United States Court of Appeals
FOR THE DISTRICT OF COLUMBIA CIRCUIT

Argued October 3, 2025 Decided August 28, 2026

No. 24-3069

UNITED STATES OF AMERICA,
APPELLEE

v.

CESAR GOMEZ ALMONTE, ALSO KNOWN AS JHONNY GOMEZ, ALSO KNOWN AS JOHNNY GOMEZ, ALSO KNOWN AS JULIO,
APPELLANT

Appeal from the United States District Court
for the District of Columbia
(No. 1:19-cr-00224-2)

Henry E. Marines argued the cause and filed the briefs for appellant.

Andrew Laing, Attorney, U.S. Department of Justice, argued the cause for appellee. With him on the brief was *Melanie Alsworth*, Attorney. *Jonathan R. Hornok*, Attorney, entered an appearance.

Before: SRINIVASAN, *Chief Judge*, MILLETT, *Circuit Judge*, and EDWARDS, *Senior Circuit Judge*.

Opinion for the Court filed by *Chief Judge* SRINIVASAN.

SRINIVASAN, *Chief Judge*: Cesar Gomez Almonte appeals his conviction on charges arising from an international drug-smuggling conspiracy. Beginning in 2016, conspirators in the Dominican Republic transported hundreds of kilograms of cocaine into the United States on boats outfitted with secret compartments. Almonte helped procure and outfit the vessels. After U.S. officials learned of the venture, they obtained a sealed indictment against Almonte in Washington, D.C., and later arrested him during a layover at Miami International Airport. Almonte was tried in D.C., found guilty by a jury of conspiracy to import cocaine into the United States, and sentenced to 184 months of imprisonment.

On appeal, Almonte presses three constitutional claims: first, that the delay between his indictment and arrest violated his Sixth Amendment right to a speedy trial; second, that the government's decision to try him in D.C. contravened Article III's limitations on lawful venue; and third, that the district court's refusal to grant him a new trial after three jurors expressed concerns about his counsel's comportment deprived him of his Sixth Amendment right to an impartial jury. We conclude that Almonte fails to demonstrate reversible error on any of his claims, and we therefore affirm.

I.

Almonte first contends that the eighteen-month delay between his indictment and arrest—from June 2019 to December 2020—infringed his constitutional right to a "speedy" trial. U.S. Const. amend. VI; *see United States v. Jones*, 524 F.2d 834, 840 n.7 (D.C. Cir. 1975). Almonte initially moved to dismiss the indictment on speedy-trial grounds eight months after his arraignment. The government attributed the delay to its continued investigation of Almonte's co-conspirators after the indictment against him was handed down: the indictment was sealed, and arresting Almonte would have risked tipping off a leader of the conspiracy who was being investigated and who might then have been able to destroy evidence and flee the Dominican Republic. After that individual was arrested by a foreign government on unrelated charges, the government said it had promptly sought Almonte's extradition, at which point it learned he would be subject to arrest while transiting the United States.

In *Barker v. Wingo*, the Supreme Court established a "functional analysis" for speedy-trial claims that accounts for the "conduct of both the prosecution and the defendant." 407 U.S. 514, 522, 530 (1972). *Barker*'s "balancing test" comprises four principal factors: (i) the length of the delay, (ii) the reason for the delay, (iii) the defendant's assertion of his right, and (iv) the prejudice to the defendant. *Id.* at 530. Those factors bear "no talismanic qualities"—none is "necessary or sufficient," and they "must be considered together with such other circumstances as may be relevant." *Id*. at 533. The district court found that the balance of the factors tipped against Almonte and thus rejected his speedy-trial claim. We agree.

First, the length of the delay clears the minimum threshold to make Almonte's claim viable. "Simply to trigger a speedy-trial analysis, an accused must allege that the interval between accusation and trial has crossed the threshold dividing ordinary from 'presumptively prejudicial' delay," since there can be no violation of the right to a "speedy" trial if the case has been prosecuted with "customary promptness." *Doggett v. United States*, 505 U.S. 647, 651–52 (1992) (quoting *Barker*, 407 U.S. at 530–31). The threshold for a presumptively prejudicial pre-arrest delay is one year. *See id.* at 652 n.1; *United States v. Yelverton*, 197 F.3d 531, 537 n.8 (D.C. Cir. 1999). Because the eighteen-month delay in this case exceeded the one-year threshold, we proceed to consider the remaining factors.

