

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK
-----X
UNITED STATES OF AMERICA,

SPECIAL VERDICT FORM
04-CR-1016 (NGG)

v.

RONELL WILSON,

Defendant.

-----X
GARAUFIS, 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 Factors

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

A. James Nemorin

I. First Preliminary Intent Factor

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 _____

2. Second Preliminary Intent Factor

We, the jury, unanimously find that the Government has established beyond a reasonable doubt that the Defendant Ronell Wilson intentionally inflicted serious bodily injury which resulted in the death of James Nemorin.

Count One
YES _____
NO _____

Count Five
YES _____
NO _____

Count Eight
YES _____
NO _____

3. **Third Preliminary Intent Factor**

We, the jury, unanimously find that the Government has established beyond a reasonable doubt that the Defendant Ronell Wilson intentionally participated in an act, contemplating that the life of a person would be taken and/or intending that lethal force would be used in connection with a person, other than one of the participants in the offense, and the victim James Nemorin died as a direct result of the act.

Count One
YES

NO

Count Five
YES

NO

Count Eight
YES

NO

4. **Fourth Preliminary Intent Factor**

We, the jury, unanimously find that the Government has established beyond a reasonable doubt that the Defendant Ronell Wilson intentionally and specifically engaged in an act of violence, knowing that the act created a grave risk of death to a person, other than one of the participants in the offense, such that participation in the act constituted a reckless disregard for human life and the victim James Nemorin died as a direct result of the act.

Count One
YES

NO

Count Five

YES

NO

Count Eight

YES

NO

B. Rodney Andrews

1. First Preliminary Intent Factor

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

2. Second Preliminary Intent Factor

We, the jury, unanimously find that the Government has established beyond a reasonable doubt that the Defendant Ronell Wilson intentionally inflicted serious bodily injury which resulted in the death of Rodney Andrews.

Count Two
YES _____
NO _____

Count Five
YES _____
NO _____

Count Seven
YES _____
NO _____

3. Third Preliminary Intent Factor

We, the jury, unanimously find that the Government has established beyond a reasonable doubt that the Defendant Ronell Wilson intentionally participated in an act, contemplating that the life of a person would be taken and/or intending that lethal force would be used in connection with a person, other than one of the participants in the offense, and the victim Rodney Andrews died as a direct result of the act.

Count Two
YES _____
NO _____

Count Five
YES _____
NO _____

Count Seven
YES _____
NO _____

4. Fourth Preliminary Intent Factor

We, the jury, unanimously find that the Government has established beyond a reasonable doubt that the Defendant Ronell Wilson intentionally and specifically engaged in an act of violence, knowing that the act created a grave risk of death to a person, other than one of the participants in the offense, such that participation in the act constituted a reckless disregard for human life and the victim Rodney Andrews died as a direct result of the act.

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 at least one or more of the Preliminary Intent Factors 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 at least one or more of the Preliminary Intent Factors 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 may 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. Ronell Wilson was twenty years old on March 10, 2003.

Number of jurors who so find: 12.

2. If he is not sentenced to death, Ronell Wilson will be incarcerated for the rest of his life in prison without possibility of release or parole.

Number of jurors who so find: 12.

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

Number of jurors who so find: 12.

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

Number of jurors who so find: 11.

5. At age 21 months, Ronell Wilson contracted bacterial meningitis and, as a result, was hospitalized for over two weeks.

Number of jurors who so find: 12.

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

Number of jurors who so find: 12.

7. Ronell Wilson grew up in poverty and deprivation.

Number of jurors who so find: 12.

8. During his childhood, Ronell Wilson was admitted to hospitals on at least four occasions for psychiatric care.

Number of jurors who so find: 12.

9. Throughout his childhood, Ronell Wilson was prescribed medication by mental health professionals.

Number of jurors who so find: 12.

10. Ronell Wilson has a history of depression.

Number of jurors who so find: 12.

11. Ronell Wilson performed well below grade level in school.

Number of jurors who so find: 12.

12. Ronell Wilson was placed in Special Education classes.

Number of jurors who so find: 12.

13. Ronell Wilson's poor performance in school was affected by negative influences in his home life.

Number of jurors who so find: 12.

14. Ronell Wilson's scores on standardized intelligence tests are below average.

Number of jurors who so find: 3.

15. 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: 12.

16. Ronell Wilson has adjusted well to federal prison.

Number of jurors who so find: 0.

17. Ronell Wilson takes responsibility for his actions.

Number of jurors who so find: 0.

18. Ronell Wilson has remorse for the murder of Detectives Andrews and Nemorin.

Number of jurors who so find: 0.

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

The following extra spaces are provided to write in additional mitigating factors, if any, found by any one or more jurors pursuant to factor 19. If none are found, write "NONE" and cross out the extra spaces with a large "X."

