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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA,	:	
	:	16-CR-776 (VEC)
- v. -	:	
	:	ORDER
JOSEPH PERCOCO,	:	
a/k/a "Herb,"	:	
PETER GALBRAITH KELLY, JR.,	:	
STEVEN AIELLO,	:	
JOSEPH GERARDI,	:	
	:	
Defendants.	:	

VALERIE CAPRONI, United States District Judge:

WHEREAS on December 20, 2017 (Dkts. 407, 408), the parties submitted a joint proposed Juror Questionnaire for the upcoming trial of Defendants Percoco, Kelly, Aiello, and Gerardi (the "January Defendants"); and

WHEREAS on December 27, 2017, the Court submitted proposed revisions of the Questionnaire to the Government and the January Defendants; and

WHEREAS on December 28, 2017, the Government and the January Defendants attended a conference with the Court and discussed the Court's proposed revisions;

IT IS HEREBY ORDERED that the Court will administer the attached Juror Questionnaire at the trial of the January Defendants.

SO ORDERED.

Dated: January 12, 2018
New York, NY

VALERIE CAPRONI
United States District Judge

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA,	:	
	:	
- v. -	:	
	:	
JOSEPH PERCOCO,	:	16-CR-776 (VEC)
a/k/a "Herb,"	:	
PETER GALBRAITH KELLY, JR.,	:	
STEVEN AIELLO,	:	
JOSEPH GERARDI,	:	
	:	
Defendants.	:	

JUROR QUESTIONNAIRE

JUROR NUMBER _____

PLEASE PRINT ALL ANSWERS LEGIBLY IN BLUE OR BLACK INK.

Introduction

The purpose of this questionnaire is to provide information to the Court and to the attorneys in this case—both the prosecutors and the defense attorneys—so that they can determine whether you can serve as a fair and impartial juror in this case. You must give true, candid, and complete answers to every question. This is a criminal case, entitled United States of America versus Joseph Percoco, Peter Galbraith Kelly, Jr., Steven Aiello, and Joseph Gerardi. Briefly summarized, the Government has charged Joseph Percoco, the former Executive Deputy Secretary to the Governor of New York, Peter Galbraith Kelly, Jr., Steven Aiello, and Joseph Gerardi with public corruption offenses, including allegations of bribery, fraud, and extortion. Defendants Steven Aiello and Joseph Gerardi are also charged with making false statements to federal officers. The defendants have pled not guilty, and each one is presumed innocent unless and until proven guilty.

JUROR NUMBER _____

Do not discuss this questionnaire or your answers with anyone, including Court personnel and your fellow potential jurors. Please do not leave any questions unanswered. If you do not understand a question, write that on the questionnaire and we will discuss it with you later. Please write your juror number on the top of each page of the questionnaire. **Do not write your name on the questionnaire.** There is an extra page at the back of the questionnaire if you need additional space for your answers. **Do not write on the back of any page of the questionnaire.**

There are no "right" or "wrong" answers; there are only truthful answers. You are sworn to give truthful answers, so you must provide full and accurate information in response to each question.

NOTE: Do not do any research regarding this case. That means you should not "look up" the case or any of the names mentioned in the questionnaire on the Internet or in any other manner. Do not discuss this case, this questionnaire, or your answers to the questions with anyone—not your fellow jurors, your family, your employer, or your friends.

JUROR NUMBER _____

Questions

1. The trial of this case may last up to six weeks. The jury will sit Mondays through Thursdays from approximately 9:30 a.m. to 5:30 p.m. The Court may occasionally sit on Fridays. The Court will not sit on Presidents' Day, which is Monday, February 19. All jury service involves some degree of hardship. Would service as a juror in this case be a serious hardship for you?

   ☐ Yes ☐ No

   If yes, please explain why serving on the jury for this case would cause you a serious hardship:

   _____

   _____

   _____

   _____

   Please note: In the event you are excused from service on this jury, you will not be excused from jury service in general. You will instead be required to report to the Court's Jury Clerk for placement on another panel for another case.

2. Do you have any personal commitments that would make it difficult for you to get to court by 9:15 a.m., every day of trial?

   ☐ Yes ☐ No

   If yes, please specify:

   _____

   _____

   _____

   _____

JUROR NUMBER _____

3. Do you or does any member of your family or a close friend personally know or have / have had any dealings with any of the following individuals?

a. The defendants: Joseph Percoco, Peter Galbraith Kelly, Jr., Steven Aiello, or Joseph Gerardi?

☐ Yes ☐ No

If yes, whom do you know?

---

b. The U.S. Attorney for the Southern District of New York, Geoffrey S. Berman, or anyone else who works for or used to work for the U.S. Attorney's Office for the Southern District of New York?

☐ Yes ☐ No

If yes, whom do you know?

---

c. Any of the Assistant United States Attorneys who are prosecuting this case?

Janis Echenberg	☐ Yes	☐ No
David Zhou	☐ Yes	☐ No
Robert Boone	☐ Yes	☐ No
Matthew Podolsky	☐ Yes	☐ No

d. Any of the defense attorneys or law firms who are representing the defendants:

Barry A. Bohrer of Schulte Roth & Zabel LLP	☐ Yes	☐ No
Michael L. Yaeger of Schulte Roth & Zabel LLP	☐ Yes	☐ No
Andrew D. Gladstein of Schulte Roth & Zabel LLP	☐ Yes	☐ No
Abigail F. Coster of Schulte Roth & Zabel LLP	☐ Yes	☐ No
Nicole Geoglis of Schulte Roth & Zabel LLP	☐ Yes	☐ No
Daniel M. Gitner of Lankler Siffert & Wohl LLP	☐ Yes	☐ No
Jun Xiang of Lankler Siffert & Wohl LLP	☐ Yes	☐ No
Samantha J. Reitz of Lankler Siffert & Wohl LLP	☐ Yes	☐ No
Rachel S. Berkowitz of Lankler Siffert & Wohl LLP	☐ Yes	☐ No

JUROR NUMBER _____

Debbie Landis of Lankler Siffert & Wohl LLP	☐ Yes	☐ No
Stephen R. Coffey of O'Connell & Aronowitz	☐ Yes	☐ No
Scott W. Iseman of O'Connell & Aronowitz	☐ Yes	☐ No
Milton L. Williams of Walden Macht & Haran LLP	☐ Yes	☐ No
Avni P. Patel of Walden Macht & Haran LLP	☐ Yes	☐ No

e. The United States District Court Judge who is presiding over this case, Valerie Caproni, or any of her staff?

☐ Yes ☐ No

If yes, whom do you know?

_____

If you answered "yes" to any of the above questions, please explain how you know the individual(s):

_____

_____

_____

_____

If you answered "yes" to any of the above questions, please state whether your relationship with that person might affect your ability to be fair and impartial in this case:

_____

_____

_____

_____

JUROR NUMBER _____

4. Before today, had you read, seen, or heard anything about criminal charges being brought against Joseph Percoco, Peter Galbraith Kelly, Jr., Steven Aiello, and Joseph Gerardi?

   ☐ Yes ☐ No

   If yes, what do you recall?

   _____

   _____

   _____

   _____

   _____

   If yes, from whom did you hear about the case (e.g., a friend, the newspaper, a website)?

   _____

   _____

   _____

   _____

   _____

5. Do you have any personal knowledge of the facts underlying the accusations as they are described above?

   If yes, please explain:

   _____

   _____

   _____

   _____

6. Based on anything that you have read, seen, or heard about this case, have you formed any opinion about any of the defendants that might make it difficult for you to be a fair and impartial juror in this case?

   ☐ Yes ☐ No

   ☐ Not applicable; I have heard nothing about this case.

   If yes, please explain:

JUROR NUMBER _____

7. Based on anything that you have read, seen, or heard about this case, would you be able to follow the Court's instruction to put that information out of your mind and decide this case based only on the evidence presented at trial?

☐ Yes ☐ No

☐ Not applicable; I have heard nothing about this case.

If no, please explain:

8. Have you followed the news about the trials of political officials in recent years?

☐ Yes ☐ Yes, but not closely ☐ No

If yes, do you have any strong feelings about those trials or about their outcomes that might make it difficult for you to be a fair and impartial juror in this case?

