

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

USDC SDNY
DOCUMENT
ELECTRONICALLY FILED
DOC #: 10/22/21
DATE FILED: 10/22/21

United States of America,

—v—

Ghislaine Maxwell,

Defendant.

20-CR-330 (AJN)

ORDER

ALISON J. NATHAN, District Judge:

For the reasons stated on the record at yesterday's conference, the Court will implement the following procedures for jury selection:

- A screening questionnaire will be administered on November 4, 5, and 12.
- The Clerk's Office will create a corresponding list of names and randomly assigned juror numbers. The list will be provided to counsel and the Court for use throughout jury selection. Jurors will be identified on the questionnaire and in court throughout the process by their assigned number only.
- Completed questionnaires will be copied and distributed to defense counsel by the U.S. Attorney's Office.
- After reviewing the completed questionnaires, counsel must confer in good faith and jointly submit four lists: (1) prospective jurors that both sides agree should proceed to voir dire; (2) prospective jurors that both sides agree should be excused; (3) prospective jurors that the defense, but not the Government believes should be excused; and (4) prospective jurors that the Government, but not the defense believes should be excused.

- Lists for questionnaires completed on November 4 and 5 will be due to the Court via email by November 7.
- Lists for questionnaires completed on November 12 will be due to the Court via email by November 13.
- If necessary, there will be an in-person conference on November 15 at 9:30 a.m. to resolve any disputes.
- Voir dire will proceed on November 16-19. The Court will conduct one-on-one voir dire with each prospective juror in the presence of the parties and with public access to the proceeding. At the conference, both sides indicated the potential need for additional procedures during voir dire under certain circumstances. *See* Transcript at 10-11. As the Court indicated, it will consider proposed narrowly tailored measures that may be necessary during voir dire on a case-by-case basis. *See id.* at 12.
- The Court will decide in due course whether the exercise of peremptory strikes will proceed on November 19 or November 29.

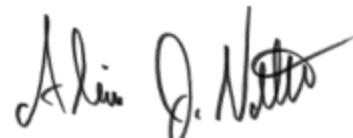
The Court implements these procedures taking into account the significant publicity this case has garnered, the nature of the charges, and the District's COVID-19 protocols. These procedures are carefully balanced and tailored to ensure the safety of the parties and prospective jurors in light of the continuing pandemic; to ensure juror candor, impartiality, and privacy; and to ensure the First Amendment right to public access of criminal proceedings.

Also for the reasons stated on the record at yesterday's conference, the request to seal the parties' proposed questionnaire and voir dire and the Court's draft questionnaire and voir dire until after jury selection is completed is denied. Although the Court has and will continue to implement tailored measures to ensure a fair trial despite significant media interest, *see* Dkt. Nos.

28, 81, 95, 99, 101, 232, 241, 284, 301, 315, the defense did not justify sealing the entirety of the proposed and draft questionnaires and voir dire. *See Lugosch v. Pyramid Co. of Onondaga*, 435 F.3d 110 (2d Cir. 2006). The Court's planned individual voir dire process is designed to carefully probe the prior exposure to and the potential influence of any pre-trial media. As noted at the conference, the parties may continue to propose for the Court's consideration, any appropriate and tailored procedures in light of the specific factors related to this case and upcoming trial.

SO ORDERED.

Dated: October 22, 2021
New York, New York



ALISON J. NATHAN
United States District Judge