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**FILED**

SEP 16 2016

DAVID H. YAMASAKI

Chief Executive Officer/Clerk  
Superior Court of CA County of Santa Clara

BY \_\_\_\_\_ DEPUTY

**Tran Tran**

7  
8 IN THE SUPERIOR COURT OF THE STATE OF CALIFORNIA  
9 IN AND FOR THE COUNTY OF SANTA CLARA

10  
11 THE PEOPLE OF THE STATE )  
OF CALIFORNIA, )

12 Plaintiff, )

13 v. )

14 ANTOLIN GARCIA-TORRES, )

15 Defendant. )  
16  
17

Criminal Case No. 213515

DATE: September 19, 2016

DEPT: 40

PEOPLE'S PROPOSED JURY  
QUESTIONNAIRE

18 Attached please find the People's proposed jury questionnaire. The People request that the  
19 court permit counsel for both sides to supplement the questionnaire and the Court's questioning  
20 with "oral **and** direct questioning" of "any or all of the prospective jurors" to intelligently exercise  
21 challenges for cause as mandated by the Code of Civil Procedure. CCP 223 (emphasis added).<sup>1/</sup>

22 The People further request that the Court permit in counsel's examination the ability to  
23 inquire whether the juror's feelings about, and willingness to follow, specific points of law. Such  
24 examination is permitted. In fact, to not permit such examination has been found to be prejudicial  
25 error. *People v. Williams* (1981) 29 Cal.3d 392, 412.<sup>2/</sup> Citing *Williams*, the Supreme Court stated:

26  
27 <sup>1/</sup> CCP 223 states in relevant part: "counsel for each party shall have the right to examine, by  
oral and direct questioning, any or all of the prospective jurors."

28 <sup>2/</sup> *Williams* was overruled, in part, with the passage of Prop 115. See *People v. Noguera*  
(continued...)

1 “the court must permit questioning about legal doctrines that are material to the trial and  
2 controversial in the sense that they are likely to invoke strong feelings and resistance to their  
3 application.” *People v. Johnson* (1989) 47 Cal.3d 1194, 1224-1225. Regardless of the narrowing  
4 of the purpose of criminal voir dire due to the passage of Proposition 115, it is exploration of those  
5 strong feelings and resistance to the application of specific and controversial points of law that  
6 requires both counsel be given the latitude to inquire about specific points of law applicable to this  
7 case. Without such freedom, the People and the defendant will be unable to explore the strong  
8 feelings of our Santa Clara County jurors who typically have strong feelings about the operation  
9 of the criminal justice system including what they feel the law should be if it does not conform to  
10 their preferences. Exploration of such strong feelings is necessary to accomplish the goal of  
11 attorney voir dire in criminal cases, “in aid of the exercise of challenges for cause.” CCP 223.

12 The necessity for direct and oral questioning of the jurors is best illustrated by the outcome  
13 of *People v. Covarrubias* (S075136, filed September 8, 2016). There, the California Supreme  
14 Court unanimously reversed a death penalty verdict due to failure to sufficiently resolve  
15 uncertainties in a prospective juror’s questionnaire regarding whether the juror was qualified under  
16 *Wainright v. Witt* (1985) 469 U.S. 844.

17  
18 DATED: September 16, 2016

19  
20 Respectfully submitted,

21 JEFFREY E. ROSEN  
22 District Attorney



23 DAVID R. BOYD  
24 Deputy District Attorney

25  
26 \_\_\_\_\_  
27 <sup>2</sup>(...continued)  
28 (1992) 4 Cal.4th 599, 646. However, the Code of Civil Procedure has consistently permitted  
counsel to ask questions designed to reveal a for cause challenge.

SUPERIOR COURT OF THE STATE OF CALIFORNIA  
FOR THE COUNTY OF SANTA CLARA

THE PEOPLE OF THE STATE OF CALIFORNIA, )	)	
	)	
Plaintiff,	)	Case No. 213515
	)	
v.	)	
	)	<b>JUROR</b>
ANTOLIN GARCIA-TORRES,	)	
	)	<b>QUESTIONNAIRE</b>
Defendant.	)	
<hr/>		

This questionnaire is designed to obtain information regarding your ability to serve as a fair and impartial juror in this case. By the use of this questionnaire, the process of jury selection will be substantially shortened.

It is not our intent to embarrass anyone. These questions could be asked in open court. The answers you give here will become part of the Court's public record and will be used by the judge and attorneys to assist in selecting a qualified jury. Rather than answering in writing, however, you have the right to request a private hearing with the judge and attorneys to answer specific sensitive questions. Mark such a question "Confidential."

Please answer **every** question fully and completely. If a question does not apply to you, please write "N/A" or "not applicable" rather than leave the question blank. **Your answers must be truthful because you are providing them under oath and under penalty of perjury.** Please keep in mind that there are no "right" or "wrong" answers, only complete and truthful answers. If you need additional space for any answer or want to make further comments about your answers, please use the explanation sheet that is attached to the back of your questionnaire. Do not discuss the questionnaire or your answers with anyone. **PLEASE DO NOT LEAVE WITHOUT TURNING IN YOUR COMPLETED JUROR QUESTIONNAIRE.**

Write your juror number at the bottom of each page in the space provided. **DO NOT write on the back of any page.** If you need more room, use the bottom or side of the page or the page provided at the end of the questionnaire. Please write clearly so that your answers are easy to read. After filling in the questionnaire, please go back through it to make sure you have answered all the questions.

Your answers must be given without consulting any other person, must be completed under penalty of perjury, and must be printed or circled in black pen.

Thank you for your cooperation.

