

## Confidential Juror Questionnaire

Juror Name: \_\_\_\_\_ (please print)

You have been called as a potential juror in the case of State of South Dakota v. Adrian Vaughn Lund. The case includes charges of murder, manslaughter, aggravated assault, and possession of a controlled substance. The trial is scheduled for February 5-16, 2024. **DO NOT DO ANY RESEARCH ABOUT THE CASE AND DO NOT DISCUSS THIS QUESTIONNAIRE WITH ANYONE UNTIL YOU ARE PERSONALLY IN COURT WITH THE JUDGE AND ATTORNEYS FOR JURY SELECTION.**

You are being asked to complete this written questionnaire to assist in the selection of a jury. Please be aware that your answers to these questions will be shown to the judge, the attorneys involved in the case, and the defendant. Each of these persons will maintain the confidentiality of your answers. In other words, the questionnaires will only be used in preparation for jury selection in this case and will not be made public.

Take your time. Answer all the questions to the best of your ability. **DO NOT SHOW THIS QUESTIONNAIRE TO ANYONE ELSE. DO NOT ASK ANYONE FOR HELP IN ANSWERING THE QUESTIONS. DO NOT DO ANY RESEARCH IN ORDER TO ANSWER THESE QUESTIONS. DO NOT TALK ABOUT THIS CASE WITH ANYONE, INCLUDING THE PERSONS WHOSE NAMES ARE LISTED IN THIS QUESTIONNAIRE.** If you cannot answer a question because you do not understand it, type or write "do not understand" in the space after the question. There are no right or wrong answers. The only requirement is that the answers be complete and honest.

You should not tell anyone that you are a potential juror in this case. As the in-person jury selection process gets closer, you may tell your employer, the persons with whom you live, or other necessary persons that you are going to be at the courthouse for jury selection in a criminal case. However, you should not tell them anything about the case, nor allow anyone to tell you anything about the case.

We need your truthful answers so that we pick a fair and impartial jury for a trial involving criminal accusations. The Judge and the lawyers realize that every person has beliefs and opinions concerning many things. You should answer with your true feelings, whatever they may be. Do not assume that any of your answers will qualify you or disqualify you from serving on this jury.

If completing the questionnaire on paper, write only on the front side of each page. If you are typing or writing and need additional space for an answer, there is a blank page/area at the end of the questionnaire.

EXCEPT FOR ANY PROCEDURAL QUESTIONS WHICH YOU MAY DIRECT TO PERSONS IN THE CLERK OF COURT'S OFFICE, **DO NOT DO ANY RESEARCH ABOUT THE CASE AND DO NOT DISCUSS THIS QUESTIONNAIRE WITH ANYONE UNTIL YOU ARE PERSONALLY IN COURT WITH THE JUDGE AND ATTORNEYS FOR JURY SELECTION.**

Between now and the jury trial, you should also not read or listen to anything about this case. If you are exposed to anything written or said about this case after you complete the questionnaire, you will need to disclose that information to the attorneys when you come into the courtroom for the in-person jury selection process later this year.

Any potential juror who violates any of the restrictions set forth above jeopardizes the fairness of this case, and a mistrial could result that would require the entire jury trial process to start over. As you can imagine, a mistrial is a tremendous expense and inconvenience to the Defendant, the attorneys, and the taxpayers in your county.

BY THE COURT:

Hon. Cheryle Gering, Circuit Court Judge

**QUESTIONS TO BE COMPLETED BY POTENTIAL JURORS—You must answer ALL questions truthfully and to the best of your ability. If you need additional space to answer any of the questions, use the space provided at the end of the Questionnaire.**

1. Do you know Adrian Vaughn Lund or anything about him or his character? **Do NOT do any research or talk to anyone to answer this question.**

Yes  No

If Yes, how do you know him, or what do you know about Adrian Vaughn Lund or his character?

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2. Did you know Timber Cournoyer or anything about her or her character? **Do NOT do any research or talk to anyone to answer this question.**

Yes  No

If Yes, how do you know her, or what do you know about Timber Cournoyer or her character?

