IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND
NORTHERN DIVISION

UNITED STATES OF AMERICA	*	
	*	
v.	*	**CR. NO. GLR-23-026**
	*	
RYAN E. DALES,	*	
	*	
Defendant.	*	

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JOINT PROPOSED VOIR DIRE

By and through the undersigned, the United States of America and the Defendant request the Court to conduct the following interrogation of prospective jurors pursuant to Federal Rule of Criminal Procedure 24(a).

The Government used the Court's standard voir dire questions in preparing this submission. Proposed voir dire questions and language not included among the Court's standard questions are highlighted in yellow. Any items that the parties propose to delete from the Court's standard questions are ~~stricken in red~~.

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I. **Members of the Jury:**

A. My name is George Russell, and I am the Chief Judge for the United States District Court for the District of Maryland. The case now under consideration is: The United States of America v. Ryan E. Dales. Mr. Dales is charged with Felon in Possession of a Firearm, in violation of 18 U.S.C. § 922(g)(1); Possession With Intent to Distribute Fentanyl, in violation of 18 U.S.C. § 841(a)(1); and Possession of a Firearm in Furtherance of a Drug Trafficking Activity, 18 U.S.C. § 924(c)(1)(A)(i). This case is expected to last no more than 5 days.

A. I am going to ask you some questions in order to obtain certain information that may be helpful to the lawyers in the selection of a jury in this case. Your legal requirement in responding to these questions is the same as if each of you took the stand and testified under oath. As it is impossible to question each of you individually, the questions will be asked of you as a group. This part of the proceeding is a vital and important function of the judicial process. In asking you questions to which you must respond, both parties and the Court are able to determine if you are eligible to participate as a juror. For example, if you are related to or friends of the attorneys of the defendant(s), this is an important fact which should be known.

B. It is emphasized that the fact that you are questioned as a group does not lessen your obligation to accurately and truthfully make known your answers in response to the questions which are to follow. The ability of this Court to obtain jurors who are free of prejudice and who are not related to, or friends of, the parties is an important inquiry, as are all of the other questions which you will be asked.

C. I am going to ask you some questions in order to obtain certain information that may be helpful to the lawyers in the selection of a jury. If you answer **YES** to any question, please rise. When recognized, please give your juror number only. If it is necessary to answer out of the hearing of the other jurors, I will have you come up to the Bench and answer at that time.

D. For an affirmative response, I will ask you the following question: "Would that fact, relationship or experience prevent you from rendering a fair and impartial verdict based solely on the evidence produced?"

VOIR DIRE

The case now under consideration is *United States of America v. Ryan Dales*. As noted, Mr. Dales is charged with Felon in Possession of a Firearm; Possession With Intent to Distribute Fentanyl; and Possession of a Firearm in Furtherance of a Drug Trafficking Activity.

1. Other than what I just told you, do you know anything at all about this case either through your own personal knowledge, through media reports or social media, or any discussion with anyone else?

2. Ladies and gentlemen, in this case, the Defendant is Ryan Dales. Will the Defendant please stand and face the jury? Does anyone know Mr. Dales, or has any member of the jury pool maintained a business or social relationship either in the past or the present with Mr. Dales? You may be seated.

3. Mr. Dales is represented by counsel. Mr. Bardos, please stand and face the jury. Does anyone know Mr. Bardos, or has any member of the jury panel maintained a social relationship with, or been represented or opposed by, counsel for the Defendant, Mr Bardos?

4. The United States of America is represented by United States Attorney Erek Barron and Assistant United States Attorney Paul Riley. Does anyone know Mr. Barron or Mr. Riley?

5. Again, my name is George Russell. Does anyone know me or anyone on my judicial staff?

6. The following persons may be called as witnesses or mentioned in this matter. Please pay attention to their names. It is necessary that we are aware if you know any of them: [read list of names provided]

   Does anyone know or recognize any of the possible witnesses or individuals just named?

7. Look around at the other members of the jury pool. Does anyone member of the panel know any other member of the panel?

~~8. Would any member of the jury panel be inclined to give either more or less weight to the testimony of a police or law enforcement officer than to any other witness in the case, merely because he/she is a police officer?~~ [Moved later in voir dire.]

