

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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UNITED STATES OF AMERICA	:	
	:	
v.	:	
	:	
SAMUEL BANKMAN-FRIED,	:	
	:	
Defendant.	:	

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S6 22 Cr. 673 (LAK)

**DEFENDANT SAMUEL BANKMAN-FRIED’S  
PROPOSED VOIR DIRE QUESTIONS**

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*Attorneys for Samuel Bankman-Fried*

The defendant, Samuel Bankman-Fried, respectfully requests, pursuant to Rule 24(a) of the Federal Rules of Criminal Procedure, that the Court include the following questions in its examination of prospective jurors in addition to the Court's standard voir dire questions. The Court is requested to pursue more detailed questioning if a particular juror's answer reveals that further inquiry is appropriate and, in such an instance, to conclude with an inquiry whether the particular fact or circumstance would influence the juror in favor of or against either the Government or the defendant, or otherwise affect the juror's ability to serve as a fair and impartial juror in this case.

### **INTRODUCTION**

You are being considered for jury service in a criminal case involving charges against Samuel Bankman-Fried. This case is very important to both sides and they depend on you to respond as fully and honestly as you can to every question. If there is any question that you prefer to answer in private, please let us know and we will arrange for that to happen. If you do not understand any of the terms I use, please bring that to my attention as well.

#### **A. Pretrial Publicity**

1. Have you read, seen, or heard anything about this case?
  - a. If so, where and what?
2. Based on anything you have read, seen, or heard about this case, have you formed any opinion about this case?
  - a. If so, what is your opinion?
  - b. Could you completely ignore that if you were a juror in this case?
3. Have you read, seen, or heard anything about the companies FTX or Alameda Research?
  - a. If so, where and what?

4. Based on anything you have read, seen, or heard about this case have you formed any opinion about these companies?
  - a. If so, what is your opinion?
  - b. Could you completely ignore that if you were a juror in this case?
5. Have you read, seen, or heard anything about Samuel Bankman-Fried?
  - a. If so, what and where?
  - b. Could you completely ignore that if serving as a juror on this case?
6. Based on anything you have read, seen, or heard about this case, have you formed any opinion about Samuel Bankman-Fried?
  - a. If so, what is your opinion and what is it based upon?
  - b. Could you completely put that out of your mind if serving as a juror on this case?
7. Based on anything you have read, seen, or heard about this case, have you already formed an opinion about Samuel Bankman-Fried's guilt or innocence?
  - a. If so, please explain.
  - b. What is the basis of your opinion?
  - c. If you were a juror on this case, would you agree that Samuel Bankman-Fried would be starting off a little bit behind or that the Government might have a little head start?
8. Have you verbally stated or posted your opinion online or on social media or any other way about Sam Bankman-Fried, FTX, Alameda Research, or this case?
  - a. If so, what did you post and where?
9. Based on anything you have read seen or heard about the case or Samuel Bankman-Fried, including anything about the criminal charges brought against him, is there any reason you could not follow the Judge's instructions to put that information completely out of your mind and decide this case based solely on the evidence presented at trial as if you never saw or heard that information?

**B. Cryptocurrency / Financial Industry**

1. Please indicate if you *never* have, or *would never*, buy, sell, or transact in any way in cryptocurrencies or crypto assets?
  - a. If so, please explain.
2. Have you, or a family member, or someone close to you ever lost money trading cryptocurrencies or crypto assets?
  - a. If so, what do you believe caused that loss?
3. Do you have a negative opinion about cryptocurrency, the cryptocurrency markets, cryptocurrency businesses, or people who work in cryptocurrency?
  - a. If so, what is your opinion and what is your reason or basis?
4. Would you say your opinion is at all negative regarding people who work in the financial industry, the banking industry, the stock market, or hedge funds?
  - a. If so, what is your opinion and what is your reason or basis?
5. If a company involved in the cryptocurrency industry or the financial industry fails, do you feel that only the owners of the company must be to blame?
  - a. If so, why and what is your basis?

**C. Effective Altruism**

1. Do you have any negative opinion about amassing wealth to support causes to improve the world or help others? If so, what is your opinion and why?
2. Have you heard of, or are you familiar with, a philosophical movement called “Effective Altruism” or “EA”?
3. Is there anything you have read, seen, or heard about Effective Altruism that would make it hard for you to be a fair and impartial juror in this case?

**D. Political Donations / Lobbying**

1. Do you think it is wrong to contribute large amounts of money to political candidates or lobbying groups, such as “PACS,” as a general principle?
2. Do you think it is wrong for people to contribute money to political candidates or lobbying groups to help their interests?

