

1 PROSPECTIVE JUROR NO. 001: HVAC mechanic.  
2 THE COURT: How long have you been in Vegas?  
3 PROSPECTIVE JUROR NO. 001: Eight years.  
4 THE COURT: All right. Are you married?  
5 PROSPECTIVE JUROR NO. 001: Yes.  
6 THE COURT: What does your wife do?  
7 PROSPECTIVE JUROR NO. 001: Substitute teacher.  
8 THE COURT: With the Clark County School District?  
9 PROSPECTIVE JUROR NO. 001: Correct.  
10 THE COURT: All right. Any adult kids?  
11 PROSPECTIVE JUROR NO. 001: No.  
12 THE COURT: Ever served as a juror before?  
13 PROSPECTIVE JUROR NO. 001: No.  
14 THE COURT: Have you or anyone close to you ever been  
15 the victim of a crime?  
16 PROSPECTIVE JUROR NO. 001: No.  
17 THE COURT: Have you or anyone close to you ever been  
18 accused or arrested of a crime, whether or not there was a  
19 conviction?  
20 PROSPECTIVE JUROR NO. 001: Yeah. I was arrested  
21 when I was 18 years old.  
22 THE COURT: Arrested, and what were you accused of  
23 doing?  
24 PROSPECTIVE JUROR NO. 001: Theft.  
25 THE COURT: All right. Did you go to trial?

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1 PROSPECTIVE JUROR NO. 001: Just a quick court case.

2 A \$100 fine, I believe, was the --

3 THE COURT: Oh, it was a misdemeanor?

4 PROSPECTIVE JUROR NO. 001: Yes.

5 THE COURT: How long ago was that?

6 PROSPECTIVE JUROR NO. 001: Twenty years -- 21 years  
7 ago, when I was 18. I'm 39 now.

8 THE COURT: Okay. Anything about that experience  
9 that might cause you to be something other than fair and  
10 impartial?

11 PROSPECTIVE JUROR NO. 001: No.

12 THE COURT: Did that happen here in Las Vegas, or  
13 somewhere else?

14 PROSPECTIVE JUROR NO. 001: No. That was Colorado.

15 THE COURT: Oh, Colorado. Okay. So you wouldn't  
16 necessarily hold it against the Clark County District  
17 Attorney's Office if that happened in another state?

18 PROSPECTIVE JUROR NO. 001: No.

19 THE COURT: Have you or anyone close to you ever been  
20 accused of or been the victim of a crime that was sexual in  
21 nature?

22 PROSPECTIVE JUROR NO. 001: No.

23 THE COURT: All right. I appreciate it. Let me get  
24 you to pass the microphone.

25 And what is your badge number?

1 PROSPECTIVE JUROR NO. 002: 002.  
2 THE COURT: Mr. Richard, what do you do for a living?  
3 PROSPECTIVE JUROR NO. 002: Truck driver for the  
4 Clark County School District.  
5 THE COURT: I'm sorry. Hang on one second.  
6 (Pause in proceedings)  
7 THE COURT: Let me get you to pass the microphone  
8 back to, I'm sorry, to Mr. Brahmer for a second.  
9 Mr. Brahmer, do you have any kids?  
10 PROSPECTIVE JUROR NO. 001: No kids.  
11 THE COURT: No kids. All right. Let's go back to  
12 Mr. Richard.  
13 I'm sorry, Mr. Richard. What do you do for a living?  
14 PROSPECTIVE JUROR NO. 002: Truck driver for the  
15 Clark County School District.  
16 THE COURT: How long have you done that?  
17 PROSPECTIVE JUROR NO. 002: Nine years a bus driver  
18 and nine years as a truck driver now.  
19 THE COURT: Are you married?  
20 PROSPECTIVE JUROR NO. 002: Single.  
21 THE COURT: Have any kids?  
22 PROSPECTIVE JUROR NO. 002: One.  
23 THE COURT: How old?  
24 PROSPECTIVE JUROR NO. 002: Eight.  
25 THE COURT: A boy or girl?

1 PROSPECTIVE JUROR NO. 002: A boy.

2 THE COURT: All right. Ever served on a jury before?

3 PROSPECTIVE JUROR NO. 002: Yes.

4 THE COURT: Where and when?

5 PROSPECTIVE JUROR NO. 002: Here, probably about 18  
6 years ago.

7 THE COURT: Eighteen years ago. Was it a criminal or  
8 a civil case?

9 PROSPECTIVE JUROR NO. 002: Civil.

10 THE COURT: Okay. Were you actually on the group of  
11 jurors that deliberated?

12 PROSPECTIVE JUROR NO. 002: Yes.

13 THE COURT: Without telling us what the verdict was,  
14 did you reach a verdict, was there a hung jury, was there a  
15 mistrial?

16 PROSPECTIVE JUROR NO. 002: We reached a verdict.

17 THE COURT: Reached a verdict. Were you the  
18 foreperson?

19 PROSPECTIVE JUROR NO. 002: No.

20 THE COURT: Okay. What was the subject matter of the  
21 case? Was it medical malpractice, construction defect, breach  
22 of contract, generally?

23 PROSPECTIVE JUROR NO. 002: Let's see.

24 THE COURT: I know it's been a long time.

25 PROSPECTIVE JUROR NO. 002: Yeah. It was accused of,

1 I guess -- I don't know. I guess it was insurance fraud.

2 THE COURT: Okay. Anything about your experience as  
3 a juror that might cause you to be something other than fair  
4 and impartial in this case, or might cause you to hesitate  
5 about serving as a juror again possibly?

6 PROSPECTIVE JUROR NO. 002: No.

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

9 PROSPECTIVE JUROR NO. 002: No.

10 THE COURT: Have you or anyone close to you ever been  
11 accused or arrested for a crime whether or not there was a  
12 conviction?

13 PROSPECTIVE JUROR NO. 002: I had a CCW 18 years ago.

14 THE COURT: Eighteen years ago here, or somewhere  
15 else?

16 PROSPECTIVE JUROR NO. 002: Here.

17 THE COURT: And were you convicted of it, or what  
18 happened?

19 PROSPECTIVE JUROR NO. 002: Just a misdemeanor.

20 THE COURT: Okay. A misdemeanor. Anything about  
21 that experience that might cause you to have any feelings  
22 about serving as a juror in a criminal case?

23 PROSPECTIVE JUROR NO. 002: No.

24 THE COURT: Have you or anyone close to you ever been  
25 accused of or been the victim of a crime that was sexual in

1 nature?

2 PROSPECTIVE JUROR NO. 002: No.

3 THE COURT: I appreciate it. Let me ask you to pass  
4 the microphone.

5 What is your badge number?

6 PROSPECTIVE JUROR NO. 005: 005.

7 THE COURT: Mr. Schmidt, what do you do for a living?

8 PROSPECTIVE JUROR NO. 005: I'm retired.

9 THE COURT: What did you use to do?

10 PROSPECTIVE JUROR NO. 005: Spent 30-some years in  
11 retail management.

12 THE COURT: Here or somewhere else?

13 PROSPECTIVE JUROR NO. 005: Here.

14 THE COURT: Married?

15 PROSPECTIVE JUROR NO. 005: Yes.

16 THE COURT: What does your wife do or what did  
17 she do?

18 PROSPECTIVE JUROR NO. 005: She's an accountant,  
19 bookkeeper, presently unemployed.

20 THE COURT: For what kind of organization did she  
21 work?

22 PROSPECTIVE JUROR NO. 005: She used to work for IGT.

23 THE COURT: IGT. All right. Any kids?

24 PROSPECTIVE JUROR NO. 005: I have one son.

25 THE COURT: How old?

1 PROSPECTIVE JUROR NO. 005: He is 30.  
2 THE COURT: Any grandkids?  
3 PROSPECTIVE JUROR NO. 005: Not yet.  
4 THE COURT: Ever served on a jury before?  
5 PROSPECTIVE JUROR NO. 005: No.  
6 THE COURT: Have you or anyone close to you ever been  
7 the victim of a crime?  
8 PROSPECTIVE JUROR NO. 005: Yeah. I was robbed years  
9 and years ago, 40 years ago, when I first moved out here.  
10 THE COURT: Oh, 40 years ago. Okay.  
11 PROSPECTIVE JUROR NO. 005: My apartment was broken  
12 into.  
13 THE COURT: Okay. Was that -- I mean, I know it's  
14 been a while. But was that investigated by Metro or by  
15 another agency?  
16 PROSPECTIVE JUROR NO. 005: It was by the police  
17 department prior to Metro actually.  
18 THE COURT: Oh, before they merged with the sheriff,  
19 you mean?  
20 PROSPECTIVE JUROR NO. 005: Oh, yeah.  
21 THE COURT: Yeah. Okay.  
22 PROSPECTIVE JUROR NO. 005: At least 40 years ago,  
23 when I first moved out here in the late '60s.  
24 THE COURT: Okay. Anything about that experience  
25 that might cause you to hesitate about serving as a juror in a

1 criminal case?

2 PROSPECTIVE JUROR NO. 005: No.

3 THE COURT: Any feelings one way or the other about  
4 law enforcement? Granted that was a long time ago, but I'm  
5 doubting that the same people are still employed by the  
6 agency, but you never know. But anything, any feelings one  
7 way or the other?

8 PROSPECTIVE JUROR NO. 005: No.

9 THE COURT: Have you or anyone close to you ever been  
10 accused or arrested for a crime whether or not there was a  
11 conviction?

12 PROSPECTIVE JUROR NO. 005: No.

13 THE COURT: All right. Have you or anyone close to  
14 you ever been the victim of or accused of a crime that was  
15 sexual in nature?

16 PROSPECTIVE JUROR NO. 005: No.

17 THE COURT: I appreciate it. Let me get you to pass  
18 the microphone.

19 THE MARSHAL: Folks, I'm sorry to harp on this, but  
20 you really need to speak into the top of the microphone.  
21 She's having trouble hearing. It doesn't get recorded if you  
22 don't speak directly into the top of it.

23 THE COURT: Thanks, Randy.

24 Hi. What is your badge number?

25 PROSPECTIVE JUROR NO. 053: 053.



1 THE COURT: Zero, five, three?  
2 PROSPECTIVE JUROR NO. 053: Yeah.  
3 THE COURT: Mr. Correa.  
4 PROSPECTIVE JUROR NO. 053: Yes.  
5 THE COURT: What do you do for a living?  
6 PROSPECTIVE JUROR NO. 053: I'm a physician at Nellis  
7 Air Force Base hospital.  
8 THE COURT: Oh. Okay. And what's your -- do you  
9 have a field, a specialized area of practice?  
10 PROSPECTIVE JUROR NO. 053: Radiology.  
11 THE COURT: Radiology. Are you married?  
12 PROSPECTIVE JUROR NO. 053: No.  
13 THE COURT: Any kids?  
14 PROSPECTIVE JUROR NO. 053: One.  
15 THE COURT: A boy, a girl, how old?  
16 PROSPECTIVE JUROR NO. 053: A boy, 30 years old.  
17 THE COURT: Grandkids?  
18 PROSPECTIVE JUROR NO. 053: No.  
19 THE COURT: Ever served on a jury before?  
20 PROSPECTIVE JUROR NO. 053: No.  
21 THE COURT: Have you or anyone close to you ever been  
22 the victim of a crime?  
23 PROSPECTIVE JUROR NO. 053: No.  
24 THE COURT: Have you or anyone close to you ever been  
25 accused of a crime whether or not there was a conviction?

1 PROSPECTIVE JUROR NO. 053: No.

2 THE COURT: Have you or anyone close to you ever been  
3 the victim of a crime or accused of a crime that was sexual in  
4 nature?

