

UNITED STATES DISTRICT COURT
SOUTHERN EASTERN OF NEW YORK

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UNITED STATES OF AMERICA :

- v. - : 22 Cr. 20 (FB)

ANULI OKEKE, :

Defendant. :

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DEFENDANT ANULI OKEKE'S
PROPOSED VOIR DIRE

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PROPOSED EXAMINATION OF PROSPECTIVE JURORS

Defendant Anuli Okeke respectfully requests, pursuant to Rule 24(a) of the Federal Rules of Criminal Procedure, that the Court include the following questions in its examination of prospective jurors. The Court is requested to pursue more detailed questioning at the sidebar if a prospective juror's answer reveals that further inquiry is appropriate and, in such an instance, to conclude with an inquiry as to whether the particular fact or circumstance would influence the prospective juror in favor of or against either the Ms. Okeke or the government.

A. Preliminary Matters

1. Anuli Okeke, the defendant in this case, denies all of the charges against her and asserts her innocence. Under the law, the jury must presume she is innocent of all the charges. It is the government's burden to prove each charge, if it can, beyond a reasonable doubt, and that burden never shifts to the defense.

2. Ms. Okeke has no obligation to present any defense, call any witnesses, offer any evidence, or testify. And if she does not testify, you cannot view her choice not to testify as evidence of guilt.

3. The charges against Ms. Okeke are listed in an Indictment. The Indictment is not evidence of guilt, and you may not consider it as evidence of anything. The Indictment merely serves to notify Ms. Okeke what the charges are against her and contains only unproven allegations.

4. You will hear a lot more about these charges in the coming days, but let me provide you with a brief summary of the allegations in this case in order to help determine

whether there is anything about the case that may make it difficult or inappropriate for you to serve on the jury.

5. In this case, the charges identified in the Indictment are: (i) a conspiracy to commit wire and bank fraud; (ii) individual substantive counts of wire and bank fraud ; and (3) a conspiracy to commit money laundering. You may not draw any conclusions about the guilt of Ms. Okeke just because he has been indicted. The Indictment does not change in any way the presumption of innocence.

6. The Indictment alleges that the defendant obtained money by agreeing to and in fact defrauding Banco Popular and the United States Small Business Administration in relation to the Paycheck Protection Program (“PPP”) and the Economic Injury Disaster Loans that were established as part of Coronavirus Aid, Relief and Economic Security (“Cares”) Act.

7. For this alleged conduct, the defendant has been charged in the Indictment with three separate charges, or “counts,” charging that the defendant violated the federal laws that make it unlawful to conspire to commit wire and bank fraud, actually committed wire and bank fraud and conspired to commit money laundering.

8. Ms. Okeke maintains her innocence and has pleaded Not Guilty to the charges. Ms. Okeke contends that she acted lawfully and in good faith at all times. It is the government’s burden, as to every element of each count, to prove guilt, if it can, beyond a reasonable doubt. If the government fails to do so, the jury must find Ms. Okeke not guilty.

9. We are about to select from among you the jurors who will sit in this case. Both sides are entitled to know something about the people who sit as jurors. Trial by jury is one of our most treasured rights in the United States. Sitting on a jury is one of the highest forms of

public service. Because of this, we all have an obligation to serve on juries, when called. The law provides this procedure to ensure that both the defendant and the government receive the fairest possible trial. For this reason, I am going to ask you certain questions about the case, your background, important constitutional principles, and any experiences you may have had that might affect your ability to serve as a juror in this case. We are not trying to find out if you are a good juror or a bad juror, but whether you are the right juror for this particular case. Because just as we have an obligation to serve jury duty, we also have that same obligation not to serve on certain juries – and that could be because of your feelings, opinions, or even biases on different issues. We all have life experiences, we all have biases – and it may be that this is not the right case for you, but you’d be perfect on one hundred other juries. It is vital that you provide truthful answers to these questions. They are not meant to embarrass you in any way, but only to elicit the basic information necessary to permit the parties and the Court to make an informed choice of jurors for the case. No one is going to be mad at you or judge you for having certain opinions.

10. Were you able to understand what I just said? Do you have any difficulty reading, speaking, or understanding English?

11. The trial is scheduled to last about 3 weeks. Although we are selecting the jury today, the trial will not begin until next Monday, June 10, 2024. Do you have any immovable conflicts, such as scheduled medical procedures (surgeries, non-routine doctors’ appointments, etc.), family events (weddings, funerals, etc.), religious holiday obligations, final exams, or childcare obligations?

