

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

UNITED STATES OF AMERICA,	.	
	.	
Plaintiff,	.	CR No. 21-0263 (TSC)
	.	
v.	.	
	.	Washington, D.C.
RUSSELL DEAN ALFORD,	.	Wednesday, September 28, 2022
	.	9:38 a.m.
Defendant.	.	
.	Pages 1 through 190

DAY 1
TRANSCRIPT OF JURY TRIAL
BEFORE THE HONORABLE TANYA S. CHUTKAN
UNITED STATES DISTRICT JUDGE

APPEARANCES:

For the Government:	MICHAEL J. ROMANO, ESQ. JAMES D. PETERSON, ESQ. U.S. Department of Justice Criminal Division 1331 F Street NW Washington, DC 20004 (202) 514-2000
For Defendant:	JAMES T. GIBSON, ESQ. KEVIN L. BUTLER, ESQ. TOBIE J. SMITH, ESQ. Federal Public Defender Northern District of Alabama 505 20th Street North Suite 1425 Birmingham, AL 35203 (205) 208-7170
Court Reporter:	BRYAN A. WAYNE, RPR, CRR U.S. Courthouse, Room 4704-A 333 Constitution Avenue NW Washington, DC 20001 (202) 354-3186

P R O C E E D I N G S

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THE COURT: I understand there are some preliminary matters before we move up to the ceremonial courtroom?

All right. Let me take a look at this email that came in, which everybody has seen, Mr. Romano and Mr. Peterson?

MR. ROMANO: Yes.

THE COURT: The defense has a renewed motion to transfer venue. I had previously denied such a motion on April 18th, instead granted the defense request to conduct a jury questionnaire. So I'll hear from you again. Who's speaking for the defense on this?

MR. SMITH: I will be. Tobie Smith, Your Honor.

THE COURT: Oh, Mr. Bradley, did we call the case?

THE DEPUTY CLERK: No, not yet.

THE COURT: Let's call the case. Sorry. As you can see, it's been a busy -- we've had a flood of temporary restraining order motions filed because of the pending deadline, and it's really made all our jobs a lot harder. Sorry. Go ahead and call the case.

THE DEPUTY CLERK: Your Honor, we have criminal action 21-263, United States of America versus Russell Alford. We have Mr. James Peterson and Mr. Michael Romano representing the government, and we have Mr. James Gibson, Mr. Kevin Butler, and Mr. Tobie Smith representing Mr. Alford, all appearing in person.

1 MR. SMITH: Thank you, Your Honor.

2 Your Honor, we just wish to orally renew our transfer
3 of venue based upon the jury questionnaires that we received,
4 specifically the answers to the jury questionnaire. They
5 have, we believe, simply underscored our earlier contention
6 that Mr. Alford cannot receive a fair trial because an
7 unbiased jury cannot be empaneled in this district.

8 THE COURT: We've had, don't know, I think over a
9 dozen of these trials already. We have one multi-codefendant
10 Oath Keepers trial starting yesterday going on in this very
11 venue. And those trials have proceeded -- in each of those
12 cases, the judge has managed to select a jury without too much
13 problem. Obviously, we have more jurors coming in for voir
14 dire than normal because of, you know, the prominence of the
15 -- you know, what happened on the 6th.

16 Can you make your record for why you believe that's so
17 based on the questionnaires?

18 MR. SMITH: Certainly, Your Honor. We received, I
19 believe, 98 questionnaires, and approximately half of them,
20 jurors specifically represented that they could not take
21 an impartial view of people who gathered at the Capitol.
22 The phrasing of the question referred only to people who
23 gathered at, not even those accused of entering.

24 I could, but won't -- unless Your Honor wants me to -- give
25 a greatest-hits list of some of the responses, but about half

1 of the questionnaires people said before we had even reached
2 voir dire that they cannot be impartial toward people who were
3 present at the Capitol on January 6th of 2021, and, to us, that
4 underscores our concern that an impartial jury cannot be struck
5 from this panel.

6 THE COURT: Okay. Who's speaking in response?

7 MR. PETERSON: I will be, Your Honor.

8 Oh, and while Mr. Bradley's here, as a housekeeping matter,
9 these were delivered to us yesterday. We scanned them, we
10 sent them to counsel and the Court, but I still consider them,
11 of sorts, court documents. So I would return them. We did
12 not write on them. I printed out an extra one.

13 THE COURT: Thank you.

14 MR. PETERSON: I just want to make sure that I'm not
15 remiss in that.

16 THE COURT: Thanks.

17 MR. PETERSON: May it please the Court, Jim Peterson
18 for the government. The government would ask the Court to
19 deny the oral motion or the renewed motion to transfer venue.
20 I do agree of sorts with counsel in terms of the numbers.
21 My estimate in going through them is that more than half of
22 them, without question, just signed -- and I'm referring to
23 questions I think 13 through 17 -- and said that there were no
24 issues whatsoever.

25 I don't agree with counsel's -- I understand counsel's

1 characterization. I don't agree with counsel's characterization
2 that something close to half said that they could not be fair
3 and impartial. If the Court looks at the wording of Your
4 Honor's questions on 13 through 17, I don't think it's that
5 dispositive.

6 And I would say the vast majority -- I found only a handful,
7 if you skip to question 28 -- which says that they can follow
8 Your Honor's directions. I found only a handful that suggested
9 that they might not be able to. So I don't agree with the --
10 the government does not agree with the characterization of what
11 the questionnaires say.

12 I would point out, and Your Honor just made the point,
13 I tried this morning to scramble to see if other courts have
14 addressed this more recently than Your Honor did, and I came
15 up with two cases. I've provided them to counsel.

16 One is the *United States v. Nassif*, and that is a case in
17 front of the Honorable Judge Bates. I came across the case
18 of *United States v. Garcia*, and that case is in front of the
19 Honorable Judge Berman Jackson.

20 And both of those, I believe, address the point that Your
21 Honor just made, which is the transfer-of-venue motions have
22 been uniformly denied. I think they've been uniformly denied
23 in these particular cases. And I note that *Nassif* references
24 *Garcia* and says "collecting cases concluding that to date courts
25 have had little difficulty qualifying enough jurors to empanel

1 jurors with the requisite number of alternates."

2 So I'm happy to be heard more in greater detail. I would
3 just reference the Court to the jury questionnaires themselves
4 and the responses. I think 13 through 17 are pretty clear, and
5 28, and I don't foresee there's an issue or a problem. We'd
6 ask the Court to deny the motion.

7 THE COURT: All right. So here's the thing. There's
8 no -- given polls and the prominence of the events of January
9 6th in the media, there's no evidence that I have before me
10 that if this trial were to move anywhere else that people
11 wouldn't have equally strong views.

12 People in this country have strong views. That's not --
13 we expect people to have opinions. And one of the things --
14 it's fine to have an opinion. But what I'm going to be
15 instructing the jury is can you put aside your opinion and
16 adjudge the defendant based on the evidence. And it's amazing
17 how, I have found, how seriously jurors take that charge.

18 And what we're looking for is not people without opinions;
19 what we're looking for is people who are able to put aside
20 their opinion and focus their decision solely on the evidence
21 presented in this courtroom.

22 I would note that there have been other jurisdictions that
23 have had trials for events that affected a far greater amount
24 of the population. I'm referring specifically to the Boston
25 Marathon bombing case, for example, where a change-of-venue

1 motion was denied and where the defendant was tried. And
2 therefore, even though the number of responses that Mr. --
3 I'm sorry. It's going to take me a little while to figure
4 out who everyone was who was speaking. Was that Mr. Gibson
5 speaking this morning?

6 MR. SMITH: No. That's me, Mr. Smith.

7 THE COURT: I'm sorry.

8 MR. SMITH: You won't have to remember my name much.

9 THE COURT: All right. You're Mr. Gibson?

10 MR. GIBSON: I'm Mr. Gibson.

11 THE COURT: And Mr. Butler. Okay. It's going to take
12 a minute, but I'm going to get there.

13 I understand their concern. And, frankly, I'm going to
14 be very honest with you all. I really regret allowing this
15 questionnaire. We've had far more high-profile cases, even
16 January 6 cases, tried in this courthouse without a
17 questionnaire, and almost everything in this questionnaire
18 would have been elicited in voir dire. Generally, I'm pretty
19 lenient about allowing lawyers to ask follow-up and probing,
20 especially in a case like this where people have strong
21 feelings.

22 So I think the questionnaire probably caused -- definitely
23 caused more logistical problems. And it may have raised the
24 appearance that we're getting in a hundred people of whom half
25 can't even be fair. But I think that -- I intend to, and the

1 attorneys are certainly allowed to follow up, very, very
2 specifically with each juror, especially if a juror answered
3 that question, whether they could put aside their personal
4 opinions and beliefs, confine their verdict to the evidence
5 that's presented in the courtroom and the charges on which the
6 defendant is being tried. So I'm going to deny the motion to
7 transfer venue.

8 I understand also that the government indicates that it
9 wishes to display certain exhibits during opening argument.
10 Have those objections -- have they been withdrawn?

11 Good morning, Mr. Romano.

12 MR. ROMANO: Yes, Your Honor. Thank you. I'll speak
13 to that. There are three slides that I'd like to display.
14 Two are still images from exhibits. One is a short, 15-second
15 clip from an exhibit. They're all taken from these third-
16 party videos, which is 111 and 112, which the Court has
17 already ruled on the defense's objections to authenticity.

18 So I raised this with defense, indicated we'd like to use
19 those exhibits. The defense objected because their
20 recollection of your earlier ruling was that only stipulated
21 exhibits would be allowed to be used during openings.

22 Our recollection was slightly different. We thought that
23 you said only exhibits that will come in without objection
24 may be used during openings, and I think that's a little bit
25 broader than things which were stipulated to. But in any

1 event, my view, if the Court has already resolved the
2 objection that would keep the exhibit out, it is the same
3 as if we are showing something that is not objected to.

4 THE COURT: If I have already ruled that the exhibit
5 is admissible, then it can be shown. But I believe there's
6 something in my preliminary instructions that says that the
7 opening statements are not evidence, and there are materials
8 that may be used that aren't evidence that are simply designed
9 to help the jury understand the evidence or whatever. So
10 they'll hear that at the beginning anyway.

11 Yes. Mr. Butler.

12 MR. BUTLER: Yes. The Court has addressed our
13 objection. That said and done, during trial we will still
14 likely be objecting. The Court may overrule its admission.

15 THE COURT: Sure. And you can restate your objection
16 for the record.

17 MR. BUTLER: Exactly. The fact of the matter is there
18 is not agreement as to this item's admission at this time.
19 The Court has to rule during trial. It would be
20 inappropriate, I believe, for the jury to see this, especially
21 given the fact that there's information in that that I wish to
22 challenge, and some other things. It's not like a picture of
23 the Capitol. It would be prejudicial additionally at this
24 time for the jury to see it. For that reason, Your Honor, we
25 strongly object to --

1 THE COURT: What are we talking about, Mr. Romano?

2 MR. ROMANO: There is -- the person who posted the
3 video that we referred to as the "Rumble video" was standing
4 very close to the door through which Mr. Alford entered. That
5 video captures the best view of the damage to the window pane
6 in the door, and it's a better and sharper image than the
7 Capitol surveillance camera.

8 That person, because they are standing so close to the
9 door, you can also hear the sound of the alarm going off,
10 because the door is open very clearly. Capitol surveillance
11 footage does not capture sound. Now, there is sound available
12 through other footage, but we think this is the clearest way
13 to illustrate how loud that was.

14 THE COURT: And how are you planning on getting that in
15 at trial?

16 MR. ROMANO: Well, we've already briefed the issue of
17 the comparison of that to other footage, and then there are
18 two witnesses who will testify, Captain Mancuso and Officer
19 Roth from the MPD and Capitol Police respectively, who will
20 testify that this footage is accurate and accurately captures
21 the offense of January 6.

22 THE COURT: Well, because the foundation hasn't been
23 laid, I think I'm not going to allow it. And frankly, you may
24 want to have his first impression once it's admitted and the
25 jury sees it in evidence. But I'm not going to allow it to be

1 used in opening statement.

2 MR. ROMANO: Understood. We'll modify our opening
3 presentation.

4 THE COURT: Okay.

5 Couple things, and then we're going to go up to 12.

6 On Friday we've been informed that the ceremony and
7 reception will last -- the buses are taking all the judges to
8 the Supreme Court and back. The buses will leave the Supreme
9 Court, which is just up the street, at noon.

10 So what I'm planning to tell the jury is they should have
11 lunch early, and then they should come here, plan to start at
12 12:30. That way I can deal with preliminary issues from you
13 all at 12:15. So that's what I'm going to just tell them.
14 Rather than come here and have them break for lunch, they can
15 have lunch, and we will not take a lunch break. They'll just
16 have a midafternoon break.

17 I think that's it. Yes.

18 MR. BUTLER: Two scheduling issues. Your Honor, we
19 have it in our notes, did you indicate that today you needed
20 to break at 3:30?

21 THE COURT: I do. The problem is, we have a lot of
22 these cases where people are at other facilities that only
23 have jail times at -- although there's not one today -- I have
24 a motions hearing very quickly at --

25 Was 3:30 the only time we could do it?

1 (Court conferring with law clerk.)

2 Let's try and push that back. If we could do it at 4:00,
3 that will give us another half an hour.

4 MR. BUTLER: All right. I was just trying to be clear,
5 number one. Number two, we've been up to the Ceremonial
6 Courtroom. In our district, we're allowed to move our
7 chairs. The deputy just told me...

8 THE COURT: So you want to move your chairs around?

9 MR. BUTLER: So that we could face -- but I think I've
10 just been advised that that's not...

11 THE COURT: From Mr. Bradley. Okay.

12 All right. Actually, is your district Birmingham?

13 MR. BUTLER: Yes, Your Honor.

14 THE COURT: I've actually appeared in that ceremonial
15 courtroom. I had a class-action case before then-Chief Judge
16 Proctor?

17 MR. BUTLER: Yes, Your Honor.

18 THE COURT: And he used to like to have -- he had a
19 cast of hundreds of lawyers. And so he used to use the
20 ceremonial courtroom. So I spent quite a bit of time in that
21 ceremonial courtroom. It's very nice. I think ours is nice,
22 too, but that's a pretty nice one.

23 MR. BUTLER: It's nice. And your deputy has advised us
24 how it's to be handled. So we're fine.

25 THE COURT: Yeah. It's not mine, and we're all using

1 it on pain of good behavior. I don't mess around with the
2 ceremonial courtroom.

3 All right. Anything else before we begin the voir dire?

4 MR. ROMANO: Just one logistical question. In terms of
5 the order in which jurors will be seated, I forget if you said
6 that, but are we going from sort of lowest number to highest
7 number so we can anticipate who's coming into the box next as
8 we're doing our strikes?

9 THE COURT: Well, my law clerk with the blue mask is
10 No. 1. So 2, 3, 4, 5, 6, 7.

11 My law clerk with the dark blue mask is 8, 9, 10, 11, 12,
12 13, 14. Did we pick the alternate seats already?

13 MR. ROMANO: We didn't.

14 THE COURT: Which one would you pick?

15 MR. ROMANO: We'll pick 13.

16 THE COURT: Which one for you?

17 MR. GIBSON: 2 is fine, Your Honor.

18 THE COURT: 2 and 13. Okay.

19 MR. ROMANO: My question is, just by reference to
20 Superior Court, there we would know sort of which jurors were
21 up next. And so are we going to have a list that will tell us
22 who's filling the spaces?

23 THE COURT: Yes. And I actually have them move because
24 I can't do that three-dimensional thing in my head. So after
25 every two rounds, I have them get up and move and new jurors

1 come in.

2 MR. ROMANO: Okay. Thank you.

3 THE COURT: And we'll do the strikes here once we have
4 enough qualified jurors. We'll then come down and do the
5 strikes here.

6 MR. GIBSON: Your Honor, I apologize. I think we
7 misunderstood the initial question. We'd like to ask for seat
8 No. 7 to be the alternate, if that's all right.

9 THE COURT: All right. Okay. So 7 and 13?

10 Usually people pick 8 and 14 because those are the ends,
11 but it doesn't matter.

12 MR. ROMANO: We'll take 14 instead of 13.

13 MR. BUTLER: I'm trying to figure out... one, two,
14 three, four...

15 THE COURT: So it's 1 to 7 and 8 to 14.

16 MR. BUTLER: Right. 7. We're in agreement.

17 MR. ROMANO: 7 and 14, the two left-most seats.

18 THE COURT: Right. That's what it usually ends up
19 being. All right. I'll see you all upstairs.

20 (Recess from 9:57 a.m. to 10:35 a.m.)

21 JURY SELECTION - CEREMONIAL COURTROOM

22 THE DEPUTY CLERK: Your Honor, we have criminal
23 action 21-263, United States of America versus Russell Alford.
24 We have Mr. James Peterson and Mr. Michael Romano representing
25 the government, and we have Mr. James Gibson, Mr. Kevin Butler,

1 and Mr. Tobie Smith representing the defendant.

2 THE COURT: All right. Good morning, ladies and
3 gentlemen. This is not my usual courtroom, as you might
4 imagine. We're in the ceremonial courtroom of the district
5 court. I'm sorry I am late. We've had a lot going on in this
6 courthouse today and this week. I had some pretrial motions
7 to deal with this morning, so I apologize. I know with jury
8 service, there's always a lot of waiting, and I apologize for
9 it.

10 But anyway, I am Judge Tanya Chutkan, and I will be the
11 presiding judge in this case. You've been called to this
12 courtroom for possible selection in a criminal case called
13 United States versus Russell Dean Alford.

14 First I want to introduce you to the court employees and
15 tell you how we will proceed.

16 Assisting me are Mr. Tim Bradley, the courtroom deputy
17 clerk whom you've already met, and the court reporter is Bryan
18 Wayne. Sometimes he may be subbed by another court reporter,
19 but he's a court reporter who will keep a record of the
20 proceedings for me and the people involved in this trial.

21 Now, there's a common fallacy that the judge runs things in
22 the courtroom. Well, as you're probably aware, that's not
23 true. Mr. Bradley and Mr. Wayne are the two most important
24 people in this courtroom, and they keep things running and
25 keep the trains moving as on time as we can.

1 Also at the bench with me is Aseem Chipalkatti, one of
2 my law clerks, and I will introduce the government lawyers and
3 the defense counsel and the defendant momentarily.

4 You're here because we must select 12 of you and two
5 alternates to serve as jurors to hear this case. Some of you
6 may think, based where you sit in the jury box, whether you're
7 alternates or not; but I can assure you the alternate seats in
8 this case have been assigned randomly, and you'll not know
9 that you're an alternate until the conclusion of the evidence
10 and the jury retires to deliberate in this case.

11 Now, the purpose of jury selection is to select jurors who
12 -- normally I would say who have no prior knowledge of the
13 case and no bias towards either side in the case. Because of
14 the nature of the case, you may have knowledge or think have
15 knowledge about this case. But what's the most important part
16 of jury selection here is to select jurors who have no bias.
17 An opinion is not a bias. We're looking for unbiased jurors.

18 And to help the prosecution and the defense to learn more
19 about you, I have already asked you to complete a jury
20 questionnaire, which you've done, but I'll also be asking you
21 questions during a process we call voir dire. But there are
22 no right or wrong answers in this process, only truthful ones.
23 You should all have an index card and a pencil.

24 No? We haven't done that yet?

25 (Court conferring with deputy clerk.)

1 All right. Let me have the counsel pick up their -- every
2 now and then I have to talk to the lawyers, and we'll use an
3 intercom system.

4 (Bench conference.)

5 THE COURT: Hi. So it looks like we have a little
6 confusion, because there are some questions on my voir dire
7 that are not covered by the questionnaire. So I was going to
8 go through my voir dire. That was my plan. But it looks like
9 Mr. Bradley didn't realize it and did not give out the index
10 cards, and they don't have anything to write with. So we're
11 just going to take a short break while he goes to get those.

12 (End of bench conference.)

13 THE COURT: All right. Ladies and gentlemen, because
14 we haven't used questionnaires in a lot of cases, in addition
15 to the questionnaires, I'm going to give you index cards and
16 pencils so that you can write down if you have responses to
17 any of my voir dire questions.

18 Mr. Bradley didn't realize we'd be doing that, so he
19 neglected to give you the index cards and the pencils. He's
20 gone to get those. So we're going to need another quick break
21 while he goes and gets them. Please just remain seated, and
22 resume the case in a minute. Thank you.

23 (Recess from 10:39 a.m. to 10:50 a.m.)

24 THE COURT: Thank you, ladies and gentlemen, and
25 again I appreciate your forbearance. I do feel your pain

1 because, unlike other states and jurisdictions, everybody in
2 D.C. has to come for jury service, and I actually served on a
3 jury a few years ago. And I remember there being a lot of
4 waiting. So I'm trying not to waste too much of your time.
5 I appreciate your patience.

6 All right. So you should all have with you an index card
7 and a pen or a pencil. Please write the last four digits of
8 your juror number in the upper right-hand corner of your index
9 card. We do not refer to you by your name, but we do refer to
10 you as the last four digits of your juror number.

11 Now I'm going to ask you a series of questions, most of
12 which can be answered with a yes or a no. If you have a yes
13 answer -- in other words, if you have a yes answer to the
14 question, write down the number of the question. So if I ask
15 question 3 and you have a yes answer to question 3, just write
16 down a 3.

17 When you come up for voir dire, I will ask what questions
18 did you have answers to, and you can tell me the numbers of
19 the questions. Okay? If you're not sure, be overinclusive
20 and write down the number. You do not have to put why or
21 explain. You'll do that in private when we do the voir dire
22 up here at the bench -- or at the podium. But I'll have the
23 husher on, so the rest of the jurors won't hear your answers.
24 This will be private. Your answers to the questions will not
25 be public.

1 Once I finish the questions, then you'll be called up
2 individually for the voir dire, and you'll bring your index
3 card up with you; and I'll follow up with you individually at
4 the podium, and the lawyers may have follow-up questions based
5 on responses that you give.

6 Once we've finished all the questions, we'll decide if any
7 juror should be stricken for cause; and once we've done that,
8 we'll do our actual jury selection once we've done all the
9 questioning. If we have room, we'll try and do it down in my
10 courtroom, Courtroom 9.

11 All right. Once that happens, each side will have an
12 opportunity to make peremptory strikes, which means they can
13 strike jurors without stating a reason. Once selected to be
14 on the jury, you'll receive more instructions about the case
15 before the trial begins. Those who are not selected will
16 return to the jury lounge.

17 All right. So, before we begin the questioning, I'm going
18 to ask Mr. Bradley to administer the oath.

19 (Jury pool is sworn.)

20 THE COURT: Now, when you come up to do your individual
21 follow-up, there's a phone like this up here with a little
22 button on the handset that you press to speak. You may take
23 your mask down to speak into the handset. That way, only the
24 lawyers and the defendant and only the people involved in the
25 case can hear your answers, and your fellow jurors cannot. So

1 that's what the little phone is up here for.

2 Okay. Now that you have been sworn, we're going to begin
3 the voir dire. And again, the term "voir dire" is a process
4 by which prospective jurors are questioned about their
5 backgrounds to determine if they'll be selected to hear a
6 case. Remember, you're bound by the oath that you've just
7 taken to answer questions truthfully.

8 Some of the questions that I ask may involve matters
9 which are personal to you. Please understand, it is not
10 my intention or my desire, and it's not the desire of the
11 lawyers, to invade your privacy or embarrass you. Our only
12 wish is to select the fairest, most impartial jury possible.

13 The government and the defendant each have a vital interest
14 in this matter and want to be assured that jurors will have no
15 biases or prejudices about this case and that the verdict is
16 based only on the law and the evidence. Therefore, it's
17 important that you be entirely straightforward with me in your
18 responses.

19 Before I start with the questions, let me give you a short
20 summary of the case:

21 This is a criminal case in which the government has accused
22 Mr. Russell Dean Alford of offenses relating to the events of
23 January 6, 2021, at the United States Capitol building.
24 Mr. Alford lives in Hokes Bluff, Alabama. He traveled to
25 Washington, D.C., and attended then-President Trump's speech

1 at the Ellipse on January 6, 2021.

2 The government alleges -- and these are only allegations at
3 this stage -- that after the speech, Mr. Alford knowingly
4 entered or remained in a restricted area, the U.S. Capitol,
5 and that while there he engaged in disorderly or disruptive
6 conduct.

7 The government further contends that Mr. Alford intended
8 to, and in fact did, impede Congress's official functions, to
9 wit, the certification of the 2020 presidential election. The
10 government also alleges that Mr. Alford paraded, demonstrated,
11 and picketed in the Capitol building.

12 Mr. Alford has pleaded not guilty. He maintains that he
13 did not go anywhere he knew was off limits and was merely
14 present as an observer.

15 Now, here are the voir dire questions:

16 Question No. 1. Do you believe you may know anything about
17 the facts and circumstances of this case other than what I've
18 told you today? Do you believe you may know anything about
19 the facts and circumstances of this case other than what I
20 have told you today. If so, please write down the number 1 on
21 your card.

22 Question 2. Is there anything about the nature of the
23 charges that would make it difficult for you to render a fair
24 and impartial verdict in this case? And again, not whether
25 you have opinions, but whether there is anything about the

1 nature of the charges that would make it difficult for you to
2 render a fair and impartial verdict. That's No. 2.

3 No. 3. Do you live or work near the United States Capitol
4 in Washington, D.C., or do you have any special familiarity
5 with that area? If so, write No. 3 on your index card.

6 Question 4. The United States in this case is represented
7 today by assistant United States attorneys James D. Peterson
8 and Michael Romano.

9 Would you please stand?

10 (Counsel comply.)

11 And if you could lower your masks so the jurors can get a
12 look at your faces. Thank you.

13 If you know or recognize these gentlemen, please write the
14 number 4 -- do you want to introduce also the people who will
15 be assisting you, Mr. Romano?

16 MR. ROMANO: Yes. Thank you, Your Honor.

17 With us at the table along with Mr. Peterson and I are
18 Tiffany Robinson and Brittany Sheff. They're paralegals in
19 our office, and they will be with us throughout the trial.

20 THE COURT: All right. Thank you.

21 Members of the jury, if any of you recognize these two
22 individuals who are assisting the government, please also
23 write 4 on your index card.

24 The United States Attorney for the District of Columbia --
25 he's not present; he's the head of the office -- is Matthew

1 Graves. Does any member of the panel know Mr. Graves? If
2 yes, write down No. 5 on your card.

3 Question No. 6. The defendant in this case is Mr. Russell
4 Dean Alford, as I said, who resides in Hokes Bluff, Alabama.
5 Mr. Alford, would you please stand?

6 (Defendant complies.)

7 Turn around, and you may lower your mask. Thank you.

8 Do any of you think you recognize or think you might know
9 Mr. Alford? If so, please write the No. 6 on your index card.

10 Thank you, Mr. Alford.

11 No. 7. Mr. Alford is represented in this case by Mr. Kevin
12 L. Butler, Mr. James T. Gibson, and Mr. Tobie J. Smith, all
13 with the Office of the Federal Public Defender for the
14 Northern District of Alabama in Birmingham, Alabama.

15 Do any of you recognize or think that you might know
16 Mr. Butler, Mr. Gibson, or Mr. Smith? If so, write the No. 7
17 on your index card. Thank you.

18 Question 8. The government will call a number of witnesses
19 -- yes?

20 MR. GIBSON: Your Honor, there will be --

21 THE COURT: Oh, yes. Could you please introduce the
22 individuals who will be assisting you at trial?

23 MR. GIBSON: Here we have Mr. Rashid Abdul-Salaam,
24 Ms. Stacie Irwin, Ms. Meg Heilen.

25 THE COURT: Thank you.

1 Again, if you recognize any of these individuals assisting
2 the defense, please write the number 7 on your index card.

3 No. 8. The government will call a number of witnesses to
4 testify during the trial. The defense may also do so but is
5 not required to call witnesses.

6 I will ask each party to introduce or read a list of the
7 names of witnesses that you may hear from or hear about
8 during the trial. Not all of these witnesses will necessarily
9 testify, but they're being introduced to determine whether any
10 of you recognize or think you may know any of the potential
11 witnesses in this case. So, if you recognize a name or think
12 you may know one of the people mentioned, write No. 8. Thank
13 you.

14 MR. ROMANO: So you will hear from a number of
15 witnesses or hear about United States Capitol Police
16 Lieutenant George McCree, Metropolitan Police Captain Ashley
17 Mancuso, U.S. Capitol Police Officer Nicole Roth, FBI Agent
18 Jessica Moore, and FBI Agent Jeffrey Weeks. And Mr. Weeks is
19 not here, but he will likely be joining us at the table
20 tomorrow as well. All of them are from the greater
21 Washington, D.C., area -- and I'm sorry. No. Agent Moore is
22 from Alabama. The rest are from the greater Washington, D.C.,
23 area.

