

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA
No. 08-CR-364 (RHK/AJB)

UNITED STATES OF AMERICA,

Plaintiff,

vs.

**DEFENDANT’S MOTION FOR
WRITTEN JUROR QUESTIONNAIRE**

THOMAS JOSEPH PETTERS,

Defendant.

Defendant Thomas Joseph Petters, by and through his undersigned attorneys, hereby moves that the Court issue a written jury questionnaire to potential jurors prior to jury selection.

Written jury questionnaires are often used where there exists a high risk of prejudicial pretrial publicity. E.g., United States v. Davis, 154 F.3d 772, 784 (8th Cir. 1998); see also Walter F. Abbott & John Batt, Eds., A Handbook of Jury Research § 16.05, at 16-6 (1999) (“Supplemental jury questionnaires are now routine in commercial disputes in many federal courts and in high-profile criminal trials.”). The American Bar Association has long endorsed the process. Am. Bar Ass’n, Principles for Juries and Jury Trials, Principle 11.A (2005); ABA Standards for Criminal Justice Discovery and Trial by Jury, Standard 15-2.2 (3d ed. 1996).

The proposed questionnaire is necessary because of the high profile nature of the case and Mr. Petters; because of the need to prevent embarrassment of jurors at oral voir dire; because of the need to obtain truthful and confidential answers regarding sensitive

and potentially embarrassing questions; because of the need to conserve the Court's time during oral voir dire; and to insure a fair jury selection process. These points are explicated in Mr. Petters' Motion for Transfer of Venue.

Dated: February 25, 2009

s/ Jon M. Hopeman

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