

IN THE SUPREME COURT OF THE STATE OF NEVADA

LUIS A, HIDALGO, JR.

Appellant,

vs.

THE STATE OF NEVADA

Respondent.

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CASE NO.: 54209

On Appeal from a Final Judgment of
Conviction entered by The Eighth Judicial
District Court

APPELLANT'S APPENDIX

Volume 10 of 25

(Pages 1739 - 1988)

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ALPHABETICAL INDEX OF APPELLANT'S APPENDIX

Document	Date Filed	Vol.	Page No.
Amended Indictment (Hidalgo Jr.)	05/01/08	5	00836-00838
Amended Judgment of Conviction (Jury Trial) (Hidalgo Jr.)	08/18/09	25	04665-04666
Amended Notice of Evidence in Support of Aggravating Circumstances (Espindola)	01/09/08	3	00530-00533
Amended Notice of Intent to Seek Death Penalty (Hidalgo Jr.)	06/18/08	5	00846-00849
CD: State's Exhibit 191 ¹	02/04/09	15	02749
CD: State's Exhibit 192A ²	02/04/09	15	02750
CD: State's Exhibit 192B ³	02/04/09	15	02751
CD: Defense Exhibit 1 ⁴	02/11/09	22	04142
Court's Exhibit 2: Transcript of fBird CD	02/05/09	15	02912-02929
Court's Exhibit 3: Transcript of Hawk CD	02/05/09	15	02930-02933
Court's Exhibit 4: Transcript of Disc Marked as Audio Enhancement, 050519-3516, Tracks 1 & 2, Track 2	02/05/09	15	02934-02938
Court's Exhibit 5: Transcript of Disc Marked as Audio Enhancement, 050519-3516, Tracks 1 & 2, Track 1	02/05/09	15	02939-02968
Criminal Complaint (Hidalgo III)	05/31/05	1	00001-00003
Criminal Complaint (Hidalgo Jr.)	02/07/08	3	00574-00575
Emergency Motion for Stay of District Court Proceedings (State)	02/20/08	4	00775-00778
Fourth Amended Information (Hidalgo III)	01/26/09	5	01011-01014
Guilty Plea Agreement (Espindola)	02/04/08	3	00549-00557
Indictment (Hidalgo Jr.)	02/13/08	4	00724-00727
Information (Hidalgo III)	06/20/05	1	00005-00008
Instructions to the Jury	02/17/09	24	04445-04499
Judgment of Conviction (Jury Trial) (Hidalgo Jr.)	07/10/09	25	04656-04657
Minutes (Preliminary Hearing)	06/13/05	1	00004
Minutes (Change of Plea)	02/04/08	3	00558
Minutes (All Pending Motions)	02/05/08	3	00559
Minutes (Trial by Jury)	02/06/08	3	00576

¹ This CD is a copy of the original. The copy was prepared by a Clark County employee at the Regional Justice Center in Las Vegas Nevada. Eight hard copies of the CD are being mailed to the Nevada Supreme Court.

² Id.

³ Id.

⁴ Id.

Document	Date Filed	Vol.	Page No.
Minutes (Sentencing)	02/12/08	3	00577
Minutes (All Pending Motions)	02/14/08	4	00728
Minutes (Arraignment)	02/20/08	4	00779
Minutes (Sentencing)	03/20/08	4	00787
Minutes (Sentencing)	03/25/08	4	00788
Minutes (Decision: Bail Amount)	04/01/08	4	00789
Minutes (All Pending Motions)	04/15/08	4	00799
Minutes (All Pending Motions)	04/17/08	5	00834-00835
Minutes (All Pending Motions)	05/01/08	5	00839-00840
Minutes (All Pending Motions)	06/17/08	5	00844-00845
Minutes (State's Request for Status Check on Motion to Consolidate)	11/20/08	5	00850
Minutes (All Pending Motions)	01/16/09	5	00916
Minutes (Calendar Call)	01/22/09	5	00973-00974
Minutes (Decision)	01/23/09	5	01009
Minutes (State's Request for Clarification)	01/26/09	5	01010
Minutes (Defendant's Motion for Own Recognizance Release for House Arrest)	02/24/09	24	04505
Minutes (Status Check re Sentencing)	06/02/09	24	04594
Minutes (Minute Order re Judgment of Conviction)	08/11/09	25	04664
Minutes (Sentencing)	10/07/09	25	04667
Motion for Judgment of Acquittal Or, In the Alternative, a New Trial (Hidalgo III and Hidalgo Jr.)	03/10/09	24	04506-04523
Motion in Limine to Exclude the Testimony of Valerie Fridland (State)	01/13/09	5	00905-00915
Motion to Conduct Videotaped Testimony of a Cooperating Witness (State)	04/09/08	4	00792-00798
Motion to Strike Notice of Intent to Seek Death Penalty (Hidalgo III and Espindola)	12/12/05	1	00026-00187
Motion to Strike the Amended Notice of Intent to Seek Death Penalty (Hidalgo Jr.)	1/09/09	5	00851-00904
Notice of Appeal (Hidalgo III and Hidalgo Jr.)	07/18/09	25	04658-04659
Notice of Intent to Seek Death Penalty (Hidalgo III)	07/06/05	1	00009-00013
Notice of Intent to Seek Death Penalty (Espindola)	07/06/05	1	00014-00018
Notice of Intent to Seek Death Penalty (Carroll)	07/06/05	1	00019-00023
Notice of Intent to Seek Death Penalty (Counts)	07/06/05	1	00024-00025
Notice of Intent to Seek Death Penalty (Hidalgo Jr.)	03/07/08	4	00784-00786

Document	Date Filed	Vol.	Page No.
Opposition to Defendant Luis Hidalgo, Jr.'s Motion for Judgment of Acquittal Or, In the Alternative, a New Trial (State)	03/17/09	24	04524-04536
Opposition to State's Motion to Conduct Videotaped Testimony of a Cooperating Witness (Hidalgo III)	04/16/08	5	00800-00833
Opposition to State of Nevada's Motion in Limine to Exclude Testimony of Valerie Fridland (Hidalgo III and Hidalgo Jr.)	01/20/09	5	00919-00972
Order Denying Defendants Motion for Judgment of Acquittal Or, In the Alternative, Motion for New Trial	08/04/09	25	04660-04663
Order Denying Defendants Motion to Strike Notice of Intent to Seek Death Penalty	10/03/06	1	00188-00192
Order Directing Answer	10/20/06	3	00514-00515
Order Dismissing Petition	04/09/08	4	00790-00791
Order Granting Motion for Stay	02/21/08	4	00780-00781
Order Granting the State's Motion to Consolidate C241394 and C212667	01/16/09	5	00917-00918
Order Withdrawing Opinion, Recalling Writ, and Directing Answer to Petition for Rehearing	02/21/08	4	00782-00783
Opinion	12/27/07	3	00516-00529
Petition for Writ of Mandamus Or, In The Alternative, Writ of Prohibition (Hidalgo III and Espindola)	10/16/06	2-3	00193-00513
Proposed Jury Instructions Not Used	02/12/09	24	04389-04436
Proposed Verdict Forms Not Used	02/17/09	24	04502-04504
Reply to State's Opposition to Motion for Judgment of Acquittal Or, In the Alternative, a New Trial (Hidalgo III and Hidalgo Jr.)	04/17/09	24	04537-04557
Sentencing Memorandum (Hidalgo III and Hidalgo Jr.)	06/19/09	24	04595-04623
State Petition for Rehearing	01/23/08	3	00534-00548
Supplemental Points and Authorities to Defendant, Luis A. Hidalgo, Jr.'s Motion for Judgment of Acquittal Or, In the Alternative, a New Trial (Hidalgo III and Hidalgo Jr.)	04/27/09	24	04558-04566
Transcript (Defendant, Luis Hidalgo III's Motion for Acquittal Or, In the Alternative, a New Trial; Defendant Luis Hidalgo, Jr.'s Motion for Judgment of Acquittal)	05/01/09	24	04567-04593
Transcript (Defendant's Motion to Amend Record)	01/11/11	25	04668-04672
Transcript (Defendant's Motion for Audibility Hearing and Transcript Approval)	02/05/08	3	00560-00573

Document	Date Filed	Vol.	Page No.
Transcript (Motions)	02/14/08	4	00729-00774
Transcript (Sentencing)	06/23/09	25	04624-04655
Transcript (Calendar Call)	01/22/09	5	00975-01008
Transcript (Grand Jury)	02/12/08	4	00578-00723
Transcript (Jury Trial Day 1: Jury Voir Dire)	01/27/09	6	01015-01172
Transcript (Jury Trial Day 2)	01/28/09	7-8	01173-01440
Transcript (Jury Trial Day 3)	01/29/09	9	01495-01738
Transcript (Jury Trial Day 4)	01/30/09	10-11	01739-02078
Transcript (Jury Trial Day 5)	02/02/09	12	02079-02304
Transcript (Jury Trial Day 6)	02/03/09	13	02305-02489
Transcript (Jury Trial Day 7)	02/04/09	14-15	02490-02748
Transcript (Jury Trial Day 8)	02/05/09	15	02752-02911
Transcript (Jury Trial Day 9)	02/06/09	16	02969-03153
Transcript (Jury Trial Day 10)	02/09/09	17-18	03154-03494
Transcript (Jury Trial Day 11)	02/10/09	19-20	03495-03811
Transcript (Jury Trial Day 12)	02/11/09	21-22	03812-04141
Transcript (Jury Trial Day 13)	02/12/09	23	04143-04385
Transcript (Jury Trial Day 13 (Excerpt))	02/12/09	23	04386-04388
Transcript (Jury Trial Day 14: Verdict)	02/17/09	24	04437-04444
Trial Memorandum (Hidalgo Jr.)	01/29/09	8	01441-01494
Verdict (Hidalgo Jr.)	02/17/09	24	04500-04501
Writ of Mandamus (Hidalgo III)	06/03/08	5	00841-00843

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Alfonso D. Hernandez
CLERK OF COURT

2
3 DISTRICT COURT
4 CLARK COUNTY, NEVADA
5

6 THE STATE OF NEVADA,

7 Plaintiff,

8 vs.

9 LUIS ALONSO HIDALGO III and LUIS

10 HIDALGO, JR.,

11 Defendants.
12

CASE NO. C212667/ C241394
DEPT. XXI

13 BEFORE THE HONORABLE VALERIE ADAIR, DISTRICT COURT JUDGE

14 FRIDAY, JANUARY 30, 2009

15 RECORDER'S TRANSCRIPT OF HEARING RE:

16 JURY TRIAL

17 APPEARANCES:

18 FOR THE STATE:

MARC P. DIGIACOMO, ESQ.

19 GIANCARLO PESCI, ESQ.

Deputy District Attorneys

20 FOR LUIS HIDALGO III:

JOHN L. ARRASCADA, ESQ.

21 CHRISTOPHER W. ADAMS, ESQ.

22 FOR LUIS HIDALGO, JR:

DOMINIC P. GENTILE, ESQ.

23 PAOLA M. ARMENI, ESQ.

24
25 RECORDED BY: JANIE L. OLSEN, COURT RECORDER

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1 LAS VEGAS, CLARK COUNTY, NV, FRIDAY, JAN. 30, 2009

2
3 THE MARSHAL: All rise and come to order. Department 21 is now in
4 session. The Honorable Valerie Adair presiding.

5 THE COURT: All right. So here we are again. Here's the deal. This
6 has -- I thought about this last night, in the wee small hours of the morning, and
7 this is going on way, way, way too long. And I'm not blaming anyone. In fact, I'm
8 not really sure whose fault it is. In addition --

9 I'm looking at you because you're sitting there.

10 MR. DIGIACOMO: That's okay. We're sure of whose fault it is, though.

11 THE COURT: And I'm -- I'm -- in any event, in addition to my questioning
12 and the breaks and all of that stuff, I'm limiting everybody to 55 minutes of their
13 total questions. 55 minutes for the State, 55 minutes for you two, which I think is
14 more than generous actually, you know. And 55 minutes total for them, so
15 almost two hours for the defense all together.

16 Basically what that means is if you spend 30 minutes on one juror --

17 MR. GENTILE: Right.

18 THE COURT: -- then you've got 25 minutes for the rest of the panel.

19 MR. GENTILE: We understand.

20 THE COURT: Because, you know, yesterday I think a lot of people spent
21 time on trying to get a for cause for people who are never going to go with a for
22 cause, and spent like 30 or 40 minutes for somebody who's probably going to get
23 perempted anyway.

24 So I think that 55 minutes should be -- absent something really
25 unforeseen, if we really have to delve into something, you know, if somebody

1 says, oh, I think I, you know, recognize Mr. Hidalgo from El Salvador, well, then
2 obviously that might open the door to more questioning. But other than that, 55
3 minutes. All right? And having said that, any problem --

4 MR. GENTILE: Well, you -- just so the record is clear, you said 55
5 minutes per side, you mean per party.

6 THE COURT: Per party. I said -- I'm sorry. I may have misspoke.
7 Yeah, per party. So 55 for them, 55 for you guys total. I'm going to be keeping
8 track up here. And like I said, that should be more than enough. I'm not
9 encouraging you to take the full 55.

10 MR. GENTILE: Actually, I have a stop watch. I'm going to --

11 THE COURT: You do?

12 MR. DIGIACOMO: Plus ten more people's --

13 MR. ADAMS: How are we going to deal with objections? No, I'm joking.
14 That should be plenty of time.

15 MR. GENTILE: We should be off the clock.

16 THE COURT: That should be more than enough time.

17 MR. GENTILE: We should be off the clock on objections.

18 MR. DIGIACOMO: I say we spend the next 55 minutes --

19 THE COURT: What is this --

20 MR. DIGIACOMO: -- discussing the 55 minutes.

21 THE COURT: -- a football game, Mr. Gentile?

22 MR. GENTILE: Here's the deal. If you call us to the bench --

23 MR. PESCI: No one said otherwise, Dominic. Relax.

24 THE COURT: No one said otherwise. I think that's more than --

25 MR. PESCI: We're going to --

1 THE COURT: -- enough time.
2 MR. PESCI: -- waste 55 minutes fighting about it.
3 THE COURT: It's absolutely strictly limited. So it is what it is. I know the
4 State's not probably going to take their full 55 minutes.
5 MR. GENTILE: Oh, I'm sure that they will.
6 MR. DIGIACOMO: We haven't been close yet.
7 MR. GENTILE: No? Okay.
8 THE COURT: No, they haven't been close yet.
9 MR. GENTILE: All right.
10 THE COURT: They take maybe -- on a lot of people, they take maybe
11 three minutes.
12 MR. GENTILE: Okay.
13 THE COURT: All right. If there's nothing else we'll bring in the first next
14 juror who is Ms. Garhardt.
15 MR. DIGIACOMO: She's in position --
16 THE COURT: The bailiff's like afraid to go out in the hallway these
17 people are so angry.
18 MR. PESCI: What position is she going to?
19 MR. DIGIACOMO: She's going to position two; right, Judge?
20 MS. ARMENI: Yes.
21 MR. ADAMS: Judge, I tell you, we walked by them this morning, there
22 was no vibe of anger at all. None.
23 THE CLERK: There was last night.
24 MR. ADAMS: Last night might've been different.
25 THE MARSHAL: What is her first name again?

1 THE COURT: Sharon Garhardt.
2 MR. DIGIACOMO: Susan, isn't it?
3 MS. ARMENI: No, Sharon.
4 MR. PESCI: Sharon.
5 THE COURT: This is the gal we interviewed her previously separately.
6 She had read it in the RJ. We've already covered that with her.
7 MR. DIGIACOMO: Is she going to seat two, Judge?
8 THE COURT: Whatever is next. Ms. Husted keeping track.
9 THE CLERK: Yeah, seat two.
10 THE MARSHAL: She's not here, Judge.
11 THE COURT: All right. I'm not going to wait for her. We'll move to Anne
12 Bonds.
13 It's now Ms. Bonds, Ms. Garhardt is not here.
14 MR. ARRASCADA: Your Honor, regarding Ms. Garhardt, are you
15 excusing her or --
16 THE COURT: No.
17 MR. ARRASCADA: -- if she shows up she'll be --
18 THE COURT: She'll be next.
19 MR. ARRASCADA: -- pushed back in?
20 THE COURT: Right.
21 MR. GENTILE: And in the same order?
22 THE COURT: Right. Next.
23 Ma'am, go ahead and have a seat there in the box. Good morning.
24 How was your party?
25 PROSPECTIVE JUROR NO. 070: It was beautiful.

1 THE COURT: Good. And I wrote down MGM Mirage. What again do
2 you do for MGM Mirage?

3 PROSPECTIVE JUROR NO. 070: I'm a credit manager for advertising
4 and marketing division.

5 THE COURT: Okay. Does that mean that you -- do you work with the
6 players or check their credit, or is it more for purchasing and spending on
7 advertising?

8 PROSPECTIVE JUROR NO. 070: It's actually all the -- we are the in-
9 house agency for all the properties. So we do all the print [inaudible].

10 THE COURT: Okay.

11 PROSPECTIVE JUROR NO. 070: We are on the production side.

12 THE COURT: All right. And then are you married?

13 PROSPECTIVE JUROR NO. 070: No.

14 THE COURT: Any children?

15 PROSPECTIVE JUROR NO. 070: No.

16 THE COURT: Ever been a juror before?

17 PROSPECTIVE JUROR NO. 070: No.

18 THE COURT: You or anyone close to you ever been the victim of a
19 crime or accused or arrested or charged with a crime?

20 PROSPECTIVE JUROR NO. 070: No.

21 THE COURT: All right. You've heard all the discussions we've had with
22 everybody all of these many days. Anything that you think we should know about
23 you or you would've had to answer yes to in the previous discussions?

24 PROSPECTIVE JUROR NO. 070: No, not particularly. I just have one
25 concern.

1 THE COURT: Yes.

2 PROSPECTIVE JUROR NO. 070: And it's retaliation.

3 THE COURT: Okay.

4 PROSPECTIVE JUROR NO. 070: Being involved with violent crimes,
5 murder, or gang is something that I don't feel comfortable being associated with.

6 THE COURT: Okay. And actually I don't know if you were in here, but
7 there's no allegation at all that either of the Hidalgos are involved or affiliated or
8 associated with a gang in any -- in any way. There's no one on trial here that is a
9 gang member.

10 And honestly, the chance of a gang retaliation in this case would be
11 just like a grand larceny from the Wal-Mart or a child abuse. Okay? So I hope
12 that allays your -- your concern. Because it really -- I know the question and
13 everybody kind of starts thinking, well, wow, what's this case about and that's
14 really not an issue with respect to these individuals with membership or
15 association or anything like that.

16 Is that fair, State?

17 MR. DIGIACOMO: That's correct. The only allegation is that they hired
18 a gang member or that they were --

19 THE COURT: Who is not --

20 MR. DIGIACOMO: -- involved in hiring a --

21 THE COURT: -- on trial here --

22 MR. DIGIACOMO: Correct.

23 THE COURT: -- and who will not be testifying.

24 PROSPECTIVE JUROR NO. 070: Okay.

25 THE COURT: All right. Now, I detect an accent. Where are you from?

1 PROSPECTIVE JUROR NO. 070: I'm from France.

2 THE COURT: I was going to guess France, but I didn't want to guess
3 wrong. All right. Thank you.

4 State, you may question Ms. Bonds.

5 MR. PESCI: Thank you, Judge.

6 Ma'am, on that issue of the concept of someone being talked about
7 in this case that's tied to or allegedly tied to gangs, how does that affect into the
8 concerns that you just talked about?

9 PROSPECTIVE JUROR NO. 070: It makes me very uncomfortable. I try
10 to live my life in a very non-violent environment, and anything that is tied to
11 crimes or murder is -- is really -- places me in a very uncomfortable situation.

12 MR. PESCI: Okay. And that uncomfortable position as you're back in
13 the jury room, how do you think that will factor into your deliberative process?
14 How do you think it'll affect you?

15 PROSPECTIVE JUROR NO. 070: And I -- and I thought about that
16 throughout the three days that we've been here and I've tried to picture myself in
17 that position. And if I was part of the jury and it's -- this is the kind of
18 responsibility that I'd rather not be involved with just because of the gravity of the
19 case and the consequences that it had on somebody's life. It just doesn't -- it
20 doesn't really register as something that I would deal with easily.

21 MR. PESCI: And that's understandable to -- to -- to not want to be
22 involved with it or be able to deal with it easily. We can understand that. The
23 question really that we're trying to figure out is how that uncomfortableness will
24 affect your deliberations. How do you think it will factor into it? Would it make
25 you weigh one way or the other as far as assessing the evidence?

1 PROSPECTIVE JUROR NO. 070: I think so.

2 MR. PESCI: How so?

3 PROSPECTIVE JUROR NO. 070: Being -- I'm in a supervisor position,
4 so I know when there is issues and concerns that come across I -- I weigh the --
5 the -- all the situation, all the factors, and all the consequences that could
6 happen, it could involve. So I would have a hard time separating my own
7 feelings with making a really practical and unbiased decision in -- in a case like
8 that.

9 MR. PESCI: And the hard time separating your feelings, how -- how do
10 you think your feelings would factor into it? That's what we're trying to grasp.
11 Would it make it such that you couldn't listen to the evidence, or is it going to
12 make it such that you couldn't get your point across in the jury room? How would
13 it affect you?

14 PROSPECTIVE JUROR NO. 070: Making a fair decision. I would
15 definitely -- I could listen. I could see the evidence and listen to all the evidence.
16 As far as separating what I would feel to make -- be able to make a fair decision,
17 I think it would be a struggle.

18 MR. PESCI: Okay. And -- and how would it affect the fairness and the
19 struggle that you would have? I mean, would it be less fair to one side or the
20 other? I mean, how -- how would that affect your fairness?

21 PROSPECTIVE JUROR NO. 070: I think I just would go for -- make a
22 decision that would remove me from any -- being a decision factor. I wouldn't
23 want to be a part of making that big of a decision. So just for -- it's a self-
24 centered point of view, but it would be just for me to be removed from that -- that,
25 having to make that kind of a decision.

1 MR. PESCI: So you're saying you would not be part of the decision
2 process then?

3 PROSPECTIVE JUROR NO. 070: I would try to remove myself from it.
4 It would be really difficult for me to either make a decision, be fair in a decision,
5 or argue about a point that would involve that kind of decision in the process.

6 MR. PESCI: Are you concerned about what could happen to you if
7 you're a part of that decision?

8 PROSPECTIVE JUROR NO. 070: Remotely, yes. But adding that -- just
9 as -- as a person, as a person having to make that kind of decision, it would be
10 just really more of a personal issue as well. Yes, I had fear of being involved with
11 that -- in those -- in that -- those elements. I don't -- I'm not comfortable with it,
12 but it's mostly a personal issue.

13 MR. PESCI: And that personal issue and that uncomfortableness, that's
14 probably something that other people will feel as well and that's understandable.
15 The real question is -- and I think I'm hearing you say that you would remove
16 yourself from the process?

17 PROSPECTIVE JUROR NO. 070: I would probably wouldn't -- wouldn't
18 want to be committed to the process.

19 MR. PESCI: We'll submit it on that, Judge.

20 THE COURT: All right.

21 Mr. Gentile or --

22 MR. GENTILE: I have no questions of --

23 THE COURT: All right.

24 Do you have any questions?

25 MR. ARRASCADA: No, Your Honor.

1 THE COURT: All right. Thank you, Ms. Bonds. Follow Jeff out into the
2 hallway. And don't talk about what's just transpired in here.

3 (Prospective juror No. 70 exits courtroom)

4 MR. PESCI: Judge, before you call the next one in --

5 THE COURT: I know.

6 MR. PESCI: Okay. Sorry.

7 MR. GENTILE: Well, we got to say something.

8 THE COURT: I know. That's -- I wasn't going to call the next one.
9 That's what I meant, I know.

10 You're challenging for cause.

11 MR. PESCI: Yes, Judge.

12 THE COURT: And I'm assuming the defense is not --

13 MR. GENTILE: No objection.

14 THE COURT: -- opposing a for cause challenge, but I'm not going to
15 excuse her right now. She can sit out there.

16 MR. GENTILE: I'm -- does Batson apply to the French?

17 MR. DIGIACOMO: Don't worry. It shouldn't.

18 THE COURT: I was going to make a bad joke, but --

19 MR. DIGIACOMO: I don't know --

20 THE COURT: I have a crazy idea.

21 MR. PESCI: I don't know him.

22 THE COURT: Entertain my idea first. There -- every single person that
23 raises their hand in the beginning and they -- it's a conflict and blah, blah, blah,
24 are the people that we're wasting a lot of time with and wind up getting excused
25 for cause. Here's my crazy idea. Let's just skip over Shea Palluck, the mother --

1 MR. DIGIACOMO: Frank Sinatra.

2 THE COURT: Well, and Frank Sinatra is almost to the end anyway, and
3 go with these other people that didn't raise their hands so we don't waste a lot of
4 time with -- I mean, it's really only one more, but --

5 MR. DIGIACOMO: Yeah, I don't have a problem with that. I just didn't
6 hear Mr. Arrascada or Mr. Adams --

7 MR. ARRASCADA: What?

8 MR. DIGIACOMO: -- agree that they --

9 MR. ADAMS: No, we don't --

10 THE COURT: Okay. Well, it's only one more. That's fine.

11 Is Ms. Garhardt here?

12 MR. DIGIACOMO: No, I'm sorry, that they don't object to Ms. Bonds
13 being excused for cause.

14 MR. GENTILE: We did not object.

15 MR. DIGIACOMO: I heard Mr. Gentile, but I didn't hear Mr. Arrascada.

16 MR. ARRASCADA: I said it also, Your Honor. Maybe I'm --

17 THE COURT: I heard it.

18 MR. DIGIACOMO: Oh, okay. I don't see them, so -- necessarily.

19 THE COURT: Finish your coffee, Mr. DiGiacomo.

20 MR. DIGIACOMO: Yeah, I need it, Judge. Trust me.

21 THE MARSHAL: No Garhardt.

22 THE COURT: All right. Bring in Ms. Palluck.

23 THE MARSHAL: What's her first name?

24 THE COURT: Shea Palluck, unless we all agree to skip over her.

25 MR. DIGIACOMO: I thought we all agreed to skip over her.

1 MR. ADAMS: I thought we were skipping?

2 THE COURT: Okay. We did?

3 Skip her. Bring in Kelly --

4 THE MARSHAL: Shea Palluck?

5 THE COURT: Shea Palluck. That's the mother that raised her -- well, I
6 don't know. Maybe she's okay with it now.

7 MR. GENTILE: I'm told to skip her, Your Honor.

8 THE COURT: Okay. Kelli Woodland.

9 MR. GENTILE: What are we doing? Excusing her?

10 THE COURT: No, I'm just --

11 MR. DIGIACOMO: Skipping over her.

12 THE COURT: -- trying to get --

13 MR. DIGIACOMO: We'll go back to her later.

14 MR. ARRASCADA: Skipping her because she expressed some hardship
15 concerns.

16 MR. GENTILE: Oh.

17 THE COURT: Right. And that way we won't waste a lot of time with her.

18 MR. DIGIACOMO: You still have 55 minutes. We only got 50.

19 THE COURT: All right. That's true.

20 Ma'am, have a seat there in the jury box, anywhere in the jury box.

21 Good morning. What do you do for a living?

22 PROSPECTIVE JUROR NO. 075: I work for Ford Credit.

23 THE COURT: For Ford Credit. And what do you do for them.

24 PROSPECTIVE JUROR NO. 075: Now I'm a collector, but I just got laid
25 off.

1 THE COURT: Oh, okay. I'm sorry. Are you looking -- I'm assuming
2 you're still looking -- out there looking for work?

3 PROSPECTIVE JUROR NO. 075: Yeah, my last -- I'm good until March.

4 THE COURT: Okay. And are you married?

5 PROSPECTIVE JUROR NO. 075: Yes.

6 THE COURT: What does your husband do?

7 PROSPECTIVE JUROR NO. 075: He's a CCSC police officer.

8 THE COURT: Okay. So he's -- how long has he been a Clark County
9 School District police officer?

10 PROSPECTIVE JUROR NO. 075: For about six months.

11 THE COURT: Oh, only six months. What did he do before that other
12 than the academy?

13 PROSPECTIVE JUROR NO. 075: He was with North Las Vegas for
14 about a year.

15 THE COURT: As a police officer?

16 PROSPECTIVE JUROR NO. 075: Uh-huh.

17 THE COURT: All right. Is that yes?

18 PROSPECTIVE JUROR NO. 075: Yes.

19 THE COURT: And then before he got into policing what did he do or was
20 he just in school?

21 PROSPECTIVE JUROR NO. 075: He has his own little printing,
22 scanning, litigation company.

23 THE COURT: Okay. And is that a company that scans documents --

24 PROSPECTIVE JUROR NO. 075: Right.

25 THE COURT: -- and keeps --

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PROSPECTIVE JUROR NO. 075: Right.

