

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
FORT MYERS DIVISION

UNITED STATES

v.

Criminal No. 2:20-cr-114-FTM-66MRM

CASEY DAVID CROWTHER

Defendant.

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PROPOSED VOIR DIRE QUESTIONS

Knowledge of the Case

1. I have already briefly described the case. Do you know anything about this case from any source other than what I've just told you?

Pre-trial publicity/fairness questions

1. Do you recall hearing anything about Casey Crowther, a local businessman, in the news or on social media over the past seven months? If yes, please describe in detail what you have heard.
2. Would you say that the news stories and social media posts you have seen or heard have caused you to have a negative, positive, or neutral opinion of Mr. Crowther? Please explain.
3. Have you shared, reposted or commented on any news stories about Casey Crowther on social media? Do you recall which news stories you shared, reposted, or commented on?
4. Based on what you have heard/read/seen/discussed, have you formed any opinions at all about Mr. Crowther's guilt or innocence? If yes, please explain.
5. How strongly do you hold these opinions?

6. Based on your answer to the previous question, do you feel as though it would be hard for you to decide the case against Casey Crowther based on only what you hear in this courtroom? That is, do you believe you would be able to put aside and forget about any media coverage you heard up until today?
7. How interested in the Casey Crowther/alleged PPP news and social media stories have you been in the past several months? How often would you say you have discussed the Casey Crowther story with your family and friends over the past several months?
8. Have you heard or seen any tv, radio, or internet advertising from Crowther Roofing making reference to whether or not that business received any funds or loans from the Government during the pandemic? Have you visited the Crowther Roofing website?
9. Have you heard or seen any news media stories or coverage – whether on tv, radio, digital, or print – regarding people or businesses other than Casey Crowther who received loans from a bank in connection with the pandemic?
If yes, which ones?
10. All parties to this case are entitled to fair and impartial jurors, free from prejudice or bias. In a courtroom, that means something very specific. That means that you (and everyone else) do not have any pre-existing strong opinions in favor of or against one side or the other. An example of this might be football. If you were called to referee a football game between the Gators and Seminoles, could you be fair or would you really want the Gators to win, no matter what? If you go into a game where you are the referee wanting one side to win, you might make some bad calls. It is kind of the same thing in a courtroom. If you have already made up your mind or have strong feelings for or against one party, either the Government or Mr. Crowther/criminal defendants, you might not give both sides a fair chance. Is there anything in your experiences, background, feelings or attitudes that tells you that you might not be fair to both sides? There is nothing wrong with that; we all have biases. It just means that this particular case is not the right case for you. Please let us know what, if anything, is nagging at you about this case or this type of case.

Parties

1. Do any of you know the judge or any court staff present in the courtroom?
2. Are any of you familiar with Casey Crowther?

3. Are any of you familiar with Target Roofing and Sheet Metal, Inc.?
4. Are any of you familiar with Sanibel Captiva Bank?
5. Do any of you work for the United States government or agency of the United States Government?
6. Do any of you know the prosecutors in this case, Michael Leeman or Trenton Reichling? Do any of you know Secret Service Agent, Brian Kirby?
7. Do any of you know the defense attorneys Nicole Waid or Brian Dickerson in this case or have worked with their law firm, FisherBroyles?
8. I am going to read off a list of witnesses who may testify in this case, please let me know if any of you know any of these witnesses. READ LIST

Court Experience

1. Have you ever served on a jury before today, here in Florida or in any state or federal court?
2. Do you know anyone else in the jury box other than as a result of reporting here today?
3. Have you ever been a witness in a criminal case, regardless of whether it went to trial?
4. Have you ever testified in any court proceeding?
5. Have you or any family member or close friend ever been accused of committing a crime other than a minor motor vehicle offense?
 - a. If yes, how was that experience and did the experience impact your ability to remain impartial on this jury?
6. Have you or any family member or close friend ever been the victim of a crime, whether it was reported to law enforcement or not?
 - a. If reported to law enforcement, how was the experience with law enforcement and will that impact your ability to remain impartial on this jury?

