

UNITED STATES V. AHMED MOHAMMED EL GAMMAL
15 CR 588 (ER)

JURY QUESTIONNAIRE

Juror Name: _____

Juror No.: _____

Introduction

Jury service is a unique privilege that we enjoy as citizens. The jury selection process is intended to make sure that we impanel a jury of citizens who will decide the issues in this case fairly and impartially. The jury selection process is called “voir dire,” which is an old French term that means “to speak the truth.”

Please complete the following questionnaire to assist the Court and counsel in selecting a jury to serve in the case of United States v. Ahmed Mohammed El Gammal, 15 CR 588 (ER). The purpose of these questions is not to ask unnecessarily about personal matters. It is simply to determine whether a prospective juror can decide the case fairly and impartially. This questionnaire will not be made public and will only be shared with the counsel, parties, and the Court.

Please print or write your answers in blue or black ink. Where indicated, please check the space for “Yes” or “No” and, as requested, furnish answers, explanations or details in the space provided. Please do not leave any question unanswered. If you do not understand any question or do not know the answer, please write “I do not understand” or “I do not know” in the space provided for the answer. If there is not enough space for margin next to the question. Do not write on the back of any page. If you believe that any question does not apply to you, please write N/A in the space provided. Please write your name on this page and each page thereafter.

Please do not discuss the questionnaire or your answers with anyone. It is very important that the answers be yours and yours alone. Remember that there are no “right” or “wrong” answers; only truthful answers. You are sworn to give true and complete answers to all questions.

When you return to court, the judge may ask specific questions about some information in your questionnaire. If there are things you do not want to talk about in open court, please circle the question number and list them at the end of the questionnaire in the space provided for this purpose. Arrangements will be made to address those matters outside the presence of other prospective jurors.

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PART I. QUESTIONS ABOUT YOUR BACKGROUND

1. Do you have any difficult reading, understanding, or speaking English?
2. Do you speak, read, or understand Arabic? If yes, would you have any difficulty relying solely on a translator's translation of communications in Arabic?
3. Do you suffer from any medical condition that would make it difficult or uncomfortable to sit for long periods of time without breaks?
4. Do you have any physical problem (for example, with sight or hearing) that would interfere with your ability to serve as a juror?
5. Are you regularly taking any medication that could affect your ability to serve?
6. Are you a smoker? Do you require a cigarette more often than every two hours?
7. What is your age?
8. What is your educational background? How far did you go in school? Did you have any particular field of study? Any professional licenses or advanced degrees?
9. What is your county of residence?
10. How long have you lived in that county?
11. What town or neighborhood do you live in?
12. With whom do you live?
13. Where were you born?
14. Are you a dual citizenship? If so, which other country besides the United States?
15. Where were you raised?
16. Where were your parents born?
17. Please describe your marital status?

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18. Do you have children? If so, what age? What are their occupations, if any?
19. What do you regard as your race/ethnicity and that of your spouse/domestic partner (if applicable)?
20. Do you have any religious, political, or philosophical beliefs that would make it difficult for you to be a juror in this case?
21. Do you have negative opinions about Islam or Muslims?
22. Do you own your home or rent?
23. What type of work do you do? For how long have you done that? If retired or unemployed, how long have you been unemployed or retired and what type of work had you been doing previously?
24. If married, what type of work does your spouse/domestic partner do?
25. Have you or any member of your family or close friends worked or applied for a position in the U.S. Attorney's Office, District Attorney's Office, the New York Police Department or any other law enforcement?
26. Have you, a family member, or close friend ever attended law school or been a lawyer?
27. Have you ever taken any courses in, worked in, or had significant personal contact with the fields of law, criminal justice, criminology, addiction, drug abuse counseling, psychology, or other related areas? If yes, please list the course(s) and/or describe the experience(s).
28. Were you ever in the military service (including the reserves, National Guard, or ROTC)?
29. In the past ten years, what civic, religious, or community groups, social clubs, organization, or volunteer efforts have you and your spouse/domestic partner belong(ed) to or supported?
30. List any television programs that you watch and how frequently?
31. List radio news or talk programs to which you listen and how frequently?

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32. List any newspapers, magazines, websites, or web blogs that you subscribe to or read. Indicate how frequently (e.g., daily, often, occasionally, rarely).
33. List any hobbies, special interests or specialized training that you have.
34. Please name some of your favorite authors.
35. Have you or anyone you know ever taken any courses or training in or worked in the field of law enforcement or criminology, such as police officer, detective, FBI, the immigration and Naturalization Service [INS], Department of Homeland Security, corrections, probation, parole, etc.?
36. Have you, a family member, or close friend ever served in the military? If yes, please describe the person's relationship to you and where and when the person served.
37. Do you have any family members or close friends who are currently, or have in the past been involved in the war effort in Syria, Afghanistan, or Iraq, or any aspect of the war on terror – whether as a member of the armed forces or as a contractor or employee of a government agency? If yes, please explain.
38. Have you or anyone you know been affected by any terroristic attacks – such as those on the World Trade Center and the Pentagon; at the Boston Marathon, or recent attacks in Chelsea and New Jersey? If yes, please explain:
39. Have you, a family member or a close friend ever been a party to a lawsuit? a witness in a court proceeding? under subpoena or otherwise expect to be subpoenaed in any criminal case? been involved in or been the target of a criminal investigation? been arrested or charged with a crime? If yes, is there anything about that experience which would affect your ability to be a fair and impartial juror in this case?
40. Have you or a member of your family or anyone else close to you, had any legal action or dispute with the United States or any of its agencies, or any officer, agents, or employees of the United States? If so, please explain the nature of your interest in such proceedings.
41. Have you ever been a juror in a civil case, a grand juror, or a juror in a criminal case? If so, indicate which one and (without writing the verdict reached) whether or not you reached a verdict? If so, is there anything about your prior jury service that would affect your ability to be a fair and impartial juror in this case?

