

IN THE CIRCUIT COURT OF THE FOURTH JUDICIAL CIRCUIT
IN AND FOR DUVAL COUNTY, FLORIDA

STATE OF FLORIDA,

CASE NO. 16-2016-CF-002092

DIV: CR-E

v.

HENRY LEE HAYES IV
Defendant.

MOTION FOR JURY QUESTIONNAIRE

COMES NOW, the Defendant, HENRY LEE HAYES IV, by and through his undersigned counsel and pursuant to F.R.Cr.P 3.281, the Fifth, Sixth, Eighth, and Fourteenth Amendments to the United States Constitution, Article I, sections 2, 9, 16, 17, 21, and 22 of the Florida Constitution, hereby files this *Motion*, and in support thereof, would state:

JURY QUESTIONNAIRE

1. A first degree murder case with gang related issues and the homicide of a 22 month old baby presents diverse and unique issues that must be addressed during *voir dire*. The use of a questionnaire is authorized and anticipated for complex criminal cases under F.R.Cr. P 3.281. Along with the list of the names and addresses of prospective jurors that have been summoned to try the case, the undersigned is entitled to receive “copies of all jury questionnaires returned by the prospective jurors.” Form 1.984 sets forth a standard jury questionnaire for civil cases. Although there is no standard questionnaire for criminal cases, the use of jury questionnaires in serious criminal cases is commonplace. (*See Windom v. State*, 656 So.2d 432 (Fla. 1995), cert. denied, 516 U.S. 1012 (1995); (capital case); *Esty v. State*, 642 So.2d 1074 (Fla. 1994) (capital case); *Kramer v. State*, 619 So.2d 274 (Fla. 1993) (capital case); *Mansell v. State*, 609 So.2d 679 (Fla. 1st DCA 1992) (trafficking in cocaine

case); *See* F.R.Cr.P. 3.281).

2. Judges, lawyers, and commentators across the United States have acknowledged the value of questionnaires, and have frequently endorsed using them. *See, e.g., United States v. Layton*, 632 F.Supp. 176, 177 (N.D. Cal 1986). This is so because “preliminary questionnaires promise both time – savings and increased candor.” *See*, Blume, Blume, Johnston, and Threlkeld, “*Probing Life Qualification Through Expanded Voir Dire*”, 29 Hofstra Law Review 1209, 1254 (2001). Inasmuch as “jurors are willing to admit unfavorable opinions in written responses to questionnaires that they would hesitate to review out loud...,” *See* “*Choosing the Best Jurors and Establishing a Theme of the Case*,” 13 Crim. Prac. Rep 316 (1999), and that “each capital case...require[s] highly individualized surveys,” Blume, et.al, *supra*, the Court should welcome the idea of a questionnaire.
3. The victim of the homicide in this case is a 22 month old baby. The victim was shot in a drive-by shooting while sitting in a car seat. The homicide has been charged as a gang related offense.
4. Under these circumstances, a jury questionnaire on at least three critical issues – pretrial publicity, gun violence with children as the victim and gang related offense – is not only warranted, but necessary to obtain the most candid responses and to ensure a fair and impartial jury.

THE MEDIA COVERAGE OF THIS CASE

5. The undersigned counsel has reviewed over 200 pages of news articles and videos of news coverage on this offense. The below is a summary of the news coverage in this case:

a. *1/29/16 Action News*

- **22 month old shot in car on East Side**

- 22 month in critical condition

- white car suspected in shooting fled

_ Lt. Grant JSO we need info on the white car to get these "Dirt Bags" off the street

b. *1/29/16 News 4 Jax*

- *22 month shot on Eastside dies*

- *Grandmother and mother in car-Baby in car seat*

- *JSO Hackney shooters need to be off street, this was gang related, gangs and violence go together.*

c. *1/29/16 Jacksonville.Com*

- **As Violent 2016 continues, toddler's death unites Jacksonville Police and faith leaders**

- Mayor Curry, Sheriff Williams and Bishop Guns gather to discuss violence in Jacksonville

