

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

-----X

UNITED STATES OF AMERICA

SPECIAL VERDICT FORM

-against-

04-CR-1016 (NGG)

RONELL WILSON,

Defendant.

-----X

NICHOLAS G. GARAUFIS, United States District Judge.

I. THE DEFENDANT'S AGE

We, the jury, unanimously find that the Government has established beyond a reasonable doubt that the Defendant Ronell Wilson was at least 18 years of age on March 10, 2003.

YES _____

NO _____

II. PRELIMINARY INTENT FACTOR

General Instructions for Section II: For the following preliminary intent factor, indicate the appropriate finding by the jury.

A. James Nemorin

We, the jury, unanimously find that the government has established beyond a reasonable doubt that the Defendant Ronell Wilson intentionally killed James Nemorin.

Count One

YES _____

NO _____

Count Five

YES _____

NO _____

Count Eight

YES _____

NO _____

B. Rodney Andrews

We, the jury, unanimously find that the Government has established beyond a reasonable doubt that the Defendant Ronell Wilson intentionally killed Rodney Andrews.

Count Two

YES _____

NO _____

Count Five

YES _____

NO _____

Count Seven

YES _____

NO _____

Further Instructions for Section II:

If you indicated that the Government has not established at least one of the preliminary intent factors set forth in this Section II, 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 his or her juror number 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 indicated that the Government has established the Preliminary Intent Factor in this Section II, proceed to Section III which follows.

III. Statutory Aggravating Factors

General Instructions for Section III: For each of the following, indicate the appropriate finding by the jury.

1. Pecuniary Gain

We, the jury, unanimously find that the Government has established beyond a reasonable doubt that the Defendant Ronell Wilson committed the offense as consideration for the receipt, or in the expectation of the receipt, of anything of pecuniary value.

Count One

YES _____

NO _____

Count Two

YES _____

NO _____

Count Five

YES _____

NO _____

Count Seven

YES _____

NO _____

Count Eight

YES _____

NO _____

2. Multiple Killings

We, the jury, unanimously find that the Government has established beyond a reasonable doubt that the Defendant Ronell Wilson intentionally killed more than one person in a single criminal episode.

Count One

YES _____

NO _____

Count Two

YES _____

NO _____

Count Five

YES _____

NO _____

Count Seven

YES _____

NO _____

Count Eight

YES _____

NO _____

Further Instructions for Section III: If you indicated that the Government has not established at least one of the Statutory Aggravating Factors in this Section III, then stop your deliberations, cross out Sections IV, and 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 his or her juror number 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 indicated that the Government has established the Preliminary Intent Factor in Section II, and indicated that the Government has established at least one of the Statutory Aggravating Factors in this Section III, proceed to Section IV which follows.

IV. Non-Statutory Aggravating Factors

General Instructions for Section IV: For each of the following, indicate the appropriate finding by the jury.

1. Status of Victims

We, the jury, unanimously find that the Government has established beyond a reasonable doubt that the Defendant Ronell Wilson murdered two law enforcement officers during the course of their official duties, and that this factor tends to support imposition of the death penalty.

Count One

YES _____

NO _____

Count Two

YES _____

NO _____

Count Five

YES _____

NO _____

Count Seven

YES _____

NO _____

Count Eight

YES _____

NO _____

2. Contemporaneous Convictions

We, the jury, unanimously find that the Government has established beyond a reasonable doubt that the Defendant faces contemporaneous convictions for other serious acts of violence.

Count One

YES _____

NO _____

Count Two

YES _____

NO _____

Count Five

YES _____

NO _____

Count Seven

YES _____

NO _____

Count Eight

YES _____

NO _____

3. Future Dangerousness of the Defendant

We, the jury, unanimously find that the Government has established beyond a reasonable doubt that the Defendant Ronell Wilson represents a continuing danger to the lives and safety of other persons, and that the Defendant is likely to commit criminal acts of violence in the future that would constitute a continuing and serious threat to the lives and safety of others.

Count One

YES _____

NO _____

Count Two

YES _____

NO _____

Count Five

YES _____

NO _____

Count Seven

YES _____

NO _____

Count Eight

YES _____

NO _____

4. Victim Impact Evidence

We, the jury, unanimously find that the Government has established beyond a reasonable doubt that the Defendant Ronell Wilson caused loss, injury, and harm to the victims and the victims' families.

Count One

YES _____

NO _____

Count Two

YES _____

NO _____

Count Five

YES _____

NO _____

Count Seven

YES _____

NO _____

Count Eight

YES _____

NO _____

Further instruction for Section IV: Regardless of whether you found that the Government has established one or more of the Non-Statutory Aggravating Factors in this Section IV, proceed to Section V, which follows.

V. Mitigating Factors

General Instructions for Section V: For each of the following mitigating factors, you should 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.

Your vote with respect to a mitigating factor need not be unanimous. 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 must 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.

1. If not sentenced to death, Ronell Wilson will be in prison for the remainder of his life without the possibility of release.

Number of jurors who so find: _____.

2. Ronell Wilson's parents were substance abusers, which resulted in poor parenting, an unstable and chaotic living environment, and the separation of his family.

Number of jurors who so find: _____.

3. During his early childhood Ronell Wilson was exposed to an unsafe and unsanitary home environment.

Number of jurors who so find: _____.

4. At age twenty-one months, Ronell Wilson was hospitalized for fifteen days with bacterial meningitis.

Number of jurors who so find: _____.

5. Ronell Wilson was exposed to drugs and violence as a child and adolescent.

Number of jurors who so find: _____.

6. Ronell Wilson grew up in poverty and deprivation.

Number of jurors who so find: _____.

7. Throughout his childhood, Ronell Wilson had friends who died as a result of violence in the community.

Number of jurors who so find: _____.

8. Ronell Wilson had few positive role models.

Number of jurors who so find: _____.

9. During his childhood, Ronell Wilson was admitted to hospitals on three occasions for psychiatric care.

Number of jurors who so find: _____.

10. Ronell Wilson was placed in special education classes from age six until age seventeen, and he was classified as emotionally disturbed and learning disabled.

Number of jurors who so find: _____.

11. Although well-intentioned, Ronell Wilson's foster mother, his Aunt Lillian Barnes, was ill-equipped to handle Ronell Wilson's needs as a child and adolescent.

Number of jurors who so find: _____.

12. Ronell Wilson was introduced to criminal activity by members of his family and members of the community.

Number of jurors who so find: _____.

13. Ronell Wilson was susceptible to negative peer influence.

Number of jurors who so find: _____.

14. Ronell Wilson was twenty years old at the time of the crime.

Number of jurors who so find: _____.

15. Ronell Wilson was not the leader or organizer of the Stapleton Crew.

Number of jurors who so find: _____.

16. But for Michael Whitten and Omar Green, Ronell Wilson would not have been involved in the murders.

Number of jurors who so find: _____.

17. Ronell Wilson did not believe the victims were police officers.

Number of jurors who so find: _____.

18. Ronell Wilson is the only defendant in the case facing life in prison without the possibility of release or the death sentence.

Number of jurors who so find: _____.

19. Ronell Wilson has worked while in federal prison.

Number of jurors who so find: _____.

20. The Federal Bureau of Prisons can impose adequate restrictions on Ronell Wilson.

Number of jurors who so find: _____.

21. Ronell Wilson behaved respectfully in court.

Number of jurors who so find: _____.

22. Ronell Wilson has a loving relationship with his family members, who will suffer grief and loss if he is executed.

Number of jurors who so find: _____.

23. Ronell Wilson's life has value.

Number of jurors who so find: _____.

24. There are other factors in Ronell Wilson's background and other circumstances of his offenses that mitigate against the imposition of the death penalty.

Number of jurors who so find: _____.

The following extra spaces are provided to write in additional mitigating factors, if any, found by any one or more jurors pursuant to factor 24. If none are found, write "NONE" and cross out the extra spaces with a large "X."

_____.

Number of jurors who so find _____.

_____.

Number of jurors who so find _____.

_____.

Number of jurors who so find _____.

General Instructions for Section V: Proceed to Section VI and Section VII which follow.

VI. Determination of Sentence

General Instructions for Section VI: 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:

A. Count One: Murder in Aid of Racketeering (James Nemorin)

1. Death Sentence

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

YES _____

NO _____

2. **Sentence of Life in Prison Without Possibility of Release**

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

YES _____

NO _____

B. Count Two: Murder in Aid of Racketeering (Rodney Andrews)

1. Death Sentence

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

YES _____

NO _____

2. **Sentence of Life in Prison Without Possibility of Release**

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

YES _____

NO _____

C. Count Five: Carjacking

1. Death Sentence

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

YES _____

NO _____

2. **Sentence of Life in Prison Without Possibility of Release**

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

YES _____

NO _____

D. Count Seven: Causing Death Through the Use of a Firearm (Rodney Andrews)

1. Death Sentence

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

YES _____

NO _____

2. **Sentence of Life in Prison Without Possibility of Release**

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

YES _____

NO _____

E. Count Eight: Causing Death Through the Use of a Firearm (James Nemorin)

1. Death Sentence

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

YES _____

NO _____

2. **Sentence of Life in Prison Without Possibility of Release**

We the jury determine, by unanimous vote, that a sentence of life imprisonment without possibility of release, or some other sentence authorized by law, shall be imposed.

YES _____

NO _____

VII. Certification

By signing below using his or her juror number, each juror certifies that consideration of the race, color, religious beliefs, national origin, or sex of the Defendant or any 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 victims.