

United States v. [Defendant]
CR

Juror Questionnaire

Juror No. _____

Instructions

Please complete the following questionnaire to assist the Court and counsel in selecting a jury to serve in the case of United States v. [Defendant]. The purpose of these questions is not to ask unnecessarily about personal matters. It is simply to determine whether a perspective juror can decide the case fairly and impartially. This questionnaire will not be made public.

Please do not discuss the questionnaire or your answers with anyone. It is very important that the answers be ours and yours alone. Remember that there are no "right" or "wrong" answers; only truthful answers. You are sworn to give true and complete answers to all questions.

Please print your answers and use ink to insure legibility. Please write your name and assigned juror number on the first page and your juror number on each page thereafter.

Description of the Charges

The defendant _____ is charged in a twenty-count indictment with various criminal offenses. The court briefly summarizes the charges so that you can have a general understanding of what will be at issue in this case.

Count One accuses [Defendant] of being associated, together with other persons, in an enterprise referred to as the _____ Crew of the _____ Crime Family. Mr. _____ is alleged to have participated in the activities of that enterprise by committing various crimes, including murder, kidnapping, armed robbery, and drug dealing. Count Two charges Mr. _____ with heading a continuing criminal enterprise dealing in heroin, cocaine and marijuana. Count Three charges that while engaging in or working in furtherance of that continuing drug enterprise, Mr. _____ killed two persons. Counts Four and Five charge Mr. _____ with another homicide related to his alleged membership in the _____ Crew. Counts Six, Seven, Eight and Nine charge him with narcotics related crimes. Counts Ten through Twenty charge him with various firearms violations.

Now the indictment listing these charges is simply the document used to advise a defendant of the accusations against him. The indictment is not evidence. Mr. _____ has pleaded not guilty to all charges in the indictment. It is the government that has the burden of proof under our system of laws. The prosecution must come forward with proof beyond a reasonable doubt that a defendant has committed crimes charged before a

defendant can be found guilty. The defendant has no obligation to produce any evidence or do anything else at trial. This is because the law presumes a defendant to be innocent of the charges brought against him.

JUROR NO. _____

JUROR QUESTIONNAIRE

1. The Court and the parties estimate that after a jury is selected this case may last as long as four months. Jury service is one of the highest duties and privileges of a citizen of the United States. Mere inconvenience or the usual financial hardships of jury service will be insufficient to excuse a prospective juror. Do you wish to apply to the court to be excused on the ground that jury service would be a serious hardship?

YES _____ NO _____

If yes, briefly explain the hardship.

Whether or not you are claiming a hardship, please complete the rest of the questionnaire.

2. Do you have any difficulty reading or understanding English?

YES _____ NO _____

3. (a) Do you have any physical problem (for example, with your sight or hearing) that would interfere with your ability to serve?

YES _____ NO _____

(b) If yes, please describe: _____

4. (a) Are you regularly taking any medication that could affect your ability to serve?

YES _____ NO _____

(b) If yes please describe: _____

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5. (a) What is your age? _____

(b) Are you: Male _____ Female _____

6. What is your place of birth (limit answer to the state or, if outside the United States, the country)?

7. What is your ethnic background?

8. Are you:

Married? _____

Single, never married? _____

Divorced/separated? _____

Widow/widower? _____

9. (a) Have you any children? YES _____ NO _____

(b) If yes, please fill out the chart below:

Age	Sex	Education	Type of Employment
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____

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10. (a) What is your county of residence? _____

(b) If you live in Nassau or Suffolk County, what is the name of the town in which you live?

(c) If you live in Brooklyn, Queens, or Staten Island, in what area or neighborhood do you live (for example, Canarsie, Richmond Hill, Stapleton)?

11. How long have you lived at your present residence? _____

12. Do you:

Own your own home? _____

Rent? _____

Neither own nor rent, but live with family/friends? _____

13. Are you: (Check any and all that apply)

Self-employed? _____

Employed full-time? _____

Employed part-time? _____

Working in the home? _____

Unemployed/laid off? _____

Retired? _____

Student? _____

Disabled and unable to work? _____

14. (a) If you are employed, what type of work do you do? (If retired or unemployed, what type of work did you last perform?)

(b) Do you (or did you) supervise employees in your work?

YES _____

NO _____

If yes, how many? _____

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15. Do you belong to a union? YES _____ NO _____

16. Please state who else in your household works outside the home and the type of work performed.

17. (a) Have you ever served in the military?

YES _____ NO _____

(b) If yes, when? _____

(c) In what branch? _____

(d) What was your highest rank? _____

(e) Any combat duty? YES _____ NO _____

(f) Did you ever participate in any capacity in a court martial?

YES _____ NO _____

18. (a) What was your highest level of education?

