

Juror Name: \_\_\_\_\_

Juror No: \_\_\_\_\_

## JUROR QUESTIONNAIRE

Please print your answers as clearly as possible

**Case Name: *People v. James Holmes*; Case No.: 12CR1522**

You have taken an oath to truthfully answer the questions in this questionnaire. Please answer each and every question as completely and accurately as possible. We need you to be completely honest. There are no right or wrong answers to the questions. There are only honest answers. The information you give in this questionnaire will be kept confidential. After a jury has been selected, all copies of this questionnaire will be returned to the Court and kept in confidence, under seal, not accessible to the public or the media.

The questions are intended to inquire into your beliefs and attitudes in an efficient manner. The purpose of the questionnaire is to encourage the full and candid expression of your views so that the Court and the parties may have a meaningful opportunity to select a fair and impartial jury in this case. Your full cooperation is necessary to achieve this extremely important objective.

Please read the explanations of law and the questions carefully, think about them, and take your time to ensure accuracy and completeness. There is no time limitation. Court staff cannot help you answer the questions. If you don't know the answer to a question, please indicate you don't know the answer. If you don't understand a question, please indicate you don't understand the question.

At the end of the questionnaire, there is a place for you to sign your name after you finish answering the questions. By signing, you are affirming under oath that you have answered every question truthfully and completely. This questionnaire is 18 pages long. If you need additional space to write your answers, there are blank pages at the end of the questionnaire. Please do not write on the back of any of the pages. At the top of each page, there is a space for you to indicate your name and juror number. Please fill that information in on every page.

You may not discuss any of the questions or answers in this questionnaire with anyone, including other prospective jurors and members of your immediate family. If someone attempts to learn about any aspect of this case from you, including the questions or your responses to the questions, you must explain that you are prohibited from sharing that information with anyone. If the person persists, you should report it to the Court immediately.

Our best estimate is that individual questioning of prospective jurors by the judge and the lawyers will take place between early February and May or June 2015. If you are unavailable between now and May or June, please indicate that and we will schedule your individual questioning session accordingly.

I am unavailable on the following dates and times between now and May or June 2015:

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**Juror Name:** \_\_\_\_\_

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**I. GENERAL BACKGROUND QUESTIONS**

1. Your gender? M / F (*circle one*)
2. Age? \_\_\_\_\_
3. Date of birth? \_\_\_/\_\_\_/\_\_\_\_\_ (*MM/DD/YYYY*)
4. Place of birth? \_\_\_\_\_
5. Where did you grow up? \_\_\_\_\_
6. Marital status? \_\_\_\_\_
7. Children? (*Please indicate number of children, age of each child, and gender of each child*)  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_
8. In what city/neighborhood of Arapahoe County do you currently live? \_\_\_\_\_  
\_\_\_\_\_
9. How long at current address? \_\_\_\_\_
10. Do you rent/own? (*circle one*)
11. Are you regularly employed, self-employed, unemployed, or retired? \_\_\_\_\_
12. Occupation and employer? (*If retired, please indicate prior occupation and employer*)  
\_\_\_\_\_  
\_\_\_\_\_
13. Job responsibilities or duties? (*If retired, please indicate prior job's responsibilities/duties*)  
\_\_\_\_\_  
\_\_\_\_\_
14. Level of education/degrees? \_\_\_\_\_
15. Spouse's/significant other's occupation and employer? \_\_\_\_\_  
\_\_\_\_\_

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16. Do you have any law enforcement and/or military service experience? YES/NO (*circle one*)

If "YES," please describe: \_\_\_\_\_

\_\_\_\_\_

17. If you have previously served in the military, what type of discharge did you receive? \_\_\_\_\_

\_\_\_\_\_

18. Do you have any friends or relatives who work in law enforcement? YES/NO (*circle one*)

If "YES," please identify who, how you know him/her, and what agency is involved:

