

THE STATE OF NEW HAMPSHIRE

HILLSBOROUGH, SS.
NORTHERN DISTRICT

SUPERIOR COURT

THE STATE OF NEW HAMPSHIRE

V.

MICHAEL K. ADDISON

07-S-0254

SPECIAL VERDICT FORM

GENERAL INSTRUCTIONS:

This form is intended to assist you in your deliberations and insure that you answer all the necessary questions in reaching your decision regarding the appropriate sentence in this case. Please follow the instructions and check all the appropriate spaces. After you are all certain that the form reflects the verdict of each juror, the foreman will date and sign the form, and will notify the bailiff that you have reached a decision. The foreman will then announce the decision in open court.

Section I. Statutory Aggravating Factors

Instructions: During the Eligibility Phase you unanimously found beyond a reasonable doubt the existence of the following aggravating factors. You may not reconsider them now.

1. The defendant purposely inflicted serious bodily injury that resulted in the death of Officer Michael Briggs.

PROVEN X
NOT PROVEN

2. The defendant murdered Officer Michael Briggs for the purpose of avoiding or preventing a lawful arrest or affecting an escape from lawful custody.

PROVEN X
NOT PROVEN

Section II. Non-Statutory Aggravating Factors

Instructions: Mark with an "X" PROVEN or NOT PROVEN for each of the following aggravating factors. "Proven" means that the jury unanimously agrees that the State has proven beyond a reasonable doubt that the facts or circumstances alleged are true and that those facts or circumstances tend to show that the death sentence is appropriate.

- (1) Other Serious Acts of Violence: Assault and Battery and Threatening to Commit a Crime. On or about August 10, 1996, in South Boston, Massachusetts, the defendant did assault and beat Cheryl Kiser and threaten to commit a crime against her by saying he would kill her. The defendant pled delinquent to these two offenses on January 5, 1999.

PROVEN X
NOT PROVEN _____

- (2) Other Serious Acts of Violence: Assault with Intent to Kill, Assault and Battery, and Possession of a Firearm without a Permit. On or about December 6, 1996, in Dorchester, Massachusetts, the defendant struck a male victim in the head and then pointed an unlicensed loaded revolver at the victim and pulled the trigger twice. The gun did not fire. The defendant pled guilty and was convicted of these three offenses on July 21, 1997.

PROVEN X
NOT PROVEN _____

- (3) Other Serious Acts of Violence: Armed Robbery and Two Counts of Assault and Battery with a Dangerous Weapon (knife and shod foot). On or about March 20, 1997, in Roxbury, Massachusetts, the defendant was armed with a dangerous weapon (a knife) and assaulted Tredaine Purdy with intent to rob him, and did rob and steal from the person of Tredaine Purdy a hat, which was the property of Tredaine Purdy. The defendant also committed two counts of assault and battery upon Tredaine Purdy by means of dangerous weapons, by stabbing Purdy in the back with a knife and kicking Purdy while he was on the ground with his shod foot. The defendant pled guilty and was convicted of these three offenses on December 3, 1997.

PROVEN X
NOT PROVEN _____

- (4) Other Serious Criminal Behavior: False Imprisonment. On or about October 27, 2003, in Londonderry, New Hampshire, the defendant, acting in concert with Mathys Morgan, knowingly confined Brian St. Peter unlawfully as to interfere substantially with his physical movements, by keeping him inside a locked vehicle. The defendant pled guilty and was convicted of this offense on November 4, 2003.

PROVEN X
NOT PROVEN _____

- (5) Other Serious Criminal Behavior: Probation Violation. On or about October 27, 2003, in Londonderry, New Hampshire, the defendant violated the terms of his probation by committing the crime of false imprisonment. On August 6, 2004, the defendant stipulated to the violation of probation and was found in violation by the Court.

PROVEN X
NOT PROVEN _____

- (6) Other Serious Criminal Behavior: Armed Robbery. The defendant committed armed robbery when he and his accomplices/co-conspirators, including Antoine Bell-Rogers, robbed customers of the El Mexicano Restaurant in Manchester, New Hampshire on or about October 10, 2006. A jury convicted Michael K. Addison of this offense on February 27, 2008.

PROVEN X
NOT PROVEN _____

- (7) Other Serious Criminal Behavior: Felon in Possession. The defendant was a felon in possession of a deadly weapon when he committed the armed robbery of the El Mexicano Restaurant in Manchester, New Hampshire with his accomplices/co-conspirators, including Antoine Bell-Rogers, on or about October 10, 2006. A jury convicted Michael K. Addison of this offense on February 27, 2008.

PROVEN X
NOT PROVEN _____

- (8) Other Serious Criminal Behavior: Armed Robbery and Conspiracy to Commit Robbery. The defendant, Michael K. Addison, agreed to rob a store and then committed armed robbery with a firearm when he and his accomplices/co-conspirators, including Antoine Bell-Rogers, robbed a 7-Eleven Store in Hudson, New Hampshire on or about October 11, 2006. A jury convicted Michael K. Addison of these two offenses on December 19, 2007.

