

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF IOWA
CENTRAL DIVISION**

UNITED STATES OF AMERICA,

Plaintiff,

vs.

ANGELA JOHNSON,

Defendant.

No. CR 01-3046-MWB

**"ELIGIBILITY PHASE"
VERDICT FORM**

As to defendant Angela Johnson, on the "eligibility phase" issues submitted for our determination, we, the Jury, unanimously find as follows:

VICTIMS AND COUNTS										
Step One: "Gateway Aggravating Factors"	For each Count, do you unanimously find that the prosecution has proved the "Gateway Aggravating Factor" beyond a reasonable doubt? The "Gateway Aggravating Factor" is explained in "Eligibility Phase" Instruction No. 3. (You must unanimously agree that this "Gateway Aggravating Factor" has been proved for a particular Count for the defendant to be "eligible" for consideration of the death penalty on that Count. Please put a check mark in the column for any Count for which you find that the "Gateway Aggravating Factor" has been proved.)									
	Gregory Nicholson		Lori Duncan		Kandi Duncan		Amber Duncan		Terry DeGeus	
	Count	Count	Count	Count	Count	Count	Count	Count	Count	Count
	1	6	2	7	3	8	4	9	5	10
	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
	The defendant intentionally engaged in conduct intending that the victim in question be killed or that lethal force be employed against the victim, which resulted in the death of the victim.									
	If you unanimously found this "Gateway Aggravating Factor" for a particular Count, go on to Step Two for that Count. However, if you did not find this "Gateway Aggravating Factor" for a particular Count, then you cannot consider the death penalty on that Count; therefore, do not consider Step Two for that Count. Instead, you must enter a "not eligible" verdict for that Count in Step Three.									

VICTIMS AND COUNTS											
Step Two: "Statutory Aggravating Factors"	Gregory Nicholson		Lori Duncan		Kandi Duncan		Amber Duncan		Terry DeGens		
	Count 1	Count 6	Count 2	Count 7	Count 3	Count 8	Count 4	Count 9	Count 5	Count 10	
If you found the "Gateway Aggravating Factor" for a particular Count, which one or more of the "Statutory Aggravating Factors," if any, do you unanimously find the prosecution has proved beyond a reasonable doubt for that Count? "Statutory Aggravating Factors" are explained in "Eligibility Phase" Instruction No. 4. (You must unanimously agree on one or more of these factors as to a particular Count for the defendant to be "eligible" for consideration of the death penalty for that Count. Please put a check mark in the column for any Count for which you find a particular "Statutory Aggravating Factor" has been proved.) The defendant committed the offense in question after substantial planning and premeditation. The defendant committed the offense in question in an especially heinous, cruel, or depraved manner in that it involved torture, serious physical abuse of the victim, or both. (You may find "torture," "serious physical abuse," both, or neither for any particular Count.) The victim was particularly vulnerable due to her young age.											
	✓		✓								✓
	✓		✓								
If you unanimously found at least one "Statutory Aggravating Factor" for a particular Count in this Step, and you found the "Gateway Aggravating Factor" for that Count in Step One, then you must enter an "eligible" verdict for that Count. However, if you did not find any "Statutory Aggravating Factor" for a particular Count, then you cannot consider the death penalty on that Count; therefore, you must enter a "not eligible" verdict for that Count.											

VICTIMS AND COUNTS											
Step Three: "Eligibility" Verdict	Gregory Nicholson		Lori Duncan		Kandi Duncan		Amber Duncan		Terry DeGeus		
	Count	Count	Count	Count	Count	Count	Count	Count	Count	Count	
As explained in "Eligibility Phase" Instruction No. 5, if you did not find the "Gateway Aggravating Factor" for a particular Count or did not find any "Statutory Aggravating Factor" for that Count, then enter a verdict that the defendant is "not eligible" for consideration of the death penalty on that Count. However, if you found the "Gateway Aggravating Factor" and at least one "Statutory Aggravating Factor" for a particular Count, enter a verdict that the defendant is "eligible" for consideration of the death penalty on that Count.	1	6	2	7	3	8	4	9	5	10	
"Not eligible" for consideration of the death penalty on this Count											
"Eligible" for consideration of the death penalty on this Count	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
Certification	By signing below, by juror number, then by name, each juror certifies that consideration of the race, color, religious beliefs, national origin, or sex of the defendant or any victim was not involved in reaching his or her individual decision, and that the individual juror would have made the same determination regarding the defendant's eligibility for consideration of a sentence of death for the crime or crimes in question regardless of the race, color, religious beliefs, national origin, or sex of the defendant, or the victim or victims. (See "Eligibility Phase" Instruction No. 7)										

