

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

SAMUEL SMALL,
Plaintiff,

v.

CITY OF NEW YORK, WARDEN
EMMANUEL BAILEY, OFFICER
TYRONE SIMON, OFFICER IAN
FEINSTEIN, and OFFICER MARCO
VILLACIS,
Defendants.

No. 09-CV-1912 (RA)

JUROR
QUESTIONNAIRE

RONNIE ABRAMS, United States District Judge:

DESCRIPTION OF THE CASE

This is a civil lawsuit brought by Plaintiff Samuel Small against the City of New York, and a warden and three correction officers from a city correctional facility on Rikers Island. Mr. Small alleges that he was attacked by members of the Bloods gang on three occasions between October 2006 and March 2009 while he was an inmate at Rikers. Because he was in the custody of the New York City Department of Correction at the time, Mr. Small claims that his constitutional rights were violated when the Defendants failed to protect him from these attacks. In particular, he asserts that the City of New York failed to adopt and implement policies, as well as train its officers, to protect him from known gang violence. He further asserts that Warden Emmanuel Bailey failed to act on information about a specific risk of violence to him by the Bloods. Finally, he asserts that Correction Officers Tyrone Simon, Ian Feinstein and Marco Villacis failed to intervene and protect him when he was being attacked. Mr. Small is now seeking monetary damages for the physical and psychological injuries he claims to have suffered as a result.

The City and the individual Defendants deny all the allegations. They contend that there was no notice or warning that Mr. Small was at risk of being attacked, that not all of the attacks arose from gang activity, and that no policy or practice of the Department of Correction caused any of his claimed injuries.

QUESTIONS FOR JURORS

Please indicate if your answer to any of the following questions is “yes” by circling the number of that question and informing the Court when asked. If your answer to a question is “no,” you need not do anything. Do not write your name or make any other marks on the questionnaire. For each “yes” answer, I will follow up with you, asking—among other things—whether your answer may affect your ability to serve as a fair and impartial juror in this case. If, when asked about a “yes” answer, you prefer not to explain your answer in open court, please say so and we will talk in a more private setting.

I. General Questions

1. Based on my summary, do you have any personal knowledge of the facts or allegations in this case?
2. Have you heard, read, or seen anything through the media, internet, or any other source about this case?
3. Do you have any opinions regarding the nature of the allegations that may prevent you from being a fair and impartial juror?
4. This trial is expected to last approximately **two weeks**. The jury will typically sit from 10:00 am to 5:00 pm., beginning today through the conclusion of the trial. Do you have any physical problem, disability, medical issue, or other personal or emotional hardship that may distract you or otherwise interfere with your ability to serve on the jury in this case?
5. Do you have any difficulty reading or understanding English?
6. Do you have any difficulty with your vision or hearing that could affect your ability to serve as a juror?
7. Are you taking any medication that may prevent you from giving your full attention to the trial?
8. Is there any other reason why you may not be able to give your full attention to the trial, or serve responsibly as a juror?

II. Knowledge of the Parties, Counsel, and Court Staff

9. Do you know me, Judge Ronnie Abrams; my courtroom deputy, Allison Cavale; or my law clerk, Cate McCaffrey?
10. The Plaintiff in this case is Samuel Small. Do you, or to your knowledge, any of your relatives or close friends, know Mr. Small or anyone close to him?

11. The Individual Defendants in this action are Emmanuel Bailey, Ian Feinstein, Tyrone Simon, and Marco Villacis. Do you, or to your knowledge, any of your relatives or close friends, know these individuals or anyone close to them?
12. Plaintiff in this case is being represented by the following individuals: Brett Dignam, Claire Abbadi, Natalie Behr, Joanne Choi, Kodjo Kumi, and Madison Levin. Do you, or to your knowledge, any of your relatives or close friends, know any of these individuals?
13. Defendants in this case are being represented by Katherine Weall, Philip DePaul, and Joshua Lax. Do you, or to your knowledge, any of your relatives or close friends, know these individuals?
14. Do you, or to your knowledge, any of your relatives or close friends, know any of the following individuals or organizations who may be witnesses in this matter or referenced during the trial?
 - a. Samuel Small
 - b. Dr. Luke Aneke
 - c. Dr. Haralambos Atoynatan
 - d. Emmanuel Bailey
 - e. Correction Officer Banks
 - f. Correction Officer H. Brunson
 - g. Correction Officer Donald Caggiano
 - h. Rafael Calderon-Lanz
 - i. Robert Cripps
 - j. Captain Croskey
 - k. Dr. Adriel Gerard
 - l. Correction Officer Neil DeAngelis
 - m. Correction Officer Douglas
 - n. Correction Officer Ian Feinstein
 - o. Captain Khalilah Perrino-Flemister
 - p. Scott Frank
 - q. Correction Officer Freire
 - r. Correction Officer Elaine Gainey
 - s. Frederick Gay
 - t. Captain Haynes
 - u. Martin Horn
 - v. Warden Michael Hourihane
 - w. Assistant Deputy Warden Danielle Johnson
 - x. Correction Officer Joseph Jones
 - y. Patricia Jones
 - z. Arlene Jopillo
 - aa. Dr. David Jurich
 - bb. Correction Officer Kammerer
 - cc. Dr. Paturu Karunakara

dd. Captain Marguerite Kelly
ee. Correction Officer Jose Marrero
ff. Captain Montana
gg. Captain Dennis O'Reilly
hh. Assistant Deputy Warden Luigi Ottaviano
ii. Warden Nicholas Pantea
jj. Nina Powers
kk. Pierre Provilon
ll. Captain Edward Reilly
mm. Warden Brian Riordan
nn. Warden Robert Shaw
oo. Correction Officer Tyrone Simon
pp. Dr. Angela Taglione
qq. Correction Investigator Temple
rr. George Thompson
ss. Correction Officer Marco Villacis
tt. Patrick Walsh
uu. Correction Officer Williams
vv. Dr. Dean Zhong
ww. Tyreece Abney
xx. Lloyd Nicholson
yy. Donald Jackson
zz. Alexander Peltz
aaa. Andrew Stoll
bbb. Camillo Douglas
ccc. Luis Soriano
ddd. Julia Kuan
eee. Schmi Caballero
fff. Joel Berger
ggg. Jonathan Abady
hhh. Debra Greenberger
iii. Jonathan Chasan
jjj. Mary Lynne Werlwas
kkk. Darnell Green
lll. Valdez Simpson
mmm. Dexter Carter
nnn. Anthony Henry
ooo. Damon Bailey
ppp. Jonathan Alicia
qqq. Officer Louis
rrr. Assistant Deputy Warden Darrel Wilkerson
sss. Stoll & Glickman LLP
ttt. Emery Celli Brinckerhoff & Abady LLP
uuu. Romano & Kuan PLLC
vvv. Peltz & Walker

15. As you look around the room, do you recognize anyone else you know?

III. Education and Relevant Experience

16. Have you, or to your knowledge, any of your relatives or close friends, worked in or with law enforcement, state or federal prisons, or the military? If so, in what capacity?

17. Have you, or to your knowledge, any of your relatives or close friends, ever been employed by a local, state or federal agency? If so, in what capacity?

18. Have you ever had a job where you helped create policies, procedures, or regulations? If so, please explain.

19. In any of the job positions you have held, have you been responsible for making decisions in hiring or training other workers? If so, please explain.

20. Have you, or to your knowledge, any of your relatives or close friends, ever practiced law, been a member of any bar, or attended any law school classes? If so, please explain.

IV. Experience with and Opinions About the Courts and the Law

21. Have you ever served on a jury? If so, please explain if it was in state or federal court, was a civil or criminal case, and if you reached a verdict (without disclosing what the verdict was).

22. Have you ever served on a Grand Jury?

23. Have you, or to your knowledge, any of your relatives or close friends, ever been involved in a lawsuit of any kind? If so, please describe what the lawsuit was about and whether the result was satisfactory or unsatisfactory.

24. Have you ever been a witness for a party to a lawsuit? If so, please describe the case and the nature of your testimony.

25. Have you, or to your knowledge, any of your relatives or close friends, ever been the victim of a crime? If so, please describe the circumstances, including whether the crime was violent in nature.

26. Have you, or to your knowledge, any of your relatives or close friends, ever been arrested? If so, please describe the circumstances.

