

**DEATH PENALTY  
QUALIFICATION  
QUESTIONS  
ASKED TO  
PROSPECTIVE  
JURORS.**

**QUESTION 1:** “In this case, it may be necessary for you to make a determination in regard to the imposition of the death penalty or some other penalty. Remember, any penalty you might consider should be done as it is absolute and will be carried out. Your conscientious, religious, or other objections to the death penalty are not grounds for you to be excused as a juror. Do you understand these statements?”

**QUESTION 2:** “Are you religiously, morally, or otherwise against the imposition of the death penalty?” (Alternative: “Are you in favor of or opposed to the death penalty?”)

**“NO”  
 (“IN FAVOR OF”)**

**“YES” (“OPPOSED TO”)**

**QUESTION 3:** “To those of you who are in favor of the death penalty, are there any of you who are in favor of the death penalty in every case where a murder has been committed?”

**QUESTION 4:** “If possible, please try to answer this question “yes” or “no”: Even though you have a conscientious, religious, or other objection to the death penalty, if you are selected as a juror in this case, will you, nevertheless, follow my instructions as Judge and fairly consider the imposition of the sentence of death, if appropriate, in this case?” (Alternative: “It is possible in this case that I may instruct you that the law requires you to fairly consider the penalty of death. Even though you are against the imposition of the death penalty, will you follow the law and consider the penalty of death, if appropriate, in this case?”)

**QUESTION 5:** (Alternative to or in addition to Question 4) “If I instruct you that you are to consider the death penalty, will you be able to follow my instructions and consider the penalty of death?”

**“YES:” NOT  
QUALIFIED** (allow  
counsel to inquire).

**“NO:” QUALIFIED.**  
(unless answers change  
during counsel’s inquiry).

**“YES”  
 (COUNSEL QUESTIONS)**

**“NO”**

**CHOOSE THE FOLLOWING QUESTIONS AS APPROPRIATE:**

**QUESTION 6:** “Will your views on the death penalty prevent you or substantially impair your ability as a juror to perform your duty in accordance with your oath and the Court’s instructions?”

**QUESTION 7:** “If you were a juror in a case, would you automatically (in every case) vote against the death penalty, regardless of the facts and the evidence in the case? Would you, in this case, automatically vote against the death penalty under all circumstances?”

**QUESTION 8:** “Juror\_\_\_\_, are you stating to me, without any doubt, that, under no circumstances, will you follow my instructions as Judge, that you cannot and will not consider fairly the imposition of the sentence of death, if appropriate, in this case? Do you understand my question?” (Alternative: “If I were to instruct you that you must fairly consider the imposition of the death penalty in this case, will you be able to follow my order and fairly consider the penalty of death?” “Are you saying that, under no circumstances, would you be able to follow my order?”)

**QUESTION 9:** “ I will re-ask the question in stronger terms. Juror\_\_\_\_, do you unequivocally and without doubt state that, under no circumstances, will you follow my instructions as Judge and consider fairly the imposition of the death penalty, if appropriate, in this case?”

**QUESTION 10:** Do you have anything to state or clarify, amplify, expand, or otherwise make clear your answers to these questions?”

**Taking the juror’s answers to all questions posed by the Court and counsel,  
determine if he/she is death penalty qualified under federal and state law.**