

**UNITED STATES DISTRICT COURT FOR THE  
SOUTHERN DISTRICT OF WEST VIRGINIA**

**UNITED STATES OF AMERICA**

**v.**

**Criminal No. 2:18-cr-00134**

**ALLEN H. LOUGHRY II**

**UNITED STATES' PROPOSED VOIR DIRE QUESTIONS**

Now comes the United States of America, by Philip H. Wright, and R. Gregory McVey, Assistant United States Attorneys for the Southern District of West Virginia, and submits the following proposed voir dire questions of the jury panel.

UNITED STATES OF AMERICA

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United States Attorney

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A. GENERAL VOIR DIRE

1. The attorneys estimate that it may take five to seven working days to complete the trial of this case. Do any of you have any reason to believe that you would not be able to serve as a juror for that period of time? This would include any personal or business obligations that might cause an interruption in the trial of this case.

- a. Would serving as a juror on this case have any adverse effect with regard to your family life or your job?
- b. Do you have any physical or medical problems that might make it difficult to follow the evidence or sit on the jury?

B. RELATIONSHIP TO THE PARTIES

2. Do you have any connection with any of the attorneys in this case, or anyone employed in their offices, including through social networking websites such as Twitter, Facebook, Instagram, etc.? The attorneys are:

- a. John A. Carr, Esquire, counsel for the defendant of the firm, John A. Carr Attorney at Law, PLLC;
- b. Philip H. Wright and R. Gregory McVey, Assistant United States Attorneys, of the United States Attorney's Office.

3. Have you or any of your family members ever been represented by any of the attorneys in this case, or any of the attorneys in their offices?

4. Do you have any connection with the defendant, Allen H. Loughry, II, either professionally or personally, and including through social networking websites such as Twitter, Facebook, Instagram, etc.?

5. Have you purchased, or read any part of, a book written by defendant Loughry, which is entitled “*Don’t Buy Another Vote, I Won’t Pay for a Landslide: The Sordid and Continuing History of Political Corruption in West Virginia*”?

C. CASE SPECIFIC QUESTIONS

6. Are any of you acquainted with or have any kind of relationship, professionally or personally, including through social networking websites such as Twitter, Facebook, Instagram, etc., with any of the potential witnesses in this case? The following individuals may be called as witnesses: (See separate witness list, to be provided to the Court. The United States reserves the right to amend the witness list prior to trial.)

7. Have you read anything about this case or the defendant, including newspapers, and media reports on the internet? (If yes, consideration should be given to making further inquiry outside the presence of the prospective jurors.)

8. Have you heard or seen anything about this case or about the defendant generally on the radio or television? (If yes, consideration should be given to making further inquiry outside the presence of the prospective jurors.)

9. Have you heard anything at all from any source about the facts of this case, including on social networking websites such as Twitter, Facebook, Instagram, etc.? (If yes, consideration should be given to making further inquiry outside the presence of the prospective jurors.)

10. Based on your personal knowledge – excluding what you have read, either online or in print or read or heard through the media – do you have any information about the facts of this case?

11. Have you or has any member of your immediate family ever worked for the West Virginia Supreme Court of Appeals or the United States Department of Justice?

12. Do you travel for employment and use an expense account for travel?

13. Do your job duties include handling employee expense accounts?

D. EXPERIENCE WITH THE LEGAL SYSTEM AND LAW ENFORCEMENT

14. Have you, any members of your family, or close personal friends ever been investigated for a crime or arrested by a law enforcement officer? (You may approach the bench to answer this question. If yes, consideration should be given to making further inquiry outside the presence of the prospective jurors.)

15. Have you, any members of your family, or close personal friends, ever been charged with or convicted of committing either a felony or a misdemeanor, not counting minor traffic offenses? (You may approach the bench to answer this question. If yes, consideration should be given to making further inquiry outside the presence of the prospective jurors.)

16. Have you, any members of your family, or close personal friends ever been incarcerated? (You may approach the bench to answer this question. If yes, consideration should be given to making further inquiry outside the presence of the prospective jurors.)

17. Have you, any members of your family, or close personal friends ever been the victim of a crime? (You may approach the bench to answer this question. If yes, consideration should be given to making further inquiry outside the presence of the prospective jurors.)

18. Have you ever served as a petit juror in a criminal or civil case either in federal or state courts? (If so, what was the case about and what was the outcome?)

19. Have you ever served as a grand juror on either a federal or state panel?

20. Have you or your family ever participated in a lawsuit as a party or witness or in some other capacity? (If so, what was the case about and what was the outcome?)

21. Have you or any member of your family ever participated in a criminal trial either as a witness for the prosecution or as a witness for the defense? (If so, what was the offense charged and the verdict?)

22. Are you or have you ever been involved in any conflict, controversy or litigation with the United States Attorney's Office? (If yes, would this affect your ability to sit as an impartial juror in this case?)

23. Are you or have you ever been involved in any conflict, controversy or litigation before the West Virginia Supreme Court of Appeals? (If yes, would this affect your ability to sit as an impartial juror in this case?)

24. Are any of you related by blood or marriage to any law enforcement officer, either local, state or federal?

25. Are any of you related by blood or marriage to any person who has been prosecuted by the United States?

26. Have any of you expressed or do you have any strong feelings about the justness of any recent prosecution brought by the United States Attorney's Office in this District, or do any of you have very strong personal feelings against the federal government for whatever reason?

27. Some of the witnesses who may be called to testify include local, state, and/or federal law enforcement officers. Do any of you have any strong feelings for or against law enforcement officers for whatever reason?

28. Are any of you acquainted with or have any relationship, professionally or personally, including through social networking websites such as Twitter, Facebook, Instagram, etc., or otherwise, with any other member of the jury panel? If yes, would this in any way affect your ability to decide this case solely on the law and the evidence presented? (If yes, consideration should be given to making further inquiry outside the presence of the prospective jurors.)

E. CONCLUSION

29. As a juror, and while jury selection is in process, you are not permitted to read or listen to any media or internet coverage of this case, including anything posted on social media, such as Twitter, Facebook, etc. Is there any reason why you could not follow this instruction?

30. As a juror, and while jury selection is in process, the Court will instruct you that you will not be able to blog, tweet, post on Twitter, Facebook, or other social media networks, talk about or otherwise communicate anything about this case, while the case is pending. Is there any reason why you could not follow this instruction?

31. Notwithstanding what you have heard or read, through any source, would you be able to sit as a fair and impartial juror in the case and render a verdict based solely upon the law and the evidence?

32. Do you believe you would have trouble following the Court's instructions regarding the law if you disagreed with it?

33. Even if you disagree with the law, would you be able to return a verdict of guilty if the United States meets its burden beyond a reasonable doubt?

34. If you were one of the parties in this case, do you know of any reason why you would not be content to have someone in your frame of mind sitting on the jury in this case?

35. Are there any reasons at all why you should not wish to sit on this case? (An opportunity should be provided each juror to discuss their answer to this question out of the presence of other prospective jurors.)

36. Will you be able to decide this case solely on the law and the evidence presented?

The United States requests that the Court ask appropriate follow-up questions if any juror answers in the affirmative.

Respectfully submitted,

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CERTIFICATE OF SERVICE

It is hereby certified that service of the foregoing “UNITED STATES’ PROPOSED VOIR DIRE QUESTIONS” has been electronically filed and service has been made on opposing counsel by virtue of such electronic filing on this 21st day of September, 2018, to:

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