

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
JACKSON DIVISION**

UNITED STATES OF AMERICA

v.

CRIMINAL NO. 3:08cr107-DPJ-LRA

**FRANK E. MELTON
MICHAEL RECIO
MARCUS WRIGHT**

ORDER

This criminal action is before the Court on the Government's Motion for a Jury Questionnaire and Individual Voir Dire. The Court, having considered the parties' submissions and applicable authority, finds that the motion should be granted in part and denied in part as follows.

"Under Rule 24 of the Federal Rules of Criminal Procedure, the presiding judge has significant discretion over the structure of voir dire." *Gonzalez v. United States*, 128 S. Ct. 1765, 1770 (2008). In the present case, the Court will call a larger than normal venire due to the nature of the case and the notoriety of the defendants. As such, the Court finds that a questionnaire will assist the parties and the Court in efficiently seating a fair jury. However, the questionnaire will be limited to background information and will not be used to solicit opinions. The parties are invited to submit questions (fifteen for the Government and ten for each defendant), no later than September 26, 2008. The Court will thereafter prepare a balanced questionnaire from selected questions and any others the Court elects to include. The parties will be granted an opportunity to comment on the Court's draft. They are, therefore, instructed to contact the Courtroom

Deputy to schedule a telephonic status conference to occur between October 1 and 3 for the purpose of discussing the questionnaire and other jury selection issues.

As for individual voir dire, the Court's standard practice is to question the venire in open court, but to question potential jurors at the bench when necessary. Such instances might include statements that are confidential, embarrassing, or potentially prejudicial. The Court sees no reason to depart from this practice.

IT IS, THEREFORE, ORDERED, that the Government's Motion for a Jury Questionnaire and Individual Voir Dire is granted to the extent described herein but otherwise denied.

SO ORDERED AND ADJUDGED this the 16th day of September, 2008.

s/ Daniel P. Jordan III
UNITED STATES DISTRICT JUDGE