6. Do you have any training or education, or any special knowledge from any source, about the sale, use of illegal drugs or abuse of prescription drugs?
Yes ____ No ____
If yes, please explain.

_____

_____

7. Do you feel so strongly about drug use that you would not be able to fairly evaluate the evidence regarding that of a person who had a problem with drugs?
Yes ____ No ____

8. Have you or any close friends or family members now, or in the past, ever used or experimented with drugs?
Yes ____ No ____
If yes, please describe what types of drugs.

_____

_____

9. Have you ever studied, had training or work experience in treatment programs for alcohol, drug or any other substance abuse (not previously mentioned)?
Yes ____ No ____
If yes, please explain.

_____

_____

10. Do you have strong feelings or opinions about drugs?
If yes, please explain:
Yes ____ No ____
If yes, please explain.

_____

_____

11. Do you believe consuming alcohol is acceptable?
If yes, please explain:

_____

_____

12. Do you have strong opinions about the use of diet pills?
If yes, please explain:

_____

_____

13. Have you read, seen on television or heard any programs or information about methamphetamines and/or amphetamines?
If yes, please explain:

_____

_____

14. Have you or anyone close to you ever had any experience(s) with an impaired driver (alcohol and/or drugs)?
If yes, please describe:

_____

_____

15. How serious of a problem do you believe drunk and/or impaired drivers are here in Arizona?
☐ Very serious ☐ Somewhat serious ☐ Not that serious
Please explain:

_____

_____

16. Do you agree with the following statements: Arizona is not doing enough to keep impaired drivers off the roads.
☐ Yes ☐ No

☐ I feel safe driving on the streets and roads in Phoenix.
☐ I have never driven while impaired.
☐ I worry about being the victim of an impaired driver.

17. Do you have strong feelings about the use of paid experts in criminal trials?
If yes, please explain:

_____

_____

18. Have you read, seen or heard anything about the use of:

☐ Field Sobriety Tests (FST)
☐ Horizontal Gaze Nystagmus (HGN)
☐ Drug Recognition Experts (DRE)
☐ Blood Analysis for Drug/Alcohol

If yes, please explain what you have read, seen or heard:

_____

_____

What opinions did you form as a result of what your heard, read or seen?

_____

_____

19. Generally speaking, what is your opinion about the reliability of Drug Recognition Experts? Is there anyone who believes their opinions are not reliable?

_____

_____

20. What are your views concerning the reliability of blood analysis in accurately identifying the presence of drugs in a person's system?

_____

_____

Are you uncertain, or believe this process is unreliable?
☐ Yes ☐ No

21. Would you automatically find a defendant not guilty if no confession was presented as evidence during trial?
☐ Yes ☐ No

MEDIA

INFORMATION REGARDING NEWS COVERAGE. TELEVISION AND THE MEDIA

The court is asking these questions regarding your normal exposure to the news media because the court must know whether you have already read or heard any news item about this case or related matters, which might make it difficult for you to be fair to the State or _____. From now until you are excused from jury service or complete your jury service, you are ordered to avoid all contact with any media coverage of this case. **If selected to serve on this case, your decision must be based only upon the evidence presented to you in court and instructions the court will give you.**

The court is aware of the fact this case has generated a great deal of news coverage in print, on the Internet and on television. However, the fact that you have seen or read something about the case will not necessarily be a basis to excuse you from this case. The court needs to know if you have formed any opinions about the events or people involved in this case from information you have previously received.

1. What, if anything, have you heard about this case?

_____
_____
_____

2. From what source did you learn this, that is, newspaper, Internet, television, another person, etc.?

_____
_____
_____

3. Did you form any opinions about the guilt or innocent of _____ as a result of this information?
Yes ____ No ____
If yes, please explain.

_____
_____
_____

4. If you have formed any opinions, would you be able to set those opinions aside and judge this case only on the evidence presented in court?
Yes ____ No ____

5. Did you watch any testimony from the *State of Arizona v.* trial on CourtTV webcast or on television? Yes ____ No ____

6. If yes, to what extent? Great Extent _____ Some Extent _____ Very Little _____

If yes, please list or describe the witnesses/testimony that you watched.

_____

_____

_____

7. Did you read or post on any online blog regarding the *State of Arizona v.* trial?
Yes ____ No ____
If yes, please list or describe the information/commentary you read.

_____

_____

_____

8. Did you form any opinions about the guilt or innocence of either defendant as a result of this information?
Yes ____ No ____
If yes, please explain your opinion and the basis of your opinion.

_____

_____

_____

9. To what extent did you follow this case or related issues in the news?
Great Extent _____ Some Extent _____ Very Little _____ Not At All _____

10. Have you formed an opinion about the guilt or innocence of defendant _____ as a result of *anything* you might have seen, read or heard from any source?
Yes ____ No ____
If "yes," please explain.

_____

_____

_____

11. If you have formed an opinion, would you be able to set those opinions aside and judge this case only on the evidence presented in court?
Yes ____ No ____

12. Have you discussed this case with others?
Yes ____ No ____
If "yes", please explain.

_____

_____

_____

13. What did you discuss and with whom did you discuss it?

_____

_____

_____

14. Have you formed an opinion about the guilt or innocence of either of the defendants as a result of these discussions?
Yes ____ No ____
If "yes," please explain.

