

FILED
JAMES BONINI
CLERK

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION

2005 AUG 25 P 3:01

U.S. DISTRICT COURT
SOUTHERN DIST. OHIO
EAST. DIV. COLUMBUS

UNITED STATES OF AMERICA,

Plaintiff,

v.

JOHN RICHARD MAYHEW, JR.,

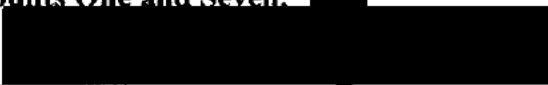
Defendant.

Case No. 2:03-cr-165

JUDGE ALGENON L. MARBLEY

COUNTS ONE and SEVEN
FINDING AS TO DEFENDANT'S AGE

We, the jury, unanimously find that the government has established beyond a reasonable doubt that Mr. Mayhew was eighteen years of age or older at the time of the offenses charged in both Counts One and Seven.

Unanimously "Yes" 

Foreperson

Unanimously "No" _____

Foreperson

Unable to reach unanimous agreement _____

SIGNED THIS 22 DAY OF AUGUST, 2005.

FILED
JAMES BONINI
CLERK

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION

2005 AUG 25 P 3 01

U.S. DISTRICT COURT
SOUTHERN DIST. OHIO
EAST. DIV. COLUMBUS

UNITED STATES OF AMERICA,

Plaintiff,

v.

JOHN RICHARD MAYHEW, JR.,

Defendant.


Case No. 2:03-cr-165

JUDGE ALGENON L. MARBLEY

COUNT ONE, STEP ONE:
FINDINGS ON INTENT

For the following verdict form, the foreperson should sign his or her name on the appropriate line. You must answer "Yes," "No" or "Unable to Reach Unanimous Agreement" as to whether you, the jury, unanimously find that the government has established the existence of one of the following intent factors beyond a reasonable doubt.

- (1) We, the jury, unanimously find that the government has established beyond a reasonable doubt that John Mayhew intentionally killed Kristina McKibben.

Unanimously "Yes" 

Foreperson

Unanimously "No" _____

Foreperson

Unable to reach unanimous agreement _____

Foreperson

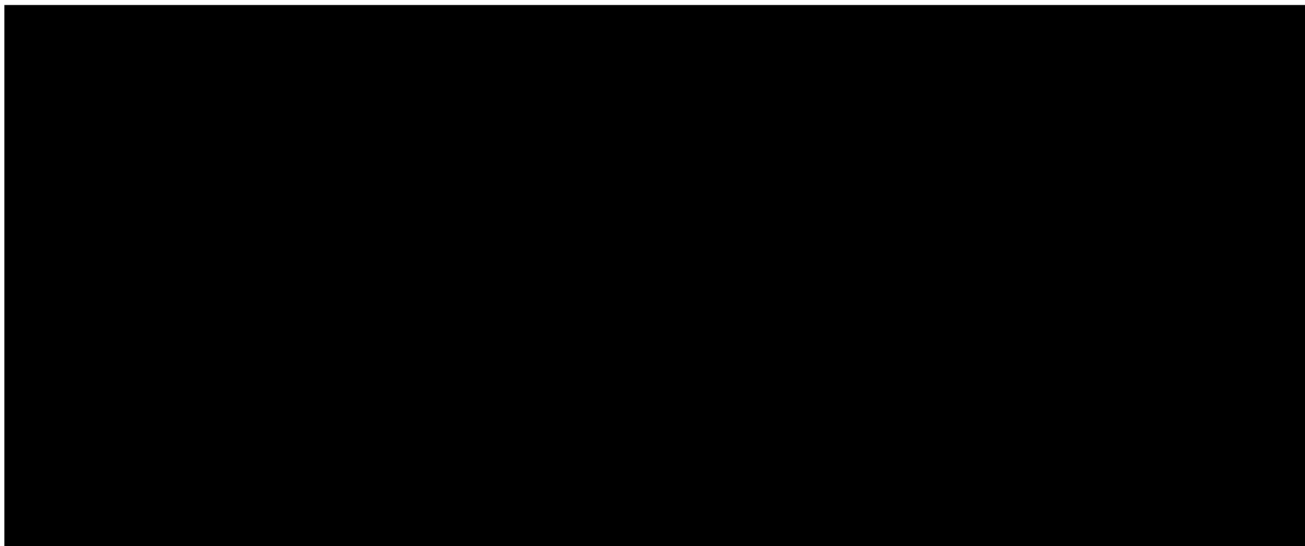
OR

- (2) We, the jury, unanimously find that the government has established beyond a reasonable doubt that John Mayhew intentionally inflicted serious bodily injury that resulted in the death of Kristina McKibben.

Unanimously "Yes" _____
Foreperson

Unanimously "No" _____
Foreperson

Unable to reach unanimous agreement _____
Foreperson



SIGNED THIS 24 DAY OF AUGUST, 2005.

If you answered "No" or "Unable to Reach Unanimous Agreement" on both of these questions, then stop your deliberations on Count One. You do not need to go on to decide any other questions because your deliberations are over on this count. You should proceed to Count Seven, Step One.

If you answered "Yes" to either question, then continue your deliberations in accordance with the Court's instructions and proceed to Count One, Step Two.

FILED
JAMES BONINI
CLERK

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION

2005 AUG 25 P 3:01

U.S. DISTRICT COURT
SOUTHERN DIST. OHIO
EAST. DIV. COLUMBUS

UNITED STATES OF AMERICA,

Plaintiff,

v.

JOHN RICHARD MAYHEW, JR.,

Defendant.

Case No. 2:03-cr-165


JUDGE ALGENON L. MARBLEY

COUNT ONE, STEP TWO
FINDINGS ON STATUTORY AGGRAVATING FACTORS FOR COUNT ONE

For each of the following statutory aggravating factors, the foreperson should sign his or her name on the appropriate line following each finding. You must answer "Yes," "No," or "Unable to reach unanimous agreement" as to whether you, the jury, unanimously find the government has proven each aggravating factor beyond a reasonable doubt.