Second, with respect to the government's proffered reason for the delay, we conclude that this consideration materially favors neither side. This consideration gets to "whether the government or the criminal defendant is more to blame for the delay." *United States v. Rice*, 746 F.3d 1074, 1081–82 (D.C. Cir. 2014) (quoting *Doggett*, 505 U.S. at 651). If a defendant purposefully eluded extradition to the United States, for instance, he will be held to blame. *See, e.g.*, *United States v. Tchibassa*, 452 F.3d 918, 925–26 (D.C. Cir. 2006). But that was not the case here: the government could have sought Almonte's extradition earlier and opted not to do so.

The government contends that its concern with tipping off Almonte's unindicted co-conspirator qualifies as a "valid reason" of the sort *Barker* said could justify delay. *See* 407 U.S. at 531. We defer to the district court's finding—on the basis of live witness testimony at an evidentiary hearing—that the government had a good-faith concern about disrupting its investigation of Almonte's co-conspirator. As a result, this case does not present the markers of "official bad faith in causing delay," *Doggett*, 505 U.S. at 656, or "deliberate attempt[s] to delay the trial in order to hamper the defense [that] should be weighed heavily against the government," *Barker*, 407 U.S. at 531.

Even so, the government's concern resulted from its own choice to indict Almonte while it continued investigating his co-conspirators. The government identifies nothing that compelled it to bring the indictment against Almonte before completing its investigation of others, such as a statute of limitations concern. In that sense, the ongoing investigation was not a factor beyond the government's control—like a missing witness—that necessarily delays proceedings despite the government's best efforts to proceed promptly to trial. *See id.*; *Doggett*, 505 U.S. at 656–57.

At the same time, the government's good-faith pursuit of a related investigatory goal shares little in common with *Barker*'s example of a "neutral" reason for delay—prosecutorial "negligence." *See* 407 U.S. at 531; *see also Doggett*, 505 U.S. at 652–53, 656–57. We have recognized the government's "legitimate" interest in "delaying the arrest of an individual wrongdoer" to preserve a "covert investigation[]" when an earlier arrest risked exposing the identity of undercover agents. *Powell v. United States*, 352 F.2d 705, 708 (D.C. Cir. 1965); *cf. United States v. Ansari*, 48 F.4th 393, 399 (5th Cir. 2022). And it is well established that greater delay is acceptable in the case of a "complex conspiracy charge" that is inherently more difficult to investigate and prove. *Barker*, 407 U.S. at 531; *see United States v. Lopesierra-Gutierrez*, 708 F.3d 193, 203 (D.C. Cir. 2013). The government's explanation thus falls somewhere between a valid reason, which would justify the delay, and a neutral reason, which would favor neither side.

Third, Almonte concedes that his failure to assert his speedy-trial right until more than eight months after his arraignment weighs against him. Naturally, a defendant's "failure to assert the right will make it difficult . . . to prove that he was denied a speedy trial." *Barker*, 407 U.S. at 531. A defendant's lack of speed in complaining about the government's lack of speed is a strike against the defendant in the balancing. We have weighed this factor against defendants who waited similar periods to raise their claims. *See Rice*, 746 F.3d at 1082 ("nearly a year after his arraignment"); *United States v. Taplet*, 776 F.3d 875, 881 (D.C. Cir. 2015) ("fourteen months after his arraignment").

