

STANDARD CRIMINAL VOIR DIRE

U.S. Magistrate Judge Deborah M. Fine

1. Have any of you ever seen or heard anything about this case from any source whatsoever?
2. Ladies and gentlemen, on the sheet given to you is a list of questions. Starting with juror number one, please stand and answer the questions. The last question asks about your prior jury service. With respect to civil cases, please just tell me the number of civil juries on which you have served. With respect to criminal cases, please indicate the nature of the crime involved and the result of the case: guilty, not guilty, or hung jury, for each of the criminal juries you have been on.

Voir Dire Sheet Questions:

1. Juror number
 2. Marital status
 3. Number of children and ages if under 18
 4. Employment: where do you work and type of work (if retired, what did you do/where did you work before retirement)
 5. Spouse's employment: place and type (if retired, what did they do/where did they work before retirement)
 6. Prior jury service: type (criminal, civil), dates of service, nature of case and verdict (if any)
3. Did any of you know each other before this morning?
 - If so, would your acquaintance with the other juror affect your ability to deliberate and reach your own independent decision as a juror in this case?

4. I will now read the names of the witnesses who may be called during this trial. If you know or think you might know any of the witnesses, please raise your hand and juror number at any time. The potential witnesses are:

(See Witness List)

5. Again, do any of you know or think you might know any of the witnesses?

6. Please note that the defendant, the attorneys, and all witnesses have been instructed not to speak to you at any time, either before or during the trial. Therefore, please do not feel offended if you see any of them outside the courtroom and they do not speak to you.

7. I expect to conduct trial on these dates and times:

[Dates depend on calendar]

9:00 a.m. to 4:45 p.m. One hour break for lunch.

We will usually take one break in the morning and one break in the afternoon for approximately 15 to 20 minutes.

8. Do any of you have any other reasons whatsoever, such as physical difficulty, health problems, or home problems, that might interfere with your serving as a fair and impartial juror in this case?
9. Have you or any members of your family, including brothers, sisters, parents, children, or close friends ever been victims of criminal conduct such that you would not be a fair and impartial juror in this case?

- [As to each “yes” response:] If yes, please explain, including what the incident was, what police agency investigated, if you had to make a statement, whether the responsible party was apprehended, and why that experience prevents you from being a fair and impartial juror in this case.

10. Most people or their family or close friends have been victims of minor crimes. Have you or any members of your family, including brothers, sisters, parents, children, or close friends ever been victims of serious criminal conduct involving serious property damage or serious bodily injury?

- [As to each “yes” response:] If yes, please explain, including what the incident was, what police agency investigated, did you have to make a statement, whether the responsible party was apprehended, and why that experience prevents you from being a fair and impartial juror in this case.

11. Have you or any members of your family even been convicted of a felony?

- If so, which family member, what offense, and what was the disposition? Would this experience prevent you from being fair and impartial in this case?

12. Are any of you or any members of your family or close friends now serving or have ever served in the capacity of law enforcement officer?

- Please note that in the definition of law enforcement officer, I am including not only police officers, but also employees of law enforcement agencies, military police, DHS, DOJ, or other government law enforcement or intelligence agencies, etc.
- Do you think this relationship would prevent you from being fair and impartial in this case?

13. There will be witnesses called during this trial who are members of law enforcement and who may have been in that profession for a number of years.

- Is there anything about the law enforcement profession and/or about the witness having been engaged in such profession for a number of years that would cause you to either give a greater or lesser weight or credibility to their testimony solely by virtue of their employment in law enforcement?

14. Have any of you or any members of your family been a party or witness in any litigation (excluding family law matters, traffic cases, and probate matters)?

- [Addressed to all who answer, “yes”:] Do you think this experience would prevent you from being fair and impartial in this case?

- [Addressed individually:] What kind of case were you a party or witness in? If a witness, which party called you as a witness?
15. Do any of you or any members of your family have any legal training?
 - [Addressed to all who answer yes:] Do you think this training would affect your ability to be fair and impartial in this case?
 - [Addressed individually:] What was your legal training
 16. [Do you disagree with the fact that the United States has the right to prosecute felony offenses on Indian Reservations?]
 17. [There may be evidence in this case of alcoholic beverage drinking to excess. Do any of you not drink alcoholic beverages?]
 18. [Have you or any member of your family or a close friend ever suffered harmful consequences from drinking alcohol?]
 19. [Do you have any strong feelings about drinking alcoholic beverages?]
 20. [Would your feelings about alcohol consumption affect your ability to be a fair and impartial juror in this case?]
 21. I will instruct you as to what the law is at the conclusion of the case. If selected as a juror, you will take an oath to follow the law. Does anyone think you would have trouble following the law, even if you may disagree with it?

22. In a civil case, the burden of proof is preponderance of the evidence. This is a criminal case in which the government must prove guilt beyond a reasonable doubt. That requires proof that leaves you firmly convinced that the defendant is guilty. Does anyone have any difficulty in holding the government to its burden?

23. Here are some fundamental principles of law:

- The fact that an indictment has been filed raises no presumption, whatsoever, of guilt of the defendant.
- The United States government must satisfy you beyond a reasonable doubt of the guilt of the defendant.
- The defendant does not have any obligation to testify or to produce any evidence and you may not draw an adverse inference if the defendant chooses not to testify.
- The defendant is presumed to be innocent until his guilt is established beyond a reasonable doubt.
- You must wait until all of the evidence has been presented before making up your minds as to the innocence or guilt of the defendant.

Does anyone believe that they will have any difficulty following these principles of law?

24. Do you have any strong feelings regarding any government policies which would prevent you from giving either the government or the defendant a fair trial?
25. Do you have any strong feelings regarding the criminal justice system in this country, including, but not limited to, your feelings about judges and lawyers, that would prevent you from giving either the government or the defendant a fair hearing in this matter.
26. Do you have a belief, whether religious or philosophical, which makes it difficult for you to sit in judgment of another?
27. [If interpreters:] This case will involve official court interpreters. Do you know the [] language? If so, will you be able to set aside that knowledge and rely solely on the official English translation?
28. Counsel for the Government, do you have any further questions at this time?
29. Counsel for the Defendant, do you have any further questions at this time?
30. If you were the attorney for the United States Government or the defense attorney, or the defendant in this case, would you be willing to have twelve persons with the same frame of mind that you now have sitting as jurors?