27. Have you, or to your knowledge, any of your relatives or close friends, ever made a complaint about a correction officer or other law enforcement officer?

28. In the last year, have you posted comments or content on any social media sites or blogs relating to corrections or law enforcement issues?
29. In the last year, have you attended any protests or demonstrations related to law enforcement activity, whether for or against?
30. Do you have any opinions, positive or negative, about law enforcement, correction officers, lawyers, judges, or the courts, that may prevent you from being a fair and impartial juror in this case?

V. Case Specific Questions

31. Have you, or to your knowledge, any of your relatives or close friends, ever been detained at any correctional facility, including on Rikers Island? If so, which facility and what were the circumstances?
32. Do you have any opinions, positive or negative, about correctional facilities generally or Rikers Island specifically, that may prevent you from being a fair and impartial juror in this case? If so, please explain.
33. You may have heard or read about incidents in the New York City jails that have been in the news. To the extent you had any reaction to these news stories, might your feelings about them prevent you from rendering a verdict based solely on the evidence in this case?
34. The witnesses in this case will include correction officers. Would you be more or less likely to believe or credit the testimony of a witness simply because that witness is a law enforcement officer?
35. Would you be more or less likely to believe or credit the testimony of a witness simply because that person was incarcerated or accused and/or convicted of a crime?
36. Have you, or to your knowledge, any of your relatives or close friends, ever suffered any severe or long-lasting psychological condition, including post-traumatic stress disorder (PTSD)?
37. Have you, or to your knowledge, any of your relatives or close friends, ever been hospitalized for a mental health condition?
38. Have you, or to your knowledge, any of your relatives or close friends, ever had any affiliation or issues with known gang members? If so, please explain the circumstances.

39. Do you believe that it is inappropriate for individuals to sue the government if they believe that their rights have been violated? Would your answer to that question change if that individual were a prisoner?
40. Do you think it is inappropriate for individuals to be awarded money damages as compensation for physical injuries, emotional injuries, and/or loss of liberty?
41. Do you believe that simply because someone brings a lawsuit, that it must mean the person deserves to recover?
42. Do you have any problem with the concept that a person who brings a lawsuit is entitled to damages only if that person proves his case?
43. If you found that Plaintiff has proven his case, might you have any qualms about awarding damages against Defendants?

VI. Function of the Court and the Jury

44. The function of the jury is to decide questions of fact. However, when it comes to the law, you must listen to my instructions and accept and apply the law as I explain it. You may not substitute your own notions of what the law is or what you think it should be. Might you have any difficulty following, or do you have any strongly held opinions that may prevent you from following, this instruction?
45. Do you have any bias, sympathy, religious issue, or any other concern that may prevent you from rendering a fair and impartial verdict in this case? If you did feel some sympathy for one of the parties, might you have trouble putting aside those emotions and deciding the case solely on the facts, and on the law as I explain it to you?
46. Do you know of any other reason that may prevent you from fairly considering the evidence in this case and reaching an impartial result? If so, please explain.
47. Aside from the questions that have already been asked, is there anything else you believe that this Court, Plaintiff, or Defendants might want to know in deciding whether you should be selected to serve as a juror in this case?

VII. Questions for Individual Jurors

1. Where were you born?
2. Without mentioning your exact address, what county and neighborhood do you live in? How long have you lived there?
3. Do you rent or own your home?
4. How far did you go in school and what did you study?
5. If you are employed, who is your employer? What is your occupation? How long have you been employed by that employer? If retired or unemployed, for whom did you last work and when did you work for them?
6. If you have a significant other, what is their occupation? How long have they been employed by their most recent employer?
7. If you have working children, what are their occupations? How long have they been employed by their most recent employer?
8. How do you get your news?
9. What, if anything, do you enjoy reading?
10. What television shows, if any, do you typically watch?
11. Do you listen to talk radio or Podcasts? If so, what stations or programs?
12. Do you regularly visit any websites or utilize social media? If so, which?
13. Are you a member of any organizations, clubs, associations, or unions, or do you volunteer your time?
14. What do you like to do in your spare time?
15. Name a public person—other than a friend or relative—dead or alive, who you admire.
16. Aside from the questions that have already been asked, is there anything else you believe that this Court or any of the parties might want to know in deciding whether you should be selected to serve as a juror in this case?