

1 PROSPECTIVE JUROR NO. 0051: Thank you.

2 THE COURT: Okay. But yeah, I do try to break about every hour and a  
3 half, but if there's ever a time when you need a break, just raise your hand, get  
4 someone's attention and I'll be happy to take a break. Okay.

5 PROSPECTIVE JUROR NO. 0051: Yes, ma'am.

6 THE COURT: I'm sorry, is there somebody else? All right. Go ahead.  
7 Okay. Just a minute. Those are cell phones. When you hear that buzz then  
8 that means someone's cell phone's ringing. Go ahead.

9 PROSPECTIVE JUROR NO. 0063: Badge number 0063.

10 THE COURT: Go ahead, Ms. Chin.

11 PROSPECTIVE JUROR NO. 0063: I would -- I'd love to stay and help but  
12 I just want to -- the Court understand, I might have same problem of the other  
13 lady. I mean, I -- I might have a problem to understand when they talking in  
14 the Court.

15 THE COURT: Do you understand English?

16 PROSPECTIVE JUROR NO. 0063: I understand simple language, you  
17 know, when you get into like -- I lie -- I say: I wish I can talk, but I just want to  
18 mention: This is my limitation.

19 THE COURT: Okay. How long have you lived in the United States?

20 PROSPECTIVE JUROR NO. 0063: 30 years.

21 THE COURT: Okay. What do you do for a living?

22 PROSPECTIVE JUROR NO. 0063: Restaurant.

23 THE COURT: What do you do?

24 PROSPECTIVE JUROR NO. 0063: What?

25 THE COURT: What do you do?

1 PROSPECTIVE JUROR NO. 0063: I own a restaurant.

2 THE COURT: You own a restaurant?

3 PROSPECTIVE JUROR NO. 0063: Yeah.

4 THE COURT: Okay.

5 PROSPECTIVE JUROR NO. 0063: With my parents.

6 THE COURT: What kind of restaurant?

7 PROSPECTIVE JUROR NO. 0063: Chinese Restaurant.

8 THE COURT: All right. And what -- what are your duties in owning this  
9 restaurant? I mean, you're a business owner; correct?

10 PROSPECTIVE JUROR NO. 0063: Well, we do everything -- waitress,  
11 you know.

12 THE COURT: Right.

13 PROSPECTIVE JUROR NO. 0063: Everything, except; I don't cook.

14 THE COURT: All right. So you have to speak English at work; correct?

15 PROSPECTIVE JUROR NO. 0063: Yes. Oh no, I'm not try to get excuse  
16 not to be here. I just want -- I just say my -- I want to tell you my limitation of  
17 education; that's all.

18 THE COURT: Your limitations on your education?

19 PROSPECTIVE JUROR NO. 0063: Yeah; I only -- I'm not really a high  
20 school graduate.

21 THE COURT: Okay. How far did you go in school?

22 PROSPECTIVE JUROR NO. 0063: Sixth grade in Hong Kong.

23 THE COURT: Okay. Thank you, ma'am.

24 PROSPECTIVE JUROR NO. 0063: Thanks.

25 THE COURT: Anyone else that wishes to address the Court? The record

1 will reflect no further response. Okay. Are there any of you who believe that,  
2 for any other reason, you'd be unable to serve as a juror in this particular case?

3 The record will reflect, no further response from the panel.

4 Is there anyone on the panel that's ever been engaged in law  
5 enforcement work or have a spouse or close relative who has ever been  
6 engaged in law enforcement work? Okay. We'll start over here, sir. Your  
7 name and badge number.

8 PROSPECTIVE JUROR NO. 0019: Robert Welch, 0019. I have two  
9 brother-in-laws that were police officers. One's still a police officer; one's  
10 retired. In Pennsylvania.

11 THE COURT: Anything about their employment that would affect your  
12 ability to be fair and impartial?

13 PROSPECTIVE JUROR NO. 0019: I don't think so.

14 THE COURT: Okay. You don't think so or --

15 PROSPECTIVE JUROR NO. 0019: No.

16 THE COURT: No? Okay. Thank you. Ma'am.

17 PROSPECTIVE JUROR NO. 0003: Sierra Perks, badge number 0003. I  
18 know someone who works downstairs, she's my brother's girlfriend. She's a  
19 clerk or something on the 3<sup>rd</sup> floor. I don't know exactly what she does.

20 THE COURT: Okay. What's her name?

21 PROSPECTIVE JUROR NO. 0003: Amanda Garrison [phonetic].

22 THE COURT: And she's a clerk?

23 PROSPECTIVE JUROR NO. 0003: She works in the Clerk's Office.

24 THE COURT: Okay. Anything about that that would affect your ability  
25 to be fair and impartial?

1 PROSPECTIVE JUROR NO. 0003: No.

2 THE COURT: You understand that while you're in the Courthouse, you  
3 would not be able to communicate with her about what you're doing here?

4 PROSPECTIVE JUROR NO. 0003: Right.

5 THE COURT: Okay. Have you gone to visit her at all?

6 PROSPECTIVE JUROR NO. 0003: No.

7 THE COURT: Okay. Does she know you're here?

8 PROSPECTIVE JUROR NO. 0003: Yes.

9 THE COURT: Okay. But she obviously understands what the rules are.  
10 Do you understand, you cannot talk about this case with her?

11 PROSPECTIVE JUROR NO. 0003: Right, but I can like see her -- talk  
12 about other things; right?

13 THE COURT: Right.

14 PROSPECTIVE JUROR NO. 0003: Okay.

15 THE COURT: Just as long as you don't talk about anything that has to  
16 do with this case. Okay?

17 PROSPECTIVE JUROR NO. 0003: Uh huh.

18 THE COURT: Okay. All right. Anyone else? Okay. First row right  
19 there, ma'am.

20 PROSPECTIVE JUROR NO. 0025: Joy Ellis. I used to work with Orange  
21 County Sheriff Department back in 60's or something like that.

22 THE COURT: What did you do?

23 PROSPECTIVE JUROR NO. 0025: I was a fingerprint clerk.

24 THE COURT: Anything about your past employment that would affect  
25 your ability to be fair and impartial?

1 PROSPECTIVE JUROR NO. 0025: No.

2 THE COURT: Okay. Thank you, ma'am. Go ahead, ma'am.

3 PROSPECTIVE JUROR NO. 0035: Vickie Fort. My son-in-law is a Metro  
4 officer and he's been undercover for narcotics. He's also worked in the gang  
5 unit. And if it involves an officer, I don't know -- it depends on what the  
6 charges would be.

7 THE COURT: Okay. So you have a son-in-law that's in an undercover  
8 capacity with Metro?

9 PROSPECTIVE JUROR NO. 0035: Right now he's on a motorcycle. He's  
10 a motorcycle officer, but he's been in all of those.

11 THE COURT: Okay. So now he's a traffic officer?

12 PROSPECTIVE JUROR NO. 0035: Uh huh.

13 THE COURT: Yes?

14 PROSPECTIVE JUROR NO. 0035: Yes.

15 THE COURT: Okay. How long has he been your son-in-law?

16 PROSPECTIVE JUROR NO. 0035: 24 years.

17 THE COURT: All right. We -- the District Attorney's told you what the  
18 charges are.

19 PROSPECTIVE JUROR NO. 0035: Yes.

20 THE COURT: Okay. And you said something to the effect that if a police  
21 officer was involved, what do you mean?

22 PROSPECTIVE JUROR NO. 0035: Well, it would depend on if it's  
23 charges with an officer or not. I do feel that I am prejudiced. I feel our officers  
24 put their lives on the line.

25 THE COURT: Okay. Just a minute. Okay. Before you go any further,

1 what I am going to do is, I'm going to take a recess. I'm going to ask the rest  
2 of the jury panel to wait out in the hallway.

3 I do have to read you an admonishment. I have to read this  
4 admonishment every time you go in the hallway, and so, I'm going to read it  
5 slowly, so I ask that you pay attention.

6 During this recess, you're admonished not to talk or converse  
7 amongst yourselves or with anyone else on any subject connected with this  
8 trial, or read, watch, or listen to any report of or commentary on the trial or any  
9 person connected with this trial by any medium of information, including,  
10 without limitation, newspapers, television, the internet or radio, form or express  
11 any opinion on any subject connected with this trial until the case is finally  
12 submitted to you. And again, that also includes twittering, blogging, e-mailing  
13 and texting.

14 Thank you very much. With the exception of this particular juror,  
15 you're excused. The officer will tell you when we're ready to come back in.

16 [Recess taken at 11:42 a.m.]

17 THE COURT: The record reflect that this hearing is taking place outside  
18 the presence of the jury panel.

19 [Outside the presence of the prospective jury panel]

20 Ms. Fort, if you'll please stand. Ms. Vickie Fort, badge number  
21 0035. She's in the courtroom, in the absence of the other jurors. Ms. Fort, I  
22 just wanted you to tell me what your issues were, outside the presence of the  
23 other jurors. And I also want to tell you that anything that we discuss in here,  
24 you're not permitted to discuss with any of the other jurors.

25 If anyone insists on speaking to you about anything that we've

1 discussed in here, I ask you not to respond and make that fact known to me  
2 immediately by contacting the Court Marshal. Now, go ahead and say  
3 whatever it is you want to say.

4 PROSPECTIVE JUROR NO. 0035: Well, I just feel like -- that officers put  
5 their life on the line and I know some of the stories. I listen to the news and  
6 yes; I don't know all the facts when I listen to the news, but I feel that there's  
7 a lot of crime in our -- in our city. A lot of it's from out-of-state and I -- I mean,  
8 my son-in-law was hurt by a DUI. He's had surgeries and I'm sort of partial to  
9 lean to the police officers.

10 THE COURT: Okay. I don't think anyone has a problem with your  
11 opinion officers put their life on the line. Okay. You -- I'm concerned about  
12 your comment: You listen to the news and you hear all the stories. What  
13 stories are you talking about?

14 PROSPECTIVE JUROR NO. 0035: Well, like the news when they  
15 broadcasting that -- like that -- the couple officers that got -- went to the -- and  
16 got shot. One that -- that was in a car accident. It was a DUI, and I feel like  
17 our city is not hard enough on the people for the DUI's. If they get more than  
18 once chance, well --

19 THE COURT: Okay. You're going to -- back up. What are you talking  
20 about?

21 PROSPECTIVE JUROR NO. 0035: I'm talking about, like, what I hear on  
22 the news.

23 THE COURT: Are you talking about something about an officer got shot?

24 PROSPECTIVE JUROR NO. 0035: Yeah; like when officers get shot.

25 THE COURT: Okay. Generally, when officers get shot?

1 PROSPECTIVE JUROR NO. 0035: Right.

2 THE COURT: Okay. And then you went into something else?

3 PROSPECTIVE JUROR NO. 0035: That this is what I hear on the news. I  
4 know I don't know all the facts --

5 THE COURT: What was the --

6 PROSPECTIVE JUROR NO. 0035: -- when I listen to the news.

7 THE COURT: What was the other thing? You said something about a car  
8 accident and a DUI?

9 PROSPECTIVE JUROR NO. 0035: I feel like our laws are not strict  
10 enough on our criminals. I feel like that --

11 THE COURT: Okay. What laws are not strict enough?

12 PROSPECTIVE JUROR NO. 0035: For the DUI's. For murder.

13 THE COURT: Okay.

14 PROSPECTIVE JUROR NO. 0035: For the rapist.

15 THE COURT: Okay.

16 PROSPECTIVE JUROR NO. 0035: Child molesters.

17 THE COURT: Do you know what the laws are?

18 PROSPECTIVE JUROR NO. 0035: A little bit; not all of them.

19 THE COURT: Okay. I'm just trying to get an idea of what it is that's not  
20 strict enough.

21 PROSPECTIVE JUROR NO. 0035: I just feel that our laws should be  
22 stricter against the criminal.

23 THE COURT: Okay. For -- for DUI's, for instance?

24 PROSPECTIVE JUROR NO. 0035: DUI's, child molesters, rapists.

25 THE COURT: What do you think they should be that they already aren't?



1 PROSPECTIVE JUROR NO. 0035: I think that if they're a child molester  
2 or they hurt children, I think that they should get life.

3 THE COURT: Okay.

4 PROSPECTIVE JUROR NO. 0035: I feel they should be off the street?

5 THE COURT: All right. And do you have any idea what the sentence is  
6 for someone who commits a sexual assault against a child?

7 PROSPECTIVE JUROR NO. 0035: It's -- depends on what the jury or the  
8 judge orders.

9 THE COURT: Actually, the jury does not determine that, but do you  
10 know a person that's convicted of sexually assaulting a child --

11 PROSPECTIVE JUROR NO. 0035: No; just what I hear on the news --

12 THE COURT: -- the sentence is?

13 PROSPECTIVE JUROR NO. 0035: -- Channel 8. What they say the  
14 verdicts and all that was.

15 THE COURT: The sentence is life?

16 PROSPECTIVE JUROR NO. 0035: No; I feel it should be a lot longer.

17 THE COURT: I'm just --

18 PROSPECTIVE JUROR NO. 0035: Life?

19 THE COURT: -- I'm telling you, that is the sentence of a person that's  
20 convicted of sexual assault on a child. The sentence is life.

21 PROSPECTIVE JUROR NO. 0035: Okay.

22 THE COURT: So what other laws do you believe are not strict enough?

23 PROSPECTIVE JUROR NO. 0035: I just feel that our laws -- that people  
24 come to this city. I mean, I've been here 39 years and you see so many people  
25 that get out of things.

1 THE COURT: Like?

2 PROSPECTIVE JUROR NO. 0035: Right now, I knew you'd ask and I  
3 can't think of any, right now, off hand.

4 THE COURT: Okay. Because I'm just trying to get a feel for where your  
5 opinions come from, because -- can you -- it doesn't sound like you -- it sounds  
6 like you think the laws should be stricter, but you're not really sure what they  
7 are for people that commit certain crimes?

8 PROSPECTIVE JUROR NO. 0035: Right.

9 THE COURT: Okay. Is there something, in particular, that you have in  
10 mind where you think someone wasn't treated strict enough?

11 PROSPECTIVE JUROR NO. 0035: I feel that anyone that does any  
12 danger or does any harm to children, I feel like that they shouldn't be let back  
13 out.

14 THE COURT: Okay.

15 PROSPECTIVE JUROR NO. 0035: These children didn't ask to be born to  
16 these, you know, these parents they have or get into a relationship; they're  
17 innocent children.

18 THE COURT: Okay. What is your son-in-law's name? What, you know,  
19 is he undercover -- I'm sorry. Is he in undercover capacity, still?

20 PROSPECTIVE JUROR NO. 0035: No; he's on a motorcycle. He just got  
21 out of the other. I don't remember his badge number because I asked my  
22 daughter.

23 THE COURT: Okay. Do you mind stating his name?

24 PROSPECTIVE JUROR NO. 0035: I would rather not. I could tell him and  
25 he could tell you.

1 THE COURT: Okay. Why would you not want to tell us?

2 PROSPECTIVE JUROR NO. 0035: He's always just said: Don't -- you  
3 don't let where -- you don't let people know where you live and all that kind of  
4 stuff because --

5 THE COURT: I would agree with that.

6 PROSPECTIVE JUROR NO. 0035: Yeah.

7 THE COURT: Okay. But has he said, if you're asked in Court, during jury  
8 duty --

9 PROSPECTIVE JUROR NO. 0035: No; I haven't talked to him about this.

10 THE COURT: -- what his name is?

11 PROSPECTIVE JUROR NO. 0035: Eric Grimacy [phonetic].

12 THE COURT: Okay. All right. Anything about the fact that he's  
13 employed with Metro that would affect your ability to be fair and impartial?

14 PROSPECTIVE JUROR NO. 0035: Honestly -- I don't know.

15 THE COURT: Okay. Well you are under oath.

16 PROSPECTIVE JUROR NO. 0035: Right.

17 THE COURT: So we do want to hear your honest answer and you're the  
18 only one who can tell us, and I need to know now 'cause we can't wait until  
19 you go back --

20 PROSPECTIVE JUROR NO. 0035: Right.

21 THE COURT: -- into jury deliberations to decide: Hey, I decided I can't  
22 be fair because my son-in-law works for Metro?

23 PROSPECTIVE JUROR NO. 0035: I feel like I'm a fair person.

24 THE COURT: Okay.

25 PROSPECTIVE JUROR NO. 0035: I feel like I've got an open mind.

1 THE COURT: Okay.

2 PROSPECTIVE JUROR NO. 0035: I think it just depends on the  
3 circumstances.

4 THE COURT: Okay. So you can only be fair under certain  
5 circumstances?

6 PROSPECTIVE JUROR NO. 0035: I'm very -- yeah.

7 THE COURT: Okay. You believe that you can only be fair under certain  
8 circumstances?

9 PROSPECTIVE JUROR NO. 0035: Yes.

10 THE COURT: Can you tell us what those circumstances are?

11 PROSPECTIVE JUROR NO. 0035: If children are involved. I've done  
12 volunteer work with my daughter, Diane Grimacy [phonetic]. She worked in  
13 the burn -- burn unit for 12 years. I did volunteer work there with her and to  
14 help raise money for the burn camp where the kids go to burn camp.

15 THE COURT: Okay. Let me stop you. If children are involved, you can  
16 be fair?

17 PROSPECTIVE JUROR NO. 0035: No; I cannot be fair.

18 THE COURT: You cannot be fair?

19 PROSPECTIVE JUROR NO. 0035: You're automatically -- I'm sorry, but if  
20 kids are involved; I do jump to conclusions. I may not know all the facts. You  
21 hear what's on the news. You read what's in the paper. You're not in the  
22 courtroom to hear what was actually said.

23 THE COURT: Right.

24 PROSPECTIVE JUROR NO. 0035: You're hearing it from a third party  
25 that is --

1 THE COURT: Okay.

2 PROSPECTIVE JUROR NO. 0035: -- objective.

3 THE COURT: Well, if you're selected to be on the panel, you'd be in a  
4 different position, because you'd be sitting in the jury box and you'd actually  
5 see and hear --

6 PROSPECTIVE JUROR NO. 0035: Right.

7 THE COURT: -- everything that's going on. You would not be getting  
8 your information in a 30 second, you know --

9 PROSPECTIVE JUROR NO. 0035: Interview on tv.

10 THE COURT: -- yeah, a 30-second segment from a reporter who maybe  
11 sat in for a small portion of a court proceeding; right?

12 PROSPECTIVE JUROR NO. 0035: Right.

13 THE COURT: Okay. Could you just this case based solely upon what  
14 you see and hear in the courtroom --

15 PROSPECTIVE JUROR NO. 0035: I think so.

16 THE COURT: -- and nothing else?

17 PROSPECTIVE JUROR NO. 0035: I think so.

18 THE COURT: Okay. And can I count on you not to read the newspaper,  
19 listen --

20 PROSPECTIVE JUROR NO. 0035: Yeah; I brought one but I can't open  
21 it.

22 THE COURT: Let me finish. Can I count on you to comply with the  
23 admonishment not to read the newspaper --

24 PROSPECTIVE JUROR NO. 0035: Yes.

25 THE COURT: -- listen to any news stories regarding this case if there are

1 any?

2 PROSPECTIVE JUROR NO. 0035: Yes.

3 THE COURT: Okay. You'll follow that admonishment?

4 PROSPECTIVE JUROR NO. 0035: Yes.

5 THE COURT: I also have to ask you -- you understand, you would not be  
6 able to discuss this case with your son-in-law --

7 PROSPECTIVE JUROR NO. 0035: Correct.

8 THE COURT: -- or your daughter.

9 PROSPECTIVE JUROR NO. 0035: Correct.

10 THE COURT: The only thing you'd be permitted to tell your family is that  
11 you've been selected as a juror in a criminal case; that's it.

12 PROSPECTIVE JUROR NO. 0035: Right.

13 THE COURT: Nothing else.

14 PROSPECTIVE JUROR NO. 0035: Right.

15 THE COURT: Until you've been discharged by myself; do you understand  
16 that?

17 PROSPECTIVE JUROR NO. 0035: Yes.

18 THE COURT: Would you comply with that order?

19 PROSPECTIVE JUROR NO. 0035: Yes.

20 THE COURT: Okay. Even if they insisted upon --

21 PROSPECTIVE JUROR NO. 0035: They wouldn't --

22 THE COURT: -- wondering what you were here for.

23 PROSPECTIVE JUROR NO. 0035: No; they wouldn't.

24 THE COURT: Okay. That's good. You understand that there will be  
25 police officers that are going to come in and testify.

1 PROSPECTIVE JUROR NO. 0035: Right.

2 THE COURT: And did you hear the names?

3 PROSPECTIVE JUROR NO. 0035: I don't recognize any of them.

4 THE COURT: Okay.

5 PROSPECTIVE JUROR NO. 0035: I might by sight if I, you know --

6 THE COURT: Okay.

7 PROSPECTIVE JUROR NO. 0035: -- but I did not recognize any of the  
8 officers names.

9 THE COURT: All right is there -- is either side going to have any problem  
10 with you, based, just solely, upon the fact that a police officer's going to come  
11 in and testify?

12 PROSPECTIVE JUROR NO. 0035: No.

13 THE COURT: Okay. Are you going to give a police officers testimony  
14 more credence or less credence just because they're a police officer?

15 PROSPECTIVE JUROR NO. 0035: I don't think so.

16 THE COURT: Okay. You're the only one who can tell us.

17 PROSPECTIVE JUROR NO. 0035: No.

18 THE COURT: Okay. And can you wait until you've heard all of the  
19 evidence before reaching -- I'm sorry, let me start over. Can you wait until you  
20 hear all of the evidence, from both sides, and after you've been instructed on  
21 the applicable law in this case, before reaching a decision?

22 PROSPECTIVE JUROR NO. 0035: Yes.

23 THE COURT: Okay. So I don't have to worry about you jumping to  
24 conclusions after you hear one witness?

25 PROSPECTIVE JUROR NO. 0035: No; I would be --

1 THE COURT: Okay. You'll keep an open mind?

2 PROSPECTIVE JUROR NO. 0035: Yes.

3 THE COURT: And you'll listen to all the evidence?

4 PROSPECTIVE JUROR NO. 0035: Yes.

5 THE COURT: Okay. I'm required to give you the instructions on the law.

6 Am I going to have a problem if you don't agree with some of the instructions  
7 on the law?

8 PROSPECTIVE JUROR NO. 0035: No.

9 THE COURT: All right. What if there's an instruction on the law I give  
10 you and you just don't agree with it because it's not strict enough? Or it's not  
11 what you think it should be?

12 PROSPECTIVE JUROR NO. 0035: I think I'd have to listen to what the  
13 evidence -- and discuss it with the juror. You know, when you're in there,  
14 you're discussing, you know, well, did you hear this? What do you think -- I  
15 think that's how I -- we have to come to the decision.

16 THE COURT: Okay. Let me ask it again. I will be required to give you  
17 the instructions on the law; do you understand that?

18 PROSPECTIVE JUROR NO. 0035: Yeah. Yeah.

19 THE COURT: And as a juror, you're required to follow the instructions on  
20 the law.

21 PROSPECTIVE JUROR NO. 0035: Yes.

22 THE COURT: Whether you like it or not.

23 PROSPECTIVE JUROR NO. 0035: Yes.

24 THE COURT: Okay. Can you do that?

25 PROSPECTIVE JUROR NO. 0035: Yes.



1 THE COURT: Okay. What if there's a law I give you and it's one of  
2 those that you think stinks. You don't like it -- it's not strict enough -- all the  
3 things you told me earlier. Are you going to follow that law or are you going to  
4 discard it?

5 PROSPECTIVE JUROR NO. 0035: No; I'd follow the law --

6 THE COURT: Okay.

7 PROSPECTIVE JUROR NO. 0035: -- what you would say.

8 THE COURT: You'll follow it even if you don't think it's strict enough or  
9 you don't like it?

10 PROSPECTIVE JUROR NO. 0035: Yeah.

11 THE COURT: Okay. Because you understand, this is not the forum to --

12 PROSPECTIVE JUROR NO. 0035: Right.

13 THE COURT: -- determine you don't like laws; right?

14 PROSPECTIVE JUROR NO. 0035: Correct.

15 THE COURT: Okay. Can you be fair and impartial to both sides here?

16 PROSPECTIVE JUROR NO. 0035: I think so.

17 THE COURT: Okay. You're the only one who can tell me.

18 PROSPECTIVE JUROR NO. 0035: Yes.

19 THE COURT: Can the State of Nevada get a fair trial if you're selected?

20 PROSPECTIVE JUROR NO. 0035: Yes.

21 THE COURT: Can Mr. Collins get a fair trial if you're selected?

22 PROSPECTIVE JUROR NO. 0035: Yes.

23 THE COURT: Okay. Thank you very much. You can step outside and  
24 when we're done with our break you can come back in and you can just sit in  
25 that same seat --

1 PROSPECTIVE JUROR NO. 0035: Okay.

2 THE COURT: -- when you come back in.

3 PROSPECTIVE JUROR NO. 0035: Thank you.

4 THE COURT: Thank you very much. Again, don't talk about anything  
5 we talked about in here with anybody?

6 PROSPECTIVE JUROR NO. 0035: Correct.

7 THE COURT: Thank you. Okay. The record reflect that Ms. Fort has left  
8 the courtroom and we'll take a break and we'll start again in 10 minutes.

9 MS. JONES: Thank you, Your Honor.

10 MS. PAROLISE: Thank you.

11 [Break taken at 11:55 a.m.]

12 [Resumed at 12:17 p.m.]

13 [Prospective jury panel enters courtroom]

14 [Pause in proceedings]

15 [Resumed at 12:21 p.m.]

16 THE COURT: Matt, are those seats empty back there?

17 COURT MARSHAL: Well, I just think they scooted over. You guys are  
18 still in order, right? You just left empty seats between you?

19 UNIDENTIFIED JURORS: Yes; correct.

20 THE COURT: Okay. I can't see this gentleman over here, so you're  
21 going to need to scoot over. Okay. Thank you. Do the parties stipulate to the  
22 presence of the jury panel?

23 MS. JONES: We're missing number 2, Your Honor.

24 THE COURT: No; we're not.

25 MS. JONES: Okay.

1 THE COURT: Okay.

2 MS. PAROLISE: Okay.

3 THE COURT: Parties stipulate?

4 MR. TOMSHECK: Yes.

5 MS. JONES: Yes, Your Honor.

6 [In the presence of the prospective jury panel]

7 THE COURT: Okay. At this time, is there anyone on the panel who may  
8 not be able to follow all the instructions of the Court, on the law, even if the  
9 instructions differ from your personal conceptions of what the law ought to be?  
10 The record will reflect, no response from the panel.

11 As a follow-up to the previous question, I must tell you, that, in any  
12 criminal trial, the members of the jury, seen collectively, are the judges of the  
13 question of fact in this case. As Judge in this case, I'm the judge of the  
14 questions of law and it's my responsibility to be sure that I give instructions on  
15 the law that apply to this particular case. It would be a violation of a jurors  
16 duty if he or she tried to render a judgment based upon what he or she believed  
17 the law to be if that differed from my instructions.

18 With that in mind, is there anyone who feels that they cannot be  
19 fact finders, follow my instructions on the applicable law in this case? The  
20 record will reflect, no response from the panel. Under our system, there are  
21 certain principles of law that apply in every criminal trial.

22 They are that the Indictment filed in this case is a mere accusation  
23 and is not evidence of guilt. That as Mr. Collins sits here today, he is innocent.  
24 That the State has a burden to prove each of the essential elements of the  
25 charges against Mr. Collins by a proof beyond a reasonable doubt. Is there

1 anyone who does not understand or believe in these basic precepts of  
2 American Justice? The record will reflect no response from the panel.

3 Is there anybody who knows anything about this case other than  
4 what has been stated in the courtroom here today? The record will reflect, no  
5 response from the panel. At this time, I'm going to see the attorneys out in the  
6 hallway for a few minutes and then we will come join you again.

7 [Court and Attorneys sidebar in the hallway at 12:23 p.m.]

8 [Court and Attorneys return to the courtroom at 12:29 p.m.]

9 THE COURT: Do the parties stipulate to the presence of the jury panel?

10 MS. JONES: Yes, Your Honor.

11 MR. TOMSHECK: Yes, Your Honor.

12 [In the presence of the prospective jury panel]

13 THE COURT: Okay. At this time, the Clerk is going to call our first 23  
14 names using the list that's been provided to us by the Jury Commissioner.  
15 When your name is called, the Court Marshal will tell you where to sit. Most of  
16 you are not going to need to adjust where you are seated, very much.

17 [Court Clerk calls the names of the first 23 of the prospective jury panel]

18 THE COURT: Okay. Mr. Jonas, can you tell us how long you've lived in  
19 Clark County?

20 PROSPECTIVE JUROR NO. 0001: You need me to state my number or  
21 something?

22 THE COURT: I -- I'll state it for now.

23 PROSPECTIVE JUROR NO. 0001: Okay.

24 THE COURT: How long have you lived in Clark County?

25 PROSPECTIVE JUROR NO. 0001: Seven years.

1 THE COURT: Your employment, training, educational background?

2 PROSPECTIVE JUROR NO. 0001: I'm a -- I have a bachelor's. I'm a  
3 software developer.

4 THE COURT: Okay. You have a bachelor's in software development?

5 PROSPECTIVE JUROR NO. 0001: Computer science; yeah.

6 THE COURT: I'm sorry.

7 PROSPECTIVE JUROR NO. 0001: Computer science.

8 THE COURT: Okay. And what do you do for a living?

9 PROSPECTIVE JUROR NO. 0001: Software development.

10 THE COURT: Software --

11 PROSPECTIVE JUROR NO. 0001: Development.

12 THE COURT: Okay. And I'm sorry, I just can't hear you.

13 PROSPECTIVE JUROR NO. 0001: Okay. I'm sorry.

14 THE COURT: So if I can't hear you, that means the recording's probably  
15 having a hard time picking you up. I also want to tell you that, apparently  
16 when we were out in the hallway, you heard something that was going on in  
17 another courtroom. We had our wireless mike on, so I apologize. We picked  
18 up something going on from another courtroom. I'm not done with you yet.

19 Can you tell me your marital status?

20 PROSPECTIVE JUROR NO. 0001: I'm married.

21 THE COURT: Is your wife employed?

22 PROSPECTIVE JUROR NO. 0001: Yes; she is.

23 THE COURT: What does she do for a living?

24 PROSPECTIVE JUROR NO. 0001: Director of marketing and sales.

25 THE COURT: For?

1 PROSPECTIVE JUROR NO. 0001: Global payments.

2 THE COURT: Do you have any children?

3 PROSPECTIVE JUROR NO. 0001: No.

4 THE COURT: Do you know of any reason why you could not be a  
5 completely fair and impartial juror if you were selected to serve on this panel?

6 PROSPECTIVE JUROR NO. 0001: Nothing comes to mind. I did have a  
7 question --

8 THE COURT: Okay.

9 PROSPECTIVE JUROR NO. 0001: -- if that's okay. Friday night, I have a  
10 flight at 5:30, is that -- does that affect anything?

11 THE COURT: For?

12 PROSPECTIVE JUROR NO. 0001: What's the flight for?

13 THE COURT: Uh huh. Where you going?

14 PROSPECTIVE JUROR NO. 0001: Oh, San Francisco -- my friend's  
15 wedding in the morning. It's okay. I can move it later; I'm just curious.

16 THE COURT: I hope not. I mean, like I said, I always -- I try to be done  
17 when I say I'm going to be done, but sometimes things happen and I can't  
18 anticipate them --

19 PROSPECTIVE JUROR NO. 0001: Okay.

20 THE COURT: -- 'cause I don't have a crystal ball, so I hesitate to say --

21 PROSPECTIVE JUROR NO. 0001: Okay.

22 THE COURT: -- I mean, I hesitate to make any promises, but you need to  
23 be in San Francisco on Saturday morning?

24 PROSPECTIVE JUROR NO. 0001: Yeah.

25 THE COURT: Okay. All right. Thank you. Thank you for being here.

1 Ms. Perks, can you tell me how long you've lived in Clark County?

2 PROSPECTIVE JUROR NO. 0003: Nine years.

3 THE COURT: Your employment, training, educational background?

4 PROSPECTIVE JUROR NO. 0003: I graduated from Southeast Vocational  
5 Technical Center. I work at Supercuts. I have my cosmetology license. Also  
6 employed at Van's at the gallery.

7 THE COURT: Your marital status?

8 PROSPECTIVE JUROR NO. 0003: Single.

9 THE COURT: Do you have any children?

10 PROSPECTIVE JUROR NO. 0003: Yeah.

11 THE COURT: Do you know of any reason why you could not be a  
12 completely fair and impartial juror if you were selected to serve on this panel?

13 PROSPECTIVE JUROR NO. 0003: No.

14 THE COURT: Thank you; thank you for appearing.

15 PROSPECTIVE JUROR NO. 0003: Okay.

16 THE COURT: Mr. Charles Kajkowski, how long have you lived in Clark  
17 County?

18 PROSPECTIVE JUROR NO. 0004: 27 years.

19 THE COURT: Your employment, training, educational background?

20 PROSPECTIVE JUROR NO. 0004: I have an associate's of general  
21 science. Trying to currently go to school.

22 THE COURT: Right. And you're also in school now and you're studying--

23 PROSPECTIVE JUROR NO. 0004: Engineering -- civil engineering.

24 THE COURT: Civil engineering?

25 PROSPECTIVE JUROR NO. 0004: Yeah.

1 THE COURT: And you indicated that you are married?

2 PROSPECTIVE JUROR NO. 0004: I am married.

3 THE COURT: And your wife's getting ready to graduate? What's her  
4 degree in?

5 PROSPECTIVE JUROR NO. 0004: Education.

6 THE COURT: Is she going to be a teacher?

7 PROSPECTIVE JUROR NO. 0004: Yeah; yes.

8 THE COURT: And you're employed?

9 PROSPECTIVE JUROR NO. 0004: Yes.

10 THE COURT: And you work at?

11 PROSPECTIVE JUROR NO. 0004: Terracon [phonetic].

12 THE COURT: So are you getting your degree in civil engineering to help  
13 you at Terracon [phonetic]?

14 PROSPECTIVE JUROR NO. 0004: Uh huh.

15 THE COURT: Is that a yes?

16 PROSPECTIVE JUROR NO. 0004: Yes.

17 THE COURT: And that's what you want to continue to do?

18 PROSPECTIVE JUROR NO. 0004: Yes.

19 THE COURT: Do you have any children?

20 PROSPECTIVE JUROR NO. 0004: No.

21 THE COURT: No?

22 PROSPECTIVE JUROR NO. 0004: No,

23 THE COURT: Do you know of any reason why you could not be a  
24 completely fair and impartial juror if you were selected to serve on this panel?

25 PROSPECTIVE JUROR NO. 0004: No.



1 THE COURT: Okay. Thank you, sir. Ms. Phian, [last name spelled:  
2 Phiangphachanh]. Can you tell me how long you've lived in Clark County?

3 PROSPECTIVE JUROR NO. 0006: 14 years.

4 THE COURT: Your employment, training, educational background?

5 PROSPECTIVE JUROR NO. 0006: I work at Excalibur, blackjack dealer.

6 THE COURT: Your educational background?

7 PROSPECTIVE JUROR NO. 0006: Finished high school.

8 THE COURT: Your marital status?

9 PROSPECTIVE JUROR NO. 0006: Single.

10 THE COURT: Do you have any children?

11 PROSPECTIVE JUROR NO. 0006: No.

12 THE COURT: Do you know of any reason why you could not be a  
13 completely fair and impartial juror --

14 PROSPECTIVE JUROR NO. 0006: No.

15 THE COURT: -- if selected to serve on this panel?

16 PROSPECTIVE JUROR NO. 0006: No.

17 THE COURT: Thank you. Thank you for being here. Ms. Parmer. How  
18 long have you lived in Clark County?

19 PROSPECTIVE JUROR NO. 0008: 22 and-a-half years.

20 THE COURT: Your employment, training, educational background?

21 PROSPECTIVE JUROR NO. 0008: I am employed at the Wal-Mart  
22 Neighborhood Market and I graduated from Eldorado. I am currently a student  
23 at CSN. I do not have a major yet.

24 THE COURT: Okay. How far into your education are you?

25 PROSPECTIVE JUROR NO. 0008: I've been going -- at the end of this

1 semester it'll be four and-a-half years.

2 THE COURT: Okay. Your marital status?

3 PROSPECTIVE JUROR NO. 0008: Single.

4 THE COURT: Do you have any children?

5 PROSPECTIVE JUROR NO. 0008: No.

6 THE COURT: Do you know of any reason why you could not be a  
7 completely fair and impartial juror?

8 PROSPECTIVE JUROR NO. 0008: No.

9 THE COURT: Thank you -- thank you for being here. Mr. Matthew  
10 Suiter, how long have you lived in Clark County?

11 PROSPECTIVE JUROR NO. 0009: 17 years.

12 THE COURT: Your employment, training, educational background?

13 PROSPECTIVE JUROR NO. 0009: I have a bachelor's in finance, UNLV.

14 THE COURT: A bachelor's in --

15 PROSPECTIVE JUROR NO. 0009: Finance.

16 THE COURT: Which helps you, obviously, in the job that you described  
17 earlier. Do you handle all the finances?

18 PROSPECTIVE JUROR NO. 0009: Yes, ma'am.

19 THE COUR: Okay. Your marital status?

20 PROSPECTIVE JUROR NO. 0009: I'm not married.

21 THE COURT: Do you have any children?

22 PROSPECTIVE JUROR NO. 0009: No.

23 THE COURT: Do you know of any reason why you could not be a  
24 completely fair and impartial juror --

25 PROSPECTIVE JUROR NO. 0009: No.

1 THE COURT: -- if selected to serve?

2 PROSPECTIVE JUROR NO. 0009: No.

3 THE COURT: Okay. And you also told us earlier that you had an issue  
4 that resulted in your driver's license being suspended?

5 PROSPECTIVE JUROR NO. 0009: Yes, ma'am.

6 THE COURT: Do you know if you were prosecuted by the District  
7 Attorney's Office?

8 PROSPECTIVE JUROR NO. 0009: It's -- it's not in.

9 THE COURT: I'm sorry.

10 PROSPECTIVE JUROR NO. 0009: It's in the process right now. I'm  
11 going through -- I'm waiting to go through.

12 THE COURT: Okay. So you haven't been charged yet?

13 PROSPECTIVE JUROR NO. 0009: No; I haven't.

14 THE COURT: Okay. Anything about the fact that you have that pending  
15 that might affect your ability to be fair and impartial?

16 PROSPECTIVE JUROR NO. 0009: No.

17 THE COURT: You don't have any problems with the way it was handled  
18 or the way you were treated?

19 PROSPECTIVE JUROR NO. 0009: Yeah.

20 THE COURT: And I'm sorry to have to ask you these questions.

21 PROSPECTIVE JUROR NO. 0009: Yeah.

22 THE COURT: Yeah; you do have a problem?

23 PROSPECTIVE JUROR NO. 0009: Yes, ma'am.

24 THE COURT: Okay.

25 PROSPECTIVE JUROR NO. 0009: The way I was treated so --

1 THE COURT: Okay. Do you want to approach the bench and talk about  
2 it or are you comfortable --

3 PROSPECTIVE JUROR NO. 0009: I don't -- I don't care.

4 THE COURT: Okay. Why don't we approach the bench. The Court  
5 Marshal will escort you over here.

6 [Bench Conference -- Transcribed]

7 THE COURT: Let the record reflect that Mr. Matassa [sic] is present at  
8 the bench and both District Attorneys and both Defense Lawyers are present at  
9 the bench as well. And you indicated you've been arrested for DUI but -- sorry.  
10 I didn't have the noise on, sorry. You indicated you'd been arrested for a DUI  
11 but you have not been charged yet?

12 PROSPECTIVE JUROR NO. 0009: Uh huh; yes.

13 THE COURT: Do you know the difference? What that means?

14 PROSPECTIVE JUROR NO. 0009: They're going to charge me but I have  
15 case law.

16 THE COURT: Okay. First of all, when did you get arrested for the DUI?

17 PROSPECTIVE JUROR NO. 0009: July.

18 MR. TOMSHECK: Have you been to Court there?

19 THE COURT: I said Anthony Matassa, you're Matthew Suiter?

20 PROSPECTIVE JUROR NO. 0009: I'm Matthew Suiter.

21 THE COURT: Okay. So the record needs to reflect --

22 PROSPECTIVE JUROR NO. 0009: I'm sorry, I thought --

23 THE COURT: -- it's Matthew Suiter that's present at the bench.

24 PROSPECTIVE JUROR NO. 0009: Yes.

25 THE COURT: I apologize, I said --

1 PROSPECTIVE JUROR NO. 0009: I know you're talking about me.

2 THE COURT: -- the next name --

3 PROSPECTIVE JUROR NO. 0009: Sorry.

4 THE COURT: -- I apologize. You were arrested in July of 2009?

5 PROSPECTIVE JUROR NO. 0009: Yes.

6 THE COURT: Okay.

7 PROSPECTIVE JUROR NO. 0009: July -- yeah. No; actually I'm sorry.

8 THE COURT: Isn't it summertime?

9 PROSPECTIVE JUROR NO. 0009: Yeah; it was just before July, I think it  
10 was the last week.

11 THE COURT: Okay.

12 PROSPECTIVE JUROR NO. 0009: Or just before 4<sup>th</sup> of July.

13 THE COURT: All right. Was it breath or blood?

14 PROSPECTIVE JUROR NO. 0009: Breath.

15 THE COURT: Okay. And was it Metro; was it NHP?

16 PROSPECTIVE JUROR NO. 0009: It's Metro.

17 THE COURT: Do you know what jail facility you were transported to?

18 PROSPECTIVE JUROR NO. 0009: CCDC.

19 THE COURT: CCDC. Okay. Where -- approximately in Las Vegas did it  
20 occur -- did you get pulled over?

21 PROSPECTIVE JUROR NO. 0009: On the Westside, Rainbow and  
22 Sahara.

23 THE COURT: Rainbow and Sahara.

24 MR. TOMSHECK: You've been to Court yet?

25 THE COURT: Okay.

1 PROSPECTIVE JUROR NO. 0009: No; they did a continuance -- my  
2 lawyer did.

3 MR. TOMSHECK: Okay. Do you know which judge you're in front of?

4 PROSPECTIVE JUROR NO. 0009: No.

5 THE COURT: Okay. So you've hired a lawyer?

6 PROSPECTIVE JUROR NO. 0009: Yes.

7 THE COURT: All right. And the lawyer went and made an appearance  
8 for you?

9 PROSPECTIVE JUROR NO. 0009: I think no, he just did a continuance.  
10 He hasn't gone yet. I think they just motioned for -- 'cause it was scheduled  
11 for August.