THE COURT: Would that be for civil attorneys?

PROSPECTIVE JUROR NO. 075: Any attorneys.

THE COURT: Okay.

PROSPECTIVE JUROR NO. 075: Mostly civil.

THE COURT: Are you familiar with any of the attorneys that use your husband's firm or services?

PROSPECTIVE JUROR NO. 075: No.

THE COURT: Okay. And you've never worked or helped him in his business?

PROSPECTIVE JUROR NO. 075: No.

THE COURT: Okay. Now, why did he leave the North Las Vegas police?

PROSPECTIVE JUROR NO. 075: He didn't like it there. He didn't like working for them.

THE COURT: Okay. Was he -- was he in patrol the whole time --

PROSPECTIVE JUROR NO. 075: Yes.

THE COURT: -- that he was there? And now as a school district police officer, is he assigned to a particular school, or does he kind of go to all the school --

PROSPECTIVE JUROR NO. 075: He patrols.

THE COURT: The different schools?

PROSPECTIVE JUROR NO. 075: Uh-huh.

THE COURT: Okay. Does he talk about his work with you very -- very often?

1 PROSPECTIVE JUROR NO. 075: Not often.

2 THE COURT: Okay. And anything about the fact that he works as a
3 police officer, would that impact your ability to be fair and impartial to either side
4 in this case?

5 PROSPECTIVE JUROR NO. 075: Not at all.

6 THE COURT: Okay. Now, if the State -- and you heard some talk about
7 this the other days, if the State fails to prove the defendant guilty, one or both
8 defendants beyond a reasonable doubt, that defendant would be entitled to a
9 verdict of not guilty. Do you understand that?

10 PROSPECTIVE JUROR NO. 075: Right.

11 THE COURT: And are you comfortable with that concept?

12 PROSPECTIVE JUROR NO. 075: Yes.

13 THE COURT: Okay. Now, if you sat on this jury and you voted not
14 guilty, would you have any qualms or problems about going home and telling
15 your husband at the dinner table, you know what, I voted not guilty, I don't think
16 the State proved it?

17 PROSPECTIVE JUROR NO. 075: No, I wouldn't have any problem with
18 that.

19 THE COURT: Okay. And do you associate with a lot of other police
20 officers either from the school district or North -- North Las Vegas?

21 PROSPECTIVE JUROR NO. 075: Not at all.

22 THE COURT: Okay. Have you ever been a juror before?

23 PROSPECTIVE JUROR NO. 075: No.

24 THE COURT: Okay. You or anyone close to you ever been a victim of a
25 crime or arrested or charged with a crime?

1 PROSPECTIVE JUROR NO. 075: My husband's father was murdered,
2 but this was nine months before I met him. I never met his father.

3 THE COURT: Okay. Do you know where that occurred?

4 PROSPECTIVE JUROR NO. 075: It was in Charles County Maryland.

5 THE COURT: Okay.

6 PROSPECTIVE JUROR NO. 075: In '91.

7 THE COURT: In 1991? Do you -- did you follow that case at all?

8 PROSPECTIVE JUROR NO. 075: I didn't know anything about it.

9 THE COURT: Okay. All right. Anything else you think we would be
10 interested in knowing about you based on our conversations and questioning and
11 discussions with the other potential jurors?

12 PROSPECTIVE JUROR NO. 075: Well, I grew up in LA, so I'm real
13 familiar with gangs. I have a lot of friends that were in gangs.

14 THE COURT: Okay. What part of LA did you live in?

15 PROSPECTIVE JUROR NO. 075: I lived in Bowen Hills, Windsor Hills
16 area.

17 THE COURT: Okay. And were these -- well, what gang, I guess gangs
18 were you familiar with growing up?

19 PROSPECTIVE JUROR NO. 075: Well, I lived near the -- where the 60s
20 Crips lived. I lived near there, but the school I attended had a lot of different
21 gangs in it.

22 THE COURT: Okay. Were those gangs of all different ethnic type
23 backgrounds?

24 PROSPECTIVE JUROR NO. 075: Right.

25 THE COURT: Okay. All right. Anything about -- well, I'm going to let the

1 State question you now.

2 Mr. Pesci.

3 MR. PESCI: Now, talking about gangs, you said that you were around
4 them or you had experience with them growing up; is that accurate?

5 PROSPECTIVE JUROR NO. 075: Right.

6 MR. PESCI: How do you think that experience will affect the way you
7 deliberate in this case?

8 PROSPECTIVE JUROR NO. 075: It shouldn't have any effect at all.

9 MR. PESCI: If you hear something about gangs, would that
10 automatically have you leaning towards the State's side or automatically have
11 you leaning towards the defense's side?

12 PROSPECTIVE JUROR NO. 075: Either way. I -- it wouldn't make a
13 difference to me.

14 MR. PESCI: Do you think you can be fair to both sides?

15 PROSPECTIVE JUROR NO. 075: Yes.

16 MR. PESCI: Do you have any experience with handguns or firearms?

17 PROSPECTIVE JUROR NO. 075: Not at all.

18 MR. PESCI: Do you have any strong feelings one way or the other about
19 them?

20 PROSPECTIVE JUROR NO. 075: I'm scared of them. I don't touch
21 them.

22 MR. PESCI: Would you hold that against somebody if they had a gun?

23 PROSPECTIVE JUROR NO. 075: No, that's just my preference.

24 MR. PESCI: Strip clubs, what -- what do you think of when you hear it?
25 What are your feelings about it?

1 PROSPECTIVE JUROR NO. 075: I don't really have a feeling. I just -- I
2 mean, it's a job for them. I mean, I don't have a feeling about it.

3 MR. PESCI: Thanks. We pass for cause, Your Honor.

4 THE COURT: All right. Thank you.

5 Mr. -- who would like to go next for the defense?

6 MR. ARRASCADA: Sure.

7 THE COURT: Mr. -- I'm sorry, Arrascada.

8 MR. ARRASCADA: I'm sorry?

9 THE COURT: Yes, go.

10 MR. ARRASCADA: Thank you, Your Honor.

11 Now, it's Ms. Woodland; correct?

12 PROSPECTIVE JUROR NO. 075: Right.

13 MR. ARRASCADA: And, ma'am, you mentioned -- are you currently
14 unemployed?

15 PROSPECTIVE JUROR NO. 075: No, I'm not unemployed as of yet.

16 MR. ARRASCADA: Okay. But you've received a notice that in March, or
17 how -- explain that.

18 PROSPECTIVE JUROR NO. 075: No, we -- while I was here we had a
19 meeting at work and they said that we were going to be laid off as of March.

20 MR. ARRASCADA: And that's with Ford Credit?

21 PROSPECTIVE JUROR NO. 075: Right.

22 MR. ARRASCADA: And your position with them, you're a collector?

23 PROSPECTIVE JUROR NO. 075: Right.

24 MR. ARRASCADA: So is that -- you're calling people on the phone and
25 asking them --

1 PROSPECTIVE JUROR NO. 075: To pay your bill.

2 MR. ARRASCADA: -- you're delinquent.

3 PROSPECTIVE JUROR NO. 075: Right.

4 MR. ARRASCADA: I would be you hear a lot of, I don't want to call them
5 stories, but a lot of reasoning as to why they're late on their bills or when they're
6 going to pay.

7 PROSPECTIVE JUROR NO. 075: Right.

8 MR. ARRASCADA: Is that accurate?

9 PROSPECTIVE JUROR NO. 075: Uh-huh.

10 MR. ARRASCADA: How do you know when you're listening to these
11 people who's telling you the truth and who is just shoveling it on at you to miss,
12 not have to pay.

13 PROSPECTIVE JUROR NO. 075: I haven't really been doing it that
14 long. I've -- I've been there eight years, and I just started doing this in October. I
15 don't really -- I don't know. Whatever they tell me I just take it for what it is, you
16 know. I can't really say if they're telling the truth or not, you know. Sometimes
17 you know when people are lying to you, you know, because they don't want to
18 talk to you, but I just try to take people at their word, you know.

19 MR. ARRASCADA: So -- so what you're telling me is you have to take
20 them for their word and you mark it and you -- you record it; correct?

21 PROSPECTIVE JUROR NO. 075: Right.

22 MR. ARRASCADA: But you're not in a position to make a decision as to
23 the truthfulness or the accuracy of what --

24 PROSPECTIVE JUROR NO. 075: No, not at all.

25 MR. ARRASCADA: What would you need more to be able to do that?

1 PROSPECTIVE JUROR NO. 075: It -- we're in the collection department
2 where I'm working. I'm not -- I don't have those people to where I would say to
3 them I'm going to take your car. It's not at that point yet, so I don't have to worry
4 about things like that. They tell me why they're delinquent. Maybe they --
5 they're, you know, in foreclosure, they're trying to save their home, or they're --
6 they've been laid off. I mean, it's really the same thing now since the economy
7 has changed. Everyone's gotten laid off, self-employed, can't pay their bills
8 basically, and you just have to document what they say.

9 MR. ARRASCADA: I'm asking you a question a little bit different to go
10 beyond that, that you -- you say that just hearing them on the phone I can't make
11 a decision. If you had to make a decision as to their credibility, their truthfulness
12 personally, what would -- what more would you need other than the words on the
13 telephone?

14 PROSPECTIVE JUROR NO. 075: I would have to really review their
15 account, did they have the same problem six months ago or what did they say six
16 months ago when they were delinquent.

17 MR. ARRASCADA: Or outside of the job, if -- is the house really in
18 foreclosure?

19 PROSPECTIVE JUROR NO. 075: Right. Yeah, there -- we have really
20 no way of knowing that. You know, we -- where I work is called account
21 maintenance. We're trying to prevent them for going to loss prevention where
22 they would dig more into that.

23 MR. ARRASCADA: But personally, to figure out -- I think what you're
24 telling me is that -- tell me if I'm wrong --

25 PROSPECTIVE JUROR NO. 075: Okay.

1 MR. ARRASCADA: -- that you would want to look at all the facts and
2 evidence to see if it supports what they're saying.

3 PROSPECTIVE JUROR NO. 075: Right, if I had time to do that, but we
4 don't have time to do that. It's limited.

5 MR. ARRASCADA: Using that, though, as a -- as a mindset, if you're
6 picked and chosen to be on this jury, is that something you'd be able to do? Not
7 just listen to words but look at it critically or see what the truth is?

8 PROSPECTIVE JUROR NO. 075: I'm sure I would.

9 MR. ARRASCADA: And have you ever heard anyone suggest that the
10 law be broken and they're not really sincere or don't really mean it?

11 PROSPECTIVE JUROR NO. 075: Yeah.

12 MR. ARRASCADA: Okay.

13 PROSPECTIVE JUROR NO. 075: Yeah.

14 MR. ARRASCADA: How do you know if they're not serious or they don't
15 intend for it to happen?

16 PROSPECTIVE JUROR NO. 075: Well, I don't know. I just like, you
17 know, when we thought we were going to get laid off you heard people say -- you
18 heard people say, well, I hope they do close us down or whatever, but you
19 know -- you knew they really didn't mean it because they needed their paycheck,
20 you know. So, you know, it goes in one ear and out the other.

21 MR. ARRASCADA: And you're able to make those decisions, or those --
22 your own personal decisions because you know the people or you can tell by
23 these other factors, like you said they need the job?

24 PROSPECTIVE JUROR NO. 075: Maybe because I know them.

25 MR. ARRASCADA: What if you didn't know them? What would you

1 need to -- what would you need to determine that?

2 PROSPECTIVE JUROR NO. 075: I really -- I mean, just by something
3 like that, if I didn't know them, I wouldn't know their situation at home, so I really
4 wouldn't know if they did need their job or if they had something else lined up. I
5 really don't know. I try to just -- I try to just take everything for what it is, you
6 know, give people the benefit of the doubt.

7 MR. ARRASCADA: Okay. Thank you very much.

8 THE COURT: All right. Thank you.

9 Ms. Armeni.

10 MR. GENTILE: No, let me take her.

11 MS. ARMENI: Oh, okay.

12 THE COURT: Oh, Mr. Gentile.

13 MR. GENTILE: Good morning.

14 PROSPECTIVE JUROR NO. 075: Good morning.

15 MR. GENTILE: I have a couple of questions because of some of the
16 things you said. Your husband, even though it was for just a short period of time
17 was a North Las Vegas policeman. The Palomino Club is in North Las Vegas.
18 You know that; right?

19 PROSPECTIVE JUROR NO. 075: No, I didn't know that.

20 MR. GENTILE: You didn't know that. Okay. So did he ever talk to you
21 at all about the Palomino Club?

22 PROSPECTIVE JUROR NO. 075: No, not at all.

23 MR. GENTILE: All right. Did you talk to him last night about the fact that
24 you were on this?

25 PROSPECTIVE JUROR NO. 075: No, not all.

1 MR. GENTILE: Okay. I know that you just said that it's, you know, you'll
2 have -- when it came to strip clubs, your feeling was, well, it's a job.

3 PROSPECTIVE JUROR NO. 075: Yeah, everybody has their hustle.
4 You can't knock them.

5 MR. GENTILE: At least they're working.

6 PROSPECTIVE JUROR NO. 075: Right.

7 MR. GENTILE: Okay. Have you ever been in a strip club?

8 PROSPECTIVE JUROR NO. 075: Yes.

9 MR. GENTILE: Okay. Here in Nevada?

10 PROSPECTIVE JUROR NO. 075: Yes.

11 MR. GENTILE: Okay. You're not offended by the existence of strip
12 clubs then?

13 PROSPECTIVE JUROR NO. 075: No.

14 MR. GENTILE: Fair to say?

15 PROSPECTIVE JUROR NO. 075: Fair to say.

16 MR. GENTILE: Okay. Did you go with your husband?

17 PROSPECTIVE JUROR NO. 075: Yes.

18 MR. GENTILE: Okay. Now, there was one other area. Gangs, that was
19 it. You grew up around gangs.

20 PROSPECTIVE JUROR NO. 075: Right.

21 MR. GENTILE: You know something about gang culture then.

22 PROSPECTIVE JUROR NO. 075: Yes.

23 MR. GENTILE: All right. Retaliation, have you -- have you seen that?

24 PROSPECTIVE JUROR NO. 075: No, I'm not -- I wasn't into it like -- I
25 wasn't into it, you know.

1 MR. GENTILE: All right.
2 PROSPECTIVE JUROR NO. 075: So I don't know anything about that.
3 MR. GENTILE: Did you hear about it
4 PROSPECTIVE JUROR NO. 075: I don't really -- I mean, you know how
5 you just don't want to be involved, you don't want to hear what, you know --
6 MR. GENTILE: Sure. Sure.
7 PROSPECTIVE JUROR NO. 075: So I really don't -- I have friends that's
8 gone to jail. I never asked why were you --
9 MR. GENTILE: You didn't want to know.
10 PROSPECTIVE JUROR NO. 075: -- in prison or -- yeah, exactly.
11 MR. GENTILE: Am I right?
12 PROSPECTIVE JUROR NO. 075: Exactly.
13 MR. GENTILE: And you didn't want to --
14 PROSPECTIVE JUROR NO. 075: I don't get involved.
15 MR. GENTILE: Exactly. You didn't want to know for a reason.
16 PROSPECTIVE JUROR NO. 075: Right.
17 MR. GENTILE: And the reason was --
18 PROSPECTIVE JUROR NO. 075: Because I don't want nobody asking
19 me --
20 MR. GENTILE: Right.
21 PROSPECTIVE JUROR NO. 075: -- anything.
22 MR. GENTILE: Exactly. You want to be able to say I don't know.
23 PROSPECTIVE JUROR NO. 075: Exactly.
24 MR. GENTILE: And the reason you want to be able to say I don't know
25 is --

1 PROSPECTIVE JUROR NO. 075: Because I don't want to be involved.

2 MR. GENTILE: -- it ain't going to do you any good; right?

3 PROSPECTIVE JUROR NO. 075: Exactly.

4 MR. GENTILE: Okay. Thank you.

5 THE COURT: All right. Ms. Woodland, thank you very much. I'm going
6 to send you back out into the hallway. Please don't discuss with the other
7 prospective jurors what we've talked about --

8 PROSPECTIVE JUROR NO. 075: Right.

9 THE COURT: -- in here. All right. Thank you. Follow Officer Wooten.

10 (Prospective juror No. 75 exits courtroom)

11 THE COURT: You know what, and I apologize to be flip-flopping like
12 this. I am going to have Ms. Palluck come in because she's been here four days
13 and she deserves to be questioned.

14 MR. GENTILE: How much time did I use?

15 THE COURT: You used two minutes.

16 So seven minutes for the State, five for the Third, and two for Junior.
17 So I am going to interview Ms. Palluck.

18 We're on the State's fifth challenge.

19 MR. DIGIACOMO: So our next one, Ms. Palluck comes in?

20 THE COURT: We can put in Ms. Palluck and then do the next two
21 challenges if you want.

22 MR. DIGIACOMO: Well, that's my question.

23 THE COURT: Yeah, Ms. Palluck.

24 MR. DIGIACOMO: Because if I exercise a challenge now, Ms. Palluck is
25 going to take that seat.

1 THE COURT: Right. Or we can just interview Ms. Palluck because I
2 took her out of order.

3 MR. GENTILE: Well, but --

4 THE COURT: I don't care.

5 MR. GENTILE: What is --

6 THE COURT: I'm sorry.

7 MR. GENTILE: Did we pass her yesterday? Is that what --

8 MR. DIGIACOMO: No, we haven't gotten to her.

9 THE COURT: No, I just passed her right now. But then I thought, you
10 know what, she might be a problem, but she deserves to at least to be given the
11 interview and --

12 MR. GENTILE: Forgive me. All I'm trying to figure is did she come
13 ahead of Ms. Woodland?

14 THE COURT: She did.

15 MR. GENTILE: Okay.

16 THE COURT: So she would be next. So let's interview Ms. Palluck now
17 and then the State's fifth. Ms. Palluck will be in seat two, and then Ms. Woodland
18 would, if you challenge her, would be the next one.

19 All right. Bring in Ms. Palluck.

20 And I apologize, but as I sat here and thought about it, I realized that
21 that was disrespectful.

22 MR. DIGIACOMO: So we're going to seat her in two?

23 THE COURT: Right. That was --

24 THE CLERK: The people in seat two --

25 THE COURT: I know, Denise, just don't worry about it.

1 THE CLERK: Okay.

2 MR. PESCI: But Woodland will take two if --

3 THE COURT: It's my fault.

4 MR. DIGIACOMO: If she goes for cause.

5 THE COURT: Ms. Palluck, go ahead and have a seat just there in the
6 jury box somewhere. And good morning. As I recall you are a stay at home
7 mom; is that right?

8 PROSPECTIVE JUROR NO. 071: I'm a stay at home mom.

9 THE COURT: And you have your three kids. That must keep you pretty
10 busy. And so I know you had a little bit of an issue with having -- has your mom
11 been watching your kids or did your husband have to take off from work or what?

12 PROSPECTIVE JUROR NO. 071: My mom and dad have been helping
13 me because my mom works part time --

14 THE COURT: Okay.

15 PROSPECTIVE JUROR NO. 071: -- just to get herself out of the house.
16 My dad is retired, so they've been helping me. But, I mean, they like to do their
17 stuff, so they've been sacrificing too.

18 THE COURT: They've been complaining a little bit.

19 PROSPECTIVE JUROR NO. 071: No, no. Actually, no.

20 THE COURT: Okay.

21 PROSPECTIVE JUROR NO. 071: And the kids have really liked it. And
22 my husband --

23 THE COURT: They get to spend time with grand -- the grandparents.

24 Okay. And your husband, I wrote down, is the vice-president at the Athletic Club.

25 PROSPECTIVE JUROR NO. 071: Yes.

1 THE COURT: Now, does he work at a particular location, or is there a
2 corporate office somewhere where he works?

3 PROSPECTIVE JUROR NO. 071: He travels from location to location
4 and he works 12 hours Monday through Thursday.

5 THE COURT: And what's his -- are there -- I'm assuming there are
6 several vice presidents.

7 PROSPECTIVE JUROR NO. 071: He has one, I guess, person in the
8 same position as him, so -- and he works weekends.

9 THE COURT: Okay. And then do you -- well, I know you have children.
10 Have you ever been a juror before?

11 PROSPECTIVE JUROR NO. 071: I have been in a box, but I was
12 dismissed.

13 THE COURT: Okay. And have you or anyone close to you ever been
14 the victim of a crime or arrested or charged with a crime?

15 PROSPECTIVE JUROR NO. 071: Not a victim of a crime, no.

16 THE COURT: Okay. What about charged or arrested for any crimes?

17 PROSPECTIVE JUROR NO. 071: I have a distance cousin in jail, has
18 been in jail for years and years.

19 THE COURT: Okay.

20 PROSPECTIVE JUROR NO. 071: I -- I don't even know what for.

21 THE COURT: You're not close to that person?

22 PROSPECTIVE JUROR NO. 071: No.

23 THE COURT: Okay. You've heard all of the questions the couple of
24 days when everybody was in here and our discussions. Anything that you think
25 we would be interested in knowing about you based on our discussions with all of

1 the other prospective jurors and out questioning? Anything you would've had to
2 raise your hand and say, yeah, that's me?

3 PROSPECTIVE JUROR NO. 071: No.

4 THE COURT: Okay. What -- what are your feelings, how do you feel
5 about strip clubs?

6 PROSPECTIVE JUROR NO. 071: I am a professional dancer. I have
7 danced my whole life since I was five.

8 THE COURT: A ballet dancer?

9 PROSPECTIVE JUROR NO. 071: I grew up taking ballet and tap and
10 jazz, and I've -- I was a professional football cheerleader. And so my opinions of
11 strip clubs are not very high.

12 THE COURT: Okay.

13 PROSPECTIVE JUROR NO. 071: But I understand people have to do
14 what they have to do. And, unfortunately, those choices are out there for -- for
15 women to make. And -- but --

16 THE COURT: And --

17 PROSPECTIVE JUROR NO. 071: -- me, myself, I'd never do it.

18 THE COURT: -- what team did you cheer for?

19 PROSPECTIVE JUROR NO. 071: I was a Denver Broncos cheerleader.

20 THE COURT: Okay. And when you say your opinion isn't high, is it not
21 high about the -- for the women who work there or the people who operate them
22 or the people who own them? What -- can you kind of expound on that for me?

23 PROSPECTIVE JUROR NO. 071: I personally would never degrade
24 myself to have to take off my clothes to make money. So it's more -- and I, as a
25 dancer, I hate when people hear, oh, you're a dancer, especially in Vegas.

1 THE COURT: Right.

2 PROSPECTIVE JUROR NO. 071: I am a professional dancer. I -- I
3 would never take my clothes off to make money.

4 THE COURT: Okay.

5 PROSPECTIVE JUROR NO. 071: So I -- that's my -- people who own
6 them, I guess they got to do what they got to do.

7 THE COURT: Have you ever been to one?

8 PROSPECTIVE JUROR NO. 071: I have, for a bachelorette party.

9 THE COURT: Okay. And was that one where -- I know some -- some of
10 the clubs here, they have, you know, lady's night where the men dance.

11 PROSPECTIVE JUROR NO. 071: Yeah.

12 THE COURT: Was it a lady's night kind of a deal?

13 PROSPECTIVE JUROR NO. 071: Yeah.

14 THE COURT: Was it here in town?

15 PROSPECTIVE JUROR NO. 071: Yes.

16 THE COURT: Was it the Olympic Garden?

17 PROSPECTIVE JUROR NO. 071: Yes. Yeah.

18 THE COURT: Not that I --

19 MR. GENTILE: How did you know that?

20 THE COURT: I'm a judge. I hear things.

21 PROSPECTIVE JUROR NO. 071: And I was --

22 MR. ADAMS: Please don't force me to object.

23 THE COURT: Just one time, kind of like a bachelorette --

24 PROSPECTIVE JUROR NO. 071: Just the one time, bachelorette party,
25 and I think I was pink the whole entire time I was there.

1 THE COURT: Did you have a good time?

2 PROSPECTIVE JUROR NO. 071: We had fun, yes. We laughed a lot.

3 THE COURT: Okay. Now, in seriousness I need to ask you --

4 PROSPECTIVE JUROR NO. 071: U-huh.

5 THE COURT: -- would your negative feelings about the women who
6 dance in these clubs, do you think that would impact your ability to be a fair and
7 impartial juror and just decide this case on the evidence?

8 PROSPECTIVE JUROR NO. 071: No, I don't.

9 THE COURT: All right. Thank you.

10 State.

11 MR. DIGIACOMO: Ma'am, we've been three days now. Anything any of
12 us have said that you feel it's important we should know?

13 PROSPECTIVE JUROR NO. 071: Nothing has bothered me, so --

14 MR. DIGIACOMO: Have you had any contact with gangs during your
15 life?

16 PROSPECTIVE JUROR NO. 071: No. No, not at all.

17 MR. DIGIACOMO: Thank you very much.

18 Judge, we pass for cause.

19 THE COURT: All right. Thank you.

20 Who is next? Ms. Armeni?

21 MS. ARMENI: I'll go. Sure.

22 Good morning, Ms. Palluck.

23 PROSPECTIVE JUROR NO. 071: Good morning.

24 MS. ARMENI: You weren't sighing for me, were you? I heard you sigh.

25 PROSPECTIVE JUROR NO. 071: No.

1 MS. ARMENI: Never mind.

2 PROSPECTIVE JUROR NO. 071: No, no. I'm just -- I'm a big sigher.

3 MS. ARMENI: Not a good way to start off my morning. I want to kind of
4 delve back into the strip clubs. I know it's been a topic that we keep going over
5 and over and over.

6 PROSPECTIVE JUROR NO. 071: Uh-huh.

7 MS. ARMENI: But I know you can appreciate, especially from our side
8 why --

9 PROSPECTIVE JUROR NO. 071: Yes.

10 MS. ARMENI: -- it is important.

11 PROSPECTIVE JUROR NO. 071: Yes.

12 MS. ARMENI: And I can certainly appreciate the dancer comment. I
13 understand that. But let's take it a step further with what -- I mean, what are your
14 feelings if I throw out strip club owner? What do you think of?

15 PROSPECTIVE JUROR NO. 071: Seedy.

16 MS. ARMENI: I mean, be honest.

17 PROSPECTIVE JUROR NO. 071: Seedy.

18 MS. ARMENI: The Judge has said no answer is wrong.

19 PROSPECTIVE JUROR NO. 071: I -- I wouldn't think -- I wouldn't invite
20 him over to my house for dinner.

21 MS. ARMENI: And why -- why do you have that opinion? What do you
22 think the reason behind that is?

23 PROSPECTIVE JUROR NO. 071: I just think their lifestyle and my
24 lifestyle are completely opposite ends of the spectrum. We wouldn't have
25 anything in common in my opinion.