B. Case Specific Inquiry

1. Do any of you know anything about the facts of this case, other than what I have told you? If yes. *[If a prospective juror has heard of or otherwise is familiar with any aspect of this case, the Parties respectfully ask that the Court question the prospective juror outside the presence of the broader jury pool.]*

a. What do you know, or have you read/heard?

b. From what source did you learn, hear or read about it?

c. Based on what you heard or read, have you formed any opinions or views one way or the other about Ms. Okeke's innocence or guilt in this case?

2. Have any of you heard, read, or seen anything that for any reason would prevent you from rendering a fair and impartial judgment in this case?

3. Let me now ask you a few questions about the general subject matter of the case.

4. The Indictment alleges crimes related to the administration of the CARES Act and the Paycheck Protection Program ("PPP") where the government provided businesses with loans, repayment of which would be forgiven under certain circumstances, in order to support businesses negatively impacted by the coronavirus.

- (a) Did you, a family member, or close friend apply for a PPP loan? If so, what type of business was the loan requested for, was the loan actually received and was repayment ultimately forgiven?
- (b) Do any of you have feelings or impressions regarding the government response to the coronavirus and the PPP program that would affect your ability to be fair in this case or your ability to make an unbiased decision as to whether the government has proven its case beyond a reasonable doubt?
- (c) Do you have opinions about the CARES Act and PPP in general that could affect your ability to be an impartial juror in this case? If so, please explain.

(d) Do or did you, a family member, or close friend work at or for a bank presently or in the past?

(e) Do any of you have opinions regarding the impact of the coronavirus on the economy that could affect your ability to be an impartial juror in this case? If so, please explain.

5. How often do you conduct your banking by going to a bank branch ?

6. How often do you conduct your banking remotely?

7. Have you had any negative experience with a bank or bank employee that would affect your ability to be fair and impartial in this case?

8. Do you, a family member, or close friend now, or in the past, start or own a business, practice, or firm?

C. Knowledge of the Trial Participants

1. Do you, a family member, or close friend now, or in the past, started or owned a business, practice, or firm?

2. Do any of you know, or have you had any dealings, directly or indirectly, with Ms. Okeke, or with any of her relatives, friends or associates?

14. To your knowledge, do any of your relatives, friends, associates, or employers know the defendant?

15. Ms. Okeke is represented by Sanford “Sam” Talkin and Noam Greenspan, of the law firm Talkin, Muccigrosso & Roberts, LLP. If I could have the members of the defense team please stand and face the venire.

a. Do any of you know these attorneys?

- b. Have you or your family members or close friends had any dealings either directly or indirectly with either of these lawyers or the law firm Talkin, Muccigrosso & Roberts, LLP?

16. The Government is represented here, as in all cases where it is a party before the Court, by the United States Attorney for the Eastern District of New York, who, for purposes of the matter, is Breon Peace. Have you or your family members or close friends had any dealings either directly or indirectly with Mr. Peace? The conduct of the trial will be in the immediate charge of Assistant United States Attorneys Chand Edwards-Balfour Adam Amir along with United States Department of Justice Trial Attorney Jennifer Bilinkas . If I could have the members of the prosecution team please stand and face the venire. Do any of you know Mr. Edwards-Balfour, Mr. Amir or Ms. Bilinkas? Have you or your family members or close friends had any dealings either directly or indirectly with them? The Government attorneys will also be assisted in the case by Special Agent Lauren Munoz of the Office of the Inspector General of for the Board of Governors of the Federal Reserve System and the Bureau of Consumer Financial Protection, and Wesley Roberts, paralegal specialists in the United States Attorney's Office. *[Please ask Special Agent Munoz and Wesley Roberts to stand.]* Have you or your family members or close friends had any dealings either directly or indirectly with Special Agent Munoz or Mr Roberts?

B. Names and Places

17. I will now read a list of names of individuals and businesses whose names may be mentioned during the trial, or who may be witnesses in the case *[To be provided in advance of trial]*:

Are any of you familiar with any of these people, entities, or places apart from simply being a customer of one of the entities?

C. Relationship with Government and Others

18. Do any of you know, or do, a family member or close friend have any association – professional, business, or social, direct or indirect – with any member of the staff of the United States Attorney’s Office for the Eastern District of New York, the United States Department of Justice, the Federal Bureau of Investigation, the Office of the Inspector General of the Board of Governors of the Federal Reserve System, the Bureau of Consumer Financial Protection or the United States Small Business Administration or the Federal Deposit Insurance Company?

