

Lindsey A. Blake, ISB #7920
Rob Wood, ISB #8229
OFFICE OF THE FREMONT COUNTY
PROSECUTING ATTORNEY
22 W. 1st N.
St. Anthony, ID 83445
Tel: 208-624-4418
Email: prosecutor@co.fremont.id.us

Attorney for the State of Idaho

**IN THE DISTRICT COURT OF THE SEVENTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF FREMONT**

STATE OF IDAHO,

Plaintiff,

v.

LORI NORENE VALLOW DAYBELLA
LORI NORENE DAYBELL,

Defendant.

Case No. CR22-21-1624

STATE'S PROPOSED JURY
INSTRUCTIONS AND VERDICT
FORM

The State of Idaho hereby files the following Proposed Jury Instructions and Verdict Form.

RESPECTFULLY SUBMITTED this 20th day of March, 2023.

/s/ Lindsey A. Blake

Lindsey A. Blake
Prosecuting Attorney for Fremont County

/s/ Lindsey A. Blake

Rob H. Wood
Prosecuting Attorney for Madison County

CERTIFICATE

I HEREBY CERTIFY that on this 20th day of March, 2023, that a copy of the foregoing STATE'S PROPOSED JURY INSTRUCTIONS AND VERDICT FORM was served as follows:

R. James Archibald
Jimarchibald21@gmail.com

- U.S. Mail
- Hand Delivered
- Courthouse Box
- Facsimile:
- File & Serve
- X Email

John Kenneth Thomas
jthomasserve@co.bonneville.id.us

- U.S. Mail
- Hand Delivered
- Courthouse Box
- Facsimile:
- File & Serve
- X Email

By: /s/ Jodi L. Thurber

Requested pre-voir dire instruction (proposed) previously supplied:

ICJI 001 OPENING COMMENTS AND VOIR DIRE (STRUCK JURY) with other ICJI instructions (modifications by the State in **bold** and underline.)

Requested ICJI, non-edited

Preliminary

001, 002, 003

Pre-Proof

101, 102, 103, 104, 105, 1702 (Death Penalty instruction) 107, 108, 110

Post-Proof

201, 202, 204, 205, 206, 207, 208, 232

Evidence and Witness

301, 303, 308, 311, 312 language incorporated into instructions stating elements of the crime as required, 340, 344, 345,

Conspiracy

1103, 1104

Homicide

701, 702,

Taking of Property/Theft

570, 571, 572, 573, 574,

Mental Illness Defense

1505

Death Penalty

1702 (listed above), 1703, 1704, 1705, 1706, 1708, 1709, 1710, 1713, 1714, 1715, 1716, 1717,

ICJI 1101 CONSPIRACY

INSTRUCTION NO. _____

In order for the Defendant to be guilty of Conspiracy, the State must prove each of the following:

1. On or about or October 16, 2018 to January 15, 2020,
2. in the state of Idaho
3. the Defendant Lori Norene Vallow, with Chad Daybell and Alex Cox agreed
4. to commit the crimes of Murder in the First Degree of Tylee Ryan and Grand Theft by Deception
5. the Defendant intended that at least one of the crimes would be committed;
6. one of the parties to the agreement performed at least one of the following acts:
 - a. On or between October 26, 2018, and June 9, 2020, Chad Guy Daybell (and Lori Norene Vallow) did endorse and espouse religious beliefs for the purpose of encouraging and/or justifying the homicide of Tylee Ryan.
 - b. On or about August 16, 2019, Lori Norene Vallow Daybell did change the deposit of Tylee Ryan's Social Security benefits from Tylee Ryan's JP Morgan Chase Account to deposit money directly into Lori Norene Vallow's personal BBVA account.
 - c. On or about September 1, 2019, Lori Norene Vallow Daybell did move from Chandler, Arizona to Rexburg, Idaho with Alex Cox, Tylee Ryan, and Joshua Jaxon (JJ) Vallow.
 - d. On or about September 8, 2019, Chad Guy Daybell Googled "ssw wind" and visited a website entitled "What is the definition of SSW wind direction?"
 - e. On or about September 9, 2019, Alex Cox did go to 565 Pioneer Road, Apt. 175, Rexburg, Idaho.
 - f. On or between September 9, 2019 and February 1, 2020, Lori Norene Vallow Daybell failed, or refused, to contact the Social Security Administration as required by law to inform the Social Security Administration of Tylee Ryan's death.
 - g. On or between September 25, 2019 and January 22, 2020, Lori Norene Vallow Daybell did wrongfully continue to collect five monthly Social Security Survivor benefits on behalf of Tylee Ryan.
7. and such act was done for the purpose of carrying out the agreement.