Pre-Perceptions/Prejudging the Case

1. Would your verdict in this case be influenced in any way by any factors other than the evidence in the courtroom, such as friendships or family relationships or the type of work you do?
2. Do you already have a predetermined mindset as to the guilt or innocence of the Defendant as you sit here right now, before we even commence the trial?
3. Have you, or any family member or close friend, ever worked for any agency such as a police department, prosecutor's office, the FBI, the Secret Service, or a sheriff's department, jail or prison, either in Florida or elsewhere?
4. As a general proposition, do you think that a law enforcement officer is more likely or less likely to tell the truth than a witness who is not a law enforcement officer?
5. Would you have difficulty following the principle that the defendant on trial is presumed to be innocent and must be found not guilty of any charges unless each and every essential element of an offense charged is proved beyond a reasonable doubt?
6. The indictment is not evidence of guilt. It is simply a charging document. Would the fact that the defendant has been arrested and indicted, and is here in court facing these charges, cause you to have preconceived opinions on the defendant's guilt or innocence?
7. I am now going to read you the definition of Reasonable Doubt.

Definition of "Reasonable Doubt"

The Government's burden of proof is heavy, but it doesn't have to prove a Defendant's guilt beyond all possible doubt. The Government's proof only has to exclude any "reasonable doubt" concerning the Defendant's guilt.

A "reasonable doubt" is a real doubt, based on your reason and common sense after you've carefully and impartially considered all the evidence in the case.

"Proof beyond a reasonable doubt" is proof so convincing that you would be willing to rely and act on it

without hesitation in the most important of your own affairs. If you are convinced that the Defendant has been proved guilty beyond a reasonable doubt, say so. If you are not convinced, say so.

Eleventh Circuit Pattern Jury Instructions.

8. I have just read you the definition of reasonable doubt, and will explain it again at the end of the trial. Would any of you have any difficulty in voting not guilty if the Government fails to meet their burden of proving the Defendant guilty beyond a reasonable doubt?
9. The burden of proving each element of a crime beyond a reasonable doubt rests upon the prosecution and that burden never shifts to the defendant. The defendant in a criminal case has no obligation or duty to prove his innocence or offer any proof relating to his innocence. Would any of you have any difficulty following these principles?
10. Would you have any difficulty or reluctance in accepting the law as explained by the court and applying it to the facts regardless of your personal beliefs about what the law should be or is?
11. Is there anything about this case, based on what I've told you, that would interfere with your ability to be fair and impartial?
12. A defendant in a criminal case has the absolute right to remain silent and has the absolute right not to testify. If a defendant chooses not to testify, the jury is prohibited from drawing any negative conclusions from that choice. The defendant is presumed innocent whether he testifies or not. Would any of you have any difficulty following these principles?
13. Do you generally believe the law is very clear and black and white or do you think the law is often unclear and has some gray areas?
14. Has anyone here participated in a bank loan program which is guaranteed by a government agency or specifically the Small Business Association like the CARES ACT Paycheck Protection Program? If so, was it a positive or negative experience? Will that experience impact your ability to be impartial to both the prosecution and the defendant?
15. Does anyone here have preconceived negative opinions about businesses which participate in loan programs backed by government programs?

16. Does anyone here know what the CARES ACT is? Do you know what the CARES Act does? Does anyone have a negative opinion about the CARES Act?
17. Does anyone have preconceived negative opinions about someone who accepted a bank loan pursuant to the CARES Act?
18. Does anyone have preconceived negative opinions about someone who seeks forgiveness for a bank loan obtained pursuant to the CARES Act?
19. Does anyone have preconceived negative opinions about someone who accepts a bank loan pursuant to the CARES Act, but does not then seek forgiveness of the bank loan?
20. Does anyone have experience buying and or selling boats, either for a livelihood, hobby, or personal enjoyment?
 - a. Was your experience good or bad?
 - b. Did you sell the boats for a profit?
 - c. Anyone buy or sell more than four boats?
 - d. Would you recommend to friends and family to buy a boat?
 - e. If an issue in this case is the buying of a boat, would the above experiences cause you to be impartial at all to someone who bought and sold boats?
21. Anyone here whose profession is or has family members who are accountants, financial planners, auditors or work in a bookkeeping capacity?
 - a. If Profession, how many years, where do you work and what type of accountant, financial planner or auditor are you? Any specific work with Construction?
 - b. If family member, who are they, how many years in that profession and what type of accountant, financial planner or auditor? Any specific work with Construction?
 - c. Are you able to listen to the evidence and the testimony presented before you and not allow any preconceived beliefs or knowledge you have gained from your profession or family member's profession persuade your decisions on the evidence presented before you in this trial?