First Statutory Aggravating Factor for Count One

John Mayhew caused the death, or injury resulting in death, of Kristina McKibben, during the commission or attempted commission of, or during the immediate flight from the commission of, the offense of kidnapping.

Unanimously "Yes" 

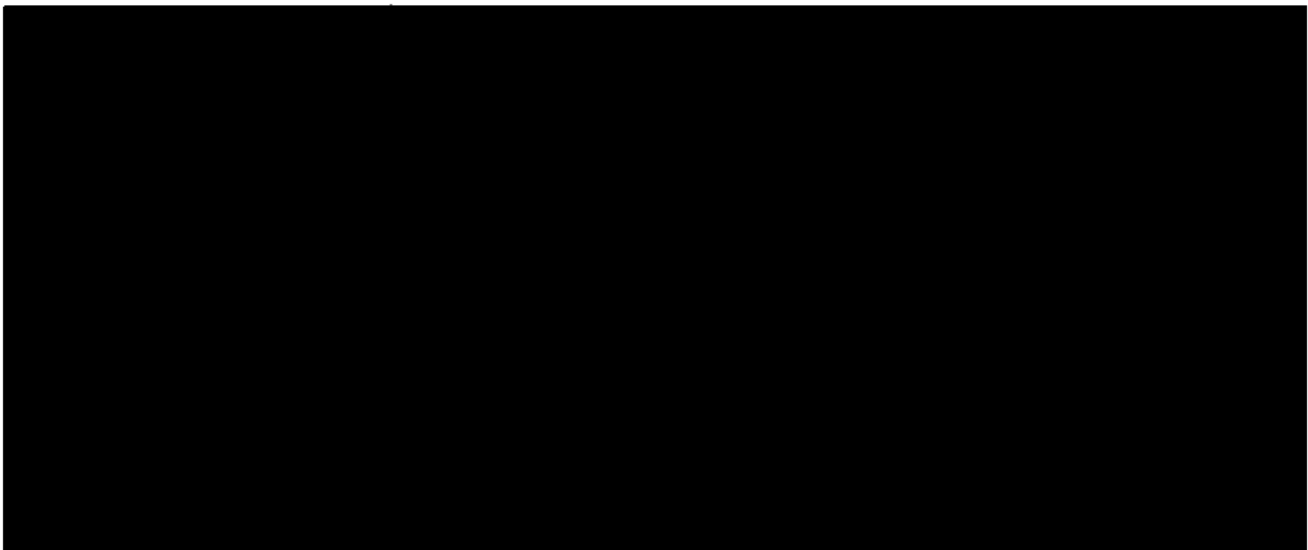
Foreperson

Unanimously "No" _____

Foreperson

Unable to reach unanimous agreement _____

Foreperson



SIGNED THIS 24 DAY OF AUGUST, 2005.

Second Statutory Aggravating Factor for Count One

John Mayhew has previously been convicted of a crime that is punishable by a term of imprisonment of more than one year and that the prior crime was a crime of violence involving a firearm, in which the defendant attempted or threatened to use a firearm against another person.

Unanimously "Yes" _____

Foreperson

Unanimously "No" _____

Foreperson

Unable to reach unanimous agreement _____

SIGNED THIS 24 DAY OF AUGUST, 2005.

Third Statutory Aggravating Factor for Count One

John Mayhew, in the commission of the offense of kidnapping, or in escaping apprehension for the kidnapping offense, knowingly created a grave risk of death to one or more persons in addition to the victim of the offense. Kristina McKibben

Unanimously "Yes" _____

Foreperson

Unanimously "No" _____

Foreperson

Unable to reach unanimous agreement _____

Foreperson

- (a) If you find that the government has proven this statutory aggravator, beyond a reasonable doubt, please place an "X" next to the names of the people as to whom you unanimously agree that John Mayhew created a grave risk of death. Leave all others blank.

1.	Andrew Aspell	<u>X</u>
2.	Samantha Jo Aspell	_____
3.	Robert Hanson, Jr.	_____
4.	Kristi Messer	_____
5.	Sgt. Vincent Deeds	<u>X</u>
6.	Sgt. Jan Cahill	_____
7.	Deputy Sheriff Mike Baker	_____
8.	Deputy Sheriff Ronald Bart Baker	_____

SIGNED THIS 25 DAY OF AUGUST, 2005.

Fourth Statutory Aggravating Factor for Count One

with regard to count 1,

Killed Kristina McKibben

John Mayhew committed the offense of kidnapping after substantial planning and substantial premeditation to ~~cause the death of Kristina McKibben.~~

Unanimously "Yes" _____

Foreperson

Unanimously "No" _____


Foreperson

Unable to reach unanimous agreement

SIGNED THIS 25 DAY OF AUGUST, 2005.

Fifth Statutory Aggravating Factor for Count One

John Mayhew intentionally killed or attempted to kill more than one person in a single criminal episode.

Unanimously "Yes" 