If any of the above has not been proven beyond a reasonable doubt, then you must find the defendant not guilty. If each of the above has been proven beyond a reasonable doubt, you must find the defendant guilty.

ICJI 704A FIRST DEGREE MURDER – MALICE AFORETHOUGHT
(Including Aid and Abet Language from ICJI 312)

INSTRUCTION NO.

In order for the defendant to be guilty of First-Degree Murder with malice aforethought, the state must prove each of the following:

1. On or about, September 8, 2019 to September 9, 2019
2. in the state of Idaho
3. the defendant Lori Norene Vallow Daybell engaged in conduct, or did aid, abet, advise, counsel, or procure another to engage in conduct which caused the death of Tylee Ryan
4. the defendant acted without justification or excuse,
5. with malice aforethought, and
6. the murder was a willful, deliberate, and premeditated killing. Premeditation means to consider beforehand whether to kill or not to kill, and then to decide to kill. There does not have to be any appreciable period of time during which the decision to kill was considered, as long as it was reflected upon before the decision was made. A mere unconsidered and rash impulse, even though it includes an intent to kill, is not premeditation;

If you find that the state has failed to prove beyond a reasonable doubt any of the elements one (1) – five (5) above or failed to prove any of the circumstances listed in element six (6), you must find the defendant not guilty of First Degree Murder. If you find that elements one (1) – five (5) above have been proven beyond a reasonable doubt, and you unanimously agree that the state has proven any of the above circumstance[s] under element six (6) beyond a reasonable doubt, you must find the defendant guilty of First Degree murder. [You are not required to agree as to which circumstance under element six (6) you find to exist.]

If you find that the state has failed to prove any of the above, you must find the defendant not guilty of First Degree murder. If you find that all of the above have been proven beyond a reasonable doubt, then you must find the defendant guilty of First Degree murder.

ICJI 1101 CONSPIRACY

INSTRUCTION NO. _____

In order for the defendant to be guilty of Conspiracy, the state must prove each of the following:

1. On or about October 16, 2018 to January 15, 2020,
2. in the state of Idaho
3. the defendant Lori Norene Vallow, Chad Daybell, and Alex Cox agreed
4. to commit the crimes of Murder in the First Degree of Joshua Jaxon Vallow and Grand Theft by Deception.
5. the defendant intended that at least one of the crime[s] would be committed;
6. one of the parties to the agreement performed at least one of the following acts:
 - a. On or between October 26, 2018 and June 9, 2020, Chad Guy Daybell (and Lori Norene Vallow) did endorse and espouse religious beliefs for the purpose of encouraging and/or justifying the homicide of JJ Vallow.
 - b. On or about September 1, 2019, Lori Norene Vallow Daybell did move from Chandler, Arizona to Rexburg, Idaho with Alex Cox, Tylee Ryan, and Joshua Jaxon (JJ) Vallow.
 - c. On or about September 23, 2019, Alex Cox did take possession of JJ Vallow.
 - d. On or about November 26, 2019, Lori Norene Vallow Daybell provided a false and/or misleading physical location of JJ Vallow to law enforcement during a lawful investigation.
 - e. On or between September 23, 2019 and February 1, 2020, Lori Norene Vallow Daybell failed or refused to contact the Social Security Administration as required by law to inform the Social Security Administration of JJ Vallow's death.
 - f. On or between September 9, 2019 and February 1, 2020, Lori Norene Vallow Daybell did wrongfully continue to collect four monthly Social Security Survivor benefits on behalf of JJ Vallow and four monthly Social Security Child-in-Care payments.
7. and such act was done for the purpose of carrying out the agreement.

If any of the above has not been proven beyond a reasonable doubt, then you must find the defendant not guilty. If each of the above has been proven beyond a reasonable doubt, you must find the defendant guilty.

