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 1

to Cou	nt 3:	
A.	That the Defendant inter	ntionally killed Kay Peckat:
		PROVEN BEYOND A REASONABLE DOUBT
В.		ntionally inflicted serious bodily the death of Kay Peckat.
		PROVEN BEYOND A REASONABLE DOUBT
c.	contemplating that the intending that lethal	entionally participated in an act, life of a person would be taken or force would be used in connection an one of the participants in the

offense, and Kay Peckat died as a result of the act.

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
<u>NOTE</u> :	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 Cou	nt 5:
Α.	That the Defendant intentionally killed Kay Peckat:
	PROVEN BEYOND A REASONABLE DOUBT NOT PROVEN
В.	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.

 PROVE	ΞN	BEYOND	Α	REASONABLE	DOUBT
NOT I	PRC	OVEN			

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 PRO	OVEN			

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	Α	REASONABLE	DOUBT
NOT PRO	OVEN			

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	Α	REASONABLE	DOUBT
 NOT PRO	OVEN			

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	Α	REASONABLE	DOUBT
NOT PRO	OVEN			

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 PRO	OVEN			

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	Α	REASONABLE	DOUBT
NOT PRO	OVEN			

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	Α	REASONABLE	DOUBT
 NOT PRO	OVEN			

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	Α	REASONABLE	DOUBT
 NOT PRO	OVEN			

c.	characteristic of her death u Defendant caus family, her fr	s as an ind pon her fam ed injury, iends, and	by Kay Peckat's personal ividual human being and the impact aily, friends, and co-workers, the harm, and loss to Kay Peckat, her her co-workers, and this fact or support imposition of the death PROVEN BEYOND A REASONABLE DOUBT
			NOT PROVEN
D.	had previously follows: (1) r in the Porter Indiana, cause on June 8, 199 class D felony LaPorte County and was sente	been convectiving some superior (number 641 4; and (2) , in the La , Indiana, nced on Approximation	or to the attempted bank robbery, ricted of one or more felonies as tolen property, a class D felony, court Number Four, Porter County, 2004-9402-CF-304, and was sentenced maintaining a common nuisance, a aporte Superior Court Number Four, cause number 46D04-9510-DF-001648, oril 26, 2000, and this fact or support imposition of the death
			PROVEN BEYOND A REASONABLE DOUBT
			NOT PROVEN
Е.	violence in t serious threat continuing pa rehabilitative	he future to other: ttern of potential circumstance	ikely to commit criminal acts of which would be a continuing and s, as demonstrated by proof of a violence, the Defendant's low, and/or his mental condition, and se tends to support imposition of
			PROVEN BEYOND A REASONABLE DOUBT
			NOT PROVEN
	Subfactor:		Defendant murdered Wanda "Wonder Neal 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

o Coui	nt 5:
Α.	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
В.	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

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

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.

Subfactor:

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	Defe	endan	it do	es n	ot	hav	e a	sig	gnif	Eica	ant	prior	crim	inal
	reco	ord,	and	this	fac	t o	r	circu	ımst	anc	ce :	indi	cates	that	the
	Defe	endan	t sh	ould	not	be	ser	ntend	ced	to	dea	ath.			

NUMBER	OF	JURORS	WHO	so	FIND:	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.

						\cap
NUMBER	OF	JURORS	\mathtt{WHO}	SO	FIND:	O

p	another person, equally culpable in the crime, will not be bunished by death, and this fact or circumstance indicates that the Defendant should not be sentenced to death.
	NUMBER OF JURORS WHO SO FIND:
t	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:
e t p	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 cossibility 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:
q	Other factors in the Defendant's childhood, background, or character mitigate against the imposition of the death benalty, and this fact or circumstance indicates that the Defendant should not be sentenced to death.
	NUMBER OF JURORS WHO SO FIND:
w i	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:

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, Showld be considered as a mitigating factor and
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. 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 artindant should not use considered sentenced to allow
be the section sentinged to death
number of jurors who so find: 3
3. The defendant was shown to be a caring and
helpful with his elderly and airabled family and
,
friends and this Should be considered as a mitigating factor and thus undercales that that the defendant should not be sentenced to
NUMBER OF JURORS WHO SO FIND: 6 diath

4. On 1993, The Haporte 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 sinteneed
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: 4

SECTION VI. DETERMINATION OF SENTENCE

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

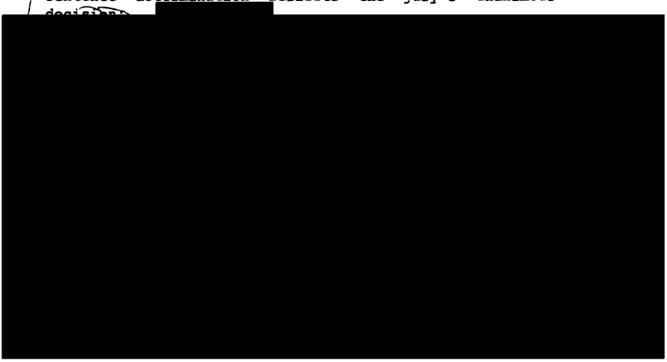
Your vote as a jury must be unanimous with regard to each question in this section.

