

Juror #

61

**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF TEXAS**

**CONFIDENTIAL JUROR QUESTIONNAIRE**

General Instructions

This questionnaire is designed to help simplify and expedite the jury selection process. Although some of the questions may appear to be of a personal nature, please understand that the Judge and the parties must learn enough information about each juror's background and experiences to select a fair and impartial jury.

Please answer all the questions to the best of your ability. If you have any questions write them on the form. If you don't know the answer to a question then write, "I don't know." There are no "right" or "wrong" answers, only truthful answers. Do not discuss the case or your answers with anyone. It is important that the answers are yours alone. Remember, you are sworn to give true and complete answers to all questions. After reading your questionnaire, Judge Solis may personally interview you in the presence of the lawyers and give you the opportunity to discuss your answers.

Do not write on back of any page, only the front pages will be copied. If you need additional space to complete an answer, go to the blank pages at the back of the questionnaire, indicate the number of the question, and continue your answer.

Juror # \_\_\_\_\_

### JUROR QUESTIONNAIRE

Juror Number 03-0263  
(This number maybe found on the summons. Please write legibly.)

### CONFIDENTIAL JUROR QUESTIONNAIRE

Please write legibly.

1. What is your age? 60
2. Are you: Male \_\_\_\_\_ Female X
3. Do you have any problem with your hearing or vision that would make it difficult for you to serve as a juror?

Yes \_\_\_\_\_ No X

4. Do you have any medical condition that would make it difficult for you to serve as a juror on this case?

Yes X No \_\_\_\_\_

If Yes, briefly list the condition(s):

Have chronic back problem causing severe pain when sitting long or standing/walking distances. Have several pre-surgery doctors appts scheduled up in September as pre-requisites to surgery for back (vertebrae) fusion. (See Page 12)

5. Are you (check one):

Married X Single \_\_\_\_\_ Living with another person \_\_\_\_\_

Living with domestic partner \_\_\_\_\_ Divorced/Separated \_\_\_\_\_

Widow/Widower \_\_\_\_\_

6. If you have any children, please list their gender, age, and if applicable, their current occupation.

Daughter 40 teacher  
Son 34 unemployed  
Guardian for 12 yr old grandson

Juror # \_\_\_\_\_

7. In what city do you reside? \_\_\_\_\_

(a) How long have you lived in this area? 30 yrs

(b) What other places have you lived within the last twenty years? \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

8. Is English your first language? Yes  No \_\_\_\_\_

9. What other languages do you speak, read or understand? \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

10. Were you, your spouse, or a former spouse born outside the United States?

Yes \_\_\_\_\_ No  If Yes, please tell us who and where they were born.  
\_\_\_\_\_  
\_\_\_\_\_

11. (a) Do you speak, read or understand Arabic or Hebrew (or any dialect of Arabic or Hebrew) or did you grow up in households where those languages or any of their dialects were spoken?

Yes \_\_\_\_\_ No

(b) If you speak, read or understand the Arabic or Hebrew language (or any part of its dialects), would you have any difficulty relying solely upon a translator's translation of the evidence?

Yes \_\_\_\_\_ No \_\_\_\_\_

12. Are you:      ( ) Employed full-time       Retired  
                  ( ) Employed part-time      ( ) Student  
                  ( ) Homemaker              ( ) Disabled & unable to work  
                  ( ) Unemployed/ laid off



Juror # \_\_\_\_\_

16. Have you ever served in the military? Yes \_\_\_\_\_ No X

Branch and highest rank: \_\_\_\_\_

Foreign Stations or Tours: \_\_\_\_\_

17. The judge who will preside over this case is The Honorable Jorge A. Solis, United States District Judge for the Northern District of Texas. Do you or anyone close to you know or have any connection with Judge Solis or any of his staff?

Yes \_\_\_\_\_ No X If Yes, please explain:

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

18. Do you or does any relative or close friend know or have any connection with any of the following persons who may be seated at the counsel table for the government?

Assistant United States Attorney Jim Jacks Yes \_\_\_\_\_ No X

Department of Justice Attorney Barry Jonas Yes \_\_\_\_\_ No X

Department of Justice Attorney Elizabeth Shapiro Yes \_\_\_\_\_ No X

Special Agent Lara Burns, FBI Yes \_\_\_\_\_ No X

Special Agent Rob Miranda, FBI Yes \_\_\_\_\_ No X

Special Agent Carrie Ward, FBI Yes \_\_\_\_\_ No X

If you answered yes to any of the names above, describe your connection to this individual(s).

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

19. Do you or does any relative or close friend know or have any connections with any of the following defense lawyers or their staff?

Nancy Hollander Yes \_\_\_\_\_ No X

Theresa Duncan Yes \_\_\_\_\_ No X

Joshua Dratel Yes \_\_\_\_\_ No X

Aaron Mysliwicz Yes \_\_\_\_\_ No X

Linda Moreno Yes \_\_\_\_\_ No X

Marlo Cadeddu Yes \_\_\_\_\_ No X

Greg Westfall Yes \_\_\_\_\_ No X

John Cline Yes \_\_\_\_\_ No X

Juror # \_\_\_\_\_

If you answered yes to any of the names above, describe your connection and/ or your friend or relative's connection to this individual(s):

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

20. Do you or does any relative or close friend know or have any connections with any of the defendants?

Holy Land Foundation for Relief  
and Development

Yes \_\_\_\_\_ No X

Shukri Abu Baker

Yes \_\_\_\_\_ No X

Mohammad El- Mezain

Yes \_\_\_\_\_ No X

Ghassan Elashi

Yes \_\_\_\_\_ No X

Mufid Abdulqader

Yes \_\_\_\_\_ No X

Abdulrahman Odeh

Yes \_\_\_\_\_ No X

Please explain who has the connection in detail for each individual:

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

21. Have you followed any criminal cases involving allegations of terrorism or support of terrorism? Yes \_\_\_\_\_ No X

If Yes, please list the cases and what was or is of interest to you about these cases:

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

22. This case has received media attention that is likely to continue. Is there anything you have seen, heard, or read that would interfere with your ability to render a fair verdict in this case based solely on the evidence presented in court?

Yes Perhaps No \_\_\_\_\_ If Yes, please explain: In following previous trial, some things were revealed in media that made me have a very strong opinion on the matter. This would probably bias me regarding the guilt or innocence.

Juror # \_\_\_\_\_

23. This case is likely to receive media attention during the trial. The Judge wants to make sure that this case is decided solely on the evidence in the courtroom and not based on things that are said outside the courtroom. Accordingly, the Judge will be advising you periodically that you must avoid reading about the case in the newspaper or listening to any radio or television reports about the case, or reading anything about the case on the internet. The Judge will also advise you periodically that you must avoid discussing this case with friends or family during the course of the trial. Would these requirements pose any difficulty for you?

Yes \_\_\_\_\_ No  If Yes, please explain: \_\_\_\_\_

\_\_\_\_\_

24. What, if anything, have you seen, read or heard about the following people facing charges in this case?

(a)            Ghassan Elashi:

\_\_\_\_\_

(b)            Shukri Abu Baker:

\_\_\_\_\_

(c)            Mufid Abdulqader:

\_\_\_\_\_

(d)            Mohammed El-Mezain:

\_\_\_\_\_

(e)            Abdulrahman Odeh:

\_\_\_\_\_

Juror # \_\_\_\_\_

**PRIOR JURY SERVICE**

29. Have you ever:
- (a) Served as a juror in a civil case? Yes  No
  - (a)(1) Served on a grand jury? Yes  No
  - (a)(2) Served as a juror in a criminal case? Yes  No
  - (a)(3) Have you ever been a juror in a case where the jury was unable to reach a verdict? Yes  No
- (b) If you have served on a jury, please list below: (1) the approximate dates(s); (2) whether you served in state court or federal court; (3) whether it was a grand jury or a trial jury; (4) whether it was a criminal case or a civil case; (5) what the general nature of the case was (for example, robbery, murder, contract, negligence, medical malpractice, etc.); and (6) whether or not a verdict was reached.

Date	State or Federal Trial Jury	Grand Jury	Criminal or Civil	Nature of Case	Verdict
?		X		Numerous cases	
?	<del>?</del>		X	Assault	Not Guilty

- (c) Is there anything about your prior jury experience that would make it difficult to serve again? Yes  No  If Yes, please explain:

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Juror # \_\_\_\_\_

30. Have you or anyone close to you worked for, applied to, or had training with:  
(check all that apply)

- (a) Any law enforcement, security or investigative agency, including but not limited to the police department, a state police agency, the sheriff's department, the FBI, the DEA, the Secret Service, the Postal Inspection Service, the CIA, the BICE, the INS, the Department of Homeland Security or the Department of Justice?
- \_\_\_\_\_ (b) A prison, jail, detention center, or probation services?
- \_\_\_\_\_ (c) Any city or town attorney, Attorney General, state or federal prosecutor, or court?
- \_\_\_\_\_ (d) Any law firm that practices criminal defense?
- \_\_\_\_\_ (e) Any accounting, banking, or financial institutions?
- \_\_\_\_\_ (f) Any newspaper, radio, television, or other media outlet?

If you answered "Yes" to any of the above, please state who (relation to you), where, when, and the circumstances.

Husband - law enforcement for over 20 years (police dept;  
constable's office; schools) Have many friends in  
law enforcement of several agencies listed above

31. Have you or a member of your family 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? Yes \_\_\_\_\_ No

If yes, please explain the nature of your interest in such proceedings:

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

32. Have you or a family member or close friend had an experience involving the police, FBI, or any other law enforcement agency, including being interviewed by or making a report to a law enforcement officer?

Yes  No \_\_\_\_\_ If Yes, please explain: \_\_\_\_\_  
My previous job involved close relation of police agencies in various capacities  
Son has had several run-ins w/ police  
Make report to officers on various neighborhood issues as warranted.

Juror # \_\_\_\_\_

33. Have you or a family member or close friend ever been arrested, charged or convicted for a crime other than traffic ticket? Yes  No \_\_\_\_\_

If Yes, please explain who (relation to you), when, the nature of the charge and the circumstances:

Son - marijuana  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

34. (a) Some of the defendants are citizens of the United States and some are not. Under the law, in a criminal trial, non-citizens are afforded the same constitutional rights as citizens. Can you follow that law? Yes  No \_\_\_\_\_

(b) Under the law generally, the protections of free speech in our democracy extend both to citizens and non-citizens. Can you follow this law? Yes  No \_\_\_\_\_

35. Under the United States Constitution, a person accused of a crime does not have to testify in his defense, and his silence may not be used against him. Can you follow this law and not hold a defendant's decision not to testify against him?

Yes  No I can follow this law but I believe that if one does not defend himself, he most likely, (not always) has something to hide which would incriminate him.

36. The Court will instruct you that the testimony of a law enforcement officer is entitled to no greater weight or lesser weight than that of any other witness. Do you have any difficulties accepting that statement? Yes \_\_\_\_\_ No

37. There may be evidence in this case consisting of tape recordings of conversations taking place over the telephone through the use of electronic devices commonly known as "wiretaps." Do you have any preconceptions of the obtaining or use of such evidence that might prevent you from fairly considering it at trial?

Yes \_\_\_\_\_ No  If Yes, please explain: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Juror # \_\_\_\_\_

38. At the conclusion of the case it is the judge's task and duty to charge you on the law and explain to you the elements of the crimes charged in the indictment. Do you have personal, religious, philosophical or other beliefs as to what the law is or should be that would make it difficult for you to follow the instructions of the judge or that would make it difficult for you to sit in the judgment of another?

Yes \_\_\_\_\_ No  If Yes, please explain: \_\_\_\_\_

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

39. Have you or any member of your family or friends had any experience that would cause you to be biased for or against a defendant who is an Arab or a Muslim?

Yes \_\_\_\_\_ No  If Yes, please explain: \_\_\_\_\_

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

40. Do you have any feelings about Arabs, Muslims, or the religion of Islam that would make it difficult for you to listen to evidence and decide a case with an open mind?

Yes \_\_\_\_\_ No  *I don't think so* If Yes, please explain: \_\_\_\_\_

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

41. Is there anything about the nature of the charges in this case that would affect your ability to fairly evaluate the evidence regarding whether or not the government has proven the guilt of the defendants beyond a reasonable doubt?

*Not yet known*  
No

40. Is there any matter not covered by this questionnaire that you feel you should tell us about? Yes \_\_\_\_\_ No  If Yes, please explain:

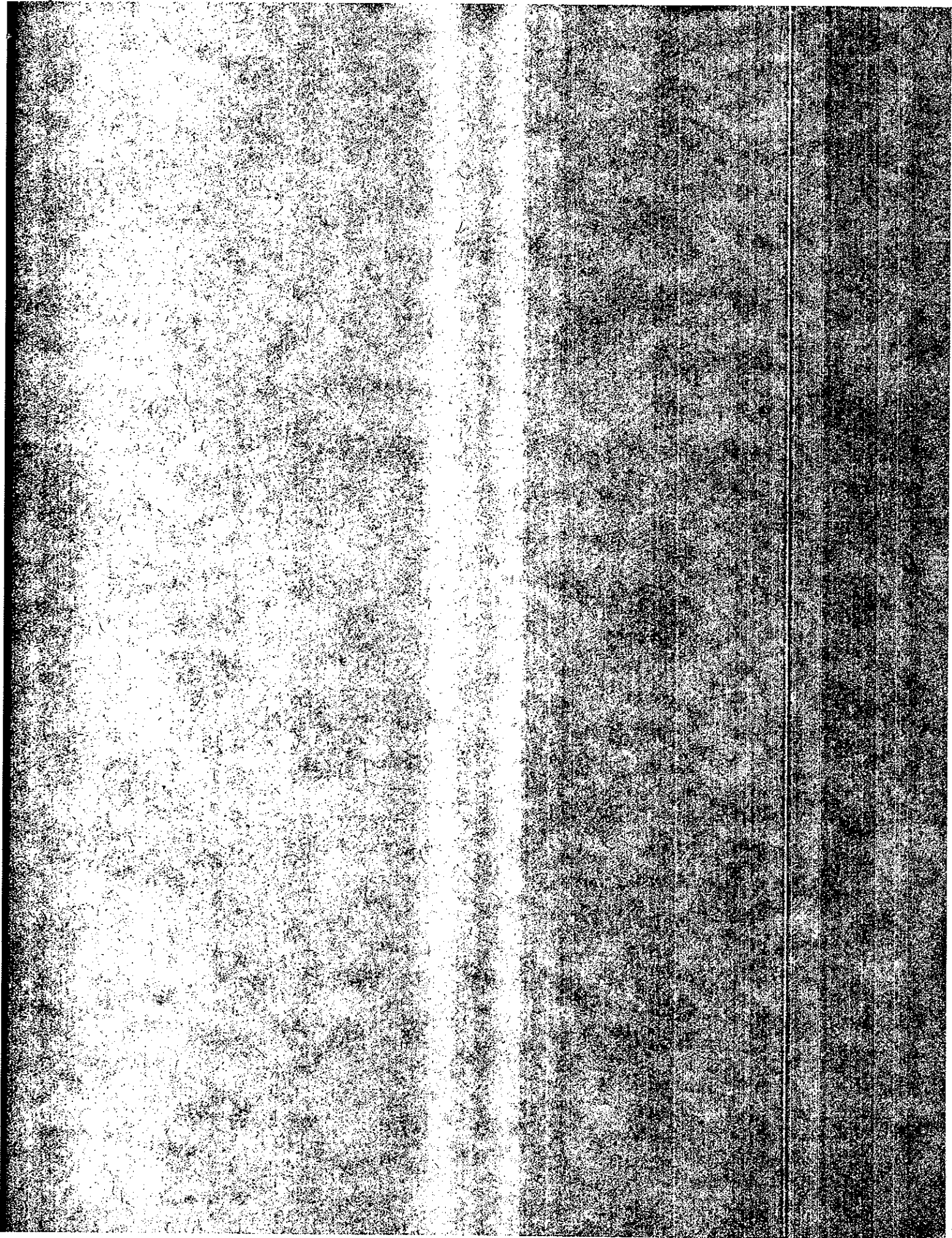
*See page 12*  
\_\_\_\_\_  
\_\_\_\_\_

Juror # \_\_\_\_\_

(EXTRA PAGE FOR FURTHER ANSWERS)

#4 I have severe muscle spasms and leg pain from pinching of sciatic nerve in back, which causes pain from sitting too long or standing too long, therefore I'm always moving to try to relieve the pain. Also, the medications I'm taking causes drowsiness when I'm not moving or active, and sometimes it puts me to sleep if I don't take it properly.

I would love to serve but after I've had my surgery so my full attention would be on case and not on my pain.



base  
questionnaire  
to AGM  
juror # 61

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Bring in [REDACTED]

[REDACTED], good afternoon. Have a seat there, please, ma'am.

And these are the lawyers that you met last time you were here. And they are now going to ask you some questions about the questionnaire that you filled out; Mr. Jacks on behalf of the Government, and then you will hear from one of the Defense attorneys.

Mr. Jacks?

MR. JACKS: Thank you, Your Honor.

Q. (BY MR. JACKS) Hello, [REDACTED]

A. Hello.

Q. Nice to see you again.

A. Thank you.

Q. As Judge Solis told you the other day and today, my name is Jim Jacks. I am an Assistant United States Attorney, and I am going to be representing the Government in this case along with Mr. Jonas and Ms. Shapiro. We have some questions that are just kind of -- When we talked to you a couple of weeks ago, you had not filled out the questionnaire, and now you have so we just have some questions as a result of your questionnaire being filled out.

In the back of the questionnaire there were some questions that had to do with basic rights and maybe rules of law that you were being asked about. And to be honest with

1 you, I am not sure that they are written in the best way,  
2 because some of them were kind of "can you follow this," and  
3 then it asked for a yes or no, and so let me just go over them  
4 again.

5 With regard to non-citizens having the same rights as  
6 citizens in a criminal trial in the United States, you  
7 indicated that yes, you could follow that law. Is that  
8 correct?

9 A. Uh-huh.

10 Q. And then the same thing with regard to non-citizens  
11 having the right to free speech, just like citizens of this  
12 country have. Is that correct?

13 A. Uh-huh.

14 THE COURT: And ma'am, if you would answer yes or no  
15 so the court reporter can take it down.

16 THE PANEL MEMBER: Yes.

17 Q. (BY MR. JACKS) It took me a while to learn that, too.

18 With regard -- there was a question about the law says  
19 that a Defendant -- under the Fifth Amendment of the United  
20 States, not only do you have a right to remain silent, but you  
21 also have a right at your own trial not to be required to  
22 testify. And even beyond that, if you choose not to testify,  
23 that can't be held against you as somehow evidence of your  
24 guilt. And you indicated -- I think the question was phrased  
25 can you follow this law and not hold a Defendant's decision

1 not to testify against him, and you said no. Was that what  
2 you meant by that, or was it just a badly written question?

3 A. I meant that I could follow it, but I wasn't sure that if  
4 they didn't testify I wouldn't hold it against them.

5 Q. Okay. You understand that in the court of public  
6 opinion, or whatever, that that may be okay, that people can  
7 say, "Well, he didn't get up there and testify. Therefore  
8 that means this." But in the real world and in the courtroom,  
9 that the Constitution and the laws say that is not fair; that  
10 you have a Fifth Amendment right to testify, and by exercising  
11 your Constitutional rights, that shouldn't be held against you  
12 by the jury. And the Judge will tell you that that is the  
13 law.

14 So I guess the ultimate question is, can you follow that  
15 law, if the Judge tells you that that is the law, if you serve  
16 on a jury in a criminal case?

17 A. Yeah, I could probably follow that.

18 Q. Okay. Is there any question about that?

19 A. No.

20 Q. Okay. I think the next question in that series of  
21 questions was the Judge will tell the jury that a law  
22 enforcement officer is entitled to no greater credibility than  
23 a civilian witness, and what should probably be added to that  
24 phrase is simply because they are a law enforcement officer,  
25 that just because a person works as a police officer or an FBI



1 agent or a DEA agent, that fact alone doesn't give them the  
2 right to any more credibility than a civilian witness.

3 Do you understand that question as it relates to the law  
4 that the Judge will give to you?

5 A. Yes.

6 Q. All right. It doesn't mean that if you have a witness  
7 who is an FBI agent and you believe that you see that person  
8 testify, you can watch their demeanor, and you can judge their  
9 motive, whether they have a reason to exaggerate or lie, and  
10 you can look at all the other evidence that is in the case and  
11 see whether it is corroborated or disputed by what they say,  
12 you can still use those kind of factors to judge their  
13 credibility. Do you understand the difference?

14 A. Not exactly.

15 Q. I may have done a poor job of distinguishing that. Let  
16 me just go back. Simply because a person wears a badge, that  
17 doesn't mean that they are entitled to more weight in their  
18 testimony than a civilian witness. You understand that?

19 A. I understand that.

20 Q. Okay. I think there were some questions that kind of  
21 asked you generally, you know, do you have any previous  
22 experience with Arabs or Muslims, and I believe that your  
23 answers were that you had not. Is that an accurate statement?

24 A. I guess. I don't remember what the question was.

25 Q. Okay. Well let me ask it just outright. The question

1 was asked, "Have you or any member of your family had any  
2 experience that would cause you to be biased against a  
3 defendant who happened to be an Arab or Muslim?" And you  
4 wrote "September 11th." Do you remember that?

5 A. Yeah.

6 Q. Okay. And if the evidence shows in this case, and I  
7 think Judge Solis told everybody ten days ago in the bigger  
8 courtroom that this case has nothing to do with September  
9 11th, and that there will be no evidence showing that these  
10 men had anything to do with this, and the Government is not  
11 asking that you keep in mind September 11th, but if that is  
12 the case, that nothing that is going to be presented in this  
13 courtroom has anything to do with September 11th, are you able  
14 to set that aside, then, and decide this case strictly on the  
15 evidence that you hear in this courtroom?

16 A. I am not sure I could. I would try, but I am not sure I  
17 could.

18 Q. Well, let me just ask this question. Would you agree  
19 that it is a pretty fair statement that everybody knows about  
20 September 11th in this country?

21 A. Sure.

22 Q. And that if that were the barrier to allowing people to  
23 be on juries or not, that it would be pretty hard to find  
24 someone that didn't know anything about that. Would you agree  
25 with that?

1 A. Yes.

2 Q. Our interest and our concern is that -- And obviously  
3 everybody that comes in and sits where you are sitting is  
4 going to know about that, but are there going to be people  
5 that have the maturity and the judgment that they could  
6 separate that whatever happened on September 11th is about  
7 September 11th, but whatever happens in this courtroom is  
8 about this case? Do you feel like that you are a person that  
9 has that degree of maturity and judgment and that you could do  
10 that?

11 A. I would like to say so, but I am just not sure that I  
12 could set that aside and not think about it.

13 Q. Even if it is presented to you that that is not what this  
14 case is about--that this case is not here to solve the events  
15 of September 11th, so even if it is presented to you that way,  
16 is it still your position that you couldn't set that aside and  
17 view this case strictly on the evidence?

18 A. I am not sure. I don't know. I hate to say yes, because  
19 I feel like I should tell the truth.

20 Q. Oh, absolutely. And I guess is it your position that you  
21 are a person that, because of what happened on September 11th,  
22 that that would spill over and cause you to be less than a  
23 fair and impartial juror in this case?

24 A. That is my fear that that is what would happen, whether  
25 intentionally or not.

1 Q. Let me just shift focus a little bit. I am sorry. Have  
2 you been on a criminal jury before?

3 A. No.

4 Q. Or any jury before?

5 A. No.

6 Q. Okay. Thank you.

7 Do you understand, either from television or whatever,  
8 the burden of proof and presumption of innocence and those  
9 legal principles.

10 A. Yes.

11 Q. Okay. I take it you understand that the Government, or  
12 the Prosecution, has the burden of proof and they have to  
13 prove the case. The Defendants only have to show up. They  
14 don't have to do anything. Do you understand that?

15 A. Yes.

16 Q. And that the burden of proof in a criminal case is beyond  
17 a reasonable doubt. Do you understand that?

18 A. Yes.

19 Q. If the Government doesn't prove its case beyond a  
20 reasonable doubt, whatever the charges are, the jury is  
21 expected to return a not guilty verdict. Do you understand  
22 that?

23 A. Yes.

24 Q. If the Government falls short.

25 A. Yes.

1 Q. All right. Could you do that? If you were on this jury  
2 and if we failed to do our job and failed to prove our case  
3 beyond a reasonable doubt, could you return a verdict of not  
4 guilty?

5 A. Yeah, yes.

6 Q. Okay. So to that extent, are you telling us you can do  
7 the job of a juror?

8 A. I guess so.

9 THE COURT: And you have used up your time.

10 MR. JACKS: Thank you, [REDACTED]

11 THE COURT: Ms. Moreno?

12 MS. MORENO: Thank you, Your Honor.

13 Q. (BY MS. MORENO) [REDACTED], how are you feeling today?

14 A. I am okay, thanks.

15 Q. My name is Linda Moreno. I am one of the Defense lawyers  
16 in this case, and I want to ask you a little bit more about  
17 your answers today and your answers from the questionnaire.

18 When you read that question about holding someone's right  
19 to silence, someone who did not testify on their own behalf,  
20 and you were asked if you could accept that law and you said  
21 no--Mr. Jacks asked you about that--when you said no about  
22 that, what was it that you were thinking? If someone doesn't  
23 testify on their own behalf, what was your thought?

24 A. My first response to the question was I would think they  
25 were guilty.

1 Q. Right. Would you think they were hiding something?

2 A. Yes.

3 Q. And you would have the opinion that if they are not  
4 taking the stand it is because they are guilty. Is that  
5 right?

6 A. Yes.

7 Q. Is that fair? And what we are interested in here are  
8 honest answers. There is no wrong answers; no right, no wrong  
9 answers, just honest ones, because we all are interested in  
10 finding those jurors who have no issues and no preconceived  
11 notions or prejudices. That is what we are trying to find  
12 here, which is difficult because we all have prejudices. So I  
13 am going to re-ask the question.

