**SAMPLE VOIR DIRE QUESTIONS**

**Experience**

* What comes to mind when you hear the term “Domestic Violence”
* Who is affected by domestic violence?
(Rich, poor, graduated college, no high school, all races)
* How many of you would read a newspaper article about domestic violence? Why or why not?
* Does anyone know a victim of domestic abuse?
(Friend, Co-worker, family member, parent, self)
* Have you ever heard your neighbors yelling at each other?
* Did it ever sound like the fight had become violent?
(shouts of pain, sounds of dishes breaking, things being thrown)
* What did you do?
(If you did hear your neighbors having a physical argument, would you call the police? Why?)

**Bias and the Ability to Follow the Law**

Prosecuting Domestic Violence, Generally

* Should two men who fight in a bar arrested? Prosecuted?
* What if a man and a woman fought in a bar? Arrested? Prosecuted?
* What if the man and woman were married?
* What if they were boyfriend and girlfriend?
* What if they were living together?
* How should the law treat incidents between two people in a relationship as opposed to incidents between strangers? Do you think the law should be different if the parties know each other? Are married? Are dating?
* What if the fight took place in their kitchen instead of the bar? Arrested? Prosecuted?
(Does it make a difference if it was 2 male roommates fighting in their kitchen?)
* How should the law treat incidents that occur at home as opposed to incidents that occur in a public place?
* Is prosecuting crimes that occur within the home
	+ A waste of taxpayer’s money?
	+ Something better handled by therapists, religious figures, family, friends?
	+ Nobody’s business?
	+ Just going to result in more violence?
* Does the law allow family member to hit another?
	+ Sister, brother?
	+ Child?
	+ Parent?
	+ Husband, wife?
	+ Girlfriend, boyfriend?
* Do you think the law should, in some circumstances, allow a family member to hit or hurt another?
	+ In what circumstances?
		- Punishing a child?
		- Arguments?
	+ If so, when should it not be OK?
* Who should handle family problems that lead to violence?
(At what point should the courts get involved?)

**Victim Issues**

Credibility

* Are there people who rub you the wrong way?
* Can you still believe some one you don’t trust?
* Does it matter how many witnesses each side presents?
	+ If the prosecution has 4 witnesses and the defense has only 2 witnesses, will that affect how you decide who is telling the truth?
	+ What if the prosecution had only one witness and the defense had 10?
	+ What if the prosecution had no witnesses?
* Domestic violence often occurs in the privacy of a home. Would anyone think that the State cannot prove its case just because there is no one to back up the victim’s testimony?
* Do you believe that if you were assaulted and there were no other witnesses, you would have the right to come to court and tell what happened, and be believed?
* How would you feel if you had to tell (number of jurors) strangers personal details of your personal life?
	+ Knowing they will be judging your credibility? Your actions? Your decisions?
* Can you believe some one even if you wouldn’t act the same way under similar circumstances?
* Can you believe some one is telling the truth even if you don’t understand why the acted a certain way?
* When someone makes a bad decision (getting drunk, getting angry with children), does that justify pushing her, hitting her, etc? Do you think a person has the right to make a mistake without being assaulted for it?

Why Do They Stay

* Has anyone been in a situation, not necessarily an intimate relationship, where you stayed longer than you wanted to, or when looking back on it, you realize you should have left a lot earlier?
(Job, school, living situation, holding onto stock, etc.)
* Why did you stay?
(fear of physical, emotional, or economic harm?)
* How did you feel about yourself while you were in that situation?
* Hypothetical
	+ How many of you take out money at an ATM?
	+ How about an ATM that charges a service fee?
	+ Has anyone gone out of their way to go to an ATM that won’t charge them a service fee?
	+ What if that ATM wasn’t in a safe area?
	+ What if I told you I went to an ATM in an area that I knew had a lot of muggings?
	+ Why does that make a difference?
	+ And that after I took money out of the ATM, I walked down an alley while counting my money?
	+ What do you think would happen?
	+ Do you think the police should look for my mugger?
	+ What if the police had posted a notice not to use the ATM?
	+ Should the DA prosecute the mugger if caught?
	+ What if I had already been mugged at that same ATM?
	+ Why should/shouldn’t the mugger be prosecuted?
* Has any one been in a relationship that eventually broke up?
* Has anyone been in a relationship that wasn’t working?
* Did anyone stay in that relationship anyway? Why?
* Was it easy to leave?
* How did you feel when it ended?
* Would you believe that a person in a violent relationship would have the same feelings?
* Do you think there are people you know who are involved in a violent relationship? Have they told you about it?
* Why might a person in an abusive relationship stay? Why might someone not tell anyone if her spouse was violent?
* Would you believe that some people have “learned” that violence is a normal part of a relationship?
* Do you think that people like that may not react to violence the same way you would?
* If someone believes that violence in a relationship is normal, does that mean that it is OK?
* Why else would someone stay in an abusive relationship?
* Does a person in an abusive relationship have an obligation to leave?
* Do you agree that someone could want the relationship to continue but the violence to stop?
* Does that make sense to you?
* Do you believe victims of domestic violence can stop the violence on their own?
	+ By talking with their abuser?
	+ By not making their abuser angry?
	+ By leaving?
* Do you think that a victim could be in more danger if they leave?
* Do you think that a person who stays in an abusive relationship deserves what they get?