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:

	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.

As to Count 3:

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

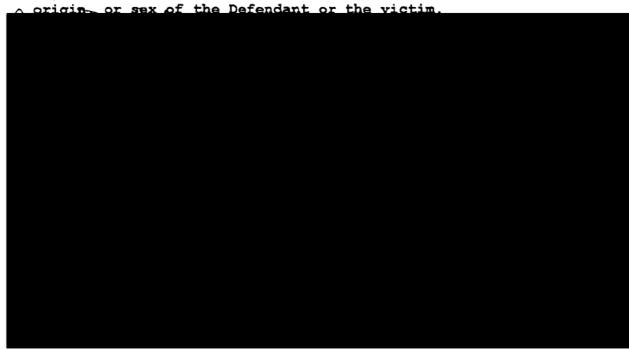


Dated: October 4, 2004.

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



Dated: October $\frac{37}{}$, 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.

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

As t

to Co	unt 9:
A.	That the Defendant intentionally killed Chandler Simpson:
	PROVEN BEYOND A REASONABLE DOUBT NOT PROVEN
В.	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.

PROV	EN	BEYOND	Α	REASONABLE	DOUBT
NOT	PRO	OVEN			

D.	in an act of violence, knowing risk of death to a person participants in the offense,	ally and specifically engaged of that the act created a grave on, other than one of the such that participation in the disregard for human life and esult of the act.
	PRO	VEN BEYOND A REASONABLE DOUBT
	NOT	PROVEN
NOTE:		dant was at least 18 years of se charged in Count 10, please
As to Cou	nt 10:	
Α.	That the Defendant intention	ally killed Chandler Simpson:
	PRO	VEN BEYOND A REASONABLE DOUBT
	NOT	PROVEN
В.	That the Defendant intention injury that resulted in the	hally inflicted serious bodily death of Chandler Simpson:
	PRO	VEN BEYOND A REASONABLE DOUBT
	NOT	PROVEN
c.	contemplating that the life intending that lethal force with a person, other than o offense, and Chandler Simpso	nally participated in an act, of a person would be taken or would be used in connection ne of the participants in the on died as a result of the act.
		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	А	REASONABLE	DOUBT
NOT PRO	OVEN			

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	Α	REASONABLE	DOUBT	
NOT PRO	OVEN				

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.

 PROV	EN	BEYOND	Α	REASONABLE	DOUBT
 NOT	PRO	OVEN			

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	Α	REASONABLE	DOUBT
 NOT PRO	OVEN			

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	Α	REASONABLE	DOUBT
NOT PRO	OVEN			

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 PR	OVEN			

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	Α	REASONABLE	DOUBT
 NOT PRO	OVEN			

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	А	REASONABLE	DOUBT
NOT PRO	OVEN			

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

С.	That, as demonstrated of his death up Defendant caussimpson, his fathis fact or other death penalty.	s as an ind oon his fam sed injury amily, his circumstanc	ividua ily, , ha frier	al human b friends, rm, and nds, and l	peing an and co-v loss this co-v	d the sworkers to Chaworkers	impact s, the andler s, and
			PROVE	N BEYOND	A REASC	NABLE	DOUBT
			NOT E	PROVEN			
D.	That the Defendad previously follows: (1) rin the Porter Indiana, cause on June 8, 199 class D felony LaPorte County, and was sented circumstance to penalty.	been conveceiving so Superior Conumber 64E 4; and (2), in the Late Indiana, conced on Approximately.	icted tolen Court 004-94 main Porte cause	of one of property Number For 02-CF-304 taining a Superior number 4626, 2000,	or more , a classour, Por , and we common Court 1 D04-951	feloni ss D fe rter Co as sen nuisam Number 0-DF-0 his fa	les as elony, bunty, tenced nce, a Four, 01648, act or
		\checkmark	PROVE	EN BEYOND	A REASO	NABLE	DOUBT
		-	NOT I	PROVEN			
E.	That the Deferviolence in the serious threat continuing parehabilitative this fact or othe death penal	he future to others ttern of potential, circumstance	which s, as viole , and/	would be demonstrated the demonstrate with the demonstrate demonstrate with the demonstrate would be demonstrated by the demonstrate would be demonstrated by the demo	e a cor ated by e Defe ental co	ntinuir proof ndant' nditio	ng and fof a solution of a low n, and
			PROVE	EN BEYOND	A REASO	ONABLE	DOUBT
			NOT 1	PROVEN			
	Subfactor:	That the Woman" Mcl			dered Wa	anda "	Wonder
			_	PROVEN BI		r	
			-	NOT PROVI	EN		

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

As to

	Count 10, please complete	the following:
o Coui	nt 10:	
A.	inside the bank to ensure identify him as a particip	d and attempted to kill persons that they would not be able to ant in the robbery, and this fact support imposition of the death
		PROVEN BEYOND A REASONABLE DOUBT
		NOT PROVEN
В.	additional victims inside presence of others inside circumstance tends to spenalty.	have killed or attempted to kill the bank had he discovered the de the bank, and this fact or upport imposition of the death PROVEN BEYOND A REASONABLE DOUBT
		NOT PROVEN
		NOT TROVEN
C.	characteristics as an indi of his death upon his fam: Defendant caused injury Simpson, his family, his	by Chandler Simpson's personal lividual human being and the impact ily, friends, and co-workers, the harm, and loss to Chandler friends, and his co-workers, and e tends to support imposition of
		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

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 PRO	OVEN
Subfactor:	That the Defenda Woman" McNeal in	nt murdered Wanda "Wonder 1998.
		ROVEN BEYOND A EASONABLE DOUBT
	NO	OT 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 Def	endant	does	not	have	a	signific	cant	prior	crimi	inal
	record,	and t	his f	act (or ci	rcu	mstance	indi	cates	that	the
	Defendar	nt sho	uld no	t be	sent	ence	ed to de	eath.			

						'	
NUMBER	OF	JURORS	WHO	SO	FIND:		_

 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.

						\wedge
NUMBER	OF	JURORS	WHO	SO	FIND:	U

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:
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:
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:
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 difendant has been
and is a positive influence in the life of his sm.
Donald should be considered as a mitigating to too
and This indicates that the defendant should have not be sentenced to death.
not be sentenced to death.
NUMBER OF JURORS WHO SO FIND:

- 2. The fact that the defendant participated and veceived 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 relating and disabled family and friends and this should be considered as a mitigating factor and this indicates that the defendable should not be sentenced to death.

 NUMBER OF JURORS WHO SO FIND: 6

4. In 1993, the halorte 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 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.

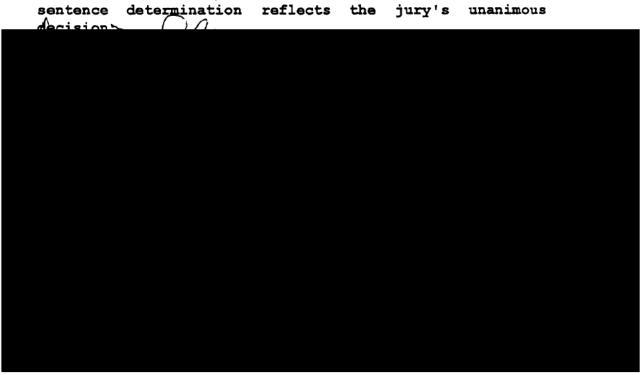
Your vote as a jury must be unanimous with regard to each question in this section.

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:

	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.

As to Count 9:

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

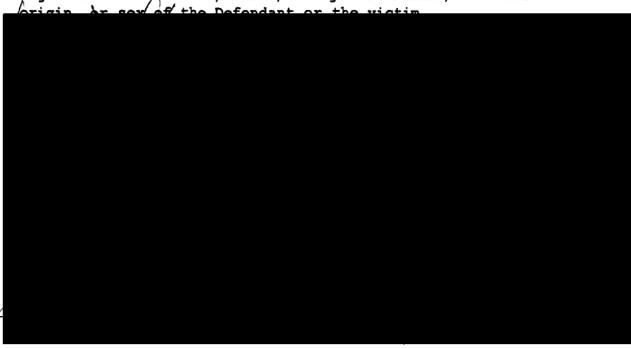


Dated: October 27, 2004.

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



Dated: October 27, 2004.