24 THE COURT: Thank you. Mr. Romano.

25 If the defense intends to call witnesses or there are

1 witnesses that the defense might hear about, I'm going to ask
2 Mr. Gibson to read their names. Thank you, Mr. Gibson.

3 MR. GIBSON: Thank you, Your Honor.

4 The defense may or may not call some of the following
5 individuals to testify: Dr. Emily Ward, who is from the
6 Wisconsin area; Metropolitan Police Captain Mancuso, who
7 government counsel has already mentioned; Mr. Jeremy Wilder of
8 Alabama; and Mr. Rashid Abdul-Salaam, whom you've met already;
9 and possibly Mr. Alford himself.

10 THE COURT: Thank you.

11 So if you think you know any of the individuals Mr. Romano
12 mentioned, please write 8a, and if you think you know any of
13 the witnesses that Mr. Gibson just described, please mark 8b.

14 All right. Question No. 9. Do you recognize or think that
15 you might know any other member of the jury panel or any other
16 person in the courtroom, including me or my courtroom staff?
17 If so, please write the number 9 on your index card.

18 Everybody's looking around. D.C. is small. It happens.

19 (Laughter.)

20 All right. Question No. 10. The law provides that the
21 defendant is presumed innocent. The burden is on the
22 government to prove him guilty of each element of the offense
23 beyond a reasonable doubt. The defendant does not have to
24 produce any evidence at trial because he is not required to
25 prove his innocence, nor is the defendant required to prove

1 any fact in dispute in this case.

2 This instruction is based on the law. This presumption
3 continues through the trial unless and until the government
4 proves the defendant guilty beyond a reasonable doubt. Would
5 any of you have any difficulty at all in following this
6 principle? If so, write the number 10 on your index card.

7 A defendant, like every defendant in a criminal case, has
8 the absolute right not to testify. Our Constitution provides
9 that no defendant may be compelled to testify. If the
10 defendant chooses not to testify in this case, you must not
11 draw any inference as to his guilt from that decision.

12 Would any of you have any difficulty at all in following
13 this instruction? If so, please write the No. 11 on your
14 index card.

15 Question No. 12. The law requires that jurors weigh the
16 evidence in a case and reach a verdict based solely upon the
17 admitted evidence and instructions of law without any regard
18 whatsoever for what the potential punishment might or might
19 not be. Would any of you have any difficulty at all in
20 following that principle? If so, please write the number 12
21 on your index card.

22 Question 13. Have you or any of your family, close friends
23 or household members -- and that preamble is going to apply to
24 the next four questions -- you, any of your family, close
25 friends or household members ever studied law or had any legal

1 training, including paralegal training? If so, please write
2 the number 13 on your index card.

3 Question 14. Have you, any of your family, close friends
4 or household members ever worked for an office that handles
5 prosecution or law enforcement?

6 By "prosecution" I mean government agencies such as the
7 United States Attorney's Office, a district attorney's office,
8 or an attorney general's office.

9 By "law enforcement" I mean government agencies like state
10 and local police departments, the Metropolitan Police
11 Department, the Federal Bureau of Investigation - also known
12 as the FBI - the Department of Justice, the U.S. Marshals
13 Service, the Internal Revenue Service, the U.S. Secret
14 Service, the CIA, and the Department of Homeland Security.
15 We've got a lot of law enforcement in this city. If so,
16 please write the number 14 on your index card.

17 Question 15. Have you or any of your family, close friends
18 or household members ever done any work for or with any person
19 or organization that does criminal defense such as a federal
20 defender's office, public defender's office, defense attorneys
21 or a private law firm.

22 This question also includes if you've done any work as a
23 private -- or your close family members or someone close to
24 you has worked with a private investigator. So write the
25 No. 15 on your index card.

1 Question 16. Have you or any of your family, close friends
2 or household members ever worked for a courthouse or for a
3 court system, including as a parole officer? If so, write
4 No. 16 on your index card.

5 Question 17. Do you or any member of your family, close
6 friends or household have any pending application for
7 employment with the United States Attorney's Office or any
8 prosecutor's office, public defender service or a law firm
9 that does any defense work, or with any state, local, or
10 federal law enforcement agency? That's a pending application
11 for employment at those places. If so, write No. 17 on your
12 card.

13 Do any of you now, or have you within the -- so now or
14 within the last five years belong to or participated in
15 any crime prevention groups such as a neighborhood watch
16 organization, orange hat group, or any other crime prevention
17 or victim rights groups? If so, please write the number 18 on
18 your index card.

19 No. 19. Have you ever served on a grand jury? If so,
20 write the number 19 on your index card. And the difference
21 between a grand jury and what we call a petit jury, or a trial
22 jury, a grand jury is where you go in the room; there's
23 evidence presented by a prosecutor; there's no defendant
24 present; there's no defense attorney. It's different from
25 a trial jury. If you've ever served on a grand jury, write

1 No. 19.

2 Question 20. Have you ever served on a trial jury,
3 either in a civil or criminal case? If so, please write
4 the number 20.

5 Question 21. Have you or any of your family, close
6 friends or household members had any unpleasant experiences
7 with the police or prosecutor or other law enforcement agency,
8 whether here in D.C. or elsewhere, or an unpleasant experience
9 with a defense attorney or a defense investigator, whether here
10 in D.C. or elsewhere? If so, write 21 on your index card.

11 Question No. 22. Have you formed special opinions
12 concerning defense attorneys, prosecutors, or accused persons
13 that would affect your ability to be a fair and impartial
14 juror in this case? Not whether you have opinions, but
15 whether those opinions would affect your ability to be fair
16 and impartial in this case. If so, write the number 22 on
17 your index card.

18 Question 23. Do any of you have any feelings about people
19 of different races, gender, nationality or religion that would
20 affect your ability to be a fair and impartial juror in this
21 case? If so, write down question 23.

22 Question 24. There will be testimony from police officers
23 and other law enforcement agencies in this case. Would the
24 fact that a witness is a police officer or law enforcement
25 agent have any effect at all on whether or not you believe

1 that person's testimony?

2 In other words, you're going to be given an instruction
3 that you're to assess a police officer or law enforcement
4 agent's testimony as you would any other witness. But would
5 the fact that a witness is a police officer or law enforcement
6 agent make you more likely or less likely to believe their
7 testimony? If you have an answer to that, write down question
8 24 on your index card.

9 Question 25. Have you or any of your family, close friends
10 or household members ever been the victim of or witness to a
11 crime? By crime here, I mean something other than parking or
12 speeding tickets. If so, write the number 25 on your index
13 card.

14 Question 26. Have you or any of your family, close friends
15 or household members ever been arrested for, charged with,
16 found guilty or gone to jail for a crime? By crime, again,
17 I mean something other than parking or speeding tickets. If
18 so, write the number 26 on your index card.

19 Question 27. Have you had an experience with law
20 enforcement or any person associated with or employed by the
21 U.S. Attorney's Office or the court or the criminal justice
22 system which would make it difficult for you to be a fair
23 and impartial juror in this case? If so, write down No. 27.

24 28. Do you have strong feelings about persons who do not
25 accept the result of the 2020 presidential election? And if

1 so, would those feelings affect your ability to be a fair and
2 impartial juror in this case? If so, write down question 28.

3 29. Does any member of the panel -- do any of you suffer
4 from any illness that would make it difficult for you to sit
5 as a juror, and/or are any of you presently taking any
6 medication that causes drowsiness, confusion, or discomfort?
7 If so, write the number 29 on your index card.

8 And just so you know, and I don't have to tell each of you
9 when you come up, during the course of the trial, we will be
10 taking breaks. We will take a midmorning break, we'll take a
11 lunch break, we will take a midafternoon break, and there
12 will be other breaks for administrative things or logistical
13 matters that I have to deal with.

14 And we can take a break any time a juror needs a break.
15 So if we're talking about something where you need to get up
16 every now and then and go to the facilities, that's fine.
17 The trial will accommodate that.

18 Question 30. Once the evidence has concluded and I have
19 given final instructions, those selected as jurors in this case
20 will begin deliberations. The verdict must represent the
21 considered judgment of each juror, and the verdict must be
22 unanimous. Would you have any difficulty in following --

23 Counsel, pick up the phone, please.

24 (Bench conference.)

25 THE COURT: I don't know why this question is on

1 here. I said I was not going to give it. This, as far as I'm
2 concerned, amounts to an anti-deadlock instruction. And it's
3 also given in my final instructions. I don't want to give it
4 three times, or twice. I'm just simply going to ask them if
5 they would have any trouble deliberating and reaching a verdict.
6 That's all I'm going to ask.

7 MR. ROMANO: That's fine with the government.

8 MR. GIBSON: No objection, Your Honor.

9 THE COURT: And also, while I have you on here,
10 Question 28 again I modified, because I think everybody has
11 feelings or most everybody has feelings about the election and
12 people who don't agree with the election, and that's not
13 really relevant. What's relevant for this voir dire is if
14 they have such strong feelings that they can't been fair and
15 impartial. Any objections?

16 MR. ROMANO: No, Your Honor.

17 THE COURT: Okay. Mr. Romano?

18 MR. ROMANO: No, that was me, Your Honor. I don't have
19 an objection.

20 THE COURT: Thank you.

21 (End of bench conference.)

22 THE COURT: All right. So question 30. Does anyone
23 here believe that they would be unable to deliberate and reach
24 a verdict if they were selected as a juror?

25 And question 31. Do any of you have any moral, social,

1 political, philosophical, spiritual, religious or any other
2 creed or belief that would make it hard for you to be a juror
3 in this case? If so, write the number 31 on your index card.

4 This question was not included. I usually include it in
5 my voir dire. I don't know why it was included, but I'm going
6 to ask you now:

7 Question 32. Do any of you have travel plans or any other
8 plans -- we estimate that the trial in this case will last
9 into next week, at least the presentation of the evidence.
10 We should be finished around Monday, closing arguments. But
11 it should last -- it will last into next week.

12 I don't know, obviously, how long deliberations will take.
13 Now, I know you all signed up for jury service for two weeks.
14 I don't know how close some of you are to the end of that two
15 weeks or the beginning. But if you have travel plans or some
16 other engagement that would make it impossible for you to sit
17 as a juror with this time frame, write 32.

18 Now, travel plans and other engagements are not necessarily
19 a "get out of jury service free" card. They have to be really
20 important, nonrefundable, made outside of the time of your
21 jury service. There's a lot of questions. But I don't want
22 to pick 14 of you all for the jury, and then when we start
23 have someone raise their hand and say, oh, I can't, I gotta
24 go see my grandma out of town next week, because then we'd
25 have to find more jurors.

1 So, pressing plans or engagements that you cannot change
2 that would cause it to be a hardship for you to sit on this
3 jury. That's question No. 32.

4 Counsel?

5 (Bench conference.)

6 THE COURT: Any objection to that last question?

7 MR. ROMANO: Not from the government.

8 MR. GIBSON: No. Thank you, Your Honor.

9 THE COURT: I don't know why it wasn't on there.

10 MR. BUTLER: Your Honor, could you repeat No. 12?

11 I was trying to write.

12 THE COURT: Sure. "The law requires that jurors weigh
13 the evidence in a case and reach a verdict based solely on the
14 admitted evidence and instructions of law without any regard
15 whatsoever for what the potential punishment might be."

16 MR. BUTLER: Understood.

17 THE COURT: Okay. While I have you all on the phone,
18 Mr. Bradley sent me a note that says there are about four or
19 five jurors who are over 70 years old and are not required to
20 serve. We have jurors over 70 who want to serve and don't
21 elect to -- to say they don't want to serve, but they
22 accidentally did not select the box that would have exempted
23 them. But most have expressed that they do not wish to
24 participate. I'm inclined to say, if you are over 70 and you
25 did not check the box and you do not wish to serve, please --

1 I can question them, or I can just excuse them. What would
2 you all want to do?

3 MR. GIBSON: Your Honor, we're fine if the Court simply
4 excuses them.

5 MR. ROMANO: We're fine with that as well.

6 THE COURT: Okay. Thank you.

7 (End of bench conference.)

8 THE COURT: All right. Before we begin the voir dire,
9 Mr. Bradley informs me that there are about four or five
10 jurors who are over 70 years of age and are not therefore
11 required to serve. We've got lots of people over 70 who
12 choose to serve, and I'm always grateful for their service.
13 But that's one of the benefits of getting older --

14 (Laughter)

15 -- is that you're not required to serve over 70. I didn't
16 make that rule. It wasn't me. I certainly -- anyway. But
17 it's the rule. I understand that you accidentally did not
18 check the box that would have exempted you, but that you have
19 expressed a desire not to participate.

20 So, if you're over 70 and you wish to be eligible to serve
21 on the jury, just stay seated and we will proceed with the
22 voir dire. If you are over 70 and did not check the box and
23 do not wish to serve on this jury, you may now be excused.
24 Not that I mean to out anybody's age, but it's the quickest
25 way to do it. (Laughter.)

1 (Excused panel members exit.)

2 THE COURT: Mr. Bradley, can you give us the number so
3 we can cross them off?

4 (Court conferring with deputy.)

5 And ladies and gentlemen, just for the sake of each
6 other's privacy, I'm going to turn the husher on while each
7 of you is up here. It's difficult not to overhear things,
8 but if you would try to grant each other the grace of a little
9 privacy while we're up here in this rather intrusive process,
10 I'd appreciate it. Thank you.

11 MR. GIBSON: Your Honor?

12 THE COURT: Yes.

13 MR. GIBSON: Could we have a brief sidebar?

14 THE COURT: Yes.

15 (Bench conference.)

16 MR. GIBSON: Thank you, Your Honor. I think there was
17 a bubble fill-out Scantron sheet that the jurors filled out
18 with the Court I believe they indicated the parties would
19 receive. Are those available?

20 THE COURT: I've never gotten that. There's a
21 questionnaire, and then there's the information. I think that
22 information is placed -- if you look on the page -- the second
23 set of documents, which is the jury occupation report by case
24 number, I think that has the information.

25 MR. GIBSON: I think that you're right, Your Honor. I

1 apologize.

2 THE COURT: That's okay. It's different everywhere.

3 MR. GIBSON: Yes, ma'am.

4 (End of bench conference.)

5 THE COURT: Okay. Could we have juror 1271 approach
6 the podium, please.

7 (Bench conference.)

8 (Juror 1271 steps up.)

9 THE COURT: Good afternoon. Are you juror 1271?

10 PROSPECTIVE JUROR: I am.

11 THE COURT: What questions did you have answers to?

12 PROSPECTIVE JUROR: I have answers to questions 3, 5,
13 13, 14, 15, 16, 25, and 26.

14 THE COURT: Okay. Number 3. You live near or work
15 near the Capitol?

16 PROSPECTIVE JUROR: I previously was a law clerk at
17 the Supreme Court, where I worked there next to the Capitol.
18 I was also an intern at the Senate in 2008. I used to live
19 around there and visit there on occasion.

20 THE COURT: All right. And number -- well, anything
21 about that fact, that you lived and worked so close to the
22 Capitol or actually worked in the Senate, affect your ability
23 to be a fair and impartial juror in this case?

24 PROSPECTIVE JUROR: No.

25 THE COURT: All right. So, No. 5, whether you know

1 Matthew Graves?

2 PROSPECTIVE JUROR: I'm an attorney at the Department
3 of Justice, and I've been in one meeting with Matthew Graves.

4 THE COURT: Well, let's get right to it: You're an
5 attorney with the Department of Justice. That's another
6 question or three. Do you think you can be fair in this case
7 given you know -- you've clerked on the Supreme Court. I
8 assume you've clerked on at least a federal or district court
9 level, seen trials. Do you think you could be a fair juror in
10 this case?

11 PROSPECTIVE JUROR: I have no preconceptions or bias.
12 I think I could be fair, but I -- you know, I am an attorney
13 at Justice Department, and I'm certainly aware of cases
14 related to this one, although not this one specifically.

15 THE COURT: And you know the rules of evidence.
16 We have lawyers in every trial that I've been on, I think.
17 Would you be able to accept the instructions of law as I give
18 them to you if they differ from what you believe they are?

19 PROSPECTIVE JUROR: Yes.

20 THE COURT: And would you be able to separate what you
21 know about the rules of evidence, or why there may be an
22 objection or why that answer may be objected to or stricken,
23 and simply confine your decision to the evidence that is
24 admitted?

25 PROSPECTIVE JUROR: Yes.

1 THE COURT: All right. I'm going to let the lawyers
2 have some follow-up. Let me just make sure I've covered...
3 legal training is 13. And 14, prosecution or law enforcement.
4 That covers 15, 16, 25. Yes. Victim or witness to a crime.

5 PROSPECTIVE JUROR: I was a victim to a minor assault,
6 and my home was burglarized about five years ago.

7 THE COURT: Sorry about that. That's far too common
8 in voir dire here.

9 PROSPECTIVE JUROR: I've gotten over it.

10 THE COURT: Anything about that experience that you
11 think would affect your ability to be fair in this case?

12 PROSPECTIVE JUROR: No.

13 THE COURT: And 26, any of your family, close friends
14 or household members been arrested for, charged with, found
15 guilty or gone to jail for a crime?

16 PROSPECTIVE JUROR: My father was convicted of insider
17 trading about 30 years ago.

18 THE COURT: Anything about his experience in that case
19 cause you to question whether you could be impartial in this
20 case?

21 PROSPECTIVE JUROR: No.

22 THE COURT: Counsel for defense?

23 MR. BUTLER: Your Honor, I'm going to ask questions on
24 this one. Juror 1231, you work for the Department of Justice?

25 THE COURT: 1271.

1 MR. BUTLER: I'm sorry. 1271.

2 PROSPECTIVE JUROR: Yes.

3 MR. BUTLER: And how long have you worked there?

4 PROSPECTIVE JUROR: I've worked there for about one
5 year. I was also an attorney for about two years, from 2014
6 to 2016.

7 MR. BUTLER: As a result of your employment with the
8 Department of Justice, you're aware that, for instance, the
9 individuals sitting at counsel table are prosecuting
10 individuals involved in the January 6 case. Correct?

11 PROSPECTIVE JUROR: Yes.

12 MR. BUTLER: And that insight obviously came from
13 the news. Correct? I mean, you saw the news.

14 PROSPECTIVE JUROR: I'm not sure what you're...

15 THE COURT: How --

16 MR. BUTLER: You came to know that -- well, let me
17 rephrase that. You're aware that the Justice Department
18 and individuals at the counsel table are prosecuting those
19 individuals because of your employment. Correct?

20 PROSPECTIVE JUROR: I'm not familiar with these
21 individuals from my employment. I'm just basing it on
22 what the judge said earlier, that this is a case relating
23 to January 6.

24 MR. BUTLER: Okay. So, as a result of your duties at
25 the Department of Justice, you are not directly involved in

1 any January 6 cases?

2 PROSPECTIVE JUROR: I am involved in or at least aware
3 of other January 6 cases, but not this one.

4 THE COURT: Excuse me. Are you working on any?

5 PROSPECTIVE JUROR: I have had some involvement,
6 although I'm not counsel in that involvement.

7 MR. BUTLER: Nothing further, Your Honor.

8 THE COURT: Mr. Romano.

9 MR. ROMANO: I'm sorry. What do you mean by some
10 involvement in January 6 cases? Can you elaborate on what
11 that means?

12 PROSPECTIVE JUROR: My role at Justice Department
13 is I'm a counselor to the attorney general. I've attended
14 briefings related to January 6 and also provided legal advice
15 on January 6-related questions.

16 MR. ROMANO: Okay. Understood.

17 Nothing further, Your Honor.

18 THE COURT: Thank you. You may have a seat.

19 (Juror 1271 steps down.)

20 MR. BUTLER: Your Honor, we move to exclude him.

21 He has intimate knowledge of the January 6 cases based upon
22 his employment, independent of this case. He'd be bringing
23 that back into the jury room, and that has the potential of
24 influencing his vote.

25 THE COURT: Mr. Romano?

1 MR. ROMANO: We would oppose a strike for cause,
2 Your Honor. The juror has said that he could apply the
3 Court's instructions and listen to the evidence in this case
4 and make a decision fairly and impartially despite any outside
5 knowledge this he has.

6 Although he may have more knowledge as a Justice Department
7 employee, he's not involved in working on these cases on a
8 line level. He is somebody who has attended briefings, and
9 any knowledge he has would be fairly high-level, certainly
10 wouldn't relate to the facts of this case.

11 THE COURT: All right. It's a close one. If he were
12 simply a Department of Justice attorney, even if he were
13 employed in the criminal division, I would agree with you,
14 but his involvement is a little too close for me. He's
15 provided counsel to the attorney general related to January 6,
16 and it's just too close. I'm going to grant the defense
17 motion to strike.

18 Mr. Butler, all of you, I like follow-up, but your
19 questioning was in the manner of cross-examination: very open,
20 very general. I mean, he's not a witness. And, yeah, he's a
21 prosecutor, and he's with the DOJ. So he's going to know
22 that the people at the table are DOJ and assume those sort
23 of facts, but it should not be done in a leading, cross-
24 examination fashion.

25 MR. BUTLER: Understood, Your Honor.

1 THE COURT: Thank you.

2 (End of bench conference.)

3 THE COURT: Can Juror No. 1956 come up, please.

4 (Juror 1956 steps up.)

5 PROSPECTIVE JUROR:

6 THE COURT: Good morning. Are you Juror No. 1956?

7 PROSPECTIVE JUROR: Correct.

8 THE COURT: What questions did you have answers to?

9 PROSPECTIVE JUROR: 3 and 13.

10 THE COURT: Okay. Three, do you live near or work near
11 the Capitol?

12 PROSPECTIVE JUROR: No. I used to live close to the
13 Capitol, on 7th Street Northeast.

14 THE COURT: Okay. And anything about that fact lead
15 you to question whether you could be a fair and impartial
16 juror in this case?

17 PROSPECTIVE JUROR: No.

18 THE COURT: Okay. Number 13 is you or any of your
19 family, close friends or household members ever studied law
20 or had any legal training?

21 PROSPECTIVE JUROR: Yes. I'm an attorney.

22 THE COURT: What kind of law do you practice?

23 PROSPECTIVE JUROR: Technology law.

24 THE COURT: Anything about -- you went to law school.
25 You studied criminal law; is that correct?

1 PROSPECTIVE JUROR: Correct.

2 THE COURT: Would you be able to set aside whatever
3 you know about the rules of evidence and criminal law in this
4 case and accept the instructions of law as I give them to you?

5 PROSPECTIVE JUROR: Yes.

6 THE COURT: You said you currently practice as an
7 attorney? Is that true?

8 PROSPECTIVE JUROR: Yes.

9 THE COURT: Counsel, any follow-up.

10 MR. ROMANO: I just want to make sure I heard
11 correctly. Did you say you practiced technology law?

12 PROSPECTIVE JUROR: Correct.

13 MR. ROMANO: Have you ever done any sort of criminal
14 work, whether working for a prosecutor's office or defense
15 attorney's office?

16 PROSPECTIVE JUROR: No.

17 MR. ROMANO: Nothing further for me.

18 THE COURT: Defense?

19 MR. GIBSON: Nothing for the defense, Your Honor.

20 THE COURT: Thank you, sir.

21 (Juror 1596 steps down. Juror 0035 steps up.)

22 THE COURT: Good morning.

23 PROSPECTIVE JUROR: Good morning.

24 THE COURT: Are you Juror No. 0035?

25 PROSPECTIVE JUROR: Correct.

1 THE COURT: What questions did you have answers to?

2 PROSPECTIVE JUROR: 19, 21, and 26.

3 THE COURT: All right. Let's start with 19. You ever
4 served on a grand jury?

5 PROSPECTIVE JUROR: Yes.

6 THE COURT: How long ago?

7 PROSPECTIVE JUROR: Early 1990s, I believe.

8 THE COURT: And you know the difference between the
9 grand jury is the grand jury determines whether there's
10 probable cause, whereas a trial jury you have to determine
11 whether there's proof beyond a reasonable doubt?

12 PROSPECTIVE JUROR: Yes, Your Honor.

13 THE COURT: Anything about that experience serving on
14 the grand jury cause you to believe that you couldn't be fair
15 in this case?

16 PROSPECTIVE JUROR: No.

17 THE COURT: All right. Question No. 21. Have you
18 or any family, close friends, or household members had any
19 unpleasant experiences with police or law enforcement?

20 PROSPECTIVE JUROR: Yes.

21 THE COURT: What was that?

22 MR. PETERSON: I personally had an experience where
23 they came to my house and executed a search without a warrant
24 and did not inform me that I had the right to refuse.

25 THE COURT: How long ago was that?

1 PROSPECTIVE JUROR: That was in the -- about 1994.

2 THE COURT: Okay. And I'm sorry that happened to you.
3 So you're going to be hearing testimony from law enforcement
4 officers in this case. Would your experience -- do you think
5 you'd be able to view their testimony, despite what happened
6 to you, fairly and just as you would with any witness?

7 PROSPECTIVE JUROR: Yes.

8 THE COURT: And 26. Have you, any of your family,
9 close friends or household members been charged with a crime?
10 Is that relating to the same incident?

11 PROSPECTIVE JUROR: No.

12 THE COURT: Tell us about that.

13 PROSPECTIVE JUROR: My ex-husband was arrested, and
14 he was found guilty of involuntary manslaughter. He served
15 five years and is currently on parole and lives at my house.

16 THE COURT: So he was convicted of manslaughter, served
17 his sentence, and currently lives with you and is on parole?

18 PROSPECTIVE JUROR: Yes.

19 THE COURT: How do you think he was treated by law
20 enforcement and by the prosecutors?

21 PROSPECTIVE JUROR: I think that he did not get the
22 right support in his defense.

23 THE COURT: Anything about his case or the fact that
24 you feel his defense did not support him, anything about that
25 that would cause you to be impartial in this case, either for

1 or against the defendant or for or against the prosecutors?

2 PROSPECTIVE JUROR: Not really. I would have to make
3 my decision based on what is presented and what are the facts.

4 THE COURT: All right. Thank you, ma'am.

5 Any follow-up? Mr. Romano?

6 MR. ROMANO: No.

7 MR. BUTLER: Your Honor, may the witness put down
8 the phone for just a minute? I have a question.

9 THE COURT: Sure.

10 (Juror complies.)

11 THE COURT: Yes.

12 MR. GIBSON: Your Honor, are we permitted to ask non-
13 leading follow-ups based on survey responses, questionnaire
14 responses?

15 THE COURT: Yes.

16 MR. GIBSON: Okay. Thank you, Your Honor.

17 MR. BUTLER: We do have questions, if she could go
18 to the phone.

19 THE COURT: You can pick up your phone.

20 (Juror complies.)

21 THE COURT: Yes.

22 MR. GIBSON: Ma'am, on your questionnaire, you've
23 indicated that you have strong feelings about the individuals
24 who gathered at the Capitol of January 6 that would prevent
25 you from being fair and impartial in this case. Is that right?

1 PROSPECTIVE JUROR: That is correct.

2 THE COURT: Can you tell us what -- so I think I've
3 told you that Mr. Alford, who's a defendant in this case,
4 is on trial for charges arising out of January 6.

5 Do you think you could give him a fair trial? Do you think
6 you could be fair and impartial to him, presume him to be
7 innocent unless and until the government proves him guilty
8 beyond a reasonable doubt?

9 PROSPECTIVE JUROR: I will presume him to be innocent,
10 because I really don't know the facts. My answer to the
11 question was based on the overall impression that I have
12 gathered from -- the information that I have been presented
13 in the news media.

14 THE COURT: Okay. But can you put aside that
15 impression and judge Mr. Alford based only on the evidence
16 presented in the case?

17 PROSPECTIVE JUROR: Yes.

18 THE COURT: And if you find that the government has
19 not proven him guilty on any element, can you acquit him?

20 PROSPECTIVE JUROR: Yes.

21 MR. GIBSON: Ma'am, you've indicated that you've
22 watched the hearings of the Select Committee on January 6?

23 PROSPECTIVE JUROR: Yes.

24 MR. GIBSON: Okay. And you watched them closely?

25 PROSPECTIVE JUROR: Not closely. I mean, I was doing

1 other things in the house.

