

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW MEXICO

UNITED STATES OF AMERICA,

Plaintiff,

v.

CR 06-538 JH

MARY HELEN QUAINANCE,

Defendant.

**DEFENDANT MARY QUAINANCE'S**  
**REQUESTED VOIR DIRE QUESTIONS**

Comes Now the Defendant Mary H. Quaintance, by and through her attorney John F. Robbenhaar, and hereby submits her proposed voir dire in the above-entitled and numbered cause. The Defendant Mary Quaintance respectfully requests that counsel be allowed conduct any follow-up inquiries that may be called for by responses of individual jurors to the questions.

1. Do any of you know, either professionally or socially, Assistant United States Attorneys Luis Martinez or Amanda Gould?
2. Do any of you know, either professionally or socially, Assistant United States Attorney Gregory Fouratt or other members of the U.S. Attorney's Office in Albuquerque and/or Las Cruces, New Mexico?
3. Do any of you know, either professionally or socially, anyone who works at the U.S. Attorney's Office in Albuquerque or Las Cruces, New Mexico?
4. Do any of you know, either professionally or socially, Danuel Quaintance, Mary Quaintance, Joseph Allan Butts, or Timothy Kripner?
5. Do any of you know, either professionally or socially, the attorneys for Mr. and

Mrs. Quaintance, namely: Jerry Daniel Herrera or John F. Robbenhaar.

6. Do any of you know the following witnesses who may be called to testify during the course of this trial? (Read the witness list(s) provided by the respective parties).

7. Do any of you know, either professionally or socially, any members of the Defendants' family?

8. The Attorneys for the Government and the attorney for the Quaintances believe that this case may last approximately 3-4 days. Is there anyone on the jury panel who because of their employment might not be able to serve on a case that would last three to four days?

9. Is there anyone on the jury panel who derives their income mostly from a commission basis, wherein this trial would severely affect their income?

10. Is there anyone on the jury panel who for some other reason, for example a doctor's appointment, that they would not be able to give their full attention to this trial?

11. Does anyone have a physical impairment, e.g. vision or hearing, that might hinder your ability to serve as a juror in this case?

12. Does anyone have a physical impairment that might make it difficult to sit in the courtroom for eight hours a day over the next three days?

13. Does anyone simply not want to be here?

14. Is there anyone here on the jury panel who knows any other members of the jury panel?

15. If so, how long have you known this individual?

16. Do you think that your ability to sit on this jury panel would be affected by your friend also being a member of the same jury?

17. Would you have any problem setting aside that relationship and deciding the case on your own?
18. Do any of you, or members of your family or close friends work for any law enforcement agencies?
19. Do any of you, or members of your family or close friends do any volunteer work for any law enforcement agencies?
20. Has anyone ever taken any classes in the law or had legal training?
21. Has anyone ever taken classes in law enforcement or had any law enforcement training?
22. Would you tend to give greater weight or credibility, no matter how slight, to the testimony of a police officer merely because he or she testifies on behalf of the prosecution?
23. Has anyone ever been a witness to an event that has required them to testify on court?
24. Has anyone ever been a character witness for someone which required them to testify in court?
25. Has anyone ever been an expert witness and testified as such in a court of law?
26. Has anyone ever served on a grand jury, either state or federal?
27. Has anyone ever served on a regular jury, either state or federal?
28. If so, when, where and what was the result of that particular case?
29. Has anyone ever been the victim of a crime?
30. The Judge already informed you of the nature of the charges in this case. I have to ask some questions along these lines. Has anyone ever been charged with an offense involving

drugs or controlled substances?

31. Does anyone have any close friends or relatives who have been charged with an offense involving drugs or controlled substances?

32. Is there anything about the nature of the charges contained in the indictment that would prevent you from considering the case fairly and impartially?

33. Has anyone on the jury panel ever been a party to a lawsuit, either in the capacity of suing someone or being sued by someone else?

34. Does the fact that the United States Attorney's Office has brought this case to trial cause anyone to feel that the Defendant Mary Quaintance must be guilty?

35. Will the fact that the United States Attorney's Office is prosecuting this case tend to make you believe that Ms. Quaintance must be guilty of something?

36. Do any of you believe that the Defendant Mary Quaintance must be guilty based upon the fact that the grand jury has returned an indictment?

37. Do you all understand that an indictment in this case is merely a legal pleading, a mere piece of paper filed by the United States Attorney's Office in order to start these particular proceedings?

