

## CRIMINAL PRETRIAL CONFERENCE CHECKLIST

Voir dire (procedure sheet and juror questions attached):

Jury instructions (provide to Court a hard copy and on disk):

Exhibit list (in similar format to Form AO 187):

Witness list (name, affiliation or address):

Expert witnesses:

Evidentiary issues (competency, 404b, 801D2E, etc.):

Pending motions:

Length of trial:

Number of witnesses:

Special issues affecting trial length:

Other issues:

## **Jury Selection Procedures for Criminal Trials**

A voir dire examination shall be conducted for the purpose of discovering any basis for challenge for cause and for the purpose of gaining knowledge to enable an intelligent exercise of peremptory challenges.

### **Voir Dire**

1. The Court will explain nature of case, the burden of proof, conduct general voir dire covering knowledge of case, acquaintance with participants, importance of following court's instructions on law and impartiality in general, and will ask case specific questions taken from the parties' voir dire submissions.
2. The Court will then ask each venire person to please stand and answer the 10 general background questions in the form questionnaire which is distributed to the panel members before they enter the courtroom. The Court will ask follow-up questions as appropriate.
3. Counsel will then have a brief opportunity to ask questions that the Court has not already asked or to follow up on answers to the Court's questions. Counsel are usually allocated 10 to 15 minutes each side for this purpose.
4. Counsel should not ask questions which
  - a) have already been asked;
  - b) anticipate instructions on law which have not been given;
  - c) ask a juror to speculate on his verdict if certain facts are proved;
  - d) solicit a juror's opinion as to law or legal terms;
  - e) are clearly irrelevant and seek to embarrass or establish rapport with a juror;
  - f) questions that are in the substance arguments of the case; or
  - g) questions which are grossly unfair or embarrassing to the juror and questions where the average juror cannot possibly know the answer.

### **SELECTION PROCESS**

After the voir dire is completed, the Court will excuse the venire from the court room, and ask counsel to select their jury. Challenges for cause to the whole panel will be taken first. Thereafter, the government shall have 6 peremptory challenges and the defendants combined shall have 10 peremptory challenges unless otherwise ordered. The government will begin and accept or reject the first four members of the venire, then the defendant will accept or reject those remaining members. Whomever remains becomes a juror. The defendant will accept or reject the next four members of the venire, then the government will accept or reject from those remaining. Whomever remains becomes a juror. The government and defendant will continue to alternate until a jury is selected or a party exhausts its peremptory challenges. No backstrikes are allowed.

**EACH MEMBER OF THE JURY PANEL IS REQUIRED TO REVIEW THE FOLLOWING QUESTIONS AND BE PREPARED TO RESPOND ORALLY TO THEM WHEN CALLED UPON BY THE COURT TO DO SO.**

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1. Please state your full name, the area in which you live, and how long in Miami-Dade County.
2. What kind of work do you do? If retired, please describe your work prior to retirement.
3. What is your educational background? (Grade school, high school, college, etc.)
4. Are you married? If so, is your spouse employed outside home? If so, what type of work does your spouse do?
5. Do you have any children? If so, please tell us something about them; i.e., ages, school, employment, etc.
6. Have you served in the military? If so, please briefly describe such service.
7. Have you ever served on a jury before? If so, please state the type of case; whether the trial was in State or Federal Court; did you reach a verdict in the case, were you the foreperson.
8. Would you briefly describe any personal hobbies and/or interests you have?
9. What newspaper and magazines do you read regularly? Also, do you have any favorite T.V. or radio shows and/or websites?
10. Do you belong to any organizations or groups (community, social, civic, political, religious, unions) and hold a leadership position?

# UNITED STATES DISTRICT COURT

DISTRICT OF \_\_\_\_\_

## EXHIBIT AND WITNESS LIST

V.

Case Number: \_\_\_\_\_

PRESIDING JUDGE					PLAINTIFF'S ATTORNEY	DEFENDANT'S ATTORNEY
TRIAL DATE (S)					COURT REPORTER	COURTROOM DEPUTY
PLF. NO.	DEF. NO.	DATE OFFERED	MARKED	ADMITTED	DESCRIPTION OF EXHIBITS* AND WITNESSES	

\* Include a notation as to the location of any exhibit not held with the case file or not available because of size.