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42. The Honorable Edgardo Ramos will preside over this trial. Do you or anyone close to you know Judge Ramos or any member of his staff?
43. This case is being prosecuted by the United States Attorney's Office for the Southern District of New York. The United States Attorney for this District is Preet Bharara. Do you or does any relative or friend know or have any connection to Mr. Bharara?
44. Do you or does any close friend or family member know or have any connection to any of the following prosecutors or law enforcement agents, or their relative or friends? Andrew DeFilippis, Negar Tekeei, Brendan Quigley and **[names of agents to be provided by the government]**. Have you seen, heard or read anything about any of these prosecutors or law enforcement agents?
45. Do you or does any close friend or family member know or have any connection to any of the following defense lawyers and their office staff, or their relative or friends: Anna Finkel, Jason Fischer, Daniel Habib, Sarah Howard, Annalisa Mirón, Sabrina Shroff, or Hannah Sotnick? Have you seen, heard or read anything about any of these individuals?
46. Do you or does any close friend or family member know or have any connection to the defendant Ahmed Mohammed El Gammal, or his relatives or friends?
47. Have you or anyone close to you travelled to Egypt, Syria, or Turkey? If so, please explain where, when and the purpose of the trip.
48. The following persons may be mentioned in the trial. Please circle any names you recognize. **[List to be Provided by Government and Defendant]**

PART III. QUESTIONS CONCERNING IMPORTANT LEGAL PRINCIPLES

49. Ahmed Mohammed El Gammal is presumed innocent and cannot be convicted unless the jury, unanimously and based solely on the evidence in this case, decides that his guilty has been proven beyond a reasonable doubt. The burden of proving guilt rests entirely with the government. The defendant has no burden at all. Will you accept and apply this rule of law?
50. Under the law, if the defense chooses to put on a case it does not alter the government's burden of proof in any way. The burden to prove this case beyond a reasonable doubt never shifts to the defendant. The defendant does not assume a burden or taken on a

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burden to prove his lack of guilt by choosing to put on a case. Will you have any difficulty accepting and applying this rule of law?

51. Under the law, Mr. El Gammal need not testify. If Mr. El Gammal does not testify, the jury is not permitted to consider that fact in any way in reaching a decision as to whether he is guilty or not guilty. Will you accept and apply this rule of law?
52. Witnesses for the government will include law enforcement officers. A law enforcement witness's testimony is not to be given any more or less credence than any other witness's testimony simply because that witness is a law enforcement officer. Will you accept and apply this rule of law?
53. Under the law, you must find the defendant not guilty unless the evidence presented proves his guilt beyond a reasonable doubt. Will you accept and apply this rule of law?
54. Under the law, the facts are for the jury to determine and the law is for the judge to determine. You are required to accept the law as the judge explains it to you even if you do not like the law as the judge explains it or you disagree with it, and you must determine the facts according to those instructions. Will you accept and apply this rule of law?
55. Under the law, bias, and prejudice must not enter into the deliberation of the jurors as to whether the guilt of a defendant has been proven beyond a reasonable doubt. Would you have any difficulty following this rule?
56. Is there anything about the nature of the charges or the facts of the case as they have been explained to you thus far that would affect your ability to be a fair and impartial juror in this case?
57. The evidence in this case may include testimony provided by someone who was granted immunity from criminal prosecution. Do you have any beliefs or opinions that would affect your ability to evaluate such testimony fairly and impartially?
58. Is there any other matter which you should call to the Court's attention which may have any bearing on your qualifications as a juror?

PART IV. QUESTIONS ABOUT EXPERIENCE WITH SOCIAL MEDIA

59. Please describe your familiarity with computers, and your level of computer usage, both at home and at work?

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60. How many hours a day do you spend on the internet?
61. For what purposes do you use the internet most frequently?
62. Do you use the internet for email?
63. Do you engage in online chatting, instant messaging, or any other form of real time communication over the computer?
64. Which of the following social media programs have you used: Twitter, Tango, Whatsapp, Cryptocat, Viber, Skype, Surespot or Snapchat?
65. Are you a member of Facebook?
66. If so, what functions do you use on Facebook, i.e., do you write status updates, comment on others' status updates, engage in private messaging, post pictures?
67. How often do you use any of the functions on Facebook?

PART V. VIEWS ON CERTAIN ASPECTS OF THE CASE

68. You will hear that Mr. El Gammal is accused of terrorism related charges involving the Islamic State of Iraq and the Levant (ISIL). Is there anything about the nature of the charge that would make it difficult for you to sit as a fair and impartial juror in this case? If so, please explain.
69. You will hear evidence about individuals who are alleged to be co-conspirators in this case but are not on trial. Will you be able to set any feelings about their absence aside and judge this case fairly and impartially?
70. You may hear evidence that an alleged co-conspirator died while in Syria. Is there anything about that alleged fact that would make it difficult for you to sit as a fair and impartial juror in this case?
71. Do you think that people suspected of supporting terrorism should have the traditional safeguards of our American court system, such as the right to be presumed innocent unless they are proven guilty beyond a reasonable doubt?

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72. You will hear evidence that Mr. El Gammal made comments about ISIL, is there anything about the nature of that evidence that will make it difficult for you to judge the facts of this case fairly and impartially?
73. Have you read any articles or online journals, seen any news programs, or heard radio programming related to this case? If yes, what source and what did the media say about the case?
74. If you have seen media coverage about this case, would what you read or saw about the cases affect your ability to be a fair and impartial juror in this case?

Dated: New York, New York
October 3, 2016

Respectfully submitted,
Federal Defenders of New York

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