

RULES OF SUPREME COURT OF LOUISIANA
APPENDIX "B"

UNIFORM CAPITAL SENTENCE REPORT
(to be completed by Trial Judge)

A. DATA CONCERNING DEFENDANT

1. Name:

2. Date of Birth:

3. Race:

4. Sex: M () F ()

5. Marital Status: Never Married

() Married () Date _____

Divorced () Date _____

Spouse Deceased () Date _____

6. Children

(a) Number of children _____

(b) Ages of children _____

(c) Was he contributing to the support of any of these children at the time of the offense

7. Other Dependents

(a) Number _____ (b) Relationship _____ (c) Ages _____

8. Father living: Yes () No () If deceased, give date of death

9. Mother living: Yes () No () If deceased, give date of death

10. Number of children born to parents _____

11. Education _____ Highest Grade Completed _____

12. Intelligence Level:

(IQ below 70) Low ()

(IQ 70 to 100) Medium ()

(IQ above 100) High ()

13. Psychiatric Evaluation Performed? Yes () No ()

If performed, is defendant:

(a) Able to distinguish right from wrong? Yes () No ()

(b) Able to adhere to the right? Yes () No ()

(c) Able to cooperate intelligently in his own defense? Yes () No ()

14. If examined, were character or behavior disorders found? Yes () No ()

(If answer is yes, please elaborate) _____

15. What other pertinent psychiatric (psychological) information was revealed?

16. Does the defendant's physical or mental condition call for special consideration?

Yes () No ()

17. Prior Work Record of Defendant:

| Type Job | Dates Held | Reason for Termination |
|-----------|------------|------------------------|
| (a) _____ | _____ | _____ |
| (b) _____ | _____ | _____ |
| (c) _____ | _____ | _____ |
| (d) _____ | _____ | _____ |
| (e) _____ | _____ | _____ |

18. Does the defendant have a record of prior convictions? Yes () No ()

19. If answer is yes, list offenses, the dates of the offenses and the sentences imposed:

| Offense | Date of Offense | Sentence Imposed |
|-----------|-----------------|------------------|
| (a) _____ | _____ | _____ |
| (b) _____ | _____ | _____ |
| (c) _____ | _____ | _____ |
| (d) _____ | _____ | _____ |

20. Was there evidence that the defendant was under the influence of narcotics or dangerous drugs at the time of the offense?

Yes () No ()

21. Was the defendant a local resident or a transient in the community?

Resident ()

Transient ()

B. DATA CONCERNING OFFENSE

1. Were other offenses tried in same trial? Yes () No ()

If yes, list the other offenses:

2. Which of the following statutory aggravating circumstances were specifically argued, which were found?

Argued Found

a. The offender was engaged in the perpetration or attempted perpetration of aggravated rape, aggravated kidnapping, aggravated burglary, or armed robbery; _____

b. The victim was a fireman or peace officer engaged in his lawful duties; _____

c. The offender was previously convicted of an unrelated murder, aggravated rape, or aggravated kidnapping; _____

d. The offender knowingly created a risk of death or great bodily harm to more than one person; _____

e. The offender offered or has been offered or has given or received anything of value for the commission of the offense; _____

f. The offender at the time of the commission of the offense was imprisoned after sentence for the commission of an unrelated forcible felony; _____

g. The offense was committed in an especially heinous, atrocious or cruel manner.

3. Which of the following mitigating circumstances were argued?

a. The offender has no significant prior history of criminal activity; _____

b. The offense was committed while the offender was under the influence of extreme mental or emotional disturbance; _____

c. The offense was committed while the offender was under the influence or under the domination of another person; _____

d. The offense was committed under circumstances which the offender reasonably believed to provide a moral justification or extenuation for his conduct; _____

e. At the time of the offense the capacity of the offender to appreciate the criminality of his conduct or to conform his conduct to the requirements of law was impaired as a result of mental disease or defect or intoxication; _____

f. The youth of the offender at the time of the offense; _____

g. The offender was a principal whose participation was relatively minor. _____

4. What was the age of the victim? _____

5. What was the race of the victim? _____

6. Was the victim physically harmed or tortured prior to the murder?

Yes () No ()

If yes, state nature of harm or torture, as reflected by the record.

7. Was the victim related by blood or marriage to defendant? Yes () No ()

8. If answer is yes, what was the relationship? _____

9. Was the victim an employer or employee of defendant?

No () Employer () Employee ()

10. Was the victim acquainted with the defendant?

No () Casual Acquaintance () Friend ()

11. Was the victim a local resident or transient in the community?

Resident () Transient ()

12. Was the victim the same sex as the defendant? Yes () No ()

13. Was the victim held hostage during the crime?

No () Yes-Less than an hour () Yes-More than an hour ()

14. Was the victim's reputation in the community:

Good () Bad () Unknown ()

15. If a weapon was used in commission of the crime, what was it? _____

16. Although the evidence suffices to sustain the verdict, does it foreclose all doubt respecting the defendant's guilt? Yes () No ()

C. REPRESENTATION OF DEFENDANT

1. Date counsel secured _____

2. How was counsel secured?

a. Retained by defendant ()

b. Appointed by Court ()

3. If counsel was appointed by court, was it because

a. Defendant unable to afford counsel? ()

b. Defendant refused to secure counsel? ()

c. Other (explain) _____

4. How many years has counsel practiced law?

a. 0 to 5 ()

b. 5 to 10 ()

c. over 10 ()

5. What is the nature of counsel's practice:

a. Mostly civil ()

b. General ()

c. Mostly criminal ()

6. Did the same counsel serve throughout the trial? Yes () No ()

7. If not, explain in detail. _____

(If more than one counsel served, answer the above questions as to each counsel and attach to this report.)

D. GENERAL CONSIDERATIONS (Please answer on separate sheet and attach to this report.)

1. Are there any relevant mitigating or aggravating circumstances other than those above indicated? Specify.

2. Was race raised by the defense as an issue in the trial?

3. Were members of defendant's race represented on the jury?

4. If not, was there any evidence they were systematically excluded from the jury?

If yes, explain. (reference may be made to the evidence or arguments of counsel)

5. Was there extensive publicity in the community concerning this case?

If yes, explain. (reference may be made to the evidence or arguments of counsel)

6. Was there any indication that the jury was influenced by passion, prejudice, or any other arbitrary factor when imposing sentence? If yes, what was it? (reference may be made to the evidence or arguments of counsel)

7. Is this sentence disproportionate to the punishment imposed in similar cases? Explain. (Compare the sentence of this defendant and the aggravating and/or mitigating factors to the sentences of other convicted offenders with similar aggravating and/or mitigating factors of which you have knowledge.)

8. General comments of the trial judge concerning the appropriateness of the sentence imposed in this case. (optional)

E. SENTENCE INVESTIGATION REPORT

A sentence investigation report is attached.

F. OPPOSITION TO THIS REPORT

This report was submitted to the defense counsel and the district attorney for written opposition to its factual accuracy.

1. No opposition was filed ()
2. Opposition(s) attached ()
3. Opposition(s) and transcript of opposition hearing filed ()

Thus submitted this _____ day of _____, 20__.

District Judge