

1 MR. ARRASCADA: Okay. And in respecting everything about the
2 judicial system and being that you're involved in security, you respect the
3 concepts of the innocent unless proven?

4 PROSPECTIVE JUROR NO. 087: Absolutely.

5 MR. ARRASCADA: And the concept that the government, the State has
6 to -- the prosecutors have to prove a case. We don't have to disprove it.

7 PROSPECTIVE JUROR NO. 087: That is correct.

8 MR. ARRASCADA: Okay. And do you have any emotions or feelings
9 that that's not a fair system?

10 PROSPECTIVE JUROR NO. 087: Not at all.

11 MR. ARRASCADA: And if you -- if you are on this jury, would you be
12 able to express your opinions and listen to others?

13 PROSPECTIVE JUROR NO. 087: I'm pretty good about that.

14 MR. ARRASCADA: And how about listening to others?

15 PROSPECTIVE JUROR NO. 087: I'm pretty good about that.

16 MR. ARRASCADA: You mentioned you had a case where Judge Adair
17 was the Judge.

18 PROSPECTIVE JUROR NO. 087: Yes, and I was very lucky.

19 Thank you again.

20 MR. ARRASCADA: My -- my question is this. Because Judge Adair
21 handled that matter for you, and she -- she based her decision on the law and
22 the facts; would you agree with that?

23 PROSPECTIVE JUROR NO. 087: Absolutely.

24 MR. ARRASCADA: She wasn't doing you a favor.

25 PROSPECTIVE JUROR NO. 087: Absolutely not.

1 MR. ARRASCADA: Okay. Would you also respect Judge Adair's rulings
2 throughout this trial --

3 PROSPECTIVE JUROR NO. 087: Absolutely.

4 MR. ARRASCADA: -- even if you thought maybe you disagreed with
5 them?

6 PROSPECTIVE JUROR NO. 087: Absolutely.

7 MR. ARRASCADA: Okay.

8 PROSPECTIVE JUROR NO. 087: That's the position she holds.

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

10 THE COURT: All right. Thank you.

11 Who is it? Ms. Armeni or Mr. Gentile?

12 MS. ARMENI: We have no questions for him. Thank you.

13 THE COURT: All right.

14 Mr. Adkins, thank you very much. I'm going to send you back out in
15 the hallway to have a seat.

16 PROSPECTIVE JUROR NO. 087: Thank you for the communication,
17 Judge.

18 THE COURT: And we're going to keep up the secrecy and the lack of
19 knowledge because I'm going to admonish you that you're not to discuss what's
20 just transpired in the courtroom. We don't want you to tell the other jurors what
21 our questions were and what your answers were.

22 PROSPECTIVE JUROR NO. 087: I figured that with the way we're doing
23 this.

24 THE COURT: All right. Thank you, and follow Jeff from the courtroom.

25 PROSPECTIVE JUROR NO. 087: All right. Thank you.

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THE COURT: And just have a seat out there in the hall.

(Prospective juror No. 87 exits courtroom)

THE COURT: Are we on -- was the last one State's seventh?

MR. GENTILE: I believe --

MR. PESCI: Correct, Judge.

MR. GENTILE: -- so, Judge.

THE COURT: All right. So we're on -- we're on defendant's seventh.

MR. GENTILE: It's our turn?

THE COURT: Yes.

(Off-record colloquy)

MR. GENTILE: Your Honor, I don't know the juror's number.

Where -- what's the number? No, I know where they're sitting.

MS. ARMENI: It's 39.

MR. GENTILE: Juror No. 39, Mr. Freeman.

THE COURT: All right.

And he is one you need to call, I believe. Juror No. 39, Mr.

Freeman.

MR. GENTILE: Six and seven are alternates; right?

THE COURT: Right.

MR. DIGIACOMO: Yeah, they just took -- they used their alternate one;
right?

MR. PESCI: Yes.

THE COURT: So Mr. Freeman was in which chair?

MS. ARMENI: In seven, Your Honor.

MR. GENTILE: So now the alternates are -- if I understand correctly, the

1 alternates are set.

2 MR. DIGIACOMO: Well, we got to fill in with somebody.

3 MR. GENTILE: Well, no, I understand but I mean --

4 THE COURT: Right. Whoever this next person is.

5 MR. GENTILE: All right.

6 THE COURT: So Mr. Freeman is excused, and he was in chair what?

7 MS. ARMENI: Seven.

8 THE CLERK: Seven.

9 THE COURT: Okay.

10 So, Jeff, bring in Mr. Patterson and then call Mr. Freeman after that.

11 THE MARSHAL: Okay. It's getting close, so after awhile they're going to
12 be showing up at 12:00.

13 THE COURT: That's fine.

14 THE MARSHAL: Patterson, Your Honor?

15 THE COURT: Yeah.

16 MS. ARMENI: You're on the last one now.

17 MR. GENTILE: All right. Well, we'll see. We'll see.

18 MR. DIGIACOMO: We only got two to go, but I -- Pesci really wants him
19 gone, and I think he's all right.

20 THE COURT: Which one?

21 MR. DIGIACOMO: Avalone. Your guy.

22 THE COURT: I'll tell you my theory later.

23 Sir, come on in down and have a seat in the jury box. You look so
24 happy to be here.

25 PROSPECTIVE JUROR NO. 089: Yeah, I am.

1 THE COURT: Good for you. What do you do for a living, sir?
2 PROSPECTIVE JUROR NO. 089: I'm a driver.
3 THE COURT: And do you drive a truck or what?
4 PROSPECTIVE JUROR NO. 089: Yes, I drive a truck.
5 THE COURT: For what kind of a company?
6 PROSPECTIVE JUROR NO. 089: For public service.
7 THE COURT: For public service?
8 PROSPECTIVE JUROR NO. 089: Yes.
9 THE COURT: Okay. And how long have you been doing that?
10 PROSPECTIVE JUROR NO. 089: 13 years.
11 THE COURT: Okay. And are you married, sir?
12 PROSPECTIVE JUROR NO. 089: Yes.
13 THE COURT: What does your wife do?
14 PROSPECTIVE JUROR NO. 089: She works for the County.
15 THE COURT: Doing what?
16 PROSPECTIVE JUROR NO. 089: I don't know her job.
17 THE COURT: Okay. Do you know what division she works at?
18 PROSPECTIVE JUROR NO. 089: Banking.
19 THE COURT: In banking?
20 PROSPECTIVE JUROR NO. 089: Yeah.
21 THE COURT: All right. And do you have any children?
22 PROSPECTIVE JUROR NO. 089: Yes.
23 THE COURT: How many?
24 PROSPECTIVE JUROR NO. 089: One.
25 THE COURT: And the age of your child?

1 PROSPECTIVE JUROR NO. 089: 18.

2 THE COURT: 18. Okay. How long have you lived here in Las Vegas or
3 southern Nevada?

4 PROSPECTIVE JUROR NO. 089: 19 years.

5 THE COURT: 19 years. Okay. Have you ever been a juror before?

6 PROSPECTIVE JUROR NO. 089: No.

7 THE COURT: Have you or anyone close -- do you want to be a juror?

8 PROSPECTIVE JUROR NO. 089: It doesn't matter to me.

9 THE COURT: Okay.

10 PROSPECTIVE JUROR NO. 089: If I'm made to be.

11 THE COURT: What? If I make you?

12 PROSPECTIVE JUROR NO. 089: Yeah.

13 THE COURT: All right. Have you or anyone close to you ever been the
14 victim of a serious crime?

15 PROSPECTIVE JUROR NO. 089: Yes.

16 THE COURT: Okay. Tell me about that.

17 PROSPECTIVE JUROR NO. 089: My sister was raped and strangled.

18 THE COURT: Okay. Did she -- and I'm sorry to ask this, but did she
19 survive?

20 PROSPECTIVE JUROR NO. 089: No.

21 THE COURT: Okay. What -- when did that happen?

22 PROSPECTIVE JUROR NO. 089: Probably about three years ago.

23 THE COURT: And where did it happen?

24 PROSPECTIVE JUROR NO. 089: Arkansas.

25 THE COURT: In where?

1 PROSPECTIVE JUROR NO. 089: Arkansas. Arkansas.

2 THE COURT: Oh, Arkansas. I'm sorry.

3 PROSPECTIVE JUROR NO. 089: Yeah.

4 THE COURT: Okay. And you -- so you were living here though at the --

5 PROSPECTIVE JUROR NO. 089: Exactly.

6 THE COURT: -- time; is that right? Do you know if anyone was ever
7 apprehended in connection with that?

8 PROSPECTIVE JUROR NO. 089: Yes.

9 THE COURT: Okay. And was the person somebody she knew, or was it
10 a stranger?

11 PROSPECTIVE JUROR NO. 089: I don't know.

12 THE COURT: You don't know?

13 PROSPECTIVE JUROR NO. 089: No.

14 THE COURT: Did you follow that case at all?

15 PROSPECTIVE JUROR NO. 089: No.

16 THE COURT: Do you know if the person was convicted?

17 PROSPECTIVE JUROR NO. 089: I don't know.

18 THE COURT: You don't know. Do you have any feelings about that
19 case, the police or the courts or the lawyers or anything?

20 PROSPECTIVE JUROR NO. 089: Only -- my concern is that I hope they
21 had got the right person instead of sticking something on a person. So that was
22 my biggest concern.

23 THE COURT: Okay. But you -- so you were concerned that whoever it
24 was was the one --

25 PROSPECTIVE JUROR NO. 089: Right.

1 THE COURT: -- that really did it.

2 PROSPECTIVE JUROR NO. 089: Exactly.

3 THE COURT: Okay. What about the flip of that? Have you or anyone
4 close to you ever been arrested or charged with a crime?

5 PROSPECTIVE JUROR NO. 089: My brother.

6 THE COURT: Okay. And what crime was that or crimes?

7 PROSPECTIVE JUROR NO. 089: Premeditated murder.

8 THE COURT: Okay. And where did that happen?

9 PROSPECTIVE JUROR NO. 089: Arkansas.

10 THE COURT: Also in Arkansas. All right. How long ago was that?

11 PROSPECTIVE JUROR NO. 089: Probably about 23 years ago, 24
12 years ago.

13 THE COURT: Okay. Were you living back in Arkansas at that time?

14 PROSPECTIVE JUROR NO. 089: Yes.

15 THE COURT: Okay. Were you close with your brother?

16 PROSPECTIVE JUROR NO. 089: I just had met him.

17 THE COURT: You just met him?

18 PROSPECTIVE JUROR NO. 089: Yeah.

19 THE COURT: Okay. So did you have different mothers or different
20 fathers?

21 PROSPECTIVE JUROR NO. 089: Fathers.

22 THE COURT: Different fathers. Okay. So you didn't grow up with that
23 person.

24 PROSPECTIVE JUROR NO. 089: Not at all.

25 THE COURT: Okay. Now, when he was charged with it, did you follow

1 his case at all?

2 PROSPECTIVE JUROR NO. 089: I went to his trial.

3 THE COURT: You did?

4 PROSPECTIVE JUROR NO. 089: Yeah.

5 THE COURT: So they actually had a jury trial with jurors just like we're

6 doing here?

7 PROSPECTIVE JUROR NO. 089: Yes.

8 THE COURT: Okay. Was he convicted?

9 PROSPECTIVE JUROR NO. 089: Yes.

10 THE COURT: And what was the allegations or the situation of that?

11 Was it somebody you knew or a robbery or --

12 PROSPECTIVE JUROR NO. 089: I don't know.

13 THE COURT: You don't know.

14 PROSPECTIVE JUROR NO. 089: No.

15 THE COURT: Okay. Do you have any feelings about whether your

16 brother got justice or didn't get justice?

17 PROSPECTIVE JUROR NO. 089: No, I don't.

18 THE COURT: You don't have any feelings one way or the other?

19 PROSPECTIVE JUROR NO. 089: No.

20 THE COURT: Have you yourself ever had to hire a lawyer?

21 PROSPECTIVE JUROR NO. 089: Yes, a divorce.

22 THE COURT: For a divorce?

23 PROSPECTIVE JUROR NO. 089: Yes.

24 THE COURT: Okay. And -- and where did you get divorced? Was it in

25 Arkansas or here?

1 PROSPECTIVE JUROR NO. 089: Here.

2 THE COURT: Here. Okay. And how do you feel about the way that
3 lawyer handled your case?

4 PROSPECTIVE JUROR NO. 089: He did a good job.

5 THE COURT: Okay. So you don't have any problem with lawyers or you
6 do?

7 PROSPECTIVE JUROR NO. 089: No, not at all.

8 THE COURT: Okay. Have you ever -- well, let me ask you this. How do
9 you feel about strip clubs?

10 PROSPECTIVE JUROR NO. 089: I don't.

11 THE COURT: I'm sorry?

12 PROSPECTIVE JUROR NO. 089: I don't.

13 THE COURT: You don't feel about them?

14 PROSPECTIVE JUROR NO. 089: No.

15 THE COURT: Do you have -- have you ever been to one?

16 PROSPECTIVE JUROR NO. 089: Yes.

17 THE COURT: Okay. Here in Las Vegas have you been?

18 PROSPECTIVE JUROR NO. 089: Yes.

19 THE COURT: Okay. And what strip clubs have you been to?

20 PROSPECTIVE JUROR NO. 089: Only been to one, and his shut down
21 now, Gentleman's Club.

22 THE COURT: All right. And do you know the name of it?

23 PROSPECTIVE JUROR NO. 089: Gentleman's club.

24 THE COURT: I'm sorry?

25 PROSPECTIVE JUROR NO. 089: Gentleman's.

1 THE COURT: Gentleman's Club?

2 PROSPECTIVE JUROR NO. 089: Yeah, something like that.

3 THE COURT: Okay. And you only went to it one time?

4 PROSPECTIVE JUROR NO. 089: Right.

5 THE COURT: And -- and what do you feel about your experience there?

6 PROSPECTIVE JUROR NO. 089: It was -- it was an experience.

7 THE COURT: Not good enough to go back though?

8 PROSPECTIVE JUROR NO. 089: No.

9 THE COURT: Okay. You've heard the questions that I've asked and the
10 other potential -- I'm sorry, and the other lawyers have asked with the other
11 potential jurors and our discussions. Anything you think we need to know about
12 you or would like to know about you based on what we've talked about with the
13 other jurors?

14 PROSPECTIVE JUROR NO. 089: No.

15 THE COURT: If you're selected to serve, can you be completely fair and
16 impartial to both sides?

17 PROSPECTIVE JUROR NO. 089: I'll try.

18 THE COURT: All right.

19 State.

20 MR. DIGIACOMO: Thank you, Judge.

21 Sir, and I apologize to bring this up, but you talked a little bit about
22 your sister being the victim of murder.

23 PROSPECTIVE JUROR NO. 089: Yes.

24 MR. DIGIACOMO: Okay. And what -- and you also talked about your
25 brother being arrested for a different murder; correct?

1 PROSPECTIVE JUROR NO. 089: Yes.

2 MR. DIGIACOMO: All right. Now, were those two brothers and sisters
3 the same mother and father because they were back in Arkansas?

4 PROSPECTIVE JUROR NO. 089: Yes.

5 MR. DIGIACOMO: Okay. So had you known your sister for very long
6 before --

7 PROSPECTIVE JUROR NO. 089: I grew up with her.

8 MR. DIGIACOMO: You grew up with your sister.

9 PROSPECTIVE JUROR NO. 089: Right.

10 MR. DIGIACOMO: Okay. But you didn't grow with -- with the -- the -- is it
11 a half brother?

12 PROSPECTIVE JUROR NO. 089: Right.

13 MR. DIGIACOMO: Okay. You said that the person who -- or at least
14 they arrested an individual related to her murder; correct?

15 PROSPECTIVE JUROR NO. 089: Yes.

16 MR. DIGIACOMO: Okay. And you don't -- or do you know whether or
17 not the case is resolved? Is he still pending trial, did he go --

18 PROSPECTIVE JUROR NO. 089: I don't know.

19 MR. DIGIACOMO: -- to trial? You don't know?

20 PROSPECTIVE JUROR NO. 089: No. I try not to follow it.

21 MR. DIGIACOMO: You also talked about your brother. And you said --
22 at one point I thought you said you went to his trial.

23 PROSPECTIVE JUROR NO. 089: Exactly.

24 MR. DIGIACOMO: Okay. Did you watch the witnesses take the stand?

25 PROSPECTIVE JUROR NO. 089: No. I didn't -- I didn't find out he was

1 on trial. I saw it on TV. But then I went and visited my father and he told me.
2 Then I had started -- I had went to trial with him then.

3 MR. DIGIACOMO: Okay. So it was -- you came to a courtroom, but you
4 didn't actually watch the evidence come in against your brother?

5 PROSPECTIVE JUROR NO. 089: No.

6 MR. DIGIACOMO: Okay. Do you know at all what the story was that
7 involved your brother and the crime?

8 PROSPECTIVE JUROR NO. 089: The only part I came was when they
9 were trying to find the gun, and then -- and now they found the gun, and then he
10 was sentenced. And I basically came in when he was sentenced.

11 MR. DIGIACOMO: Okay. And you said how long ago was that?

12 PROSPECTIVE JUROR NO. 089: Like 20-some years ago.

13 MR. DIGIACOMO: Okay. And the -- you don't look like a very old guy,
14 so were you a kid back then?

15 PROSPECTIVE JUROR NO. 089: I was like 18, 19.

16 MR. DIGIACOMO: Oh, okay.

17 THE COURT: You're well preserved.

18 MR. DIGIACOMO: During your -- your life, you've heard us talk about
19 this a little bit, gang members. You ever had any contact with gang members?

20 PROSPECTIVE JUROR NO. 089: Contact? What you mean contact?

21 MR. DIGIACOMO: Do you know any?

22 PROSPECTIVE JUROR NO. 089: I work with a lot of them.

23 MR. DIGIACOMO: You work with some of them?

24 PROSPECTIVE JUROR NO. 089: Yes.

25 MR. DIGIACOMO: Okay. And, you know, just because the tag gang

1 member is put on somebody doesn't necessarily mean, you know, everything
2 that you hear in the media about what a gang member --

3 PROSPECTIVE JUROR NO. 089: Exactly.

4 MR. DIGIACOMO: Okay. That -- that, you know, everybody kind of
5 stands on their own two feet and a gang member may just be some part of their
6 life.

7 PROSPECTIVE JUROR NO. 089: Exactly.

8 MR. DIGIACOMO: Thank you very much, sir.

9 I pass for cause.

10 THE COURT: All right. Thank you.

11 Mr. Gentile.

12 MR. GENTILE: Mr. Adkins, you ever been in the military?

13 PROSPECTIVE JUROR NO. 089: Adkins?

14 MS. ARMENI: Patterson.

15 MR. GENTILE: Did I --

16 PROSPECTIVE JUROR NO. 089: Patterson.

17 MR. GENTILE: Excuse me. I just read it wrong.

18 PROSPECTIVE JUROR NO. 089: No.

19 MR. GENTILE: Mr. Patterson.

20 PROSPECTIVE JUROR NO. 089: No, never have.

21 MR. GENTILE: Never been in the military.

22 PROSPECTIVE JUROR NO. 089: No.

23 MR. GENTILE: Okay. You say you work with some guys that are in a
24 gang, or different guys that --

25 PROSPECTIVE JUROR NO. 089: I don't know if they still in the gang.

1 They just saying they used to be part of a gang.

2 MR. GENTILE: Oh, they -- they say that they used to be part of a gang.

3 PROSPECTIVE JUROR NO. 089: Right.

4 MR. GENTILE: Okay. But you yourself have had no personal contact
5 with gangs?

6 PROSPECTIVE JUROR NO. 089: If I work with them, you know --

7 MR. GENTILE: I see what you're saying. I see what you're saying.

8 Okay. Do you know -- do they -- do they talk to you about what gangs they were
9 a part of?

10 PROSPECTIVE JUROR NO. 089: Most of them like -- I don't know.

11 Basically the Bloods, Crips. That was -- that was basically it.

12 MR. GENTILE: That's it?

13 PROSPECTIVE JUROR NO. 089: Yeah.

14 MR. GENTILE: Okay. But you yourself have had no gang problems?

15 PROSPECTIVE JUROR NO. 089: No.

16 MR. GENTILE: Thank you.

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

18 Mr. Arrascada?

19 MR. ARRASCADA: No questions, Your Honor.

20 THE COURT: All right. Thank you.

21 Mr. Patterson, thank you --

22 PROSPECTIVE JUROR NO. 089: Yeah.

23 THE COURT: -- very much. In a moment I'm going to have you follow
24 Jeff from the double doors, but please don't talk about what's just transpired,
25 what's just happened in the courtroom, meaning our questions and your answers

1 with the other prospective jurors.

2 PROSPECTIVE JUROR NO. 089: Okay.

3 THE COURT: Okay. Thank you, sir. And just have a seat out there in
4 the hallway please.

5 PROSPECTIVE JUROR NO. 089: All right.

6 (Prospective juror No. 89 exits courtroom)

7 MR. DIGIACOMO: Sorry, buddy. My partner overruled me.

8 THE COURT: Avalone?

9 MR. DIGIACOMO: Yes, ma'am.

10 THE COURT: You're excusing Mr. Avalone?

11 MR. DIGIACOMO: We are.

12 THE COURT: And Jeff can call him.

13 Mr. Avalone is the next excused, so you have to call him. But now
14 we're up to Ms. Pezza.

15 MR. ADAMS: So they have two strikes left; is that right?

16 MR. GENTILE: No, they have one.

17 MR. DIGIACOMO: We have one now.

18 THE COURT: They have one.

19 MR. ADAMS: Okay.

20 THE COURT: And you have two.

21 MR. ADAMS: All right.

22 THE COURT: Ms. Pezza next, and then call Mr. Avalone.

23 I agree with Mr. Pesci.

24 MR. PESCI: Thanks, Judge.

25 MR. DIGIACOMO: That's what I said, but --

1 THE COURT: Ma'am, go ahead and have a seat there in the jury box.

2 PROSPECTIVE JUROR NO. 090: Anywhere?

3 THE COURT: Anywhere is fine. Anywhere you're comfortable. And do
4 you say your last name Pezza?

5 PROSPECTIVE JUROR NO. 090: Yes.

6 THE COURT: All right. What do you do for a living?

7 PROSPECTIVE JUROR NO. 090: I'm a stock clerk at Bellagio for a retail
8 store.

9 THE COURT: You're a sales clerk for a retail store?

10 PROSPECTIVE JUROR NO. 090: No, a stock clerk.

11 THE COURT: Oh, a stock clerk. Okay. And what store do you work at?

12 PROSPECTIVE JUROR NO. 090: La Scarpa.

13 THE COURT: Okay. And are you married?

14 PROSPECTIVE JUROR NO. 090: No.

15 THE COURT: Any children?

16 PROSPECTIVE JUROR NO. 090: Yes.

17 THE COURT: How many and what ages?

18 PROSPECTIVE JUROR NO. 090: I have two living children. They're
19 girls, one is six and one is seven months old.

20 THE COURT: Okay. Did -- have you ever been a juror before?

21 PROSPECTIVE JUROR NO. 090: No.

22 THE COURT: Okay. Have you or anyone close to you ever been the
23 victim of a crime?

24 PROSPECTIVE JUROR NO. 090: No.

25 THE COURT: Okay. What about the flip of that? You or anyone close

1 to you ever been arrested or accused of a crime?

2 PROSPECTIVE JUROR NO. 090: Yes.

3 THE COURT: Okay. Tell me about that.

4 PROSPECTIVE JUROR NO. 090: My boyfriend, he was arrested and
5 got charged with obstruction to a police officer.

6 THE COURT: Okay. Is this your current boyfriend?

7 PROSPECTIVE JUROR NO. 090: Correct.

8 THE COURT: All right. And what does he do for a living?

9 PROSPECTIVE JUROR NO. 090: He does some construction, but not
10 really. He -- it's for mold and asbestos. They tear down walls and stuff.

11 THE COURT: Okay. So like when people have mold in their houses --

12 PROSPECTIVE JUROR NO. 090: Yes.

13 THE COURT: -- and stuff he would --

14 PROSPECTIVE JUROR NO. 090: And floods, yes.

15 THE COURT: Okay. Now, the obstruction of a police officer, was that a
16 misdemeanor do you know?

17 PROSPECTIVE JUROR NO. 090: Yes.

18 THE COURT: Okay. How long ago did that happen?

19 PROSPECTIVE JUROR NO. 090: That was in 2003.

20 THE COURT: Okay. And do you know what agency the police officer
21 was with? Was it like Metro, Henderson, North Las Vegas?

22 PROSPECTIVE JUROR NO. 090: I believe it was North Las Vegas.
23 This was before I met him.

24 THE COURT: Okay. So you don't --

25 PROSPECTIVE JUROR NO. 090: No.

1 THE COURT: -- know anything about it.

2 PROSPECTIVE JUROR NO. 090: I have no idea, really.

3 THE COURT: Okay. Any opinions about that case or the charges?

4 PROSPECTIVE JUROR NO. 090: No.

5 THE COURT: Okay. Anything else in your background or your family
6 background regarding people being arrested or anything?

7 PROSPECTIVE JUROR NO. 090: I believe my brother was. He stole
8 from Wal-Mart or something.

9 THE COURT: Okay.

10 PROSPECTIVE JUROR NO. 090: So, I mean, besides that I don't have
11 any knowledge of anything else.

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

13 PROSPECTIVE JUROR NO. 090: They're okay.

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

15 PROSPECTIVE JUROR NO. 090: I have.

16 THE COURT: All right. Here in southern Nevada? Here in Clark
17 County?

18 PROSPECTIVE JUROR NO. 090: Yes.

19 THE COURT: And what clubs have you been to?

20 PROSPECTIVE JUROR NO. 090: I don't recall the name. It was a long
21 time ago.

22 THE COURT: Okay. Have you ever been to the Palomino Club?

23 PROSPECTIVE JUROR NO. 090: No.

24 THE COURT: Do you know anybody that works in the strip club
25 industry?

1 PROSPECTIVE JUROR NO. 090: No.

2 THE COURT: Okay. And anything that -- you heard all the talking all
3 these days and our questions and people's answers, anything based on all of our
4 discussions with the other prospective jurors that you think we need to know
5 about you or would like to know about you?

6 PROSPECTIVE JUROR NO. 090: Just the whole gang thing.

7 THE COURT: Okay.

8 PROSPECTIVE JUROR NO. 090: I pretty much, just like everybody
9 else, I don't really feel comfortable. I know that you said there's nobody really
10 involved here, but Ms. Armeni mentioned, you know, the MS-13 so I was under
11 the impression that somebody might be with that gang --

12 THE COURT: Okay.

13 PROSPECTIVE JUROR NO. 090: -- in some aspect of the related
14 issues.

15 THE COURT: Okay. And if I told you, no, that's not, you know, you're
16 not going to hear from an MS-13 gang member or they're not affiliated with MS-
17 13, nobody in the room is, does that sort of allay your fears or concerns?

18 PROSPECTIVE JUROR NO. 090: In a way, yes.

19 THE COURT: Okay. Where did you grow up?

20 PROSPECTIVE JUROR NO. 090: Partially in Germany and partially
21 here.

22 THE COURT: Okay. And do you come from a military family?

23 PROSPECTIVE JUROR NO. 090: Sort of. My father, he was in the
24 military when he met my mother, but when we moved over here he was not.

25 THE COURT: Okay. And is your mother, then, German?

1 PROSPECTIVE JUROR NO. 090: Yes, she is.

2 THE COURT: Okay. Now, did you -- so your father was stationed in
3 Germany and met your mother.

4 PROSPECTIVE JUROR NO. 090: Yes.

5 THE COURT: And did you ever live on an American base in Germany?

6 PROSPECTIVE JUROR NO. 090: No.

7 THE COURT: No. Okay. Have you yourself ever had any contact with
8 gang members like in school or --

9 PROSPECTIVE JUROR NO. 090: Yes.

10 THE COURT: Okay. And where did you go to high school?

11 PROSPECTIVE JUROR NO. 090: Las Vegas High School.

12 THE COURT: Okay. So there were gang members --

13 PROSPECTIVE JUROR NO. 090: Correct.

14 THE COURT: -- at your school? And were they just you were aware of
15 the gang members or were you friends with any gang members or every involved
16 in a gang incident or anything?

17 PROSPECTIVE JUROR NO. 090: I was never involved in any gang
18 incidents. I was really never friends with any gangs in high school.

19 THE COURT: Okay. So you never had any like negative interaction with
20 a gang member?

21 PROSPECTIVE JUROR NO. 090: No.

22 THE COURT: All right. Thank you.

23 State, you may follow up with Ms. Pezza.

24 MR. PESCI: Thank you, Judge.

25 Ma'am, on the gangs issue, and specifically MS-13, why did MS-13

1 kind of peek your concerns?

2 PROSPECTIVE JUROR NO. 090: Because I've watched History
3 Channel, the Discovery Channel, and they had a whole documentary on the MS-
4 13 gang, and I just do not want to be affiliated with that.

5 MR. PESCI: Okay. How do you think that would affect you in your
6 deliberation?

7 PROSPECTIVE JUROR NO. 090: If they were part of this case or --

8 MR. PESCI: Well, here, let me put it to you this way so it's clear. The
9 State's not alleging that these two defendants are a part of a particular gang or in
10 any gang.

11 PROSPECTIVE JUROR NO. 090: Okay.

12 MR. PESCI: All right? You're going to hear about the fact that
13 somebody might've been a part of the gang that's involved in this case, but you
14 also might hear about the concept of people's concerns about MS-13 and how
15 that factored into decision making processes. So the question I have for you is
16 what you know about MS-13, how does that affect the way that you would make
17 a decision back in the jury room?

18 PROSPECTIVE JUROR NO. 090: I don't think it would affect the
19 decision guilty or not guilty. I just don't want any retaliation.

20 MR. PESCI: Okay. No doubt. No one wants to have any of that
21 happen. What we're trying to understand is the fear or the concern of retaliation,
22 how will that influence you?

23 MR. GENTILE: I think she's just answered that question.

24 PROSPECTIVE JUROR NO. 090: It -- I don't think it would influence my
25 decision. I mean, even as a juror -- if I was sitting in here as a juror and MS-13 --

1 if I say he's not guilty, I mean, I'm still giving out my information and they still see
2 what I look like, so guilty or not guilty I would still, you know, could be fearing for
3 my life.

4 MR. PESCI: So it could affect you either way?

5 PROSPECTIVE JUROR NO. 090: Correct.

6 MR. PESCI: Okay.

7 PROSPECTIVE JUROR NO. 090: But it's not going to affect my decision
8 based on that.

9 MR. PESCI: The idea of drugs, when you first hear drugs what do you
10 think of?

11 PROSPECTIVE JUROR NO. 090: Marijuana, cocaine, shrooms, I don't
12 know, just -- heroin.

13 MR. PESCI: Do you think that can affect people's behavior and the
14 decisions they make?

15 PROSPECTIVE JUROR NO. 090: Sure.

16 MR. PESCI: Do you think people are still responsible for their decisions?

17 PROSPECTIVE JUROR NO. 090: Yes.

18 MR. PESCI: There was a slight pause there. Any particular reason
19 why?

20 PROSPECTIVE JUROR NO. 090: Well, people should be responsible
21 for their decisions under the influence or not. It's just a delay -- delayed
22 reaction --

23 MR. PESCI: Okay.

24 PROSPECTIVE JUROR NO. 090: -- when they're under the influence.

25 MR. PESCI: The situation that happened with your boyfriend, and I

1 understand it was before the two of you got together?

2 PROSPECTIVE JUROR NO. 090: Correct.

3 MR. PESCI: Has he ever talked about that since you've been together?

4 PROSPECTIVE JUROR NO. 090: Briefly here and there. I don't really
5 care to hear about that type of stuff from him.

6 MR. PESCI: How come?

7 PROSPECTIVE JUROR NO. 090: It just doesn't interest me.

8 MR. PESCI: And what's your overall feelings towards police officers?

9 PROSPECTIVE JUROR NO. 090: I don't have a problem with them.

10 MR. PESCI: Can you listen to the evidence in this case and -- and make
11 a decision based on the evidence alone?

12 PROSPECTIVE JUROR NO. 090: Without hearing --

13 MR. PESCI: Without, you know, hearing what somebody else might say
14 happened somewhere else. At the end of the day the decision is based on what
15 the evidence is.

16 PROSPECTIVE JUROR NO. 090: Okay.

17 MR. PESCI: Can you restrict your decision to the evidence?

18 PROSPECTIVE JUROR NO. 090: Sure.

19 MR. PESCI: We pass, Judge.

20 THE COURT: All right. Thank you.

21 Who would like to go next?

22 MR. ARRASCADA: Well, I guess it's afternoon, so good afternoon.

23 PROSPECTIVE JUROR NO. 090: Good afternoon.

24 MR. ARRASCADA: You started to say when the prosecutor was
25 questioning you, you said without hearing. Where were you going with that?

