

**Juror Name:** \_\_\_\_\_

**Panel No.:** \_\_\_\_\_

**Juror Signature:** \_\_\_\_\_

**IN THE DISTRICT COURT OF THE FIRST JUDICIAL DISTRICT OF THE STATE OF IDAHO, IN AND FOR THE COUNTY OF KOOTENAI**

**STATE OF IDAHO,**

**Plaintiff,**

**vs.**

**CASE NO. CR-05-0013674**

**JOSEPH E. DUNCAN, III**

**Defendant.**

**JUROR QUESTIONNAIRE**

You are a prospective juror in State of Idaho v. Joseph E. Duncan, III. In this case, the defendant is charged with the kidnappings and killings of Mark Edward McKenzie, Brenda Kay Groene, and Slade Vincent Groene at their Wolf Lodge home in Kootenai County. The alleged incident occurred on May 15, 2005.

The jury selected will decide whether Joseph E. Duncan, III, is not guilty or guilty of these charges.

You are required to answer all questions contained herein truthfully and completely. Because this questionnaire is part of the jury selection process, your answers are made under oath and subject to the penalty of perjury. Your truthful answers to the questions asked must be made by yourself, without consulting any other person. You may not discuss the content of this questionnaire or your answers with anyone else. The information that you provide will be used by the Court and the attorneys for both sides solely for the selection of the jury in this case. The confidentiality of your answers to these questions will be respected and maintained by the Court.

**QUESTIONS**

1. What is your full name? (Please print).

\_\_\_\_\_

2. What is your age, including date of birth?

\_\_\_\_\_

3. What is your occupation?

\_\_\_\_\_

4. Are you now employed?

YES: \_\_\_\_\_ NO: \_\_\_\_\_

a. If "YES" - provide the name and address of your employer

\_\_\_\_\_  
\_\_\_\_\_

b. If "NO" - provide the name and address of your most recent employer

\_\_\_\_\_  
\_\_\_\_\_

c. How long have you (or did you) work at your most recent place of employment?

\_\_\_\_\_

d. What are (or were) your primary duties?

\_\_\_\_\_

e. Are you now, or have you been, a supervisor?

YES: \_\_\_\_\_ NO: \_\_\_\_\_

5. What is your martial status?

Married: \_\_\_\_\_ Single: \_\_\_\_\_ Separated: \_\_\_\_\_

Divorced: \_\_\_\_\_ Spouse Deceased: \_\_\_\_\_ Living with Someone: \_\_\_\_\_

Other: \_\_\_\_\_

6. What is your spouse's/partner's occupation?

\_\_\_\_\_

a. Where does he or she work?

7. If you are under age 25, what are your parents' occupations?

8. What is the highest level of education you have completed?

9. What specialized training (if any) have you had?

10. In what clubs or organizations are you (or ever have been) a member?

11. Have you ever been a member or supporter of any advocacy group, or political lobbying organization, focusing its efforts on tougher criminal laws, victim rights, or offender punishment?

YES: \_\_\_\_\_ NO: \_\_\_\_\_

If "YES" please identify the organization(s) you have supported.

12. Have you ever served in the military?

YES: \_\_\_\_\_ NO: \_\_\_\_\_

If "YES" please provide the following information:

Branch \_\_\_\_\_ Years of Service \_\_\_\_\_

Highest Grade or Rank Attained \_\_\_\_\_

Job Specialty/Duties \_\_\_\_\_

Did you serve in combat? \_\_\_\_\_

Type of discharge \_\_\_\_\_ Year discharged \_\_\_\_\_

Did you participate in a Court Martial proceeding?

YES: \_\_\_\_\_ NO: \_\_\_\_\_

If "YES" please describe the extent of your participation.

\_\_\_\_\_

13. Have you ever worked, or volunteered, as any type of investigator(in the broadest sense), including but not limited to: private detective; insurance claims adjustor; loss control worker; crime prevention; neighborhood watch person; security guard; laboratory worker; social worker; drug or alcohol counselor; or public health worker?

YES: \_\_\_\_\_ NO: \_\_\_\_\_

If "YES" please describe your activities.

