

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF INDIANA
HAMMOND DIVISION

UNITED STATES OF AMERICA,)
)
Plaintiff,)
)
vs.) NO. 3:02-CR-116
)
ODELL CORLEY, a/k/a "NASIH)
KHALIL RA'ID",)
)
Defendant.)

SPECIAL VERDICT FORM

PART ONE
COUNTS 3 AND 5

GENERAL DIRECTIONS:

Part One of this verdict form is supplied to you because you have found the Defendant guilty of Count 3 and Count 5 of the superseding indictment and those counts carry a possible penalty of death. Therefore, this form applies only as to your findings on Count 3 and Count 5.

SECTION I: DEFENDANT'S AGE AT THE TIME OF THE OFFENSE

You are required to find, as to each statement below, that it has been "PROVEN BEYOND A REASONABLE DOUBT" or "NOT PROVEN."

Your finding(s) in this section, whether "PROVEN BEYOND A REASONABLE DOUBT" or "NOT PROVEN" must be unanimous

As to Count 3:

That the Defendant was at least 18 years of age at the time of the offense charged in Count 3 of the superseding indictment.

PROVEN BEYOND A REASONABLE DOUBT
 NOT PROVEN

As to Count 5:

That the Defendant was at least 18 years of age at the time of the offense charged in Count 5 of the superseding indictment.

PROVEN BEYOND A REASONABLE DOUBT
 NOT PROVEN

STOP. If your answer to BOTH questions above is "NOT PROVEN," then you must SKIP FORWARD TO SECTION VII and complete that section in accordance with the directions there. Your deliberations will be over after completing Section VII.

If your answer to EITHER question above is "PROVEN BEYOND A REASONABLE DOUBT," then you must CONTINUE TO SECTION II on the next page.

SECTION II: GATEWAY FACTORS

You are required to find, as to each statement below, that it has been "PROVEN BEYOND A REASONABLE DOUBT" or "NOT PROVEN."

Your finding(s) in this section, whether "PROVEN BEYOND A REASONABLE DOUBT" or "NOT PROVEN," must be unanimous.

NOTE: If you found that the Defendant was at least 18 years of age at the time of the offense charged in Count 3, please complete the following:

As to Count 3:

A. That the Defendant intentionally killed Kay Peckat:

PROVEN BEYOND A REASONABLE DOUBT
 NOT PROVEN

B. That the Defendant intentionally inflicted serious bodily injury that resulted in the death of Kay Peckat.

PROVEN BEYOND A REASONABLE DOUBT
 NOT PROVEN

C. That the Defendant intentionally participated in an act, contemplating that the life of a person would be taken or intending that lethal force would be used in connection with a person, other than one of the participants in the offense, and Kay Peckat died as a result of the act.

PROVEN BEYOND A REASONABLE DOUBT
 NOT PROVEN

- D. That the Defendant intentionally and specifically engaged in an act of violence, knowing that the act created a grave risk of death to a person, other than one of the participants in the offense, such that participation in the act constituted a reckless disregard for human life and Kay Peckat died as a result of the act.

PROVEN BEYOND A REASONABLE DOUBT

NOT PROVEN

NOTE: If you found that the Defendant was at least 18 years of age at the time of the offense charged in Count 5, please complete the following:

As to Count 5:

- A. That the Defendant intentionally killed Kay Peckat:

PROVEN BEYOND A REASONABLE DOUBT

NOT PROVEN

- B. That the Defendant intentionally inflicted serious bodily injury that resulted in the death of Kay Peckat:

PROVEN BEYOND A REASONABLE DOUBT

NOT PROVEN

- C. That the Defendant intentionally participated in an act, contemplating that the life of a person would be taken or intending that lethal force would be used in connection with a person, other than one of the participants in the offense, and Kay Peckat died as a result of the act.

PROVEN BEYOND A REASONABLE DOUBT

NOT PROVEN

- D. That the Defendant intentionally and specifically engaged in an act of violence, knowing that the act created a grave risk of death to a person, other than one of the participants in the offense, such that participation in the act constituted a reckless disregard for human life and Kay Peckat died as a result of the act.



PROVEN BEYOND A REASONABLE DOUBT



NOT PROVEN

STOP:

If your answer to ALL of the questions in Section II is "NOT PROVEN" then you must skip forward to Section VII and complete that section in accordance with the directions there. Your deliberations will be over after completing Section VII.

If your answer to ANY of the above questions is "PROVEN BEYOND A REASONABLE DOUBT" then you must continue to Section III on the next page.

SECTION III: STATUTORY AGGRAVATING FACTORS

You are required to find, as to each statement below, that it has been "PROVEN BEYOND A REASONABLE DOUBT" or "NOT PROVEN."