1 MS. ARMENI: What do you -- when you say that, what do you think a
2 strip club owner does that's different from you?

3 PROSPECTIVE JUROR NO. 071: Well, I take care of my kids all day.
4 I'm with -- I'm with young children all day and he's around people who drink,
5 people who -- who are doing -- well, I don't know how to put it politely, but doing
6 things --

7 MS. ARMENI: You don't have to --

8 PROSPECTIVE JUROR NO. 071: -- that aren't --

9 MS. ARMENI: -- put it politely.

10 PROSPECTIVE JUROR NO. 071: -- aren't -- aren't what a child is
11 exposed to and I have my children all day. And I wouldn't want my child exposed
12 to naked women and things like that.

13 MS. ARMENI: And so what -- tell me what do you think a person in their
14 day, let's take one -- a day of a life of a strip club owner, what would that day
15 consist of in your mind?

16 PROSPECTIVE JUROR NO. 071: In my mind, he probably sleeps all
17 morning, gets up, goes to his -- his job, and -- and makes sure all his employees
18 are there, and hangs out and has a few drinks all night and is up until six in the
19 morning.

20 MS. ARMENI: Do you -- when you think of strip club owners do you think
21 of people -- so it's -- and I don't want to put words in your mouth so I'll ask you.
22 Are they family people?

23 PROSPECTIVE JUROR NO. 071: I wouldn't know. I wouldn't -- I
24 wouldn't think so, but I wouldn't know.

25 MS. ARMENI: Okay. What other things when you think of, you told me

1 what they would do on an average day, what other things come to mind when
2 you think of strip clubs, strip club owner?

3 PROSPECTIVE JUROR NO. 071: I don't -- I don't know. I don't know
4 what you're wanting. I wouldn't know what they do, honestly.

5 MS. ARMENI: And why wouldn't they be somebody that you would hang
6 out with?

7 PROSPECTIVE JUROR NO. 071: I don't think our days would ever
8 coincide. I -- I'm up at 7:00 in the morning getting kids ready for school and I
9 usually go to school with them and my day consists of my children, so --

10 MS. ARMENI: Putting yourself in Mr. Hidalgo, or Mr. H as we'll probably
11 call him a lot through trial, putting yourself in his shoes, would you want
12 somebody like you on his jury?

13 PROSPECTIVE JUROR NO. 071: Yes. I -- I think I'm pretty fair.

14 MS. ARMENI: And you think everything that you told me about strip club
15 owners that we -- you know, you were open about --

16 PROSPECTIVE JUROR NO. 071: I --

17 MS. ARMENI: -- which I appreciate, we all appreciate, those kinds of
18 things you think all of the sudden that you would be able to put them aside the
19 minute you hit -- the minute you sit as a juror here?

20 PROSPECTIVE JUROR NO. 071: I think evidence proves itself. And
21 if -- if he's not guilty, it'll be proven that he's not guilty, so --

22 MS. ARMENI: But do you think because of how you feel? And like I said
23 there is no -- there is no right or wrong.

24 PROSPECTIVE JUROR NO. 071: I -- I mean, I walk down the street and
25 I see people all the time and I have no idea who they are and what they do, and I

1 still say hello to people all the time. My husband is always like, why did you say
2 hello to that person? I'm like because they looked at me and I said hello. It
3 doesn't matter whether they're homeless or the wealthiest person on earth. I -- I
4 don't judge them immediately, so --

5 MS. ARMENI: No, I understand that, but at this point you would know
6 that Mr. H is involved with the club. So that's why -- I mean, if your answer is I
7 can be fair --

8 PROSPECTIVE JUROR NO. 071: I can be fair.

9 MS. ARMENI: -- then that's fair enough. Okay.

10 PROSPECTIVE JUROR NO. 071: I can be fair, yes.

11 MS. ARMENI: Okay. When I throw -- let me ask, do you know any
12 lawyers?

13 PROSPECTIVE JUROR NO. 071: No, I don't. No, I don't know any
14 lawyers.

15 MS. ARMENI: No.

16 PROSPECTIVE JUROR NO. 071: No.

17 MS. ARMENI: Okay. And if you had a problem would you know who to
18 call? Or how would you go about doing it?

19 PROSPECTIVE JUROR NO. 071: I would probably grab the phone
20 book, look up, call a couple places, get prices, see what I could afford. But if I
21 was in trouble, I would definitely use a lawyer, yeah.

22 MS. ARMENI: Thank you for your time.

23 THE COURT: Let me follow up on something before we get to Mr.
24 Arrascada. You said if it was proven to me that he's not guilty. And we talked
25 about this a little bit when everybody was in the room, but you understand the

1 State has --

2 PROSPECTIVE JUROR NO. 071: Yes.

3 THE COURT: -- the burden of proof in this case?

4 PROSPECTIVE JUROR NO. 071: Yes.

5 THE COURT: Okay. And if the State doesn't prove the defendant's
6 guilty, the defense doesn't have to do anything.

7 PROSPECTIVE JUROR NO. 071: Right.

8 THE COURT: Are you comfortable with that?

9 PROSPECTIVE JUROR NO. 071: Yes.

10 THE COURT: Okay. Let's just say that the State's the only -- and
11 that's -- you know, from what you heard, obviously these attorneys involved in
12 this case are very active, but they don't have to be.

13 PROSPECTIVE JUROR NO. 071: Uh-huh.

14 THE COURT: Are you comfortable with that?

15 PROSPECTIVE JUROR NO. 071: Yes.

16 THE COURT: Okay. And if it turns out that the State is the only side, the
17 only party that calls witnesses and the defense doesn't call any witnesses at all,
18 nobody testifies coming from this side of the room --

19 PROSPECTIVE JUROR NO. 071: Uh-huh.

20 THE COURT: -- and you just don't think the State proved all of -- and
21 we'll go over the elements at the end, would you be able to go back in the jury
22 room and talk about it with your fellow jurors and at the end of the day raise your
23 hand and say, you know what, the State didn't prove it to me and I have to vote
24 not guilty?

25 PROSPECTIVE JUROR NO. 071: Yes.

1 THE COURT: Okay. And you're comfortable with them possibly not
2 putting on any evidence or testimony?

3 PROSPECTIVE JUROR NO. 071: Yep.

4 THE COURT: Okay.

5 PROSPECTIVE JUROR NO. 071: I understand that's all right.

6 THE COURT: Now, do you understand that in our system a person
7 accused of a crime is not required to testify?

8 PROSPECTIVE JUROR NO. 071: Yes.

9 THE COURT: Now, you've been a performer your whole life. Can you
10 understand reasons that people might not want to testify?

11 PROSPECTIVE JUROR NO. 071: Uh-huh.

12 THE COURT: Is that yes?

13 PROSPECTIVE JUROR NO. 071: Yes.

14 THE COURT: For the recording.

15 PROSPECTIVE JUROR NO. 071: Yes.

16 THE COURT: And what are some of those reasons?

17 PROSPECTIVE JUROR NO. 071: Being uncomfortable, being afraid,
18 being shy, being -- I mean, I -- personally I have been in situations where I've
19 been asked to do a certain dance and I felt uncomfortable doing it. And so I said,
20 I'm sorry, I can't do it and they had to deal with me saying I can't do this. And so
21 I understand not wanting to do something.

22 THE COURT: Okay. And if -- if one or both of the defendants didn't
23 testify, would you hold it against them?

24 PROSPECTIVE JUROR NO. 071: No.

25 THE COURT: All right. Thank you.

1 I'll turn it over to Mr. Arrascada.

2 MR. ARRASCADA: Thank you. Court's indulgence.

3 Good morning, Ms. Palluck.

4 PROSPECTIVE JUROR NO. 071: Good morning.

5 MR. ARRASCADA: Ma'am, when the Judge was speaking to you about
6 your comment about proving -- they'd have to prove themselves not guilty and
7 you talked about, no, that's not really what I meant.

8 PROSPECTIVE JUROR NO. 071: Uh-huh.

9 MR. ARRASCADA: During that you said -- it was more your inflection
10 that I'm wanting to talk about. You said I understand that it's their right.

11 PROSPECTIVE JUROR NO. 071: Uh-huh.

12 MR. ARRASCADA: What did you mean by that?

13 PROSPECTIVE JUROR NO. 071: I understand that it's a person's right
14 to -- to defend or not defend themselves. And they've hired you guys to defend
15 them, so it's your job to defend them so -- and that was their right as a person in
16 the United States.

17 MR. ARRASCADA: And --

18 PROSPECTIVE JUROR NO. 071: So I agree with that. I mean --

19 MR. ARRASCADA: Agree. Do you respect that right?

20 PROSPECTIVE JUROR NO. 071: Yeah. Oh, completely.

21 MR. ARRASCADA: Okay. What if -- the Judge was asking you
22 questions about testimony. What if only one of the -- one -- one in these two --
23 two -- our two clients, respective clients, what if only one testified?

24 PROSPECTIVE JUROR NO. 071: That's fine.

25 MR. ARRASCADA: Would -- would that play into your biases or --

1 PROSPECTIVE JUROR NO. 071: I -- I don't think so, no.

2 MR. ARRASCADA: Okay.

3 PROSPECTIVE JUROR NO. 071: I -- I -- no. Nope.

4 MR. ARRASCADA: I -- I want to talk about your bias that I think you've
5 expressed regarding strip club owners.

6 PROSPECTIVE JUROR NO. 071: Uh-huh.

7 MR. ARRASCADA: Okay. You said that -- well, you don't know any;
8 correct?

9 PROSPECTIVE JUROR NO. 071: I don't know any, no.

10 MR. ARRASCADA: But you've said that you envision them as seedy.

11 PROSPECTIVE JUROR NO. 071: Yeah. That's how they're perceived
12 and shown on TV shows and so --

13 MR. ARRASCADA: Did you hear, I think it was the very first day of voir
14 dire and Mr. Gentile was talking to someone about a prejudice, that in essence
15 you're judging someone before you know them. Is that a prejudice that you have
16 about strip club owners?

17 PROSPECTIVE JUROR NO. 071: Maybe an ignorance, not a prejudice.
18 I try not to -- I hope I'm not prejudice against people. I -- I try to -- if I ever meet
19 someone I always try to get to know them before I judge them. I try not to look at
20 somebody and immediately say, oh, they're -- they're this or they're that or -- so
21 I -- I try not to. But there's always those, you know, I mean, everyone is human.
22 There's always those things that you hear, that you've heard. I don't know any
23 strip club owners, so I -- all I know is what I've seen on TV.

24 MR. ARRASCADA: Okay. Is that feeling so part of your mindset that if
25 you heard evidence contrary to your envision that a -- how strip club owners are,

1 would you be able to -- what would you do regarding that evidence?

2 PROSPECTIVE JUROR NO. 071: If it was what I didn't think that a strip
3 club owner was, what I've said, what I thought of a strip club owner, then I -- I
4 would probably be like, wow, that's interesting. But -- and I would take it for what
5 it is. I -- I really try not to have a prejudice against somebody. I may -- yes, I
6 may think they're seedy, but it's because of what I do as a person in my life.

7 And so, I mean, it's like judging a homeless person. You could think,
8 oh, well, they're homeless because they don't try to work, they don't try to do this,
9 they don't -- if they would go out and just try to get a job they wouldn't be
10 homeless anymore. But people never know why that person is in the situation
11 they're in. Make sense?

12 MR. ARRASCADA: I believe so. Until you get to know them.

13 PROSPECTIVE JUROR NO. 071: Yeah, until you get to know them.

14 MR. ARRASCADA: And that -- and -- and I'm calling it -- would you
15 agree with me that it's a bias that you have about strip club owners at this point in
16 time?

17 PROSPECTIVE JUROR NO. 071: Uh-huh.

18 MR. ARRASCADA: Is that bias so engrained in you that --

19 PROSPECTIVE JUROR NO. 071: No.

20 MR. ARRASCADA: -- it would affect your ability to deliberate with the
21 jury?

22 PROSPECTIVE JUROR NO. 071: No. No, I -- I'm a fairly open-minded
23 person and I'm -- I'm open to people's opinions and people's thoughts and --

24 MR. ARRASCADA: You -- you qualified your open-mindedness by
25 saying fairly open-minded. Explain to me what you mean by that.

1 PROSPECTIVE JUROR NO. 071: Like with my kids, I already have a
2 way that I want them to behave and to -- but then when they explain to me, well,
3 mom, I want to do this this way, then I -- you know, I already have in my mind this
4 is how I'm going to react.

5 But then once I discuss it I usually can go, okay. I can look at both
6 sides and say okay, I understand why you want to do it, how about we
7 compromise. So I'm -- does that explain it? I can let -- I can open the door and
8 let views come in. Does that make sense?

9 MR. ARRASCADA: It does. Thank you.

10 PROSPECTIVE JUROR NO. 071: Uh-huh.

11 THE COURT: All right. Thank you, ma'am. I'm going to have you go
12 back out in the hallway.

13 PROSPECTIVE JUROR NO. 071: Okay.

14 THE COURT: Please don't discuss anything that's transpired or what
15 our questions or discussions were with the other --

16 PROSPECTIVE JUROR NO. 071: Okay.

17 THE COURT: -- prospective jurors.

18 PROSPECTIVE JUROR NO. 071: Okay.

19 THE COURT: Go ahead and have a seat, thanks, out in the hallway.

20 PROSPECTIVE JUROR NO. 071: Out in the hall?

21 THE COURT: Yes, thank you.

22 (Prospective juror No. 71 exits courtroom)

23 THE COURT: All right. Ms. Palluck is in chair two. And so State, you're
24 on your fifth.

25 MR. DIGIACOMO: And then Ms. Woodland goes into whoever we

1 strike?

2 THE COURT: Right.

3 MR. DIGIACOMO: And then we've passed her for cause and then it's
4 their strike?

5 THE COURT: Right.

6 MR. GENTILE: Yeah.

7 THE COURT: And then Ms. Garhardt showed up, so she'll come in next.

8 MR. DIGIACOMO: She'll come in next. Okay.

9 MR. GENTILE: Well, wait, wait, wait, wait, wait, wait, wait. This is
10 altering the order.

11 THE COURT: Well, right. I mean, you're not --

12 MR. GENTILE: And --

13 THE COURT: -- entitled to any particular --

14 MR. GENTILE: And --

15 THE COURT: All right. Bring Ms. Garhardt in and we'll --

16 MR. GENTILE: She should --

17 THE COURT: -- question her.

18 MR. GENTILE: -- be next.

19 THE COURT: Well, I don't think we have to -- I mean, as you know, I
20 don't know if Don Mosely still does this, he does the bingo drum and everybody
21 is shuffled and out of order.

22 MR. GENTILE: I understand, but you can't change -- and I wouldn't --

23 THE COURT: Sure you can.

24 MR. GENTILE: -- have a problem if we had started with that way. Okay?

25 But here's the problem. When we're determining --

1 THE COURT: Okay. Bring in Ms. Gar --

2 MR. GENTILE: You pick a jury --

3 THE COURT: Bring in --

4 MR. GENTILE: -- not a juror.

5 THE COURT: -- Ms. Garhardt.

6 Now Ms. Garhardt is in chair two. Ms. Husted is hopelessly
7 confused.

8 MR. DIGIACOMO: And then Palluck goes to wherever we strike, and
9 then --

10 THE COURT: Right.

11 MR. DIGIACOMO: -- Ms. Woodland will go wherever --

12 THE COURT: They strike.

13 MR. DIGIACOMO: -- they strike.

14 THE COURT: Right.

15 MR. DIGIACOMO: Okay. We have a whole list of people passed for
16 cause here.

17 THE COURT: Ms. Garhardt, come on in and have a seat there in the
18 jury box please.

19 PROSPECTIVE JUROR NO. 069: Okay.

20 THE COURT: And Ms. Garhardt -- I'll let you sit down.

21 PROSPECTIVE JUROR NO. 069: Here?

22 THE COURT: Yeah, that's fine. What do you do for a living?

23 PROSPECTIVE JUROR NO. 069: I'm a school administrator.

24 THE COURT: For the Clark County School District?

25 PROSPECTIVE JUROR NO. 069: Yes, I am.

1 THE COURT: And do you work at a particular school?
2 PROSPECTIVE JUROR NO. 069: Yes, I do.
3 THE COURT: Which school is that?
4 PROSPECTIVE JUROR NO. 069: Treem Elementary.
5 THE COURT: Treem Elementary. Okay.
6 PROSPECTIVE JUROR NO. 069: It's a year round school.
7 THE COURT: And how long have you been -- were you ever a teacher
8 or did you go right into adminis --
9 PROSPECTIVE JUROR NO. 069: I was a teacher first.
10 THE COURT: Okay. At what grade level?
11 PROSPECTIVE JUROR NO. 069: Well, first, second, fourth.
12 THE COURT: But always elementary education?
13 PROSPECTIVE JUROR NO. 069: Well, yes, but my first degree was in
14 secondary.
15 THE COURT: Okay. And are you married?
16 PROSPECTIVE JUROR NO. 069: Yes, I am.
17 THE COURT: And what does your husband do?
18 PROSPECTIVE JUROR NO. 069: He's an electrical engineer.
19 THE COURT: Okay. And do you have any children?
20 PROSPECTIVE JUROR NO. 069: Two.
21 THE COURT: And the ages?
22 PROSPECTIVE JUROR NO. 069: Grown, 36 and 37.
23 THE COURT: Okay. Have you ever been a juror before?
24 PROSPECTIVE JUROR NO. 069: Yes, I have.
25 THE COURT: How many times?

1 PROSPECTIVE JUROR NO. 069: Twice.
2 THE COURT: And when was the most recent? How long ago was that?
3 PROSPECTIVE JUROR NO. 069: A few years back.
4 THE COURT: And that was here in Clark County?
5 PROSPECTIVE JUROR NO. 069: Yes.
6 THE COURT: And the time before that, how long ago?
7 PROSPECTIVE JUROR NO. 069: A couple of years before that.
8 THE COURT: Also in Clark County?
9 PROSPECTIVE JUROR NO. 069: Yes.
10 THE COURT: Okay.
11 PROSPECTIVE JUROR NO. 069: And I'm sorry. I thought I had closed
12 off my phone.
13 THE COURT: Oh, I didn't even hear it.
14 PROSPECTIVE JUROR NO. 069: Well, I did and it's disturbing.
15 THE COURT: Now I -- now I hear it.
16 PROSPECTIVE JUROR NO. 069: Yes. It's on off.
17 THE COURT: All right. Thank you. Were those civil cases or criminal
18 cases or --
19 PROSPECTIVE JUROR NO. 069: Civil.
20 THE COURT: Both civil?
21 PROSPECTIVE JUROR NO. 069: Uh-huh.
22 THE COURT: Now, don't tell me what the verdict was in either case, but
23 did the jury in both of those cases reach a verdict?
24 PROSPECTIVE JUROR NO. 069: In one we did.
25 THE COURT: Okay.

1 PROSPECTIVE JUROR NO. 069: In the other, after we were seated for
2 a day I think it was, then they had come to some conclusion and they settled out
3 of court.

4 THE COURT: Okay. So you never went back and deliberated or
5 anything?

6 PROSPECTIVE JUROR NO. 069: No.

7 THE COURT: The one that you did deliberate and reach a verdict, were
8 you the foreperson of that jury?

9 PROSPECTIVE JUROR NO. 069: No.

10 THE COURT: Okay. Have you or anyone close to you ever been
11 arrested or charged with a crime or been the victim of a crime?

12 PROSPECTIVE JUROR NO. 069: Kind of.

13 THE COURT: Okay.

14 PROSPECTIVE JUROR NO. 069: I had a potential home invasion about
15 a little over a year ago.

16 THE COURT: Okay. And by potential do you mean someone tried to
17 break in but was unsuccessful?

18 PROSPECTIVE JUROR NO. 069: Yes.

19 THE COURT: Did you call the police?

20 PROSPECTIVE JUROR NO. 069: Yes, we did.

21 THE COURT: Okay. And was that Las Vegas Metro, North --

22 PROSPECTIVE JUROR NO. 069: No, Henderson.

23 THE COURT: Henderson. Okay. And did they ever catch anybody?

24 PROSPECTIVE JUROR NO. 069: No.

25 THE COURT: Do you have any feelings about how the police treated

1 you, their responsiveness, what not?

2 PROSPECTIVE JUROR NO. 069: Very slow in responding.

3 THE COURT: Okay. Once they got there what do you think?

4 PROSPECTIVE JUROR NO. 069: There wasn't much that they could do
5 because they had already gone, the two gentlemen.

6 THE COURT: Okay. How do you feel about strip clubs?

7 PROSPECTIVE JUROR NO. 069: Not too good.

8 THE COURT: Okay. When you say not too good, can you expound
9 upon that?

10 PROSPECTIVE JUROR NO. 069: I think it's a very seedy industry.

11 THE COURT: Okay. And why is that? I mean what -- what do you base
12 your opinion on? Things that you've read in the media, personal experience,
13 people you know, what?

14 PROSPECTIVE JUROR NO. 069: Yes to all those things.

15 THE COURT: Okay. All right.

16 PROSPECTIVE JUROR NO. 069: I've lived here for quite a number of
17 years and my parents have rentals. They rented to some people in the industry.
18 I saw what it did to their lives.

19 THE COURT: Okay.

20 PROSPECTIVE JUROR NO. 069: I've had employees that went into that
21 industry. I saw what it's done to her life.

22 THE COURT: Employee in the school district?

23 PROSPECTIVE JUROR NO. 069: Yes.

24 THE COURT: Okay. That became a --

25 PROSPECTIVE JUROR NO. 069: Not a teacher.

1 THE COURT: That became a dancer?

2 PROSPECTIVE JUROR NO. 069: Yes.

3 THE COURT: Okay. And when you say you saw what it did to her life,
4 do you mean drugs or alcohol or what?

5 PROSPECTIVE JUROR NO. 069: That and she had a young daughter
6 and it was just very straining on the whole family relationship. And she was a
7 single mother, but I was very well acquainted with the grandparents. And I just
8 saw her being manipulated by this boyfriend to get her into this industry for the
9 sole purpose of money.

10 THE COURT: Okay. Now, the boyfriend, was he involved in the industry
11 or he just wanted --

12 PROSPECTIVE JUROR NO. 069: No.

13 THE COURT: -- her working so she would make a lot of money?

14 PROSPECTIVE JUROR NO. 069: He was a cop.

15 THE COURT: Oh, he was a cop. Okay. A Metro cop or do you know?

16 PROSPECTIVE JUROR NO. 069: Yes.

17 THE COURT: Have you personally ever been to a strip club?

18 PROSPECTIVE JUROR NO. 069: No.

19 THE COURT: Okay. Now, you've expressed -- you -- you've known
20 some dancers and you feel like working as dancers has not been a positive
21 influence in your life; is that fair?

22 PROSPECTIVE JUROR NO. 069: That's fair. And -- and I saw them get
23 involved in some drugs and alcohol and other things. You know, it's --

24 THE COURT: Now, the people that have rented from your parents, have
25 those all been dancers or have they been other --

1 PROSPECTIVE JUROR NO. 069: No.

2 THE COURT: -- type of employees?

3 PROSPECTIVE JUROR NO. 069: A variety of different things because
4 they had a number of apartments and people came and went.

5 THE COURT: Okay. But --

6 PROSPECTIVE JUROR NO. 069: But some stayed a length of time.

7 THE COURT: Okay. But of people that worked in the strip club
8 industry --

9 PROSPECTIVE JUROR NO. 069: Uh-huh.

10 THE COURT: -- were those dancers or other types of employees like
11 bouncers or bar tenders or --

12 PROSPECTIVE JUROR NO. 069: One was a bartender, one was a
13 dancer.

14 THE COURT: Okay. Have you ever --

15 PROSPECTIVE JUROR NO. 069: One was a cocktail waitress too.

16 THE COURT: Okay. Have you ever known anyone who's been a
17 manager or an owner of a strip club?

18 PROSPECTIVE JUROR NO. 069: No.

19 THE COURT: Okay. Let me ask you this. Is the fact that you, you
20 know, have a negative impression of strip clubs, would that impact your ability to
21 be a fair and impartial juror? I mean, could you set that aside and listen to the
22 evidence and decide after I give you the law whether or not the State's proven
23 the elements of this crime, not whether they're, you know --

24 PROSPECTIVE JUROR NO. 069: Probably so. Can I explain?

25 THE COURT: Yes, please. I was going to ask you to.

1 PROSPECTIVE JUROR NO. 069: You know, I -- I feel for the women
2 that feel that they have to go into that industry, let's put it. I feel like they are
3 being taken advantage of. But I think the operators are seedy, slimy characters
4 and involved in other things. Just -- and that's just from what they had kind of
5 relayed, I guess, in conversations that I overheard as a young girl growing up.

6 THE COURT: Okay.

7 PROSPECTIVE JUROR NO. 069: Because some of them would come
8 to my mom. She would kind of be a mom to some of these gals sometimes.

9 THE COURT: Okay. And when you say involved in other things, what
10 kind of other things are you thinking of?

11 PROSPECTIVE JUROR NO. 069: Prostitution and just other things.

12 THE COURT: Okay. Now, this case involves the Palomino Club.

13 PROSPECTIVE JUROR NO. 069: Uh-huh.

14 THE COURT: Are you familiar with the Palomino Club? I mean, have
15 you heard it?

16 PROSPECTIVE JUROR NO. 069: I've heard of it, yes.

17 THE COURT: Okay. And did you have -- do you know anybody who is a
18 customer of the Palomino Club or an employee of the Palomino Club or anything
19 like that?

20 PROSPECTIVE JUROR NO. 069: I had one parent who was in my
21 school years ago who had worked at the location.

22 THE COURT: At the Palomino Club?

23 PROSPECTIVE JUROR NO. 069: Uh-huh.

24 THE COURT: Okay. And how long ago was that?

25 PROSPECTIVE JUROR NO. 069: Probably about 15, 17 years ago.

1 THE COURT: Okay. And did she ever talk to you about her work at --

2 PROSPECTIVE JUROR NO. 069: No.

3 THE COURT: -- the Palomino Club?

4 PROSPECTIVE JUROR NO. 069: No.

5 THE COURT: All right. You just knew she worked there.

6 PROSPECTIVE JUROR NO. 069: Uh-huh.

7 THE COURT: Is that yes, for the record?

8 PROSPECTIVE JUROR NO. 069: Yes, I'm sorry.

9 THE COURT: And what was your opinion of that -- of that individual?

10 PROSPECTIVE JUROR NO. 069: I didn't have a feeling or anything
11 about her. I -- I felt kind of bad for her daughter because she was always -- the
12 mother was coming in scantily dressed and she wanted to volunteer at school.
13 And I really encourage parents volunteering, but I had to talk to the mom about
14 the way she was dressed because it was truly embarrassing her daughter.

15 THE COURT: Okay. And this would've --

16 PROSPECTIVE JUROR NO. 069: And -- and I just kind of -- you know, I
17 really wanted her to come, but, you know, I just --

18 THE COURT: Right. Right. And I guess the -- you know, the issue is
19 even though you feel that, you know, it's -- it's a business that you personally
20 don't approve of and you have negative --

21 PROSPECTIVE JUROR NO. 069: Correct.

22 THE COURT: -- impressions, just generally without knowing the
23 individuals or people involved in this industry, would you be able to base your
24 verdict just on the evidence of the case and make sure the State proves the
25 crime and the elements against these people and not say, well, you know, they're

1 in a business I don't like and, boy, that's, you know --

2 PROSPECTIVE JUROR NO. 069: I would hope not, but I think I have
3 some prejudices there against those operators. I really do.

