

**UNITED STATES DISTRICT COURT
(NAME OF DISTRICT)**

UNITED STATES OF AMERICA :

v. : **NO.**

DEFENDANT :

Please Print Your Name: _____

Your 9 Digit Juror Number: 100 _ _ _ _ _

JUROR QUESTIONNAIRE

Introduction:

This questionnaire is intended to make jury selection more efficient, thereby saving your valuable time on the day you return for further jury selection procedures. The answers you give in the questionnaire will help the Court and counsel to determine whether you could or should serve as a juror in this particular trial. There are no right or wrong answers; there are only your own personal, honest and candid answers. To ensure that your answers are accurate and truthful, you are required to give your answers under oath. All information contained in this questionnaire will be kept confidential. The information you provide will be given only to the Judge, attorneys, Clerk's Office and the parties, and will be used solely for the purpose of selecting a jury in this case.

Between now and when you are asked to return to complete jury selection, please do not discuss this questionnaire, or your answers, with anyone, including family members, friends, lawyers, or other prospective jurors. In addition, please do not read any newspaper articles or go on the internet about this case or visit any locations at issue in this case.

Answer each question as best you can. Take your time. Please write or print clearly with a pen.

If you need extra space to answer a question, you may finish your answer on the blank page provided at the end of the questionnaire.

Do not assume that the questions show anything about what will be the evidence in this case, or that your answers will determine whether or not you will serve on this jury.

Description of the Case:

In this case, the defendant, (defendant), is charged with the murder of (victim), on (date) in (city, state). The defendant is facing the death penalty as a possible sentence.

Evidence presentation in this case could last up to three weeks. Jurors will be required to return to court for jury selection procedures during the week of (date). The trial is scheduled to begin on (date). Generally, evidence will be presented from 8:30 a.m. to 2:00 p.m., Monday through Friday, except for holidays and other limited adjournments of trial.

Service on a jury is one of the highest duties that each citizen owes to his or her country and inconvenience or ordinary financial problems related to jury service will not be enough to excuse a prospective juror. Federal law forbids any employer from discharging or discriminating against an employee because of jury service.

5. What is your ethnic background? _____

6. What is your current job status?

- | | |
|--|--|
| <input type="checkbox"/> Working full-time | <input type="checkbox"/> Unemployed |
| <input type="checkbox"/> Working part-time | <input type="checkbox"/> Homemaker |
| <input type="checkbox"/> Retired - When? _____ | <input type="checkbox"/> Full-time student |

IF NEVER EMPLOYED OUTSIDE THE HOME, PLEASE SKIP TO QUESTION 10.

a. What company or organization do you work for? (If you have a second job, please also list.) _____

b. What are your primary job duties?

c. Do you have management or supervisory responsibilities?

YES _____ NO _____

IF YES, please describe:

7. If currently retired, disabled, homemaker, or unemployed, what was your prior employment?

8. Has your occupation changed in recent years?

YES _____ NO _____

IF YES, what was your prior occupation?

For how long? _____

Over the periods of your working life, what are the typical types of jobs you have had?

9. What is the last level of education you completed?

_____ Grade school or less

_____ Some college

_____ Some high school

_____ College graduate

_____ High school graduate

_____ Post graduate work

_____ Technical or business school

Please list any degrees you may have, the schools and colleges you attended, and your major areas of study.

What special training, skills, or professional licenses do you have?

10. What is your marital status?

- Single and never married
- Single but living with partner
- Married
- Divorced and remarried
- Divorced and single
- Separated
- Widowed/widower
- Other

If you were ever married, for how many years were you married? _____

How many times have you been married? _____

If you are living with a partner, for how many years have you been living together? _____

11. Is your spouse or partner employed outside the home?

YES _____ NO _____

IF YES, what does he/she do and where is he/she employed?

IF NO, what work outside the home had he/she done in the last 10 years?

12. What is the educational background of your spouse or partner?

13. Have you or anyone in your family served, or is anyone now serving, in the U.S. military?

YES ___ NO ___

IF YES: Who and in what branch? _____

Years of service: _____ Highest rank: _____ Type of discharge _____

Combat duty? _____ IF YES, where? _____

Ever serve as MP or in a court martial? YES ___ NO ___

14. Do you have any children? YES ___ NO ___

_____ **IF YES**, please list them:

Age Sex Education Occupation Living with you?