2 MR. GIBSON: Okay. Would you be able to set aside
3 some of the video you've seen of the events of that day?

4 PROSPECTIVE JUROR: Yes.

5 MR. GIBSON: You'll be able to put all of that out
6 of your mind?

7 PROSPECTIVE JUROR: Some specifics I will be able
8 to recall.

9 THE COURT: I guess the question is, having seen that,
10 you can't unsee it, but can you put that aside and consider
11 the evidence against Mr. Alford, just the evidence that's been
12 produced at trial against Mr. Alford?

13 PROSPECTIVE JUROR: Yes.

14 MR. GIBSON: And, ma'am, I understand you have
15 indicated you can judge Mr. Alford based on the evidence,
16 but you also indicated that you believed the January 6 events
17 to be an attack on our democracy, an attempted coup by racist
18 groups. That's something you feel sincerely, right?

19 PROSPECTIVE JUROR: Yes. Otherwise, I wouldn't have
20 written it.

21 MR. GIBSON: I understand that, ma'am. Yes, ma'am.
22 That's not something -- is that something you can excise
23 completely from your mind in adjudging Mr. Alford?

24 THE COURT: Again, the question is, despite that
25 opinion, can you judge Mr. Alford on his own? In other words,

1 are you going to think that, because Mr. Alford was there,
2 he's somehow aligned with these racist groups or that kind
3 of thing, or can you decide his guilt or innocence based only
4 on the evidence that you hear at trial?

5 PROSPECTIVE JUROR: I will have to make a decision
6 based on the evidence at the trial. Everything else is just
7 hearsay. I will have to base it on what is actually presented
8 and whether it supports a decision that I will make.

9 THE COURT: Thank you, ma'am. You may have a seat.

10 (Juror 0035 steps down.)

11 THE COURT: Do you have a motion?

12 MR. GIBSON: Yes, Your Honor.

13 Your Honor, the defense would make a motion for cause.
14 I understand the juror has indicated she can set these
15 feelings aside, but her questionnaire was very emphatic of
16 indicating that the language "attempted coup by racist groups"
17 and answers "yes" in all caps and exclamation point on the
18 questions regarding individuals gathered at the Capitol, I
19 think, is disqualifying.

20 MR. ROMANO: We would oppose that motion, Your Honor.
21 I think the witness made clear multiple times that she's
22 capable of setting those aside.

23 THE COURT: I'm going to deny the motion. The
24 information she put on the questionnaire obviously caused us
25 to question her more closely, and I was very specific with

1 her. Everybody has opinions, but I specifically asked her
2 whether she could adjudge this defendant based solely on the
3 evidence, and she said that everything else is just hearsay.
4 So, you know, you can use a peremptory on her, but I'm going
5 to deny your motion to strike for cause.

6 (Juror 1394 steps up.)

7 PROSPECTIVE JUROR: Hello.

8 THE COURT: Good morning. Are you Juror No. 1394?

9 PROSPECTIVE JUROR: Correct.

10 THE COURT: What questions did you have answers to?

11 PROSPECTIVE JUROR: I had three. 8a I picked
12 conservatively, and then 13, 14, 15, 16.

13 THE COURT: Okay. Those usually come together.

14 Okay. Three. You live near the Capitol or work near
15 the Capitol or used to?

16 PROSPECTIVE JUROR: Yeah. I am congressional staff.

17 THE COURT: Are you still congressional staff?

18 PROSPECTIVE JUROR: I am still congressional staff.

19 THE COURT: Were you there on the 6th?

20 PROSPECTIVE JUROR: No, I was home. But I've been on
21 the congressional staff for five years.

22 THE COURT: Is that going to affect your ability to
23 be fair and impartial in this case?

24 PROSPECTIVE JUROR: I mean, I think of myself as a
25 pretty reasonable person, but, you know, like a lot of my

1 colleagues were impacted by it. And my boss, of course, is
2 a senator. I work for Senator Ben Ray Luján of New Mexico.
3 He was there and was stuck in the Capitol for a really long
4 time. So it was pretty impactful for our office.

5 THE COURT: Given what you do, given who your boss
6 is, given where he was, do you think you should be sitting
7 on this jury?

8 PROSPECTIVE JUROR: I'm not super familiar -- it seems
9 like I can't think of a -- I mean, I was pretty close to it,
10 I guess, even though I was working from home. So I think it
11 would -- I don't know. I feel like I'm a pretty reasonable
12 person, but considering my background, I can see the perception
13 of a conflict for sure.

14 THE COURT: Okay. 8a. Did you know any other witness?

15 PROSPECTIVE JUROR: I answered yes to that because
16 I know a lot of the Capitol Police. So there's pretty high
17 probability -- there was a Capitol police officer. I didn't
18 recognize her name, but I just answered conservatively
19 because, once I see her, I thought I might recognize her.
20 But that's a very conservative answer.

21 THE COURT: 13, 14, 15, 16. Law enforcement, criminal
22 defense work, legal training.

23 PROSPECTIVE JUROR: Yeah. That is just -- the answers
24 to those is because my aunt, who I'm very close to, is a --
25 was a judge in the Texas State Court of Appeals.

1 THE COURT: Anything about her work that she ever
2 talked to you about that would cause you to not be able to
3 serve as a fair and impartial juror in this case?

4 PROSPECTIVE JUROR: No.

5 THE COURT: Counsel? Mr. Romano.

6 MR. ROMANO: No questions.

7 MR. GIBSON: No questions, Your Honor.

8 THE COURT: All right. Thank you.

9 (Juror 1394 steps down.)

10 THE COURT: Is there a motion?

11 MR. GIBSON: Not from the defense.

12 MR. ROMANO: One moment, Your Honor?

13 (Government conferring.)

14 MR. ROMANO: We do move to strike for cause. I do
15 think he's too close, given the nature of his employment,
16 to the events of January 6.

17 THE COURT: Well, this is bizarre. I would expect the
18 motion -- (laughter.)

19 MR. ROMANO: I would have expected it from the defense,
20 too, Your Honor.

21 THE COURT: He repeatedly said he thinks of himself as
22 a fair and reasonable person. But given where he works, still
23 works, where his boss was -- do you oppose the motion, defense?

24 MR. GIBSON: We do, Your Honor. We agree with --
25 well, as the Court noted, he indicated repeatedly he believed

1 himself to be fair and reasonable and could separate his
2 familiarity with the events of the day with the evidence
3 adduced at trial.

4 THE COURT: I think it's close. But I think if there
5 was a strong objection from the defense, I might consider it.
6 I think, if anything, his experience might weigh in favor of
7 the government and not the defense here. I don't know. But
8 I'm going deny the motion. The government can exercise a
9 peremptory for him.

10 (Juror 1832 steps up.)

11 THE COURT: Good morning.

12 PROSPECTIVE JUROR: Good morning.

13 THE COURT: Juror 1832. What questions did you have?

14 PROSPECTIVE JUROR: 3, 13, 14, 20, 25, and I need 26
15 repeated.

16 THE COURT: Okay. So 3, 13, 14...

17 PROSPECTIVE JUROR: 20 and 25.

18 THE COURT: And which one did you need repeated?

19 PROSPECTIVE JUROR: 26.

20 THE COURT: Okay. 26 was have you or any family, close
21 friends or household members ever been arrested for, charged
22 with, or found guilty or gone to jail for a crime.

23 PROSPECTIVE JUROR: Yes.

24 THE COURT: Did you have an answer to that one?

25 PROSPECTIVE JUROR: Yes.

1 THE COURT: Let's start with 3. Do you live or work
2 near the Capitol, or did you?

3 PROSPECTIVE JUROR: I work in a building catty-corner
4 from the Capitol as a part of the Library of Congress.

5 THE COURT: And were you there at work on January 6?

6 PROSPECTIVE JUROR: I was not. I was out-of-state.

7 THE COURT: Okay. Does your proximity to the U.S.
8 Capitol cause you to feel that you couldn't be a fair and
9 impartial juror in this case?

10 PROSPECTIVE JUROR: Not my proximity to the Capitol.

11 THE COURT: Something else?

12 PROSPECTIVE JUROR: Just want to flag that my building
13 is guarded by the Capitol Police, so I have interactions about
14 eight times a week with the Capitol Police.

15 THE COURT: All right. Well, you'll be instructed
16 that you should consider and weigh the testimony of any law
17 enforcement officer the same way you would a regular witness.
18 Do you think, given your frequency of your interaction with
19 the Capitol Police, that you can be fair and do that, or would
20 you be more or less inclined to believe a witness simply
21 because they were a Capitol police officer?

22 PROSPECTIVE JUROR: I can be fair.

23 THE COURT: Thirteen. Have you, any of your family,
24 close friends or household members studied law or had any
25 legal training?

1 PROSPECTIVE JUROR: I took two classes in law while
2 a graduate student.

3 THE COURT: What's your graduate degree in?

4 PROSPECTIVE JUROR: Engineering.

5 THE COURT: Anything about what you learned in those
6 classes -- well, would you be able to set aside what you learned
7 in those classes and accept the law as I give it to you?

8 PROSPECTIVE JUROR: I can. Yes.

9 THE COURT: And 14, law enforcement question.

10 PROSPECTIVE JUROR: Oh.

11 THE COURT: You or any family, close friends or
12 household members ever worked for an office that handles
13 law enforcement?

14 PROSPECTIVE JUROR: I think maybe I'm getting my
15 questions confused. One of the agencies was DHS, and my
16 husband, prior to being married, was a Coast Guard officer.

17 THE COURT: Okay. Department of Homeland Security.
18 Okay. Does your husband's prior occupation or employment with
19 the Coast Guard, do you think that would affect your ability
20 to be fair and impartial in assessing the testimony of law
21 enforcement officers or simply in sitting on a criminal jury
22 in this case?

23 PROSPECTIVE JUROR: No. That does not affect my
24 ability to sit fairly on a jury.

25 THE COURT: Twenty-five. Crime victim?

1 PROSPECTIVE JUROR: Robbery. Robbery of a wallet and
2 robbery of my childhood home.

3 THE COURT: How long ago?

4 PROSPECTIVE JUROR: Wallet was 12 years, the other 25.

5 THE COURT: Anything about those that would cause you
6 to not be fair and impartial in this case?

7 PROSPECTIVE JUROR: No. Unrelated to this case.

8 THE COURT: And 26, any family, close friends or
9 household member or you been charged with a crime?

10 PROSPECTIVE JUROR: My deceased sister was charged
11 with a DUI and found guilty.

12 THE COURT: How long ago?

13 PROSPECTIVE JUROR: Twenty years.

14 THE COURT: Okay. Anything about your sister's
15 involvement in the criminal justice system would lead you
16 to not be fair and impartial here?

17 PROSPECTIVE JUROR: No.

18 THE COURT: Okay. Any follow-up, Mr. Romano?

19 MR. ROMANO: No, Your Honor.

20 THE COURT: Mr. Gibson?

21 MR. GIBSON: No. Thank you, Your Honor.

22 THE COURT: All right. Thank you.

23 (Juror 1832 steps down. Juror 0056 steps up.)

24 THE COURT: Good morning.

25 PROSPECTIVE JUROR: Good morning.

1 THE COURT: Are you Juror No. 0056?

2 PROSPECTIVE JUROR: Correct.

3 THE COURT: And what questions did you have answers to?

4 PROSPECTIVE JUROR: 3.

5 THE COURT: You live near the Capitol. Tell us about
6 that.

7 PROSPECTIVE JUROR: I live somewhere close to Union
8 Station, H, so I often go out and take my dog to walk in the
9 area.

10 THE COURT: Okay. Thank you. Now, this case involves
11 the events at the Capitol on January 6. Does the fact that
12 you live nearby, would that cause you to not be able to be
13 fair and impartial in this case?

14 PROSPECTIVE JUROR: Oh, yes. When that happened, I
15 remember there was a curfew; and my wife and my dog were not
16 very comfortable because my dog wanted to go out to pee, but
17 we couldn't do that.

18 THE COURT: The curfew. I remember that. I think what
19 I'm asking is, the fact that you live nearby, would that affect
20 your ability to be fair to this defendant in this trial?

21 PROSPECTIVE JUROR: Oh, no. No.

22 THE COURT: So you could set aside the fact that you
23 live nearby and just decide the case based on the evidence?

24 PROSPECTIVE JUROR: Sure. Absolutely.

25 THE COURT: Any follow-up, Mr. Romano?

1 MR. ROMANO: No, Your Honor.

2 MR. GIBSON: No. Thank you, Your Honor.

3 THE COURT: All right. Thank you.

4 PROSPECTIVE JUROR: Thank you.

5 (Juror 0056 steps down. Juror 1195 steps up.)

6 THE COURT: Good morning.

7 PROSPECTIVE JUROR: Good morning, Judge.

8 THE COURT: Are you Juror No. 1195?

9 PROSPECTIVE JUROR: I am.

10 THE COURT: All right. And what questions did you
11 have answers to?

12 PROSPECTIVE JUROR: 3, 14, 20, and 25.

13 THE COURT: All right. And you live or work in the
14 area?

15 PROSPECTIVE JUROR: I do. I live on Capitol Hill.

16 THE COURT: Were you living there on January 6.

17 PROSPECTIVE JUROR: I was.

18 THE COURT: Does the fact that you live in the
19 neighborhood, would that cause you to not be able to sit
20 as a fair and impartial juror in this case?

21 PROSPECTIVE JUROR: I do not believe so.

22 THE COURT: Number 14. Law enforcement. Tell me
23 about your answer to that.

24 PROSPECTIVE JUROR: I have a second cousin who is a
25 sheriff's deputy in North Carolina.

1 THE COURT: Anything about your cousin's work would
2 cause you to be biased toward one side or the other or favor,
3 for example, or disfavor the testimony of a law enforcement
4 officer?

5 PROSPECTIVE JUROR: No. I do not believe so.

6 THE COURT: Okay. Question No. 20. Have you ever
7 served on a trial jury before.

8 PROSPECTIVE JUROR: I have, yes. 2019. Every two years.

9 THE COURT: Was that a criminal case or a civil case?

10 PROSPECTIVE JUROR: It was a criminal case.

11 THE COURT: Here or in Superior Court?

12 PROSPECTIVE JUROR: It was in Superior Court.

13 THE COURT: And I don't want to know what your verdict
14 was. Were you able to reach a verdict?

15 PROSPECTIVE JUROR: Yes, we were.

16 THE COURT: Anything about that experience cause you
17 to think that you couldn't be fair in this trial?

18 PROSPECTIVE JUROR: Definitely not.

19 THE COURT: Okay. And 25, crime victim.

20 PROSPECTIVE JUROR: This is when I lived in St. Louis,
21 and we had a hit-and-run and a stolen vehicle.

22 THE COURT: How long ago; do you remember?

23 PROSPECTIVE JUROR: Like over 15 years ago.

24 THE COURT: Anything about that experience cause
25 you to not be able to be fair and impartial in this case?

1 PROSPECTIVE JUROR: I do not believe so.

2 THE COURT: Okay. Any follow-up, Mr. Romano?

3 MR. ROMANO: No, Your Honor.

4 THE COURT: Mr. Gibson, Mr. Butler?

5 MR. GIBSON: Can I have one brief second, Your Honor?

6 THE COURT: Yes.

7 What do you do for a living, ma'am?

8 PROSPECTIVE JUROR: What do I do? I work in the
9 restaurant industry.

10 THE COURT: Okay. Thank you.

11 MR. GIBSON: Thank you for that minute, Your Honor.
12 No questions.

13 THE COURT: Thank you.

14 PROSPECTIVE JUROR: Thank you.

15 (Juror 1195 steps down. Juror 1715 steps up.)

16 THE COURT: Good morning.

17 PROSPECTIVE JUROR: Good morning.

18 THE COURT: Are you Juror No. 1715?

19 PROSPECTIVE JUROR: I am.

20 THE COURT: What questions did you have answers to?

21 PROSPECTIVE JUROR: 13, 14, 15, and 25.

22 THE COURT: Okay. 13. Studied law or any legal
23 training?

24 PROSPECTIVE JUROR: Yes. I'm a lawyer.

25 THE COURT: What kind of law do you practice.

1 PROSPECTIVE JUROR: Human rights.

2 THE COURT: Okay. And I think 14 and 15 are probably
3 related to that. 14, law enforcement?

4 PROSPECTIVE JUROR: My best friend works for DOJ in
5 the Civil Rights Division.

6 THE COURT: Let me go back to No. 13. The fact that
7 you're a lawyer, would you be able to put aside whatever you
8 know about criminal law or learned in law school about
9 criminal law or whatever you know from your current practice
10 and simply accept the law as I instruct you?

11 PROSPECTIVE JUROR: Yes.

12 THE COURT: Same with the rules of evidence. Would you
13 be able to not speculate as to what an answer would have been
14 if I sustain an objection?

15 PROSPECTIVE JUROR: Yes.

16 THE COURT: Okay. Your friend who works for the
17 Department of Justice, does your friend -- is your friend
18 involved in prosecuting any January 6 cases?

19 PROSPECTIVE JUROR: No.

20 THE COURT: You ever talk about their work with them?

21 PROSPECTIVE JUROR: In broad strokes.

22 THE COURT: Would the fact that you have a friend who
23 works at the DOJ affect your ability to be fair and impartial
24 in this case?

25 PROSPECTIVE JUROR: No.

1 THE COURT: All right. 15, same thing. Defense work?

2 PROSPECTIVE JUROR: I have several close friends who
3 are public defenders.

4 THE COURT: Same questions for them: Anything about
5 the fact that you have friends who do defense work affect your
6 ability to be fair in this case?

7 PROSPECTIVE JUROR: No.

8 THE COURT: And 25. Victim of a crime.

9 PROSPECTIVE JUROR: My father was a victim of robbery.
10 I've had family members who were victims of sexual assault.

11 THE COURT: Anything about their experiences that would
12 cause you not to be fair in a criminal case?

13 PROSPECTIVE JUROR: No.

14 THE COURT: Any follow-up, Mr. Gibson, Mr. Butler?

15 MR. GIBSON: Yes, Your Honor.

16 Ma'am, you've indicated on your questionnaire response
17 that you have strong negative feelings about the individuals
18 who gathered at the Capitol and attacked the Capitol. Is that
19 correct?

20 PROSPECTIVE JUROR: That's correct.

21 MR. GIBSON: Okay. And you wrote that you were
22 terrified and angry about the attack on the Capitol --

23 PROSPECTIVE JUROR: That's correct.

24 MR. GIBSON: -- in your city?

25 PROSPECTIVE JUROR: That's what I wrote, yes.

1 MR. GIBSON: And that you're devastated and horrified
2 watching the live coverage and find it difficult to watch
3 videos about it even now?

4 PROSPECTIVE JUROR: That's correct.

5 MR. GIBSON: All right.

6 THE COURT: Ma'am, given those responses, do you think
7 you'd be able to hear the evidence and maintain a neutrality?

8 PROSPECTIVE JUROR: I believe so.

9 MR. GIBSON: Even if some of the evidence in the case
10 are some of those videos that you find it difficult to watch?

11 PROSPECTIVE JUROR: If I'm called to serve, then I have
12 to fulfill those duties.

13 THE COURT: Well, I'm actually interested in -- and
14 I applaud your dedication to fulfill your civic duty, but
15 Mr. Alford and the government have a right to a jury that can
16 objectively appraise the evidence. And given your feelings,
17 could you sit in the courtroom and watch the evidence and hear
18 the evidence and objectively appraise it, do you think?
19 Obviously, you can't make a for-sure prediction, but do you
20 think you'd be able to do that?

21 PROSPECTIVE JUROR: I think I would try my best
22 to do so.

23 THE COURT: Do you have any reason to doubt your
24 ability to do that?

25 PROSPECTIVE JUROR: No.

1 MR. GIBSON: And, ma'am, I appreciate your answers.
2 Did you also write about your hope that the perpetrators of
3 January 6 would be held accountable?

4 PROSPECTIVE JUROR: Yes.

5 MR. GIBSON: And you said you would try your best to
6 be fair and impartial, but you're not able to guarantee it?

7 PROSPECTIVE JUROR: I would -- I would do so.

8 MR. GIBSON: Okay. You'd try your best.

9 THE COURT: All right. Thank you, ma'am.

10 (Juror 1715 steps down.)

11 MR. GIBSON: Your Honor, we move to strike for cause.

12 THE COURT: I'm going to deny the motion. I think
13 the juror has been very candid, both in her response to the
14 questionnaire and the voir dire, that she has strong feelings
15 but that she would -- I would be surprised if there's anybody
16 who could give me a guarantee that -- she would do her best.
17 She's prepared to do her duty. She's a lawyer. So she knows
18 about evaluation of evidence, and I didn't see anything in her
19 responses or demeanor that indicated that she wouldn't do
20 that. So, Mr. Romano?

21 MR. ROMANO: We oppose for the reasons previously
22 stated and agree with what the Court just articulated.

23 THE COURT: All right. I'm going to deny the motion.

24 (Juror 0568 steps up.)

25 THE COURT: Good morning. What questions did you

1 have answers to?

2 PROSPECTIVE JUROR: Number 3 and No. 25.

3 THE COURT: You live in the area?

4 PROSPECTIVE JUROR: That's correct. I live in D.C.

5 THE COURT: Do you live near Capitol?

6 PROSPECTIVE JUROR: Not anymore. I live near the
7 Takoma Metro. I used to live down in Southwest.

8 THE COURT: Okay. And have you ever lived anywhere
9 on Capitol Hill?

10 PROSPECTIVE JUROR: No, not specifically.

11 THE COURT: Anything about the fact you live in D.C.
12 cause you to think you couldn't be fair and impartial in this
13 case?

14 PROSPECTIVE JUROR: No, not at all.

15 THE COURT: And No. 25. You, family, close friends
16 or household members ever been a crime victim?

17 PROSPECTIVE JUROR: Well, yeah. Technically, I had a
18 bicycle stolen.

19 THE COURT: Well, that's something. How long ago?

20 PROSPECTIVE JUROR: Just maybe about three months ago.

21 THE COURT: Anything about that experience makes
22 you think you couldn't be fair in a criminal case?

23 PROSPECTIVE JUROR: No, not at all.

24 THE COURT: What do you do for a living, sir?

25 PROSPECTIVE JUROR: I'm a mechanical engineer.

1 I work in construction.

2 THE COURT: Okay. Thank you.

3 Any follow-up, Mr. Romano?

4 MR. ROMANO: No, Your Honor.

5 MR. GIBSON: No. Thank you, Your Honor.

6 THE COURT: All right. Thank you.

7 (Juror 0568 steps down. Juror 1827 steps up.)

8 THE COURT: Good morning.

9 PROSPECTIVE JUROR: Good morning.

10 THE COURT: Are you juror 1827?

11 PROSPECTIVE JUROR: Yes.

12 THE COURT: What questions do you have answers to?

13 PROSPECTIVE JUROR: I have answers to 3, 13, 14, 15,
14 16, and 253.

15 THE COURT: Okay. 3. Do you live on Capitol Hill, or
16 did you used to?

17 PROSPECTIVE JUROR: No, ma'am. My office is in Dupont
18 Circle and I'm in Georgetown. I didn't know how close...

19 THE COURT: Better to be overinclusive than underinclusive.
20 Anything about the fact that you live in the District that
21 would cause you not to be a fair juror in a January 6 case?

22 PROSPECTIVE JUROR: No.

23 THE COURT: Okay. 13. You or family, close friends
24 or household members lawyers?

25 PROSPECTIVE JUROR: I am an attorney, my sister is

1 in law school, and many of my friends are also attorneys.

2 THE COURT: That's a common thing here in D.C. What
3 kind of law do you practice?

4 PROSPECTIVE JUROR: I practice aviation law, which is
5 mostly transactional and regulatory.

6 THE COURT: Any of your friends or family members
7 practice criminal law?

8 PROSPECTIVE JUROR: They have. I have a friend that
9 I believe is currently a prosecutor, though not a particularly
10 close friend, and another friend that was a prosecutor.

11 THE COURT: Anything about their work that would cause
12 you to not be fair in this case?

13 PROSPECTIVE JUROR: No, Your Honor.

14 THE COURT: Would you be able to set aside whatever
15 you know about criminal law, the laws of evidence, or anything
16 else about your legal training and accept my instructions as
17 to what the law is if you were to be on the jury in this case?

18 PROSPECTIVE JUROR: Yes.

19 THE COURT: Okay. Now, 14, 15, and 16, are those --
20 well, are those considering -- 14 is law enforcement. 15
21 is defense work. Is that having to do with your friends?

22 PROSPECTIVE JUROR: Yes, Your Honor. I have a friend,
23 who's recently deceased, who worked at SEC, and in that
24 capacity she did investigations. She was an attorney.
25 She was not at SEC in that capacity, but she did work with

1 prosecutions.

2 THE COURT: I'm sorry for your loss. Did you discuss
3 her work or anything about her work that would cause you not
4 to be fair in this case?

5 PROSPECTIVE JUROR: No.

6 THE COURT: Sixteen. Anybody who worked at a
7 courthouse, court system?

8 PROSPECTIVE JUROR: I did in law school.

9 THE COURT: Okay. And same thing: Anything about that
10 experience cause you not to be able to be fair in this case?

11 PROSPECTIVE JUROR: No.

12 THE COURT: 25. Crime victim.

13 PROSPECTIVE JUROR: My mother was -- I think her car
14 was broken into at one point. My sister received -- and I
15 apologize. I forgot about this one on my questionnaire
16 yesterday. My sister received a threat from a now ex-
17 boyfriend, and as a result a restraining order was filed
18 against him, and that also included my name as a protectant
19 in that.

20 THE COURT: Anything about your sister or your
21 experience would cause you to not be able to be fair in this
22 case?

23 PROSPECTIVE JUROR: No, Your Honor.

24 THE COURT: Any follow-up, Mr. Romano?

25 MR. ROMANO: No, Your Honor.

1 MR. GIBSON: No. Thank you, Your Honor.

2 THE COURT: All right. Thank you, ma'am.

3 (Juror 1827 steps down. Juror 1820 steps up.)

4 THE COURT: Good morning.

5 PROSPECTIVE JUROR: Good morning.

6 THE COURT: Are you juror 1820?

7 PROSPECTIVE JUROR: Yes. That's correct.

8 THE COURT: What questions did you have answers to?

9 PROSPECTIVE JUROR: Number 13.

10 THE COURT: You're a lawyer or somebody close to you
11 is a lawyer, had legal training?

12 PROSPECTIVE JUROR: My roommate worked as a paralegal.

13 THE COURT: Anything about her work that would cause
14 you to -- well, did she talk about her work with you?

15 PROSPECTIVE JUROR: No, not particularly.

16 THE COURT: Anything about that fact that would cause
17 you to not be fair and impartial in this case?

18 PROSPECTIVE JUROR: No.

19 THE COURT: What are your other questions?

20 PROSPECTIVE JUROR: That's all.

21 THE COURT: That's it? What do you do for a living?

22 PROSPECTIVE JUROR: I'm a graphic designer.

23 THE COURT: Okay. Mr. Romano?

24 MR. ROMANO: No questions, Your Honor.

25 THE COURT: Mr. Butler or Mr. Gibson.

1 MR. GIBSON: Thank you, Your Honor.

2 Ma'am, you've indicated on your questionnaire that you
3 have strong negative feelings that would prevent you from
4 being a fair and impartial in this case?

5 PROSPECTIVE JUROR: Yes. That's correct.

6 MR. GIBSON: Okay.

7 THE COURT: Can you tell us about those?

8 PROSPECTIVE JUROR: I guess -- yeah. I guess I just
9 have very strong feelings about individuals who participated
10 in the insurrection at the Capitol.

11 THE COURT: Okay. Your answer has two parts. The
12 strong feelings are one thing, but the fair and impartial is
13 what I'm interested in. Given your feelings, can you set
14 those aside and assess this defendant's guilt or innocence
15 based on the evidence that's presented, or do you think your
16 feelings would be so strong that you wouldn't be able to be
17 impartial?

18 PROSPECTIVE JUROR: Yes. So I guess when you phrase it
19 that way, I would be able to set my feelings aside. I do have
20 strong feelings, but I think they would not get in the way.

21 THE COURT: Okay. Here's what I want to ask you: If
22 somebody was at the Capitol -- now, where they were is going
23 to be an issue for the jury to decide, but the fact that they
24 were at the Capitol that day, do you think you already would
25 be inclined to judge him guilty, or would you be able to

1 listen to the evidence and decide the charges?

2 PROSPECTIVE JUROR: I believe I'd be able to listen
3 to the evidence.

4 THE COURT: Mr. Romano?

5 MR. ROMANO: No follow-up. Thank you.

6 THE COURT: Mr. Gibson, Mr. Butler?

7 MR. GIBSON: Nothing further.

8 THE COURT: Thank you.

9 PROSPECTIVE JUROR: Thank you.

10 (Juror 1820 steps down.)

