## UNITED STATES DISTRICT COURT SOUTHERN DISTRICT OF TEXAS HOUSTON DIVISION

UNITED S	STATES	OF A	AMERICA	)	Criminal I	No.	H - 94 - 58
				)			
	v.			)			
				)			
GLAZIER	FOODS	CO.	ı	)			
				)[fi	led 4/26/9	94]	
			Defendant.	)			
				)			

### GOVERNMENT'S RESPONSE TO DEFENDANT'S MOTION FOR INDIVIDUAL VOIR DIRE EXAMINATION

The United States of America, through its undersigned attorneys, hereby responds to the Defendant's Motion for Individual <u>Voir Dire</u> Examination of the jury panel.

The purpose of <u>voir dire</u> is to ensure the defendant's Sixth Amendment right to an impartial jury. Rosales-Lopez v. United States, 451 U.S. 182, 188 (1981). "Rule 24(a) of the Federal Rules of Criminal Procedure gives the trial court broad discretion in deciding the scope and method of the jury <u>voir</u> dire." United States v. Gerald, 624 F.2d 1291, 1296 (5th Cir. 1980), cert. denied, 450 U.S. 920 (1981). This broad discretion extends to the decision whether jurors should be questioned collectively, or individually out of the presence of other jurors. Id. at 296; see also United States v. Delval, 600 F.2d

1098, 1102 (5th Cir. 1979).

In the present case the defendant has not given any factual support or other justification for the requested individual voir dire examination. In the absence of such justification, the government submits that collective voir dire will be sufficient to ensure the defendant's right to an impartial jury, and at the same time will promote the interests of judicial economy and efficiency. See United States v. L'Hoste, 609 F.2d 796, 802 (5th Cir. 1980), cert. denied, 449 U.S. 883 (1981); United States v. Colacurcio, 659 F.2d 684, 689 (5th Cir. 1981), cert. denied, 455 U.S. 1002 (1982).

Respectfully submitted,

"/s/"

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#### CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the Government's Response to Defendant's Motion for Individual Voir Dire Examination and proposed order has been served upon and was sent via Certified Mail-Return Receipt Requested this 25th day of April, 1994, to:

> Joel M. Androphy, Esq. Berg & Androphy 3704 Travis Street Houston, Texas 77002

"/s/"
JANE E. PHILLIPS Attorney

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			)			
	V.		)			
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GLAZIER FO	ODS CO.	,	)			
			)			
		Defendant.	)			
			)			

#### ORDER

Upon consideration of the Defendant's Motion for

Individual Voir Dire Examination and the Government's Response,

The Defendant's Motion is hereby DENIED.

DONE AND ENTERED THIS \_\_\_\_\_ day of \_\_\_\_\_\_, 1994.

UNITED STATES DISTRICT JUDGE