

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ALABAMA
KEYBOARD() DIVISION

UNITED STATES OF
AMERICA,

Plaintiff,

v.

KEYBOARD(),

Defendant.

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]
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]
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]
]

KEYBOARD()

VOIR DIRE

CANNOT USE VOIR DIRE TO INGRATIATE OR OBTAIN A

PRE-COMMITMENT

(Yolonda opens Court and reminds jurors they are still under oath.)

The matter to be taken up at this time is the case of UNITED STATES OF
AMERICA v. **KEYBOARD()**, CASE NUMBER **KEYBOARD()**.

Is the government ready to proceed?

Is the Defendant ready to proceed?

We are about to select a jury for the trial of this case that has been announced ready for trial. To assist the Court and the attorneys in that selection process, we are going to proceed with what is called “voir dire” examination.

The purpose of voir dire examination is to give the lawyers a full opportunity to inform themselves about the jury panel so that they may responsibly exercise their duties to their respective clients to select a fair and impartial jury for the trial of this particular case. No one wishes to probe unnecessarily into your private affairs, but the lawyers need to know, and the parties are legally entitled to know some information about you. Therefore, please answer each question as fully and as accurately as you can. We need you to give your best, honest, and sincere effort to answer each question. The information you give in response to the court’s and the lawyers’ questions will be used only by the court and the

lawyers to select a qualified jury for the trial of this case.

I am now going to request the courtroom deputy to call the roll of jurors who have been summoned to this courthouse for a term of jury service through a random selection process, and have been selected through a similar type random selection process to come into this courtroom as a possible jury venire, and who are now seated in the order in which that random selection process put you. As the courtroom deputy calls your name, would you please stand and tell us in a loud voice the information requested on the card each of you has been given.

(Yolonda)

JUROR VOIR DIRE CARD

1. WHAT WERE YOUR ADDRESSES WITHIN THE LAST FIVE YEARS?
2. WHAT KIND OF WORK DO YOU DO?

(IF RETIRED, TELL US WHAT YOU DID BEFORE RETIREMENT.)

3. WHO DO YOU WORK FOR? WHERE? FOR HOW LONG?
4. WHAT OTHER JOBS HAVE YOU HAD IN THE LAST FIVE YEARS?
5. WHAT WAS THE HIGHEST LEVEL OF SCHOOL YOU FINISHED?

--WHAT DEGREES?

6. ARE YOU MARRIED?
7. DOES YOUR SPOUSE HAVE A JOB? WHAT KIND OF WORK?

(IF RETIRED, WHAT WAS THE WORK DONE BEFORE RETIREMENT?)

8. HAVE YOU EVER HEARD A CASE AS A JUROR?

--WHAT KIND OF CASE?

--WHO WON?

9. HAVE YOU EVER BEEN A WITNESS IN COURT?

-- WHAT KIND OF CASE?

10. HAVE YOU EVER SUED OR BEEN SUED?

(LEAVE OUT DIVORCE OR CHILD CUSTODY CASES.)

11. WHAT ARE YOUR HOBBIES AND SPECIAL INTERESTS?

As I indicated a few minutes ago, we are commencing the trial of the case of UNITED STATES OF AMERICA v. **KEYBOARD()**. This case generally involves (Check with Attorneys)

KEYBOARD()

Now, ladies and gentlemen, as indicated earlier, I am going to ask you some questions after which the attorneys will be allowed to ask you some additional questions, if they so desire. Please answer these questions completely and truthfully. If the answer is “Yes”, raise your hand and only give your name in a loud, clear voice when called upon to respond.

1. Has anyone read or heard anything about this case?
2. Is any juror familiar with the facts that may be involved in this particular case?

How did you become familiar?

3. Does any member of the jury panel know of any reason why you may be prejudiced for or against the government – or – for or against the Defendant because of the nature of this particular case or otherwise? In other words, is there anyone of you who could not be fair to both sides in this case because this case involves allegations of **KEYBOARD()**?
4. Do you know or are you related by blood or marriage to defendant **KEYBOARD()**?

deft's full name) ?