14 If in this case, let's say one or more of these gentlemen  
15 didn't take the stand, did not testify on their own behalf,  
16 would you as a juror feel, "You know what? They are probably  
17 guilty"? Would you have that opinion?

18 A. I guess -- I don't know. If they explain why they don't  
19 or if they just say they are not going to, but probably if I  
20 heard they are just not going to, I would think there is a  
21 reason.

22 Q. And when you say you would think there was a reason, what  
23 do you mean? You mean a guilty reason?

24 A. Yeah, that they felt guilty and that is why they wouldn't  
25 testify.

1 Q. And that would be something that you would have in your  
2 mind really no matter what. Is that fair to say?

3 A. Yes.

4 Q. Okay. Now, on the question of the 9/11 question, I want  
5 to re-visit that again. And again, nobody knows how you feel  
6 and what is in your heart and what is in your head. Only you  
7 can tell us that. So these gentlemen here who are charged in  
8 this case, they are all Muslim and they are all Palestinian.  
9 And given that you had answered in your questionnaire that  
10 because of 9/11 you have a bias, that is what you have. You  
11 have a bias about that. Is that right?

12 A. Yes.

13 Q. And as you sit here today, nothing has changed in your  
14 life that has removed that bias. Is that right?

15 A. Yes, that is right.

16 Q. Okay. And so when you wrote that in the questionnaire,  
17 you were being honest?

18 A. I was being honest.

19 Q. And today as you sit here, would it be fair for me to say  
20 that you still have that particular bias in your mind?

21 A. Probably, yes.

22 Q. What we need in this particular case are jurors who have  
23 no bias, no preconceived notions about the gentlemen who are  
24 charged in this case. That is the duty and oath of a juror.  
25 Is it fair to say that you really couldn't fulfill that oath

1 because of the feelings and opinions you have?

2 A. Probably, yes.

3 Q. Yes? With the presumption of innocence -- You have heard  
4 of the presumption of innocence?

5 A. Yes.

6 Q. That means you have to presume people innocent?

7 THE COURT: Ms. Moreno, we don't need to go into  
8 that.

9 Ms. Hopkins if you will step back into the jury room, we  
10 will let you know something here in just a few minutes.

11 Challenge?

12 MS. MORENO: Challenge for cause, Your Honor.

13 THE COURT: Mr. Jacks?

14 MR. JACKS: No objection.

15 THE COURT: I think she is subject to challenge both  
16 on the Fifth Amendment ground -- You tried to rehabilitate  
17 her, but I think she is still unclear about it. And she is  
18 subject to challenge with respect to questions 39 and 40 with  
19 regard to September 11th. She will be excused.

20 And our next one will be No. 30, Ms. Comer, Charlotte  
21 Comer.

22 Ms. Comer, these were the attorneys that were introduced  
23 last time you are here in court. They are now going to ask  
24 you some questions about the questionnaire you filled out.  
25 You will hear from one of the Prosecutors and then one of the



Juror #

34

**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF TEXAS**

**CONFIDENTIAL JUROR QUESTIONNAIRE**

General Instructions

This questionnaire is designed to help simplify and expedite the jury selection process. Although some of the questions may appear to be of a personal nature, please understand that the Judge and the parties must learn enough information about each juror's background and experiences to select a fair and impartial jury.

Please answer all the questions to the best of your ability. If you have any questions write them on the form. If you don't know the answer to a question then write, "I don't know." There are no "right" or "wrong" answers, only truthful answers. Do not discuss the case or your answers with anyone. It is important that the answers are yours alone. Remember, you are sworn to give true and complete answers to all questions. After reading your questionnaire, Judge Solis may personally interview you in the presence of the lawyers and give you the opportunity to discuss your answers.

Do not write on back of any page, only the front pages will be copied. If you need additional space to complete an answer, go to the blank pages at the back of the questionnaire, indicate the number of the question, and continue your answer.

Juror # 34

### JUROR QUESTIONNAIRE

Juror Number 102837779  
(This number maybe found on the summons. Please write legibly.)

### CONFIDENTIAL JUROR QUESTIONNAIRE

Please write legibly.

1. What is your age? 49
2. Are you: Male  Female
3. Do you have any problem with your hearing or vision that would make it difficult for you to serve as a juror?

Yes  No

4. Do you have any medical condition that would make it difficult for you to serve as a juror on this case?

Yes  No

If Yes, briefly list the condition(s):

\_\_\_\_\_

5. Are you (check one):

Married  Single  Living with another person

Living with domestic partner  Divorced/Separated

Widow/Widower

6. If you have any children, please list their gender, age, and if applicable, their current occupation.

M-21 - Student at the [REDACTED]  
M-17 - Senior in High School  
F-16 - Junior in High School

Juror # 34

7. In what city do you reside? [REDACTED]

(a) How long have you lived in this area? 40 years

(b) What other places have you lived within the last twenty years? \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

8. Is English your first language? Yes  No \_\_\_\_\_

9. What other languages do you speak, read or understand? None  
\_\_\_\_\_  
\_\_\_\_\_

10. Were you, your spouse, or a former spouse born outside the United States?

Yes \_\_\_\_\_ No  If Yes, please tell us who and where they were born.  
\_\_\_\_\_  
\_\_\_\_\_

11. (a) Do you speak, read or understand Arabic or Hebrew (or any dialect of Arabic or Hebrew) or did you grow up in households where those languages or any of their dialects were spoken?

Yes \_\_\_\_\_ No

(b) If you speak, read or understand the Arabic or Hebrew language (or any part of its dialects), would you have any difficulty relying solely upon a translator's translation of the evidence?

Yes \_\_\_\_\_ No \_\_\_\_\_

12. Are you:      ( ) Employed full-time      ( ) Retired  
                  ( ) Employed part-time      ( ) Student  
                  (  ) Homemaker              ( ) Disabled & unable to work  
                  ( ) Unemployed/ laid off

Juror # 34

(a) What kind of work do you do?

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

(b) If retired or unemployed, what was your primary vocation?

owned a real estate appraisal company  
and ~~has been~~ was in the business from  
1982-1992 ~~when~~ until my 3<sup>rd</sup> child was born

(c) If a homemaker or student, please tell us what jobs outside the home (if any) you have had in the past two years:

Volunteer with various organizations at my  
children's school. Currently I am the treasurer  
of a booster club.

13. What is the highest grade of schooling you have completed?

- ( ) 8th grade or less
- ( ) Some high school
- ( ) High school graduate
- ( ) Community College
- ( ) Some four-year college
- () College graduate
- ( ) Post graduate

(a) Major area(s) of study: Finance/Real Estate Emphasis

(b) Degrees or certificates: BBA

14. What charitable work, civic, social, union, professional, fraternal, political, recreational, or religious organizations do you belong to or participate in, and what offices, if any, have you held in any of these organizations?

Treasurer of a high school ladies athletic  
boosters

15. Have you previously traveled outside the United States? Yes  No

If Yes, please describe where and approximately when.  
Cancun in July.

Juror # 34

16. Have you ever served in the military? Yes \_\_\_\_\_ No

Branch and highest rank: \_\_\_\_\_  
Foreign Stations or Tours: \_\_\_\_\_  
\_\_\_\_\_

17. The judge who will preside over this case is The Honorable Jorge A. Solis, United States District Judge for the Northern District of Texas. Do you or anyone close to you know or have any connection with Judge Solis or any of his staff?  
Yes \_\_\_\_\_ No  If Yes, please explain:  
\_\_\_\_\_  
\_\_\_\_\_

18. Do you or does any relative or close friend know or have any connection with any of the following persons who may be seated at the counsel table for the government?

Assistant United States Attorney Jim Jacks	Yes _____	No <input checked="" type="checkbox"/>
Department of Justice Attorney Barry Jonas	Yes _____	No <input checked="" type="checkbox"/>
Department of Justice Attorney Elizabeth Shapiro	Yes _____	No <input checked="" type="checkbox"/>
Special Agent Lara Burns, FBI	Yes _____	No <input checked="" type="checkbox"/>
Special Agent Rob Miranda, FBI	Yes _____	No <input checked="" type="checkbox"/>
Special Agent Carrie Ward, FBI	Yes _____	No <input checked="" type="checkbox"/>

If you answered yes to any of the names above, describe your connection to this individual(s).  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

19. Do you or does any relative or close friend know or have any connections with any of the following defense lawyers or their staff?

Nancy Hollander	Yes _____	No <input checked="" type="checkbox"/>
Theresa Duncan	Yes _____	No <input checked="" type="checkbox"/>
Joshua Dratel	Yes _____	No <input checked="" type="checkbox"/>
Aaron Mysliwicz	Yes _____	No <input checked="" type="checkbox"/>
Linda Moreno	Yes _____	No <input checked="" type="checkbox"/>
Marlo Cadeddu	Yes _____	No <input checked="" type="checkbox"/>
Greg Westfall	Yes _____	No <input checked="" type="checkbox"/>
John Cline	Yes _____	No <input checked="" type="checkbox"/>

Juror # 34

If you answered yes to any of the names above, describe your connection and/ or your friend or relative's connection to this individual(s):

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

20. Do you or does any relative or close friend know or have any connections with any of the defendants?

Holy Land Foundation for Relief and Development	Yes _____	No <input checked="" type="checkbox"/>
Shukri Abu Baker	Yes _____	No <input checked="" type="checkbox"/>
Mohammad El- Mezain	Yes _____	No <input checked="" type="checkbox"/>
Ghassan Elashi	Yes _____	No <input checked="" type="checkbox"/>
Mufid Abdulqader	Yes _____	No <input checked="" type="checkbox"/>
Abdulrahman Odeh	Yes _____	No <input checked="" type="checkbox"/>

Please explain who has the connection in detail for each individual:

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

21. Have you followed any criminal cases involving allegations of terrorism or support of terrorism? Yes \_\_\_\_\_ No

If Yes, please list the cases and what was or is of interest to you about these cases:

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

22. This case has received media attention that is likely to continue. Is there anything you have seen, heard, or read that would interfere with your ability to render a fair verdict in this case based solely on the evidence presented in court?

Yes \_\_\_\_\_ No  If Yes, please explain: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Juror # 34

23. This case is likely to receive media attention during the trial. The Judge wants to make sure that this case is decided solely on the evidence in the courtroom and not based on things that are said outside the courtroom. Accordingly, the Judge will be advising you periodically that you must avoid reading about the case in the newspaper or listening to any radio or television reports about the case, or reading anything about the case on the internet. The Judge will also advise you periodically that you must avoid discussing this case with friends or family during the course of the trial. Would these requirements pose any difficulty for you?

Yes  No  If Yes, please explain: \_\_\_\_\_

\_\_\_\_\_

24. What, if anything, have you seen, read or heard about the following people facing charges in this case?

(a) Ghassan Elashi:

\_\_\_\_\_ None \_\_\_\_\_

(b) Shukri Abu Baker:

\_\_\_\_\_ None \_\_\_\_\_

(c) Mufid Abdulqader:

\_\_\_\_\_ None \_\_\_\_\_

(d) Mohammed El-Mezain:

\_\_\_\_\_ None \_\_\_\_\_

(e) Abdulrahman Odeh:

\_\_\_\_\_ None \_\_\_\_\_

Juror # 34

25. Have you heard or read about any statement(s) made by or attributed to Ghassan Elashi; Shukri Abu Baker, Mufid Abdulqader, Mohammed El- Mezain, or Abdulrahman Odeh? Yes  No

If Yes, how would you describe the statement(s) and to whom were they attributed if you recall?  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

26. Based on anything you may have read, seen, or heard in the media or elsewhere, have you formed an opinion as to the guilt or innocence of any of the defendants in this case? Yes  No

If Yes, please explain:  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

27. How closely have you followed the media coverage of the conflict between Israel and the Palestinians?

Very closely  Somewhat closely  Not too closely

28. Have you formed an opinion or belief about the nature of that conflict that would prevent you from serving as a fair and impartial juror in this case?

Yes  No  If Yes, please explain:  
I feel like The Israels have a right to their  
land and ~~Palestinians do not have the~~ and a  
right to exist in the Region. The Palestinians  
also have a right to ~~their~~ live in the region  
but not to take over Israel.



Juror # 34

**PRIOR JURY SERVICE**

29. Have you ever:
- (a) Served as a juror in a civil case? Yes  No
  - (a)(1) Served on a grand jury? Yes  No
  - (a)(2) Served as a juror in a criminal case? Yes  No
  - (a)(3) Have you ever been a juror in a case where the jury was unable to reach a verdict? Yes  No

(b) If you have served on a jury, please list below: (1) the approximate dates(s); (2) whether you served in state court or federal court; (3) whether it was a grand jury or a trial jury; (4) whether it was a criminal case or a civil case; (5) what the general nature of the case was (for example, robbery, murder, contract, negligence, medical malpractice, etc.); and (6) whether or not a verdict was reached.

Date	State or Federal Trial Jury	Grand Jury	Criminal or Civil	Nature of Case	Verdict
8/13-8/15-2008	Trial		Civil	Injury Compensation in an auto accident	No Compensation

(c) Is there anything about your prior jury experience that would make it difficult to serve again? Yes  No  If Yes, please explain:

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Juror # 34

30. Have you or anyone close to you worked for, applied to, or had training with:  
(check all that apply)

- (a) Any law enforcement, security or investigative agency, including but not limited to the police department, a state police agency, the sheriff's department, the FBI, the DEA, the Secret Service, the Postal Inspection Service, the CIA, the BICE, the INS, the Department of Homeland Security or the Department of Justice?
- (b) A prison, jail, detention center, or probation services?
- (c) Any city or town attorney, Attorney General, state or federal prosecutor, or court?
- (d) Any law firm that practices criminal defense?
- (e) Any accounting, banking, or financial institutions?
- (f) Any newspaper, radio, television, or other media outlet?

If you answered "Yes" to any of the above, please state who (relation to you), where, when, and the circumstances.

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31. Have you or a member of your family 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? Yes  No

If yes, please explain the nature of your interest in such proceedings:

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32. Have you or a family member or close friend had an experience involving the police, FBI, or any other law enforcement agency, including being interviewed by or making a report to a law enforcement officer?

Yes  No  If Yes, please explain: \_\_\_\_\_

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Juror # 34

33. Have you or a family member or close friend ever been arrested, charged or convicted for a crime other than traffic ticket? Yes \_\_\_ No

If Yes, please explain who (relation to you), when, the nature of the charge and the circumstances:

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---

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34. (a) Some of the defendants are citizens of the United States and some are not. Under the law, in a criminal trial, non-citizens are afforded the same constitutional rights as citizens. Can you follow that law? Yes  No \_\_\_

(b) Under the law generally, the protections of free speech in our democracy extend both to citizens and non-citizens. Can you follow this law? Yes  No \_\_\_

35. Under the United States Constitution, a person accused of a crime does not have to testify in his defense, and his silence may not be used against him. Can you follow this law and not hold a defendant's decision not to testify against him? Yes  No \_\_\_

36. The Court will instruct you that the testimony of a law enforcement officer is entitled to no greater weight or lesser weight than that of any other witness. Do you have any difficulties accepting that statement? Yes \_\_\_ No

37. There may be evidence in this case consisting of tape recordings of conversations taking place over the telephone through the use of electronic devices commonly known as "wiretaps." Do you have any preconceptions of the obtaining or use of such evidence that might prevent you from fairly considering it at trial?

Yes \_\_\_ No  If Yes, please explain: \_\_\_\_\_

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Juror # 34

38. At the conclusion of the case it is the judge's task and duty to charge you on the law and explain to you the elements of the crimes charged in the indictment. Do you have personal, religious, philosophical or other beliefs as to what the law is or should be that would make it difficult for you to follow the instructions of the judge or that would make it difficult for you to sit in the judgment of another?

Yes \_\_\_ No  If Yes, please explain: \_\_\_\_\_

\_\_\_\_\_

39. Have you or any member of your family or friends had any experience that would cause you to be biased for or against a defendant who is an Arab or a Muslim?

Yes \_\_\_ No  If Yes, please explain: \_\_\_\_\_

\_\_\_\_\_

40. Do you have any feelings about Arabs, Muslims, or the religion of Islam that would make it difficult for you to listen to evidence and decide a case with an open mind?

Yes  No \_\_\_ If Yes, please explain: I cannot comprehend

why the true followers of "the religion of Islam"  
do not come out and usually speak out against acts/threats of  
terrorism. The "religion" would seem more viable  
if these so called believers actually acted in a religious manner.

41. Is there anything about the nature of the charges in this case that would affect your ability to fairly evaluate the evidence regarding whether or not the government has proven the guilt of the defendants beyond a reasonable doubt?

I would listen to the evidence but I am  
highly skeptical that money being sent to  
certain organizations is purely for charitable causes.  
I don't see a lot of charity in the "religion of Islam"

40. Is there any matter not covered by this questionnaire that you feel you should tell us about? Yes \_\_\_ No  If Yes, please explain:

\_\_\_\_\_



*brings  
here  
around  
for a  
good  
challenge  
for court*

1 going on in the world, whether it is 9/11, or the Iraq war,  
 2 that that is not a part of this case?  
 3 A. Right.  
 4 Q. We are not going to be talking about the Iraq war in this  
 5 case. Do you understand that?  
 6 A. Yes.  
 7 Q. Nor 9/11?  
 8 A. Yes.  
 9 Q. Okay. These gentlemen are not accused of having anything  
 10 at all to do with that, or there won't be any talk about that  
 11 in this case as far as evidence is concerned.  
 12 A. Yes.  
 13 Q. Okay. I believe that is all I have. Thank you.  
 14 THE COURT: Thank you.  
 15 Ms. Moreno?  
 16 MS. MORENO: Thank you, Your Honor.  
 17 Q. (BY MS. MORENO) Good afternoon.  
 18 A. Hi.  
 19 Q. My name is Linda Moreno, and I am going to ask you some  
 20 questions. And you won't have to face questions from any  
 21 other lawyer on this side; just from me for the next few  
 22 minutes.  
 23 I was listening very closely to your answers. I want to  
 24 thank you for your honesty both in the questionnaire and what  
 25 you told us today. And you understand how very important this

1 process is?

2 A. Yes.

3 Q. And you are the only one who can tell us what is really  
4 in your heart and what is really in your mind. This is not  
5 for us to be guessing.

6 A. Right.

7 Q. This is for you to be sharing with us.

8 I will start at the last question that Mr. Jacks asked  
9 you when he talked about do you understand that 9/11 and Iraq  
10 is not a part of this case, and you could put it aside. And  
11 forgive me if I am wrong, but I saw you hesitate about that.  
12 Could you talk to me about that, please?

13 A. I can listen to the facts and I would return a verdict on  
14 what the facts were. I do have a predisposed opinion, and it  
15 is only because of just day-to-day life that you see in the  
16 news or whatever. But I have a predisposed -- It doesn't mean  
17 that it is right. You know, there is a lot done in the Muslim  
18 faith in the name of religion that isn't good, and I think  
19 that is a common opinion that I spoke of. But I can listen to  
20 facts and not base an opinion on how I am feeling at the  
21 moment.

22 Q. Well --

23 A. Or not the moment, but in general.

24 Q. All of the gentlemen who are charged in this case are  
25 Palestinian and Muslim.

1 A. Okay.

2 Q. And so it would be important for us, to us, to know what  
3 your feelings and your opinions are about Muslims and about  
4 that religion.

5 In your questionnaire you also indicated that -- You  
6 said, "I cannot comprehend why the true followers of the  
7 religion of Islam do not come out and vocally speak out  
8 against acts or threats of terrorism. The religion would seem  
9 more viable if these so-called believers actually acted in a  
10 religious manner."

11 A. Yes. Are you asking me a question on that or to expand  
12 on that?

13 Q. Please.

14 A. How I feel on that is if you have extremes in every  
15 religion -- And I am not a racist person at all, at all. I  
16 have friends of many different religions and ethnic groups and  
17 whatever. And you have your extremes in the Christian  
18 religion. But I honestly don't think that if a Christian  
19 group blew up a building, that other Christian followers would  
20 not be speaking out "That is not our belief. That is  
21 not" -- And I don't hear a lot of that. Maybe it is out  
22 there. I just don't hear a lot --

23 I just think the Muslim or the religion of Islam would be  
24 more acceptable or more viable if the non-radicals -- And I  
25 realize that is a small group. I do realize it is a small



1 group. But it doesn't seem like the other -- the more  
2 conservative or traditional true believers in that religion do  
3 anything to combat that. I don't see it. I don't hear it and  
4 I don't see it. So it leaves a bad taste for the whole -- And  
5 that is probably wrong, but I just think that they would help  
6 themselves if they would, you know --

7 Q. I should have started out by staying there aren't any  
8 wrong answers here; no wrong answers. We just want to  
9 know --

10 A. No, you need to know. Right. I mean, it would be the  
11 same if it was the Jewish, or any religion. I mean, I am not  
12 trying to pick on them at all.

13 Q. What is important there is that here in this case we are  
14 dealing with Muslim men and in this case there is going to be  
15 a lot of stuff about Islam.

16 A. Yeah, I understand.

17 Q. So this is very important how you feel about the religion  
18 and about the people who practice the religion.

19 A. Like I say, I don't know anything about the religion, so  
20 I am ignorant from that standpoint, and I will admit that. It  
21 is just from -- You know, and it has to do with all the  
22 terrorists and --

23 Q. Let me ask you this. Question No. 4, you were asked "Is  
24 there anything about the nature of the charges in this case  
25 that would affect your ability to fairly evaluate the

1 evidence?" And you said, "I would listen to the evidence, but  
2 I am highly skeptical that money being sent to certain  
3 organizations is purely for charitable causes. I don't see a  
4 lot of charity in the religion of Islam."

5 A. Here again, through the media and what you see, that is  
6 not really the part that is portrayed too much. And here  
7 again, I am ignorant so I don't know.

8 Q. Well, the question for us, though, is here is a case that  
9 involves all of these issues. It involves charities, it  
10 involves the religion of Islam, it involves these Palestinian  
11 men.

12 A. I understand.

13 Q. And so given all of that, and given the answers in your  
14 questionnaire, the answers that you have given us today, do  
15 you really think that you could honestly be fair and put aside  
16 these opinions that you have?

17 A. I should just say no and so I could be relieved and sent  
18 off, but I am a fair person and I have to answer the question  
19 -- I am telling you how I feel on the -- But I am a fair  
20 person and I do listen to both sides, to all sides of the  
21 stories.

22 Q. When you are asked the question can you put these  
23 feelings and these opinions aside --

24 A. I would hope so. I can't tell you 100 percent. I would  
25 hope so, because that is the kind of person I am. I don't

1 want to prejudge someone.

2 Q. Here is my question. When you say you could and you hope  
3 so -- And we all do. We all want to be fair and appear fair.  
4 But when you say that you can put these aside, where is that  
5 place that you put them? Where is that aside place? Where do  
6 they go?

7 A. You know, all I can say is I would just listen to the  
8 evidence, and that is all I can say, you know.

9 Based on what we did in the civil trial, there were some  
10 things that were very suspect, and we had to listen to  
11 everything, and we had to make a choice based on what was  
12 discussed in the courtroom, and that is what we did.

13 Q. In this particular case, let me ask you this. Would you  
14 hold it against the Defendants if in this case, as you are  
15 listening to the evidence, if they did not -- You come to the  
16 conclusion that they did not speak out against Hamas violence,  
17 given your original answer. If you heard that and you  
18 concluded based on the evidence in this case that, "You know  
19 what? These guys didn't speak out against this Hamas  
20 violence," would we go back to that aside place that we  
21 started off?

22 A. You know, everything that I have given you has been  
23 general about the religion, not a specific person, so I don't  
24 know how to answer that. I would never send anyone to  
25 jail--or I don't know if this is jail time or monetary unless

1 I really felt like it--unless I really felt that is what they  
2 deserved. I would never do that to any individual regardless  
3 whether they are Jewish, Christian, or Muslim or whatever. I  
4 hate that. I hate that racial --

5 Q. You understand that a fair juror in any case, but  
6 especially in this case, would have to be someone who doesn't  
7 have any preconceived judgments or opinions about Islam or  
8 about the religion. Would you agree with me?

9 A. Yeah, I would.

10 Q. That a fair juror would be that?

11 A. Yeah. But I would be fair. I am telling you -- I am  
12 just being honest with you. I don't know how anyone in this  
13 country that 99.9 percent would not have prejudgments if they  
14 are not Muslim just based on what has gone on in the last ten  
15 years. And it always centers, not always but a large part of  
16 the time it centers around some radical Muslim --

17 I mean, I don't know what else you want me to say. I  
18 can't say they are all great people. I can't say that. But I  
19 would not send anyone to jail, or have some huge monetary, if  
20 the evidence did not show for that particular person, whatever  
21 religion they are. It doesn't matter.

22 Q. When you said that 99.9 percent of the people would have  
23 prejudgments --

24 A. I shouldn't say -- Judgment is a -- Judgment is a  
25 stronger word. That is you are judging a person. I am just

1 talking about how you -- what you hear and what your general  
2 knowledge is of the extreme radical Muslim, I don't know,  
3 faith, or groups, extreme groups. I don't know, is it faith?  
4 Is it groups? I don't know.

5 THE COURT: Your time is about up. You need to go  
6 ahead and wrap it up.

7 MS. MORENO: Thank you.

8 Q. (BY MS. MORENO) In that question about forming an  
9 opinion about the conflict that Mr. Jacks read to you where  
10 you said, "I feel like the Israelis have a right to their  
11 land."

12 A. I do.

13 Q. And then there was some words that were crossed out, and  
14 the words that are crossed out are "and Palestinians do not  
15 have the" --

16 A. No, no, no. I was -- The sentence didn't make sense the  
17 way I wrote it. The Palestinians have a right to exist. The  
18 Israelis have a right to exist. But the Palestinians don't  
19 have a right to tell the Israelis that they don't have a right  
20 to exist. And I do hear that quite often. And, I mean, I  
21 don't know a lot about that conflict either. I know surface  
22 and that is what I have heard. That may not be right.  
23 Someone may need to correct me on that. That is what I have  
24 heard is that the Palestinians don't want -- the Israelis are  
25 not where they are supposed to be, and, I mean, that is what I

1 have heard.