1 Right here at the end, when he said listen to the evidence, and you said without
2 hearing --

3 PROSPECTIVE JUROR NO. 090: Oh, your side.

4 MR. ARRASCADA: Yeah. Is that where you were going?

5 PROSPECTIVE JUROR NO. 090: Uh-huh.

6 MR. ARRASCADA: What are your feelings about that?

7 PROSPECTIVE JUROR NO. 090: That if I don't hear from you?

8 MR. ARRASCADA: Yeah.

9 PROSPECTIVE JUROR NO. 090: I don't have to hear from you. I
10 mean, I don't have to hear from you to state your case.

11 MR. ARRASCADA: Because they're case may not be proven? Or
12 how -- how is it -- what do you mean by you don't have to -- you don't have to
13 hear from us, other than you've heard it from the Judge, I'm talking about --

14 PROSPECTIVE JUROR NO. 090: Right.

15 MR. ARRASCADA: -- how you feel.

16 PROSPECTIVE JUROR NO. 090: She said that you guys don't have to
17 state your case.

18 MR. ARRASCADA: Okay. How do you feel about that?

19 PROSPECTIVE JUROR NO. 090: Well, I would like to hear from your
20 side. I mean, if they're being prosecuted and they're stating their evidence, I
21 would like to hear from your side to counteract what they're saying or bringing in
22 evidence of some sort.

23 MR. ARRASCADA: Okay. Do you have to hear from our side?

24 PROSPECTIVE JUROR NO. 090: I don't have to hear it to make -- to
25 make a decision, but I would like to.

1 MR. ARRASCADA: If you don't hear Louis Hidalgo III testify, what would
2 your decision be because you said you don't have to hear to make a decision?
3 Do you -- do you have a leaning where your decision would go if we don't -- if he
4 does not testify?

5 PROSPECTIVE JUROR NO. 090: No.

6 MR. ARRASCADA: If they're unable to prove their case and what -- what
7 happens, just so you know, is witnesses get put up and we will cross-examine
8 those witnesses asking them questions. So you'll hear a case without Mr.
9 Hidalgo having to testify, or he could. Do you have any feelings about that
10 presentation?

11 PROSPECTIVE JUROR NO. 090: No, because I'm not really aware of
12 how this really works. That's what I was talking about is cross-examining the
13 witnesses. Not necessarily hearing from the accused themselves. That's what I
14 was going towards.

15 MR. ARRASCADA: Okay. So you'd be able to listen --

16 PROSPECTIVE JUROR NO. 090: Uh-huh.

17 MR. ARRASCADA: -- and be fair? Is there anything, as you sit there
18 right now, that you're -- is in your mind that you just can't let go of that you've
19 heard us talking about that you need [inaudible]?

20 PROSPECTIVE JUROR NO. 090: [inaudible].

21 MR. ARRASCADA: Okay. You -- you said regarding your boyfriend's
22 arrest that you just don't care to hear about it. What do you mean by that?

23 PROSPECTIVE JUROR NO. 090: It just does not interest me.

24 MR. ARRASCADA: Are you concerned for him?

25 PROSPECTIVE JUROR NO. 090: Yes.

1 MR. ARRASCADA: Okay. Is that case still going on or was that a --

2 PROSPECTIVE JUROR NO. 090: Oh, no.

3 MR. ARRASCADA: Oh, it's over?

4 PROSPECTIVE JUROR NO. 090: It's over, yeah.

5 MR. ARRASCADA: Was that prior to your relationship?

6 PROSPECTIVE JUROR NO. 090: Yes.

7 MR. ARRASCADA: Okay. You've heard someone suggest that the law
8 be broken before and they're not really serious about it? Have you heard
9 something like that before?

10 PROSPECTIVE JUROR NO. 090: Not really. As to what? Pertaining to
11 anything?

12 MR. ARRASCADA: Anything.

13 PROSPECTIVE JUROR NO. 090: Not really.

14 MR. ARRASCADA: Okay. You've never heard someone say I'm just so
15 mad I could -- I could shoot that guy or I could, you know, I'm so --

16 PROSPECTIVE JUROR NO. 090: Sure.

17 MR. ARRASCADA: What's that?

18 PROSPECTIVE JUROR NO. 090: Sure.

19 MR. ARRASCADA: You've heard that before?

20 PROSPECTIVE JUROR NO. 090: Yes. Well, not shoot a guy, but, you
21 know, like -- like you were saying, kill my boss or whatever.

22 MR. ARRASCADA: How do you know when you hear someone say that
23 whether they're serious or not?

24 PROSPECTIVE JUROR NO. 090: Body language, I mean, to know the
25 person. If I didn't know the person then I would just go off the vibe that they're

1 giving.

2 MR. ARRASCADA: And you could reach determinations of whether they
3 intended or not, like if you don't know them, by the vibe or everything you see
4 and hear?

5 PROSPECTIVE JUROR NO. 090: I don't know if I could -- I mean,
6 people say things out of anger and not necessarily act upon them, but then like
7 I'm pretty sure there's cases that they have. But I would just read their body
8 language.

9 MR. ARRASCADA: Okay. Thank you.

10 THE COURT: All right. Thank you.

11 Is it going to be Ms. Armeni?

12 MS. ARMENI: It is, Your Honor.

13 Hello.

14 PROSPECTIVE JUROR NO. 090: Hello.

15 MS. ARMENI: Ms. Pezza, what did you do before you worked at
16 Bellagio?

17 PROSPECTIVE JUROR NO. 090: I worked at K-Mart.

18 MS. ARMENI: Okay. And kind of the same thing, stock clerking?

19 PROSPECTIVE JUROR NO. 090: No.

20 MS. ARMENI: Or did -- what did you do there?

21 PROSPECTIVE JUROR NO. 090: Well, it started out that way.

22 MS. ARMENI: Okay.

23 PROSPECTIVE JUROR NO. 090: And then I was the customer service
24 manager.

25 MS. ARMENI: Did you have people underneath you?

1 PROSPECTIVE JUROR NO. 090: I did.

2 MS. ARMENI: How many -- how many people?

3 PROSPECTIVE JUROR NO. 090: Up to 22 cashiers, plus four to six
4 supervisors.

5 MS. ARMENI: Okay. So all those people worked underneath you?

6 PROSPECTIVE JUROR NO. 090: Correct.

7 MS. ARMENI: When you -- at Wal-Mart; right?

8 PROSPECTIVE JUROR NO. 090: K-Mart.

9 MS. ARMENI: K-Mart, I'm sorry.

10 PROSPECTIVE JUROR NO. 090: Uh-huh.

11 MS. ARMENI: When you worked at K-Mart, was there -- do you know if
12 there was a relationship with like an attorney? Like a -- kind of a corporate
13 attorney, somebody that if there was a problem in the store you would call?

14 PROSPECTIVE JUROR NO. 090: No, I would -- I would not.

15 MS. ARMENI: Okay.

16 PROSPECTIVE JUROR NO. 090: I would not personally call. I don't
17 know if they had one. I'm pretty sure they didn't.

18 MS. ARMENI: Now, did you deal with disputes there when you were in
19 that position? The customer service?

20 PROSPECTIVE JUROR NO. 090: With customers?

21 MS. ARMENI: Well, sure, why don't we talk about that.

22 PROSPECTIVE JUROR NO. 090: Yeah.

23 MS. ARMENI: And how were you -- how were you able to -- would there
24 be concerns between like a customer and an employee, a cashier, or complaints,
25 those kind of things?

1 PROSPECTIVE JUROR NO. 090: Yes.

2 MS. ARMENI: And how would you handle something like that?

3 PROSPECTIVE JUROR NO. 090: I would talk to the customer, you
4 know, apologize, you know, and make sure next time they come they would get
5 better service or, you know, if they weren't satisfied we were to give them some
6 kind of a cash card or something and I would have to pull the cashier to the side
7 and question them.

8 MS. ARMENI: Would you still apologize to the customer even if you,
9 after you talked to the cashier you thought maybe your cashier was right?

10 PROSPECTIVE JUROR NO. 090: Yes.

11 MS. ARMENI: Do you think that will -- with that experience specifically,
12 but also with your other experiences, what do you think about that would make
13 you a good juror?

14 PROSPECTIVE JUROR NO. 090: I just look at the information I was
15 given, try to analyze both situations and make a decision based on facts.

16 MS. ARMENI: Now, we -- everybody's kind of hit on the strip club
17 industry a little bit. So do you have any opinions if I throw out strip club owner?
18 Do you have any opinions of that?

19 PROSPECTIVE JUROR NO. 090: No.

20 MS. ARMENI: No? Not one way or the other?

21 PROSPECTIVE JUROR NO. 090: No.

22 MS. ARMENI: And if you got -- do you know any lawyers?

23 PROSPECTIVE JUROR NO. 090: No.

24 MS. ARMENI: If you got yourself in a situation that you felt like was a
25 serious situation for you, whatever it may be, do you think you'd call a lawyer?

1 PROSPECTIVE JUROR NO. 090: Yes, I would.

2 MS. ARMENI: And how would you go about doing that?

3 PROSPECTIVE JUROR NO. 090: To have the lawyer referrals or yellow
4 pages, and just contact a lawyer.

5 MS. ARMENI: And last question. You've -- you were in here when we
6 were talking about fear and asking people about fear. You have kids; right?

7 PROSPECTIVE JUROR NO. 090: Sure.

8 MS. ARMENI: Can you think of a time in your life that you've been
9 fearful or scared?

10 PROSPECTIVE JUROR NO. 090: Uh-huh.

11 MS. ARMENI: And can you think -- and you don't have to tell me what
12 that situation was, but how do you feel you reacted based with that fear?

13 PROSPECTIVE JUROR NO. 090: Well --

14 MS. ARMENI: I can ask you another way. Do you think you -- you know,
15 you're clear one day, you're not scared, and then the next day you're scared. Do
16 you think you would've made the same decision in both --

17 PROSPECTIVE JUROR NO. 090: Yeah.

18 MS. ARMENI: -- those situations?

19 PROSPECTIVE JUROR NO. 090: Yeah.

20 MS. ARMENI: And why -- why is that?

21 PROSPECTIVE JUROR NO. 090: Because when people are fearful or
22 they have fear, it's a different type of thinking, or not even thinking sometimes
23 because you just -- either it's flight or fight. You just react, you know, so I don't
24 think that it's the same kind of thinking.

25 MS. ARMENI: Thank you.

1 THE COURT: All right. Thank you.

2 I'm going to, Ms. Pezza, I'm going to ask you to go back out in the
3 hallway with Officer Wooten. And please don't discuss what's transpired in the
4 courtroom, our questions or your answers or anything like that with the other
5 prospective jurors.

6 PROSPECTIVE JUROR NO. 090: Okay.

7 THE COURT: All right. Thank you. And just go back out in the hallway
8 and have a seat.

9 (Prospective juror No. 90 exits courtroom)

10 THE COURT: Perfect example of how you can't tell people's ethnicities
11 by looking at them. Because I would've assumed with the accent that she was
12 Hispanic --

13 MS. ARMENI: Uh-huh.

14 THE COURT: -- and then she turns out to be German. So I think that's a
15 good example of why not to try to guess.

16 MR. ADAMS: I think she could've been half German and half Latino.

17 THE COURT: Well, Pezza, that's normally Italian.

18 MR. GENTILE: It's Pezza, there's two z's in that.

19 THE COURT: I know, but she -- and I asked her, how do you say your
20 last name and she said it that way. I mean, my married name is Lozzi, it's really
21 Lozzi, but I don't -- nobody says it like that.

22 MR. DIGIACOMO: We were going to waive one.

23 MR. PESCI: Marc. Marc.

24 MR. DIGIACOMO: Yes, sir.

25 THE COURT: I was going to give you guys like ten minutes for lunch,

1 but then I realized the morning jurors haven't had lunch. So we're going to have
2 to take a lunch break.

3 All right. Are we ready?

4 MR. GENTILE: We are.

5 THE COURT: Defense's eighth.

6 MR. GENTILE: It's our turn; right?

7 THE COURT: Yes.

8 MR. ARRASCADA: It's seven, I think, Your Honor.

9 THE CLERK: No, it's eight.

10 THE COURT: No, it's eight.

11 MR. GENTILE: Well, but we used our perempt, so --

12 MR. ARRASCADA: It's our seventh. We used -- we --

13 MS. ARMENI: We have nine total.

14 MR. ARRASCADA: We struck --

15 MR. GENTILE: This is our eighth, but it's not our -- but we have nine.

16 MR. DIGIACOMO: It's not your final.

17 THE COURT: No. Right. You have nine.

18 MR. GENTILE: Okay.

19 THE COURT: So this is your eighth.

20 MR. GENTILE: We have one more coming.

21 THE COURT: Right.

22 MR. GENTILE: Right. Okay.

23 MR. DIGIACOMO: Us too.

24 MR. GENTILE: We would excuse juror No. 4, Joseph Marcella.

25 MR. DIGIACOMO: You held out, baby.

1 THE COURT: Is Mr. Marcella out in the hallway?

2 Mr. Marcella, you can just stay standing right there. I want to thank
3 you for your willingness to serve. We've seen a lot of people who were not
4 willing to serve, unfortunately. And I also want to thank you for your patience and
5 having to come here for four days. I'm sure you can appreciate that jury
6 selection is very important to both sides and, you know, we need to make sure
7 that and ferret out people's opinions and what not. You are, however, excused at
8 this time. And I want to thank you very much, and Jeff --

9 PROSPECTIVE JUROR NO. 004: Thank you, Your Honor.

10 THE COURT: -- will direct you from the courtroom.

11 MR. DIGIACOMO: Thank you.

12 (Prospective juror No. 4 exits courtroom)

13 THE COURT: Mr. Lemke is next.

14 THE MARSHAL: Lemke.

15 THE COURT: I agree with Mr. Gentile, if anyone cares, on that one.

16 MS. ARMENI: We care, Your Honor.

17 THE COURT: Mr. Lemke, just have a seat somewhere in the jury box,
18 anywhere that you're comfortable.

19 PROSPECTIVE JUROR NO. 092: Sure.

20 THE COURT: And good afternoon to you. What do you do for a living,
21 sir?

22 PROSPECTIVE JUROR NO. 092: I'm an apprentice in the electrical
23 union.

24 THE COURT: Okay. How long -- how long is the -- have long have you
25 been doing that?

1 PROSPECTIVE JUROR NO. 092: A year and a half. Before that it was
2 information technology for about 30 years until I got burned out.

3 THE COURT: Okay. And did you work for a particular business or
4 company when you did IT?

5 PROSPECTIVE JUROR NO. 092: I worked for 3Com, Sun
6 Microsystems. I was 13 years also in the Marine Corp, but it was aviation
7 electronics. And I've done private consulting and stuff like that as well.

8 THE COURT: Okay. Now, when you -- did you ever work in the IT
9 industry here in Clark County?

10 PROSPECTIVE JUROR NO. 092: No.

11 THE COURT: Okay. And when you were with Sun Microsystems, was
12 that in northern California?

13 PROSPECTIVE JUROR NO. 092: That was in Sunnyvale.

14 THE COURT: Sunny -- okay. That's northern California; is that right?

15 PROSPECTIVE JUROR NO. 092: Well, Bay Area.

16 THE COURT: Bay Area. Okay.

17 PROSPECTIVE JUROR NO. 092: Palo Alto, Mountain View.

18 THE COURT: All right. And you said you were in the Marine Corp?

19 PROSPECTIVE JUROR NO. 092: Yes.

20 THE COURT: What was your rank in the Marine Corp?

21 PROSPECTIVE JUROR NO. 092: E-6, staff sergeant.

22 THE COURT: Okay. And were ever -- were you ever -- excuse me --
23 stationed overseas?

24 PROSPECTIVE JUROR NO. 092: I made two cruises, one in the Med,
25 one in the Pac West, as we call it. I've been to five continents, I've been to many

1 countries, met dignitaries, but I was -- it was fun.

2 THE COURT: Okay. And are you married, sir?

3 PROSPECTIVE JUROR NO. 092: I'm no longer married with five
4 children.

5 THE COURT: All right. And you have five children. What's the age
6 range?

7 PROSPECTIVE JUROR NO. 092: 20 -- well, she'll be 20 in June. 20,
8 20 -- no, 19, 21, 23, 27, 28.

9 THE COURT: Okay. And when you got divorced -- or are you divorced?

10 PROSPECTIVE JUROR NO. 092: Yes, I am.

11 THE COURT: Okay. Did you have a lawyer represent you in your
12 divorce?

13 PROSPECTIVE JUROR NO. 092: Yes. I paid for mine and hers.

14 THE COURT: Okay. And then where -- where -- what state did you get
15 divorced in?

16 PROSPECTIVE JUROR NO. 092: Washington State.

17 THE COURT: Washington State. How do you feel about your lawyer?

18 PROSPECTIVE JUROR NO. 092: Mixed feelings. I mean, he was a
19 good guy, but I just -- I got --

20 THE COURT: Nice guy, but could've done a better job.

21 PROSPECTIVE JUROR NO. 092: I paid 80 percent of my take home
22 pay.

23 THE COURT: Okay. Because probably the last thing you want for a
24 lawyer --

25 PROSPECTIVE JUROR NO. 092: But Washington --

1 THE COURT: -- is a nice guy.

2 PROSPECTIVE JUROR NO. 092: -- is a very liberal state and so it was
3 what it was. I paid and got some kids through college on my own too, so --

4 THE COURT: All right. Have you ever had to hire a lawyer for any other
5 reason?

6 PROSPECTIVE JUROR NO. 092: No.

7 THE COURT: Okay.

8 PROSPECTIVE JUROR NO. 092: I have not.

9 THE COURT: Have you ever been a juror before?

10 PROSPECTIVE JUROR NO. 092: I went through the process, but I
11 never made it to the panel.

12 THE COURT: Okay. You never got picked. And have you or anyone
13 close to you ever been the victim of a serious crime?

14 PROSPECTIVE JUROR NO. 092: I'm trying to think. Nothing really
15 comes to mind that happened to me or anyone else --

16 THE COURT: Okay.

17 PROSPECTIVE JUROR NO. 092: -- that was of serious nature.

18 THE COURT: What about the flip of that, arrested or --

19 PROSPECTIVE JUROR NO. 092: My son.

20 THE COURT: Okay. Tell me about that.

21 PROSPECTIVE JUROR NO. 092: He was 13 at the time, but he was not
22 tried until he was 16 because of the age difference. He was convicted of felony
23 rape because in Washington State if there is more than two years age, the oldest
24 will get charged and that's what happened. And it was through the divorce
25 period that this was going on. I could not afford, so I had to go with a public

1 defender.

2 THE COURT: Okay. Now, at 16 was he still tried as a juvenile?

3 PROSPECTIVE JUROR NO. 092: Yes.

4 THE COURT: Okay. And how do you feel about the work the public
5 defender did representing your son?

6 PROSPECTIVE JUROR NO. 092: Well, I understand it was going on,
7 but my son was very scared. And so, oh, you know, he didn't do this, he didn't
8 do this, he didn't do that. And I guess through the process, I don't know it was
9 coercion, I think he finally fessed up that, yeah, he was inappropriate, but I think
10 he got hammered hard because this follows him for the rest of his life. Even
11 though he's married with two kids and is well adjusted, he always has to register.

12 THE COURT: Okay.

13 PROSPECTIVE JUROR NO. 092: It was never sealed.

14 THE COURT: And so you feel like he was treated unfairly a little bit.

15 PROSPECTIVE JUROR NO. 092: Yeah.

16 THE COURT: Or maybe a lot.

17 PROSPECTIVE JUROR NO. 092: I don't dwell on it.

18 THE COURT: Uh-huh.

19 PROSPECTIVE JUROR NO. 092: There's nothing I can do about it.

20 He -- he's adjusted. He's done well. And I always thought if I won the lottery I'd
21 try to seal his records and he can lead a normal life to where he doesn't have to
22 worry about that.

23 THE COURT: I don't even think you need to win the lottery for that.

24 PROSPECTIVE JUROR NO. 092: Yeah.

25 THE COURT: Let me ask you this. Who do you blame, if anyone, or

1 what participant in the justice system do you blame, if anyone, for the -- what you
2 think is the harsh or somewhat unfair treatment your son received?

3 PROSPECTIVE JUROR NO. 092: Well, I -- I can't say because I wasn't
4 really there for the trial. I -- the divorce, I mean, I tried to make ends meet
5 because I was awarded such an impact on my life financially to pay child support
6 and spousal support. I was there in the beginning, but I wasn't there during the
7 trial. Just through the divorce my ex would never inform me of anything that was
8 going on anytime, you know, and I tried.

9 And so to keep my sanity I just worked hard and paid the bills. I
10 wasn't there for the trial. I think it was unfortunate, that it was harsh, but it was
11 the law, they could do that. I just wish I had the wherewithal to hire a good
12 defender.

13 THE COURT: Okay. So you think if you had hired a private attorney as
14 opposed to a public defender you might've had a more favorable outcome?

15 PROSPECTIVE JUROR NO. 092: Yeah, on something that was fair. I
16 mean, what was done inappropriate was inappropriate. But to end up with a
17 felony conviction of rape is very serious.

18 THE COURT: Right.

19 PROSPECTIVE JUROR NO. 092: It'll follow you the rest of your life.

20 THE COURT: And do you have the same feeling for your divorce, if
21 maybe you could've afforded a better lawyer you would've had a more favorable
22 outcome? Or do you think it was just kind of the state of the law in Washington?

23 PROSPECTIVE JUROR NO. 092: Well, it was pro tem judge and she
24 didn't like me. I don't know why, but that's --

25 THE COURT: So it may not have mattered?

1 PROSPECTIVE JUROR NO. 092: Yeah, it may not have mattered.

2 What is, is. It just was, and I've done okay. You know, I --

3 THE COURT: Let me ask you this, what are your feelings about strip
4 clubs?

5 PROSPECTIVE JUROR NO. 092: I've been in the Marine Corp, I had
6 buddies and we've gone to one or two. I've probably frequented a strip club in
7 my life maybe four times. You're young, very impressionable. It is a business,
8 and in this state it's legitimate. There's guidelines and so forth. I don't have a
9 problem with it. I choose not to go.

10 THE COURT: Okay. Would you hold it against somebody because they
11 were affiliated with that industry?

12 PROSPECTIVE JUROR NO. 092: No.

13 THE COURT: Okay. Do you personally know anyone that has worked in
14 a strip club industry as a, you know, bouncer, bartender --

15 PROSPECTIVE JUROR NO. 092: No, I have not.

16 THE COURT: -- dancer, anything like that?

17 PROSPECTIVE JUROR NO. 092: No, I have not.

18 THE COURT: Okay. You've heard all of the discussions we've had and
19 the questioning --

20 PROSPECTIVE JUROR NO. 092: Yes.

21 THE COURT: -- that has gone on with the other prospective jurors.

22 Based on that is there anything you think we need to know about you or would
23 like to know about you?

24 PROSPECTIVE JUROR NO. 092: A couple things. One is I always
25 seek the truth. I like to know -- I think I'd be a good juror. I really do. However,

1 this will have a severe financial hardship on me. I didn't raise my hand because I
2 was second from the end or third from the end. And I've been through the
3 process and they rarely get that far. But because of the nature of this case, I
4 understand you're going through everyone. And because you want to make sure
5 they have a fair and impartial panel to make a verdict. So it's going to hurt.
6 Right now I've missed four days of work. That's \$500 because I'm an apprentice.
7 I'm not at top scale. Right. You're at, what is it, \$15 an hour?

8 PROSPECTIVE JUROR NO. 092: Actually, I'm making \$23 an hour.

9 THE COURT: Oh, well, then I don't feel sorry for you. I'm teasing.

10 PROSPECTIVE JUROR NO. 092: Yeah, but you don't have my bills
11 either, man.

12 THE COURT: No, I was -- and I was joking.

13 PROSPECTIVE JUROR NO. 092: I know.

14 THE COURT: I was totally joking. But so you're not making what -- what
15 you would be making if you had been through the program which is --

16 PROSPECTIVE JUROR NO. 092: Right.

17 THE COURT: -- substantially more.

18 PROSPECTIVE JUROR NO. 092: In another three years I'll make \$40
19 an hour and change, but for now I'm apprentice. I have a household. I'm putting
20 my daughter, my last daughter through college, so --

21 THE COURT: Okay. And right now, in terms of your household it's just
22 yourself, but you're helping --

23 PROSPECTIVE JUROR NO. 092: Well, I have a girlfriend. We live
24 together. The house is mine, but we share expenses. And, you know, if I can
25 get a letter stating to my creditors I was in jury, there's nothing I can do. Fulfill

1 my civic duty, but it came at a cost and that is you will get paid later rather than
2 sooner.

3 THE COURT: I'm happy to write that letter. I don't know if it's going to
4 help with your creditors. We certainly send that to your employers and they're
5 required to let you off work, but they're not required to pay you.

6 PROSPECTIVE JUROR NO. 092: But I have no other reason than that
7 and like everything else in the face of life, I will survive this too.

8 THE COURT: Let me ask you this, your program as an apprentice, what
9 hours do you work?

10 PROSPECTIVE JUROR NO. 092: I normally work from 6:00 a.m. to
11 2:30.

12 THE COURT: Okay. And so, you know, let's say we had a 12:30 start,
13 would you be required to miss that whole day, or would you at least be able to
14 work the morning if we were starting later?

15 PROSPECTIVE JUROR NO. 092: I -- I start at 6:00, and if court started
16 at 12 or 12:30, I could break -- I can get, you know, six hours, maybe five hours a
17 day.

18 THE COURT: Okay. Would that help you?

19 PROSPECTIVE JUROR NO. 092: Sure.

20 THE COURT: Now, some days we may start late, and then other days,
21 like today, we may start early, but that might lessen the impact. Again, it
22 depends on what the Court's calendar is. And some mornings we're just -- you
23 know, have other things, so -- all right. Well, that concludes my questioning.

24 The State may follow up.

25 MR. PESCI: Thank you, Judge.

1 Sir, if I'm understanding correctly, your son was -- was a juvenile.

2 THE COURT: Yes.

3 MR. PESCI: But you're indicating that he has a felony conviction for
4 that?

5 PROSPECTIVE JUROR NO. 092: Yes.

6 MR. PESCI: The laws in each state are somewhat different. I think what
7 you're saying is that the law -- it was in Washington?

8 PROSPECTIVE JUROR NO. 092: Washington State.

9 MR. PESCI: Was that if there's a two year difference between the two
10 then the older one is going to be the one held accountable?

11 PROSPECTIVE JUROR NO. 092: Well, they'll make it to, but usually it'll
12 be the older one because they should be of more knowledge of what's
13 appropriate and not appropriate.

14 MR. PESCI: All right. That experience and how that affected you and
15 your son, would you hold that against the State of Nevada?

16 PROSPECTIVE JUROR NO. 092: No.

17 MR. PESCI: We're -- we're a separate and distinct --

18 PROSPECTIVE JUROR NO. 092: No. And I -- I'm a realist. Things
19 happen that are out of your control. I may not have liked it. I could've been, you
20 know, had my own opinions to it, but I don't know the full facts of what went on. I
21 wasn't at the trial, so I can't -- I didn't hear what went on as far as evidence.

22 MR. PESCI: And whatever your feelings are are fine. They're yours, and
23 you can have them. We're just trying to ascertain whether those are feelings that
24 will affect your ability to be fair for either side.

25 PROSPECTIVE JUROR NO. 092: None whatsoever.

1 MR. PESCI: Are you okay with the concept that the burden is upon the
2 State to prove --

3 PROSPECTIVE JUROR NO. 092: Yes, I understand that.

4 MR. PESCI: -- beyond a reasonable doubt?

5 PROSPECTIVE JUROR NO. 092: Correct.

6 MR. PESCI: All right. And if we don't do it, would you have any problem
7 coming back with a not guilty verdict?

8 PROSPECTIVE JUROR NO. 092: That would be no problem
9 whatsoever.

10 MR. PESCI: Would you -- would you require that the defendants testify
11 in order for you --

12 PROSPECTIVE JUROR NO. 092: No, I do not. It's a double edged
13 sword, darned if you do, darned if you don't. They have the opportunity to, but
14 they may choose not to. So based on that, I go solely on your evidence.

15 MR. PESCI: Okay. And so you -- you won't hold it against a defendant if
16 they choose --

17 PROSPECTIVE JUROR NO. 092: No.

18 MR. PESCI: -- not to.

19 PROSPECTIVE JUROR NO. 092: No.

20 MR. PESCI: All right. Do you have any strong feelings one way or the
21 other about firearms?

22 PROSPECTIVE JUROR NO. 092: I don't have any, but I'm an expert. In
23 the Marine Corps I shot rifles and pistols, so --

24 MR. PESCI: Did you -- do you not keep them for a reason? I mean,
25 many people that have --

1 PROSPECTIVE JUROR NO. 092: Well, because of children in the
2 home, it's just a safety issue. If -- right now to have a decent firearm, even
3 though it's just me and adults in the home, I would like to. My girlfriend is from
4 the mid west. They grew up hunters so it's -- firearms are not an issue.

5 MR. PESCI: All right. What about gangs? What do you think about
6 when you hear gangs?

7 PROSPECTIVE JUROR NO. 092: I've never been part of a gang. I
8 don't want to piss them off. So I choose not to join gang.

9 MR. PESCI: All right. And with that selection, that choice, would you
10 have any problem being a juror when you might hear about people involved in
11 this case, not the defendants, being somehow tied to a gang?

12 PROSPECTIVE JUROR NO. 092: No. It's they're lifestyle. For one
13 reason they're part of a gang, don't know why. Unless it's relevant, I have no
14 opinion on it.

15 MR. PESCI: In the Marine Corps, were you ever part of any court martial
16 proceedings?

17 PROSPECTIVE JUROR NO. 092: Yes, I was.

18 MR. PESCI: And how so? What did you do in that process?

19 PROSPECTIVE JUROR NO. 092: I was in the Marine Corps for 13
20 years. I was on recruiting duty working 80 to 90 hours a week, and I was not
21 really qualified to be on special duty. I was trying to make rank because my
22 MOS was overmanned by 200 percent. And my -- I had four children at the time.
23 My wife was pregnant with number five, and I was never home except on
24 Sundays, and every other Sunday was a training day for recruiting day.

25 I was a successful recruiter. The first month was a zero, I got no

1 contract. The next month was one, the next month was two, the next month was
2 three, the next month was four, the next month was five. And our quota was only
3 three because they always asked for more, and if you got your quota, you could
4 do whatever you want, you got the rest of the time off.

5 Well, that wasn't true because if somebody else was down you had
6 to make up the number. I worked hard, did very well, and I finally said that's it. I
7 took off for three or four days, they finally came back and said here I am.

8 And they ordered me to go back to recruit, take the book, and I said,
9 no, my family is more important. I can't see my family suffer everyday so I was
10 court martialed. I did a CEM, career ending move, and after it was done I
11 appealed and I won, but I could never go back.

12 MR. PESCI: And that -- that overall situation, how does that make you
13 feel about the justice system in general? I know it's separate with the military,
14 but --

15 PROSPECTIVE JUROR NO. 092: I knew what I was doing. I knew that
16 I was not going to go to jail, but I was ending my career because I had another
17 four years on my contract or something like that. I was a career Marine, but --
18 and I even talked to the command about it. It fell upon deaf ears.

19 They had one opening left in the command to where I could
20 contribute towards the cause, but asking me to go out and work this hard all the
21 time, I'd rather be overseas to where I don't see my family suffer because I would
22 move them near their family. The situation was I had to make a decision. And it
23 may not have been the best one, but here I am today. I am okay and I have no
24 regrets.

25 MR. PESCI: Thank you very much, sir.

1 Pass.

2 THE COURT: All right. Thank you.

3 Who would like to go next?

4 MS. ARMENI: Mr. Lemke, when I throw out the word drugs, what do you
5 think of?

6 PROSPECTIVE JUROR NO. 092: Well, either prescribed or un-
7 prescribed.

8 MS. ARMENI: Okay.

9 PROSPECTIVE JUROR NO. 092: Drugs, I mean, typically I would think
10 medication.

11 MS. ARMENI: Okay.

12 PROSPECTIVE JUROR NO. 092: On the street it's just -- it's pills that
13 are gotten usually illicitly taken to get high or to do whatever.