19. Are you, or is any member of your family or a close friend, employed by any law enforcement agency, whether federal, state, or local?

20. Have you, or any member of your family or a close friend, ever been employed by any law enforcement agency?

21. Have you, either through any experience you have had or anything you have seen or read, developed any bias, prejudice or other feelings for or against the United States Attorney’s Office or any federal law enforcement agency.

22. Have you, or has any member of your family or a close friend, either as an individual or in the course of business, ever been a party to any legal action or dispute with the United States, or with any of the officers, departments, agencies, or employees of the United States?

23. Have you or any member of your family or any close friend ever had any education or training, applied or worked for, or volunteered in, any area of criminal defense, such as a public defender office, a law office, or a private investigation firm? If yes, please describe the training, job and the type of office and, if other than yourself, state the person's relationship with you.

D. Prior Experience with the Court System

24. Are you, or any of your family members or close friends, attorneys or employees of a law firm?

25. For the next series of questions, the terms "governmental agency" and "licensing authority" should be understood to include, among all other governmental agencies and licensing authorities.

26. Have any of you, or any of your relatives or close friends, ever been involved or appeared as a witness in any investigation by a federal or state grand jury, or by a legislative committee, governmental agency, or licensing authority?

27. Have you, or any of your relatives or close friends, ever been questioned in any matter by a federal, state, or local law enforcement agency?

28. Have you, or any of your relatives or close friends, ever been interviewed as a potential witness or a complainant in any federal, state, or local prosecution? Did you or they ever serve as a witness in trial? What about in a civil case? If so, what was the case about?

29. Are you, or any of your relatives or close friends, now under subpoena or, to your knowledge, about to be subpoenaed, in any criminal case?

30. Have you, or have any of your relatives, associates or close friends, ever been charged with a crime? What crime? *[As to any prospective juror who answers affirmatively, the Court is respectfully requested to inquire, at the bench, into the circumstances of the charges.]*

31. Have you, or have any of your relatives, associates or close friends ever been the subject of any investigation or accusation by any federal or state grand jury, or by any legislative committee or other governmental agency, or any other federal, state, or local agency? *[As to any prospective juror who answers affirmatively, the Court is respectfully requested to inquire, at the bench, into the circumstances of the investigation.]*

32. Have you, or any of your relatives or close friends, ever been a victim of a crime, whether it was reported or not? *[As to any prospective juror who answers affirmatively, the Court is respectfully requested to inquire, at the bench, into the circumstances of each crime.]* If yes, what was the crime? Was anyone arrested? If so, what happened to the case? Is there anything about that experience that would affect your ability to be fair and impartial in this case?

33. Have you, or any member of your family or close friends, ever been arrested, charged with, or convicted of a crime? *[As to any prospective juror who answers affirmatively, the Court is respectfully requested to inquire, at the bench, into the circumstances of each crime].* Is there anything about that experience that would affect your ability to be fair and impartial in this case?

34. Is there anything about your experience with law enforcement that would affect your ability to be fair and impartial in this case?

35. Have you, or any of your relatives or close friends, had any experience with law enforcement that you think may affect your ability to render a fair verdict? *[As to any prospective juror who answers affirmatively, the Court is respectfully requested to inquire, at the bench, into the circumstances of each incident and that prospective juror's reaction to how he or she was treated by the law enforcement agents.]*

E. Prior Jury Service

36. Have you ever, at any time, served as a member of a grand jury, whether in federal, state, county or city court? If so, when and where did you serve?

a. What type of case was it?

37. Have you ever served as a juror in any court? If so, when, and in what court did you serve, and was it a civil or criminal case? What was the nature of the case? Without saying what it was, did the jury reach a verdict?

38. Have you ever served as the foreperson on any jury or grand jury?

39. Do you understand that the standard of proof in a criminal trial (such as this one) is much, much higher than the standard of proof in a civil trial?

F. Law Enforcement Witnesses

40. The Government witnesses in this case may include law enforcement officers. Would any of you be more likely to believe a witness merely because he or she is a member of a law enforcement agency? Would any of you be less likely to believe a witness merely because he or she is member of a law enforcement agency?

41. Does anyone have any personal feelings or experiences concerning law enforcement witnesses, who would in any way affect their ability to be fair and impartial in this

case?

