

The Honorable John C. Coughenour

UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

UNITED STATES OF AMERICA,

Plaintiff,

v.

ERIC SHIBLEY,

Defendant.

NO. CR20-174JCC

**GOVERNMENT'S PROPOSED
VOIR DIRE**

Trial Date: November 15, 2021

The government proposes that the Court ask the following questions during the Court's voir dire:

General Questions

1) Are there any deadlines, family issues, or personal health issues or concerns that would make it difficult for you to concentrate on the proceedings in court or otherwise difficult for you to sit as a juror?

2) Do any of you need special accommodations to allow you to see, hear, or understand the proceedings?

3) If you have ever been a juror in a civil or criminal case:

a. Was the jury able to reach a verdict?

b. Was there anything about that experience that would make it difficult for you to be fair and impartial in this case?

4) The Court previously introduced the attorneys for the government, Brian Werner and Laura Connelly. Does anyone know the attorneys for the government or anyone associated with the U.S. Attorney's Office or the Department of Justice, Criminal Division, Fraud Section?

5) The Court previously introduced the Defendant, Eric R. Shibley and his attorney Michael Nance. Does anyone know the Defendant or his attorney?

6) Do you know or are you familiar with any of the following individuals, who may be witnesses in this case? [The government respectfully requests the Court read the witness lists of the government and the defendant.]

Questions about Law Enforcement

7) Have you, any member of your family, or a close personal friend ever been the victim of a crime?

a. If so, what type of crime was involved and when did it occur? Was there anything about the experience that would in any way affect your ability to be a fair and impartial juror in this case?

8) Have you, or has any member of your family or a close friend, ever been employed by or applied for employment with any law enforcement agency?

9) Have you, any member of your immediate family, or a close personal friend, ever had a bad or unpleasant experience with the criminal justice system, a law enforcement officer or agency?

a. Is there anything about that experience that would prevent you from sitting as a fair and impartial juror in this case?

10) A federal law enforcement representative is likely to testify in this case. Is there any reason why you could not consider her testimony fairly and impartially?

11) Do you have any feelings regarding the criminal justice system that might affect your ability to consider the evidence in this case fairly and impartially?

1 12) Have you, either through any experience you have had or anything you
2 have seen or read, developed any bias, prejudice or other feelings for or against the FBI?
3 For or against the Department of Justice? For or against any other law enforcement
4 agency?

5 13) Do you have any feelings or opinions about the United States government
6 in general, which would affect your judgment in this case?

7 **Questions About the Nature of the Case**

8 14) In this case, the Defendant is accused of the crimes of wire fraud, bank
9 fraud, and money laundering. Is there anything about the nature of the charges that
10 causes you to believe that you cannot sit as a fair and impartial juror in this case?

11 15) Have you, a family member, or a close friend ever worked for a bank,
12 lender, loan processor, or other financial institution? To your knowledge, did that involve
13 making or processing PPP loans?

14 16) Have you, a family member, or a close friend ever worked for the United
15 States Small Business Association ("SBA")? To your knowledge, did involve processing
16 PPP or EIDL loans?

17 17) Have you applied for a Paycheck Protection Program loan or an Economic
18 Injury Disaster?

19 18) You may hear testimony from representatives of a bank, lender, loan
20 processor, or other financial institutions, as well as the SBA. Have you had any
21 experiences with any bank, lender, loan processor, or other financial institution that
22 would make it difficult for you to evaluate that testimony fairly and impartially? Have
23 you had any experiences with the SBA that would make it difficult for you to evaluate
24 that testimony fairly and impartially?

25 19) Do you think you could be fair and impartial in weighing the evidence in a
26 case in which a victim is a bank or other financial institution?

27 20) Do you think you could be fair and impartial in weighing the evidence in a
28 case in which the government is a victim?

21) Have you been a victim of or otherwise affected by what you believe to be fraud?

Questions About Following the Law

22) Will you follow the instructions of law that the Court will give you at the close of the case regardless of whether you agree with the instructions or not?

23) Do you have any philosophical or religious beliefs that would prevent you from judging the evidence and deciding a person's guilt or innocence?

24) Would you disobey the judge's instructions on the law simply because they are different from your own understanding of what the law is or should be?

COVID-19 Considerations

25) Do you have concerns about safely serving on a jury over the course of multiple days? Would those concerns affect your ability to be a fair and impartial juror in this case?

Dated this 5th day of November, 2021.

Respectfully submitted,

NICHOLAS W. BROWN
United States Attorney

JOSEPH BEEMSTERBOER
Acting Chief, Fraud Section,
Criminal Division
U.S. Department of Justice

s/ Brian Werner

BRIAN WERNER
Assistant United States Attorney

s/ Laura Connelly

LAURA CONNELLY
Trial Attorney