Ronell Wilson was possibly subject to peer pressure.

Number of jurors who so find 12.

~~_____

_____~~

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

If you indicate "YES," sign your juror numbers here and proceed to Section VI(B). If you do not indicate "YES," the foreperson alone should sign, and you should proceed to Section VI(A)(2).

<u>Juror 3</u>	<u>JUROR # 4</u>
<u>Juror # 5</u>	<u>JUROR # 8</u>
<u>Juror # 6</u>	<u>Juror # 12</u>
<u>Juror # 9</u>	<u>Juror # 11</u>
<u>Juror # 10</u>	<u>Juror # 7</u>
<u>JUROR # 2</u>	<u>Juror # 1</u>
	FOREPERSON

Date: January 30th, 2007

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 _____

If you answer "YES," sign your names here, and then proceed to Section VI(B).

FOREPERSON

Date: _____, 2007

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

If you indicate "YES," sign your juror numbers here and proceed to Section VI(C). If you do not indicate "YES," the foreperson alone should sign, and you should proceed to Section VI(B)(2).

Juror 3 _____

JUROR # 4 _____

Juror # 5 _____

JUROR # 8 _____

Juror # 6 _____

JUROR # 12 _____

Juror # 9 _____

JUROR # 11 _____

Juror # 10 _____

JUROR # 7 _____

JUROR # 2 _____

JUROR # 1 _____

FOREPERSON

Date: January 30th, 2007

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 _____

If you answer "YES," sign your names here, and then proceed to Section VI(C).

FOREPERSON

Date: _____, 2007

C. Count Five: Carjacking

1. Death Sentence

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

YES ✓

NO _____

If you indicate "YES," sign your juror numbers here and proceed to Section VI(D). If you do not indicate "YES," the foreperson alone should sign, and you should proceed to Section VI(C)(2).

Juror 3

JUROR #4

Juror #5

JUROR #8

Juror #6

Juror #12

Juror #9

Juror #11

Juror #10

Juror #7

JUROR #2

Juror #1

FOREPERSON

Date: January 30th, 2007

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 _____

If you answer "YES," sign your names here, and then proceed to Section VI(D). If you do not indicate "YES," the foreperson alone should sign, and you should proceed to Section VI(C)(3).

FOREPERSON

Date: _____, 2007

3. Other Sentence Authorized by Law

We the jury determine, by unanimous vote, that some other sentence authorized by law shall be imposed.

YES _____

NO _____

If you answer "YES," sign your names here, and then proceed to Section VI(D).

FOREPERSON

Date: _____, 2007

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

If you indicate "YES," sign your juror numbers here and proceed to Section VI(E). If you do not indicate "YES," the foreperson alone should sign, and you should proceed to Section VI(D)(2).

<u>Juror 3</u>	<u>JUROR # 4</u>
<u>Juror # 5</u>	<u>Juror # 8</u>
<u>Juror # 6</u>	<u>Juror # 12</u>
<u>Juror # 9</u>	<u>Juror # 11</u>
<u>Juror # 10</u>	<u>Juror # 7</u>
<u>JUROR # 2</u>	<u>Juror # 1</u>
	FOREPERSON

Date: January 3rd, 2007

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 _____

If you answer "YES," sign your names here, and then proceed to Section VI(E). If you do not indicate "YES," the foreperson alone should sign, and you should proceed to Section VI(D)(3).

FOREPERSON

Date: _____, 2007

3. **Other Sentence Authorized by Law**

We the jury determine, by unanimous vote, that some other sentence authorized by law shall be imposed.

YES _____

NO _____

If you answer "YES," sign your names here, and then proceed to Section VI(E).

FOREPERSON

Date: _____, 2007

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

If you indicate "YES," sign your juror numbers here and proceed to Section VII. If you do not indicate "YES," the foreperson alone should sign, and you should proceed to Section VI(E)(2).

Juror 3 _____

JUROR # 4 _____

Juror # 5 _____

JUROR # 8 _____

Juror # 6 _____

Juror # 12 _____

Juror # 9 _____

Juror # 11 _____

Juror # 10 _____

Juror # 7 _____

JUROR # 2 _____

Juror # 1 _____

FOREPERSON

Date: January 30th, 2007

3. Other Sentence Authorized by Law

We the jury determine, by unanimous vote, that some other sentence authorized by law shall be imposed.

YES _____

NO _____

If you answer "YES," sign your names here, and then proceed to Section VII.

FOREPERSON

Date: _____, 2007

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.

Juror 3 _____

Juror # 5 _____

Juror # 6 _____

Juror # 9 _____

Juror # 10 _____

JUROR # 2 _____

Date: January 30th, 2007

JUROR # 4 _____

JUROR # 8 _____

Juror # 12 _____

Juror # 11 _____

Juror # 7 _____

Juror # 1
FOREPERSON