15. What clubs or social or political organizations do you belong to, or what hobbies or non-work activities you enjoy? What leadership positions have you held within any of those groups or organizations?

16. How do you usually get your news? (Please list all that apply):

____ Newspaper(s) (which?) _____

____ Radio (which programs?) _____

____ Magazines (which?) _____

____ Internet (which sites?) _____

____ Word of mouth (who?) _____

How many times per week do you read about/listen to the news? _____

17. What television shows do you regularly watch?

18. Do you follow crime stories or criminal cases in the news, or on television programs?

YES ___ NO ___

IF YES, what cases or stories, or programs?

Relationship With Parties In This Case

19. Do you know, or have any connection with, any of the attorneys in this case or with any member of their offices?

GOVERNMENT:

Assistant U.S. Attorney (name),
(address)

YES ___ NO ___

Assistant U.S. Attorney (name),
(address)

YES ___ NO ___

DEFENSE:

Attorney (name) YES ___ NO ___

Attorney (name) YES ___ NO ___

(name of law firm)

(address of law firm)

Attorney (name) YES ___ NO ___

(address)

IF YES, please explain: _____

20. Do you know anyone at the Office of the United States Attorney for the District of (name of District) or have any dealings with that office?

YES ___ NO ___

IF YES, please explain: _____

21. Do you know or have any connection (professional, business or social) with United States District Court Judge (name), who is the judge who will preside over this trial?

YES ___ NO ___

IF YES, please explain: _____

22. The defendant in this case is (defendant). (Defendant) lived in the (city, state) at the time of the events charged in the indictment.

Do you know, or think you may know, anything about him or members of his family?

YES ___ NO ___

IF YES, please explain: _____

23. The murder victim is named (victim) (city, state). Did you know, or think you knew anything about him or his family?

YES ___ NO ___

IF YES, please explain: _____

24. During the course of this trial, you will hear testimony related to events in the area of (street name) and (street name) in (city, state). Do you have any familiarity with this location?

YES ___ NO ___

IF YES, please explain: _____

Experience with and opinions about the criminal justice system

25. Have you, any members of your family, or close personal friends ever been
(please check all that apply):

Were you satisfied with the way the matter was handled by law enforcement, prosecutors, and/or the court? YES____ NO____

If you were not satisfied, please explain:

If additional space is needed, please continue on a blank page at the end of the questionnaire.

26. Has anyone close to you ever been murdered or died a violent death?
YES____ NO____

IF YES, is this:

Family _____

Friend _____

Please briefly describe the circumstances: _____

Were you satisfied with the way the matter was handled by law enforcement and/or the court? YES____ NO____

If you were not satisfied, please explain:

27. Have you ever been questioned in any matter by any federal, state or local law enforcement agency or agent (including the Department of Justice, Federal Bureau of Investigation (FBI), Drug Enforcement Administration (DEA), Internal Revenue Service (IRS), or Customs Service)?

YES ___ NO ___

IF YES, please explain:

28. Have you or any member of your immediate family or any close friends ever been involved in a civil lawsuit?

YES ___ NO ___

IF YES, please check:

Witness _____ Plaintiff _____ Defendant _____

IF YES, please briefly explain the circumstances of the case:

29. Have you been, or do you expect to become, involved in any legal action or dispute with the United States, or any officers, agents, or employees of the

United States? YES ___ NO ___

IF YES, please explain:

30. Have you or any of your family or close friends ever been trained or worked as an *employee, consultant or volunteer* in any of the following fields?

