

UNITED STATES DISTRICT COURT
DISTRICT OF CONNECTICUT

2011 JUN 15 P 12:14

United States of America

v.

Azibo Aquart.

Criminal No. 3:06cr160 (JBA)

SPECIAL VERDICT FORM (Penalty Phase)

Section I: Finding as to Defendant's Age

Do you, the jury, unanimously find beyond a reasonable doubt that Defendant Azibo Aquart was at least 18 years of age on August 24, 2005?

YES ☒

NO ☐

If you indicated "yes," proceed to Section II.

Section II: Threshold Mental State Factor

1. Do you, the jury, unanimously find that the Government has proved beyond a reasonable doubt that Defendant Azibo Aquart intentionally killed

(a) Tina Johnson (Counts Two and Five)?

YES ☒ NO ☐

(b) Basil Williams (Counts Four and Seven)?

YES ☒ NO ☐

2. Do you, the jury, unanimously find that the government has proved beyond a reasonable doubt that Defendant Azibo Aquart, intentionally participated in an act, contemplating that the life of a person would be taken or intending that lethal force would be used in connection with a person, and the victim died as a direct result of that act, with respect to

(a) Tina Johnson (Counts Two and Five)?

YES ☒ NO ☐

(b) James Reid (Counts Three and Six)?

YES ☒ NO ☐

(c) Basil Williams (Counts Four and Seven)?

YES ☒ NO ☐

If you answered "no" to all questions in Section II, stop, your deliberations are complete, and you should complete the certification in Section VIII.

If you answered "yes" to any question in Section II, continue to Section III.

Section III. Statutory Aggravating Factors (1. Heinous, Cruel, and Depraved conduct; 2. Procurement by Payment; 3. Pecuniary gain; 4. Substantial planning and premeditation; 5. Multiple victims)

Complete Section III only with respect to those counts, if any, to which you answered yes in Section II.

1. Do you, the jury, unanimously find that the Government has proved beyond a reasonable doubt that Defendant Azibo Aquart committed the homicide offense in an especially heinous, cruel, or depraved manner in that it involved torture or serious physical abuse, with respect to

(a) Tina Johnson (Counts Two and Five)?

YES ☒

NO ☐

(b) James Reid (Counts Three and Six)?

YES ☒

NO ☐

(c) Basil Williams (Counts Four and Seven)?

YES ☒

NO ☐

2. Do you, the jury, unanimously find that the Government has proved beyond a reasonable doubt that Defendant Azibo Aquart procured the commission of the homicide offense by payment, or promise of payment, of anything of pecuniary value, with respect to

(a) Tina Johnson (Counts Two and Five)?

YES ☒

NO ☐

(b) James Reid (Counts Three and Six)?

YES ☒

NO ☐

(c) Basil Williams (Counts Four and Seven)?

YES ☒

NO ☐

3. Do you, the jury, unanimously find that the Government has proved beyond a reasonable doubt that Defendant Azibo Aquart committed the homicide offense as consideration for the receipt, or in the expectation of receipt, of anything of pecuniary value, with respect to

(a) Tina Johnson (Counts Two and Five)?

YES ☒

NO ☐

(b) James Reid (Counts Three and Six)?

YES ☒

NO ☐

(c) Basil Williams (Counts Four and Seven)?

YES ☒

NO ☐

4. Do you, the jury, unanimously find that the Government has proved beyond a reasonable doubt that Defendant Azibo Aquart committed the homicide offense after substantial planning and premeditation to cause the death of

(a) Tina Johnson (Counts Two and Five)?

YES ☒

NO ☐

(b) James Reid (Counts Three and Six)?

YES ☒

NO ☐

(c) Basil Williams (Counts Four and Seven)?

YES ☒

NO ☐

5. Do you, the jury you unanimously find that the Government has proved beyond a reasonable doubt that Defendant Azibo Aquart intentionally killed or attempted to kill more than one person in a single criminal episode?

YES ☒

NO ☐

If you answered "no" to all questions in Section III, stop, your deliberations are complete, and you should complete the certification in Section VIII.

If you answered "yes" to any question in Section III, go to Section IV.

Section IV: Non-Statutory Aggravating Factors (1. Continuing Pattern of Acts of Violence; 2. Victim Impact)

1. Do you, the jury, unanimously find that the Government has proved beyond a reasonable doubt that Defendant Azibo Aquart committed criminal acts of violence that posed a serious threat to the lives and safety of persons other than the victims in this case, and that by so doing, the Defendant engaged in a continuing pattern of violent criminal conduct?

YES ☒

NO ☐

2. Do you, the jury, unanimously find that the Government has proved beyond a reasonable doubt that Defendant Azibo Aquart caused loss, injury, and harm to the victims and their families, as follows:

Defendant Azibo Aquart caused the death of the victim who enjoyed a strong relationship with his or her family, including his or her parents, siblings, children and grandchildren, and the victim's family has suffered severe and irreparable harm, including the loss of emotional support from the victim and, in the case of Tina Johnson, financial support, with respect to

- (a) Tina Johnson (Counts Two and Five)?

