IN THE SUPERIOR COURT OF FULTON COUNTY
STATE OF GEORGIA

STATE OF GEORGIA,

v.

KENNETH CHESEBRO *et al.*,

Defendants.

Case No. 23SC188947

Judge McAfee

MOTION REQUESTING ADDITIONAL TIME TO QUESTION JURORS

COMES NOW, Kenneth Chesebro, by and through undersigned counsel, and hereby requests additional time to question potential trial jurors. In support of his request, Defendant Chesebro shows this Honorable Court as follows:

During the September 29 virtual conference in this matter, the Court stated that the parties would each have one hour to question a panel of fourteen potential jurors, which amounts to less than five minutes per juror. Respectfully, Mr. Chesebro submits that this is insufficient due to the nature, length, and complexity of this case. Put simply, less than five minutes for each juror is not adequate to allow counsel to explore all potential biases, background, etc. of any juror and, in turn, leads to the risk that Mr. Chesebro will be denied the right to a fair and impartial jury.[1]

"The single purpose for *voir dire* is the ascertainment of the impartiality of jurors, their ability to treat the cause on the merits with objectivity and freedom from bias and

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[1] Contrasting the current matter to another high-profile RICO case currently ongoing in Fulton County (the "YSL prosecution"), the voir dire in that matter began on January 4, 2023. Chief Judge Glanville heard hardships until the end of July 2023, and voir dire is still ongoing at the time of this motion. While undersigned counsel is not suggesting that they need nine months to select a jury in this case, the contrast between what has occurred in the YSL case and what the Court has proposed in this case highlights the risk of limiting counsel's questioning during voir dire.

prior inclination." *Bryant v. State*, 288 Ga. 876 (2011), citing *Sallie v. State*, 276 Ga. 506 (2003). Although it is true that "[t]he scope of *voir dire* is generally a matter for the trial court's discretion," *Arrington v. State,* 286 Ga. 335 (2009), in exercising the Court's discretion, a defendant must be "permitted to ask sufficient questions to determine the fairness and impartiality of the prospective jurors." *Reynolds v. State,* 334 Ga. App. 496, 501 (2015).

For these reasons, in order to ensure that Mr. Chesebro is tried by a fair and impartial jury of his peers, as is his constitutional right, Mr. Chesebro asks the Court to allow the parties additional time to voir dire the potential jurors. [2]

Respectfully submitted, this the 2nd day of October, 2023.

/s/ *Scott R. Grubman*
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[2] Counsel is hesitant to ask for a specific amount of additional time needed due to the unique and unprecedented circumstances presented in this case. Instead, counsel would simply ask that they be able to adequately, but reasonably, question potential jurors as necessary in order to ensure a fair and impartial jury, regardless of how much time that may take.

/s/ *Manubir S. Arora*
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<u>CERTIFICATE OF SERVICE</u>

I hereby certify that I have this day served, via the Fulton County e-filing system, a

copy of the within and foregoing **Motion Requesting Additional Time to Question**

Jurors upon all parties.

This the 2nd day of October, 2023.

/s/ *Scott R. Grubman*
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