Foreperson

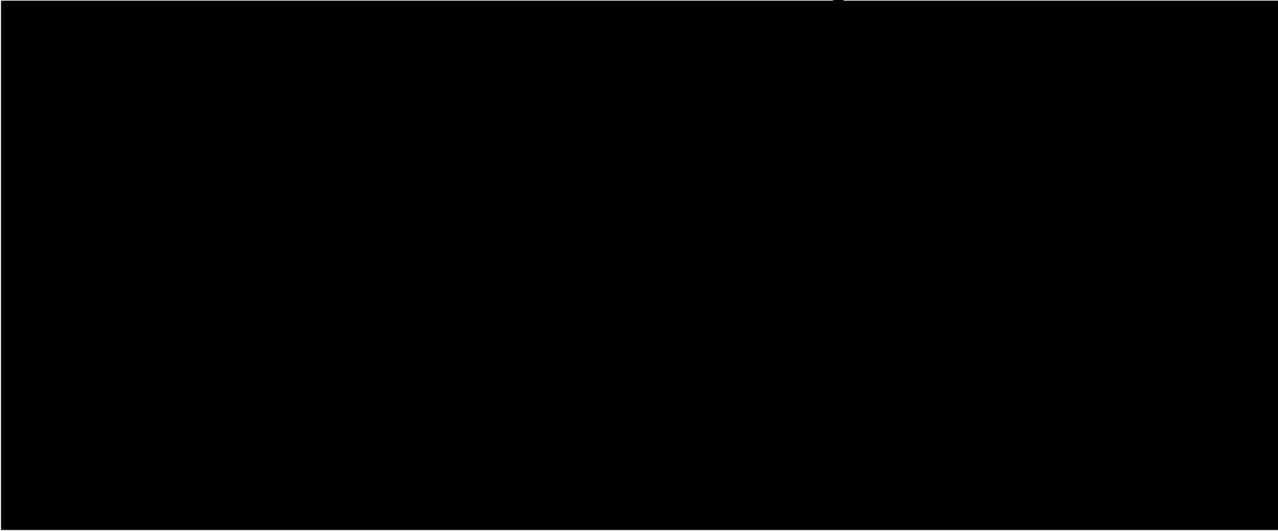
Unanimously "No" _____

Foreperson

Unable to reach unanimous agreement _____

Foreperson

- (a) If you find that the government has proven this statutory aggravator, beyond a reasonable doubt, then please place an "X" next to the names of the people as to whom you unanimously agree that John Mayhew either intentionally killed or attempted to kill: Leave all others blank.

- | | | |
|----|-----------------------|--------------|
| 1. | Franklin Rigsby | _____ |
| 2. | Tamera McKibben | _____ |
| 3. | Deputy Nathan Hersman | <u> X </u> |
| 4. | Bernard Messer | <u> X </u> |
- 

SIGNED THIS 25 DAY OF AUGUST, 2005.

If you answered “No” or “Unable to reach unanimous agreement” with respect to all five of the aggravating factors in Count One, Step Two above, then Mr. Mayhew will be sentenced to life imprisonment without the possibility of release with regard to Count One. However, you still need to proceed to Count Seven, Step One.

If you answered “Yes” with respect to one or more of the statutory aggravating factors in Count One, Step Two above, then the sentencing portion of this trial will continue onto the Selection Phase. Please proceed to Count Seven, Step One.

FILED
JAMES BONINI
CLERK

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION

2005 AUG 25 P 3 02

U.S. DISTRICT COURT
SOUTHERN DIST. OHIO
EAST. DIV. COLUMBUS

UNITED STATES OF AMERICA,

Plaintiff,

v.

JOHN RICHARD MAYHEW, JR.,

Defendant.

Case No. 2:03-cr-165

JUDGE ALGENON L. MARBLEY

COUNT SEVEN, STEP ONE:
FINDINGS ON INTENT

For the following verdict form, the foreperson should sign his or her name on the appropriate line. You must answer "Yes," "No" or "Unable to Reach Unanimous Agreement" as to whether you, the jury, unanimously find that the government has established the existence of one of the following intent factors beyond a reasonable doubt.

- (1) We, the jury, unanimously find that the government has established beyond a reasonable doubt that John Mayhew intentionally killed Kristina McKibben.

Unanimously "Yes"

Foreperson

Unanimously "No"

Foreperson

Unable to reach unanimous agreement

Foreperson

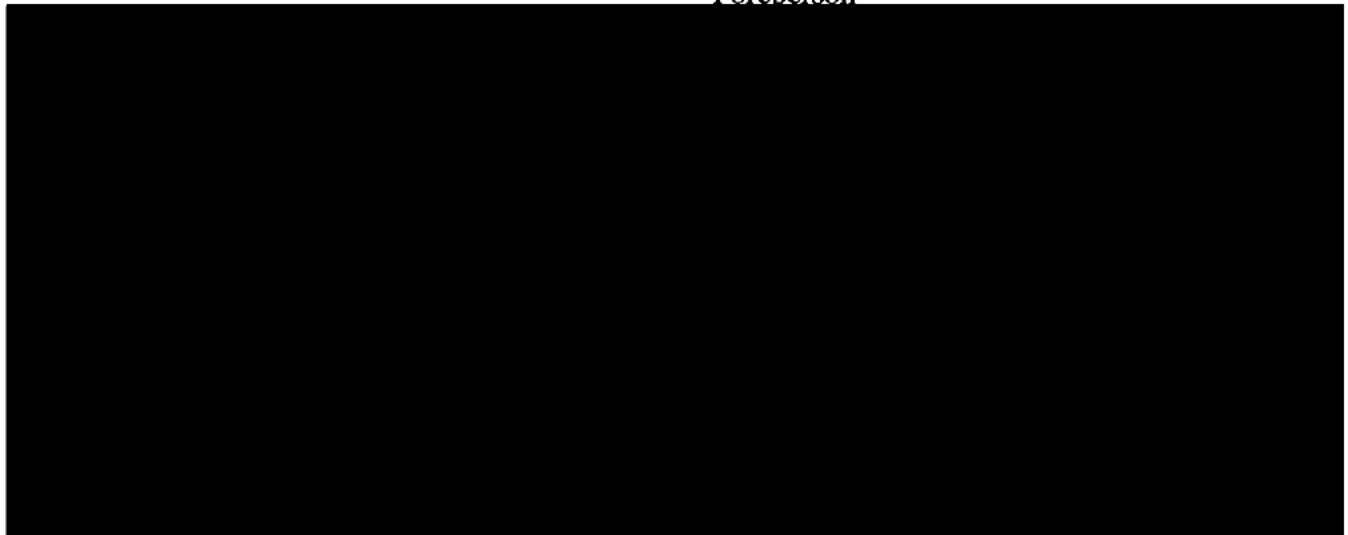
OR

- (2) **We, the jury, unanimously find that the government has established beyond a reasonable doubt that John Mayhew intentionally inflicted serious bodily injury that resulted in the death of Kristina McKibben.**

Unanimously "Yes" _____
Foreperson

Unanimously "No" _____
Foreperson

Unable to reach unanimous agreement _____
Foreperson



SIGNED THIS 25 DAY OF AUGUST, 2005.

If you answered "No" or "Unable to reach unanimous agreement" on both of these questions, then stop your deliberations on this count. You do not need to go on to decide any other questions because your deliberations are over on this count.