\_\_\_\_\_

\_\_\_\_\_

19. Have you ever had a pleasant or unpleasant experience involving law enforcement?

YES/NO (*circle one*)

If "YES," please describe: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

20. Do you have any training in law? YES/NO (*circle one*)

If "YES," please describe: \_\_\_\_\_

\_\_\_\_\_

21. Have you, a member of your family, or a close friend ever been a victim of a crime?

YES/NO (*circle one*)

If "YES," please state who, when, where, what type of crime, and what circumstances were involved: \_\_\_\_\_

\_\_\_\_\_

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\_\_\_\_\_

\_\_\_\_\_

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22. Have you, a member of your family, or a close friend ever been investigated for, accused of, or charged with, a crime other than a traffic offense? YES/NO (*circle one*)

If "YES," please state who, what, when, where, and whether convicted: \_\_\_\_\_

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23. Do you know anyone who has served time in prison? YES/NO (*circle one*)

If "YES," please state who, where, when, your relationship to that person, and the crime involved:

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24. Have you ever witnessed a crime? YES/NO (*circle one*)

If "YES," please describe in detail: \_\_\_\_\_

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25. Have you ever testified as a witness in any court proceeding? YES/NO (*circle one*)

If "YES," please describe when and what type of case: \_\_\_\_\_

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26. Have you ever been on a jury or grand jury before or been involved in a military justice proceeding? YES/NO (*circle one*)

If "YES," when, where, and what type of case? \_\_\_\_\_

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27. What organizations, clubs, professional organizations, or unions are you a member of?

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28. What are your hobbies and leisure activities? \_\_\_\_\_

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29. What source(s) do you use to keep up with the news? \_\_\_\_\_

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30. What news programs do you regularly watch on TV or listen to on the radio? \_\_\_\_\_

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31. Do you ever follow criminal cases in the news? YES/NO (*circle one*)

If "YES," what cases have you followed? \_\_\_\_\_

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32. Generally speaking, what is your feeling about the accuracy of news reports? (*circle one*)

ALWAYS ACCURATE      PARTIALLY ACCURATE      NEVER ACCURATE

33. Do you watch any court or police reality programs? YES/NO (*circle one*)

If "YES," please list those programs: \_\_\_\_\_

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34. What are your three favorite TV programs? \_\_\_\_\_

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35. What newspapers and magazines do you read? \_\_\_\_\_

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36. What do you like to regularly watch on TV, listen to on the radio, and/or read? \_\_\_\_\_

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37. What internet sites do you regularly visit? \_\_\_\_\_

\_\_\_\_\_

38. Do you blog on the internet? YES/NO (*circle one*)

If "YES," what do you blog about? \_\_\_\_\_

\_\_\_\_\_

39. What kinds of social media do you use? \_\_\_\_\_

\_\_\_\_\_

40. What, if any, bumper or window stickers do you have on your vehicle(s)? \_\_\_\_\_

\_\_\_\_\_

## **II. QUESTIONS SPECIFIC TO THIS CASE**

James Holmes has been charged with the murders of 12 people and the attempted murders of 70 people at the Century 16 Theatre located at 14300 E. Alameda Ave., Aurora, Colorado, on July 20, 2012, during the premier of the Batman movie, *The Dark Knight Rises*. He has also been charged with Possession of Explosive or Incendiary Devices at 1690 Paris St., Aurora, Colorado, on July 20, 2012.

Every person charged with a crime is presumed innocent, and that presumption of innocence remains with him and must be given effect by the jury throughout the trial. Because a person accused of a crime is presumed innocent, the prosecution has the burden of proving beyond a reasonable doubt every element or part of each crime charged against him, including that he committed the act.

