

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

UNITED STATES OF AMERICA,	)	
	)	
Plaintiff,	)	
	)	
v.	)	No. 11-00224-01/02-CR-W-DW
	)	
JOSHUA SIMONSON,	)	
a/k/a Joshua Michael of Simonson,	)	
	)	
and	)	
	)	
KRISTEN SIMONSON,	)	
a/k/a Kristen Moody,	)	
	)	
Defendants.	)	

**GOVERNMENT’S PROPOSED VOIR DIRE QUESTIONS**

The United States submits the following suggested voir dire questions for use during jury selection in the instant case.

1. Please have each juror state the following information:
  - a. name;
  - b. address;
  - c. marital status;
  - d. employment;
  - e. spouse’s employment;
  - f. county where the juror lives; and
  - g. nature of formal education and last full year of school completed.
  
2. Seated at the Government’s table are Assistant United States Attorneys Dan Nelson and Roseann Ketchmark. They will be trying this case on behalf of the United States. Do any of you, your relatives, or close friends, to the best of your knowledge, know Mr. Nelson or Ms. Ketchmark?

3. The offices of the United States Attorney are located in Kansas City, Springfield, and Jefferson City, Missouri. The Acting United States Attorney is David Ketchmark. Does any member of the panel know the Acting United States Attorney, Mr. Ketchmark, or any of the Assistant United States Attorneys for the Western District of Missouri, or any other member of the staff, including support personnel?

4. Joining Mr. Nelson and Ms. Brown at the Government's table is Special Agent Ken Klingenberg from IRS-Criminal Investigation. Does anyone know Special Agent Klingenberg or any other person employed by the Internal Revenue Service? Also seated at the Government's table is Special Agent Philip Nicotra with the Treasury Inspector General for Tax Administration. Does anyone know Special Agent Nicotra or any other person employed by the Treasury Inspector General for Tax Administration? Also seated at the Government's table is Jeffrey Miles, who is employed by the United States Attorney's Office and will also be assisting during the trial. Does anyone know Mr. Miles?

5. The defendants are Joshua Simonson and Kristen Simonson. Does anyone know Joshua Simonson or Kristen Simonson?

6. Even though an attorney would have been appointed for Defendant by the Court if Defendant made such a request, Defendants Joshua Simonson and Kristen Simonson have chosen to represent themselves in this case. John Osgood has been appointed as stand-by counsel for Joshua Simonson. Does anyone know John Osgood? Nicholas Seacord has been appointed as stand-by counsel for Kristen Simonson. Does anyone know Nicholas Seacord?

7. This case pertains to allegations that defendant Joshua Simonson and defendant Kristen Simonson conspired among themselves and with other parties to create and submit three

false income tax returns to the United States. Thereafter, the defendants are charged with receiving back three tax refund checks through the United States mail. The checks are alleged to have been in the following amounts: \$223,726, \$4,215, and \$582,277.24. After they received the checks, Defendant Joshua Simonson is charged with money laundering by moving the money between accounts, and through purchasing a new sport utility vehicle for \$50,529.07. Defendant Joshua Simonson is also charged with submitting two fictitious checks to the Internal Revenue Service that were purportedly drawn on the Federal Reserve Bank of Atlanta. The amount of these checks are \$1,005,356.36 and \$371,933.81. Has any member of the jury panel read, heard, or seen anything about these events or charges?

[If there are any affirmative responses, the following questions are proposed:

- a. What do you know about the case?
- b. If selected to serve as a juror, will you be able to set aside this prior information and decide the case solely on the evidence presented in the courtroom?
- c. Is there anything about the prior information you possess that would prevent you from being a fair and impartial juror for both sides?]

8. The Indictment alleges Defendant Joshua Simonson and Defendant Kristen Simonson submitted three false tax returns to the Internal Revenue Service in order to receive tax refunds. You will hear testimony that IRS employees worked to collect tax debt from the defendants, and that agents investigated the defendants for submitting the three tax returns.

- a. Has anyone on the jury panel ever worked for the Internal Revenue Service? If so, is there anything about your experience working for the IRS that would make it difficult to be a fair and impartial juror in this case?

b. Does anyone on the jury panel have a family member or close friend who has worked for the IRS? If so, is there anything about having a family member or friend who has worked for the IRS that would make it difficult to be a fair and impartial juror in this case?

9. Has anyone on the jury panel ever had a dispute with the IRS? If so, please describe the situation. Is there anything about that dispute that would make it difficult for any member of the jury panel to be a fair and impartial juror in this case?

