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U.S. DISTRICT COURT  
DISTRICT OF ALASKA

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**IN THE UNITED STATES DISTRICT COURT FOR THE  
DISTRICT OF ALASKA**

UNITED STATES OF AMERICA,	)	
Plaintiff,	)	
	)	CASE NO. A04-025-CR (JKS)
v.	)	
	)	
JOHN THOMAS HARPOLE,	)	
	)	
Defendant.	)	
<b>DEFENDANT HARPOLE'S REQUESTED VOIR DIRE</b>		

The Defendant John Harpole, to enable him to intelligently exercise his peremptory challenges during the selection of the jury for this case, requests that during voir dire the court pose to the jury panel the following questions:

**A. Parties and Witnesses:**

1. The Plaintiff in this case, the United States of America, is represented here by the U.S. Attorney whose office is located here in Anchorage. Do any of you personally know, or are you socially acquainted with, have business relations with, or are you related by blood or marriage to any of the following named parties:

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A. Timothy Burgess;

B. Thomas Bradley;

C. Lea Carlisle;

D. Any of the other attorneys in that office, office personnel or support staff or personnel present for this trial;

E. Any investigators or other agents of that office?

2. The Internal Revenue Service is interested in this case and it has an agent who will be present in court during this trial. His name is \_\_\_\_\_. Are any of you related by blood or marriage to \_\_\_\_\_ or any member of his family? Do any of you have any business relationships with him, or do you know either him or members of his family, or are any of you socially acquainted with either him or his family?

3. Do any of you know, are you personally acquainted with, or do you have any other relationship with the following named people who will likely be witnesses testifying during this trial:

(a)(the witnesses to be called by the prosecution).

B. Background:

4. Where do each of you currently live and how long you have lived there?

5. Where do each of you work and how long have you worked there?

6. What is your marital status and do you have any children, and if so, how many?

Are your children minors or adults?

7. If you are married, does your spouse work and where?

8. Are any of you currently employed or have you been employed at any time in the past by the United States of America or any of its agencies, bureaus, departments or corporations? Do any of you have members of your family or close friends who are presently employed or have been so employed in the past by the United States of America, or any of its agencies, bureaus, departments or corporations?

9. Have any of you, either in the past or presently, been employed by any law enforcement agency, either state or federal? Do any of you have members of your immediate family or close friends who have been so employed in the past or presently?

10. Have any of you, or any members of your immediate family, relatives or close friends been employed by the I.R.S., F.B.I., C.I.A. or other intelligence gathering, federal organization?

**C. Relations with IRS:**

11. This case involves income taxes imposed by the United States of America. Have any of you, or any member of your immediate family, ever had any disputes with the Internal Revenue Service? Have any of you, or any member of your immediate family, ever had a **tax** lien filed against you by the I.R.S.? Have any of you, or any member of your immediate family, ever been a party to a **tax** case in the Tax Court, or a party, either plaintiff or defendant, in either a civil or criminal tax case?

12. Have any of you, or any member of your immediate family, ever been audited or otherwise investigated by the I.R.S.?

13. Have any of you, or any member of your immediate family, been approached by any agent of the I.R.S., or other person obviously representing the interests of the I.R.S., about this case or any other case or cases to be tried during the term of your jury service duty?

14. Have any of you, or any member of your immediate family, been contacted by any agent of the I.R.S., or any person obviously representing the interests of the I.R.S., and asked that you render a verdict against the defendant?

15. Are any of you employed by the I.R.S., or an agent of the I.R.S.?

16. Have any of you made an agreement with the I.R.S. concerning your jury duty in this or any other case?

17. Have any of you, or any member of your immediate family, been accorded a special favor or special tax treatment by the I.R.S., or any of its agents in order to secure from you a favorable finding in this case in favor of the I.R.S.?

18. Are any of you afraid of the I.R.S.? Do any of you harbor any fear that if you return not guilty verdicts in favor of the Defendant, the I.R.S. might retaliate against you? If so, would this fear or concern affect in any way your ability to be a fair and impartial juror?

19. There will be witnesses who will testify in this case who work for the I.R.S. or other state and federal agencies. Are there any of you who believe that government employees are more credible, believable and trustworthy than witnesses who do not work for government? Will any of you give more credence to the testimony of government witnesses simply because they work for the government than you will give to the testimony of private citizens?

**D. Prior Contact with Judicial System:**

20. Have any of you ever served as jurors in any civil or criminal case in either state or federal court, or even a grand jury? For those who have served as jurors in criminal cases, what verdicts did you render? For those who have served as jurors in criminal cases, is there anything you experienced in such cases which would cause you to be prejudiced against or antagonistic toward the defendant in this case? Can each of you be fair and impartial toward this defendant?

21. Have any of you, or any member of your immediate family, been a party, either plaintiff or defendant, in a civil or criminal case?

22. Have any of you ever been called to testify as a witness to any proceeding in court, either state or federal?

23. Have any of you been victimized by a crime? If, so, can you provide the circumstances? If you have been victimized by a crime, will that fact have any bearing upon your ability to sit as a juror in this case?

24. Have any of you, or members of your immediate family, ever been accused or charged with the commission of a crime? What were the circumstances regarding such accusations?

**E. Knowledge and Views of Tax Laws:**

25. Have any of you ever taken courses in school or through any other type of educational program that concerned either accounting or taxes? If so, what were those courses or programs?

26. Have any of you ever studied law generally or the federal income tax laws specifically? If so, under what circumstances?

27. Do any of you prepare your own income tax returns? Do any of you have others such as professionals prepare them for you? If you have some other party prepare your returns for you, why do you do this?

28. What are your views and beliefs regarding people who do not file income tax returns?

29. Have any of you ever heard the phrase "tax protester" used? If so, do you harbor any ill-will, animosity, hatred or prejudice against someone who might be so labeled as a "tax protester" by the government?

30. Of course, Mr. **Harpole** is charged in this case with willfully committing income tax crimes, and I anticipate that he will readily testify in this case and explain his

actions. Do any of you believe that he is nonetheless guilty regardless of whatever explanation or reason he might offer for his conduct in this respect?

**F. Miscellaneous Personal Information:**

31. What are your hobbies?

32. What is your favorite television show?

33. What is your favorite book or what book did you last read? What newspaper do you regularly read?

34. Do any of you know, are you acquainted with or are you friends with any other member of the jury panel who is sitting here in this courtroom?

35. Are each of you registered voters?'

**G. Duties of Jurors:**

36. Have any of you heard anything about this case through the news media? If you have heard anything, can you lay aside anything you may have heard about this case through the media and base your decision solely upon the evidence presented during this trial?

37. The defendant in this case is the subject of the indictment rendered in **this** cause, which charges him with crimes related to income taxes. The indictment does not constitute evidence herein and is only a formal criminal charge, and at this stage of the trial, the defendant is clothed with the presumption of innocence. Do each of you

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1. This question concerns the general eligibility to be a juror under 28 U.S.C. §1863(b)(2).

understand this? Do any of you believe that from the mere fact that the defendant has been charged, he is guilty?

38. A criminal case is different from a civil case. In civil cases, the burden of proof of the complaining party, the plaintiff, is merely to prove his claim by a preponderance of the evidence. In criminal cases, the burden of proof is different, and the prosecution's burden of proof is to establish the guilt of the defendant beyond a reasonable doubt. Do each of you understand this? Do any of you believe that the prosecution has a different burden of proof than beyond a reasonable doubt?


39. Do any of you have some handicap such as poor eyesight, difficulty in hearing, or some other physical illness or problem which might pose a problem for your sitting as a juror here?

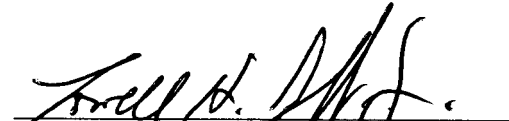
40. Do any of you have pressing matters regarding your job, **family** or other obligations which would pose a problem for you sitting as a juror in this case?

41. Will any of you have to travel a long distance from your home to this courthouse if you are selected as a juror?

42. Do any of you have any particular reason, about which I will not inquire, which would cause you not to want to sit as a juror in this case?

Respectfully submitted this the 15<sup>th</sup> day of June, 2004.

  
Lance Wells  
Attorney for Harpole

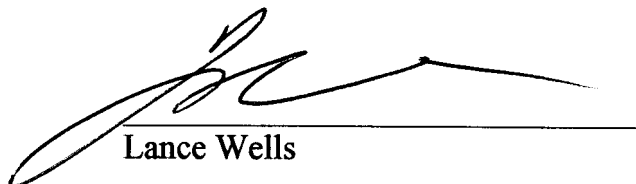
  
Lowell H. Becraft, Jr.  
Attorney for Harpole

CERTIFICATE OF SERVICE

I hereby certify that I have this date served a copy of the forgoing upon the below named counsel for the United States by depositing the same in the United States mail, postage prepaid, in an envelope addressed to him at his correct mailing address:

Thomas Bradley  
U.S. Attorney's Office  
Federal Building and U.S. Courthouse  
222 West 7<sup>th</sup> Avenue, #9, Room 253  
Anchorage, Alaska 99513-7567

Dated this the 15 day of June, 2004.

  
Lance Wells