- Comments made by citizens of Jacksonville

-Need public executions -people are sick

d. *News 4 Jax- 1/30/16*

- **Sheriff Williams, Mayor Curry, Bishop Guns speak to recent violence**

- Video

e. *WTLV 1/30/16*

- **Neighbors tired of violence**
- Shooting at Spearing Street
- 22 month baby killed
- JSO gang related
- neighbors consider leaving Jacksonville
- baby shot inside car with grandmother and mother
- picture of police car at Spearing Street.

f. *1/30/16 Action News*

- ***22 month old dies in drive-by shooting***
- Leaders of Jacksonville against gun violence
- Sherriff Williams-Business Leaders of Jacksonville put up \$20,000 reward
- child shot 3 times
- JSO Gang Related
- JSO Lt. Grant "Dirt Bags" did this

h. *1/30/16 Florida Times Union*

- **Jacksonville leaders want to better protect our children after deadly shooting string of violence**
- Picture of State Attorney Angela Corey, Detective Williams Whittlese and Asst State Attorney London Kite at Spearing Street
- Picture of Mayor Curry, Bishop Guns and Sherriff Williams

- neighbor hears multiple shots
- 22 month toddler dies
- gang related violence
- Grandmother and mother in the car when baby shot at Spearing Street
- \$500,000 needed for JSO overtime to flood hot zones

i. *1/30/16 Action News*

- **Jacksonville Toddler dies after Friday shooting**
- Picture of child
- Picture of Mayor
- Picture of Police Car
- Spearing Street shooting
- mother and grandmother in car
- JSO Hackney "Don't deserve to walking streets we walk"

j. *1/30/16 News 4 Jax*

- **Mayor commits 1 million for JSO overtime funds for 30,000 OT hours**
- Crime Stoppers "If you're listening huge bounty on your head"
- 22 month toddler dies
- gang related violence
- Grandmother and mother in the car when baby shot at Spearing Street

k. *1/31/16 Action News*

- **City leaders vow to find 22 month old's killer**
- Picture of child, Sherriff Williams and police car
- Prayer vigil for child and 14 other people killed in Jacksonville during Jan 2016

- Business leaders offer reward
- Baby shot 3 times
- Gang related

l. *News 4 Jax 1/31/16*

- Jacksonville group aims to break silence community walk for 22 month old killed
- 3 pictures of child
- one picture of Jacksonville leaders
- Grandmother and mother in car

m. *2/1/16 News 4 Jax*

- **JSO Chief Hackney in wake of baby Aiden's murder something has got to change**
- 2 pictures of child
- gang related
- Spearing Street shootings
- Corey we will work hard for victims see the violence stop
- JSO Chief Hackney Something has got to change

n. *2/1/16 Action News*

- **Sheriff Williams says they're making progress on toddler's murder investigation**
- 2 pictures of child
- overtime needed by JSO to hit high crime areas
- Sherriff Williams gang involved

o. *2/11/16 News 4 Jax*

- **Family grieving after life taken from beautiful kid**

- gang related drive by
- family clinging to their faith
- Mayor commits one million to JSO overtime
- Family and Church Family grieving also
- Reverend Dailey need leadership to curb violence
- Map of Jacksonville showing 14 other killings in Jan 2016

p. *News 4 Jax, 2/1/16,*

- City mourns 22 month old boy at community vigil
- gang members do contract hits for \$500 to \$10,000.00
- 22 month child killed at Spearing Street
- Child was not the target
- Mayor apologizes to family for violence
- 14 murders in Jax in Jan 2016

q. *2/1/16 News for Jax*

- **Great grandmother "I just hope they catch whoever did it"**
- Mayor Curry returns to neighborhood where child shoot
- Curry talks to neighbors of what could be done
- Curry says 1.5 million more needed for police over time

r. *2/2/16 First Coast News WTLV*

- **JSO: 22 month old caught in gang related shooting**
- Picture of Child
- Spearing Street Shooting
- Baby struck in abdomen and shoulder