ICJI 704A FIRST DEGREE MURDER – MALICE AFORETHOUGHT
(Including Aid and Abet Language from ICJI 312)

INSTRUCTION NO. _____

In order for the defendant to be guilty of First Degree Murder with malice aforethought, the state must prove each of the following:

1. On or about, September 22, 2019 to September 23, 2019
2. in the state of Idaho
3. the defendant Lori Norene Vallow Daybell engaged in conduct, or did aid, abet, advise, counsel, or procure another to engage in conduct which caused the death of Joshua Jaxon (JJ) Vallow.
4. the defendant acted without justification or excuse,
5. with malice aforethought, and
6. the murder was a willful, deliberate, and premeditated killing. Premeditation means to consider beforehand whether to kill or not to kill, and then to decide to kill. There does not have to be any appreciable period of time during which the decision to kill was considered, as long as it was reflected upon before the decision was made. A mere unconsidered and rash impulse, even though it includes an intent to kill, is not premeditation.

If you find that the state has failed to prove beyond a reasonable doubt any of the elements one(1) – five(5) above or failed to prove any of the circumstances listed in element six(6), you must find the defendant not guilty of First Degree Murder. If you find that elements one(1) – five(5) above have been proven beyond a reasonable doubt, and you unanimously agree that the state has proven any of the above circumstance[s] under element six(6) beyond a reasonable doubt, you must find the defendant guilty of First Degree Murder. [You are not required to agree as to which circumstance under element six (6) you find to exist.]

If you find that the state has failed to prove any of the above, you must find the defendant not guilty of First Degree Murder. If you find that all of the above have been proven beyond a reasonable doubt, then you must find the defendant guilty of First Degree Murder.

ICJI 1101 CONSPIRACY

INSTRUCTION NO. _____

In order for the defendant to be guilty of Conspiracy, the state must prove each of the following:

1. On or about October 1, 2018 to January 15, 2020,
2. in the state of Idaho
3. the defendant Lori Norene Vallow, Chad Daybell and Alex Cox agreed
4. to commit the crimes of Murder in the First Degree of Tamara “Tammy” Daybell
5. the defendant intended that the crime would be committed;
6. one of the parties to the agreement performed at least one of the following acts:
 - a. On or about or between the dates of October 26, 2018 and June 9, 2020, Chad Guy Daybell and Lori Norene Vallow Daybell did encourage and espouse religious beliefs for the purpose of justifying and/or encouraging the homicide of Tamara (Tammy) Daybell.
 - b. On or about September 1, 2019, Lori Norene Vallow Daybell did move to Rexburg, Idaho with Alex Cox, Tylee Ryan, and Joshua Jackson (hereinafter JJ) Vallow.
 - c. On or about July 30, 2019, Chad and Lori sent text messages to each other regarding death percentages for Tammy and JJ.
 - d. Chad Daybell obtained a burner phone on September 18, 2019.
 - e. Alex Cox obtained a burner phone on October 9, 2019.
 - f. Chad Guy Daybell and Lori Norene Vallow Daybell sent text messages to each other about Tamara “Tammy” Daybell being in Limbo, and Tammy being possessed by a spirit named Viola.
 - g. September 8, 2019, Chad Guy Daybell signed an application along with Tamara “Tammy” Daybell to increase her LifeMap insurance to the maximum allowed under her policy.
 - h. Alex Cox attempted to shoot Tamara “Tammy” Daybell on October 9, 2019.

i. Alex Cox conducted multiple internet searches between the dates of October 8, 2019 and October 12, 2019 including searches related to Grendel drop and shooting through a Dodge Dakota.

j. Alex Cox went to gun range in the months before October 9, 2019 when the attempted shooting of Tamara (Tammy) Daybell takes place.

k. Alex traveled from Sportsman's Warehouse to the vicinity of the Daybell residence on October 9, 2019.

l. Alex was in the church parking lot approximately 2.5 miles from the Daybell residence on the night of October 18, 2019.

7. and such act was done for the purpose of carrying out the agreement.

If any of the above has not been proven beyond a reasonable doubt, then you must find the defendant not guilty. If each of the above has been proven beyond a reasonable doubt, you must find the defendant guilty.