12 THE COURT: Okay. Did you get anything in the mail or anything that  
13 told you you had to appear in Court?

14 PROSPECTIVE JUROR NO. 0009: Yeah, and that they made a  
15 continuance.

16 THE COURT: Okay. What did you receive in the mail that told you had  
17 to come to Court?

18 PROSPECTIVE JUROR NO. 0009: At first, I got my thing for the DMV  
19 Court.

20 THE COURT: Okay.

21 PROSPECTIVE JUROR NO. 0009: And then they proved -- yeah, that I  
22 had to --

23 THE COURT: The administrative hearing?

24 PROSPECTIVE JUROR NO. 0009: Yeah, and they took away my license.

25 THE COURT: Okay.

1 PROSPECTIVE JUROR NO. 0009: And then for the criminal trial, my  
2 lawyer said they haven't -- they haven't pressed charges yet.

3 THE COURT: Okay.

4 PROSPECTIVE JUROR NO. 0009: But I -- I was supposed to have a date  
5 and he pushed the date back.

6 THE COURT: Okay. Which probably means they haven't filed  
7 the charging document yet; they haven't officially charged you?

8 PROSPECTIVE JUROR NO. 0009: Okay.

9 THE COURT: Is that your understanding?

10 PROSPECTIVE JUROR NO. 0009: Yeah; yes.

11 THE COURT: Okay. And you feel like you weren't treated fairly; is that  
12 accurate?

13 PROSPECTIVE JUROR NO. 0009: Yes.

14 THE COURT: Okay. And why don't you tell me -- it was by Metro?

15 PROSPECTIVE JUROR NO. 0009: They would say about CCDC.

16 THE COURT: Oh, you feel like CCDC didn't treat you very nice?

17 PROSPECTIVE JUROR NO. 0009: Yeah.

18 THE COURT: You didn't have any problems with the way the Metro  
19 officers treated you?

20 PROSPECTIVE JUROR NO. 0009: No; I didn't.

21 THE COURT: Okay. When you got to CCDC, you didn't like that? Okay,  
22 tell me what happened.

23 PROSPECTIVE JUROR NO. 0009: I train martial arts.

24 THE COURT: Okay.

25 PROSPECTIVE JUROR NO. 0009: And I had all my gear in my car.

1 THE COURT: Okay.

2 PROSPECTIVE JUROR NO. 0009: And when I got there -- or when I got  
3 pulled over, he asked me why I had that and I told him I trained. And --

4 THE COURT: The Metro officer?

5 PROSPECTIVE JUROR NO. 0009: Yes, the Metro officer.

6 THE COURT: Okay.

7 PROSPECTIVE JUROR NO. 0009: When I got into jail, they -- two of the  
8 officers were twisting up my arms and stuff, and I actually have a little bit of  
9 nerve damage on my thumb from them keeping me in cuffs for two and-a-half  
10 hours. They bound me for two and-a-half hours. I didn't cause any problems; I  
11 didn't --

12 THE COURT: Okay. So the officers at CCDC weren't very nice to you?

13 PROSPECTIVE JUROR NO. 0009: No.

14 THE COURT: Okay.

15 PROSPECTIVE JUROR NO. 0009: I just -- I'm real hesitant about saying  
16 anything because my lawyer told me --

17 THE COURT: No.

18 PROSPECTIVE JUROR NO. 0009: -- you know, we don't want to do  
19 anything about the officers 'cause we're trying and basically maintain a low  
20 profile for my criminal trial.

21 THE COURT: Yeah; I mean, I'm --

22 PROSPECTIVE JUROR NO. 0009: Yeah.

23 THE COURT: And you're not --

24 PROSPECTIVE JUROR NO. 0009: Uh huh.

25 THE COURT: -- no one else is hearing this. It's part of the public record.



1 PROSPECTIVE JUROR NO. 0009: Uh huh.

2 THE COURT: But no one else in the courtroom is hearing this. But  
3 anything about what those CCDC officers did that would affect your ability to  
4 be fair and impartial in this case?

5 PROSPECTIVE JUROR NO. 0009: No, just aggravated me.

6 THE COURT: Just --

7 PROSPECTIVE JUROR NO. 0009: It just aggravated me.

8 THE COURT: Okay. I understand. But somebody's -- may prosecute you  
9 for this and it may be the District Attorney's Office; do you understand that?

10 PROSPECTIVE JUROR NO. 0009: For -- for my DUI?

11 THE COURT: Uh huh.

12 PROSPECTIVE JUROR NO. 0009: Yeah.

13 THE COURT: I mean, it could be in the City or it could be in the County.

14 PROSPECTIVE JUROR NO. 0009: Uh huh.

15 THE COURT: Because where you told me it happened is on the border of  
16 the dividing line --

17 PROSPECTIVE JUROR NO. 0009: There's just --

18 THE COURT: -- between the City and the County.

19 PROSPECTIVE JUROR NO. 0009: It's actually just south of Sahara. Like  
20 just a couple streets south, but basically, Sahara and Rainbow.

21 THE COURT: It was South of Sahara?

22 PROSPECTIVE JUROR NO. 0009: Yeah.

23 THE COURT: Then it's --

24 PROSPECTIVE JUROR NO. 0009: Two -- maybe three, four streets south  
25 of Sahara.

1 THE COURT: Then it's the County. Okay. Then it's the County.  
2 There's no concurrent jurisdiction. If it was south of Sahara, then it's County  
3 so I can -- I feel pretty comfortable telling you that it's going to be the District  
4 Attorney's Office that's going to prosecute you.

5 PROSPECTIVE JUROR NO. 0009: Uh huh.

6 THE COURT: Now knowing that, do you have a problem with the fact  
7 that these people work in the District Attorney's Office and they -- I'm not  
8 saying they're going to prosecute you.

9 PROSPECTIVE JUROR NO. 0009: Why not?

10 THE COURT: Okay. They -- you're not part of the DUI Team.

11 MR. TOMSHECK: No.

12 THE COURT: Okay. They're not going to prosecute you, but maybe it's  
13 their fellow colleagues.

14 PROSPECTIVE JUROR NO. 0009: Uh huh.

15 THE COURT: Are you going to have any problem with the fact that the  
16 person they work for, David Roger, would be the person bringing charges, if  
17 any, are brought against you?

18 PROSPECTIVE JUROR NO. 0009: No.

19 THE COURT: Okay. Can you be fair and impartial to the DA's even  
20 though they may be charging you with a criminal offense?

21 PROSPECTIVE JUROR NO. 0009: Yeah.

22 THE COURT: Okay. And as far as you know, the only thing it would be  
23 is a misdemeanor?

24 PROSPECTIVE JUROR NO. 0009: Yeah.

25 THE COURT: There was no injuries alleged?

1 PROSPECTIVE JUROR NO. 0009: No.

2 THE COURT: Okay. And you were arrested for a misdemeanor?

3 PROSPECTIVE JUROR NO. 0009: Yes.

4 THE COURT: Okay. Does either side have any questions?

5 MS. PAROLISE: No.

6 MR. TOMSHECK: We're good.

7 THE COURT: Okay. Again, I'm sorry I had to ask you that?

8 PROSPECTIVE JUROR NO. 0009: That's all okay. I don't know why --

9 THE COURT: Thank you.

10 PROSPECTIVE JUROR NO. 0009: I'm just -- I'm more concerned about  
11 not saying anything about being roughed up in jail, you know, because he -- my  
12 lawyer just told me not to really bring it -- because we're not going to press  
13 charges or anything 'cause I was, at first, and then we're not. Just keep your  
14 own --

15 THE COURT: Okay.

16 PROSPECTIVE JUROR NO. 0009: -- you know.

17 THE COURT: Okay. Well, I always tell people to listen to what their  
18 lawyers say.

19 PROSPECTIVE JUROR NO. 0009: Uh huh.

20 THE COURT: But you can tell your lawyer what happened here.

21 PROSPECTIVE JUROR NO. 0009: Uh huh.

22 THE COURT: -- that it was at the bench, and nobody in the courtroom  
23 heard it.

24 PROSPECTIVE JUROR NO. 0009: Okay.

25 THE COURT: Okay?

1 PROSPECTIVE JUROR NO. 0009: All right.

2 THE COURT: Okay. Thank you, sir.

3 PROSPECTIVE JUROR NO. 0009: Okay.

4 [Bench Conference concluded]

5 THE COURT: Okay. Anthony Matassa? Good after --

6 PROSPECTIVE JUROR NO. 0010: Good afternoon.

7 THE COURT: Good morning, still. Is it morning or afternoon? It's almost  
8 afternoon. Thank you for being here. Can you tell me how long you've lived in  
9 Clark County?

10 PROSPECTIVE JUROR NO. 0010: 23 years.

11 THE COURT: Your employment, training, educational background?

12 PROSPECTIVE JUROR NO. 0010: Shipping associate with Davis Vision.  
13 I have my GED. I'm not currently looking for any kind of majors right now.

14 THE COURT: You're not currently looking for any what?

15 PROSPECTIVE JUROR NO. 0010: I don't have majors or anything like  
16 that right now.

17 THE COURT: Okay. Are you currently enrolled in college?

18 PROSPECTIVE JUROR NO. 0010: No.

19 THE COURT: Okay. Your marital status?

20 PROSPECTIVE JUROR NO. 0010: Married.

21 THE COURT: Is your wife employed?

22 PROSPECTIVE JUROR NO. 0010: No.

23 THE COURT: Do you have any children?

24 PROSPECTIVE JUROR NO. 0010: Yes.

25 THE COURT: Oh, that's right, you have 5 children.

1 PROSPECTIVE JUROR NO. 0010: I've got 3 children.

2 THE COURT: And you have -- I'm sorry, 3 children, 5 in your family?

3 PROSPECTIVE JUROR NO. 0010: Yes.

4 THE COURT: But you have a brand new baby; right?

5 PROSPECTIVE JUROR NO. 0010: Uh huh.

6 THE COURT: Okay. So she really does work?

7 PROSPECTIVE JUROR NO. 0010: Yes.

8 THE COURT: Okay. And none of your children are old enough to be  
9 employed?

10 PROSPECTIVE JUROR NO. 0010: No.

11 THE COURT: Do you know of any reason why you could not be a  
12 completely fair and impartial juror if you were selected to serve on this panel?

13 PROSPECTIVE JUROR NO. 0010: No.

14 THE COURT: Thank you, sir.

15 PROSPECTIVE JUROR NO. 0010: Welcome.

16 THE COURT: Ms. Alvarez. Good morning. How long have you lived in  
17 Clark County?

18 PROSPECTIVE JUROR NO. 0012: 2 years, 4 months.

19 THE COURT: Where'd you move from?

20 PROSPECTIVE JUROR NO. 0012: Arizona -- Phoenix.

21 THE COURT: Your educational background?

22 PROSPECTIVE JUROR NO. 0012: High school diploma and some college.

23 THE COURT: How much college?

24 PROSPECTIVE JUROR NO. 0012: I just got a business certificate.

25 THE COURT: Okay. So you got a degree from college?

1 PROSPECTIVE JUROR NO. 0012: Yeah; just a business certificate.

2 THE COURT: How many years?

3 PROSPECTIVE JUROR NO. 0012: It was about a year.

4 THE COURT: It was a one-year program?

5 PROSPECTIVE JUROR NO. 0012: Yes, ma'am.

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

7 PROSPECTIVE JUROR NO. 0012: I work for Citibank.

8 THE COURT: What do you do?

9 PROSPECTIVE JUROR NO. 0012: I take supervisor calls.

10 THE COURT: When someone says: Let me talk to your boss?

11 PROSPECTIVE JUROR NO. 0012: Yes, ma'am.

12 THE COURT: Okay. Do you like your job?

13 PROSPECTIVE JUROR NO. 0012: Yes, ma'am.

14 THE COURT: So you're obviously very good with people?

15 PROSPECTIVE JUROR NO. 0012: Yes.

16 THE COURT: And you're obviously very good with calming down people  
17 that are really ticked off?

18 PROSPECTIVE JUROR NO. 0012: Yes, ma'am.

19 THE COURT: Okay. Your marital status?

20 PROSPECTIVE JUROR NO. 0012: Married.

21 THE COURT: Is your husband employed?

22 PROSPECTIVE JUROR NO. 0012: Yes, ma'am.

23 THE COURT: What does he do?

24 PROSPECTIVE JUROR NO. 0012: He's Air Force.

25 THE COURT: Is that why you came to Las Vegas?

1 PROSPECTIVE JUROR NO. 0012: Yes, ma'am.

2 THE COURT: Is he stationed at Nellis?

3 PROSPECTIVE JUROR NO. 0012: Yeah.

4 THE COURT: What does he do in the Air Force?

5 PROSPECTIVE JUROR NO. 0012: He's on maintenance group. He does  
6 environmental --

7 THE COURT: He does environmental stuff?

8 PROSPECTIVE JUROR NO. 0012: Yeah; he makes sure that the buildings  
9 are secure and make sure that the planes are okay when they take off, you  
10 know.

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

12 PROSPECTIVE JUROR NO. 0012: Two.

13 THE COURT: Are they old enough to be employed?

14 PROSPECTIVE JUROR NO. 0012: Yes, ma'am.

15 THE COURT: What do they do for a living?

16 PROSPECTIVE JUROR NO. 0012: Well, they're in high school, but I  
17 mean, they're all --

18 THE COURT: Oh.

19 PROSPECTIVE JUROR NO. 0012: They're 16 and 17.

20 THE COURT: Okay. To me that's still too young to necessarily be  
21 employed? They're still students in high school?

22 PROSPECTIVE JUROR NO. 0012: Yes, ma'am.

23 THE COURT: Okay. Anything that would cause you to not be able to be  
24 a fair and impartial juror if selected to serve?

25 PROSPECTIVE JUROR NO. 0012: No, ma'am.

1 THE COURT: Okay. Thank you very much for appearing. Ms. Gulder.

2 PROSPECTIVE JUROR NO. 0014: Yes.

3 THE COURT: Good morning. How long have you lived in Clark County?

4 PROSPECTIVE JUROR NO. 0014: 7 years.

5 THE COURT: Your employment, training, educational background?

6 PROSPECTIVE JUROR NO. 0014: Clark County School District.

7 THE COURT: What do you do?

8 PROSPECTIVE JUROR NO. 0014: Elementary teacher. I'm the Reading  
9 Literary Specialist.

10 THE COURT: So do you work with a certain age group or just all  
11 elementary school kids?

12 PROSPECTIVE JUROR NO. 0014: All elementary school children, K  
13 through 5<sup>th</sup> and then I --

14 THE COURT: Okay.

15 PROSPECTIVE JUROR NO. 0014: -- also do a lot of teacher trainings.

16 THE COURT: What kind of teacher training?

17 PROSPECTIVE JUROR NO. 0014: I --

18 THE COURT: Help them --

19 PROSPECTIVE JUROR NO. 0014: Hold classes for the teachers --

20 THE COURT: Okay.

21 PROSPECTIVE JUROR NO. 0014: -- and model lessons and train the  
22 teachers on different programs and different techniques and strategies.

23 THE COURT: On how to teach children how to read?

24 PROSPECTIVE JUROR NO. 0014: Reading, writing -- all of language arts.

25 THE COURT: Oh, okay.



1 PROSPECTIVE JUROR NO. 0014: Reading, writing -- yes, grammar.

2 THE COURT: All right. So are you assigned to one specific school --

3 PROSPECTIVE JUROR NO. 0014: Yes.

4 THE COURT: -- or do you go to different schools?

5 PROSPECTIVE JUROR NO. 0014: I'm assigned to one specific school for  
6 that school, but when I do trainings, I do go to other schools.

7 THE COURT: Okay. And what part of town are you at right now?

8 PROSPECTIVE JUROR NO. 0014: Well, it used to be called the south --  
9 southeast, but now we're Area 2 so it's --

10 THE COURT: It's the southeast --

11 PROSPECTIVE JUROR NO. 0014: -- south end of town.

12 THE COURT: -- part of town?

13 PROSPECTIVE JUROR NO. 0014: Yeah.

14 THE COURT: Okay. Your marital status?

15 PROSPECTIVE JUROR NO. 0014: Single.

16 THE COURT: Do you have any children?

17 PROSPECTIVE JUROR NO. 0014: No.

18 THE COURT: Do you know of any reason why you could not be a  
19 completely fair and impartial juror if you were selected to serve?

20 PROSPECTIVE JUROR NO. 0014: No.

21 THE COURT: Thank you. Thank you for being here. Ms. Young, how  
22 long have you lived in Clark County?

23 PROSPECTIVE JUROR NO. 0015: 33 years.

24 THE COURT: Your employment, training, educational background?

25 PROSPECTIVE JUROR NO. 0015: High school. I work at Meyers

1 [phonetic] Auto Parts. I'm an inventory control and automotive buyer for  
2 Import Auto Parts.

3 THE COURT: Okay. Did you make that phone call I asked you to make?

4 PROSPECTIVE JUROR NO. 0015: You didn't ask me to but I did --

5 THE COURT: Oh, I'm sorry.

6 PROSPECTIVE JUROR NO. 0015: -- make the call as well, and I was  
7 correct; they do not pay for jury services.

8 THE COURT: Okay. Your marital status?

9 PROSPECTIVE JUROR NO. 0015: Single.

10 THE COURT: Do you have any children?

11 PROSPECTIVE JUROR NO. 0015: Yes.

12 THE COURT: You have one child; right?

13 PROSPECTIVE JUROR NO. 0015: I have one at home; yes.

14 THE COURT: Okay. Because I think you told me about --

15 PROSPECTIVE JUROR NO. 0015: Daycare. Yeah.

16 THE COURT: -- child care and you forgot how expensive it is.

17 PROSPECTIVE JUROR NO. 0015: Yes.

18 THE COURT: Okay. But that child's obviously not school age?

19 PROSPECTIVE JUROR NO. 0015: No; he's three.

20 THE COURT: Okay. Any reason why you could not be a completely fair  
21 and impartial juror if selected to serve on this panel?

22 PROSPECTIVE JUROR NO. 0015: No.

23 THE COURT: Okay. Thank you very much. Thank you for appearing.

24 Ms. Victoriano, how long have you lived in Clark County?

25 PROSPECTIVE JUROR NO. 0016: Oh, it'll be my fourth year next

1 December -- this December.

2 THE COURT: Your employment, training, educational background?

3 PROSPECTIVE JUROR NO. 0016: I'm an associate manager at Big Lots  
4 and it's my fourth year in college at UNLV. I'm majoring in psychology.

5 THE COURT: What do you want to do with your degree?

6 PROSPECTIVE JUROR NO. 0016: I'm going to enter into human  
7 resource, so I'm going for my graduate training in industrial psychology.

8 THE COURT: Are you going to do that graduate program here at UNLV  
9 as well?

10 PROSPECTIVE JUROR NO. 0016: No; they don't have one, so I might  
11 have to go to another state.

12 THE COURT: Okay. So have you applied for a post graduate program  
13 yet?

14 PROSPECTIVE JUROR NO. 0016: Not yet.

15 THE COURT: Okay.

16 PROSPECTIVE JUROR NO. 0016: I'm still thinking.

17 THE COURT: That's just what you want to do? But you're going to  
18 graduate this year with your degree in psychology?

19 PROSPECTIVE JUROR NO. 0016: Yes.

20 THE COURT: And then you want to go into human resources?

21 PROSPECTIVE JUROR NO. 0016: Uh huh.

22 THE COURT: Is that a yes?

23 PROSPECTIVE JUROR NO. 0016: Yes.

24 THE COURT: Okay. Your marital status?

25 PROSPECTIVE JUROR NO. 0016: Single.

1 THE COURT: Do you have any children?

2 PROSPECTIVE JUROR NO. 0016: No.

3 THE COURT: Do you know of any reason why you could not be a  
4 completely fair and impartial juror if selected to serve?

5 PROSPECTIVE JUROR NO. 0016: No.

6 THE COURT: Thank you. Thank you for appearing. Mr. Lampton, how  
7 long have you lived in Clark County?

8 PROSPECTIVE JUROR NO. 0017: About 9 years.

9 THE COURT: Your employment, training, educational background?

10 PROSPECTIVE JUROR NO. 0017: I'm a network engineer for Bally  
11 Technologies. I have a bachelor's degree in computers -- security systems.

12 THE COURT: Your marital status?

13 PROSPECTIVE JUROR NO. 0017: Single.

14 THE COURT: Do you have any children?

15 PROSPECTIVE JUROR NO. 0017: No.

16 THE COURT: Do you know of any reason why you could not be a  
17 completely fair and impartial juror --

18 PROSPECTIVE JUROR NO. 0017: No.

19 THE COURT: -- if selected to serve?

20 PROSPECTIVE JUROR NO. 0017: No.

21 THE COURT: Thank you. Thank you for appearing. Mr. Welch, good  
22 morning. How long have you lived in Clark County?

23 PROSPECTIVE JUROR NO. 0019: 12 years.

24 THE COURT: Your employment, training, educational background?

25 PROSPECTIVE JUROR NO. 0019: I work with the City of Las Vegas as a

1 professional engineer. I have a bachelor's of science --

2 THE COURT: In --

3 PROSPECTIVE JUROR NO. 0019: In civil engineering.

4 THE COURT: Okay. How long have you worked for the City?

5 PROSPECTIVE JUROR NO. 0019: Almost 5 years.

6 THE COURT: Your marital status?

7 PROSPECTIVE JUROR NO. 0019: Married.

8 THE COURT: Is your wife employed?

9 PROSPECTIVE JUROR NO. 0019: Yeah; she's a high school art teacher.

10 THE COURT: Do you have any children?

11 PROSPECTIVE JUROR NO. 0019: No.

12 THE COURT: Do you know of any reason why you could not be a  
13 completely fair and impartial juror if you were selected to serve on this panel?

14 PROSPECTIVE JUROR NO. 0019: No.

15 THE COURT: Thank you. Thank you for appearing. Ms. Perkins, how  
16 long have you lived in Clark County?

17 PROSPECTIVE JUROR NO. 0021: Six years.

18 THE COURT: Your education background?

19 PROSPECTIVE JUROR NO. 0021: High school.

20 THE COURT: Okay. And you told us a little bit about your employment  
21 before? You're at the Bellagio?

22 PROSPECTIVE JUROR NO. 0021: Bellagio, uh huh.

23 THE COURT: Bellagio. And you are in what you call fire safety?

24 PROSPECTIVE JUROR NO. 0021: Uh huh.

25 THE COURT: And I'll let you say it: You're a dispatcher?

1 PROSPECTIVE JUROR NO. 0021: Yes, ma'am.

2 THE COURT: And why don't you explain your duties and responsibilities?

3 PROSPECTIVE JUROR NO. 0021: Well, any time the alarms go off.

4 Basically, I monitor the panels.

5 THE COURT: What panels?

6 PROSPECTIVE JUROR NO. 0021: Fire panels, trapped elevators,  
7 coordinators, generators, smoke alarms. And if there's any problems, I --

8 THE COURT: How do you monitor them?

9 PROSPECTIVE JUROR NO. 0021: There's panels in the office where I  
10 sit.

11 THE COURT: Video surveillance?

12 PROSPECTIVE JUROR NO. 0021: More like electronical [sic] panels.

13 THE COURT: And they would tell you if there's a problem?

14 PROSPECTIVE JUROR NO. 0021: Uh huh. Also, the alarms would go  
15 off.

16 THE COURT: Okay. Your marital status?

17 PROSPECTIVE JUROR NO. 0021: Divorced.

18 THE COURT: Do you have any children?

19 PROSPECTIVE JUROR NO. 0021: Yes.

20 THE COURT: Are any of them old enough to be employed?

21 PROSPECTIVE JUROR NO. 0021: Yes.

22 THE COURT: How many children do you have?

23 PROSPECTIVE JUROR NO. 0021: One.

24 THE COURT: Okay. What does that child do for a living?

25 PROSPECTIVE JUROR NO. 0021: She's a project manager for a

1 construction company.

2 THE COURT: Any reason why you could not be a completely fair and  
3 impartial juror if you were selected to serve on this panel?

4 PROSPECTIVE JUROR NO. 0021: No.

5 THE COURT: Thank you. Thank you for being here. Mr. Reed, Paul  
6 Reed.

7 PROSPECTIVE JUROR NO. 0022: Yes.

8 THE COURT: Thank you for being here. How long have you been in  
9 Clark County?

10 PROSPECTIVE JUROR NO. 0022: About 7 years.

11 THE COURT: Your employment, training, educational background?

12 PROSPECTIVE JUROR NO. 0022: U.S. Bank, Vice President for the  
13 Southern Nevada stores.

14 THE COURT: Right. So you're vice president in the U. S. Bank?

15 PROSPECTIVE JUROR NO. 0022: Yes.

16 THE COURT: Your educational background?

17 PROSPECTIVE JUROR NO. 0022: Three years of college.

18 THE COURT: I'm sorry.

19 PROSPECTIVE JUROR NO. 0022: Three years of college.

20 THE COURT: What did you study?

21 PROSPECTIVE JUROR NO. 0022: Business.

22 THE COURT: Your marital status?

23 PROSPECTIVE JUROR NO. 0022: Married.

24 THE COURT: Is your wife employed?

25 PROSPECTIVE JUROR NO. 0022: No; she's not.

1 THE COURT: Do you have any children?

2 PROSPECTIVE JUROR NO. 0022: I have three.

3 THE COURT: Are they old enough to be employed?

4 PROSPECTIVE JUROR NO. 0022: They're in school.

5 THE COURT: Any reason why you could not be a completely fair and  
6 impartial juror if you were selected to serve on this panel?

7 PROSPECTIVE JUROR NO. 0022: No.

8 THE COURT: Thank you, sir.

9 Ms. Joy Ellis, how long have you lived in Clark County?

10 PROSPECTIVE JUROR NO. 0025: Four years.

11 THE COURT: Three years? Four years? Your educational background?

12 PROSPECTIVE JUROR NO. 0025: Associates degree in liberal arts and a  
13 CNA, CHA, and medical assisting license and a manicure license.

14 THE COURT: You're going to have to speak up, ma'am.

15 PROSPECTIVE JUROR NO. 0025: A medical assisting license, a CNA,  
16 CHA, and also a manicurist license.

17 THE COURT: And you currently work at Wal-Mart?

18 PROSPECTIVE JUROR NO. 0025: Wal-Mart on North and Sunset.

19 THE COURT: Okay. Your marital status?

20 PROSPECTIVE JUROR NO. 0025: Single.

21 THE COURT: Do you have any children?

22 PROSPECTIVE JUROR NO. 0025: No.

23 THE COURT: Do you know of any reason why you could not be a  
24 completely fair and impartial juror if selected to serve?

25 PROSPECTIVE JUROR NO. 0025: No.



1 THE COURT: Thank you. Thank you very much for being here. Rosario  
2 Steinaker, good morning. How long have you lived in Clark County?

3 PROSPECTIVE JUROR NO. 0028: Four years.

4 THE COURT: Four?

5 PROSPECTIVE JUROR NO. 0028: Yeah.

6 THE COURT: Your employment, training, educational background?

7 PROSPECTIVE JUROR NO. 0028: I work at Las Vegas Day School and I  
8 graduated in the Phillipines and I have a degree on education. I'm married --  
9 one son, and he's in the Navy.

10 THE COURT: Is your husband employed?

11 PROSPECTIVE JUROR NO. 0028: No; he's retired.

12 THE COURT: And your son is in the Navy?

13 PROSPECTIVE JUROR NO. 0028: Yes.

14 THE COURT: What does he do in the Navy?

15 PROSPECTIVE JUROR NO. 0028: He's working right now at -- in  
16 Prescott Valley.

17 THE COURT: Do you know what his rank is?

18 PROSPECTIVE JUROR NO. 0028: I don't remember.

19 THE COURT: Okay. And what do you do at the Day School?

20 PROSPECTIVE JUROR NO. 0028: Teacher aide.

21 THE COURT: Okay. What grade?

22 PROSPECTIVE JUROR NO. 0028: Pre-K.

23 THE COURT: Pre-K?

24 PROSPECTIVE JUROR NO. 0028: Yeah.

25 THE COURT: What teacher do you work with?

1 PROSPECTIVE JUROR NO. 0028: Ms. Lance.

2 THE COURT: I'm sorry.

3 PROSPECTIVE JUROR NO. 0028: The teacher I work with?

4 THE COURT: Uh huh.

5 PROSPECTIVE JUROR NO. 0028: Mrs. Lance.

6 THE COURT: Okay. Any reason why you could not be a completely fair  
7 and impartial juror --

8 PROSPECTIVE JUROR NO. 0028: No.

9 THE COURT: -- if you were selected to serve on this panel?

10 PROSPECTIVE JUROR NO. 0028: I have no reason.

11 THE COURT: Let me ask the question and then you can answer. Is there  
12 any reason -- is there any reason you could not be a completely fair and  
13 impartial juror if you were selected to serve on this panel?

14 PROSPECTIVE JUROR NO. 0028: I have no reason.

15 THE COURT: Thank you.

16 Mr. John Blizzard, how long have you lived in Clark County?

17 PROSPECTIVE JUROR NO. 0029: 19 years in Nevada

18 THE COURT: Your employment, training, educational background?

19 PROSPECTIVE JUROR NO. 0029: I work at the College of Southern  
20 Nevada. I have an associates degree in integrated avionics in the Air Force.

21 THE COURT: What do you do at CSN?

22 PROSPECTIVE JUROR NO. 0029: Two main jobs. I repair all the  
23 equipment in the science departments at all three campuses and I'm a physics  
24 lab manager.

25 THE COURT: Are you married?

1 PROSPECTIVE JUROR NO. 0029: Yes, ma'am.

2 THE COURT: Is your wife employed?

3 PROSPECTIVE JUROR NO. 0029: Yes, ma'am.

4 THE COURT: What does she do?

5 PROSPECTIVE JUROR NO. 0029: She has a doctorate's in biology and  
6 teaches at the community college.

7 THE COURT: So she teaches at CSN?

8 PROSPECTIVE JUROR NO. 0029: Yes, ma'am, Henderson campus.

9 THE COURT: Do you have any children?

10 PROSPECTIVE JUROR NO. 0029: No, ma'am.

11 THE COURT: Any reason why you could not be a completely fair and  
12 impartial juror if you were selected on this panel?

13 PROSPECTIVE JUROR NO. 0029: No, ma'am.

14 THE COURT: Thank you. Thank you for being here. Ms. Linda Griner,  
15 how long have you lived in Clark County?

16 PROSPECTIVE JUROR NO. 0031: 14 years.

17 THE COURT: Your employment, training, educational background?

18 PROSPECTIVE JUROR NO. 0031: I'm a realtor. Some college.

19 THE COURT: So high school; some college?

20 PROSPECTIVE JUROR NO. 0031: What's that?

21 THE COURT: High school education, some college?

22 PROSPECTIVE JUROR NO. 0031: Yeah.

23 THE COURT: What did you study in college?

24 PROSPECTIVE JUROR NO. 0031: Music -- I've been in music most of  
25 my life.

1 THE COURT: So how many years of college did you take?

2 PROSPECTIVE JUROR NO. 0031: Off and on a couple of years.

3 THE COURT: Okay.

4 PROSPECTIVE JUROR NO. 0031: Because I was in the entertainment  
5 world so --

6 THE COURT: And you studied music? Yes?

7 PROSPECTIVE JUROR NO. 0031: Yes.

8 THE COURT: Okay. Your marital status?

9 PROSPECTIVE JUROR NO. 0031: Yes.

10 THE COURT: You're married?

11 PROSPECTIVE JUROR NO. 0031: Yes; I am.

12 THE COURT: Okay. Is your husband employed?

13 PROSPECTIVE JUROR NO. 0031: Yes; he is.

14 THE COURT: What does he do?

15 PROSPECTIVE JUROR NO. 0031: He works at the MGM.

16 THE COURT: What does he do at the MGM?

17 PROSPECTIVE JUROR NO. 0031: He's an engineer.

18 THE COURT: Do you have any children?

19 PROSPECTIVE JUROR NO. 0031: No.

20 THE COURT: Any reason why you could not be a completely fair and  
21 impartial juror if you were selected to serve on this panel?

22 PROSPECTIVE JUROR NO. 0031: I don't think so.

23 THE COURT: Okay. Well, you're the only one who can tell me. Is there  
24 any reason why you could not be a completely fair and impartial juror?

25 PROSPECTIVE JUROR NO. 0031: I would say: There's no reason other

1 than -- I am on some medication that kind of prohibits me a little bit, but I don't  
2 think it would hurt me enough to --

3 THE COURT: Okay. The Court Marshal's just going to have you  
4 approach the bench.

5 PROSPECTIVE JUROR NO. 0031: Okay.

6 [Bench Conference -- Transcribed]

7 THE COURT: The record reflect, Ms. Griner is present at the bench, both  
8 District Attorneys, as well as both Defense Counsel. What kind of medication  
9 are you on ma'am?

10 PROSPECTIVE JUROR NO. 0031: I'm very hypertensive and I'm on --

11 THE COURT: Oh.

12 PROSPECTIVE JUROR NO. 0031: Lexapro right now.

13 THE COURT: Okay.

14 PROSPECTIVE JUROR NO. 0031: So I don't know. It's -- very bad  
15 mood swings right now. My doctor has me on Lexapro.

16 THE COURT: Oh, okay.

17 PROSPECTIVE JUROR NO. 0031: So I don't know, you know,  
18 sometimes I just feel really -- it has -- it's just been really bad this past year.

19 THE COURT: So you've been on it for more than a year?

20 PROSPECTIVE JUROR NO. 0031: Not -- she -- about 5 months.

21 THE COURT: Okay. So you've been on Lexapro for about 5 months?

22 PROSPECTIVE JUROR NO. 0031: Uh huh.

23 THE COURT: Does it have any type of side effects?

24 PROSPECTIVE JUROR NO. 0031: Just, you know, panic attacks, a little  
25 bit.

1 THE COURT: Lexapro makes you have panic attacks?

2 PROSPECTIVE JUROR NO. 0031: Well, I don't know if it's in the  
3 hypertension or what, but I've been on -- I've been on -- I would say 15 years,  
4 I've been on the high blood pressure medication.

5 THE COURT: Okay. So you have high blood pressure, you're on  
6 medication for that, and you're on medication for Lexapro. Does the Lexapro or  
7 the high blood pressure medication interfere with your ability to pay attention  
8 and listen to the evidence?

9 PROSPECTIVE JUROR NO. 0031: I wouldn't -- I'm okay as long as I'm  
10 taking it.

11 THE COURT: Okay.

12 PROSPECTIVE JUROR NO. 0031: You know, but --

13 THE COURT: As long as you're taking what?

14 PROSPECTIVE JUROR NO. 0031: Again, I do have panic attacks.

15 THE COURT: Okay.

16 PROSPECTIVE JUROR NO. 0031: And --

17 THE COURT: But as long as you're taking your Lexapro, you don't have  
18 the panic attacks?

19 PROSPECTIVE JUROR NO. 0031: Right.

20 THE COURT: Okay. So you'll continue to take your Lexapro?

21 PROSPECTIVE JUROR NO. 0031: Yes.

22 THE COURT: Okay. And if you'll have any problems you'll let me know;  
23 right?

24 PROSPECTIVE JUROR NO. 0031: Yes; absolutely.

25 THE COURT: Okay. Anything else that would impede your ability to be

1 fair and impartial?

2 PROSPECTIVE JUROR NO. 0031: I don't think so.

3 THE COURT: Okay.

4 PROSPECTIVE JUROR NO. 0031: Okay.

5 THE COURT: Well, you're the only one who can tell me, so I need you to  
6 be able to tell me yes or no?

7 PROSPECTIVE JUROR NO. 0031: Well, just -- sometimes, like I said: I  
8 don't -- I'm not feeling up to -- I was on disability for about 7 months this year  
9 as well.

10 THE COURT: For what?

11 PROSPECTIVE JUROR NO. 0031: Just from neurology problems and  
12 with this hypertension and --

13 THE COURT: Okay.

14 PROSPECTIVE JUROR NO. 0031: -- so forth.

15 THE COURT: For your high blood pressure?

16 PROSPECTIVE JUROR NO. 0031: Yeah.

17 THE COURT: Okay. Again, is there anything that's going to impede your  
18 ability to be fair and impartial?

19 PROSPECTIVE JUROR NO. 0031: No; I don't think so.

20 THE COURT: Okay. I don't want to compromise your health either.

21 PROSPECTIVE JUROR NO. 0031: Yeah.

22 THE COURT: Would being here compromise your health?

23 PROSPECTIVE JUROR NO. 0031: Well, if this is a criminal job; right?

24 THE COURT: Yes.

25 PROSPECTIVE JUROR NO. 0031: And so, I do get -- I don't know; I

1 can't say 'cause I've never done this before.

2 THE COURT: Okay.

3 PROSPECTIVE JUROR NO. 0031: I've never been on a jury.

4 THE COURT: Okay. Anything that we've done so far that's bothered  
5 you or caused you any worry?

6 PROSPECTIVE JUROR NO. 0031: No; not really. I was hoping it would  
7 be something civil, but I don't know. This is my first jury trial so --

8 THE COURT: Okay. You don't really --

9 PROSPECTIVE JUROR NO. 0031: I can try.

10 THE COURT: -- want to hope for a civil case. Sometimes those can last  
11 for months.

12 PROSPECTIVE JUROR NO. 0031: Oh.

13 THE COURT: But if you want me to call someone --

14 PROSPECTIVE JUROR NO. 0031: Oh, I'm sorry.

15 THE COURT: -- that's got a really long civil case going; I can. I'm just  
16 kidding.

17 PROSPECTIVE JUROR NO. 0031: Oh no.

18 THE COURT: I'm just kidding.

19 PROSPECTIVE JUROR NO. 0031: Oh. Okay.

20 THE COURT: It was just a joke.

21 PROSPECTIVE JUROR NO. 0031: Okay.

22 THE COURT: Usually they last longer than criminal trials that's why I  
23 said that. Anything that you know of that you haven't disclosed to us that  
24 might interfere with your ability to be fair and impartial?

25 PROSPECTIVE JUROR NO. 0031: No; I don't think so.



1 THE COURT: Can you be fair to the State?

2 PROSPECTIVE JUROR NO. 0031: Excuse me.

3 THE COURT: To the State of Nevada. Can you be fair to the State of  
4 Nevada?

5 PROSPECTIVE JUROR NO. 0031: Absolutely; I think so.

6 THE COURT: Can you be fair to Mr. Collins?

7 PROSPECTIVE JUROR NO. 0031: Yes.

8 THE COURT: Okay. Thank you and thank you for coming up here.

9 PROSPECTIVE JUROR NO. 0031: Okay.

10 THE COURT: Thank you.

11 PROSPECTIVE JUROR NO. 0031: Thank you.

12 THE COURT: Mr. Joseph Sands. Good morning. How long have you  
13 lived in Clark County, Mr. Sands?

14 PROSPECTIVE JUROR NO. 0032: 29 years, Your Honor.

15 THE COURT: I'm sorry.

16 PROSPECTIVE JUROR NO. 0032: 29 years.

17 THE COURT: And you told us already you're a business owner; correct?

18 PROSPECTIVE JUROR NO. 0032: Correct.

19 THE COURT: Your education background?

20 PROSPECTIVE JUROR NO. 0032: 3 years of college.

21 THE COURT: What did you study?

22 PROSPECTIVE JUROR NO. 0032: Electronic communications and digital  
23 electronics.

24 THE COURT: And you're married?

25 PROSPECTIVE JUROR NO. 0032: Yes.

1 THE COURT: Is your wife employed?

2 PROSPECTIVE JUROR NO. 0032: No.

3 THE COURT: Do you have any children?

4 PROSPECTIVE JUROR NO. 0032: Yes. She's not living in the home but  
5 she works at the Golden Nugget.

6 THE COURT: Okay. I'm sorry.

7 PROSPECTIVE JUROR NO. 0032: She works at the Golden Nugget, my  
8 daughter. I have one daughter.

9 THE COURT: Oh, you have one daughter and she's old enough to be  
10 employed and she works at the Golden Nugget?

11 PROSPECTIVE JUROR NO. 0032: Right. Yes.

12 THE COURT: Okay. What does she do there?

13 PROSPECTIVE JUROR NO. 0032: She's a poker dealer.

14 THE COURT: Okay. Do you know of any reason why you could not be a  
15 completely fair and impartial juror if you were selected to serve?

