

1 PROSPECTIVE JUROR NO. 2: Husband No. 2 was an entertainer.  
2 Husband No. 3 is also an entertainer. I also perform. I also sing and I also  
3 dance, and I book musicians and I book entertainers. I've booked comedy  
4 clubs.

5 MR. PESCI: What was the acting?

6 PROSPECTIVE JUROR NO. 2: I was the star of a children's show at  
7 Second City in Chicago.

8 MR. PESCI: When was that?

9 PROSPECTIVE JUROR NO. 2: That was in 1971 to about '74.

10 MR. PESCI: We heard about some things that happened to you. I want  
11 to focus on the principal. I didn't follow it exactly. Were you teaching at --

12 PROSPECTIVE JUROR NO. 2: I don't want to focus on him either.

13 MR. PESCI: Were you a teacher at the time?

14 PROSPECTIVE JUROR NO. 2: Yes.

15 MR. PESCI: So it wasn't that you were a student then?

16 PROSPECTIVE JUROR NO. 2: Oh, no.

17 MR. PESCI: Nothing was followed up on?

18 PROSPECTIVE JUROR NO. 2: No. I was a new teacher. It was a  
19 school in an extremely dangerous neighborhood in Chicago, south side of  
20 Chicago, and I'd been at school one week teaching my class when the vice  
21 principal asked me down to his office to go over the reading curriculum, and I  
22 went down to his office. And he took me back in a back room and he started --

23 MR. PESCI: That's all right. You don't have to get into detail. We don't  
24 need to go there.

25 Now, did anything happen after that with that particular individual?

1 PROSPECTIVE JUROR NO. 2: No. Halfway into the year he got  
2 promoted to a principalship at another school in Chicago.

3 MR. PESCI: Okay. Do you have any problem sitting in judgment of  
4 another human being?

5 PROSPECTIVE JUROR NO. 2: I don't.

6 MR. PESCI: You somewhat paused before you gave me an answer.  
7 Sometimes it's religious, moral, personal or whatever. Is there some reason  
8 that you can't sit in judgment of these two individuals?

9 PROSPECTIVE JUROR NO. 2: I try not to be a judgmental person;  
10 however, my life experiences, and you're probably going to get to this in the  
11 questioning, you know, I mean, you know, I led that rock and roll life, and I was  
12 very much involved in things that I don't like to think about today. My life  
13 today is a lot different. But because of the way I live my life today, I have  
14 some prejudices about things like alcohol and drugs because they're not part of  
15 my life today.

16 MR. PESCI: Prejudice in the sense that you wish people didn't do that,  
17 or what do you mean by that?

18 PROSPECTIVE JUROR NO. 2: Yes, I do. I think that they're at the root  
19 of a lot of crime.

20 MR. PESCI: Okay. If you were to hear testimony about drugs or drugs  
21 related to any aspect of this, how do you think that would affect your  
22 assessment of the evidence?

23 PROSPECTIVE JUROR NO. 2: I don't know if I could be -- I just really  
24 don't know, honestly, if I could be totally objective. I also I mentor or sponsor  
25 a girl that worked in a club similar to the Palomino, and she's kind of like

1 leading a different kind of life today, a sober life, you know.

2 MR. PESCI: And did you help her in that process?

3 PROSPECTIVE JUROR NO. 2: Yes.

4 MR. PESCI: There's been some testimony, at least discussion about  
5 firearms. Some people have really strong feelings about firearms one way or  
6 the other. Are you an individual that has such strong feelings one way or the  
7 other that would affect the way you would assess the evidence?

8 PROSPECTIVE JUROR NO. 2: Absolutely. I'm very opposed to guns,  
9 very opposed to weapons.

10 MR. PESCI: Let me put it to you this way. Would you find -- or would  
11 you be inclined to find guilt because you're opposed to guns and there was  
12 allegedly guns used?

13 PROSPECTIVE JUROR NO. 2: I would try -- you know, because I like to  
14 think of myself as a person that's going to look beyond that, but also, I just  
15 know I am. I know that might enter into it. I just -- I can't say.

16 MR. PESCI: Okay. You know, we just had a big long discussion, and  
17 poor Ms. Espino was kind of put on the spot about the presumption of  
18 innocence and all that stuff. Really, we're not supposed to ask you  
19 hypotheticals, and the Judge gives the law at the end of the case, but we seem  
20 to have already had that come out.

21 So as far as the presumption of innocence, as far as the fact that  
22 an individual does not have to testify, do you have any problem with that  
23 concept?

24 PROSPECTIVE JUROR NO. 2: I don't have a problem with it, but I just I  
25 was listening to this whole explanation that you were giving, Judge, and this

1 whole thing about, like, remaining silent, and it seems to me that if the State  
2 painted such a good case and had so much evidence if I -- I put myself in that  
3 position if I were the defendant, why I wouldn't want to just sit there silent. I  
4 would want to talk about my not being guilty.

5 MR. PESCI: And if you were a defendant that would be your choice.  
6 The question is whether --

7 THE COURT: But of course you've been a performer and an actress, and  
8 you can appreciate that other people may not have that same comfort level; is  
9 that fair?

10 PROSPECTIVE JUROR NO. 2: That's fair.

11 MR. PESCI: The question that we're trying to get at is would you hold  
12 that against a defendant if they choose not to for whatever reason, if they  
13 choose not to testify would that mean in your mind, here's the equation, didn't  
14 testify, I'll find him guilty?

15 PROSPECTIVE JUROR NO. 2: No, but here's the question that I -- sorry  
16 to throw the question back at you, but here's the question I had when you were  
17 talking about that. If someone decides to just remain silent and no matter how  
18 the case someone paints against that person, then doesn't that case that's  
19 been painted, isn't that just one of those circumstantial evidence things? So, I  
20 mean, no one would ever get convicted of a crime, would they, if they just  
21 decided, well, they're the defendant so I'll just sit silent?

22 MR. PESCI: Well, Her Honor is going to explain the difference between  
23 direct evidence and circumstantial evidence and what weight you give that.  
24 We'll go with kind of what Mr. DiGiacomo stated. Whatever Her Honor gives  
25 as the law are you willing to follow it?

1 PROSPECTIVE JUROR NO. 2: Of course.

2 MR. PESCI: Can you be fair to both sides?

3 PROSPECTIVE JUROR NO. 2: I would think so.

4 MR. PESCI: We're going to pass for cause, Your Honor.

5 THE COURT: All right. Mr. Gentile.

6 MR. GENTILE: Okay. When you were Second City other than the corner  
7 of Clark and Webster, so I want to know what was your maiden name, or in  
8 those years, let's put it that way?

9 PROSPECTIVE JUROR NO. 2: My maiden name was Cramer. I acted  
10 with Tim Kaserinsky (phonetic) if you remember him, and John Belushi was  
11 there at the time --

12 MR. GENTILE: I lived across the hall from David Memic.

13 PROSPECTIVE JUROR NO. 2: All right.

14 MR. GENTILE: Anyhow, the Judge brought up a good point. You know  
15 how to project. You're comfortable speaking to a group of people, and I'll tell  
16 you what, everybody in this box is not. Some people can do it. Some people  
17 train to do it as you have, although my guess is you could do it before the  
18 training. And some people just can't do it. And so would you take that into  
19 consideration not only if somebody doesn't testify but if somebody does? Do  
20 you understand what I'm talking about?

21 PROSPECTIVE JUROR NO. 2: Uh-huh.

22 MR. GENTILE: I'm talking affect. I'm talking about the ability to project.  
23 I'm talking about the ability to feel comfortable talking essentially to people that  
24 are strangers about something really important to your life. It's not easy.  
25 Would you agree?

1 PROSPECTIVE JUROR NO. 2: I agree.

2 MR. GENTILE: Okay. Now, you lived on the south side --

3 PROSPECTIVE JUROR NO. 2: I didn't live on the south side.

4 MR. GENTILE: You worked on the south side? Hyde Park, near Hyde

5 Park?

6 PROSPECTIVE JUROR NO. 2: No, Lincoln.

7 MR. GENTILE: That wasn't so bad, but it was for you that night, that's

8 for sure.

9 PROSPECTIVE JUROR NO. 2: Yes.

10 MR. GENTILE: But in any case --

11 PROSPECTIVE JUROR NO. 2: Which night are we talking about?

12 MR. GENTILE: I think that's where you said that you -- oh, that was the

13 teacher --

14 PROSPECTIVE JUROR NO. 2: The teacher episode was during the day,

15 broad daylight at my school on the south side of Chicago 5550 South Grove.

16 MR. GENTILE: That's pretty close to Hyde Park.

17 PROSPECTIVE JUROR NO. 2: Oh, it's world's apart, my friend.

18 MR. GENTILE: Yeah, from the standpoint of the public it sure is. But

19 here's my question for you. In those days, I mean, you do know; you have

20 been exposed to street gang culture. I don't need to ask you that question.

21 When I say street gang, when I say gang, what comes to your mind?

22 PROSPECTIVE JUROR NO. 2: All the kids in my class, everyone was in

23 a gang, and you knew it. You befriended the gang leaders, I mean, yeah, I'm

24 familiar with gangs.

25 MR. GENTILE: You ever drive a cab?

1 PROSPECTIVE JUROR NO. 2: No, but my boyfriend did.

2 MR. GENTILE: For how long?

3 PROSPECTIVE JUROR NO. 2: A year in New York.

4 MR. GENTILE: In New York?

5 PROSPECTIVE JUROR NO. 2: Uh-huh.

6 MR. GENTILE: He tell you stories about it?

7 PROSPECTIVE JUROR NO. 2: Uh-huh.

8 MR. GENTILE: Now, let me ask you the strip club question. And I kind  
9 of want to apologize for saying it too. That was not the right thing for me to  
10 say. The truth of the matter is that it's so important to this case that I know if  
11 people have some sort of a emotional response to that or some sort of a  
12 religious position and things of that nature so that we can get through the  
13 possibility of prejudice.

14 Now, you are mentoring somebody, who I guess was a stripper; am  
15 I right?

16 PROSPECTIVE JUROR NO. 2: Uh-huh.

17 MR. GENTILE: And I'm going to guess that it's in some sort of a 12-  
18 step situation?

19 PROSPECTIVE JUROR NO. 2: Uh-huh.

20 MR. GENTILE: What -- but you've been in the entertainment business  
21 your whole life?

22 PROSPECTIVE JUROR NO. 2: Uh-huh.

23 MR. GENTILE: So when we talk about strip clubs period, just strip  
24 clubs, now you know a real human being who worked at one, but I'm sure you  
25 have some

1 very -- I have a hunch you have some feelings about the nature of the industry  
2 that are general; am I right or am I wrong?

3 PROSPECTIVE JUROR NO. 2: You're right.

4 MR. GENTILE: What are they?

5 PROSPECTIVE JUROR NO. 2: Well, they're not the most stable, I mean,  
6 you know, I hear strip club I think seedy, snarly. You know, I don't think good  
7 adjectives, and I am a very open-minded individual and far from prudish. I  
8 mean, it doesn't offend my sensibilities.

9 MR. GENTILE: You ever been to one?

10 PROSPECTIVE JUROR NO. 2: Glitter Glutch, does that count?

11 MR. GENTILE: That's a strip club. All right.

12 PROSPECTIVE JUROR NO. 2: One time. I didn't think it was very  
13 pleasant.

14 MR. GENTILE: So it's not your cup of tea?

15 PROSPECTIVE JUROR NO. 2: No.

16 MR. GENTILE: Any other general reactions that you have when you  
17 learned that somebody who works at or is the owner of a strip club?

18 PROSPECTIVE JUROR NO. 2: I usually would think that person is  
19 somehow involved with alcohol and drugs.

20 MR. GENTILE: Well, you're going to learn --

21 PROSPECTIVE JUROR NO. 2: That's just my prejudice.

22 MR. GENTILE: I understand. You're going to learn that at least with  
23 respect to the allegations in this case alcohol goes (unintelligible) but you will  
24 hear something about people who drink alcohol and take drugs and that's the  
25 reason why I brought up the question. I'm going to ask you the same question.



1 Clearly you have enough people, you know people, probably a few in your  
2 lifetime, do drugs make a genius out of anybody?

3 PROSPECTIVE JUROR NO. 2: A lot of people thought it did.

4 MR. GENTILE: But did it? Now answer the question I asked you. Okay.  
5 You know what I'm trying to say? I mean, you're going to hear about that, and  
6 you've experienced it in your lifetime; am I correct?

7 PROSPECTIVE JUROR NO. 2: Yes.

8 MR. GENTILE: And so you're going to bring that life experience to this  
9 courtroom if you sit on this jury when you're judging somebody that you learn  
10 did pot?

11 PROSPECTIVE JUROR NO. 2: Yes.

12 MR. GENTILE: And to the extent that perhaps somebody in this jury  
13 managed to get so lucky that they have never had anybody in their life involved  
14 with drugs you'll share your knowledge with them?

15 PROSPECTIVE JUROR NO. 2: Yes, if they seek it out.

16 MR. GENTILE: Okay. Have you ever hired a lawyer?

17 PROSPECTIVE JUROR NO. 2: Yes.

18 MR. GENTILE: Have you ever hired anything other than an  
19 entertainment lawyer?

20 PROSPECTIVE JUROR NO. 2: Yes.

21 MR. GENTILE: And over the years have you had an ongoing relationship  
22 with any lawyer, you know, a business relationship?

23 PROSPECTIVE JUROR NO. 2: My husband No. 1.

24 MR. GENTILE: Let's look beyond that.

25 PROSPECTIVE JUROR NO. 2: An ongoing relationship with a lawyer?

1 MR. GENTILE: Right. In other words, like you're suddenly --

2 PROSPECTIVE JUROR NO. 2: I have a trust attorney.

3 MR. GENTILE: If you thought you needed a lawyer, who would you call?

4 That's a lame question the way I phrased it, but here's what I'm trying to say.

5 Let's say that you had a legal problem come up. You live in Chicago; you live

6 here. My guess is you've lived in Chicago longer than here, and so your

7 relationships are in Chicago. You needed a lawyer here, would you call a

8 lawyer in Chicago for a referral?

9 PROSPECTIVE JUROR NO. 2: No, I'd probably talk to some friend out  
10 here.

11 MR. GENTILE: Friends out here?

12 PROSPECTIVE JUROR NO. 2: Uh-huh.

13 MR. GENTILE: And in the past have you had a relationship with a  
14 lawyer other than a trust lawyer, would you go to that same one for several  
15 different types of problems?

16 PROSPECTIVE JUROR NO. 2: (No audible response.)

17 MR. GENTILE: Have you ever been in business for yourself?

18 PROSPECTIVE JUROR NO. 2: Yes.

19 MR. GENTILE: Let me change that just a little bit. Have you ever had a  
20 brick and mortar business? You know what I mean by a brick and mortar  
21 business? It's a place that's like a building that has maybe a retail store or even  
22 a theatre really, I mean, anything that --

23 PROSPECTIVE JUROR NO. 2: No.

24 MR. GENTILE: No. Have you ever been in a cash business?

25 PROSPECTIVE JUROR NO. 2: Yes.

1 MR. GENTILE: What was the business?

2 PROSPECTIVE JUROR NO. 2: Performing, entertainer, cash basis, and I

3 also had a purse designing business.

4 MR. GENTILE: Was it like an arts and crafts thing?

5 PROSPECTIVE JUROR NO. 2: Yes, cash.

6 MR. GENTILE: But it wasn't like a wholesale business? You weren't

7 selling hundreds of these things; am I correct?

8 PROSPECTIVE JUROR NO. 2: Right. A hundred.

9 MR. GENTILE: All right. You showed a 16-year educational background.

10 Where is the --

11 PROSPECTIVE JUROR NO. 2: University of Missouri and Columbia,

12 Missouri.

13 MR. GENTILE: Columbia?

14 PROSPECTIVE JUROR NO. 2: I worked at the school but I have two

15 degrees, speech and theatre and elementary education.

16 MR. GENTILE: And I'm sorry I did not really hear, do you have children?

17 PROSPECTIVE JUROR NO. 2: One daughter.

18 MR. GENTILE: How old?

19 PROSPECTIVE JUROR NO. 2: 24.

20 MR. GENTILE: Is she in school?

21 PROSPECTIVE JUROR NO. 2: She just graduated college.

22 MR. GENTILE: Where did she graduate?

23 PROSPECTIVE JUROR NO. 2: She graduated from Northeastern.

24 MR. GENTILE: Do you think you'd be a good juror?

25 PROSPECTIVE JUROR NO. 2: I think I would be a fun juror.

1 MR. GENTILE: No doubt about it.

2 PROSPECTIVE JUROR NO. 2: I'd be a good juror. I'm just -- my  
3 concern is as I told you my personal baggage that I'd bring into it, which of  
4 course you've got to be concerned with.

5 MR. GENTILE: That's called wisdom. What you just called personal  
6 baggage is called wisdom if you can set the bias aside, and we want people on  
7 this jury that have life experience. Now, do you think you could do that?

8 PROSPECTIVE JUROR NO. 2: My answer is do what I think it is.

9 MR. GENTILE: Well, it's your choice. That means that Mr. DiGiacomo,  
10 Ms. Armeni and myself, Mr. Arrascada and Mr. Adams have passed you for  
11 cause. That means all six of us agree. Now, there's a responsibility that comes  
12 with that. No one wants you to state but what you really think.

13 PROSPECTIVE JUROR NO. 2: What I really think is I would love not to  
14 do it, if you want to know what I'm really thinking, yeah, I would like to not do  
15 it. I have this big show coming up next week that I'm worried about. I don't  
16 want to have to postpone all the things I've got set up for the next couple  
17 weeks, but if I'm asked to do it, I will do my civic duty and do it. So there you  
18 go and try not to bear a grudge.

19 THE COURT: Well, as long as you bear the grudge equally against all of  
20 us.

21 MR. GENTILE: Yeah, spread the grudge around at least, would you do  
22 that. Thank you.

23 May I have a moment, please?

24 THE COURT: You may.

25 MR. GENTILE: Pass for cause.

1 THE COURT: All right. Thank you.

2 Mr. Arrascada.

3 MR. ARRASCADA: Thank you, Your Honor.

4 Ms. Silber, how are you. I really appreciate your honesty. There's  
5 no right answer or wrong answers. As the Judge said, there's only honest  
6 answers.

7 Ma'am, you mentioned when the prosecutor was talking to you I  
8 believe they asked you a question in regards if could you be fair to both sides,  
9 and I think you said, I think so is your honest answer. Can you explain that for  
10 me.

11 PROSPECTIVE JUROR NO. 2: I just want to reiterate what I said. I  
12 mean, my concern is how very much against drugs and alcohol I am. It doesn't  
13 fit into my life, and, of course, I don't like strip clubs either. So, I mean, those  
14 things make me a little queasy about this trial.

15 MR. ARRASCADA: Those are your personal feelings and emotions.

16 PROSPECTIVE JUROR NO. 2: Uh-huh.

17 MR. ARRASCADA: And with the same regard for crime?

18 PROSPECTIVE JUROR NO. 2: Yeah, same regard for that.

19 MR. ARRASCADA: You have a very strong bias then regarding guns?

20 PROSPECTIVE JUROR NO. 2: Yes. I think I mentioned that I was raped  
21 at gunpoint.

22 MR. ARRASCADA: You did. Thank you for that honesty. And  
23 obviously violent crime?

24 PROSPECTIVE JUROR NO. 2: Yes.

25 MR. ARRASCADA: And also strip clubs?

1 PROSPECTIVE JUROR NO. 2: Yes.

2 MR. ARRASCADA: There's really not much I can say to ask you to  
3 change those opinions that you have, is there?

4 PROSPECTIVE JUROR NO. 2: Well, no. I mean, my opinion is based on  
5 what happened. What is is, what was was, and that's a fact, Jack.

6 MR. ARRASCADA: That's a fact, Jack, and my name's John, but  
7 there's nothing I can say and there's nothing the prosecutors can say to change  
8 that, is there?

9 PROSPECTIVE JUROR NO. 2: No.

10 MR. ARRASCADA: You can say that's the fact, Jack, and that's --

11 THE COURT: Except they're Mark and Giancarlo.

12 PROSPECTIVE JUROR NO. 2: That's the fact.

13 MR. ARRASCADA: There's nothing we can say. There's nothing the  
14 Judge can say to you that's going to change those opinions and biases, is  
15 there?

16 PROSPECTIVE JUROR NO. 2: My mind is my mind.

17 MR. ARRASCADA: As you probably guessed, this case involves drugs.  
18 It involves some alcohol. It involves a strip club. Do you think it might be best  
19 -- as the Judge said, there's 21 other trials going on. Do you mind if we ask  
20 the Judge if it might be best if you could serve on a different jury that doesn't  
21 have those type of issues?

22 PROSPECTIVE JUROR NO. 2: Probably wouldn't be bad idea.

23 THE COURT: All right. But the issue is, you know, there are certain  
24 things that nobody's going to say, yes, I like violent crime. And nobody's going  
25 to say, you know, another type of case, you know, yes, I like shoddy

1 construction work, or yes, I like doctors who don't do what they're supposed to  
2 do or, you know, whatever. So everyone no matter what kind of a trial it is  
3 comes with attitude, and you recognize as you sit here what the State said  
4 those are just allegations. There's been no evidence. There's been no proof.  
5 They haven't shown you anything.

6 Fair?

7 PROSPECTIVE JUROR NO. 2: Yeah.

8 THE COURT: Okay. Now, can you -- I guess the issue is, can you set  
9 aside, you know, whatever the case may be people are going to have opinions  
10 and attitudes, and like I said, if the allegation is a doctor didn't do what he was  
11 supposed to do, nobody is going to sit in the jury box and say, oh, yeah,  
12 doctors that are negligent, yeah, I'm all about that. You know what I'm saying.  
13 Everyone's going to say, no, I'm opposed to that.

14 But can you set aside whatever negative feelings you have about  
15 the industry or about drugs and alcohol and just listen to the evidence with an  
16 open mind? That's all we want.

17 PROSPECTIVE JUROR NO. 2: Of course. But also just bear in mind I'm  
18 coming with attitude. I am about attitude.

19 THE COURT: I can see that. And I say that that's a good thing. And  
20 can you just at least keep an open mind and base your verdict just on the  
21 evidence that's presented during this trial, the testimony and the exhibits?

22 PROSPECTIVE JUROR NO. 2: Yes.

23 THE COURT: All right. Thank you. I'll see counsel up here at the  
24 bench.

25 (Conference at the bench.)

1 THE COURT: Let's see. State, you may question Ms. Bennett.

2 MR. DI GIACOMO: Guess I won't even go back and sit down.

3 How are you?

4 PROSPECTIVE JUROR NO. 3: Good.

5 MR. DI GIACOMO: I guess I could jump into everything, but actually, I  
6 want to back up to you have probably a unique experience from the people  
7 that's sitting on this jury in the nature of your job. And I know the Judge asked  
8 you some questions about what do you do for a living and asked you a little bit  
9 about the investigator techniques that you use.

10 PROSPECTIVE JUROR NO. 3: Yes.

11 MR. DI GIACOMO: How many years have you been actually  
12 investigating claims to determine the veracity of the claim?

13 PROSPECTIVE JUROR NO. 3: Probably about 24, 25 years.

14 MR. DI GIACOMO: And during that time period how many workers  
15 comp claims do you think you've had to deal with?

16 PROSPECTIVE JUROR NO. 3: Well, average case load is about 220, and  
17 they rotate. So I would say well over probably 2- or 3,000.

18 MR. DI GIACOMO: So you've had to look into 2- or 3,000 allegations  
19 that someone got injured on the job and that they should be compensated for  
20 it?

21 PROSPECTIVE JUROR NO. 3: Yes.

22 MR. DI GIACOMO: And in some of those occasions when you talk to  
23 the witnesses, you ultimately made a determination that definitely the person  
24 got injured on the job and then there was compensation?

25 PROSPECTIVE JUROR NO. 3: Yes.



1 MR. DI GIACOMO: And then sometimes you say this person's lying?

2 PROSPECTIVE JUROR NO. 3: Yes.

3 MR. DI GIACOMO: At any point during the time that you do the  
4 investigation, have you ever come across the case where there are multiple  
5 different people that you talk to and while their stories are all slightly different  
6 ultimately you can ferret out the truth?

7 PROSPECTIVE JUROR NO. 3: Yes.

8 MR. DI GIACOMO: And merely because in the time that you've talked  
9 to those people the fact that their versions of events might be slightly different  
10 doesn't necessarily mean to you that they're lying?

11 PROSPECTIVE JUROR NO. 3: True.

12 MR. DI GIACOMO: There's different reasons people have memories  
13 about different things, correct?

14 PROSPECTIVE JUROR NO. 3: Uh-hum.

15 MR. DI GIACOMO: And you're asking them to think back to a time  
16 period an event may have happened it didn't seem memorable at the time it  
17 happened?

18 PROSPECTIVE JUROR NO. 3: Right.

19 MR. DI GIACOMO: And ultimately at the end of the day though you can  
20 look through and say, I'm pretty confident this guy got injured at work and he  
21 deserves to get paid?

22 PROSPECTIVE JUROR NO. 3: Probably in about 95 of them, 95 percent  
23 of the cases.

24 MR. DI GIACOMO: And so every once in a while you're able to say this  
25 is clearly somebody who that didn't happen?

1 PROSPECTIVE JUROR NO. 3: Right.

2 MR. DI GIACOMO: Just because it's been talked about, drugs, I can't  
3 imagine anybody up here -- well, actually maybe some people will raise their  
4 hand and say marijuana should be legalized or something like that, and you're  
5 going to hear testimony about individuals or at least one individual who may or  
6 may not have been under the influence of a particular drug at the time he  
7 witnessed some pretty important things.

8 You would agree with me that you'd prefer an individual who was  
9 completely sober when he witnessed something, right?

10 PROSPECTIVE JUROR NO. 3: Yes.

11 MR. DI GIACOMO: The mere fact that he may have been under the  
12 influence of something doesn't necessarily mean he lied, correct?

13 PROSPECTIVE JUROR NO. 3: True.

14 MR. DI GIACOMO: The mere fact that he was under the influence of  
15 something doesn't necessarily mean he was mistaken?

16 PROSPECTIVE JUROR NO. 3: True.

17 MR. DI GIACOMO: And in fact, it could be one of those explanations for  
18 why someone's time line could be slightly off?

19 PROSPECTIVE JUROR NO. 3: Maybe.

20 MR. DI GIACOMO: You would agree with me all those are possibilities?

21 PROSPECTIVE JUROR NO. 3: Uh-huh. Yes.

22 MR. DI GIACOMO: When you -- I'll move on to a different subject.

23 Obviously at this point you now know this is a club in which you'll hear a lot of  
24 discussion about strippers, for lack of a better term, and strip clubs and the  
25 strip club process and the way things work in this town -- I think someone -- I

1 think the juror next to you actually used the term seedy, that first initial feel it's  
2 like there's something seedy going on, right?

3 PROSPECTIVE JUROR NO. 3: Yes.

4 MR. DI GIACOMO: Whatever your opinions are of the strip club  
5 business, is it possible for you to set those aside and view the evidence that  
6 comes in through the witnesses in order to make a determination?

7 PROSPECTIVE JUROR NO. 3: Possibly.

8 MR. DI GIACOMO: When you say possibly, what's the hesitation?

9 PROSPECTIVE JUROR NO. 3: I have a very low opinion of those places  
10 and the people who run them and work in them. It's just my personal opinions.

11 MR. DI GIACOMO: This opinion that you're forming about the owners of  
12 those places, is that from kind of reading in the media of various owners and  
13 what their problems have been?

14 PROSPECTIVE JUROR NO. 3: Not necessarily, it's just the nature of the  
15 business.

16 MR. DI GIACOMO: The nature of the business?

17 PROSPECTIVE JUROR NO. 3: Yes.

18 MR. DI GIACOMO: And I guess the question comes down at the end of  
19 the day, I mean, there's an individual sitting in this courtroom that at one time  
20 owned a strip club, and his son is also here, and he worked at that strip club.  
21 At the end of the day if you're sitting over there, are you worried if there's 12  
22 people like you sitting on this jury?

23 PROSPECTIVE JUROR NO. 3: I think I would be.

24 MR. DI GIACOMO: And the ultimate question, all of us in the courtroom  
25 at the end of the day just want 12 fair people, and we're not saying that some

1 people that have the opinion of strip clubs that you have can't sit on this jury.  
2 The question is if you sit on this jury, can you set aside that opinion because  
3 we don't have any more chances to talk to you? If the answer's no, the  
4 answer's no. If the answer's yes, now is the time we need to know. Can you  
5 set it aside and look at the evidence we present?

6 PROSPECTIVE JUROR NO. 3: In all honesty, no.

7 MR. DI GIACOMO: Judge, we'd submit it.

8 THE COURT: All right. Anything from the defense?

9 I'll see counsel at the bench.

10 (Conference at the bench.)

