

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

United States of America
Plaintiff,

v.

CR.

Defendant,

ORDER

_____, District Judge:

IT IS HEREBY ORDERED that the following procedures shall govern the selection of the jury in this case:

1. On June 4, 1998, in the Ceremonial Courtroom in the Courthouse at 500 Pearl Street beginning at 10:00 a.m., two groups of approximately 100 members of the venire will be sworn and receive preliminary instructions from the Court. Following those instructions, the venire will return to the Jury Room where each venireperson will complete a written questionnaire. That questionnaire will contain no more than 75 questions and be no longer than 20 pages.
2. The Jury Clerk shall assign a number to each member of the venire using a computerized program that assigns such numbers randomly. The parties have agreed that the numbers assigned in this manner by the Jury Clerk shall be the numbers used by the parties in selecting the jury and that no additional random selection of the jurors shall take place. All counsel have had an opportunity to interview the Jury Clerk regarding this system

for random assignment of juror numbers by computer and have been offered the opportunity to watch as the Jury Clerk obtains the randomly assigned numbers for this jury from the computer. The one-third of the venirepersons with the lowest numbers will be told to return on June 9, the one-third with the middle numbers on June 10, and the one-third with the highest numbers on June 11.

3. The United States Attorney's Office shall arrange for the immediate duplication of the questionnaires and provide complete sets to the defendant and the Court.

4. Between June 4 and June 7, the Government and the defendant shall confer regarding challenges for cause and reach agreement wherever possible.

5. Using the form provided by the Court or a similar document, the Government and defense counsel shall each create a written list for each venireperson, except for those whom they have agreed should be excused for cause, of those supplemental questions which they wish the Court to ask during the individual voir dire (the "Supplemental Questions").

6. At 9:30 a.m. on June 8, in Courtroom 11B, a conference shall be held with counsel to review the challenges for cause. At that time the parties shall also provide the Court with the

Supplemental Questions.

7. Following the June 8 conference, the Jury Clerk shall notify those jurors whom the Court has ruled should be excused for cause that they need not return for the individual voir dire.

8. On each day from June 9 to June 11, the Court shall conduct the individual voir dire of approximately one-third of the venire in the following manner:

a) The members of the venire will be questioned in Courtroom 11B one at a time.

b) Starting with the juror with the lowest number, the Court shall conduct an individual voir dire in the presence of the parties, asking the “Witherspoon” and “Reverse Witherspoon” questions and using the Supplemental Questions where appropriate. While the Court will place all questions to the jurors, the attorneys will be given an opportunity outside the hearing of the venireperson to suggest additional questions to the Court to follow up on any answer given in court by the prospective juror.

c) The Court shall rule on any challenge for cause before excusing a juror for the day.

d) Those jurors who survive any challenge for cause shall be instructed to return on June 12, when the voir dire shall be completed.

e) This process shall continue until at least 60 members of the venire have been identified as available for jury service.

9. On June 12, all venirepersons who have not been excused shall return to

Courtroom 11B at 9:30 a.m. The Government and the defendant have agreed that they shall each be limited to (1) 10 peremptory challenges in the selection of the 12 jurors who shall try this case and (2) 2 peremptories for the 4 alternates.

10. The eighteen jurors with the lowest numbers will be seated in the jury box and the remaining jurors will be seated in the courtroom in order of their numbers. The parties shall exercise their peremptory challenges against any of the 32 jurors with the lowest numbers in rounds.

Round 1: Government -- 3

Round 2: Defendant -- 3

Round 3: Government -- 3

Round 4: Defendant -- 3

Round 5: Government -- 2

Round 6: Defendant -- 2

Round 7: Government -- 1

Round 8: Defendant -- 1

Round 9: Government -- 1

Round 10: Defendant -- 1

If a challenge is not exercised, it is waived. The 12 surviving jurors with the lowest numbers shall comprise the jury.

11. The 4 alternate jurors will be chosen in four rounds, with the Government exercising the first challenge, from the jurors with the 33d to 40th lowest numbers.

12. Following the selection of the jury, the jury will be sworn, the Court shall give initial instructions to the jury, and the Government and defendant (if he wishes to do so) shall give their opening statements. The evidentiary portion of the trial shall begin on Monday, June 15, at 9:30 a.m.

SO ORDERED:

Dated: New York, New York
May 26, 1996
United States District Judge