10. Has anyone on the jury panel had a close friend or family member who has had a dispute with the IRS? If so, please describe the situation. Is there anything about the experience that would make it difficult for any member of the jury panel to be a fair and impartial juror in this case?

11. The Indictment alleges Defendant Joshua Simonson created two false and fictitious checks purportedly drawn on the Federal Reserve Bank of Atlanta to attempt to satisfy tax debts.

a. Has anyone on the jury panel ever worked for the Federal Reserve Bank or worked for an institution that dealt with the Federal Reserve Bank?

b. If so, is there anything about the experience that would make it difficult for any member of the jury panel to be a fair and impartial juror in this case?

12. Does anyone on the jury panel belong to any organization that advocates that certain laws of the United States, including the federal income tax laws, are illegitimate or illegal? If so, what is the organization? Is there anything about membership in such an organization, or holding such beliefs, which would make it difficult to be a fair and impartial juror in this case?

13. Does anyone on the jury panel have a family member or friend who belongs to an organization that advocates that certain laws of the United States, including the federal income tax laws, are illegitimate or illegal? If so, what is the organization? Is there anything about having a

family member or friend who belongs to such an organization which would make it difficult to be a fair and impartial juror in this case?

14. Does anyone on the jury panel consider themselves exempt from certain state or federal laws or otherwise believe that certain laws do not apply to them? Does anyone on the panel have any family members or close friends that consider themselves exempt from certain state or federal laws or otherwise believe that certain laws do not apply to them? If so, is there anything about holding such beliefs or having a family member or close friend that holds such beliefs which would make it difficult to be a fair and impartial juror in this case?

15. The evidence in this case is expected to involve the filing of false and fictitious tax returns. The evidence is also expected to involve fictitious checks created by defendant Joshua Simonson to attempt to discharge his tax debt for a number of claimed legal reasons.

a. Does every member of the jury panel understand that the Court is the correct party to instruct the jury on the law, not the prosecutor or defendant?

b. Does every member of the jury panel have any problem with the concept that the jury must follow the Court's statement of the law?

c. Is there any member of the jury panel who believes, for any reason, that he or she could not follow the Court's instructions on the law in reaching a verdict in this case?

16. There may be testimony in this case concerning beliefs of individuals who consider themselves to be sovereign citizens or similar to sovereign citizens. Does any member of the jury panel consider themselves to be a sovereign citizen or similar to a sovereign citizen? If so, is there anything about that belief which would make it difficult to be a fair and impartial juror in this case?

17. Does anyone on the jury panel have a family member or friend who considers themselves to be a sovereign citizen or similar to a sovereign citizen? If so, is there anything about holding such a belief or having a family member or close friend that holds such a belief which would make it difficult to be a fair and impartial juror in this case?

18. There may be testimony in this case concerning beliefs of individuals who consider themselves to be American citizens but not U.S. citizens. Does any member of the jury panel consider themselves to be an American citizen but not a U.S. citizen? If so, is there anything about that belief which would make it difficult to be a fair and impartial juror in this case?

19. Does anyone on the jury panel have a family member or friend who considers themselves to be an American citizen but not a U.S. citizen? If so, is there anything about holding such a belief or having a family member or close friend that holds such a belief which would make it difficult for any member of the jury panel to be a fair and impartial juror in this case?

20. There may be testimony in this case that Defendant Joshua Simonson and Defendant Kristen Simonson made certain claims to the IRS about their mortgage loan after their home went into foreclosure. Has anyone on the jury panel ever owned or lived in a house that went into foreclosure, including any pending foreclosures? If so, is there anything about that foreclosure action that would make it difficult for any member of the jury panel to be a fair and impartial juror in this case?

21. There may be testimony in this case concerning the application of the Uniform Commercial Code. Does any member of the jury panel have a job or other position which has caused you to become familiar with the Uniform Commercial Code? If so, is there anything about

that familiarity with the Uniform Commercial Code which would make it difficult to be a fair and impartial juror in this case?

22. If you are chosen to serve as a juror in this case you must determine the believability or credibility of each witness. The Court will instruct you as to the factors you should consider in assessing a witness's credibility. One or more law enforcement officers may testify in this case. Will you give more credit to the testimony of a law enforcement officer than to any other witness? Will you give less credit to the testimony of a law enforcement officer than to any other witness?

23. Have you, any family member, or close friend ever been employed by a law enforcement agency?

[If there are any affirmative responses, the following questions are proposed:

- a. What was the nature of the employment?
- b. Was the employment experience a satisfactory one?
- c. Is there anything about the employment experience that would make you unable to be fair and impartial to both sides of this case?]

