

02cr7 SVF

1311

UNITED STATES DISTRICT COURT
DISTRICT OF CONNECTICUT

United States District Court
District of Connecticut
FILED AT NEW HAVEN

United States

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:
:
:

v.

No. 3:02cr7 (JB)

Fausto Gonzalez

:

10/26/03
Kevin F. Rowe, Clerk
Deputy Clerk

SPECIAL VERDICT FORM

SECTION I. FINDING AS TO DEFENDANT'S AGE

Do you unanimously find that the Government has established beyond a reasonable doubt that Fausto Gonzalez was eighteen years or older at the time of the offense?

YES

NO

foreperson U

SECTION II. MENTAL STATE ELEMENT

For each count:

Do you, the jury, unanimously find that the Government has established beyond a reasonable doubt that Fausto Gonzalez:

(A) Intentionally killed Theodore "Teddy" Casiano; or

(B) Intentionally inflicted serious bodily injury that resulted in the death of Teddy Casiano; or

(C) Intentionally participated in acts, contemplating that the life of Teddy Casiano would be taken and intending that lethal force would be used in connection with Teddy Casiano, a person other than one of the participants in the offense, and Teddy Casiano died as a direct result of the acts; or

(D) Intentionally and specifically engaged in acts of violence, knowing that the acts created a grave risk of death to Theodore "Teddy" Casiano, a person other than one of the participants in the offense, such that participation in the acts constituted a reckless disregard for human life, and Theodore "Teddy" Casiano died as a direct result of the acts.

Count One:	YES	<input checked="" type="checkbox"/>	NO	<input type="checkbox"/>
Count Two:	YES	<input checked="" type="checkbox"/>	NO	<input type="checkbox"/>
Count Five:	YES	<input checked="" type="checkbox"/>	NO	<input type="checkbox"/>

Foreperson

Instructions: If you answered "NO" as to all counts, proceed directly to Section VII (cross out Sections III, IV, V, and VI of this form). Each juror should then carefully read the certification in Section VII, and sign it if the certification 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 answered "YES" with respect to any counts, proceed to Section III on those counts only.

SECTION III. AGGRAVATING FACTORS: Receipt of Pecuniary Value and Substantial Planning

For each count on which you answered "YES" in Section II:

1. Do you unanimously find that the Government has established beyond a reasonable doubt that Fausto Gonzalez committed the offense as consideration for the receipt, or in the expectation of the receipt, of anything of pecuniary value?

Count One:	YES	<input checked="" type="checkbox"/>	NO	<input type="checkbox"/>	Not Applicable*	<input type="checkbox"/>
Count Two:	YES	<input checked="" type="checkbox"/>	NO	<input type="checkbox"/>	Not Applicable*	<input type="checkbox"/>
Count Five:	YES	<input checked="" type="checkbox"/>	NO	<input type="checkbox"/>	Not Applicable*	<input type="checkbox"/>

Foreperson

* Not applicable if no mental state elements from Section II were proved on this count.

2. Do you unanimously find that the Government has established beyond a reasonable doubt that Fausto Gonzalez committed the offenses of which he has been convicted after substantial planning and premeditation to cause the death of a person?

Count One:	YES	<input checked="" type="checkbox"/>	NO	<input type="checkbox"/>	Not Applicable*	<input type="checkbox"/>
Count Two:	YES	<input checked="" type="checkbox"/>	NO	<input type="checkbox"/>	Not Applicable*	<input type="checkbox"/>
Count Five:	YES	<input checked="" type="checkbox"/>	NO	<input type="checkbox"/>	Not Applicable*	<input type="checkbox"/>

Foreperson

* Not applicable if no mental state elements from Section II were proved on this count.

Instructions: If you answered "NO" as to all applicable counts for both statutory aggravating factors, then proceed directly to Section VII (cross out Sections III, IV, V, and VI of this form). Each juror should then carefully read the certification in Section

VIII, and sign it if the certification 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 answered "YES" with respect to either of the aggravating factors, proceed to Section IV on the applicable counts.