4 THE COURT: Okay.

5 State.

6 MR. DIGIACOMO: Just a couple of questions.

7 PROSPECTIVE JUROR NO. 069: Sure.

8 MR. DIGIACOMO: Correct me if I'm wrong, you're -- you're impression is
9 based upon your -- your personal experiences in life as well as, I'm assuming,
10 news media and --

11 PROSPECTIVE JUROR NO. 069: Yes.

12 MR. DIGIACOMO: Right? And the impression you get is strip club
13 operators are seedy; right?

14 PROSPECTIVE JUROR NO. 069: Yes, all of them.

15 MR. DIGIACOMO: Yes. You'd -- you'd agree with me as well that the
16 majority of the views of police officers on TV as well as most of your experiences
17 maybe has a positive view, 9/11, of police officers; correct?

18 PROSPECTIVE JUROR NO. 069: Correct.

19 MR. DIGIACOMO: I would guess, though, that the police officer that was
20 forcing that woman to go into a strip club, you don't have that kind of view of him;
21 correct?

22 PROSPECTIVE JUROR NO. 069: No, I don't.

23 MR. DIGIACOMO: Right?

24 PROSPECTIVE JUROR NO. 069: That's correct.

25 MR. DIGIACOMO: He -- he does not fit that mold.

1 PROSPECTIVE JUROR NO. 069: No.

2 MR. DIGIACOMO: And despite what your -- what your belief about
3 police officers was, the evidence established that this guy was seedy; correct?

4 PROSPECTIVE JUROR NO. 069: Yes.

5 MR. DIGIACOMO: Okay.

6 PROSPECTIVE JUROR NO. 069: And he was a specialized officer.

7 MR. DIGIACOMO: Okay. And he was a specialized officer.

8 PROSPECTIVE JUROR NO. 069: Uh-huh.

9 THE COURT: Does that mean he was a detective?

10 PROSPECTIVE JUROR NO. 069: No.

11 THE COURT: Oh.

12 MR. DIGIACOMO: And so in that particular case you said, hey, look at
13 this evidence, this guy isn't what my initial reaction would be to -- to what this --
14 what a police officer should be or is; correct?

15 PROSPECTIVE JUROR NO. 069: No, because I have other friends who
16 are police officers, and my husband himself was on the Sheriff's Jeep Posse for
17 quite a length of time and I've had a lot of contact with the Jeep Posse and the
18 Clark County Sheriff's Department.

19 MR. DIGIACOMO: So let's take the flip side of that. Your belief is that all
20 strip club owners are seedy. I mean, to a certain extent there's a -- there's a
21 moral determination.

22 PROSPECTIVE JUROR NO. 069: That's right.

23 MR. DIGIACOMO: I'd never be a stripper, I don't think being a stripper is
24 a good idea, and I think that there's societal problems that come from being a
25 stripper; correct?

1 PROSPECTIVE JUROR NO. 069: Correct.

2 MR. DIGIACOMO: Okay. Now, you're basing that on some of your
3 experiences. I'm assuming, since your only contact with the Palomino was 15 or
4 17 years ago --

5 PROSPECTIVE JUROR NO. 069: Uh-huh.

6 MR. DIGIACOMO: -- before the Hidalgos --

7 PROSPECTIVE JUROR NO. 069: Right.

8 MR. DIGIACOMO: -- ever had any contact with it.

9 PROSPECTIVE JUROR NO. 069: No.

10 MR. DIGIACOMO: So -- and you have no idea who these two individuals
11 are.

12 PROSPECTIVE JUROR NO. 069: No.

13 MR. DIGIACOMO: Okay. And if the evidence in this courtroom was
14 such that established these guys weren't seedy, they were businessmen, they
15 were involved in -- while they may have been involved in a business that you
16 don't morally approve of, that doesn't make them bad people.

17 If that was the evidence that was presented to you, would you say to
18 yourself, well, they're strip club owners, they must be bad people, or would you
19 set that aside and say, hey, the evidence established these guys aren't those
20 seedy people that I thought they were?

21 PROSPECTIVE JUROR NO. 069: I don't see how there could be any
22 evidence that would say that they wouldn't be.

23 MR. DIGIACOMO: And that's a fair characterization perhaps. But I
24 mean, your assumption is is that there couldn't be evidence of that. If -- if I --

25 PROSPECTIVE JUROR NO. 069: I'm sure they do some other things. I

1 don't know, you know, but --

2 MR. DIGIACOMO: But I'm asking you if the evidence supported that.
3 The evidence may very well support the conclusion that they are seedy and in
4 which case there's not a problem. The question is if the evidence establishes
5 that they're not, is the fact that you have this belief, are you going to be unable to
6 set aside that belief you came in the door with and not reach the conclusion that
7 the evidence reflects? That's the -- and if at the end of the day you say that you
8 can't do that, then we understand. If you're saying that you can do that, then I
9 have a few questions. That's it.

10 PROSPECTIVE JUROR NO. 069: I would hope so, but I cannot say yes
11 or no to tell you the truth.

12 MR. DIGIACOMO: Would you do your best?

13 PROSPECTIVE JUROR NO. 069: I would always do my best.

14 MR. DIGIACOMO: My last question is what do your two children do for a
15 living?

16 PROSPECTIVE JUROR NO. 069: One's a dentist, and one's an
17 engineer.

18 MR. DIGIACOMO: Thank you very much.

19 MR. ARRASCADA: May we approach, Your Honor?

20 THE COURT: Yeah.

21 (Conference at the bench)

22 THE COURT: All right. Ms. Garhardt, thank you very much for your
23 being here. And I apologize for the length of time that it's taken --

24 PROSPECTIVE JUROR NO. 069: No.

25 THE COURT: -- that you've had to come back so many days. But you

1 can appreciate how important this is that we have a jury and we ferret out these
2 issues that a lot of jurors have. And so thank you very much for being here and
3 you are excused at this time.

4 PROSPECTIVE JUROR NO. 069: Thank you.

5 THE COURT: Please don't discuss what we've discussed --

6 PROSPECTIVE JUROR NO. 069: No.

7 THE COURT: -- with any of the prospective jurors. As you walk out if
8 they ask you what we questioned you or what your answers were.

9 PROSPECTIVE JUROR NO. 069: Thank you.

10 THE COURT: All right. Thank you and you are excused.

11 (Prospective juror No. 69 exits courtroom)

12 THE COURT: All right. So in chair number two we have Ms. Palluck and
13 it's the State's fifth.

14 MR. DIGIACOMO: By the way that -- I believe that's Kristy Skupa's ex-
15 mother in law. That's why I asked the last question. Her son is a dentist.

16 THE COURT: Oh, it probably is then.

17 MR. DIGIACOMO: That's what I was thinking. Okay. So I -- just so that
18 I'm not confused because we went through this whole bunch, Ms. Palluck is now
19 sitting in seat --

20 THE COURT: Chair two.

21 MR. DIGIACOMO: -- number two.

22 THE COURT: Right.

23 MR. DIGIACOMO: And whoever we execute a perempt against, Ms.
24 Woodland then goes into that seat.

25 THE COURT: Into that seat.

1 MR. DIGIACOMO: And then we're going to start with -- I guess they do a
2 perempt and then we'll -- we'll fill in with Jim Mathews.
3 THE COURT: Correct.
4 MR. DIGIACOMO: The guy in seat number six, his last name is
5 McLaughlin.
6 MR. PESCI: He's 47. Badge No. 47.
7 MR. DIGIACOMO: 47.
8 THE COURT: Okay. Mr. McLaughlin.
9 THE CLERK: It's nine.
10 MR. PESCI: Oh, I apologize. Thank you.
11 THE COURT: He's in chair nine?
12 MR. PESCI: No, his badge number is nine.
13 MR. GENTILE: He's in six.
14 MR. DIGIACOMO: Badge number nine.
15 MR. GENTILE: He's in six.
16 MR. DIGIACOMO: Yeah, but his badge number is nine. Shawn
17 McLaughlin.
18 THE COURT: All right. So you're kicking Shawn McLaughlin.
19 MR. DIGIACOMO: Correct.
20 THE COURT: And then Ms. Woodland becomes the alternate.
21 MR. DIGIACOMO: Correct.
22 THE COURT: All right. Bring in Mr. McLaughlin.
23 That was clever.
24 MR. GENTILE: That was slick.
25 THE COURT: That was --

1 MR. GENTILE: Hats off to you.

2 THE COURT: You know, my hat's off to him too. That was excellent.

3 MR. GENTILE: Hats off to you. That was good.

4 THE COURT: But, Mr. Gentile, you played right into Mr. DiGiacomo's
5 trap.

6 MR. PESCI: Oh, who knows --

7 MR. GENTILE: I don't --

8 MR. PESCI: -- what happens.

9 MR. GENTILE: -- have a problem with that.

10 THE MARSHAL: He's not out there. Is he one of those --

11 THE COURT: Oh, no, he's not. Would you call Mr. McLaughlin and tell
12 him he is excused and he does not need to report?

13 THE MARSHAL: Yes, Your Honor.

14 THE COURT: All right. And the next, then, Ms. Woodland takes chair
15 number six. And now it's the defense's fifth challenge.

16 MR. GENTILE: Hold on. I -- we -- I have to talk to my client.

17 (Off-record colloquy)

18 MS. ARMENI: Your Honor, the defense is going to thank and excuse
19 badge No. 71, Shea Palluck.

20 THE COURT: All right. I thought so.

21 Jeff, would you bring in Ms. Palluck.

22 THE MARSHAL: Yes, Your Honor.

23 MR. DIGIACOMO: Seat number two is the hot seat.

24 MS. ARMENI: Took a little pressure of seat 13 for awhile.

25 MR. DIGIACOMO: So then it's Jim Mathews?

1 THE COURT: Right.

2 Ms. Palluck, I want to thank you very much for being here, and I
3 want to apologize, I guess, for how long it's taken and how many days you had to
4 make child care arrangements. I'm sure that you appreciate the importance --

5 PROSPECTIVE JUROR NO. 071: I do.

6 THE COURT: -- to both sides of ferreting out everybody's opinions and
7 viewpoints so that we have a really neutral jury. You are excused at this time,
8 and I want to thank you once again for your willingness to serve as a juror.

9 PROSPECTIVE JUROR NO. 071: Thank you.

10 THE COURT: All right. Thank you. And Jeff will just direct you from the
11 courtroom. Thank you.

12 (Prospective juror No. 71 exits courtroom)

13 THE COURT: And, Jeff, would bring in Ms. Bonds, please.

14 THE MARSHAL: Ms. Bonds.

15 THE COURT: Ms. Bonds, I want to thank you for being here. I apologize
16 for how long it's taken, but I'm sure you can appreciate the importance to both
17 sides in this case of getting a fair jury and ferreting out any issues. We're going
18 to go ahead and excuse you at this point in time, and Jeff will direct you from the
19 courtroom.

20 PROSPECTIVE JUROR NO. 070: Thank you very much.

21 THE COURT: All right. Thank you.

22 (Prospective juror No. 70 exits courtroom)

23 THE COURT: And then Jeff, if you would bring in Mr. Mathews.

24 THE MARSHAL: Mathews.

25 (Off-record colloquy)

1 THE COURT: Mr. Mathews, come on down and just have any seat there
2 in the jury box please, sir. And, sir, what do you do for a living?

3 PROSPECTIVE JUROR NO. 079: I drive a cement truck.

4 THE COURT: All right. And are you married?

5 PROSPECTIVE JUROR NO. 079: No, ma'am.

6 THE COURT: All right. Do you have any children?

7 PROSPECTIVE JUROR NO. 079: No.

8 THE COURT: Okay. And I wrote down a couple of days ago now that
9 you thought you had read something about this case in the Review Journal.

10 PROSPECTIVE JUROR NO. 079: Yes, I did.

11 THE COURT: Okay. Do you remember how long ago you -- you may
12 have seen something?

13 PROSPECTIVE JUROR NO. 079: Really, I don't. I read about it and
14 just -- just -- I forgot about it.

15 THE COURT: Okay. Do you recall anything that you read about this
16 case, any specifics?

17 PROSPECTIVE JUROR NO. 079: The one thing is that the -- all I read
18 about it, one thing that's kind of stuck in my mind was the person was a cement
19 truck driver that, you know, had gotten killed or something like that. And I just -- I
20 kind of -- because I drive a cement truck I just thought whatever.

21 THE COURT: So your memory is it was a cement truck driver.

22 PROSPECTIVE JUROR NO. 079: That's what it said in the paper.

23 THE COURT: Okay. Now, obviously things are -- are -- do you accept
24 that sometimes the media gets it wrong?

25 PROSPECTIVE JUROR NO. 079: Oh, yeah.

1 THE COURT: Do you accept that sometimes the media reports things
2 incompletely?

3 PROSPECTIVE JUROR NO. 079: Yes.

4 THE COURT: Okay. Now, if you remember anything that you read in
5 the media and it's different or not proven by the evidence, can you set that
6 aside?

7 PROSPECTIVE JUROR NO. 079: Yes.

8 THE COURT: Okay. If you're selected to serve as a juror can you base
9 your verdict solely upon the evidence that's presented during this case?

10 PROSPECTIVE JUROR NO. 079: Definitely.

11 THE COURT: Okay. Now, have you or anyone close to you ever been
12 the victim of a crime or arrested or charged with a crime?

13 PROSPECTIVE JUROR NO. 079: I was when I was younger.

14 THE COURT: Okay. Where was that?

15 PROSPECTIVE JUROR NO. 079: It was in Gary, Indiana.

16 THE COURT: Okay.

17 PROSPECTIVE JUROR NO. 079: That was about -- that was 20 -- that
18 was about 32 years ago I got busted for drugs a couple times.

19 THE COURT: Okay. Were you an adult or a juvenile?

20 PROSPECTIVE JUROR NO. 079: I was an adult.

21 THE COURT: Okay. And what kind of -- again, I don't mean to pry, but
22 what kind of drugs?

23 PROSPECTIVE JUROR NO. 079: It was marijuana, speed, stuff like
24 that.

25 THE COURT: Okay.

1 PROSPECTIVE JUROR NO. 079: I had just got out of the Marine Corps.

2 THE COURT: All right. It wasn't speed methamphetamine was it? Was
3 it the old fashion speed?

4 PROSPECTIVE JUROR NO. 079: Old fashion. Right.

5 THE COURT: Okay. I think that's before methamphetamine had been
6 invented. Was it just for personal use or was there allegations of selling?

7 PROSPECTIVE JUROR NO. 079: It was -- it was -- it was personal use
8 and I was mixed -- I got in the wrong place at the wrong time, people dealing
9 drugs and stuff like that. I know I heard asked the question, I thought I was
10 treated very fairly because it was put to me if you keep doing this and keep into it
11 you're going to get yourself in a lot of trouble. And it's been 29 years since I've
12 even had a cigarette or a cup of coffee.

13 THE COURT: Okay. Wow. And who -- who put that to you? Was it the
14 police officers or the judge or your lawyer?

15 PROSPECTIVE JUROR NO. 079: It was one of the detectives that were
16 in on the -- on the bust.

17 THE COURT: Okay.

18 PROSPECTIVE JUROR NO. 079: And they said if you keep this up --
19 and that's why I said I quit drinking, smoking, I haven't even had a cup of coffee.

20 THE COURT: All right. Wow. And did you hire a lawyer?

21 PROSPECTIVE JUROR NO. 079: No, I was -- I was court appointed.

22 THE COURT: Oh, you had a public defender.

23 PROSPECTIVE JUROR NO. 079: Yes.

24 THE COURT: Okay. And how did you feel about your lawyer and the
25 way he handled you case?

1 PROSPECTIVE JUROR NO. 079: I think everything was very fair. I
2 mean, it -- it straightened my life out. And I know I go to my doctor today and I
3 have all my stuff is -- is the way it's supposed to be so I feel fortunate for that.

4 THE COURT: Okay. You've heard -- well, let me ask you this. How do
5 you feel about strip clubs?

6 PROSPECTIVE JUROR NO. 079: I have nothing against them.

7 THE COURT: Okay. Now, have you personally been to any strip clubs?

8 PROSPECTIVE JUROR NO. 079: I've been to quite a few strip clubs
9 here in Vegas.

10 THE COURT: All right.

11 PROSPECTIVE JUROR NO. 079: I went to -- when I lived in Florida I
12 went to a couple there.

13 THE COURT: Okay. What strip clubs have you been to here in town?

14 PROSPECTIVE JUROR NO. 079: I've been to -- what's the name of the
15 place. I went to Centerfold.

16 THE COURT: Uh-huh.

17 PROSPECTIVE JUROR NO. 079: And then I went to the one over on --
18 the Library. The Library.

19 THE COURT: Okay. Is the Centerfold the one on Boulder Highway?

20 PROSPECTIVE JUROR NO. 079: It used to be.

21 THE COURT: Okay. And it's closed now?

22 PROSPECTIVE JUROR NO. 079: And it's closed now. And I went to
23 the -- the Library. And I went -- one time I had gone to the Palomino Club.

24 THE COURT: Okay. And how long ago did you -- have you only been
25 there to the Palomino Club one time or more than once?

1 PROSPECTIVE JUROR NO. 079: Once.

2 THE COURT: Okay. How long ago was that?

3 PROSPECTIVE JUROR NO. 079: That was about three weeks ago.

4 THE COURT: Okay. And so that -- how was your experience at the
5 Palomino Club?

6 PROSPECTIVE JUROR NO. 079: It was fine.

7 THE COURT: Okay. It was fine.

8 PROSPECTIVE JUROR NO. 079: I was treated all right.

9 THE COURT: All right. So nothing about the fact that this case
10 concerns --

11 PROSPECTIVE JUROR NO. 079: I had -- that's why I said I forgot -- I
12 read that in the paper and I just, you know, I thought about it because it's a
13 cement truck driver and I -- I had forgotten all about it. And if I went to the
14 Palomino Club it didn't even register.

15 THE COURT: Okay. I don't know what -- that's our system. You've
16 heard all of the questions and discussions on all of the different issues and
17 concerns that I -- that we've had with the other jurors. Anything that you think
18 we'd need to know about you or be interested in knowing about you based on our
19 questioning and discussions with the other jurors?

20 PROSPECTIVE JUROR NO. 079: No.

21 THE COURT: All right. Any reason you can't be fair and impartial if
22 you're selected to serve?

23 PROSPECTIVE JUROR NO. 079: No. I can be fair, I think.

24 THE COURT: Okay. Now, if the State proves the defendant guilty
25 beyond a -- or one or both defendants guilty beyond a reasonable doubt, would

1 you be able to render a verdict of not guilty?

2 PROSPECTIVE JUROR NO. 079: Yes, ma'am.

3 THE COURT: I'm sorry, guilty.

4 PROSPECTIVE JUROR NO. 079: Guilty.

5 THE COURT: All right. Now, conversely we've talked about with some
6 of the other jurors that in -- under our system of government an accused in a
7 criminal case is never required to present any evidence or testify or anything like
8 that. Are you comfortable with that?

9 PROSPECTIVE JUROR NO. 079: Okay.

10 THE COURT: I mean --

11 PROSPECTIVE JUROR NO. 079: What is that? They can't -- now, what
12 did you -- they can't have any evidence?

13 THE COURT: They don't have to present evidence.

14 PROSPECTIVE JUROR NO. 079: Okay.

15 THE COURT: They can present evidence, but they're not obligated to do
16 that.

17 PROSPECTIVE JUROR NO. 079: Okay.

18 THE COURT: All right. Does that make sense to you?

19 PROSPECTIVE JUROR NO. 079: Well, if they're not obligated and
20 that's what the law is, yeah, that's that.

21 THE COURT: Okay. Let's just say -- I mean, obviously the attorneys in
22 this case are very involved in the case, but if they didn't call any witnesses and
23 the only witnesses you heard from were the State's witnesses, but at the end of
24 the day you listened and you just didn't -- then you hear the law and the elements
25 of what the State has to prove and we do that at the end, and you just thought,

1 you know what, this just doesn't add up to me, I just don't think they proved it
2 beyond a reasonable doubt, would you still be able to render a verdict of not
3 guilty?

4 PROSPECTIVE JUROR NO. 079: Yeah.

5 THE COURT: All right. Thank you.

6 State, you may question Mr. Mathews.

7 MR. PESCI: Thank you, Judge.

8 Sir, I think the Court asked you, and I didn't catch this part, if you've
9 ever been the victim of a crime. I thought you told us about being accused of
10 one.

11 PROSPECTIVE JUROR NO. 079: I haven't been a victim of a crime, no.

12 MR. PESCI: Anyone closely associated with you?

13 PROSPECTIVE JUROR NO. 079: My mom, she was there when
14 President Reagan got shot.

15 MR. PESCI: Really?

16 PROSPECTIVE JUROR NO. 079: Yeah, she was very fortunate
17 because she was going to walk out and take a picture, and the person she was
18 with asked her to stay in the -- you know, stay in there because it was a
19 convention for the carpenters. So she stayed in there, but she would've been
20 outside when that went down.

21 MR. PESCI: Do you think that that would affect your ability to be fair to
22 either side?

23 PROSPECTIVE JUROR NO. 079: No.

24 MR. PESCI: Okay. You talked a little bit about some of the issues. I
25 don't think we touched on gangs. What are your thoughts about gangs?

1 PROSPECTIVE JUROR NO. 079: I have no use for them. I -- I don't
2 get -- I have no use for them. I stay away from it.

3 MR. PESCI: All right. Let me ask you this. That position, would it affect
4 you in the way you deliberated in this case?

5 PROSPECTIVE JUROR NO. 079: No, because I had already been -- I
6 listened since I was -- when we were sitting there that this has nothing to do with
7 gangs. That's what the Judge even said.

8 MR. PESCI: And the State's not -- we're not alleging a gang --

9 PROSPECTIVE JUROR NO. 079: Right.

10 MR. PESCI: -- issue here. However, you might hear evidence about
11 some of the people involved in this case, not the defendants, that are associated
12 with gangs. Would that affect you one way or the other?

13 PROSPECTIVE JUROR NO. 079: No. I -- I wouldn't give them much
14 credit if they're -- you know, if they're in gangs and they were doing something
15 wrong.

16 MR. PESCI: But you wouldn't automatically go for guilt or innocence
17 because of that?

18 PROSPECTIVE JUROR NO. 079: No.

19 MR. PESCI: I want to ask a few questions, and I apologize, about your
20 incident with the marijuana. Did you not have a case come from it or what
21 happened from that?

22 PROSPECTIVE JUROR NO. 079: I had -- there was a case come from it
23 and I just -- it just, you know, I -- I got -- the first time I got in trouble I had the -- a
24 couple of months I had to go to like a -- it was like -- it wasn't prison the first time.
25 And then the second time that I got in -- a couple years went by and the second

1 time I got busted I think it was like -- it wasn't a prison, it was a place -- you know,
2 it was like a country club, really. I mean, you like go to -- I got to go to college for
3 a couple months, you know. But that's where I was -- it was put to me by the
4 arresting officer.

5 MR. PESCI: Do you know where these -- were these charges were they
6 reduced down? Did you plea to something? What happened?

7 PROSPECTIVE JUROR NO. 079: No, I just -- I just got charged and that
8 was it. You know, they -- I got let go early on parole. They said you're not --

9 MR. PESCI: You were doing well.

10 PROSPECTIVE JUROR NO. 079: I got early release and everything
11 because I did everything I was supposed to do.

12 MR. PESCI: So as far as, you know, you don't have any felony
13 convictions from this?

14 PROSPECTIVE JUROR NO. 079: No.

15 MR. PESCI: And in the concept of the marijuana usage, did you use it
16 quite a bit?

17 PROSPECTIVE JUROR NO. 079: Not really.

18 MR. PESCI: When -- when you were using it, do you remember how you
19 were when you were using marijuana as far as your ability to see things and
20 understand things?

21 PROSPECTIVE JUROR NO. 079: I feel I'm a lot better off today not
22 using it. I mean --

23 MR. PESCI: But looking back at those times of when you used it , did
24 it -- do you think that it affected your ability to make decisions?

25 PROSPECTIVE JUROR NO. 079: Oh, yeah.

1 MR. PESCI: Do you -- did it make it such that you just weren't able to
2 make any decisions or --

3 PROSPECTIVE JUROR NO. 079: Oh, no. You know, it's -- it's like a
4 down, I guess that's what you call it. You know, it just --

5 MR. PESCI: Were you still able to see things that were going on around
6 you when you were doing it?

7 PROSPECTIVE JUROR NO. 079: I think so.

8 MR. PESCI: You didn't have -- it wasn't laced with anything that made
9 you --

10 PROSPECTIVE JUROR NO. 079: No.

11 MR. PESCI: -- have hallucinations?

12 PROSPECTIVE JUROR NO. 079: No.

13 MR. PESCI: All right. Pass for cause.

14 THE COURT: All right. Thank you.

15 Mr. Gentile.

16 MR. GENTILE: That's why they call it dope.

17 PROSPECTIVE JUROR NO. 079: Yeah, that's right.

18 MR. GENTILE: How old were you when all this stuff was going on?

19 PROSPECTIVE JUROR NO. 079: About 22 because I just got out of the
20 Marines.

21 MR. GENTILE: Okay.

22 PROSPECTIVE JUROR NO. 079: I drank more back then. That's the
23 only reason I drank a lot, so I didn't make --

24 MR. GENTILE: In those days they had -- we don't have them, to the best
25 of my knowledge [inaudible], but in those days they had what they used to call

1 youth -- youthful offender programs. Is that what you wound up with?

2 PROSPECTIVE JUROR NO. 079: I don't think -- I don't know. Maybe
3 they did that and I didn't know about it.

4 MR. GENTILE: All right.

5 PROSPECTIVE JUROR NO. 079: You know, I think they treated me
6 really fair --

7 MR. GENTILE: Okay. Good.

8 PROSPECTIVE JUROR NO. 079: -- on the whole thing.

9 MR. GENTILE: As far as gangs, the subject of gangs, you say you stay
10 away from that.

11 PROSPECTIVE JUROR NO. 079: Yeah.

12 MR. GENTILE: Why?

13 PROSPECTIVE JUROR NO. 079: Well, one, drugs, and then the
14 violence they have, killing people and, you know, you watch it on, you know,
15 Discovery Channel which I like watching a lot. You watch what they do, things
16 like that, that's the high life, you know, climbing the mountains, you know, go
17 hiking, go to the gym, exercise. I had a motorcycle for awhile. You know,
18 anything besides getting into gangs.

19 MR. GENTILE: Sure. There's other ways to have fun.

20 PROSPECTIVE JUROR NO. 079: Yes, sir.

21 MR. GENTILE: Just a second. How long have you been driving a truck?

22 PROSPECTIVE JUROR NO. 079: About -- well, I've been here since
23 2000 driving. I started driving for the City. I was there for like three months and
24 that's when I got into -- they had a shotgun program for driving a cement truck.

25 MR. GENTILE: Right.

1 PROSPECTIVE JUROR NO. 079: So I got into that and the Teamsters.
2 And since 2000 I've been driving a cement truck.

3 MR. GENTILE: What were you driving before?

4 PROSPECTIVE JUROR NO. 079: I had gone to school at JB Hunt up
5 north. And I got -- as soon as I got out, got done with that school I was able to
6 get a job driving [indecipherable] taking people to O'Hare and Midway Airport.
7 And I did that for five years, and then I left that and came here. I was told I could
8 get a job driving a city bus making 13-something an hour, and I found out it was
9 only nine. So that's when I jumped into the shotgun program and I've been
10 driving a cement truck ever since.