2 Q. Thank you so much.

3 THE COURT: Thank you.

4 And Ms. [REDACTED], you have been honest with us and we  
5 appreciate in terms of sharing your feelings, and primarily  
6 they seem to center around the practice of the Islam religion  
7 and those views that you have, and you talked specifically  
8 about some of the -- What did you call them? The extremist or  
9 the radicals?

10 THE PANEL MEMBER: Right. Because I am sure there  
11 are a lot of good Islamic religious people.

12 THE COURT: You are concerned they are not speaking  
13 out. That has been a concern?

14 THE PANEL MEMBER: I don't see a lot of that, and I  
15 wish they would.

16 THE COURT: But these views and opinions that you  
17 have about the Muslim religion, would that influence your  
18 ability in terms of how you see the evidence presented in the  
19 case? Would that shade --

20 THE PANEL MEMBER: I know it sounds like it would,  
21 but it wouldn't because I would not send an innocent person to  
22 jail. I don't know what --

23 THE COURT: I understand you just wouldn't find  
24 somebody guilty unless the evidence was there.

25 THE PANEL MEMBER: Unless I really -- the evidence

1 showed that.

2 THE COURT: A little bit beyond that, what the  
3 concern is here, would your views influence how you view that  
4 evidence in ~~convincing~~ convincing yourself one way or another, would  
5 these views of the Muslim religion, would that color how you  
6 view the evidence and ultimate decisions that you might make?

7 THE PANEL MEMBER: I know that you probably think it  
8 would.

9 THE COURT: Actually I am wanting to find out what  
10 you think.

11 THE PANEL MEMBER: No. I would not say someone was  
12 guilty if I did not feel like the evidence said they were  
13 guilty. I couldn't sleep at night if I did that. I don't  
14 care if they are Jewish, Islamic, black, or white or Hispanic.  
15 I couldn't sleep at night if I thought I sent someone to jail  
16 that I didn't think was guilty.

17 THE COURT: All right.

18 THE PANEL MEMBER: But I don't know -- I mean --

19 THE COURT: No, I understand. You are trying to be  
20 honest with us and we appreciate that.

21 Mr. Jacks, any follow-up questions on this with respect  
22 to this juror?

23 MR. JACKS: No, Your Honor.

24 THE COURT: Ms. Moreno, anything from you?

25 MS. MORENO: No, Your Honor.

1 THE COURT: Ms. [REDACTED], if you will step back into  
2 the jury room, we will get back with you shortly.

3 MS. MORENO: Your Honor, I am going to challenge her  
4 for cause, if I may.

5 THE COURT: Let me hear from Mr. Jacks.

6 MR. JACKS: Judge, I think she was extremely candid,  
7 and she even said at one point, "I know if I said no that I  
8 couldn't give these people a fair trial I could go home," but  
9 she pointedly made the point that she would be scrupulously  
10 fair and would decide this case based on the evidence. And I  
11 don't believe at the end of the day that she is a person that  
12 should be excused for cause. She is very honest and very  
13 conscientious and seems to understand what she can and can't  
14 do. You know, she is not going to cheat or disregard the  
15 evidence and give an advantage to the Government or a  
16 disadvantage to the Defendants. She has explained that over  
17 and over.

18 And as I said, while she may be a peremptory challenge,  
19 she is certainly not somebody that should be excused for  
20 cause.

21 THE COURT: Ms. Moreno?

22 MS. MORENO: Your Honor, as Justice O'Connor said,  
23 "Sometimes jurors don't even know their own bias," and she is  
24 a classic example of that. If you look at her questionnaire  
25 she is very clear in questions 28, "Have you formed an opinion



1 that would prevent you from serving as a fair and impartial  
2 juror?" She said yes and she expounded on that. Questions  
3 40, "Do you have an opinion that would make it difficult for  
4 you to listen and decide the case with an open mind?" She  
5 said yes and she wrote and wrote about that. And 41, "Is  
6 there anything about the nature of the charges," and she wrote  
7 again.

8 And she was back and forth, and I think the Court had an  
9 opportunity to observe her demeanor. And this is a classic  
10 example I believe of a very -- of a juror who does want to  
11 appear fair and does care, but can she be fair. And I think  
12 there is a tremendous question there.

13 And when she was asked several times during Mr. Jacks'  
14 questioning, she hesitated she said, "Yes, I guess."

15 "Can you set it aside?" She hesitated again, and then  
16 she would launch into how it makes her angry, all of this  
17 stuff in the name of religion.

18 So she has opinions, she can't be fair, she told us, and  
19 she wrote about it, so I would submit.

20 THE COURT: I will sustain the objection. I think  
21 this juror is a little closer than some others, but ultimately  
22 she did state in her questionnaire she has opinions that she  
23 thinks would influence her, and I will sustain that challenge.

24 We are going to recess for the day. Be back at 8:45 in  
25 the morning. We will plan on starting at 8:45 with our next

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juror, which is No. 36 Mr. [REDACTED] Court is in recess.

(End of Day.)

Juror #

32

**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF TEXAS**

**CONFIDENTIAL JUROR QUESTIONNAIRE**

General Instructions

This questionnaire is designed to help simplify and expedite the jury selection process. Although some of the questions may appear to be of a personal nature, please understand that the Judge and the parties must learn enough information about each juror's background and experiences to select a fair and impartial jury.

Please answer all the questions to the best of your ability. If you have any questions write them on the form. If you don't know the answer to a question then write, "I don't know." There are no "right" or "wrong" answers, only truthful answers. Do not discuss the case or your answers with anyone. It is important that the answers are yours alone. Remember, you are sworn to give true and complete answers to all questions. After reading your questionnaire, Judge Solis may personally interview you in the presence of the lawyers and give you the opportunity to discuss your answers.

Do not write on back of any page, only the front pages will be copied. If you need additional space to complete an answer, go to the blank pages at the back of the questionnaire, indicate the number of the question, and continue your answer.

Juror # \_\_\_\_\_

### JUROR QUESTIONNAIRE

Juror Number \_\_\_\_\_  
(This number maybe found on the summons. Please write legibly.)

### CONFIDENTIAL JUROR QUESTIONNAIRE

Please write legibly.

1. What is your age? 38
2. Are you: Male \_\_\_\_\_ Female X
3. Do you have any problem with your hearing or vision that would make it difficult for you to serve as a juror?  
Yes \_\_\_\_\_ No X
4. Do you have any medical condition that would make it difficult for you to serve as a juror on this case?  
Yes \_\_\_\_\_ No X

If Yes, briefly list the condition(s):

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

5. Are you (check one):  
Married \_\_\_\_\_ Single X Living with another person \_\_\_\_\_  
Living with domestic partner \_\_\_\_\_ Divorced/Separated \_\_\_\_\_  
Widow/Widower \_\_\_\_\_

6. If you have any children, please list their gender, age, and if applicable, their current occupation.  
[REDACTED] - 13  
[REDACTED] - 9

Juror # \_\_\_\_\_

7. In what city do you reside? \_\_\_\_\_

(a) How long have you lived in this area? 10 years

(b) What other places have you lived within the last twenty years? \_\_\_\_\_

8. Is English your first language? Yes  No \_\_\_\_\_

9. What other languages do you speak, read or understand? \_\_\_\_\_

10. Were you, your spouse, or a former spouse born outside the United States?

Yes  No \_\_\_\_\_ If Yes, please tell us who and where they were born.

\_\_\_\_\_ - Canada

11. (a) Do you speak, read or understand Arabic or Hebrew (or any dialect of Arabic or Hebrew) or did you grow up in households where those languages or any of their dialects were spoken?

Yes \_\_\_\_\_ No

(b) If you speak, read or understand the Arabic or Hebrew language (or any part of its dialects), would you have any difficulty relying solely upon a translator's translation of the evidence?

Yes \_\_\_\_\_ No \_\_\_\_\_

12. Are you:  Employed full-time ( ) Retired  
( ) Employed part-time ( ) Student  
( ) Homemaker ( ) Disabled & unable to work  
( ) Unemployed/ laid off

Juror # \_\_\_\_\_

(a) What kind of work do you do?

Nurse Case Manager

(b) If retired or unemployed, what was your primary vocation?

(c) If a homemaker or student, please tell us what jobs outside the home (if any) you have had in the past two years:

13. What is the highest grade of schooling you have completed?

- |   |  |
|---|--|
| <input type="checkbox"/> 8th grade or less    | <input type="checkbox"/> Community College                 |
| <input type="checkbox"/> Some high school     | <input checked="" type="checkbox"/> Some four-year college |
| <input type="checkbox"/> High school graduate | <input checked="" type="checkbox"/> College graduate       |
|   | <input type="checkbox"/> Post graduate                     |

(a) Major area(s) of study: Nursing

(b) Degrees or certificates: Licensed Vocational Nurse

14. What charitable work, civic, social, union, professional, fraternal, political, recreational, or religious organizations do you belong to or participate in, and what offices, if any, have you held in any of these organizations?

15. Have you previously traveled outside the United States? Yes  No

If Yes, please describe where and approximately when.

Saudi Arabia

Juror # \_\_\_\_\_

16. Have you ever served in the military? Yes  No \_\_\_\_\_

Branch and highest rank: E-5  
Foreign Stations or Tours: Desert Storm

17. The judge who will preside over this case is The Honorable Jorge A. Solis, United States District Judge for the Northern District of Texas. Do you or anyone close to you know or have any connection with Judge Solis or any of his staff?  
Yes \_\_\_\_\_ No  If Yes, please explain:  
\_\_\_\_\_  
\_\_\_\_\_

18. Do you or does any relative or close friend know or have any connection with any of the following persons who may be seated at the counsel table for the government?

Assistant United States Attorney Jim Jacks	Yes _____	No <input checked="" type="checkbox"/>
Department of Justice Attorney Barry Jonas	Yes _____	No <input checked="" type="checkbox"/>
Department of Justice Attorney Elizabeth Shapiro	Yes _____	No <input checked="" type="checkbox"/>
Special Agent Lara Burns, FBI	Yes _____	No <input checked="" type="checkbox"/>
Special Agent Rob Miranda, FBI	Yes _____	No <input checked="" type="checkbox"/>
Special Agent Carrie Ward, FBI	Yes _____	No <input checked="" type="checkbox"/>

If you answered yes to any of the names above, describe your connection to this individual(s).  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

19. Do you or does any relative or close friend know or have any connections with any of the following defense lawyers or their staff?

Nancy Hollander	Yes _____	No <input checked="" type="checkbox"/>
Theresa Duncan	Yes _____	No <input checked="" type="checkbox"/>
Joshua Dratel	Yes _____	No <input checked="" type="checkbox"/>
Aaron Mysliwicz	Yes _____	No <input checked="" type="checkbox"/>
Linda Moreno	Yes _____	No <input checked="" type="checkbox"/>
Marlo Cadeddu	Yes _____	No <input checked="" type="checkbox"/>
Greg Westfall	Yes _____	No <input checked="" type="checkbox"/>
John Cline	Yes _____	No <input checked="" type="checkbox"/>

Juror # \_\_\_\_\_

If you answered yes to any of the names above, describe your connection and/ or your friend or relative's connection to this individual(s):

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

20. Do you or does any relative or close friend know or have any connections with any of the defendants?

Holy Land Foundation for Relief

and Development

Shukri Abu Baker

Mohammad El- Mezain

Ghassan Elashi

Mufid Abdulqader

Abdulrahman Odeh

Yes _____	No <input checked="" type="checkbox"/>
Yes _____	No <input checked="" type="checkbox"/>
Yes _____	No <input checked="" type="checkbox"/>
Yes _____	No <input checked="" type="checkbox"/>
Yes _____	No <input checked="" type="checkbox"/>
Yes _____	No <input checked="" type="checkbox"/>

Please explain who has the connection in detail for each individual:

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

21. Have you followed any criminal cases involving allegations of terrorism or support of terrorism? Yes  No \_\_\_\_\_

If Yes, please list the cases and what was or is of interest to you about these cases:

watched on news, interested because  
so close to home

22. This case has received media attention that is likely to continue. Is there anything you have seen, heard, or read that would interfere with your ability to render a fair verdict in this case based solely on the evidence presented in court?

Yes \_\_\_\_\_ No  If Yes, please explain: \_\_\_\_\_

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



Juror # \_\_\_\_\_

23. This case is likely to receive media attention during the trial. The Judge wants to make sure that this case is decided solely on the evidence in the courtroom and not based on things that are said outside the courtroom. Accordingly, the Judge will be advising you periodically that you must avoid reading about the case in the newspaper or listening to any radio or television reports about the case, or reading anything about the case on the internet. The Judge will also advise you periodically that you must avoid discussing this case with friends or family during the course of the trial. Would these requirements pose any difficulty for you?

Yes  No  If Yes, please explain: \_\_\_\_\_  
*Edlex*

24. What, if anything, have you seen, read or heard about the following people facing charges in this case?

(a) Ghassan Elashi: *NA*

(b) Shukri Abu Baker: *NA*

(c) Mufid Abdulqader: *NA*

(d) Mohammed El-Mezain: *NA*

(e) Abdulrahman Odeh: *NA*

Juror # \_\_\_\_\_

25. Have you heard or read about any statement(s) made by or attributed to Ghassan Elashi; Shukri Abu Baker, Mufid Abdulqader, Mohammed El- Mezain, or Abdulrahman Odeh? Yes \_\_\_\_\_ No

If Yes, how would you describe the statement(s) and to whom were they attributed if you recall? \_\_\_\_\_

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

26. Based on anything you may have read, seen, or heard in the media or elsewhere, have you formed an opinion as to the guilt or innocence of any of the defendants in this case? Yes  No

If Yes, please explain: \_\_\_\_\_

*I feel that they used their organization to support Hamas*

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

27. How closely have you followed the media coverage of the conflict between Israel and the Palestinians?

Very closely \_\_\_\_\_ Somewhat closely \_\_\_\_\_ Not too closely

28. Have you formed an opinion or belief about the nature of that conflict that would prevent you from serving as a fair and impartial juror in this case?

Yes \_\_\_\_\_ No  If Yes, please explain: \_\_\_\_\_

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

Juror # \_\_\_\_\_

**PRIOR JURY SERVICE**

29. Have you ever:

- (a) Served as a juror in a civil case? Yes \_\_\_ No X
- (a)(1) Served on a grand jury? Yes \_\_\_ No X
- (a)(2) Served as a juror in a criminal case? Yes \_\_\_ No Y
- (a)(3) Have you ever been a juror in a case where the jury was unable to reach a verdict? Yes \_\_\_ No Y

(b) If you have served on a jury, please list below: (1) the approximate dates(s); (2) whether you served in state court or federal court; (3) whether it was a grand jury or a trial jury; (4) whether it was a criminal case or a civil case; (5) what the general nature of the case was (for example, robbery, murder, contract, negligence, medical malpractice, etc.); and (6) whether or not a verdict was reached.

Date	State or Federal Trial Jury	Grand Jury	Criminal or Civil	Nature of Case	Verdict

(c) Is there anything about your prior jury experience that would make it difficult to serve again? Yes \_\_\_ No Y If Yes, please explain:

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

Juror # \_\_\_\_\_

30. Have you or anyone close to you worked for, applied to, or had training with:  
(check all that apply)

- \_\_\_\_\_ (a) Any law enforcement, security or investigative agency, including but not limited to the police department, a state police agency, the sheriff's department, the FBI, the DEA, the Secret Service, the Postal Inspection Service, the CIA, the BICE, the INS, the Department of Homeland Security or the Department of Justice?
- \_\_\_\_\_ (b) A prison, jail, detention center, or probation services?
- \_\_\_\_\_ (c) Any city or town attorney, Attorney General, state or federal prosecutor, or court?
- \_\_\_\_\_ (d) Any law firm that practices criminal defense?
- \_\_\_\_\_ (e) Any accounting, banking, or financial institutions?
- \_\_\_\_\_ (f) Any newspaper, radio, television, or other media outlet?

If you answered "Yes" to any of the above, please state who (relation to you), where, when, and the circumstances.

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

31. Have you or a member of your family 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? Yes \_\_\_\_\_ No

If yes, please explain the nature of your interest in such proceedings:

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

32. Have you or a family member or close friend had an experience involving the police, FBI, or any other law enforcement agency, including being interviewed by or making a report to a law enforcement officer?

Yes \_\_\_\_\_ No  If Yes, please explain: \_\_\_\_\_

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

Juror # \_\_\_\_\_

33. Have you or a family member or close friend ever been arrested, charged or convicted for a crime other than traffic ticket? Yes  No \_\_\_\_\_

If Yes, please explain who (relation to you), when, the nature of the charge and the circumstances:

Uncle - Not sure of all details - I  
perpetrated theft, served 7 years

34. (a) Some of the defendants are citizens of the United States and some are not. Under the law, in a criminal trial, non-citizens are afforded the same constitutional rights as citizens. Can you follow that law? Yes  No \_\_\_\_\_

(b) Under the law generally, the protections of free speech in our democracy extend both to citizens and non-citizens. Can you follow this law?

Yes  No \_\_\_\_\_

35. Under the United States Constitution, a person accused of a crime does not have to testify in his defense, and his silence may not be used against him. Can you follow this law and not hold a defendant's decision not to testify against him?

Yes  No \_\_\_\_\_

36. The Court will instruct you that the testimony of a law enforcement officer is entitled to no greater weight or lesser weight than that of any other witness. Do you have any difficulties accepting that statement? Yes  No \_\_\_\_\_

37. There may be evidence in this case consisting of tape recordings of conversations taking place over the telephone through the use of electronic devices commonly known as "wiretaps." Do you have any preconceptions of the obtaining or use of such evidence that might prevent you from fairly considering it at trial?

Yes \_\_\_\_\_ No  If Yes, please explain: \_\_\_\_\_

Juror # \_\_\_\_\_

38. At the conclusion of the case it is the judge's task and duty to charge you on the law and explain to you the elements of the crimes charged in the indictment. Do you have personal, religious, philosophical or other beliefs as to what the law is or should be that would make it difficult for you to follow the instructions of the judge or that would make it difficult for you to sit in the judgment of another?

Yes  No  If Yes, please explain: \_\_\_\_\_  
\_\_\_\_\_

39. Have you or any member of your family or friends had any experience that would cause you to be biased for or against a defendant who is an Arab or a Muslim?

Yes  No  If Yes, please explain: 9/11 / Desert Storm  
Iraq War

40. Do you have any feelings about Arabs, Muslims, or the religion of Islam that would make it difficult for you to listen to evidence and decide a case with an open mind?

Yes  No  If Yes, please explain: \_\_\_\_\_  
\_\_\_\_\_

41. Is there anything about the nature of the charges in this case that would affect your ability to fairly evaluate the evidence regarding whether or not the government has proven the guilt of the defendants beyond a reasonable doubt?

\_\_\_\_\_

40. Is there any matter not covered by this questionnaire that you feel you should tell us about? Yes \_\_\_\_\_ No  If Yes, please explain:

\_\_\_\_\_



Vol 2  
1 A. Yes.

2 Q. Okay. Thank you, ma'am.

3 THE COURT: Thank you.

4 Ms. Moreno?

5 MS. MORENO: Thank you, Your Honor.

6 Q. (BY MS. MORENO) Good afternoon.

7 A. Hello.

8 Q. My name is Linda Moreno, and I am one of the Defense  
9 lawyers. I am going to be asking you a few questions. I will  
10 be the only lawyer on this side to ask you questions.

11 I want to go back to your questionnaire, because I want  
12 to read to you the question that you answered.

13 First let me start off by saying this is not a test.  
14 There aren't any right answers. There aren't any wrong  
15 answers. We want the honest answers. Those are the right  
16 answers. And only you can tell us how you really feel,  
17 because at the end of the day this is very, very important to  
18 everyone in this room.

19 On question No. 39, you were asked, "Have you or any  
20 member of your family or friends had any experience that would  
21 cause you to be biased for or against a defendant who is an  
22 Arab or a Muslim?" So the question was this experience that  
23 someone may have had, does it cause you to be biased. And you  
24 said yes. And you wrote "9/11, Desert Storm, and the Iraqi  
25 war."



1           Now, is it fair to say that certainly the Desert Storm  
2 part, that is in your personal life experience. Is that  
3 right?

4       A.    Correct.

5       Q.    Okay. And what was it about being in Desert Storm, you  
6 personally, that you answered that you would be biased?

7       A.    I guess I misread the question, because I don't feel I  
8 have a bias.

9       Q.    Okay. Well, you also put 9/11. And certainly 9/11 has  
10 caused, and understandably so, great suffering in our country,  
11 and has given rise to lots of prejudice about Arabs and  
12 Muslims. Would you agree with me?

13      A.    Yes.

14      Q.    And so in question No. 39 you wrote 9/11. What did you  
15 mean when you wrote 9/11?

16      A.    Like I said, I think I may have misunderstood the  
17 question as far as my personal bias. I don't have a personal  
18 bias, but friends, family and such might.

19      Q.    So you have friends or family that were also in Desert  
20 Storm that you say their experience would cause you to be  
21 biased?

22      A.    Like I said, I don't have the bias, but I know people who  
23 might be biased, friends, family, because of Desert Storm,  
24 9/11, Iraqi war.

25      Q.    And question No. 40, which is the next question, you were

1 asked, "Do you have any feelings about Arabs, Muslims, or the  
2 religion of Islam that would make it difficult for you to  
3 listen to the evidence and decide a case with an open mind?"  
4 And you wrote yes. Can you explain that to us?

5 A. I really can't.

6 Q. Do you remember what you were thinking when you said yes?

7 A. Honestly I don't.

8 Q. Okay.

9 A. I honestly don't.

10 Q. And I guess what I want to say to you, it is okay to  
11 admit if you have biases or prejudices, because we all do. We  
12 are all entitled in this country to have our opinions about  
13 people. These two questions and the way that you have  
14 answered them gives us cause to question you whether in fact  
15 perhaps you might harbor some prejudices or opinions about  
16 Arabs or Muslims.

17 So my question is, when you answered yes to No. 40, what  
18 were you thinking?

19 A. I honestly don't remember. Long day? I don't see myself  
20 as having prejudice or bias based on religion, culture.

21 Q. On question No. 21, and Mr. Jacks referred to it about  
22 following criminal cases involving allegations of terrorism,  
23 you wrote yes, and then you said "Watched on news. Interested  
24 because so close to hand." What did you mean when you said  
25 "Because so close to hand?"

1 A. Did I write "close to home?"

2 MS. MORENO: May I approach, Your Honor?

3 THE COURT: Yes.

4 THE PANEL MEMBER: It is close to home.

5 Q. (BY MS. MORENO) Close to home. What were you thinking  
6 when you wrote that?

7 A. Just something that is happening here in the [REDACTED] area  
8 piqued my interest versus something happening in New York or  
9 Washington; just because it is close to home.

10 Q. I wasn't clear on the questions about the law enforcement  
11 testimony where you answered that you would have difficulty  
12 accepting -- that the weight of the testimony of a law  
13 enforcement, FBI agent, police officer, is entitled to no  
14 greater weight than any other witness. It is up to you as a  
15 juror to decide "I believe this person. I don't believe this  
16 person." That would be your job as a juror. But you said you  
17 had difficulties accepting that. What did you mean by that?

18 A. I guess my thinking was that they are human as well.  
19 They can make mistakes. They, you know, have to follow  
20 certain guidelines. I know that they would be more of an  
21 expert witness, but they are still human and can make  
22 mistakes.

23 Q. So are you saying that you would not afford any greater  
24 weight to the testimony of a law enforcement person, or you  
25 might be inclined to do that? And forgive me for asking. I

1 am trying to understand.

2 A. I guess I am trying to understand why I wrote it the way  
3 I did. It is hard for me to answer, I guess. I know they may  
4 be privy to more information than someone else, but then again  
5 they are still human.

6 Q. Okay. So the question, then, is, because someone gets up  
7 on the witness stand and they are a special FBI agent, are you  
8 going to sit there if you are chosen as a juror and think to  
9 yourself, "He must know something"? In your mind would you  
10 say to yourself, "His testimony is probably going to be more  
11 important than anybody's and I am going to give it more weight  
12 because he is an FBI agent and he knows something"?

13 A. I guess if they have the special training, they know  
14 something that we don't know, I guess I would.

15 Q. So the fact that it would be, let's say, an FBI agent --  
16 And in this case there will be lots of FBI agents who will  
17 testify. What I hear you saying, and would this be fair, that  
18 you would sit there as a juror and automatically because they  
19 are a FBI agent, special trained FBI agent, give their  
20 testimony more weight than other witnesses?

21 A. I guess I would.

22 Q. You would?

23 A. Uh-huh.

24 Q. Okay. Finally, given the kind of confusion about the  
25 ways that some of these questions were answered, here is what

1 we need to know. There is a presumption of innocence. Mr.  
2 Jacks referred to it. You have heard about this case. You  
3 have heard that there are allegations that they were  
4 supporting terrorism through Hamas. In fact, you have so  
5 indicated. You have indicated you formed an opinion when you  
6 heard that, and we need to know if that is something that  
7 would still be in your mind if you were a juror.

8 A. Honestly, yes, it would be in my mind, but I would like  
9 to think I am open-minded and fair. But yes, it would still  
10 be in my mind.

11 Q. And the fact -- And this is now not about fairness but  
12 about honesty. And the fact that it is still in your mind and  
13 you are in this case, the case that you previously had heard  
14 about and formed an opinion about, would that influence you  
15 and affect your ability to really be completely fair and  
16 impartial --

17 A. I hope it wouldn't.

18 Q. -- to these gentlemen?

19 A. I hope it wouldn't.

20 Q. But could you assure us that it wouldn't? And if you  
21 can't assure us it would not, say so.

22 A. I can't assure that. I hope I wouldn't, but I can't  
23 assure.

24 Q. And you understand it would be important, because if you  
25 were sitting there and you were accused of a crime, you would

1 want a juror who could be absolutely clear?

