IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION

UNITED STATES OF AMERICA *v.* DANIEL ERIC JAY	CRIMINAL INDICTMENT 1:20-CR-228-MHC-JKL SECOND SUPERSEDING

Government's Proposed Voir Dire Questions

The United States of America respectfully requests that its counsel be permitted to ask the following questions (and reasonable follow-up questions) to the members of the jury panel during voir dire.

Respectfully submitted,

RYAN K. BUCHANAN
United States Attorney

/s/ *John Russell Phillips*
JOHN RUSSELL PHILLIPS
Assistant United States Attorney
Georgia Bar Number 576335

/s/ *Bernita B. Malloy*
BERNITA B. MALLOY
Assistant United States Attorney
Georgia Bar Number 718905

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1. This case was investigated by the FBI and the Small Business Administration (SBA) Office of Inspector General. Seated next to us are Special Agent Monika Staeva of the FBI and Special Agent Sara Oliver of the SBA-OIG. Have you ever met either of these agents?

2. Do any of you know Shannon Dyer-Vencill, a paralegal in the United States Attorney's Office?

3. Have you or any member of your immediate family ever worked in law enforcement?

4. Do you have any strong opinions concerning law enforcement that might affect your ability to render a fair and impartial verdict in this case?

5. Have you or any member of your immediate family ever had any unpleasant experience with law enforcement?

   (a) Which agency?

   (b) What happened?

   (c) Would that affect your ability to render a fair and impartial verdict in this case?

6. Have you or any member of your immediate family ever been involved in a lawsuit in which the United States or any state or local government was a party?

   (a) If so, what kind of case was it?

   (b) Is the case over, or is it still in litigation?

   (c) Would that affect your ability to render a fair and impartial verdict in this case?

7. The Indictment charges Defendant Jay with wire fraud and conspiracy to commit wire fraud. The Indictment also charges three other people with

those same offenses: Mike Sargent, Mark Sargent, and Maurice Fayne, a/k/a Arkansas Mo.

(a) Do you know Mike Sargent or his twin brother Mark Sargent?

(b) Do you know, or have you ever heard of, Maurice Fayne, a/k/a Arkansas Mo?

8. The Indictment alleges that the victims of the wire fraud and conspiracy to commit wire fraud are people who invested in a trucking company owned by Maurice Fayne, a/k/a Arkansas Mo. Have you ever owned, worked for, or invested in a trucking company?

9. The Indictment also charges Defendant Jay and Maurice Fayne, a/k/a Arkansas Mo, with bank fraud. And the Indictment alleges that the victim of the bank fraud was a federally insured financial institution called United Community Bank.

(a) Have you ever been employed by, owned stock in, or done business with United Community Bank?

(b) If so, would that affect your ability to render a fair and impartial verdict in this case?

10. The bank fraud charge in the Indictment alleges that Defendant Jay and Maurice Fayne, a/k/a Arkansas Mo, caused United Community Bank to make a Paycheck Protection Program ("PPP") loan to Fayne's trucking company.

(a) Did you or any member of your immediate family apply for a PPP loan?

(b) In what business name was the application filed?

(c) Was the loan funded?

11. Have you ever been employed by a bank, a credit union, or any business that loaned money to people?

(a) If so, what was the name of your employer?

(b) What was your job title?

12. You may hear testimony in this case from witnesses who work in the banking industry. Is there anything that you've experienced, heard, or read about the banking industry that would cause you to be biased against those witnesses?

13. Do you have any strong feelings about the Government calling a cooperating co-defendant to testify in exchange for a promise from the Government that the Government will recommend a lighter sentence?

14. Would you tend to not believe the testimony of a witness solely because that person is a cooperating co-defendant?

15. Have you or any member of your immediate family ever attended law school? If so,

(a) Who?

(b) What law school?

(c) What type of law does that person practice?

16. Have you or any member of your immediate family ever worked *in any capacity* for a law firm or organization that defended people accused of committing crimes? If so,

(a) What was the name of the law firm or organization?

(b) What was your (or your family member's) job title?

17. Do you have any education or training in accounting?

(a) If so, please explain.

18. Do you own your own business? If so,

(a) For how long?

(b) What type of business?

(c) How many employees?

19. Have you ever been the victim of any type of fraud? If so,

(a) What happened?

(b) Would that experience affect your ability to render a fair and impartial verdict in this case?

20. Have you ever been charged with a felony? If so, would you prefer to talk about it at the bench?

(a) What crime was charged?

(b) How was it resolved?

(c) Would that experience affect your ability to render a fair and impartial verdict in this case?

21. Do you have any feelings of sympathy toward a person who has been charged with a crime, which would make it hard for you to render a fair and impartial verdict in this case?

22. Are you now, or have you ever been, a preacher, minister, priest, rabbi, youth minister, or other religious leader?

23. Have you or any member of your immediate family ever belonged to or donated any money to any of the following groups: the ACLU, Prison Outreach, or the Fully Informed Jury Association?

24. Do you consider yourself to be a sovereign citizen?

25. Does any member of your family consider himself or herself to be a sovereign citizen?

26. Please look around the courtroom. Before today, have you ever met anyone else in this room? If so, please identify that person, and state how you know him or her?

27. [If the Court qualifies the Government's witness list, we ask that it also qualifies the Defendant's witness list.]

CERTIFICATE OF SERVICE

I hereby certify that, on June 16, 2022, I electronically filed the foregoing document with the Clerk of Court using the CM/ECF system.

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