

Voir Dire

FOR CAUSE:

Closely held personal belief?

No one can change your mind about it?

Because of your experience, you'd expect me to convince you of my client's innocence?

And would you agree that due to those feelings/experiences you couldn't accept as fact that my client is presumed innocent?

You've said that you'll do your best to be fair and impartial, but you're not sure that your feelings could be set aside?

Covid

Does anyone feel too nervous to be here right now because of the pandemic? Tell me what makes you nervous.

Will your nerves distract you from giving your full attention to this case?

Beliefs

Have you ever called in to a radio talk-show or written a letter to the editor? (what was it)

Anyone sign any online petitions? (explain)

Member of neighborhood watch? What's that like?

What about neighborhood watch FB groups?

Anyone have a "Back the Blue" sign in their yard?

Do you prefer to cooking or baking? What do you like about it?

Does your car have any bumper stickers? What do they say?

Member of any other facebook groups? Tell me about them

Have you ever participated in a protest? What were you protesting?

Addiction: is it a disease or a choice?

Military

MPs: Ever have to conduct an investigation into a domestic violence allegation?

How did that investigation go?

Ever know anyone in the military who was falsely accused of DV?

What did that do to his career?

How'd you feel about it?

Victims/Witnesses

Have any of you or any member of your family ever been the victim of a crime? Is that something you feel comfortable discussing? If so, tell me about it.

Have any of you ever been a witness in a criminal/civil trial? What was that like?

Previous Jurors

What was your opinion of the process?

Do you feel like it was fair?

How did you feel about the outcome?

What was that outcome?

Perception

>Ambiguous color example

Client testifying

Does anyone feel that because my client has been charged with a crime he must be guilty? (If yes, go to questions to strike for cause)

Do I have to prove anything to you?

Can you think of a reason why an innocent person would choose not to testify?

Fear of public speaking?

Nervous?

What if their attorney says ya shouldn't? Is that a good reason?

What if the Constitution says you don't have to? Is that a good reason?

Raise your hand if you would have a hard time finding someone not guilty if they didn't testify.
Why is that?

How would you feel if the defendant didn't testify?

Would you hold it against my client if he didn't take the stand?

BOP

BRD – defined as “information you would rely on in the most important of your affairs.” What does that mean to you?

Is it fair?

Is that how you'd want to be judged?

Entrapment

Anyone ever been set-up to take the fall for someone? Maybe when you were a kid?

How'd it make you feel?

What does the word “entrapment” mean to you?

Is that a real thing or is it a Hollywood concept?

Is it possible for a police officer to entrap someone?

Attempt

Anyone ever played basketball?

What do you have to do to make a basket?

What's a shot attempt?

What action do you need to make a shot attempt?

Standing on the court – is that a shot attempt?

Ok, I'm standing on the court and holding the ball. Is that a shot attempt?

I'm standing on the court, holding the ball, and I've lifted it above my head. Is that a shot attempt?

I've released the ball. Is that a shot attempt?

Accountability

Raise your hand if you've ever been blamed for something you didn't do. How did that make you feel?

Raise your hand if someone has ever blamed you for something because they were mad at you. Was that fair? Tell me about that experience.

Marital Fights

Anyone ever been in an argument with their spouse?

Get pretty heated?

What was that like?

Anyone ever been hit by their significant other?

Show of hands: Has anyone ever been in a situation where you feared you could be seriously hurt or even die? What made you feel that way?

Custody issues

Raise your hand if you or someone close to you had ever dealt with a contentious custody issue. What was that like?

Do parents sometimes accuse the other parent of bad things to get what they want? Why do you think that happens?

Can you think of a circumstance where its OK to deny a parent access to their kid when that parent really wants to be a part of their kid's life?

Weapons

Raise your hand if you'd consider yourself a gun enthusiast?

Why are gun rights important to you?

What do you consider to be a weapon?

What do you consider to be deadly?

Self-Defense

When you think of self-defense, what comes to mind?

Has anyone ever heard or read of a situation where a person was acting in self-defense to protect themselves? Tell me about it.

Has anyone, or someone close to you, ever been in any situation involving a fight on school grounds? Tell me about it.

Been in a bar fight? Tell me about it.

Has anyone ever tried to use a weapon of any kind on you? What was it? What happened?

Show of hands: Has anyone ever been in a situation where you feared you could be seriously hurt or even die? What made you feel that way?

Anyone feel that it's ever wrong to defend yourself?

If someone pulls a knife on you, do you have to run away?

