

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

UNITED STATES OF AMERICA,

Plaintiff(s),

CASE NUMBER: 05-80025

HONORABLE VICTORIA A. ROBERTS

v.

D-1 TIMOTHY DENNIS O'REILLY,

Defendant(s).

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ORDER REGARDING JURY SELECTION PROCESS

A. JUROR QUESTIONNAIRE PROCESS

1. Approximately 225 potential jurors will appear on **May 11, 2010 in Room 115 of the Theodore Levin United States Courthouse** to complete the Juror Questionnaire. Half of the potential jurors will appear in the morning; half will appear in the afternoon. Defense counsel, counsel for the Government, and Mr. O'Reilly must be present for the opening of both the morning and afternoon sessions.
2. At both sessions, the Court will: (a) explain the nature of a death penalty trial (possible two-step process), the nature of this case, the purpose of voir dire, and the purpose of the Juror Questionnaire; (b) provide the potential jurors with instructions for completing the Juror Questionnaire; and (c) place the potential jurors under oath to truthfully answer the questions in the Juror Questionnaire.

3. At the conclusion of the Court's explanation and instructions, the Marshals will remove Mr. O'Reilly from Room 115 without handcuffs. Handcuffs will be placed on Mr. O'Reilly once he is in the hallway. Court Security Officers will ensure no jurors leave Room 115 at this time. This prohibits the potential jurors from seeing Mr. O'Reilly in handcuffs.
4. Defense counsel must make certain that Mr. O'Reilly wears civilian clothes on May 11, 2010.
5. Both defense counsel and counsel for the Government must be available to the Court in case the potential jurors have questions while completing the Juror Questionnaire.
6. Theresa Hryshko and Arthur McCoy from the Jury Department will be in Room 115 to ensure each potential juror submits a completed Juror Questionnaire.
7. Ms. Hryshko and Mr. McCoy will inform the Court of any questions the potential jurors have while completing the Juror Questionnaire. The Court will discuss the questions with counsel.
8. The Jury Department will scan the completed Juror Questionnaires and put them on CD's. The CD's will be available for pickup from the Jury Assembly Room **after 12:00 p.m. on May 14, 2010**. Each side is entitled to one CD.
9. The Court will only strike potential jurors, based on their answers in the Juror Questionnaire, whom the parties agree should be stricken.
10. The Court holds **May 17, 2010 at 9:00 a.m.** open for issues that may arise.

B. INDIVIDUAL VOIR DIRE PROCESS

1. The individual voir dire process will begin on **Tuesday, June 8, 2010**. The goal is to complete voir dire by **Tuesday, July 6, 2010**.
2. The parties must meet and attempt to reach agreement on: (a) the number of alternate jurors, and (b) how the alternate jurors will be removed from the jury panel before the jury deliberates. The parties must submit this information to the Court by **May 10, 2010**. If an agreement is not reached, the Court will discuss this issue on **May 17, 2010**.
3. The Court will summon 8-12 potential jurors per day for individual questioning. The number of potential jurors summoned per day may increase or decrease depending on how the process moves.
4. Each side has one opportunity to question each potential juror.
5. The individual voir dire process will cease once 80 people are qualified to serve.

C. TRIAL PROCESS

1. Mr. O'Reilly's trial will begin with jury selection shortly after the individual voir dire process ends.
2. Trial will generally be in session **Monday - Thursday from 9:00 a.m until 4:00 p.m.** The schedule will be posted for the following week, on the Thursday preceding.

IT IS ORDERED.

s/Victoria A. Roberts

Victoria A. Roberts
United States District Judge

Dated: April 23, 2010

The undersigned certifies that a copy of this document was served on the attorneys of record by electronic means or U.S. Mail on April 23, 2010.

s/Linda Vertriest
Deputy Clerk