

ORIGINAL

FEDERAL DISTRICT COURT
OF HAWAII

IN THE UNITED STATES DISTRICT COURT

JUL 18 2024

FOR THE DISTRICT OF HAWAII

at 3 o'clock and 45 min. P M *ML*
Lucy H. Carrillo, Clerk

UNITED STATES OF AMERICA,

Plaintiff,

vs.

MICHAEL J. MISKE, JR.,

Defendant.

CR 19-00099-DKW-KJM-1

SPECIAL VERDICT FORM

COUNT ONE

(18 U.S.C. Section 1962(d) – Racketeering Conspiracy)

1A. With respect to Count One, we, the jury, unanimously find the Defendant Michael J. Miske, Jr. (select one):

Not Guilty _____ Guilty _____ ✓

*If you find the Defendant **NOT GUILTY** of Count One, skip Questions 1B through 1G and proceed to Count Two below.*

*If you find the Defendant **GUILTY** of Count One, proceed to Question 1B below.*

1B. We, the jury, having found the Defendant guilty of Count One, further unanimously find that, as part of the offense charged in Count One, the Defendant agreed that one or more members of the conspiracy would commit at least two of the following type or types of racketeering activity within a period of ten years of each other (please select a response, but only one response, for each type of racketeering activity below):

		<u>No Act</u>	<u>Single Act</u>	<u>Two or More Acts</u>
1.	Murder			✓
2.	Kidnapping			✓

3.	Robbery			✓
4.	Use of Interstate Commerce Facilities in the Commission of Murder-for-Hire		✓	
5.	Use of a Chemical Weapon			✓
6.	Travelling in or Using Interstate Commerce Facilities in Aid of Specified Unlawful Activity			✓
7.	Hobbs Act Robbery or Extortion			✓
8.	Trafficking in Controlled Substances	✓		
9.	Wire Fraud			✓
10.	Bank Fraud			✓
11.	Identity Theft			✓
12.	Structuring of Financial Transactions			✓
13.	Obstruction of Justice			✓
14.	Tampering With a Witness, Victim, or Informant			✓

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1C. We, the jury, having found the Defendant guilty of Count One, further unanimously find that, as part of the offense charged in Count One, the Defendant committed, on or about July 30, 2016, murder in the second degree of Johnathan Fraser as that offense is defined in Instruction No. 33 (select one):

No _____ Yes _____

1D. We, the jury, having found the Defendant guilty of Count One, further unanimously find that, as part of the offense charged in Count One, the Defendant, in or about 2016, attempted to murder in the second degree Joe Boy Tavares as that offense is defined in Instruction No. 33 (select one):

No _____ Yes _____

1E. We, the jury, having found the Defendant guilty of Count One, further unanimously find that, as part of the offense charged in Count One, the Defendant, on or about May 23, 2017, attempted to murder in the second degree Lindsey Kinney as that offense is defined in Instruction No. 33 (select one):

No _____ Yes _____

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1F. We, the jury, having found the Defendant guilty of Count One, further unanimously find that, as part of the offense charged in Count One, the Defendant, from a precise date unknown, but by at least July 2014 and continuing to on or about July 22, 2014, conspired to distribute or possess with intent to distribute 5 kilograms or more of a mixture or substance containing a detectable amount of cocaine as that offense is defined in Instruction Nos. 63-64 (select one):

No Yes

1G. We, the jury, having found the Defendant guilty of Count One, further unanimously find that, as part of the offense charged in Count One, the Defendant, from a precise date unknown, but by at least in or about 2016 and continuing to at least in or about August 2018, conspired to distribute and possess with intent to distribute either of the following amounts of controlled substances as that offense is defined in Instruction Nos. 40-41:

(i) 5 kilograms or more of a mixture or substance containing a detectable amount of cocaine (select one):

No Yes

(ii) 50 grams or more of a mixture or substance containing actual or pure methamphetamine (select one):

No Yes

COUNT TWO

(18 U.S.C. Section 1959(a)(1) – Murder in Aid of Racketeering)

2. With respect to Count Two, we, the jury, unanimously find the

Defendant Michael J. Miske, Jr. (select one):

Not Guilty _____ Guilty _____

COUNT THREE

(18 U.S.C. Section 1959(a)(5) – Conspiracy to Commit Murder in Aid of Racketeering)

3. With respect to Count Three, we, the jury, unanimously find the

Defendant Michael J. Miske, Jr. (select one):