Your finding(s) in this section, whether "PROVEN BEYOND A REASONABLE DOUBT" or "NOT PROVEN" must be unanimous.

NOTE: If you found that the Defendant was at least 18 years of age at the time of the offense charged in Count 3, and answered "PROVEN BEYOND A REASONABLE DOUBT" to ANY of the Gateway Factors contained in Section II as to Count 3, please complete the following:

As to Count 3:

- A. That the Defendant, in committing the offense described in Count 3, or in escaping apprehension for the violation of the offense in Count 3, knowingly created a grave risk of death to one or more persons, Keith Hill, in addition to the victim of the offense, Kay Peckat.

PROVEN BEYOND A REASONABLE DOUBT
 NOT PROVEN

- B. That the Defendant committed the offense described in Count 3 as consideration for the receipt, or in the expectation of the receipt, of anything of pecuniary value.

PROVEN BEYOND A REASONABLE DOUBT
 NOT PROVEN

- C. That the Defendant, in committing the offense described in Count 3, intentionally killed or attempted to kill more than one person in a single criminal episode.

PROVEN BEYOND A REASONABLE DOUBT
 NOT PROVEN

NOTE: If you found that the Defendant was at least 18 years of age at the time of the offense charged in Count 5, and answered "PROVEN BEYOND A REASONABLE DOUBT" to ANY of the Gateway Factors contained in Section II as to Count 5, please complete the following:

As to Count 5:

- A. That the Defendant, in committing the offense described in Count 5, or in escaping apprehension for the violation of the offense in Count 5, knowingly created a grave risk of death to one or more persons, Keith Hill, in addition to the victim of the offense, Kay Peckat.

PROVEN BEYOND A REASONABLE DOUBT
 NOT PROVEN

- B. That the Defendant committed the offense described in Count 5 as consideration for the receipt, or in the expectation of the receipt, of anything of pecuniary value.

PROVEN BEYOND A REASONABLE DOUBT
 NOT PROVEN

- C. That the Defendant, in committing the offense described in Count 5, intentionally killed or attempted to kill more than one person in a single criminal episode.

PROVEN BEYOND A REASONABLE DOUBT
 NOT PROVEN

STOP: If your answer to ALL of the questions in Section III is "NOT PROVEN" then you must skip forward to Section VII and complete that section in accordance with the directions there. Your deliberations will be over after completing Section VII.

If your answer to ANY of the above questions is "PROVEN BEYOND A REASONABLE DOUBT" then you must continue to Section IV on the next page.

SECTION IV. NONSTATUTORY AGGRAVATING FACTORS.

You are required to find, as to each statement below, that it has been "PROVEN BEYOND A REASONABLE DOUBT" or "NOT PROVEN."

Your finding(s) in this Section, whether "PROVEN BEYOND A REASONABLE DOUBT" or "NOT PROVEN" must be unanimous.

NOTE: If you found that the Defendant was at least 18 years of age at the time of the offense charged in Count 3, AND answered "PROVEN BEYOND A REASONABLE DOUBT" to ANY of the Gateway Factors contained in Section II as to Count 3, AND answered "PROVEN BEYOND A REASONABLE DOUBT" to ANY of the Statutory Aggravating Factors contained in Section III as to Count 3, please complete the following:

As to Count 3:

- A. That the Defendant killed and attempted to kill persons inside the bank to ensure that they would not be able to identify him as a participant in the robbery, and this fact or circumstance tends to support imposition of the death penalty.

PROVEN BEYOND A REASONABLE DOUBT
 NOT PROVEN

- B. That the Defendant would have killed or attempted to kill additional victims inside the bank had he discovered the presence of others inside the bank, and this fact or circumstance tends to support imposition of the death penalty.

PROVEN BEYOND A REASONABLE DOUBT
 NOT PROVEN

- C. That, as demonstrated by Kay Peckat's personal characteristics as an individual human being and the impact of her death upon her family, friends, and co-workers, the Defendant caused injury, harm, and loss to Kay Peckat, her family, her friends, and her co-workers, and this fact or circumstance tends to support imposition of the death penalty.

PROVEN BEYOND A REASONABLE DOUBT

NOT PROVEN

- D. That the Defendant, prior to the attempted bank robbery, had previously been convicted of one or more felonies as follows: (1) receiving stolen property, a class D felony, in the Porter Superior Court Number Four, Porter County, Indiana, cause number 64D04-9402-CF-304, and was sentenced on June 8, 1994; and (2) maintaining a common nuisance, a class D felony, in the LaPorte Superior Court Number Four, LaPorte County, Indiana, cause number 46D04-9510-DF-001648, and was sentenced on April 26, 2000, and this fact or circumstance tends to support imposition of the death penalty.

