

11 THE COURT: OK. Bring out the jury.

12 (Jury present)

13 THE COURT: Ladies and gentlemen, I've received your  
14 latest note. We've marked it as Court Exhibit 35. It says,  
15 "We have reached a verdict."

16 Mr. Foreperson, could you give the verdict sheet to  
17 Mr. Brantley, please.

18 Mr. Foreperson, if you could please rise, I'm going to  
19 take the verdict.

20 Everybody listen to the verdict as it's announced.  
21 After he announces the verdict, I'm going to ask each one of  
22 you whether the verdict that he has announced is your verdict.  
23 Do you understand?

24 All right. Mr. Foreperson, on the charge of  
25 conspiracy to commit extortion, under color of official right,

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1 we, the jury, find the defendant Joseph Percoco?

2 THE FOREPERSON: Not guilty.

3 THE COURT: Count Two, on the charge of extortion  
4 under color of official right, we, the jury, find the defendant  
5 Joseph Percoco?

6 THE FOREPERSON: Not guilty.

7 THE COURT: Count Three, on the charge of conspiracy  
8 to commit honest services wire fraud as to the alleged CPV  
9 scheme, we, the jury, find the defendant Joseph Percoco?

10 THE FOREPERSON: Guilty.

11 THE COURT: On the charge of conspiracy to commit  
12 honest services wire fraud as to the alleged CPV scheme, we,  
13 the jury, find the defendant Peter Galbraith Kelly Jr.?

14 THE FOREPERSON: We were deadlocked on this.

15 THE COURT: Count Four, on the charge of conspiracy to  
16 commit honest services wire fraud as to the alleged COR  
17 Development scheme, we, the jury, find the defendant Joseph  
18 Percoco?

19 THE FOREPERSON: Guilty.

20 THE COURT: Count Four, on the charge of conspiracy to  
21 commit honest services wire fraud as to the alleged COR  
22 Development scheme, we, the jury, find the defendant Steven  
23 Aiello?

24 THE FOREPERSON: Guilty.

25 THE COURT: On the charge of conspiracy to commit

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1 honest services wire fraud as to the alleged COR Development  
2 scheme, we, the jury, find the defendant Joseph Gerardi?

3 THE FOREPERSON: Not guilty.

4 THE COURT: Count Five, on the charge of solicitation  
5 of bribes or gratuities as to the alleged CPV scheme, we, the  
6 jury, find the defendant Joseph Percoco?

7 THE FOREPERSON: Guilty.

8 THE COURT: On the charge of solicitation of bribes or  
9 gratuities as to the alleged COR Development scheme, we, the  
10 jury, find the defendant Joseph Percoco?

11 THE FOREPERSON: Not guilty.

12 THE COURT: Count Seven, on the charge of payment of  
13 bribes or gratuities as to the alleged CPV scheme, we, the  
14 jury, find the defendant Peter Galbraith Kelly?

15 THE FOREPERSON: Deadlocked.

16 THE COURT: On the charge of -- Count Eight, on the  
17 charge of payment of bribes or gratuities as to the alleged COR  
18 Development scheme, we, the jury, find the defendant Steven  
19 Aiello?

20 THE FOREPERSON: Not guilty.

21 THE COURT: On the charge of payment of bribes or  
22 gratuities as to the alleged COR Development scheme, we, the  
23 jury, find the defendant Joseph Gerardi?

24 THE FOREPERSON: Not guilty.

25 THE COURT: On the charge of making false statements,

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1 we, the jury, find the defendant Steven Aiello?

2 THE FOREPERSON: Not guilty.

3 THE COURT: Count Ten, on the charge of making false  
4 statements, we, the jury, find the defendant, Joseph Gerardi?

5 THE FOREPERSON: Not guilty.

6 THE COURT: All right. Ladies and gentlemen, your  
7 verdict is as follows:

8 Mr. Percoco is not guilty on Count One.

9 Mr. Percoco is not guilty on Count Two.

10 Mr. Percoco is guilty of Count Three. You've  
11 announced a deadlock as to Mr. Kelly.

12 Mr. Percoco and Mr. Aiello are found guilty on Count  
13 Four. Mr. Gerardi is found not guilty.

14 On Count Five, Mr. Percoco is found guilty.

15 On Count Six, Mr. Percoco is found not guilty.

16 You've announced a deadlock as to Count Seven.

17 As to Counts Eight, Nine, and Ten, you have found  
18 Mr. Aiello and Mr. Gerardi not guilty.

19 Can I see the parties before I poll the jury.

20 (At sidebar)

21 THE COURT: Sorry. Their verdict form looked like  
22 they had a mark.

23 Anything before I poll the jury?

24 MR. BOHRER: What's the question?

25 THE COURT: Anything before I poll the jury? As I

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1 told Mr. Gitner, it doesn't affect you. Yours is the only one  
2 that's deadlocked. It looked like they had a mark. Anything  
3 before I poll the jury?