PROVEN X
NOT PROVEN _____

- (9) Other Serious Criminal Behavior: Felon in Possession. The defendant was a felon in possession of a firearm when he committed the armed robbery of a 7-Eleven Store with his accomplices/co-conspirators, including Antoine Bell-Rogers, on or about October 11, 2006, in Hudson, New Hampshire. A jury convicted Michael K. Addison of this offense on December 19, 2007.

PROVEN X
NOT PROVEN _____

- (10) Other Serious Criminal Behavior: Accomplice to Reckless Conduct With a Firearm and Conspiracy to Commit Criminal Threatening. The defendant was involved in an incident on or about October 15, 2006, where he and/or his accomplice/co-conspirator Antoine Bell-Rogers agreed to threaten people in a residence and Bell-Rogers, acting in concert with and aided by the defendant, Michael K. Addison, discharged a firearm outside a residence at 345 Edward J. Roy Drive in Manchester, New Hampshire. A jury convicted Michael K. Addison of these two offenses on November 29, 2007.

PROVEN X
NOT PROVEN _____

- (11) Other Serious Criminal Behavior: Felon in Possession. The defendant was a felon in possession of a firearm, when he committed the murder of Manchester Police Officer Michael Briggs in Manchester, New Hampshire on or about October 16, 2006.

PROVEN X
NOT PROVEN _____

- (12) Other Serious Criminal Behavior: Reckless Conduct. On or about October 16, 2006, the defendant placed or may have placed another in danger of serious bodily injury by disposing of the firearm he used to murder Manchester Police Officer Michael Briggs by leaving it outside in a neighborhood in Manchester, New Hampshire.

PROVEN X
NOT PROVEN _____

- (13) Future Dangerousness of the Defendant: The defendant is likely to commit criminal acts of violence in the future which would be a continuing and serious threat to others in prison. In addition to the charged offense of capital murder and the cited statutory and non-statutory aggravating factors, the defendant has engaged in a continuing pattern of criminal and violent conduct, has threatened others with violence and has demonstrated low rehabilitative potential.

PROVEN _____
NOT PROVEN X

- (14) Victim Impact Evidence: The defendant caused injury, harm, and loss to the family of Manchester Police Officer Michael Briggs because of the victim's personal characteristics as an individual human being and the impact of the death upon the victim's family. The murder of Officer Michael Briggs has caused the Briggs family extreme emotional suffering, and the victim's family has suffered severe and irreparable harm.

PROVEN X
NOT PROVEN _____

Section III. Mitigating Factors

Instructions: Mark with an "X" **PROVEN** or **NOT PROVEN** for each of these mitigators. "Proven" means that at least one juror has found that the defendant has proven by a preponderance of the evidence that the facts or circumstances alleged are true and that those facts or circumstances tend to show that a life sentence is appropriate or sufficient to do justice in this case.

- (1) If the defendant is not sentenced to death, he will be automatically, as a matter of law, sentenced to life in prison without the possibility of release.

PROVEN X
NOT PROVEN _____

- (2) The defendant attempted to plead guilty to Capital Murder but his offer was rejected by the State.

PROVEN _____
NOT PROVEN X

- (3) The homicide did not involve substantial planning or premeditation.

PROVEN X
NOT PROVEN _____

- (4) The circumstances of the homicide did not involve torture or protracted cruelty.

PROVEN _____
NOT PROVEN X

- (5) In the early morning hours of October 16, 2006, the defendant took possession of the gun, not for the purpose of killing, but rather to keep the gun away from Bell-Rogers who had fought with and threatened to kill Jennifer Roman.

PROVEN _____
NOT PROVEN X

- (6) After the defendant fled to his girlfriend's home and then to his grandmother's home, he surrendered without resistance and without causing additional harm.

PROVEN X
NOT PROVEN _____

- (7) The evidence does not establish that the defendant purposely killed Officer Briggs with sufficient certainty to justify imposition of the death penalty.

PROVEN _____
NOT PROVEN X

- (8) During his two years of pre-trial confinement, the defendant has committed no crimes and his behavior has demonstrated his potential to adjust well in a secure prison setting.

PROVEN _____
NOT PROVEN X

- (9) The defendant's mother (Cheryl Kiser) was a fifteen year old girl with a history of psychiatric problems who neglected her prenatal care and who engaged in violence, drug abuse and alcohol abuse during her pregnancy with him.

PROVEN X
NOT PROVEN _____

(10) There were serious prenatal and peri-natal complications of Cheryl Kiser's pregnancy with the defendant.

PROVEN _____
NOT PROVEN X

(11) The defendant suffers from impaired brain function.

PROVEN _____
NOT PROVEN X

(12) During the defendant's childhood, his mother engaged in acts of violence, substance abuse, and mentally unstable behavior on occasions when he was in her presence, when he was in her care, and/or when she was living in the same home.

PROVEN X
NOT PROVEN _____

(13) Cheryl Kiser was physically abusive to the defendant during his childhood.

