

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION**

UNITED STATES OF AMERICA)	Criminal No. 3-95CR-294-R
)	
v.)	Filed: 12/4/95
)	
MRS. BAIRD'S BAKERIES, INC. and FLOYD CARROLL BAIRD,)	Violation: 15 U.S.C. § 1
)	
Defendants.)	

**GOVERNMENT'S RESPONSE TO DEFENDANTS' JOINT MOTION TO
SUBMIT JURY QUESTIONNAIRES AND BRIEF IN SUPPORT THEREOF**

The United States of America, through its attorneys, hereby responds to Defendants' Joint Motion to Submit Jury Questionnaires and Brief in Support Thereof.

The government does not object to the use of written jury questionnaires to assist counsel for both the government and the Defendants in selecting an impartial jury to hear this case. However, because Defendants' proposal does not provide for prior review of the proposed jury questionnaire by the Court or government counsel, the government objects.

In order to resolve the issue, the government suggests that Defendants submit their proposed jury questionnaire to the Court and government counsel no later than January 5, 1996. Further, we suggest that the government be allowed until January 12, 1996, to file objections, proposed alternative questions, or additional questions to the jury questionnaire proposed by Defendants. Finally, the government suggests that the final, approved jury questionnaire be distributed to and collected from potential jurors under the supervision of the Court and that the answers be delivered to government counsel and defense counsel at the same time. This

procedure will ensure that neither side gains an unfair advantage during jury selection.

Therefore, the government objects to Defendants' Joint Motion to Submit Jury Questionnaires because it appears to propose that defense counsel be allowed to submit jury questionnaires to potential jurors without prior review by government counsel or the Court. However, if the safeguards suggested in this response are adopted by the Court and defense counsel, the government will withdraw its objection.

Respectfully submitted,

_____/s/_____
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FLOYD CARROLL BAIRD,)	
)	
Defendants.)	

ORDER

The Court, having considered the Defendants' Joint Motion to Submit Jury Questionnaires and Brief in Support Thereof and the Government's Response hereby finds that the motion should be granted, subject to the following conditions:

- (1) Defendants shall file their proposed jury questionnaire with the Court and government counsel by January 5, 1996;
- (2) the government shall file its written objections and proposed alternative or additional questions with the Court and defense counsel by January 12, 1996; and
- (3) the Court will collect the potential jurors' answers to the jury

questionnaire and distribute them to both defense counsel and government counsel on the day of jury selection.

IT IS SO ORDERED this ____ day of _____, 1995.

JERRY BUCHMEYER, CHIEF JUDGE
UNITED STATES DISTRICT COURT

CERTIFICATE OF SERVICE

This is to certify that true and correct copies of the foregoing Government's Response to Defendants' Joint Motion to Submit Jury Questionnaires and Brief in Support Thereof and proposed Order were mailed via Federal Express on the ____ day of December 1995, to

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