Fourth, the prejudice factor does not further tip the scales one way or another. When dealing with pre-arrest delay, this factor concerns "the possibility that the defense will be impaired," *Barker*, 407 U.S. at 532, which can be "difficult . . . to prove," *Doggett*, 505 U.S. at 655. When "defense witnesses are unable to recall accurately events of the distant past," for example, "what has been forgotten can rarely be shown." *Barker*, 407 U.S. at 532. Accordingly, "consideration of prejudice is not limited to the specifically demonstrable, and . . . affirmative proof of particularized prejudice is not essential to every speedy trial claim." *Doggett*, 505 U.S. at 655. But at the same time, "presumptive prejudice cannot alone carry" a speedy-trial claim. *Id.* at 655–56; *see also Tchibassa*, 452 F.3d at 927; *Taplet*, 776 F.3d at 881. A defendant must at least offer an "explanation of how the delay impaired [his] defense" that goes beyond a bare assertion of prejudice. *United States v. Bikundi*, 926 F.3d 761, 780 (D.C. Cir. 2019); *see Lopesierra-Gutierrez*, 708 F.3d at 203.

Almonte offers no such explanation. Apart from generally referring to the abstract possibility of faded memories and eroded evidence, Almonte's briefing contains no specific claim that those sorts of effects of a delay—assuming they occurred—in fact limited his ability to cross-examine the government's witnesses, contest the government's evidence, or otherwise challenge the government's theory of the case. As the district court put it, Almonte has never "identif[ied] whose memory has faded and about what." App. 88. And because he did not put on a defense after the government rested at trial, it remains unclear what testimony or evidence of his own the delay could have affected. Because Almonte never explains how the delay impaired his defense, *Barker*'s prejudice prong ultimately cannot "tip the scales" in his favor. *Tchibassa*, 452 F.3d at 927.

In the final measure, Almonte can claim little more than a presumption of prejudice from an eighteen-month delay between his indictment and arrest. We have rejected speedy-trial claims in the face of much longer delays. *See, e.g.*, *Rice*, 746 F.3d at 1081 (more than two years); *Lopesierra-Gutierrez*, 708 F.3d at 202 (more than three years). And in the similar context of this case, when the government offered a good-faith investigative reason for the delay and Almonte himself delayed in challenging it, we conclude that the eighteen-month pre-arrest delay was not so "egregious" as to violate the constitutional right to a speedy trial. *Doggett*, 505 U.S. at 657–58; *see also Barker*, 407 U.S. at 533.

II.

We next consider Almonte's challenges to venue. The Constitution generally requires that criminal trials be held in the "State and district wherein the crime shall have been committed," U.S. Const. amend. VI, but crimes "not committed within any State" shall be tried "at such Place or Places as the Congress may by Law have directed," *id.* art. III, § 2, cl. 3. Article III thus "contemplates elaboration on venue requirements in legislation for offenses committed outside of the United States." *United States v. Campos*, 137 F.4th 840, 847–48 (D.C. Cir. 2025).

To try Almonte in D.C., the government invoked the so-called "'high seas' venue statute," *id.* at 848, under which "[t]he trial of all offenses begun or committed upon the high seas, or elsewhere out of the jurisdiction of any particular State or district, shall be":

> [1] in the district in which the offender, or any one of two or more joint offenders, is arrested or is first brought; [2] but if such offender or offenders are not so arrested or brought into any district, an indictment or information may

> be filed in the district of the last known residence of the offender or of any one or two or more joint offenders, or if no such residence is known the indictment or information may be filed in the District of Columbia.

18 U.S.C. § 3238. Under the second prong of the statute (and assuming the last-known-residence provision does not apply), the government may try any crime "begun or committed" abroad in D.C. by obtaining an indictment there before arranging for the defendant or any "joint offenders" to be extradited to the United States. *See United States v. Gurr*, 471 F.3d 144, 155 (D.C. Cir. 2006); *United States v. Slatten*, 865 F.3d 767, 788 (D.C. Cir. 2017) (per curiam). That was the basis for venue the government asserted in the district court.

On appeal, Almonte offers two reasons venue was improper in D.C. notwithstanding 18 U.S.C. § 3238: first, that the government could not rely on Section 3238 because the charged conspiracy targeted and primarily played out in the Southern District of Florida; and second, that even under Section 3238, venue was proper in the Eastern District of Virginia, not D.C., because that is where Almonte's co-defendant, Mario Zari, was arrested before the return of the indictment naming them both. Neither of those arguments can carry the day for Almonte.