14 MS. ARMENI: And do you know people around you that have taken
15 either the non-prescription or the --

16 PROSPECTIVE JUROR NO. 092: Yes.

17 MS. ARMENI: -- prescription drugs?

18 PROSPECTIVE JUROR NO. 092: Yes.

19 MS. ARMENI: Yes? And how -- how did they act while they were on
20 those drugs?

21 PROSPECTIVE JUROR NO. 092: Abnormal, typically. Either high,
22 manic or depressive or angry or just totally livid.

23 MS. ARMENI: You kind of were talking about decisions and you seem to
24 have a really good attitude about what kind of happens, we move on --

25 PROSPECTIVE JUROR NO. 092: Uh-huh.

1 MS. ARMENI: -- even though you're not always dealt the hands that you
2 want; right?

3 PROSPECTIVE JUROR NO. 092: Right.

4 MS. ARMENI: You understand that in this situation, if you are chosen as
5 a juror, you go back and you make a decision. And once that decision is made
6 it's -- it's final; right?

7 PROSPECTIVE JUROR NO. 092: I understand.

8 MR. PESCI: Judge, may we approach?

9 THE COURT: Sure.

10 (Conference at the bench)

11 MS. ARMENI: Mr. Lemke, I just have one last question.

12 PROSPECTIVE JUROR NO. 092: Sure.

13 MS. ARMENI: What do you think would make you a good juror?

14 PROSPECTIVE JUROR NO. 092: What would make me a good juror is
15 the fact that I'm willing to listen. I'd like to hear the truth and make a
16 determination on the truth.

17 MS. ARMENI: Okay. Thank you.

18 PROSPECTIVE JUROR NO. 092: You're welcome.

19 THE COURT: All right. Thank you.

20 Who would like to go for Mr. Hidalgo III?

21 MR. ARRASCADA: Yes, Your Honor.

22 Just following up on that question. It's your life experiences that can
23 help you in reaching those decisions; is that accurate?

24 PROSPECTIVE JUROR NO. 092: Yes.

25 MR. ARRASCADA: Okay. Do you mind if I don't have any more

1 questions for you?

2 PROSPECTIVE JUROR NO. 092: No.

3 MR. ARRASCADA: Okay. Thank you.

4 THE COURT: All right, sir. Thank you. In a moment I'm going to have
5 you go back out in the hallway with the other prospective jurors.

6 PROSPECTIVE JUROR NO. 092: Okay.

7 THE COURT: Please don't discuss our questions or what's transpired in
8 the courtroom with the other prospective jurors.

9 PROSPECTIVE JUROR NO. 092: Yes, Your Honor.

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

11 PROSPECTIVE JUROR NO. 092: You're welcome.

12 THE COURT: And go ahead and follow Jeff out.

13 (Prospective juror No. 92 exits courtroom)

14 THE COURT: All right. I feel bad for him, but --

15 MR. DIGIACOMO: I'm assuming you're not entertaining his -- I mean,
16 his -- he seems a lot like Mr. Ricks. But, I mean, it's the Court's call, whatever
17 you want to do.

18 THE COURT: Well, except he didn't say it soon enough and we'll have a
19 couple -- I mean, I feel bad for him, but we've kind of planned on having him here
20 and now we've got Mr. Frank Sinatra.

21 MR. DIGIACOMO: Well, and he also said that, like anything else, he'll
22 survive it. Those -- I don't know if you heard it, but it's clearly in the record.

23 Am I correct?

24 THE RECORDER: Uh-huh.

25 MR. DIGIACOMO: Yeah.

1 THE COURT: All right. And, I mean, a couple days we'll start at 12:30,
2 so --

3 State's ninth.

4 MR. PESCI: Court's indulgence.

5 THE COURT: So obviously Mr. Lemke is not going to be defendant's
6 ninth.

7 MR. DIGIACOMO: No, we could go either way, but he'll be fine.

8 THE COURT: I mean, I feel bad for him, but I just think it's too late.

9 MR. DIGIACOMO: Frank better give us for cause, but even if we don't
10 waive, they'll take somebody else, so -- we're going to take Ms. Pezza.

11 THE COURT: You're going to excuse --

12 MR. DIGIACOMO: We'd like to thank --

13 THE COURT: -- Ms. Pezza?

14 MR. DIGIACOMO: -- and excuse Ms. Pezza, juror No. 90.

15 THE COURT: All right. Would you bring Ms. Pezza in?

16 MR. DIGIACOMO: You thought we were going to take Lemke?

17 THE COURT: You know what, Lemke is good for them.

18 MR. DIGIACOMO: He's fine.

19 THE COURT: Ms. Pezza, I want to thank you for being here and your
20 willingness to serve as a juror. I also want to apologize that it's taking so long,
21 but I'm sure you can appreciate how important it is for both sides to adequately
22 question everyone and ferret out and biases or prejudice. We are going to
23 excuse you at this point in time, and I want to thank you again. And Officer
24 Wooten will direct you from the courtroom.

25 PROSPECTIVE JUROR NO. 090: Thank you.

1 THE COURT: All right. Thank you.

2 (Prospective juror No. 90 exits courtroom)

3 THE COURT: And next up --

4 MS. ARMENI: That's Frank.

5 THE COURT: -- is Mr. Urgola.

6 MR. DIGIACOMO: Let's hope he's been listening.

7 THE COURT: Huh?

8 MR. DIGIACOMO: I hope he's been listening.

9 THE COURT: Well, we don't know what Mr. Cordova is all about.

10 MR. DIGIACOMO: Yeah, I have no idea. Oh, I know. Yeah.

11 THE COURT: Mr. Frank Sinatra.

12 (Off-record colloquy)

13 THE COURT: Mr. Frank Sinatra, have a seat in the box. And we already
14 know what you do for a living. And how long have you been in the entertainment
15 business?

16 PROSPECTIVE JUROR NO. 093: Since 19 -- bada-ba-boom, what is
17 it -- 75.

18 THE COURT: 1975. Where are you from originally?

19 PROSPECTIVE JUROR NO. 093: New York.

20 THE COURT: All right. And from the City?

21 PROSPECTIVE JUROR NO. 093: Yes, Brooklyn.

22 THE COURT: Brooklyn. Okay. And how long -- how long have you
23 been an impersonator or doing a tribute?

24 PROSPECTIVE JUROR NO. 093: Let's see, since 1990.

25 THE COURT: Okay. What did you do before that?

1 PROSPECTIVE JUROR NO. 093: Before that I was a musician. I still
2 am.

3 THE COURT: Uh-huh.

4 PROSPECTIVE JUROR NO. 093: And I always did Sinatra's songs
5 before then, but I was in different bands as a freelance singer. In 1990 I started
6 impersonating him to perfection, you know, by really studying him. So that was
7 the turning point.

8 THE COURT: And are you married, sir?

9 PROSPECTIVE JUROR NO. 093: I was.

10 THE COURT: Okay. Do you have any children?

11 PROSPECTIVE JUROR NO. 093: No.

12 THE COURT: Do you -- have you ever been a juror before?

13 PROSPECTIVE JUROR NO. 093: No, I was in the selection process in
14 New York for like 14 years. They called me like every other year or every three
15 years.

16 THE COURT: Okay. Well, the good news is if you're selected, we won't
17 call you for another three years.

18 PROSPECTIVE JUROR NO. 093: Okay. That's good to know.

19 THE COURT: So have you ever been in the box before where
20 everybody asked you questions?

21 PROSPECTIVE JUROR NO. 093: Yeah, I was. There was one time --
22 on time, and oddly enough -- bless you -- I was in the foreman's box, you know,
23 and I didn't want to be foreman. I was panicking because, you know, it was
24 overwhelming to me at the time, but they dismissed me --

25 THE COURT: Okay.

1 PROSPECTIVE JUROR NO. 093: -- because I wasn't giving the right
2 answers.

3 THE COURT: Now, have you or anyone close to you ever been the
4 victim of a serious crime?

5 PROSPECTIVE JUROR NO. 093: I don't know. How do you define
6 serious?

7 THE COURT: Well, how do you define serious?

8 PROSPECTIVE JUROR NO. 093: Well, I -- the worst thing that ever
9 happened to me was my apartment was burglarized in New York on two
10 occasions.

11 THE COURT: Was anybody home? Were you home at all?

12 PROSPECTIVE JUROR NO. 093: No.

13 THE COURT: Okay.

14 PROSPECTIVE JUROR NO. 093: Yeah.

15 THE COURT: And was that -- how long ago was that?

16 PROSPECTIVE JUROR NO. 093: About 1980 -- the first time was like
17 around 1987. The second time was around 1989.

18 THE COURT: Before Giuliani cleaned up the city?

19 PROSPECTIVE JUROR NO. 093: Yeah. He did a good job too.

20 THE COURT: He did. Let me ask you this, did you report those break-
21 ins to the police?

22 PROSPECTIVE JUROR NO. 093: Yes, I did.

23 THE COURT: Did they ever catch anybody?

24 PROSPECTIVE JUROR NO. 093: No.

25 THE COURT: Okay.

1 PROSPECTIVE JUROR NO. 093: No.

2 THE COURT: And anything to a family member or someone close to you
3 been the victim of a serious crime?

4 PROSPECTIVE JUROR NO. 093: No.

5 THE COURT: Okay. Have you or anyone close to you ever been
6 arrested or charged with a crime?

7 PROSPECTIVE JUROR NO. 093: No.

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

9 PROSPECTIVE JUROR NO. 093: Not too favorable about them.

10 THE COURT: And why is that?

11 PROSPECTIVE JUROR NO. 093: Well, back in 1977 I had this girlfriend
12 I was very much in love with, and we had an ongoing relationship for the better
13 part of three years. And she got influenced somehow, you know, and she went
14 into the sex industry as a call girl, and then I -- from word of mouth I heard that
15 she went on to do other things that were too decadent, you know. I mean, we
16 broke off by this time, but it disappointed me so much.

17 I'm -- I'm a Christian. I'm a born again Christian. I -- you know, the
18 morality aspect of going to these clubs are not favorable to me, although I used
19 to go. The last strip club I went to was actually the Palomino Club back in 1976.
20 I lived here from 1973 to '77, then moved back to New York, and came back in
21 '93. The last strip club I was at was the Palomino Club in 1976.

22 THE COURT: Okay.

23 PROSPECTIVE JUROR NO. 093: And that's the last time I ever went to
24 a strip club.

25 THE COURT: And I don't mean to pry, but was that before you became

1 a born again Christian?

2 PROSPECTIVE JUROR NO. 093: No, that was afterwards.

3 THE COURT: Okay.

4 PROSPECTIVE JUROR NO. 093: That -- that -- that was in 1983.

5 THE COURT: Okay.

6 PROSPECTIVE JUROR NO. 093: Yeah.

7 THE COURT: So you have a negative sense. Now, obviously -- well, let
8 me ask you this. Is your negative -- are your negative feelings directed at the
9 dancers or the industry as a whole --

10 PROSPECTIVE JUROR NO. 093: The industry.

11 THE COURT: -- or anybody who works there or what?

12 PROSPECTIVE JUROR NO. 093: The industry. It made me very bitter
13 because, you know, she was -- you know, she got involved with the wrong
14 people who sort of swayed her to go into the wrong direction. She was doing
15 things that were so decadent and it just broke my heart to no end.

16 THE COURT: Now, did she get involved in the call girl business, I
17 guess --

18 PROSPECTIVE JUROR NO. 093: Yeah.

19 THE COURT: -- through a strip club, or was it just somebody
20 approached her and kind of got her --

21 PROSPECTIVE JUROR NO. 093: Yeah, somebody -- it wasn't through
22 a strip club, no. But it was somebody who was in the -- in the industry who does
23 that sort of thing.

24 THE COURT: Have you ever been around or do you know anyone
25 personally that's worked in the strip club industry?

1 PROSPECTIVE JUROR NO. 093: No. No.

2 THE COURT: Okay.

3 I'll turn it over to the State.

4 MR. DIGIACOMO: Good morning -- or I guess it's afternoon now.

5 PROSPECTIVE JUROR NO. 093: Yeah.

6 MR. DIGIACOMO: Day four. The question becomes, at the end of the
7 day, if you're selected for the jury, the negative thoughts you have about the strip
8 club business, is that something that you can set aside and judge the facts of this
9 case, or would you hold that against Mr. Hidalgo and his son?

10 PROSPECTIVE JUROR NO. 093: I think due to the nature of the
11 situation, there's a morality aspect involved.

12 MR. DIGIACOMO: Sure.

13 PROSPECTIVE JUROR NO. 093: I'm a guy. You know, I'm not saying
14 I'm not attracted to that sort of thing. I mean, you know, as a human being, you
15 know, we're always tempted to, you know, look in places where we shouldn't be
16 looking, you know. I try to avoid that sort of thing.

17 I've become very bitter towards immoral acts, you know. And I think
18 a lot of it has to do with the great disappointment that I've experienced with this
19 girl who I was very much in love with back in the '70s. She just -- she went nuts,
20 you know. She just went the other way. She was such a good girl, and she just
21 totally transformed into, you know, it was like one of my worst nightmares, you
22 know. My heart was broken and it took many years to get over it, you know.

23 MR. DIGIACOMO: So I'm just -- today's the day. So can you give them
24 a fair trial, or do you think maybe you'd hold something against them?

25 PROSPECTIVE JUROR NO. 093: Personally speaking, I -- in all

1 honesty, I don't think so. I really can't say with a clear heart that I could because
2 I just don't feel good about this industry at all.

3 MR. DIGIACOMO: Thank you very much for your honesty.

4 PROSPECTIVE JUROR NO. 093: Thank you.

5 MR. DIGIACOMO: We'll submit it, Judge.

6 THE COURT: No questions from Mr. Gentile?

7 MR. GENTILE: No, I don't need to question.

8 THE COURT: And no questions from Mr. Arrascada?

9 MR. ARRASCADA: No, Your Honor.

10 THE COURT: All right. Mr. Frank Sinatra, I'm going to have you go and
11 have a seat back out in the hallway, sir. And please don't discuss anything that
12 you've talked about with any of the other prospective jurors.

13 PROSPECTIVE JUROR NO. 093: Of course not.

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

15 (Prospective juror No. 93 exits courtroom)

16 MR. GENTILE: May I speak to him now that he's been excused?

17 THE COURT: Well, he hasn't. Actually, he hasn't.

18 MR. GENTILE: Oh, okay.

19 THE COURT: Go ahead.

20 MR. GENTILE: That's fine. I won't.

21 THE COURT: He will be in a moment.

22 MR. DIGIACOMO: I mean, I'm assuming --

23 THE COURT: I mean, I'm assuming.

24 MR. DIGIACOMO: -- they're challenging for cause.

25 THE COURT: I just wanted to put it on the record.

1 MR. GENTILE: Okay.

2 THE COURT: I'm assuming you're --

3 MR. GENTILE: Yeah.

4 THE COURT: -- challenging for cause.

5 MR. GENTILE: Well, I assumed you were.

6 MR. DIGIACOMO: I'm not challenging --

7 THE COURT: Well, they don't --

8 MR. GENTILE: -- for cause.

9 THE COURT: -- care because it's going to be unfair to you people.

10 MR. GENTILE: Oh, yeah, okay. We're challenging him for cause.

11 MR. ADAMS: We join. We join.

12 MR. PESCI: We're objecting.

13 MR. GENTILE: Whoever he is.

14 MR. DIGIACOMO: I want to keep Frank Sinatra.

15 THE COURT: Okay. So I just wanted to put that on the record. Yeah,
16 because the State, he's bias towards them if you believe him.

17 Here's -- we're in a bit of a sticky wicket. Ray Cordova is our next
18 person, and if you exercise your challenge, we have an empty chair.

19 MR. GENTILE: He's been wearing a badge every day since he came
20 into this building, every day.

21 MR. PESCI: Still have to ask him.

22 MR. GENTILE: Every day.

23 MR. PESCI: Still have to ask him.

24 THE COURT: What do you mean a badge?

25 THE MARSHAL: He has -- well, Your Honor, the first day he did have a

1 shirt on that showed a badge. He's a parole and probation -- juvenile parole and
2 probation officer.

3 THE COURT: Okay. So basically we're going to have to bring up the
4 other ten jurors.

5 MR. DIGIACOMO: Why? That doesn't --

6 THE COURT: Is that what you're telling me?

7 MR. DIGIACOMO: Why can't we have a cop on a jury? I've had them
8 before.

9 MR. GENTILE: I have a peremptory.

10 THE COURT: He has a peremptory left.

11 MR. DIGIACOMO: Oh, okay. I thought we were just letting him go.

12 THE COURT: No, no, no. I mean, unless Mr. Gentile waives his
13 peremptory --

14 MR. ARRASCADA: Well, we have --

15 THE COURT: -- we have an empty chair.

16 MR. ARRASCADA: -- a stake in that too, Your Honor.

17 THE COURT: Oh, I'm sorry.

18 MR. GENTILE: I don't think that's going to happen.

19 THE COURT: Right. So we're going to have to either go with one
20 alternate, or we're going to have to bring up the other ten. You're killing me.

21 MR. GENTILE: It's only a week trial. I don't have a problem with one
22 alternate.

23 MR. DIGIACOMO: Well, this started off as a two week trial that we were
24 supposed to get the evidence by Wednesday or Thursday. We did not rest until
25 Thursday. You said you had 19 witnesses.

1 MR. GENTILE: Well, if I under -- if I understood Mr. DiGiacomo, whose
2 name I can pronounce quite well when I want to, the -- if I understood him
3 correctly, he said to me the other day that he thought he might be done Tuesday,
4 Wednesday at the latest. That's what he said to me yesterday. And I could --

5 THE COURT: Well, maybe --

6 MR. GENTILE: -- be wrong.

7 THE COURT: -- that was when we were starting --

8 MR. DIGIACOMO: Yesterday?

9 THE COURT: -- yesterday. And I could be wrong.

10 MR. DIGIACOMO: Yesterday? I think it was the day before.

11 MR. PESCI: That's -- that was before this jury selection process.

12 MR. GENTILE: But it's still only going to be a week trial, a week, six
13 days maybe, six -- six trial days.

14 THE COURT: Oh, I can't --

15 MR. DIGIACOMO: We're planning two weekends, including the Super
16 Bowl? I'm thinking we need --

17 MR. PESCI: My last trial in front of Judge Glass we had two alternates
18 and we lost both of them. And it was a much, much shorter trial. So, I mean, just
19 to be safe.

20 MR. GENTILE: Well --

21 THE COURT: All right.

22 MR. GENTILE: -- then let's get it on.

23 THE COURT: All right. Bring in Mr. Frank Sinatra.

24 (Off-record colloquy)

25 THE COURT: Mr. Urgola. Mr. Urgola, thank you for your participation.

1 We're going to go ahead and excuse you.

2 PROSPECTIVE JUROR NO. 093: Thank you, Your Honor.

3 THE COURT: Sorry we had to keep you here so many days, but we
4 need to go in order so that --

5 PROSPECTIVE JUROR NO. 093: I understand.

6 THE COURT: -- everyone can anticipate. And also I'm sure you
7 appreciate how important it is for both sides to ferret out any biases and that's
8 why the process takes such a long time.

9 PROSPECTIVE JUROR NO. 093: Absolutely.

10 (Off-record colloquy)

11 THE COURT: Thank you, sir.

12 PROSPECTIVE JUROR NO. 093: Thank you.

13 THE COURT: I'm not going to make you sing.

14 PROSPECTIVE JUROR NO. 093: I could if you want me too, Your
15 Honor.

16 MR. ADAMS: Come on, Judge. Come on.

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

18 PROSPECTIVE JUROR NO. 093: Thank you, Your Honor.

19 THE COURT: And Officer Wooten will direct you from the courtroom.

20 And, Jeff, bring in Mr. Cordova.

21 PROSPECTIVE JUROR NO. 093: Thank you.

22 (Prospective juror No. 93 exits courtroom)

23 THE COURT: Mr. Cordova, come on down and have a seat there,
24 anywhere in the jury box you feel comfortable.

25 PROSPECTIVE JUROR NO. 097: Okay.

1 THE COURT: I'm just going to cut right to the chase. What's that badge
2 there on your sweater or sweatshirt?

3 PROSPECTIVE JUROR NO. 097: Department of Juvenile Justice
4 Service.

5 THE COURT: All right. Is that with the Division of Family and Youth
6 Services?

7 PROSPECTIVE JUROR NO. 097: Yeah, probation department.

8 THE COURT: Okay. So are you a juvenile probation officer?

9 PROSPECTIVE JUROR NO. 097: Yes, I am.

10 THE COURT: How long have you been doing that?

11 PROSPECTIVE JUROR NO. 097: I've been doing that for 10 years,
12 going on 11.

13 THE COURT: All right. And what did you do prior to that time?

14 PROSPECTIVE JUROR NO. 097: I was -- I was -- actually I went to the
15 police academy in Arizona where I was going to become a police officer,
16 Winslow, Arizona.

17 THE COURT: All right.

18 PROSPECTIVE JUROR NO. 097: That's where I came from before that.

19 THE COURT: And what happened with that?

20 PROSPECTIVE JUROR NO. 097: Actually, the pay scale wasn't that
21 great. And, honestly, between that and -- staying there and coming out here, I
22 chose to come out here.

23 THE COURT: Okay. Now, as a juvenile probation officer, what kind of, I
24 guess, probationers -- I mean, do you get certain crimes or just kind of a gambit
25 of probation officers or Spanish speaking probationers or what?

1 PROSPECTIVE JUROR NO. 097: Actually, we get all -- I mean, we get
2 everything.

3 THE COURT: Okay. And what do you personally supervise?

4 PROSPECTIVE JUROR NO. 097: Actually, I'm inside the girls unit right
5 now, so I supervise a total of -- well, however -- how many girls are there.

6 THE COURT: Okay.

7 PROSPECTIVE JUROR NO. 097: That's what I do right now.

8 THE COURT: All right. And obviously there's going to be some
9 testimony from law enforcement officers, police officers in this case. You work in
10 law enforcement. Is there anything about that that would impact your ability to be
11 fair and impartial to both sides in this case?

12 PROSPECTIVE JUROR NO. 097: No, not to be -- you know, I'll be fair
13 on both parts.

14 THE COURT: Okay.

15 PROSPECTIVE JUROR NO. 097: I would.

16 THE COURT: All right. Now, would you automatically believe the -- or
17 listen to or believe a police officer's testimony more than that of any other witness
18 simply because somebody's a police officer or a law enforcement officer?

19 PROSPECTIVE JUROR NO. 097: Well, I have my -- let me put it this
20 way. I've got my sort of discretion when it comes to the police officers. Not all --
21 you know, police officers got to do their job, but the same token, they exactly
22 don't -- pretty much don't know exactly what's going on, they're just doing their
23 job.

24 THE COURT: Right. Do you think it's fair that some police officers do a
25 good job and some police officers not such a good job?

1 PROSPECTIVE JUROR NO. 097: I believe every -- I believe every
2 profession has its bad apples in it.

3 THE COURT: Okay. Do you work directly with police officers as a
4 juvenile probation officer?

5 PROSPECTIVE JUROR NO. 097: We are an intake unit, so more or less
6 when we do detain a girl, as a matter of fact, I do see a lot of them up there at
7 the, you know, booking area.

8 THE COURT: Okay. So you're actually down in family court in intake
9 services?

10 PROSPECTIVE JUROR NO. 097: Yes. Exactly.

11 THE COURT: Okay. And then you work with the DA's then?

12 PROSPECTIVE JUROR NO. 097: No, no, I don't work with DA's. I'm
13 just strictly in the back.

14 THE COURT: Oh, strictly in the back. Because I know some probation
15 officers do work with the DA's, but you don't?

16 PROSPECTIVE JUROR NO. 097: No, I work with the probation officers
17 that actually work in the field and intake.

18 THE COURT: Okay. All right. Are you married, sir?

19 PROSPECTIVE JUROR NO. 097: No, I'm not.

20 THE COURT: Do you have any children?

21 PROSPECTIVE JUROR NO. 097: No, I don't.

22 THE COURT: Okay. Ever been a juror before?

23 PROSPECTIVE JUROR NO. 097: No, I have not.

24 THE COURT: You or anyone close to you ever been the victim of a
25 serious crime?

1 PROSPECTIVE JUROR NO. 097: Well, I have.

2 THE COURT: Okay. Tell me about that.

3 PROSPECTIVE JUROR NO. 097: Actually, back in, I would say, around
4 December, I was actually -- me and my dad were actually robbed at gunpoint.

5 THE COURT: Okay. And -- and that happened here in Clark County?

6 PROSPECTIVE JUROR NO. 097: Yes, it did.

7 THE COURT: Were you in a business, at home, on the street when that
8 happened?

9 PROSPECTIVE JUROR NO. 097: I was actually picking up my girlfriend
10 at the time.

11 THE COURT: Okay. And did you report that to the police?

12 PROSPECTIVE JUROR NO. 097: Yes, I did.

13 THE COURT: And what agency was it?

14 PROSPECTIVE JUROR NO. 097: Metro.

15 THE COURT: Okay. Did they ever catch anybody?

16 PROSPECTIVE JUROR NO. 097: No, they did not.

17 THE COURT: Okay. Do you have any opinion as to how Metro handled
18 that, your case?

19 PROSPECTIVE JUROR NO. 097: I believe they could've -- I was kind of
20 hoping they'd find somebody.

21 THE COURT: Uh-huh.

22 PROSPECTIVE JUROR NO. 097: But --

23 THE COURT: Was it just one perpetrator?

24 PROSPECTIVE JUROR NO. 097: No, it was two.

25 THE COURT: Two. Were -- did they both have guns?

1 PROSPECTIVE JUROR NO. 097: Yes, they did.

2 THE COURT: Okay. So you were disappointed that they didn't find
3 somebody?

4 PROSPECTIVE JUROR NO. 097: Exactly.

5 THE COURT: Okay. Do you feel like they kind of sloughed off the case
6 or do you have any opinion one way or the other?

7 PROSPECTIVE JUROR NO. 097: I believe they kind of did.

8 THE COURT: Was it Metro robbery, or was it just patrol?

9 PROSPECTIVE JUROR NO. 097: Actually, I believe it was just regular
10 patrol.

11 THE COURT: Just patrol. Okay. And let me ask you this. Have you or
12 anyone close to you ever been arrested or charged with a crime?

13 PROSPECTIVE JUROR NO. 097: Actually, I have been arrested, which
14 is -- there's a case still pending.

15 THE COURT: Okay. What were you arrested for?

16 PROSPECTIVE JUROR NO. 097: Battery domestic violence.

17 THE COURT: Okay. And the agency that arrested you?

18 PROSPECTIVE JUROR NO. 097: Metro.

19 THE COURT: Was this a girlfriend?

20 PROSPECTIVE JUROR NO. 097: Yes, it was.

21 THE COURT: Okay. And the case is still pending? Do you know who's
22 prosecuting? I mean, is it like the City Attorney, the Clark County --

23 PROSPECTIVE JUROR NO. 097: State. The State -- the State's
24 prosecuting.

25 THE COURT: Okay.

1 PROSPECTIVE JUROR NO. 097: As far as -- I don't know who it is.

2 THE COURT: Okay. Well, I -- the reason I'm asking this is because Mr.
3 Pesci and Mr. DiGiacomo work for the Clark County District Attorney's office. Do
4 you know if the Clark County District Attorney's office is prosecuting you?

5 PROSPECTIVE JUROR NO. 097: I have no idea, ma'am.

6 THE COURT: Okay. Have you had to go to court on that yet?

7 PROSPECTIVE JUROR NO. 097: No, not yet. It's set for trial on
8 February 23rd.

9 THE COURT: Okay. So you haven't even made an initial appearance --

10 PROSPECTIVE JUROR NO. 097: No.

11 THE COURT: -- or anything? Do you know if you come to this building?

12 PROSPECTIVE JUROR NO. 097: Yes, it's this building here.

13 THE COURT: Okay. And do you know what floor you're supposed to go
14 to? Because that'll --

15 PROSPECTIVE JUROR NO. 097: I'm not quite sure.

16 THE COURT: -- tell me who's prosecuting you.

17 PROSPECTIVE JUROR NO. 097: Actually, I really don't know.

18 THE COURT: Okay.

19 PROSPECTIVE JUROR NO. 097: I really don't know.

20 THE COURT: All right. And you don't know the name of the judge that's
21 handling your case?

22 PROSPECTIVE JUROR NO. 097: They -- my lawyer, as a matter of fact,
23 told me who it was. I just don't remember exactly who it was.

24 THE COURT: Okay.

25 PROSPECTIVE JUROR NO. 097: It's been some time now.

1 THE COURT: Okay. Did you -- oh, so you did hire a lawyer?

2 PROSPECTIVE JUROR NO. 097: Yes, I did.

3 THE COURT: Okay. And how did you go about choosing that lawyer?

4 PROSPECTIVE JUROR NO. 097: Actually, I was referred to by -- as a
5 matter of fact, my dad's friend, as a matter of fact, said he was really, really good.
6 I went down there and spoke to him, he seemed like a really nice guy, so I picked
7 up his services.

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

9 PROSPECTIVE JUROR NO. 097: I got nothing against them. I've been
10 in them before, so --

11 THE COURT: Okay. You ever go to any of the strip clubs here in Clark
12 County?

13 PROSPECTIVE JUROR NO. 097: One or two, but that's about it.

14 THE COURT: Okay. Which clubs have you been to?

15 PROSPECTIVE JUROR NO. 097: There's one on Boulder Highway, it's
16 the Library, I've been to that one, and then I've been to Spearmint Rhino.

17 THE COURT: Okay. Have you ever -- you've never been to the
18 Palomino Club?

19 PROSPECTIVE JUROR NO. 097: No, I have not.

20 THE COURT: Are you -- are you familiar with the Palomino Club at all?

21 PROSPECTIVE JUROR NO. 097: I've heard the name, but that's about
22 the furthest extent of it.

23 THE COURT: Okay. Anything you think we'd be interested in knowing
24 about you based on our questioning and our conversations with all of the other
25 prospective jurors?

1 PROSPECTIVE JUROR NO. 097: No.

2 THE COURT: Do you speak Spanish?

3 PROSPECTIVE JUROR NO. 097: Off and on. Not --

4 THE COURT: A little bit.

5 PROSPECTIVE JUROR NO. 097: Not frequently.

6 THE COURT: Okay. All right. Did you -- did you study it in school or --

7 PROSPECTIVE JUROR NO. 097: No.

8 THE COURT: Okay. You just kind of picked it up on the streets?

9 PROSPECTIVE JUROR NO. 097: Well, my dad speaks it. He's very
10 fluent in it. And I just never really had the -- I'll speak it if I have to, but I really
11 have to think about it. But to sit there and -- I can pretty much listen to him, he
12 can tell me whatever he wants and I'll be fine, but as to speak it, no, I don't speak
13 it. I'll talk back in English.

14 THE COURT: Okay. Because it's harder to actually think of the words
15 yourself, but to --

16 PROSPECTIVE JUROR NO. 097: Exactly.

17 THE COURT: -- listen to -- Okay.

18 PROSPECTIVE JUROR NO. 097: I just understand better.

19 THE COURT: Now, and I forgot one thing, as a probation officer do you
20 have any contact with gang members?

21 PROSPECTIVE JUROR NO. 097: Yes, we do.

22 THE COURT: Okay. Any feelings, opinions about gangs?

23 PROSPECTIVE JUROR NO. 097: No, not really. I mean, that's their
24 lifestyle. If that's what they want and that's what they choose, I mean, by all
25 means, you know, if they're not willing to be helped and not willing to change

1 themselves, then they're not willing to be changed. You can't help somebody
2 that's not willing to be changed.

3 THE COURT: Okay. Now, I'm going to ask you outside of your job have
4 you had any contact personally with gang members?

5 PROSPECTIVE JUROR NO. 097: Yes, I have.

6 THE COURT: Okay. And tell me about that.

7 PROSPECTIVE JUROR NO. 097: In my hometown, I actually grew up --
8 that's basically all there is. So I grew up quite a bit with them. I used to hang out
9 with them quite a bit.

10 THE COURT: All right. Excuse me one moment. I -- administrative
11 problem.

12 PROSPECTIVE JUROR NO. 097: Not a problem.

13 THE COURT: All right. I'm sorry for the interruption. And you were
14 saying about your contact with gang members.

15 PROSPECTIVE JUROR NO. 097: I've hung out with them in my
16 hometown.

17 THE COURT: And your hometown is where?

18 PROSPECTIVE JUROR NO. 097: Winslow, Arizona.

19 THE COURT: Winslow, Arizona. Okay.

20 PROSPECTIVE JUROR NO. 097: Uh-huh.

21 THE COURT: So did you have gang members that you went to high
22 school with and things like that?

23 PROSPECTIVE JUROR NO. 097: Yeah, I grew up with them my whole
24 life, so --

25 THE COURT: Like in your neighborhood and your school?

1 PROSPECTIVE JUROR NO. 097: Well, actually, Winslow, I think
2 that's -- when I'm growing up in my time, that's all there was.

3 THE COURT: Really?

4 PROSPECTIVE JUROR NO. 097: Yeah.

5 THE COURT: And what gangs were prevalent in your community?

6 PROSPECTIVE JUROR NO. 097: Well, you had the barrio espanolas,
7 then you had sen-town gangsta crips, you had dopeman association. They also
8 had -- there was another one there I just can't quite think of.

