

**IN THE UNITED STATES DISTRICT COURT FOR THE  
WESTERN DISTRICT OF MISSOURI  
WESTERN DIVISION**

<b>UNITED STATES OF AMERICA,</b>	)	
	)	
Plaintiff,	)	
	)	
v.	)	Case No. 09-00296-03-CR-W-FJG
	)	
<b>STEVE LARSON,</b>	)	
	)	
Defendant.	)	

**DEFENDANT LARSON’S VOIR DIRE QUESTIONS**

**Comes now** Defendant Larson and submits the following requested questions to be asked of the jury on voir dire examination as part of the general inquiry process:

1. Please ask each juror to state the following information:
  - a. your name and age; where born and raised; marital status; number and age of children at home;
  - b. your present address; length of time at this address, and if less than one year, last prior address;
  - c. your present occupation and the name and address of your employer; duties performed, length of employment;
  - d. your employment for the past five years;
  - e. if retired, your former occupation; how long you have been retired; and your employment for the five years preceding retirement;

f. if you are married, please give employment of your spouse for the past five years; and

g. your educational background, including any degrees received.

2. Does anyone know any of the parties on a personal, business or professional basis?

[If so, inquire into specifics of the relationship, how long it has existed, whether professional, business or personal and whether or not such relationship will affect the juror's ability to serve.]

3. Do you, of your own knowledge, know anything at all about the facts of this case?

4. Do you remember having read or heard anything at all about this case? [Explore exposure out of the hearing of the other jurors]

5. Does anyone know any of the persons who may be called as witnesses in this case? [Read witness lists of parties,]

6. Does anyone know any of the attorneys for any of the defendants personally or have your or any members of your immediate family been involved in any kind of litigation where one of these attorneys was involved in some way? [Explore an affirmative response].

7. Does anyone know Matt Whitworth,, the United States Attorney in Kansas City, or any member of his staff, whether involved in this case or not.

8. Has any member of the jury panel previously served on a grand jury or a criminal trial jury?

[If so, for those who have served on a grand jury, please determine for what court. For those who have served as trial jurors in criminal cases, please determine the charge against the defendant on each occasion, the location of the court, and the verdict rendered.]

9. Has any member of the jury panel ever been arrested for committing a criminal offense, other than a minor traffic charge?

[Please develop details for any affirmative responses, such as the nature of the charge upon which the arrest was based and date of arrest.]

10. Does any member of the jury panel have any close relative or friend who has been arrested and charged with the commission of a criminal offense other than a minor traffic charge?

[Please develop details for any affirmative responses.]

11. Has any member of the jury panel, or one of your close relatives or friends, ever appeared as a witness in a criminal case?

[For affirmative responses, please determine the nature of the case, the person's connection to the case, and whether that person was satisfied with the ultimate disposition of that case.]

12. Has any member of the jury panel, or one of your close relatives or friends, ever been employed by the U. S. Government, including service in the Armed Forces?

[For affirmative responses, please determine the dates of employment, the agency of employment, and the nature of the duties performed.]

13. Has any member of the jury panel, or any close relative or close friend, ever been the victim of a crime?

[If so, please determine the nature of the crime, whether there was a subsequent prosecution of the offense, and the result of that prosecution.]

14. Has any member of the jury panel, or one of your close relatives, ever received any legal training, including business law, or ever been employed in a law office?

[If so, please determine the nature of such training or employment.]

15. Is there any member of the panel who because of the nature of the case believes that you could not be fair and impartial to both the Government and the defendant in evaluating the evidence?

[If so, please develop the details.]

16. If you are selected as a juror in this case, you will be required to make a solemn oath that you will try this case and render a verdict based on the evidence and according to the instructions of the court. Is there any member of the panel who could not take this oath?

17. Is there any member of the panel who knows of any reason whatsoever why he or she could not sit as a juror in this case with absolute impartiality to both sides, either because of some bias or prejudice personally as to the defendant or the Government?

18. The law does not permit jurors to be governed by sympathy, prejudice, or public opinion. Both the accused and the public expect that jurors will carefully and impartially consider all the evidence in the case, follow the law as stated by the court, and reach a just verdict regardless of the consequences. Is there any member of the panel who could not follow this instruction?

19. Has any member of the panel or your immediate family ever been involved in any controversy or case which involved law enforcement officers or other Government agents?

20. Does anyone know any other person on the jury panel?

21. The burden of proof is on the United States Government and the government must prove all the elements of the offense and the Defendant does not have to prove anything. If the Government fails to prove all the elements of the crime charged in this case beyond a reasonable doubt, you must acquit the defendant. Assuming the government fails to establish one or more of the elements of the crime, is there any reason you would hesitate to return a verdict of not guilty as you are required to do by law?