**E. ADHD**

1. The defendant in this case has ADHD, which might affect things like his physical behavior, body language, or eye contact. Please raise your hand if you have *never had* any personal or professional experience with ADHD.
2. If you have *never had* any personal or professional experience with ADHD, do you have any opinion about the fact that the defendant has ADHD?
  - a. If so, what is your opinion?
  - b. Could you completely ignore that if you were a juror in this case?

**F. Nature of the Charges / Crime Victim**

1. Have you, or a family member, or someone close to you ever been the victim of a crime?
  - a. If so, please explain.
  - b. Might that experience make you side with the alleged victims in this case?
2. Have you, or a family member, or someone close to you ever been the victim of fraud?
  - a. If so, is there any way that might make it hard for you to be a fair and impartial juror in this case?
3. Have you, or a family member, or someone close to you ever lost money or been the victim of a financial scam?
  - a. If so, please explain.
  - b. Could that experience make you tend to lean one way or the other?
  - c. If so, please explain.
4. Have you ever been the victim of identity theft, or has someone else ever used your financial information or your money without your consent?
5. Have you or anyone close to you had any experience that might make it hard for you to be a completely fair and impartial juror to both sides in this case equally?
  - a. If so, please explain.

**G. Indictment**

1. Does the number of charges against the defendant make you believe that the defendant is probably guilty of at least something?
  - a. If so, please explain.
2. Do you feel this case is likely to have merit based on the fact that it has gotten to trial?
  - a. If so, please explain.

**H. Relationship with the Government**

1. Have you, or a family member, or someone close to you ever worked in law, law enforcement, the justice system, the courts?
  - a. If so, would that experience make you tend to lean in favor of the government in any way or feel disloyal to them if you did not?
2. Do you know or have any association—professional, business, or social, directly or indirectly—with any member of the staff of the United States Attorney’s Office for the Southern District of New York or any other prosecutor or prosecuting entity?
  - a. If so, please explain.
  - b. Would this affect your ability to serve as a fair and impartial juror in this case?
3. Do you know or have any association—professional, business, or social, directly or indirectly—with any member of the staff of the SEC or the CFTC?
  - a. If so, please explain.
  - b. If so, might this affect your ability to serve as a fair and impartial juror in this case? If so, please explain.
4. Do you know or have any association—professional, business, or social, directly or indirectly—with the Federal Bureau of Investigation, commonly known as the FBI or any other investigative entity?
  - a. If so, please explain.
  - b. If so, might this affect your ability to serve as a fair and impartial juror in this case? If so, please explain.

5. Have you, a family member, or anyone close to you ever worked for any branch or department of the government?
  - a. If so, please explain who and where, in what capacity, to the best of your knowledge.

**I. Personal Relationship with the Case Participants**

1. Do you, or a family member, or someone close to you personally know, or ever had any dealings, past or present, with Samuel Bankman-Fried?
  - a. If so, please explain.
2. Do you, or a family member, or someone close to you personally know or have past or present dealings with the U.S. Attorney for the Southern District of New York, Damian Williams, or any Assistant U.S. Attorneys, or anyone else who works for, or used to work for, the U.S. Attorney's Office for the Southern District of New York?
  - a. If so, please explain.
3. Do you, or a family member, or someone close to you personally know or have past or present dealings with the prosecutors on this case: Nicholas Roos, Danielle Sassoon, Danielle Kudla, Nathan Rehn, or Samuel Raymond?
  - a. If so, please explain.
4. Do you, or a family member, or someone close to you personally know or have past or present dealings with the defense attorneys on this case: Mark Cohen, Christian Everdell, David Lisner, and Sri Kuehnlentz?
  - a. If so, please explain.
5. Do you, or a family member, or someone close to you personally know or have past or present dealings with the United States District Court Judge Lewis Kaplan, who is presiding over this case, or anyone who works on his staff?
  - a. If so, please explain.
6. Do you, or a family member, or someone close to you, personally know or have past or present dealings with the F.B.I.?
7. Do you, or a family member, or someone close to you, personally know or have past or present dealings with the following people who may testify in this case [*names of witnesses to be supplied closer to trial*]?

**J. Ability to Serve**

1. Do you have any physical, emotional, or mental condition, or take any medication that would make it difficult for you to sit for long periods of time, or pay attention to information and recall information?
  - a. If so, please explain.
2. Do you tend to focus on the big picture or on critical details? Please explain.
3. Do you have primary responsibility for the care of a child or someone else that would make it difficult for you to serve on a jury?
  - a. If so, please explain.
4. If English is not your first language, do you have any concerns about understanding, speaking, reading, or writing in the English language?
  - a. If so, please explain.
5. This trial is expected to last approximately \_\_\_\_ weeks. Is there any reason that would cause you serious hardship?
  - a. If so, please explain.