7. There is a lack of investigation to corroborate the testimony of the cooperating witnesses.

One or more jurors found this factor proved: Yes
No

8. The eyewitness testimony, deficiencies in forensic evidence and corroborating investigation, and the biases of the cooperating witnesses, leave lingering doubts about Mr. Gonzalez's guilt, even though those doubts did not rise to the level of "reasonable doubt" in deliberation of the guilt phase evidence.

One or more jurors found this factor proved: Yes
No

9. Teddy Casiano contributed directly to the chain of events that led to his death, as he committed acts of violence against Ollie Berrios and others and threatened additional acts of violence.

One or more jurors found this factor proved: Yes
No

10. Fausto Gonzalez plays a central role in the emotional life and health of his mother, Maria Rodriguez. For Mrs. Rodriguez to lose Fausto to execution would have a particularly harsh impact on her.

One or more jurors found this factor proved: Yes
No

11. Prior to and since his incarceration Fausto Gonzalez has been a loving father to his two sons, Gabriel and Anthony, and his stepson Jamie. They love him deeply as he continues to play a role in their lives. The execution of Fausto Gonzalez would have a particularly

SECTION V. WEIGHING

Do you unanimously find beyond a reasonable doubt that the aggravating factor(s) found to exist sufficiently outweigh all of the mitigating factors, or in the absence of mitigating factors, that the aggravating factor(s) themselves justify a sentence of death?

Count One:	YES	_____	NO	<input checked="" type="checkbox"/>	Not Applicable*	_____
Count Two:	YES	_____	NO	<input checked="" type="checkbox"/>	Not Applicable*	_____
Count Five:	YES	_____	NO	<input checked="" type="checkbox"/>	Not Applicable*	_____

Foreperson _____

* Not applicable if no mental state elements from Section II were proved on this count or if neither aggravating factor in Section III was proved on this count.

Please proceed to Section VI: Sentencing Determination.

Section VI. SENTENCING DETERMINATION

The three possible sentencing determinations are found on the following pages:

A (p. 12) if you unanimously find that Fausto Gonzalez shall be sentenced to a sentence of life imprisonment without possibility of release.

B (p. 13) if you unanimously find that Fausto Gonzalez shall be sentenced to death.

C (p. 14) if you are unable to reach a unanimous decision either way. In such circumstance, the Court will impose a sentence of life imprisonment without possibility of release.

All twelve jurors must sign the section that accurately reflects the result of your deliberation.

A. Sentence of Life In Prison Without Possibility of Release

We determine, by unanimous vote, that Fausto Gonzalez shall be sentenced to life imprisonment without possibility of release.

Check applicable count(s):

Count One:

Count Two:

Count Five:

Juror Signatures:

Date: 10-26-04

9

B. Death Sentence

We determine, by unanimous vote, that Fausto Gonzalez shall be sentenced to death.

Check applicable count(s):

Count One: _____

Count Two: _____

Count Five: _____

Juror Signatures:

1. _____

2. _____

3. _____

4. _____

5. _____

6. _____

7. _____

8. _____

9. _____

10. _____

11. _____

12. _____

Date: _____

C. Court-Imposed Sentence of Life in Prison Without Possibility of Release

We, the jury, are unable to reach a unanimous verdict either in favor of a life sentence or in favor of a death sentence. We understand that the consequence of this is that Fausto Gonzalez will be sentenced by the Court to life imprisonment without the possibility of release.

Check applicable count(s):

Count One: _____

Count Two: _____

Count Five: _____

Juror Signatures:

Date:

12-26-04

SECTION VII. CERTIFICATION

By signing below, each juror certifies that consideration of the race, color, religious beliefs, national origin, or sex of the defendant or the 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 victim.

Juror Signatures:

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

So say we all, dated at New Haven, Connecticut, this 26th day of October, 2004, at 2:10 o'clock a.m./(p.m.)