11 THE COURT: All right. I believe it's Mr. Gentile's turn.

12 MR. GENTILE: Ms. Bennett, you said something interesting, that is that  
13 your feelings, your opinions with respect to strip clubs -- actually, you didn't  
14 say it, Mr. --  
15 did Mr. DiGia --

16 PROSPECTIVE JUROR NO. 3: Him.

17 MR. GENTILE: Him. He did a lot of talking and you said yes and you  
18 said no, okay. We're going to turn that around.

19 PROSPECTIVE JUROR NO. 3: Okay.

20 MR. GENTILE: How did your opinions about strip clubs form?

21 PROSPECTIVE JUROR NO. 3: Probably just the way I was brought up,  
22 our religious beliefs and the very nature of my upbringing. I was taught that  
23 those things were not right, and it was very degrading to females and just not  
24 conducive to a good business.

25 MR. GENTILE: So I'm going to take a guess that you've never been to a

1 strip club?

2 PROSPECTIVE JUROR NO. 3: I've probably not never been in one, but I  
3 know people who have worked in one.

4 MR. GENTILE: And I'm going to take a guess that what you read about  
5 strip clubs isn't something like dancer (unintelligible) or things of that nature?

6 PROSPECTIVE JUROR NO. 3: No.

7 MR. GENTILE: And so would you agree then that you have a prejudice  
8 with respect to strippers?

9 PROSPECTIVE JUROR NO. 3: Yes, I'd have to say that.

10 MR. GENTILE: Because that's what prejudice is, right?

11 PROSPECTIVE JUROR NO. 3: Right.

12 MR. GENTILE: It's having a strong opinion about something that you  
13 don't have any knowledge about firsthand?

14 PROSPECTIVE JUROR NO. 3: Right.

15 MR. GENTILE: Thank you.

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

17 Mr. Arrascada, would you like to question Ms. Bennett?

18 MR. ARRASCADA: No, Your Honor.

19 THE COURT: All right. Thank you.

20 Mr. Marcella is up next. The State may question Mr. Marcella.

21 MR. PESCI: Thank you.

22 Mr. Marcella, let's start off with Mr. Ponticello. You've known him  
23 for years now?

24 PROSPECTIVE JUROR NO. 4: Probably about 20.

25 MR. PESCI: He works in the same office as Mr. DiGiacomo and myself.

1 PROSPECTIVE JUROR NO. 4: Well, congratulations. He's a good man.

2 MR. PESCI: Yes, he is.

3 Now, if you were seated over here, would you think that would  
4 make you have concern?

5 PROSPECTIVE JUROR NO. 4: Maybe that I'd understand the law or  
6 have been exposed to those kinds of folks for a lot of years, those  
7 conversations.

8 MR. PESCI: Well, let me put it to you this way. Would you  
9 automatically find the defendants guilty just because we work with Mr.  
10 Ponticello?

11 PROSPECTIVE JUROR NO. 4: Absolutely not.

12 MR. PESCI: All right.

13 MR. GENTILE: Your Honor, just for a moment, I don't want to interrupt,  
14 but could the record reflect that when Mr. Pesci said if he was sitting over here  
15 --

16 THE COURT: He pointed towards defense --

17 MR. GENTILE: -- he was pointing to defense table. Thank you.

18 THE COURT: All right. Thank you.

19 MR. PESCI: The State's going to call witnesses. We're the ones that  
20 have the burden. We have to prove the case beyond a reasonable doubt. Do  
21 you have any problem with that?

22 PROSPECTIVE JUROR NO. 4: No.

23 MR. PESCI: The defense has no burden. They don't have to call any  
24 witnesses. They don't have to ask any questions. Nobody has to testify. Do  
25 you have any problem with that?

1 PROSPECTIVE JUROR NO. 4: It's the law.

2 MR. PESCI: If we call witnesses in here and get testimony from these  
3 witnesses, can you hold us, the State, to that burden?

4 PROSPECTIVE JUROR NO. 4: I can.

5 MR. PESCI: We don't -- if we just don't do it, do you have any problems  
6 finding those people not guilty?

7 PROSPECTIVE JUROR NO. 4: Probably.

8 MR. PESCI: Do you have any problems sitting in judgment of another  
9 human being?

10 PROSPECTIVE JUROR NO. 4: Typically I don't. It's essentially what I  
11 do for a living is manage folks and responsibilities.

12 MR. PESCI: Sometimes did you have people that you managed involved  
13 in a dispute?

14 PROSPECTIVE JUROR NO. 4: Constantly.

15 MR. PESCI: Multiple people sometimes let's say?

16 PROSPECTIVE JUROR NO. 4: Constantly.

17 MR. PESCI: Different renditions of what happened given to you by these  
18 different people?

19 PROSPECTIVE JUROR NO. 4: That would be fair.

20 MR. PESCI: Did you have any problems in making a decision based on  
21 the different versions that you would hear?

22 PROSPECTIVE JUROR NO. 4: Occasionally.

23 MR. PESCI: The simple fact that you heard more than one version, did  
24 that mean, well, that none of them could be telling the truth?

25 PROSPECTIVE JUROR NO. 4: That in itself could be the truth.

1 MR. PESCI: All right. We would pass for cause.

2 THE COURT: All right. Mr. Gentile.

3 MR. PESCI: Mr. Marcella or Mr. Marcella?

4 PROSPECTIVE JUROR NO. 4: It was changed during the second world  
5 war where there could be certain fears because that wasn't a popular place to  
6 be because it was Marcella, and it was changed to Marcella because my dad  
7 thought that was French.

8 MR. GENTILE: Famous chess piece manufacturer in Florence by the  
9 name of Marcella. Anyhow, I think I heard you say that you might have a hard  
10 time finding the defendant not guilty --

11 PROSPECTIVE JUROR NO. 4: No, I meant the opposite.

12 MR. GENTILE: You meant the opposite, okay. Then I must have  
13 misheard you.

14 PROSPECTIVE JUROR NO. 4: No, you heard correctly; I might have  
15 stated it.

16 MR. GENTILE: Oh, I see what you're saying.

17 I have to ask you about Frank Ponticello. How did you meet him?

18 PROSPECTIVE JUROR NO. 4: Well, I met him through his wife Terry.  
19 Terry and I used to work at financial institutions together. She was the legal  
20 counsel at (unintelligible.)

21 MR. GENTILE: Now, a couple of things. Do you see him often?

22 PROSPECTIVE JUROR NO. 4: Often.

23 MR. GENTILE: Do you talk to Terry often?

24 PROSPECTIVE JUROR NO. 4: Every day.

25 MR. GENTILE: Okay. Have you ever -- now, you've known him 20



1 years, have you ever heard him mention my name?  
2 PROSPECTIVE JUROR NO. 4: No --  
3 MR. GENTILE: Don't say what he said if he has.  
4 PROSPECTIVE JUROR NO. 4: Yes, he has.  
5 MR. GENTILE: How long ago?  
6 PROSPECTIVE JUROR NO. 4: Actually, I don't remember. It's got to be  
7 within the last 15 months  
8 MR. GENTILE: Okay. Did it relate to Faith Lutheran?  
9 PROSPECTIVE JUROR NO. 4: Not that I remember.  
10 MR. GENTILE: Okay.  
11 PROSPECTIVE JUROR NO. 4: Actually, I don't remember what it was.  
12 MR. GENTILE: You don't remember what was said. We've known each  
13 other a long, long time, and here's what I'm going to ask you. If you're chosen  
14 to sit on this jury, and I'm not just going to ask you; the Judge is going to tell  
15 you, you can't discuss anything that goes on. Do you understand that?  
16 PROSPECTIVE JUROR NO. 4: Uh-huh.  
17 MR. GENTILE: You have to say yes.  
18 PROSPECTIVE JUROR NO. 4: Oh, yes. That's not a problem.  
19 MR. GENTILE: And you don't have any problem doing that?  
20 PROSPECTIVE JUROR NO. 4: No.  
21 MR. GENTILE: And when you say you talk to Terry every day, is that in  
22 the line of duty?  
23 PROSPECTIVE JUROR NO. 4: Uh-huh. She handles contracts and for  
24 grants.  
25 MR. GENTILE: And so given the fact that you're going to be here all

1 day, the chances of you talking to her are probably less?

2 PROSPECTIVE JUROR NO. 4: Well, I'd probably still be talking to her  
3 either electronically or phone.

4 MR. GENTILE: I see. Would it make you feel badly that you can't tell  
5 her that you're doing this?

6 PROSPECTIVE JUROR NO. 4: No.

7 MR. GENTILE: You can tell her afterwards. You can talk all you want  
8 to, but during -- you understand why too?

9 PROSPECTIVE JUROR NO. 4: I sure do.

10 MR. GENTILE: Because we all really want to make sure that whatever  
11 you consider comes from this courtroom. Plus, it would be uncomfortable for  
12 them too if you were talking to them.

13 PROSPECTIVE JUROR NO. 4: Well, she wouldn't listen to me anyway.

14 MR. GENTILE: There you go.

15 Let's talk about strip clubs. What do you do for the State?

16 PROSPECTIVE JUROR NO. 4: I'm the chief information officer.

17 MR. GENTILE: You're in the media?

18 PROSPECTIVE JUROR NO. 4: No, I run --

19 MR. GENTILE: You deal with the media.

20 PROSPECTIVE JUROR NO. 4: I run all the computer systems, and you  
21 cannot blame me for the traffic lights.

22 MR. GENTILE: Are you married?

23 PROSPECTIVE JUROR NO. 4: I am.

24 MR. GENTILE: Do you have children?

25 PROSPECTIVE JUROR NO. 4: I have three adults.

1 MR. GENTILE: Adults, 45, 35 and 35.

2 PROSPECTIVE JUROR NO. 4: No. That was someone else.

3 MR. GENTILE: Somebody else. I remember. That's you.

4 PROSPECTIVE JUROR NO. 4: They're 24, 28 and 30.

5 MR. GENTILE: And you raised them?

6 PROSPECTIVE JUROR NO. 4: Well, I tried.

7 MR. GENTILE: You tried, okay.

8 Let me ask you about strip clubs. You ever been to one?

9 PROSPECTIVE JUROR NO. 4: Uh-huh.

10 MR. GENTILE: Do you have any response, any kind of a visceral,  
11 emotional, intellectual, whatever response when you just hear the term strip  
12 club?

13 PROSPECTIVE JUROR NO. 4: Oh, I just figure it's a little unfortunate for  
14 the girls, and their earnings are not necessarily theirs and that they end up in  
15 someone else's. I usually look at it from a financial aspect.

16 MR. GENTILE: That's what you do for a living. Well, how do you mean  
17 that?

18 PROSPECTIVE JUROR NO. 4: Well, the work, the exposure and the  
19 short-term opportunities for these folks and then the share of what they end up  
20 with is -- that tends to be something (unintelligible).

21 MR. GENTILE: I need to explore this a little bit more. What do you  
22 know about how much a dancer gets to keep of how much she earns?

23 PROSPECTIVE JUROR NO. 4: We have to license those clubs. We  
24 license them as well through the city and their computer systems for the city.  
25 We know essentially what the business pay systems are and their financials and

1 for the principals.

2 MR. GENTILE: Is it your understanding that they all charge the dancers  
3 the same amount of money?

4 PROSPECTIVE JUROR NO. 4: No. I understand that there are different  
5 contract provisions. Some dancers contract and some folks are employees. It  
6 depends on what they do, from the waitress right on through the dancers and  
7 then a combination.

8 MR. GENTILE: Well, I don't think that that's going to be -- I mean,  
9 you're going to hear probably a good deal about the financial operations of the  
10 Palomino Club in the course of this. I don't think much of it's going to relate to  
11 payments but it could. What were your --

12 Do you remember when we were talking about prejudices a little  
13 while ago?

14 PROSPECTIVE JUROR NO. 4: Uh-huh.

15 MR. GENTILE: Do you have any with respect to that subject other than  
16 what you've just stated that you think the dancers don't make as much money  
17 as they should?

18 PROSPECTIVE JUROR NO. 4: Probably not.

19 MR. GENTILE: How about more, I mean, any issues there?

20 PROSPECTIVE JUROR NO. 4: No.

21 MR. GENTILE: You license those businesses?

22 PROSPECTIVE JUROR NO. 4: Yes.

23 MR. GENTILE: They are legal?

24 PROSPECTIVE JUROR NO. 4: They are.

25 MR. GENTILE: This is Las Vegas?

1 PROSPECTIVE JUROR NO. 4: It certainly is.

2 MR. GENTILE: What about taxis; is that a word you're familiar with?

3 You ever drive a cab?

4 PROSPECTIVE JUROR NO. 4: No, I haven't.

5 MR. GENTILE: What contact have you had with a taxicab?

6 PROSPECTIVE JUROR NO. 4: A programmer that went to work for one  
7 of the cab industries.

8 MR. GENTILE: Do you have any personal -- when I say personal  
9 knowledge, I mean, I don't care how you got it; it could be totally hearsay -- do  
10 you have any knowledge about the interplay between the taxicabs and limo  
11 drivers and the strip club industry?

12 PROSPECTIVE JUROR NO. 4: Well, you always hear the rumors that  
13 they're paid to deliver clients to strip clubs.

14 MR. GENTILE: Do you see anything wrong with that?

15 PROSPECTIVE JUROR NO. 4: No, not if that's where an individual  
16 wants to go.

17 MR. GENTILE: So if somebody gets in a cab and is taken to a strip club  
18 --

19 PROSPECTIVE JUROR NO. 4: And that's where they want to go.

20 MR. GENTILE: And you understand that the strip club pays those cab  
21 drivers?

22 PROSPECTIVE JUROR NO. 4: I understand that. That's smart for them.

23 MR. GENTILE: Right. How about gangs? Ever had any contact with --

24 PROSPECTIVE JUROR NO. 4: I grew up in Brooklyn.

25 MR. GENTILE: Grew up in Brooklyn.

1 PROSPECTIVE JUROR NO. 4: And then we moved to Long Island for  
2 the (unintelligible).

3 MR. GENTILE: Have you ever been afraid?

4 PROSPECTIVE JUROR NO. 4: Absolutely.

5 MR. GENTILE: Did you respond to fear -- I don't care what it was --  
6 probably been more than once in your life I guess if you're at least 35 or 40 --

7 PROSPECTIVE JUROR NO. 4: Thank you.

8 MR. GENTILE: Have you -- do you respond when you're afraid the same  
9 way that you do when you're not?

10 PROSPECTIVE JUROR NO. 4: No.

11 MR. GENTILE: In what way is it different?

12 PROSPECTIVE JUROR NO. 4: I think I have a little bit more clarity of  
13 thought when the more excited or fearful I am the more focused I am.

14 MR. GENTILE: The more focused you are.

15 You ever hired a lawyer?

16 PROSPECTIVE JUROR NO. 4: Well, I've been married a couple times,  
17 yes.

18 MR. GENTILE: Other than for domestic relations --

19 PROSPECTIVE JUROR NO. 4: There's a trust lawyer and then -- and  
20 then obviously domestic relations.

21 MR. GENTILE: When you hear that somebody goes to a lawyer, do you  
22 have a response to that? I mean, just in general, forget about what it may be  
23 for or anything like that, just the fact that somebody, quote, unquote, has a  
24 lawyer.

25 PROSPECTIVE JUROR NO. 4: Doesn't mean anything. That's a

1 representative which would make him qualified for the law. So, no.

2 MR. GENTILE: And what about ongoing relationship with lawyers at a  
3 law firm?

4 PROSPECTIVE JUROR NO. 4: (Unintelligible.)

5 MR. GENTILE: Well, in the licensing industry that you're involved with,  
6 do you come in contact with lawyers?

7 PROSPECTIVE JUROR NO. 4: Absolutely.

8 MR. GENTILE: Okay. And do you come in contact with lawyers on  
9 multiple episodes for the same client?

10 PROSPECTIVE JUROR NO. 4: (Unintelligible.)

11 MR. GENTILE: Have you had any contact with anybody in your life that  
12 has used drugs?

13 PROSPECTIVE JUROR NO. 4: I lost my son.

14 MR. GENTILE: To what?

15 PROSPECTIVE JUROR NO. 4: To drugs.

16 MR. GENTILE: To drugs?

17 PROSPECTIVE JUROR NO. 4: To drugs.

18 MR. GENTILE: I don't need to ask any more questions on that.

19 Have you ever operated a business of your own?

20 PROSPECTIVE JUROR NO. 4: My parents and then I worked for them.

21 MR. GENTILE: What kind of a business was it?

22 PROSPECTIVE JUROR NO. 4: It was a bar and grill.

23 MR. GENTILE: That was the next question. Have you ever been in the  
24 restaurant and bar business. So you've been in a cash business?

25 PROSPECTIVE JUROR NO. 4: I have, short-order cook.

1 MR. GENTILE: Did you ever run the register?

2 PROSPECTIVE JUROR NO. 4: I did.

3 MR. GENTILE: Did you ever watch the other guy who was running the  
4 register?

5 PROSPECTIVE JUROR NO. 4: That was a requirement.

6 THE COURT: May I see counsel at the bench, please.

7 (Conference at the bench.)

8 THE COURT: Ladies and gentlemen, it being late, and I know some  
9 people had responsibilities, we're going to take a break in a moment.

10 At this point in time, Badge No. 3, Ms. Bennett, you are excused.  
11 Officer Wooten will direct you from the courtroom.

12 Badge No. 59, Ms. Lazo, you are excused. Officer Wooten will  
13 direct you from the courtroom.

14 Badge No. 64, Mr. Yancey, you are excused. Officer Wooten will  
15 direct you from the courtroom.

16 Badge No. 78, Mr. Choi, you are excused. Officer Wooten will  
17 direct you from the courtroom.

18 Badge No. 95, Mr. Klimes, you are excused, and Officer Wooten  
19 will direct you from the courtroom.

20 All right, ladies and gentlemen, we're going to take our evening  
21 recess in just a moment. We'll resume tomorrow morning at 9:30. As soon as  
22 I excuse you, you're going to follow our bailiff, Officer Wooten through the  
23 double doors, and he can answer any questions or give you additional  
24 instructions on where to meet tomorrow morning.

25 A couple of preliminary admonitions, during our evening recess



1 you're not to discuss this case or anything relating to the case or any subject  
2 matter about anyone relating to the case with each other or with anyone else.  
3 Once again, anyone else would include members of your family and your  
4 friends. You may tell them that you are participating in jury selection in a  
5 criminal jury trial, but please do not say anything else relating to this case. Do  
6 not discuss anything else relating to the case.

7           Additionally, do not read, watch, or listen to any reports of or  
8 commentaries on any subject relating to the case. Do not do any independent  
9 research on any subject or person relating to the trial. Don't visit the location  
10 or any of the locations made mention of during this, namely the Palomino Club  
11 and any other locations that were discussed, and please do not form or express  
12 an opinion on the case at this time.

13           All right. Ladies and gentlemen, once again we will be in recess for  
14 the evening break. We will reconvene tomorrow morning at 9:30.

15           If everyone will please get their belongings and follow Officer  
16 Wooten through the double doors he'll instruct you on where to meet tomorrow  
17 morning and answer any questions or concerns you may have.

18                           (Jury panel recessed 5:06 p.m.)

19           THE COURT: We need to put on the record Mr. Arrascada and Mr.  
20 Gentile both challenged Juror No. 3 for cause, and I did grant that for-cause  
21 challenge and excused Juror No. 3.

22           Mr. Arrascada challenged Jurors No. 1 and 2 for cause; I overruled  
23 those for-cause challenges, and they are remaining.

24           Mr. Arrascada, do you want to put anything else on the record?

25           MR. ARRASCADA: No, Your Honor.

1 THE COURT: State, do you want to put anything else on the record  
2 regarding Jurors No. 1 and 2, whom I did not excuse?

3 MR. DI GIACOMO: Just very briefly because I don't have the  
4 information to even back it up in front of me, but during the course of the  
5 questioning it appeared that both jurors -- well, specifically Juror No. 1 was  
6 confused by the nature of the question, and once the Court clarified the nature  
7 of the question, the juror provided absolutely no basis whatsoever.

8 As to Juror No. 2 who while she says she brings a lot of attitude to  
9 a courtroom, she ultimately said she'd be fair and impartial which is the only  
10 test that we could really apply, and as such I believe the Court properly denied  
11 the for-cause challenge.

12 THE COURT: And, Mr. Arrascada, anything else, or Mr. Adams?

13 MR. ADAMS: Yes, thank you, Your Honor. We would just point out as  
14 we did at the bench that for Juror No. 1 she did indicate -- she indicated in an  
15 abstract question that she would require a defendant to testify or she would  
16 find him not guilty. When she was asked that more directly after a conference  
17 at the bench the same question in the construct of will you require that before  
18 you render a verdict and she did indicate that she would require a defendant to  
19 testify before she could acquit, and that was the basis of Mr. Arrascada's  
20 motion to cause challenge.

21 THE COURT: Yeah, I mean, the record speaks for itself, but my  
22 recollection or opinion is more that she sort of may have been a little bit  
23 confused and was speaking very generally, but then when it was explained to  
24 her she indicated no. And I think in my view feel fairly confident that no she  
25 would not require a defendant to testify.

1 All right. Anything else we need to put on the record?

2 MR. PESCI: Yes, Judge. I believe neither side had any objections to  
3 Your Honor kicking 59, 64, 78 and 95. Is that correct, Defense?

4 MR. ARRASCADA: That's correct, Judge.

5 THE COURT: And, Mr. Gentile, Ms. Armeni, is that correct?

6 MS. ARMENI: Yes.

7 THE COURT: All right. We'll see you all back here at 9:30.

8 MR. DI GIACOMO: Judge, I'm almost loathe to say this because I don't  
9 think we're going to get there, but I'm assuming you don't want witnesses and  
10 I'm hoping not openings tomorrow only because they'll be done after eight  
11 hours of talking to them, but whatever the Court's pleasure is.

12 THE COURT: No, we're not going to get to witnesses. I mean, I'm  
13 hopeful we can get a jury picked. I mean, again, it took us four hours to get  
14 through two people, but we did do a lot of the preliminary stuff. I think that  
15 now maybe we can move a little more quickly through some of the people now  
16 that we kind of know the logistics of how everything -- how we do everything  
17 in here. So I think we're going to speed it up obviously.

18 How long for the State's opening? And again, I don't like to break  
19 up the openings with an evening break because that's kind of unfair.

20 MR. DI GIACOMO: I don't know the actual answer to that question  
21 because it could be -- I could do it in 20 minutes, or I could do it in an hour, and  
22 I haven't decided which way to do it.

23 THE COURT: And you don't have a huge power point thing already?

24 MR. DI GIACOMO: I have a power point. The question is how much of  
25 the audio, if any, do I play, and that will determine for me the length of my

1 opening.

2 THE COURT: And then, Mr. Gentile, you indicated you had a rather  
3 lengthy opening statement; is that correct?

4 MR. GENTILE: Yeah, I could see an hour.

5 THE COURT: And, Mr. Adams, who will be opening on your side?

6 MR. ADAMS: I will be opening, Your Honor. My best estimate right  
7 now is 30 minutes, but I've also been toying with the idea of playing an entire  
8 wire that's 35 minutes.

9 THE COURT: All right. Then probably we're not going to get to do  
10 openings tomorrow.

11 MR. GENTILE: I actually think that the evidence in this case is going to  
12 go pretty fast.

13 THE COURT: Like I said, a lot of the stuff that took all the time today  
14 was preliminary stuff so we'll be able to pick it up tomorrow now that we've  
15 gone through all that.

16 Counsel, does anyone have an objection to kicking Mr. 51, Steven  
17 Ricks, the yellow -- he was a cab driver and now he's a glazier and --

18 MR. PESCI: He's going to do everything he needs to to get off anyway.

19 THE COURT: Right. I mean, he's already complaining to my bailiff that  
20 he's not coming back tomorrow and what would happen to him if he comes  
21 back --

22 MR. ARRASCADA: No objection, Your Honor.

23 THE COURT: Any objection to kicking him? If you do then we won't;  
24 we'll make him come back. I mean, as a glazier, I figure he makes a pretty  
25 decent union wage, but by the same token, you know, times are tough.

1 MR. GENTILE: Your Honor, he would be a good juror for us. I would  
2 not want to just let him go. Well, I mean, I don't mean that he'd be a good  
3 juror for us, but he kind of fits the profile that we want.

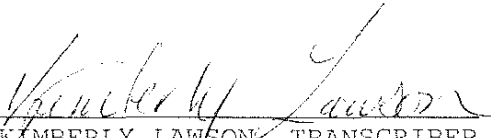
4 THE COURT: Okay. Like I said, I try to figure out what the hardship is,  
5 and like I said those are pretty decent jobs.

6 All right.

7 (Recess taken 5:13 p.m.)  
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ATTEST: I HEREBY CERTIFY THAT I HAVE TRULY AND CORRECTLY  
TRANSCRIBED THE AUDIO/VIDEO PROCEEDINGS IN THE  
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IN THE SUPREME COURT OF THE STATE OF NEVADA

LUIS A, HIDALGO, JR.

Appellant,

vs.

THE STATE OF NEVADA

Respondent.

Electronically Filed  
Feb 07 2011 01:12 p.m.  
Tracie K. Lindeman  
CASE NO.: 54209

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

**APPELLANT'S AMENDED APPENDIX**

Volume 6 of 25

(Pages 1015 - 1172)

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## ALPHABETICAL INDEX OF APPELLANT'S AMENDED APPENDIX

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| 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 <sup>1</sup>  | 02/04/09   | 15   | 02749       |
| CD: State's Exhibit 192A <sup>2</sup>   | 02/04/09   | 15   | 02750       |
| CD: State's Exhibit 192B <sup>3</sup>   | 02/04/09   | 15   | 02751       |
| CD: Defense Exhibit 1 <sup>4</sup>  | 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 |
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| 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 |
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| Minutes (Change of Plea)  | 02/04/08   | 3    | 00558       |
| Minutes (All Pending Motions)   | 02/05/08   | 3    | 00559       |

<sup>1</sup> 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.

<sup>2</sup> Id.

<sup>3</sup> Id.

<sup>4</sup> Id.



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| Minutes (Sentencing)   | 03/25/08          | 4           | 00788           |
| Minutes (Decision: Bail Amount)  | 04/01/08          | 4           | 00789           |
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**COPY**

DISTRICT COURT  
CLARK COUNTY, NEVADA

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NOV 24 2009

*Alvin B. Williams*  
CLERK OF COURT

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|-------------------------------|---|--------------------------|
| STATE OF NEVADA,              | ) |                          |
|                               | ) |                          |
| Plaintiff,                    | ) | CASE NO: C212667/C241394 |
|                               | ) | DEPT NO: XXI             |
| vs.                           | ) |                          |
|                               | ) |                          |
| LUIS ALONSO HIDALGO, aka      | ) |                          |
| LUIS ALONSO HIDALGO, III, and | ) | <b>Transcript of</b>     |
| LUIS ALONSO HIDALGO, JR.,     | ) | <b>Proceedings</b>       |
|                               | ) |                          |
| Defendants.                   | ) |                          |
|                               | ) |                          |

BEFORE THE HONORABLE VALERIE P. ADAIR, DISTRICT COURT JUDGE

**JURY TRIAL - DAY 1**  
**JURY VOIR DIRE**

TUESDAY, JANUARY 27, 2009

**APPEARANCES:**

|                                |   |
|--------------------------------|---|
| FOR THE STATE:                 | MARC DiGIACOMO, ESQ.<br>Chief Deputy District Attorney<br>GIANCARLO PESCI, ESQ.<br>Deputy District Attorney |
| FOR LUIS ALONSO HIDALGO, JR.:  | DOMINIC P. GENTILE, ESQ.<br>PAOLA M. ARMENI, ESQ.   |
| FOR LUIS ALONSO HIDALGO, III,: | JOHN L. ARRASCADA, ESQ.<br>CHRISTOPHER ADAMS, ESQ.  |

RECORDED BY: JANIE OLSEN, COURT RECORDER  
TRANSCRIBED BY: KARReporting and Transcription Services

KARReporting & Transcription Services

1 LAS VEGAS, CLARK COUNTY, NV., TUES., JAN. 27, 2009

2  
3 THE COURT: There's a little bit of an issue with the seating because of  
4 the COs. I'll see the COs at the bench.

5 (Conference at the bench.)

6 THE COURT: I need to clear the front row. The front row is going to be  
7 clear.

8 And, Jeff, don't sit anybody in the front row.

9 Now, before Jeff goes down to bring up the prospective jurors,  
10 does anyone have anything for me?

11 MR. DI GIACOMO: Not from the State, Judge.

12 THE COURT: All right. And I had requested proposed voir dire  
13 questions, and I got none. So I'm assuming neither side wants to conduct voir  
14 dire, and I'll be doing it all.