Not Guilty _____ Guilty _____

COUNT FOUR

(18 U.S.C. Section 1958 – Conspiracy to Commit Murder for Hire Resulting in Death)

4. With respect to Count Four, we, the jury, unanimously find the

Defendant Michael J. Miske, Jr. (select one):

Not Guilty _____ Guilty _____

COUNT FIVE

(18 U.S.C. Section 1201(a)(1) – Kidnapping Using a Facility of Interstate Commerce Resulting in Death)

5. With respect to Count Five, we, the jury, unanimously find the Defendant Michael J. Miske, Jr. (select one):

Not Guilty _____ Guilty _____

COUNT SIX

(18 U.S.C. Section 1201(c) – Conspiracy to Commit Kidnapping Using a Facility of Interstate Commerce)

6. With respect to Count Six, we, the jury, unanimously find the Defendant Michael J. Miske, Jr. (select one):

Not Guilty _____ Guilty _____

COUNT SEVEN

(18 U.S.C. Section 1958 – Conspiracy to Commit Murder for Hire)

7. With respect to Count Seven, we, the jury, unanimously find the Defendant Michael J. Miske, Jr. (select one):

Not Guilty _____ Guilty _____

COUNT TEN

(18 U.S.C. Section 1959(a)(6) – Conspiracy to Commit Assault in Aid of Racketeering)

10. With respect to Count Ten, we, the jury, unanimously find the Defendant Michael J. Miske, Jr. (select one):

Not Guilty _____ Guilty _____

COUNT ELEVEN

(18 U.S.C. Section 1201(c) – Conspiracy to Commit Kidnapping Using a Facility of Interstate Commerce)

11. With respect to Count Eleven, we, the jury, unanimously find the Defendant Michael J. Miske, Jr. (select one):

Not Guilty _____ Guilty _____

COUNT TWELVE

(18 U.S.C. Section 229(a)(2) – Conspiracy to Use a Chemical Weapon)

12. With respect to Count Twelve, we, the jury, unanimously find the Defendant Michael J. Miske, Jr. (select one):

Not Guilty _____ Guilty _____

COUNT THIRTEEN

(18 U.S.C. Section 229(a)(1), (2) – Use of a Chemical Weapon)

13. With respect to Count Thirteen, we, the jury, unanimously find the Defendant Michael J. Miske, Jr. (select one):

Not Guilty _____ Guilty _____

COUNT FOURTEEN

(18 U.S.C. Section 229(a)(1), (2) – Use of a Chemical Weapon)

14. With respect to Count Fourteen, we, the jury, unanimously find the Defendant Michael J. Miske, Jr. (select one):

Not Guilty _____ Guilty _____

COUNT FIFTEEN

(21 U.S.C. Section 846 – Conspiracy to Distribute and Possess With Intent to Distribute Cocaine)

15A. With respect to Count Fifteen, we, the jury, unanimously find the Defendant Michael J. Miske, Jr. (select one):

Not Guilty _____ Guilty _____

If you find the Defendant NOT GUILTY of Count Fifteen, skip Question 15B and proceed to Count Twenty below.

*If you find the Defendant **GUILTY** of Count Fifteen, proceed to Question 15B below.*

15B. We, the jury, having found the Defendant guilty of Count Fifteen, further unanimously find beyond a reasonable doubt that the conspiracy charged in Count Fifteen involved (select one):

- _____ 5 kilograms or more of cocaine.
- _____ At least 500 grams but less than 5 kilograms of cocaine.
- _____ Less than 500 grams of cocaine.

COUNT TWENTY

(18 U.S.C. Section 1344(2) – Bank Fraud)

16. With respect to Count Twenty, we, the jury, unanimously find the Defendant Michael J. Miske, Jr. (select one):

Not Guilty _____ _____ Guilty _____

COUNT TWENTY-ONE

(18 U.S.C. Section 1512(c)(2) – Obstruction of Justice)

17. With respect to Count Twenty-One, we, the jury, unanimously find the Defendant Michael J. Miske, Jr. (select one):

Not Guilty _____ Guilty _____

COUNT TWENTY-TWO

(18 U.S.C. Section 1512(c)(2) – Obstruction of Justice)

18. With respect to Count Twenty-Two, we, the jury, unanimously find the Defendant Michael J. Miske, Jr. (select one):

Not Guilty _____ Guilty _____

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DATED: JULY 18, 2024 at Honolulu, Hawai'i.

SIGNED: /s/ Jury Foreperson
JURY FOREPERSON