PROVEN BEYOND A REASONABLE DOUBT

NOT PROVEN

- E. That the Defendant is likely to commit criminal acts of violence in the future which would be a continuing and serious threat to others, as demonstrated by proof of a continuing pattern of violence, the Defendant's low rehabilitative potential, and/or his mental condition, and this fact or circumstance tends to support imposition of the death penalty

PROVEN BEYOND A REASONABLE DOUBT

NOT PROVEN

Subfactor: That the Defendant murdered Wanda "Wonder Woman" McNeal in 1998.

PROVEN BEYOND A REASONABLE DOUBT

NOT PROVEN

NOTE: If you found that the Defendant was at least 18 years of age at the time of the offense charged in Count 5, AND answered "PROVEN BEYOND A REASONABLE DOUBT" to any of the Gateway Factors contained in Section II as to Count 5, AND answered "PROVEN BEYOND A REASONABLE DOUBT" to any of the Statutory Aggravating Facts contained in Section III as to Count 5, please complete the following:

As to Count 5:

- A. That the Defendant killed and attempted to kill persons inside the bank to ensure that they would not be able to identify him as a participant in the robbery, and this fact or circumstance tends to support imposition of the death penalty.

PROVEN BEYOND A REASONABLE DOUBT
 NOT PROVEN

- B. That the Defendant would have killed or attempted to kill additional victims inside the bank had he discovered the presence of others inside the bank, and this fact or circumstance tends to support imposition of the death penalty.

PROVEN BEYOND A REASONABLE DOUBT
 NOT PROVEN

- C. That, as demonstrated by Kay Peckat's personal characteristics as an individual human being and the impact of her death upon her family, friends, and co-workers, the Defendant caused injury, harm, and loss to Kay Peckat, her family, her friends, and her co-workers, and this fact or circumstance tends to support imposition of the death penalty.

PROVEN BEYOND A REASONABLE DOUBT
 NOT PROVEN

D. That the Defendant, prior to the attempted bank robbery, had previously been convicted of one or more felonies as follows: (1) receiving stolen property, a class D felony, in the Porter Superior Court Number Four, Porter County, Indiana, cause number 64D04-9402-CF-304, and was sentenced on June 8, 1994; and (2) maintaining a common nuisance, a class D felony, in the LaPorte Superior Court Number Four, LaPorte County, Indiana, cause number 46D04-9510-DF-001648, and was sentenced on April 26, 2000, and this fact or circumstance tends to support imposition of the death penalty.

PROVEN BEYOND A REASONABLE DOUBT
 NOT PROVEN

E. That the Defendant is likely to commit criminal acts of violence in the future which would be a continuing and serious threat to others, as demonstrated by proof of a continuing pattern of violence, the Defendant's low rehabilitative potential, and/or his mental condition, and this fact or circumstance tends to support imposition of the death penalty

PROVEN BEYOND A REASONABLE DOUBT
 NOT PROVEN

Subfactor: That the Defendant murdered Wanda "Wonder Woman" McNeal in 1998.

PROVEN BEYOND A
REASONABLE DOUBT
 NOT PROVEN

REGARDLESS OF WHETHER YOU HAVE ANSWERED "PROVEN BEYOND A REASONABLE DOUBT" OR "NOT PROVEN" TO ANY OF THE QUESTIONS IN SECTION IV, YOU MUST PROCEED TO SECTION V, WHICH FOLLOWS.

SECTION V: MITIGATING FACTORS

In this section, you have the option to indicate, in the space provided, the number of jurors who have found the existence of that mitigating factor to be proven by a preponderance of the evidence with regard to Count 3 and Count 5. You will note each question requires a count of the number of jurors who vote that such finding has been made. If no juror votes that such a finding has been made, indicate so by placing a "0" in the space provided.

Your vote as a jury need not be unanimous with regard to each question in this section. A finding with respect to a mitigating factor may be made by one or more of the members of the jury, and any member of the jury who finds the existence of a mitigating factor may consider such factor established in considering whether or not a sentence of death shall be imposed, regardless of the number of other jurors who agree that the factor has been established.

Mitigating Factors.

1. The Defendant does not have a significant prior criminal record, and this fact or circumstance indicates that the Defendant should not be sentenced to death.

NUMBER OF JURORS WHO SO FIND: 2

2. The Defendant committed the killing or killings under mental and/or emotional disturbance, and this fact or circumstance indicates that the Defendant should not be sentenced to death.

NUMBER OF JURORS WHO SO FIND: 0

3. Another person, equally culpable in the crime, will not be punished by death, and this fact or circumstance indicates that the Defendant should not be sentenced to death.

NUMBER OF JURORS WHO SO FIND: 0

4. Should the jury so direct, the Defendant will be sentenced to life in prison without any possibility of release if he is not executed, and this fact or circumstance indicates that the Defendant should not be sentenced to death.

