

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF ALABAMA

UNITED STATES OF AMERICA)
)
v.) **CR. NO. 2:10cr186-MHT**
)
QUINTON T. ROSS, JR.)

DEFENDANT QUINTON T. ROSS, JR'S REQUESTED VOIR DIRE

Defendant, Quinton T. Ross, Jr., respectfully requests that the following questions be included in the Voir Dire directed to the jury venire during jury selection in this matter.

Effect of Indictment

1. Does anyone feel that the fact that someone has been indicted means they probably or maybe did something illegal? Does anyone believe that a defendant would not have been indicted if he or she had not done anything wrong? Does the fact that someone has been indicted make any of you lean toward believing that person may be guilty of what he or she has been accused of? Does the fact that someone's been indicted lead any of you to doubt that person's innocence? Would that fact, that someone has been indicted, lead any of you to believe that person should disprove the accusations against him or her or convince you that the accusations are not true? Would that fact lead any of you to believe that person has some ground to make up as far as being innocent of the accusations against him or her?

Presumption of Innocence, Beyond a Reasonable Doubt

2. You probably have heard that under the American criminal justice

system, a defendant is innocent unless proved guilty. Some people believe that it should be the other way around and that the defendant should prove he is innocent. Which do you think is the better system? Why? How many people think the defendant should have to prove he is innocent? Why?

3. Does anyone believe that a person facing imprisonment should have to prove himself innocent?

4. In the law, there are three common burdens of proof of which you may have heard: preponderance of evidence, clear and convincing evidence, and beyond a reasonable doubt. Preponderance of evidence means more likely than not. It is a burden which a plaintiff seeking money damages in a civil action must prove. Clear and convincing evidence is greater than that – it is the burden which the State of Alabama has to meet in order to take someone’s children away. Beyond a reasonable doubt is a still greater burden. Does anyone believe that the government should be able to convict and imprison a person where there is reasonable doubt? Why?

5. Do you have any objection with the statement of law that the indictment in this case is not evidence and should not be considered by you as evidence and it is only the procedure by which one is brought to trial and the fact that an indictment has been returned is not evidence of guilt on behalf of the defendant whatsoever?

6. Do each of you agree with the law which presumes that the defendant is innocent as he sits in this courtroom today and until such time as the government proves its case beyond a reasonable doubt?

Protection Against Self-Incrimination

7. In a criminal case, a defendant is not required to testify, and if the defendant does not testify, jurors are not supposed to draw any conclusions from that fact. Does the idea that you might not hear from the defendant disturb you? Why? Would you expect the defendant to testify? Why?

8. Do you think it would be better if the defendant was required to testify? Why?

9. Do you think you will need to hear both sides before you can make up your mind? Why? Do you understand that under the law, the defendant is not required to testify or even present his “side” and that you might be required to render a verdict of not guilty if the government did not prove its case beyond a reasonable doubt, even if the defendant did not testify, or offer evidence in his defense? Are any of you comfortable with that idea? Why? Are any of you uncomfortable with that idea? Why?

10. Do you agree with the law that the burden of proving that the defendant is guilty beyond a reasonable doubt rests with the prosecution?

11. Would you require in your own mind that the Defendant prove his innocence to you before you would acquit him?

12. Would you hold it against him if he did not testify?

13. Do you agree with the fact that the law does not require him to testify?

Jury Deliberations

14. Do you agree that you are enforcing the law just as vigorously by voting for acquittal, if there is a reasonable doubt as to guilt, as you do by voting for conviction when there is no such doubt?

15. Would you give the accused the benefit of your individual judgment in

arriving at a verdict in this case?

16. If you came to the conclusion that the prosecution had not proven the guilt of the accused beyond a reasonable doubt, and you found that a majority of the jurors believed the accused was guilty, would you change your verdict in order to reach unanimous decision?

Jurors' Knowledge of Witnesses or Prosecutors or other Jurors

17. Do you understand that the comments of the prosecutor are not evidence in this case?

18. Do any of you know anything about the facts of this case?

19. Does any member of the jury venire know any of the following people?

(We ask the Court to read a list of the Government's proposed witnesses).

20. Are any of you related to anyone on the staff of the United States Attorney?

21. Does any member of the jury venire know any member of the United States Department of Justice or the United States Attorney's Office including its investigators? (we ask the Assistant United States Attorney to please stand and give the name of each member of the U.S. Attorney's Office, including FBI agents and ABI agents involved in this case, and other investigators)

22. Does any member of the jury venire know any member of the Federal Bureau of Investigation (FBI) or Alabama Bureau of Investigation (ABI)?

23. Does any member of the jury venire know any member of the venire, even as an acquaintance or by sight? (If so, we ask the the jurors to identify those known to them).

Opinions about Law Enforcement

24. Do any of you know any law enforcement officer, either civil or military? If so, please state the extent of the relationship.

25. Do any of you have family ties with police or law enforcement persons or with anyone who has been in law enforcement? If so, please state the relationship.

26. Who, if anyone, thinks that the testimony of a law enforcement agent in a criminal case is more deserving of belief than the testimony of a non-law enforcement person, simply because the person testifying is a law enforcement officer? Why do you think so? Do any of you think that the testimony of a law enforcement agent is less deserving of belief than that of non-law enforcement persons, simply because the person is in law enforcement? Why do you think so?

27. Who, if anyone, thinks that the testimony of an FBI agent in a criminal case is more deserving of belief than the testimony of a non-FBI person, simply because the person testifying is an FBI agent? Why do you think so? Do any of you think that the testimony of an FBI agent is less deserving of belief than that of non-law enforcement persons, simply because the person is an FBI agent? Why do you think so?

28. Have any of you or any member of your family or any of your friends ever had any contact with any employee of any state or federal law enforcement agency in Alabama? Please tell us about that contact. If you would prefer, you may discuss the matter in private at the bench.

29. Have any of you received any training or taken any classes in Law? If your answer is yes, briefly describe the nature of that training.

30. Have any of you ever been a witness for the prosecution in a criminal case? Please explain.

Respectfully submitted,

/s/ H. Lewis Gillis
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CERTIFICATE OF SERVICE

I hereby certify that on this 23rd day of May, 2011, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system, which will send notification of such filing to all counsel of record.

/s/ H. Lewis Gillis
OF COUNSEL