42. Do you believe that if a lawyer for the government or a law enforcement officer says that something is true or a fact, it must be true, or at least likely true?

43. Do you believe that the government only charges an individual with a crime if they are guilty?

44. Have you, or any member of your family or close friends, ever been a member of any group that lobbies or takes positions on law enforcement issues?

45. Do you have any family or friends who work for any federal, state or local law enforcement agency?

46. Have you, or any member of your family or close friends, ever been employed by any prosecutor's office, whether local, state or federal?

47. Do you have any family or friends who work for the United States Attorney's Office for the Eastern District of New York?

48. Have you, or any member of your family or close friends, ever worked for the United States government or for any of its offices, departments, or agencies?

49. Do you have any family or friends who are judges, law clerks, court attendants, court clerks, or any other type of court personnel?

50. Do you think the fact that the federal government is a party here might affect the way you would think about this case and your ability to be fair and impartial?

51. Do you believe that when the U.S. government brings a white-collar criminal case against someone, the government has always done a fair and thorough investigation?

52. Have you, or any member of your family or close friends, ever been involved in a lawsuit or dispute with the federal government or any federal agency?

53. Have you, or any member of your family or close friends, been involved in a lawsuit of any kind? If yes, please tell us briefly about the lawsuit.

G. Presumption of Innocence

54. As stated before, the Indictment in this case is not evidence or proof of anything. It simply notifies Ms. Okeke with what she is charged. Even knowing that, do you feel that because Ms. Okeke has been indicted and accused of a criminal offense that means she is guilty?

55. When it comes to a criminal case, a bedrock principle is the presumption of innocence. Is there anything about the nature of the charges or Ms. Okeke herself that makes it difficult for you to presume her to be innocent in this case? What are your thoughts about the fact that you must presume her innocent as he sits here today? Can you do that?

56. Do you think that because Ms. Okeke has been charged by the government and is here on trial, she must have done *something* wrong or illegal? Do you think that just because a person sits here today, accused of something, she's automatically guilty or probably guilty?

57. Do you believe it is possible that the government could charge someone with a serious offense and that person is Not Guilty? Do you believe completely innocent people can be wrongly accused?

H. Judging the Credibility of Witnesses – Types of Witnesses

58. If someone comes to court and takes an oath, will you automatically believe that what a witness testifies to is true/fact?

59. Are you open to the possibility that a witness could come into court and lie?

60. Do you feel comfortable judging whether a witness is telling the truth or a lie, is mistaken or confused, or remembers things incorrectly?

I. Buren of Proof

61. Ms. Okeke is not required to disprove the case or present any evidence or witnesses at all. The law states that it is the government's job to prove the case, if it can, beyond a reasonable doubt. This is called the burden of proof. Knowing this, will you still expect Ms. Okeke to put on a case or call witnesses to testify?

62. Do you think someone accused of a crime should have to prove they are innocent?

63. Will you hold the government to its burden?

64. Under the law, if the defense chooses to put on a case, it does not alter the government's burden of proof in any way. The burden to prove their case beyond a reasonable doubt never shifts to Ms. Okeke. She does not assume a burden to prove her lack of guilt by choosing to put on a case. Would you have any problem accepting and applying this rule of law?

J. Beyond a Reasonable Doubt

65. Before you could ever convict Ms. Okeke, not only must the government prove its case, but it must prove it beyond and to the exclusion of every reasonable doubt. There

is the highest level of proof in the law. Do you understand that proof “beyond a reasonable doubt” is the highest burden that we have under the law – higher than “clear and convincing” and higher than the civil level of “preponderance of the evidence?”

66. Even though the law states that the government must prove its case against Ms. Okeke beyond a reasonable doubt before you ever can find her guilty, at the end of the day, if you think she probably did it, what will your verdict be?

67. If at the end of this case, you have a gut feeling that the defendant may have committed the crimes with which he is charged, but the government did not meet its burden of proving the defendant’s guilt beyond a reasonable doubt, would you hesitate to find the defendant Not Guilty? How many of you would follow your “gut” feeling as opposed to the law?

68. Will you require the government to prove its case to the high level of beyond a reasonable doubt before you can ever find Ms. Okeke guilty?

K. Other Questions

69. Do any of you have problems with your hearing or vision which would prevent you from giving full attention to all of the evidence at this trial?

