

7/7/2004

Kevin E. Howe, Clerk

J. Jordan
Deputy Clerk

UNITED STATES DISTRICT COURT
DISTRICT OF CONNECTICUT

United States :
 :
-v. : No. 3:02cr7 (JBA)
 :
Wilfredo Perez :

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 Wilfredo Perez was eighteen years or older at the time of the offense?

YES

NO




Foreperson

SECTION II. GATEWAY FACTOR (mental state)

For each count:

Do you, the jury, unanimously find that the Government has established beyond a reasonable doubt that Wilfredo Perez intentionally participated in an act, contemplating that the life of Teddy Casiano would be taken, or intending that lethal force would be used in connection with Teddy Casiano, a person other than one of the participants in the offense, and that Teddy Casiano died as a direct result of the act?

Count One:	YES	<u>✓</u>	NO	_____
Count Two:	YES	<u>✓</u>	NO	_____
Count Four:	YES	<u>✓</u>	NO	_____
Count Five:	YES	<u>✓</u>	NO	_____


Foreperson

Instructions: If you answered "NO" as to all counts, proceed directly to Section VIII (cross out Sections III, IV, V, VI and VII 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 any counts, proceed to Section III on those counts only.

SECTION III. STATUTORY AGGRAVATING FACTORS (1. Payment of Pecuniary Value and 2. Substantial Planning)

For only 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 Wilfredo Perez procured the commission of the offense by payment, or promise of payment, 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 Four:	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"/>

[REDACTED]
Foreperson

* Not applicable because the gateway factor from Section II not proved on this count.

2. Do you, the jury, unanimously find that the Government has established beyond a reasonable doubt that Wilfredo Perez 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 type="checkbox"/>	NO	<input checked="" type="checkbox"/>	Not Applicable*	<input type="checkbox"/>
Count Two:	YES	<input type="checkbox"/>	NO	<input checked="" type="checkbox"/>	Not Applicable*	<input type="checkbox"/>
Count Four:	YES	<input type="checkbox"/>	NO	<input checked="" type="checkbox"/>	Not Applicable*	<input type="checkbox"/>
Count Five:	YES	<input type="checkbox"/>	NO	<input checked="" type="checkbox"/>	Not Applicable*	<input type="checkbox"/>

[REDACTED]
Foreperson

* Not applicable because the gateway factor from Section II not proved on this count.

Instructions: If you answered "NO" as to all applicable counts for both statutory aggravating factors, then proceed directly to Section VIII (cross out Sections IV, V, VI and VII 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 statutory aggravating factors, proceed to Section IV on the applicable counts.

SECTION IV. NON-STATUTORY AGGRAVATING FACTOR (Leader)

For only those counts on which you answered "YES" in Section II and at least one subpart of Section III:

Do you, the jury unanimously find that the Government has established beyond a reasonable doubt that Wilfredo Perez committed the offenses in the counts of conviction in connection with his role as the leader of the Perez Organization?

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

[REDACTED]
Foreperson

* Not applicable because the gateway factor from Section II or both statutory aggravating factors in Section III not proved on this count.

Instructions: Regardless of whether you answered "YES" or "NO" in this Section IV, proceed to Section V, only on those counts on which you answered "YES" in Section II and in at least one subpart of Section III.

SECTION V. MITIGATING FACTORS

Instructions: For each of the following mitigating factors, you may indicate, in the space provided, whether one or more jurors have found that mitigating factor proved by a preponderance of the evidence.

A finding on a mitigating factor may be made by one or more jurors, and any member of the jury who finds the existence of a mitigating factor must consider such a factor in deciding whether or not a sentence of death shall be imposed, regardless of whether other jurors found that factor proved. In addition, any juror may weigh a mitigating factor found by another juror, whether or not he or she also found that factor.

1. Oligabeth Berrios was extensively involved in all aspects of this crime. As such, he is at least as responsible as Wilfredo Perez in Teddy Casiano's murder, but Berrios is not being prosecuted at all for his participation and involvement in this crime. Furthermore, he may well receive a sentence reduction on his 11-year drug sentence.

One or more jurors found this factor proved: Yes _____
No _____

2. Mario Lopez was a willing participant and drove the motorcycle that was used in the murder of Teddy Casiano. For these reasons, he is at least as responsible as Wilfredo Perez for this crime. Mario Lopez is also a career criminal with multiple criminal convictions over an extensive time span, who has also committed numerous uncharged violent offenses. Despite his central role in this murder and his extensive criminal history, he is not facing the death penalty in this or any other case.

One or more jurors found this factor proved: Yes _____
No _____

7. 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

8. Prior to the death of Teddy Casiano, Wilfredo Perez had never been convicted of any criminal offense. Prior to his sentencing in federal court on drug charges in January 1998, he had never before been incarcerated.

One or more jurors found this factor proved: Yes
 No

9. Other than this case, Wilfredo Perez has never been involved in any serious acts of violence.

One or more jurors found this factor proved: Yes
 No

10. Between the time of his arrest in June 1996 and his sentencing in federal court on January 26, 1998, Wilfredo Perez was released on bond. While on bond he voluntarily attended all court hearings, appeared in court and pled guilty to the federal drug charges, and then voluntarily appeared for sentencing, knowing the government was seeking a sentence of at least thirty years and potentially life in prison.

