

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

UNITED STATES OF AMERICA,)	
)	
v.)	2:14-cr-00205
)	
PRICE MONTGOMERY and JAMES)	Judge Mark R. Hornak
PERRIN,)	
)	
Defendants.)	

COURT’S PROPOSED VOIR DIRE – 10/29/18

GOOD MORNING LADIES AND GENTLEMEN. I AM UNITED STATES DISTRICT JUDGE MARK HORNAK AND YOU HAVE BEEN SUMMONED TO THIS COURTROOM FOR THE SELECTION OF A JURY TO SERVE IN A CRIMINAL TRIAL. THIS CASE IS ENTITLED UNITED STATES OF AMERICA v. PRICE MONTGOMERY AND JAMES PERRIN.

LADIES AND GENTLEMEN, BUT FOR SERVICE IN OUR U.S. MILITARY, SERVING AS A JUROR IN OUR CRIMINAL JUSTICE SYSTEM IS THE HIGHEST FORM OF CIVIC DUTY AND RESPONSIBILITY WHICH ONE IS CALLED UPON TO PERFORM AS A CITIZEN IN OUR DEMOCRATIC FORM OF GOVERNMENT. CITIZENS SITTING IN JUDGMENT OF THE ACTIONS OF FELLOW CITIZENS IS A BASIC TENET OF OUR JUSTICE SYSTEM WHICH WE BELIEVE TO BE THE FAIREST SYSTEM IN THE WORLD, AND WHICH COULD NOT FUNCTION WITHOUT YOU. WE KNOW THAT IT IS A PERSONAL AND PROFESSIONAL SACRIFICE AND INCONVENIENCE FOR YOU TO BE HERE, BUT IT IS TRULY VERY IMPORTANT AND I WILL DO EVERYTHING IN MY POWER TO MAKE THIS A MEANINGFUL EXPERIENCE FOR YOU WITH AS LITTLE INCONVENIENCE AS POSSIBLE. BELIEVE ME THIS TRIAL IS VERY

IMPORTANT TO THE DEFENDANTS, THE UNITED STATES GOVERNMENT AND THIS COURT, AND WE ARE ALL MOST APPRECIATIVE OF YOUR PARTICIPATION AS CITIZEN JURORS. THE TRIAL OF THIS CASE IS ESTIMATED TO LAST APPROXIMATELY 2 WEEKS. WE WILL COMMENCE TRIAL TODAY AND PROCEED DAILY FOR THE REQUISITE NUMBER OF DAYS NEEDED TO COMPLETE THE TRIAL. WE WILL ORDINARILY BE IN SESSION FROM 9:00 A.M. TO 4:30 P.M. WE WILL NOT BE IN SESSION ON VETERAN'S DAY BUT WILL BE IN SESSION ON ELECTION DAY, IF NEED BE.

THE GOVERNMENT IS PURSUING THIS CASE BY A SECOND SUPERCEDING INDICTMENT, WHICH IS A FORMAL WRITTEN DOCUMENT USED SOLELY FOR THE PURPOSE OF CHARGING A DEFENDANT WITH HAVING COMMITTED A CRIME AND INFORMING A DEFENDANT OF THE NATURE OF THE PENDING CHARGE. IT IS MERELY A STATEMENT OF THE CHARGES; IT IS NOT EVIDENCE OR PROOF OF ANY CRIMINAL CONDUCT. UNDER THE LAW, A DEFENDANT IS PRESUMED TO BE INNOCENT. THE GOVERNMENT HAS THE BURDEN OF PROVING EACH OF THE CHARGES SET FORTH IN THE SECOND SUPERCEDING INDICTMENT THROUGH WITNESS TESTIMONY AND EVIDENCE BEYOND A REASONABLE DOUBT.

THE MERE FACT THAT MR. MONTGOMERY AND MR. PERRIN HAVE BEEN CHARGED WITH CRIMINAL CONDUCT AND ARE PRESENT IN THIS COURTROOM IS NOT EVIDENCE OR PROOF THAT EITHER OF THEM IS GUILTY OF ANYTHING. YOU SHOULD HAVE NO OPINION AS TO GUILT AT THIS MOMENT IN TIME. AS A MATTER OF FACT, IF YOU WERE CALLED UPON TO RENDER YOUR VERDICT AT THIS MOMENT, UNDER THE LAW YOU WOULD HAVE TO FIND EACH OF THEM

NOT GUILTY. WHY? BECAUSE, BY LAW, EACH OF THEM IS PRESUMED TO BE INNOCENT UNLESS PROVEN GUILTY BEYOND A REASONABLE DOUBT AND AT THIS TIME THERE HAS BEEN NO WITNESS TESTIMONY OR EVIDENCE WHATSOEVER PRESENTED TO ESTABLISH GUILT.

IT IS THE JURY'S FUNCTION TO DECIDE THE FACTS OF THE CASE WITHOUT BIAS OR PREJUDICE TO A DEFENDANT OR THE GOVERNMENT. THE LAW DOES NOT PERMIT JURORS TO BE GOVERNED OR INFLUENCED BY SYMPATHY, BIAS, PREJUDICE, OR PUBLIC OPINION. YOU ARE AT ALL TIMES TO BE FAIR MINDED!

THEREFORE, I MUST EXCLUDE FROM THE JURY ANYONE WHO HAS SUCH STRONG FEELINGS ABOUT ANY PERSON OR ISSUE INVOLVED IN THE CASE SUCH THAT HE OR SHE IS UNABLE TO EVALUATE THE EVIDENCE IMPARTIALLY. THE LAW ALSO AFFORDS THE GOVERNMENT AND THE DEFENDANT THE OPPORTUNITY TO PARTICIPATE IN THE JURY SELECTION PROCESS THROUGH THE EXERCISE OF PEREMPTORY CHALLENGES (EXCUSALS), WHICH MEANS THAT THEY WILL BE PERMITTED TO EXCLUDE A TOTAL OF 19 OF YOU PROSPECTIVE JURORS FROM THE CASE FOR ANY REASON WHATSOEVER. IN FACT THE LAWYERS MUST EXCLUDE A CERTAIN NUMBER OF YOU JUST TO GET TO THE REQUISITE NUMBER OF JURORS FOR A TRIAL.

THE JURY IN THIS CASE WILL CONSIST OF TWELVE MEMBERS AND TWO ALTERNATES. AN ALTERNATE MAY TAKE THE PLACE OF ANY SEATED JUROR IF A JUROR MUST BE EXCUSED FOR A LEGITIMATE REASON DURING THE COURSE OF THE TRIAL. ALTERNATES WILL PARTICIPATE IN ALL PHASES OF THE OF THE TRIAL, BUT WILL NOT PARTICIPATE IN DELIBERATIONS UNLESS CALLED UPON

TO FILL A SLOT AS NECESSITATED BY SOME DISABILITY ON THE PART OF A SEATED JUROR.

TO ASSIST BOTH THE COURT AND THE LAWYERS IN THE JURY SELECTION PROCESS, I WILL CONDUCT VOIR DIRE. THAT MEANS I WILL ASK YOU CERTAIN QUESTIONS ABOUT YOUR FEELINGS AND EXPERIENCES WHICH MIGHT INFLUENCE YOUR THINKING ABOUT THIS CASE. THESE QUESTIONS ARE DESIGNED TO SUPPLY INFORMATION TO BOTH THE GOVERNMENT AND THE DEFENSE WHICH WILL ENABLE THE LAWYERS TO EXERCISE THEIR CHALLENGES MORE INTELLIGENTLY AND EFFECTIVELY. CERTAIN QUESTIONS WILL BE ASKED OF YOU HERE IN OPEN COURT AND OTHER QUESTIONS MAY BE ASKED INDIVIDUALLY IN PRIVATE OUT OF THE HEARING OF ONE ANOTHER.

THE EXERCISE OF PEREMPTORY CHALLENGES DOES NOT CONSTITUTE ANY REFLECTION WHATSOEVER ON THE PROSPECTIVE JURORS WHO ARE EXCUSED FROM DELIBERATING ON THIS CASE. IT SHOULD NOT BE INTERPRETED AS A DECISION THAT THOSE PERSONS WHO ARE EXCUSED ARE BIASED OR PREJUDICED. IT SIMPLY MEANS THAT THE LAWYERS, BASED ON THEIR TRIAL EXPERIENCE, KNOWLEDGE OF THE CASE, AND THE INFORMATION LEARNED THROUGH VOIR DIRE, HAVE DECIDED THAT SOMEONE ELSE SHOULD SIT AS A JUROR TO HEAR AND DECIDE THIS PARTICULAR CASE.

NOW THAT I HAVE EXPLAINED THE PURPOSE OF VOIR DIRE TO YOU, I WILL TELL YOU A LITTLE ABOUT THE CRIMINAL CASE ON WHICH WE'RE ABOUT TO HAVE A TRIAL.

I WILL NOT AT THIS TIME EXPLAIN THE APPLICABLE LAWS TO YOU, BUT IN ORDER THAT YOU HAVE SOME FAMILIARITY WITH THE CASE WHICH YOU MAY BE SELECTED TO HEAR, I WILL READ A SUMMARY OF THE INDICTMENT TO YOU.

THE GRAND JURY HAS RETURNED A SECOND SUPERCEDING INDICTMENT WHICH CHARGES THE RESPECTIVE DEFENDANTS AS FOLLOWS:

DEFENDANTS PRICE MONTGOMERY AND JAMES PERRIN ARE CHARGED IN A TEN-COUNT SECOND SUPERSEDING INDICTMENT AT CRIM. NO. 14-205. COUNTS ONE, TWO, AND FIVE ARE ALLEGED AGAINST BOTH DEFENDANTS MR. MONTGOMERY AND MR. PERRIN. COUNT ONE CHARGES MR. MONTGOMERY AND MR. PERRIN WITH KNOWINGLY PARTICIPATING IN A CONSPIRACY TO DISTRIBUTE AND POSSESS HEROIN FROM APPROXIMATELY APRIL 2013 THROUGH JUNE 2014. COUNT TWO CHARGES MR. MONTGOMERY AND MR. PERRIN WITH POSSESSION WITH INTENT TO DISTRIBUTE HEROIN ON JUNE 8, 2014. COUNT FIVE CHARGES MR. MONTGOMERY AND MR. PERRIN WITH EACH POSSESSING AT LEAST ONE FIREARM IN FURTHERANCE OF DRUG TRAFFICKING CRIMES. AT COUNTS THREE AND FOUR, RESPECTIVELY, MR. PERRIN AND MR. MONTGOMERY ARE ALSO CHARGED WITH KNOWINGLY POSSESSING FIREARMS IN AND AFFECTING INTERSTATE COMMERCE AFTER HAVING BEEN CONVICTED OF AT LEAST ONE CRIME PUNISHABLE BY IMPRISONMENT FOR A TERM EXCEEDING ONE YEAR.

AT COUNT SIX, MR. MONTGOMERY IS CHARGED WITH KNOWINGLY PARTICIPATING IN A CONSPIRACY TO COMMIT MONEY LAUNDERING FROM APPROXIMATELY MARCH 2012 THROUGH JUNE 1, 2014.

COUNTS SEVEN THROUGH TEN ARE ALLEGED SOLELY AGAINST MR. MONTGOMERY CONCERNING THE DATE OF AUGUST 22, 2014. AT COUNTS SEVEN AND NINE, MR. MONTGOMERY IS CHARGED WITH WITNESS TAMPERING BY BOTH KILLING A PERSON, MS. TINA CRAWFORD, AND ATTEMPTING TO KILL A PERSON, MS. PATSY CRAWFORD, WITH A DESIRE TO PREVENT THE PERSON FROM COMMUNICATING WITH LAW ENFORCEMENT ABOUT THE COMMISSION OR POSSIBLE COMMISSION OF A CRIME. AT COUNT EIGHT, MR. MONTGOMERY IS CHARGED WITH USING AND DISCHARGING A FIREARM DURING AND IN RELATION TO THE CRIME OF WITNESS TAMPERING BY A KILLING A PERSON, AS CHARGED AT COUNT SEVEN. AT COUNT TEN, MR. MONTGOMERY IS CHARGED WITH USING AND DISCHARGING A FIREARM DURING AND IN RELATION TO THE CRIME OF WITNESS TAMPERING BY ATTEMPTING TO KILL A PERSON, AS CHARGED AT COUNT NINE. CERTAIN EVENTS IN THIS CASE ALLEGEDLY OCCURRED ON CHEROKEE STREET AND WILLIAM STREET, EACH IN THE CITY OF PITTSBURGH.

ALTHOUGH THESE MATTERS ARE BEING TRIED IN ONE TRIAL, THE JURY WILL BE REQUIRED TO CONSIDER EACH CHARGE AS TO EACH DEFENDANT SEPARATELY AND DISTINCTLY. UNDER FEDERAL LAW, EACH OF THE CRIMES CHARGED IS PUNISHABLE BY A TERM OF IMPRISONMENT, A FINE, OR BOTH, AS DETERMINED BY THE COURT, NOT BY THE JURY.

AS PREVIOUSLY STATED, THE CHARGES AGAINST THE DEFENDANTS ARE SET FORTH IN A SECOND SUPERSEDING INDICTMENT, WHICH IS SIMPLY THE WRITTEN DESCRIPTION OF THE CHARGES MADE BY THE GOVERNMENT AGAINST THE DEFENDANTS, BUT THE INDICTMENT IS NOT EVIDENCE THAT EITHER DEFENDANT COMMITTED ANY CRIME OR CRIMES. THE DEFENDANTS HAVE EACH PLED NOT GUILTY TO ALL OF THE CHARGES AGAINST THEM. A DEFENDANT IS PRESUMED TO BE INNOCENT AND MAY NOT BE FOUND GUILTY BY YOU UNLESS ALL TWELVE JURORS UNANIMOUSLY FIND THAT THE GOVERNMENT HAS PROVED THE DEFENDANT'S GUILT OF A SPECIFIC CRIME BEYOND A REASONABLE DOUBT.

MR. MONTGOMERY AND MR. PERRIN ARE PRESENT IN COURT AND ARE SEATED AT THE TABLES TO MY RIGHT, MR. MONTGOMERY WITH HIS ATTORNEYS, JAY MCCAMIC AND DOUGLAS SUGHRUE, AND MR. PERRIN WITH HIS ATTORNEY, MICHAEL DERISO. THE ATTORNEYS FOR THE GOVERNMENT, ASSISTANT U.S. ATTORNEYS SHAUN SWEENEY AND HEIDI GROGAN ARE SEATED AT COUNSEL TABLE TO MY LEFT ALONG WITH LAW ENFORCEMENT AGENTS MAURICE FARENTINO AND JAMIE BALL.

MY COURTROOM DEPUTY IS MR. BRIAN BABIK. MY JUDICIAL LAW CLERKS ARE MR. NICK RUTIGLIANO AND MS. AMELIA DEGORY. MY JUDICIAL ASSISTANT IS MS. JUDY DRESSLER. THEY ARE OFFICERS OF THE COURT AND WILL HELP WITH SELECTION OF THE JURY. THE COURT REPORTER IS MS. KAREN EARLEY AND SHE (OR ONE OF HER COLLEAGUES) WILL STENOGRAPHICALLY TRANSCRIBE EVERYTHING THAT IS SAID IN THIS PROCEEDING.

LADIES AND GENTLEMEN, PLEASE RISE AND RAISE YOUR RIGHT HAND TO BE ADMINISTERED AN OATH.

MR. BABIK, WILL YOU SWEAR THE PANEL OF JURORS PLEASE?

WE WILL START THE SELECTION PROCESS BY ASKING EACH OF YOU TO STAND AND ANSWER ALOUD THE QUESTIONS ON THE DATA SHEET FORM PROVIDED TO YOU THIS MORNING. PLEASE TAKE YOUR TIME AND SPEAK UP SLOWLY, LOUDLY AND CLEARLY SO THAT ALL OF YOUR ANSWERS WILL BE HEARD AND UNDERSTOOD. IF YOU DO NOT UNDERSTAND ANY OF THE QUESTIONS, PLEASE FEEL FREE TO ASK ME FOR AN EXPLANATION. LET'S START WITH THE PERSON IN THE FRONT ROW ON MY RIGHT ON THE AISLE.

QUESTIONNAIRE

CRIMINAL JURY PERSONAL DATA INFORMATION

- A. I AM JUROR NUMBER _____.
- B. I AM (AGE) _____ YEARS OLD.
- C. I LIVE IN (CITY OF RESIDENCE & COUNTY) _____.
- D. I HAVE LIVED THERE APPROXIMATELY ____ YEARS.
- E. I OWN/RENT MY HOME.
- F. I AM/AM NOT LICENSED TO DRIVE AN AUTOMOBILE.
- G. MY EDUCATIONAL BACKGROUND IS _____.
(E.G. HIGH SCHOOL? COLLEGE? OTHER?) IF COLLEGE, MY MAJOR AREA OF STUDY WAS _____.
- H. MY EMPLOYER IS _____.
MY JOB TITLE IS _____. (IF RETIRED, WHO WAS YOUR LAST EMPLOYER AND WHAT WAS YOUR OCCUPATION?)

- I. I AM/AM NOT MARRIED. IF MARRIED,
- (a) MY SPOUSE'S EMPLOYER IS _____.
- (b) MY SPOUSE'S JOB TITLE IS _____.
- (IF RETIRED, WHO WAS HIS/HER LAST EMPLOYER AND WHAT WAS HIS/HER JOB TITLE?)
- J. DO YOU HAVE CHILDREN? IF YES, PLEASE TELL US THEIR AGES AND EMPLOYMENT, IF ANY.
- K. I DO/DO NOT HAVE AN ATTORNEY. IF SO, MY ATTORNEY'S NAME IS _____ AND I HAVE RETAINED HIM/HER BECAUSE _____.