5-31-05
Date

JUROR NUMBERS

621
Foreperson

797
Juror

727
Juror

504	108	55
Juror	Juror	Juror
513	170	489
Juror	Juror	Juror
509	147	600
Juror	Juror	Juror

IN THE UNITED STATES DISTRICT COURT
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UNITED STATES OF AMERICA,

Plaintiff,

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ANGELA JOHNSON,

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No. CR 01-3046-MWB

**"PENALTY PHASE"
VERDICT FORM**

As to defendant Angela Johnson, on the "penalty phase" issues submitted for our determination, we, the Jury, find as follows:

VICTIMS AND COUNTS											
Step One: "Non-statutory" Aggravating Factors	Gregory Nicholson		Lori Duncan		Kandi Duncan		Amber Duncan		Terry DeGeus		
	Count	Count	Count	Count	Count	Count	Count	Count	Count	Count	
For each Count, which one or more of the "Non-statutory Aggravating Factors," if any, do you unanimously find the prosecution has proved beyond a reasonable doubt? "Non-statutory Aggravating Factors" are identified and explained in Final "Penalty Phase" Instruction No. 2. (Please put a check mark in the column for any count for which you find a particular aggravating factor has been proved.)	1	6	2	7	3	8	4	9	5	10	
The defendant would be a danger in the future to the lives and safety of other persons.											
The defendant obstructed justice by preventing the victim from providing testimony or information to law enforcement officers or by retaliating against the victim for cooperating with authorities.	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
The defendant aided and abetted the intentional killing of more than one person in a single criminal episode.	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
The effect of the crime upon the victim's family was injurious.	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
If you unanimously found at least one "Non-statutory Aggravating Factor" for a particular Count, you may consider that factor or those factors in Step Three, below, for that Count. Whether or not you find any "Non-statutory Aggravating Factor," go on to Step Two.											

VICTIMS AND COUNTS												
Step Two: "Mitigating" Factors	Which "Mitigating Factors," if any, do any of you find the defendant has proved by the greater weight of the evidence for a particular count? "Mitigating Factors" specifically asserted by the defendant are identified for you in Final "Penalty Phase" Instruction No. 3. You may also identify any further "Mitigating Factors" that any juror finds. (Please indicate the number of jurors finding any "Mitigating Factor" in the column for any count for which those jurors find that the "Mitigating Factor" applies.)											
	Count 1	Count 6	Count 2	Count 7	Count 3	Count 8	Count 4	Count 9	Count 5	Count 10		
"Mitigating Factor"												
(1) even though Angela Johnson is guilty as an aider and abettor, her participation was relatively minor as compared to Dustin Honken's role in these murders	6	0	0	0	0	0	0	0	0	0	0	0
(2) Angela Johnson does not have a prior criminal record	6	6	6	6	6	6	6	6	6	6	6	6
(3) there is a strong maternal bond between Angela Johnson and her daughters, Alyssa and Marvea, and this mother-daughter relationship will continue to survive and flourish if Angela Johnson is sentenced to life imprisonment without possibility of parole	12	12	12	12	12	12	12	12	12	12	12	12
(4) another person, Dustin Honken, who is equally or more culpable in the murders of Greg Nicholson, Lori Duncan, and Terry DeGeus, will not be punishable by death for those murders	3	3	3	3	0	0	0	0	3	3	3	3
(5) two victims, Greg Nicholson and Terry DeGeus, consented to the conduct, methamphetamine manufacturing and distribution, that significantly contributed to the circumstances of their deaths	7	7	3	3	3	3	3	3	7	7	7	7