\_\_\_\_\_  
\_\_\_\_\_

14. Is there any reason you cannot participate as a juror in a trial which may take three to four weeks?

\_\_\_\_\_  
\_\_\_\_\_

15. Have you studied for the ministry, priesthood, rabbinical order, or participated in any training toward a position in the clergy?

YES: \_\_\_\_\_ NO: \_\_\_\_\_

If "YES" please describe.

\_\_\_\_\_  
\_\_\_\_\_

16. Do you have any difficult reading, writing, or understanding the English language?

\_\_\_\_\_

17. If you have children, give the gender and age of each of your children.

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18. Have you ever served on a jury?

YES: \_\_\_\_\_ NO: \_\_\_\_\_

a. If "YES" indicate in what Court you served, and give the year that you served

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b. Did you serve on a criminal trial jury or a grand jury?

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c. Did you reach a verdict?

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d. What verdict was reached?

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e. Do you believe this was a just result?

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19. There may have been publicity about the present case in the media.

a. Have you read about or heard about this case?

YES: \_\_\_\_\_ NO: \_\_\_\_\_

b. Have you discussed this case with anyone?

YES: \_\_\_\_\_ NO: \_\_\_\_\_

20. From the information you have received, have you formed any opinion whatsoever regarding this case?

YES: \_\_\_\_\_ NO: \_\_\_\_\_

If "YES" what opinions have you formed?

\_\_\_\_\_  
\_\_\_\_\_

21. At this time, do you have any opinion regarding whether Joseph Duncan is "guilty or "not guilty" of any crime?

YES: \_\_\_\_\_ NO: \_\_\_\_\_

If "YES" what feeling or opinion do you have?

\_\_\_\_\_  
\_\_\_\_\_

22. Unless you are excused from jury service in this case, the Court will order that you may not read, listen to, or watch any accounts of this case in the news media, including but not limited to: newspapers, periodicals; television; radio; internet; or any other source. The Court will further order that you may not discuss this case with anyone, nor may you discuss this Questionnaire or your answers with anyone, until such time as you have concluded jury service in this case.

a. Will you discuss this case with anyone prior to being excused from jury service?

YES: \_\_\_\_\_ NO: \_\_\_\_\_

b. Is there any reason you will not be able to avoid discussing this case with anyone prior to concluding your jury service?

YES: \_\_\_\_\_ NO: \_\_\_\_\_

If "YES" to either, please explain:

\_\_\_\_\_  
\_\_\_\_\_

23. After the jury has heard all of the evidence, arguments of counsel, and has received the Court's instructions regarding the law, the jury will retire to deliberate. Each juror will be required to consult with his/her fellow jurors with a view towards reaching a verdict. Jurors must consider the views of their fellow jurors, but are not required to change their opinion merely for the purpose of reaching a unanimous verdict.

Would you have difficulty in considering the views of your fellow jurors?

YES:\_\_\_\_\_ NO:\_\_\_\_\_

24. Would you change your opinion regarding a just and proper verdict merely to reach an agreement with one or more of your fellow jurors?

YES:\_\_\_\_\_ NO:\_\_\_\_\_

25. Are you in any way acquainted with or related to the defendant, Joseph E. Duncan, III, or any member of his family?

YES:\_\_\_\_\_ NO:\_\_\_\_\_

Please explain:

\_\_\_\_\_

26. The attorneys for the State, who will be prosecuting this case, are William J. Douglas, Marty Raap and Rick Baughman. Are you acquainted with any of them?

YES:\_\_\_\_\_ NO:\_\_\_\_\_

If "YES" How do you know of either William Douglas, Marty Raap, or Rick Baughman?

\_\_\_\_\_

27. The attorneys for the defendant are John M. Adams and Lynn Nelson. Are you acquainted either of them?

YES:\_\_\_\_\_ NO:\_\_\_\_\_

If "YES" How do you know of John Adams or Lynn Nelson?

\_\_\_\_\_

28. The presiding Judge in this case is Fred M. Gibler. Are you acquainted with Judge Gibler?

YES:\_\_\_\_\_ NO:\_\_\_\_\_

If "YES" How do you know of Judge Gibler?

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29. As stated above, one of the victims in this case is Mark Edward McKenzie. Are you acquainted with Mark McKenzie or do you know any member of his family?

YES: \_\_\_\_\_ NO: \_\_\_\_\_

If "YES" How do you know of Mark McKenzie?

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30. As stated above, one of the victims in this case is Brenda Kay Groene. Are you acquainted with Brenda Groene or do you know any member of her family?

YES: \_\_\_\_\_ NO: \_\_\_\_\_

If "YES" How do you know of Brenda Groene?

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31. As stated above, one of the victims in this case is Slade Vincent Groene. Are you acquainted with Slade Groene or do you know any member of his family?

YES: \_\_\_\_\_ NO: \_\_\_\_\_

If "YES" How do you know of Slade Groene?

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32. Have you, your spouse, your family member, or any of your close friends, ever been the victim of a crime, a witness to a crime, accused of a crime, or had any personal interest in the outcome of any criminal case?

YES: \_\_\_\_\_ NO: \_\_\_\_\_

If "YES" please explain.

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33. Have you, or has anyone close to you, ever been arrested for, charged with, or convicted of any crime other than a minor traffic offense?

YES: \_\_\_\_\_ NO: \_\_\_\_\_

If "YES" please explain.

34. Have you, or anyone close to you, been employed in any capacity, or otherwise associated with

a. any state, federal, or municipal law enforcement agency (for example: Police Department, FBI, DEA, INS, ATF, IRS, Parole and Probation Department, Sheriff's Department, correctional facility, fire department, or prosecutor's office); or

b. any criminal defense, prisoners' rights, or sentencing reform group (for example: Office of the Public Defender; Amnesty International, ACLU, etc.)?

YES: \_\_\_\_\_ NO: \_\_\_\_\_

If "YES" please explain.

35. Would you tend to give greater weight, or lesser weight, to the testimony of a police officer, other law enforcement personnel, or other agency representative, solely because of his or her official capacity?

YES: \_\_\_\_\_ NO: \_\_\_\_\_

If "YES" please explain.

36. Have you, or anyone close to you, been sexually abused?

YES: \_\_\_\_\_ NO: \_\_\_\_\_

37. Have you, or anyone close to you, been accused of sexually abusing/assaulting another?

YES: \_\_\_\_\_ NO: \_\_\_\_\_

38. Would you tend to give greater weight or lesser weight to the testimony of a witness called by the prosecution?

YES: \_\_\_\_\_ NO: \_\_\_\_\_

If "YES" please explain.

\_\_\_\_\_

39. Would you tend to give greater weight or lesser weight to the testimony of a witness called by the defense?

YES: \_\_\_\_\_ NO: \_\_\_\_\_

If "YES" please explain.

\_\_\_\_\_

40. Have you, or has any member of your household or immediate family, attended law school, studied legal subjects (such as criminology, criminal justice, or law enforcement) or been employed in any capacity by a law firm or law-related agency?

YES: \_\_\_\_\_ NO: \_\_\_\_\_

If "YES" please describe your experience.

\_\_\_\_\_

41. Are you currently taking any medication that might interfere with your ability to be a fair, impartial, and attentive juror in this case?

YES: \_\_\_\_\_ NO: \_\_\_\_\_

If "YES" identify the medication and please explain how it affects you.

\_\_\_\_\_

\_\_\_\_\_

42. Do you have any difficulty with eyesight or hearing, or do you have any other disability, condition, ailment, or disease that would make jury service in this case a hardship for you?

YES: \_\_\_\_\_ NO: \_\_\_\_\_

If "YES" please explain.

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43. Would it be difficult for you to fairly and impartially weigh the facts in a case where the defendant is charged with killing a minor child?

YES: \_\_\_\_\_ NO: \_\_\_\_\_

If "YES" please explain.

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44. Would it be difficult for you to fairly and impartially weigh the facts in a case where the defendant is charged with killing the mother of minor children?

YES: \_\_\_\_\_ NO: \_\_\_\_\_

If "YES" please explain.

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45. The State may introduce DNA and/or serology evidence in its case against the defendant.

a. Do you have any specific training, knowledge or experience in the area of serology or blood typing, or do you have a family member or close friend who has any specific training, knowledge or experience in the area of serology or blood typing?

YES: \_\_\_\_\_ NO: \_\_\_\_\_

If "YES" please explain.

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b. Do you have any specific training, knowledge or experience in the area of DNA, molecular biology or population genetics, or do you have a family member or close friend who has any specific training, knowledge or experience in the area of DNA, molecular biology or population genetics?

