

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

UNITED STATES OF AMERICA,

Plaintiff,

v.

LARRY LUJAN,

Defendant.

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Cause No. CR 05-924 RB

ORDER INSTRUCTING PROSPECTIVE JURORS

This questionnaire is designed to streamline the jury selection process. The Court and the parties must learn enough information about each juror to select a fair jury. **YOUR ANSWERS TO THESE QUESTIONS ARE ANONYMOUS AND UNDER OATH.**

Please answer all the questions to the best of your ability. There are no “right” or “wrong” answers; only complete and incomplete answers. Complete answers are far more helpful because they will shorten the time necessary for later oral questioning. Please take as much time as is reasonably necessary to answer each question as completely and as honestly as possible. If you cannot answer a question in the space provided, please use the blank page located at the back of the questionnaire. Simply identify the question number next to your continued response. If you have any questions, write them on the form. If you don’t know the answer to a question then write, “I don’t know.”

Do not accept the assistance or the advice of anyone in answering these questions. Do not discuss the case or your answers with anyone. Do not perform any investigation or internet research regarding this questionnaire or this case. It is important that the answers be yours alone, so you should fill out the questionnaire without consulting any other person or source. Remember, you are sworn to give true and complete answers to all questions.

In order to maintain your anonymity, you will be addressed and referred to by the number at the top of this page. Only the judge, attorneys for the parties, and their staff will review your questionnaire before trial. If you are not selected as a juror, all copies of your questionnaire will be destroyed. If you are selected as a juror, the attorneys will be permitted to keep a copy, but will be under court order to use the information only for this case; and not to use or disclose the contents of the questionnaire for any other purpose. You should be aware, however, that there could be circumstances under which questionnaires of jurors selected to sit in this case may become a part of the trial record.

This questionnaire must be filled out completely and returned to the court in the enclosed, self-addressed, postage-paid envelope. You must mail the completed questionnaire back to the court no later than **May 18, 2011.** The Clerk’s Office will notify you of when to report for jury duty by June 10, 2011. Thank you for your cooperation.

IT IS SO ORDERED.

ROBERT C. BRACK
UNITED STATES DISTRICT JUDGE

Juror No.

THE INDICTMENT

The Defendant, Larry Lujan, is charged in an Indictment with Kidnapping Resulting in Death of Dana Joe Grauke II, and Aiding and Abetting, in violation of 18 U.S.C. § 1201(a)(1) and 18 U.S.C. § 2. An Indictment is simply the document used to advise a defendant of the accusations against him. The Indictment is not evidence. Mr. Lujan has pleaded not guilty to the charge in the Indictment. Mr. Lujan is presumed innocent of the charge. The government has the burden of proof under our system of law. The prosecution must come forward with proof, beyond a reasonable doubt, that the defendant has committed the crime before the defendant can be found guilty. Mr. Lujan has no obligation to produce any evidence, or to do anything else, at trial. You must keep in mind that Mr. Lujan is presumed to be innocent of the charge against him. This presumption stays with him unless each element of the charge has been proven by the government beyond a reasonable doubt.

SUMMARY OF THE CASE

The charge contained in the Indictment stems from allegations that, on or about March 5, 2005, Larry Lujan, and others, kidnapped 16-year-old Dana Joe Grauke II, from his home in San Antonio, Texas; brought him to Chamberino, New Mexico; and Larry Lujan killed him because Larry Lujan believed that the victim owed him a drug debt.

YOUR BACKGROUND

1. What is your age? _____
2. Gender: ☐ Male ☐ Female
3. What is your race and ethnicity and that of your spouse or partner?
 You: _____ Spouse/Partner: _____
4. In what city, state, and country were you born and raised?
 Born: _____ Raised: _____
5. Where were your parents born?
 Father: _____ Mother: _____
6. What is your current relationship status? Are you:

☐ Single	☐ Married	☐ Widowed
☐ Never Married	☐ Never Divorced	☐ Remarried
☐ Living with someone	☐ Previously Divorced	☐ Now single
☐ Divorced	☐ Currently separated	

(a) If married, how long have you been married? _____

Juror No.

