

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

_____	)	
	)	
UNITED STATES OF AMERICA	)	
	)	
v.	)	CRIMINAL NO. 21-cr-10104-PBS
	)	
VLADISLAV KLYUSHIN	)	
Defendant	)	
_____	)	

**PROPOSED VOIR DIRE**

Now comes the Defendant, Vladislav Klyushin, by and through undersigned counsel and pursuant to Rule 24(a) of the Federal Rules of Criminal Procedure, hereby respectfully requests that the Court include the following questions in its examination of prospective jurors.

**Views about Allegations and Russian Nationals**

1. Do you have any background, training, or experience related to cybersecurity or securities trading?
2. The allegations in this case involve hacking and insider trading by Russian nationals. Do you have such strong feelings concerning these allegations that you could not be a fair and impartial juror in this case?
3. There will be evidence that Mr. Klyushin’s company, M-13, contracted to provide services to the Russian Federation. Does this in any way impact your ability to be fair and impartial in this case?
4. Do you have any opinion about the war between Ukraine and Russia or allegations of Russian interference in United States elections that in any way impacts your ability to be fair and impartial in this case?

5. Does the fact that Mr. Klyushin is a Russian national and not a United States citizen impact your ability to be fair and impartial in this case and presume him innocent of the charges?

6. Do you hold any negative feelings or opinions regarding wealthy and/or successful people that would impact your ability to be fair and impartial in this case?

**Knowledge of the Case and Media Coverage**

7. How and where do you typically get your news? Meaning what newspapers, magazines, TV shows and websites do you regularly read, watch or visit to keep up with current events?

8. Have you heard, read, or seen anything from newspaper, television, radio, the internet, friends, family, or any other source, regarding Vladislav Klyushin, the charges against Mr. Klyushin, or this case?

9. If you are selected as a juror, you will not be permitted to read or listen to any news about this case. You won't be allowed to do any internet research concerning it. You will only be allowed to consider information that you hear in this courtroom as evidence. You won't be allowed to write about your participation as a juror on any internet site or blog. You won't be able to discuss what you are doing, with whom you are doing it, or the events that occur during the trial. This is very important. We live in a connected world, but this is a matter about which you need to focus solely on what's happening in the courtroom. Does anyone believe that they would have difficulties complying with this extremely important instruction?

**Knowledge of the Parties and Witnesses**

10. The government is represented here by the United States Attorney's Office for the District of Massachusetts. Ms. Rachael Rollins is the United States Attorney. Assistant United States Attorneys Stephen Frank and Seth Kosto will try the case for the government. They will be assisted by [Identity of agents or assistants to the Government at trial]. Mr. Klyushin will be represented by his attorneys Maksim Nemtsev and Marc Fernich.

11. Do you, a family member, or any close friends know any of these individuals?

12. Have you, or has anyone you know, had any dealings with any of these individuals or with the United States Attorney's Office here in the District of Massachusetts?

13. Do you, a family member, or any close friends, have any associations or employment with the United States Attorney's Office, the District Attorney's office, or for the Attorney General's office?

14. Do you, a family member, or any close friends, have any associations or employment with any law enforcement agency, federal, state, or local?

15. The parties expect that the following witnesses will testify [Identify witness list and employers].

- i. Does anyone have any knowledge of any of the potential witnesses?
- ii. Do you, a family member, or a close friend work at the relevant companies/organizations?

**Views About the Defendants, Witnesses, and the Government**

16. Would you tend to give the Government's witness testimony or evidence more weight than the defendant's evidence on the same subject, because the testimony is presented by the Government?

17. You may hear testimony during the trial from members of law enforcement (for example an FBI agent). The fact that a witness may be a member of law enforcement does not mean that his or her testimony is entitled to any greater or lesser weight by reason of his or her employment than the testimony of other witnesses. Would you, as a juror, give the testimony of law enforcement officers more or less credibility than the testimony of others?

18. Does anyone think they would have difficulty applying the rule of law that the government is entitled to no special consideration simply because the case is brought in the name of the United States?

19. Do you believe that simply because the defendant has been charged with a crime that it is likely he did something wrong?

20. Do you have any problem with the legal proposition that a defendant must be presumed innocent unless and until the prosecution can prove guilt beyond a reasonable doubt?

21. Do you have any difficulty presuming that Mr. Klyushin is innocent right now?

22. A defendant in a criminal case has the right not to testify. The fact that a defendant chooses not to testify may not enter into the jury's deliberation at all. Would you have difficulty accepting and applying this legal principle?

23. If, after hearing all the evidence and my instructions on the law, you found that the Government has not proven its case beyond a reasonable doubt, would you feel uncomfortable finding the defendant not guilty?

24. Do you believe that our system of criminal justice improperly favors either the prosecution or the defense?

25. Do you believe that our system of criminal justice improperly favors individuals charged with white-collar crimes?

26. Have you, or a relative or close friend, ever been charged with a crime? If so, is there anything about that experience that would prevent you from acting as a fair and impartial juror in this case? If you would prefer not to give your answer in open court, please say so.

**Victim of a Crime**

27. Have you, or has any family member or any close friend, ever been the victim of a crime, pressed criminal charges against someone, or tried to press criminal charges against someone? If you feel uncomfortable answering this question in open court, please say so. If so, please describe the circumstances, including the type of crime, when it happened, and the outcome of any law enforcement action. Is there anything about that experience that could affect your ability to be fair and impartial in this case?

**Prior Jury Service**

28. Have you ever served as a juror before in any type of case?

29. If so, please state whether each case was in state or federal court, whether it was a civil or criminal matter, and, without telling us what the verdict was, whether a verdict was reached.

30. Have you served as a grand juror? If you have done so, please indicate where and when you served, and describe, in general terms, the kinds of cases you heard.

31. For those of you who have described prior jury service, is there anything about your prior experiences as a juror that would prevent you from acting as a fair and impartial juror in this case?

Respectfully Submitted,

Vladislav Klyushin,  
By His Attorney,

/s/ Maksim Nemtsev  
Maksim Nemtsev, Esq.  
Mass. Bar No. 690826  
20 Park Plaza, Suite 1000  
Boston, MA 02116  
(617) 227-3700  
menemtsev@gmail.com

/s/ Marc Fernich  
Marc Fernich  
Law Office of Marc Fernich  
800 Third Avenue  
Floor 20  
New York, NY 10022  
212-446-2346  
Email: maf@fernichlaw.com

Dated: January 16, 2023

**CERTIFICATE OF SERVICE**

I, Maksim Nemtsev, hereby certify that on this date, January 16, 2023, a copy of the foregoing documents has been served via Electronic Court Filing system on all registered participants.

/s/ Maksim Nemtsev

Maksim Nemtsev, Esq.