- Gang related shooting

s. *News 4 Jax 2/2/16*

- **Crime Stoppers scramble update Website**
- 22 month child killed in drive by shooting

t. *News 4 Jax 2/2/16*

- **Ex-Sheriff says officer cutbacks lead to crime wave**
- Curry I will not sleep until this case is resolved
- Dead 22 month old child

u. *New 4 Jax- 2/3/16*

- **Family, teachers, classmates, honor boy killed in drive-by**
- West side Head Start Center-Balloon Release ceremony for child
- What we need to keep in mind is that God needed another angel
- Gang related shooting
- Innocent child

v. *2/3/16 Jacksonville.com*

- ***More Service, memories set to remember 22 month-old shot to death on***

Jacksonville Eastside

- Picture of Child
- Mayor, Sheriff, City Council Members and area minister meet to stop violence
- Discussion of Funeral
- gang related
- Sparring Street shootings

- 22 month old child killed

w. News 4 Jax. 2/3/16

- **Sherriff to roll long term crime fighting plan in weeks to come**
- gang related
- Spearing Street shootings
- 22 month old child killed
- Child sitting in car seat
- Picture of child

x. News 4 Jax- 2/4/16

- Celebration held to remember Aiden Mc Clendon
- Video

y. News 4 Jax- 2/5/16

- **Toddler killed in drive-by never had a chance**
- gang related
- Spearing Street shootings
- 22 month old child killed
- Child sitting in car seat
- Why was life of beautiful boy taken so soon
- Child sitting in car seat never had a chance

z. News 4 Jax 2/5/16

- **Harsh Lessons learned from heart breaking death**
- 22 month old killed in drive by
- Picture of child

aa. *News 4 Jax –2/6/2016*

- Funeral Held for 22 month old Aiden Mc Clendon
- gang related
- Spearing Street shootings
- 22 month old child killed
- Child sitting in car seat
- Tough for family to go through
- City officials enough is enough
- Hundreds mourn at funeral
- video

bb. *New 4 Jax- 2/6/16*

- **MADD Dads host community crime prevention walk**
- 22 month old killed
- anyone kill a child needs to be removed from streets

cc. *New 4 Jax- 2/11/16*

- **City leaders seek solution for crime problem**
- Mayor Curry outspoken since death of 22 month old child
- video

dd. *News 4 Jax 2/25/16*

- **Aiden Mc Clendon's grandmother: We've already forgiven for what you've done**
- Picture of child
- Family pleading to community come forward with killers names

- cash reward in child death \$20,000.00
- gang related
- Spearing Street shootings
- 22 month old child killed
- Child sitting in car seat

ee. *WTLV 2/26/2016*

- **Times-Union Accessory charge links to death of Jacksonville toddler Aiden McClendon**
- D"angelo A. Wilson arrested on PFCF
- gang related arrest
- arrest for accessory after the fact

ff. *News 4 Jax 3/10/16*

- **16 year old charge in toddler killing**
- Sherriff says drive by shooters targeted rival gang member
- 16 year old Henry Hays facing two-counts of attempted murder in child's death
- gang related
- Spearing Street shootings
- 22 month old child killed
- Child sitting in car seat
- Sheriff Mike Williams dozen of tips through Crime Stoppers helped ID one of shooters as Hayes
- Mother of child life ruined even simplest of tasks bring grief
- 8 year old brother of victim wants life for Hayes

- JSO intended target was 19 year old cousin of victim Reginald Williams
- Williams states rap video taunts between Problem Child Entertainment and Out East boiled out into the shooting
- You tube video show gang violence
- Sherriff Williams states additional 500,000 approved for police OT
- Hayes already in juvenile custody on another case
- murder weapon recovered
- Eye Witness Identification and Forensic Evidence used to obtain arrest warrant for Hayes
- Hayes held without bond and will be prosecuted as an adult.
- Ms Corey states firing guns are not tolerated-none of these people are good enough shots
- ***Comments from the Community on Hayes arrest article***
 - Deport Hayes to China***
 - people need to stand up against gang members***
 - if guilty put him to sleep***
 - Children killing Children***
 - Angelia Corey is going to take your life--May God have mercy on your soul***
 - 16 year old with murder in your heart***
 - Glad they caught him and he is in jail***
 - since this is gang related charge all members of the gang with murder***