24. Have you, any family member, or close friend been arrested, charged, or convicted of a serious criminal offense other than a simple traffic offense?

[If there are any affirmative responses, the following questions are proposed:

- a. What was the nature of the crime?
- b. Is there anything about the experience that would make you unable to be fair and impartial to both sides of this case? ]

25. Have you, any family member, or close friend ever been involved in any serious controversy or litigation with the United States Government or a law enforcement agency thereof, including the Internal Revenue Service?

[If there are any affirmative responses, the following questions are proposed:

- a. What was the nature of the problem or dispute?
- b. Is there anything about the experience that would make you unable to be fair and impartial to both sides of this case?]

26. Have you ever served on a grand jury, either in state court or federal court?

27. Have you ever served on a trial jury, either in state court or federal court?

[If there are any affirmative responses, the following questions are proposed:

- a. What kind of case?
- b. Did the jury reach a verdict?
- c. Is there anything about your prior jury service that would make you unable to be fair and impartial to both sides of this case?]

28. Have you, any family member, or close friend ever been the victim of a crime?

[If there are any affirmative responses, the following questions are proposed:

- a. What was the nature of the crime?
- b. Is there anything about the experience that would make it difficult for you to be fair and impartial to both sides of this case?]

29. Have you, any family member, or close friend ever been a witness in a court proceeding?

[If there are any affirmative responses, the following questions are proposed:

a. What was the nature of the court proceeding?

b. Is there anything about the experience that would make it difficult for you to be fair and impartial to both sides of this case?]

30. Have you, any family member, or close friend ever received any legal training or been employed in a law office?

[If there are any affirmative responses, the following questions are proposed:

a. What was the nature of the training or employment?

b. Is there anything about the experience that would make you unable to be fair and impartial to both sides of this case?]

31. You will now hear a list of individuals who may be called by the United States as witnesses in this case. If you know any of these individuals please raise your hand when you hear that person's name called. [Read witness lists.]

32. Does anyone:

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

b. suffer from any type of visual impairment that makes it difficult for you to read or see things, either on paper or on a screen?

c. suffer from any type of medical condition that requires you to take medication at regular times or would make it difficult for you to serve as a juror?

33. Do you know any other members of the panel from which the jury will be chosen? [If so, how do you know them? If both of you are chosen for the jury, is there anything about

knowing another member of the jury panel that would make it difficult for you to make your own individual decision about the guilt or innocence of the defendant in this case?]

34. In a federal criminal trial, the members of the jury are required to take a solemn oath that they will try the case and render a verdict based solely on the evidence and according to the legal instructions of the Court. Is there anyone who could not or would not take such an oath?

35. In a federal criminal trial, the members of the jury are required to render a judgment on whether the defendants are guilty or not guilty of the charges. Is there anyone who has religious, philosophical, political, or other beliefs that would make it difficult to sit in judgment on the guilt or innocence of another person?

36. In a federal criminal trial, the jury is responsible for determining the facts of the case and must accept the law as the Court explains it through instructions to the jury. A juror is bound by the legal instructions the Court provides and cannot substitute his or her own notions of what they think the law is or should be. Is there anyone who could not or would not accept the duty to follow the law based on the instructions the Court gives to the jury?

37. In a federal criminal trial, the jury has no part in determining what sentence is imposed in the event a defendant is found guilty. Is there anyone who does not understand that or would be unable to accept the fact that punishment is for the Court and not the jury to decide?

38. The law does not permit jurors to be governed by sympathy, prejudice, or public opinion. Both the accused and the public expect that juror will carefully and impartially consider all the evidence in this case, follow the law as stated by the Court, and reach a just verdict regardless of the consequences. Is there anyone who could not or would not do that?

39. Is there anyone who knows of any reason whatever why he or she could not sit as a juror in this case with absolute impartiality to both sides?

40. Is there any member of the panel who for any other reason, not discussed here in court, would have difficulty sitting as a fair and impartial juror in this case?

Respectfully submitted,

David M. Ketchmark  
Acting United States Attorney

By /s/ **Daniel M. Nelson**  
Daniel M. Nelson  
Assistant United States Attorney

/s/ **Roseann Ketchmark**  
Roseann Ketchmark  
Assistant United States Attorney

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#### **CERTIFICATE OF SERVICE**

The undersigned hereby certifies that a copy of the foregoing was delivered on November 21, 2012, to the CM-ECF system of the United States District Court for the Western District of Missouri for electronic delivery to all counsel of record.

/s/ **Daniel M. Nelson**  
Daniel M. Nelson  
Assistant United States Attorney