2 A. Yes.

3 Q. Without any sort of preconceived notions. Do you agree  
4 with that?

5 A. I do.

6 THE COURT: Ms. Moreno, you have used up your time.

7 MS. MORENO: Thank you.

8 THE COURT: Ms. [REDACTED], if you will step into the  
9 jury room, give us a few minutes here.

10 Ms. Moreno?

11 MS. MORENO: Challenge for cause, Your Honor.

12 THE COURT: Mr. Jacks?

13 MR. JACKS: Your Honor, I don't believe that she  
14 should be excused for cause. I believe that she has answered  
15 the questions, and if there is any further questioning I think  
16 the Court can certainly explore it, but I think she has shown  
17 herself to understand that she doesn't know anything about  
18 this case, she had very little knowledge about it, and that  
19 she is not allowed, and I think she acknowledged that she  
20 wouldn't consider anything that she had heard before she came  
21 here. I believe her answers with regard to the various  
22 questions were perfectly natural and credible.

23 The question about -- Excuse me. I forget which number  
24 it was, but there was one of them that she answered it yes but  
25 really didn't expound on it or say anything on it. So it was

1 consistent with what she was saying--that she was really not  
2 expressing her views and that she believed that she could be  
3 fair and impartial.

4 I think after Ms. Moreno asked her a few more times, she  
5 began to, you know, fall back some on those answers, but I  
6 believe again, overall when the Court looks at her answers and  
7 her responses to the questions, for example about a law  
8 enforcement agent and whether she would give more credit to  
9 her testimony, she said if it was shown that they had special  
10 training or something such as that -- And again, the question  
11 is not would you give them more credence; it is, would you  
12 give them more credence simply because they are a law  
13 enforcement agent. And I think she was adequately answered  
14 that question. And I believe she has sufficiently certainly  
15 answered the questions to show that she is not subject to a  
16 challenge for cause.

17 THE COURT: Ms. Moreno, briefly?

18 MS. MORENO: Your Honor, I was very careful in  
19 asking the FBI testimony questions, and I asked her simply  
20 because he is an FBI agent, and that is when she went into the  
21 training and experience and she presumed. She was very clear  
22 that she would give more weight to the testimony of the law  
23 enforcement officer. And I would ask the Court to look back  
24 on the transcript of her answers.

25 With respect to the prejudice issues, Your Honor, she

1 formed an opinion. That is what she wrote in her  
2 questionnaire. That is exactly what she wrote in more than  
3 one place. And at the best this is an equivocal juror, Your  
4 Honor, and as the Court had said we certainly don't need  
5 equivocal jurors, I would submit.

6 THE COURT: I am going to sustain the challenge for  
7 cause. At one point I was agreeing with you, Mr. Jacks, that  
8 she was a fairly insistent that she didn't have any prejudice.  
9 She did go back from that, and that coupled from what she  
10 stated on her questionnaire when she was answering on her own,  
11 causes me to have some concerns about whether in fact she has  
12 some opinions that would influence her in this case.

13 No. 32 is excused.

14 Go ahead and bring in No. 33.

15 Tell us your name again.

16 THE PANEL MEMBER: [REDACTED]

17 THE COURT: Good afternoon. You are here -- The  
18 lawyers, all the parties are going to ask you some questions  
19 about that questionnaire that you filled out last time you  
20 were here. You will hear from Mr. Jacks on behalf of the  
21 Government and then you will hear from one of the Defense  
22 attorneys.

23 Mr. Jacks?

24 MR. JACKS: Thank you.

25 Q. (BY MR. JACKS) Good afternoon, sir.



Juror # 31

**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF TEXAS**

**CONFIDENTIAL JUROR QUESTIONNAIRE**

General Instructions

This questionnaire is designed to help simplify and expedite the jury selection process. Although some of the questions may appear to be of a personal nature, please understand that the Judge and the parties must learn enough information about each juror's background and experiences to select a fair and impartial jury.

Please answer all the questions to the best of your ability. If you have any questions write them on the form. If you don't know the answer to a question then write, "I don't know." There are no "right" or "wrong" answers, only truthful answers. Do not discuss the case or your answers with anyone. It is important that the answers are yours alone. Remember, you are sworn to give true and complete answers to all questions. After reading your questionnaire, Judge Solis may personally interview you in the presence of the lawyers and give you the opportunity to discuss your answers.

Do not write on back of any page, only the front pages will be copied. If you need additional space to complete an answer, go to the blank pages at the back of the questionnaire, indicate the number of the question, and continue your answer.

Juror # 102681986

### JUROR QUESTIONNAIRE

Juror Number 102681986  
(This number maybe found on the summons. Please write legibly.)

### CONFIDENTIAL JUROR QUESTIONNAIRE

Please write legibly.

1. What is your age? 61
2. Are you: Male  Female
3. Do you have any problem with your hearing or vision that would make it difficult for you to serve as a juror?

Yes  No

4. Do you have any medical condition that would make it difficult for you to serve as a juror on this case?

Yes  No

If Yes, briefly list the condition(s):

\_\_\_\_\_

5. Are you (check one):

Married  Single  Living with another person

Living with domestic partner  Divorced/Separated

Widow/Widower

6. If you have any children, please list their gender, age, and if applicable, their current occupation.

Female 42, [REDACTED], male 40, [REDACTED]  
male 40, Factory worker, Female 36 T.A.

Juror # \_\_\_\_\_

7. In what city do you reside? \_\_\_\_\_

(a) How long have you lived in this area? 8 years

(b) What other places have you lived within the last twenty years? \_\_\_\_\_

8. Is English your first language? Yes  No \_\_\_\_\_

9. What other languages do you speak, read or understand? None

10. Were you, your spouse, or a former spouse born outside the United States?

Yes \_\_\_\_\_ No  If Yes, please tell us who and where they were born.

11. (a) Do you speak, read or understand Arabic or Hebrew (or any dialect of Arabic or Hebrew) or did you grow up in households where those languages or any of their dialects were spoken?

Yes \_\_\_\_\_ No

(b) If you speak, read or understand the Arabic or Hebrew language (or any part of its dialects), would you have any difficulty relying solely upon a translator's translation of the evidence?

Yes \_\_\_\_\_ No \_\_\_\_\_

12. Are you:  Employed full-time ( ) Retired  
( ) Employed part-time ( ) Student  
( ) Homemaker ( ) Disabled & unable to work  
( ) Unemployed/ laid off

Juror # \_\_\_\_\_

(a) What kind of work do you do?

Clark,  
\_\_\_\_\_  
\_\_\_\_\_

(b) If retired or unemployed, what was your primary vocation?

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

(c) If a homemaker or student, please tell us what jobs outside the home (if any) you have had in the past two years:

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

13. What is the highest grade of schooling you have completed?

- |  |   |
|--|---|
| <input type="checkbox"/> 8th grade or less               | <input type="checkbox"/> Community College      |
| <input type="checkbox"/> Some high school                | <input type="checkbox"/> Some four-year college |
| <input checked="" type="checkbox"/> High school graduate | <input type="checkbox"/> College graduate       |
|  | <input type="checkbox"/> Post graduate          |

(a) Major area(s) of study: \_\_\_\_\_

(b) Degrees or certificates: \_\_\_\_\_

14. What charitable work, civic, social, union, professional, fraternal, political, recreational, or religious organizations do you belong to or participate in, and what offices, if any, have you held in any of these organizations?

N/A.  
\_\_\_\_\_  
\_\_\_\_\_

15. Have you previously traveled outside the United States? Yes \_\_\_\_\_ No

If Yes, please describe where and approximately when. \_\_\_\_\_

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

Juror # \_\_\_\_\_

16. Have you ever served in the military? Yes \_\_\_\_\_ No

Branch and highest rank: \_\_\_\_\_  
Foreign Stations or Tours: \_\_\_\_\_  
\_\_\_\_\_

17. The judge who will preside over this case is The Honorable Jorge A. Solis, United States District Judge for the Northern District of Texas. Do you or anyone close to you know or have any connection with Judge Solis or any of his staff?  
Yes \_\_\_\_\_ No  If Yes, please explain:  
\_\_\_\_\_  
\_\_\_\_\_

18. Do you or does any relative or close friend know or have any connection with any of the following persons who may be seated at the counsel table for the government?'

Assistant United States Attorney Jim Jacks	Yes _____	No <input checked="" type="checkbox"/>
Department of Justice Attorney Barry Jonas	Yes _____	No <input checked="" type="checkbox"/>
Department of Justice Attorney Elizabeth Shapiro	Yes _____	No <input checked="" type="checkbox"/>
Special Agent Lara Burns, FBI	Yes _____	No <input checked="" type="checkbox"/>
Special Agent Rob Miranda, FBI	Yes _____	No <input checked="" type="checkbox"/>
Special Agent Carrie Ward, FBI	Yes _____	No <input checked="" type="checkbox"/>

If you answered yes to any of the names above, describe your connection to this individual(s).  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

19. Do you or does any relative or close friend know or have any connections with any of the following defense lawyers or their staff?

Nancy Hollander	Yes _____	No <input checked="" type="checkbox"/>
Theresa Duncan	Yes _____	No <input checked="" type="checkbox"/>
Joshua Dratel	Yes _____	No <input checked="" type="checkbox"/>
Aaron Mysliwicz	Yes _____	No <input checked="" type="checkbox"/>
Linda Moreno	Yes _____	No <input checked="" type="checkbox"/>
Marlo Cadeddu	Yes _____	No <input checked="" type="checkbox"/>
Greg Westfall	Yes _____	No <input checked="" type="checkbox"/>
John Cline	Yes _____	No <input checked="" type="checkbox"/>

Juror # \_\_\_\_\_

If you answered yes to any of the names above, describe your connection and/ or your friend or relative's connection to this individual(s):

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

20. Do you or does any relative or close friend know or have any connections with any of the defendants?

Holy Land Foundation for Relief  
and Development

Yes \_\_\_\_\_ No

Shukri Abu Baker

Yes \_\_\_\_\_ No

Mohammad El- Mezain

Yes \_\_\_\_\_ No

Ghassan Elashi

Yes \_\_\_\_\_ No

Mufid Abdulqader

Yes \_\_\_\_\_ No

Abdulrahman Odeh

Yes \_\_\_\_\_ No

Please explain who has the connection in detail for each individual:

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

21. Have you followed any criminal cases involving allegations of terrorism or support of terrorism? Yes \_\_\_\_\_ No

If Yes, please list the cases and what was or is of interest to you about these cases:

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

22. This case has received media attention that is likely to continue. Is there anything you have seen, heard, or read that would interfere with your ability to render a fair verdict in this case based solely on the evidence presented in court?

Yes \_\_\_\_\_ No  If Yes, please explain: \_\_\_\_\_

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

Juror # \_\_\_\_\_

23. This case is likely to receive media attention during the trial. The Judge wants to make sure that this case is decided solely on the evidence in the courtroom and not based on things that are said outside the courtroom. Accordingly, the Judge will be advising you periodically that you must avoid reading about the case in the newspaper or listening to any radio or television reports about the case, or reading anything about the case on the internet. The Judge will also advise you periodically that you must avoid discussing this case with friends or family during the course of the trial. Would these requirements pose any difficulty for you?

Yes \_\_\_\_\_ No  If Yes, please explain: \_\_\_\_\_

24. What, if anything, have you seen, read or heard about the following people facing charges in this case?

(a) Ghassan Elashi:

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

(b) Shukri Abu Baker:

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

(c) Mufid Abdulqader:

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

(d) Mohammed El-Mezain:

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

(e) Abdulrahman Odeh:

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

Juror # \_\_\_\_\_

25. Have you heard or read about any statement(s) made by or attributed to Ghassan Elashi; Shukri Abu Baker, Mufid Abdulqader, Mohammed El- Mezain, or Abdulrahman Odeh? Yes \_\_\_\_\_ No

If Yes, how would you describe the statement(s) and to whom were they attributed if you recall? \_\_\_\_\_

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

26. Based on anything you may have read, seen, or heard in the media or elsewhere, have you formed an opinion as to the guilt or innocence of any of the defendants in this case? Yes  No \_\_\_\_\_

If Yes, please explain: They knew what they were doing!

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

27. How closely have you followed the media coverage of the conflict between Israel and the Palestinians?

Very closely \_\_\_\_\_ Somewhat closely \_\_\_\_\_ Not too closely

28. Have you formed an opinion or belief about the nature of that conflict that would prevent you from serving as a fair and impartial juror in this case?

Yes  No \_\_\_\_\_ If Yes, please explain: \_\_\_\_\_

Same as Above.  
\_\_\_\_\_  
\_\_\_\_\_



Juror # \_\_\_\_\_

**PRIOR JURY SERVICE**

29. Have you ever:

- (a) Served as a juror in a civil case? Yes  No
- (a)(1) Served on a grand jury? Yes  No
- (a)(2) Served as a juror in a criminal case? Yes  No
- (a)(3) Have you ever been a juror in a case where the jury was unable to reach a verdict? Yes  No

(b) If you have served on a jury, please list below: (1) the approximate dates(s); (2) whether you served in state court or federal court; (3) whether it was a grand jury or a trial jury; (4) whether it was a criminal case or a civil case; (5) what the general nature of the case was (for example, robbery, murder, contract, negligence, medical malpractice, etc.); and (6) whether or not a verdict was reached.

Date	State or Federal Trial Jury	Grand Jury	Criminal or Civil	Nature of Case	Verdict
Jan 09				Plane crash.	

(c) Is there anything about your prior jury experience that would make it difficult to serve again? Yes  No  If Yes, please explain:

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Juror # \_\_\_\_\_

30. Have you or anyone close to you worked for, applied to, or had training with:  
(check all that apply)

- (a). Any law enforcement, security or investigative agency, including but not limited to the police department, a state police agency, the sheriff's department, the FBI, the DEA, the Secret Service, the Postal Inspection Service, the CIA, the BICE, the INS, the Department of Homeland Security or the Department of Justice?
- \_\_\_\_\_ (b) A prison, jail, detention center, or probation services?
- \_\_\_\_\_ (c) Any city or town attorney, Attorney General, state or federal prosecutor, or court?
- \_\_\_\_\_ (d) Any law firm that practices criminal defense?
- \_\_\_\_\_ (e) Any accounting, banking, or financial institutions?
- \_\_\_\_\_ (f) Any newspaper, radio, television, or other media outlet?

If you answered "Yes" to any of the above, please state who (relation to you), where, when, and the circumstances.

\_\_\_\_\_ Step son ~~the~~ County Sheriff.  
\_\_\_\_\_  
\_\_\_\_\_

31. Have you or a member of your family 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? Yes \_\_\_\_\_ No

If yes, please explain the nature of your interest in such proceedings:

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

32. Have you or a family member or close friend had an experience involving the police, FBI, or any other law enforcement agency, including being interviewed by or making a report to a law enforcement officer?

Yes \_\_\_\_\_ No  If Yes, please explain: \_\_\_\_\_

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

Juror # \_\_\_\_\_

33. Have you or a family member or close friend ever been arrested, charged or convicted for a crime other than traffic ticket? Yes \_\_\_\_\_ No

If Yes, please explain who (relation to you), when, the nature of the charge and the circumstances:

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

34. (a) Some of the defendants are citizens of the United States and some are not. Under the law, in a criminal trial, non-citizens are afforded the same constitutional rights as citizens. Can you follow that law? Yes  No \_\_\_\_\_

(b) Under the law generally, the protections of free speech in our democracy extend both to citizens and non-citizens. Can you follow this law? Yes  No \_\_\_\_\_

35. Under the United States Constitution, a person accused of a crime does not have to testify in his defense, and his silence may not be used against him. Can you follow this law and not hold a defendant's decision not to testify against him? Yes  No \_\_\_\_\_

36. The Court will instruct you that the testimony of a law enforcement officer is entitled to no greater weight or lesser weight than that of any other witness. Do you have any difficulties accepting that statement? Yes \_\_\_\_\_ No

37. There may be evidence in this case consisting of tape recordings of conversations taking place over the telephone through the use of electronic devices commonly known as "wiretaps." Do you have any preconceptions of the obtaining or use of such evidence that might prevent you from fairly considering it at trial?

Yes \_\_\_\_\_ No  If Yes, please explain: \_\_\_\_\_

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

Juror # \_\_\_\_\_

38. At the conclusion of the case it is the judge's task and duty to charge you on the law and explain to you the elements of the crimes charged in the indictment. Do you have personal, religious, philosophical or other beliefs as to what the law is or should be that would make it difficult for you to follow the instructions of the judge or that would make it difficult for you to sit in the judgment of another?

Yes  No  If Yes, please explain: \_\_\_\_\_

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

39. Have you or any member of your family or friends had any experience that would cause you to be biased for or against a defendant who is an Arab or a Muslim?

Yes  No  If Yes, please explain: \_\_\_\_\_

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

40. Do you have any feelings about Arabs, Muslims, or the religion of Islam that would make it difficult for you to listen to evidence and decide a case with an open mind?

Yes  No  If Yes, please explain: \_\_\_\_\_

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

41. Is there anything about the nature of the charges in this case that would affect your ability to fairly evaluate the evidence regarding whether or not the government has proven the guilt of the defendants beyond a reasonable doubt?

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

40. Is there any matter not covered by this questionnaire that you feel you should tell us about? Yes \_\_\_\_\_ No \_\_\_\_\_ If Yes, please explain:

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



Probably good instance of building a challenge for cause

Seen questions

if they knew what they were doing

1 understand things like the burden of proof. In this case the  
2 Government has the burden of proof, differently from a civil  
3 case, we have the burden of proof in the criminal case of  
4 beyond a reasonable doubt. You understand that that is what  
5 is expected of the Government?

6 A. Yes, sir.

7 Q. If we prove our case to you beyond a reasonable doubt,  
8 will you be able to return a verdict of guilty?

9 A. Yes, sir.

10 Q. What if we fall short? What if we fail to prove our case  
11 to you beyond a reasonable doubt? Can you return a verdict of  
12 not guilty if we don't satisfy you that they are guilty beyond  
13 a reasonable doubt?

14 A. If you don't prove it?

15 Q. Right.

16 A. Yes, sir.

17 Q. Okay. Thank you, ma'am.

18 A. Thank you.

19 THE COURT: Ms. Moreno?

20 Q. (BY MS. MORENO) Good afternoon.

21 A. Good afternoon, ma'am.

22 Q. My name is Linda Moreno. I am one of the Defense lawyers  
23 in this case, and I am going to be the only one to ask you  
24 some questions, so you won't have to face all of them, just  
25 me.

1 A. Just you, good.

2 Q. For a few minutes.

3 I do want to talk to you about the answer that you gave  
4 in your questionnaire. You did write, "They knew what they  
5 were doing," and then you put an exclamation point.

6 A. Uh-huh.

7 Q. When you wrote that, what was it that you were thinking  
8 about?

9 A. Just all the stuff that I had heard.

10 Q. And that you had heard about this case?

11 A. I had seen on TV.

12 Q. What kinds of things did you see on TV on the case?

13 A. Oh, my. Just that money had been sent over there, and if  
14 you are -- To me if you are going to send lots of money to a  
15 certain place, then you don't just send that money and not  
16 have a good idea where that money is going.

17 Q. Okay. Let's say that you found in this case that money  
18 was sent to another place, outside of the United States.

19 A. Yes, ma'am.

20 Q. And the issue for you as a juror to decide when you are  
21 looking at what that means--what does it mean that money was  
22 sent outside of the United States somewhere else--when you are  
23 looking at that issue as a juror, you would have to put aside  
24 and forget that opinion and that notion that you had when you  
25 saw what you saw on TV and on the radio, in the newspaper,

1 whenever you got an idea about this case. Do you think you  
2 could do that?

3 A. You know, to be honest with you, I really don't know.

4 Q. On question No. 28 you were asked, "Have you formed an  
5 opinion or belief about the nature of that conflict"--meaning  
6 the conflict between Israel and the Palestinians--"that would  
7 prevent you from serving as a fair and impartial juror in this  
8 case?" And you said yes. And then you wrote "Same as above,"  
9 meaning what we have just been talking about?

10 A. Right. That is true.

11 Q. So we need to talk about if you feel--and you are the  
12 only person who can tell us--if you really feel you could be  
13 fair and impartial in this particular case to these gentlemen.

14 A. As I said before, you know, it is really hard to tell. I  
15 haven't heard all of everything that has got to be said. I  
16 just don't know. I mean, that is as honest as I can be. I  
17 really don't know.

18 Q. And I know this is difficult, and we all appreciate your  
19 courage and your honesty in answering these questions.

20 Do you agree with me that in our country, in America, in  
21 the criminal justice system a defendant is presumed innocent?

22 A. Yes, ma'am.

23 Q. And that it is up to the Government to prove the case  
24 beyond every reasonable doubt?

25 A. Yes, ma'am.



1 Q. Now, that presumption of innocence, though, has got to  
2 begin the case before you hear any evidence whatsoever.

3 A. That is true.

4 Q. And so I ask you, given what you have read and what you  
5 have thought and what you have heard in the media about this  
6 particular case, can you honestly say that you can afford the  
7 presumption of innocence to all of these gentlemen?

8 A. Probably so.

9 Q. Do you think you could do it absolutely?

10 A. Yes, ma'am.

11 Q. Is there any hesitation or question in your mind about  
12 that? As I said before, you are the only person who can tell  
13 us.

14 Let me ask it this way. If you were accused of a crime  
15 and were sitting over there, would you want someone with your  
16 current state of mind judging you? Did you say no.

17 A. No, I didn't say anything. I kind of chuckled. I am  
18 sorry.

19 Q. I am sorry. Do you understand my question?

20 A. I think so, yes, ma'am. You kind of put it real, very  
21 nicely. And I would have to answer that question with a yes.

22 Q. You would?

23 A. Yes, ma'am.

24 Q. Because you could be fair?

25 A. Yes, ma'am.

1 Q. Okay. On the last two questions of the questionnaire,  
2 you did not answer them. Let me just read them to you very  
3 briefly. No. 41, "Is there anything about the nature of the  
4 charges in this case that would affect your ability to fairly  
5 evaluate the evidence regarding whether or not the Government  
6 has proven the guilt of the Defendants beyond a reasonable  
7 doubt?" Is there anything about the nature of these charges  
8 that affects your ability to be fair and evaluate the  
9 evidence?

10 A. I don't think so.

11 Q. The nature of the charges on this case are material  
12 support of terrorism.

13 A. Right.

14 Q. Is there anything about that that would impact your  
15 ability to be fair in this particular case?

16 A. Other than the fact it is down right scary, no.

17 Q. And when you say it is down right scary, is that scary to  
18 you?

19 A. Yes, ma'am.

20 Q. And if I may, as you sit here are you scared?

21 A. A little nervous.

22 Q. Okay. Are you afraid?

23 A. Just nervous.

24 Q. And with being nervous, is there anything about that that  
25 should concern us in terms of feeling confident and

1 comfortable that you could be fair in this particular case?

2 A. I probably could be fair.

3 Q. Are you afraid in any way at this point?

4 A. Not afraid.

5 MR. JACKS: Judge, that has been asked and answered  
6 several times.

7 THE COURT: She said no. Go ahead.

8 And you have used seven minutes.

9 MS. MORENO: Thank you.

10 Q. (BY MS. MORENO) The last question you didn't answer, and  
11 it is a good last question to end on. "Is there any matter  
12 not covered by this questionnaire that you feel you should  
13 tell us about?" And you didn't answer that. And so that  
14 would be my question. Is there anything?

15 A. Probably overlooked it and should have said no.

16 Q. Nothing else we should know about you?

17 A. No, I guess not.

18 Q. All right. Thank you so.

19 A. You are very welcome.

20 THE COURT: Ms. [REDACTED], let me ask you, in  
21 response to those questions that the lawyers asked you about,  
22 No. 26, "Have you read anything that caused you to form an  
23 opinion," you said, "Yes, they knew what they were doing," and  
24 you told us here today -- That indicates you had formed an  
25 opinion, and you told us here today, though -- Can you set

1 that opinion aside?

2 THE PANEL MEMBER: I think so.

3 THE COURT: Do you have some question or some  
4 reservation as to whether you could?

5 THE PANEL MEMBER: I am really not sure.

6 THE COURT: Do you understand how important it is?

7 THE PANEL MEMBER: Yes, sir, I do.

8 THE COURT: To these Defendants?

9 THE PANEL MEMBER: Oh, yes, definitely.

10 THE COURT: In any case we need to get jurors that  
11 can decide the case strictly from what is heard in the  
12 courtroom.

13 THE PANEL MEMBER: That is true.

14 THE COURT: You made an opinion based on some things  
15 that you have heard or seen in the media, and do you have some  
16 concern that those opinions would affect your ability to  
17 fairly look at the evidence and make decisions in this case?

18 THE PANEL MEMBER: I have to be honest and say I am  
19 not sure.

20 THE COURT: Okay. You have some concern?

21 THE PANEL MEMBER: Well, yeah.

22 THE COURT: All right. Thank you, Ms. [REDACTED]. If  
23 you will step into the jury room for just a minute, we will  
24 let you know.

25 THE PANEL MEMBER: Thank you, sir.

1 THE COURT: Counsel?

2 MS. MORENO: Thank you, Your Honor. Challenge for  
3 cause.

4 THE COURT: Mr. Jacks?

5 MR. JACKS: Judge, I believe that she is qualified.  
6 I think it was sufficiently brought to her attention that  
7 whatever she may have heard and whatever opinion she may have  
8 formed, that is supposed to be set aside. And I think  
9 particularly if the Court would stress to the jurors, which I  
10 know it will, that only what is presented in this courtroom is  
11 evidence, that she realizes that that is the only thing that  
12 she can base her opinion or her verdict on -- Excuse me. She  
13 specifically answered questions that "I would be happy having  
14 someone in my frame of mind judge me." She specifically  
15 answered that she felt she could follow the burden of proof  
16 and all of those things, and I believe that she has shown that  
17 she is qualified.

