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U.S.

Dzhokhar Tsarnaev Is Guilty on All 30 Counts in Boston Marathon Bombing

By KATHARINE Q. SEELYE APRIL 8, 2015

BOSTON — In the silent well of Courtroom Nine, a clerk read out the jury's verdicts: Guilty. Guilty. Guilty. The word echoed in the courtroom as the clerk pronounced it 30 times, once for each of 30 main counts.

By the end of the 25-minute roll call of charges, which included 69 related questions, a federal jury here had left no doubt how thoroughly it sided with the government against Dzhokhar Tsarnaev in the 2013 bombings at the Boston Marathon, the worst terrorist attack on American soil since Sept. 11, 2001.

The verdicts set the stage for a second, more contentious phase of the trial, in which the same jury will decide whether to sentence Mr. Tsarnaev, 21, to life in prison or death.

“I hope today's verdict provides a small amount of closure for the survivors, families and all impacted by the violent and tragic events surrounding the 2013 Boston Marathon,” Mayor Martin J. Walsh said. “The incidents of those days have forever left a mark on our city.”

This next phase is likely to bring the age-old debate over the merits of the death penalty to the fore in Boston, an unlikely setting because sentiment here runs so deeply against it. Massachusetts abolished capital punishment in 1984 and has not executed anyone since 1947. Mr. Tsarnaev faces the death penalty because he has been convicted of federal crimes.

The prosecution will argue adamantly that he should be executed, saying that he acted in a heinous, cruel and depraved manner and betrayed the United States after becoming a citizen, and that he has shown no remorse. If the death penalty were ever justified, the government will argue, it is in this case.

The defense team's goal is to keep Mr. Tsarnaev off death row. Defense lawyers will stress what they believe to be mitigating circumstances: that he was 19 at the time, had no criminal record and was being manipulated by his older brother, Tamerlan, 26. They will also delve into his personal and family history to show how he was buffeted by forces beyond his control, from the unsettled politics of his home region of Chechnya to his parents' divorce.

Mr. Tsarnaev, a failing college student and the youngest child in a dispersed immigrant family, gave little indication in court Wednesday that his life was on the line. As the verdicts were read, he stood without expression, his arms folded in front of him, flanked by his lawyers.

The courtroom was packed with survivors and their families, some of whom had testified against Mr. Tsarnaev.

"We're obviously grateful for the outcome today," Karen Brassard, who suffered grievous leg injuries in the blast, said outside the courthouse. She called the outcome "one more step behind us," though she noted that the bombing was "not something that you'll ever be over."

Other survivors took to social media to express their reactions.

Sydney Corcoran, 19, a witness whose femoral artery was severed in the blasts, wrote on Twitter: "Guilty like we all knew he would be. Great jurors."

The bombings almost two years ago transformed one of the world's most prestigious road races on a glorious spring afternoon into a scene of carnage with bodies strewn across Boylston Street, giving the nation a horrifying glimpse into the consequences of homegrown, self-taught terrorism. The bombs, planted in retaliation for American-led wars in Iraq and Afghanistan, killed three spectators, blew the limbs off 17 others and wounded 240 more, leaving many with life-altering injuries.

There was little question that the jury would find Mr. Tsarnaev guilty of

most charges; his lawyers admitted that he had been involved, and they put on a minimal defense, calling four witnesses who testified for five hours. The government, by contrast, called 92 witnesses over 15 days.

Still, it had seemed at least remotely possible that the jurors might acquit Mr. Tsarnaev on some of the lesser counts, including a seemingly tangential charge in relation to a transit police officer who may have been inadvertently shot by other police officers. But when they came back after a day and a half with guilty on every charge and every related question, they appeared to magnify the challenge facing defense lawyers in the next phase.

“The defense can’t make this a referendum on their client, because he isn’t very sympathetic, so they’re going to turn it into a referendum on the death penalty,” said Michael D. Kendall, a former federal prosecutor.