[If anyone says yes, ask the following question.] Can you think of any situation or circumstance where you would defend yourself?

PTSD

Raise your hand if you know someone who struggles with PTSD.

What kind of experience may cause PTSD? (War, experiencing a violent attack, rape, death of a loved one)

Anyone ever heard of a triggering event? For instance, I've known guys who came back from war who are triggered by cars backfiring or fireworks.

What other kind of things might be considered triggers?

Anyone familiar with how PTSD may manifest itself? – (blackouts, false memories, violent outbursts)

*PTSD is going to come up during this trial and I'd like you to think about this conversation we had about PTSD

Professionals/Experts

If you hear from 2 different experts on a topic and their professional opinions differ, what would help you decide which opinion to believe?

Lying

Have you ever talked yourself out of speeding ticket? Do you remember what you said?

Can you tell me about the most serious time that you or someone you know told a lie to get out of trouble?

Can you tell me about the most serious time that you or someone you know told a lie out of fear?

Children Lying/Memory

When it comes to children telling stories, what makes them reliable?

If a child makes a very serious allegation are you more likely to believe the child? Why?

Does that mean that child is telling the truth?

How are you going to know if a child is telling the truth?

Does anyone have any knowledge or experience in child development studies?

What kind of things can a ____ year old remember?

What do you know about children's perception?

What would you expect to see in an interview with a child?

Sex Offense-related

#metoo movement – raise your hand if you support it. Why?

-- Anyone think it's a liberal movement? How does that make you feel?

-- Do you think it's if you think it's a phony Hollywood movement?

Raise your hand if you think sexual abuse is too serious to lie about. Why?

Anyone think of a reason why someone would accuse a person of sexual abuse if it didn't happen?

Anyone ever been on Tinder (or know someone who has been on Tinder)? What kind of reputation does Tinder have?

Drunk

Anyone drink?

Has anyone ever done anything regrettable when you were drunk?

Has anyone ever known someone who was a mean drunk? The kind of person that likes to start fights when they've had too much to drink?

How would you feel if the evidence showed that the Defendant had been drinking?

How would you feel if the evidence showed that his accuser had been drinking?

Raise your hand if you think alcohol DUIs and drug DUIs are different?

Does it depend on the drug?

Meth/ Addicts

Anyone have really strong feelings about meth?

The State is going to present to you allegations that my client possessed meth with the intention to distribute it – how do you feel about that?

Anyone know someone who was addicted to meth? (Was that experience too personal to be fair today since we're talking about meth?)

Constructive Possession

PO Box key example

Race

I'm going to state the obvious here, but I have to say it: my client is Native American. Most of us here are white. It may be uncomfortable to discuss race in America these days, but I need to know if my client can get a fair trial so I'd like to challenge you to get a little out of your comfort zone and talk about your experiences with those of a different race.

Are people sometimes treated differently because of their race? Why do you think that is?

Raise your hand if you believe Native American people are more likely to commit a crime. Why?

Can you describe the most significant interaction you've had with a member of another race?

Now I'd like to see if anyone can identify a Native American person whom you admire?

Law enforcement/Government

Raise your hand if you trust the government

What are some reasons why someone wouldn't trust the government?

Anyone ever been accused of something you didn't do? How did that make you feel? Do you feel like you were treated fairly?

Have you or a loved one ever been arrested and taken into custody by any law enforcement agency? Can you tell me about that?

Have you ever watched someone being arrested? (Tell me about it)

Have you or a loved one ever been charged with a crime other than minor traffic offenses? What was it?

Raise your hand if you trust the police more than the general public. Why?

Raise your hand if you believe that police have a tough job. Why?

Raise your hand if you think people criticize the police too much. Why?

Should a police officer wear the thin blue line flag on their uniform?

Expect police to be neutral?

Anyone have a negative experience with law enforcement? Tell me about it.

Raise your hand if you think police sometimes over-react? What can happen when a police officer over-reacts?

Raise your hand if you think cops cut corners sometimes.

Raise your hand if black lives matter.

Raise your hand if blue lives matter.

Raise your hand if all lives matter.

Raise your hand if you think the "Black Lives Matter" movement is going too far? Why?

Does anyone think that police brutality is not something we need to be concerned about in Great Falls?

If juror does NOT trust the police:

Is your position really going to cause you to ignore evidence?

Do you disbelieve every single cop, or do you have to hear from them first to decide?

Final Qs

If the state does not prove their case, and I do nothing today, will you find my client NG?

Can my client get a fair trial today?

Anything else about you or your life experiences that you think we should know or that you'd like to share?