---

JUDGE OF THE SUPERIOR COURT

**PLEASE GIVE COMPLETE ANSWERS UNDER OATH:**

1. JUROR NUMBER: \_\_\_\_\_ Age \_\_\_\_\_ Sex: Male Female
  
2. City of Residence \_\_\_\_\_ Years there \_\_\_\_\_  
Years of residence in Santa Clara County \_\_\_\_\_ Years in California \_\_\_\_\_  
Do you own or rent? \_\_\_\_\_  
Where did you grow up? \_\_\_\_\_
  
3. With whom do you currently reside? (No names, for example., spouse, parent, child, significant other, partner, relative, friend):  
\_\_\_\_\_
  
4. Occupation/Employment:
  - (a) Job Title: \_\_\_\_\_ Employer \_\_\_\_\_  
Your duties \_\_\_\_\_ Years there \_\_\_\_\_
  
  - (b) If you are unemployed, retired or disabled, what was your prior occupation?  
\_\_\_\_\_
  
5. List any previous work experience during the last ten years if different from your current occupation: \_\_\_\_\_
  
6. Are you a supervisor? YES NO If so, how many people do you supervise? \_\_\_\_\_  
Do you hire/fire? YES NO
  
7. Status: \_\_\_\_\_ Married \_\_\_\_\_ Divorced \_\_\_\_\_ Widowed \_\_\_\_\_ Living with another  
\_\_\_\_\_ Single (never married)  
  
Occupations of Present or Former Spouse/Roommate/Significant Other (even if not living with you):  
Job Title \_\_\_\_\_ Employer \_\_\_\_\_
  
8. Your children: number of boys \_\_\_\_\_ ages \_\_\_\_\_  
number of girls \_\_\_\_\_ ages \_\_\_\_\_  
  
Occupations (even if not living with you) \_\_\_\_\_
  
9. List any persons (not names) not previously mentioned who live in your home. Please include their relationship to you and their occupation: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_
  
10. Is English your native language? YES NO If not, do you feel that you understand and can communicate in English well enough to fully perform your duties as a juror? YES NO

11. Do you speak or read any language other than English? YES NO  
If so, what language(s)? \_\_\_\_\_

12. What are your hobbies or interests? \_\_\_\_\_

13. Do you engage in any volunteer activities? If so, describe: \_\_\_\_\_  
\_\_\_\_\_

14. Would you describe yourself as a leader or a follower? Please explain why: \_\_\_\_\_  
\_\_\_\_\_

15. Do you view yourself as someone who has difficulty making decisions? YES NO  
If yes, please explain: \_\_\_\_\_  
\_\_\_\_\_

16. Do you have any bumper stickers on your vehicle? YES NO  
If yes, what do they say? \_\_\_\_\_

**17. Religion:**

- a. Do you consider yourself a religious person? \_\_\_\_\_
- b. How often do you attend a place of worship? \_\_\_\_\_
- c. How important is religion in your life? \_\_\_\_\_
- d. Will your religious principles make it difficult or impossible for you to sit in judgment of another person? YES NO
- e. If yes, please explain: \_\_\_\_\_  
\_\_\_\_\_

**EDUCATION, TRAINING & EXPERIENCE**

18. What is your **highest** level of education? \_\_\_\_\_  
List any degrees, licenses, or certifications you have: \_\_\_\_\_  
Are you currently attending school? YES NO If so, area of study? \_\_\_\_\_

19. Have you, a friend, or relative had any training, employment or education in the **medical field** including pathology, psychiatry, or other scientific discipline? YES NO If yes, please explain: \_\_\_\_\_  
\_\_\_\_\_

20. Have you ever been treated by a psychologist or psychiatrist? YES NO  
If yes, please explain: \_\_\_\_\_  
\_\_\_\_\_

21. Do you have any education or training in:

Law YES NO  
Psychology/Psychiatry YES NO  
Medical Science(s) YES NO

If so, please describe: \_\_\_\_\_

22. Do you have any education or training in:

Forensic Science(s) or Statistics YES NO

If so, what fields: \_\_\_\_\_

23. Do you have any familiarity with DNA? YES NO

If yes, what are your sources of information? \_\_\_\_\_ Newspapers \_\_\_\_\_ TV  
\_\_\_\_\_ Radio \_\_\_\_\_ Magazines \_\_\_\_\_ Internet \_\_\_\_\_ Friends and Family

\_\_\_\_\_ Other: \_\_\_\_\_

24. In this case, there may be testimony concerning **DNA analysis and interpretation**. Do you have prior experience with **DNA analysis and interpretation**? YES NO If yes, please explain: \_\_\_\_\_

25. Do you have personal experience involving the analysis of DNA, such as paternity testing, or genealogical research? YES NO If yes, please explain: \_\_\_\_\_

26. Which of the following best describes your feelings about DNA evidence?:

\_\_\_\_\_ I believe DNA can identify people including victims and perpetrators with certainty

\_\_\_\_\_ I have my doubts about the scientific validity of DNA

\_\_\_\_\_ I do not believe in DNA analysis

\_\_\_\_\_ I have no opinion about DNA analysis

27. Do you have any special training, expertise or knowledge in any other scientific field related to **forensics**, such as serology, handwriting analysis, fingerprint comparison, pathology, firearms identification and comparison evidence, or trace analysis? YES NO

If yes, please explain: \_\_\_\_\_

28. Do you belong to or associate with any group or organization active in social or political matters? (For example, *Mothers Against Drunk Driving*, *American Civil Liberties Union*, *John Birch Society*, *National Rifle Association*, etc.) YES NO

If yes, please specify the names of the groups and the position, if any, you hold in the organization(s) and describe your involvement:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

29. Do you belong to, or contribute money to, any groups or organizations, which advocate changing the law? YES NO If yes, please explain: \_\_\_\_\_
30. Have you or anyone you know ever had an alcohol or drug problem? YES NO  
If yes, who had the problem? \_\_\_\_\_
31. Do you believe that people who have drug and/or alcohol addictions are still responsible for the consequences of their actions? YES NO Please explain: \_\_\_\_\_

