

1 IN THE UNITED STATES DISTRICT COURT
2 FOR THE NORTHERN DISTRICT OF CALIFORNIA
3

4
5 Plaintiff,
6 v.
7
8 Defendant.

No. CR CW
ORDER FOR PRETRIAL
PREPARATION FOR
CRIMINAL
JURY TRIAL

9 _____/
10
11 Good cause appearing, it is hereby ordered that:

12 1. TRIAL DATE

13 a. Jury trial will begin on _____ at 8:30
14 A.M., in Courtroom 2, 4th Floor, 1301 Clay Street, Oakland,
15 California.

16 b. The length of trial will be not more than _____ days.

17 2. DISCOVERY

18 Both sides will comply with the Federal Rules of Criminal
19 Procedure, Crim. L.R. 16-1, and the United States will comply with
20 Brady v. Maryland, 373 U.S. 83 (1963) and United States v. Agurs 427
21 U.S. 97 (1976).

22 3. MOTIONS

23 Pretrial motions shall be noticed in accordance with Crim.
24 L.R. 47-2 for any available Monday on or before _____. If
25 the motion cutoff has passed, counsel must move for permission of the
26 Court to file a late motion.

27 4. PRETRIAL CONFERENCE
28

1 a. A pretrial conference will be held on Monday,
2 _____, in Courtroom 2. It shall be attended by the
3 attorneys who will try the case.

4 b. **Not less than one week prior to the pretrial conference,**
5 counsel shall comply with Crim. L.R. 17-1(b).

6 c. Jury instructions §1.1 through §1.12, §3.1 through §3.10
7 and §7.1 through §7.6 from the most recent Manual of Model Jury
8 Instructions for the Ninth Circuit will be given absent objection.
9 Counsel shall jointly submit one set of additional proposed jury
10 instructions, ordered in a logical sequence, together with a table of
11 contents, using the Ninth Circuit Manual where possible, **not less than**
12 **one week prior to the pretrial conference.** Any instructions on which
13 counsel cannot agree shall be marked as "disputed," and shall be
14 included within the jointly submitted instructions and accompanying
15 table of contents, in the place where the party proposing the
16 instruction believes it should be given. Argument and authority for
17 and against each disputed instruction shall be included as part of the
18 joint submission, on separate sheets directly following the disputed
19 instruction. Counsel for the United States shall submit a verdict
20 form. The attached questionnaire will be given to the venire members.
21 Counsel may submit an agreed upon set of additional requested voir
22 dire questions to be included in the questionnaire or posed by the
23 Court. Any voir dire questions on which counsel cannot agree shall
24 be submitted separately. Counsel may be allowed brief follow-up voir
25 dire after the Court's questioning. Any motions in limine should be
26 noticed for hearing at the pretrial conference in accordance with
27 Criminal Local Rule 47-2. Each party's motions in limine shall be
28 contained in a single document. The opposition shall also be

1 contained in a single document.

2 5. JURY SELECTION

3 The Jury Commissioner will summon 35 to 40 prospective jurors.
4 The Courtroom Deputy will select their names at random and seat them
5 in the courtroom in the order in which their names are called. Copies
6 of their questionnaires will be provided to counsel.

7 Voir dire will be asked of sufficient venire persons so that
8 twelve (plus a sufficient number for alternates) will remain after all
9 peremptory challenges and an anticipated number of hardship dismissals
10 and cause challenges have been made.

11 The Court will then take cause challenges, and discuss hardship
12 claims from the individual jurors, outside the presence of the venire.
13 The Court will inform the attorneys which hardship claims and cause
14 challenges will be granted, but will not announce those dismissals
15 until the process is completed. Peremptory challenges will be made
16 in writing and passed between counsel in accordance with Crim. L.R.
17 24-2 and 24-3. The Court will strike the persons with meritorious
18 hardships, those excused for cause, and those challenged peremptorily,
19 and call the first twelve people (plus alternates) in numerical
20 sequence remaining. Those people will be the jury.

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22 Dated:

CLAUDIA WILKEN
United States District Judge

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JUROR QUESTIONNAIRE

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Please fill out this form as completely as possible and print clearly. Since we want to make copies for the attorneys and the Court, do not write on the back of any page. If you need more room, continue at the bottom of the page. If there is anything on this form that you do not want to talk about in open court, please write "Private" beside the question number. Thank you for your cooperation.

1. Your name: _____
2. Your age: _____
3. The city where you live: _____
4. Your place of birth: _____
5. Do you rent or own your own home? (circle one) rent own
6. Your marital status: (circle one)
single married separated divorced widowed live with partner
7. What is your occupation, and how long have you worked in it?
(If you are retired, please write "retired" and describe your main occupation when you were working.)

