

**IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF MISSOURI
KANSAS CITY, MISSOURI**

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	
)	
v.)	No. 09-00121-01-CR-W-DGK
)	
GILBERTO LARA-RUIZ,)	
)	
Defendant.)	

PROPOSED VOIR DIRE QUESTIONS

- 1. To the extent the following information is not otherwise asked by the Court, defendant requests that each prospective juror state their:
 - a. occupation and job duties (current or most recent);
 - b. employer and how long at current employment (current or most recent);
 - c. spouse's occupation and employer, and
 - d. highest level of education.

- 2. That the defendant is presumed to be innocent. Is there anyone on the panel who cannot presume the defendant as he or she sits here to be innocent of all the charges?

- 3. That the charge of a crime is not evidence of guilt. Is there anyone on the panel who believes that because the defendant has been charged that he or she must have done something wrong or it is likely that she has done something wrong?

- 4. That the government must prove each element of charges beyond a reasonable doubt. Is there anyone who would require anything less of the Government the meeting the standard of proof beyond a reasonable doubt?

- 5. Is there any member of the panel who has any disagreement with the idea that the defendant has no burden of proof whatsoever, that the sole burden of proving his or her guilt is the government's

and that if the government fails, you must find him or her not guilty.

6. Is there anyone on the panel who would hesitate to vote “not guilty” if the government failed to prove its case beyond a reasonable doubt?

7. Have any of you ever served as a juror in either the state or federal courts before? If so:

a. In which court did you serve?

b. When?

c. What type of case was being considered (civil / criminal, brief description of the subject matter)?

d. Was there a verdict reached in the case?

e. Was it for the plaintiff or defendant?

f. Did you act as foreperson on any case in which you served?

g. Is there anything about your experience as juror which would in any way affect or influence your ability to sit as a juror in this case, to give each side your complete attention, or to reach a fair and impartial verdict based upon the evidence and instructions of the court?

8. Have any of you had formal legal training (law school, college business law course, paralegal training, legal training in the course of employment etc.)? If so:

a. Do you have knowledge or experience in criminal law? If so, please describe your experience.

b. Have you had experience with narcotics investigations? If so, please describe your experience.

9. Have any of you, or a member of your family, ever had dealings with the Buchanan County Strike Force, St Joseph, MO Police Department, DEA or any other police department?

10. Is there anyone of the panel who has any disagreement with the idea that Gilberto Lara-Ruiz has no burden of proof whatsoever, that the sole burden of proving his individual guilt is the government's and that if the government fails, you must find him not guilty?

11. Is there anyone who would hesitate to vote “not guilty” if the government failed to prove its case beyond a reasonable doubt?
12. Is there any matter not covered by any of the questions asked here today that you believe may inhibit your ability to sit, fairly and impartially as a juror in this case, and to base your verdict on the evidence and the law as the judge gives it to you?
13. Have any of you ever been a witness in a criminal case? (If answer is in the affirmative, what was the charge and what was the verdict?)
14. Has any member of the jury panel or any member of your family ever received any legal training of any kind, even business law, or been employed in a law office? If so, please determine the nature of such training or experience.
15. One or more police officers may testify in this case. Do you members of the jury panel understand that the testimony of a law enforcement officer is not to be given any more credit or believability than that of any other witness, including the defendant, simply because he or she is a law enforcement officer?
16. The AUSA and the defense counsel attorney are equals, both are lawyers, and thus equal in the eyes of the law, each doing his or her best to represent his or her client. Is there any member of the panel who would give any more weight to the arguments of the prosecutor than to the defense counsel merely because the prosecutor represents the government or because the prosecutor bears the title "Assistant United States Attorney?"
17. Do any of you have the opinion that since this defendant was arrested and charged with a crime, he is probably guilty? Would any of you have any difficulty presuming him innocent and requiring the Government to prove its case beyond a reasonable doubt, as the law requires?
18. Has anyone on the panel ever been wrongly accused of a crime? Had a family member, friend or acquaintance wrongly accused of a crime?

19. Are any of you a member of or donate money to any community action groups such as NRA, Ad Hoc Committee Against Crime, Partnership for a Drug Free America, Neighborhood Block Watch, or any similar organization?
20. Have any of had good or bad experiences with a family member with a drug addiction?
21. Do any of you believe that just because the Defendant is arrested that he is automatically guilty?
22. As you have heard, many of the witnesses that will be called by the Government are law enforcement officers. Is there any member of the panel who would automatically believe all of a police officer's testimony solely because he is a law enforcement officer, without applying the same set of factors that you would apply to the other witnesses?
23. Do you feel that you might give more weight to the testimony of a police officer, than to the testimony of a civilian witness?
24. Is there anyone on the panel who believes that lay persons should not be allowed to carry firearms?
25. Is there anyone on the panel who has had a reason to be associated with anyone in the United States Attorney's Office?
26. Is there anyone on the panel who has had a reason to be associated with anyone in the Drug Enforcement Administration?
27. Is anyone on the panel a lawyer?
28. Any reason that you know of that would impair your ability to be fair and impartial?

Respectfully submitted,

/s/ Jacquelyn E. Rokusek

Jacquelyn E. Rokusek #16308

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CERTIFICATE OF SERVICE

I hereby certify that on May 16, 2011, I electronically filed with the clerk of the court by using the CM/ECF system which will send a notice of electronic filing to the following attorney of record:

AUSA Bruce Rhoads

/s/ Jacquelyn E. Rokusek _____
Attorney for Defendant