Step Two: "Mitigating" Factors (Continued)

VICTIMS AND COUNTS

	Gregory Nicholson		Lori Duncan		Kandi Duncan		Amber Duncan		Terry DeGeus	
	Count	Count	Count	Count	Count	Count	Count	Count	Count	Count
"Mitigating Factor"	1	6	2	7	3	8	4	9	5	10
(6) Angela Johnson was physically and psychologically abused as a child by her mother and other adults who engaged in exorcisms, casting out of spirits, and other unusual religious practices upon her	6	6	6	6	6	6	6	6	6	6
(7) Angela Johnson was inappropriately touched, fondled, and sexually abused by Ted Dillo during the time the Johnson family spent with the Dillos in Chanute, Kansas, when Angela Johnson was approximately nine years old	1	1	1	1	1	1	1	1	1	1
(8) If Angela Johnson is incarcerated in a federal penitentiary for life, she would not be a danger to the lives and safety of others	6	6	6	6	6	6	6	6	6	6
(9) Angela Johnson was raised in a single-parent household by an emotionally unstable mother who subjected her children to unusual fasting practices, long periods of abandonment and physical detachment, and occasional physical abuse, resulting in Angela Johnson being far more susceptible to escape through illicit drug use, a series of unhealthy relationships with men, and chronic feelings of abandonment and poor self-esteem	5	5	5	5	5	5	5	5	5	5
(10) Angela Johnson was physically and emotionally abused as an adult by Terry DeGeus, her former boyfriend, causing her great fear and traumatic stress	4	4	4	4	4	4	4	4	4	4

Step Two: "Mitigating" Factors (Continued)		VICTIMS AND COUNTS										
		Gregory Nicholson		Lori Duncan		Kandi Duncan		Amber Duncan		Terry DeGeus		
"Mitigating Factor"		Count	Count	Count	Count	Count	Count	Count	Count	Count	Count	
(11) Angela Johnson has loving, lasting relationships with her mother, Pearl Jean Johnson, and her four siblings, Wendy Jacobson, Jamie Jo Hays, Jimmy Johnson, and Holly Dirksen, which will continue into old age if Angela Johnson is sentenced to life imprisonment without possibility of parole		6	6	6	6	6	6	6	6	6	6	6
(12) Angela Johnson suffers from anxiety and depression as a result of experiences endured in childhood, and these mental conditions have hampered her ability to make intelligent, thoughtful, and wise choices in many of the important decisions in her life		0	0	0	0	0	0	0	0	0	0	0
(13) Angela Johnson is very much loved by her daughters, Alyssa and Marvea, and that her death would have a profoundly disturbing effect on their young lives, now and for years to come		12	12	12	12	12	12	12	12	12	12	12
(14) Angela Johnson has felt remorse for the role that she played in the deaths of Greg Nicholson, Lori Duncan, Terry DeGeus, and particularly Kandi and Amber Duncan		3	3	3	3	3	3	3	3	3	3	3

Step Two: "Mitigating" Factors (Continued)

VICTIMS AND COUNTS

	Gregory Nicholson		Lori Duncan		Kandi Duncan		Amber Duncan		Terry DeGens	
	Count	Count	Count	Count	Count	Count	Count	Count	Count	Count
"Mitigating Factor"	1	6	2	7	3	8	4	9	5	10
(15) Angela Johnson is loved and cherished by her mother, Pearl Jean Johnson, and her siblings, Wendy Jacobson, Jamie Jo Hays, Jimmy Johnson, and Holly Dirksen, all of whom would suffer grievously should Angela Johnson be sentenced to death	4	4	4	4	4	4	4	4	4	4
(16) Angela Johnson has been addicted to methamphetamine for most of her adult life, a drug which has profoundly affected her judgment, her personality, her relationships, and her ability to deal with difficult self-esteem and psychological issues, which have plagued her since childhood	4	4	4	4	4	4	4	4	4	4
(17) Angela Johnson has demonstrated that she can lead a productive, worthwhile life in prison through her kindness and helpfulness to other inmates, her interest in Bible study and religion, her artistic endeavors, and the furtherance of her education by obtaining a G.E.D. while incarcerated after having dropped out of school years earlier in the ninth grade	12	12	12	12	12	12	12	12	12	12
(18) in spite of her problems with drugs, men, and her own depression, Angela Johnson has always held a steady job and has consistently worked to provide for the care and comfort of her daughters, Alyssa and Marvea	7	7	7	7	7	7	7	7	7	7