7. In what county and neighborhood do you reside? _____

8. How long have you lived in this area? _____

9. Where else have you lived during the last five years?

10. Please indicate who currently resides in your home: (Describe the person, their relationship to you, e.g., children, parent, roommate, partner, spouse, etc.)

11. Do you have any adult children?

☐ Yes

☐ No

(a) If yes, please provide the following information about each:

<u>Age</u>	<u>Gender</u>	<u>Highest Level of Education</u>	<u>Occupation/Job</u>	<u>Live With You?</u>
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____

12. Do you have any grandchildren? ☐ Yes ☐ No

(a) If yes, please tell us how many and their ages.

12. Have you, or a close family member, undergone counseling, treatment, or hospitalization for psychiatric, emotional, family, behavioral, or substance abuse problems?

☐ Yes

☐ No

(a) If yes, please tell us who was treated and describe the situation:

Juror No.

13. Do you speak and understand any languages other than English? ☐ Yes ☐ No

If yes, please identify the languages, and tell us whether any other language is your native language.

14. How would you describe the level of stress in your life right now?

☐ Not at all stressful ☐ Somewhat stressful ☐ Very stressful

15. How much control over events in your life do you feel that you have?

☐ No control ☐ Some control ☐ Total control

16. Would you consider yourself to be a leader:

☐ Often ☐ Sometimes ☐ Rarely ☐ Never

17. What, if anything, helps you to deal with stress, loss, or tough times?
-
-

18. Do you currently take any prescription medications? ☐ Yes ☐ No

If yes, please identify the medication, describe the condition the medication treats, and how long you have to take the medication.

20. Have you recently experienced any of the following? (Check all that apply)

☐ Significant or unexpected change in career plans
☐ Significant or unexpected change in finances/economic situation.
☐ Significant or unexpected life-changing event
☐ Significant change in family situation.

(a) If so, please explain.

Juror No.

21. How would you describe your finances over the last three years?

☐ Improved

☐ The same

☐ Worse

22. What three words best describe you?

EDUCATION

23. What is the highest level of your education?

☐ Less than high school

☐ GED

☐ Finished high school

☐ College graduate

☐ Some college or community college,
or technical school

☐ Post-graduate studies

☐ Post-graduate degree

Please describe any specialized training and degrees you have received.

24. Do you have any plans to further your education?

(a) If so, please describe your plans.

25. Please describe any specialized training, and any degrees received, by your spouse or partner.

26. What special training or interests do you have, either as a result of formal education or self education, if any?

27. Have you or your spouse or partner ever attended law school?

☐ Yes

☐ No

(a) If yes, please explain:

Juror No.

EMPLOYMENT

28. Employment status. Are you currently: (Please check all that apply)

- | | | |
|--|--|-------------------------------------|
| ☐ Employed full-time | ☐ Self employed | ☐ Student |
| ☐ Employed part-time | ☐ A homemaker | ☐ Unemployed |
| ☐ Employed in more than one job | ☐ Retired | ☐ Disabled |

29. Please tell us the name of your employer, how long you have worked there, your job title, and what your job responsibilities are.

30. How satisfied are you with your present job?

- ☐ Very satisfied ☐ Somewhat satisfied ☐ Not at all satisfied

31. Please briefly describe the last three places that you have worked at before your current position, including your title and the length of time at each position. If you retired from any of these positions, please tell us when you retired.

32. Have you ever supervised others? ☐ Yes ☐ No

(a) If so, please describe type of work, when, and number of people supervised:

33. Would you describe your current job as working more as part of a team or more on your own?

- ☐ More as part of a team ☐ More on my own

34. Please tell us where your spouse or partner works, and what his or her job responsibilities are.

Juror No.

