (ATF), the loss of 15 vehicles used by the ATF to fight crime, the destruction of the regional firearms center used to examine all firearms collected as evidence by the ATF as well as approximately 400 firearms which had been seized as evidence in criminal prosecutions, and the destruction of approximately 100 weapons used by ATF Special Agents to fight crime;**
9. **The destruction of the offices of the New York field division of the Internal Revenue Service, the loss of 7**

vehicles used by the Internal Revenue Service to fight crime, and the destruction of evidence stored in the New York field office of the Internal Revenue Service;

10. The destruction of the offices of the New York field division of the Office of Inspector General (Office of Investigation) for the Department of Housing and Urban Development (HUD), the loss of 5 vehicles used by HUD, the destruction of approximately 46 weapons used by HUD to fight crime, and the destruction of evidence stored in the New York field office of HUD, which was to be used in criminal prosecutions;
11. The destruction of the Office of Emergency Operations Center, which was designed to coordinate the response to large-scale emergencies in the City of New York;
12. The disruption of service on train and subway lines, including the E line, subway lines 1 and 9, and the Port Authority Trans-Hudson (PATH) lines;
13. The closure of parks, playgrounds, and schools in lower Manhattan;
14. The displacement of businesses located in the World Trade Center and the economic harm to each of the businesses;
15. The disruption of telephone service in Manhattan;
16. The destruction of approximately 12 million square feet of office space;
17. Property loss costing several billion dollars;
18. The temporary closure of the New York Stock Exchange (NYSE) and the New York Mercantile Exchange (NYMEX);
19. The temporary closure of state and federal courthouses in Manhattan; and,
20. The delay of the meeting of the United Nations General Assembly and a special meeting of the United Nations called to address UNICEF issues.

YES \_\_\_\_\_

NO \_\_\_\_\_



**F. That the actions of defendant, ZACARIAS MOUSSAOUI, were intended to cause, and in fact did cause, tremendous disruption to the function of the Pentagon as evidenced by the following:**

- 1. The destruction of the Naval Operations Center and the loss of the majority of its staff;**
- 2. The destruction of the Naval Intelligence Plot and the loss of the majority of its staff;**
- 3. The destruction of the Army Resource Management Center and the loss of its staff;**
- 4. The destruction of 400,000 square feet and the damage of over 1 million square feet of office space;**
- 5. The destruction of a portion of the Pentagon which had just been renovated at the cost of \$250 million; and,**
- 6. The destruction of computers, other technological equipment, furniture, and safes specifically designed for use by the Pentagon because of its unique role as the center of military operations for the United States of America.**

**YES \_\_\_\_\_**

**NO \_\_\_\_\_**

**G. That the defendant, ZACARIAS MOUSSAOUI, has demonstrated a lack of remorse for his criminal conduct?**

**YES \_\_\_\_\_**

**NO \_\_\_\_\_**

**Instructions:** No matter how you answered with respect to the above Non-Statutory Aggravating Factors, proceed to **Section III**.

**Section III. Mitigating Factors**

**Instructions:** Indicate the number of Jurors who find that the defense has established the existence of each listed Mitigating Factor by a preponderance of the evidence. If no Juror finds that the defense proved a particular Mitigating Factor, the word “NONE” should be written in the blank. You may also write in **paragraph X** any additional Mitigating Factors found by at least one Juror, by a preponderance of the evidence, even if not raised by the defense.

- A. That if he is not sentenced to death, ZACARIAS MOUSSAOUI will be incarcerated in prison for the rest of his life, without the possibility of release.**  
Number of Jurors who so find \_\_\_\_
- B. That ZACARIAS MOUSSAOUI has maintained a non-violent record for the past four years while incarcerated in the Alexandria Detention Center with minimal rules violations.**  
Number of Jurors who so find \_\_\_\_
- C. That the Federal Bureau of Prisons has the authority and ability to maintain ZACARIAS MOUSSAOUI under highly secure conditions.**  
Number of Jurors who so find \_\_\_\_
- D. That given his conduct, and the likely conditions of his maximum security confinement, ZACARIAS MOUSSAOUI will not present a substantial risk to prison officials or other inmates if he is sentenced to life imprisonment without the possibility of release.**  
Number of Jurors who so find \_\_\_\_
- E. That a sentence of life in prison without the possibility of release, under the strict conditions the Bureau of Prisons is likely to impose, will be a more severe punishment for ZACARIAS MOUSSAOUI than a sentence of death.**  
Number of Jurors who so find \_\_\_\_
- F. That ZACARIAS MOUSSAOUI believes that his execution will be part of his Jihad and will provide him with the rewards attendant to a martyr’s death.**  
Number of Jurors who so find \_\_\_\_

- G. That the execution of ZACARIAS MOUSSAOUI will create a martyr for radical Muslim fundamentalists, and to al Qaeda in particular.  
Number of Jurors who so find \_\_\_\_**
- H. That ZACARIAS MOUSSAOUI's unstable early childhood and dysfunctional family resulted in his being placed in orphanages and having a home life without structure and emotional and financial support eventually resulting in his leaving home due to his hostile relationship with his mother.  
Number of Jurors who so find \_\_\_\_**
- I. That ZACARIAS MOUSSAOUI's father had a violent temper and physically and emotionally abused his family.  
Number of Jurors who so find \_\_\_\_**
- J. That ZACARIAS MOUSSAOUI's father abandoned Zacarias and his siblings, leaving Zacarias's mother to support and raise their children on her own.  
Number of Jurors who so find \_\_\_\_**
- K. That ZACARIAS MOUSSAOUI was subject to racism as a youngster because of his Moroccan background which affected him deeply.  
Number of Jurors who so find \_\_\_\_**
- L. That ZACARIAS MOUSSAOUI's mother had a violent uncle or men unrelated to the family living in the home with the family.  
Number of Jurors who so find \_\_\_\_**
- M. That ZACARIAS MOUSSAOUI's two sisters and his father all suffered from psychotic illnesses.  
Number of Jurors who so find \_\_\_\_**
- N. That even though ZACARIAS MOUSSAOUI arrived in England with no money and lived in a homeless shelter, he endured the hardship and through perseverance graduated with a masters degree from South Bank University.  
Number of Jurors who so find \_\_\_\_**