9. I will now ask you some questions relating not only to you, but also to members of your immediate family. By this I mean, spouse, parents, children, brother or sister, or anyone residing with you. It does **not** mean aunts, uncles, cousins, nieces, nephews, or in-laws unless they live with you.

10. Has any member of the jury panel, or members of your immediate family, ever been employed by or connected with any law enforcement agency, such as any police department, sheriff's office, state or federal prosecutor's office, the FBI or other federal law enforcement agency office, the military police, or any correctional facility? ~~of the public defender, FBI, law firm, correctional officer or military police?~~

11. Has any member of the panel, or members of your immediate family ever been employed by a public defender's office, whether state or federal, a private criminal defense attorney, or any other entity that provides services to persons charged with or convicted of a crime?

12. Has any member of the jury panel, or members of your immediate family, ever been connected with any court or court-related agency?

13. Has any member of the jury panel, or members of your immediate family, been employed in this courthouse in any capacity or acquainted with any employee in the courthouse?

This case was primarily investigated by the FBI and the Department of Labor – Office of Inspector General.

14. Has any member of the jury panel, or members of your immediate family ever been employed by, had dealings with, or been in a dispute with the FBI or the other agency I just mentioned?

15. Do you have an opinion, favorable or unfavorable, concerning the veracity or credibility of law enforcement officers who are members of the FBI or any other police department or law enforcement agency?

~~16. [Have you, or any member of your family, ever been the victim or witness to domestic violence or worked for a domestic violence program?]~~

17. Does any member of the panel hold such strong feelings involving drugs that you would be unable to follow the instructions that I will give you regarding the law that applies in this case? For example, do you feel so strongly that narcotic drugs should be legalized that you could not apply the law as I explain it to you?

18. This question has several parts, so please listen carefully. Do not answer until I have completed the question.

    a. Has any member of the jury panel, or any member of your immediate family, ever been the victim of a crime?

    b. Does any member of the jury panel have a charge, other than traffic, pending against them in which the penalty is imprisonment for more than six months, or a fine of more than $500.00, or both? ~~[Source: Courts and Judicial Proceedings, Section 8-207(b)(5).]~~

    c. Have you, any member of your family, or any of your close friends ever been charged, arrested, or accused of criminal conduct or ever been the subject of a

criminal investigation, whether it be federal, state, or local? This includes serious traffic offenses, DUI or DWI, and drug possession, among other things.

d. Has any member of the jury panel, any member of your immediate family, or close friends ever been ~~arrested or~~ convicted of a crime?

e. Has any member of the jury panel, or any member of your immediate family, ever been a witness to a crime?

f. Has any member of the jury panel, or any member of your immediate family, ever been a witness for the prosecution or the defense in a criminal case?

19. Have you, any member of your family, or any of your close friends ever attended a law school, taken a paralegal course, received legal education or training of any kind, or worked with a lawyer, law firm, in a courthouse, or as a paralegal, legal secretary, or private investigator?

20. Is any member of this panel presently a party in any case (civil or criminal) pending in this or any other federal or state court?

21. Has any member of the jury panel ever served on a grand jury in either state or federal court?

22. Has any member of the jury panel ever served as a juror in a criminal case in either state or federal court?

a. If so, in what court did you serve as a juror, what charges were involved in the trial, and what was the result of the trial?

b. Do you believe the case was fairly decided?

c. Did anything happen during your prior jury service which would influence you in any way in deciding this case in a fair and impartial manner?

23. Has any member of the panel, or members of your immediate family been involved in any legal dispute with any federal, state, or local government, or any agency thereof, including but not limited to the Department of Justice, the Internal Revenue Service, the FBI, or the Baltimore County Police Department, or does any department or agency of the Government have a claim against you, any member of your family, or any of your close friends?

24. Has any member of the panel had a negative experience with, or does anyone have negative feelings toward, or have any reservations or opinions about prosecutors or the U.S. Department of Justice?

25. Has any member of the panel had a negative experience with, or does anyone have negative feelings toward, or have any reservation or opinions about defense attorneys, or others employed in criminal defense work?