If you answered "Yes" to either question, then continue your deliberations in accordance with the Court's instructions and proceed to Count Seven, Step Two.

FILED
JAMES BONINI
CLERK

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION

2005 AUG 25 P 3 02

U.S. DISTRICT COURT
SOUTHERN DIST. OHIO
EAST. DIV. COLUMBUS

UNITED STATES OF AMERICA,

Plaintiff,

v.

JOHN RICHARD MAYHEW, JR.,

Defendant.

Case No. 2:03-cr-165

JUDGE ALGENON L. MARBLEY

COUNT SEVEN, STEP TWO:
FINDINGS ON STATUTORY AGGRAVATING FACTORS FOR COUNT SEVEN

For each of the following statutory aggravating factors, the foreperson should sign his or her name on the appropriate line following each finding. You must answer "Yes," "No," or "Unable to reach unanimous agreement" as to whether you, the jury, unanimously find the government has proven each aggravating factor beyond a reasonable doubt.

First Statutory Aggravating Factor for Count Seven

John Mayhew, in the commission of the offense of discharging a firearm during and in relation to interstate stalking, or in escaping apprehension for the offense of discharging a firearm during and in relation to interstate stalking, knowingly created a grave risk of death to one or more persons in addition to the victim of the offense, Kristina McKibben.

Unanimously "Yes" _____

Foreperson

Unanimously "No" _____

Foreperson

Unable to reach unanimous agreement _____

Foreperson

- (a) If you find that the government has proven this statutory aggravator beyond a reasonable doubt, please place an "X" next to the names of the people as to whom you unanimously agree that John Mayhew created a grave risk of death. Leave all others blank.

1.	Andrew Aspell	<u>X</u>
2.	Samantha Jo Aspell	<u> </u>
3.	Robert Hanson, Jr	<u> </u>
4.	Kristi Messer	<u> </u>
5.	Sgt. Vincent Deeds	<u>X</u>
6.	Sgt. Jan Cahill	<u> </u>
7.	Deputy Sheriff Mike Baker	<u> </u>
8.	Deputy Sheriff Ronald Bert Dalton	<u> </u>

SIGNED THIS 25 DAY OF AUGUST, 2005.

Second Statutory Aggravating Factor for Count Seven

with regard to count 7, Killed Kristina McKibben
John Mayhew committed the offense of ~~discharging a firearm during and in relation to~~
~~interstate stalking~~ after substantial planning and substantial premeditation to ~~cause the death of~~
~~Kristina McKibben.~~

Unanimously "Yes" _____
Foreperson


Unanimously "No" _____
Foreperson

Unable to reach unanimous agreement _____
Foreperson

SIGNED THIS 25 DAY OF AUGUST, 2005.

Third Statutory Aggravating Factor for Count Seven

John Mayhew intentionally killed or attempted to kill more than one person in a single criminal episode.

Unanimously "Yes" 

Foreperson

Unanimously "No" _____

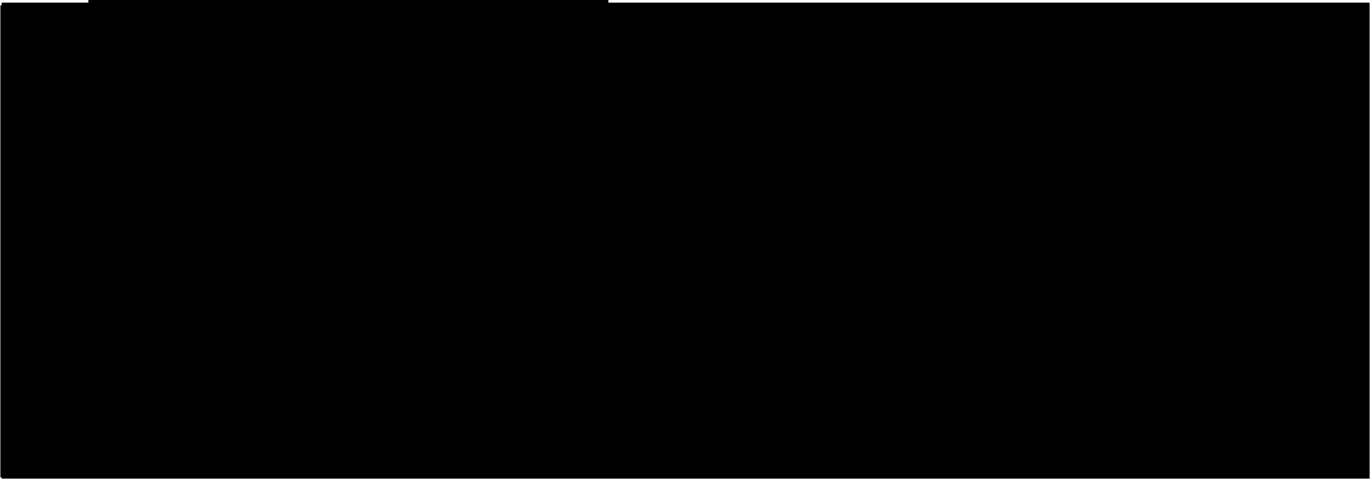
Foreperson

Unable to reach unanimous agreement _____

Foreperson

- (a) If you find that the government has proven this statutory aggravator, beyond a reasonable doubt, then please place an "X" next to the names of the people as to whom you unanimously agree that John Mayhew either intentionally killed or attempted to kill. Leave all others blank.

1.	Franklin Rigsby	<u>X</u>
2.	Tamera McKibben	<u>X</u>
3.	Deputy Nathan Hersman	<u>X</u>
4.	Dennis Messer	<u>X</u>



SIGNED THIS 25 DAY OF AUGUST, 2005.

If you answered “No” or “Unable to reach unanimous agreement” with respect to all three of the aggravating factors in Count Seven, Step Two above, then Mr. Mayhew will be sentenced to life imprisonment without the possibility of release with regard to Count Seven.

If you answered “Yes” with respect to one or more of the statutory aggravating factors in Count Seven, Step Two above, then the sentencing portion of this trial will continue onto the Selection Phase.