15 MR. GENTILE: Well, let me approach the bench.

16 THE COURT: I'm kidding. I mean, I could obviously do that since no  
17 one bothered to --

18 MR. GENTILE: You want to see it? I don't have a problem showing it.

19 THE COURT: -- give me proposed voir dire questions that I asked for in  
20 advance, but I won't be doing that. I'll still be allowing both sides to conduct  
21 voir dire although neither side gave me the proposed voir dire questions that I  
22 requested.

23 MR. DI GIACOMO: I apologize. I thought you wanted ones that we  
24 wanted you to ask. I didn't realize you wanted ones that we were going to ask.

25 THE COURT: No. No. I wanted ones that you guys were going to ask

1 so I could get a sense of how long it was going to take, number one, and  
2 number two, to hopefully streamline the process because sometimes I can do it  
3 faster than the lawyers can. But since both sides neglected to follow my order,  
4 I'm just going to give you a verbal reprimand. That's your verbal reprimand,  
5 and I'm going to allow -- now, my voir dire is going to be a lot shorter than it  
6 normally is because I know both sides will want to conduct extensive voir dire  
7 on their own.

8           So to sort of make this quicker, I'll probably just ask them all what  
9 we want to do, what they do for a living, husbands, kids, if they've ever been  
10 jurors before, and then you can cover everything else unless you'd like me to do  
11 the basics. You know, have you ever been arrested and charged with a crime;  
12 ever been the victim of a crime, that kind of thing. Do you prefer to do that?

13           MR. DI GIACOMO: I'd prefer that you do that.

14           THE COURT: Okay. That's fine. Any other questions you'd like the  
15 Court to ask other than arrested -- do you want me to ask, like, worked in law  
16 enforcement, any of that?

17           MR. DI GIACOMO: It would be the position of the State anyways, that  
18 those are the -- I don't anticipate the State having any lengthier jury selection in  
19 this case than we would in any other case. So I'd obviously -- those are the  
20 kind of questions the State would be looking to ask, and if it streamlines the  
21 procedure by you going through as kind of a group just saying, has anybody  
22 here been arrested before, has anybody here done law enforcement, we can  
23 actually move along that, and that will be very short questions from the State  
24 as to each juror.

25           THE COURT: Okay. I'll do that.

1           Anything the defense would like the Court to ask, just the sort of  
2 basic foundational questions?

3           MR. GENTILE: Just a moment.

4           THE COURT: And then obviously both sides can follow up on any  
5 answers a juror may have had.

6           MR. GENTILE: The only request that I have is give us enough time to  
7 write down the answers. Please.

8           MR. ADAMS: Judge, so the record is clear, our client came in in the  
9 middle. We will waive his presence.

10          THE COURT: Oh, I'm sorry.

11          MR. ADAMS: Of us getting reprimanded, we don't need that to happen  
12 again. I'll fill him in on that. He's now present in the courtroom.

13          THE COURT: All right. Thank you, and that was preliminary so I didn't -  
14 - I could just of easily done it in chambers so that's why I didn't really feel his  
15 presence was necessary.

16               All right. Anything else we need to discuss?

17               Jeff, go ahead and bring them up.

18                       (Pause in the proceedings.)

19          THE COURT: I'll just say the lawyers' names. When you introduce  
20 yourselves, introduce Mr. Dibble and this other gal here whose name I don't  
21 know just in case some of the prospective jurors might know them.

22          MR. GENTILE: That's an issue. I am told by my new -- it's not new  
23 anymore; it's a year and a half ago, but apparently the bar association prefers  
24 that the names of all of the lawyers in a firm be read out. And it makes sense  
25 because most of -- most of -- the vast majority of the work that's done in my

1 law firm has nothing to do with court, and these people may have had a will or  
2 some sort of other kind of --

3 THE COURT: How many lawyers in your firm?

4 MR. GENTILE: There are 31, and I can go through it fast.

5 THE COURT: All right. Or you can say that you're affiliated with the  
6 law firm of --

7 MR. GENTILE: They won't know. See, we've had so many laterals in  
8 the last year that we kind of have to be there.

9 THE COURT: All right.

10 MR. GENTILE: And I wouldn't want to be accused later of --

11 THE COURT: That's fine.

12 MR. GENTILE: -- not having revealed a relationship.

13 (Jury panel entering 1:13 p.m.)

14 THE COURT: Court is now in session. This is the time for Case No.  
15 C241394 and Case No. C229522, Plaintiff, State of Nevada versus Luis  
16 Hidalgo Jr., Defendant, and Luis Hidalgo III, Defendant.

17 The record will reflect the presence of the State through the Deputy  
18 District Attorneys, Marc DiGiacomo and Giancarlo Pesci, the presence of the  
19 defendant, Luis Hidalgo Jr., along with his attorneys Dominic Gentile and Paola  
20 Armeni, the presence of Luis Hidalgo III, along with his attorneys, Chris Adams  
21 and John Arrascada, the officers of the court and the members of the  
22 prospective jury panel.

23 Good afternoon, ladies and gentlemen. You are in Department 21  
24 of the Eighth Judicial District Court for the State of Nevada. My name is  
25 Valerie Adair, and I am the presiding judge. You have been summoned here



1 today to serve as jurors in a criminal jury trial.

2 Let me first take this opportunity to introduce you to the staff  
3 members with whom you may be coming into contact. Seated next to me is  
4 Ms. Denise Husted. Ms. Husted is our official court clerk. It is her job to keep  
5 the official record in this case. She administers the oath to the witnesses, to  
6 the jurors, and keeps track of and marks all of the exhibits.

7 Seated next to her is Ms. Janie Olsen. Ms. Olsen is our official  
8 court recorder. It is Ms. Olsen's job to record everything that is said during  
9 these proceedings and to make sure that an accurate transcript is prepared. I  
10 tell you this because there will come a point in time when some of you will be  
11 asked questions. It's very important that you speak up so that you can be  
12 correctly recorded. Additionally, please, don't say uh-huh, huh-uh. Say yes or  
13 no because there's no way for us to accurately transcribe that.

14 You've already come into contact with our bailiff, Officer Jeff  
15 Wooten. Should you need to contact the Court, meaning me, for any reason,  
16 you would do so by contacting Officer Wooten.

17 Counsel for the State will now introduce themselves to you. They  
18 will briefly explain to you the nature of the State's case and give you the names  
19 of any witnesses which the State may be calling. Please listen carefully to the  
20 names of the witnesses as they are read to you.

21 Mr. DiGiacomo.

22 MR. DI GIACOMO: Thank you, Judge.

23 Good afternoon, ladies and gentlemen. My name is Marc  
24 DiGiacomo. I'm a Deputy District Attorney here in Clark County along with  
25 Giancarlo Pesci who is a fellow Deputy District Attorney. We've been assigned

1 to prosecute the cases of State of Nevada versus Luis Hidalgo Jr., also known  
2 as Mr. H, and Luis Hidalgo III who is also known as Little Lu.

3 During the course of this case what they're accused of is on May  
4 19<sup>th</sup> of 2005, they're accused of engaging in a conspiracy to commit murder of  
5 an individual by the name of Timothy Hadland, and thereafter they're also  
6 charged in his murder.

7 In addition to that, Luis Hidalgo III, Little Lu, is also charged with  
8 solicitation to commit murder for two individuals that were present during the  
9 time period of the murder.

10 Now, in addition to some of the names the State may call, there's  
11 certain individuals that you need to be aware of their name just in case you  
12 know them and certain locations that you're going to need to know about in  
13 case you either know about those locations or have some familiarity with that  
14 location.

15 The father in this particular case, Mr. H., is the owner or was at the  
16 time the owner of the Palomino Club which is on North Las Vegas -- or on Las  
17 Vegas Boulevard in North Las Vegas, right across the street from Jerry's  
18 Nugget. It is a strip club that has been in town for a very long time; although  
19 the evidence will show that he didn't own it for that long.

20 In addition to that, there is a location called Simone's Auto Body  
21 which is also owned by Mr. H. at the time, and that's at Bermuda just south of  
22 the airport, in that location of town.

23 Some of the people whose names you're going to hear in this  
24 particular case is an individual by the name of Deangelo Carroll, a former  
25 employee of the Palomino Club. There is an individual by the name of Anabel

1 Espindola who is the former general manager of the Palomino.

2           There's an individual by the name of Kenneth Counts that you're  
3 going to hear about. There's an individual by the name of Jayson Taoipu that  
4 you're going to hear about, and then some of the witnesses that you may hear  
5 during the course of this case are a crime scene analyst by the name of Louise  
6 Renhart, an FBI agent by the name of Scott Hendrix, a former homicide  
7 detective of the Las Vegas Metropolitan Police Department by the name of  
8 James Vacarro, a detective, Teresa Keiger, an FBI agent by the name of Steve  
9 D'Bor, a detective by the name of Dan Long.

10           There's a name of an attorney that you may hear, and so we're  
11 going to ask you to listen to the name, by the name of Jerome DePalma. You  
12 may hear the name of a Dr. Simon Stertser. You may hear the name of a Jack  
13 Perry. There's an FBI agent by the name of Scott Bakkin. There's an individual  
14 by the name of Israel Madrid, an Officer Lafreniere, a crime scene analyst by  
15 the name of Kristin Grammas, a Paijik Karlson, a Rontae Zone, a crime scene  
16 analyst by the name of Larry Morton, a medical examiner by the name of Dr.  
17 Gary Telgenhoff, a detective Mike McGrath, a fingerprint expert Fred Boyd, a  
18 cab driver by the name of Gary McWhorter, a Henderson police officer by the  
19 name of Zane Simpson, crime scene analyst Jeff Smink, a forensic document  
20 examiner, an expert by the name of Jan Seman Kelly, a firearm expert by the  
21 name of Jim Krylo and a detective by the name of Marty Wildeman.

22           Thank you very much.

23           THE COURT: All right, thank you, Mr. DiGiacomo.

24           Ladies and gentlemen, in a moment counsel for the defense will  
25 introduce themselves to you along with their clients.

1 An accused in a criminal case is never required to call any  
2 witnesses or present any evidence. However, if there are some witnesses  
3 which the defense may be calling, they will give you those names at this time.

4 Mr. Gentile.

5 MR. GENTILE: Thank you, Your Honor.

6 Good afternoon. My name is Dominic Gentile, and I'm going to be  
7 trying this case along with Paola Armeni. We work for the firm of Gordon and  
8 Silver, and I'm going to read for you the names of 31 other lawyers that are in  
9 that law firm in case any of you have ever had a will done or something like  
10 that or we've ever had any contact with you because you'll need to disclose  
11 that.

12 This is Luis Hidalgo Jr. He is charged in this case. You will be  
13 seeing him. He'll be walking outside among you later over the next week or so,  
14 and it's really important that you understand that he cannot speak with you.  
15 The Court has ordered that. That's the way it works in every trial not just this  
16 one. So we don't want you to think that somehow he doesn't like you or that  
17 he's, you know, trying to avoid you or anything like that.

18 You've heard Mr. DiGiacomo talk about the charges in this case. I  
19 want to talk to you only a little bit about the defense in this case. The defense  
20 in this case is that Luis Hidalgo Jr., didn't know anything at all about the death  
21 or anything bad even going to be happening to the victim in this case, Timothy  
22 Hadland, and you're going to hear a lot more about that if you're chosen as a  
23 juror, but we will wait until then to talk about it.

24 I am with a firm that has 31 lawyers in it. Let me read their names.  
25 Some of them I don't even know. Paola Armeni, I know her. Christine Bricker,

1 Randy Crayton, Louis Csoka, Lee Davis, Mark Dzarnoski, Thomas Fell, Richard  
2 Galin, Gregory Garman, Kristin Genc. It's spelled G-e-n-c, but it's pronounced  
3 Gets so in case you've had contact with her and you think her name's Genc,  
4 we want you to know it's Genc.

5 Me, Gerald Gordon, Talitha Gray, Karen Hanks, Brigid Higgins,  
6 Kenneth Hogan, Jeffrey Hulet, Joseph Kistler. He's also known as Sid Kistler.  
7 Joseph Kozolowski, William Noall, Eric Olsen, Bradley Richardson, Brad  
8 Richardson, Joel Schwarz, Mark Shipley, Jeff Silver, Carrie Sparks, Erica Pike  
9 Turner, Eric Van, John Witucki, and Matthew Zirzow.

10 Also in this courtroom for this period of time will be Donald Dibble.  
11 Don is an investigator who works for Gordon and Silver, and he'll be assisting  
12 throughout this trial.

13 There are many witnesses on this witness list. Because I don't  
14 know at this moment how many will not be called, and I will promise you that  
15 the vast majority of them won't; so I don't want you to get scared that you're  
16 going to be here forever. I'm going to read their names.

17 Chris -- I probably can't even pronounce their names, but I'm going  
18 to do the best that I can. Chris Helzakos (phonetic), Janice -- it's actually  
19 Yanice, Vilyopos (phonetic), Timothy Hoy, Michael Gill, Jesus Hio, Sarkus  
20 Tomrus (phonetic), Danny Dalton, Anthony Nobile, Marshall Turner, Thomas  
21 Bissonet, Frank Bissaro, Eric Borst, Patrick Vance. A-y-a-l-e-w -- you figure it  
22 out, okay. Last name, Abebe. I can say that one; the first one I can't say.

23 Dwight Descher, Alfredo Oliva, Mode Ali, Jan Squiterro (phonetic),  
24 Bela Racz -- and I know I didn't say that right. Fiaz Zarca (phonetic) Deraje  
25 Kuwaly (phonetic), Devongelos Demosantos (phonetic), Armondo Romero,

1 Anbessaw, A-n-b-e-s-s-a-w, Gebre, G-e-b-r-e, Joseph Cutrello (phonetic), Tol  
2 Don, Victor Sagenas (phonetic), Michael Johns, Marsea Cleata (phonetic), Abde  
3 Amonmo (phonetic), Abebe Zwaedo (phonetic), Kevin Gibson, Ficadu Adem  
4 (phonetic), Sam Narobi (phonetic), Merdad Refqua (phonetic) Robert Turjon  
5 (phonetic), Ramine -- wow, I'll spell it -- A-s-a-d-i-e-i-s-k-a-n--d-a-r-l, common  
6 spelling. I can't say it.

7 Paul Nelson, Leon Lee, Juan Desoso, Kenneth Oh, Juan Robanes  
8 (phonetic), William Webster, Enoch Flowers, Yasushi Sakuma (phonetic), Ray  
9 Smith. Carlos Alfonso, Carlos Cordonne, Jessica Baraza, Jerry Barrone, Helen  
10 Brown, Michael Brown, Jennifer Carrigman, Cindy Caesar, Julie Chapman,  
11 Yvonne Cisneros, Geneva DelCampo, Jerome DePalma, Nava DelAngel, Joe  
12 DeMayo, Don Dibble, Nick D. Simone, Andrew Drath, Peter Illiades (phonetic) or  
13 Illiades, Sandra Eslinger, Veronica Faircloth, David Galley, Alexandrew Giergy  
14 (phonetic), Pee-Lar Kent Handley, Claudia Hernandez, Rosa Hidalgo, Sheena  
15 Hoffsted, John Hutcherson, Kathy Johnson, Terry Johnson, Margaret Johnson,  
16 Ben Kamaka (phonetic), Min Quak, John Lamberdor (phonetic), Scott Masonic,  
17 Wakaka McGee, Gary McWhorter, Jody Miles, Lou Misou (phonetic), Vivian  
18 Nells.

19 Natasha Newak, David Norris, Sam Norris, Mark Nicoleti, Russ  
20 Nikopolu (phonetic), William Ettinger, Saran Petty, Mark Quade, Sheryl Ray,  
21 Tony Reynolds, Julie Sandoval, Grant Schmick, Michelle Schwanderlik, Steve  
22 Stern, Andrew Shipman, Christina Slumbeck, Mary Thomas, Michael Thomas,  
23 Walter Turner, Carmen Villalta, Rudy Villalta, Stan Washington, Jim Warden,  
24 Andrew West, Leticia Williams, and Lacy DuPoi (phonetic).

25 There will also be David Gruber, Helda Becker, Thomas Dillard and

1 Kevin Kelly.

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

3 Mr. Arrascada.

4 MR. ARRASCADA: Thank you, Your Honor.

5 Well, good morning -- afternoon. It seemed like morning but -- I  
6 guess we could all say just everything they said and sit down, but I won't do  
7 that. My name is John Arrascada. I have the great pleasure of being here  
8 today with my co-counsel, Christopher Adams, and our client is Luis Hidalgo III.  
9 He will probably be referred to throughout the trial --

10 Go ahead and sit down, Lu.

11 -- as Little Lu so we don't have any confusion. And one thing we  
12 all need to focus here today is that although we're sitting behind his father, this  
13 is a separate case, and we need to be able to keep everybody's minds separate  
14 between Luis Hidalgo Jr., and Luis Hidalgo III.

15 Again, I'm not going to speak about the prosecution's case, but I  
16 will tell you as far as Luis Hidalgo III is concerned the evidence you'll hear in  
17 this case is that he did not plan this event. He did not participate in this event,  
18 and he did not pay for anything that occurred.

19 And as far as our witnesses are concerned, I will sit down quickly  
20 and just tell you every witness I can think of in this case has already been  
21 named either by the State or by Mr. Gentile.

22 Thank you.

23 THE COURT: All right. Thank you, Mr. Arrascada.

24 Ladies and gentlemen, our court clerk, Ms. Husted, will now call the  
25 roll of the panel of prospective jurors. When your name is called, please answer

1 present or here.

2 Ms. Husted.

3 THE CLERK: Yes, Your Honor.

4 Badge 1, Fatima Espino.

5 PROSPECTIVE JUROR NO. 1: Here.

6 THE CLERK: Badge 2, Linda Silber.

7 PROSPECTIVE JUROR NO. 2: Present.

8 THE CLERK: 3, Sharon Bennett.

9 PROSPECTIVE JUROR NO. 3: Present.

10 THE CLERK: 4, Joseph Marcella.

11 PROSPECTIVE JUROR NO. 4: Present.

12 THE CLERK: 6, Sabrina Golmassian.

13 PROSPECTIVE JUROR NO. 6: Present.

14 THE CLERK: 9, Shawn McLaughlin.

15 PROSPECTIVE JUROR NO. 9: Present.

16 THE CLERK: 10, Paula Urbanick.

17 PROSPECTIVE JUROR NO. 10: Present.

18 THE CLERK: 12, Karin Meeker.

19 PROSPECTIVE JUROR NO. 12: Present.

20 THE CLERK: 14, Normita Nunez.

21 PROSPECTIVE JUROR NO. 14: Present.

22 THE CLERK: 15, Scott Wintrip.

23 PROSPECTIVE JUROR NO. 15: Present.

24 THE CLERK: 16, Antoine Williams.

25 PROSPECTIVE JUROR NO. 16: Here.



1 THE CLERK: 17, Kevin Keegan.  
2 PROSPECTIVE JUROR NO. 17: Present.  
3 THE CLERK: 27, Elizabeth Avila.  
4 PROSPECTIVE JUROR NO. 27: Avila, here.  
5 THE CLERK: Avila. Sorry.  
6 28, Andrew Grisnik.  
7 PROSPECTIVE JUROR NO. 28: Present.  
8 THE CLERK: 29, Kamila Persse.  
9 PROSPECTIVE JUROR NO. 29: Present.  
10 THE CLERK: Did I pronounce it right?  
11 PROSPECTIVE JUROR NO. 29: Persse.  
12 THE CLERK: Persse, okay.  
13 30, Steven Avalone.  
14 PROSPECTIVE JUROR NO. 30: Present.  
15 THE CLERK: 32, Antone Cook.  
16 PROSPECTIVE JUROR NO. 32: Present.  
17 THE CLERK: 35, Alicia Jackson.  
18 PROSPECTIVE JUROR NO. 35: Here.  
19 THE CLERK: 36, David Sargent.  
20 PROSPECTIVE JUROR NO. 36: Present.  
21 THE CLERK: 37, Rodger O'Neill.  
22 PROSPECTIVE JUROR NO. 37: Here.  
23 THE CLERK: 38, Emertha Wright.  
24 PROSPECTIVE JUROR NO. 38: Present.  
25 THE CLERK: 39, Michael Freeman.

1 PROSPECTIVE JUROR NO. 39: Here.  
2 THE CLERK: 41, Mark Rogol.  
3 PROSPECTIVE JUROR NO. 41: Present.  
4 THE CLERK: 45, Julieto Vale.  
5 PROSPECTIVE JUROR NO. 45: Here.  
6 THE CLERK: 46, Mark Habersack.  
7 PROSPECTIVE JUROR NO. 46: Here.  
8 THE CLERK: 47, Michael Cannata.  
9 PROSPECTIVE JUROR NO. 47: Present.  
10 THE CLERK: 48, Susan Dendiu.  
11 PROSPECTIVE JUROR NO. 48: Dendiu.  
12 THE CLERK: Dendiu, sorry.  
13 PROSPECTIVE JUROR NO. 48: Here.  
14 THE CLERK: 51, Steven Ricks.  
15 PROSPECTIVE JUROR NO. 51: Present.  
16 THE CLERK: 52, Crystal Decorte.  
17 PROSPECTIVE JUROR NO. 52: Here.  
18 THE CLERK: 54, William Hankins.  
19 PROSPECTIVE JUROR NO. 54: Here.  
20 THE CLERK: 55, Austin --  
21 PROSPECTIVE JUROR NO. 55: Present.  
22 THE CLERK: Say it, please.  
23 PROSPECTIVE JUROR NO. 55: Guerrero.  
24 THE CLERK: Guerrero, I couldn't say it, sorry.  
25 56, Steve Escobedo.

1 PROSPECTIVE JUROR NO. 56: Present.  
2 THE CLERK: 57, Michelle -- Rhonda Michelle Gaddy.  
3 PROSPECTIVE JUROR NO. 57: Present.  
4 THE CLERK: 58, Gina Ryeczyk.  
5 PROSPECTIVE JUROR NO. 58: Present.  
6 THE CLERK: Did I say it right?  
7 PROSPECTIVE JUROR NO. 58: Yeah.  
8 THE CLERK: Thank you. 59, Myriam Lazo.  
9 PROSPECTIVE JUROR NO. 59: Here.  
10 THE CLERK: 61, Patricia Lopez.  
11 PROSPECTIVE JUROR NO. 61: Here.  
12 THE CLERK: 64, Gregory Yancey.  
13 PROSPECTIVE JUROR NO. 64: Here.  
14 THE CLERK: 65, Kris Dane.  
15 PROSPECTIVE JUROR NO. 65: Present.  
16 THE CLERK: 68, Judy Roscoe.  
17 PROSPECTIVE JUROR NO. 66: It's 66, yes, Judy Roscoe.  
18 THE CLERK: 66, I'm sorry.  
19 67, David K. Wallace.  
20 PROSPECTIVE JUROR NO. 67: Here.  
21 THE CLERK: 68, Kelly Dietz.  
22 PROSPECTIVE JUROR NO. 68: Here.  
23 THE CLERK: 69, Sharon Garhardt.  
24 PROSPECTIVE JUROR NO. 69: Present.  
25 THE CLERK: 70, Anne Bonds.

1 PROSPECTIVE JUROR NO. 70: Present.  
2 THE CLERK: 71, Shea Palluck.  
3 PROSPECTIVE JUROR NO. 71: Here.  
4 THE CLERK: Yes?  
5 PROSPECTIVE JUROR NO. 71: Yes.  
6 THE CLERK: Okay. 75, Kelli Woodland.  
7 PROSPECTIVE JUROR NO. 75: Here.  
8 THE CLERK: 77, Rocio Gaska.  
9 PROSPECTIVE JUROR NO. 77: Here.  
10 THE CLERK: 78, Howard Choi.  
11 PROSPECTIVE JUROR NO. 78: Here.  
12 THE CLERK: 79, Jim E Matthews II.  
13 PROSPECTIVE JUROR NO. 79: Here.  
14 THE CLERK: 80, Adriana Gamino.  
15 PROSPECTIVE JUROR NO. 80: Here.  
16 THE CLERK: 84, Guadalupe McRoy.  
17 PROSPECTIVE JUROR NO. 84: Present.  
18 THE CLERK: 86, James Denino.  
19 PROSPECTIVE JUROR NO. 86: Here.  
20 THE CLERK: 87, Paul S Adkins.  
21 PROSPECTIVE JUROR NO. 87: Here.  
22 THE CLERK: 88, Angela Olney.  
23 PROSPECTIVE JUROR NO. 88: Here.  
24 THE CLERK: 89, Kenneth D. Patterson.  
25 PROSPECTIVE JUROR NO. 89: Here.

1 THE CLERK: 90, Nicole U. Pezza.

2 PROSPECTIVE JUROR NO. 90: Present.

3 THE CLERK: 92, Christopher Lemke.

4 PROSPECTIVE JUROR NO. 92: Present.

5 THE CLERK: 93, Gary Urgola.

6 PROSPECTIVE JUROR NO. 93: Here.

7 THE CLERK: 94, D'Ann Sas.

8 PROSPECTIVE JUROR NO. 94: Yes, here.

9 THE CLERK: 95, Larry Klimes.

10 PROSPECTIVE JUROR NO. 95: Here.

11 THE CLERK: and 97, Ray Cordova.

12 PROSPECTIVE JUROR NO. 97: Here.

13 THE COURT: Is there anyone whose name was not called?

14 All right, ladies and gentlemen, the questioning of the jury at the  
15 beginning of the case is done under oath. The clerk will now administer the  
16 oath to the panel of prospective jurors. If everyone could please rise.

17 (Jury panel sworn.)

18 THE COURT: Ladies and gentlemen, we are about to commence  
19 examination of prospective jurors in this case. During this process, you will be  
20 asked questions bearing on your ability to sit as fair and impartial jurors. The  
21 Court, the lawyers, the parties and everyone involved in this case are all deeply  
22 interested in having this matter tried by a jury composed of 14 open-minded  
23 people who have no bias or prejudice toward or against either side.

24 In order for us to accomplish this, it is necessary for me to ask you  
25 some questions. The attorneys will also be given the opportunity to ask you

1 questions. It is not our desire to pry unnecessarily into your personal lives;  
2 although the questioning can at times become quite personal. Please know that  
3 our only objective is to ascertain whether there is any reason why any of you  
4 cannot sit as a completely fair and impartial juror in this case.

5 It is important that you know the significance of full, complete and  
6 honest answers to all of the questions we are about to ask you. I caution you  
7 not to try to hide or withhold anything which could indicate bias or prejudice of  
8 any sort by any of you.

9 I'm going to conduct a general examination of all of you, that's the  
10 14 individuals in the jury box as well as the men and women seated out in the  
11 audience. Following that, I'm going to be asking more specific questions of the  
12 men and women in the jury box which will be followed up by questioning from  
13 the attorneys.

14 At some point during the process of selecting a jury, the attorneys  
15 for both sides have a right to ask that a particular person not serve as a juror.  
16 These are called challenges. There are two types of challenges, challenges for  
17 cause and peremptory challenges.

18 A challenge cause means that someone has indicated in his or her  
19 answer that he or she would have a difficult time sitting on this type of a jury.  
20 Both sides are given nine peremptory challenges which may be exercised for  
21 any reason. Should you be excused pursuant to one of these types of  
22 challenges, please do not be offended. They are simply part of the process  
23 designed to ensure that both sides have a completely fair and impartial jury.  
24 Additionally, there are 24 district court departments in this building -- now  
25 there's 25 -- all of which have jury trials going on. So should you be unable to

1 serve on this type of a jury there may be a civil case, a real estate dispute or  
2 something like that that you would be better suited to serve on.

3 Now, if you wish to respond to any of my questions in the  
4 affirmative, please raise your hand, and when I call on you, please stand and  
5 state your name and your badge number for the record.

6 All right. Is there anyone who is acquainted with either of the  
7 Deputy District Attorneys, either Mr. Marc DiGiacomo or Mr. Giancarlo Pesci?

8 All right. No one.

9 Is there anyone who believes they may be acquainted with either of  
10 the defendants, either Mr. Luis --

11 I'm sorry, did I see a hand? No.

12 -- either Mr. Luis Hidalgo Jr., or Mr. Luis Hidalgo III?

13 Is there anyone who believes they may be acquainted with Mr.  
14 Hidalgo Jr.'s attorneys either Mr. Gentile or Ms. Armeni?

15 Yes, ma'am. Please stand and state your name and badge number  
16 for me.

17 PROSPECTIVE JUROR NO. 66: Judy Roscoe, No. 66. I know Mr.  
18 Gentile. I was involved with Mr. Lovell's case.

19 MR. GENTILE: I actually cross-examined her.

20 PROSPECTIVE JUROR NO. 66: Yes.

21 THE COURT: Okay. So you were a witness for the State in a case that  
22 Mr. Gentile was an attorney on?

23 PROSPECTIVE JUROR NO. 66: That's correct.

24 THE COURT: All right. And has your only contact with Mr. Gentile been  
25 in the courtroom in connection with that case?

1 PROSPECTIVE JUROR NO. 66: He also represented my son Darrin  
2 Roscoe many years ago.

3 THE COURT: Okay. And the case in which you were a witness, how  
4 long ago was that?

5 PROSPECTIVE JUROR NO. 66: How long ago, Mr. Gentile?

6 THE COURT: I guess I could have just asked him if you don't remember.

7 MR. GENTILE: Not for nothing, you know, but this is going to give away  
8 my age. It was 1988.

9 THE COURT: All right. Thank you, ma'am. Have a seat for right now.

10 Is there anyone else who believes they may be acquainted with  
11 either Mr. Gentile or Ms. Armeni?

12 Is there anyone who believes they may be acquainted with either of  
13 Mr. Hidalgo III's attorney, either Mr. Arrascada or Mr. Adams?

14 All right, no one.

15 Is there anyone who believes they may be acquainted with any of  
16 the attorneys who work at Gordon and Silver whose names were read by Mr.  
17 Gentile?

18 Two in the box. We'll start with the lady in the gray sweater.

19 PROSPECTIVE JUROR NO. 2: Hi, Linda Silber, and I believe that Jeff  
20 Silver is a resident at the community in which I live and is a club member at the  
21 club that I belong to.

22 THE COURT: Okay. And now, is it just that you recognize Mr. Silver's  
23 name, or do you think you know this person personally?

24 PROSPECTIVE JUROR NO. 2: I've seen him and I recognize the name.  
25 Of course, it's a common name, but.



1 THE COURT: And this would be like a golf county club type situation?

2 PROSPECTIVE JUROR NO. 2: Yes.

3 THE COURT: All right. But other than maybe seeing him at the  
4 clubhouse you haven't had any contact with him; is that fair?

5 PROSPECTIVE JUROR NO. 2: Fair.

6 THE COURT: Okay. Thank you. Have a seat.

7 And the lady in yellow, yes.

8 PROSPECTIVE JUROR NO. 3: Sharon Bennett, Badge No. 3. I do have  
9 acquaintance with several of the attorneys from your firm. I process worker's  
10 compensation claims, especially Leigh Davis.

11 THE COURT: I'm sorry, B. Davis?

12 PROSPECTIVE JUROR NO. 3: Leigh.

13 MR. GENTILE: Leigh, and that's by the way, it's L-e-i-g-h. It's not the  
14 common spelling.

15 THE COURT: Thank you.

16 So the attorney Leigh Davis you're familiar with that attorney  
17 through your processing worker's compensation claims?

18 PROSPECTIVE JUROR NO. 3: Yes.

19 THE COURT: All right. And you work for the State of Nevada?

20 PROSPECTIVE JUROR NO. 3: Employer's Insurance Company.

21 THE COURT: And have you ever had any direct contact -- is it a -- I'm  
22 assuming it's a woman, Ms. Davis?

23 MR. GENTILE: She is, yes.

24 THE COURT: Have you ever had any contact with Ms. Davis, or is it  
25 more you see her name in connection with case files or pleadings or that sort of

1 thing?

2 PROSPECTIVE JUROR NO. 3: Well, over the past several years, I've  
3 actually attended cases. So it's not on a personal level, but I have been in the  
4 background at cases.

5 THE COURT: Okay. Other than seeing her presenting cases, have you  
6 had any direct contact with her?

7 PROSPECTIVE JUROR NO. 3: No.

8 THE COURT: So you don't have any kind of personal relationship or  
9 anything like that?

10 PROSPECTIVE JUROR NO. 3: No.

11 THE COURT: Anything about that relationship that would impact your  
12 ability to be fair to both sides in this case?

13 PROSPECTIVE JUROR NO. 3: No.

14 THE COURT: All right. Have a seat.

15 Anyone else who knows any of the lawyers at Gordon and Silver  
16 whose names were read by Mr. Gentile?

17 Is there anyone who believes that they're acquainted with any  
18 employees of the Clark County District Attorney's office?

19 Yes, sir, in the wine colored.

20 PROSPECTIVE JUROR NO. 46: Mark Habersack, Badge 46.

21 THE COURT: Yes, sir.

22 PROSPECTIVE JUROR NO. 46: I work closely with Lee Thomson,  
23 District Attorney at the Clark County District Attorney's office.

24 THE COURT: Is Lee Thomson in the civil division; do you know?

25 PROSPECTIVE JUROR NO. 46: I'm not sure exactly what he does. He

1 works with us at the airport on insurance and liability claims, bodily injury.

2 THE COURT: Okay. I'm assuming he's in the civil division then. And  
3 let me just cut ahead. You work at the airport?

4 PROSPECTIVE JUROR NO. 46: I'm a risk manager for the Clark County  
5 Department of Aviation. I file their reports.

6 THE COURT: Okay. And so I'm assuming any time anybody gets  
7 injured or there's an issue like that, you would be the person involved in dealing  
8 with county -- the County's attorney?

9 PROSPECTIVE JUROR NO. 46: Yes, Your Honor, I'm involved.

10 THE COURT: Okay. Other than Lee Thomson who may be handling  
11 these types of cases at the DA's office, are you familiar with any other lawyers  
12 at the DA's office?

13 PROSPECTIVE JUROR NO. 46: Not that I know of.

14 THE COURT: All right, sir. Thank you. Have a seat for right now.

15 Anyone else who believes they may be acquainted with any  
16 employees of the Clark County District Attorney's office?

17 All right.

18 MR. GENTILE: Your Honor.

19 PROSPECTIVE JUROR NO. 4: Frank Ponticello. I'm Joseph Marcella,  
20 Badge No. 4, and Frank Ponticello.

21 THE COURT: And how is it that you know Mr. Ponticello?

22 PROSPECTIVE JUROR NO. 4: Just a personal friend.

23 THE COURT: All right. And is he a close friend or?

24 PROSPECTIVE JUROR NO. 4: Very close.

25 THE COURT: Very close. Okay. Anything about that relationship that

1 would impact your ability to be fair to both sides in this case?

2 PROSPECTIVE JUROR NO. 4: I wouldn't think so.

3 THE COURT: All right. And you haven't had any -- well, have a seat for  
4 right now?

5 Anyone else?

6 Is there anyone who believes they may be acquainted with any of  
7 the witnesses whose names were read by Mr. DiGiacomo the Deputy District  
8 Attorney?

9 All right. I see one hand. Yes, the gentleman in the black jacket.

10 PROSPECTIVE JUROR NO. 37: Yes, I know Peter Iliades (Phonetic).

11 THE COURT: Okay. And your badge number, please, sir, and your  
12 name.

13 PROSPECTIVE JUROR NO. 37: I'm sorry. Rodger O'Neill, 37.

14 THE COURT: And how is it that you know Mr. Iliades?

15 PROSPECTIVE JUROR NO. 37: Mr. Iliades is a principal and the owner of  
16 the Olympic Gardens, and I manage a motel right over there.

17 THE COURT: Okay. So you're the manager of a motel that's located in  
18 close proximity to --

19 PROSPECTIVE JUROR NO. 37: Close proximity -- I was. The motel no  
20 longer exists, and the job no longer exists.

21 THE COURT: Okay. And did you know Mr. Iliades well, or you just kind  
22 of saw him occasionally, or what was your relationship?

23 PROSPECTIVE JUROR NO. 37: Well, a little more than casually. I  
24 wouldn't say well, but it would be Peter, Rodger.

25 THE COURT: Okay. Did you ever socialize with him or anything like

1 that?

2 PROSPECTIVE JUROR NO. 37: No.

3 THE COURT: Okay. And did he ever talk to you about anything in -- I  
4 mean, do you have any idea why he's a witness in this case? Do you know  
5 anything about it?

6 PROSPECTIVE JUROR NO. 37: Well, no. I know that -- I know the  
7 business he's in, and I know the business the gentlemen here were in.

8 THE COURT: Okay. Based on what was told to you?

9 PROSPECTIVE JUROR NO. 37: Pardon me?

10 THE COURT: Based on what you heard the DA say?

11 PROSPECTIVE JUROR NO. 37: Yeah.

12 THE COURT: All right, sir. Thank you. Have a seat for right now.

13 Anyone else who believes they may know any of the witnesses  
14 whose names were read by the Deputy District Attorney?

15 The gentleman in the blue.

16 PROSPECTIVE JUROR NO. 17: Kevin Keegan, Badge 17. There was a  
17 Michael Brown named. I have a very good acquaintance named Michael Brown,  
18 but I'm sure it's not the same.

19 THE COURT: Okay. Let me just -- the Michael Brown that you know,  
20 what does he do for a living?

21 PROSPECTIVE JUROR NO. 17: He's a distributor of Arnold machinery.

22 THE COURT: Okay. And about how old is that Michael Brown?

23 PROSPECTIVE JUROR NO. 17: 58.

24 THE COURT: All right, sir, have a seat for right now. We'll find out if  
25 it's the same person.

1           Anyone else who may know any of the witnesses whose names  
2 were read by the Deputy District Attorney?

3           Yes, the gentleman in the white.

4           PROSPECTIVE JUROR NO. 51: Stephen Ricks, Badge No. 51. The Pete  
5 Iliades, does he -- I don't know if he's the same owner of Yellow, Checker, Star  
6 Cab company which owns Olympic Gardens who my father has worked for for  
7 several years who I have worked for, James Burton and Pete Iliades.

8           THE COURT: Okay. At Yellow, Checker, Star Cab?

9           PROSPECTIVE JUROR NO. 51: Yeah, Checker, Star Cab.

10          THE COURT: So you previously worked for them?

11          PROSPECTIVE JUROR NO. 51: Yes.

12          THE COURT: Okay. And what did you do?

13          PROSPECTIVE JUROR NO. 51: I was a TA safety inspector. I got the  
14 cabs ready for the TA actually to come and inspect them.

15          THE COURT: Okay. And is that the Transportation Authority -- Taxicab  
16 Authority?

17          PROSPECTIVE JUROR NO. 51: I'm sorry?

18          THE COURT: TA is the Taxicab Authority?

19          PROSPECTIVE JUROR NO. 51: Yes, ma'am.

20          THE COURT: And then your father, you said he was an employee.  
21 What did your father do?

22          PROSPECTIVE JUROR NO. 51: My father is the general manager for  
23 that company. He's been there for 36 years.

24          THE COURT: Okay. So fair to say that your father knows Mr. Iliades  
25 fairly well?

1 PROSPECTIVE JUROR NO. 51: Yes.

2 THE COURT: Okay. And then what about you, do you know him well  
3 or?

4 PROSPECTIVE JUROR NO. 51: I've only spoke with him a few times  
5 when he's had me do special projects for the property. In fact, I was a  
6 teenager then.

7 THE COURT: Okay. Through your father -- does your father socialize  
8 with Mr. Iliades; do you know?

9 PROSPECTIVE JUROR NO. 51: Only for events or training or when  
10 there's company changes and they have meetings.

11 THE COURT: Okay. And -- just to clarify, your father is still an  
12 employee; is that right?

13 PROSPECTIVE JUROR NO. 51: Yes.

14 THE COURT: All right. Thank you, sir. Have a seat for right now.

15 Anyone else who knows the witnesses the State's --

16 Yes, the gentleman in the --

17 PROSPECTIVE JUROR NO. 41: 41, Mark Rogol. I worked for Yellow,  
18 Checker, Star about six or seven years ago.

19 THE COURT: Did you ever have any contact directly with Mr. Iliades?

20 PROSPECTIVE JUROR NO. 41: I only heard the name.

21 THE COURT: I'm sorry?

22 PROSPECTIVE JUROR NO. 41: I only heard the name.

23 THE COURT: Okay. So you didn't know him personally?

24 PROSPECTIVE JUROR NO. 41: No. I also spent about a year and a half  
25 in law school and worked as a law clerk.

1 THE COURT: Okay. We'll follow up on that a little bit later. We'll get  
2 there.

3 And that's it, I guess, for witnesses the State read.

4 Let's go to the witnesses whose names were read by Mr. Gentile.  
5 Is there anyone who believes they may be acquainted with any of the witnesses  
6 whose names were read by Mr. Gentile?

7 Yes.

8 PROSPECTIVE JUROR NO. 28: Yeah, Andrew Grisnik, Badge 28. If it's  
9 the same Kevin Kelly that's in the same type of business, I know him.

10 THE COURT: From which business?

11 PROSPECTIVE JUROR NO. 28: The same type of club, the Palomino,  
12 he's in another club.

13 THE COURT: Okay. So you know a Mr. Kelly as being --

14 PROSPECTIVE JUROR NO. 28: Yes, I do.

15 THE COURT: And how is it that you know that Mr. Kelly?

16 PROSPECTIVE JUROR NO. 28: I work as an executive at one of the  
17 major hotels and take customers over to the club once in a while.

18 THE COURT: Okay. Do you know Mr. Kelly personally, or is it more  
19 that you're familiar with his name?

20 PROSPECTIVE JUROR NO. 28: Causally know him.

21 THE COURT: Okay. Do you have a business, a direct business  
22 relationship with him, or is it more you just bring customers to the --

23 PROSPECTIVE JUROR NO. 28: Bring customers over.

24 THE COURT: Okay. All right. Have you ever had any business  
25 transaction with Mr. Kelly?



1 PROSPECTIVE JUROR NO. 28: No.  
2 THE COURT: Any social interaction?  
3 PROSPECTIVE JUROR NO. 28: No.  
4 THE COURT: So you more just recognize him as the owner?  
5 PROSPECTIVE JUROR NO. 28: He comes over and says, Hi, thanks for  
6 bringing people over.  
7 THE COURT: And, sir, where do you work?  
8 PROSPECTIVE JUROR NO. 28: Venetian.  
9 THE COURT: All right. Thank you. Are you a host?  
10 PROSPECTIVE JUROR NO. 28: Yes.  
11 THE COURT: Yes, sir, in the black jacket.  
12 PROSPECTIVE JUROR NO. 32: Antone Cook, Badge 32. I know a Nick  
13 D. Simone. I don't know if it's the same one.  
14 THE COURT: And the Nick D. Simone that you know, what does he do  
15 for a living?  
16 PROSPECTIVE JUROR NO. 32: He has a pizza bar.  
17 THE COURT: And how is it that you know that Nick D. Simone?  
18 PROSPECTIVE JUROR NO. 32: Him and I were in the same business for  
19 many, many years, and he's now my neighbor.  
20 THE COURT: Okay. And what business was that?  
21 PROSPECTIVE JUROR NO. 32: Gaming business.  
22 THE COURT: Okay. Did you work together, or was it more you were in  
23 one gaming business and he was in another?  
24 PROSPECTIVE JUROR NO. 32: No, he was in one club and I was in  
25 another.

1 THE COURT: Okay. And what club did Mr. Nick D. Simone have?

2 PROSPECTIVE JUROR NO. 32: I don't know.

3 THE COURT: What club did you have?

4 PROSPECTIVE JUROR NO. 32: Oh, I was just many places, Caesar's  
5 Palace, the Horseshoe.

6 THE COURT: Okay. Have a seat for right now.

7 Anyone else who believes they may know any of the witnesses  
8 whose names were read by Mr. Gentile?

9 All right. Is there anyone who believes they may have read, seen,  
10 or heard anything about this case prior to coming into court today?

11 All right. The lady in the front row in the black sweater.

12 PROSPECTIVE JUROR NO. 10: Paula Urbanick, No. 10. Reading about  
13 it in the newspaper.

14 THE COURT: Okay. You believe you read about it in the newspaper?

15 PROSPECTIVE JUROR NO. 10: (Nodded.)

16 THE COURT: Is that yes for the record?

17 PROSPECTIVE JUROR NO. 10: Yes.

18 THE COURT: And what newspaper do you believe that was?

19 PROSPECTIVE JUROR NO. 10: Review Journal.

20 THE COURT: Okay. And how long ago -- don't tell me what you saw or  
21 read. How long ago do you think you may have read something about this  
22 case?

23 PROSPECTIVE JUROR NO. 10: When it broke the news.

24 THE COURT: Okay. So it wasn't recent? It would have been a while  
25 ago?

1 PROSPECTIVE JUROR NO. 10: No.

2 THE COURT: Okay. All right. Thank you. Have a seat for right now.

3 And did I see any other hands in the jury box?

4 Yes, the gentleman in the white.

5 PROSPECTIVE JUROR NO. 28: Yeah, I -- badge 28. I read it when it  
6 broke the news. Because I do take customers to the clubs I kinda followed the  
7 story close.

8 THE COURT: And was that in the newspaper you followed the story?

9 PROSPECTIVE JUROR NO. 28: Yeah, the RJ.

10 THE COURT: In the RJ?

11 PROSPECTIVE JUROR NO. 28: Yes.

12 THE COURT: All right, thank you, sir.

13 And the lady next to you. Yes, ma'am.

14 PROSPECTIVE JUROR NO. 27: My name is Elizabeth Avila, Badge 28 --

15 THE COURT: I think that's badge 27.

16 PROSPECTIVE JUROR NO. 27: 27, sorry. I'm a dispatcher for  
17 Whittlesea Henderson. I've been in the business for seven years.

18 THE COURT: Okay. And where do you think you may have heard  
19 something about this case?

20 PROSPECTIVE JUROR NO. 27: Throughout the company with the  
21 drivers.

22 THE COURT: Okay. With the drivers?

23 PROSPECTIVE JUROR NO. 27: Uh-huh.

24 THE COURT: Okay. And that would just be sort of -- don't tell me what  
25 was said -- but kind of talk in the workplace, kind of scuttlebutt-type thing?

1 PROSPECTIVE JUROR NO. 27: Yes.

2 THE COURT: All right. Have a seat for right now.

3 And I think that's it for the jury box. I saw a couple of hands on  
4 this side of the room, people who think they may have heard about this case  
5 prior to coming into court.

6 Yes, the gentleman in the black jacket.

7 PROSPECTIVE JUROR NO. 37: Rodger O'Neill, 37.

8 THE COURT: Yes.

9 PROSPECTIVE JUROR NO. 37: I saw it in the paper over a year ago or  
10 about a year ago, and was aware of it because of the long -- long-time  
11 bartender at the Palomino who I only know by first name.

12 THE COURT: Now, the long-time bartender, what is his first name?

13 PROSPECTIVE JUROR NO. 37: Mike.

14 THE COURT: Okay. And is that someone you know as a bartender at  
15 either the Palomino or another location?

16 PROSPECTIVE JUROR NO. 37: I know him as a manager of a Dotty's,  
17 of a Dotty's Casino.

18 THE COURT: Okay. Thank you, sir. Have a seat for right now.

19 And on that side of the room, did I see any other hands?

20 Yes, the gentleman in the brown in the back row.

21 PROSPECTIVE JUROR NO. 79: 79, Jim Matthews. I read it in the  
22 newspaper, RJ.

23 THE COURT: And, sir, about was that -- about how long ago do you  
24 recall seeing something?

25 PROSPECTIVE JUROR NO. 79: It's been, I would say, seven months,

1 something like that.

2 THE COURT: All right. Other than reading about it in the RJ, do you  
3 recall hearing or seeing anything else about this case?

4 PROSPECTIVE JUROR NO. 79: No.

5 THE COURT: All right, thank you, sir. Have a seat for right now.

6 Anyone else on that side of the room?

7 All right. Turning to this side of the room, is there anyone who  
8 thinks they may have read, seen, or heard anything about this case?

9 Yes, the gentleman in the wine color. You like that, don't you?

10 PROSPECTIVE JUROR NO. 46: I do.

11 THE COURT: The Merlot shirt.

12 PROSPECTIVE JUROR NO. 46: There we go. Mark Habaersack, Badge  
13 No. 46. I also read it in the RJ between seven months and a year ago that I  
14 read that.

15 THE COURT: Okay. And do you think you just saw one article? More  
16 than one article?

17 PROSPECTIVE JUROR NO. 46: I may have seen more.

18 THE COURT: Okay. You just recall one?

19 PROSPECTIVE JUROR NO. 46: I recall reading it. I really didn't study it  
20 that closely.

21 THE COURT: All right. Thank you.

22 And I saw a hand in the second row. Yes, the lady in the looks like  
23 black.

24 PROSPECTIVE JUROR NO. 69: It's all different colors, navy blue.

25 Sharon Garhardt, 69. I do recall reading it in the newspaper, in the

1 RJ. I think a couple of articles but I don't remember much.

2 THE COURT: And about how long ago if you know?

3 PROSPECTIVE JUROR NO. 69: Eight months to a year. I truly don't  
4 remember.

5 THE COURT: Okay. Thank you. Have a seat for right now.

6 Anyone else on that side of the room who thinks they may have  
7 read, seen, or heard anything about this case prior to coming into court today?

8 All right. This case is expected to last until next Friday, which  
9 would be February 6<sup>th</sup>. I know that sounds like a long period of time and a  
10 great inconvenience. Please know that in the spectrum of jury trials that is not  
11 a terribly long trial. Some of you may have watched television and seen some  
12 of the coverage on some of the high-profile trials that we've had in our  
13 jurisdiction, and you know that those can take weeks if not months to try.  
14 Also, we have a number of construction defect and other types of trials in this  
15 community that take months. So while that seems like a long time, it really is  
16 not.

17 I have both as a lawyer and as a judge spoken to literally thousands  
18 of people who have served as jurors, and I can tell you nearly to a person once  
19 they serve they are very glad they served, and they find it to be a very  
20 interesting and rewarding experience.

21 Unfortunately, my experience on the front end is that many people  
22 do not want to serve as jurors and find it to be a great inconvenience. I wish I  
23 had a room full of 60 people who were excited about the prospect of serving on  
24 a jury, but that has not been my experience.

25 It is my job to make sure that we have a good cross-section of our

1 community here and that we have enough people present in the room so that  
2 both sides can fully exercise all of their challenges and can be assured of having  
3 a completely fair and impartial jury. I cannot excuse everyone simply because  
4 it's an inconvenience. We live in a community where many, many people work  
5 in the service industry. Many people work in the casino business and other  
6 industries where they don't get paid if they are not going to be at work. I  
7 simply cannot excuse everyone because they're going to be missing their wages  
8 because if I did that, about 75 percent of you would get up and walk out of the  
9 room. So be mindful of all of that before you raise your hand for the next  
10 question I'm about to ask.

11           Is there anyone for whom serving this week and into possibly to the  
12 end of next week -- may finish a little bit sooner -- but possibly to the end of  
13 next week, is there anyone for whom that would constitute an extreme and  
14 undue hardship?

15           All right. We'll start with the lady in chair No. 2 in the gray  
16 sweater. Yes.

17           PROSPECTIVE JUROR NO. 2: I'm involved in the entertainment field,  
18 and my husband's van is flying in from Chicago. They're doing a show at the  
19 end of next week. It's like a once every year occurrence. It can't be  
20 rescheduled, and I'm in charge of it.

21           THE COURT: All right. And you may be eligible to be excused, but then  
22 you'll have to come back for service at another time. When is your husband --  
23 you said he's performing when?

24           PROSPECTIVE JUROR NO. 2: The show is February 6<sup>th</sup>, and then  
25 there's a private party on February 7<sup>th</sup>.

1 THE COURT: Okay. And then is the show at night?

2 PROSPECTIVE JUROR NO. 2: Yes, but it starts early and on the other  
3 side of --

4 THE COURT: Okay. So as long as you can attend the show on February  
5 6<sup>th</sup>, you would be okay with serving?

6 PROSPECTIVE JUROR NO. 2: Yes, but prior to when he starts  
7 performing.

8 THE COURT: Okay. And what time would you need to leave on  
9 February 6<sup>th</sup>?

10 PROSPECTIVE JUROR NO. 2: Probably 2 or 3 in the afternoon.

11 THE COURT: Okay. And as long as we can accommodate that, you're  
12 fine with doing jury service?

13 PROSPECTIVE JUROR NO. 2: Yes.

14 THE COURT: All right. Thank you, ma'am.

15 And I saw a couple of other hands. Yes, the lady looks like taupe  
16 or beige. Yes, you.

17 PROSPECTIVE JUROR NO. 12: Karin Meeker, No. 12.

18 THE COURT: Yes, ma'am.

19 PROSPECTIVE JUROR NO. 12: Yes. I'm a full-time student in my last  
20 semester, and I have a full load of classes plus I'm trying to schedule three  
21 practicums.

22 THE COURT: Okay. And are you a student at UNLV?

23 PROSPECTIVE JUROR NO. 12: No, CSN.

24 THE COURT: Okay. And what are you studying?

25 PROSPECTIVE JUROR NO. 12: Health Information Technology.



1 THE COURT: And a practicum is what?

2 PROSPECTIVE JUROR NO. 12: It's when you go out to health care

3 sites, and I've got three of them scheduled as part of my class studies.

4 THE COURT: Okay. And when are those scheduled for?

5 PROSPECTIVE JUROR NO. 12: Well, they're on hold.

6 THE COURT: Because your school does have to excuse you and allow

7 you to make up the work for jury service.

8 PROSPECTIVE JUROR NO. 12: Oh, okay. I just want to make sure I

9 graduate in May. I've been at this for three years.

10 THE COURT: Yeah, they are required to let you do that. All right.

11 Thank you. Have a seat.

12 And the lady in the white jacket.

13 PROSPECTIVE JUROR NO. 14: Normita Nunez, Badge 14.

14 THE COURT: Yes.

15 PROSPECTIVE JUROR NO. 14: My husband is the one who drives for

16 me, and he takes care of his brother.

17 THE COURT: Okay. So your husband had to drive you here?

18 PROSPECTIVE JUROR NO. 14: Yes.

19 THE COURT: Okay. And he did that for you today?

20 PROSPECTIVE JUROR NO. 14: Uh-huh.

21 THE COURT: And does your husband work outside of the home?

22 PROSPECTIVE JUROR NO. 14: No.

23 THE COURT: Okay. And then with respect to his brother, he takes care

24 of his brother?

25 PROSPECTIVE JUROR NO. 14: Uh-huh.

1 THE COURT: Is that yes for the record?

2 PROSPECTIVE JUROR NO. 14: Yes.

3 THE COURT: And then how did he get you here today? Did he bring  
4 the brother with him or?

5 PROSPECTIVE JUROR NO. 14: No, my daughter and my son is at  
6 home.

7 THE COURT: Okay. So your daughter and your son are looking after  
8 your husband's brother?

9 PROSPECTIVE JUROR NO. 14: Yeah. If my husband's not home, but  
10 my daughter and my son they are not getting along when we -- with the  
11 brother.

12 THE COURT: Does your husband work out of the home at all? Does he  
13 have a job?

14 PROSPECTIVE JUROR NO. 14: He's retired.

15 THE COURT: He's retired?

16 PROSPECTIVE JUROR NO. 14: Yes.

17 THE COURT: All right. Have a seat for right now?

18 And anyone else in the box? Yes, Ms. Avila.

19 PROSPECTIVE JUROR NO. 27: Yes, 27. I have to move out of my  
20 residence due to a break-in that just occurred, and I've been really focusing on  
21 that.

22 THE COURT: Okay. Are you scheduled to move out, or is it more that  
23 you're looking for a place to move?

24 PROSPECTIVE JUROR NO. 27: It's already scheduled.

25 THE COURT: For when?

1 PROSPECTIVE JUROR NO. 27: Not until Thursday.

2 THE COURT: All right. Thank you.

3 And I saw a couple hands on this side of the room. Yes, the lady in  
4 the corner in the turtleneck.

5 PROSPECTIVE JUROR NO. 29: I have some personal --

6 THE COURT: Your name and badge number, please.

7 PROSPECTIVE JUROR NO. 29: It's 29, Kamila Persse.

8 THE COURT: And again, I don't mean to pry but of what nature are the  
9 personal problems?

10 PROSPECTIVE JUROR NO. 29: My husband took off with my son.

11 THE COURT: Do you have a court case pending or?

12 PROSPECTIVE JUROR NO. 29: No, it just happened two days ago.

13 THE COURT: Okay. Have a seat for right now.

14 And that was it for the front row. I see the gentleman in the  
15 second row.

16 PROSPECTIVE JUROR NO. 54: Yes, I have no transportation. I have to  
17 ride the bus here.

18 THE COURT: All right. Sir, your name and badge number, please.

19 PROSPECTIVE JUROR NO. 54: Excuse me.

20 THE COURT: Your name and badge number, please.

21 PROSPECTIVE JUROR NO. 54: Badge No. 84. My name is Bill Hankins.

22 THE COURT: Can you check your badge again. You're not Badge No.  
23 84.

24 MR. ADAMS: Number 54.

25 THE COURT: I'm sorry. Thank you, Mr. Adams. I misheard that.

1 PROSPECTIVE JUROR NO. 54: 54.

2 THE COURT: All right. And you said you had transportation problems?

3 PROSPECTIVE JUROR NO. 54: Transportation problems, yes, and I have  
4 a sleep disorder. I'm taking some medication that may have some -- may be a  
5 problem.