NUMBER OF JURORS WHO SO FIND: 1

5. The Defendant has invariably responded well to structured environments, and would likely make an excellent adaptation to prison if he were sentenced to life imprisonment without possibility of release; moreover, he does not constitute a continuing threat to the safety of others, and this fact or circumstance indicates that the Defendant should not be sentenced to death.

NUMBER OF JURORS WHO SO FIND: 0

6. Other factors in the Defendant's childhood, background, or character mitigate against the imposition of the death penalty, and this fact or circumstance indicates that the Defendant should not be sentenced to death.

NUMBER OF JURORS WHO SO FIND: 5

7. The acts alleged to have been committed by the Defendant were not premeditated, and this fact or circumstance indicates that the Defendant should not be sentenced to death.

NUMBER OF JURORS WHO SO FIND: 2

The following extra spaces are provided to write in additional mitigating factors, if any, found by any one or more jurors. If none, write "NONE" and line out the extra spaces with a large "X." If more space is needed, write "CONTINUED" and use the reverse side of this page.

1. The factor that the defendant has been and is a positive influence in the life of his son, Donald, should be considered as a mitigating factor, and this indicates that the defendant should not be sentenced to death.

NUMBER OF JURORS WHO SO FIND: 9

2. The fact that the defendant participated and received certificates of completion in various Bible courses should be considered as a mitigating factor, and this indicates that the defendant should not be ~~considered~~ sentenced to death.

NUMBER OF JURORS WHO SO FIND: 3

3. The defendant was shown to be a caring and helpful with his elderly and disabled family and friends and this should be considered as a mitigating factor and this indicates that that the defendant should not be sentenced to death.

NUMBER OF JURORS WHO SO FIND: 6

4. In 1993, The LaPorte Juvenile Services found that the defendant is a positive role model for his nephew, Marcus and this should be considered as a mitigating factor and this indicates that the defendant should not be sentenced ^{to death}.
Number of Jurors who so find: 2

5. The defendant has artistic talent and his family has benefited from his artistic expression and this should be considered as a mitigating factor and this indicates that the defendant should not be sentenced to death.
Number of Jurors who so find: 7

SECTION VI. DETERMINATION OF SENTENCE

In this section, enter your determination of the Defendant's sentence with regard to Count 3 and Count 5.

Your vote as a jury must be unanimous with regard to each question in this section.

Based upon consideration of whether the aggravating factor or factors found to exist sufficiently outweigh any mitigating factor or factors found to exist or, in the absence of any mitigating factors, whether the aggravating factor or factors are themselves sufficient to justify a sentence of death, and whether death is the appropriate sentence in this case:

As to Count 3:

We sentence the Defendant to death.

We sentence the Defendant to life imprisonment without the possibility of release.

As to Count 5:

We sentence the Defendant to death.

We sentence the Defendant to life imprisonment without the possibility of release.

We sentence the Defendant to a term of incarceration to be determined by the Court.

Each Juror must sign below, indicating that the above sentence determination reflects the jury's unanimous decision.



Dated: October 24, 2004.

CONTINUE TO SECTION VII

SECTION VII: 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 or crimes in question regardless of the race, color, religious beliefs, national origin, or sex of the Defendant or the victim.



Dated: October 27, 2004.

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF INDIANA
HAMMOND DIVISION

UNITED STATES OF AMERICA,)
)
Plaintiff,)
)
vs.) NO. 3:02-CR-116
)
ODELL CORLEY, a/k/a "NASIH)
KHALIL RA'ID",)
)
Defendant.)

SPECIAL VERDICT FORM

PART TWO
COUNTS 9 AND 10

GENERAL DIRECTIONS:

Part Two of this verdict form is supplied to you because you have found the Defendant guilty of Count 9 and Count 10 of the superseding indictment and those counts carry a possible penalty of death. Therefore, this form applies only as to your findings on Count 9 and Count 10.

SECTION I: DEFENDANT'S AGE AT THE TIME OF THE OFFENSE

You are required to find, as to each statement below, that it has been "PROVEN BEYOND A REASONABLE DOUBT" or "NOT PROVEN."

Your finding(s) in this section, whether "PROVEN BEYOND A REASONABLE DOUBT" or "NOT PROVEN" must be unanimous

As to Count 9:

That the Defendant was at least 18 years of age at the time of the offense charged in Count 9 of the superseding indictment.

PROVEN BEYOND A REASONABLE DOUBT
 NOT PROVEN

As to Count 10:

That the Defendant was at least 18 years of age at the time of the offense charged in Count 10 of the superseding indictment.

PROVEN BEYOND A REASONABLE DOUBT
 NOT PROVEN

STOP. If your answer to BOTH questions above is "NOT PROVEN," then you must SKIP FORWARD TO SECTION VII and complete that section in accordance with the directions there. Your deliberations will be over after completing Section VII.

