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8 UNITED STATES DISTRICT COURT
9 DISTRICT OF ARIZONA

10 United States of America,
11
12 Plaintiff,
13
14 v.
15 Janice Sue Taylor,
16
17 Defendant.

No. CR-10-0400-PHX-MHM
**GOVERNMENT’S RESPONSE TO
DEFENDANT’S MOTION TO
INSPECT JURY LIST**

16 The United States, through undersigned counsel, responds to Defendant’s motion to
17 inspect the grand and petit juror lists for the District of Arizona. (See Docket No. 177.)

18 The Jury Selection and Service Act of 1968, codified at 28 U.S.C. §§ 1861-1878, sets
19 forth procedures for the random selection of federal jurors in a non-discriminatory fashion.
20 General Order 09-17, available at www.azd.uscourts.gov/azd/courtinfo.nsf/General+Orders, is
21 the Jury Selection Plan for the District of Arizona, and it explains how grand and petit jurors are
22 selected from a master wheel, and how the names of individuals from the community are initially
23 included in the master wheel. The Plan states, on page eight, that the names and other personal
24 information for individuals included in the master wheel or selected for a grand or petit jury shall
25 not be disclosed “except as provided in 28 U.S.C. § 1867(f) and in this Plan.”

26 As Defendant points out, 28 U.S.C. § 1867(f) provides that “[t]he parties in a case shall
27 be allowed to inspect, reproduce, and copy such records or papers at all reasonable times during
28 the preparation and pendency of [a motion alleging non-compliance with the Act’s anti-

1 discrimination provisions].” *See also Test v. United States*, 420 U.S. 28, 38 (1975). The United
2 States therefore does not oppose her request for information, but suggests that the Court’s order
3 limit the type of information provided in order to respect the privacy of the individuals whose
4 personal information is included in the master wheel. *Cf. United States v. Beatty*, 465 F.2d 1376,
5 1381-82 (9th Cir. 1972) (“The court was free to fashion how the inspection should be made and
6 could have provided that appellant's attorney or his investigator make the inspection if the court
7 believed and found that appellant presented a security problem.”). For example, if Defendant is
8 principally concerned with whether prospective grand jurors and petit jurors are United States
9 citizens and residents of Arizona, the Court can order the Clerk’s Office to provide in electronic
10 format the city, county, and state of residence for all individuals on the master wheel, without
11 disclosing the names or other personal information of the individuals. ^{1/}

12 Defendant also asks for personal information of the particular grand jurors who returned
13 the indictment in this case. The Jury Selection and Service Act does not compel the disclosure
14 of such sensitive grand jury information. *See, e.g., United States v. McLernon*, 746 F.2d 1098,
15 1123 (6th Cir. 1984); *see also United States v. Causey*, 2004 WL 1243912 at *12 (S.D. Tex. May
16 25, 2004) (citing cases and stating that “[n]umerous courts have held that criminal defendants
17 challenging the grand jury selection process are entitled to inspect, reproduce, and copy only the
18 lists from which the grand jury was selected, not the names of specific jurors selected from the
19 grand jury pool”); *United States v. Gotti*, 2004 WL 32858 (S.D.N.Y. Jan. 6, 2004) (citing cases
20 and stating that “numerous courts have held that only the Master List from which the grand jury
21 was selected need be turned over, not the names of specific jurors from the grand jury pool”).
22 To obtain that information, Defendant would need to show a particularized need, which she has
23 not done. *See United States v. Hansel*, 70 F.3d 6, 8 (2nd Cir. 1995).

24 Accordingly, the United States does not oppose Defendant’s request for limited
25 information from the master wheel regarding prospective grand and petit jurors, but it does
26 oppose Defendant’s request for names and personal information from the master wheel, and it

27
28 ^{1/} The individuals on the master list are drawn from the voter registration records, so the
prospective jurors will necessarily be United States citizens. *See, e.g.,* Plan at 2; How to Register
to Vote in Arizona, www.azsos.gov/election/How_to_register.htm.

1 also opposes Defendant's request for names and personal information of the actual grand jurors
2 who returned an indictment in this case.

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4 Respectfully submitted this 19th day of January, 2011.

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s/ James Knapp

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10 Certificate of Service

11 I hereby certify that on 1/19/2011, I electronically transmitted the attached document to the
12 Clerk's Office using the CM/ECF system for filing and transmittal of a Notice of Electronic
Filing to the following CM/ECF registrants:

13 Susan Anderson

14 In addition, I mailed copies of the attached document to the following:

15 Janice Sue Taylor
16 3341 Arianna Ct.
Gilbert, AZ 85298

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