6 THE COURT: Okay. And do you work, sir? Do you have a job?

7 PROSPECTIVE JUROR NO. 54: I'm disabled.

8 THE COURT: Okay. Have a seat for right now. And what medication  
9 are you on?

10 PROSPECTIVE JUROR NO. 54: Excuse me?

11 THE COURT: What medication are you on?

12 PROSPECTIVE JUROR NO. 54: Cyracril, Diazapan, Paxil.

13 THE COURT: Okay. Have a seat.

14 Anyone else --

15 You can sit down.

16 Anyone else on that side of the room? Yes, the lady with the coat  
17 on. Yes, you, ma'am.

18 PROSPECTIVE JUROR NO. 59: Badge No. 59.

19 THE COURT: And you are Ms. Lazo?

20 PROSPECTIVE JUROR NO. 59: Yes.

21 THE COURT: Yes.

22 PROSPECTIVE JUROR NO. 59: I own a small cleaners, and I'm running  
23 it all by myself, and I have two small kids.

24 THE COURT: You own a small cleaners?

25 PROSPECTIVE JUROR NO. 59: Yes, drycleaner.

1 THE COURT: A drycleaner.  
2 PROSPECTIVE JUROR NO. 59: Yes.  
3 THE COURT: All right. Thank you. Have a seat for right now.  
4 All right. Turning to the third row, the lady in the back corner.  
5 PROSPECTIVE JUROR NO. 71: Badge No. 71, Shea Palluck. I'm a stay-  
6 at-home mom with three kids, and so I have to find daycare. My husband  
7 works 12 hours a day. So I have to make sure my kids get picked up from  
8 school.  
9 THE COURT: How many children do you have and what are their ages?  
10 PROSPECTIVE JUROR NO. 71: I have three boys, 8, 6, and 5.  
11 THE COURT: Okay. And then who's watching your boys today?  
12 PROSPECTIVE JUROR NO. 71: My mom, and she took off today.  
13 THE COURT: And then your husband, what does he do for a living?  
14 PROSPECTIVE JUROR NO. 71: He works at Las Vegas Athletic Clubs.  
15 He's the vice president of operations.  
16 THE COURT: Okay. And do you work outside the home?  
17 Is that no?  
18 PROSPECTIVE JUROR NO. 71: No.  
19 THE COURT: All right. Have a seat for right now.  
20 And I saw a couple other hands on that side of the room. The next  
21 lady in the purple.  
22 PROSPECTIVE JUROR NO. 77: 77.  
23 THE COURT: Yes, ma'am.  
24 PROSPECTIVE JUROR NO. 77: I don't think I'd be able to. I would not  
25 get paid 'cause my husband just started working. He was unemployed for eight

1 months so if I don't get paid I won't be able to pay my bills, and I have my car  
2 registration due and my mortgage.

3 THE COURT: What do you do for a living?

4 PROSPECTIVE JUROR NO. 77: I work for Sierra Health.

5 THE COURT: For Sierra Health. And what do you do for them?

6 PROSPECTIVE JUROR NO. 77: I am a senior rep.

7 THE COURT: Okay. And then what does your husband do?

8 PROSPECTIVE JUROR NO. 77: He actually -- he's a collector right now.  
9 He just started.

10 THE COURT: Does that mean he works in collections?

11 PROSPECTIVE JUROR NO. 77: Yeah.

12 THE COURT: :Like for people who haven't paid their bills?

13 PROSPECTIVE JUROR NO. 77: Right, and that's going to be me if I  
14 don't get paid.

15 THE COURT: Well, at least he won't have to travel far.

16 PROSPECTIVE JUROR NO. 77: Well, I was unemployed for a few  
17 months, two months, so we just kind of started up. So I need to be at work.

18 THE COURT: All right. Thank you. Have a seat.

19 Yes, the gentleman in the glasses.

20 PROSPECTIVE JUROR NO. 78: Yes, my wife she doesn't work so I --

21 THE COURT: Sir, I need your name and badge number.

22 PROSPECTIVE JUROR NO. 78: My name is Howard Choi.

23 THE COURT: Badge 78?

24 PROSPECTIVE JUROR NO. 78: 78.

25 THE COURT: Yes.

1 PROSPECTIVE JUROR NO. 78: My wife, she doesn't work. She just  
2 stay at home. We live just by income so --

3 THE COURT: What do you do for a living, sir?

4 PROSPECTIVE JUROR NO. 78: I work at the restaurant, and we have  
5 actually two other chef, but if I take full unto next week, then they don't have  
6 any day off.

7 THE COURT: Okay. You're a chef at a restaurant?

8 PROSPECTIVE JUROR NO. 78: Yes.

9 THE COURT: And do you work day shift or swing shift?

10 PROSPECTIVE JUROR NO. 78: It's kind of day shift.

11 THE COURT: All right. Thank you, sir.

12 And I saw, yes, the gentleman at the end.

13 PROSPECTIVE JUROR NO. 95: Larry Klimes, Badge No. 95. I own a  
14 self-employed dba repair business, heavy equipment. My business works  
15 mostly at night and sometimes during the day. I don't have nobody else.  
16 There's no other employees.

17 THE COURT: Sir, I'm sorry, what was your badge again?

18 PROSPECTIVE JUROR NO. 95: 95.

19 THE COURT: Thank you. And you own your own business?

20 PROSPECTIVE JUROR NO. 95: Owner, self-employed, own a business  
21 plus I also have a sick wife that can't work.

22 THE COURT: Okay. All right. Have a seat for right now.

23 And did I see any hands on this side of the room. Okay. The  
24 gentleman in the white.

25 PROSPECTIVE JUROR NO. 51: Stephen Ricks, Badge No. 51.

1 THE COURT: Yes, sir.

2 PROSPECTIVE JUROR NO. 51: This is certainly tough times in the  
3 economy. My fiancé lost her job at the Ritz Carlton Lake Las Vegas who will  
4 then be in \$300 million in debt. What the court offers per day as pay in no  
5 way, shape or form compensate for what I earn, and I am currently the only one  
6 working.

7 THE COURT: And what do you do, sir?

8 PROSPECTIVE JUROR NO. 51: I was a glazier for 17 years. I am now  
9 office manager for Globe West Incorporated. I'm the only one working, and if I  
10 were to miss -- missing today no doubt is going to impact me. My boss does  
11 not pay.

12 THE COURT: Okay. Sir, do you have any children?

13 PROSPECTIVE JUROR NO. 51: I have one who is in Florida. I pay \$517  
14 a month.

15 THE COURT: All right. Thank you, sir. Have a seat.

16 PROSPECTIVE JUROR NO. 51: I also have student loans.

17 THE COURT: All right. Thank you, sir.

18 Yes.

19 PROSPECTIVE JUROR NO. 30: Steven Avalone, Badge 30. I'm a single  
20 parent, two kids. As long as I'm out of here by 5 that's all right. I've got to  
21 pick them up from daycare.

22 THE COURT: And just for people who know, we --

23 Have a seat.

24 For those who are chosen, we make sure that people don't -- if  
25 people have to leave by 5 we let them leave by 5 because we recognize that



1 people have to pick up their kids from daycare, or if their children are in a safe  
2 key program, we know that they have to pick them up by a certain time. So as  
3 long as you let me or the bailiff know if you have a scheduling issue like that, I  
4 make sure that we accommodate that, and we won't make you stay past 5.

5 Also, before we get to this side of the room, in terms of start times,  
6 we do not start at 8 a.m. Some days we'll start at 9:30. some days we'll start  
7 at 10:30 or even after lunch. So for those people who may have business  
8 responsibilities, you will most days have some time in the morning to handle  
9 that. And then, like I said, if we need to break by 5 because of people's child  
10 care issues, we do do that.

11 So, yes, the lady in black.

12 PROSPECTIVE JUROR NO. 48: I am employed part time --

13 THE COURT: And your name and badge number is?

14 PROSPECTIVE JUROR NO. 48: 84, no, 48, sorry. And my job does  
15 require a minimum of 20 hours per week for medical benefits. So is it every  
16 day it's over at 5?

17 THE COURT: We can end at 5.

18 PROSPECTIVE JUROR NO. 48: As long as I get my 20 hours a week I  
19 have no problem.

20 THE COURT: And you are Ms. Dendiu?

21 PROSPECTIVE JUROR NO. 48: Yes.

22 THE COURT: All right. So as long as we break by 5 you're fine?

23 PROSPECTIVE JUROR NO. 48: Uh-huh.

24 THE COURT: Okay. That's fine. And then, I believe, the gentleman in  
25 the mustard.

1 PROSPECTIVE JUROR NO. 47: My name is Mike Cannata, and my  
2 badge number is 47, and I am a project manager for a medical business  
3 machine company, and we do medication dispensing machines in hospitals. I  
4 have seven projects going on right now in California and one in Vegas, and in  
5 order for me to make sure those are on time so the State can come in and do  
6 their inspections so they can open their ICU units, et cetera, I need to be on the  
7 site.

8 THE COURT: Okay. How many people -- what company do you work  
9 for?

10 PROSPECTIVE JUROR NO. 47: Cardinal Health.

11 THE COURT: And how many other project managers are there?

12 PROSPECTIVE JUROR NO. 47: Across the state there's quite a few.

13 THE COURT: And how many employees work under you?

14 PROSPECTIVE JUROR NO. 47: Under me I have nine.

15 THE COURT: Okay. Have a seat.

16 The gentleman in the wine.

17 PROSPECTIVE JUROR NO. 46: Mark Habersack, Badge 46. This wasn't  
18 a problem. Next week Thursday and Friday I have carriers coming in from  
19 London and across the country. We're in the middle of our insurance renewal  
20 for construction liability program at the airport.

21 THE COURT: Okay. So you would be able to serve at some point, but  
22 next week is difficult due to some scheduling matters at the airport?

23 PROSPECTIVE JUROR NO. 46: Just that Thursday and Friday.

24 THE COURT: That's fine. Have a seat.

25 Anyone else on that side? Yes, the lady in the black.

1 PROSPECTIVE JUROR NO. 70: Anne Bonds, Badge 70.

2 THE COURT: Yes.

3 PROSPECTIVE JUROR NO. 70: I'm a creative manager for MGM Mirage,  
4 and I'm in a deadline (unintelligible) business, and I have projects lined up for  
5 this week and next week.

6 THE COURT: All right. What do you do for MGM Mirage?

7 PROSPECTIVE JUROR NO. 70: I'm in charge of all the printing projects  
8 for different properties in town.

9 THE COURT: The printing project?

10 PROSPECTIVE JUROR NO. 70: Yeah.

11 THE COURT: And what is that?

12 PROSPECTIVE JUROR NO. 70: We take care of all invitations, signage,  
13 anything that is on paper for different accounts, which is Mirage, Bellagio, MGM  
14 Grand.

15 THE COURT: All right. How many people work in that division?

16 PROSPECTIVE JUROR NO. 70: In the advertising and marketing  
17 department I would say about 80. I'm in the graphic arts department. We are  
18 about 25 graphic artists.

19 THE COURT: So you're one of several graphic artists?

20 PROSPECTIVE JUROR NO. 70: I'm in charge of the accounts. I'm the  
21 manager for (unintelligible).

22 THE COURT: Thank you. Have a seat.

23 And anyone in that second row. Yes, the lady who knows Mr.  
24 Gentile.

25 PROSPECTIVE JUROR NO. 66: Right.

1 THE COURT: And you need to refresh my memory as to your name. I  
2 could just ask Mr. Gentile, but I'll ask you. Your name and badge number?

3 PROSPECTIVE JUROR NO. 66: Judy Roscoe, 66.

4 THE COURT: Yes, ma'am.

5 PROSPECTIVE JUROR NO. 66: I'm in real estate, self-supporting. I  
6 have clients coming in on Friday, and trust me in this market I need the  
7 commission.

8 THE COURT: I was going to say, you know, you have clients coming in  
9 on Friday, that's good. All right. And are these clients in state? out of state?

10 PROSPECTIVE JUROR NO. 66: No, ma'am, they're from Prescott,  
11 Arizona.

12 THE COURT: And do you sell residential, commercial or both?

13 PROSPECTIVE JUROR NO. 66: Primarily residential.

14 THE COURT: All right. Have a seat.

15 Anyone else on the second row?

16 PROSPECTIVE JUROR NO. 64: Badge No. 64.

17 THE COURT: Yes, sir. And you're Mr. Yancy?

18 PROSPECTIVE JUROR NO. 64: Yes.

19 THE COURT: All right.

20 PROSPECTIVE JUROR NO. 64: In my job I've been cut back hours. I've  
21 got a secondary job. My wife doesn't work. It's mandatory that I make all the  
22 money I can, and just as of last night there was a death in the family. So I'm  
23 sure I'll be attending a funeral.

24 THE COURT: And again, I don't mean to pry, but what was the family  
25 relationship to the person who --

1 PROSPECTIVE JUROR NO. 64: It's my son's father-in-law.

2 THE COURT: And what do you do for a living?

3 PROSPECTIVE JUROR NO. 64: I'm a cook.

4 THE COURT: Where do you work?

5 PROSPECTIVE JUROR NO. 64: PT's Pub.

6 THE COURT: And then you said you have a second job?

7 PROSPECTIVE JUROR NO. 64: Yeah. I work for a cleaning service,  
8 which I have to clean every day.

9 THE COURT: And is that night time like cleaning offices at night?

10 PROSPECTIVE JUROR NO. 64: No, it's early mornings, could be  
11 evenings, and my primary job is evenings.

12 THE COURT: Okay. All right, thank you, sir, have a seat for right now.

13 I saw some hands in the back row. We'll start with the lady in  
14 blue.

15 PROSPECTIVE JUROR NO. 88: Hello. My name is Angela, Badge No.

16 88. I'm a single parent, and my daughter right now isn't in school, and I  
17 have no transportation. I was lucky to get my neighbor to drop me off today.  
18 My husband is at work, and he has the car all day. I don't have a license so I  
19 cannot drive or anything. There's nobody home. She doesn't have a house  
20 key.

21 THE COURT: I'm sorry. I thought you said you were a single parent?

22 PROSPECTIVE JUROR NO. 88: I am a single -- oh, sorry.

23 THE COURT: But you have a husband.

24 PROSPECTIVE JUROR NO. 88: I'm not really married to him; I call him  
25 my husband. He's my live-in boyfriend. His name is --

1 THE COURT: Okay. But he's not the father of the child?  
2 PROSPECTIVE JUROR NO. 88: No.  
3 THE COURT: Okay. And then the child is how old?  
4 PROSPECTIVE JUROR NO. 88: She is 11 years old.  
5 THE COURT: Okay. And then do you work out of the home?  
6 PROSPECTIVE JUROR NO. 88: No, I do not.  
7 THE COURT: Okay. And then what does your boyfriend/husband do?  
8 PROSPECTIVE JUROR NO. 88: He puts up shade structures. He works  
9 for Shade and James Deal.  
10 THE COURT: All right. And you said you had a friend drop you -- or a  
11 neighbor drop you?  
12 PROSPECTIVE JUROR NO. 88: Yeah, she was lucky to drop me off  
13 today because she just took a day off today.  
14 THE COURT: All right. Thank you.  
15 And I saw a couple of other hands. Yes, the gentleman in the  
16 black.  
17 PROSPECTIVE JUROR NO. 93: Badge No. 93, name's Gary. I'm a self-  
18 employed entertainer, and I'm involved in several projects right now. This week  
19 we're preparing to -- we're contracting to go to Australia for three weeks. It's a  
20 tribute show.  
21 THE COURT: And the tribute is to whom?  
22 PROSPECTIVE JUROR NO. 93: It's called the Ultimate Event. It's Frank  
23 Sinatra, Liza Minelli and Sammy Davis Jr.  
24 THE COURT: I'm guessing you play Frank.  
25 PROSPECTIVE JUROR NO. 93: I was going to say Sammy but --

1 THE COURT: And you said you're going to Australia next week?

2 PROSPECTIVE JUROR NO. 93: No. No. This is -- we're -- the promoter  
3 from Australia has insisted that we have to get together promo material for this  
4 project. We're going to be in Australia for three weeks in July, possibly with an  
5 extra two-week option, but my immediate concern now is all this week we're  
6 scheduled to do recordings, videos, in preparation for this because he wants it  
7 within, like, a week or two.

8 THE COURT: Okay.

9 PROSPECTIVE JUROR NO. 93: My other concern is that on February  
10 6<sup>th</sup>, I have a possible booking at the Venetian doing a Rat Pack show, and I'm  
11 waiting upon confirmation for that, but I'm definitely booked on February 12<sup>th</sup>  
12 through the 14<sup>th</sup> in Chicago.

13 THE COURT: Okay. Now, the booking for the 6<sup>th</sup>, wouldn't they need  
14 to give you a little more notice than just --

15 PROSPECTIVE JUROR NO. 93: I'm -- I'm sorry.

16 THE COURT: The booking for the 6<sup>th</sup>, wouldn't they need to give you a  
17 little more notice?

18 PROSPECTIVE JUROR NO. 93: Yeah, this is just -- what they do is the  
19 agents call and they ask if you're available. They ask for availability, and if we  
20 are available, we tell them yes, and they say they'll get back to us in a few  
21 days to confirm, by which they'll send us a contract.

22 THE COURT: All right. Thank you. Have a seat. And just to make sure  
23 you're telling the truth, how about a few bars on --

24 PROSPECTIVE JUROR NO. 93: I can do that.

25 THE COURT: All right. And the lady in the black, I think also raised her

1 hand.

2 PROSPECTIVE JUROR NO. 94: I'm Badge 94, D'Ann Sas.

3 THE COURT: Yes.

4 PROSPECTIVE JUROR NO. 94: I have travel plans out of town leaving  
5 February 5<sup>th</sup> for the weekend and also again February 11<sup>th</sup> for that weekend  
6 that are nonrefundable airplane tickets.

7 THE COURT: Okay. I think that was it for people who had an undue  
8 hardship.

9 Is there anyone who is not a United States citizen? Any of the  
10 prospective jurors who is not a United States citizen?

11 All right. Any of the prospective jurors who has been convicted of  
12 a felony crime?

13 In a moment, I'm going to see the attorneys in the hallway. Ladies  
14 and gentlemen, from time to time, I'll have conferences with the attorneys  
15 either in the hallway or up here at the bench. When I do that, I know the chairs  
16 can be uncomfortable. Feel free just to stand and stretch or get the bailiff's  
17 attention if you need a water or anything like that.

18 All right. I'll see the attorneys in the back.

19 (Pause in the proceedings.)

20 THE COURT: All right. At this time Badge No. 14, Ms. Nunez, you are  
21 excused. Officer Wooten will direct you from the courtroom.

22 At this time Badge No. 27, Ms. Avila, you are excused from these  
23 proceedings; however, you must report back for jury duty on April 6<sup>th</sup> at 8:30 to  
24 jury services, and Officer Wooten will write that down for you. Make sure you  
25 come back on that date.



1 At this time, Badge No. 29, Ms. Persse is excused, and Officer  
2 Wooten will direct you from the courtroom.

3 MR. GENTILE: May we approach just for a second?

4 THE COURT: Yes, approach.

5 (Conference at the bench.)

6 THE COURT: And, ladies and gentlemen, just so you know, the Court  
7 has given Mr. Hidalgo permission to have a protein bar because he is diabetic.

8 And for any of the jurors who may have health issues -- I know  
9 sometimes we go a long time -- feel free if you need to eat or drink something  
10 to do that or to let me know.

11 At this time Badge No. 46, Mr. Habersack is excused from these  
12 proceedings; however, you are directed to report back Monday, April 6<sup>th</sup> at  
13 8:30, and Officer Wooten will write that down for you.

14 At this time Badge No. 54, Mr. Hankins, you are excused. Officer  
15 Wooten will direct you from the courtroom.

16 At this time Badge No. 66, Ms. Roscoe is excused from the  
17 proceedings. You are ordered to report back Monday, April 13<sup>th</sup> at 8:30, and  
18 Officer Wooten will write that down for you.

19 At this time Badge No. 77, Ms. Gaska is excused from these  
20 proceedings. You are directed to report back Monday, April 13<sup>th</sup> at 8:30.

21 At this time Badge No. 88, Ms. Olney is excused.

22 At this time Badge No. 94, Ms. Sas is excused from these  
23 proceedings. You are ordered to report back Monday, April 6<sup>th</sup> at 8:30, and  
24 Officer Wooten will write that down.

25 THE MARSHAL: What was that date, Your Honor?

1 THE COURT: April 6<sup>th</sup> at 8:30.

2 All right, Ms. Husted, if you would please call up the next two  
3 prospective jurors to take their seats in the jury box.

4 THE CLERK: Yes, Your Honor. Badge 30, Steven Avalone in Seat 9.  
5 And Badge 32, Antone Cook in Seat 13.

6 THE COURT: All right. Mr. Avalone, if you'd have that empty seat in  
7 the back row kind of next to the corner. And then, sir, if you'd just have that  
8 other empty seat. All right. Go ahead and sit down.

9 All right, Ms. Espino, is it?

10 PROSPECTIVE JUROR NO. 1: Yes.

11 THE COURT: What do you do for a living?

12 PROSPECTIVE JUROR NO. 1: I work for a dental office; I'm a  
13 receptionist.

14 THE COURT: Okay. And what dentist do you work for?

15 PROSPECTIVE JUROR NO. 1: Tom Macino Dental.

16 THE COURT: Okay. And are you married?

17 PROSPECTIVE JUROR NO. 1: Yes, I am.

18 THE COURT: What does your husband do?

19 PROSPECTIVE JUROR NO. 1: He's a mechanic for the City of Las  
20 Vegas.

21 THE COURT: Okay. And do you have any children?

22 PROSPECTIVE JUROR NO. 1: I do; I have two, a 7 year old and a 3  
23 year old.

24 THE COURT: All right. Thank you.

25 And, Ms. Silber, do you work?

1 PROSPECTIVE JUROR NO. 2: I'm semi-retired.

2 THE COURT: All right. From what?

3 PROSPECTIVE JUROR NO. 2: I was an executive director of a not for  
4 profit.

5 THE COURT: And what kind of a nonprofit was it?

6 PROSPECTIVE JUROR NO. 2: Actually, it was a religious entity.

7 THE COURT: Okay. And did -- and you said you're partially retired. Are  
8 you still working --

9 PROSPECTIVE JUROR NO. 2: I also -- I have a part-time sales job at a  
10 store here in Las Vegas, retail sales, but I've also been a teacher, and I've also  
11 been in rock and roll, and I've also been a manicurist.

12 THE COURT: Okay. Now, when you were a teacher, what grade level  
13 did you teach?

14 PROSPECTIVE JUROR NO. 2: I taught all grades including adults over in  
15 Germany.

16 THE COURT: All right. And you said your husband is an entertainer; is  
17 that right?

18 PROSPECTIVE JUROR NO. 2: Yes.

19 THE COURT: Okay. And does he travel around the country with his  
20 group or band?

21 PROSPECTIVE JUROR NO. 2: Yes. His band is based in Chicago. We  
22 live in Chicago also.

23 THE COURT: Okay. Do you have any children?

24 PROSPECTIVE JUROR NO. 2: One, daughter, 24 years old.

25 THE COURT: Okay. And does your daughter live here in --

1 PROSPECTIVE JUROR NO. 2: She's in Chicago.

2 THE COURT: All right. In Chicago. All right.

3 And, Ms. Bennett, is it?

4 PROSPECTIVE JUROR NO. 3: Yes.

5 THE COURT: And I believe you said you process worker's compensation  
6 claims; is that right?

7 PROSPECTIVE JUROR NO. 3: Yes.

8 THE COURT: How long have you been doing that?

9 PROSPECTIVE JUROR NO. 3: Out in Vegas since '92.

10 THE COURT: And prior to that?

11 PROSPECTIVE JUROR NO. 3: At Met Life Insurance Company about 14  
12 years.

13 THE COURT: Now, in processing the claims, does that involve you  
14 having to evaluate the validity of the claims, or is it more sort of a clerical  
15 function?

16 PROSPECTIVE JUROR NO. 3: No, it's digging down to see if the claims  
17 are valid, whether what really happened happened, that type of thing.

18 THE COURT: Okay. Now, do you have to do investigation yourself, or  
19 how does that work?

20 PROSPECTIVE JUROR NO. 3: Sometimes. Other times we hire outside  
21 investigators to go in and do it for us.

22 THE COURT: Okay. Now, do you ever personally have to interview  
23 witnesses or visit the location where the accident allegedly occurred or --

24 PROSPECTIVE JUROR NO. 3: Yes.

25 THE COURT: Okay. You do that yourself?

1 PROSPECTIVE JUROR NO. 3: Yes.

2 THE COURT: And then are you married, ma'am?

3 PROSPECTIVE JUROR NO. 3: I'm a widow. I have one daughter 18

4 years old.

5 THE COURT: Okay. And does she live here in Clark County?

6 PROSPECTIVE JUROR NO. 3: Yes.

7 THE COURT: And, Mr. Marcella, what do you do for a living, sir?

8 PROSPECTIVE JUROR NO. 4: I'm the chief information officer for the

9 City of Las Vegas.

10 THE COURT: All right. And is that how you came to know Mr.

11 Ponticello?

12 PROSPECTIVE JUROR NO. 4: And most of the municipal judges that are

13 here now.

14 THE COURT: And do you also know his wife who works for the City?

15 PROSPECTIVE JUROR NO. 4: Terry Ponticello.

16 THE COURT: Okay. And are you married, sir?

17 PROSPECTIVE JUROR NO. 4: Yes, I am.

18 THE COURT: And what does your wife do?

19 PROSPECTIVE JUROR NO. 4: She says she's retired.

20 THE COURT: Did she ever work outside of the home?

21 PROSPECTIVE JUROR NO. 4: Yeah. She was the director for Consumer

22 Credit Counseling.

23 THE COURT: Okay. And do you have any children?

24 PROSPECTIVE JUROR NO. 4: Yes, I do.

25 THE COURT: How many and the age range?

1 PROSPECTIVE JUROR NO. 4: I have three, and they're all college  
2 graduates in California. They decided to leave Las Vegas.

3 THE COURT: And is it, Ms. Golmassian?

4 PROSPECTIVE JUROR NO. 5: Uh-huh.

5 THE COURT: What do you do for a living, ma'am?

6 PROSPECTIVE JUROR NO. 5: I work for (unintelligible) teaching writing  
7 at the College of Southern Nevada, and I'm a freelance journalist.

8 THE COURT: Okay. And as a freelance journalist, do you ever submit --  
9 or do you ever do work for either of the newspapers or magazine work or what?

10 PROSPECTIVE JUROR NO. 5: I'm doing primarily magazine work now,  
11 but I have written for local papers.

12 THE COURT: Okay. And are you married?

13 PROSPECTIVE JUROR NO. 5: No.

14 THE COURT: Any children?

15 PROSPECTIVE JUROR NO. 5: No.

16 THE COURT: All right. And is it Mr. McLaughlin?

17 PROSPECTIVE JUROR NO. 9: Yes.

18 THE COURT: What do you do for a living, sir?

19 PROSPECTIVE JUROR NO. 9: Bartend.

20 THE COURT: Okay. And do you work -- well, what kind of a bar do you  
21 work at? Is it like a --

22 PROSPECTIVE JUROR NO. 9: Southpoint.

23 THE COURT: Okay. And are you married, sir?

24 PROSPECTIVE JUROR NO. 9: No.

25 THE COURT: Any children?

1 PROSPECTIVE JUROR NO. 9: Yes.

2 THE COURT: How many and the ages?

3 PROSPECTIVE JUROR NO. 9: Three, 15, 11, 9.

4 THE COURT: All right. Thank you.

5 And is it Ms. Urbanick?

6 PROSPECTIVE JUROR NO. 10: Yes, it is.

7 THE COURT: What do you do for a living?

8 PROSPECTIVE JUROR NO. 10: I own my own business.

9 THE COURT: And what type of a business is it?

10 PROSPECTIVE JUROR NO. 10: I make high-end custom window

11 treatments.

12 THE COURT: Okay. And do you have employees at your business?

13 PROSPECTIVE JUROR NO. 10: I do not.

14 THE COURT: Okay. So it's kind of just you?

15 PROSPECTIVE JUROR NO. 10: Yes.

16 THE COURT: All right. And are you married, ma'am?

17 PROSPECTIVE JUROR NO. 10: I am.

18 THE COURT: What does your husband do?

19 PROSPECTIVE JUROR NO. 10: He works at Landmark Casino, main

20 cage.

21 THE COURT: In the main cage, okay. And do you have any children?

22 PROSPECTIVE JUROR NO. 10: One son living in San Francisco.

23 THE COURT: Okay. And we know Ms. Meeker is a full-time student.

24 Do you also work in addition to going to school, or does that keep you pretty

25 busy with just school?

