

Juror in kingpin trial calls drug-conspiracy law unfair.

by Mary Romano, *Courier-News Staff Writer*

SOMERVILLE -- A juror deliberating the Isaac Wright case believes the law on conspiracy to possess cocaine is unfair, but the judge yesterday told the jury it must apply the law anyway.

The jury will continue its fourth day of deliberations today. Members are deciding the fate of Wright, 29, of Edison, who is charged with 10 drug offenses, including a charge of being the leader of a cocaine network that distributed thousands of vials of cocaine in Franklin and New Brunswick. Wright and 11 others were arrested on July 25, 1989.

About 3 p.m. yesterday, the jury sent a note to Judge Michael Imbriani, stating that while 11 jurors believe that Wright was involved in a conspiracy to possess and distribute cocaine, one juror believes the law is "unfair" and "unjust."

Under the law, the jury can find Wright guilty of conspiracy between Feb. 12, 1989 and July 25, 1989, even if Wright's participation lasted "a half hour, one day or a month," Imbriani said.

The juror was not identified, and Imbriani addressed the panel when he told them the excuse was "unacceptable."

"You took an oath to apply the law. I do not make the law, and you do not make the law. The law is made by the governor and the Legislature," Imbriani said. "You must accept the law as I charge it to you."

Imbriani said this was the first time in his 15 years on the bench that a deliberating juror said he or she couldn't reach a conclusion because of a disbelief in the law.

Jury members said they want testimony of co-defendant Raquel Stroud read back to them today along with testimony that Wright allegedly rented a Newark apartment where the cocaine was packaged.

'Kingpin' convicted in spite of balky juror

by Mary Romano, *Courier-News Staff Writer*

SOMERVILLE – One juror's disagreement over a guilty verdict in a 5-week drug trial forced the panel to resume deliberations yesterday, but the panel eventually convicted an Edison man of leading a drug ring.

Jurors, after deliberating for four days, announced at 12:45 p.m. that they had a verdict in the case of 29 year old Isaac Wright.

After the foreman, George Kendall, told a packed courtroom that the 7-woman 5-man jury found Wright guilty of 10 charges – including the "drug kingpin" offense that could mean Wright will face a life prison sentence – the jury was polled individually.

The 11th juror, Deborah Isler, told Judge Michael Imbriani that she disagreed with the verdict on the narcotics leader charge. A stunned silence fell over the courtroom, and Imbriani stated that the verdict already was pronounced. Isler shrugged and said, "I disagree." Imbriani told the jury to take lunch and then to continue deliberations.

Shortly after, jurors could be heard in another room yelling at each other.

The jury was back at 2:30 p.m., and Wright sat quietly as the verdict was read. His \$1 million bail was revoked and he was taken back to Somerset County Jail, where he has been held since his July 25, 1989 arrest.

When the jury was again individually polled about the verdict, Isler paused briefly when her name was called, then answered "I agree." Afterwards, Isler said she did not want to discuss the deliberations or the verdict.

Somerset County Prosecutor Nicholas L. Bissell, Jr. said he speculated that Isler was the juror who on Thursday had believed the law

on the conspiracy charge to be unfair. The jury sent a note to Imbriani, who explained that jurors had to apply the law to the case even if they disagreed with it.

"I don't think that her problem was whether he was guilty or not, and I'm basing this on the notes the jury sent, but it was a philosophical difference with regard to what the law is," Bissell said. "She might disagree with the law, but everyone agreed that the evidence was there."

On juror, Charles Cirrito, said Isler told the others she didn't agree with the conspiracy law, and he was surprised by her disagreement with the verdict. "We already had all the votes on the table before going out. We would have never left the jury room without all being in consensus," Cirrito said. "She didn't say what was (after Imbriani sent the jury back to deliberate), and we just went over everything."

Cirrito said some jury members were "truly fatigued, and to put that burden of responsibility on you . . ." Nevertheless, at one point, the jury expected to deliberate over the weekend. The jury followed Imbriani's verdict form that outlined the charges, debating the evidence, taking preliminary votes in the middle of discussions and sometimes starting from scratch.

