

GENERAL CRIMINAL VOIR DIRE

Questions to the Individual Jurors

Now we need to know something about the jurors, so beginning with the first juror, will you please, in a loud voice, state your name.

1. In what city or town do you live?
2. What is your occupation?
 - a. What are your duties at that job?
 - b. How long have you been employed at that company?
 - c. Have you had any supervisory responsibilities at this job?
 - d. Are you a member of a union, and if so, do you have any leadership position in that organization?
3. Are you married?
 - a. What is your spouse's occupation?
 - b. What are your spouse's responsibilities at that job?
4. Do you have any children? What are their occupations?
5. How long have you lived in Indiana?
6. What is your educational background?
7. How many members are in your immediate family?
8. Do you belong to any clubs or organizations?
9. What kind of magazines or newspapers do you read?
10. What do you like to do in your spare time?
11. If selected as a juror, will you be able to render a verdict solely on the evidence presented and the law as given to you by the court?
12. Do you know of any reason whatsoever why you cannot sit as a fair and impartial

juror in this case?

Questions to all Jurors

The trial in this case will take more than _____ days. Many witnesses will be called. In any jury trial, evidence is introduced in a piecemeal fashion. Can you keep an open mind until all the evidence is introduced and you have heard the final instructions of the court and arguments of counsel?

During your deliberations you are required to listen to and consider the opinions of your fellow jurors and reassess your own opinions in an effort to reach a verdict. However, your vote must be based upon your own good faith opinion and not merely to reach a verdict. Do you have any problems with that?

Questions to the Entire Panel

My following questions are for the entire venire and I ask those of you seated in the jury box to raise your hand if your answer to any of my questions is "Yes."

I would ask those perspective jurors who are seated in the spectator section to please listen carefully to the questions that are about to be asked, because in all likelihood many of you will be called before this morning is through.

1. Has anyone talked with any of you about this case, or discussed this case in your presence?

2. Have any of you formed or expressed an opinion as to the merits of this case?

Is that opinion based upon what you have read in newspapers or heard on the radio (or seen on television)?

Would any of you not be able to set aside such an opinion and render a fair and impartial verdict based solely upon the evidence presented and the law as given to you by the court?

3. Is any juror familiar with the facts of this particular case?

Will this fact prevent you from rendering a fair and impartial verdict based solely upon the evidence presented and the law as given to you by the court?

4. Do any of you know any of the Defendants?

If so: In what capacity? Would your knowledge of _____ prevent you from acting with complete impartiality in this case?

Would your knowledge of _____ cause you to give greater weight to any statement that he might make in this case by reason of such knowledge?
5. Are any of you related to any of the attorneys appearing in this case?
6. Have you, or members of your immediate family, ever been represented by any of the attorneys in this case?
7. Does anyone know, on a personal basis, any of the attorneys appearing in this case?
8. Is there anyone who cannot read, write or speak the English language?
9. Is there anyone who cannot hear or see well?
10. Is there anyone here with any health problems that will interfere with their ability to serve as a juror?
11. Is there any juror who will be unduly burdened with financial, business, family or medical problems if the trial in this case requires as many as ___ days to try?
12. If any of you, or members of your immediate family, have previously served on a jury or grand jury, either in federal or state court, would you please raise your hand?
 - a. Was the case civil or criminal?
 - b. What were the facts of that case?
 - c. What was your verdict?
 - d. Were you the jury foreman?
 - e. Do you understand that each case must be decided upon the facts introduced into evidence at trial and the law as read in the final instructions?
 - f. Was there anything about the prior jury experience which would interfere with giving both parties a fair trial?

13. Do you, or does any member of your family, have any physical impairment or defect which might affect your judgment in this case?
14. Have any of you ever testified as a witness in any court?
15. Do any of you, or any members of your immediate family, have any special legal training either from educational courses or an occupation?
16. Do you 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?
17. Do you know any of the following persons who may be called to testify in this case?

[Read Witness List]

IF SO:

What do you know or what have you heard?

How do you know them?

18. There may be law enforcement officers and other government agents who testify in this case.

Would any of you have any difficulty giving testimony by law enforcement officers and government agents the same weight and consideration you would give the testimony of other witnesses?

19. Have any of you ever been acquainted with any law enforcement officers of any type whatsoever? If so:

Who?

What department did they work for?

What relationship did you have with them?

Would that fact prevent you from acting with impartiality in this case?

20. Have any of you or has anyone close to you had any difficulty with the law? If so:

When?

What kind of difficulty?

What law enforcement agency was involved?

Will that experience effect your approach to this case?

Will that experience affect your ability to be fair and impartial to both parties in this case?

21. Have any of you ever had experiences with law enforcement officers or government agents which would cause you to be prejudiced either for or against the government or the defendant in this case? If so:

When?

What happened?

Is there anything about that experience that would prevent you from acting with impartiality in this case?

22. This case is being prosecuted by the United States attorney's Office for the Northern District of Indiana. Have any of you had any prior dealings with the federal government or the United States Attorney's Office in particular that might affect you ability to be fair and impartial to the government?

23. If you are selected to sit on this case, you will be required to put aside any feeling of passion or prejudice and decide this case solely on the evidence presented at the trial and in the context of the law as I will give it to you in my instructions, disregarding any other ideas, notions or beliefs about the law that you may have.

Is there anyone unable or unwilling to do that?

24. Have any of you ever been involved, in any court, in a criminal matter that concerned yourself, any member of your family, or a close friend either as a defendant, a witness, or a victim?

IF SO:

When?

What happened?

Do you feel that this experience would prevent you from acting with impartiality in this case?

25. Do any of you know of any reason why you may be prejudiced for or against the government or the defendant because of the nature of the charges?
26. Is there anything at all about the criminal charges at issue in this case that would make you prejudiced against someone who is merely accused of it?
- 26a. [if drug case – ask]: Have you had any experience involving yourself, any member of your family, or any close friend that relates to the use or possession of illegal drugs? If so:
- When?
- What happened?
- Do you feel that this experience would prevent you from acting with impartiality in this case?
27. Do any of you have any problems or reservations about the rule of law which requires you to presume the innocence of the defendant throughout the trial and that the government must prove the defendant guilty beyond a reasonable doubt?
28. If you are selected as a juror in this case, you will be required to put aside any feeling of passion or prejudice and decide this case solely on the evidence introduced during the trial and the instructions that the court will give you concerning the law. Is there anyone unable or unwilling to do that?
29. If you were the defendant or if you were the Assistant United States attorney prosecuting this case, do you know of any reason why you would not be content to have this case tried to someone in your frame of mind?

[INSERT QUESTIONS SUBMITTED BY THE PARTIES – IF APPROPRIATE]

[ASK COUNSEL TO APPROACH THE BENCH – EITHER ALLOW THEM TO ASK FOLLOW UP QUESTIONS OR TO SUBMIT QUESTIONS FOR THE COURT TO ASK]