Under Colorado law, a person charged with certain crimes, including murder in the first degree, may plead not guilty by reason of insanity, which includes the plea of not guilty. In a case in which the defendant pleads not guilty by reason of insanity and any evidence of insanity is presented at trial, the prosecution bears the burden of proving beyond a reasonable doubt that the defendant was not insane at the time of the commission of the act. Because Mr. Holmes has pled not guilty by reason of insanity, if any evidence of insanity is presented during the trial, the prosecution must prove beyond a reasonable doubt, as one of the elements of each crime charged, that he was not insane at the time of the commission of the act. At the end of the trial, after all the evidence has been completed, the jury must decide whether the prosecution proved beyond a reasonable doubt every element of each crime charged, including that Mr. Holmes was not insane at the time of the commission of the act.

If the jury finds that the prosecution proved beyond a reasonable doubt each element of a crime charged, including that Mr. Holmes was sane at the time of the commission of the act, then the

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jury must return a verdict of guilty on that charge. If the jury finds that the prosecution did not prove beyond a reasonable doubt each element of a crime charged, including that Mr. Holmes was sane at the time of the commission of the act, then the jury must return a verdict of not guilty on that charge. In the event of a not guilty verdict, the jury will be asked to specify whether it found Mr. Holmes not guilty on that charge solely based on the prosecution’s failure to prove beyond a reasonable doubt that he was sane at the time of the commission of the act. If the answer is “yes,” Mr. Holmes will be found not guilty by reason of insanity on that charge. If the answer is “no,” meaning the jury found that the prosecution failed to prove beyond a reasonable doubt any other element of a crime charged, Mr. Holmes will be found not guilty on that charge. Accordingly, as to every crime charged, Mr. Holmes may be found guilty, not guilty, or not guilty by reason of insanity.

The Court provides you with the following informational instruction, which must have no persuasive bearing on the verdicts the jury reaches based on the evidence at the end of the trial in this case. If a defendant is found not guilty by reason of insanity, the Court must commit him to the Department of Human Services until such time as the Court determines that he no longer requires hospitalization because he no longer suffers from a mental disease or defect which is likely to cause him to be dangerous to himself, to others, or to the community in the reasonably foreseeable future. If a defendant is found not guilty by reason of insanity, he will never again be tried on the merits of the criminal charges filed against him.

**A. Questions Related to Mental Health**

41. Do you have any opinion as to whether people should be able to plead not guilty by reason of insanity? YES/NO (*circle one*)

If “YES,” please state your opinion and explain it: \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

42. If your opinion is that people should not be allowed to plead not guilty by reason of insanity, are you able to set that opinion aside and make any decisions required in this case based only upon the evidence presented during the trial and the instructions of law given to you by the judge? YES/NO (*circle one*)

Please explain: \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

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43. Can you follow and apply the law as described above in the introductory paragraphs of section II of the questionnaire (bottom of page 6 and top of page 7)? YES/NO (*circle one*)

If "NO," please explain: \_\_\_\_\_

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44. Have you or any of your close friends or family members had any experience with mental illness? YES/NO (*circle one*)

If "YES," please explain: \_\_\_\_\_

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45. Do you, a family member, or a close friend have any training, education, or experience in the diagnosis or treatment of mental illness? YES/NO (*circle one*)

If "YES," please explain: \_\_\_\_\_

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46. Do you have any opinions or thoughts about the relationship, if any, between mental illness and the criminal justice system? YES/NO (*circle one*)

If "YES," what are your opinions/thoughts and what are they based upon? \_\_\_\_\_

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47. Do you have strong opinions—good or bad—about mental health providers?  
YES/NO (*circle one*)

If “YES,” please explain: \_\_\_\_\_

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48. Do you have any opinions, beliefs, or feelings about mental illness that may affect your ability to be a fair and impartial juror in this case? YES/NO (*circle one*)

If “YES,” please explain: \_\_\_\_\_

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49. Do you have any opinions, attitudes, or beliefs that would cause you to be more or less likely to believe the testimony of mental health professionals? YES/NO (*circle one*)