Step Two: "Mitigating" Factors (Continued)

VICTIMS AND COUNTS

Gregory Nicholson	Lori Duncan		Kandi Duncan		Amber Duncan		Terry DeGeus		
	Count	Count	Count	Count	Count	Count	Count	Count	
1	6	2	7	3	8	4	9	5	10
0	0	0	0	0	0	0	0	0	0
12	12	12	12	12	12	12	12	12	12
4	4	4	4	4	4	4	4	4	4

"Mitigating Factor"

(19) although she is guilty of these murders, Angela Johnson was pregnant by Dustin Honken with her daughter, Marvea, at the time of the murders and, as a result, was in a disadvantaged position to resist Mr. Honken, leave him, or turn him in to authorities, which she offers as an explanation of her conduct, not as an excuse

(20) despite her own personal problems, past drug addiction, and present incarceration, Angela Johnson has always been a good mother to her daughters, in that she communicates with them regularly, stays as active as possible in their lives, and attempts to pass on the values and beliefs that will help her daughters avoid her own fate

(21) there are other factors in Angela Johnson's background or character that mitigate in favor of a sentence of life imprisonment without possibility of parole and against the death penalty

Step Two: "Mitigating" Factors (Continued)

VICTIMS AND COUNTS

	Gregory Nicholson		Lori Duncan		Kandi Duncan		Amber Duncan		Terry DeGeus	
	Count	Count	Count	Count	Count	Count	Count	Count	Count	Count
1	6	2	7	3	8	4	9	5	10	
0	0	0	0	0	0	0	0	0	0	0
2	2	2	2	2	2	2	2	2	2	2

"Mitigating Factor"

Any residual or lingering doubts as to Angela Johnson's guilt or innocence or her role in the offenses, even though those doubts did not rise to the level of "reasonable doubts" under the instructions given to you during the "merits phase" of the trial

Additional mitigating factor, if any (please identify):

Suicide attempt

Additional mitigating factor, if any (please identify):

Additional mitigating factor, if any (please identify):

Additional mitigating factor, if any (please identify):

Additional mitigating factor, if any (please identify):

In Step Three, for each Count on which the defendant is "eligible" for consideration of the death penalty, each of you must weigh any mitigating factor or factors that you individually found to exist in this Step. Each of you may also weigh any mitigating factor or factors that another or others of your fellow jurors found to exist.

Step Three: Weighing The Factors

After weighing the "Aggravating Factors" found in the "eligibility phase," together with any "Non-statutory Aggravating Factors" found in Step One of this "penalty phase," and any "Mitigating Factors" found in Step Two, as explained in Final "Penalty Phase" Instruction No. 4, what sentence do you impose for each Count? (Please put a check mark in the column for any count for which you find a particular sentence must be imposed.)

A sentence of death

A sentence of life imprisonment without possibility of parole

Certification

By signing below, by juror number, then by name, each juror certifies that consideration of the race, color, religious beliefs, national origin, or sex of the defendant or any victim was not involved in reaching his or her individual decision, and that the individual juror would have made the same determination 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 or victims. (See Final "Penalty Phase" Instruction No. 7)

VICTIMS AND COUNTS

Gregory Nicholson		Lori Duncan		Kandi Duncan		Amber Duncan		Terry DeGeus	
Count	Count	Count	Count	Count	Count	Count	Count	Count	Count
1	6	2	7	3	8	4	9	5	10
		✓	✓	✓	✓	✓	✓	✓	✓
✓									

6-21-05
Date

JUROR NUMBERS

621
Foreperson

600
Juror

489
Juror

509
Juror

797
Juror

513
Juror

147

Juror

504

Juror

55

Juror

808

Juror

170

Juror

924

Juror

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FOR THE NORTHERN DISTRICT OF IOWA
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UNITED STATES OF AMERICA,

Plaintiff,

vs.