22. If you were the United States Attorney charged with the responsibility for prosecuting this case, or if you were the defendant on trial here today charged with the same offense, or his counsel, do you know of any reason why you would not be content to have your case tried by someone in your frame of mind?

23. Does any member of the jury panel know of any reason, whether asked or not, why he could not sit as a juror in a fair and unbiased manner in this trial? Does any member of the jury panel know of any reason why he or she should not be selected to sit as a juror in this trial?

29. Does anyone:

a. suffer from any hearing impairment that makes it difficult for you to understand normal conversation?

b. suffer from any medical ailment that requires you to take medication at regularly scheduled times?

30. Can you think of any other matter which you should call to the Court's attention which may have some bearing on your qualifications as a juror, or which may prevent your rendering a fair and impartial verdict based solely upon the evidence and the court's instructions as to the law?

31. There will be testimony in this case about use, distribution, and sale of methamphetamine, a controlled substance, and perhaps other drugs such as marijuana or cocaine. Does the mere fact that this case involves a prosecution under the federal drug laws give any member of the panel reason to believe that they could not fairly judge the evidence because of some prior experience or involvement by that juror or a close family member with drugs?

32. Does anyone here have a close family member who has been investigated or prosecuted for any drug offense of any kind whatsoever?

33. Has any juror or any juror's immediate family member been involved in drug rehabilitation as a patient?

34. Has any juror or any juror's immediate family member been involved in drug rehabilitation as a counselor or in any other professional role or capacity?

### **QUESTIONS MORE SPECIFIC TO THIS INDICTMENT**

35. This case involves defendants who are all alleged to be members of one of two different motorcycle clubs and that these clubs have a club house, meet

on occasion, and go on what will be described as “runs” meaning road trips to various other parts of the state of Missouri or other states. Does the mere fact that a defendant belongs to such an organization and engages in such activities cause you to be unable to render a verdict based only the evidence you here and not the mere fact that the individual is a member of such a club?

36. Currently there is a television program show on Time Warner and Comcast cable called “Sons of Anarchy” which depicts a certain life style and supposed typical activity of individuals who belong to motorcycle clubs. The program is serialized presented in “soap opera” style without any ending and is presently in its second season on TV. Please raise your hand if you have seen one or more episodes of this program?

[For affirmative responses please conduct further individual inquiry]

37. It may become apparent to you that one or more of the defendants has at some point had tattoos put on his body and you may here evidence that this is a common practice among club members.. Is there any member of the panel who is so opposed to tattoos, particularly if there are multiple tattoos, which it would cause you not to be able to fairly judge the facts in this case only on the evidence presented. In other words, would this fact alone cause you to prejudge a defendant?

38. Cable TV also has recently run several episodes dealing specifically with the art of tattooing and has explored it popularity among motorcycle enthusiasts in particular. Has any member of the panel seen this television program?

[For affirmative responses please conduct further individual inquiry at the same time that inquiry is made about the Sons of Anarchy program].

39. Please raise your hand in you belong to a local affiliate club of some type that has a national organization where you are required to pay annual dues and attend meetings such as but not limited to VFW, Elk’s Lodge, Masons, Quanis, PTA, etc.

40. Please raise your hand if you yourself have ever formed any type of not-for-profit club or corporation which has bylaws, meetings, dues, and engages in social activities that members participate in.

41. Please raise your hand if either in school, in the military, or at work or home if you have ever been unfairly in your mind subjected to some form of punishment or sanction because of acts of other in the group which you did not directly participate in or agree to.

42. Please raise your hand if you personally own a motorcycle now or have owned one in the past?

43. Please raise your hand if you have had an experience on the road while driving where you got into some type of confrontation, disagreement, or problem with another individual who was on a motorcycle while you were in your automobile.

44. In 2010 the 70<sup>th</sup> annual rally involving motorcycle riders from all over the United States will take place in Sturgis, South Dakota. Please raise your hand if you have ever attended one of these rallies or been present in Sturgis during the event whether you own or ride a motorcycle or not.

45. Having heard all these questions now and having provided your answers, upon further reflection, is there any question you would like to change your answer to, particularly, if you now feel that something that you have heard up to this point might now give you pause to believe that for some reason you cannot be totally fair to both sides of the case.

Respectfully submitted,

/S/

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/S/

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CERTIFICATE OF SERVICE

I hereby certify that on 11/18/09, I electronically filed the foregoing through use of the CM/ECF system causing a copy of same to be served electronically on all counsel presently of record in the case.

/s/

**JOHN R. OSGOOD**