1 PROSPECTIVE JUROR NO. 12: I just go. I'm retired from my previous  
2 position when we moved out here.

3 THE COURT: Okay. How long have you lived here in Southern Nevada?

4 PROSPECTIVE JUROR NO. 12: A little over four years.

5 THE COURT: Okay. And you said you're retired. What did you  
6 previously do?

7 PROSPECTIVE JUROR NO. 12: Office manager.

8 THE COURT: Okay. For what type of an office or business?

9 PROSPECTIVE JUROR NO. 12: Catholic charity.

10 THE COURT: Okay. And are you married?

11 PROSPECTIVE JUROR NO. 12: Yes.

12 THE COURT: What does your husband do?

13 PROSPECTIVE JUROR NO. 12: He's a kitchen maintenance at the IP.

14 THE COURT: Okay. And do you have any children?

15 PROSPECTIVE JUROR NO. 12: No.

16 THE COURT: All right. Mr. Avalone, what do you do for a living, sir?

17 PROSPECTIVE JUROR NO. 30: I'm in the engineering department at  
18 Mandalay Bay.

19 THE COURT: Okay. And are you married, sir?

20 PROSPECTIVE JUROR NO. 30: No.

21 THE COURT: Any children?

22 PROSPECTIVE JUROR NO. 30: A 5 year old and an 8 year old.

23 THE COURT: Okay. And is it Mr. Wintrip?

24 PROSPECTIVE JUROR NO. 15: Yes.

25 THE COURT: What do you do for a living, sir?



1 PROSPECTIVE JUROR NO. 15: I'm a contracted loan processor.

2 THE COURT: Okay. And what kind of loans do you process, like

3 mortgage loans or --

4 PROSPECTIVE JUROR NO. 15: Mortgage, yeah.

5 THE COURT: And are you married, sir?

6 PROSPECTIVE JUROR NO. 15: No.

7 THE COURT: Any children?

8 PROSPECTIVE JUROR NO. 15: No.

9 THE COURT: And is it Mr. Williams?

10 PROSPECTIVE JUROR NO. 16: Yes.

11 THE COURT: What do you do for a living, sir?

12 PROSPECTIVE JUROR NO. 16: I'm a custodian for the Clark County

13 School District.

14 THE COURT: Okay. And are you married, sir?

15 PROSPECTIVE JUROR NO. 16: No.

16 THE COURT: Any children?

17 PROSPECTIVE JUROR NO. 16: Two.

18 THE COURT: And the ages?

19 PROSPECTIVE JUROR NO. 16: 20 and 16.

20 THE COURT: Okay. And let's see, Mr. Keegan, is it?

21 PROSPECTIVE JUROR NO. 17: I'm an unemployed bartender, slash,

22 restaurant manager, currently working in the pro shop part time at Boulder City

23 Municipal golf course.

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

25 PROSPECTIVE JUROR NO. 17: No.

1 THE COURT: And any children?  
2 PROSPECTIVE JUROR NO. 17: No.  
3 THE COURT: Okay. And is it Mr. Cook?  
4 PROSPECTIVE JUROR NO. 32: Yes.  
5 THE COURT: And you have worked in the gaming business. Is that  
6 what you're currently doing?  
7 PROSPECTIVE JUROR NO. 32: No.  
8 THE COURT: What are you currently doing?  
9 PROSPECTIVE JUROR NO. 32: I work for Las Vegas Harley-Davidson.  
10 THE COURT: Okay. Are you a salesperson or what?  
11 PROSPECTIVE JUROR NO. 32: No, I just -- I just do what the owners  
12 ask me to do. I was a general manager for many years, and I surrendered that  
13 a couple years ago, and now whatever they want me to do I do.  
14 THE COURT: Okay. Do you work with buyer -- I mean, people who are  
15 buying Harley-Davidsons or is it more the office or what?  
16 PROSPECTIVE JUROR NO. 32: Well, the last -- until a month ago I was  
17 just in charge of construction of the new store, Rainbow and Sahara.  
18 THE COURT: Okay. And are you married, sir?  
19 PROSPECTIVE JUROR NO. 32: Yes.  
20 THE COURT: What does your wife do?  
21 PROSPECTIVE JUROR NO. 32: Nothing.  
22 THE COURT: All right. So she works in the home or nothing?  
23 PROSPECTIVE JUROR NO. 32: She takes care of her mother.  
24 THE COURT: And do you have any children, sir?  
25 PROSPECTIVE JUROR NO. 32: Three.

1 THE COURT: All right. And the age range?  
2 PROSPECTIVE JUROR NO. 32: 45, 35, and 35.  
3 THE COURT: And let's see, Mr. Grisnik, is it?  
4 PROSPECTIVE JUROR NO. 28: Yes.  
5 THE COURT: You're a host at the Venetian?  
6 PROSPECTIVE JUROR NO. 28: Yes.  
7 THE COURT: And how long have you been doing that?  
8 PROSPECTIVE JUROR NO. 28: Hosting or the Venetian?  
9 THE COURT: Hosting.  
10 PROSPECTIVE JUROR NO. 28: Fifteen years hosting, 30 years in the  
11 casino business.  
12 THE COURT: And are you married, sir?  
13 PROSPECTIVE JUROR NO. 28: Yes.  
14 THE COURT: What does your wife do?  
15 PROSPECTIVE JUROR NO. 28: She works a part-time job at Williams-  
16 Sonoma call center two days a week.  
17 THE COURT: Okay. And do you have any children?  
18 PROSPECTIVE JUROR NO. 28: Three, 24, 22 and 15.  
19 THE COURT: All right. Now, of the 14 of you in the box, have any of  
20 you ever served as a juror before?  
21 All right. Let's start with Mr. Marcella. How many times have you  
22 been a juror?  
23 PROSPECTIVE JUROR NO. 4: Twice.  
24 THE COURT: And the most recent time was how long ago?  
25 PROSPECTIVE JUROR NO. 4: Probably five years ago.

1 THE COURT: Okay. Both times was that here in Clark County?

2 PROSPECTIVE JUROR NO. 4: Yes, it was.

3 THE COURT: And criminal cases, civil cases, or what?

4 PROSPECTIVE JUROR NO. 4: It was drug cases.

5 THE COURT: Now, don't -- and the last case don't tell us what the  
6 verdict was, but did the jury reach a verdict?

7 PROSPECTIVE JUROR NO. 4: They did.

8 THE COURT: And the prior case did the jury reach a verdict?

9 PROSPECTIVE JUROR NO. 4: They did.

10 THE COURT: Were you ever the foreperson of either of those juries?

11 PROSPECTIVE JUROR NO. 4: I was.

12 THE COURT: All right. Has anyone else in the front row ever served as  
13 a juror before? I think I saw a hand in the back row.

14 PROSPECTIVE JUROR NO. 17: Keegan, No. 17. I've been called  
15 before, but this is the first time I've ever darkened the door of a courtroom as a  
16 juror.

17 THE COURT: Okay. So in the past you've always -- they've kept you  
18 downstairs?

19 PROSPECTIVE JUROR NO. 17: Right.

20 THE COURT: Okay. And so this is the farthest you've gotten?

21 PROSPECTIVE JUROR NO. 17: That's correct.

22 THE COURT: Congratulations.

23 And no one else has ever served as a juror; is that right?

24 Now, have any of you ever personally been the victim of a serious  
25 crime? No.

1           Let me expand that. Does anyone have a family member or spouse  
2 or someone close to you that's been the victim of a serious crime?

3           All right. We'll start with in chair No. 2, Ms. Silber. Yes.

4           PROSPECTIVE JUROR NO. 2: I really hate to say this, but I have been  
5 raped at gunpoint. I mean, it was never like a trial or it didn't get far.

6           THE COURT: All right. Let me follow up with that. How long ago --  
7 and again, I don't mean to pry, but how long ago did that happen?

8           PROSPECTIVE JUROR NO. 2: 1976.

9           THE COURT: Okay. And where was that, here in --

10          PROSPECTIVE JUROR NO. 2: Chicago.

11          THE COURT: In Chicago?

12          PROSPECTIVE JUROR NO. 2: It was in an outskirt suburb.

13          THE COURT: Okay. And did you report that matter to the police?

14          PROSPECTIVE JUROR NO. 2: No, I did not. That was before there was  
15 rape crisis centers and things like that.

16          THE COURT: Okay. Was it a stranger situation or did you know the  
17 person?

18          PROSPECTIVE JUROR NO. 2: I did not know him.

19          THE COURT: So you just elected not to report it?

20          PROSPECTIVE JUROR NO. 2: That's right.

21          THE COURT: Okay. Anything else in your background or your family  
22 background regarding being a victim?

23          PROSPECTIVE JUROR NO. 2: Yes. I've also been sexually harassed  
24 before it was -- I'm always doing things on the cutting edge.

25          THE COURT: Okay. So you were sexually harassed in the workplace

1 before it was widely publicized and treated the way it was?

2 PROSPECTIVE JUROR NO. 2: Yes. It was the principal of my school  
3 exposed himself to me.

4 THE COURT: And was that here in Clark County or Chicago or where?

5 PROSPECTIVE JUROR NO. 2: Oh, it's got to be Cook County.

6 THE COURT: Now, did you consult an attorney, or did you report it to  
7 the police or school -- you know, I guess that was the school administrator --

8 PROSPECTIVE JUROR NO. 2: Yes.

9 THE COURT: -- you know, anyone on the school board?

10 PROSPECTIVE JUROR NO. 2: Therefore I did not report it 'cause it was  
11 just not politic.

12 THE COURT: Okay. Any other things like that that --

13 PROSPECTIVE JUROR NO. 2: That's quite enough.

14 THE COURT: And anything to a family member or anyone close to you?

15 PROSPECTIVE JUROR NO. 2: No.

16 THE COURT: All right. And did I see -- Ms. Bennett, did you raise your  
17 hand?

18 PROSPECTIVE JUROR NO. 3: Yes. I was involved in a malpractice suit  
19 which was against a health worker that came into the home to take care of my  
20 husband that ultimately caused his death sooner than it should have been.

21 THE COURT: Okay. Do you think it was deliberate or more medical  
22 negligence?

23 PROSPECTIVE JUROR NO. 3: No, it was negligence.

24 THE COURT: And did you -- you said you pursued a lawsuit based on  
25 that?

1 PROSPECTIVE JUROR NO. 3: Yes.

2 THE COURT: Was that here in Clark County?

3 PROSPECTIVE JUROR NO. 3: Yes, it was.

4 THE COURT: Anything else in your family background or your personal  
5 history?

6 PROSPECTIVE JUROR NO. 3: Not that I can think of.

7 THE COURT: Okay. How long ago -- let me just ask. On the medical  
8 malpractice suit, that did actually go to trial, or did it resolve outside of court?

9 PROSPECTIVE JUROR NO. 3: It resolved outside of court.

10 THE COURT: And were you satisfied with the way that that was  
11 handled by your attorney and the system?

12 PROSPECTIVE JUROR NO. 3: Not really.

13 THE COURT: When you say, "not really," why not?

14 PROSPECTIVE JUROR NO. 3: I think the outcome should have been  
15 different.

16 THE COURT: Okay. You feel like maybe you didn't get as much as you  
17 should have?

18 PROSPECTIVE JUROR NO. 3: Yeah, and not necessarily me, but my  
19 daughter. She was only two and a half at the time, and this person robbed her  
20 of her father for an extended amount of years.

21 THE COURT: Okay. Did you -- other than pursuing the civil claim, did  
22 you make a complaint with medical licensing or any government agency or  
23 anything like that?

24 PROSPECTIVE JUROR NO. 3: I don't think so at the time. I don't recall.

25 THE COURT: All right. Thank you.

1           Anyone else in the box who's been the victim of a crime or had a  
2 family member or spouse or someone close to them?

3           Yes, sir, Mr. McLaughlin.

4           PROSPECTIVE JUROR NO. 9: My father -- somebody -- home invasion  
5 at my dad's house. My sister shot him so. . .

6           THE COURT: Okay. So someone broke into your father's house, and  
7 your sister shot the person who broke in?

8           PROSPECTIVE JUROR NO. 9: Yes.

9           THE COURT: And was your sister the only person that was home at the  
10 time or --

11          PROSPECTIVE JUROR NO. 9: No, my mother was there too.

12          THE COURT: Okay. And did the --

13          PROSPECTIVE JUROR NO. 9: Well, my dad was selling stuff through  
14 the newspaper, and the people that went there to purchase the stuff -- I guess  
15 they'd been doing it for a month -- and as my dad let them in they attacked  
16 him, and she shot him.

17          THE COURT: Okay. And did that person, did they die as a result of the  
18 --

19          PROSPECTIVE JUROR NO. 9: No.

20          THE COURT: Okay. All right. Now, was -- I'm assuming, obviously the  
21 police were contacted?

22          PROSPECTIVE JUROR NO. 9: Yes. He's in prison and so's the woman  
23 actually.

24          THE COURT: Okay. Did that happen here in Clark County?

25          PROSPECTIVE JUROR NO. 9: Uh-huh.



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

2 PROSPECTIVE JUROR NO. 9: Yes.

3 THE COURT: And do you remember -- do you know what the law -- was  
4 it Las Vegas Metro was that the agency or was --

5 PROSPECTIVE JUROR NO. 9: Yes.

6 THE COURT: Okay. Now, did you follow that case at all through the  
7 system or?

8 PROSPECTIVE JUROR NO. 9: No.

9 THE COURT: Any feelings about how that case was handled by the  
10 police or the justice system or anything like that?

11 PROSPECTIVE JUROR NO. 9: No.

12 THE COURT: Okay. Anyone else who's been the victim of a crime or  
13 had someone close to them?

14 Yes, Ms. Espino.

15 PROSPECTIVE JUROR NO. 1: I was raped when I was 5 in California.

16 THE COURT: Do you know -- did you report it at the time?

17 PROSPECTIVE JUROR NO. 1: Yes, he had a trial.

18 THE COURT: You had a trial. So you actually had to go to court and  
19 testify?

20 PROSPECTIVE JUROR NO. 1: Uh-huh.

21 THE COURT: Okay. And obviously you were very young when that  
22 happened?

23 PROSPECTIVE JUROR NO. 1: Yes. I was like 5 -- between 5 and 6.

24 THE COURT: Okay. Do you have any opinion now in hindsight, or did  
25 you at the time about, I mean, do you feel like things were fair? Do you feel

1 like you were treated well by the police? Any opinion on any of that?

2 PROSPECTIVE JUROR NO. 1: The police was really nice to me and  
3 everything, but the guy got away with it so that was it.

4 THE COURT: When you say he got away with it, was he found not  
5 guilty or was he found guilty but didn't get enough punishment?

6 PROSPECTIVE JUROR NO. 1: He was guilty, but he didn't get enough  
7 time.

8 THE COURT: Okay. So you feel like the judge or whoever sentenced  
9 him was too lenient?

10 PROSPECTIVE JUROR NO. 1: Yes.

11 THE COURT: Okay. Anyone else?

12 I'm going to ask you sort of the flip side of that. Is there anyone in  
13 the box who has ever been arrested or charged with a crime?

14 We'll start with Mr. Grisnik. Yes, sir.

15 PROSPECTIVE JUROR NO. 28: I had a DUI five years ago.

16 THE COURT: And that was here in Southern Nevada?

17 PROSPECTIVE JUROR NO. 28: Yes.

18 THE COURT: Okay. Was that a misdemeanor, I'm assuming?

19 PROSPECTIVE JUROR NO. 28: Yes.

20 THE COURT: And the agency, was it, like, Nevada Highway Patrol or --

21 PROSPECTIVE JUROR NO. 28: Metro.

22 THE COURT: Metro, okay. Did you hire a lawyer?

23 PROSPECTIVE JUROR NO. 28: Yes.

24 THE COURT: Okay. And do you have any feelings or opinion about how  
25 you were treated in the system by the police, your attorney?

1 PROSPECTIVE JUROR NO. 28: No.  
2 THE COURT: Okay. Do you feel that you were treated fairly, unfairly?  
3 PROSPECTIVE JUROR NO. 28: My mistake.  
4 THE COURT: Okay. And do you know if you were prosecuted by the  
5 Clark County District Attorney's office or by the city attorney?  
6 PROSPECTIVE JUROR NO. 28: No, I don't know.  
7 THE COURT: No idea. Okay.  
8 And the gentleman next to you, Mr. Cook, you had raised your  
9 hand.  
10 PROSPECTIVE JUROR NO. 32: I had a DUI here locally in about 2000.  
11 THE COURT: Okay. And I'm going to ask you the same question.  
12 What agency arrested you?  
13 PROSPECTIVE JUROR NO. 32: Metro.  
14 THE COURT: Metro, okay. And did you hire an attorney in connection  
15 with that case?  
16 PROSPECTIVE JUROR NO. 32: I don't remember.  
17 THE COURT: Okay. Do you have any opinions about how you were  
18 treated by the police or the system in general?  
19 PROSPECTIVE JUROR NO. 32: Very politely.  
20 THE COURT: Okay. You feel like it was fair?  
21 PROSPECTIVE JUROR NO. 32: Yes.  
22 THE COURT: Anyone else.  
23 PROSPECTIVE JUROR NO. 32: Wait. I have one more.  
24 THE COURT: Okay. Sorry.  
25 PROSPECTIVE JUROR NO. 32: I was charged with -- I forget what I

1 was charged with, but I was a registrar of voters in South Dakota. I registered  
2 people with their bar, the bars that they worked in with those addresses instead  
3 of their home addresses, and I was charged with some kind -- registration -- I'd  
4 have to look it up.

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

6 PROSPECTIVE JUROR NO. 32: That was about 1990.

7 THE COURT: Okay. Was it the kind of thing where you're working for a  
8 particular candidate or a particular political party and you're going into bars to  
9 get people registered?

10 PROSPECTIVE JUROR NO. 32: I had -- I wanted to see a certain person  
11 win. I was not working for him but I was going into bars to register people,  
12 yes, all the bars for the ones that had gaming.

13 THE COURT: Okay. And this was a pro-gaming candidate?

14 PROSPECTIVE JUROR NO. 32: Yes.

15 THE COURT: Okay. Were the original -- were the charges misdemeanor  
16 or felony charges; do you know?

17 PROSPECTIVE JUROR NO. 32: I think they were felony charges. The  
18 whole thing ended up being reduced to a misdemeanor, and I had a fine of  
19 \$150, I think. So it was a very political thing, small town.

20 THE COURT: Okay. And do you have any feelings about, again, how  
21 the system worked for you or didn't work for you in that situation?

22 PROSPECTIVE JUROR NO. 32: Absolutely. I think I was involved in  
23 small-town politics, and they wanted to stop the -- scare people from not  
24 voting.

25 THE COURT: Okay. And when you say, "they," who do you --

1 PROSPECTIVE JUROR NO. 32: The people who were endorsing the  
2 other candidate who worked in the municipality.

3 THE COURT: Okay. So is it more the police or the court system, the  
4 lawyers, what, that you sort of find fault with?

5 PROSPECTIVE JUROR NO. 32: It's a small town's political system.

6 THE COURT: All right. Anything else, Mr. Cook?

7 PROSPECTIVE JUROR NO. 32: That's all.

8 THE COURT: All right. Thank you. Now we can move on to Mr.  
9 Keegan.

10 PROSPECTIVE JUROR NO. 17: I had in 1977 in Henderson, Nevada,  
11 which I didn't know where Henderson, Nevada was; I was new in town, I was  
12 charged with, and it sounded serious, contributing to the delinquency of a minor  
13 and trespassing. They were misdemeanors, and when it was all said and done,  
14 I was fined \$35. And what happened is I was managing the Vineyard  
15 Restaurant in the Boulevard Mall, and a couple kids that worked in the kitchen  
16 were looking for extra money, and I said if you pick up some golf balls out of  
17 the pond and sell them, you can make some extra money.

18 And we pulled into what is now the Wild Horse Golf Course, which  
19 is in Green Valley. In those days it was Paradise Valley, and it was in the  
20 middle of nowhere. When we pulled into the parking lot there, we got out of  
21 the car, and my friend and I got handcuffed.

22 And what had happened is there had been a greens-keeper strike,  
23 and people had been tearing up the golf course, and they thought we were  
24 them. And they handcuffed us and took my friend and I who was visiting from  
25 New York and took us to jail.

1 THE COURT: Okay. And what happened after that? Did you get  
2 charged with anything?

3 PROSPECTIVE JUROR NO. 17: We ended up getting charged with the  
4 misdemeanor and then wrongly I should have gone and got a lawyer because  
5 it's still on my record. We got fined \$35.

6 THE COURT: So you wound up not having a lawyer and pleading guilty?

7 PROSPECTIVE JUROR NO. 17: I think we pleaded no contest.

8 THE COURT: Or it was negotiated to a fine or something. Okay. And  
9 you feel like it was a case of mistaken identity? There was somebody else --

10 PROSPECTIVE JUROR NO. 17: No, they just -- what happened is we  
11 pulled in there just before dusk or right at dusk, and they thought we were  
12 going in there to do damage to the golf course. We did nothing. There were  
13 cops there that were just there staking it out just waiting for the culprits.

14 THE COURT: And do you find fault with the police in that situation, or  
15 do you think it was just sort of an unfortunate turn of events?

16 PROSPECTIVE JUROR NO. 17: It was an unfortunate turn of events  
17 that could have been handled better.

18 THE COURT: By?

19 PROSPECTIVE JUROR NO. 17: By the Henderson police.

20 THE COURT: Okay. All right. Anyone else? Yes, Mr. --

21 PROSPECTIVE JUROR NO. 16: Williams.

22 THE COURT: Thank you. Yes, sir.

23 PROSPECTIVE JUROR NO. 16: I was charged with obstructing an police  
24 officer.

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

1 PROSPECTIVE JUROR NO. 16: 26 years ago.  
2 THE COURT: 26 years ago. Where was that?  
3 PROSPECTIVE JUROR NO. 16: Las Vegas.  
4 THE COURT: Okay. Were you an adult at the time?  
5 PROSPECTIVE JUROR NO. 16: I was 18.  
6 THE COURT: You were 18. So you were charged in the adult system?  
7 PROSPECTIVE JUROR NO. 16: Yes.  
8 THE COURT: Would that have been a misdemeanor?  
9 PROSPECTIVE JUROR NO. 16: Yes.  
10 THE COURT: Okay. Did you hire a lawyer or have a lawyer?  
11 PROSPECTIVE JUROR NO. 16: No.  
12 THE COURT: Okay. Any feelings about -- was it Las Vegas Metro?  
13 PROSPECTIVE JUROR NO. 16: Yeah.  
14 THE COURT: Any feelings about how you were treated by the police?  
15 PROSPECTIVE JUROR NO. 16: Yeah.  
16 THE COURT: And tell me.  
17 PROSPECTIVE JUROR NO. 16: I felt angry. I thought they -- I think  
18 they -- I felt they bullied me, and I felt this isn't wrong, that I didn't do that, but  
19 that's what they said.  
20 THE COURT: Okay. And then how about the way the case was  
21 handled? Did you have to go to court on it?  
22 PROSPECTIVE JUROR NO. 16: Yes.  
23 THE COURT: And do you have any feelings about how the case was  
24 handled?  
25 PROSPECTIVE JUROR NO. 16: I didn't agree with that either.

1 THE COURT: Okay. What happened? I'm guessing you were  
2 convicted?

3 PROSPECTIVE JUROR NO. 16: Yes. I had to pay a \$75 fine.

4 THE COURT: Okay. Anything else in your background?

5 PROSPECTIVE JUROR NO. 16: No.

6 THE COURT: Anyone else? I saw -- yes, in the front row. Yes, ma'am.

7 PROSPECTIVE JUROR NO. 6: I was charged with the same thing as he  
8 was, but I was around the same age.

9 THE COURT: Of obstructing?

10 PROSPECTIVE JUROR NO. 6: Yeah.

11 THE COURT: Where did that happen?

12 PROSPECTIVE JUROR NO. 6: It happened here in Las Vegas.

13 THE COURT: Okay. And was it Las Vegas Metro?

14 PROSPECTIVE JUROR NO. 6: Yes.

15 THE COURT: Did you actually have to go to court on it?

16 PROSPECTIVE JUROR NO. 6: I did.

17 THE COURT: Okay. And any feelings about how you were treated in  
18 the court system by the police?

19 PROSPECTIVE JUROR NO. 6: It was fine.

20 THE COURT: Okay. Anyone else ever been arrested or charged with a  
21 crime?

22 I'm going to open that up a little bit and ask you whether or not any  
23 of you have any family members, anyone close to you that's ever been arrested  
24 or charged with a serious offense?

25 Yes, Mr. Williams.



1 PROSPECTIVE JUROR NO. 16: I have a cousin.  
2 THE COURT: Okay.  
3 PROSPECTIVE JUROR NO. 16: He was charged with rape.  
4 THE COURT: All right. And was that here in Southern Nevada, Clark  
5 County?  
6 PROSPECTIVE JUROR NO. 16: Yes.  
7 THE COURT: Okay. How long ago was that?  
8 PROSPECTIVE JUROR NO. 16: That was 20 years ago.  
9 THE COURT: Okay. Are you close with that cousin?  
10 PROSPECTIVE JUROR NO. 16: I was at the time, yeah.  
11 THE COURT: Okay. And did you follow his case, talk to him about his  
12 case or other family members about his case?  
13 PROSPECTIVE JUROR NO. 16: I talked to him briefly.  
14 THE COURT: Okay.  
15 PROSPECTIVE JUROR NO. 16: About what happened.  
16 THE COURT: Okay. Do you know if he was convicted?  
17 PROSPECTIVE JUROR NO. 16: Yes, he was.  
18 THE COURT: Okay. Did you ever go to court and watch the court  
19 proceedings or anything like that?  
20 PROSPECTIVE JUROR NO. 16: No, I didn't.  
21 THE COURT: Okay. Do you have any opinion about how your cousin  
22 was treated in the system by the police or --  
23 PROSPECTIVE JUROR NO. 16: I really don't have an opinion. I really  
24 didn't -- I wasn't there. I really don't know what happened.  
25 THE COURT: Okay. Anyone else who's had a family member --

1 Yes, in chair No. 3, Ms. Bennett.

2 PROSPECTIVE JUROR NO. 3: My stepson was quite a rascal when he  
3 was younger, and he was arrested several times, a couple times for breaking  
4 and entering and another time for doing destructive things with his four-wheeler  
5 on a policeman's front yard. And needless to say that was probably about  
6 maybe 20 years ago.

7 THE COURT: Okay. And was your stepson living with you at the time?

8 PROSPECTIVE JUROR NO. 3: Yes, he was.

9 THE COURT: Okay. And when he was doing these things and having  
10 these problems, was he over 18 or under 18?

11 PROSPECTIVE JUROR NO. 3: No, he was under 18.

12 THE COURT: So he was a juvenile?

13 PROSPECTIVE JUROR NO. 3: Yes.

14 THE COURT: Did he go through the juvenile court system at all, the  
15 juvenile justice system?

16 PROSPECTIVE JUROR NO. 3: We lived in a very small town in New  
17 York, so it was just the judge in that particular town. He ended up with many  
18 hours of community service.

19 THE COURT: And did he kind of straighten up after that?

20 PROSPECTIVE JUROR NO. 3: No.

21 THE COURT: Has he had contact in the adult system?

22 PROSPECTIVE JUROR NO. 3: No. Unfortunately, he passed away from  
23 an overdose about seven years ago.

24 THE COURT: Okay. I'm sorry.

25 And I saw some other hands in the front row. Yes.

1 PROSPECTIVE JUROR NO. 10: My nephew, grand auto theft, 22 years  
2 ago.

3 THE COURT: Okay. And what --

4 PROSPECTIVE JUROR NO. 10: Indiana.

5 THE COURT: In Indiana, okay. Were you living in Indiana at the time?

6 PROSPECTIVE JUROR NO. 10: I was not. I was living in (unintelligible).

7 THE COURT: Okay. And did you follow his case at all in the system?

8 PROSPECTIVE JUROR NO. 10: No.

9 THE COURT: Okay. Anyone else who's had anyone close to them  
10 charged with a serious offense?

11 All right. Of the 14 of you, have any of you ever worked in law  
12 enforcement?

13 Do any of you have any family members, spouses, anything like  
14 that that have worked in law enforcement?

15 All right. I'll see Officer Wooten up here at the bench.

16 (Conference at the bench.)

17 THE COURT: Ladies and gentlemen, in a moment, we're going to take a  
18 brief recess. Just a couple of preliminary things I need to tell you before we  
19 take our recess. Obviously you haven't heard any evidence, but you've heard  
20 some brief discussion as to what the case is going to be about.

21 Please don't discuss anything you've heard in the courtroom,  
22 anything that's transpired in the courtroom with each other or with anyone else  
23 during our break. Anyone else would include members of your family and your  
24 friends. You may, of course, tell them that you are participating in jury  
25 selection in a criminal jury trial, but please don't discuss anything else relating

1 to the case or the lawyers or anything else with them.

2           Additionally, court personnel, the defendants and everyone other  
3 than the attorneys and everyone other than the bailiffs are prohibited from  
4 speaking directly with members of the jury. So should you see one of these  
5 people in the hallway on the break, please don't think that they're being  
6 unfriendly or anti-social. They are simply precluded from the rules of ethics  
7 from speaking directly with you.

8           I'm going to read a couple of names and ask that the following  
9 people remain in the courtroom. Badge No. 10, Ms. Urbanick. Badge No. 28,  
10 Mr. Grisnik. Badge No. 37, Mr. O'Neill, and the rest of you please follow  
11 Officer Wooten through the double doors, and we'll be in recess until 3:20.

12                               (Jury panel recessed 3:05 p.m.)

13           THE COURT: I'll see counsel at the bench.

14                               (Conference at the bench.)

15           THE COURT: Ms. Urbanick, I'd ask that you remain in the courtroom,  
16 and I'd ask that Mr. Grisnik and Mr. O'Neill follow Officer Wooten through the  
17 double doors.

18           All right. Ms. Urbanick, the reason I asked you to remain in the  
19 courtroom is I wanted to follow up with something you said earlier during jury  
20 selection, and you said that you recollected you read something about this case  
21 in the Review Journal; is that right?

22           PROSPECTIVE JUROR NO. 10: Yes.

23           THE COURT: And you may have already said this, but how long ago do  
24 you recall seeing something in the Review Journal?

25           PROSPECTIVE JUROR NO. 10: I want to say a long time ago. I mean,

1 it wasn't -- people said a month or something, no. This was I think a long time.

2 THE COURT: Okay. What do you recall reading in the Review Journal?

3 PROSPECTIVE JUROR NO. 10: I recall I think a body and a truck by  
4 Lake Las Vegas, and if that doesn't have anything to do this I'm happy to say  
5 for senior moments. A father and a son and the Palomino, had I not heard that  
6 I would have never recollected. I couldn't have told you names, dates.

7 THE COURT: Okay. So something about a body and then something  
8 relating to the Palomino Club and a father and a son.

9 PROSPECTIVE JUROR NO. 10: That's it.

10 THE COURT: Okay. And that's all you remember.

11 PROSPECTIVE JUROR NO. 10: That's really all I remember.

12 THE COURT: All right. Now, obviously things the media -- are  
13 sometimes reported incompletely or incorrectly in the media. If you're selected  
14 to serve as a juror, even if you remember something else or think you may  
15 remember something else, can you set aside anything that you may have read  
16 or heard about this case and decide this case solely on the evidence that's  
17 presented during the trial, and by evidence I mean the testimony of the  
18 witnesses from the witness stand as well as exhibits that are admitted into  
19 evidence?

20 PROSPECTIVE JUROR NO. 10: Yes, I think I could because I don't  
21 know enough.

22 THE COURT: So there's nothing about what you --

23 PROSPECTIVE JUROR NO. 10: I don't even know where the Palomino  
24 Club is.

25 THE COURT: All right. So you don't feel that there's anything about

1 the fact that you may have read something in the paper that would impact your  
2 ability to keep an open mind and serve as a juror in this case; is that right?

3 PROSPECTIVE JUROR NO. 10: That's right.

4 THE COURT: All right.

5 Does the State wish to follow up on any questions with Ms.  
6 Urbanick?

7 MR. DI GIACOMO: No, ma'am.

8 THE COURT: Mr. Gentile, Ms. Armeni, would you like to follow up on  
9 any questions with Ms. Urbanick on this topic only?

10 MS. ARMENI: No, Your Honor.

11 MR. GENTILE: No, Your Honor.

12 THE COURT: And, Mr. Arrascada, any follow-up questions?

13 MR. ARRASCADA: No, Your Honor.

14 THE COURT: All right, Ms. Urbanick, in a moment I'm going to go ahead  
15 and have you exit the courtroom and take your break. Before I do that I must  
16 admonish you that you're obviously not to discuss anything you may have read  
17 in the newspaper relating to this case with the other fellow jurors. Additionally,  
18 please don't discuss what the questioning was just now or what's just  
19 transpired in the courtroom with any of your fellow jurors.

20 All right. Thank you, ma'am. Officer Wooten will escort you from  
21 the courtroom.

22 As soon as you do that -- and Ms. Urbanick is free to take her break  
23 now -- we'll see Mr. Grisnik.

24 Mr. Grisnik, just go ahead and have your seat there in the jury box,  
25 please, sir.

1           And, Mr. Grisnik, the reason I asked you to come back alone into  
2 the room is I wanted to follow up on something you had said earlier during jury  
3 selection, and you indicated that you think you may have read about this case  
4 in the Review Journal --

5           PROSPECTIVE JUROR NO. 28: Oh, I don't think; I followed it very  
6 close.

7           THE COURT: Okay. Tell me what you remember seeing in the Review  
8 Journal.

9           PROSPECTIVE JUROR NO. 28: Well, I remember the story that a really,  
10 I guess, a pretty decent guy was working the door. I guess he was thinking  
11 about changing clubs. He was sending people, and then they put a hit on him.  
12 I mean, I've read a lot -- I read a lot of it back then. I followed it. It's over  
13 three years. I followed it pretty close back then. Just 'cause of the business  
14 I'm in taking customers over to clubs it kind of made me leery of going over  
15 there because something had happened.

16          THE COURT: Okay. So how many articles do you recall seeing?

17          PROSPECTIVE JUROR NO. 28: Oh, it had to be over ten.

18          THE COURT: Over ten?

19          PROSPECTIVE JUROR NO. 28: Yeah.

20          THE COURT: And it sounds to me like you took sort of a special interest  
21 in this case as opposed to other cases; is that fair?

22          PROSPECTIVE JUROR NO. 28: Yeah, that's fair to say.

23          THE COURT: And that's because of your involvement with these kind of  
24 adult clubs?

25          PROSPECTIVE JUROR NO. 28: Yeah, definitely.

1 THE COURT: Okay. Anything else you remember reading in the paper  
2 about this?

3 PROSPECTIVE JUROR NO. 28: No, pretty much it was a father, son.

4 THE COURT: Okay. Now, obviously, things are often misrepresented in  
5 the media, incompletely reported, inaccurately reported. Would you be able to  
6 set aside anything you may have read in the media and base your verdict if  
7 selected as a juror solely on the evidence that's presented during the trial?

8 PROSPECTIVE JUROR NO. 28: I don't truly say I could fairly say that.

9 THE COURT: You're concerned about it?

10 PROSPECTIVE JUROR NO. 28: Yeah, I'm concerned about it. I'd like to  
11 say, yes, I can, but I -- to be honest with you I'm already -- have an opinion.

12 THE COURT: Okay.

13 Does the State want to follow up?

14 MR. DI GIACOMO: No, Judge. We'll submit it.

15 THE COURT: I'll see counsel up here, please.

16 (Conference at the bench.)

17 THE COURT: All right.

18 MR. GENTILE: Mr. Urbanik -- no, excuse me, Grisnik, Urbanik was the  
19 lady sitting in front.

20 You ever have anything about you written in the newspaper?

21 PROSPECTIVE JUROR NO. 28: I don't think so.

22 MR. GENTILE: Or any business that you were involved in?

23 PROSPECTIVE JUROR NO. 28: No.

24 MR. GENTILE: How about other media?

25 THE COURT: I'm sorry, I didn't hear you?



1 MR. GENTILE: Other media?

2 PROSPECTIVE JUROR NO. 28: I don't believe so.

3 THE COURT: Oh, other media, I'm sorry.

4 PROSPECTIVE JUROR NO. 28: I have Googled myself before and never  
5 seen nothing come up in print.

6 MR. GENTILE: How about -- you're a host, right?

7 PROSPECTIVE JUROR NO. 28: Yes.

8 MR. GENTILE: How about people that are customers of yours, have you  
9 ever seen anything in the media about customers?

10 PROSPECTIVE JUROR NO. 28: Yes, I have.

11 MR. GENTILE: Probably a lot over the years, 30 years in the casino  
12 business?

13 PROSPECTIVE JUROR NO. 28: Yeah.

14 MR. GENTILE: Were you in a position when you would see things like  
15 that from time to time, were you in a position to judge whether the media got it  
16 right or not?

17 PROSPECTIVE JUROR NO. 28: I didn't quite understand the question.

18 MR. GENTILE: In other words, did you ever disagree with a media report  
19 about something that you knew something about?

20 PROSPECTIVE JUROR NO. 28: Not really.

21 MR. GENTILE: Well, why -- you said you have an opinion about this. Is  
22 it based entirely about what you read?

23 PROSPECTIVE JUROR NO. 28: Pretty much.

24 MR. GENTILE: Do you put a lot of credibility in the media?

25 PROSPECTIVE JUROR NO. 28: I put some. I put some.

1 MR. GENTILE: You do.

2 PROSPECTIVE JUROR NO. 28: I mean, I'm not saying they're a hundred  
3 percent always right, but I put some credibility to it.

4 MR. GENTILE: And so what is your opinion? Say it.

5 PROSPECTIVE JUROR NO. 28: Well, I think they're guilty.

6 MR. GENTILE: Okay. Why?

7 PROSPECTIVE JUROR NO. 28: I just from what I read and the way I  
8 interpret the story. From what they made it sound like he was a pretty decent  
9 guy that got whacked.

10 MR. GENTILE: Okay. Well, if you're going to start off with -- do you  
11 know what the presumption of innocence is?

12 PROSPECTIVE JUROR NO. 28: Yes, I do.

13 MR. GENTILE: You've heard about it?

14 PROSPECTIVE JUROR NO. 28: Yes, I have.

15 MR. GENTILE: You've heard about proof?

16 PROSPECTIVE JUROR NO. 28: I'm just trying to be honest with you.

17 THE COURT: There's no right or wrong answer.

18 MR. GENTILE: There's no right or wrong answer. I'm not trying to  
19 argue with you. I'm trying to see if you could be a juror in this case because  
20 there are some things about you that make you a good juror, and that's the  
21 reason that I'm asking.

22 PROSPECTIVE JUROR NO. 28: No, if it was laid out to me in black and  
23 white that somebody was innocent I'd definitely say innocent. I'm not the kind  
24 of guy who's going to go he's wrong.

25 MR. GENTILE: Okay. Let's talk about innocent. Do you understand

1 that somebody doesn't have to be proven innocent?

2 PROSPECTIVE JUROR NO. 28: He has to be proven guilty.

3 MR. GENTILE: They have to be proven guilty, right. You buy into that,  
4 don't you?

5 PROSPECTIVE JUROR NO. 28: Sure I do. I've had a DUI. So I buy into  
6 it.

7 MR. GENTILE: All right. And from time to time these newspapers that  
8 you read you see once in a while somebody's -- maybe more than once in a  
9 while somebody's found not guilty, and that's because of people that sit in that  
10 box.

11 PROSPECTIVE JUROR NO. 28: Right.

12 MR. GENTILE: Right.

13 PROSPECTIVE JUROR NO. 28: But I've not always agreed with that  
14 either.

15 MR. GENTILE: And you probably didn't know anything at all about those  
16 cases other than what you read in the paper.

17 PROSPECTIVE JUROR NO. 28: The OJ case was pretty popular.

18 MR. GENTILE: Okay. No, I understand. Let me ask you this. If you -- if  
19 the Judge were to tell you that -- well, let me ask you this. Can you set aside  
20 based on what you've just said now, these last couple of things, can you set  
21 aside, can you try your very best to set aside this opinion that you have that's  
22 based on something that you read and nothing that you've heard from a  
23 witness?

24 PROSPECTIVE JUROR NO. 28: I could try.

25 MR. GENTILE: Do you think you could do it?

1 PROSPECTIVE JUROR NO. 28: I'd like to think I could. I just -- I think I  
2 just feel too close to this type of stuff. Tomorrow night I've got customers  
3 coming in. We're going to be at Spearmint Rhino tomorrow night from 11  
4 o'clock at night to 3 in the morning entertaining customers, and I just think I'm  
5 too close to this type of stuff.

6 MR. GENTILE: What type of stuff? Homicides or strip clubs?

7 PROSPECTIVE JUROR NO. 28: Just that whole business.

8 MR. GENTILE: You think you're too close to the business?

9 PROSPECTIVE JUROR NO. 28: Yeah. I just, you know, I know a lot of  
10 these guys that work the doors, and, you know, I call up, I'm bringing guys  
11 over, you know, they meet us at the door, they walk us in. It's just -- I don't  
12 know. I just feel too close to this. Not that I know anybody. I don't know  
13 them. I've been to that club before; I've never seen either one of them. I don't  
14 know; I don't feel comfortable.

15 THE COURT: Okay. Is that it, Mr. Gentile?

16 MR. GENTILE: That's it.

17 THE COURT: Mr. Arrascada, any questions?

18 MR. ARRASCADA: No, Your Honor.

19 THE COURT: Anything from the State?

20 MR. DI GIACOMO: No. I'll submit it to the Court, Judge.

21 THE COURT: I'll see counsel up here.

22 (Conference at the bench.)

23 THE COURT: Mr. Grisnik, you know what, thank you for your candor.  
24 I'm going to go ahead and excuse you from this case because of the potential  
25 conflict. You probably could be fair, but out of an abundance of caution we'll

1 go ahead and excuse you, and Officer Wooten will direct you from the  
2 courtroom. Thank you, sir.

3 And then Mr. O'Neill will be next.

4 Mr. O'Neill, come on and just have a seat there in the jury box.

5 And, Mr. O'Neill, the reason I asked you to come in here by yourself  
6 is I wanted to follow up on something you had said earlier during jury selection.  
7 You indicated that you saw something in the paper about this case over a year  
8 ago or about a year ago; is that right?

9 PROSPECTIVE JUROR NO. 37: In that range, yes.

10 THE COURT: Okay. And that would have been the Review Journal, you  
11 think?

12 PROSPECTIVE JUROR NO. 37: Yes.

13 THE COURT: Now tell me what you remember seeing in the paper.

14 PROSPECTIVE JUROR NO. 37: My memory's kind of sketchy because I  
15 wasn't all that interested; however, I believe that it was father, son, and I  
16 thought there was a woman involved in a murder conspiracy on a former  
17 employee or a manager, and that's about it. I thought there was another  
18 murder involved. I thought they were afraid of testimony of the victim in the  
19 murder that they were accused of in another case.

20 THE COURT: Okay. So you think there may have been something about  
21 two murders or possible murders?

22 PROSPECTIVE JUROR NO. 37: Yeah. It was either two murders -- it  
23 was another felony other than the murder of the individual.

24 THE COURT: Okay. And do you think you just saw one article, or do  
25 you think you may have seen more than one article?

1 PROSPECTIVE JUROR NO. 37: I look at the paper every day. I'm sure I  
2 saw more than one article, but it's not an area of -- I'm not a crime fan, okay.  
3 I'm not an aficionado of, hey, you know, did Sandy do it, you know.

4 THE COURT: Right. So you read it, but it wasn't something that was  
5 particularly interesting to you?

6 PROSPECTIVE JUROR NO. 37: Exactly. I'm more interested in the  
7 Mets.

8 THE COURT: You're more interested in sports?

9 PROSPECTIVE JUROR NO. 37: Right.

10 THE COURT: Now, let me ask you this. I'm sure you can appreciate  
11 that very often the newspapers don't report things completely or they report  
12 things inaccurately; do you accept that?

13 PROSPECTIVE JUROR NO. 37: Absolutely.

14 THE COURT: Now, would you if you're selected to serve as a juror be  
15 able to set aside anything you may have read in the paper and base your verdict  
16 solely on the evidence during the trial, and by evidence I mean the testimony  
17 from the witnesses coming from the stand and any physical exhibits that are  
18 admitted into evidence?

19 PROSPECTIVE JUROR NO. 37: You betcha.

20 THE COURT: Okay. And even if you're selected as a juror and maybe  
21 then you remember something else that you might have read or seen or heard  
22 about the case, can you also set that aside and keep an open mind?

23 PROSPECTIVE JUROR NO. 37: Yeah. I can definitely set aside any  
24 preconceptions and deal with those in front of me.

25 THE COURT: Okay. And you seem pretty confident that you can keep

1 an open --

2 PROSPECTIVE JUROR NO. 37: I know that I can.

3 THE COURT: Okay. Thank you, sir.

4 Does the State wish to follow up?

5 MR. DI GIACOMO: Just a couple questions.

6 Sir, also you mentioned that you knew a guy by the name of Mike  
7 who used to be a long-time bartender at the Palomino?

8 PROSPECTIVE JUROR NO. 37: Yeah. I met him after the fact. I met  
9 Mike when he was working for Dotty's. I don't know if you're familiar with  
10 Dotty's. They're a neighborhood --

11 THE COURT: Right. They have a bunch of them.

12 PROSPECTIVE JUROR NO. 37: And it was after what I had seen in the  
13 paper, and the fact that he had worked at the Palomino came up, and I said,  
14 you know --

15 MR. DI GIACOMO: I guess the question is did you have a conversation  
16 with Mike about the story you read in the paper?

17 PROSPECTIVE JUROR NO. 37: Not about the story at all, about the fact  
18 that the new people that came in he didn't like, but the reason being he'd  
19 worked there for 28 years and got the door. Nothing to do with the situation  
20 that this courtroom is concerned about.

21 MR. DI GIACOMO: Let me ask you this. Mike tells you he doesn't like  
22 the new owners when they came in --

23 PROSPECTIVE JUROR NO. 37: I'm not even sure it was them.

24 MR. DI GIACOMO: Well, that's my question. You don't know if it's  
25 these owners or --

1 PROSPECTIVE JUROR NO. 37: Or the ones before them.  
2 MR. DI GIACOMO: -- the ones before them or the ones after them?  
3 PROSPECTIVE JUROR NO. 37: I didn't even know there were ones after  
4 them.  
5 MR. DI GIACOMO: So obviously nothing you talked about with Mike is  
6 going to color your judgment in this particular case?  
7 PROSPECTIVE JUROR NO. 37: No, sir.  
8 MR. DI GIACOMO: As far as you're concerned as it relates to the two  
9 Hidalgos, you don't know them from Adam, and you're going to give them a  
10 clean slate?  
11 PROSPECTIVE JUROR NO. 37: Yes.  
12 MR. DI GIACOMO: Thank you very much.  
13 Pass.  
14 THE COURT: All right. Thank you.  
15 Mr. Gentile.  
16 MR. GENTILE: How are you?  
17 PROSPECTIVE JUROR NO. 37: Fine.  
18 MR. GENTILE: Do you read the paper every day?  
19 PROSPECTIVE JUROR NO. 37: Yeah, I read the paper every day,  
20 whether you read it or scan it or ...  
21 MR. GENTILE: No, I understood what you were saying. Depends on  
22 how much time you have, what else you're doing.  
23 PROSPECTIVE JUROR NO. 37: Right.  
24 MR. GENTILE: When you read the -- when you read the Palomino story,  
25 okay, the information that was in there, okay, whatever it was, what was the



1 source of the information?

2 PROSPECTIVE JUROR NO. 37: Supposition.

3 MR. GENTILE: Who made the supposition?

4 PROSPECTIVE JUROR NO. 37: I made the supposition the source was

5 Metro. Okay. Metro to the reporter, public information officer or not.

6 MR. GENTILE: And you would agree that you've got to consider the

7 source when you're looking at that type of situation?

8 PROSPECTIVE JUROR NO. 37: If you believe everything you read you're

9 in a hell of a lot of trouble.

10 MR. GENTILE: Did you ever have anything written about you?

11 PROSPECTIVE JUROR NO. 37: Yes, I did.

12 MR. GENTILE: Was it all true?

13 PROSPECTIVE JUROR NO. 37: No, it was not.

14 MR. GENTILE: All right. It isn't all true about me either, remember that.

15 PROSPECTIVE JUROR NO. 37: You know, you've got a disadvantage,

16 you're a lawyer; I'm a citizen.

17 THE COURT: I like that.

18 MR. GENTILE: Mike, the bartender.

19 PROSPECTIVE JUROR NO. 37: Yes.

20 MR. GENTILE: When did he last work at the Palomino; your best guess?

21 PROSPECTIVE JUROR NO. 37: Absolute guess is about five years ago,

22 four or five years ago, in that range, but I could find out.

23 MR. GENTILE: No. No. I don't want -- as a matter of fact, the Judge is

24 going to tell you you can't find out.

25 THE COURT: You can't find out.

1 PROSPECTIVE JUROR NO. 37: No, but I could ask him how long ago he  
2 --

3 MR. GENTILE: No, we don't want you to do that.

4 PROSPECTIVE JUROR NO. 37: I don't know. I don't know. I know  
5 that he was at Dotty's quite a while before --

6 MR. GENTILE: Let me see if I can get to this, and I think I can. The  
7 pleading itself, this event took place May the 19<sup>th</sup> of 2005. So if you talked to  
8 him when this hit the paper, and he was at Dotty's, then he must have been  
9 gone by then, and that's what I'm trying to get at.

10 PROSPECTIVE JUROR NO. 37: That's a good point. When did I start  
11 going to Dotty's?

12 MR. GENTILE: I couldn't tell you.

13 PROSPECTIVE JUROR NO. 37: No, I'm -- excuse me, I'm trying to sort  
14 it myself. I started going to Dotty's on occasion after the fact of -- I mean,  
15 after the events that lead up to this case happened, and --

16 MR. GENTILE: What was your impression as to how long Mike had been  
17 working there by that time?

18 THE COURT: Working at Dotty's.

19 MR. GENTILE: Working at Dotty's.

20 PROSPECTIVE JUROR NO. 37: My impression was a couple of years.  
21 He seemed to know what he was doing.

22 MR. GENTILE: All right. And if you're chosen to act as a juror in this  
23 case, there's one thing that we're all going to ask you to not do and that's not  
24 talk to Mike about any of this.

25 PROSPECTIVE JUROR NO. 37: That's not a problem.

1 MR. GENTILE: Okay. All right. No problem.

2 THE COURT: All right. Thank you.

3 Mr. Arrascada, do you have any questions?

4 MR. ARRASCADA: Possibly one. Court's indulgence.

5 No, Your Honor, we're fine.

6 THE COURT: All right. Thank you.

7 Mr. O'Neill, a couple of things before I send you back out in the  
8 hallway. Obviously don't discuss anything you may have read or remember  
9 about the case with any of your fellow jurors or prospective jurors. Do you  
10 understand that?

11 PROSPECTIVE JUROR NO. 37: Yes, I do.

12 THE COURT: And also, some of them may want to know what we  
13 talked about here when we brought you in. Please don't discuss the questions  
14 that I asked or the lawyers asked or anything that's transpired just now in the  
15 courtroom. Okay?

16 PROSPECTIVE JUROR NO. 37: Okay.

17 THE COURT: Okay. Thank you, sir. Go ahead and follow Officer  
18 Wooten through the double doors.

19 PROSPECTIVE JUROR NO. 37: Thank you very much.

20 THE COURT: And he'll just direct you where to just wait. Thank you,  
21 sir.

22 A couple things before Jeff brings in the panel I wanted to put on  
23 the record. Both sides were fine with Juror No. 10, Ms. Urbanick and Mr.  
24 O'Neill; is that right?

25 MR. GENTILE: That's correct for both --

1 THE COURT: Okay. And then the defense made a for cause challenge  
2 against Mr. Grisnik at the bench which was granted at the bench which was  
3 granted by the Court, and Mr. Grisnik was excused on a for-cause challenge. Is  
4 that correct, defense?

5 MR. GENTILE: Yes.

6 THE COURT: All right. Does anybody need a two-minute break?

7 MR. PESCI: Judge, if I could make a record before we do that. Also in  
8 addition, I believe both sides had no objection to the ones that you kicked, if I  
9 could, that was 14, 27, 29, 46, 54, 66, 77, 88, 94. It's my understanding  
10 that neither sides had any problem with those being released.

11 MR. ADAMS: I believe that's correct.

12 THE COURT: All right. And just for the record, we met in the hallway  
13 to see if everyone agreed.

14 We may take a break. I'm going to go past 5, a housekeeping  
15 thing. On some of these people that were semi hardships that I put at the end,  
16 if they're going to have to come back tomorrow, which it's now looking like  
17 we're not going to finish today, does anyone have any objection to me just  
18 excusing those people so they don't have to come back tomorrow?

19 MR. GENTILE: I don't understand.

20 THE COURT: Well, the people I set in the back we put them at the end  
21 so we don't get to them --

22 MR. GENTILE: Oh, I see. Okay.

23 THE COURT: -- but I don't now want to -- since we probably are not  
24 going to get to them -- want to make them take off another day of work and  
25 come back. Does everyone understand?

1 MR. ADAMS: We have no problem.

2 MR. GENTILE: No, that's fine.

3 MR. ADAMS: Judge, before our hopefully short break, I have one  
4 question. You admonished them before they stepped out about talking with  
5 each other in the hall, have you heard back if that had been going on at the  
6 early break?

7 THE COURT: The only thing is my bailiff informed me he heard the juror  
8 in the wine colored shirt saying oh, I'm in a jury selection in this case. I don't  
9 see it as a problem since that juror was excused for hardship. That was the  
10 gentleman that was employed at the airport for the record. Other than that  
11 there's been no reports of anyone.

12 Typically I do do that just so they know. What had happened is  
13 they took a break when we were in the hall. So that's why they didn't get the  
14 admonishment prior. I always do that to avoid any possibilities.

15 Do you guys need a real quick break?

16 MR. ADAMS: That would be --

17 THE COURT: Okay. Let's take a real quick --

18 MR. DI GIACOMO: Judge --

19 THE COURT: Yes, Mr. DiGiacomo.

20 MR. DI GIACOMO: This doesn't need to be on the record.

21 (Recessed 3:31 p.m.)

22 (Jury entering 3:40 p.m.)

23 THE COURT: Court is now back in session. The record will reflect the  
24 presence of the State through the Deputy District Attorneys, the presence of  
25 the defendants and their attorneys, the officers of the court and the members

1 of the prospective jury panel.

2 And, Ms. Husted, if you would please call up the name of the next  
3 prospective juror to take chair No. 14.

4 THE CLERK: Yes, Your Honor. Badge 35, Alicia Jackson.

5 THE COURT: Ms. Jackson, if you'd just have that empty chair in the  
6 back row, please.

7 Good afternoon. What do you do for a living?

8 PROSPECTIVE JUROR NO. 35: I'm a second grade teacher for the Clark  
9 County School District.

10 THE COURT: All right. And for how long have you been doing that?

11 PROSPECTIVE JUROR NO. 35: Six years.

12 THE COURT: Are you married?

13 PROSPECTIVE JUROR NO. 35: Yes.

14 THE COURT: And what does your husband do?

15 PROSPECTIVE JUROR NO. 35: He's an electrical engineer for JT3

16 THE COURT: Okay. And what is JT3?

17 PROSPECTIVE JUROR NO. 35: It's a contractor for the Department of  
18 Defense.

19 THE COURT: Okay. And do you have any children?

20 PROSPECTIVE JUROR NO. 35: Yes.

21 THE COURT: How many and the age range?

22 PROSPECTIVE JUROR NO. 35: I have three, 12, 7 and 5.

23 THE COURT: Have you ever served as a juror before?

24 PROSPECTIVE JUROR NO. 35: Yes, I have.

25 THE COURT: Okay. How many times?

1 PROSPECTIVE JUROR NO. 35: Once.  
2 THE COURT: And how long ago was that?  
3 PROSPECTIVE JUROR NO. 35: It was two years ago in November.  
4 THE COURT: Here in Clark County?  
5 PROSPECTIVE JUROR NO. 35: Yes, actually, here.  
6 THE COURT: Oh, okay. Was it a civil case or a criminal case?  
7 PROSPECTIVE JUROR NO. 35: It was a civil case.  
8 THE COURT: Okay. And without telling us what the verdict was, did  
9 the jury reach a verdict?  
10 PROSPECTIVE JUROR NO. 35: It was settled before we deliberated.  
11 THE COURT: Okay. So in the middle it was negotiated, and you never  
12 actually went back in the jury box?  
13 PROSPECTIVE JUROR NO. 35: Right.  
14 THE COURT: Okay. Have you or anyone close to you ever been the  
15 victim of a serious crime?  
16 PROSPECTIVE JUROR NO. 35: No.  
17 THE COURT: What about the flip side of that; have you or anyone close  
18 to you ever been arrested or charged with a criminal offense?  
19 PROSPECTIVE JUROR NO. 35: Yes.  
20 THE COURT: Okay.  
21 PROSPECTIVE JUROR NO. 35: My husband was arrested for a DUI.  
22 THE COURT: All right. How long ago?  
23 PROSPECTIVE JUROR NO. 35: Six years ago.  
24 THE COURT: Was that a misdemeanor DUI; do you know?  
25 PROSPECTIVE JUROR NO. 35: I believe so.

