

**CURRENT INDIANA DEATH ROW AS OF DECEMBER 1, 2014  
BY LENGTH OF TIME ON DEATH ROW AWAITING EXECUTION**

<u>Inmate</u>	<u>County</u>	<u>Sentencing Date</u>	<u>Length</u>
1. Debra Denise Brown	Lake	06-23-1986	28 yr, 161 d
2. Eric D. Holmes	Marion	03-26-1993	21 yr, 250 d
3. John M. Stephenson	Warrick	06-17-1997	17 yr, 167 d
4. Joseph E. Corcoran	Allen	08-26-1999	15 yr, 097 d
5. Michael D. Overstreet	Johnson	07-31-2000	14 yr, 123 d
6. Paul M. McManus	Vanderburgh	06-05-2002	12 yr, 179 d
7. Benjamin Ritchie	Marion	10-15-2002	12 yr, 047 d
8. Tommy R. Pruitt	Dearborn (Morgan)	11-21-2003	11 yr, 010 d
9. Wayne D. Kubsch	St. Joseph	04-18-2005	09 yr, 227 d
10. Frederick M. Baer	Madison	06-09-2005	09 yr, 175 d
11. Roy Lee Ward	Clay (Spencer)	06-08-2007	07 yr, 176 d
12. Kevin Charles Isom	Lake	03-08-2013	01 yr, 268 d
13. Jeffrey Alan Weisheit	Clark (Vanderburgh)	07-11-2013	01 yr, 143 d
14. William Clyde Gibson III	Floyd	11-26-2013	01 yr, 005 d
15. William Clyde Gibson III	Floyd	08-15-2014	00 yr, 108 d

**PENDING CASES**

**At Trial**

According to the Indiana Supreme Court Administrator, who monitors the progress of death penalty cases pursuant to Rule 24 of the Indiana Rules of Criminal Procedure, 7 death penalty cases are pending and awaiting trial as of December 1, 2014:

	<u>County</u>	<u>Date Filed</u>	<u>Trial / Next Action</u>
John K. Adams	Marion	02-25-00	Found Incompetent 10-19-00
Peter Burton	Lake	04-20-93	Serving Illinois Death Sentence
Kevin Andrew Schuler	Harrison	01-08-14	Jury Trial 09-29-15
Austin Bryan Scott	Harrison	01-08-14	Jury Trial 09-29-15
Kenneth Rackemann	Marion	07-15-14	Jury Trial 06-15-15
Major Davis	Marion	08-19-14	Jury Trial 2015
Carl L. Blount	Lake	09-16-14	Jury Trial 2015

**IPAC  
DECEMBER 1, 2014**

**STEVE STEWART  
CLARK COUNTY PROSECUTOR**

## WEISHEIT, JEFFREY ALAN # 106

ON DEATH ROW SINCE 07-11-13  
DOB: 03-28-76 DOC#: 108004 White Male

Clark County Circuit Court Judge Daniel Moore  
Venued from Vanderburgh County

**Trial Cause #:** 10C01-1008-MR-000601  
**Prosecutor:** Gary J. Schutte, Charles L. Berger  
**Defense:** Michael J. McDaniel, Stephen H. Owens

**Date of Murder:** April 10, 2010  
**Victim(s):** Caleb Lynch W / M / 5 (son of girlfriend)  
Alyssa Lynch W / F / 8 (daughter of girlfriend)



**Method of Murder:** Arson fire

**Summary:** Weisheit lived with Lisa Lynch and her two children, 5 year old Caleb, and 8 year old Alyssa. While Lisa worked a 12 hour shift, Weisheit babysat the children. A fire engulfed the Evansville home, killing both children. Alyssa was found curled up in a closet and Caleb was found with a flare stuffed into his underwear, with a dishcloth in his throat. Weisheit was arrested a few hours later driving his car near Cincinnati, 200 miles away. At trial, Weisheit testified that Caleb was argumentative when he told him to go to bed and that he responded by binding the child's hands with duct tape, stuffed his mouth with a dish cloth and placed tape over his mouth, then left the home in his Chevrolet Camaro. He said there was no fire in the home when he left. He explained that he wanted to get away for only a day or two to escape the stressful situation at home. Weisheit said he had brought the flares into the home, but had not given them to the child or come into contact with them at the time of the fire. Instead, he speculated that the flares were possibly placed near the boy's body by first responders in an effort to "stage" the scene.

**Trial:** Voir Dire (06-03-13, 06-04-13, 06-05-13, 06-06-13, 06-07-13), Jury Trial (06-10-13, 06-11-13, 06-12-13, 06-13-13, 06-14-13, 06-17-13, 06-18-13, 06-19-13, 06-20-13, 06-21-13), Deliberations (2 hours), Verdict (06-18-13), DP Trial (06-19-13, 06-20-13, 06-21-13), Deliberations (5 hours), DP Verdict 06-21-13, DP Sentencing (07-11-13).