ANGELA JOHNSON,

Defendant.

No. CR 01-3046-MWB

**"PENALTY PHASE"
VERDICT FORM**

As to defendant Angela Johnson, on the "penalty phase" issues submitted for our determination, we, the Jury, find as follows:

VICTIMS AND COUNTS												
Step One: "Non- statutory" Aggravating Factors	For each Count, which one or more of the "Non-statutory Aggravating Factors," if any, do you unanimously find the prosecution has proved beyond a reasonable doubt? "Non-statutory Aggravating Factors" are identified and explained in Final "Penalty Phase" Instruction No. 2. (Please put a check mark in the column for any count for which you find a particular aggravating factor has been proved.)											
	Gregory Nicholson		Lori Duncan		Kandi Duncan		Amber Duncan		Terry DeGeus		Count	Count
	Count	Count	Count	Count	Count	Count	Count	Count	Count	Count	Count	Count
	1	6	2	7	3	8	4	9	5	10		
The defendant would be a danger in the future to the lives and safety of other persons.												
The defendant obstructed justice by preventing the victim from providing testimony or information to law enforcement officers or by retaliating against the victim for cooperating with authorities.	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓		✓
The defendant aided and abetted the intentional killing of more than one person in a single criminal episode.	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓		✓
The effect of the crime upon the victim's family was injurious.	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓		✓
If you unanimously found at least one "Non-statutory Aggravating Factor" for a particular Count, you may consider that factor or those factors in Step Three, below, for that Count. Whether or not you find any "Non-statutory Aggravating Factor," go on to Step Two.												

Step Two: "Mitigating" Factors		VICTIMS AND COUNTS									
		Gregory Nicholson		Lori Duncan		Kandi Duncan		Amber Duncan		Terry DeGens	
		Count 1	Count 6	Count 2	Count 7	Count 3	Count 8	Count 4	Count 9	Count 5	Count 10
Which "Mitigating Factors," if any, do any of you find the defendant has proved by the greater weight of the evidence for a particular count? "Mitigating Factors" specifically asserted by the defendant are identified for you in Final "Penalty Phase" Instruction No. 3. You may also identify any further "Mitigating Factors" that any juror finds. (Please indicate the number of jurors finding any "Mitigating Factor" in the column for any count for which those jurors find that the "Mitigating Factor" applies.)											
"Mitigating Factor"											
(1) even though Angela Johnson is guilty as an aider and abettor, her participation was relatively minor as compared to Dustin Honken's role in these murders		0	0	0	0	0	0	0	0	0	0
(2) Angela Johnson does not have a prior criminal record		6	6	6	6	6	6	6	6	6	6
(3) there is a strong maternal bond between Angela Johnson and her daughters, Alyssa and Marvea, and this mother-daughter relationship will continue to survive and flourish if Angela Johnson is sentenced to life imprisonment without possibility of parole		12	12	12	12	12	12	12	12	12	12
(4) another person, Dustin Honken, who is equally or more culpable in the murders of Greg Nicholson, Lori Duncan, and Terry DeGens, will not be punishable by death for those murders		3	3	3	3	0	0	0	0	3	3
(5) two victims, Greg Nicholson and Terry DeGens, consented to the conduct, methamphetamine manufacturing and distribution, that significantly contributed to the circumstances of their deaths		7	7	3	3	3	3	3	3	7	7