18 She is certainly not subject to cause when you take the  
19 entire examination in total and look at the entirety of it.

20 THE COURT: Okay. Ms. Moreno?

21 MS. MORENO: Your Honor, even to the Court's  
22 questions she couldn't unequivocally state that she could be  
23 fair, that she could set aside her preformed opinions. In the  
24 questionnaire it was very clear that she had formed an opinion  
25 and she wrote "They knew what they were doing." Upon

1 questioning, she talked about that she remembered the details  
2 that they had sent money some place else. I have in my notes  
3 eight times she said "I think so. I'm not really sure. I'm  
4 really not sure. I have to be honest, I don't know."

5 I think, Your Honor, the case law is very clear that  
6 those questions about impartiality have got to be resolved  
7 against the juror and on behalf of the Defense. And I would  
8 also bring to the Court's attention, if the Court wishes to  
9 look at the questionnaire, questions No. 26 --

10 THE COURT: I have it before me.

11 MS. MORENO: And No. 28. And then I also have  
12 another matter after the Court rules.

13 THE COURT: I will sustain the challenge for cause.  
14 We will excuse No. 31.

15 Go ahead and bring in No. 32.

16 MS. MORENO: Your Honor, if I may, just very  
17 briefly.

18 If there is going to be objections during voir dire -- I  
19 will tell the Court that I have restrained myself from what I  
20 believe is some very improper questioning by Mr. Jacks. But  
21 if there are going to be objections during voir dire, I would  
22 like to know that from the Court if that is permissible. I  
23 sort of felt like the lawyers were entitled to question until  
24 the Court cut us off.

25 THE COURT: We didn't discuss that. The parties are

Juror #

44

**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF TEXAS**

**CONFIDENTIAL JUROR QUESTIONNAIRE**

General Instructions

This questionnaire is designed to help simplify and expedite the jury selection process. Although some of the questions may appear to be of a personal nature, please understand that the Judge and the parties must learn enough information about each juror's background and experiences to select a fair and impartial jury.

Please answer all the questions to the best of your ability. If you have any questions write them on the form. If you don't know the answer to a question then write, "I don't know." There are no "right" or "wrong" answers, only truthful answers. Do not discuss the case or your answers with anyone. It is important that the answers are yours alone. Remember, you are sworn to give true and complete answers to all questions. After reading your questionnaire, Judge Solis may personally interview you in the presence of the lawyers and give you the opportunity to discuss your answers.

Do not write on back of any page, only the front pages will be copied. If you need additional space to complete an answer, go to the blank pages at the back of the questionnaire, indicate the number of the question, and continue your answer.

Juror # 44

**JUROR QUESTIONNAIRE**

Juror Number 102991798  
(This number maybe found on the summons. Please write legibly.)

**CONFIDENTIAL JUROR QUESTIONNAIRE**

Please write legibly.

1. What is your age? 26
2. Are you: Male  Female
3. Do you have any problem with your hearing or vision that would make it difficult for you to serve as a juror?  
Yes  No
4. Do you have any medical condition that would make it difficult for you to serve as a juror on this case?  
Yes  No

If Yes, briefly list the condition(s):

\_\_\_\_\_

5. Are you (check one):  
Married  Single  Living with another person   
Living with domestic partner  Divorced/Separated   
Widow/Widower
6. If you have any children, please list their gender, age, and if applicable, their current occupation.

\_\_\_\_\_



Juror # 44

7. In what city do you reside? [REDACTED]

(a) How long have you lived in this area? 16 years

(b) What other places have you lived within the last twenty years?  
[REDACTED]  
\_\_\_\_\_  
\_\_\_\_\_

8. Is English your first language? Yes  No

9. What other languages do you speak, read or understand? Spanish  
\_\_\_\_\_  
\_\_\_\_\_

10. Were you, your spouse, or a former spouse born outside the United States?  
Yes  No  If Yes, please tell us who and where they were born.  
\_\_\_\_\_  
\_\_\_\_\_

11. (a) Do you speak, read or understand Arabic or Hebrew (or any dialect of Arabic or Hebrew) or did you grow up in households where those languages or any of their dialects were spoken?  
Yes  No

(b) If you speak, read or understand the Arabic or Hebrew language (or any part of its dialects), would you have any difficulty relying solely upon a translator's translation of the evidence?  
Yes  No

12. Are you:  Employed full-time  Retired  
 Employed part-time  Student  
 Homemaker  Disabled & unable to work  
 Unemployed/ laid off

Juror # 44

(a) What kind of work do you do?  
Oil and Gas Pipelines

(b) If retired or unemployed, what was your primary vocation?  
\_\_\_\_\_  
\_\_\_\_\_

(c) If a homemaker or student, please tell us what jobs outside the home (if any) you have had in the past two years:  
\_\_\_\_\_  
\_\_\_\_\_

13. What is the highest grade of schooling you have completed?

- |   |  |
|---|--|
| <input type="checkbox"/> 8th grade or less    | <input type="checkbox"/> Community College           |
| <input type="checkbox"/> Some high school     | <input type="checkbox"/> Some four-year college      |
| <input type="checkbox"/> High school graduate | <input checked="" type="checkbox"/> College graduate |
|   | <input type="checkbox"/> Post graduate               |

(a) Major area(s) of study: Finance

(b) Degrees or certificates: BBA - Finance

14. What charitable work, civic, social, union, professional, fraternal, political, recreational, or religious organizations do you belong to or participate in, and what offices, if any, have you held in any of these organizations?

Too many to list  
~~\_\_\_\_\_~~  
~~\_\_\_\_\_~~

Political  
Civic  
Professional  
Religious

- Charitable

15. Have you previously traveled outside the United States? Yes  No

If Yes, please describe where and approximately when. Europe, South America, Mexico

I travel every year

Juror # 44

16. Have you ever served in the military? Yes \_\_\_\_\_ No

Branch and highest rank: \_\_\_\_\_  
Foreign Stations or Tours: \_\_\_\_\_  
\_\_\_\_\_

17. The judge who will preside over this case is The Honorable Jorge A. Solis, United States District Judge for the Northern District of Texas. Do you or anyone close to you know or have any connection with Judge Solis or any of his staff?  
Yes  No  If Yes, please explain:  
\_\_\_\_\_

18. Do you or does any relative or close friend know or have any connection with any of the following persons who may be seated at the counsel table for the government?

- |  |           |  |
|--|-----------|--|
| Assistant United States Attorney Jim Jacks       | Yes _____ | No <input checked="" type="checkbox"/> |
| Department of Justice Attorney Barry Jonas       | Yes _____ | No <input checked="" type="checkbox"/> |
| Department of Justice Attorney Elizabeth Shapiro | Yes _____ | No <input checked="" type="checkbox"/> |
| Special Agent Lara Burns, FBI                    | Yes _____ | No <input checked="" type="checkbox"/> |
| Special Agent Rob Miranda, FBI                   | Yes _____ | No <input checked="" type="checkbox"/> |
| Special Agent Carrie Ward, FBI                   | Yes _____ | No <input checked="" type="checkbox"/> |

If you answered yes to any of the names above, describe your connection to this individual(s).  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

19. Do you or does any relative or close friend know or have any connections with any of the following defense lawyers or their staff?

- |                 |           |  |
|-----------------|-----------|--|
| Nancy Hollander | Yes _____ | No <input checked="" type="checkbox"/> |
| Theresa Duncan  | Yes _____ | No <input checked="" type="checkbox"/> |
| Joshua Dratel   | Yes _____ | No <input checked="" type="checkbox"/> |
| Aaron Mysliwicz | Yes _____ | No <input checked="" type="checkbox"/> |
| Linda Moreno    | Yes _____ | No <input checked="" type="checkbox"/> |
| Marlo Cadeddu   | Yes _____ | No <input checked="" type="checkbox"/> |
| Greg Westfall   | Yes _____ | No <input checked="" type="checkbox"/> |
| John Cline      | Yes _____ | No <input checked="" type="checkbox"/> |

Juror # 44

If you answered yes to any of the names above, describe your connection and/ or your friend or relative's connection to this individual(s):

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

20. Do you or does any relative or close friend know or have any connections with any of the defendants?

Holy Land Foundation for Relief and Development	Yes _____	No <input checked="" type="checkbox"/>
Shukri Abu Baker	Yes _____	No <input checked="" type="checkbox"/>
Mohammad El- Mezain	Yes _____	No <input checked="" type="checkbox"/>
Ghassan Elashi	Yes _____	No <input checked="" type="checkbox"/>
Mufid Abdulqader	Yes _____	No <input checked="" type="checkbox"/>
Abdulrahman Odeh	Yes _____	No <input checked="" type="checkbox"/>

Please explain who has the connection in detail for each individual:

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

21. Have you followed any criminal cases involving allegations of terrorism or support of terrorism? Yes \_\_\_\_\_ No

If Yes, please list the cases and what was or is of interest to you about these cases:

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

22. This case has received media attention that is likely to continue. Is there anything you have seen, heard, or read that would interfere with your ability to render a fair verdict in this case based solely on the evidence presented in court?

Yes \_\_\_\_\_ No  If Yes, please explain: \_\_\_\_\_

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

Juror # 44

23. This case is likely to receive media attention during the trial. The Judge wants to make sure that this case is decided solely on the evidence in the courtroom and not based on things that are said outside the courtroom. Accordingly, the Judge will be advising you periodically that you must avoid reading about the case in the newspaper or listening to any radio or television reports about the case, or reading anything about the case on the internet. The Judge will also advise you periodically that you must avoid discussing this case with friends or family during the course of the trial. Would these requirements pose any difficulty for you?

Yes \_\_\_\_\_ No  If Yes, please explain: \_\_\_\_\_

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

24. What, if anything, have you seen, read or heard about the following people facing charges in this case?

(a) Ghassan Elashi:  
\_\_\_\_\_  
\_\_\_\_\_

(b) Shukri Abu Baker:  
\_\_\_\_\_  
\_\_\_\_\_

(c) Mufid Abdulqader:  
\_\_\_\_\_  
\_\_\_\_\_

(d) Mohammed El-Mezain:  
\_\_\_\_\_  
\_\_\_\_\_

(e) Abdulrahman Odeh:  
\_\_\_\_\_  
\_\_\_\_\_

Juror # 44

25. Have you heard or read about any statement(s) made by or attributed to Ghassan Elashi; Shukri Abu Baker, Mufid Abdulqader, Mohammed El- Mezain, or Abdulrahman Odeh? Yes \_\_\_\_\_ No

If Yes, how would you describe the statement(s) and to whom were they attributed if you recall? \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

26. Based on anything you may have read, seen, or heard in the media or elsewhere, have you formed an opinion as to the guilt or innocence of any of the defendants in this case? Yes  No

If Yes, please explain: Yes, but no opinion  
\_\_\_\_\_  
\_\_\_\_\_

27. How closely have you followed the media coverage of the conflict between Israel and the Palestinians?

Very closely  Somewhat closely \_\_\_\_\_ Not too closely \_\_\_\_\_

28. Have you formed an opinion or belief about the nature of that conflict that would prevent you from serving as a fair and impartial juror in this case?

Yes  No \_\_\_\_\_ If Yes, please explain: Hamas is evil, completely wrong, and a terrorist group. They exert unfortunate influence over the Palestinians who have little hope.  
\_\_\_\_\_  
\_\_\_\_\_

Juror # 44

**PRIOR JURY SERVICE**

29. Have you ever:
- (a) Served as a juror in a civil case? Yes \_\_\_ No
  - (a)(1) Served on a grand jury? Yes \_\_\_ No
  - (a)(2) Served as a juror in a criminal case? Yes \_\_\_ No
  - (a)(3) Have you ever been a juror in a case where the jury was unable to reach a verdict? Yes \_\_\_ No

(b) If you have served on a jury, please list below: (1) the approximate date(s); (2) whether you served in state court or federal court; (3) whether it was a grand jury or a trial jury; (4) whether it was a criminal case or a civil case; (5) what the general nature of the case was (for example, robbery, murder, contract, negligence, medical malpractice, etc.); and (6) whether or not a verdict was reached.

Date	State or Federal Trial Jury	Grand Jury	Criminal or Civil	Nature of Case	Verdict

(c) Is there anything about your prior jury experience that would make it difficult to serve again? Yes \_\_\_ No \_\_\_ If Yes, please explain:

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Juror # 44

30. Have you or anyone close to you worked for, applied to, or had training with:  
(check all that apply)

- (a). Any law enforcement, security or investigative agency, including but not limited to the police department, a state police agency, the sheriff's department, the FBI, the DEA, the Secret Service, the Postal Inspection Service, the CIA, the BICE, the INS, the Department of Homeland Security or the Department of Justice?
- (b) A prison, jail, detention center, or probation services?
- (c) Any city or town attorney, Attorney General, state or federal prosecutor, or court?
- (d) Any law firm that practices criminal defense?
- (e) Any accounting, banking, or financial institutions?
- (f) Any newspaper, radio, television, or other media outlet?

If you answered "Yes" to any of the above, please state who (relation to you), where, when, and the circumstances.

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

31. Have you or a member of your family 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? Yes  No

If yes, please explain the nature of your interest in such proceedings:

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

32. Have you or a family member or close friend had an experience involving the police, FBI, or any other law enforcement agency, including being interviewed by or making a report to a law enforcement officer?

Yes  No  If Yes, please explain: \_\_\_\_\_

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



Juror # 44

33. Have you or a family member or close friend ever been arrested, charged or convicted for a crime other than traffic ticket? Yes  No

If Yes, please explain who (relation to you), when, the nature of the charge and the circumstances:

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34. (a) Some of the defendants are citizens of the United States and some are not. Under the law, in a criminal trial, non-citizens are afforded the same constitutional rights as citizens. Can you follow that law? Yes  No

(b) Under the law generally, the protections of free speech in our democracy extend both to citizens and non-citizens. Can you follow this law? Yes  No

35. Under the United States Constitution, a person accused of a crime does not have to testify in his defense, and his silence may not be used against him. Can you follow this law and not hold a defendant's decision not to testify against him? Yes  No

36. The Court will instruct you that the testimony of a law enforcement officer is entitled to no greater weight or lesser weight than that of any other witness. Do you have any difficulties accepting that statement? Yes  No

37. There may be evidence in this case consisting of tape recordings of conversations taking place over the telephone through the use of electronic devices commonly known as "wiretaps." Do you have any preconceptions of the obtaining or use of such evidence that might prevent you from fairly considering it at trial?

Yes  No  If Yes, please explain: \_\_\_\_\_

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Juror # 44

38. At the conclusion of the case it is the judge's task and duty to charge you on the law and explain to you the elements of the crimes charged in the indictment. Do you have personal, religious, philosophical or other beliefs as to what the law is or should be that would make it difficult for you to follow the instructions of the judge or that would make it difficult for you to sit in the judgment of another?

Yes \_\_\_ No  If Yes, please explain: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

39. Have you or any member of your family or friends had any experience that would cause you to be biased for or against a defendant who is an Arab or a Muslim?

Yes  No \_\_\_ If Yes, please explain: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

40. Do you have any feelings about Arabs, Muslims, or the religion of Islam that would make it difficult for you to listen to evidence and decide a case with an open mind?

Yes  No \_\_\_ If Yes, please explain: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

41. Is there anything about the nature of the charges in this case that would affect your ability to fairly evaluate the evidence regarding whether or not the government has proven the guilt of the defendants beyond a reasonable doubt?

No  
\_\_\_\_\_  
\_\_\_\_\_

40. Is there any matter not covered by this questionnaire that you feel you should tell us about? Yes \_\_\_ No  If Yes, please explain:

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



1 MS. MORENO: Thank you, Your Honor.

2 Q. (BY MS. MORENO) Good morning still, [REDACTED].

3 A. Good morning.

4 Q. My name is Linda Moreno. I am one of the Defense lawyers  
5 and I will be asking you a few questions. No one else on the  
6 Defense team will be questioning you, so you just have to deal  
7 with me for a few minutes.

8 A. Okay.

9 Q. I want to go back to some of the answers you gave in the  
10 questionnaire and some of the answers that you gave to Mr.  
11 Jacks.

12 It seems to me that, in reading your profile, you are  
13 college educated. Right?

14 A. Correct.

15 Q. And very well-traveled, pretty well-traveled. You work  
16 in the oil and gas pipelines. Is that correct?

17 A. Correct.

18 Q. And you speak Spanish?

19 A. I do.

20 Q. Why? Why did you learn Spanish?

21 A. School.

22 Q. Where did you go to school?

23 A. [REDACTED].

24 Q. You -- When you filled out your questionnaire, I take it  
25 that you thought about the questions and you thought about the

1 answers that you wrote. Is that fair?

2 A. Correct.

3 Q. Okay. And in fact, on the first page it says that  
4 these -- It says, "Remember you are sworn to give true and  
5 complete answers to all questions." And you understood this  
6 was important.

7 A. Correct.

8 Q. So now on question No. 26 where you were asked, "Based on  
9 anything you may have read, seen, or heard in the media, have  
10 you formed an opinion as to the guilt or innocence of any of  
11 the Defendants in this case?" That was the question. And you  
12 checked yes. And then you wrote, "Yes, but no opinion." So  
13 it asked if you had formed an opinion, and you checked yes you  
14 had formed an opinion, and then you wrote "No opinion." What  
15 does that mean?

16 A. Well, I don't know what that means.

17 Q. Okay.

18 A. It is just based on what I read and had seen on  
19 television and all that. The media didn't portray this case  
20 in a positive light.

21 Q. Understood. So you saw a lot of the coverage on  
22 television. Is that right?

23 A. That is correct.

24 Q. And where else?

25 A. Newspaper; just standard media.

1 Q. Okay. And is it fair to categorize most of that as  
2 negative?

3 A. For the most part, yes.

4 Q. And is it also fair to say that after hearing those  
5 stories, or perhaps reading those stories, that you came away  
6 with sort of a negative opinion about the case at that time,  
7 whenever that was?

8 A. That is correct.

9 Q. Okay. Then question No. 27 you were asked, "How closely  
10 have you followed the media coverage of the conflict between  
11 Israel and the Palestinians?" And you said very closely. And  
12 then the follow-up was, "Have you formed an opinion about that  
13 conflict"--and here is the question--"that would prevent you  
14 from serving as a fair and impartial juror in this case?" The  
15 question wasn't have you just formed an opinion. The question  
16 was have you formed an opinion that would prevent you from  
17 being fair and impartial in this case. And you said yes. And  
18 then you wrote " Hamas is evil, completely wrong, and a  
19 terrorist group. They exert unfortunate influence over the  
20 Palestinians who have little hope." Do you remember writing  
21 that?

22 A. Uh-huh.

23 Q. And so you are not changing your answer here today, are  
24 you --

25 A. No.

1 Q. -- in this colloquy with the Prosecutor.

2 A. No.

3 Q. No. So you still have an opinion or belief. Right?

4 About the nature of the conflict between Israel and Palestine  
5 that would prevent you from being fair and impartial in this  
6 case. Correct?

7 A. Yes, that is correct.

8 Q. Okay. Now, let's go to No. 39. It asks you, "Have you  
9 or any member of your family or friends had any experience  
10 that would cause you to be biased for or against a defendant  
11 who is an Arab or a Muslim?" And you said yes, but you don't  
12 explain that.

13 A. That is correct.

14 Q. Okay. Would you like to finally expand on --

15 A. I would prefer not to.

16 Q. And why would that be?

17 A. Just A, because it is a long personal story. Yeah, that  
18 is why.

19 Q. I don't mean to be invasive, but, you know, Mr. Jacks  
20 talked about the fact that you had gone to school and taken a  
21 class on Hamas, and that if you were chosen for this case you  
22 would go back into the deliberating room and you couldn't  
23 really educate others outside of the evidence. Remember that  
24 discussion you had with him?

25 A. I do.

1 Q. This is a criminal trial, this is not a classroom, and  
2 these gentlemen are entitled to a fair juror.

3 A. And I agree completely.

4 Q. And from your answers is it fair for me to conclude that  
5 you couldn't be that fair juror?

6 A. I would like to think that I could, but I am on the fence  
7 as to whether I could or not.

8 Q. Okay. Is the experience that you just mentioned that you  
9 would rather not go into a personal experience?

10 A. Yes.

11 Q. And is it a personal experience that you had that had  
12 anything to do with Arabs or Muslims?

13 A. It did.

14 Q. It did?

15 A. It did, yes.

16 Q. And did that experience leave you with a state of mind or  
17 feelings or impressions -- It seems that that was a very  
18 dramatic or intense experience.

19 A. To some extent, yes.

20 Q. And is that something that is a part of you, part of who  
21 you are?

22 A. Of course.

23 Q. And that is not something that you can just push aside,  
24 is it?

25 A. I would like to think that I could, but I am not sure



1 that I could.

2 Q. And understand that in a criminal trial where the lives  
3 of these men are at stake, that you have got to be able to  
4 assure everybody that you could be able to put aside all  
5 prejudices and experiences that impact your view and your  
6 ability to be fair. Do you understand that?

7 A. I do.

8 Q. And that is really -- That guarantee of being that kind  
9 of a juror is not anything you can give us at this point, is  
10 it?

11 A. No.

12 Q. Okay. And, you know, I want to thank you for being so  
13 honest and candid. This is difficult. And there are no wrong  
14 answers here, and this has nothing to do with maturity and  
15 judgment. This has to do with honesty and searching ourselves  
16 to see if you are the right person for this jury. Okay?

17 A. Okay.

18 Q. And what I hear you saying is you are not the right  
19 person for this jury. Is that fair?

20 A. I am not sure if I am the right person or not.

21 Q. Okay. On No. 40, you were asked, "Do you have any  
22 feelings about Arabs, Muslims, or the religion of Islam that  
23 would make it difficult for you to listen to the evidence and  
24 decide a case with an open mind?" And you said yes. And why  
25 did you say yes?

1 A. I would probably change that one back to no as far as the  
2 religion itself goes.

3 Q. Okay. You separate the religion?

4 A. That is correct.

5 Q. But with respect to Arabs, you would leave that in there?

6 A. For the previous question I would.

7 Q. Right. So you have a bias against Arabs, Arab people?

8 A. I wouldn't call it a bias.

9 Q. What would you call it?

10 A. Well, that is a good question. I don't know.

11 Q. You know, we can't read into your mind.

12 THE COURT: Counsel, I think we are going into a lot  
13 of things --

14 Mr. ██████████, we obviously are trying to impanel a jury  
15 that is fair and impartial to both sides, and you are having  
16 some problems struggling where you could or not.

17 THE PANEL MEMBER: Correct.

18 THE COURT: Based on everything you have heard and  
19 been asked here today, your position is you are just not sure  
20 that you could be a fair and impartial juror to everybody?

21 THE PANEL MEMBER: Yes.

22 MS. MORENO: Submitted.

23 THE COURT: Step back in the jury room. We  
24 appreciate your honesty, Mr. ██████████. We will get back with  
25 you in a minute.

1 Challenge?

2 MS. MORENO: Challenge for cause.

3 THE COURT: Mr. Jacks?

4 MR. JACKS: No objection, Your Honor.

5 THE COURT: That challenge is sustained. Mr. [REDACTED]  
6 is excused.

7 Go ahead and bring No. 46, Mr. [REDACTED].

8 Good morning. Have a seat there.

9 Mr. [REDACTED], you are going to be asked some questions by  
10 the attorneys about that questionnaire you filled out last  
11 time you were here. Mr. Jonas will ask some questions on  
12 behalf of the Government, and when he finishes one of the  
13 Defense attorneys will ask you some questions.

14 Mr. Jonas.

15 Q. (BY MR. JONAS) Good morning Mr. [REDACTED]. My name is Barry  
16 Jonas, as Judge Solis just said. I am a Prosecutor for the  
17 Government, and I want to ask you a few questions about your  
18 questionnaire, and I have some other follow-up questions this  
19 morning.

20 A. Sure.

21 Q. You put down you travel to [REDACTED], to [REDACTED]  
22 every year?

23 A. I have traveled there three times. 2001, '03, and '05.  
24 I said every other year. I meant during that time period.

25 Q. Why?

Juror #

23

**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF TEXAS**

**CONFIDENTIAL JUROR QUESTIONNAIRE**

General Instructions

This questionnaire is designed to help simplify and expedite the jury selection process. Although some of the questions may appear to be of a personal nature, please understand that the Judge and the parties must learn enough information about each juror's background and experiences to select a fair and impartial jury.

Please answer all the questions to the best of your ability. If you have any questions write them on the form. If you don't know the answer to a question then write, "I don't know." There are no "right" or "wrong" answers, only truthful answers. Do not discuss the case or your answers with anyone. It is important that the answers are yours alone. Remember, you are sworn to give true and complete answers to all questions. After reading your questionnaire, Judge Solis may personally interview you in the presence of the lawyers and give you the opportunity to discuss your answers.

Do not write on back of any page, only the front pages will be copied. If you need additional space to complete an answer, go to the blank pages at the back of the questionnaire, indicate the number of the question, and continue your answer.

Juror # 23

**JUROR QUESTIONNAIRE**

Juror Number 102665096  
(This number maybe found on the summons. Please write legibly.)

**CONFIDENTIAL JUROR QUESTIONNAIRE**

Please write legibly.