Open-Ended Question for Each Juror

You have answered a series of questions about criminal trials and criminal charges. Now, we would like to learn a little bit about each of you. Please tell us:

- a. What is or was your profession?
- b. Is your profession the same as it always has been or has it changed over the years?
- c. Have you served in the military?
- d. Do you use a bank or credit union?
- e. What is the highest grade or degree you completed in schooling?
- f. Who lives in your household and what do they or did they do for a profession?
- g. What are the sources from which you learn the news (i.e., newspapers, internet, smart phone, radio, Twitter)?
- h. What are your hobbies? and
- i. Anything else you feel is important if you were in the lawyers' shoes in this case they should know?

Internet/Social Media/TV/Digital Media/Newspapers/Radio

1. From what local sources do you rely upon for most of the news you see/hear/read? Please be specific with what Internet sites, TV stations and newspapers?
2. Which Internet sites do you most frequently visit?
3. On average, how much time do you spend online each day?
4. How many times a day do you access the Internet for non-work related purposes?

5. What are the three main reasons you use the Internet?
6. Do you use a smart phone?
7. How often do you use your cell phone to access the Internet?
8. How often do you use your computer to access the internet?
9. Do you participate in any online social networking sites such as Facebook, Twitter, Instagram, LinkedIn, Snapchat, etc.?

If yes, which ones?

- a. How often daily do you access these sites?
 - b. How often do you post something (i.e., status update, photos, links) to these sites?
 - c. How frequently do you update your profile information?
10. Do you regularly read or post to any online message boards?

If yes, which ones?

- a. How often do you read or post to these message boards?
11. Have you ever commented on the online version of a newspaper article or story related to this case?

If yes, please explain, including the nature of the news story and why it interested you.

12. Do you have your own or do you contribute to any online blogs?

If yes, please explain, including the name of the blog and your participation:

13. a. Do you read any online blogs?

If yes, which ones, and how often?

b. What is it that interests you about these blogs?

14. If you are selected as a juror in this case you will be instructed that you are not allowed to do any outside research on the case, the attorneys, the parties, witnesses, expert testimony, the evidence, the legal issues, the jury instructions, legal definitions, the judge, other jurors, or anything else. This includes online research of any type. Do you think you would have difficulty following that instruction?

15. If you are selected as a juror in this case you will also be instructed that you cannot discuss the case, the attorneys, the parties, witnesses, expert testimony, the evidence, the legal issues, the jury instructions, legal definitions, the judge, other jurors, or anything else prior to jury deliberations, and then, you may only discuss matters with your fellow jurors until the conclusion of the trial. This includes e-mail messages, blogs, and online posts of any kind, including, but not limited to, Facebook, Twitter, Snapchat, LinkedIn, etc. Do you think you would have difficulty following that instruction?

16. Do you subscribe to any news media newsletters that go to your email on a daily basis or are pushed out to your smart phone as breaking news occurs, such as CNN, Bloomberg, or Fox News?

If yes, which ones?

17. Do you subscribe to any local or regional media newsletters that go to your email on a daily basis or are pushed out to your smart phone as breaking news occurs, such as the local CBS, NBC, ABC, and Fox affiliates?

If yes, which ones?

18. Do you have any digital or print newspaper subscriptions?

If yes, which ones?

19. Do you listen to any local radio stations?

If yes, which ones?

Omnibus Qualification Questions

1. Is there anything, whether or not covered by the previous questions, which would affect your ability to be a fair and impartial juror or in any way be a problem for you in serving on this jury?
2. Is there anything else that you feel is important for the parties in this case to know about you?
3. Does anyone have a moral or religious problem with finding a person not guilty, if you think they did something that was legal but morally wrong?
4. For those with strong moral or religious beliefs, is there anything about those beliefs that could make it difficult for you to follow the law if the law seemed to be inconsistent with your moral or religious views?
5. Based on the questions that you have been asked so far, is there anything that we haven't asked you that you think would be helpful for the court, the lawyers, or the parties to know about you?

Respectfully Submitted,

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CERTIFICATE OF SERVICE

I, Nicole H. Waid, attorney for Casey David Crowther, do hereby certify that I have, this day, filed the foregoing with the Clerk of Court via the CM/ECF system, which has caused a true and correct copy to be served on all counsel of record.

/s/ Nicole H. Waid
Nicole H. Waid, Esq.