26. During this trial, a number of the witnesses called by the government may be state or federal law enforcement officers. Would any member of the jury panel be inclined to give either more or less weight to the testimony of a police or law enforcement officer than to any other witness in the case, merely because he/she is a police officer?

27. Would any member of the panel tend to give more or less weight to the testimony of a witness called by the prosecution?

28. Would any member of the panel to give more or less weight to the testimony of a witness called by the defense?

29. Does any member of the panel, any members of your family, or any of your close friends belong to any group that advocates a change in our criminal justice system or our criminal sentencing guidelines, including any group which advocates a position on the reduction or increase in prison sentences?

30. Does any member of the panel have any reservations concerning the administration of criminal justice in the courts that would prevent you from rendering a fair and impartial verdict in this case?

31. At the end of this trial, I will instruct you on the law which must be followed in this case. Even if you personally did not agree with the law as I describe it to you, is there anyone who would hesitate—or who would be unwilling or unable—to follow my instructions on the law? If you have an opinion on what the law should be, and your opinion was different from my instructions on what the law is, would anyone hesitate—or be unwilling or unable—to follow my instructions on the law?

32. Jurors will be instructed that they may not research anything about the case on the internet or elsewhere, and that they must avoid any reports or information about the case or the trial in the media, on the internet or on social media. Would you be able to obey such an instruction during the course of the trial?

33. The Court will instruct you that an indictment is merely an allegation and is not proof of anything. Do any of you believe that simply because a defendant has been arrested or charged with a crime the defendant is guilty?

34. Under our Constitution, there is a presumption that every person charged with a criminal offense is presumed innocent unless and until proven guilty beyond a reasonable doubt. Would you have any difficulty in applying this presumption?

35. The burden rests with the prosecution to prove the charged offenses beyond a reasonable doubt. Under the law, a defendant in a criminal case is not required to explain his or her side of the case and has an absolute right not to testify. Do any of you not understand those principles or have any problem applying them?

36. If selected to serve as a juror in this case, you will be instructed that you are not to consider punishment as that is for the Court to decide. You are not to speculate whatsoever about what the possible punishment in this case might be if the defendant is found guilty of any of the offenses with which he is charged. Would any member of the panel be **unable** to put any consideration of punishment out of your mind and consider only the facts of the case based on the evidence introduced?

37. Is there any other matter, fact or thing, including philosophical or religious beliefs which would affect your ability to give a fair and impartial verdict in this case?

38. Does anyone on the panel have any bias or prejudice based on race, sex, age, or any other characteristic that would prevent you from rendering a fair and impartial verdict in this case?

39. Does anyone on the panel have any impairment of your vision or hearing that might make it difficult for you to see and hear the witnesses during the trial?

40. Does anyone on the panel have any difficulty understanding the English language to the extent that it would prevent you from following the testimony in this case?

41. Is anyone on the panel taking any medication that might make you unable to give your full attention to the evidence presented?

42. Does anyone on the panel suffer from any physical or mental illness or condition that would affect your ability to serve as a juror in this case for any reason?

43. Does anyone on the panel have any personal, family, or other considerations that would make it difficult for you to serve as a juror for the full length of trial?

44. This trial will no more than five days (one week). If you are selected to sit on this case, you are required by law to continue on jury duty until the case is completed. If any of you

have a compelling reason which makes it impossible for you to serve as a juror on this case for that time, the Court has limited authority to excuse you. Therefore, if it is impossible for you to serve as a juror, please stand.

45. If selected as a juror, you are required to render a fair and impartial verdict based upon the evidence presented in the courtroom and the law as I describe it to you in my instructions to you. Other than already expressed, does any member of the panel have ~~is there~~ any reason you cannot do that?

46. Do you have anything else you wish to bring to my attention regarding your possible service as a juror in this case about which I have not already asked you?

47. Is there any juror who is not a citizen of the United States and a resident of the State of Maryland?

Respectfully submitted,

Erek L. Barron
United States Attorney

/s/
Paul A. Riley
Assistant United States Attorney