ICJI 542A GRAND THEFT IN ALTERNATIVE, ICJI 543 THEFT BY DECEPTION

INSTRUCTION NO.

In order for the defendant to be guilty of Grand Theft, the state must prove each of the following:

1. On or about or between the dates of October 1, 2019 to January 22, 2020,
2. in the state of Idaho
3. the defendant Lori Norene Vallow Daybell wrongfully took, detained, or withheld property described as: Social Security Survivor benefits allocated for Tylee Ryan and JJ Vallow, and Social Security child-in-care benefits allocated for Lori Norene Vallow, to which funds Lori Norene Vallow Daybell was not entitled,
4. from an owner,
5. with the intent to deprive an owner of the property or to appropriate the property, and
6. the property exceeded one thousand dollars (\$1000) in value,

Or in the alternative,

INSTRUCTION NO.

In order for the defendant to be guilty of Theft by Deception, the state must prove each of the following:

1. On or about the dates of October 1, 2019 to January 22, 2020,
2. in the state of Idaho
3. the defendant Lori Norene Vallow Daybell obtained or exerted control over Social Security Survivor benefits allocated for Tylee Ryan and JJ Vallow, and Social Security child-in-care benefits allocated for Lori Norene Vallow, in an amount exceeding \$1,000.00, to which funds Lori Norene Vallow Daybell was not entitled,
4. another person was the owner of such property,
5. the defendant did so by knowingly doing one or more of the following:
 - (a) creating or confirming another's impression which is false and which the defendant did not believe to be true,
 - or
 - (b) failing to correct a false impression which the defendant previously had created or confirmed,
 - or
 - (c) preventing another person from acquiring information relevant to the disposition of the property, or
6. the defendant had the intent to deprive the owner of the property or to appropriate the property to the defendant or to some person other than the owner.

If any of the above has not been proven beyond a reasonable doubt, you must find the defendant not guilty of Grand Theft. If each of the above has been proven beyond a reasonable doubt, then you must find the defendant guilty of Grand Theft.

ICJI 555 THEFT-DIFFERENT FORMS POSSIBLE

INSTRUCTION NO.

There are different forms of Theft, depending upon the manner in which the theft was committed. The defendant Lori Norene Vallow Daybell is charged in Count VII with the theft of Social Security Funds. The state alleges that such theft was committed either by taking, withholding, or detaining said property or by deception. If you are satisfied beyond a reasonable doubt and unanimously agree that the defendant committed the crime of Theft, you should find the defendant guilty. You are not required to agree as to which particular form of theft the defendant committed.

VERDICT FORM

INSTRUCTION NO. ____

IN THE DISTRICT COURT OF THE SEVENTH JUDICIAL DISTRICT OF THE STATE OF IDAHO, IN AND FOR THE COUNTY OF FREMONT

STATE OF IDAHO)	
)	
vs.)	
)	Case No.CR22-21-1624
)	
LORI NORENE VALLOW)	
AKA LORI NORENE DAYBELL)	
Defendant.)	
_____)	

We, the Jury, duly impaneled and sworn to try the above-entitled action, for our verdict, unanimously answer the question(s) submitted to us as follows:

QUESTION NO. 1: In regards to Count 1 of the Indictment, Is Lori Norene Vallow Daybell guilty or not guilty of Conspiracy to Commit Murder in the First Degree of Tylee Ryan and Grand Theft by Deception.

Not Guilty _____ **Guilty** _____

QUESTION NO. 2: In regards to Count 2 of the Indictment, is Lori Norene Vallow Daybell guilty or not guilty of Murder in the First Degree of Tylee Ryan.

Not Guilty _____ **Guilty** _____

QUESTION NO. 3: In regards to Count 3 of the Indictment, Is Lori Norene Vallow Daybell guilty or not guilty of Conspiracy to Commit Murder in the First Degree of Joshua Jaxon (JJ) Vallow and Grand Theft by Deception.

Not Guilty _____ **Guilty** _____

QUESTION NO. 4: In regards to Count 4 of the Indictment, is Lori Norene Vallow Daybell guilty or not guilty of Murder in the First Degree of Joshua Jaxon Vallow.

Not Guilty _____ **Guilty** _____

QUESTION NO. 5: In regards to Count 5 of the Indictment, Is Lori Norene Vallow Daybell guilty or not guilty of Conspiracy to Commit Murder in the First Degree of Tamara (Tammy) Daybell.

Not Guilty _____ **Guilty** _____

QUESTION NO. 6: In regards to Count 7 of the Indictment, Is Lori Norene Vallow Daybell guilty or not guilty of Grand Theft.

Not Guilty _____ **Guilty** _____

DATED this _____ day of _____, 20 __.

Presiding Juror

ICJI 1707 BURDEN OF PROOF (Edited to include reasonable doubt definition from ICJI 103)

INSTRUCTION NO. _____

It is presumed that no statutory aggravating circumstance exists in this case. This presumption remains throughout the sentencing hearing and during your deliberations. That presumption cannot be overcome unless, from all the evidence, you are convinced that one or more alleged statutory aggravating circumstances has been proven beyond a reasonable doubt. The state has the burden of proving the existence of a statutory aggravating circumstance, and that burden remains on the state throughout the sentencing hearing. The defendant is not required to prove the absence of any aggravating circumstance, nor is the defendant required to produce any evidence at all.

Reasonable doubt is defined as follows: A reasonable doubt is not a mere possible or imaginary doubt. It is a doubt based on reason and common sense. It may arise from a careful and impartial consideration of all the evidence, or from lack of evidence. If after considering all the evidence you have a reasonable doubt about the defendant's guilt, you must find the defendant not guilty.

ICJI 1711 AGGRAVATING CIRCUMSTANCES

INSTRUCTION NO. _____

You are instructed that the charged statutory aggravating circumstances are simply allegations; they are not evidence. No juror should be influenced or prejudiced for or against the defendant because of the fact that the death penalty is being sought.

The state has alleged the following statutory aggravating circumstances:

[d] The murder was committed for remuneration or the promise of remuneration or the defendant employed another to commit the murder for remuneration or the promise of remuneration.

[e] The murder was especially heinous, atrocious or cruel, manifesting exceptional depravity.

[f] By the murder, or circumstances surrounding its commission, the defendant exhibited utter disregard for human life.

[h] The defendant, by [his] [her] conduct, whether such conduct was before, during or after the commission of the murder at hand, has exhibited a propensity to commit murder which will probably constitute a continuing threat to society.

If you unanimously find that one or more of the aggravating circumstances exists, the law requires that you reduce such finding to writing by stating specifically what aggravating circumstance or circumstances exist, if any. This finding must be made a part of your verdict.

If after considering all the evidence you unanimously conclude that there is a reasonable doubt about the existence of a statutory aggravating circumstance, you must indicate on the special verdict form that the statutory aggravating circumstance has not been proven. You must indicate this finding by checking the appropriate box next to such aggravating circumstance or circumstances on the verdict form furnished to you.

If you cannot unanimously agree on whether an aggravating circumstance exists, you must so indicate.

The verdict form must be signed by your presiding juror.

ICJI 1712 DEFINITION OF MURDER FOR REMUNERATION

INSTRUCTION NO. _____

To prove the defendant committed murder for remuneration, **or aided and abetted another in the murder for remuneration**, or the promise of remuneration, the state must prove that remuneration was a motive, cause, or impetus for the murder and not merely the result of the murder. Remuneration means payment or compensation.

State's edit in red.

ICJI 1718 JURY DELIBERATIONS

INSTRUCTION NO. _____

In reaching your verdict, you must first decide whether the State has proven beyond a reasonable doubt that any of the statutory aggravating circumstances exists. You must consider each of the alleged statutory aggravating circumstances. Your decision as to the existence of each the statutory aggravating circumstance must be unanimous. If you find that the State has failed to prove the existence of the any statutory aggravating circumstance, or if you are unable to unanimously agree on that issue, then you must so indicate on the verdict form.

If the State has failed to prove the existence of the statutory aggravating circumstances, you need not deliberate further. Merely notify the bailiff that you are done. The judge must then sentence the defendant to life in prison, and the judge must set a fixed period of imprisonment of anywhere from ten years up to life, during which the defendant will not be eligible for parole.

