

1 DENNIS K. BURKE
United States Attorney
District of Arizona

2
3 FRANK T. GALATI
Assistant U.S. Attorney
Arizona State Bar No. 003404
frank.galati@usdoj.gov

4
5 JAMES R. KNAPP
Assistant U.S. Attorney
Arizona State Bar No. 021166
james.knapp2@usdoj.gov
6 Two Renaissance Square
40 N. Central Avenue, Suite 1200
7 Phoenix, Arizona 85004-4408
Telephone: (602) 514-7500

8 UNITED STATES DISTRICT COURT
9 DISTRICT OF ARIZONA

10 United States of America,
11 Plaintiff,

12 v.

13 Janice Sue Taylor,
14 Defendant.

No. CR-10-0400-PHX-MHM
**GOVERNMENT’S RESPONSE TO
THIRD MOTION IN LIMINE**

15 The United States, through undersigned counsel, responds to the Third Motion in Limine
16 by Janice Sue Taylor (doc. 116).

17 **I. Argument.**

18 Ms. Taylor demands that this Court this exclude any person with an apparent conflict of
19 interest ^{1/} from the jury. Toward that end, she proposes voir dire questions which purport to
20 identify individuals who have a disqualifying conflict of interest. She also asks that the Court
21 recuse itself should it have a conflict of interest. The problem with all this, of course, lies in
22 Taylor’s argument concerning that which constitutes a “conflict of interest.”

23 **A. Exclusion of Jurors with a Conflict of Interest**

24 Persons who harbor potential biases or prejudices which they are unable to set aside and
25 that would impact the ability to fairly and impartially evaluate evidence and apply law should
26

27 ^{1/} Taylor uses the phrase “conflict of interest.” From the context in which the phrase is
28 used, we conclude that Taylor is referring to a potential bias or prejudice on the part of
venirepersons.

1 be excluded from serving as a juror. Such a proposition cannot be gainsaid. However, through
2 application of her apparent definition of “conflict of interest,” Taylor seeks to bar from jury
3 service a far greater class of people than those who harbor bias or prejudice. She appears to
4 define any individual who receives or who might eventually receive government benefits as “an
5 officer or employee of the executive branch of the United States Government.” This is utter
6 nonsense. Taylor’s request that the Court strike, on that basis alone, such persons from the jury
7 panel should be denied. We respectfully ask the Court to do just that.

8 **B. Proposed Voir Dire Questions**

9 Taylor’s appears to propose six voir dire voir dire questions on page 3 of the Motion. At
10 this time, the United States takes no position on the appropriateness of those questions. If the
11 Court please, we will address them at the time the Court sets for the submission of voir
12 questions.

13 **II. Conclusion.**

14 For these reasons, this Court should deny the relief requested in Taylor’s Third Motion
15 in Limine.

16 Respectfully submitted this 20th day of October, 2010.

17
18 DENNIS K. BURKE
19 United States Attorney
20 District of Arizona

21 *s/ Frank T. Galati*

22 FRANK T. GALATI
23 JAMES R. KNAPP
24 Assistant U.S. Attorneys

25 **Certificate of Service**

26 I hereby certify that on 10/20/2010, I mailed copies of the attached document to the following

27 Janice Sue Taylor
28 3341 Arianna Ct.
Gilbert, AZ 85298
s/ Michelle L. Colberg