A.

As in the district court, Almonte's principal venue argument on appeal is that venue was improper in D.C. because the charged conspiracy had no connection to the District and instead was targeted at Miami, in the Southern District of Florida. Even if no overt acts in furtherance of the charged conspiracy were committed in D.C., the question is whether Section 3238 constitutionally lay venue in D.C. because the charged conspiracy was "committed" abroad. *See* U.S. Const. art. III, § 2, cl. 3; 18 U.S.C. § 3238.

The answer to that question turns on the "*locus delicti* of the charged offense," which in turn is "determined from the nature of the crime alleged and the location of the act or acts constituting it." *United States v. Rodriguez-Moreno*, 526 U.S. 275, 279 (1999) (cleaned up); *see United States v. Cabrales,* 524 U.S. 1, 6–7 (1998). Almonte was charged with conspiracy to import cocaine into the United States, and "the essence of a conspiracy is 'an agreement to commit an unlawful act.'" *United States v. Jimenez Recio*, 537 U.S. 270, 274 (2003) (quoting *Iannelli v. United States*, 420 U.S. 770, 777 (1975)); *see Whitfield v. United States*, 543 U.S. 209, 213–14 (2005). Accordingly, the charged conspiracy was "complete at the moment of the agreement," without any conspirator undertaking any overt act anywhere. *Campos*, 137 F.4th at 849; *see United States v. Mejia,* 448 F.3d 436, 445 (D.C. Cir. 2006). It is undisputed that Almonte and his co-defendants were located abroad—in the Dominican Republic—when they engaged in the conduct charged as agreement to the alleged conspiracy. Because the charged offense was committed abroad, Article III allowed the government to try Almonte in a district that Congress had "by law [] directed," which Section 3238 in turn directed would be D.C.

It makes no difference that the charged conspiracy targeted Miami and involved overt acts other co-conspirators took there. We recently rejected that "flawed" reasoning, explaining that when a "charged conspiracy began outside the United States," venue under Section 3238 did not become improper merely because "part of the conspiracy was committed" in various states by co-conspirators later undertaking overt acts there. *See Campos*, 137 F.4th at 848–49. We reasoned not only that a conspiracy is complete upon the formation of the agreement, but also that, "[i]n any event, overt acts by co-conspirators in one district do not necessarily render venue improper in another district or in the District of Columbia." *Id.* at 849. Here, as in *Campos*, the charged conspiracy's connections to the Southern District of Florida at most show that venue might also have been proper there. But that does not make venue improper in D.C.: "Venue may be proper in more than one district." *United States v. Lam Kwong-Wah*, 924 F.2d 298, 301 (D.C. Cir. 1991).

Almonte belatedly hints at a different reason venue was improper in D.C. under Section 3238. He suggests that some of his co-conspirators were tried in the Southern District of Florida, which makes them "joint offenders" who were "first brought" into that district for purposes of the first clause of Section 3238, which in turn would mean venue for Almonte was proper in that district and not in D.C. *See* 18 U.S.C. § 3238. But Almonte gestures at that theory to support venue in Florida only in passing and not until his reply brief, so in keeping with our normal rules we will not address it. *See Shands v. Comm'r*, 111 F.4th 1, 9 (D.C. Cir. 2024). Almonte does mention that the Florida prosecutions were "part of the same conspiracy" he was charged with, Almonte Br. 52, which might suggest that those defendants were his "joint offenders," *see Slatten*, 865 F.3d at 787. But the government has maintained that Almonte was charged with a separate, broader conspiracy, and the district court declined to submit that question, or any venue-related questions of fact, to the jury. *Cf. id.* at 789 n.5. Almonte does not argue on appeal that the district court erred in declining to submit that issue to the jury, so any associated theory for why Section 3238 lay venue in Florida is forfeited for lack of development. *See Bronner ex rel. Am. Stud. Ass'n v. Duggan*, 962 F.3d 596, 611 (D.C. Cir. 2020). We thus are left with no basis to conclude that Almonte was entitled to a trial in the Southern District of Florida.

