

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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VIRGINIA L. GIUFFRE,  
Plaintiff,  
v.  
GHISLAINE MAXWELL,  
Defendant.  
-----X

**15-cv-07433-RWS**

**DEFENDANT'S PROPOSED JURY QUESTIONS<sup>1</sup>**

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<sup>1</sup> These questions are preliminary and subject to change based on rulings yet to be made by the court on various outstanding motions

## **BASIC QUALIFICATIONS TO SERVE AS JUROR**

Does anyone have a medical reason or personal hardship that would make it difficult to serve as a juror in this case?

Does anyone have difficulty reading, hearing, or understanding the English language?

Does anyone know or has anyone dealt with the plaintiff, the defendant, or their attorneys? If yes, please identify the person you know or have dealt with, the nature of your relationship, and whether that relationship would hinder or affect your ability to give a fair trial to all of the parties in this case.

Does anyone know, or has anyone had any business dealings with, any of the witnesses who have been identified by counsel or the Court? If yes, please identify the person you know or have dealt with, the nature of your relationship, and whether that relationship would hinder or affect your ability to give a fair trial to all of the parties in this case.

Have you read in the newspapers, read on the internet, seen on television, or heard on the radio anything about this case, or do you have any knowledge of facts or events related to this case?

## **GENERAL JUROR INFORMATION**

What is your name?

How old are you?

Where were you born?

What is your marital/ relationship status?

Is English your first language (If no, what is and comprehension of English)?

Where do you live?

Do you rent or own?

Who else lives with you?

Describe your educational history?

What is the educational background of other members of your household?

How are you employed & length of employment? (If short, enquire re job history)

How are others in your household employed?

If you have adult children or other close family members who don't live with you, how are they employed?

Have you or family members ever served in the military?

Do you have any ethical, religious, political or other beliefs that may interfere with your ability to serve as a juror?

Do you have any issues (vision, hearing, reading, or language) that may affect your juror service?

Are you on any medication or do you have any medical issues that might affect your ability to serve as a juror?

What social, civic, trade, or other organizations are you affiliated with?

Do you have experience as a group leader or in a leadership role?

Have you or any of your family members or close friends ever been sued?

Have you or any of your family members or close friends ever filed a lawsuit or made a claim for damages?

Have you or anyone close to you ever considered suing someone but didn't for any reason?

If you or anyone close to you has ever been sued or been the subject of a claim for damages please explain the circumstances.

Do you know anyone on this jury panel?

Have you previously served on one or more juries? For each prior jury service describe, when, type of case, whether the jury reached a verdict and whether you were the Foreperson.

Have you or someone you are close to been to Court for any reason other than for jury service? If yes, describe the circumstances.

Do you or someone you are close to have legal training or work in the legal profession?

Have you or someone you are close to ever been denied compensation that you or they believed was owed?

Have you or a family member ever filed for bankruptcy?

## **MEDIA ISSUES**

What is your main source of news?

What internet sites do you frequently read?

Do you read People, National Enquirer, NY Post, NY Daily News?

Are you aware that these types of publications pay sources for stories?

How do you feel about that?

If someone is paid for their story do you have an opinion on how that affects the reliability of the story?

Are you familiar with the term “fake news”?

If reporters are seeking out and paying for stories, do you think that may impact whether or not a story is “fake news”?

How often do you go on-line for news? Which sites do you visit?

What types of topics do you follow?

Do you follow news on the British Royals?

Do you believe everything you read in the news?

Do you think all journalists are responsible?

## **SEX ASSAULT/ ABUSE ISSUES**

Have you, any family member or close friend ever studied any of the following areas:

Domestic violence, children’s or women’s studies, rape, molestation, sex trafficking, psychology, psychiatry, sociology, sexual disorders, sex education, or child psychology/psychiatry?

Have you, any family member or close friend ever worked as a social worker, welfare worker, family service worker, psychologist, parapsychologist, psychiatrist, counselor, or similar occupation?

Have you, any family member or close friend ever wanted to go into social work or in the mental health profession?

When an important decision has to be made, some people rely on logic and other people rely on their feelings. How would you describe yourself? Upon which one would you rely on if you had an important decision to make about yourself?

If you had an important decision to make about another person, would you rely on logic or emotions and feeling? Why?

What was your reaction when you heard what this case was about?

Many of us know someone who has at some time in their life been molested, had some kind of unwanted sexual contact or was raped. I know it is embarrassing to talk about what has happened to this person and if you want to talk about this privately, please tell me. It is important that we know what kind of experiences you have had or someone that you know has had along those lines. If someone has had some kind of unwanted sexual experience, these feelings could affect their ability to be a fair juror in this case. Please raise your hand if you, a family member or close friend has ever been molested, had some kind of unwanted sexual contact or was raped. If yes, please raise your hand so we can talk about it in private.

Do you know anyone who has ever been accused of sexual abuse or molestation? If yes,

Was there an arrest?

When did this occur?

What was the outcome?

What were your feelings at the time?

How do you feel about the incident now?

