**UNITED STATES DISTRICT COURT**
**SOUTHERN DISTRICT OF FLORIDA**

**CASE NO. 21-20242-CR-ALTONAGA/TORRES**

**UNITED STATES OF AMERICA**

**v.**

**MARK SCOTT GRENON,**
**JONATHAN DAVID GRENON,**
**JORDAN PAUL GRENON, and**
**JOSEPH TIMOTHY GRENON,**

**Defendants.**
_____/

**GOVERNMENT'S PROPOSED VOIR DIRE QUESTIONS AND PROPOSED INSTRUCTION REGARDING DEFENDANTS' PRO SE STATUS**

The United States of America, through undersigned counsel, hereby requests that the Court ask the following questions of potential jurors during voir dire.

The Government is not seeking any voir dire questions specifically addressing the defendants' *pro se* status. Instead, we ask that the Court give a jury instruction at the outset of jury selection, in addition to its usual preliminary instructions, similar to those given in other cases and Circuits when *pro se* defendants are tried. A proposed instruction is attached to this filing. The Court may repeat this instruction in whole or part as needed during trial itself, and instruct the jury also about the role of standby counsel if standby counsel participate in this trial.

If the Court is not inclined to instruct the jury preliminarily about the defendants' *pro se* status, the Government would request additional voir dire questions on that subject.

1. This case will involve evidence relating to Covid-19. Does anyone have such strong feelings about Covid-19, or related topics such as vaccines, that you might not be a fair juror in this case?

2. This case involves allegations about something called the Genesis II Church of Health and Healing. Is anyone familiar with that organization? Does anyone, because of their religious or moral beliefs, feel uncomfortable sitting as a juror in this case, or in general deciding whether a defendant is guilty of a crime?

3. This case involves allegations that the defendants unlawfully conspired to sell an unapproved new drug called Miracle Mineral Solution. We all may have views about the health care system, including the cost and availability of drugs, but do any of you have such strong feelings about those topics that you might not be a fair juror in this case?

4. This case will involve testimony from witnesses who work for the U.S. Food and Drug Administration, known as the FDA. The FDA is responsible for regulating the safe distribution of drugs in this country. Has anyone had an experience with the FDA, or any other agency of the United States government, that would make them uncomfortable serving as a juror in this case?

In addition to those more case-specific questions, we would ask the Court to inquire about standard subjects including but not limited to the following:

1. The law provides that the jury may not be governed by sympathy, prejudice, politics, or public opinion. With this in mind, do any of you know any reason why you would be unable to give either the United States or the defendant a fair trial?

2. If you were selected to sit as a juror in this case, would you be willing and able to render a verdict based solely on the evidence presented and the law as the Court will give it to you in its instructions, disregarding any other ideas about what the law is, or should be?

3. Is there anyone here that has had an experience with law enforcement that would influence your ability to evaluate the evidence fairly and impartially?

4. Is there anyone here that has had an experience with the legal system that would influence your ability to evaluate the evidence fairly and impartially?

5. Have you or your spouse ever had any legal training or worked for a lawyer or law firm?

6. Have you or any family member ever held a job with any federal, state or local law enforcement agency? If yes, please describe who held the position, the agency and the time period the position was held.

7. Have you ever applied to any federal, state or local law enforcement agency for a job? If yes, please describe the position you applied for, and the result or status of your application.

Was there anything about that process that would cause you to distrust or dislike law enforcement agencies?

8. Have you, your relatives or close friends ever been arrested, charged with a crime, or convicted of a crime? [If any potential juror answers this questions in the affirmative, the government respectfully requests that the Court question the potential juror regarding the circumstances, in private, at the bench, so as to avoid embarrassment to the potential juror.]

9. Have you or any of your relatives or close friends been the victim of a crime? If yes, what type of crime? Were you satisfied with the way the matter was handled by the police or law enforcement agency? The prosecutors? The courts?

**Pro Se Defendant**

The Defendants have decided to represent themselves in this trial and not to use the services of a lawyer. They have a constitutional right to do that. Their decision has no bearing on whether they are guilty or not guilty, and it must not affect your consideration of the case.

Because each Defendant has decided to act as his own lawyer, you may hear a Defendant speak at various times during the trial. They may make an opening statement and closing argument and may ask questions of witnesses, make objections, and argue legal issues to the court. I want to remind you that when a Defendant speaks in these parts of the trial, he is acting as a lawyer in the case, and his words are not evidence. The only evidence in this case comes from witnesses who testify under oath on the witness stand and from exhibits that are admitted.

**SOURCE**:

Ninth Circuit, Manual Model of Criminal Jury Instructions (2010), Instruction 1.15; Eighth Circuit, Criminal Jury Instructions § 2.23. The first paragraph above, based upon these sources, was given recently in *United States v. Longsworth*, Case 1:23-CR-20017-RAR (SDFL) (ECF49).

Respectfully submitted,

MARKENZY LAPOINTE
UNITED STATES ATTORNEY

BY: */s/ Michael B. Homer*
MICHAEL B. HOMER
Assistant United States Attorney
Court ID No. A5502497
99 Northeast 4th Street
Miami, Florida 33132-2111
Telephone: 305-961-9289
Michael.Homer@usdoj.gov

JOHN C. SHIPLEY
Assistant United States Attorney
Senior Counsel to the Criminal Division
FL Bar No. 0069670
99 Northeast 4th Street
Miami, Florida 33132-2111
Telephone: 305-961-9111
John.Shipley@usdoj.gov

**CERTIFICATE OF SERVICE**

**I HEREBY CERTIFY** that on July 6, 2023, I caused a true and correct copy of the foregoing to be filed and also delivered via Certified Mail to *pro se* Defendants Mark Grenon, Jonathan David Grenon, Jordan Paul Grenon, and Joseph Timothy Grenon at the Miami Federal Detention Center, Inmate Mail/Parcels, Post Office Box 019120, Miami, Florida 33101.

*/s/ Michael B. Homer*
MICHAEL B. HOMER
Assistant United States Attorney