**MILITARY SERVICE**

32. Have you served in the military? YES NO  
**If yes:**  
Branch and Highest Rank: \_\_\_\_\_ Dates of Service: \_\_\_\_\_  
Type of discharge? \_\_\_\_\_ When? \_\_\_\_\_  
Were you ever in combat? YES NO If yes, where? \_\_\_\_\_
33. Have you or anyone close to you been a member of the military police? YES NO  
If yes, whom? \_\_\_\_\_
34. Have you or anyone close to you been the subject of a court martial, military investigation or participated in the court martial process? YES NO  
If yes, please explain: \_\_\_\_\_

**NEWS MEDIA & ENTERTAINMENT**

35. Do you follow current events in the news? YES NO  
**If not, why?** \_\_\_\_\_  
**If yes, what is the most frequent source of news for you?** \_\_\_\_\_ Newspapers  
\_\_\_\_\_TV \_\_\_\_\_ Radio \_\_\_\_\_ Magazines \_\_\_\_\_ Internet \_\_\_\_\_ Friends and Family
36. Have you followed any criminal case(s) in the media? YES NO  
If yes, which case(s)? \_\_\_\_\_  
Why? \_\_\_\_\_  
What opinions did you form about the criminal justice system as a result of the case(s)? \_\_\_\_\_
37. What newspapers, if any, do you read on a regular basis and which portions of the paper do you read (For example, *Front Page, Business, Sports, Calendar, Etc.?*) \_\_\_\_\_
38. What magazines, if any, do you subscribe to or read on a regular basis? \_\_\_\_\_

39. Have you ever written a letter to the editor? YES NO If yes, please explain: \_\_\_\_\_

40. What type of books do you like to read? \_\_\_\_\_

41. What radio stations or programs, if any, do you listen to on a regular basis? \_\_\_\_\_

42. Do you watch television shows depicting law enforcement, the courts/judicial system, or forensic science (ex. CSI, Law & Order, Cold Case Files, Major Crimes)? YES NO

If yes, please list the shows that you watch on a regular basis: \_\_\_\_\_

43. Police, courtroom, CSI-type dramas in the movies or on television are altered or enhanced for dramatic effect. Would you be able to set aside your ideas about police and courtroom procedure and the law and decide this case without comparing the trial to movies or television? YES NO

If no, please explain: \_\_\_\_\_

44. Which Internet websites, if any, do you access regularly? \_\_\_\_\_

**KNOWLEDGE OF PARTICIPANTS**

45. (a) Do you know: Prosecutors: YES NO  
Defendant: YES NO  
Defense Counsel: YES NO  
Judge: YES NO  
Court Staff: YES NO  
Possible witnesses: (See Attached List on Pages \_\_\_ - \_\_\_)  
YES NO

If so, who: \_\_\_\_\_

(b) Relationship to any of the above: \_\_\_\_\_

**PRIOR JUROR EXPERIENCE**

46. (a) Have you ever served on a jury before? YES NO  
If yes, how many times: \_\_\_\_\_ Were you a foreperson? YES NO

(b) Was the jury deciding a **CRIMINAL MATTER**? YES NO If yes:  
What were the charges? \_\_\_\_\_  
Did the jury arrive at a verdict on all counts? YES NO



If not, why? \_\_\_\_\_  
Did anything occur during the trial(s) that would cause you to be reluctant to serve here? YES NO If yes, what? \_\_\_\_\_

- (c) Was the jury deciding a **CIVIL MATTER**? YES NO If yes:  
Was a verdict reached? YES NO If not, why? \_\_\_\_\_

Do you recognize that in a civil case the burden of proof is by a preponderance of the evidence, but that in a criminal case the defendant is presumed to be innocent and the People must prove guilt beyond a reasonable doubt? YES NO

Do you understand that proof beyond a reasonable doubt is proof that leaves you with an abiding conviction that the charge is true, and that the evidence need not eliminate all possible doubt because everything in life is open to some possible or imaginary doubt? YES NO

Do you have any problems with this? YES NO

If yes, please explain: \_\_\_\_\_

- (d) Have you ever served on a **GRAND JURY**? YES NO  
Were you a foreperson? YES NO  
If an indictment was issued, what were the charges? \_\_\_\_\_

### LAW ENFORCEMENT

47. Have you, a friend, or relative had training, experience, applied for employment, volunteered, or had employment with a law enforcement agency? (*"Law Enforcement" includes the Police or Sheriff's Department, Highway Patrol, District Attorney's Office, City Attorney's Office, Attorney General's Office, US Attorney's Office, Department of Corrections, Parole, Probation, FBI, private security guard, etc.*) YES NO

If yes, which agency, and if not you, what is the person's relationship you? \_\_\_\_\_  
\_\_\_\_\_

48. Do you have any strong feelings, whether positive or negative, with respect to law enforcement officers? YES NO If yes, please explain: \_\_\_\_\_  
\_\_\_\_\_

49. Have you heard any stories or media coverage, which would cause you to automatically doubt the credibility or reliability of police officers or their testimony? YES NO

If yes, please explain: \_\_\_\_\_  
\_\_\_\_\_

50. Have you, a friend, or relative ever been involved in a dispute in which the police have been called? YES NO If yes, please describe: \_\_\_\_\_  
\_\_\_\_\_

51. If a police officer testified, would you treat his or her testimony the same as any other witness, using the same standards? YES NO If no, please explain:

\_\_\_\_\_  
\_\_\_\_\_

**EXPERIENCE WITH CRIMINAL JUSTICE SYSTEM**

52. Have you, a friend, or relative ever had **contact** with or **utilized** any of the services of the District Attorney's Office, the U.S. Attorney's Office, the City Attorney, the Public Defender's Office or private criminal defense attorney for consultation or representation? YES NO  
If yes, please explain: \_\_\_\_\_

\_\_\_\_\_

53. Have you, a friend, or relative ever been **arrested** and/or convicted of any crime, even if the case did not go to court? YES NO If yes:

Who? \_\_\_\_\_

What crime(s)? \_\_\_\_\_

What happened? \_\_\_\_\_

When? \_\_\_\_\_ Was there a trial? YES NO

How do you feel law enforcement handled the situation? \_\_\_\_\_

How do you feel the court process was conducted in that case?  
\_\_\_\_\_

54. Have you, a friend, or relative ever been **confined** in or **visited** any jail, prison, custodial or juvenile detention facility? YES NO If yes, please explain: \_\_\_\_\_

\_\_\_\_\_

55. Do you know any person connected to the **court system**, such as a lawyer, judge, bailiff, clerk, court reporter, or interpreter? YES NO If yes, what position do they have and what do they do? \_\_\_\_\_

\_\_\_\_\_

56. Have you or anyone you know ever **testified** in a court proceeding? YES NO  
If yes, please explain: \_\_\_\_\_

\_\_\_\_\_

57. Have you, a friend, or relative ever been the **VICTIM** of a crime, or any violent act? YES NO  
If yes, who? \_\_\_\_\_

What crime(s)? \_\_\_\_\_

When? \_\_\_\_\_

Was anyone caught? YES NO Was there a trial? YES NO

If yes, did you attend the trial? YES NO

How do you feel about the response of law enforcement in that case? \_\_\_\_\_

How do you feel about the response of the judicial system in that case? \_\_\_\_\_

58. Have you, a friend, or relative ever been a **WITNESS** to a crime? YES NO

If yes, who? \_\_\_\_\_

What crime(s) \_\_\_\_\_

When? \_\_\_\_\_

Was anyone caught? YES NO Was there a trial? YES NO

If yes, did you attend the trial? YES NO If yes, how do you feel about the trial? \_\_\_\_\_

59. Have you, a friend, or relative ever been **ACCUSED** of a crime, even if the case did not go to court? YES NO If yes, who was accused? \_\_\_\_\_

What crime(s) \_\_\_\_\_

What happened? \_\_\_\_\_

When? \_\_\_\_\_ Was there a trial? YES NO

How do you feel about the investigating officers in that case? \_\_\_\_\_

How do you feel about the court process in that case? \_\_\_\_\_

60. Have you, a friend, or relative ever been **UNJUSTLY** accused, arrested, charged, or convicted of any crime? YES NO If yes, please explain: \_\_\_\_\_

61. Do you have any objection to the jury system, or are you in any other way opposed to trial by jury? YES NO If yes, please explain: \_\_\_\_\_

62. Do you have an opinion about the effectiveness of the criminal justice system in general? \_\_\_\_\_

63. The standard of proof is the **same** for all criminal cases. Do you believe the standard of proof should be **higher** for serious crimes like murder than in less serious criminal cases, such as petty theft or possession of marijuana? YES NO

Please explain: \_\_\_\_\_

64. Are you willing to accept the responsibility of finding someone **guilty** of first degree murder if the case is proven to you beyond a reasonable doubt? YES NO

If no, please explain: \_\_\_\_\_

65. Are you willing to accept the responsibility of finding someone **not guilty** of first degree murder if the case is not proven to you beyond a reasonable doubt? YES NO  
If no, please explain: \_\_\_\_\_  
\_\_\_\_\_
66. Do you have any particular feelings, favorable or unfavorable about prosecutors? YES NO  
If yes, please explain: \_\_\_\_\_  
\_\_\_\_\_
67. Do you have any particular feelings, favorable or unfavorable about criminal defense attorneys?  
YES NO If yes, please explain: \_\_\_\_\_  
\_\_\_\_\_
68. Have you ever had a bad experience with any type of attorney, for example, have you ever been sued, contracted for legal services which were unsatisfactory, or felt that justice was not served?  
YES NO If yes, please explain: \_\_\_\_\_
69. How often do you believe that:
- The persons charged with crimes have more rights than the victims of those crimes?  
always \_\_\_ often \_\_\_ sometimes \_\_\_ rarely \_\_\_ never \_\_\_ no opinion \_\_\_
  - Persons arrested and brought to trial are responsible for the crimes charged.  
always \_\_\_ often \_\_\_ sometimes \_\_\_ rarely \_\_\_ never \_\_\_ no opinion \_\_\_
70. Some of the witnesses in this case may have been convicted of felonies. If the witness has a prior criminal history. Would you: automatically believe them \_\_\_\_\_?  
Automatically disbelieve them \_\_\_\_\_? Wait to hear the testimony and evidence \_\_\_\_\_?

### THE CHARGED CRIMES

The defendant is charged with one count of Murder and three counts of Attempted Kidnapping during the Commission of a Carjacking.

Defendant Antolin Garcia-Torres is charged with having murdered Sierra Lamar on or about March 16th, 2012. The Special Circumstance of Murder While Engaged in the Commission of a Kidnapping, pursuant to Penal Code §190.2(a)(17), is also charged.

Defendant Antolin Garcia-Torres is charged with having attempted to kidnap during the commission of a carjacking Cynthia Lundy and Annette Walters on or about March 19th, 2009 and Eva Orozco-Hernandez on or about March 26th, 2009. Personal use of a dangerous and deadly weapon is also charged with respect to Annette Walters and Eva Orozco-Hernandez.

71. Please review the **attached list on page** \_\_\_\_ of relevant locations for this case. Indicate any locations that you believe you recognize. For each, please explain **how** you are familiar with the location.

