

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA,

v.

15-CR-227-CJS

RICHARD PETIX,

Defendant.

GOVERNMENT'S PROPOSED VOIR DIRE

THE UNITED STATES OF AMERICA, by and through its attorney, James P. Kennedy, Jr., Acting United States Attorney for the Western District of New York, Wei Xiang, Assistant United States Attorney, of counsel, hereby submits its list of proposed voir dire questions for consideration by the Court in addition to the Court's usual questioning of prospective jurors in the trial of this matter.

1. What experiences has anyone had or heard of with the criminal justice system, whether as a victim, defendant, witness, juror, or worker in the legal field, that will be on your mind as you sit through this trial? Do you have any sympathies or biases based on those experiences regarding victims, witnesses, defendants, police, prosecutors, or the courts? If the Court instructs you that your verdict in this case must be based solely on the evidence presented in this trial, considered against the backdrop of your common sense, will you be able to set aside any sympathies and biases?

2. In this case, you may hear that the defendant was allegedly on supervised release, meaning that he was allegedly being monitored by the Court and that he allegedly had certain reporting and disclosure requirements to the Court. Does anyone disapprove of a sentencing court's authority to impose conditions of supervised release? What if the conditions required disclosure of information that you may consider to be private affairs, such as computer or Internet usage? Do you have any beliefs on this matter that would make you doubt your ability to follow the Court's legal instructions in a criminal case involving alleged false disclosure by a supervisee?

3. This case involves federal registration requirements governing certain businesses that transfer or transmit funds, otherwise known as money transmitting businesses. Does any of you have an opinion about government licensing, registration, and other laws and regulations that might prevent you from being fair and impartial in this case, or from reaching your verdict based solely on the evidence and the law as I give it to you?

4. Have you ever heard of Bitcoin? Has any of you ever used bitcoins? Has any of you ever used anything similar, which you may have heard to be referred to as digital or virtual currency? If so, is there anything about your experience with Bitcoin that might prevent you from being fair and impartial in this case, or from reaching your verdict based solely on the evidence and the law as I give it to you?

5. Do you have any opinions about law enforcement use of cooperating witnesses to investigate criminal activity that would make it difficult for you to serve as a juror in this

case? Do you have any strong feelings, one way or the other, in connection with the testimony of witnesses who are cooperating in hopes for a possible reduction of their sentence, which feelings may prevent you from rendering a fair and impartial verdict in this case? Does anyone believe, without even hearing from such a witness, that the witness cannot be telling the truth? Will you keep an open mind, give the witness a fair opportunity to testify, and hear all evidence before judging the credibility of any witness?

DATED: Buffalo, New York, April 17, 2017.

JAMES P. KENNEDY, JR.
Acting United States Attorney

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