9 THE COURT: So they had both Hispanic gangs and African American
10 gangs?

11 PROSPECTIVE JUROR NO. 097: Actually, it was just -- it was -- the
12 gangs in Arizona, they're basically they're both mixed.

13 THE COURT: Okay. So people of different races in one gang?

14 PROSPECTIVE JUROR NO. 097: Uh-huh.

15 THE COURT: And it's a little bit different than that here; isn't it?

16 PROSPECTIVE JUROR NO. 097: Yeah. Actually, I think in Arizona it's
17 more just a territory than what it is -- just based on race.

18 THE COURT: Okay. All right. Thank you.

19 State, you may follow up with Mr. Cordova.

20 MR. DIGIACOMO: Thank you.

21 I think I got this right. I haven't been down in juvenile in -- in a very
22 long time. But when they bring the girls in for -- to be held in custody, is -- is that
23 what your job is, that you're one of the probation officers that are there inside the
24 jail, you're responsibilities for them are inside? Well, I wouldn't call it a jail, but in
25 the facility.

1 THE COURT: Detention.

2 PROSPECTIVE JUROR NO. 097: Yes, I'm responsible for them, sir.

3 MR. DIGIACOMO: And that's what your responsibilities are?

4 PROSPECTIVE JUROR NO. 097: Exactly.

5 MR. DIGIACOMO: And you have a lot of contact with parole and
6 probation officers, juvenile parole and probation officers who are on the street
7 dealing with these individuals; right?

8 PROSPECTIVE JUROR NO. 097: Yeah. Not only that, but, I mean, you
9 got attorneys, you know, defense lawyers and stuff like that actually calling and
10 wanting to speak to them.

11 MR. DIGIACOMO: Sure.

12 PROSPECTIVE JUROR NO. 097: Sometimes they relay information to
13 us, we relay information to them, we do observations, we monitor all that.

14 MR. DIGIACOMO: And you also have contact with a lot of cops; right?

15 PROSPECTIVE JUROR NO. 097: Pretty much. I mean, we mostly deal
16 with vice.

17 MR. DIGIACOMO: Vice?

18 PROSPECTIVE JUROR NO. 097: Yeah.

19 MR. DIGIACOMO: Okay. And I think you said it, you know, look, in
20 every profession there's people that are good at their job and people that are bad
21 at their job.

22 PROSPECTIVE JUROR NO. 097: Exactly.

23 MR. DIGIACOMO: And you'll judge each and every person that comes
24 in here to testify on -- on -- on what they say from the stand, their demeanor, the
25 reasonableness of what they're saying. Merely because they're a cop you're not

1 even going to accept or reject what they have to say; right?

2 PROSPECTIVE JUROR NO. 097: No, it doesn't necessarily mean -- my
3 thing is usually their first impression is not always the correct impression.
4 Sometimes you can be fooled, sometimes you're actually right.

5 MR. DIGIACOMO: All right. I want to talk to you a little bit about the fact
6 that you have an on -- ongoing case. Obviously it's a misdemeanor case;
7 correct?

8 PROSPECTIVE JUROR NO. 097: Actually, it's a gross misdemeanor,
9 sir.

10 MR. DIGIACOMO: It's gross misdemeanor?

11 PROSPECTIVE JUROR NO. 097: Gross misdemeanor.

12 MR. DIGIACOMO: Okay.

13 PROSPECTIVE JUROR NO. 097: That's what they charged me with.

14 MR. DIGIACOMO: Okay. But certainly not a murder case; right?

15 PROSPECTIVE JUROR NO. 097: No.

16 MR. DIGIACOMO: Okay. And obviously whatever is happening,
17 whether or not it's my office or some other office that is involved in the
18 prosecution, you're not going to hold it against Giancarlo -- Mr. Pesci and I, are
19 you?

20 PROSPECTIVE JUROR NO. 097: No.

21 MR. DIGIACOMO: Okay. And certainly because you work in the juvenile
22 justice system you're not going to hold that fact against the defendants in this
23 particular case?

24 PROSPECTIVE JUROR NO. 097: No.

25 MR. DIGIACOMO: Do you think you can be a fair and impartial juror?

1 PROSPECTIVE JUROR NO. 097: Yes, I could.

2 MR. DIGIACOMO: Thank you very much.

3 Pass for cause.

4 MR. GENTILE: Mr. Cordova, how are you?

5 PROSPECTIVE JUROR NO. 097: Just fine, sir.

6 MR. GENTILE: My name's Dominic. I have some concerns. Okay?

7 You can probably appreciate that.

8 PROSPECTIVE JUROR NO. 097: I can understand.

9 MR. GENTILE: Okay. One of them is that you have a case pending
10 now --

11 PROSPECTIVE JUROR NO. 097: Yes, I do.

12 MR. GENTILE: -- that most likely the District Attorney's office is
13 prosecuting.

14 PROSPECTIVE JUROR NO. 097: Yes.

15 MR. GENTILE: And if you get convicted on that case, if I understand the
16 law right, you're not going to be able to have a gun anymore.

17 PROSPECTIVE JUROR NO. 097: Uh-huh.

18 MR. GENTILE: Okay. Which means that that pretty much puts you out
19 of business in terms of what you do.

20 PROSPECTIVE JUROR NO. 097: Yes, it does.

21 MR. GENTILE: Okay. Now, I'm here in a situation where I'm defending
22 somebody.

23 PROSPECTIVE JUROR NO. 097: Uh-huh.

24 MR. GENTILE: I'm not -- I'm not questioning your integrity. Let me make
25 that real clear.

1 PROSPECTIVE JUROR NO. 097: Okay.

2 MR. GENTILE: What I'm trying to do is get you in touch with what's
3 inside of you.

4 PROSPECTIVE JUROR NO. 097: Uh-huh.

5 MR. GENTILE: So that we can talk about it out in the open and honest.

6 PROSPECTIVE JUROR NO. 097: Okay.

7 MR. GENTILE: Okay? If I were you, I'd have a bias because I'd be
8 concerned about the fact that I might have to come back with a not guilty verdict
9 against the same office that's going to be prosecuting me in my case.

10 MR. DIGIACOMO: I apologize, Judge, but I just looked it up. It's a City
11 charge and we are not prosecuting --

12 THE COURT: Okay.

13 MR. DIGIACOMO: -- this individual.

14 THE COURT: Is -- is it the Las Vegas City Attorney?

15 MR. DIGIACOMO: Yeah, it's a City case number on -- on --

16 THE COURT: Okay.

17 MR. DIGIACOMO: -- the thing.

18 THE COURT: So it's not --

19 MR. DIGIACOMO: We have no --

20 THE COURT: -- Mr. DiGiacomo's office.

21 MR. DIGIACOMO: It's not our --

22 MR. GENTILE: Okay.

23 MR. DIGIACOMO: -- office.

24 MR. GENTILE: All right. All right. Well, that makes it a little bit easier,
25 but we still have a situation where -- where you do have something hanging over

1 your head.

2 PROSPECTIVE JUROR NO. 097: Yes, I do.

3 MR. GENTILE: And, you know, you're -- you're in the system. You know
4 that relationships can mean a lot.

5 PROSPECTIVE JUROR NO. 097: Uh-huh.

6 MR. GENTILE: Okay. I guess when you boil out all of it, when you really
7 reduce it to the common denominator, the lowest common denominator, what my
8 concern is is that if you were him, my -- Mr. Louis Hidalgo, Jr.

9 PROSPECTIVE JUROR NO. 097: Uh-huh.

10 MR. GENTILE: Okay? Would you feel comfortable having you for a
11 juror?

12 PROSPECTIVE JUROR NO. 097: In the situation that I'm going through
13 right now, I wouldn't pick myself as to be a juror.

14 MR. GENTILE: You wouldn't pick yourself to be a juror. Okay. And
15 that's partly because with all that's going on in your life right now?

16 PROSPECTIVE JUROR NO. 097: Exactly.

17 MR. GENTILE: So I guess what you're telling us is that even you don't
18 know if you could be fair right now?

19 PROSPECTIVE JUROR NO. 097: With everything that's going --
20 exactly. With everything that's going on right now, I got so much other things, as
21 a matter of fact, in my life, as a matter of fact, that's going on to where I really
22 don't need any other body else's burdens, to be quite frank, to be quite honest.

23 MR. GENTILE: Thank you very much.

24 PROSPECTIVE JUROR NO. 097: Uh-huh.

25 MR. GENTILE: With respect to gangs, though, do you deal with them?

1 PROSPECTIVE JUROR NO. 097: Almost on a daily basis, yes. When --
2 inside detention, that's all -- pretty much all there is.

3 MR. GENTILE: What's your -- what's been your -- okay. It's different
4 when they're in detention because when they're in detention you are in control.

5 PROSPECTIVE JUROR NO. 097: Yes.

6 MR. GENTILE: Okay. When they're not in detention and they're out on
7 the street --

8 PROSPECTIVE JUROR NO. 097: Uh-huh.

9 MR. GENTILE: -- it's different.

10 PROSPECTIVE JUROR NO. 097: A lot different.

11 MR. GENTILE: Okay. Has it been your experience that out on the
12 street, in the real world, people are afraid of gangs?

13 PROSPECTIVE JUROR NO. 097: A lot of people are afraid of gangs.
14 To me, it don't bother me one bit either way. That's their lifestyle.

15 MR. GENTILE: Right. Well, you lived with them, so you're -- you're --
16 you have a different degree of knowledge than the average guy.

17 PROSPECTIVE JUROR NO. 097: Exactly.

18 MR. GENTILE: Okay. Drugs. In the course of your life, and I'm not
19 going to ask you what you think I'm going to ask you. In the course of your life,
20 have you ever --

21 THE COURT: That was a tacit something.

22 MR. GENTILE: In the course of your life, have you had contact with
23 people who were under the influence of drugs?

24 PROSPECTIVE JUROR NO. 097: I've known people who have taken
25 drugs, yes.

1 MR. GENTILE: Okay. And did you know those same people when they
2 were sober?

3 PROSPECTIVE JUROR NO. 097: Yeah. It's fair to sit here and say yes,
4 yeah.

5 MR. GENTILE: Yeah? Okay. And it doesn't much matter to me, but
6 when I say drugs, what do you -- what comes to your mind?

7 PROSPECTIVE JUROR NO. 097: Well, the ones I've actually had to
8 deal with was actually a family member, and she was heavily into meth.

9 MR. GENTILE: Meth.

10 PROSPECTIVE JUROR NO. 097: So she was into heavy meth, and I
11 had another sister, as a matter of fact, that was heavy into meth and marijuana at
12 the same time. And I've known quite a few friends, as a matter of fact, that were
13 into cocaine, so none of them look healthy at all.

14 MR. GENTILE: It didn't help any of them; did it?

15 PROSPECTIVE JUROR NO. 097: No, it did not.

16 MR. GENTILE: And did they behave differently when they were on the
17 drugs --

18 PROSPECTIVE JUROR NO. 097: Very differently.

19 MR. GENTILE: -- than when they weren't? Than when they weren't?

20 PROSPECTIVE JUROR NO. 097: Very differently, yes.

21 MR. GENTILE: Okay. So if I understand you correctly, in your heart of
22 hearts you don't feel that given all that's going on in your life you could be fair?

23 PROSPECTIVE JUROR NO. 097: I would not, no.

24 MR. GENTILE: Thank you.

25 MR. DIGIACOMO: May we approach, Judge?

1 MR. ARRASCADA: Judge, may we approach?

2 THE COURT: Of course.

3 (Conference at the bench)

4 THE COURT: Mr. Cordova, I want to thank you for your participation.

5 I'm sorry that this process has taken so long. But I'm sure as somebody who
6 works in the system you can appreciate why both sides need to really delve into
7 these issues and make sure everybody's impartial and not bring any biases one
8 way or the other.

9 PROSPECTIVE JUROR NO. 097: Not a problem, Your Honor.

10 THE COURT: All right. Thank you. I'm going to excuse you at this
11 point. Please don't discuss anything that's transpired in the courtroom with
12 anyone else, meaning the other members of the panel, and you are excused, sir,
13 and Jeff will direct you from the courtroom.

14 PROSPECTIVE JUROR NO. 097: Thank you very much.

15 THE COURT: Thank you.

16 (Prospective juror No. 97 exits courtroom)

17 THE COURT: All right. Here's the way --

18 Sir, thank you.

19 Here's the way it works. We are going to go to lunch. I am going to
20 send the panel to lunch, even the people who came at 12:30. They're all going
21 to go to lunch. I'm going to give them like an hour and 20 minutes. We're going
22 take about 35 minutes. You can use the second transcript in your PowerPoint if
23 you've got that.

24 MR. ADAMS: Well, Judge, we -- we did the research until three in the
25 morning.

1 THE COURT: Oh, okay. Then we'll have to rule on that. All right. I
2 didn't know there was more.

3 All right. We're going to take for us, meaning you'll probably have to
4 go downstairs like 30 minutes for lunch and then we'll argue about the thing.

5 Jeff is asking the people outside if they can work past five tonight
6 because we've got to get two more jurors, and at that point I'd like to do the
7 openings and then send them home for the weekend.

8 MR. ADAMS: Judge, is there any possibility, and I've not consulted with
9 the other counsel about this, any possibility of perhaps exploring having one
10 alternate and moving one of the alternates into the panel?

11 THE COURT: Yeah, we did just talk about that.

12 MR. DIGIACOMO: I'm concerned at the rate we're going that that's not a
13 good idea. But my other -- other concern is is that we bring these new people
14 up, it's the dog and pony show from the beginning.

15 THE COURT: Right. So, I mean, either --

16 MR. GENTILE: We're not going to get all of our opening statements
17 done today. We'll be here --

18 THE COURT: Well, either --

19 MR. GENTILE: -- until 8:00.

20 THE COURT: I mean, here's the dog and pony show. It's this is what
21 the case is about, here are the witnesses, does anybody know the witnesses -- I
22 mean, it's going to be very abbreviated -- anybody know the witnesses, anybody
23 know the State, anybody know these guys, hear about the case.

24 MR. ADAMS: Judge, I love that idea, but we're really talking about a
25 juror, not a filler. So we can't abbreviate what -- the information we need from

1 them. I mean, we can try to speed it up --

2 THE COURT: No, no, no.

3 MR. ADAMS: -- and streamline it.

4 THE COURT: I'm not talking about the questioning. I'm talking about the
5 preliminary stuff is going to be a lot faster. You got to tell them about the case
6 and read all the witnesses, but beyond that it's going to be quick, it's just going to
7 be the questioning.

8 I mean, the State wants a second alternate; right?

9 MR. DIGIACOMO: Absolutely. The way we're heading, yes, absolutely.
10 I'm afraid in two weekends at this point, I can't imagine what'll happen.

11 THE COURT: Okay. So here's the deal. We're going to go to lunch for
12 30 minutes.

13 Jeff, would you send the jury to lunch for an hour and 15 minutes.

14 And --

15 THE MARSHAL: What about the --

16 THE COURT: Oh, wait.

17 THE MARSHAL: We have to send the 10 --

18 THE COURT: We don't have a ninth challenge because we still haven't
19 filled that seat.

20 What?

21 THE MARSHAL: What about the 10 in -- they haven't eaten either,
22 Judge.

23 THE COURT: They've gone to lunch.

24 THE MARSHAL: Oh, they've gone to lunch?

25 THE COURT: Jury services sent them to lunch.

1 THE MARSHAL: Okay.

2 THE COURT: So as soon as we come back, you'll be able to go down to
3 jury services and bring them back up.

4 THE MARSHAL: Okay. So an hour -- an hour and 15 minutes?

5 THE COURT: Right. For our group, an hour and 15 minutes. But, I
6 mean, did you ask them if they can stay past five?

7 THE MARSHAL: Today, yes.

8 THE COURT: Okay. Here's the deal. We're opening today. I don't care
9 if we're here until 8:00. Because those people have taken off work and the
10 people who reported at 12:30, and I'm not going to have people miss a day of
11 work and have nothing for them to do. So as soon as we fill -- we got to qualify
12 two more people, and as soon as that's done we're going to open. And like I
13 said, I don't care if we're here until 8:00 or 9:00 at night. Because people aren't
14 going to miss a whole day of work for absolutely no reason, just to sit in the
15 hallway.

16 MR. ADAMS: Judge, may I make one observation on that?

17 THE COURT: Sure.

18 MR. ADAMS: I have no problem with working until eight and getting it in.
19 My concern is, because we're going last -- and I -- I want to do it tonight, so don't
20 think I'm trying to talk you out of it. My concern is that if there's not a dinner
21 break and food provided for them, they're going to blame me and blame us even
22 though mine will be 39 minutes, 39 minutes --

23 THE COURT: No, I don't --

24 MR. ADAMS: -- and 18 seconds.

25 THE COURT: -- think they will. I don't think they will. I mean, I don't

1 think it's going to take until 8 or 9:00. I think it's going to take until 6:00 or 6:30.

2 MR. ARRASCADA: Judge, things are going to be --

3 MR. DIGIACOMO: Judge, mines an hour, and that's no kidding, with a
4 PowerPoint.

5 MR. DIGIACOMO: And mine may be long.

6 MR. GENTILE: And it may actually be longer, to be candid with you,
7 because I have -- I don't rehearse it. Okay. I mean, I prepare it, but I don't
8 rehearse it.

9 MR. PESCI: Who rehearses it?

10 THE COURT: I mean, the only other -- well, I'm almost now to the point
11 of --

12 MR. GENTILE: Just to tell you.

13 THE COURT: -- going with just --

14 MR. GENTILE: I mean, I don't care.

15 THE COURT: -- one juror --

16 MR. GENTILE: I just want to let you know.

17 THE COURT: -- with one alternate.

18 MR. DIGIACOMO: Judge, look, you know, whatever the Court's decision
19 is, but we're talking about a two co-defendant case where we thought that we
20 could put our evidence on in three to four days --

21 THE COURT: Yeah, the --

22 MR. DIGIACOMO: -- and now we're --

23 THE COURT: -- problem, though --

24 MR. DIGIACOMO: -- not starting until Monday.

25 THE COURT: -- is in the jury selection. I'm not sure. Once we start the

1 evidence, hopefully it'll go faster.

2 MR. DIGIACOMO: And that may be true, Judge, although there is a
3 bunch of very -- and I read their brief last night. There's a bunch of very lengthy
4 legal arguments that are going to happen as well. But on top of that my concern
5 is this. We've qualified this jury only until Friday. We have no idea which one of
6 these people are going to be gone as of the next Monday. And I sure as heck
7 don't want to ask them about it right now.

8 THE COURT: No.

9 MR. DIGIACOMO: And so if we select one juror -- God knows I don't
10 want to do this twice, Judge.

11 THE COURT: Well, I mean, if we're not going to open today, then the
12 people who are all out there, we can send them home and make them come
13 back Monday and just finish jury selection today. But I don't think it's going to -- I
14 don't know that it's going to take that much longer because, like I said, we only
15 have to qualify two more jurors.

16 MR. DIGIACOMO: Right. But if we come back at 2:30, two more jurors,
17 now we're talking 3:00. We have to do the arguments on the transcripts.

18 THE COURT: No, we're coming back at 1:45. They went to lunch awhile
19 ago.

20 MR. GENTILE: Why don't we go now?

21 THE COURT: They -- they're at lunch right now.

22 What?

23 MR. GENTILE: Can we go? I mean, really we're --

24 THE COURT: No, because if we're going to send them home, then --

25 MR. GENTILE: Okay. Well, that's your call.

1 THE COURT: -- we're going to send them home. I mean --
2 MR. GENTILE: I just want to --
3 THE COURT: -- I'm as hungry as --
4 MR. GENTILE: -- fully advise the Court.
5 THE COURT: -- everybody else is, Mr. Gentile.
6 MR. GENTILE: Oh, I'm not hungry at all.
7 THE COURT: Oh, okay. Well, I have a headache right now --
8 MR. GENTILE: I'm not hungry.
9 THE COURT: -- that's screaming to me. And so, you know, I don't know
10 why it's taking that long, you know.
11 MR. GENTILE: We're --
12 THE COURT: It is what it is.
13 MR. GENTILE: Believe me, I don't care --
14 THE COURT: It is what it is.
15 MR. GENTILE: -- whether we stay or we don't. I really don't. Okay? I
16 just wanted to inform you. That's all.
17 THE COURT: All right.
18 MR. GENTILE: Because --
19 MR. DIGIACOMO: My position is is that we should come back Monday
20 morning. These people are -- I mean, they're to the point now where they hate
21 us as it is, and we're going to be here Friday night and we're going to keep them
22 here very late.
23 MR. ARRASCADA: Very late.
24 MR. DIGIACOMO: I mean, by the time I'm done, it's going to be 5:00.
25 THE COURT: I thought yours was like 20 minutes.

1 MR. DIGIACOMO: No, that's my rebuttal, not --

2 THE COURT: You said your opening was like 20 minutes.

3 MR. PESCI: It was -- we depended on --

4 MR. ADAMS: He said 20 minutes or an hour and 20.

5 MR. PESCI: Right.

6 MR. GENTILE: Yeah, he did say that. He said 20 minutes or an hour
7 depending upon how you ruled, that's what he said.

8 MR. ADAMS: Or how -- which direction you went with.

9 THE COURT: Oh, well, then I'm going to rule the other way. I'm going to
10 go for the 20 minutes.

11 MR. GENTILE: Perfect. You don't know which way that is.

12 MR. DIGIACOMO: Judge, you don't know which way that is.

13 THE COURT: Yeah, I do. I do know which way it is.

14 MR. PESCI: And then I should go longer, Judge.

15 MR. DIGIACOMO: Okay.

16 MR. GENTILE: Well --

17 MR. DIGIACOMO: I don't know. I'm more than prepared to stand up
18 right now and do my opening, but, hey, you know.

19 THE COURT: Jeff, what -- are they gone?

20 THE MARSHAL: They went lunch, Your Honor. I told them to come
21 back in an hour and 15 minutes, 2:30.

22 THE COURT: All right. Everybody go to lunch. Be back here in 30
23 minutes.

24 MR. GENTILE: Okay. Works for me.

25 THE COURT: Is there a brief I need to read at lunch?

1 MR. GENTILE: I gave it to you last night.

2 THE COURT: No, I got that.

3 MR. GENTILE: Oh.

4 THE COURT: I mean, they mentioned they were up to three in the
5 morning. It's just oral --

6 MR. GENTILE: They could give you the cases.

7 THE COURT: -- argument cases?

8 MR. ARRASCADA: I can give you the case, Judge.

9 THE COURT: Okay.

10 MR. ARRASCADA: On the issue of transcripts.

11 THE COURT: All right.

12 MR. ARRASCADA: I'll provide the State with the cite also.

13 (Recess taken at 1:19 p.m.)

14 THE COURT: -- on whoever this new person will be that will take chair

15 15.

16 MR. PESCI: So the alternate seat will be 15?

17 THE COURT: Right. Does that work for everybody?

18 MR. GENTILE: 15.

19 THE COURT: Do people think that's prudent, not prudent?

20 MR. DIGIACOMO: We can only -- both sides can only exercise it on seat

21 15 because we both --

22 THE COURT: Right.

23 MR. DIGIACOMO: -- used our --

24 THE COURT: Right.

25 MR. DIGIACOMO: -- ones for --

1 THE COURT: Right, right, right.

2 MR. ARRASCADA: But we still have one.

3 MR. DIGIACOMO: You have your one other one.

4 THE COURT: You have one on a regular. We're first going to get a
5 regular.

6 MR. GENTILE: Are we picking -- I'm con -- are we picking position No.
7 9? Is that what we're picking right now?

8 MR. PESCI: It's the hot seat. Yes, it is.

9 MS. ARMENI: Yes.

10 THE COURT: Uh-huh. That's what we'll do first, position --

11 MR. GENTILE: Mr. Avalone's brother is the next one in line, by the way.

12 MR. PESCI: Why? Did you already talk to him?

13 THE COURT: Does -- do people think that's a good idea, bad idea --

14 MR. GENTILE: That's great, Judge.

15 THE COURT: -- to get a third alternate? Because the way we're going,
16 we may go into next week now and people -- the good news is my med mal trial
17 dealt, so --

18 MR. GENTILE: Great.

19 THE COURT: -- I'm free for another whole week.

20 MR. GENTILE: My partners haven't abandoned me yet, so --

21 THE COURT: All right, Jeff, get the new panel.

22 THE MARSHAL: Yes, Judge.

23 (Off-record colloquy)

24 THE COURT: Where did Mr. Adams go?

25 MR. ADAMS: He disappeared.

1 THE COURT: All right. Well, we have -- oh. God, you could be a
2 ventriloquist there.

3 I read the case that he -- that you folks gave me, and the State has
4 read it. And anything else on the transcript issue?

5 MR. ARRASCADA: Judge, just the fact that we are not in agreement or
6 we are not going to stipulate regarding the accuracy. The State also, I think,
7 provided us a quick memo. But without a stipulation to the accuracy, the first
8 process would be for you to meticulously review and listen to the tapes and try --

9 THE COURT: Which I would've loved to have done had I been able to
10 hear the tapes and -- you know what I'm saying? I mean, it is what it is. I think
11 unaided I -- I probably would've been worse than both of you guys to make an
12 accurate determination, quite frankly.

13 MR. ARRASCADA: And because --

14 THE COURT: I think we would wind up with a third transcript which is
15 probably even less accurate than the ones either one of you have offered --

16 MR. ARRASCADA: Your Honor --

17 THE COURT: -- had I done that.

18 MR. ARRASCADA: Your Honor, I --

19 THE COURT: Frankly, in all candor.

20 MR. ARRASCADA: And like Your Honor, I -- I view this as it appears
21 there was a stipulation from the original regarding trans -- the two transcripts that
22 were submitted to the Court. We are not stipulating to the third transcript
23 because we do not believe it is accurate. What we'd suggest is either the original
24 stipulation stands or more -- probably more practical is that no transcript be used
25 because we can't reach an agreement and the best evidence is the tape itself

1 and the jury can listen to it, and if they have to listen to it again they can.

2 Where is our prejudice? If you allow this third transcript to come in,
3 we are prejudice because of the suggestibility of that transcript in the writing
4 when we do not agree that it's accurate --

5 THE COURT: Well --

6 MR. ARRASCADA: -- in what it says.

7 THE COURT: -- there was never an agreement as to the accuracy of the
8 first transcript. And really there was no agreement that both sides submit a
9 transcript. I think it's always been the defense's position that there should be no
10 transcript. But failing that --

11 MR. DIGIACOMO: That -- that's --

12 THE COURT: Oh, is that wrong?

13 MR. DIGIACOMO: -- actually not true.

14 MR. PESCI: No, the agreement --

15 MR. DIGIACOMO: I -- I pulled up --

16 MR. PESCI: -- was that each side would give their own.

17 MR. DIGIACOMO: I pulled up their brief on this issue and their brief
18 specifically was if there's disputes as to the accuracy, each side gets to give their
19 own.

20 THE COURT: Okay. I misspoke. I think now in court Mr. Gentile's
21 position has been he prefers no transcripts. In any event --

22 MR. GENTILE: Well, that was -- understand something. When -- when
23 we took our position at first, it was based upon what was in the State's transcript.
24 All right? It wasn't like there was anything in the State's transcript at that time
25 with which I had a vehement disagreement because it wasn't -- there was

1 nothing of any real huge significance that we had a difference on --

2 THE COURT: And now there is.

3 MR. GENTILE: -- to the best of my memory. And now there is.

4 MR. DIGIACOMO: Well, and in all due respect to Mr. Gentile, what you
5 asked us to do last night, and I have a copy, I provided it to them, was to go
6 through and find every word that was different. And guess what, when we did
7 that, we went through their transcript and we went to each one where there was
8 a change, and almost each and every place there was a change, including the
9 one that they now dispute, several of the words that are now in our transcript are
10 from their version of the transcript.

11 MR. GENTILE: Right.

12 MR. ARRASCADA: Judge, that's right, but --

13 MR. DIGIACOMO: So now they're arguing, well, hey, now you got it right
14 because it's -- it's now similar to our transcript, you've added words that we had
15 in our transcript that you didn't have before. You've changed words that we put
16 in our transcript.

17 THE COURT: All right. I'll look at the two --

18 MR. GENTILE: There's only one part --

19 THE COURT: I'll look at --

20 MR. GENTILE: -- and it affects --

21 THE COURT: -- the two transcripts.

22 MR. GENTILE: -- his client.

23 THE COURT: In terms of whether or not, you know -- I mean, I think in
24 terms of the case you gave me, you know, it's cured by the Court telling him,
25 listen, the Court isn't adopting either of these transcripts. It is disputed, both

1 sides are offering their transcript. It's up for you folks to determine what's in the
2 tape. You don't have the transcript in the back, listen to the tape and that's what
3 controls, not what's in the transcript.

4 So I don't think there has to have been a stipulation. I think there
5 had to be an agreement if the transcript is admitted as accurate and goes back to
6 the jury, but that's not what we're doing here. So my view is there doesn't have
7 to have been a stipulation that you're agreeing to one transcript or not agreeing
8 to one transcript. Better if you do, but not necessary.

9 MR. ARRASCADA: Well, then, Judge, we have an -- like we said, it's
10 inaccurate and the suggestibility to the -- to the jury, if you are going -- well, so
11 what -- what is the Court's ruling? You want to look at their new transcript?

12 THE COURT: I'm going to look at their new transcript. But all I'm saying
13 is I don't think I'm precluded from allowing them to give the new transcript under
14 the case you gave me because, again, no one is saying it's the accurate
15 transcript.

16 MR. ARRASCADA: Judge, even for demonstrative evidence, though,
17 that case and the cases prior to it rely on the fact that even if it's being used as
18 demonstrative evidence to help guide the jury, all the cases are -- the parties
19 have agreed or stipulated regarding accuracy.

20 Now, the State's provided some non-persuasive out of the DC
21 circuit. We've provided you with a ninth circuit case, which is more binding than
22 the DC circuit.

23 THE COURT: Well, I mean, on the ninth circuit case, basically I think
24 what that is saying is -- is if one transcript is offered, as if this was the accurate
25 transcript, that it should be agreed between the parties that this is the accurate

1 transcript.

2 In this case there's not going to be any confusion that either side's --
3 that the Court is saying either side's transcript is the accurate transcript because
4 the jury is going to be told from the get go this is disputed, it's difficult to hear the
5 tape, we don't care what the lawyers say, we care what you think the tape
6 means, and basically this may help you understand the tape. It's not evidence, it
7 doesn't go back in the jury room with you, it's just to guide you. And they listen to
8 both contem -- back to back.

9 MR. ARRASCADA: Judge, then what we'd ask is that it be back to
10 back --

11 THE COURT: Yeah --

12 MR. ARRASCADA: -- to back.

13 THE COURT: -- I already said --

14 MR. ARRASCADA: No, no. Back to back to back, all three transcripts.
15 Because now they've made a material change to a transcript that they
16 represented to the Court is their transcript for over, I believe, two years. And on
17 the eve of trial they come with a new transcript that really the only fundamental
18 change is one line that they've made. The rest are filling in a few words here, a
19 few words there.

20 THE COURT: Right.

21 MR. ARRASCADA: What we have now --

22 MR. DIGIACOMO: He's now making my point for me, which is one line.

23 THE COURT: All right.

24 MR. ARRASCADA: Well --

25 THE COURT: I'll look --

1 MR. ARRASCADA: -- it's so --

2 THE COURT: Okay.

3 MR. ARRASCADA: -- significant, Judge.

4 THE COURT: We've -- we've argued this. There's no one saying
5 anything new than what's already been said, so I'll look at them. I think --
6 whichever way I rule, I think everybody's made their record. And we're going to
7 start again.

8 THE MARSHAL: There's some -- some confusion on the list. Jury
9 services reprinted the list. The top ten people on that jury list is now your new
10 jurors. So you take the top ten and that's the new ones. And then the rest of
11 them were the old list just reprinted.

12 THE COURT: Okay. Bring them in.

13 THE MARSHAL: You want all ten in, Judge?

14 THE COURT: All ten in and just seated in the audience.

15 THE MARSHAL: All right.

16 THE COURT: Or maybe seated in the box.

17 We're still going to do individual voir dire on these ten. We've come
18 this far.

19 MR. DIGIACOMO: Yeah, well, that'll be good, actually. Actually, I think
20 it's the first 11.

21 MR. PESCI: Yeah, I don't recognize --

22 MR. DIGIACOMO: Shawn McLaughlin.

23 MR. PESCI: No, no, there's Joseph Marcella is there. See?

24 MR. DIGIACOMO: Oh, yeah, he is. What about Ray Lopez? Wasn't he
25 there too?

1 MR. PESCI: No, it was a different Lopez. That was a female Lopez.

2 MR. DIGIACOMO: Oh, then they're right. Ten is ten.

3 (Prospective jury panel enters at 2:21 p.m.)