Step Two: "Mitigating" Factors (Continued)	VICTIMS AND COUNTS									
	Gregory Nicholson		Lori Duncan		Kandi Duncan		Amber Duncan		Terry DeGeus	
	Count	Count	Count	Count	Count	Count	Count	Count	Count	Count
"Mitigating Factor"	1	6	2	7	3	8	4	9	5	10
(6) Angela Johnson was physically and psychologically abused as a child by her mother and other adults who engaged in exorcisms, casting out of spirits, and other unusual religious practices upon her	6	6	6	6	6	6	6	6	6	6
(7) Angela Johnson was inappropriately touched, fondled, and sexually abused by Ted Dillo during the time the Johnson family spent with the Dillos in Chamute, Kansas, when Angela Johnson was approximately nine years old	1	1	1	1	1	1	1	1	1	1
(8) if Angela Johnson is incarcerated in a federal penitentiary for life, she would not be a danger to the lives and safety of others	6	6	6	6	6	6	6	6	6	6
(9) Angela Johnson was raised in a single-parent household by an emotionally unstable mother who subjected her children to unusual fasting practices, long periods of abandonment and physical detachment, and occasional physical abuse, resulting in Angela Johnson being far more susceptible to escape through illicit drug use, a series of unhealthy relationships with men, and chronic feelings of abandonment and poor self-esteem	5	5	5	5	5	5	5	5	5	5
(10) Angela Johnson was physically and emotionally abused as an adult by Terry DeGeus, her former boyfriend, causing her great fear and traumatic stress	4	4	4	4	4	4	4	4	4	4

Step Two: "Mitigating" Factors (Continued)	VICTIMS AND COUNTS									
	Gregory Nicholson		Lori Duncan		Kandi Duncan		Amber Duncan		Terry DeGens	
	Count	Count	Count	Count	Count	Count	Count	Count	Count	Count
"Mitigating Factor"	1	6	2	7	3	8	4	9	5	10
(11) Angela Johnson has loving, lasting relationships with her mother, Pearl Jean Johnson, and her four siblings, Wendy Jacobson, Jamie Jo Hays, Jimmy Johnson, and Holly Dirksen, which will continue into old age if Angela Johnson is sentenced to life imprisonment without possibility of parole	6	6	6	6	6	6	6	6	6	6
(12) Angela Johnson suffers from anxiety and depression as a result of experiences endured in childhood, and these mental conditions have hampered her ability to make intelligent, thoughtful, and wise choices in many of the important decisions in her life	0	0	0	0	0	0	0	0	0	0
(13) Angela Johnson is very much loved by her daughters, Alyssa and Marvea, and that her death would have a profoundly disturbing effect on their young lives, now and for years to come	17	17	17	17	17	17	17	17	17	17
(14) Angela Johnson has felt remorse for the role that she played in the deaths of Greg Nicholson, Lori Duncan, Terry DeGens, and particularly Kandi and Amber Duncan	3	3	3	3	5	5	5	5	4	4

Step Two: "Mitigating" Factors (Continued)

VICTIMS AND COUNTS

	Gregory Nicholson		Lori Duncan		Kandi Duncan		Amber Duncan		Terry DeGens	
	Count	Count	Count	Count	Count	Count	Count	Count	Count	Count
"Mitigating Factor"	1	6	2	7	3	8	4	9	5	10
(15) Angela Johnson is loved and cherished by her mother, Pearl Jean Johnson, and her siblings, Wendy Jacobson, Jamie Jo Hays, Jimmy Johnson, and Holly Dirksen, all of whom would suffer grievously should Angela Johnson be sentenced to death.	4	4	4	4	4	4	4	4	4	4
(16) Angela Johnson has been addicted to methamphetamine for most of her adult life, a drug which has profoundly affected her judgment, her personality, her relationships, and her ability to deal with difficult self-esteem and psychological issues, which have plagued her since childhood.	4	4	4	4	4	4	4	4	4	4
(17) Angela Johnson has demonstrated that she can lead a productive, worthwhile life in prison through her kindness and helpfulness to other inmates, her interest in Bible study and religion, her artistic endeavors, and the furtherance of her education by obtaining a G.E.D. while incarcerated after having dropped out of school years earlier in the ninth grade.	12	12	12	12	12	12	12	12	12	12
(18) in spite of her problems with drugs, men, and her own depression, Angela Johnson has always held a steady job and has consistently worked to provide for the care and comfort of her daughters, Alyssa and Marvea.	7	7	7	7	7	7	7	7	7	7

