

**ALTERNATIVE CAPITAL MURDER JURY FINDINGS**

**WE, THE JURY**, on the issue joined, having found the defendant guilty of the capital murder of Eric Michael Nesbitt occurring in the commission of robbery and having unanimously found, after consideration of his history and background, that his conduct in committing the offense is outrageously or wantonly vile, horrible or inhuman in that it involved aggravated battery to the victim beyond the minimum necessary to accomplish the act of murder and, having considered the evidence in mitigation of the offense, unanimously fix his punishment at death.

---

Foreman

**OR**

**WE, THE JURY**, on the issue joined, having found the defendant guilty of the capital murder of Eric Michael Nesbitt occurring in the commission of robbery and having unanimously found, after consideration of his history and background, that his conduct in committing the offense is outrageously or wantonly vile, horrible or inhuman in that it involved aggravated battery to the victim beyond the minimum necessary to accomplish the act of murder and, having considered the evidence in mitigation of the offense, unanimously fix his punishment at life imprisonment and a fine of \_\_\_\_\_.

---

Foreman

**OR**

457 A

*WE, THE JURY*, on the issue joined, having found the defendant guilty of the capital murder of Eric Michael Nesbitt occurring in the commission of robbery and having unanimously found, after consideration of his history and background, that there is a probability that he would commit criminal acts of violence that would constitute a continuing serious threat to society and, having considered the evidence in mitigation of the offense, unanimously fix his punishment at death.

---

Foreman

OR

*WE, THE JURY*, on the issue joined, having found the defendant guilty of the capital murder of Eric Michael Nesbitt occurring in the commission of robbery and having unanimously found, after consideration of his history and background, that there is a probability that he would commit criminal acts of violence that would constitute a continuing serious threat to society and, having considered the evidence in mitigation of the offense, unanimously fix his punishment at imprisonment for life and a fine of \_\_\_\_\_.

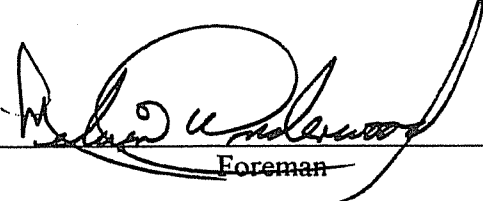
---

Foreman

OR

*WE, THE JURY*, on the issue joined, having found the defendant guilty of the capital murder of Eric Michael Nesbitt occurring in the commission of robbery and having

unanimously found, after consideration of his history and background, that there is a probability that he would commit criminal acts of violence that would constitute a continuing serious threat to society *AND* that his conduct in committing the offense is outrageously or wantonly vile, horrible or inhuman in that it involved aggravated battery to the victim beyond the minimum necessary to accomplish the act of murder and having considered the evidence in mitigation of the offense, unanimously fix his punishment at death.

  
Foreman

**OR**

*WE, THE JURY*, on the issue joined, having found the defendant guilty of the capital murder of Eric Michael Nesbitt occurring in the commission of robbery and having unanimously found, after consideration of his history and background, that there is a probability that he would commit criminal acts of violence that would constitute a continuing serious threat to society *AND* that his conduct in committing the offense is outrageously or wantonly vile, horrible or inhuman in that it involved aggravated battery to the victim beyond the minimum necessary to accomplish the act of murder and having considered the evidence in mitigation of the offense, unanimously fix his punishment at imprisonment for life and a fine of \_\_\_\_\_.

\_\_\_\_\_  
Foreman

457 C