

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF KANSAS  
KANSAS CITY DOCKET**

UNITED STATES OF AMERICA	)	
	)	
Plaintiff,	)	
	)	
v.	)	No. 10-20029-CM-JPO
	)	
KENNETH G. LAIN, JR.,	)	
	)	
Defendant.	)	

**Defendant's Proposed Voir Dire**

Comes now the Defendant and submits the following requested questions to be asked of the jury on voir dire examination:

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 city (omit street) address; length of time at this address, and if less than one year, last prior address;
- c. your present occupation and the name and city 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. The defendant is charged with, while living in Missouri, giving a .38 caliber revolver handgun to his family minister and friend, Carroll Hill, a Kansas resident, without going through a licensed federal firearms dealer, in violation of federal law. Firearms will be mentioned throughout this case:

a. Is anyone a member of the National Rifle Association.

b. Is anyone active in any organization that actively promotes the abolition of gun ownership?

c. Does any member of the jury believe that the right to ownership of hand guns should be abolished?

d. Does any member of the jury believe that all hand guns should be registered?

e. Has any member of the jury ever been a shooting victim?

f. Does any member of the jury have a close relative or friend that was a shooting victim either through accident or as the result of a criminal act, suicide or attempted suicide?

g. Has any member of the jury ever had a concealed carry permit?

h. Has any member of the jury ever taken a concealed carry permit training course offered by Missouri, Kansas, or any other state?

i. Has any member of the jury ever been threaten with a hand gun or robbed at gun point?

j. Has any member of the jury ever taken a gun safety course of any type offered by anyone or any organization?

k. Does any member of the jury regularly shoot firearms of any type either at a shooting range or some other safe target practice area or facility?

l. Does any member of the jury belong to a gun club or other gun related social or fraternal organization?

m. Does any member of the jury perform any type of employment that causes them to either use, be exposed to regularly, or handle firearms?

n. Those jurors who own personal hand guns please raise their hand?

o. Has any member of the jury who owns a hand gun ever attempted to register that hand gun with some state or local governmental entity?

p. Has any member of the jury ever purchased a hand gun from someone in another state?

q. Has any member of the jury every inherited a hand gun from a deceased relative?

r. Is any member of the jury a hunter who uses rifles and or shotguns

and believes that gun ownership should be confined strictly to so-called hunting weapons only?

s. Does any member of the jury have such strong feelings and opinions about the 2<sup>nd</sup> Amendment to the United States Constitution, either pro or con, and what they think it means or was intended to mean such that it would not be possible for you to follow the judge's instructions on the law in this case and render a fair verdict based on the evidence?

7. Does anyone know the attorney for the defendant, John Osgood, personally or know of him by reputation. He is from Lee's Summit, Missouri and is in private practice. For many years he was an assistant federal prosecutor in the Western District of Missouri in the Kansas City office.

8. Does anyone know the Appointed United States Attorney for the District of Kansas, or any member of the staff? More specifically, do you know the Assistant United States Attorney, Terra Morehead, who will be trying this case?

9. 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.]

10. 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.]

11. 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.]

12. 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.]

13. Has any member of the jury panel, or one of your close relatives or friends, ever been employed by the U. S. Government, excluding 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. ]

14. Has any member of the jury ever served in the armed forces? For affirmative responses, please ask the following four additional questions.

a. What branch of service were you in?

b. Are you combat veteran of any prior conflicts involving the United States or any other nation?

- c. Specifically, have you served in Iraq or Afghanistan?
- d. What was your military occupational specialty?

15. Is any member of the jury a disabled American Veteran eligible for VA benefits of any type?

16. 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.]

17. 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.]

18. 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.]

19. 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?

20. 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?

21. Defendant Kenneth Lain is a First Lieutenant in the United States Army Reserves and held such a position at the time of this alleged offense.

a. Is there anything about this experience or position that would cause you view the Defendant differently, that is, cause you have some preconceived opinion about his guilt or innocence or place a higher burden on him as to what he might or might not have known about the legality of transferring a firearm across state lines without going through a federal firearms dealer?

b. Is any juror or his or her immediate family a city employee of any police department located in the state of Kansas or Missouri?

[If so explore thoroughly]

c. Has any member of the jury had a bad or unfavorable experience with the United States Military? [If so explore thoroughly]

d. Does any member of the panel have strong feelings one way or the

other about the military in general which would cause that juror not to be able to impartially decide the issues in this case.

22. Has any member of the panel been involved in any controversy, dispute, or litigation of any kind with the Federal Government?

23. 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?

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

25. 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?

26. 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?

27. 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?

28. 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?

29. 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?

WHEREFORE, the Defendant moves the Court to ask the aforesaid questions of the jury.

Respectfully Submitted,

/s/

John R. Osgood

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CERTIFICATE OF SERVICE

I certify that a copy of this pleading has been caused to be served on the Assistant United States Attorney Terra Morehead for the District of Kansas and other ECF listed counsel through use of the Electronic Court Document Filing System on 4/20/10.

/s/  
JOHN R. OSGOOD