If your answer to EITHER question above is "PROVEN BEYOND A REASONABLE DOUBT," then you must CONTINUE TO SECTION II on the next page.

SECTION II: GATEWAY FACTORS

You are required to find, as to each statement below, that it has been "PROVEN BEYOND A REASONABLE DOUBT" or "NOT PROVEN."

Your finding(s) in this section, whether "PROVEN BEYOND A REASONABLE DOUBT" or "NOT PROVEN," must be unanimous.

NOTE: If you found that the Defendant was at least 18 years of age at the time of the offense charged in Count 9, please complete the following:

As to Count 9:

A. That the Defendant intentionally killed Chandler Simpson:

PROVEN BEYOND A REASONABLE DOUBT
 NOT PROVEN

B. That the Defendant intentionally inflicted serious bodily injury that resulted in the death of Chandler Simpson.

PROVEN BEYOND A REASONABLE DOUBT
 NOT PROVEN

C. That the Defendant intentionally participated in an act, contemplating that the life of a person would be taken or intending that lethal force would be used in connection with a person, other than one of the participants in the offense, and Chandler Simpson died as a result of the act.

PROVEN BEYOND A REASONABLE DOUBT
 NOT PROVEN

- D. That the Defendant intentionally and specifically engaged in an act of violence, knowing that the act created a grave risk of death to a person, other than one of the participants in the offense, such that participation in the act constituted a reckless disregard for human life and Chandler Simpson died as a result of the act.

PROVEN BEYOND A REASONABLE DOUBT
 NOT PROVEN

NOTE: If you found that the Defendant was at least 18 years of age at the time of the offense charged in Count 10, please complete the following:

As to Count 10:

- A. That the Defendant intentionally killed Chandler Simpson:

PROVEN BEYOND A REASONABLE DOUBT
 NOT PROVEN

- B. That the Defendant intentionally inflicted serious bodily injury that resulted in the death of Chandler Simpson:

PROVEN BEYOND A REASONABLE DOUBT
 NOT PROVEN

- C. That the Defendant intentionally participated in an act, contemplating that the life of a person would be taken or intending that lethal force would be used in connection with a person, other than one of the participants in the offense, and Chandler Simpson died as a result of the act.

PROVEN BEYOND A REASONABLE DOUBT
 NOT PROVEN

- D. That the Defendant intentionally and specifically engaged in an act of violence, knowing that the act created a grave risk of death to a person, other than one of the participants in the offense, such that participation in the act constituted a reckless disregard for human life and Chandler Simpson died as a result of the act.



PROVEN BEYOND A REASONABLE DOUBT



NOT PROVEN

STOP:

If your answer to ALL of the questions in Section II is "NOT PROVEN" then you must skip forward to Section VII and complete that section in accordance with the directions there. Your deliberations will be over after completing Section VII.

If your answer to ANY of the above questions is "PROVEN BEYOND A REASONABLE DOUBT" then you must continue to Section III on the next page.

SECTION III: STATUTORY AGGRAVATING FACTORS

You are required to find, as to each statement below, that it has been "PROVEN BEYOND A REASONABLE DOUBT" or "NOT PROVEN."

Your finding(s) in this section, whether "PROVEN BEYOND A REASONABLE DOUBT" or "NOT PROVEN" must be unanimous.

NOTE: If you found that the Defendant was at least 18 years of age at the time of the offense charged in Count 9, and answered "PROVEN BEYOND A REASONABLE DOUBT" to ANY of the Gateway Factors contained in Section II as to Count 9, please complete the following:

As to Count 9:

- A. That the Defendant, in committing the offense described in Count 9, or in escaping apprehension for the violation of the offense in Count 9, knowingly created a grave risk of death to one or more persons, Keith Hill, in addition to the victim of the offense, Chandler Simpson.

PROVEN BEYOND A REASONABLE DOUBT
 NOT PROVEN

- B. That the Defendant committed the offense described in Count 9 as consideration for the receipt, or in the expectation of the receipt, of anything of pecuniary value.

PROVEN BEYOND A REASONABLE DOUBT
 NOT PROVEN

- C. That the Defendant, in committing the offense described in Count 9, intentionally killed or attempted to kill more than one person in a single criminal episode.

PROVEN BEYOND A REASONABLE DOUBT
 NOT PROVEN

NOTE: If you found that the Defendant was at least 18 years of age at the time of the offense charged in Count 10, and answered "PROVEN BEYOND A REASONABLE DOUBT" to ANY of the Gateway Factors contained in Section II as to Count 10, please complete the following:

As to Count 10:

- A. That the Defendant, in committing the offense described in Count 10, or in escaping apprehension for the violation of the offense in Count 10, knowingly created a grave risk of death to one or more persons, Keith Hill, in addition to the victim of the offense, Chandler Simpson.