4 THE MARSHAL: Jury is coming in.

5 THE COURT: All right. Jeff, go ahead and seat them in the box please.

6 THE MARSHAL: Okay.

7 THE COURT: I'm sorry.

8 All right. Court is now in session. The record will reflect the
9 presence of the Deputy District Attorneys, Marc DiGiacomo and Giancarlo Pesci,
10 the presence of the defendant, Louis Hidalgo, Jr., along with his attorneys, Paola
11 Armeni and Dominic Gentile, the presence of the defendant, Louis Hidalgo III,
12 along with his attorneys, John Arrascada and Chris --

13 MR. ADAMS: The other one.

14 THE COURT: I know.

15 -- Chris Adams, the officers of the court, and the additional members
16 of the prospective jury panel.

17 Good afternoon, ladies and gentlemen. You are in Department 21 of
18 the Eighth Judicial District Court for the State of Nevada. My name is Valerie
19 Adair, and I am the presiding Judge.

20 You have been summoned here today to possibly serve as jurors in
21 a criminal case. This jury selection is going to be a little bit different from what
22 you may -- what typically goes on in that we've already been going through jury
23 selection, but we need some additional jurors and that's why the ten of you have
24 been brought up to fill the vacant seats that we still have remaining in our jury
25 panel.

1 At this point in time, the attorneys for the State are going to
2 introduce themselves to you. They're going to briefly explain to you the nature of
3 the State's case, and they're going to name any witnesses which the State may
4 be calling in its case.

5 Ladies and gentlemen, please listen very carefully to the names of
6 the witnesses as they're being read to you.

7 Mr. DiGiacomo.

8 MR. DIGIACOMO: Thank you, Judge.

9 Good afternoon, ladies and gentlemen. My name is Marc
10 DiGiacomo. I'm a deputy district attorney here in Clark County, along with
11 Giancarlo Pesci, a fellow deputy district attorney. We've been assigned to
12 prosecute the State of Nevada versus Louis Hidalgo, Jr., also known as Mr. H, as
13 well as Louis Hidalgo III, also known as Little Lou.

14 The case that you're, if you're selected as jurors, that you would
15 hear has commonly been referred to as the Palomino murder for hire. That
16 case -- in that case it is alleged that Mr. Hidalgo and Mr. Hidalgo's son engaged
17 in a conspiracy to kill an individual who was a former employee by the name of
18 Timothy Hadland.

19 Mr. Hidalgo is the former owner of the Palomino Club which is a
20 gentlemen's cabaret or strip club on North Las Vegas Boulevard, just across the
21 street from Jerry's Nugget. In addition, there is a location known as Simone's,
22 which is an auto shop that is down on Bermuda just south of Sunset that you'll
23 need to know. And the killing itself actually occurs out on North Shore Road out
24 near Lake Mead.

25 They are accused of both conspiracy to commit murder as well as

1 the murder of Timothy Hadland. In addition, Louis Hidalgo III is also accused in
2 solicitation to commit murder for two of the witnesses, or one of them is a co-
3 conspirator in the case by the name of Jason Taoipu is one victim, and Rontae
4 Zone would be the other victim that he's accused of soliciting the murder of.

5 During the course of the case, should you be jurors, you will hear a
6 number of names, and then obviously some of these are also witnesses. If you
7 can listen to them, it may become necessary for you to let us know whether or
8 not you know any of these individuals or if you've heard of these individuals or
9 have any opinion about these people.

10 Jason Taoipu, Kenneth Counts, a crime scene analyst by the name
11 of Louise Renhard, an FBI agent by the name of Scott Hendricks, Jimmy
12 Vaccaro, Teresa Kyger, Steve Devore, Dan Long, Deangelo Carroll, Jerome
13 DePalma, Dr. Simon Stertz, Jack Perry, Scott Bakken, Ismeal Madrid, Officer
14 Lafreniere, Kristin Grammas, Pajit Karson, Rontae Zone, Larry Morton, Dr. Garry
15 Telgenhoff, Detective Mike McGrath, Fred Boyd, Gary McWhorter, Zane
16 Simpson, Jeff Smink, Jan Kelly, Jim Krylo, Anabel Espindola, and Detective
17 Marty Wildemann.

18 Thank you very much.

19 THE COURT: All right. Thank you, Mr. DiGiacomo.

20 Ladies and gentlemen, counsel for the defense will now introduce
21 themselves to you along with their clients. An accused in a criminal case is
22 never required to present any evidence or to call any witnesses. However, if
23 there are witnesses, which the defense may be calling, they will give you those
24 names at this time.

25 Mr. Gentile.

1 MR. GENTILE: My name is Dominic Gentile. I'm an attorney with the
2 law firm of Gordon and Silver and I represent Louis Hidalgo, Jr.

3 MS. ARMENI: My name is Paola Armeni. I'm also an attorney at Gordon
4 and Silver and, along with Mr. Gentile, I also represent Louis Hidalgo, Jr.

5 MR. GENTILE: Your Honor, I -- I need to read the list.

6 THE COURT: And I forgot that.

7 MR. GENTILE: Yeah.

8 THE COURT: Mr. Gentile is going to read to you the names of the
9 attorneys who work at his firm, so please also listen carefully to the names of
10 those attorneys because we'll be asking you if you know any of them.

11 MR. GENTILE: If I don't put this up here, I'm not going to be able to see
12 it. I had this printed, but I don't anymore.

13 Paola Armeni, you've met her, Christine Bricker, Randy Creighton,
14 Louis Csoka, Leigh, and that's L-E-I-G-H, Leigh Davis, Mark Dzarnoski, Thomas
15 Fell, Richard Galin, Gregory Garman, Kristin Genc, Gerald Gordon, Talitha Gray,
16 Karen Hanks, Brigid Higgins, Kenneth Hogan, Jeffrey Hulet, Lee Iglody, Josheph
17 Kistler, and he's also known as Sid Kistler, Joseph Kozlowski, William Noall, Eric
18 Olsen, Bradley Richardson, Joel Schwarz, Mark Shipley, Jeffrey Silver, Carey
19 Sparks, Erica Pike Turner, Eric Van, John Witucki, and Matthew Zirzow.

20 MS. ARMENI: You need these?

21 MR. GENTILE: Oh, the list of witnesses, there's a lot of them.

22 Chris Halzakos, Janis Iliopulos, Timothy Hoy, Michael Gill, Jesus
23 Jayo, Sarkis Tamras, Danny Dalton, Anthony Nobile, Marshal Turner -- no,
24 excuse me, that's Marshal Tumer, Thomas Bissonnette, Frank Bizzarro, Eric
25 Boerst, Patrick Vance, Ayalew Abebe, Dwight Detscher, Alfredo Oliva, Mohd Ali,

1 John Squittiero, Bela Racz, Fayez Zarka, Dereje Guale, Evangelos Dimotsantos,
2 Armando Romero, Anbessaw Gebre, Joseph Putrello, Tho Dang, Victor
3 Sangines, Michael Johns, Mircea Clita, Abdi Emamu, Abebe Zewide, Kevin
4 Gibson, Fikado Adem, Sam Knrabi, Mehrdad Refqua, Robert Turgeon, Ramin
5 Asadi -- I got to spell it, I can't say it -- A-S-A-D-I-E-I-S-K-A-M-D-A-R-I, Paul
6 Nelson, Leon Le, Juan Vizoso, Kenneth Oh, Juan Rodenas, William Webster,
7 Enoch Flowers, Yasushi Sakuma, Ray Smith, Carlos Alfonso, Carlos Cordon,
8 Jessica Bat0rrazza, Jerry Barone, Helen Brown, Michael Brown, Jennifer
9 Carignan, Cindy Cesare, Deangelo Carroll, Julie Chapman, Yvonne Cisneros,
10 Geneva Del Campo, Jerome DePalma, Nova Del Angel, Joe De Meo, Don
11 Dibble, Nick Desimone, Andrew Drath, Pete Eliandes -- it's also sometimes said
12 Eliades -- Sandra Eslinger, Anabel Espindola, Veronica Faircloth, David Galli,
13 Alexandru Gherge, Pilar Kent Hanley, Claudia Hernandez, Rosa Hidalgo,
14 Sheena Hofstad, Jon Hutcherson, Cathy Johnson -- it's actually Kathy Johnson-
15 Krauss, Terry Johnson, Margaret Johnson, Ben Kamaka, Min Kwak, John
16 Lambrador, Scott Mazonic, Wakako McGee, Gary McWhorter, Jody Miles, Lou
17 Musso, Vivian Nehls, Natasha Newell, David Norris, Sam Norris, Mark Nicoletti,
18 Rus Nikolopolou, William Oettinger, Saran Petty, Mark Quaid, Cheryl Ray, Tony
19 Reynolds, Julie Sandoval, Brad Schmik, Michelle Schwanderlik, Steve Stern,
20 Andrew Shipman, Cristina Slomback, Mary Thomas, Michael Thomas, Walter
21 Turner, Carmen Villata, Rodolfo Villata, Stan Washington, Jim Warden, Andrew
22 West, Leticia Williams, and Lacy Dupruis.

23 THE COURT: All right. Thank you.

24 MR. GENTILE: Oh, wait. David Gruber, Hal Debecker, Thomas Decker,
25 Robert Holland, and Kevin Kelly.

1 THE COURT: And Mr. Gentile, would you just introduce the two people
2 who are assisting --

3 MR. GENTILE: Oh, sure.

4 THE COURT: -- in the courtroom.

5 MR. GENTILE: This is Don Dibble, he's an investigator with Gordon and
6 Silver, and that's Jacqueline Hall, and she's a consultant with Gordon and Silver.

7 THE COURT: All right. Thank you.

8 MR. GENTILE: For Gordon and Silver, excuse, me.

9 THE COURT: Thank you, Mr. Gentile.

10 Ladies and gentlemen, counsel for Louis Hidalgo III will now
11 introduce themselves to you.

12 MR. GENTILE: Well, I wanted to give them a little oversight.

13 THE COURT: Oh, I'm sorry. I thought you were done. All right.

14 MR. GENTILE: In a nutshell, you heard what the charges are. The
15 defense in the case as to Louis Hidalgo, Jr. is that he knew nothing about any
16 harm that was going to come to Mr. Hadland until after it occurred. That's it in a
17 nutshell.

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

19 And, ladies and gentlemen, counsel for the defendant Louis
20 Hidalgo III will now introduce themselves to you along with their client.

21 MR. ARRASCADA: Good afternoon. My name is John Arrascada. I'm a
22 lawyer from Reno, Nevada, the same state. I practice with the law firm of
23 Arrascada and Arrascada. There's three lawyers in our firm, there's myself,
24 Leroy Arrascada, and another lawyer named Kristine Aramini. My co-counsel,
25 I'm pleased to introduce to you, is Christopher Adams.

1 MR. ADAMS: Hi, I'm Chris Adams from Atlanta, the law office of Chris
2 Adams.

3 MR. ARRASCADA: And then finally, this is our client --

4 THE DEFENDANT HIDALGO III: I'm the defendant.

5 MR. ARRASCADA: -- Louis Hidalgo III.

6 So we incorporate all the witnesses that you've just heard about into
7 our case also, so I will not re-read that entire list to you. But if any of the names
8 do jump out, please let the Judge know.

9 As far as an overview of our case regarding Louis Hidalgo III, our
10 defense is that Louis Hidalgo III -- and this case is known as the Palomino
11 murder for hire case. That Louis Hidalgo III did not plan a murder for hire, he did
12 not participate in a murder for hire, nor did he pay for a murder for hire.

13 Thank you.

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

15 Ladies and gentlemen, our court clerk, Ms. Husted, who is seated
16 right here next to me is now going to call the roll of the panel of prospective
17 jurors. When you're name is called, please answer present or here.

18 Ms. Husted.

19 THE CLERK: Yes, Your Honor.

20 Badge 20, Tara Ling.

21 PROSPECTIVE JUROR NO. 020: Here.

22 THE CLERK: 21, Larry Dodson.

23 PROSPECTIVE JUROR NO. 021: Here.

24 THE CLERK: 23, Dave Rivera.

25 PROSPECTIVE JUROR NO. 023: Here.

1 THE CLERK: 25, Douglas Harmon.
2 PROSPECTIVE JUROR NO. 025: Here.
3 THE CLERK: 27, Kimberly Lenahan.
4 PROSPECTIVE JUROR NO. 027: Present.
5 THE CLERK: 28, Randel Weigman.
6 PROSPECTIVE JUROR NO. 028: Here.
7 THE CLERK: Did I say it right?
8 PROSPECTIVE JUROR NO. 028: Yeah.
9 THE CLERK: 29, Daniel Kalita.
10 PROSPECTIVE JUROR NO. 029: Here.
11 THE CLERK: 31, Jeffrey Lockard.
12 PROSPECTIVE JUROR NO. 031: Here.
13 THE CLERK: 32, Scott Subbert.
14 PROSPECTIVE JUROR NO. 032: Subbert.
15 THE CLERK: Subbert --
16 PROSPECTIVE JUROR NO. 032: Here.
17 THE CLERK: I was going to do that first.
18 33, Ray Lopez
19 PROSPECTIVE JUROR NO. 033: Here.
20 THE CLERK: Thank you.
21 THE COURT: All right. Ladies and gentlemen, the questioning of the
22 prospective jurors at the beginning of the case is done under oath. The clerk will
23 now administer the oath to the prospective jurors. If everyone could please
24 stand.

25 (Prospective jury panel sworn)

1 THE COURT: All right. Thank you, ladies and gentlemen. We are about
2 to commence examination of prospective jurors in this case. During this process
3 you will be asked questions bearing on your ability to sit as fair and impartial
4 jurors.

5 The Court, the lawyers, the parties, everyone involved in this case
6 are all deeply interested in having this matter tried by a jury composed of open-
7 minded people who are completely neutral and who have no bias or prejudice
8 toward or against either side.

9 In order for us to accomplish this, I must ask you some questions.
10 The attorneys will also be given the opportunity to ask you questions. It is not
11 our desire to pry unnecessarily into your personal lives, although the questioning
12 can at time become personal.

13 Please understand our only objective is to ascertain whether there is
14 any reason why any of you cannot be -- serve as completely neutral, open, and
15 unbiased jurors in this case.

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

20 I'm going to conduct a general examination of the ten of you while
21 you're in the jury box. After that I'm going to have nine of you wait out in the
22 hallway and we're going to commence individual examination on more specific
23 points of each juror individually, which will be done by me and by the lawyers.

24 Now, as for the general questions that I'm about to ask you, if you
25 wish to respond any to -- excuse me, to any of my questions in the affirmative,

1 please raise your hand. And when I call on you, please state your name and
2 your badge number for the record.

3 You've already seen Ms. Husted who administers the oath. She's
4 our deputy court clerk. She marks the exhibits, keeps the official record, swears
5 in the witnesses and the jurors.

6 Seated next to her is Ms. Janie Olsen. Ms. Olsen is our official court
7 recorder. I tell you this because everything that's said during these proceedings
8 is recorded, and it's Ms. Olsen's job to make sure that an accurate transcript is
9 prepared of all of these proceedings. So be aware of that and try to project your
10 voices so that whatever you say can be accurately recorded.

11 All right. Is there anyone who believes they may be acquainted with
12 either of the deputy district attorneys, either Mr. DiGiacomo or Mr. Pesci?

13 All right. Yes, ma'am, your name and badge number please. Oh,
14 you can stay seated because you're in the box.

15 PROSPECTIVE JUROR NO. 027: Kimberly Lenahan, badge 27.

16 THE COURT: Yes. And which one do you know or both?

17 PROSPECTIVE JUROR NO. 027: I'm not positive, but Joseph
18 Kozlowski, the attorney, may be a patient in my office that I work in.

19 THE COURT: Okay. And Joseph Kozlowski, was he one of the
20 attorneys at Gordon and Silver?

21 PROSPECTIVE JUROR NO. 027: Yes.

22 MR. GENTILE: Yes.

23 THE COURT: Okay. And where do you work?

24 PROSPECTIVE JUROR NO. 027: I work at Advanced Cardiovascular
25 Specialists.

1 THE COURT: Okay. And you just recognize the name?

2 PROSPECTIVE JUROR NO. 027: Yes, I do.

3 THE COURT: Okay. But you don't know him more than --

4 PROSPECTIVE JUROR NO. 027: I can't be sure, but it's possible that
5 he is a patient of one of the doctors that I work for.

6 THE COURT: Okay. And that's Fonte, Bedado, and --

7 PROSPECTIVE JUROR NO. 027: Ports.

8 THE COURT: Ports. Okay. What about those two gentlemen seated
9 over there? Anybody know them? All right.

10 Anyone know or believe they may be acquainted with the defendant,
11 Louis Hidalgo, Jr.?

12 Does anyone think -- does anyone think they may know either of Mr.
13 Hidalgo, Jr.'s attorneys, either Ms. Armeni or Mr. Gentile?

14 Does anyone believe they may be acquainted with Mr. Louis Hidalgo
15 III? All right. No one.

16 And does anyone think they may know either of his lawyers, either
17 Mr. Adams or Mr. Arrascada?

18 Other than Ms. Lenahan, does anyone think they may know any of
19 the lawyers at Gordon and Silver or any of the lawyers who work with Mr.
20 Arrascada? No one.

21 Does anyone believe they may be acquainted with anyone who
22 works at the Clark County District Attorney's Office? All right.

23 Is there anyone who believes they may be acquainted with any of
24 the witnesses whose names were read by Mr. DiGiacomo? Does anyone think
25 they may know any of those people? Okay.

1 Does anyone believe they may know any of the witnesses whose
2 names were read by Mr. Gentile?

3 Yes, sir, your name and badge number please.

4 PROSPECTIVE JUROR NO. 023: Dave Rivera, badge number 23.

5 THE COURT: All right. And which name -- who do you think you might
6 know?

7 PROSPECTIVE JUROR NO. 023: Ben Kamaka.

8 THE COURT: Ben Kamaka? And how is it that you know him?

9 PROSPECTIVE JUROR NO. 023: It sounds familiar. It sounds like a
10 Hawaiian guy because I'm from Hawaii too.

11 THE COURT: Where are you from in Hawaii?

12 PROSPECTIVE JUROR NO. 023: Oahu.

13 THE COURT: Okay. And so he sounds familiar, but you just think you
14 recognize the name or what?

15 PROSPECTIVE JUROR NO. 023: A friend of a friend. I think I met him
16 once.

17 THE COURT: Okay. But you're not sure?

18 PROSPECTIVE JUROR NO. 023: I'm not sure.

19 THE COURT: So even if it is the same person, you're not a friend of his
20 or you don't socialize with him or anything like that?

21 PROSPECTIVE JUROR NO. 023: No.

22 THE COURT: All right.

23 Anyone else who thinks they may recognize any of the witnesses
24 whose names were read? All right.

25 This case is expected to last through next week. It could go into the

1 beginning of the following week. We're hoping not, but it could. I can't make any
2 promises. I know that sounds like a really long period of time and is very
3 disruptive for people's lives. Please know in the scheme of trials that's not that
4 long. Some of you may have watched coverage on the news about some of the
5 high profile cases that have occurred recently, and you know that those can take
6 weeks to try. We have a lot of construction defect cases in this jurisdiction, and
7 those can take very -- you know, months to try.

8 I know having to serve as a juror can be an inconvenience, but
9 obviously we need people to serve, we need people from a cross section of our
10 community who are willing to serve, and I simply cannot excuse people because
11 they're going to be missing work and they're not going to be paid because
12 probably 80 percent of you would get up and walk out and we'd have two people
13 left in the room.

14 Now, having said that, would serving through the end of next week,
15 possibly a day or so into the following week, would that constitute an extreme
16 and undue hardship for any of you?

17 All right. The gentleman in the tan shirt, yes.

18 PROSPECTIVE JUROR NO. 032: Scott Subbert, badge 32.

19 THE COURT: Yes, sir.

20 PROSPECTIVE JUROR NO. 032: I have -- my wife is disabled at home
21 and we have a small child. I'm the main caregiver.

22 THE COURT: For the child or for your wife or both?

23 PROSPECTIVE JUROR NO. 032: Both.

24 THE COURT: Okay. And how old is your child?

25 PROSPECTIVE JUROR NO. 032: Six.

1 THE COURT: And how old -- not how old is your wife, but what is your
2 wife's disability?

3 PROSPECTIVE JUROR NO. 032: She -- so far they've diagnosed her
4 with fibromyalgia. She is 80 percent wheelchair bound. She can walk around
5 the house a little bit, but not a lot.

6 THE COURT: Okay. And who -- is your child in school?

7 PROSPECTIVE JUROR NO. 032: Yes.

8 THE COURT: Okay. And who is watching your child today?

9 PROSPECTIVE JUROR NO. 032: My wife is. She's -- I mean, she's
10 able to watch him and take care of him, she just needs assistance as far as, you
11 know, doing chores around the house and what not.

12 THE COURT: All right. And then the gentleman next to you, you raised
13 your hand as well, sir.

14 PROSPECTIVE JUROR NO. 033: Yeah, Ray Lopez, badge 33.

15 THE COURT: All right.

16 PROSPECTIVE JUROR NO. 033: Yeah, I'm not quite as important as --
17 I work as -- I work in finance for a public corporation here and I'm just quite
18 involved in the preparation of SEC filing.

19 THE COURT: Who do you work for?

20 PROSPECTIVE JUROR NO. 033: Global Cash Access.

21 THE COURT: I'm sorry? Lowell?

22 PROSPECTIVE JUROR NO. 033: Global.

23 THE COURT: Global Cash --

24 PROSPECTIVE JUROR NO. 033: Global Cash Access. Right.

25 THE COURT: And is there a due date for these SEC filings?

1 PROSPECTIVE JUROR NO. 033: Yes. I'm not specifically aware of it,
2 but I know it's quite soon and we're under quite a lot of pressure.

3 THE COURT: Okay. Thank you.

4 Yes?

5 PROSPECTIVE JUROR NO. 028: Randy Weigman, badge 28. I run a
6 golf course here in town, and we're actually transferring our ownership February
7 3rd from the developer to the City of North Las Vegas.

8 THE COURT: Let me guess, you work at the Craig Ranch Golf Course.

9 PROSPECTIVE JUROR NO. 028: No, Aliante.

10 THE COURT: Oh, okay. And it's being transferred when?

11 PROSPECTIVE JUROR NO. 028: February 3rd.

12 THE COURT: February 3rd. And you are badge number?

13 PROSPECTIVE JUROR NO. 028: 28.

14 THE COURT: 28. And what is it that you need to do to prepare for the
15 transfer from the private owner to the City of North Las Vegas, I think you said.

16 PROSPECTIVE JUROR NO. 028: Pretty much just be there. I was
17 supposed to go out of town beginning Thursday of next week, but my boss didn't
18 let me go because he wanted me to be there for the --

19 THE COURT: Okay.

20 PROSPECTIVE JUROR NO. 028: -- transfer.

21 THE COURT: And I know you said it, but I -- I didn't write it down. What
22 is your job there?

23 PROSPECTIVE JUROR NO. 028: I'm the general manager.

24 THE COURT: Oh, the general manager. Okay. Now, once it transfers
25 then you won't be working there anymore, I'm assuming, or will you still?

1 PROSPECTIVE JUROR NO. 028: No, they're retaining -- yeah, they're
2 retaining our company.

3 THE COURT: Okay. So you'll just make the transition between a private
4 owner and the City?

5 PROSPECTIVE JUROR NO. 028: The developer into the City, yeah.

6 THE COURT: Okay. All right.

7 All right. Anyone else?

8 THE COURT: Now, is there anyone of the ten of you who is not a United
9 States citizen? All right.

10 Is there anyone who has previously been convicted of a felony
11 crime? All right. No one.

12 All right. Ladies and gentlemen, at this point in time I'm going to ask
13 that Ms. Ling remain in the courtroom. And I'm going to -- I don't know. My --
14 Officer Wooten -- would you grab him?

15 MR. GENTILE: May we approach?

16 THE COURT: Of course.

17 (Conference at the bench)

18 THE COURT: All right. Ladies and gentlemen, other than Ms. Ling, I
19 would ask the rest of you to follow Officer Wooten through the double doors, and
20 just have a seat out in the hallway until he comes and gets you. And also when
21 you're sitting out in the hallway, don't talk about the case with each other or
22 anybody else.

23 (Remainder of prospective jury panel recessed at 2:48 p.m.)

24 THE COURT: Good afternoon, Ms. Ling. What do you do for a living?

25 PROSPECTIVE JUROR NO. 020: Customer service.

1 THE COURT: Customer service? And where do you work?
2 PROSPECTIVE JUROR NO. 020: [inaudible].
3 THE RECORDER: I'm sorry. I can't hear you.
4 PROSPECTIVE JUROR NO. 020: A company called Bake Mark.
5 THE COURT: She might need the mic.
6 THE MARSHAL: I got it.
7 THE COURT: Bake Mark, what do they do?
8 PROSPECTIVE JUROR NO. 020: It's a wholesale food warehouse.
9 THE COURT: Okay. And then are you married?
10 PROSPECTIVE JUROR NO. 020: Am I married?
11 THE COURT: Yes.
12 PROSPECTIVE JUROR NO. 020: Yes.
13 THE COURT: What does your husband do?
14 PROSPECTIVE JUROR NO. 020: He is an executive vice-president of
15 application development for a colocation Las Vegas.
16 THE COURT: For a what?
17 PROSPECTIVE JUROR NO. 020: A colocation. It's an internet --
18 THE COURT: Oh, okay.
19 PROSPECTIVE JUROR NO. 020: Where all the internet comes into
20 town.
21 THE COURT: All right. And do you have any children?
22 PROSPECTIVE JUROR NO. 020: Yes, two.
23 THE COURT: And the ages?
24 PROSPECTIVE JUROR NO. 020: 17 and 7.
25 THE COURT: Okay. Have you ever -- or you heard a little bit about

1 what the case is about. Have you heard anything or read anything or seen
2 anything about this case prior to coming into the courtroom today?

3 PROSPECTIVE JUROR NO. 020: No, I've not heard a word.

4 THE COURT: Okay. So you don't know anything about it?

5 PROSPECTIVE JUROR NO. 020: Not at all.

6 THE COURT: All right. Have you ever been a juror before?

7 PROSPECTIVE JUROR NO. 020: Yes.

8 THE COURT: Okay. How many times?

9 PROSPECTIVE JUROR NO. 020: Once.

10 THE COURT: And how long ago was that?

11 PROSPECTIVE JUROR NO. 020: Probably 11 years ago.

12 THE COURT: Okay. Was that here in Clark County?

13 PROSPECTIVE JUROR NO. 020: Yes.

14 THE COURT: Was it a civil case or a criminal case?

15 PROSPECTIVE JUROR NO. 020: Civil.

16 THE COURT: And don't tell us what the verdict was, but did the jury
17 reach a verdict?

18 PROSPECTIVE JUROR NO. 020: Yes.

19 THE COURT: Were you the foreperson of that jury?

20 PROSPECTIVE JUROR NO. 020: No.

21 THE COURT: Okay. Have you or anyone close to you ever been the
22 victim of a serious crime? By close to you I mean a family member, a spouse, a
23 very good friend?

24 PROSPECTIVE JUROR NO. 020: No.

25 THE COURT: Okay. What about the flip of that, kind of the converse of

1 it? Have you or anyone close to you ever been arrested or charged with any kind
2 of a criminal offense?

3 PROSPECTIVE JUROR NO. 020: No.

4 THE COURT: Never? Nothing?

5 PROSPECTIVE JUROR NO. 020: No.

6 THE COURT: Okay. All right. That -- have you or anyone close to you
7 ever worked in law enforcement?

8 PROSPECTIVE JUROR NO. 020: No.

9 THE COURT: Okay. Thank you. I'm going to let Mr. DiGiacomo ask you
10 some questions at this point.

11 MR. DIGIACOMO: Thank you.

12 Good afternoon. I guess you've heard and now I stood up and said
13 this case is going to involve testimony about strip clubs. Some people have
14 some very strong feelings about strip clubs, some people can take them or leave
15 them, and some people have no opinion. Do you have an opinion about strip
16 clubs?

17 PROSPECTIVE JUROR NO. 020: Not really. No.

18 MR. DIGIACOMO: So no matter what you know about strip clubs,
19 obviously you can listen to the evidence in this courtroom and then make your
20 determination based upon the evidence, not based on some preconception that
21 you have about them?

22 PROSPECTIVE JUROR NO. 020: I could, yeah.

23 MR. DIGIACOMO: All right. Let's talk about -- let's talk about gangs. Do
24 you know anything about gangs?

25 PROSPECTIVE JUROR NO. 020: No.

1 MR. DIGIACOMO: Okay. And I want to tell you up front, there's no
2 allegation from the State of Nevada that Mr. Hidalgo or Little Lou, either one of
3 them are involved whatsoever in a criminal gang. Okay? But there may be
4 some testimony related to gang members and we just want to know if anybody
5 has any strong opinions one way or the other gangs.

6 PROSPECTIVE JUROR NO. 020: No.

7 MR. DIGIACOMO: How about attorneys? Do you know any attorneys?

8 PROSPECTIVE JUROR NO. 020: No.

9 MR. DIGIACOMO: Do you have any problem with anybody who seeks
10 out an attorney when they have a problem?

11 PROSPECTIVE JUROR NO. 020: No.

12 MR. DIGIACOMO: Let's talk about kind of the rules. You said you were
13 a prior juror; correct?

14 PROSPECTIVE JUROR NO. 020: Correct.

15 MR. DIGIACOMO: It was a civil case?

16 PROSPECTIVE JUROR NO. 020: It was.

17 MR. DIGIACOMO: And you went all the way to deliberation; right?

18 PROSPECTIVE JUROR NO. 020: I did.

19 MR. DIGIACOMO: And you wound up in the back room --

20 PROSPECTIVE JUROR NO. 020: Yep.

21 MR. DIGIACOMO: -- with everyone, all that other stuff?

22 PROSPECTIVE JUROR NO. 020: Yeah.

23 MR. DIGIACOMO: Now, I can tell you up front that the laws in criminal
24 cases are going to be different than the law you're going to get in the civil case.
25 But one of those laws that you're going to get that is substantially different is that

1 the burden of proof rests upon the State. In a State case Mr. Pesci and I have
2 the burden to prove the case beyond a reasonable doubt. Do you have any
3 problem with that concept?

4 PROSPECTIVE JUROR NO. 020: No.

5 MR. DIGIACOMO: Okay. One part of that reasonable doubt, the rule or
6 kind of another rule that's kind of closely associated with it is the defendant never
7 has a burden to ever present any evidence whatsoever. Do you have any
8 problems with that concept?

9 PROSPECTIVE JUROR NO. 020: No.

10 MR. DIGIACOMO: And on top of not even presenting evidence, he has
11 the absolute right, either defendant has the absolute right not to testify in court.
12 Do you have a problem with that concept?

13 PROSPECTIVE JUROR NO. 020: Nope.

14 MR. DIGIACOMO: So if they sit there this whole time and do nothing or
15 if -- if either one of them chooses not to take the stand, you'd have -- you
16 wouldn't hold that against them in any event; right?

17 PROSPECTIVE JUROR NO. 020: No.

18 MR. DIGIACOMO: If Mr. Pesci and I can't prove our case, we can't
19 prove our case; correct?

20 PROSPECTIVE JUROR NO. 020: Yeah, I'm fine with that.

21 MR. DIGIACOMO: Any possibility, anything you can think of that would
22 make you not a fair and appropriate juror for this case?

23 PROSPECTIVE JUROR NO. 020: Nope.

24 MR. DIGIACOMO: Okay. If you were sitting where Mr. Hidalgo or Mr.
25 Hidalgo was sitting, would you want 12 people kind of like yourself deciding the

1 question in your case?

2 PROSPECTIVE JUROR NO. 020: Absolutely.

3 MR. DIGIACOMO: Thank you very much, ma'am.

4 THE COURT: All right. Thank you, Mr. DiGiacomo.

5 Ms. Armeni.

6 MS. ARMENI: Thanks.

7 Good afternoon, Ms. Ling.

8 PROSPECTIVE JUROR NO. 020: Hello.

9 MS. ARMENI: I'm going to follow up on what Mr. DiGiacomo just said.

10 You said you would want somebody like you on this jury if you were Mr. Hidalgo.

11 PROSPECTIVE JUROR NO. 020: Absolutely.

12 MS. ARMENI: Why?

13 PROSPECTIVE JUROR NO. 020: Because it's up to my peers to
14 determine what's going to happen in my future even if I have done criminal acts.

15 MS. ARMENI: Okay. And tell me why do you think in your mind you
16 would be a good juror?

17 PROSPECTIVE JUROR NO. 020: I think I'm -- I'm pretty open-minded.

18 MS. ARMENI: What do you -- Mr. DiGiacomo asked you a couple
19 questions about strip clubs. I'm going to follow up with that and then ask what do
20 you -- if I asked you what do you know about strip clubs, what would you -- what
21 would you tell me?