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION

FILED

TIME: _____

SEP 01 2005

UNITED STATES OF AMERICA,

Plaintiff,

v.

JOHN RICHARD MAYHEW, JR.,

Defendant.

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JAMES BONINI, Clerk
COLUMBUS OHIO

Case No. 2:03-cr-165

JUDGE ALGENON L. MARBLEY

COUNT ONE, STEP ONE:
Findings on Nonstatutory Aggravating Factors

Instructions: For the following nonstatutory aggravating factors, the foreperson should sign his or her name on the appropriate line. You must answer "Yes," "No," or "Unable to reach unanimous agreement" as to whether you, the jury, unanimously find the government has proven the following nonstatutory aggravating factors beyond a reasonable doubt

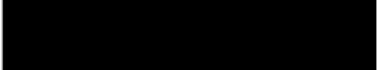
- (1) **John Mayhew represents a continuing danger to the lives and safety of other people in the future if he is incarcerated in a federal maximum security prison for the rest of his life.**

Unanimously "Yes" _____
Foreperson

Unanimously "No" _____
Foreperson

Unable to Reach Unanimous Agreement _____
Foreperson

(2) **Kristina McKibben's family members have been harmed by her death.**

Unanimously "Yes" 

Foreperson

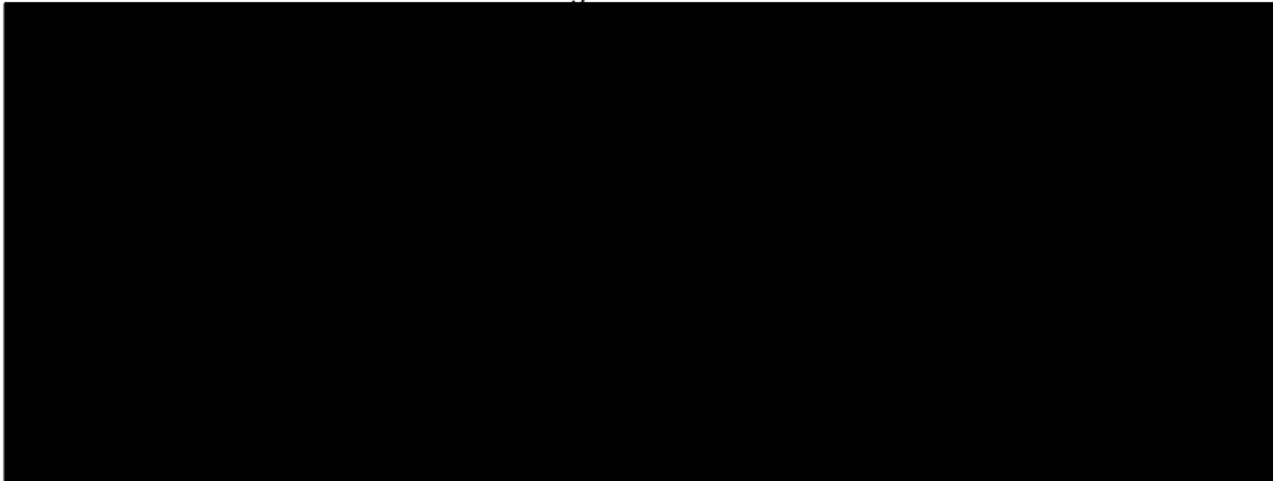
Unanimously "No" _____

Foreperson

Unable to Reach Unanimous Agreement _____

Foreperson

So say we all, this 31 day of Aug, 2005.



After you have recorded your findings with respect to these nonstatutory aggravating factors, then continue your deliberations in accordance with this Court's instructions and proceed to Count One, Step Two.

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION**

FILED

SEP 01 2005

JAMES BONINI, Clerk
COLUMBUS OHIO

UNITED STATES OF AMERICA,

Plaintiff,

v.

JOHN RICHARD MAYHEW, JR.,

Defendant.

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Case No. 2:03-cr-165

JUDGE ALGENON L. MARBLEY

COUNT ONE, STEP TWO

FINDINGS ON MITIGATING FACTORS

Instructions: For each of the following mitigating factors, please indicate the number of jurors, using the numbers 0 through 12, who find the particular mitigating factor established by a preponderance of the evidence.

Your vote with respect to a mitigating factor *does not have to be unanimous*. A finding with respect to a mitigating factor may be made by any 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 a factor established in considering whether or not to impose a sentence of death, regardless of the number of other jurors who agree that the factor has been established.

	Mitigating Factor	Number of jurors, from 0 to 12, that find this factor exists by a preponderance of the evidence
1	John Mayhew's upbringing	12
2	John Mayhew's lack of parental guidance	12

3	John Mayhew's lack of future dangerousness in a federal maximum-security prison	1
4	John Mayhew's ability to conform to a structured controlled environment	1
5	John Mayhew's expression of remorse	0
6	John Mayhew grew up in extreme poverty	6
7	John Mayhew grew up surrounded by violence, both in his home and his neighborhood	0
8	The only parental figure in John Mayhew's life was his mother; there was no father figure in the home	11
9	John Mayhew never had a male role model	7
10	John Mayhew will serve a sentence of life in prison without any possibility of release if not sentenced by you to death	12
11	John Mayhew presents no risk of future violence or danger to the public while in prison for the rest of his life	3
12	John Mayhew has made a good adjustment to being incarcerated	12

13	John Mayhew will maintain a positive relationship with his mother, Verbina Ann Mayhew, if sentenced to life imprisonment without any possibility of release	1
14	John Mayhew's execution will cause his mother, Verbina Ann Mayhew, great emotional pain and distress	12
15	John Mayhew's criminality was caused, in part, by his upbringing	12
16	John Mayhew may be rehabilitated even while in prison	12 6
17	John Mayhew is a human being	12
18	The death penalty is a penalty of last resort	12
19	Mercy	1

If any juror finds that any other evidence about the commission of the crime, or John Mayhew's background or character, establishes a reason to punish with life in prison without any possibility of release, rather than death, please list that factor on the lines below and indicate the number of jurors, from 0 to 12, that find this factor exists by a preponderance of the evidence. Please add more lines if necessary. Please leave this section blank if no juror finds any other mitigating factor exists.

