

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

UNITED STATES OF AMERICA )

v. )

THOMAS A. SHAY )  
ALFRED W. TRENKLER )

CRIMINAL NO. 92-10369-Z

**GOVERNMENT'S RESPONSE TO DEFENDANT  
ALFRED TRENKLER'S MOTION FOR LEAVE  
TO DISTRIBUTE A PRE-TRIAL JUROR QUESTIONNAIRE**

Defendant Alfred W. Trenkler has moved pursuant to Fed. R. Crim. P. 24(a) for leave to distribute a pre-trial supplemental juror questionnaire to the incoming jury panel(s) in this case. The government opposes this motion as burdensome and unnecessary.

Rule 24(a) vests the Court with broad discretion to determine the most appropriate manner for conducting the voir dire of jurors. Typically, examination of prospective jurors is done by the district judge in open court where all interested parties, including the public, may witness the jury selection process.<sup>1</sup> Other than to suggest that a written questionnaire will better "enlighten" counsel and ready them to exercise their peremptory challenges, Trenkler offers no compelling justification for use of this unusual procedure here. The government prefers to adhere to the more routine, and generally effective approach of conducting the juror voir dire in open court. Rather than burden prospective jurors (with completing a

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<sup>1</sup> According to Trenkler's proposed "instructions", the juror questionnaires will be "strictly confidential and will not be made public."


questionnaire), the Clerk's Office (with mailing and processing the questionnaires), and counsel (with formulating questions and developing neutral and appropriate wording), it is the government's view that the voir dire of prospective jurors should be handled in the ordinary manner -- with due regard to any sensitive issues, such as sexual orientation.

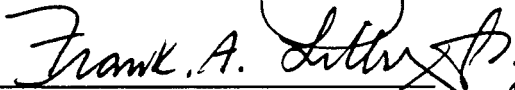
WHEREFORE, the government requests that Trenkler's motion be denied.

Respectfully submitted,

A. JOHN PAPPALARDO  
United States Attorney

By:

  
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PAUL V. KELLY  
Assistant U.S. Attorney


  
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FRANK A. LIBBY, JR. PK  
Assistant U.S. Attorney

CERTIFICATE OF SERVICE

Suffolk, ss.

Boston, Massachusetts  
May 24, 1993

I, Paul V. Kelly, Assistant U.S. Attorney, do hereby certify that I have served the copy of the foregoing by first class mail to Nancy Gertner, Esquire, 400 Atlantic Avenue, Boston, Massachusetts 02110, Jefferson Boone, Esquire, 138 Brighton Avenue, Suite 212, Allston, Massachusetts 02134, and Terry P. Segal, Esquire, Segal & Feinberg, 210 Commercial Street, Boston, Massachusetts 02109.

  
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PAUL V. KELLY  
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