

1 DENNIS K. BURKE
United States Attorney
2 District of Arizona

3 FRANK T. GALATI
Assistant U.S. Attorney
Arizona State Bar No. 003404
4 Frank.Galati@usdoj.gov
JAMES R. KNAPP
5 Assistant U.S. Attorney
Arizona State Bar No. 021166
6 James.Knapp@usdoj.gov
Two Renaissance Square
7 40 North Central Avenue, Suite 1200
Phoenix, Arizona 85004-4408
8 Telephone (602) 514-7500

9 UNITED STATES DISTRICT COURT
10 DISTRICT OF ARIZONA

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

CR-10-00400-PHX-DGC

**OBJECTION TO PROPOSED VOIR
DIRE QUESTION # 20**

16
17 The Court has provided the parties with its proposed preliminary instructions and voir dire
18 questions. The United States has no objection to any of them save one. It is to voir dire question
19 #20 that we respectfully object.

20 Question #20 reads as follows: “Would the **fact that you felt obligated** to file tax returns,
21 **while Janice Sue Taylor did not**, cause you to believe that if you have to file, Janice Sue Taylor
22 has to file, and conviction is appropriate?” The United States objects to the question because
23 a fair reading of it tells the jury that it is a **fact** that defendant did not feel obligated to file tax
24 returns. Of course, the United States disputes this and will produce evidence that proves that it
25 is not so.

26 It appears that the Court’s intention is to ascertain if any potential juror is predisposed to
27 convict because the juror filed returns and the evidence may show that Taylor did not. We
28 suggest that the point which needs to be made here is that non-filing alone is not sufficient for

1 conviction; there are additional elements to each of the offenses charged. The United States has
2 no objection to the Court so informing the jurors or, for that matter, telling them the definition
3 of willfulness.

4
5 Respectfully submitted this 6th day of April, 2011.

6 DENNIS K. BURKE
7 United States Attorney
8 District of Arizona

9 *S/Frank T. Galati*

10 FRANK T. GALATI
11 JAMES R. KNAPP
12 Assistant United States Attorneys

13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
CERTIFICATE OF SERVICE

I hereby certify that on April 6, 2011, I caused the attached document to be electronically transmitted to the Clerk's Office using the ECF system for filing and be mailed to Janice Sue Taylor, 3341 Arianna Court, Gilbert, AZ 85298