

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

<b>UNITED STATES OF AMERICA</b>	:	
	:	
v.	:	<b>Case No. 21-CR-536 (ACR)</b>
	:	
<b>KAROL J. CHWIESIUK</b>	:	
<b>AGNIESZKA CHWIESIUK</b>	:	
	:	
<b>Defendants.</b>	:	

**PROPOSED VOIR DIRE**

*Proposed Statement of the Case to Read to Prospective Jurors*

In this case, the defendants, Karol J. Chwiesiuk and Agnieszka Chwiesiuk, are charged with violating five separate federal criminal laws based on their actions at the U.S. Capitol on January 6, 2021, when the United States Congress was scheduled to meet inside the U.S. Capitol building in a joint legislative session to certify the results of the 2020 presidential election. In summary, the Information charges Karol J. Chwiesiuk and Agnieszka Chwiesiuk with entering and remaining in a restricted building or grounds, disorderly or disruptive conduct in a Capitol building or in a restricted area, and parading, demonstrating, or picketing in a Capitol building. In addition, the Information charges Karol J. Chwiesiuk with entering or remaining in a room designated for the use of a member of Congress.

*General Questions*

1. Will the defendants, Karol J. Chwiesiuk and Agnieszka Chwiesiuk, PLEASE STAND. Do you know or have you had any contact with either Karol J. Chwiesiuk or Agnieszka Chwiesiuk?
2. Karol J. Chwiesiuk and Agnieszka Chwiesiuk are represented by Trial Attorney Nishay Sanan, Esq.. PLEASE STAND. Do you know or have you had any contact with Mr. Sanan?
3. The United States is represented in this case by Assistant United States Attorneys Anna Krasinski and Assistant United States Attorney Sean P. Murphy. The attorneys are assisted by paralegal Brittany Sheff. Each of these individuals works for the U.S. Department of Justice. Could you each PLEASE STAND. Do you know or have you had any contact with any of these individuals?
4. During the course of the trial, you may hear testimony from or about a number of people. The attorneys will now identify for you the names of people who may testify or about whom you may hear testimony. Listen carefully and, if you recognize or know any of the people named, please write down the name or names and let me know at the appropriate time. The Government's counsel may go first, and then the defendant may list any additional names.
5. Please look around you. Do you know or recognize any other member of the prospective jury panel, the courtroom staff or me?
6. The lawyers have predicted that the presentation of evidence in this trial should last about three days, but it could be shorter or longer. The jury will sit Monday through Friday, generally from 9:30 a.m. to 5 p.m., although the starting and ending times may vary. The length of jury deliberations following the presentation of evidence at trial will be determined by the jury itself. Do you have an urgent or extremely important matter to attend to this week and next, such that you could be faced with a hardship if selected to serve on the jury in this case?
7. Do you have any vision, language, or hearing problems, or any other physical or medical problems, that would make it unusually difficult for you to serve as a juror in this case, to sit for long periods of time without a break, or that might otherwise interfere with your ability to hear or understand what the witnesses say in this case, to view exhibits and photographs, or to give your full attention to this case?
8. Have you, any member of your family or close friend ever studied law or been employed by a lawyer or a law firm, worked in a courthouse, as a paralegal or legal secretary, or performed legal investigative work?
9. Have you, any member of your immediate family, or close personal friend ever been employed by any local, state, or federal law enforcement agency or a private security company? Law enforcement agencies include for example, the Metropolitan Police Department, the U.S. Marshals Service, the Federal Bureau of Investigation (FBI), or the

police departments of other states or cities, including the Chicago Police Department (CPD).

10. Have you, any member of your immediate family, or close personal friend ever been employed at the United States Capitol in any capacity?
11. Have you, any member of your immediate family, or close personal friend had any experiences with any law enforcement agency or the government that might cause you to favor or disfavor the government or law enforcement?
12. Have you ever filed a complaint against a police officer or anyone in law enforcement?
13. Prior to this case, have you ever served as a juror at a civil trial, a criminal trial, or on a grand jury?
14. Have you, any member of your immediate family, or close personal friend ever been the subject of a criminal investigation, been arrested for, charged with, or convicted of a crime?
15. Have you, any member of your immediate family, or close personal friend ever been a victim of or witness to a crime?
16. Have you ever testified in court or before a grand jury?
17. Do you have any opinions about prosecutors or defense attorneys that might affect your ability to serve fairly and impartially in this trial?
18. Have you, any member of your immediate family, or close personal friend belong to a group or organization that is active in law enforcement or crime victim prevention matters? Some examples of such organizations include: Fraternal Order of Police, Crime Watch, Crime Stoppers, Orange Hats, or other organizations, including any groups on the Internet, which monitor or discuss neighborhood crime issues.
19. One of the defendants in this case is a police officer. Do you believe that police officers should be held to a higher standard than civilians when charged with crimes?
20. I will be instructing the jury in this case that the testimony of law enforcement officers should be treated the same as the testimony of any other witness and that the jury should not give either greater or lesser weight to the testimony of a witness simply because that witness works in law enforcement. Do you have such strong feelings about law enforcement—either positive or negative—that it would be difficult for you to follow this instruction or be a fair juror in the case?
21. The defendants have entered pleas of not guilty to all the charges. In a criminal case, a defendant is presumed innocent unless and until the government proves her guilt beyond a reasonable doubt. Will you have any difficulty accepting or applying this rule of law?
22. To reach a verdict on a particular charge, every juror must agree on the verdict. That is, any verdict must be unanimous. In deliberations you must consider the opinions and points

of your fellow jurors, but you must also follow your own conscience and be personally satisfied with any verdict. Would you have difficulty expressing your own opinions and thoughts about this case to your fellow jurors?

23. This case involves evidence recovered during the execution of a court-approved search warrant. Do you have such strong feelings about the execution of court-approved search warrants that would make it difficult for you to be fair and judge this case on the evidence presented in court?
24. Do you know of any other reason that I haven't asked about that would prevent you from following my instructions on the law and being completely fair and impartial as a juror in this case? For example, do you have any moral, religious, or ethical beliefs that prevent you from sitting in judgment of another person?

***Specific Questions Regarding January 6, 2021***

25. Do you, any member of your immediate family, or close personal friend live or work near, or have any special familiarity with the United States Capitol or the area surrounding the Capitol?
26. Were you, any member of your immediate family, or close personal friend present at or near the Capitol on January 6, 2021?
27. Have you watched any videos or seen any photographs of what happened at the U.S. Capitol on January 6, 2021?
28. Have you been following the investigation into the events of January 6, 2021, at the United States Capitol in the news media or on the internet? This includes following the investigation generally or following specific cases or individuals.
29. I will be instructing the jury that it may consider only evidence that was properly admitted in this case, and the law as I instruct it, and not anything jurors may have seen or heard outside this courtroom about the events at the U.S. Capitol on January 6, 2021. Is there any reason it would be difficult for you to set aside whatever you have seen or heard and whatever feelings or opinions you have about that, to follow my instructions, and to be a fair juror in this case?

***Background Questions for Individual Voir Dire***

30. How long have you lived in the District of Columbia?
31. If you have lived in Washington, D.C. for fewer than three years, where did you live before?
32. What is your neighborhood called?
33. Do you have children or stepchildren? If so, how many? What are their ages?

34. What is the highest level of school you completed?
35. What is your current work status?
36. What is your current occupation and employer?
  - a. How long have you been at this job?
  - b. What is your current role at work?
  - c. Does your role include supervisory duties?
37. What is your marital status?
  - a. If you are married, what is your spouse's occupation?
38. What are your primary sources for local and national news?

***Requested Follow-up Questions***

39. If you answered "yes" to Question 13 (prior jury service):
  - a. What kind of jury did you serve on? Grand jury, or a criminal or civil case?
  - b. Have you ever been the foreperson?
  - c. Did you reach a verdict?
  - d. Was there anything about your experience as a juror which would affect your ability to serve fairly and impartially as a juror at this trial?
40. If you answered "yes" to Question 16 (testifying in court):
  - a. What was the nature of the lawsuit?
  - b. What was your role in the case?
  - c. What was the result?
  - d. Was there anything about your experience as a witness which would affect your ability to serve fairly and impartially as a juror at this trial?
41. If you answered "yes" to Question 27 (watching videos or viewing photographs depicting the events of Jan. 6):
  - a. From what source—that is, what website, social media platform, or news program—did you view those videos, photographs, posts, or other news alert?

- b. Did you watch live news coverage of the events at the United States Capitol on January 6, 2021?
  - c. About how many videos have you seen from the events that occurred at the United States Capitol on January 6, 2021?
  - d. Do you follow anyone on any social media platform who regularly reports or comments on the events of January 6, 2021?
42. If you answered “yes” to Question 28 (following the Jan. 6 investigation generally or specific cases/individuals):
- a. Did you attend, view, or listen to any portion of any Congressional hearings related to the events that occurred at the United States Capitol on January 6, 2021?
43. If you answered “yes” to Question 19 (holding police officers to a higher standard):
- a. Do you have any strong feelings about police officers that are charged with crimes connected to the events of January 6, 2021?