16 PROSPECTIVE JUROR NO. 0032: No, Your Honor.

17 THE COURT: Thank you very much for being here.

18 Katelyn Kraut. How long have you lived in Clark County?

19 PROSPECTIVE JUROR NO. 0033: 15 years.

20 THE COURT: Your employment, training, educational background?

21 PROSPECTIVE JUROR NO. 0033: I am a junior at UNLV majoring in  
22 events and convention management and I'm a returns cashier for the Home  
23 Depot.

24 THE COURT: Your marital status?

25 PROSPECTIVE JUROR NO. 0033: Single.

1 THE COURT: Do you have any children?

2 PROSPECTIVE JUROR NO. 0033: No.

3 THE COURT: Do you know of any reason why you could not be a  
4 completely fair and impartial juror?

5 PROSPECTIVE JUROR NO. 0033: No.

6 THE COURT: Thank you. Thank you for being here.

7 Kathleen Paris. Good morning. How long have you lived in Clark  
8 County?

9 PROSPECTIVE JUROR NO. 0034: 10 years.

10 THE COURT: Your employment, training, educational background?

11 PROSPECTIVE JUROR NO. 0034: School graduate.

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

13 PROSPECTIVE JUROR NO. 0034: I'm an office manager at Friendly Ford.

14 THE COURT: Office manager for?

15 PROSPECTIVE JUROR NO. 0034: Friendly Ford.

16 THE COURT: Your marital status?

17 PROSPECTIVE JUROR NO. 0034: Married.

18 THE COURT: Is your husband employed?

19 PROSPECTIVE JUROR NO. 0034: Yes; he's a plumber.

20 THE COURT: Do you have any children?

21 PROSPECTIVE JUROR NO. 0034: Four.

22 THE COURT: Are any of those children old enough to be employed?

23 PROSPECTIVE JUROR NO. 0034: Yes.

24 THE COURT: Can you tell us what they do for a living?

25 PROSPECTIVE JUROR NO. 0034: Two of them work at Camelback Inn

1 in Phoenix, one works at a convenience store, and one is in the Army.

2 THE COURT: Do you know of any reason why you could not be a  
3 completely fair and impartial juror if you were selected to serve on this panel?

4 PROSPECTIVE JUROR NO. 0034: No.

5 THE COURT: Thank you. Thank you for being here.

6 Ms. Fort, how long have you lived in Clark County?

7 PROSPECTIVE JUROR NO. 0035: 39 and-a-half years.

8 THE COURT: Your employment, training, educational background?

9 PROSPECTIVE JUROR NO. 0035: Ninth grade, divorced, cocktail  
10 waitress.

11 THE COURT: Okay. Just a minute. Ninth grade education and you work  
12 as a cocktail waitress?

13 PROSPECTIVE JUROR NO. 0035: Yes.

14 THE COURT: You're not married?

15 PROSPECTIVE JUROR NO. 0035: Yes.

16 THE COURT: Do you have any children?

17 PROSPECTIVE JUROR NO. 0035: Yes.

18 THE COURT: And --

19 PROSPECTIVE JUROR NO. 0035: Two.

20 THE COURT: Two children? Are they old enough to be employed?

21 PROSPECTIVE JUROR NO. 0035: Yes.

22 THE COURT: Can you tell us what they do for a living?

23 PROSPECTIVE JUROR NO. 0035: My son's a floor manager at Red Rock  
24 Casino. My daughter is a manager at Sunrise Hospital.

25 THE COURT: Do you know of any reason why you could not be a

1 completely fair and impartial juror if you were selected to serve on this panel?

2 PROSPECTIVE JUROR NO. 0035: No.

3 THE COURT: Okay. Thank you, Ms. Fort.

4 Okay. These questions are going to be for the panel as a whole,  
5 for the first 23, so if you'd like to answer this question -- although I wish I had  
6 all your names memorized; I don't. So, you'll need to state your name and your  
7 badge number. Are there any of you that have ever served as a juror before  
8 and you have not already told the Court of that?

9 Anyone on the first 23 that has ever served as a juror before? Sir,  
10 your name and badge number.

11 PROSPECTIVE JUROR NO. 0004: Charles Kajkowski --

12 THE COURT: Okay.

13 PROSPECTIVE JUROR NO. 0004: -- 0004. I've been -- I've been to this  
14 portion of the jury selection but I've never sat on a trial --

15 THE COURT: Okay.

16 PROSPECTIVE JUROR NO. 0004: -- like this.

17 THE COURT: Anything about that last process that would affect your  
18 ability to be impartial if selected to serve in this case?

19 PROSPECTIVE JUROR NO. 0004: No.

20 THE COURT: Thank you. Anyone else that's ever served as a juror  
21 before? The record will reflect, no response from the panel. Have you or  
22 anyone close to you, such as a family member or friend, ever been the victim of  
23 a crime? Okay, we'll start over here.

24 PROSPECTIVE JUROR NO. 0021: Gloria Perkins, 0021. I've had my car  
25 stolen a couple times.

1 THE COURT: Here in Clark County?

2 PROSPECTIVE JUROR NO. 0021: Yes.

3 THE COURT: What was the result of having your car stolen a couple of  
4 times? Did they find it --

5 PROSPECTIVE JUROR NO. 0021: Yes; it's found.

6 THE COURT: Okay. Did they find who did it?

7 PROSPECTIVE JUROR NO. 0021: No.

8 THE COURT: Okay. Anything about those experiences that would affect  
9 your ability to be fair and impartial?

10 PROSPECTIVE JUROR NO. 0021: No.

11 THE COURT: Thank you. Go ahead, ma'am.

12 PROSPECTIVE JUROR NO. 0008: Ms. Jolene Parmer and it -- my badge  
13 number is 0008. My sister has had her car broken into. They didn't find out  
14 who it was and she also had her car stolen. They also don't know who did  
15 that. They eventually found it.

16 THE COURT: Okay. And did both of these things happen here in Clark  
17 County?

18 PROSPECTIVE JUROR NO. 0008: Yeah.

19 THE COURT: Anything about what happened to your sister that would  
20 affect your ability to be fair and impartial in this case?

21 PROSPECTIVE JUROR NO. 0008: No.

22 THE COURT: Thank you. Anyone else? Go ahead, ma'am.

23 PROSPECTIVE JUROR NO. 0012: Mayra, my badge number is 04-0012.  
24 Also, my mom's car was stolen; that was in Arizona -- in Phoenix.

25 THE COURT: Anything about that that would affect your ability to be fair

1 and impartial?

2 PROSPECTIVE JUROR NO. 0012: No.

3 THE COURT: Thank you. Anyone else over here? Go ahead, sir.

4 PROSPECTIVE JUROR NO. 0017: Robert Lampton, 0017. I had a car  
5 broken into many years ago in California. It was deemed by the police not  
6 high priority enough to take a report or anything.

7 THE COURT: Okay. So your car was broken into but they won't even  
8 take a police report?

9 PROSPECTIVE JUROR NO. 0017: Right.

10 THE COURT: Okay. That make you mad?

11 PROSPECTIVE JUROR NO. 0017: At the time.

12 THE COURT: Okay. Anything about that that would make -- that would  
13 interfere with your ability to be fair and impartial in this case?

14 PROSPECTIVE JUROR NO. 0017: No.

15 THE COURT: Okay. Thank you, sir. Anyone else over here? Over here?  
16 Go ahead, Ms. Ellis.

17 PROSPECTIVE JUROR NO. 0025: 0025, Joy Ellis. I've been burglarized.

18 THE COURT: Okay. You're going to have to speak up.

19 PROSPECTIVE JUROR NO. 0025: Oh, I've been burglarized.

20 THE COURT: What does that mean to you; you've been burglarized?

21 PROSPECTIVE JUROR NO. 0025: Well, I trusted this person as a  
22 roommate and he stole a lot of things from me and sold them to the pawn shop  
23 and I'm waiting for it.

24 THE COURT: Okay. Just a minute. You had a roommate that stole  
25 things from you and sold them to a pawn shop?

1 PROSPECTIVE JUROR NO. 0025: Uh huh.

2 THE COURT: Okay.

3 PROSPECTIVE JUROR NO. 0025: And I'm waiting to be subpoenaed into  
4 Court so it's, you know, it's in the process.

5 THE COURT: Okay. So you reported it to police?

6 PROSPECTIVE JUROR NO. 0025: Oh yes.

7 THE COURT: And they arrested your roommate?

8 PROSPECTIVE JUROR NO. 0025: Well, he's up for arrest.

9 THE COURT: Okay. He hasn't been arrested.

10 PROSPECTIVE JUROR NO. 0025: They have a warrant out for him  
11 already.

12 THE COURT: Okay. He's not your roommate anymore?

13 PROSPECTIVE JUROR NO. 0025: No.

14 THE COURT: Okay.

15 PROSPECTIVE JUROR NO. 0025: He was a friend, you know, but, you  
16 know, I trusted him.

17 THE COURT: How long ago was that?

18 PROSPECTIVE JUROR NO. 0025: Within this year.

19 THE COURT: Were you happy with the way the police investigated it?

20 PROSPECTIVE JUROR NO. 0025: Yes.

21 THE COURT: And if they arrest him and they go to trial, you plan on  
22 cooperating?

23 PROSPECTIVE JUROR NO. 0025: Yes; I'll be subpoenaed and they  
24 already told me -- from the DA's office -- they already sent me a letter.

25 THE COURT: Okay. Somebody from the DA's office sent you a letter?



1 PROSPECTIVE JUROR NO. 0025: Uh huh.

2 THE COURT: Okay. What did the letter say?

3 PROSPECTIVE JUROR NO. 0025: It said: Just, anytime, that I might be  
4 subpoenaed in for the trial.

5 THE COURT: Okay. Anything about the fact that you have an ongoing  
6 case that affects you personally that would interfere with your inability to be  
7 fair and impartial?

8 PROSPECTIVE JUROR NO. 0025: Not really.

9 THE COURT: Okay. And you've also said the District Attorney is  
10 prosecuting your roommate, to which, you're contending you were the victim;  
11 correct?

12 PROSPECTIVE JUROR NO. 0025: Oh, yeah.

13 THE COURT: Okay. Anything about that that would cause you to not be  
14 fair to Mr. Collins cause these prosecutors are handling the case --

15 PROSPECTIVE JUROR NO. 0025: No.

16 THE COURT: -- against your roommate?

17 PROSPECTIVE JUROR NO. 0025: This -- mine is totally different.

18 THE COURT: Okay. So you can separate the two?

19 PROSPECTIVE JUROR NO. 0025: Yeah.

20 THE COURT: And you can judge this case based solely upon the  
21 evidence that you hear in this case and the instructions on the law and nothing  
22 else?

23 PROSPECTIVE JUROR NO. 0025: Correct.

24 THE COURT: Okay. Thank you. Anyone else? Go ahead.

25 PROSPECTIVE JUROR NO. 0031: Yes; I have a question.

1 THE COURT: Your name and badge number.

2 PROSPECTIVE JUROR NO. 0031: It is 04-0031.

3 THE COURT: Ms. Griner. Go ahead.

4 PROSPECTIVE JUROR NO. 0031: Yeah, I did have a home invasion in  
5 my home in California.

6 THE COURT: How long ago was that?

7 PROSPECTIVE JUROR NO. 0031: It was actually about 8 in the -- about  
8 1984.

9 THE COURT: Okay. What happened?

10 PROSPECTIVE JUROR NO. 0031: I came up from my basement and  
11 children were in my house, one in the kitchen and one at the stairway; and they  
12 had guns pointed at me.

13 THE COURT: Ooh.

14 PROSPECTIVE JUROR NO. 0031: And I was fortunate enough to get out  
15 of my house; I ran --

16 THE COURT: Okay.

17 PROSPECTIVE JUROR NO. 0031: -- to my next door neighbor's so, you  
18 know, that was pretty traumatizing.

19 THE COURT: Oh, sure. Did the police get involved?

20 PROSPECTIVE JUROR NO. 0031: Yes.

21 THE COURT: Okay. And did they investigate it?

22 PROSPECTIVE JUROR NO. 0031: They investigated it and I went to the  
23 line-up. I wasn't able to identify anybody on the line-up so --

24 THE COURT: Okay. So it was never solved?

25 PROSPECTIVE JUROR NO. 0031: It was never solved.

1 THE COURT: Okay. To this day it wasn't -- it's not solved? No? Is that  
2 a no?

3 PROSPECTIVE JUROR NO. 0031: It is not solved.

4 THE COURT: Okay. Thank you. Anything about that that would affect  
5 your ability to be fair and impartial if selected in this case?

6 PROSPECTIVE JUROR NO. 0031: I don't -- no. It won't affect me.

7 THE COURT: Okay. You can separate the two?

8 PROSPECTIVE JUROR NO. 0031: I can.

9 THE COURT: Okay. Thank you. Anyone else? Go ahead, sir.

10 PROSPECTIVE JUROR NO. 0032: Joseph Sands, 0032. My wife was  
11 held up at gunpoint in California in the 80's. I can't remember what year, '84,  
12 '85; somewhere around there. And my brother, several months ago, had his  
13 vehicle vandalized.

14 THE COURT: Anything about those two incidents that would affect your  
15 ability --

16 PROSPECTIVE JUROR NO. 0032: You know --

17 THE COURT: -- to be fair and impartial?

18 PROSPECTIVE JUROR NO. 0032: Not really. The only -- the vandalism  
19 was slashed tires and I recall that being mentioned in the -- at the beginning  
20 here, so, I just wanted -- thought you should know that.

21 THE COURT: Okay. I appreciate that because, you know, the State has  
22 made certain allegations and you've heard them; correct?

23 PROSPECTIVE JUROR NO. 0032: I'm sorry.

24 THE COURT: The State has made certain allegations.

25 PROSPECTIVE JUROR NO. 0032: Yes; right.

1 THE COURT: And you heard them; correct?

2 PROSPECTIVE JUROR NO. 0032: Yes.

3 THE COURT: Is the fact that your brother had something similar happen  
4 to his car -- you said his vehicle had the tires slashed; is that correct?

5 PROSPECTIVE JUROR NO. 0032: Yes.

6 THE COURT: Is that correct?

7 PROSPECTIVE JUROR NO. 0032: Yes; that's correct.

8 THE COURT: Is that going to affect your ability to be fair and impartial in  
9 any way?

10 PROSPECTIVE JUROR NO. 0032: No.

11 THE COURT: Okay. Thank you, sir. Anyone else?

12 PROSPECTIVE JUROR NO. 0035: 0035. I was in --

13 THE COURT: Ms. Fort.

14 PROSPECTIVE JUROR NO. 0035: Vickie Fort.

15 THE COURT: Okay.

16 PROSPECTIVE JUROR NO. 0035: I was in an abusive relationship --

17 THE COURT: Okay.

18 PROSPECTIVE JUROR NO. 0035: -- in California. They did try to go  
19 after him. He lit the house on fire. I had to get permission to come from  
20 California, Orange County, and La Habra Police Department to get permission  
21 from the Court to come here from Los Angeles -- to come here to Las Vegas  
22 with my children. They were taken away and it was because of him, and they  
23 tried to prosecute him but we got divorced. His second wife killed him.

24 THE COURT: Ooh.

25 PROSPECTIVE JUROR NO. 0035: It was a very bad relation.

1 THE COURT: Okay. So you were in an abusive relationship in California--

2 PROSPECTIVE JUROR NO. 0035: Yes.

3 THE COURT: -- which resulted in you asking the Court for permission to  
4 come here to Nevada?

5 PROSPECTIVE JUROR NO. 0035: Right.

6 THE COURT: Which is why you came to Nevada?

7 PROSPECTIVE JUROR NO. 0035: Yes.

8 THE COURT: Okay. And you also contended your former husband  
9 burned your house down?

10 PROSPECTIVE JUROR NO. 0035: Yes.

11 THE COURT: Okay. But he was not prosecuted for that?

12 PROSPECTIVE JUROR NO. 0035: No, because when they took the  
13 children, he threatened me that if I testified against him, my children would pay  
14 and my son end up in the hospital with a broken leg, and I wouldn't testify  
15 against him.

16 THE COURT: Okay. He threatened you that if he went to Court and  
17 testified against him, he would harm your children?

18 PROSPECTIVE JUROR NO. 0035: And my son was hospitalized. They  
19 were taken away. He broke my son's leg. This was in La Habra in Orange  
20 County.

21 THE COURT: Oh.

22 PROSPECTIVE JUROR NO. 0035: And I wouldn't testify against him.

23 THE COURT: Okay. So during this same timeframe, he broke your son's  
24 leg?

25 PROSPECTIVE JUROR NO. 0035: Yes.

1 THE COURT: Okay.

2 PROSPECTIVE JUROR NO. 0035: As a warning.

3 THE COURT: As a warning to you?

4 PROSPECTIVE JUROR NO. 0035: Yes.

5 THE COURT: Okay. Then he got married to somebody else and she  
6 killed him?

7 PROSPECTIVE JUROR NO. 0035: Yes.

8 THE COURT: Okay.

9 PROSPECTIVE JUROR NO. 0035: His second wife married somebody  
10 else and she shot him.

11 THE COURT: Okay.

12 PROSPECTIVE JUROR NO. 0035: For the same thing, abusive.

13 THE COURT: Okay. Anything about all that that would affect your  
14 ability to be fair and impartial in this case?

15 PROSPECTIVE JUROR NO. 0035: No.

16 THE COURT: Okay.

17 PROSPECTIVE JUROR NO. 0035: No.

18 THE COURT: You can separate the two?

19 PROSPECTIVE JUROR NO. 0035: Yes.

20 THE COURT: I mean, 'cause that's a lot of issues that you have  
21 discussed with us.

22 PROSPECTIVE JUROR NO. 0035: Yeah.

23 THE COURT: Okay. And you can separate the two and be fair and  
24 impartial to the State and Mr. Collins?

25 PROSPECTIVE JUROR NO. 0035: Yes.

1 THE COURT: Okay. Thank you very much. At this time -- let me see --  
2 have you or anyone close to you such as a family member, friend, ever been  
3 accused of a crime -- ever been accused of a crime? The record will reflect --  
4 other than if you've discussed it with the Court. The record will reflect, no  
5 response from the panel.

6 Is there anyone on this panel who would have a tendency to give  
7 more weight or credence or less weight or credence to the testimony of a  
8 police officer simply because he or she is a police officer? The record will  
9 reflect, no response from the panel.

10 Is there anyone on this panel who believes that they cannot wait in  
11 forming their opinion as to whether the State of Nevada has met their burden of  
12 proof, as to the Defendant, until you've heard all of the evidence. And after  
13 considering the instructions I will give you on the law; is there anyone that  
14 cannot do that? The record will reflect, no response from the panel. At this  
15 time, I'm turning the panel over to the State of Nevada.

16 MS. JONES: Your Honor, may we approach?

17 MR. TOMSHECK: She beat me to it.

18 [Bench Conference -- Transcribed]

19 THE COURT: Okay. It's 12:30 so you'll have 30 minutes.

20 MR. TOMSHECK: 12:30. I only got 12:15.

21 MS. JONES: I have 12:15.

22 THE COURT: Okay. I'm confused because I'm looking at my watch  
23 which I pushed back. This clock says: 1:21, so it must be 12:21. [Daylight  
24 savings time was not modified in the JAVS system at the time of this trial, so  
25 the actual time shown on the video reflects an hour ahead. The video clock

1 time was used, throughout this transcript, in order to coincide with the  
2 transcript].

3 MR. TOMSHECK: We're 20 minutes over for lunch then.

4 THE COURT: Okay. I mean, what the heck, you know, I'm so confused  
5 because I keep looking at that clock and it's adjusted for --

6 MS. JONES: It's daylight saving.

7 THE COURT: Okay. So are you good with that? You can --

8 MR. TOMSHECK: Sure.

9 THE COURT: You might be done even.

10 MR. TOMSHECK: I'll be done.

11 THE COURT: Are you voir diring?

12 MR. TOMSHECK: I'm trying not to.

13 THE COURT: Okay. Maybe both sides will be done and then when we  
14 come back, you can just do your challenges. We do have to stop at 1 though.

15 MS. JONES: Okay.

16 MS. PAROLISE: And, Your Honor, we move to challenge Ms. Fort again--  
17 recalls now she's saying --

18 THE COURT: I'm sorry.

19 MS. PAROLISE: -- she had her house burned down.

20 THE COURT: I don't mean to laugh, but, can you believe it?

21 MS. JONES: No.

22 THE COURT: I don't know what to say because I just almost could  
23 hardly believe what she was saying to me and I know -- I was noticing your  
24 expressions as well. But she hasn't said anything that would allow me to  
25 excuse her for cause unless the State wants to stipulate at this point.



1 MR. TOMSHECK: I'll probably stipulate.

2 THE COURT: You'd probably stipulate right now to that challenge for  
3 cause?

4 MS. JONES: You're the only one who can tell us if you're going to  
5 stipulate.

6 THE COURT: I just -- I could -- I could hardly believe it when she said  
7 that --

8 MS. JONES: I can't either.

9 THE COURT: I just looked -- I tried not to look at you too suspiciously,  
10 but, what are the chances of that?

11 MS. JONES: Exactly.

12 THE COURT: Okay.

13 MR. TOMSHECK: So we'll bring in another one and then --

14 THE COURT: What's going to happen is -- what I'll do is, I'll just ask Ms.  
15 Fort -- I'm just going to ask her to go sit back in the back. I usually just say:  
16 Go where the Court Marshal asks you to sit and so it'll be Bret Humphries.

17 MS. JONES: Okay.

18 THE COURT: I just want to warn you, he may just give us a little trouble.  
19 Remember, he's the security guard that depends on his -- the overtime.

20 MS. JONES: Right.

21 THE COURT: So I'll question him and I'll move right into the State.

22 MS. JONES: Okay.

23 THE COURT: Okay?

24 MS. PAROLISE: Thank you, Your Honor.

25 THE COURT: And so -- just a minute before you go. The record reflect,

1 both DA's and both Defense counsel are present at the bench. The challenge  
2 for cause was made as to Vickie Fort. There's no objection by the State; the  
3 State stipulates. The challenge for cause is granted.

4 MS. JONES: Thank you Your Honor.

5 THE COURT: Thank you.

6 [Bench Conference concluded]

7 THE COURT: Ms. Fort, at this time, I'm going to ask that you sit where  
8 the Court Marshal asked you to sit. Mr. Humphries, I'm going to ask you to sit  
9 over here in this seat. Mr. Humphries, you're going to become number 23.  
10 And I just have a few questions for you, Mr. Humphries, and I'm sure you've  
11 listened to them all.

12 Can you tell me how long you've lived in Clark County?

13 PROSPECTIVE JUROR NO. 0036: I've been -- 13 years.

14 THE COURT: Your education background?

15 PROSPECTIVE JUROR NO. 0036: High school grad with about a year of  
16 college.

17 THE COURT: What did you study in college?

18 PROSPECTIVE JUROR NO. 0036: Business.

19 THE COURT: Okay. And you told us what you do for a living? How  
20 long have you worked at the Mandalay Bay?

21 PROSPECTIVE JUROR NO. 0036: Seven years.

22 THE COURT: And you're married?

23 PROSPECTIVE JUROR NO. 0036: Yes.

24 THE COURT: Is your wife employed?

25 PROSPECTIVE JUROR NO. 0036: Yes; she works for the Clark County

1 School District as a temporary teacher's aide for handicapped children.

2 THE COURT: And do you have any children?

3 PROSPECTIVE JUROR NO. 0036: I have three stepchildren.

4 THE COURT: Are they old enough to be employed?

5 PROSPECTIVE JUROR NO. 0036: Yes; the oldest is unemployed and  
6 living off his girlfriend. The next one is special ed and he does set-ups for  
7 Planet Hollywood, and my daughter works at Circus Circus as a ride attendant  
8 at thunderdome or -- whatever it's called.

9 THE COURT: Any reason why you could not be a completely fair and  
10 impartial juror if selected to serve on this panel?

11 PROSPECTIVE JUROR NO. 0036: No.

12 THE COURT: I'm sorry.

13 PROSPECTIVE JUROR NO. 0036: No.

14 THE COURT: Have you ever served as a juror before?

15 PROSPECTIVE JUROR NO. 0036: I was an alternate at one time.

16 THE COURT: Okay. Was that a civil or criminal?

17 PROSPECTIVE JUROR NO. 0036: That's criminal.

18 THE COURT: Was that here in Clark County?

19 PROSPECTIVE JUROR NO. 0036: Yes; it was.

20 THE COURT: Okay. So you did not deliberate?

21 PROSPECTIVE JUROR NO. 0036: No.

22 THE COURT: Okay. Anything about that experience that would affect  
23 your ability to be fair and impartial?

24 PROSPECTIVE JUROR NO. 0036: No.

25 THE COURT: Okay. Has anyone close to you such as a family member

1 or friend ever been the victim of a crime?

2 PROSPECTIVE JUROR NO. 0036: Yes.

3 THE COURT: Can you tell us about that?

4 PROSPECTIVE JUROR NO. 0036: Well, I've been a victim of several  
5 crimes at work: assault and battery.

6 THE COURT: Okay.

7 PROSPECTIVE JUROR NO. 0036: Back in late '92, early '93, I was  
8 robbed at gunpoint. My wife had her purse stolen. My daughter just -- for the  
9 past year, got attacked by a group of girls and had her purse and wallet stolen.

10 THE COURT: At work or someplace else?

11 PROSPECTIVE JUROR NO. 0036: Nah, by the house.

12 THE COURT: Okay. Anything about those incidents you just told us  
13 about that would affect your ability to be fair and impartial?

14 PROSPECTIVE JUROR NO. 0036: No.

15 THE COURT: Okay. Have you or anyone close to you such as a family  
16 member or friend ever been accused of a crime?

17 PROSPECTIVE JUROR NO. 0036: No.

18 THE COURT: Okay. Would you have a tendency to give more weight or  
19 credence or less weight or credence to the testimony of a police officer simply  
20 because he or she is a police officer?

21 PROSPECTIVE JUROR NO. 0036: That's a trick question. No.

22 THE COURT: Okay. Can you wait in forming your opinion as to whether  
23 the State of Nevada has met their burden of proof as to each of the material  
24 elements of the charges against Mr. Collins, and after you've heard all of the  
25 evidence and considering the instructions that I will give you on the law?

1 PROSPECTIVE JUROR NO. 0036: Yes.

2 THE COURT: Okay. Thank you very much. At this time, I'm going to  
3 turn the panel over to the State of Nevada.

4 MR. TOMSHECK: Thanks, Judge. Just going to move a little furniture  
5 over here. You guys all get here at 7 o'clock this morning? You're about all  
6 ready for lunch? Well, I promise I won't take long and I think we're going to  
7 break pretty soon. I just have a few questions to ask you. Kind of, as a whole,  
8 when I talk to the panel, I'm just talking to the first 23, just like the Judge --  
9 you people are kind of off the hook for now.

10 I'm assuming that when you all showed up at 7 o'clock this  
11 morning it was because -- not that you woke up today and thought it would be  
12 a great idea to come down and be a juror, but you got one of those summons'  
13 in the mail; right? Which is kind of like the County's invitation to bring all of  
14 you down here. And I guess the question I have for you is -- I mean, we've  
15 heard a lot of factual things about you. I mean, I'd like to know how you felt  
16 about getting those summons.

17 Was there anyone -- when they got the summons in the mail that  
18 thought -- and I know there will be a lot of hands for this one, but that thought  
19 that it would be great to be a juror? You're really excited about it, you wanted  
20 to come down and serve in this process? Okay. More than normal.

21 I'm just going to ask each of you that raised your hand, I'm going  
22 to go -- through you one by one and ask why? The back row who raised their  
23 hand?

24 PROSPECTIVE JUROR NO. 0008: I did.

25 MR. TOMSHECK: And for the record, that's -- is it Ms. Parmer?

1 PROSPECTIVE JUROR NO. 0008: Yes.

2 MR. TOMSHECK: Okay. And what's your badge number?

3 PROSPECTIVE JUROR NO. 0008: It is 0008.

4 MR. TOMSHECK: You don't have to stand up. If you can just remember  
5 to talk loud. There's microphones in front of all of you. And I'm a mumblor, so  
6 I got to remind myself to talk loud. If you can do that, you're fine.

7 PROSPECTIVE JUROR NO. 0008: Okay.

8 MR. TOMSHECK: I might take notes while you're talking to me. I'm not  
9 ignoring you, I'm just keeping tabs on what you say. Why did you have that  
10 feeling when you got your summons in the mail?

11 PROSPECTIVE JUROR NO. 0008: Because I've only seen stuff like this  
12 on tv and I've always just wondered what it was really like.

13 THE COURT: Okay.

14 MR. TOMSHECK: Okay. When you say stuff like this on tv; what are  
15 you talking about?

16 PROSPECTIVE JUROR NO. 0008: Courtroom.

17 MR. TOMSHECK: Okay. Are you talking about like, fictional shows, like  
18 Hollywood shows, or real courtroom stuff?

19 PROSPECTIVE JUROR NO. 0008: Hollywood.

20 MR. TOMSHECK: What kind of shows?

21 PROSPECTIVE JUROR NO. 0008: Law and Order. I've seen some CSI  
22 stuff. I've watched -- I guess they're not Hollywood -- the ones -- I can't think  
23 of any judges. Like Judge Judy kind of -- those, I guess, aren't fictional.

24 MR. TOMSHECK: More entertainment type shows than real life type  
25 things; right?

1 PROSPECTIVE JUROR NO. 0008: Yeah; those aren't entertaining to me  
2 though.

3 MR. TOMSHECK: And I'm sure, you know, the stuff you see on Law and  
4 Order isn't at all real; right?

5 PROSPECTIVE JUROR NO. 0008: Yeah.

6 MR. TOMSHECK: You know these cases don't take an hour.

7 PROSPECTIVE JUROR NO. 0008: Yeah; I know that.

8 MR. TOMSHECK: And if you've seen CSI, you know that that's about as  
9 far from reality as you can get; right? Yeah?

10 PROSPECTIVE JUROR NO. 0008: Uh huh; yes.

11 MR. TOMSHECK: They don't have big computers that pull things out of  
12 the sky and get people's name's in two minutes and things like that?

13 PROSPECTIVE JUROR NO. 0008: Yes.

14 MR. TOMSHECK: Okay. Can you separate what you see on tv with  
15 what you actually see in the courtroom, this week?

16 PROSPECTIVE JUROR NO. 0008: Yes.

17 THE COURT: Okay. You won't hold us to that high of a standard?

18 PROSPECTIVE JUROR NO. 0008: No.

19 MR. TOMSHECK: You won't expect us to be really good looking and  
20 smooth all the time?

21 PROSPECTIVE JUROR NO. 0008: No.

22 MR. TOMSHECK: All right. Anyone else in the back row that is really  
23 excited about getting a summons to come down here? And I believe in the  
24 second row here, is it Ms. Gulder? Golden?

25 PROSPECTIVE JUROR NO. 0014: Gulder.

1 MR. TOMSHECK: Golden? I can't read my own writing, just want to get  
2 started. Did you raise your hand?

3 PROSPECTIVE JUROR NO. 0014: Yes; I did.

4 MR. TOMSHECK: Okay. Why?

5 PROSPECTIVE JUROR NO. 0014: Well, being in education and just  
6 because I love to learn. I've always thought it was an honor, and in the past,  
7 I've always gotten jury summons and then, like the night before, my number  
8 wasn't called, and so, it just became kind of habit where I was expecting it  
9 again.

10 And although I've always looked forward to doing jury duty, I was  
11 kind of caught off guard, this time, and I wasn't prepared at work to -- to not  
12 be there; but I'm glad I'm here.

13 MR. TOMSHECK: Okay. You got work covered now; right?

14 PROSPECTIVE JUROR NO. 0014: Yes.

15 MR. TOMSHECK: Not a classroom that's full of kids with no teacher  
16 there?

17 PROSPECTIVE JUROR NO. 0014: Yes.

18 MR. TOMSHECK: What grade do you teach?

19 PROSPECTIVE JUROR NO. 0014: I'm K through 5<sup>th</sup>. I'm the reading  
20 specialist. I don't have a specific class. I help everyone.

21 MR. TOMSHECK: And do you work with individual students or more in a  
22 classroom setting?

23 PROSPECTIVE JUROR NO. 0014: Both.

24 MR. TOMSHECK: Okay. Kind of, in that capacity, helping people with  
25 reading problems?



1 PROSPECTIVE JUROR NO. 0014: Yeah.

2 MR. TOMSHECK: Helping them to learn to read at the level they should?

3 PROSPECTIVE JUROR NO. 0014: Yes.

4 MR. TOMSHECK: Thank you. Anyone else on the second row here?

5 Ms. Young?

6 PROSPECTIVE JUROR NO. 0015: Yes.

7 MR. TOMSHECK: Okay. And what's your badge number, for the record?

8 PROSPECTIVE JUROR NO. 0015: 0015.

9 MR. TOMSHECK: Okay. Why did you have that feeling?

10 PROSPECTIVE JUROR NO. 0015: Well, I'm addicted to forensics. That  
11 show -- I love it. I love the facts. Everything is so interesting, how everybody  
12 can figure it all out, and then you just get to see it right before you, and I  
13 thought: Hey, that would be pretty cool to go and do it. And then I had that  
14 feeling of: Oh man, this sucks, you know. You always have a good feeling or  
15 a bad feeling. I just like the crime shows and not the ones that are not reality  
16 but the ones are -- they take a cold case and they solve it.

17 MR. TOMSHECK: Okay. You're talking about kind of like the A & E type  
18 shows --

19 PROSPECTIVE JUROR NO. 0015: Yes.

20 MR. TOMSHECK: -- where they have like a 1985 murder and they --

21 PROSPECTIVE JUROR NO. 0015: Yes.

22 MR. TOMSHECK: -- find a hair and link it to somebody sometime later?

23 PROSPECTIVE JUROR NO. 0015: Yes.

24 MR. TOMSHECK: Okay. And obviously, the facts, if you're picked to be  
25 on a jury, you're going to hear what the facts are. But from what I briefly told

1 you earlier, you understand this isn't that type of case.

2 PROSPECTIVE JUROR NO. 0015: Correct.

3 MR. TOMSHECK: You still think it can be interesting?

4 PROSPECTIVE JUROR NO. 0015: Yeah.

5 MR. TOMSHECK: And if you're picked, will you do your best to be  
6 conscientious and listen to all the facts?

7 PROSPECTIVE JUROR NO. 0015: Absolutely.

8 MR. TOMSHECK: You think you can be fair to both sides?

9 PROSPECTIVE JUROR NO. 0015: Yes.

10 MR. TOMSHECK: Anybody else in the jury box here?

11 PROSPECTIVE JUROR NO. 0008: I wanted to answer that.

12 MR. TOMSHECK: And for the record, it's Ms. Parmer again.

13 PROSPECTIVE JUROR NO. 0008: Yes, Ms. Parmer.

14 MR. TOMSHECK: And your jury number?

15 PROSPECTIVE JUROR NO. 0008: 0008.

16 MR. TOMSHECK: Okay. Thank you.

17 PROSPECTIVE JUROR NO. 0008: I'm thinking about switching my major  
18 to criminal justice, like, in that field, so learning this is something that'll help me  
19 decide if I really want to go in that area.

20 MR. TOMSHECK: What's your major now?

21 PROSPECTIVE JUROR NO. 0008: I don't have a major right now; I'm  
22 just going for my associate's of arts.

23 MR. TOMSHECK: Okay.

24 PROSPECTIVE JUROR NO. 0008: Just like my general studies, basically.

25 MR. TOMSHECK: Yeah, once you get those -- couple years under your

1 belt, you'll pick a major and go with that?

2 PROSPECTIVE JUROR NO. 0008: Yeah.

3 MR. TOMSHECK: That's the way I did it too. In terms of -- when you  
4 talk about picking that major, are you talking about, like, a criminal justice type  
5 thing?

6 PROSPECTIVE JUROR NO. 0008: I'm not sure if it's technically that.  
7 I've thought about working in a forensics lab or working with sexually exploited  
8 children.

9 MR. TOMSHECK: Okay. So more law enforcement or supportive law  
10 enforcement.

11 PROSPECTIVE JUROR NO. 0008: More psychology, but it's kind of in  
12 that -- it's -- to me, it's still kind of in that area.

13 MR. TOMSHECK: As opposed to legal in a courtroom setting?

14 PROSPECTIVE JUROR NO. 0008: Yeah. It's still interesting to know  
15 how this aspect works too.

16 MR. TOMSHECK: Thank you for raising your hand. Anyone else in the  
17 front row here? I think it was Ms. Paris.

18 PROSPECTIVE JUROR NO. 0034: Paris.

19 MR. TOMSHECK: Did I get that right?

20 PROSPECTIVE JUROR NO. 0034: Uh huh.

21 MR. TOMSHECK: Why did you look forward to getting your jury  
22 summons?

23 PROSPECTIVE JUROR NO. 0034: Well, I can't say I was really excited,  
24 but I just think it would be an honor and it would really be interesting.

25 MR. TOMSHECK: And you're one of those people that has to talk a little

1 bit louder because Kerry's going to have to type all of this down at some point;  
2 okay?

3 PROSPECTIVE JUROR NO. 0034: I'm sorry.

4 MR. TOMSHECK: That's all right. When you say it would be an honor,  
5 you mean, to do your civic duty to be a juror?

6 PROSPECTIVE JUROR NO. 0034: Yes.

7 MR. TOMSHECK: Okay. And that's something you understand is  
8 important?

9 PROSPECTIVE JUROR NO. 0034: Yes.

10 MR. TOMSHECK: All right. So I trust that you're given that honor and if  
11 you're picked to be one of the people that sit up here in the jury, you'd do your  
12 best to be fair to both sides?

13 PROSPECTIVE JUROR NO. 0034: Yes.

14 MR. TOMSHECK: You think you could do that?

15 PROSPECTIVE JUROR NO. 0034: Yes.

16 MR. TOMSHECK: Okay. Thank you for your response. Anybody else  
17 that wanted to answer that question? Just in the first 23. All right. See, this  
18 is how I trick all of you. I'm going to get all you to answer the question one  
19 way or another. This is the moment the hands always go up. Who, when they  
20 got their jury summons, thought the exact opposite?

21 I really don't want to go to Court; I don't want to be a juror; it's  
22 going to waste my time; it's going to cost me money. Okay. You don't have  
23 to be reluctant to raise your hands. I think, probably, all of us understand why  
24 that feeling is. Just that -- I just want to ask a couple of you why? Is it Ms.  
25 Perks?

1 PROSPECTIVE JUROR NO. 0003: Yes.

2 MR. TOMSHECK: Okay. Why?

3 PROSPECTIVE JUROR NO. 0003: Just never been in and it would be a  
4 long process. Don't know what to expect.

5 MR. TOMSHECK: Do you understand, like Ms. Paris was talking about,  
6 that this is an important thing. That we need jurors like yourself, out in the  
7 community, to make these types of decisions? You understand that if you're  
8 picked to do that that's a very important responsibility?

9 PROSPECTIVE JUROR NO. 0003: Yes.

10 MR. TOMSHECK: And if we do pick you to do that, you don't think  
11 you'd have any problems intellectually or philosophically, sitting in that seat;  
12 right?

13 PROSPECTIVE JUROR NO. 0003: Right.

14 MR. TOMSHECK: If you're picked to do it, you'll do your best?

15 PROSPECTIVE JUROR NO. 0003: Correct.

16 MR. TOMSHECK: And you'll be fair?

17 PROSPECTIVE JUROR NO. 0003: Yeah.

18 MR. TOMSHECK: Okay. You're going to have to help me with your last  
19 name; is it Kajkowski?

20 PROSPECTIVE JUROR NO. 0004: Kajkowski.

21 MR. TOMSHECK: Kajkowski?

22 PROSPECTIVE JUROR NO. 0004: That's far enough.

23 MR. TOMSHECK: I have one of those last names too so --

24 PROSPECTIVE JUROR NO. 0004: Okay.

25 MR. TOMSHECK: And you kind of told us why; right?

1 PROSPECTIVE JUROR NO. 0004: Well, you know, work is a problem  
2 and all that, but what -- this time has just really kind of set me over the edge to  
3 where, I just didn't want to do it all is -- first I got the questionnaire from the  
4 Federal Court System for jury duty and then they wanted me to do the whole  
5 selection, and so, I had to call the night before. And they're like: Okay, you're  
6 postponed -- reschedule to another day. Get that next one. Okay. You've  
7 been rescheduled or you've been excused. Okay. Fine.

8 Same thing happened with this one. I got summoned before. They  
9 had to reschedule me to this one, so it's been like this ongoing process where  
10 I've received like five of these things since last year. So this time, it's just like:  
11 Please, just leave me alone, you know, it's -- it's just -- it's going on forever it  
12 seems.

13 It's like, summons me to a jury, put me on there, do the selection;  
14 that's fine. But when it's like every other month you're opening up something  
15 from the court system -- when will it end, you know?

16 MR. TOMSHECK: Well, this might help alleviate things for you. There's  
17 kind of a rule that you're picked to be in a county jury, you get a time period  
18 where you don't have to come back for awhile; do you understand that?

19 PROSPECTIVE JUROR NO. 0004: Yeah.

20 MR. TOMSHECK: And if you understand that everybody's going to  
21 eventually get one of those summons, let me ask you, wouldn't you rather be  
22 on a case that takes two or three days rather than two or three weeks or two  
23 or three months?

