

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

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	
)	
v.)	No. 09-00112-01-CR-W-ODS
)	
CLIFTON D. TAYLOR,)	
)	
Defendant.)	

UNITED STATES PROPOSED VOIR DIRE

Comes now plaintiff, the United States of America, and respectfully submits the following suggested voir dire questions for use in the trial of the instant case:

1. Introduction of the parties:

(a) Seated at the Government's table are Leena V. Ramana, Special Assistant United States Attorney and Dan Nelson, Executive Assistant United States Attorney, here in the Western District of Missouri. Does anyone here know Ms. Ramana, Mr. Nelson or the United States Attorney Beth Phillips, or any other member of her staff? Assisting the attorneys for the United States is Financial Analyst Scott Hamann, a member of the United States Attorney's Office, and Federal Bureau of Investigation Special Agent Michael Mrachek. Does anyone know Mr. Hamann or Special Agent Mrachek?

(b) The defendant is Clifton D. Taylor. Mr. Taylor is represented by Mr. Travis Poindexter. Assisting Mr. Poindexter is Mr. Ron Neimeyer. Does anyone here know or think they may know the defendant Clifton D. Taylor, Mr. Poindexter, Mr. Neimeyer or any other member of their families?

2. This case involves the prosecution of defendant Clifton D. Taylor for the bank robbery of Central Bank, 2301 Independence Avenue, Kansas City, Missouri, on March 12, 2009. Without telling us what you have learned, has any member of the jury panel seen or heard anything about these charges? [Counsel proposes that any jury panel member who answers this affirmatively be questioned out of the hearing of the other panel members, with the following questions 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?

3. There will be testimony in this case about a bank. Has any member of the jury panel or a close friend or a family member ever worked for a bank or other financial institution? If so,

(a) Please state the nature of your relationship with that person.

(b) When and where?

(c) Is there anything about that experience that will prevent you from serving as a fair and impartial juror in this case?

4. Has any member of the jury panel or a close friend or a family member ever been the victim of a bank robbery, or been a witness to a bank robbery?

(a) Please state the nature of your relationship with that person.

(b) When and where was it?

(c) Is there anything about that experience that will prevent you from serving as a fair and impartial juror in this case?

5. Has any member of the jury panel, a family member, or a close friend ever been the victim of a crime, a witness to a crime, or been a witness in a criminal case? If so,

(a) Please state the nature of your relationship with that person.

(b) Briefly describe the nature of the crime.

(c) When and where was it committed?

(d) Was anyone ever charged with the commission of that crime?

(e) Were you satisfied with the services of the law enforcement agency? With the services of the prosecutor?

(f) Is there anything about that experience that will prevent you from serving as a fair and impartial juror in this case?

6. 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?

7. In order to prove the charges in this case, the Government must present evidence to support the charges. Much of the evidence in this case will come to you in the form of testimony from the witness stand. I am now going to read to you a list of potential witnesses in this case and also the names of persons who may be referred to during the testimony. If you hear

the name of a person that you believe you know, please raise your hand. [Read Government's list of witnesses.]

(a) How do you know the witness?

(b) How long have you known him/her?

(c) Would you be able to apply the same standard in evaluating that person's credibility that you apply to all other witnesses?

(d) Do you believe your relationship or acquaintance would affect your ability to be a fair and impartial juror?

8. (a) As you have heard, some 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 an officer's testimony solely because he or she is an officer, without applying the same set of factors that you would apply to the other witnesses?

(b) Is there any member of the panel who, because of some personal experience or some personal belief, would automatically disbelieve the testimony of a law enforcement officer solely because he or she is an officer?

9. Have any members of this jury panel ever served as a juror in any trial, either in state court or federal court? If so:

(a) Was it in state or federal court?

(b) Was it a civil or criminal trial?

(c) When was the trial?

(d) Did the jury reach a verdict in that case?

(e) What result was reached?

(f) Were you the foreperson of that jury?

(g) Is there anything about your prior jury service that would make you unable to be fair and impartial to both sides in this prosecution?

10. Have any members of this jury panel ever served on a grand jury, either in state or federal court? If so:

(a) Was it in state or federal court?

(b) When did you serve?

(c) Is there anything about your prior grand jury service that would make you unable to be fair and impartial to both sides in this prosecution?

11. Another way that a person can become familiar with the criminal justice system is to have a close friend or immediate family member arrested, charged or convicted of a crime. Is there anyone who has had that experience? If so:

(a) Without naming names, please state whether it was a close friend or family member.

(b) What was the nature of the situation?