70. Are any of you taking any medication, or do any of you have any medical condition that would prevent you from giving full attention to all of the evidence at this trial? Does it affect your ability to think or to reason or to remember? Do you take it regularly? How long have you been taking it? Have you ever had any adverse reaction to it?

71. Do you have any difficulty with listening, paying attention, reading printed materials, deliberating or otherwise participating as a juror? Do you have any medical condition

that would make it difficult or uncomfortable to sit for long periods of time without breaks or that might interfere with your service in this case?

72. Do any of you have any religious, philosophical or other beliefs that would make you unable to render a guilty verdict for reasons unrelated to the law and the evidence?

L. Function of the Court and Jury

73. The function of the jury is to decide questions of fact. You are the sole judge of the facts and nothing that the Court or the lawyers say or do may encroach in any way on your role as the exclusive fact-finder. When it comes to the law, however, you are to take your instructions from the Court, and you are bound by those instructions. You may not substitute your own notions of what the law is, or what you think it should be. At the conclusion of the case, your job will be to determine whether or not the defendant is guilty as charged in the indictment. Do any of you have any bias or prejudice or belief that might prevent you from accepting the instructions of law that I will give you in this case?

74. Will each of you accept the proposition that the question of punishment is for the Court alone to decide, and that the possible punishment must not enter into your deliberations as to whether the defendant is guilty or not guilty?

75. Will each of you accept the proposition of law that sympathy or empathy must not enter into the deliberations of the jurors as to whether the defendant is guilty or not on each count, and that only the evidence produced here in court may be used by you to answer the question of guilt on each count?

76. It is not a particularly pleasant duty to find another individual guilty of committing a crime. Do any of you feel that even if the evidence established a defendant's guilt

beyond a reasonable doubt, you might not be able to render a guilty verdict for reasons unrelated to the law and the evidence?

77. If selected to participate as a juror, would you be able to reach a verdict based solely on the facts and documents in evidence and the law as the Court will instruct you, disregarding other ideas, notions, or beliefs about the law that you may have encountered elsewhere?

M. Other Biases

78. In these questions, I have tried to direct your attention to possible reasons why you might not be able to sit as a fair and impartial juror. Apart from any prior question, do any of you have the slightest doubt in your mind, for any reason whatsoever, that you will be able to serve conscientiously, fairly and impartially in this case, and to render a true and just verdict without fear, favor, sympathy, bias, or prejudice – and according to the law as it will be explained to you?

79. Do you know of any reason, other than that which has already been discussed, why you would be prejudiced for or against the United States or Ms. Okeke that you have not been asked about?

N. Juror's Background

80. The Parties respectfully request that the Court ask each juror to state the following information:

- a. the juror's name and age;
- b. the area in which the juror resides, how long they have lived there, and any other areas in which the juror has resided during the last 10 years;

- c. the members of the juror's household;
- d. the juror's educational background, including the highest degree obtained;
- e. the juror's occupation;
- f. the name and location of the juror's employer;
- g. the same information concerning any other employment within the last 10 years; if retired, the juror's job before retirement.
- h. the same information with respect to the juror's spouse and any working children;
- i. whether the juror has served in the military;
- j. the names of any clubs or associations of which the juror is a member;
- k. What is the juror's main source of news – newspaper, television, websites, or other sources? the names of any publications, print or online (including blogs), to which the juror subscribes and/or contributes;
- l. which newspapers and magazines the juror regularly reads; what if any, online media the juror regularly reads; how many times a week they read each source.
- m. which television programs the juror regularly watches;
- n. Does the juror read any finance-related news publications or listen to any finance-related programs or podcasts? and
- o. the juror's hobbies and leisure-time activities and organizations.
- p. what social media platforms does the juror use, if any?

O. Requested Instruction Following Impaneling of the Jury

81. From this point until the time when you retire to deliberate your verdict, it is your duty not to discuss this case, and not to remain in the presence of other persons who may

be discussing this case. The rule about not discussing the case with others includes discussions even with members of your own family and your friends.

82. If at any time during the course of this trial, any person attempts to talk to you or to communicate with you about this case, either in or out of the courthouse, you should immediately report such an attempt to me through my deputy clerk. In this regard, let me explain to you that the attorneys and the defendants in a case are not supposed to talk to jurors, not even to offer a friendly greeting. So if you happen to see any of them outside this courtroom, they will, and should, ignore you. Please do not take offense. They will be acting properly and consistent with my instructions to them by doing so.

Dated: New York, New York
May 17, 2024

Respectfully submitted,

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