

*STANDARD CRIMINAL VOIR DIRE QUESTIONS*  
*Honorable Diane J. Humetewa*  
*United States District Judge*

1. Have any of you ever seen or heard anything about this case from any source whatsoever?
2. 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?

The Government

3. Do any of you know the Assistant U.S. Attorney, the U.S. Attorney or any employee of the U.S. Attorney's Office on any basis, social, professional or otherwise?
4. Do any of you know the government's investigator(s) or any employees of his/her office on any basis, social, professional or otherwise?

The Defendant

5. Do any of you know the defendant(s) on any basis, social, professional or otherwise?
6. Do any of you know any of the employees in counsel's office on a social, professional or other basis?
7. Do any of you know the defendant's investigator(s) or any employees of his/her office on a social, professional or other basis?

Fellow Prospective Jurors

8. Did any of you know each other before this morning? If so, would your acquaintance with any other juror affect your ability to deliberate and to reach your own independent decision as a juror in this case?

## Witnesses and Third Parties

9. Do any of you know or have you ever heard of any of these individuals? If so, would your knowledge or experience with any of these individuals [or organizations] affect your ability to serve fairly and impartially in this case?

**With the upcoming questions, if there are any matters which you would rather discuss privately that may affect your ability to be a fair and impartial juror, please let the Court know.**

## Relevant Past

10. Have you or any members of your family (brothers, sisters, parents or children) ever been the victims of serious criminal conduct involving serious personal property damage or bodily injury? If so, please explain including what the incident was, what, if any, police agency investigated the matter and whether anyone was apprehended? Do you think this experience would prevent you from being fair and impartial in this case?
11. 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 outcome? Do you think this experience would prevent you from being fair and impartial in this case?
12. Do any of you have any other reasons whatsoever, such as physical difficulty, a health problem or home situation that might interfere with your serving as a fair and impartial juror in this case?
13. 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? Would this experience prevent you from being fair and impartial in this case?
14. 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? By "law enforcement officer," I am including not only police officers, but also employees of law enforcement agencies, military police, FBI border patrol, DEA, ATF, DOJ, Department of Homeland Security, or other government law enforcement or intelligence agency etc. If so, do you think this relationship would prevent you from being fair and impartial in this case?
15. Have you or any member of your family been a party or witness in any litigation (excluding family law matters, traffic cases, and probate matters)?

If so, do you think this experience would prevent you from being fair and impartial in this case? What kind of a case in which you were a witness, and which party called you as a witness?

### Legal Knowledge and Application

16. Do you or any of your family members have any legal training? If so, what type of training? Do you think this training would affect your ability to be fair and impartial in this case?

17. 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. Do you think that you would have trouble following the law even if you may disagree with it?

18. 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. Would any of you have any difficulty in holding the government to its burden?

19. 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 will have any difficulty following these principles of law?

20. 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?

Interpreters (if applicable)

21. 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?

Personal Views

22. Do you have a belief, whether religious or philosophical, which makes it difficult for you to sit in judgment of another? If so, would this belief make it difficult for you to be a fair and impartial juror?

23. The defendant in this case is [*relevant racial or ethnic status*]. Is there anything about the defendant's racial or ethnic status that would prevent you from being a fair and impartial juror in this case? Have you had experiences with [*relevant racial or ethnic status*] that might influence your ability to be fair and impartial?

24. 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 greater or lesser weight or credibility to their testimony solely by virtue of their employment in law enforcement?

Indian Country Offense (if applicable)

25. Do you disagree with the fact that the United States has the right to prosecute felony offenses on Indian Reservations?

26. There may be evidence in this case of alcoholic beverage drinking to excess. Do you have any strong feelings about drinking alcoholic beverages? If so, does your feeling about alcohol consumption affect your ability to be a fair and impartial juror in this case?

### Expected Trial Schedule

27. I expect to conduct trial on these dates and times (*schedule spoken by the Court*). Would this schedule create an undue hardship for any of you? Would the length of the trial create an undue hardship for any of you?

### Easel Questions / Voir Dire Sheet Questions

28. Ladies and gentlemen, on the sheet given to you is a list of questions. Starting with juror Number One, please stand, state your juror number, 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.

- a. Juror number
- b. General location of your residence
- c. Length of time at current residence
- d. Education after high school, if any. State your major
- e. Marital status
- f. Number of children and ages of children, if under 18
- g. Employment
- h. Yourself: current job and types of jobs throughout lifetime  
Spouse: current job and types of jobs throughout lifetime
- i. Civil, social, fraternal, union or professional organizations and any offices held in them
- j. Hobbies or recreational activities
- k. Prior jury service: civil or criminal

29. Does anyone have any other reason whatsoever that they believe will prevent him or her from serving as a fair and impartial juror in this case?