(c) When did it occur?

(d) Was the person arrested, charged or convicted?

(e) Was he or she required to spend any time in jail or prison?

(f) Is he or she in or out of prison at the present time?

(g) Is there anything about that experience that would prevent you from rendering a fair and impartial verdict in this case?

12. Is any member of the jury panel employed by the United States Government or any agency of the United States Government, or is any member of your family so employed? If so, please state:

- (a) Who is so employed?
- (b) By what agency?
- (c) What is the nature of the employment?
- (d) Is there anything about that employment that would prevent you from

sitting as a fair and impartial juror in this case?

13. Has any member of the jury panel ever been employed by a law enforcement agency, or has any member of your family or a close friend been so employed? If so, please state:

- (a) Who was so employed?
- (b) By what agency?
- (c) What was the nature of the employment?
- (d) Is there anything about that employment that would prevent you from sitting

as a fair and impartial juror in this case?

14. Has any member of the jury panel ever been employed by a security company or as a security guard, or has any member of your family or a close friend been so employed? If so, please state:

- (a) Who was so employed?
- (b) By what agency?
- (c) What was the nature of the employment?

(d) Is there anything about that employment that would prevent you from sitting as a fair and impartial juror in this case?

15. Has any member of the panel or any member of your immediate family ever been involved in any controversy or litigation of any kind with the United States Government, including the FBI? If so, please state:

(a) Who was involved in such controversy or litigation?

(b) What was the nature of the involvement?

(c) Was the matter satisfactorily resolved?

(d) Is there anything about that involvement which would influence your decision in any way in this case?

16. The members of this panel selected as members of the jury in the case today will be the judges of the facts and must accept the law as the court explains it in its charge. Is there any member of the panel who could not accept this duty?

17. In federal court the members of the jury are charged only with the duty of determining the guilt or innocence of a defendant. Jurors have no part in determining what sentence is given in the event that a defendant is found guilty. Is there any member of the panel who does not understand this arrangement or for whom it would cause difficulty in giving the case a fair hearing?

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 based only on the evidence and the instructions given by the court. Is there any member of the panel who could not follow these rules?

19. If you are qualified as jurors 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 a member of the panel who could not take this oath?

20. The trial of this case may last three days. Is there any member of the panel who could not be available for a trial of this length or who would find it a problem?

21. In federal court, the issue of punishment is to be decided solely by the court and should not be considered by you in any way in arriving at your verdict. Do any of you feel that you would be unable to remove the consideration of punishment from your deliberations?

22. In a criminal trial the defendant is presumed innocent unless proven guilty beyond a reasonable doubt. This presumption remains with a defendant until you begin your deliberations. The obligation is always on the Government to prove a defendant's guilty and there is no obligation on a defendant to prove his innocence. Is there anyone who cannot accept these principles?

23. If the Government proves all the elements of the crimes charged in this case beyond a reasonable doubt, is there any reason you would hesitate to return a verdict of guilty?

24. Does anyone hold any religious, philosophic, political, or personal beliefs that would make it impossible for you to return a verdict of guilty even if the evidence and instructions supported such a verdict?

25. Do any of you hold any opinions about courts, defense attorneys, prosecutors or law enforcement officers that would prevent you from fairly considering and deciding this case solely on the evidence?

26. 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 as to the government, or any other reason?

27. 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?

28. Is there any member of the panel who for any other reason, whether I have touched on it or not, would have difficulty sitting in judgment of the facts in this case?

29. The Government proposes that the panel members be asked the following individual questions:

- (a) What is your present occupation or, if retired, former occupation?
- (b) If married, what is your spouse's occupation?
- (c) What are the ages of children?
- (d) What is your educational background, including degrees received?
- (e) What magazines and newspapers do you read?

Respectfully submitted,

Beth Phillips
United States Attorney

By /s/ Paul S. Becker
Paul S. Becker
Assistant United States Attorney
Chief, Violent Crimes Strike Force Unit

/s/ Leena V. Ramana
Leena V. Ramana
Special Assistant United States Attorney
Violent Crimes Strike Force Unit
Charles Evans Whittaker Courthouse
400 East Ninth Street, Suite 5510
Kansas City, Missouri 64106
Telephone: (816) 426-2771

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a copy of the foregoing was delivered on January 6, 2010, 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.

Travis Poindexter
Asst. Federal Public Defender
Federal Public Defender's Office
818 Grand, Ste. 300
Kansas City, MO 64106

/s/ Leena V. Ramana

Leena V. Ramana
Special Assistant United States Attorney

LVR/lm