In light of that experience, how would you feel about serving as a juror in this case?

Has anyone ever told you about an experience involving sexual assault, abuse or molestation? If yes,

Was that person an adult or child?

Was that person male or female?

Was that person the alleged victim or alleged molester?

What were you told?

What was your reaction?

What was your advice?

Was anyone arrested?

What was the outcome?

How did you feel about the outcome?

Do you know anyone who has been sexually assaulted or had an unwanted sexual contact? What happened, what was the outcome and how did you feel about the outcome?

Have you, any member of your family or any close friends ever worked or volunteered at a job or activity which involved working at a battered woman's shelter, rape crisis center or similar organization?

Are you, any member of your family or any close friends associated in any way with any group or organization supporting the accused or the victim in a rape, sexual assault or molestation situation?

Are you a member of any support group(s)? What group(s)? How long have you been a member?

What was the reason for joining the group(s)?

What is the main benefit to being part of this group(s)?

How many other members are there in this group(s)?

Have you ever contributed money and/or time to this group or any similar group(s)?

Have you ever been to a support group meeting? If yes, please tell us about it.

Have you ever had a bad experience of a sexual nature with anyone? Who?

Do you believe that you were the victim of a crime?

Did you report the event? If so, who did you report to?

If so, how soon after the event did you report it?

If reported, was the matter prosecuted?

What was the resolution?

How did you feel about the resolution?

Have any of your family members or close friends ever had a bad experience of a sexual nature with anyone?

What was the nature of your relationship with the person? Do you believe they were the victim of a crime?

Did they report the experience to you?

How did you react?

Did they report the experience to anyone else? If so, who did they report to?

Was the matter ever prosecuted?

Did they file a lawsuit seeking money damages?

How was the matter resolved?

How did you feel about the resolution?

### **Reporting By Accuser**

If you were the victim of a crime, would you report it to the police or other law enforcement authorities?

What about when you were 17 or 18, would that change your answer?

If the crime was of a sexual nature, would you report it to the police?

If you were 17 or 18 at the time, would you report it to your parents? Your friends? Your live-in boyfriend? Your fiancé?

Do you think there are reasons that a 17, 18 or 19 year old might not report being subject to sexual abuse? What reasons do you think they might have for not reporting?

What are your feelings about the believability of a person who claims that they were subject to sexual abuse waiting over 9 years to report it?

Does your opinion change if the person was contacted by law enforcement about a specific claim and choose not to report the claim even though they were directly asked?

How would it affect your opinion if the person first reported the alleged abuse to a news reporter rather than talking to law enforcement, even though they had the opportunity to report to law enforcement? How would it affect your opinion if the press paid the person for the story?

## **Testifying**

Every citizen that believes that there is a real or substantial threat that they could be charged for a crime has a right not testify.

What are reasons you believe someone would choose to testify if they had the right not to?

I want to be the first one to tell you that Ms. Maxwell is going to testify. What is your reaction to that?

If you were accused of a crime like having sexual interaction with a minor or sex trafficking, would you testify? Why?

What if the jurors didn't believe you?

I have a concern that some jurors may feel that Ms. Maxwell will not be truthful because there is so much at stake. What do you think about my concerns?

How difficult do you think it would be for anyone accused of a crime like sexual interactions with a minor or sex trafficking to testify?

## **Prostitution**

What is your opinion on prostitution being considered a crime in most jurisdictions?

Do you believe it should be decriminalized?

Do you believe that a woman has the right to choose to use her body in any way she chooses, including using it for sexual purposes in exchange for money?

Do you believe that the prostitutes should be prosecuted?

Do you believe the "Johns" or "Janes" should be prosecuted?

Does your opinion on the legalization of prostitution change if the prostitute is 17? 18? 15?

How many of you have heard of websites that help arrange "Sugar Daddy/Sugar Baby" relationships? What is your opinion of these types of relationships and dating sites?

If both participants consent to what each will contribute to the relationship, whether that be money, an education, mentoring, connections or other material goods in exchange for anything from companionship, massages or sexual relations, do you believe that is legally acceptable? Do you believe it morally acceptable? Do you believe they should be



criminally prosecuted? If yes, who do you think should be prosecuted, both parties to the relationship, or just one?

Does the Sugar Daddy's age matter? Does the Sugar Baby's age matter?

### **Age Of Consent**

How many of you have heard about cases where female teachers have engaged in consensual sexual relationships with their students who were under the age of 18 and have been prosecuted and gone to prison? What is your feeling about those cases? Do you believe that the teacher should have gone to jail?

Do you think that a 17-year-old can consent to sexual activity?

Does your answer change depending on the age of the person they are having sex with?

Does it matter if the 17-year-old is male or female?

### **Accusations against Donald Trump**

How many of you read about the lawsuit and allegations of rape against Donald Trump during the 2016 election? What do you know about that lawsuit? Were you aware that the allegations also concerned a man named Jeffery Epstein?

In that lawsuit a woman claimed that when she was 13 she was raped by Donald Trump on 4 occasions. She subsequently dropped her lawsuit. Do you think the allegations of rape against Donald Trump were true?

For those of you who don't believe the allegations, why do you think that this woman would have made up the claims? Why do you think that they included allegations about Jeffery Epstein?

How many of you read about the allegations of sexual harassment that various women made against Donald Trump during the election? Do you believe the claims made by all 9 of those women are true? What is the basis for your belief? If only 1 woman has made sexual harassment allegations, would you believe they were true?

After sexual harassment allegations were made by at least 9 different women against Donald Trump, President Trump said that the claims were "made up events that never happened" and were "100 percent fabricated and made up charges." Do you think that President Trump had a right to deny these allegations even if the allegations are true? Why or why not?

Are any of you aware of the defamation lawsuit filed against Donald Trump by one of the women who claimed she was harassed by him? What do you think about that lawsuit?

Do you believe that people sometime read things in the news and make up claims that are based on the information they have read in the news? What do you think would motivate a person to make up such false claims?

Do you think that wealthy people, people in power positions, and celebrities are more likely to have false claims made about them? Why?

### **Human/ Sex Trafficking**

What do you know about human sex trafficking?

If someone makes an allegation about sex trafficking of children what would your reaction be?

Would you be able to look beyond the allegation to figure out what might really have happened?

Would you agree that falsely accusing someone of sex trafficking could severely harm the falsely accused person?

Do you think a falsely accused person has the right to publicly defend themselves?

### **GUILT BY ASSOCIATION**

Have you ever been involved with, or friendly with, someone who you later learned was not a good person?

Have you been involved with someone you later found out committed crimes or acted badly towards others?

What was your reaction when you learned of this person's bad behavior?

Were you shocked?

Were you embarrassed that you spent time with them and liked them?

Did you feel ashamed?

Have you ever been in a situation where with hindsight you thought you should have realized things that you didn't focus on at the time?

Do you believe this is a fairly common human experience?

Why do you think people do this- turn a blind eye to faults of people they care about or are involved with?

Do you generally agree that people who engage in sexual activities with children-sometimes called pedophiles-go to great effort to keep their conduct a secret from others?

Does it surprise you that those closest to such sexual offenders, (family, wives, girlfriends) are often shocked when they learn that the person they thought they knew was sexually attracted to children. Or do you believe they should have known; they should have figured it out?

Why do you believe that?

## **MOTIVES**

Would it be important to you in deciding who to believe to determine if one party is asking for money from the other party?

Would it also be important to know if the person seeking payment had been paid by news media outlets?

Would you want to know how much she was paid by the press and whether she was paid more if she sensationalized her allegations?

Would you want to know if the reporters “coached” or suggested to her types of information that would sell papers and that would allow her to be paid more money by the media?

Why would you want to know this information?

If you learn that someone is being paid for her story does it make her story less believable to you? Why or why not?

Do you have experience with children or teenagers who are out of control of their parents?

Do you have experience regarding children who run away from home?

Do you have experience with adolescents who abuse drugs and lie to the adults in their lives?

Do you think it is important to consider such issues in judging the credibility of an adolescent?

## **How do you determine if something is a lie?**

How many of you have children?

How many of you believe that your children have lied to you?

How did you know that they were lying?

What types of actions or conduct by people, including your kids, help you determine whether they are telling the truth or lying?

Would a story changing over time with different details make you think that the story might not be true?

Have you ever had a person tell you the same story on a number of different occasions and each time the story changes a little, with more interesting or exciting facts and details? What conclusions do you make about the story? What opinions does that make you reach about the person? Why do you think that the story changes? Have you ever concluded that the person was lying about the new details? Did you have any way to prove it, or was it just your opinion?

### **Meeting High Profile People**

How many of you have ever met someone famous?

Who?

What was the occasion?

Do you remember where you were?

Do you remember how old you were, or could you figure it out from the context of the event?

Who did you tell about it?

If you had dinner with Bill Clinton, do you think that you would tell people about it?

How about Al and Tipper Gore?

Would you remember the location where the meeting occurred?

### **PROVING ABSENCE OF OCCURRENCE**

Have you ever been accused of doing something that you know you didn't do, anything, big or small?

What was your reaction?

Did you tell anyone the accusation was untrue? Did you call the person a liar?

Was it a situation where there were no witnesses available to say what really happened, what one might call a "he said she said situation?" How do you think that kind of situation should be resolved?

Do you think that it is harder to prove that an event did occur or that an event didn't occur? If there is no one to witness the event, who do you think should be believed – the person who said the event happened, or the person who said it didn't happen? Why?

Do you think it is possible to definitively prove something didn't occur if there are no witnesses?

If the person claiming the event occurred says there were witnesses, would you want to hear from those witnesses? If those witnesses are not brought forward, which person would you tend to believe?

Dated: May 1, 2017

Respectfully submitted,

*/s/ Laura A. Menninger*

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**CERTIFICATE OF SERVICE**

I certify that on May 1, 2017, I electronically served this *Defendant's Proposed Jury Questions* via ECF on the following:

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