



U.S. Department of Justice

*United States Attorney
Eastern District of New York*

ALC:SCJ
F. #2013R01203

*271 Cadman Plaza East
Brooklyn, New York 11201*

January 12, 2018

By Hand and ECF

The Honorable Eric N. Vitaliano
United States District Court
Eastern District of New York
225 Cadman Plaza East
Brooklyn, New York 11201

Re: United States v. Discala, et al.
Criminal Docket No. 14-399 (ENV) (S-1)

Dear Judge Vitaliano:

The government writes to respectfully note that, as previously argued in the government's Memorandum of Law in Opposition to the Defendants' Motions (ECF No. 380 at 34-35) and the government's objections to defendant Kyleen Cane's proposed jury questionnaire filed on December 14, 2017 (ECF No. 403), the government's position remains that a written jury questionnaire is not necessary in this case. In addition to the reasons provided at oral argument for its previously filed memorandum of law, the use of a written questionnaire typically prolongs the jury selection process substantially.

It is the government's understanding that potential jurors typically fill out the questionnaire on the first day of jury selection. Then, while the jurors wait or after they are excused for the day, each party reviews each questionnaire and determines if there are jurors to strike for cause or flag for follow up questions. With three or four defendants on trial, the government respectfully submits that the use of a jury questionnaire will be much more burdensome and inefficient than the typical voir dire process.

To the extent that the Court finds that the use of a jury questionnaire is appropriate in this case, however, the government respectfully requests that the enclosed questions, attached hereto as Exhibit A, be included in the questionnaire. The government also

reiterates its prior objections to Cane's proposed jury questionnaire, and asks that those questions be modified or eliminated as previously argued.

Respectfully submitted,

RICHARD P. DONOGHUE
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cc: Defense Counsel (by ECF)