☐ Yes ☐ No

If yes, please explain:

JUROR NUMBER _____

9. Is there anything about the nature of this case, including the fact that it involves accusations of bribery and corruption by someone associated with the New York State Governor's Office, that might make it difficult for you to be a fair and impartial juror in this case?

☐ Yes ☐ No

If yes, please explain:

_____

_____

_____

_____

10. Do you have any strong opinions about politicians, government officials, or anyone else who works in government that might make it difficult for you to be a fair and impartial juror in this case?

☐ Yes ☐ No

If yes, please explain:

_____

_____

_____

_____

11. You may hear evidence in this case that companies that are associated with one or more of the defendants made campaign contributions. Do you have any strong feelings about the issue of corporate contributions to political candidates that might make it difficult for you to be a fair and impartial juror in this case?

☐ Yes ☐ No

If yes, please explain:

_____

_____

_____

_____

JUROR NUMBER _____

12. You may hear evidence in this case that certain defendants or persons associated with a defendant made campaign contributions to political candidates. Do you have any strong feelings about people who contribute to political candidates that might make it difficult for you to be a fair and impartial juror in this case?

☐ Yes ☐ No

If yes, please explain:

13. Do you have any opinion of the U.S. Attorney's Office for the Southern District of New York or the U.S. Attorney Geoffrey S. Berman that might make it difficult for you to be a fair and impartial juror in this case?

☐ Yes ☐ No

If yes, please explain:

14. Do you have any opinions about prosecutors or criminal defense attorneys generally that might make it difficult for you to be a fair and impartial juror in this case?

☐ Yes ☐ No

If yes, please explain:

JUROR NUMBER _____

15. Do you have any opinion about the criminal justice system generally or the federal criminal justice system in particular that might make it difficult for you to be a fair and impartial juror in this case?

☐ Yes ☐ No

If yes, please explain:

16. Have you, or has any member of your family or a close friend, ever worked for New York Governor Andrew Cuomo or for a New York State agency?

☐ Yes ☐ No

If yes, please identify who it was, what position or agency, and when:

17. Do you or does any member of your family or a close friend have any experience lobbying the government (local, state, or federal)?

☐ Yes ☐ No

If yes, was there anything about your or their experience that might make it difficult for you to be a fair and impartial juror in a case that involves lobbying?

JUROR NUMBER _____

18. Do you have any strong feelings about the energy sector, including the impacts certain methods of generating energy have on the environment, that might make it difficult for you to be a fair and impartial juror in a case that involves individuals who work for, or assist, companies in the energy sector?

☐ Yes ☐ No

If yes, please explain:

_____

_____

_____

_____

19. Do you have any strong feelings about construction companies or the real estate industry that might make it difficult for you to be a fair and impartial juror in a case that involves individuals in construction and real estate businesses?

☐ Yes ☐ No

If yes, please explain:

_____

_____

_____

_____

20. Have you or any member of your family or a close friend ever worked for or had any personal interaction with either of the following companies?

Competitive Power Ventures (CPV) ☐
COR Development ☐

If yes, please explain:

_____

_____

_____

_____

JUROR NUMBER _____

21. Do you or does any member of your family or a close friend know or have / have had dealings with:

Steven (Ben) Farnsworth, Special Agent, Federal Bureau of Investigation	☐ Yes ☐ No
Robert Gross, Special Agent, Federal Bureau of Investigation	☐ Yes ☐ No
Gary Jensen, Special Agent, Federal Bureau of Investigation	☐ Yes ☐ No
Karen Flanagan, Special Agent, IRS-Criminal Investigation	☐ Yes ☐ No
Eric Blachman, Special Agent, U.S. Attorney's Office – SDNY	☐ Yes ☐ No
DeLeassa Penland, Special Agent, U.S. Attorney's Office – SDNY	☐ Yes ☐ No
Sylvia Lee, Paralegal Specialist, U.S. Attorney's Office – SDNY	☐ Yes ☐ No
Aashna Rao, Paralegal Specialist, U.S. Attorney's Office – SDNY	☐ Yes ☐ No