PROVEN BEYOND A REASONABLE DOUBT
 NOT PROVEN

- B. That the Defendant committed the offense described in Count 10 as consideration for the receipt, or in the expectation of the receipt, of anything of pecuniary value.

PROVEN BEYOND A REASONABLE DOUBT
 NOT PROVEN

- C. That the Defendant, in committing the offense described in Count 10, intentionally killed or attempted to kill more than one person in a single criminal episode.

PROVEN BEYOND A REASONABLE DOUBT
 NOT PROVEN

STOP: If your answer to ALL of the questions in Section III is "NOT PROVEN" then you must skip forward to Section VII and complete that section in accordance with the directions there. Your deliberations will be over after completing Section VII.

If your answer to ANY of the above questions is "PROVEN BEYOND A REASONABLE DOUBT" then you must continue to Section IV on the next page.

SECTION IV. NONSTATUTORY AGGRAVATING FACTORS.

You are required to find, as to each statement below, that it has been "PROVEN BEYOND A REASONABLE DOUBT" or "NOT PROVEN."

Your finding(s) in this Section, whether "PROVEN BEYOND A REASONABLE DOUBT" or "NOT PROVEN" must be unanimous.

NOTE: If you found that the Defendant was at least 18 years of age at the time of the offense charged in Count 9, AND answered "PROVEN BEYOND A REASONABLE DOUBT" to ANY of the Gateway Factors contained in Section II as to Count 9, AND answered "PROVEN BEYOND A REASONABLE DOUBT" to ANY of the Statutory Aggravating Factors contained in Section III as to Count 9, please complete the following:

As to Count 9:

- A. That the Defendant killed and attempted to kill persons inside the bank to ensure that they would not be able to identify him as a participant in the robbery, and this fact or circumstance tends to support imposition of the death penalty.

PROVEN BEYOND A REASONABLE DOUBT

NOT PROVEN

- B. That the Defendant would have killed or attempted to kill additional victims inside the bank had he discovered the presence of others inside the bank, and this fact or circumstance tends to support imposition of the death penalty.

PROVEN BEYOND A REASONABLE DOUBT

NOT PROVEN

- C. That, as demonstrated by Chandler Simpson's personal characteristics as an individual human being and the impact of his death upon his family, friends, and co-workers, the Defendant caused injury, harm, and loss to Chandler Simpson, his family, his friends, and his co-workers, and this fact or circumstance tends to support imposition of the death penalty.

PROVEN BEYOND A REASONABLE DOUBT

NOT PROVEN

- D. That the Defendant, prior to the attempted bank robbery, had previously been convicted of one or more felonies as follows: (1) receiving stolen property, a class D felony, in the Porter Superior Court Number Four, Porter County, Indiana, cause number 64D04-9402-CF-304, and was sentenced on June 8, 1994; and (2) maintaining a common nuisance, a class D felony, in the LaPorte Superior Court Number Four, LaPorte County, Indiana, cause number 46D04-9510-DF-001648, and was sentenced on April 26, 2000, and this fact or circumstance tends to support imposition of the death penalty.

PROVEN BEYOND A REASONABLE DOUBT

NOT PROVEN

- E. That the Defendant is likely to commit criminal acts of violence in the future which would be a continuing and serious threat to others, as demonstrated by proof of a continuing pattern of violence, the Defendant's low rehabilitative potential, and/or his mental condition, and this fact or circumstance tends to support imposition of the death penalty

PROVEN BEYOND A REASONABLE DOUBT

NOT PROVEN

Subfactor: That the Defendant murdered Wanda "Wonder Woman" McNeal in 1998.

PROVEN BEYOND A
REASONABLE DOUBT

NOT PROVEN

NOTE: If you found that the Defendant was at least 18 years of age at the time of the offense charged in Count 10, AND answered "PROVEN BEYOND A REASONABLE DOUBT" to any of the Gateway Factors contained in Section II as to Count 10, AND answered "PROVEN BEYOND A REASONABLE DOUBT" to any of the Statutory Aggravating Facts contained in Section III as to Count 10, please complete the following:

As to Count 10:

- A. That the Defendant killed and attempted to kill persons inside the bank to ensure that they would not be able to identify him as a participant in the robbery, and this fact or circumstance tends to support imposition of the death penalty.

PROVEN BEYOND A REASONABLE DOUBT

NOT PROVEN

- B. That the Defendant would have killed or attempted to kill additional victims inside the bank had he discovered the presence of others inside the bank, and this fact or circumstance tends to support imposition of the death penalty.