B.

Almonte's second argument as to why Section 3238 did not lay venue in D.C. is that one of his co-defendants, Zari, qualified under the provision's first clause as a "joint offender" who was "first brought" to Dulles International Airport in the Eastern District of Virginia more than a month before the indictment naming both of them. *See* 18 U.S.C. § 3238. If so, Section 3238 would call for trying Almonte in the Eastern District of Virginia, not D.C. The government does not dispute the merit of that argument but submits that Almonte waived it before the district court. We agree.

The implications of Zari's arrest at Dulles for the venue of Almonte's trial did not become evident until the ninth day of the ten-day trial, when the district court raised the issue sua sponte. The court directed the parties in a minute order to address the impact on venue of "Zari's [] entry . . . in the Eastern District of Virginia." App. 40. Almonte declined the court's invitation: his response instead doubled down on the theory that "the Southern District of Florida is the proper venue for this case." Supp. App. 1268–69. The district court therefore determined that any venue argument related to Zari's arrest would be untimely under Federal Rule of Criminal Procedure 12, under which, absent "good cause," a defendant must object to "improper venue" before trial "if the basis for the [objection] is then reasonably available and . . . can be determined without a trial on the merits." Fed. R. Crim. P. 12(b)(3)(A)(i), (c)(3). The district court determined that the E.D. Va. argument was reasonably available before trial and that Almonte lacked good cause for having failed to raise it then. And when Almonte later embraced the E.D. Va. argument in his post-trial motion for acquittal, the district court again ruled that this "particular objection" to venue in D.C. had already been "waived" by the defense. App. 498–501.

Although we agree that the district court was not required to entertain a venue argument Almonte declined to make during trial when expressly invited to do so, we do not consider the issue under the auspices of Rule 12. Rule 12 generally calls for making an objection to "improper venue" before trial, and Almonte did so: he asserted that the trial should not be held in D.C., even if he focused then on the Southern District of Florida as the proper venue without mentioning the Eastern District of Virginia or the theory for laying venue there. That is ultimately immaterial here, however, because Almonte did not merely fail to timely raise a venue objection, but in fact separately waived his right to a trial in a venue other than D.C.

Waiver refers to the "intentional relinquishment or abandonment of a known right." *United States v. Olano*, 507 U.S. 725, 733 (1993) (quoting *Johnson v. Zerbst*, 304 U.S. 458, 464 (1938)). Rule 12 does not preclude the ordinary operation of background principles of waiver, and "a defendant may waive his right to proper venue." *United States v. Wilson*, 26 F.3d 142, 151 (D.C. Cir. 1994). Almonte did so here by declining to argue for venue in the Eastern District of Virginia even when the district court expressly invited him to do so.

A waiver of venue need not be express: courts will infer it from the "absence of an objection to venue" or a motion "specifically raising the defect" in venue without requesting transfer or dismissal. 2 Charles A. Wright & Arthur R. Miller, Fed. Prac. & Proc. Crim. § 306 (4th ed. 2026); *see, e.g.*, *Jones v. Gasch*, 404 F.2d 1231, 1235 n.16 (D.C. Cir. 1967); *United States v. Gaviria*, 116 F.3d 1498, 1517 & n.22 (D.C. Cir. 1997). Our decision in *United States v. Wilson*, 26 F.3d 142 (D.C. Cir. 1994), is instructive. There, the defendant represented to the district court that he had "no objections" to a transfer initiated by his co-defendant even as he objected to being tried alongside the co-defendant. *Id.* at 152. We found that the defendant had waived any objection to venue, explaining that he had focused on prejudice from consolidation rather than from improper venue. *Id.* at 151. In other words, we saw a waiver of a venue objection in the defendant's consent to the trial moving forward in its present location if his primary argument (i.e., against consolidation) did not pan out. *Id.* *Wilson* thus tracks our general practice of finding an affirmative waiver if the defendant previously adopted an inconsistent or contradictory position, or declined to embrace the argument when invited to do so. *See United States v. Warren*, 42 F.3d 647, 658 (D.C. Cir. 1994); *Keepseagle v. Perdue*, 856 F.3d 1039, 1054 (D.C. Cir. 2017).