11 MR. GIBSON: Your Honor, we would move to strike for
12 cause. She said she would try to set her feelings aside, but
13 to her credit, I think her answers indicated it would be a
14 struggle for her.

15 THE COURT: And I think this is why the questionnaires
16 are unhelpful. They sort of ask you to spill out your
17 feelings without forming any context of what your role is.
18 I thought this witness was fairly dispassionate. And again,
19 I don't expect any juror to say, I'm a hundred percent certain,
20 but she didn't seem to hesitate or be unsure of whether she
21 could put aside her strong feelings. Mr. Romano?

22 MR. ROMANO: And I thought it was telling as well,
23 Your Honor, when you asked if she would prejudge someone to
24 be guilty just based on the fact that they were at the Capitol
25 and she said no, and evaluating the nature of one 's conduct

1 at the Capitol is exactly the nature of the issue here.

2 THE COURT: Right. I want to make sure we don't get
3 anybody who thinks, just because you're there, you're guilty.
4 And I think her answer indicated that she may have opinions,
5 but again, she could assess the defendant's guilt or innocence
6 based on the evidence. I'm going to deny the motion.

7 (Juror 1663 steps up.)

8 THE COURT: Good morning.

9 PROSPECTIVE JUROR: Good morning.

10 THE COURT: You're Juror No. 1663?

11 PROSPECTIVE JUROR: Yes.

12 THE COURT: What questions do you have answers to?

13 PROSPECTIVE JUROR: Number 19.

14 THE COURT: Any others?

15 PROSPECTIVE JUROR: That is all.

16 THE COURT: Okay. 19. Let me get there.

17 You've been on a grand jury.

18 PROSPECTIVE JUROR: Correct.

19 THE COURT: How long ago?

20 PROSPECTIVE JUROR: About two years ago.

21 THE COURT: Here in D.C.?

22 PROSPECTIVE JUROR: Yes. The Superior Court.

23 THE COURT: So the grand jury there sits over in
24 the U.S. Attorney's Office. Is that right?

25 PROSPECTIVE JUROR: That's correct.

1 THE COURT: How long did you sit on a grand jury?

2 PROSPECTIVE JUROR: It was approximately two months.

3 THE COURT: Well, thank you for your service. Okay.

4 So you understand that the grand jury simply determines
5 probable cause and not guilt beyond a reasonable doubt.

6 PROSPECTIVE JUROR: Correct.

7 THE COURT: Anything about your grand jury service that
8 would affect your ability to be fair and impartial in this case?

9 PROSPECTIVE JUROR: I don't believe so, no.

10 THE COURT: What do you do for a living, sir?

11 PROSPECTIVE JUROR: I work in data analytics.

12 THE COURT: Any questions, Mr. Gibson, Mr. Butler?

13 MR. GIBSON: One brief second, please, Judge?

14 THE COURT: Yes.

15 (Defense conferring.)

16 MR. GIBSON: Thank you, Judge. No questions.

17 THE COURT: All right. And Mr. Romano.

18 MR. ROMANO: No. Thank you, Judge.

19 THE COURT: Thank you.

20 PROSPECTIVE JUROR: Thank you.

21 (Juror 1663 steps down. Juror 1983 steps up.)

22 THE COURT: Good morning.

23 PROSPECTIVE JUROR: Good morning.

24 THE COURT: Are you Juror No. 1983?

25 PROSPECTIVE JUROR: Yes, I am.

1 THE COURT: What questions did you have answers to?

2 PROSPECTIVE JUROR: Number 14.

3 THE COURT: Just No. 14?

4 PROSPECTIVE JUROR: Yes.

5 THE COURT: You, any of your family, close friends
6 or household members ever worked for or in prosecution or
7 law enforcement?

8 PROSPECTIVE JUROR: Law enforcement.

9 THE COURT: All right. What agency?

10 PROSPECTIVE JUROR: Metropolitan Police Department.

11 THE COURT: Who was that? Is that you or somebody else?

12 PROSPECTIVE JUROR: No, my father.

13 THE COURT: Okay. Is he retired?

14 PROSPECTIVE JUROR: Yes.

15 THE COURT: How long ago did he retire?

16 PROSPECTIVE JUROR: It's been probably about 10,
17 maybe 20 years.

18 THE COURT: All right. Anything about the fact that
19 your father was a police officer would cause you -- well,
20 first of all, you're going to be instructed that you're to
21 consider the testimony of a law enforcement officer the same
22 as you would any other witness. Given your father's job,
23 would you be able to do that?

24 PROSPECTIVE JUROR: Yes. Absolutely.

25 THE COURT: Anything about the fact that your father

1 was a career law enforcement officer and this case, would --
2 do you think you could be fair in this case and impartial?

3 PROSPECTIVE JUROR: Yes. Yes, absolutely.

4 THE COURT: Okay. Mr. Butler, Mr. Gibson, any
5 follow-up?

6 MR. GIBSON: No. Thank you, Your Honor.

7 THE COURT: Mr. Romano?

8 MR. ROMANO: No, Your Honor. Thank you.

9 THE COURT: Thank you.

10 (Juror 1983 steps down.)

11 THE COURT: Ladies and gentlemen, we're going to take
12 a five-minute break. Just briefly.

13 (Recess from 12:51 p.m. to 12:21 p.m.)

14 THE COURT: All right. Can we have Juror No. 1152 come
15 up, please.

16 (Juror 1152 steps up.)

17 THE COURT: Good morning. Are you Juror No. 1152?

18 PROSPECTIVE JUROR: Yes.

19 THE COURT: All right. And what questions did you have
20 answers to?

21 PROSPECTIVE JUROR: 13, 14, and 15.

22 THE COURT: Okay. Are you a lawyer, or do you
23 have a close friend or family member who studied law?

24 PROSPECTIVE JUROR: I am a lawyer.

25 THE COURT: What kind of law do you practice?

1 PROSPECTIVE JUROR: I don't practice currently.

2 THE COURT: Okay. Given that you're a lawyer, would
3 you be able to put aside whatever you learned in law school or
4 learned in your previous practice and accept the instructions
5 of law as I give them to you?

6 PROSPECTIVE JUROR: Yes.

7 THE COURT: And what do you do currently?

8 PROSPECTIVE JUROR: I write news about the law.

9 THE COURT: Okay. And given what you do for a living,
10 do you think you'd be able to put aside what you know about
11 the January 6 events and simply judge the defendant by the
12 evidence that's adduced at trial?

13 PROSPECTIVE JUROR: Yes.

14 THE COURT: 14 is law enforcement. 15 is defense
15 work. What's your answer to those?

16 PROSPECTIVE JUROR: So, also my brother-in-law is
17 an assistant U.S. attorney with the Southern District of
18 New York.

19 THE COURT: Anything about his work make you question
20 whether you could be fair and impartial in this case?

21 PROSPECTIVE JUROR: No.

22 THE COURT: All right. And defense work?

23 PROSPECTIVE JUROR: He used to be a defense attorney.

24 THE COURT: Okay. Same person.

25 All right. Any follow-up, Mr. Gibson, Mr. Butler?

1 MR. GIBSON: Ma'am, you indicate that you write about
2 the law. Have you written about the events of January 6 and
3 analyzed them at all?

4 PROSPECTIVE JUROR: No.

5 MR. GIBSON: Thank you.

6 THE COURT: Mr. Romano?

7 MR. ROMANO: Ma'am, you indicated that you're not
8 practicing now. Have you ever practiced as an attorney?

9 PROSPECTIVE JUROR: Yes.

10 MR. ROMANO: What sort of law did you practice?

11 PROSPECTIVE JUROR: Was in-house counsel at a
12 nonprofit. So it was like privacy law, marketing,
13 communications, stuff like that.

14 MR. ROMANO: Have you ever practiced criminal law
15 for either side yourself.

16 PROSPECTIVE JUROR: No.

17 MR. ROMANO: Thank you, Judge.

18 THE COURT: Thank you.

19 PROSPECTIVE JUROR: Thanks.

20 (Juror 1152 steps down. Juror 0281 steps up.)

21 THE COURT: Good morning.

22 PROSPECTIVE JUROR: Hi. Good morning.

23 THE COURT: Or, actually, now it's good afternoon.
24 Are you Juror No. 0281?

25 PROSPECTIVE JUROR: Yes, ma'am.

1 THE COURT: What questions did you have answers to?

2 PROSPECTIVE JUROR: I have 14, 18, 20, 23, 25, and 29.

3 THE COURT: Okay. Let me see if I got that right.

4 14, 18, 20, 23, 25, and 29?

5 PROSPECTIVE JUROR: Yes, ma'am.

6 THE COURT: 14 is law enforcement?

7 PROSPECTIVE JUROR: Yes.

8 THE COURT: And is it you or somebody you know or

9 are close to, a family member that's in law enforcement?

10 PROSPECTIVE JUROR: Well, he is. It's my

11 brother-in-law. He's an ex-D.C. police officer.

12 THE COURT: Anything about the fact that he's a former

13 police officer would cause you to not be able to be fair and

14 impartial in this case?

15 PROSPECTIVE JUROR: No. It wouldn't be a problem.

16 THE COURT: And would you be able to assess a law

17 enforcement's testimony the same way you would assess anybody

18 else's testimony?

19 PROSPECTIVE JUROR: Yes.

20 THE COURT: Okay. 18. Whether you've participated

21 in any neighborhood crime prevention groups?

22 PROSPECTIVE JUROR: Oh, I'm sorry. You know something,

23 I think I misheard that. I thought that was related to a

24 family member. I have a sister who advocates for things in

25 Maryland as far as incarcerated mothers, and so I think I

1 misheard that question. Sorry.

2 THE COURT: Well, let me ask you about that. Does
3 the fact that your sister's a member of that organization,
4 would that affect your ability to be fair in this case?

5 PROSPECTIVE JUROR: No, it wouldn't.

6 THE COURT: All right. And 20, jury service. Had
7 prior jury service?

8 PROSPECTIVE JUROR: Yes.

9 THE COURT: How long ago?

10 PROSPECTIVE JUROR: Pre-COVID. It's been a minute.

11 THE COURT: Was it a criminal or a civil jury?

12 PROSPECTIVE JUROR: I think the last one was criminal,
13 but I ended up being the alternate. So I didn't have to
14 decide a verdict.

15 THE COURT: And were you on a jury before that?

16 PROSPECTIVE JUROR: Yeah. It was a civil case with
17 medical negligence.

18 THE COURT: I don't want to know what your verdict
19 was, but were you able to reach a verdict in that case?

20 PROSPECTIVE JUROR: Mm-hm.

21 THE COURT: Anything about your prior jury service that
22 would cause you to not be fair and impartial in this case?

23 PROSPECTIVE JUROR: No.

24 THE COURT: All right. 23. Do you have any feelings
25 about people of different gender, races, or nationality that

1 would affect your ability to be fair?

2 PROSPECTIVE JUROR: That's a tough question. Yes and
3 -- well...

4 THE COURT: I want you to be completely -- you know,
5 like I said --

6 PROSPECTIVE JUROR: Yeah, I think the answer -- I think
7 the answer is probably no. I don't think I do. But I do know
8 that there's inequities when it comes to race sometimes.

9 THE COURT: You know that there's a what? I'm sorry.

10 PROSPECTIVE JUROR: Inequities.

11 THE COURT: Okay. So there are racial inequities in
12 this country; is that what you're saying?

13 PROSPECTIVE JUROR: Yes.

14 THE COURT: Okay. How does that opinion and that
15 viewpoint, how would you think it would affect your ability to
16 be fair in this case? If there's someone of a different race
17 from you on trial, do you think that would affect your ability
18 to be fair?

19 PROSPECTIVE JUROR: I feel like it might, because I do
20 think -- with the events that happened on the 6th, I feel
21 like if the race of the people participating was African
22 American or Hispanic, the outcome might have been a little bit
23 different, like the intolerance would have been higher and
24 there would have been more casualties. So I feel like there
25 was a race thing that helped certain people get further along

1 in that incident than if it was a different race.

2 THE COURT: Well, do you think it would affect your
3 ability to be fair to this defendant, who's entitled to a
4 nonbiased jury? Do you think you should be a juror in this
5 case?

6 PROSPECTIVE JUROR: I don't think so. I mean, I want
7 to say yes, I could be fair. I could absolutely be fair, but
8 I can't say that thought won't be present in my mind.

9 THE COURT: I appreciate your candor, ma'am. Thank
10 you. You can go and sit down.

11 PROSPECTIVE JUROR: Okay. Thank you.

12 (Juror 0281 steps down.)

13 THE COURT: Is there a motion?

14 MR. GIBSON: There is, Your Honor, for cause.

15 MR. ROMANO: Your Honor, we oppose. The juror
16 indicated that she thinks she can be fair and set that feeling
17 aside, although the feeling might be present. I think that
18 her feeling speaks more to the nature of the police response
19 than whether or not this particular defendant is guilty of
20 the crime that he's been charged with.

21 THE COURT: I hear you, Mr. Romano, but I think this
22 is one that I have to strike. I think she was very candid and
23 very honest, and she said -- you know, I agree. Her view goes
24 towards the police response given the majority of the people
25 who were rioting. I asked her, do you think you should be a

1 juror, and she said no. I'm going to grant the defense motion
2 on this one.

3 MR. ROMANO: I apologize, Your Honor. I didn't
4 specifically hear her say no to that.

5 THE COURT: I thought she said no, or she said I don't
6 think so. She did not say, yes, I could put it aside. I was
7 listening for that.

8 MR. ROMANO: I trust the Court's take. Sometimes it's
9 hard with the static.

10 THE COURT: Yes. Thank you.

11 (Juror 0511 steps up.)

12 THE COURT: Good morning. Are you Juror No. 0511?

13 PROSPECTIVE JUROR: Yes, I am. Good afternoon.

14 THE COURT: What questions did you have answers to?

15 PROSPECTIVE JUROR: 1, 3, 14, 20, 25.

16 THE COURT: Okay. Let's start at the beginning.

17 Question 1. The question was do you believe you know anything
18 about the facts and circumstances of this case other than what
19 I've told you. Is that beyond your general knowledge of what
20 happened on January 6, or is it something else?

21 PROSPECTIVE JUROR: At the time, I was working with
22 the Office of Law Enforcement and Security with the Department
23 of Interior, so I know a little bit of gossip, nothing of
24 specific people.

25 THE COURT: When you say you know a little bit of

1 gossip, you mean like who was doing what and who should have
2 been doing what? Tell me what you mean by that.

3 PROSPECTIVE JUROR: Yeah. Basically, you know, who
4 should have known what, doing what, and how bad and how
5 everyone had to drop everything and help out.

6 THE COURT: Were you monitoring what was going on
7 that day?

8 PROSPECTIVE JUROR: I was -- as a private citizen.
9 I was as a resident of D.C.

10 THE COURT: But not at work.

11 PROSPECTIVE JUROR: Not at work.

12 THE COURT: Given what you know -- I mean, this
13 isn't about the law enforcement response per se. This is
14 about whether this defendant is or is not guilty of offenses
15 relating to being inside the Capitol.

16 Do you think you can put aside what you know from your
17 work and what you've heard from the gossip and adjudge this
18 defendant based only on the evidence presented in the
19 courtroom?

20 PROSPECTIVE JUROR: Yes.

21 THE COURT: All right. 3. You live in the area, work
22 in the area. Is that based on your employment?

23 PROSPECTIVE JUROR: Yes.

24 THE COURT: Where's your office?

25 PROSPECTIVE JUROR: Well, I'm working at home.

1 I'm at the intersection of New York --

2 THE COURT: No, you don't need to give me your address.
3 What's your familiarity with the area of the Capitol?

4 PROSPECTIVE JUROR: I've visited the Capitol, toward
5 the Capitol. I know one time when I worked with the FBI to
6 help supporting security for the State of the Union Address.

7 THE COURT: Okay. Given what you know about security
8 at the Capitol, do you think you can fairly -- well, do you
9 think you could put that aside and simply judge a defendant
10 based on the evidence that you hear and not what you know?

11 PROSPECTIVE JUROR: Yes.

12 THE COURT: Okay. 14. Close friends, family,
13 or yourself worked in law enforcement?

14 PROSPECTIVE JUROR: Yes. Worked with FBI.

15 THE COURT: Okay.

16 PROSPECTIVE JUROR: So on and so forth.

17 THE COURT: 20, jury trial. You've been on a jury
18 before?

19 PROSPECTIVE JUROR: Yes, I have.

20 THE COURT: Criminal or civil?

21 PROSPECTIVE JUROR: Criminal.

22 THE COURT: In this court or Superior Court?

23 PROSPECTIVE JUROR: I believe it was Superior Court.

24 THE COURT: How long ago?

25 PROSPECTIVE JUROR: Four, six years ago?

1 THE COURT: I don't want to know what the verdict was,
2 but were you able to reach a verdict?

3 PROSPECTIVE JUROR: We were able to reach a verdict, yes.

4 THE COURT: Anything about that experience make you
5 think that you wouldn't be a fair and impartial juror in this
6 case?

7 PROSPECTIVE JUROR: No.

8 THE COURT: All right. And 25, crime victim.

9 PROSPECTIVE JUROR: Identity theft.

10 THE COURT: Was that you?

11 PROSPECTIVE JUROR: It was myself, yes.

12 THE COURT: And how long ago?

13 PROSPECTIVE JUROR: Just about a year now.

14 THE COURT: Anything about that experience that would
15 make you feel like you couldn't be fair in this criminal trial?

16 PROSPECTIVE JUROR: No.

17 THE COURT: Mr. Romano?

18 MR. ROMANO: Thank you, Your Honor.

19 Sir, on your questionnaire, when asked about watching video
20 of the events at the Capitol, and I want to make sure I have
21 this right, you wrote that the Capitol Police lost control of
22 the situation, and illegal entry into the Capitol was aided
23 by members of Congress and their staff. What did you mean by
24 that last part about members of Congress and their staff?

25 PROSPECTIVE JUROR: I watched video reports and saw

1 still images of congressional staffers with -- at the event.

2 MR. ROMANO: At the -- at what part of the event?

3 PROSPECTIVE JUROR: That, I can't really say.

4 THE COURT: When you say -- are you saying that you
5 believe that there were congressional staffers involved in
6 the protests themselves?

7 PROSPECTIVE JUROR: Prior to and during? Yes, is my
8 understanding.

9 THE COURT: Would that opinion affect your ability to
10 be fair to this defendant in this case?

11 PROSPECTIVE JUROR: Not if there was evidence to the
12 contrary, no.

13 THE COURT: What do you mean "evidence to the contrary"?

14 PROSPECTIVE JUROR: Well, whatever evidence is
15 presented here is what I would base my opinion on.

16 THE COURT: Okay.

17 Mr. Romano, I'm sorry. I interrupted you.

18 MR. ROMANO: No, that's all right. Can I have a
19 moment, Your Honor?

20 THE COURT: Yes. In the meantime, Mr. Gibson,
21 Mr. Butler?

22 MR. GIBSON: One brief second, Your Honor.

23 (Defense conferring.)

24 MR. GIBSON: Thank you, Your Honor. No questions.

25 THE COURT: Mr. Romano?

1 MR. ROMANO: Nothing further from me, thank you.

2 THE COURT: Thank you, sir.

3 PROSPECTIVE JUROR: Thank you.

4 (Juror 0511 steps down. Juror 0465 steps up.)

5 THE COURT: Good afternoon.

6 PROSPECTIVE JUROR: Good afternoon, Your Honor.

7 THE COURT: Are you Juror No. 0465?

8 PROSPECTIVE JUROR: Yes.

9 THE COURT: What questions do you have answers to?

10 PROSPECTIVE JUROR: I wrote no to all the questions.

11 THE COURT: Okay. What do you do for a living, ma'am?

12 PROSPECTIVE JUROR: I'm also a research fellow at the
13 NIH, NCI.

14 THE COURT: And you live in the district?

15 PROSPECTIVE JUROR: Yes. Three years.

16 THE COURT: Any questions?

17 MR. ROMANO: Ma'am, in your questionnaire, you
18 indicated you understood what you know about the events of
19 January 6 involves people entering the Capitol building by
20 force, holding guns. If this case doesn't involve any
21 evidence of that, are you able to set aside what you've heard
22 previously and just base your view of this case based on the
23 evidence that you hear in court?

24 PROSPECTIVE JUROR: Yes.

25 THE COURT: Mr. Gibson, Mr. Butler?

1 MR. GIBSON: Ma'am, you've indicated on your
2 questionnaire that you have very negative views of the
3 individuals at the U.S. Capitol. Do I have that right?

4 PROSPECTIVE JUROR: Yes. That I have got views, it's
5 true, as Your Honor says, in my opinion. But, yes. Yes.
6 Mostly because of my -- I'm originally from Argentina, and I
7 feel like the things -- I was in Argentina when this happened,
8 and I couldn't believe that it was happening in this country.

9 THE COURT: Let me ask you, ma'am -- again, and I
10 mentioned this in voir dire, these are opinions, your opinions.

11 PROSPECTIVE JUROR: Yes.

12 THE COURT: Can you look at this individual, Mr. Alford,
13 presume him to be innocent, and adjudge him based only on the
14 evidence that you hear? Would you be able to put aside your
15 general opinions about people who were at the Capitol that day?

16 PROSPECTIVE JUROR: Yes. Yes, I can. I can. Based
17 on my background, I'm a scientist, so I can look at the facts.

18 MR. GIBSON: I apologize, ma'am. Would you mind
19 repeating what you just said about your background and the
20 facts?

21 PROSPECTIVE JUROR: Yes. That's mostly because I feel
22 like in my country, the justice just don't work like in this
23 country.

24 THE COURT: I believe she said based on her work as a
25 scientist, she could --

1 PROSPECTIVE JUROR: Oh, yes. Sorry. I meant about
2 that.

3 THE COURT: Could you repeat yourself?

4 PROSPECTIVE JUROR: Yes. I'm a scientist, so I can
5 look at the evidence and the facts and work on that and put
6 aside my opinions.

7 MR. GIBSON: I understand.

8 One brief second, Your Honor, if I may.

9 (Defense conferring.)

10 Thank you, Your Honor. Nothing further right now.
11 We'd just like a moment after the witness is excused.

12 THE COURT: Yes. Thank you, ma'am.

13 PROSPECTIVE JUROR: Thank you.

14 (Juror 0465 steps down.)

15 THE COURT: Yes, sir.

16 MR. GIBSON: Your Honor, discussing this with
17 co-counsel, and certainly having a -- speaking another
18 primary language other than English is absolutely in no way a
19 prohibition on service, but we wanted to raise it in the event
20 it could be taken into consideration along with her answer of
21 having negative views of the individuals at the Capitol.
22 Given that we have plenty to choose from, that might support
23 excusing her at this time.

24 THE COURT: All right. I'm not going to excuse this
25 juror. She has a heavy accent, it's true, but she didn't seem

1 to have any trouble understanding. That's not a reason to
2 excuse her.

3 With regard to her answers, again, she has strong feelings,
4 but she said quite pointedly that she could put that aside.
5 She's a scientist. She understands that she has to assess the
6 facts. So I'm not going to excuse her or strike her for cause
7 at this point.

8 All right. Let's do one more and break for lunch. By my
9 number, we have currently qualified 15. I want to get to the
10 halfway point.

11 (Juror 1288 steps up.)

12 THE COURT: Good afternoon.

13 PROSPECTIVE JUROR: Good afternoon.

14 THE COURT: You are Juror No. 1288?

15 PROSPECTIVE JUROR: I am indeed.

16 THE COURT: All right. And what questions did you
17 have answers to?

18 PROSPECTIVE JUROR: 13, 14, 15, 16.

19 THE COURT: Well, let me guess. You're a lawyer?
20 Retired lawyer?

21 PROSPECTIVE JUROR: So, as I said, 13, 14, 15, 16,
22 20, and 25.

23 THE COURT: Okay. Are you a lawyer?

24 PROSPECTIVE JUROR: I am not. Most of those answers
25 refer to I do have a lot of lawyers and judges in my family.

1 However, they all really refer to my sister. She is a very
2 accomplished woman who I always look up to.

3 THE COURT: Excellent.

4 PROSPECTIVE JUROR: She has been a prosecutor. She
5 started out as a prosecutor in New York; she became charge
6 [sic] of constitutional law; moved to Nassau County where
7 she is a judge and runs the Nassau County court systems for
8 guardianships.

9 THE COURT: Well, she sounds like an impressive person
10 indeed, and you're probably right to defer to her. Would that
11 my own siblings felt the same way.

12 But given your sister's career, can you be a fair juror in
13 this case? Can you put aside whatever you've learned about
14 the law and legal systems from your sister and just hear the
15 evidence based solely on what's adduced at trial?

16 PROSPECTIVE JUROR: I absolutely believe I can, Judge.

17 THE COURT: Okay. And so that would cover 13, 14, 15,
18 and 16. 20, you've been on a jury before?

19 PROSPECTIVE JUROR: Yes, I have. Petit jury. Not in
20 federal court. In district court for -- you know.

21 THE COURT: Superior Court.

22 PROSPECTIVE JUROR: Yeah.

23 THE COURT: How long ago?

24 PROSPECTIVE JUROR: Oh, my. It was some time ago.
25 I'd say 15, 16 years ago?

1 THE COURT: I don't want to know -- was it a criminal
2 or a civil case?

3 PROSPECTIVE JUROR: It was a criminal case.

4 THE COURT: I don't want to know what your verdict
5 was, but were you able to reach a verdict in that case?

6 PROSPECTIVE JUROR: Yes.

7 THE COURT: Anything about that experience that would
8 cause you to think you couldn't be fair in this case?

9 PROSPECTIVE JUROR: No.

10 THE COURT: And 25. Crime victim.

11 PROSPECTIVE JUROR: Yes.

12 THE COURT: Who was that?

13 PROSPECTIVE JUROR: That was myself and my wife.

14 Again, about 23 years ago. Attempted burglary from a car.
15 We were actually there. It was our car. But that's the only
16 event in my life.

17 THE COURT: All right. Well, I'm sorry about that, but
18 I'm glad it's the only one. Anything about that experience
19 that would cause you to not be fair in this case?

20 PROSPECTIVE JUROR: No.

21 THE COURT: All right. Counsel, Mr. Butler, and
22 Mr. Gibson?

23 MR. GIBSON: No questions, Your Honor. Thank you.

24 THE COURT: Mr. Romano?

25 MR. ROMANO: No. Thank you, Your Honor.

1 THE COURT: Thank you, sir.

2 (Juror 1288 steps down.)

3 THE COURT: Ladies and gentlemen, we're going to break
4 for lunch. The good news is this: We only need a specific
5 number of qualified jurors to begin our strikes, so that does
6 not mean we are going to question everybody. We will stop the
7 questioning when we get to enough qualified jurors to begin
8 our strikes downstairs.

9 So, by my calculation, we're about halfway there. So don't
10 worry; we're not going to question -- I hope we don't have to
11 question every single one of you, and we're making very good
12 progress. Thank you all for your continued time and
13 attention. 1:45. It's a nice day outside. We also have a
14 cafeteria. See you back here at 1:45. Thank you.

15 (Luncheon recess from 12:44 p.m. to 1:59 p.m.)

16 THE COURT: All right. Ladies and gentlemen, we are
17 behind because it took a while to get everybody back. So if
18 we take another break this afternoon, I'm going to have to be
19 very strict about getting back here so we can finish picking
20 this jury today so I don't have to have you come back tomorrow,
21 because nobody wants that.

22 All right. Could we have Juror No. 0493 come up, please.

23 (Juror 0493 steps up.)

24 (Bench conference.)

25 THE COURT: Good afternoon.

1 PROSPECTIVE JUROR: How you doing.

2 THE COURT: And what questions did you have answers to?

3 PROSPECTIVE JUROR: 3, 13, 14, 21, 22, 25, 26, 28.

4 THE COURT: Hold on. Let me make sure I have that.

5 3, 13, 14, 21, 22, 23, 26 -- 25, 26, 28?

6 PROSPECTIVE JUROR: Not 23.

7 THE COURT: Not 23. Okay.

8 All right. Let's start with 3. Do you live in the area
9 of the Capitol, or work?

10 PROSPECTIVE JUROR: Yes.

11 THE COURT: How close would you say you are?

12 PROSPECTIVE JUROR: I live on Capitol Hill, Eastern
13 Market area.

14 THE COURT: Okay. And would that fact of where you
15 reside cause you to not be able to be a fair and impartial
16 juror in this case?