PROVEN X
NOT PROVEN _____

(14) The defendant was abandoned by his biological father, Michael Wilson.

PROVEN _____
NOT PROVEN X

(15) The defendant's biological father, Michael Wilson was a chronic drug abuser who engaged in criminal conduct, including drug dealing, to support his habit.

PROVEN X
NOT PROVEN _____

(16) During the defendant's early childhood, he was left alone at times in the care of his mother (Cheryl Kiser) even though the Department of Social Services had instructed that he should never be alone with his mother.

PROVEN X
NOT PROVEN _____

(17) During the defendant's childhood, family members who lived in the home with him, such as his mother, his uncles and his adoptive/step father, engaged in substance abuse.

PROVEN X
NOT PROVEN _____

(18) During the defendant's childhood, his adoptive/stepfather, Lucious Addison, was guilty of acts of domestic violence against the defendant's adoptive/grandmother, Rosetta Addison, such as threatening to kill her, breaking furniture and/or other threatening or violent behavior.

PROVEN _____
NOT PROVEN X

(19) During the defendant's childhood, his mother (Cheryl Kiser), his father (Michael Wilson) and other family members engaged in criminal behavior, including acts of violence of which the defendant was aware as a child and some of which he witnessed.

PROVEN X
NOT PROVEN _____

(20) When the defendant was a young child - under the age of 10 - his mother, Cheryl Kiser, told him he was responsible for her bad behavior, including her leaving the home in Brockton.

PROVEN _____
NOT PROVEN X

(21) The defendant was in special education programs as a child and adolescent.

PROVEN X
NOT PROVEN _____

(22) During the defendant's childhood, when he was placed in small, structured classrooms, with one on one instruction, he was able to maintain his behavior and perform better.

PROVEN X
NOT PROVEN _____

(23) During the defendant's childhood, he exhibited symptoms of Attention Deficit Hyperactivity Disorder, beginning at approximately age 4 and continuing through his school years, for which he did not receive treatment.

PROVEN _____
NOT PROVEN X

(24) When the defendant was a young child - under the age of 10 - he did not receive the psychological counseling recommended by mental health professionals who evaluated him.

PROVEN X
NOT PROVEN _____

(25) During the defendant's childhood, he did not receive the supervision, guidance and nurturing necessary for healthy development.

PROVEN X
NOT PROVEN _____

(26) The actions of the defendant's family prevented the Massachusetts Department of Social Services from properly investigating and supervising conditions in the Kiser/Addison home in Brockton, Massachusetts.

PROVEN _____
NOT PROVEN X

(27) During the defendant's childhood, Rosetta Addison worked long hours and attended school, leaving the defendant in the care of many different persons.

PROVEN X
NOT PROVEN _____

(28) During the defendant's adolescence, he lived in the Roxbury and Dorchester sections of Boston, where he was exposed to crime, violence, and drug dealing and drug abuse.

PROVEN X
NOT PROVEN _____

Section IV. Weighing

Instructions: You must now weigh the proven aggravating factors against any proven mitigating factors and determine whether the aggravating factors sufficiently outweigh the mitigating factors to warrant a death sentence. Even if no mitigating factors are found, the jury must decide whether the aggravating factors are in themselves sufficient to warrant a sentence of death.

Does the jury unanimously agree that the statutory and non-statutory aggravating factors found proven beyond a reasonable doubt, sufficiently outweigh all mitigating factors which any juror has found proven by a preponderance of the evidence, so as to warrant imposition of the death penalty?

YES X
NO

If you answered "No", your deliberations are complete. The foreperson will sign the form and the defendant will be sentenced to life without the possibility of parole. If you answered "Yes", please proceed.

Section V: Sentence

Instructions: Understanding that regardless of any of your preceding answers, the jury is never required to impose the death penalty, and that the jury may only impose the death penalty if all 12 jurors so agree, what sentence do you impose?

1. LIFE WITHOUT THE POSSIBILITY OF PAROLE _____

OR

2. DEATH X

If you have sentenced the defendant to death, each juror must sign the certification in Section VI.

12/18/08
Date

John W. Duong
Foreperson

Section VI. 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 recommendation regarding a sentence for the crime in question regardless of the race, color, religious beliefs, national origin, or sex of the defendant or the victim.

Evelyn Reed #13
(Signature & Juror Number)

Lawn Johnson #14
(Signature & Juror Number)

Amy Pelletier #4
(Signature & Juror Number)

Ryan J. Ell #5
(Signature & Juror Number)

R. Brett Beard #6
(Signature & Juror Number)

Wendy [unclear] #7
(Signature & Juror Number)

Betty Campbell 15
(Signature & Juror Number)

Thomas Connell #11
(Signature & Juror Number)

[unclear] #16
(Signature & Juror Number)

Quinn T. Fournier #17
(Signature & Juror Number)

Rebecca Palomd #18
(Signature & Juror Number)

John W. Domingo #2
FOREPERSON (Signature & Juror Number)

Date: Dec. 18, , 2008