- O. That his mother's failure to provide her children with any meaningful religious training or practice left ZACARIAS MOUSSAOUI without the theological or intellectual basis to resist the preachings and propaganda of radical Muslim fundamentalists in London who provided him with a sense of group identity he never had.  
Number of Jurors who so find \_\_\_\_**
- P. That ZACARIAS MOUSSAOUI suffers from a psychotic disorder, most likely schizophrenia, paranoid subtype.  
Number of Jurors who so find \_\_\_\_**
- Q. That ZACARIAS MOUSSAOUI's role in al Qaeda while in Afghanistan was as a security clerk at a guesthouse and as a driver for persons staying at the guesthouse.  
Number of Jurors who so find \_\_\_\_**
- R. That ZACARIAS MOUSSAOUI's testimony about his plan to fly a plane into the White House is unreliable and is contradicted by his statements about other plots he was involved in.  
Number of Jurors who so find \_\_\_\_**
- S. That ZACARIAS MOUSSAOUI's role in the 9/11 operation, if any, was minor.  
Number of Jurors who so find \_\_\_\_**
- T. That ZACARIAS MOUSSAOUI was incarcerated on the day of the 9/11 attacks.  
Number of Jurors who so find \_\_\_\_**
- U. That ZACARIAS MOUSSAOUI was an ineffectual al Qaeda operative.  
Number of Jurors who so find \_\_\_\_**
- V. That other persons who were equally culpable in the offense, whether indicted or not, will not be punished by death and/or have not been the subject of a capital prosecution.  
Number of Jurors who so find \_\_\_\_**

**W. That other factors in the background or character of ZACARIAS MOUSSAOUI suggest that life without the possibility of release is the most appropriate punishment.**

**Number of Jurors who so find \_\_\_\_\_**

**X. List on the lines below any additional Mitigating Factors found by at least one Juror and the number of Jurors who so found. If you need additional space, ask for more paper:**

1. \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**Number of Jurors who so find \_\_\_\_\_**

2. \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**Number of Jurors who so find \_\_\_\_\_**

3. \_\_\_\_\_  
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**Number of Jurors who so find \_\_\_\_\_**

4. \_\_\_\_\_  
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**Number of Jurors who so find \_\_\_\_\_**

5. \_\_\_\_\_  
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**Number of Jurors who so find** \_\_\_\_\_

6. \_\_\_\_\_  
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\_\_\_\_\_

**Number of Jurors who so find** \_\_\_\_\_

\_\_\_\_\_ **Instructions:** Go to **Section IV(B)** to record your decision as to the appropriate sentence recommendation.

**Section IV. FINAL DECISION AS TO COUNT IV**

**Instructions:** Answer **Section IV(A)** only if the Jury found none of the Statutory Aggravating Factors in **Section I**. Answer either **Section IV(B)(1)** or **Section IV(B)(2)** if the Jury found at least one Statutory Aggravating Factor in **Section I**.

**A. NO STATUTORY AGGRAVATING FACTORS FOUND.**

**We, the Jury, find as to Count IV, that the Government has not proven, beyond a reasonable doubt, the existence of any Statutory Aggravating Factors required by law as a prerequisite for the imposition of capital punishment, and therefore do not recommend the death penalty for ZACARIAS MOUSSAOUI as to Count IV.**

---

**FOREPERSON (Signature & Juror Number)**

**Date:** \_\_\_\_\_, 2006

**Instructions:** Go directly to **Section V** to certify this decision.

**Section IV. FINAL DECISION AS TO COUNT IV (Cont.)**

**B. THE JURY'S SENTENCING RECOMMENDATION**

Instructions: Answer either **B(1)** or **B(2)** but not both. Then go directly to **Section V** to certify your decision.

**1. DEATH SENTENCE**

**Based upon consideration of whether the aggravating factor or 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 factor or factors are themselves sufficient to justify a sentence of death, we the jury, by unanimous vote, determine that a sentence of death shall be imposed.**

\_\_\_\_\_  
(Signature & Juror Number)

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(Signature & Juror Number)

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\_\_\_\_\_  
FOREPERSON (Signature & Juror Number)

Date: \_\_\_\_\_, 2006



**Section IV. FINAL DECISION AS TO COUNT IV (Cont.)**

**2. SENTENCE OF LIFE IMPRISONMENT WITHOUT POSSIBILITY OF RELEASE**

**Based upon consideration of whether the aggravating factor or 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 factor or factors are themselves sufficient to justify a sentence of death, we the jury, do not unanimously find that a sentence of death shall be imposed on the defendant.**

---

**FOREPERSON (Signature & Juror Number)**

**Date: \_\_\_\_\_, 2006**

**Section V. CERTIFICATION**

**By signing below, each juror certifies that consideration of the race, color, religious beliefs, national origin, or sex of the defendant or the victim was not involved in reaching his or her individual decision, and that the individual juror would have made the same sentence recommendation for ZACARIAS MOUSSAOUI no matter what the race, color, religious beliefs, national origin, or sex of the defendant, or the victim, would have been.**

**All Jurors and Foreperson must sign below:**

\_\_\_\_\_  
(Signature & Juror Number)

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(Signature & Juror Number)

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FOREPERSON (Signature & Juror Number)

Date: \_\_\_\_\_, 2006