11 MR. GENTILE: So you're from Chicago?

12 PROSPECTIVE JUROR NO. 079: Indiana. Gary, Indiana.

13 MR. GENTILE: Gary. Okay.

14 PROSPECTIVE JUROR NO. 079: We took people into O'Hare and
15 Midway Airport.

16 MR. GENTILE: From Gary?

17 PROSPECTIVE JUROR NO. 079: Yes.

18 MR. GENTILE: Okay. All right. Thank you.

19 PROSPECTIVE JUROR NO. 079: Okay.

20 THE COURT: All right. Thank you, Mr. Gentile.

21 Mr. Arrascada, are you going to go next?

22 MR. ARRASCADA: Yeah. Your Honor, may I -- never mind.

23 Sir, I noticed your name is Jim E. Mathews II.

24 PROSPECTIVE JUROR NO. 079: Yes.

25 MR. ARRASCADA: Were you ever confused for your father or was it

1 difficult at times when people would say, hey, Jim, and you didn't -- you both
2 would look?

3 PROSPECTIVE JUROR NO. 079: The one I have a problem with, which
4 I -- I had a problem with insurance people, is that everybody wants to spell my
5 name with two Ts, no matter if I say it's spelt with one. They always -- so I went
6 to get my driver's license and got my driver's license, and I signed it Jim
7 Mathews with one T, they put two.

8 So when I went to -- I get a thing from the insurance people, I mean
9 from the state of -- down in Carson City saying I don't have insurance. And what
10 happened was that my name -- I asked them, I said was my name being spelt
11 like this for you to say I don't have insurance. Like I said, I had proof that I was
12 paying for all my insurance. So they had to have that straightened out, I had a
13 problem with that. But I never had a problem with the second and my dad, no.

14 THE COURT: This is funny because your name on our list has two Ts in
15 it.

16 PROSPECTIVE JUROR NO. 079: I was a security guard. I walked in for
17 my uniform and my badge --

18 THE COURT: Uh-huh.

19 PROSPECTIVE JUROR NO. 079: -- and they said how would you like it
20 spelled? I said with one T. And when I got home and looked at my badge, they
21 spelled it with two.

22 MR. ARRASCADA: And the -- growing up at home were you -- your
23 father was James or Jim?

24 PROSPECTIVE JUROR NO. 079: Jim. It's Jim on the birth certificate.

25 MR. ARRASCADA: And were you -- did they call you, say, Jimmy or

1 anything because you were --

2 PROSPECTIVE JUROR NO. 079: Yeah.

3 MR. ARRASCADA: Okay. Or Junior?

4 PROSPECTIVE JUROR NO. 079: The second, yeah.

5 MR. ARRASCADA: Okay. So you'll be able or you're sensitive to
6 differentiating between Louis Hidalgo, Jr. and Louis Hidalgo III --

7 PROSPECTIVE JUROR NO. 079: Yes, sir.

8 MR. ARRASCADA: -- or Little Lou and Mr. H? And if people -- if you're
9 on the jury and people were confused, would you be able to say, hey, wait a
10 minute, I have this real life experience?

11 PROSPECTIVE JUROR NO. 079: Yeah.

12 MR. ARRASCADA: Okay.

13 PROSPECTIVE JUROR NO. 079: Because I -- the people I talked to --
14 the girl I talked to at Clark County, she said she had the same experience with
15 her name because she spelt it -- instead of spell -- like I spell my name I-E, some
16 people want to spell it with a Y. And she had the same experience so we talked
17 about that.

18 MR. ARRASCADA: Okay. So that's something that you would let the
19 other jurors know, hey, we need to be sensitive to this; is that accurate?

20 PROSPECTIVE JUROR NO. 079: Yeah.

21 MR. ARRASCADA: Okay. How long were you in the Marines?

22 PROSPECTIVE JUROR NO. 079: Five, five and a half years. I was in
23 the Marine Corp reserves, engineer. I was in -- I went in for six months active
24 training, and then I went for my five and a half years, four and a half years, you
25 know, in active reserves. Then I was -- then they had like a year they could call

1 you up or something like that, which I never got called.

2 MR. ARRASCADA: You've been discharged now?

3 PROSPECTIVE JUROR NO. 079: Yes.

4 MR. ARRASCADA: Honorably?

5 PROSPECTIVE JUROR NO. 079: Yes.

6 MR. ARRASCADA: Okay. I think you -- you said you're a -- you're a
7 Teamster? You're in the Union?

8 PROSPECTIVE JUROR NO. 079: I was in the Teamsters.

9 MR. ARRASCADA: No longer?

10 PROSPECTIVE JUROR NO. 079: No longer.

11 MR. ARRASCADA: Okay. And you're -- you said your mom when she
12 was there she was at a carpenters function?

13 PROSPECTIVE JUROR NO. 079: Convention.

14 MR. ARRASCADA: Is that -- was she a -- is your family, your mom and
15 dad union folks also?

16 PROSPECTIVE JUROR NO. 079: No. Either my mom or my dad -- my
17 mom, she -- she had a friend that she dated for a long time. They were -- you
18 know, they never got married but they dated. And she would go with him on
19 different conventions all over like Hawaii and New York and stuff like that.

20 MR. ARRASCADA: Thank you, sir.

21 PROSPECTIVE JUROR NO. 079: Okay.

22 THE COURT: All right. Thank you.

23 Mr. Mathews, thank you very much. Don't discuss what we've
24 discussed and your answers and our questions --

25 PROSPECTIVE JUROR NO. 079: Okay.

1 THE COURT: -- with any of the other jurors. And I'm going to have
2 Officer Wooten take you back out in the hallway and just have a seat out there
3 please.

4 PROSPECTIVE JUROR NO. 079: Okay. Thank you.

5 (Prospective juror No. 79 exits courtroom)

6 THE COURT: State's fifth. I'm sorry, State's sixth.

7 MR. DIGIACOMO: Let's see, 57, Rhonda Gaddy, seat eight.

8 THE COURT: All right. Ms. Gaddy was from the other day.

9 So, Jeff, would you -- and just -- can you just call her from in here as
10 soon as you bring in the next -- or wherever. So Ms. Gaddy is going to be
11 excused. And the next up is Adri -- Audrey -- Adriana Gamino.

12 THE MARSHAL: Michelle Gaddy?

13 THE COURT: Right. And if you would -- before you call her, would you
14 bring in Ms. Gamino.

15 MR. ADAMS: And Ms. Gamino goes into number eight, Judge?

16 MS. ARMENI: Yes.

17 THE COURT: Right.

18 THE MARSHAL: Gamino?

19 THE COURT: Yes.

20 Everybody, we've got nine people left and one of them is Frank.

21 MR. DIGIACOMO: One, two, three, four, five, six, and seven perempts.
22 Oh, it's going to be close.

23 THE COURT: Ma'am, come on in and just have a seat anywhere there
24 in the jury box please for me. Good morning. What do you do for a living?

25 PROSPECTIVE JUROR NO. 080: Good morning. I'm a shipping clerk

1 for Excel Ink, it's a third party logistic for Wal-Mart.
2 THE COURT: It's a what? Third party?
3 PROSPECTIVE JUROR NO. 080: Third party for Wal-Mart.
4 THE COURT: For what?
5 PROSPECTIVE JUROR NO. 080: Wal-Mart.
6 THE COURT: Oh, for Wal-Mart.
7 PROSPECTIVE JUROR NO. 080: Yeah.
8 THE COURT: Okay. And what do you do as a shipping clerk?
9 PROSPECTIVE JUROR NO. 080: What do I do?
10 THE COURT: Yeah.
11 PROSPECTIVE JUROR NO. 080: A shipping clerk, get all the paper
12 ready to ship.
13 THE COURT: Okay. Are you married?
14 PROSPECTIVE JUROR NO. 080: No.
15 THE COURT: Okay. Do you have any children?
16 PROSPECTIVE JUROR NO. 080: No.
17 THE COURT: You ever been a juror before?
18 PROSPECTIVE JUROR NO. 080: No.
19 THE COURT: Okay . And have you or anyone close to you ever been
20 the victim of a serious crime?
21 PROSPECTIVE JUROR NO. 080: No.
22 THE COURT: What about the flip of that, arrested or charged with a
23 crime?
24 PROSPECTIVE JUROR NO. 080: Nope.
25 THE COURT: Nothing? All right. How long have you lived here in

1 southern Nevada?

2 PROSPECTIVE JUROR NO. 080: It's five years.

3 THE COURT: And where did you move here from?

4 PROSPECTIVE JUROR NO. 080: California.

5 THE COURT: Okay. Where in California? Southern, northern, central?

6 PROSPECTIVE JUROR NO. 080: Southern. Southern California.

7 THE COURT: Okay. LA area?

8 PROSPECTIVE JUROR NO. 080: LA area.

9 THE COURT: All right. Are you -- well, let me ask you this. What are
10 your feelings or opinions about strip clubs?

11 PROSPECTIVE JUROR NO. 080: Strip clubs? It's a business.

12 THE COURT: Okay. Have you ever been to one?

13 PROSPECTIVE JUROR NO. 080: Yes.

14 THE COURT: All right. Here in -- in Clark County?

15 PROSPECTIVE JUROR NO. 080: Yes.

16 THE COURT: How -- how many times about have you been to a strip
17 club?

18 PROSPECTIVE JUROR NO. 080: Once.

19 THE COURT: And what club did you go to?

20 PROSPECTIVE JUROR NO. 080: Was it the Olympic --

21 THE COURT: Garden?

22 PROSPECTIVE JUROR NO. 080: Yeah.

23 THE COURT: Okay. And what was the occasion that you happened to
24 go to the Olympic Garden?

25 PROSPECTIVE JUROR NO. 080: A friend's birthday.

1 THE COURT: Okay. A male friend or a female friend?

2 PROSPECTIVE JUROR NO. 080: Female friend.

3 THE COURT: Was it when they have the men dancers?

4 PROSPECTIVE JUROR NO. 080: Correct.

5 THE COURT: Okay. Now, growing up in the LA area, did you have any
6 contact in your school or anything like that or your neighborhood with gang
7 members?

8 PROSPECTIVE JUROR NO. 080: Of course, yes.

9 THE COURT: Okay. Did you know anyone -- did you -- well, I mean, I
10 guess there is gang members in the school.

11 PROSPECTIVE JUROR NO. 080: Of course.

12 THE COURT: Did you ever have any negative contact with a gang
13 member?

14 PROSPECTIVE JUROR NO. 080: No.

15 THE COURT: Okay. Do you have any friends that were involved in that
16 gang lifestyle?

17 PROSPECTIVE JUROR NO. 080: I can't say friends, but classmates.

18 THE COURT: Okay. All right. And what were your feelings about that, I
19 guess gang membership, the gang lifestyle?

20 PROSPECTIVE JUROR NO. 080: I don't know. The little bit that I kind
21 of -- the classmates that I would hear, it would seem more like they needed
22 somebody, family kind of relation. Because I guess at home it was not that good,
23 I guess.

24 THE COURT: Okay. So they were looking --

25 PROSPECTIVE JUROR NO. 080: From what I heard.

1 THE COURT: They were looking for sort of support and they had to find
2 it in the gang?

3 PROSPECTIVE JUROR NO. 080: Pretty much, yes.

4 THE COURT: Okay. You've heard the questions we've asked the other
5 prospective jurors the couple of days we were all in here together and our
6 discussions. Based on that is there anything you think we need to know about
7 you or would like to know about you based on what we've talked about with the
8 other prospective jurors?

9 PROSPECTIVE JUROR NO. 080: No.

10 THE COURT: All right. Thank you.

11 PROSPECTIVE JUROR NO. 080: You're welcome.

12 THE COURT: State, you may question Ms. Gamino.

13 MR. PESCI: Thank you, Judge.

14 Ma'am --

15 PROSPECTIVE JUROR NO. 080: Yes.

16 MR. PESCI: -- do you have any strong feelings about firearms one way
17 or the other?

18 PROSPECTIVE JUROR NO. 080: No. I think if it's used for self
19 defense --

20 MR. GENTILE: I'm sorry. I -- I'm sorry. I can't hear.

21 THE COURT: I think she said used for self-defense.

22 PROSPECTIVE JUROR NO. 080: If it's used for self defense.

23 THE COURT: You're going to get the microphone.

24 PROSPECTIVE JUROR NO. 080: I'm just a little bit nervous. That's all.

25 THE COURT: That's okay. Because we realize, you know, we all -- we

1 all do this every day. We're used to --

2 PROSPECTIVE JUROR NO. 080: Oh, yeah.

3 THE COURT: -- speaking publicly, but not everybody is.

4 PROSPECTIVE JUROR NO. 080: Okay. Thank you.

5 MR. PESCI: All right. And she'll let us know if we -- she can't hear.

6 Okay?

7 PROSPECTIVE JUROR NO. 080: Okay.

8 MR. PESCI: You said you're nervous. Don't worry about it. Relax. Are
9 you nervous about the idea of having to maybe deliberate, or are you nervous
10 just because we've got you on the spot all by yourself?

11 PROSPECTIVE JUROR NO. 080: Spot, and all the questions.

12 MR. PESCI: Do you think you could be fair to both sides?

13 PROSPECTIVE JUROR NO. 080: Yes.

14 MR. PESCI: Do you -- do you agree with the concept that a defendant
15 never has to testify in a case?

16 PROSPECTIVE JUROR NO. 080: Say that again.

17 MR. PESCI: Well, the Judge is going to give an instruction that a
18 defendant never has to testify.

19 PROSPECTIVE JUROR NO. 080: Doesn't have to?

20 MR. PESCI: Does not have to testify.

21 PROSPECTIVE JUROR NO. 080: Okay.

22 MR. PESCI: Are you okay with that?

23 PROSPECTIVE JUROR NO. 080: I understand that he doesn't have to.

24 MR. PESCI: Are you saying that you'd like to hear something?

25 PROSPECTIVE JUROR NO. 080: I think to be fair I would like to hear

1 both sides.

2 MR. PESCI: Okay. And we kind of dice words when we say that. Both
3 sides, I think you're going to see, and you've seen so far that both sides have
4 been interacting with you so far.

5 PROSPECTIVE JUROR NO. 080: Correct.

6 MR. PESCI: All right. But the law does not require that the defense put
7 any evidence on.

8 PROSPECTIVE JUROR NO. 080: Correct.

9 MR. PESCI: It's the burden on the State. We have to prove it beyond a
10 reasonable doubt. It's all our burden. Are you all right with that?

11 PROSPECTIVE JUROR NO. 080: Yes.

12 MR. PESCI: Okay. You -- you might hear arguments from both sides
13 and things of that nature, but in the context of actually taking the stand and
14 testifying, the law does not require a defendant to do that. Would you be able to
15 follow that law?

16 PROSPECTIVE JUROR NO. 080: I would have to. It's a law.

17 MR. PESCI: And I guess from their prospective, would you be kind of
18 holding it against him, either of the defendants, if they chose not to testify?

19 PROSPECTIVE JUROR NO. 080: I would not hold it against them, but I
20 would like to hear both sides. I think to be able to --

21 MR. PESCI: And that's understandable. I mean, it's common nature to
22 sit there and say, you know, I'd like to hear both sides of the thing.

23 PROSPECTIVE JUROR NO. 080: Correct.

24 MR. PESCI: But can you -- can you accept the law and follow the law
25 that you don't have to and you won't hold it against the defendant?

1 PROSPECTIVE JUROR NO. 080: Yeah, I would -- I would follow the
2 law. Yes.

3 MR. PESCI: You talked about having some exposure with gangs
4 growing up?

5 PROSPECTIVE JUROR NO. 080: Oh, yes, in the neighborhood and
6 school.

7 MR. PESCI: And I think that was more in Los Angeles?

8 PROSPECTIVE JUROR NO. 080: Yes.

9 MR. PESCI: Any experiences here?

10 PROSPECTIVE JUROR NO. 080: No.

11 MR. PESCI: If you hear about it, and not these defense, but if you hear
12 about people tied to this case being associated with gangs, do you think you can
13 still be fair to both sides?

14 PROSPECTIVE JUROR NO. 080: Yes, I would be fair.

15 MR. PESCI: Okay. Thank you.

16 PROSPECTIVE JUROR NO. 080: You're welcome.

17 MR. PESCI: Pass for cause.

18 THE COURT: All right. Thank you.

19 Who would like to go next? Ms. Armeni?

20 MS. ARMENI: Sure, Your Honor.

21 Ms. Gamino.

22 PROSPECTIVE JUROR NO. 080: Yes.

23 MS. ARMENI: What type were at your school?

24 PROSPECTIVE JUROR NO. 080: I went to more like -- I think it was the
25 name of the street or something. Like I guess they all lived on the same block or

1 something kind of thing.

2 MS. ARMENI: Okay. So you were -- and you talked about -- I think you
3 said you noticed that they -- it was almost like a family from them?

4 PROSPECTIVE JUROR NO. 080: From what I heard, yes.

5 MS. ARMENI: Okay. And explain to me why -- why you told us that.

6 PROSPECTIVE JUROR NO. 080: Because if they were -- any kind of
7 trouble, they would all kind of help each other from what I saw.

8 MS. ARMENI: So they'd have each other's backs?

9 PROSPECTIVE JUROR NO. 080: I guess, yeah.

10 MS. ARMENI: I wanted to delve into the testimony again. I'm going to
11 kind of throw out a different situation to you.

12 PROSPECTIVE JUROR NO. 080: Okay.

13 MS. ARMENI: What if you had one defendant that took the stand and
14 the other one didn't? How would -- how would you feel about that?

15 PROSPECTIVE JUROR NO. 080: Well, I don't know.

16 MS. ARMENI: I know it's hard --

17 PROSPECTIVE JUROR NO. 080: I don't know.

18 MS. ARMENI: -- being on the spot and having to think right away, but, I
19 mean, you seem to have a little bit -- you do want to hear both sides and you do
20 understand that you'll be instructed on the law and if we wanted to kind of sit
21 there and twiddle our thumbs the whole while the State did all the work, we could
22 do that --

23 PROSPECTIVE JUROR NO. 080: Correct.

24 MS. ARMENI: -- right? We didn't have to act -- do anything else.

25 PROSPECTIVE JUROR NO. 080: Correct.

1 MS. ARMENI: And if we didn't do anything else, what would you -- and
2 you heard the State's evidence and the State's evidence was not beyond a
3 reasonable doubt, what would be your verdict at the end of the day if we just sat
4 there and didn't do anything?

5 PROSPECTIVE JUROR NO. 080: Anything.

6 MS. ARMENI: Just sat there and looked at you guys and, I don't know,
7 watch the State do their job. It would be very uncomfortable. I understand.

8 PROSPECTIVE JUROR NO. 080: Right.

9 MS. ARMENI: But if we didn't do anything, what -- what do you think
10 your verdict sitting here today would be?

11 PROSPECTIVE JUROR NO. 080: It's tough.

12 MS. ARMENI: Okay.

13 PROSPECTIVE JUROR NO. 080: I don't know. I don't know.

14 MS. ARMENI: You don't know what your verdict would be?

15 PROSPECTIVE JUROR NO. 080: No.

16 MS. ARMENI: Do you -- do you feel like you need for us to get up and
17 do something?

18 PROSPECTIVE JUROR NO. 080: Yes.

19 MS. ARMENI: Yes? Okay. Can you -- and I know you said you
20 understood the law and I'm sure you would do your best to follow Judge Adair's
21 instructions.

22 PROSPECTIVE JUROR NO. 080: Correct.

23 MS. ARMENI: But do you think because you feel that way that that
24 would be a problem if we sat there and didn't do anything?

25 PROSPECTIVE JUROR NO. 080: I don't think it would be a problem,

1 but I would maybe question it why. But I would understand it's the law and you
2 have the right not to.

3 THE COURT: Well, you alluded to you're nervous. Can you appreciate
4 that -- that people are nervous, they're not used to speaking --

5 PROSPECTIVE JUROR NO. 080: Correct.

6 THE COURT: -- in front of others and that could be a reason maybe a
7 defendant doesn't --

8 PROSPECTIVE JUROR NO. 080: Right.

9 THE COURT: -- testify?

10 PROSPECTIVE JUROR NO. 080: That's why I would like -- I guess.

11 THE COURT: Okay. And -- and let me ask you this. I mean, if -- let's
12 just say -- I mean, obviously these lawyers are very involved, but as Ms. Armeni
13 said, they don't need to do anything --

14 PROSPECTIVE JUROR NO. 080: Correct.

15 THE COURT: -- because, you know, the idea is that the power of the
16 government, they're the ones that have the burden of proof and they're the ones
17 that have to put on all of the evidence and the -- the defense can put on
18 evidence, but doesn't have to. Are you comfortable with that?

19 PROSPECTIVE JUROR NO. 080: Yes.

20 THE COURT: Okay. And you sound a little bit hesitant. Let me ask you
21 this. If you listen to the evidence and all the witnesses come from the State's
22 side, the defense doesn't call any witnesses and you get back in the jury box and
23 you say, you know what, I just -- this just doesn't add up to me this -- what the
24 State put on, I don't think they proved it beyond a reasonable doubt. Would you
25 be able to say not guilty even if the -- this side of the room, the defense side

1 didn't call any witnesses or put anything on?

2 PROSPECTIVE JUROR NO. 080: I don't think I could.

3 THE COURT: You don't think you could?

4 PROSPECTIVE JUROR NO. 080: No.

5 THE COURT: All right.

6 Any follow up?

7 MS. ARMENI: No.

8 Thank you, Ms. Gamino.

9 PROSPECTIVE JUROR NO. 080: You're welcome.

10 MR. ARRASCADA: No, Your Honor.

11 THE COURT: State.

12 MR. DIGIACOMO: Submit it, Judge.

13 THE COURT: All right. I'll see everybody up here.

14 (Conference at the bench)

15 THE COURT: Ms. Gamino, thank you very much. We're going to go
16 ahead and excuse you at this time. I do need to advise you, however --

17 PROSPECTIVE JUROR NO. 080: Yes.

18 THE COURT: -- or instruct you that you're not to discuss, if they ask
19 what we -- the other jurors, don't tell them what we talked about or what your
20 answers were or anything like that.

21 PROSPECTIVE JUROR NO. 080: All right. So just sit outside?

22 THE COURT: No, just -- you're -- you're free to go --

23 THE MARSHAL: I'll give the instructions.

24 THE COURT: -- and Officer Wooten is going to tell you what to do. And
25 before he does that he's going to bring in Ms. McRoy.

1 (Prospective juror No. 80 exits courtroom)

2 THE COURT: Ms. McRoy, just have a seat there in the box please,
3 ma'am. And good morning. What do you do for a living?

4 PROSPECTIVE JUROR NO. 084: I'm retired.

5 THE COURT: From?

6 PROSPECTIVE JUROR NO. 084: From LA county.

7 THE COURT: All right. What kind of a company or business did you
8 work for doing accounting?

9 PROSPECTIVE JUROR NO. 084: From Los Angeles County I worked in
10 three different departments. I started at the probation department, I went to the
11 department of health services and personnel and the department of mental
12 health and personnel office, and I went to administrative assistant to one of the
13 mental health facilities.

14 THE COURT: Okay.

15 MR. GENTILE: Your Honor, I think she said LA County, not --

16 THE COURT: I was going to follow up on that. Thank you, Mr. Gentile,
17 because I wasn't sure.

18 So you're originally from Los Angeles?

19 PROSPECTIVE JUROR NO. 084: Yes.

20 THE COURT: How long have you lived here in southern Nevada?

21 PROSPECTIVE JUROR NO. 084: Going on 13 years.

22 THE COURT: Okay. And have you been retired the entire time you've
23 been living here in Clark County?

24 PROSPECTIVE JUROR NO. 084: Yes, ma'am.

25 THE COURT: Okay. Now, did you have any formal training in

1 accounting before you got your jobs working in accounting?

2 PROSPECTIVE JUROR NO. 084: No, I -- I'm -- not in accounting.

3 THE COURT: Uh-huh.

4 PROSPECTIVE JUROR NO. 084: I worked for LA County.

5 THE COURT: Oh, I'm sorry. Oh, LA County. Okay. I thought you were
6 in accounting in LA County. Okay.

7 Thank you, Mr. Gentile.

8 PROSPECTIVE JUROR NO. 084: In probation and in personnel and
9 then administrative.

10 THE COURT: Okay. So you were in the department of parole and
11 probation for Los Angeles County?

12 PROSPECTIVE JUROR NO. 084: Yes.

13 THE COURT: And what did you do for them?

14 PROSPECTIVE JUROR NO. 084: I received my associate's degree with
15 police science and I was going to go into law enforcement. I started off in the
16 probation department as a community worker.

17 THE COURT: Okay. Now, as a community worker, did you have direct
18 contact with probationers?

19 PROSPECTIVE JUROR NO. 084: Yes. We were in charge of going out
20 to the juvenile -- juvenile detention facilities.

21 THE COURT: Okay. So you worked with younger offenders?

22 PROSPECTIVE JUROR NO. 084: Yes.

23 THE COURT: Did you ever work with adult offenders?

24 PROSPECTIVE JUROR NO. 084: No.

25 THE COURT: Now, here in -- in our state it's the State that has the

1 probations officers. Were these juvenile -- well, actually, no, it's the County for
2 juveniles.

3 PROSPECTIVE JUROR NO. 084: Yeah.

4 THE COURT: It's the same thing. All right. And what was your job in
5 working with these juveniles?

6 PROSPECTIVE JUROR NO. 084: God, it's been awhile. I think we had
7 to go out there and take accounting because they were put in there, and I think
8 we had to make sure that they were attending the classes that they were
9 supposed to and make sure they were there and kind of just keep an eye on
10 them as far -- as far as I remember. It's been quite awhile.

11 THE COURT: Okay. Why didn't you go into law enforcement?

12 PROSPECTIVE JUROR NO. 084: Good question. That's really what --
13 what was in my heart to do was to go into law enforcement. But about that time I
14 got married and started a family and then just my career went in a different
15 direction.

16 THE COURT: Things happened.

17 PROSPECTIVE JUROR NO. 084: Yeah.

18 THE COURT: Okay.

19 PROSPECTIVE JUROR NO. 084: I regret it, though.

20 THE COURT: And are you currently married?

21 PROSPECTIVE JUROR NO. 084: Yes.

22 MR. GENTILE: I didn't hear the last --

23 THE COURT: She regrets it.

24 MR. GENTILE: She regrets it.

25 PROSPECTIVE JUROR NO. 084: I regret it.

1 MR. GENTILE: Thank you.

2 THE COURT: Okay. Are you currently married?

3 PROSPECTIVE JUROR NO. 084: Yes, I am.

4 THE COURT: And what does your husband do?

5 PROSPECTIVE JUROR NO. 084: He's retired from Los Angeles
6 County.

7 THE COURT: Okay. What did he do for the County in Los Angeles?

8 PROSPECTIVE JUROR NO. 084: One of the jobs he had was he was
9 the assistant coroner to the Los Angeles County, and he was there when Robert
10 Kennedy was assassinated and they brought him in. So he worked with FBI, you
11 know, a special age -- special agents and the Kennedy family.

12 Then he went into the Department of Mental Health, became the
13 assistant director of mental health. He retired from County and went to work for
14 St. Johns Hospital in Santa Monica as their lobbyist. And he retired from there.

