

Voir Dire: United States v. Garry Milosevich, 07-cr-66-bbc

Statement of the case: This is a criminal case, in which the defendant, Garry Milosevich, is charged with unlawfully conspiring to engage in and with actually engaging in an investment fraud scheme involving fraudulent prime bank instruments and a fraudulent high yield program. The defendant has entered a plea of not guilty to these charges.

(1) Have any of you heard of this case before today? Would this affect your ability to serve impartially as a juror in this case?

(2) Is there anything about the nature of the charges that would affect your ability to serve as an impartial juror in this case?

(3) Scheduling: this case will begin today and will conclude by this Friday. Are any of you actually unable to sit as jurors because of this schedule?

(4) Is there anything about the nature of the charges in this case that might affect your ability to be impartial in this case?

(5) The court reads these instructions:

**Presumption of Innocence.** The defendant is presumed to be innocent of the charges. This presumption remains with the defendant throughout every stage of the trial and during your deliberations on the verdict, and is not overcome unless from all the evidence in the case you are convinced beyond a reasonable doubt that the defendant is guilty.

**Burden of Proof.** The government has the burden of proving the guilt of the defendant beyond a reasonable doubt, and this burden remains on the government throughout the case. The defendant is not required to prove his innocence or to produce any evidence.

**Indictment Not Evidence.** The indictment in this case is the formal method of accusing the defendant of crimes and placing the defendant on trial. It is not evidence against the defendant and does not create any implication of guilt.

The defendant has an absolute right not to testify. The fact that the defendant does not testify cannot be considered by you in any way in arriving at your verdict.

Would any of you be unable or unwilling to follow these instructions?

(6) Ask counsel to introduce themselves, the defendant, and the case agent. Ask whether jurors know them.

(7) Invite each juror, in turn, to rise, and provide the following information:

Name, age, and city or town of residence.

Marital or partnership status and number of children, if any.

Current occupation (former if retired).

Current (or former) occupation of your spouse or partner and any adult children.

Any military service, including branch, rank and year of discharge.

Level of education, and major areas of study, if any.

Memberships in any groups or organizations.

Hobbies and leisure-time activities.

Favorite types of reading material.

Favorite types of television shows.

Whether you regularly read business or financial magazines or newspapers and if so, which ones.

Whether you regularly watch or listen to business or financial programs on television or radio, and if so, which programs.

Whether you regularly visit the internet other than for banking or e-mail, and if so, what types of sites you visit most frequently.

Whether you have any bumper stickers on your vehicle and what they say.

(8) Do any of you in the jury box know each other from before today?

(9) Apart from what you already have told us, how many of you, or members of your immediate family, ever have had any employment, training or experience in these fields:

Accounting

Sale of investment products

Bank lending or financing

Sale of real property

Financial investments

Sale of any other product

Real estate development

(10) Apart from what you already have told us, have any of you serviced as the president, senior officer or board member of any business entity, including corporations and limited liability companies?

(11) Have any of you or any members of your immediate family ever had a business relationship with any other bank, credit union, check-cashing business, collection business or other financial business? Would this affect your ability to be impartial in this case?

(12) Apart from what you already have told us, do any of you have a working familiarity with international banking or investments, the World Bank, the Securities Exchange Commission, the Federal Reserve, the Federal Deposit Corporation, or other agencies that regulate banks or investments?

(13) Including retirement plans and college savings plans, how many of you have invested money in stocks, bonds, futures, derivatives, hedge funds, offshore accounts, offshore investment programs or some other investment plan or program? Please tell us the nature of your portfolio, being sure to mention any investments that might be characterized as non-mainstream / untraditional.

(14) Do any of you, your spouses, or significant others actively manage your own financial investments by doing your own research, buying or selling?

(15) Have any of you or any members of your immediate family ever owned a time share or a condominium that was not your principle residence?

(16) Apart from what you already have told us, have any of you every bought or leased real estate in a foreign country?

(17) Do any of you know or have you had any business dealings with: Dan Tepoel; Verlin Swartzendruber; Joseph Severin?

(18) Have any of you or members of your immediate family ever worked for, held accounts with or had any other dealings with these businesses:

- (1) Rainbow Management Trust
- (2) Interstate Mortgage Company
- (3) Republic Bank, Duluth, MN
- (4) Interstar Management, LTD (*location?*)
- (5) Grenada Cooperative Bank, Ltd., Grenada
- (6) Cinnamon Hill condominiums, Grenada

(19) Have any of you, your family or close friends ever been the victim or believe that you have been the victim of any actual or attempted fraud or swindle, whether related to investments or otherwise? Would this affect your ability to be impartial in this case?

(20) Do any of you, by virtue of past dealings with the United States government, or for any reason, have any bias for or against the government in a criminal case?

(21) Have any of you, your relatives, or close friends ever worked for the local, county, state, or federal government? Would this affect your ability to be impartial in this case?

(22) Have any of you, your relatives, or close friends ever worked for, or had other professional contact with any law enforcement, investigative or security company or agency, or any prison? Would this affect your ability to be impartial in this case?

(23) Would any of you judge the credibility of a witness who was a law enforcement officer or government employee differently from other witnesses solely because of his or her official position?

(24) If the defendant were to choose to testify, would any of you judge the defendant's credibility differently from other witnesses solely because it was the defendant who was testifying?

(25) Have any of you, your relatives, or close friends ever been accused of, or convicted of any criminal offense? [Sidebar if necessary]. Would this affect your ability to be impartial in this case?

(26) Have any of you, your relatives, or close friends ever been the victim of any crime? Would this affect your ability to be impartial in this case?

(27) Have any of you, your relatives, or close friends ever been a plaintiff or a defendant in any civil trial? Is there anything about this experience that might affect your ability to be impartial in this case?

(28) Have any of you, your relatives, or close friends ever been a witness in a trial? Is there anything about this experience that might affect your ability to be impartial in this case?

(29) Have any of you, your relatives, or close friends ever had any negative experience with any lawyer, any court, or any legal proceeding that would affect your ability to be impartial in this case?

(30) How many of you have served previously as a juror in another case? Please tell us in which court you served, approximately when, the types of cases you heard, whether you were foreperson, and the verdicts.

(31) If at the conclusion of the trial you were to be convinced of the defendant's guilt beyond a reasonable doubt, is there any one of you who would not, or could not, return a verdict of guilty?

(32) If at the conclusion of the trial you were not to be convinced of the defendant's guilt beyond a reasonable doubt, is there any one of you who would not, or could not, return a verdict of not guilty?

(33) The court will instruct you on the law to be applied in this case. You are required to accept and follow the court's instructions in that regard, even though you may disagree with the law. Is there any one of you who cannot accept this requirement?

(34) Do you know of any reason whatever, either suggested by these questions or otherwise, why you could not sit as a trial juror with absolute impartiality to all the parties in this case?

## **JUROR BACKGROUND INFORMATION**

When asked to do so by the court, please stand and provide the following information about yourself:

Name, age, and city or town of residence.

Marital or partnership status and number of children, if any.

Current occupation (former if retired).

Current (or former) occupation of your spouse or partner and any adult children.

Any military service, including branch, rank and year of discharge.

Level of education, and major areas of study, if any.

Memberships in any groups or organizations.

Hobbies and leisure-time activities.

Favorite types of reading material.

Favorite types of television shows.

Whether you regularly read business or financial magazines or newspapers and if so, which ones.

Whether you regularly watch or listen to business or financial programs on television or radio, and if so, which programs.

Whether you regularly visit the internet other than for banking or e-mail, and if so, what types of sites you visit most frequently.

Whether you have any bumper stickers on your vehicles and what they say.