	No	Person	Please explain
LEGAL - attorney, paralegal, legal secretary, investigator, prosecutor's office, public defender, law student	_____	<input type="checkbox"/> Self <input type="checkbox"/> Spouse <input type="checkbox"/> Family <input type="checkbox"/> Friend	
COURTS – Judge, court clerk, court reporter, other court staff	_____	<input type="checkbox"/> Self <input type="checkbox"/> Spouse <input type="checkbox"/> Family <input type="checkbox"/> Friend	
LAW ENFORCEMENT - state or local police, sheriff's department, FBI, DEA, INS, Customs Service	_____	<input type="checkbox"/> Self <input type="checkbox"/> Spouse <input type="checkbox"/> Family <input type="checkbox"/> Friend	
CORRECTIONS – probation office, prison, halfway house	_____	<input type="checkbox"/> Self <input type="checkbox"/> Spouse <input type="checkbox"/> Family <input type="checkbox"/> Friend	

31. Have you, or has anyone close to you, ever seriously *considered* working in law enforcement or applied for a job in law enforcement?

YES____ NO____

IF YES, please explain:

32. You may hear testimony from law enforcement officers. Would you be inclined to give the testimony of those witnesses greater or lesser weight than the testimony of civilian witnesses *solely* because the officers are in law enforcement?

YES ____ NO____

Please explain:

33. Do you have any impressions, opinions or beliefs about police, federal Drug Enforcement Administration (DEA), Department of Justice (DOJ), or law enforcement agencies generally that could cause you to lean in favor of the government or against the government?

YES ____ NO ____

IF YES, please explain:

34. Some of the government's witnesses in this case will be testifying as part of plea bargaining agreements or under a grant of immunity from prosecution. What do you think of such agreements?

35. Have you ever served as a juror in the past? YES _____ NO _____

IF YES, how many times? _____

When? _____

Grand or petit jury? _____

Civil or criminal case? _____

Federal or state court? _____

Did the case(s) reach a verdict? YES _____ NO _____

IF NO, was that because the jury could not agree on a verdict or because of some other reason?

Give reason: _____

How did you feel about your jury service?

36. How serious a problem do you think crime is in your neighborhood?

_____ Very Serious

_____ Somewhat Serious

_____ Not a Serious Problem

37. Some people believe there is a relationship between crime and race. In other words, some people believe that persons of certain racial or ethnic groups are more likely to commit crimes. What is your feeling about that?

38. Do you have any impressions, opinions, or beliefs about individuals of African-American or Hispanic/Latino ancestry that would make you biased, either for or against such individuals?

YES ___ NO ___

IF YES, please explain:

39. Do you believe that the criminal justice system makes it too hard or too easy for the police and prosecutors to convict people accused of homicide, or does the system treat these cases appropriately?

Too hard _____

Too easy _____

Appropriate _____

Please explain: _____

40. Have you ever had a friend or family member in prison?

YES ____ NO ____

IF YES, please explain:

41. Have you ever visited inside a prison or a jail?

YES ____ NO ____

IF YES, what was your impression?

42. The name of this is case of *United States v. Defendant, et al.*

(Defendant) is charged in a three-count indictment with: conspiracy to commit murder for hire; crossing state lines to commit murder for hire; and causing death by use of a firearm. The crime is alleged to have occurred on (street name), in (city); the victim was (victim), the alleged leader of a gang called ("name of gang"). Have you had any experiences or do you have any opinions or feelings that could make it difficult for you to serve as a fair juror in this particular case?

YES ____ NO ____

IF YES, please explain:

43. Have you heard or read anything about cases involving:

(Associate #2) YES ____ NO ____

(Associate #3) YES ____ NO ____

(Associate #1) YES ___ NO ___

(Associate #4) YES ___ NO ___

(Associate #5) YES ___ NO ___

(Name) YES ___ NO ___

IF YES, please explain:

44. If you become a juror in this case, you will hear evidence about the death of (victim) and you may see graphic photographs of him after he died. Will the nature of this evidence make it difficult for you to be fair and to serve on the jury?

YES ___ NO ___

IF YES, please explain:

45. Some of the evidence in this case may be in Spanish. Do you speak Spanish?

YES ___ NO ___

IF YES, please generally describe the level of your Spanish language abilities.

Would you accept the translation of the interpreter even if it did not agree with your understanding of what was said?

YES ___ NO ___

46. The defendant has been arrested and indicted. Do you consider arrest or indictment as evidence of a defendant's guilt?

YES ___ NO ___

IF YES, please explain:

47. If you answered yes to the previous question, but were instructed by the judge that you cannot consider the arrest or indictment as evidence of guilt, are your beliefs strong enough that they would make it a problem for you to disregard the arrest and indictment as evidence of guilt?

YES ___ NO ___ NOT APPLICABLE ___

Duty as Jurors

48. If you become a juror in this case, would you be willing to base a verdict solely on the testimony, exhibits and documents presented as evidence in the courtroom and the law as the Court will explain it to you, putting aside any other beliefs about the law that you may have encountered?

YES ___ NO ___

IF NO, please explain:

49. The defendant is presumed innocent and cannot be convicted unless the jury, based on all the evidence, unanimously decides that his guilt has been proved beyond a reasonable doubt. The burden of proving guilt rests entirely with the government. No defendant has any obligation to prove his or her innocence or even to put on any evidence. Would you have any difficulty following these instructions?

YES ___ NO ___

IF YES, please explain:

50. Would it be difficult for you to presume that the defendant is innocent when he is charged with a *drug related murder*?

YES ___ NO ___

IF YES, please explain:

51. Do you believe that a defendant in a criminal trial should be required to testify?

YES ___ NO ___

Please explain:

52. Some people have moral or religious views which prevent them from judging another person. Do you have any moral, religious or other personal beliefs which would make it difficult for you to deliberate or find the defendant guilty or not guilty of the charges against him based on the trial evidence in this case?

YES ___ NO ___

IF YES, please explain:

53. A defendant in a criminal trial has no obligation to testify. If the defendant, (defendant), chooses not to testify, you may not draw any conclusion from that fact, nor may you consider it in reaching your verdict. Would it affect your view of his defense if (defendant) does not testify in this case?

YES ___ NO ___

IF YES, please explain:

Potential Sentence

In this case the government has filed notice that it will seek the death penalty against the defendant if he is convicted of any of the three crimes charged. For this reason, the case may proceed in two stages. During the first stage, the jury will determine whether the government has proven the defendant guilty beyond a reasonable doubt of the crimes with which he is charged. If the jury concludes that the government has not proven the defendant guilty beyond a reasonable doubt as to any of the crimes charged, then the jury’s task would be complete. During the first phase — the guilt / innocence phase — the issue of punishment must not enter into the jury’s deliberations at all.

If the jury finds that the government has proven the defendant guilty of any of the crimes charged beyond a reasonable doubt, the trial will continue to a second stage in which the jury must decide whether a sentence of death or life in prison without release should be imposed. At this second stage, the government and the defense would each have an opportunity to present evidence on this issue. After hearing the evidence and the judge's instructions, the jury would then decide whether to impose the death penalty or to sentence the defendant to life in prison without the possibility of release. (There is no parole in the federal criminal justice system.)

During the penalty phase, the government would have the opportunity to present information regarding certain factors that could justify the imposition of the death penalty. These factors are called "aggravating factors." (Defendant) would have the opportunity to present evidence on factors which relate either to the crime or to (defendant) that would suggest that the death penalty is not appropriate in his case. These factors are called "mitigating factors." Mitigating factors are facts about the defendant or the crime that would cause you to believe that a sentence of death is not appropriate. Unlike self-defense or insanity, which are legal defenses to a murder charge that would be raised during the guilt/innocence portion of the trial, mitigating circumstances only come into your consideration if the jury finds (defendant) guilty of one or more of the charges against him.

Before any juror could vote to impose the death penalty, that juror would have to be persuaded beyond a reasonable doubt that the defendant had the requisite state of mind when he engaged in the crime. Each juror must also find that at least one of the specific aggravating factors set forth in the federal death penalty statute and identified by the government exists. The jurors must be unanimous in finding beyond a reasonable doubt that an aggravating factor or factors exists.

Each juror also must consider any information submitted by the defendant in mitigation of the death sentence as well as any mitigation that an individual juror

determines exists. Findings of mitigating factors need not be unanimous. Before voting to impose the death penalty, each juror would have to be persuaded that the aggravating factors that the jury unanimously found sufficiently outweighed any mitigating factors found by any individual juror. Even if each juror did not find any mitigating factors, each juror would still have to be persuaded that the aggravating factors were themselves sufficient to justify the death sentence in this case.