24 PROSPECTIVE JUROR NO. 0004: Yeah; of course.

25 MR. TOMSHECK: And you sound like the type of guy who's got some

1 life experience, you work full time, you have a -- you know, you're married, you  
2 have -- you're going through an educational process. You have the college  
3 degree.

4 PROSPECTIVE JUROR NO. 0004: It's an associate's degree. I still need  
5 the bachelor's though.

6 MR. TOMSHECK: Would you agree that you're the type of person that  
7 we'd like to have on the jury? Someone who's got a life experience that can  
8 offer a clean mind to the process?

9 PROSPECTIVE JUROR NO. 0004: Probably.

10 MR. TOMSHECK: Okay. All that being said, can you put that aside that--

11 PROSPECTIVE JUROR NO. 0004: Absolutely. I mean, it's frustrating --  
12 life is frustrating; everything's going to be at some point and time.  
13 Something's going to -- so yeah, it's -- we got to deal with that, but yeah, it's--  
14 I could separate the two. It's not a problem.

15 MR. TOMSHECK: And you understand, like, your neighbor, Ms. Perks,  
16 there said that this is an important process and you could be a part of it if  
17 you're picked?

18 PROSPECTIVE JUROR NO. 0004: Right.

19 MR. TOMSHECK: And you'd do your best?

20 PROSPECTIVE JUROR NO. 0004: Uh huh.

21 MR. TOMSHECK: And you'd be fair?

22 PROSPECTIVE JUROR NO. 0004: Yes.

23 MR. TOMSHECK: Okay. Anyone else in the box up here that had that  
24 feeling -- they really dreaded getting a jury summons that hasn't talked already?  
25 Mr. Suiter, why?

1 PROSPECTIVE JUROR NO. 0009: This time I do. I got a lot of things  
2 going on.

3 MR. TOMSHECK: Okay. And I certainly respect that and I understand  
4 that you got a lot of things going on, but let me just ask you this: If you're  
5 forced to be in a situation where you're picked, you're not going to, like, hold it  
6 against either the State or the Defendant because you, unfortunately, had to  
7 take some time out of your personal life?

8 PROSPECTIVE JUROR NO. 0009: I'll try not to.

9 MR. TOMSHECK: Well, I mean, you're not going to just say: Hey, I'm  
10 ticked off that I'm here; I'm going to find him guilty. You're going to listen to  
11 the facts?

12 PROSPECTIVE JUROR NO. 0009: Yeah.

13 MR. TOMSHECK: And evaluate the evidence?

14 PROSPECTIVE JUROR NO. 0009: Yeah.

15 MR. TOMSHECK: Yeah. Okay. And you wouldn't make a decision till  
16 you've done all that?

17 PROSPECTIVE JUROR NO. 0009: No.

18 MR. TOMSHECK: Is that a no?

19 PROSPECTIVE JUROR NO. 0009: No.

20 MR. TOMSHECK: Okay. And you'd be fair to both sides?

21 PROSPECTIVE JUROR NO. 0009: Yeah.

22 MR. TOMSHECK: Anybody else in the front row here, or in the back row  
23 here, Mr. Matassa?

24 PROSPECTIVE JUROR NO. 0010: Yeah.

25 MR. TOMSHECK: What's your jury number, for the record?



1 PROSPECTIVE JUROR NO. 0010: 0010.

2 MR. TOMSHECK: Okay.

3 PROSPECTIVE JUROR NO. 0010: When I first got it in the mail, I  
4 thought I was in trouble. I thought I was like -- happened to -- it -- tell by the  
5 marshal or something. But other than that, it just -- I didn't really want to be  
6 here at the time because of having to take care of my family and, you know,  
7 just, hardship really, and not having much time, you know.

8 MR. TOMSHECK: You have a guilty conscious? You did something  
9 wrong? Should we worry about you? Once you figured out what it really was  
10 and that it was a summons and everybody gets to come to Court. I mean, you  
11 understand that that's an important thing?

12 PROSPECTIVE JUROR NO. 0010: Yes.

13 MR. TOMSHECK: Okay. How old are your kids?

14 PROSPECTIVE JUROR NO. 0010: I have a newborn and I have a 9-year-  
15 old son. He's actually my stepson and then I have a 3-year-old boy.

16 MR. TOMSHECK: Okay. The 3-year-old and the newborn, are they  
17 sleeping through the night?

18 PROSPECTIVE JUROR NO. 0010: Yes.

19 MR. TOMSHECK: Okay. So we don't have to worry about you coming  
20 in here zombie like; right?

21 PROSPECTIVE JUROR NO. 0010: No.

22 MR. TOMSHECK: Okay. So you'd -- if you're picked, you think you  
23 could listen to the evidence and make a fair, impartial decision, based on what  
24 you hear?

25 PROSPECTIVE JUROR NO. 0010: Yes.

1 MR. TOMSHECK: Okay. And you can promise us you'd be fair?

2 PROSPECTIVE JUROR NO. 0010: Yes.

3 MR. TOMSHECK: Okay. Thanks for your response. Anybody in the  
4 front row right here? Is it Ms. Perkins?

5 PROSPECTIVE JUROR NO. 0021: Uh huh, 0021.

6 MR. TOMSHECK: Okay. You're the one that said you worked all night;  
7 right?

8 PROSPECTIVE JUROR NO. 0021: Graveyard. Yes, ma'am.

9 MR. TOMSHECK: You're looking kind of sleepy right now. Is it just me  
10 or --

11 PROSPECTIVE JUROR NO. 0021: Yes.

12 MR. TOMSHECK: -- is it fact, you didn't get any sleep?

13 PROSPECTIVE JUROR NO. 0021: I haven't had any sleep.

14 MR. TOMSHECK: Okay. If it's me you can tell me. The judge told you  
15 that she -- if you're picked to be a juror, and I don't know yet, if you're going  
16 to be or not. If you're picked to be a juror, she can order that you not work at  
17 night?

18 PROSPECTIVE JUROR NO. 0021: Right.

19 MR. TOMSHECK: You think that would cause you any problems at  
20 work?

21 PROSPECTIVE JUROR NO. 0021: No. Uh uh.

22 MR. TOMSHECK: Okay. Is your job the kind of job, that when you  
23 leave, you can kind of put it aside until you come back?

24 PROSPECTIVE JUROR NO. 0021: Yeah.

25 MR. TOMSHECK: So we wouldn't have to have you worrying about

1 missing shifts or things like that, weighing on your mind while you're here?

2 PROSPECTIVE JUROR NO. 0021: No.

3 MR. TOMSHECK: Okay. And provided you can get used to that -- being  
4 awake during the day part of it.

5 PROSPECTIVE JUROR NO. 0021: Right. I'm a vampire.

6 MR. TOMSHECK: Okay. You'll do your best if you're picked to stay  
7 awake and pay attention?

8 PROSPECTIVE JUROR NO. 0021: Of course.

9 MR. TOMSHECK: Okay. Thank you. I appreciate that. Mr. Lampton,  
10 you had raised your hand before?

11 PROSPECTIVE JUROR NO. 0017: Yeah; it's mostly kind of a sequence.  
12 I got a summons back in September. Called 5 days before -- called the day  
13 before it was postponed. Got a failure to appear notice after that, had to call  
14 up and schedule to be here now, and it's just kind of turned into the most busy  
15 time year, it was.

16 MR. TOMSHECK: Okay. And you said you work at Bally's; is that it?

17 PROSPECTIVE JUROR NO. 0017: At Bally Technologies.

18 MR. TOMSHECK: Okay.

19 PROSPECTIVE JUROR NO. 0017: It's different from the casino.

20 MR. TOMSHECK: Is that -- okay. What does Bally Technologies do?

21 PROSPECTIVE JUROR NO. 0017: We make the games.

22 MR. TOMSHECK: Which games?

23 PROSPECTIVE JUROR NO. 0017: Casino games.

24 MR. TOMSHECK: Like slot machines and --

25 PROSPECTIVE JUROR NO. 0017: Slot machines, tables.

1 MR. TOMSHECK: So your job, on an everyday basis, is what?

2 PROSPECTIVE JUROR NO. 0017: I'm a network engineer, so I design,  
3 maintain the global network.

4 MR. TOMSHECK: Okay. That sounds computerish to me.

5 PROSPECTIVE JUROR NO. 0017: Yeah; very. I don't actually do much  
6 with the games.

7 MR. TOMSHECK: That's -- might as well be talking French; I don't know  
8 what you're talking about. Do you spend time in the casinos or are you in an  
9 office somewhere?

10 PROSPECTIVE JUROR NO. 0017: Mostly in the office.

11 MR. TOMSHECK: Okay. Do you have any interaction with the  
12 employees at casinos and the people that install the games and run the games  
13 on the floor of the casinos?

14 PROSPECTIVE JUROR NO. 0017: That work for the casinos; no. Our  
15 company does have some stacks and people go out and do installs. Co-  
16 workers work on the network aspect of this, at times, but not typically.

17 MR. TOMSHECK: Okay. You had also talked about -- you had also had  
18 your car broken into in the past?

19 PROSPECTIVE JUROR NO. 0017: Yeah; it was probably about 10 years  
20 ago.

21 MR. TOMSHECK: Okay. That was somewhere else, not here; right?

22 PROSPECTIVE JUROR NO. 0017: That was in California.

23 MR. TOMSHECK: And you called the cops and they didn't even bother  
24 coming out?

25 PROSPECTIVE JUROR NO. 0017: Right. They just said it wasn't --

1 wasn't something that they could send somebody out for.

2 MR. TOMSHECK: I have to imagine that was probably pretty frustrating?

3 PROSPECTIVE JUROR NO. 0017: Oh, yeah. I had to replace a window.

4 MR. TOMSHECK: And the fact that the police didn't really give you the  
5 time of day; was that frustrating too?

6 PROSPECTIVE JUROR NO. 0017: Oh, yeah; yeah.

7 MR. TOMSHECK: You understand that the cops in California probably do  
8 things a little bit different than the cops in Las Vegas?

9 PROSPECTIVE JUROR NO. 0017: Very much so; yeah.

10 MR. TOMSHECK: And it might sound like a silly question but I have to  
11 ask. You certainly wouldn't hold it against the State or the police here because  
12 of your frustration with the police in California?

13 PROSPECTIVE JUROR NO. 0017: No; no.

14 MR. TOMSHECK: Can you be fair to both sides?

15 PROSPECTIVE JUROR NO. 0017: Yeah.

16 MR. TOMSHECK: And you can promise us you'll do that?

17 PROSPECTIVE JUROR NO. 0017: Absolutely.

18 MR. TOMSHECK: Okay. Is it Mr. Welch?

19 PROSPECTIVE JUROR NO. 0019: Yes.

20 MR. TOMSHECK: You work for the City of Las Vegas?

21 PROSPECTIVE JUROR NO. 0019: City of Las Vegas.

22 MR. TOMSHECK: Do you have any other interaction with the other  
23 municipalities in Clark County? Like North Las Vegas, Henderson?

24 PROSPECTIVE JUROR NO. 0019: I do.

25 MR. TOMSHECK: Okay. Through that role, are you familiar with any

1 police officers that might work for any of those jurisdictions?

2 PROSPECTIVE JUROR NO. 0019: I do know a police officer from City of  
3 North Las Vegas that's married to a friend of mine.

4 MR. TOMSHECK: Okay. Not one of the names I read --

5 PROSPECTIVE JUROR NO. 0019: Not one of the names.

6 MR. TOMSHECK: Okay. And you understand that if a police officer from  
7 North Las Vegas comes in and testifies, you couldn't talk to your friend's wife  
8 or husband or whoever it is about that person?

9 PROSPECTIVE JUROR NO. 0019: I do.

10 MR. TOMSHECK: Okay. You'd just have to listen to the evidence that  
11 you hear in Court and make a determination based on what you see and hear.

12 PROSPECTIVE JUROR NO. 0019: Correct.

13 MR. TOMSHECK: And you can do that?

14 PROSPECTIVE JUROR NO. 0019: Yes.

15 MR. TOMSHECK: And you could promise us you'd be fair?

16 PROSPECTIVE JUROR NO. 0019: Yes.

17 MR. TOMSHECK: Okay. Ms. Victorino?

18 PROSPECTIVE JUROR NO. 0016: Victoriano.

19 MR. TOMSHECK: Victoriano?

20 PROSPECTIVE JUROR NO. 0016: Yeah.

21 MR. TOMSHECK: Okay. You mentioned before that you have a little bit  
22 left at UNLV; right?

23 PROSPECTIVE JUROR NO. 0016: Uh huh.

24 MR. TOMSHECK: Is that a yes?

25 PROSPECTIVE JUROR NO. 0016: Yes.

1 MR. TOMSHECK: Okay. And you're dealing with a psychology major?

2 PROSPECTIVE JUROR NO. 0016: Yes.

3 MR. TOMSHECK: Can I ask you why?

4 PROSPECTIVE JUROR NO. 0016: Well, I started psychology in order to  
5 actually get into the FBI, but I changed my mind later on when I started  
6 working at Big Lots and there was a lot of human resource conflicts, so I  
7 decided to change.

8 MR. TOMSHECK: Okay. What was your interest with the FBI?

9 PROSPECTIVE JUROR NO. 0016: Actually, I just wanted to get into the  
10 core investigations and actually being an agent, but I thought maybe I could do  
11 forensics.

12 MR. TOMSHECK: Do you have an interest in law enforcement and that  
13 type of thing?

14 PROSPECTIVE JUROR NO. 0016: Actually, I do. During my college prep  
15 school back in New York, I took a lot of criminal justice classes and we had to  
16 do mock trials. We had to watch real trials and understand the procedures.

17 MR. TOMSHECK: Okay. So I would imagine this would probably be  
18 interesting for someone who has that kind of interest.

19 PROSPECTIVE JUROR NO. 0016: Yes.

20 MR. TOMSHECK: And why did you come from New York to that?

21 PROSPECTIVE JUROR NO. 0016: I moved here with my family because  
22 they bought a house here, and so, I just decided to go to UNLV here instead of  
23 John G. College over there.

24 MR. TOMSHECK: Okay. So how did you feel when you got your  
25 summons in the mail?

1 PROSPECTIVE JUROR NO. 0016: Mutual. I was [indiscernible due to  
2 cough of another person] in how it would go.

3 MR. TOMSHECK: Okay. It's kind of a good segue. My last question I  
4 always ask to get everyone to answer is -- who got their jury summons and felt  
5 completely neutral about it? I just got about everybody. Is it Mr. Jonas?

6 PROSPECTIVE JUROR NO. 0001: Yeah.

7 MR. TOMSHECK: Okay. Why?

8 PROSPECTIVE JUROR NO. 0001: Oh, I was a little surprised. I've been  
9 here seven years and never got one but I just -- I don't know, figured it would  
10 happen sooner or later.

11 MR. TOMSHECK: Must have had to stay in front of your mail or  
12 something.

13 PROSPECTIVE JUROR NO. 0001: No; I didn't.

14 MR. TOMSHECK: Okay. Let me ask you this, when I stood up a little  
15 while ago and I read the charges: Arson and burglary. A charge dealing with  
16 an injury to a vehicle. Malicious Injury to a Vehicle is the term of it. Did that  
17 make you feel any way, think anything, or was that just words that I was  
18 saying?

19 PROSPECTIVE JUROR NO. 0001: Well, not anything in particular.

20 MR. TOMSHECK: So nothing about that made you think this could be a  
21 fun case to sit on? Those charges sound bad?

22 PROSPECTIVE JUROR NO. 0001: Well, nah, I mean nothing -- it sounds  
23 like it's going to be a short case but that's --

24 MR. TOMSHECK: That's good; right?

25 PROSPECTIVE JUROR NO. 0001: Yeah. Sure.



1 MR. TOMSHECK: Thank you. Ms. Alvarez, you raised your hand to that  
2 question as well?

3 PROSPECTIVE JUROR NO. 0012: Yes.

4 MR. TOMSHECK: Okay. Why is it you were indifferent to the jury  
5 summons?

6 PROSPECTIVE JUROR NO. 0012: Well, it doesn't affect me personal or  
7 businesswise.

8 MR. TOMSHECK: Okay. You mentioned you work for Citibank?

9 PROSPECTIVE JUROR NO. 0012: Yes.

10 MR. TOMSHECK: And you're the person that, when, I call on my credit  
11 card bill and I don't agree with what that person's saying, you get on the  
12 phone?

13 PROSPECTIVE JUROR NO. 0012: Yes.

14 MR. TOMSHECK: I think I've talked to you before. The work that you  
15 do, you kind of have to deal with conflict resolution a little bit?

16 PROSPECTIVE JUROR NO. 0012: Yes.

17 MR. TOMSHECK: Yes? Should you be picked as a juror, at some point,  
18 you're going to have to walk out the back door and go into a jury room and  
19 deliberate with other jurors. Do you think your professional experience would  
20 help or hurt you with that?

21 PROSPECTIVE JUROR NO. 0012: No; I mean, I think it would help.

22 MR. TOMSHECK: Why?

23 PROSPECTIVE JUROR NO. 0012: Well, I mean, I deal -- my deal -- I deal  
24 with all kinds of people. I mean, happy people, angry people. And people tell  
25 me they love you; people tell me they hate me when I'm done with the call. So

1 I -- I cannot answer that yet, because I don't know, you know, about the case.  
2 I don't know how it's going to end until I get in a situation with the jurors.

3 MR. TOMSHECK: Do you think you'd be a good juror?

4 PROSPECTIVE JUROR NO. 0012: Yes; absolutely.

5 MR. TOMSHECK: Would you be a fair juror?

6 PROSPECTIVE JUROR NO. 0012: Oh, yes.

7 MR. TOMSHECK: Thank you, Ms. Alvarez. Mr. Reed, you haven't had a  
8 lot to say back there. How did you feel when you got your jury summons?

9 PROSPECTIVE JUROR NO. 0022: Well, I moved from Chicago. I lived  
10 there 40 years and never got summoned. I've lived here 7 years and they sent  
11 it three times so it's --

12 MR. TOMSHECK: How long have you been in Las Vegas?

13 PROSPECTIVE JUROR NO. 0022: About 7 years.

14 MR. TOMSHECK: Okay. And you came straight from Chicago?

15 PROSPECTIVE JUROR NO. 0022: That's correct.

16 MR. TOMSHECK: This question's going to tell me a lot about you, are  
17 you a Cubs fan or Sock's fan?

18 PROSPECTIVE JUROR NO. 0022: South side Socks.

19 MR. TOMSHECK: Oh oh.

20 PROSPECTIVE JUROR NO. 0022: We won the series -- kinda challenge  
21 so --

22 MR. TOMSHECK: What's that?

23 PROSPECTIVE JUROR NO. 0022: We won the series, the Cubs are still  
24 waiting so --

25 MR. TOMSHECK: Yeah; I watched; I know. Do you think you would be

1 a good juror if you were picked?

2 PROSPECTIVE JUROR NO. 0022: I believe so.

3 THE COURT: Okay. What makes you think that?

4 PROSPECTIVE JUROR NO. 0022: Well, currently in my role at U. S.  
5 Bank, I manage 120 people from the age of 19 to 56, so different nationalities  
6 and genders and I make it all come together for my district.

7 MR. TOMSHECK: Okay. Did you work for U. S. Bank in Chicago?

8 PROSPECTIVE JUROR NO. 0022: No; just when I got here.

9 MR. TOMSHECK: Okay. So you've been with them for seven years?

10 PROSPECTIVE JUROR NO. 0022: Five years.

11 MR. TOMSHECK: Five years? Do you miss the snow?

12 PROSPECTIVE JUROR NO. 0022: No; I can go to the snow in Mt.  
13 Charleston and I can see it.

14 MR. TOMSHECK: I hear you. Anyone else in the front row that --  
15 starting with Mr. Reed and working down this way that felt that indifferent  
16 feeling about getting a summons? Okay. Ms. Ellis?

17 PROSPECTIVE JUROR NO. 0025: Correct.

18 MR. TOMSHECK: How do you feel, now, having sat through this  
19 process, up to this point? Are you still indifferent or -- are you looking forward  
20 to it or regretting it?

21 PROSPECTIVE JUROR NO. 0025: Well, I don't know yet. I have mixed  
22 feelings because I've been burglarized. I've been -- I had -- when I had cars. I  
23 had one stole and one smashed. I've been through a lot of stuff; a lot of  
24 mugging and everything, so it's just being at the wrong place at the wrong  
25 time; I guess.

1           And then when I was living in California, I got two jury summons.  
2 The first one I didn't have to go in. The second one, I went in and then didn't  
3 get picked, and then, as soon as I moved here, I go: Are they following me  
4 here or what? The next thing you know, I get a jury summons, so I can relate  
5 to --

6           MR. TOMSHECK: To both sides?

7           PROSPECTIVE JUROR NO. 0025: Yeah.

8           MR. TOMSHECK: Okay.

9           PROSPECTIVE JUROR NO. 0025: Because I've been through a lot. A lot  
10 of trauma, a lot of, you know --

11          MR. TOMSHECK: I can certainly empathize with all that. I guess the  
12 question I have for you, and it may seem like a really obvious one, you  
13 wouldn't hold your personal experiences, one way or another, either against the  
14 State or against Mr. Collins; would you?

15          PROSPECTIVE JUROR NO. 0025: No, because we have to weigh the  
16 evidence.

17          MR. TOMSHECK: Okay. Can you promise us you'll do that?

18          PROSPECTIVE JUROR NO. 0025: Yes.

19          MR. TOMSHECK: There's a couple other hands, is it Mr. Sands?

20          PROSPECTIVE JUROR NO. 0032: Yes, sir.

21          MR. TOMSHECK: Okay. You already told us you got a lot going on  
22 professionally that's going to have your mind elsewhere; right?

23          PROSPECTIVE JUROR NO. 0032: Right.

24          MR. TOMSHECK: Okay. And I guess, understanding that we need  
25 people like yourself to be in a jury, could you -- would you agree with me that

1 that's an important role that if you're picked to do, you should take seriously?

2 PROSPECTIVE JUROR NO. 0032: I could agree with that.

3 MR. TOMSHECK: Okay. And understanding that you're going to have to  
4 put aside your professional responsibilities for a couple of days as opposed to a  
5 couple of months, would you agree that this is, maybe, a better case for  
6 someone like you than, for instance, a three month long construction defect  
7 case?

8 PROSPECTIVE JUROR NO. 0032: If I have to do one, yes; that would be  
9 true.

10 MR. TOMSHECK: Okay. And I think everybody in the room understands  
11 the frustration that you got to be feeling to have to deal with that. But if  
12 you're picked and you wind up being one of the people that has to make the  
13 call in this case, would you do your best at that job?

14 PROSPECTIVE JUROR NO. 0032: Yes.

15 MR. TOMSHECK: And would you do your best to be fair to both sides?

16 PROSPECTIVE JUROR NO. 0032: Yes, sir.

17 MR. TOMSHECK: Okay. Thank you for your response. Is it Ms. Kraut?

18 PROSPECTIVE JUROR NO. 0033: Yes.

19 MR. TOMSHECK: Okay. Why did you have that indifferent feeling?

20 PROSPECTIVE JUROR NO. 0033: I guess I see both sides of it, like  
21 when I got the summons, I've never had one before, so I was kind of interested  
22 to see what happens, but I also thought that I would be sitting outside all day.  
23 So --

24 MR. TOMSHECK: You thought what?

25 PROSPECTIVE JUROR NO. 0033: I thought I'd be like sitting outside all

1 day --

2 MR. TOMSHECK: Okay.

3 PROSPECTIVE JUROR NO. 0033: -- I wouldn't get called.

4 MR. TOMSHECK: Okay. So you're glad you got a chair? All right. If  
5 you get to be a juror, we promise you a chair the whole time; how is that? You  
6 said you're studying event and --

7 PROSPECTIVE JUROR NO. 0033: Events and convention management.

8 MR. TOMSHECK: I've got to learn to write better. What exactly does  
9 that mean? Like, what does someone with that degree do, professionally?

10 PROSPECTIVE JUROR NO. 0033: There's a lot of different things that  
11 you can go into. You can do weddings or special events. I'm looking more  
12 towards trade shows and conventions.

13 MR. TOMSHECK: That's probably a good degree to have in Las Vegas, I  
14 would imagine?

15 PROSPECTIVE JUROR NO. 0033: Yes.

16 MR. TOMSHECK: Is that -- did you move here to do that or are you from  
17 here?

18 PROSPECTIVE JUROR NO. 0033: My dad was in the military so I've  
19 lived a little bit of everywhere, but we've spent the most time here.

20 MR. TOMSHECK: Okay. And how much do you have left on that  
21 degree?

22 PROSPECTIVE JUROR NO. 0033: Two years.

23 MR. TOMSHECK: Okay. Have you ever gotten a jury summons before?

24 PROSPECTIVE JUROR NO. 0033: I had one earlier and they didn't call  
25 my number and then they sent me a failure to appear notice, so then I already

1 scheduled for this one.

2 MR. TOMSHECK: Okay. So after you got that notice you made sure you  
3 came; right?

4 PROSPECTIVE JUROR NO. 0033: Yes.

5 MR. TOMSHECK: All right. Should you be picked, can you be fair to  
6 both sides?

7 PROSPECTIVE JUROR NO. 0033: Uh huh.

8 MR. TOMSHECK: Can I have the Court's indulgence for one second,  
9 please?

10 THE COURT: You bet.

11 MR. TOMSHECK: I'll pass the panel for cause, Judge.

12 THE COURT: You pass this panel for cause? Okay.

13 At this time, we are going to recess for lunch. We're going to start  
14 again at 2:15. During this recess, you're admonished not to talk or converse  
15 amongst yourselves with anyone else on any subject connected with this trial  
16 or read, watch, or listen to any report or commentary on the trial or any person  
17 connected with this trial by any medium of information, including, without  
18 limitation, newspapers, television, the internet or radio, form or express any  
19 opinion on any subject connected with this trial till the case is finally submitted  
20 to you.

21 When you're -- when you come back from lunch, come up to the  
22 14<sup>th</sup> floor, the Court Marshal will bring you in when we're ready. And if you'll  
23 please, the first 23, if you'll please sit in the same seats that you are sitting in  
24 now. Thank you very much for your courtesy, we'll see you this afternoon.

25 [Lunch break taken at 1:55 p.m.]

1 [Resumed voir dire proceeding at 3:37 p.m.]

2 THE COURT: Do the parties stipulate to the presence of the jury panel?

3 MS. JONES: Yes, Your Honor.

4 MS. JEANNEY: Yes, Your Honor.

5 [In the presence of the prospective jury panel]

6 THE COURT: Okay. You can address the jury panel.

7 MS. JONES: Good afternoon, Ladies and Gentlemen. We're going to try  
8 to get you guys through this. I know it's been a long day and you guys have  
9 been here for a long time, but there are just a couple things I want to talk to  
10 you guys about. Does anybody here watch CSI? Okay. Starting off with you  
11 ma'am, if you could state your badge number just so she can write that down.

12 PROSPECTIVE JUROR NO. 0014:

13 MS. JONES: Okay.

14 THE COURT: Your name?

15 PROSPECTIVE JUROR NO. 0014: Michell Gulder.

16 MS. JONES: And you watch CSI?

17 PROSPECTIVE JUROR NO. 0014: Yes.

18 MS. JONES: And you understand that the things that you see on CSI, all  
19 of those things can't be done in real life?

20 PROSPECTIVE JUROR NO. 0014: Yes.

21 MS. JONES: But you understand that everything that's done on CSI is  
22 not fake?

23 PROSPECTIVE JUROR NO. 0014: Everything's not fake?

24 MS. JONES: There's some things that are done on CSI that could be  
25 done.



1 PROSPECTIVE JUROR NO. 0014: Yes.

2 MS. JONES: Okay. And you understand that different police  
3 departments have different resources available to them?

4 PROSPECTIVE JUROR NO. 0014: Yes.

5 MS. JONES: And would you expect Metro to bring you the things that  
6 they have that are available to them?

7 PROSPECTIVE JUROR NO. 0014: No.

8 MS. JONES: Why not?

9 PROSPECTIVE JUROR NO. 0014: Because most of what's on CSI Las  
10 Vegas is CSI Las Vegas; it's Hollywood and --

11 MS. JONES: I understand that and I'll rephrase the question.

12 PROSPECTIVE JUROR NO. 0014: Okay.

13 MS. JONES: The Las Vegas Metropolitan Police -- I apologize, it's not  
14 Las Vegas Metropolitan -- the police department that you're going to hear from  
15 in this case which is actually North Las Vegas. Would you expect them to have  
16 done the things that were -- that they could have done in the investigation of  
17 this case?

18 PROSPECTIVE JUROR NO. 0014: Do I expect the police to do all that  
19 they could do?

20 MS. JONES: In investigating this case?

21 PROSPECTIVE JUROR NO. 0014: Yes.

22 MS. JONES: Okay. But you understand they can't do everything that's  
23 on CSI?

24 PROSPECTIVE JUROR NO. 0014: Correct.

25 MS. JONES: But some things they can do?

1 PROSPECTIVE JUROR NO. 0014: Yes.

2 MS. JONES: And if they did those things, you would expect to see those  
3 things?

4 PROSPECTIVE JUROR NO. 0014: If they did what things? I'm sorry.

5 MS. JONES: The investigation that they could do in this case, if that  
6 was done, would you expect to see that?

7 PROSPECTIVE JUROR NO. 0014: Yes; I don't know. I don't know how  
8 to answer that question.

9 MS. JONES: It's okay. There's no right or wrong answer. Do you  
10 believe they should do a thorough investigation?

11 PROSPECTIVE JUROR NO. 0014: Yes; I do.

12 MS. JONES: And everything that was done, you believe it should be  
13 brought to you as a juror in this case so you can see --

14 PROSPECTIVE JUROR NO. 0014: If they found evidence, they should  
15 bring -- bring it forth; yes.

16 MS. JONES: Correct. Okay. I'm so sorry that was so confusing. Okay.  
17 Is there anybody else who feels different about that? Is there anybody else  
18 who doesn't understand that there are things that they can do but things that  
19 they can't? All right.

20 THE COURT: And the record reflect, no response to the last two  
21 questions.

22 MS. JONES: I apologize, Your Honor.

23 THE COURT: That's okay.

24 MS. JONES: Is there anyone here who has a neighbor that they don't  
25 really care for? And I apologize, is it Ms. Young?

1 PROSPECTIVE JUROR NO. 0015: Yes.

2 MS. JONES: Ms. Young. You have a neighbor that you don't really care  
3 for?

4 PROSPECTIVE JUROR NO. 0015: Absolutely.

5 THE COURT: Okay. And does that create issues?

6 PROSPECTIVE JUROR NO. 0015: Not for me.

7 THE COURT: Okay.

8 PROSPECTIVE JUROR NO. 0015: No.

9 THE COURT: And in the fact that you don't care for this neighbor, you --  
10 is it because you guys don't agree about certain things?

11 PROSPECTIVE JUROR NO. 0015: Yes.

12 MS. JONES: Okay. And is there a particular reason that you don't care  
13 for them?

14 PROSPECTIVE JUROR NO. 0015: I don't care for them, doesn't mean I  
15 don't like them.

16 MS. JONES: Okay.

17 PROSPECTIVE JUROR NO. 0015: It's just, you know, when your kid  
18 can't ride a bike and the lady wants to complain about it, that creates a  
19 problem for me.

20 MS. JONES: Okay.

21 PROSPECTIVE JUROR NO. 0015: But other than that she's a fine  
22 citizen. She stays -- minds her own business. I do my own business.

23 MS. JONES: But the fact that your kids can't ride that -- is it a kid that  
24 can't ride their bike?

25 PROSPECTIVE JUROR NO. 0015: Correct.

1 MS. JONES: The fact that the kids can't ride their bike in the  
2 neighborhood is upsetting to you?

3 PROSPECTIVE JUROR NO. 0015: It was, but now that I moved into a  
4 new unit, we go out front.

5 MS. JONES: Okay. But it created a little tension?

6 PROSPECTIVE JUROR NO. 0015: It did.

7 MS. JONES: Because something that upset one neighbor may not upset  
8 another neighbor?

9 PROSPECTIVE JUROR NO. 0015: Correct.

10 MS. JONES: Okay. And you understand that just because you have the  
11 -- your neighbor has those issues with you, that doesn't mean you committed  
12 any crimes?

13 PROSPECTIVE JUROR NO. 0015: Correct.

14 MS. JONES: Okay. Anybody else have issues with their neighbors? [No  
15 response]. Okay.

16 The State talked to you guys a little bit about the fact that you  
17 guys were going to hear testimony from police officers in this case. Is there  
18 anybody here who would give police officers testimony more weight than they  
19 would anybody who's not a police officer?

20 THE COURT: I don't know if you know or not, but I asked that question.

21 MS. JONES: Oh, I apologize, Your Honor.

22 THE COURT: That's okay. And you know what, in all fairness, is there  
23 anyone that wants to respond to that question after having an opportunity to  
24 think about it?

25 MS. JONES: And for the record, there was no response to that.

1 THE COURT: Thank you.

2 MS. JONES: And is there anybody here who doesn't understand that the  
3 State carries the burden in this case? Does anybody here who doesn't  
4 understand exactly what that means? [No response]. Is there anybody here  
5 who has a problem with that concept? [No response].

6 THE COURT: And the record reflect there's been no response to the last  
7 three questions.

8 MS. JONES: Is there anybody here who doesn't understand that Defense  
9 does not have any burden in this case. They don't have to put on any  
10 witnesses; they don't have to show anything? The record will reflect there  
11 was no response to that question.

12 THE COURT: Thank you, Ms. Jones.

13 MS. JONES: And is there anybody here that -- if they were Mr. Collins  
14 sitting where he's sitting now, would not feel comfortable having themselves  
15 on the jury?

16 THE COURT: Okay. You have -- over here, sir, your name and badge  
17 number.

18 PROSPECTIVE JUROR NO. 0036: Badge number's 0036, name's Bret  
19 Humphries.

20 THE COURT: Okay. And do you understand the question?

21 PROSPECTIVE JUROR NO. 0036: Yes.

22 THE COURT: The question is, if you were sitting where Mr. Collins is --

23 PROSPECTIVE JUROR NO. 0036: Yes.

24 THE COURT: -- would you want someone seated, like yourself, sitting as  
25 a juror?

1 PROSPECTIVE JUROR NO. 0036: No.

2 THE COURT: And you would not. Okay. Why not?

3 PROSPECTIVE JUROR NO. 0036: I'm a security officer. It's like one --  
4 one of the police officers sitting on the jury. I arrest people. I've sent people  
5 to jail.

6 THE COURT: Okay.

7 PROSPECTIVE JUROR NO. 0036: I mean --

8 THE COURT: Well, you don't send people to jail.

9 PROSPECTIVE JUROR NO. 0036: Well --

10 THE COURT: You don't have that authority?

11 PROSPECTIVE JUROR NO. 0036: I mean, I have done citizen's arrest  
12 and sent people to the Detention Center.

13 THE COURT: Okay.

14 PROSPECTIVE JUROR NO. 0036: And I've cited people or signed the  
15 citations.

16 THE COURT: Okay. Do you think that would impede your ability to be  
17 fair and impartial?

18 PROSPECTIVE JUROR NO. 0036: As of -- well, no, not really, but the  
19 question from her is: Would you want somebody like me? I said: No; I  
20 wouldn't want -- like I said, I wouldn't want the police officers. I wouldn't  
21 want somebody like me. I wouldn't want somebody like you on the jury.

22 THE COURT: Okay. Well, if I was sitting there, I'd want someone  
23 exactly like me sitting on the panel because I believe I could be fair and  
24 impartial, so that's the question we're getting at. We're just asking it a  
25 different way.

1           The fact that you're a security officer doesn't automatically  
2 disqualify you.

3           PROSPECTIVE JUROR NO. 0036: I understand that.

4           THE COURT: Okay.

5           PROSPECTIVE JUROR NO. 0036: Because I think I could be fair and  
6 impartial.

7           THE COURT: Are you, maybe -- are you trying to say that if you were  
8 sitting there, just because somebody was a security officer, you'd be  
9 apprehensive and you wouldn't want that person?

10          PROSPECTIVE JUROR NO. 0036: Yes.

11          THE COURT: Regardless of what they said?

12          PROSPECTIVE JUROR NO. 0036: Regardless.

13          THE COURT: Okay. But you're not suggesting, to any of us, that you  
14 don't think you can be fair and impartial?

15          PROSPECTIVE JUROR NO. 0036: No.

16          THE COURT: Okay. I misunderstood, so I'm sorry. You want to follow-  
17 up?

18          MS. JONES: And when you say that because you're a security officer,  
19 are you saying that -- if you were Mr. Collins, you wouldn't want any security  
20 officer sitting on a jury?

21          PROSPECTIVE JUROR NO. 0036: No.

22          MS. JONES: No; you wouldn't want any security officer?

23          PROSPECTIVE JUROR NO. 0036: No; I would not want any security  
24 officers.

25          MS. JONES: And do you believe that that's because they are a law

1 enforcement officer, and basically, your idea is, any law enforcement officer,  
2 you wouldn't want sitting on a jury?

3 PROSPECTIVE JUROR NO. 0036: Right.

4 MS. JONES: Because of their law enforcement background?

5 PROSPECTIVE JUROR NO. 0036: Right.

6 MS. JONES: Okay. But as the Judge just asked you, you're not saying  
7 that that means you can't be fair?

8 PROSPECTIVE JUROR NO. 0036: No.

9 MS. JONES: And in this case, would you be willing to put aside all --  
10 everything that you -- that has previously happened to you, your occupation  
11 and all that stuff, and not make a decision until all the evidence has been  
12 presented to you?

13 PROSPECTIVE JUROR NO. 0036: Yes.

14 MS. JONES: And you would be willing to sit with your fellow jurors and  
15 deliberate?

16 PROSPECTIVE JUROR NO. 0036: Yes.

17 MS. JONES: Okay. And, if, at the end of the deliberations, the rest of  
18 the jury's going one way and you have a completely opposite opinion, what  
19 would you do?

20 PROSPECTIVE JUROR NO. 0036: I would try and persuade them to my  
21 opinion.

22 MS. JONES: And what if you couldn't persuade them to your side?

23 PROSPECTIVE JUROR NO. 0036: Well, it depends upon how strongly  
24 convicted I am to my opinion as to whether or not I'll exceed and join their  
25 opinion.



1 MS. JONES: And if this -- this were Friday at 5 o'clock and the rest of  
2 the jurors are wondering.

3 PROSPECTIVE JUROR NO. 0036: It would have nothing to do with the  
4 time, day, or anything else; it would have to do with my own personal  
5 conviction.

6 MS. JONES: Okay. And would you rush to some sort of decision just so  
7 you could go home and get this over with?

8 PROSPECTIVE JUROR NO. 0036: No.

9 MS. JONES: Okay. You would be willing to talk it out with them?

10 PROSPECTIVE JUROR NO. 0036: Yes.

11 MS. JONES: Okay. And do you have any specific problems with the  
12 State has the burden in this case?

13 PROSPECTIVE JUROR NO. 0036: No.

14 MS. JONES: Okay. Thank you.

15 THE COURT: Ms. Jones, do you just mind if I ask a couple more follow-  
16 up --

17 MS. JONES: Sure.

18 THE COURT: -- questions. Mr. Humphries, and usually I would have  
19 asked this before. You obviously have involvement with the police entities and  
20 agencies in Clark County; correct?

21 PROSPECTIVE JUROR NO. 0036: Yes.

22 THE COURT: And so, you work with them -- I have to presume, on a  
23 daily basis?

24 PROSPECTIVE JUROR NO. 0036: Yes.

25 THE COURT: Based upon what you just said.

LESEAN TARUS COLLINS, ) No. 55716  
 )  
 Appellant, )  
 )  
 vi. )  
 )  
 THE STATE OF NEVADA, )  
 )  
 Respondent. )

Employee, Clark County Public  
Defender's Office

[illegible]

)  
)  
)  
)  
)  
)  
)  
)  
)

Electronically Filed  
Aug 02 2011 08:15 a.m.  
Tracie K. Lindeman  
Clerk of Supreme Court

9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

Attorney for Appellant

**CATHERINE CORTEZ MASTO**  
Attorney General  
100 North Carson Street  
Carson City, Nevada 89701-4717  
(702) 687-3538

Counsel for Respondent

INDEX  
Collins, Lesean  
C253455

PAGE NO.