1 THE COURT: Were you married to him at the time?

2 PROSPECTIVE JUROR NO. 35: Yes.

3 THE COURT: And was that here in Clark County?

4 PROSPECTIVE JUROR NO. 35: No, it was in Florida.

5 THE COURT: Okay. And did he hire an attorney in connection with  
6 that?

7 PROSPECTIVE JUROR NO. 35: Yes.

8 THE COURT: And did you follow his case? Did you go to court with  
9 him and stuff?

10 PROSPECTIVE JUROR NO. 35: No. We didn't go to court because we  
11 were living in Wyoming at the time. It was the last spring break with his  
12 college buddies that was never going to happen again.

13 THE COURT: Okay.

14 PROSPECTIVE JUROR NO. 35: So we had to hire an attorney. He did  
15 never go back to Florida. He just hired an attorney to take care of it.

16 THE COURT: Okay. And are you satisfied with the outcome of your  
17 husband's case?

18 PROSPECTIVE JUROR NO. 35: Yes.

19 THE COURT: And has he been back to Florida with his college buddies?

20 PROSPECTIVE JUROR NO. 35: No, just with me.

21 THE COURT: Okay. And have you or anyone close to you ever worked  
22 in law enforcement?

23 PROSPECTIVE JUROR NO. 35: No.

24 THE COURT: All right. Thank you.

25 The State may follow up with the prospective jurors in the box.



1 MR. DI GIACOMO: May we approach?

2 THE COURT: Sure.

3 (Conference at the bench.)

4 MR. DI GIACOMO: Ma'am, I don't want to mispronounce your name. Is  
5 it Espino?

6 PROSPECTIVE JUROR NO. 1: Yes.

7 MR. DI GIACOMO: Okay. And I'm sure the Judge asked you, but it's  
8 been a few hours now. How long have you lived in Clark County?

9 PROSPECTIVE JUROR NO. 1: About 14 years.

10 MR. DI GIACOMO: 14 years now. And you said you've been a  
11 receptionist for a dentist?

12 PROSPECTIVE JUROR NO. 1: Yes.

13 MR. DI GIACOMO: How long have you been doing that?

14 PROSPECTIVE JUROR NO. 1: About six years now.

15 MR. DI GIACOMO: When you said you were a receptionist, you the  
16 person that works at the front desk --

17 PROSPECTIVE JUROR NO. 1: The front desk.

18 MR. DI GIACOMO: -- you don't actually do the work on the individual  
19 patients?

20 PROSPECTIVE JUROR NO. 1: No, I don't.

21 MR. DI GIACOMO: Previously, you told us that a crime was committed  
22 against you, and I want to set that aside. I don't want to talk about that. Any  
23 other contact that you've ever had with the justice system, whether in a civil  
24 case as a witness, a criminal case, anything like that?

25 PROSPECTIVE JUROR NO. 1: No.

1 MR. DI GIACOMO: What about law enforcement? Have you ever had a  
2 cop write you a ticket, anything like that?

3 PROSPECTIVE JUROR NO. 1: Yes.

4 MR. DI GIACOMO: And the times that you've had interaction with a  
5 police officer, have you ever at any point had a bad experience with a police  
6 officer?

7 PROSPECTIVE JUROR NO. 1: No.

8 MR. DI GIACOMO: You thought they treated you fairly?

9 PROSPECTIVE JUROR NO. 1: Yes.

10 MR. DI GIACOMO: One of the things that's going to come out in the  
11 trial -- I've already said it once -- is there's going to be a lot of testimony about  
12 the Palomino Club. The Palomino Club is an adult cabaret. It's a gentlemen's  
13 club, and there's going to be testimony about the nature of that business.  
14 Some people who live in Vegas say, Hey, what happens in Vegas stays in  
15 Vegas, and some people have some very strong opinions about those types of  
16 business in general.

17 Are you one of those people that has those types of opinions?

18 PROSPECTIVE JUROR NO. 1: No.

19 MR. DI GIACOMO: So there's nothing about the fact that this case  
20 involves that type of business that should affect your judgment one way or the  
21 other?

22 PROSPECTIVE JUROR NO. 1: No.

23 MR. DI GIACOMO: In addition to that, you may hear -- let me rephrase  
24 that -- you will hear the testimony of somebody who used to be a defendant in  
25 this particular case, and while the Judge will instruct you on the law and

1 everything else like that, as you sit here today, merely because somebody  
2 previously was a defendant and is now testifying in this particular case, does  
3 that mean that you would automatically reject their testimony?

4 PROSPECTIVE JUROR NO. 1: No.

5 MR. DI GIACOMO: Have you ever in the time that you've done  
6 whatever, kids, whatever, you've ever had to work out the truth, what the  
7 truth people are saying, talking about the same incident but not telling the same  
8 story?

9 PROSPECTIVE JUROR NO. 1: My children.

10 MR. DI GIACOMO: Your children, right?

11 PROSPECTIVE JUROR NO. 1: Yes.

12 MR. DI GIACOMO: And how do you go about doing that?

13 PROSPECTIVE JUROR NO. 1: I just talk to them, watch them and see  
14 which one's lying and which one's --

15 MR. DI GIACOMO: Right. You can kind of tell by their demeanor and  
16 kind of the sequencing of events they give you?

17 PROSPECTIVE JUROR NO. 1: Yes.

18 MR. DI GIACOMO: You look at a lot of different things?

19 PROSPECTIVE JUROR NO. 1: Yes.

20 MR. DI GIACOMO: And there's times that people say things or you've  
21 seen your children tell you things, and they may have reasons for why they're  
22 not telling you the truth, right?

23 PROSPECTIVE JUROR NO. 1: Right.

24 MR. DI GIACOMO: And you can evaluate whether or not those reasons  
25 were good reasons or bad reasons?

1 PROSPECTIVE JUROR NO. 1: Yes.

2 MR. DI GIACOMO: And ultimately you can sort out the truth, right?

3 PROSPECTIVE JUROR NO. 1: Yes.

4 COURT RECORDER: I'm sorry. Could you speak up a little louder, please.

5 MR. DI GIACOMO: Sure. Do you need me to move the microphone?

6 COURT RECORDER: The juror.

7 MR. DI GIACOMO: You've sat here now most of the day; is there

8 anything about -- well, let me ask it this way. If you were myself and Mr.

9 Pesci, would you want 12 people like yourself judging a trial?

10 PROSPECTIVE JUROR NO. 1: Yes.

11 MR. DI GIACOMO: On the flip side. You're Mr. Hidalgo or Mr. Hidalgo

12 III, the father or the son, if you were sitting over in that chair, would you like 12

13 people like yourself?

14 PROSPECTIVE JUROR NO. 1: Yes.

15 MR. DI GIACOMO: At the end of the day if the State of Nevada can

16 prove the elements of the crime that these two individuals are charged with, do

17 you have any problem raising your hand in that backroom and voting guilty?

18 PROSPECTIVE JUROR NO. 1: No.

19 MR. DI GIACOMO: Do you think you could be the foreperson and sign

20 the verdict form?

21 PROSPECTIVE JUROR NO. 1: Yes.

22 MR. DI GIACOMO: Thank you very much.

23 Judge, I'd pass for cause.

24 THE COURT: All right. Mr. Gentile.

25 MR. GENTILE: Why?

1 PROSPECTIVE JUROR NO. 1: Why?

2 MR. GENTILE: Yeah, why? Why would you want somebody like you for  
3 a juror?

4 PROSPECTIVE JUROR NO. 1: I think I'm probably fair, and I would  
5 listen.

6 MR. GENTILE: Now, there's a couple things I want to ask, and I'm  
7 going to ask these questions of everybody, and we're going to do them one at a  
8 time, but I am going to try to be brief. Have you ever been afraid?

9 PROSPECTIVE JUROR NO. 1: Of course.

10 MR. GENTILE: And I think you've already disclosed something.  
11 Certainly any of us would be under those circumstances. Is that the only time  
12 you've been scared?

13 PROSPECTIVE JUROR NO. 1: No.

14 MR. GENTILE: If you can remember those times, I'm not going to ask  
15 you what they were, do you think straight the same as you do when you're not  
16 afraid?

17 PROSPECTIVE JUROR NO. 1: I'm sorry?

18 MR. GENTILE: Did you think -- did you respond to those situations the  
19 same as you would as if you were not afraid?

20 PROSPECTIVE JUROR NO. 1: No.

21 MR. GENTILE: We have these attorney lists that have information filled  
22 out, and guess what, yours doesn't have some. So I've got to ask you those  
23 questions. What's your educational background?

24 PROSPECTIVE JUROR NO. 1: I graduated from high school.

25 MR. GENTILE: How long ago?

1 PROSPECTIVE JUROR NO. 1: '97.  
2 MR. GENTILE: And how long have you lived here in Las Vegas?  
3 PROSPECTIVE JUROR NO. 1: About 14 years.  
4 MR. GENTILE: Where did you move from?  
5 PROSPECTIVE JUROR NO. 1: California.  
6 MR. GENTILE: What part?  
7 PROSPECTIVE JUROR NO. 1: Fresno.  
8 MR. GENTILE: You heard Mr. DiGiacomo talk about the Palomino Club.  
9 PROSPECTIVE JUROR NO. 1: Right.  
10 MR. GENTILE: To the best of my understanding about this case there's  
11 not going to be a whole lot of talk of (unintelligible). The business, yes, but not  
12 the sexual aspect of it. Do you know anybody who's ever worked at a strip  
13 club?  
14 PROSPECTIVE JUROR NO. 1: Yes.  
15 MR. GENTILE: Have you ever worked at a strip club?  
16 PROSPECTIVE JUROR NO. 1: No.  
17 MR. GENTILE: And I know that this is the kind of a question that some  
18 of you are going to be offended at, too bad. I have to ask it. We need fair  
19 people. So when you respond to this concept of strip club you don't have any  
20 kind of a -- I mean, you know somebody who's worked at one?  
21 PROSPECTIVE JUROR NO. 1: Correct.  
22 MR. GENTILE: Did you get along with them?  
23 PROSPECTIVE JUROR NO. 1: Yes.  
24 MR. GENTILE: Were they ordinary people?  
25 PROSPECTIVE JUROR NO. 1: Yes.

1 MR. GENTILE: How about taxis? Have you ever driven a cab?  
2 PROSPECTIVE JUROR NO. 1: No.  
3 MR. GENTILE: Do you know anybody who's ever driven a cab?  
4 PROSPECTIVE JUROR NO. 1: No.  
5 MR. GENTILE: And so you don't deal with the cab drivers other than to  
6 get in the cab and ask to go someplace?  
7 PROSPECTIVE JUROR NO. 1: Yes.  
8 MR. GENTILE: I don't know much about Fresno. I've been to a lot of  
9 places, but that's not one of them. Let me ask you this. Have you ever had  
10 any kind of contact or anybody in your family ever had any contact with a  
11 street gang?  
12 PROSPECTIVE JUROR NO. 1: No, not to my knowledge.  
13 MR. GENTILE: So whatever you know about street gangs would be  
14 something that you've read or seen on TV or something like that?  
15 PROSPECTIVE JUROR NO. 1: Yes.  
16 MR. GENTILE: But no personal?  
17 PROSPECTIVE JUROR NO. 1: No.  
18 MR. GENTILE: Have you ever worked in a cash business?  
19 PROSPECTIVE JUROR NO. 1: Yes.  
20 MR. GENTILE: What kind?  
21 PROSPECTIVE JUROR NO. 1: It was a money wiring.  
22 MR. GENTILE: You mean like you walked up to the window and give  
23 somebody money --  
24 PROSPECTIVE JUROR NO. 1: Money and we'd wire it to different  
25 countries.

1 MR. GENTILE: Any others? Any other kind of cash business?  
2 PROSPECTIVE JUROR NO. 1: Fast food.  
3 MR. GENTILE: Were you ever in a supervisory position in any of those  
4 businesses?  
5 PROSPECTIVE JUROR NO. 1: No.  
6 MR. GENTILE: Have you ever worked in a restaurant or a bar?  
7 PROSPECTIVE JUROR NO. 1: Just fast food.  
8 MR. GENTILE: Have you ever owned a business?  
9 PROSPECTIVE JUROR NO. 1: No.  
10 MR. GENTILE: Has your family ever owned a business or anybody that  
11 you were really close to?  
12 PROSPECTIVE JUROR NO. 1: No.  
13 MR. GENTILE: Have you ever hired a lawyer?  
14 PROSPECTIVE JUROR NO. 1: No.  
15 MR. GENTILE: Do you have any feelings about somebody hiring a  
16 lawyer?  
17 PROSPECTIVE JUROR NO. 1: No.  
18 MR. GENTILE: When you hear that somebody hires a lawyer, forgetting  
19 about what they might have hired them for, do you get any kind of a response  
20 to it? What's the first thing that comes to your mind?  
21 PROSPECTIVE JUROR NO. 1: That they really need it.  
22 MR. GENTILE: Okay. What do you mean? For you to hire a lawyer you  
23 would have to feel that you needed to hire --  
24 PROSPECTIVE JUROR NO. 1: Yeah.  
25 MR. GENTILE: So you don't have a family lawyer or any kind of a long-



1 term relationship with a lawyer?

2 PROSPECTIVE JUROR NO. 1: No.

3 MR. GENTILE: Okay. Do you know anybody who does?

4 PROSPECTIVE JUROR NO. 1: No.

5 MR. GENTILE: Finally, has anybody in your life -- and I'm not going to  
6 ask you who -- but has anybody really close to you ever done drugs?

7 PROSPECTIVE JUROR NO. 1: Friends --

8 MR. GENTILE: When I use the word drugs, what comes to your mind?  
9 You know I don't mean medicine?

10 PROSPECTIVE JUROR NO. 1: Right.

11 MR. GENTILE: Okay. I mean recreational drugs. When I use that word,  
12 because to use the word drugs, it doesn't really tell you what drugs. So when I  
13 say to you drugs, what comes to your mind?

14 PROSPECTIVE JUROR NO. 1: Marijuana, coke.

15 MR. GENTILE: Marijuana and coke. So you've had friends that --

16 PROSPECTIVE JUROR NO. 1: Yes.

17 MR. GENTILE: Were these people that were really close to you?

18 PROSPECTIVE JUROR NO. 1: Yes.

19 MR. GENTILE: Did it help them?

20 PROSPECTIVE JUROR NO. 1: No.

21 MR. GENTILE: I'm sorry to keep looking down at this but we don't have  
22 -- I guess I could use this.

23 Your Honor --

24 THE COURT: You need the podium?

25 MR. GENTILE: That would be great.

1 THE COURT: Actually, there's a podium in the corner, and Jeff will get  
2 it for you.

3 MR. GENTILE: Anyway, you know what, in reality, I'm going to need  
4 that for the next person because I want to thank you for the answer that  
5 you've given.

6 MR. ARRASCADA: Your Honor, if I may?

7 THE COURT: Yes, of course.

8 And pass for cause?

9 MR. GENTILE: Yes.

10 THE COURT: All right. Thank you.

11 Mr. Arrascada.

12 MR. ARRASCADA: It's Ms. Espino?

13 PROSPECTIVE JUROR NO. 1: Correct.

14 MR. ARRASCADA: And how long did you say you've lived here in Las  
15 Vegas?

16 PROSPECTIVE JUROR NO. 1: About 14 years.

17 MR. ARRASCADA: You know now from when you first sat down this  
18 case is about the Palomino Strip Club.

19 PROSPECTIVE JUROR NO. 1: Yes.

20 MR. ARRASCADA: And having heard them and sit here thinking about  
21 it, has it jogged your mind at all that you may have read or seen something in  
22 the press about this matter?

23 PROSPECTIVE JUROR NO. 1: No. I think now I remember my dad  
24 talking about it because it's about a mile and a half away from where my dad  
25 lives.

1 MR. ARRASCADA: So you remember your dad talking about it?  
2 PROSPECTIVE JUROR NO. 1: Yes.  
3 MR. ARRASCADA: What is it you remember?  
4 PROSPECTIVE JUROR NO. 1: I think he said something about a crime at  
5 that place.  
6 MR. ARRASCADA: Did he go into what type of crime?  
7 PROSPECTIVE JUROR NO. 1: No. He just said something happened at  
8 the Palomino.  
9 MR. ARRASCADA: Did he express to you any opinions about it or  
10 anything?  
11 PROSPECTIVE JUROR NO. 1: No.  
12 MR. ARRASCADA: But you do now recall?  
13 PROSPECTIVE JUROR NO. 1: Yes.  
14 MR. ARRASCADA: Okay. I appreciate that. One thing I noticed right  
15 before we left on break you had answered some personal questions to the  
16 Judge about this and soon you were becoming very emotional right before  
17 break --  
18 PROSPECTIVE JUROR NO. 1: Yes.  
19 MR. ARRASCADA: Is that accurate?  
20 PROSPECTIVE JUROR NO. 1: Yes.  
21 MR. ARRASCADA: I don't want to talk to you about your emotions, but  
22 does that affect you in any way your ability to be fair in this case?  
23 PROSPECTIVE JUROR NO. 1: I don't think so.  
24 MR. ARRASCADA: You don't think so. What is it that could make it  
25 that it would be problematic for you because of those issues?

1 PROSPECTIVE JUROR NO. 1: I don't know.

2 MR. ARRASCADA: If there was some sort of sexual (unintelligible) in  
3 evidence would that be problematic for you?

4 PROSPECTIVE JUROR NO. 1: Maybe.

5 MR. ARRASCADA: And as Mr. Gentile said, we're not going to have  
6 that here, okay?

7 PROSPECTIVE JUROR NO. 1: Okay.

8 MR. ARRASCADA: And would that do away with those emotional  
9 feelings that you have?

10 PROSPECTIVE JUROR NO. 1: I guess so.

11 MR. ARRASCADA: You also said when you were speaking about that  
12 the person got away with it. You mentioned to the Judge that he wasn't  
13 punished enough.

14 PROSPECTIVE JUROR NO. 1: Right.

15 MR. ARRASCADA: Do you feel if anyone is brought into a trial that  
16 someone has to be punished?

17 PROSPECTIVE JUROR NO. 1: Not necessarily, but in that case I thought  
18 he should have.

19 MR. ARRASCADA: But as you sit here today because you're on a jury  
20 do you feel that people over where the defendant's standing need to be  
21 punished?

22 PROSPECTIVE JUROR NO. 1: No.

23 MR. ARRASCADA: Why is that?

24 PROSPECTIVE JUROR NO. 1: Because I don't know his story. I don't  
25 know -- I haven't heard, you know.

1 MR. ARRASCADA: You don't know the story?  
2 PROSPECTIVE JUROR NO. 1: Right.  
3 MR. ARRASCADA: Okay. So you want to hear all the facts?  
4 PROSPECTIVE JUROR NO. 1: Right.  
5 MR. ARRASCADA: And if you were asked right now by the Judge what  
6 your verdict is with what you know about the case right now, what's your  
7 verdict going to be?  
8 PROSPECTIVE JUROR NO. 1: I couldn't tell them one.  
9 MR. ARRASCADA: You couldn't tell her. Would it be not guilty?  
10 PROSPECTIVE JUROR NO. 1: Yes.  
11 MR. ARRASCADA: And why is that?  
12 PROSPECTIVE JUROR NO. 1: Because I don't know the story.  
13 MR. ARRASCADA: You haven't heard anything?  
14 PROSPECTIVE JUROR NO. 1: Right.  
15 MR. ARRASCADA: And even if you hear a story and it doesn't make  
16 sense what would your verdict then be?  
17 PROSPECTIVE JUROR NO. 1: It doesn't make sense and there's not  
18 enough evidence, probably not guilty.  
19 MR. ARRASCADA: And if we're in a situation where myself and Mr.  
20 Adams and Mr. Gentile and Ms. Armeni we don't say a single word during the  
21 entire case; we just sit there, and what they present doesn't make sense, if we  
22 don't do anything, what does your verdict have to be?  
23 PROSPECTIVE JUROR NO. 1: (Unintelligible.)  
24 MR. ARRASCADA: We've already said it would be not guilty.  
25 PROSPECTIVE JUROR NO. 1: Probably not guilty.

1 MR. ARRASCADA: If all you heard doesn't make sense it would have to  
2 be not guilty?

3 PROSPECTIVE JUROR NO. 1: Yes.

4 MR. ARRASCADA: Ma'am, the Court talked about a time when you had  
5 to have hurt someone and it was suggested -- suggested briefly that you didn't  
6 really think they meant it. You've been in that situation, haven't you?

7 PROSPECTIVE JUROR NO. 1: Um, yeah.

8 MR. ARRASCADA: What led to your thoughts that that person didn't  
9 mean it?

10 PROSPECTIVE JUROR NO. 1: They were young and not thinking.

11 MR. ARRASCADA: Young and not thinking?

12 PROSPECTIVE JUROR NO. 1: Right.

13 MR. ARRASCADA: Was it somebody that you knew personally?

14 PROSPECTIVE JUROR NO. 1: Yes.

15 MR. ARRASCADA: And so you knew about them?

16 PROSPECTIVE JUROR NO. 1: Yes.

17 MR. ARRASCADA: What if you didn't know anything about them?

18 Would you be able to know if they weren't serious?

19 PROSPECTIVE JUROR NO. 1: No.

20 MR. ARRASCADA: How would somebody, a stranger, know that that  
21 person, your friend, wasn't serious?

22 PROSPECTIVE JUROR NO. 1: I don't think they could have known.

23 MR. ARRASCADA: Would they have to hear from that person?

24 PROSPECTIVE JUROR NO. 1: Yes.

25 MR. ARRASCADA: Is that the only way you would know that

1 someone's not serious?

2 PROSPECTIVE JUROR NO. 1: Yes.

3 MR. ARRASCADA: So you would have to have someone tell you and  
4 explain themselves?

5 PROSPECTIVE JUROR NO. 1: Yes.

6 MR. ARRASCADA: Just give me a moment. I actually do have to rely  
7 on my notes, okay.

8 That's all I have for you. Thank you.

9 THE COURT: Thank you, Mr. Arrascada. Pass for cause?

10 MR. ARRASCADA: Court's indulgence.

11 THE COURT: All right.

12 MR. ARRASCADA: Your Honor, I cannot pass for cause.

13 THE COURT: All right. I'll see everybody up here.

14 (Conference at the bench.)

15 THE COURT: Go ahead, Mr. Arrascada, you had some additional  
16 questions; is that right?

17 MR. ARRASCADA: Yes.

18 I'm sorry, your last name?

19 PROSPECTIVE JUROR NO. 1: Espino.

20 MR. ARRASCADA: Espino. I wasn't trying to speak in code when I was  
21 asking about your life experiences, okay?

22 PROSPECTIVE JUROR NO. 1: Okay.

23 MR. ARRASCADA: One of the principles we have in court is that  
24 anyone accused of a crime has the right to remain silent and never say a word,  
25 never testify. You understand about that?

1 PROSPECTIVE JUROR NO. 1: Yes.

2 MR. ARRASCADA: And when I was asking you about what your verdict  
3 would be if we never said anything if our clients don't testify, would you require  
4 to hear from them in this case in order to find them not guilty?

5 PROSPECTIVE JUROR NO. 1: Yes.

6 MR. ARRASCADA: You would?

7 PROSPECTIVE JUROR NO. 1: Yes.

8 MR. ARRASCADA: Thank you, ma'am.

9 THE COURT: State?

10 MR. DI GIACOMO: Yeah, let me ask her a couple questions.

11 THE COURT: Okay.

12 MR. DI GIACOMO: Ma'am, I honestly don't believe the Court asked this  
13 question. At the end of the case the Court's going to instruct you on what the  
14 law is, right?

15 PROSPECTIVE JUROR NO. 1: Right.

16 MR. DI GIACOMO: All of us sitting over here, we've all gone to law  
17 school, and then the Court finally tells what the law is. I assume you don't  
18 have any formal training on the law?

19 PROSPECTIVE JUROR NO. 1: Right.

20 MR. DI GIACOMO: You hear through TV shows and the news, all kinds  
21 of legal terminology, presumption of innocence, reasonable doubt, all those  
22 other things, right?

23 PROSPECTIVE JUROR NO. 1: Yes.

24 MR. DI GIACOMO: And I'm assuming before you walked in here today  
25 you didn't really think about what those concepts mean, right?



1 PROSPECTIVE JUROR NO. 1: Right.

2 MR. DI GIACOMO: If the Judge were to instruct you at the end of this  
3 case that a defendant never has a duty to take the stand and never has a duty  
4 to provide evidence and myself and Mr. Pesci just can't prove our case, if you  
5 have a reasonable doubt despite the fact they didn't take the stand, you have  
6 to return a verdict of not guilty, okay?

7 PROSPECTIVE JUROR NO. 1: Okay.

8 MR. DI GIACOMO: If the Judge instructs you that, can you follow that  
9 law?

10 PROSPECTIVE JUROR NO. 1: Yes.

11 MR. DI GIACOMO: So if the Judge tells you that they have an absolute  
12 right not to say anything, you are willing to follow that law and make a  
13 determination on the facts?

14 PROSPECTIVE JUROR NO. 1: Yes.

15 MR. DI GIACOMO: Thank you.

16 THE COURT: You've kind of said two different things, and again,  
17 there's no right or wrong answer because it's what people's thoughts are and  
18 their feelings so it's not like a test where one answer might be correct and  
19 another answer might be incorrect. There is no such thing as a right or wrong  
20 answer when we do this. It's just what people's thoughts and feelings are.

21 Now, you said previously when Mr. Arrascada was questioning you  
22 that you would want to hear from them. And then when Mr. DiGiacomo was  
23 questioning you you said, well, no, you understand. Now, again, we kind of  
24 ask you about concepts that you may not be familiar with. But an accused in a  
25 criminal case is never required to present any evidence.

1                   So do you understand that Mr. Gentile and Ms. Armeni and Mr.  
2 Adams and Mr. Arrascada don't have to put on any witnesses or cross-examine  
3 anybody if they choose not to? Do you understand that?

4                   PROSPECTIVE JUROR NO. 1: Yes.

5                   THE COURT: Okay. Now, if the State doesn't prove the defendant's  
6 guilt beyond a reasonable doubt, even if you think the defense attorneys did  
7 nothing and did a bad job, would you be able to render a verdict of not guilty, or  
8 would you hold that against the men sitting at this table?

9                   PROSPECTIVE JUROR NO. 1: I could probably render a not guilty.

10                  THE COURT: Okay. Now, on the issue of a defendant testifying. You  
11 understand that there are many reasons why a defendant may choose not to  
12 testify?

13                  PROSPECTIVE JUROR NO. 1: Yes.

14                  THE COURT: Okay. If a defendant chose or one of the defendants or  
15 both of the defendants chose not to testify, would you hold it against that  
16 defendant? Would you think, well, wait a minute. They should have testified,  
17 and I wanted to hear from them, and somehow hold that against them or their  
18 attorneys?

19                  PROSPECTIVE JUROR NO. 1: No.

20                  THE COURT: Okay. You'd be able to follow the law and just base your  
21 verdict on the evidence and not sort of think, well, if they didn't do it I'd want  
22 to hear from them? Any thoughts on that?

23                  PROSPECTIVE JUROR NO. 1: No.

24                  THE COURT: Mr. Arrascada, any follow up with this potential juror?

25                  MR. ARRASCADA: Yes, Your Honor.

1 Ms. Espino, I'm just going to ask you in your heart of hearts do you  
2 need to hear Luis Hidalgo III say, I didn't do this, in order to find him not guilty?  
3 We hear your emotions. Not that we're all leading you around. I want to hear  
4 your true feelings, okay?

5 PROSPECTIVE JUROR NO. 1: No.

6 MR. ARRASCADA: I appreciate your honesty.

7 THE COURT: All right. Thank you, Mr. Arrascada.

8 The State may question Juror No. 2, Ms. Silber.

9 MR. PESCI: Thank you, Judge.

10 Ma'am, fine to correct me, teacher, rock and roll and an actress?

11 PROSPECTIVE JUROR NO. 2: Right.

12 MR. PESCI: Could you tell us a little more about that. What did you  
13 teach?

14 PROSPECTIVE JUROR NO. 2: I forgot to tell you I also sold Chryslers in  
15 Germany.

16 MR. PESCI: Was that between the acting or when was that?

17 PROSPECTIVE JUROR NO. 2: I taught kindergarten through 8. I taught  
18 6, 7 and 8 in the inner city. I taught army GIs how to type in a military  
19 correspondence. I counseled for the University of Maryland. I taught  
20 kindergarten through adults yoga.

21 MR. PESCI: All right. When was the rock and roll in all that? What did  
22 you do in rock and roll?

23 PROSPECTIVE JUROR NO. 2: Rock and roll was '76 to I'm still  
24 involved.

25 MR. PESCI: What aspect though? Was it event planning that you're --