1. What is your age? 26
2. Are you: Male  Female
3. Do you have any problem with your hearing or vision that would make it difficult for you to serve as a juror?  
Yes  No
4. Do you have any medical condition that would make it difficult for you to serve as a juror on this case?  
Yes  No

If Yes, briefly list the condition(s):

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

5. Are you (check one):  
Married  Single  Living with another person   
Living with domestic partner  Divorced/Separated   
Widow/Widower
6. If you have any children, please list their gender, age, and if applicable, their current occupation.  
male, 2yrs. old,  
\_\_\_\_\_

Juror # 23

7. In what city do you reside? [REDACTED]

(a) How long have you lived in this area? 26 years

(b) What other places have you lived within the last twenty years? \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

8. Is English your first language? Yes  No \_\_\_\_\_

9. What other languages do you speak, read or understand? Spanish  
both read & understand

10. Were you, your spouse, or a former spouse born outside the United States?

Yes \_\_\_\_\_ No  If Yes, please tell us who and where they were born.  
\_\_\_\_\_  
\_\_\_\_\_

11. (a) Do you speak, read or understand Arabic or Hebrew (or any dialect of Arabic or Hebrew) or did you grow up in households where those languages or any of their dialects were spoken?

Yes \_\_\_\_\_ No

(b) If you speak, read or understand the Arabic or Hebrew language (or any part of its dialects), would you have any difficulty relying solely upon a translator's translation of the evidence?

Yes \_\_\_\_\_ No

12. Are you:      (  ) Employed full-time      ( ) Retired  
                  (  ) Employed part-time      ( ) Student  
                  ( ) Homemaker                      ( ) Disabled & unable to work  
                  ( ) Unemployed/ laid off

Juror # 23

(a) What kind of work do you do?

~~I work at a news station.~~  
~~I'm a graphic designer, designing graphics for the newscast.~~

(b) If retired or unemployed, what was your primary vocation?

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

(c) If a homemaker or student, please tell us what jobs outside the home (if any) you have had in the past two years:

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

13. What is the highest grade of schooling you have completed?

- |   |   |
|---|---|
| <input type="checkbox"/> 8th grade or less    | <input checked="" type="checkbox"/> Community College |
| <input type="checkbox"/> Some high school     | <input type="checkbox"/> Some four-year college       |
| <input type="checkbox"/> High school graduate | <input type="checkbox"/> College graduate             |
|   | <input type="checkbox"/> Post graduate                |

(a) Major area(s) of study: Art / graphic design

(b) Degrees or certificates: \_\_\_\_\_

14. What charitable work, civic, social, union, professional, fraternal, political, recreational, or religious organizations do you belong to or participate in, and what offices, if any, have you held in any of these organizations?

None  
\_\_\_\_\_  
\_\_\_\_\_

15. Have you previously traveled outside the United States? Yes \_\_\_\_\_ No

If Yes, please describe where and approximately when. \_\_\_\_\_

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

Juror # 23

16. Have you ever served in the military? Yes \_\_\_\_\_ No

Branch and highest rank: \_\_\_\_\_

Foreign Stations or Tours: \_\_\_\_\_

17. The judge who will preside over this case is The Honorable Jorge A. Solis, United States District Judge for the Northern District of Texas. Do you or anyone close to you know or have any connection with Judge Solis or any of his staff?

Yes \_\_\_\_\_ No  If Yes, please explain:

18. Do you or does any relative or close friend know or have any connection with any of the following persons who may be seated at the counsel table for the government?

Assistant United States Attorney Jim Jacks	Yes _____	No <input checked="" type="checkbox"/>
Department of Justice Attorney Barry Jonas	Yes _____	No <input checked="" type="checkbox"/>
Department of Justice Attorney Elizabeth Shapiro	Yes _____	No <input checked="" type="checkbox"/>
Special Agent Lara Burns, FBI	Yes _____	No <input checked="" type="checkbox"/>
Special Agent Rob Miranda, FBI	Yes _____	No <input checked="" type="checkbox"/>
Special Agent Carrie Ward, FBI	Yes _____	No <input checked="" type="checkbox"/>

If you answered yes to any of the names above, describe your connection to this individual(s).

19. Do you or does any relative or close friend know or have any connections with any of the following defense lawyers or their staff?

Nancy Hollander	Yes _____	No <input checked="" type="checkbox"/>
Theresa Duncan	Yes _____	No <input checked="" type="checkbox"/>
Joshua Dratel	Yes _____	No <input checked="" type="checkbox"/>
Aaron Mysliwicz	Yes _____	No <input checked="" type="checkbox"/>
Linda Moreno	Yes _____	No <input checked="" type="checkbox"/>
Marlo Cadeddu	Yes _____	No <input checked="" type="checkbox"/>
Greg Westfall	Yes _____	No <input checked="" type="checkbox"/>
John Cline	Yes _____	No <input checked="" type="checkbox"/>



Juror # 23

If you answered yes to any of the names above, describe your connection and/ or your friend or relative's connection to this individual(s):

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

20. Do you or does any relative or close friend know or have any connections with any of the defendants?

Holy Land Foundation for Relief and Development	Yes _____	No <input checked="" type="checkbox"/>
Shukri Abu Baker	Yes _____	No <input checked="" type="checkbox"/>
Mohammad El- Mezain	Yes _____	No <input checked="" type="checkbox"/>
Ghassan Elashi	Yes _____	No <input checked="" type="checkbox"/>
Mufid Abdulqader	Yes _____	No <input checked="" type="checkbox"/>
Abdulrahman Odeh	Yes _____	No <input checked="" type="checkbox"/>

Please explain who has the connection in detail for each individual:

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

21. Have you followed any criminal cases involving allegations of terrorism or support of terrorism? Yes \_\_\_\_\_ No

If Yes, please list the cases and what was or is of interest to you about these cases:

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

22. This case has received media attention that is likely to continue. Is there anything you have seen, heard, or read that would interfere with your ability to render a fair verdict in this case based solely on the evidence presented in court?

Yes \_\_\_\_\_ No  If Yes, please explain: not yet

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

Juror # 23

23. This case is likely to receive media attention during the trial. The Judge wants to make sure that this case is decided solely on the evidence in the courtroom and not based on things that are said outside the courtroom. Accordingly, the Judge will be advising you periodically that you must avoid reading about the case in the newspaper or listening to any radio or television reports about the case, or reading anything about the case on the internet. The Judge will also advise you periodically that you must avoid discussing this case with friends or family during the course of the trial. Would these requirements pose any difficulty for you?

Yes  No  If Yes, please explain: Working at a tv station I hear first hand all about the news that are being covered. There's no way I could avoid it.

*And we have been covering this story.*

24. What, if anything, have you seen, read or heard about the following people facing charges in this case?

(a) Ghassan Elashi:  
\_\_\_\_\_  
\_\_\_\_\_

(b) Shukri Abu Baker:  
\_\_\_\_\_  
\_\_\_\_\_

(c) Mufid Abdulqader:  
\_\_\_\_\_  
\_\_\_\_\_

(d) Mohammed El-Mezain:  
\_\_\_\_\_  
\_\_\_\_\_

(e) Abdulrahman Odeh:  
\_\_\_\_\_  
\_\_\_\_\_

Juror # 23

25. Have you heard or read about any statement(s) made by or attributed to Ghassan Elashi; Shukri Abu Baker, Mufid Abdulfqader, Mohammed El- Mezain, or Abdulrahman Odeh? Yes \_\_\_\_\_ No

If Yes, how would you describe the statement(s) and to whom were they attributed if you recall? \_\_\_\_\_

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

26. Based on anything you may have read, seen, or heard in the media or elsewhere, have you formed an opinion as to the guilt or innocence of any of the defendants in this case? Yes \_\_\_\_\_ No

If Yes, please explain: \_\_\_\_\_

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

27. How closely have you followed the media coverage of the conflict between Israel and the Palestinians?

Very closely \_\_\_\_\_ Somewhat closely \_\_\_\_\_ Not too closely

28. Have you formed an opinion or belief about the nature of that conflict that would prevent you from serving as a fair and impartial juror in this case?

Yes \_\_\_\_\_ No  If Yes, please explain: \_\_\_\_\_

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

Juror # 23

**PRIOR JURY SERVICE**

29. Have you ever:
- (a) Served as a juror in a civil case? Yes  No
  - (a)(1) Served on a grand jury? Yes  No
  - (a)(2) Served as a juror in a criminal case? Yes  No
  - (a)(3) Have you ever been a juror in a case where the jury was unable to reach a verdict? Yes  No

(b) If you have served on a jury, please list below: (1) the approximate dates(s); (2) whether you served in state court or federal court; (3) whether it was a grand jury or a trial jury; (4) whether it was a criminal case or a civil case; (5) what the general nature of the case was (for example, robbery, murder, contract, negligence, medical malpractice, etc.); and (6) whether or not a verdict was reached.

Date	State or Federal Trial Jury	Grand Jury	Criminal or Civil	Nature of Case	Verdict
2001	State		Criminal	forgot	forgot

(c) Is there anything about your prior jury experience that would make it difficult to serve again? Yes  No  If Yes, please explain:  
Yes. Same as this time school / job related.  
Missing work.

Juror # 23

30. Have you or anyone close to you worked for, applied to, or had training with:  
(check all that apply)

- (a) Any law enforcement, security or investigative agency, including but not limited to the police department, a state police agency, the sheriff's department, the FBI, the DEA, the Secret Service, the Postal Inspection Service, the CIA, the BICE, the INS, the Department of Homeland Security or the Department of Justice?
- (b) A prison, jail, detention center, or probation services?
- (c) Any city or town attorney, Attorney General, state or federal prosecutor, or court?
- (d) Any law firm that practices criminal defense?
- (e) Any accounting, banking, or financial institutions?
- (f) Any newspaper, radio, television, or other media outlet?

If you answered "Yes" to any of the above, please state who (relation to you), where, when, and the circumstances.

Myself. I work at [redacted] news station.

31. Have you or a member of your family 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? Yes \_\_\_ No

If yes, please explain the nature of your interest in such proceedings:  
\_\_\_\_\_  
\_\_\_\_\_

32. Have you or a family member or close friend had an experience involving the police, FBI, or any other law enforcement agency, including being interviewed by or making a report to a law enforcement officer?

Yes \_\_\_ No  If Yes, please explain: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Juror # 23

33. Have you or a family member or close friend ever been arrested, charged or convicted for a crime other than traffic ticket? Yes \_\_\_ No

If Yes, please explain who (relation to you), when, the nature of the charge and the circumstances:

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

34. (a) Some of the defendants are citizens of the United States and some are not. Under the law, in a criminal trial, non-citizens are afforded the same constitutional rights as citizens. Can you follow that law? Yes \_\_\_ No

(b) Under the law generally, the protections of free speech in our democracy extend both to citizens and non-citizens. Can you follow this law? Yes \_\_\_ No

35. Under the United States Constitution, a person accused of a crime does not have to testify in his defense, and his silence may not be used against him. Can you follow this law and not hold a defendant's decision not to testify against him? Yes \_\_\_ No

36. The Court will instruct you that the testimony of a law enforcement officer is entitled to no greater weight or lesser weight than that of any other witness. Do you have any difficulties accepting that statement? Yes \_\_\_ No

37. There may be evidence in this case consisting of tape recordings of conversations taking place over the telephone through the use of electronic devices commonly known as "wiretaps." Do you have any preconceptions of the obtaining or use of such evidence that might prevent you from fairly considering it at trial?

Yes \_\_\_ No  If Yes, please explain: \_\_\_\_\_

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

Juror #

23

38. At the conclusion of the case it is the judge's task and duty to charge you on the law and explain to you the elements of the crimes charged in the indictment. Do you have personal, religious, philosophical or other beliefs as to what the law is or should be that would make it difficult for you to follow the instructions of the judge or that would make it difficult for you to sit in the judgment of another?

Yes \_\_\_ No  If Yes, please explain: \_\_\_\_\_

39. Have you or any member of your family or friends had any experience that would cause you to be biased for or against a defendant who is an Arab or a Muslim?

Yes \_\_\_ No  If Yes, please explain: \_\_\_\_\_

40. Do you have any feelings about Arabs, Muslims, or the religion of Islam that would make it difficult for you to listen to evidence and decide a case with an open mind?

Yes  No \_\_\_ If Yes, please explain: The whole 9/11 & terrorist talk, just something I'm not too sure about. Even though the judge said it was not related still can't help to think.

41. Is there anything about the nature of the charges in this case that would affect your ability to fairly evaluate the evidence regarding whether or not the government has proven the guilt of the defendants beyond a reasonable doubt?

maybe. I feel it would be difficult.

40. Is there any matter not covered by this questionnaire that you feel you should tell us about? Yes  No \_\_\_ If Yes, please explain:

I just feel, it would be impossible not to make early decisions, opinions, seeing as I work with and have access to news. And this matter has and will be covered.  
Also I work part time & will not get paid for the days that I miss. There are only two graphic artists & the other one would have to cover my shift. He's due on vacation the 4th of October. So that would be a big problem. Plus my check would be short, and I can't afford that. Paying child support and all.





1 Q. All right. And if the -- I think in fact you even said  
2 in your next answer about anything about the nature of these  
3 charges, and you said -- if there was anything about the  
4 nature of these charges that would prevent you from being a  
5 fair juror, you said, "Maybe. I feel it would be  
6 difficult."

7 While it may be difficult, is it something that you feel  
8 like you are smart enough and mature enough to do--in other  
9 words, to set aside whatever, you know, images or stories that  
10 you have read, and decide this case just on the evidence in  
11 this courtroom?

12 A. Yeah, I think I can do that.

13 THE COURT: And you have used seven minutes, Mr.  
14 Jacks.

15 MR. JACKS: Thank you.

16 Q. (BY MR. JACKS) Thank you, sir.

17 THE COURT: Ms. Moreno?

18 MS. MORENO: Thank you, Your Honor.

19 Q. (BY MS. MORENO) Good morning.

20 A. Hi. Good morning.

21 Q. My name is Linda Moreno and I am one of the Defense  
22 lawyers. I want to ask you a few questions.

23 A. Okay.

24 Q. First of all, I want to thank you for your honesty and  
25 what you wrote and what you said today, because at the end of

1 the day what is most important here is honesty, your honest  
2 answers, what you feel, what is in your heart, what is in your  
3 head, because we can't guess that. Only you can tell us that.  
4 Okay?

5 A. Okay.

6 Q. So that is what we are going to talk about.

7 A. Okay.

8 Q. Now, when you filled out the questionnaire, it seems you  
9 were careful and you explained a lot of your answers. Do you  
10 remember that?

11 A. Yeah.

12 Q. Okay. And in one of the questions that Mr. Jacks did not  
13 read, which was question No. 40, it said, "Is there any matter  
14 not covered by this questionnaire that you feel you should  
15 tell us about?" It was kind of like the last question. And  
16 you said, "I just feel it would be impossible not to make  
17 early decisions, opinions, seeing as I work with and have  
18 access to news, and this matter has and will be covered."

19 Do you remember writing that?

20 A. Yes.

21 Q. And when you wrote it did you mean that?

22 A. Yes.

23 Q. And why don't you tell us about that, because you said it  
24 would be impossible for you not to make early decisions and  
25 opinions.

1 A. Yeah, because I am pretty sure it will be covered by the  
2 news, and now that I know about it I am going to be more  
3 interested, or like I am going to want to know more  
4 information about it. And we get all the information  
5 firsthand, so it will be hard not to, you know, not to try to  
6 get more, I guess, educated about the case or know more about  
7 it.

8 Q. When you did those graphics three or four weeks ago on  
9 the case, do you remember hearing information about the trial?

10 A. Yes.

11 Q. Okay. And do you remember if at that point you had an  
12 opinion?

13 A. No. I mean, there are so many graphics in the show, I  
14 mean stories, I didn't really keep track of it sometimes.

15 Q. You indicated that this was a question whether or not you  
16 could afford non-citizens the same constitutional rights as  
17 citizens.

18 A. Uh-huh.

19 Q. All right. Meaning that if one of these gentlemen, let's  
20 say, was not a citizen. Okay? The way you answered the  
21 question, if that person or persons decided, let's say, not to  
22 testify against -- Not to testify on their own behalf, you  
23 would hold that against them, in your answers. Do you  
24 remember that?

25 A. Yeah, I think so.

- 1 Q. And so is it your opinion that if someone is not a  
2 citizen of this country, that you, Mr. [REDACTED], really you  
3 just can't afford them the same Constitutional rights as the  
4 next guy who is a citizen? Is that your opinion?
- 5 A. Yeah.
- 6 Q. Is it?
- 7 A. Uh-huh.
- 8 Q. Okay. And so if you were selected as a juror, let's say,  
9 would you hold that against a particular individual if in fact  
10 you found out that he was not a citizen?
- 11 A. Probably not. I mean --
- 12 Q. I am sorry?
- 13 A. Probably not. I mean, I don't think I would, no.
- 14 Q. When you answered the question on the questionnaire that  
15 you could not afford a non-citizen the same rights, what did  
16 you mean by that, then?
- 17 A. I mean, I guess I didn't really read the question that  
18 correct.
- 19 Q. Okay.
- 20 A. I just answered it.
- 21 Q. You answered another question about the right to silence.  
22 There was a question that was asked about whether if someone  
23 doesn't testify. Okay? That is the Fifth Amendment right.  
24 If they don't testify, would you hold that against them.  
25 Could you follow the law that says that you cannot hold it

1 against them? And you said no, meaning that you would hold  
2 that against them. What did you mean when you said that?

3 A. I don't think I answered that correctly either.

4 Q. Let me ask you the hypothetical.

5 A. Okay.

6 Q. So we are in trial and you are a juror and one of these  
7 gentlemen, or all of these gentlemen, decide that they are not  
8 going to testify on their own behalf.

9 A. Uh-huh.

10 Q. What would you think about that?

11 A. I don't.

12 Q. Well, would you think they were hiding something?

13 A. Yeah, possibly that is what I would think.

14 Q. Okay. And because you would be thinking that they are  
15 hiding something, would you hold that against them?

16 A. Yeah.

17 Q. And let's say you were told you can't hold that against  
18 them. Okay? Let's say you were told that. But that is your  
19 opinion, though. Your opinion is, "I would hold that against  
20 them because I think they are hiding something." Is that  
21 something you could put out of your mind?

22 A. It would be hard, I think.

23 Q. All right. To be a juror, a fair juror in any case, and  
24 especially in this case, you would have to assure us, you  
25 would have to be clear that you would not hold the fact that

1 someone decided not to testify against them. And what I hear  
2 you saying is you can't assure us of that. Am I being fair?

3 A. Yeah.

4 Q. Is that right?

5 A. Yes.

6 Q. Is that because that would be in your mind?

7 A. It will be in my mind, yes.

8 Q. And you would think that they were hiding something. Is  
9 that right, sir?

10 A. Yes, that is right.

11 Q. Let me go back to the question No. 41, which you  
12 indicated is there anything about the nature of the charges  
13 that would affect your ability to be fair, And I am  
14 paraphrasing. And you said, "Maybe. I feel it would be  
15 difficult." And really we are talking about terrorism-related  
16 charges here. Okay?

17 A. Uh-huh.

18 Q. That is what we are talking about. So are you telling us  
19 that because the charges are related to terrorism --

20 A. That -- yeah.

21 Q. That you have an opinion about that?

22 A. Yeah, that is what I meant.

23 Q. Why don't you expand on that.

24 A. The whole fact with terrorism and stuff, it just makes me  
25 think -- I mean, it is not anything positive really. I just

1 think bad about it, really. Even though I don't know much  
2 about the case or anything, but just, I mean, that is how I  
3 feel, I guess, about it. I can't really help that.

4 Q. And is the fact that these gentlemen are charged with  
5 material support of terrorism, just the nature of that charge,  
6 does that make it difficult for you to be fair in this case?

7 A. A little bit, yes.

8 Q. Okay. So what I hear you saying is that you couldn't  
9 assure us, you couldn't tell all of us that you could be fair  
10 in a case that involves charges of terrorism. And I right  
11 about that?

12 A. Yeah, yes.

13 Q. And why is that?

14 A. It is just how I feel, I guess. I mean, I could  
15 definitely try. I could really, really try to be -- Set that  
16 aside, I guess, but it is just still up there, I guess. It  
17 will still cross my mind.

18 Q. When you say you would try and set it aside --

19 A. Like not think about it; not to bring it to the  
20 courtroom, I guess; not to base a decision on that. I could  
21 definitely try that.

22 Q. But as you sit here now, you can't assure us that in fact  
23 you could do that. Is that right?

24 A. Assure, no. I don't think I could assure you of that.

25 Q. And when you say you could put these things aside, what

1 does that mean? Aside is where? Outside of your thinking?

2 A. Yeah, I guess so.

3 Q. Can you really do that? Honestly, sir, could you really  
4 do that?

5 A. No. I am thinking because once I hear stuff, you know,  
6 get more into it -- that is why I am saying I will try, but  
7 maybe when I hear more about it or get into it, I might start  
8 thinking otherwise about it, thinking -- I guess making my own  
9 opinions about it right away.

10 THE COURT: You have used your time up, counsel.  
11 You need to wrap it up.

12 MS. MORENO: Thank you, Your Honor.

13 THE COURT: Mr. [REDACTED], in your job is there any  
14 way you could avoid working with this case if you were at  
15 work? Could somebody else do this case?

16 THE PANEL MEMBER: Oh, no.

17 THE COURT: You are the one that would have to do  
18 it?

19 THE PANEL MEMBER: Yes.

20 THE COURT: You may step back into the jury room,  
21 and we will let you know something here shortly.

22 MS. MORENO: Challenge for cause, Your Honor.

23 THE COURT: Mr. Jacks?

24 MR. JACKS: No objection.

25 THE COURT: I think he is subject to challenge. I



1 will sustain the challenge. No. 23 is excused.

2 Go ahead and bring in No. 42, Mr. [REDACTED].

3 Mr. [REDACTED], good morning. Have a seat right there,  
4 please, sir.

5 You will be asked some questions by the lawyers about  
6 that questionnaire you filled out the last time you were here.  
7 You will be hearing from one of the Government attorneys and  
8 then one of the Defense attorneys will ask you questions.

9 Mr. Jacks?

10 MR. JACKS: Thank you.

11 Q. (BY MR. JACKS) Good morning, Mr. [REDACTED].

12 A. Good morning.

13 Q. Nice to see you again.

14 As Judge Solis told you, my name is Jim Jacks. I am an  
15 Assistant United States Attorney, and I will be representing  
16 the Government during this trial. We met briefly with you ten  
17 days ago, something like that, and since that time you filled  
18 out a questionnaire, and I just wanted to -- We have had a  
19 chance to look it over, and I just wanted to go through it a  
20 little bit with you, if you don't mind.

21 As I read your questionnaire, it appears that you don't  
22 know anything about this case. You haven't heard anything  
23 about it.

24 A. Not until yesterday.

25 Q. Okay. You have no -- You really don't follow the

Juror # 25

**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF TEXAS**

**CONFIDENTIAL JUROR QUESTIONNAIRE**

General Instructions

This questionnaire is designed to help simplify and expedite the jury selection process. Although some of the questions may appear to be of a personal nature, please understand that the Judge and the parties must learn enough information about each juror's background and experiences to select a fair and impartial jury.

Please answer all the questions to the best of your ability. If you have any questions write them on the form. If you don't know the answer to a question then write, "I don't know." There are no "right" or "wrong" answers, only truthful answers. Do not discuss the case or your answers with anyone. It is important that the answers are yours alone. Remember, you are sworn to give true and complete answers to all questions. After reading your questionnaire, Judge Solis may personally interview you in the presence of the lawyers and give you the opportunity to discuss your answers.

Do not write on back of any page, only the front pages will be copied. If you need additional space to complete an answer, go to the blank pages at the back of the questionnaire, indicate the number of the question, and continue your answer.

Juror # 25

### JUROR QUESTIONNAIRE

Juror Number 25  
(This number maybe found on the summons. Please write legibly.)

### CONFIDENTIAL JUROR QUESTIONNAIRE

Please write legibly.

1. What is your age? 62
2. Are you: Male  Female
3. Do you have any problem with your hearing or vision that would make it difficult for you to serve as a juror?

Yes  No

4. Do you have any medical condition that would make it difficult for you to serve as a juror on this case?

Yes  No

If Yes, briefly list the condition(s):

Intermittent back/neck (degenerative joint disease)  
Pain/soreness

5. Are you (check one):

Married  Single  Living with another person

Living with domestic partner  Divorced/Separated

Widow/Widower

6. If you have any children, please list their gender, age, and if applicable, their current occupation.

Son - 38 

Juror # 25

7. In what city do you reside? [REDACTED]

(a) How long have you lived in this area? moved back 8-1982

(b) What other places have you lived within the last twenty years? \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

8. Is English your first language? Yes  No \_\_\_\_\_

9. What other languages do you speak, read or understand? NADA  
\_\_\_\_\_  
\_\_\_\_\_

10. Were you, your spouse, or a former spouse born outside the United States?

Yes \_\_\_\_\_ No  If Yes, please tell us who and where they were born.  
\_\_\_\_\_  
\_\_\_\_\_

11. (a) Do you speak, read or understand Arabic or Hebrew (or any dialect of Arabic or Hebrew) or did you grow up in households where those languages or any of their dialects were spoken?

Yes \_\_\_\_\_ No

(b) If you speak, read or understand the Arabic or Hebrew language (or any part of its dialects), would you have any difficulty relying solely upon a translator's translation of the evidence?

Yes \_\_\_\_\_ No \_\_\_\_\_

12. Are you:      ( ) Employed full-time      ( ) Retired  
                  ( ) Employed part-time      ( ) Student  
                  () Homemaker              ( ) Disabled & unable to work  
                  ( ) Unemployed/ laid off

Juror # 25

(a) What kind of work do you do?

Licensed Real Estate Broker - Inactive

(b) If retired or unemployed, what was your primary vocation?

Office - Sales -

(c) If a homemaker or student, please tell us what jobs outside the home (if any) you have had in the past two years:

None paid - do massive amounts of volunteer work aiding, sitting, transport, shopping for elderly, sick, disabled.

13. What is the highest grade of schooling you have completed?

- ( ) 8th grade or less                      (  ) Community College  
( ) Some high school                      ( ) Some four-year college  
(  ) High school graduate                ( ) College graduate  
( ) Post graduate

(a) Major area(s) of study: Business, Accounting,

(b) Degrees or certificates: Real Estate related - [redacted] Comm. College

14. What charitable work, civic, social, union, professional, fraternal, political, recreational, or religious organizations do you belong to or participate in, and what offices, if any, have you held in any of these organizations?