gg. *Jacksonville.com* 3/10/16

- **Jacksonville Sherriff says gang member 16, charged with murder in death of toddler Aiden McClendon**
- Picture of Child
- 10 pictures of Family of child at State Attorney's Office Grandmother, Mother, 8 year old brother and 3 month old sister
- Mother cannot believe gangs killing over rap songs
- Hayes nickname is "cracker jack"
- Family member express relief
- JSO Hayes is member of rival gang
- gang related
- Spearing Street shootings
- 22 month old child killed
- Child sitting in car seat

hh. *News 4 Jax* 3/10/16

- McClendon family speaks following arrest
- Video

ii. *WTLV* 3/11/2016

- Police: Two gang members arrested in toddler slaying
- Picture of child
- Mug shot of Hayes
- Mug shot of D'Angelo Wilson
- Sherriff Williams partnership with Mayor going after the gangs

- gang related
- Spearing Street shootings
- 22 month old child killed
- Child sitting in car seat
- At least one shooter at large Sherriff Williams stated
- Sherriff states opposition gang has 65 member
- Problem Child entertainment 16 members

jj. *3/11/16 News 4 Jax*

- Ex Detective: Joining a gang leads to jail or a tombstone

- City gang problem highlighted by toddler drive-by shooting death
- picture of Hayes in jail clothes in court
- gang related
- Spearing Street shootings
- 22 month old child killed
- Child sitting in car seat
- Intended target Reginald Williams in rival gang
- Eye witness ID and forensic evidence points to Hayes

kk. *News 4 Jax 3/11/16*

- **Teen accused in 22 month old murder gets no bond**
- 3 pictures of child
- Large 3/4 page Booking Photo of Hayes
- Hayes in Brown jump suit and handcuffs

- Caption under Hayes picture 16 year old gang member arrested in Jacksonville toddler's shooting death
- Police believe Hayes killed child in drive by because of feud with rival gang
- father and sister say he is innocent
- 2nd trial in 2008 murder get

ll. *3/11/16 News for Jax*

- **Family of 16 year old charged with Murder speaking out**
- 3 photos of child
- 2 booking photos of defendant
- 2 booking photos of D'Angelo Wilson
- father of Hayes my son is innocent
- JSO Hayes is a member of PCEG, shoot and killed Aiden while shooting at rival gang
- Judge denied Bond
- News states Gangs communicate through Rap videos, seen gangs reach out to children as young as 9 years old

mm. *New 4 Jax 3/11/2016*

- **Birthday party held for Aiden McClendon**
- video

nn. *News 4 Jax 3/12/2016*

- **Family of Slain Jacksonville Toddler celebrates his second Birthday**
- Family talking about child
- - gang related
- Spearing Street shootings

- 22 month old child killed
- Child sitting in car seat
- JSO - Hayes rival gang member going after child's cousin

oo. *WTLV 3/13/16*

- **Slain toddler family celebrates his 2nd Birthday**
- Birthday cake and party favor pictures
- Hayes charged with Murder
- Sherriff Williams at least one more of the shooters are out there

pp. *New 4 Jax 3/17/2016*

- **MAD Dads anti-crime rally re-scheduled**
- MAD Dad Foy - You get angry when something happens like Aiden
- vigil to be held for victims

qq. *4/1/2016 News 4 Jax*

Artist Gifts Portrait to Family of Slain Toddler

- - gang related
- Spearing Street shootings
- 22 month old child killed
- Child sitting in car seat
- Hayes charged in shooting

rr. *News 4 Jax Channel 4 -4/5/16*

- **Teen Charged with killing toddler pleas not guilty**
- Henry Hayes accused of killing 22 month old Aiden McClendon