If you unanimously find that the State has proven the existence of a statutory aggravating factor, then you must so indicate on the verdict form. You must also then consider whether any mitigating circumstances exist that make the imposition of the death penalty unjust.

If you find that all mitigating circumstances are sufficiently compelling to make the imposition of the death penalty unjust, or you cannot unanimously agree on that issue, then the defendant will be sentenced to life in prison without the possibility of parole.

If you find that all mitigating circumstances do not make the imposition of the death penalty unjust, then the defendant will be sentenced to death.

You must each decide for yourself whether all mitigating circumstances presented, when weighed against each statutory aggravating circumstance proven by the State, are sufficiently compelling to make the imposition of the death penalty unjust. Any finding by you that the mitigating circumstances do or do not make the imposition of the death penalty unjust must be unanimous, but you do not have to unanimously agree upon what mitigating circumstances exist. The existence of mitigating circumstances need not be proven beyond a reasonable doubt. You must each decide for yourself whether mitigating circumstances exist and, if so, then consider them in your individual weighing process.

Once you have reached a unanimous decision on whether or not all mitigating circumstances, when weighed against each aggravating circumstance, make the imposition of the death penalty unjust, or have concluded that you are unable to reach a unanimous decision on that issue, so indicate on the verdict form and notify the bailiff that you are done.

ICJI 1725 VERDICT FORM

IN THE DISTRICT COURT OF THE SEVENTH JUDICIAL DISTRICT OF THE STATE OF IDAHO, IN AND FOR THE COUNTY OF FREMONT

STATE OF IDAHO)
vs.)
LORI NORENE VALLOW)
AKA LORI NORENE DAYBELL)
Defendant.)

Case No.CR22-21-1624

Part One:

We, the jury, render the following verdict regarding the alleged statutory aggravating circumstance[s]:

(a) Has the State proven beyond a reasonable doubt that the murder of Tylee Ryan was committed for remuneration?

No _____
Yes _____
Unable to reach a unanimous decision _____

(b) Has the State proven beyond a reasonable doubt that the murder of JJ Vallow was committed for remuneration?

No _____
Yes _____
Unable to reach a unanimous decision _____

(c) Has the State proven beyond a reasonable doubt that the murder of Tammy Daybell was committed for remuneration?

No _____
Yes _____
Unable to reach a unanimous decision _____

(d) Has the State proven beyond a reasonable doubt that the murder of Tylee Ryan was especially heinous, atrocious or cruel, manifesting exceptional depravity?

No _____
Yes _____
Unable to reach a unanimous decision _____

(e) Has the State proven beyond a reasonable doubt that the murder of JJ Vallow was especially heinous, atrocious, or cruel, manifesting exceptional depravity?

No _____

Yes _____

Unable to reach a unanimous decision _____

(f) Has the State proven beyond a reasonable doubt that the murder of Tammy Daybell was especially heinous, atrocious or cruel, manifesting exceptional depravity?

No _____

Yes _____

Unable to reach a unanimous decision _____

(g) Has the State proven beyond a reasonable doubt that by the murders, or circumstances surrounding their commission, the defendant exhibited utter disregard for human life?

No _____

Yes _____

Unable to reach a unanimous decision _____

(h) Has the State proven beyond a reasonable doubt that the defendant, by her conduct, whether such conduct was before, during or after the commission of the murders at hand, has exhibited a propensity to commit murder which will probably constitute a continuing threat to society?

No _____

Yes _____

Unable to reach a unanimous decision _____

If you answered either “No” or “Unable to reach a unanimous decision” to each of the above questions, you do not need to answer any other questions. Simply have the presiding juror sign this verdict form and notify the bailiff that you are done.

If you answered “Yes” to any of the above questions, then please answer the questions in Part Two.

Part Two:

Answer only the following questions that concern a statutory aggravating circumstance you have found to exist.

We, the jury, render the following verdict regarding the weighing of all mitigating circumstances against the statutory aggravating circumstances:

(a) With respect to the statutory aggravating circumstance that the murder of Tylee Ryan was committed for remuneration we find that:

- _____ when weighed against this aggravating circumstance, all mitigating circumstances **are** sufficiently compelling that the death penalty would be unjust.
- _____ when weighed against this aggravating circumstance, all mitigating circumstances **are not** sufficiently compelling to make imposition of the death penalty unjust.
- _____ we are unable to unanimously decide whether or not all mitigating circumstances are sufficiently compelling that the death penalty would be unjust.

