

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
JACKSONVILLE DIVISION

UNITED STATES OF AMERICA

v.

Case No. 3:18-cr-89-J-34JRK

KATRINA BROWN
REGINALD BROWN

_____/

**UNITED STATES' OBJECTIONS TO DEFENDANT
REGINALD BROWN'S PROPOSED VOIR DIRE QUESTIONS**

Pursuant to this Court's Order (Doc. 129), the United States files these objections to Reginald Brown's Proposed Voir Dire Questions (Doc. 143). The majority of the proposed questions seek information similar to the information that the government's proposed questions aim to elicit. However, certain questions that Reginald Brown proposes seek improper, irrelevant, and other information that is not useful to picking a fair and impartial jury in this case. The specific objections are listed by question group.

1. Proposed questions 8 and 10: An individual's racial and ethnic background are irrelevant to jury selection. The Constitution requires that all members of a potential venire not be excluded because of race or national origin. Thus, inquiring with each venire member concerning his/her specific race and ethnic background is inappropriate and not useful. The number of times a venire member has been married is irrelevant.

2. Proposed questions 50 through 60: This group of questions aimed at feelings concerning how the American system of justice works, particularly with respect to African American defendants is irrelevant to the task at hand. These questions have no bearing on whether a particular venire member can be a fair and impartial juror and apply the law (as instructed) to the facts of this particular case to render a decision. Asking potential jurors to select from six options (questions 54, 59, and 60) as to their feelings about federal law enforcement, or asking 90 to 95 potential jurors to state their general feelings about law enforcement would lead to a cumbersome process that ultimately would not divulge much useful information. Questions concerning whether potential jurors have strong feelings (one way or the other) about federal law enforcement are more appropriate. Such a question will garner some raised hands. Follow-up questions of those individuals will provide enough information as to whether a cause challenge is necessary. In addition, the government does not see how questions about local law enforcement (questions 56 and 57) could lead to any relevant or useful information in this case, which was investigated by federal agents.
3. Proposed questions 61 through 63 and 65: This group of questions aimed at feelings regarding the media and media reporting will not lead to relevant or useful information. In fact, the venire members are specifically

instructed to ignore media articles or postings regarding the cases on which they sit as jurors. Questions concerning whether the media is pro-government or pro-defendant (question 62), or how individuals view whether the media presents “both sides” in a criminal case (question 61) are irrelevant. Questions regarding whether venire members have read or seen media about this case, and whether that media has unalterably fixed their views (one way or another) are appropriate.

4. Questions 66 and 67: The degree of strength (6 options) as to how venire members view the reasonable doubt standard would mire the selection process into cumbersome hair splitting. Questions 66 and 67 (and 68 through 73) can be accomplished if the Court instructs on the reasonable doubt standard and asks the venire members if they can follow the instruction, and if anyone has a fundamental disagreement with that Constitutional standard.
5. Questions 74 through 87: Questions regarding potential jurors’ club associations, what television programs they watch, how much television they watch, and bumper stickers they may have on their cars, lead to no relevant or useful information. Such questions do not get to the essence of whether a venire member could be a fair and impartial juror. Those types of questions only elicit trivial personal information that would leave venire members apprehensive about answering, and correctly wondering how

such information would have any bearing on whether he/she could be fair and impartial.

In conclusion, the standard voir dire that this court has employed for decades in criminal trials results in the selection of fair and impartial juries. Of course, there is some deviation in questioning from case to case. Reginald Brown's submissions go far beyond those normal deviations. The referenced questions would not lead to relevant or useful information.

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CERTIFICATE OF SERVICE

I hereby certify that on July 17, 2019, I electronically filed the foregoing with the Clerk of the Court by using the CM/ECF system which will send a notice of electronic filing to the following:

Richard Landes, Esq.
John Leombruno, Esq.
Counsel for Katrina Brown

Thomas M. Bell, Esq.
Counsel for Reginald Brown

/s/ Tysen Duva _____
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