- Hayes is charged with **First Degree Murder**
- Toddler never had a chance
- Attorney asking for speedy trial
- JSO Hayes has been ID by eyewitness and forensic evidence points to Hayes
- Picture of Hayes in shackles in courtroom in brown jump suit

ss. WTLV 4/26/16

-Teen charge in Aiden McClendon Murder

- gang related
- Spearing Street shootings
- 22 month old child killed
- Child sitting in car seat
- Picture of Hayes walking into court jumpsuit and shackles

tt. News 4 Jax 4/26/16

-Teen charge in Aiden McClendon Murder has trial date in May

- picture of Hayes in jumpsuit in court
- gang related
- Spearing Street shootings
- 22 month old child killed
- Child sitting in car seat

uu. News 4 Jax 5/18/2016

- **-Teen charged in Aiden McClendon Murder has trial date in May**
- Held without Bond First Degree Murder
- gang related

- Spearing Street shootings
- 22 month old child killed
- Child sitting in car seat
- Forensic evidence and Eye witness ID point to Hayes

30. Florida Times Union 5/24/16

-Family of Slain Jacksonville Toddler makes plea and toddler had just learned to count to 10

-Picture of Family holding large picture of child

- gang related
- Spearing Street shootings
- 22 month old child killed
- Child sitting in car seat

vv. 5/24/16 Florida Times Union

- **Accessory charge links to death of Jacksonville toddler Aidan McClendon**
- gang related
- Spearing Street shootings
- 22 month old child killed
- Child sitting in car seat

32. News 4 Jax 6/22/16

Henry Hayes to get new lawyer

- Booking photo of Hayes
- gang related
- Spearing Street shootings

- 22 month old child killed
- Child sitting in car seat
- *Comments from Public*
- *Needs a new barber before lawyer then the Death Penalty*
- *Hayes is innocent. JSO needs to get the right M.F.*
- *Sad situation other people die over other people's issues*
- *Loser needs to be hung in public*
- *He should get put down just for the hair*
- *So angry about killing of baby he should get the death penalty*
- *Public hanging would curb ghetto nonsense*

33. News 4 Jax 6/23/16

3rd teen in Jail connected to drive-by killing of toddler

- Booking Photo of Bradford
- Arrested for carjacking and PFCF
- gang related
- Spearing Street shootings
- 22 month old child killed
- Child sitting in car seat

ww. News 4 Jax July 7, 2016

-Sheriff Police OT results in 40% decrease in shootings

-1.5 million in OT

- Quote from Rhonda McDonald Victim grandmother

I've seen more police in neighborhood

We still have the young people with guns just murdering people just to do it

xx. WOKV 8/1/16

- **Accessory charge in Jax toddler murder will no longer be pursued**
- picture of child
- charges not pursued against D'Angelo Wilson
- gang related
- Spearing Street shootings
- 22 month old child killed
- Child sitting in car seat

36. Florida Times Union 8/1/16

Charges dropped against man originally accused of being an accessory in death of Jacksonville Toddler

- charges not pursued against D'Angelo Wilson
- gang related
- Spearing Street shootings
- 22 month old child killed
- Child sitting in car seat

yy. WTLV 8/1/16

Charges dropped against man thought to be connected in Aiden's Murder

- charges not pursued against D'Angelo Wilson
- gang related
- Spearing Street shootings
- 22 month old child killed

- Child sitting in car seat

zz. News 4 JAX 8/1/16

Charges not filed against man in toddler slaying

- charges not pursued against D'Angelo Wilson
- gang related
- Spearing Street shootings
- 22 month old child killed
- Child sitting in car seat

aaa. News 4 JAX 9/30/16

- **Evidence reveals new details in toddler's killing**

JSO have accused Henry Hayes in shooting death of Aiden McClendon

- Bradford interview with JSO
- Bradford phone con with Wilson
- Hayes arrested 9 mm recovered
- FDLE testing same 9mm that killed child
- cell phone records put Hayes near crime scene time of shooting
- gang related
- Spearing Street shootings
- 22 month old child killed
- Child sitting in car seat

