

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF ALABAMA
NORTHERN DIVISION**

UNITED STATES OF AMERICA,)

)

Plaintiff,)

)

v.)

CASE NO. 2:10-cr-186-MHT

)

THOMAS E. COKER,)

)

Defendant.)

**TOM COKER’S PROPOSED
JURY SELECTION QUESTIONS**

COMES NOW TOM COKER, by and through his attorney of record and respectfully submits the following Proposed Jury Selection Questions as required under the Court’s Scheduling Order (Doc. 316 paragraph (I)(1)) filed January 4, 2011.

Proposed Questions

Governmental Association

1. [Companion Question to #53 in the Questionnaire]:

Have you, any member of your immediate family, or any close personal friend ever been connected with the Alabama Bureau of Investigation (the “ABI”)? If yes, please explain.

2. [Companion Question to #53 in the Questionnaire]:

Have you, any member of your immediate family, or any close personal friend ever been connected with the Federal Bureau of Investigation (the “FBI”)? If yes, please explain.

3. Have you, any member of your immediate family, or any close personal friend been

contacted by any agent of the FBI, ABI or U.S. Attorneys office or other person obviously representing their interests, about this case?

4. Would you view witnesses called by the defense with more scepticism than witnesses called by the prosecution? Please explain why you answer as you do.

Co-conspirators

5. [Companion question to #127 in the Questionnaire]:

Have you ever heard of Jarrod Massey? If yes, what have you heard and from what sources?

6. [Companion question to #127 in the Questionnaire]:

Have you ever heard of Jennifer Pouncy? If yes, what have you heard and from what sources?

[Unindicted Co-conspirator Motion]

Tom Coker moves the Court to require the Government to identify unindicted co-conspirators, if any, so that the jury might be specially qualified as to such persons by the following question:

7. Have you ever heard of _____? If yes, what have you heard and from what sources?

Presumption of Innocence

8. Do you believe that if the prosecution goes to the trouble of bringing someone to trial, the person is probably guilty?

9. Would the fact that the Defendants were arrested and indicted in this case interfere with your ability to presume them innocent?
10. Do you believe that sometimes innocent persons are charged with crimes they did not commit?
11. Is there any member of the prospective jury panel who would be unable to accept and consciously, sincerely and wholeheartedly apply the rule of law that Tom Coker is presumed innocent and cannot be convicted in this case unless the jury is convinced that he is guilty beyond a reasonable doubt?
12. Does everyone agree that Tom Coker in this case is, right now, innocent until the United States Government proves his guilt beyond a reasonable doubt?
13. What would you do if you only had one option, either convict an innocent person or set a guilty person free?

Burden of Proof

14. Do you believe that defendants in criminal trials should have to prove that they are innocent?
15. You understand, do you not, that the burden of proof is always on the prosecution, and that the Defendants need not present any evidence at all on their behalf?
16. How would you feel if the defense did not present any evidence at all? That is, would you tend to think the defendant was guilty?
17. Do each of you understand that under the Constitution the Government must

establish the guilt of the defendant, as to each and every element of the crime beyond a reasonable doubt, and that if the government fails to do so, it is your sworn duty to find the defendant not guilty?

Role as Juror

18. Will you judge this case solely on the evidence before you and not allow the fear of later criticism to affect your verdict?

19. If you were one of a minority of jurors, or the only juror, who believed that the prosecution had not established every element of its case beyond a reasonable doubt, would you be likely to change your vote just because you were in the minority?

20. Are you satisfied that you are in such a fair and impartial state of mind that you would be satisfied to have someone else possessing your same mental state judge the evidence if you or your loved ones were on trial here?

Multiple Defendants and Charges

21. You have been told, this case involves several defendants. Does the mere fact that there are several defendants cause any of you to believe that the defendants are probably guilty?

22. Would the presence of multiple defendants lead you to believe that if one defendant is guilty they all must be guilty?

23. Have you heard the phrase “guilt by association”? What does that phrase mean to you?

24. Will any of you tend to treat these defendants together as a group, rather than individuals?

25. If the evidence convinces you of guilt beyond a reasonable doubt of one but not another, will any of you have any difficulty finding the other person not guilty?

26. Does the fact that the Defendant faces a number of charges lead you to believe that he must be guilty of something?

Miscellaneous

27. Do any of you believe that all public officials and politicians are corrupt in one way or another?

28. Do any of you believe that all lobbyists are corrupt in one way or another?

29. Is there any one of you who has never experienced a situation where someone told an authority figure that you did something when in fact you did not do anything? (i.e. You've never been falsely accused of something.)

30. Has anyone ever experienced a situation where someone told a falsehood to help themselves regardless of who the falsehood hurt?

31. Is anyone on the panel related to or acquainted with another member of the panel?

If so, please explain.

Respectfully submitted,

s/ David McKnight

David McKnight

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CERTIFICATE OF SERVICE

I hereby certify that on May 23, 2011, I filed the foregoing electronically via PACER with the Clerk of the Court which sent copies of this document to the following:

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