

Proposed Voir Dire Questions: *State v. Billy Joe Shaver*

Prosecutor's Office

1. Does anyone on the jury panel know anyone who works in the District Attorney's Office?

Already Formed Opinion

2. Is there anyone on the panel that is sitting there saying to yourself, "I think the Defendant is guilty of the charges?" It's ok if you feel that way, we just need to know. Anyone feel that way?

Dick DeGuerin

3. As the judge told you, my name is Dick DeGuerin and I am a criminal defense lawyer. Does anyone on the panel have a negative opinion of me or of criminal defense lawyers in general?

Famous People

4. Anybody know anyone who is well known or famous?
5. Do you think there are some people that like to pick a fight with a well known or famous person?
6. Does anyone on the panel believe that if a person threatens to hurt or kill a famous person, the famous person deserves it?

Billy Joe Shaver

7. I stand here today with my friend Billy Joe. How many of you have heard of Billy Joe, who is a singer and songwriter?
8. Is there anyone on the panel who has met Billy Joe?
9. Anyone heard or read about Billy Joe's reputation?

Duvall Documentary

10. Anyone on the panel see the documentary that Robert Duvall did on Billy Joe?

Papa Joe's Saloon

11. Anyone on the jury panel ever been to Papa Joe's Saloon?

Mean Drunks

12. Has anyone ever known someone who was a mean drunk? The kind of person that likes to start fights when they've had too much to drink?

Military Service

13. Who on the panel or your spouse has served in the military? Of those of you that raised your hand, did any of you ever see combat?

Fights

14. I want to ask the following question regarding you, your spouse, and your kids: Is there anyone on the panel—including you, your spouse, or your kids—who has never been in a fist fight?
15. Same question—you, your spouse, or your kids—in your entire life, how many of you would say that you've been in 5 fist fights?
16. Anyone on the panel where there has been 10 fist fights or more?

Knife as a Deadly Weapon

17. Who agrees with this statement: A knife can be a deadly weapon? Raise your hand if you disagree and believe a knife is not a deadly weapon.

Split-Second Decision

18. Ever been in a situation where you had to make a split-second decision?
19. Would you agree with me that you did what you thought you had to do at the time?
20. In retrospect, there was probably something else you could have done, but at the time you made the best decision that you could. Please raise your hand if you agree with me. Anyone disagree?

Self-Defense

21. Speaking of split-second decisions, I now want to ask you some questions about your views and opinions on self-defense. Has anyone on the panel ever heard or read of a situation where a person was acting in self-defense to protect themselves?
22. Has anyone ever been in any situation from a school ground fight to a bar fight to even defending our country where you used force to defend yourself?
23. Has anyone ever tried to use a weapon of any kind on you: a frying pan, a bat, a knife, or even a gun?
24. Show of hands: Has anyone ever been in a situation where you feared you could be seriously hurt or even die?
25. Anyone on the panel feel it is just wrong to defend yourself if you honestly believe your life is being threatened?
26. Is there anyone on the jury panel who feels that if someone pulled a knife on you that you would always try and run away, even if it meant that the person with the knife would seriously hurt or even kill you?

[If anyone says yes, ask the following question.] Can you think of any situation or circumstance where you would defend yourself?

[To those jurors who do NOT raise their hands] So are the rest of the members of the panel telling us that each of you is the type of juror that is open to the idea that a person has the right to defend himself if someone pulls a knife on them?

27. The law in Texas says that when deciding if a person was acting in self-defense, you have to decide that question by looking at the situation from the defendant's standpoint.

Can everyone promise the judge that you will follow the law and decide the issue of self-defense from the defendant's perspective?

28. Can each of you assure the prosecutor that you will follow the law as it relates to self-defense?
29. And finally, can each of you promise Billy Joe that you will follow the law of self-defense and consider what happened as if you were standing in his boots?

Catch-All Questions

30. Other than the people who have already spoken up, is there anyone else sitting out there right now thinking to themselves, "From what I've heard so far, I'm already leaning towards or favoring the prosecution"?
31. Anybody sitting out there that is thinking, "If Dick had just asked me this one question he would have learned something that is very important to me"?