35. Please tell us the occupations of your parents (and/or step-parents).

MILITARY SERVICE

36. Have you, or anyone close to you, ever served in any branch of the Armed Forces of the United States (including the Military Reserves, National Guard, or ROTC)?

☐ Yes ☐ No If yes, please answer the following:

(a) Please tell us who served, in what branch of service, and if you know, the highest rank achieved.

(b) Did you (or they) serve in active combat duty? ☐ Yes ☐ No

If yes, please tell us who served, in which conflict, and if you know, in what combat zone.

HOBBIES AND ACTIVITIES

37. What social clubs, fraternal, or other religious organizations, or volunteer groups do you belong to or support?

38. Have you ever held an office or position of leadership in an organization, either currently or in the past?

☐ Yes ☐ No

(a) If yes, please explain:

Juror No.

39. What are your hobbies and interests? What do you like to do in your spare time?

40. What television shows do you watch most often?

41. What newspapers, magazines, or journals do you read most often?

42. What are the latest books you have read?

43. What internet websites or blogs do you visit most often?

44. What radio or television *talk* shows do you watch or listen to on a regular basis?

45. Have you ever called into a radio talk show, written a letter to the editor, or participated in a blog or chatroom?

☐ Yes ☐ No

If so, what topics have you addressed?

Juror No.

46. Have you ever followed media/press reports of a criminal case? ☐ Yes ☐ No

(a) If yes, what was the case and why did it attract your interest?

47. Have you, or someone close to you, ever been involved in, or been a member of a group, that takes positions on political, social, or other similar issues (crime, drug or alcohol abuse, gun policy, etc.)?

☐ Yes ☐ No

If so, please identify the group.

POLITICS

48. Do you consider yourself to be politically:

☐ Very Conservative
☐ Liberal

☐ Conservative
☐ Very Liberal

☐ Moderate
☐ Independent

49. What three public figures do you admire the most and least?

Most: _____

Least: _____

50. Do you most often make decisions based on:

☐ Instinct ☐ Analysis of all available facts

51. In what ways, if any, might your political views affect your service as a juror?
-
-

52. What bumper stickers or decals do you have on any cars in your household?
-

Juror No.**RELIGION**

53. Do you have any religious affiliation or preference? ☐ Yes ☐ No
54. Do you belong to a church, synagogue, temple, mosque, or other religious group?
☐ Yes ☐ No
55. How often do you attend your place of worship?
☐ Regularly ☐ Seldom ☐ Occasionally ☐ Never
56. In what ways, if at all, might your religious views or philosophical beliefs affect your service as a juror?

57. How do you discuss and exchange ideas with others whose views and beliefs might differ from those held by you?

CRIMINAL JUSTICE EXPERIENCE

58. Have you, or has anyone close to you, ever worked for or been associated with:
(check all that apply)

A District Attorney's Office	☐ Yes (self)	☐ Yes (other)	☐ No
A U.S. Attorney's Office	☐ Yes (self)	☐ Yes (other)	☐ No
A Public Defender's Office	☐ Yes (self)	☐ Yes (other)	☐ No
Any other lawyer or law office	☐ Yes (self)	☐ Yes (other)	☐ No

(a) If yes, please explain:

59. Have you ever volunteered, been employed, or applied for work in any law enforcement or security agency, such as the state police, county sheriff, FBI, DEA, Homeland Security, ICE, Department of Corrections, or a private security firm?

☐ Yes ☐ No

Juror No.

(a) If yes, please describe the job and approximate dates:

60. Has anyone you know ever volunteered, been employed, or applied for work in the law enforcement agency or private security field?

☐ Yes ☐ No

(a) If yes, please explain:

61. Have you, or a family member or close friend, had any legal training or taken any law-related courses?

☐ Yes ☐ No

(a) If yes, please explain:

62. Are you, a close friend, or a member of your family, presently planning or intending to apply for a position in law enforcement, including any Department of Corrections?