**Conviction:** Murder, Murder, Arson (Class A Felony)

**Sentencing:** July 11, 2013 (Death Sentence, Death Sentence, 20 Years)

**Aggravating Circumstances:** b (8) Multiple Murders  
b (12) 2 victims less than 12 years of age

**Mitigating Circumstances Raised:** Extreme emotional disturbance  
Mental Illness  
Bi-Polar Disorder, Depression  
Organic Brain Injury  
Attention Deficit Hyperactivity Disorder

**Direct Appeal:** Weisheit v. State (10S00-1307-DP-00492) Appeal Pending

## GIBSON, WILLIAM CLYDE, III #107

ON DEATH ROW SINCE 11-26-13  
DOB: 10-10-57 DOC#: 169605 White Male

Floyd County Superior Court #1 Judge Susan L. Orth  
Jurors Selected from Dearborn County

**Trial Cause #:** 22D01-1204-MR-000919

**Prosecutor:** Keith A. Henderson, Steven L. Owen

**Defense:** John Patrick Biggs, George A. Strieb, Andrew Adams

**Date of Murder:** April 18, 2012

**Victim(s):** Christine Whitis W / F / 75 (Friend of Mother)



**Method of Murder:** Manual Strangulation

**Summary:** The body of 75 year old Kristine Whitis was found in the garage of Gibson's residence by his sisters, who had paid an unexpected visit while he was away. Ms. Whitis was a lifelong friend of Gibson's mother, who had died earlier that year. She was naked except for a few items of clothing, with her body in an unnatural contorted position and her genitals exposed and pointed upwards. This position was so unnatural that her back was broken in order to achieve it. Her face had numerous bruises and she had a broken collarbone, all injuries done before her death. She also had numerous cuts, bruises, and abrasions consistent with bite marks on her vaginal area. These injuries also occurred before her death. Her right breast had been cut off postmortem. Located next to her were numerous beer bottles that had the victim's DNA on it. A chain saw and trash bags were located next to the body.

The State successfully argued that Gibson lured the victim to his home to fulfill his fantasy to sexually attack, torture, and murder her. The alleged deviate sexual conduct occurred before he killed her. After the murder, he kept her in his garage for over 24 hours and continued the sexual abuse, using the beer bottles. He cut off her breast to keep as his souvenir, and was planning on disposing of her body using the chainsaw and plastic bags. The evidence showed a premeditated, sexually motivated murder.

Gibson was stopped a few hours later at a nearby Walmart in the victim's minivan with her severed breast in his possession. Police later discovered that prior to his apprehension Gibson had attempted to abduct a waitress at a Hooter's restaurant.

Gibson confessed to the murder, saying that he called Whitis and told her he was still grieving over his mother's death and wanted to talk. According to Gibson, when she came to the home and resisted his sexual advances, he "just lost it" and "quickly" strangled her with his hands. Initially denying any sexual actions, he eventually stated that he performed deviate sexual conduct (orally and digitally) with her after she was dead.

Gibson claimed that he had committed other murders, but initially denied any knowledge regarding Stephanie Kirk, who had been missing for over a year. After he said that it was "possible," Gibson later directed police to dig in the backyard of his home where they discovered the body of 35 year old Stephanie Kirk in a shallow grave, clad only in a torn bra and vest. Like Whitis, she was in an odd "pretzel like" position with her head forced down by her feet, and her back was broken. According to Gibson, in 2012 he and Stephanie Kirk had spent the evening drinking at local bars, taking pills and returned to his home, where they had sex. After an argument over pills, Gibson just lost it and strangled her to death with his hands. He then drug the body into the garage and two days later buried her in his backyard. While the defense claimed that any deviate sexual conduct was a mere afterthought, Gibson's own writings showed that he was "looking for another victim."

Based upon Gibson's admissions, he was also charged with the murder of 44 year old Karen Hodella, a Clarksville hairdresser whose body was recovered from the Ohio River in Clarksville in 2003. Gibson claimed to have met Hodella in a New Albany bar, and stabbed her to death on October 10, 2002. Gibson entered a guilty plea to her Murder and was sentenced to 65 years imprisonment.

Gibson gained some notoriety for showing up during pretrial hearings with a new tattoo on the back of his shaved head "Death Row X3," apparently obtained in the Department of Corrections, where he had been held for safekeeping. Gibson wanted everyone to know that he was facing 3 death sentences. Judge Orth ordered him to have no haircuts before trial.

**Trial:** Information/Affidavit filed (04-12-12), Competency Hearing (10-12-12), Insanity Defense Filed (07-31-13), Motion to Dismiss Hearing (09-06-13), Voir Dire (00-23-13, 09-24-13, 09-25-13, 09-26-13), Jury

Trial (10-21-13, 10-22-13, 10-23-13, 10-24-13, 10-25-13), Deliberations (17 mminutes), Verdict (10-25-13), DP Trial (10-28-13, 10-29-13), Deliberations (5 hours), DP Verdict (10-29-13), DP Sentencing (11-26-13).

**Conviction:** Murder, Habitual Offender

**Sentencing:** November 26, 2013 (Death Sentence)

**Aggravating Circumstances:** b (1) Criminal Deviate Conduct (Oral Sex)  
b (1) Criminal Deviate Conduct (Digital Penetration)  
b (9)(B) On Probation  
B (10) Dismemberment

**Mitigating Circumstances Raised:** Untreated Mental Illness  
Bipolar Disorder, Antisocial Personality Disorder  
Alcoholism / Drug and Alcohol Abuse  
Remorse / Confession  
Recent Death of Mother

**Direct Appeal:** Gibson v. State (10S00-1206-DP-00360) Appeal Pending

## **GIBSON, WILLIAM CLYDE, III #108**

ON DEATH ROW SINCE 11-26-13  
DOB: 10-10-57 DOC#: 169605 White Male

Floyd County Superior Court #1 Judge Susan L. Orth  
Jurors Selected from Vanderburg County

**Trial Cause #:** 2201-1205-MR-001145  
**Prosecutor:** Keith A. Henderson, Steven L. Owen  
**Defense:** John Patrick Biggs, Andrew Adams

**Date of Murder:** March 25, 2012  
**Victim(s):** Stephanie Kirk W / F / 35 (Acquaintance)

**Method of Murder:** Manual Strangulation



**Summary:** The body of 75 year old Kristine Whitis was found in the garage of Gibson's residence by his sisters, who had paid an unexpected visit while he was away. Ms. Whitis was a lifelong friend of Gibson's mother, who had died earlier that year. She was naked except for a few items of clothing, with her body in an unnatural contorted position and her genitals exposed and pointed upwards. This position was so unnatural that her back was broken in order to achieve it. Her face had numerous bruises and she had a broken collarbone, all injuries done before her death. She also had numerous cuts, bruises, and abrasions consistent with bite marks on her vaginal area. These injuries also occurred before her death. Her right breast had been cut off postmortem. Located next to her were numerous beer bottles that had the victim's DNA on it. A chain saw and trash bags were located next to the body.

The State successfully argued that Gibson lured the victim to his home to fulfill his fantasy to sexually attack, torture, and murder her. The alleged deviate sexual conduct occurred before he killed her. After the murder, he kept her in his garage for over 24 hours and continued the sexual abuse, using the beer bottles. He cut off her breast to keep as his souvenir, and was planning on disposing of her body using the chainsaw and plastic bags. The evidence showed a premeditated, sexually motivated murder.

Gibson was stopped a few hours later at a nearby Walmart in the victim's minivan with her severed breast in his possession. Police later discovered that prior to his apprehension Gibson had attempted to abduct a waitress at a Hooter's restaurant.

Gibson confessed to the murder, saying that he called Whitis and told her he was still grieving over his mother's death and wanted to talk. According to Gibson, when she came to the home and resisted his sexual advances, he "just lost it" and "quickly" strangled her with his hands. Initially denying any sexual actions, he eventually stated that he performed deviate sexual conduct (orally and digitally) with her after she was dead.

Gibson claimed that he had committed other murders, but initially denied any knowledge regarding Stephanie Kirk, who had been missing for over a year. After he said that it was "possible," Gibson later directed police to dig in the backyard of his home where they discovered the body of 35 year old Stephanie Kirk in a shallow grave, clad only in a torn bra and vest. Like Whitis, she was in an odd "pretzel like" position with her head forced down by her feet, and her back was broken. According to Gibson, in 2012 he and Stephanie Kirk had spent the evening drinking at local bars, taking pills and returned to his home, where they had sex. After an argument over pills, Gibson just lost it and strangled her to death with his hands. He then drug the body into the garage and two days later buried her in his backyard. While the defense claimed that any deviate sexual conduct was a mere afterthought, Gibson's own writings showed that he was "looking for another victim." Based upon Gibson's admissions, he was also charged with the murder of 44 year old Karen Hodella, a Clarksville hairdresser whose body was recovered from the Ohio River in Clarksville in 2003. Gibson claimed to have met Hodella in a New Albany bar, and stabbed her to death on October 10, 2002. Gibson entered a guilty plea to her Murder and was sentenced to 65 years imprisonment.

Gibson gained some notoriety for showing up during pretrial hearings with a new tattoo on the back of his shaved head "Death Row X3," apparently obtained in the Department of Corrections, where he had been held for safekeeping. Gibson wanted everyone to know that he was facing 3 death sentences. Judge Orth ordered him to have no haircuts before trial.

**Trial:** Information Filed (05-23-12), PC Affidavit Filed (05-24-12), Change of Venue Hearing (09-28-12), Amended Information Filed (04-07-14), Motions Hearing Held (05-21-14), Voir Dire in Vanderburgh County (06-02-14, 06-03-14), Plea Agreement Filed (06-03-14), Amended Information Filed (06-03-14), DP Trial (07-28-14, 07-29-14, 07-30-14, 07-31-14), Sentencing Briefs Filed (08-07-14), Amended Information Filed (08-13-14), Sentencing (08-15-14).

**Conviction:** Guilty Plea to Murder during jury selection.

**Sentencing:** August 15, 2014 (Death Sentence)

**Aggravating Circumstances:** b (1) Criminal Deviate Conduct (Oral Sex)  
b (1) Criminal Deviate Conduct (Digital Penetration)  
b (7) Conviction of another murder  
b (9)(B) On Probation

**Mitigating Circumstances Raised:** Untreated Mental Illness  
Bipolar Disorder, Antisocial Personality Disorder  
Alcoholism / Drug and Alcohol Abuse  
Remorse / Confession Helped Solve Case  
Recent Death of Mother  
Bad Family Life / Alcoholic Father

**Direct Appeal:** Appeal Pending

# CLOSING ARGUMENTS IN INDIANA CAPITAL CASES

## State v. William Clyde Gibson Floyd Superior Court 2013

**CASE SUMMARY:** Gibson was convicted of the murder of 75 year old Kristine Whitis, a close friend of his mother, who recently passed away. Her body was found in Gibson's garage, almost naked and beaten. Her body was in an unnatural contorted position with her genitals exposed and pointed upwards. This position was so unnatural that her back was broken in order to achieve it. Abrasions consistent with bite marks were found on her vaginal area. Her right breast had been cut off postmortem. Located next to her were numerous beer bottles that had the victim's DNA on it. A chain saw and trash bags were located next to the body. A few hours later he was arrested driving the victim's minivan, still in possession of her severed breast, kept as a souvenir. He was planning on disposing of her body using the chainsaw and plastic bags. The State argued that evidence showed a premeditated, sexually motivated murder. Gibson eventually confessed to the murder and also directed officers to the body Stephanie Kirk in his backyard.

The case was filed in the Floyd County Superior Court, Judge Susan L. Orth presiding. Floyd County Prosecutor Keith Henderson and Chief Deputy Steven L. Owen represented the State of Indiana. Attorneys John Patrick Biggs and George A. Strieb represented the Defendant.

In a later trial, Gibson was also convicted of the murder of Stephanie Kirk and again sentenced to death.

### **CLOSING ARGUMENT (DEATH PENALTY PHASE) PRESENTED ON BEHALF OF STATE OF INDIANA.**

**MR. HENDERSON:** Thank you. If it may please the Court, and Mr. Biggs, Mr. Strieb, and ladies and gentlemen of the jury, good morning. We're at the final stretch. I'm going to stand up and talk to you for a little while this morning. And then, as we did in phase one, the defense will, and then I'll have the final word with you. And then it's in your hands.

This Defendant, William Clyde Gibson, III, deserves the death penalty. And at the conclusion I'm going to ask you to impose the death penalty. He didn't -- and I should probably rephrase that in that

you impose the death penalty because, you see, William Clyde Gibson, III, earned the death penalty. There's nothing you did, nothing I did, nothing the police did, it's what he did.

Now, you were given instructions at the beginning and you will be given instructions at the end on aggravators. And when you retire for your deliberation you'll be given verdict forms. And it has been the burden on the State of Indiana to prove to you the aggravators in this case. And we have done that. The four aggravators that were put up on the board yesterday -- excuse me, on the overhead, one, two, three and four.

Three of the aggravators -- or, excuse me, two of the aggravators involved the sexual assault or, as referred to, criminal deviate conduct, criminal deviate sexual conduct against Christine Whitis. And those are two separate. One is inserting an object, which we showed you was his hand, fingers. Uncontroverted, uncontroverted, that's evidence that's in. There's nothing in to show you that it happened any other way, those facts. You know that -- you already found that he killed Christine Whitis, that he murdered her, that was the first part. Secondly, that he inserted his hands and/or fingers or fist into her. Again, uncontroverted by his own words, as well as by the words of the medical examiner. There's nothing in the record, nothing from that witness stand and no exhibit to dispute that. Those are the first four verdict forms. Those two, murder, and criminal deviate conduct with the hand, and then the second with the mouth, again uncontroverted. By his own words, as well as by the testimony you heard from the medical examiner. That should take a matter of minutes, it happened.

The third aggravator, that during the commission of this crime that he dismembered Christine Whitis. That's the third, out of the four forms that's the third one. Again, you saw the evidence from this, and you heard the evidence from the witness stand, the other exhibits that have been put in, that's uncontroverted, it's now fact. That should take a matter of minutes.

The fourth -- and I told you during our opening it was going to be very brief, our case, because those three had already been put into evidence before you.

The fourth was that he was on probation at the time of the murder. And you heard from our witness, the probation officer yesterday, as to that, that he was on probation at the time of the murder. And that's uncontroverted. That was put in through the witness stand and through documents, that's uncontroverted. That should take a matter of minutes. Those are your four aggravators that you find. There's two forms on each one, you find the aggravator or you don't find the aggravator. I suggest to you all four of those have been proven past beyond a reasonable doubt.

The defense put on witnesses yesterday, and it's the defense's option to put on mitigation. They have nothing to prove, but they have the option to put on mitigation. The State, as you saw in our case, we're limited to what the law allows us to put on by aggravators, there's only certain aggravators we can talk about. And we put those on and proved to you four aggravators. We only need one, we only need to find one aggravator, but we put on four, because that's what existed in this case. Now, during Mr. Biggs' opening statement yesterday, I recall him saying that during this phase two that he was going to show that the Defendant had some problems, to show this mitigation. And that he had problems and that he wasn't -- that he didn't grow up in a good home, that he had a bad childhood, that he had an abusive father. Well, I sat in the same courtroom as you yesterday and I didn't hear that. What I heard was his sister said they had a good childhood, that they had a father, had a mother, had Christmas, had birthdays. And, yeah, it was a little while ago where maybe kids were seen and not heard, but we had a good childhood. That this Defendant, William Clyde Gibson, III, had a good childhood. That's what I heard.

And then when the psychologist testified yesterday and yesterday evening, and he talked about what was told to him by the Defendant, the Defendant told him in addition that he was, in fact, spoiled. That he was spoiled. Well, that's a far cry, I think, from being abusive -- or having an abusive father to being spoiled. So he drank a lot, maybe was an alcoholic, maybe he wasn't, the father. But I submit to you, ladies and gentlemen of the jury, that there is no evidence before you today -- and, again, what I say and what the defense says to you is argument. As I talked to you about even in the first phase of the trial, the only evidence is what has come from this witness stand and what has been submitted here, everything else is argument. There has been no evidence before you to even suggest that this Defendant had a bad childhood through an abusive father. By his own words and by his sister's words, who grew up in the same house with him, he had a good childhood. So, you know, mitigation number one I suggest to you is not.

What else did they talk about. We heard from the prison expert. And, quite frankly, I had a chance to think a little longer about that last night. I'm not certain what he said, other than he was a prison expert, had credentials, was a very articulate man, had a very impressive resume' in the corrections system, had been in charge of prisons. But as I tried to -- and you heard me ask him on cross-examination what is it that -- what are you suggesting, is it that prison's hard or not hard. You know, at one point my prison, you know, we would -- people are going to comply. But, on the other hand, in order to manage prisoners we have to give them all these other things. I couldn't quite tell what was going on with that.

But let's be clear of one thing as we all stand here and let's be very honest, the death penalty is the ultimate punishment. People fight every day not to be in that situation. Let's not confuse -- if, in fact, that's what that was meant to be, that testimony, let's not confuse that the death penalty is the ultimate punishment.

Then the psychologist yesterday evening, let's be clear about his credentials. And he had a lot of experience, he wasn't a medical doctor, he wasn't a psychiatrist. If you recall, he couldn't prescribe medication, he's a psychologist. He's a doctor, DR, doctor, as in a PhD doctor, but not a medical doctor. But had many good credentials, you know, in his field. But what did he say. He said that this is because of what, he's bipolar, antisocial. And he admitted, yeah, most criminals are antisocial. And because of what, because he had a polysubstance abuse. And he admitted after Mr. Owen went through the DSM-IV book, the bible of the mental health profession as to diagnoses, admitted that, well, bipolar in and of itself wouldn't be an excuse, but maybe if you take all this together. Now, whether or not this Defendant's bipolar, and I think there's a question, because I think the good doctor yesterday -- and, again, I couldn't quite tell what he was saying, but it didn't seem that he was following his own standards in his field, in that he wasn't looking at this two-week period. He said, well, you really can't take a two-week period, you have to kind of rely on what the Defendant says. But later when Mr. Owen said, well, the Defendant says that he had a good childhood. Well, I don't know if we can put weight into that. That seemed to be going back and forth.

But regardless if he is or he isn't -- and I would suggest to you that what's in evidence are records from the Madison State Hospital and Richmond State Hospital, and neither one of them agreed with his diagnosis. One said, yeah -- one did say maybe bipolar, but not the bipolar that's been diagnosed by the psychologist. Bipolar, we can't tell if it's because of drugs and alcohol or if it's because of a mental

issue with bipolar, don't know. He seemed to say, well, that doesn't matter, it's bipolar regardless.

I would suggest to you that this person was impatient, this Defendant was impatient with them. And they were with him a lot longer than the few hours that this person was, this psychologist. And what's the motivation here. The motivation when he was in these two hospitals before was for treatment. This motivation was diagnosis. This motivation was to come in and testify and to attempt to mitigate this sentence that the State has requested of death for this crime. That's the difference, that's why he was here. And that's why the other gentleman in the prison system was here, so -- and that's all I -- that's what I heard.

And I think that's what you heard, starting with the family, abusive father, there's no evidence of that. And even if there was, ladies and gentlemen, the abuse excuse is not a reason to brutally murder Christine Whitis. There's plenty of people from bad homes that don't murder. That's the abuse excuse. But, again, I suggest to you there is no abuse at home and, therefore, there's no mitigation.

As to the mental, you know, it's against Indiana law. As a prosecutor I would not be doing my duty to even bring a case of death where there is insanity, where there's retardation, because it's not allowed. That's not the case here. To suggest that there's a mental diagnosis -- and maybe there is a mental diagnosis. Clearly what he did is not going to be in a range of normal in this society. But I would suggest to you that starting with what was argued last night about bipolar to any other mental condition, that there are many, many people that have something.

There are many, many people who may drink too much, who may take drugs. There are many, many people who may suffer from depression. There are many, many people who drink too much coffee. All recognized in the DSM-IV, that would be caffeine addiction, to be diagnosed in that thick book. There is no preclusion in Indiana law for that to be an excuse. Well, but giving the Defendant the benefit of the doubt, giving him the benefit of the doubt that he is or does have a true diagnosis of bipolar, and I would not concede that, but let's give him the benefit of the doubt, that's the mitigator. And when you get past those first four forms -- eight forms, one says approve the aggravator, one says we didn't. Once you get past those four, then the next two forms deal with whether the aggravators outweigh the mitigators, yes or no, two forms. And I would suggest to you, ladies and gentlemen, that those aggravators far, far -- those four aggravators far outweigh any mitigation as it relates to the testimony of the psychologist last night.

And, again, let's be clear on mitigation. That's all that's been put before you. That's the only evidence that's come from this stand, and that's the only

evidence that's been submitted into The Court. That so far outweighs, it's like a concrete block of the four aggravators and a feather on the mitigators. That is so lopsided that the aggravation outweighs the mitigation. So you put that aside, I don't think that's close.

But now you get to the third part. And that third part in the last forms are once you get past that aggravation outweighs the mitigation, then you have death penalty, life without parole or a term of years, and those are the other three forms. I don't stand before you in any way, shape or form and suggest to you that the job you have undertaken and are undertaking is easy. It's a serious, serious matter. But you haven't come here alone, because, see, I share your responsibility. I signed the charging document as the prosecutor of this county. I signed the death penalty papers to be put before this Court and eventually before you. And I know, I've watched you, I watched you since last Monday, and I know the agony you have gone through with this case, the anguish and the concern. I know that hasn't been easy. And I in no way want to diminish that with anything I say, that somehow what you have to do in your capacity as jurors is easy, I know it's difficult.

And let's not let this be a discussion on the pros and cons of the death penalty. When I talked to you in Lawrenceburg, and Mr. Owen, for that week of being in your community, remember when we met five at a time in the little room, and we asked you what your views of the death penalty were, and we had your questionnaire, each and everyone of you said that in the right circumstance, yes, you could do this, you could impose the death penalty. Not one of you said you could not do that, because that would have precluded your service as a juror in this case.

Under the right circumstance. And I suggest to you that what happened to Christine Whitis, her brutal slaying, of being drawn into the trap of William Clyde Gibson, III, of being murdered unmercifully, at age 75, in a position of trust, is the worst of the worst. And your duty, your statement to the attorneys that, yes, no one's thrilled to be here, nobody jumped up and down and said choose me. In fact, I'm sure a lot of you would much rather for somebody else to be in these 12, 16 seats than what you are. But that's our system of justice and it's an important one. And in that shared responsibility this is where we're at today.

So this isn't a discussion about the death penalty or not, that's our law in this state. You didn't make the law; we have the law and it's here for a reason. We have the death penalty in Indiana in appropriate cases, when there exists at least one statutory aggravator. That decision was made by our legislature, by our governors. As you sit here today you're contemplating whether or not to enforce that law.

What have we seen. As we have gone through this whole process the last week or so what have we seen to make this case the worst of the worst. I'm not going to stand here before you this morning, I'm not going to put pictures up, I'm not going to show you the crime scene, I'm not going to show you the -- her breast in the interior of the van, those should always be in your memory. But, ladies and gentlemen, but for the facts that have been put into evidence of this case, if not this case, then what case. What case should have the death penalty imposed. What Defendant should have the death penalty imposed. Whether it's one aggravator, two aggravators, three aggravators, four aggravators, this is the case.

And so this isn't a discussion about the pros and cons of the death penalty. We have the death penalty. We have the statutes, we have the procedures, and the State has the burden of proof, as I discussed earlier, proving it to you, and you found him guilty of murder. And the State has then the burden of proof of proving at least one aggravator to support the imposition of the death penalty. And the State has done that. I told you early on the State welcomes that responsibility. I never wanted you to believe in any way, shape or form that it wasn't anything but our responsibility to present to you the evidence and now the aggravators in this case. And what the defense would do or not do on mitigation was up to them. And they could do whatever -- whatever they thought was appropriate. And you've heard it all now. You've heard it all.

The significance of Christine Whitis' life, in my view, and her memory would be diminished with anything less than the imposition of the death penalty. I ask you, I ask you to do what you said you would do, and that would be, be open to the death penalty if the case was proven to you. I would ask you to uphold that, that promise you made. I would ask that you insure justice is served for Christine Whitis. I would ask that you insure justice is served for this community. And I asked you in my opening statement earlier in the case, I said we're going to be talking about a lot of things. Some of it's technical and some of it not, and just a lot of things, and some of it wasn't going to be easy to see, but let's not forget. And through all the debate, and the testimony, and the arguments, and the exhibits, let's not forget who we're talking about. Ladies and gentlemen, this is Ms. Christine Whitis. Thank you.

**CLOSING ARGUMENT (DEATH PENALTY PHASE)  
PRESENTED ON BEHALF OF DEFENDANT.**

**MR. STREIB:** Good morning. Now, you were called upon to decide how William Clyde Gibson dies. Clyde Gibson will die in jail or prison. Does he die by being strapped to a gurney and injected with poison,

or does he die behind razor wire and steel bars, that is the decision you will have to make. Now, we are not dealing with an excuse for the murder of Ms. Whitis by Clyde, there is no excuse. What we are trying to explain is how this could have happened.

You will receive written instructions from The Court asking you to consider mitigating circumstances. Please consider the following. The Defendant was under the influence of extreme mental or emotional disturbances when the murder was committed. Bipolar. You heard that Clyde suffered from a bipolar disorder. This was from the testimony of Dr. Haskins. Remember, Dr. Haskins ran numerous tests, even malingering tests, to find out if Mr. Gibson was faking. This is also in the records from Madison State Hospital of 2002.

Polysubstance abuse. You heard Clyde suffered from polysubstance abuse. This, again, was from the testimony of Dr. Haskins, Richmond State Hospital, the records of 2004, and, again, Madison State Hospital, 2002. You also heard Dr. Haskins -- from Dr. Haskins that Clyde suffered from antisocial behavior and borderline personality disorder. It was Clyde's lack of impulse control that is most certainly the result of all these multiple personality disorders. And during the case in chief you heard testimony on this here.

(Counsel played excerpt of interview to jury as follows.) "MR. GIBSON: I took somebody's mother. I wish I could just die. I really do. DET. EAST: You know, they're going to ask me about this. They're going to say that, you know, you called her, and you already thought about this. Because your mom's gone, you're angry, you know, you're hurting, and that you already thought about. MR. GIBSON: No, at the time I called her I didn't, huh-uh. DET. EAST: You didn't think about it at all? MR. GIBSON: No. I don't know what happened, I just snapped."

MR. STREIB: The Defendant just snapped. Now, let's think about the emotional disturbances when the murder occurred. You heard testimony that Clyde's mother died three months before the murder, that Clyde and his sisters had to make the difficult decision to discontinue her life support. You heard from Brenda, his sister, that Clyde took his mother's death very hard. You heard from his neighbors, Tom Wesley and Rob Getrost, that Clyde began drinking again to numb the pain of his mother's death. You also heard his testimony about how depressed Clyde was over here.

(Counsel played excerpt of interview to jury as follows.) "MR. GIBSON: I was going to hang myself, but I didn't have enough nerve to do it. I should have." MR. STREIB: He should have hanged himself is what he said. "MR. GIBSON: Oh, Lord. I wish I would have just hung myself. Shit."

MR. STREIB: You will also be asked to decide if Clyde had the capacity to appreciate the criminality

of his conduct or to conform that conduct to the requirements of law, was substantially impaired as a result of mental disease, or defect, or intoxication. Again, Dr. Haskins testified that Clyde suffers from bipolar disorder, polysubstance abuse, antisocial disorder, borderline personality disorder. It was also shown in the records from Richmond State Hospital and Madison State Hospital. You have heard testimony from Clyde that he drank a half gallon of whiskey the morning before Ms. Whitis arrived at his house. You also heard testimony that Clyde tested .23 on the day of his arrest. This is nearly three times the legal limit. You may also remember this testimony.

(Counsel played excerpt of interview to jury as follows.) "MR. GIBSON: I stayed drunk the whole time since she passed away just about. DET. EAST: Yeah. And then, you know, it just seems like to me, just based on my experience of understanding these things, is that it just kind of snowballed. You know, each day passing, you know, you're wondering why am I doing this, why am I drinking all the time, why is she gone, you know, what -- you know, all this stuff is building, and building, and building, and building."

MR. STREIB: All the stuff building, building and building. There are other mitigating factors worth considering, such as remorse. Clyde has expressed remorse for the killing of Ms. Whitis. You may recall this testimony from Clyde -- or this statement from Clyde.

(Counsel played excerpt of interview to jury as follows.) "MR. GIBSON: I wish I would have just hung myself. DET. EAST: I know you do. MR. GIBSON: I thought about it. My brother committed suicide. I wish I would have done it, too. But now I've wrecked everybody's life."

MR. STREIB: I wish I hung myself, because now I have wrecked everybody's life. Evidence of remorse, words presented by former jail guard George Johnson, that Clyde attempted suicide in jail in June, 2012. Dr. Haskins testified of Clyde's remorse. Detective East testified of Clyde's remorse.

The mitigator of family history of mental illness. Clyde's brother was bipolar and committed suicide. Clyde suffers from bipolar disorder, polysubstance abuse, antisocial disorder, and borderline personality disorder. Clyde's sister, Brenda, also suffers from depression.

The mitigator of an abusive family life. You heard that Clyde and Brenda believe they grew up in a normal family, sort of like the Brady Bunch. But if you paid attention to the evidence, you will find a family that had Clyde and a brother both attempting suicide. Brenda leaving the house at 14 years of age. Remember, Brenda testified that on one occasion she saw her father raise his hand to hit her mother, and that she felt compelled to physically put

herself in between them. You also heard that their father ruined every meal with his verbal abuse, to the point that it affected their older brother. No one blames the family, of course, but the evidence showed how the family coped under stress. Clyde's father drank until he saw the effects it had on his sons. Clyde's brother abused both alcohol and drugs, and eventually committed suicide. Clyde turned to drugs and alcohol, and developed some significant mental illnesses. And Brenda is on medication for depression.

Another mitigator to consider is lack of problems while incarcerated in jail. You heard from James Aiken, the prison expert, and others that Clyde has no disciplinary problems while incarcerated. He did, however, attempt suicide due to his remorse. James Aiken testified, from his 42 years of experience in the Department of Corrections, that Clyde would more likely be at risk of being injured than of injuring others. Another mitigator to consider is proportionality. You heard the prosecutor mention when he was talking with James Aiken that one of the 9/11 hijackers was sentenced to life without parole for literally killing thousands of people. You also heard during that discussion that the prosecutor told James Aiken that Michigan City Prison houses over a thousand inmates who are found guilty of murder, but only 13 of them are on death row.

Now, I'm going to comment a little bit on some of the instructions you're going to receive. Instruction 13's going to talk with you about the credit you receive if you get a fixed term of years. The range of penalty for a fixed term of years for murder, under 35-50-2-3, is 45 to 65 years. That's something to consider when you deliberate. Instruction 15 talks about a pardon or a commutation of sentence from the governor. Just a little information on that, that during Mr. Biggs' years of practice, he has not heard of or remembers anybody being pardoned or having their sentence commuted who has been charged with murder.

I want you to think about how a human being who is suffering multiple mental disorders, the emotional loss of his mother, being under extreme effects of alcohol intoxication, coming from an abusive family, and any other mitigators that you may personally consider on your own reflection of this matter, and choose that the Defendant, William Clyde Gibson, III, will spend the rest of his life behind bars, reflecting on what he did to his mother's best friend, realizing he will never be paroled and will die in prison. Thank you.

**CLOSING ARGUMENT (DEATH PENALTY PHASE)  
PRESENTED ON BEHALF OF STATE OF INDIANA.**

**MR. HENDERSON:** Thank you, Your Honor. Please allow me to address some of the things defense counsel pointed out. Let's go back. I said abuse excuse, abuse excuse is I drank too much. I drink too much, I'm an alcoholic. Oh, I take drugs, that's the reason. I call that lack of accountability. No one poured booze down this Defendant's throat. No one forced drugs down this Defendant's throat. He took a hand and he put it in. The abuse excuse, it doesn't give him a pass to commit brutal murder.

And now I hear in closing, I didn't hear it yesterday, but I hear in closing the grief excuse. Well, I lost my mother, grief overcame me, I'm going to make someone else hurt, the grief excuse. And that's what it is. Everyone's going to lose a mother, that's a certainty, isn't it. Some have, some of us have, and some will, but everyone's going to lose a mother. So is that -- so is that an excuse, when we know that's going to happen. I'm going to go through a tough time, so that's going to excuse the most egregious behavior a human being can have. The most egregious behavior of picking a victim who's 75 years old. The most egregious behavior of someone who thought the world of him and his sisters, you heard that testimony. How can it get any worse. How can this lady in any way, shape or form deserve what happened to her, in any way, shape or form. That he's going to invite her over under the pretense of the grief excuse and do what he did.