If “YES,” please explain: \_\_\_\_\_

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50. Have you already formed any opinion about the mental health of Mr. Holmes?  
YES/NO (*circle one*)

If “YES,” please explain: \_\_\_\_\_

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51. If you have already formed any opinion about the mental health of Mr. Holmes, are you able to set that opinion aside and make any decisions required in this case based only upon the evidence presented during the trial and the instructions of law given to you by the judge? YES/NO (*circle one*)

Please explain: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

***B. Questions Related to Publicity***

If you have heard anything about this case from any source other than the judge, such as the media, work, school, friends, family, etc., **please do not discuss it at all with any other potential jurors, friends, co-workers, family members, or anyone else.**

52. Has this case attracted much attention in your community or household? (*circle one*)

A GREAT DEAL      A FAIR AMOUNT      NOT VERY MUCH      NONE AT ALL

53. Have you heard anything about this case? YES/NO (*circle one*)

If "YES," from what source(s)? (*circle all that apply*)

NEWSPAPER    TV    RADIO    INTERNET    OTHER PEOPLE    OTHER SOURCES

If other sources, please describe: \_\_\_\_\_

\_\_\_\_\_

54. Please state in detail everything that you have heard, read, or seen about this case, and from what source: (*there is additional space at the top of the next page*)

\_\_\_\_\_

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55. Have you discussed this case with anyone? YES/NO (*circle one*)

If "YES," with whom have you discussed this case, what did you hear, and/or what did you say?

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56. If you have heard, seen, read, or discussed anything about this case, will you be able to set that information aside and make any decisions required in this case based only upon the evidence presented during the trial and the instructions of law given to you by the judge?

YES/NO (*circle one*)

Please explain: \_\_\_\_\_

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57. Have you already formed any opinion about the guilt or innocence of Mr. Holmes?  
YES/NO (*circle one*)

If "YES," please explain: \_\_\_\_\_

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58. If you have already formed any opinion about the guilt or innocence of Mr. Holmes, are you able to set that opinion aside and make any decisions required in this case based only upon the evidence presented during the trial and the instructions of law given to you by the judge?  
YES/NO (*circle one*)

Please explain: \_\_\_\_\_

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**C. Knowledge of Alleged Victims and Witnesses**

A list of the names of the alleged victims and witnesses who may be called to testify in this case is attached. Please read the list carefully. If you recognize any of the names, please circle it and write on the list how you are familiar with each name circled (e.g., uncle, friend, co-worker, acquaintance, from news report, etc.). If you recognize any of the names, **please do not discuss this at all with any other potential jurors, friends, co-workers, family members, or anyone else.**

59. Do you believe you have heard, read, or seen anything about any of the individuals referenced on the attached list? YES/NO (*circle one*)

If "YES," please describe in detail all that you have heard, read, or seen: (*there is additional space at the top of the next page*)

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***D. Knowledge of Counsel, Counsel's Staff, and the Judge and the Court's Staff***

A list of the names of the lawyers working on this case, their staff members, and the judge and Court staff members is attached. Please read the list carefully. If you recognize any of the names, please circle it and write on the list how you are familiar with each name circled (e.g., brother, uncle, friend, co-worker, acquaintance, attorney in a prior case, judge in a prior case, from news report, etc.). If you recognize any of the names, **please do not discuss this at all with any other potential jurors, friends, co-workers, family members, or anyone else.**

***E. Questions Regarding Undue or Unfair Hardship***

Everyone who does his/her civic duty by responding to a jury summons necessarily experiences an inconvenience or a hardship. Therefore, hardship alone does not warrant excusal from jury service. Even in a lengthy trial such as this one, which significantly imposes on jurors' lives, hardship alone is not sufficient for excusal. Colorado law provides, however, that a prospective juror may be excused from jury service if such service would cause an undue or unfair hardship. The questions in this section are intended to elicit information to allow the Court, in consultation with the attorneys, to determine whether serving on this jury would cause you an undue or unfair hardship.

