

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

UNITED STATES OF AMERICA

v.

DEFENDANT

:
:
:
:

:

NO.

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 furnish in the questionnaire will help the Court and counsel to determine your qualifications to serve as jurors in this particular trial. Thus, the answers must be your own personal, candid, accurate, and truthful responses, which you are giving under oath. All information contained in this questionnaire will be kept confidential. The information you provide will be made available only to the Judge, Clerk's Office, the parties and the attorneys. It 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 the jury selection, please do not discuss the subject matter of this questionnaire or your answers with anyone at all, not even with other prospective jurors. In addition, please do not read any newspaper articles about this case or visit any locations at issue in this case.

Answer each question to the best of your ability. There are no right or wrong answers. Take your time. Please write or print clearly with a pen. Do not assume that the questions have any direct bearing on the evidence to be presented in this case or that your answers will qualify you or disqualify you from serving on this jury.

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

Description of the Case:

In this case, the defendant, (defendant), is charged with conspiring to commit murder-for-hire, participating in murder-for-hire, committing a violent act in furtherance of a "racketeering enterprise," and participating in the unlawful use of a firearm during a murder on (date) in (city, state). The defendant is facing the death penalty as a possible sentence.

This case will be somewhat longer than the average federal criminal trial. Counsel have estimated that the trial could last a period of five weeks, with a one week break from (date) to (date). Jurors will be scheduled to report for further jury selection procedures on one day, starting (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 difficulties related to jury service will not be sufficient to excuse a prospective juror. You are advised that federal law forbids any employer from discharging or discriminating against an employee because of jury service.

9. What are your responsibilities?

10. If you are disabled or unemployed, what type of work had you previously been doing?

11. Marital Status: Single() Separated() Married()
Divorced and Single() Divorced and Remarried() Widowed()

If applicable, please state what type of work your spouse (or significant other) performs and who the employer is?

12. Please circle the highest level of formal education you received:

1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 +
Grade High School College Graduate
Degree

13. Please indicate any degrees or licenses you have obtained (Example: LPN, pilot's license, BA in English, Associates in Business, etc.)

14. Please list jobs you have held in the past 10 years

Employer Dates Worked Title Duties

15. Have you **ever had** supervisory responsibilities at any job? YES ____ NO ____

If Yes, how many employees did you supervise? _____

16. Have you or anyone in your immediate family served in the 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 ____

17. Do you have any children? YES ____ NO ____

If yes, please complete the following:

Age Gender Occupation or School

18. Please indicate any clubs or social or political organizations to which you belong and/or hobbies or non-work activities you enjoy. In addition, please list any leadership positions you hold within any of those groups or organizations:

19. What newspapers or magazines do you read? _____

How many times per week do you read those publications? _____

20. What television shows do you regularly watch?

21. What radio news or talk shows do you regularly listen to?

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

YES ___ NO ___

IF YES, what cases or stories? _____

Relationship With Parties In This Case

23. 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), Yes ___ No ___
(address)

Assistant U.S. Attorney (name), Yes ___ No ___
(address)

DEFENSE:

Attorney (name),
Attorney (name),
(law firm name)
(address)

Yes ___ No ___
Yes ___ No ___

If yes, please explain: _____

24. Do you know any employee of the Office of the United States Attorney for (name of state), or have you had any dealings with that office?

Yes ___ No ___

If yes, please explain: _____

25. Do you know or have any connection (professional, business, or social) with Judge (name), who is the United States District Judge to whom this case has been assigned?

Yes ___ No ___

If your answer is yes, please explain: _____

26. The defendant in this case is (defendant). Defendant resided in (city) at the time of these events. Other defendants named in this indictment are his brother, (name #1) (city); (name #2) (city, state); and (name #3) (city).

Do you know, or think you may know, anything about any of these defendants or members of their families?

Yes ___ No ___

If your answer to this question is yes, please explain:

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

Yes ___ No ___

If your answer to this question is yes, please explain:

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

Yes ___ No ___

If yes, please explain the circumstances:

Experience with and opinions about the criminal justice system

29. Have you, or has any member of your immediate family, ever been investigated for, charged with or convicted of a criminal offense, other than a minor traffic violation?

