**Judge Freudenthal Voir Dire – Criminal**

1. The presentation of the evidence in this case is expected to take \_\_\_ days. Will this present a special problem to any of you? Do you have any pressing commitment over this time that might distract you from your duties to be a fair and impartial juror?
2. [Read/summarize the indictment]
3. Have any of you ever seen, read or heard anything about this case from any source whatsoever?
4. Ask counsel for the government to introduce himself or herself and counsel associated with the trial, as well as all the witnesses who will testify in the government’s presentation of its case in chief. Ask the jurors if anyone knows any of these persons; has had any business dealings with them or were represented by them or members of their firms; and has had any other similar relationship or business connection with any of them. Does anyone know any other person employed at the United States Attorney’s office? Does anyone know any person who is employed at the Courthouse?
5. Ask counsel for the defense to introduce himself or herself and counsel associated with the trial, as well as all the witnesses who will testify in the government’s presentation of its case in chief. Ask the juror if anyone knows any of these persons; has had any business dealings with them or were represented by them or members of their firms; and has had any other similar relationship or business connection with any of them.
6. Now, let’s hear a bit from you. I’d like each of you to introduce yourself, tell us a bit about yourself such as where you work, whether you are married and what your spouse does, whether you have any children at home and what they do, and whether you have any hobbies or special interests. I’d also like to know whether you have ever served as a juror in a criminal or civil case or as a member of a grand jury in either a federal or state court. [If served on a jury, was the person a chair or foreperson? If served on jury, did you reach a verdict? Was the verdict a conviction or acquittal? Would you prefer not to serve on a jury again (why/why not? How do you think your prior jury experience will affect your consideration of the evidence presented in this case? If served on a grand jury – do you understand that the grand jury proceeding is different than a criminal jury trial – its purpose is to determine if there is sufficient evidence to indict an individual for committing a crime where the purpose of a criminal jury trial is to determine if an individual is guilty or not guilty of committing a crime. Also the standard of proof in this proceeding is beyond a reasonable doubt; whereas in the grand jury process it is by a preponderance of the evidence]. Let’s start with [juror #1]….
7. Have you, any member of your family, or any close friend ever been employed by a law enforcement agency? [follow-up - would that cause you to give greater or lesser credence to a witness who is a law enforcement officer, simply because of that fact alone? Would you listen to each witness, prior to making a judgment as to the believability of the testimony?]

**Experience with Criminal Matters & Substance Abuse**

1. If you answer yes to either of the following questions, or if you do not understand the questions, please be prepared to discuss your answer with the court and counsel at the bench.
   * + - 1. Have you ever been involved, in any court, in a criminal matter that concerned yourself, any member of your family, or a close friend either as a defendant, a witness, or a victim?
         2. Have any of you, a family member or close friend ever been falsely accused of committing a crime? [how did that experience affect you; did you form any opinions as to law enforcement, attorneys or the judicial system; would it affect your ability to remain impartial in this case?]
         3. [If applicable – otherwise tailor to match the offenses charged] Have you had any experience involving yourself, any member of your family, or any close friend that relates to the use or possession of illegal drugs or narcotics? [what type of drug or drugs, what was your reaction, what happened to the person involved with the drugs, how did this person’s involvement with drugs affect you or your family; as a result of this experience, do you feel that you can be an impartial juror in this drug-trafficking case?]
         4. Have any of you, or any member of your immediate family had an unpleasant experience in court, or involving lawyers, which would affect your ability to impartially consider the evidence presented in this case?
2. What was involved? When did this take place? Who were involved? What was the outcome? Do you feel that this incident might have some bearing on your judgment if you were chosen as a juror in this trial?

**Legal Training/Legal Issues**

1. Do any of you or your close family members have previous legal experience which would include work as an attorney, law student or paralegal? [Do you understand that the Court will decide all legal questions and the jury will decide all factual questions; can you follow the law given to you by the Court without question]
2. Have you, any family members or close friends ever worked as court personnel or been involved with the court system?
3. Have any of you, or any of your family members or close friends ever worked in a prison, jail or detention center?

1. If you are selected to sit on this case, will you be able to render a verdict solely on the evidence presented at the trial and in the context of the law as I will give it to you in my instructions, disregarding any other ideas, notions, or beliefs about the law that you may have encountered in reaching your verdict?
2. Do any of you have any concerns about applying the legal presumption of innocence? This means that every defendant is presumed innocent until proven guilty. The Indictment against the defendant brought by the government is only an accusation, nothing more. It is not proof of guilt or anything else. The defendant therefore starts out with a clean slate.
3. How about the legal requirement that the government has the burden of proof? This means the defendant has no burden to prove his innocence, or to present any evidence, or even to testify.
4. How about the legal requirement that the government must prove the defendant’s guilt beyond a reasonable doubt. A reasonable doubt is the kind of doubt arising, after consideration of all the evidence, that would cause reasonable people to hesitate to act upon it when conducting the more serious and important affairs in their own lives. However, there are very few things in this world that we know with absolute certainty, and in criminal cases the law does not require proof that overcomes every possible doubt. But a defendant is never to be convicted on mere likelihood, suspicion or conjecture.
5. Do you accept Mr./Ms. \_\_\_\_\_\_\_’s right under the Constitution to remain silent, and thus choose not to testify in the case? Do any of you expect a defendant to tell his side of the story, and if he doesn’t do so, that he may be guilty simply because of that fact alone? Also, do you accept that Mr./Ms. \_\_\_\_ may choose to testify. Would anyone here not be able to believe Mr./Ms. \_\_\_\_\_\_ testimony because s/he is the person charged with committing a crime?
6. Does anyone here expect Mr./Mrs. \_\_\_\_\_\_\_\_\_ to present evidence to prove his innocence?
7. Has anyone of you already formed an opinion as to the innocence or guilt of Mr./Ms. \_\_\_\_\_\_\_\_\_\_?`