QUESTIONS DIRECTED TO THE ENTIRE PANEL

NOW I WILL POSE A NUMBER OF QUESTIONS TO YOU AS A GROUP. IF YOUR ANSWER TO THE QUESTION IS "NO," REMAIN SEATED AND SAY NOTHING. IF YOUR ANSWER TO ANY OF THE FOLLOWING QUESTIONS IS "YES", PLEASE STAND AND STATE YOUR JUROR NUMBER ONLY. AT THIS TIME, DO NOT PROVIDE ANY FURTHER INFORMATION ABOUT ANY "YES" ANSWER, UNLESS I ASK YOU TO DO SO.

1. RECALLING THE SUMMARY OF THE SECOND SUPERCEDING INDICTMENT WHICH I READ TO YOU, DO ANY OF YOU KNOW ANYTHING ABOUT THIS CASE OR HAVE YOU READ, SEEN OR HEARD ANYTHING ABOUT IT IN ANY WAY, SHAPE, OR FORM FROM ANY SOURCE?

FOLLOW UP IN CHAMBERS

- WHO? WHAT? HOW?
- FROM WHAT SOURCE?
- HAVE YOU FORMED ANY OPINION?
- CAN YOU SET THAT KNOWLEDGE / OPINION ASIDE?

- HAS IT AFFECTED YOUR ABILITY TO BE FAIR / IMPARTIAL?

2. I WILL ASK THE DEFENDANTS, PRICE MONTGOMERY AND JAMES PERRIN, TO STAND. DO ANY OF YOU KNOW, OR KNOW ANYTHING ABOUT, EITHER OF THEM?

FOLLOW UP IN CHAMBERS

- HOW DO YOU KNOW EITHER OF THEM?
- IS HE A FRIEND / RELATIVE / BUSINESS ASSOCIATE?
- WHAT HAVE YOU HEARD OF EITHER OF THEM?
- WOULD YOUR KNOWLEDGE OF PRICE MONTGOMERY AND JAMES PERRIN AFFECT YOUR ABILITY TO BE A FAIR AND IMPARTIAL JUROR IN THIS CASE?

3. I WILL ALSO ASK MR. MONTGOMERY’S ATTORNEYS, JAY MCCAMIC OF THE LAW FIRM MCCAMIC, SACCO & McCOID, LLC AND DOUGLAS SUGHRUE OF THE LAW FIRM SUGHRUE LAW, TO STAND.

DO ANY OF YOU KNOW EITHER OF THEM?

HAS EITHER OF THEM (OR A MEMBER OF THEIR LAW FIRM) EVER REPRESENTED YOU OR ANY MEMBERS OF YOUR IMMEDIATE FAMILY, OR BEEN INVOLVED WITH YOU OR THEM IN ANY WAY?

PLEASE NOTE THAT FOR PURPOSES OF ALL OF MY QUESTIONS TODAY, “IMMEDIATE FAMILY” CONSISTS OF HUSBAND / WIFE, DOMESTIC PARTNER, CHILDREN, BROTHERS, SISTERS, MOTHER AND FATHER, GRANDPARENTS, OR A

PERSONAL FRIEND THAT IS SO CLOSE TO YOU THAT YOU CONSIDER THEM TO BE FAMILY.

FOLLOW UP IN CHAMBERS

- HOW DO YOU KNOW MR. MCCAMIC OR MR. SUGHRUE?
- IS EITHER OF THEM A FRIEND / RELATIVE / BUSINESS ASSOCIATE?
- WHAT HAVE YOU HEARD OF MR. MCCAMIC AND MR. SUGHRUE?
- WOULD YOUR KNOWLEDGE OF MR. MCCAMIC OR MR. SUGHRUE AFFECT YOUR ABILITY TO BE A FAIR AND IMPARTIAL JUROR IN THIS CASE?

4. I WILL ALSO ASK MR. PERRIN'S ATTORNEY, MICHAEL DERISO, TO STAND.

DO ANY OF YOU KNOW MR. DERISO?

HAS HE EVER REPRESENTED YOU OR ANY MEMBERS OF YOUR IMMEDIATE FAMILY, OR BEEN INVOLVED WITH YOU OR THEM IN ANY WAY?

FOLLOW UP IN CHAMBERS

- HOW DO YOU KNOW MR. DERISO?
- IS HE A FRIEND / RELATIVE / BUSINESS ASSOCIATE?
- WHAT HAVE YOU HEARD OF MR. DERISO?
- WOULD YOUR KNOWLEDGE OF MR. DERISO AFFECT YOUR ABILITY TO BE A FAIR AND IMPARTIAL JUROR IN THIS CASE?

5. WILL THE PROSECUTORS, ASSISTANT UNITED STATES ATTORNEYS SHAUN SWEENEY AND HEIDI GROGAN, PLEASE STAND:

DO ANY OF YOU KNOW EITHER OF THEM?

HAS HE OR SHE EVER REPRESENTED YOU OR ANY MEMBERS OF YOUR IMMEDIATE FAMILY, OR BEEN INVOLVED WITH YOU OR THEM IN ANY WAY?

ALSO SITTING AT COUNSEL TABLE WITH MR. SWEENEY AND MS. GROGAN ARE LAW ENFORCEMENT AGENTS MAURICE FARENTINO AND JAMIE BALL. PLEASE STAND.

DO ANY OF YOU KNOW EITHER LAW ENFORCEMENT AGENT FARENTINO OR LAW ENFORCEMENT AGENT BALL?

FOLLOW UP IN CHAMBERS

- WHO DO YOU KNOW?
- HOW DO YOU KNOW MR. SWEENEY / MS. GROGAN / AGENTS FARENTINO OR BALL?
- WHAT HAVE YOU HEARD OF MR. SWEENEY / MS. GROGAN / AGENTS FARENTINO OR BALL?
- WOULD YOUR KNOWLEDGE OF MR. SWEENEY / MS. GROGAN / AGENTS FARENTINO OR BALL AFFECT YOUR ABILITY TO BE A FAIR AND IMPARTIAL JUROR IN THIS CASE?

6. DOES ANYBODY ON THE JURY PANEL KNOW ANYBODY ELSE ON THE PANEL, ME THE JUDGE, OR ANY MEMBER OF THE COURT STAFF?

FOLLOW UP IN CHAMBERS

- EXPLAIN.
- WOULD THAT AFFECT YOUR ABILITY TO BE A FAIR AND IMPARTIAL JUROR IN THIS CASE?

7. THIS CASE IS BEING PROSECUTED BY THE UNITED STATES GOVERNMENT FOLLOWING AN INVESTIGATION BY THE FEDERAL BUREAU OF INVESTIGATION, THE PITTSBURGH POLICE DEPARTMENT, THE U.S. DRUG ENFORCEMENT ADMINISTRATION AND THE PENNSYLVANIA OFFICE OF ATTORNEY GENERAL. DO YOU HAVE SUCH STRONG PERSONAL FEELINGS ABOUT THE CITY, STATE OR FEDERAL GOVERNMENT, OR ANY OF THESE AGENCIES THAT SUCH WOULD AFFECT YOUR ABILITY TO RENDER A FAIR AND IMPARTIAL VERDICT IN THIS CASE?

FOLLOW UP IN CHAMBERS

- EXPLAIN.
- WOULD THAT AFFECT YOUR ABILITY TO BE A FAIR AND IMPARTIAL JUROR IN THIS CASE?

8. POTENTIAL WITNESSES IN THIS CASE ARE EMPLOYED BY THE CITY OF PITTSBURGH BUREAU OF POLICE, THE PENNSYLVANIA OFFICE OF ATTORNEY GENERAL, THE FBI, THE DRUG ENFORCEMENT ADMINISTRATION, ALSO KNOWN AS THE “DEA” AND THE FEDERAL BUREAU OF ALCOHOL, TOBACCO, FIREARMS AND EXPLOSIVES. HAVE YOU EVER HAD ANY PARTICULARLY POSITIVE OR NEGATIVE EXPERIENCES WITH ANY OF THOSE OR OTHER LAW ENFORCEMENT AGENCIES, OR DO YOU HAVE VERY STRONG PERSONAL FEELINGS FOR OR AGAINST ANY OF THOSE OR OTHER SUCH AGENCIES FOR WHATEVER REASON?

FOLLOW UP IN CHAMBERS

- WHAT WAS THE NATURE OF THE EXPERIENCE AND WHEN DID IT OCCUR?

- WHAT IS THE NATURE OF YOUR PERSONAL FEELINGS AGAINST THESE AGENCIES?
- WOULD THAT AFFECT YOUR ABILITY TO BE A FAIR AND IMPARTIAL JUROR IN THIS CASE?

9. DO YOU BELIEVE THAT THE TESTIMONY OF LAW ENFORCEMENT OFFICERS IS EITHER MORE OR LESS LIKELY TO BE BELIEVABLE OR RELIABLE THAN TESTIMONY BY ANOTHER WITNESS?

FOLLOW UP IN CHAMBERS

- EXPLAIN.
- WOULD THAT AFFECT YOUR ABILITY TO BE A FAIR AND IMPARTIAL JUROR IN THIS CASE?

10. THE FOLLOWING WITNESSES MAY TESTIFY IN THIS TRIAL.

PLEASE STAND AND STATE YOUR JUROR NUMBER IF YOU KNOW ANY OF THE FOLLOWING WITNESSES. [COURT WILL READ NAMES FROM WITNESS LIST(S) AS PROVIDED BY COUNSEL.]

FOLLOW UP IN CHAMBERS

- WHICH WITNESS DO YOU KNOW?
- HOW DO YOU KNOW HIM / HER?
- IS HE / SHE A FRIEND / RELATIVE / BUSINESS ASSOCIATE?
- WHAT HAVE YOU HEARD OF HIM / HER?
- WOULD YOUR KNOWLEDGE OF HIM / HER AFFECT YOUR ABILITY TO BE A FAIR AND IMPARTIAL JUROR IN THIS CASE?

11. THE GOVERNMENT MAY ALSO CALL ONE OR MORE COOPERATING WITNESSES TO TESTIFY. COOPERATING WITNESSES ARE DEFENDANTS IN A CRIMINAL CASE WHO ASSIST THE GOVERNMENT IN THE INVESTIGATION AND PROSECUTION OF OTHER PERSONS, OFTEN AS A TERM OF A PLEA BARGAIN. DO YOU HAVE ANY STRONG PERSONAL BELIEFS, ONE WAY OR THE OTHER, REGARDING THE GOVERNMENT'S USE OF COOPERATING WITNESSES AND PLEA BARGAINING?

FOLLOW UP IN CHAMBERS

- WHAT IS THE NATURE OF YOUR PERSONAL BELIEFS REGARDING THE USE OF COOPERATING WITNESSES AND PLEA BARGAINING?
- WOULD THE FACT THAT A DEFENDANT COULD RECEIVE A REDUCED SENTENCE FOR COOPERATING AGAINST ANOTHER DEFENDANT CAUSE YOU TO NECESSARILY DISCOUNT OR REJECT THE TESTIMONY OF THE COOPERATING DEFENDANT?
- WOULD THAT AFFECT YOUR ABILITY TO BE A FAIR AND IMPARTIAL JUROR IN THIS CASE?

12. IF MR. MONTGOMERY AND MR. PERRIN WERE TO TESTIFY, WOULD IT BE DIFFICULT FOR ANY REASON FOR YOU TO FAIRLY CONSIDER THAT TESTIMONY?

FOLLOW UP IN CHAMBERS

- EXPLAIN.
- WOULD THAT AFFECT YOUR ABILITY TO BE A FAIR AND IMPARTIAL JUROR IN THIS CASE?

13. THIS TRIAL IS ESTIMATED TO TAKE ABOUT 2 WEEKS, MORE OR LESS. HOWEVER, THIS IS REALISTICALLY JUST OUR BEST ESTIMATE OF TRIAL TIME AND THE TRIAL MAY TURN OUT TO BE A BIT SHORTER OR LONGER. IF THE TRIAL IS NOT YET CONCLUDED, WE WILL NOT BE IN SESSION ON VETERAN'S DAY (WHICH IS A WEEK FROM NEXT MONDAY) BUT WILL BE IN SESSION ON ELECTION DAY, WHICH IS NEXT TUESDAY.

ALSO, OUR JURY DELIBERATION ROOM IS UP TWO FLIGHTS OF STAIRS FROM THIS COURTROOM WHICH MUST BE TRAVERSED SEVERAL TIMES DURING EACH DAY.

IS THERE ANY SUBSTANTIAL, LEGITIMATE, JUSTIFIABLE HARDSHIP REASON, BE IT PERSONAL, PROFESSIONAL, BUSINESS, MEDICAL, OR OTHERWISE, WHY YOU COULD NOT SERVE AS A JUROR FOR THE DURATION OF THIS TRIAL? I MUST ADVISE YOU THAT ANY CLAIMED HARDSHIP MUST BE REAL - NOT IMAGINED, PERCEIVED OR HOPED FOR – AND SUCH CLAIMS OF HARDSHIP WILL BE SCRUTINIZED CLOSELY.

FOLLOW UP IN CHAMBERS

- WHAT REASON?
- HOW DOES THAT PREVENT YOU FROM FULFILLING YOUR JURY SERVICE OBLIGATION?

14. IS THERE ANY MATTER PENDING IN YOUR LIFE, ABOUT WHICH YOU ARE CONCERNED, THAT WOULD PREVENT YOU FROM DEVOTING YOUR FULL, UNDIVIDED ATTENTION TO THIS TRIAL?

FOLLOW UP IN CHAMBERS

- EXPLAIN.
- HOW DOES THAT PREVENT YOU FROM FULFILLING YOUR JURY SERVICE OBLIGATION?

15. HAVE YOU EVER SERVED AS A JUROR IN A CRIMINAL OR CIVIL CASE OR AS A MEMBER OF A GRAND JURY IN EITHER THE FEDERAL OR STATE COURTS?

FOLLOW UP IN CHAMBERS

- DETAILS? WITHOUT DISCLOSING THE OUTCOME / VERDICT, DESCRIBE:
- WHO? WHEN? WHERE?
- WOULD THAT EXPERIENCE AFFECT YOUR ABILITY TO BE A FAIR AND IMPARTIAL JUROR IN THIS CASE?

16. IS THERE ANYTHING ABOUT THAT PRIOR JURY SERVICE – WHETHER IT INVOLVED THE LAWYERS, THE JUDGE, THE ACCUSED, THE EVIDENCE OR YOUR JURY DELIBERATIONS- THAT MAKE YOU FEEL THAT YOU WOULD HAVE TROUBLE BEING FAIR AND IMPARTIAL, OR THAT YOU BELIEVE WOULD MAKE IT DIFFICULT FOR YOU TO SERVE FAIRLY AS A JUROR IN THIS CASE?

FOLLOW UP IN CHAMBERS

- EXPLAIN.
- HOW DOES THAT PREVENT YOU FROM FULFILLING YOUR JURY SERVICE OBLIGATION?

17. HAVE ANY OF YOU FORMED ANY OPINIONS ABOUT LAWYERS WHO WORK EITHER AS PROSECUTORS OR DEFENSE LAWYERS (THOSE IN THIS CASE OR OTHERWISE) WHICH WOULD AFFECT YOU IN DECIDING THIS CASE?

FOLLOW UP IN CHAMBERS

- EXPLAIN.
- HOW DOES THAT PREVENT YOU FROM FULFILLING YOUR JURY SERVICE OBLIGATION?

18. HAVE YOU OR ANY MEMBER OF YOUR IMMEDIATE FAMILY EVER BEEN EMPLOYED, OR SOUGHT TO BE EMPLOYED, BY THE FEDERAL GOVERNMENT (OTHER THAN MILITARY SERVICE) OR BY ANY STATE, LOCAL, COUNTY OR FEDERAL LAW ENFORCEMENT AGENCY IN A PAID OR VOLUNTEER CAPACITY, OR BEEN A MEMBER OF ANY LAW ENFORCEMENT ORGANIZATION OR UNION, OR ANY ORGANIZATION OF LAW ENFORCEMENT OFFICERS?

FOLLOW UP IN CHAMBERS

- WHO? WHAT? HOW?
- WHAT WAS THE OUTCOME?
- WOULD THAT AFFECT YOUR ABILITY TO BE A FAIR AND IMPARTIAL JUROR IN THIS CASE?

19. HAVE YOU OR ANY MEMBER OF YOUR IMMEDIATE FAMILY EVER BEEN A WITNESS OR DEFENDANT IN A CRIMINAL CASE (OTHER THAN MINOR TRAFFIC VIOLATIONS)?

FOLLOW UP IN CHAMBERS

- WHO? WHEN? WHERE? YOUR TESTIMONY?
- WHAT WAS THE OUTCOME?
- WOULD THAT AFFECT YOUR ABILITY TO BE A FAIR AND IMPARTIAL JUROR IN THIS CASE?

20. HAVE YOU OR ANY MEMBER OF YOUR IMMEDIATE FAMILY EVER BEEN ARRESTED, CHARGED WITH OR CONVICTED OF A CRIMINAL OFFENSE (OTHER THAN A MINOR TRAFFIC OFFENSE)?

FOLLOW UP IN CHAMBERS

- WHO WAS CONVICTED OF THE CRIMINAL OFFENSE?
- WHAT WAS THE NATURE OF THE CRIMINAL OFFENSE?
- WHAT WAS THE OUTCOME OF THE CHARGES?
- IS THERE ANYTHING ABOUT THAT EXPERIENCE IN THE CRIMINAL JUSTICE SYSTEM WHICH MAKES YOU FEEL THAT YOU COULD NOT BE A FAIR AND IMPARTIAL JUROR IN THIS CASE AND/OR WOULD CAUSE YOU DIFFICULTIES IF YOU WERE TO SERVE AS A JUROR IN THIS CASE?
- DETAILS? WHAT? HOW?
- WOULD THAT AFFECT YOUR ABILITY TO BE A FAIR AND IMPARTIAL JUROR IN THIS CASE?

21. HAVE YOU EVER BEEN A VICTIM OF A CRIME?

FOLLOW UP IN CHAMBERS

- EXPLAIN.

- WOULD THAT AFFECT YOUR ABILITY TO BE A FAIR AND IMPARTIAL JUROR IN THIS CASE?

22. DO ANY OF YOU NOW, OR HAVE YOU WITHIN THE PAST FIVE YEARS, BELONGED TO OR PARTICIPATED IN ANY CRIME PREVENTION GROUPS, SUCH AS NEIGHBORHOOD WATCH ORGANIZATIONS, OR ANY OTHER CRIME PREVENTION GROUPS?

FOLLOW UP IN CHAMBERS

- EXPLAIN.
- WOULD THAT AFFECT YOUR ABILITY TO BE A FAIR AND IMPARTIAL JUROR IN THIS CASE?

23. DO YOU HAVE SUCH STRONG PERSONAL FEELINGS ABOUT THE PROSECUTION OF CRIMINAL CASES INVOLVING POSSESSION OR DISTRIBUTION OF ILLEGAL DRUGS, OR THE POSSESSION OR USE OF FIREARMS, THAT WOULD AFFECT YOUR ABILITY TO RENDER A FAIR AND IMPARTIAL VERDICT BASED ONLY UPON THE EVIDENCE IN THIS CASE?

FOLLOW UP IN CHAMBERS

- WHAT FEELINGS? EXPLAIN.

24. DO YOU HAVE ANY PRECONCEIVED OPINIONS ABOUT NARCOTICS OR FIREARMS LAWS THAT WOULD MAKE YOU UNABLE TO DECIDE THE CASE ONLY ON THE EVIDENCE PRESENTED AND THE LAW AS STATED BY THE COURT?

FOLLOW UP IN CHAMBERS

- DETAILS? WHAT? HOW?
- WOULD THAT AFFECT YOUR ABILITY TO BE A FAIR AND IMPARTIAL JUROR IN THIS CASE?

25. HAVE YOU OR ANY MEMBER OF YOUR IMMEDIATE FAMILY EVER BEEN ADDICTED TO AN ILLEGAL NARCOTIC DRUG?

FOLLOW UP IN CHAMBERS

- WHO? WHAT? HOW?
- WOULD THAT AFFECT YOUR ABILITY TO BE A FAIR AND IMPARTIAL JUROR IN THIS CASE?

26. HAVE YOU OR ANYONE IN YOUR FAMILY EVER BEEN TREATED FOR A DRUG OR SUBSTANCE ABUSE PROBLEM?

FOLLOW UP IN CHAMBERS

- DETAILS? WHAT? HOW?
- WOULD THAT AFFECT YOUR ABILITY TO BE A FAIR AND IMPARTIAL JUROR IN THIS CASE?

27. ARE YOU OR ANY MEMBER OF YOUR IMMEDIATE FAMILY A MEMBER OF ANY ORGANIZATION WHOSE MISSION INVOLVES THE TREATMENT OF PERSONS ADDICTED TO ILLEGAL DRUGS, OR ANY TYPE OF CRIME VICTIM ADVOCACY GROUP?

FOLLOW UP IN CHAMBERS

- WHO? WHAT? HOW?
- WOULD THAT AFFECT YOUR ABILITY TO BE A FAIR AND IMPARTIAL JUROR IN THIS CASE?

28. HAVE YOU OR A MEMBER OF YOUR IMMEDIATE FAMILY BEEN EMPLOYED OR ENGAGED IN THE TREATMENT OF DRUG OR SUBSTANCE ABUSE?

29. DO YOU HAVE ANY BELIEF, ATTITUDE OR OPINION CONCERNING ACTIVITY INVOLVING THE PURCHASE, SALE OR USE OF ILLEGAL DRUGS THAT WOULD AFFECT YOUR ABILITY TO RENDER A FAIR AND IMPARTIAL VERDICT BASED ONLY ON THE EVIDENCE PRESENTED IN COURT AND THE COURT'S INSTRUCTIONS TO YOU ON THE LAW?

30. THE SECOND SUPERSEDING INDICTMENT IN THIS CRIMINAL CASE ALSO INCLUDES CHARGES RELATING TO DRUGS, FIREARMS AND MURDER. DO YOU HAVE A STRONG PERSONAL OR OTHER BELIEF THAT WOULD MAKE YOU UNABLE TO FAIRLY SIT ON A JURY RESPONSIBLE FOR FAIRLY CONSIDERING THE GUILT OR INNOCENCE OF A PERSON CHARGED WITH AN OFFENSE SUCH AS THOSE WHICH ARE CHARGED IN THIS CASE?

31. DO YOU BELIEVE THAT THE USE, POSSESSION OR DISTRIBUTION OF ANY OTHER DRUG THAT IS CURRENTLY ILLEGAL SHOULD BE LEGALIZED?

FOLLOW UP IN CHAMBERS

- EXPLAIN.

- WOULD THAT AFFECT YOUR ABILITY TO BE A FAIR AND IMPARTIAL JUROR IN THIS CASE?

32. THE JURY IN THIS CASE WILL BE INSTRUCTED THAT A DEFENDANT IN A CRIMINAL CASE IS PRESUMED TO BE INNOCENT AND THAT THAT PRESUMPTION OF INNOCENCE REMAINS WITH HIM THROUGHOUT THE ENTIRE TRIAL.

DO YOU HAVE ANY DOUBT OR RESERVATION ABOUT YOUR ABILITY TO FOLLOW THIS INSTRUCTION?

FOLLOW UP IN CHAMBERS

- EXPLAIN.
- WOULD THAT AFFECT YOUR ABILITY TO BE A FAIR AND IMPARTIAL JUROR IN THIS CASE?

33. DO YOU HAVE ANY DIFFICULTY ACCEPTING THE LEGAL CONCEPT THAT A DEFENDANT HAS ABSOLUTELY NO BURDEN TO PROVE HIS INNOCENCE?

FOLLOW UP IN CHAMBERS

- EXPLAIN.
- WOULD THAT AFFECT YOUR ABILITY TO BE A FAIR AND IMPARTIAL JUROR IN THIS CASE?

34. IF A DEFENDANT CHOSSES TO NOT TESTIFY, TO PRESENT ANY WITNESSES OR TO PRESENT ANY EVIDENCE WHATSOEVER, WOULD THAT CAUSE YOU TO BELIEVE HE WAS PROBABLY GUILTY?

35. DO YOU THINK THAT BECAUSE EITHER MR. MONTGOMERY OR MR. PERRIN WERE ARRESTED, OR BECAUSE EITHER HAS BEEN CHARGED WITH A CRIME IN THIS CASE, THAT HE IS PROBABLY GUILTY OF THAT CRIME OR SOME OTHER CRIME?

FOLLOW UP IN CHAMBERS

- EXPLAIN.
- WOULD THAT AFFECT YOUR ABILITY TO BE A FAIR AND IMPARTIAL JUROR IN THIS CASE?

36. I SHALL ALSO INSTRUCT THE JURY THAT THE DEFENDANT IN A CRIMINAL CASE DOES NOT HAVE TO TESTIFY OR PRESENT ANY EVIDENCE ON HIS OWN BEHALF AND THAT HIS DECISION TO NOT DO SO IS NOT TO BE CONSIDERED EVIDENCE AGAINST HIM OF HIS GUILT, OR HELD AGAINST HIM IN ANY WAY.

DO YOU HAVE ANY DOUBT OR RESERVATION ABOUT BEING ABLE TO FOLLOW THIS INSTRUCTION?

FOLLOW UP IN CHAMBERS

- EXPLAIN.
- WOULD THAT AFFECT YOUR ABILITY TO BE A FAIR AND IMPARTIAL JUROR IN THIS CASE?

37. I SHALL INSTRUCT THE JURY THAT THE GOVERNMENT HAS THE BURDEN OF PROVING A DEFENDANT GUILTY OF ANY CHARGE BEYOND A REASONABLE DOUBT AS TO THAT CHARGE.

DO YOU HAVE ANY DOUBT OR RESERVATION ABOUT YOUR ABILITY TO FOLLOW THIS INSTRUCTION?

FOLLOW UP IN CHAMBERS

- EXPLAIN.
- WOULD THAT AFFECT YOUR ABILITY TO BE A FAIR AND IMPARTIAL JUROR IN THIS CASE?

38. IF YOU WERE REPRESENTING THE GOVERNMENT OR A DEFENDANT IN THIS CASE, IS THERE ANY REASON WHY YOU WOULD NOT BE CONTENT TO HAVE THE CASE DECIDED BY SOMEONE IN YOUR FRAME OF MIND?

FOLLOW UP IN CHAMBERS

- EXPLAIN.
- WOULD THAT AFFECT YOUR ABILITY TO BE A FAIR AND IMPARTIAL JUROR IN THIS CASE?

39. TO ADMIT TO HAVING SOME SYMPATHY FOR OR PERSONAL FEELINGS AGAINST EITHER DEFENDANT OR THE GOVERNMENT IN THIS CASE FOR ANY REASON IS NOTHING TO BE ASHAMED OF AND DOES NOT REFLECT BADLY UPON YOU AS A PERSON. HOWEVER, BOTH THE GOVERNMENT AND THE DEFENDANT ARE ENTITLED TO HAVE THIS CASE HEARD BY A FAIR AND IMPARTIAL JURY THAT WILL DECIDE THE CASE SOLELY ACCORDING TO THE EVIDENCE ADMITTED IN THIS COURT AND ACCORDING TO THE COURT'S INSTRUCTIONS ON THE LAW. THE LAW PROVIDES THAT THE JURY MAY NOT BE GOVERNED BY SYMPATHY, PREJUDICE OR PUBLIC OPINION. WITH THIS IN MIND,

DO YOU HAVE ANY REASON WHY YOU WOULD NOT BE ABLE TO GIVE EITHER THE GOVERNMENT OR ANY DEFENDANT A FAIR TRIAL BASED SOLELY UPON THE EVIDENCE ADMITTED AT TRIAL AND THE INSTRUCTIONS GIVEN BY THE COURT?

FOLLOW UP IN CHAMBERS

- EXPLAIN.
- WOULD THAT AFFECT YOUR ABILITY TO BE A FAIR AND IMPARTIAL JUROR IN THIS CASE?

40. IS THERE ANYTHING ABOUT THE NATURE OF THIS CASE OR THOSE INVOLVED IN IT WHICH YOU THINK WOULD MAKE IT DIFFICULT FOR YOU TO TRY THE ISSUES FAIRLY AND IMPARTIALLY WITHOUT ANY PREJUDICE OR BIAS?

FOLLOW UP IN CHAMBERS

- EXPLAIN.
- WOULD THAT AFFECT YOUR ABILITY TO BE A FAIR AND IMPARTIAL JUROR IN THIS CASE?

41. DO YOU AT THIS MOMENT HAVE ANY OPINION AS TO MR. MONTGOMERY'S OR MR. PERRIN'S GUILT OR INNOCENCE?

FOLLOW UP IN CHAMBERS

- EXPLAIN.
- WOULD THAT AFFECT YOUR ABILITY TO BE A FAIR AND IMPARTIAL JUROR IN THIS CASE?

42. DURING DELIBERATION, IF YOU HAD ALREADY FORMED AN OPINION, WOULD IT BE DIFFICULT FOR YOU TO KEEP AN OPEN MIND AND TO CONSIDER THE OPINION OF OTHERS AS YOU REACH A UNANIMOUS VERDICT?

FOLLOW UP IN CHAMBERS

- EXPLAIN.
- WOULD THAT AFFECT YOUR ABILITY TO BE A FAIR AND IMPARTIAL JUROR IN THIS CASE?

43. HAVING HEARD THE QUESTIONS OF THE COURT DO YOU KNOW OF ANY REASON WHY YOU COULD NOT SIT ON THIS JURY AND RENDER A FAIR AND IMPARTIAL VERDICT BASED SOLELY UPON THE EVIDENCE PRESENTED IN THIS CASE AND THE LAW AS I WILL INSTRUCT YOU?

FOLLOW UP IN CHAMBERS

- WHAT? HOW?
- EXPLAIN WHY IT WOULD AFFECT YOUR ABILITY TO BE A FAIR AND IMPARTIAL JUROR IN THIS CASE?

RETIRE TO CHAMBERS FOR INDIVIDUAL VOIR DIRE

RETURN TO COURT ATTORNEYS - STRIKE PROCESS