

United States District Court
District of Columbia

United States of America

vs.

Jolene Eicher

)

)

) Case No. 1:22-CR-00038-BAH

)

)

Motion to Supplement Court's Voir Dire Questions

Matthew Hill
Assistant Federal Public Defender
201 Abingdon Pl
Suite 201
Abingdon, VA 24210

This Court has entered an Order Regarding Trial Procedures. Attachment B to that order describes the *voir dire* questions the Court will put to the venire. The parties discussed adding a question as proposed below but have been unable to reach an agreement.

Within those questions in Attachment B is the following:

10. If you are selected as a juror in this case, I will instruct you to avoid and not seek out any media coverage about this case; the defendant, JOLENE EICHER; or any media coverage concerning the events at the U.S. Capitol on January 6, 2021, including radio, television, podcasts, social media, and the internet. I will instruct you not to Google or search for information about JOLENE EICHER. Would you have difficulty following this instruction?

This question should ensure that members of the sworn jury base their decision only on the evidence and testimony presented at the trial of this matter. To ensure that a fair and impartial jury is seated the Defendant moves the Court to supplement the *voir dire* questions in the Court's attachment to include the following or something similar:

Has your prior consumption of media coverage (including radio, television, podcasts, social media, and the internet) concerning events at the U.S. Capitol on January 6, 2021 caused you to form an opinion regarding the probable guilt or innocence of persons charged with crimes stemming from that event?

As the Court observed at the final pretrial conference, reporting on January 6 has been extensive and all members of the venire have likely been exposed to such media. Including this question will help identify members of the venire with prior media exposure that can not be fair and impartial or who will

struggle to follow the Court's instructions to base their decision only on what is presented at the trial of this matter.

Ms. Eicher submits that her proposed question is the most effective way to identify individuals who may have formed opinions regarding individuals charged with crimes regarding January 6. Identifying those individuals will allow the Court to explore whether the person can follow the Court's further instructions or should be struck for cause. Further, this question will allow the Defense to meaningfully exercise her peremptory challenges.

Respectfully Submitted,
Jolene Eicher
By Counsel

JUVAL O. SCOTT
Federal Public Defender
Western District of Virginia

Matthew Hill
Assistant Federal Public Defender
Missouri State Bar No. 47889
New Hampshire State Bar No. 18864
Arkansas State Bar No. 2018170
Attorney for the defendant
Federal Public Defender's Office
201 Abingdon Place
Abingdon, VA 24211
Telephone: (276) 619-6086
Fax: (276) 619-6090
matt_hill@fd.org

CERTIFICATE OF SERVICE

I hereby certify that a true copy of the foregoing document was electronically filed and will be forwarded to the Assistant United States Attorney, this 9th day of June, 2023.

s/Matthew Hill