

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLUMBIA

UNITED STATES OF AMERICA

v.

LYNNWOOD NESTER,

Defendant.

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CASE NO. 22-cr-183 (TSC)

**JOINT PROPOSED VOIR DIRE**

1. Do you believe you may know anything about the facts and circumstances of this particular 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 Brian Morgan and Katherine Boyles. They are assisted by Paralegal Tekiah Jones and FBI Task Force Officer Melissa Bridges. Do you recognize or think that you might know Mr. Morgan, Ms. Boyles, Ms. Jones, or Officer Bridges? *If so, please write the number “4” on your index card.*

5. The defendant in this case is Mr. Lynnwood Nester who resides in Dillsburg, Pennsylvania. Do you recognize or think that you might know Mr. Nester? *If so, please write the number “5” on your index card.*

6. Mr. Nester is represented in this case by Mr. Jonathan Crisp of Crisp and Associates in Harrisburg, Pennsylvania. Do you recognize or think that you might know Mr. Crisp? *If so, please write the number "6" on your index card.*

7. 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 "7" 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. Morgan or Ms. Boyles 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, I ask Mr. Crisp to now read their names.
- c. *As I said before, please mark your card with the number "7" 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.*

8. 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 "8" on your index card.*

9. 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 "9" on your index card.*

10. 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 "10" on your index card.*

11. 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 "11" on your index card.*

12. 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 "12" on your index card.*

13. 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; or other federal law enforcement agencies. *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 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 "14" on your index card.*

15. 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 "15" on your index card.*

16. 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 "16" on your index card.*

17. 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 "17" on your index card.*

18. Have you ever served on a Grand Jury? *If so, please write the number "18" on your index card.*

19. Have you ever served on a trial jury, either in a civil or a criminal case? *If so, please write the number "19" on your index card.*

20. Have you, or any of your family, close friends, or household members, had any unpleasant experiences with the police or a prosecutor or other law enforcement, whether here in D.C. or elsewhere? Or unpleasant experiences with a defense attorney or defense investigator, whether here in D.C. or elsewhere? *If so, please write the number "20" on your index card.*

21. 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 "21" on your index card.*

22. 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 "22" on your index card.*

23. 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 "23" on your index card.*

24. 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? *If so, please write the number "24" on your index card.*

25. Do any of you 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 “25” on your index card.*

26. Do any of you believe that you would be unable to deliberate and reach a verdict if they were selected as a juror – that includes any moral, social, political, philosophical, spiritual, religious or any other creed or belief that would prevent you from deliberating and reaching a verdict? *If so, please write the number “26” on your index card.*

27. Do any of you have travel plans or some other engagement this week that would make it impossible for you to sit as a juror? *If so, please write the number “27” on your index card.*

28. Have you or a close friend or family member ever worked at the U.S. Capitol building? *If so, please write the number “28” on your index card.*

29. Do you or someone you know have a personal connection to the events that occurred at the U.S. Capitol on January 6, 2021 or were you significantly affected by the events that occurred at the U.S. Capitol on January 6, 2021? *If so, please write the number “29” on your index card.*

30. Have you so closely followed media coverage of what happened at the U.S. Capitol on January 6, 2021, or the investigation of those events, on the news or on the Internet, that you have concerns that you could not decide this case based on only the law and evidence you receive in court, in a fair and impartial manner? *If so, please write the number “30” on your index card.*

a. If a juror answers affirmatively to Question 30, the parties propose that the Court ask the following follow-up questions:

1. How many times have you watched videos, in whole or in part, related to January 6 on TV or on the internet?

2. No matter what you have heard or seen about events at the U.S. Capitol on January 6, 2021, and no matter what opinions you may have formed, can you put all of that aside and decide this case only on the evidence you receive in court, follow the law, and decide the case in a fair and impartial manner?

31. If you or your spouse or partner have strong political views, will you be able to put aside those views and be a fair and impartial juror in this case? *If so, please write the number "31" on your index card.*

32. **[The Defendant proposes the following question, to which the government objects as too narrowly focused and cumulative:]** Do you believe that everyone who entered the Capitol on January 6, 2021 did so with the intent to act disorderly or disruptive? *If so, please write the number "32" on your index card.*

33. Do you have any difficulty speaking, reading, writing, or understanding the English language? *If so, please write the number "33" on your index card.*