

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

UNITED STATES OF AMERICA,)	
)	
PLAINTIFF,)	
)	
V.)	CASE NO. 10-00320-12-CR-W-DGK
)	
DESHAUN L. CERUTI,)	
)	
DEFENDANT.)	

DEFENDANT CERUTI'S PROPOSED VOIR DIRE

COMES NOW DeShaun Ceruti, by and through counsel, and hereby respectfully submits his proposed inquiries for the voir dire examination:

1. This trial is expected to last two weeks. Generally, we begin at 9:00 a.m. and end at 5:00 p.m. The judge usually allows a break mid-morning and mid-afternoon. Is there anything about the length or scheduling of the trial that would interfere with your ability to serve?
2. Does you have:
 - a. hearing difficulties?
 - b. vision problems (above those curable by glasses)?
 - c. a medical, financial, or personal condition that would prevent you from serving on this jury?
 - d. A special need or require a reasonable accommodation to help you in listening, paying attention, reading printed materials, deliberating or otherwise participating as a fair juror?
 - e. difficulty in dealing with stress or pressure?

- f. the responsibility for acting as a principal caregiver for an ill person or small children?
3. Prior to today, have you asked to be excused from this jury panel? On what basis?
4. Have you, a member of your household, close relative or friend ever worked in a prison, jail, or detention center of any sort?
5. Have you, a member of your household, close relative or friend been an employee of a state or federal probation or parole agency?
6. Have you, a member of your household, close relative or friend been an employee of a local, state, or federal court system?
7. Have you ever been a complainant or witness for the prosecution in any criminal charge?
8. Have you, a member of your household, close relative or friend completed law school or taken any law-enforcement, criminal law, or evidence courses?
9. Are any of you judges, magistrates, or lawyers?
10. Have you, a member of your household, close relative or friend been a member of any group that lobbies or takes public positions on law enforcement issues?
 - a. What group?
11. Have you, a member of your household, close relative or friend been a member of a neighborhood crime watch or prevention group?
12. Have you have previously served on a jury?

13. If you answered #12 above in the affirmative, in general, how much did you participate in that jury's discussion? Less than other jurors, about the same or more than other jurors?
- a. Was there anything about your experience as a juror which would make you not want to serve again?
14. Do you have a personal website?
- a. What is the purpose of that website?
 - b. What is the domain name?
15. Do you blog or comment on blogs?
- a. What is your username?
 - b. On what sites do you blog?
 - c. Why do you blog?
16. Do you believe that police never make mistakes in charging people with crimes?
17. Do you believe that, if a police officer arrests a person, that person MUST be guilty of something?
18. Are you more likely to believe the testimony of a law enforcement officer over another witness because he is a police officer?
19. Would you be offended if the credibility of a law enforcement officer was attacked or questioned at trial?
20. The court will instruct you that a police officer is not entitled to any more, or any less, credibility simply because of his or her position as a police officer. Like any witness, you may consider that witness' opportunity to observe, any bias or prejudice they may have, and any special training or qualifications that they possess. However, all

- witnesses are to be judged by the same standard of believability. Can you follow the law in assessing police officer testimony?
21. Have you, a member of your household, close relative or friend had an unpleasant experience with a lawyer?
 - a. If “yes”, please elaborate.
 22. Do you believe that defense attorneys will say anything to get their client acquitted?
 23. Have you read, heard about or have knowledge about this case?
 24. If you answered #23 above in the affirmative:
 - a. How did you obtain the information?
 - b. How closely did you follow the reports about this case?
 - c. As a result, have you formed any opinions about Mr. Ceruti’s innocence or guilt?
 25. Do you believe that if prosecutor goes to the trouble of charging a person with a crime and bringing that person to trial, he is probably guilty?
 26. Do you believe our criminal laws are generally too lenient?
 27. It is not enough to convict a defendant if you merely think he engaged in some criminal conduct at some point. Under your oath, you must be convinced beyond a reasonable doubt that the prosecutor proved the particular offenses against Mr. Ceruti in this case and every element of those charges beyond a reasonable doubt before you can convict him of any charge. Do you understand that you cannot find a defendant guilty of the charged offenses just because you think he is guilty of some crime?
 28. A defendant has the right to testify or decline to testify at trial. Similarly, a defendant may or may not present evidence during the trial. The law is that neither a

defendant's choice to decline to testify nor his failure to present evidence can be held against him. Can you apply the law?

a. If your answer to #28 above is negative, please explain.

29. Must you hear Mr. Ceruti's testimony in order to ascertain if he is innocent or guilty of the charged crimes?
30. Do you believe that if a defendant in a criminal trial does not testify, he is probably guilty?
31. If you thought Mr. Ceruti was probably guilty, but did not think the prosecution had proved its case beyond a reasonable doubt, would you have trouble finding Mr. Ceruti not guilty?
32. The State has the burden of proving guilty beyond a reasonable doubt. The law does not, and should not, require defendants to prove their innocence or present evidence. This burden of proof or responsibility of proving the case beyond a reasonable doubt never shifts to Mr. Ceruti. Do you believe that this rule of law is unfair?
33. Do you understand that the prosecutor is supposed to supply you with enough evidence to find Mr. Ceruti guilty beyond a reasonable doubt on each offense?
34. Do you understand that if the prosecutor does not supply you with enough evidence to prove that Mr. Ceruti is guilty beyond a reasonable doubt you must find Mr. Ceruti not guilty?
35. Do you expect Mr. Ceruti to prove he is innocent?
36. Do you agree with the rule of law that a defendant should be presumed innocent?
37. Do you presume that Mr. Ceruti is innocent at this point?
38. Do you believe that Mr. Ceruti should have to prove he is innocent?

39. Do you believe that requiring the prosecutor to provide “proof beyond a reasonable doubt” is too heavy a burden for the prosecution to have to meet?
40. Do you have any objection to the proposition that the prosecutor must overcome the presumption of innocence?
41. Do you feel it is unacceptable to vote or think “not guilty” after the trial occurs?
42. Do you feel that you would be unable to accept the applicable law as given to you by the judge, without reservation, even if you disagreed with it wholly or partially?
43. Is there any reason, whether it has been raised or not, that you feel you cannot sit as a juror in the trial of this case?
44. If you were the defendant, now having before you a brief description of the crime as has been related, would you be willing to have someone in your present state of mind serve on a jury determining your guilt or innocence?
45. When you feel you are correct, will you still listen to the arguments of others who do not agree with you?
46. Do you generally “hold your ground” when you feel that you are correct, or are you easily swayed by the strong influence of others?
47. Do you feel you may have to justify your decision or verdict in this case to anyone?
48. Would you be concerned about reactions to the verdict by: friends, relatives, coworkers, neighbors, etc.?
49. Do you have a personal reason for wanting to serve as a juror in this case?

WHEREFORE, Mr. Ceruti proposes the foregoing questions for the voir dire examination.

Respectfully submitted,

s/Kelly M. Connor-Wilson
Kelly M. Connor-Wilson, KS-000362
Connor Wilson Law Group
51 Corporate Woods
9393 W. 110th Street, Suite 500
Overland Park, KS 66210
Telephone: 913-323-4900
Facsimile: 877-334-0629
Attorney for Defendant

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing was served upon all counsel of record by CM/ECF this 17th day of October, 2012.

s/Kelly M. Connor-Wilson
Kelly M. Connor-Wilson