**K. Personal Background / Opinions**

1. Investing and Finances
  - a. Please raise your hand if you have *never* invested.
  - b. Please raise your hand if you have *never* invested in any of the following: stocks, securities or bonds, IRA/401(k), CD, mutual funds, or a money market fund.
  - c. Please raise your hand if you have always been successful when applying for a mortgage, loan, or credit card.
2. Residence
  - a. Do you own or rent your home?
  - b. Whom do you live with, if anyone?

3. Occupation

- a. What is your current occupation and if you are not currently working, your most recent occupation and employer?
- b. If you are not currently working, please explain the circumstances that led to you not working.
- c. Who is the main breadwinner in your household?
- d. Please raise your hand if you have always worked in the same career or same field. If so, please explain.

4. News

- a. What is your main source of news, if any?

5. Free Time/Hobbies

- a. What do you like to do in your free time?

6. Technology

- a. Would you say you are someone who prefers the latest technology or newest type of equipment?
- b. Would you say you are someone who prefers start-up type businesses over familiar, traditional ones?

7. Regulators

- a. Are you familiar with the Securities and Exchange Commission (SEC) and the Commodities Futures Trading Commission (CFTC)?
- b. If so, how would you describe your opinion of the SEC and the CFTC? On what is your opinion based?

**L. Prior Jury Service**

1. Have you ever been a juror before this?
  - a. If so, on what type of case was it? Criminal or civil?
  - b. Did you reach a verdict?
  - c. Were you ever a foreperson?

**M. Legal Principles**

1. Under the law, a defendant in a criminal case is presumed innocent and is not required to put on any defense at all. The government is required to prove the defendant guilty beyond a reasonable doubt on each charge.
  - a. Is there any reason you might not accept the principle that all defendants are presumed innocent, including Sam Bankman-Fried?
  - b. Is there any reason you would expect the defendant to put on a defense and hold it against him if he did not?
  - c. Is there any reason you would not require the government to fully meet its burden of proof beyond a reasonable doubt and would accept a lower standard of proof instead?
    - i. If so, please explain.
    - ii. Is there any reason you might not be able to accept these principles, and be able to apply them if selected to serve on this jury?
2. Under the law, a defendant in a criminal case has an absolute right not to testify, and a juror cannot hold it against the defendant if he chooses not to testify.
  - a. Is there any reason you would hold it against the defendant if he did not testify?
3. A juror is required by law to make his or her decision based solely on the evidence or lack of evidence presented in Court, and not on the basis of conjecture, suspicion, bias, sympathy, or prejudice. Is there any reason why you might not be able to put those things completely out of mind when deciding this case if you were selected to serve on this jury?
  - a. If so, please explain.
4. The judge will explain the law for this case and what the government needs to prove. Is there any reason that you would judge this case based on your own moral principles or feelings, rather than setting them aside and holding the government to proving its case beyond a reasonable doubt according to the law?
  - a. If not, please explain.
5. You may hear testimony in this case from expert witnesses. Have you had any experiences with experts, or do you have any general feelings about the use of experts, that would affect your ability to be fair and impartial in this case?

- a. If so, please explain.
6. You may hear testimony from FBI agents. Is there any reason you would give more weight or credit to their testimony than you would give to other types of witnesses?
  - a. If so, please explain.
7. From now and until your jury service is complete, you are instructed to avoid all media coverage and not to go on the Internet with regard to this case for any purpose. That is, you are forbidden from reading, watching, or listening to any news media or social media regarding this case, or any discussion of this case (or of anyone participating in the case) outside of the courtroom whatsoever. You also must not discuss this case with anyone. This includes your family, friends, acquaintances, neighbors, current or former spouse(s), domestic partner, colleagues, and co-workers. These instructions apply from now and until you are either dismissed from jury selection or chosen as a juror and the trial is complete.

Do you have any reservations or concerns about your ability or willingness to completely follow this instruction?

- a. If so, please explain.
8. Is there any reason you would especially like to serve as a juror on this case?
  - a. If so, please explain.
9. Is there any reason you believe that the outcome of this case could affect you personally? If so, please explain.
10. Is there anything we have not asked, but you believe is important for us to know or that might make you unsuitable to serve as a juror on this case?
  - a. If so, please explain.

Dated: September 11, 2023  
New York, New York

Respectfully submitted,

/s/ Mark S. Cohen

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