PROVEN BEYOND A REASONABLE DOUBT

NOT PROVEN

- C. That, as demonstrated by Chandler Simpson's personal characteristics as an individual human being and the impact of his death upon his family, friends, and co-workers, the Defendant caused injury, harm, and loss to Chandler Simpson, his family, his friends, and his co-workers, and this fact or circumstance tends to support imposition of the death penalty.

PROVEN BEYOND A REASONABLE DOUBT

NOT PROVEN

- D. That the Defendant, prior to the attempted bank robbery, had previously been convicted of one or more felonies as follows: (1) receiving stolen property, a class D felony, in the Porter Superior Court Number Four, Porter County, Indiana, cause number 64D04-9402-CF-304, and was sentenced on June 8, 1994; and (2) maintaining a common nuisance, a class D felony, in the LaPorte Superior Court Number Four, LaPorte County, Indiana, cause number 46D04-9510-DF-001648, and was sentenced on April 26, 2000, and this fact or circumstance tends to support imposition of the death penalty.

PROVEN BEYOND A REASONABLE DOUBT

NOT PROVEN

- E. That the Defendant is likely to commit criminal acts of violence in the future which would be a continuing and serious threat to others, as demonstrated by proof of a continuing pattern of violence, the Defendant's low rehabilitative potential, and/or his mental condition, and this fact or circumstance tends to support imposition of the death penalty

PROVEN BEYOND A REASONABLE DOUBT

NOT PROVEN

Subfactor: That the Defendant murdered Wanda "Wonder Woman" McNeal in 1998.

PROVEN BEYOND A
REASONABLE DOUBT

NOT PROVEN

REGARDLESS OF WHETHER YOU HAVE ANSWERED "PROVEN BEYOND A REASONABLE DOUBT" OR "NOT PROVEN" TO ANY OF THE QUESTIONS IN SECTION IV, YOU MUST PROCEED TO SECTION V, WHICH FOLLOWS.

SECTION V: MITIGATING FACTORS

In this section, you have the option to indicate, in the space provided, the number of jurors who have found the existence of that mitigating factor to be proven by a preponderance of the evidence with regard to Count 9 and Count 10. You will note each question requires a count of the number of jurors who vote that such finding has been made. If no juror votes that such a finding has been made, indicate so by placing a "0" in the space provided.

Your vote as a jury need not be unanimous with regard to each question in this section. A finding with respect to a mitigating factor may be made by one or more of the members of the jury, and any member of the jury who finds the existence of a mitigating factor may consider such factor established in considering whether or not a sentence of death shall be imposed, regardless of the number of other jurors who agree that the factor has been established.

Mitigating Factors.

1. The Defendant does not have a significant prior criminal record, and this fact or circumstance indicates that the Defendant should not be sentenced to death.

NUMBER OF JURORS WHO SO FIND: 2

2. The Defendant committed the killing or killings under mental and/or emotional disturbance, and this fact or circumstance indicates that the Defendant should not be sentenced to death.

NUMBER OF JURORS WHO SO FIND: 0

3. Another person, equally culpable in the crime, will not be punished by death, and this fact or circumstance indicates that the Defendant should not be sentenced to death.

NUMBER OF JURORS WHO SO FIND: 0

4. Should the jury so direct, the Defendant will be sentenced to life in prison without any possibility of release if he is not executed, and this fact or circumstance indicates that the Defendant should not be sentenced to death.

NUMBER OF JURORS WHO SO FIND: 1

5. The Defendant has invariably responded well to structured environments, and would likely make an excellent adaptation to prison if he were sentenced to life imprisonment without possibility of release; moreover, he does not constitute a continuing threat to the safety of others, and this fact or circumstance indicates that the Defendant should not be sentenced to death.

NUMBER OF JURORS WHO SO FIND: 0

6. Other factors in the Defendant's childhood, background, or character mitigate against the imposition of the death penalty, and this fact or circumstance indicates that the Defendant should not be sentenced to death.

NUMBER OF JURORS WHO SO FIND: 5

7. The acts alleged to have been committed by the Defendant were not premeditated, and this fact or circumstance indicates that the Defendant should not be sentenced to death.

NUMBER OF JURORS WHO SO FIND: 2

The following extra spaces are provided to write in additional mitigating factors, if any, found by any one or more jurors. If none, write "NONE" and line out the extra spaces with a large "X." If more space is needed, write "CONTINUED" and use the reverse side of this page.

1. The factor that the defendant has been
and is a positive influence in the life of his son,
Donald, should be considered as a mitigating factor,
and this indicates that the defendant should
not be sentenced to death.

NUMBER OF JURORS WHO SO FIND: 9

2. The fact that the defendant participated and
received certificates of completion in various Bible
courses should be considered as a mitigating factor,
and this indicates that the defendant should
not be sentenced to death.

