

UNITED STATES ARMY TRIAL JUDICIARY  
FOURTH JUDICIAL CIRCUIT

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UNITED STATES	)	
	)	<b>Defense Proposed Voir Dire</b>
v.	)	
	)	
SALEH, Gary W.	)	<b>25 August 2011</b>
SPC, U.S. Army	)	
S&T Troop	)	
RSS, 11th ACR	)	
Fort Irwin, California 92310	)	

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The defense proposes the following *en banc* questions:

The law, Burden, and Presumption of Innocence:

1. Do you know anyone who has ever claimed that they had been raped?
2. Do you know anyone who was accused of being date raped or raped by an acquaintance?
3. How do you feel about people who believe in having sex outside of the marriage?
4. Can you make room for the possibility that someone could make a false rape accusation?
5. Are you familiar with the term “victim’s advocate?”
6. Have you ever worked or know anyone that worked as “victim’s advocate?”
7. Have you ever been accused of a crime? (Individual voir dire)
8. How does the fact that Spec Saleh is charged with a crime affect your presumption of his guilt or innocence?
9. Do you have an opinion about the presumption of guilt or innocence in this case?
10. Can you accept evidence that someone can lie to protect themselves or because of fear?
11. Can you make room for the possibility that someone could make a false rape accusation?
12. In a rape accusation trial like this one, is it important for you to hear from the accused?
13. The government, according to the law, has the duty to prove their accusations. Do you believe that that is a fair?

14. The government has a duty, under the law, to prove their accusations at a very high level, called beyond a reasonable doubt; do you feel that such a high burden means guilty people go free?
15. How many of you, within the last year, watched a show hosted by Nancy Grace?
16. Do you believe that if the Government accuses someone of serious charges such as rape that they should have to prove it?
17. You are going to get some instructions about something called good military character. Do any of you feel that character can never be relevant in deciding guilt or innocence?
18. Please raise your hands if you agree with any of the following:
  - a. People in law enforcement are more believable than others because of their position in society.
  - b. When I watch hear or read about criminal investigations and charges being brought I tend to find myself concluding that the person accused must have done something wrong.
  - c. I feel a greater sense of protection towards female members of my family or my friends than males.
19. How many of you have a particular interest in watching television shows that have legal or criminal content such as Law and Order, Criminal Minds, or Nancy Grace?

The Charges, personal views and biases:

20. Do you feel a greater sense of protection towards female members of your family or friends as opposed to males?
21. Do you know anyone who has ever claimed that they had been raped?
22. Do you have a strong opinion or feeling about people who engage in sexual relationships outside of marriage?
23. Do you have a strong opinion regarding sexual relationships outside of marriage?
24. Do any of the members believe that the stigma or other societal consequences that may be associated with being a sex assault victim are so great that there is no way someone would falsely claim to have been sexually assaulted or raped?
25. Do you have any friends or family who work in the legal field?
26. Do any of you have particular views on lawyers?
27. Can you make room for the possibility that a person could accuse another person of a crime in order to avoid criminal prosecution or to achieve some personal gain?

### Experts

28. Do any of you have any close friends, family members or acquaintances who are employed in the mental health field such as psychologists, psychiatrists, social workers and counselors?
29. Do any members believe they have a deep understanding of the field of psychology or mental health?
30. Do any members believe that the methods psychologists use to reach decisions are beyond question?
31. Do any of the members feel that an analysis or diagnosis by a psychologist is conclusive?
32. Do any of you have any expertise or knowledge in the field of DNA testing and analysis?
33. Do any of you have any experience with the CID or other law enforcement agencies?

### Members

34. Do any members know the convening authority, BGEN Ferrell?
35. Have any of you discussed this case with the convening authority?
36. Have any of you heard the convening authority discuss military justice in general?
37. Do any of you feel the convening authority expects or anticipates a conviction in this case?
38. Do any of you feel the convening authority will be displeased if there is not a conviction?

### Media and information related to the case

39. Have any members seen or heard anything in relation to the charges in this case prior to today?
40. Have any of you attended any training, military education or seminars related to avoiding, handling or reporting sexual assaults
41. Have any of you read any articles related to sex assaults in the military?

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**CERTIFICATE OF SERVICE**

I hereby certify that on August 25, 2011, I electronically filed the foregoing paper with the Court and with the Government at the following: CPT Matthew Wright at [matt.wright@us.army.mil](mailto:matt.wright@us.army.mil) and CPT Russell Wardlow at [Russell.wardlow@us.army.mil](mailto:Russell.wardlow@us.army.mil).

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