The evidence shows that it was a month, a month he thought about this. I suggest to you, ladies and gentlemen of the jury, that's not impulse, that's not impulse. Oh, I just snapped. He didn't snap, there's no evidence that he snapped. He thought about this a long time before he did this, he planned the crime. He didn't just snap and kill somebody. Whoops, gosh, what did I do, I lost my head. Is that what the evidence is? That's not the evidence. He planned it. He planned it in a very brutal way. He thought ahead of time. He planned it not only through the point of death, but after death. It wasn't a snap, gosh, what did I do, no. It was a snap, that's what he wants to make you believe. And then what, I'm going to go to Hooter's, I'm going to go to bars, I'm going to invite somebody over, have some drinks, take the -- have -- the body of Ms. Whitis is dead at the time, have the body with me overnight. Get up, got a plan on how to get rid of the body, going to use the van. But in the meantime I'm going to go out to Hooter's for a while, have some drinks. Does that sound like an impulse to you?

Whoops, the police are at my house, take off. And just to throw in that other aggravator, we're going to carry a trophy, in his words, a trophy of a breast with me in the van. While I'm sitting at

Hooter's, I'm going to have that breast in there and I'm going to carry it around with me, while I have this woman's body displayed in my home, in the garage. So I suggest to you there's no lack of control, there's no snap decision. He had many opportunities, he had many opportunities not to do this. A snap decision where? How about when Ms. Whitis said, Clyde, Clyde, stop, don't do this. She really didn't have a choice, did she. He had the power, he had the choice.

And these videos that you saw, and you saw a lot more of it during the trial. And let's talk just for a moment about the intoxication. There's no evidence that was ever brought before you, there was no evidence to show you that on Wednesday, the 18th, or even the 19th, when he was arrested, that he was intoxicated. Yes, you saw the .23 that was put into evidence about his blood alcohol content later Thursday. That's the abuse excuse. Not the abuse from the family, the substance abuse excuse, the abuse excuse of intoxication. There's no evidence that he was drunk or high at the time he strangled to death Ms. Whitis. His sister said she talked to him that night, sounded fine, talked about the gas bill. Getrost said, yeah, he was drinking, but he was fine, he seemed okay.

Let's go into the next day. Did you hear the Hooter girls say that he was stone drunk or that he was stumbling drunk. They were trained to detect that, weren't they. Because they will lose their alcohol license if not, I think was the testimony, they're trained as bartenders, what have you. Is there any evidence? And I would suggest to you even if there was, the abuse excuse doesn't work. That doesn't give you a license or an excuse to murder. But there's no evidence that's been put before you.

And I know Mr. Streib spoke -- or misspoke and he corrected himself, there's no testimony here, that was a statement, that was a statement given to police. That wasn't testimony in evidence from the stand, that he said he drank a half gallon of whiskey, or a gallon of whiskey, or ten gallons of whiskey. And I know the defense experts, the psychologist yesterday, wanted to base so much of what his decision was on what he was told by the Defendant. And maybe in their line of work that's what they have to rely on, maybe sometimes they don't have anything else. But there's no evidence of that.

And let's not kid ourselves, this guy is a master manipulator. The ultimate manipulation is that he got Ms. Whitis in that home. He's been through the system. Yes, you've seen his interviews, and you also saw the difference in interview one and two. This was interview one, the East interview. To do what he did and to carry off what he did, think about

that for just a moment. That's a master manipulator. That took some planning, that took some cunning, that took a thought process.

And remorse, I don't consider attempted suicide remorse. That's cowardly, that's not remorse. I didn't hear that. And we're back to the abuse excuse, the bad home life again. I suggest to you, ladies and gentlemen of this jury, it does a disservice to the Gibson family and to the memory of the Gibson parents that they were abusive. There's no evidence to that. And I didn't hear anyone say they thought they had a model home based on a television show. I heard them say, yeah, we had a good home. We had a father who drank, but I never heard abuse. And to suggest otherwise does their memory a disservice. And we did hear from Mr. Aiken, the prison expert, who said he testified concerning 9/11 and all the people that were killed. Well, I don't know about 9/11, I don't know about New York or wherever this case was adjudicated, but I do know about my community, Floyd County. And I guess it's a good thing he didn't do that in Floyd County.

But, really, much like the World Series, you know, that's going on now, in the outfield there's always a lot of chatter to the batter to get their eye

off the ball, and this is chatter. Because the issue in the room is the behavior of this Defendant and what he did. And, as I said earlier, you have a tremendous responsibility, we have a tremendous responsibility. But it's not a debate about the death penalty, that's our law. It's not you doing anything but carrying out your duties.

William Clyde Gibson, III, chose on April the 18th and April the 19th to brutally murder his family friend, his friend, 75-year-old Christine Whitis, to rape her, to sodomize her. MR. BIGGS: Your Honor, I'm going to object to that. There's no such evidence before this Court. MR. HENDERSON: He chose to rape her. He chose to orally place his mouth on her vagina. He chose to insert his hand and/or fingers or fist into her vagina. And on those dates he cut off her breast before being caught. He did that. Ladies and gentlemen, William Clyde Gibson, III, deserves the death penalty for what he did. The penalty is reserved for the worst of the worst, and the actions that he did are the worst of the worst. I ask you to do justice, do justice for Whitis, do justice for this community, I ask you to impose the death penalty on William Clyde Gibson, III. Thank you.