

§2:41 Questions Regarding Relationship to Defendant, Witness, Law Enforcement

Q: Does anyone know Mr. _____?

Q: Does anyone know any of the witnesses?

Q: Has anyone here ever been employed by, or have a spouse or close friend who has ever been employed by any of the following agencies:

The District Attorney's Office.

The U.S. Attorney's Office.

The court system.

Probation or parole.

Police.

Sheriff.

Constable.

Department of Public Safety.

FBI.

U.S. customs.

DEA.

Military police.

The military.

A law office.

Fire Department arson squad.

Citizens' crime groups.

Q: Has anyone here ever worked or served as, or had a spouse or close friend who has ever worked or served as:

A security guard.

A grand juror.

A juror (civil and/or criminal).

§2:42 Questions Related to Police Officers

Q: Has anyone here ever wanted to be a law enforcement officer?

Why?

What happened?

Q: Has anyone here ever worked with the police officers? When?

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Q: Just as it might be said that Mr. _____ has a motive not to tell the truth so that he could be found innocent, can you think of any motives an officer might have not to tell the truth?

Q: Has anyone here ever had courses in police science, criminology, or received any specialized training in police forensics?

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Q: Please describe your thoughts on the following theories of punishment:

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Retribution.

Q: If Mr. _____ is convicted by you of the DUI offense, the range of punishment will be from 72 hours in jail up to two years in jail, and that would be in addition to a fine ranging from \$100.00 to \$2000.00. In this regard, what are your thoughts as to making a decision that might cause a person to be placed in jail and fined?

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COMMENT: Refusal case only: Our laws also provides that you the jury, upon conviction of Mr. _____, can recommend to the court that his driver's license not be suspended, but rather, that it be probated for a year.

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§2:55 Questions Related to Offense of DUI

Q: What if we had a law that DUI was such a bad crime that all persons arrested for it were automatically guilty?

Q: How would you feel about the offense of DUI?

Q: Has anyone here been a suspect in a DUI or public intoxication criminal prosecution?

Q: Does anyone here have a relative or a close friend who has ever been a suspect in a DUI or public intoxication criminal prosecution?

Q: Has anyone here been a witness in a DUI prosecution or a witness or defendant in a civil case that involved alcohol consumption?

Q: Does anyone here have a relative or has a close friend who has been a witness in a DUI prosecution or a witness or defendant in a civil case that involved alcohol consumption?

Q: Has anyone here been involved in an automobile accident in which one of the drivers had been allegedly consuming alcohol?

Q: Does anyone here have a relative or close friend who has been involved in an automobile accident in which one of the drivers had been allegedly consuming alcohol?

Q: Has anyone here heard of mothers against drunk drivers?

Q: What are your feelings on all DUI publicity in the media, newspapers, radio, television, etc?

Q: Has anyone here had any formal or on the job training in the areas of: alcohol research, medicine, nursing, or chemistry?

Q: Does anyone here have a relative or close friend who has any formal or on the job training in the areas of: alcohol research, medicine, nursing, chemistry?

§2:56 Questions Related to Alcohol

Q: Does anyone have a job related to the alcohol business?

Q: Has anyone here never consumed alcohol in the past?

Q: What are your feelings about "prohibition"?

Q: Does anyone here not now consume alcohol?

Q: Does anyone here have religious feelings against alcohol?

Q: Does anyone here not keep alcohol in the home?

Q: Describe your alcohol consumption, e.g., occasional, social, moderate, heavy?

Q: Describe your alcohol preference? Beer, wine, liquor?

Q: Does anyone here know the percent of alcohol in beer?

Q: Does anyone here know the percent of alcohol in wine?

Q: Does anyone here know the percent of alcohol in whisky?

Q: Does anyone here know how many beers it would take to bring their own blood, breath, or urine alcohol concentration to .10?

Q: Does anyone here know how much wine it would take to bring their blood, breath, or urine alcohol concentration to a .10

Q: Does anyone here know how much whisky it would take to bring their blood, breath, or urine concentration to a .10?

Q: Does anyone here have a drinking or drug problem?

Q: Does anyone here have a relative or close friend with a drinking problem or drug problem?

Q: Has anyone here ever been in a alcohol or drug rehabilitation?

Q: Does anyone here have a relative or close friend who was in the past or is now in an alcohol or drug therapy program?

Q: Has anyone here ingested alcohol and then operated a motor vehicle within: three hours, two hours, one hour?

Q: Your definition of "drunk"?

Q: Your definition of "intoxicated"?

Q: Your definition of "normal intoxication"?

Q: Have any of you ever experienced a difference in your normal mental or physical faculties after having consumed alcohol?

Q: Has anyone here felt the effect of alcohol but still believed you were within your "normal" range of mental or physical faculties?

Q: Has anyone here noticed the effect that eating food has on the effects of alcohol on one's self?

Q: Would anyone here require the "defendant's normal range" to be the same as their own "normal range"?

Bruce Kapsack originated many of the DUI defense strategies used throughout the country. He has worked or lectured with virtually every nationally-known expert in the DUI arena, and his DUI lectures for the California State Bar and the California Public Defenders are among the best attended in the state. Mr. Kapsack is an Instructor of NHTSA's Standardized Field Sobriety Tests. He has been trained as a user and maintenance technician for the Alco-Sensor IV hand-held roadside BAC breath machine, and owns and operates the Draeger 7410 and 7110 Breathalyzers and the Intoxilyzer 5000. He is the author of Innovative DUI Trial Tools, from which this article is excerpted.

<https://www.jameseducationcenter.com/articles/dui-voir-dire-questions/>

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Q: Does anyone here have a relative or a close friend who has ever been a suspect in a DUI or public intoxication criminal prosecution?

Q: Has anyone here been a witness in a DUI prosecution or a witness or defendant in a civil case that involved alcohol consumption?

Q: Does anyone here have a relative or has a close friend who has been a witness in a DUI prosecution or a witness or defendant in a civil case that involved alcohol consumption?

Q: Has anyone here been involved in an automobile accident in which one of the drivers had been allegedly consuming alcohol?

Q: Does anyone here have a relative or close friend who has been involved in an automobile accident in which one of the drivers had been allegedly consuming alcohol?

Q: Has anyone here heard of mothers against drunk drivers?

Q: What are your feelings on all DUI publicity in the media, newspapers, radio, television, etc?

Q: Has anyone here had any formal or on the job training in the areas of: alcohol research, medicine, nursing, or chemistry?

Q: Does anyone here have a relative or close friend who has any formal or on the job training in the areas of: alcohol research, medicine, nursing, chemistry?

§2:56 Questions Related to Alcohol

Q: Does anyone have a job related to the alcohol business?

Q: Has anyone here never consumed alcohol in the past?

Q: What are your feelings about "prohibition"?

Q: Does anyone here not now consume alcohol?

Q: Does anyone here have religious feelings against alcohol?

Q: Does anyone here not keep alcohol in the home?

Q: Describe your alcohol consumption, e.g., occasional, social, moderate, heavy?

Q: Describe your alcohol preference? Beer, wine, liquor?

Q: Does anyone here know the percent of alcohol in beer?

Q: Does anyone here know the percent of alcohol in wine?

Q: Does anyone here know the percent of alcohol in whisky?

Q: Does anyone here know how many beers it would take to bring their own blood, breath, or urine alcohol concentration to .10?

Q: Does anyone here know how much wine it would take to bring their blood, breath, or urine alcohol concentration to a .10

Q: Does anyone here know how much whisky it would take to bring their blood, breath, or urine concentration to a .10?

Q: Does anyone here have a drinking or drug problem?

Q: Does anyone here have a relative or close friend with a drinking problem or drug problem?

Q: Has anyone here ever been in an alcohol or drug rehabilitation?

Q: Does anyone here have a relative or close friend who was in the past or is now in an alcohol or drug therapy program?

Q: Has anyone here ingested alcohol and then operated a motor vehicle within: three hours, two hours, one hour?

Q: Your definition of "drunk"?

Q: Your definition of "intoxicated"?

Q: Your definition of "normal intoxication"?

Q: Have any of you ever experienced a difference in your normal mental or physical faculties after having consumed alcohol?

Q: Has anyone here felt the effect of alcohol but still believed you were within your "normal" range of mental or physical faculties?

Q: Has anyone here noticed the effect that eating food has on the effects of alcohol on one's self?

Q: Would anyone here require the "defendant's normal range" to be the same as their own "normal range"?

Bruce Kapsack originated many of the DUI defense strategies used throughout the country. He has worked or lectured with virtually every nationally-known expert in the DUI arena, and his DUI lectures for the California State Bar and the California Public Defenders are among the best attended in the state. Mr. Kapsack is an Instructor of NHTSA's Standardized Field Sobriety Tests. He has been trained as a user and maintenance technician for the Alco-Sensor IV hand-held roadside BAC breath machine, and owns and operates the Draeger 7410 and 7110 Breathalyzers and the Intoxilyzer 5000. He is the author of Innovative DUI Trial Tools, from which this article is excerpted.

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