NO, I do not recognize any location \_\_\_\_\_

YES, I do recognize the following location(s): \_\_\_\_\_

Would you be able to avoid the areas listed during trial? YES NO

72. Do you have any feeling about the **nature of the charges** in this case that would make it difficult or impossible for you to be fair and impartial to either side? YES NO

If yes, why? \_\_\_\_\_

73. Can you set aside any **sympathy, bias, or prejudice** you might feel toward any victim, witness, or the defendant? YES NO If no, why? \_\_\_\_\_

**Bias** includes, but is not limited to, bias for or against any witness, attorney, defendant or victim based on age, gender, race or ethnicity, or socioeconomic status. Sierra LaMar was fifteen years old and Antolin Garcia-Torres was twenty years old on March 16, 2012, can you set aside any **sympathy, bias, or prejudice** you might feel based upon these facts except where instructed by the court you may consider their ages in your deliberations? YES NO  
If no, why? \_\_\_\_\_

74. Would your political, social, philosophical, religious, or moral principles affect your ability to convict in a criminal case involving murder? YES NO

If yes, please explain: \_\_\_\_\_

75. Has any member of your family or a close friend of yours died by other than natural causes, as the result of any injury, suicide, accident or crime of violence? YES NO

If yes, please list: Relationship \_\_\_\_\_ Year of Death \_\_\_\_\_

Cause of Death \_\_\_\_\_

**CRIMES INVOLVING NO BODY/SEXUAL ASSAULT**

76. Do you believe that a deceased body is always required to prove a homicide occurred? YES NO

If yes, please explain: \_\_\_\_\_

---

77. Do you believe that a crime scene is always required to prove a homicide occurred? YES NO  
If yes, please explain: \_\_\_\_\_

---

78. Do you know anyone who has been **accused or convicted** of a sexual assault? YES NO  
If yes, please explain: \_\_\_\_\_

---

79. Have you or anyone you know ever been **falsely accused** of sexual assault? YES NO  
If yes, please describe: \_\_\_\_\_

---

80. Have you or anyone you know ever been a **victim** of a crime involving sexual assault?  
YES NO If yes, please explain: \_\_\_\_\_

---

81. Have you seen any TV programs, or read any books, magazines, or newspaper articles on sexual  
assault? YES NO If yes, please describe: \_\_\_\_\_

---

82. Do you believe that medical evidence is always required to prove a sexual assault occurred?  
YES NO If yes, please explain: \_\_\_\_\_

---

83. Do you believe that DNA evidence is always required to prove the identity of a perpetrator of a  
sexual assault? YES NO If yes, please explain: \_\_\_\_\_

---

### EVALUATING TESTIMONY

84. Would you have any difficulty applying the same standards to judge the credibility of every  
witness regardless of who that witness is? YES NO If yes, why? \_\_\_\_\_

---

85. If **peace officers** testify, will you apply the same standards in evaluating their testimony as you  
would in evaluating the testimony of any other witness? YES NO If not, why?  
\_\_\_\_\_  
\_\_\_\_\_

86. Do you feel that law enforcement officers have to prove more, or must have their testimony  
supported with additional evidence, in order for you to believe them? YES NO  
If yes, please explain: \_\_\_\_\_

---

87. Would you **automatically believe** the testimony of a law enforcement officer simply because he/she is a law enforcement officer? YES NO If yes, please explain: \_\_\_\_\_  
 \_\_\_\_\_
88. Would you **automatically disbelieve** the testimony of a law enforcement officer simply because he/she is a law enforcement officer? YES NO If yes, please explain:  
 \_\_\_\_\_  
 \_\_\_\_\_
89. Would any experience you have had cause you to be less likely to believe a law enforcement officer than any other type of witness? YES NO If yes, please explain why:  
 \_\_\_\_\_  
 \_\_\_\_\_
90. Have you or anyone close to you had a bad experience with any law enforcement officer? YES NO If yes, please explain: \_\_\_\_\_  
 \_\_\_\_\_
91. Have you or anyone close to you had a very good experience with any law enforcement officer? YES NO If yes, please explain: \_\_\_\_\_  
 \_\_\_\_\_
92. Do you believe any witness, including police officers, has the capability of telling a lie? YES NO If no, please explain: \_\_\_\_\_  
 \_\_\_\_\_
93. Are you willing to try to resolve potential conflicts in the evidence and decide which evidence is credible? YES NO If not, why? \_\_\_\_\_  
 \_\_\_\_\_
94. If a victim, defendant, attorney or witness is from a nationality, race, or religious group you dislike, will this in any way affect your judgment or ability to be a fair and impartial juror? YES NO If yes, please explain: \_\_\_\_\_  
 \_\_\_\_\_
95. You may concluded that that one or more of the witnesses or victims may have engaged in conduct or a lifestyle of which you disapprove. Would the fact that they engaged in this conduct or lifestyle automatically cause you to disbelieve their testimony? YES NO If yes, please explain: \_\_\_\_\_  
 \_\_\_\_\_
96. If there is evidence that the defendant, victim or a witness used illegal drugs; will that cause you to automatically disbelieve their testimony? YES NO

If yes, please explain: \_\_\_\_\_

Do you have experience with or opinions about illegal substance abuse? YES NO

If yes, please explain: \_\_\_\_\_

**EXPERT WITNESSES**

97. What is your understanding of the term "expert witness?" \_\_\_\_\_

98. Would you be able to consider the testimony of a witness represented to be an expert in some type of scientific or technical field? YES NO If not, why? \_\_\_\_\_

99. Would you **automatically believe** everything a purported expert said merely because the person claims to be an expert? YES NO If yes, why? \_\_\_\_\_

100. Would you **automatically disbelieve** everything a purported expert said merely because the person claims to be an expert? YES NO If yes, why? \_\_\_\_\_

101. Do you agree with the concept that an expert's opinion is only as good as the information on which it is based? YES NO If yes, please explain: \_\_\_\_\_

**102. Mental Health Profession:**

a. What is your opinion of the mental health profession such as psychology and psychiatry?

