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IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF IDAHO

UNITED STATES OF AMERICA, )  
 )  
 ) Plaintiff, )  
 )  
 vs. )  
 )  
 MITCHELL D. McBRIDE, )  
 KIMBERLY McBRIDE, )  
 DICK E. BUTCHER, )  
 )  
 ) Defendant. )  
 \_\_\_\_\_ )

CASE NO. CR-04-0064-S-EJL

DEFENDANT MITCHELL D.  
McBRIDE'S REQUESTED VOIR DIRE

COMES NOW the Defendant MITCHELL D. McBRIDE, by the through his counsel,  
G. Scott Gatewood, and respectfully requests the following voir dire questions in the above  
entitled matter:

1. Have any of you ever served in the military or in any law enforcement organization?
2. Have any of you ever been employed in a job with the state, local, or federal government?

DEFENDANT MITCHELL D.  
McBRIDE'S REQUESTED VOIR DIRE, Page 1

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- a. If so, when and where and what was your job description?
3. Are any of you acquainted with, friendly with, associated with or related to anyone who works in any capacity with the United States Attorney office, any County Prosecuting Attorney's Office, the Idaho Department of Law Enforcement, and County Sheriff's Office, any Police Department, or any other law enforcement agency?
4. Do you have any close friends or relatives who are involved in law enforcement? If so who?
5. Have any of you ever served on a trial jury?
  - a. If so, when?
  - b. What type of case?
  - c. Did you reach a verdict?
6. If any of you were to find yourself as one of the minority of jurors or the possibly the only juror who believed that the government had not established every element of the case beyond a reasonable doubt, would you be apt to change your vote just because you were in the minority? Would any of you let the fact that you were in the minority affect your vote?
7. Would you be willing to accept a compromise even if it meant giving up your own position on the facts presented in evidence?
8. If other jurors come to the conclusion that Mr. McBRIDE was guilty and you were sincerely convinced that he was innocent, would you be willing to stick by your convictions?
  - a. Would you do so even if sticking to your convictions would prevent a verdict and force this case be tried over again?
9. Can each of you try this case without fearing any criticism of your verdict by friends, relatives or associates who may disagree with it?
10. If any of you have personal feelings after the evidence is in, that causes you to think that Mr. McBRIDE is probably guilty of some crime or other wrongdoing, but those facts have not been proven at trial, would you ignore your personal feelings and decide this case only on the evidence or lack of

evidence presented during the trial?

11. If a close friend or relative of yours were the Defendant in this case, would you feel satisfied with twelve jurors who felt and believed the same things that you do?
12. Have any of you or anyone close to you ever been arrested?
13. Have any of you or anyone close to you every been involved in the trial of a criminal case either as a defendant, a victim, a witness, a court employee or any other capacity?
14. Have any of the members of your family or close friends ever been victims of crime which included the loss of a financial investment?
  - a. If so when and what was the nature of that crime or event?
15. Can you accept that all of the defendants are at this moment innocent of any crime and that they are presumed to be innocent throughout the course of this trial?
16. Are you willing to accept the presumption that they are innocent even though they have been indicted and an even though you have not heard any evidence yet?
17. Do you understand that it is the sole obligation of the Government to prove that Mr. McBRIDE is guilty beyond a reasonable doubt?
18. Are you able to accept, apply, and follow the rule that in determining whether the government has proven Mr. McBRIDE guilty beyond a reasonable doubt, you may only consider the evidence or lack of evidence presented at trial and NOT information from any other source?
19. Is there anyone who thinks the law or legal process leans too far in favor of Mr. McBride?
20. Do you have any bias or prejudice about the courts or the legal system which might prevent you from being fair and impartial in this trial?
21. Do you feel that this burden of proving guilt beyond a reasonable doubt

wrongfully or unnecessarily impedes the Government's power to deal with criminal activity?

22. Do all of you realize that the indictment in this case is not evidence of the crime charged and that the indictment is merely a piece of paper used to bring Mr. McBRIDE into court, just like a complaint in a civil case?
23. Are there any of you who cannot now look at Mr. McBRIDE and honestly say in your own mind that at this moment he is innocent of the charges?
24. Do all of you realize that you are to consider the presumption of innocence as actual proof of innocence until is over come by proof of guilt beyond a reasonable doubt?
25. Do you understand that Mr. McBRIDE is not required to introduce any evidence at all to establish his innocense?
26. Would any of you feel, in spite of the law, that Mr. McBRIDE ought to be required to testify and have something to say on his own behalf?
27. Do you all understand that although there are several defendant's in this case that each defendant must be found guilty beyond a reasonable doubt on facts associated with that defendant and not by virtue of being charged with others?
28. Are you familiar with any of the witnesses in this matter?
29. Do any members of the jury panel know one another? If so, in what capacity?
  - a. If you are acquainted with another member of the panel and are both selected to be on the jury, would you be able to reach your own conclusion about the guilt or innocence of Mr. McBRIDE without being influenced by the opinion of your acquaintance?
30. Have any of your heard or read anything about this case in the newspapers?
31. Have any of you heard anything about this case through the television news or on the radio?

32. Is there anyone that feels that due to publicity about this case that they might be influenced by information other than the evidence presented at trial?
33. Although you don't know what the evidence is at this time, Is there anyone who themselves, or who has close relatives or friends who may in in any way been connected to any events related to this case?
34. If there is any reason at all, whether it has been mentioned or not, that you can think of why you could not be fair and impartial in rendering a decision in this trial?

RESPECTFULLY SUBMITTED this 2 day of August, 2002.

SALLAZ LAW, CHARTERED  
Attorney for Defendant

  
G. Scott Gatewood

CERTIFICATE OF SERVICE

I HEREBY CERTIFY That on the 2 day of August, 2004, I served a true and correct copy of the above and foregoing document to:

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By: