

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

UNITED STATES OF AMERICA

v.

DANIEL RODRIGUEZ (1),
EDWARD BADALIAN (2)

Defendants.

No.: 21-cr-246 (ABJ)

PROPOSED VOIR DIRE QUESTIONS

ORGANIZATIONAL AFFILIATIONS AND ACTIVITIES

1. Have you or a close friend or family member in the last five (5) years attended a rally, protest, demonstration, or march of any type?

Government objection: The government opposes this question as inappropriately probing the jurors' politics.

PROXIMITY TO EVENTS OF JANUARY 6TH

2. Have you ever been on the Capitol grounds or inside the Capitol building?
3. Were you or a close friend or family member living on Capitol Hill on January 6, 2021?
4. Were you or a close friend or family member at the Capitol on January 6, 2021?
5. Did you have a concern for the safety of yourself, a close friend, or family member on January 6, 2021?

Government objection: The government opposes questions 2-5, as agreed upon questions 14-17 are adequate in covering these topics.

PRIOR JURY SERVICE

6. Have you ever served on a grand jury?
7. Have you ever served on a jury in a trial?
8. Have you ever served as a jury foreperson?

9. Was there anything about your jury service that left you disappointed or dissatisfied with the court or criminal justice system?
10. Was there anything about your jury service that would affect your ability to be a fair and impartial juror in this case?
11. Have you or a close friend or family member previously been called for jury service for a trial related to the events of January 6th?

Government objection: The government opposes questions 6-11, as agreed upon question 13 is adequate to cover these topics. Should it become necessary, the parties can follow up with any juror as to whether or not they reached a verdict in their petit jury service.

KNOWLEDGE OF TRIAL PARTICIPANTS AND THE CASE

12. Did you vote in the last presidential election? (Neither the Court nor the parties will ask you to identify for whom you cast your vote if you, in fact, voted.)

Government objection: The government opposes question 12, as inappropriately probing the jurors' politics.

13. Did you watch live news coverage of the events at the United States Capitol on January 6, 2021?
14. Have you watched or read news coverage of the events at the United States Capitol after January 6, 2021?
15. Do you follow anyone on any social media platform who regularly reports or comments on the events of January 6, 2021?
16. Have you or a close friend or family member been employed or had any association or connection with the House Select Committee to Investigate the January 6th events at the United States Capitol?
17. Did you attend, view, or listen to any portion of any Congressional hearing related to the events that occurred at the United States Capitol on January 6, 2021?
18. Do you have such a strong opinion about any aspect of the events that occurred at the United States Capitol on January 6, 2021, that would affect your ability to be a fair and impartial juror in this case?

Government Objection: Government opposes questions 13-18, as agreed upon questions 14-17 are sufficient to cover these topics.

19. Have you read, seen, or heard anything about protestors coming from California to Washington, D.C. on January 6th?
20. Have you read, seen, or heard anything about certain protestors from California that would affect your ability to be a fair and impartial juror in this case?
21. Have you read, seen, or heard about any allegations regarding the defendants — Edward Badalian — Daniel Joseph “DJ” Rodriguez - in this case?

Government Objection: Government opposes questions 19-21, as agreed upon questions 2, 14-17 are sufficient to cover these topics.

EMPLOYMENT WITH LAW, LAW ENFORCEMENT, AND THE COURTS

22. Have you or a close friend or family member ever worked in any aspect of the legal field as a lawyer, prosecutor, criminal defense attorney, legal secretary, paralegal, court reporter, investigator, law clerk, judge, etc.?
23. Have you or a close friend or family member ever applied for employment with, were employed by, or received training by any local, state, or federal law enforcement agency?
24. Several witnesses in this case will be law enforcement officers. You will be instructed that the testimony of a law enforcement officer is to receive no greater or no lesser weight simply because that witness is a law enforcement officer. Would you have any difficulty in following that instruction?

Government Objection: Government opposes questions 22-24, as agreed upon question 9 is sufficient to cover these topics.

EXPERIENCE WITH CRIME AND VIOLENCE

25. Have you or a close friend or family member ever been the victim of a crime, reported or not?
26. Have you or a close friend or family member ever been a witness to a crime, whether or not it was reported to the police?

27. Have you or a close friend or family member ever testified as a witness in any court proceeding?
28. Have you or a close friend or family member ever been arrested, charged, prosecuted, or convicted of any crime other than for a traffic violation?

Government Objection: Government opposes questions 25-28, as agreed upon questions 6 and 12 are sufficient to cover these topics.

LEGAL PRINCIPLES

29. An indictment is not evidence. It is a document that sets forth the charges made against the defendant; it is an accusation. It may not be considered as any evidence whatsoever of a defendant's guilt. Can you think of any reason that would interfere with your ability to follow and apply this principle of law?
30. A defendant is presumed innocent and cannot be found guilty unless the jury, unanimously and based solely on the evidence in this case, finds that the government has proven his guilt beyond a reasonable doubt. The burden of proving guilt rests entirely with the government. The defendant is not required to prove his innocence. Can you think of any reason that would interfere with your ability to follow and apply these principles of law?
31. The United States has the burden of proving its case beyond a reasonable doubt as to each defendant and each individual count on the indictment separately. Can you think of any reason that would interfere with your ability to follow and apply this principle of law?
32. If the United States fails to prove a defendant's guilt beyond a reasonable doubt, the defendant must be found not guilty. Can you think of any reason that would interfere with your ability to follow and apply this principle of law?
33. Under the law, a defendant accused of a crime does not have to testify in his or her defense. If a defendant does not testify, the jury may not consider that fact in any way in deciding whether a defendant is guilty. Can you think of any reason that would interfere with your ability to follow and apply this principle of law?
34. The charges in this case include conspiring to obstruct an official proceeding, destroying government property, theft of government property, obstruction of law enforcement during civil disorder, tampering with documents or proceedings, aiding and abetting,

inflicting bodily injury on certain officers using a dangerous weapon, and entering and remaining in a restricted building or grounds. Is there anything about the charges, without more, that might affect your ability to fairly evaluate the evidence or determine whether the government has proven a defendant's guilt beyond a reasonable doubt?

35. Jurors are the sole judges of the facts. However, the jury must follow the principles of law as instructed by the judge. The jury may not follow some rules of law and ignore others. Even if the jury disagrees or dislikes the rules of law or does not understand the reasons for some of the rules, it is their duty to follow them. Do you have any personal beliefs that would make it difficult to follow the Court's legal instructions?

Government Objection: Government opposes questions 29-35, as agreed upon questions 11, 18 and 21 are sufficient to cover these topics.

CONCLUDING QUESTIONS

36. If you were selected to serve on this jury, would you consider and respect the view of other jurors even if their views differed from yours, in accordance with the Court's instructions?
37. If, during the course of jury deliberations, a fellow juror should suggest that you disregard the law or the evidence and decide the case on other grounds, would you, as a juror, be able to reject that suggestion and abide by your oath to this Court to decide the case solely on the evidence and law as the Court has instructed you to do, without regard to sympathy, bias, or prejudice?

Government Objection: Government opposes questions 36-37, as agreed upon questions 18 and 21 are sufficient to cover these topics.