

Death Penalty
JUROR QUESTIONNAIRE

Juror No. _____

INSTRUCTIONS:

The information that you provide in this questionnaire will be used by the Court and the parties to select a qualified jury in this case; that is, a jury that can render a verdict fairly and impartially based upon the evidence offered at trial in accordance with the law as instructed by the Judge. Both parties are entitled to a jury that is fully fair and impartial. This questionnaire and the jury selection process are not meant to be intrusive; rather, they serve the important function of ensuring that a fair and impartial jury is selected to hear and decide this case.

Your answers to the following questions are very important to the trial of this criminal case and are designed to shorten the jury selection process. Do not discuss any of these questions or your answers with anyone else, including any other prospective jurors. Please take as much time as is reasonably necessary to answer each question as completely and as honestly as possible. Please do not accept the assistance or the advice of anyone in answering these questions. If any questions should arise while completing this questionnaire, please contact the jury personnel or the presiding judge. Do not speak to anyone else about the questionnaire or any questions you might have.

YOUR ANSWERS TO THESE QUESTIONS ARE BEING GIVEN UNDER OATH.

The answers to these questions will be used by the Court and the attorneys solely for the selection of the jury in this case and for no other reason. The confidentiality of your answers to these questions will be maintained by the Court. If any of these questions involve matters that you deem private or sensitive, and that you would prefer to discuss in private with the judge and the attorneys, please mark a "P" clearly in the margin next to any such question.

Do not discuss this case with anyone, and do not read, listen to, or watch anything relating to this case until you have been excused as a potential juror, or, if you are selected as a juror, until the trial is over. You may not discuss this case or allow yourself to be exposed to any discussions of this case in any manner.

The Court thanks you for your attention and willingness to serve as a juror, an important duty of citizenship in our democracy.

- 1 Name: _____ Juror # _____
- 2 Do you read, write, speak and understand English: ☐ Yes ☐ No
- 3 What is your ethnic background: _____
- 4 In what town or city do you live: _____
- 5 Have you ever lived anywhere other than Florida: ☐ Yes ☐ No
If yes where: _____
- 6 How much education do you have:
☐ Some High School ☐ High School Graduate ☐ Technical or business school
☐ Some College ☐ Graduated from college with a degree in _____
Major areas of study in college included: _____
☐ Post-graduate degree ---Post graduate degree held in _____
Field of study: _____
- 7 Are you presently a student? ☐ Yes ☐ No
If yes, describe course of study and anticipated date of completion: _____

- 8 Have you ever taken any course(s) or seminar(s) in constitutional law, criminal law, criminology,
or law enforcement? ☐ Yes ☐ No
If yes, what course(s) or seminar(s) and when and where and how long ago? _____

- 9 If you have studied law, medicine, psychiatry, counseling, sociology, social work or religion, please
describe your training: _____

- 10 If you have studied ballistics, explosives, arson, criminology, computer science, crime scene
investigation, or law enforcement, microbiology DNA chemistry; please describe your training: _____

- 11 Do you plan to attend school in the future? ☐ Yes ☐ No
If yes, what do you intend to study, and when? _____
- 12 Where do you work (if unemployed or retired, where did you work?) and for how long and what were
your duties or job title: _____
- 13 What is your current position or title: _____

14 What are your duties or responsibilities: _____

15 What jobs have you held in the past: _____

16 Have you ever been responsible for supervising, hiring or firing employees: ☐ Yes ☐ No

17 Marital status: ☐ Single ☐ Never Married ☐ Married _____ Yrs. ☐ Separated

☐ Divorced ☐ Living w/ Someone _____ Yrs. ☐ Widowed

18 How many times have you been married: ☐ 1 time ☐ 2 times ☐ 3 times ☐ 4 or more

19 If you have a spouse or significant other, what is your spouse or significant other's:

Full name: _____

A: Race: _____ B: Religious Affiliation: _____

C: Occupation: _____ D: Prior occupation: _____

20 Please tell us the sex, age and occupation of your children and/or step children:

21 Have you ever served in the military (including Reserves, National Guard or ROTC)?

☐ Yes ☐ No If yes, please give the following information:

Branch _____ Years of Service _____

Highest grade or rank attained _____

Did you serve in combat? ☐ Yes ☐ No Year discharged: _____

Type of discharge: _____

Did you participate in Court Marshalls: ☐ Yes ☐ No Please explain: _____

Did you ever serve in the military police: _____

22 Are you familiar with WICCA: ☐ Yes ☐ No If yes, what is your understanding of WICCA?

23 Have you ever used an Ouija board ☐ Yes ☐ No If yes, please explain the circumstances:

24 Have you or anyone close to you ever practiced Native American Rituals? ☐ Yes ☐ No

If yes, please explain the circumstances: _____

25 Have you studied for the ministry, priesthood, rabbinic order, or any other clergy position? ☐ Yes ☐ No If yes, please specify _____