8. Who is (or was) your employer?

9. How long have or did you work for this employer? _____
10. Please list the occupations of any adults with whom you live.

11. If you have children, please list their ages and sex and, if they are employed, please give their occupations.

1 12. Your educational background:

2 Highest grade completed: _____

3 College and/or vocational schools you have attended:

4 _____
5 _____

6 Major areas of study: _____

7
8 13. Have you ever served on a jury before?

9 _____ Yes _____ No _____

10 If yes, how many times in:

11 State/County Court _____? Federal Court _____?

12 When? _____

13 Was it a civil or criminal case? _____

14 Did the jury(ies) reach a verdict? _____

15 Is there any reason that your prior jury service would affect
16 your ability to be fair, objective, and impartial to both
17 sides here?

18 _____ Yes _____ No

19 14. Have you, or a close friend or family member, ever worked for
20 a court or for any prosecution or criminal defense office,
21 including a district attorney's office, United States
22 Attorney's Office, public defender's office, or a private
23 criminal defense attorney's office?

24 _____ Yes _____ No

25 15. Have you, or a close friend or family member, ever been
26 employed by any law enforcement agency?

27 _____ Yes _____ No

28 16. Have you ever served in the military police or in courts
martial?

_____ Yes _____ No

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17. Are you acquainted with Judge Claudia Wilken, the judge in the case, or with any other jury panelist you see in the room?

Yes No

18. Have you, or a close friend or family member, been the victim of or witness to a crime?

Yes No

If yes, please explain:

19. Have you, or a close friend or family member, ever been accused, arrested or convicted of any offense?

Yes No

If yes, please explain:

20. Have you, or a close friend or family member, ever had a bad experience with a court or with law enforcement or the federal government?

Yes No

If yes, please explain:

1 21. Do you believe law enforcement officers are either more or
2 less likely to tell the truth than other witnesses because of
their occupations?

3 Yes No

4 22. The defendant, attorneys and witnesses may be of various
5 races, ethnicities and national origins. Would the race,
6 ethnicity or national origin of the defendant, the attorneys,
the witnesses or the law enforcement agents make it difficult
for you to be a fair juror?

7 Yes No

8 23. In this case, the government alleges that the defendant _____
9 _____
10 Is there anything about the nature of this case that would
11 make it difficult for you to be a fair and impartial juror?

12 Yes No

13 If yes, please explain:
14 _____
15 _____
16 _____

17 24. Do you understand the principles that a defendant in a
18 criminal case is presumed to be innocent unless proven guilty
19 and that the burden of proof is upon the government to prove
20 guilt beyond a reasonable doubt before there can be a
21 conviction?

22 Yes No

23 25. Would you have trouble presuming the defendant to be
24 innocent?

25 Yes No
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1 26. Because the defendant is presumed innocent and the burden of
2 proof is on the government to prove guilt beyond a reasonable
3 doubt, the defendant need not testify, or present any
4 witnesses or evidence. In fact, the defendant has a
5 constitutional right not to testify, to rely upon the
6 presumption of innocence. Will you be unable to give the
7 defendant the benefit of the presumption of innocence if he
8 chooses not to testify or present witnesses or evidence?

9 Yes No

10 27. If, at the end of the case, you believed that the defendant
11 was guilty beyond a reasonable doubt, would you be unable to
12 return a verdict of guilty?

13 Yes No

14 28. If, at the end of the case, you had a reasonable doubt as to the
15 defendant's guilt, would you be able to return a verdict of not
16 guilty?

17 Yes No

18 29. Will you be unable to follow the law as the court gives it to
19 you, if you disagree with it or think it should be different?

20 Yes No

21 30. Do you have any problem, based upon doctrine of your
22 religion, with sitting in judgment of another's conduct in a
23 court of law in this or any other criminal case?

24 Yes No

25 31. Is there any other reason, not addressed above, that would
26 make it difficult for you to be a fair and impartial juror in
27 this case?

28 Yes No

If yes, please explain:

1 32. Attached is a list of the parties, agents, investigators,
2 attorneys, potential witnesses and other people connected
3 with this case. Do you think you might know any of these
4 people?

5 Yes No

6 If yes, please place a checkmark by the name(s).

7 VERIFICATION

8 I, _____, declare under penalty of perjury
9 PRINT FULL NAME

10 under the laws of the State of California and the United States of
11 America, that the foregoing responses I have given on this juror
12 questionnaire, and on any attached sheets, are true and correct to
13 the best of my knowledge and belief.

14 _____
DATE

15 _____
SIGNATURE

16 **List of Parties, Agents, Investigators, Potential Witnesses and
17 Other People Connected With This Case**

18 (Defendant's Attorney)
19 (Assistant United States Attorney)
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