We similarly conclude here that Almonte waived his objection to proceeding with a trial in D.C. insofar as it would otherwise be transferred to Virginia. The district court expressly invited Almonte to raise the argument that Zari's "entry in the Eastern District of Virginia" made venue proper there rather than in D.C. App. 40. But Almonte instead argued that the case should be transferred to the Southern District of Florida. And defense counsel repeated that specific argument—and only that argument—when questioned by the district court. In these circumstances, Almonte effectively "chose not to contest" proceeding to trial in D.C. instead of the Eastern District of Virginia. *United States v. Olejiya*, 754 F.3d 986, 994 (D.C. Cir. 2014). By the point in trial when the district court brought the significance of Zari's arrest in the Eastern District of Virginia to light, the court had already declined to transfer the case to Florida. It was clear that the trial would move forward in D.C. unless (perhaps) Almonte argued that venue was proper in Virginia. He did not. He instead responded to that scenario—D.C., unless Virginia—by again pressing his preference for Florida. That amounted to an affirmative representation that he was "willing to stand trial in the District of Columbia" if his Florida argument was again rejected—which of course it was. *Wilson*, 26 F.3d at 152; *see also United States v. Knox*, 540 F.3d 708, 714 (7th Cir. 2008).

When Almonte finally did object that the trial should have been held in Virginia in his post-trial motion, a jury had been empaneled, witnesses sworn, testimony taken, deliberations made, and a verdict returned. To consider a change of heart on venue that late in the day would have permitted him "to hide in the weeds with an objection . . . on a waivable issue with a lower proof burden" "only to pounce" when the trial did not fully go his way. *Knox*, 540 F.3d at 716. We do not ordinarily permit defendants to exploit broad placeholder objections to spring arguments on the court and the government they previously had abandoned. *Cf. Al Bahlul v. United States*, 767 F.3d 1, 9 (D.C. Cir. 2014) (en banc). And that rule has even more force when, as here, permitting a defendant to effectively withdraw his consent to venue so late in the game would require an entirely new trial in a new venue. *See Smith v. United States*, 599 U.S. 236, 253–54 (2023).

Because we conclude that Almonte waived his only meritorious venue claim, there is no "error" to review under the plain-error standard. *See Olano*, 507 U.S. at 733–34.

III.

Almonte's last argument is that he was denied his Sixth Amendment right to an impartial jury based on comments made by jurors during the trial. On November 20, 2023, two weeks into trial, the district court informed counsel that one of the jurors had "expressed concern" to his law clerk about "whether the jury could separate the Defendant from defense counsel." Supp. App. 832–33. Neither party requested any immediate action from the court, but the next day, defense counsel noted that the comment might reveal jurors had been "discussing the defense" before the close of evidence. Supp.

App. 886. The district court therefore agreed to interview the juror who had made the comment.

The first juror was called in for voir dire, and when the court asked why she had made the comment, she elaborated: "A lot of jurors were commenting that they thought that the defense counsel was being very aggressive to the witnesses and being very demeaning to them and angry in his questioning and physical responses to them, and they were feeling as though that was insulting to the witnesses and they were upset with it." Supp. App. 889–90. The juror admitted to having "some concerns" about defense counsel's behavior but affirmed her ability to decide the case impartially. Supp. App. 890. The juror added, though, that she did not "know about the other jurors." *Id.* That parting comment prompted the court to interview the rest of the jurors individually. Additional voir dire revealed two other jurors with concerns about defense counsel's behavior, but both stated on the record that they remained able to decide the case impartially.