Defendant's Motion to Compel Disclosure of Exculpatory Evidence (DOH 7/22/09) filed 7/8/09.....	141-149
Defendant's Notice of Alibi, Pursuant to NRS 174.087 filed 11/2/09.....	163-164
Defendant's Notice of Witnesses filed 11/2/09.....	160-162
Defense Offer of Proof Regarding Denial of Defense Motion to Continue (DOH 11/6/09) filed 11/6/09.....	195-198
Ex Parte Application and Order to Prepare Transcripts filed 2/2/10.....	204-207
Indictment filed 4/8/09.....	053-055
Instructions to the Jury filed 11/6/09.....	171-192
Judgment of Conviction (Jury Trial) filed 3/4/10.....	208-209
Minutes through 3/2/10.....	213-227
Motion to Continue Sentencing Date (DOH 1/12/10) filed 12/29/09.....	201-203
Notice of Appeal filed 3/25/10.....	210-212
Notice of Habitual Criminality filed 11/6/09.....	199-200
Notice of Motion and Motion to Conduct Videotaped Deposition Testimony of Material Witness Vivian Furlow (DOH 11/2/09) filed 11/2/09.....	165-170

1		
2	Notice of Witnesses filed 10/29/09.....	158-159
3	Order filed 5/15/09.....	123-124
4	Petition for Writ of Habeas Corpus	
5	(DOH 6/1/09) filed 5/12/09.....	062-122
6	Return to Writ of Habeas Corpus	
7	(DOH 6/1/09) filed 5/29/09.....	127-140
8	State's Opposition to Defendant's Motion to Preclude Testimony	
9	of Minor Child, Tysean Collins	
	(DOH 9/16/09) filed 9/15/09.....	150-157
10	Verdict filed 11/6/09.....	193-194
11	Writ of Habeas Corpus	
12	(DOH 6/1/09) filed 5/18/09.....	125-126

**TRANSCRIPTS:**

Transcript: Calendar Call (DOH 8/12/09) filed 4/30/10.....	248-251
Transcript: Calendar Call (DOH 10/28/09) filed 4/30/10.....	256-258
Transcript: Defendant's Motion to Compel Disclosure of Exculpatory Evidence (DOH 7/22/09) filed 4/27/10.....	245-247
Transcript: Defendant's Motion to Preclude Testimony of Minor Child, Tysean Collins (DOH 9/16/09) filed 4/30/10.....	252-255
Transcript: Defendant's Writ of Habeas Corpus (DOH 6/10/09) filed 4/27/10.....	238-244
Transcript: Grand Jury (DOH 2/24/09) filed 4/16/09.....	001-052
Transcript: Grand Jury Volume 2 (DOH 4/7/09) filed 4/14/09.....	056-061
Transcript: Grand Jury Indictment Return (DOH 4/8/09) filed 5/17/10.....	228-232
Transcript: Initial Arraignment (DOH 5/6/09) filed 4/27/10.....	233-237
<b>Transcript: Jury Trial - Day 1 Split Transcript</b> <b>(DOH 11/4/09) filed 7/21/10.....</b>	<b>328-603</b>
Part One, Page 328 to Page 490, Volume II	
Part Two, Page 491 to Page 603, Volume III	
<b>Transcript: Jury Trial - Day 2</b> <b>(DOH 11/5/09) filed 7/9/10.....</b>	<b>604-733</b>
<b>Transcript: Jury Trial - Day 3</b> <b>(DOH 11/6/09) filed 7/9/10.....</b>	<b>734-809</b>
Transcript: Overflow Calendar Call (DOH 10/29/09) filed 5/17/10.....	259-267

1	Transcript: Sentencing	
2	(DOH 2/18/10) filed 6/18/10.....	810-813
3	Transcript: Sentencing (Continued)	
4	(DOH 3/2/10) filed 6/18/10.....	814-831
5	Transcript: Videotaped Testimony of Vivian Furlow	
6	(DOH 11/2/09) filed 7/12/10.....	268-327


7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

TRAN

**COPY**

**FILED**

APR 30 11 25 AM '10

  
CLERK OF COURT

DISTRICT COURT  
CLARK COUNTY, NEVADA

STATE OF NEVADA,

Plaintiff,

vs.

LESEAN TARUS COLLINS,

Defendant.

CASE NO. C253455

DEPT. VIII

BEFORE THE HONORABLE DOUGLAS E. SMITH, DISTRICT COURT JUDGE

WEDNESDAY, AUGUST 12, 2009

**TRANSCRIPT OF PROCEEDINGS  
CALENDAR CALL**

**APPEARANCES:**

For the State:

JOSHUA L. TOMSHECK, ESQ.  
JACQUELINE M. JEANNEY, ESQ.  
Deputy District Attorneys

For the Defendant:

TIERRA D. JONES, ESQ.  
Deputy Public Defender

RECORDED BY: JILL JACOBY, COURT RECORDER



1 WEDNESDAY, AUGUST 12, 2009 AT 8:39 A.M.

2  
3 THE COURT: C253455, State of Nevada versus Lesean Collins.

4 MS. JONES: Good morning, Judge. I think we're waiting for Mr. Tomscheck  
5 from the DA's office.

6 MR. ISCAN: That's correct, Your Honor.

7 THE COURT: Is it resolved?

8 MS. JONES: It is not, Judge, but it is not going forward.

9 Judge, it's my under -- this is going to be the defense's request for a  
10 continuance. It's my understanding the State is going to announce ready, but the  
11 State will have no opposition to the continuance.

12 THE COURT: Okay. This will be the second setting. We would be going  
13 forward the next one. We do firm settings in here.

14 MS. JONES: Is this the second setting?

15 THE COURT: This will be the second setting, yeah.

16 MS. JONES: Okay.

17 THE COURT: All right. We'll wait till he gets here.

18 MS. JONES: Okay.

19 THE COURT: Let me know.

20 [Matter trailed at 8:40 a.m.]

21 [Matter recalled at 9:41 a.m.]

22 THE COURT: C253455, State of Nevada versus Lesean Collins.

23 MS. JONES: Judge, he's present and in custody. This is going to be our  
24 request for a continuance. I just want to mention the State has no opposition.  
25 Judge, if the court's inclined, we would request the date in November.

1 MR. TOMSHECK: Good morning, Judge, Josh Tomsheck and Jacqueline  
2 Jeanney for the State. Just for the record, the State is prepared to go forward. We  
3 only have about ten witnesses. Ms. Jones notified us that she'd be requesting  
4 continuance. We don't oppose it, however, we are prepared.

5 THE COURT: All right. November what? This is a firm setting. It's going.

6 MR. TOMSHECK: Just for the Court's edification, he does have a first-degree  
7 murder trial set in November as well, I believe, for Monday, the 16<sup>th</sup>.

8 THE COURT: Not Monday, the 16<sup>th</sup>, then. We'll pass it until the first week of  
9 November.

10 THE CLERK: Do you want the trial the first week of November?

11 THE COURT: Yeah. How long will it take to try the case?

12 MR. TOMSHECK: Depending on how fast this department goes, not having  
13 tried a case in front of you. From what I've heard, pretty quickly.

14 THE COURT: It's almost 9:30. I'm pretty fast.

15 MR. TOMSHECK: Couple of days.

16 THE COURT: All right.

17 MR. TOMSHECK: Two and a half days, three days.

18 THE COURT: All right. We'll block off three days.

19 THE CLERK: Calendar call, November 28<sup>th</sup> at 8:30. Trial, November -- I'm  
20 sorry, that was October 28<sup>th</sup> at 8:30. Trial, November 2<sup>nd</sup> at 10 a.m.

21 ...

22 ...

23 ...

24 ...

25 ...

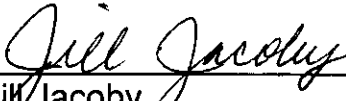
1 THE COURT: That is going.

2 MS. JONES: And it's going. Thank you, Judge.

3 THE COURT: Thank you.

4 [Proceeding concluded at 9:43 a.m.]

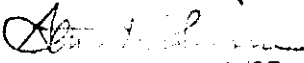
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21 ATTEST: I hereby certify that I have truly and correctly transcribed the audio/visual  
22 recording in the above-entitled case.

23   
24 Jill Jacoby  
25 Court Recorder

**COPY**

**FILED**

APR 30 11 26 AM '10

  
CLERK COURT

DISTRICT COURT  
CLARK COUNTY, NEVADA

STATE OF NEVADA,

Plaintiff,

vs.

LESEAN TARUS COLLINS,

Defendant.

CASE NO. C253455

DEPT. VIII

BEFORE THE HONORABLE DOUGLAS E. SMITH, DISTRICT COURT JUDGE  
WEDNESDAY, SEPTEMBER 16, 2009

**TRANSCRIPT OF PROCEEDINGS**  
**DEFENDANT'S MOTION TO PRECLUDE**  
**TESTIMONY OF MINOR CHILD, TYSEAN COLLINS**

**APPEARANCES:**

For the State:

JOSHUA L. TOMSHECK, ESQ.  
JACQUELINE M. JEANNEY, ESQ.  
Deputy District Attorneys

For the Defendant:

TIERRA D. JONES, ESQ.  
Deputy Public Defender

RECORDED BY: JILL JACOBY, COURT RECORDER

1 WEDNESDAY, SEPTEMBER 16, 2009 AT 8:41 A.M.

2  
3 THE COURT: C253455, State of Nevada versus Lesean Collins.

4 MS. JONES: Good morning, Judge.

5 THE COURT: Hi. It's a defense motion to preclude testimony of a minor  
6 child, Tysean.

7 MS. JONES: Tysean. Judge, this is our motion -- Tierra Jones from the  
8 public defender's office, bar number 10094.

9 Judge, this is our motion. I did receive the State's opposition yesterday  
10 so I would just like a brief opportunity to respond to that orally.

11 THE COURT: Okay.

12 MS. JONES: Judge, it's never our contention that the child was formally sat  
13 down, cuffed, and interviewed and held at suspect. That's not our contention, we're  
14 very well aware of that. It's an encounter with police where the child was questioned  
15 and he was talked to by the police officer and there is no direct case on the point.  
16 Based upon the case law they cited, there are safeguards in place wherein children  
17 are interviewed about sexual assault cases and about things like that and there has  
18 been no indication that the Supreme Court intended that not to apply children being  
19 interviewed just because it hasn't been an issue that they've addressed previously.

20 This child was talked to by a police officer when he know for a fact that  
21 neither of his parents were present. His dad was not on the scene when the police  
22 officers were there, and his mother was arrested when she arrived to the scene, so  
23 she wasn't present as well. So this child was being talked to by a police officer. We  
24 -- all we know is what the child said in relation to what he said about his father. We  
25 don't know if there was anything else brought out in this conversation. We don't

1 know how long the conversation lasted. We don't know the circumstances  
2 surrounding this conversation. We don't know if the child was sat down, where he  
3 was talked to. We don't know if he was inside the house, we don't know if he was  
4 sitting on the curb. There's a lot of things that we do not know that would lead to the  
5 reliability of whether or not the child gave the statement voluntarily. And I don't think  
6 he has the authority to give a statement voluntarily when he's nine and neither of his  
7 parents were present. And based on that, I don't think that this child's statement  
8 should be allowed to come in against his dad.

9 THE COURT: Thank you.

10 MS. JEANNEY: Good morning, Your Honor, Jacqueline Jeanney for the  
11 State. Well, if the stipulation as Ms. Jones said, this wasn't a sit-down formal  
12 interview. The police arrived, the mother had actually not been arrested but she  
13 was on her way home from work because she had been told, hey, her house is on  
14 fire. And the little boy just said: Yeah, I saw my dad. He was walking in the house  
15 with a gas can and he told me he was going to burn -- and then some cuss words --  
16 the house up.

17 So it wasn't a formal interview. It was something very brief that the  
18 child said. There actually was someone who was taking care of the child. The  
19 mother -- basically step-mother was there taking care of the child while the mother  
20 was on her way to see what was going on with the house.

21 So I don't think that the safeguards that are in place, it's actually like a  
22 sexual assault, sexual abuse cases are for cases like this.

23 THE COURT: I think based on totality of circumstances, reading both the  
24 motion and the opposition, that there is a reliability to that child's statement and I'm  
25 going to allow it in. Thank you.

1 Motion to preclude the testimony is denied.

2 MS. JONES: Thank you, Judge.

3 THE COURT: Thanks.

4 [Proceeding concluded at 8:44 a.m.]  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20

21 ATTEST: I hereby certify that I have truly and correctly transcribed the audio/visual  
22 recording in the above-entitled case.

23   
24 Jill Jacoby  
25 Court Recorder

**COPY**

**FILED**

APR 30 11 26 AM '18

*[Signature]*  
CLERK OF COURT

DISTRICT COURT  
CLARK COUNTY, NEVADA

STATE OF NEVADA,

Plaintiff,

vs.

LESEAN TARUS COLLINS,

Defendant.

CASE NO. C253455

DEPT. VIII

BEFORE THE HONORABLE DOUGLAS E. SMITH, DISTRICT COURT JUDGE  
WEDNESDAY, OCTOBER 28, 2009

**TRANSCRIPT OF PROCEEDINGS  
CALENDAR CALL**

**APPEARANCES:**

For the State:

JOSHUA L. TOMSHECK, ESQ.  
Deputy District Attorney

For the Defendant:

TIERRA D. JONES, ESQ.  
ABIGAIL L. PAROLISE, ESQ.  
Deputy Public Defenders

RECORDED BY: JILL JACOBY, COURT RECORDER



1 WEDNESDAY, OCTOBER 28, 2009 AT 8:54 A.M.

2  
3 THE COURT: C253455, State of Nevada versus Lesean Collins.

4 MS. JONES: Good morning, Judge.

5 THE COURT: Hi. How long will it take to try this case?

6 MS. JONES: Well, Judge, this is the position we're in. Judge, we're in trial  
7 right now and basically Mr. Collins has not been a hundred percent cooperate with  
8 our investigator so there's still some things, some witnesses that she needs to  
9 contact, but he has their contact information.

10 THE COURT: That's his problem, not yours. If he's not going to cooperate,  
11 then you get to try the case from the police report. If that's what he wants, you  
12 know, you don't have -- you don't have any control over that.

13 So, four days?

14 MS. PAROLISE: Well --

15 THE COURT: Five days to try this case?

16 MS. PAROLISE: How --

17 MR. TOMSHECK: State's ready. It's only about seven witnesses. I think  
18 probably --

19 THE COURT: All right. You can try it faster than that.

20 MR. TOMSHECK: -- closer to three days.

21 MS. PAROLISE: Well, however, Your Honor, the other problem is because  
22 we've been in trial this week, we haven't put any attention on his trial right now.  
23 We're not ready to go, aside -- investigation issues aside.

24 THE COURT: Well, you're going to have to go next week in overflow. We're  
25 just going to have to send it to overflow.

1 THE CLERK: Tomorrow?

2 THE COURT: Tomorrow.

3 THE CLERK: October 28<sup>th</sup>, 9 a.m., Department 18.

4 THE COURT: It can come back if we don't have an overflow department.

5 [Proceeding concluded at 8:56 a.m.]

6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21 ATTEST: I hereby certify that I have truly and correctly transcribed the audio/visual  
22 recording in the above-entitled case.

23   
24 Jill Jacoby  
25 Court Recorder

FILED

ORIGINAL

MAY 17 4 53 PM '10

DISTRICT COURT  
CLARK COUNTY, NEVADA

CLERK

CURT

TRAN

STATE OF NEVADA,

) CASE NO. C253455

Plaintiff,

) DEPT. NO. XII

vs.

LESEAN TARUS COLLINS,

Defendant.

BEFORE THE HONORABLE DAVID B. BARKER, DISTRICT COURT JUDGE

RECORDER'S TRANSCRIPT RE:  
OVERFLOW CALENDAR CALL

THURSDAY, OCTOBER 29, 2009

APPEARANCES:

FOR THE STATE:

JOSHUA TOMSHECK, ESQ.  
JACQUELINE M. JEANNEY, ESQ.  
Deputy District Attorneys

FOR THE DEFENDANT:

TIERRA D. JONES, ESQ.  
Deputy Public Defender

RECORDER/TRANSCRIBER:

RICHARD L. KANGAS

CLERK OF THE COURT

MAY 17 2010

RECEIVED

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

LAS VEGAS, CLARK COUNTY, NEVADA

THURSDAY, OCTOBER 29, 2009, 9:22 A.M.

\* \* \* \* \*

THE COURT: All right. Next on calendar is C251385, State of Nevada versus Anastacio Diaz. The record should reflect the presence of - Ms. Jones, do you have the case?

MS. JONES: No, this isn't my case, Judge; I'm on page 4.

THE COURT: You're just moving through the aisle. The record should reflect the presence of a representative of the State -

MR. TOMSHECK: Actually, Judge, we have the case with Ms. Jones.

MS. JONES: We have Collins.

THE COURT: C253455, State of Nevada versus - is it Lesean [Le-SHEEN] Collins?

MS. JONES: Lesean [Le-SHAWN].

THE COURT: Lesean Collins. The record should reflect the presence of Mr. Collins in custody with counsel, a representative of the State. This is the time set for overflow call. It looks like, the information reported to me is three or four days, no out-of - one out-of-state, ten to thirteen witnesses. Does that all remain accurate?

MR. TOMSHECK: No. I think you can count the

1 witnesses on one hand, Judge, and I think it will probably  
2 only take a day or two to try this, at the most.

3 THE COURT: A day or two to try. First on the  
4 stack -

5 MS. JONES: And, Judge -

6 (Off-record colloquy, the Court and JEA)

7 THE COURT: Well, I'm sending you to XII, since you  
8 can get it done in -

9 MS. JONES: And, Your Honor -

10 THE COURT: - you can do it with Judge Leavitt -

11 MS. JONES: - we are not ready to try this case.

12 We informed Department VIII yesterday that we were not ready  
13 to try this case. Your Honor, I have been in trial this  
14 week. As you can see, my investigator is here still  
15 speaking to Mr. Collins about the investigation that's still  
16 left for us to do. Therefore, we are not prepared to go  
17 forward in this case.

18 THE COURT: Okay.

19 MR. TOMSHECK: Judge -

20 THE COURT: So you're telling me that you - this  
21 has been continued many times, have these issues been issued  
22 been addressed by Judge - where did this come from?

23 MS. JONES: Smith.

24 MS. JEANNEY: It came from Smith, Judge.

25 THE COURT: Smith.

1 MR. TOMSHECK: Can I make a record on that, Judge?

2 THE COURT: Yeah.

3 MR. TOMSHECK: This is a case that, I mean, it  
4 dates back some time; there was a couple different prelim  
5 dates set. I am prosecuting the defendant on another case,  
6 it's a murder case, and I think that there's probably a  
7 little bit of intent to have this one trail behind that on  
8 the part of the defense. There's no reason to do that from  
9 the State's perspective.

10 This was back on for calendar call back in August,  
11 August 12<sup>th</sup> in front of Judge Smith, and the defense moved  
12 to continue it. Judge Smith wasn't happy about it at the  
13 time and said, look, I'm giving you a trial date the first  
14 week of November, you will be ready to go.

15 THE COURT: So this was already -

16 MR. TOMSHECK: And -

17 THE COURT: - Judge Smith has already made a  
18 decision on the - on the motion to continue. It was  
19 opposed. It was denied by Judge Smith, and that's how it  
20 got to me in Overflow.

21 MR. TOMSHECK: That's what - right, he allowed them  
22 to have the continuance back in August. We were on for  
23 calendar call this week. Ms. Jones represented that she  
24 wouldn't be ready because she'd been in trial.

25 THE COURT: Oh, it's a firm setting from Judge

1 Smith, at least that's what the minute entry from October  
2 28<sup>th</sup> reflects.

3 MR. TOMSHECK: And they made the same  
4 representation in front of Judge Smith; he said - and  
5 essentially one of the reasons was the defendant wouldn't  
6 cooperate, hadn't given 'em information. And Judge Smith  
7 said, look, I've given you this time to be prepared, if he  
8 doesn't want to cooperate, that's kind of on him.

9 THE COURT: All right.

10 Anything else, Ms. Jones?

11 MS. JONES: And, Judge, this is our position.  
12 Judge, while we understand that, as the Court is aware, from  
13 the defense perspective it would be better for this case to  
14 trail the murder; but that is not the reason for the  
15 continuance of this case. That murder is set out in March.  
16 Even if this case is continued, we are fully aware this case  
17 will not be continued out past a March trial date.

18 This case is not ready to go to trial because, as I  
19 pointed out to the Court, my lead investigator is here right  
20 now still speaking with Mr. Collins about the investigation  
21 that has to be done. Mr. Tomsheck -

22 THE COURT: What additional investigation needs to  
23 be done?

24 MS. JONES: Into the witnesses that he has for his  
25 case. And the State can acknowledge that we haven't even

1 noticed any witnesses, because we started - Mr. Collins  
2 indicated that he did want to resolve this case, as Mr.  
3 Tomsheck will acknowledge; he and I had spoke about that.

4           The murder case involves the Special Public  
5 Defender; therefore it creates a conflict with me talking to  
6 him about that case. We did receive an offer to resolve  
7 both cases yesterday at 4 o'clock. Me and Mr. Maningo from  
8 the Public Defender's office do intend to go speak with him  
9 about that, but after 4 o'clock we can't go into the jail so  
10 could not speak with him about that yesterday. We have an  
11 appointment set up today at 2 to go speak with him about the  
12 offer; but the things that are involved in that other case I  
13 can't talk to him about because our office clearly has a  
14 conflict, which is the reason the Special Public Defender  
15 has it.

16           And based upon our intent to resolve this case, Mr.  
17 Collins was not - we did not have his witness information;  
18 we now have that information. My investigator is still  
19 working on that; she's talking to him right now to get that  
20 information so we can start investigating this case.

21           By me being in trial this whole week, I have not  
22 had an opportunity to follow up with him on that. Yesterday  
23 in court was the first time I had seen him 'cause I haven't  
24 had the opportunity to follow up with that. So we are not  
25 prepared to try this case next week.



1 THE COURT: All right. Mr. Collins, you have your  
2 hand up.

3 THE DEFENDANT: Can I talk to her about our case?

4 MS. JONES: Yeah.

5 (Off-record colloquy, defendant and counsel)

6 MS. JONES: And, Your Honor, Mr. Collins just  
7 informed me that he was getting those addresses, and he  
8 still doesn't have all of the addresses to all of his  
9 witnesses to provide to my investigator.

10 THE COURT: All right. Why don't - why don't you  
11 anticipate starting trial on Wednesday? That'll give you a  
12 few extra days. It'll make your investigator's weekend  
13 harder, but you guys can get this case tried next week.

14 MS. JEANNEY: We have to get a witness in from  
15 Florida.

16 THE COURT: It's a firm set; Judge Smith has  
17 already made some decisions on this. My - you know, I'm  
18 basically a resources - my job is to allocate resources, and  
19 so I'm gonna support Judge Smith's decision that the case is  
20 trial-ready, even though the minutes reflect, again, defense  
21 motion to continue.

22 So you've got some additional information.  
23 Obviously the defendant should have an opportunity to  
24 prepare their defense. So don't you - why don't we go for a  
25 Wednesday start? Make sense, get it done?

1 MR. TOMSHECK: That's fine with the State, Judge.  
2 THE COURT: All right.  
3 THE CLERK: Department XII?  
4 THE COURT: Yeah, Department XII is where it's  
5 gonna head, Wednesday. You said what time? She works full  
6 Wednesdays?  
7 THE CLERK: Wednesday will be November 4<sup>th</sup>, and  
8 it'll be at 8:30 a.m.  
9 THE COURT: 8:30 a.m. for jury selection.  
10 THE CLERK: If that changes, I'll notify all  
11 parties.  
12 MS. JEANNEY: Thank you.  
13 THE COURT: I'd also ask that you head up to  
14 Department XII now, just to coordinate with Judge Leavitt.  
15 We'll have my law clerk send the file up so she can look at  
16 it as well. And, you know, everybody needs to do their job.  
17 MS. JONES: So we need to go speak with her right  
18 now?  
19 THE COURT: I would.  
20 MS. JONES: Okay.  
21 THE COURT: I don't know if she's - frankly, I  
22 don't know; she should be in.  
23 MR. TOMSHECK: She is; I just did a sentencing in  
24 there.  
25 THE COURT: All right, she's -

1 MS. JEANNEY: She's on the -  
2 THE COURT: She's on the bench.  
3 MS. JONES: Okay.  
4 THE COURT: Then put your heads together and figure  
5 out a time that you can all talk to Judge Leavitt and make  
6 sure that she's comfortable with - 'cause she said she's  
7 available all week and that we could do a Monday start, but  
8 I'm trying to give you a little time to do what you need to  
9 do to get up to speed with those witnesses, so that's why I  
10 set a Wednesday. All right?  
11 MS. JONES: Thank you, Your Honor.  
12 MS. JEANNEY: Thanks, Judge.  
13 THE COURT: Thank you.

14 PROCEEDING CONCLUDED AT 9:29 A.M.

15 \* \* \* \* \*

16  
17  
18 ATTEST: I do hereby certify that I have transcribed the audio-  
19 video recording of this proceeding in the above-entitled case to  
20 the best of my ability.

21 

22 RICHARD L. KANGAS,

23 Court Recorder/Transcriber

24 ORIGINAL  
25

**FILED**



**COPY**

JUL 12 3 36 PM '18

DISTRICT COURT

CLERK

CURT

STATE OF NEVADA,

Plaintiff,

**VS.**

LESEAN T. COLLINS,

**Defendant.**

CASE NO. C-253455

DEPT. XII

BEFORE THE HONORABLE MICHELLE LEAVITT, DISTRICT COURT JUDGE

MONDAY, NOVEMBER 2, 2009

**TRANSCRIPT OF PROCEEDINGS**

**VIDEOTAPED TESTIMONY OF VIVIAN FURLOW**

**APPEARANCES:**

**For the State:**

**JOSHUA L. TOMSHECK, ESQ.**  
**JACQUELINE JEANNEY, ESQ.**  
**Deputy District Attorneys**

**For the Defendant:**

**DIANNE DICKSON, ESQ.**  
**TIERRA D. JONES, ESQ.**  
**ABIGAIL PAROLISE, ESQ.**  
**Deputy Public Defenders**

RECORDED BY: KERRY ESPARZA, COURT RECORDER

**WITNESS LIST**

**NAME OF WITNESS**

**PAGE NO.**

***VIVIAN FURLOW***

Direct Examination by Mr. Tomsheck	31
Cross Examination by Ms. Jones	43
Redirect Examination by Mr. Tomsheck	53
Recross Examination by Ms. Jones	57

1 MONDAY, NOVEMBER 2, 2009, AT 12:57 P.M.

2  
3 [Outside the presence of the jury]

4 THE COURT: Okay. Mr. Collins is here.

5 THE DEFENDANT: Good morning.

6 THE COURT: What happened to your eye, Mr. Collins?

7 THE DEFENDANT: Huh?

8 THE COURT: What happened to your eye?

9 THE DEFENDANT: Accident, when I was 16. You don't remember me?

10 THE COURT: Of course, I remember you, but your eye was fine the last  
11 time I saw you.

12 THE DEFENDANT: No.

13 THE COURT: You had an accident?

14 THE DEFENDANT: Yes, ma'am.

15 THE COURT: Okay.

16 THE DEFENDANT: I'd rather not talk about it. Good morning, though.

17 THE COURT: What?

18 THE DEFENDANT: I'd rather not talk about it, but good morning.

19 THE COURT: You don't have to; you don't have to.

20 THE DEFENDANT: I'm sorry.

21 THE COURT: I just noticed that you had a problem with your eye. Okay.  
22 The State has filed a motion. It's my -- I haven't even had a chance to read it.  
23 It's my understanding -- I know we were closed on Friday, so there was a flurry  
24 of phone calls back and forth that the State has -- has a witness that has -- I  
25 can't remember where they're going, but it sounded someplace great.

1 MR. TOMSHECK: It does.

2 THE COURT: Okay.

3 MR. TOMSHECK: Judge, I can fill you in on the facts. I don't know if  
4 you want to take a moment to read it, but essentially, what happened is, we  
5 announced ready at calendar call.

6 THE COURT: Right.

7 MR. TOMSHECK: It was sent to the overflow judge. The case was  
8 originally scheduled to start today.

9 THE COURT: Right.

10 MR. TOMSHECK: The subpoenas went out for today's date. One of the  
11 State's essential witnesses is a lady by the name of Vivian Furlow. Ms.  
12 Furlow, it's my assumption, let us know that she could be here today because  
13 it was a day on the subpoena. What we didn't figure out, until after we had  
14 actually been set to start trial on Wednesday of this week, which, just for the  
15 record is November 4<sup>th</sup>, would be Wednesday -- let us know that she is leaving  
16 tonight on a red-eye flight. She's flying to Florida and taking a cruise to Mexico  
17 where she will be for a week. She's not set to return to the jurisdiction until  
18 the 12<sup>th</sup> of this month.

19 So obviously, it would be a great inconvenience for her. We  
20 actually made an attempt to say: Hey, if we start on Wednesday, can we fly  
21 you back? But she's going to be on a boat, so we wouldn't be able to do that.  
22 And the tickets that she purchased for the vacation are non-refundable.

23 THE COURT: Okay. And you've discussed this with Defense Counsel?

24 MS. JONES: He has, Your Honor, and if the Court would allow, I would  
25 just have a couple of things to add to the fact.

1 THE COURT: Sure.

2 MS. JONES: Your Honor, when we appeared in front of Judge Smith  
3 last --

4 THE COURT: I'm sorry.

5 THE CLERK: We need her name.

6 THE COURT: Well --

7 MS. JONES: I apologize. Tierra Jones from the Public Defender's Office.

8 THE COURT: Thank you.

9 MS. JONES: Bar Number 10094.

10 THE COURT: Thank you.

11 MS. JONES: Did you want her to say her name now?

12 MS. PAROLISE: Oh, I already gave it.

13 THE COURT: Probably. Okay.

14 COURT CLERK: I got her name.

15 MS. JONES: And Your Honor, when we appeared in front of Judge  
16 Smith, the Defense did announce: Not ready. The Defense was not ready to  
17 try this case this week. The State did say that they would be ready. We  
18 appeared in front of Judge Barker on Thursday and the Defense, again,  
19 indicated to Judge Barker that we were not ready.

20 The reason we announced ready -- Judge Barker. It was Judge  
21 Barker's decision to set this case on a Wednesday. Both parties agreed to that.  
22 The State was there. They agreed to setting this case on Wednesday, but it's  
23 the Defense's position that we --

24 THE COURT: Okay.

25 MS. JONES: -- will not be ready to go today. We will, technically, will



1 not be ready to go Wednesday, but if the Court was going to force us to go,  
2 we would be prepared to go to trial. So as far as the facts --

3 THE COURT: Okay. Let me back up, because you can talk faster than  
4 me.

5 MS. JONES: I'm sorry, Your Honor.

6 THE COURT: Okay. When you went in front of Judge Smith, he was  
7 doing overflow. You said: I'm not ready. He said: Too bad, you're going?

8 MS. JONES: No, Your Honor, actually this --

9 THE COURT: Or he's the original --

10 MS. JONES: -- was a Department 8 case --

11 THE COURT: Okay.

12 MS. JONES: -- and we appeared in front of Judge Smith on Wednesday  
13 for calendar call. We announced, not ready, and he sent us to overflow.

14 THE COURT: Why, if you announced not ready? Just give me --

15 MS. JONES: He didn't give a reason. We gave him the reasons why we  
16 were not ready and he sent us to overflow and said: If there wasn't a  
17 department, the case could come back to him.

18 THE COURT: What were the reasons?

19 MS. JONES: Your Honor, our investigator has not finished the  
20 investigation in this case, as the Court will note and the State will note. I  
21 e-mailed witness lists to them on Saturday, as my investigator is still  
22 completing the investigation in this case.

23 And Ms. Parolise and myself were in trial last week, which is the  
24 reason why a lot of this stuff wasn't done, and therefore, we are not prepared  
25 to go forward on this case.

1 THE COURT: Okay. And you went to Judge Barker, you said the same  
2 thing. You went there --

3 MS. JONES: We made --

4 THE COURT: -- Friday?

5 MS. JONES: Thursday.

6 THE COURT: Thursday.

7 MS. JONES: Because Friday was the holiday. We made representations  
8 and Judge Barker -- Mr. Tomsheck did acknowledge to Judge Barker that we  
9 made those representations to Doug Smith. Judge Barker asked if that was  
10 true. I said: Yes, we made those representations and he basically said: As  
11 overflow judge, his only -- his only decision is to assign the case; it is not to  
12 determine continuances. And since Judge Smith sent it there, he would set it.

13 And I think, basically, as somewhat of a concession to us is why  
14 he asked for the Wednesday start date, because he did indicate that this Court  
15 would have been available to start trying this case today --

16 THE COURT: That's true.

17 MS. JONES: -- when this Court indicated it's availability to overflow. I  
18 think it was somewhat of a concession for us -- for him to give us the  
19 Wednesday start date. We announced ready. The State announced ready.

20 MS. PAROLISE: Announced ready?

21 MS. JONES: We can -- I mean, we have announced not ready; I  
22 apologize. We came in and spoke with your JEA in the back and she indicated  
23 that we could start on Wednesday. Mr. Tomsheck contacted me Thursday  
24 afternoon about 4:00 or a little after 4:00 with this issue.

25 THE COURT: Okay. So, obviously, Judge Smith made a decision that,

1 regardless of the representations that were made, that you were ready to go; is  
2 that fair to say?

3 MS. PAROLISE: I don't believe that he made the determination that we  
4 were ready. He definitely denied our continuance.

5 THE COURT: Okay. Then that to me is -- he listened to everything;  
6 right?

7 MS. JONES: Well, we made those representations --

8 THE COURT: Okay.

9 MS. JONES: -- to him and he didn't indicate one, you know -- he never  
10 said: I deny your continuance. He just said: We'll set it for overflow. If we  
11 don't have a department, then it can come back.

12 THE COURT: Okay. He obviously denied the continuance because he  
13 sent it to overflow. And listening to the reasons, he decided they weren't valid  
14 enough, at that time, and said: You're going to go to trial and you're going to  
15 go to overflow, and obviously, that's what happened. If you can't find a judge,  
16 you always come back. So he listened to all this, made a determination.

17 Judge Barker listened to all this, made a determination, sent it to  
18 me, and I've said: I'll make whatever accommodation. So is there -- we're  
19 here just to hear about the videotape deposition?

20 MS. JONES: Correct, Your --

21 THE COURT: Because I'm ready to take a videotape deposition of Vivian  
22 Furlow. Is there a problem with that? And I know that you've known, since  
23 last week, because when it was being conveyed to me, I said: This has to be  
24 conveyed to Defense Counsel, immediately, so if it does go forward; they know  
25 they have to be prepared for cross examination. So that was conveyed to you

1 immediately; right?

2 MS. JONES: That is correct.

3 THE COURT: Okay. Good.

4 MS. JONES: I spoke with Mr. Tomsheck a little after 4 on Thursday and  
5 then the motion was e-mailed to us a little after that.

6 THE COURT: Okay. And do you have any objection?

7 MS. JONES: We do.

8 MS. PAROLISE: Yes, Your Honor.

9 THE COURT: Okay. What's the objection?

10 MS. PAROLISE: Well, we -- we object, Your Honor, on procedural and  
11 substantive grounds. First and foremost, the Defense is afforded a certain  
12 number of days to even respond to a motion. If the State wanted to  
13 circumvent that notice requirement, then they would have to file a Motion for  
14 an Order to Shorten Time. I don't believe that was done in this case.

15 THE COURT: Well, I can tell you that I granted permission for the motion  
16 to be filed.

17 MS. PAROLISE: Additionally, Your Honor, the District Court rules hold  
18 that in no event may the Notice of a Hearing of a Motion be shortened to less  
19 than one full judicial day and that's what we have here. We were told at 4:30  
20 on Thursday.

21 THE COURT: Okay.

22 MS. PAROLISE: Friday was not a judicial day and we don't have a full  
23 judicial day here, so we don't think we've been given adequate time to even  
24 fully respond to this motion, at this point.

25 THE COURT: Okay. Then do you have an objection?

1 MS. PAROLISE: Yes, Your Honor.

2 THE COURT: The objection is: You haven't had adequate time to  
3 respond?

4 MS. PAROLISE: That the State has not complied with the procedural  
5 requirements for filing a motion, Your Honor.

6 THE COURT: Okay.

7 MS. PAROLISE: Additionally, Your Honor, substantively, the State has  
8 the burden of showing that this is a witness that can only testify to certain  
9 facts, that they would be essential in that way. That there would be -- that not  
10 allowing her testimony would precipitate a failure of justice.

11 And, additionally, Your Honor, I think this can be easily solved since  
12 she's not permanently unavailable. She's just unavailable over the next few  
13 weeks. And perhaps the State would like to respond to that issue first.

14 THE COURT: Okay. Well, why, as an officer of the Court, Mr.  
15 Tomsheck, why don't you tell me -- make a proffer of what she would testify  
16 to and why it's so essential that she testify and her testimony be preserved.

17 MR. TOMSHECK: Judge, this is a case where there are a very few  
18 number of witnesses. I anticipate we'll probably call about five, at trial, is all.  
19 This is a witness who is very familiar with the victim, with the circumstances  
20 related to the crime itself and, in fact, goes to the area where the arson occurs  
21 on September 30<sup>th</sup> of 2008 -- when the arson occurs, and sees the Defendant  
22 driving away from the neighborhood. And she describes it as if he's in a rush;  
23 he's leaving the scene. She's the only witness that can testify to that fact.

24 THE COURT: She's the only witness that can place him at the scene of  
25 the arson?

1 MR. TOMSHECK: She's the only witness that can testify to him driving  
2 away from the scene of the crime. Additionally, Judge, she calls the Defendant  
3 subsequent to that. The Defendant and the victim have a long relationship --

4 THE COURT: She calls him --

5 MR. TOMSHECK: She -- she --

6 THE COURT: -- not the same day -- the next day?

7 MR. TOMSHECK: She calls him a few days later, I believe. I'm not sure  
8 on the exact date. And when she does, the Defendant's prerecorded his own  
9 kind of ring tone answering system on his phone where he raps out some lyrics  
10 about burning down his baby's mama [sic] house.

11 So, I mean -- she's the only one that can testify -- provide that  
12 information that she made that phone call -- heard his voice saying that. And  
13 she actually sees him in the neighborhood of the crime, at the time of the  
14 crime, on the day of the crime.

15 THE COURT: Okay. So the cell phone, the ring --

16 MS. JONES: I think --

17 THE COURT: -- that you listened to.

18 MS. JONES: -- it's a call tone, Your Honor.

19 THE COURT: Okay.

20 MS. JONES: I think that's what they called it.

21 THE COURT: Okay. Because sometimes when I call younger people,  
22 instead of it ringing, you hear something.

23 MR. TOMSHECK: That's what you get if you call Ms. Jeanney's phone.

24 THE COURT: Okay. All right. So you -- instead of -- because I have a  
25 niece where she always changes the songs, so you hear a song playing. Is that

1 what you're talking about?

2 MR. TOMSHECK: That's what it is, except --

3 THE COURT: And so instead of a song --

4 MR. TOMSHECK: His own voice.

5 THE COURT: -- she's going to testify it's Mr. Lesean Collins' voice and  
6 he's rapping a song?

7 MR. TOMSHECK: Correct.

8 THE COURT: And that song is about burning down his baby's mama's  
9 house?

10 MR. TOMSHECK: Essentially.

11 THE COURT: Well, give me a little --

12 MR. TOMSHECK: I don't know the exact words -- something about: If  
13 you can't stand the heat, get out the kitchen or you'll get burned down like my  
14 baby mama's house or something like that. That's what she testified to in  
15 front of the Grand Jury.

16 THE COURT: Okay. Anything else?

17 MR. TOMSHECK: No, Judge, other than, I think NRS 174.175, allows  
18 for exactly this type of testimony be conducted. I don't think we even need to  
19 file a written motion. I could have waited till the first day of trial and said:  
20 Hey, you know, she's out of the jurisdiction starting tomorrow, except that she  
21 already would have been gone.

22 So it had to be done in this fashion -- had to be brought in front of  
23 the Court today, and I think procedurally, that's precisely the type of situation  
24 that the statute allows for.

25 THE COURT: Well, I can tell you, and I have done it without filing a

1 motion where the parties come in, either side comes in, tells me there's a  
2 problem, we take the testimony. We just wait until trial and then we play that  
3 person's testimony during trial. So do you want to respond?

4 MS. JONES: Your Honor, we would like to be --

5 THE COURT: Really, it's material. They've met their standard of it being  
6 material if she's the only one that can place him driving away from the scene.

7 MS. JONES: And Your Honor, we actually dispute that fact. We dispute  
8 that fact. There is a neighbor, Ms. Darlene Heer's. Ms. Darlene Heer's is  
9 Shalana Eddins' neighbor. Ms. Darlene Heer's calls the police. There's a 9-1-1  
10 call where she calls the police and she says that she saw Mr. Collins leaving  
11 the area, as well as Ms. Vivian Furlow.

12 She did testify to what Mr. Tomsheck represented at the Grand  
13 Jury, but none of that stuff is included in her statement. Her statement differs  
14 as to seeing Lesean Collins.

15 According to her written statement that she wrote at the time of  
16 the incident, Lesean Collins had been gone for 10 minutes and she was notified  
17 by Darlene Heer's that Lesean Collins had been there. By the time she gets to  
18 Grand Jury, her testimony has become: She saw him there.

19 THE COURT: Okay.

20 MS. JONES: So it's our position -- we don't even know if she saw him  
21 there and Ms. Darlene Heer's can put Lesean Collins in the neighborhood,  
22 driving away. She testifies on the 9-1-1 call. She tells the 9-1-1 operator a  
23 description of the car and says that he's driving away. By the time the call  
24 ends, she tells the 9-1-1 operator that he is gone. So it's our position that she  
25 can put him at the scene.



1 MR. TOMSHECK: And Judge, just so the record's abundantly clear on  
2 this issue, the statute doesn't require that only one witness be able to testify to  
3 it. There could be five people testifying to the same thing as long as it's  
4 material.

5 THE COURT: That's immaterial --

6 MR. TOMSHECK: Correct.

7 MS. PAROLISE: But Your Honor, that goes to the --

8 THE COURT: -- to prevent a failure of justice.

9 MS. PAROLISE: That's what it goes to, Your Honor. If there's other  
10 witnesses that can testify to these facts, then her not testifying would not  
11 precipitate a failure of justice.

12 THE COURT: Well, anyone else testify to the fact that the ring tone,  
13 getting out of the house, or your house will be burned down like my baby's  
14 mama's house? I'm assuming the victim is -- has a child with the Defendant?