38. Is there anything about the nature of a drug charge that would make it difficult for you to be fair and impartial as a judge of the facts?

39. Do you all understand that the burden of proof is always on the U.S. Attorney's Office and that this burden of proof never shifts to the Defendant? Ms. Quaintance never needs to prove anything concerning her innocence?

40. Do all of you understand that Ms. Quaintance never needs to present any

evidence, and that she can rely strictly on the cross-examination of government witnesses?

41. Do all of you accept the fact that Ms. Quaintance is presumed innocent, and that she sits here today as one who is merely accused?

42. Do you understand that you must give Ms. Quaintance the presumption of innocence without any mental reservations whatsoever, and that you are to consider the presumption of innocence as actual proof of innocence until it is overcome by proof beyond a reasonable doubt?

43. Do you all understand that the U.S. Attorney's Office must prove each and every element of each and every crime charged beyond a reasonable doubt?

44. Do you all understand that if the government fails to prove each and every element of a crime charged, then you must find Ms. Quaintance not guilty of that particular crime?

45. Does any of you feel that the burden of proof, to prove each and every element beyond a reasonable doubt, is too heavy a duty imposed upon the U.S. Attorney's Office?

46. If, after you hear all the evidence, that you thought that Ms. Quaintance was "likely" guilty or "probably" guilty, you would still be required to return a verdict of not guilty?

47. Phrased another way, if at the end of all the evidence, you are left with two reasonable theories, one which tends to lead to innocence, the other to guilt, do you understand that you must find Ms. Quaintance not guilty?

48. Are you all aware that Ms. Quaintance does not have to testify?

49. Would you hold it against Ms. Quaintance if she chooses not to testify? Does anyone feel that just because a person does not testify in her defense, that the person must be

guilty of something?

50. Does anyone feel that a person who chooses not to testify must be trying to hide something?

51. Evidence will be presented from witnesses testifying. It may be necessary at times for the attorneys—either I or the prosecutors—to object to certain offered evidence. You will understand, will you not, that we object to this evidence because we feel that it is not admissible according to the rules of evidence, and believe it is our legal and ethical duty to object? If we make objections to evidence, will you hold that against us or Mr. and Mrs. Quaintance?

52. During the case, you may hear some witnesses state their opinion regarding the truthfulness of another witness. You will be instructed that you are not bound to accept or reject the opinion, but to give it the weight that you think it is entitled. Can you follow the Court's instructions and examine opinion evidence on its own, and upon the facts that the opinion is based upon?

53. There may be testimony of an individual who is claimed to be an expert in something. The judge will instruct you that you are not bound to accept the testimony of an expert. Is anyone unable to treat an expert witness just like any other witness, that can accept or reject the opinions offered? That you are to give any opinions the weight you think they are entitled?

54. You will be instructed by the Court that you are not to decide the case until you have heard all the evidence. You will also be instructed by the Court to not discuss this case with any members of your family or your close friends. Is there anyone here who believes that they may have a problem in not discussing this case with their spouse and/or a close friend when they

leave the courtroom? Can you go home at night and not talk about the case?

55. Does anyone have any religious, moral or ethical convictions that would prevent you from sitting in judgment of another person? Does the fact that this case involves controlled substances make it any more difficult for you to remain an impartial juror?

56. This case involves various charges related to the possession, and conspiracy to possess with the intent to distribute, marijuana, a controlled substance. Does anyone have feelings about the nature of these charges that are so strong that you will not be able to sit fairly in this courtroom today? That regardless of how serious the charges, you will still examine all the evidence and require proof beyond a reasonable doubt as to each and every element of each and every charge?

57. Do you or any close family members belong to any organizations whose main goal is the legalization of drugs?

58. Do you or any close family members belong to any organizations whose main objective is the prevention of crime? Organizations such as Mothers Against Drunk Driving or local neighborhood associations?

59. Now that you've heard some information about this case, and have listened to the questions and answers, has anything changed in your mind about this case?

60. Would all your answers remain the same?

61. Is there anything any one of you would like to add before we conclude?

Respectfully submitted:

*Filed Electronically*

JOHN F. ROBBENHAAR

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**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that on August 11, 2008 I filed the foregoing electronically through the CM/ECF system, which caused the following parties or counsel to be served by electronic means, as more fully reflected on the Notice of Electronic Filing: LUIS MARTINEZ, Assistant U.S. Attorney; JERRY DANIEL HERRERA, Attorney at Law.

*Filed Electronically*

JOHN F. ROBBENHAAR