

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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UNITED STATES OF AMERICA, :  
 :  
 : S6 00 Cr. 761 (JSR)  
-v- :  
 :  
ALAN QUINONES and DIEGO RODRIGUEZ, :  
 :  
 :  
Defendants. :  
-----X

JURY'S VERDICT FORM - PENALTY PHASE

**I. As to Alan Quinones**

A. Minimally Required Aggravating Factors

[Check "Unanimous Yes" as to any one or more of the following 3 factors that the jury unanimously finds that the Government has proved beyond a reasonable doubt. Otherwise, check "No or Not Unanimous."]

1. Alan Quinones committed the murder of Eddie Santiago in an especially heinous, cruel or depraved manner:

Unanimous Yes \_\_\_\_\_ No or Not Unanimous

2. Alan Quinones committed the murder of Eddie Santiago after substantial planning and premeditation:

Unanimous Yes  No or Not Unanimous \_\_\_\_\_

3. Alan Quinones procured the murder of Eddie Santiago by payment, or promise of payment, of anything of monetary value.

Unanimous Yes \_\_\_\_\_ No or Not Unanimous

[If you find "No or Not Unanimous" on all 3 factors above, go to Question 7 in Section D, check the "No or Not Unanimous" box there, and continue to Part II. If you find

“Unanimous Yes” on any one or more factors above, continue to Section B immediately below.]

B. Additional Aggravating Factors

[In addition to considering Mr. Quinones’ prior convictions, check “Unanimous Yes” below as to any one or more of the following 3 factors that the jury unanimously finds that the Government has proved beyond a reasonable doubt. Otherwise, check “No or Not Unanimous”.]

4. Alan Quinones caused injury, harm, and loss to Eddie Santiago’s family.

Unanimous Yes \_\_\_\_\_ No or Not Unanimous

5. Alan Quinones killed Eddie Santiago to prevent him from, or to retaliate against him for, providing information and assistance to law enforcement authorities regarding the investigation and prosecution of the defendant’s drug dealings.

Unanimous Yes  No or Not Unanimous \_\_\_\_\_

6. Alan Quinones stored a gun at the scene of the murder.

Unanimous Yes \_\_\_\_\_ No or Not Unanimous

[If, even before considering any mitigating factors, any one or more of you concludes that the required and additional aggravating factors that you have found above, taken alone, are not enough to warrant imposing the death penalty, go to Question 7 in Section D, check the “No or Not Unanimous” box there and sign as appropriate, and then continue to Part III. Otherwise, continue to Section C immediately below.]

C. Mitigating Factors

[Unless you have already rejected the death penalty as to Mr. Quinones, you must now take account of any mitigating factors that any of you finds by a preponderance of the evidence favors imposition of life imprisonment without release, instead of a death sentence. In this regard, you should consider and carefully discuss any and all mitigating factors that any one or more of you finds proven, including not only those listed in the Court’s instructions and repeated below but also any others that any of you finds relevant. The non-exclusive list of mitigating factors that appears in the instructions includes the following:]

a. One or more other persons involved in the murder of Eddie Santiago will not be punished by death and will likely not be imprisoned for life.

b. Alan Quinones was raised in an environment of severe poverty and deprivation, in

which violence was common and schooling inadequate.

- c. Alan Quinones was raised in a chaotic and abusive family, where drug abuse, psychological difficulties, and/or violence was present and where positive role models were lacking.
- d. Alan Quinones was deprived of such basic necessities as food, shelter and clothing.
- e. Alan Quinones suffered physical abuse at the hands of his parents and/or witnessed physical and/or sexual abuse of his siblings.
- f. Alan Quinones suffers from psychological disorders.
- g. Alan Quinones was exposed to various corruptive community influences, including disorganized family structure, high unemployment, early exposure to criminal activity, rampant drug trafficking to obtain necessities and community status, corrupt older male role models, distrust of police and the judicial system, pervasive community violence, and pervasive and extensive access to weapons and firearms.
- h. Alan Quinones performed numerous good deeds and acts of generosity to others.
- i. Alan Quinones has been a model prisoner and is likely to make a positive adjustment to further incarceration.
- j. Life imprisonment without release is itself a very severe punishment.
- k. The execution of Alan Quinones will emotionally injure innocent loved ones and cause these persons needless psychological harm.

[If after taking account of the mitigating factors, and weighing them against any aggravating factors you here find, any one or more of you concludes that the sentence should be life imprisonment, go to Question 7 in section D, check the “No or Not Unanimous” box there and sign as appropriate, and then continue to Part II. Otherwise, still continue to Section D immediately below and follow the instructions there.]

D. Decision

[At this stage, if you have not already filled in "No or Not Unanimous" for Question 7, you should consider anew the entirety of the evidence and all the facts and circumstances, and then answer Question 7.]

7. We the jury, by unanimous vote, find beyond a reasonable doubt that a death sentence should be imposed upon Alan Quinones.

Unanimous Yes \_\_\_\_\_ No or Not Unanimous ✓

[If you answer "Unanimous Yes," each of you should sign your jury number below, and then proceed to Part II of this form. Likewise, if you answer "No or Not Unanimous" and all of you are unanimously agreed that the sentence should be life imprisonment without release, rather than death, each of you should sign your jury number below, and then proceed to Part II of this Form. However, if you answer "No or Not Unanimous," but you are divided as to whether the sentence should be death or life imprisonment, the foreperson alone should sign his jury number, and you should then proceed to Part II.]