15 MR. TOMSHECK: Five.

16 THE COURT: The victim's home?

17 MR. TOMSHECK: Yeah; they have five children together.

18 THE COURT: Okay. And it was her home that was burnt down?

19 MR. TOMSHECK: Correct.

20 THE COURT: Okay. Anybody else that can testify about this ring tone?

21 MS. JONES: Judge, her father has made mention of the ring tone at the  
22 Grand Jury. He did make mention of contacting Mr. Collins on that same cell  
23 phone, so I believe that Robert Eddins would be able to give that testimony.

24 THE COURT: Okay. Anything else?

25 MR. TOMSHECK: No, Judge.

1 THE COURT: Okay. I'm inclined to allow this to happen, so when can  
2 you be ready to do it? Can you be ready at 1 o'clock?

3 MR. TOMSHECK: State can, Judge.

4 MS. JONES: We can, Your Honor.

5 THE COURT: Be ready at 1 o'clock? You have her here?

6 MR. TOMSHECK: She's here, local. We can have her here at 1 o'clock.

7 THE COURT: And I'm told -- I have two children with doctors  
8 appointments. One has to get a cast off, so it's an important one. So if you  
9 want me to do it before or after, just tell me. I don't want to rush anybody; I  
10 don't want to put time constraints. I just need to know so I can arrange  
11 accordingly.

12 MR. TOMSHECK: Realistically, Judge, if we actually get started at 1  
13 o'clock, I would think we'd be done by 1:30. I don't -- I can't anticipate it  
14 would go anywhere close to an hour. In front of the Grand Jury, her testimony  
15 was only six or seven pages.

16 THE COURT: Well, there's not cross examination at the Grand Jury.

17 MS. JONES: And that's our point, Your Honor, I don't want to make  
18 promises to this Court and prevent this Court from attending your child's  
19 doctors appointment, but there --

20 THE COURT: Well, you won't because I'll get up and leave.

21 MS. JONES: Okay. There is some cross examination that I would like to  
22 have with Ms. Vivian and I -- I just don't want to promise the Court that we'll  
23 be finished in 30 minutes and not live up to that.

24 THE COURT: Right. You don't have to make any promise. I just want to  
25 make sure that you know I'm not going to put any time limits but that I will

1 have to break if it's not done, and then we'll come back and we'll conclude it.

2 THE DEFENDANT: Well, I ain't gotta be here; right?

3 THE COURT: What?

4 THE DEFENDANT: I don't have to be here; do I?

5 THE COURT: Well, you absolutely have the right to be here.

6 THE DEFENDANT: No, I -- I know I have a right to be here. I don't  
7 wanna be here.

8 THE COURT: Okay. You have -- I mean, the reason why we do it this  
9 way is because you have the right to confront and cross examine the  
10 witnesses, so --

11 MS. JONES: Correct.

12 THE COURT: -- this is just as though we're in trial. I mean, the jury will  
13 see me; they'll see everybody; they'll see it's a court proceeding. If you're not  
14 here, that might be strange to the jury.

15 THE DEFENDANT: Okay. Well, I don't want to be here. They already  
16 know what's going on and stuff. They already -- I don't know -- I already told  
17 them exactly what really happened so they can handle that. I don't wanna --

18 THE COURT: Well, it sounds like this is a pretty important witness. I  
19 think you should be here.

20 THE DEFENDANT: Nah.

21 MS. JONES: And Your --

22 THE COURT: I think you should be here.

23 MS. JONES: And I apologize, Your Honor, Ms. Parolise and myself will  
24 speak to him regarding that after this Court takes a break, but in reference to  
25 that, Your Honor, if the jury is going to see Mr. Collins, we would like to make

1 a motion that he get dressed before 1 o'clock so that he is not in the jail --

2 THE COURT: He can get dressed or if he can't get dressed --

3 THE DEFENDANT: I can't get dressed; I don't have my clothes.

4 THE COURT: What? Calm down. What do you mean you can't get  
5 dressed?

6 THE DEFENDANT: I don't even have my -- I didn't even have my -- I  
7 didn't even know we was going to Court today.

8 THE COURT: They'll provide you clothes.

9 THE DEFENDANT: I didn't even know that. When they come and get me  
10 out of here. I've been sitting in there --

11 THE COURT: They have clothes.

12 THE DEFENDANT: -- for four hours, ma'am. Judge, I --

13 THE COURT: I --

14 THE DEFENDANT: -- been sitting here for four hours.

15 THE COURT: Well, it was a long morning.

16 THE DEFENDANT: This was put on at 11 o'clock.

17 THE COURT: I've been sitting here for four hours, too.

18 THE DEFENDANT: I've been sitting in a room, freezing. I've been sitting  
19 in a room freezing for four hours -- freezing for four hours. And I've been  
20 sitting there for another 30 minutes.

21 THE COURT: You can get changed, great, if not --

22 THE DEFENDANT: I don't even have my clothes.

23 THE COURT: -- I can do a camera lock

24 THE DEFENDANT: I ain't wearing shit.

25 THE COURT: -- and he won't be -- he won't be shown. But he does

1 have the right to confront and cross examine. He absolutely has the right to be  
2 able to assist you in any cross examination.

3 THE DEFENDANT: Can't do that without my shit.

4 THE COURT: I think you should be here, Mr. Collins.

5 THE DEFENDANT: Well, I can't do that if I'm not allowed to get my  
6 clothes; so, you understand me?

7 THE COURT: We'll get your clothes; right? We'll get him clothes, get  
8 him dressed out. Okay.

9 THE DEFENDANT: I got my own goddamn clothes.

10 THE COURT: They have an hour to get you dressed out; we'll get you  
11 dressed out. What? Okay. We'll see you back here in --

12 MS. PAROLISE: And Your Honor --

13 THE COURT: What?

14 MS. PAROLISE: I'm sorry. There's one other issue with regards to the  
15 trial that we wanted to address. Would you prefer we address it when we  
16 come back or --

17 THE COURT: Probably, because I want him to be able to get dressed  
18 out.

19 MS. PAROLISE: Okay.

20 MS. JONES: Thank you, Your Honor.

21 THE COURT: Does it have anything to do with his testimony before we  
22 start our testimony?

23 MS. PAROLISE: No, Your Honor.

24 THE COURT: Then we can do it after the fact. Let's just get him  
25 dressed out.

1 [Break taken at 1:15 p.m.]

2 [Resumed hearing at 2:18 p.m.]

3 THE COURT: State versus Lesean Collins, Case Number C-253455.  
4 What's wrong with Mr. Collins?

5 MS. PAROLISE: Actually, we've got someone coming over to talk to him  
6 who represented him before whom he has a better relationship with. We would  
7 ask for a few minutes just for her to get here and talk to him.

8 THE COURT: Who is it?

9 MS. PAROLISE: Dianne Dickson.

10 THE COURT: Okay. Open up the door. Let me talk to him.

11 THE COURT: He doesn't have to come in.

12 MS. PAROLISE: Right.

13 MS. JONES: Right.

14 THE COURT: So I'm just going to tell him.

15 [Judge conferring with Defendant at holding cell door]

16 THE COURT: Mr. Collins, what's the deal? What's your deal, Mr.  
17 Collins?

18 THE DEFENDANT: [Indiscernible].

19 COURT MARSHAL: Can you hear her?

20 MS. JONES: Dianne, is she on her way?

21 THE COURT: You don't want to come into court? What for? You're just  
22 going to sit back here. I won't put the camera on you. Why don't you want to  
23 come in? Did you have an opportunity to talk to your lawyer? I think you  
24 should come in. Well, you don't have to come in. I'm not going to force you  
25 to come in, but I'm telling you, I think it's in your best interest to come in so

1 that if you need to help your lawyers, you can.

2 And, you know, if something happens in here that you don't like,  
3 it's too bad, so sad, it's over, it's done. Do you understand that? You don't  
4 want to come in? You want to talk to your lawyer? You want to talk to  
5 Dianne Dickson? Do you know who Dianne Dickson is?

6 I'm not going to wait around all day. You're not going to delay me.  
7 I've got things to do. You got plenty of time, but I don't. Do you want to  
8 come in or not? Why are you acting like this? You're always a gentleman  
9 when you come to Court, so why are you acting like this now? Why don't you  
10 want to come in?

11 THE DEFENDANT: [Indiscernible].

12 THE COURT: Then if you want to make a record of that then you've got  
13 to come in here because we're being recorded. The recording can hear me, but  
14 they can't hear you.

15 MS. JONES: Correct.

16 THE COURT: So if there's something you want to put on the record, I  
17 suggest you come in or you've waived it. What? Okay. I'm going to start.  
18 You understand you have the right to come in, confront, cross examine, and sit  
19 here with your lawyers, but it's your choice to sit in here. And you're just  
20 going to sit in here till we're done, do you understand that?

21 Again, when I start, we start. We're not going to open up  
22 the door and you know, beg you to come in, say more, do you understand that?

23 COURT CLERK: Judge, shall we

24 THE COURT: Okay. We're going to start.

25 THE COURT: Okay. We're going to start.

1 MS. JONES: Thank you, Dianne.

2 THE COURT: You've got about 30 seconds --

3 MS. DIXON: Thank you.

4 THE COURT: -- and then we're going to start.

5 [Judge returns to the bench]

6 THE COURT: We were on the whole time, right, Kerry?

7 COURT RECORDER: Yes, Judge.

8 THE COURT: Could you hear me?

9 COURT RECORDER: I could hear you, but --

10 THE COURT: Okay. The record reflect --

11 COURT RECORDER: -- not him.

12 THE COURT: -- that I did go to the door and try to speak to Mr. Collins,  
13 who indicated he just did not want to come in here. I don't know why he  
14 doesn't want to come in here. He looks perfectly fine. I told him I would not  
15 put the camera on him because, apparently, he did not want to dress out.

16 I said: I would lock the camera on the witness only, which I  
17 have the ability to do and I've already told Kerry to do that. I told him that. He  
18 doesn't want to come in. He feels like his rights have been violated, and I told  
19 him that the only way he could come in and make a record of his rights being  
20 violated is if he came in here, told his lawyers, and made a record of it. And I  
21 told him he was going to be waiving any rights that he thought were violated if  
22 he didn't come in here and make a record of it.

23 He said: That was fine. I asked him if he wanted to talk to  
24 you guys. He said: It was okay. The record reflect: Ms. Dickson is in there  
25 right now attempting to talk to him. But I did tell him I'm not going to allow



1 him to delay the proceedings, any further.

2           You know, I don't know if he's the one that wanted a continuance  
3 or what this is, but it seems like he's going way out of his way to try to get a  
4 continuance or try to prevent the Court from proceeding any further. And I  
5 volunteered to take this case.

6           COURT MARSHAL: One of you guys want --

7           MS. PAROLISE: Thank you, Your Honor. I just wanted to make -- while  
8 we're waiting, if we can make a few records.

9           THE COURT: Okay. Only a couple minutes. Ms. Dickson is going to  
10 have a couple minutes and then we're starting.

11           MS. PAROLISE: Thank Your Honor. I realize that when we left that I  
12 didn't -- I don't know that we got on the record, what your -- exactly what --  
13 specifically, what your ruling was. It was my understanding that you did not  
14 believe that the State had to provide a written motion.

15           THE COURT: The statute says they do.

16           MS. PAROLISE: Okay. So --

17           THE COURT: I reviewed the statute and I'm sure you did too. The  
18 statute says they did. I did -- just so it's clear. I did say, last week, through a  
19 staff member, as the information came to me, that the State was seeking to  
20 take somebody's -- you have to understand -- it came to me that I was getting  
21 a case from overflow.

22           I don't know anything about it, but that the State was going to be  
23 seeking a request to take somebody's testimony because they were going on a  
24 great vacation. And I said -- immediately -- immediately, I said: Have the State  
25 inform Defense Counsel, immediately, of the request so that, in the event the

1 Court does grant the request, that you will have known -- and we know, we all  
2 had a three-day weekend --- you would have had plenty of time in order to  
3 prepare for this witness' cross examination. And so, I'm told that that did  
4 happen; correct?

5 MS. PAROLISE: We were told on Thursday afternoon, Your Honor.

6 THE COURT: Okay. And that would have been -- yes, that would have  
7 been the time -- about the time that I was told. And I -- I said he'd -- I did not--  
8 I did not require the State to file an OST, but my request was, I guess, similar  
9 to that as I said: Make it known to the Defense, immediately.

10 MS. PAROLISE: Okay.

11 THE COURT: And that I would hear it -- I would hear both sides Monday  
12 morning. But, quite frankly, I couldn't understand why there would be an  
13 objection. And I guess the only reason I can think you're making an objection  
14 today is to seek a continuance. I haven't heard anything else, except, she'd be  
15 available in three weeks and you want a continuance.

16 I get you want a continuance. Judge Smith made the decision.  
17 You don't get a continuance. We got to proceed on the third judge. We're  
18 beyond that.

19 MS. PAROLISE: Okay. And I appreciate that, Your Honor, and just --  
20 what was your ruling on our argument that even when an Order Shortening  
21 Time is granted, it cannot be granted on anything shorter than one full judicial  
22 day?

23 THE COURT: I told them they did not have to file an Order Shortening  
24 Time. So an Order Shortening Time was not requested.

25 MS. PAROLISE: Okay.

1 THE COURT: I told them to make it known to you right away. You knew  
2 Thursday. Have you had a -- I mean, Friday, Saturday, Sunday, Monday. This  
3 is the fourth day, and you know, I hate to say it, but I work every weekend, so  
4 I just assume, if you have something to do, you work and you get it done.  
5 That we don't say: Well, it's the weekend so, I just didn't do it. I assume  
6 you've had a full opportunity to prepare for this cross examination because you  
7 were given notice to get prepared; correct?

8 MS. PAROLISE: No, Your Honor. We don't think that we had an  
9 adequate opportunity in which to prepare and it was compounded by the fact  
10 that we announced not ready last week.

11 And I think there's another issue that we might want to talk about  
12 because we have a new ground to ask for either a continuance or a Motion to  
13 Strike a Witness because the State just noticed us. We didn't receive the  
14 notice this morning until -- that there was going to be --

15 THE COURT: Now don't go on to something else. We're just -- I mean --

16 MS. PAROLISE: Okay.

17 THE COURT: I mean, if he's not going to come in, let's get started.

18 MS. PAROLISE: Okay.

19 THE COURT: Tell Ms. Dickson: Let's go. Ms. Dickson, I appreciate you  
20 coming over here. It doesn't appear as though you -- oh, did you convince  
21 him?

22 MS. DICKSON: Yes.

23 THE COURT: Well, hallelujah. Guess who we're going to call from now  
24 on? Thank you very much.

25 MS. DICKSON: You're welcome.

1 [Defendant enters courtroom]

2 THE COURT: Okay. Let the record reflect: Mr. Collins has entered the  
3 courtroom. Thank you very much for joining us, and I also want to make sure  
4 you -- see your screen right there, Mr. Collins?

5 THE DEFENDANT: Yes, ma'am.

6 THE COURT: That's what will be recorded and that's the only thing that  
7 the jury will see, so that they won't ever see you, because it's my  
8 understanding you didn't want to dress out today either. That's fine.

9 THE DEFENDANT: Yes, ma'am.

10 THE COURT: We'll keep the camera locked on the witness. I think it's a  
11 good thing you came in. I think you made the right decision and I thank -- I  
12 thank Ms. Dickson.

13 Okay. Now, Counsel, you're saying that even though you  
14 were informed that you should prepare for cross examination, you didn't have a  
15 chance. So what prevented you from preparing for cross examination knowing  
16 that there's a real possibility this would happen today?

17 MS. PAROLISE: Thank you, Your Honor, and the issue here is that we  
18 announce not ready, so we actually have been working since Wednesday,  
19 furiously, since we got out of our other trial. We did come in and work on this  
20 weekend, but it is our position, Your Honor, that we're just --

21 THE COURT: You did work on this weekend?

22 MS. PAROLISE: We did work this weekend --

23 THE COURT: Okay.

24 MS. PAROLISE: -- Your Honor, and we just are not ready to go, at this  
25 point, because we have not completed our investigation. Which means that,

1 our ability to cross examine Ms. Vivian Furlow, effectively, is limited at this  
2 point. At this point, it's our position that --

3 THE COURT: Okay. When you go I'm going to -- because I'm going  
4 through here because now I have -- I've been given more information. You  
5 were given a firm date by Judge Smith; is that correct?

6 MS. PAROLISE: That is correct.

7 MS. JONES: Correct.

8 THE COURT: You were given a firm setting of October 28<sup>th</sup>, 2009, and it  
9 appears to me that you were given that firm setting -- let's see --

10 MR. TOMSHECK: August 12<sup>th</sup>.

11 THE COURT: -- August 12<sup>th</sup>, 2009.

12 MR. TOMSHECK: And Judge --

13 THE COURT: Okay. Counsel stated: Matter has not been resolved --  
14 request a continuance. State had no opposition. Did note readiness. Court  
15 ordered trial date, vacated and reset, however, it is very clear that the Court  
16 set it for a firm setting. So I'm sure you know what a firm setting is, and I'm  
17 assuming Judge Smith made that known to you that a firm setting meant a firm  
18 setting.

19 MS. PAROLISE: That's correct, Your Honor.

20 THE COURT: Okay.

21 MS. PAROLISE: Actually I wasn't there. Ms. Jones could probably talk  
22 about that more. However, at the end of the day -- because we were in -- at a  
23 different trial, we just weren't ready to go forward at that time. I appreciate  
24 the Court did inform us it was a firm setting, but it -- we're ineffective at this  
25 point, Your Honor, because we were not -- we were not able to completely

1 prepare for this trial.

2 THE COURT: Okay. Then you're going to have to give me -- if you're  
3 going to say that you're ineffective, you're going to need to give me very  
4 specific things of what you would have done that you didn't get an opportunity  
5 to do.

6 MS. PAROLISE: And we'd be happy to do that, in camera, Your Honor.

7 MR. TOMSHECK: Judge. Here's --

8 THE COURT: Okay.

9 MR. TOMSHECK: Here's the situation. That's fine. I just want to make  
10 a brief record because this is about the fifth time they brought it up today since  
11 they were told it had already been litigated and addressed. This was a case  
12 that was set for trial back in August. On August 12<sup>th</sup>, I believe it was, we  
13 appeared for calendar call in front of Judge Smith.

14 The State announced: Ready. Said at that time, we only had a  
15 handful of witnesses; we're prepared to go. Judge Smith granted them a  
16 continuance. We didn't oppose it, but it was with the understanding that it  
17 would be a firm setting for the next trial setting.

18 What the thrust of this is Judge, is that, the Defendant has a  
19 murder trial that's currently set for next year, had been set at around this same  
20 time. It's pretty obvious they're attempting to get this case to trail that case,  
21 and I understand why they may want to do that, but that's not a legal basis for  
22 a continuance. And just for the record --

23 THE COURT: He has a murder trial set for next year.

24 MR. TOMSHECK: In March.

25 THE COURT: In March of 2010.

1 MR. TOMSHECK: That's in front of Judge Togliatti, Judge.

2 THE COURT: Okay.

3 MR. TOMSHECK: And just for the record, I'm holding up the entirety of  
4 the North Las Vegas Police Department discovery in this case. It's about  
5 maybe 15 pages. If you include all the discovery, including the Grand Jury  
6 transcripts, you've got less than a hundred pages of discovery in this entire  
7 case.

8 Judge Smith said, in August: Look, I'll give you your continuance  
9 now. And it's very clear on the record, he said: You will be going to trial  
10 November 2<sup>nd</sup>. There would be no more continuances. That was cut and dry,  
11 set in stone.

12 And I understand that these particular attorneys may have been in  
13 trial last week, but I guarantee you they weren't in trial since August 12<sup>th</sup>  
14 through last week. And I can tell the Court that there's only a very limited  
15 amount of information in this case that they would have to prepare for. What  
16 they represented at the last calendar call in front of Judge Smith, is that, the  
17 Defendant wasn't cooperating and hadn't given them the names of witnesses  
18 and that's why they couldn't be ready.

19 Judge Smith said: Well, look, if he's not willing to cooperate  
20 with his lawyers, that's on him. I told you guys you're going to be ready to go,  
21 you're going to be ready to go, and sent us to overflow. In front of Judge  
22 Barker last --

23 THE COURT: He said that last -- at the last time they sought a  
24 continuance?

25 MR. TOMSHECK: Wednesday of last week.

1 THE COURT: They said: Mr. Collins was not speaking to them?

2 MR. TOMSHECK: That just that day -- began to give them information  
3 about witnesses to their investigator who is present in Court.

4 THE COURT: Okay.

5 MR. TOMSHECK: Judge Smith set it the next morning for calendar call in  
6 front of Judge Barker on the overflow calendar. The Defense, again, said they  
7 weren't ready.

8 Judge Barker said -- we're made aware of the record Judge Smith  
9 had made, looked at his calendar and indicated it was, in fact, a firm setting.  
10 Said, as an accommodation to the Defense: I will give you a couple days to  
11 prepare those witnesses that the Defendant's now giving you information on.

12 And I told Ms. Jones, that day: You need to notice those  
13 witnesses because we're coming up on a deadline, so, apparently, they did that  
14 because over the weekend, I got a list of witnesses that they wanted to  
15 prepare for their case.

16 But in terms of this particular witness today and, in fact, the  
17 entirety of this whole trial, there's very limited amount of preparation that  
18 would need to be done -- a very small case.

19 THE COURT: Okay. But I've just been told that even though they were  
20 given four days notice for one witness that apparently took six -- six minutes at  
21 the Grand Jury, that they haven't been given an opportunity to cross exam --  
22 given an opportunity to prepare for cross examination; so I'd like to hear it. So  
23 if the State doesn't mind stepping outside.

24 MR. TOMSHECK: Not at all, Judge.

25 THE COURT: I will let them make their record. I will order that this part



1 of the record be sealed, obviously, so the State does not have access to this  
2 during trial.

3 [Counsel for the State exit courtroom]

4 [Portion of Proceedings sealed from 2:34:15 to 2:48:33 p.m.]

5 [Proceedings resumed from 2:48:33 p.m.]

6 THE COURT: Okay. Bring the State back in and call our witness.

7 [Counsel for the State returns to courtroom]

8 THE COURT: You can call your witness.

9 MR. TOMSHECK: State calls Vivian Furlow.

10 THE COURT: Okay. You know, I said earlier, the Grand Jury of April 7<sup>th</sup>,  
11 it appears as though the Grand Jury took place on February 24<sup>th</sup> and April 7<sup>th</sup>;  
12 correct?

13 MS. JONES: Correct, Your Honor.

14 THE COURT: Okay.

15 COURT CLERK: Ma'am, I need you to remain standing please. Raise  
16 your right hand.

17 ***VIVIAN FURLOW,***

18 being first duly sworn as a witness, testified as follows:

19 THE CLERK: Thank you. Please be seated. Will you please state your  
20 full name, spelling your first and last name for the record.

21 THE WITNESS: Vivian Furlow, V-I-V-I-A-N, Furlow, F-U-R-L-O-W.

22 MR. TOMSHECK: May I proceed, Judge?

23 THE COURT: You may.

24 ...

25 ...

**DIRECT EXAMINATION**

**BY MR. TOMSHECK:**

Q Ms. Furlow, did you previously have a relationship with somebody named Robert Eddins?

A Yes; I did.

Q And can you describe that relationship?

A Dating.

Q For approximately how long?

A About nine years.

Q During the course of those nine years that you dated Robin Eddins -- Robert Eddins, did you meet his daughter, Shalana?

A Yes; I did.

Q And did you know Shalana the entirety of the time you were dating Robert Eddins?

A Yes; I did.

Q Did you get to know Shalana and her children?

A Yes; I did.

Q And did you get to know the father of those children?

A Yes; I did.

Q What was that individual's name?

A Lesean Collins.

Q And did you know Lesean Collins, well, in the time he was dating Shalana Eddins?

A For the most part; yes.

Q You see Mr. Collins in the courtroom today?

1           A           Yes; I do.

2           Q           For the record, could you point at him and identify an item of  
3 clothing that he's wearing in court today, just by color?

4           A           He's wearing a blue top and his hair's braided.

5           MR. TOMSHECK: May the record reflect --

6           THE COURT: Let the record reflect the identification of Mr. Collins.

7           MR. TOMSHECK: Thank you, Judge.

8 BY MR. TOMSHECK:

9           Q           At some point, did you become aware that the relationship  
10 between Shalana Eddins and the Defendant had ended?

11          A           Yes.

12          Q           And when that relationship ended, was there some contention  
13 between the two?

14          A           Yes.

15          Q           Were you aware that they were fighting?

16          A           Yes.

17          Q           I want to direct your attention to the month of September of  
18 last year, 2008, specifically September 30<sup>th</sup>. Did you receive a phone call from  
19 Robert Eddins that day?

20          A           Yes; I did.

21          Q           Back in September of 2008, were you still dating Mr. Eddins?

22          A           No; I was not.

23          Q           Did you -- had you maintained a close relationship with him?

24          A           Yes; I did.

25

1 Q And after your relationship with Robert Eddins ended, did you  
2 maintain a close relationship with his daughter, Shalana?

3 A Yes.

4 Q And did you maintain a close relationship with Shalana's  
5 children that she had with the Defendant?

6 A Yes.

7 Q The phone call that you received from Robert Eddins, what time  
8 of day was it that you received that phone call on September 30<sup>th</sup> of 2008?

9 A It was in the evening on about -- after 6:30, 6:40, something  
10 like that.

11 Q Where were you when you received that phone call?

12 A I was at home.

13 Q And for the record, what part of town, by major cross street --  
14 intersection were you living in back in September of last year?

15 A Cheyenne and Durango.

16 Q When you received that phone call from Mr. Eddins, did he  
17 make a request of you?

18 A Yes; he did.

19 Q What did he ask you to do?

20 A He asked if I would go pick up the boys --

21 MS. JONES: Objection, Your Honor, hearsay.

22 THE COURT: It's being offered for the truth of the matter?

23 MR. TOMSHECK: It's just being offered for what the effect was on the  
24 receiver of the phone call to show what she did next, Judge.

25

1 THE COURT: Okay. As a result of what he asked you to do or told you  
2 to do, what did you do?

3 THE WITNESS: I went to go pick up the grandchildren.

4 BY MR. TOMSHECK:

5 Q And is that based on the request that he made of you on that  
6 phone call?

7 A Yes; it is.

8 Q Did Mr. Eddins tell you where to pick up the grandchildren?

9 A Yes; he did.

10 Q What did he tell you?

11 A He told me to go to Shalana's home and the neighbor's house.

12 Q Without telling us what he said, did he --

13 THE COURT: I'm sorry. To Shalana's home --

14 THE WITNESS: Uh-huh.

15 THE COURT: -- at the neighbor's house?

16 THE WITNESS: Well, next door -- the neighbor was next door to  
17 Shalana's home.

18 THE COURT: The next door neighbor to Shalana?

19 THE WITNESS: Yes.

20 THE COURT: Okay.

21 MR. TOMSHECK: I'll clarify that, Judge.

22 THE COURT: Thank you.

23 BY MR. TOMSHECK:

24 Q Without telling what Mr. Eddins said on that phone call, did he  
25 give you a reason as to why you needed to pick up the children?

1 A Yes; he did.

2 Q And do you have an understanding that the ride that they were  
3 going to get -- wasn't going to be able to pick them up?

4 A Yes.

5 Q The area of town you were asked to go to was, where?

6 A Simmons and Ann.

7 Q Is that the area where Shalana Eddins lived?

8 A Yes.

9 Q Had you previously been to her house?

10 A Yes.

11 Q And for the record, was that 1519 Laguna Palms?

12 A Yes; it was.

13 Q And is that in North Las Vegas, Clark County, Nevada?

14 A Yes; it is.

15 Q Did you have an understanding of whether or not the children  
16 were home at the time or were they somewhere else?

17 A Somewhere else.

18 Q Where was the somewhere else?

19 A The next door neighbor's.

20 Q So next door to 1519 Laguna Palms?

21 A Yes.

22 Q For the record, do you remember the house number of the  
23 house next door?

24 A No; I don't.

25 Q Something in the 1500 block of that same street?

1 A Yes.

2 Q Did Mr. Eddins give you directions to that location?

3 A No.

4 Q Did he tell you, essentially, it's next door to Shalana's house?

5 A Yes.

6 Q Did you drive there?

7 A Yes; I did.

8 Q And when you drove there, can you describe the route you

9 would take to go into that neighborhood?

10 A Yes. On my way home, I would take Craig Road heading east,

11 get on the 95, exit Ann Road, take Ann Road just past Simmons.

12 Q And then you'd turn into a residential neighborhood?

13 A Yes.

14 Q The homes in that neighborhood, are they freestanding homes?

15 Is it an apartment complex?

16 A Freestanding homes.

17 Q And as you were driving into that neighborhood, did you see

18 someone that you recognized?

19 A Yes.

20 Q Who did you see?

21 A Lesean.

22 Q And where did you see Lesean?

23 A He was leaving the home going the opposite direction. I was

24 heading east; he was heading west.

25 Q Was he on foot or in a vehicle?

1           A           In a vehicle.

2           Q           I'm assuming, since you knew him, you'd seen him before and  
3 could recognize him?

4           A           Yes.

5           Q           The vehicle he was in -- was he driving the vehicle?

6           A           Yes.

7           Q           Approximately how long did it take you, from the time you got  
8 that phone call, a little after 6:30, to get over to the neighborhood where you  
9 saw the Defendant?

10          A           About 15 minutes.

11          Q           As you saw the Defendant, can you describe his rate of speed  
12 as he was driving away?

13          A           It was pretty fast.

14          Q           After you saw him, did you then go to where the children were  
15 next door at Shalana's house?

16          A           Yes; I did.

17          Q           And did you park the car?

18          A           Yes; I did.

19          Q           Did you come into contact with someone there?

20          A           Yes; I did.

21          Q           Who was that?

22          A           Darlene, which was the neighbor.

23          Q           Okay. Was the neighbor watching Shalana and the Defendant's  
24 children at the time?

25          A           She was watching the children; yes.



1 Q When you saw her, can you describe her demeanor?

2 A She was very franticky [sic] -- frantic, upset, antsy, you know,  
3 constantly going back and forth, pacing.

4 Q When you say she was frantic and upset, what things did you  
5 see her do that led you to believe that she was frantic and upset?

6 A She had the phone in her hands. She was calling the police.  
7 She was back and forth to the windows, to the door, because when I came up  
8 on -- knocked on the door, you know, she's peeping out to see who I was,  
9 because she had never met me before and I explained to her who I was and  
10 what I was there for.

11 Q Okay. Did you speak with her at that time?

12 A Yes; I did.

13 Q And when you spoke to her, was she still doing those types of  
14 things you described?

15 A Yes.

16 Q What did she tell you?

17 MS. JONES: Objection, Your Honor, hearsay.

18 MR. TOMSHECK: Judge, as I --

19 THE COURT: Overruled. It comes in under the excited utterance.

20 MR. TOMSHECK: Thank you, Judge.

21 BY MR. TOMSHECK:

22 Q What did she tell you?

23 A She had explained to me that she had got the kids -- she was  
24 upset that she had to take the kids because she had had a confrontation with  
25 Lesean. He was there at the house.

1 THE COURT: At her house?

2 THE WITNESS: He was there at her -- Lesean was at Shalana's house.

3 THE COURT: Okay.

4 THE WITNESS: And that they'd been going back and forth over a period  
5 of time and she was upset that she was being put into the situation with the  
6 children.

7 BY MR. TOMSHECK:

8 Q Okay. Just so we're clear, at the time you saw her, you said  
9 that the Defendant was at Shalana's house?

10 A Yes.

11 Q Was she saying the Defendant was at Shalana's house at that  
12 same time, on that same day?

13 A Yes.

14 Q Okay. Did she indicate to you how much, previous to you  
15 arriving, she had seen the Defendant?

16 A She had said, before I got there, it was about, maybe 10  
17 minutes, that she had actually confronted with him.

18 Q Okay. In other words, and just to clarify, was she saying to  
19 you: I saw him about ten minutes ago?

20 A Yes.

21 Q After you had that conversation with Darlene, what did you do?

22 A I checked on the kids, made sure they were okay. Then I was  
23 going to go over to the house and check on the house.

24 Q Were you planning to get something or do something with the  
25 children and their possessions on that night?

1           A           Yes; I was going to go and get clothing for them and take them  
2 to their grandmother's house.

3           Q           Okay. Did you attempt to do that?

4           A           Yes; I did.

5           Q           When you talked to Darlene, was it inside or outside?

6           A           Both.

7           Q           Of her house?

8           A           Of -- yes, Darlene's house.

9           Q           Okay. After you went outside of Darlene's house, where did  
10 you go?

11          A           When I went to Darlene's house, I was going over to Shalana's  
12 house and then, that's when the police had arrived.

13          Q           Okay. And you mentioned that you had seen Darlene call the  
14 police?

15          A           Yes.

16          Q           While you were talking to Darlene, was anyone else present at  
17 Darlene's house?

18          A           Her husband.

19          Q           And while you were talking to Darlene and her husband, did her  
20 husband -- don't tell us what he said yet, but did her husband say anything as  
21 he was perceiving, seeing, hearing, smelling something?

22          A           Yes.

23          Q           What did he say?

24          A           He said that he had smelled smoke.

25          Q           Okay. Did you eventually smell smoke?

1           A           Yes.

2           Q           And you mentioned that you were going to get the kids and  
3 their clothes; what did you do then?

4           A           I was -- when I headed out of Darlene's house over to Shalana's  
5 house, the North Las Vegas Police were there and I was explaining to them  
6 what I wanted to do. They told me to wait. They went to the door, they  
7 touched the door, and they said that they felt heat and that I couldn't enter the  
8 house.

9           Q           Eventually, did you see smoke coming out of the house?

10          A           Yes.

11          Q           And were you there when not only the police were there, as  
12 you already testified, but also the fire department?

13          A           Yes.

14          Q           Did you stay there that night and talk to other people who were  
15 present at the scene?

16          A           Yes.

17          Q           At some point, do you make an attempt to call the Defendant?

18          A           Yes.

19          Q           And when you made the attempt to call him, what phone did  
20 you attempt to call him from?

21          A           I called him from my phone.

22          Q           Did you have his number or did someone give it to you?

23          A           Someone gave it to me.

24          Q           And who gave it to you?

25          A           Shalana's friend.

1 Q Did you dial the number?

2 A Yes; I did.

3 Q And did you actually talk to someone on the other end?

4 A No; I did not.

5 Q What happened?

6 A I heard the recording -- had a recording.

7 Q Okay. Let me ask you about the recording that you heard, did  
8 you recognize the voice?

9 A Yes.

10 Q And whose voice was it?

11 A Lesean's.

12 Q And had you obviously heard his voice in the past?

13 A Yes.

14 Q And so you recognized that as his voice?

15 A Yes.

16 Q Can you describe what you heard in the Defendant's voice  
17 when you made that phone call?

18 A It was him rapping -- singing.

19 Q Okay. What do you mean?

20 A He was rapping a tune -- talking about various things. And  
21 then, towards the end, there was a reference: If you can't stay -- if you can't  
22 take the heat, get out of the kitchen or you'll burn just like my baby's mama's  
23 house.

24 Q Okay. In other words, was it -- was it a voice recording? Was  
25 it a ring tone? Are you familiar with the terminology for that?

A Yes; when I called, that's what I heard. I didn't hear a ring. I heard that -- the recording.

Q Okay. From your experience, have you called numbers before where you hear music playing as opposed to the sound of a phone ringing?

A Yes.

Q And did it appear to you to be that kind of recording?

A Yes.

**Q** In the Defendant's own voice?

A Yes.

**Q** Were there multiple topics discussed on that?

A Yes.

Q And the last one that you mentioned was what?

A        Was: If you can't take the heat, stay out of the kitchen or you'll burn like my baby's mama's house.

MR. TOMSHECK: I'll pass the witness, Judge.

**THE COURT:** Cross?

### **CROSS EXAMINATION**

**BY MS. JONES:**

Q Ms. Furlow, you testified that you knew about the relationship between Lesean and Shalana; correct?

A Yes.

Q Yes. But you were never present during all of the times?

A All of the what?

Q I apologize; I'll rephrase. You said you knew that their relationship, basically, was having some problems as it was ending?

1 A Yes.

2 Q And you knew that they had been fighting?

3 A Yes.

4 Q But you were never present during all of the fights?

5 A Not all of the fights; no.

6 Q So you can't describe everything that was going on?

7 A No.

8 Q And your testimony today is that you received a call from  
9 Robert Eddins at approximately 6:40 to pick up the kids?

10 A Uh-huh.

11 Q Yes.

12 THE COURT: I'm sorry, 6:30. I thought you said 6:30.

13 THE WITNESS: At 6:30, 6:40? Uh-huh.

14 THE COURT: Between 6:30 and --

15 THE WITNESS: 6:40, uh-huh

16 THE COURT: Okay.

17 BY MS. JONES:

18 Q You received a call between 6:30 and 6:40?

19 A Uh huh.

20 Q And your testimony today is that it took you 15 minutes to get  
21 to the location from where you were?

22 A Approximately; yes.

23 Q Do you remember testifying that you -- you remember testifying  
24 before the Grand Jury; correct?

25 A Yes.

1 Q And when you testified before the Grand Jury, do you  
2 remember saying that you picked up the kids at 6:15 or 6:30?

3 A It was an approximate; yes.

4 Q Did you remember saying that?

5 A Yeah; now; yes. Recollected; yes.

6 Q So you said you picked them up at 6:15 or 6:30, but your  
7 testimony today is, you didn't get the call until 6:00 -- between 6:30 and 6:40?

8 A Right.

9 Q And do you remember writing a statement in this case?

10 A Yes; I did.

11 Q And you filled that out and you signed the bottom that  
12 everything in there is accurate?

13 A Yes.

14 Q And do you remember saying, in a statement, that you received  
15 the call at 6:40?

16 A Yes.

17 Q And after you received the call from Robert Eddins, you proceed  
18 to the neighborhood?

19 A Yes.

20 Q Correct. All right. And when you arrive at the neighborhood;  
21 the police officers were already there?

22 A No.

23 Q So they were not already there?

24 A No; they were not.

25 Q So they came after you arrived?



1           A           Yes.

2           Q           Okay. How long had you been at -- you were at Ms. Heer's  
3 residence; correct?

4           A           Darlene?

5           Q           Darlene.

6           A           Yes.

7           Q           How long were you at Darlene's residence before the police  
8 officers arrived?

9           A           About -- maybe 30, 40 minutes.

10          Q           And that was the time that the police officers arrive?

11          A           Right.

12          Q           Do you remember testifying in front of the Grand Jury on this  
13 matter?

14          A           Yes.

15          Q           Do you remember testifying that you had been at Darlene Heer's  
16 residence for an hour before the police arrived?

17          A           I think I said approximately, or about an hour.

18          Q           Would looking at that transcript from the Grand Jury refresh  
19 your recollection?

20          A           Sure.

21          MS. JONES: May I approach the witness, Your Honor?

22          THE COURT: You may. Volume 1 or 2?

23          MS. JONES: It's in Volume 1, Your Honor, page 27. Can you start  
24 reading at line 20 and go through 21.

25          THE COURT: Just read to yourself, ma'am.

1 THE WITNESS: Okay.

2 BY MS. JONES:

3 Q Do you remember saying that you had almost been there for an  
4 hour?

5 A Almost an hour.

6 Q And then that's when the police officers arrived?

7 A Yes.

8 Q And so, the police officers arrived at approximately 7:15?

9 A Yes; I'm assuming.

10 Q And when you reach Shalana's residence, or when you reach  
11 Darlene's residence, Lesean was not present at Shalana's residence?

12 A He was not in the house; no.

13 Q And Darlene indicated to you he had left 10 minutes before  
14 that?

15 A She had seen him about ten minutes prior to.

16 Q And is your testimony today that, you did not see him when  
17 you arrived at the residence?

18 A I saw him in the car, leaving. I did not see him at the residence.

19 Q Where did you see him leaving?

20 A The street at the Laguna Hills. He was heading west on Laguna  
21 Hills.

22 Q Okay. And when you testified in front of the Grand Jury, do  
23 you remember saying that you saw him at her residence?

24 A No; I did not say -- I don't remember saying: I saw him at the  
25 residence. I said: leaving.

1 Q Okay. Would looking at a copy of the Grand Jury transcript  
2 refresh your recollection?

3 A Sure.

4 MS. JONES: Your Honor, it's going to be page 24 in Volume 1,  
5 on line 15.

6 BY MS. JONES:

7 Q If you could just start reading from here on line 15. Let me  
8 know when you're finished.

9 A Okay.

10 Q Looking at a copy of that transcript, does it refresh your  
11 recollection that you said you saw him at her residence?

12 A No; it says that I was -- I saw him leaving the residence.

13 Q But does it say: At her residence, before leaving the residence?

14 A Leaving her --

15 Q Does that line start: At her residence?

16 A At her residence -- leaving her residence.

17 Q Okay. And Ms. Darlene Heers, was that the first time you had  
18 ever met Ms. Darlene Heers?

19 A Yes; it was.

20 Q So you don't -- you had no previous contact with her?

21 A No.

22 Q So you don't know what Ms. Darlene Heer's demeanor is on an  
23 everyday basis?

24 A No; I do not.

25 Q So you don't know if her demeanor was abnormal?

1           A           I know it was a frantic -- she was excited. I mean, she was  
2 upset about what was going on. She expressed that to me.

