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FILED
SUPERIOR COURT OF CALIFORNIA
COUNTY OF ORANGE
CENTRAL JUSTICE CENTER
OCT 18 2013
ALAN CARLSON, Clerk of the Court
BY L. HOYLE, DEPUTY

IN THE SUPERIOR COURT OF THE STATE OF CALIFORNIA

IN AND FOR THE COUNTY OF ORANGE, CENTRAL JUSTICE CENTER

THE PEOPLE OF THE STATE OF CALIFORNIA, Plaintiff, vs. MANUEL ANTHONY RAMOS JAY PATRICK CICINELLI, Defendants	Case Nos.: 11CF2575 **PEOPLE'S RESPONSE TO COURT'S & DEFENDANT'S PROPOSED JURY QUESTIONNAIRES.**

I. PEOPLE'S RESPONSE TO THE COURT'S PROPOSED JURY QUESTIONNAIRE.

The People agree with the court's proposed jury questionnaire. However, the People would also like the court to consider incorporating the following minor modifications:

1. Question No. 6 adding the words: "employer" and "employers;"
2. Inserting Question No. 18:

   "What clubs and organizations do you belong to or actively support?;"
3. Question No. 19, adding the words: "security or investigations;"

4. Inserting Question No. 22:

"Have you ever had a negative experience with, or held a negative opinion about, anyone who appeared to have a mental health problem or condition?;"

5. Inserting Question No. 23:

"Have you ever had a negative experience with, or held a negative opinion about, anyone who appeared to be homeless?";

6. Eliminating Question No. 48 which stated:

"Do you believe that it is possible for law enforcement personnel to make mistakes?"

7. Inserting Question No. 51:

"Do you believe that law enforcement personnel are more likely to be truthful than other witnesses when they testify in court?"

8. Adding the categories of "Prosecutors/District Attorneys; Orange County District Attorney's Office; and Criminal defense attorneys" to the Court's Question No. 49 (Now at Question No. 52).

9. Inserting Question No. 57:

"Will you follow the Judge's instructions to base your decision only on the evidence that is presented in this trial and the law that the Judge gives you, even if you disagree with the law?

10. Adding a line for date of birth before Question No. 1.

A copy of the court's questionnaire which incorporates the above-noted proposals is attached hereto as an exhibit. The copy reflects the proposed changes by highlighting them. An electronic copy of this proposal, without any highlighting, has been provided to the court as well.

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II. PEOPLE'S RESPONSE TO DEFENDANT CICINELLI'S PROPOSED JURY QUESTIONNAIRE.

The People have no objection to the following two questions proposed by defendant Cicinelli.

1. "Would any of your law enforcement connections make it difficult for you to sit on a case involving criminal charges?"[1]

2. "Would it disturb you if the credibility of the Fullerton Police Department was challenged at trial?"[2]

In all other respects, the People object to the questionnaire changes proposed by defendant Cicinelli. The People's objections are based on numerous grounds. The People are prepared to be heard on those objections, question-by-question, if the court deems necessary.

Dated this 18th day of October, 2013.

Respectfully submitted,
TONY RACKAUCKAS, DISTRICT ATTORNEY
COUNTY OF ORANGE, STATE OF CALIFORNIA

By: _____
KEITH BOGARDUS
Deputy District Attorney

[1] This question is located in the last subpart of defendant Cicinelli's proposed question no. 35.
[2] This question is located in the second-to-last subpart of defendant Cicinelli's proposed question no. 41.

PROPOSED CHANGES TO COURT'S JURY QUESTIONNAIRE

I. Personal Information.

Please provide the following information: Date of Birth: _____

1) Are you a registered voter in Orange County? Yes No

2) The country and state in which you were born. _____

_____

3) Each city in which you have resided for the past ten years starting with where you reside now.

_____

_____

4) Do you own the home you are living in? Yes No

5) What racial, ethnic or cultural group do you belong to? _____

6) Please list your current occupation and employer and any other occupations and employers you have had in the past 10 years.

_____

_____

7) If you are not presently employed what types of jobs have you had in the past?

_____

_____

8) List any Military Service you have had, including branch, dates of service and highest rank.

_____

9) Present marital status. _____

10) The occupation of your spouse or significant other and of all previous spouses. Include his or her most recent occupation if he or she is no longer employed.

_____

11) The gender and ages of your children. _____

_____

12) The gender and ages of your grandchildren. _____

_____

13) Your highest level of education, the last year you attended school, any degrees you have earned and your major field of study._____

_____

14) If you plan to continue your education, what will be your major or area of study?

_____

15) Can you read and write the English Language as spoken in the United States? Yes No

16) What newspapers either printed or online do you regularly read?_____

_____

17) What television and radio shows do you regularly watch and listen to?_____

_____

18) What clubs and organizations do you belong to or actively support?_____

_____

19) Have you had any special training, education or experience in any of the following areas: Medicine, Security or Investigations, Criminal Justice, Psychology, Psychiatry or the analysis of video recordings or surveillance recordings? Yes No

If yes, please explain._____

_____

20) Have you or any of your close friends or family members ever suffered from any type of mental defect or disease? Yes No

If yes, please explain._____

_____

21) Is there anything about that experience that would affect the way you would consider evidence regarding mental health issues or the testimony of a mental health care professional?
Yes No

If yes please explain._____

_____

22) Have you ever had a negative experience with, or held a negative opinion about, anyone who appeared to have a mental health problem or condition? Yes No

If yes please explain._____

_____

23) Have you ever had a negative experience with, or held a negative opinion about, anyone who appeared to be homeless? Yes No

If yes please explain._____

_____

24) Do you have any health related issues that would prevent you from sitting as a juror?
Yes No

If yes, please explain._____

25) Do you faint or become nauseous when seeing photos of deceased or injured persons?
Yes No

26) In group situations do you prefer to: (a) lead a group or (b) be a general member of a group?

27) Do you prefer working: (a) independently or (b) with a group?

28) Do you or do you have any close friends or relatives who belong to any organizations that deal with people with mental health issues? Yes No

If yes, please explain. _____

44) Have you or a close friend or relative ever been charged with any type of crime by the Orange County District Attorney's office? Yes No

If so, when and for what?_____

_____

45) Have you ever visited a jail or prison? Yes No

If so, what were the circumstances?_____

_____

46) Have you ever testified in a court proceeding? Yes No

If so, please give details._____

_____

47) Except during jury duty, have you ever observed a criminal trial? Yes No

If so, under what circumstances?_____

_____

48) Do you belong to any organizations that could be considered to be in support of law enforcement or are victim's rights organizations? Yes No

If so, which ones._____

_____

V. Opinions on Witnesses

49) Do you believe that law enforcement personnel always tell the truth? Yes No

50) Do you believe the law enforcement personnel never tell the truth? Yes No

51) Do you believe that law enforcement personnel are more likely to be truthful than other witnesses when they testify in court?

Yes No

52) Have you had any experiences with the following professional groups that have been so positive or negative so as to cause you to be biased for or against them in general?

a. Law enforcement personnel	Yes	No
b. Psychologists or psychiatrists	Yes	No
c. Prosecutors/District attorneys	Yes	No
d. Orange County District Attorney's Office	Yes	No
e. Criminal defense attorneys	Yes	No

If yes to any of the above, please explain._____

_____

_____

53) In the law, certain witnesses have met basic qualifications that allow them to render opinions on issues at trial. These witnesses are called expert witnesses. They have greater training education and experience in a particular subject than the average person would. Do you believe that just because a person has expertise in a certain subject that you will automatically accept his or her opinion? Yes No

54) Experts will be testifying in this case giving opinions on the use of force by police officers in making arrests. Do you have any strongly held beliefs about how much force a police officer may lawfully use to make an arrest? Yes No

If yes what are your beliefs?_____

_____

55) Are your beliefs about such use of force so strong that you would automatically reject an expert's opinion if it differed from yours? Yes No

If yes, please explain._____

_____

VII. Conclusion.

56) Is there any reason you cannot disregard whatever you may have heard about this case before this trial and determine the guilt or innocence of each defendant based only on the facts and the law that are presented at this trial and from no other source? Yes No

If yes, please explain._____

_____

_____

57) Will you follow the Judge's instructions to base your decision only on the evidence that is presented in this trial and the law that the Judge gives you, even if you disagree with the law?
Yes No

If no, please explain._____

_____

_____

58) Is there any reason you cannot sit as a fair and impartial juror in this case? Yes No

If yes, please explain below

Dated:_____

Signed: Juror Number _____

Please use the following space for additional answers. Make sure you identify the question you are answering by number.

_____

_____

_____

_____