“And the big choice for the jury is going to be which is more cruel, life without parole for a young man or the death penalty?” Mr. Kendall said. “They’ll pick whichever they think is worse.”

Survivors have generally kept their views on the death penalty to themselves, but some began to speak out after the verdict.

Jarrold Clowery, who suffered burns and multiple shrapnel wounds, said on NECN television, a local cable channel, that he thought Mr. Tsarnaev was trying to get killed during the shootout with police in Watertown and expressed doubts about whether the death penalty would be the right punishment. “Why give him what he wants?” Mr. Clowery asked.

After the verdict, The Boston Globe ran an editorial urging that Mr. Tsarnaev be spared the death penalty.

The jury is already “death qualified”: That is, only those who said they were open to applying the death penalty were allowed to serve, while those who flatly opposed it were excluded. Many of those who were chosen said they were open to the argument either way. The question now is the degree to which a jury that so thoroughly embraced the government’s case might be inclined to accept the argument that Mr. Tsarnaev’s crimes were so heinous that he deserved to die.

A poll of Boston voters taken in the midst of the trial, when witnesses

were giving the most heart-wrenching testimony, found that 62 percent of Bostonians said they would sentence Mr. Tsarnaev to life; only 27 percent said he should be put to death. In the Boston metropolitan region, 49 percent favored life, compared with 38 percent who opted for death. But the jury is drawn from Eastern Massachusetts, beyond the Boston region, so it is not clear how much these sentiments reflect the views of the 12 who will make the decision.

Martin G. Weinberg, a prominent defense lawyer in Boston, said that the guilty verdicts had been pre-ordained by the defense team's admission at the outset that Mr. Tsarnaev was involved, and that he did not see them as an unexpected setback.

The defense strategy of admitting to the crime and casting Mr. Tsarnaev as a subordinate to his older brother, he said, was not intended to get him acquitted in the first phase but to lay the groundwork for the sentencing phase. "The defense retained its credibility to say to the jury, 'We are asking you to save his life because he wasn't the engineer, the architect of the bombings,'" Mr. Weinberg said.

But that may be a hard sell in the face of the prosecution's case, which the jury has now endorsed.

"This was a cold, calculated terrorist act," one prosecutor, Aloke Chakravarty, said in closing arguments Monday. "This was intentional. It was bloodthirsty. It was to make a point. It was to tell America that 'We will not be terrorized by you anymore — we will terrorize you.'"

Mr. Chakravarty said that Mr. Tsarnaev had been a full and equal partner with his older brother. Dzhokhar, repeatedly faced with choices, never went back on the plan, he said, even when Tamerlan was not around. This was especially evident when Dzhokhar was hiding in a boat by himself and scrawled jihadist messages.

"These were deliberate choices; these were political choices," Mr. Chakravarty said. "An eye for an eye; you kill us, we kill you — that's what he said and that's what he did."

The defense, while conceding Mr. Tsarnaev's involvement, cast him as a

misguided adolescent led by the domineering and malevolent Tamerlan, who was obsessed with violent jihad and who died after a shootout with the police and after Dzhokhar drove over him in a getaway car.

“We don’t deny that Jahar fully participated in the events,” Judy Clarke, the lead defense lawyer, told the jury in her closing arguments, using his Americanized nickname. “But if not for Tamerlan, it would not have happened.”

Still, she never pretended that Dzhokhar was not guilty, and all but asked for a guilty verdict in her closing. “When you go back to the jury room, we’re not asking you to go easy on Jahar,” she said.

She did ask jurors to keep their minds open in the sentencing phase, when the defense is expected to put on a far more aggressive case than it did in the first in pursuit of its single goal — to save Mr. Tsarnaev’s life.

Richard A. Oppel Jr. and Jess Bidgood contributed reporting.

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Dzhokhar Tsarnaev, second from left, flanked by his defense lawyers, showed no emotion Wednesday as a clerk delivered the jury’s guilty verdict in the Boston Marathon bombing trial.

Jane Flavell Collins, via Associated Press