15 THE COURT: Okay. Now, how many children do you have?

16 PROSPECTIVE JUROR NO. 084: Two.

17 THE COURT: And are they both grown?

18 PROSPECTIVE JUROR NO. 084: All grown.

19 THE COURT: Okay. Have you ever served as a juror before?

20 PROSPECTIVE JUROR NO. 084: No, ma'am.

21 THE COURT: Okay. Have you or anyone close to you ever been the
22 victim of a serious crime?

23 PROSPECTIVE JUROR NO. 084: No.

24 THE COURT: Okay. What about arrested or charged with a crime?

25 PROSPECTIVE JUROR NO. 084: I think my ex-husband was.

1 THE COURT: Okay. And you think, was he not married to you at the
2 time?

3 PROSPECTIVE JUROR NO. 084: No, I -- I -- I know he was.

4 THE COURT: Okay. Were you married to him at the time?

5 PROSPECTIVE JUROR NO. 084: No.

6 THE COURT: Okay. Was that before or after your relationship with him?

7 PROSPECTIVE JUROR NO. 084: That was after we got divorced.

8 THE COURT: Okay.

9 PROSPECTIVE JUROR NO. 084: It was with his second wife.

10 THE COURT: Okay. And what crime was that?

11 PROSPECTIVE JUROR NO. 084: Domestic violence.

12 THE COURT: I thought that was what you were going to say. You've
13 heard talk about strip clubs. What are your feelings about strip clubs?

14 PROSPECTIVE JUROR NO. 084: It's not one of my favorites. I -- you
15 know, I don't like the idea of women that have to do that. I guess some do it
16 because of the money, some of them do it because they like it, you know, I really
17 don't know. To me, personally, it's kind of degrading of women in my opinion.
18 But, you know, everyone has choices.

19 THE COURT: Okay.

20 PROSPECTIVE JUROR NO. 084: And everyone has a business.

21 THE COURT: Have you ever been to a strip club?

22 PROSPECTIVE JUROR NO. 084: No, ma'am.

23 THE COURT: Okay. Do you know anyone personally that's ever worked
24 in the strip club industry as a dancer or a bartender or a bouncer?

25 PROSPECTIVE JUROR NO. 084: No, ma'am.

1 THE COURT: Okay. Now, you've heard that the individuals, the
2 Hidalgos, are involved in the strip -- or were at the time involved at the strip -- in
3 the strip club business. Is there anything about that that would impact your ability
4 to be completely fair and impartial in this case? Meaning can you, you know, set
5 aside whatever negative feelings you have and base your verdict on the
6 evidence that's presented during the trial, meaning the testimony from the
7 witness stand and the exhibits that are admitted into evidence?

8 PROSPECTIVE JUROR NO. 084: Yes, ma'am.

9 THE COURT: All right. You've heard this long period of time, all of the
10 questions and discussions we've had with all of the other prospective jurors.
11 Anything that any of us have asked or discussed with the other jurors that you
12 would've had to raise your hand and say, yes, that -- that pertains to me or that
13 pertains to my family?

14 PROSPECTIVE JUROR NO. 084: No.

15 THE COURT: Okay. And finally, when you worked as a juvenile
16 probation officer, how long ago was that?

17 PROSPECTIVE JUROR NO. 084: I started that in about 1968, '69.

18 THE COURT: Okay.

19 PROSPECTIVE JUROR NO. 084: I was there about two, maybe three
20 years.

21 THE COURT: So that was before you had the big problem with street
22 gangs we -- that we have today; is that fair? Or did they have gangs back then?

23 PROSPECTIVE JUROR NO. 084: In LA County? Yeah. I think they've
24 always had gangs in LA.

25 THE COURT: Okay. Did you ever have to work with gang members in

1 your job?

2 PROSPECTIVE JUROR NO. 084: No.

3 THE COURT: You never did. Okay. All right. Thank you.

4 State.

5 MR. DIGIACOMO: Thank you, Judge.

6 Did you have any contact with gang members?

7 PROSPECTIVE JUROR NO. 084: Contact? No.

8 MR. DIGIACOMO: Anything about the fact that there's going to be
9 mention perhaps of somebody in this case who may or may not have been a
10 member of a gang, any concerns at all about that in -- in sitting on the jury?

11 PROSPECTIVE JUROR NO. 084: Maybe a little fear, but no.

12 MR. DIGIACOMO: Well, the question is obviously, you know, gangs is
13 kind of like a word that -- that, you know, could have a lot of meanings --

14 PROSPECTIVE JUROR NO. 084: Right.

15 MR. DIGIACOMO: -- and obviously when -- without knowing any of the
16 facts, it's kind of hard to assess the situation. But the question we kind of need
17 to know is, you know, whatever you may think about gangs or -- or whatever
18 feelings you have, can you set those aside and base your decision on the
19 evidence you hear in court?

20 PROSPECTIVE JUROR NO. 084: Yes.

21 MR. DIGIACOMO: Thank you very much.

22 Judge, we pass for cause.

23 THE COURT: All right. Thank you.

24 And let's see, who would like to go next for the defense?

25 MS. ARMENI: Go ahead.

1 MR. ARRASCADA: I will, Your Honor.

2 THE COURT: All right.

3 MR. ARRASCADA: Ms. McRoy; correct?

4 PROSPECTIVE JUROR NO. 084: Yes. Uh-huh.

5 MR. ARRASCADA: If I'm correct, you were involved in law enforcement
6 in LA County juvenile probation.

7 PROSPECTIVE JUROR NO. 084: I started to. Yes.

8 MR. ARRASCADA: In 1968?

9 PROSPECTIVE JUROR NO. 084: Yeah, late '60s, early '70s.

10 MR. ARRASCADA: Okay. During -- were you involved in law
11 enforcement during the Watts riots?

12 PROSPECTIVE JUROR NO. 084: No.

13 MR. ARRASCADA: Okay. The -- after you were with probation, what
14 other county offices were you with?

15 PROSPECTIVE JUROR NO. 084: I was in the department of health
16 services, in the personnel. I guess they call it human services now.

17 MR. ARRASCADA: And was that your final --

18 PROSPECTIVE JUROR NO. 084: No, I -- and then I promoted into the
19 department of mental health. They created the new department of mental health
20 also in human resources.

21 MR. ARRASCADA: Okay. I'm sorry. Okay. And then your job
22 descriptions with mental health and -- and prior to that, other than probation,
23 what was your job description with, you said human resources?

24 PROSPECTIVE JUROR NO. 084: Yeah. Personnel, hiring [inaudible].

25 MR. ARRASCADA: You stated you regret not pursuing your career in

1 law enforcement. Why is that?

2 PROSPECTIVE JUROR NO. 084: I don't know. I just, since I was little, I
3 thought I always wanted to be a police officer.

4 MR. ARRASCADA: And you have great -- do you respect law
5 enforcement?

6 PROSPECTIVE JUROR NO. 084: Yes, I do.

7 MR. ARRASCADA: Describe that respect or how you feel.

8 PROSPECTIVE JUROR NO. 084: Well, to me, I mean, it's just law
9 enforcement. I respect them because -- I'm sure there's some bad cops, you
10 know. I have never had an experience, but I just respect the law enforcement. I
11 know they're there to protect the people and do the best and I would've been
12 doing the same.

13 MR. ARRASCADA: And would you give more -- you'd give more credit
14 to a police officer's testimony in a trial than, say, non-police officers because of
15 your respect for law enforcement?

16 PROSPECTIVE JUROR NO. 084: No, I think I would listen to
17 everybody's side. I mean, I'm not going to say just because he's a police officer
18 I'm going to believe 100 percent and he's or she's not, and I'd listen to that. But I
19 mean, if I had to weigh, you know, we had -- if I had to have -- you gave me a
20 choice, do you believe him or -- or this person, I think I would lean more towards
21 law enforcement. But, I mean, I would listen to both sides.

22 MR. ARRASCADA: Okay.

23 PROSPECTIVE JUROR NO. 084: I'm open.

24 MR. ARRASCADA: Well, you just said that given a choice you'd lean
25 more towards law enforcement; is that accurate?

1 PROSPECTIVE JUROR NO. 084: Yeah.

2 MR. ARRASCADA: And is that a feeling that's part of your lifelong, since
3 you were a child --

4 PROSPECTIVE JUROR NO. 084: Yeah.

5 MR. ARRASCADA: -- to be involved in law enforcement?

6 PROSPECTIVE JUROR NO. 084: Yeah.

7 MR. ARRASCADA: Okay.

8 PROSPECTIVE JUROR NO. 084: I mean, I think if I would've gone to
9 law enforcement, I mean, I would've -- I would've loved it. I would've done the
10 best and I -- I don't know.

11 MR. ARRASCADA: And those feelings that you tend to give more
12 credibility to law enforcement because of these feelings you've had since a child,
13 that's -- that's something that's a part of you that you -- that -- that it sounds like
14 you wouldn't be able to leave behind you if you were on the jury; is that
15 accurate?

16 PROSPECTIVE JUROR NO. 084: I mean, I'm fair. If you had someone
17 from law enforcement up there testifying and someone that's not, I mean, I'm fair
18 to listen to both sides.

19 THE COURT: Do you think -- can you accept, and I think you said this
20 already, some cops are good and some cops --

21 PROSPECTIVE JUROR NO. 084: Yeah.

22 THE COURT: -- maybe not so good?

23 PROSPECTIVE JUROR NO. 084: Yeah.

24 THE COURT: And even a good cop can make mistakes or forget things
25 or perceive things incorrectly. Do you think that's fair?

1 PROSPECTIVE JUROR NO. 084: That's fair.

2 THE COURT: Okay. And as you listen to the witnesses, whatever
3 witness it -- it -- it is, whoever it is, can you keep an open mind and assess their
4 credibility and their demeanor and -- and --

5 PROSPECTIVE JUROR NO. 084: Yes, Your Honor.

6 THE COURT: Now, let's say one witness testifies to one thing and it's
7 not a law enforcement witness and the other witness testifies to a different thing,
8 you know, the opposite, let's just say, and is a law enforcement witness, would
9 you automatically say, well, I'm going to believe the law enforcement witness or
10 would you kind of keep an open mind and consider other things or would you just
11 say, well, it's a cop, his -- his story, his version must be true?

12 PROSPECTIVE JUROR NO. 084: No. No, I mean, just because he's
13 law enforcement I'm not going to say, oh, yeah, I definitely believe him and I
14 don't believe him or her. I mean, it's just -- I'm going to listen to both sides.

15 THE COURT: All right. Thank you.

16 Mr. Arrascada, I'm sorry I interrupted you.

17 MR. ARRASCADA: All right, Your Honor.

18 But you have told us all that you have a bias towards -- within you
19 towards believing law enforcement. You stated that; is that right?

20 PROSPECTIVE JUROR NO. 084: I don't know if it's a bias. I mean, I'm
21 open to hearing both sides and like, you know, the Judge said, you know, there
22 are good cops, bad cops. Just because he's a cop doesn't mean I'm going to
23 believe him 100 percent. That all depends what everybody else has to say. I
24 mean, he or she is going to be one part of my big puzzle, you know, and
25 everybody has got to fit in there, you know. If the parts fit in there, then they fit in

1 there. If they don't, then I start looking at it differently.

2 MR. ARRASCADA: Okay. Thank you.

3 THE COURT: All right. Thank you.

4 Is it going to be Ms. Armeni?

5 MS. ARMENI: Yes, Your Honor.

6 Ms. McRoy, what do your two adult children do?

7 PROSPECTIVE JUROR NO. 084: One is a stay at home mom, and my
8 son right now just has a temporary job. He's trying to get into dealing.

9 MS. ARMENI: He did --

10 PROSPECTIVE JUROR NO. 084: Poker.

11 MS. ARMENI: Oh, dealing.

12 PROSPECTIVE JUROR NO. 084: Poker.

13 MS. ARMENI: Okay. What did he do --

14 PROSPECTIVE JUROR NO. 084: Nothing illegal. Poker.

15 MS. ARMENI: You may need a lawyer at that point; right? Do you know
16 any lawyers?

17 PROSPECTIVE JUROR NO. 084: Yes.

18 MS. ARMENI: Yes?

19 PROSPECTIVE JUROR NO. 084: Yes.

20 MS. ARMENI: And if you were in a situation that you thought was life
21 altering for yourself, would you -- what would you do?

22 PROSPECTIVE JUROR NO. 084: I'd call an attorney.

23 MS. ARMENI: When -- when I throw the word drugs out there, what --
24 what do you think of?

25 PROSPECTIVE JUROR NO. 084: Drugs? My ex-husband.

1 MS. ARMENI: Okay. Tell me -- well, I guess we preface that with we
2 don't want to pry, but I guess we want to pry. Can you tell me a little bit about
3 that?

4 PROSPECTIVE JUROR NO. 084: Well, just his doctor and -- you know,
5 Dr. Jekyll and Mr. Hyde personality when he was on drugs and that's why
6 primarily, because he was on drugs and I woke up one morning and he had a
7 gun to my head. So the next morning I packed up and I left.

8 MS. ARMENI: What -- what -- did he have a drug of choice?

9 PROSPECTIVE JUROR NO. 084: Cocaine, I think. Yeah.

10 MS. ARMENI: Know any taxicab drivers?

11 PROSPECTIVE JUROR NO. 084: No, just to ride in them.

12 MS. ARMENI: Any experience with taxicabs?

13 PROSPECTIVE JUROR NO. 084: Just to ride in them. Very, very few.

14 MS. ARMENI: Thank you.

15 THE COURT: All right.

16 Ms. McRoy, thank you. I'm going to ask you in a moment to step
17 out, back out into the hallway and have a seat out there. Please don't discuss
18 with the other prospective jurors what our questions were or your answers or
19 what we've discussed.

20 PROSPECTIVE JUROR NO. 084: We're being very good.

21 THE COURT: All right. Thank you, and just follow Jeff out.

22 And we'll hear from Mr. Denino.

23 (Prospective juror No. 84 exits courtroom)

24 MR. DIGIACOMO: Excuse me. Why -- why are we hearing from
25 Denino? Don't we have --

1 THE COURT: Oh, I'm sorry.
2 MR. DIGIACOMO: -- a challenge?
3 THE COURT: Jeff, wait a minute. I got confused.
4 MR. GENTILE: Can we have --
5 MR. DIGIACOMO: I need a restroom break.
6 MR. GENTILE: -- a little -- can we have like ten minutes?
7 THE COURT: Ten minutes?
8 MR. GENTILE: We haven't taken a break this morning.
9 THE COURT: Well, you can have five minutes.
10 THE DEFENDANT HIDALGO III: I need to go to the restroom too, Your
11 Honor.
12 MR. GENTILE: Well, we need to confer a little --
13 THE COURT: All right.
14 MR. GENTILE: -- bit too. It's getting down --
15 THE COURT: All right.
16 MR. GENTILE: -- to that time.
17 MS. ARMENI: Little Lou needs to go to the bathroom.
18 THE COURT: Just, Jeff, make sure the door, nobody comes in.
19 And go ahead and take him to the restroom.
20 MR. GENTILE: Okay. Let's go.
21 Thank you, Judge.
22 THE COURT: And we'll take -- I just want a restroom break in other
23 words.
24 And you've used 12 minutes. Oh, no, you've used 13 minutes.
25 MR. ARRASCADA: How many have I used, Your Honor?

1 THE COURT: You've used 17 -- 18 minutes. And the State has used 17
2 minutes.

3 MR. GENTILE: We're doing great.

4 THE COURT: Well, because I'm asking all the questions.

5 (Recess taken at 11:00 a.m.)

6 THE COURT: Who's your sixth? Who's your sixth challenge?

7 MS. ARMENI: Our sixth challenge is badge No. 84, Guadalupe McRoy.

8 THE COURT: All right. Jeff, would you bring Ms. McRoy in.

9 (Off-record colloquy)

10 THE COURT: Ms. McRoy?

11 PROSPECTIVE JUROR NO. 084: Yes.

12 THE COURT: I want to thank you for your participation and your
13 willingness to serve as a juror and also apologize that the jury selection has
14 taken so long. But I'm sure you can appreciate how important it is for both sides
15 to -- to really ferret out people's biases and things like that. You are excused at
16 this time. Jeff will direct you from the courtroom, and thank you very much for --
17 for your willingness.

18 PROSPECTIVE JUROR NO. 084: Thank you, Your Honor.

19 THE COURT: And Mr. Denino is next, Jeff. If you'd bring in Mr. Denino.

20 (Prospective juror No. 84 exits courtroom)

21 THE COURT: Mr. Denino, if you'd just have a seat up there in the front
22 row please. And good morning, it's still morning. What do you do for a living,
23 sir?

24 PROSPECTIVE JUROR NO. 086: I'm a carpenter.

25 THE COURT: All right. Are you in the union?

1 PROSPECTIVE JUROR NO. 086: I have been.

2 THE COURT: Okay. And do you do rough or finish carpentry?

3 PROSPECTIVE JUROR NO. 086: I build a lot of stuff for the exhibits,
4 stores, stores in the airport, stuff like that.

5 THE COURT: Okay. And are you married?

6 PROSPECTIVE JUROR NO. 086: No.

7 THE COURT: Any children?

8 PROSPECTIVE JUROR NO. 086: Yes.

9 THE COURT: How many and the ages?

10 PROSPECTIVE JUROR NO. 086: Two, seventeen years old, and four.

11 THE COURT: Okay. Have you ever served as a juror before?

12 PROSPECTIVE JUROR NO. 086: No.

13 THE COURT: Have you or anyone close to you ever been the victim of a
14 serious crime?

15 PROSPECTIVE JUROR NO. 086: My parent's house was burglarized in
16 California.

17 THE COURT: Anybody home or was it when some -- when nobody was
18 there?

19 PROSPECTIVE JUROR NO. 086: My brother-in-law, he was there. I
20 guess he came by and they did catch the guy.

21 THE COURT: Okay. And, then -- but you personally nothing has
22 happened to you?

23 PROSPECTIVE JUROR NO. 086: No.

24 THE COURT: Okay. And then what about the flip of that, have you or
25 anyone close to you ever been arrested or charged with a crime?

1 PROSPECTIVE JUROR NO. 086: I've got an uncle that did time in San
2 Quentin, a couple of cousins up in Oregon that off and on have done time.

3 THE COURT: Okay. Are you close with this uncle?

4 PROSPECTIVE JUROR NO. 086: No.

5 THE COURT: Okay. And what's he -- what did he do time for in San
6 Quentin?

7 PROSPECTIVE JUROR NO. 086: I think it was drugs and firearms or
8 something.

9 THE COURT: Okay. And what about the cousins up in Oregon, are you
10 close with any of them?

11 PROSPECTIVE JUROR NO. 086: Oh, God, who knows.

12 THE COURT: Are you close with any of those or have you ever been
13 close with either of them?

14 PROSPECTIVE JUROR NO. 086: I have been, but not in years.

15 THE COURT: Okay. What are your feelings about strip clubs?

16 PROSPECTIVE JUROR NO. 086: It doesn't bother me.

17 THE COURT: Okay. Have you ever been to any?

18 PROSPECTIVE JUROR NO. 086: 15, 17 years ago.

19 THE COURT: All right. And did you go here in Clark County or in--

20 PROSPECTIVE JUROR NO. 086: No, no.

21 THE COURT: -- California?

22 PROSPECTIVE JUROR NO. 086: I went to one in California, a bachelor
23 party.

24 THE COURT: And just so -- just very occasional then?

25 PROSPECTIVE JUROR NO. 086: Yeah. Yeah, it's not part of my life.

1 THE COURT: Okay. You've heard all of my questions and what we've
2 discussed with the other prospective jurors all of these days. Anything based on
3 that that you think we need to know about you or would like to know about you?

4 PROSPECTIVE JUROR NO. 086: No.

5 THE COURT: All right.

6 State.

7 MR. PESCI: Thank you, Judge.

8 What did you do before being a carpenter?

9 PROSPECTIVE JUROR NO. 086: I've always been a carpenter. I was a
10 general contractor up in Oregon for ten years. I came here and I started work
11 basically as a carpenter craftsman building exhibits, stores, storefronts.

12 MR. PESCI: Are you working by yourself, are you working with others,
13 do you ever supervise other carpenters or people?

14 PROSPECTIVE JUROR NO. 086: I have. I spent last year working for
15 1220 Exhibits. I was the operation's production manager.

16 MR. PESCI: How many people were under you?

17 PROSPECTIVE JUROR NO. 086: Nine.

18 MR. PESCI: Did you ever have any disputes come up among them?

19 PROSPECTIVE JUROR NO. 086: All the time.

20 MR. PESCI: Did you ever have to resolve those disputes?

21 PROSPECTIVE JUROR NO. 086: All the time.

22 MR. PESCI: Sometimes did they present two sides of one dispute?

23 PROSPECTIVE JUROR NO. 086: Absolutely.

24 MR. PESCI: Were you able to make a determination even though there
25 were two separate things shown to you?

1 PROSPECTIVE JUROR NO. 086: Absolutely.

2 MR. PESCI: In this particular case could you look at the facts presented
3 and make a determination?

4 PROSPECTIVE JUROR NO. 086: Absolutely.

5 MR. PESCI: Do you have any problem with the fact that the State has
6 the burden of proof?

7 PROSPECTIVE JUROR NO. 086: No.

8 MR. PESCI: Would you hold it against the defendants if they chose not
9 to testify?

10 PROSPECTIVE JUROR NO. 086: Nope.

11 MR. PESCI: The situation with your uncle and your cousins, do you feel
12 as if the system treated them fairly?

13 PROSPECTIVE JUROR NO. 086: They did the crime, they're going to
14 do the time.

15 MR. PESCI: Thanks. We'll pass for cause.

16 THE COURT: All right. Thank you.

17 Who would like to go next?

18 MR. GENTILE: I will.

19 Mr. Denino, you've been here five years? Is that what --

20 PROSPECTIVE JUROR NO. 086: Almost ten.

21 MR. GENTILE: Almost ten. All right. And how old are you?

22 PROSPECTIVE JUROR NO. 086: I'll be 40 next month.

23 MR. GENTILE: And you've been doing carpentry ten years?

24 PROSPECTIVE JUROR NO. 086: No, I've been doing it since I was 13.

25 MR. GENTILE: 13. Is that something that your father taught you?

1 PROSPECTIVE JUROR NO. 086: No, my father was against it.

2 MR. GENTILE: Really?

3 PROSPECTIVE JUROR NO. 086: Absolutely.

4 MR. GENTILE: All right. Well, how'd you -- you just got into it as a
5 hobby?

6 PROSPECTIVE JUROR NO. 086: It's just something I wanted to do.

7 MR. GENTILE: Have you been doing it for a living your whole life?

8 PROSPECTIVE JUROR NO. 086: Always.

9 MR. GENTILE: Always. Now, the strip club issue. You say that, you
10 know, it's -- it seems as though it's neutral as far as you're concerned.

11 PROSPECTIVE JUROR NO. 086: I know people that go to them. It's
12 just not part of my life. I don't think about it. I -- I have a busy schedule on my
13 own. I don't have time for it.

14 MR. GENTILE: Sure I can understand that.

15 PROSPECTIVE JUROR NO. 086: Nor do I have the money.

16 MR. GENTILE: Right. But here's -- here's what I'm really getting at.

17 Okay? Going to a strip club or, you know, using a strip club as a means of
18 entertainment. That's what I'm talking about. And what you're telling us, I think,
19 is that that's okay with you, it's just not something you do.

20 PROSPECTIVE JUROR NO. 086: Absolutely. I --

21 MR. GENTILE: Okay. Here's the part that I'm concerned about. How
22 about somebody who owns and operates a strip club? Do you have any kind of
23 an internalization about that?

24 PROSPECTIVE JUROR NO. 086: If they can make a living at it, good
25 for them.

1 MR. GENTILE: Good. So if -- when you're looking over at Louis
2 Hidalgo, Jr., the fact that he once owned a strip club, what's it mean to you?

3 PROSPECTIVE JUROR NO. 086: Good for him. Maybe he needs
4 something built. Maybe I'll make money out of it. I don't know.

5 MR. GENTILE: Do you do stages?

6 PROSPECTIVE JUROR NO. 086: Absolutely.

7 MR. GENTILE: Gangs. What, if any, contact have you had with gangs?

8 PROSPECTIVE JUROR NO. 086: I don't -- I think my nephew in
9 California joined one a couple of years ago. I -- I couldn't say. I ride a Harley so
10 on the road, you know, sometimes we come across different -- different clubs.
11 I -- I could care less. It means nothing to me.

12 MR. GENTILE: Good. Did you ever hire a lawyer?

13 PROSPECTIVE JUROR NO. 086: Yes, I have.

14 MR. GENTILE: Have you had a lawyer for your business from time to
15 time?

16 PROSPECTIVE JUROR NO. 086: When I was in business in Oregon,
17 absolutely.

18 MR. GENTILE: Okay. And did you -- so you had a go to guy if you
19 had -- if you need to -- if you had a problem, whether that guy could answer the
20 problem or not, you had somebody to call.

21 PROSPECTIVE JUROR NO. 086: Absolutely.

22 MR. GENTILE: Okay. And have you ever been referred to a lawyer by a
23 lawyer?

24 PROSPECTIVE JUROR NO. 086: No.

25 MR. GENTILE: Know any cab drivers?

1 PROSPECTIVE JUROR NO. 086: Actually, I do.

2 MR. GENTILE: Yeah. Somebody that you're -- that you're -- is it a
3 friendly acquaintance?

4 PROSPECTIVE JUROR NO. 086: Yeah.

5 MR. GENTILE: A guy that you hang out with maybe a little bit?

6 PROSPECTIVE JUROR NO. 086: Some people I -- I -- I know through
7 friends, yeah.

8 MR. GENTILE: Okay. You say you operated your own business up in
9 Oregon. What was it?

10 PROSPECTIVE JUROR NO. 086: I was a general contractor.

11 MR. GENTILE: Building houses or --

12 PROSPECTIVE JUROR NO. 086: No, I -- yeah, I serviced them. I do a
13 lot of insurance work. I took the service contracts for clients or -- or for
14 homebuilders, stuff like that.

15 MR. GENTILE: Is that where you're from originally, Oregon?

16 PROSPECTIVE JUROR NO. 086: No, California.

17 MR. GENTILE: Where? I know you said it before, but there's a lot of --

18 PROSPECTIVE JUROR NO. 086: I grew up in Modesto.

19 MR. GENTILE: Modesto. Northern California.

20 PROSPECTIVE JUROR NO. 086: Central. That would be central, the
21 valley.

22 MR. GENTILE: That's the valley? Okay. Shows you how much I know.
23 Thank you.

24 THE COURT: All right. Mr. Arrascada.

25 MR. ARRASCADA: Mr. Denino, good after -- it's morning still.

1 PROSPECTIVE JUROR NO. 086: Absolutely.

2 MR. ARRASCADA: You were talking about in your -- in your -- as, I
3 guess, as a supervisor as a general contractor you've had to resolve --

4 PROSPECTIVE JUROR NO. 086: Yeah.

5 MR. ARRASCADA: -- disputes with employees; right?

6 PROSPECTIVE JUROR NO. 086: Absolutely.

7 MR. ARRASCADA: How do you go about doing that?

8 PROSPECTIVE JUROR NO. 086: It depends on the situation. You
9 know, I mean, if it's -- if it's something serious, I'm going to try and find out who
10 started what, who stole what from who, you know what I mean. It's -- it depends
11 on the situation.

12 MR. ARRASCADA: So you'd want to gather facts?

13 PROSPECTIVE JUROR NO. 086: Absolutely.

14 MR. ARRASCADA: And make an educated decision?

15 PROSPECTIVE JUROR NO. 086: Of course.

16 MR. ARRASCADA: And if -- if you were on this jury, would you want to
17 approach the case the same way?

18 PROSPECTIVE JUROR NO. 086: Absolutely.

19 MR. ARRASCADA: And if other jurors maybe try to discuss the case
20 based on their passions or something of that prejudice, would you get them back
21 towards where they should be, which is looking at the evidence and the facts?

22 PROSPECTIVE JUROR NO. 086: I would say this. I -- I would -- I'd be
23 one where I don't want to see an innocent person go to jail. I don't want to see
24 that. So if -- if there is a case that is proven and I'm on the panel, then definitely I
25 want to see that person go to prison. If they didn't do it, then absolutely under --

1 no way. No.