YES ☒

NO ☐

- (b) James Reid (Counts Three and Six)?

YES ☒

NO ☐

- (c) Basil Williams (Counts Four and Seven)?

YES ☒

NO ☐

Section V: Mitigating Factors

For each of the following mitigating factors, indicate in the space provided, the number of jurors, if any, who find that Defendant Azibo Aquart has proved that factor by a preponderance of the evidence.

1. Neither John Taylor nor Efrain Johnson will be sentenced to death for their roles in the murders of Basil Williams, James Reid, and Tina Johnson.

Number of jurors who so find: 12

2. One or more victims chose to engage in illegal drug-trafficking activities, a circumstance that contributed to their deaths.

Number of jurors who so find: 12

3. If not sentenced to death, Azibo Aquart will be imprisoned for the rest of his life without possibility of release.

Number of jurors who so find: 12

4. Lifetime imprisonment is a severe punishment.

Number of jurors who so find: 12

5. Azibo Aquart's execution would cause others to suffer grief and loss.

Number of jurors who so find: 12

6. Azibo Aquart grew up in communities characterized by violence and crime.

Number of jurors who so find: 12

7. Before age 16, Azibo Aquart lived in 16 different places.

Number of jurors who so find: 12

8. Azibo Aquart attended 8 different schools in 9 years.

Number of jurors who so find: 12

9. Throughout his childhood, Azibo Aquart lacked adequate parental supervision.

Number of jurors who so find: 9

10. Azibo Aquart was exposed to emotional and physical abuse inflicted on his mother.

Number of jurors who so find: 9

11. Azibo Aquart's parents both sold illegal drugs.

Number of jurors who so find: 12

12. Azibo Aquart's father, Richard Aquart, exposed Azibo Aquart to violence and drug dealing.

Number of jurors who so find: 12

13. Richard Aquart stored illegal weapons in the home.

Number of jurors who so find: 12

14. From the time Azibo Aquart was 5, Richard Aquart was a fugitive who used aliases.

Number of jurors who so find: 12

15. When Azibo Aquart was 11, his father was sent to prison for 8 years and then deported to Jamaica.

Number of jurors who so find: 12

16. Richard Aquart was a poor role model.

Number of jurors who so find: 12

17. Azibo Aquart's parents and others around him taught him to distrust the police and the judicial system and to disregard the law.

Number of jurors who so find: 12

18. Azibo Aquart and his brothers Azizi and Azikiwe were picked on and bullied because of their cultural differences.

Number of jurors who so find: 12

19. When he was 12, Azibo Aquart's mother drowned.

Number of jurors who so find: 12

20. From the time of his mother's death, Azibo Aquart had no meaningful adult supervision.

Number of jurors who so find: 2

21. When Azibo Aquart was 13, his brother, Azizi Aquart, was shot three times and nearly died.

Number of jurors who so find: 12

22. At age 17, Azizi Aquart was ill-equipped to handle the responsibility of being the guardian of a 13 year-old.

Number of jurors who so find: 12

23. Azibo Aquart's close relatives and family friends failed to properly care for him after his mother's death or his brother's shooting.

Number of jurors who so find: 12

24. Although social service providers and juvenile court officials identified Azibo Aquart as an at-risk child, no effective action was taken.

Number of jurors who so find: 12

25. While incarcerated as a young adult, Azibo Aquart obtained his GED.

Number of jurors who so find: 12

26. At the Enfield Correctional Center, Azibo Aquart was a certified literacy tutor who helped other inmates.

Number of jurors who so find: 12

27. If Azibo Aquart is sentenced to life imprisonment, the Bureau of Prisons has the capability of safely and securely confining him.

Number of jurors who so find: 12

28. Azibo Aquart's life has value.

Number of jurors who so find: 12

In addition to the mitigating factors outlined above, you may add any additional mitigating factors that any member of the jury finds. If you need additional space, write "CONTINUED" at the bottom of the page and use the back of this page.

Additional Factor Found (A)

The defendant Azibo Aquart has a
child.

Number of jurors who so find: 12

Additional Factor Found (B)

Number of jurors who so find: _____

Additional Factor Found (C)

Number of jurors who so find: _____

Additional Factor Found (D)

Number of jurors who so find: _____

Go to Section VI.

Section VI: Weighing

As to counts on which you found a threshold mental state and at least one statutory aggravating factor(s), do you unanimously find beyond a reasonable doubt that the aggravating factor(s) found to exist sufficiently outweigh all of the mitigating factors found to exist, or in the absence of mitigating factors, that the aggravating factor(s) themselves justify a sentence of death?

Tina JohnsonCount Two: YES ☒ NO ☐Count Five: YES ☒ NO ☐**James Reid**Count Three: YES ☒ NO ☐Count Six: YES ☒ NO ☐**Basil Williams**Count Four: YES ☒ NO ☐Count Seven: YES ☒ NO ☐

Please proceed to Section VII Sentencing Determination.