Kenneth Adams	☐ Yes ☐ No
Raj Addepalli	☐ Yes ☐ No
Seth Agata	☐ Yes ☐ No
Jeff Aiello	☐ Yes ☐ No
Lou Aiello	☐ Yes ☐ No
Steven L. Aiello, Jr.	☐ Yes ☐ No
Nicholas Allard	☐ Yes ☐ No
Andrew Ball	☐ Yes ☐ No
Scott Bateman	☐ Yes ☐ No
Suzanne Boshek	☐ Yes ☐ No
Theresa Brennan	☐ Yes ☐ No
Mollie Brewster	☐ Yes ☐ No
Andrew Breuer	☐ Yes ☐ No
Daniel Brown	☐ Yes ☐ No
Kate Burson	☐ Yes ☐ No
Chelsea Calhoun	☐ Yes ☐ No

JUROR NUMBER _____

Maria Cassidy	☐ Yes ☐ No
Chris Carey	☐ Yes ☐ No
Dawn Clarry-Curry	☐ Yes ☐ No
Thomas Congdon	☐ Yes ☐ No
Michael Corrigan	☐ Yes ☐ No
Andrew Cuomo	☐ Yes ☐ No
Mario Cuomo	☐ Yes ☐ No
Michael Cusack	☐ Yes ☐ No
Peter Cutler	☐ Yes ☐ No
Yanina Daigle	☐ Yes ☐ No
Tom DeJesus	☐ Yes ☐ No
John DeFrancisco	☐ Yes ☐ No
Mylan Denerstein	☐ Yes ☐ No
Joe DeStefano	☐ Yes ☐ No
Todd Diorio	☐ Yes ☐ No
David Doyle	☐ Yes ☐ No
Brenda Drosjack	☐ Yes ☐ No
Robert Duffy	☐ Yes ☐ No
Doug Egan	☐ Yes ☐ No
John Egan	☐ Yes ☐ No
Caroline Ehrlich	☐ Yes ☐ No
William “Bill” Eimicke	☐ Yes ☐ No
Jodi Englert	☐ Yes ☐ No
James Fayle	☐ Yes ☐ No
Elizabeth Fine	☐ Yes ☐ No
Sean Finnerty	☐ Yes ☐ No
Patrick Foye	☐ Yes ☐ No
Joanne Fryer	☐ Yes ☐ No
Kathleen Garver	☐ Yes ☐ No
Anthony Giattino	☐ Yes ☐ No
Thomas Giordano	☐ Yes ☐ No
Philip Gitlin	☐ Yes ☐ No
Howard Glaser	☐ Yes ☐ No

JUROR NUMBER _____

Jim Glavin	☐ Yes ☐ No
Stephen Goldsmith	☐ Yes ☐ No
Caroline Griffin	☐ Yes ☐ No
Elyse Griffin-Young	☐ Yes ☐ No
Kerri Hamm	☐ Yes ☐ No
Carlie Hanson	☐ Yes ☐ No
Peter Harckham	☐ Yes ☐ No
Charles Harple	☐ Yes ☐ No
Marilyn Hartley	☐ Yes ☐ No
Karen Hinton	☐ Yes ☐ No
Todd Howe	☐ Yes ☐ No
Erin Hyatt	☐ Yes ☐ No
Charles Imohiosen	☐ Yes ☐ No
Catherine Johnson	☐ Yes ☐ No
Paul Joynt	☐ Yes ☐ No
Alain Kaloyeros	☐ Yes ☐ No
Richard Kauffman	☐ Yes ☐ No
Carl “CJ” Kempf	☐ Yes ☐ No
Andrew Kennedy	☐ Yes ☐ No
John Kihlberg	☐ Yes ☐ No
Jane Kozinski	☐ Yes ☐ No
Michael Kunkel	☐ Yes ☐ No
Linda Lacewell	☐ Yes ☐ No
Gary Lambert	☐ Yes ☐ No
Gregory Lancette	☐ Yes ☐ No
Chris Lapetina	☐ Yes ☐ No
David Lara	☐ Yes ☐ No
Jim Laurito	☐ Yes ☐ No
Richard Leckerling	☐ Yes ☐ No
Brian Lucey	☐ Yes ☐ No
Alison Lee	☐ Yes ☐ No
Edwin Lee	☐ Yes ☐ No
Martin Levine	☐ Yes ☐ No