17 PROSPECTIVE JUROR: No.

18 THE COURT: Okay. 13 and 14 are whether you studied
19 law, had any legal training, or worked in law enforcement.

20 PROSPECTIVE JUROR: I have relatives and friends who
21 worked in law enforcement.

22 THE COURT: And in this area or outside of the city?

23 PROSPECTIVE JUROR: In this area.

24 THE COURT: And how close are those relatives and
25 friends?

1 PROSPECTIVE JUROR: Pretty close.

2 THE COURT: Would the fact that you have relatives in
3 law enforcement cause you to -- you're going to be instructed
4 that you have to treat the testimony of a law enforcement
5 officer the same as you would any other witness. Would you be
6 able to do that, given your relatives and friends?

7 PROSPECTIVE JUROR: Yes.

8 THE COURT: Anything else about the fact that you have
9 close relatives who are involved in law enforcement would
10 affect your ability to be fair in this case?

11 PROSPECTIVE JUROR: Well, a couple of them are Capitol
12 Police.

13 THE COURT: Okay. Were any of them working that day?

14 PROSPECTIVE JUROR: Yes.

15 THE COURT: Have you talked about it with them?

16 PROSPECTIVE JUROR: As much -- I mean not in detail,
17 but I mean we've talked about what they -- some things, yes,
18 procedures that they had to do.

19 THE COURT: Would you be able to put aside -- you know,
20 the fact that you're close to people who were Capitol police
21 officers and you live on the Hill, do you think you could be a
22 fair juror in this case?

23 PROSPECTIVE JUROR: I'm not sure.

24 THE COURT: Okay. Let's talk about that because this
25 defendant is entitled to a fair jury and an impartial jury,

1 and I haven't gotten to your other answers. Let me take a
2 look at some of the questions. 29. Are you on medication,
3 or do you have a condition that --

4 PROSPECTIVE JUROR: No. 21, 22, 25, 26, and 28.

5 THE COURT: 28. Okay. You have strong feelings about
6 people who don't accept the 2020 election results. Tell me
7 about that.

8 PROSPECTIVE JUROR: I feel that they're wrong and that
9 the process went through and they just don't want to believe
10 in the process.

11 THE COURT: Okay. Given that feeling, could you put
12 aside that feeling and judge someone who may have those
13 beliefs, judge them fairly based on the evidence presented in
14 the courtroom?

15 PROSPECTIVE JUROR: Perhaps.

16 THE COURT: Okay. So -- and I appreciate your candor;
17 I really do. This defendant -- do you think you should be a
18 juror on this particular case?

19 PROSPECTIVE JUROR: No.

20 THE COURT: Any questions?

21 MR. ROMANO: No, Your Honor.

22 MR. GIBSON: No, Your Honor.

23 THE COURT: Thank you, sir.

24 (Juror 0493 steps down.)

25 THE COURT: I'm going on to strike this juror for cause.

1 (Juror 1965 steps up.)

2 THE COURT: Good afternoon. Are you Juror No. 1965?

3 PROSPECTIVE JUROR: I am.

4 THE COURT: Which questions did you have answers to?

5 PROSPECTIVE JUROR: 3, 14, 20, 21, 25, 32. And there
6 was a question about who you knew, and I missed that. But I
7 think I know two people in the audience.

8 THE COURT: All right. I'll start with that, then.
9 Say you end up -- how well do you know the people, other
10 members of the jury panel?

11 PROSPECTIVE JUROR: One was a fellow parent with me
12 in my kid's school, and the other worked with me in D.C.
13 government, so moderately well.

14 THE COURT: If you ended up on the jury with them,
15 would you be able to disagree with them if you disagreed with
16 them, or --

17 PROSPECTIVE JUROR: Yes.

18 THE COURT: Okay. 32. Travel plans?

19 PROSPECTIVE JUROR: So I've currently got a trip to
20 Salt Lake City for a research conference on Wednesday, leaving
21 Wednesday the 5th, afternoon.

22 THE COURT: And is that for work?

23 PROSPECTIVE JUROR: That is for work.

24 THE COURT: And how long is that trip?

25 PROSPECTIVE JUROR: That would be from Wednesday

1 afternoon through Saturday, I think I return.

2 THE COURT: When is the end of your jury service, sir?

3 PROSPECTIVE JUROR: It is after that. So it's the 7th,
4 is the end of my jury service.

5 THE COURT: Did you ask to be excused from your jury
6 service because of the trip, or did you book the trip after
7 your --

8 PROSPECTIVE JUROR: I didn't really think about the
9 trip when I sent in the form. So the actual travel, it's
10 through the D.C. government. Took a minute to get it done.
11 So that process had been started before, but it was completed
12 after.

13 THE COURT: Okay. Let me ask you about 3. Do you live
14 or work in the area of Capitol Hill?

15 PROSPECTIVE JUROR: Yes. I live on Capitol Hill.

16 THE COURT: Does the fact that you live on Capitol
17 Hill and this incident took place on the Capitol, would that
18 affect your ability to be fair and impartial in this case?

19 PROSPECTIVE JUROR: It was certainly a major
20 disruption, with the folks coming by my house all day was a
21 major disruption. I don't know if it would affect my ability
22 to be impartial, but it was disruptive. It closed the
23 neighborhood down for a while.

24 THE COURT: Any of your friends or family been in law
25 enforcement?

1 PROSPECTIVE JUROR: No.

2 THE COURT: You answered question 14.

3 PROSPECTIVE JUROR: I think -- and I think you
4 mentioned the CIA. My dad was in the CIA.

5 THE COURT: Okay. Anything about your father's service
6 there affect your ability to be fair in this case?

7 PROSPECTIVE JUROR: No.

8 THE COURT: All right. 20. Have you ever been on a
9 jury before?

10 PROSPECTIVE JUROR: Yes. Two cases, both auto
11 insurance claims.

12 THE COURT: And were they in Superior Court?

13 PROSPECTIVE JUROR: They were in -- I don't know where
14 they were. We went to the other courthouse and then were
15 moved over to a courthouse across the way.

16 THE COURT: To the annex, okay. So Superior Court.
17 And how long ago?

18 PROSPECTIVE JUROR: Probably about 10 or 15 years ago.

19 THE COURT: Anything about that jury service cause you
20 not to be able to be a fair juror in this case?

21 PROSPECTIVE JUROR: No.

22 THE COURT: All right. Crime victim.

23 PROSPECTIVE JUROR: I've been mugged twice. And then
24 my mother's in my care. Her caretaker stole from her, and we
25 went to trial.

1 THE COURT: Were you a witness in that trial?

2 PROSPECTIVE JUROR: I didn't end up being called, but
3 I was -- yes. I was part of that.

4 THE COURT: Anything about that experience that might
5 cause you to think that you couldn't be a fair and impartial
6 juror in this case?

7 PROSPECTIVE JUROR: No.

8 THE COURT: All right. Mr. Butler, Mr. Gibson?

9 MR. GIBSON: Yes, Your Honor. Thank you.

10 Sir, you wrote in your questionnaire that you had seen some
11 of the videos of some police officers being beaten that day at
12 the Capitol on January 6?

13 PROSPECTIVE JUROR: That's correct.

14 MR. GIBSON: And you wrote that you found that
15 disturbing and you couldn't even watch some of it?

16 PROSPECTIVE JUROR: Yeah. I think folks getting
17 trapped in the door and stuff like that was pretty disturbing.

18 MR. GIBSON: Pretty disturbing. I understand. If
19 this trial involved some of that footage, would that give you
20 hesitation about being able to serve fairly and impartially?

21 PROSPECTIVE JUROR: I mean, it would be disturbing.
22 I think I could be fair and impartial, but it would be
23 disturbing.

24 MR. GIBSON: And you wrote "horrific and disrespectful
25 of democratic institutions."

1 PROSPECTIVE JUROR: Yep.

2 MR. GIBSON: And those are views that are going to be
3 carried with you during the trial.

4 PROSPECTIVE JUROR: Yes. Absolutely.

5 MR. GIBSON: And you did write that you had numerous
6 friends who had worked on Capitol Hill. Is that right?

7 PROSPECTIVE JUROR: That is correct. Yeah.

8 MR. GIBSON: And that you had followed the news
9 coverage of the January 6 events very closely?

10 PROSPECTIVE JUROR: Mm-hm.

11 MR. GIBSON: Okay. One second, please.

12 THE COURT: Sir, with regard to the strong feelings
13 you said you would carry with you, obviously, many people have
14 feelings. But with regard to this defendant and this case, do
15 you think -- and I understand people can't guarantee anything
16 a hundred percent. Do you think you would be able to put
17 aside your personal feelings about the events and assess the
18 evidence against this defendant in this particular case
19 impartially?

20 PROSPECTIVE JUROR: Yeah. I assume I would be able to.

21 THE COURT: Do you have any concern about your ability
22 to? In other words, I hate to put it this way, but do you
23 think you are an appropriate juror for this case?

24 PROSPECTIVE JUROR: I don't know. Again, I'm fairly --
25 the events were fairly significant. I think -- again, I would

1 like to think that I could separate out an individual's role
2 in them from the events themselves and my view of that, but
3 it's hard for me to say.

4 THE COURT: All right. Mr. Romano?

5 MR. ROMANO: No questions.

6 THE COURT: Did you have further questions, Mr. Gibson?

7 MR. GIBSON: No. Thank you, Your Honor.

8 THE COURT: All right. Thank you, sir.

9 PROSPECTIVE JUROR: Thank you.

10 (Juror 1965 steps down.)

11 THE COURT: Is there a motion?

12 MR. GIBSON: There is, Your Honor.

13 THE COURT: Mr. Romano?

14 MR. ROMANO: No objection, especially given that it
15 appears that he was at home and kind of trapped in his house
16 during the events of January 6.

17 THE COURT: Yeah. That plus the travel. I'm going to
18 go ahead and grant the motion.

19 (Juror 0385 steps up.)

20 THE COURT: Good afternoon.

21 PROSPECTIVE JUROR: Good afternoon, Your Honor.

22 THE COURT: And you are Juror No. 0385?

23 PROSPECTIVE JUROR: Yes.

24 THE COURT: All right. And what questions did you have
25 answers to?

1 PROSPECTIVE JUROR: You want me to go through all the
2 numbers?

3 THE COURT: Yes.

4 PROSPECTIVE JUROR: 3, 9, 13, 14, 15, 16, 20, 21, and
5 25.

6 THE COURT: All right. You live on the Hill or work on
7 the Hill?

8 PROSPECTIVE JUROR: So I lived -- at the time of the
9 events in question, I lived on 12th Street Southeast, so about
10 12 blocks from the Capitol. I currently live on 16th Street
11 Northeast.

12 THE COURT: Anything about the fact where you resided
13 on the 6th would prevent you from being a fair or impartial
14 juror in this case?

15 PROSPECTIVE JUROR: I don't think so, no.

16 THE COURT: Okay. 9. You think you might know another
17 member of the jury panel?

18 PROSPECTIVE JUROR: So my colleague from work is here
19 today as well.

20 THE COURT: The reason I ask that question, say the
21 two of you ended up both on the jury. Would you be able to
22 disagree with your colleague, or would you be influenced by
23 their opinion because they're your colleague and you know
24 them?

25 PROSPECTIVE JUROR: I think I would be able to

1 disagree with them.

2 THE COURT: And 13, 14, 15, 16, I suspect might be
3 related. Are you a lawyer or a close friend?

4 PROSPECTIVE JUROR: So my brother and sister are both
5 lawyers, and my husband is a lawyer.

6 THE COURT: Any of them do criminal work?

7 PROSPECTIVE JUROR: My sister was a federal public
8 defender, and she currently is a professor of law.

9 THE COURT: Federal public defender here?

10 PROSPECTIVE JUROR: New York.

11 THE COURT: Okay. Anything about what your sister or
12 your husband or friends do, especially your sister, who I'm
13 sure you've talked about work with her, would that affect your
14 ability to assess this case based only on the evidence and put
15 aside whatever you've heard from your sister?

16 PROSPECTIVE JUROR: Again, I don't think it would
17 affect my judgment, no.

18 THE COURT: Would you be concerned about trying to
19 explain your verdict one way or another to your sister in a
20 criminal case?

21 PROSPECTIVE JUROR: I don't think I've thought about
22 that explicitly, but I don't think that it would, no.

23 THE COURT: Okay. 14 is law enforcement.

24 PROSPECTIVE JUROR: So my husband, the attorney,
25 worked at the Justice Department, but it was the Civil Rights

1 Division.

2 THE COURT: Anything about his work that might cause
3 you to --

4 PROSPECTIVE JUROR: No.

5 THE COURT: Okay. 15, that's your sister, I assume.
6 Defense work?

7 PROSPECTIVE JUROR: Yes.

8 THE COURT: 16 is whether a close friend or family
9 member or you worked at a courthouse.

10 PROSPECTIVE JUROR: So both my brother and sister
11 clerked for judges after law school.

12 THE COURT: Anything about their experience?

13 PROSPECTIVE JUROR: No. No, Your Honor.

14 THE COURT: 20 is whether you've served on a jury before.

15 PROSPECTIVE JUROR: Yes. I served on a criminal case
16 in Baltimore.

17 THE COURT: How long ago?

18 PROSPECTIVE JUROR: It's been about ten-plus -- no,
19 I'm sorry. It was not in Baltimore. It was in D.C., and it
20 was more than 10 years ago.

21 THE COURT: And I don't want you to tell me what your
22 verdict was, but were you able to reach a verdict?

23 PROSPECTIVE JUROR: The judge ended the case when the
24 prosecution ended their case.

25 THE COURT: Okay. And anything about that experience

1 that might make you think you couldn't be a fair juror in this
2 case?

3 PROSPECTIVE JUROR: No.

4 THE COURT: 25. Ever been a crime victim, or any
5 family members or friends?

6 PROSPECTIVE JUROR: Just petty theft, really nothing
7 of significance.

8 THE COURT: Okay, thank you.

9 Mr. Gibson, Mr. Butler?

10 MR. GIBSON: Yes, Your Honor.

11 Sir, does your husband work for the Office of the House
12 Employment Counsel?

13 PROSPECTIVE JUROR: Yes, he does.

14 MR. GIBSON: Was he working there on January 6?

15 PROSPECTIVE JUROR: So he was working for them.

16 He was not physically in the office that day. Nobody was
17 physically in the office that day.

18 MR. GIBSON: I understand. Is there anything about
19 your husband's service under the -- I believe that's under the
20 Clerk of the House -- that would impact your ability to serve
21 in this case?

22 PROSPECTIVE JUROR: So I mean, obviously, the events of
23 the day were of particular note to the two of us, but I do not
24 believe that it would affect my judgment one way or the other.

25 MR. GIBSON: Thank you, Your Honor. Nothing further.

1 THE COURT: Mr. Romano.

2 MR. ROMANO: Thank you, Your Honor.

3 Looking at your questionnaire, sir, when writing about --
4 talking about January 6 and expressing opinions, you wrote
5 that your opinion is complicated. And I don't need to have
6 you get into everything that you said to somebody else, but
7 can you just explain what you meant by that?

8 PROSPECTIVE JUROR: I mean anybody that doesn't have a
9 complicated opinion of the day hasn't really engaged with the
10 complexity of what happened on the day, and it's very hard in
11 the space that was given to talk about it intelligently.

12 MR. ROMANO: Okay. That makes sense. Thank you.

13 THE COURT: All right. Thank you, sir.

14 PROSPECTIVE JUROR: Thank you, everyone, Your Honor.
15 (Juror 0385 steps down. Juror 1403 steps up.)

16 THE COURT: Good afternoon.

17 PROSPECTIVE JUROR: Hi.

18 THE COURT: You are juror 1403?

19 PROSPECTIVE JUROR: Yes.

20 THE COURT: And what questions did you have answers to?

21 PROSPECTIVE JUROR: About six. 13?

22 THE COURT: 6 and 13?

23 PROSPECTIVE JUROR: No. Six questions. The first
24 one is 13.

25 THE COURT: Okay. Give them all to me, and then I'll

1 go over them.

2 PROSPECTIVE JUROR: 13, 14, 15, 16, 20, and 25.

3 THE COURT: Okay. 13, 14, 15 tend to be closely
4 related. Are you a lawyer? Do you have family or friends
5 that have legal training?

6 PROSPECTIVE JUROR: I was a lawyer with the Department
7 of Justice for 30 years, and my wife's a retired D.C. Superior
8 Court judge.

9 THE COURT: What is your wife's name?

10 PROSPECTIVE JUROR: Flynn. My wife's last name is
11 Dalton.

12 THE COURT: Okay. I do know who your wife is. Okay.
13 And so given what -- what division of the DOJ did you work in?

14 PROSPECTIVE JUROR: The Environmental Enforcement
15 Section, all Plaintiff civil work.

16 THE COURT: Ever do any criminal work?

17 PROSPECTIVE JUROR: No.

18 THE COURT: And your wife, obviously, as a Superior
19 Court judge, has sat on criminal cases. Is that correct?

20 PROSPECTIVE JUROR: Yes.

21 THE COURT: Anything about what you do or what your
22 wife -- I mean, would you be able to accept the instructions
23 of law as I give them to you, given your long experience and
24 your wife's experience as a judge?

25 PROSPECTIVE JUROR: Yes.

1 THE COURT: And 14 and 15, do those relate to the same,
2 the fact that you're a career attorney and your wife was a judge?

3 PROSPECTIVE JUROR: Yes. She also did some criminal
4 defense before she became a judge.

5 THE COURT: Anything about her previous work doing
6 criminal defense that would affect your ability to be a fair
7 juror in this case?

8 PROSPECTIVE JUROR: No.

9 THE COURT: Let's look at 20. Have you been on a jury
10 before?

11 PROSPECTIVE JUROR: I was on a civil jury in Brooklyn
12 many, many years ago, and a criminal jury here at this court
13 that didn't go to a verdict.

14 THE COURT: Anything about that experience that might
15 affect your ability to be a fair and impartial juror here?

16 PROSPECTIVE JUROR: No.

17 THE COURT: All right. And 25. You or your family or
18 friends been a crime victim?

19 PROSPECTIVE JUROR: I owned a beach house with another
20 couple, and we had a minor burglary many years ago.

21 THE COURT: Anything about that experience would affect
22 your ability to be fair in this case?

23 PROSPECTIVE JUROR: No.

24 THE COURT: All right. Mr. Gibson, Mr. Butler?

25 MR. GIBSON: Sir, you indicated on your questionnaire

1 that you do not have strong feelings about individuals who
2 merely gathered at the Capitol on January 6.

3 PROSPECTIVE JUROR: Yes.

4 MR. GIBSON: And you underlined "gathered." Did you
5 mean to distinguish them from people who entered the Capitol?

6 PROSPECTIVE JUROR: Yes.

7 MR. GIBSON: Would you be able to have issues of
8 sitting in judgment of someone who's alleged to have entered
9 the Capitol?

10 PROSPECTIVE JUROR: Could you rephrase? I couldn't
11 quite hear that.

12 MR. GIBSON: I'm sorry. I'll pull my mask down.
13 Would the distinction between individuals who gathered at the
14 Capitol and individuals who entered the Capitol affect whether
15 you could render a fair and impartial verdict?

16 PROSPECTIVE JUROR: No.

17 MR. GIBSON: It would not? Okay. You wrote also of
18 your shock and dismay at the events of January 6. Is that
19 right?

20 PROSPECTIVE JUROR: Yes.

21 MR. GIBSON: Those are feelings that you would carry
22 with you in serving as a juror?

23 PROSPECTIVE JUROR: It's a feeling I have. I assume
24 they would still be with me.

25 MR. GIBSON: Okay.

1 THE COURT: Sir, given those feelings, would you be
2 able to put those feelings aside and judge this defendant
3 based on the evidence only presented in the courtroom?

4 PROSPECTIVE JUROR: Yes.

5 MR. GIBSON: Sir, you mentioned your wife's service
6 as a judge. I'm not getting into specifics, but has any of
7 her judicial service involved matters related to January 6?

8 PROSPECTIVE JUROR: No.

9 MR. GIBSON: Okay. One moment, please, Judge.
10 Nothing further.

11 THE COURT: Mr. Romano?

12 MR. ROMANO: Nothing. Thank you, Your Honor.

13 THE COURT: All right. Thank you, sir.

14 (Juror 1403 steps down.)

15 MR. GIBSON: Your Honor, we would move for cause to
16 strike.

17 THE COURT: I'm going to deny the motion. I think this
18 gentleman indicated he has strong feelings, but he indicated
19 also that he would be able to put those aside and judge the
20 evidence. The fact that his wife is a Superior Court judge,
21 they don't have any January 6 cases there. I think the most
22 they had were a couple of curfew cases. And he previously
23 served on a jury, so he's aware of what his obligations are.
24 So I'm going to deny the motion.

25 (Juror 1511 steps up.)

1 THE COURT: Good afternoon.

2 PROSPECTIVE JUROR: Hi.

3 THE COURT: Are you juror 1511?

4 PROSPECTIVE JUROR: Yes.

5 THE COURT: And what questions did you have answers to?

6 PROSPECTIVE JUROR: Number 3.

7 THE COURT: Just No. 3?

8 PROSPECTIVE JUROR: Oh, I got No. 3, 14, 19, 21, 24,
9 25, 26.

10 THE COURT: Okay. Let's start with 3. Do you live in
11 the area of Capitol Hill or work in the area of Capitol Hill?

12 PROSPECTIVE JUROR: I'm just south of the Mall here.

13 THE COURT: How close were you to the Capitol on the 6th?

14 PROSPECTIVE JUROR: Well, I was home that day.

15 THE COURT: Anything about -- obviously, it was a
16 difficult day for people, but anything about where you were
17 that day or your residence cause you to not be able to be fair
18 in this case involving a January 6th defendant?

19 PROSPECTIVE JUROR: No. I don't think so.

20 THE COURT: All right. 14. You or any family members
21 or friends in law enforcement?

22 PROSPECTIVE JUROR: Yeah. My grandfather was a sheriff.

23 THE COURT: Would your grandfather -- did you ever talk
24 with him about his work?

25 PROSPECTIVE JUROR: No. I was six or seven when he died.

1 THE COURT: Would that affect in any way your ability
2 to be fair in this case?

3 PROSPECTIVE JUROR: I don't think so.

4 THE COURT: 19. Grand jury service.

5 PROSPECTIVE JUROR: Yes, ma'am.

6 THE COURT: How long ago?

7 PROSPECTIVE JUROR: I'm not sure. It would have been
8 more than 10 years ago, because I wasn't in D.C.

9 THE COURT: Okay. Somewhere else. And you understand,
10 obviously, that a grand juror assesses the evidence differently.
11 They determine probable cause, while a juror in a criminal
12 case is proof beyond a reasonable doubt. Do you understand
13 the difference?

14 PROSPECTIVE JUROR: Yes.

15 THE COURT: Okay. 21. You, family or friends have
16 any unpleasant experiences with law enforcement.

17 PROSPECTIVE JUROR: Yes, ma'am.

18 THE COURT: Tell me about that.

19 PROSPECTIVE JUROR: I was arrested maybe 20 years ago,
20 and it was very unpleasant. I was beat up. Did a civil suit
21 against the police.

22 THE COURT: Was that here in D.C.?

23 PROSPECTIVE JUROR: No. Portland.

24 THE COURT: Portland, Oregon, or Maine?

25 PROSPECTIVE JUROR: Oregon.

1 THE COURT: So, obviously, it was stressful and
2 upsetting enough that you filed a lawsuit. Do you think you
3 could assess the testimony of a police officer as you would
4 any other witness here, given your experience with the police?

5 PROSPECTIVE JUROR: I suppose I could.

6 THE COURT: Well, the thing is --

7 PROSPECTIVE JUROR: Right. That's why I answered the
8 question.

9 THE COURT: Tell me your concerns.

10 PROSPECTIVE JUROR: I'm concerned. I've seen police
11 officers lie in court before.

12 THE COURT: Having seen that, with those feelings,
13 do you think you could put that aside and assess them the same
14 way as you would any other witness, or would you start off
15 from a "they may be lying" kind of point of view?

16 PROSPECTIVE JUROR: I would -- I would try my best.
17 I bet I could do it.

18 THE COURT: You'd try your best, but you bet you could
19 do it?

20 PROSPECTIVE JUROR: Yeah.

21 THE COURT: Well, let me ask you about 24. That was a
22 question where I asked you, would the fact that a witness is a
23 police officer or law enforcement agent cause you to give
24 their testimony greater or less weight.

25 PROSPECTIVE JUROR: I'm sorry. Could you repeat that?

1 THE COURT: Question 24 was when I asked if the
2 testimony -- if you'd be inclined to give the testimony of a
3 law enforcement officer greater weight or lesser weight simply
4 because they're a law enforcement officer.

5 PROSPECTIVE JUROR: Yeah. That's tough. I don't know.
6 But I remember you saying to err on the side of answering the
7 question?

8 THE COURT: Yeah. Yeah, I mean, if you were the
9 government and you were putting on the testimony of law
10 enforcement officers, do you think you should be a juror
11 on this case?

12 PROSPECTIVE JUROR: Prob -- no.

13 THE COURT: Any questions, Mr. Butler, Mr. Gibson?

14 MR. GIBSON: No, Your Honor.

15 THE COURT: Mr. Romano?

16 MR. ROMANO: No, Your Honor.

17 THE COURT: All right. Thank you, sir.

18 Thanks for your candor.

19 PROSPECTIVE JUROR: Sure. Thank you.

20 (Juror 1511 steps down.)

21 THE COURT: Is there a motion?

22 MR. ROMANO: Yes. We move to strike for cause.

23 THE COURT: Granted.

24 (Juror 1470 steps up.)

25 THE COURT: Good afternoon.

1 PROSPECTIVE JUROR: How you doing.

2 THE COURT: I'm fine, thanks. How are you?

3 PROSPECTIVE JUROR: Fine.

4 THE COURT: Are you Juror No. 1470?

5 PROSPECTIVE JUROR: Yes.

6 THE COURT: Okay. Now, what questions did you have
7 answers to?

8 PROSPECTIVE JUROR: Just 20.

9 THE COURT: Just 20?

10 PROSPECTIVE JUROR: Yes. I was in a civil case, as a
11 juror.

12 THE COURT: Okay. And how long ago?

13 PROSPECTIVE JUROR: Maybe about three or five years ago.

14 THE COURT: Do you remember if it was in this court or
15 the court across the street?

16 PROSPECTIVE JUROR: D.C. court.

17 THE COURT: Superior Court?

18 PROSPECTIVE JUROR: Yeah.

19 THE COURT: Now, were you able to reach a verdict in
20 the case?

21 PROSPECTIVE JUROR: Yes.

22 THE COURT: Anything about your participation and your
23 service in that case make you think you couldn't be fair in
24 this case?

25 PROSPECTIVE JUROR: None.

1 THE COURT: What do you do for a living, sir?

2 PROSPECTIVE JUROR: I'm a federal IT project manager.

3 THE COURT: Okay.

4 Any questions, Mr. Butler, Mr. Gibson?

5 MR. GIBSON: Yes, Your Honor.

6 Sir, did you indicate that you had some health concerns
7 with serving on the jury?

8 PROSPECTIVE JUROR: Just I believe it was the first
9 question on the survey. It was discussing about going for a
10 long period, and I do have an underlying health condition.
11 I just want to kind of point that out. I'm just not that
12 comfortable, that's all.

13 THE COURT: When you say you're not comfortable, you
14 mean because of COVID?

15 PROSPECTIVE JUROR: Yes.

16 THE COURT: Well, I require everybody to wear a mask
17 in my courtroom, and in the courthouse they require everyone
18 to wear a mask.

19 PROSPECTIVE JUROR: Okay. That's fine.

20 THE COURT: And you'll see in my courtroom we have
21 Plexiglas around from where the witness is to the jurors, and
22 jurors are all wearing masks.

23 PROSPECTIVE JUROR: Okay, ma'am.

24 THE COURT: Anything else?

25 MR. GIBSON: Yes, Your Honor.

1 Sir, you also indicated in your questionnaire that you
2 view the people at the Capitol on January 6 as rioters and
3 nonpeaceful persons who demonstrated offensive and deadly
4 actions?

5 PROSPECTIVE JUROR: Yes, sir. That's my opinion.

6 MR. GIBSON: I understand. I appreciate you being
7 open with your opinion. And that's something you would carry
8 with you in serving as a juror?

9 PROSPECTIVE JUROR: Not if the facts are presented
10 to me. I would do my best as a juror and just listen to the
11 facts and, you know, listen to what's given to me. My opinion
12 would not hold against me being a juror.

13 MR. GIBSON: Okay. All right.

14 THE COURT: Mr. Romano?

15 MR. ROMANO: No questions. Thank you, Your Honor.

16 THE COURT: Thank you, sir.

17 PROSPECTIVE JUROR: Thank you.

18 (Juror 1470 steps down. Juror 0637 steps up.)

