

Supplement to N.C.P.I.--Crim. 150.10 (App.)

NOTE WELL: THE FORMS ON THE FOLLOWING PAGES HAVE BEEN
DESIGNED FOR YOUR USE BY LOCAL REPRODUCTION, IF YOU FIND
THEM HELPFUL.

FILL IN THE BLANK SPACES WITH THE AGGRAVATING AND MITIGATING
CIRCUMSTANCES APPROPRIATE TO EACH CASE, AND THEN MAKE SUFFICIENT
COPIES FOR THE JURY.

STATE OF NORTH CAROLINA
_____ COUNTY

IN THE GENERAL COURT OF JUSTICE
SUPERIOR COURT DIVISION
NO. _____

STATE OF NORTH CAROLINA,)
)
)
 vs.)
)
)
 Defendant)

ISSUES AND RECOMMENDATION
AS TO PUNISHMENT

Issue One-A:

Do you unanimously find from the evidence, beyond a reasonable doubt, that the defendant himself:

Killed or attempted to kill the victim;

OR

Intended to kill the victim;

OR

Intended that deadly force would be used in the course of the underlying felony;

OR

Was a major participant in the underlying felony and exhibited reckless indifference to human life?

ANSWER: _____

IF YOU ANSWERED ISSUE ONE-A "NO," SKIP ISSUES ONE, TWO, THREE, AND FOUR AND INDICATE LIFE IMPRISONMENT UNDER "RECOMMENDATION AS TO PUNISHMENT" ON THE LAST PAGE OF THIS FORM. IF YOU ANSWERED ISSUE ONE-A "YES," PROCEED TO ISSUE ONE.

(Issue One-A)

Issue One:

Do you unanimously find from the evidence beyond a reasonable doubt the existence of one or more of the following aggravating circumstances?

ANSWER: _____

BEFORE YOU ANSWER ISSUE ONE, CONSIDER EACH OF THE FOLLOWING AGGRAVATING CIRCUMSTANCES. IN THE SPACE AFTER EACH AGGRAVATING CIRCUMSTANCE WRITE "YES" IF YOU UNANIMOUSLY FIND THAT AGGRAVATING CIRCUMSTANCE FROM THE EVIDENCE BEYOND A REASONABLE DOUBT.

IF YOU WRITE "YES" IN ONE OR MORE OF THE SPACES AFTER THE FOLLOWING AGGRAVATING CIRCUMSTANCES, WRITE "YES" IN THE SPACE AFTER ISSUE ONE AS WELL. IF YOU WRITE "NO" IN ALL OF THE SPACES AFTER THE FOLLOWING AGGRAVATING CIRCUMSTANCES, WRITE "NO" IN THE SPACE AFTER ISSUE ONE.

IF YOU ANSWERED ISSUE ONE "NO," SKIP ISSUES TWO, THREE AND FOUR, AND INDICATE LIFE IMPRISONMENT UNDER "RECOMMENDATION AS TO PUNISHMENT" ON THE LAST PAGE OF THIS FORM. IF YOU ANSWERED ISSUE ONE "YES," PROCEED TO ISSUE TWO.

(Issue One)

Issue Two:

Do you find from the evidence the existence of one or more of the following mitigating circumstances?

ANSWER: _____

BEFORE YOU ANSWER ISSUE TWO, CONSIDER EACH OF THE FOLLOWING MITIGATING CIRCUMSTANCES. IN THE SPACE AFTER EACH MITIGATING CIRCUMSTANCE, WRITE "YES" IF ONE OR MORE OF YOU FINDS THAT MITIGATING CIRCUMSTANCE BY A PREPONDERANCE OF THE EVIDENCE. WRITE "NO" IF NONE OF YOU FINDS THAT MITIGATING CIRCUMSTANCE.

IF YOU WRITE "YES" IN ONE OR MORE OF THE FOLLOWING SPACES, WRITE "YES" IN THE SPACE AFTER ISSUE TWO AS WELL. IF YOU WRITE "NO" IN ALL OF THE FOLLOWING SPACES, WRITE "NO" IN THE SPACE AFTER ISSUE TWO.

(Issue Two)

ANSWER ISSUE THREE IF YOU ANSWERED ISSUE TWO "YES." IF YOU ANSWERED ISSUE TWO "NO," SKIP ISSUE THREE AND ANSWER ISSUE FOUR.

(Issue Two, page 2)

Issue Three:

Do you unanimously find beyond a reasonable doubt that the mitigating circumstance or circumstances found is, or are, insufficient to outweigh the aggravating circumstance or circumstances found by you?

ANSWER: _____

IF YOU ANSWERED ISSUE THREE "NO," INDICATE LIFE IMPRISONMENT UNDER "RECOMMENDATION AS TO PUNISHMENT." IF YOU ANSWERED ISSUE THREE "YES," PROCEED TO ISSUE FOUR.

(Issue Three)

Issue Four:

Do you unanimously find beyond a reasonable doubt that the aggravating circumstance or circumstances you found is, or are, sufficiently substantial to call for the imposition of the death penalty when considered with the mitigating circumstance or circumstances found by one or more of you?

ANSWER: _____

IF YOU ANSWERED ISSUE FOUR "YES," INDICATE DEATH UNDER "RECOMMENDATION AS TO PUNISHMENT." IF YOU ANSWERED ISSUE FOUR "NO," INDICATE LIFE IMPRISONMENT UNDER "RECOMMENDATION AS TO PUNISHMENT."

(Issue Four)

RECOMMENDATION AS TO PUNISHMENT

INDICATE YOUR RECOMMENDATION AS TO PUNISHMENT BY WRITING "DEATH"
OR "LIFE IMPRISONMENT" IN THE BLANK IN THE FOLLOWING SENTENCE:

We, the jury, unanimously recommend that the defendant, _____
_____, be sentenced to _____
_____.

This the _____ day of _____.

Jury Foreperson