After voir dire, the district court decided to proceed with trial, denying defense counsel's motion for a mistrial. As the judge explained on the record, he had been "watching every one of these jurors when they c[a]me up" for voir dire, "looking at their reaction," and "seeing what they answer and why they feel" negatively toward defense counsel. Supp. App. 898. Although three jurors admitted feeling some frustration with or distaste for defense counsel, the court's "observations of them is that there's no question they can set those feelings aside." Supp. App. 908. The court later denied Almonte's motion for a new trial on the same basis.

The district court did not abuse its considerable discretion in denying Almonte a mistrial or a new trial. *See United States v. Gartmon*, 146 F.3d 1015, 1027 (D.C. Cir. 1998); *United*

States v. Reese, 561 F.2d 894, 902 (D.C. Cir. 1977). "A trial court protects the defendant's Sixth Amendment right" to an impartial jury "by ensuring that jurors have no 'bias or prejudice that would prevent them from returning a verdict according to the law and evidence.'" *United States v. Tsarnaev*, 595 U.S. 302, 312 (2022) (quoting *Connors v. United States*, 158 U.S. 408, 413 (1895)). When it appears the jury may be swayed by improper considerations, the trial court should "determine the circumstances, the impact thereof upon the juror, and whether or not it was prejudicial, in a hearing with all interested parties permitted to participate." *Remmer v. United States*, 347 U.S. 227, 229–30 (1954). As our court has elaborated, the hearing to assess potential prejudice "should not be conducted ex parte," "but it also need not be conducted as a full evidentiary hearing," "and the inquiries put to the juror[s] need only be sufficiently detailed to permit the judge to determine whether any prejudice is likely to result." *United States v. Butler*, 822 F.2d 1191, 1196 (D.C. Cir. 1987); *see also United States v. West*, 458 F.3d 1, 8–9 (D.C. Cir. 2006); *United States v. Williams-Davis*, 90 F.3d 490, 504–05 (D.C. Cir. 1996); *United States v. Bostick*, 791 F.3d 127, 152 (D.C. Cir. 2015).

The district court here followed that guidance to a tee. Upon learning of the initial juror comment, the court informed counsel for both parties and then, with both parties' consent, conducted targeted voir dire of the juror in question. When that juror's answers suggested that the concern with defense counsel might be more widespread, the court interviewed every juror individually on the record and with both counsel present. In those interactions, the court ensured that every juror—including especially the three who admitted to harboring some ill feelings about defense counsel—could decide the case impartially. We have previously held that precisely those procedures—assembling of the jury, "inquiring into whether

[a] defense witness' [sic] comment would affect the jurors' impartiality, admonishing them to disregard the witness' [sic] remark, and reminding them of their duty to deliberate solemnly"—are sufficient to "dispel[]" any midtrial risk of juror prejudice. *United States v. Williams*, 822 F.2d 1174, 1189 (D.C. Cir. 1987).

The district court grounded its conclusion that the jury remained impartial in personal observation of the jurors' demeanor and their response to questioning during voir dire—the kinds of judgments we are highly reluctant to second-guess. And it was entirely appropriate for the court to "[r]ely[] on [] jurors' testimony regarding their impartiality" when assessing whether the trial can proceed after an incident that calls their impartiality into question. *United States v. Fafowora*, 865 F.2d 360, 363 (D.C. Cir. 1989).

Almonte contends that the district court should have inquired not only into whether the jurors could decide the case impartially, but also into whether they had been discussing the case and evidence prematurely. But we have held that "the trial judge has broad discretion to fix the exact procedures" for inquiring into possible juror bias during trial "by balancing the need to make a sufficient inquiry against the concern that the inquiry not create prejudicial effects by unduly magnifying the importance of an insignificant occurrence." *Butler*, 822 F.2d at 1196. Here, the district court determined that there was "no basis" to undertake a broader inquiry, Supp. App. 891, and such a determination about the scope and content of voir dire is entitled to "special respect." *Arizona v. Washington*, 434 U.S. 497, 510 (1978); *see West*, 458 F.3d at 6. We see no basis to question the district court's textbook handling of the jurors' comments about defense counsel upon becoming aware of them.

*   *   *   *   *

For the foregoing reasons, we affirm the judgment of the district court.

So ordered.