Marched with [redacted] - 3 years (anti-drug)  
Trained w/ [redacted] - now inactive  
Regular donor to multiple help agencies  
Retired after 10 years of election clerk various [redacted]

15. Have you previously traveled outside the United States? Yes  No

If Yes, please describe where and approximately when. Only border ([redacted])  
cities several times '50's & '60's

Juror # 25

16. Have you ever served in the military? Yes \_\_\_ No

Branch and highest rank: \_\_\_\_\_  
Foreign Stations or Tours: \_\_\_\_\_  
\_\_\_\_\_

17. The judge who will preside over this case is The Honorable Jorge A. Solis, United States District Judge for the Northern District of Texas. Do you or anyone close to you know or have any connection with Judge Solis or any of his staff?  
Yes \_\_\_ No  If Yes, please explain:  
\_\_\_\_\_  
\_\_\_\_\_

18. Do you or does any relative or close friend know or have any connection with any of the following persons who may be seated at the counsel table for the government?

Assistant United States Attorney Jim Jacks	Yes ___	No <input checked="" type="checkbox"/>
Department of Justice Attorney Barry Jonas	Yes ___	No <input checked="" type="checkbox"/>
Department of Justice Attorney Elizabeth Shapiro	Yes ___	No <input checked="" type="checkbox"/>
Special Agent Lara Burns, FBI	Yes ___	No <input checked="" type="checkbox"/>
Special Agent Rob Miranda, FBI	Yes ___	No <input checked="" type="checkbox"/>
Special Agent Carrie Ward, FBI	Yes ___	No <input checked="" type="checkbox"/>

If you answered yes to any of the names above, describe your connection to this individual(s).  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

19. Do you or does any relative or close friend know or have any connections with any of the following defense lawyers or their staff?

Nancy Hollander	Yes ___	No <input checked="" type="checkbox"/>
Theresa Duncan	Yes ___	No <input checked="" type="checkbox"/>
Joshua Dratel	Yes ___	No <input checked="" type="checkbox"/>
Aaron Mysliwicz	Yes ___	No <input checked="" type="checkbox"/>
Linda Moreno	Yes ___	No <input checked="" type="checkbox"/>
Marlo Cadeddu	Yes ___	No <input checked="" type="checkbox"/>
Greg Westfall	Yes ___	No <input checked="" type="checkbox"/>
John Cline	Yes ___	No <input checked="" type="checkbox"/>

Juror # 25

If you answered yes to any of the names above, describe your connection and/ or your friend or relative's connection to this individual(s):

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

20. Do you or does any relative or close friend know or have any connections with any of the defendants?

Holy Land Foundation for Relief and Development	Yes _____	No <u>  /  </u>
Shukri Abu Baker	Yes _____	No <u>  /  </u>
Mohammad El- Mezain	Yes _____	No <u>  /  </u>
Ghassan Elashi	Yes _____	No <u>  /  </u>
Mufid Abdulqader	Yes _____	No <u>  /  </u>
Abdulrahman Odeh	Yes _____	No <u>  /  </u>

Please explain who has the connection in detail for each individual:  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

21. Have you followed any criminal cases involving allegations of terrorism or support of terrorism? Yes No \_\_\_\_\_

If Yes, please list the cases and what was or is of interest to you about these cases:  
*This would be the only one I could reference others have been distant locations and now not available to recall dates or details*

22. This case has received media attention that is likely to continue. Is there anything you have seen, heard, or read that would interfere with your ability to render a fair verdict in this case based solely on the evidence presented in court?

Yes   ✓   No \_\_\_\_\_ If Yes, please explain: *I recall having a strong sense of betrayal that religion and humanitarian concern had been used. It was followed by an upheaval of my senses that it would be tragic if the suspicions and charges were not due. So mixed thoughts and feelings cause me to not know how to answer.*

Juror # 25

23. This case is likely to receive media attention during the trial. The Judge wants to make sure that this case is decided solely on the evidence in the courtroom and not based on things that are said outside the courtroom. Accordingly, the Judge will be advising you periodically that you must avoid reading about the case in the newspaper or listening to any radio or television reports about the case, or reading anything about the case on the internet. The Judge will also advise you periodically that you must avoid discussing this case with friends or family during the course of the trial. Would these requirements pose any difficulty for you?

Yes \_\_\_\_\_ No  If Yes, please explain: \_\_\_\_\_

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

24. What, if anything, have you seen, read or heard about the following people facing charges in this case? *I do not recognise them individually*

(a) Ghassan Elashi:

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

(b) Shukri Abu Baker:

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

(c) Mufid Abdulqader:

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

(d) Mohammed El-Mezain:

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

(e) Abdulrahman Odeh:

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



Juror # 25

25. Have you heard or read about any statement(s) made by or attributed to Ghassan Elashi; Shukri Abu Baker, Mufid Abdulqader, Mohammed El- Mezain, or Abdulrahman Odeh? Yes  No

If Yes, how would you describe the statement(s) and to whom were they attributed if you recall?

I recall the end of the other trial and not believing the proclaimed innocence in a news shot.

26. Based on anything you may have read, seen, or heard in the media or elsewhere, have you formed an opinion as to the guilt or innocence of any of the defendants in this case? Yes  No

If Yes, please explain: But feeling, yes - reasoned opinion, no

27. How closely have you followed the media coverage of the conflict between Israel and the Palestinians?

Very closely  Somewhat closely  Not too closely

28. Have you formed an opinion or belief about the nature of that conflict that would prevent you from serving as a fair and impartial juror in this case?

Yes  No  If Yes, please explain: Early on I was sure the charges would not have been levied unless correct. I wanted it to be true. Now I'm on the spot to clear in answers -

Juror # 25

**PRIOR JURY SERVICE**

29. Have you ever:

(a) Served as a juror in a civil case? Yes \_\_\_ No

(a)(1) Served on a grand jury? Yes \_\_\_ No

(a)(2) Served as a juror in a criminal case? Yes \_\_\_ No

(a)(3) Have you ever been a juror in a case where the jury was unable to reach a verdict? Yes \_\_\_ No

(b) If you have served on a jury, please list below: (1) the approximate dates(s); (2) whether you served in state court or federal court; (3) whether it was a grand jury or a trial jury; (4) whether it was a criminal case or a civil case; (5) what the general nature of the case was (for example, robbery, murder, contract, negligence, medical malpractice, etc.); and (6) whether or not a verdict was reached.

Date	State or Federal Trial Jury	Grand Jury	Criminal or Civil	Nature of Case	Verdict

(c) Is there anything about your prior jury experience that would make it difficult to serve again? Yes \_\_\_ No \_\_\_ If Yes, please explain:

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

Juror # 25

30. Have you or anyone close to you worked for, applied to, or had training with:  
(check all that apply)

- (a) Any law enforcement, security or investigative agency, including but not limited to the police department, a state police agency, the sheriff's department, the FBI, the DEA, the Secret Service, the Postal Inspection Service, the CIA, the BICE, the INS, the Department of Homeland Security or the Department of Justice?
- (b) A prison, jail, detention center, or probation services?
- (c) Any city or town attorney, Attorney General, state or federal prosecutor, or court?
- (d) Any law firm that practices criminal defense?
- (e) Any accounting, banking, or financial institutions?
- (f) Any newspaper, radio, television, or other media outlet?

If you answered "Yes" to any of the above, please state who (relation to you), where, when, and the circumstances.

*Son has been in [redacted] news since 1995 with internships prior to that. Writer and anchor multiple [redacted] and now [redacted]'s [redacted].*

31. Have you or a member of your family 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? Yes  No

If yes, please explain the nature of your interest in such proceedings:  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

32. Have you or a family member or close friend had an experience involving the police, FBI, or any other law enforcement agency, including being interviewed by or making a report to a law enforcement officer?

Yes  No  If Yes, please explain: *Various auto accidents, several burglaries, animal cruelty, malicious mischief. My friend was murdered July of 2006. Various "shots fired" reports in the hood.*

Juror # 25

33. Have you or a family member or close friend ever been arrested, charged or convicted for a crime other than traffic ticket? Yes  No

If Yes, please explain who (relation to you), when, the nature of the charge and the circumstances:

One of my Cousins was jailed numerous times in [redacted]. I believe he was charged with attempted murder late 50's early 60's

34. (a) Some of the defendants are citizens of the United States and some are not. Under the law, in a criminal trial, non-citizens are afforded the same constitutional rights as citizens. Can you follow that law? Yes  No

(b) Under the law generally, the protections of free speech in our democracy extend both to citizens and non-citizens. Can you follow this law? Yes  No

35. Under the United States Constitution, a person accused of a crime does not have to testify in his defense, and his silence may not be used against him. Can you follow this law and not hold a defendant's decision not to testify against him? Yes  No

36. The Court will instruct you that the testimony of a law enforcement officer is entitled to no greater weight or lesser weight than that of any other witness. Do you have any difficulties accepting that statement? Yes  No

37. There may be evidence in this case consisting of tape recordings of conversations taking place over the telephone through the use of electronic devices commonly known as "wiretaps." Do you have any preconceptions of the obtaining or use of such evidence that might prevent you from fairly considering it at trial?

Yes  No  If Yes, please explain: \_\_\_\_\_

Juror # 25

38. At the conclusion of the case it is the judge's task and duty to charge you on the law and explain to you the elements of the crimes charged in the indictment. Do you have personal, religious, philosophical or other beliefs as to what the law is or should be that would make it difficult for you to follow the instructions of the judge or that would make it difficult for you to sit in the judgment of another?

Yes \_\_\_ No \_\_\_ If Yes, please explain: \_\_\_\_\_

\_\_\_\_\_

39. Have you or any member of your family or friends had any experience that would cause you to be biased for or against a defendant who is an Arab or a Muslim?

Yes \_\_\_ No  If Yes, please explain: \_\_\_\_\_

\_\_\_\_\_

40. Do you have any feelings about Arabs, Muslims, or the religion of Islam that would make it difficult for you to listen to evidence and decide a case with an open mind?

Yes  No \_\_\_ If Yes, please explain: *Possibly, I never*

*seem to get beyond the rage expressed by some for the "infidels" and the knowledge "Holy Wars" seem the only way to deal.*

41. Is there anything about the nature of the charges in this case that would affect your ability to fairly evaluate the evidence regarding whether or not the government has proven the guilt of the defendants beyond a reasonable doubt?

\_\_\_\_\_

40. Is there any matter not covered by this questionnaire that you feel you should tell us about? Yes \_\_\_ No \_\_\_ If Yes, please explain:

\_\_\_\_\_

\_\_\_\_\_



1012

Saw  
the  
questionnaire

1 Q. Okay. So given that state of the affairs, is it  
2 something that you would be willing to listen and learn if it  
3 became a part -- I am not saying it is even going to be that  
4 big of a part of this case. This case is about a specific  
5 charge and specific acts by specific individuals, and not  
6 about whether Muslim is a good religion or bad religion. That  
7 is not why we are here.

8 A. Right.

9 Q. So with regard to, you know, what you may or may not  
10 think is a tenant of the Muslim faith, are you willing to come  
11 into this case with an open mind and simply listen to the  
12 evidence because we are here for a criminal trial and not any  
13 other purpose? Can you do that?

14 A. I believe I could.

15 THE COURT: And you have used your time.

16 MR. JACKS: I have, Your Honor?

17 THE COURT: Yes.

18 MR. JACKS: Thank you, Ms. [REDACTED].

19 THE COURT: Ms. Moreno?

20 Q. (BY MS. MORENO) Good afternoon. My name is Linda  
21 Moreno. I am one of the Defense lawyers in this case and I am  
22 going to ask you some questions.

23 First of all, I want to thank you for being so honest in  
24 your questionnaire and in answering the questions here today.  
25 I know this is a difficult process.

1 A. You are welcome.

2 Q. We so much appreciate it because this is so important.

3 A. Thank you.

4 Q. Besides the question that Mr. Jacks read you, you  
5 indicated that you had heard about the case, and this was  
6 question No. 22, and you wrote, "I recall having a strong  
7 sense of betrayal that religion and humanitarian concern had  
8 been used. It was followed by an upheaval of my senses that  
9 it would be tragic if the suspicions and charges were not due.  
10 So mixed thoughts and feelings caused me to not know how to  
11 answer." That is what you --

12 A. I remember.

13 Q. You remember.

14 A. That part of it I remember.

15 Q. But we do need an answer from you is the problem here.

16 A. Yes.

17 Q. And you are the only one who can give us an answer. And  
18 there are no wrong answers. And in this great country we are  
19 entitled to our own opinions, and sometimes some cases are not  
20 meant for some jurors. So we need to find out if, given your  
21 answers and your personal life experience, that you could be  
22 completely fair and impartial for these particular gentlemen  
23 in this particular case.

24 A. That is why I wanted to write all that out, because I do  
25 have some concern.



1 Q. You have some concern?

2 A. I am sure that is obvious.

3 Q. It is. And as you were answering so thoughtfully Mr.  
4 Jacks' questions, I saw that you hesitated. Was that fair?

5 A. I am doing it. It was just taking a moment to, you know,  
6 listen inside. I don't know how else to say it.

7 Q. Well, only you can tell us what is in your heart. And  
8 really that is what we are talking about now.

9 A. Uh-huh.

10 Q. Is it fair to say on the basis of this answer and this  
11 particular question that what you have heard and what you have  
12 seen about this case would affect your ability to be fair and  
13 impartial in this case?

14 A. I am so sorry. I have to say I am afraid it would.

15 Q. I appreciate your courage and your honesty in that.

16 A. I am really sorry.

17 Q. And let me ask you, there is question No. 25 that asked  
18 if you had read any of the statements or heard anything  
19 attributed to any of these gentlemen, and you said yes, and  
20 then you wrote, "I recall the end of the other trial and not  
21 believing the proclaimed innocence on a news shock." Do you  
22 remember writing that?

23 A. Yes, I do.

24 Q. Yes, ma'am. And what were you thinking when you wrote  
25 that?

1 A. It was doubting impressions and judgments, you know. It  
2 was back to that reference about how terrible it would be if  
3 that was an incorrect -- If the charges were incorrect. So it  
4 was a sympathetic idea or, you know, I had mixed emotions  
5 about it even then, and I wasn't involved.

6 Q. And now you are here?

7 A. Uh-huh.

8 Q. When you said that "not believing the proclaimed  
9 innocence," when you wrote that, what I understand from that  
10 is that because there were no convictions, no one was found  
11 guilty, that you had a hard time believing the proclaimed  
12 innocence of these gentlemen?

13 A. You know, I am not clear exactly what my thoughts were.  
14 That very well might have been the same thought I had carried  
15 from the onset of the charges. I may have made a decision  
16 early on that that well could have happened.

17 Q. And when you say the thought, what I am trying to  
18 understand is I think, and you will correct me, that you had  
19 sort of an opinion or pre-judgment about what --

20 A. Oh, the very first time I heard about it, it was like --

21 Q. And was that pre-formed opinion one of guilt about these  
22 gentlemen?

23 A. I didn't know anything about the gentlemen, of course,  
24 but it was about, you know, somebody somewhere was helping  
25 them.

1 Q. When you say "somebody somewhere was helping them," do  
2 you mean helping the Holy Land charity or helping these  
3 gentlemen?

4 A. The Hamas and those -- You know, money was coming to  
5 those people from somewhere, and that was -- It didn't have  
6 anything to do with the local people or an opinion of them.

7 Q. Of course. But it was about the case in general. Would  
8 that be correct?

9 A. Correct. Thank you.

10 Q. And that case is this case that we are here for.

11 A. Correct.

12 Q. And so is it fair to say that you had, about this case in  
13 general, had formed an opinion already?

14 A. I probably had.

15 Q. Yes, ma'am?

16 A. Yes.

17 Q. Yes? And that opinion was one of guilt. Is that right?

18 A. Early on it certainly was, because it was after the  
19 acquittal that I went, "Oh."

20 Q. Did you kind of feel maybe there was a miscarriage of  
21 justice there?

22 A. No. It was that something that had been heard that had  
23 caused those people to think otherwise.

24 Q. On question No. 28 about the conflict, the  
25 Palestinian-Israeli conflict, "Early on I was sure the charges

1 would not have been levied unless correct. I wanted it to be  
2 true. Now I am on the spot to clear an answer." What did you  
3 mean by that?

4 A. The idea that something like that was going on, it was  
5 well, "Yea, it is busted up and had come to a halt." And  
6 again, it was the overall concept and not this particular  
7 group of people.

8 Q. Mr. Jacks asked you if you thought you were a fair  
9 person, and we all want to believe that we are fair. And I  
10 take it, ma'am, that you are a very honest person in your  
11 answers, so I need to know from you, and so do all of the  
12 gentlemen who are on trial here, if you can honestly give them  
13 a fair trial, devoid of any bias or prejudice or pre-formed  
14 opinions that you may have about the case.

15 A. I don't know if I could do that. I just don't know. I  
16 would love to say yes.

17 Q. But you can't say yes, can you?

18 A. I can't without that reservation.

19 Q. And you understand to be a fair juror in any case, and in  
20 this case, that you would have to be able to put aside any of  
21 those opinions and biases. You understand that?

22 A. Uh-huh. Yes, ma'am. Excuse me.

23 Q. And can you look at these gentlemen and tell them that  
24 you could do that for them in this particular case, or you  
25 could not?

1 A. When I look at them individually it seems like that would  
2 be possible, and I can't tell you where that comes from.

3 Q. You know, you mentioned your long family history and the  
4 religious tradition.

5 A. Yes, ma'am.

6 Q. Do you have an opinion about Israel, some sort of  
7 religious-based opinion about Israel?

8 A. I have made a point to allow that to be about the ones  
9 involved. I am very sad about it, that there is so much  
10 conflict, but I don't have an inner conviction.

11 Q. Let me finally ask you about the presumption of  
12 innocence, because this is where we are going. You have heard  
13 of the presumption of innocence in cases, have you not?

14 A. Right.

15 Q. And that means that whoever is accused of a crime is sort  
16 of covered with that presumption of innocence, and that you as  
17 a juror must, without question, without any doubt, presume  
18 that person innocent until and unless the Government has  
19 proven the case beyond every reasonable doubt.

20 A. Uh-huh.

21 Q. Can you afford these gentlemen the presumption of  
22 innocence, or would your life experience and your opinions  
23 prevent that?

24 A. Well, my first inclination was to say at what point.  
25 While I know that I have made a decision based on what I have

1 heard, that is --

2 Q. My question, though, is before you have heard a single  
3 thing, the law says you have to presume them innocent before  
4 you have heard anything. And what we need to be absolutely  
5 confident about is that you have no hesitation about that.

6 A. I can't honestly say that I could absolutely do that. I  
7 really can't say that honestly. I can say I would do my best  
8 to do that.

9 THE COURT: Ms. Moreno, I think we have done enough  
10 questions.

11 Ms. [REDACTED] let me ask you to step into the jury room and  
12 we will let you know your status here in just a few minutes.

13 Ms. Moreno, challenge?

14 MS. MORENO: Yes, for cause.

15 THE COURT: Mr. Jacks?

16 MR. JACKS: Your Honor, I think Ms. [REDACTED] was very  
17 thoughtful and very candid in her responses, and I think they  
18 were kind of equivocal, if you will. I mean, she made  
19 statements like, you know, she was asked to look at the  
20 gentlemen. She said, "Looking at them I can tell you I could  
21 give them a fair trial" --

22 THE COURT: I think she said that would be possible.  
23 She was equivocal even on that. And that is the problem. We  
24 don't need an equivocal juror on these issues. She needs to  
25 be more certain than she is. There are more issues. There

1 are about a half a dozen issues she was having a problem with,  
2 and I think that is fairly clear cut. We can do better than  
3 that as far as getting a juror that doesn't have those issues.

4 We will excuse Ms. [REDACTED].

5 Let's take the afternoon break. Be back at five after  
6 4:00.

7 (Brief Recess.)

8 THE COURT: Let's see. Ready for the next juror?  
9 Go ahead and bring in Ms. [REDACTED].

10 Ms. Garrison, good afternoon. These are the attorneys  
11 that we introduced to you in court last time you were here,  
12 and they are going to be asking you questions, one from each  
13 side, about the questionnaire you filled out.

14 And Ms. [REDACTED]?

15 Q. (BY [REDACTED]) Good afternoon.

16 A. Good afternoon.

17 Q. How are you?

18 A. Fine, thank you.

19 Q. Good. You put on your questionnaire that -- I am  
20 [REDACTED], by the way, one of the Prosecutors  
21 representing the Government in the case.

22 I believe you said in the questionnaire you are a  
23 homemaker.

24 A. Yes.

25 Q. You stay home with children, or your children are grown?

Juror #

7

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF TEXAS

CONFIDENTIAL JUROR QUESTIONNAIRE

General Instructions

This questionnaire is designed to help simplify and expedite the jury selection process. Although some of the questions may appear to be of a personal nature, please understand that the Judge and the parties must learn enough information about each juror's background and experiences to select a fair and impartial jury.

Please answer all the questions to the best of your ability. If you have any questions write them on the form. If you don't know the answer to a question then write, "I don't know." There are no "right" or "wrong" answers, only truthful answers. Do not discuss the case or your answers with anyone. It is important that the answers are yours alone. Remember, you are sworn to give true and complete answers to all questions. After reading your questionnaire, Judge Solis may personally interview you in the presence of the lawyers and give you the opportunity to discuss your answers.

Do not write on back of any page, only the front pages will be copied. If you need additional space to complete an answer, go to the blank pages at the back of the questionnaire, indicate the number of the question, and continue your answer.



Juror # 7

### JUROR QUESTIONNAIRE

Juror Number 03-0204  
(This number maybe found on the summons. Please write legibly.)

### CONFIDENTIAL JUROR QUESTIONNAIRE

Please write legibly.

1. What is your age? 53
2. Are you: Male  Female
3. Do you have any problem with your hearing or vision that would make it difficult for you to serve as a juror?  
Yes  No

4. Do you have any medical condition that would make it difficult for you to serve as a juror on this case?  
Yes  No

If Yes, briefly list the condition(s):

I take a blood pressure medication that makes me frequently go to the restroom.

5. Are you (check one):  
Married  Single  Living with another person   
Living with domestic partner  Divorced/Separated   
Widow/Widower
6. If you have any children, please list their gender, age, and if applicable, their current occupation.

~~\_\_\_\_\_~~  
~~\_\_\_\_\_~~

Juror # \_\_\_\_\_

7. In what city do you reside? \_\_\_\_\_

(a) How long have you lived in this area? 1 yr. 1 mo.

(b) What other places have you lived within the last twenty years? \_\_\_\_\_

8. Is English your first language? Yes  No \_\_\_\_\_

9. What other languages do you speak, read or understand? \_\_\_\_\_

10. Were you, your spouse, or a former spouse born outside the United States?

Yes \_\_\_\_\_ No  If Yes, please tell us who and where they were born.

11. (a) Do you speak, read or understand Arabic or Hebrew (or any dialect of Arabic or Hebrew) or did you grow up in households where those languages or any of their dialects were spoken?

Yes \_\_\_\_\_ No

(b) If you speak, read or understand the Arabic or Hebrew language (or any part of its dialects), would you have any difficulty relying solely upon a translator's translation of the evidence?

Yes \_\_\_\_\_ No \_\_\_\_\_

12. Are you:  Employed full-time      ( ) Retired  
( ) Employed part-time      ( ) Student  
( ) Homemaker      ( ) Disabled & unable to work  
( ) Unemployed/ laid off

Juror # \_\_\_\_\_

(a) What kind of work do you do?

School teacher

(b) If retired or unemployed, what was your primary vocation?

(c) If a homemaker or student, please tell us what jobs outside the home (if any) you have had in the past two years:

13. What is the highest grade of schooling you have completed?

- |   |  |
|---|--|
| <input type="checkbox"/> 8th grade or less    | <input type="checkbox"/> Community College           |
| <input type="checkbox"/> Some high school     | <input type="checkbox"/> Some four-year college      |
| <input type="checkbox"/> High school graduate | <input checked="" type="checkbox"/> College graduate |
|   | <input type="checkbox"/> Post graduate               |

(a) Major area(s) of study: Elementary/Special Education

(b) Degrees or certificates: B.S

14. What charitable work, civic, social, union, professional, fraternal, political, recreational, or religious organizations do you belong to or participate in, and what offices, if any, have you held in any of these organizations?

~~\_\_\_\_\_~~

15. Have you previously traveled outside the United States? Yes \_\_\_\_\_ No

If Yes, please describe where and approximately when. \_\_\_\_\_

\_\_\_\_\_

Juror # \_\_\_\_\_

16. Have you ever served in the military? Yes \_\_\_\_\_ No

Branch and highest rank: \_\_\_\_\_

Foreign Stations or Tours: \_\_\_\_\_

17. The judge who will preside over this case is The Honorable Jorge A. Solis, United States District Judge for the Northern District of Texas. Do you or anyone close to you know or have any connection with Judge Solis or any of his staff?

Yes \_\_\_\_\_ No  If Yes, please explain:

18. Do you or does any relative or close friend know or have any connection with any of the following persons who may be seated at the counsel table for the government?

Assistant United States Attorney Jim Jacks Yes \_\_\_\_\_ No

Department of Justice Attorney Barry Jonas Yes \_\_\_\_\_ No

Department of Justice Attorney Elizabeth Shapiro Yes \_\_\_\_\_ No

Special Agent Lara Burns, FBI Yes \_\_\_\_\_ No

Special Agent Rob Miranda, FBI Yes \_\_\_\_\_ No

Special Agent Carrie Ward, FBI Yes \_\_\_\_\_ No

If you answered yes to any of the names above, describe your connection to this individual(s).

19. Do you or does any relative or close friend know or have any connections with any of the following defense lawyers or their staff?