	Mitigating Factor	Number of jurors, from 0 to 12, that find this factor exists by a preponderance of the evidence
1		
2		
3		
4		

So say we all, this 1 day of Sept, 2005.

After you have recorded your findings with respect to these mitigating factors, please proceed to Count One, Steps Three and Four, as described in the Selection Phase Instruction Nos. 16 and 17.

When you have reached a decision in Count One, Step Four, all jurors should sign the verdict form in Count One, Step Four that accurately reflects the decision you have reached. Then, all jurors should complete the form titled, "Count One: Certificate."

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION**

UNITED STATES OF AMERICA,

Plaintiff,

v.

JOHN RICHARD MAYHEW, JR.,

Defendant.

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Case No. 2:03-cr-165

JUDGE ALGENON L. MARBLEY

**COUNT ONE, STEP FOUR
Verdict Form A**

This form should ONLY be completed if you have reached a unanimous decision to sentence John Mayhew to death by execution.

We, the Jury, unanimously find beyond a reasonable doubt that the statutory and nonstatutory aggravating factors which were proved in this case beyond a reasonable doubt sufficiently outweigh any mitigating factors that have been found to exist. We vote unanimously that John Mayhew shall be sentenced to death.

So say we all, this _____ day of _____, 2005.

Foreperson

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION**

FILED

SEP 01 2005

JAMES BONINI, Clerk
COLUMBUS, OHIO

UNITED STATES OF AMERICA,

Plaintiff,

v.

JOHN RICHARD MAYHEW, JR.,

Defendant.

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Case No. 2:03-cr-165

JUDGE ALGENON L. MARBLEY

**COUNT ONE, STEP FOUR
Verdict Form B**

**This form should ONLY be completed if you have reached one of the three
following decisions:**

(1) We agree unanimously that the statutory and nonstatutory aggravating factors sufficiently outweigh the mitigating factors, but we unanimously find that the death penalty is not the appropriate punishment for John Mayhew. Thus, we vote unanimously that John Mayhew shall be sentenced to life in prison without any possibility of release

OR

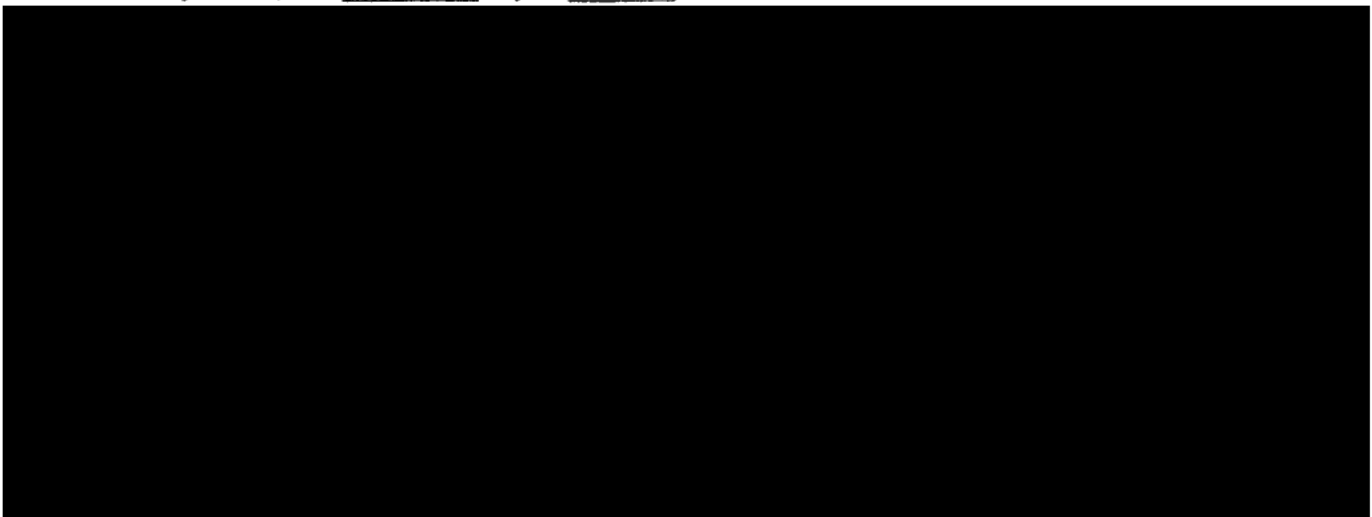
(2) We find that the statutory and nonstatutory aggravating factors which were proved in this case do not sufficiently outweigh any mitigating factors that have been found to exist. Or we find, beyond any reasonable doubt, that the statutory and nonstatutory aggravating factors in themselves are not sufficient to sentence John

Mayhew to death. Thus, we vote unanimously that John Mayhew shall be sentenced to life in prison without any possibility of release.

OR

- (3) We cannot reach a unanimous decision regarding the appropriate punishment in this case. Because we cannot unanimously agree, we have "agreed to disagree." This means that one or more of us believes that death by execution is the appropriate punishment, and one or more of us believes that life in prison without any possibility of release is the appropriate punishment. We understand that because we do not unanimously agree, the Court will sentence John Mayhew to life in prison without any possibility of release.

So say we all, this 1 day of Sept, 2005.



**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION**

FILED
TIME: _____
SEP 01 2005

JAMES BONINI, Clerk
COLUMBUS, OHIO

UNITED STATES OF AMERICA,

Plaintiff,

v.

JOHN RICHARD MAYHEW, JR.,

Defendant.

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Case No. 2:03-cr-165

JUDGE ALGENON L. MARBLEY

COUNT ONE: CERTIFICATE

By signing below, each of us individually certifies that consideration of the race, color, religious beliefs, national origin, or sex of John Mayhew and Kristina McKibben were not involved in reaching our respective individual decisions. If we reached a decision regarding a sentence, each of us individually further certifies that the same decision regarding a sentence would have been made no matter what the race, color, religious beliefs, national origin, or sex of John Mayhew or Kristina McKibben may have been.

So say we all, this 1 day of SEPT, 2005.

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION**

UNITED STATES OF AMERICA,

Plaintiff,

v.

