

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
JACKSONVILLE DIVISION

UNITED STATES OF AMERICA

v.

CASE NO.: 3:06-cr-211(S2)-J-32HTS

TONY HENDERSON

DEFENDANT HENDERSON'S REQUESTED VOIR DIRE QUESTIONS

The defendant, Tony Henderson, by his counsel, moves the Court to ask the following questions to the prospective jurors in this case, either collectively or where indicated individually, in an effort to aid counsel in selecting a jury:

1. Are any of you currently involved in the fields of law enforcement, security, or probation?

Have you ever worked in the law enforcement field?

Do any of your relatives or close friends work in law enforcement?

Given your connection with law enforcement, do you feel that you would tend to favor and/or give more credence to the prosecution's version of the case?

Do any of you feel you would tend to give more weight to the testimony of a law enforcement officer simply by virtue of the fact that he is a law enforcement officer?

2. Have you ever had the experience of reporting a crime to the police? If so, please explain the circumstances.

Have you ever been the victim of a crime? If so, what crime?

Have any of your relatives or close friends been the victim of a crime? If so, what crime?

Is there anything in that experience which would carry over and influence you in a case like this, where Mr. Henderson has been accused of committing a crime?

3. (It is requested that the next series of questions be asked to each prospective juror individually.)

What is your educational background?

What newspapers and magazines do you read?

Do you have a subscription to any newspapers and magazines?

What types of TV shows do you like to watch? [The purpose of this question is to distinguish preferences in TV watching like, for example, *Law and Order* and/or *Cops* from *South Park* and/or *The Colbert Report*.]

If you are a book reader, what book are you currently reading? What was the last book you read? Do you prefer fiction or non-fiction?

Do you have any bumper stickers on your car? If so, what do they say? [The purpose of this question is to explore whether the potential juror has a bumper sticker that expresses a strongly held belief. Examples would be *Legalize Marijuana*, *If Guns Are Outlawed Only Outlaws Will Have Guns*, and *Protect Our Borders*.]

Do you belong to any civic or fraternal organizations? If so, which ones?

Do you belong to any political organizations or political action groups or serve on any politically oriented committees? If so, which ones?

Do you donate money to any politically oriented groups or political action committees? If so, which ones?

4. Mr. Henderson is a federal Border Patrol Agent, and has been employed by the Border Patrol for over twenty years.

Have any of you had dealings with Mr. Henderson, or any other member of the United States Border Patrol?

Have any of you had negative dealings with the police or law enforcement? If so, what happened? (And if it would be embarrassing to talk about it in front of everyone, we can talk about it in private, with just me and the lawyers.)

Have any of you had problems with the Border Patrol or with immigration authorities? Has anyone close to you been taken into custody by the immigration authorities? Has anyone close to you been deported?

Do any of you harbor ill feelings toward the Border Patrol or Immigration and Customs Enforcement (formerly Immigration and Naturalization Service) for any reason?

5. In a nutshell, Mr. Henderson is charged with distribution of marijuana.

Have any of you, either personally or through the experience of a close friend or family member, gone through a difficult time with drugs?

Would it be hard to sit in judgment of someone who is charged with selling drugs?

Same question, but add the fact that the person accused of selling the drugs is a law enforcement officer?

6. The law of this country says that as Tony Henderson sits before you he is clothed with the presumption of innocence – that is he starts the trial with a clean slate. Are all of you able to follow

the law in this regard?

Can each of you look at Mr. Henderson and presume he is innocent, as the law requires you to do?

7. Because this is a criminal case, the burden of proving the offense is entirely on the Government – the defendant is not required to prove his innocence. Do each of you feel you can follow my instructions in this regard?

Do any of you feel the defendant should be required to prove his innocence in order for you to acquit him?

8. In order to prevail, the Government must prove that the defendant is guilty, and that proof must convince you beyond a reasonable doubt. Do you feel you can hold the Government to its burden?

Is there anyone who would require less of the Government before deciding to return a guilty verdict?

9. Have you ever served on a jury before?

If so –

When?

Where?

Civil or criminal?

Was the jury able to reach a verdict?

What was the verdict?

10. Has anyone ever served on a grand jury before?

If so –

When?

Where?

For how long did you serve on the grand jury?

Would the fact that you have served on the grand jury cause you to give any weight to the fact that the defendant has been indicted for the crime with which he is charged?

Do you understand that an indictment is simply a formal way of charging someone with a crime, and that it is not in any way evidence of guilt?

11. Have you ever served in the military?

If so –

What branch?

For how long?

Did you ever sit on a court martial?

12. Is there anyone here related to or close friends with someone who works in a United States Attorney's Office or a State Attorney's Office?

If so –

What relationship?

Is there anything in that relationship which would cause you to favor the prosecution's version of the case without regard to the evidence?

13. Are any of you lawyers?

Have any of you studied law or had any legal training whatsoever?

If so, what training or study have you had?

14. Have any of you, your relatives, or your close friends, had a negative experience with the court system? If yes, explain. (And if it would be embarrassing to talk about in front of everyone, we can talk about it in private, with just me and the lawyers.)

15. Has anyone ever been to court before as a plaintiff or a defendant in a civil or criminal case?

Has anyone ever been a witness in a civil or criminal case?

If so –

When?

Where?

Were you a witness for the plaintiff/prosecution or for the defense?

16. Do any of you know anything about this case from any source whatsoever?

(If so, it is requested that the next series of questions be asked of each juror individually and in private.)

What have you heard about the case?

Where did you hear about it?

Have you ever discussed this case with anyone else? Who? What was said?

When was the last time you remember hearing anything about this case?

When was the last time you remember discussing the case with another person?

Have you formed any opinions about this case?

Have you formed any opinions about whether Mr. Henderson is guilty or not guilty?

17. Do any of you know of any reason, either relating to something I asked about, or something I did not ask about, which would influence or effect your ability to sit on this jury?

Respectfully submitted,

MARK J. ROSENBLUM, P.A.

s/Mark J. Rosenblum

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Attorney for Defendant

CERTIFICATE OF SERVICE

I hereby certify that on November 27, 2007, I electronically filed the foregoing with the Clerk of the Court by using the CM/ECF system, which will send a notice of electronic filing to the following:

D. J. Pashayan, Esq.
Assistant United States Attorney

s/Mark J. Rosenblum