

DEFENDANT-RELATED VOIR DIRE QUESTIONS

1. AGE RELATED:

- a. Is there anything about the defendant's age that would make it difficult to return a verdict of guilty if such guilt was proven to you beyond a reasonable doubt?**
- b. Is there anything about the defendant's age that would prevent you from following the court's instruction that sympathy is not to be part of the jury's deliberation process?**
- c. How do you feel about sitting as a juror in a case where the defendant is _____ (particular age of defendant)? Would that fact cause a problem for you? If so, why?**

2. PRO PER:

- a. Will the fact that the defendant has chosen to represent himself or chosen not to have an attorney represent him affect your decision in this case?**
- b. Will you give him a benefit-of-the-doubt solely because he has chosen to represent himself (or Will you hold him to the same standards as you would if he were represented by an attorney)?**
- c. Do you understand that you are not to give the defendant any extra consideration because he is representing himself?**
- d. Will you be able to set aside any feelings of pity or sympathy because he is here without an attorney?**

3. YOUTHFUL:

- a. Does anyone think the defendant is entitled to any consideration of leniency because of his age or youthful appearance?**
- b. Are any of your children or grandchildren the approximate age of the defendant? How old is that child/grandchild? Will that similarity have any impact on your ability to be impartial to both sides?**

4. FEMALE/MALE:

- a. Is there anything about the defendant's gender that would make it difficult to return a verdict of guilty if such guilt was proven to you beyond a reasonable doubt?**
- b. Is there anything about the defendant's gender that would prevent you from following the court's instruction that sympathy is not to be part of the jury's deliberation process?**
- c. How do you feel about sitting as a juror where the defendant is a male/female? What impact would their gender have on your deliberations?**

5. GANG MEMBER DEFENDANT

- a. Self/family/close friend ever been a member of a gang or affiliated with a gang? Describe.**
- b. Familiar with gangs for some reason? How or why? What are your feelings about gangs based on this familiarity?**
- c. Anyone feel that law enforcement unfairly targets or picks on gang members? Explain.**

VOIR DIRE IN ELDER ABUSE

- 1) ARE YOU MARRIED? DO YOU HAVE CHILDREN?**
- 2) HOW OLD ARE YOU?**
- 3) HAVE YOU EVER WORKED AS A CAREGIVER FOR THE ELDERLY, OR THE DISABLED?**
- 4) HAS ANYONE CLOSE TO YOU SUFFERED FROM A TERMINAL ILLNESS?**
- 5) HAVE YOU EVER BEEN A CAREGIVER FOR A SERIOUSLY ILL OR TERMINALLY ILL PERSON?**
- 6) DOES THIS SUBJECT OF ELDER ABUSE, OR CRIMES COMMITTED AGAINST THE ELDERLY OR INFIRM, RAISE IN YOU CONCERNS ABOUT BEING ABLE TO SIT AS A FAIR AND IMPARTIAL JUROR?**
- 7) DOES THE CHARGE OF ELDER ABUSE RAISE IN YOU CONCERNS ABOUT BEING ABLE TO SIT AS A FAIR AND IMPARTIAL JUROR?**
- 8) DO YOU HAVE AN OPINION ABOUT ELDER ABUSE LAWS?**
- 9) DO YOU REGULARLY SEE A DOCTOR?**
- 10) DO YOU HAVE ANY OPINIONS IN FAVOR OF, OR AGAINST, MEDICAL PROFESSIONALS?**
- 11) WOULD YOU BE ABLE TO LISTEN TO THE TESTIMONY OF A PHYSICIAN OR NURSE, AND WEIGH THAT TESTIMONY AS YOU WOULD ANY OTHER?**
- 12) IS ANYONE INVOLVED IN ANY ORGANIZATION ADDRESSING ISSUES AFFECTING THE ELDERLY OR DISABLED?**

- 13) HAVE YOU HAD EXPERIENCES WITH ANY LOCAL, CITY,
COUNTY, STATE OR FEDERAL SOCIAL SERVICES AGENCY?
- 14) WOULD YOU BE ABLE TO OBSERVE, LOOK AT, LISTEN TO, AND
DISCUSS MATTERS THAT MAY BE DISTURBING?

VOIR DIRE FOR DOMESTIC VIOLENCE CASES

- 1. Have you ever been a victim of domestic violence? Describe.**
- 2. Have you ever been a witness to an act of domestic violence? Describe. Did you report what you saw? If not, why?**
- 3. 243(e)(1) can be charged where there is no visible injury when the contact to the victim is harmful or offensive. Should a person be charged/arrested for DV if there are no visible injuries or How do you feel about the law (requiring no visible injury)?**
- 4. SIDEWAYS VICTIM: Domestic violence charges can be pursued even if the victim does not want prosecution. Would a victim's desire or lack of to prosecute affect your ability to render a verdict based solely on the evidence? OR**
- 5. SIDEWAYS VICTIM: Your job as a juror in this case is to decide if the alleged event of domestic violence occurred or didn't. If the victim comes in here and is against prosecution or is not cooperating with prosecution, what effect if any will that have on your ability to determine if the event happened or didn't?**
- 6. Juror #__, do you believe that victims of domestic violence lie to protect their spouse or significant other?**
- 7. Have you ever spoken with someone charged or convicted of domestic violence about their experience? Describe. How will that conversation effect your ability to be fair and impartial to both sides in this case?**
- 8. Have Self/family/close friends ever belonged to or contributed to any organization which advocates changes in the present law regarding domestic violence? What organization(s)? Attend meetings? Have you formed any opinions that would affect your ability to be a fair and impartial juror?**
- 9. Does anyone feel that the laws against domestic violence should not be vigorously pursued? If so, why?**