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3. Check the boxes by names of all the attorneys listed below that you know personally. If you do know them, explain how you know them, your relationship to them (if any), and how long you have known them. If you do not know the listed person, leave the box empty.

Katie Mallery \_\_\_\_\_

Tyler Larsen \_\_\_\_\_

Melissa Fiksdal \_\_\_\_\_

Morgan Erickson \_\_\_\_\_

4. Has the South Dakota Attorney General’s Office or the Yankton County State’s Attorney’s Office ever taken any action or issued any opinions that would impact your ability to serve as an impartial juror in this case?

Yes  No

If Yes, please explain: \_\_\_\_\_

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5. Have any attorneys in the Resolute Law Firm (Sioux Falls, SD) ever performed any legal work on your behalf or for any business you own?

Yes  No

If Yes, please identify the attorney and the year when the legal work was completed. If the work is ongoing, write “ongoing”: \_\_\_\_\_

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6. Check the boxes by the names of all the law enforcement officers listed below that you know personally. If you do know them, explain how you know them, your relationship to them (if any), and how long you have known them. If you do not know the listed person, leave the box empty.

Elizabeth Carlson \_\_\_\_\_

Brett Craig \_\_\_\_\_

- Brett Fishel \_\_\_\_\_
- Brandon Frey \_\_\_\_\_
- Jason Foote \_\_\_\_\_
- Adam Goodwillie \_\_\_\_\_
- Tyler Heine \_\_\_\_\_
- Robert Lautner \_\_\_\_\_
- Javier Murguia \_\_\_\_\_
- Jericho Osborne \_\_\_\_\_
- Sarah O'Farrell \_\_\_\_\_
- Ryan Pennock \_\_\_\_\_
- Tonna Poppe \_\_\_\_\_
- Steve Wuebben \_\_\_\_\_

7. Check the boxes by the names of all the people listed that you personally know. If you do know them, explain how you know them, your relationship to them (if any), and how long you have known them. If you do not know the listed person, leave the box empty.

- Irene Aplan \_\_\_\_\_
- Kaliyah Brown \_\_\_\_\_
- Gary Cournoyer \_\_\_\_\_
- Benjamin Estabrook \_\_\_\_\_
- Kaycee Ferguson \_\_\_\_\_
- Cody Geffre \_\_\_\_\_
- Steven Hernandez \_\_\_\_\_
- Katheryn Hickey \_\_\_\_\_
- Sara Hubbell \_\_\_\_\_
- Mari James \_\_\_\_\_
- Rochello Kitto \_\_\_\_\_
- Jeremy Kroon \_\_\_\_\_
- Santeena McBride \_\_\_\_\_
- Michelle Medicine Bear \_\_\_\_\_
- Mark Nickles \_\_\_\_\_
- Katera Old Lodge \_\_\_\_\_
- Jennifer Palsma \_\_\_\_\_
- Tia Redbear \_\_\_\_\_
- Alexis Richey \_\_\_\_\_
- Dr. Kenneth Snell \_\_\_\_\_
- Heather Specht \_\_\_\_\_
- Kim Velk \_\_\_\_\_
- Ty Whipple \_\_\_\_\_

8. Have you seen, heard, or read anything about Adrian Vaughn Lund and the death of Timber Cournoyer that occurred on or about May 22 to and including May 23, 2023 in Yankton, from any source, including but not limited to, other persons, newspapers, television, radio, social media, or the internet? **Do NOT do any research or talk to anyone to answer this question.**

No, I have not seen, heard, or read anything regarding this matter. (If No, skip to Question 9)

Yes, I have seen, heard, or read something about this matter. (If Yes check all sources that apply and answer sections a and b, below).

newspapers

television

radio

internet news

social media

conversations with one or more people

other (please explain) \_\_\_\_\_

a. If you answered Yes to Question 8, please explain what you remember seeing, hearing, or reading about Adrian Vaughn Lund and the death of Timber Cournoyer. Your answer to this question can involve gossip, rumors, facts, or opinions.