Yes ___ No ___

If yes, please explain: _____

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

_____ the *victim* of a crime

_____ a *witness* to a crime

_____ *accused* of a crime

If the answer to any of the above is yes, please describe the crime or crimes with a very brief description of what happened and who was involved. _____

If there was an arrest, what was the outcome? _____

If you suspected that illegal drugs had anything to do with the crime, please describe:

If there was a trial, did you testify? YES____ NO____

Please describe any contact you had with police or courts as a result of this situation.

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: _____

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

31. 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:

32. Although the defendant is not directly charged with unlawful drug activity, evidence will be presented relating to the defendant's possible involvement in drug trafficking. Would such evidence prevent you from fairly and impartially serving as a juror on the charges in the indictment?

Yes ___ No ___

If yes, please explain:

33. Do you or does anyone you know have any personal familiarity with any street gang such as the (name of gangs)?

Yes ___ No ___

If yes, please explain: _____

34. Have you or any close family members or friends ever had a substance abuse problem?

Yes ___ No ___

If yes, who has the problem and what substance is/was being abused?

Would this prevent you from fairly and impartially viewing the evidence in this case?

Yes ___ No ___

If yes, please explain:

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

Yes ___ No ___

If yes, please explain:

36. Have you or any member of your immediate family or any close friends ever been involved in a civil lawsuit, either as a witness, plaintiff, or defendant?

Yes ___ No ___

If yes, please explain:

37. Have you, 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:

38. Have you had any personal experience and/or has any family member or close friend had experience or training in the following fields:

(a) Legal (lawyers, judges, law school, paralegal school, work in the court system, etc.)

Your personal experience: Yes ___ No ___

If yes, please explain:

Family member(s) or friend(s): Yes ___ No ___

If yes, please explain:

(b) Law enforcement (state or local police, sheriff, corrections, probation, federal law enforcement agencies, etc.)

Your personal experience: Yes ___ No ___
If yes, please explain:

Family member(s) or friend(s): Yes ___ No ___
If yes, please explain:

39. Have you, or anyone close to you ever considered working in law enforcement or applied for a job in law enforcement? YES ___ NO ___

IF YES, please explain:

40. Have you ever been employed or worked as a consultant, intern, or volunteer in:

Prosecutor or States' Attorney's Office:	Yes ___ No ___
Public Defender or criminal defense lawyer's office:	Yes ___ No ___
Court System	Yes ___ No ___

If yes to any of the above, please explain:

41. You will hear testimony from law enforcement officers. Would you be inclined to give the testimony of those witnesses greater or lesser weight than testimony of civilian witnesses solely because the officers are in law enforcement? Yes ___ No ___

Please explain:

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

Yes ___ No ___

If YES, please explain:

43. 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 is your opinion about this practice?

Please explain: _____

44. Have you ever served on a jury? Yes ___ No ___

If yes, please complete the following for each case on which you served as a juror:

- (a) Federal or state Court?
- (b) Civil or criminal trial or grand jury?
- (c) Subject matter of trial?
- (d) Was a verdict reached?
- (e) If yes, what was the jury's verdict?

45. Are you generally satisfied or dissatisfied with how the criminal justice system prosecutes and punishes people for the following crimes?

(a) Crimes of Violence:

Generally satisfied ____

Generally dissatisfied ____

No opinion ____

Please explain: _____

(b) Drug Related Crimes:

Generally satisfied ____

Generally dissatisfied ____

No opinion ____

Please explain: _____

(c) Crimes Involving Use of Firearm:

Generally satisfied ____

Generally dissatisfied ____

No opinion ____

Please explain: _____

(d) Gang-Related Crimes:

Generally satisfied ____

Generally dissatisfied ____

No opinion ____

Please explain: _____

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

- Very Serious
- Somewhat Serious
- Not a Serious Problem

47. 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?