JOHN RICHARD MAYHEW, JR.,

Defendant.

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Case No. 2:03-cr-165

JUDGE ALGENON L. MARBLEY

COUNT SEVEN, STEP ONE:

Findings on Nonstatutory Aggravating Factors

Instructions: For the following nonstatutory aggravating factors, the foreperson should sign his or her name on the appropriate line. You must answer "Yes," "No," or "Unable to reach unanimous agreement" as to whether you, the jury, unanimously find the government has proven the following nonstatutory aggravating factors beyond a reasonable doubt

- (1) **John Mayhew represents a continuing danger to the lives and safety of other people in the future if he is incarcerated in a federal maximum security prison for the rest of his life.**

Unanimously "Yes" _____


Foreperson

Unanimously "No" _____

Foreperson

Unable to Reach Unanimous Agreement _____

(2) **Kristina McKibben's family members have been harmed by her death.**

Unanimously "Yes" 

Foreperson

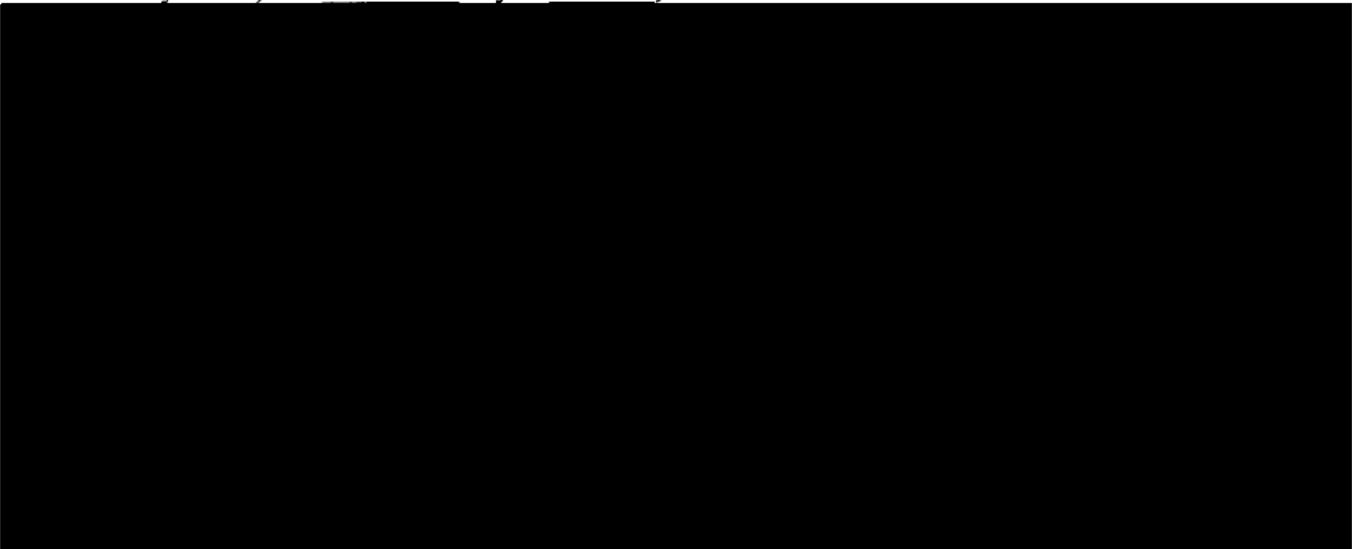
Unanimously "No" _____

Foreperson

Unable to Reach Unanimous Agreement _____

Foreperson

So say we all, this 1 day of Sept, 2005.



After you have recorded your findings with respect to these nonstatutory aggravating factors, then continue your deliberations in accordance with this Court's instructions and proceed to Count Seven, Step Two.

FILED
TIME: _____**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION**

SEP 01 2005

JAMES BONINI, Clerk
COLUMBUS OHIO**UNITED STATES OF AMERICA,****Plaintiff,****v.****JOHN RICHARD MAYHEW, JR.,****Defendant.**:
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:**Case No. 2:03-cr-165****JUDGE ALGENON L. MARBLEY****COUNT SEVEN, STEP TWO****FINDINGS ON MITIGATING FACTORS**

Instructions: For each of the following mitigating factors, please indicate the number of jurors, using the numbers 0 through 12, who find the particular mitigating factor established by a preponderance of the evidence.

Your vote with respect to a mitigating factor *does not have to be unanimous*. A finding with respect to a mitigating factor may be made by any 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 a factor established in considering whether or not to impose a sentence of death, regardless of the number of other jurors who agree that the factor has been established.

	Mitigating Factor	Number of jurors, from 0 to 12, that find this factor exists by a preponderance of the evidence
1	John Mayhew's upbringing	12
2	John Mayhew's lack of parental guidance	12