(b) With respect to the statutory aggravating circumstance that the murder of JJ Vallow was committed for remuneration we find that:

- _____ when weighed against this aggravating circumstance, all mitigating circumstances **are** sufficiently compelling that the death penalty would be unjust.
- _____ when weighed against this aggravating circumstance, all mitigating circumstances **are not** sufficiently compelling to make imposition of the death penalty unjust.
- _____ we are unable to unanimously decide whether or not all mitigating circumstances are sufficiently compelling that the death penalty would be unjust.

(c) With respect to the statutory aggravating circumstance that the murder of Tamara (Tammy) Daybell was committed for remuneration we find that:

- _____ when weighed against this aggravating circumstance, all mitigating circumstances **are** sufficiently compelling that the death penalty would be unjust.
- _____ when weighed against this aggravating circumstance, all mitigating circumstances **are not** sufficiently compelling to make imposition of the death penalty unjust.
- _____ we are unable to unanimously decide whether or not all mitigating circumstances are sufficiently compelling that the death penalty would be unjust.

(d) With respect to the statutory aggravating circumstance that the murder of Tylee Ryan was especially heinous, atrocious or cruel, manifesting exceptional depravity we find that:

- _____ when weighed against this aggravating circumstance, all mitigating circumstances **are** sufficiently compelling that the death penalty would be unjust.
- _____ when weighed against this aggravating circumstance, all mitigating circumstances **are not** sufficiently compelling to make imposition of the death penalty unjust.
- _____ we are unable to unanimously decide whether or not all mitigating circumstances are sufficiently compelling that the death penalty would be unjust.

(e) With respect to the statutory aggravating circumstance that the murder of JJ Vallow was especially heinous, atrocious or cruel, manifesting exceptional depravity we find that:

- _____ when weighed against this aggravating circumstance, all mitigating circumstances **are** sufficiently compelling that the death penalty would be unjust.
- _____ when weighed against this aggravating circumstance, all mitigating circumstances **are not** sufficiently compelling to make imposition of the death penalty unjust.
- _____ we are unable to unanimously decide whether or not all mitigating circumstances are sufficiently compelling that the death penalty would be unjust.

(f) With respect to the statutory aggravating circumstance that the murder of Tamara (Tammy) Daybell was especially heinous, atrocious or cruel, manifesting exceptional depravity we find that:

- _____ when weighed against this aggravating circumstance, all mitigating circumstances **are** sufficiently compelling that the death penalty would be unjust.
- _____ when weighed against this aggravating circumstance, all mitigating circumstances **are not** sufficiently compelling to make imposition of the death penalty unjust.
- _____ we are unable to unanimously decide whether or not all mitigating circumstances are sufficiently compelling that the death penalty would be unjust.

(g) With respect to the statutory aggravating circumstance that the murders, or circumstances surrounding their commission, the defendant exhibited utter disregard for human life we find that:

- _____ when weighed against this aggravating circumstance, all mitigating circumstances **are** sufficiently compelling that the death penalty would be unjust.
- _____ when weighed against this aggravating circumstance, all mitigating circumstances **are not** sufficiently compelling to make imposition of the death penalty unjust.
- _____ we are unable to unanimously decide whether or not all mitigating circumstances are sufficiently compelling that the death penalty would be unjust.

(h) With respect to the statutory aggravating circumstance that the defendant, by her conduct, whether such conduct was before, during or after the commission of the murders at hand, has exhibited a propensity to commit murder which will probably constitute a continuing threat to society:

- _____ when weighed against this aggravating circumstance, all mitigating circumstances **are** sufficiently compelling that the death penalty would be unjust.
- _____ when weighed against this aggravating circumstance, all mitigating circumstances **are not** sufficiently compelling to make imposition of the death penalty unjust.
- _____ we are unable to unanimously decide whether or not all mitigating circumstances are sufficiently compelling that the death penalty would be unjust.

Once you have completed Part II, please have the presiding juror sign this verdict form and notify the bailiff that you are done.

Presiding Juror