19 THE COURT: Good afternoon.

20 PROSPECTIVE JUROR: Hi.

21 THE COURT: Are you Juror No. 0637?

22 PROSPECTIVE JUROR: Yes.

23 THE COURT: All right. What questions did you have
24 answers to?

25 PROSPECTIVE JUROR: 13, 16, and 25.

1 THE COURT: Okay. 13 is you're a lawyer or friends
2 and family ever studied law.

3 PROSPECTIVE JUROR: Yes. I'm a lawyer, and so's my
4 husband.

5 THE COURT: What kind of law do you do?

6 PROSPECTIVE JUROR: We're both corporate lawyers.
7 I'm a private equity attorney, and he's a litigator.

8 THE COURT: If you were selected to serve on the jury,
9 would you be able to set aside whatever you learned about the
10 rules of evidence or criminal law and follow the law as I
11 instruct you?

12 PROSPECTIVE JUROR: Yes. I have not looked at those
13 rules in a long time.

14 THE COURT: Number 16. You or any of your family or
15 close friends worked in the courthouse or in the court system.

16 PROSPECTIVE JUROR: Yes. My husband was a clerk for a
17 federal judge in Virginia.

18 THE COURT: Anything about his experience that would
19 cause you to not be able to sit fairly and impartially?

20 PROSPECTIVE JUROR: No, nothing like that.

21 THE COURT: 25. Crime victim.

22 PROSPECTIVE JUROR: Oh, my sister was the victim of an
23 armed robbery about two years ago.

24 THE COURT: I'm sorry to hear that. Was that here
25 in the District?

1 PROSPECTIVE JUROR: Mm-hm.

2 THE COURT: Were the police called?

3 PROSPECTIVE JUROR: They were.

4 THE COURT: How do you feel they handled the matter?

5 PROSPECTIVE JUROR: Fine. I mean, they never found the
6 people, but she was fine. They took her cell phone and her
7 wallet.

8 THE COURT: Do you think, given what happened to your
9 sister, that you'd be able to be a fair juror in a criminal
10 case?

11 PROSPECTIVE JUROR: Yes, I do.

12 THE COURT: Okay. Mr. Gibson, Mr. Butler?

13 MR. GIBSON: No questions. Thank you, Your Honor.

14 THE COURT: Mr. Romano?

15 PROSPECTIVE JUROR: None. Thank you, Your Honor.

16 THE COURT: Thank you.

17 PROSPECTIVE JUROR: Thank you.

18 (Juror 0637 steps down. Juror 1513 steps up.)

19 THE COURT: Good afternoon.

20 PROSPECTIVE JUROR: Good afternoon, Your Honor.

21 THE COURT: Are you Juror No. 1513?

22 PROSPECTIVE JUROR: I am.

23 THE COURT: Which questions did you have answers to?

24 PROSPECTIVE JUROR: 25 and 26.

25 THE COURT: Okay. Have you been a crime victim, or

1 any family or close friends?

2 PROSPECTIVE JUROR: My grandmother and mother.

3 THE COURT: How long ago?

4 PROSPECTIVE JUROR: About a year ago.

5 THE COURT: In the District?

6 PROSPECTIVE JUROR: No, in Kentucky.

7 THE COURT: What was the nature of the offense?

8 PROSPECTIVE JUROR: Someone broke into their home
9 and squatted for a couple of days, and my mother walked in.

10 No harm to property or person, but a crime nonetheless.

11 THE COURT: Anything about what happened to them
12 cause you to not be able to be fair in a criminal case?

13 PROSPECTIVE JUROR: No, Your Honor.

14 THE COURT: Okay. 26. Anybody in your family, close
15 friends' family been arrested for or charged with or convicted
16 of a crime?

17 PROSPECTIVE JUROR: Yes. My father was arrested for
18 a DUI.

19 THE COURT: How long ago?

20 PROSPECTIVE JUROR: Probably seven or eight years.

21 THE COURT: Anything about that case against him
22 that might cause you to not be fair in a criminal case here?

23 PROSPECTIVE JUROR: No, Your Honor.

24 THE COURT: All right. What do you do for a living, sir?

25 PROSPECTIVE JUROR: I'm an economist.

1 THE COURT: Okay. Mr. Romano, any questions?

2 MR. ROMANO: No, Your Honor.

3 THE COURT: Mr. Butler, Mr. Gibson?

4 MR. GIBSON: No, Your Honor. Thank you.

5 THE COURT: Okay. Thank you.

6 PROSPECTIVE JUROR: Thank you.

7 (Juror 1513 steps down. Juror 1702 steps up.)

8 THE COURT: Good afternoon.

9 PROSPECTIVE JUROR: Hi.

10 THE COURT: Are you Juror No. 1702?

11 PROSPECTIVE JUROR: Yep, that's me.

12 THE COURT: And what questions did you have answers to?

13 PROSPECTIVE JUROR: Number 3, 25, and 26.

14 THE COURT: Okay. Do you live on the Hill or work on
15 the Hill?

16 PROSPECTIVE JUROR: No. I might have said yes to this
17 incorrectly. I live a mile away.

18 THE COURT: Okay. I'd rather you be overinclusive.
19 Anything about the fact that you live a mile away cause you
20 not to be able to be fair to a defendant charged with a
21 January 6th involvement?

22 PROSPECTIVE JUROR: Nope.

23 THE COURT: And 25, crime victim. Was that you or
24 somebody close to you?

25 PROSPECTIVE JUROR: Someone close to me.

1 THE COURT: And how long ago?

2 PROSPECTIVE JUROR: Four years? Three years?

3 THE COURT: What kind of crime was it?

4 PROSPECTIVE JUROR: A mugging.

5 THE COURT: And anything about the fact that -- you
6 know, you or someone close to you is mugged, could you be fair
7 in a criminal case?

8 PROSPECTIVE JUROR: Yes.

9 THE COURT: All right. Anyone close to you or family
10 members been arrested of or convicted of a crime?

11 PROSPECTIVE JUROR: Yeah. That was me.

12 THE COURT: How long ago?

13 PROSPECTIVE JUROR: Two years.

14 THE COURT: What sort of offense was it?

15 PROSPECTIVE JUROR: It was dismissed, so I don't know
16 if this counts. But a misdemeanor, destruction of property.

17 THE COURT: Okay. And were the police involved?

18 PROSPECTIVE JUROR: Mm-hm.

19 THE COURT: You have to say "yes" for the court reporter.

20 PROSPECTIVE JUROR: Yes.

21 THE COURT: Given that it was two years ago, not
22 that long ago, do you think you could be fair to somebody
23 else charged with a crime, or do you have strong feelings
24 about what happened to you that might affect your ability
25 to be fair and impartial?

1 PROSPECTIVE JUROR: No strong feelings here. Yeah,
2 it was dismissed, so I feel like those feelings are long gone.

3 THE COURT: Okay. All right. Thank you.

4 Mr. Gibson, Mr. Butler?

5 MR. GIBSON: No. Thank you, Your Honor.

6 THE COURT: Mr. Romano?

7 MR. ROMANO: Nothing, Your Honor. Thank you.

8 THE COURT: Thank you.

9 PROSPECTIVE JUROR: Thank you.

10 (Juror 1702 steps down. Juror 0870 steps up.)

11 THE COURT: Good afternoon.

12 PROSPECTIVE JUROR: Good afternoon.

13 THE COURT: Are you Juror No. 0870?

14 PROSPECTIVE JUROR: Yes.

15 THE COURT: And what questions did you have answers to?

16 PROSPECTIVE JUROR: 3, 9, 19, 20, and 21.

17 THE COURT: Did you say 3, 9, 19?

18 PROSPECTIVE JUROR: Yes.

19 THE COURT: 20 and 21.

20 PROSPECTIVE JUROR: Yes.

21 THE COURT: 3. Do you live or work in the area of
22 the Hill?

23 PROSPECTIVE JUROR: I don't, but my brother-in-law did.

24 THE COURT: And was your brother-in-law home around the
25 Hill on January 6?

1 PROSPECTIVE JUROR: No. No. This was years ago.

2 THE COURT: Okay. Is there anything about that fact
3 that might lead you to not be a fair juror in this case?

4 PROSPECTIVE JUROR: No.

5 THE COURT: 9 is do you think you know somebody else
6 on the jury panel.

7 PROSPECTIVE JUROR: I think there's an acquaintance,
8 maybe a parent.

9 THE COURT: From school?

10 PROSPECTIVE JUROR: Yes.

11 THE COURT: Okay. Yeah, we heard that. The reason I
12 ask is, say the two of you are on the jury together. Do you
13 think you'd have any trouble disagreeing?

14 PROSPECTIVE JUROR: No. No.

15 THE COURT: 19. Grand jury service.

16 PROSPECTIVE JUROR: Yes.

17 THE COURT: When?

18 PROSPECTIVE JUROR: Roughly, two years ago.

19 THE COURT: And do you understand the difference
20 between what the grand jury does, just finding probable cause,
21 and a jury here, which would be to determine whether it's
22 proof beyond a reasonable doubt?

23 PROSPECTIVE JUROR: Yes.

24 THE COURT: Okay. Anything about your grand jury
25 service that might affect your ability to be fair in a trial

1 here?

2 PROSPECTIVE JUROR: No.

3 THE COURT: Okay. And 20 is previous jury service.

4 PROSPECTIVE JUROR: Yes.

5 THE COURT: When?

6 PROSPECTIVE JUROR: That would be roughly four years
7 ago, maybe five.

8 THE COURT: Criminal or civil case?

9 PROSPECTIVE JUROR: It was a criminal.

10 THE COURT: In this court or Superior Court across the
11 street?

12 PROSPECTIVE JUROR: Across the street.

13 THE COURT: I don't want to know what your verdict was,
14 but were you able to reach a verdict?

15 PROSPECTIVE JUROR: I should know. I'm going to say
16 no. I think it was no.

17 THE COURT: You mean it was a hung jury?

18 PROSPECTIVE JUROR: Correct.

19 THE COURT: Anything about that case make you think
20 that you couldn't be a fair juror in this case?

21 PROSPECTIVE JUROR: No. No.

22 THE COURT: And 21. You, family or close friends ever
23 had an unpleasant experience with the police?

24 PROSPECTIVE JUROR: Yes.

25 THE COURT: Tell me about it.

1 PROSPECTIVE JUROR: I mean, a long time ago. The main
2 thing related to a traffic incident, just was stopped, was
3 followed and then stopped. That's me. Made an infraction,
4 decided I had to go to court. Did have evidence. It was
5 essentially tossed.

6 THE COURT: Okay. So the reason I ask is, do you think
7 you could assess a police officer's testimony, given what
8 happened to you, as you would any other witness?

9 PROSPECTIVE JUROR: Yes.

10 THE COURT: Any questions, Mr. Romano?

11 MR. ROMANO: No, Your Honor.

12 THE COURT: Mr. Gibson, Mr. Butler?

13 MR. GIBSON: No. Thank you, Your Honor.

14 THE COURT: All right. Thank you, sir.

15 PROSPECTIVE JUROR: Thank you.

16 (Juror 0870 steps down. Juror 1998 steps up.)

17 THE COURT: Good afternoon.

18 PROSPECTIVE JUROR: Hi. How are you?

19 THE COURT: I'm fine. How are you?

20 PROSPECTIVE JUROR: I'm great.

21 THE COURT: Good. Are you Juror No. 1998?

22 PROSPECTIVE JUROR: Yes, ma'am.

23 THE COURT: And what questions did you have answers to?

24 PROSPECTIVE JUROR: 3, 13, 14, 20, 25, and 26.

25 THE COURT: Okay. 3. Do you live or work in the

1 Capitol Hill area?

2 PROSPECTIVE JUROR: I live -- well, it's not quite
3 around. It's like Fort Dupont Park, right over the bridge.

4 THE COURT: Okay. Anything about the fact of where you
5 live give you any trouble or make you feel that you couldn't
6 be a fair juror in this case?

7 PROSPECTIVE JUROR: No.

8 THE COURT: Okay. Question 9. I'm sorry. 13, not 9.
9 13. You, family members have any legal training?

10 PROSPECTIVE JUROR: I have -- my nephew's godmother
11 is a judge, so I didn't know whether that qualified or not.

12 THE COURT: I hope it does.

13 PROSPECTIVE JUROR: Okay.

14 THE COURT: A judge where? Here in D.C.?

15 PROSPECTIVE JUROR: In Baltimore.

16 THE COURT: Do you ever talk to her about her work?

17 PROSPECTIVE JUROR: No, not really.

18 THE COURT: Anything about that fact would affect your
19 ability to be a fair juror in this case?

20 PROSPECTIVE JUROR: No.

21 THE COURT: 14. Anybody in your family, you or close
22 friends ever worked in law enforcement?

23 PROSPECTIVE JUROR: My brother used to be a D.C. police
24 officer. He's retired now.

25 THE COURT: Okay. Given your brother's work, do you

1 think you could be fair in this case?

2 PROSPECTIVE JUROR: Yes.

3 THE COURT: Well, what if a police officer testified,
4 and I told you you have to evaluate their testimony as you
5 would any other witness? Would you be able to do that, or
6 would you be more inclined to believe them because they were a
7 police officer?

8 PROSPECTIVE JUROR: No. I would treat him as any other
9 citizen.

10 THE COURT: All right. 20. You've been on a jury before?

11 PROSPECTIVE JUROR: Yes.

12 THE COURT: Criminal or civil?

13 PROSPECTIVE JUROR: Criminal.

14 THE COURT: How long ago?

15 PROSPECTIVE JUROR: Okay. I was retired in 2015.
16 Probably about eight, nine years ago.

17 THE COURT: And were you able to reach a verdict?
18 Don't tell me what the verdict was.

19 PROSPECTIVE JUROR: Yes.

20 THE COURT: Anything about you being on that jury,
21 your jury service on that trial, cause you not to be a fair
22 juror in this case?

23 PROSPECTIVE JUROR: No, not at all.

24 THE COURT: 29. You, family member been a crime victim?

25 PROSPECTIVE JUROR: Yes.

1 THE COURT: What happened?

2 PROSPECTIVE JUROR: Probably about 15, 20, maybe 25
3 years ago, my car was stolen. That was it.

4 THE COURT: And 26 is you or any family member been
5 charged or convicted of a crime?

6 PROSPECTIVE JUROR: Yes. My stepson is currently
7 incarcerated in -- I think it's Hagerstown.

8 THE COURT: Okay. So your stepson is incarcerated,
9 and you had -- I think you said you were a crime victim a few
10 years ago. Anything about those two things might make you not
11 be an impartial juror in a criminal case?

12 PROSPECTIVE JUROR: No, not at all.

13 THE COURT: Okay. Mr. Butler, Mr. Gibson?

14 MR. GIBSON: Ma'am, you indicated on your questionnaire
15 that, in watching the January 6 events, you felt that our
16 democracy is at stake?

17 PROSPECTIVE JUROR: Yes, sir.

18 MR. GIBSON: And you also wrote that you believe former
19 President Trump is evil?

20 PROSPECTIVE JUROR: Well, maybe not evil. He's to
21 me -- in my opinion, he is a liar. He doesn't tell the truth.
22 He's not for our country; he's just for himself, in my
23 opinion.

24 MR. GIBSON: And I understand. Would you have trouble
25 serving as a juror in a case involving a defendant who holds

1 very different views of former President Trump?

2 PROSPECTIVE JUROR: Could you repeat that?

3 MR. GIBSON: Sure. I understand your views, and you're
4 certainly entitled to them, ma'am, but if the defendant in
5 this case held very different views about the former president
6 and did not believe any of those things you just said and
7 actively supported him, would you have issues being fair and
8 impartial?

9 PROSPECTIVE JUROR: No, because everyone has the right
10 to their own opinion.

11 MR. GIBSON: Okay. And you did indicate on your survey
12 that you would have trouble being fair and impartial regarding
13 the events of January 6 -- about people gathered at the
14 Capitol, I should say. Isn't that right?

15 PROSPECTIVE JUROR: Would I be fair and impartial?

16 MR. GIBSON: Yes, ma'am.

17 PROSPECTIVE JUROR: I mean, I would try to be fair.

18 THE COURT: Let me ask you, ma'am -- I'm going to
19 interrupt for a minute. You obviously have strong feelings
20 about what happened on January 6, and, as Mr. Gibson says,
21 you're entitled to those feelings. Could you put those
22 feelings aside and judge this defendant based on the evidence
23 only that you heard in the courtroom?

24 PROSPECTIVE JUROR: Yes, ma'am.

25 THE COURT: Are you going to start -- in other words,

1 does he start already -- are you willing to presume him to be
2 innocent and let the government prove their case?

3 PROSPECTIVE JUROR: Yes. Everybody's innocent until
4 proven guilty.

5 THE COURT: Do you think, because he was at the Capitol
6 that day or he's a supporter of President Trump, that you
7 would be more inclined to find him guilty or less inclined;
8 you would have a harder time being impartial?

9 PROSPECTIVE JUROR: Kind of, yes. I would have to
10 honestly say yes.

11 THE COURT: Okay. All right.

12 Mr. Romano?

13 MR. ROMANO: Ma'am, do you think that, even though you
14 have strong feelings about the former president, that you would
15 be able to nonetheless just evaluate what this defendant did
16 without regard to what the former president said or what the
17 former president did, just focusing on the evidence about this
18 defendant?

19 PROSPECTIVE JUROR: Yes, sir.

20 MR. ROMANO: No further questions.

21 Thank you, Your Honor.

22 THE COURT: All right. Let me ask you a couple more
23 questions, because here's the thing, ma'am: You've been on
24 a jury. You seem to understand the difference between having
25 an opinion and evidence.

1 PROSPECTIVE JUROR: Yes, ma'am.

2 THE COURT: Do you think you're the right -- would the
3 feelings that you have, do you think you're the right juror
4 for a case like this? Do you think you can be objective?
5 And I want you to be honest.

6 PROSPECTIVE JUROR: Okay. Let me think about it,
7 really think about this.

8 Yes. Yeah.

9 THE COURT: Why? Why do you think so?

10 PROSPECTIVE JUROR: Because just because he may have
11 been there, I mean, I could have been there just looking at
12 the incident. That don't mean that he did anything. I have
13 to see the evidence.

14 THE COURT: Okay. Thank you, ma'am.

15 MR. GIBSON: Your Honor, one quick thing, please:

16 Ma'am, you also indicated that -- and I think you wrote in
17 all caps that you absolutely do not feel comfortable at all
18 being in the courtroom for long periods of time in light of
19 COVID-19. Is that something that continues to give you pause?

20 PROSPECTIVE JUROR: Yes, because I really don't feel
21 comfortable being in this courtroom, even though everybody's
22 masked up.

23 THE COURT: Well, let me tell you how it's going to be.
24 Everybody's going to be masked in my courtroom and has to keep
25 their mask on all the time. Everybody in the courthouse has

1 to keep their mask on. And we have some Plexiglas around,
2 like around the witnesses and around the judge's table.

3 So we follow -- and you're not going to sit in a jury room.
4 You're going to sit in another big courtroom when you're
5 deliberating, so you're going to be in a room where there's
6 better airflow. We take a lot of COVID protocols.

7 PROSPECTIVE JUROR: Okay.

8 THE COURT: Would you feel comfortable under those
9 conditions?

10 PROSPECTIVE JUROR: Yes, ma'am.

11 THE COURT: Okay. Thank you.

12 (Juror 1998 steps down.)

13 MR. GIBSON: Your Honor, we'll make a motion for cause.

14 THE COURT: I'm going to deny it. I really pressed
15 this juror. I think she was trying her very hardest to be
16 candid, and I actually -- her last answer, before the COVID
17 answer, I think really dispelled my concern, which she said
18 if you're just there, she said I could have been there just
19 looking. So I think that she's really willing to put aside
20 her opinions and listen to the evidence. I'm going to deny
21 the motion.

22 (Juror 1855 steps up.)

23 THE COURT: Good afternoon.

24 PROSPECTIVE JUROR: Good afternoon, Your Honor.

25 THE COURT: Are you juror 1855?

1 PROSPECTIVE JUROR: Yes.

2 THE COURT: And what questions did you have answers to?

3 PROSPECTIVE JUROR: 3, 4, 5, 13, 14, 15, 16, and 25.

4 THE COURT: 3, 4, 5, 13, 14, 15, 16, and 25.

5 PROSPECTIVE JUROR: Correct.

6 THE COURT: With regards to question 3, do you live
7 on or near or around Capitol Hill?

8 PROSPECTIVE JUROR: I live about a mile from the
9 Capitol. I wasn't really sure about what counts as nearby.

10 THE COURT: That's fine. Anything about where you
11 live make you unable to be fair and impartial in this case
12 or would affect your ability to be fair and impartial?

13 PROSPECTIVE JUROR: No. I don't think so.

14 THE COURT: And 4. Do you think you might know any
15 of the prosecutors or their staff?

16 PROSPECTIVE JUROR: I'm an AUSA in the D.C. U.S.
17 Attorney's Office. I think I've actually only met Mr. Romano
18 once, but I did want to include that.

19 THE COURT: Well, we're going to come to that anyway,
20 because that affects your answers. All right. So you're in
21 the U.S. Attorney's Office in D.C. What division?

22 PROSPECTIVE JUROR: It's Criminal Division, violence
23 and drug trafficking offenses. It's mostly guns and drugs.

24 THE COURT: Haven't seen you yet.

25 PROSPECTIVE JUROR: I just joined in July.

1 THE COURT: Are you working on any January 6 cases?

2 PROSPECTIVE JUROR: No.

3 THE COURT: And so is that why you answered questions
4 14 through 16?

5 PROSPECTIVE JUROR: Yes.

6 THE COURT: So these are your colleagues here.

7 PROSPECTIVE JUROR: Yes.

8 THE COURT: And your other colleagues in the office
9 are all busy prosecuting some of these cases. I'm sure you've
10 heard about them. Do you think you can be a fair juror given
11 what you do?

12 PROSPECTIVE JUROR: I think I can be a fair juror.
13 I don't know anything about the January 6 cases, but obviously
14 I work in the U.S. Attorney's Office.

15 THE COURT: Will you be able to put aside whatever you
16 know about the rules of evidence and criminal law generally
17 and follow my instructions as I give them to you, even if they
18 don't necessarily comport with your understanding of what the
19 law is?

20 PROSPECTIVE JUROR: Yes. I think I can.

21 THE COURT: 25. Ever been a crime victim, or family
22 or close friends?

23 PROSPECTIVE JUROR: This would be for family or close
24 friends.

25 THE COURT: What happened?

1 PROSPECTIVE JUROR: Close friend, rape survivor in
2 college.

3 THE COURT: Anything about that friend's experience
4 that would cause you not to be able to sit as an impartial
5 juror in a criminal case?

6 PROSPECTIVE JUROR: No. I don't think so.

7 THE COURT: All right. Mr. Gibson and Mr. Butler?

8 MR. GIBSON: Yes, Your Honor. One second, please.

9 THE COURT: Mr. Romano, do you have any questions?

10 MR. ROMANO: No questions, Your Honor. Thank you.

11 MR. GIBSON: Ma'am, you indicated on your questionnaire,
12 in some ways you consider yourself as a victim of the events
13 of January 6. Is that correct?

14 PROSPECTIVE JUROR: Yep. That's correct.

15 MR. GIBSON: And you've already noted that you work
16 with the prosecutors in the U.S. Attorney's Office here in
17 Washington.

18 PROSPECTIVE JUROR: That's correct.

19 MR. GIBSON: And you wrote that, although you'd like
20 to think you can be impartial, you do think it would be
21 difficult. Is that right?

22 PROSPECTIVE JUROR: I think I can be impartial.

23 MR. GIBSON: But it would be difficult.

24 PROSPECTIVE JUROR: Yes. I think I can be impartial,
25 though.

1 MR. GIBSON: Okay. And you want your colleagues to
2 do well, of course.

3 PROSPECTIVE JUROR: Of course.

4 MR. GIBSON: And -- one second, please, Your Honor.

5 A former coworker of yours is an attorney on the Select
6 Committee investigating January 6. Isn't that right?

7 PROSPECTIVE JUROR: That's correct.

8 MR. GIBSON: Have you discussed his or her work
9 with him or her?

10 PROSPECTIVE JUROR: Nothing that wouldn't have been
11 public, nothing confidential, but we have discussed some
12 of the public reporting about the committee, yes.

13 MR. GIBSON: And discussed the committee's work
14 that's public record?

15 PROSPECTIVE JUROR: Yes. That's correct.

16 MR. GIBSON: And you did say you're in the Criminal
17 Division? I apologize for missing that. Is that right?

18 PROSPECTIVE JUROR: No, that's correct.

19 THE COURT: But this is a guns-and-drugs division.

20 MR. GIBSON: I understand. Thank you, Your Honor.

21 You wrote that, although you're not in the same division,
22 ma'am, you did indicate that you're aware of the government's
23 efforts to prosecute individuals here and their filings in
24 those cases?

25 PROSPECTIVE JUROR: That's correct.

1 MR. GIBSON: You're aware of some of the outcomes
2 of the cases?

3 PROSPECTIVE JUROR: That's correct.

4 MR. GIBSON: And circling back to your friend on the
5 Select Committee, have you discussed your opinions of January
6 with this person or vice versa?

7 PROSPECTIVE JUROR: Yes.

8 MR. GIBSON: Okay. Nothing further.

9 THE COURT: Thank you, ma'am.

10 PROSPECTIVE JUROR: Thank you.

11 (Juror 1855 steps down.)

12 THE COURT: Mr. Gibson, I'm going to caution you
13 again, and this is the last time. Some judges don't allow
14 much follow-up at all, and I do. I'm going to ask you not to
15 lead or cross-examine the jurors.

16 You know, you can ask some open-ended questions, but to
17 say "and you would carry those feelings around with you; isn't
18 that right," you know, you can ask them "would you." But I
19 don't like the leading, and if it continues, I'm not going to
20 allow much follow-up. Is there a motion?

21 MR. GIBSON: There is a motion, Your Honor.

22 THE COURT: Again, I think this is a close one.

23 You asked this juror a couple times whether she would have those
24 strong feelings and whether she could put them aside, and she
25 said it would be difficult but she thinks she could, or words

1 to that effect. She doesn't work on these cases. It doesn't
2 appear that her knowledge or information is any more than what
3 the average D.C. person gets from watching the news or watching
4 TV or reading the paper. So, Mr. Romano?

5 MR. ROMANO: Just for the sake of the record, Your
6 Honor, I want to add that although she indicated she might
7 have seen me or talked with me at some point, I don't
8 recognize her name or her face. I don't have any recollection
9 of ever interacting with her before.

10 THE COURT: And she's never appeared in front of me.
11 I didn't know she was a prosecutor. I'm going to deny the
12 motion. I think this juror is well aware of what her
13 obligations are, and, to the extent that she's a prosecutor,
14 I think that she could be stricken -- you could use a
15 peremptory strike. But I don't think there's enough in
16 anything in here --

17 MR. BUTLER: Your Honor? This is Kevin Butler.

18 THE COURT: Yes, Mr. Butler.

19 MR. BUTLER: I understand the basis of the --

20 THE COURT: You know, Mr. Butler, I have a one-lawyer-
21 talk rule. At least for once, I'm going to waive it. You can
22 go ahead.

23 MR. BUTLER: Just this one time.

24 THE COURT: Okay.

25 MR. BUTLER: Thank you, Your Honor. Completely

1 understand the ruling based on what was said there's also
2 the issue of what I would call the appearance of impropriety.
3 I'm not saying that -- everything the Court said is -- we
4 understand, but the fact of the matter is if she remained on
5 the jury, the fact that she works with one of the prosecutors,
6 even though remotely, just creates that appearance. I just
7 want to put that on the record as well.

8 THE COURT: All right. Thank you. We've had judges
9 on juries, not just me. We've had Mr. Bradley here on a jury.
10 I understand that. And I think, like I said, it's a closer
11 call, but I pressed her quite a bit on whether she could be
12 fair, and I think you did as well. If they knew each other
13 or worked in the same division, I would be inclined to grant
14 your motion. So the motion is denied.

15 (Juror 0121 steps up.)

16 THE COURT: Good afternoon.

17 PROSPECTIVE JUROR: Good afternoon.

18 THE COURT: Are you Juror No. 0121?

19 PROSPECTIVE JUROR: Yes, ma'am.

20 THE COURT: What questions did you have answers to?

21 PROSPECTIVE JUROR: 13, 14, 15, 22, 28, 32.

22 THE COURT: 13, 14, 15, 22, 28, 32.

23 Let's start with 32. That's a travel question.

24 PROSPECTIVE JUROR: Yes, ma'am. Next Wednesday I'm
25 going on a recruiting trip to the University of Phoenix out

1 north of Phoenix, Arizona. It's just a two-day recruiting trip.

