

Weapon; Engaging in Physical Violence in a Restricted Building or Grounds with a Deadly or Dangerous Weapon; Disorderly Conduct in a Capitol Building; and Engaging in an Act of Physical Violence in a Capitol Building or Grounds. The defendants were arrested in connection with the events that occurred at the U.S. Capitol on January 6, 2021. Do you know or have you heard anything about this specific case?

2. The Government in this case is represented by AUSAs Tighe Beach and Melanie Alsworth. Defendant Donnie Duane Wren is represented by George Pallas. Defendant Donnie Duane Wren is a resident of Alabama. Defendant Thomas Harlen Smith is represented by Gregory Park. Defendant Thomas Harlen Smith is a resident of Mississippi. Do you know any of these people?

3. Do you know any of the witnesses who have been introduced to you?

4. Do you know anyone else in the courtroom, including myself or any of the other members of the jury panel?

5. Do you, members of your immediate family, or your close personal friends now work for, or ever worked for, any law-enforcement agency? This includes any police department in or outside the District, special police officers, prosecutors' offices such as the state's attorney or U.S. Attorney, Park Police, FBI, Dept. of Justice, Homeland Security, sheriffs' departments, Secret Service, or any other law-enforcement agency. Will anything about that affect ability to be fair and impartial?

6. Have you, members of your immediate family, or your close personal friends ever gone to law school, worked as a lawyer, or worked in a law office?

7. Do you, members of your immediate family, or your close personal friends live or work in or near the U.S. Capitol?

8. Do you have any difficulty reading, speaking, or understanding English?

9. I will be instructing the jury at the end of this trial that the testimony of a law enforcement witness should be treated the same as testimony of any other witness and that the jury should not give either greater or lesser weight to the testimony of a law enforcement witness. Is there any reason you would not be able to follow that instruction?

10. If you are selected as a juror in this case, I will instruct you to avoid all media coverage, including radio, television, podcasts, and social media, and not to use the internet with regard to this case for any purpose. That is, you will be forbidden from reading newspaper articles about this case, listening to radio and podcast stories about this case, watching TV news about this case, googling this case, blogging or tweeting about this case, or reading or posting comments about this case on any social media sites. Do you have any reservations or concerns about your ability or willingness to follow this instruction?

11. Jurors are the sole judges of the facts. However, the jury must follow the principles of law as instructed by the judge. The jury may not follow some rules of law and ignore others. Even if the jury disagrees or dislikes the rules of law or does not understand the reasons for some of the rules, it is their duty to follow them. Do you have any personal beliefs that would make it difficult to follow the Court's legal instructions, whatever they may be?

12. If you are selected as a juror in this case, you must be able and willing to discuss the facts of the case and the law as I will state it to you with your fellow jurors. Do any of you feel that you will lack the ability or be unwilling to engage in discussions about the case during jury deliberations at the conclusion of the evidence in this case?

13. If you are selected as a juror in this case, you must be able to make your own decisions about whether the government has proven (*Wren – beyond a reasonable doubt*) the offenses the

defendants are charged with committing. Do you feel that you will not have the ability to make your own independent decisions about whether the government has met the burden of proving Mr. Wren and Mr. Smith are guilty in this case beyond a reasonable doubt?

14. The defendants are being tried jointly. If you are selected as a juror in this case, you must be willing and able to evaluate the evidence as it applies, or fails to apply, to each defendant separately. This means that you must determine which evidence in the case applies to each defendant and disregard any evidence admitted solely against the other defendant. Do you have any reservations or concerns about your willingness or ability to give separate consideration to each defendant?

15. If you are selected as a juror in this case, you cannot discuss the case with your fellow jurors before you are permitted to do so at the conclusion of the trial, or with anyone else until after a decision has been reached by the jury. Therefore, you cannot talk about the case or otherwise have any communications about the case with anyone, including your fellow jurors, until I tell you that such discussions may take place. Thus, in addition to not having face-to-face discussions with your fellow jurors or anyone else, you cannot communicate with anyone about the case by way of the Internet, texting, Facebook, Twitter, or by any other means. If you feel that you cannot do this, then you cannot let yourself become a member of the jury in this case. Do you feel that you will not be able to comply with this restriction?

I. Private Questions

16. Have you had any unpleasant experiences with the police, a prosecutor, or other law enforcement, whether here in D.C. or elsewhere, that would make it difficult for you to be a fair juror in this trial?

17. Have you had any unpleasant experiences with a defense attorney or defense investigator,

whether here in D.C. or elsewhere, that would make it difficult for you to be a fair juror in this trial?

18. This case is being prosecuted following an investigation, in part, by the FBI. Do you have strong feelings about the FBI or any other law enforcement agency, whether positive or negative, that would affect your ability to render a fair and impartial verdict in this case?

19. Have any of you had an experience as a member of a grand jury or as a juror in a previous trial? If so, is there anything about that experience that makes you feel you could not give either the defendants or the government a fair trial in this case?

20. Have you, members of your immediate family, or close personal friends ever been arrested for, convicted of, or charged with a crime or been a victim of or witness to a crime?

21. Do you have feelings about the 2020 Presidential Election that would impair your ability to render a fair and just decision in this case?

22. Do you have feelings about people who do not agree with the result of the 2020 Presidential Election that would affect your ability to be a fair and impartial juror in this case?

23. Do you or someone close to you have any personal or professional connection to events at the U.S. Capitol on January 6, 2021?

24. Have you ever watched video of what happened at the U.S. Capitol on January 6, 2021 on the news or on the Internet?

- a. If yes, how many times have you seen videos of that event? Do you understand that anything you may have seen outside of this courtroom is not evidence in this case?
- b. If yes, will you have any difficulty putting aside any opinions you may have formed about the people involved in those events, following the law as I

explain it to you, and deciding the case in a fair and impartial manner based solely on the evidence presented in court?

25. A House Select Committee held hearings concerning the events at the U.S. Capitol on January 6, 2021. Have you watched the televised hearings of the House Select Committee investigating January 6?

- a. If yes, how many times have you watched the hearings? Do you understand that anything you may have seen outside of this courtroom is not evidence in this case?
- b. If yes, will you have any difficulty putting aside any opinions you may have formed about the people involved in those events, following the law as I explain it to you, and deciding the case in a fair and impartial manner based solely on the evidence presented in court?

26. No matter what you have heard or seen about events at the U.S. Capitol on January 6, 2021, and any opinions you might have formed about those events, would you have any difficulty setting your opinions aside and deciding this case in a fair and impartial manner based solely on the evidence presented in court?

27. As you sit here, do you have an opinion about the defendants' guilt or innocence in this case? Follow up if juror says, no opinion: Do you understand that the defendants are presumed innocent?

28. Would serving as a juror in this case be an extreme hardship to you? We expect this trial may last one week.

29. Do you have a health or physical problem that would make it difficult to serve on this jury?

30. Are you taking any medication that might impair your ability to sit as a juror in this case?

31. Do you have any problems with your hearing or your eyesight that would prevent you from watching and comprehending videos, or seeing still photographs, displayed on a television screen here in the courtroom?

32. Do you have any religious, moral, or philosophical beliefs that would affect your ability to sit as a juror in a criminal case and be fair and impartial to both the government and the defendants?

33. Do you tend to generally believe what is reported by the media?

34. Have you ever participated in a demonstration or rally for any cause? If so, was it organized or did people arrive randomly?

35. Does anyone have strong feelings about protesters such as Black Lives Matter or the Tea Party? Do you believe protests should be limited or ended?

36. Some people have strong feelings about the confederate battle emblem, commonly referred to as the rebel flag. You will see footage of a former state flag of Mississippi, which contained the battle emblem as part of its design. To admit having strong beliefs about the flag is nothing to be ashamed of and does not reflect badly upon you as a person. Does anyone have strong feelings about the confederate image where it might affect your ability to give the defendants or the prosecution of a fair trial?

37. The law provides that a jury may not be governed by sympathy, prejudice, or public opinion. With this in mind, do any of you have any reason why you feel you would not be able to give Mr. Smith, Mr. Wren, or the prosecution a fair trial based solely upon the evidence admitted at trial, and instructions that I will give you?

38. Would any of you not be able to give a person a fair trial if that person believed former

President Trump's statements claiming he won the election if you did not believe his statements yourself?

39. Would any statements made by former President Trump about the results of the 2020 presidential election affect your ability to render a fair and just decision in this case?

40. Do any of you feel that former President Trump's efforts to challenge the 2020 presidential election would impair your ability to give Mr. Smith, Mr. Wren, or the prosecution a fair trial?

41. Have you ever participated in any type of anticrime activity or victim's rights organization? For example, a neighborhood watch or anything of that nature?

42. Have any of you previously served on a jury? If so, was it a civil or criminal proceeding? Did you reach a verdict? Were you the foreperson? Was there anything about your previous jury experience that would affect your ability to serve as a fair juror in this matter?

Defense also requests these following questions, government objects:

If the case was civil, did you find for the plaintiff or defendant? If the case was a criminal matter, did you find for the prosecution or defense?

43. The government has the burden of proving that each defendant is guilty beyond a reasonable doubt, and they are presumed innocent unless and until the government meets that burden. Because the defendants are presumed innocent, they need not offer any evidence. Would you have any difficulty or hesitation with respecting the high burden of proof the government is held to? Would the fact that the defendants have been charged make it difficult for you to presume they are innocent of those charges at this time?

44. Would you be able to keep an open mind and presume that a defendant charged with a

crime is innocent unless and until proven guilty beyond a reasonable doubt?

45. If the United States fails to prove either of the defendant's guilt beyond a reasonable doubt as to any count with which they are charged, they must be found not guilty of that count. Can you think of any reason that would interfere with your ability to follow and apply this principle of law?

46. A defendant has a constitutional right not to testify. If a defendant chooses to exercise their constitutional right not to testify, I will instruct you that you may not hold that silence against him in any way. Would you have any difficulty following that instruction? Would you expect that Mr. Smith or Mr. Wren should testify regardless of his constitutional right not to testify?

47. Have you, a family member, or a close friend ever worked for any of the following organizations: First, any type of federal, state, or local law enforcement agency, including the Metro Transit Police Department, the Metropolitan Police Department, the U.S. Marshals Service, the Capitol Police, the Park Police, the Secret Service, the Federal Bureau of Investigation, the Drug Enforcement Administration, or any local police department? Second, a local, state, or federal prosecutor's office such as the Office of the Attorney General for the District of Columbia, the United States Attorney's Office, or a state's attorney or commonwealth attorney? Third, any public defender, or private criminal defense office? Fourth, any jail, prison, or other type of penal institution? Fifth, a private security company? Do you have opinions about any of these organizations that would interfere with your ability to be a fair and impartial juror?

48. Do you belong to any Societies, Unions, Professional Associations, Political Action Organizations, Civic Clubs, Fraternities, Sororities, or other similar organizations?

49. Is there any other reason that would make it difficult for you to sit as a juror in this case?

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