

CRIMINAL VOIR DIRE

First, I am going to ask all of you questions concerning your general qualifications to serve as jurors. I will address these questions to you as a whole.

1. If you are not over the age of eighteen, please raise your hand.
2. If you are not a citizen of the United States, please raise your hand.
3. If you have not resided in the Western District of Louisiana for at least one year, please raise your hand.
4. If you are not able to read, write and understand the English language, please raise your hand.
5. If you are not capable, mentally and physically, of rendering satisfactory jury service (for example, if you have been pronounced incapable of handling your affairs by a court), please raise your hand.
6. If you have any criminal charges pending against you for a violation of state or federal law punishable by imprisonment for more than one year, please raise your hand.
7. If you have ever been convicted of a state or federal crime for which punishment could have been more than one year in prison, and you have not had your civil rights restored, please raise your hand.
8. Venire is now generally qualified.

This is a criminal proceeding. The United States Government commences a criminal proceeding by filing an indictment, formally accusing each of the defendants of a crime.

Here the Government charges: [HAVE GOV'T READ]

At this point I am going to ask each of you to tell us a little bit about yourself.

1. Your full name.
2. Where you live and how long you have lived there.
3. What you do for a living, or what you formerly did if you are retired.
4. What type of work your spouse (if married), partner or children do.
5. Your level of education.

6. Whether you have any hobbies, or what you like to do for entertainment.

If any of you would answer any of the following questions "no", please raise your hand.

1. Can you hear and see well?
2. Do you understand that the indictment, that is, the government's charge against each of the defendants, is not evidence of guilt of any defendant?
3. Do you understand that you cannot draw any inferences of guilt from the mere fact that the government accuses these defendants?
4. Will you refrain from drawing any such inferences?
5. Will you accept and apply the law as given to you by the court and disregard any ideas, or notions you may have, or which you may have, or which you may encounter in reaching your verdict, as to what the law should be or should not be?
6. Will you decide the case solely and only on the evidence adduced in this trial and the law as it is given to you by the court?
7. Will you give each defendant the benefit of the presumption of innocence?
8. Will you require the government to prove the guilt of each of the defendants beyond a reasonable doubt before rendering a verdict of guilty?
9. Would you firmly put aside any feeling of prejudice, sympathy, or passion and decide this case solely on the evidence and the law and render a true verdict without regard to the consequences to the prosecution of these defendants?
10. If the government proves each defendant guilty beyond a reasonable doubt, would you return a verdict of guilty as charged?
11. If you are not convinced that the government has proven each defendant guilty beyond a reasonable doubt, would you hesitate to fulfill your duty as a juror and return to this courtroom with a verdict(s) of not guilty?

Now, if any of you would answer any of the following questions "yes", you should raise your hand.

12. Are you related by blood or marriage to, or are you personally acquainted with any defendant?
13. Do you or any members of your immediate family, including those close friends and relatives you might consider as family, have any connection of any kind with any of the defendants?

IDENTIFY FOR THE JURORS THE VARIOUS COUNSEL PARTICIPATING IN THE CASE AND INQUIRE:

14. Are you related by blood or marriage, or do you know:
 - a) any of the attorneys appearing in this case?
 - b) the U.S. Attorney, Stephanie Finley, or any of her assistants?
 - c) Any members of any law firm of which defense counsel appearing in the case may be a member?

15. Do you know or have any connections with any of the following persons or entities: [ASK U.S. ATTORNEY TO READ WITNESS LIST]

16. To the best of your knowledge, have you or any member of your immediate family, including those close friends or relatives you might consider as family, ever been counseled by the U.S. Attorney or any of her assistants or any defense attorney or members of the firm of which he or she is a member?

17. Do you, of your own knowledge, know anything at all about the facts of this case?

18. Do you remember having read, seen or heard anything about this case excepting, of course, what you have heard about the case in this court? IF "YES":
 - a) Would the information you have received affect or influence your verdict in any way?
 - b) Could you and would you completely put out of your mind any information you may have received about this case and try it as a fair and impartial juror and render a just verdict solely on the evidence presented and the law as given to you by this Court?

