

**IN THE CIRCUIT COURT FOR BALTIMORE CITY, MARYLAND**

**STATE OF MARYLAND**

**V.**

**CASE NO. 109009009**

**SHEILA ANN DIXON**

**MOTION FOR SUPPLEMENTAL JUROR QUESTIONNAIRE**

Comes now, the State of Maryland by and through Robert A. Rohrbaugh, State Prosecutor and Thomas M. McDonough, Deputy State Prosecutor and respectfully moves this Court for its order directing:

1. That a written questionnaire be submitted to prospective jurors in this case. The questionnaire will be as concise as possible and will contain questions relevant to the case issues.
2. That this questionnaire will be prepared by the Office of the State Prosecutor, and then submitted to the defense for review and revision. Once an agreed upon questionnaire is finalized, it will be submitted to the court for additional review.
3. That the questionnaire be distributed to prospective jurors first thing on the morning of the first day of trial while the attorneys and judge are discussing final motions.
4. That once each juror has completed his/her questionnaire, the juror can be dismissed for the rest of the day. This would allow for sufficient time to have the questionnaires copied and reviewed by the attorneys and the court before oral questioning begins. Our office offers to have someone pick up the


questionnaires and have copies made for opposing counsel and ourselves, with the originals returned to the court.

5. That late on the afternoon of the same day, the attorneys will meet with the court to propose challenges for cause. Jurors successfully challenged can be contacted by the court not to show up for trial the next day.
6. That the prospective jurors not successfully challenged for cause will show up on the next day for oral voir dire. These jurors should be questioned out of the hearing of the panel of other prospective jurors if their questionnaires indicate that they have heard about this case or know anyone who is involved, or have a friend or person close to them who is connected to the case. This individual questioning will cover their experience and knowledge and the possible affect such experience and knowledge may have on their ability to hear and decide the case in a fair and impartial manner.
7. That the information contained in the supplemental juror questionnaires concerning the prospective jurors' attitudes shall not be disclosed to any person other than the court, the attorneys for the parties, their staff and the parties themselves.

Accordingly, it is respectfully submitted that a supplemental jury questionnaire be prepared for the trial. In support of this motion, the State attaches hereto and incorporates herein by reference its memorandum.

Respectfully submitted,

Robert A. Rohrbaugh  
State Prosecutor



By:  
Thomas M. McDonough  
Deputy State Prosecutor  
Office of the State Prosecutor  
300 East Joppa Road  
Suite 410  
Towson, Maryland 21286-3152

**State's Memorandum in Support for the Motion**

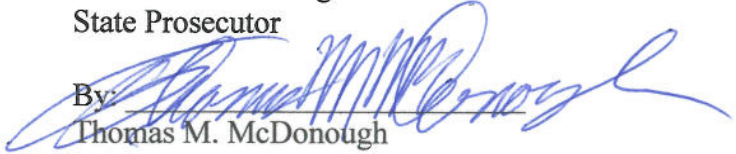
- I. Supplemental juror questionnaire use has received a ringing endorsement in Maryland by the Council on Jury Use and Management. They concluded, "Advance written questionnaires for jury panels should be utilized. Questionnaires can provide information in a more efficient form and with less invasion of juror privacy." (Maryland Administrative Office of the Courts, Report and Recommendations, April 12, 2000, 6)
  
- II. The jury questionnaire is an effective method of obtaining background information as well as critically important personal information from the potential jurors in a private and sensitive manner.
  
- III. A supplemental juror questionnaire in this case is needed because of the pretrial news coverage, well-known parties and highly charged issues. Given

the tremendous publicity that surrounds this case now and will surround the case in the future, a jury questionnaire is essential to both sides receiving a fair trial from a fair and impartial jury.

- IV. This is not your average criminal case. For that matter, it is not an average publicity case. Given the media hype, the potential jurors will be confronting enormous pressure from a variety of sources, most significantly from media representatives. To protect the privacy of the jurors, the dignity of the proceedings and the rights of the accused, a jury questionnaire is an ideal vehicle to accommodate the various needs.
- V. A supplemental juror questionnaire can increase the efficiency of the voir dire process. A questionnaire can save court time inasmuch as the court and lawyers need not be present when the information is gathered. They need only be present for follow-up oral questions based on the written answers on the questionnaires.
- VI. A jury questionnaire will benefit both the Government as well as the Defense. Both sides to the litigation have the right to intelligently exercise their peremptory challenges. The questionnaire will lay the foundation for each side to intelligently exercise their precious peremptory strikes.
- VII. For these reasons, the State of Maryland requests that this motion be granted.

RESPECTFULLY SUBMITTED:

Robert A. Rohrbaugh  
State Prosecutor

By:   
Thomas M. McDonough  
Deputy State Prosecutor  
Office of the State Prosecutor  
300 East Joppa Road  
Suite 410  
Towson, Maryland 21286-3152

I HEREBY CERTIFY that on this 21<sup>st</sup> day of March, 2009 a copy of the  
foregoing **State's Motion for Supplemental Juror Questionnaire** was sent via  
e-mail and mailed, postage prepaid, to:

Dale P. Kelberman, Esq.  
Miles and Stockbridge  
10 Light Street  
Baltimore, Maryland 21202

And

Arnold M. Weiner, Esq.  
Barry L. Gogel, Esq.  
Law Offices of Arnold M. Weiner  
2002 Clipper Park Road, Suite 108  
Baltimore, Maryland 21211

I FURTHER CERTIFY that I am more than eighteen (18) years of age.