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

b. If you answered Yes to Question 8, do you believe that what you have watched, seen, or heard, has influenced your opinion regarding the guilt or innocence of Adrian Vaughn Lund? Whether you answer Yes or No, please explain your answer.

Yes, because \_\_\_\_\_

No, because \_\_\_\_\_

\_\_\_\_\_

9. Are you a user of any social media platform such as, but not limited to, Facebook, Instagram, X (Twitter), TikTok, Snapchat, We Chat, Telegram, Marco Polo, Podcases, Ted Talk, chatrooms, blogs, websites of local/national news, or websites of newspapers?

Yes  No (If No skip to Question 11).

10. If you answered yes to Question 9, have you ever posted, shared, or written comments about Adrian Vaughn Lund, Timber Cournoyer, or this case?

Yes  No

If Yes, what comments did you post or share? \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

11. Have you formed any opinions or beliefs about the guilt or innocence of Adrian Vaughn Lund and the death of Timber Cournoyer?

Yes  No

If Yes, what is your opinion or belief, and what do you base that on? \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

12. Would you automatically give more weight to a law enforcement officer than you would the testimony of a civilian witness?

Yes  No

If Yes, please explain: \_\_\_\_\_  
\_\_\_\_\_

13. Would you automatically give less weight to a law enforcement officer than you would the testimony of a civilian witness?

Yes  No

If Yes, please explain: \_\_\_\_\_  
\_\_\_\_\_

14. Will any positive or negative feelings or beliefs you may have about law enforcement officers impact your ability to sit on this case as a fair and impartial juror?

Yes  No

If Yes, please explain how so: \_\_\_\_\_  
\_\_\_\_\_

15. Where did you grow up? \_\_\_\_\_

How long have you lived in Yankton County? \_\_\_\_\_

If you have lived in Yankton County less than 20 years, list the previous communities you have lived in since 2003:

\_\_\_\_\_  
\_\_\_\_\_

16. Please describe your education (check all that apply):

- High school diploma or GED
- Some Vo Tech or college hours, but no degrees received
- Vo Tech Degree or other technical degree
- Associate's Degree
- Bachelor's Degree
- Post-Graduate Degree
- Other (please describe) \_\_\_\_\_

17. Are you currently: (check all that apply)

- Primary caretaker of a child or another adult in your home
- Student (full or part-time)
- Employed full-time (with one or more jobs)
- Employed part-time (less than 35 hours per week)
- Unemployed but able to work
- Unemployed and unable to work
- Retired

18. If currently employed, state the name of your employer, and your occupation or general description of your job duties:

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19. Does any job you have had in the past or the job you currently have involve any supervisory responsibilities?

- Yes  No

If Yes, please explain: \_\_\_\_\_

20. The trial in this case is scheduled to take approximately two weeks, from February 5-16, 2024. We do understand that a lengthy jury trial will be challenging for all potential jurors. Our American criminal justice system requires the service of jurors. Having other commitments and responsibilities will not automatically excuse you from jury duty. However, we do appreciate knowing in advance if jurors have commitments that are so rigid that no other alternatives can be arranged during the trial. Do you believe that you have any employment-related, school, or caretaking requirements, or any other concerns of any kind, which would make it impossible for you to sit as a juror for a two-week jury trial?

- Yes  No

If Yes, please describe: \_\_\_\_\_

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21. Have you ever previously been selected to serve as a juror for a grand jury, or a trial that went to the jury to deliberate on a verdict?

- Yes  No (If No skip to Question 23).

If Yes, put a check by the kind of jury that you have previously served on. (Check all that apply).