5. Have any of you or any person related to any of you by blood or marriage ever been employed by the Defendant **KEYBOARD**(deft's full name)?
6. The attorneys in the case are Assistant U. S. Attorney **KEYBOARD**(AUSA's full name), representing the United States of America, and **KEYBOARD**(deft's atty's full name) representing Defendant **KEYBOARD**(deft's full name). Do any of you know personally any of the attorneys in the case or anyone else who works for the U.S. Attorney's Office? Which one and how?
7. Are any of you members of the jury panel related by blood or marriage to any of the attorneys in this case, or anyone else who works for the U.S. Attorney's Office?
8. Have any of you, or any members of your immediate family, ever been represented by any of the attorneys in the case or to your knowledge been involved in any

matter in which any of these attorneys, or anyone else who works for the U.S.

Attorney's office were involved?

9. Does anyone know or is anyone related by blood or marriage to any of the

following individuals:

KEYBOARD(list attys, deft, witnesses)

10. Does anyone know or is anyone related by blood or marriage to anyone who works

for the **KEYBOARD**(list law enforcement agencies)?

11. Has anyone or a member of your immediate family ever worked in law

enforcement?

12. Has anyone, or an immediate family member, ever had what you would consider a

“bad” experience with a law enforcement officer?

13. Has anyone here, a member of your immediate family, or a close personal friend

ever had a bad experience with our criminal justice system? That is to say, you

feel you were treated unfairly by a police officer, or by a prosecutor, or by a judge.

14. Has anyone here ever been a victim of a crime? If so, what type of crime was it, when did it occur, and what was the outcome of the case brought against the perpetrator, if any?
15. For those of you who have been victims of crimes, if selected to sit on this jury, do you believe in light of your experiences that you could be fair to both the defendant and the United States, and, accordingly, render a fair and impartial verdict based solely on the evidence and law as it pertains to this case?
16. Does any member of the panel know or believe that they know any other member of the jury panel? If so, what is the nature of the relationship? Would this relationship influence your own judgment in this case?
17. Are any members of the panel employed, either presently or in the past, as law enforcement officers? Kin to any law enforcement officers? Any other

relationships with any law enforcement officers?

18. Has any member of the panel, a member of a panel member's family, or any other relative or friend, ever been charged with a **KEYBOARD**(list pertinent crime/s) crime?
19. Would you as a jury person, be more inclined to believe someone in law enforcement more so than any other person, just because that person is a law enforcement officer?
20. **Is there any member of the panel, a panel member's family, or other relative or close friend ever been treated for an addiction to drugs, rather prescription or otherwise? THIS MAY NOT BE APPLICABLE.**
21. **Is there an member of the panel, a panel member's family ever been treated for a mental illness or related counseling? THIS MAY NOT BE APPLICABLE**
22. **The defendant is charged with multiple counts of distribution and possession with**

the intent to distribute cocaine base, or “crack” cocaine, cocaine hydrochloride, or “powder” cocaine, and marijuana. Is there anyone here who believes that drugs or controlled substances of any kind should be legalized or otherwise disagrees with the current laws and/or policies of the United States regarding drugs? **THIS WILL BE CASE SPECIFIC.**

23. The defendant in this case has also been charged with carrying a firearm during and in relation to a drug trafficking offense and being a felon in possession of a firearm. Is there anyone here who believes that the government should not be in the business of regulating the possession or ownership of firearms or otherwise disagrees with the current federal laws concerning firearms? **THIS WILL BE CASE SPECIFIC**

24. If selected for this jury, you will be called upon to sit in judgment of another person. Knowing that, is there anyone here who believes that he/she might have a

problem doing that, perhaps because of some political, or religious, or social, or philosophical reason?

25. Does anyone believe that the United States or law enforcement agencies should not use “informants,” “snitches,” or other such persons to provide information and work undercover?
26. Does anyone believe that they could not or would not, under any circumstances, believed the testimony of an informant or cooperating defendant or individual?
27. Does anyone believe that a defendant who is cooperating with the government must be lying because he or she may receive a shorter or “lighter” sentence in exchange for agreeing to testify for the government?
28. Has anyone talked with you about this case or discussed it in your presence prior to your coming into this courtroom today?
29. Would any of you be the least bit hesitant promptly to report to me or the

courtroom deputy should someone approach you about this case or talk to you about it while you are serving as a juror?

30. Is there anyone who believes for whatever reason that they would be unable, if chosen to serve on the jury in this case, to be fair and impartial to both sides and to return a verdict based solely on the facts as you determine them to be from the evidence and the law as I give it to you to be applied to those facts?
31. Can any of you think of any other matter that you should call to the court's attention that may have some bearing on your qualifications as a juror or that may prevent you from rendering a fair and impartial verdict based solely on the evidence and my instructions as to the law?
32. We anticipate that this case will take **KEYBOARD**(how many days) days to try.
Would this length of trial work an undue hardship on anyone?

I have now asked I have now asked the questions I needed to ask. Now, the attorneys

may ask you some questions. Please answer them fully and truthfully.

Any additional questions by counsel may be asked from the podium and will be limited to 15 minutes per side (or per attorney?)

Does the government have any additional questions? If so, proceed.

Does the Defendant have any additional questions? If so, proceed.

I'm now going to ask the attorneys, Court Reporter and Courtroom Deputy to meet with me in my chambers. Court will remain in session and I will ask the members of the jury panel to keep your seats during this brief meeting.

(In Chambers) Are there any members of the jury panel from whom either party needs further information? (If so, they are brought in individually.)

CHALLENGES FOR CAUSE:

A. DOES THE GOVERNMENT HAVE ANY CHALLENGES FOR CAUSE? (IF SO, LISTEN TO REASON, THEN OBTAIN DEFENDANT'S RESPONSE, THEN RULE.)

B. DOES THE DEFENDANT HAVE ANY CHALLENGES FOR CAUSE? (IF SO, LISTEN TO REASON, THEN OBTAIN PLAINTIFF'S RESPONSE, THEN RULE.)

[Before leaving chambers make sure all seating charts reflect any strikes for cause and advise attorneys regarding any jurors not before them and have them mark out extra jurors brought up to cover strikes for cause.]

RETURN TO COURTROOM:

[GIVE ATTORNEYS 15 MINUTES TO CONSIDER THEIR STRIKES. RELEASE JURY FOR 20 MINUTES ADVISING THEM TO RETURN PROMPTLY AND TAKE THE SAME SEATS WHEN THEY RETURN, i.e., LOOK AT YOUR NEIGHBORS ON EACH SIDE OF YOU AND REMEMBER WHERE YOU ARE SEATED. ADVISE ATTORNEYS TO PROMPTLY FILE THEIR STRIKE FORMS WITH THE COURTROOM DEPUTY, YOLONDA BERRY, WHEN COMPLETED.]

Copies of each side's peremptory strikes are made and lists are exchanged.]

JUDGE RETURNS TO CHAMBERS

(Next, attorneys, courtroom deputy, and court reporter rejoin judge in chambers.)

A. Ask Courtroom Deputy to read the names of the jurors selected in the trial of the case.

B. Ask government if satisfied with the jury selection process and the jury selected?

Any challenges to Defendant's peremptory strikes? If so, get Defendant's explanation and rule.

C. Ask Defendant if satisfied with the jury selection process and jury selected. Any challenges to government's peremptory strikes? If so, get government's explanation and rule.

ALL RETURN TO COURTROOM:

A. DIRECT COURTROOM DEPUTY TO READ THE NAMES OF THE JURORS
SELECTED, ASK JURORS TO RAISE THEIR HANDS AND LEAVE HAND RAISED IF
THEIR NAME IS CALLED.

(YOLONDA BERRY)

B. DIRECT JURORS WHOSE NAMES ARE CALLED TO STEP INTO THE JURY BOX.

C. DIRECT COURTROOM DEPUTY TO CALL THE NAMES ONE MORE TIME FOR VERIFICATION.

D. ASK EACH SIDE IF THIS IS THE JURY SELECTED AND IF THEY ARE SATISFIED WITH THE JURY SELECTION PROCESS.

THANK AND RELEASE JURORS NOT SELECTED – DIRECT THEM BACK TO THE JURY ASSEMBLY ROOM FOR FURTHER INSTRUCTIONS.

“I WILL NOW CALL UPON THE COURTROOM DEPUTY TO ADMINISTER THE FINAL OATH TO THE JURORS SELECTED TO HEAR THIS CASE.”

GO TO PRELIMINARY INSTRUCTIONS.