JUROR NUMBER _____

Brian Lucey	☐ Yes ☐ No
John Maggiore	☐ Yes ☐ No
Joannie Mahoney	☐ Yes ☐ No
Jim Malatras	☐ Yes ☐ No
Joseph Martens	☐ Yes ☐ No
Chuck Mathis	☐ Yes ☐ No
Michael Mathis	☐ Yes ☐ No
Sean McGarvey	☐ Yes ☐ No
Kimberly McGowan	☐ Yes ☐ No
Stephanie Miner	☐ Yes ☐ No
Will Mitchell	☐ Yes ☐ No
Bill Mulrow	☐ Yes ☐ No
Nancy Nemeth	☐ Yes ☐ No
Michael Novakowski	☐ Yes ☐ No
Thomas O'Brien	☐ Yes ☐ No
Ken Dell Orto	☐ Yes ☐ No
Bonnie Palmer	☐ Yes ☐ No
Mehul Patel	☐ Yes ☐ No
Tim Pendex	☐ Yes ☐ No
Lisa Percoco	☐ Yes ☐ No
Christopher Pitts	☐ Yes ☐ No
Peter Podurgiel	☐ Yes ☐ No
Mason Posilkin	☐ Yes ☐ No
Darby Putnam	☐ Yes ☐ No
Gil Quiniones	☐ Yes ☐ No
Joseph Rabito	☐ Yes ☐ No
Karen Rae	☐ Yes ☐ No
John Regan	☐ Yes ☐ No
Steve Remillard	☐ Yes ☐ No
Gareth Rhodes	☐ Yes ☐ No
Pauline Ross	☐ Yes ☐ No
Raymond Rudolph	☐ Yes ☐ No
Tom Rumsey	☐ Yes ☐ No

JUROR NUMBER _____

Kimberly Russell-McGowan	☐ Yes ☐ No
Emily Saltzman	☐ Yes ☐ No
Larry Schwartz	☐ Yes ☐ No
Adrian Scierczewski	☐ Yes ☐ No
Robert “Bob” Sekowski	☐ Yes ☐ No
Dominick Servidio	☐ Yes ☐ No
Susan Shaffer	☐ Yes ☐ No
Robert Simpson	☐ Yes ☐ No
Reid Sims	☐ Yes ☐ No
Jared Snyder	☐ Yes ☐ No
Steve Sullivan	☐ Yes ☐ No
Adrian Swierczewski	☐ Yes ☐ No
Ann Marie Taliercio	☐ Yes ☐ No
Mark Tebbano	☐ Yes ☐ No
Dubravka Tosic	☐ Yes ☐ No
Mark Turner	☐ Yes ☐ No
Andrew Urquhart	☐ Yes ☐ No
Aimee Vargas	☐ Yes ☐ No
Benjamin Walsh	☐ Yes ☐ No
Chris Walsh	☐ Yes ☐ No
Juanita Williams	☐ Yes ☐ No
Margaret Williams	☐ Yes ☐ No
Thomas Young	☐ Yes ☐ No
Audrey Zibelman	☐ Yes ☐ No
Aloft Hotel, Syracuse, New York	☐ Yes ☐ No
Brattle Group	☐ Yes ☐ No
Central Hudson Gas & Electric	☐ Yes ☐ No
Central New York Film Hub	☐ Yes ☐ No
CHA Consulting, Inc.	☐ Yes ☐ No
Clough Harbor Associates (CHA)	☐ Yes ☐ No
College of Nanoscale Science and Engineering (CNSE)	☐ Yes ☐ No
Consolidated Edison, Inc.	☐ Yes ☐ No
Department of Public Service (DPS)	☐ Yes ☐ No

