

FILED  
U.S. DISTRICT COURT  
DISTRICT OF WYOMING

SEP 24 2007

Stephan Harris, Clerk  
Cheyenne

JAMES C. ANDERSON  
Assistant United States Attorney  
District of Wyoming  
Post Office Box 668  
Cheyenne, WY 82003-0668  
(307) 772-2124

**ORIGINAL**

**UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF WYOMING**

**UNITED STATES OF AMERICA,** )  
 )  
 Plaintiff, )  
 )  
 v. )  
 )  
**NATHANIEL SOLON,** )  
 )  
 Defendant. )

**Criminal No. 07-CR-32-B**

**GOVERNMENT’S PROPOSED VOIR DIRE**

Plaintiff, United States of America, assumes the Court will ask preliminary questions of the prospective jurors regarding the occupation of each juror and spouse; familiarity with the parties, lawyers and the nature of this case.

Generally, members of the jury would believe, and a Federal Judge would instruct, that all persons should be treated equally in Court, regardless of gender, race, religion, or any other such grouping.

1. Are there any potential jurors who have any pressing commitment this week that might distract them from their duties to be a fair and impartial juror?

2. Are there any potential jurors who have any health problems which might distract them during this case?

3. Have any of you ever served on a jury on previous occasions?

A. Civil or criminal jury service?

B. Did the jurors who served on criminal juries convict or acquit?

C. Is there anyone who served on a jury on a previous occasion who felt like they never wanted to serve on a jury again?

4. Do any of you have a belief, whether moral, religious or philosophical, which makes it difficult for you to sit in judgement of another?

A. What is that belief?

B. How strongly do you hold this belief?

5. The Government may call the following witnesses for trial:

Nicole Balliet and Randy Huff. Does anyone on the panel know any of these people.

If so how? How long have you known them? Would the fact that you know them influence your ability to decide this case?

6. Has anyone ever received legal training?

7. Do you know any law enforcement officers?

8. In any trial before a jury, the court will decide all legal questions and the jury will decide all factual questions. Do you understand what that means? Do any of you feel that is inappropriate?

9. Do you believe that you can follow the Court's instructions as to the laws applicable to this case, even though you may personally disagree with the law, and render a fair and impartial verdict based upon the law in this case?

10. Do all of you feel comfortable in deciding all factual questions presented to you?

11. Does everyone understand that they will be required to determine who is a credible (believable) witness and make a judgment decision based on the determination? Does anyone have difficulty doing that?

12. If you were a lawyer in this case, would you feel comfortable with a juror with your frame of mind, background and experience on this jury panel?

13. Have any prospective jurors, their loved ones or close friends ever been charged with the same or similar type of crimes as charged in this case?

14. Have you, members of your family, or anyone close to you had negative experiences with law enforcement personnel?

A. If so, please describe.

15. Do you believe that you can follow the Court's instructions as to the law applicable to this case, even though you may personally disagree with the law, and render a fair and impartial verdict based upon the law and evidence in this case?

16. How many of you do not have a computer in your home?

17. How many of you do not use a computer at work?

18. How many of you have not used the internet in the past?

19. Has anyone used file sharing, or what is known as peer to peer, software?

20. Would the fact that this case involves charges of receiving and possessing images depicting a child engaged in sexually explicit conduct prevent you from rendering a fair and impartial verdict?

21. Do you feel such laws should not be enforced at all, enforced more vigorously than other laws, or enforced less vigorously than other laws?

22. As I am certain you have surmised, a part of the evidence in this case will be the photographs/images themselves, which the government alleges constitute child pornography, and that the Defendant possessed them, in violation of federal law. These photographs/images may be distasteful, offensive, and unpleasant to view. However, the prospect of having to see distasteful, offensive or unpleasant evidence is not a basis to avoid the responsibility of jury service. Many cases, both criminal and civil, involve unpleasant things. If we excused prospective jurors on the ground that jury duty makes demands - including some unpleasant demands - then we would not function. Moreover, the parties have the right to expect that prospective jurors will not seek to avoid jury service simply because they would rather not serve, or because they would like to avoid some unpleasantness. Having said that, is there anyone who honestly believes there is some compelling reason why he or she could not be an impartial juror - that is to consider all of the evidence and follow the law - simply because photographs/images depicting child pornography will be presented as evidence at this trial?

23. Some people are of the mistaken belief that transmitting or trading child pornography is an activity that is protected by the Free Speech Clause of the First Amendment to our Constitution, or may otherwise be a Constitutionally protected activity. I tell you that - as a matter of law - this is not the case. Congress has passed laws which make it a criminal offense to receive, transmit, or possess child pornography, and such activity is not protected by the First Amendment or by any other Constitutional right. Before I informed you just now that the receipt, transmission or possession of child pornography was not Constitutionally protected conduct, did you believe that it was? Do you believe that such activity should be protected by the First Amendment to the United States Constitution or by any other provision of the Constitution? Would you have any difficulty abiding by my instruction to you that such activity is not - as a matter of law - protected by the First Amendment to the United States Constitution or by any other provision of the Constitution?

24. Have you, a close friend, or a family member been a victim of incest or a violent crime, including a sexual assault? If you have, could this past experience keep you from rendering a fair and impartial verdict in this case?

25. Do any of you believe that a child is competent to consent to sexual acts?

26. One of the essential functions of a jury is to hear and see evidence, then fairly evaluate it in determining the guilt or innocence of the defendant. Are you capable of doing this? If so, in this case, one of your functions as a juror would be to consider photographs/images allegedly received and/or possessed by the Defendant herein. You may find these photographs/

images to be shocking, but your duty would nonetheless be to dispassionately consider and review those photographs/images as evidence. Would you be able to perform that duty?

27. Do you have any opinions, religious beliefs, philosophies, or prejudices which would make you unable to come to a verdict in this case? For example, do you believe that no person should ever be judged or convicted? Do you believe that a person is guilty just because they are here in court?

Respectfully submitted this 24<sup>th</sup> day of September, 2007.

JOHN R. GREEN  
Acting United States Attorney


By:

  
\_\_\_\_\_  
JAMES C. ANDERSON  
Assistant United States Attorney

**CERTIFICATE OF SERVICE**

I hereby certify that on the 24<sup>th</sup> day of September, 2007, I served a true and correct copy of the foregoing **GOVERNMENT'S PROPOSED VOIR DIRE** upon the following person by placing the same in the United States mail, postage prepaid to the following:

Mr. Frank Chapman  
Mr. Thomas Smith  
Chapman Valdez  
P.O. Box 2710  
Casper, Wyoming 82602  
Attorneys for the Defendant

  
United States Attorney's Office