

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WISCONSIN

JOSE SOTO,

Plaintiff,

v.

[DRAFT] VOIR DIRE

KELLY RICKEY, MATTHEW GRANT,
RICK DONOVAN, WILLIAM GEE,
JASON KROCKER, and WILLIAM LEFEVRE,

14-cv-514-jdp

Defendants.

Introduction

This is a lawsuit involving the use of force against an inmate. The plaintiff, Jose Soto, is an inmate incarcerated at the Columbia Correctional Institution (CCI). The defendants, Kelly Rickey, Matthew Grant, Rick Donovan, William Gee, Jason Krockner, and William LeFevre are correctional officers at CCI. In July 2011, defendants used force to restrain Soto. Soto alleges that defendants used excessive force against him. Defendants contend that the force they used against him was reasonable.

I am going to ask you some questions that will help us select those of you who will serve on the jury in this case. I will follow up with some individual questions to get more details. If my questions touch on subjects that you don't want to discuss openly, let me know, and we'll bring you over to sidebar to discuss those questions confidentially.

1. The trial of this case will begin today and will likely last four days, through Thursday. Are any of you unable to serve as a juror during this time?

Knowledge of parties and others

2. Ask counsel to stand and tell the jury where they practice and with whom. Ask panel whether anyone knows counsel or their associates or partners.

3. Ask counsel to introduce the parties. Ask panel whether anyone knows any of the parties.
4. The witnesses in the case may include the following individuals. (Read list of witnesses.) Do any of you know any of the witnesses?
5. Do any of you know the judge or court personnel?
6. Do any of you know any of the other people on the jury panel?

Knowledge of the case

7. Have any of you ever heard of this case before today?

Questions to each prospective juror (listed on a sheet provided to jurors):

Please stand up and tell us about yourself:

8. Name, age, and city or town of residence.
9. If you live in Madison, how long have you lived here?
10. Marital status and number of children, if any.
11. Current occupation (former if retired or currently unemployed).
12. Current (or former) occupation of your spouse, domestic partner, or significant other.
13. If you have adult children, what do they do?
14. Any military service, including branch, rank, and approximate date of discharge.
15. How far you went in school and major areas of study, if any.
16. Memberships in any groups or organizations. Do you hold leadership positions in these groups?
17. Hobbies and leisure-time activities.
18. Media consumption. What are your favorite types of reading materials, what sources do you use for news, what types of television or radio shows do you watch or listen to, what types of websites do you visit?

19. Have you ever written a letter to the editor in a newspaper or magazine?
20. Do you have any bumper stickers on your car? If so, what do they say or depict?

Litigation experience and opinions

21. Have you, a relative, or a close friend been a party to a lawsuit?
22. Have you, a relative, or a close friend ever been a witness in a lawsuit?
23. Have you, a relative, or a close friend served on a jury? Follow up: nature of the case; find for plaintiff or defendant; were you the foreperson?
24. Do any of you have strong feelings, whether positive or negative, about people who go to court to obtain relief for wrongs they believe they have suffered?

Specialized knowledge or experience

25. Have you, a relative, or a close friend ever been employed by the Department of Corrections or in any other correctional setting?
26. Have you, a relative, or a close friend ever worked or volunteered in criminal defense, such as a public defender's office, or for any support or advocacy group for those charged with or convicted of crimes?
27. Have you, a relative, or a close friend ever had force used against them by a law enforcement officer or correctional officer?
28. Have you, a relative, or a close friend ever been confined in jail or prison?
29. Have you ever visited a jail or prison?
30. Have you, a relative, or a close friend ever been the victim of a crime?

Conclusion

31. At the end of the case, I will give you instructions that will govern your deliberations. You are required to follow those instructions, even if you do not agree with them. Is there any one of you who would be unable or unwilling to follow my instructions?
32. Do you know of any reason whatsoever why you could not sit as a trial juror with absolute impartiality to all the parties in this case?