_____

_____

_____

15. Have you read, seen or heard anything involving _____ or any related events since that verdict?

_____

_____

_____

16. From what <u>specific</u> source did you learn this, newspaper, television, another person, etc.?

_____

_____

_____

17. Did you form any opinions about the guilt or innocence of (case name) as a result of this information?
Yes ____ No ____
If yes, please explain.

_____

_____

_____

18. Do you have any close friends or relatives who have worked or are currently working in the news industry in any capacity?
Yes ___ No ___
If yes, please tell us who they are and by whom they are employed.

_____

_____

_____

19. Do you ever search the Internet for the news behind the stories that you see in the mainstream press?
Yes ___ No ___

20. If called to serve as a juror in this case, can you disregard anything you may have read or heard in the media or from any source and decide this case based only on the evidence produced in court? Yes ____ No ____

21. What newspapers, magazines and periodicals do you read on a regular basis?

_____

_____

_____

22. What portion(s) do you read (front page, sports, editorials, crime stories)?

_____

_____

_____

(b) Do you try to follow major crime stories?
Yes ____ No ____
If yes, briefly describe which stories you did follow.

_____

_____

_____

23. What, if any, radio and television news broadcasts, including "talk radio" shows, have you regularly followed during the past two years?

_____

_____

_____

24. Do you get any news from the Internet?
Yes ____ No ____
If yes, please list the websites or Internet sources.

_____

_____

_____

25. Do you try to follow stories about crime and the criminal justice system?
Yes ____ No ____

26. If the court instructs you not to view or discuss any media coverage of this case.

Will you follow those instructions? Yes ____ No ____

Will you prevent others from discussing the case with you or in your presence?
Yes ____ No ____

Will you immediately inform the court if you are accidentally exposed to any such coverage or discussions? Yes _____ No_____

27. Are there any potential jurors that do not use the internet on a regular basis?
Yes _____ No_____

a. For those who do not, will you be able to follow a case in which internet use will be discussed?
b. Is there anyone who feels that their lack of internet usage would make it difficult to follow testimony at trial regarding the internet?
c. For those that do use the internet on regular basis, who here is familiar with facebook, myspace or other social networking sites?
d. Is there anyone here who is unfamiliar with facebook or myspace?
e. Does anyone here have any strong opinions about people that use facebook or myspace?

CIVIL CASES PENDING AS RESULT OF CRIMINAL CHARGES

1. What is your opinion of victims of crimes hiring attorneys to protect their victim's rights?

_____

_____

2. What is your opinion of victims of crimes hiring attorneys to pursue civil cases arising from criminal misconduct?

_____

_____

3. Do you think there are too many lawsuits filed?
   ☐ Yes ☐ No

4. Is there any type of lawsuit that you don't believe in?
   ☐ Yes ☐ No

5. Have you or has anyone close to you ever had a bad experience with a lawyer or the legal system?
   ☐ Yes ☐ No

SAFETY

1. Have you, a close friend or a family member ever participated in any groups concerned with crime prevention or victim's rights?
   ☐ Yes ☐ No

   If Yes: What is the person's relationship to you? What group? Describe its purpose and your (their) participation in it.

   _____

   _____

2. Are there any particular crimes that are especially upsetting to you or that you worry about?
   ☐ Yes ☐ No
   If Yes: Please explain.

   _____

   _____

3. Do you own a handgun?
   ☐ Yes ☐ No

4. Have you ever used physical force to protect yourself or others?
   ☐ Yes ☐ No
   If Yes: Please explain.

   _____

   _____

5. Have you ever been involved in a Neighborhood Watch program?
   ☐ Yes ☐ No

SCHOOLS

1. What type of school(s) do your children attend?

____Private School	_____ Public School	_____ Both	_____ I Do Not Have Children

2. Generally, how would you describe your experiences with the school(s) your child attends?

_____

_____

3. Have you read or heard any information specifically about incidents of misconduct involving school teachers?
☐ Yes ☐ No
If Yes: Please explain.

_____

_____

4. What opinions have you formed after seeing or hearing these reports?

_____

_____

5. There is an old saying, "spare the rod, spoil the child." Do you ...

____ Strongly Agree	_____ Agree	_____ Disagree	_____ Strongly Disagree

6. What method(s) of discipline should <u>not</u> be used in public schools?
Check all that apply:

_____ Time out
_____ Verbal reprimand
_____ Spank on the buttocks
_____ Spank on other body parts
_____ Spank with paddle or belt or other instrument
_____ Take away privileges
_____ Other: Please specify

7. What method(s) of discipline should not be used in private school?
Check all that apply:

_____ Time out
_____ Verbal reprimand
_____ Spank on the buttocks
_____ Spank on other body parts
_____ Spank with paddle or belt or other instrument
_____ Take away privileges
_____ Other: Please specify

8. Do you agree or disagree with the following statements:

Elementary aged children should be spanked by the principal of the school when they break the rules.

____ Strongly Agree	____ Agree	____ Disagree	____ Strongly Disagree

Elementary aged children should be spanked by the principal of the school when they break the rules, but only if the parent has given oral permission.

