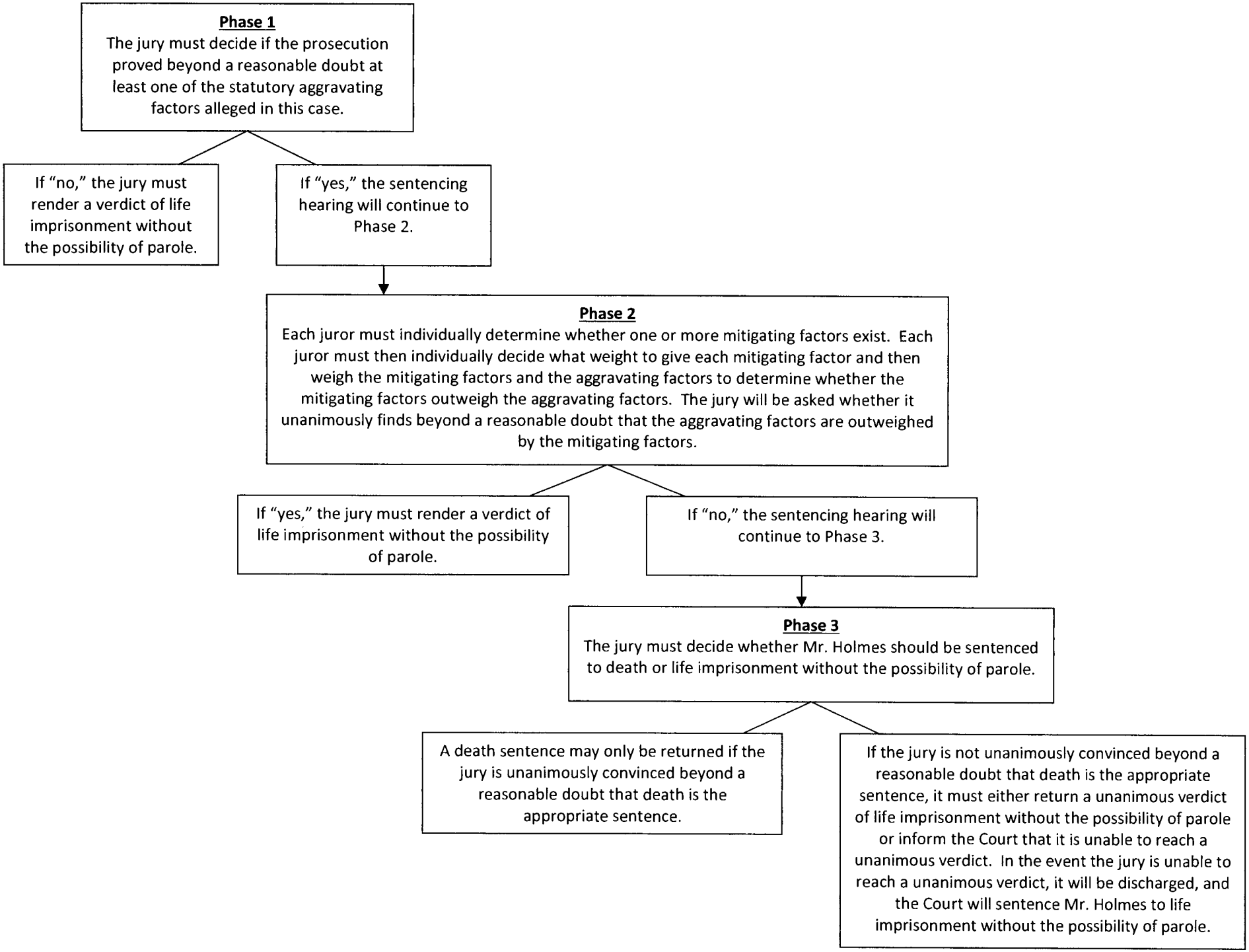
REDACTED


Phase 1
The jury must decide if the prosecution proved beyond a reasonable doubt at least one of the statutory aggravating factors alleged in this case.
If "no," the jury must render a verdict of life imprisonment without the possibility of parole.
If "yes," the sentencing hearing will continue to Phase 2.
Phase 2
Each juror must individually determine whether one or more mitigating factors exist. Each juror must then individually decide what weight to give each mitigating factor and then weigh the mitigating factors and the aggravating factors to determine whether the mitigating factors outweigh the aggravating factors. The jury will be asked whether it unanimously finds beyond a reasonable doubt that the aggravating factors are outweighed by the mitigating factors.
If "yes," the jury must render a verdict of life imprisonment without the possibility of parole.
If "no," the sentencing hearing will continue to Phase 3.
Phase 3
The jury must decide whether Mr. Holmes should be sentenced to death or life imprisonment without the possibility of parole.
A death sentence may only be returned if the jury is unanimously convinced beyond a reasonable doubt that death is the appropriate sentence.
If the jury is not unanimously convinced beyond a reasonable doubt that death is the appropriate sentence, it must either return a unanimous verdict of life imprisonment without the possibility of parole or inform the Court that it is unable to reach a unanimous verdict. In the event the jury is unable to reach a unanimous verdict, it will be discharged, and the Court will sentence Mr. Holmes to life imprisonment without the possibility of parole.