

IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF MISSOURI
WESTERN DIVISION

UNITED STATES OF AMERICA,)
)
 Plaintiff,)
)
 v.) No. 01-00308-01-CR-W-FJG
)
WESLEY I. PURKEY,)
)
 Defendant.)

SPECIAL VERDICT FORM

I. AGE OF DEFENDANT

Instructions: Answer "YES" or "NO." Do you, the jury,
unanimously find that the government has established beyond a
reasonable doubt that:

The defendant was eighteen years of age or older at the time
of the offense.

YES _____ ✓

NO _____

Instructions: If you answered "NO" with respect to the
determination in this section, then stop your deliberations,
cross out Sections II, III, IV, V and VI of this form, and
proceed to Section VII. Each juror should then carefully read
the statement in Section VII, and sign in the appropriate place
if the statement accurately reflects the manner in which he or

she reached his or her decision. You should then advise the court that you have reached a decision.

If you answered "YES" with respect to the determination in this Section I, proceed to Section II which follows.

II. REQUISITE MENTAL STATE

Instructions: For each of the following, answer "YES" or "NO."

1(A). Do you, the jury, unanimously find that the government has established beyond a reasonable doubt that the defendant intentionally killed Jennifer Long.

YES

NO

1(B). Do you, the jury, unanimously find that the government has established beyond a reasonable doubt that the defendant intentionally inflicted serious bodily injury which resulted in the death of Jennifer Long.

YES

NO

Instructions: If you answered "NO" with respect to all of the determinations in this section, then stop your deliberations, cross out "Sections III, IV, V, and VI of this form, and proceed

to Section VII. Each juror should carefully read the statement in Section VII and sign in the appropriate place if the statement accurately reflects the manner in which he or she reached his or her decision. You should then advise the court that you have reached a decision.

If you answered "YES" with respect to one or more of the determinations in this Section II, proceed to Section III which follows.

III. STATUTORY AGGRAVATING FACTORS

Instructions: For each of the following, answer "YES" or "NO."

1. Do you, the jury, unanimously find that the government has established beyond a reasonable doubt that the death and injury resulting in the death of Jennifer Long occurred during the commission and attempted commission of her kidnapping by Wesley Ira Purkey.

YES

NO

2. Do you, the jury, unanimously find that the government has established beyond a reasonable doubt that Wesley Ira Purkey killed the victim in an especially heinous, cruel, and depraved

manner in that the killing involved torture and serious physical abuse to Jennifer Long.

YES

NO

3. Do you, the jury, unanimously find that the government has established beyond a reasonable doubt that Jennifer Long, the victim, was particularly vulnerable due to her youthful age of 16 years.

YES

NO

4. Do you, the jury, unanimously find that the government has established beyond a reasonable doubt that the defendant has previously been convicted of an offense punishable by a term of imprisonment of more than one year, involving the use, attempted use, and threatened use of a firearm against another person. More specifically, the defendant was convicted in the State of

Kansas of Aggravated Robbery and Aggravated Battery on April 23, 1981, in Case No. 80CR1701.

YES

NO

5. Do you, the jury, unanimously find that the government has established beyond a reasonable doubt that the defendant has previously been convicted of an offense resulting in the death of a person for which a sentence of life imprisonment was authorized by statute. More specifically, the defendant was convicted of Murder, First Degree in the State of Kansas on April 28, 2000, and received a sentence of life imprisonment.

YES

NO

foreperson

6. Do you, the jury, unanimously find that the government has established beyond a reasonable doubt that the defendant has previously been convicted of two or more offenses punishable by a term of imprisonment of more than one year, committed on different occasions, involving the infliction and attempted infliction of serious bodily injury and death upon another person. More specifically, the defendant has previously been convicted of the following offenses:

- (a) Murder First Degree in the State of Kansas on April 28, 2000;
- (b) Kidnapping in the State of Kansas on April 23, 1981;
- (c) Aggravated Robbery in the State of Kansas on April 23, 1981; and
- (d) Aggravated Battery in the State of Kansas on April 23, 1981.

YES

NO

Instructions: If you answered "NO" with respect to all of the Statutory Aggravating Factors in this Section III, then stop your deliberations, cross out Sections IV, V, and VI of this form, and proceed to Section VII of this form. Each juror should then carefully read the statement in Section VII, and sign in the appropriate place if the statement accurately reflects the manner in which he or she reached his or her decision. You should then advise the court that you have reached a decision.