5 PROSPECTIVE JUROR NO. 053: No.

6 THE COURT: Let me ask you this: In your job as a  
7 physician, do you deal very often with people who have been  
8 victims of crimes?

9 PROSPECTIVE JUROR NO. 053: Here and there we get  
10 some assault cases.

11 THE COURT: Anything about dealing with them or your  
12 experiences as a physician that might cause you to have any  
13 hesitation about serving as a juror or that might cause you to  
14 be something other than fair and impartial?

15 PROSPECTIVE JUROR NO. 053: No.

16 THE COURT: Let me ask you this. I have no idea  
17 whether or not there will be any testimony regarding medical  
18 evidence or not. Sometimes there is, sometimes there isn't in  
19 criminal cases. You may or may not hear testimony from  
20 doctors, from pathologists, from crime scene analysts that may  
21 or may not be scientific in nature. Do you think that you  
22 could evaluate their testimony fairly and impartially?

23 PROSPECTIVE JUROR NO. 053: Yes.

24 THE COURT: And you said you're a radiologist, right?

25 PROSPECTIVE JUROR NO. 053: Yes.

1 THE COURT: Let me get you to pass the microphone.  
2 Hi. What is your badge number?  
3 PROSPECTIVE JUROR NO. 057: 057.  
4 THE COURT: Mr. Anderson.  
5 PROSPECTIVE JUROR NO. 057: Yes.  
6 THE COURT: What do you do for a living?  
7 PROSPECTIVE JUROR NO. 057: Work at Whole Foods.  
8 THE COURT: I'm sorry?  
9 PROSPECTIVE JUROR NO. 057: At a grocery store.  
10 THE COURT: Okay. How long have you been in Vegas?  
11 PROSPECTIVE JUROR NO. 057: My whole life, 21 years.  
12 THE COURT: Are you married?  
13 PROSPECTIVE JUROR NO. 057: No.  
14 THE COURT: Any kids?  
15 PROSPECTIVE JUROR NO. 057: No.  
16 THE COURT: Ever served on a jury before?  
17 PROSPECTIVE JUROR NO. 057: No.  
18 THE COURT: Have you or anyone close to you ever been  
19 the victim of a crime?  
20 PROSPECTIVE JUROR NO. 057: No.  
21 THE COURT: Have you or anyone close to you ever been  
22 accused of a crime whether or not there was a conviction?  
23 PROSPECTIVE JUROR NO. 057: A minor, consumption of  
24 alcohol, and --  
25 THE COURT: How long ago was that?

1 PROSPECTIVE JUROR NO. 057: Like a year ago.  
2 THE COURT: And that was here in Las Vegas?  
3 PROSPECTIVE JUROR NO. 057: In Henderson.  
4 THE COURT: In Henderson.  
5 PROSPECTIVE JUROR NO. 057: And then obstruction of a  
6 peace officer like two years ago.  
7 THE COURT: So those were two separate cases?  
8 PROSPECTIVE JUROR NO. 057: Yes, sir.  
9 THE COURT: And they both occurred when you were a  
10 juvenile, or were you an adult?  
11 PROSPECTIVE JUROR NO. 057: No. I think one when I  
12 was 19 and one when I was 20.  
13 THE COURT: Oh, okay. Nineteen and 20. So were you  
14 ultimately convicted of those offenses?  
15 PROSPECTIVE JUROR NO. 057: Yep.  
16 THE COURT: And they were both misdemeanors, right?  
17 PROSPECTIVE JUROR NO. 057: Yes.  
18 THE COURT: Are you still doing anything with those  
19 cases, or are the cases closed?  
20 PROSPECTIVE JUROR NO. 057: They're closed.  
21 THE COURT: They're closed. And they were both  
22 investigated by Henderson?  
23 PROSPECTIVE JUROR NO. 057: Yes.  
24 MR. FELICIANO: Excuse me, Judge. We have a -- I  
25 think we're getting it fixed here.

1 THE COURT: Oh, okay.

2 THE MARSHAL: Your Honor, she needs to use the  
3 restroom real quick.

4 THE COURT: Oh, okay. Let's do this. It's  
5 now 12:30. I know you guys prefer to push through, but we're  
6 having technical issues and some people need to use the  
7 restroom. Let's call a break right now. It's now 12:30. We  
8 have to take at least an hour break. So let's reconvene at  
9 about -- well, let me ask all of you this. Do you guys want a  
10 longer lunch break?

11 Because I don't know how familiar you guys are with  
12 downtown. There's not that many food options down here. Do  
13 you want a little extra time, or is an hour going to be enough  
14 time? Who wants more than an hour; is there a show of hands?  
15 All right. Let's keep it an hour. Let's see you guys back  
16 here at 1:30 then.

17 During this break -- hang on. I got some  
18 instructions for you. During this break -- now that you know  
19 a little bit about this case. You haven't heard any testimony  
20 or evidence, but you've heard a description about what this  
21 case is about. During this break, do not talk with each other  
22 about this case. Do not speculate what this case may not be  
23 or may be about. Don't get on your phones and Google what  
24 this case may be about and see if there's any news reports or  
25 anything like that.

1           When you come back in the afternoon, there's a  
2 possibility that there may be some witnesses or other people  
3 associated with the case, maybe somebody from their office or  
4 their office lingering out in the hallway. Don't talk with  
5 anybody about this case. What I'd recommend that you do is  
6 during the entire lunch break wear your juror badge. That way  
7 everybody in the courthouse knows that you're a juror and  
8 everybody knows not to talk with you.

9           If you see me or my staff or anyone associated with  
10 this case in the hallway, by law we're not required -- we're  
11 not permitted to even talk with you, not even socially. We  
12 can't even ask you, hey, how is it going. All right. So if  
13 you see people who sort of turn and walk away when they see  
14 you coming, don't take it personally. It's they're just  
15 following what -- complying with the law.

16           And for that reason, anytime you're close to the  
17 courthouse, please have your badge on. That way we know that  
18 you're a juror and if we're, you know, riding up in the  
19 elevator and we just strike up a conversation, we know there's  
20 not going to be a screw-up if you have your badge on.

21           In fact, what I would recommend that you do is during  
22 lunch break please only talk with people who have a badge on.  
23 That way you know that they're not going to be a witness in  
24 this case, they don't work for the DA, they don't work for  
25 their office, you know, anything like that. All right.

1           This wouldn't happen in the next hour, but it's a  
2 standard instruction. Don't go to the crime scene and  
3 visit it. Don't do any investigation of this case, anything  
4 like that. Other than that, I will see you guys in an hour  
5 and we'll get started hopefully right on time and push  
6 through. All right.

7           THE MARSHAL: And folks, please remember who you're  
8 sitting by, because we have changed out some people in the  
9 seats. So you're not going to line up in numerical order out  
10 front. You're going to line up in the order that you are  
11 presently seated in. Thank you.

12           THE COURT: All right. See you guys in an hour.  
13 Thank you.

14           (Prospective jurors recessed at 12:28 p.m.)

15           THE COURT: Do we have the issue fixed or not? Can  
16 you stand by the defendant really quickly.

17           All right. We're now outside the presence of the  
18 jury. Is there anything that either side wanted to address or  
19 put on the record before we take a lunch break?

20           MR. FELICIANO: No.

21           MS. FLECK: Nothing from the State. Thank you.

22           THE COURT: All right. See you guys at 1:30, and  
23 we'll try to get started on time and at least let some of the  
24 people go. I'm on Mr. Anderson, right? Yeah. Okay. All  
25 right. See you guys in an hour. If there's anything that you

1 guys wanted to put on the record, let's try to show up --

2 Well, no, but you guys need an hour. You'll be  
3 overtime if you don't, right?

4 (Inaudible response.)

5 THE COURT: Let's try to reconvene like maybe 1:25.  
6 Let's just see if there's anything that you guys want to put  
7 on the record, all right?

8 MS. FLECK: Okay.

9 THE COURT: And hopefully that technical issue will  
10 be fixed. I don't know if it's going to be or not.

11 (Court recessed at 12:30 p.m. until 1:31 p.m.)

12 (Outside the presence of the prospective jurors.)

13 THE COURT: Do we have a second Spanish interpreter  
14 for that other juror also, or do we just have the one? Okay.  
15 Good. Excellent.

16 UNKNOWN SPEAKER: And then the other two ladies  
17 should be back for him.

18 THE COURT: Okay. Here's what we're going to -- hey  
19 guys, here's what we're going to do. We now have some extra  
20 interpreters. We have -- she's a Tagalog interpreter and he's  
21 an extra Spanish interpreter for the two jurors. What we're  
22 going to do is I think we're going to need to rearrange them  
23 and have them sit like maybe over there, so the interpreters  
24 can sit next to them.

25 (Pause in proceedings)



1 THE CLERK: Can I get your name, ma'am?

2 THE INTERPRETER: It's Josephina. Last name spells D  
3 as in David, o-o-l-e-y.

4 THE COURT: Then apparently we don't have a second  
5 interpreter for that other juror then. I don't know why we  
6 don't.

7 (Pause in proceedings)

8 THE COURT: All right. Here's what we're going to  
9 have to do, I think. Should we wait for Michelle?

10 MR. GRAHAM: She's on her way.

11 THE COURT: We have -- here's what happened. We have  
12 the Tagalog interpreter for that one juror. We don't have  
13 a -- there apparently was a mix-up. We don't have the second  
14 Spanish interpreter for the other juror, but I think what we  
15 might have to do is, because we're just getting even the one  
16 interpreter somewhat late, if it ends up they're in the box or  
17 get close to the box, we might have to just, you know, with a  
18 Spanish interpreter sort of re-canvass those two jurors.

19 They're pretty far away right now. They're 68  
20 and 69. But without a second Spanish interpreter, rather than  
21 hold up everything for a second interpreter to get here, let's  
22 just move on, and if they get too close to the box, I'll just  
23 start over again with them. Is that all right with you guys?

24 (Ms. Fleck enters the courtroom.)

25 THE COURT: That's all right.

1 Amy, is that all right with you if we do it that way?

2 MS. FELICIANO: I'm sorry. I was...

3 THE COURT: Here's the situation. Apparently we now  
4 have a Tagalog interpreter for that juror, but not a second  
5 Spanish interpreter. They didn't even assign one because  
6 apparently there was a mix-up in the communication. Right now  
7 they're pretty far away. They're at 68 and 69. I don't know  
8 if they're going to get close to the box.

9 But if it turns out one of them or both of them get  
10 close to the box, I think what we might have to do is when we  
11 get the interpreter here, like start over again just  
12 individually with those two. But I don't want to have  
13 everybody waiting just while we wait for another interpreter.  
14 You know what I mean. Is that all right with you if we do it  
15 that way?

16 MS. FELICIANO: Yeah. I think that's fine.

17 THE COURT: Okay. Do you want me to put that on the  
18 record? Does it matter to you?

19 MS. FELICIANO: The Court's indulgence.

20 MR. FELICIANO: I'm sorry.

21 (Pause in proceedings)

22 THE COURT: Actually, they're not that far away.  
23 They're only like six away, it looks like, five or six away.

24 MS. FELICIANO: See, that's what it was looking to  
25 me, like they were getting kind of close.

1 THE COURT: Yeah. Actually, now that I took it back.  
2 They're somewhat close now, but at least being in the box.

3 MS. FELICIANO: Right. Because they're just sitting  
4 like right back there and we're --

5 THE COURT: The problem is we don't have a second  
6 Spanish interpreter even now. At least we have a Tagalog one,  
7 but we don't have a second one. So and apparently they're not  
8 sending one because there was some mix-up. So what do we want  
9 to do then?

10 THE INTERPRETER: Well, he's going to find somebody  
11 for the juror. He's going to find somebody and send them  
12 over.