____ Strongly Agree	____ Agree	____ Disagree	____ Strongly Disagree

Elementary aged children should be spanked by the principal of the school when they break the rules, but only if the parent has given written permission.

____ Strongly Agree	____ Agree	____ Disagree	____ Strongly Disagree

Elementary aged children should never be spanked by the principal of a school.

____ Strongly Agree	____ Agree	____ Disagree	____ Strongly Disagree

9. Have you or anyone close to you ever been physically disciplined by a teacher or principal of a school?

☐ Yes ☐ No

If Yes: What are your thoughts about that experience?.

_____

_____

10. As a child, did you attend:
Check all that apply:

_____ Public Elementary School
_____ Catholic Elementary School
_____ Other: Please specify
_____ Private Elementary School (Christian)
_____ Private Elementary School (not affiliated with a religion)

11. What kind(s) of school(s) did/do your children attend?
Check all that apply:

_____ Public Elementary School
_____ Catholic Elementary School
_____ Other: Please specify
_____ Private Elementary School (Christian)
_____ Private Elementary School (not affiliated with a religion)

DOCTORS AND HEALTH ISSUES

1. Have you or anyone close to you had any serious, health issues?
   ☐ Yes ☐ No
   If yes, please explain_____

   _____

   _____

2. How often do you seek medical care from a health care provider for yourself or a loved one?
   ☐ Very often ☐ Somewhat regularly ☐ Not very often ☐ Rarely

3. Are you or anyone close to you a physician?
   ☐ Yes ☐ No
   If yes, please explain_____

   _____

4. Do you have strong feelings about doctors or health care professionals?
   ☐ Yes ☐ No
   If yes, please explain_____

   _____

5. Have you or anyone close to you, now or in the past, ever cared for a person that has physical or mental handicaps?
   ☐ Yes ☐ No
   If yes, please explain_____

   _____

6. Have you read, seen or heard anything about:

Children with cerebral palsy	☐ Yes ☐ No
Autism Spectrum Disorder	☐ Yes ☐ No
Plagiocephaly	☐ Yes ☐ No
Drowning Coalition of Arizona	☐ Yes ☐ No
Southwest Autism Research & Resource Center (SARRC)	☐ Yes ☐ No

   If yes, please list what you have read, seen or heard:

   _____

_____

If yes, please provide your opinions about what you have read, seen or heard:

_____

7. Do you or anyone close know or care for a person with Autism
☐ Yes ☐ No
If yes, please explain_____

_____

_____

8. Are you, or have you in the past been the primary caretaker of a child/children?
☐ Yes ☐ No
If yes, please explain_____

_____

_____

9. Have you or anyone you know ever been involved with Scottsdale Unified School District's PANDA (Program for Assessed Needs in Developmental Areas) Program?
☐ Yes ☐ No
If yes, please explain_____

_____

_____

10 Do you or your spouse or partner personally know any medical doctors, including Dr. _____?
Yes ____ No_____
If yes, please supply their names and describe the capacity in which the doctors are known, such as professionally, personally (socialize or are friends) or both.

_____
_____
_____

11. Have you ever received training or engaged in the practice of medicine or any health care occupation?
Yes ____ No ____
If yes, please describe the field, and where and when you worked in medicine or a health care occupation.

_____
_____
_____

12 Have you, or a family member, had any negative experiences with the medical profession?
Yes ____ No ____
If yes, please describe.

_____
_____
_____

13. Have you, a family member or close personal friend ever filed a lawsuit or a complaint against a doctor?
Yes ____ No ____
If yes, please describe the nature of the lawsuit or complaint, the approximate date of the lawsuit or complaint, who brought it and against which doctor and the outcome.

_____
_____
_____

14. Have you, or has anyone close to you, ever been involved or associated with the University of Arizona Medical School?
Yes, self _____ Yes, someone close _____ No _____
If yes, please explain.

_____
_____

14 Have you or anyone close to you ever sought treatment from or knows anybody associated with any of the following.

		YES	NO
(a)	Arizona Specialty Eye Care	_____	_____
(b)	Arizona Pediatric Eye Specialists	_____	_____
(c)	Specialty Eye Care	_____	_____
(d)	Pediatric Ophthalmology & Center for Adult Strabismus	_____	_____

If yes, please explain.

_____
_____
_____

15. Have you ever sought eye care from an ophthalmologist in Arizona?
Yes ____ No ____
If yes, please list the doctors you have seen.

_____
_____
_____

16. Have you ever taken your child to a pediatric ophthalmologist in Arizona?
Yes ____ No ____
If yes, please list the doctors you have seen.

_____
_____
_____

17. Have you been involved in any fund-raisers or memorials for Dr. _____ or members of his family?
Yes ____ No ____

18. Do you know any medical doctors or other medical staff personnel who knew or worked with Dr. _____?
Yes ____ No ____
If yes, what was their association?

_____
_____
_____

19. Have you, a close friend or a family member ever had any experiences with:

Emergency Room Physicians	☐ Yes	☐ No
OB/GYN(s)	☐ Yes	☐ No
Pediatrician(s)	☐ Yes	☐ No
Forensic Nurse	☐ Yes	☐ No

If Yes: Was it a positive, negative, or neutral experience? Please explain.

_____

_____

MENTAL HEALTH

20. Have you ever studied, had training or work experience in psychology, psychiatry, psychotherapy, counseling, or any related subjects?
☐ Yes ☐ No
If yes, please describe:_____
_____

_____

21. Have you, a family member or close friend ever been involved with the mental health field or professions in any manner (including employment, volunteer work, etc.):
Yes ☐ No
If yes, please describe:_____

_____

_____

22. Have you, a close friend or a family member ever had a disease that was difficult to diagnose?
☐ Yes ☐ No
If Yes: Please explain.

_____

_____

23. Have you, your spouse/partner or a family member or close friend ever seen a psychologist, psychiatrist or counselor?
Yes_____ No_____
If yes please explain:

_____

_____

24. Do you believe that psychologists or psychiatrists can offer helpful testimony about human behavior in criminal trials?
Yes_____ No_____
If yes please explain:

_____

_____

DROWNINGS

1. Have you read, seen on television or heard any programs or information about child drownings? ☐ Yes ☐ No
   If yes, please explain: _____

   _____

   _____

2. Have you or anyone close to you ever had any experience(s) with a drowning or near drowning? ☐ Yes ☐ No
   If yes, please describe: _____

   _____

   _____

3. How serious of a problem do you believe child drowning is here in Arizona?
   ☐ Very serious ☐ Somewhat serious ☐ Not that serious
   Please explain: _____

   _____

   _____

4. Do you currently, or had in the past, a backyard pool or spa? ☐ Yes ☐ No
   If yes, please describe the steps you took for pool safety:

   _____

   _____

5. Do you agree or disagree with the following statement: Arizona should never criminally prosecute a person whose child has drowned while in their care.
   ☐ Strongly agree ☐ Agree ☐ Disagree ☐ Strongly disagree
   Please explain: _____

   _____

   _____

6. Do you have strong feelings about the State of Arizona criminally prosecuting people for neglect, abuse or negligence of their child(ren)? ☐ Yes ☐ No
   Please explain: _____

_____

_____

7. Are you:

a) A good swimmer?	☐ Yes	☐ No
b) Certified in water safety or taken a water lifesaving course?	☐ Yes	☐ No
c) A professional working in any way with children	☐ Yes	☐ No
g) Experienced in caring for multiple children at one time?	☐ Yes	☐ No

If yes to any of the above, please explain_____

_____

STRANGULATION

1. How many of you believe that crimes which take place in the home should not be prosecuted?

_____

_____

2. Is there anyone who believes an assault outside the house is more dangerous than an assault within the home?

_____

_____

3. Is there anyone who believes a victim must be married to be the victim of domestic violence?

_____

_____

4. Is there anyone who feels that it's wrong for the state to get involved in a domestic violence case?

_____

_____

5. Have you ever heard an altercation taking place (perhaps at a neighbor's home) in which you feared someone was in danger? Did you call the police?

_____

_____

6. Is there anyone who feels that domestic violence victims deserve less protection than victims of crimes committed by strangers do? Is there anyone who feels that defendants in domestic violence cases should be treated differently simply because the couple has a child together or because they were once in a relationship?

_____

_____

7. How do you feel about a victim who will not testify against her abuser because they have a child together?

_____

_____

8. Have you ever called the police because you yourself were afraid of being hurt or fearful that someone you loved was going to be harmed?

_____

_____

9. Have you ever used physical force to protect yourself or others?

_____

_____

10. Generally speaking, do you consider yourself to be <u>more</u> of a risk taker?

_____

_____

11. Do you have strong feelings about the State of Arizona criminally prosecuting a person for placing their hand(s) around someone's throat – which affected their ability to breathe?

_____

_____

12. Is there anyone who believes it's not a crime to strangle or choke someone if they only use their hands?

_____

_____

13. Is there anyone who has strong feelings about the laws in Arizona as they pertain to domestic violence? Please explain.

_____

_____

14. Do any of you have strong feelings about women who have been in relationships in which there have been incidents of abuse?

_____

_____

15. Is there anyone who will look at this case differently – look at the allegations differently – simply because the victim had a prior relationship with the defendant?

_____

_____

16. Have you or anyone close to you ever experienced an episode of choking, or some inability to breathe? Please explain.

_____

_____

17. Is there anyone that does <u>not</u> believe placing your hands around the neck of another person and affecting their ability to breathe – should not be a crime? Are there any circumstances you can think of which might make you consider this to be excusable? Please tell me what those circumstances would be.

_____

_____

18. Have you, or anyone close to you ever been accused of any type of domestic violence or assault of another person? Please describe the circumstances.

_____

_____

IDENTIFICATION / MEMORY ISSUES

1. Have you read, seen or heard anything about how trauma affects memory?
   ☐ Yes ☐ No
   If yes, what have you seen, read or heard?

   _____

   _____

2. What opinions have you formed as a result of what you have seen or read?

3. How many people here have ever been in a car accident?

4. Is there anyone who had a hard time recalling every detail of what happened?
   ☐ Yes ☐ No

5. Is there anyone who disagrees that when something sudden and traumatic happens – it is often difficult to recall exactly what happened and when?
   ☐ Yes ☐ No

6. Have you ever remembered details of unexpected events … after some time had passed?
   ☐ Yes ☐ No

7. For those that said yes – why do you think you were able to recall details after the fact?

   _____

   _____

8. Is there anyone who has had a traumatic experience and had difficulties recalling exactly what happened?
   ☐ Yes ☐ No
   If yes, please explain.

   _____

   _____

9 Is there anyone who has strong opinions about victims of violent crimes who have difficulties with the exact recall of events?
   ☐ Yes ☐ No

10. How about with the victim's description or identification of the person who hurt them?
☐ Yes ☐ No
If yes, please explain.

_____

_____

11. Generally speaking, what is your opinion about the reliability of eye witness identification by crime victims?
☐ Very reliable ☐ Somewhat reliable ☐ Not reliable

DEATH PENALTY

The State has charged the defendant with First Degree Murder and is seeking to impose the death penalty. Thus, every juror selected may be required to answer three separate questions and return three separate verdicts in separate phases of trial.

The first question will be whether the State has proven the defendant guilty of First Degree Murder beyond a reasonable doubt. If the jury does not unanimously find that the State has proven that the defendant has committed First Degree Murder beyond a reasonable doubt, the trial will end. If the jury unanimously finds that the defendant is guilty of First Degree Murder, then the trial moves to a second phase, which we call the Aggravation Phase.

During the Aggravation Phase, the State must prove beyond a reasonable doubt that at least one aggravating factor is true. If the jury does not unanimously find that the State has proven that at least one aggravating factor is true beyond a reasonable doubt, the trial will end with the jury's verdict of guilty remaining in effect. If the jury unanimously finds that the defendant is eligible for the death penalty, then the trial moves to a third phase, which we call the Penalty Phase.

During the Penalty Phase, each juror will be asked to decide whether the defendant should be sentenced to death or to a life term sentence. Under Arizona law, a life sentence may be life in prison for the rest of the defendant's life with no possibility of release, or may be life in prison, but defendant may ask to be paroled after serving 25 years. If the jury returns a verdict for a life sentence, Arizona law provides that the judge determine which life sentence to impose.

In deciding whether the defendant should be sentenced to death or to a life term, each juror will be asked to determine whether mitigating factors exist. Mitigation may include any aspect of the defendant's character, propensities or history and any of the circumstances of the offense that lead an individual juror to believe that a life term is the appropriate sentence. In determining whether to impose a sentence of death, each individual juror shall take into account the aggravating factor(s) that the jurors have found to be proven and any mitigating factor(s) that each individual juror has found to be proven. Each juror will then have to determine whether there is mitigation sufficiently substantial to call for leniency.

If the jury finds that the mitigation proven to exist <u>is</u> sufficiently substantial to call for leniency, then jury must sentence the defendant to life imprisonment and it will then be up to the judge to decide whether the sentence of life imprisonment shall be life without parole or life with the possibility of parole after serving 25 years imprisonment. If the jury finds that the mitigation proven to exist <u>is</u> <u>not</u> sufficiently substantial to call for leniency, then the jury must sentence the Defendant to death.

<u>ATTITUDES REGARDING THE DEATH PENALTY</u>

In any case in which the death penalty is a possible punishment, the law requires that the prospective jurors answer questions regarding their thoughts, feelings, and opinions on the death

penalty. The law requires these questions be asked before the first phase begins. You must not assume from any of the questions asked that the defendant is in fact guilty of any crime.

1. What are your **GENERAL FEELINGS** regarding the death penalty and why do you feel that way?

_____

_____

_____

_____

2. Which statement best summarizes your general views about the death penalty: (Check only ONE.)

☐ I am opposed to capital punishment under any circumstances.

☐ I am opposed to capital punishment except in a few cases where it may be appropriate.

☐ I am neither generally opposed to nor in favor of capital punishment.

☐ I am in favor of capital punishment except in a few cases where it may not be appropriate.

☐ I am strongly in favor of capital punishment as an appropriate penalty.

☐ None of the above. If so, please tell us your views:

_____

_____

_____

3. Should the death penalty apply to someone who did not intend to cause the death of another person: ☐ Yes ☐ No

Why or why not: _____

_____

_____

4. Have your views about the death penalty changed in the past years?
☐ Yes ☐ No
If yes, please describe: _____

_____

_____

5. Is there any particular event in your life that has influenced the way you feel about the death penalty? ☐ Yes ☐ No If yes, please describe: _____

_____

_____

6. Do you believe the question of punishment, once a person has been found guilty of a crime, should be decided by a judge or by a jury?
☐ JUDGE ☐ JURY

7. Does your religion have a view on the death penalty? ☐ Yes ☐ No

If yes, please describe: _____

_____

Do you agree or disagree with this view?

_____

_____

8. Do you hold any **moral, religious or philosophical principles** that would affect your ability to vote for the death penalty as a judgment in this case? ☐ Yes ☐ No

Please explain: _____

_____

_____

a. What are your general feelings about being asked to impose the death penalty?

_____

_____

b. Would you be able to vote for the death penalty in a murder of just one person?

_____

_____

9. Do you hold any **moral, religious or philosophical principles** that would affect your ability to vote for a life sentence as a judgment in this case? ☐ Yes ☐ No

Please explain: _____

_____

_____

10. If the issue of whether Arizona should have a death penalty law was to be on the ballot in the next election, how would you vote?
☐ For ☐ Against Please explain: _____

_____

11. Do your parents or spouse/partner or siblings or children have an opinion about the death penalty different than your own? ☐ Yes ☐ No

Please explain: _____

_____

Would this affect your ability for vote for the death penalty in a capital case?
☐ Yes ☐ No

Please explain: _____

_____

12. Please complete the following sentence: I feel people are sentenced to death:

☐ Too seldom ☐ Unfairly

☐ Too often ☐ About the right amount of time

Please explain: _____

_____

13. Will you, for whatever reason, automatically vote against the death penalty without considering the evidence and the instructions of law that will be presented to you?
☐ Yes ☐ No If yes, please explain: _____

_____

_____

14. Will you, for whatever reason, automatically vote for the death penalty without considering the evidence and the instructions of law that will be presented to you?
☐ Yes ☐ No If yes, please explain: _____

_____

_____

15. The cost of either form of sentence cannot be considered by the jury in deciding punishment. Do you agree with this law? ☐ Yes ☐ No

If no, please explain. _____

_____

_____

16. You will be instructed that you must disregard any opinion you may feel the judge has about the facts of the case. Will you be able to follow that instruction? ☐ Yes ☐ No

If no, please explain. _____

_____

_____

CAPITAL TRIAL PROCESS

After the jury is selected, the trial will begin with first of possibly three phases of trial.

The first phase is called the "guilt" phase wherein the jury will be asked to decide whether the State has proven beyond a reasonable doubt that the Defendant committed First Degree Murder. If the jury finds the Defendant not guilty of First Degree Murder, then the next two phases of the trial will not occur. If the jury finds the Defendant guilty of First Degree Murder, then the trial would proceed to the "aggravation" phase.

During the "aggravation" phase, the jury will be asked to decide whether the State has proven specific alleged aggravating factor(s) true beyond a reasonable doubt. If the jury finds that the State has failed to prove any aggravating factor to be true beyond a reasonable doubt, then the next phase of the trial will not occur. If the jury determines the State has proven an aggravating factor to be true, then the trial would proceed to the "penalty" phase.

During the "penalty" phase, the jury will be asked to determine if mitigating circumstances exist, and whether or not the death penalty is the appropriate sentence. Mitigation may include any aspect of the defendant's character, propensities or record, and any of the circumstances of the offense. In determining whether to impose a sentence of death, each individual juror shall take into account the aggravating circumstances that all the jurors have found to be proven and any mitigating circumstances that each individual juror has found to be proven by a preponderance of the evidence. Each juror will then have to determine whether there is mitigation sufficiently substantial to call for leniency.

The jury will decide whether or not the death penalty is the appropriate sentence. If the jury determines that the death penalty is not the appropriate sentence, then the Defendant will be sentenced to life imprisonment and it will be up to the judge to decide whether the sentence of life imprisonment shall be life without parole or life with the possibility of parole after serving 35 years imprisonment.

17. You will be instructed that jurors must accept and follow the law as instructed by the judge, whether or not you personally agree with the law. Are your views regarding the death penalty, whether based on moral, philosophical, religious or any other grounds, so strongly held by you that **you will be prevented or impaired** from performing your sworn duty to follow the law and applying it to the facts of the case?
☐ Yes ☐ No

If yes, please explain: _____

_____

_____

_____

18. Assume you are on a jury to determine the punishment for a defendant who has already been convicted of First Degree Murder and the law gives you a choice of death or life imprisonment: (Check only ONE.)

☐ I cannot vote to give the death penalty under any circumstances.

☐ I am opposed to the death penalty but could vote to assess it in a proper case.

☐ My decision on whether to assess the death penalty would depend

upon the facts and circumstances of the case.

☐ I would vote to assess the death penalty in every case where I could.

19. If after hearing the evidence, reviewing the instructions, and deliberating with your fellow jurors, you believed that death was the appropriate sentence, would you personally be able to enter a verdict that would cause the defendant to die?
☐ Yes ☐ No

20. Similarly, if after hearing the evidence, reviewing the instructions and deliberating with your fellow jurors, you believed that life was the appropriate sentence, would you personally be able to enter a verdict that would lead to such a sentence?
☐ Yes ☐ No

21. Do you agree that it would be wrong for a juror to sit through the entire sentencing proceeding and then, for the first time, state during deliberations that regardless of the facts, he or she would never vote for the death penalty, or alternatively, would always vote for the death penalty?
☐ Yes ☐ No If no, please explain:

_____

_____

22. If you were accused of a similar offense as the defendant, would you be satisfied that your case should be tried by 12 people with your background and your frame of mind? ☐ Yes ☐ No

Please explain your answer: _____

_____

_____

23. Based on what you know about the case, including the facts that the State is seeking the death penalty and the Defendant is accused of murdering of woman to obtain the money in her home, is there any reason why you could not be a fair and impartial juror in this case?
☐ Yes ☐ No If yes, please explain (if not previously covered):

_____

_____

_____

24. Is there any reason you WOULD like to be a juror in this case?

☐ Yes ☐ No If yes, please explain (if not previously covered):

_____

_____

25. Is there any reason you WOULD NOT like to be a juror in this case?
☐ Yes ☐ No If yes, please explain (if not previously covered):

_____

_____

_____

26. Is there any matter that **has not** been covered by this questionnaire concerning the possible penalties, or your feelings and attitudes about the possible penalties, or concerning **any other subject** that you feel that you should mention at this time that might affect your ability to be a fair and impartial juror in this case?
☐ Yes ☐ No

If yes, please explain: _____

_____

_____

_____

_____

_____

_____

_____

27. The law requires that aggravating factors be proven beyond a reasonable doubt. Mitigation, on the other hand, need only be proven by a preponderance of the evidence. Do you agree with this law? ☐ Yes ☐ No
If no, can you follow this law even though you disagree with it? ☐ Yes ☐ No
If no, please explain: _____

_____

_____

28. Arizona statutes contain the list of aggravating factors that may make a defendant eligible for a death sentence. No other factors may be used as an aggravating factor.

Do you agree with this law? ☐ Yes ☐ No
If no, can you follow the law even though you disagree with it? ☐ Yes ☐ No

29. As stated on page 27, mitigation may include any aspect of the defendant's character, propensities or history and any of the circumstances of the offense that lead an individual juror to believe that a life term is the appropriate sentence. The law requires jurors to consider any proven mitigation before deciding whether to impose a sentence of death.
Do you agree with this law? ☐ Yes ☐ No
Would you be able and willing to follow this law even if you disagree with it?
☐ Yes ☐ No
If either answer is no, please explain:

_____

_____

_____

30. If you determine that the appropriate sentence is life, the Court will determine if the sentence will be life without the possibility of release or life with the possibility of release only after at least 25 years in prison have been served. Do you agree with the law that requires the judge, not the jury, to make the decision about which type of life sentence to impose?
☐ Yes ☐ No If no, please explain:_____

_____

31. The financial cost of either form of sentence cannot be considered by the jury in deciding punishment. Do you agree with this law? ☐ Yes ☐ No

If no, please explain:_____

_____

_____

DNA/SCIENTIFIC ANALYSIS OF EVIDENCE

1. Have you recently read, seen or heard anything about DNA and DNA analysis?
☐ Yes ☐ No
If yes, please explain:_____

_____

_____

2. Are you aware of any court cases involving DNA analysis? ☐ Yes ☐ No

If yes, please describe these cases and state what you recall about them and the role DNA analysis played in the outcome:_____

_____

_____

3. What is your view concerning the reliability of DNA analysis in accurately identifying and/or eliminating a person as the source of evidence found at a crime scene?

☐ Very reliable ☐ Somewhat reliable ☐ Not reliable

4. Do you have any difficulty trusting, understanding, and/or have a strong dislike of complex math/scientific information? ☐Yes ☐ No
If yes, please explain:_____

_____

5. Have you taken any classes or read about molecular biology, population genetics, or statistics? ☐ Yes ☐ No

If yes, please list which subjects and explain your level of understanding: _____

_____

_____

6. What is your view concerning the reliability of forensic testing such as ballistics and/or firearms?
☐ Very reliable ☐ Somewhat reliable ☐ Not reliable ☐ Unknown

7. Have you read or had any direct experiences with the accuracy of eye witness identification? ☐ Yes ☐ No

If yes, please list what you have read or provide details about your experience.

_____

_____

8. Have you read, seen or heard anything about efforts taken regarding disguises and efforts to prevent forensic evidence at crime scenes? ☐ Yes ☐ No

If yes, please list what you have read, seen or heard:

_____

_____

IMMIGRATION

There has been much written in the press and on television about illegal immigration here in Arizona. As a border state, Arizona must enforce laws concerning many aspects of illegal immigration. Many people have strong feelings about illegal immigration and reform. While this trial is not about the legality of entering this country illegally – it is about stealing an identity to gain employment. I'd like to talk to you about your feelings about many of these topics.

Arizona came to forefront of the immigration debate with the passage of SB1070. This legislative act was the broadest and strictest anti-illegal immigration measure in the US. This Act received national attention and considerable debate – especially here in Arizona. Is there anyone who has very strong opinions or feelings against SB1070?

Are you or anyone close to you involved in any support groups or organizations for immigration reform? Read or seen anything regarding immigration reform? What opinions have you formed about what you have seen or read?

First, have you or anyone close to you participated in a rally or signed a petition specific to issues involving immigration?

Have you or anyone close to you written a letter to an editor, written a blog or posted an opinion online about issues involving immigration?

Is there anyone who has strong feelings – either for or against – Sheriff Joe Arpaio?

Are you, or have you ever been a member of any human rights advocacy group? Are you or anyone close to you involved in anyway – as a volunteer, through church or as a result of your job with the advancement of human rights?

Is there anyone who believes it is acceptable to work in the US without having the necessary legal documentation?

Do you or anyone close to you have strong feelings against the Volunteer Minutemen Guard?

Is there anyone who believes there is a law enforcement bias against illegal immigrants – specifically people from Mexico?

If the law as presented to you by the Judge in this case was contrary to your personal beliefs concerning illegal immigration, is there anyone who could not set aside your own views and apply the law to facts of this case as instructed by the Judge?

The Defendant and the Victim(s) were born in Russia. The Defendant is Jewish. Would the ethnic heritage of the Defendant, or the Victim in this case interfere in anyway with your ability to be a fair and impartial juror in this case?

☐ Yes ☐ No

If yes, please explain:_____

_____

IDENTITY FRAUD

Is there anyone here who does not believe identity theft is a serious problem here in the US?

Is there anyone who does not believe it should be against the law to use someone else's identity in order to get a job and work?

Is there anyone who agrees with the following statements:

- Identity theft must involve financially hurting another person for it to really be considered a serious crime.
- Using someone's social security number to get a job is understandable when faced with the inability of geting a job otherwise.
- Making up a fake social security number to get a job is really a victimless crime.
- I have a difficult time feeling strongly about a crime when there is no victim in the courtroom to testify about being harmed.
- I have feelings of sympathy for a person who is willing to do whatever it takes to have a job – even if it means breaking a law.

Have you or anyone close to you felt they were the victims of a "scam?" **IF YES:** please explain the circumstances

To your knowledge, have you ever lost money because of a fraudulent scheme? **IF YES:** please explain the circumstances.

Do you or anyone close to you conduct internal investigations as a duty of your employment? **IF YES:** please explain.

Do you or anyone close to you have any training, education or expertise in employment law or EEOC? **IF YES:** please explain.

A whistleblower is a person who tells the public or the authorities about alleged dishonest or illegal activities occurring within their workplace. Is there anyone who has had been negatively affected by a whistleblower? Is there anyone who has very strong feelings against someone who basically snitches on the wrongdoing of a company after that person no longer works there?

EXPERTS

1. Do you have strong feelings about the use of paid experts in criminal trials?

   ☐ Yes ☐ No If yes, please explain:_____

   _____

2. Do you strongly believe that psychologists, psychiatrists, and/or medical experts can identify and explain the reasons for violent human behavior?

   ☐ Yes ☐ No If yes, please explain: _____

   _____

3. Expert witnesses may be testifying in this case. Experts have advanced education and experience relevant to this case. Experts on both sides in this case have probably testified in a number of different cases. Does the fact that experts frequently testify bother you or upset you in any way so that you would have trouble listening to their testimony and determining its credibility?

   _____

   _____

4. Most of the expert witnesses that will be testifying in this case have been paid by either the County or the Defendant. Does anyone have any strong feelings about the fact that experts get paid for their time?

   _____

   _____

5. What factors do you take into account when deciding whether a professional is telling you the truth?

   _____

   _____

6. If you heard two (2) professional witnesses testify in court, and they rendered contradictory opinions, how would you determine who was telling the truth?

   _____

   _____

Would you feel comfortable making that type of determination?
Yes_____ No_____

7. Do you believe that if two professional witnesses render different opinions, you can't believe either one of them? Can't convict?

_____

_____

INFORMANT/IMMUNITY

1. What is your view concerning the reliability of video and/or conversations captured a hidden camera or hidden voice recorders?
   ☐ Very reliable ☐ Somewhat reliable ☐ Not reliable ☐ Unknown

2. Do you have strong feelings about the use of the police department using a hidden camera or hidden voice recorders in an investigation of a murder for hire scheme?
   ☐ Yes ☐ No If yes, please explain:_____

   _____

3. Do you have strong feelings about the use of the State of Arizona using an informant in the investigation and prosecution of a murder for hire case?
   ☐ Yes ☐ No If yes, please explain:_____

   _____

4. What is your view concerning the reliability of video captured on closed circuit cameras?
   ☐ Very reliable ☐ Somewhat reliable ☐ Not reliable ☐ Unknown

5. Have you ever used or needed to rely upon closed circuit cameras/video?
   ☐ Yes ☐ No If yes, please explain:_____

   _____

   _____

6. Do you have strong feelings about the use of the State of Arizona granting immunity to a witness in a murder case? ☐ Yes ☐ No

ATHLETES

1. Are you an avid basketball fan?
   ☐ Yes ☐ No

2. Did you, or anyone close to you play collegiate and/or professional sports?
   ☐ Yes ☐ No If yes, list: _____

   _____

3. Are you or anyone close to you involved in youth athletics – such as coaching, organizing or volunteering?
   ☐ Yes ☐ No If yes, please explain: _____

   _____

GAMBLING

1. Do you have strong feelings about gambling? ☐ Yes ☐ No If yes, please explain:

_____

_____

2. Have you ever gambled and/or been to Casino Arizona?
☐ Yes ☐ No

Have you ever had a negative experience at Casino Arizona? ☐ Yes ☐ No

If yes, please explain:_____

_____

3. Generally, do you believe gambling at an Indian Reservations is not safe? ☐ Yes ☐ No If yes, please explain: _____

_____

INVESTIGATION ISSUES

1. Are you or anyone close to you responsible for any aspect of quality control at your/their work place? ☐ Yes ☐ No
   If yes, please explain: _____

   _____

2. Does your job or profession require a high level of precision or have an expectation of perfection? ☐ Yes ☐ No
   If yes, please explain: _____

   _____

CONSPIRACY

1. Have you ever felt that you or someone close to you was the target of a conspiracy at work? ☐ Yes ☐ No
   If yes, please explain: _____

   _____

   _____

   _____

2. Are you interested in books, television shows and/or movies about conspiracy theories?
   ☐ Yes ☐ No
   If yes, please explain: _____

   _____