**Dealings with/Bias Issues Concerning United States**

1. Do any of you, or any member of your immediate family, have any dealings with the United States Government or any of its agencies from which you might profit?
2. Have any of you, or any member of your immediate family, ever been employed by the United States? If yes, what capacity?
3. Have any of you ever had a case or dispute with the United States or an agency of the United States?
4. Have any of you, your immediate family, or close friends ever been involved in an investigation or charged with any violation of the laws of the United States, or the laws of the State of Wyoming?
5. Have any of you, any member of your immediate family, or any of your close friends ever been involved in a drug investigation by either law enforcement authorities or an employer, whether or not such investigation led to any charges being filed?
6. Do any of you have any strong feelings either favorable or unfavorable about the United States Drug Enforcement Administration (DEA), Wyoming Division of Criminal Investigation (DCI), or any other law enforcement agency?
7. Do you have any opinions or beliefs concerning the United States federal government in general, or any agency or policy of the United States, which you feel would make it impossible for you to fairly consider the evidence in a case where the United States is the plaintiff and government employees are witnesses?

**Bias – Hispanics, Citizens of Mexico & Non-English Speakers [if applicable]**

1. Does anyone have any opinions either for or against individuals of Hispanic decent simply because of their ethnic origin? Does anyone have any opinions either for or against citizens of Mexico who are living in the United States? Does anyone have any opinions either for or against individuals who do not speak English fluently? If so, can you set those opinions aside and render a verdict based upon the evidence you hear in this matter?
2. Are you involved in lobbying for changes in immigration laws or policies? Are you a member of any groups or organizations that are involved in lobbying for changes in immigration laws or policies?
3. Does anyone believe that the majority of illegal drugs originate from Mexico? Does the fact that the defendant is originally from Mexico and charged with a drug offense affect your ability to serve as an impartial juror in this case?
4. An interpreter will be used at trial. Does anyone believe that a defendant should not be entitled to an interpreter at trial?
5. Is anyone on the jury fluent in Spanish?

**Opinions Regarding Drug Laws and Drug Law Enforcement**

1. Do any of you have an opinion for or against the legalization or decriminalization of drugs? [explain; would this opinion affect your ability to be fair and impartial to both sides if you were selected as a juror in this case?]
2. Do any of you believe that the drug laws of the United States should not be enforced?
3. Do any of you have any other opinions about the drug laws of the Untied States that would affect your ability to be fair and impartial to both sides if selected as a juror in this case?
4. Are you involved in lobbying for changes in drug laws or policies? Are you a member of any groups or organizations that are involved in lobbying for changes in drug laws or policies? [describe involvement/changes]
5. Are you involved in any community initiatives or organization that work to reduce the use or abuse of drugs or alcohol, such as MADD, DARE, Narcotics Anonymous, or Alcoholics Anonymous?

**General**

1. Have any of you ever written a letter to the editor?
2. Is anyone such a habitual user of the internet through Facebook, blogs, tweets, texts or Google, either on your cell phone or computer, that it would be really difficult to follow the court’s instruction to not research or write anything about this case or the jury deliberations?
3. Is there any member of the panel who has any special disability or problem that would make serving as a member of this jury difficult or impossible?
4. Is there anything that has occurred to any of you or are there any facts which you think we should know about which might have a bearing on your judgment in this case?

*Ask questions submitted by counsel.*

1. Is there anything which has occurred to any of your or are there any facts which you think we should know about which might cause you to prejudge an issue in this particular case?
2. Is there anything about this case that may be bothering you?
3. Do you accept the requirement that the jury’s verdict be unanimous?
4. Do all of you understand that you are to wait until all the evidence has been presented and you have been instructed as to the law which is to be applied before making up your minds as to any fact or issue in this case?
5. Do any of you have any other reasons whatever, such as a physical defect, a health problem or home problems which might interfere with, or distract you from your service as fair and impartial jurors in this case?
6. Do you all feel comfortable in taking an oath in which you wills wear that you will be able to consider all of the evidence and testimony in this case and reach a fair and impartial verdict?
7. Do you have philosophical, moral, or religious beliefs that would interfere with your ability to fairly and impartially determine another person’s guilt or innocence?
8. Do you understand the issue of punishment is left in the sole discretion of the judge and that your sole obligation here is to determine whether the Defendant is guilty or not guilty of the crimes for which he is charged?
9. Having heard the questions put to you by the court, does any other reason suggest itself to you as to why you could not sit on this jury and render a fair verdict based on the evidence presented to you and in the context of the court’s instructions to you on the law?

*The deputy clerk will rotate between plaintiff and defense counsel the list of jurors until the government pre-empts 6 and the defendant preempts 10, or a waiver occurs. Process is 1 & 2 for first 3 rounds, then one each for next 3 rounds. Call 3 alternates and preempt one each.*

1. Is counsel satisfied with the jurors and the jury selection process?