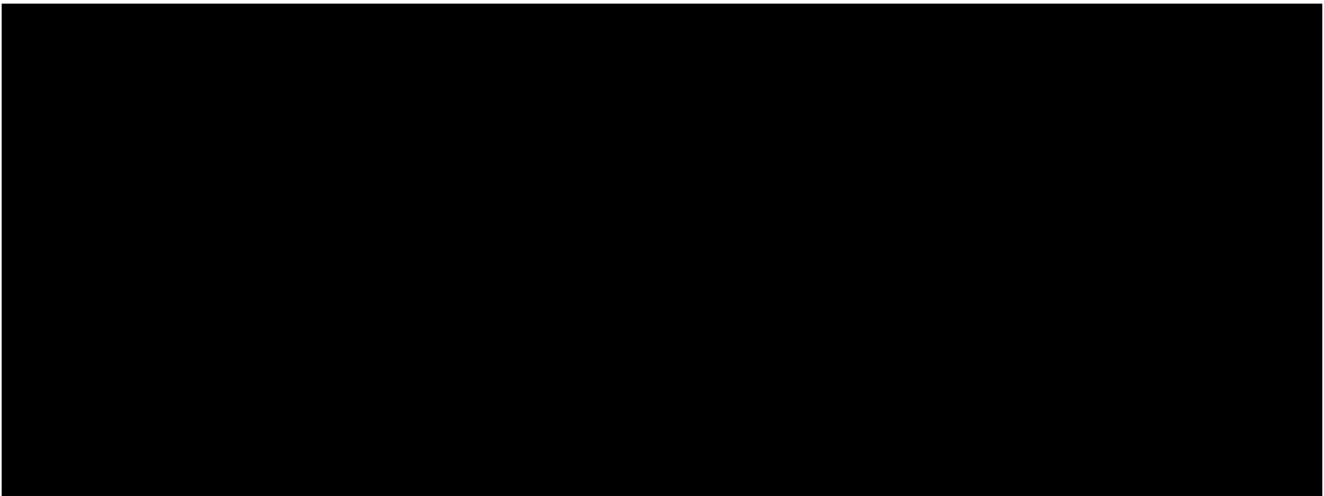
3	John Mayhew's lack of future dangerousness in a federal maximum security prison	1
4	John Mayhew's ability to conform to a structured controlled environment	1
5	John Mayhew's expression of remorse	0
6	John Mayhew grew up in extreme poverty	6
7	John Mayhew grew up surrounded by violence, both in his home and his neighborhood	0
8	The only parental figure in John Mayhew's life was his mother; there was no father figure in the home	11
9	John Mayhew never had a male role model	7
10	John Mayhew will serve a sentence of life in prison without any possibility of release if not sentenced by you to death	12
11	John Mayhew presents no risk of future violence or danger to the public while in prison for the rest of his life	3
12	John Mayhew has made a good adjustment to being incarcerated	12

13	John Mayhew will maintain a positive relationship with his mother, Verbina Ann Mayhew, if sentenced to life imprisonment without any possibility of release	1
14	John Mayhew's execution will cause his mother, Verbina Ann Mayhew, great emotional pain and distress	12
15	John Mayhew's criminality was caused, in part, by his upbringing	12
16	John Mayhew may be rehabilitated even while in prison	6
17	John Mayhew is a human being	12
18	The death penalty is a penalty of last resort	12
19	Mercy	1

If any juror finds that any other evidence about the commission of the crime, or John Mayhew's background or character, establishes a reason to punish with life in prison without any possibility of release, rather than death, please list that factor on the lines below and indicate the number of jurors, from 0 to 12, that find this factor exists by a preponderance of the evidence. Please add more lines if necessary. Please leave this section blank if no juror finds any other mitigating factor exists.

	Mitigating Factor	Number of jurors, from 0 to 12, that find this factor exists by a preponderance of the evidence
1		
2		
3		
4		

So say we all, this 1 day of Sep. , 2005.



After you have recorded your findings with respect to these mitigating factors, please proceed to Count Seven, Steps Three and Four, as described in the Selection Phase Instruction Nos. 16 and 17.

When you have reached a decision in Count Seven, Step Four, all jurors should sign the verdict form in Count Seven, Step Four that accurately reflects the decision you have reached. Then, all jurors should complete the form titled, "Count Seven: Certificate."

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION**

UNITED STATES OF AMERICA,

Plaintiff,

v.

JOHN RICHARD MAYHEW, JR.,

Defendant.

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Case No. 2:03-cr-165

JUDGE ALGENON L. MARBLEY

**COUNT SEVEN, STEP FOUR
Verdict Form A**

This form should ONLY be completed if you have reached a unanimous decision to sentence John Mayhew to death by execution.

We, the Jury, unanimously find beyond a reasonable doubt that the statutory and nonstatutory aggravating factors which were proved in this case beyond a reasonable doubt sufficiently outweigh any mitigating factors that have been found to exist. We vote unanimously that John Mayhew shall be sentenced to death.

So say we all, this _____ day of _____, 2005.

Foreperson

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION**

FILED
TIME: _____
SEP 01 2005

UNITED STATES OF AMERICA,

Plaintiff,

v.

JOHN RICHARD MAYHEW, JR.,

Defendant.

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Case No. 2:03-cr-165

JUDGE ALGENON L. MARBLEY

**JAMES BUNNEY, Clerk
COLUMBUS, OHIO**

**COUNT SEVEN, STEP FOUR
Verdict Form B**

**This form should ONLY be completed if you have reached one of the three
following decisions:**

(1) We agree unanimously that the statutory and nonstatutory aggravating factors sufficiently outweigh the mitigating factors, but we unanimously find that the death penalty is not the appropriate punishment for John Mayhew. Thus, we vote unanimously that John Mayhew shall be sentenced to life in prison without any possibility of release

OR

(2) We find that the statutory and nonstatutory aggravating factors which were proved in this case do not sufficiently outweigh any mitigating factors that have been found to exist. Or we find, beyond any reasonable doubt, that the statutory and nonstatutory aggravating factors in themselves are not sufficient to sentence John

Mayhew to death. Thus, we vote unanimously that John Mayhew shall be sentenced to life in prison without any possibility of release.

OR

- (3) We cannot reach a unanimous decision regarding the appropriate punishment in this case. Because we cannot unanimously agree, we have "agreed to disagree." This means that one or more of us believes that death by execution is the appropriate punishment, and one or more of us believes that life in prison without any possibility of release is the appropriate punishment. We understand that because we do not unanimously agree, the Court will sentence John Mayhew to life in prison without any possibility of release.

So say we all, this 1 day of Sep 2005



FILED
TIME _____

SEP 01 2005

JAMES BONINI, Clerk
COLUMBUS OHIO

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION**

UNITED STATES OF AMERICA,

Plaintiff,

v.

JOHN RICHARD MAYHEW, JR.,

Defendant.

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Case No. 2:03-cr-165

JUDGE ALGENON L. MARBLEY

COUNT SEVEN: CERTIFICATE

By signing below, each of us individually certifies that consideration of the race, color, religious beliefs, national origin, or sex of John Mayhew and Kristina McKibben were not involved in reaching our respective individual decisions. If we reached a decision regarding a sentence, each of us individually further certifies that the same decision regarding a sentence would have been made no matter what the race, color, religious beliefs, national origin, or sex of John Mayhew or Kristina McKibben may have been.

So say we all, this / day of *Sept*, 2005.