☐ Yes ☐ No

(a) If yes, please explain:

63. What experience have you had with law enforcement officers or agencies?

64. What is your view about how law enforcement officers are treated generally?

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65. Have you ever had a problem with crime in your neighborhood, or ever called the police to report a crime?

☐ Yes ☐ No

(a) If yes, please explain:

66. Do you, any members of your family, or close personal friends, have any strong views for or against law enforcement agencies, such as the state or local police, county sheriff, FBI, DEA, Homeland Security, ICE, or Department of Corrections?

☐ Yes ☐ No

(a) If yes, please explain:

67. A number of witnesses at the trial will be law enforcement officers from either federal, state, or local law enforcement agencies. The Judge will instruct you to consider and evaluate those persons' testimony just as you consider any other witness' testimony. Do you believe that you will be able to follow that instruction?

☐ Yes ☐ No

68. Despite that instruction, do you feel that because of any attitudes about, or experiences with law enforcement officers, you would be either *more willing* or *less willing* to believe the testimony of a law enforcement officer simply because of his or her status as a law enforcement officer?

☐ Yes ☐ No

(a) If yes, please explain whether you would be *more willing* or *less willing* to believe such a witness and why?

PRIOR JURY SERVICE

69. Have you ever served as a trial juror before?

☐ Yes ☐ No

Juror No.

(a) If yes, complete the following:

<u>Criminal or Civil Case</u>	<u>Main Charge</u>	<u>When did you serve</u>	<u>Did jury reach a verdict (Yes or No)</u>
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1. _____
2. _____
3. _____

(b) Were you ever the foreperson? ☐ Yes ☐ No

70. Have you ever previously served on a jury, in state or federal court, where the death penalty was sought?

☐ Yes ☐ No

(a) If yes, please explain when and where:

(b) Without disclosing your verdict, did the jury reach a verdict during the penalty phase of the case?

☐ Yes ☐ No

71. How would that experience affect your jury service in this case?

☐ Yes ☐ No

(a) If yes, please explain:

72. Have you ever served on a grand jury in state or federal court?

☐ Yes ☐ No

(a) If yes, when and where:

Juror No.**EXPERIENCE WITH COURTS**

73. Have you, or any family members or close friends, ever been (check all that apply):
- (a) Plaintiff in a civil lawsuit? ☐ No ☐ Yes (Self) ☐ Yes (Friend or Family)
- (b) Defendant in a civil lawsuit? ☐ No ☐ Yes (Self) ☐ Yes (Friend or Family)
- (c) Arrested for, accused of, or charged with a crime? ☐ No ☐ Yes (Self) ☐ Yes (Friend or Family)
- (d) Convicted of a crime? ☐ No ☐ Yes (Self) ☐ Yes (Friend or Family)

If you answer YES to any of the above, please briefly describe the circumstances surrounding that event, the ultimate result, and your relationship to the person(s) involved:

74. Do you know any judges, lawyers, or anyone else in the court system?

☐ Yes ☐ No

- (a) If yes, please describe who you know and where they work.
-
-

75. Overall, what are your general experiences or attitudes toward the following professions:

Lawyers	☐ Positive	☐ Neutral	☐ Negative	☐ No Opinion
Judges	☐ Positive	☐ Neutral	☐ Negative	☐ No Opinion
Court Personnel	☐ Positive	☐ Neutral	☐ Negative	☐ No Opinion
Psychiatrists	☐ Positive	☐ Neutral	☐ Negative	☐ No Opinion
Psychologists	☐ Positive	☐ Neutral	☐ Negative	☐ No Opinion
Law Enforcement	☐ Positive	☐ Neutral	☐ Negative	☐ No Opinion
Medical Professionals	☐ Positive	☐ Neutral	☐ Negative	☐ No Opinion
FBI Agents	☐ Positive	☐ Neutral	☐ Negative	☐ No Opinion

CRIMINAL JUSTICE ISSUES

76. Larry Lujan is presumed innocent. He cannot be convicted unless the jury, unanimously, and based solely on the evidence presented in court, decides that his guilt has been proven beyond a reasonable doubt. The burden of proving guilt beyond a reasonable doubt rests entirely with the government. Mr. Lujan is not required to prove that he is innocent. How do you feel about this part of our system of justice?
-
-

Juror No.