Nancy Hollander Yes \_\_\_\_\_ No

Theresa Duncan Yes \_\_\_\_\_ No

Joshua Dratel Yes \_\_\_\_\_ No

Aaron Mysliwicz Yes \_\_\_\_\_ No

Linda Moreno Yes \_\_\_\_\_ No

Marlo Cadeddu Yes \_\_\_\_\_ No

Greg Westfall Yes \_\_\_\_\_ No

John Cline Yes \_\_\_\_\_ No

Juror # \_\_\_\_\_

If you answered yes to any of the names above, describe your connection and/ or your friend or relative's connection to this individual(s):

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

20. Do you or does any relative or close friend know or have any connections with any of the defendants?

Holy Land Foundation for Relief

and Development

Yes \_\_\_\_\_ No

Shukri Abu Baker

Yes \_\_\_\_\_ No

Mohammad El- Mezain

Yes \_\_\_\_\_ No

Ghassan Elashi

Yes \_\_\_\_\_ No

Mufid Abdulqader

Yes \_\_\_\_\_ No

Abdulrahman Odeh

Yes \_\_\_\_\_ No

Please explain who has the connection in detail for each individual:

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

21. Have you followed any criminal cases involving allegations of terrorism or support of terrorism? Yes \_\_\_\_\_ No

If Yes, please list the cases and what was or is of interest to you about these cases:

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

22. This case has received media attention that is likely to continue. Is there anything you have seen, heard, or read that would interfere with your ability to render a fair verdict in this case based solely on the evidence presented in court?

Yes \_\_\_\_\_ No  If Yes, please explain: \_\_\_\_\_

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

Juror # \_\_\_\_\_

23. This case is likely to receive media attention during the trial. The Judge wants to make sure that this case is decided solely on the evidence in the courtroom and not based on things that are said outside the courtroom. Accordingly, the Judge will be advising you periodically that you must avoid reading about the case in the newspaper or listening to any radio or television reports about the case, or reading anything about the case on the internet. The Judge will also advise you periodically that you must avoid discussing this case with friends or family during the course of the trial. Would these requirements pose any difficulty for you?

Yes  No  If Yes, please explain: It would be very difficult not to be able to listen to the radio, watch the news or read the newspaper. I not sure I can avoid doing that.

24. What, if anything, have you seen, read or heard about the following people facing charges in this case? Nothing - other than hearing about them from the media.

(a) Ghassan Elashi:  
\_\_\_\_\_  
\_\_\_\_\_

(b) Shukri Abu Baker:  
\_\_\_\_\_  
\_\_\_\_\_

(c) Mufid Abdulqader:  
\_\_\_\_\_  
\_\_\_\_\_

(d) Mohammed El-Mezain:  
\_\_\_\_\_  
\_\_\_\_\_

(e) Abdulrahman Odeh:  
\_\_\_\_\_  
\_\_\_\_\_

Juror # \_\_\_\_\_

25. Have you heard or read about any statement(s) made by or attributed to Ghassan Elashi; Shukri Abu Baker, Mufid Abdulqader, Mohammed El- Mezain, or Abdulrahman Odeh? Yes \_\_\_\_\_ No

If Yes, how would you describe the statement(s) and to whom were they attributed if you recall? \_\_\_\_\_

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

26. Based on anything you may have read, seen, or heard in the media or elsewhere, have you formed an opinion as to the guilt or innocence of any of the defendants in this case? Yes  No \_\_\_\_\_

If Yes, please explain: \_\_\_\_\_

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

27. How closely have you followed the media coverage of the conflict between Israel and the Palestinians?

Very closely \_\_\_\_\_ Somewhat closely \_\_\_\_\_ Not too closely

28. Have you formed an opinion or belief about the nature of that conflict that would prevent you from serving as a fair and impartial juror in this case?

Yes \_\_\_\_\_ No  If Yes, please explain: \_\_\_\_\_

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

Juror # \_\_\_\_\_

**PRIOR JURY SERVICE**

29. Have you ever:

- (a) Served as a juror in a civil case? Yes  No
- (a)(1) Served on a grand jury? Yes  No
- (a)(2) Served as a juror in a criminal case? Yes  No
- (a)(3) Have you ever been a juror in a case where the jury was unable to reach a verdict? Yes  No

(b) If you have served on a jury, please list below: (1) the approximate dates(s); (2) whether you served in state court or federal court; (3) whether it was a grand jury or a trial jury; (4) whether it was a criminal case or a civil case; (5) what the general nature of the case was (for example, robbery, murder, contract, negligence, medical malpractice, etc.); and (6) whether or not a verdict was reached.

Date	State or Federal Trial Jury	Grand Jury	Criminal or Civil	Nature of Case	Verdict
long ago			Civil		Parties agreed
2005			Criminal	DWI	NOT Guilty

(c) Is there anything about your prior jury experience that would make it difficult to serve again? Yes  No  If Yes, please explain:

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_



Juror # \_\_\_\_\_

30. Have you or anyone close to you worked for, applied to, or had training with:  
(check all that apply)

- \_\_\_\_\_ (a) Any law enforcement, security or investigative agency, including but not limited to the police department, a state police agency, the sheriff's department, the FBI, the DEA, the Secret Service, the Postal Inspection Service, the CIA, the BICE, the INS, the Department of Homeland Security or the Department of Justice?
- (b) A prison, jail, detention center, or probation services?
- \_\_\_\_\_ (c) Any city or town attorney, Attorney General, state or federal prosecutor, or court?
- \_\_\_\_\_ (d) Any law firm that practices criminal defense?
- \_\_\_\_\_ (e) Any accounting, banking, or financial institutions?
- \_\_\_\_\_ (f) Any newspaper, radio, television, or other media outlet?

If you answered "Yes" to any of the above, please state who (relation to you), where, when, and the circumstances.

2 cousins - worked at a prison (██████████)  
1 cousin - works at this same prison  
A Niece works at a detention center (adsure where)

31. Have you or a member of your family 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? Yes \_\_\_\_\_ No

If yes, please explain the nature of your interest in such proceedings:

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

32. Have you or a family member or close friend had an experience involving the police, FBI, or any other law enforcement agency, including being interviewed by or making a report to a law enforcement officer?

Yes  No \_\_\_\_\_ If Yes, please explain: My daughter is  
involve in a child custody battle now  
at the present.

Juror # \_\_\_\_\_

33. Have you or a family member or close friend ever been arrested, charged or convicted for a crime other than traffic ticket? Yes  No

If Yes, please explain who (relation to you), when, the nature of the charge and the circumstances:

My brother - It's been awhile ago - so I am  
unsure why.  
# Second Cousin - in jail now (accused of rape) overseas.

34. (a) Some of the defendants are citizens of the United States and some are not. Under the law, in a criminal trial, non-citizens are afforded the same constitutional rights as citizens. Can you follow that law? Yes  No

(b) Under the law generally, the protections of free speech in our democracy extend both to citizens and non-citizens. Can you follow this law?  
Yes  No

35. Under the United States Constitution, a person accused of a crime does not have to testify in his defense, and his silence may not be used against him. Can you follow this law and not hold a defendant's decision not to testify against him?  
Yes  No

36. The Court will instruct you that the testimony of a law enforcement officer is entitled to no greater weight or lesser weight than that of any other witness. Do you have any difficulties accepting that statement? Yes  No

37. There may be evidence in this case consisting of tape recordings of conversations taking place over the telephone through the use of electronic devices commonly known as "wiretaps." Do you have any preconceptions of the obtaining or use of such evidence that might prevent you from fairly considering it at trial?

Yes  No  If Yes, please explain: \_\_\_\_\_

Juror # \_\_\_\_\_

38. At the conclusion of the case it is the judge's task and duty to charge you on the law and explain to you the elements of the crimes charged in the indictment. Do you have personal, religious, philosophical or other beliefs as to what the law is or should be that would make it difficult for you to follow the instructions of the judge or that would make it difficult for you to sit in the judgment of another?

Yes \_\_\_ No  If Yes, please explain: \_\_\_\_\_

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

39. Have you or any member of your family or friends had any experience that would cause you to be biased for or against a defendant who is an Arab or a Muslim?

Yes ~~\_\_\_~~ No  If Yes, please explain: \_\_\_\_\_

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

40. Do you have any feelings about Arabs, Muslims, or the religion of Islam that would make it difficult for you to listen to evidence and decide a case with an open mind?

Yes  No \_\_\_ If Yes, please explain: I have <sup>some</sup> problems  
with their religion based on the differences  
of how their people are treated (men vs  
women).

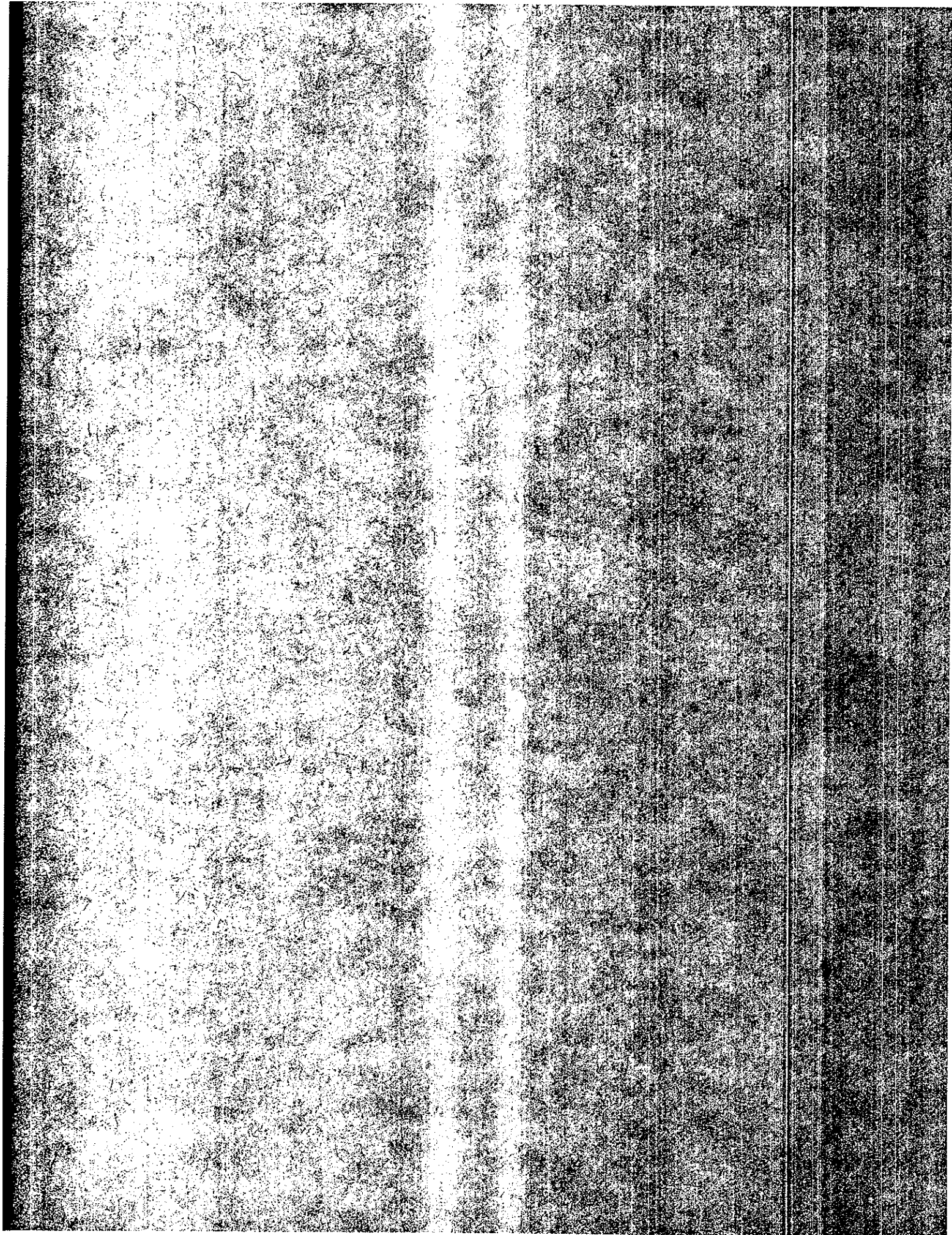
41. Is there anything about the nature of the charges in this case that would affect your ability to fairly evaluate the evidence regarding whether or not the government has proven the guilt of the defendants beyond a reasonable doubt?

NO  
\_\_\_\_\_  
\_\_\_\_\_

40. Is there any matter not covered by this questionnaire that you feel you should tell us about? Yes \_\_\_ No  If Yes, please explain:

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





*Saw  
The  
questionnaire  
presents a  
clear challenge  
for counsel,  
Court Denies*

1 A. Could have been.

2 Q. Okay. Well, so if the Judge tells you that, you know,  
3 even a non-citizen that is on trial in a U.S. court, that they  
4 get the same rights of presumption of innocence, the  
5 Government has the burden of proof --

6 A. Yes.

7 Q. -- they can't be made to testify in their own case.  
8 Those rights you don't have any issue with. Is that right?

9 A. No.

10 Q. Okay.

11 THE COURT: And you have about used up your time.  
12 About 15 seconds.

13 MR. JACKS: Thank you, ma'am.

14 THE COURT: Ms. Moreno?

15 Q. (BY MS. MORENO) Good morning.

16 A. Good morning.

17 Q. My name is Linda Moreno. I am one of the Defense lawyers  
18 here, and I want to follow up and ask just a few questions  
19 about some of the answers you have given this morning.

20 You indicated that there were some facts that you wanted  
21 the Court to know when you were talking to Mr. Jacks. What  
22 were you referring to?

23 A. Well, basically I had eye surgery last year about this  
24 time, and I am still trying to get in the process of getting  
25 my prescription right. And I am struggling right now seeing

1 with these or seeing without these glasses. I have gone back  
2 to the doctor, and we are trying to get the prescription  
3 right, but I did have surgery. I had a macular degeneration,  
4 which is simply a hole in the eye.

5 Q. And you bring that up because I take it you think this  
6 may somehow impact --

7 A. Yes.

8 Q. -- jury service on the jury?

9 A. Yes.

10 Q. And how would that be?

11 A. Basically I am going to have to read everything, and if  
12 it is a distance then that would be difficult. So  
13 everything -- If you show anything from an overhead or from a  
14 transparency or an overhead projector, that is not good for  
15 me.

16 Q. And it is not good because you couldn't be able to see it  
17 well?

18 A. Right.

19 Q. And what about when witnesses are testifying? One of the  
20 roles of a juror is to be able to clearly see the face of the  
21 witness and be able to determine credibility.

22 A. I could see them, but don't ask me about any specifics.

23 Q. Do you think that because of the surgery that you had,  
24 that that would be difficult for you to be able to assess  
25 whether this witness was telling the truth or telling a lie

1 because of the problems you have?

2 A. Yes.

3 Q. So that would be something that would interfere with your  
4 abilities?

5 A. Yes. Because I think facial is important.

6 Q. In determining credibility?

7 A. Yes.

8 Q. Now, let me go back to some of the questions that Mr.  
9 Jacks asked you about.

10 A. Yes.

11 Q. First of all, there are no right or wrong answers here.  
12 The only thing that we are looking for are honest answers,  
13 what you believe you can honestly do.

14 A. Yes.

15 Q. And we all in this country, we are all entitled to our  
16 opinions.

17 A. Yes.

18 Q. And there is nothing wrong with that. So what I want to  
19 ask you, I want to go back to the questions 39 and 40 on your  
20 questionnaire. And you had written, Ms. [REDACTED], the question  
21 was, "Do you have any feelings about Arabs or Muslims or the  
22 religion of Islam that would make it difficult to listen to  
23 the evidence with an open mind?" And you said yes. And you  
24 said, "I have some problems with their religion based on the  
25 differences of how their people are treated men versus women."



1 Remember writing that?

2 A. Yes.

3 Q. Okay. And then on the previous question, "Do you have  
4 any experiences that would cause you to be biased for or  
5 against an Arab or a Muslim," and at first you checked yes and  
6 then you checked no.

7 A. Uh-huh.

8 Q. We need to talk about that.

9 A. Okay.

10 Q. Because it seems clear that you have some pre-conceptions  
11 about what this case may be about.

12 A. Right.

13 Q. Okay. And you identify this particular case, for  
14 whatever reason, because you heard it on the news, with 9/11,  
15 or terrorism. Is that fair?

16 A. Yes.

17 Q. And really that is not something, that notion that you  
18 have is really not something, no matter who tells you, that is  
19 not something you can put aside. Would that be fair to say?

20 A. I would think so.

21 Q. Only you can tell us.

22 A. Yes, yes.

23 Q. And the feelings that you have about Arabs and Muslims,  
24 all of these men on trial are Palestinian and they are Muslim.

25 Now, given your expressed opinion about how you feel about

1     them, whether it has to do with how the men treat the women,  
2     what your perceived ideas, your opinions, that would -- Is it  
3     fair for me to describe that as an opinion as a bias or as a  
4     prejudice that you may have?

5     A.    Maybe it is just my opinion.

6     Q.    Sure.  I am just talking about your opinion.

7     A.    Yes.

8     Q.    Because your opinion is the one that matters.

9     A.    Yes.

10    Q.    Right now today it is the most important thing that  
11    matters.

12    A.    Yes.

13    Q.    And that opinion is not something you can put aside.  Is  
14    that fair?

15    A.    Well, just like he asked, if the facts are given can  
16    I -- Can I separate some things from what I think or what I  
17    feel and base it solely on what is presented to me.  You know,  
18    I am human.

19    Q.    Exactly.

20    A.    And it would be hard.

21    Q.    And these gentlemen are entitled to a juror that has a  
22    completely open mind.

23    A.    Yes.

24    Q.    Who is free from prejudice and looking at their case.

25    A.    Yes.

1 Q. Do you think that is fair?

2 A. Of course.

3 Q. Is that something that you can look at these gentlemen  
4 and say, "Yes, I can do that for you"? Or is that something  
5 you cannot do?

6 A. Conscious -- Clear conscious mind, I just don't think  
7 that I could.

8 Q. Is there any doubt in your mind about that?

9 A. No.

10 Q. All right.

11 MS. MORENO: Thank you.

12 THE COURT: Okay. And Ms. [REDACTED], why is that? Why  
13 couldn't you give them a fair and open trial and decide the  
14 case based on the evidence that is presented here in the  
15 courtroom?

16 THE PANEL MEMBER: I guess it is just me being who I  
17 am, and I want to be honest.

18 THE COURT: Right. But I need some reasons as to  
19 why you don't think you could do that.

20 THE PANEL MEMBER: Well, just to give a clear yes or  
21 no, I guess the only thing I have to offer is it is just me.

22 THE COURT: All right. Let's start off with this  
23 premise. You understand everybody is entitled to a fair  
24 trial, and I think you agreed with that.

25 THE PANEL MEMBER: Yes.

1 THE COURT: And to have a fair trial, one of the  
2 ways we assure that is that jurors make decisions based on  
3 what is in the court.

4 THE PANEL MEMBER: Right.

5 THE COURT: Could you do that--in other words, make  
6 your decision based on what is presented in the courtroom, the  
7 evidence you hear, making your own decisions about that  
8 evidence as to what you believe or not believe, but strictly  
9 about what is considered from what is presented in the  
10 courtroom and then based on the law that I will give you? I  
11 will give you some law at the end of the case. Could you make  
12 your decision based on those?

13 THE PANEL MEMBER: I guess I could, Judge, but do I  
14 want to --

15 THE COURT: Well, we don't want to get into want to,  
16 because nobody wants to be here for a six-week trial, Ms.  
17 [REDACTED]. You are like everybody else. So what I am asking is  
18 could you commit to -- If you were selected as a juror, could  
19 you commit to giving these individuals a fair trial based on  
20 what is presented in the courtroom and following the law I was  
21 to give you and 11 other jurors?

22 THE PANEL MEMBER: I guess so.

23 THE COURT: All right. Now, you did state you had  
24 some opinions on the Muslim Islam religion. And do you  
25 understand the issues here isn't about the Muslim religion, of

1 course. It is about these individuals are charged with  
2 specific crimes. And could you set that aside, that opinion,  
3 and, in other words, whatever opinion you have about the  
4 Muslim religion, would that in any way affect your ability to  
5 look at the evidence, follow the law, and make a decision as  
6 to whether these individuals have committed these crimes or  
7 not?

8 THE PANEL MEMBER: I think I could set that aside.

9 THE COURT: Okay. And just follow the law and base  
10 your decision on the evidence?

11 THE PANEL MEMBER: Yes. It would be difficult, but  
12 I could.

13 THE COURT: All right. Okay.

14 Ms. [REDACTED] if you will step back into the jury room for a  
15 few minutes, we won't make a decision as far as who is on the  
16 jury until the end of the week because we are questioning  
17 everybody individually. So please continue to follow the  
18 instructions that you were given Thursday a week ago. Don't  
19 discuss the case with anyone, read anything about it. Turn  
20 the TV off, whatever you need to do if you happen to be  
21 watching the TV, and the same with the radio. Just keep  
22 yourself apart from that, and don't discuss it with anybody  
23 until you are notified as to whether or not you are on the  
24 jury.

25 THE PANEL MEMBER: May I say one more thing? Of

1 course, you know I am a schoolteacher and I care about my  
2 kids. And I understand these gentlemen need a fair trial as  
3 well. My kids need me. They do need me. I have a lot of  
4 kids that are slow this year.

5 THE COURT: So the hardship with your job and  
6 leaving your students for six weeks?

7 THE PANEL MEMBER: Yes.

8 THE COURT: We appreciate you sharing that was.  
9 Thank you, Ms. [REDACTED].

10 MS. MORENO: May I be heard, Your Honor?

11 THE COURT: Yes.

12 MS. MORENO: I think there are two challenges. A  
13 hardship challenge, I think she clearly said she wouldn't be  
14 able to see the overhead. There is going to be a lot of that  
15 going on in this case. She wouldn't be able to discern the  
16 facial expressions of the witnesses, which is important to  
17 determine credibility as a juror. So I think the hardship,  
18 she raised the hardship, and it wasn't really something I was  
19 going to go into.

20 THE COURT: I understand.

21 MS. MORENO: With respect to the cause, Your Honor,  
22 I think a cause case has been clearly made. I would like to  
23 state that not once -- on those questions, discussing the  
24 answers from her questionnaire, or whether she could look at  
25 these gentlemen and give them a fair trial, anything to do

1 with that, she hesitated. She never once was unequivocal.  
2 She used all kinds of language like, "I could try. I guess  
3 so." Of course in my questioning of her she said no she  
4 couldn't. That was clear. That was the only time she was  
5 unambiguous.

6 When the Court came back and questioned her, you know,  
7 and with all due deference to the Court, Your Honor, I think  
8 that is part of the problem here is that the prospective juror  
9 is going to give the answers that please the Court. And so I  
10 would say it is a cause challenge. It is well made.

11 Further, if this arises again, and I think it will, the  
12 Fifth Circuit and the Supreme Court has a plethora of case law  
13 that juror impartiality, if there are doubts it must be  
14 resolved against the juror and for the Defendant. And I would  
15 be glad to give you the cases.

16 THE COURT: Thank you.

17 Mr. Jacks?

18 MR. JACKS: Your Honor, I think the overall result  
19 of her questioning is that she simply doesn't want to be here,  
20 and I think that shaped her answers. And I don't believe  
21 that, you know, when you look at her testimony she -- Excuse  
22 me. When you look at her answers overall, I don't think that  
23 she merits a challenge for cause. She indicated that she  
24 could set aside those feelings. And in particular I think  
25 when the Court questioned her she very easily could have said

1 to the Court, "No, I can't do that," but she didn't.

2 So I think, you know, the overall impression that is left  
3 by this woman is that she has got a lot of reasons that she  
4 brings up, but the overall tone that comes from it is that she  
5 doesn't want to be here, and that is really not a reason to be  
6 excused for cause.

7 MS. MORENO: Just one more point, Your Honor, and I  
8 think you would find it in the transcript. When the Court was  
9 questioning her about her ability to be fair and put aside her  
10 feelings, she did say it would be difficult. So she was never  
11 really unequivocal even under the Court's questioning.

12 THE COURT: Well, I think the problem is -- I agree  
13 with Mr. Jacks' take on this juror. She doesn't want to be  
14 here, and I think that is what was shading her questions and  
15 coloring her answers, rather than I asked them or you asked  
16 them. I think she clearly doesn't want to be here.

17 I am satisfied that she would follow the instructions and  
18 reach a decision based on the evidence presented and on the  
19 law. I think she would do that.

20 I will deny the challenge for cause.

21 Go ahead and bring in our next one.

22 MS. MORENO: Your Honor, on the hardship?

23 THE COURT: Well, the hardship, she didn't raise  
24 that the last time when we gave them an opportunity, and she  
25 raised it this time, so I think just on that basis alone,



1 without more than what she stated, I am not inclined to grant  
2 that hardship.

3 MS. MORENO: Your Honor, we would object to the  
4 Court's ruling.

5 THE COURT: Certainly.

6 Ms. [REDACTED], good morning. Have a seat right there.

7 Ms. [REDACTED], these are the lawyers that we introduced to  
8 you last Thursday the 4th when you were here, and we are going  
9 to ask you some questions pertaining to the questionnaire you  
10 filled out the last time you were here. One of the Government  
11 attorneys will ask you some questions and then one of the  
12 Defense attorneys.

13 Mr. Jacks, are you up?

14 MR. JACKS: Yes, Your Honor.

15 Q. (BY MR. JACKS) Good morning, Ms. [REDACTED].

16 A. Good morning.

17 Q. As Judge Solis told you, my name is Jim Jacks. I am one  
18 of the Assistant U.S. Attorneys representing the Government in  
19 this case. I just have a few brief questions for you.

20 Let's see, you live in Irving and basically have lived  
21 there for most of your adult life. Is that correct?

22 A. Since 1973, yes.

23 Q. Okay. And in terms of your occupation, you work for a  
24 millwork company?

25 A. Yes, sir.