

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

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	
)	
v.)	No. 10-00162-06-CR-W-FJG
)	
NARICCO T. SCOTT,)	
)	
Defendant.)	

**GOVERNMENT’S RESPONSE TO DEFENDANT’S MOTION
TO INSPECT JURY RECORDS AND TO QUASH JURY PANEL**

The Government, through its undersigned attorney, files this response to defendant’s Motion To Inspect Jury Records and to Quash Jury Panel (Doc. # 355), filed on June 1, 2011.

The Government states the following in response to the motion:

1. Defendant, Naricco T. Scott, *pro se*, filed a Motion To Inspect Jury Records and to Quash Jury Panel (Doc. # 355). Defendant Scott cites in his suggestions in support that the grand jury returned an indictment against him, was impaneled by “biased and racially selective means.”

2. On May 26, 2010, Defendant Scott was charged, via indictment, with four counts in violation of Title 21, United States Code, §§ 841(a)(1) and 846, and one count in violation of Title 18, United States Code, § 924(c)(1)(A). The Grand Jury which returned the aforementioned indictment was impaneled on September 22, 2009, by the Honorable Fernando J. Gaitan.

3. Defendant Scott requests records containing information of: jury wheel which jurors were pooled from; demographics of areas which jurors were selected from; race, nationalities, and gender of each juror; standards for juror eligibility; numbers of jurors selected

from Jackson County, Missouri (Kansas City) within the past 20 years; voter registration list of all jurors; numbers of jurors in the jury pool; name of empaneling judge; and the name of the U.S. Attorney present during the grand jury selection.

4. Pursuant to Title 28, United States Code, Section 1863, “Each United States district court shall devise and place into operation a written plan for random selection of grand and petit jurors that shall be designed to achieve the objections of Sections 1861 and 1862 (which prohibits exclusion based upon race, color, religion, sex, national origin or economic status) of this title....” Further, Grand Jurors must be “selected at random from a fair cross section of the community in the district or division wherein the court convenes.” Title 28, United States Code, Section 1861.

5. In challenging a federal grand jury, Title 28, United States Code, Section 1867(f) permits a party “as may be necessary in the preparation or presentation of a motion (to dismiss or stay the proceedings)” to have access to “the contents of records of papers used by the jury commission or clerk in connection with the jury selection process.” In accordance with the Western District of Missouri’s “plan”(Attached as Exhibit A), which was followed during the impanelment of this particular grand jury, jurors are pooled from all the districts included within the Western District of Missouri. The standards for juror eligibility are set out in Title 28, United States Code, Section 1865: each grand juror must also satisfy certain criteria, including United States citizenship, a minimum age of eighteen years, a one-year residency requirement, English language proficiency, absence of physical or mental infirmity, and lack of pending felony charges or felony convictions.

6. Defendant Scott requests the demographics of areas which jurors were selected from, numbers of jurors selected from Jackson County, Missouri (Kansas City) within the past 20 years, and voter registration list of all jurors. Defendant Scott's request is over broad and not relevant to his case. The jurors were chosen from a jury pool that was comprised of eligible jurors from within the counties falling in the Western District of Missouri. Any historical information regarding grand jury demographics is irrelevant to Defendant Scott's current unfounded claim. Demographics and voter registration lists also are not relevant as each grand juror must satisfy the requirements stated above.

7. Defendant Scott argues that the grand jury was impaneled by biased and racially selective means. However, he has absolutely no factual basis to support his claim. For the foregoing reasons, the Defendant's Motion to Inspect Jury Records and To Quash Jury Panel should be denied.

Respectfully,

Beth Phillips
United States Attorney

By */s/ Brent Venneman*

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CERTIFICATE OF SERVICE

The undersigned hereby certifies that a copy of the foregoing was delivered on June 10, 2011, to the CM-ECF system of the United States District Court for the Western District of Missouri for electronic delivery and a hard copy mailed by certified mail to:

Naricco Scott
Correctional Corporation of America
100 Highway Terrace
Leavenworth, Kansas 66048

/s/ Brent Venneman

Brent Venneman
Assistant United States Attorney