22 PROSPECTIVE JUROR NO. 020: What I know about strip clubs?

23 MS. ARMENI: Yeah. If I throw the word strip club out there, what --
24 what's your answer to me? What do you say to me?

25 PROSPECTIVE JUROR NO. 020: I wouldn't know what to say.

1 MS. ARMENI: No? Do you have any --

2 PROSPECTIVE JUROR NO. 020: I mean, that's -- it's business.

3 Business is business and like we live in a town where that's a big business.

4 MS. ARMENI: Okay. If I throw -- if I said, you know, strip club owner,
5 does anything come to mind?

6 PROSPECTIVE JUROR NO. 020: Nope. It doesn't bother me at all.

7 MS. ARMENI: If I ask you about drugs, what -- not you particularly, but if
8 I throw out the word drugs, what drugs do you think of?

9 PROSPECTIVE JUROR NO. 020: What drugs come to mind when you
10 use the word drugs?

11 MS. ARMENI: Yes.

12 PROSPECTIVE JUROR NO. 020: I don't know. Pills.

13 MS. ARMENI: Prescription pills. Have you had the experience to be
14 around anybody that's been on prescription pills?

15 PROSPECTIVE JUROR NO. 020: Not really. No.

16 MS. ARMENI: How about any illegal substances?

17 PROSPECTIVE JUROR NO. 020: I have been around people while on
18 illegal substances, yes.

19 MS. ARMENI: Okay. What kind of illegal substances?

20 PROSPECTIVE JUROR NO. 020: Mostly methamphetamines.

21 MS. ARMENI: And what was your experience when those people were
22 on methamphetamines?

23 PROSPECTIVE JUROR NO. 020: I actually grew up in a drug house.

24 MS. ARMENI: Okay.

25 PROSPECTIVE JUROR NO. 020: So I have a lot experience in --

1 around drugs.

2 MS. ARMENI: Okay. Tell us a little bit about that.

3 PROSPECTIVE JUROR NO. 020: Like what do you want to know?

4 MS. ARMENI: Well, what -- I mean, how -- how did it affect them? What
5 did you -- what did you see? I mean, did these people act the same on -- did you
6 see them off drugs ever? Let me ask you that question maybe.

7 PROSPECTIVE JUROR NO. 020: Yeah, they slept a lot.

8 MS. ARMENI: Were they ever awake when they were on drugs, or was it
9 limited?

10 PROSPECTIVE JUROR NO. 020: No, I mean, I grew up literally in a
11 drug house with a mother addicted to methamphetamines. There -- in every
12 aspect you can think of that, that's where I grew up.

13 MS. ARMENI: And would you agree that sometimes it may affect
14 somebody's perception of things?

15 PROSPECTIVE JUROR NO. 020: Yeah, absolutely.

16 MS. ARMENI: What did you do? You're in customer service right now?

17 PROSPECTIVE JUROR NO. 020: I am in customer service, and I should
18 be there right now.

19 MS. ARMENI: Sorry. What were you doing before customer service?

20 PROSPECTIVE JUROR NO. 020: I always have been in clerical
21 positions. Always.

22 MS. ARMENI: So what -- what was your job right before this one?

23 PROSPECTIVE JUROR NO. 020: I worked for a company called Shift4.
24 They're a point of sale company. They work with like cash registers, being able
25 to monitor the point of sales for credit cards.

1 MS. ARMENI: And have you always lived in Las Vegas?

2 PROSPECTIVE JUROR NO. 020: I've lived in Las Vegas for 18 years,
3 since I was 17.

4 MS. ARMENI: Has there ever been a time in your life that you've been
5 scared?

6 PROSPECTIVE JUROR NO. 020: There's been a lot of times in my life
7 when I've been scared.

8 MS. ARMENI: And I'm bringing you back to one of those times. Did
9 you -- did it affect the way you thought?

10 PROSPECTIVE JUROR NO. 020: Oh, absolutely. Of course. Of
11 course.

12 MS. ARMENI: And do you feel that -- how does it -- do you think that a
13 person is scared or fearful, how do you think it affects their thinking, their
14 judgment?

15 PROSPECTIVE JUROR NO. 020: I think when people are afraid they
16 tend to react to situations instead of clearly thinking out what the cause and
17 effects are, what they're going to do, or what they're about, what is going to
18 happen to them.

19 MS. ARMENI: I'm going to throw one more question out there. Do you
20 know any taxicab drivers?

21 PROSPECTIVE JUROR NO. 020: I -- my dad was a cab driver here in
22 Las Vegas for 20 years. Yeah.

23 MS. ARMENI: Really? In Las Vegas?

24 PROSPECTIVE JUROR NO. 020: Yeah, right here. Henderson Taxi.

25 MS. ARMENI: And did he -- sorry, what taxi?

1 PROSPECTIVE JUROR NO. 020: Henderson Taxi.

2 MS. ARMENI: Henderson Taxi. Okay. Did he always work for
3 Henderson Taxi?

4 PROSPECTIVE JUROR NO. 020: He's always worked for Henderson
5 Taxi. Yeah.

6 MS. ARMENI: And I'm probably going to follow it with a very dumb
7 question. Does Henderson Taxi only --

8 PROSPECTIVE JUROR NO. 020: No. They are all over Las Vegas.

9 MS. ARMENI: They are all over Las Vegas. Do you know -- I mean, did
10 he ever share stories with you about bringing patrons to strip clubs?

11 PROSPECTIVE JUROR NO. 020: Yeah, he talked about kickbacks and
12 things like that. Nothing fairly specific though.

13 MS. ARMENI: Well, tell me what he did explain to you about the
14 kickbacks.

15 PROSPECTIVE JUROR NO. 020: Well, he would tell us that -- this was
16 before -- they passed a law, I believe, like ten years ago that they weren't
17 allowed to, but back in the day he would get certain money kickbacks for
18 dropping off patrons at their establishments.

19 MS. ARMENI: Do you know what -- what establishments paid him?

20 PROSPECTIVE JUROR NO. 020: I have no idea.

21 MS. ARMENI: No? You never heard --

22 PROSPECTIVE JUROR NO. 020: No.

23 MS. ARMENI: -- of the Palomino paying him?

24 PROSPECTIVE JUROR NO. 020: No.

25 MS. ARMENI: Do you know if he ever dropped any people off at the

1 Palomino?

2 PROSPECTIVE JUROR NO. 020: No idea.

3 MS. ARMENI: Court's indulgence.

4 THE COURT: All right.

5 MS. ARMENI: One more question, then Arrascada. Do you know any
6 lawyers?

7 PROSPECTIVE JUROR NO. 020: Do I know any lawyers personally?

8 MS. ARMENI: Yes.

9 PROSPECTIVE JUROR NO. 020: No.

10 MS. ARMENI: No?

11 PROSPECTIVE JUROR NO. 020: I do not.

12 MS. ARMENI: If you were in a situation that would affect, what you
13 thought could possibly affect your life, would you call a lawyer?

14 PROSPECTIVE JUROR NO. 020: I don't understand. What do you
15 mean by that?

16 MS. ARMENI: Well, if something -- if something happened to you that
17 you thought was important or that could -- there could -- it could blow up to
18 something bigger --

19 PROSPECTIVE JUROR NO. 020: If something was going to endanger
20 my way of living and I was able to stop that and a lawyer would be a way to stop
21 it, I would hire a lawyer.

22 MS. ARMENI: Thank you.

23 THE COURT: All right. Thank you.

24 Mr. Arrascada.

25 MR. ARRASCADA: Thank you, Your Honor.

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 01:32 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 10 of 25

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

² Id.

³ Id.

⁴ Id.

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1 TRAN

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Alvin D. Williams
CLERK OF COURT

2
3 DISTRICT COURT
4 CLARK COUNTY, NEVADA
5

6 THE STATE OF NEVADA,

7 Plaintiff,

8 vs.

9 LUIS ALONSO HIDALGO III and LUIS

10 HIDALGO, JR.,

11 Defendants.
12

CASE NO. C212667/ C241394
DEPT. XXI

13 BEFORE THE HONORABLE VALERIE ADAIR, DISTRICT COURT JUDGE

14 FRIDAY, JANUARY 30, 2009

15 RECORDER'S TRANSCRIPT OF HEARING RE:

16 JURY TRIAL

17 APPEARANCES:

18 FOR THE STATE:

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19 GIANCARLO PESCI, ESQ.

Deputy District Attorneys

20 FOR LUIS HIDALGO III:

JOHN L. ARRASCADA, ESQ.

21 CHRISTOPHER W. ADAMS, ESQ.

22 FOR LUIS HIDALGO, JR:

DOMINIC P. GENTILE, ESQ.

23 PAOLA M. ARMENI, ESQ.

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

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

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

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

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

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

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

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

17 MR. GENTILE: Right.

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

19 MR. GENTILE: We understand.

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

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

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

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

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

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

11 THE COURT: You do?

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

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

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

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

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

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

19 THE COURT: What is this --

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

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

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

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

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

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

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

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

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

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

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

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

10 THE COURT: Okay.

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

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

13 PROSPECTIVE JUROR NO. 070: No.

14 THE COURT: Any children?

15 PROSPECTIVE JUROR NO. 070: No.

16 THE COURT: Ever been a juror before?

17 PROSPECTIVE JUROR NO. 070: No.

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

20 PROSPECTIVE JUROR NO. 070: No.

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

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

1 THE COURT: Yes.

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

3 THE COURT: Okay.

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

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

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

16 Is that fair, State?

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

19 THE COURT: Who is not --

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

21 THE COURT: -- on trial here --

22 MR. DIGIACOMO: Correct.

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

24 PROSPECTIVE JUROR NO. 070: Okay.

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

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

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

4 State, you may question Ms. Bonds.

5 MR. PESCI: Thank you, Judge.

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

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

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

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

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

1 PROSPECTIVE JUROR NO. 070: I think so.

2 MR. PESCI: How so?

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

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

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

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

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

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

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

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

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

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

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

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

20 THE COURT: All right.

21 Mr. Gentile or --

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

23 THE COURT: All right.

24 Do you have any questions?

25 MR. ARRASCADA: No, Your Honor.

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

3 (Prospective juror No. 70 exits courtroom)

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

5 THE COURT: I know.

6 MR. PESCI: Okay. Sorry.

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

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

10 You're challenging for cause.

11 MR. PESCI: Yes, Judge.

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

13 MR. GENTILE: No objection.

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

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

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

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

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

20 THE COURT: I have a crazy idea.

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

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

1 MR. DIGIACOMO: Frank Sinatra.

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

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

7 MR. ARRASCADA: What?

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

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

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

11 Is Ms. Garhardt here?

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

14 MR. GENTILE: We did not object.

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

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

17 THE COURT: I heard it.

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

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

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

21 THE MARSHAL: No Garhardt.

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

23 THE MARSHAL: What's her first name?

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

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

1 MR. ADAMS: I thought we were skipping?

2 THE COURT: Okay. We did?

3 Skip her. Bring in Kelly --

4 THE MARSHAL: Shea Palluck?

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

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

8 THE COURT: Okay. Kelli Woodland.

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

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

11 MR. DIGIACOMO: Skipping over her.

12 THE COURT: -- trying to get --

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

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

16 MR. GENTILE: Oh.

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

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

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

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

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

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

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

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

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

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

4 THE COURT: Okay. And are you married?

5 PROSPECTIVE JUROR NO. 075: Yes.

6 THE COURT: What does your husband do?

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

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

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

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

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

15 THE COURT: As a police officer?

16 PROSPECTIVE JUROR NO. 075: Uh-huh.

17 THE COURT: All right. Is that yes?

18 PROSPECTIVE JUROR NO. 075: Yes.

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

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

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

24 PROSPECTIVE JUROR NO. 075: Right.

25 THE COURT: -- and keeps --

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PROSPECTIVE JUROR NO. 075: Right.

THE COURT: Would that be for civil attorneys?

PROSPECTIVE JUROR NO. 075: Any attorneys.

THE COURT: Okay.

PROSPECTIVE JUROR NO. 075: Mostly civil.

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

PROSPECTIVE JUROR NO. 075: No.

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

PROSPECTIVE JUROR NO. 075: No.

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

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

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

PROSPECTIVE JUROR NO. 075: Yes.

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

PROSPECTIVE JUROR NO. 075: He patrols.

THE COURT: The different schools?

PROSPECTIVE JUROR NO. 075: Uh-huh.

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

1 PROSPECTIVE JUROR NO. 075: Not often.

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

5 PROSPECTIVE JUROR NO. 075: Not at all.

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

10 PROSPECTIVE JUROR NO. 075: Right.

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

12 PROSPECTIVE JUROR NO. 075: Yes.

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

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

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

21 PROSPECTIVE JUROR NO. 075: Not at all.

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

23 PROSPECTIVE JUROR NO. 075: No.

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

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

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

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

5 THE COURT: Okay.

6 PROSPECTIVE JUROR NO. 075: In '91.

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

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

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

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

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

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

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

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

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

24 PROSPECTIVE JUROR NO. 075: Right.

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

1 State question you now.

2 Mr. Pesci.

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

5 PROSPECTIVE JUROR NO. 075: Right.

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

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

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

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

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

15 PROSPECTIVE JUROR NO. 075: Yes.

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

17 PROSPECTIVE JUROR NO. 075: Not at all.

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

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

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

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

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

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

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

4 THE COURT: All right. Thank you.

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

6 MR. ARRASCADA: Sure.

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

8 MR. ARRASCADA: I'm sorry?

9 THE COURT: Yes, go.

10 MR. ARRASCADA: Thank you, Your Honor.

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

12 PROSPECTIVE JUROR NO. 075: Right.

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

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

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

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

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

21 PROSPECTIVE JUROR NO. 075: Right.

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

23 PROSPECTIVE JUROR NO. 075: Right.

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

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

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

3 PROSPECTIVE JUROR NO. 075: Right.

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

7 PROSPECTIVE JUROR NO. 075: Right.

8 MR. ARRASCADA: Is that accurate?

9 PROSPECTIVE JUROR NO. 075: Uh-huh.

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

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

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

21 PROSPECTIVE JUROR NO. 075: Right.

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

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

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

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

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

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

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

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

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

25 PROSPECTIVE JUROR NO. 075: Okay.

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

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

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

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

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

11 PROSPECTIVE JUROR NO. 075: Yeah.

12 MR. ARRASCADA: Okay.

13 PROSPECTIVE JUROR NO. 075: Yeah.

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

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

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

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

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

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

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

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

8 THE COURT: All right. Thank you.

9 Ms. Armeni.

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

11 MS. ARMENI: Oh, okay.

12 THE COURT: Oh, Mr. Gentile.

13 MR. GENTILE: Good morning.

14 PROSPECTIVE JUROR NO. 075: Good morning.

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

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

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

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

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

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

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

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

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

6 PROSPECTIVE JUROR NO. 075: Right.

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

8 PROSPECTIVE JUROR NO. 075: Yes.

9 MR. GENTILE: Okay. Here in Nevada?

10 PROSPECTIVE JUROR NO. 075: Yes.

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

13 PROSPECTIVE JUROR NO. 075: No.

14 MR. GENTILE: Fair to say?

15 PROSPECTIVE JUROR NO. 075: Fair to say.

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

17 PROSPECTIVE JUROR NO. 075: Yes.

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

20 PROSPECTIVE JUROR NO. 075: Right.

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

22 PROSPECTIVE JUROR NO. 075: Yes.

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

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

1 MR. GENTILE: All right.

2 PROSPECTIVE JUROR NO. 075: So I don't know anything about that.

3 MR. GENTILE: Did you hear about it

4 PROSPECTIVE JUROR NO. 075: I don't really -- I mean, you know how
5 you just don't want to be involved, you don't want to hear what, you know --

6 MR. GENTILE: Sure. Sure.

7 PROSPECTIVE JUROR NO. 075: So I really don't -- I have friends that's
8 gone to jail. I never asked why were you --

9 MR. GENTILE: You didn't want to know.

10 PROSPECTIVE JUROR NO. 075: -- in prison or -- yeah, exactly.

11 MR. GENTILE: Am I right?

12 PROSPECTIVE JUROR NO. 075: Exactly.

13 MR. GENTILE: And you didn't want to --

14 PROSPECTIVE JUROR NO. 075: I don't get involved.

15 MR. GENTILE: Exactly. You didn't want to know for a reason.

16 PROSPECTIVE JUROR NO. 075: Right.

17 MR. GENTILE: And the reason was --

18 PROSPECTIVE JUROR NO. 075: Because I don't want nobody asking
19 me --

20 MR. GENTILE: Right.

21 PROSPECTIVE JUROR NO. 075: -- anything.

22 MR. GENTILE: Exactly. You want to be able to say I don't know.

23 PROSPECTIVE JUROR NO. 075: Exactly.

24 MR. GENTILE: And the reason you want to be able to say I don't know
25 is --

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

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

3 PROSPECTIVE JUROR NO. 075: Exactly.

4 MR. GENTILE: Okay. Thank you.

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

8 PROSPECTIVE JUROR NO. 075: Right.

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

10 (Prospective juror No. 75 exits courtroom)

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

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

15 THE COURT: You used two minutes.

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

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

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

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

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

23 THE COURT: Yeah, Ms. Palluck.

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

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

3 MR. GENTILE: Well, but --

4 THE COURT: I don't care.

5 MR. GENTILE: What is --

6 THE COURT: I'm sorry.

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

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

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

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

14 THE COURT: She did.

15 MR. GENTILE: Okay.

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

19 All right. Bring in Ms. Palluck.

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

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

23 THE COURT: Right. That was --

24 THE CLERK: The people in seat two --

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

1 THE CLERK: Okay.

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

3 THE COURT: It's my fault.

4 MR. DIGIACOMO: If she goes for cause.

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

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

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

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

14 THE COURT: Okay.

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

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

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

20 THE COURT: Okay.

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

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

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

25 PROSPECTIVE JUROR NO. 071: Yes.

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

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

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

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

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

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

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

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

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

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

19 THE COURT: Okay.

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

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

22 PROSPECTIVE JUROR NO. 071: No.

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

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

3 PROSPECTIVE JUROR NO. 071: No.

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

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

8 THE COURT: A ballet dancer?

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

12 THE COURT: Okay.

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

16 THE COURT: And --

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

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

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

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

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

1 THE COURT: Right.

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

4 THE COURT: Okay.

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

7 THE COURT: Have you ever been to one?

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

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

11 PROSPECTIVE JUROR NO. 071: Yeah.

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

13 PROSPECTIVE JUROR NO. 071: Yeah.

14 THE COURT: Was it here in town?

15 PROSPECTIVE JUROR NO. 071: Yes.

16 THE COURT: Was it the Olympic Garden?

17 PROSPECTIVE JUROR NO. 071: Yes. Yeah.

18 THE COURT: Not that I --

19 MR. GENTILE: How did you know that?

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

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

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

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

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

1 THE COURT: Did you have a good time?

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

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

4 PROSPECTIVE JUROR NO. 071: U-huh.

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

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

9 THE COURT: All right. Thank you.

10 State.

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

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

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

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

17 MR. DIGIACOMO: Thank you very much.

18 Judge, we pass for cause.

19 THE COURT: All right. Thank you.

20 Who is next? Ms. Armeni?

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

22 Good morning, Ms. Palluck.

23 PROSPECTIVE JUROR NO. 071: Good morning.

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

25 PROSPECTIVE JUROR NO. 071: No.

1 MS. ARMENI: Never mind.

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

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

6 PROSPECTIVE JUROR NO. 071: Uh-huh.

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

9 PROSPECTIVE JUROR NO. 071: Yes.

10 MS. ARMENI: -- it is important.

11 PROSPECTIVE JUROR NO. 071: Yes.

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

15 PROSPECTIVE JUROR NO. 071: Seedy.

16 MS. ARMENI: I mean, be honest.

17 PROSPECTIVE JUROR NO. 071: Seedy.

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

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

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

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

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

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

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

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

9 MS. ARMENI: -- put it politely.

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

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

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

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

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

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

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

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

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

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

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

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

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

16 PROSPECTIVE JUROR NO. 071: I --

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

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

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

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

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

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

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

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

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

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

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

15 MS. ARMENI: No.

16 PROSPECTIVE JUROR NO. 071: No.

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

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

22 MS. ARMENI: Thank you for your time.

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

1 State has --

2 PROSPECTIVE JUROR NO. 071: Yes.

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

4 PROSPECTIVE JUROR NO. 071: Yes.

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

7 PROSPECTIVE JUROR NO. 071: Right.

8 THE COURT: Are you comfortable with that?

9 PROSPECTIVE JUROR NO. 071: Yes.

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

13 PROSPECTIVE JUROR NO. 071: Uh-huh.

14 THE COURT: Are you comfortable with that?

15 PROSPECTIVE JUROR NO. 071: Yes.

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

19 PROSPECTIVE JUROR NO. 071: Uh-huh.

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

25 PROSPECTIVE JUROR NO. 071: Yes.

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

3 PROSPECTIVE JUROR NO. 071: Yep.

4 THE COURT: Okay.

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

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

8 PROSPECTIVE JUROR NO. 071: Yes.

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

11 PROSPECTIVE JUROR NO. 071: Uh-huh.

12 THE COURT: Is that yes?

13 PROSPECTIVE JUROR NO. 071: Yes.

14 THE COURT: For the recording.

15 PROSPECTIVE JUROR NO. 071: Yes.

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

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

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

24 PROSPECTIVE JUROR NO. 071: No.

25 THE COURT: All right. Thank you.

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

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

3 Good morning, Ms. Palluck.

4 PROSPECTIVE JUROR NO. 071: Good morning.

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

8 PROSPECTIVE JUROR NO. 071: Uh-huh.

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

11 PROSPECTIVE JUROR NO. 071: Uh-huh.

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

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

17 MR. ARRASCADA: And --

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

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

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

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

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

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

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

2 MR. ARRASCADA: Okay.

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

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

6 PROSPECTIVE JUROR NO. 071: Uh-huh.

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

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

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

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

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

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

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

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

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

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

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

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

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

17 PROSPECTIVE JUROR NO. 071: Uh-huh.

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

19 PROSPECTIVE JUROR NO. 071: No.

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

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

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

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

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

9 MR. ARRASCADA: It does. Thank you.

10 PROSPECTIVE JUROR NO. 071: Uh-huh.

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

13 PROSPECTIVE JUROR NO. 071: Okay.

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

16 PROSPECTIVE JUROR NO. 071: Okay.

17 THE COURT: -- prospective jurors.

18 PROSPECTIVE JUROR NO. 071: Okay.

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

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

21 THE COURT: Yes, thank you.

22 (Prospective juror No. 71 exits courtroom)

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

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

1 strike?

2 THE COURT: Right.

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

5 THE COURT: Right.

6 MR. GENTILE: Yeah.

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

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

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

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

12 MR. GENTILE: And --

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

14 MR. GENTILE: And --

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

16 MR. GENTILE: She should --

17 THE COURT: -- question her.

18 MR. GENTILE: -- be next.

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

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

23 THE COURT: Sure you can.

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

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

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

2 MR. GENTILE: You pick a jury --

3 THE COURT: Bring in --

4 MR. GENTILE: -- not a juror.

5 THE COURT: -- Ms. Garhardt.

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

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

10 THE COURT: Right.

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

12 THE COURT: They strike.

13 MR. DIGIACOMO: -- they strike.

14 THE COURT: Right.

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

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

19 PROSPECTIVE JUROR NO. 069: Okay.

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

21 PROSPECTIVE JUROR NO. 069: Here?

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

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

24 THE COURT: For the Clark County School District?

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

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

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

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

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

6 PROSPECTIVE JUROR NO. 069: No.

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

9 PROSPECTIVE JUROR NO. 069: No.

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

12 PROSPECTIVE JUROR NO. 069: Kind of.

13 THE COURT: Okay.

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

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

18 PROSPECTIVE JUROR NO. 069: Yes.

19 THE COURT: Did you call the police?

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

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

22 PROSPECTIVE JUROR NO. 069: No, Henderson.

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

24 PROSPECTIVE JUROR NO. 069: No.

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

1 you, their responsiveness, what not?

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

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

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

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

7 PROSPECTIVE JUROR NO. 069: Not too good.

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

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

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

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

15 THE COURT: Okay. All right.

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

19 THE COURT: Okay.

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

22 THE COURT: Employee in the school district?

23 PROSPECTIVE JUROR NO. 069: Yes.

24 THE COURT: Okay. That became a --

25 PROSPECTIVE JUROR NO. 069: Not a teacher.

1 THE COURT: That became a dancer?

2 PROSPECTIVE JUROR NO. 069: Yes.

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

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

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

12 PROSPECTIVE JUROR NO. 069: No.

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

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

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

16 PROSPECTIVE JUROR NO. 069: Yes.

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

18 PROSPECTIVE JUROR NO. 069: No.

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

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

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

1 PROSPECTIVE JUROR NO. 069: No.

2 THE COURT: -- type of employees?

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

5 THE COURT: Okay. But --

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

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

9 PROSPECTIVE JUROR NO. 069: Uh-huh.

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

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

14 THE COURT: Okay. Have you ever --

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

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

18 PROSPECTIVE JUROR NO. 069: No.

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

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

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

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

6 THE COURT: Okay.

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

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

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

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

13 PROSPECTIVE JUROR NO. 069: Uh-huh.

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

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

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

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

22 THE COURT: At the Palomino Club?

23 PROSPECTIVE JUROR NO. 069: Uh-huh.

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

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

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

2 PROSPECTIVE JUROR NO. 069: No.

3 THE COURT: -- the Palomino Club?

4 PROSPECTIVE JUROR NO. 069: No.

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

6 PROSPECTIVE JUROR NO. 069: Uh-huh.

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

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

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

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

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

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

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

21 PROSPECTIVE JUROR NO. 069: Correct.

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

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

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

4 THE COURT: Okay.

5 State.

6 MR. DIGIACOMO: Just a couple of questions.

7 PROSPECTIVE JUROR NO. 069: Sure.

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

11 PROSPECTIVE JUROR NO. 069: Yes.

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

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

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

18 PROSPECTIVE JUROR NO. 069: Correct.

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

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

23 MR. DIGIACOMO: Right?

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

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

1 PROSPECTIVE JUROR NO. 069: No.

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

4 PROSPECTIVE JUROR NO. 069: Yes.

5 MR. DIGIACOMO: Okay.

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

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

8 PROSPECTIVE JUROR NO. 069: Uh-huh.

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

10 PROSPECTIVE JUROR NO. 069: No.

11 THE COURT: Oh.

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

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

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

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

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

1 PROSPECTIVE JUROR NO. 069: Correct.

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

5 PROSPECTIVE JUROR NO. 069: Uh-huh.

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

7 PROSPECTIVE JUROR NO. 069: Right.

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

9 PROSPECTIVE JUROR NO. 069: No.

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

12 PROSPECTIVE JUROR NO. 069: No.

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

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

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

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

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

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

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

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

12 MR. DIGIACOMO: Would you do your best?

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

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

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

18 MR. DIGIACOMO: Thank you very much.

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

20 THE COURT: Yeah.

21 (Conference at the bench)

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

24 PROSPECTIVE JUROR NO. 069: No.

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

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

4 PROSPECTIVE JUROR NO. 069: Thank you.

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

6 PROSPECTIVE JUROR NO. 069: No.

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

9 PROSPECTIVE JUROR NO. 069: Thank you.

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

11 (Prospective juror No. 69 exits courtroom)

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

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

16 THE COURT: Oh, it probably is then.

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

20 THE COURT: Chair two.

21 MR. DIGIACOMO: -- number two.

22 THE COURT: Right.

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

25 THE COURT: Into that seat.

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

1 MR. GENTILE: Hats off to you.

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

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

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

6 MR. PESCI: Oh, who knows --

7 MR. GENTILE: I don't --

8 MR. PESCI: -- what happens.

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

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

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

13 THE MARSHAL: Yes, Your Honor.

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

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

17 (Off-record colloquy)

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

20 THE COURT: All right. I thought so.

21 Jeff, would you bring in Ms. Palluck.

22 THE MARSHAL: Yes, Your Honor.

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

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

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

1 THE COURT: Right.

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

5 PROSPECTIVE JUROR NO. 071: I do.

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

9 PROSPECTIVE JUROR NO. 071: Thank you.

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

12 (Prospective juror No. 71 exits courtroom)

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

14 THE MARSHAL: Ms. Bonds.

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

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

21 THE COURT: All right. Thank you.

22 (Prospective juror No. 70 exits courtroom)

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

24 THE MARSHAL: Mathews.

25 (Off-record colloquy)

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

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

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

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

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

7 PROSPECTIVE JUROR NO. 079: No.

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

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

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

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

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

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

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

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

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

25 PROSPECTIVE JUROR NO. 079: Oh, yeah.

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

3 PROSPECTIVE JUROR NO. 079: Yes.

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

7 PROSPECTIVE JUROR NO. 079: Yes.

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

10 PROSPECTIVE JUROR NO. 079: Definitely.

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

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

14 THE COURT: Okay. Where was that?

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

16 THE COURT: Okay.

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

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

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

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

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

25 THE COURT: Okay.

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

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

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

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

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

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

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

17 THE COURT: Okay.

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

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

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

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

23 PROSPECTIVE JUROR NO. 079: Yes.

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

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

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

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

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

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

10 THE COURT: All right.

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

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

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

16 THE COURT: Uh-huh.

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

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

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

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

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

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

1 PROSPECTIVE JUROR NO. 079: Once.

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

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

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

6 PROSPECTIVE JUROR NO. 079: It was fine.

7 THE COURT: Okay. It was fine.

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

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

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

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

20 PROSPECTIVE JUROR NO. 079: No.

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

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

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

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

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

3 THE COURT: I'm sorry, guilty.

4 PROSPECTIVE JUROR NO. 079: Guilty.

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

9 PROSPECTIVE JUROR NO. 079: Okay.

10 THE COURT: I mean --

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

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

14 PROSPECTIVE JUROR NO. 079: Okay.

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

17 PROSPECTIVE JUROR NO. 079: Okay.

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

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

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

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

4 PROSPECTIVE JUROR NO. 079: Yeah.

5 THE COURT: All right. Thank you.

6 State, you may question Mr. Mathews.

7 MR. PESCI: Thank you, Judge.

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

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

12 MR. PESCI: Anyone closely associated with you?

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

15 MR. PESCI: Really?

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

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

23 PROSPECTIVE JUROR NO. 079: No.

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

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

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

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

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

9 PROSPECTIVE JUROR NO. 079: Right.

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

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

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

18 PROSPECTIVE JUROR NO. 079: No.

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

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

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

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

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

9 MR. PESCI: You were doing well.

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

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

14 PROSPECTIVE JUROR NO. 079: No.

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

17 PROSPECTIVE JUROR NO. 079: Not really.

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

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

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

25 PROSPECTIVE JUROR NO. 079: Oh, yeah.

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

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

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

7 PROSPECTIVE JUROR NO. 079: I think so.

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

10 PROSPECTIVE JUROR NO. 079: No.

11 MR. PESCI: -- have hallucinations?

12 PROSPECTIVE JUROR NO. 079: No.

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

14 THE COURT: All right. Thank you.

15 Mr. Gentile.

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

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

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

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

21 MR. GENTILE: Okay.

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

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

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

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

4 MR. GENTILE: All right.

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

7 MR. GENTILE: Okay. Good.

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

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

11 PROSPECTIVE JUROR NO. 079: Yeah.

12 MR. GENTILE: Why?

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

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

20 PROSPECTIVE JUROR NO. 079: Yes, sir.

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

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

25 MR. GENTILE: Right.

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

3 MR. GENTILE: What were you driving before?

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

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

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

13 MR. GENTILE: Gary. Okay.

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

16 MR. GENTILE: From Gary?

17 PROSPECTIVE JUROR NO. 079: Yes.

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

19 PROSPECTIVE JUROR NO. 079: Okay.

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

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

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

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

24 PROSPECTIVE JUROR NO. 079: Yes.

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

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

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

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

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

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

18 THE COURT: Uh-huh.

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

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

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

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

1 anything because you were --

2 PROSPECTIVE JUROR NO. 079: Yeah.

3 MR. ARRASCADA: Okay. Or Junior?

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

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

7 PROSPECTIVE JUROR NO. 079: Yes, sir.

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

11 PROSPECTIVE JUROR NO. 079: Yeah.

12 MR. ARRASCADA: Okay.

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

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

20 PROSPECTIVE JUROR NO. 079: Yeah.

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

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

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

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

3 PROSPECTIVE JUROR NO. 079: Yes.

4 MR. ARRASCADA: Honorably?

5 PROSPECTIVE JUROR NO. 079: Yes.

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

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

9 MR. ARRASCADA: No longer?

10 PROSPECTIVE JUROR NO. 079: No longer.

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

13 PROSPECTIVE JUROR NO. 079: Convention.

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

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

20 MR. ARRASCADA: Thank you, sir.

21 PROSPECTIVE JUROR NO. 079: Okay.

22 THE COURT: All right. Thank you.

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

25 PROSPECTIVE JUROR NO. 079: Okay.

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

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

5 (Prospective juror No. 79 exits courtroom)

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

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

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

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

12 THE MARSHAL: Michelle Gaddy?

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

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

16 MS. ARMENI: Yes.

17 THE COURT: Right.

18 THE MARSHAL: Gamino?

19 THE COURT: Yes.

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

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

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

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

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

1 southern Nevada?

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

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

4 PROSPECTIVE JUROR NO. 080: California.

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

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

7 THE COURT: Okay. LA area?

8 PROSPECTIVE JUROR NO. 080: LA area.

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

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

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

13 PROSPECTIVE JUROR NO. 080: Yes.

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

15 PROSPECTIVE JUROR NO. 080: Yes.

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

18 PROSPECTIVE JUROR NO. 080: Once.

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

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

21 THE COURT: Garden?

22 PROSPECTIVE JUROR NO. 080: Yeah.

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

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

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

2 PROSPECTIVE JUROR NO. 080: Female friend.

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

4 PROSPECTIVE JUROR NO. 080: Correct.

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

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

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

11 PROSPECTIVE JUROR NO. 080: Of course.

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

14 PROSPECTIVE JUROR NO. 080: No.

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

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

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

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

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

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

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

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

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

9 PROSPECTIVE JUROR NO. 080: No.

10 THE COURT: All right. Thank you.

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

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

13 MR. PESCI: Thank you, Judge.

14 Ma'am --

15 PROSPECTIVE JUROR NO. 080: Yes.

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

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

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

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

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

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

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

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

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

2 PROSPECTIVE JUROR NO. 080: Oh, yeah.

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

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

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

6 Okay?

7 PROSPECTIVE JUROR NO. 080: Okay.

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

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

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

13 PROSPECTIVE JUROR NO. 080: Yes.

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

16 PROSPECTIVE JUROR NO. 080: Say that again.

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

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

20 MR. PESCI: Does not have to testify.

21 PROSPECTIVE JUROR NO. 080: Okay.

22 MR. PESCI: Are you okay with that?

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

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

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

1 both sides.

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

5 PROSPECTIVE JUROR NO. 080: Correct.

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

8 PROSPECTIVE JUROR NO. 080: Correct.

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

11 PROSPECTIVE JUROR NO. 080: Yes.

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

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

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

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

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

23 PROSPECTIVE JUROR NO. 080: Correct.

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

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

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

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

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

8 PROSPECTIVE JUROR NO. 080: Yes.

9 MR. PESCI: Any experiences here?

10 PROSPECTIVE JUROR NO. 080: No.

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

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

15 MR. PESCI: Okay. Thank you.

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

17 MR. PESCI: Pass for cause.

18 THE COURT: All right. Thank you.

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

20 MS. ARMENI: Sure, Your Honor.

21 Ms. Gamino.

22 PROSPECTIVE JUROR NO. 080: Yes.

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

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

1 something kind of thing.

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

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

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

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

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

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

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

12 PROSPECTIVE JUROR NO. 080: Okay.

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

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

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

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

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

23 PROSPECTIVE JUROR NO. 080: Correct.

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

25 PROSPECTIVE JUROR NO. 080: Correct.

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

5 PROSPECTIVE JUROR NO. 080: Anything.

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

8 PROSPECTIVE JUROR NO. 080: Right.

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

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

12 MS. ARMENI: Okay.

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

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

15 PROSPECTIVE JUROR NO. 080: No.

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

18 PROSPECTIVE JUROR NO. 080: Yes.

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

22 PROSPECTIVE JUROR NO. 080: Correct.

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

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

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

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

5 PROSPECTIVE JUROR NO. 080: Correct.

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

8 PROSPECTIVE JUROR NO. 080: Right.

9 THE COURT: -- testify?

10 PROSPECTIVE JUROR NO. 080: That's why I would like -- I guess.

11 THE COURT: Okay. And -- and let me ask you this. I mean, if -- let's
12 just say -- I mean, obviously these lawyers are very involved, but as Ms. Armeni
13 said, they don't need to do anything --

14 PROSPECTIVE JUROR NO. 080: Correct.

15 THE COURT: -- because, you know, the idea is that the power of the
16 government, they're the ones that have the burden of proof and they're the ones
17 that have to put on all of the evidence and the -- the defense can put on
18 evidence, but doesn't have to. Are you comfortable with that?

19 PROSPECTIVE JUROR NO. 080: Yes.

20 THE COURT: Okay. And you sound a little bit hesitant. Let me ask you
21 this. If you listen to the evidence and all the witnesses come from the State's
22 side, the defense doesn't call any witnesses and you get back in the jury box and
23 you say, you know what, I just -- this just doesn't add up to me this -- what the
24 State put on, I don't think they proved it beyond a reasonable doubt. Would you
25 be able to say not guilty even if the -- this side of the room, the defense side

1 didn't call any witnesses or put anything on?
2 PROSPECTIVE JUROR NO. 080: I don't think I could.
3 THE COURT: You don't think you could?
4 PROSPECTIVE JUROR NO. 080: No.
5 THE COURT: All right.
6 Any follow up?
7 MS. ARMENI: No.
8 Thank you, Ms. Gamino.
9 PROSPECTIVE JUROR NO. 080: You're welcome.
10 MR. ARRASCADA: No, Your Honor.
11 THE COURT: State.
12 MR. DIGIACOMO: Submit it, Judge.
13 THE COURT: All right. I'll see everybody up here.
14 (Conference at the bench)
15 THE COURT: Ms. Gamino, thank you very much. We're going to go
16 ahead and excuse you at this time. I do need to advise you, however --
17 PROSPECTIVE JUROR NO. 080: Yes.
18 THE COURT: -- or instruct you that you're not to discuss, if they ask
19 what we -- the other jurors, don't tell them what we talked about or what your
20 answers were or anything like that.
21 PROSPECTIVE JUROR NO. 080: All right. So just sit outside?
22 THE COURT: No, just -- you're -- you're free to go --
23 THE MARSHAL: I'll give the instructions.
24 THE COURT: -- and Officer Wooten is going to tell you what to do. And
25 before he does that he's going to bring in Ms. McRoy.

1 (Prospective juror No. 80 exits courtroom)

2 THE COURT: Ms. McRoy, just have a seat there in the box please,
3 ma'am. And good morning. What do you do for a living?

4 PROSPECTIVE JUROR NO. 084: I'm retired.

5 THE COURT: From?

6 PROSPECTIVE JUROR NO. 084: From LA county.

7 THE COURT: All right. What kind of a company or business did you
8 work for doing accounting?

9 PROSPECTIVE JUROR NO. 084: From Los Angeles County I worked in
10 three different departments. I started at the probation department, I went to the
11 department of health services and personnel and the department of mental
12 health and personnel office, and I went to administrative assistant to one of the
13 mental health facilities.

14 THE COURT: Okay.

15 MR. GENTILE: Your Honor, I think she said LA County, not --

16 THE COURT: I was going to follow up on that. Thank you, Mr. Gentile,
17 because I wasn't sure.

18 So you're originally from Los Angeles?

19 PROSPECTIVE JUROR NO. 084: Yes.

20 THE COURT: How long have you lived here in southern Nevada?

21 PROSPECTIVE JUROR NO. 084: Going on 13 years.

22 THE COURT: Okay. And have you been retired the entire time you've
23 been living here in Clark County?

24 PROSPECTIVE JUROR NO. 084: Yes, ma'am.

25 THE COURT: Okay. Now, did you have any formal training in

1 accounting before you got your jobs working in accounting?

2 PROSPECTIVE JUROR NO. 084: No, I -- I'm -- not in accounting.

3 THE COURT: Uh-huh.

4 PROSPECTIVE JUROR NO. 084: I worked for LA County.

5 THE COURT: Oh, I'm sorry. Oh, LA County. Okay. I thought you were
6 in accounting in LA County. Okay.

7 Thank you, Mr. Gentile.

8 PROSPECTIVE JUROR NO. 084: In probation and in personnel and
9 then administrative.

10 THE COURT: Okay. So you were in the department of parole and
11 probation for Los Angeles County?

12 PROSPECTIVE JUROR NO. 084: Yes.

13 THE COURT: And what did you do for them?

14 PROSPECTIVE JUROR NO. 084: I received my associate's degree with
15 police science and I was going to go into law enforcement. I started off in the
16 probation department as a community worker.

17 THE COURT: Okay. Now, as a community worker, did you have direct
18 contact with probationers?

19 PROSPECTIVE JUROR NO. 084: Yes. We were in charge of going out
20 to the juvenile -- juvenile detention facilities.

21 THE COURT: Okay. So you worked with younger offenders?

22 PROSPECTIVE JUROR NO. 084: Yes.

23 THE COURT: Did you ever work with adult offenders?

24 PROSPECTIVE JUROR NO. 084: No.

25 THE COURT: Now, here in -- in our state it's the State that has the

1 probations officers. Were these juvenile -- well, actually, no, it's the County for
2 juveniles.

3 PROSPECTIVE JUROR NO. 084: Yeah.

4 THE COURT: It's the same thing. All right. And what was your job in
5 working with these juveniles?

6 PROSPECTIVE JUROR NO. 084: God, it's been awhile. I think we had
7 to go out there and take accounting because they were put in there, and I think
8 we had to make sure that they were attending the classes that they were
9 supposed to and make sure they were there and kind of just keep an eye on
10 them as far -- as far as I remember. It's been quite awhile.

11 THE COURT: Okay. Why didn't you go into law enforcement?

12 PROSPECTIVE JUROR NO. 084: Good question. That's really what --
13 what was in my heart to do was to go into law enforcement. But about that time I
14 got married and started a family and then just my career went in a different
15 direction.

16 THE COURT: Things happened.

17 PROSPECTIVE JUROR NO. 084: Yeah.

18 THE COURT: Okay.

19 PROSPECTIVE JUROR NO. 084: I regret it, though.

20 THE COURT: And are you currently married?

21 PROSPECTIVE JUROR NO. 084: Yes.

22 MR. GENTILE: I didn't hear the last --

23 THE COURT: She regrets it.

24 MR. GENTILE: She regrets it.

25 PROSPECTIVE JUROR NO. 084: I regret it.

1 MR. GENTILE: Thank you.

2 THE COURT: Okay. Are you currently married?

3 PROSPECTIVE JUROR NO. 084: Yes, I am.

4 THE COURT: And what does your husband do?

5 PROSPECTIVE JUROR NO. 084: He's retired from Los Angeles
6 County.

7 THE COURT: Okay. What did he do for the County in Los Angeles?

8 PROSPECTIVE JUROR NO. 084: One of the jobs he had was he was
9 the assistant coroner to the Los Angeles County, and he was there when Robert
10 Kennedy was assassinated and they brought him in. So he worked with FBI, you
11 know, a special age -- special agents and the Kennedy family.

12 Then he went into the Department of Mental Health, became the
13 assistant director of mental health. He retired from County and went to work for
14 St. Johns Hospital in Santa Monica as their lobbyist. And he retired from there.

15 THE COURT: Okay. Now, how many children do you have?

16 PROSPECTIVE JUROR NO. 084: Two.

17 THE COURT: And are they both grown?

18 PROSPECTIVE JUROR NO. 084: All grown.

19 THE COURT: Okay. Have you ever served as a juror before?

20 PROSPECTIVE JUROR NO. 084: No, ma'am.

21 THE COURT: Okay. Have you or anyone close to you ever been the
22 victim of a serious crime?

23 PROSPECTIVE JUROR NO. 084: No.

24 THE COURT: Okay. What about arrested or charged with a crime?

25 PROSPECTIVE JUROR NO. 084: I think my ex-husband was.

1 THE COURT: Okay. And you think, was he not married to you at the
2 time?

3 PROSPECTIVE JUROR NO. 084: No, I -- I -- I know he was.

4 THE COURT: Okay. Were you married to him at the time?

5 PROSPECTIVE JUROR NO. 084: No.

6 THE COURT: Okay. Was that before or after your relationship with him?

7 PROSPECTIVE JUROR NO. 084: That was after we got divorced.

8 THE COURT: Okay.

9 PROSPECTIVE JUROR NO. 084: It was with his second wife.

10 THE COURT: Okay. And what crime was that?

11 PROSPECTIVE JUROR NO. 084: Domestic violence.

12 THE COURT: I thought that was what you were going to say. You've
13 heard talk about strip clubs. What are your feelings about strip clubs?

14 PROSPECTIVE JUROR NO. 084: It's not one of my favorites. I -- you
15 know, I don't like the idea of women that have to do that. I guess some do it
16 because of the money, some of them do it because they like it, you know, I really
17 don't know. To me, personally, it's kind of degrading of women in my opinion.
18 But, you know, everyone has choices.

19 THE COURT: Okay.

20 PROSPECTIVE JUROR NO. 084: And everyone has a business.

21 THE COURT: Have you ever been to a strip club?

22 PROSPECTIVE JUROR NO. 084: No, ma'am.

23 THE COURT: Okay. Do you know anyone personally that's ever worked
24 in the strip club industry as a dancer or a bartender or a bouncer?

25 PROSPECTIVE JUROR NO. 084: No, ma'am.

1 THE COURT: Okay. Now, you've heard that the individuals, the
2 Hidalgos, are involved in the strip -- or were at the time involved at the strip -- in
3 the strip club business. Is there anything about that that would impact your ability
4 to be completely fair and impartial in this case? Meaning can you, you know, set
5 aside whatever negative feelings you have and base your verdict on the
6 evidence that's presented during the trial, meaning the testimony from the
7 witness stand and the exhibits that are admitted into evidence?

8 PROSPECTIVE JUROR NO. 084: Yes, ma'am.

9 THE COURT: All right. You've heard this long period of time, all of the
10 questions and discussions we've had with all of the other prospective jurors.
11 Anything that any of us have asked or discussed with the other jurors that you
12 would've had to raise your hand and say, yes, that -- that pertains to me or that
13 pertains to my family?

14 PROSPECTIVE JUROR NO. 084: No.

15 THE COURT: Okay. And finally, when you worked as a juvenile
16 probation officer, how long ago was that?

17 PROSPECTIVE JUROR NO. 084: I started that in about 1968, '69.

18 THE COURT: Okay.

19 PROSPECTIVE JUROR NO. 084: I was there about two, maybe three
20 years.

21 THE COURT: So that was before you had the big problem with street
22 gangs we -- that we have today; is that fair? Or did they have gangs back then?

23 PROSPECTIVE JUROR NO. 084: In LA County? Yeah. I think they've
24 always had gangs in LA.

25 THE COURT: Okay. Did you ever have to work with gang members in

1 your job?

2 PROSPECTIVE JUROR NO. 084: No.

3 THE COURT: You never did. Okay. All right. Thank you.

4 State.

5 MR. DIGIACOMO: Thank you, Judge.

6 Did you have any contact with gang members?

7 PROSPECTIVE JUROR NO. 084: Contact? No.

8 MR. DIGIACOMO: Anything about the fact that there's going to be
9 mention perhaps of somebody in this case who may or may not have been a
10 member of a gang, any concerns at all about that in -- in sitting on the jury?

11 PROSPECTIVE JUROR NO. 084: Maybe a little fear, but no.

12 MR. DIGIACOMO: Well, the question is obviously, you know, gangs is
13 kind of like a word that -- that, you know, could have a lot of meanings --

14 PROSPECTIVE JUROR NO. 084: Right.

15 MR. DIGIACOMO: -- and obviously when -- without knowing any of the
16 facts, it's kind of hard to assess the situation. But the question we kind of need
17 to know is, you know, whatever you may think about gangs or -- or whatever
18 feelings you have, can you set those aside and base your decision on the
19 evidence you hear in court?

20 PROSPECTIVE JUROR NO. 084: Yes.

21 MR. DIGIACOMO: Thank you very much.

22 Judge, we pass for cause.

23 THE COURT: All right. Thank you.

24 And let's see, who would like to go next for the defense?

25 MS. ARMENI: Go ahead.

1 MR. ARRASCADA: I will, Your Honor.

2 THE COURT: All right.

3 MR. ARRASCADA: Ms. McRoy; correct?

4 PROSPECTIVE JUROR NO. 084: Yes. Uh-huh.

5 MR. ARRASCADA: If I'm correct, you were involved in law enforcement
6 in LA County juvenile probation.

7 PROSPECTIVE JUROR NO. 084: I started to. Yes.

8 MR. ARRASCADA: In 1968?

9 PROSPECTIVE JUROR NO. 084: Yeah, late '60s, early '70s.

10 MR. ARRASCADA: Okay. During -- were you involved in law
11 enforcement during the Watts riots?

12 PROSPECTIVE JUROR NO. 084: No.

13 MR. ARRASCADA: Okay. The -- after you were with probation, what
14 other county offices were you with?

15 PROSPECTIVE JUROR NO. 084: I was in the department of health
16 services, in the personnel. I guess they call it human services now.

17 MR. ARRASCADA: And was that your final --

18 PROSPECTIVE JUROR NO. 084: No, I -- and then I promoted into the
19 department of mental health. They created the new department of mental health
20 also in human resources.

21 MR. ARRASCADA: Okay. I'm sorry. Okay. And then your job
22 descriptions with mental health and -- and prior to that, other than probation,
23 what was your job description with, you said human resources?

24 PROSPECTIVE JUROR NO. 084: Yeah. Personnel, hiring [inaudible].

25 MR. ARRASCADA: You stated you regret not pursuing your career in

1 law enforcement. Why is that?

2 PROSPECTIVE JUROR NO. 084: I don't know. I just, since I was little, I
3 thought I always wanted to be a police officer.

4 MR. ARRASCADA: And you have great -- do you respect law
5 enforcement?

6 PROSPECTIVE JUROR NO. 084: Yes, I do.

7 MR. ARRASCADA: Describe that respect or how you feel.

8 PROSPECTIVE JUROR NO. 084: Well, to me, I mean, it's just law
9 enforcement. I respect them because -- I'm sure there's some bad cops, you
10 know. I have never had an experience, but I just respect the law enforcement. I
11 know they're there to protect the people and do the best and I would've been
12 doing the same.

13 MR. ARRASCADA: And would you give more -- you'd give more credit
14 to a police officer's testimony in a trial than, say, non-police officers because of
15 your respect for law enforcement?

16 PROSPECTIVE JUROR NO. 084: No, I think I would listen to
17 everybody's side. I mean, I'm not going to say just because he's a police officer
18 I'm going to believe 100 percent and he's or she's not, and I'd listen to that. But I
19 mean, if I had to weigh, you know, we had -- if I had to have -- you gave me a
20 choice, do you believe him or -- or this person, I think I would lean more towards
21 law enforcement. But, I mean, I would listen to both sides.

22 MR. ARRASCADA: Okay.

23 PROSPECTIVE JUROR NO. 084: I'm open.

24 MR. ARRASCADA: Well, you just said that given a choice you'd lean
25 more towards law enforcement; is that accurate?

1 PROSPECTIVE JUROR NO. 084: Yeah.

2 MR. ARRASCADA: And is that a feeling that's part of your lifelong, since
3 you were a child --

4 PROSPECTIVE JUROR NO. 084: Yeah.

5 MR. ARRASCADA: -- to be involved in law enforcement?

6 PROSPECTIVE JUROR NO. 084: Yeah.

7 MR. ARRASCADA: Okay.

8 PROSPECTIVE JUROR NO. 084: I mean, I think if I would've gone to
9 law enforcement, I mean, I would've -- I would've loved it. I would've done the
10 best and I -- I don't know.

11 MR. ARRASCADA: And those feelings that you tend to give more
12 credibility to law enforcement because of these feelings you've had since a child,
13 that's -- that's something that's a part of you that you -- that -- that it sounds like
14 you wouldn't be able to leave behind you if you were on the jury; is that
15 accurate?

16 PROSPECTIVE JUROR NO. 084: I mean, I'm fair. If you had someone
17 from law enforcement up there testifying and someone that's not, I mean, I'm fair
18 to listen to both sides.

19 THE COURT: Do you think -- can you accept, and I think you said this
20 already, some cops are good and some cops --

21 PROSPECTIVE JUROR NO. 084: Yeah.

22 THE COURT: -- maybe not so good?

23 PROSPECTIVE JUROR NO. 084: Yeah.

24 THE COURT: And even a good cop can make mistakes or forget things
25 or perceive things incorrectly. Do you think that's fair?

1 PROSPECTIVE JUROR NO. 084: That's fair.

2 THE COURT: Okay. And as you listen to the witnesses, whatever
3 witness it -- it -- it is, whoever it is, can you keep an open mind and assess their
4 credibility and their demeanor and -- and --

5 PROSPECTIVE JUROR NO. 084: Yes, Your Honor.

6 THE COURT: Now, let's say one witness testifies to one thing and it's
7 not a law enforcement witness and the other witness testifies to a different thing,
8 you know, the opposite, let's just say, and is a law enforcement witness, would
9 you automatically say, well, I'm going to believe the law enforcement witness or
10 would you kind of keep an open mind and consider other things or would you just
11 say, well, it's a cop, his -- his story, his version must be true?

12 PROSPECTIVE JUROR NO. 084: No. No, I mean, just because he's
13 law enforcement I'm not going to say, oh, yeah, I definitely believe him and I
14 don't believe him or her. I mean, it's just -- I'm going to listen to both sides.

15 THE COURT: All right. Thank you.

16 Mr. Arrascada, I'm sorry I interrupted you.

17 MR. ARRASCADA: All right, Your Honor.

18 But you have told us all that you have a bias towards -- within you
19 towards believing law enforcement. You stated that; is that right?

20 PROSPECTIVE JUROR NO. 084: I don't know if it's a bias. I mean, I'm
21 open to hearing both sides and like, you know, the Judge said, you know, there
22 are good cops, bad cops. Just because he's a cop doesn't mean I'm going to
23 believe him 100 percent. That all depends what everybody else has to say. I
24 mean, he or she is going to be one part of my big puzzle, you know, and
25 everybody has got to fit in there, you know. If the parts fit in there, then they fit in

1 there. If they don't, then I start looking at it differently.

2 MR. ARRASCADA: Okay. Thank you.

3 THE COURT: All right. Thank you.

4 Is it going to be Ms. Armeni?

5 MS. ARMENI: Yes, Your Honor.

6 Ms. McRoy, what do your two adult children do?

7 PROSPECTIVE JUROR NO. 084: One is a stay at home mom, and my
8 son right now just has a temporary job. He's trying to get into dealing.

9 MS. ARMENI: He did --

10 PROSPECTIVE JUROR NO. 084: Poker.

11 MS. ARMENI: Oh, dealing.

12 PROSPECTIVE JUROR NO. 084: Poker.

13 MS. ARMENI: Okay. What did he do --

14 PROSPECTIVE JUROR NO. 084: Nothing illegal. Poker.

15 MS. ARMENI: You may need a lawyer at that point; right? Do you know
16 any lawyers?

17 PROSPECTIVE JUROR NO. 084: Yes.

18 MS. ARMENI: Yes?

19 PROSPECTIVE JUROR NO. 084: Yes.

20 MS. ARMENI: And if you were in a situation that you thought was life
21 altering for yourself, would you -- what would you do?

22 PROSPECTIVE JUROR NO. 084: I'd call an attorney.

23 MS. ARMENI: When -- when I throw the word drugs out there, what --
24 what do you think of?

25 PROSPECTIVE JUROR NO. 084: Drugs? My ex-husband.

1 MS. ARMENI: Okay. Tell me -- well, I guess we preface that with we
2 don't want to pry, but I guess we want to pry. Can you tell me a little bit about
3 that?

4 PROSPECTIVE JUROR NO. 084: Well, just his doctor and -- you know,
5 Dr. Jekyll and Mr. Hyde personality when he was on drugs and that's why
6 primarily, because he was on drugs and I woke up one morning and he had a
7 gun to my head. So the next morning I packed up and I left.

8 MS. ARMENI: What -- what -- did he have a drug of choice?

9 PROSPECTIVE JUROR NO. 084: Cocaine, I think. Yeah.

10 MS. ARMENI: Know any taxicab drivers?

11 PROSPECTIVE JUROR NO. 084: No, just to ride in them.

12 MS. ARMENI: Any experience with taxicabs?

13 PROSPECTIVE JUROR NO. 084: Just to ride in them. Very, very few.

14 MS. ARMENI: Thank you.

15 THE COURT: All right.

16 Ms. McRoy, thank you. I'm going to ask you in a moment to step
17 out, back out into the hallway and have a seat out there. Please don't discuss
18 with the other prospective jurors what our questions were or your answers or
19 what we've discussed.

20 PROSPECTIVE JUROR NO. 084: We're being very good.

21 THE COURT: All right. Thank you, and just follow Jeff out.

22 And we'll hear from Mr. Denino.

23 (Prospective juror No. 84 exits courtroom)

24 MR. DIGIACOMO: Excuse me. Why -- why are we hearing from
25 Denino? Don't we have --

1 THE COURT: Oh, I'm sorry.
2 MR. DIGIACOMO: -- a challenge?
3 THE COURT: Jeff, wait a minute. I got confused.
4 MR. GENTILE: Can we have --
5 MR. DIGIACOMO: I need a restroom break.
6 MR. GENTILE: -- a little -- can we have like ten minutes?
7 THE COURT: Ten minutes?
8 MR. GENTILE: We haven't taken a break this morning.
9 THE COURT: Well, you can have five minutes.
10 THE DEFENDANT HIDALGO III: I need to go to the restroom too, Your
11 Honor.
12 MR. GENTILE: Well, we need to confer a little --
13 THE COURT: All right.
14 MR. GENTILE: -- bit too. It's getting down --
15 THE COURT: All right.
16 MR. GENTILE: -- to that time.
17 MS. ARMENI: Little Lou needs to go to the bathroom.
18 THE COURT: Just, Jeff, make sure the door, nobody comes in.
19 And go ahead and take him to the restroom.
20 MR. GENTILE: Okay. Let's go.
21 Thank you, Judge.
22 THE COURT: And we'll take -- I just want a restroom break in other
23 words.
24 And you've used 12 minutes. Oh, no, you've used 13 minutes.
25 MR. ARRASCADA: How many have I used, Your Honor?

1 THE COURT: You've used 17 -- 18 minutes. And the State has used 17
2 minutes.

3 MR. GENTILE: We're doing great.

4 THE COURT: Well, because I'm asking all the questions.

5 (Recess taken at 11:00 a.m.)

6 THE COURT: Who's your sixth? Who's your sixth challenge?

7 MS. ARMENI: Our sixth challenge is badge No. 84, Guadalupe McRoy.

8 THE COURT: All right. Jeff, would you bring Ms. McRoy in.

9 (Off-record colloquy)

10 THE COURT: Ms. McRoy?

11 PROSPECTIVE JUROR NO. 084: Yes.

12 THE COURT: I want to thank you for your participation and your
13 willingness to serve as a juror and also apologize that the jury selection has
14 taken so long. But I'm sure you can appreciate how important it is for both sides
15 to -- to really ferret out people's biases and things like that. You are excused at
16 this time. Jeff will direct you from the courtroom, and thank you very much for --
17 for your willingness.

18 PROSPECTIVE JUROR NO. 084: Thank you, Your Honor.

19 THE COURT: And Mr. Denino is next, Jeff. If you'd bring in Mr. Denino.

20 (Prospective juror No. 84 exits courtroom)

21 THE COURT: Mr. Denino, if you'd just have a seat up there in the front
22 row please. And good morning, it's still morning. What do you do for a living,
23 sir?

24 PROSPECTIVE JUROR NO. 086: I'm a carpenter.

25 THE COURT: All right. Are you in the union?

1 PROSPECTIVE JUROR NO. 086: I have been.

2 THE COURT: Okay. And do you do rough or finish carpentry?

3 PROSPECTIVE JUROR NO. 086: I build a lot of stuff for the exhibits,
4 stores, stores in the airport, stuff like that.

5 THE COURT: Okay. And are you married?

6 PROSPECTIVE JUROR NO. 086: No.

7 THE COURT: Any children?

8 PROSPECTIVE JUROR NO. 086: Yes.

9 THE COURT: How many and the ages?

10 PROSPECTIVE JUROR NO. 086: Two, seventeen years old, and four.

11 THE COURT: Okay. Have you ever served as a juror before?

12 PROSPECTIVE JUROR NO. 086: No.

13 THE COURT: Have you or anyone close to you ever been the victim of a
14 serious crime?

15 PROSPECTIVE JUROR NO. 086: My parent's house was burglarized in
16 California.

17 THE COURT: Anybody home or was it when some -- when nobody was
18 there?

19 PROSPECTIVE JUROR NO. 086: My brother-in-law, he was there. I
20 guess he came by and they did catch the guy.

21 THE COURT: Okay. And, then -- but you personally nothing has
22 happened to you?

23 PROSPECTIVE JUROR NO. 086: No.

24 THE COURT: Okay. And then what about the flip of that, have you or
25 anyone close to you ever been arrested or charged with a crime?

1 PROSPECTIVE JUROR NO. 086: I've got an uncle that did time in San
2 Quentin, a couple of cousins up in Oregon that off and on have done time.

3 THE COURT: Okay. Are you close with this uncle?

4 PROSPECTIVE JUROR NO. 086: No.

5 THE COURT: Okay. And what's he -- what did he do time for in San
6 Quentin?

7 PROSPECTIVE JUROR NO. 086: I think it was drugs and firearms or
8 something.

9 THE COURT: Okay. And what about the cousins up in Oregon, are you
10 close with any of them?

11 PROSPECTIVE JUROR NO. 086: Oh, God, who knows.

12 THE COURT: Are you close with any of those or have you ever been
13 close with either of them?

14 PROSPECTIVE JUROR NO. 086: I have been, but not in years.

15 THE COURT: Okay. What are your feelings about strip clubs?

16 PROSPECTIVE JUROR NO. 086: It doesn't bother me.

17 THE COURT: Okay. Have you ever been to any?

18 PROSPECTIVE JUROR NO. 086: 15, 17 years ago.

19 THE COURT: All right. And did you go here in Clark County or in--

20 PROSPECTIVE JUROR NO. 086: No, no.

21 THE COURT: -- California?

22 PROSPECTIVE JUROR NO. 086: I went to one in California, a bachelor
23 party.

24 THE COURT: And just so -- just very occasional then?

25 PROSPECTIVE JUROR NO. 086: Yeah. Yeah, it's not part of my life.

1 THE COURT: Okay. You've heard all of my questions and what we've
2 discussed with the other prospective jurors all of these days. Anything based on
3 that that you think we need to know about you or would like to know about you?

4 PROSPECTIVE JUROR NO. 086: No.

5 THE COURT: All right.

6 State.

7 MR. PESCI: Thank you, Judge.

8 What did you do before being a carpenter?

9 PROSPECTIVE JUROR NO. 086: I've always been a carpenter. I was a
10 general contractor up in Oregon for ten years. I came here and I started work
11 basically as a carpenter craftsman building exhibits, stores, storefronts.

12 MR. PESCI: Are you working by yourself, are you working with others,
13 do you ever supervise other carpenters or people?

14 PROSPECTIVE JUROR NO. 086: I have. I spent last year working for
15 1220 Exhibits. I was the operation's production manager.

16 MR. PESCI: How many people were under you?

17 PROSPECTIVE JUROR NO. 086: Nine.

18 MR. PESCI: Did you ever have any disputes come up among them?

19 PROSPECTIVE JUROR NO. 086: All the time.

20 MR. PESCI: Did you ever have to resolve those disputes?

21 PROSPECTIVE JUROR NO. 086: All the time.

22 MR. PESCI: Sometimes did they present two sides of one dispute?

23 PROSPECTIVE JUROR NO. 086: Absolutely.

24 MR. PESCI: Were you able to make a determination even though there
25 were two separate things shown to you?

1 PROSPECTIVE JUROR NO. 086: Absolutely.

2 MR. PESCI: In this particular case could you look at the facts presented
3 and make a determination?

4 PROSPECTIVE JUROR NO. 086: Absolutely.

5 MR. PESCI: Do you have any problem with the fact that the State has
6 the burden of proof?

7 PROSPECTIVE JUROR NO. 086: No.

8 MR. PESCI: Would you hold it against the defendants if they chose not
9 to testify?

10 PROSPECTIVE JUROR NO. 086: Nope.

11 MR. PESCI: The situation with your uncle and your cousins, do you feel
12 as if the system treated them fairly?

13 PROSPECTIVE JUROR NO. 086: They did the crime, they're going to
14 do the time.

15 MR. PESCI: Thanks. We'll pass for cause.

16 THE COURT: All right. Thank you.

17 Who would like to go next?

18 MR. GENTILE: I will.

19 Mr. Denino, you've been here five years? Is that what --

20 PROSPECTIVE JUROR NO. 086: Almost ten.

21 MR. GENTILE: Almost ten. All right. And how old are you?

22 PROSPECTIVE JUROR NO. 086: I'll be 40 next month.

23 MR. GENTILE: And you've been doing carpentry ten years?

24 PROSPECTIVE JUROR NO. 086: No, I've been doing it since I was 13.

25 MR. GENTILE: 13. Is that something that your father taught you?

1 PROSPECTIVE JUROR NO. 086: No, my father was against it.

2 MR. GENTILE: Really?

3 PROSPECTIVE JUROR NO. 086: Absolutely.

4 MR. GENTILE: All right. Well, how'd you -- you just got into it as a
5 hobby?

6 PROSPECTIVE JUROR NO. 086: It's just something I wanted to do.

7 MR. GENTILE: Have you been doing it for a living your whole life?

8 PROSPECTIVE JUROR NO. 086: Always.

9 MR. GENTILE: Always. Now, the strip club issue. You say that, you
10 know, it's -- it seems as though it's neutral as far as you're concerned.

11 PROSPECTIVE JUROR NO. 086: I know people that go to them. It's
12 just not part of my life. I don't think about it. I -- I have a busy schedule on my
13 own. I don't have time for it.

14 MR. GENTILE: Sure I can understand that.

15 PROSPECTIVE JUROR NO. 086: Nor do I have the money.

16 MR. GENTILE: Right. But here's -- here's what I'm really getting at.
17 Okay? Going to a strip club or, you know, using a strip club as a means of
18 entertainment. That's what I'm talking about. And what you're telling us, I think,
19 is that that's okay with you, it's just not something you do.

20 PROSPECTIVE JUROR NO. 086: Absolutely. I --

21 MR. GENTILE: Okay. Here's the part that I'm concerned about. How
22 about somebody who owns and operates a strip club? Do you have any kind of
23 an internalization about that?

24 PROSPECTIVE JUROR NO. 086: If they can make a living at it, good
25 for them.

1 MR. GENTILE: Good. So if -- when you're looking over at Louis
2 Hidalgo, Jr., the fact that he once owned a strip club, what's it mean to you?

3 PROSPECTIVE JUROR NO. 086: Good for him. Maybe he needs
4 something built. Maybe I'll make money out of it. I don't know.

5 MR. GENTILE: Do you do stages?

6 PROSPECTIVE JUROR NO. 086: Absolutely.

7 MR. GENTILE: Gangs. What, if any, contact have you had with gangs?

8 PROSPECTIVE JUROR NO. 086: I don't -- I think my nephew in
9 California joined one a couple of years ago. I -- I couldn't say. I ride a Harley so
10 on the road, you know, sometimes we come across different -- different clubs.
11 I -- I could care less. It means nothing to me.

12 MR. GENTILE: Good. Did you ever hire a lawyer?

13 PROSPECTIVE JUROR NO. 086: Yes, I have.

14 MR. GENTILE: Have you had a lawyer for your business from time to
15 time?

16 PROSPECTIVE JUROR NO. 086: When I was in business in Oregon,
17 absolutely.

18 MR. GENTILE: Okay. And did you -- so you had a go to guy if you
19 had -- if you need to -- if you had a problem, whether that guy could answer the
20 problem or not, you had somebody to call.

21 PROSPECTIVE JUROR NO. 086: Absolutely.

22 MR. GENTILE: Okay. And have you ever been referred to a lawyer by a
23 lawyer?

24 PROSPECTIVE JUROR NO. 086: No.

25 MR. GENTILE: Know any cab drivers?

1 PROSPECTIVE JUROR NO. 086: Actually, I do.

2 MR. GENTILE: Yeah. Somebody that you're -- that you're -- is it a
3 friendly acquaintance?

4 PROSPECTIVE JUROR NO. 086: Yeah.

5 MR. GENTILE: A guy that you hang out with maybe a little bit?

6 PROSPECTIVE JUROR NO. 086: Some people I -- I -- I know through
7 friends, yeah.

8 MR. GENTILE: Okay. You say you operated your own business up in
9 Oregon. What was it?

10 PROSPECTIVE JUROR NO. 086: I was a general contractor.

11 MR. GENTILE: Building houses or --

12 PROSPECTIVE JUROR NO. 086: No, I -- yeah, I serviced them. I do a
13 lot of insurance work. I took the service contracts for clients or -- or for
14 homebuilders, stuff like that.

15 MR. GENTILE: Is that where you're from originally, Oregon?

16 PROSPECTIVE JUROR NO. 086: No, California.

17 MR. GENTILE: Where? I know you said it before, but there's a lot of --

18 PROSPECTIVE JUROR NO. 086: I grew up in Modesto.

19 MR. GENTILE: Modesto. Northern California.

20 PROSPECTIVE JUROR NO. 086: Central. That would be central, the
21 valley.

22 MR. GENTILE: That's the valley? Okay. Shows you how much I know.
23 Thank you.

24 THE COURT: All right. Mr. Arrascada.

25 MR. ARRASCADA: Mr. Denino, good after -- it's morning still.

1 PROSPECTIVE JUROR NO. 086: Absolutely.

2 MR. ARRASCADA: You were talking about in your -- in your -- as, I
3 guess, as a supervisor as a general contractor you've had to resolve --

4 PROSPECTIVE JUROR NO. 086: Yeah.

5 MR. ARRASCADA: -- disputes with employees; right?

6 PROSPECTIVE JUROR NO. 086: Absolutely.

7 MR. ARRASCADA: How do you go about doing that?

8 PROSPECTIVE JUROR NO. 086: It depends on the situation. You
9 know, I mean, if it's -- if it's something serious, I'm going to try and find out who
10 started what, who stole what from who, you know what I mean. It's -- it depends
11 on the situation.

12 MR. ARRASCADA: So you'd want to gather facts?

13 PROSPECTIVE JUROR NO. 086: Absolutely.

14 MR. ARRASCADA: And make an educated decision?

15 PROSPECTIVE JUROR NO. 086: Of course.

16 MR. ARRASCADA: And if -- if you were on this jury, would you want to
17 approach the case the same way?

18 PROSPECTIVE JUROR NO. 086: Absolutely.

19 MR. ARRASCADA: And if other jurors maybe try to discuss the case
20 based on their passions or something of that prejudice, would you get them back
21 towards where they should be, which is looking at the evidence and the facts?

22 PROSPECTIVE JUROR NO. 086: I would say this. I -- I would -- I'd be
23 one where I don't want to see an innocent person go to jail. I don't want to see
24 that. So if -- if there is a case that is proven and I'm on the panel, then definitely I
25 want to see that person go to prison. If they didn't do it, then absolutely under --

1 no way. No.

2 MR. ARRASCADA: If they didn't prove it, the State, is that a --

3 PROSPECTIVE JUROR NO. 086: I want to -- I want to see them go
4 home.

5 MR. ARRASCADA: Okay. Thank you.

6 THE COURT: All right. Thank you.

7 Mr. Denino, thank you. I'm about to have you exit the courtroom and
8 have a seat back out in the hallway. And please don't discuss what's just
9 transpired, the questions or your answers with any of the --

10 PROSPECTIVE JUROR NO. 086: Okay.

11 THE COURT: -- other prospective jurors.

12 PROSPECTIVE JUROR NO. 086: Thank you.

13 THE COURT: All right. Thank you, sir, and just have a seat out there
14 back in the hallway.

15 (Prospective juror No. 86 exits courtroom)

16 THE COURT: State's seventh.

17 MR. DIGIACOMO: Hang on. I got to find him on our sheet here. I think
18 he's 16, he's seated in seat 11, Mr. Williams.

19 THE COURT: All right. He's one that is a call.

20 Jeff, would you call Mr. Williams and tell him he's been excused.

21 MR. ADAMS: Your Honor --

22 MR. GENTILE: Before we do that --

23 MR. ADAMS: -- if we raise a Batson issue, do we do that at the end of all
24 the strikes or as we go.

25 THE COURT: You can raise it as we go.

1 MR. DIGIACOMO: They must raise it as we go --

2 THE COURT: Right.

3 MR. DIGIACOMO: -- under the case law.

4 MR. ADAMS: Well, that's what I'm asking.

5 THE COURT: Yeah, you raise it right now.

6 MR. ADAMS: May we have a moment to confer --

7 THE COURT: Sure.

8 MR. ADAMS: -- among counsel for the defense.

9 THE MARSHAL: Was that Anthony, Your Honor?

10 THE COURT: Antoine. He's number 16.

11 THE MARSHAL: I just have the name and the telephone number.

12 THE COURT: I was confusing him with Antone Cook. So you've got

13 Antoine Williams?

14 MR. DIGIACOMO: Yeah, Mr. Cook is the guy who --

15 THE COURT: Has already been excused, yeah.

16 MR. DIGIACOMO: -- who think photo fraud is okay.

17 MR. ADAMS: Your Honor, at this point we would like to raise a Batson
18 challenge.

19 THE COURT: All right.

20 MR. ADAMS: Mr. Williams is an African American man that appears to
21 be around the age of 50. He is juror No. -- or in seat No. 11. He's answered all
22 the questions. He'd had an experience with the police some 25 years ago. He
23 said that was not anything he held a grudge against. He's understood that. He
24 lives a straight life.

25 There are other similarly situation white people on the panel who've

1 not been struck who also have misdemeanor convictions from years ago. The
2 gentleman yesterday, the government teacher had a DWAI in Colorado. There is
3 someone else on the panel currently. Mr. Mathews had prior convictions. And I
4 think when the Court assesses the prima facie case and the government's
5 response, it's also appropriate to look at the strategic use of the strike of juror No.
6 9 right before an African American woman, Ms. Woodland, came into the
7 courtroom.

8 And I think that that demonstrates a pattern of intentional --
9 intentional maneuvering on the government to eliminate African Americans from
10 the panel.

11 THE COURT: I'm sorry, Ms. Woodland?

12 MR. ADAMS: Or -- well, that may be the --

13 MR. DIGIACOMO: She's on the panel.

14 MR. PESCI: She's on the panel.

15 MR. GENTILE: No, she's an alternate.

16 MR. ADAMS: Or, I'm sorry, that --

17 THE COURT: Kelli Woodland, she did not appear to be African
18 American to me. And this is an issue that the judges have discussed, that a lot of
19 people you can't identify what they are. She appeared to me to be Hispanic.
20 You can't go by her last name because I'm assuming it's her husband's last
21 name. But, to me, I thought she appeared by her accent and appearance to be
22 Hispanic. I honestly -- again, I don't know what she is. She can be Dominican,
23 she could be Indian. I mean, who knows. But she didn't appear to be African
24 American to me.

25 MR. ADAMS: Judge, I'd also point out --

1 THE COURT: And -- and just --

2 MR. ADAMS: -- Mr. Keegan --

3 THE COURT: -- so you know --

4 MR. ADAMS: -- Mr. Keegan had a prior as well, the juror who is in seat
5 No. 12 currently.

6 THE COURT: All right. And just so you know, it was decided, you know,
7 that it's inappropriate to inquire of potential jurors as to their racial background
8 other than maybe --

9 MR. GENTILE: How about maiden names?

10 THE COURT: Huh?

11 MR. GENTILE: How about maiden names? I did that yesterday. You
12 know, this is not an issue with which I am sensitive. I must be candid.

13 THE COURT: Right.

14 MR. GENTILE: I know nothing about Batson.

15 THE COURT: I think you can inquire, and I think you can inquire about
16 their native language and what language they grew up speaking in the home, but
17 not, you know, oh, you know, ethnically what are you, unless it's something that
18 maybe is germane to an issue in the case.

19 I don't see a power and practice here of racial discrimination against
20 black people or anybody else. As I just said, Ms. Woodland didn't appear to be
21 African American to me, and that's the first threshold that there's a pattern of -- of
22 discrimination or of striking people of a particular ethnic background before you
23 even are triggered into the race neutral reason, in my understanding of the law.

24 But if the State wants to, out of an abundance of caution, give their
25 race neutral reason at this point, they may do so.

1 MR. DIGIACOMO: And, Judge, you know, while I won't give you my race
2 neutral reason because I don't think it's appropriate for them to do so, I would
3 note for the record that this is an individual who wasn't convicted of stealing golf
4 balls, he wasn't convicted of driving drunk, he was convicted of obstructing a
5 police officer. He felt the police officers behaved inappropriately. And when I
6 asked about other conduct with police officers he basically said they all behave
7 inappropriate. Here's a person --

8 MS. ARMENI: No, he didn't.

9 MR. ADAMS: Not at all.

10 MR. GENTILE: That's not what he said. He said the opposite.

11 MR. DIGIACOMO: That's not true.

12 MR. GENTILE: No, the --

13 MR. DIGIACOMO: Ms. Rotich --

14 MR. PESCI: Why doesn't one side make their record --

15 MR. DIGIACOMO: Can -- can I make my record?

16 MR. PESCI: -- and then the other side can make the record.

17 MR. GENTILE: Yeah, I'm sorry.

18 MR. ADAMS: Judge, I -- I --

19 THE COURT: Okay. Wait.

20 MR. ADAMS: -- I object.

21 MR. GENTILE: I apologize to the Court --

22 MR. ADAMS: I have an objection, Judge.

23 MR. GENTILE: -- and to counsel.

24 THE COURT: What's your objection?

25 MR. ADAMS: My objection is they said they are not tendering their

1 reason on the record, yet --

2 THE COURT: And then they're tendering it.

3 MR. ADAMS: -- they're offering explanation. And I think this record is
4 going to be very confused. If they either tender their race neutral reason or they
5 stand silent, I think the record is clear for appellate purposes.

6 THE COURT: Well, except I'm anticipating what Mr. DiGiacomo is going
7 to say, and he is going to say that he's not tendering his race neutral reason, but
8 he's refuting the statements that you have made on the record relating to Mr.
9 Williams as opposed to other jurors. In his view he's correcting the record as to
10 what you said. And I think that is appropriate.

11 MR. DIGIACOMO: Correct. Thank you, Judge.

12 THE COURT: If you said something, he can address it. So I think
13 that's --

14 Is that what you're doing?

15 MR. DIGIACOMO: That's correct.

16 THE COURT: Don't go beyond that. The only issue is the -- is the
17 arrests and --

18 MR. DIGIACOMO: Well, is -- is the pattern, and what they're suggesting
19 is the pattern. And as to Mr. Williams, to his statement about police officers and
20 his statement about most police officers that he's had contact with is my
21 recollection with him and that his brother was charged with race -- I mean, sorry,
22 his cousin was charged with rape. He talked to him, but -- and he was convicted,
23 but he couldn't really tell us whether or not the system was fair, related on --
24 based on that context.

25 There was another African American juror on this case who had a

1 bad interaction with a single police officer, but that her other individual police
2 officers that she had had contact with had all behaved very appropriately. The
3 suggestion that merely because Mr. Williams is a black person or a person of
4 African American heritage somehow suggests at all that there was a pattern in
5 this particular case. It's clearly inappropriate --

6 THE COURT: Right.

7 MR. DIGIACOMO: -- and I'll submit it --

8 THE COURT: Again, I don't --

9 MR. DIGIACOMO: -- to the Court.

10 THE COURT: -- see a pattern based on Ms. Woodland who, as I said, I
11 don't know what she is, but she didn't appear to be African American to me.

12 MR. ADAMS: Your Honor, so --

13 THE COURT: She may be generally a person of ethnicity. I think that
14 may be fair. Like I said, she appeared to be Hispanic, but honestly I don't know.

15 MR. ADAMS: Since this information is not in the record, may I please
16 place in the record that Mr. Williams, who is in seat No. 11, is an African
17 American male and that Mr. Rotich, who was Ms. Wright, I believe, on the
18 original list, currently in seat No. 5, is an African American female, and those are
19 the only two African Americans who --

20 THE COURT: That have been questioned thus far.

21 MR. ADAMS: Yes, ma'am.

22 MR. DIGIACOMO: With the exception --

23 THE COURT: And there appears to be --

24 MR. DIGIACOMO: -- of maybe Ms. Woodland.

25 THE COURT: There appears to be another --

1 MR. ADAMS: And perhaps Ms. Woodland, whatever her ethnicity or
2 racial background is.

3 THE COURT: Yeah, I mean, again, she visually appeared to be
4 Hispanic, not African American. And by Hispanic, I mean South American, well,
5 not, you know, Cuban mix or Puerto Rican mixed race, black and Hispanic. She
6 didn't appear to be, but, again, we didn't question and I don't know.

7 I'd also just point out there is coming up an African American male
8 who is -- was seated in the back row is coming up for questioning down the road.
9 So like I said, I don't see a practice at this point.

10 State needs to be mindful that a challenge has been made. If other
11 African Americans or people of color are excluded, then we may start seeing a
12 pattern here. But at this point, I don't think that threshold has been met.

13 MR. ADAMS: Judge, I -- I am not arguing with the Court, I just want to
14 make sure --

15 THE COURT: Make a record.

16 MR. ADAMS: -- that I understand --

17 THE COURT: Go ahead.

18 MR. ADAMS: -- the record as -- as it is.

19 THE COURT: Go ahead.

20 MR. ADAMS: The Court has ruled we have not made a prima facie
21 showing, so the government was not responding in any way to the legal
22 objection, they were just responding to representations on the record that they
23 felt needed to be responded to.

24 THE COURT: Mr. DiGiacomo.

25 MR. DIGIACOMO: Well, the record is you didn't find a pattern. I was

1 referring to what wouldn't be found a pattern. Certainly I'm not required to say
2 why it is I did something, but if the Court were -- I mean -- fine. Leave the record
3 the way it is.

4 THE COURT: No, I don't -- I don't -- okay.

5 MR. DIGIACOMO: I mean, if they want to take up that, then that's fine.

6 MR. ADAMS: Judge, my only -- my only additional point is it doesn't
7 matter if there's a pattern. If one person is intentionally discriminated against, it
8 only takes one. The US Supreme Court case law is -- is clear on that. It only
9 takes one. So I don't think a pattern must be established. It's individual
10 discrimination against a single juror.

11 THE COURT: Well, what I'm saying, though, Mr. Adams, is just because
12 an African American has been excluded, I don't think that you meet the threshold
13 of saying that that's discriminatory.

14 MR. ADAMS: Yes, ma'am.

15 THE COURT: You -- because that person happens to be African
16 American or Hispanic or East Indian or any other, just because that person is a
17 person of color and they're excluded, you don't make an initial showing that that
18 was of a discriminatory motive.

19 Now, if two or three African Americans or people of color or various
20 ethnicities are excluded, then you -- you get that showing. But I don't think that
21 the Court -- and maybe my understanding of the law is incorrect. The Court does
22 not infer simply because one person happens to be a person of color and they're
23 excluded, that that was of a discriminatory motive. And that's what I'm saying
24 and I'm not willing to infer that because one person who happened to be a black
25 male was excluded. And excuse me --

1 MR. ADAMS: Thank you for --

2 THE COURT: -- for a moment.

3 MR. ADAMS: Thank you for allowing me to perfect the record.

4 THE COURT: And that's fine.

5 All right. I believe we're now on brining in the next person.

6 MR. DIGIACOMO: Adkins, Paul Adkins.

7 THE COURT: We are on Paul Adkins.

8 Jeff, would you bring in Mr. Adkins please.

9 THE MARSHAL: Yes. So Mr. Williams isn't being called?

10 THE COURT: Yes. You will call Mr. Williams and excuse him, and then
11 next up is Mr. Adkins.

12 THE MARSHAL: Yes, Your Honor.

13 THE COURT: Mr. Adkins, just have a seat there somewhere in the jury
14 box please, sir, anywhere that's comfortable. And it's still morning, good
15 morning.

16 PROSPECTIVE JUROR NO. 087: Good morning.

17 THE COURT: What do you do for a living, sir?

18 PROSPECTIVE JUROR NO. 087: I am the director of security, slash,
19 operations for a special events security company here in Las Vegas.

20 THE COURT: Okay. A special event security company, so does that
21 mean when there's a concert or something --

22 PROSPECTIVE JUROR NO. 087: That is exactly --

23 THE COURT: -- you provide --

24 PROSPECTIVE JUROR NO. 087: -- what it is.

25 THE COURT: -- security services?

1 PROSPECTIVE JUROR NO. 087: UFC fights, boxing fights.

2 THE COURT: Okay.

3 PROSPECTIVE JUROR NO. 087: We stay away from conventions, just
4 special events.

5 THE COURT: All right. How long have you worked in the security field?

6 PROSPECTIVE JUROR NO. 087: I would say probably 25 years.

7 THE COURT: Okay. And are you -- are you actually out there as a
8 security officer, or are you more in the office?

9 PROSPECTIVE JUROR NO. 087: Out there as a security officer.

10 THE COURT: Out there. How did you get into security? What did you
11 do before that?

12 PROSPECTIVE JUROR NO. 087: I toured with major acts.

13 THE COURT: Okay.

14 PROSPECTIVE JUROR NO. 087: I was in security business and I'm
15 also a musician --

16 THE COURT: Okay.

17 PROSPECTIVE JUROR NO. 087: -- by trade.

18 THE COURT: So you were actually hired by bands --

19 PROSPECTIVE JUROR NO. 087: Yep.

20 THE COURT: -- and you toured with them?

21 PROSPECTIVE JUROR NO. 087: Promoters, bands.

22 THE COURT: Anyone I would know?

23 PROSPECTIVE JUROR NO. 087: Garth Brooks, Gloria Estefan.

24 THE COURT: Okay. That must've been fun.

25 PROSPECTIVE JUROR NO. 087: Yeah.

1 THE COURT: All right. Now, as a security officer at these concerts I'm
2 assuming you come into contact with people who are using drugs.

3 PROSPECTIVE JUROR NO. 087: Absolutely.

4 THE COURT: Okay. And have you ever had to apprehend or detain
5 someone for using drugs at a concert?

6 PROSPECTIVE JUROR NO. 087: Absolutely, with Metropolitan Police
7 Department involved.

8 THE COURT: Okay. How -- how do you do that? Do you call Metro and
9 say, or do you as a security officer take the person and detain them and call
10 Metro? How do -- how --

11 PROSPECTIVE JUROR NO. 087: That's what we do.

12 THE COURT: Okay.

13 PROSPECTIVE JUROR NO. 087: If -- if someone is in the concert or out
14 in the public view, we would -- my security officers are trained to first take them
15 out of the scene and then call house security, whatever house, Mandalay Bay,
16 event center, whatever, and then Metro is also called upon.

17 THE COURT: Okay. Let me ask you this, anything more serious that
18 drug use that you've had to become involved with in your work as a security
19 officer?

20 PROSPECTIVE JUROR NO. 087: Your typical domestic fights, people
21 on drugs, alcohol. There has been no major gun battles or anything like that.

22 THE COURT: Okay. So is it fair to say in your job you work pretty
23 closely with police officers or interact with them quite a bit?

24 PROSPECTIVE JUROR NO. 087: Very close.

25 THE COURT: Okay. Now, you're going to be hearing testimony from

1 police officers with the North Las Vegas Police Department. Would you
2 automatically sort of believe a police officer simply because it's a police officer, or
3 would you be able to keep an open mind to that person's testimony?

4 PROSPECTIVE JUROR NO. 087: I can keep an open mind.

5 THE COURT: Okay. Do you accept that some police officers are maybe
6 better than others?

7 PROSPECTIVE JUROR NO. 087: Yes.

8 THE COURT: Okay. You hesitated a little bit.

9 PROSPECTIVE JUROR NO. 087: I just know a lot of them and I know --
10 I view the way they -- some officers' action better than others or more differently.
11 I personally know a lot of them, so I know them.

12 THE COURT: Okay. Anything about that, that you work with police
13 officers that would impact your ability to be fair and impartial to both sides?

14 PROSPECTIVE JUROR NO. 087: No.

15 THE COURT: Okay. Are you married?

16 PROSPECTIVE JUROR NO. 087: I'm divorced and have a 17 year old
17 son that lives with his mother in Raleigh, North Carolina.

18 THE COURT: In North Carolina. So that's where you're from originally?
19 North Carolina?

20 PROSPECTIVE JUROR NO. 087: No. I'm originally from southern
21 California. I've lived here since 1979, '78.

22 THE COURT: Okay. So quite awhile.

23 PROSPECTIVE JUROR NO. 087: Uh-huh.

24 THE COURT: Have you ever been a juror before?

25 PROSPECTIVE JUROR NO. 087: I have not. In California I've been

1 called upon, but never -- I mean, we arrived -- we were released before we
2 arrived.

3 THE COURT: Okay. And can you excuse me for one moment.

4 All right. Thank you. Sorry for the interruption. So you never --
5 have you ever actually made it into the box where we --

6 PROSPECTIVE JUROR NO. 087: Never.

7 THE COURT: -- ask you questions? Okay.

8 PROSPECTIVE JUROR NO. 087: Unfortunately, no.

9 THE COURT: Have you or anyone close to you ever been the victim of a
10 serious crime?

11 PROSPECTIVE JUROR NO. 087: No.

12 THE COURT: What about arrested or charged with a serious crime?

13 PROSPECTIVE JUROR NO. 087: I personally have been arrested once
14 in the past for a bench warrant for a ticket.

15 THE COURT: Okay. Was that a traffic ticket?

16 PROSPECTIVE JUROR NO. 087: Yeah.

17 THE COURT: Did that occur here in Clark County?

18 PROSPECTIVE JUROR NO. 087: Yeah.

19 THE COURT: Okay. And did you just post the bond and get out?

20 PROSPECTIVE JUROR NO. 087: [inaudible].

21 THE COURT: All right. Have you ever had to hire a lawyer?

22 PROSPECTIVE JUROR NO. 087: Never had to hire one. I've had one
23 as a friend help me through a -- my fiancé, I was living with her, she passed. We
24 weren't married, so the house went to her mother and father. But over the years,
25 six, eight years that I was with her, a good friend of mine, a lawyer, helped me

1 fight the case. And we came upon you and you're the one that actually let me
2 stay in my house. So --

3 THE COURT: So you must be --

4 PROSPECTIVE JUROR NO. 087: -- thank you.

5 THE COURT: -- you must be happy with me then.

6 PROSPECTIVE JUROR NO. 087: Yes.

7 THE COURT: Okay. Well, at least one person is. What about in your
8 divorce case? Did you represent yourself or did you hire a lawyer for that?

9 PROSPECTIVE JUROR NO. 087: No, we did it ourselves.

10 THE COURT: You just did it yourself.

11 PROSPECTIVE JUROR NO. 087: Got the self packet.

12 THE COURT: Uh-huh. Okay.

13 PROSPECTIVE JUROR NO. 087: We filled it out wrong, but we found
14 out later down the road that we shouldn't do it ourselves anymore.

15 THE COURT: Okay.

16 PROSPECTIVE JUROR NO. 087: But it worked out fine.

17 THE COURT: How do you -- how do you feel about strip clubs?

18 PROSPECTIVE JUROR NO. 087: I don't have a problem with strip
19 clubs. It's another business. Someone opened a business, there's employees
20 that have been hired, they're making a salary, money, or however they make
21 their money. I have brought several of my clients into them, in and out of them
22 over the years. We work out of the Hard Rock, across the street there's one.
23 Just -- it's another business to me.

24 THE COURT: Okay. And do you ever go to strip clubs? I think the one
25 across from the Hard Rock, is that Club Paradise?

1 PROSPECTIVE JUROR NO. 087: Yeah, that's correct. And I personally
2 have been to one or two over a period of 20 years maybe with some brothers.

3 THE COURT: Okay.

4 PROSPECTIVE JUROR NO. 087: But I have gone to them several other
5 times with clients.

6 THE COURT: Okay.

7 PROSPECTIVE JUROR NO. 087: Stood at the front door or stood, you
8 know --

9 THE COURT: Okay. So it's nothing you personally are into patronize,
10 but you don't have a problem with it.

11 PROSPECTIVE JUROR NO. 087: I work too hard for my money to be
12 spending it that fast.

13 THE COURT: Okay. Other than Club Paradise, what other clubs have
14 you been to?

15 PROSPECTIVE JUROR NO. 087: Cheetahs is one, and the one on
16 Industrial, the big one on Industrial.

17 THE COURT: Crazy Horse?

18 PROSPECTIVE JUROR NO. 087: That's correct.

19 THE COURT: Okay. Have you ever been to the Palomino Club?

20 PROSPECTIVE JUROR NO. 087: Never.

21 THE COURT: All right.

22 PROSPECTIVE JUROR NO. 087: I've been by there, by it through the
23 years I've lived here, but --

24 THE COURT: Okay.

25 PROSPECTIVE JUROR NO. 087: -- I've never been in there.

1 THE COURT: You ever hear anything or have any opinion about the
2 Palomino Club?

3 PROSPECTIVE JUROR NO. 087: No.

4 THE COURT: Okay. Let me ask you this. As a -- did you ever work with
5 rock bands, or was it --

6 PROSPECTIVE JUROR NO. 087: Absolutely.

7 THE COURT: Okay. So you must've seen a lot of drug use --

8 PROSPECTIVE JUROR NO. 087: Absolutely.

9 THE COURT: -- and things like that. Any strong feelings one way or the
10 other or what's your opinion about drug use?

11 PROSPECTIVE JUROR NO. 087: I'm hired to do a job and that's what
12 I'm there for.

13 THE COURT: Okay.

14 PROSPECTIVE JUROR NO. 087: I mean, I have no strong opinions. I
15 mean, that's what they do and that's what they choose to do. So they're paying
16 my salary.

17 THE COURT: Okay. All right. Thank you.

18 State, you may follow up with Mr. Adkins.

19 MR. DIGIACOMO: I don't have a lot to ask you, but I have to ask. Why
20 do you just do special events and not conventions? Is there a reason?

21 PROSPECTIVE JUROR NO. 087: Yeah. We did two conventions for --
22 when we first started off the company. I've been with the company for about 16
23 years. Conventions seem to -- there's a lot more money in conventions for
24 hourly billing, billable hours for staff.

25 MR. DIGIACOMO: Right.

1 PROSPECTIVE JUROR NO. 087: But there's a lot more liability.
2 Computers come up missing. It could be their own -- we don't know who's done
3 it. The first thing they do is point the finger at the security company. Well, you
4 had a guy there. He was asleep on the job. And we don't want that aggravation,
5 so we stopped.

6 MR. DIGIACOMO: When you say you provide -- since you do special
7 events and stuff like that, do you -- do you provide -- you said Garth Brooks. Are
8 you like the three or four private guys that protect Garth Brooks personally?
9 You're personal security. You're not the guys who are out there in the --

10 PROSPECTIVE JUROR NO. 087: No, we are personal right with them.

11 MR. DIGIACOMO: Great. Thank you very much, sir.

12 We pass for cause.

13 THE COURT: All right. Who would like to go next for the defense?

14 MR. ARRASCADA: I -- I get -- I'll go, Your Honor.

15 THE COURT: All right. Thank you.

16 MR. ARRASCADA: I just want to clear up one thing. So you're -- you
17 provide personal security for the --

18 PROSPECTIVE JUROR NO. 087: No.

19 MR. ARRASCADA: No?

20 PROSPECTIVE JUROR NO. 087: We're event staff for concerts and
21 specials events here in town.

22 MR. ARRASCADA: Okay.

23 PROSPECTIVE JUROR NO. 087: I was personally, before this
24 company, in that business.

25 MR. ARRASCADA: Okay. Thank you. You -- you mentioned that

1 you've been summoned before for jury duty and you said unfortunately you'd
2 never been up --

3 PROSPECTIVE JUROR NO. 087: Just for experience-wise. I never got
4 to experience the judicial system.

5 MR. ARRASCADA: Okay. How's the experience so far?

6 PROSPECTIVE JUROR NO. 087: That's a whole other case.

7 MR. ARRASCADA: Okay.

8 PROSPECTIVE JUROR NO. 087: That's something that we could talk
9 about later on. It has nothing to do with this or anything. Just I think that,
10 personally, and I don't want to get into it, but just the comments that are being
11 made throughout the three days that we're here, there could be a little more
12 communication to the people about how long it could go. But that -- it has
13 nothing to do with this case, that's just another situation. It's like a survey that I
14 could probably fill out.

15 MR. ARRASCADA: Okay. Great.

16 PROSPECTIVE JUROR NO. 087: It's just -- you know what I'm saying?
17 There's just -- they're left out in the open and everybody doesn't know what's
18 going on. And I understand on one half that's the way it has to be, and the other
19 half it need -- you know, nobody knows anything. I mean, it's just like --

20 MR. ARRASCADA: But it sounds like you appreciate --

21 PROSPECTIVE JUROR NO. 087: Oh, absolutely.

22 MR. ARRASCADA: Although you may disagree, you appreciate the
23 process.

24 PROSPECTIVE JUROR NO. 087: Oh, I respect everything about the
25 judicial system. If we didn't have anything, it could be going wrong.