- 0-8 grade _____
- some high school _____
- High school graduate _____
- Some college _____
- College graduate _____
- College graduate _____
- Some graduate school _____
- Post-graduate degree _____

(b) If you are presently a student, please describe briefly your area of study.

(c) Name any degrees you have earned and your major areas of study.

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(d) Even if you have never earned a law degree, please describe any law courses you have had (for example, business law courses in college, paralegal programs).

19. What newspapers and magazines do you read regularly?

20. What television news shows do you watch regularly?

21. Do you follow crime stories or criminal cases in the news?

YES _____ NO _____

If yes, what cases or stories have you followed recently?

22. Do you belong to any clubs, associations or civic groups, such as, but not limited to, Kiwanis, Rotary Club, Knights of Columbus, Veterans of Foreign Wars, American Legion, American Civil Liberties Union, National Rifle Association, League of Women Voters or any other organization?

YES _____ NO _____

If yes, please list those to which you belong.

23. Do you have any relatives or close friends who are lawyers or who have attended law school?

YES _____ NO _____

If yes, please describe your relationship with the person and, if you know, the type of law he or she practices (e.g., uncle -- real estate law; neighbor -- criminal law).

24. Have you, or any family member or close friend, ever worked for a criminal defense lawyer or private investigator?

YES _____ NO _____

25. Have you, or any family member or close friend, ever applied to work or actually worked in any area of law enforcement? (e.g., any prosecutors' office, whether federal or state; any federal investigative agency, such as the FBI, Drug Enforcement Administration, Customs Service, Bureau of Alcohol, Tobacco and Firearms, Postal Inspectors; any state or local police department; any probation office; any correctional facilities).

YES _____ NO _____

Are you planning, or (if you know) is anyone in your family or close circle of friends planning to apply for a law enforcement position?

YES _____ NO _____

If yes to either of the above, please describe. If the person is someone other than yourself, you need not identify by name, but simply by relationship to you (e.g., father - N.Y.C. police detective; friend - applied to be corrections officer).

26. Have you, or any family member, been a member of any group that lobbies or takes public positions on law enforcement issues?

YES _____ NO _____

If yes, please describe.

27. Have you ever sued anyone or been sued by anyone?

YES _____ NO _____

28. Have you, or any family member or close friend, ever been charged with a crime or been the subject of a criminal investigation?

YES _____ NO _____

29. Have you, or any family member or close friend, ever appeared or testified as a witness in any investigation or legal proceeding?

YES _____ NO _____

30. Have you, or any family member or close friend, ever been questioned in any matter by any local, state or federal law enforcement agency?

YES _____ NO _____

31. Have you ever had a dispute with any local, state or federal agency or any of its employees?

YES _____ NO _____

32. Have you, or any family member or close friend, ever been the victim of a crime (whether or not reported to the police)?

YES _____ NO _____

33. Have you ever known anyone who was a homicide victim?

YES _____ NO _____

34. Have you taken any extra precautions to protect yourself, your family, or your home from crime?

YES _____ NO _____

If yes, please describe:

35. (a) Have you ever served:

As a juror in a civil case? YES _____ NO _____
As a grand juror? YES _____ NO _____
As a juror in a criminal case? YES _____ NO _____

If you have sat as a juror in a criminal case, please fill out the following chart:

Date	State or Federal	Type of Case	Jury Verdict, if there was one
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____

(b) If you sat as a juror in a criminal case, were you ever the jury foreperson?

YES _____ NO _____

(c) If you have had any experience as a juror, did you find it to be a positive one?

YES _____ NO _____

If no, please explain:

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36. This case is being prosecuted by the United States Attorney's Office for the Eastern District of New York. Do you know, or have you ever heard of, any of the following people associated with that office?

_____	YES _____	NO _____
_____	YES _____	NO _____
_____	YES _____	NO _____
_____	YES _____	NO _____

If yes, please explain the circumstances.

37. The defendant in this case is _____, who is also known as "[nickname]." Mr. _____ is from Brooklyn and has lived in Bensonhurst, Bay Ridge and Sheepshead Bay.

(a) Do you know, or think you have ever heard of, _____, or anyone related to him?

YES _____ NO _____

If yes, please explain the circumstances.

38. Do you know, or have you ever heard of, any of the following attorneys who will be representing Mr. _____ in this case?

_____, YES _____ NO _____
of New York City

_____, YES _____ NO _____
of New York City

_____, YES _____ NO _____
of West Orange, N.J.

If yes to any, please explain the circumstances.

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39. At the end of this questionnaire is a list of names and places that may figure in this case. Please indicate if you know or have heard of any of these people or places.
40. Reports about this case have, from time to time, appeared in the press, particularly with respect to the alleged murders and the purported discovery of certain victims' bodies near a Staten Island bird sanctuary. Have you seen, heard or read anything about this case? (This includes, not only anything you may have seen or read in the media, but also anything you might have heard from relatives, friends or co-workers.).