- Grand Jury
- a criminal trial jury
- a civil trial jury

22. If you have previously served on a criminal trial jury, was the defendant found guilty or not guilty in the case(s) on which you served? If you have served on more than one criminal jury trial, you may check both boxes, if applicable.  Guilty  Not Guilty

23. Have you ever been called as a witness in any legal proceeding?  Yes  No

If Yes, please describe the circumstances: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

24. Have you, your significant other (current or ex), any member of your family, or any close friend, ever been employed in any capacity by a law enforcement agency, a court entity, a prosecuting or criminal defense attorneys' office, or any other agency or company that works with or is part of the criminal justice system? If yes, check each box that applies. If no, check the no box.

Myself  Significant Other  Family Member  Close Friend  No

If Yes, please state the name of the employer or type of employment by each person.

\_\_\_\_\_  
\_\_\_\_\_

25. Have you ever served in the military:  Yes  No

If yes, please complete the following:

Branch: \_\_\_\_\_

Did you volunteer or were you drafted:

\_\_\_\_\_

Did you reenlist:  Yes  No

What was your highest rank or paygrade attained: \_\_\_\_\_

What type of discharge did you receive: \_\_\_\_\_

What medals, honors or commendations did you receive? \_\_\_\_\_

\_\_\_\_\_

Were you ever in active combat where weapons were used by you or against you?  Yes  No

26. Have you, your significant other (current or ex), any member of your family, or any close friend, ever had an alcohol or drug abuse problem? If yes, check each box that applies. If no, check the no box.

Myself  Significant Other  Family Member  Close Friend  No

If Yes, please state whether those persons attended a treatment program of any kind.

\_\_\_\_\_  
\_\_\_\_\_

27. Have you, your significant other (current or ex), any member of your family, or any close friend ever been the victim of any assault, crime of violence, or other serious personal or property crime? If yes, check each box that applies. If no, check the no box.

Myself  Significant Other  Family Member  Close Friend  No

If Yes, please generally describe the type of crime that involved each person.

\_\_\_\_\_  
\_\_\_\_\_

28. Have you, your significant other (current or ex), any member of your family, or any close friend ever been charged with, accused of, investigated for, or convicted of any assault, crime of violence, a drug crime of any type, or any other crime (not including traffic tickets)? If yes, check each box that applies. If no, check the no box.

Myself  Significant Other  Family Member  Close Friend  No

If Yes, please generally describe the type of crime that involved each person.

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29. Do you have any strong feelings about certain criminal laws or how certain criminal laws are enforced?

Yes  No If Yes, please explain:

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30. Do you believe that the criminal court system is generally: (check one)

too lenient

too harsh

about right

no opinion

Please explain your belief: \_\_\_\_\_

31. Do you pay close attention to local criminal issues affecting the Yankton area?

Very close

Somewhat close

No attention

32. Is there anything about a case where the defendant and victim are of Native American descent that would make it difficult for you to serve as a juror?  Yes  No

Please explain: \_\_\_\_\_

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33. Does the fact this case involves the death of a person affect your ability to be a fair and impartial juror in this case?  Yes  No

Please explain: \_\_\_\_\_

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34. Is there anything about your particular situation, your personal beliefs (religious or other beliefs), or any other reason that was not previously covered in this questionnaire that would impact your ability to serve as a fair and impartial juror in this case?

Yes  No

If yes, please explain: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

35. Is there any matter not covered by this questionnaire that you think the attorneys, or the Court might want to know about you when considering you as a juror in this case?  Yes  No

If yes, please explain: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

36. Is there anything you would like to discuss outside the presence of the other potential jurors at the time of jury selection?  Yes  No

If yes, please generally explain what matter you would like to discuss privately: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_



**JUROR OATH/AFFIRMATION**

I swear under oath, or affirm under the pains and penalties of perjury, that the answers given to all of the questions above are complete and truthful answers to the same effect as if I were sworn under oath, or gave my affirmation, in open court to give truthful answers to the same.

I swear under oath, or affirm under the pains and penalties of perjury, that I have not performed, and that I will not perform, any independent research into this matter and that I have not discussed this case, nor will I discuss this case, with any other person until I come into court for the jury selection process.

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 2024.

\_\_\_\_\_  
Potential Juror's Signature/E-Signature