13 THE COURT: Well, I mean, they've been finding  
14 someone for...

15 MS. FELICIANO: The only issue is that if that person  
16 were to get put into the panel, then everything would come to  
17 a grinding halt. We can't skip them.

18 THE COURT: Yeah. And that's -- actually, he's only  
19 five away, Mr. Aguilar. I don't know. I mean, it depends on  
20 how quickly we can get the second interpreter up here.

21 THE INTERPRETER: Jeff's saying that it may be a  
22 while for a second interpreter, but there's an extra headset.  
23 He wanted to know if he can interpret for the both of them,  
24 and then when you're asking the juror specifically a question,  
25 if he can interpret for them until they find somebody.

1 THE COURT: What do you guys think?

2 (Pause in proceedings)

3 THE COURT: See, that's the thing is I mean, it might  
4 work, except the one thing that you won't be able to do is you  
5 won't be able to talk to your client while the interpreter's  
6 interpreting for him is the problem. And not only that, but  
7 if you do talk to your client and he's got the headset on, he  
8 can hear what you guys are talking about.

9 MS. FELICIANO: That's what I'm worried about is  
10 compromising the integrity of the proceedings by having the  
11 interpreters interpreting for multiple people. That's why  
12 they have to keep them separate.

13 THE COURT: But apparently it's going to be a while  
14 for a second interpreter to get here.

15 THE INTERPRETER: Yes, Your Honor. We're short on  
16 one. I was pulled off a trial downstairs -- or upstairs, so  
17 we should have two.

18 THE COURT: So I mean, what do we -- what do you guys  
19 want to do? Do you want -- you know, I don't know if you --  
20 the problem is they're five away, so we could be getting to  
21 them relatively quickly, and then the whole thing grinds to a  
22 halt. Unless we want to push them back further in line until  
23 an interpreter gets here. I don't know.

24 MS. FLECK: I don't know if they're not under -- I  
25 mean, they've answered the questions thus far. I don't know

1 if they're saying we don't feel comfortable sitting on a  
2 sexual assault trial because there's going to be complicated  
3 topics that we might not understand.

4 But, you know, if one has lived here for 10 years and  
5 one for 12 years, and they've understood some things thus far,  
6 I think it seems though they can at least answer the basic  
7 questions that are being posed.

8 THE COURT: Yeah. Well, I mean, they seem like they  
9 understand -- I mean, every time I've asked them a question it  
10 seemed like they can understand. I don't know if there's  
11 questions that they don't understand that they're just not  
12 raising their hand for.

13 MS. FELICIANO: Well, the problem is that both of  
14 them sought you out personally, the Mr. Aguilar fairly  
15 early in. The very first question that you asked he sought  
16 you out and said, Judge, I don't understand the English  
17 language, I have difficulty. Both of them said that they  
18 didn't think they could sit on this trial because of their  
19 language issue. So now we're correcting that issue.

20 I'm just concerned about proceeding forward with  
21 them. Maybe they understand, maybe they don't, when they both  
22 said I don't think I can sit because I don't understand what's  
23 going on. Mr. Aguilar was the first question you asked --

24 THE COURT: Right.

25 MS. FELICIANO: -- is anybody going out of town, and

1 he said, Hey, I don't understand, I don't speak English.

2 THE COURT: Well, I mean, so what's the solution,  
3 because we don't have a second interpreter here.

4 MS. FELICIANO: I guess to wait for an interpreter.  
5 I mean, I hate to slow it down, but I mean --

6 MS. FLECK: Why don't we pull him in and see. I  
7 mean, is it something that he can -- he's answering your  
8 questions. So is it -- I mean, somebody saying that they  
9 don't feel comfortable sitting in a trial where they have to  
10 determine guilt beyond a reasonable doubt on a sexual assault  
11 case, that's entirely different than someone not being able to  
12 under -- you know, understanding the basic where you're from,  
13 all that kind of -- are you the victim of a crime.

14 Those are two different levels of comprehension of  
15 the English language, I would imagine. And a lot of times  
16 they say they don't understand and yet, you know, they  
17 understand perfectly fine, they just don't feel comfortable  
18 enough to engage in deliberations or to listen to expert  
19 testimony, that kind of thing.

20 THE COURT: Well, let's bring him in. I can ask him.  
21 At least we can get through -- well, let me ask him. Let's  
22 bring them all in, Randy.

23 Let's go back on the record first. Are you ready?

24 THE CLERK: We're ready.

25 THE COURT: All right. State vs. Guillermo

1 Renteria-Novoa, C268285. Can everybody state their  
2 appearances for the record.

3 MS. FLECK: Michelle Fleck for the State.

4 MR. GRAHAM: Nick Graham with Michelle Fleck for the  
5 State.

6 MR. FELICIANO: Mike Feliciano for the defense.

7 MS. FELICIANO: Amy Feliciano for the defense.

8 THE COURT: All right. The defendant's present in  
9 custody with the assistance of a Spanish interpreter.

10 Mr. Interpreter, for the record, what is your name?

11 THE INTERPRETER: Michael Barry.

12 THE COURT: All right. We also have present with us  
13 a Tagalog interpreter. For the record, what is your name?

14 THE INTERPRETER: Josephina Dooley.

15 THE COURT: Thank you. And she is going to assist  
16 Prospective Juror No. 69, Ms. Martinez. We do not have a  
17 second Spanish interpreter. Apparently the interpreter's  
18 office is short an interpreter today, so they don't have  
19 enough to bring us a second Spanish interpreter right now. We  
20 just called down, and the interpreter's office indicated that  
21 it's going to be, quote, a while, close quote, until we get a  
22 second one here.

23 So what we're going to do is -- and that would be for  
24 the record, for Prospective Juror No. 68, Mr. Aguilar, who  
25 previously indicated that English is not his native language.

1 So I think what we're going to do now, since we don't know  
2 when the second interpreter is going to come, let's bring the  
3 jury in, and I'll ask Mr. Aguilar --

4 First I'm going to ask Ms. Martinez, now that she has  
5 an interpreter, if there's any -- anything that she wants to  
6 add in response to the questions that we've already gone over.  
7 And then I'll ask Mr. Aguilar a little bit and see what his  
8 level of comprehension is, is he understanding the questions  
9 that have been asked so far and those kinds of things, and see  
10 if we can proceed or not with -- without a second Spanish  
11 interpreter.

12 You know what. Let's do this. Let's bring  
13 Mr. Aguilar in separately actually. And then we'll question  
14 him so he's not embarrassed in front of everybody. And -- I  
15 was going to say let's bring Ms. Martinez in also, but Randy's  
16 out.

17 THE MARSHAL: Do you want me to tell him?

18 THE COURT: Yeah. Let's bring 69, Ms. Martinez in  
19 also.

20 (Prospective Jurors No. 68 and 69 enter the courtroom.)

21 THE COURT: Hi, Mr. Aguilar. Can you -- we need him  
22 kind of near a microphone. Can you step up here kind of in  
23 between these two tables.

24 All right. Ms. Martinez, come up here for a second.  
25 This is Josephina. She is an interpreter. Okay. Before we



1 start, I wanted to ask you, I know I asked a bunch of  
2 questions this morning. Did you understand all the questions  
3 that I asked this morning? Do you want me to repeat any of  
4 them?

5 PROSPECTIVE JUROR NO. 069: Yes. I understood all  
6 the questions.

7 THE COURT: Okay. Were there any that you wanted me  
8 to repeat for you now that you have the assistance of an  
9 interpreter?

10 PROSPECTIVE JUROR NO. 069: No.

11 THE COURT: Are you the second interpreter?

12 THE INTERPRETER: Mm-hmm.

13 THE COURT: Oh, good. Excellent. For the record,  
14 what is your name?

15 THE INTERPRETER: Yul Haasmann, Y-u-l. Haasmann,  
16 H-a-a-s-m-a-n-n.

17 THE COURT: All right. I appreciate your being here.  
18 This is Mr. Aguilar. He is a prospective juror in this case.  
19 He indicated earlier that English is not his native language.

20 Now, now that we have the assistance of a second  
21 Spanish interpreter present, Mr. Aguilar, this morning I asked  
22 a series of questions to all the members of the prospective  
23 jury. Did you understand all my questions, or are there any  
24 that you want me to repeat now that you have the interpreter  
25 here?

1 PROSPECTIVE JUROR NO. 068: I understood what he  
2 asked me. What he was asking in general, I didn't catch it.

3 THE COURT: Okay. Let me ask you some questions.  
4 Have you ever been convicted of a felony in the United States?

5 PROSPECTIVE JUROR NO. 068: No.

6 MS. FELICIANO: Judge, I'm sorry. I didn't catch  
7 this. It's probably my mistake, but have we stated his badge  
8 number for the record, since we're going to be doing  
9 questioning?

10 THE COURT: In case I did not, Mr. Aguilar's badge  
11 number is 68.

12 Mr. Aguilar, are you a citizen of the United States?

13 PROSPECTIVE JUROR NO. 068: Yes.

14 THE COURT: Let's see here. Are you acquainted with  
15 any of the attorneys in this case, or any of the names that  
16 were read to you earlier today?

17 PROSPECTIVE JUROR NO. 068: No.

18 THE COURT: Other than your language issue that you  
19 mentioned, is there any reason why you could not serve as a  
20 juror in this case for the rest of this week?

21 PROSPECTIVE JUROR NO. 068: I am unemployed. Right  
22 now I am available.

23 THE COURT: Okay. Have you ever been engaged in law  
24 enforcement work or have a close relative who's been engaged  
25 in law enforcement work?

1 PROSPECTIVE JUROR NO. 068: No.

2 THE COURT: All right. Would you be able to follow  
3 all instructions that I give on the law, even if the  
4 instructions differ from your personal beliefs regarding what  
5 the law should be?

6 PROSPECTIVE JUROR NO. 068: Yes.

7 THE COURT: Okay. Under our system there are certain  
8 principles of law that apply in every criminal trial. They  
9 are that the Information filed in this case is a mere  
10 accusation and not itself evidence of guilt, that the  
11 defendant is presumed innocent and the State must prove that  
12 the defendant is guilty beyond a reasonable doubt. Do you  
13 understand and agree with these basic principles of law?

14 PROSPECTIVE JUROR NO. 068: I agree with the law  
15 must -- that the law must comply with the law.

16 THE COURT: Whether you agree with it or not?

17 PROSPECTIVE JUROR NO. 068: I agree.

18 THE COURT: Okay. Do you think that you might know  
19 anything about this case other than what you've heard in the  
20 court today?

21 PROSPECTIVE JUROR NO. 068: No. Because my degree in  
22 my school up to the grade ten, I don't have much --

23 THE COURT: I'm not sure what he said.

24 PROSPECTIVE JUROR NO. 068: I mean, I don't have too  
25 much experience.

1 THE COURT: No. I --

2 PROSPECTIVE JUROR NO. 068: [Unintelligible] listen  
3 to the language because I don't understand it.

4 THE COURT: Okay. The question is: Do you think  
5 that you might know something about this case; for example,  
6 maybe you think you saw it on the Internet or heard it on the  
7 news or read about it in the newspaper?

8 PROSPECTIVE JUROR NO. 068: No, no. Not me.

9 THE COURT: Do you want to just go ahead and do all  
10 the questions, his biography, you know, where he works, that  
11 kind of thing right now while we have him, or just...

12 MR. FELICIANO: It's up to the Court. I'd really  
13 like to do it, I guess, while we're here. I mean, we can  
14 [inaudible] while we're here.

15 THE COURT: No. Let's just -- we'll cover that when  
16 we get to him then. Were there any other questions that I  
17 missed? Let me just double-check my list here that I asked  
18 everybody else.

19 MS. FLECK: You asked victim and accused?

20 THE COURT: Well, that goes with the individual one  
21 by one.

22 MS. FLECK: What does he do for work?

23 THE COURT: He said he's unemployed, right?

24 MS. FLECK: Yeah, from what though?

25 THE COURT: What did you used to do before you were

1 unemployed?

2 PROSPECTIVE JUROR NO. 068: The whole time that I  
3 have been here in the U.S. I have been a carpenter.

4 THE COURT: Okay. You know what. I did miss one  
5 question. Do you have any close relatives or friends who  
6 either work for the DA's office or might work for or are  
7 criminal defense attorneys?

8 PROSPECTIVE JUROR NO. 068: No.

9 THE COURT: All right. Well, at least that catches  
10 him up to where we are. All right. Let's do this. We might  
11 as well keep the two of them in here and bring the rest of the  
12 jurors in here and have them seated. Let's have the two of  
13 them maybe sit kind of somewhere on that side, because there's  
14 no more seats over there for the interpreters. All right.

15 All right. Let's bring them all in then. And you  
16 know what, yeah, maybe just kind of in the back corner there.

17 Is there anything either side wanted to put on the  
18 record before we bring the members of the prospective jury in?

19 MR. FELICIANO: No, Judge.

20 MS. FLECK: Nothing from the State.

21 THE COURT: All right. Let's bring them in then.

22 (Prospective jurors enter at 1:52 p.m.)

23 THE COURT: Will counsel stipulate to the presence of  
24 the prospective jurors?

25 MS. FLECK: State stipulates, Your Honor.

1 MR. FELICIANO: Yes, Your Honor.

2 THE COURT: All right. Ladies and gentlemen, thank  
3 you very much. I apologize for making you guys wait out in  
4 the hallway for a few minutes, but you might remember that two  
5 members of the prospective panel here today requested the  
6 assistance of interpreters.

7 We now have some interpreters, so I wanted to make  
8 sure that they were all caught up and up to speed on some of  
9 the questions and they understood everything that had happened  
10 today. So I had to make sure they were all on the same page.  
11 I do apologize for making you guys wait, but hopefully you'll  
12 understand why that happened.

13 All right. When we left off I was with Mr. Anderson.  
14 Right. Where's the microphone, Randy? Do we have it? I  
15 don't know what you did with it. Are we missing some people?

16 THE MARSHAL: Yeah, I think so, because I only count  
17 [inaudible] 32 and then there's 23, so that's 55, and we're  
18 short -- and we've only excused three.

19 THE CLERK: We've excused five.

20 THE MARSHAL: We have?

21 THE CLERK: Mm-hmm. Number 84 and [inaudible].

22 THE MARSHAL: Did I miss two?

23 THE CLERK: Mm-hmm.

24 (Inaudible discussion.)

25 THE COURT: All right. Let's get the microphone to

1 Mr. Anderson. Mr. Anderson, when we left, you had indicated  
2 that you had a couple of very minor misdemeanor cases which  
3 have now been closed. So the question is: Was there anything  
4 about those experiences that might cause you to hesitate or  
5 might cause any issues with you serving as a juror in this  
6 case?

7 PROSPECTIVE JUROR NO. 057: No.

8 THE COURT: Do you think that you were treated fairly  
9 by the police and the DA's office in your cases?

10 PROSPECTIVE JUROR NO. 057: No, not with the first  
11 obstruction charge, but I figured I couldn't do much about it.

12 THE COURT: Who charged you? Was it the Clark County  
13 DA's Office or someone else, Henderson city attorney?

14 PROSPECTIVE JUROR NO. 057: Henderson, I believe.

15 THE COURT: Henderson city attorney. All right. So  
16 you don't think that you were necessarily treated fairly, and  
17 that was the Henderson police, right?

18 PROSPECTIVE JUROR NO. 057: Yes, sir.

19 THE COURT: So given that feeling and, you know, I  
20 don't know exactly what happened obviously, but let's say in  
21 fact you were treated unfairly by either the Henderson police  
22 or the Henderson city attorney's office, would that cause you  
23 any concerns?

24 Could you be fair and impartial toward the Metro  
25 police witnesses who testify in this case and the Clark County

1 DA's Office in this case? Would you hold it against them  
2 that, you know, whatever happened in your other case?

3 PROSPECTIVE JUROR NO. 057: No.

4 THE COURT: Okay. You could be fair and impartial?

5 PROSPECTIVE JUROR NO. 057: Yes.

6 THE COURT: All right. I can't recall if I asked  
7 this or not, but have you or anyone close to you ever been the  
8 victim of a crime either sexual in nature or otherwise?

9 PROSPECTIVE JUROR NO. 057: No.

10 THE COURT: Can I get you to pass the microphone.

11 Hi. What is your badge number?

12 PROSPECTIVE JUROR NO. 013: 013.

13 THE COURT: Ms. Barrow.

14 PROSPECTIVE JUROR NO. 013: Yes.

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

16 PROSPECTIVE JUROR NO. 013: I am a teacher for the  
17 Clark County School District.

18 THE COURT: How long have you done that?

19 PROSPECTIVE JUROR NO. 013: This is my seventh year.

20 THE COURT: Are you married?

21 PROSPECTIVE JUROR NO. 013: Yes.

22 THE COURT: And what does your husband do?

23 PROSPECTIVE JUROR NO. 013: He is a tile setter.

24 THE COURT: Okay. Any kids?

25 PROSPECTIVE JUROR NO. 013: Yes.



1 THE COURT: How old?  
2 PROSPECTIVE JUROR NO. 013: I have twins.  
3 They're 15.  
4 THE COURT: Boys, girls?  
5 PROSPECTIVE JUROR NO. 013: Boys.  
6 THE COURT: Fifteen-year-old twins. All right. Ever  
7 served on a jury before?  
8 PROSPECTIVE JUROR NO. 013: No.  
9 THE COURT: Have you or anyone close to you ever been  
10 the victim of a crime either sexual in nature or otherwise?  
11 PROSPECTIVE JUROR NO. 013: My house was burglarized  
12 a year and a half ago.  
13 THE COURT: Here in Las Vegas?  
14 PROSPECTIVE JUROR NO. 013: Yes. North Las Vegas.  
15 THE COURT: I'm sorry. North Las Vegas?  
16 PROSPECTIVE JUROR NO. 013: Yes.  
17 THE COURT: Did you call the police?  
18 PROSPECTIVE JUROR NO. 013: Yes.  
19 THE COURT: And did they respond?  
20 PROSPECTIVE JUROR NO. 013: Yes.  
21 THE COURT: And that was the North Las Vegas police?  
22 PROSPECTIVE JUROR NO. 013: [No audible response.]  
23 THE COURT: Did they catch anybody?  
24 PROSPECTIVE JUROR NO. 013: No, not that I know of.  
25 THE COURT: How do you -- how do you feel about the

1 job they did?

2 PROSPECTIVE JUROR NO. 013: I thought that --

3 THE COURT: Obviously it would have been better if  
4 they caught somebody, but do you think that they -- is there  
5 anything about their investigation that you think you have any  
6 feelings, strong feelings one way or the other?

7 PROSPECTIVE JUROR NO. 013: No. I thought they did  
8 okay.

9 THE COURT: Have you ever received a subpoena to  
10 testify in trial?

11 PROSPECTIVE JUROR NO. 013: No.

12 THE COURT: So anything about that incident that  
13 might cause you to be anything other than fair and impartial  
14 in this case?

15 PROSPECTIVE JUROR NO. 013: No. I don't believe so.

16 THE COURT: Have you or anyone close to you ever been  
17 accused of a crime, whether or not there was a conviction, and  
18 either a crime that's sexual in nature or otherwise?

19 PROSPECTIVE JUROR NO. 013: Yes. My brother has  
20 served time in two states outside Nevada.

21 THE COURT: Your brother has served time for what?

22 PROSPECTIVE JUROR NO. 013: In California, I believe  
23 it was armed robbery. And in Texas it was breaking and  
24 entering, I think.

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

1 PROSPECTIVE JUROR NO. 013: I believed -- I believe  
2 the armed robbery was in 1994, and the breaking and entering  
3 was probably in, I want to say 2000.

4 THE COURT: How many brothers do you have? Is this  
5 the same brother that was the police officer, or not?

6 PROSPECTIVE JUROR NO. 013: No. I have two brothers.

7 THE COURT: Okay. Got you.

8 PROSPECTIVE JUROR NO. 013: Very different.

9 THE COURT: Just wanted to clarify that. Do you  
10 think that he was treated fairly or unfairly by the system?

11 PROSPECTIVE JUROR NO. 013: I think he was treated  
12 pretty fairly.

13 THE COURT: So is there anything about what happened  
14 to him, anything he went through with the court system or  
15 anything like that, that might cause you to be something other  
16 than fair and impartial in this case?

17 PROSPECTIVE JUROR NO. 013: No. I don't believe so.

18 THE COURT: I appreciate it. Can you pass the  
19 microphone.

20 Hi. What is your badge number?

21 PROSPECTIVE JUROR NO. 016: 016.

22 THE COURT: Mr. Cordero.

23 PROSPECTIVE JUROR NO. 016: Yes.

24 THE COURT: Excellent. What do you do for a living?

25 PROSPECTIVE JUROR NO. 016: I'm engineer in Primm

1 Valley Resorts & Casino in Primm, Nevada.

2 THE COURT: How long have you done that?

3 PROSPECTIVE JUROR NO. 016: Nine years and six  
4 months.

5 THE COURT: Are you married?

6 PROSPECTIVE JUROR NO. 016: Divorced.

7 THE COURT: Any kids?

8 PROSPECTIVE JUROR NO. 016: Two, 26 and 22.

9 THE COURT: How old, 22 and what?

10 PROSPECTIVE JUROR NO. 016: Twenty-six.

11 THE COURT: Twenty-six and 22.

12 PROSPECTIVE JUROR NO. 016: Oh, no, no. Twenty-four.

13 Twenty-four and 22.

14 THE COURT: Oh, 54 [sic]. Okay. Any grandkids?

15 PROSPECTIVE JUROR NO. 016: No.

16 THE COURT: Are your kids boys or girls?

17 PROSPECTIVE JUROR NO. 016: They're both girl.

18 THE COURT: Ever served on a jury before?

19 PROSPECTIVE JUROR NO. 016: No. This is the first

20 time.

21 THE COURT: Have you or anyone close to you ever been  
22 the victim of a crime either sexual in nature or otherwise?

23 PROSPECTIVE JUROR NO. 016: No.

24 THE COURT: Have you or anyone close to you ever been  
25 accused of a crime, whether or not there was a conviction,

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1 either sexual in nature or otherwise?  
2 PROSPECTIVE JUROR NO. 016: No.  
3 THE COURT: Let me get you to pass the microphone.  
4 Hi. What is your badge number?  
5 PROSPECTIVE JUROR NO. 017: 017.  
6 THE COURT: Mr. Helbert.  
7 PROSPECTIVE JUROR NO. 017: Yes.  
8 THE COURT: I know your brother is an attorney. What  
9 do you do for a living?  
10 PROSPECTIVE JUROR NO. 017: That's my daughter.  
11 THE COURT: Daughter.  
12 PROSPECTIVE JUROR NO. 017: Yes. I'm sorry. I am  
13 chief engineer at the Venetian.  
14 THE COURT: For who?  
15 PROSPECTIVE JUROR NO. 017: Venetian Palazzo Casino  
16 Resort.  
17 THE COURT: Okay. How long have you done that?  
18 PROSPECTIVE JUROR NO. 017: I've been with the  
19 company 14 years.  
20 THE COURT: Are you married?  
21 PROSPECTIVE JUROR NO. 017: Yes.  
22 THE COURT: What does your wife do?  
23 PROSPECTIVE JUROR NO. 017: She's a librarian for the  
24 Clark County School District.  
25 THE COURT: Okay. Any kids?

1 PROSPECTIVE JUROR NO. 017: Two.  
2 THE COURT: How old, boys or girls?  
3 PROSPECTIVE JUROR NO. 017: A girl 31, and a boy 29.  
4 No grandchildren.  
5 THE COURT: Ever served on a jury before?  
6 PROSPECTIVE JUROR NO. 017: Yes.  
7 THE COURT: Where and when?  
8 PROSPECTIVE JUROR NO. 017: Here about two years ago,  
9 two and a half, three.  
10 THE COURT: Was it a criminal or civil case?  
11 PROSPECTIVE JUROR NO. 017: Criminal.  
12 THE COURT: It's a criminal case. And did you  
13 actually end up on the jury, you go back in the jury room and  
14 deliberate?  
15 PROSPECTIVE JUROR NO. 017: Yes, I did.  
16 THE COURT: Okay. Without telling us what the  
17 verdict was, did the jury reach a verdict?  
18 PROSPECTIVE JUROR NO. 017: On about half of the  
19 counts.  
20 THE COURT: And what happened on the other half? Was  
21 it a hung jury?  
22 PROSPECTIVE JUROR NO. 017: Yes.  
23 THE COURT: Were you the foreperson?  
24 PROSPECTIVE JUROR NO. 017: No.  
25 THE COURT: Anything about that experience -- who was

1 the prosecuting entity? Was it the Clark County DA's Office?

2 PROSPECTIVE JUROR NO. 017: Yes.

3 THE COURT: Was it a case that involved Metro or a  
4 different organization?

5 PROSPECTIVE JUROR NO. 017: Metro.

6 THE COURT: Anything about that jury that might cause  
7 you to hesitate about serving again on another criminal case?

8 PROSPECTIVE JUROR NO. 017: No. Nothing.

9 THE COURT: Let me get you to pass the microphone.

10 What is your badge number?

11 PROSPECTIVE JUROR NO. 027: 027.

12 THE COURT: Oh, two, seven. Mr. Parry.

13 PROSPECTIVE JUROR NO. 027: Yes.

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

15 PROSPECTIVE JUROR NO. 027: I'm retired.

16 THE COURT: What did you use to do?

17 PROSPECTIVE JUROR NO. 027: I was a firefighter.

18 THE COURT: Here or somewhere else?

19 PROSPECTIVE JUROR NO. 027: North Las Vegas.

20 THE COURT: Married?

21 PROSPECTIVE JUROR NO. 027: Yes.

22 THE COURT: And what does your wife do?

23 PROSPECTIVE JUROR NO. 027: She substitute teaches

24 for Clark County School District.

25 THE COURT: Any kids?

1 PROSPECTIVE JUROR NO. 027: Four.

2 THE COURT: How old and are they boys or girls?

3 PROSPECTIVE JUROR NO. 027: Two boys, two girls. The  
4 oldest is 36, the youngest is 25.

5 THE COURT: Any grandkids?

6 PROSPECTIVE JUROR NO. 027: Three.

7 THE COURT: How old are they?

8 PROSPECTIVE JUROR NO. 027: Four, two and three  
9 months.

10 THE COURT: Okay. Ever served on a jury before?

11 PROSPECTIVE JUROR NO. 027: Yes.

12 THE COURT: Where and when?

13 PROSPECTIVE JUROR NO. 027: Here, probably 20 years  
14 ago.

15 THE COURT: Was it a civil or criminal case?

16 PROSPECTIVE JUROR NO. 027: Civil.

17 THE COURT: And did you actually end up on the jury?

18 PROSPECTIVE JUROR NO. 027: Yes.

19 THE COURT: Without telling us what the verdict was,  
20 did you reach a verdict?

21 PROSPECTIVE JUROR NO. 027: Yes.

22 THE COURT: And were you the foreperson?

23 PROSPECTIVE JUROR NO. 027: No.

24 THE COURT: What was the subject matter of the case,  
25 if you remember generally?



1 PROSPECTIVE JUROR NO. 027: It was a civil suit. The  
2 gentleman's mother-in-law ran into him, pinched him between  
3 two cars.

4 THE COURT: Okay. So it's a personal injury type  
5 action?

6 PROSPECTIVE JUROR NO. 027: Yes.

7 THE COURT: Anything about that experience that would  
8 cause you to hesitate about serving as a juror in a criminal  
9 case?

10 PROSPECTIVE JUROR NO. 027: Not -- that it just took  
11 a long time to get over with.

12 THE COURT: Was it a multi-week trial or -- are you  
13 talking about the trial or the deliberation?

14 PROSPECTIVE JUROR NO. 027: No. It just took -- it  
15 just took four days. At the time I got four days off from the  
16 fire department and it took all my four days, so I wasn't real  
17 happy about that.

18 THE COURT: Okay. Have you or anyone close to you  
19 ever been the victim of a crime either of a sexual nature or  
20 otherwise?

21 PROSPECTIVE JUROR NO. 027: No.

22 THE COURT: Have you or anyone close to you ever been  
23 accused of a crime, whether or not there was a conviction,  
24 either sexual in nature or otherwise?

25 PROSPECTIVE JUROR NO. 027: No.

1 THE COURT: Let me get you to pass the microphone.

2 PROSPECTIVE JUROR NO. 027: One other thing. My  
3 daughter-in-law is an attorney here in Las Vegas.

4 THE COURT: Oh. What's her name?

5 PROSPECTIVE JUROR NO. 027: Maren Parry. And also my  
6 first cousin, Stan Parry, is also an attorney here.

7 THE COURT: Oh. Okay. He's your first cousin?

8 PROSPECTIVE JUROR NO. 027: Yes.

9 THE COURT: Have they -- do they do criminal defense?

10 PROSPECTIVE JUROR NO. 027: I'm not sure. My  
11 daughter-in-law doesn't. I'm not sure if Stan does or not.

12 THE COURT: Have they, through the conversations that  
13 you may have had with them, said anything to you that might be  
14 a concern, anything that -- do they talk about cases of this  
15 nature? Do they talk about criminal defense, any, you know,  
16 things like that?

17 PROSPECTIVE JUROR NO. 027: No.

18 THE COURT: All right. I appreciate it. Thanks very  
19 much for the clarification.

20 Hi. What is your badge number?

21 PROSPECTIVE JUROR NO. 024: 024.

22 THE COURT: Ms. Mashas, right?

23 PROSPECTIVE JUROR NO. 024: Correct.

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

25 PROSPECTIVE JUROR NO. 024: I'm a certified public

1 accountant.

2 THE COURT: How long have you done that?

3 PROSPECTIVE JUROR NO. 024: Thirty-plus years.

4 THE COURT: All in Las Vegas, or somewhere else?

5 PROSPECTIVE JUROR NO. 024: All in between --

6 basically Las Vegas. Part of the time I was a public  
7 accountant, part of the time I was in private industry.

8 THE COURT: Are you married?

9 PROSPECTIVE JUROR NO. 024: I am.

10 THE COURT: What does your husband do?

11 PROSPECTIVE JUROR NO. 024: He's a security

12 consultant.

13 THE COURT: For who?

14 PROSPECTIVE JUROR NO. 024: Accuvant.

15 THE COURT: I'm not familiar. Are there -- when you  
16 say security consultant, is he -- is he --

17 PROSPECTIVE JUROR NO. 024: Data security. So he --

18 THE COURT: Oh, data security. Okay. Any kids?

19 PROSPECTIVE JUROR NO. 024: Together we have five  
20 ranging from 13 to 31.

21 THE COURT: Boys, girls?

22 PROSPECTIVE JUROR NO. 024: Three boys, two girls.

23 THE COURT: Ever served on a jury before?

24 PROSPECTIVE JUROR NO. 024: No.

25 THE COURT: Have you or anyone close to you ever been

1 the victim of a crime either sexual in nature or otherwise?

2 PROSPECTIVE JUROR NO. 024: No.

3 THE COURT: Have you or anyone close to you ever been  
4 accused of a crime, whether or not there was a conviction,  
5 whether that crime was sexual in nature or otherwise?

6 PROSPECTIVE JUROR NO. 024: Yes.

7 THE COURT: Okay. Can you explain who, where, when?

8 PROSPECTIVE JUROR NO. 024: This is difficult. My  
9 brother is convicted of sexual assault, similar charges as the  
10 defendant.

11 THE COURT: Here in Las Vegas or somewhere else?

12 PROSPECTIVE JUROR NO. 024: Here.

13 THE COURT: Okay. He was convicted. What year was  
14 the conviction?

15 PROSPECTIVE JUROR NO. 024: 2007.

16 THE COURT: 2007. Was he prosecuted, I'm assuming,  
17 by the Clark County DA's Office?

18 PROSPECTIVE JUROR NO. 024: Yes.

19 THE COURT: Was he -- is he incarcerated now, or he's  
20 on probation, or...

21 PROSPECTIVE JUROR NO. 024: He's incarcerated now.

22 THE COURT: Were you involved in that case in any  
23 way? Did you testify at the trial or anything like that?

24 PROSPECTIVE JUROR NO. 024: No. I was involved in  
25 helping him.

1 THE COURT: Okay. How do you feel about that? Does  
2 that cause you any concerns about sitting as a juror in this  
3 criminal case?

4 PROSPECTIVE JUROR NO. 024: Yeah. I'm -- it scares  
5 the bejeebers out of me, because I'm just -- I understood what  
6 he went through. I don't know if he really did it or didn't  
7 do it. I just don't like the process that he went through  
8 with the police, with the attorney and the whole system. It  
9 just didn't make any sense to me, the whole process.

10 THE COURT: Okay. Well, I mean, obviously I don't  
11 know anything about your brother's case. What was your  
12 brother's name, by the way?

13 PROSPECTIVE JUROR NO. 024: Do I really have to tell  
14 you?

15 THE COURT: Well --

16 PROSPECTIVE JUROR NO. 024: I'll tell you. It's Paul  
17 Provenzano [phonetic].

18 THE COURT: Okay. So I understand -- you know, I  
19 guess, so do you feel that your brother was treated unfairly  
20 by the system; is that what you're saying, or you just didn't  
21 understand how the system works?

22 PROSPECTIVE JUROR NO. 024: Just from what I knew  
23 what happened with the police and with the interview, I think  
24 a lot of it was entrapment. I don't -- as I said, I don't  
25 know if he really did it or didn't do it, but from what

1 happened, from what he told us that happened with the police,  
2 it was somewhat entrapment getting him to agree to what they  
3 were telling him that he should say.

4 THE COURT: Okay. Did you recognize any of the names  
5 that were read to you earlier of the potential witnesses in  
6 this case?

7 PROSPECTIVE JUROR NO. 024: No. Didn't recognize the  
8 police officer's name.

9 THE COURT: Well, obviously I don't know the  
10 circumstances of your brother's case. I don't know if he was  
11 guilty or innocent obviously. But I mean, what happened to  
12 him may or may not be something that happened in other cases.  
13 But -- and obviously you haven't heard the evidence in this  
14 case, so you don't know that either. But do you think that  
15 you could put aside any concerns that you have about how he  
16 was treated and be fair and impartial in this case?

17 PROSPECTIVE JUROR NO. 024: I am not sure.

18 THE COURT: Okay. You are not sure.

19 PROSPECTIVE JUROR NO. 024: I would weigh the  
20 evidence, but I would have this slanted view in the back of my  
21 mind of how he was treated, and I do have concerns even with  
22 my 13-year-old. I won't let anyone take care of him, because  
23 I'm afraid of people now.

24 THE COURT: Do you remember which judge he appeared  
25 in front of, whose courtroom it was?

1 PROSPECTIVE JUROR NO. 024: Yeah. Valerie Adair.  
2 THE COURT: All right. I appreciate it, and I know  
3 it was difficult for you. I appreciate it. Can you pass the  
4 microphone.  
5 What is your badge number?  
6 PROSPECTIVE JUROR NO. 023: 023.  
7 THE COURT: Is it Ms. Shanor?  
8 PROSPECTIVE JUROR NO. 023: Shanor is correct.  
9 THE COURT: What do you do for a living?  
10 PROSPECTIVE JUROR NO. 023: I am the AP manager for  
11 the Marshall Retail Group.  
12 THE COURT: And how long have you done that?  
13 PROSPECTIVE JUROR NO. 023: Nine years.  
14 THE COURT: All in Las Vegas?  
15 PROSPECTIVE JUROR NO. 023: Yes, sir.  
16 THE COURT: Are you married?  
17 PROSPECTIVE JUROR NO. 023: Yes, I am.  
18 THE COURT: What does your husband do?  
19 PROSPECTIVE JUROR NO. 023: He's a painter.  
20 THE COURT: Any kids?  
21 PROSPECTIVE JUROR NO. 023: I have two children, a  
22 daughter 35, and a son 30.  
23 THE COURT: Any grandkids?  
24 PROSPECTIVE JUROR NO. 023: I have four  
25 grandchildren. I have a granddaughter 14. I have a

1 granddaughter four. I have a grandson nine, and I have a  
2 grandson five.

3 THE COURT: Ever served on a jury before?

4 PROSPECTIVE JUROR NO. 023: No, sir.

5 THE COURT: Have you or anyone close to you ever been  
6 the victim of a crime either sexual in nature or otherwise?

7 PROSPECTIVE JUROR NO. 023: My father was a -- for  
8 domestic violence, but that was some 40 years ago.

9 THE COURT: He was the victim or he was accused?

10 PROSPECTIVE JUROR NO. 023: He was -- against my  
11 mother.

12 THE COURT: Okay. That was 40 years ago?

13 PROSPECTIVE JUROR NO. 023: Yes.

14 THE COURT: Here or somewhere else?

15 PROSPECTIVE JUROR NO. 023: In Pennsylvania, sir.

16 THE COURT: Pennsylvania. Anything about that case  
17 that would cause you to hesitate about serving as a juror in  
18 this case?

19 PROSPECTIVE JUROR NO. 023: It was a different time  
20 in an era. It was the '50s.

21 THE COURT: Okay. Do you think that he was treated  
22 fairly or unfairly by the system?

23 PROSPECTIVE JUROR NO. 023: Too fairly.

24 THE COURT: Too fairly? Okay. So would that cause  
25 you any concerns about serving as a juror in this case? Do



1 you think you can be fair and impartial in this case, or would  
2 you have the concern that, well, the whole system is not  
3 working, you know, those kinds of thoughts?

4 PROSPECTIVE JUROR NO. 023: That is a very tough  
5 question. I honestly couldn't say a yes or a no. I would do  
6 my best, but I can't honestly say, sir.

7 THE COURT: Is it just because of your father's case,  
8 or do you have other reasons for that?

9 PROSPECTIVE JUROR NO. 023: Things I've had to deal  
10 with over the years, things I've seen, things I've witnessed,  
11 people I've come in contact with. I was a pastor's wife for  
12 many years and I saw many, many, many things. And it's -- it  
13 would be difficult, but I would do my best.

14 THE COURT: So other than your father, have you or  
15 anyone close to you ever been accused of a crime whether or  
16 not there was a conviction?

17 PROSPECTIVE JUROR NO. 023: No, sir.

18 THE COURT: Let me get you to pass the microphone.

19 Hi. What is your badge number, sir?

20 PROSPECTIVE JUROR NO. 022: 022.

21 THE COURT: Mr. -- is it Winings?

22 PROSPECTIVE JUROR NO. 022: Winings, correct.

23 THE COURT: Winings. What do you do for a living?

24 PROSPECTIVE JUROR NO. 022: I'm retired Navy, 17  
25 years of it submarines, 23 total. And now I drive a cab in

1 Las Vegas.

2 THE COURT: So how long have you been in Las Vegas?

3 PROSPECTIVE JUROR NO. 022: Eighteen years.

4 THE COURT: And are you married?

5 PROSPECTIVE JUROR NO. 022: I'm married.

6 THE COURT: What does your wife do?

7 PROSPECTIVE JUROR NO. 022: She's disabled.

8 THE COURT: Any kids?

9 PROSPECTIVE JUROR NO. 022: I have four boys, five

10 grandchildren.

11 THE COURT: What are their ages?

12 PROSPECTIVE JUROR NO. 022: Grandchildren?

13 THE COURT: Yes.

14 PROSPECTIVE JUROR NO. 022: Range in ages from 15 to

15 two, the oldest being a granddaughter and the youngest a

16 granddaughter.

17 THE COURT: Ever served on a jury before?

18 PROSPECTIVE JUROR NO. 022: Nope.

19 THE COURT: Have you or anyone closely associated

20 with you ever been the victim of a crime either of a sexual

21 nature or otherwise?

22 PROSPECTIVE JUROR NO. 022: Not that I know of.

23 THE COURT: Have you or anyone close to you ever been

24 accused of a crime, whether or not there was a conviction,

25 either sexual in nature or otherwise?

1 PROSPECTIVE JUROR NO. 022: Nope.  
2 THE COURT: Let me get you to pass the microphone.  
3 Thank you.  
4 And what is your badge number?  
5 PROSPECTIVE JUROR NO. 021: 021.  
6 THE COURT: Mr. -- is it Thaler?  
7 PROSPECTIVE JUROR NO. 021: It is.  
8 THE COURT: What do you do for a living?  
9 PROSPECTIVE JUROR NO. 021: Air traffic controller.  
10 THE COURT: At McCarran?  
11 PROSPECTIVE JUROR NO. 021: Mm-hmm.  
12 THE COURT: How long have you done that?  
13 PROSPECTIVE JUROR NO. 021: Coming up four years in  
14 September.  
15 THE COURT: Okay. It's a stressful job, isn't it?  
16 PROSPECTIVE JUROR NO. 021: I love it.  
17 THE COURT: Okay. Excellent. Are you married?  
18 PROSPECTIVE JUROR NO. 021: No.  
19 THE COURT: Any kids?  
20 PROSPECTIVE JUROR NO. 021: No.  
21 THE COURT: Ever served on a jury before?  
22 PROSPECTIVE JUROR NO. 021: No.  
23 THE COURT: Have you or anyone close to you ever been  
24 the victim of a crime either sexual in nature or otherwise?  
25 PROSPECTIVE JUROR NO. 021: No.

1 THE COURT: Have you or anyone close to you ever been  
2 accused of a crime, whether or not there was a conviction,  
3 either sexual in nature or otherwise?

4 PROSPECTIVE JUROR NO. 021: No.

5 THE COURT: I appreciate it. Let me get you to pass  
6 the microphone.

7 Hi. What is your badge number?

8 PROSPECTIVE JUROR NO. 020: 020.

9 THE COURT: Ms. Johnson.

10 PROSPECTIVE JUROR NO. 020: Yes.

11 THE COURT: Okay. Excellent. What do you do for a  
12 living?

13 PROSPECTIVE JUROR NO. 020: I'm retired.

14 THE COURT: What did you use to do?

15 PROSPECTIVE JUROR NO. 020: I worked at the postal  
16 service for 34 years.

17 THE COURT: All in Las Vegas, or somewhere else?

18 PROSPECTIVE JUROR NO. 020: I started out in San  
19 Francisco. I lived there for 33 years. Then I relocated with  
20 the postal service to Charlotte, North Carolina, and I worked  
21 there five years for the postal service. And then I was  
22 transferred to Las Vegas, and I worked here five years and  
23 then retired.

24 THE COURT: Are you married?

25 PROSPECTIVE JUROR NO. 020: Single.

1 THE COURT: Any kids?  
2 PROSPECTIVE JUROR NO. 020: None.  
3 THE COURT: Ever served on a jury before?  
4 PROSPECTIVE JUROR NO. 020: Yes.  
5 THE COURT: Where and when?  
6 PROSPECTIVE JUROR NO. 020: San Francisco. I served  
7 on a federal jury.  
8 THE COURT: Do you remember when?  
9 PROSPECTIVE JUROR NO. 020: It was prior to going to  
10 Charlotte and it was, I'd say now, 15 years ago, 13 years ago,  
11 something like that.  
12 THE COURT: Okay. Was it a civil or criminal case?  
13 PROSPECTIVE JUROR NO. 020: It was civil.  
14 THE COURT: And did you actually end up on the jury?  
15 PROSPECTIVE JUROR NO. 020: Yes, I did.  
16 THE COURT: Did the jury reach a verdict?  
17 PROSPECTIVE JUROR NO. 020: Yes, we did.  
18 THE COURT: And without telling us -- were you the  
19 foreperson?  
20 PROSPECTIVE JUROR NO. 020: Yes, I was.  
21 THE COURT: Okay. You were the foreperson. Anything  
22 about that service that would cause you to hesitate about  
23 serving again as a prospective juror?  
24 PROSPECTIVE JUROR NO. 020: No.  
25 THE COURT: Excellent. Have you or anyone close to

1 you ever been the victim of a crime either sexual in nature or  
2 otherwise?

3 PROSPECTIVE JUROR NO. 020: No.

4 THE COURT: Have you or anyone close to you ever been  
5 accused of a crime, whether or not there was a conviction,  
6 either sexual in nature or otherwise?

7 PROSPECTIVE JUROR NO. 020: No.

8 THE COURT: I appreciate it. Let me get you to pass  
9 the microphone.

10 What is your badge number, ma'am?

11 PROSPECTIVE JUROR NO. 018: 018.

12 THE COURT: Ms. Page.

13 PROSPECTIVE JUROR NO. 018: Mm-hmm.

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

15 PROSPECTIVE JUROR NO. 018: I'm administrative  
16 assistant.

17 THE COURT: For what kind of organization?

18 PROSPECTIVE JUROR NO. 018: For a bank, Bank of Las  
19 Vegas.

20 THE COURT: And how long have you been in Vegas?

21 PROSPECTIVE JUROR NO. 018: Fifty-nine years.

22 THE COURT: Okay. So you remember the old Mafia days  
23 then?

24 PROSPECTIVE JUROR NO. 018: I remember, yeah, a lot  
25 of the different days.

1 THE COURT: Are you married, any kids?  
2 PROSPECTIVE JUROR NO. 018: Widowed, two children,  
3 six grandchildren ranging in age from 15 to five.  
4 THE COURT: Excellent. Boys, girls, both?  
5 PROSPECTIVE JUROR NO. 018: Five boys, one girl.  
6 THE COURT: Ever served on a jury before?  
7 PROSPECTIVE JUROR NO. 018: No.  
8 THE COURT: Have you or anyone close to you ever been  
9 the victim of a crime either sexual in nature or otherwise?  
10 PROSPECTIVE JUROR NO. 018: No.  
11 THE COURT: Have you or anyone close to you ever been  
12 accused of a crime, whether or not there was a conviction,  
13 either sexual in nature or otherwise?  
14 PROSPECTIVE JUROR NO. 018: No.  
15 THE COURT: Let me get you to pass the microphone to  
16 the gentleman in front of you.  
17 What is your badge number?  
18 PROSPECTIVE JUROR NO. 028: 028.  
19 THE COURT: Mr. Carrera. All right. What do you do  
20 for a living?  
21 PROSPECTIVE JUROR NO. 028: [Inaudible.]  
22 THE CLERK: I'm sorry?  
23 THE COURT: He's a CPA.  
24 Is that what you said?  
25 PROSPECTIVE JUROR NO. 028: Yeah. A CPA.

1 THE COURT: How long have you been in Vegas?  
2 PROSPECTIVE JUROR NO. 028: Thirteen years.  
3 THE COURT: Are you married?  
4 PROSPECTIVE JUROR NO. 028: Single.  
5 THE COURT: Any kids?  
6 PROSPECTIVE JUROR NO. 028: Nope.  
7 THE COURT: Ever served on a jury before?  
8 PROSPECTIVE JUROR NO. 028: No.  
9 THE COURT: Have you or anyone close to you ever been  
10 the victim of a crime either sexual in nature or otherwise?  
11 PROSPECTIVE JUROR NO. 028: No.  
12 THE COURT: Have you or anyone close to you ever been  
13 accused of a crime, whether or not there was a conviction,  
14 either sexual in nature or otherwise?  
15 PROSPECTIVE JUROR NO. 028: No.  
16 THE COURT: Let me get you to pass the microphone.  
17 Hi. What was your badge number again?  
18 PROSPECTIVE JUROR NO. 029: 029.  
19 THE COURT: Right. Ms. McClure.  
20 PROSPECTIVE JUROR NO. 029: Yes.  
21 THE COURT: I know that you're a teacher, right?  
22 PROSPECTIVE JUROR NO. 029: Correct. Fifth grade.  
23 THE COURT: I'm sorry?  
24 PROSPECTIVE JUROR NO. 029: Fifth grade.  
25 THE COURT: Okay. How long have you been in Vegas?



1 PROSPECTIVE JUROR NO. 029: Going on seven years.  
2 THE COURT: Are you married?  
3 PROSPECTIVE JUROR NO. 029: Going to be.  
4 THE COURT: Oh, that's right. With Officer Colucci,  
5 right?  
6 PROSPECTIVE JUROR NO. 029: Correct.  
7 THE COURT: Do you guys have any kids?  
8 PROSPECTIVE JUROR NO. 029: No.  
9 THE COURT: Have you ever served on a jury before?  
10 PROSPECTIVE JUROR NO. 029: No.  
11 THE COURT: Have you or anyone close to you ever been  
12 the victim of a crime either sexual in nature or otherwise?  
13 PROSPECTIVE JUROR NO. 029: No.  
14 THE COURT: Have you or anyone close to you ever been  
15 accused of a crime, whether or not there was a conviction,  
16 either sexual in nature or otherwise?  
17 PROSPECTIVE JUROR NO. 029: No.  
18 THE COURT: I appreciate it. Let me get you to pass  
19 the microphone.  
20 Hi. What is your badge number again?  
21 PROSPECTIVE JUROR NO. 030: 030.  
22 THE COURT: Right. Mr. Meckley.  
23 PROSPECTIVE JUROR NO. 030: Yes.  
24 THE COURT: What do you do for a living?  
25 PROSPECTIVE JUROR NO. 030: I am a conservation

1 programs coordinator for the Southern Nevada Water Authority.

2 THE COURT: Okay. And how long have you done that?

3 PROSPECTIVE JUROR NO. 030: Eighteen years.

4 THE COURT: Married?

5 PROSPECTIVE JUROR NO. 030: Yes.

6 THE COURT: Any kids?

7 PROSPECTIVE JUROR NO. 030: Yes. I have a son 26, a  
8 daughter 23.

9 THE COURT: And what does your wife do?

10 PROSPECTIVE JUROR NO. 030: She is a self-employed  
11 horticulturalist.

12 THE COURT: Ever served on a jury before?

13 PROSPECTIVE JUROR NO. 030: No, sir.

14 THE COURT: Have you or anyone close to you ever been  
15 the victim of a crime either sexual in nature or otherwise?

16 PROSPECTIVE JUROR NO. 030: Yes. Shortly before I  
17 met my wife she lost her three-year-old son to a hit and run  
18 drunk driver.

19 THE COURT: And do you remember what year that was  
20 roughly?

21 PROSPECTIVE JUROR NO. 030: Twenty-three years ago.

22 THE COURT: Twenty-three years ago. Was there a --  
23 did they catch the guy? Was there a criminal prosecution?

24 PROSPECTIVE JUROR NO. 030: Yes.

25 THE COURT: Did your wife have to testify in that

1 case?

2 PROSPECTIVE JUROR NO. 030: Yes.

3 THE COURT: Were you involved in that case in any  
4 way?

5 PROSPECTIVE JUROR NO. 030: I didn't know her then.

6 THE COURT: Was there anything about that case, or  
7 anything that your wife has said about that case that would  
8 cause you any concern about serving as a juror in a criminal  
9 case?

10 PROSPECTIVE JUROR NO. 030: No.

11 THE COURT: Anything about that case that would cause  
12 you to be anything other than fair and impartial?

13 PROSPECTIVE JUROR NO. 030: No.

14 THE COURT: Okay. Have you or anyone close to you  
15 ever been accused of a crime, whether or not there was a  
16 conviction, either sexual in nature or otherwise?

17 PROSPECTIVE JUROR NO. 030: No.

18 THE COURT: Let me get you to pass the microphone.

19 Hi. What is your badge number?

20 PROSPECTIVE JUROR NO. 031: 031.

21 THE COURT: Mr. Dell.

22 PROSPECTIVE JUROR NO. 031: Mm-hmm.

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

24 PROSPECTIVE JUROR NO. 031: A teacher for Clark  
25 County School District.

1 THE COURT: How long have you done that?  
2 PROSPECTIVE JUROR NO. 031: This will be the end of  
3 my sixth year.  
4 THE COURT: Married, kids?  
5 PROSPECTIVE JUROR NO. 031: Yep. I'm married, have a  
6 four-year-old daughter and an 11-year-old daughter.  
7 THE COURT: What does your wife do?  
8 PROSPECTIVE JUROR NO. 031: Pre-school teacher.  
9 THE COURT: For the Clark County School District  
10 also, or for private?  
11 PROSPECTIVE JUROR NO. 031: Actually, no. It's Seton  
12 Academy, private.  
13 THE COURT: Okay. Ever served on a jury before?  
14 PROSPECTIVE JUROR NO. 031: No.  
15 THE COURT: Have you or anyone close to you ever been  
16 the victim of a crime either sexual in nature or otherwise?  
17 PROSPECTIVE JUROR NO. 031: Just vandalism and a car  
18 burglary, that's it. Neither of which were -- well, one was  
19 reported to the police. The vandalism I didn't report. The  
20 car burglary I -- it was just a really close friend, I was  
21 watching his house, and I -- and the police came out. It was  
22 last summer.  
23 THE COURT: Okay. This was last summer?  
24 PROSPECTIVE JUROR NO. 031: Mm-hmm.  
25 THE COURT: And you said you did call the police on

1 that one?

2 PROSPECTIVE JUROR NO. 031: Yeah.

3 THE COURT: Did you have to testify in any court  
4 proceeding --

5 PROSPECTIVE JUROR NO. 031: No.

6 THE COURT: Do you know if they ever caught the guy?

7 PROSPECTIVE JUROR NO. 031: No.

8 THE COURT: Anything about those two cases that would  
9 cause you to have any concerns about serving as a juror in a  
10 criminal case?

11 PROSPECTIVE JUROR NO. 031: No.

12 THE COURT: Any feelings one way or the other toward  
13 the police or against the police because of those two cases?

14 PROSPECTIVE JUROR NO. 031: No.

15 THE COURT: Have you or anyone close to you ever been  
16 accused of a crime, whether or not there was a conviction,  
17 either sexual in nature or otherwise?

18 PROSPECTIVE JUROR NO. 031: I was convicted of theft  
19 when I was 20, 20 or -- no, sorry, 22, back in Ohio, but it  
20 was expunged from my record.

21 THE COURT: Okay. Was that a misdemeanor or a  
22 felony?

23 PROSPECTIVE JUROR NO. 031: Misdemeanor.

24 THE COURT: Do you think you were treated fairly by  
25 the system?

1 PROSPECTIVE JUROR NO. 031: Yes.

2 THE COURT: Anything about that conviction or the  
3 court case or the investigation, or anything having to do with  
4 that case that would cause you to have any feelings one way or  
5 another about the police or law enforcement in this case?

6 PROSPECTIVE JUROR NO. 031: No.

7 THE COURT: Or the court system?

8 PROSPECTIVE JUROR NO. 031: No.

9 THE COURT: You can be fair and impartial  
10 notwithstanding what happened?

11 PROSPECTIVE JUROR NO. 031: Yes.

12 THE COURT: I appreciate it. Can you pass the  
13 microphone.

14 Hi. You are Number 32, correct?

15 PROSPECTIVE JUROR NO. 032: Number 32. Mm-hmm.

16 THE COURT: Mr. Bean, what do you do for a living?

17 PROSPECTIVE JUROR NO. 032: Journeyman lineman for  
18 NV Energy.

19 THE COURT: And how long have you done that?

20 PROSPECTIVE JUROR NO. 032: Twenty-eight years.

21 THE COURT: And I know your wife just had surgery on  
22 Friday. Was she working before all this happened?

23 PROSPECTIVE JUROR NO. 032: No. She's a domestic  
24 goddess.

25 THE COURT: Okay. Excellent. I'm sure your wife

1 will be very happy to hear that you --  
2 PROSPECTIVE JUROR NO. 032: She's also disabled.  
3 THE COURT: Okay. Any kids?  
4 PROSPECTIVE JUROR NO. 032: We have two.  
5 THE COURT: How old?  
6 PROSPECTIVE JUROR NO. 032: I got one that's 27, and  
7 one that's 17.  
8 THE COURT: Boys, girls?  
9 PROSPECTIVE JUROR NO. 032: One of each.  
10 THE COURT: Ever served on a jury before?  
11 PROSPECTIVE JUROR NO. 032: No. I've got this far,  
12 but not on a jury.  
13 THE COURT: But you've been called to the panel; is  
14 that what you're saying, but you haven't even --  
15 PROSPECTIVE JUROR NO. 032: No. I've never served.  
16 I've came here for questions.  
17 THE COURT: Anything about -- how many times?  
18 PROSPECTIVE JUROR NO. 032: Three.  
19 THE COURT: Okay. Anything about those experiences  
20 that might cause you to hesitate about serving as a juror in  
21 this case?  
22 PROSPECTIVE JUROR NO. 032: No.  
23 THE COURT: Have you or anyone closely associated  
24 with you ever been the victim of a crime either sexual in  
25 nature or otherwise?

1 PROSPECTIVE JUROR NO. 032: Yes.

2 THE COURT: Who, where and when?

3 PROSPECTIVE JUROR NO. 032: Where do I start. My

4 brother, discharging a firearm in a neighborhood.

5 THE COURT: How long ago was that?

6 PROSPECTIVE JUROR NO. 032: Ten years.

7 THE COURT: Was he -- was there a court case?

8 PROSPECTIVE JUROR NO. 032: Yeah. He served time, so

9 I guess something.

10 THE COURT: Was that here?

11 PROSPECTIVE JUROR NO. 032: Yes.

12 THE COURT: He served time. How do you think the  
13 system treated him, and the police and the DA?

14 PROSPECTIVE JUROR NO. 032: I didn't -- wasn't part  
15 of any of that. And then he went to a minimal security type  
16 place.

17 THE COURT: So anything about that case that leaves  
18 any strong feelings with you about the police, the DA, the  
19 criminal justice system?

