

STATE OF INDIANA )  
 )SS:  
COUNTY OF )

IN THE SUPERIOR COURT  
CRIMINAL DIVISION

THE STATE OF INDIANA )  
 )  
 vs. )  
 )  
DOWN )  
 )  
CAUSE NO. 99MR755 )

REQUEST FOR LIFE SENTENCE  
WITHOUT PAROLE  
I.C. 35-50-2-9(b)(1)(G)  
I.C. 35-50-2-9(b)(1)(J)  
COUNT 5

On this date, the Prosecuting Attorney of the 99th Judicial Circuit, being duly sworn (or having affirmed), stated that the crime of Murder, as filed herein has been committed by Down, and at the time of the commission of this offense, the following aggravating circumstances existed:

**COUNT 5(a): AGGRAVATING CIRCUMSTANCE #1**

On or about July 11, 2014, in Red County, Indiana, Defendant did intentionally murder Donny, while committing or attempting to commit the crime of Robbery, in violation of I.C. 35-50-2-9(b)(1)(G);

**COUNT 5(b): AGGRAVATING CIRCUMSTANCE #2**

On or about July 11, 2014, in Red County, Indiana, Defendant did intentionally murder Donny, while committing or attempting to commit the crime of Dealing in Cocaine, in violation of I.C. 35-50-2-9(b)(1)(J);

All of which is contrary to statute and against the peace and dignity of the State of Indiana;

WHEREFORE, the State of Indiana respectfully requests that Defendant be sentenced to Life Imprisonment without Parole.

I swear or affirm under penalty of perjury that the foregoing representations are true.

\_\_\_\_\_  
Affiant

\_\_\_\_\_  
Date

County Prosecutor  
Judicial Circuit

\_\_\_\_\_  
Deputy Prosecuting Attorney

STATE OF INDIANA )  
 )SS:  
COUNTY OF RED )

IN THE SUPERIOR COURT  
CRIMINAL DIVISION

STATE OF INDIANA )  
 )  
 V. )  
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DOWN )  
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CAUSE NO. 99MR755 )

INFORMATION  
HABITUAL OFFENDER  
I.C. 35-50-2-8  
  
COUNT 6

On this date, affiant came before the Prosecuting Attorney of the 99th Judicial Circuit and, being duly sworn (or having affirmed), stated that the Down, on or about July 11, 2014, in Red County, Indiana; had accumulated at least two (2) prior unrelated felony convictions in violation of I.C. 35-50-2-8, that is:

**COUNT 6(a):**

On or about September 3, 2000, in Red Superior Court, Red County, Indiana, Down was convicted of Burglary, a Class C felony under 99FC102;  
and

**COUNT 6(b):**

On or about January 3, 2003, in Red County, Indiana, Down committed the offense of Forgery, a Class C felony and on May 30, 2003, in Red Superior Court, Red County, Indiana, Down was convicted of Forgery, a Class C felony under Cause No. 99FC203;  
and

**COUNT 6(c):**

On or about December 30, 2006, in Red County, Indiana, Down committed the offense of Robbery, a Class B felony and on April 20, 2007, in Red Superior Court, Red County, Indiana, Down was convicted of Robbery, a Class B felony under Cause No. 99FB303;

I swear or affirm under penalty of perjury, that the foregoing representations are true.

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Affiant

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Date

County Prosecutor  
Judicial Circuit

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Deputy Prosecuting Attorney

STATE OF INDIANA )  
 )SS:  
COUNTY OF RED )

IN THE SUPERIOR COURT  
CRIMINAL DIVISION

STATE OF INDIANA )  
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 V. )  
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 DOWN )  
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 CAUSE NO. 99MR755 )

INFORMATION  
USE OF FIREARM  
I.C. 35-50-2-11

COUNT 7

On this date, affiant came before the Prosecuting Attorney of the 99th Judicial Circuit and, being duly sworn (or having affirmed), states that in Red County, Indiana

On or about July 11, 2014, Down, did knowingly use a firearm, to wit: a 40 caliber Smith and Wesson, in the commission of a felony under I.C. 35-42, to wit: murder, that resulted in death or serious bodily injury;

All of which is contrary to statute and against the peace and dignity of the State of Indiana.

I swear or affirm under penalty of perjury that the foregoing representations are true.

\_\_\_\_\_  
Affiant

\_\_\_\_\_  
Date

County Prosecutor  
Judicial Circuit

\_\_\_\_\_  
Deputy Prosecuting Attorney

STATE OF INDIANA )  
 )SS:  
COUNTY OF RED )

IN THE SUPERIOR COURT  
CRIMINAL DIVISION

STATE OF INDIANA )  
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 V. )  
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DOWN )  
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CAUSE NO. 99MR755 )

INFORMATION  
USE OF FIREARM IN CONTROLLED  
SUBSTANCE OFFENSE  
I.C. 35-50-2-13

COUNT 8

On this date, affiant came before the Prosecuting Attorney of the 99th Judicial Circuit and, being duly sworn (or having affirmed), stated that in Red County, Indiana

On or about July 11, 2014, Down, did knowingly use a firearm, to wit: a 40 caliber Smith and Wesson with a silencer in violation of I.C. 35-47-2-1 while committing the offense of Dealing in Cocaine under I.C. 35-48-4-1;

All of which is contrary to statute and against the peace and dignity of the State of Indiana.

I swear or affirm under penalty of perjury that the foregoing representations are true.

\_\_\_\_\_  
Affiant

\_\_\_\_\_  
Date

County Prosecutor  
Judicial Circuit

\_\_\_\_\_  
Deputy Prosecuting Attorney

STATE OF INDIANA )  
 )SS:  
COUNTY OF RED )

IN THE SUPERIOR COURT  
CRIMINAL DIVISION

STATE OF INDIANA )  
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 V. )  
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DOWN )  
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CAUSE NO. 99MR755 )

INFORMATION  
REPEAT SEXUAL OFFENDER  
ENHANCEMENT  
I.C. 35-50-2-14  
  
COUNT 9

On this date, affiant came before the Prosecuting Attorney of the 99th Judicial Circuit and, being duly sworn (or having affirmed), stated that the Defendant, on or about July 11, 2014, in Red County, Indiana; had accumulated one (1) prior unrelated felony conviction for a sex offense in violation of I.C. 35-50-2-14, that is:

On or about December 27, 2005, in Red Superior Court, Red County, Indiana, Down was convicted of Sexual Battery, a Class C felony, under Cause No. 99FC405;

All of which is contrary to statute and against the peace and dignity of the State of Indiana.

I swear or affirm under penalty of perjury that the foregoing representations are true.

\_\_\_\_\_  
Affiant

\_\_\_\_\_  
Date

County Prosecutor  
Judicial Circuit

\_\_\_\_\_  
Deputy Prosecuting Attorney

STATE OF INDIANA )  
 )SS:  
COUNTY OF RED )

IN THE SUPERIOR COURT  
CRIMINAL DIVISION

STATE OF INDIANA )  
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 V. )  
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 DOWN )  
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 CAUSE NO. 99MR755 )

INFORMATION  
CRIMINAL GANG ENHANCEMENT  
I.C. 35-50-2-15  
  
COUNT 10

On this date, affiant came before the Prosecuting Attorney of the 99th Judicial Circuit and, being duly sworn (or having affirmed), stated that in Red County, Indiana

On or about July 11, 2014, Down, as a member of a criminal gang, did knowingly or intentionally commit the offense of Murder, and committed the above felony offense at the direction of or in affiliation with a criminal gang;

All of which is contrary to statute and against the peace and dignity of the State of Indiana.

I swear or affirm under penalty of perjury that the foregoing representations are true.

\_\_\_\_\_  
Affiant

\_\_\_\_\_  
Date

County Prosecutor  
Judicial Circuit

\_\_\_\_\_  
Deputy Prosecuting Attorney