\_\_\_\_\_

b. Do you feel that psychiatric or psychological evaluations are valuable in understanding human behavior? YES NO Please explain: \_\_\_\_\_

\_\_\_\_\_

c. Do you believe either psychology or psychiatry is an exact science? YES NO Please explain: \_\_\_\_\_

\_\_\_\_\_

d. If you have had any personal experience with psychiatrists or psychologists, did this experience impress you: \_\_\_\_\_ Favorably \_\_\_\_\_ Unfavorably



e. Do you have any relatives, friends, coworkers, or neighbors who are employed in the mental health profession? YES NO If yes, please state your relationship to that person and how often you communicate about related subjects: \_\_\_\_\_  
\_\_\_\_\_

f. Do you have an opinion about mental health testimony? \_\_\_\_\_  
\_\_\_\_\_

**SCIENTIFIC EVIDENCE & EYEWITNESS TESTIMONY**

103. Do you think DNA evidence is credible? YES NO Please explain: \_\_\_\_\_  
\_\_\_\_\_

104. Before hearing any evidence, do you have an opinion, either positive or negative, concerning the use or value of DNA evidence in a criminal trial? YES NO  
Please explain: \_\_\_\_\_  
\_\_\_\_\_

105. Do you believe DNA is always left at a crime scene by a perpetrator? YES NO  
If yes, please explain: \_\_\_\_\_  
\_\_\_\_\_

106. If DNA or physical evidence from the defendant is NOT found at a crime scene, would you automatically conclude that the defendant is innocent? YES NO If yes, please explain: \_\_\_\_\_  
\_\_\_\_\_

107. Do you have any positive or negative opinions about the use or validity of fingerprint identification and comparison evidence in a criminal proceeding? YES NO  
Please explain: \_\_\_\_\_  
\_\_\_\_\_

108. Do you believe that **absent** a confession, in order to prove a case beyond a reasonable doubt, there must be an **eyewitness** who can testify to seeing a defendant commit a charged offense?  
YES NO

Would you be comfortable finding a defendant guilty based on physical or forensic evidence alone? YES NO Please explain: \_\_\_\_\_  
\_\_\_\_\_

109. Do you believe an eyewitness is necessary to prove a crime occurred? YES NO  
If yes, please explain: \_\_\_\_\_  
\_\_\_\_\_

110. Would you be comfortable rendering a decision based on physical or forensic evidence alone?  
YES NO Please explain: \_\_\_\_\_  
\_\_\_\_\_

**INSTRUCTIONS ON THE LAW**

111. If the Judge gives you an **instruction on the law** that differs from a belief or opinion you have, can you set aside your own belief and follow the law as the Judge instructs? YES NO  
If not, why? \_\_\_\_\_  
\_\_\_\_\_

112. The **testimony of a single witness** is sufficient to prove any fact beyond a reasonable doubt if you believe the witness. Would you require confirmation or corroboration, even if you believe the witness is telling the truth? YES NO If yes, why? \_\_\_\_\_  
\_\_\_\_\_

113. Do you understand that a defendant in a criminal case is presumed to be innocent and that this presumption requires the People to prove each element of a crime and special allegation beyond a reasonable doubt? YES NO Do you have any disagreement with that instruction?  
YES NO If yes, why: \_\_\_\_\_

114. The defendant has the constitutional right not to testify and that decision cannot be held against him in any way. Can you follow that instruction? YES NO If not, why?  
\_\_\_\_\_

115. The law permits a first degree murder conviction when a death occurs during the commission or attempted commission of certain felonies (for example burglary, robbery, or kidnapping).

a. Do you agree with this law? YES NO If not, why? \_\_\_\_\_  
\_\_\_\_\_

b. Can you set aside your own disagreement and follow the law as the Court instructs?  
YES NO

**DELIBERATIONS**

116. During deliberations, could you change your vote if the discussion showed, to your satisfaction, that your **initial conclusion** was wrong? YES NO If not, why?  
\_\_\_\_\_  
\_\_\_\_\_

117. During deliberations, it is the **obligation** of every juror to fully discuss the evidence and instructions with the other jurors. Would you inform the Court if anyone **refuses to deliberate** with the rest of the jury? YES NO If not, why? \_\_\_\_\_

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118. Can you follow the rule that you cannot discuss the case with anyone until it is submitted to you and the other jury members in the jury room? YES NO If no, please explain:

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## ATTITUDES TOWARD CAPITAL PUNISHMENT

Questions concerning your views on the death penalty are required by law. By asking these questions it is not meant to imply that the defendant is guilty or that you will, in fact, ever be called upon to decide the penalty in this case.

If you find the defendant not guilty, the trial will end and your beliefs about the death penalty will not be relevant. However, if you find the defendant guilty of first degree murder and the special circumstance to be true, then there will be a second phase of the trial to determine whether the penalty will be (1) death, or (2) life in prison without the possibility of parole.

In the Penalty Phase of such a trial, the jury may be provided with further evidence on any of the following Aggravating or Mitigating Circumstances:

- (a) The circumstances of the crimes including the impact of the victim's murder on her family and friends, and any special circumstances found by you to be true.
- (b) The presence or absence of other criminal activity involving force or violence, or the use or threat to use force or violence.
- (c) The presence or absence of prior felony convictions.
- (d) Whether the defendant was under the influence of extreme mental or emotional disturbance.
- (e) Whether the victim participated in the homicidal conduct.
- (f) Whether the defendant reasonably believed his conduct was morally justified.
- (g) Whether the defendant acted under extreme duress.
- (h) Whether the defendant was impaired as a result of mental disease or defect or the effects of intoxication.
- (i) The defendant's age at the time of the crimes.
- (j) Whether or not the defendant's participation in the offenses was relatively minor.
- (k) Any other circumstances which extenuate the gravity of the crimes, even though it is not a legal excuse for the crimes.

To return a judgment of death, each juror must be persuaded that the aggravating circumstances both outweigh the mitigating circumstances and are so substantial in comparison to the mitigating circumstances, that a sentence of death is appropriate and justified.

