

Honorable John Coughenour

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON, SEATTLE

UNITED STATES OF AMERICA,	)	No. CR20-174 JCC
	)	
Plaintiff,	)	DEFENSE PROPOSED
	)	VOIR DIRE QUESTIONS
v.	)	
	)	
ERIC SHIBLEY,	)	
Defendant.	)	
_____	)	

Defendant Eric Shibley, through his undersigned attorney, respectfully requests that the following general questions be posed to potential jurors in this case¹:

Eric Shibley is a 42-year-old man, a naturalized U.S. citizen originally from Bangladesh, now charged with wire and bank fraud and money laundering arising from various loan applications he made in the spring of 2020 in connection with the federal Paycheck Protection Program and the Economic Injury Disaster Loan program.

¹ Alternatively, defense counsel respectfully suggests that these questions be posed to the venire panel, in advance of formal voir dire proceedings, in the form of a written questionnaire redacted of any pleading identifiers, with appropriate follow-up in voir dire. The court and parties would benefit from far greater candor than we are likely to receive from questions originating in court from the bench or counsel. Even in more normal times (without mandatory masking and Plexiglass barriers) summoned citizens, many of whom appear reluctantly, are asked to comment on sensitive matters, all in a very public forum amongst strangers. A questionnaire would help avoid the fiction that we are getting heartfelt answers to important questions. A suggested questionnaire is attached for the court's consideration.

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1. Have you read or heard anything about this case before coming to court today?

If so, what have you read or heard?

2. As a result of what you have read or heard about this case, have you formed any opinion or belief about the guilt or innocence of the defendant or about the way this case has been handled by the United States government?

If so, please explain.

3. Are you familiar with the Paycheck Protection Program (PPP) under the CARES Act?

a. Have you or an immediate family member ever applied for a PPP loan?

b. Or for a loan through the federal Small Business Administration (SBA)?

4. Do you have any particular thought or feelings on the government policy of providing loan assistance on very lenient terms?

5. Does anyone feel the government policy of, under certain conditions, loan forgiveness of government loans in which the borrower does not have to pay the money back?

6. Have you or an immediate family member ever been employed by or connected with:

a. any state or local law enforcement agency?

b. prosecuting attorney's office?

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- c. a federal, state or local correctional facility?
 - d. U.S. immigration or U.S. customs enforcement?
 - e. any federal law enforcement agency?
 - f. any other federal agency?
 - g. any public or private entity as a security guard?
 - h. any federal, state or local court system?
 - i. any court probation or parole office?
 - j. military police?
6. Have you ever served on a state or federal grand jury?
7. Have you ever served as a trial juror? Criminal or civil?
8. Have you ever testified at a trial or deposition or other legal proceeding?
9. Do you have any opinions, either positive or negative, about how federal law enforcement agencies operate?
10. Would you be able to judge the credibility of an FBI or other federal law enforcement agent witness or a police officer in the same way as any other witness?

11. Would you tend to give greater weight or credibility, even slightly, to the testimony of a law enforcement officer merely because he or she is testifying for the government?

12. Are you or any immediate family members foreign-born who later became naturalized United States citizens?

13. Does you have experience, either in your work or socially, with recent immigrants to the United States?

14. Do you understand that the fact that a defendant has been indicted by a grand jury is not evidence of guilt and is merely the way a charge is brought to trial?

15. Does anyone disagree with the principle that a criminal defendant is presumed innocent? Would you require the defendant to prove his innocence of the charges?

16. Do you feel it is unfair to the government to require it to prove every element of the charged offenses beyond a reasonable doubt?

17. A defendant has no burden, nor is he required, to testify in his own defense. Would any prospective juror require that the defendant testify at this trial or produce other evidence to prove his innocence?

18.. Would you be more comfortable answering any of the above questions out of the presence of the other jurors?

19. Do you have other significant feelings about the general subject matter of this case that you feel should be discussed with the court and parties?

20. Based on what you know at this point, do you have any concerns about your own ability to fairly judge the evidence in this case?

21. Have you received a coronavirus vaccination?

22. If not, what is the reason you have not been vaccinated?

23. Other than hardship because of the expected length of the trial is there any reason why you would not want to serve as a juror in this case?

Respectfully submitted this 5th day of November, 2021.

/s/ Michael Nance, WSBA #13933

Attorney for Eric Shibley

Certificate of Service

I hereby certify that on the 5th day of November, 2021, I electronically filed the foregoing with the clerk of the court using the CM/ECF system. Notice of this filing will be sent electronically to counsel of record for other parties.

/s/ Michael Nance

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