



**Judge's Instructions and Burden of Proof**

3. Are all jurors willing to follow my instructions although they may conflict with your recollection of what the law is or your beliefs as to what the law should be?
  
4. Do any of you think that you would not be able to follow an instruction of the court if that instruction differed from your own personal views or values?
  
5. Will you all be able and willing to render a verdict based solely on the evidence presented at trial and the law as given to you by me, disregarding any other ideas, notions or beliefs about what the law should be?
  
6. One matter I will instruct you on is the burden of proof. At the trial, the government has the burden to prove each charged offense beyond a reasonable doubt. However, the law does not require the government to prove the case beyond all doubt. Proof to a 100% certainty or a scientific certainty is not required. Would any of you require the government to prove its case to a 100% certainty?

7. Is there anyone here who thinks that it is unfair that the law doesn't require absolute certainty?

**Contact and Experiences with Crime, Courts, and the Legal System**

8. Has any juror had a negative experience with the criminal justice system that they believe would impact their ability to be a fair and impartial member in this case?
9. Have you or any of your relatives or close friends ever had any unfavorable dealings or involvement, for example, disputes, lawsuits, audits, etc., with an agency of the United States Government, or the United States Attorney's Office?
10. Do any of you have any personal feelings against the federal government for any reason?
11. Have you, or has any member of your family, or any close friend, ever been the victim of a crime or participated in a criminal case as a complainant, witness for the government, or in some other capacity? If yes, please explain.

12. In this case, you will hear testimony regarding a witness who wore a "wire" and secretly recorded conversations he had with the defendant. Does anyone think that the government should not be able to use statements made by someone under these circumstances?
  
13. It is anticipated that you will hear Court authorized recordings of telephone conversations between people which were obtained through the use of electronic devices commonly known as "wiretaps." Does anyone think that such investigative techniques are unfair, or that you would be unable to be impartial in evaluating the evidence?
  
14. Does anyone feel that electronic surveillance of private conversations is an invasion of privacy and should not occur under any circumstances?
  
15. Does anyone hold any views regarding lawful wiretaps that would make it difficult or impossible for you to consider this type of evidence?
  
16. Does anyone feel that surveillance or searches of private property are an invasion of privacy and should not occur under any circumstances?

17. Does anyone hold views regarding lawful search and seizure that would make it difficult or impossible for you to consider evidence obtained this way?

**Statements to Agents and testimony of Law Enforcement Officials**

18. In this case, the United States plans to offer written and verbal statements made by the defendant to law enforcement agents. Does anyone feel it is unfair to use the defendant's statements against him?
19. Similarly, the law permits the United States to offer statements made by co-conspirators of the defendant, assuming the government establishes that a conspiracy existed and that the statements were made in furtherance of the conspiracy. Does anyone feel it is unfair to use these statements against the defendant?
20. Likewise, the case will involve testimony by law enforcement personnel. Will you necessarily give their testimony any greater or lesser weight based on their status as law enforcement agents?
21. Has any juror had any significant experience with FBI agents?

**Forensic Evidence**

22. You are likely going to hear from witnesses that will present forensic evidence. Do any of the jurors watch television shows like CSI or Law and Order where use of forensic evidence is often discussed?
23. Does anyone have an expectation or feel that the government is required to produce this type of evidence in order to prove someone is guilty beyond a reasonable doubt?
24. Do all of the jurors agree that the United States is not under any obligation to present forensic evidence in order to prove the defendant committed the charged offenses?
25. If an expert testifies in this case regarding forensic evidence and it differs from what you may have seen on television, do all jurors agree that they are required to consider only the evidence presented in this case and the instructions provided by the judge and not to consider what they may have seen on television?

Length of Time Since Alleged Conduct

26. Does any juror believe that it is not appropriate to bring a person to trial many years after the alleged conduct took place?
27. Does anyone believe this is unfair to the defendant?
28. You will hear testimony that some of the conduct related to the charged offenses happened back in 2001. Would you all agree that people's memories of events will not be as fresh as right after the event happened?
29. Would anyone require a witness to remember every detail of an event that happened as long as 10 years ago in order to find them credible?
30. Would anyone automatically not consider the testimony of a witness just because the witness doesn't remember everything that happened during an event as long as 10 years ago?
31. Are you all willing to listen to all the witnesses, and accept all the evidence presented, before you determine whether or not the recollection of a particular witness is credible?

**Contact, Knowledge and Experience with Religious Groups and  
Organizations**

32. Do you speak, read or understand Arabic (or any dialect of Arabic) or did you grow up in a household where that language or any of its dialects were spoken?
33. Do you have any fixed feelings or impressions about Arabs or Muslims that would make it difficult for you to listen to the evidence with an open mind and render a verdict based solely on the evidence presented in court?
34. Do you feel that you can serve as a fair and impartial juror in a case involving a defendant who is Muslim or of Arab descent?

**General Questions**

35. You all may have seen courtroom tv shows, CSI, Law and Order, The Practice, etc., where inevitably the attorneys for either side object. This trial, like any other trial, will probably entail objections from both sides - the United States and the defendant.

36. Will all of you agree not to hold these objections against either party, whether they're overruled by me or not?
37. The charges in this case involve a lot of evidence from a lot of different sources and I expect the trial will entail an examination of numerous exhibits. Is there anything the Court should know about your ability to concentrate for long periods of time?
38. Have you had any problems or concerns about your ability to remember complex information or information that you're not familiar with?
39. Do you understand and can you communicate in English?
40. Do you have any convictions, whether moral, political, religious, philosophical or otherwise, that would prevent you from being a fair and impartial juror in this case or that would make it difficult for you to sit in judgment of your fellow man? For example, do you believe that no one should ever be convicted? Do you believe that a person is guilty just because he is here in court?

41. Is there any reason about which I may not have asked that you believe that you are predisposed to vote for the defendant or the government at this point in time?
42. Does everyone agree that this trial should be fair, for both the Government and the defendant?
43. Does any member of the jury feel that the criminal justice system treats those accused of a crime too harshly or too leniently?
44. To admit to having some sympathy for either the defendant or the United States in this case is nothing to be ashamed of and does not reflect badly upon you as a person. However, both the United States and the defendant are entitled to have this case heard by a fair and impartial jury that will decide the case solely according to the evidence admitted in this Court, according to the Court's instructions on the law, and without regard to any bias, sympathy, prejudice or public opinion for either party. With this in mind, do any of you know any reason why you would be unable to give either the United States or the defendant a fair trial based solely on the evidence admitted at trial and the instructions given by the Court without regard to sympathy, bias or prejudice?

In addition to asking the questions above, the government also respectfully requests that the judge instruct the jury to refrain from discussing the testimony of any witness or any evidence with others throughout the course of the trial, including via email, text message, twitter or other social media.

Respectfully submitted,  
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By: /s/ Jeffrey D. Groharing  
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Date: October 20, 2011

CERTIFICATE OF SERVICE

I hereby certify that I have discussed this matter with counsel, and this document, filed through the ECF system, will be sent electronically to the registered participants as identified on the Notice of Electronic Filing (NEF).

/s/ Jeffrey D. Groharing  
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