Individual questioning of prospective jurors in this case is scheduled to start in early February. Our best estimate is that it will take 4 months. During this time period, you will only need to be here one day: on the specific day when your individual questioning is scheduled. The parties and the Court anticipate having a jury selected in either May or June 2015. Once the jury is selected, the trial could last 4 to 5 months. During this time period, you will need to be here Monday through Friday from 8:30 in the morning until approximately 5:00 in the afternoon. Seated jurors can anticipate taking every other Friday off during trial. Based on our best estimate of the duration of jury selection, we anticipate that the trial will start in May or June. We believe that the trial will be completed as early as September or as late as October. Except in extraordinary circumstances, jury trials are not heard on Saturdays, Sundays, or national holidays. It is expected that jurors will go home each evening and will not be sequestered.

60. Is there any reason that the time necessary for you to act as a juror in this case would cause you an undue or unfair hardship? YES/NO (*circle one*)

If "YES," please explain: \_\_\_\_\_

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61. Do you have any concerns about your ability to maintain your concentration during the trial?  
YES/NO (*circle one*)

If "YES," please explain: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

62. Do you have any concerns about the emotional impact of viewing graphic crime scene evidence (including photographs and videos of people who are deceased) or any other impact that sitting as a juror in this case might have on you? YES/NO (*circle one*)

If "YES," please explain: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

63. Are you taking any medications that might make it difficult for you to sit and listen attentively to testimony for many hours at a time? (Generally, there will be at least one 15-minute break every morning and at least one 15-minute break every afternoon, as well as a lunch break of an hour to an hour and a half every day). YES/NO (*circle one*)

If "YES," please explain: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

64. Do you have any personal or health problems (hearing, sight, medical condition, etc.) that you feel would prevent you from giving your full attention to the testimony during the trial?  
YES/NO (*circle one*)

If "YES," please explain: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

**F. Questions Related to Potential Punishment**

Colorado law allows the prosecution to seek the death penalty under certain circumstances if a defendant is charged with murder in the first degree. The prosecution is seeking the death penalty against Mr. Holmes in this case. If the jury returns a verdict of guilty on a charge of murder in the first degree, Colorado law requires that the jury also determine the appropriate punishment. In that situation, the law, in essence, provides for a two-part trial. In the first part of the trial, the jury's responsibility is to decide if Mr. Holmes is guilty, not guilty, or not guilty by reason of insanity. Only if the jurors return a verdict of guilty on a charge of murder in the first degree will they then hear additional evidence in the second part of the trial in order to decide what sentence to impose. (The estimate provided earlier regarding the completion of this case by no later than the end of October 2015 includes this possible second part of the trial). In the second part of the trial, the jury would have two sentencing choices: the penalty of life in prison without the possibility of parole (which would prevent the defendant from ever being released from prison) or the penalty of death by lethal injection.

Because the jury may have to decide Mr. Holmes' sentence in this case, the law requires that prospective jurors answer questions regarding their thoughts, feelings, and opinions about the possible penalties. This is true even though the jury may find that Mr. Holmes is not guilty or not guilty by reason of insanity with respect to every charge of murder in the first degree, in which case there would be no need for the jury to impose a sentence. It is very important that you not assume from any of the following questions that Mr. Holmes will be, or should be, found guilty of any crime. (The Court reminds you that Mr. Holmes is presumed innocent, and that presumption of innocence remains with him and must be given effect by the jury throughout the trial). It is equally important that you are aware that the law never requires a death sentence.