26 Have you, any family members, or close friends ever worked for any law enforcement agency (this includes the Police, D.E.A., Dept. of Homeland Security, F.B.I., Immigration, U.S. Customs, Probation Office, Sheriff's Office, Correctional Officers, Highway Patrol, Military Police) or served on a court martial or any private security company: ☐ Yes ☐ No

If yes, who and what agency or company? _____

27 Have you or any member of your family ever been associated or worked with any program involved with the prevention of crime, the apprehension or punishment of offenders, or the rehabilitation of persons convicted of a crime? ☐ Yes ☐ No If yes, please give details:

28 Have you, any family members, or close friends ever worked for any office or agency of the United States Government or the State of Florida? ☐ Yes ☐ No If yes, who and what agency:

29 Have you, a significant other, a close friend, a child, or anyone close to you ever worked or been associated with a law firm, public defender's office, legal aid office or prosecutor's office:

☐ Yes ☐ No If yes, please identify that person(s)

Name: _____

Name and location of office: _____

Dates of service: _____ Current status: _____

Duties: _____

30 Have you, any family members, or close friends ever been charged, arrested, indicted or convicted of any criminal offense? ☐ Yes ☐ No

31 Are there any criminal charges pending against you or someone close to you now: () Yes () No

If yes, please explain: _____

32 Have you ever served as a juror in a () Civil case _____ times () Criminal case _____ times

What type(s) of criminal cases: _____

Was a verdict reached?: _____

Were you ever the foreperson: () Yes () No

What did you like and dislike about your prior jury service? _____

33 Have you ever served on a Grand Jury? () Yes () No

34 Have you ever been to court before? () Yes () No If yes, which court and under what circumstance:

35 What newspapers, magazines, or trade papers do you read? _____

36 What do you enjoy doing in your spare time? _____

37 What are your three favorite television shows? 1. _____
2. _____ 3. _____

38 Do you listen to talk radio? () Yes () No If yes, to what programs do you listen?

39 Please list the three people you admire most: 1. _____
2. _____ 3. _____

40 Please list the three people you admire least: 1. _____
2. _____ 3. _____

41 Would you characterize yourself as a: () Leader () Team Player () Follower

42 Are you: () Very conservative () Conservative () Moderate () Liberal () Very Liberal

43 To which societies, unions, professional associations, civic clubs, fraternities, sororities, or other organizations do you belong? _____

44 Do you have a medical condition that would make it difficult for you to serve as a juror in this case?

☐ Yes ☐ No

45 Have you ever worked in a mental health facility or hospital of any kind? If so, please describe: _____

46 Have you ever read books or articles dealing with psychiatry, psychology, mental health or mental retardation? If so, please describe: _____

47 Have you ever taken any courses in the fields of psychiatry or psychology? If so, please describe: _____

48 What are your general feelings about mental health professionals? _____

49 What are your general feelings about mental health diagnoses and counseling? _____

50 Do you have any strong feelings either for or against psychiatric or psychological testimony?

☐ Yes ☐ No If yes, please explain: _____

51 What criminal cases have you followed in the media? _____

52 Do you feel the media favors: ☐ The Defendant ☐ The Government ☐ Fair to both sides

53 What is your main source of news? ☐ Television ☐ Radio ☐ Newspaper ☐ Internet ☐ Family/friends

54 Do you know or have you heard of either of the defense attorneys in this case, Michael J. Griffith or Sharon K. Wilson, f/k/a Sharon W. Potter? ☐ Yes ☐ No If yes, how do you know them or what have you heard about them? _____

55 Do you know or have you heard of the prosecutors in this case, Bridgette M. Jensen and

Alvin "Trey" Myers? ☐ Yes ☐ No

If yes, how do you know her or what have you heard about her/him? _____

- 56 If you use social media (Facebook, Instagram, Twitter, etc.), please list all the social media you use and how frequently you use each one: _____
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Views and Opinions Regarding the Potential Punishment

In this case, the Defendant is charged with crimes which carry a possible penalty of death. The Defendant is presumed by law to be innocent. Because of the possible penalty, the Court is required by law to ask you questions regarding your views of the death penalty.

As a result of death being a possible penalty, this case may proceed in two stages.

The first stage of the trial, Phase I, is where the State must present evidence of the Defendant's guilt, and the evidence must establish that guilt beyond all reasonable doubt before the Defendant can be found guilty of any crime alleged in the indictment. If the State fails to prove the Defendant's guilt beyond all reasonable doubt, the Defendant must be found not guilty.