77. An Indictment is a document that describes the charges of which a defendant is accused. This means that the Indictment in this case may not be considered by you as any evidence whatsoever in establishing the guilt of Larry Lujan. Do you agree or disagree with this rule of law?

☐ Agree ☐ Disagree

(a) If you disagree, please explain:

78. Please tell us your reaction to the following statement:

Even though the law says a defendant has the right to remain silent, and need not testify in his own defense, *a person who chooses not to testify is probably guilty*:

☐ Strongly Agree ☐ Agree ☐ Disagree ☐ Strongly Disagree

(a) Please explain:

79. You may hear testimony from a psychologist, psychiatrist, social worker, or other mental health profession. What is your opinion about the field of psychology and psychiatry, and the ability of such persons to identify and explain reasons for human behavior?
-
-

80. How do you feel about the way the criminal justice system in the United States?
-
-

81. Do you have strong feelings or special knowledge about any of these things (check all that apply)?

☐ Illegal drugs
☐ Individuals who sell or distribute illegal drugs
☐ The criminal justice system
☐ The correctional (prison) system
☐ Illegal immigrants
☐ Gangs or gang-related violence or crime
☐ Tattoos

Juror No.

- (a) If you have strong feelings or special knowledge concerning any of these things, please explain:
-
-

NATURE OF THE EVIDENCE AND THE CHARGED CRIME

VICTIM'S AND DEFENDANT'S BACKGROUNDS

82. Do you believe that racial prejudice exists in this country today? ☐ Yes ☐ No

Please describe your beliefs in this regard:

83. Do you have any bias or prejudice against Hispanics or Mexican-Americans?

☐ Yes ☐ No

- (a) If yes, please explain:
-
-

84. What effect do you think that race or ethnicity have on our criminal justice system?
-
-

85. Some people believe that Hispanics commit more crimes of violence than Non-Hispanics. What do you think about this?
-
-

86. Have you ever seen or witnessed acts which seemed to you to be an example of racial prejudice?

☐ Yes ☐ No

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(a) If yes, please explain:

87. Mr. Lujan and the victim in this case are of different ethnic backgrounds. The victim was Non-Hispanic and Mr. Lujan is Hispanic. How might this affect your view of the case, if at all?
-
-

OPINIONS ABOUT DRUGS AND GANGS

88. This case is about drugs, drug trafficking, and drug dealers; and involves a kidnapping and a killing. Is there anything about this kind of a case that would cause you to automatically think that the person charged with these crimes is guilty?

☐ Yes ☐ No

(a) If yes, please explain:

89. Do you have such negative feelings about illegal drugs, or the people who sell them, that you would be unable to evaluate the evidence fairly as to the defendant in this case?

☐ Yes ☐ No

(a) If yes, please explain:

90. Have you, a member of your family, or anyone you are close to, ever had a problem with the use of illegal drugs or been placed in a drug treatment program?

☐ Yes ☐ No

(a) If yes, please explain the circumstances:

Juror No.

(b) How did this situation affect you?

91. Do you have any professional or educational training or experience related to addiction, substance abuse treatment, counseling, psychology, or related field?

☐ Yes ☐ No

(a) If yes, please explain:

92. Have you, a family member, or close friend had contact with gangs, gang members, or gang activities?

☐ Yes ☐ No

(a) If yes, please explain:

93. Have you, a family member, or a close friend had any personal experience with, or knowledge of, the Barrio Azteca gang?