VOIR DIRE IN DRUG CASES

- 1. Have any of you ever done/taken any of the drugs involved in this case?**
 - a. When?**
 - b. If stopped, why?**
 - c. How would that affect your ability to be fair and impartial in this case?**
- 2. Family/close friends ever done/taken the drugs involved in this case? Describe.**
 - a. How would that affect your ability to be fair and impartial in this case?**
- 3. Self/family/close friends ever been charged with any drug related offenses? Describe.**
 - a. Was that person treated fairly by the criminal justice system?**
 - b. If not, in what way?**
 - c. How would their treatment affect your deliberations in this case?**
- 4. Do you have any professional experience dealing with people who have taken or were taking the drug(s) involved in this case? Describe.**
 - a. How would that affect your ability to be fair and impartial in this case?**
- 5. Do you have any personal experience dealing with people who have taken or were taking the drug(s) involved in this case? Describe.**
 - a. How would that affect your ability to be fair and impartial in this case?**
- 6. Do you have any training on the particular drugs in this case and their effects on the human body?**
- 7. Self/family/close friends ever belong to or contribute to any organization which advocates changes in the present law regarding use of drugs?**
 - a. What organization(s)? Attend meetings?**
 - b. Have you formed any opinions that would affect your ability to be a fair and impartial juror?**

- 8. Does anyone feel that the law against _____ (the offense charged) should not be vigorously pursued?
a. If so, why?**
- 9. How do you feel about legalizing _____ (drug involved)? Should it be? Why?**
- 10. Do you believe that some people might lie and accept responsibility for an act they didn't commit to protect another person?
a. If no, why not?**

VOIR DIRE IN DUI CASES

- 1. Understand difference between under-the-influence for purposes of driving a motor vehicle vs. having blood alcohol level .08% or higher?**
- 2. Understand that a person can be guilty of one while being not guilty of the other count? For example, a person could be driving around with a BAC of .10 and be guilty of VC23152(b) but might not be under the influence of alcohol. How do you feel about that?**
- 3. Understand that each count should be treated as a separate offense?**
- 4. Anyone familiar with term “divided attention?” How or why?**
- 5. Anyone have training in effects of alcohol on human body? How & when obtained? Understand that you cannot use that outside experience in this case? What would you do if the other jurors asked for your opinion of the case based on your outside experience?**
- 6. Self/family/close friend ever been stopped for suspected DUI and released at scene? Describe.**
- 7. Anyone disagree with law that person with BAC of .08% or higher is guilty of DUI, regardless if UI or not? Why? What do you think the law should be? Anyone agree with this juror?**
- 8. Ever had job selling or distributing alcohol? When & what?**
- 9. PAS/ALCOTEST/BREATH CASES: Self/family/close friends have any experience with devices used to measure alcohol in human body [tailor to conform to particular device in your case]? Describe. Any difficulty with dealing only with the particular device(s) in this case and not with your experience? Won't have machine broken down into smallest part or operation broken down into tiniest detail...any problems with that? Any juror distrustful of such machines? Why?**
- 10. An expert or experts in field of alcohol and effects of alcohol on person as it relates to driving a motor vehicle**

will be testifying. Any juror have issues in dealing with expert testimony in this area? Why? Anyone have trouble with expert testimony in general? Why?

- 11. Anyone in the jury distrust machines in general (or machines that test things)? If yes, why? Would that feeling affect your ability to judge the evidence of defendant's BAC obtained from the particular device?**
- 12. Anyone in the jury not drive a motor vehicle? Why? How long?**
- 13. Anyone ever been administered a field sobriety test? Describe. Ever observed FSTs in the field? Circumstances? Opinion about?**
- 14. Anyone ever been stopped at a sobriety checkpoint? When? What happened?**
- 15. Anyone ever read any literature about drunk driving or FSTs or the effect of alcohol on driving a motor vehicle? What impact did the article have on your thoughts?**
- 16. Refusals: how do you feel about the law requiring a person to submit to a blood or breath test? If you disagree, could you follow the judge's instructions on the law?**