One or more jurors found this factor proved: Yes
 No

In addition to the mitigating factors outlined above, you may write in 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) He showed great respect in Court!

One or more jurors found this factor proved: Yes No

Additional Factor Found (B) MR. PEREZ organized his time and phone minutes in order to stay in touch with his son on a daily basis.

One or more jurors found this factor proved: Yes No

Additional Factor Found (C) _____

One or more jurors found this factor proved: Yes No

Additional Factor Found (D) _____

One or more jurors found this factor proved: Yes No

Instructions: Go to Sections VI and VII.

SECTION VI. 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	_____ ✓	Not Applicable*	_____
Count Two:	YES	_____	NO	_____ ✓	Not Applicable*	_____
Count Four:	YES	_____	NO	_____ ✓	Not Applicable*	_____
Count Five:	YES	_____	NO	_____ ✓	Not Applicable*	_____



Foreperson

* Not applicable because the gateway factor from Section II or both statutory aggravating factors in Section III not proved on this count.

Please proceed to Section VII: Sentencing Determination.

Section VII. SENTENCING DETERMINATION

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

A (p. 15) if you unanimously find that Wilfredo Perez shall be sentenced to a sentence of life imprisonment without possibility of release.

B (p. 16) if you unanimously find that Wilfredo Perez shall be sentenced to death.

C (p. 17) 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 on Wilfredo Perez.

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 Wilfredo Perez shall be sentenced to life imprisonment without possibility of release.

Check any applicable count(s):

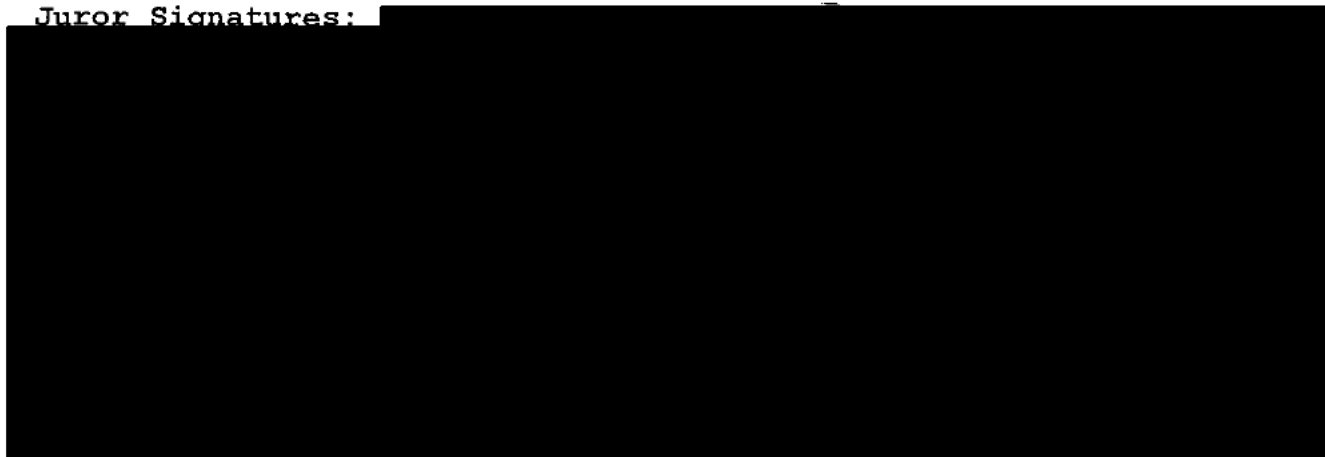
Count One: ✓

Count Two: ✓

Count Four: ✓

Count Five: ✓

Juror Signatures:



Date: 7-17-07

B. Death Sentence

We determine, by unanimous vote, that Wilfredo Perez shall be sentenced to death.

Check any applicable count(s):

Count One: _____

Count Two: _____

Count Four: _____

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 Wilfredo Perez will be sentenced to life imprisonment without the possibility of release by the Court.

Check any applicable count(s):

Count One: _____

Count Two: _____

Count Four: _____

Count Five: _____

Juror Signatures:

1. _____
2. _____
3. _____
4. _____
5. _____
6. _____

7. _____
8. _____
9. _____
10. _____
11. _____
12. _____

Date: _____

SECTION VIII. CERTIFICATION

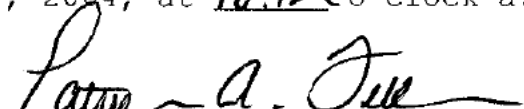
By signing below, each juror certifies that consideration of the race, color, religious beliefs, national origin, or sex of the defendant or the victim was not involved in reaching his or her individual decision, and that the individual juror would have made the same recommendation regarding a sentence 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 7th day of July, 2004, at 10:12 o'clock a.m./p.m.


Signature of Foreperson