"There were times when the vote was 5 for guilty and 7 for innocent," he said. "It took time, but after discussing it with the rest of the panel, it came into focus."

A deciding factor was when the jury listened again to a tape of a telephone call Wright placed to a member of the conspiracy on July 25, 1989, telling him to round up people to go to a Newark apartment that Bissell said Wright used to package drugs, Cirrito said. Wright was arrested that day in Passaic, where he was caught buying 2 pounds of cocaine from Roberto Alexander, a co-defendant.

Wright, who defended himself at the trial, did not comment and was escorted back to jail by

Sheriff's officers. His wife, Sunshine, who served nine months for pleading guilty to drug charges in this case and now on probation, attended much of the trial but declined to comment afterwards.

Wright will appeal the verdict, attorney Paul Amitrani said outside the courtroom. Amitrani sat with Wright at the defense table and advised him, but Wright handled his own opening and closing statements and questioned witnesses.

Amitrani said that Wright deserves a new trial based on a number of Imbriani's rulings prohibiting certain defense evidence to be presented to jurors and for the judge's decisions to not allow Wright to ask certain questions on cross-examination.

For instance, Wright was not permitted to tell the jury that he made a living as a record producer. Imbriani ruled that Wright should have called an accountant to testify about how much Wright made as a producer or should have submitted copies of tax returns showing his income from the entertainment field.

Amitrani said after the first go-around with the verdict, "I was encouraged by that." On the other hand, Bissell said his first reaction was "this case isn't over yet."

Members of the jury felt Wright would have been "well represented if he had legal representation other than himself," Cirrito said. "He did good work. I have to give him that. We felt compassion for him."

Jury members felt that Wright at times was more successful in putting words in witnesses' mouths than eliciting the answers he was looking for, Cirrito said.

The most serious of the convictions is the charge that Wright was the leader of a narcotics operation. Under the state's Comprehensive Drug Reform Act enacted in 1987, he could face a life prison sentence that would call for 25 years before becoming eligible for parole.

There have been at least 10 convictions in New Jersey on what is known as the "drug kingpin" statute, said Ron Susswein, an assistant attorney general who helped draft the reform act.

Wright was also convicted on nine other charges: conspiracy to distribute cocaine, possession of cocaine, possession with intent to distribute within 1,000 feet of a school, using a juvenile in a drug distribution scheme, maintaining a drug manufacturing facility, and four counts of possession with intent to distribute.

With consecutive sentences, he could face 40 years in prison, but it is likely that most of the charges will be merged into a concurrent sentence. Bissell said he will seek to run some charges consecutively.

"This law (drug kingpin) was enacted for precisely this kind of defendant. They wanted this kind of person off the street and we intend to see him serve every day of that time," Bissell said.

During the trial, Wright brought out a number of inconsistencies in the testimonies of co-defendants and investigators. He alluded to the jury that he was actually an informant working for the prosecutor's office and that co-defendant Ernest Earvin of Franklin and Fred Dickerson of New Brunswick were the leaders of the ring. He said the case was built on lies and deceptions.

Bissell portrayed Wright as the organizer and financier of the operation who employed people who were "not as smart as him" to package the vials of cocaine, sell them and turn the profits over to him. Co-defendants testified that they gave Wright as much as \$70,000 a week from drug sales.

Juror's Rights called into question

by Mary Romano, *Courier-News Staff Writer*

SOMERVILLE -- The conviction of Isaac Wright on drug charges last week has brought a number of constitutional questions to light: those of the defendant's and those of the jurors.

The argument over juror's rights is more in the abstract -- between the right and the power they have to acquit a defendant if they believe a law is unfair.

During deliberations last week, a juror told Superior Court Judge Michael Imbriani she believed the drug conspiracy laws were unfair. Imbriani instructed the jury to resume deliberations because it was required to apply the law as it is, not make new statutes.

"There's a distinction between the power and the right. If someone says you have no power to do it, then you think you don't," said George Thomas, a law professor at Rutgers University.

"Jurors have the power to vote against the law just by acquitting. There's nothing to keep them from voting the way they want."

"It's the type of thing that you know it exists, but you don't acknowledge it because jurors are supposed to follow the law," said Randall Westreich, a public defender in Morris County who also handles some cases in Somerset. "A judge can't tell them to feel free to reject the law."