20 PROSPECTIVE JUROR NO. 032: No.

21 THE COURT: Is that the only person, or were there  
22 others?

23 PROSPECTIVE JUROR NO. 032: My nephew hit and ran  
24 killing a couple kids, and he served time for that. He turned  
25 himself in and served time for that.



1 THE COURT: When did that happen?  
2 PROSPECTIVE JUROR NO. 032: I'm saying 15 years ago.

3 THE COURT: Where?

4 PROSPECTIVE JUROR NO. 032: Here.

5 THE COURT: So he served time. How do you think he  
6 was treated by the system?

7 PROSPECTIVE JUROR NO. 032: Fairly.

8 THE COURT: Same question, anything about that case  
9 that would cause you to have strong feelings one way or the  
10 other about any party to this case or about serving as a juror  
11 in a criminal case?

12 PROSPECTIVE JUROR NO. 032: No.

13 THE COURT: Have you or anyone closely associated  
14 with you -- I asked you the victim question, right? Have you  
15 ever been the victim of a crime, other than the ones you just  
16 mentioned?

17 PROSPECTIVE JUROR NO. 032: Does it have to go  
18 through a courtroom, or what?

19 THE COURT: No.

20 PROSPECTIVE JUROR NO. 032: There was sexual stuff  
21 against my step-father and us kids.

22 THE COURT: And your step-father. Okay. Where did  
23 this happen?

24 PROSPECTIVE JUROR NO. 032: In our home.

25 THE COURT: I'm sorry?

1 PROSPECTIVE JUROR NO. 032: In our home.  
2 THE COURT: No, no. What state? Was it here in  
3 Nevada?  
4 PROSPECTIVE JUROR NO. 032: Yeah, here.  
5 THE COURT: Okay. Was there a -- did anyone call the  
6 police? Was there an investigation, a court case?  
7 PROSPECTIVE JUROR NO. 032: No.  
8 THE COURT: Okay. Were you the victim, or your  
9 siblings?  
10 PROSPECTIVE JUROR NO. 032: All of us.  
11 THE COURT: Okay. So how old were you when this  
12 happened?  
13 PROSPECTIVE JUROR NO. 032: From nine to eleven.  
14 THE COURT: From nine to eleven. All right. So  
15 given the allegations in this case, how would you feel about  
16 serving as a juror in this case?  
17 PROSPECTIVE JUROR NO. 032: I'd love to find him  
18 guilty.  
19 THE COURT: Well --  
20 PROSPECTIVE JUROR NO. 032: If he was.  
21 THE COURT: I'm sorry? Oh, you're talking about your  
22 step-father who was guilty, right?  
23 PROSPECTIVE JUROR NO. 032: Him too, yeah. I mean,  
24 if there's no shadow of a doubt here, then yeah.  
25 THE COURT: All right.

1 PROSPECTIVE JUROR NO. 032: I'm all about justice.

2 THE COURT: Hang on a second here. All right.

3 Hang on. So in this case, are you saying that -- all right.  
4 I just want to be clear here. So given what happened to you,  
5 and I don't -- you know, I'm not going to ask you to go into  
6 details, because I can see it's kind of a painful subject for  
7 you.

8 PROSPECTIVE JUROR NO. 032: Yeah.

9 THE COURT: But given what happened and the fact  
10 that -- you know, since you were the victim, you obviously  
11 know whether he was -- you know, whether he committed the  
12 crime or not.

13 In this case, the whole point of having a jury is we  
14 need to determine whether or not the person is guilty of the  
15 crimes. As we sit here today we have no idea. In fact, as we  
16 sit here today, under the law he's an innocent man because the  
17 State hasn't proven anything about it, right?

18 PROSPECTIVE JUROR NO. 032: Correct.

19 THE COURT: So do you think that you could do that,  
20 that you could sit here and be fair and impartial, when you  
21 review the evidence, and make a determination based on the  
22 evidence whether this particular person is guilty of something  
23 that may or may not, I don't know all the details either, be  
24 similar to what happened to you?

25 PROSPECTIVE JUROR NO. 032: I could do that, but I'd

1 really be leaning.

2 THE COURT: What does that mean? You'd really be  
3 leaning what way?

4 PROSPECTIVE JUROR NO. 032: On the victim's side.

5 THE COURT: Well, so in every criminal case there's  
6 two things that the State has to prove. First of all, whether  
7 or not a crime was even committed. And secondly, even if it  
8 was committed, whether or not the person who's charged with it  
9 is the person who did it. Right.

10 PROSPECTIVE JUROR NO. 032: I understand that.

11 THE COURT: Let's even assume for a second that it  
12 happened. Obviously as we sit here now the State hasn't  
13 proven anything. Right. We don't even know if a crime  
14 happened. It could be a false allegation as far as we know,  
15 as we sit here right now in this instant. Right.

16 But let's say that it did happen. Just because a  
17 crime happened doesn't necessarily mean that this person is  
18 the person who did it. Right. So when you say you'd really  
19 be leaning toward the victim, even if it happened to the  
20 victim, you know, maybe it's mistaken identity or something  
21 like that, would you allow for that possibility in your mind  
22 or not?

23 PROSPECTIVE JUROR NO. 032: I can be fair.

24 THE COURT: Okay. How would you feel about serving  
25 as a juror in a case like this? Do you think that you could

1 handle it emotionally?

2 PROSPECTIVE JUROR NO. 032: I think so.

3 THE COURT: Okay. All right. I appreciate it. And  
4 I apologize for bringing up what's obviously a painful subject  
5 but, you know, I got to do it.

6 The next person, what is your badge number?

7 PROSPECTIVE JUROR NO. 035: 035.

8 THE COURT: Zero, three, five. Is it

9 Ms. Moreno-Zepeda?

10 PROSPECTIVE JUROR NO. 035: Just Moreno now.

11 THE COURT: Okay. Ms. Moreno, what do you do for a  
12 living?

13 PROSPECTIVE JUROR NO. 035: I work at a dental  
14 office.

15 THE COURT: How long have you been in Vegas?

16 PROSPECTIVE JUROR NO. 035: For about 20 years.

17 THE COURT: Twenty years. Married, kids?

18 PROSPECTIVE JUROR NO. 035: No, no.

19 THE COURT: Ever served on a jury before?

20 PROSPECTIVE JUROR NO. 035: No.

21 THE COURT: Have you or anyone closely associated  
22 with you ever been the victim of a crime either sexual in  
23 nature or otherwise?

24 PROSPECTIVE JUROR NO. 035: No.

25 THE COURT: Have you or anyone closely associated

1 with you ever been accused of a crime, whether or not there  
2 was a conviction, either sexual in nature or otherwise?

3 PROSPECTIVE JUROR NO. 035: No.

4 THE COURT: All right. Let me get you to pass the  
5 microphone.

6 And what is your badge number, ma'am?

7 PROSPECTIVE JUROR NO. 037: 037.

8 THE COURT: Ms. Leavitt. What do you do for a  
9 living?

10 PROSPECTIVE JUROR NO. 037: I'm a full-time student.

11 THE COURT: Where?

12 PROSPECTIVE JUROR NO. 037: University of Nevada,  
13 Reno.

14 THE COURT: Okay. Excellent. Are you actually from  
15 Las Vegas, or you're just going to school here?

16 PROSPECTIVE JUROR NO. 037: I'm from Las Vegas and  
17 I've lived here for 18 years.

18 THE COURT: Okay. Excellent. What are you studying?

19 PROSPECTIVE JUROR NO. 037: Biology.

20 THE COURT: Are you still in class now, or is the  
21 semester over; in other words, if you're here this week are  
22 you going to miss any classes?

23 PROSPECTIVE JUROR NO. 037: No. It's summer.

24 THE COURT: Okay. Good. Married, kids?

25 PROSPECTIVE JUROR NO. 037: No.

1 THE COURT: Okay. Ever served on a jury before?  
2 PROSPECTIVE JUROR NO. 037: No.  
3 THE COURT: Have you or anyone closely associated  
4 with you ever been the victim of a crime either sexual in  
5 nature or otherwise?  
6 PROSPECTIVE JUROR NO. 037: No.  
7 THE COURT: Have you or anyone closely associated  
8 with you ever been accused of a crime, whether or not there  
9 was a conviction, either sexual in nature or otherwise?  
10 PROSPECTIVE JUROR NO. 037: No.  
11 THE COURT: Let me get you to pass the microphone.  
12 Thank you.  
13 What is your badge number?  
14 PROSPECTIVE JUROR NO. 038: 038.  
15 THE COURT: Ms. Alessio?  
16 PROSPECTIVE JUROR NO. 038: Yes.  
17 THE COURT: What do you do for a living?  
18 PROSPECTIVE JUROR NO. 038: I'm a bartender at  
19 Encore.  
20 THE COURT: How long have you done that?  
21 PROSPECTIVE JUROR NO. 038: I've been there three  
22 years.  
23 THE COURT: How long have you been in Vegas?  
24 PROSPECTIVE JUROR NO. 038: Ten years.  
25 THE COURT: Married, kids?

1 PROSPECTIVE JUROR NO. 038: Married, step-son, six.

2 THE COURT: And what does your husband do?

3 PROSPECTIVE JUROR NO. 038: He's a professional

4 athlete.

5 THE COURT: What sport?

6 PROSPECTIVE JUROR NO. 038: UFC.

7 THE COURT: Oh, okay. Ever served on a jury before?

8 PROSPECTIVE JUROR NO. 038: No.

9 THE COURT: Have you or anyone closely associated

10 with you ever been the victim of a crime either sexual in

11 nature or otherwise?

12 PROSPECTIVE JUROR NO. 038: Not -- I haven't been a  
13 victim, but I've had several complaints filed against Hispanic  
14 workers at Encore Hotel for sexual harassment.

15 THE COURT: Are these people that you know very well,  
16 close friends --

17 PROSPECTIVE JUROR NO. 038: No.

18 THE COURT: -- or just people that you sort of heard  
19 through the grape vine type thing?

20 PROSPECTIVE JUROR NO. 038: No. Myself. I have  
21 complaints against them, people that --

22 THE COURT: Oh, oh.

23 PROSPECTIVE JUROR NO. 038: Yeah. In different  
24 departments of the hotel.

25 THE COURT: Got you. I understand. Have you



1 formally sued them, or you went through the process with your  
2 company?

3 PROSPECTIVE JUROR NO. 038: I've just complained, or  
4 done written complaints to the management team and human  
5 resources and stuff.

6 THE COURT: Are there any court cases going on right  
7 now, open cases?

8 PROSPECTIVE JUROR NO. 038: No. It hasn't gone that  
9 far.

10 THE COURT: Okay.

11 PROSPECTIVE JUROR NO. 038: I don't think it will.

12 THE COURT: Have you ever had to testify in court  
13 regarding any of these complaints?

14 PROSPECTIVE JUROR NO. 038: No.

15 THE COURT: Is there anything about those cases that  
16 would cause you to be something other than fair and impartial  
17 in this case?

18 PROSPECTIVE JUROR NO. 038: Possibly.

19 THE COURT: In what way?

20 PROSPECTIVE JUROR NO. 038: Just my views on the way  
21 that Hispanic men that aren't -- or weren't raised in the  
22 U.S., the way that they treat women and their lack of respect  
23 toward women.

24 THE COURT: Okay. Well, I mean, obviously, you know,  
25 every culture has its different -- what is the word, beliefs

1 or its different customs, those kinds of things.

2 PROSPECTIVE JUROR NO. 038: Right.

3 THE COURT: But, you know, that doesn't necessarily  
4 mean that every individual person raised in that culture  
5 adheres to all those beliefs.

6 PROSPECTIVE JUROR NO. 038: Right.

7 THE COURT: Would you agree with that?

8 PROSPECTIVE JUROR NO. 038: Yeah. