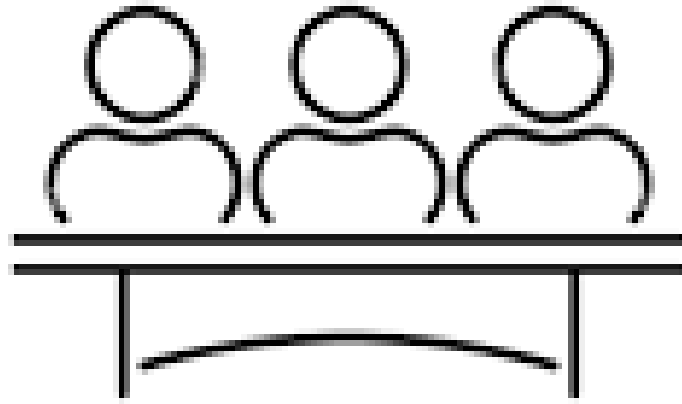
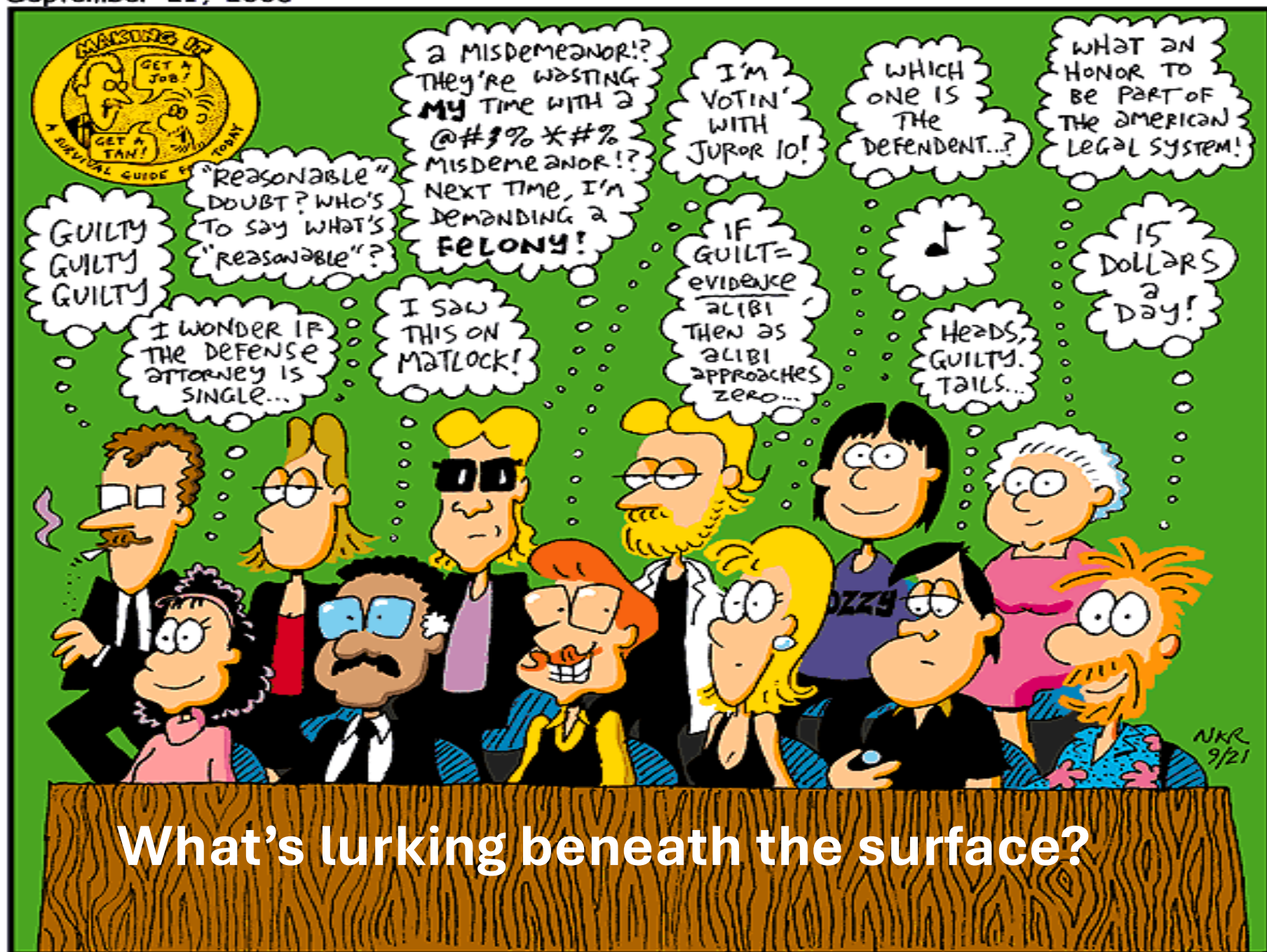




Voir Dire on Difficult Topics

Deja Vishny

deja@dejavishny.com

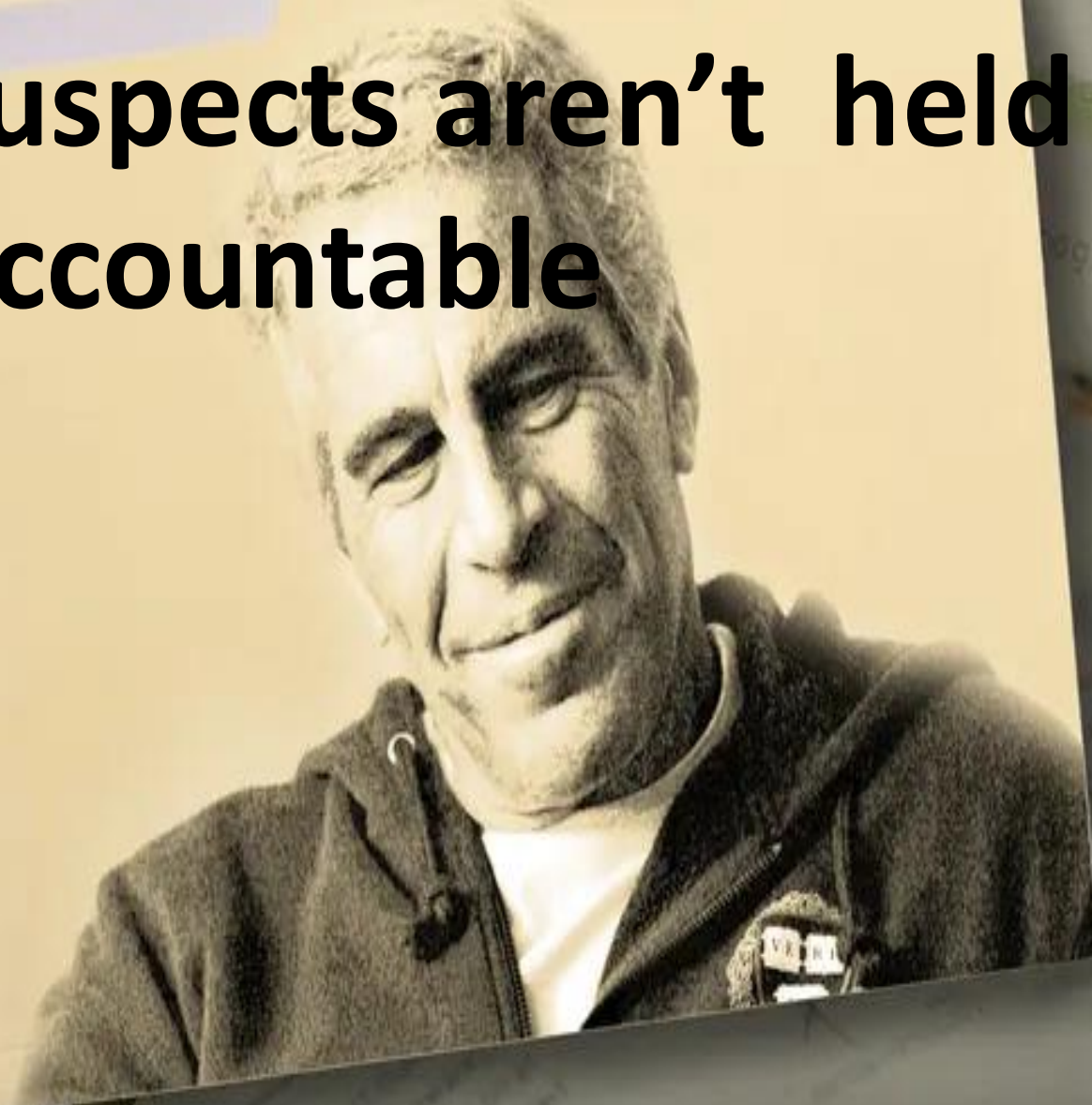


What's lurking beneath the surface?



Sex Cases

**Who thinks sex assault
suspects aren't held
accountable**





Has anyone formed an opinion that our legal system is too hard on accusers? Or too easy on people accused of sex assault

How many of you followed the Weinstein case, the Cosby case, or similar cases closely? Did those cases leave you with concerns about how these situations are handled?

**Tell me if you're disturbed by
how many years it took to
bring charges in those cases**

**Tell me how that impacts you as a juror
in a sexual assault case?**

Me Too

Many of use know the phrase “believe women”. Do you personally subscribe to that as a rule?

Me Too

Who here thinks if
someone says they're
s/a'd they should be
believed?

Agree or disagree- scale of 1-4

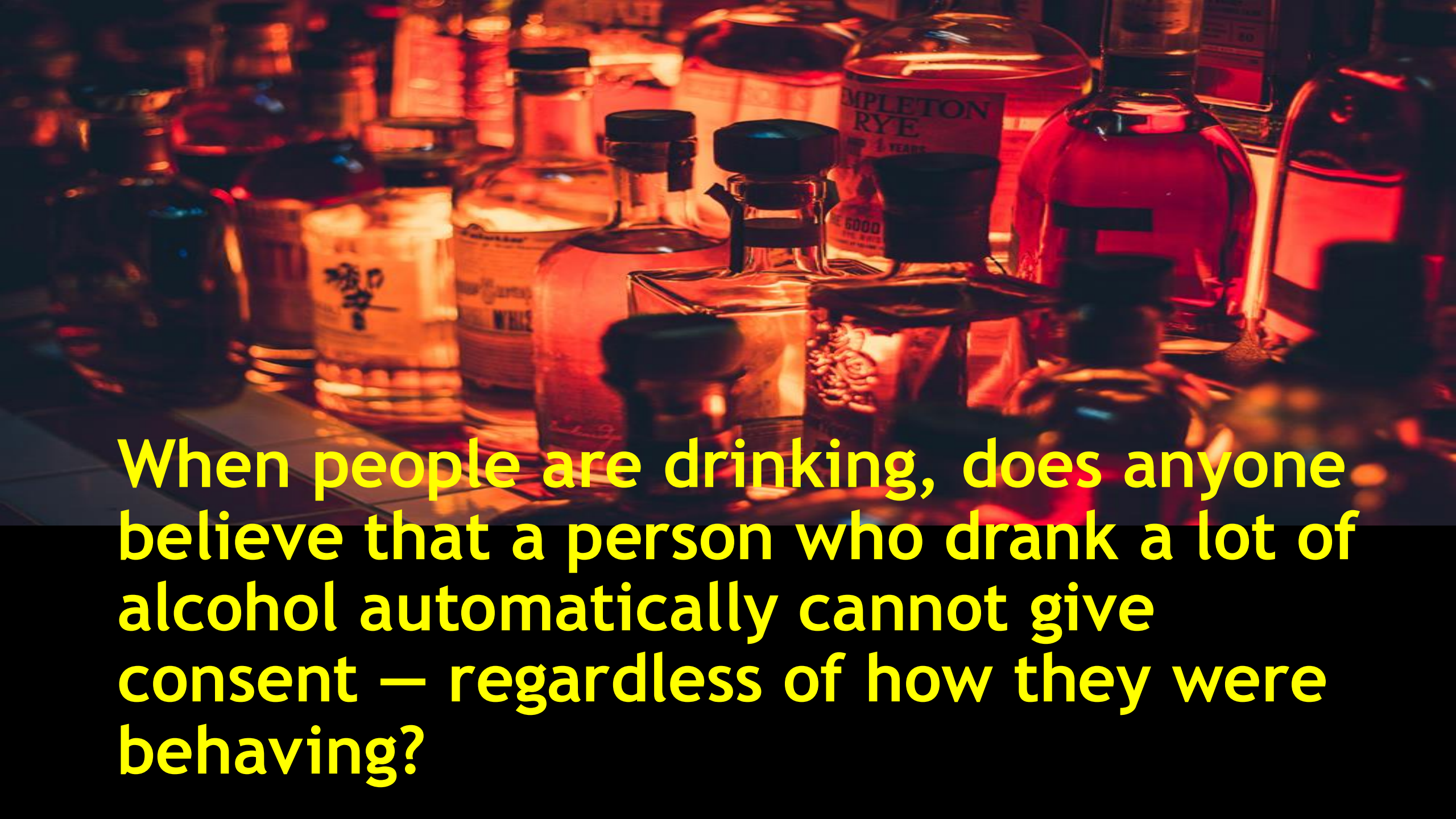
Children never lie
about being
sexually assaulted

Raise your hand if you believe

**Sex abuse is too
serious to lie
about.**

Many of us feel that when someone is accused of something as serious as sexual assault, there must be some truth to it — otherwise why would someone make that claim? Is there anyone here who feels that way?

Even a little?



When people are drinking, does anyone believe that a person who drank a lot of alcohol automatically cannot give consent — regardless of how they were behaving?

**If you find out someone is gay or trans
do you think they are more likely to
sexually assault someone?**

Is there anyone here who'd sit on this jury starting from the position that the person making this accusation is telling the truth, and that Mr. Client needs to overcome that?

**What would Mr. Client have to show
you to overcome that starting point?**

Forensic Evidence



DNA Evidence

Who agrees with this statement?

**DNA evidence is
infallible**

strongly agree

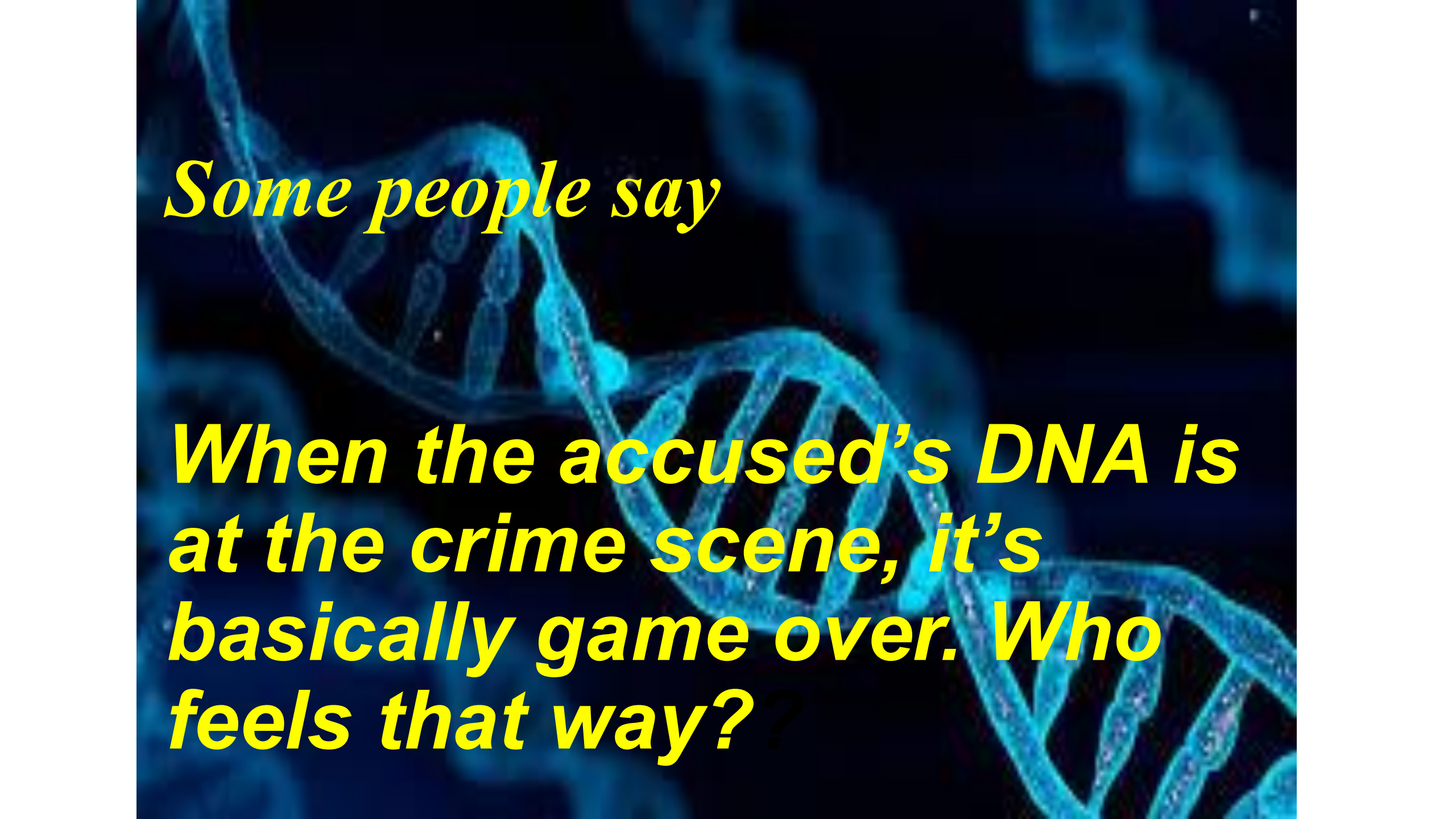
agree

disagree



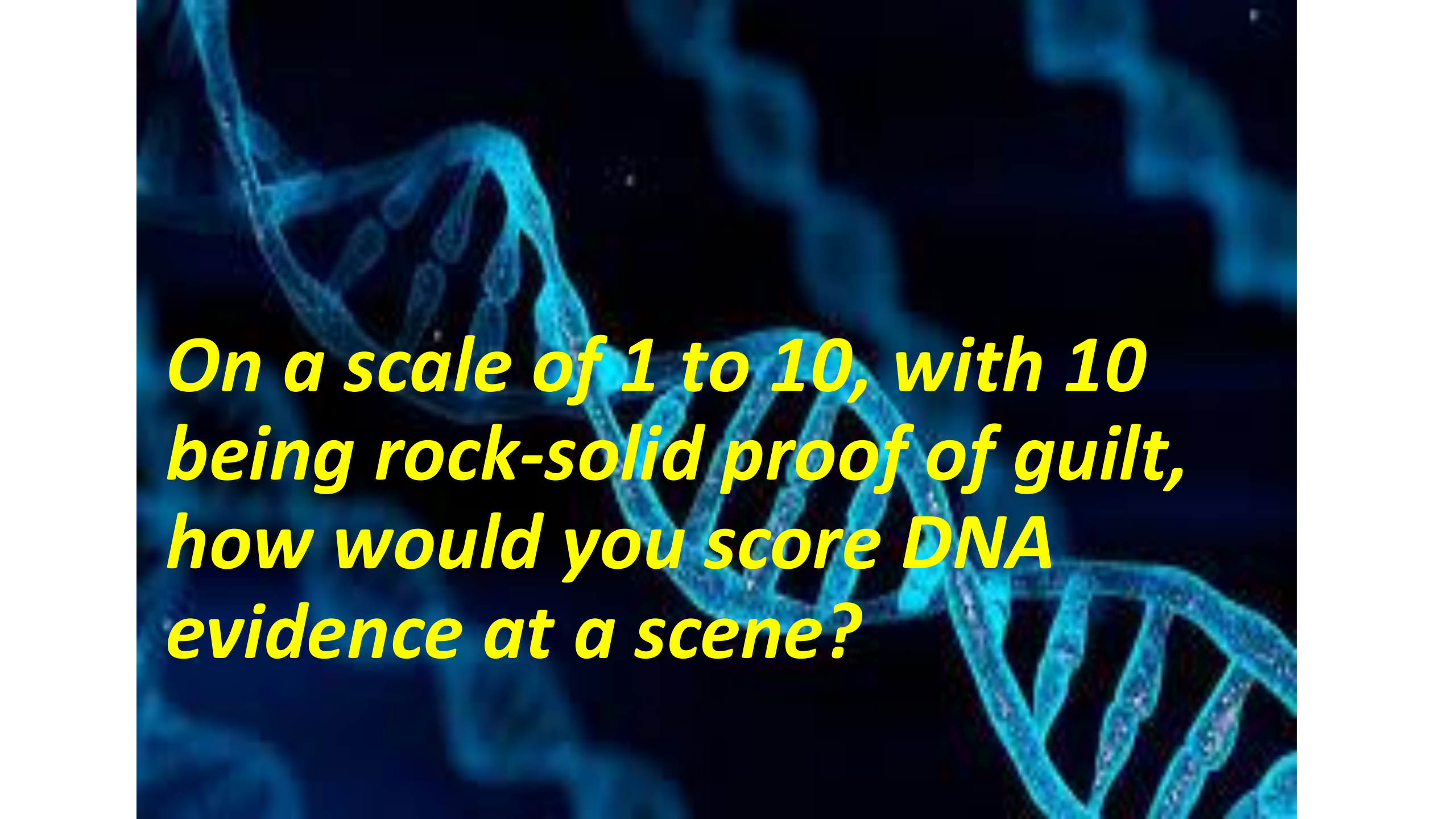
*Raise your hand if you agree
with this:*

*If someone's DNA is at the
crime scene, it means they
committed the crime*



Some people say

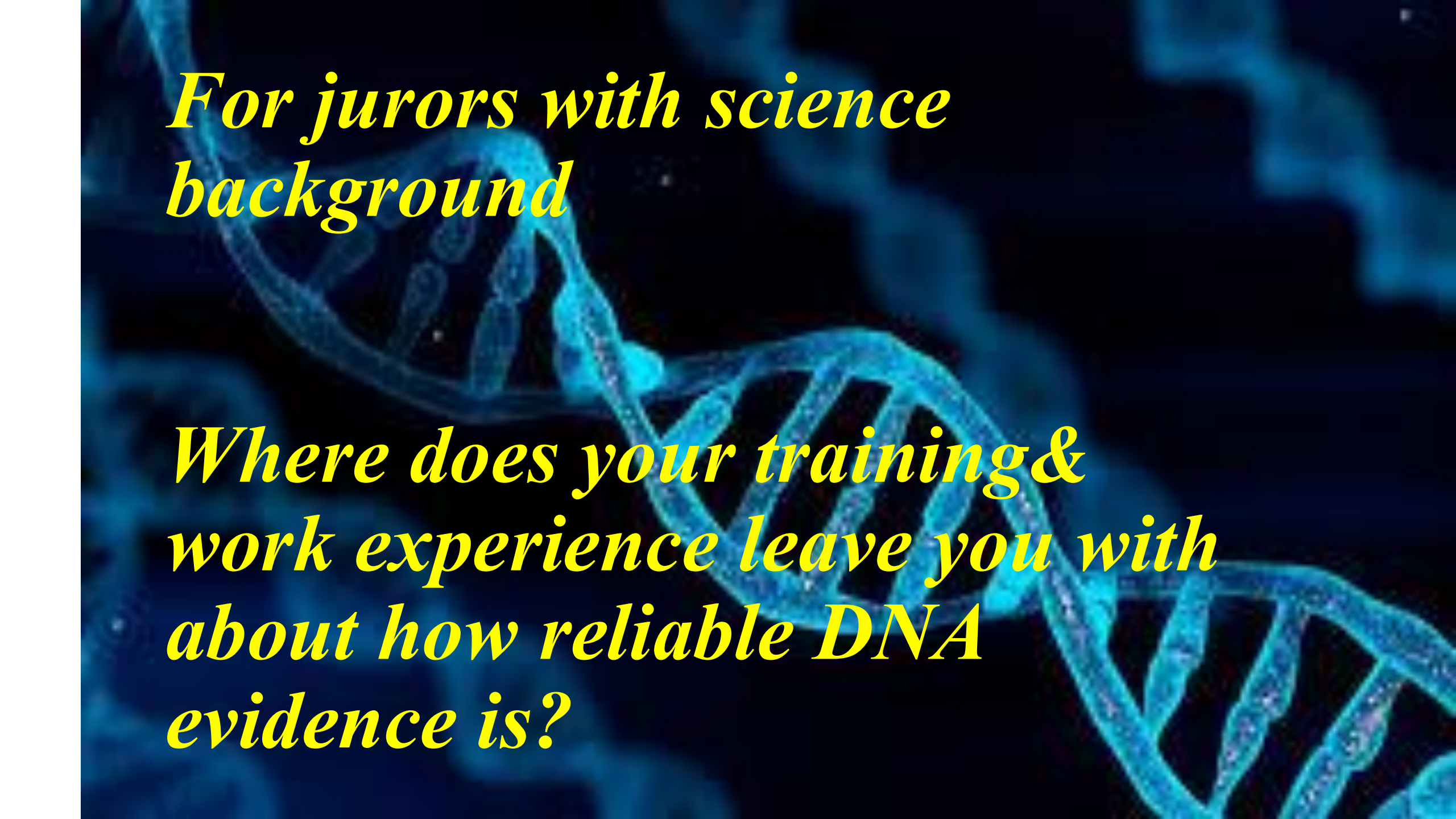
***When the accused's DNA is
at the crime scene, it's
basically game over. Who
feels that way?***



***On a scale of 1 to 10, with 10
being rock-solid proof of guilt,
how would you score DNA
evidence at a scene?***

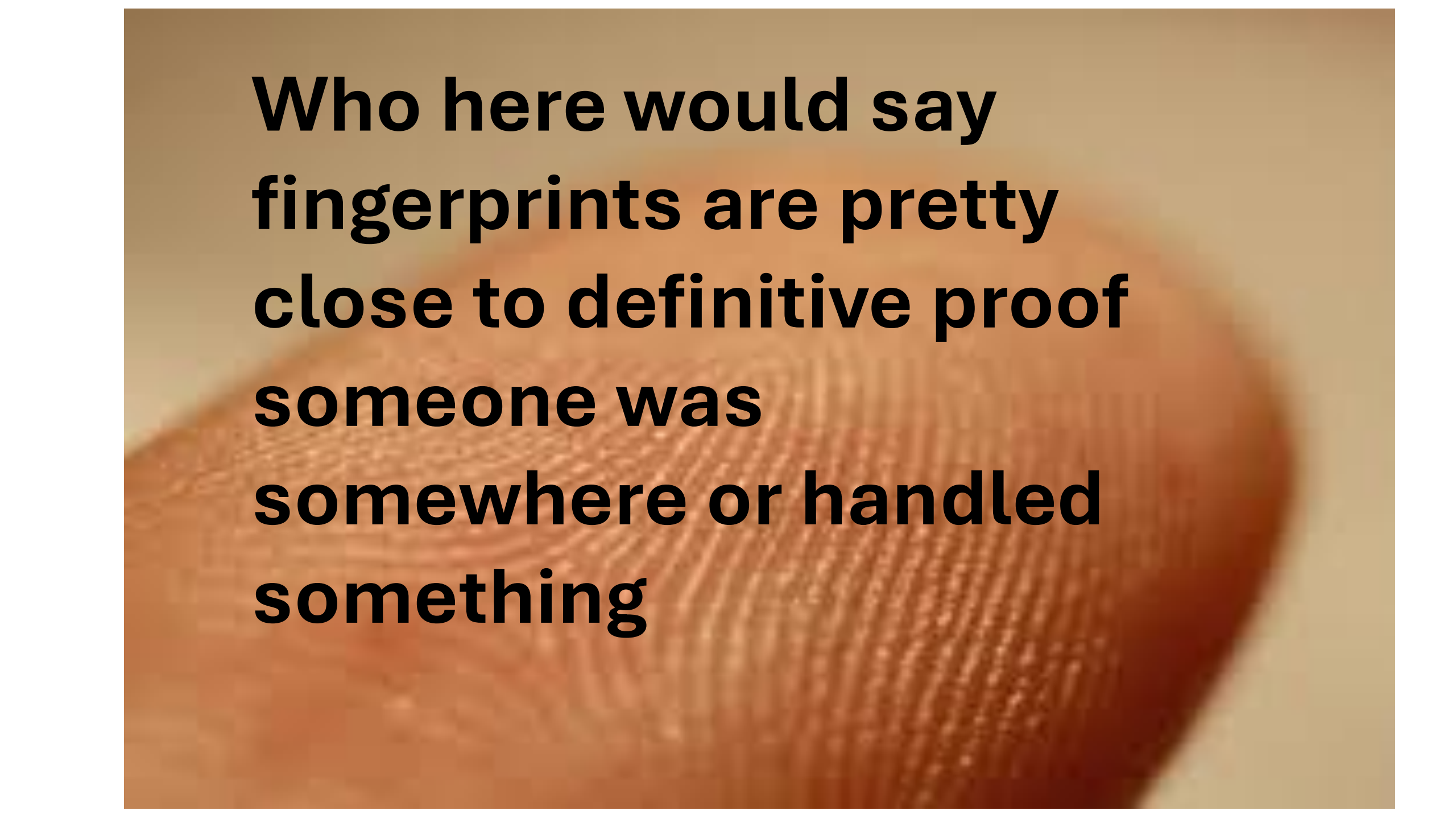
**Some people say if a person's blood
or DNA is at the crime scene,
they've got a lot of explaining to do.
Who feels that way?**





*For jurors with science
background*

*Where does your training &
work experience leave you with
about how reliable DNA
evidence is?*



**Who here would say
fingerprints are pretty
close to definitive proof
someone was
somewhere or handled
something**

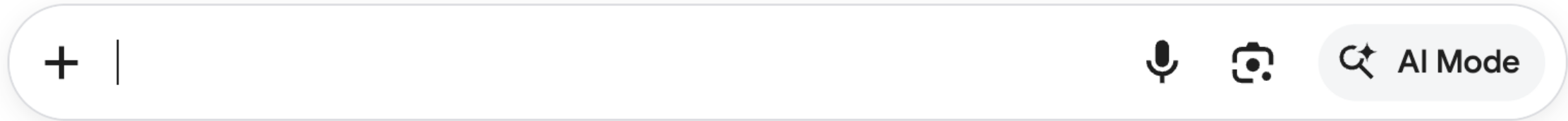
Show of hands:

Who believes “Mr Client’s phone was being used at the scene” = “Mr. Client was at the scene”?



A map of a city street grid is shown in the background. Overlaid on the map is a red circle with three red lines radiating from a central point to the circle's edge, dividing it into three sectors. This central point is located on a street. The text is positioned to the right of this diagram.

**If Mr. Client's
phone connected
to the cell tower
next to the crime
scene at the time
of the crime, do
you interpret that
as him being at the
scene?**



Google Search

I'm Feeling Lucky

Some people would say if a person searched for something similar to a crime, it means they were planning it. Who agrees?

Confessions



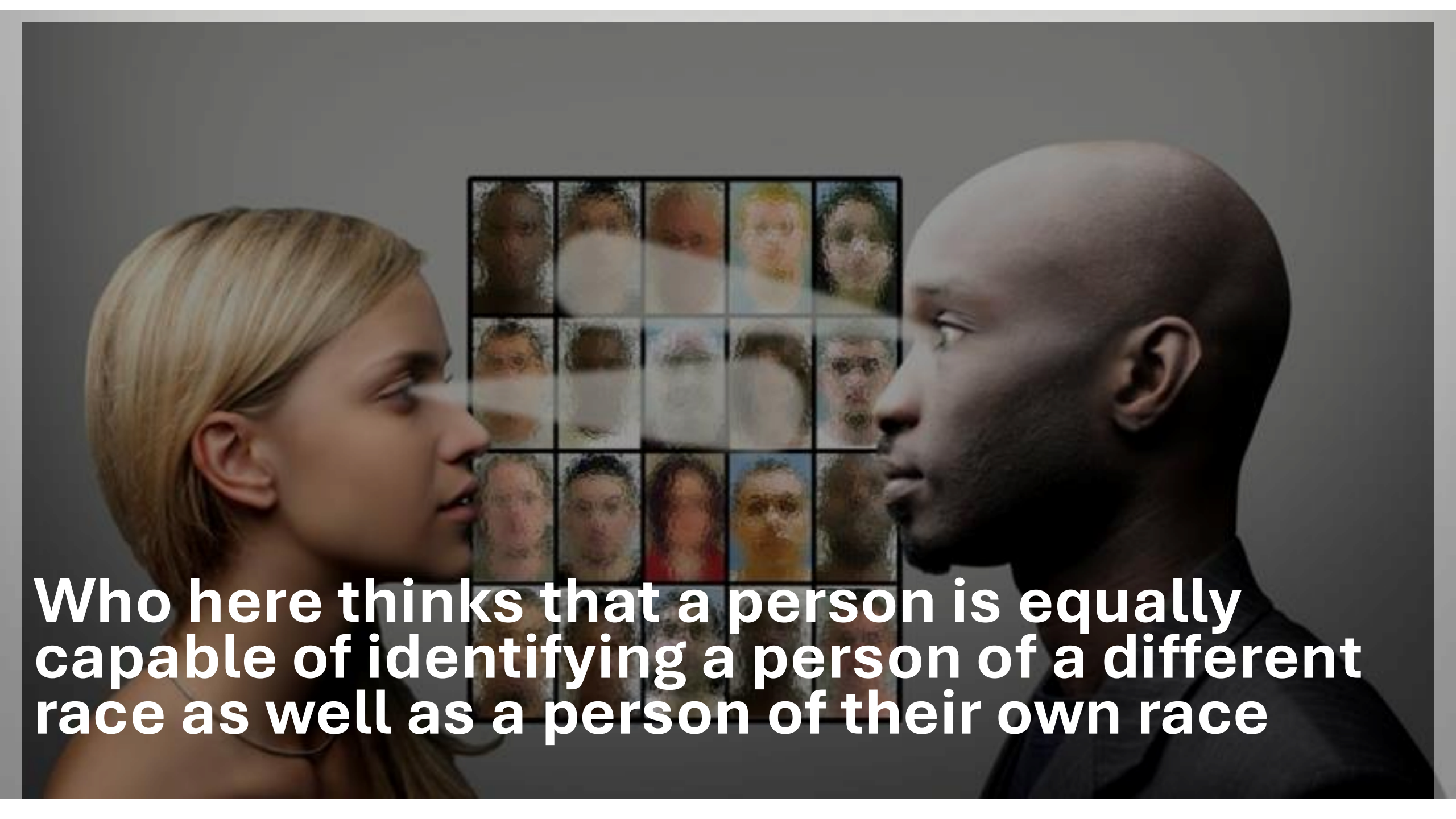
- **Show of hands: Who here would never confess to a crime you didn't commit?**
- **Do you agree that people don't confess to a serious crime unless they did it?**
- **Who thinks police would never push a person into confessing something they didn't do?**

- **Many people feel a confession is just about the strongest evidence there is. Who feels that way?**
- **On a 1–10 scale, with 10 being conclusive proof, how would you score a confession? Please raise your hand if you feel it's more than 5.**



Eyewitness identification

- **Show of hands: who would say that if an eyewitness picks the accused out and is certain about it, that's pretty powerful evidence?**
- **Some folks say that an eyewitness's certainty is the best measure of accuracy. Who agrees?**
- **On a 1–10 scale, how reliable are eyewitness identifications in your view? Raise your hand if you feel they are in the range of 6–10**
- **If the witness has no reason to lie and identifies the accused in court, is that enough evidence for you?**

A woman with blonde hair and a man with dark skin are shown in profile, facing each other. Between them is a 3x5 grid of 15 small, pixelated faces of various ethnicities. The woman is on the left, looking towards the grid, and the man is on the right, also looking towards the grid. The background is a solid dark grey.

Who here thinks that a person is equally capable of identifying a person of a different race as well as a person of their own race

Homicide



**If a person doesn't seem upset after
a loved one's homicide, what
suspicions do you have?**

**If a suspect in a murder lies to police
about where they were that night,
what does that mean to you?
What concerns do you have?**

**Who thinks that it's better to convict
an innocent person than...**

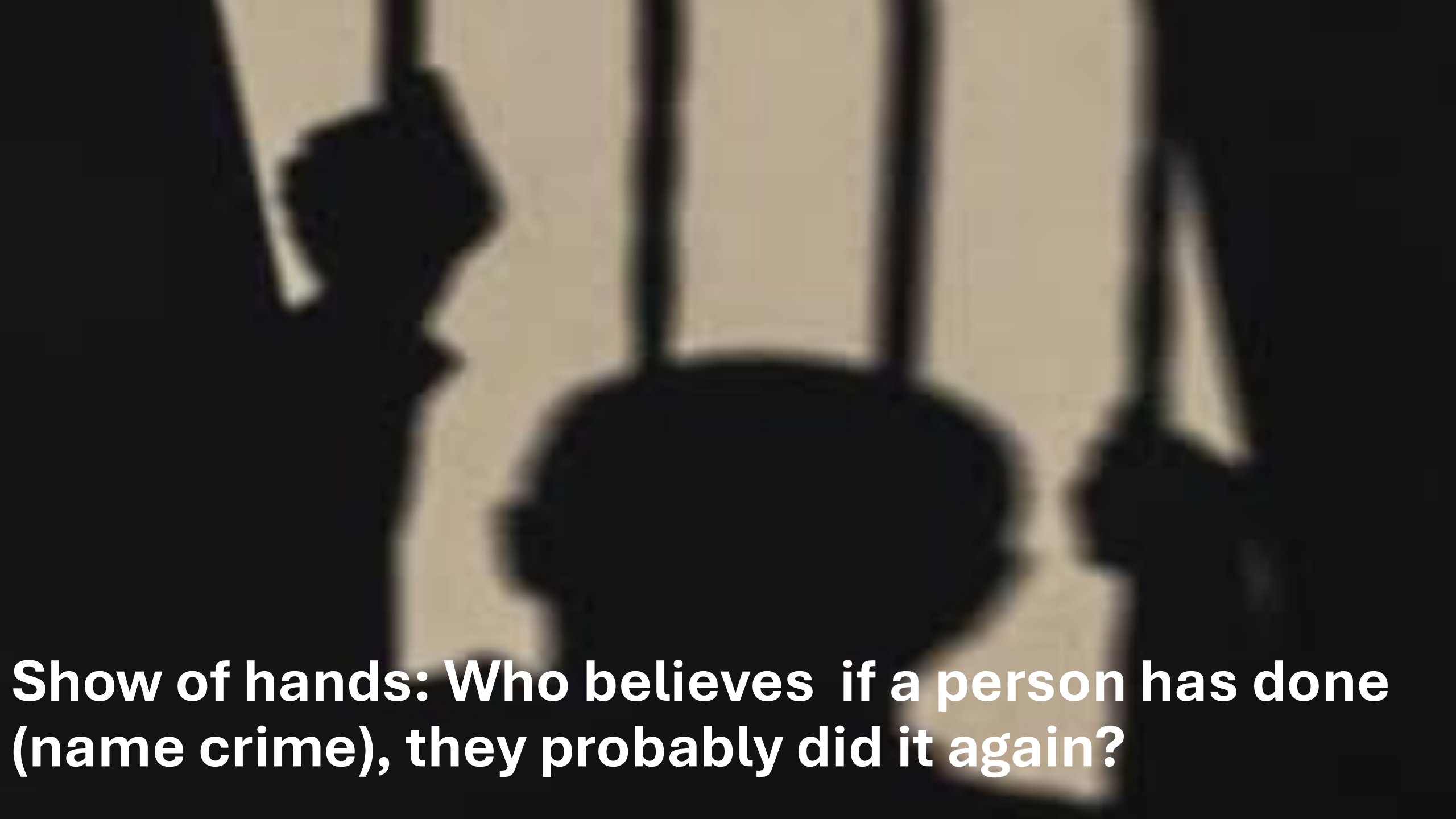
**to risk letting a murderer back out
on the streets?**

Who believes that if a person fires multiple times at another that they can't be legally acting in self defense

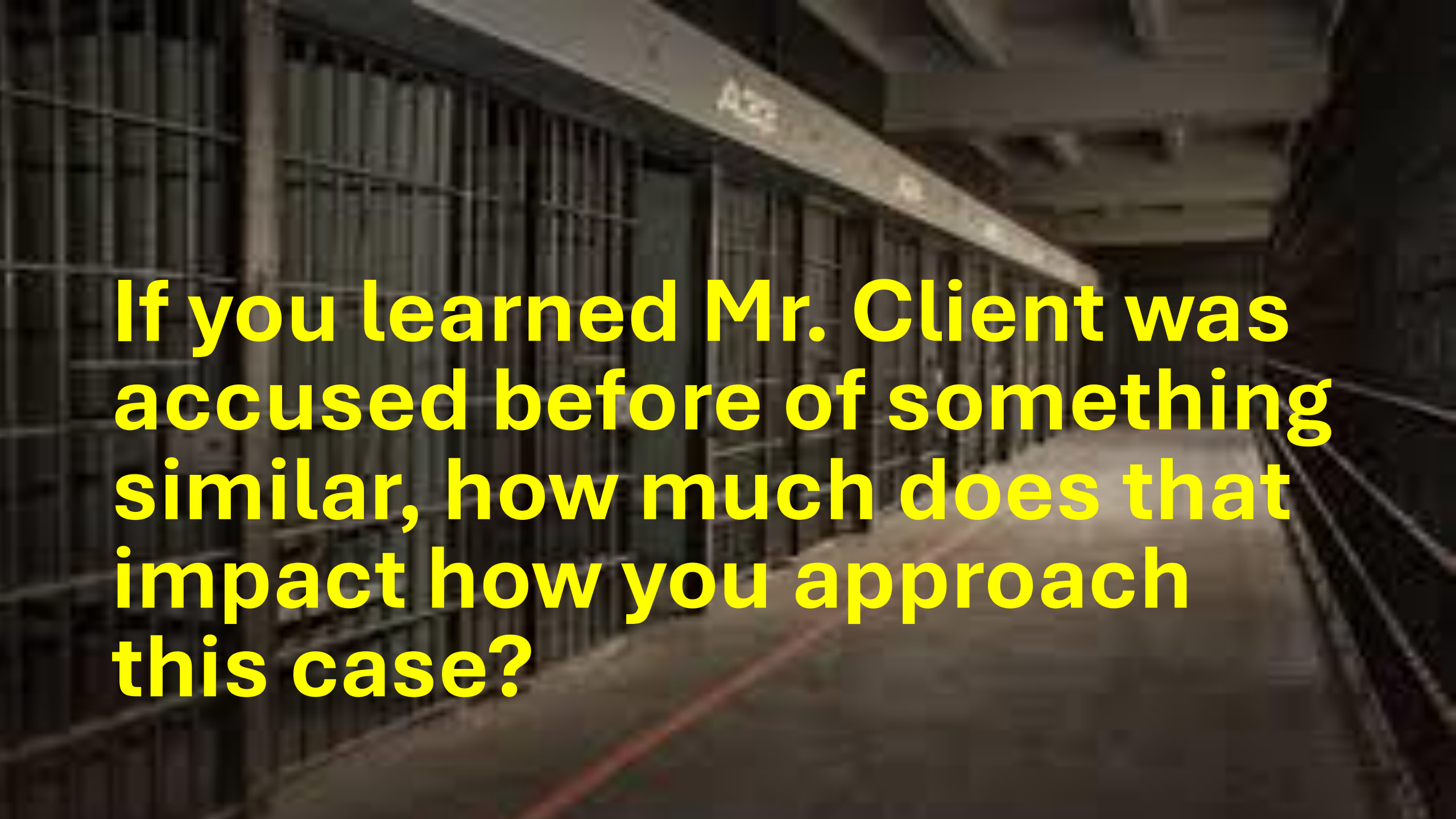


PRIORS





Show of hands: Who believes if a person has done (name crime), they probably did it again?

A dimly lit prison corridor with metal bars on the left and a concrete floor. The text is overlaid in bright yellow.

If you learned Mr. Client was accused before of something similar, how much does that impact how you approach this case?

On a 1–10 scale, how relevant is someone's criminal history when you're deciding a current case? Please raise your hand if you feel it rates 6 or higher

Immigration

Who feels we have a
problem in this country
w/ illegal immigration?





**How important is it to you that we have
strong immigration enforcement**

**Who thinks protests against
ICE have gone too far?**

**Many people think if a person
is in this country they should
speak English**



**Many of us are concerned
about Islamic immigrants
being terrorists**

Race



50% more likely to get a response

- **Kristen**
- **Julie**
- **Jill**
- **Neil**
- **Greg**
- **Brett**
- **Tamika**
- **Ebony**
- **Aisha**
- **Rasheed**
- **Tyrone**
- **Kareem**

There are studies that say Black neighborhoods are policed more.

Who thinks this is nonsense?

Or studies like this are a waste of time and money?

Who agrees with the following?

- People of color are convicted more because they commit more crimes
- A person's race has no influence on how they are treated by police or by the courts
- That concern that a high proportion of prisoners are Black is overblown

**How many of you have
heard of the phrase
“playing the race card”?**

**Who thinks that criminal
defense lawyers are
“playing the race card”
when they ask questions
about race?**



Who agrees with the following?

People of color sell drugs more than white people do.

**Should AI frame
your deselection
questions?**

AI Rejects

- **Anyone think of a reason why someone would accuse a person of sexual abuse if it didn't happen?**
- **The law says the defendant sits here today innocent. Not probably innocent. Not innocent until we hear more. Innocent right now. Is there anyone for whom that is a difficult starting point given the nature of these charges?**
- **Can each of you honestly say that you would evaluate the credibility of the complaining witness the same way you'd evaluate the credibility of any other witness — no more, no less — based only on what you see in this courtroom**

???? AI Suggested Final Question ?????

I want to end with one question. My client is charged with a serious crime. The person accusing him will sit in that witness chair and tell you what she says happened. At the end of all of that, if the State has not proven every element beyond a reasonable doubt, can each of you — looking me in the eye — tell me you will return a verdict of not guilty?

Anyone who has any hesitation about that, I need to hear from you now.