4 MS. ECHENBERG: Nothing from the government.

5 THE COURT: I intend to declare a mistrial on the two  
6 deadlocked count. Any objection?

7 MS. ECHENBERG: That's fine.

8 THE COURT: OK. Step back.

9 (In open court; jury present)

10 THE COURT: Ladies and gentlemen, you've heard your  
11 foreperson announce your verdict.

12 Juror No. 1, is that your verdict?

13 JUROR: Yes, it is.

14 THE COURT: Juror No. 2, is that your verdict?

15 JUROR: Yes, your Honor.

16 THE COURT: Juror No. 3, is that your verdict?

17 JUROR: Yes, your Honor.

18 THE COURT: Juror No. 4, is that your verdict?

19 JUROR: Yes

20 THE COURT: Juror No. 5, is that your verdict?

21 JUROR: Yes.

22 THE COURT: Juror No. 6, is that your verdict?

23 JUROR: Yes.

24 THE COURT: Juror No. 7, is that your verdict?

25 JUROR: Yes.

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1 THE COURT: Juror No. 8, is that your verdict?

2 JUROR: Yes.

3 THE COURT: Juror No. 9, is that your verdict?

4 JUROR: Yes.

5 THE COURT: Juror No. 10, is that your verdict?

6 JUROR: Yes.

7 THE COURT: Juror No. 11, is that your verdict?

8 JUROR: I'm No. 12.

9 THE COURT: No. 12, is that your verdict?

10 JUROR: Yes.

11 THE COURT: Juror No. 13, also known as Juror No. 12,  
12 is that your verdict?

13 JUROR: Yes.

14 THE COURT: OK. So say you all.

15 Ladies and gentlemen, it's with the great thanks of  
16 the parties and the Court that I thank you for your service.  
17 I'm going to ask you to step back into the jury room. You've  
18 got lunch coming, and I'd like to talk to you for a little  
19 while. The parties may also want to talk to you, and the press  
20 also wants to talk to you. Let me give you some directions on  
21 that, which I will repeat when I come back to the jury room.

22 You are free to talk to and not to talk to anybody you  
23 want, other than me. I'll ask the parties whether they want to  
24 come back and chat with you. They may. They may not. The  
25 press does want to talk to you, and we have a room available

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1 where you can go talk to them if you want to. It is entirely  
2 up to you. Many juries feel that they speak through their  
3 verdict and don't want to talk to the press other than that.  
4 Other juries are willing to talk to the press to talk about  
5 what they saw and what their experience was. That is entirely  
6 your decision, but we have a room available for you if anybody  
7 chooses to take advantage of that. So I'll talk to you about  
8 that back in the jury room.

9 Please step back in the jury room, and I'll be back  
10 there shortly.

11 (Jury excused)

12 THE COURT: Please be seated.

13 First things first, as to Count Three as to Mr. Kelly  
14 and Count Seven as to Mr. Kelly, I'm declaring a mistrial.

15 Does anybody want to talk to the jury? Does the  
16 government want to talk to the jury?

17 MR. BOONE: No, your Honor.

18 MS. ECHENBERG: I'm sorry.

19 THE COURT: Mr. Gitner?

20 MR. GITNER: I and members of my team probably will,  
21 Judge.

22 THE COURT: Mr. Bohrer?

23 MR. BOHRER: Yes.

24 THE COURT: Mr. Coffey?

25 MR. COFFEY: Yes, please.

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1 THE COURT: Mr. Williams?

2 MR. WILLIAMS: Yes.

3 THE COURT: So some defense attorneys will; the  
4 government will not.

5 Anything further before I leave you?

6 MR. GITNER: What, in terms of timing and being  
7 able -- I know your Honor wants to go talk to them alone, it  
8 sounded like. Should we wait here?

9 THE COURT: One of my law clerks will come out and  
10 tell you that you can go and talk to them.

11 MR. GITNER: Thank you.

12 THE COURT: Anything further? Yes, Mr. Weiser?

13 MR. WEISER: May I ask what the logistics will be if  
14 any of the jurors would like to talk to the press?

15 THE COURT: One of my law clerks will bring them up to  
16 506.

17 MR. WEISER: Thank you, Judge.

18 THE COURT: We have sentencing dates. Mr. Percoco  
19 will be sentenced on June 11 at 11 a.m. Mr. Aiello will be  
20 sentenced on June 14 at 2 p.m.

21 OK. Thank you all.

22 (Adjourned)

23

24

25