

CRIMINAL VOIR DIRE QUESTIONS

1. Read statement of the case.
 - Have any of you read or heard anything about this case from any source whatsoever?
 - Given this brief description of the facts, is there anything about this case that would cause you to believe that you could not consider the evidence fairly and impartially according to the law?

2. Introduce self and staff: _____. Do any of you know me or any member of my staff on any basis, social, professional or otherwise?

3. The United States is represented by _____. Counsel please stand. He is an assistant United States attorney.
 - The United States attorney is Dennis Burke. Do any of you know counsel, or the United States attorney, or any of the employees in his office on any basis, social, professional or otherwise?
 - Counsel, please introduce your investigator. Do any of you know the investigator or any employees of his/her office on any basis, social, professional or otherwise?

4. The defendant(s) is/are represented by _____. Counsel please stand.
 - Do any of you know the defendant's attorney or any employees of his/her office on any basis, social, professional or otherwise?

- Counsel, please introduce your client. Do any of you know the defendant on any basis, social, professional, or otherwise? (Ask in detail about lawyers from the same office, if appropriate.)
5. The witnesses who may be called during this trial are: (See Witness Tab):
- Do any of you know or think you might know any of these witnesses?
6. Have you or any members of your family, including brothers, sisters, parents or children, or close friends, ever been the victims of criminal conduct? (give small example)
- If yes, please explain including what the incident was, what police agency investigated, did you have to make a statement, and was the responsible party apprehended?
 - Do you think this experience would prevent you from being fair and impartial in this case?
7. Have you or any members of your family ever been convicted of a felony?
- If so, which family member, what offense, and what was the disposition?
 - Do you think this experience would prevent you from being fair and impartial in this case?
8. Have you or any members of your family or close friends 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, ICE, border patrol, DEA, ATF, etc.

- Do you think this relationship would prevent you from being fair and impartial in this case?

9. 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.

- Would you give greater or lesser weight to their testimony solely because of their employment and experience in law enforcement?

10. Have any of you or members of your family been a party or witness in any litigation (excluding domestic relations, traffic, or probate)?

- Do you think this experience would prevent you from being fair and impartial in this case?

11. Do any of you or any of the members of your family have any legal training?

- Do you think this training would affect your ability to be fair and impartial in this case?

12. I will instruct you 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?

13. In a civil case the burden of proof is a preponderance of the evidence. This is a criminal case in which the government must prove guilt beyond a reasonable doubt.

Does anyone have any difficulty in holding the government to its burden?

14. Here are some fundamental principles of law:

- The fact that an indictment has been filed raises no presumption whatsoever of the 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 would have any difficulty following these principles of law?

15. Ladies and gentlemen, we recognize that jury service is probably an inconvenience for you, taking you away from your jobs and families and disrupting your daily routine. Jury service is, however, one of the most important duties that citizens of this country can perform. For this reason, from time to time we ask citizens to make sacrifices and serve on juries, even when inconvenient. Prospective jurors can be excused from jury service if the length of the trial or the daily schedule would impose undue hardship. By undue

hardship I mean more than inconvenience – I mean genuine hardship that would be experienced by you or your family. This case is expected to last ___ days. Would the length of the trial create an undue hardship for any of you?

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

- Would this schedule create an undue hardship for any of you?

17. Do any of you have any other reason whatsoever, such as a physical difficulty, a health problem or home problems that might interfere with your serving as a fair and impartial juror in this case?

18. Some of the participants in this trial are ethnic minorities. Has anyone had any contact or experience with ethnic minorities which would make it difficult to render a fair and impartial verdict in this matter?

19. Ladies and Gentlemen, we have handed you a sheet with 10 separate questions. Please stand and answer the questions. The last question asks about your prior jury service. With respect to civil cases, just tell us 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 served on.

20. Did any of you know each other before this morning?

21. If there are any matters that you would rather discuss privately that may affect your ability to be a fair and impartial juror, please let the Court know.

1. Juror number
2. The general location of your residence
3. Length of time at current residence
4. Education after high school, if any. State your major
5. Marital status
6. Number of children. Ages of children if under 18
7. Employment
 - A. Yourself – current job and types of jobs throughout lifetime
 - B. Spouse – current job and types of jobs throughout lifetime
8. Civil, social, fraternal, union or professional organizations. Offices held in them
9. Hobbies or recreational activities
10. Prior jury service – civil or criminal