65. Which of the following best represents your opinion of the death penalty? (*circle one*)

- a. I believe that the death penalty should be imposed in **all** cases of murder in the first degree, regardless of any mitigation that may be presented on the defendant's behalf, and I would automatically return a verdict of death.
- b. I believe that the death penalty is appropriate in **some** cases of murder in the first degree and, after hearing and considering all of the evidence, as well as the law provided by the judge, I could return a verdict of death if I believed it to be the appropriate penalty in this case.
- c. I believe the death penalty is appropriate in **some** cases of murder in the first degree, but because of my personal beliefs and feelings, I could never vote to impose it myself.
- d. I believe that the death penalty is **never** appropriate in any case of murder in the first degree and I would never return a verdict of death under any circumstances.
- e. None of these represent my opinion. My opinion is: (*there is additional space at the top of the next page*) \_\_\_\_\_

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66. What are the bases for your opinions and/or beliefs? \_\_\_\_\_

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67. Have your opinions and/or beliefs changed over time? YES/NO (*circle one*)

If "YES," please explain: \_\_\_\_\_

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68. As indicated earlier, in the event the jury returns a verdict of guilty on a charge of murder in the first degree, the Court will proceed to the second part of the trial or the sentencing phase of the case. The Court reminds you that Colorado law allows for the imposition of a sentence of life in prison without the possibility of parole or a sentence of death by lethal injection. After receiving all of the evidence and applicable instructions of law during the sentencing phase of the case, if you are not convinced beyond a reasonable doubt that a death sentence is appropriate, could you follow the law and impose a life sentence without the possibility of parole? YES/NO (*circle one*)

If "NO," please explain: \_\_\_\_\_

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69. As indicated earlier, in the event the jury returns a verdict of guilty on a charge of murder in the first degree, the Court will proceed to the second part of the trial or the sentencing phase of the case. The Court reminds you that Colorado law allows for the imposition of a sentence of life in prison without the possibility of parole or a sentence of death by lethal injection. After receiving all of the evidence and applicable instructions of law during the sentencing phase of the case, if you are convinced beyond a reasonable doubt that the death penalty is the appropriate sentence, could you follow the law and impose that sentence? YES/NO (*circle one*)

If "NO," please explain: \_\_\_\_\_

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70. Have you already formed an opinion about what the appropriate penalty should be if Mr. Holmes is found guilty of murder in the first degree? YES/NO (*circle one*)

If "YES," please explain: \_\_\_\_\_

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71. If you have already formed an opinion about what the appropriate penalty should be if Mr. Holmes is found guilty of murder in the first degree, are you able to set that opinion aside and make any decisions required during the second part of the trial or the sentencing phase of the case based only upon the evidence presented during that stage of the proceedings and the instructions of law given to you by the judge? YES/NO (*circle one*)

Please explain: \_\_\_\_\_

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72. Is there anything else that you believe the Court and the parties should know about with respect to your attitude toward the death penalty or a sentence of life in prison without the possibility of parole? YES/NO (*circle one*)

If "YES," please explain (*there is additional space at the top of the next page*): \_\_\_\_\_

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**III. MISCELLANEOUS QUESTIONS**

73. You will have an opportunity to meet with the judge and the parties during individual questioning, which will be open to the public. Is there any particularly sensitive issue raised by this questionnaire or in addition to this questionnaire that you feel you need to discuss in private because public questioning about that issue will prove embarrassing and damaging? YES/NO (*circle one*)

If "YES," please explain: \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

74. Is there any reason you believe you cannot be a fair and impartial juror in this criminal case? YES/NO (*circle one*)

If "YES," please explain: \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

75. Is there anything else you would like to mention? YES/NO (*circle one*)

If "YES," please explain: \_\_\_\_\_

\_\_\_\_\_

I declare that the information I have provided in this questionnaire is, to the best of my knowledge, true, accurate, and complete. I understand that if I have willfully misrepresented a material fact (including by omission) on this questionnaire, I have committed a Class 3 Misdemeanor in violation of section 18-8-613 of the Colorado Revised Statutes.

**Dated:** \_\_\_\_/\_\_\_\_/\_\_\_\_  
(MM/DD/YYYY)

**Signed:** \_\_\_\_\_