YES _____ NO _____

41. There are nine murders alleged to have been committed in this case, occurring between June 1987 and March 1989. The alleged victims are:

[victims' names listed]

Did you know, or have you ever heard of, any of these people or any members of their families?

YES _____ NO _____

If yes, please explain the circumstances.

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42. Will the fact that this case involves murder charges affect your ability to serve fairly and impartially?

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YES _____ NO _____

43. There may be evidence that some of the murder victims in this case were dismembered. Will this affect your ability to serve fairly and impartially?

YES _____ NO _____

44. If you are selected as a juror in this case, you may be required to view photographs of the bodies of the victims. The court recognizes that this is not pleasant for anyone. The issue in this case, however, is whether the government can prove the charges it has brought related to these deaths beyond a reasonable doubt. Will viewing such photographs affect your ability to consider this case objectively and to follow the instructions of the court?

YES _____ NO _____

45. Have you ever read any books or seen any movies regarding predominantly Italian organized crime or its leaders? (e.g., Boss of Bosses, Wiseguy, Goombata, Mob Star, The Godfather series, Goodfellas, Married to the Mob, etc.)

YES _____ NO _____

If yes, which ones do you recall reading or seeing, and approximately how long ago?

46. Have you ever heard of the " _____ Crime Family" and/or the " _____ Crime Family?"

YES _____ NO _____

If yes, in what context?

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47. Will the fact that this case may make reference to organized crime or crime families affect your ability to serve fairly and impartially?

YES _____ NO _____

48. (a) Have you or anyone close to you ever been involved in any way in a drug-

related crime?

YES _____ NO _____

(b) Have you or anyone close to you ever had a drug dependency problem, either with prescription drugs or street drugs?

YES _____ NO _____

If your answer to either of these questions is yes, please state the circumstances.

49. Will the fact that this case involves charges of drug dealing affect your ability to serve fairly and impartially?

YES _____ NO _____

50. Have you or anyone in your family ever owned a gun?

YES _____ NO _____

If yes, please state whether the gun was owned by you or some other family member, the type of gun and the purpose for which it was kept.

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51. Have you or anyone in your family ever had any martial arts training, such as in karate, kung-fu or jujitsu?

YES _____ NO _____

If yes, please describe who was involved, the particular martial art(s) involved and the type of training.

52. Under the law, the facts at issue in the trial are for the jury to determine. The law applicable to the charges in the case is something on which the court will instruct you. You are required to accept the law as the judge explains it to you regardless of any opinions you might have as to what the law is or should be. Would you have any difficulty following that instruction?

YES _____ NO _____

53. Some of the evidence in this case may be in the form of:
- (a) tape recorded conversations (or "wiretaps") electronically-monitored pursuant to court order;
 - (b) photographs or videotapes of surveillances secretly conducted by law enforcement authorities;
 - (c) items seized pursuant to searches conducted by law enforcement officials;
 - (d) testimony of accomplices, that is, persons who are alleged to have participated in the crimes charged, and who have entered into agreements with the prosecution.

The government is permitted by law to acquire and present evidence through these means and techniques. It is a question of law for the court to decide whether any item or testimony is properly received in evidence. If the court does receive an item or testimony in evidence, the jury may consider it together with all the other evidence in the case. It is for the jury to decide what evidence it credits and how much importance it deserves.

Do you have any personal feelings or opinions about any of the types of evidence discussed above, or the techniques used in obtaining such evidence that might affect your ability to consider such evidence fairly and impartially?

YES _____ NO _____

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54. Some witnesses in this case may be law enforcement officers and government officials. The credibility of these witnesses is to be judged by the same standards as any other witness. Their testimony is not entitled to any greater or lesser weight simply because they are involved in law enforcement. Would you have any difficulty following this rule?

YES _____ NO _____

55. Under the law, a defendant need not testify or produce any evidence. The burden of proof is always on the government. If a defendant does not testify, the jury may not consider that fact in any way in reaching a decision. Would you have any difficulty following this rule?

YES _____ NO _____

56. Every defendant is presumed innocent and cannot be convicted unless the jury, unanimously and based solely on the evidence in the case, or the lack thereof, decides that his guilt has been proved beyond a reasonable doubt. Would you have any difficulty following this rule?

YES _____ NO _____

57. The jurors in this case will be required to take an oath that they will decide the facts in this case according to the evidence and the law as the judge gives it to you, and that they will do so without fear or favor to any person. Is there anything about this case that may prevent you from following that oath?

YES _____ NO _____

58. Is there any matter that you should call to the court's attention that may have any bearing on your qualifications to serve as a juror, or that may affect your ability to render an impartial verdict based solely on the evidence or the lack thereof and the court's instructions on the law?

YES _____ NO _____

If yes, please explain:
