

(PLEASE PRINT LEGIBLY USING DARK INK)

United States v. Abraxas Discala, et al.
14 CR 399 (ENV)(S-1)

JUROR QUESTIONNAIRE

PRELIMINARY INSTRUCTIONS

Please print your juror number in the space provided at the top of each page. Please answer each question by placing an "X" next to your response or by providing the information requested. Please answer each question fully. Some questions have more than one part.

YOU ARE SWORN TO GIVE TRUE AND COMPLETE ANSWERS TO ALL QUESTIONS IN THIS QUESTIONNAIRE.

This questionnaire is designed to help simplify and shorten the jury selection process. The purpose of this questionnaire is to determine whether prospective jurors can decide this case impartially based on the evidence presented at trial and the legal instructions given by the presiding judge. The questions are not intended to inquire unnecessarily into personal matters. Although some of the questions may appear to be of a personal nature, please understand that the Court and the parties must learn enough information about each juror's background and experiences to select a fair and impartial jury. Please also understand that your responses to the questions below will be held in confidence by **the** Court and the lawyers working on this case.

ALL INFORMATION CONTAINED IN THIS QUESTIONNAIRE WILL BE KEPT CONFIDENTIAL AND UNDER SEAL.

Please answer all questions to the best of your ability. If you do not know the answer to a question, then write, "I don't know." There are no "right" or "wrong" answers, only truthful answers. Do not discuss the case or your answers with anyone. It is important that the answers be yours alone. Remember, you are sworn to give true and complete answers to all questions.

THE COURT INSTRUCTS YOU NOT TO DISCUSS THE QUESTIONS AND ANSWERS WITH FELLOW JURORS. IT IS VERY IMPORTANT THAT YOUR ANSWERS BE YOUR OWN INDIVIDUAL ANSWERS.

Furthermore, the Court instructs you not to discuss anything about this case with anyone: not the lawyers (except in the presence of the Court), your fellow jurors, your family, your friends, or anyone else.

JUROR NO: _____

JURY SELECTION AND SERVICE

You are being considered for service on a criminal case. Jury selection will begin on Monday, April 2, 2018. The trial will begin immediately after a jury has been selected. The case is expected to last for approximately four weeks. Generally, trial will be held on Monday through Thursday of each week, from 9:30 a.m. until 5:00 p.m. Ordinarily, the Court will not be sitting on the trial on Fridays, but that is subject to change.

If you are selected as a juror, you will be required to be present for the taking of testimony and evidence for as long as the trial lasts. There are no plans to sequester the jury, which means you will go home every day after court.

Service on a jury in a trial is one of the highest duties a citizen owes to the United States. Mere inconvenience or the usual financial hardship of jury service will not be sufficient to excuse a prospective juror. You must show extraordinary personal or financial hardship to be excused from service.

PLEASE ANSWER THE FOLLOWING QUESTIONS:

- 1. What is your first and last name? _____
- 2. In what Borough or County do you reside? _____
- 3. In what neighborhood or town do you live in? _____
- 4. Keeping in mind that this case will last for approximately four weeks, would serving on this jury create an extraordinary difficulty or hardship for you?
YES _____ NO _____

Regardless of your answer, you still must answer the entire questionnaire.

- 5. If you answered YES to Question 4, please answer the following questions.
 - a. Briefly explain the nature of the hardship.

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- b. If your hardship involves already scheduled and fixed travel plans taking you out of the New York City area, please indicate the dates and purpose of your planned trip.

- c. If the hardship is financial, please describe the nature of the hardship. Please recall that you will be paid \$40 per day for the first 10 days of trial, and \$50 per day thereafter.

- d. If the hardship involves responsibility for the care of minor children, aging relatives or someone who is disabled, please identify the person for whom you are caring, their age, and the nature of any disability.

6. Do you have any appointments or travel plans during the next four weeks that cannot be changed?

YES _____ NO _____

- a. If yes, what kind of appointments or travel plans do you have?

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7. Are you currently employed or a full-time student?

YES _____ NO _____

If you answered YES, please answer the following questions:

a. What is your place of employment? (Please write "student" if you are a full-time student.)

b. What are your job responsibilities?

c. How many years have you been working for your current employer?

d. Are you a salaried employee? (Answer NO if you work on commission.)

YES _____ NO _____

e. Will you be paid your salary while you serve jury duty?

YES _____ NO _____ UNSURE _____

8. Do you have any difficulty speaking, reading, or understanding English?

YES _____ NO _____

a. If you answered YES, please briefly explain.

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9. Do you have any problems with your hearing or vision or another medical condition that would prevent you from giving your full attention to this trial?

YES _____ NO _____

- a. If you answered YES, please briefly explain.

10. The defendants on trial are Abraxas Discala, Craig Josephberg and Kyleen Cane. Do you know, or have you had any direct or indirect dealings with any of these individuals?

YES _____ NO _____

- a. If you answered YES, please briefly explain the nature of those dealings, or the basis of your knowledge of one or more of the defendants.

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11. The defendants in this case have been charged in an Indictment. An Indictment is not evidence and is only a statement of charges. The defendants have pled not guilty to the charges and must be presumed innocent. The Indictment in this case alleges that the defendants, and others, engaged in a conspiracy to defraud investors and potential investors in CodeSmart Holdings Inc. (“CodeSmart”), Cubed, Inc. (“Cubed”), Starstream Entertainment Inc. (“Starstream”) and The Staffing Group Ltd. (“Staffing Group”), by manipulating the stock of those companies. Do you have any associations or familiarity with CodeSmart, Cubed, StarStream or Staffing Group?

YES _____ NO _____

a. If you answered YES, please briefly explain.

12. Have you or has someone close to you ever been the victim of any type of fraudulent scheme, including a “pump and dump” stock fraud scheme?

YES _____ NO _____

a. If you answered YES, please briefly explain the nature of that experience.

b. If you answered YES, would anything about that experience affect your ability to fairly and impartially evaluate the evidence presented in this case, or to determine whether or not the Government has proven the guilt of the defendants beyond a reasonable doubt?

YES _____ NO _____

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- c. If you answered YES, please briefly explain why you could not be fair and impartial when evaluating the evidence in this case.

- 13. One of the defendants in this case is a transgendered person who has undergone a sex change. Do you have any strong opinions about transgender persons?

YES _____ NO _____

- a. If you answered YES, please briefly explain your opinion.

- 14. Do you have any concerns regarding the credibility of an individual who has undergone surgery to change his or her physical gender?

YES _____ NO _____

- a. If you answered YES, please briefly explain your concern.

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15. If you answered YES to Question No. 13 or 14, would this defendant’s status as a transgendered person who has undergone a sex change affect your ability to decide this case fairly and impartially?

YES _____ NO _____ N/A _____

a. If you answered YES, how would the defendant’s status affect your ability to be fair and impartial in this case?

16. Have you ever been a juror before?

YES _____ NO _____

a. If you answered YES, please complete the chart below:

<u>Year of Service</u>	<u>State or Federal</u>	<u>Grand Jury</u>	<u>Trial Jury</u>	<u>If a trial juror, indicate whether Civil or Criminal Case</u>	<u>If a trial juror, did you deliberate on a verdict?</u>	<u>Was there a Verdict?</u>
_____	_____	_____	_____	_____	Please circle: YES NO	Please circle: YES NO
_____	_____	_____	_____	_____	Please circle: YES NO	Please circle: YES NO
_____	_____	_____	_____	_____	Please circle: YES NO	Please circle: YES NO

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17. Is there anything about your prior jury service that would affect your ability to be a fair and impartial juror in this case?

YES _____ NO _____

- a. If you answered YES, please explain

18. Do you have any opinions or beliefs concerning law enforcement in general -- including the FBI, the Department of Justice, or the U.S. Securities and Exchange Commission -- that would affect your ability to evaluate the evidence in this case fairly and impartially?

YES _____ NO _____

- a. If you answered YES, please explain

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19. Have you, a family member or close friend ever been subpoenaed or testified in connection with a court proceeding?

YES (self) _____ YES (friends/family) _____ NO _____

a. If you answered YES, please describe the circumstances. (Please do not provide the person's name)

20. Do you have, or have you ever had, a close friend or family member who has been convicted of a crime?

YES (self) ____ YES (friends/family) ____ NO ____

a. If you answered YES, please describe the circumstances. (Please do not provide the person's name)

21. If you answered YES to Question 20, would anything about this experience affect your ability to be a fair and impartial juror in this case?

YES ____ NO ____

a. If you answered YES, please explain

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Please sign and date below:

Name (Print)

Signature

Date