However, if the Defendant is found guilty of first degree murder, then we must proceed into Phase II. The purpose of this phase is to determine the punishment to be imposed. The only options at that point are the death penalty or the penalty of life without parole. The same jury that deliberated in Phase I and found the Defendant guilty also acts as the jury for Phase II, the penalty phase.

The Phase II jury would be instructed to consider certain aggravating factors (facts to support the punishment of death) offered by the State, and certain mitigating factors (facts to support the penalty of life imprisonment without the possibility of parole) offered by Donald Wayne Hartung.

After considering and weighing the aggravating and mitigating factors in Phase II, the jury would be asked to make a decision about the penalty to be imposed. The jury's decision would be made on the basis of the evidence presented and the Court's instructions on the law applicable to this case.

There are no right or wrong answers to the following questions, and your truthful answers will be appreciated and respected.

- 57 Please CIRCLE the number that reflects your opinion regarding the death penalty:

Strongly Favor

Undecided

Strongly Opposed

1 2 3 4 5 6 7 8 9 10

58 Do you hold any person, moral, religious, or other beliefs about the death penalty such that you could never consider voting to impose it under any circumstances? () Yes () No

59 Regarding the death penalty, which of the following ten statements most accurately represents your beliefs? (Please read all ten statements, take some time to reflect, and then circle the appropriate statement(s))

A	I am personally, morally, or religiously opposed to the death penalty and I will never vote to impose it under any circumstances.
B	I am strongly opposed to the death penalty and I will have difficulty voting to impose it.
C	I am philosophically, morally, or religiously opposed to the death penalty. Nonetheless, I believe that I can vote to impose the death penalty if it is called for by the facts and the law in the case.
D	I am generally opposed to the death penalty. Nonetheless, I believe that I can vote to impose the death penalty if it is called for by the facts and the law in the case.
E	In a case in which a defendant is convicted and in which the death penalty is requested, I can vote to impose the death penalty or a sentence other than death, whichever is appropriate under the facts and the law of the case.
F	I am generally in favor of the death penalty. Nonetheless, I believe I can vote to impose a sentence other than death if it is called for by the facts and the law in the case.
G	I am philosophically, morally, or religiously in favor of the death penalty. Nonetheless, I believe that I can vote to impose a sentence other than death if it is called for by the facts and the law in the case.
H	I am strongly in favor of the death penalty, and I will have difficulty voting against it.
I	In a case in which a defendant is convicted and in which the death penalty is requested, I will always vote to impose the death penalty.
J	None of the above. If you selected J as your answer, please explain: _____

60 Please read the following two statements carefully, take time to reflect, and check if either statement applies to you:

() I feel that my support of the death penalty will make it difficult to perform my duty fairly and impartially as a juror in Phase I of the trial.

() I feel that my opposition to the death penalty will make it difficult to perform my duty fairly and impartially as a juror in Phase I of the trial.

61 Have you ever held a different view about the death penalty? ☐ Yes ☐ No

62 Which of the following best describes your opinion? Please check only one.

Life imprisonment without the possibility of release is:

☐ Less severe than the death penalty

☐ About the same as the death penalty

☐ More severe than the death penalty

☐ No opinion

63 Do you believe that any of the following people deserve the death penalty?

Adolph Hitler ☐ Yes ☐ No

People convicted of murdering babies ☐ Yes ☐ No

Timothy McVeigh (OK City bombing) ☐ Yes ☐ No

64 If you are chosen to serve as a juror in this matter, the court will instruct you that the Defendant is presumed to be innocent, and that presumption of innocence can only be overcome if the State proves, beyond a reasonable doubt, each essential element of the crimes charged. There is no burden on the Defendant to prove he is innocent. Do you agree or disagree with this rule of law?

☐ Agree

65 Would you follow the law as stated in the previous question? ☐ Yes ☐ No

66 This trial is expected to last three weeks. A trial of this length is inconvenient for virtually every juror.

Do you have an extraordinary hardship that you want to call to the attention of the Judge and the

attorneys in this case? ☐ Yes ☐ No If so, please specify: _____

67 Is there anything that you should bring to the Court's attention regarding your service as a juror in this case? ☐ Yes ☐ No If yes, please give details: _____

68 How do you feel about being asked to answer the questions contained in this juror information sheet? _____

69 What are your thoughts about answering additional questions from the attorneys and the judge at jury selection? _____

I declare under penalty of perjury that I have had no assistance in completing this questionnaire and that the information I have provided in this Juror Questionnaire is true and correct to the best of my knowledge and belief.

Executed on January __, 2020.

Juror Signature