JUROR #90  
FOREPERSON  
JUROR # 35  
JUROR # 92  
259  
JUROR # 16  
58

JUROR # 268  
JUROR # 114  
JUROR # 134  
JUROR # 257  
JUROR # 304  
JUROR # 12

**II. As to Diego Rodriguez**

E. Minimally Required Aggravating Factors

[Check "Unanimous Yes" as to any one or more of the following 2 factors that the jury unanimously finds that the Government has proved beyond a reasonable doubt. Otherwise, check "No or Not Unanimous."]

8. Diego Rodriguez committed the murder of Eddie Santiago in an especially heinous, cruel or depraved manner:

Unanimous Yes \_\_\_\_\_ No or Not Unanimous

9. Diego Rodriguez committed the murder of Eddie Santiago after substantial planning and premeditation:

Unanimous Yes \_\_\_\_\_ No or Not Unanimous

[If you find “No or Not Unanimous” on the two factors above, go to Question 12 in Section H and check the “No or Not Unanimous” box there. If you find “Unanimous Yes” on any one or more factors above, continue to Section F immediately below.]

#### F. Additional Aggravating Factors

[In addition to considering Mr. Rodriguez’s prior convictions, check “Unanimous Yes” below as to any one or more of the following 2 factors that the jury unanimously finds that the Government has proved beyond a reasonable doubt. Otherwise, check “No or Not Unanimous”].

10. Diego Rodriguez caused injury, harm, and loss to Eddie Santiago’s family.

Unanimous Yes \_\_\_\_\_ No or Not Unanimous \_\_\_\_\_

11. Diego Rodriguez killed Eddie Santiago to prevent him from, or retaliate against him for, providing information and assistance to law enforcement authorities regarding the investigation and prosecution of the defendant’s drug dealings.

Unanimous Yes \_\_\_\_\_ No or Not Unanimous \_\_\_\_\_

[If, even before considering any mitigating factors, any one or more of you concludes that the required and additional aggravating factors that you have found above, taken alone, are not enough to warrant imposing the death penalty, go to Question 12 in Section H, check the “No or Not Unanimous” box there and sign as appropriate. Otherwise, continue to Section G immediately below.]

#### G. Mitigating Factors

[Unless you have already rejected the death penalty for Mr. Rodriguez, you must now take account of whether any mitigating factors that any of you finds by a preponderance of the evidence favors imposition of life imprisonment without release instead of a death sentence. In this regard, you should consider and carefully discuss any and all mitigating factors that any one or more of you finds proven, including not only those listed in the Court’s instructions and repeated below but also any others that any of you finds relevant. The non-exclusive list of mitigating factors that appears in the instructions includes the following:]

- a. One or more other persons involved in the murder of Eddie Santiago will not be punished by death and will likely not be imprisoned for life.
- b. Diego Rodriguez was raised in an environment of severe poverty and deprivation, in which violence was common and schooling inadequate.
- c. Diego Rodriguez was raised in a chaotic family, characterized by psychological difficulties and frequent moves.
- d. Diego Rodriguez was deprived of such basic necessities as food, shelter and clothing.
- e. Diego Rodriguez suffered harsh physical discipline as a child.
- f. Diego Rodriguez has below-normal intelligence.
- g. Diego Rodriguez was exposed to various corruptive community influences, including disorganized family structure, high unemployment, early exposure to criminal activity, rampant drug trafficking to obtain necessities and community status, corrupt older male role models, distrust of police and the judicial system, pervasive community violence, and pervasive and extensive access to weapons and firearms.
- h. Diego Rodriguez has performed numerous good deeds and acts of generosity to others.
- i. Diego Rodriguez has been a model prisoner and is likely to make a positive adjustment to further incarceration.
- j. Life imprisonment without release is itself a very severe punishment.
- k. The execution of Diego Rodriguez will emotionally injure innocent loved ones and cause these persons needless psychological harm.

[If after taking account of the mitigating factors, and weighing them against any aggravating factors you have found, any one or more of you concludes that the sentence should be life imprisonment, go to Question 12 in section H, check the "No or Not Unanimous" box there and sign as appropriate. Otherwise, still continue to Section H immediately below and follow the instructions there].

H. Decision

[At this stage, if you have not already filled in "No or Not Unanimous" for Question 12, you should consider anew the entirety of the evidence and all the facts and circumstances, and then answer Question 12.]

12. We the jury, by unanimous vote, find beyond a reasonable doubt that a death sentence should be imposed upon Diego Rodriguez.

Unanimously Yes \_\_\_\_\_ No or Not Unanimous ✓

[If you answer "Unanimous Yes," each of you should sign your jury number below, and then proceed to Part III of this form. Likewise, if you answer "No or Not Unanimous" and all of you are unanimously agreed that the sentence should be life imprisonment without release, rather than death, each of you should sign your jury number below. However, if you answer "No or Not Unanimous" but you are divided as to whether the sentence should be death or life imprisonment, the foreperson alone should sign his jury number below.]

Juror # 90  
FOREPERSON

Juror # 35

Juror # 92

259

JUROR # 16

58

Juror # 268

JUROR # 114

JUROR # 134

Juror # 257

JUROR # 304

Juror # 12

Part III: Certification

[Fill in Part III only if you have found that the death sentence should be imposed on one or both defendants]

By signing our jury numbers below, each of us individually certifies that no consideration of the race, color, religious beliefs, national origin, or sex of the defendants or of the victim was involved in reaching our respective decisions.

FOREPERSON

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