IN THE UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF PENNSYLVANIA

UNITED STATES OF AMERICA :

v. : CRIMINAL NO. 15-398-3

WAYDE MCKELVY :

GOVERNMENT'S REQUESTED VOIR DIRE

The United States of America, by its attorneys, William M. McSwain, United States Attorney for the Eastern District of Pennsylvania, Robert J. Livermore and Sarah M. Wolfe, Assistant United States Attorneys for the district, respectfully requests the Court to ask the following questions during the *voir dire* of the jury panel:

- 1. The defendant in this case, Wayde McKelvy is charged with conspiracy to commit wire fraud; substantive wire fraud; conspiracy to commit securities fraud; and substantive securities fraud. Do you know anything at all about the facts of this case?
- 2. Have you heard anything about this case since you arrived at the courthouse? Has anyone seen, heard, or read anything about this case on radio or television, or in the newspapers or on the Internet?
- 3. Do you know the defendant or do you, or any member of your immediate family, or any close friend, have any connection of any kind with him?
- Do you know Counsel for the government, Robert J. Livermore and Sarah
 M. Wolfe, or Counsel for the defendant, William J. Murray, Jr. and Walter S. Batty?
- 5. Has any lawyer in this case ever acted as your attorney, or as the attorney for any of your immediate family members or close friends, to your knowledge?

- 6. Among the individuals who may be called to testify by the government and by the defense are: **[read list to be submitted]**. Do any of you know personally, or have dealings with, any of these people or their families?
- 7. Does anyone have any opinions, religious beliefs, philosophies, or prejudices which might make you unable to come to a fair and impartial verdict in this case? For example, do you believe that no person should ever be judged or convicted?
- 8. Would the religion, race, color, sex, or ethnic background of a witness influence whether you believe his or her testimony?
- 9. The defendant in a criminal case is allowed to testify if s/he wishes, but is never required to testify. Under the law, jurors are not allowed to hold against the defendant because s/he chooses not to testify. Could you follow this rule?
 - 10. Have you had any training in law? If so please describe.
- 11. Have you ever been a juror before? If yes, where, when, and was it a civil or criminal case? Did the jury in that case reach a verdict?
- 12. Have you or any member of your family, or close friend, ever been the victim of a crime or charged with a crime? If yes, please explain at sidebar.
- 13. Have you otherwise been involved in a criminal case as a witness or in some other capacity? If yes, please explain at sidebar.
- 14. If you or any member of your family, or any close friend, were the victim of a crime, was anyone arrested or prosecuted for the crime? Were you satisfied with the way the police, the lawyer, and the court handled the case? If not, please explain at sidebar.

- Do you, or does any member of your family or close friend work for the FBI, the United States Attorney's Office, or any other federal law enforcement agency?
- 16. Have you ever had, or do you anticipate having, any claim or dispute with or against the United States government?
- 17. Do you have a problem with your hearing, your eyesight, or any other physical disability, which would in any manner prevent you from either hearing or seeing the evidence presented at trial?
- 18. Are you taking any medication that might interfere with your ability to concentrate, understand, consider, and weigh the evidence in this case?
- 19. Do you have any physical, emotional or psychological issues that would prevent you from sitting on a jury and rendering a fair and impartial verdict?
- 20. Do you have a sufficient understanding of the English language to allow you to read the exhibits introduced into evidence and to understand the testimony of the witnesses?
- 21. Is there any matter pending in your life, about which you are so concerned, that it would prevent you from devoting your full, undivided attention to this trial?
- 22. If you are selected to sit on this case as a juror, will you be willing and able to render a verdict based solely on the evidence presented at the trial and the law as I give it to you in my instructions, regardless of any other ideas or personal beliefs about the law you may have?
- 23. Can you think of any other matter which you should call to the Court's attention which might have some bearing on your qualifications as a juror, or which may prevent

your rendering a fair and impartial verdict based solely upon the evidence and my instructions on the law?

Respectfully submitted,

WILLIAM M. McSWAIN United States Attorney

s/ Sarah M. Wolfe
ROBERT J. LIVERMORE
SARAH M. WOLFE
Assistant United States Attorneys

Date: September 14, 2018

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing has been served via electronic filing upon:

Walter Batty, Esq. William Murray, Esq. Counsel for WAYDE MCKELVY

s/ Sarah M. Wolfe
SARAH M. WOLFE
Assistant United States Attorney