Step Two: "Mitigating" Factors (Continued)

VICTIMS AND COUNTS

	Gregory Nicholson		Lori Duncan		Kandi Duncan		Amber Duncan		Terry DeGeus	
	Count	Count	Count	Count	Count	Count	Count	Count	Count	Count
	1	6	2	7	3	8	4	9	5	10
"Mitigating Factor"	0	0	0	0	0	0	0	0	0	0
(19) although she is guilty of these murders, Angela Johnson was pregnant by Dustin Honken with her daughter, Marvea, at the time of the murders and, as a result, was in a disadvantaged position to resist Mr. Honken, leave him, or turn him in to authorities, which she offers as an explanation of her conduct, not as an excuse	12	12	12	12	12	12	12	12	12	12
(20) despite her own personal problems, past drug addiction, and present incarceration, Angela Johnson has always been a good mother to her daughters, in that she communicates with them regularly, stays as active as possible in their lives, and attempts to pass on the values and beliefs that will help her daughters avoid her own fate										
(21) there are other factors in Angela Johnson's background or character that mitigate in favor of a sentence of life imprisonment without possibility of parole and against the death penalty	4	4	4	4	4	4	4	4	4	4

Step Two: "Mitigating" Factors (Continued)

VICTIMS AND COUNTS

	Gregory Nicholson		Lori Duncan		Kandi Duncan		Amber Duncan		Terry DeGens	
	Count	Count	Count	Count	Count	Count	Count	Count	Count	Count
1	6	7	3	8	4	9	5	10		
0	0	0	0	0	0	0	0	0	0	0
2	2	2	2	2	2	2	2	2	2	2

"Mitigating Factor"

Any residual or lingering doubts as to Angela Johnson's guilt or innocence or her role in the offenses, even though those doubts did not rise to the level of "reasonable doubts" under the instructions given to you during the "merits phase" of the trial

Additional mitigating factor, if any (please identify):

Suicide attempt

Additional mitigating factor, if any (please identify):

Additional mitigating factor, if any (please identify):

Additional mitigating factor, if any (please identify):

Additional mitigating factor, if any (please identify):

In Step Three, for each Count on which the defendant is "eligible" for consideration of the death penalty, each of you must weigh any mitigating factor or factors that you individually found to exist in this Step. Each of you may also weigh any mitigating factor or factors that another or others of your fellow jurors found to exist.

VICTIMS AND COUNTS												
Step Three: Weighing The Factors	After weighing the "Aggravating Factors" found in the "eligibility phase," together with any "Non-statutory Aggravating Factors" found in Step One of this "penalty phase," and any "Mitigating Factors" found in Step Two, as explained in Final "Penalty Phase" Instruction No. 4, what sentence do you impose for each Count? (Please put a check mark in the column for any count for which you find a particular sentence must be imposed.)										Terry DeGeus	
	Gregory Nicholson		Lori Duncan		Kandi Duncan		Amber Duncan				Count	Count
	Count	Count	Count	Count	Count	Count	Count	Count	Count	Count	Count	Count
	1	2	3	4	5	6	7	8	9	10		
		✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
	✓											
	A sentence of death											
	A sentence of life imprisonment without possibility of parole											
Certification	By signing below, by juror number, then by name, each juror certifies that consideration of the race, color, religious beliefs, national origin, or sex of the defendant or any victim was not involved in reaching his or her individual decision, and that the individual juror would have made the same determination 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 or victims. (See Final "Penalty Phase" Instruction No. 7)											

6-21-05
Date

JUROR NUMBERS

621 Juror
Foreperson

489 Juror

509 Juror
Juror

513 Juror

147

Juror

504

Juror

55

Juror

108

Juror

170

Juror

127

Juror

JUROR SIGNATURES

[Signature]
Foreperson

[Signature]
Juror

[Signature]
Juror

[Signature]
Juror

[Signature]
Juror

[Signature]
Juror

[Signature]
Juror

[Signature]
Juror

[Signature]
Juror

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Juror

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Juror

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Juror

Signature page *
SEALED -
to public
can go to
attorneys