☐ Yes ☐ No

(a) If yes, please explain:

OPINION OF ACCOMPLICE TESTIMONY

94. Some of the evidence in this case may be in the form of testimony from people who are alleged to have participated in the crime charged and who have entered into agreements with the government to cooperate against Mr. Lujan. Do you have any personal feelings or opinions about this type of testimony that might affect your ability to consider such evidence fairly and impartially?

☐ Yes ☐ No

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(a) If yes, please explain:

IMPACT OF VIOLENT CRIME EVIDENCE

95. Have you, or has anyone close to you, ever been a victim of any violent or non-violent crime?

☐ Yes ☐ No

If yes, please explain who was involved, what happened, and how the case was resolved:

96. Please tell us how these experiences might affect your ability to participate in this case as a juror, if at all.

97. The evidence in this case will include testimony and photographs that describe and depict injuries and damage caused by a violent crime. How will the possibility of exposure to that type of evidence affect your ability to decide the case fairly and impartially on the evidence presented and the law as instructed by the court?

KNOWLEDGE OF THE CASE

98. What knowledge do you have about this case?

99. From what source did you obtain this information?

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100. Some of the events which will be described during the trial took place near Chamberino, New Mexico, and San Antonio, Texas. Do you, or does any close friend or relative, live or work in Chamberino, New Mexico, or San Antonio, Texas?

☐ Yes ☐ No

(a) If yes, please explain:

101. Do you know any of the following people:

(a) Defense lawyers: Peter Schoenburg and Robert E. Kinney; ☐ Yes ☐ No
(b) Prosecutors: Maria Y. Armijo and Mark A. Saltman; or, ☐ Yes ☐ No
(c) The defendant, Larry Lujan? ☐ Yes ☐ No
(d) If yes, please explain:

102. The trial will be presided over by the Honorable Robert C. Brack, United States District Judge, District of New Mexico. Do you, or does anyone you know, know Judge Brack or any member of his staff?

☐ Yes ☐ No

(a) If yes, please explain:

103. Do you personally, or in connection with your business, have any pending interest in any legal action or dispute with the United States, or any officer, agents, or employees of the United States?

☐ Yes ☐ No

(a) If yes, please explain:

Juror No.

104. Do you, or anyone close to you, know any of the persons involved in any way with the events charged in this case?

☐ Yes ☐ No

(a) If yes, please explain:

105. The name of the victim in this case is Dana Joe Grauke II, of San Antonio, Texas. Do you think you may have known this individual or members of his family? Do you know anything at all about the circumstances of his death?

☐ Yes ☐ No

(a) If yes, please explain:

106. Based on what you know about this case, including anything you may have learned today, have you formed any opinions about the guilt or innocence of the defendant Larry Lujan or the appropriate punishment in this case?

☐ Yes ☐ No ☐ Unsure

(a) If yes or unsure, please explain:

QUESTIONS CONCERNING THE DEATH PENALTY

If, and only if, Mr. Lujan is found guilty of kidnaping resulting in death, there will be a separate hearing where the same jury will decide whether the appropriate sentence is life imprisonment without the possibility of release, or death. The decision whether or not to impose a sentence of death is one the law leaves entirely to the jury. If the jury votes unanimously for a death sentence, the judge is required to impose a sentence of death. The law never requires any juror to vote for a sentence of death. The alternative is a sentence of life in prison without the possibility of release.

Due to the possibility that the trial might proceed to the penalty phase, it is important that we know your thoughts and opinions regarding the death penalty and whether your personal opinions may substantially impair your ability to be a fair and impartial juror in this case. Should

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this case proceed to a capital sentencing hearing, you will be instructed in detail on the burdens of proof and the procedures to be followed.

At this time, however, we are not inquiring about particular circumstances that may arise in this case, but only your general feelings regarding the death penalty. The questions in this section are not meant to suggest that Mr. Lujan is guilty, or that you will in fact be called upon to decide a penalty in this case. The judge must know, however, whether you could be fair to both the prosecution and the defense on the issue of punishment if you reach that issue.