3           Q           But you don't know if that was abnormal because you have no  
4 relationship with her; correct?

5           A           No; correct.

6           Q           And you said that you called Lesean's phone?

7           A           Yes; I did.

8           Q           At what time did you call the phone?

9           A           This would probably be -- probably after 8 o'clock. It was after  
10 the fire department was there putting the fire out.

11          Q           So the fire had already been reported; correct?

12          A           Yes.

13          Q           And the fire department, to the best of your recollection, had  
14 actually -- probably put the fire out by then?

15          A           They were still in the house.

16          Q           And when you arrived at the residence, was it ever brought to  
17 your attention that, previously, the children had been at home?

18          A           Yes.

19          Q           But by the time you arrived on the scene, they were at Darlene  
20 Heer's house?

21          A           Yes.

22          Q           But they had been home alone?

23          A           They had been home. I don't know if they were home alone or  
24 not.

25

1 Q But to your knowledge, there was no adult there? You don't  
2 know of an adult being present?

3 A Well, I was told that someone else was there at the house with  
4 them.

5 Q Okay. That's fine.

6 A Uh-huh.

7 Q And you said that when you called Lesean, you had gotten his  
8 phone number from Shalana's friend?

9 A Yes.

10 Q Who is this friend?

11 A Nene [phonetic].

12 Q I apologize.

13 A Nene [phonetic].

14 Q Is Nene [phonetic] her real name or does --

15 A I think it's -- Anitra's [phonetic] her real name.

16 Q Anitra [phonetic]?

17 A Uh-huh.

18 Q And she gave you his phone number?

19 THE COURT: Is that a yes?

20 THE WITNESS: Anitra. Yes.

21 THE COURT: You have to say yes or no, not uh-huh.

22 THE WITNESS: Yes.

23 THE COURT: Okay. Thank you.

24 BY MS. JONES:

25 Q And she gave you Shalana's phone number?

1           A           Right. And she had to give you the number because normally  
2 you didn't have contact with him?

3           A           No.

4           Q           Do you remember the number that she gave to you?

5           A           No; I do not.

6           Q           And Mr. Tomsheck asked you a couple of questions but just to  
7 be sure. What you heard on the cell phone is not the voicemail; correct?

8           A           When I dialed the number, it started playing it so, I don't know if  
9 it was a voicemail -- I can't say that it was a voicemail or a recording, because  
10 it went straight to the -- so it could have been a ringtone, because it went  
11 straight to -- I didn't hear any ringing. It went straight to the singing.

12          Q           And did you -- did it give you an opportunity to leave a message?

13          A           Yes

14          Q           It did?

15          A           Uh-huh.

16          Q           Did you leave a message?

17          A           No; I did not.

18          Q           So you never left him a message?

19          A           No.

20          Q           What was the purpose of you calling him?

21          A           The reason why I called was because Lesean's friend who was  
22 there, he had called. She had got a phone call and she said --

23          THE COURT: Shalana's friend who? Anitra [phonetic]?

24          THE WITNESS: Uh-huh.

25          THE COURT: Okay.

1 THE WITNESS: I got -- received a phone call.

2 MS. JONES: Okay. Before you get into that, don't tell us anything that  
3 Anitra [phonetic] said.

4 THE WITNESS: Okay.

5 THE COURT: Okay. So the question is, why did you call Mr. Collins?

6 THE WITNESS: Because Anitra [phonetic] asked me to dial the number --

7 MS. JONES: Okay.

8 THE WITNESS: -- Because of what she had heard.

9 BY MS. JONES:

10 Q Okay. But you had not previously spoken with Mr. Collins?

11 A No.

12 Q And you never actually spoke with him?

13 A No.

14 Q When Robert Eddins contacted you to go pick up the children,  
15 where was he calling you from?

16 A Shalana's employment.

17 Q I apologize.

18 A Shalana's place of employment.

19 Q And do you know the address over there?

20 A No; I do not.

21 Q Okay. Do you know where she works?

22 A I know it's for an architecture firm.

23 Q And when you made the call to Mr. Collins, were you calling  
24 from your phone or were you calling from someone else's phone?

25 A I called from my phone.

1 Q Okay. And what's the number to your phone?

2 A My phone number?

3 Q Yes.

4 A 496-1931.

5 THE COURT: Was that your number back on the date of this incident?

6 THE WITNESS: Yes; it is.

7 THE COURT: Okay.

8 MS. JONES: Nothing further, Your Honor.

9 THE COURT: Any redirect?

10 MR. TOMSHECK: Just real quick, Judge.

11 ***REDIRECT EXAMINATION***

12 ***BY MR. TOMSHECK:***

13 Q The Defense attorney had asked you some questions about  
14 what you testified to in a previous proceeding in this case; do you remember  
15 testifying then?

16 A Yes.

17 Q And that was back in February of this year?

18 A Yes.

19 Q There was a question about what you recall testifying to at that  
20 time; do you remember saying 6:15 or 6:30?

21 A Yeah; it was like an approximate, because I don't remember the  
22 exact time. It was an approximate.

23 Q Okay. The night this occurred, did you fill out a voluntary  
24 statement?

25 A Yes; I did for the fire department and the police department.



1 MR. TOMSHECK: May I approach the witness, Judge?

2 THE COURT: You may.

3 BY MR. TOMSHECK:

4 Q As I hand you that statement, do you recognize the handwriting  
5 on it?

6 A Yes.

7 Q Do you recognize the signature at the bottom?

8 A Yes.

9 Q Do you see a time of date, down at the bottom, right above  
10 your signature?

11 A Yes.

12 Q What time does it say?

13 A 7:46 p.m.

14 Q Okay. On September 30<sup>th</sup> of 2008?

15 A Yes.

16 Q And in that statement, did you indicate to the police when the  
17 phone call from Robert Eddins came to you?

18 A Yes.

19 Q What time did you say?

20 A 6:40 p.m.

21 Q Okay. So on that night at 7:46, you indicated the time of 6:40;  
22 is that right?

23 A Yes.

24 Q When you were in Darlene Heer's, presence, on the evening of  
25 September 30<sup>th</sup>, do you remember speaking to her both outside and inside?

1 A Yes.

2 Q Do you remember seeing her with a phone?

3 A Yes.

4 Q And do you remember her actually calling the police while you  
5 were there?

6 A Yes, she had called. Yeah. She called the police while I was  
7 there. That was her -- she said that was her second time calling.

8 Q Opposing Counsel also asked you a couple questions about  
9 whether or not you saw the Defendant or didn't see the Defendant at Shalana  
10 Eddins' residence; do you remember those questions?

11 A Yes.

12 Q And you remember she showed you page 24 from your previous  
13 testimony?

14 A Yes.

15 MR. TOMSHECK: Can I approach the witness one more time, Judge?

16 THE COURT: You may.

17 BY MR. TOMSHECK:

18 Q Do you remember what was actually asked of you, at that  
19 previous proceeding, in this case?

20 THE COURT: What page are you referring to --

21 MR. TOMSHECK: For the record, it's page 24, line 14.

22 THE COURT: Thank you.

23 MR. TOMSHECK: It's the question that was referred to by Defense  
24 counsel.

25 THE COURT: Okay.

1 MR. TOMSHECK: I just wanted her to read the entire answer.

2 THE WITNESS: It was asked: Where did I see him at?

3 MR. TOMSHECK: And how did you respond?

4 THE COURT: Where did you see him at?

5 THE WITNESS: Uh-huh.

6 THE COURT: Correct?

7 THE WITNESS: Correct.

8 THE COURT: Okay.

9 BY MR. TOMSHECK:

10 Q And what was your response?

11 A I said: At her residence -- leaving her residence, actually, as I  
12 was approaching.

13 Q And the next question was what?

14 A How was he leaving?

15 Q And what was your answer?

16 A In a car, heading west.

17 Q Okay. So as you sit here today, do you recall seeing him in a  
18 car leaving or do you recall seeing him at the residence?

19 A Leaving in a car. He was in the car, actually leaving.

20 Q As you previously testified today?

21 A Yes.

22 MR. TOMSHECK: Nothing else, Judge.

23 THE COURT: Any recross?

24 MS. JONES: Briefly, Your Honor.

25 ...

**RECROSS EXAMINATION**

**BY MS. JONES:**

Q Ms. Furlow, before, when you gave your written statement, that was on September 30<sup>th</sup>; correct?

A Yes.

Q And then, when you were called to testify in front of the Grand Jury, you were admonished that everything you said had to be the truth and nothing but the truth?

A Yes.

Q Okay. And before you appeared here today, did you review either of those statements?

A Yes.

Q Which statement did you review?

A Both.

Q You reviewed both of them before you appeared here today?

A Yes.

Q When did you review them?

A Right before I came.

THE COURT: You mean, the Grand Jury transcript and a voluntary?

MS. JONES: Yes; I apologize, Your Honor.

THE COURT: Okay.

THE WITNESS: Yes, at about 12:30.

**BY MS. JONES:**

Q And the State gave you those statements?

A Yes.

1 Q And you read them over?

2 A Yes.

3 MS. JONES: Okay. Thank you. Nothing further, Your Honor.

4 THE COURT: Anything else for this witness?

5 MR. TOMSHECK: No, Judge.

6 THE COURT: Thank you very much for your testimony here today. You  
7 may step down. You are excused from your subpoena.

8 THE WITNESS: Okay.

9 THE COURT: Thank you for the testimony that you gave to this jury.

10 THE WITNESS: Thank you.

11 THE COURT: Thank you.

12 The record will reflect that the witness has left the  
13 courtroom. Anything else before we conclude?

14 MS. JONES: Nothing, Your Honor.

15 THE COURT: Okay. Wednesday. What time can you start on  
16 Wednesday? Oh, you know what, I think I had already decided. Okay. I have  
17 an 8:30 hearing, but I was going to ask that the jury panel be here at 8 o'clock  
18 since it takes them such a long time to get up here.

19 I'd ask the attorneys to be here at 8:45 in hopes that we'll be able  
20 to start at 9 o'clock, but the jury panel will be here at 8 o'clock. And do you  
21 want Mr. Collins brought over at 8:30, 8:45?

22 MS. JONES: 8:30 would be fine, Your Honor.

23 THE COURT: 8:30?

24 CORRECTIONS OFFICER: Yes, Your Honor.

25 THE COURT: He'll be brought over?

1 CORRECTIONS OFFICER: Yes, Your Honor.

2 THE COURT: And, Mr. Collins, you're going to dress out when you come  
3 on Tuesday -- I mean, Wednesday?

4 THE DEFENDANT: Yes, ma'am.

5 THE COURT: All right. Because the jury will be here. If you choose to  
6 dress like that, that's what they will see you in; it'll be your choice.

7 MS. JONES: And Your Honor --

8 THE COURT: Okay?

9 THE DEFENDANT: Yes, ma'am.

10 THE COURT: All right.

11 MS. JONES: -- just for the record. On his dress, he was requesting to be  
12 dressed in his own clothes. He wasn't refusing to completely dress out. He  
13 did not want to be dressed in the jail clothes. He does have clothes which a  
14 friend will provide for him on Wednesday, but today he was refusing -- he  
15 wanted to be dressed in his own clothes.

16 THE COURT: Okay.

17 MS. JONES: So he wasn't declining to get dressed altogether. He did  
18 not want to be dressed in the jail clothes, but he was not notified that he was  
19 going to be here today, so he did not contact his family friend to bring his  
20 clothes.

21 THE COURT: Okay. But you know that there's been no prejudice  
22 because I had the camera locked on the witness the entire time. So the camera  
23 was never on you, Mr. Collins.

24 THE DEFENDANT: Yes, ma'am.

25

1 THE COURT: Okay. So even when the jury views this testimony, they  
2 won't be able to see you at all.

3 THE DEFENDANT: Yes, ma'am. Thank you, ma'am.

4 THE COURT: Okay? Anything else?

5 MS. JEANNEY: Judge, on Thursday, you have a morning calendar; right?

6 THE COURT: I do.

7 MS. JEANNEY: We'll have a half-day?

8 THE COURT: 10:30.

9 MS. JEANNEY: 10:30.


10 THE COURT: Uh-huh.

11 MS. JEANNEY: Thank you.

12 THE COURT: 10:30. Thank you.

13  
14 [Proceeding concluded at 3:16 p.m.]  
15  
16  
17  
18  
19  
20  
21

22 ATTEST: I hereby certify that I have truly and correctly transcribed the  
23 audio/video proceedings in the above-entitled case to the best of my ability.

24   
25 Kerry Esparza, Court Recorder/Transcriber  
District Court, Dept. XII  
(702) 671-4368



CLER

15

## 1



**OPENING STATEMENTS AND WITNESS LIST**

<b><u>TITLE NAME</u></b>	<b><u>PAGE</u></b>
OPENING STATEMENT BY THE STATE	206
OPENING STATEMENT BY THE DEFENSE	225

<b><u>WITNESS NAME</u></b>	
SHALANA EDDINS	
Direct Examination by Ms. Jeanney	229
Cross Examination by Ms. Jones	250
Redirect Examination by Ms. Jeanney	271
Recross Examination by Ms. Jones	274

1 WEDNESDAY, NOVEMBER 4, 2009 AT 10:33 A.M.

2  
3 [Outside the presence of the jury]

4 [Note: The time shown on the video was used even though it was an  
5 hour behind. It had not been changed for daylight savings time on this date].

6 COURT MARSHAL: Department XII is back in session.

7 THE COURT: Good morning.

8 MS. JONES: Good morning, Your Honor.

9 MR. TOMSHECK: Good Morning, Judge.

10 MS. PAROLISE: Good morning.

11 THE COURT: State of Nevada versus Lesean Collins. Will the parties  
12 please state their appearances?

13 MR. TOMSHECK: Good morning, Judge. Josh Tomsheck and Jacqueline  
14 Jeanney for the State.

15 MS. JONES: Good morning, Your Honor, Tierra Jones and Abbie Parolise  
16 for the Defense.

17 THE COURT: Okay. And Mr. Collins is present; he's in custody, and he  
18 is dressed out. And I'm presuming those are the clothes you wanted to wear?

19 THE DEFENDANT: No, ma'am.

20 THE COURT: Okay. But you look nice.

21 THE DEFENDANT: Thank you, ma'am.

22 THE COURT: Okay. And is there somebody's that's going to arrange for  
23 you to have other clothes?

24 MS. PAROLISE: We're working on that, Your Honor.

25 THE COURT: You guys working on that?

1 MS. JONES: Yes.

2 THE COURT: Okay. What color are your socks?

3 THE DEFENDANT: They're brown.

4 THE COURT: Okay. Just wanted to make sure -- sometimes they're  
5 orange and that's -- I don't like that. So --

6 MS. PAROLISE: Thank Your Honor.

7 THE COURT: -- C/O knows I don't like it. He gave me the nod. I didn't  
8 do that. Okay. Do you know how I select a jury in here?

9 MS. PAROLISE: No, Your Honor.

10 THE COURT: You've tried a case.

11 MS. PAROLISE: We didn't -- it wasn't a jury trial. He wanted a bench  
12 trial.

13 THE COURT: Oh, that's right. Okay. Oh my word. Okay. So I'm going  
14 to qualify 23. So what that means is, we have 45 members of the panel. You  
15 can have a seat if you'd like.

16 MS. PAROLISE: Thank Your Honor.

17 MS. JONES: Thank Your Honor.

18 THE COURT: And I'm assuming everyone's been given a copy of our jury  
19 panel sheet?

20 MS. JEANNEY: Yes, Judge.

21 MS. JONES: Yes, Your Honor.

22 THE COURT: Okay. So they'll just be in the order, 1 through 45.  
23 Because we have so many, we will use the jury box. When they come in, I will  
24 question the panel as a whole. When I'm done questioning the panel as a  
25 whole, I will call the first 23 names, using the order provided to us by the jury

1 commissioner to fill the jury box.

2 I will refer to those 23 as being in the box, so they will fill the jury  
3 box and they will go -- where will they stop, Matt? 14 -- the 23<sup>rd</sup> person will be  
4 in that first seat right behind Defense counsel and then what I'll do is, I'll -- if I  
5 can, I'll leave the rest of that row empty or there'll be a big enough space so  
6 that you will know what your 23 is and who you're dealing with.

7 After that, I will individually voir dire 1 through 23. When I'm done  
8 individually voir diring 1 through 23, I will turn the panel over to the State who  
9 will have an opportunity to question the panel as a whole, which means, that  
10 you're not permitted to go 1 through 23 and ask each juror the same question  
11 over and over.

12 You're permitted to ask a question, however, many jurors raise their  
13 hand and want to respond; those are the jurors that you're permitted to speak  
14 to. Please make sure that you make a record. Like, for instance, if you ask a  
15 question and the jury doesn't respond. Please say: The record reflect: No one  
16 responded, or when they do start to respond, if there's lots of them, please  
17 make sure that they state their name and badge number so we have a clear  
18 record of who's responding at all times.

19 After the State's done, I'll turn the panel, I'll ask them to pass the  
20 panel for cause. The panel will be turned over to the Defense. You'll have the  
21 same opportunity. When you're done, I'll ask you to pass the panel for cause.  
22 Remember, all of your challenges have to be done privately, so if you have a  
23 challenge for cause, I ask that you approach the bench.

24 I report bench conferences. I should say: They're always recorded.  
25 I have them transcribed, so there's always a record being made, so it's

1 important that you state your name before you start talking.

2           Kerry's pretty good, but sometimes I think it's just better if you  
3 state your name so she doesn't have to try to guess who was speaking, so if  
4 you have a challenge for cause, make it immediately so that I can rule on it  
5 immediately. If I do grant a challenge for cause, for instance, if I -- if someone  
6 makes a challenge for cause as to the person sitting in the first seat and I grant  
7 it, that person will just step down.

8           They'll be asked to wait in the back of the courtroom and then the  
9 very next person -- it'll be the 24<sup>th</sup> person on the list, will be the person that  
10 goes into that seat and we will just keep going from there. I'll bring that juror  
11 up to speed and I will let both sides question that juror and then we will  
12 continue.

13           Peremptory challenges, when both sides have passed the entire  
14 panel for cause, the Clerk will prepare what's been marked as Court's Exhibit  
15 Number 1. It will have all the jurors. It will look just like this, except, it will  
16 have all the jurors listed 1 through 23. It will have their badge number, their  
17 name. There's a column for Plaintiff, Defense.

18           You will get to exercise your peremptory challenges, obviously, in  
19 private. The Court Marshal just passes the paper back and forth. You use  
20 numbers 1 through 4. When both sides have exercised their four peremptory  
21 challenges, I will just count down 1 through 12. I'll mark it off. We will have  
22 our panel, then both sides will have one final peremptory challenge for the  
23 alternate. Any questions?

24           Just make sure you understand, you cannot use that 5<sup>th</sup> challenge  
25 to bump somebody that's already on the panel.

1 MS. PAROLISE: And maybe I didn't hear, Your Honor. Is the alternate --  
2 is there a particular seat that the alternate's going to be in?

3 THE COURT: Seat number 13.

4 MS. PAROLISE: Seat number 13.

5 THE COURT: They -- I just don't call them the alternate.

6 MS. PAROLISE: Okay.

7 THE COURT: When April calls the jury panel, she'll just call jurors 1  
8 through 13, however, when you get -- if both sides have exercised all their  
9 peremptory challenges, there should be three jurors left. And if both sides  
10 exercise your challenges to the alternate, there'll be one person left. That'll be  
11 juror number 13. If you waive, I just go in order, 1 through 12, and the next  
12 person after the 12<sup>th</sup> person will be number 13.

13 MS. PAROLISE: Okay. Thank you.

14 THE COURT: Okay? If you have any questions during any of the rounds  
15 just ask to approach the bench. The Court Marshal brings this list back to me  
16 after each round so I can make sure that there's not any problems. So you --  
17 whatever number of challenge you're using, if you put the number in the  
18 correct column when you're exercising it.

19 [Court confers with Clerk]

20 THE COURT: I don't have my jury list.

21 COURT CLERK: Did you give Sue her copies already?

22 COURT MARSHAL: No; the ones I sat in front of you, I did not give to  
23 the Judge. Sorry.

24 THE COURT: Okay. I use both.

25 COURT CLERK: Okay.

1 [Court confers with Clerk]

2 COURT MARSHAL: Ready?

3 THE COURT: Everybody ready? Okay.

4 MS. JEANNEY: We're ready, Judge.

5 MS. PAROLISE: Yes, Your Honor.

6 COURT CLERK: Josh, are we going by the original Information?

7 MR. TOMSHECK: Yes.

8 THE COURT: The original Indictment?

9 MR. TOMSHECK: Indictment; yes.

10 THE COURT: The original Indictment? Okay.

11 MR. TOMSHECK: Spell Lesean's name right?

12 THE COURT: Was there an Amended Indictment?

13 MR. TOMSHECK: Just the original.

14 THE COURT: Okay.

15 COURT MARSHAL: All right. Ready for the panel.

16 [Prospective jury panel enters the courtroom]

17 THE COURT: Do the parties stipulate to the presence of the jury panel?

18 MR. TOMSHECK: Yes, Judge.

19 MS. JONES: Yes, Your Honor.

20 [In the presence of the prospective jury panel]

21 THE COURT: Okay. Good morning, Ladies and Gentlemen, and welcome  
22 to Department XII of the Eighth Judicial District Court. My name is Michelle  
23 Leavitt. I'm the presiding Judge in this Department. You have been summoned  
24 here today to serve as a jury panel in a criminal case entitled: State of Nevada  
25 versus Lesean Collins.

1 Before I do allow the attorneys to address you and give you a brief  
2 statement of the facts, I'm going to introduce some of the members of the  
3 staff in Department XII and tell you what they do.

4 In front of me is Kerry, Kerry's a Court Recorder. She records  
5 everything that is said in the courtroom. At some point, she may be required to  
6 prepare a written transcript, which means, she'll have to listen to the recording  
7 and prepare a written transcript of everything that is said. Therefore, if you're  
8 asked to respond to the Court or to the lawyers, I ask that you please state  
9 your name, the badge number that's been provided to you by the Jury  
10 Commissioner, prior to responding, so we have a clear record of who was  
11 speaking at all times.

12 To my right is April. April is a Clerk of the Court in Department XII.  
13 It's her job to take charge of all of the evidence that will be introduced. She  
14 keeps the official record. She keeps the official minutes of the Court. To her  
15 right is Patrick. Patrick is a lawyer. He's also the Law Clerk in Department XII.

16 You've already met Officer Trammell. He is the Court Marshal in  
17 Department XII. He is the person that you will have the most contact with.  
18 Throughout this process of selecting a jury panel, myself, the staff, the  
19 attorneys, the parties, with the exception of the Court Marshal, are not  
20 permitted to have any communication with you, whatsoever, outside of the  
21 courtroom.

22 That means that if we see you in the hallway, if we see you in the  
23 elevator, if we see you coming in and out of the Courthouse, we will ignore  
24 you. We will not talk to you. We will not acknowledge you. We're not being  
25 rude; we're all just maintaining our ethical obligation not to have any



1 communication with any member of the jury panel outside of the courtroom  
2 during jury selection or after a jury is selected.

3 I also wanted to tell you that during this process, you are not  
4 permitted to discuss anything that goes on in this courtroom, the facts and  
5 circumstances of this case -- anything that goes on with anyone, including your  
6 fellow jurors.

7 That means that, if you go out on a recess, you cannot get together  
8 with your jurors and say: Hey, what did you think about those questions they  
9 were asking us? You're not permitted to do that. What I like to tell you is --  
10 and so you don't get yourself in trouble, talk about anything other than what is  
11 going on in this courtroom.

12 Do not get on the phone and talk to anybody about anything that's  
13 going on in this courtroom. You're not permitted to do that either. I also have  
14 to tell you, you're not permitted to communicate by any type of technological  
15 device, a phone, laptop, through e-mail, Twitter, My Space, any type of social  
16 network.

17 You can't blog, you can't e-mail, you can't text message. And  
18 again, I don't mean to offend anybody, but this has actually happened, that's  
19 why I have to inform you that you're not permitted to do that, especially during  
20 jury selection. You're allowed to keep your phones. The only thing I ask is  
21 that they be turned off or they be on silent. You're not permitted to use them  
22 during jury selection or to text message or to e-mail or do anything during jury  
23 selection.

24 Again, it's very, very important that you comply with that  
25 admonishment. That you do not discuss this case or anything that goes on in

1 this courtroom with anyone including your fellow jurors. With that, I'm going  
2 to allow the State of Nevada to address the panel.

3           They're going to give you a brief statement of the facts. They're  
4 also going to tell you the witnesses that they intend to call at the time of trial.  
5 Please play close attention to the names of the witnesses, because at some  
6 point, I will ask you if you are familiar with any of the witnesses that were  
7 called to testify in this matter.

8           THE COURT: Mr. Tomsheck, you can address the jury panel.

9           MR. TOMSHECK: Thank you, Judge. Good morning, Ladies and  
10 Gentlemen, my name is Josh Tomsheck. Here at the counsel table is  
11 Jacqueline Jeanney. We are both Deputy District Attorneys in the Clark  
12 County DA's Office and we are the Deputy District Attorneys who are assigned  
13 to prosecute this case, which is State of Nevada versus this Defendant, Lesean  
14 Collins.

15           This case arises out of a series of events which took place about a  
16 year ago in and around an address known as 1519 Laguna Palms Drive. By  
17 point of reference, that's in North Las Vegas, essentially near the intersection  
18 of Ann and Simmons, if you're familiar with those major cross streets. The  
19 State has alleged that on September 30<sup>th</sup> of last year, this Defendant went to  
20 the place of employment of an individual whom he had had a long dating  
21 relationship with and actually had children with by the name of Shalana Eddins.

22           At her place of employment, he slashed her tires on her vehicle.  
23 Following that, The State's alleged, he went to the residence that he previously  
24 shared with Shalana Eddins at 1519 Laguna Palms in North Las Vegas, entered  
25 that residence and set three separate fires within the house. As a result of

1 those incidents, the State has charged the Defendant with three counts: First  
2 Degree Arson, Burglary, and Malicious Injury to Vehicle. Over the course of the  
3 next couple of days, maybe three days, Ms. Jeanney and I, on behalf of the  
4 State, will prove to you, the Defendant committed those acts, and we'll do so  
5 by calling some or all of the following witnesses.

6 We will call Ms. Shalana Eddins to the stand, the victim in this  
7 case. We may call some potential percipient eyewitnesses and people that saw  
8 and heard things on September 30<sup>th</sup> of last year, including Robert Eddins.  
9 Vivian Furlow will actually testify on a recording, previously recorded testimony  
10 and Darlene Heer.

11 We may call some of the police officers from the North Las Vegas  
12 Police Department who responded to the call for service that night, including  
13 Manuel Vital, Caroline White, and Anthony Watkins. And we will call the arson  
14 investigations captain from the North Las Vegas Police Department and Fire  
15 Department, an individual by the name of Jeffrey Lomprey.

16 We expect that this trial will last maybe two, possibly three days. I  
17 can assure you that Ms. Jeanney and I will do everything in our power to make  
18 sure it finishes in that time, but we thank you, in advance, for your attention,  
19 your participation, and your patience.

20 THE COURT: Thank you, Mr. Tomscheck.

21 MS. PAROLISE: Thank you, Your Honor. My name is Abbie Parolise, this  
22 is Ms. Jones, and we have the pleasure of representing Lesean Collins in this  
23 case. Please bear in mind that everything you just heard are just allegations  
24 and have not been proved at this point; thank you.

25 THE COURT: Okay. At this time, the clerk is going to call the roll of the

1 prospective jurors. If your name is called, if you'll please say: Present or here.

2 [Clerk called roll of the prospective jury panel]

3 THE COURT: Okay. Is there anyone whose name was not called by the  
4 Clerk? The record will reflect, no response from the panel. If you'll all please  
5 stand and raise your right hand so you can be sworn in by the Clerk.

6 [Prospective jury panel sworn in by the Court Clerk]

7 THE COURT: Ladies and Gentlemen, we are about to commence what is  
8 called voir dire examination. The term, voir dire, means to tell the truth.  
9 During this process, you'll be asked questions bearing upon your ability to sit as  
10 fair and impartial jurors. To accomplish this result, various questions will be  
11 asked of you by myself or counsel for the parties.

12 On occasion, some of these questions will seem somewhat  
13 personal. While we do not wish to unnecessarily pry into your personal lives,  
14 the questions are necessary so that Counsel and the Court can make an  
15 intelligent determination as to your capabilities to serve fairly and impartially.

16 I want you to know that myself and the attorneys and all other  
17 persons involved in this case are concerned with having the matter tried by  
18 jurors who are completely open minded, neutral, objective, and unbiased in  
19 their thinking. Wide discretion is vested in the trial judge as to the method of  
20 examination of jurors.

21 As I stated previously, I will personally conduct the voir dire, but I'll  
22 give the attorneys the opportunity to participate in the questioning. It is  
23 important that you know the significance of full, complete, and honest answers  
24 to all the questions we are about to ask you.

25 I caution you not to try to hide or withhold anything which might

1 indicate bias or prejudice of any sort, by any of you, should you fail to answer  
2 truthfully. Of if you hide or withhold anything touching upon your  
3 qualifications, that fact may tend to contaminate your verdict and subject you  
4 to further inquiry even after you're discharged as jurors.

5 Your decision should be based upon all of the evidence presented  
6 during the trial and not based on preconceived prejudice or bias. I will conduct  
7 a general voir dire examination of all of you while you're seated in the audience.  
8 After those general questions, the clerk will call the first 23 names using the  
9 order provided to us by the Jury Commissioner to fill the jury box.

10 At some point, during the process of selecting the jury, the  
11 attorneys for both sides will have the right to ask that a particular person not  
12 serve as a juror. These requests are called challenges. There are two types of  
13 challenges: Challenges for cause and peremptory challenges. Challenge for  
14 cause means that a jury's been excused because his or her answers to some of  
15 the voir dire questions indicate that he or she have a difficult time in giving a  
16 fair and impartial hearing to the case.

17 I will ask the attorneys to pass or weigh the prospective jurors for a  
18 cause challenge when they are done questioning the jury panel. A peremptory  
19 challenge means that a juror can be excused from duty without counsel having  
20 to give a reason for the excusal. Please do not be offended should you be  
21 excused by either of the challenge procedures.

22 They are simply a part of the procedures designed to protect the  
23 rights of the parties under our system of government. Again, if you wish to  
24 respond to a question individually and in the affirmative, please raise your hand,  
25 state your name and the badge number that's been provided to you by the Jury

1 Commissioner. Is there anyone on the panel who's ever been convicted of a  
2 felony?

3 The record will reflect, no response from the panel. Is there anyone  
4 on the panel who is not a United States citizen? The record will reflect, no  
5 response from the panel. Is there anyone who has such a sympathy, prejudice,  
6 or bias relating to age, religion, race, gender, or national origin, that you feel  
7 would affect your ability to be open minded, fair, and impartial? The record will  
8 reflect, no response from the panel.

9 Are there any of you who are acquainted with Mr. Lesean Collins in  
10 this case? The record will reflect, no response from the panel. Are there any  
11 of you who are acquainted with his attorneys? Okay. Sir, will you state your  
12 name and badge number?

13 PROSPECTIVE JUROR NO. 0058: Ron Kebschull.

14 THE COURT: Okay. The Court Marshal's going to escort you up to the  
15 bench and where the attorneys can join me.

16 [Bench Conference -- Transcribed]

17 THE COURT: Okay. The record reflect that all attorneys are present -- all  
18 four are present at the bench and we have Mr. Kebschull -- you can come up  
19 here -- 0058. And I'm just going to ask you to speak into the microphone.

20 PROSPECTIVE JUROR NO. 0058: Okay.

21 THE COURT: And we're up here so that everybody doesn't hear.

22 PROSPECTIVE JUROR NO. 0058: Okay.

23 THE COURT: And so, I'm going to ask you -- get up here and speak into  
24 the microphone. You're familiar with one of these attorneys?

25 PROSPECTIVE JUROR NO. 0058: The gentlemen here.

1 THE COURT: Okay. He -- he's the prosecutor.

2 PROSPECTIVE JUROR NO. 0058: Yes.

3 THE COURT: Okay. How do you know Mr. Tomsheck.

4 PROSPECTIVE JUROR NO. 0058: We were in a jury in January 29<sup>th</sup>,  
5 2007, and there was a gal that was -- killed her husband in Loveland.

6 MR. TOMSHECK: I tried that case. Were you on the jury?

7 THE COURT: You were on --

8 PROSPECTIVE JUROR NO. 0058: Yes; I was on the jury.

9 THE COURT: You were on the jury panel when Mr. Tomsheck was the  
10 attorney?

11 PROSPECTIVE JUROR NO. 0058: Yes, ma'am; I just --

12 THE COURT: Okay. Okay.

13 PROSPECTIVE JUROR NO. 0058: -- Your Honor.

14 THE COURT: Okay. Anything -- so you don't know him --

15 PROSPECTIVE JUROR NO. 0058: No.

16 THE COURT: -- other than you sat on a jury panel where he was the  
17 lawyer?

18 PROSPECTIVE JUROR NO. 0058: That's correct.

19 THE COURT: Anything about that that would affect your ability to be fair  
20 and impartial?

21 PROSPECTIVE JUROR NO. 0058: No.

22 THE COURT: Okay. You didn't do anything during that trial that made  
23 you upset, that would cause you to have a problem seeing this juror in this  
24 case?

25 PROSPECTIVE JUROR NO. 0058: No; not at all.

1 THE COURT: Okay. Anything else you want to tell me?

2 PROSPECTIVE JUROR NO. 0058: Not at that time.

3 THE COURT: Okay.

4 PROSPECTIVE JUROR NO. 0058: I mean, that's all.

5 THE COURT: But you served as a juror two years ago and you already  
6 got called back?

7 PROSPECTIVE JUROR NO. 0058: Yes.

8 THE COURT: Okay. Thank you very much for appearing.

9 PROSPECTIVE JUROR NO. 0058: Okay.

10 THE COURT: And thank you. Anyone else that's familiar with the  
11 Defense Attorneys in this case, Mr. Collins' Attorneys? The record will reflect,  
12 no further response from the panel.

13 Is there anyone on this panel who is familiar with the Deputy  
14 District Attorneys that have been assigned to prosecute this action? The  
15 record will reflect, no response from the panel.

16 The District Attorney's Office employs many deputies and other  
17 personnel, is there anyone who has such a close relationship with either the  
18 DA, David Roger, his deputies, or other members of his staff, that you feel  
19 might affect your ability to serve as a fair and impartial juror in this particular  
20 case? The record will reflect, no response from the panel.

21 Are there any of you who are acquainted with any of the witnesses  
22 whose names were previously mentioned by the attorneys? The record will  
23 reflect no response from the panel. Again, as you heard from both sides, we  
24 expect this case to last two to three days.

25 Is there anyone, that serving for that amount of time would be such



1 a -- such a horrible hardship for you, such that it would make it impossible for  
2 you to serve?

3 And before you all raise your hand, I just want to make sure  
4 everyone understands. I know it's a hardship for everyone to be here. I do  
5 understand that. I know you had to leave your job. You have to leave your  
6 families; everybody has obligations. I understand that, and so, I want to make  
7 sure you know I understand that. I also am currently under a jury summons.  
8 I've called in, I've reported, and I will report on the day that I'm required to  
9 report.

10 There's nobody that is exempt from jury duty, with a few  
11 exceptions. The Legislature passed the law that said: No one is exempt. And  
12 I think there's -- there's a couple of exemptions -- minor exemptions, and it  
13 does not include me. So I can tell you, I've received a jury summons, I've  
14 reported and I will report on the day that I've been assigned.

15 And, in fact, it's short -- it's not too far away. Hopefully, I won't  
16 be assigned to this department. With that in mind, is there anyone who would  
17 like to respond to that question? And what I'll do is, I'll start over here and I'll  
18 give everybody an opportunity to address the Court.

19 So we start over here, and if you'll stand up and state your badge  
20 number, that'll be very helpful for me.

21 PROSPECTIVE JUROR NO. 0002: My name's Joe Goss, badge number  
22 is 0002.

23 THE COURT: Good morning.

24 PROSPECTIVE JUROR NO. 0002: Good morning. I have a chronic back  
25 problem that requires medication that does not allow me to focus properly and

1 also, when necessary, I am in the State of Nevada Medical Marijuana Program.

2 THE COURT: Okay. Okay. So far today, have you had any problem  
3 sitting there?

4 PROSPECTIVE JUROR NO. 0002: What I did was -- stood out in the  
5 hallway knowing that I'd be looking at a day of mixed sitting and standing.

6 THE COURT: Okay. Is there anything -- is there anything -- are you  
7 uncomfortable now? Are you uncomfortable, all the time, pretty much?

8 PROSPECTIVE JUROR NO. 0002: Pretty much, but today is especially  
9 not a good day. Through my work, I also have FMLA and if this was a work  
10 day for me; I would be calling in.

11 THE COURT: Okay. Are you okay to sit here, at all, right now?

12 PROSPECTIVE JUROR NO. 0002: For the time being, certainly.

13 THE COURT: Okay. And at any time, if you feel like you've become so  
14 uncomfortable, will you raise your hand and let me know or if you need a  
15 break?

16 PROSPECTIVE JUROR NO. 0002: Certainly.

17 THE COURT: Will you do that? Okay. Thank you, sir. And I appreciate  
18 you being here. Okay. Anyone else on that first row? Go -- right here, sir.

19 PROSPECTIVE JUROR NO. 0004: Charlie Kajkowski or Charles  
20 Kajkowski. Currently, I'm a student. My wife's a student and we're living on  
21 only one income, so this time away from work -- I understand that, you know,  
22 in Court you're supposed to provide some, but it's really not enough. We have  
23 bills piling up and I called the Court --

24 THE COURT: Let me ask you this.

25 PROSPECTIVE JUROR NO. 0004: What's that?

1 THE COURT: Who -- who works?

2 PROSPECTIVE JUROR NO. 0004: I do.

3 THE COURT: Do you work?

4 PROSPECTIVE JUROR NO. 0004: Full-time.

5 THE COURT: You work full-time and go to school?

6 PROSPECTIVE JUROR NO. 0004: Right.

7 THE COURT: Okay. Where do you work?

8 PROSPECTIVE JUROR NO. 0004: I work for a consulting company.

9 THE COURT: And what's it called?

10 PROSPECTIVE JUROR NO. 0004: Terracon [phonetic].

11 THE COURT: Terracon [phonetic]?

12 PROSPECTIVE JUROR NO. 0004: Yes.

13 THE COURT: Do they pay you for being here?

14 PROSPECTIVE JUROR NO. 0004: They pay the 8 hours, but considering  
15 I've worked over 950 hours of overtime for the year, my straight pay is not  
16 exactly what we're living on.

17 THE COURT: Okay. Are you guaranteed overtime?

18 PROSPECTIVE JUROR NO. 0004: Since we're down to, basically, a  
19 skeleton crew, you don't mind me saying, but if the -- you know, the economic  
20 downturn --

21 THE COURT: Sure.

22 PROSPECTIVE JUROR NO. 0004: -- and everything else, basically. I  
23 mean, even when we're slow I still -- 50 hours a week is, basically a casual  
24 week.

25 THE COURT: Okay. But you'll be paid for a 40 hour week?

1 PROSPECTIVE JUROR NO. 0004: I'll be paid for 8 hours today and then  
2 still probably be required to come into work so --

3 THE COURT: Okay. And if you're here for a couple days, is that going  
4 to financially devastate you?

5 PROSPECTIVE JUROR NO. 0004: Well, if I'm only working 8 hours  
6 when I would normally be working 16 hours, I would say: Yes.

7 THE COURT: Okay. Would you be able to pay your bills?

8 PROSPECTIVE JUROR NO. 0004: I would have to look a little more  
9 deeper into that. It's just more stress.

10 THE COURT: Okay. I mean, do you always get overtime? I guess I'm  
11 trying to determine because it sounds like to me you've become used to living  
12 off your overtime --

13 PROSPECTIVE JUROR NO. 0004: Well --

14 THE COURT: -- but that it's not guaranteed?

15 PROSPECTIVE JUROR NO. 0004: Of course, overtime is never exactly  
16 always guaranteed.

17 THE COURT: Sure.

18 PROSPECTIVE JUROR NO. 0004: -- but I mean, if I am telling you that  
19 I've worked over 900 hours of overtime, I'm probably going to definitely go  
20 over a thousand in this year, it's something that has been, you know, that you  
21 come to expect.

22 Now, that's fine but, you know, with this extra income that I'm  
23 getting, now I've signed up for school, which, I don't know if I'm going to be  
24 able to finish with time lost from not being -- going to be able to make my last  
25 payment on the school.

1           My wife's also a student; she's trying to finish, so we're both  
2 taking a full load with bills and everything else, so it's -- right now --

3       THE COURT: Your --

4       PROSPECTIVE JUROR NO. 0004: -- it's just becoming stressful.

5       THE COURT: Where are you a student?

6       PROSPECTIVE JUROR NO. 0004: The University.

7       THE COURT: UNLV?

8       PROSPECTIVE JUROR NO. 0004: Uh huh.

9       THE COURT: And what year are you?

10      PROSPECTIVE JUROR NO. 0004: Uh, like 2<sup>nd</sup> or 3<sup>rd</sup>.

11      THE COURT: Okay.

12      PROSPECTIVE JUROR NO. 0004: She's going to graduate.

13      THE COURT: And so --

14      PROSPECTIVE JUROR NO. 0004: Which I also called a few days before  
15 and I asked if they could just postpone it to the spring because she's supposed  
16 to graduate this spring, and they already said that that could only come from  
17 you. So --

18      THE COURT: Okay.

19      PROSPECTIVE JUROR NO. 0004: -- at which case, I would gladly  
20 reschedule to a later date and I'd gladly come in here. It's just, right now, like  
21 crunch time for both of us.

22      THE COURT: What's the crunch time in school because it's November.

23      PROSPECTIVE JUROR NO. 0004: Her graduation.

24      THE COURT: Her --

25      PROSPECTIVE JUROR NO. 0004: She's had to lessen up an extra

1 \$3,000 a semester.

2 THE COURT: Okay. But you had to have paid for your tuition already?

3 PROSPECTIVE JUROR NO. 0004: We do payments.

4 THE COURT: Oh.

5 PROSPECTIVE JUROR NO. 0004: We can't afford to do a lump sum.

6 THE COURT: Oh, okay. They allow you to make payments.

7 PROSPECTIVE JUROR NO. 0004: Yeah, which has a steep interest rate  
8 but still --

9 THE COURT: Okay. Thank you, sir. Thank you for being here. Anyone  
10 else? Go ahead, sir.

11 PROSPECTIVE JUROR NO. 0009: My name's Matt Suiter, badge  
12 number: 0009. I'm the operations manager of a small construction company  
13 in town and me not being there right now and we have all the guys not getting  
14 their jobs done. Also, we're preparing for an audit. This was supposed to  
15 happen on Friday. And I have a suspended driver's license, so it's hard to get  
16 down here.

17 THE COURT: Okay. But you figured out a way to get here today?

18 PROSPECTIVE JUROR NO. 0009: I got a ride today. My girlfriend gave  
19 me a ride; she had the day off.

20 THE COURT: All right. You're an operations manager for a construction  
21 company, so you obviously don't stay in one place?

22 PROSPECTIVE JUROR NO. 0009: Yes -- no; there I do.

23 THE COURT: Oh, you do?

24 PROSPECTIVE JUROR NO. 0009: I run -- I run the warehouse.

25 THE COURT: You don't go to different construction sites?

1 PROSPECTIVE JUROR NO. 0009: No; I have mechanics doing that.

2 THE COURT: Okay. What does that mean: You run the warehouse?

3 PROSPECTIVE JUROR NO. 0009: I run the whole area in there. I do the  
4 accounts. I do the service work, like I manage the service mechanics.

5 THE COURT: Okay.

6 PROSPECTIVE JUROR NO. 0009: Currently, like I said: We're being  
7 audited so I'm getting that all prepared for our audit on Friday.

8 THE COURT: Okay. Well, how does your being here prevent the other  
9 people from not working?

10 PROSPECTIVE JUROR NO. 0009: I -- I run them. It's hard to get, you  
11 know, everybody to do the right thing without someone in charge of them.

12 THE COURT: Okay. So you think they might just kind of goof off 'cause  
13 you're not there?

14 PROSPECTIVE JUROR NO. 0009: Yeah --

15 THE COURT: Okay.

16 PROSPECTIVE JUROR NO. 0009: -- and they don't have the  
17 authorization to talk to customers and schedule what needs to be -- what jobs  
18 they need to be out on.

19 THE COURT: Okay.

20 PROSPECTIVE JUROR NO. 0009: And also the audit stuff. Nobody  
21 there knows how to get. I'm working with the CFO of my sister company right  
22 now to get all of our stuff ready for our audit.

23 THE COURT: Okay. So it's your company that's auditing you?

24 PROSPECTIVE JUROR NO. 0009: Yeah.

25 THE COURT: Okay.

1 PROSPECTIVE JUROR NO. 0009: No; no; no; it's the IRS auditing our  
2 company.

3 THE COURT: Oh, I'm sorry. The IRS is auditing your company?

4 PROSPECTIVE JUROR NO. 0009: Yeah.

5 THE COURT: And it's this Friday?

6 PROSPECTIVE JUROR NO. 0009: Yeah.

7 THE COURT: Okay.

8 PROSPECTIVE JUROR NO. 0009: It was actually today but they  
9 rescheduled for --

10 THE COURT: All right. But it sounds like you usually know about an IRS  
11 audit for a long time? They usually don't say: We'll see you tomorrow.

12 PROSPECTIVE JUROR NO. 0009: No; it was -- it was two -- or a month  
13 ago, maybe.

14 THE COURT: Okay.

15 PROSPECTIVE JUROR NO. 0009: They scheduled it.

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

17 PROSPECTIVE JUROR NO. 0009: And the driver's license is a real  
18 hardship too, not having a driver's license.

19 THE COURT: Okay. But why is your driver's license suspended?

20 PROSPECTIVE JUROR NO. 0009: I had a DUI.

21 THE COURT: Okay. But if you're required to be here, you'll get here,  
22 because obviously you make your way to work and other places.

23 PROSPECTIVE JUROR NO. 0009: I get a ride from one of my mechanics.

24 THE COURT: Okay. But if you're required to be here, you'll find a way  
25 to get here; right?



1 PROSPECTIVE JUROR NO. 0009: Taking the bus. It's going to be hard.

2 THE COURT: Okay. Thank you. Anyone else on that first row? Okay.

3 The second row? Go ahead, sir.

4 PROSPECTIVE JUROR NO. 0010: Anthony Matassa, 0010, badge  
5 number. My reason is, I'm supporting a family of five. I'm the only income in  
6 my family. I have three kids, one newborn, 3-year-old boy, and a 9-year-old  
7 son. It's a real hardship right now and it's hard to make payments, bills, rents,  
8 and what not.

9 THE COURT: Do you get paid for being here?

10 PROSPECTIVE JUROR NO. 0010: I'm not quite sure.

11 THE COURT: Where do you work?

12 PROSPECTIVE JUROR NO. 0010: Davis Vision.

13 THE COURT: What do you do?

14 PROSPECTIVE JUROR NO. 0010: We manufacture and ship out  
15 eyeglasses.

16 THE COURT: Okay. At some point when we take a break, you're going  
17 to need to call and let me know that.

18 PROSPECTIVE JUROR NO. 0010: Okay.

19 THE COURT: Okay? You didn't ask before you came?

20 PROSPECTIVE JUROR NO. 0010: No; I didn't.

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

22 PROSPECTIVE JUROR NO. 0010: Thank you.

23 THE COURT: Anyone else on the second row? Go ahead, ma'am.

24 PROSPECTIVE JUROR NO. 0015: Amanda Young, 0015.

25 THE COURT: Good morning.

1 PROSPECTIVE JUROR NO. 0015: Good morning. I'm a single mom. I  
2 have a 3-year-old son that I pay \$600 a month in child care for. We live by  
3 ourselves. I'm just not going to be able to financially be able to take the hit for  
4 coming in here because I don't -- my work's not going to pay me for it and I'm  
5 kind of concerned about that because I could make more -- not to be mean, at  
6 work, than coming and sitting in here.

7 THE COURT: Well, I would hope so because I'm thinking --

8 PROSPECTIVE JUROR NO. 0015: No.

9 THE COURT: -- yeah, I mean, I know they pay, but it's not a real great  
10 amount.

11 PROSPECTIVE JUROR NO. 0015: Right.

12 THE COURT: I mean, it's better than nothing. But I know it's not a real--

13 PROSPECTIVE JUROR NO. 0015: Yeah.

14 THE COURT: -- lot of money. Where do you work?

15 PROSPECTIVE JUROR NO. 0015: Meyers Auto Parts.

16 THE COURT: What do you do?

17 PROSPECTIVE JUROR NO. 0015: Inventory control and buying.  
18 Purchasing parts to put on the shelves for the customers to buy.

19 THE COURT: And do you know whether you're paid if you're here?

20 PROSPECTIVE JUROR NO. 0015: No; I will not.

21 THE COURT: You will not get paid?

22 PROSPECTIVE JUROR NO. 0015: No.

23 THE COURT: They told you: We will not pay you?

24 PROSPECTIVE JUROR NO. 0015: Correct.

25 THE COURT: Can you tell me how much you make a day?

1 PROSPECTIVE JUROR NO. 0015: 13.22 an hour so, about -- about a  
2 hundred bucks, 80-85-90 bucks.

3 THE COURT: Okay. Thank you.

4 PROSPECTIVE JUROR NO. 0015: Thank you.

5 THE COURT: Anyone else on the second row? Okay. This row right  
6 here? Go ahead, you can -- if you'll please stand. The person -- I like to kind of  
7 go in order so we all can get a chance. If you'll -- you're going to have to  
8 speak up because that area is very difficult for me to hear.

9 PROSPECTIVE JUROR NO. 0021: Okay. Can you hear me now? Gloria  
10 Perkins, 0021. My only issue is that I --

11 THE COURT: You're going to have to speak up.

12 PROSPECTIVE JUROR NO. 0021: I work the graveyard shift and I just  
13 got off work this morning and I'm hard pressed, even right now, to stay awake.

14 THE COURT: Okay. Where do you work?

15 PROSPECTIVE JUROR NO. 0021: Bellagio Hotel.

16 THE COURT: All right. What do you do?

17 PROSPECTIVE JUROR NO. 0021: Fire safety.

18 THE COURT: What does that mean?

19 PROSPECTIVE JUROR NO. 0021: Well, for emergencies, fire alarms,  
20 smoke alarms, floods, generators breaking down -- stuff like that.

21 THE COURT: So you fix those things?

22 PROSPECTIVE JUROR NO. 0021: Actually, no, but I send people out to  
23 fix them.

24 THE COURT: Okay. So what's your job title?

25 PROSPECTIVE JUROR NO. 0021: Fire safety command, dispatcher.

1 THE COURT: Okay. So you're a dispatcher, so if a fire alarm goes off,  
2 you would get that call?

3 PROSPECTIVE JUROR NO. 0021: I'd get that call.

4 THE COURT: And what training do you have in this area?

5 PROSPECTIVE JUROR NO. 0021: They trained us there at the job.

6 THE COURT: Okay. And you don't go out and fix anything; you just  
7 basically dispatch everybody?

8 PROSPECTIVE JUROR NO. 0021: Yeah; I find out where the problem is  
9 and dispatch someone out to it.

10 THE COURT: Okay. One of the things, if you're asked to serve on this  
11 panel, I will order you not to work the graveyard shift. You would comply with  
12 that order; is that correct?

13 PROSPECTIVE JUROR NO. 0021: I don't know what you mean.

14 THE COURT: I would order you not to work the graveyard shift. I would  
15 tell you to tell your boss, the Judge has me under court order to not work the  
16 graveyard shift, and you couldn't work the dayshift because you'd be here.

17 PROSPECTIVE JUROR NO. 0021: Right.

18 THE COURT: You understand why I couldn't have you work the  
19 graveyard shift because we have Court during the day?

20 PROSPECTIVE JUROR NO. 0021: Right.

21 THE COURT: And I can't have you working all night and coming to court  
22 during the day.

23 PROSPECTIVE JUROR NO. 0021: Right.

24 THE COURT: Do you understand that?

25 PROSPECTIVE JUROR NO. 0021: I do.

1 THE COURT: And you'll comply with that order if you're selected to  
2 serve?

3 PROSPECTIVE JUROR NO. 0021: So I couldn't work.

4 THE COURT: You could not work the graveyard shift.

5 PROSPECTIVE JUROR NO. 0021: But they wouldn't put me on another  
6 shift though.

7 THE COURT: Okay. Then you would not be permitted to go to work.

8 PROSPECTIVE JUROR NO. 0021: That's correct.

9 THE COURT: And you'd comply with that order; is that correct?

10 PROSPECTIVE JUROR NO. 0021: Well, if I was made too, of course.

11 THE COURT: Okay. Thank you.

12 PROSPECTIVE JUROR NO. 0021: Okay.

13 THE COURT: And thank you for appearing.

14 PROSPECTIVE JUROR NO. 0024: Debra Dapprich-Adamson.

15 THE COURT: You're going to have to speak up.

16 PROSPECTIVE JUROR NO. 0024: Debra Dapprich-Adamson, 0024. I've  
17 got dyslexia. It's hard for me to read documents. I mean, I may only get one  
18 word out of like two lines, right.

19 THE COURT: Ever?

20 PROSPECTIVE JUROR NO. 0024: I don't read; I cannot read.

21 THE COURT: Okay.

22 PROSPECTIVE JUROR NO. 0024: I cannot spell.

23 THE COURT: You cannot read at all?

24 PROSPECTIVE JUROR NO. 0024: No.

25 THE COURT: Okay. Thank you. I'm sorry, ma'am. The person next to

1 you. It's Joy Ellis?

2 PROSPECTIVE JUROR NO. 0025: Correct, 0025. I work at Wal-Mart  
3 and I work second shift.

4 THE COURT: Can you please speak up.

5 PROSPECTIVE JUROR NO. 0025: I work at Wal-Mart. I'm a cashier at  
6 the garden center and it's hard for me to be here, like two or three days,  
7 because of the money situation. And I catch buses, so I had to catch a bus  
8 down here and I had to walk from the downtown terminal, and it's a bad area,  
9 and coming, you know, I had to ask certain people on the street. They didn't  
10 even know where this building was and one was a drunk. I didn't know that at  
11 the time to find out where --

12 THE COURT: Now you know where the Regional Justice Center is --

13 PROSPECTIVE JUROR NO. 0025: Yes.

14 THE COURT: -- you wouldn't have any problem getting here?

15 PROSPECTIVE JUROR NO. 0025: Yes.

16 THE COURT: Okay.

17 PROSPECTIVE JUROR NO. 0025: But it's still a bad area and --

18 THE COURT: Downtown?

19 PROSPECTIVE JUROR NO. 0025: -- the money situation. From the bus  
20 depot down here.

21 THE COURT: Okay. So is -- is it the bus depot -- the one right by City  
22 Hall, that you're referring to?

23 PROSPECTIVE JUROR NO. 0025: The main one down -- downtown.

24 THE COURT: By City Hall?

25 PROSPECTIVE JUROR NO. 0025: I don't know exactly.

1 THE COURT: Okay. Does Wal-Mart pay you for being here?

2 PROSPECTIVE JUROR NO. 0025: I don't know. They didn't say. I just  
3 told 'em I had jury duty, so I don't know if they make up the difference or if  
4 they don't, at all, and just \$70 a day. And that's hard on me because I'm the  
5 only one, you know, I'm the head of the household.

6 THE COURT: Okay.

7 PROSPECTIVE JUROR NO. 0025: I'm by myself, you know, I'm a senior  
8 citizen.

9 THE COURT: And when we take a break, can you call the person in  
10 charge and find out that information for me? Okay. Thank you. Go ahead,  
11 ma'am. Ms. Corey-Trott.

12 PROSPECTIVE JUROR NO. 0026: Sandra Corey. And my badge  
13 number's 0026. I have a problem with vision. I am totally blind at night so I  
14 would have to leave here by 3 to 3:30 to make sure that I am home because I  
15 cannot see anything at night. I'm also on Loritabs pain medication. I smashed  
16 my finger and had surgery on it two days ago and --

17 THE COURT: You had surgery on your finger two days ago? Okay.

18 PROSPECTIVE JUROR NO. 0026: I actually did it on Friday evening. It  
19 was just set on Monday -- Monday. Dr. Taylor, hand surgeon. And -- but my  
20 biggest problem is my night vision. I'm actually blind in this eye. I have very  
21 little vision. And the side vision. I can drive, but not when it's dark, at all.

22 THE COURT: Okay.

23 PROSPECTIVE JUROR NO. 0026: That's my only problem.

24 THE COURT: Okay. Okay, so I'm assuming your drivers license is  
25 restricted as well?

1 PROSPECTIVE JUROR NO. 0026: Acutally, I haven't had a driver's  
2 renewal and I will, but I mean, I just don't drive at night. I can drive during the  
3 day, but I just do not drive at night; I can't.

4 THE COURT: Okay. Thank you.

5 PROSPECTIVE JUROR NO. 0026: You're welcome.

6 THE COURT: Anyone else over here? Over here? Go ahead, sir.

7 PROSPECTIVE JUROR NO. 0032: Joseph Sands, badge number 0032.

8 THE COURT: Good morning.

9 PROSPECTIVE JUROR NO. 0032: I'm the owner of a small company that  
10 maintains broadcast transmitters and equipment for radio stations, locally, and I  
11 also have events that are contracted later this week and all of next week that I  
12 can't get anybody else to do.

13 THE COURT: Okay. What does that mean? Events?

14 PROSPECTIVE JUROR NO. 0032: Well, I'm setting up broadcasts for the  
15 Latin Grammy's this week over at Mandalay Bay and next week, the MGM  
16 Grand for the boxing match, and so, I set up all the equipment for the radio  
17 stations to broadcast to their respective places. Also, I'm on 24-hour call for  
18 radio stations if the transmitters go off, and I'm here, then they're off the air  
19 and there's nobody else that I could get to do it.

20 THE COURT: Okay. Are you the only one that works in your company?

21 PROSPECTIVE JUROR NO. 0032: I have an employee but he has no  
22 access to the remote sites.

23 THE COURT: Okay.

24 PROSPECTIVE JUROR NO. 0032: And the events that I'm talking about  
25 require two or three people -- I actually have a third person that I'd have to



1 bring in to do that. If I don't work then I have to pay somebody a lot of money  
2 to work my job.

3 THE COURT: Okay. Thank you, sir. Thank you for being here. Anyone  
4 else on this row? Go ahead, sir.

5 PROSPECTIVE JUROR NO. 0036: My name is Bret Humphries, 0036.  
6 Mine's maybe a financial one also because the -- I make about \$22,000 less,  
7 this year, so far, than last year, and survive on overtime. And without  
8 overtime, I just call -- kind of fall farther and farther behind. I work security at  
9 Mandalay Bay, and right now, they have the Latin Grammy's there this week.

10 THE COURT: So you -- all right.

11 PROSPECTIVE JUROR NO. 0036: Ma'am, I don't know --

12 THE COURT: What he was just referring to? No; I didn't say you knew  
13 him but --

14 PROSPECTIVE JUROR NO. 0036: Okay.

15 THE COURT: -- he just referred to those?

16 PROSPECTIVE JUROR NO. 0036: Yeah.

17 THE COURT: You work at Mandalay Bay in security?

18 PROSPECTIVE JUROR NO. 0036: Yes, ma'am. And -- this -- today is  
19 costing me 8 hours overtime. If I'm here the next two days, it's going to cost  
20 me another 14 hours overtime. And as I said: Without the overtime, we just  
21 fall steadily behind on the bills. And the way this year has been, as I said: You  
22 gotta take advantage of it when it's here.

23 THE COURT: Sure.

24 PROSPECTIVE JUROR NO. 0036: And this is a big week for overtime  
25 this week because of the Latin Grammy's.

1 THE COURT: When are they?

2 PROSPECTIVE JUROR NO. 0036: They're actually tomorrow night.

3 THE COURT: Okay. What shift do you work?

4 PROSPECTIVE JUROR NO. 0036: I work graveyard. I just got off work  
5 at 7:30 this morning.

6 THE COURT: Okay. And you heard what I said previously, that if you  
7 are asked to serve on this panel, you will be ordered not to work the graveyard  
8 shift?

9 PROSPECTIVE JUROR NO. 0036: Right. And then I won't be able to get  
10 paid, period, or overtime.

11 THE COURT: Well, actually, I'm pretty sure Mandalay Bay pays you to  
12 be here.

13 PROSPECTIVE JUROR NO. 0036: I asked my boss, this morning, about  
14 that and he said that they do not do that no more unless it interferes with your  
15 shift.

16 THE COURT: I'm sorry -- they don't do it anymore?

17 PROSPECTIVE JUROR NO. 0036: Unless it interferes with your shift.

18 THE COURT: It would interfere --

19 PROSPECTIVE JUROR NO. 0036: It doesn't -- it doesn't interfere with  
20 my shift because I work graveyard, so they would expect me to work my shift  
21 and then come to jury duty.

22 THE COURT: No, it would interfere with your shift and I'd be happy to  
23 give you a Court Order.

24 PROSPECTIVE JUROR NO. 0036: Okay.

25 THE COURT: Okay. Because you would be under court order not to

1 work graveyard, because that's ridiculous to expect someone to work all night  
2 and then come here all day. Okay.

3 PROSPECTIVE JUROR NO. 0036: All right.

4 THE COURT: I mean you -- that's not humanly possible to do; I'm  
5 assuming. You can't --

6 PROSPECTIVE JUROR NO. 0036: Well --

7 THE COURT: -- continue to stay up.

8 PROSPECTIVE JUROR NO. 0036: -- I do it all the time when I work  
9 overtime but --

10 THE COURT: You just don't sleep?

11 PROSPECTIVE JUROR NO. 0036: Well, this year is not like last year. I  
12 mean, for the first 16 years I worked at Mandalay Bay, I averaged 76 hours  
13 overtime a pay period in two weeks.

14 THE COURT: Okay. But clearly, this would interfere with your shift so,  
15 based on that, you would get paid? It's your overtime you're worried about?

16 PROSPECTIVE JUROR NO. 0036: Yes, there's been overtime, that's --

17 THE COURT: Okay.

18 PROSPECTIVE JUROR NO. 0036: It's essential to me; really.

19 THE COURT: All right. And remember I told you, I don't think we'll be  
20 here more than two to three days.

21 PROSPECTIVE JUROR NO. 0036: I understand.

22 THE COURT: Okay.

23 PROSPECTIVE JUROR NO. 0036: That overtime for this week is,  
24 basically, was last week and then this week 'cause, basically, the show is over  
25 with on Thursday. Everything gets shut down on Friday, and after that, who

1 knows if and when there'll be anymore overtime. So today, tomorrow, and the  
2 next day are the primary days of overtime -- were the primary days of overtime  
3 for me this year.

4 THE COURT: Okay. Thank you, sir. Thank you for being here. Anyone  
5 else on this row? You know what, I'll get to you, sir, I promise, when I get  
6 over there. Go ahead.

7 PROSPECTIVE JUROR NO. 0038: Hi, Shannon Wollam, 0038. Mine is  
8 just a health issue. I need to have my left hip replaced, and so, I'm up and  
9 down, all the time, shifting a lot; that's my only concern. I didn't know if that  
10 would disrupt the Court.

11 THE COURT: How have you been today?

12 PROSPECTIVE JUROR NO. 0038: Fussy.

13 THE COURT: Fussy?

14 PROSPECTIVE JUROR NO. 0038: Fussy. Always.

15 THE COURT: Have you had -- I mean, if -- you can stand up, you can  
16 move around.

17 PROSPECTIVE JUROR NO. 0038: I -- yeah.

18 THE COURT: It doesn't bother me.

19 PROSPECTIVE JUROR NO. 0038: Oh, all right. Oh, that's fine.

20 THE COURT: Anything that makes you comfortable --

21 PROSPECTIVE JUROR NO. 0038: Great.

22 THE COURT: -- that's fine.

23 PROSPECTIVE JUROR NO. 0038: Okay.

24 THE COURT: Okay. If you have to stand up and adjust that's fine.

25 PROSPECTIVE JUROR NO. 0038: Great.

1 THE COURT: Okay.

2 PROSPECTIVE JUROR NO. 0038: Okay.

3 THE COURT: You just can't get up and leave unless you tell me.

4 PROSPECTIVE JUROR NO. 0038: That's no problem.

5 THE COURT: Okay.

6 PROSPECTIVE JUROR NO. 0038: Thank you.

7 THE COURT: Thank you. Anyone else on this row? Okay, sir.

8 PROSPECTIVE JUROR NO. 0039: Don Stout, 0039. I'm in the process  
9 of closing a house next week. I'm not sure what day it's supposed to be.

10 THE COURT: You're buying a new home?

11 PROSPECTIVE JUROR NO. 0039: Yes.

12 THE COURT: Okay. Next week?

13 PROSPECTIVE JUROR NO. 0039: Between Tuesday and Friday,  
14 supposed to close on the closing costs.

15 THE COURT: Okay. We won't bother you next week.

16 PROSPECTIVE JUROR NO. 0039: Okay.

17 THE COURT: Thank you. Congratulations.

18 PROSPECTIVE JUROR NO. 0039: Thank you.

19 THE COURT: Anyone else over here? Okay. Over here on the second  
20 row. Go ahead, sir.

21 PROSPECTIVE JUROR NO. 0052: Good morning, Your Honor.

22 THE COURT: Good morning.

23 PROSPECTIVE JUROR NO. 0052: I apologize, I didn't realize we were  
24 going.

25 THE COURT: Okay. Your name and badge number?

1 PROSPECTIVE JUROR NO. 0052: James Nelson, 0052. And I'm the  
2 only mode of transportation my son has to get to and from work, which is a  
3 distance of about 30 miles; he doesn't drive.

4 THE COURT: Okay. How old is your son?

5 PROSPECTIVE JUROR NO. 0052: 29.

6 THE COURT: All right. And you're required to take him to and from  
7 work?

8 PROSPECTIVE JUROR NO. 0052: I'm not required -- he's just a little bit  
9 challenged; he doesn't drive.

10 THE COURT: Okay.

11 PROSPECTIVE JUROR NO. 0052: He's a little spaced out. He had ADD  
12 when he was a kid and he just, you know, he can drive a little bit around the  
13 neighborhood, but as far as -- I live on Sunrise Mountain --

14 THE COURT: Sure.

15 PROSPECTIVE JUROR NO. 0052: -- Washington and Sloan. He works at  
16 Town Square and Rome [phonetic], so we're talking one end of the valley to  
17 the other.

18 THE COURT: Okay. Does he work today?

19 PROSPECTIVE JUROR NO. 0052: Yeah, his cousin was going to take  
20 him today. He gets off at 2. I don't know how he's going to get picked up  
21 and he works tomorrow. He works at Banana Republic. He works like from --  
22 could be anywhere from 7 in the morning to 9 or 10 at night, various shifts,  
23 and different days. I know he works tomorrow.

24 THE COURT: Okay. But if you were selected to serve, you'd be able to  
25 find a way for him to get to work?

1 PROSPECTIVE JUROR NO. 0052: I don't know how he -- really, Your  
2 Honor; I don't know he would.

3 THE COURT: Okay.

4 PROSPECTIVE JUROR NO. 0052: His mother works -- she's a --

5 THE COURT: Sounds like today you did; right?

6 PROSPECTIVE JUROR NO. 0052: Yeah; I found his cousin today 'cause--

7 THE COURT: Okay.

8 PROSPECTIVE JUROR NO. 0052: He's not -- he's a flake. I mean,  
9 excuse my French.

10 THE COURT: Cousin's a flake?

11 PROSPECTIVE JUROR NO. 0052: His cousin is.

12 THE COURT: Okay.

13 PROSPECTIVE JUROR NO. 0052: And all the other family members  
14 work. Everybody else is, you know -- and he's worked there three years. He's  
15 a good kid; he's just a little spaced out.

16 THE COURT: Sure.

17 PROSPECTIVE JUROR NO. 0052: I don't want -- you know, I don't want  
18 to jeopardize his job. I want to serve.

19 THE COURT: Okay.

20 PROSPECTIVE JUROR NO. 0052: It sounds great; it sounds interesting  
21 but, I don't want to put him in a position.

22 THE COURT: Okay. Thank you, sir. Thank you for being here.

23 PROSPECTIVE JUROR NO. 0052: Thank you, Your Honor.

24 THE COURT: Anyone else on that row? Over here. Go ahead, ma'am.

25 PROSPECTIVE JUROR NO. 0062: Maria Valdes-Deduarte, 0062. My

1 English is very bad. I don't -- this is a lot of work that you say here, so I even--  
2 I don't know what you're talking about -- about the case.

3 THE COURT: Okay. How long have you lived in the United States?

4 PROSPECTIVE JUROR NO. 0062: 14 years.

5 THE COURT: 14 years? What do you do for a living?

6 PROSPECTIVE JUROR NO. 0062: Guest room attendant.

7 THE COURT: How long have you done that?

8 PROSPECTIVE JUROR NO. 0062: 11 years.

9 THE COURT: Where do you work?

10 PROSPECTIVE JUROR NO. 0062: MGM Grand.

11 THE COURT: What was your job before that?

12 PROSPECTIVE JUROR NO. 0062: To clean the rooms.

13 THE COURT: Okay. You've all -- you told me you -- you've done that for  
14 11 years?

15 PROSPECTIVE JUROR NO. 0062: Huh?

16 THE COURT: You said you worked as a guest room attendant for 11  
17 years?

18 PROSPECTIVE JUROR NO. 0062: Yes.

19 THE COURT: What was your job prior to that?

20 PROSPECTIVE JUROR NO. 0062: Clean rooms.

21 THE COURT: Where did you clean rooms?

22 PROSPECTIVE JUROR NO. 0062: MGM.

23 THE COURT: Okay.

24 PROSPECTIVE JUROR NO. 0062: In the hotel.

25 THE COURT: You've lived in the United States for 14 years?



1 PROSPECTIVE JUROR NO. 0062: Yeah; I understand --

2 THE COURT: Have you been employed the entire time?

3 PROSPECTIVE JUROR NO. 0062: -- but sometimes I -- I don't know -- I  
4 don't understand what you're talking about -- it's -- I got idea but no -- I don't  
5 know what -- talking about -- about the case; I don't know.

6 THE COURT: Okay.

7 PROSPECTIVE JUROR NO. 0062: Some problems, but I don't know  
8 what is --

9 THE COURT: Okay. Thank you. Thank you for being here. Anyone else  
10 on that row? Third row back there; go ahead, ma'am.

11 PROSPECTIVE JUROR NO. 0067: My name is Nancy Ang. My badge  
12 number's 0067. I cannot spell. I can read some, but I can speak. That's it.

13 THE COURT: Okay. I'm sorry. You -- you need to stand up because you  
14 -- you can't read; is that what you said?

15 PROSPECTIVE JUROR NO. 0067: I can read some but I cannot spell.

16 THE COURT: All right. Can you read well? I mean, what's your level of  
17 reading?

18 PROSPECTIVE JUROR NO. 0067: So --

19 THE COURT: What does so, so mean to you?

20 PROSPECTIVE JUROR NO. 0067: I study three hour a night, off and on,  
21 adult school, like maybe a year -- so, so; that's it. But I can read all the street  
22 name. I can read some thing, but some thing difficult, I cannot read.

23 THE COURT: Okay. What's difficult to you?

24 PROSPECTIVE JUROR NO. 0067: Like something I never read before. I  
25 don't read like -- something like difficult paperwork -- like Court paperwork; I

1 don't understand. I -- I don't -- I don't know how to do it.

2 THE COURT: Okay. What -- how far did you go in school?

3 PROSPECTIVE JUROR NO. 0067: Only one year, three hour a night;  
4 that's it.

5 THE COURT: I'm talking about grade school. Did you graduate high  
6 school?

7 PROSPECTIVE JUROR NO. 0067: No; only adult school.

8 THE COURT: Okay. You never went to school at all as a child?

9 PROSPECTIVE JUROR NO. 0067: No; I come to the country at 18-years-  
10 old.

11 THE COURT: Okay. Where did you come from?

12 PROSPECTIVE JUROR NO. 0067: Cambodia.

13 THE COURT: Okay. And you never had education as a child?

14 PROSPECTIVE JUROR NO. 0067: No.

15 THE COURT: Okay. Thank you, ma'am.

16 PROSPECTIVE JUROR NO. 0067: Thank you.

17 THE COURT: Go ahead, sir.

18 PROSPECTIVE JUROR NO. 0068: David Macy, 0068. Good morning.

19 THE COURT: Good morning.

20 PROSPECTIVE JUROR NO. 0068: I also work the graveyard shift.

21 THE COURT: Where do you work?

22 PROSPECTIVE JUROR NO. 0068: I need a Court order, by the way, to  
23 get out. There's some concerns with the attendance policy. Not to get into  
24 too much detail, but there's points involved that could further jeopardize my job  
25 in the future if I had some sort of unexcused absence. So if I had some sort of

1 rights with a Court order to be excused from that meaning -- probably do.

2 THE COURT: Okay. First of all, where do you work?

3 PROSPECTIVE JUROR NO. 0068: Bally's Las Vegas.

4 THE COURT: All right. And what do you do there?

5 PROSPECTIVE JUROR NO. 0068: Poker dealer.

6 THE COURT: I'm sorry.

7 PROSPECTIVE JUROR NO. 0068: Poker dealer.

8 THE COURT: Okay. And you heard what I told some of the other  
9 individuals?

10 PROSPECTIVE JUROR NO. 0068: Yes.

11 THE COURT: And it's not uncommon for me to have people on the panel  
12 that work graveyard because this is a 24-hour town. I tell everyone --

13 PROSPECTIVE JUROR NO. 0068: Right.

14 THE COURT: -- you cannot work graveyard --

15 PROSPECTIVE JUROR NO. 0068: Right.

16 THE COURT: -- and come do -- serve on a panel during the day.

17 PROSPECTIVE JUROR NO. 0068: So --

18 THE COURT: You understand that; correct?

19 PROSPECTIVE JUROR NO. 0068: Yes; yes; I do.

20 THE COURT: If you're selected to serve on this panel, you'll be under  
21 Court order not to go to work and work graveyard shift.

22 PROSPECTIVE JUROR NO. 0068: I --

23 THE COURT: Will you comply with that order?

24 PROSPECTIVE JUROR NO. 0068: Yes.

25 THE COURT: Okay. And now, it sounds like you'd want me to send a

1 letter of some sort to your --

2 PROSPECTIVE JUROR NO. 0068: Something -- is that --

3 THE COURT: -- employer?

4 PROSPECTIVE JUROR NO. 0068: -- do I have some sort of protection  
5 from my boss to not be penalized because I'm following a court order? 'Cause  
6 if, you know --

7 THE COURT: Oh yeah --

8 PROSPECTIVE JUROR NO. 0068: Oh yeah. Okay. So if he tries to hit  
9 me with some --

10 THE COURT: -- if you got fired --

11 PROSPECTIVE JUROR NO. 0068: Well there are just some points that  
12 could end up getting me fired in the future. I could probably take that up --

13 THE COURT: Okay.

14 PROSPECTIVE JUROR NO. 0068: -- with HR and say --

15 THE COURT: What I can tell you, is that, your employer can take no  
16 adverse action against you for complying with your duty as an American citizen  
17 to come here and perform jury duty.

18 PROSPECTIVE JUROR NO. 0068: You can put that --

19 THE COURT: Okay.

20 PROSPECTIVE JUROR NO. 0068: -- in a letter for me if he wants --

21 THE COURT: It's -- I can give him a copy of the Constitution of the  
22 United States of America.

23 PROSPECTIVE JUROR NO. 0068: He might be a little busy.

24 THE COURT: I mean, I'm just joking. I'll be happy.

25 PROSPECTIVE JUROR NO. 0068: If you would, that would be great

1 because I --

2 THE COURT: I would be happy to put that --

3 PROSPECTIVE JUROR NO. 0068: 'Cause I --

4 THE COURT: -- in a letter. Also, in the back of your jury summons, it  
5 also cites to some statutes that indicate, your employer is not permitted to  
6 encourage you not to attend or tell you you're going to be in trouble if you  
7 attend. That's against the law.

8 PROSPECTIVE JUROR NO. 0068: Okay.

9 THE COURT: Okay. And it's a criminal offense to try to dissuade  
10 someone from coming and serving on a jury panel; do you understand that?

11 PROSPECTIVE JUROR NO. 0068: Yes.

12 THE COURT: But it sounds like you're more concerned if you get  
13 selected, you want me to send something to your boss or your --

14 PROSPECTIVE JUROR NO. 0068: Just to make sure I'm cleared. I mean  
15 I could call in --

16 THE COURT: -- Human Resources.

17 PROSPECTIVE JUROR NO. 0068: -- and say something, but the points  
18 could end up getting me fired in the future, which would be a disastrous  
19 situation.

20 THE COURT: Okay. I always wonder, do your bosses really think people  
21 lie about being on jury duty?

22 PROSPECTIVE JUROR NO. 0068: They -- yeah; I'm sure they do.

23 THE COURT: Okay. Because I always think that's funny. Who would --

24 PROSPECTIVE JUROR NO. 0068: Yeah.

25 THE COURT: -- say they were on jury duty, when it's so easy to check,

1 because everything we do is a matter of public record. But I'd be happy to give  
2 that to you.

3 PROSPECTIVE JUROR NO. 0068: Okay. There's also an issue of  
4 financial hardship as well, as I'm the only earner in my household and I work  
5 for tips.

6 THE COURT: Okay. Other than that, everything okay?

7 PROSPECTIVE JUROR NO. 0068: That's good. Yeah, that doesn't --

8 THE COURT: Okay. You get paid to be here, though?

9 PROSPECTIVE JUROR NO. 0068: A minimum wage that's highly taxed.  
10 I don't know if you're familiar with the sharing agreement the IRS has with  
11 certain -- different --

12 THE COURT: Okay.

13 PROSPECTIVE JUROR NO. 0068: So it's not a -- it's not a livable wage.  
14 It's effectively all tips --

15 THE COURT: Okay. But if you're not --

16 PROSPECTIVE JUROR NO. 0068: -- that we go by.

17 THE COURT: -- there making tips -- they still tax your tips?

18 PROSPECTIVE JUROR NO. 0068: You know, I don't know; I should find  
19 out.

20 THE COURT: Okay.

21 PROSPECTIVE JUROR NO. 0068: But it would -- but it would still -- it's a  
22 significant drop.

23 THE COURT: Right. Because they tax your tips in your regular pay;  
24 correct?

25 PROSPECTIVE JUROR NO. 0068: There's a -- it's called a tip compliance

1 agreement.

2 THE COURT: Uh huh.

3 PROSPECTIVE JUROR NO. 0068: We're taxed on a certain wage they  
4 assume we make.

5 THE COURT: Right. But if you're not there, they don't assume you  
6 made it; right?

7 PROSPECTIVE JUROR NO. 0068: Yeah; right, so we would be making  
8 minimum wage --

9 THE COURT: Okay.

10 PROSPECTIVE JUROR NO. 0068: -- which is --

11 THE COURT: Like, for instance, what if you're sick and you don't get  
12 paid?

13 PROSPECTIVE JUROR NO. 0068: I would get minimum --

14 THE COURT: Or what if it's like time off without pay?

15 PROSPECTIVE JUROR NO. 0068: I get time off. I get minimum wage  
16 for time.

17 THE COURT: Okay. They don't tax your tips if you're not there?

18 PROSPECTIVE JUROR NO. 0068: That's true, so I would not make less  
19 than minimum wage. I wouldn't go into debt, but I would make my mortgage  
20 payment.

21 THE COURT: Thank you, sir. Thank you for being here.

22 PROSPECTIVE JUROR NO. 0068: Thank you.

23 THE COURT: Anyone else in this back row? Go ahead, sir.

24 PROSPECTIVE JUROR NO. 0071: Monty Warrington, 0071. I'm a  
25 firefighter at the Nevada Test Site, and I'm in the middle of a training course

1 and promotional testing, at work, all through this week and next.

2 THE COURT: Okay. So you're a firefighter at Nevada Test Site and  
3 you're doing some type of training testing?

4 PROSPECTIVE JUROR NO. 0071: Yes, ma'am.

5 THE COURT: Okay.

6 PROSPECTIVE JUROR NO. 0071: For a promotion.

7 THE COURT: What if you're here?

8 PROSPECTIVE JUROR NO. 0071: Then I will miss the training.

9 THE COURT: Okay. How will that affect you?

10 PROSPECTIVE JUROR NO. 0071: I would miss out on a certification  
11 needed for the promotion that I'm also testing for.

12 THE COURT: Even if you were here pursuant to a Court order?

13 PROSPECTIVE JUROR NO. 0071: Yes.

14 THE COURT: When will the next training be?

15 PROSPECTIVE JUROR NO. 0071: It's not a scheduled training course.

16 THE COURT: What is it then?

17 PROSPECTIVE JUROR NO. 0071: It's a training course they put on for  
18 people that need a certification, as of right now, so there's a few people that  
19 need it so -- if I'm the only one without the certification; they're not going to  
20 schedule another course.

21 THE COURT: Okay. And they told you that?

22 PROSPECTIVE JUROR NO. 0071: I'll miss out on this course, which I  
23 need the certification for the promotional list.

24 THE COURT: And they told you that?

25 PROSPECTIVE JUROR NO. 0071: Yes.



1 THE COURT: That they would not do the course for you?

2 PROSPECTIVE JUROR NO. 0071: No; they could -- they can't schedule a  
3 course for a single person.

4 THE COURT: Okay. Who told you that?

5 PROSPECTIVE JUROR NO. 0071: The department.

6 THE COURT: Your -- can you say a person? I mean, somebody --

7 PROSPECTIVE JUROR NO. 0071: Actually a fire --

8 THE COURT: -- actually told you, if you go do jury duty, you're going to  
9 miss out on this certification and this promotion, and we won't do the training,  
10 again, for you?

11 PROSPECTIVE JUROR NO. 0071: Eventually, I'd have the training again,  
12 I'm sure, whenever they schedule the test, but it might be after the promotion.

13 THE COURT: Okay. Okay. Thank you, sir. Thank you for being here.  
14 Anyone else that wishes to address the Court? Go ahead, sir.

15 PROSPECTIVE JUROR NO. 0051: Joseph Valletti, badge number 0051.  
16 I'm not asking to get out but I've got a medical problem. I have the go to  
17 disease. Every -- about an hour to an hour and a half -- okay, I have to go to  
18 the bathroom.

19 THE COURT: Okay.

20 PROSPECTIVE JUROR NO. 0051: Would I be accorded that?

21 THE COURT: Sure.

22 PROSPECTIVE JUROR NO. 0051: Okay.

23 THE COURT: Do you need a break now?

24 PROSPECTIVE JUROR NO. 0051: No; I'm okay right now.

25 THE COURT: Okay.