YES: \_\_\_\_\_ NO: \_\_\_\_\_

If "YES" please explain.

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c. Do you believe that scientific evidence carries greater weight than other types of evidence?

YES: \_\_\_\_\_ NO: \_\_\_\_\_

If "YES" please explain.

\_\_\_\_\_

d. Do you feel that if the State were to introduce DNA evidence against the defendant, you would be able to fully and fairly consider other types of evidence, which were favorable to the defendant?

YES:\_\_\_\_\_ NO:\_\_\_\_\_

46. What, if any, education, training, or experience have you had in the areas of:

Medicine? YES:\_\_\_\_\_ NO:\_\_\_\_\_

Please explain:\_\_\_\_\_

Statistics? YES:\_\_\_\_\_ NO:\_\_\_\_\_

Please explain:\_\_\_\_\_

Ballistics? YES:\_\_\_\_\_ NO:\_\_\_\_\_

Please explain:\_\_\_\_\_

Police Procedure? YES:\_\_\_\_\_ NO:\_\_\_\_\_

Please explain:\_\_\_\_\_

47. The State has charged Joseph Duncan with three counts of first degree murder and has filed a notice to seek the death penalty.

a. Do you believe that because the State is asking that the death penalty be imposed in this case that the defendant is more likely to be guilty of the offense charged?

YES:\_\_\_\_\_ NO:\_\_\_\_\_

If "YES" please explain.

\_\_\_\_\_

b. Do you believe that because the State is seeking the death penalty, that the nature or extent of the evidence against Mr. Duncan must be more certain or more compelling than if the State was not seeking the death penalty?

YES:\_\_\_\_\_ NO:\_\_\_\_\_

If "YES" please explain.

48. Generally, how serious of a problem do you think crime is:

a. In the United States?

\_\_\_\_\_

b. In Idaho?

\_\_\_\_\_

c. In Kootenai County?

\_\_\_\_\_

49. If you see crime as a serious problem, why do you think that the crime rate is as high as it is?

\_\_\_\_\_

50. How would you characterize how the Courts have been sentencing those who are:

a. convicted of committing crimes?

Too Harsh: \_\_\_\_\_ Properly: \_\_\_\_\_ Too Lenient: \_\_\_\_\_

b. convicted of committing crimes that are sexual in nature?

Too Harsh: \_\_\_\_\_ Properly: \_\_\_\_\_ Too Lenient: \_\_\_\_\_

51. Do you hold any opinions regarding psychiatry or psychology?

YES: \_\_\_\_\_ NO: \_\_\_\_\_

If "YES" what is your opinion?

\_\_\_\_\_

52. Would you be able to listen to, fairly consider, and weigh the testimony of a psychiatrist or psychologist, if offered at trial?

YES: \_\_\_\_\_ NO: \_\_\_\_\_

If "NO" please explain.

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53. Would viewing graphic photos of a crime scene and the deceased bodies and wounds make impossible for you to listen impartially in considering other evidence presented?

YES: \_\_\_\_\_ NO: \_\_\_\_\_

54. Is there any matter not yet covered by this questionnaire that you feel the attorneys or the Court should know about in considering you as a potential juror in this case?

YES: \_\_\_\_\_ NO: \_\_\_\_\_

If "YES" please explain.

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55. Is there any reason whatsoever why you are concerned that you may not be able to fairly and impartially weigh the evidence in this case, listen to the Court's instructions, and reach a verdict on all issues in accordance with the Court's instructions?

YES: \_\_\_\_\_ NO: \_\_\_\_\_

If "YES" please explain.

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### PRINCIPLES OF LAW

There are certain legal principles governing a criminal case by which you must abide once you have taken your oath as a juror. If you have any difficulty in understanding these principles, or in accepting these principles, you must inform the Court at this time. It is imperative that you be absolutely honest and open about your feelings.

#### 56. Presumption of Innocence

One of the fundamental principles of our legal system is that when a person is charged with a crime, he must be presumed to be innocent. This presumption of innocence is only overcome if the prosecution presented enough evidence to convince you beyond a reasonable doubt that he is guilty.

If you are selected as a juror in this case, will you have any difficulty accepting and/or applying the rule of law that Joseph Duncan must be presumed to be innocent?

YES: \_\_\_\_\_ NO: \_\_\_\_\_

If "YES" please explain.

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**57. Information**

There has been an Information filed in this case. An Information is nothing more than a formal method of presenting charges. It is the manner in which the defendant, the Court, and the Jury are informed as to the charges the defendant is facing. An Information has no evidentiary value.

Do you believe that it is more likely that Joseph Duncan is guilty merely because he has been formally charged by Information?

YES:\_\_\_\_\_ NO:\_\_\_\_\_

If "YES" please explain.

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**58. Do you believe that most people who are charged with crimes are probably guilty of those crimes?**

YES:\_\_\_\_\_ NO:\_\_\_\_\_

If "YES" please explain.

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**59. Burden of Proof**

The State/prosecution, has the burden of proving that Joseph Duncan is guilty beyond a reasonable doubt. This burden never shifts to the defense. The defendant never has to prove that he is innocent. No defendant is ever required to testify. A defendant is not required to present any evidence. If the prosecution does not prove every element of an offense beyond a reasonable doubt, the jury must find the defendant not guilty of that offense.

a. Do you understand this legal principle?

YES:\_\_\_\_\_ NO:\_\_\_\_\_

b. Will you follow the Court's instructions in this regard?

YES: \_\_\_\_\_ NO: \_\_\_\_\_

If "NO" please explain.

\_\_\_\_\_

**60. Right to Remain Silent**

In every criminal case, the defendant has an absolute Constitutional right not to testify.

a. Would you be able to presume a defendant to be innocent if he does not testify?

YES: \_\_\_\_\_ NO: \_\_\_\_\_

If "NO" please explain.

\_\_\_\_\_

b. Would the fact that the defendant presented no evidence in his defense affect your ability to render a fair and impartial verdict?

YES: \_\_\_\_\_ NO: \_\_\_\_\_

If "YES" please explain.

\_\_\_\_\_

**61. Reasonable Doubt**

One of the fundamental principles of our system is that the prosecution has the burden of proving that the defendant is guilty beyond a reasonable doubt.

a. Are you able to accept this principle of law?

YES: \_\_\_\_\_ NO: \_\_\_\_\_

b. Do you foresee any difficulty in applying this legal principle?

YES: \_\_\_\_\_ NO: \_\_\_\_\_

If "YES" to either, please explain.

\_\_\_\_\_

62. In general, do you assume from the fact that a defendant has been arrested and charged with a crime that he must be, or is likely to be, guilty?

YES: \_\_\_\_\_ NO: \_\_\_\_\_

**DEATH PENALTY**

In this case, the State has filed a notice of intention to seek the death penalty. This means that if, and only if, Joseph Duncan is found guilty of first degree premeditated murder or first degree felony murder, there will be a separate trial known as a sentencing proceeding. During this sentencing proceeding, other evidence may be presented to the jury. You are not to draw any conclusions about why you are being asked questions about the death penalty before this trial has commenced. Do not think that anyone has determined that a sentencing proceeding will be required or that Joseph Duncan will be found guilty of any offense. This is very important.

If the defendant is convicted of first degree murder in any form, the same jury that determined guilt may be asked to determine the appropriate sentence in a separate proceeding. In the sentencing phase of the case, the prosecution is required to establish the existence of an aggravating circumstance(s), which the prosecution asserts support the death penalty. On the other hand, the defense will present mitigating circumstances to the jury, which the defense asserts support a penalty of life imprisonment. Aggravating circumstances are factors set out by statute and alleged by the State in support of a death sentence. Mitigating circumstances are anything about the defendant or the facts of the case that, in fairness or mercy, indicate that a sentence other than death is appropriate. If you find the defendant guilty, the alternatives to the death penalty are either a sentence of life imprisonment without any possibility of parole or release, or life imprisonment with the possibility of parole.

By law we are required to ask you these questions now because if a sentencing proceeding is necessary, the same jury may be called upon to decide, based on evidence offered by both sides, whether Joseph Duncan will be sentenced to one of the following three options: death; life imprisonment without any possibility of parole or release; or life imprisonment with the possibility of parole.

Many people feel strongly about the death penalty and the other sentencing options. Some believe that the death penalty should be imposed in every case in which a defendant is convicted of first degree murder, regardless of any other facts and circumstances. Others feel that the death penalty should never be imposed, regardless of the facts and circumstances. Still others have strong feelings or impressions regarding life imprisonment as punishment. With this in mind, please answer the following questions with complete honesty and candor.

63. What are your opinions, beliefs or views regarding the death penalty?

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64. Do you have such strong beliefs against the death penalty that you would never impose it under any circumstances?

YES: \_\_\_\_\_ NO: \_\_\_\_\_

Please explain.

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65. Do you have such strong feelings of support for the death penalty that you would vote to impose it in every case of first degree murder?

YES: \_\_\_\_\_ NO: \_\_\_\_\_

Please explain.

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66. Would your beliefs about the death penalty prevent, or substantially impair, you from making an impartial decision about the defendant's guilt or innocence?

YES: \_\_\_\_\_ NO: \_\_\_\_\_

If "YES" please explain.

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67. Would your beliefs about the death penalty prevent, or substantially impair, you from making an impartial decision about the defendant's appropriate sentence?

YES: \_\_\_\_\_ NO: \_\_\_\_\_

If "YES" please explain.

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68. If the defendant were found guilty of first degree murder of any one of three individuals would you be able to consider imposing a sentence of death?

YES: \_\_\_\_\_ NO: \_\_\_\_\_

69. If the defendant were found guilty of first degree murder of any one of three individuals would you be able to consider imposing a sentence of life imprisonment without the possibility of parole?

YES: \_\_\_\_\_ NO: \_\_\_\_\_

70. After listening to the evidence and applying the law, if you were convinced that the appropriate sentence should be death, would you be able to vote for the death penalty?

YES: \_\_\_\_\_ NO: \_\_\_\_\_

If "NO" explain why.

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71. After listening to the evidence and applying the law, if you were convinced that the appropriate sentence should be life imprisonment, would you be able to vote for life imprisonment?

YES: \_\_\_\_\_ NO: \_\_\_\_\_

If "NO" explain why.

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72. Would your feelings about the cost of imprisonment in any way affect your decision regarding an appropriate sentence (death, life imprisonment without the possibility of parole, or life in prison with the possibility of parole) if the defendant is convicted?

YES: \_\_\_\_\_ NO: \_\_\_\_\_

Please explain.

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73. If the defendant is convicted of first degree murder, and you are required to serve on the sentencing jury, would you be able to keep an open mind during the sentencing proceeding and to fairly consider:

a. Aggravating circumstances presented by the State:

YES: \_\_\_\_\_ NO: \_\_\_\_\_

b. Mitigating circumstances presented by the defense?

YES: \_\_\_\_\_ NO: \_\_\_\_\_

If "NO" to either, please explain.

\_\_\_\_\_  
\_\_\_\_\_

74. A mitigating circumstance is anything about the defendant or the facts of the case that in fairness or mercy make the death sentence an inappropriate penalty for the defendant.

a.. In determining whether mitigating circumstances exist, would you consider Joseph Duncan's character and record?

YES: \_\_\_\_\_ NO: \_\_\_\_\_

b. In determining whether mitigating circumstances exist, would you consider Joseph Duncan's family history?

YES: \_\_\_\_\_ NO: \_\_\_\_\_

c. In determining whether mitigating circumstances exist, would you consider Joseph Duncan's behavior in jail?

YES: \_\_\_\_\_ NO: \_\_\_\_\_

d. In determining whether mitigating circumstances exist, would you consider Joseph Duncan's mental health?

YES: \_\_\_\_\_ NO: \_\_\_\_\_

75. Would your beliefs regarding parole or eligibility for release affect your ability to follow the Court's instructions regarding sentencing?

YES: \_\_\_\_\_ NO: \_\_\_\_\_

I, \_\_\_\_\_, DO SOLEMNLY SWEAR OR AFFIRM, UNDER PENALTY OF PERJURY, THAT THE ANSWERS TO THE QUESTIONS SET FORTH ABOVE ARE MY ANSWERS, MADE WITHOUT ASSISTANCE FROM ANY OTHER PERSON, AND ARE TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF.

JUROR SIGNATURE: \_\_\_\_\_

JUROR NAME (Print): \_\_\_\_\_