

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO**

UNITED STATES OF AMERICA,

Plaintiff,

vs.

NO. CR 05-0924 RB

LARRY LUJAN,

Defendant.

ORDER REGARDING JURY SELECTION PROCEDURES

THIS MATTER is before the Court to inform the parties of the procedures for jury selection. Having considered the submissions of counsel, relevant law, and being otherwise fully advised, the Court sets the following procedures in place for jury selection.

1. On April 12, 2011, the Clerk will mail Juror Qualification Questionnaires and the attached Ability-to-Serve Questionnaire to approximately 2,000 individuals from the Master Jury Wheel for the Southern Division. The Jury Administrator will review the responses thereto and excuse from jury service those individuals who clearly meet any of the hardship categories set forth in Section 7 of the Jury Selection Plan.

2. By April 27, 2011, the Jury Administrator shall provide counsel with copies of the completed Ability-to-Serve Questionnaire of all venire-persons who requested to be excused, but who were not excused by the Jury Administrator pursuant to paragraph 1 above. Counsel shall meet and confer regarding these unresolved hardship requests. By May 4, 2011, counsel shall submit to the Court a stipulated list of those venire-persons they mutually recommend should be excused on the basis of hardship.

3. On May 9, 2011, the Jury Administrator will mail the attached Substantive Questionnaire to approximately 500 randomly-selected venire-persons, not excused on the basis of

hardship, by either the Jury Administrator or by agreement of the parties. These 500 venire-persons will be anonymous and identified by number throughout the jury selection process. Each Substantive Questionnaire will be numbered for this purpose.

4. Venire-persons will be instructed to mail the completed Substantive Questionnaires back to the Clerk of the Court by May 18, 2011. Completed Substantive Questionnaires received after May 25, 2011, at 5:00 p.m., will not be considered.

5. The Jury Administrator will distribute the completed Substantive Questionnaires to counsel and chambers by May 31, 2011. Counsel will meet and confer regarding strikes for cause. By June 6, 2011, counsel shall submit to the Court a stipulated list of those venire-persons they mutually recommend should be stricken for cause based solely on questionnaire responses. The Court will not entertain opposed motions to strike a venire-person based solely on responses on the Substantive Questionnaire.

6. By June 10, 2011, the Jury Administrator will inform venire-persons when to report for voir dire. Venire-persons will report in groups of 14 per day, beginning on June 20, 2011, at 8:30 a.m., in numerical order according to the numbers on the Substantive Questionnaires. All voir dire will occur in the Guadalupe Courtroom.

7. Starting on June 20, 2011, a daily panel of 14 venire-persons shall be called in, sworn, and examined. The Court will conduct general voir dire for no more than one hour. The group examination will consist of standard voir dire questioning. At least two business days prior to the questioning of each daily panel, the parties may submit to the Court a written list of follow-up questions for specific venire-persons within the scheduled panel. At the conclusion of the group examination, the daily panel will be escorted to the jury room. The Court will entertain challenges for cause based on the group voir dire.

8. After any venire-persons are stricken for cause, the Court will divide those remaining on the daily panel into two groups. The Court will excuse one group of venire-persons until 1:30 p.m. on the same day. With the other group, the Court will proceed with individual voir dire in the Guadalupe Courtroom. Individual voir dire will take place outside the presence of the other venire-persons. The remaining venire-persons in the non-excused group will wait in the jury deliberation room.

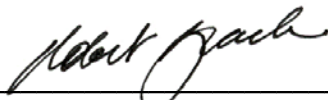
9. The Court will conduct most of the individual voir dire, but might allow counsel to pose some questions with strict time limits. Individual voir dire will cover the following: (1) pretrial publicity; (2) attitudes about race and ethnicity; (3) attitudes about capital punishment; and (4) other topics as requested and found necessary by the Court.

10. After individual voir dire, the Court will entertain challenges for cause as to that individual venire-person. Any challenge for cause must be made immediately following individual voir dire of a venire-person. At 1:30 p.m., the process will repeat with the other group of venire-persons.

11. After a panel of approximately 70 venire-persons is passed for cause, the Jury Administrator will form a randomized list. From that list, the parties will exercise peremptory challenges. Each side shall have 20 peremptory challenges for the selection of the jury and two additional challenges for the alternates.

12. A jury of 12 regular and 4 alternates shall be chosen.

IT IS SO ORDERED.



ROBERT C. BRACK
UNITED STATES DISTRICT JUDGE