119. Imposing the death penalty is a potential possibility in this case. With that in mind, would you feel comfortable sitting as a juror on this case? YES NO If not, please explain:

\_\_\_\_\_

120. Do you believe that because the prosecution is seeking the death penalty this automatically means that the defendant is more likely to be guilty of the offenses charged? YES NO

121. What are your **general feelings** about the death penalty? \_\_\_\_\_

\_\_\_\_\_

122. Have you ever held a different opinion? YES NO If yes, please explain: \_\_\_\_\_

\_\_\_\_\_

123. Is there any particular reason why you feel as you do about the death penalty? \_\_\_\_\_

\_\_\_\_\_

124. Many people's views about the death penalty fall into one of five groups:

(1) Those who would **automatically vote for death**, without regard to aggravating and mitigating factors (for example, "death always warrants death," "an eye for an eye," etc.);

(2) Those who would **automatically vote for life in prison without possibility of parole**, without regard to aggravating and mitigating factors (for example, "the death penalty is always wrong," "it is against my religious views or personal values," etc.);

(3) Those who agree there should be a death penalty, but know that they **personally would never be able to vote for death**, without regard to aggravating and mitigating factors (for example, "it's a good law, but I could not personally make the decision to put someone to death," etc.);

(4) Those who believe that **the death penalty is appropriate in certain cases** and would carefully consider all the evidence and instructions of the court in deciding whether the death penalty was the appropriate penalty in this case. **Jurors in this category would return a verdict of death if they believe that is the appropriate penalty in this case. Likewise, jurors in this category would return a verdict of life in prison without possibility of parole (LWOP) if they believe that is the appropriate penalty.**

(5) Those who are not sure how they feel about the death penalty.

Please tell us which group best describes your beliefs ( \_\_\_ 1 \_\_\_ 2 \_\_\_ 3 \_\_\_ 4 \_\_\_ 5) and explain your views. If you feel your opinions do not fall into any of the five groups, please explain: \_\_\_\_\_

- 
- 
125. Do you believe there is value in the death penalty as a concept? YES NO
126. What do you believe is the purpose of the death penalty? \_\_\_\_\_
- 
127. Did you vote to eliminate the death penalty in 2012 under Proposition 34? YES NO
128. There will be another proposition to eliminate the death penalty in November 2016. Do you plan to vote to eliminate the death penalty? YES NO
129. Which would you say most accurately reflects your philosophical **opinion** about the death penalty? (check one)
- |  |  |
|--|--|
| <input type="checkbox"/> STRONGLY IN FAVOR | <input type="checkbox"/> MODERATELY IN FAVOR |
| <input type="checkbox"/> STRONGLY AGAINST  | <input type="checkbox"/> MODERATELY AGAINST  |
| <input type="checkbox"/> NEUTRAL           | <input type="checkbox"/> OTHER: _____        |
130. No matter what the evidence shows, would you **refuse to vote for guilt** as to first degree murder or **refuse to find the special circumstance true** in order to keep the case from going to the penalty phase, where the penalty of death or life in prison without the possibility of parole is decided? YES NO
131. No matter what the evidence shows, would you **always vote guilty** as to first degree murder and **always find the special circumstance true** in order to get the case to the penalty phase, where the penalty of death or life in prison without the possibility of parole is decided? YES NO
132. If the jury found a defendant guilty of first degree murder and found a special circumstance to be true, would you **always vote against death**, no matter what other evidence might be presented during the Penalty Phase in this case? YES NO
133. If the jury found a defendant guilty of first degree murder and found a special circumstance to be true, would you **always vote for death**, no matter what other evidence might be presented during the Penalty Phase in this case? YES NO
134. If, based upon the Court's instructions and the facts presented to you, you determine that death is the appropriate penalty, would you vote for the death penalty in this case? YES NO
135. Overall, in considering general issues of punishment, which do you think is **worse for a defendant**: (check one and explain)
- |                                |   |
|--------------------------------|---|
| <input type="checkbox"/> DEATH | <input type="checkbox"/> LIFE IN PRISON WITH NO POSSIBILITY OF PAROLE |
|                                | <input type="checkbox"/> No opinion as to which is worse.             |
- Please explain: \_\_\_\_\_

- 
136. Do you understand that, under the law, the death penalty is the maximum punishment, regardless of your personal feelings about which is a more severe punishment? YES NO
137. If you determine, based on the evidence and circumstances in this case, that the defendant is deserving of the maximum punishment, can you impose the death penalty, despite your personal feelings as to which penalty is more severe? YES NO
138. Have you ever thought about whether you were for or against the death penalty before coming to court for this case? YES NO If so, was there something specific that caused you to evaluate your opinion at that time? If so, what was it? \_\_\_\_\_
- 

139. If your opinion about the death penalty has changed over the years, please explain why and how: \_\_\_\_\_

140. Do you know anyone who has been sentenced to death? YES NO  
 If so, who (i.e. Relation to you)? \_\_\_\_\_

141. At times, there is publicity in the news concerning the death penalty. Has any of this publicity affected your views regarding the death penalty? YES NO

142. The murder charged in this case involve the Special Circumstance of **Murder During the Commission of a Kidnapping**. Do you think that, depending on the circumstances of this case and the evidence to be presented in the Penalty Phase, if any, **you could consider imposing the death penalty** in such a case? YES NO

143. The murder charged in this case involve the Special Circumstance of **Murder During the Commission of a Kidnapping**. Do you think that, depending on the circumstances of this case and the evidence to be presented in the Penalty Phase, if any, **you could consider imposing life without the possibility of parole** in such a case? YES NO

144. Are you a member of any organization or association that advocates or takes a position for or against the death penalty? YES NO If so, which: \_\_\_\_\_

145. Do you belong to any group that supports the elimination of, or the increased use of, the death penalty? YES NO If yes, please explain: \_\_\_\_\_

146. What is the view, if any, of your **religious organization** concerning the death penalty? \_\_\_\_\_

Do you feel obligated to accept that view? YES NO  
 Explain why or why not: \_\_\_\_\_

147. Are your views on the death penalty based on religion? YES NO  
 If yes, please explain: \_\_\_\_\_

---

148. Can you fairly and impartially evaluate the evidence and set aside any moral, religious, or personal views or beliefs you may have about the death penalty to **render a verdict in accordance with the law in this case?** YES NO

149. Do you understand that, if the defendant is convicted of first degree murder and the special circumstance is found true, that you will have to decide the sentence to be imposed on the defendant in this case? YES NO

In such a situation, do you understand that the only choices will be death or life in prison without the possibility of parole? YES NO

150. If the jury determines the defendant is guilty of first degree murder and one of the special circumstances is found to be true, you will be asked to decide between two penalties: death or life in prison without the possibility of parole.

a. Given the fact that you will have two options available to you, can you see yourself, in the appropriate case, **rejecting the death penalty** and choosing life imprisonment without the possibility of parole instead? YES NO

b. Given the fact that you will have two options available to you, can you see yourself, in the appropriate case, **rejecting life imprisonment without the possibility of parole** and choosing the death penalty instead? YES NO

151. Would you be able to follow the Court's instruction not to discuss or consider the question of punishment during the entire trial of this case until the Penalty Phase is concluded? YES NO  
If not, please explain \_\_\_\_\_

152. Are you so strongly opposed to the death penalty that you would **always** vote for life in prison without the possibility of parole and **never** vote for death for a defendant convicted of murders with special circumstances? \_\_\_\_\_

153. Are you so strongly in favor of the death penalty that you would **always** vote for death and **never** vote for life in prison without the possibility of parole for a defendant convicted of murders with special circumstances? \_\_\_\_\_

154. Regarding the statement: "Anyone who commits kidnaps and murders a child should always get the death penalty."

Do you: \_\_\_\_\_ Strongly Agree      \_\_\_\_\_ Agree Somewhat  
          \_\_\_\_\_ No Opinion            \_\_\_\_\_ Strongly Disagree  
          \_\_\_\_\_ Disagree Somewhat

Please explain: \_\_\_\_\_  
\_\_\_\_\_



155. Regarding the statement: "Anyone who commits kidnaps and murders a child should never get the death penalty."

Do you:      \_\_\_\_\_ Strongly Agree      \_\_\_\_\_ Agree Somewhat  
                 \_\_\_\_\_ No Opinion                      \_\_\_\_\_ Strongly Disagree  
                 \_\_\_\_\_ Disagree Somewhat

Please explain: \_\_\_\_\_  
\_\_\_\_\_

156. Knowing the death penalty is a potential sentencing option, are you willing to serve as a juror in this case? YES NO

**TRIAL PUBLICITY**

157. Have you read or heard anything about defendant Antolin Garcia-Torres, Sierra LaMar or this case in news reports or from any source? YES NO If yes, please explain: \_\_\_\_\_  
\_\_\_\_\_

158. Based on what you may have read or heard, have you formed an opinion about the guilt or the innocence of the defendant? YES NO If yes, please explain: \_\_\_\_\_  
\_\_\_\_\_

159. Can you keep an open mind and wait to hear all the evidence at trial before forming any final conclusions about the defendant's guilt or innocence? YES NO  
If yes, please explain: \_\_\_\_\_  
\_\_\_\_\_

160. If the Court instructs you not to read, view, or discuss any news media coverage of this case, will you follow the Court's instructions? YES NO If no, why? \_\_\_\_\_  
\_\_\_\_\_

**CONCLUDING QUESTIONS**

161. Understanding that jury service is an honor as well as a duty, is there **ANY REASON** why you would **prefer not to serve** as a juror in this case? YES NO If yes, why?  
\_\_\_\_\_  
\_\_\_\_\_

162. Do you have any health problems (mental or physical) that might make it difficult for you to concentrate on the evidence during the trial? YES NO

If yes, what? \_\_\_\_\_  
Are you taking any medication regularly that may affect your ability to concentrate? YES  
NO If yes, what and why? \_\_\_\_\_  
\_\_\_\_\_

163. Do you have any specific problems at home or at work that might interfere with your duties as a juror during trial? YES NO If yes, please explain: \_\_\_\_\_  
\_\_\_\_\_
164. Is there any information not asked in this questionnaire which you feel the judge or attorneys should know about you? YES NO If yes, please explain: \_\_\_\_\_  
\_\_\_\_\_
165. It is important that jurors avoid drinking alcoholic beverages until the end of each trial day. Are you willing to comply with that restriction? YES NO If not, why? \_\_\_\_\_  
\_\_\_\_\_
166. Is there any reason why you would not be a fair and impartial juror for both the prosecution and the defense in this case? YES NO If yes, what? \_\_\_\_\_  
\_\_\_\_\_
167. Are there any questions or any matter that come to mind which you would prefer to discuss with the judge and the attorneys in private? YES NO Please explain: \_\_\_\_\_  
\_\_\_\_\_
168. Would you like to be a juror in this case? YES NO Please explain? \_\_\_\_\_  
\_\_\_\_\_



**LIST OF POTENTIAL WITNESSES**

Please indicate if you know any of the following people relating to question number 45 on page 6.

**Potential Witnesses**

## LIST OF RELVANT LOCATIONS

Please indicate if you are familiar with any of the following locations relating to question number 71 on page 11.

- Paquita Espana Court, Morgan Hill
- Palm Avenue and Dougherty Avenue, Morgan Hill
- Scheller Avenue and Santa Teresa Blvd. Morgan Hill
- Laguna Avenue and Santa Teresa Blvd. Morgan Hill
- Vineyard Town Center, Morgan Hill
- Safeway at 235 Tennant Avenue, Morgan Hill
- Safeway at 840 E. Dunne Avenue, Morgan Hill

*"I DECLARE UNDER PENALTY OF PERJURY THAT THE FOREGOING ANSWERS ARE TRUE, CORRECT, AND COMPLETE, AND THAT I HAVE NOT RECEIVED ANY ASSISTANCE FROM ANY OTHER PERSON IN COMPLETING THIS QUESTIONNAIRE."*

DATED: \_\_\_\_\_ Santa Clara, California

JUROR NUMBER: \_\_\_\_\_

\_\_\_\_\_  
(print name)

\_\_\_\_\_  
(signature)

Note: This page will be removed from the Questionnaire and sealed in the Court file as a confidential record.

----- THANK YOU FOR YOUR COOPERATION ! -----