JUROR NUMBER _____

Dormitory Authority for the State of New York (DASNY)	☐ Yes ☐ No
Empire State Development Corporation (ESD)	☐ Yes ☐ No
Energy Highway Task Force	☐ Yes ☐ No
Entergy	☐ Yes ☐ No
Executive Chamber / Office of the Governor of New York State	☐ Yes ☐ No
Federal Energy Regulatory Commission	☐ Yes ☐ No
Fort Schuyler Management Corporation	☐ Yes ☐ No
Fuller Road Management Corporation	☐ Yes ☐ No
Global Infrastructure Partners	☐ Yes ☐ No
Huber-Breuer Construction	☐ Yes ☐ No
Independent Power Producers of New York	☐ Yes ☐ No
LP Ciminelli	☐ Yes ☐ No
Mathis Harple Group	☐ Yes ☐ No
New Jersey Department of Environmental Protection	☐ Yes ☐ No
New York Independent System Operator	☐ Yes ☐ No
New York Power Authority (NYPA)	☐ Yes ☐ No
New York Power Communications	☐ Yes ☐ No
New York State Department of Environmental Conservation	☐ Yes ☐ No
New York State Department of Labor (DOL)	☐ Yes ☐ No
New York State Department of Transportation (DOT)	☐ Yes ☐ No
New York State Division of Budget (DOB)	☐ Yes ☐ No
New York State Division of Military and Naval Affairs	☐ Yes ☐ No
New York State Electric & Gas Corporation	☐ Yes ☐ No
New York State Energy Research and Development Agency	☐ Yes ☐ No
New York State Homes and Community Revival	☐ Yes ☐ No
New York State Joint Commission on Public Ethics (JCOPE)	☐ Yes ☐ No
New York State Office of General Services (OGS)	☐ Yes ☐ No
Potomac Strategies, LLC	☐ Yes ☐ No

JUROR NUMBER _____

Power Communications	☐ Yes ☐ No
Public Service Commission (PSC)	☐ Yes ☐ No
Regional Economic Development Councils	☐ Yes ☐ No
Regional Greenhouse Gas Initiative	☐ Yes ☐ No
Soraa	☐ Yes ☐ No
State University of New York Update Medical College	☐ Yes ☐ No
State University of New York Polytechnic Institute (SUNY POLY)	☐ Yes ☐ No
Syracuse Inner Harbor	☐ Yes ☐ No
Town of Wawayanda Planning Board	☐ Yes ☐ No
US Power Generating Company	☐ Yes ☐ No
Whiteman, Osterman, Hanna, LLP	☐ Yes ☐ No
Whiteman, Osterman, Hanna Government Solutions, LLC	☐ Yes ☐ No

If yes, please indicate whom you know and how you know them:

_____

_____

_____

_____

22. Have you or has any member of your family or a close friend ever practiced law?

☐ Yes ☐ No

If yes, please explain:

_____

_____

_____

_____

JUROR NUMBER _____

23. You may hear evidence in this case from an individual who was involved in the crimes charged but agreed to cooperate with the government in exchange for not being charged or in the hope of receiving a lesser sentence, or from an individual who has been immunized and ordered to testify. Do you have any strong feelings about the use of such witnesses that might interfere with your ability to be a fair and impartial juror in this case?

☐ Yes ☐ No

If yes, please explain:

_____

_____

_____

_____

24. Have you or has any member of your family or a close friend ever brought a civil lawsuit or been a defendant in a civil lawsuit?

☐ Yes ☐ No

If yes, please explain:

_____

_____

25. Have you or has any member of your family or a close friend ever been the defendant in a criminal prosecution?

☐ Yes ☐ No

If yes, please explain:

_____

_____

26. Have you or has any member of your family or a close friend ever been the victim of a crime?

☐ Yes ☐ No

If yes, please explain:

JUROR NUMBER _____

27. Have you or has any member of your family or a close friend ever testified as a witness in a deposition, any sort of a trial, or in the grand jury?

☐ Yes ☐ No

If yes, please explain:

28. Do you have any religious or ethical beliefs that would prevent you from passing judgment on another person?

☐ Yes ☐ No

If yes, please explain:

29. Do you have any difficulty with your eyesight or hearing or have any medical condition that would make it difficult for you to serve on a jury?

☐ Yes ☐ No

If yes, please explain:

JUROR NUMBER _____

30. Do you have any difficulty reading or understanding the English language?

☐ Yes ☐ No

I swear (or affirm) that all of the answers provided above are truthful.

_____

Juror Number

Reminder: Do not write your name on this questionnaire.

JUROR NUMBER _____

Extra space for your answers to any of the questions. Please write the question number: