

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA**

UNITED STATES OF AMERICA	:	
	:	CASE NO. 1:21-cr-00311-CRC
v.	:	
	:	
JEREMY DANIEL GROSECLOSE,	:	
	:	
Defendant.	:	

**UNITED STATES’ PROPOSED VOIR DIRE QUESTIONS
AND NEUTRAL STATEMENT OF THE CASE**

The United States of America, by and through its attorney, the United States Attorney for the District of Columbia, hereby submits the following proposed voir dire questions and neutral statement of the case.¹

Respectfully submitted,

MATTHEW M. GRAVES
UNITED STATES ATTORNEY
D.C. Bar No. 481052

By: /s/ Michael J. Romano
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/s/ Anthony W. Mariano
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¹ The Court’s Pre-Trial Order, ECF No. 54, directed the parties to make a joint submission of these items by May 8, 2023 (today). The government provided its proposed language to defense counsel on Friday, May 5, 2023 (and had given her a substantially similar draft on October 28, 2022, before the Court’s prior deadline), but has heard no feedback.

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INTRODUCTION AND VOIR DIRE

Introduction

Good morning, ladies and gentlemen, and welcome to Courtroom 27A. I am Judge Christopher R. Cooper, and I will be the presiding judge in this case. You have been called to this courtroom for possible selection in a criminal case entitled *United States v. Jeremy Daniel Groseclose*.

First, I want to introduce you to the court employees and tell you how we will proceed. Assisting me are Ms. Lauren Jenkins, the Courtroom Deputy Clerk, whom you have met; [COURT REPORTER], the court reporter—he is not a news reporter with the press but a court reporter who will keep a record of the proceedings for me and for people involved in this trial. Also, at the bench is [LAW CLERK], one of my law clerks. I will introduce the government lawyers, defense counsel, and the defendant momentarily.

You are here because we must select twelve of you and two alternates to serve as jurors to hear this case. Some of you may think you know if you're an alternate or not. I can assure you that the alternate seats have been assigned randomly and you will not know if you're an alternate until the end of the trial. So please pay attention because we may have to use our alternates.

The purpose of jury selection is to select jurors who have no bias toward either side in the case. Normally, I would say jurors who have no prior knowledge of the case and no bias towards

either side of the case. Because of the nature of the case, you may have knowledge about the events at the United States Capitol on January 6, 2021. We are looking for jurors who have knowledge about the facts of *this* case, and to select jurors who have no bias. An opinion is not a bias. We're looking for unbiased jurors.¹

To help the prosecution and defense learn more about you, I will be asking you questions during a process we call voir dire. There are no right or wrong answers, only truthful ones.

You all should have an index card and a pen or pencil. Please write the last 4 digits of your juror number in the upper right-hand corner of the index card. I will ask you a series of questions that can be answered with a "yes" or a "no." If you have a "yes" answer to a particular question, please put a check or mark next to the number of the question on your index card. You do not have to put down WHY you have a "yes" answer—I will hear your reason for any "yes" answer after I have finished asking the questions.

Once I finish with the questions, Ms. Jenkins will collect your index cards and bring them to me. At that time, I will follow up with each of you individually here at the bench using what is called a "husher," which will allow us to discuss your answers without any other jurors hearing our discussion.

When we conduct the individual follow-up, we will be calling you by juror number, not by your name. When the follow-up questioning is over, I will decide whether any prospective juror should be excused for cause. Once we have completed the follow-up questioning, the lawyers will have a chance to make their selections. Each side will have the opportunity to make peremptory challenges or strikes, meaning they can excuse potential jurors without stating a reason. Once the

¹ The portion of this paragraph beginning "Normally, ..." is taken from Judge Chutkan's voir dire in the matter of *United States v. Russell Dean Alford*, 1:21-cr-00263 (Trial Tr. 09/28/2022 at 16.)

lawyers have made their selections, we will empanel and swear the jury to hear this case. The jurors selected will receive more instructions about the trial before it begins. Those who are not selected will return to the juror lounge.

Before we begin the questioning, I will ask Ms. Jenkins, my courtroom deputy clerk, to administer the oath. Will the clerk please swear the jury panel.

[Clerk Swears in the Panel]

Now that you have been sworn, we are about to begin the “voir dire.” The term “voir dire” is the process by which prospective jurors are questioned about their backgrounds to determine if they will be selected to hear a case. Remember that you are bound by the oath you have just taken to answer my questions truthfully. Some of the questions I ask may involve matters which are very personal to you. Please understand, ladies and gentlemen, it is not my intention or desire—and it is not the desire of the lawyers—to invade your privacy or embarrass you. Our only wish is to select the fairest, most impartial jury possible. The government and the defendant have a vital interest in this matter and want to be assured that jurors will have no biases or prejudices about this case, and that the verdict is based only on the law and the evidence. Therefore, it is important that you be entirely straightforward with us in your responses.

Now, before I begin with the questions, let me read a short summary to give you some background on this case.

This is a criminal case that relates to the events that occurred at the United States Capitol on January 6, 2021. The United States alleges that on January 6, the defendant in this case, Jeremy Daniel Groseclose, was part of the riot on Capitol grounds and in the Capitol building. The United States contends that Mr. Groseclose entered the Capitol building through a broken window and, once inside, that he joined a group of rioters in preventing police officers from closing a door inside the Capitol building, and that he and other rioters breached that door.

Mr. Groseclose is charged with six crimes relating to Congress's proceeding at the United States Capitol on January 6, 2021, to certify the Electoral College vote for president. First, he is charged with obstructing law enforcement officials during a civil disorder. Second, he is charged with attempting to obstruct an official proceeding: Congress's certification of the Electoral College vote. Third, he is charged with entering and remaining in the Capitol building, and its grounds, while they were restricted. Fourth, he is charged with engaging in disorderly and disruptive conduct within restricted grounds. Fifth, he is charged with engaging in disorderly and disruptive conduct in the Capitol building. And sixth, he is charged with parading, demonstrating, and picketing in the Capitol building.

Mr. Groseclose has pleaded not guilty to all charges.

Voir Dire Questions

1. Do you believe you may know anything about the facts and circumstances of this case, other than what I have told you today? *If so, please write the number "1" on your index card*

2. Is there anything about the nature of the charges that would make it difficult for you to render a fair and impartial verdict in this case? *If so, please write the number "2" on your index card.*

3. Do you live or work near the United States Capitol in Washington, D.C., or do you have any special familiarity with that area? *If so, please write the number "3" on your index card.*

4. The United States is represented in this case today by Assistant United States Attorneys Michael J. Romano and Anthony W. Mariano. Sitting with them are paralegal Brittany Sheff and Special Agent Matthew Lee. Do you recognize or think that you might know Mr. Romano, Mr. Mariano, Ms. Sheff, or Mr. Lee? *If so, please write the number "4" on your index card.*

5. The United States Attorney for the District of Columbia is Matthew M. Graves. Does any member of the jury panel know Mr. Graves? *If so, please write the number "5" on your index card.*

6. The defendant in this case is Mr. Jeremy Daniel Groseclose, who resides in Elliston, Virginia. Do you recognize or think that you might know Mr. Groseclose? *If so, please write the number "6" on your index card.*

7. Mr. Groseclose is represented in this case by Ms. Carmen Hernandez. Sitting with her is paralegal Judy Kahan. Do you recognize or think that you might know Ms. Hernandez or Ms. Kahan? *If so, please write the number "7" on your index card.*

8. The government will call a number of witnesses to testify during the trial. The defense may also do so, but is not required to call witnesses. I will ask each party to introduce or read a list of names of witnesses that you may hear from, or hear about, during the trial. Not all of these witnesses will necessarily testify, but they are being introduced to determine whether any of you recognize or think that you may know any of the potential witnesses in this case. *After the parties are finished, please mark your card with a number "8" if you recognize or think that you may know any of these witnesses, and please write down the names of the witnesses you think you might recognize or know.*

- a. At this point I will ask Mr. Romano or Mr. Mariano to read the names of the witnesses whom the United States may call to testify in this case.
- b. If the Defense intends to call witnesses, Ms. Hernandez will now read their names.
- c. *As I said before, please mark your card with the number "8" if you recognize or think that you may know any of these witnesses, and please write down the names of the witnesses you think you might recognize or know.*

9. Do you recognize or think that you might know any other member of the jury panel or any other person in the courtroom, including me or my courtroom staff? *If so, please write the number "9" on your index card.*

10. The law provides that the defendant is presumed innocent. The burden is on the government to prove him guilty of each element of the offense beyond a reasonable doubt. The defendant does not have to produce any evidence at trial because he is not required to prove his innocence. Nor is the defendant required to prove any fact in dispute in this case. This instruction is based on the law. This presumption continues through the trial unless and until the government proves a defendant guilty beyond a reasonable doubt. Would you have any difficulty at all in following this principle? *If so, please write the number "10" on your index card.*

11. The defendant, like every defendant in a criminal case, has the absolute right not to testify. Our constitution provides that no defendant may be compelled to testify. If the defendant elects not to testify in this case, you must not draw any inference as to his guilt from that decision. Would you have any difficulty at all in following this principle? *If so, please write the number "11" on your index card.*

12. The law requires that jurors weigh the evidence in a case and reach a verdict based solely upon the admitted evidence and instructions of law, without any regard whatsoever for what the potential punishment might or might not be. Would you have any difficulty at all in following this principle? *If so, please write the number "12" on your index card.*

13. Have you, or any of your family, close friends, or household members, ever studied law or had any legal training, including paralegal training? *If so, please write the number "13" on your index card.*

14. Have you, or any of your family, close friends, or household members, ever worked for or with an office that handles prosecution or law enforcement? By “prosecution,” I mean government agencies such as the United States Attorney’s Office, a district attorney’s office, or an attorney general’s office. By “law enforcement,” I mean government agencies like state and local police departments; the Metropolitan Police Department; the Federal Bureau of Investigation, also known as the FBI; the Department of Justice; the U.S. Marshal’s Service; the Bureau of Alcohol, Tobacco, Firearms, and Explosives, also known as the ATF; the Internal Revenue Service; the U.S. Secret Service; the CIA; and the Department of Homeland Security. *If so, please write the number “14” on your index card.*

15. Have you, or any of your family, close friends, or household members, ever done any work for or with any person or organization that does criminal defense work, such as the Federal Defender’s Office, the Public Defender’s office, defense attorneys, or a private law firm? This question also includes work as a private investigator. *If so, please write the number “15” on your index card.*

16. Have you, or any of your family, close friends, or household members, ever worked at a courthouse or for a court system, including as a probation or parole officer? *If so, please write the number “16” on your index card.*

17. Do you, or any of your family, close friends, or household members, have a pending application for employment with the United States Attorney’s Office or any prosecutor’s office; a public defender service; a law firm that does criminal defense work; or with any local, state, or federal law enforcement agency? *If so, please write the number “17” on your index card.*

18. Do any of you now, or have you within the past five years, belonged to or participated in any crime prevention groups, such as neighborhood watch organizations, orange

hat groups, or any other crime prevention or victim rights groups? *If so, please write the number "18" on your index card.*

19. Have you ever served on a Grand Jury? *If so, please write the number "19" on your index card.*

20. Have you ever served on a trial jury, either in a civil or a criminal case? *If so, please write the number "20" on your index card.*

21. Have you had an experience with law enforcement, or any person associated with or employed by the United States Attorney's Office or the Court or the criminal justice system, which would make it difficult for you to be a fair or impartial juror in this case? Or an experience with a defense attorney or defense investigator, which would make it difficult for you to be a fair or impartial juror in this case? *If so, please write the number "21" on your index card.*

22. Have you formed special opinions concerning defense attorneys, prosecutors, or accused persons that would affect you in deciding this case? *If so, please write the number "22" on your index card.*

23. Do you have any feelings about people of different races, gender, nationality, or religion that would affect your ability to be a fair and impartial juror? *If so, please write the number "23" on your index card.*

24. There will be testimony from police officers and other law enforcement agents in this case. Would the fact that a witness is a police officer or law enforcement agent have any effect at all on whether or not you believe that person's testimony? In other words, would the fact that a witness is a police officer or law enforcement agent make you more likely to believe his or her testimony? Or make you less likely to believe his or her testimony? *If so, please write the number "24" on your index card.*

25. Have you, or any of your family, close friends, or household members, ever been the victim of or a witness to a crime? By “crime” here I mean something other than parking or speeding tickets. *If so, please write the number “25” on your index card.*

26. Have you, or any of your family, close friends, or household members, ever been arrested for, charged with, found guilty of, or gone to jail for a crime? By “crime” here I mean something other than parking or speeding tickets. *If so, please write the number “26” on your index card.*

27. Do you have strong feelings about persons who do not accept the results of the 2020 Presidential Election? And if so, would those feelings affect your ability to be a fair and impartial juror in this case? *If so, please write the number “27” on your index card.*

28. Does any member of the panel suffer from any illness that would make it difficult for you to sit as a juror and are any of you presently taking any medication that causes drowsiness, confusion or discomfort? *If so, please write the number “28” on your index card.*

29. Do you have any moral, social, political, philosophical, spiritual, religious or any other creed or belief that would make it hard for you to sit as a juror in this case? *If so, please write the number “29” on your index card.*

30. We estimate that trial in this case will last into next week. Do any of you have any travel plans or other major conflicts, this week or next, which would make it impossible for you to sit as a juror? *If so, please write the number “30” on your index card.*