2 THE COURT: Could it be postponed?

3 PROSPECTIVE JUROR: If necessary, yes, ma'am. Well,
4 not for me, but somebody else is going also.

5 THE COURT: Is this something that might -- would not
6 going jeopardize your career in any way?

7 PROSPECTIVE JUROR: No, ma'am.

8 THE COURT: Okay. Thank you for letting me know that.
9 Are you a lawyer? 13, 14, 15.

10 PROSPECTIVE JUROR: Yes. I am a barred attorney
11 in New York and New Jersey. I'm not practicing, though.

12 THE COURT: Would you be able to put aside whatever you
13 learned as a lawyer, or from practicing, about criminal law or
14 criminal procedure or the rules of evidence and follow the law
15 as I instruct you?

16 PROSPECTIVE JUROR: Yes, ma'am.

17 THE COURT: And law enforcement or criminal defense work.

18 PROSPECTIVE JUROR: Yes, ma'am. I work in the Bureau
19 for security leadership. I'm surrounded by federal agents on
20 a daily basis. I work with regional security officers
21 overseas at all of our embassies, and I travel a lot and help
22 protect them.

23 THE COURT: So missing the Phoenix trip wouldn't be
24 a big loss for you.

25 PROSPECTIVE JUROR: That's irrelevant. Yes, ma'am.

1 THE COURT: Now, you're going to hear testimony from
2 law enforcement officers. Can you give them the same weight
3 you would give any witness, given your work?

4 PROSPECTIVE JUROR: Yes, ma'am. I can be impartial.

5 THE COURT: Now, what's your answer with regard to the
6 defense work?

7 PROSPECTIVE JUROR: Oh. I worked as a intern two years
8 prior to law school, as a summer intern at a law firm. It was
9 a small firm in North Jersey.

10 THE COURT: Anything about that experience cause you
11 not to be a fair and impartial juror in this case?

12 PROSPECTIVE JUROR: No, ma'am. And I should apologize.
13 On my questionnaire I put something about defense counsel
14 being like clowns for some of the January 6 -- I meant the
15 ones that are actually potentially complicit, not public
16 defenders.

17 THE COURT: We have attorneys from the federal defender
18 system here.

19 PROSPECTIVE JUROR: Yes. Much different situation.

20 THE COURT: Well, let me probe that a little bit.
21 Every defendant is entitled to --

22 PROSPECTIVE JUROR: Absolutely.

23 THE COURT: -- counsel. Do you think you'd be inclined
24 to view their presentation with skepticism because they're
25 defense lawyers?

1 PROSPECTIVE JUROR: No, ma'am.

2 THE COURT: 22. Again, have you formed any special
3 opinions regarding defense attorneys, prosecutors, or accused
4 people that might affect your ability in deciding this case?

5 PROSPECTIVE JUROR: Yes, ma'am. Maybe not the present
6 company, but I was personally affected by January 6. I have a
7 friend who's a member of Congress, a couple journalists that were
8 affected, and a number of friends who are staffers on the Hill.

9 It was a traumatic day for all of us here, not to mention
10 that I live in Dupont Circle and many of the people who
11 traveled here stuck out like sore thumbs surrounding me, very
12 aggressive, very loud, and I was driven home by an armed agent
13 that day in the middle of a workday.

14 THE COURT: All right. And I appreciate you telling
15 us this, because you're being considered to sit on a jury for
16 someone who's charged with participating.

17 PROSPECTIVE JUROR: Yes, ma'am.

18 THE COURT: Now, obviously, they're presumed innocent,
19 and I assume you can follow that presumption.

20 PROSPECTIVE JUROR: Yes, ma'am.

21 THE COURT: But given your feelings, and I want you
22 to express your feelings, can you -- do you think you're the
23 right juror for this case?

24 PROSPECTIVE JUROR: I do not.

25 THE COURT: Okay.

1 PROSPECTIVE JUROR: I think one side would like me;
2 the other would not.

3 THE COURT: All right. You know what? I appreciate
4 your candor.

5 PROSPECTIVE JUROR: Yes, ma'am.

6 THE COURT: Thank you.

7 PROSPECTIVE JUROR: Thank you.

8 (Juror 0121 steps down.)

9 THE COURT: Counsel?

10 MR. GIBSON: Motion to strike for cause, Your Honor.

11 THE COURT: Mr. Romano?

12 MR. ROMANO: No objection.

13 THE COURT: Granted.

14 (Juror 1710 steps up.)

15 THE COURT: Good afternoon.

16 PROSPECTIVE JUROR: Hello.

17 THE COURT: Are you Juror No. 1710?

18 PROSPECTIVE JUROR: Yes.

19 THE COURT: And what questions did you have answers to?

20 PROSPECTIVE JUROR: 13 and 14.

21 THE COURT: Okay. 13. Are you a lawyer, or you have a
22 close friend or family member who's a lawyer?

23 PROSPECTIVE JUROR: Just my uncle is a lawyer.

24 THE COURT: Where?

25 PROSPECTIVE JUROR: In Rhode Island.

1 THE COURT: And do you know what type of law he does?

2 PROSPECTIVE JUROR: Labor law.

3 THE COURT: Anything about his work or your
4 relationship with him that might cause you to not be a fair
5 juror in this case?

6 PROSPECTIVE JUROR: No.

7 THE COURT: 14. Family, friends, close friends,
8 household members in law enforcement?

9 PROSPECTIVE JUROR: Just another uncle was in the FBI.

10 THE COURT: Okay. How long ago?

11 PROSPECTIVE JUROR: He retired probably like 10 years
12 ago.

13 THE COURT: Anything about the fact that he was an FBI
14 agent that would make you less than impartial in a criminal
15 case?

16 PROSPECTIVE JUROR: No.

17 THE COURT: What do you do for a living, ma'am?

18 PROSPECTIVE JUROR: I'm a teacher.

19 THE COURT: Mr. Gibson?

20 MR. GIBSON: No questions, Your Honor. Thank you.

21 THE COURT: Mr. Romano?

22 MR. ROMANO: No, Your Honor. Thank you.

23 THE COURT: All right. Thank you.

24 (Juror 1710 steps down. Juror 0950 steps up.)

25 THE COURT: Good afternoon. Are you Juror No. 0950?

1 PROSPECTIVE JUROR: Yes. That's correct.

2 THE COURT: And what questions did you have answers to?

3 PROSPECTIVE JUROR: I'm sorry?

4 THE COURT: What questions did you have answers to?

5 PROSPECTIVE JUROR: Can you repeat question 3?

6 THE COURT: Question 3 is, do you live or work near the
7 United States Capitol in Washington, D.C., or do you have any
8 special familiarity with that area?

9 PROSPECTIVE JUROR: Oh, no.

10 THE COURT: So which other questions do you have
11 answers to?

12 PROSPECTIVE JUROR: I believe there was question 20,
13 where it asked if I served as a juror before?

14 THE COURT: Yes. Have you been a juror before?

15 PROSPECTIVE JUROR: Yes. I think it was criminal,
16 but I don't remember the full details on that one.

17 THE COURT: How long ago?

18 PROSPECTIVE JUROR: It was a long time ago.

19 THE COURT: Was it here in D.C.?

20 PROSPECTIVE JUROR: Yes.

21 THE COURT: And I don't want to ask you what
22 the verdict was. Were you able to reach a verdict?

23 PROSPECTIVE JUROR: No. It was a hung trial.

24 THE COURT: Anything about that experience make you
25 think that you couldn't be a fair and impartial juror in this

1 case?

2 PROSPECTIVE JUROR: Just I don't feel like I'm in a
3 position to make a decision on someone's outcome of their life,
4 like if they're going to be in jail for the rest of their life
5 or being be in jail for -- you know, I just don't feel
6 comfortable making that decision.

7 THE COURT: Well, this is a criminal case. You know,
8 it concerns activities on January 6. You would not be asked
9 to sentence the person if they were convicted. You wouldn't
10 be asked to punish the person. That would be my job.

11 You would simply be asked to determine whether the
12 government had proved beyond a reasonable doubt whether the
13 person was guilty. Do you think you'd be able to -- if the
14 government proved their case beyond a reasonable doubt, do
15 you think you'd be able to vote guilty?

16 PROSPECTIVE JUROR: Well, I just feel like, in this
17 situation, I have strong feelings against the group that he
18 partook of, because I have this strong view of individuals
19 who took part in the riot, and I just feel like they racist
20 criminals and violent.

21 THE COURT: Would you be able to set aside the feelings
22 about the group and focus on this one person and what the
23 evidence is against him?

24 PROSPECTIVE JUROR: I can't, no, because I just have
25 strong feelings about individuals that partook in the riots.

1 I just feel like they're all criminals and just racist.

2 THE COURT: Okay. Thank you, ma'am.

3 PROSPECTIVE JUROR: Thank you.

4 (Juror 0950 steps down.)

5 THE COURT: Is there a motion?

6 MR. GIBSON: Yes, Your Honor, for cause.

7 THE COURT: All right. Motion granted.

8 (Juror 0197 steps up.)

9 THE COURT: Good afternoon.

10 PROSPECTIVE JUROR: Good afternoon.

11 THE COURT: Are you juror 0197?

12 PROSPECTIVE JUROR: Yes.

13 THE COURT: What questions did you have answers to?

14 PROSPECTIVE JUROR: Number 3.

15 THE COURT: You live or work near the Capitol?

16 PROSPECTIVE JUROR: I'm an adjunct at Georgetown
17 Law Center.

18 THE COURT: Okay. And were you at work on the 6th?

19 PROSPECTIVE JUROR: No.

20 THE COURT: Does the fact that you work near the
21 Capitol, do you think it would affect your ability to be
22 fair and impartial in this case?

23 PROSPECTIVE JUROR: No.

24 THE COURT: You said you're an adjunct at Georgetown
25 Law school. Are you a lawyer?

1 PROSPECTIVE JUROR: Uh-huh.

2 THE COURT: What do you teach?

3 PROSPECTIVE JUROR: I teach global and direct tax.

4 THE COURT: Have you ever practiced criminal law?

5 PROSPECTIVE JUROR: No.

6 THE COURT: But given you are a lawyer by training,
7 do you think you'd be able to put aside whatever you learned
8 in law school about criminal law, the rules evidence, or
9 anything like that and just follow the law as I instruct you?

10 PROSPECTIVE JUROR: Of course.

11 THE COURT: And what are your other questions?

12 PROSPECTIVE JUROR: So, Nos. 29 and 32 were important
13 to me. I'll just skip down to the bottom. I had others in
14 between. Could I mention that? Is that okay?

15 THE COURT: I'm sorry. I didn't hear you.

16 PROSPECTIVE JUROR: Can I mention Nos. 29 and 32?
17 Is that okay?

18 THE COURT: Yes. Let's start with 32. You have
19 travel plans?

20 PROSPECTIVE JUROR: I don't have travel plans, but I
21 was recently diagnosed with a medical issue; and I have next
22 week, at the beginning of the week, a surgical consultation
23 and an MRI. I could probably reschedule them, but the doctor
24 sounded like she wanted me to be there just because of the
25 situation or whatever.

1 THE COURT: I'm going to ask you to put your phone
2 down for the a moment while I talk to the lawyers.

3 (Juror puts down receiver.)

4 THE COURT: I'm inclined to put her at the back or
5 excuse her.

6 MR. ROMANO: That's fine with us.

7 MR. GIBSON: Yes, Your Honor.

8 (Juror picks up receiver.)

9 THE COURT: Okay. I'm going to excuse you. I don't
10 want you switching your medical appointment, and I think it
11 might be hard for you to concentrate.

12 PROSPECTIVE JUROR: Yeah. Thank you. I appreciate it.

13 THE COURT: You can report back to the jury room.

14 PROSPECTIVE JUROR: Thank you.

15 (Juror 0197 steps down. Juror 0198 steps up.)

16 THE COURT: Good afternoon.

17 PROSPECTIVE JUROR: Good afternoon.

18 THE COURT: Are you juror 0198?

19 PROSPECTIVE JUROR: 0198, yes.

20 THE COURT: What questions did you have answers to?

21 PROSPECTIVE JUROR: I have them all listed. I just put
22 no and yes beside each numbered question.

23 THE COURT: Okay. Are you a lawyer?

24 PROSPECTIVE JUROR: Am I what?

25 THE COURT: Are you a lawyer?

1 PROSPECTIVE JUROR: No, no, no. But I studied law.

2 THE COURT: Okay. And how long ago?

3 PROSPECTIVE JUROR: Probably about six years ago,
4 eight years ago.

5 THE COURT: What do you do for a living, sir?

6 PROSPECTIVE JUROR: I work for the federal government.

7 THE COURT: All right. When you say you studied law,
8 did you go to law school or take some legal courses?

9 PROSPECTIVE JUROR: I was an undergrad. I studied
10 legal studies.

11 THE COURT: Okay.

12 PROSPECTIVE JUROR: And I took the LSAT, but my scores
13 were low.

14 THE COURT: Do you think you'd be able to set aside
15 whatever you know about the law and follow the instructions
16 of law as I give them to you?

17 PROSPECTIVE JUROR: Yes.

18 THE COURT: What questions did you have yes answers to?

19 PROSPECTIVE JUROR: 2, 3 --

20 THE COURT: Let's start with 2.

21 PROSPECTIVE JUROR: Okay.

22 THE COURT: Anything about the nature of the charges
23 that would make it difficult for you to be fair?

24 PROSPECTIVE JUROR: Nature of the charges? Well,
25 you know, I was totally against what happened. So that's

1 how I feel about it.

2 THE COURT: All right. So here's the thing: Just
3 about everybody has opinions about what happened, especially
4 in Washington.

5 PROSPECTIVE JUROR: Right.

6 THE COURT: And everybody's entitled to their opinions.
7 The question I want to ask you is, given your opinions, can
8 you put those opinions aside, listen to the evidence, and
9 determine this man's guilt or innocence based on what you hear
10 in this courtroom and put your opinions aside about ideology,
11 whether you agree with it, because he's charged with specific
12 crimes. So I want to know if you can listen to the evidence
13 of those specific crimes and not prejudge him.

14 PROSPECTIVE JUROR: Well, if I know that he
15 participated in the act that happened --

16 THE COURT: Let me stop you now. How do you know?
17 All you know is he was present at the Capitol. He's charged
18 with specific criminal acts. So what I really want to ask you
19 is can you not prejudge him?

20 Can you simply say, I want to hear what the government says,
21 and decide -- or are you already starting to have opinions about
22 his guilt or innocence based on the fact that he was there? And
23 I want you to be honest with me.

24 PROSPECTIVE JUROR: I think because he was there.

25 THE COURT: Okay. Thank you, sir.

1 (Juror 0198 steps down.)

2 THE COURT: Do you have a motion?

3 MR. GIBSON: I do, Your Honor.

4 THE COURT: Mr. Romano?

5 MR. ROMANO: No objection.

6 THE COURT: Okay. He'll be stricken for cause.

7 (Juror 1335 steps up.)

8 THE COURT: Good afternoon.

9 PROSPECTIVE JUROR: Good afternoon.

10 THE COURT: Are you Juror No. 1335?

11 PROSPECTIVE JUROR: Yes.

12 THE COURT: What questions did you have answers to?

13 PROSPECTIVE JUROR: 9 and 13.

14 THE COURT: Do you think you might know another member
15 of the jury panel?

16 PROSPECTIVE JUROR: Yes.

17 THE COURT: And how do you know them?

18 PROSPECTIVE JUROR: We work together.

19 THE COURT: All right. And the reason I ask that
20 question is, if you both ended up on the same jury, would you
21 be able to have your -- you know, disagree with your coworker?

22 PROSPECTIVE JUROR: Disagree with?

23 THE COURT: If you disagreed with them, or would you
24 feel like, well, they're my coworker; I gotta go along --

25 PROSPECTIVE JUROR: No.

1 THE COURT: And that wouldn't cause any problems
2 for you?

3 PROSPECTIVE JUROR: No. It wouldn't cause any
4 problems.

5 THE COURT: All right. And would you be more
6 influenced by them than any other juror because they're
7 your coworker?

8 PROSPECTIVE JUROR: No.

9 THE COURT: 13. Any legal training, you, family or
10 close friends.

11 PROSPECTIVE JUROR: First cousin is a lawyer.

12 THE COURT: And what kind of law?

13 PROSPECTIVE JUROR: She studied, I think, environmental
14 law.

15 THE COURT: Anything about the fact that your cousin's
16 a lawyer that would affect your ability to be a fair juror in
17 this case, a criminal case?

18 PROSPECTIVE JUROR: No.

19 THE COURT: All right. Mr. Gibson?

20 MR. GIBSON: Yes, Your Honor. Thank you.

21 Ma'am, you wrote on your questionnaire that you have strong
22 feelings about the individuals who gathered at the Capitol on
23 January 6. Is that right?

24 PROSPECTIVE JUROR: Yes. I think I did.

25 MR. GIBSON: Okay. Would that keep you from being fair

1 and impartial in this case?

2 PROSPECTIVE JUROR: No.

3 MR. GIBSON: Okay. Did you write that the January 6th
4 events were violent, illegal, treasonous, and organized by
5 supporters of the former president?

6 PROSPECTIVE JUROR: Yes.

7 MR. GIBSON: And if the defendant is a supporter of
8 the former president, would that impact your ability to judge
9 his actions as an individual?

10 PROSPECTIVE JUROR: No.

11 MR. GIBSON: Okay.

12 THE COURT: Ma'am, let me just ask you, it's no secret
13 that this involves January 6 and that people have strong
14 feelings. Would you be able to put your strong feelings aside
15 and judge this defendant just on what's presented in the
16 courtroom?

17 PROSPECTIVE JUROR: Yes.

18 THE COURT: Okay. Mr. Romano?

19 MR. ROMANO: No follow-up. Thank you, Your Honor.

20 THE COURT: All right. Thank you.

21 PROSPECTIVE JUROR: Thank you.

22 (Juror 1335 steps down. Juror 0399 steps up.)

23 THE COURT: Good afternoon.

24 PROSPECTIVE JUROR: Hello.

25 THE COURT: Are you juror 0399?

1 PROSPECTIVE JUROR: Yes.

2 THE COURT: And what questions did you have answers to?

3 PROSPECTIVE JUROR: 1, 13, 14, 20, 25, 26.

4 THE COURT: Okay. 1. Start there. Do you believe you
5 may know anything about the facts and circumstances of this
6 case? I mean, obviously, most everybody knows about January
7 6, but is there anything else that you think -- do you have
8 any inside knowledge, or is what you know based on something
9 you heard, or is it the news and media?

10 PROSPECTIVE JUROR: Pretty much the news, Twitter,
11 watching cable news, reading the newspaper, things like that.

12 THE COURT: Now, do you think you can put all of that
13 aside and judge this defendant based on what is presented in
14 the courtroom, despite all you've heard and read?

15 PROSPECTIVE JUROR: Yeah. Mm-hm.

16 THE COURT: Okay. 13. You or your close family or
17 friends have any legal training?

18 PROSPECTIVE JUROR: I have a close friend who works
19 for the D.C. family court.

20 THE COURT: Anything about that friend's work that
21 might cause you to not be able to be fair and impartial in
22 this particular case?

23 PROSPECTIVE JUROR: No, Your Honor.

24 THE COURT: All right. And 14. Law enforcement.

25 PROSPECTIVE JUROR: A close friend who works for

1 Department of Justice in South American Extradition Office,
2 nothing that would preclude me from serving on this jury.

3 THE COURT: All right. And 20. Been on a jury before?

4 PROSPECTIVE JUROR: Correct.

5 THE COURT: When?

6 PROSPECTIVE JUROR: Four years ago.

7 THE COURT: Was it here or over in Superior Court?

8 PROSPECTIVE JUROR: It was a D.C. City of D.C.

9 THE COURT: So Superior Court. Was it a criminal case
10 or a civil?

11 PROSPECTIVE JUROR: Criminal.

12 THE COURT: I'm not going to ask what your verdict was.
13 Were you able to reach a verdict?

14 PROSPECTIVE JUROR: Yes.

15 THE COURT: Anything about that experience make you
16 feel that you couldn't be fair and impartial in this case?

17 PROSPECTIVE JUROR: No.

18 THE COURT: And 25. Crime victim?

19 PROSPECTIVE JUROR: Yes. Live in the city, stolen
20 phone, bike. Car was stolen once. Stuff like that.

21 THE COURT: Anything about those experiences --

22 PROSPECTIVE JUROR: No.

23 THE COURT: No? And 26, anybody charged with,
24 convicted of, or arrested for a crime?

25 PROSPECTIVE JUROR: Yes. Me in college.

1 THE COURT: Do you think you were treated fairly?

2 PROSPECTIVE JUROR: Yes.

3 THE COURT: Anything about that experience might cause
4 you not to be a fair juror in this case?

5 PROSPECTIVE JUROR: No, Your Honor.

6 THE COURT: Mr. Gibson?

7 MR. GIBSON: No questions. Thank you, Judge.

8 THE COURT: Mr. Romano?

9 MR. ROMANO: Yes.

10 Sir, I just want to clarify on question 1, when you were
11 talking about knowing something about the facts of the case
12 based on what you've seen in the news, did I understand right
13 that you meant January 6 generally, not anything about
14 Mr. Alford specifically?

15 PROSPECTIVE JUROR: Correct.

16 MR. ROMANO: Okay. Thank you.

17 THE COURT: Thank you, sir.

18 (Juror 0399 steps down. Juror 0946 steps up.)

19 THE COURT: Hello. Good afternoon. I'll tell the
20 parties now that this gentleman is my neighbor and is a very
21 popular real estate agent in my neighborhood, and I believe
22 he's represented my sister.

23 PROSPECTIVE JUROR: That's correct, Your Honor.

24 THE COURT: But that's the extent of my relationship
25 with this juror. He lives in the neighborhood, and he's very

1 popular for selling houses in the neighborhood.

2 All right. And let me just put on record, you are Juror
3 No. 0946. Is that correct?

4 PROSPECTIVE JUROR: Yes, Your Honor.

5 THE COURT: What questions did you have answers for?

6 PROSPECTIVE JUROR: Quite a few, actually: 1, 2, 9, 13,
7 14, 21, 22, 25, 26, and 28.

8 THE COURT: Okay. So, judging by those numbers, rather
9 than go through each individually, this is a case involving a
10 defendant charged with crimes arising out of January 6. It is
11 fair to say that it's a rare person that doesn't have opinions
12 about the events of January 6, and I assume your answers,
13 especially in question Nos. 1 and 28, have to do with that fact?

14 PROSPECTIVE JUROR: They do. But also, Your Honor,
15 perhaps to make this go a little quicker, I'm a former
16 assistant United States attorney, so I have more than merely
17 an opinion on this.

18 THE COURT: Well, you know, as I said, I've been on a
19 jury. We've had prosecutors in this panel. Do you think you
20 can be fair to this defendant? I'm going to cut right to the
21 chase.

22 PROSPECTIVE JUROR: Your Honor, I'm glad you asked,
23 specifically because I thought about this very critically
24 overnight, and I think the answer, to be fair to the defendant,
25 is no.

1 THE COURT: Why is that?

2 PROSPECTIVE JUROR: I have followed this perhaps a
3 little bit more closely than others. And without going into
4 detail, I'd rather not express the precise nature of my
5 opinion, but needless to say, I don't think it would be one
6 where I could sit and listen to the evidence without looking
7 at the defendant and already having adjudged him guilty.

8 THE COURT: Thank you for your candor.

9 PROSPECTIVE JUROR: You're welcome, Your Honor.

10 THE COURT: Any questions?

11 MR. GIBSON: No, Your Honor.

12 MR. ROMANO: No, Your Honor.

13 THE COURT: All right. Thank you.

14 PROSPECTIVE JUROR: Thank you, Your Honor.

15 (Juror 0946 steps down.)

16 THE COURT: Is there a motion?

17 MR. GIBSON: There is, Your Honor.

18 THE COURT: It's granted for cause.

19 (Juror 1135 steps up.)

20 THE COURT: Good afternoon.

21 PROSPECTIVE JUROR: Good afternoon.

22 THE COURT: Are you Juror No. 1135?

23 PROSPECTIVE JUROR: I am.

24 THE COURT: What questions did you have answers to?

25 PROSPECTIVE JUROR: 3, 14, 15, 16 and 25.

1 THE COURT: Okay. Do you live in the area or work in
2 the area of Capitol Hill?

3 PROSPECTIVE JUROR: I have in the past.

4 THE COURT: Anything about that fact cause you to not
5 be able to sit as a fair juror in this case?

6 PROSPECTIVE JUROR: No. I don't believe so. Like I
7 said, I answered --

8 THE COURT: I want you to err on the side of
9 overinclusiveness.

10 PROSPECTIVE JUROR: Yep.

11 THE COURT: 13. You, a close friend or family member
12 a lawyer?

13 PROSPECTIVE JUROR: My sister is a corporate litigator,
14 or counsel for a private firm, and also I have friends who
15 are lawyers. Two of my neighbors actually served both in
16 the Obama Administration and the Clinton Administrations as
17 secretaries.

18 THE COURT: In D.C., right? Full of lawyers. So
19 let me ask you, do your friendships with your neighbors, your
20 friends and so on who are lawyers, whatever you've learned
21 from them about law, would you be able to put that aside and
22 follow my instruction as to what the law is?

23 PROSPECTIVE JUROR: Yes. Yes. Very much so.
24 Obviously, we would talk about the constitutional law, not
25 about criminal law or procedures like that. In fact, my

1 sister's a corporate litigator, so it could have been all
2 the laws in her area of expertise at all.

3 THE COURT: And law enforcement. Do you have any
4 friends or family in law enforcement?

5 PROSPECTIVE JUROR: So, short answer is yes. And the
6 reason why is that, in my professional world I work directly
7 with -- I have worked previously with inspectors general for
8 DHS, for TSA, and for the Department of the Navy. In my role
9 I had to do investigations -- support investigations both and
10 provide the IG with the information so they could further
11 their studies and ultimately pursue any further efforts in
12 that area.

13 THE COURT: Would these relationships and these
14 contacts with people in law enforcement, would you be able
15 to assess the testimony of a law enforcement officer the way
16 you would any other witness if you were to hear testimony at
17 trial?

18 PROSPECTIVE JUROR: Honestly, I'm trying -- I guess for
19 me, at least, I was always just the guy who went out and did
20 the interviews, collected information, reviewed, put controls
21 in place to determine fraud, like that. But then, ultimately,
22 I would provide that information over to the IG, and then they
23 would make their decisions from there. I had no further
24 input. I just simply provided them with the facts.

25 THE COURT: So my question is, can you treat the

1 testimony of a law enforcement officer as you would any
2 other witness?

3 PROSPECTIVE JUROR: Yes. Yeah.

4 THE COURT: Okay. And 16. Anyone, you or someone
5 close to you, has worked in a court system?

6 PROSPECTIVE JUROR: Also, one of my former clients was
7 actually the Bureau of Prisons, and the U.S. courts. I had to
8 do some financial statement audits, and so as a result I've
9 worked not in this courthouse, but I work in other courthouses
10 as well as with the Federal Bureau systems.

11 THE COURT: Anything about that work experience cause
12 you to not think you could be a fair juror in this case?

13 PROSPECTIVE JUROR: No. I learned a lot, but, you
14 know, never knew that every single prison guard was also --
15 even in accountants was a prison guard [sic]. But, no.

16 THE COURT: Anybody been the victim or a witness to a
17 crime in your family or you?

18 PROSPECTIVE JUROR: Not myself personally, but I have
19 had -- our family home was broken into, for instance. We had
20 to have police come out and do an investigation. I've had a
21 friend also be a victim of assault here in the District.

22 THE COURT: Anything about that experience that might
23 cause you to not be a fair juror in a criminal case?

24 PROSPECTIVE JUROR: I can't -- probably not.

25 THE COURT: Mr. Gibson?

1 MR. GIBSON: Yes. Thank you, Your Honor.

2 Sir, did you write on your questionnaire that you watched
3 the events of January 6 on TV and felt that if people were
4 there at the Capitol that day they were, quote, probably
5 guilty?

6 PROSPECTIVE JUROR: That's probably what I wrote there.
7 Again, it would -- that's a generalized statement, obviously.
8 But, hey, if there's video evidence of you in the Capitol, for
9 instance, and the prosecution brings a statute for which
10 there's a violation, hey, you're inside the building, you're
11 in the specialized location, sure. I'm not going to say one
12 way or the other.