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

Yes ___ No ___

If your answer is yes, please explain:

49. Do you believe that the criminal justice system makes it too hard for the police and prosecutors to convict people accused of homicide? YES ___ NO ___

IF YES, please explain:

50. Have you ever had a friend or family member in prison? YES ___ NO ___

IF YES, please explain: _____

51. Have you ever visited inside a prison or a jail? YES ___ NO ___

IF YES, what was your impression? _____

52. Have you heard or read anything about this case?

Yes ___ No ___

If your answer is yes, please explain: _____

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

Yes ___ No ___

If your answer is yes, please explain: _____

54. Some of the testimony in this case may be given in Spanish and translated into English. Do you speak Spanish?

YES ___ NO ___

If the answer to the above is YES, please generally describe the level of your Spanish language abilities _____

55. The Judge will instruct you that the fact of an arrest is not evidence of guilt, and an indictment returned by a Grand Jury is only an accusation and also is not evidence of guilt. Would you have any problem following those instructions at trial? Yes ___ No ___

If your answer is yes, please explain: _____

56. The defendant has been arrested or indicted. Do you consider arrest or indictment as evidence of a defendant's guilt? Yes ___ No ___

If your answer is yes, please explain: _____

Duty as Jurors

57. If you are selected to sit as a juror on this case, would you be willing and able to render a verdict based solely on the testimony, exhibits and documents presented as evidence in the courtroom and the law as the Court will give it to you in its instructions, disregarding any other beliefs about the law that you may have encountered? Yes ___ No ___

If no, please explain: _____

58. 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 innocence. Would you have any difficulty following these rules?

Yes ___ No ___

If YES, please explain:

59. Would it be difficult for you to presume that the defendant is innocent when he is charged with a *drug related murder*? Yes ___ No ___

Please explain:

60. Do you believe that a defendant in a criminal trial should be required to testify?
Yes ___ No ___

Please explain:

61. Some people have moral or religious views which prevent them from voting as jurors and, in effect, being a judge of another person. Do you have any moral, religious or other personal beliefs which would interfere with your ability 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: _____

62. The Judge will instruct you that (a) a defendant in a criminal trial has no obligation to testify; (b) jurors cannot draw any conclusion from the fact that a defendant chooses not to testify; and (c) that the fact that a defendant chooses not to testify cannot be a factor in reaching your verdict.

Would you have any problem following those instructions if the defendant chose not to testify at trial?
Yes ___ No ___

If Yes, please explain: _____

POTENTIAL PUNISHMENT

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 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 beyond a reasonable doubt of any of the crimes charged, 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 parole.

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) himself 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 find (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 consider any mitigation that the individual juror can determine exists within the entire case. 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 Court. If the jury decides to impose a sentence of life imprisonment without release, the Court 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 Court 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 about the death penalty. What we are looking for is your honest answers to these questions. **YOU MUST NOT ASSUME FROM ANY OF THE QUESTIONS ASKED THAT DEFENDANT IS, IN FACT, GUILTY OF ANYTHING.**

63. Generally speaking, what are your views on the death penalty? _____

64. How strong is your opinion on this subject? _____

65. 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 held these feelings? _____

66. Please circle the answer(s) that best correspond(s) to your belief. You may circle more than one answer:
- 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.
67. 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: _____

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

YES _____ NO _____ NOT SURE _____

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

YES _____ NO _____ NOT SURE _____

70. Do you belong to, or have you contributed money to, any organization that takes a position for or against the death penalty? YES _____ NO _____

If so, please specify the organization and describe the nature of your support or involvement.

71. Is your support for the death penalty so strong that you would be unable to consider a sentence of life imprisonment for someone convicted of premeditated murder? YES _____ NO _____

Please explain: _____

72. 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: _____

73. The government has alleged the following "aggravating" factors to be considered when determining whether the death penalty should be imposed against the defendant:

1. That the defendant procured the commission of the offense by payment, or the promise of payment, of something of value.

2. That the defendant committed the offense after substantial planning and premeditation to cause the death of (victim).
3. That the defendant committed the offense in connection with his role as the leader of the (name of organization) an enterprise engaged in "racketeering activity," as alleged in the indictment.

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: _____

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

1. That the defendant was under unusual and substantial duress, even though the duress was not of such a degree as to constitute a defense to the charge.
2. That the murder of (victim) was committed by another, and the defendant's participation was relatively minor.
3. That another defendant or defendants was equally culpable in the crime but would not be punished by death.
4. That the defendant did not have a significant prior history of other criminal conduct.
5. That the victim himself consented to the criminal conduct which resulted in his death.
6. Other factors in the defendant's background, record, or character, and other circumstances.

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 _____

If "Yes," 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 by (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 pages. Please give the number of each question(s) which you are answering. Thank you.]

Pages intentionally left blank for continuation of answers:
(Please give the number of each question you are answering here)

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(Please give the number of each question you are answering here)