2 MR. ARRASCADA: If they didn't prove it, the State, is that a --

3 PROSPECTIVE JUROR NO. 086: I want to -- I want to see them go
4 home.

5 MR. ARRASCADA: Okay. Thank you.

6 THE COURT: All right. Thank you.

7 Mr. Denino, thank you. I'm about to have you exit the courtroom and
8 have a seat back out in the hallway. And please don't discuss what's just
9 transpired, the questions or your answers with any of the --

10 PROSPECTIVE JUROR NO. 086: Okay.

11 THE COURT: -- other prospective jurors.

12 PROSPECTIVE JUROR NO. 086: Thank you.

13 THE COURT: All right. Thank you, sir, and just have a seat out there
14 back in the hallway.

15 (Prospective juror No. 86 exits courtroom)

16 THE COURT: State's seventh.

17 MR. DIGIACOMO: Hang on. I got to find him on our sheet here. I think
18 he's 16, he's seated in seat 11, Mr. Williams.

19 THE COURT: All right. He's one that is a call.

20 Jeff, would you call Mr. Williams and tell him he's been excused.

21 MR. ADAMS: Your Honor --

22 MR. GENTILE: Before we do that --

23 MR. ADAMS: -- if we raise a Batson issue, do we do that at the end of all
24 the strikes or as we go.

25 THE COURT: You can raise it as we go.

1 MR. DIGIACOMO: They must raise it as we go --

2 THE COURT: Right.

3 MR. DIGIACOMO: -- under the case law.

4 MR. ADAMS: Well, that's what I'm asking.

5 THE COURT: Yeah, you raise it right now.

6 MR. ADAMS: May we have a moment to confer --

7 THE COURT: Sure.

8 MR. ADAMS: -- among counsel for the defense.

9 THE MARSHAL: Was that Anthony, Your Honor?

10 THE COURT: Antoine. He's number 16.

11 THE MARSHAL: I just have the name and the telephone number.

12 THE COURT: I was confusing him with Antone Cook. So you've got

13 Antoine Williams?

14 MR. DIGIACOMO: Yeah, Mr. Cook is the guy who --

15 THE COURT: Has already been excused, yeah.

16 MR. DIGIACOMO: -- who think photo fraud is okay.

17 MR. ADAMS: Your Honor, at this point we would like to raise a Batson
18 challenge.

19 THE COURT: All right.

20 MR. ADAMS: Mr. Williams is an African American man that appears to
21 be around the age of 50. He is juror No. -- or in seat No. 11. He's answered all
22 the questions. He'd had an experience with the police some 25 years ago. He
23 said that was not anything he held a grudge against. He's understood that. He
24 lives a straight life.

25 There are other similarly situation white people on the panel who've

1 not been struck who also have misdemeanor convictions from years ago. The
2 gentleman yesterday, the government teacher had a DWAI in Colorado. There is
3 someone else on the panel currently. Mr. Mathews had prior convictions. And I
4 think when the Court assesses the prima facie case and the government's
5 response, it's also appropriate to look at the strategic use of the strike of juror No.
6 9 right before an African American woman, Ms. Woodland, came into the
7 courtroom.

8 And I think that that demonstrates a pattern of intentional --
9 intentional maneuvering on the government to eliminate African Americans from
10 the panel.

11 THE COURT: I'm sorry, Ms. Woodland?

12 MR. ADAMS: Or -- well, that may be the --

13 MR. DIGIACOMO: She's on the panel.

14 MR. PESCI: She's on the panel.

15 MR. GENTILE: No, she's an alternate.

16 MR. ADAMS: Or, I'm sorry, that --

17 THE COURT: Kelli Woodland, she did not appear to be African
18 American to me. And this is an issue that the judges have discussed, that a lot of
19 people you can't identify what they are. She appeared to me to be Hispanic.
20 You can't go by her last name because I'm assuming it's her husband's last
21 name. But, to me, I thought she appeared by her accent and appearance to be
22 Hispanic. I honestly -- again, I don't know what she is. She can be Dominican,
23 she could be Indian. I mean, who knows. But she didn't appear to be African
24 American to me.

25 MR. ADAMS: Judge, I'd also point out --

1 THE COURT: And -- and just --

2 MR. ADAMS: -- Mr. Keegan --

3 THE COURT: -- so you know --

4 MR. ADAMS: -- Mr. Keegan had a prior as well, the juror who is in seat
5 No. 12 currently.

6 THE COURT: All right. And just so you know, it was decided, you know,
7 that it's inappropriate to inquire of potential jurors as to their racial background
8 other than maybe --

9 MR. GENTILE: How about maiden names?

10 THE COURT: Huh?

11 MR. GENTILE: How about maiden names? I did that yesterday. You
12 know, this is not an issue with which I am sensitive. I must be candid.

13 THE COURT: Right.

14 MR. GENTILE: I know nothing about Batson.

15 THE COURT: I think you can inquire, and I think you can inquire about
16 their native language and what language they grew up speaking in the home, but
17 not, you know, oh, you know, ethnically what are you, unless it's something that
18 maybe is germane to an issue in the case.

19 I don't see a power and practice here of racial discrimination against
20 black people or anybody else. As I just said, Ms. Woodland didn't appear to be
21 African American to me, and that's the first threshold that there's a pattern of -- of
22 discrimination or of striking people of a particular ethnic background before you
23 even are triggered into the race neutral reason, in my understanding of the law.

24 But if the State wants to, out of an abundance of caution, give their
25 race neutral reason at this point, they may do so.

1 MR. DIGIACOMO: And, Judge, you know, while I won't give you my race
2 neutral reason because I don't think it's appropriate for them to do so, I would
3 note for the record that this is an individual who wasn't convicted of stealing golf
4 balls, he wasn't convicted of driving drunk, he was convicted of obstructing a
5 police officer. He felt the police officers behaved inappropriately. And when I
6 asked about other conduct with police officers he basically said they all behave
7 inappropriate. Here's a person --

8 MS. ARMENI: No, he didn't.

9 MR. ADAMS: Not at all.

10 MR. GENTILE: That's not what he said. He said the opposite.

11 MR. DIGIACOMO: That's not true.

12 MR. GENTILE: No, the --

13 MR. DIGIACOMO: Ms. Rotich --

14 MR. PESCI: Why doesn't one side make their record --

15 MR. DIGIACOMO: Can -- can I make my record?

16 MR. PESCI: -- and then the other side can make the record.

17 MR. GENTILE: Yeah, I'm sorry.

18 MR. ADAMS: Judge, I -- I --

19 THE COURT: Okay. Wait.

20 MR. ADAMS: -- I object.

21 MR. GENTILE: I apologize to the Court --

22 MR. ADAMS: I have an objection, Judge.

23 MR. GENTILE: -- and to counsel.

24 THE COURT: What's your objection?

25 MR. ADAMS: My objection is they said they are not tendering their

1 reason on the record, yet --

2 THE COURT: And then they're tendering it.

3 MR. ADAMS: -- they're offering explanation. And I think this record is
4 going to be very confused. If they either tender their race neutral reason or they
5 stand silent, I think the record is clear for appellate purposes.

6 THE COURT: Well, except I'm anticipating what Mr. DiGiacomo is going
7 to say, and he is going to say that he's not tendering his race neutral reason, but
8 he's refuting the statements that you have made on the record relating to Mr.
9 Williams as opposed to other jurors. In his view he's correcting the record as to
10 what you said. And I think that is appropriate.

11 MR. DIGIACOMO: Correct. Thank you, Judge.

12 THE COURT: If you said something, he can address it. So I think
13 that's --

14 Is that what you're doing?

15 MR. DIGIACOMO: That's correct.

16 THE COURT: Don't go beyond that. The only issue is the -- is the
17 arrests and --

18 MR. DIGIACOMO: Well, is -- is the pattern, and what they're suggesting
19 is the pattern. And as to Mr. Williams, to his statement about police officers and
20 his statement about most police officers that he's had contact with is my
21 recollection with him and that his brother was charged with race -- I mean, sorry,
22 his cousin was charged with rape. He talked to him, but -- and he was convicted,
23 but he couldn't really tell us whether or not the system was fair, related on --
24 based on that context.

25 There was another African American juror on this case who had a

1 bad interaction with a single police officer, but that her other individual police
2 officers that she had had contact with had all behaved very appropriately. The
3 suggestion that merely because Mr. Williams is a black person or a person of
4 African American heritage somehow suggests at all that there was a pattern in
5 this particular case. It's clearly inappropriate --

6 THE COURT: Right.

7 MR. DIGIACOMO: -- and I'll submit it --

8 THE COURT: Again, I don't --

9 MR. DIGIACOMO: -- to the Court.

10 THE COURT: -- see a pattern based on Ms. Woodland who, as I said, I
11 don't know what she is, but she didn't appear to be African American to me.

12 MR. ADAMS: Your Honor, so --

13 THE COURT: She may be generally a person of ethnicity. I think that
14 may be fair. Like I said, she appeared to be Hispanic, but honestly I don't know.

15 MR. ADAMS: Since this information is not in the record, may I please
16 place in the record that Mr. Williams, who is in seat No. 11, is an African
17 American male and that Mr. Rotich, who was Ms. Wright, I believe, on the
18 original list, currently in seat No. 5, is an African American female, and those are
19 the only two African Americans who --

20 THE COURT: That have been questioned thus far.

21 MR. ADAMS: Yes, ma'am.

22 MR. DIGIACOMO: With the exception --

23 THE COURT: And there appears to be --

24 MR. DIGIACOMO: -- of maybe Ms. Woodland.

25 THE COURT: There appears to be another --

1 MR. ADAMS: And perhaps Ms. Woodland, whatever her ethnicity or
2 racial background is.

3 THE COURT: Yeah, I mean, again, she visually appeared to be
4 Hispanic, not African American. And by Hispanic, I mean South American, well,
5 not, you know, Cuban mix or Puerto Rican mixed race, black and Hispanic. She
6 didn't appear to be, but, again, we didn't question and I don't know.

7 I'd also just point out there is coming up an African American male
8 who is -- was seated in the back row is coming up for questioning down the road.
9 So like I said, I don't see a practice at this point.

10 State needs to be mindful that a challenge has been made. If other
11 African Americans or people of color are excluded, then we may start seeing a
12 pattern here. But at this point, I don't think that threshold has been met.

13 MR. ADAMS: Judge, I -- I am not arguing with the Court, I just want to
14 make sure --

15 THE COURT: Make a record.

16 MR. ADAMS: -- that I understand --

17 THE COURT: Go ahead.

18 MR. ADAMS: -- the record as -- as it is.

19 THE COURT: Go ahead.

20 MR. ADAMS: The Court has ruled we have not made a prima facie
21 showing, so the government was not responding in any way to the legal
22 objection, they were just responding to representations on the record that they
23 felt needed to be responded to.

24 THE COURT: Mr. DiGiacomo.

25 MR. DIGIACOMO: Well, the record is you didn't find a pattern. I was

1 referring to what wouldn't be found a pattern. Certainly I'm not required to say
2 why it is I did something, but if the Court were -- I mean -- fine. Leave the record
3 the way it is.

4 THE COURT: No, I don't -- I don't -- okay.

5 MR. DIGIACOMO: I mean, if they want to take up that, then that's fine.

6 MR. ADAMS: Judge, my only -- my only additional point is it doesn't
7 matter if there's a pattern. If one person is intentionally discriminated against, it
8 only takes one. The US Supreme Court case law is -- is clear on that. It only
9 takes one. So I don't think a pattern must be established. It's individual
10 discrimination against a single juror.

11 THE COURT: Well, what I'm saying, though, Mr. Adams, is just because
12 an African American has been excluded, I don't think that you meet the threshold
13 of saying that that's discriminatory.

14 MR. ADAMS: Yes, ma'am.

15 THE COURT: You -- because that person happens to be African
16 American or Hispanic or East Indian or any other, just because that person is a
17 person of color and they're excluded, you don't make an initial showing that that
18 was of a discriminatory motive.

19 Now, if two or three African Americans or people of color or various
20 ethnicities are excluded, then you -- you get that showing. But I don't think that
21 the Court -- and maybe my understanding of the law is incorrect. The Court does
22 not infer simply because one person happens to be a person of color and they're
23 excluded, that that was of a discriminatory motive. And that's what I'm saying
24 and I'm not willing to infer that because one person who happened to be a black
25 male was excluded. And excuse me --

1 MR. ADAMS: Thank you for --

2 THE COURT: -- for a moment.

3 MR. ADAMS: Thank you for allowing me to perfect the record.

4 THE COURT: And that's fine.

5 All right. I believe we're now on brining in the next person.

6 MR. DIGIACOMO: Adkins, Paul Adkins.

7 THE COURT: We are on Paul Adkins.

8 Jeff, would you bring in Mr. Adkins please.

9 THE MARSHAL: Yes. So Mr. Williams isn't being called?

10 THE COURT: Yes. You will call Mr. Williams and excuse him, and then
11 next up is Mr. Adkins.

12 THE MARSHAL: Yes, Your Honor.

13 THE COURT: Mr. Adkins, just have a seat there somewhere in the jury
14 box please, sir, anywhere that's comfortable. And it's still morning, good
15 morning.

16 PROSPECTIVE JUROR NO. 087: Good morning.

17 THE COURT: What do you do for a living, sir?

18 PROSPECTIVE JUROR NO. 087: I am the director of security, slash,
19 operations for a special events security company here in Las Vegas.

20 THE COURT: Okay. A special event security company, so does that
21 mean when there's a concert or something --

22 PROSPECTIVE JUROR NO. 087: That is exactly --

23 THE COURT: -- you provide --

24 PROSPECTIVE JUROR NO. 087: -- what it is.

25 THE COURT: -- security services?

1 PROSPECTIVE JUROR NO. 087: UFC fights, boxing fights.

2 THE COURT: Okay.

3 PROSPECTIVE JUROR NO. 087: We stay away from conventions, just
4 special events.

5 THE COURT: All right. How long have you worked in the security field?

6 PROSPECTIVE JUROR NO. 087: I would say probably 25 years.

7 THE COURT: Okay. And are you -- are you actually out there as a
8 security officer, or are you more in the office?

9 PROSPECTIVE JUROR NO. 087: Out there as a security officer.

10 THE COURT: Out there. How did you get into security? What did you
11 do before that?

12 PROSPECTIVE JUROR NO. 087: I toured with major acts.

13 THE COURT: Okay.

14 PROSPECTIVE JUROR NO. 087: I was in security business and I'm
15 also a musician --

16 THE COURT: Okay.

17 PROSPECTIVE JUROR NO. 087: -- by trade.

18 THE COURT: So you were actually hired by bands --

19 PROSPECTIVE JUROR NO. 087: Yep.

20 THE COURT: -- and you toured with them?

21 PROSPECTIVE JUROR NO. 087: Promoters, bands.

22 THE COURT: Anyone I would know?

23 PROSPECTIVE JUROR NO. 087: Garth Brooks, Gloria Estefan.

24 THE COURT: Okay. That must've been fun.

25 PROSPECTIVE JUROR NO. 087: Yeah.

1 THE COURT: All right. Now, as a security officer at these concerts I'm
2 assuming you come into contact with people who are using drugs.

3 PROSPECTIVE JUROR NO. 087: Absolutely.

4 THE COURT: Okay. And have you ever had to apprehend or detain
5 someone for using drugs at a concert?

6 PROSPECTIVE JUROR NO. 087: Absolutely, with Metropolitan Police
7 Department involved.

8 THE COURT: Okay. How -- how do you do that? Do you call Metro and
9 say, or do you as a security officer take the person and detain them and call
10 Metro? How do -- how --

11 PROSPECTIVE JUROR NO. 087: That's what we do.

12 THE COURT: Okay.

13 PROSPECTIVE JUROR NO. 087: If -- if someone is in the concert or out
14 in the public view, we would -- my security officers are trained to first take them
15 out of the scene and then call house security, whatever house, Mandalay Bay,
16 event center, whatever, and then Metro is also called upon.

17 THE COURT: Okay. Let me ask you this, anything more serious that
18 drug use that you've had to become involved with in your work as a security
19 officer?

20 PROSPECTIVE JUROR NO. 087: Your typical domestic fights, people
21 on drugs, alcohol. There has been no major gun battles or anything like that.

22 THE COURT: Okay. So is it fair to say in your job you work pretty
23 closely with police officers or interact with them quite a bit?

24 PROSPECTIVE JUROR NO. 087: Very close.

25 THE COURT: Okay. Now, you're going to be hearing testimony from

1 police officers with the North Las Vegas Police Department. Would you
2 automatically sort of believe a police officer simply because it's a police officer, or
3 would you be able to keep an open mind to that person's testimony?

4 PROSPECTIVE JUROR NO. 087: I can keep an open mind.

5 THE COURT: Okay. Do you accept that some police officers are maybe
6 better than others?

7 PROSPECTIVE JUROR NO. 087: Yes.

8 THE COURT: Okay. You hesitated a little bit.

9 PROSPECTIVE JUROR NO. 087: I just know a lot of them and I know --
10 I view the way they -- some officers' action better than others or more differently.
11 I personally know a lot of them, so I know them.

12 THE COURT: Okay. Anything about that, that you work with police
13 officers that would impact your ability to be fair and impartial to both sides?

14 PROSPECTIVE JUROR NO. 087: No.

15 THE COURT: Okay. Are you married?

16 PROSPECTIVE JUROR NO. 087: I'm divorced and have a 17 year old
17 son that lives with his mother in Raleigh, North Carolina.

18 THE COURT: In North Carolina. So that's where you're from originally?
19 North Carolina?

20 PROSPECTIVE JUROR NO. 087: No. I'm originally from southern
21 California. I've lived here since 1979, '78.

22 THE COURT: Okay. So quite awhile.

23 PROSPECTIVE JUROR NO. 087: Uh-huh.

24 THE COURT: Have you ever been a juror before?

25 PROSPECTIVE JUROR NO. 087: I have not. In California I've been

1 called upon, but never -- I mean, we arrived -- we were released before we
2 arrived.

3 THE COURT: Okay. And can you excuse me for one moment.

4 All right. Thank you. Sorry for the interruption. So you never --
5 have you ever actually made it into the box where we --

6 PROSPECTIVE JUROR NO. 087: Never.

7 THE COURT: -- ask you questions? Okay.

8 PROSPECTIVE JUROR NO. 087: Unfortunately, no.

9 THE COURT: Have you or anyone close to you ever been the victim of a
10 serious crime?

11 PROSPECTIVE JUROR NO. 087: No.

12 THE COURT: What about arrested or charged with a serious crime?

13 PROSPECTIVE JUROR NO. 087: I personally have been arrested once
14 in the past for a bench warrant for a ticket.

15 THE COURT: Okay. Was that a traffic ticket?

16 PROSPECTIVE JUROR NO. 087: Yeah.

17 THE COURT: Did that occur here in Clark County?

18 PROSPECTIVE JUROR NO. 087: Yeah.

19 THE COURT: Okay. And did you just post the bond and get out?

20 PROSPECTIVE JUROR NO. 087: [inaudible].

21 THE COURT: All right. Have you ever had to hire a lawyer?

22 PROSPECTIVE JUROR NO. 087: Never had to hire one. I've had one
23 as a friend help me through a -- my fiancé, I was living with her, she passed. We
24 weren't married, so the house went to her mother and father. But over the years,
25 six, eight years that I was with her, a good friend of mine, a lawyer, helped me

1 fight the case. And we came upon you and you're the one that actually let me
2 stay in my house. So --

3 THE COURT: So you must be --

4 PROSPECTIVE JUROR NO. 087: -- thank you.

5 THE COURT: -- you must be happy with me then.

6 PROSPECTIVE JUROR NO. 087: Yes.

7 THE COURT: Okay. Well, at least one person is. What about in your
8 divorce case? Did you represent yourself or did you hire a lawyer for that?

9 PROSPECTIVE JUROR NO. 087: No, we did it ourselves.

10 THE COURT: You just did it yourself.

11 PROSPECTIVE JUROR NO. 087: Got the self packet.

12 THE COURT: Uh-huh. Okay.

13 PROSPECTIVE JUROR NO. 087: We filled it out wrong, but we found
14 out later down the road that we shouldn't do it ourselves anymore.

15 THE COURT: Okay.

16 PROSPECTIVE JUROR NO. 087: But it worked out fine.

17 THE COURT: How do you -- how do you feel about strip clubs?

18 PROSPECTIVE JUROR NO. 087: I don't have a problem with strip
19 clubs. It's another business. Someone opened a business, there's employees
20 that have been hired, they're making a salary, money, or however they make
21 their money. I have brought several of my clients into them, in and out of them
22 over the years. We work out of the Hard Rock, across the street there's one.
23 Just -- it's another business to me.

24 THE COURT: Okay. And do you ever go to strip clubs? I think the one
25 across from the Hard Rock, is that Club Paradise?

1 PROSPECTIVE JUROR NO. 087: Yeah, that's correct. And I personally
2 have been to one or two over a period of 20 years maybe with some brothers.

3 THE COURT: Okay.

4 PROSPECTIVE JUROR NO. 087: But I have gone to them several other
5 times with clients.

6 THE COURT: Okay.

7 PROSPECTIVE JUROR NO. 087: Stood at the front door or stood, you
8 know --

9 THE COURT: Okay. So it's nothing you personally are into patronize,
10 but you don't have a problem with it.

11 PROSPECTIVE JUROR NO. 087: I work too hard for my money to be
12 spending it that fast.

13 THE COURT: Okay. Other than Club Paradise, what other clubs have
14 you been to?

15 PROSPECTIVE JUROR NO. 087: Cheetahs is one, and the one on
16 Industrial, the big one on Industrial.

17 THE COURT: Crazy Horse?

18 PROSPECTIVE JUROR NO. 087: That's correct.

19 THE COURT: Okay. Have you ever been to the Palomino Club?

20 PROSPECTIVE JUROR NO. 087: Never.

21 THE COURT: All right.

22 PROSPECTIVE JUROR NO. 087: I've been by there, by it through the
23 years I've lived here, but --

24 THE COURT: Okay.

25 PROSPECTIVE JUROR NO. 087: -- I've never been in there.

1 THE COURT: You ever hear anything or have any opinion about the
2 Palomino Club?

3 PROSPECTIVE JUROR NO. 087: No.

4 THE COURT: Okay. Let me ask you this. As a -- did you ever work with
5 rock bands, or was it --

6 PROSPECTIVE JUROR NO. 087: Absolutely.

7 THE COURT: Okay. So you must've seen a lot of drug use --

8 PROSPECTIVE JUROR NO. 087: Absolutely.

9 THE COURT: -- and things like that. Any strong feelings one way or the
10 other or what's your opinion about drug use?

11 PROSPECTIVE JUROR NO. 087: I'm hired to do a job and that's what
12 I'm there for.

13 THE COURT: Okay.

14 PROSPECTIVE JUROR NO. 087: I mean, I have no strong opinions. I
15 mean, that's what they do and that's what they choose to do. So they're paying
16 my salary.

17 THE COURT: Okay. All right. Thank you.

18 State, you may follow up with Mr. Adkins.

19 MR. DIGIACOMO: I don't have a lot to ask you, but I have to ask. Why
20 do you just do special events and not conventions? Is there a reason?

21 PROSPECTIVE JUROR NO. 087: Yeah. We did two conventions for --
22 when we first started off the company. I've been with the company for about 16
23 years. Conventions seem to -- there's a lot more money in conventions for
24 hourly billing, billable hours for staff.

25 MR. DIGIACOMO: Right.

1 PROSPECTIVE JUROR NO. 087: But there's a lot more liability.
2 Computers come up missing. It could be their own -- we don't know who's done
3 it. The first thing they do is point the finger at the security company. Well, you
4 had a guy there. He was asleep on the job. And we don't want that aggravation,
5 so we stopped.

6 MR. DIGIACOMO: When you say you provide -- since you do special
7 events and stuff like that, do you -- do you provide -- you said Garth Brooks. Are
8 you like the three or four private guys that protect Garth Brooks personally?
9 You're personal security. You're not the guys who are out there in the --

10 PROSPECTIVE JUROR NO. 087: No, we are personal right with them.

11 MR. DIGIACOMO: Great. Thank you very much, sir.

12 We pass for cause.

13 THE COURT: All right. Who would like to go next for the defense?

14 MR. ARRASCADA: I -- I get -- I'll go, Your Honor.

15 THE COURT: All right. Thank you.

16 MR. ARRASCADA: I just want to clear up one thing. So you're -- you
17 provide personal security for the --

18 PROSPECTIVE JUROR NO. 087: No.

19 MR. ARRASCADA: No?

20 PROSPECTIVE JUROR NO. 087: We're event staff for concerts and
21 specials events here in town.

22 MR. ARRASCADA: Okay.

23 PROSPECTIVE JUROR NO. 087: I was personally, before this
24 company, in that business.

25 MR. ARRASCADA: Okay. Thank you. You -- you mentioned that

1 you've been summoned before for jury duty and you said unfortunately you'd
2 never been up --

3 PROSPECTIVE JUROR NO. 087: Just for experience-wise. I never got
4 to experience the judicial system.

5 MR. ARRASCADA: Okay. How's the experience so far?

6 PROSPECTIVE JUROR NO. 087: That's a whole other case.

7 MR. ARRASCADA: Okay.

8 PROSPECTIVE JUROR NO. 087: That's something that we could talk
9 about later on. It has nothing to do with this or anything. Just I think that,
10 personally, and I don't want to get into it, but just the comments that are being
11 made throughout the three days that we're here, there could be a little more
12 communication to the people about how long it could go. But that -- it has
13 nothing to do with this case, that's just another situation. It's like a survey that I
14 could probably fill out.

15 MR. ARRASCADA: Okay. Great.

16 PROSPECTIVE JUROR NO. 087: It's just -- you know what I'm saying?
17 There's just -- they're left out in the open and everybody doesn't know what's
18 going on. And I understand on one half that's the way it has to be, and the other
19 half it need -- you know, nobody knows anything. I mean, it's just like --

20 MR. ARRASCADA: But it sounds like you appreciate --

21 PROSPECTIVE JUROR NO. 087: Oh, absolutely.

22 MR. ARRASCADA: Although you may disagree, you appreciate the
23 process.

24 PROSPECTIVE JUROR NO. 087: Oh, I respect everything about the
25 judicial system. If we didn't have anything, it could be going wrong.

1 MR. ARRASCADA: Okay. And in respecting everything about the
2 judicial system and being that you're involved in security, you respect the
3 concepts of the innocent unless proven?

4 PROSPECTIVE JUROR NO. 087: Absolutely.

5 MR. ARRASCADA: And the concept that the government, the State has
6 to -- the prosecutors have to prove a case. We don't have to disprove it.

7 PROSPECTIVE JUROR NO. 087: That is correct.

8 MR. ARRASCADA: Okay. And do you have any emotions or feelings
9 that that's not a fair system?

10 PROSPECTIVE JUROR NO. 087: Not at all.

11 MR. ARRASCADA: And if you -- if you are on this jury, would you be
12 able to express your opinions and listen to others?

13 PROSPECTIVE JUROR NO. 087: I'm pretty good about that.

14 MR. ARRASCADA: And how about listening to others?

15 PROSPECTIVE JUROR NO. 087: I'm pretty good about that.

16 MR. ARRASCADA: You mentioned you had a case where Judge Adair
17 was the Judge.

18 PROSPECTIVE JUROR NO. 087: Yes, and I was very lucky.

19 Thank you again.

20 MR. ARRASCADA: My -- my question is this. Because Judge Adair
21 handled that matter for you, and she -- she based her decision on the law and
22 the facts; would you agree with that?