107. Do these questions about your views on the death penalty, or a penalty of life in prison without the possibility of release, suggest to you that Mr. Lujan must be guilty?

☐ Yes ☐ No

(a) If yes, please explain:

108. Do you have any moral, religious, ethical, or other personal beliefs that would prevent you from sitting in judgment of another human being in a case where the death penalty is being sought by the government?

☐ Yes ☐ No

(a) If yes, please explain:

109. Regarding the death penalty, which of the following statements most accurately represents the way you feel? You may check one or more of the choices.

- ☐ If a person is convicted of a capital crime and the death penalty is requested, I will always vote to impose it, regardless of the facts and the law in the case.
- ☐ 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.
- ☐ I generally favor the death penalty, but I would base a decision to impose it on the facts and the law in the case.
- ☐ I have no opinion either for or against the death penalty, and I could base a decision to impose it on the facts and the law in the case.

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- ☐ 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.
- ☐ I am strongly opposed to the death penalty, and I will have a difficult time voting to impose it regardless of the facts and the law in the case.
- ☐ 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 of the case.

Please explain why you hold the above opinions and beliefs:

110. Please read the following two statements carefully, take time to reflect, and check the appropriate box if either statement applies to you. If neither applies, leave the question blank.

- ☐ I feel that my support of the death penalty will make it difficult for me to fairly and impartially decide, in the event the defendant is convicted of a capital-eligible offense, whether the defendant should be sentenced to death.
- ☐ I feel that my opposition to the death penalty will make it difficult for me to fairly and impartially decide, in the event the defendant is convicted of a capital-eligible offense, whether the defendant should be sentenced to death.

111. Have you ever held a different view of the death penalty?

- ☐ Yes ☐ No

(a) If yes, what was that view and when and why did it change:

112. Even if you hold very strong beliefs, religious or otherwise, are you able to discuss and exchange thoughts and ideas with someone with different strong beliefs?

- ☐ Yes ☐ No

(a) Why, or why not?

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113. In your opinion, is the death penalty the only appropriate sentence for someone who has been proven guilty beyond a reasonable doubt of killing another person intentionally, without any legal excuse or justification?

☐ Yes ☐ No

(a) Please tell us why you feel this way:

114. Under what circumstances, if any, would you consider the death penalty to be appropriate?
-
-

115. In a case of intentional premeditated murder, given the choice between voting as a juror for a sentence of death or voting as a juror for a sentence of life imprisonment without the possibility of release, would you always vote for a death sentence under any circumstances?

☐ Yes ☐ No

116. What does your religious or spiritual affiliation or background, if any, teach regarding the death penalty?
-
-

117. In a case of intentional premeditated murder, given the choice between voting as a juror for a sentence of death or voting as a juror for a sentence of life imprisonment without the possibility of release, would you never vote for a death sentence under any circumstances?

☐ Yes ☐ No

118. If you are chosen to be a juror, the Judge will instruct you that possible punishments are not to be considered at all during the first phase (guilt or innocence) of the trial. Will you be able to follow the instruction and, at the first phase of the trial, consider whether the defendant is guilty or not guilty based upon the evidence, without consideration of the possible punishment?

☐ Yes ☐ No

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(a) If no, explain why:

119. How might your views on the death penalty influence your consideration of the evidence during the first phase of the trial (guilt or innocence), if at all?

120. In consideration of the possible imposition of a sentence of death, the law forbids jurors from considering the race, color, national origin, or sex of any defendant or any victim. Do you have any reservations about your ability to strictly abide by this requirement of law?

☐ Yes ☐ No

(a) If yes, explain why:

121. In general, what is your opinion about the death penalty? Please circle one number on the 1 to 10 scale below that is closest to your opinion. (The lower the number you circle, the more you oppose the death penalty. The higher the number, the more you support or favor the death penalty.)