Somerset County Prosecutor Nicholas L. Bissell, Jr., who handled the Wright case for the state, said state law clearly shows that "jurors are required to follow the law as instructed by the court. There's no such thing as juror nullification in New Jersey."

On Thursday, Wright's attorney, Paul Amitrani, filed a motion to dismiss the

conviction on one-count -- being the leader of a drug-trafficking ring -- on the basis that the law is unconstitutional. Wright, 29, of Edison, defended himself during the trial.

The law states that a leader is one who operates and finances a drug distribution ring, and a conviction means that the defendant receives a life sentence with not chance of parole before serving 25 years.

In court papers filed in Superior Court, Amitrani wrote that evidence shows that Wright's co-defendants, Ernest Earvin and Fred Dickerson were "the main actors" in the ring that distributed thousands of vials of cocaine in Franklin and New Brunswick.

The "drug kingpin" law is vague and allows prosecutors to "pick and choose whom to charge when more than one person may fit the description," Amitrani states.

The law "creates a legal fog wherein the guilty and the innocent are thrown together," he wrote. The motion is scheduled to be heard on May 23.

The following is a letter written by Deborah Isler, the "balky" juror, to Somerset County Assignment Judge Wilfred P. Diana:

May 17, 1991

Dear Judge Wilfred P. Diana,

To write this letter it took me a lot of courage. Your Honor, I have fears of repercussion for trying to do what is right, Your Honor. I have a crippling disease and I've been under so much stress to obey the Law and to be fair in this case it has effect my health, Your Honor. My God tell me in the Bible to obey the laws of the land, and I try to be the best I can be. I'm a law abiding citizen, I've only had three tickets in my 18 yrs driving record, my belief is to obey the law and I'm grateful for the law and the protection we get and I don't cause no problem for the law. Your Honor, I was one of the juror who serve on the case of Mr. I. Wright beginning March 27, 1991 Juror No. # 157. Your Honor, I had reasonable doubt:

1. Mr. Wright was not allow to question certain witness (R. White Mother, one man I can't recall that person name.
2. Mr. Wright was not allowed to bring out his recording business.
3. There were phone calls made to the prosecutor office that was not allowed to come out.
4. Nikki Person was never put on the stand (she was arrested)
5. Mr. I. Wright was caught once red handed on August 25, 1989
6. Other dates Mr. I. Wright was not there when those arrest was made.

Your Honor, I had a question with the law the foreman sent to Judge M. Imbriani, can you charge the defendant with a crime which was committed by some one else? So, Judge Imbriani said he don't make the law nor does the juror and we took an oath to obey the law etc. And on the conspiracy charge Mr. I. Wright was charge with; the way the 12 charges. One of the charge Mr. I. Wright with the conspiracy from May/88 or between July 25/89 I found Mr. I. Wright guilty only on July 25/89 and not the other dates. I felt Mr. I. Wright didn't have a fair trial I feel there was some coverup. The real stress & pressure begin when the jury went to deliberate, Your Honor, I respect every jury for what verdict they came up with, but I was not respected for my verdict, The foreman which is a corporate lawyer keep stressing to me "We can leave hear unless we have a unanimous vote. I keep with my verdict, some of the jurors was mad & anger at me because I didn't agree with them. Some of the charges some of the jurors verdict agree with me. I felt they change the vote because of pressure. Your Honor, I was pressure, brow beat and to agree with everyone else, so I finally agree with the majority. I agree just to agree. I told the foreman this and all the other jurors this and I will fine Mr. I Wright guilty due to pressure. Guilty on all 12 charges, so when Mr. Wright Attorney poll all jurors I said Not Guilty so Judge M. Imbriani sent us back for unanimous vote. So when we went back in the juror room then it became very persoal. There were name calling, streaming, tempers flair. This is what I had to deal with against 11 juror I didnt' think this is what you had to put up with in a juror room I thought people would have respect for one another, it didn't happen in this case so I agreed with all 11 juror due to pressure.

Sincerely yours,

Juror # 157

(Spelling and grammatical errors are left in)