Section VII: Determination of Sentence

Count Two (Tina Johnson)

X

We, the jury, unanimously find that Defendant Azibo Aquart should be sentenced to death.

We, the jury, unanimously find that Defendant Azibo Aquart should be sentenced to life imprisonment without the possibility of release.

Count Five (Tina Johnson)

X

We, the jury, unanimously find that Defendant Azibo Aquart should be sentenced to death.

We, the jury, unanimously find that Defendant Azibo Aquart should be sentenced to life imprisonment without the possibility of release.

Count Three (James Reid)

We, the jury, unanimously find that Defendant Azibo Aquart should be sentenced to death.

We, the jury, unanimously find that Defendant Azibo Aquart should be sentenced to life imprisonment without the possibility of release.

X

We are unable to reach a unanimous verdict in favor of a death sentence or a life sentence.
Count Six (James Reid)

We, the jury, unanimously find that Defendant Azibo Aquart should be sentenced to death.

We, the jury, unanimously find that Defendant Azibo Aquart should be sentenced to life imprisonment without the possibility of release.

X

We are unable to reach a unanimous verdict in favor of a death sentence or a life sentence.
12

Count Four (Basil Williams)

X

We, the jury, unanimously find that Defendant Azibo Aquart should be sentenced to death.

We, the jury, unanimously find that Defendant Azibo Aquart should be sentenced to life imprisonment without the possibility of release.

Count Seven (Basil Williams)

X

We, the jury, unanimously find that Defendant Azibo Aquart should be sentenced to death.

We, the jury, unanimously find that Defendant Azibo Aquart should be sentenced to life imprisonment without the possibility of release.

Each juror must sign his or her name and juror number below, indicating that the above sentence determinations reflect the jury's unanimous decisions:

<u>[Signature]</u> #11	<u>[Signature]</u> #12
<u>[Signature]</u> #10	<u>[Signature]</u> #9
<u>Leila M. Watson</u> #8	<u>Elyse Smith</u> #7
<u>Lisa Hickey</u> #6	<u>Robert Ferraro</u> #5
<u>Arthur J. Pollard</u> #4	<u>Francine Briland</u> #3
<u>Joseph P. Bollenger</u> #2	<u>Don E. Harrison</u> #1

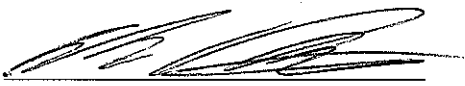
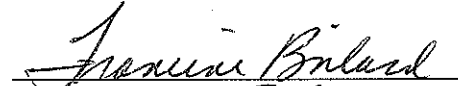
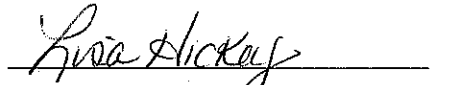
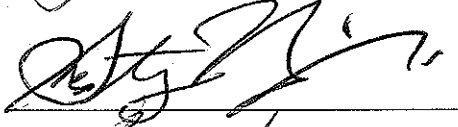
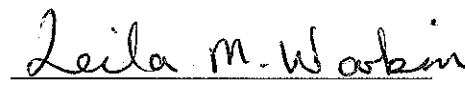
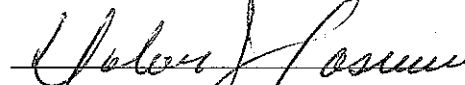
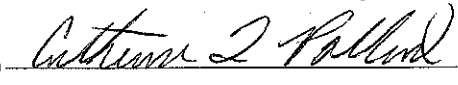
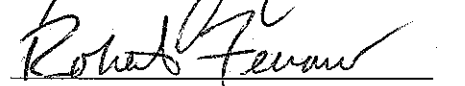
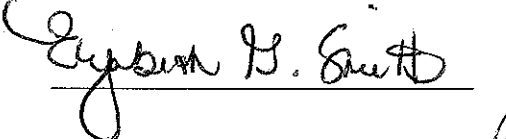
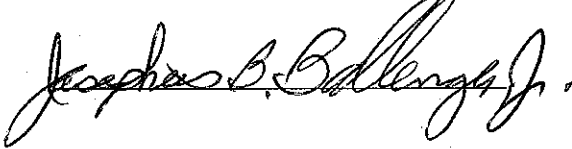
The foreperson shall indicate the date of signing:

June 15, 2011

Go to Section VIII.

Section VIII: Certification

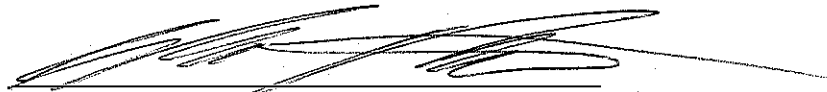
By signing below, each juror certifies that consideration of the race, color, religious beliefs, national origin, or sex of the defendant or the victims was not involved in reaching his or her individual decision, and that the individual juror would have made the same recommendation regarding a sentence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

The foregoing responses reflect the jury's determinations in the penalty phase.

So say we all, dated at New Haven, Connecticut, this 15 day of

June, 2011, at 10 o'clock a.m./p.m.



Signature of Foreperson