19. Has anyone talked to you about this case or your duties as a juror? IF "YES":
 - a) Would that conversation affect or influence your verdict in any way?
 - b) Could you and would you completely put out of your mind anything you may have been told about this case and try it as a fair and impartial juror and render a just verdict solely on the evidence presented and the law as given to you by this court?

20. Have you an opinion as to the guilt or innocence of any defendant at this time? IF "YES":
 - a) Could you completely set aside that opinion and try this case as a fair and impartial juror and render a just verdict solely on the evidence presented in this case and the law as you receive it from this court?
 - b) Is that opinion such that you would require evidence to be produced to overcome it?

21. Have you ever expressed an opinion as to the guilt or innocence of any defendant? IF "YES":
 - a) Do you still entertain such an opinion?
 - b) Could you completely set aside that opinion and try this case as a fair and impartial juror and render a just verdict solely on the evidence presented in this case and the law as you receive it from this court?
 - c) Is that opinion such that you would require evidence to be produced to overcome it?
22. Have you or any member of your immediate family, including those close friends or relatives you might consider as family, ever been seriously affected by drugs?
23. Have you or any member of your immediate family, including those close friends or relatives you might consider as family, ever been a victim of a crime?
24. Would the fact that you were a victim of a crime impact or influence your decision in this case?
25. Have you ever served as a juror in a criminal or civil case as a member of a grand or petit jury, either in a federal or state court?
26. Have you or any member of your immediate family, including those close friends or relatives you might consider as family, participated in a criminal case either as:
 - a) a complainant?
 - b) witness for the prosecution?
 - c) in any other capacity?
27. Have you or any member of your immediate family ever participated in a criminal case either as:
 - a) a witness for the defense?
 - b) in any other capacity?
28. Are you now or have you ever served as a law enforcement officer?
29. Is any member of your immediate family, including those close friends or relatives you might consider as family, now serving, or have they ever served, as a law enforcement officer?
30. Are you or any member of your immediate family, including those close friends or relatives you might consider as family, now -- or have you or they ever been -- an official or employee of the U.S. Government?

31. Do you or any member of your immediate family, including those close friends or relatives you might consider as family, have any dealings with the United States or any agencies thereof or with the defendant from which you or they may profit?

32. Have you or any member of your immediate family, including those close friends or relatives you might consider as family, ever had or do you now have, or do you presently anticipate having, a dispute with or claim or case against the United States or any defendant?

33. Have you or any member of your immediate family, including those close friends or relatives you might consider as family, been convicted of a crime or pled guilty to a charge of a crime?

34. Do you know of any reason why you may be prejudiced for or against the United States or defendant because of:

- a) the nature of the charges involved in this case;
or
- b) any other circumstance.

35. Is there anyone here who feels that the defendant is more likely to be guilty just because this case involves [drugs], as opposed to some other type of criminal case?

36. Is there anyone here who believes that by finding these defendants guilty or not guilty in this particular case you will be affecting the problem of crime in general? Do any of you who feel that way think that this belief will affect your verdict in this case?

37. Do you have any belief or opinion that any offense for which each defendant is charged is unique in any respect in the sense that:

- a) it should be pursued with extraordinary vigor;
or
- b) it should not constitute an offense;
or
- c) or that it carries penalties which you may consider improper?

38. If you were the United States Attorney charged with the responsibility of prosecuting this case or if you were a defendant on trial here today charged with the same offenses or if you were defense counsel, do you know of any reason why you would not be satisfied to have this case tried by someone in your present frame of mind?

39. Does anyone have a religious or moral belief that would prevent you from sitting as a judge of the guilt or innocence of these defendants? In other words, can you be part of the "legal machinery" which may bring about the conviction or acquittal of a person for crimes such as those charged in the indictment?

40. Does anyone have any medical or physical condition that could affect your ability to serve on this jury?

41. Can you think of any other matter which you should call to the court's attention which may have some bearing on your qualifications or competence as a juror?

42. Do you know of any reason, matter or thing that may prevent you from doing your sworn duty to render a fair and impartial verdict based solely upon the evidence adduced in this trial and the law as you receive it in the court's instructions?

43. If a defendant is convicted, it will be the Court's duty and not yours to decide what the punishment will be. Will you be able to set aside any considerations regarding punishment and decide the case based on the facts presented?