23 PROSPECTIVE JUROR NO. 087: Absolutely.

24 MR. ARRASCADA: She wasn't doing you a favor.

25 PROSPECTIVE JUROR NO. 087: Absolutely not.

1 MR. ARRASCADA: Okay. Would you also respect Judge Adair's rulings
2 throughout this trial --

3 PROSPECTIVE JUROR NO. 087: Absolutely.

4 MR. ARRASCADA: -- even if you thought maybe you disagreed with
5 them?

6 PROSPECTIVE JUROR NO. 087: Absolutely.

7 MR. ARRASCADA: Okay.

8 PROSPECTIVE JUROR NO. 087: That's the position she holds.

9 MR. ARRASCADA: Okay. Thank you very much.

10 THE COURT: All right. Thank you.

11 Who is it? Ms. Armeni or Mr. Gentile?

12 MS. ARMENI: We have no questions for him. Thank you.

13 THE COURT: All right.

14 Mr. Adkins, thank you very much. I'm going to send you back out in
15 the hallway to have a seat.

16 PROSPECTIVE JUROR NO. 087: Thank you for the communication,
17 Judge.

18 THE COURT: And we're going to keep up the secrecy and the lack of
19 knowledge because I'm going to admonish you that you're not to discuss what's
20 just transpired in the courtroom. We don't want you to tell the other jurors what
21 our questions were and what your answers were.

22 PROSPECTIVE JUROR NO. 087: I figured that with the way we're doing
23 this.

24 THE COURT: All right. Thank you, and follow Jeff from the courtroom.

25 PROSPECTIVE JUROR NO. 087: All right. Thank you.

1 THE COURT: And just have a seat out there in the hall.

2 (Prospective juror No. 87 exits courtroom)

3 THE COURT: Are we on -- was the last one State's seventh?

4 MR. GENTILE: I believe --

5 MR. PESCI: Correct, Judge.

6 MR. GENTILE: -- so, Judge.

7 THE COURT: All right. So we're on -- we're on defendant's seventh.

8 MR. GENTILE: It's our turn?

9 THE COURT: Yes.

10 (Off-record colloquy)

11 MR. GENTILE: Your Honor, I don't know the juror's number.

12 Where -- what's the number? No, I know where they're sitting.

13 MS. ARMENI: It's 39.

14 MR. GENTILE: Juror No. 39, Mr. Freeman.

15 THE COURT: All right.

16 And he is one you need to call, I believe. Juror No. 39, Mr.

17 Freeman.

18 MR. GENTILE: Six and seven are alternates; right?

19 THE COURT: Right.

20 MR. DIGIACOMO: Yeah, they just took -- they used their alternate one;

21 right?

22 MR. PESCI: Yes.

23 THE COURT: So Mr. Freeman was in which chair?

24 MS. ARMENI: In seven, Your Honor.

25 MR. GENTILE: So now the alternates are -- if I understand correctly, the

1 alternates are set.

2 MR. DIGIACOMO: Well, we got to fill in with somebody.

3 MR. GENTILE: Well, no, I understand but I mean --

4 THE COURT: Right. Whoever this next person is.

5 MR. GENTILE: All right.

6 THE COURT: So Mr. Freeman is excused, and he was in chair what?

7 MS. ARMENI: Seven.

8 THE CLERK: Seven.

9 THE COURT: Okay.

10 So, Jeff, bring in Mr. Patterson and then call Mr. Freeman after that.

11 THE MARSHAL: Okay. It's getting close, so after awhile they're going to
12 be showing up at 12:00.

13 THE COURT: That's fine.

14 THE MARSHAL: Patterson, Your Honor?

15 THE COURT: Yeah.

16 MS. ARMENI: You're on the last one now.

17 MR. GENTILE: All right. Well, we'll see. We'll see.

18 MR. DIGIACOMO: We only got two to go, but I -- Pesci really wants him
19 gone, and I think he's all right.

20 THE COURT: Which one?

21 MR. DIGIACOMO: Avalone. Your guy.

22 THE COURT: I'll tell you my theory later.

23 Sir, come on in down and have a seat in the jury box. You look so
24 happy to be here.

25 PROSPECTIVE JUROR NO. 089: Yeah, I am.

1 THE COURT: Good for you. What do you do for a living, sir?
2 PROSPECTIVE JUROR NO. 089: I'm a driver.
3 THE COURT: And do you drive a truck or what?
4 PROSPECTIVE JUROR NO. 089: Yes, I drive a truck.
5 THE COURT: For what kind of a company?
6 PROSPECTIVE JUROR NO. 089: For public service.
7 THE COURT: For public service?
8 PROSPECTIVE JUROR NO. 089: Yes.
9 THE COURT: Okay. And how long have you been doing that?
10 PROSPECTIVE JUROR NO. 089: 13 years.
11 THE COURT: Okay. And are you married, sir?
12 PROSPECTIVE JUROR NO. 089: Yes.
13 THE COURT: What does your wife do?
14 PROSPECTIVE JUROR NO. 089: She works for the County.
15 THE COURT: Doing what?
16 PROSPECTIVE JUROR NO. 089: I don't know her job.
17 THE COURT: Okay. Do you know what division she works at?
18 PROSPECTIVE JUROR NO. 089: Banking.
19 THE COURT: In banking?
20 PROSPECTIVE JUROR NO. 089: Yeah.
21 THE COURT: All right. And do you have any children?
22 PROSPECTIVE JUROR NO. 089: Yes.
23 THE COURT: How many?
24 PROSPECTIVE JUROR NO. 089: One.
25 THE COURT: And the age of your child?

1 PROSPECTIVE JUROR NO. 089: 18.

2 THE COURT: 18. Okay. How long have you lived here in Las Vegas or
3 southern Nevada?

4 PROSPECTIVE JUROR NO. 089: 19 years.

5 THE COURT: 19 years. Okay. Have you ever been a juror before?

6 PROSPECTIVE JUROR NO. 089: No.

7 THE COURT: Have you or anyone close -- do you want to be a juror?

8 PROSPECTIVE JUROR NO. 089: It doesn't matter to me.

9 THE COURT: Okay.

10 PROSPECTIVE JUROR NO. 089: If I'm made to be.

11 THE COURT: What? If I make you?

12 PROSPECTIVE JUROR NO. 089: Yeah.

13 THE COURT: All right. Have you or anyone close to you ever been the
14 victim of a serious crime?

15 PROSPECTIVE JUROR NO. 089: Yes.

16 THE COURT: Okay. Tell me about that.

17 PROSPECTIVE JUROR NO. 089: My sister was raped and strangled.

18 THE COURT: Okay. Did she -- and I'm sorry to ask this, but did she
19 survive?

20 PROSPECTIVE JUROR NO. 089: No.

21 THE COURT: Okay. What -- when did that happen?

22 PROSPECTIVE JUROR NO. 089: Probably about three years ago.

23 THE COURT: And where did it happen?

24 PROSPECTIVE JUROR NO. 089: Arkansas.

25 THE COURT: In where?

1 PROSPECTIVE JUROR NO. 089: Arkansas. Arkansas.

2 THE COURT: Oh, Arkansas. I'm sorry.

3 PROSPECTIVE JUROR NO. 089: Yeah.

4 THE COURT: Okay. And you -- so you were living here though at the --

5 PROSPECTIVE JUROR NO. 089: Exactly.

6 THE COURT: -- time; is that right? Do you know if anyone was ever
7 apprehended in connection with that?

8 PROSPECTIVE JUROR NO. 089: Yes.

9 THE COURT: Okay. And was the person somebody she knew, or was it
10 a stranger?

11 PROSPECTIVE JUROR NO. 089: I don't know.

12 THE COURT: You don't know?

13 PROSPECTIVE JUROR NO. 089: No.

14 THE COURT: Did you follow that case at all?

15 PROSPECTIVE JUROR NO. 089: No.

16 THE COURT: Do you know if the person was convicted?

17 PROSPECTIVE JUROR NO. 089: I don't know.

18 THE COURT: You don't know. Do you have any feelings about that
19 case, the police or the courts or the lawyers or anything?

20 PROSPECTIVE JUROR NO. 089: Only -- my concern is that I hope they
21 had got the right person instead of sticking something on a person. So that was
22 my biggest concern.

23 THE COURT: Okay. But you -- so you were concerned that whoever it
24 was was the one --

25 PROSPECTIVE JUROR NO. 089: Right.

1 THE COURT: -- that really did it.

2 PROSPECTIVE JUROR NO. 089: Exactly.

3 THE COURT: Okay. What about the flip of that? Have you or anyone
4 close to you ever been arrested or charged with a crime?

5 PROSPECTIVE JUROR NO. 089: My brother.

6 THE COURT: Okay. And what crime was that or crimes?

7 PROSPECTIVE JUROR NO. 089: Premeditated murder.

8 THE COURT: Okay. And where did that happen?

9 PROSPECTIVE JUROR NO. 089: Arkansas.

10 THE COURT: Also in Arkansas. All right. How long ago was that?

11 PROSPECTIVE JUROR NO. 089: Probably about 23 years ago, 24
12 years ago.

13 THE COURT: Okay. Were you living back in Arkansas at that time?

14 PROSPECTIVE JUROR NO. 089: Yes.

15 THE COURT: Okay. Were you close with your brother?

16 PROSPECTIVE JUROR NO. 089: I just had met him.

17 THE COURT: You just met him?

18 PROSPECTIVE JUROR NO. 089: Yeah.

19 THE COURT: Okay. So did you have different mothers or different
20 fathers?

21 PROSPECTIVE JUROR NO. 089: Fathers.

22 THE COURT: Different fathers. Okay. So you didn't grow up with that
23 person.

24 PROSPECTIVE JUROR NO. 089: Not at all.

25 THE COURT: Okay. Now, when he was charged with it, did you follow

1 his case at all?

2 PROSPECTIVE JUROR NO. 089: I went to his trial.

3 THE COURT: You did?

4 PROSPECTIVE JUROR NO. 089: Yeah.

5 THE COURT: So they actually had a jury trial with jurors just like we're

6 doing here?

7 PROSPECTIVE JUROR NO. 089: Yes.

8 THE COURT: Okay. Was he convicted?

9 PROSPECTIVE JUROR NO. 089: Yes.

10 THE COURT: And what was the allegations or the situation of that?

11 Was it somebody you knew or a robbery or --

12 PROSPECTIVE JUROR NO. 089: I don't know.

13 THE COURT: You don't know.

14 PROSPECTIVE JUROR NO. 089: No.

15 THE COURT: Okay. Do you have any feelings about whether your

16 brother got justice or didn't get justice?

17 PROSPECTIVE JUROR NO. 089: No, I don't.

18 THE COURT: You don't have any feelings one way or the other?

19 PROSPECTIVE JUROR NO. 089: No.

20 THE COURT: Have you yourself ever had to hire a lawyer?

21 PROSPECTIVE JUROR NO. 089: Yes, a divorce.

22 THE COURT: For a divorce?

23 PROSPECTIVE JUROR NO. 089: Yes.

24 THE COURT: Okay. And -- and where did you get divorced? Was it in

25 Arkansas or here?

1 PROSPECTIVE JUROR NO. 089: Here.

2 THE COURT: Here. Okay. And how do you feel about the way that
3 lawyer handled your case?

4 PROSPECTIVE JUROR NO. 089: He did a good job.

5 THE COURT: Okay. So you don't have any problem with lawyers or you
6 do?

7 PROSPECTIVE JUROR NO. 089: No, not at all.

8 THE COURT: Okay. Have you ever -- well, let me ask you this. How do
9 you feel about strip clubs?

10 PROSPECTIVE JUROR NO. 089: I don't.

11 THE COURT: I'm sorry?

12 PROSPECTIVE JUROR NO. 089: I don't.

13 THE COURT: You don't feel about them?

14 PROSPECTIVE JUROR NO. 089: No.

15 THE COURT: Do you have -- have you ever been to one?

16 PROSPECTIVE JUROR NO. 089: Yes.

17 THE COURT: Okay. Here in Las Vegas have you been?

18 PROSPECTIVE JUROR NO. 089: Yes.

19 THE COURT: Okay. And what strip clubs have you been to?

20 PROSPECTIVE JUROR NO. 089: Only been to one, and his shut down
21 now, Gentleman's Club.

22 THE COURT: All right. And do you know the name of it?

23 PROSPECTIVE JUROR NO. 089: Gentleman's club.

24 THE COURT: I'm sorry?

25 PROSPECTIVE JUROR NO. 089: Gentleman's.

1 THE COURT: Gentleman's Club?

2 PROSPECTIVE JUROR NO. 089: Yeah, something like that.

3 THE COURT: Okay. And you only went to it one time?

4 PROSPECTIVE JUROR NO. 089: Right.

5 THE COURT: And -- and what do you feel about your experience there?

6 PROSPECTIVE JUROR NO. 089: It was -- it was an experience.

7 THE COURT: Not good enough to go back though?

8 PROSPECTIVE JUROR NO. 089: No.

9 THE COURT: Okay. You've heard the questions that I've asked and the
10 other potential -- I'm sorry, and the other lawyers have asked with the other
11 potential jurors and our discussions. Anything you think we need to know about
12 you or would like to know about you based on what we've talked about with the
13 other jurors?

14 PROSPECTIVE JUROR NO. 089: No.

15 THE COURT: If you're selected to serve, can you be completely fair and
16 impartial to both sides?

17 PROSPECTIVE JUROR NO. 089: I'll try.

18 THE COURT: All right.

19 State.

20 MR. DIGIACOMO: Thank you, Judge.

21 Sir, and I apologize to bring this up, but you talked a little bit about
22 your sister being the victim of murder.

23 PROSPECTIVE JUROR NO. 089: Yes.

24 MR. DIGIACOMO: Okay. And what -- and you also talked about your
25 brother being arrested for a different murder; correct?

1 PROSPECTIVE JUROR NO. 089: Yes.

2 MR. DIGIACOMO: All right. Now, were those two brothers and sisters
3 the same mother and father because they were back in Arkansas?

4 PROSPECTIVE JUROR NO. 089: Yes.

5 MR. DIGIACOMO: Okay. So had you known your sister for very long
6 before --

7 PROSPECTIVE JUROR NO. 089: I grew up with her.

8 MR. DIGIACOMO: You grew up with your sister.

9 PROSPECTIVE JUROR NO. 089: Right.

10 MR. DIGIACOMO: Okay. But you didn't grow with -- with the -- the -- is it
11 a half brother?

12 PROSPECTIVE JUROR NO. 089: Right.

13 MR. DIGIACOMO: Okay. You said that the person who -- or at least
14 they arrested an individual related to her murder; correct?

15 PROSPECTIVE JUROR NO. 089: Yes.

16 MR. DIGIACOMO: Okay. And you don't -- or do you know whether or
17 not the case is resolved? Is he still pending trial, did he go --

18 PROSPECTIVE JUROR NO. 089: I don't know.

19 MR. DIGIACOMO: -- to trial? You don't know?

20 PROSPECTIVE JUROR NO. 089: No. I try not to follow it.

21 MR. DIGIACOMO: You also talked about your brother. And you said --
22 at one point I thought you said you went to his trial.

23 PROSPECTIVE JUROR NO. 089: Exactly.

24 MR. DIGIACOMO: Okay. Did you watch the witnesses take the stand?

25 PROSPECTIVE JUROR NO. 089: No. I didn't -- I didn't find out he was

1 on trial. I saw it on TV. But then I went and visited my father and he told me.
2 Then I had started -- I had went to trial with him then.

3 MR. DIGIACOMO: Okay. So it was -- you came to a courtroom, but you
4 didn't actually watch the evidence come in against your brother?

5 PROSPECTIVE JUROR NO. 089: No.

6 MR. DIGIACOMO: Okay. Do you know at all what the story was that
7 involved your brother and the crime?

8 PROSPECTIVE JUROR NO. 089: The only part I came was when they
9 were trying to find the gun, and then -- and now they found the gun, and then he
10 was sentenced. And I basically came in when he was sentenced.

11 MR. DIGIACOMO: Okay. And you said how long ago was that?

12 PROSPECTIVE JUROR NO. 089: Like 20-some years ago.

13 MR. DIGIACOMO: Okay. And the -- you don't look like a very old guy,
14 so were you a kid back then?

15 PROSPECTIVE JUROR NO. 089: I was like 18, 19.

16 MR. DIGIACOMO: Oh, okay.

17 THE COURT: You're well preserved.

18 MR. DIGIACOMO: During your -- your life, you've heard us talk about
19 this a little bit, gang members. You ever had any contact with gang members?

20 PROSPECTIVE JUROR NO. 089: Contact? What you mean contact?

21 MR. DIGIACOMO: Do you know any?

22 PROSPECTIVE JUROR NO. 089: I work with a lot of them.

23 MR. DIGIACOMO: You work with some of them?

24 PROSPECTIVE JUROR NO. 089: Yes.

25 MR. DIGIACOMO: Okay. And, you know, just because the tag gang

1 member is put on somebody doesn't necessarily mean, you know, everything
2 that you hear in the media about what a gang member --

3 PROSPECTIVE JUROR NO. 089: Exactly.

4 MR. DIGIACOMO: Okay. That -- that, you know, everybody kind of
5 stands on their own two feet and a gang member may just be some part of their
6 life.

7 PROSPECTIVE JUROR NO. 089: Exactly.

8 MR. DIGIACOMO: Thank you very much, sir.

9 I pass for cause.

10 THE COURT: All right. Thank you.

11 Mr. Gentile.

12 MR. GENTILE: Mr. Adkins, you ever been in the military?

13 PROSPECTIVE JUROR NO. 089: Adkins?

14 MS. ARMENI: Patterson.

15 MR. GENTILE: Did I --

16 PROSPECTIVE JUROR NO. 089: Patterson.

17 MR. GENTILE: Excuse me. I just read it wrong.

18 PROSPECTIVE JUROR NO. 089: No.

19 MR. GENTILE: Mr. Patterson.

20 PROSPECTIVE JUROR NO. 089: No, never have.

21 MR. GENTILE: Never been in the military.

22 PROSPECTIVE JUROR NO. 089: No.

23 MR. GENTILE: Okay. You say you work with some guys that are in a
24 gang, or different guys that --

25 PROSPECTIVE JUROR NO. 089: I don't know if they still in the gang.

1 They just saying they used to be part of a gang.

2 MR. GENTILE: Oh, they -- they say that they used to be part of a gang.

3 PROSPECTIVE JUROR NO. 089: Right.

4 MR. GENTILE: Okay. But you yourself have had no personal contact
5 with gangs?

6 PROSPECTIVE JUROR NO. 089: If I work with them, you know --

7 MR. GENTILE: I see what you're saying. I see what you're saying.

8 Okay. Do you know -- do they -- do they talk to you about what gangs they were
9 a part of?

10 PROSPECTIVE JUROR NO. 089: Most of them like -- I don't know.

11 Basically the Bloods, Crips. That was -- that was basically it.

12 MR. GENTILE: That's it?

13 PROSPECTIVE JUROR NO. 089: Yeah.

14 MR. GENTILE: Okay. But you yourself have had no gang problems?

15 PROSPECTIVE JUROR NO. 089: No.

16 MR. GENTILE: Thank you.

17 THE COURT: All right. Thank you, Mr. Gentile.

18 Mr. Arrascada?

19 MR. ARRASCADA: No questions, Your Honor.

20 THE COURT: All right. Thank you.

21 Mr. Patterson, thank you --

22 PROSPECTIVE JUROR NO. 089: Yeah.

23 THE COURT: -- very much. In a moment I'm going to have you follow

24 Jeff from the double doors, but please don't talk about what's just transpired,

25 what's just happened in the courtroom, meaning our questions and your answers

1 with the other prospective jurors.

2 PROSPECTIVE JUROR NO. 089: Okay.

3 THE COURT: Okay. Thank you, sir. And just have a seat out there in
4 the hallway please.

5 PROSPECTIVE JUROR NO. 089: All right.

6 (Prospective juror No. 89 exits courtroom)

7 MR. DIGIACOMO: Sorry, buddy. My partner overruled me.

8 THE COURT: Avalone?

9 MR. DIGIACOMO: Yes, ma'am.

10 THE COURT: You're excusing Mr. Avalone?

11 MR. DIGIACOMO: We are.

12 THE COURT: And Jeff can call him.

13 Mr. Avalone is the next excused, so you have to call him. But now
14 we're up to Ms. Pezza.

15 MR. ADAMS: So they have two strikes left; is that right?

16 MR. GENTILE: No, they have one.

17 MR. DIGIACOMO: We have one now.

18 THE COURT: They have one.

19 MR. ADAMS: Okay.

20 THE COURT: And you have two.

21 MR. ADAMS: All right.

22 THE COURT: Ms. Pezza next, and then call Mr. Avalone.

23 I agree with Mr. Pesci.

24 MR. PESCI: Thanks, Judge.

25 MR. DIGIACOMO: That's what I said, but --

1 THE COURT: Ma'am, go ahead and have a seat there in the jury box.

2 PROSPECTIVE JUROR NO. 090: Anywhere?

3 THE COURT: Anywhere is fine. Anywhere you're comfortable. And do
4 you say your last name Pezza?

5 PROSPECTIVE JUROR NO. 090: Yes.

6 THE COURT: All right. What do you do for a living?

7 PROSPECTIVE JUROR NO. 090: I'm a stock clerk at Bellagio for a retail
8 store.

9 THE COURT: You're a sales clerk for a retail store?

10 PROSPECTIVE JUROR NO. 090: No, a stock clerk.

11 THE COURT: Oh, a stock clerk. Okay. And what store do you work at?

12 PROSPECTIVE JUROR NO. 090: La Scarpa.

13 THE COURT: Okay. And are you married?

14 PROSPECTIVE JUROR NO. 090: No.

15 THE COURT: Any children?

16 PROSPECTIVE JUROR NO. 090: Yes.

17 THE COURT: How many and what ages?

18 PROSPECTIVE JUROR NO. 090: I have two living children. They're
19 girls, one is six and one is seven months old.

20 THE COURT: Okay. Did -- have you ever been a juror before?

21 PROSPECTIVE JUROR NO. 090: No.

22 THE COURT: Okay. Have you or anyone close to you ever been the
23 victim of a crime?

24 PROSPECTIVE JUROR NO. 090: No.

25 THE COURT: Okay. What about the flip of that? You or anyone close

1 to you ever been arrested or accused of a crime?

2 PROSPECTIVE JUROR NO. 090: Yes.

3 THE COURT: Okay. Tell me about that.

4 PROSPECTIVE JUROR NO. 090: My boyfriend, he was arrested and
5 got charged with obstruction to a police officer.

6 THE COURT: Okay. Is this your current boyfriend?

7 PROSPECTIVE JUROR NO. 090: Correct.

8 THE COURT: All right. And what does he do for a living?

9 PROSPECTIVE JUROR NO. 090: He does some construction, but not
10 really. He -- it's for mold and asbestos. They tear down walls and stuff.

11 THE COURT: Okay. So like when people have mold in their houses --

12 PROSPECTIVE JUROR NO. 090: Yes.

13 THE COURT: -- and stuff he would --

14 PROSPECTIVE JUROR NO. 090: And floods, yes.

15 THE COURT: Okay. Now, the obstruction of a police officer, was that a
16 misdemeanor do you know?

17 PROSPECTIVE JUROR NO. 090: Yes.

18 THE COURT: Okay. How long ago did that happen?

19 PROSPECTIVE JUROR NO. 090: That was in 2003.

20 THE COURT: Okay. And do you know what agency the police officer
21 was with? Was it like Metro, Henderson, North Las Vegas?

22 PROSPECTIVE JUROR NO. 090: I believe it was North Las Vegas.
23 This was before I met him.

24 THE COURT: Okay. So you don't --

25 PROSPECTIVE JUROR NO. 090: No.

1 THE COURT: -- know anything about it.

2 PROSPECTIVE JUROR NO. 090: I have no idea, really.

3 THE COURT: Okay. Any opinions about that case or the charges?

4 PROSPECTIVE JUROR NO. 090: No.

5 THE COURT: Okay. Anything else in your background or your family
6 background regarding people being arrested or anything?

7 PROSPECTIVE JUROR NO. 090: I believe my brother was. He stole
8 from Wal-Mart or something.

9 THE COURT: Okay.

10 PROSPECTIVE JUROR NO. 090: So, I mean, besides that I don't have
11 any knowledge of anything else.

12 THE COURT: Okay. How do you feel about strip clubs?

13 PROSPECTIVE JUROR NO. 090: They're okay.

14 THE COURT: Okay. Have you ever been to one?

15 PROSPECTIVE JUROR NO. 090: I have.

16 THE COURT: All right. Here in southern Nevada? Here in Clark
17 County?

18 PROSPECTIVE JUROR NO. 090: Yes.

19 THE COURT: And what clubs have you been to?

20 PROSPECTIVE JUROR NO. 090: I don't recall the name. It was a long
21 time ago.

22 THE COURT: Okay. Have you ever been to the Palomino Club?

23 PROSPECTIVE JUROR NO. 090: No.

24 THE COURT: Do you know anybody that works in the strip club
25 industry?

1 PROSPECTIVE JUROR NO. 090: No.

2 THE COURT: Okay. And anything that -- you heard all the talking all
3 these days and our questions and people's answers, anything based on all of our
4 discussions with the other prospective jurors that you think we need to know
5 about you or would like to know about you?

6 PROSPECTIVE JUROR NO. 090: Just the whole gang thing.

7 THE COURT: Okay.

8 PROSPECTIVE JUROR NO. 090: I pretty much, just like everybody
9 else, I don't really feel comfortable. I know that you said there's nobody really
10 involved here, but Ms. Armeni mentioned, you know, the MS-13 so I was under
11 the impression that somebody might be with that gang --

12 THE COURT: Okay.

13 PROSPECTIVE JUROR NO. 090: -- in some aspect of the related
14 issues.

15 THE COURT: Okay. And if I told you, no, that's not, you know, you're
16 not going to hear from an MS-13 gang member or they're not affiliated with MS-
17 13, nobody in the room is, does that sort of allay your fears or concerns?

18 PROSPECTIVE JUROR NO. 090: In a way, yes.

19 THE COURT: Okay. Where did you grow up?

20 PROSPECTIVE JUROR NO. 090: Partially in Germany and partially
21 here.

22 THE COURT: Okay. And do you come from a military family?

23 PROSPECTIVE JUROR NO. 090: Sort of. My father, he was in the
24 military when he met my mother, but when we moved over here he was not.

25 THE COURT: Okay. And is your mother, then, German?

1 PROSPECTIVE JUROR NO. 090: Yes, she is.

2 THE COURT: Okay. Now, did you -- so your father was stationed in
3 Germany and met your mother.

4 PROSPECTIVE JUROR NO. 090: Yes.

5 THE COURT: And did you ever live on an American base in Germany?

6 PROSPECTIVE JUROR NO. 090: No.

7 THE COURT: No. Okay. Have you yourself ever had any contact with
8 gang members like in school or --

9 PROSPECTIVE JUROR NO. 090: Yes.

10 THE COURT: Okay. And where did you go to high school?

11 PROSPECTIVE JUROR NO. 090: Las Vegas High School.

12 THE COURT: Okay. So there were gang members --

13 PROSPECTIVE JUROR NO. 090: Correct.

14 THE COURT: -- at your school? And were they just you were aware of
15 the gang members or were you friends with any gang members or every involved
16 in a gang incident or anything?

17 PROSPECTIVE JUROR NO. 090: I was never involved in any gang
18 incidents. I was really never friends with any gangs in high school.

19 THE COURT: Okay. So you never had any like negative interaction with
20 a gang member?

21 PROSPECTIVE JUROR NO. 090: No.

22 THE COURT: All right. Thank you.

23 State, you may follow up with Ms. Pezza.

24 MR. PESCI: Thank you, Judge.

25 Ma'am, on the gangs issue, and specifically MS-13, why did MS-13