40. News 4 JAX 10/24/16

Families Remember loved ones lost to violence at annual vigil

Aiden name added to with 18 other children for vigil

bbb. News 4 JAX 11/03/16

July 2017 trial set for man accused of killing toddler

Henry Hayes IV charged with murder in drive by shooting of Aiden McClendon

- gang related
- Spearing Street shootings
- 22 month old child killed
- Child sitting in car seat
- Bradford interview with JSO
- Bradford phone con with Wilson
- Hayes arrested 9 mm recovered
- FDLE testing same 9mm that killed child
- cell phone records put Hayes near crime scene time of shooting

ccc. News 4 Jax 11/14/16

Mayor "mad as hell" over killing of 11 month old baby

Curry mentions previous killing of Aiden

43. News 4 Jax 11/15/16

11 month old killing reopens wounds for Aiden McClendon Family

- gang related
- Spearing Street shootings
- 22 month old child killed
- Child sitting in car seat
- Family comment once Hays tried in July - Justice with then be had

ddd. Jacksonville.com Florida Times Union 1/28/2017

Editorial by Major Curry

Guest column: One year later recalling death of Aiden McClendon

- one year later remember anniversary
- Mayor express anger and frustration
- Smiling young boy filled with so much innocence and optimism
- no parent in any part of our city should have to bury his or her child due to senseless and cowardly acts of violence
- one million granted for over-time of JSO
- I will never forget Aiden McClendon

eee. Action News Jax 1/29/2017

Jacksonville Mayor reflects on improvement to public safety a year after 22 month old child's death

fff. 1/29/17 Florida Times Union Web news

Mayor reflects on killing of toddler one year after shooting

Mayor Lenny Curry vigil for citizens to improve safety

47. 1/29/17

Mayor reflects on killing of toddler one year after shooting

-analysis Mayor Curry letter and editorial

-Large picture of child

48. 8/1/2017 News 4 Jax

Teen accused in toddler's murder faces new charge

Article repeats facts of the drive by shooting of A.M.

Article refers to Mr. Hayes being charged with Battery in a Detention Facility.

ggg. 11/15/17 News 4 Jax

3 of 10 gang arrest involve high-profile murders

Article and video once again goes into facts of drive-by shooting of A.M.

Mr. Hayes is identified as a gang member and of Problem Child Entertainment.

Article explains that Mr. Hayes now faces RICO charges in connection with the murder of A.M.

hhh. 11/16/17 Press release from State Attorney's office

Criminal Street Gang Members Arrested Charged with RICO Crimes

Identifies the various offenses charged in a RICO information as murder, attempted murder...

Identifies Mr. Hayes as criminal gang member.

iii. 11/16/17 First Coast News

Police:10 violent gang members off Jacksonville streets, including two child murders

Article talks about A.M. murder as a major contribution that brought about the information on the RICO charges.

Once again goes over the facts of the drive by shooting.

Video of defendant in a mug-shot with his name underneath the mug-shot.

A picture of the 22 month old child in a baseball cap.

Video of the Sherriff Williams and Melissa Nelson talking about the success of the recent arrest and taking Gang members off the streets of Jacksonville.

6. The reason for this request is unique fact pattern of this case and the pre-trial publicity. The Media has repeated the following statements in the pre-trial media:

- a. The shooting was gang related.
- b. 22 month toddler killed while sitting in a car seat..
- c. Shooting at Spearing Street.
- d. The intended target was Reginald Williams a member of a rival gang.
- e. The Family of the victim grief
- f. JSO believes that Hayes is the shooter.
- g. An eye witness identifies Hayes as the Shooter
- h. FDLE has identified the Murder weapon of the child as being the same one found in Hayes car during a search by police.
- i. Various statements by other witness point to Hayes as the shooter.
- j. Hayes cell phone records put Hayes near the crime scene during the time of the shooting
- k. Hayes belongs to the gang Problem Child entertainment
- l. Mayor Curry and Sherriff Williams and JSO have expressed strong opinions on this case (ie. violent and cowardly acts. Shooters are Dirt bags)
- m. Comments from the General Public from some of these articles have expressed the following opinion

-Deport Hayes to China

-people need to stand up against gang members

-if guilty put him to sleep

-Children killing Children

-Angelia Corey is going to take your life—May God have mercy on your soul

-16 year old with murder in your heart

-Glad they caught him and he is in jail

- since this is gang related charge all members of the gang with murder*
- Needs a new barber before lawyer then the Death Penalty*
- Hayes is innocent. JSO needs to get the right M.F.*
- Sad situation other people die over other people's issues*
- Loser needs to be hung in public*
- He should get put down just for the hair*
- So angry about killing of baby he should get the death penalty*
- Public hanging would curb ghetto nonsense*

If a juror has heard or read about this case then any one of the above beliefs would be a challenge for cause. One Juror blurting out at Jury Selection any of the above comments would taint the panel and the defense would move to strike the venire.