NUMBER OF JURORS WHO SO FIND: 3

3. The defendant was shown to be caring and
helpful with his elderly and disabled family
and friends and this should be considered as a
mitigating factor and this indicates that
the defendant should not be sentenced to
death.

NUMBER OF JURORS WHO SO FIND: 6

4. In 1993, the La Porte Juvenile Services found that the defendant is a positive role model for his nephew, Marcus and this should be considered as a mitigating factor and this indicates that the defendant should not be sentenced to death.
Number of Jurors who so find: 2

5. The defendant has artistic talent and his family has benefited from his artistic expression and this should be considered as a mitigating factor and this indicates that the defendant should not be sentenced to death.
Number of Jurors who so find: 7

SECTION VI. DETERMINATION OF SENTENCE

In this section, enter your determination of the Defendant's sentence with regard to Count 9 and Count 10.

Your vote as a jury must be unanimous with regard to each question in this section.

Based upon consideration of whether the aggravating factor or factors found to exist sufficiently outweigh any mitigating factor or factors found to exist or, in the absence of any mitigating factors, whether the aggravating factor or factors are themselves sufficient to justify a sentence of death, and whether death is the appropriate sentence in this case:

As to Count 9:

We sentence the Defendant to death.

We sentence the Defendant to life imprisonment without the possibility of release.

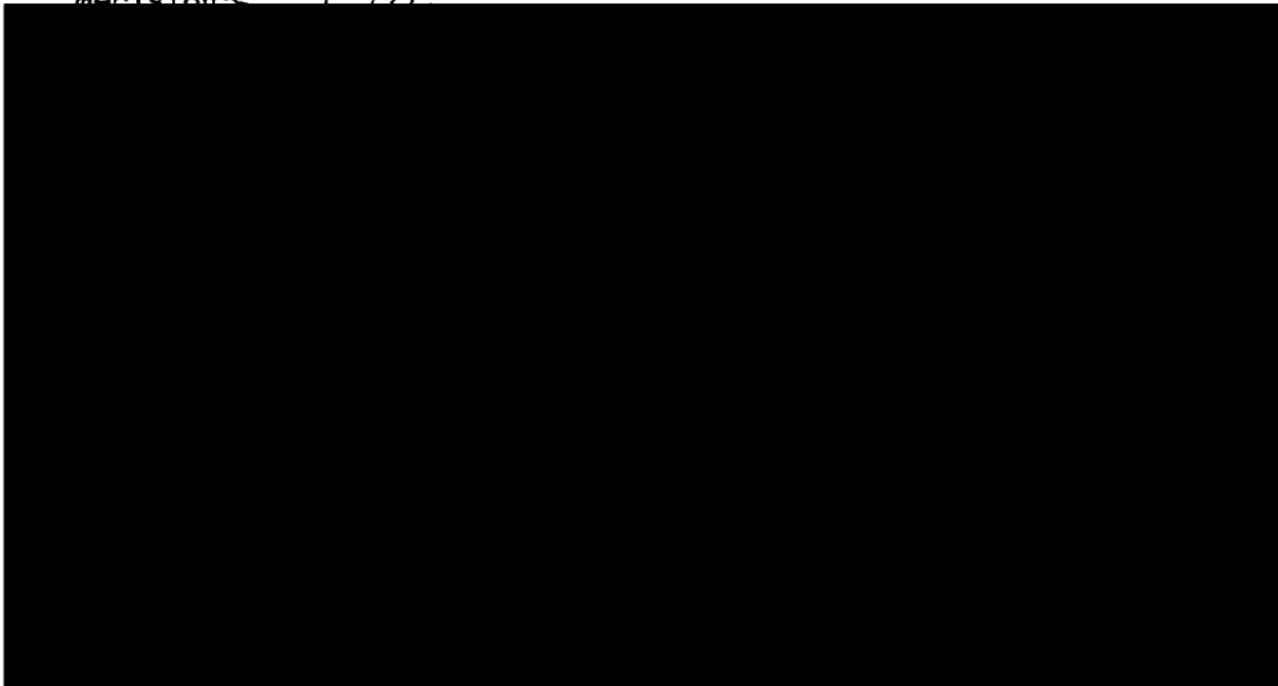
As to Count 10:

We sentence the Defendant to death.

We sentence the Defendant to life imprisonment without the possibility of release.

We sentence the Defendant to a term of incarceration to be determined by the Court.

Each Juror must sign below, indicating that the above sentence determination reflects the jury's unanimous decision. *DD*



Dated: October 27, 2004.

CONTINUE TO SECTION VII

SECTION VII: 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 or crimes in question regardless of the race, color, religious beliefs, national origin or sex of the Defendant or the victim.



Dated: October 27, 2004.