13 THE COURT: Well, let me ask you this: You haven't
14 heard the evidence.

15 PROSPECTIVE JUROR: Yeah.

16 THE COURT: And you have views, right? I assume you
17 have opinions that you put on the questionnaire. Are you able
18 to sit as a juror, confine your decision -- notwithstanding
19 your opinion, but confine your decision on guilt or innocence
20 to what's presented in the courtroom?

21 PROSPECTIVE JUROR: My professional training to be
22 skeptical, just to gather facts in terms of in presenting
23 evidence to the IG, that's my professional training, quite
24 frankly.

25 THE COURT: Okay. Mr. Romano?

1 MR. ROMANO: No further questions, Your Honor.

2 THE COURT: Mr. Gibson?

3 MR. GIBSON: Nothing further, Your Honor. Thank you.

4 THE COURT: Thank you.

5 PROSPECTIVE JUROR: Thank you.

6 (Juror 1135 steps down.)

7 THE COURT: Is there a motion?

8 MR. GIBSON: There is, Your Honor, for cause.

9 THE COURT: I'm going to deny it because he said he
10 has training; he's by nature trained to be skeptical. He has
11 an opinion, but it appears that he is willing to confine his
12 verdict to the evidence presented in the case. So I'm going
13 to deny the motion.

14 MR. GIBSON: Thank you, Your Honor.

15 THE COURT: So I'm thinking to 34, only because a lot
16 of time when people think there's a real chance they're going
17 to get on the jury, you start hearing about, you know, doctors'
18 appointments and travel plans and so on. So I like to have a
19 little bit of a cushion, so I'm going to go up to 34 qualified
20 jurors. Okay?

21 MR. GIBSON: Understood. Is it 32, Your Honor?

22 THE COURT: Normally, we need 32 to get through all our
23 strikes, but again, when people think it's coming down on
24 them, all of a sudden they get memories refreshed. So I'd
25 like to get to 34 so we have two extra.

1 MR. GIBSON: Understood.

2 MR. ROMANO: Your Honor, do you think, given the time
3 constraints that I heard you mention earlier, that we're going
4 to get through strikes today as well?

5 THE COURT: I'm hoping. I'm hoping. But we're not
6 going to get any further than that.

7 MR. ROMANO: Okay. Thank you.

8 THE COURT: Thanks.

9 (Juror 1740 steps up.)

10 THE COURT: Good afternoon.

11 PROSPECTIVE JUROR: Good afternoon.

12 THE COURT: Are you juror 1740?

13 PROSPECTIVE JUROR: Yes.

14 THE COURT: What questions did you have answers to?

15 PROSPECTIVE JUROR: I have yes for 13.

16 THE COURT: You had legal training, or any close
17 friends or family members?

18 PROSPECTIVE JUROR: A cousin.

19 THE COURT: What kind of law do they do?

20 PROSPECTIVE JUROR: I am not sure that she was licensed
21 in D.C. and Maryland.

22 THE COURT: Regardless of that, is the fact that your
23 cousin is a lawyer, have they discussed the law with you or
24 criminal law with you?

25 PROSPECTIVE JUROR: No.

1 THE COURT: And would that fact affect your ability
2 to be a fair juror in this case?

3 PROSPECTIVE JUROR: No.

4 THE COURT: What other questions did you have answers to?

5 PROSPECTIVE JUROR: 15.

6 THE COURT: Criminal defense work?

7 PROSPECTIVE JUROR: My understanding is that was
8 related to 13.

9 THE COURT: Yes. If any of your family, close friends
10 or household members have done any work for any organization
11 that's done criminal defense work.

12 PROSPECTIVE JUROR: That's under the same category.
13 Same person.

14 THE COURT: Okay. Any other questions?

15 PROSPECTIVE JUROR: That's it.

16 THE COURT: What do you do for a living, ma'am?

17 PROSPECTIVE JUROR: I'm in early education, and I'm
18 a student in a doctoral program.

19 THE COURT: Okay. Any questions, Mr. Gibson?

20 MR. GIBSON: No. Thank you, Your Honor.

21 THE COURT: Mr. Romano?

22 PROSPECTIVE JUROR: No. Thank you, Your Honor.

23 THE COURT: Thank you, ma'am.

24 (Juror 1135 steps down. Juror steps up.)

25 THE COURT: Good afternoon.

1 PROSPECTIVE JUROR: Good afternoon.

2 THE COURT: Are you juror 1989?

3 PROSPECTIVE JUROR: That's correct.

4 THE COURT: What questions did you have answers to?

5 PROSPECTIVE JUROR: So 13 and 19 for sure, yes. And
6 then 14, 15, 16, I kind of was a little unsure.

7 THE COURT: Okay. That's fine. Are you a lawyer, a
8 family member, friends are lawyers?

9 PROSPECTIVE JUROR: I am a trained lawyer. I'm not
10 practicing as a lawyer at the moment, but I'm a lawyer. I
11 went to law school.

12 THE COURT: Okay. And would you be able to, given
13 your training, put aside whatever you learned or know about
14 criminal law, rules of evidence, criminal procedure, and
15 follow the law as I instruct you?

16 PROSPECTIVE JUROR: Yes.

17 THE COURT: 19. Have you ever served on a grand jury?

18 PROSPECTIVE JUROR: Yes.

19 THE COURT: How long ago?

20 PROSPECTIVE JUROR: When was that? 2013, '14?
21 It's been a few years.

22 THE COURT: And you understand the grand jury's
23 function is to determine probable cause as opposed to --
24 you're a lawyer.

25 PROSPECTIVE JUROR: Yes.

1 THE COURT: So you know a trial jury's proof beyond
2 a reasonable doubt.

3 PROSPECTIVE JUROR: Yeah.

4 THE COURT: Okay. So 14, 15, 16 are same thing:
5 law enforcement, criminal defense work, and court system.

6 PROSPECTIVE JUROR: So I have -- I mean, I'm a lawyer
7 in D.C. I have numerous friends that work for the Department
8 of Justice, although not -- I don't think as prosecutors.
9 I do have a friend, again, who actually is prosecuting similar
10 cases, but she's not a close friend. I don't know what the
11 definition of close friend is, but I wanted to make sure
12 people knew about that.

13 THE COURT: No, that's fine. And I encourage
14 overinclusiveness. Any of these friendships -- I mean,
15 you're a lawyer. Anything about your relationships with
16 other lawyers that might affect your ability to be fair?

17 PROSPECTIVE JUROR: Definitely not.

18 THE COURT: Mr. Gibson?

19 MR. GIBSON: Thank you, Your Honor.

20 Just to follow up on that, sir, have you and your friend
21 had any discussions about his or her work prosecuting these
22 cases?

23 PROSPECTIVE JUROR: No. I mean, just I know that
24 she has been involved. Not any details or anything like that.

25 MR. GIBSON: I understand. I understand.

1 And, sir, on your questionnaire response, I believe you
2 described January 6 as infuriating and traumatic and mentioned
3 you had some friends who work on Capitol Hill and including
4 some members of Congress.

5 PROSPECTIVE JUROR: Yes.

6 MR. GIBSON: I'm not asking who those individuals are,
7 but given that you have those relationships, would that have
8 any impact on your jury service if you were chosen in this case?

9 PROSPECTIVE JUROR: No.

10 MR. GIBSON: It would not. Okay.

11 THE COURT: So, sir, I'm looking at one of your answers
12 here on the questionnaire. Regarding your strong feelings --
13 and a lot of people have strong feelings about January 6, but
14 as a lawyer, you can imagine that this defendant is presumed
15 to be innocent, is entitled to a fair trial. Could you be a
16 fair juror in this case given your feelings? Do you think you
17 could be a fair juror?

18 PROSPECTIVE JUROR: I certainly think so. Yeah, I
19 understand the difference, as you said, between opinions and
20 bias; and I understand that the government still has to make
21 a case against this particular defendant, and whatever I think
22 about the broader incident is sort of not relevant to this
23 specific case here.

24 THE COURT: All right. Thank you.

25 Mr. Romano.

1 MR. ROMANO: No questions, Your Honor. Thank you.

2 THE COURT: Did you have follow-up, Mr. Gibson?

3 MR. GIBSON: I did not Your Honor.

4 THE COURT: All right. Thank you, sir.

5 (Juror 1989 steps down.)

6 THE COURT: Sir, can you come back up?

7 (Juror 1989 steps up.)

8 THE COURT: Hi, sir. My law clerk seems to have
9 recognized you from a program he was in. So, given that he is
10 my law clerk, do you think you could -- would that affect your
11 ability to be fair?

12 I believe this was a -- my law clerk was in a program in
13 which this gentleman was a mentor or something. Would that
14 affect your ability to be a fair juror in this case? I didn't
15 want you recognizing him in the middle of a trial.

16 PROSPECTIVE JUROR: No. I'm pretty sure -- in fact,
17 I'm not sure. Now that he mentions it, he looks familiar, but
18 I don't remember any specifics.

19 THE COURT: All right. Thank you.

20 PROSPECTIVE JUROR: Thanks.

21 (Juror 1989 steps down. Juror 0711 steps up.)

22 THE COURT: Good afternoon: Are you Juror No. 0711?

23 PROSPECTIVE JUROR: Yes, I am.

24 THE COURT: What questions did you have answers to?

25 PROSPECTIVE JUROR: 13, 20, 25, and 26.

1 THE COURT: 13, 20, 25, 26. So let's start with the
2 legal training. Tell us about that.

3 PROSPECTIVE JUROR: Is that 13?

4 THE COURT: Yes.

5 PROSPECTIVE JUROR: I thought the question was do you
6 know any lawyers.

7 THE COURT: Yes. It actually is too.

8 PROSPECTIVE JUROR: You live in D.C., you gotta know
9 lawyers.

10 THE COURT: You can't help it. It's a hazard.

11 All right. Close friends? Family members?

12 PROSPECTIVE JUROR: Close friends. No family members.

13 THE COURT: Any of them do criminal law?

14 PROSPECTIVE JUROR: I know that they're lawyers.
15 I don't know what they do.

16 THE COURT: Well, given that, is there anything about
17 your relationships with those people that might cause you not
18 to be a fair juror in this case?

19 PROSPECTIVE JUROR: Not at all.

20 THE COURT: Okay. 20. Jury service. Ever been on a
21 jury before?

22 PROSPECTIVE JUROR: Yes.

23 THE COURT: How long ago?

24 PROSPECTIVE JUROR: Twelve to 15 years ago?

25 THE COURT: Was it in this court or over in D.C.

1 Superior Court?

2 PROSPECTIVE JUROR: Superior.

3 THE COURT: Do you remember if it was a criminal or
4 civil case?

5 PROSPECTIVE JUROR: Criminal case.

6 THE COURT: I don't want to know what your verdict was,
7 but were you able to reach a verdict?

8 PROSPECTIVE JUROR: Yes.

9 THE COURT: Anything about experience that would affect
10 your ability to be a fair juror in this case?

11 PROSPECTIVE JUROR: Not at all.

12 THE COURT: Okay. 25. Crime victim?

13 PROSPECTIVE JUROR: Yes.

14 THE COURT: And 26 is arrested for, charged with, been
15 accused of a crime.

16 PROSPECTIVE JUROR: Correct.

17 THE COURT: Tell us about those two things.

18 PROSPECTIVE JUROR: 25, I've had my house broken into.

19 THE COURT: Okay. Anything about that experience cause
20 you not to be a fair juror in this case?

21 PROSPECTIVE JUROR: Not at all.

22 THE COURT: And 26.

23 PROSPECTIVE JUROR: Had a DUI.

24 THE COURT: How long ago?

25 PROSPECTIVE JUROR: Twenty-five years ago?

1 THE COURT: Anything about that case might make you not
2 be fair to one side or the other?

3 PROSPECTIVE JUROR: Not at all.

4 THE COURT: Mr. Gibson?

5 MR. GIBSON: Yes, Your Honor. Thank you.

6 Sir, on your questionnaire response, you indicated that
7 although you have strong feelings about the individuals who
8 gathered at the Capitol on January 6, you would be able
9 to be impartial because that's your civic duty. Is that
10 something that will be a struggle or difficult for you?

11 PROSPECTIVE JUROR: Not at all.

12 MR. GIBSON: Not at all. Okay. And you referred to
13 the individuals gathered as protesters, with quotation marks
14 around the word.

15 PROSPECTIVE JUROR: Correct.

16 THE COURT: Are you able to look at each person there,
17 or more specifically the defendant, as an individual actor, or
18 do you have a feeling if you were there that day you might be
19 guilty of something?

20 PROSPECTIVE JUROR: Individual.

21 MR. GIBSON: Okay.

22 PROSPECTIVE JUROR: He's an individual who needs to
23 receive an individual judgment.

24 MR. GIBSON: Okay. I appreciate that. Thank you.

25 THE COURT: Mr. Romano?

1 MR. ROMANO: No questions. Thank you, Your Honor.

2 THE COURT: Thank you, sir.

3 PROSPECTIVE JUROR: Thank you.

4 (Juror 0711 steps down. Juror 0521 steps up.)

5 THE COURT: Hello.

6 PROSPECTIVE JUROR: Hello.

7 THE COURT: Are you Juror No. 0521?

8 PROSPECTIVE JUROR: Yes.

9 THE COURT: What questions did you have answers for?

10 PROSPECTIVE JUROR: I had several starting with No. 1.

11 THE COURT: Let's start there, then. Do you think you

12 know something about this case other than what I've already

13 told you? Now, this is unusual, because it's January 6 and

14 most everybody in D.C. knows a bit about it, but do you have

15 information beyond what you've read or heard on the news?

16 PROSPECTIVE JUROR: No, not beyond what I've read.

17 I've read extensively.

18 THE COURT: Okay. Well, let's just cut to the chase:

19 Do you feel this is a case you can be a fair juror on?

20 PROSPECTIVE JUROR: No.

21 THE COURT: Why?

22 PROSPECTIVE JUROR: Because I feel like these people
23 are trying to destroy our country.

24 THE COURT: All right. So, as I mentioned during my
25 voir dire, a lot of people have opinions, especially people in

1 D.C. have opinions about the case; and I want you to be candid,
2 and I appreciate your candor so far.

3 Do you think you can listen to the evidence against this
4 defendant and decide his guilt or innocence based on only the
5 evidence in the case, or do you think you would be likely to
6 just prejudge him because he was there?

7 PROSPECTIVE JUROR: The latter.

8 THE COURT: Okay. All right. Thank you, sir.

9 (Juror 0711 steps down.)

10 THE COURT: Is there a motion?

11 MR. GIBSON: Yes, Your Honor.

12 THE COURT: Mr. Romano?

13 MR. ROMANO: No objection.

14 THE COURT: All right. Motion will be granted.

15 (Juror 0476 steps up.)

16 THE COURT: Good afternoon.

17 PROSPECTIVE JUROR: Good afternoon.

18 THE COURT: Are you juror 0476?

19 PROSPECTIVE JUROR: Yes, Your Honor.

20 THE COURT: What questions did you have answers for?

21 PROSPECTIVE JUROR: 3 and 20.

22 THE COURT: Okay. 3. Do you live in the area?

23 PROSPECTIVE JUROR: Yes. Chinatown, relatively close.

24 THE COURT: Right. Anything about the fact that you
25 live in that area cause you to believe you couldn't be a fair

1 juror in this case?

2 PROSPECTIVE JUROR: No.

3 THE COURT: And 20. Been on a jury before?

4 PROSPECTIVE JUROR: Yes.

5 THE COURT: How long ago?

6 PROSPECTIVE JUROR: I guess it's before COVID.

7 THE COURT: Before COVID and after COVID, that's what
8 our world is divided into now. So maybe it's, what, three
9 years ago?

10 PROSPECTIVE JUROR: Yeah.

11 THE COURT: Was it a criminal or civil?

12 PROSPECTIVE JUROR: Criminal.

13 THE COURT: Was it in this court or Superior Court?

14 PROSPECTIVE JUROR: Over in the other one.

15 THE COURT: I don't want to know what your verdict was,
16 but were you able to reach a verdict?

17 PROSPECTIVE JUROR: Yes.

18 THE COURT: Anything about that experience make you
19 think you might not be able to be a fair juror in this case?

20 PROSPECTIVE JUROR: No, not at all.

21 THE COURT: Okay. Mr. Gibson?

22 MR. GIBSON: No questions, Your Honor.

23 THE COURT: Mr. Romano?

24 MR. ROMANO: No, Your Honor.

25 THE COURT: Thank you, sir.

1 PROSPECTIVE JUROR: Thank you.

2 (Juror 0476 steps down. Juror 1485 steps up.)

3 THE COURT: Good afternoon.

4 PROSPECTIVE JUROR: Good afternoon.

5 THE COURT: Are you Juror No. 1485?

6 PROSPECTIVE JUROR: Yes, I am.

7 THE COURT: What questions did you have answers to?

8 PROSPECTIVE JUROR: 13, possibly 14 and 15, and 25.

9 THE COURT: Those all tend to run together. Are you
10 a lawyer, or do you have a close friend or family member?

11 PROSPECTIVE JUROR: I'm a paralegal. My father is a
12 lawyer. I have a nephew and some more distant family members
13 who are attorneys.

14 THE COURT: And where are you a paralegal?

15 PROSPECTIVE JUROR: D.C. government.

16 THE COURT: Is that in a prosecutor's office?

17 PROSPECTIVE JUROR: No.

18 THE COURT: Okay. And do you think whatever you've
19 learned about the law as a paralegal you'll be able to put
20 aside and follow my instructions on the law as I give them
21 to you?

22 PROSPECTIVE JUROR: Yes.

23 THE COURT: 14 and 15, I assume law enforcement,
24 defense work. Tell me about those answers.

25 PROSPECTIVE JUROR: I was trying to remember if it

1 was close family members or friends, if the sister of a close
2 friend is a prosecutor, commonwealth's attorney. And I mean
3 I worked through some political campaigns with local law
4 enforcement, U.S. Secret Service, basically event planning for
5 campaign events.

6 THE COURT: Okay. Anything about that work might cause
7 you to believe that you couldn't be a fair or impartial juror
8 in this case?

9 PROSPECTIVE JUROR: No. I don't think so.

10 THE COURT: Okay. Mr. Romano?

11 MR. ROMANO: No questions, Your Honor.

12 THE COURT: Mr. Gibson?

13 MR. GIBSON: Thank you, Your Honor.

14 Sir, you indicated on your questionnaire that you might
15 have some hesitation about serving in light of COVID-19. Is
16 that right?

17 PROSPECTIVE JUROR: A little bit. I have an underlying
18 health condition. I think I'm largely okay, but...

19 THE COURT: So let me tell you, we have pretty strict
20 COVID protocols in the courthouse. In my courtroom, everybody
21 has to wear a mask inside the courtroom. You wouldn't be in a
22 jury room deliberating or on your breaks; you'd be in another
23 courtroom with better airflow, and wider.

24 PROSPECTIVE JUROR: Great.

25 THE COURT: And we have Plexiglas and other

1 precautions. Do those sort of help alleviate your concerns?

2 PROSPECTIVE JUROR: Yes.

3 THE COURT: Okay. Mr. Gibson, go ahead.

4 MR. GIBSON: Sir, you also wrote that you have strongly
5 negative feelings about individuals who gathered at the
6 Capitol on January 6?

7 PROSPECTIVE JUROR: Well, yes. I would say about the
8 wider events in general, at least, I have strong feelings.

9 MR. GIBSON: Yes, sir. Are those strong negative
10 feelings or positive?

11 PROSPECTIVE JUROR: Negative.

12 THE COURT: Do you believe you aren't certain how you
13 can -- how that might affect you if you were to serve as a
14 juror?

15 PROSPECTIVE JUROR: I would certainly do my best to
16 put that aside. I think in light of the way Your Honor was
17 speaking this morning, I guess I would have described it was
18 feeling strongly about the wider events. But I think it would
19 be easier to be more open about, say, a more narrow focus of a
20 particular case or individual.

21 THE COURT: Let me just cut to the chase with you:
22 Do you think -- I mean, do you think you can be fair in this
23 case, the case involving a defendant who's presumed to be
24 innocent concerning his actions at the Capitol that day,
25 do you think you can put aside your personal feelings and

1 opinions about the events of that day and judge this individual
2 based on the evidence alone presented at trial?

3 PROSPECTIVE JUROR: Yes, I do.

4 THE COURT: Anything further, Mr. Gibson?

5 MR. GIBSON: No. Thank you, Your Honor.

6 THE COURT: Thank you.

7 (Juror 1485 steps down.)

8 THE COURT: Counsel, we're at, by my count, 34. I
9 don't know if we're going to get through the strikes today,
10 but I think, at least at this point, it makes sense to excuse
11 everybody who's been struck and everybody else who has not
12 been questioned, have them come down to my courtroom and maybe
13 just tell them to come down tomorrow for the strikes, because
14 I have a 4:30 matter. If y'all think you can do the strikes
15 by 4:30, fine.

16 MR. ROMANO: I think it's possible we can, Your Honor.

17 MR. GIBSON: One moment, Your Honor. May I?

18 THE COURT: Yes.

19 (Defense conferring.)

20 MR. GIBSON: Your Honor, the defense would prefer to
21 proceed as the Court originally laid out, in the morning.

22 THE COURT: Well, let's see how fast we can get
23 downstairs and reconvene.

24 (End of bench conference.)

25 THE COURT: All right. Ladies and gentlemen, we have

1 now questioned enough jurors to proceed with our peremptory
2 strikes and our jury selection. Mr. Bradley will tell you if
3 you can leave. Everybody else who has been questioned and who
4 remains is going to go down to my courtroom, Courtroom 9, as
5 soon as possible. I don't know if we're going to get to the
6 strikes this afternoon, because I have a 4:30 matter, but I
7 have some instructions for you. So Mr. Bradley is going to
8 tell you who can leave and who's still here.

9 THE COURT: All right. If I call your juror number,
10 you may report back to the jury lounge and tell them you've
11 been excused from this case.

12 That's Juror No. 1271, Juror No. 0281 report back to the
13 jury lounge, and let them know you've been excused. Juror
14 No. 0493, you may report back to the jury lounge. Juror
15 No. 1965, you may report back. Juror No. 1511, you may report
16 back. Juror No. 0121, you may report. Juror No. 0950, Juror
17 No. 1907, Juror No. 0918, Juror No. 0946, Juror No. 0521.

18 And anyone who did not come up to the podium to speak to
19 the judge, you may report back -- well, you have to call the
20 jury number tonight. So, if you didn't come to speak to the
21 judge at the podium, you're free to go, but you have to call
22 the recording tonight. Thank you all very much. Appreciate
23 your patience.

24 (Recess from 3:50 p.m. to 4:09 p.m.)

25

1 JURY SELECTION - COURTROOM 9

2 THE COURT: Slightly less grand, a little more simple,
3 but see all the precautions we have here?

4 All right. Ladies and gentlemen, it is ten after 4:00.
5 We would love to finish the peremptory strikes and simply have
6 the jury selected and go home, but I don't know if we can
7 complete that. I have a 4:30 matter. I just don't know that
8 we could complete that in 20 minutes. Let me hear from the
9 lawyers.

10 [Intercom system not functioning.]

11 All right. I'm just going to make an executive decision.
12 I get to do that as a judge. I'm sorry, ladies and gentlemen,
13 because I'm going to have to ask that some of you come back
14 tomorrow morning only to leave if you're not selected. And I
15 would much prefer to have the jury selected and sworn and
16 everybody else go home and not have to come back, but we're
17 just not going to be able to do that in time, especially since
18 this isn't working right now.

19 So what I'm going to ask you to do is to -- I'm going to
20 excuse you for the day. Remember where you're sitting, who's
21 sitting next to you. This is seat No. 1, 2, 3, 4, 5, 6, 7;
22 8, 9, 10, 11, 12, 13, 14. You all are in the box; you all are
23 out in the audience. I'm going to have you come back in
24 tomorrow morning at -- we can start promptly at 9:30.

25 I'm going to ask you to be here at 9:30 sharp, so the sooner

1 everybody's here, the sooner we can begin, get the jury selected
2 and sworn, and begin the trial. And I'm going to have the
3 parties, if they have preliminary matters, to be in the
4 courtroom at 9:15.

5 Sorry to have you come down here and send you home, but we
6 just can't get this done in 20 minutes. So, thank you all.
7 We're almost there. I really appreciate your time and your
8 patience, and I will see you tomorrow morning at 9:30 promptly.
9 Thank you.

10 (Jurors out at 4:13 p.m.)

11 THE COURT: So, my understanding is we still want to
12 take the Plexiglas at counsel table down? Okay. That will be
13 done this evening. 9:15 for you all in the morning.

14 So how I'm going to do it is there's a sheet paper. After
15 each round we're going to -- two rounds. We're going to have
16 the jurors who are struck -- everybody who's struck from the
17 box is going to get up, and somebody else will come up and
18 replace them on the panel so we can see who's there for the
19 next round.

20 MR. ROMANO: Your Honor, when you say two rounds before
21 jurors are replaced, if we strike somebody in the second round
22 who is still in the panel because they haven't been seated but
23 they would have been one of the replacement jurors, that does
24 not count as an in-the-panel strike. Correct? All right.

25 MR. BUTLER: Your Honor?

1 THE COURT: Yes.

2 MR. BUTLER: This is us being new. I didn't
3 understand. I think it made sense to -- could you repeat
4 that?

5 MR. ROMANO: Sure. So my question was --

6 THE COURT: Well, let me ask you, Mr. Romano, would it
7 be easier if I, just after every round, had the jurors who are
8 struck get up and move?

9 MR. ROMANO: It might be easier for the defense.
10 I would be fine, but I've been in Superior Court jury trials.

11 THE COURT: When I was picking a jury as a public
12 defender, I used to be so happy when the judge made everybody
13 get up every round.

14 MR. GIBSON: Your Honor, would that be alternates?

15 THE COURT: 7 and 14.

16 MR. GIBSON: We're not striking alternates till the end?

17 THE COURT: Not till the end. So they'll be sitting
18 there, and the last time for strikes, you strike the alternates.

19 MR. ROMANO: Your Honor, are we picking up the January
20 6 Facebook post tomorrow morning, or should we defer that till
21 tomorrow morning? There had been some Facebook posts that had
22 not been resolved by the Court's previous order.

23 THE COURT: Have you shown the ones you want to the
24 defense?

25 MR. ROMANO: We didn't address beyond what the Court

1 ruled. There were a group of 13 exhibits that the Court had
2 instructed us to pare down to 7. Those were all from before
3 January 6. I don't think you had given a similar instruction
4 limiting our exhibits for -- post after we just got to a point
5 where we couldn't continue --

6 THE COURT: Did I not rule -- did I rule on the --

7 MR. ROMANO: There were some that you ruled on
8 specifically.

9 THE COURT: Okay.

10 MR. ROMANO: There was a balance.

11 THE COURT: Let's deal with them tomorrow morning at
12 9:15.

13 MR. ROMANO: Okay.

14 THE COURT: 9:10.

15 MR. ROMANO: It won't be very long, I don't think.

16 THE COURT: Okay. 30 minutes for openings. You have
17 to have your witnesses here. I think I've covered everything.

18 MR. BUTLER: Your deputy assisted with us. They're
19 going to be some exhibits for the jury to see during openings
20 that we have agreed upon. I have an easel over there. Can I
21 step away from the podium to go to the easel to move and put
22 another one up?

23 THE COURT: Yeah, here's the thing: See where the edge
24 of that lectern is, which is the edge of counsel table?
25 Nobody gets any closer to the jury than that.

1 MR. BUTLER: I'm sorry, Your Honor?

2 THE COURT: See where the end of the lectern is? Yeah.
3 Which should be in line with counsel table. Now, where do you
4 want the easel?

5 MR. BUTLER: The easel, Your Honor, was going to be
6 right here, and I have --

7 THE COURT: If you're there --

8 MR. BUTLER: We're pretty comfortable that -- it's
9 very big. They'll be able to see it, but I have to remove one
10 at one point and bring up another. I have permission to leave
11 just --

12 THE COURT: Oh, yes, yes, yes.

13 Any objection, Mr. Romano?

14 MR. ROMANO: No.

15 MR. BUTLER: Thank you very much, Your Honor.

16 THE COURT: Okay. See you all in the morning.
17 And again, remember, Friday we won't start till 12:30.

18 (Proceedings adjourned at 4:18 p.m.)
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CERTIFICATE

I, BRYAN A. WAYNE, Official Court Reporter, certify that the foregoing pages are a correct transcript from the record of proceedings in the above-entitled matter.

/s/ Bryan A. Wayne
Bryan A. Wayne

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