If you find the requisite age in Section I, the requisite mental state in Section II and answered "YES" with respect to one or more of the factors in this Section III, proceed to Section IV which follows.

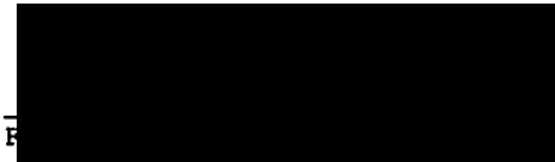
IV. NONSTATUTORY AGGRAVATING FACTORS

Instructions: For each of the following, answer "YES" or "NO."

1. Future dangerousness of defendant. Do you, the jury, unanimously find that the government has established beyond a reasonable doubt that the defendant poses a future danger based upon the probability that he would commit criminal acts of violence that would constitute a continuing threat to society, as evidenced for example, by one or more of the following:

- (a) Wesley Ira Purkey killed Mary Ruth Bales, an 80-year-old woman, by striking her repeatedly with a hammer;
- (b) Wesley Ira Purkey has exhibited an allegiance to and belief in the principles of the Aryan Brotherhood, a violent White Supremist organization;
- (c) Wesley Ira Purkey has displayed a complete lack of remorse for the killing of Jennifer Long;
- (d) Wesley Ira Purkey has shown poor institutional adjustment while incarcerated in that he has committed numerous disciplinary violations including assaults and acts of violence;
- (e) Wesley Ira Purkey has committed a sexual assault while incarcerated; and
- (f) Wesley Ira Purkey has previously been convicted of Aggravated Escape From Custody in Case No. 78CR0733, in the District Court of Shawnee County, Kansas.

YES _____
NO _____ ✓



2. Victim impact evidence. Do you, the jury, unanimously find that the government has established beyond a reasonable doubt that the offense caused injury, loss and harm because of victim Jennifer Long's personal characteristics as an individual

human being and the impact of the death upon victim Jennifer Long's family.

YES

NO

Foreperson

3. Do you, the jury, unanimously find that the government has established beyond a reasonable doubt that the defendant killed Mary Ruth Bales in a vicious manner in that he repeatedly struck her in the head with a hammer until she was dead.

YES

NO

Foreperson

4. Substantial criminal history. Do you, the jury, unanimously find that the government has established beyond a reasonable doubt that Wesley Ira Purkey has a significant criminal history including felony convictions for murder, kidnapping, aggravated robbery, and aggravated battery, and this history is made even more egregious by the underlying facts upon which these convictions are based. Specifically, the defendant shot Gregg W. Carlberg on or about August 3, 1980.

YES

NO

Foreperson

V. MITIGATING FACTORS

Instructions: For each of the following mitigating factors, 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.

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 a 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.

Further, any juror may also weigh a mitigating factor found by another juror, even if he or she did not also find that factor to be mitigating:

1. Mr. Purkey's capacity to appreciate the wrongfulness of his conduct or to conform his conduct to the requirements of the law was significantly impaired.

Number of jurors who so find _____.

2. Mr. Purkey committed the offense under severe mental or emotional disturbance.

Number of jurors who so find _____.

3. With the use of proper medications, such as the medications which Mr. Purkey is currently taking, Mr. Purkey's mental illness and behaviors can be managed.

Number of jurors who so find _____.

4. Mr. Purkey suffered brain injuries as a result of car accidents, drug abuse, or both.

Number of jurors who so find _____.

5. Mr. Purkey suffered significant psychological and emotional damage as a result of the serious physical and emotional abuse of him by his parents, Jack and Velma Purkey.

Number of jurors who so find _____.

6. Mr. Purkey suffered significant psychological and emotional damage as a result of sexual abuse of him by his mother, Velma Purkey.

Number of jurors who so find _____.

7. Mr. Purkey suffered significant psychological and emotional damage as a result of his growing up in a dysfunctional home environment in which alcohol abuse, sexual promiscuity, and incestuous sex were modeled as proper behavior by his parents Jack and Velma Purkey.

Number of jurors who so find _____.

8. Mr. Purkey has never received treatment for the psychological and emotional damage which he suffered as a result of his parents' abuse of him.

Number of jurors who so find _____.

9. Mr. Purkey's past criminal behavior is attributable, at least in part, to the brain injuries and psychological and emotional damage which he suffered earlier in his life.

Number of jurors who so find _____.

