

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

UNITED STATES OF AMERICA	:	
	:	
v.	:	No. 21-CR-24 (EGS)
	:	
ROBERT GIESWEIN,	:	
Defendant.	:	

GOVERNMENT’S NOTICE OF SUPPLEMENTAL AUTHORITY
REGARDING VOIR DIRE

The United States of America, by and through undersigned counsel, hereby notifies the Court of additional authority, decided after the government’s opposition was filed, in support of its opposition to the defendant’s motion for a transfer of venue, ECF 64.

On March 4, 2022, the Supreme Court decided *United States v. Tsarnaev*, --- U.S. ----, 142 S.Ct. 1024 (2022), which dealt with *voir dire* in the trial arising out of the Boston Marathon bombing. *See id.*, 142 S.Ct. at 1030. The Supreme Court upheld the district court’s *voir dire* procedure, which involved asking prospective jurors “what media sources they followed, how much they consumed, whether they had ever commented on the bombings in letters, calls, or online posts, and, most pointedly, whether any of that information had caused the prospective juror to form an opinion about [the defendant’s] guilt or punishment,” and allowing the attorneys to ask follow-up questions. *Id.* at 1035. Although the issue of venue transfer was not before the Supreme Court, the government submits that that Court’s treatment of the district court’s *voir dire* procedures in that high-profile case is relevant to this Court’s consideration of whether *voir dire* is sufficient to protect the defendant’s right to a fair trial in this case.

Accordingly, the government asks that the Court consider the reasoning applied by the Supreme Court in *Tsarnaev* in deciding the defendant's motion to transfer venue in this case.

Respectfully submitted,

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