VOIR DIRE IN GANG CASES

- 1. Have you, family or close friend ever been a victim of a crime which involved a gang or gangs in any way?**
 - a. Describe the crime**
 - b. Was it reported to the police?**
 - c. Was anyone arrested?**
 - d. Describe how or why you believe the crime involved gangs**
 - e. What was the outcome?**
 - i. Did you, family or close friend testify in court as to the crime?**
 - ii. Do you agree with the outcome?**
 - iii. If no outcome, how do you feel about that?**
- 2. Have you ever been a witness to any act or crime you believe was gang-related?**
 - a. Describe the act or crime**
 - b. Why do you believe it was gang-related**
 - c. What did you do after witnessing the act or crime**
 - i. If didn't report, why?**
- 3. Have you, family member or close friend ever been a member of a gang?**
 - a. Who? When?**
 - b. What gang?**
 - c. Still member?**
 - i. Why or why not?**
- 4. Do you know anyone who has ever been a member of a gang?**
 - a. Who? When?**
 - b. What gang?**
 - c. Still member?**
 - i. Why or why not?**
 - d. Still in contact with that person?**
 - i. Why or why not?**
- 5. Do you feel that the criminal justice system is too hard on members of gangs?**
 - a. If yes, why?**

- 6. Have you ever been a witness to any violent act or crime?**
 - a. Describe the act or crime**
 - b. How do you feel about the act or crime?**
 - c. What did you do after witnessing the act or crime**
 - i. If didn't report, why?**
- 7. Are there gang problems in your neighborhood?**
 - a. Describe the problems**
 - b. Any actions being done to deal with the problem?**
 - i. What and by who**
 - ii. Feelings about those actions**
- 8. Do you think it is reasonable that a witness to a gang-related crime would be reluctant to provide information to police?**
 - a. Do you think they might change their story to protect themselves?**
- 9. Self/family/close friends ever been accused of any gang-related offenses? Describe.**
 - a. How were they treated by the criminal justice system? Basis for that opinion.**
 - b. How will this effect your ability to be fair and impartial to both sides?**
- 10. Ever had any training relating to investigation of gang-related crimes? Describe.**
- 11. Do you have any professional experience dealing with people who have been convicted of gang-related crimes? Describe.**
 - a. How would that affect your ability to be fair and impartial in this case?**
- 12. Are you familiar with the names of any gangs that you believe are active in California? If yes, please name them.**
 - a. How are you familiar with these names?**
- 13. If a witness is incarcerated at the time of their testimony, would you automatically disbelieve the witness's testimony?**
 - a. If yes, please explain**

- 14. Do you think it is possible for a witness that is incarcerated to be reluctant to provide information against a defendant?**
 - a. Explain**
- 15. If a witness were testifying as a result of a plea bargain, would you automatically disbelieve this person's testimony?**
 - a. If yes, explain**
- 16. How do you feel about the practice in which the prosecution may decide not to prosecute one person in exchange for testimony against another person?**
- 17. Have you watched any programs dealing with gangs, gang-violence?**
 - a. Which program(s)**
 - b. How long ago/how often?**
 - c. Do you believe these programs accurately depict gangs or gang-related violence?**
 - d. Has your opinion about gangs or gang-related violence been affected by your viewing of these programs?**
 - i. Explain**

VOIR DIRE IN GUN CASES

- 1. Do you own any firearms?**
 - a. What kind of firearms do you own or possess?**
 - b. Any firearms in your house?**
 - c. How long have you owned or used firearms?**
 - d. What purpose?**
- 2. Any juror/family member have a CCW?**
 - a. Since when?**
 - b. Reason?**
- 3. Do you belong to any organizations that have in the past or currently do advocate changes in the present laws regarding possession and use of firearms?**
 - a. Which organization?**
 - b. How long a member?**
 - c. Do you contribute money to that organization?**
- 4. Have you ever had a bad experience involving guns? Describe.**
 - a. How will that effect your ability to be a fair and impartial juror in this case?**
- 5. Any jurors feel that there should be no restrictions on the ownership or possession of guns? Why?**
- 6. Any jurors feel that a convicted felon should be allowed to own or possess a gun in certain situations? What situations? Why?**

VOIR DIRE IN SEX CASES

- 1. Case will involve language and details pertaining to genitalia/subject matter involved.**
 - a. Any juror so uncomfortable with this that it would affect their ability to process the evidence or listen to the testimony?**
 - b. How will this effect their ability to be fair and impartial to both sides?**
- 2. There will be photos and language of a very graphic nature.**
 - a. Any juror so uncomfortable with this that it would affect their ability to process the evidence or listen to the testimony?**
 - b. How will this effect their ability to be fair and impartial to both sides?**
- 3. Self/family/close friends ever been accused of any sexually-related offenses? Describe.**
 - a. How were they treated by the criminal justice system? Basis for that opinion.**
 - b. How will this effect your ability to be fair and impartial to both sides?**
- 4. Ever had any training relating to investigation of sex crimes? Describe.**
- 5. Do you have any professional experience dealing with people who have been convicted of sex crimes? Describe.**
 - a. How would that affect your ability to be fair and impartial in this case?**
- 6. Do you have any personal experience dealing with people who have been convicted of sex crimes? Describe.**
 - a. How would that affect your ability to be fair and impartial in this case?**
- 7. Do you have any training on sex crimes?**
- 8. Self/family/close friends ever belong to or contribute to any organization which advocates changes in the**

present law regarding sex crimes or registration by people convicted of sex crimes?

a. What organization(s)? Attend meetings?

b. Have you formed any opinions that would affect your ability to be a fair and impartial juror?