10. Mr. Purkey became dependent upon alcohol and illegal drugs at an early age because of a genetic predisposition

inherited from his parents and because such dependence was modeled for him by his parents and his older brother Gary.

Number of jurors who so find _____.

11. Mr. Purkey's past criminal behavior is attributable, at least in part, to his alcohol and drug dependence.

Number of jurors who so find _____.

12. As a child, Mr. Purkey suffered from slow speech development, and for his entire life, Wesley Purkey has suffered from the disability of stuttering.

Number of jurors who so find _____.

13. While incarcerated, Mr. Purkey was the victim of serious physical abuse, that is stabbings.

Number of jurors who so find _____.

14. While incarcerated, when given the opportunity to do so, Mr. Purkey completed a significant number of hours of college coursework.

Number of jurors who so find _____.

15. While incarcerated, when given the opportunity to do so, Mr. Purkey received training and became qualified as a plumber.

Number of jurors who so find _____.

16. Mr. Purkey has offered to donate a portion of his liver to his sister-in-law who is dying of liver failure.

Number of jurors who so find _____.

17. Mr. Purkey should be sentenced to life imprisonment without release because Mr. Purkey was led to believe that he would receive that sentence if he provided information regarding the killing of Jennifer Long, and Mr. Purkey provided all of the information which was required.

Number of jurors who so find _____.

18. The disappearance of Jennifer Long was solved only because Mr. Purkey came forward and admitted that he had killed Jennifer Long, and directed authorities to evidence about the killing.

Number of jurors who so find _____.

19. By coming forward and admitting that he had killed Jennifer Long, and directing authorities to evidence about the killing, Mr. Purkey has shown remorse for what he did.

Number of jurors who so find _____.

20. Mr. Purkey has repeatedly expressed his remorse for what he has done.

Number of jurors who so find _____.

21. Mr. Purkey is the father of Angie Purkey Genail, and the two have carried on a loving, father-daughter relationship, with Mr. Purkey providing Angie Purkey Genail advice, nurturance and emotional support, even while he has been incarcerated.

Number of jurors who so find _____.

22. Angie Purkey Genail loves her father Mr. Purkey very much.

Number of jurors who so find _____.

23. If Mr. Purkey is sentenced to life imprisonment without possibility of release, he and Angie Purkey Genail would continue to carry on a loving, nurturing father-daughter relationship.

Number of jurors who so find _____.

24. Mr. Purkey is the grandfather of Angie Purkey Genail's children Mikey, age 4, and Haley, age 1, and has carried on a loving, grandfatherly relationship, particularly with Mikey, speaking with Mikey on the telephone on numerous occasions.

Number of jurors who so find _____.

25. If Mr. Purkey is sentenced to life imprisonment without possibility of release, he and his grandchildren Mikey and Haley would continue to carry on a loving, nurturing grandfather/grandchild relationship.

Number of jurors who so find _____.

26. Mr. Purkey has loving and caring relationships with friends and family, and those relationships would continue if he was sentenced to life imprisonment without possibility of release.

Number of jurors who so find _____.

27. In the last three years, Mr. Purkey has volunteered to offer good advice to many young men in trouble about how to avoid a life of crime, and would continue to do so if sentenced to life imprisonment without possibility of release.

Number of jurors who so find _____.

VI. DETERMINATION

Based upon consideration of whether the aggravating 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 factors are themselves sufficient to justify a sentence of death, and whether death is therefore the appropriate sentence in this case:

A. Death Sentence

We determine, by unanimous vote, that a sentence of death shall be imposed.

YES

NO

If you answer "YES," the foreperson must sign here, and you must then proceed to Section VII. If you answer "NO," the foreperson must sign, and you must then proceed to Section VI(B):



Date: Nov 19th, _____, 2003

B. Sentence of Life in Prison Without Possibility of Release

We determine, by unanimous vote, that a sentence of life imprisonment without possibility of release shall be imposed.

YES

NO



If you answer "YES," the foreperson must sign here, and then you must proceed to Section VII.

Foreperson

Date: _____, _____, 2003

VII. CERTIFICATION

By signing below, each juror certifies that consideration of the race, color, religious beliefs, national origin, or sex of the defendant or the victim was not involved in reaching his or her individual decision, and that the individual juror would have made the same recommendation regarding a sentence for the crime or crimes in question regardless of the race, color, religious beliefs, national origin, or sex of the defendant, or the victim.



Date: NOVEMBER, 19th 2003