Strongly Oppose

Strongly Favor

1 2 3 4 5 6 7 8 9 10

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

1. Useful
2. Necessary
3. Counterproductive
4. Inhumane
5. Other:

(a) Please explain:

Juror No.

123. What views do your family members and close friends have on the death penalty?

124. When a defendant is sentenced to life in prison without the possibility of release, do you believe the defendant actually spends the rest of his life in prison?

☐ Yes ☐ No ☐ Unsure

(a) Please explain your beliefs in regard to this question:

125. Do you think that life imprisonment without release is a severe punishment?

☐ Yes ☐ No

(a) Please explain:

126. In deciding whether to impose a sentence of death or life imprisonment without the possibility of release, how much importance would you attach to each of the following:

	<u>Not At All</u>	<u>A Little</u>	<u>Some- what</u>	<u>Very Important</u>
(a) Even someone who kills can change for the better	1	2	3	4
(b) If you intentionally take a life, you forfeit your life	1	2	3	4
(c) A defendant's remorse	1	2	3	4
(d) A defendant's unstable childhood	1	2	3	4
(e) A defendant's mental disease or defect	1	2	3	4
(f) The costs of keeping someone in prison for life	1	2	3	4
(g) The impact on family/friends who lost a loved one	1	2	3	4
(h) Defendant on drugs when killing occurred	1	2	3	4

Juror No.

127. Do you believe life in prison without the possibility of release is a more severe form of punishment than a sentence of death?

☐ Yes, more severe

☐ No, less severe

☐ Just as severe

(a) Please explain:

128. Have you, or a close friend or family member, ever belonged to, supported, signed petitions, or donated time or money to any group or organization which opposes or supports the death penalty?

(a) Supports:

☐ Yes, myself

☐ Yes, friends/family

☐ No

(b) Opposes:

☐ Yes, myself

☐ Yes, friends/family

☐ No

129. Do you have any close friends or relatives who would criticize you or be disappointed in you if you voted for the death penalty, or did not vote for the death penalty?

☐ Yes, if I voted for the death penalty

☐ Yes, if I voted against the death penalty

(a) Please explain:

130. Do you believe that the personal circumstances and background of a defendant should be taken into account in making the decision on whether to impose a sentence of death?
Yes ☐ No ☐

(a) Please explain:

131. If Mr. Lujan is found guilty of kidnapping resulting in death, without any legal excuse or justification, the defense may present evidence during the sentencing phase of the trial about Larry Lujan's childhood and background in support of a sentence other than the death penalty. Would you be able to consider such evidence when making a decision about his punishment for capital murder?

☐ Yes

☐ No

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(a) Why, or why not?

132. If you decided, based on what you saw and heard in court, that the prosecution had not proved beyond a reasonable doubt that Mr. Lujan was guilty, would you stand by that decision, regardless of the opinions of other jurors?

☐ Yes ☐ No

133. If there is a sentencing phase of the trial, where the jury is asked to decide between a penalty of life without the possibility of release, or the death penalty, our law says that if the jury is not unanimous, the judge will impose a sentence of life without the possibility of release. If the jury is not unanimous on the question of punishment, would you feel that the jury had not "done its job"?

☐ Yes ☐ No

(a) If yes, please explain:

CONCLUSION

134. Can you think of anything else (political, ethical, moral, religious, philosophical, medical, or personal) that we should know about you, which you believe might affect your ability to be on this jury?

☐ Yes ☐ No

(a) If yes, please explain:

135. Is there anything you have not included in the above answers which you would like to discuss privately with the judge and attorneys and not put in writing? If so, please indicate and we will provide you with an opportunity to do so later in court.

☐ Yes ☐ No

Juror No.

ADDITIONAL COMMENTS, IF NECESSARY
(Please identify the question number for each answer)

[illegible]

Juror No.

ADDITIONAL COMMENTS, IF NECESSARY
(Please identify the question number for each answer)

[illegible]