7. A juror pool of over 100 people will probably be needed for this case due to the pre-trial publicity. Both the State of Florida and the Defense will thoroughly question the panel.

The Defense is seeking the use of a detailed questionnaire in order to shorten the length of time in potential juror's exercise of routine questions to allow more thorough question of each juror as to their views of gun violence toward children, the age of the victim and gang related offenses.

Without a meaningful voir dire as to these issues, the Defendant's right to a fair and impartial jury would be constitutionally barred.

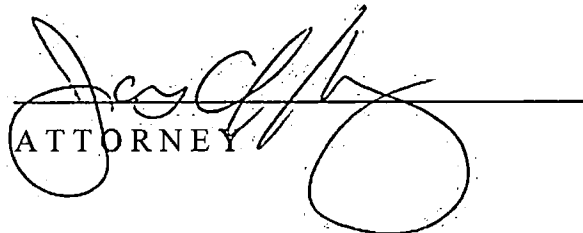
WHEREFORE, Defendant prays this Honorable Court to permit the use of a detailed questionnaire (attachment (1)) during the process of jury selection.

LAW OFFICES OF JAMES A. HERNANDEZ


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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true copy of the foregoing has been furnished to London Kite, Esquire at the Office of the State Attorney, Jacksonville, Florida, 32202, by CORE electronic delivery on this 21st day of May 2018.


ATTORNEY

JURY QUESTIONNAIRE

JURY QUESTIONNAIRE COVER SHEET

This questionnaire is designed to obtain information from you with respect to your qualifications to sit as juror in this case. By the use of the questionnaire, the process of jury selection will be shortened. Please respond to the following questions as completely as possible. The information contained within the questionnaire will become part of the Court's permanent record, but it will not be distributed to anyone except the attorneys in the case and the judge. During the questioning by the attorneys, you will be given an opportunity to explain or expand any answers, if necessary. If for any reason you do not want to answer any of the questions asked, please write the word "**PRIVATE**" next to the question and we will take this matter up with you in private.

Because this questionnaire is part of the jury selection process, the questions must be answered by you under penalty of perjury and you should fill out this questionnaire by yourself without consulting any other person.

If you wish to make further comments regarding any of your answers, please use the back of the last page, and please remember to indicate the corresponding question number.

If you do not understand a question, please write "**I DO NOT UNDERSTAND**" and the question will be explained to you in Court. **PLEASE REALIZE THERE ARE NO RIGHT OR WRONG ANSWERS--JUST HONEST ONES.**

Juror Number:

1. Full Name: _____

2. Please read the following and answer the following questions:

On January 29, 2016, the victim A.M. was killed in a drive-by shooting that occurred on the Eastside of Jacksonville in the 700 block of Spearing Street. The victim was 22 months old at the time of his death. It is alleged that said shooting of the victim was done by a criminal gang member or associate for the purpose of benefiting, promoting or further the interests of the criminal gang.

a. Have you ever heard, read, viewed, or spoken with anyone about this case?

b. What sources of information have you had about the above mentioned facts (newspaper, internet article, conversation etc)?

3. Would you be able to be a fair and impartial juror toward both sides (State of Florida and Defendant Mr. Hayes) if the alleged offense concerned gun violence? Please check your answer below:

_____ Yes _____ No

4. Would you be able to be a fair and impartial juror toward both sides (State of Florida and Defendant Mr. Hayes) since the victim of this homicide was 22 months old? Please check your answer below:

_____ Yes _____ No

5. Would you be able to be a fair and impartial juror toward both sides (State of Florida and Defendant Mr. Hayes) because this drive by shooting was alleged to have been done by a gang member or associate for the purpose of benefitting, promoting or further the interests of a criminal gang? Please check your answer below:

_____ Yes _____ No