

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

UNITED STATES OF AMERICA

v.

WAYDE McKELVY

CRIMINAL No. 15-398-3

DEFENDANT WAYDE McKELVY'S PROPOSED VOIR DIRE QUESTIONS

Defendant Wayde McKelvy ("McKelvy"), by and through his undersigned counsel, pursuant to the Court's scheduling order respectfully requests that the following additional questions be asked of potential jurors during *voir dire* by the Court.

1. Do you, or do any members of your immediate family or close personal friends, know the Honorable Joel H. Slomsky, the presiding judge in this case?

2. Do you, or do any members of your immediate family or close personal friends, know the Assistant United States Attorneys, Robert Livermore and Sarah Wolfe, who are prosecuting this case?

3. Do you, or do any members of your immediate family or close personal friends, know the defense attorneys, Walter S. Batty, Jr. and William J. Murray, Jr.?

4. Do you, or do any members of your immediate family or close personal friends, know the defendant in this case, Wayde McKelvy, or know co-defendants Troy Wragg and Amanda Knorr?

5. Do you, or do any members of your immediate family or close personal friends, know the [identify each of the proposed government and defense witnesses]?

6. Have any of you or a member of your immediate family or close personal friends worked in the securities or investment industry. If so, in what capacity?

7. Have any of you or a member of your immediate family or close personal friends worked for a bank, finance company or lending institution? If so, in what capacity?

8. Have any of you or a member of your immediate family or close personal friends worked in advertising, marketing or sales? If so, in what capacity?

9. Have any of you or a member of your immediate family or close personal friends worked in law or accounting? If so, in what capacity?

10. Are any of you or a member of your immediate family or close personal friends a small business owner? If so, what type of business?

11. Do you presently have any investments?

12. Do you consider yourself to be an experienced investor?

13. Have you or any member of your immediate family or close personal friends ever felt cheated after losing money on an investment?

14. How many of you have ever heard of a person being accused of a crime or punished for a crime when he/she was innocent?

15. Have you ever been accused of something you did not do?

16. The case will involve the testimony of an Enforcement Attorney with the United States Securities and Exchange Commission, will you be more likely to believe or give greater weight to the testimony of that witness?

17. Have you ever applied for a job or worked for a law enforcement agency, or in the security field?

18. Do you have any relatives or close personal friends who have applied with or work in law enforcement?

19. Would you tend to give any greater weight or credibility to the testimony of a federal agent or prosecution witness merely because they are employees of, or are testifying on behalf of the government?

20. Would you give their testimony greater weight or credibility over that of the defendant or witnesses on his behalf?

21. Are any of you, your family members, or close personal friends employed by the federal government, including the United States Securities and Exchange Commission or the United States Attorney's Office?

22. Has anyone here had a particularly positive experience with a law enforcement officer?

23. Because of that experience is there any possibility that you might give more weight to the testimony of a law enforcement officer?

24. Do you understand that an indictment is not evidence that the crimes charged were committed and may not be considered as evidence by you in deliberations?

25. Do you understand that Wayde McKelvy entered a plea of not guilty and is presumed innocent until, if and when, he is proven guilty?

26. Do you have any difficulty presuming that Wayde McKelvy is innocent now?

27. Do you understand that the government is required by law to prove Wayde McKelvy guilty beyond a reasonable doubt?

28. If the government fails to meet that burden, you must find Wayde McKelvy not guilty. Does anyone feel uncomfortable holding the government to their burden?

29. Do you realize that the burden of proof is greater for a criminal case than for a civil case?

30. Do you believe that you are capable of refraining from forming opinions or conclusions as to the outcome of this case until you have heard both sides of the case and have been instructed on the law by the Court?

31. Have you read or heard anything about this case before coming here today?

32. If so, what is the substance and source of the information?

33. Are you aware of any publicity in the newspaper or anywhere else about this case?

34. Have you previously served on a jury, civil or criminal? If yes:

(a) When?

(b) What type of case?

(c) Did you reach a verdict?

(d) If you did not reach a verdict, was that frustrating for you?

35. Have any of you ever served on a federal or state grand jury? If so:

(a) When and where?

36. Have any of your, any members of your immediate family, or close personal friends ever been a party to or testified in a civil or criminal trial or before a grand jury? If so, please explain.

37. Have you had an experience as a victim or has a relative or close friend been a victim of a crime, including a financial crime? If so, please explain.

38. Is there any reason, known only to yourself, why you could not be a fair and impartial juror in this case?

Dated: September 14, 2018

Respectfully submitted,

/s/ wjm 409

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Counsel for Defendant Wayde McKelvy

CERTIFICATE OF SERVICE

The undersigned hereby certifies that on September 14, 2018, a true and correct copy of Defendant Wayde McKelvy's Proposed *Voir Dire* Questions was served via the Electronic Case Filing ("ECF") system upon the following:

Robert Livermore, Esquire
Sarah Wolfe, Esquire
Assistant United States Attorney
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Philadelphia, PA 19106

/s/ wjm 409
William J. Murray, Jr., Esquire