Each juror must come to his or her own individual decision as to whether or not to impose the death penalty. The jury is never required to impose a sentence of death upon a defendant.

The jury must unanimously agree that the death penalty is appropriate in order to sentence the defendant to death. The death penalty cannot be imposed so long as any one juror finds that it is not appropriate in this case.

If the jury finds the defendant guilty and proceeds to this second “penalty stage” of the case, then the jury will have sole authority to decide whether death is the appropriate punishment. The jury’s decision is binding on the judge. If the jury decides to impose a sentence of life imprisonment without release, the judge will not be able to overrule the jury’s decision and order that death be imposed. Likewise, if the jury decides to impose the death penalty, the judge will not be able to impose a life sentence. In other words, the judge cannot change the jury’s decision.

Considering the imposition of a sentence of death is a weighty and serious matter. The Court does not assume the issue is easy for you and recognizes that there are different thoughts, feelings, and emotions at work as you consider this matter. Because there are such differing public opinions about capital punishment, the law requires that potential jurors answer questions regarding their thoughts, feelings and opinions about the death penalty.

Please keep in mind that there are no “right” or “wrong” answers to the questions

56. Have you ever had a different opinion?

YES ____ NO ____

IF YES, what made you change your view?

57. How would you feel if chosen to sit as a juror in a death penalty case?

58. Do you understand that there may never be a second phase of the trial in this case to decide a penalty, and that asking these questions is only to prepare for that possibility?

YES ____ NO ____

59. In your opinion, is the death penalty in our society: (Circle all that apply)

- a. Useful
- b. Necessary

- c. Counterproductive
- d. Inhumane
- e. A deterrent
- f. Subject to error
- g. Other (please explain): _____

Why do you hold these feelings? _____

How long have you felt this way? _____

60. Please circle the answer that is most like your own beliefs (a through g). You may circle more than one:

- a. The death penalty should be imposed in every case where someone, with premeditation, takes another human being's life.
- b. While I favor the death penalty, I do believe there are rare cases where the death penalty should not be imposed, even if someone has deliberately taken another person's life.
- c. While I am somewhat in favor of the death penalty, I do not believe it should be used as a punishment for most murder cases, even where a life has been taken deliberately.
- d. I have no views one way or the other on the death penalty.
- e. While I am somewhat opposed to the death penalty, I do believe there are many murder cases where a death sentence should be imposed.

- f. While I am strongly opposed to the death penalty, I do believe there are some cases where a death sentence should be imposed.
- g. The death penalty should never be imposed.

61. If you were chosen to be a juror in this case, which of the following statements most accurately represents the way you feel? You may circle more than one answer:

- a. If a person is convicted of a capital crime, I will always vote to impose the death penalty, regardless of the facts and the law in the case.
- b. I am strongly in favor of the death penalty, and would have a difficult time voting against it, regardless of the facts and the law in the case.
- c. I generally favor the death penalty, but I would base a decision whether to impose it on the facts and the law in the case.
- d. I have no opinion either for or against the death penalty, and I could make a decision whether to impose it based on the facts and the law in the case.
- e. I am generally opposed to the death penalty, but I believe I can put aside my feelings against the death penalty and impose it, if it is called for by the facts and the law in the case.
- f. I am strongly opposed to the death penalty, and would have a difficult time voting to impose it, regardless of the facts and the law in the case.
- g. I am personally, morally, or religiously opposed to the death penalty, and would never vote to impose it, regardless of the facts and the law in the case.

As to any statements you circled, please explain:

62. Do you believe the criminal justice system makes it too difficult to impose and carry out a death sentence?

YES____ NO____ NOT SURE ____

63. Do you believe the death penalty is sought and imposed unfairly?

YES____ NO____ NOT SURE ____

64. Do you believe the death penalty is sought: (Please circle)

- a. Too often
- b. Not often enough
- c. About the right amount of time

65. Do you belong to, or have you contributed money to, any organization that takes a position for or against the death penalty? If so, please specify the organization and describe the nature of your support or involvement.

66. Are your beliefs about the death penalty such that you would automatically impose death for someone convicted of premeditated murder?

