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08 JUL 30 11 41 13  
CAMILA M. LARKE  
CLERK IDAHO

11 UNITED STATES DISTRICT COURT FOR THE DISTRICT OF IDAHO

12 UNITED STATES OF AMERICA,  
13 Plaintiff,  
14 vs.  
15 MITCHELL D. McBRIDE,  
16 KIMBERLY McBRIDE,  
17 DICK E. BUTCHER,  
18 Defendants.

Case No. CR 04-0064-S-EJL  
GOVERNMENT'S REQUESTED  
VOIR DIRE

19 COMES NOW, George W. Breitsameter, Assistant United States Attorney for the State  
20 and District of Idaho and representing the United States herein, and hereby requests the Court to  
21 inquire of the jury as follows:

- 22 1. Have you served on a jury trial before?
  - 23 A. What was the nature of the case?
  - 24 B. Did the jury reach a verdict?
- 25 2. Have you, your family, or friends been arrested for any charge?
  - 26 A. If so, who and when?
  - 27 B. What was the charge?

25

1 C. Do you feel that person was fairly treated by the prosecution?  
2 D. Do you have feelings of dissatisfaction with law enforcement because of  
3 that incident?

4 3. Have you, your family or friends had any contact with the Federal Bureau of  
5 Investigation?

6 4. Have you, your family, or friends had any dealings with the United States  
7 Attorney's Office?

8 A. If so, what were those dealings?

9 B. Were they properly resolved?

10 C. Do you have feelings of dissatisfaction?

11 5. Do any of you know counsel for the government or the attorney for the  
12 defendant?

13 A. Has any lawyer in this case, or any member of their firm, acted as your  
14 attorney, or the attorney for any of your immediate family, close friends or as counsel for  
15 anyone against whom you had a lawsuit?

16 6. To your knowledge, do any of you, or any members of your family or close  
17 friends, have any connection of any kind with the defendant or his family, or any of the  
18 attorneys in this case?

19 7. Are you or any member of your family employed by any lawyer, law  
20 enforcement agency, or anyone associated with the courts, corrections or criminal justice  
21 system, no matter how remotely?

22 8. Have any of you, or any member of your family ever been interviewed by law  
23 enforcement authorities, other than for a minor traffic infraction?

24 A. If yes, please state the approximate date and circumstances.

25 (You may approach sidebar to do this if you prefer).

1 B. Was there anything about the contact with law enforcement authorities  
2 which would affect your ability to be fair and impartial in a case such as this?

3 C. Do you think you [they] were treated fairly?

4 9. Have you, anyone in your family or any of your close friends ever been arrested  
5 and/or convicted of any crime, except for minor traffic violations?

6 10. Have you, anyone in your family or any of your close friends ever been accused  
7 of a crime which you believed they did not commit?

8 11. Have you or any member of your family or acquaintances ever:

9 A. Been the victim of any crime?

10 B. In particular, have any of you been the victim of a crime involving  
11 violence or threatened violence?

12 C. If the answer to any of the above questions is "YES," please approach  
13 sidebar to explain the details.

14 12. Are you, or is any member of your immediate family now, or have they ever  
15 been, an official or employee of the Government of the United States? If yes, please explain.

16 13. Have any of you, or your family, or friends had any dealings with any City,  
17 County or State Prosecuting Attorney's Office?

18 A. If so, what were those dealings? You may come to sidebar to explain.

19 B. Was the matter satisfactorily resolved in your mind?

20 C. Do you have any feelings of dissatisfaction?

21 14. Have you, or has any member of your family ever had, or do you now have, or do  
22 you presently anticipate having, any lawsuit, case or dispute against either the United States or  
23 any other Government agency?

24 A. If yes, please explain at sidebar.

25 B. Was the matter satisfactorily resolved in your mind?

26 C. Do you have any feelings of dissatisfaction?

1           15.     This case was investigated by the Federal Bureau of Investigation and the Bureau  
2 of Occupational Licensing for the State of Idaho. Have you had any experience with these  
3 agencies, or do you have any attitudes about the people who work for these agencies, which  
4 might prevent you from being fair and impartial in this case?

5           16.     Do you, or does any member of your immediate family, belong to a white  
6 supremacist, paramilitary, tax protest, or any other group which finds itself at odds with the  
7 government? (You may approach sidebar to discuss this if you prefer.)

8           17.     Have you, or to your knowledge, has any member of your immediate family,  
9 attended any meetings of a white supremacist, paramilitary, tax protest, or any other group  
10 which finds itself at odds with the government?

11          18.     Do you feel strong affinity with any of those groups, whether or not you have  
12 attended a meeting?

13          19.     Have you, or any member of your family, had any experience with making pre-  
14 need funeral arrangements? Is there anything about that experience that would affect your  
15 ability to serve as a juror?

16          20.     Are any of you in any way reluctant, for religious, moral or any other reason, to  
17 pass judgment on another human being?

18          21.     Have any of you served as a juror previously?

19             A.     What was the nature of the case?

20             B.     Did the jury reach a verdict?

21             C.     What was that verdict?

22          22.     Do you have a problem with your hearing, your eyesight, or any other disability  
23 which would in any manner prevent you from hearing, seeing or concentrating on the evidence  
24 presented at this trial?

25          23.     After you have heard the evidence, I will instruct you as to the law. It will be  
26 your duty to follow the law as I give it to you even though you may disagree with the law.

1 A. Do any of you believe that you have the right to disregard the law if you disagree  
2 with it?

3 B. Do any of you think that you will have difficulty following my instructions  
4 regarding the law?

5 24. Does the fact that this case involves the theft of trust funds from senior citizens  
6 cause you any difficulty in sitting as a juror?

7 25. Is there anything at all which may prevent any of you from rendering a fair and  
8 impartial verdict, based solely on the evidence and my instructions on the law?

9 Respectfully submitted this 30<sup>th</sup> day of July, 2004.

10 THOMAS E. MOSS  
11 United States Attorney

12   
13 GEORGE W. BREITSAMETER  
14 Assistant United States Attorney

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that I am an employee of the United States Attorney's Office for the District of Idaho , and that a copy of the foregoing GOVERNMENT'S REQUESTED VOIR DIRE were served on all parties named below this 30<sup>th</sup> day of July, 2004.

United States Mail, postage prepaid

Hand delivery

Facsimile Transmission

Federal Express

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