Absent or Recanting Victim

* Should the State protect people who don’t feel they need or want protection?
* Do you believe the law should only protect victims who are willing to help the prosecution of a criminal case?
* Do you believe the State shouldn’t prosecute if the victim is not in court to testify?
* Have you ever heard of some one “pressing charges” or “dropping charges”?
* Do you understand that the State, not the victim, decides whether or not to “press” or “drop” charges?
* Should a victim be able to decide if a person is charged with a crime?
* Would you want to know what the victim told the police? Any other witnesses?
* Can you think of any reasons why a victim may not want criminal charges filed or prosecuted?
* Do you think the State should prosecute the defendant for domestic violence regardless of what the victim wants?
* It doesn’t seem right that someone who is assaulted would want to say it didn’t happened, does it? (you know the jurors are thinking this, so address it!)
* Do you think a person may believe that they deserve to be hit?
* Does that justify their being hit? Should that be a defense to assaulting some one?
* Do you believe a victim of domestic violence may still love their abuser during a pause in the violence? Even while the abuse is still going on?
* Do you believe that a victim who loves the person who hurt her may feel that everything will get better or be all right if she covers up for his actions?
* Do you believe a victim may not want to testify against their abused because of feelings of
	+ Love
	+ Loyalty
	+ Fear
	+ Persuasion
* Do you believe a victim may change her statement of the facts between the time of the incident and the time the case goes to trial? For the same reasons as not wanting to testify?
	+ Love
	+ Loyalty
	+ Fear
	+ Persuasion
* If the victim testifies differently on the stand from what she told the police, does that mean by itself that the case cannot be proven beyond a reasonable doubt? Why? What else would you want to know?
* Should the law only protect people who are willing to help with the prosecution?

Unmarried Cohabitants

* Do you believe a woman who lives with a man without being married to him deserves what ever comes her way? Even beatings?
* Does she deserve what comes her way because she had children with a man who she is not married to?
* Do you have any strong feeling about whether people should or shouldn’t live together before they are married?

Married Parties

* Would you hold it against a witness that they testified against their spouse?
* Does a spouse have the right to hit one another?
	+ Slap?
	+ Shove?
	+ Punch?
	+ Kick?
* Does a woman have a duty to stay with an abusive husband and try to work things out?
* Should she be willing to put up with more if there are children in the family?
* Should the state get involved in disputes between married couples?

**Defendant Issues**

Generally

* Does any one have any opinions about the defendant from the way he looks in court today?
* Can anyone tell me what an abuser looks like?
* Does anyone believe the defendant could not have committed a crime based on the way he looks today?
* Does any one believe a calm person can lose their temper?
* Can a nice person lose their temper?
* Has anyone observed a nice person become violence after using alcohol or drugs?
* Do you believe that a person who says he loves someone can still be abusive to that person?

Holding the Defendant Accountable

* Do you believe that domestic violence is a serious problem in this county?
* Would you agree that holding a person accountable for their actions is an important step in ending domestic violence?
* If I prove my case beyond a reasonable doubt, will you hold the defendant accountable by returning a guilty verdict?

**The Defendant’s Case**

The “Provocation” Defense

* How many of you have ever wanted to hit some one?
* What happened that made you want to hit some one?
* Did you hit them? Why or why not?
* Does anyone think that a person can deserve to be hit? How? When?
* Do you think that should be a defense to a crime?
* Does it make a difference if the person knows that doing or saying something will make you really angry?
* If the judge tells you that there is no such defense – that saying something awful does not excuse the violence - would you be able to accept that?
* Do you think a woman could behave in such a way as to provoke a man to hit her?
* What would it take to provoke you to hit some one?
* Do you believe a verbal argument can justify the use of physical violence?
	+ A shove?
	+ Pushing?
	+ Grabbing?
	+ Slapping?
	+ Hitting?
	+ Kicking?
	+ Choking?
	+ Pinning some one to the ground?
* What about breaking a promise?
	+ To keep the house clean?
	+ Not to stay out late?
	+ To call home?
	+ To have dinner ready on time?
	+ To keep the children quiet?
* Is a woman responsible for
	+ Keeping the house clean?
	+ Being home when her husband/boyfriend comes home
	+ Having dinner ready on time?
	+ Keeping the children quiet?
* Does making someone angry excuse violence?
* Do you think anger and provocation should be a defense to violence?
* Do you understand that they are not a defense to this charge?
* Will you be able to find the defendant guilty, even if you think he was provoked?
* Will you be able to follow the judge’s instructions on what is considered a defense to this charge?
* If the court does not give you an instruction about legal justification or excuse, will you accept that none exist in this case?
* Will you agree to consider only whether the defendant’s actions constitute a crime and not whether you believe the defendant was justified?

Self-Defense

* What comes to mind when you think of “self-defense”?
* What comes to mind when you think of the word “retaliation”?
* How are “self-defense” and “retaliation” different?
* Does it make sense that the law only permits a person to use force to avoid injury or a risk to one’s safety or life? How much force should be allowed?
* Does it matter if the victim had a weapon?
* Does it matter who is bigger?
* Why is that important?

**No Visible Injury Crimes**

Battery/Assault

* Does everyone understand that an assault can occur even though there are no visible injuries?
* Does anyone believe they could not convict a person of assault just because there are no serious or visible injuries?
* Has anyone here had a bruise?
	+ How did you get it?
	+ Did the bruise show immediately after?
	+ If the police respond to a domestic violence incident, is it possible that bruises may not be visible yet?

Assault / Harassment

* Has anyone here ever been in an argument where some one threatened you?
(“Come in late again and I’ll fire you”, “eat my lunch again and I’ll hit you”)
* Does anyone think that a threat can be a crime?
* When does a threat become serious?
* When should a threat become a crime?
* Does anyone think they would have a problem convicting someone for threatening to harm another person?

Violation of a Protection Order

* Does anyone know what a protection order is? Explain.
* Has anyone here had to get a protection order, or went with someone else to get a protection order?
	+ How did you (or the person you went with) go about getting the order?
* Why else would someone seek a protection order?
* Do you think it’s important that protection orders be followed?
* Should it be a crime to violate a protection order?
* If you had been ordered by a judge to stay away from someone’s house or work, are there any good reasons to go in anyway?
* What if you had no other reason than you just wanted to go inside?
* Do you think you should be able to get around a protection order by getting another person else to do the contacting for you?
* If a court ordered someone not to contact you, would it be okay if they did so long as they didn’t threaten you?
* Who signs the order, the judge or the person requesting it?
* Who can lift the order, the judge or the person who requested it?
* How many of you are divorced or know someone who is divorced?
* Do you know of any couple that got divorced but then got back together again?
* Was the couple “married” again just because they decided to get back together again?
* Would anyone here have a problem convicting someone of violating a protective order just because the victim had contacted the defendant on some occasion?

Child Abuse - Witnessing Domestic Violence

* How many of you have children?
* Are there some television programs or movies you won’t let them watch? Computer games you won’t let them play? Which ones? Why?
* Does anyone else remember not being allowed to watch certain shows or movies while they were growing up? Which shows/movies? Why do you think you weren’t allowed to watch them?
* Do you think that children can be harmed or learn the wrong things just by seeing them on television? In a movie? In a computer game?
* Who here is familiar with the phrase “Well if so-and-so jumped off a bridge, would you do that too”?
* Ever use that phrase when talking to your children? In what circumstance?
* Do you think that children can learn to behave by watching what other people do?
* What do you think a child learns when he sees his parents yelling at one another?
* What do you think a child learns by seeing one of his parents hit the other?
* Do you think it is harmful for a child to see one of his parents hit the other?
* Do you think the state should punish people for hitting their spouse/boyfriend/girlfriend/ex- in front of their children? Why?

**General Issues**

Burden of Proof

* What does “beyond a reasonable doubt” mean? Does it mean beyond all doubt? Beyond any shadow of doubt?
* Does the fact that the State’s witnesses will say one thing and the defense witnesses say something different automatically mean there is reasonable doubt? That’s why we have a trial – if everyone agreed, we wouldn’t need a trial!
* The law does not require that the State have a certain number of witnesses testify or even that a specific witness testifies. Why would that be? Who decides where a crime occurs? Who decides how many people the crime occurs in front of? And how often, really, does someone commit a crime in front of several other people? Not often, right?
* There is no rule that says a victim must testify in order for me to prove the case, right? How could we prosecute murder cases if that was a requirement?
* If the State proves each element of crime/s charged, beyond a reasonable doubt, would anyone just not be able to find the defendant guilty because the victim did not testify? Or did not testify in the State’s case?