YES____ NO____

Please explain:

67. Is there any type of case or cases where you believe you would always vote in favor of the death penalty?

YES___ NO___

IF YES, what types of cases are those?

68. Is there any type of case or cases where you believe you would always vote in favor of life without possibility of release?

YES____ NO____

IF YES, what types of cases are those?

69. Is your opposition to the death penalty so strong that you would be unable to consider a death sentence for someone convicted of premeditated murder?

YES____ NO____

Please explain: _____

70. Do you believe that the death penalty is the *only* appropriate sentence for a defendant who has been proved guilty beyond a reasonable doubt of premeditated murder?

YES____ NO____

Please explain: _____

71. The government has alleged the following "aggravating" factors as reasons to impose the death penalty on the defendant:

1. That the defendant committed the offense as consideration for the receipt, and in expectation of the receipt, of something of pecuniary value.
2. That the defendant committed the offense after substantial planning and premeditation to cause the death of (victim).

Would you be *unable* to consider any of these factors as weighing *in favor* of imposition of the death penalty? That is to say, do you believe that any of these factors should *not* be considered as a factor weighing in favor of the death penalty?

YES____ NO____

IF YES, please explain:

72. "Mitigating" factors that should be considered when determining whether the sentence to be imposed shall be death or life imprisonment without release, include:

- a. The defendant's capacity to appreciate the wrongfulness of the defendant's

conduct or to conform conduct to the requirement of law was significantly impaired, regardless of whether the capacity was so impaired as to constitute a defense to the charge.

- b. The defendant was under unusual and substantial duress, regardless of whether the duress was of such a degree as to constitute a defense to the charge.
- c. The offense was committed by another, and the defendant's participation was relatively minor.
- d. Another defendant or defendants, equally culpable in the crime, will not be punished by death.
- e. The defendant did not have a significant prior history of other criminal conduct
- f. The defendant committed the offense under severe mental or emotional disturbance.
- g. The victim consented to the criminal conduct that resulted in the victim's death
- h. Other factors in the defendant's background, record, or character or any other circumstance of the offense that mitigates against imposition of the death sentence.

The defense may or may not present evidence concerning these factors. Would you be *unable* to consider any of these factors as weighing *against* imposition of the death penalty? That is to say, do you believe that any of these factors should *not* be considered as a factor weighing against the death penalty?

YES _____ NO _____

Please explain: _____

73. Do you think evidence about a defendant's childhood is a valid way to gain some insight into his behavior?

YES____ NO____

Please explain: _____

74. Is there anything that you have read or heard which would make you distrust the testimony of a psychiatrist in a trial?

YES____ NO____

Please explain: _____

75. If you knew that a defendant could be sentenced to death if you found him guilty of a crime, would your opinion on the death penalty affect your ability to reach a just verdict of guilty or not guilty in the first stage of the trial? _____

____ YES____ NO____

Please explain:

Conclusion

76. Is there any additional information not asked about in this questionnaire which you feel that the judge or attorneys should know about you before you are selected for this jury?

YES____ NO____

IF YES, please explain:

77. As a result of filling out this questionnaire, have you formed an opinion about this case?

YES____ NO_____

IF YES, please explain:

78. Do you know of any reason whatsoever why you cannot sit as a fair and impartial juror in this case?

YES____ NO____

IF YES, please explain:

79. Is there anything about the subject matter of this case, or the points covered in this questionnaire, which creates a question in your mind as to whether you could be a fair, objective and impartial juror in this particular case?

YES____ NO____

IF YES, please explain:

80. The trial of this case is expected to be completed no later than (date).
Would service on this case create any serious economic, physical, or family hardship for you?

YES____ NO____

IF YES, please explain:

81. Do you have any difficulty speaking or understanding English?

YES___ NO___

82. Are there medical issues or are you currently taking any medication on a regular basis that might interfere with jury service?

YES___ NO___

IF YES, please explain.

DECLARATION

I attest and affirm, under the penalty of perjury, that the answers set forth above are true and correct to the best of my knowledge.

Date

Signature

[If necessary, please continue your answers to any questions on the attached blank page. Please give the number of each question(s) which you are answering. Thank you.]

Page intentionally left blank for continuation of answers: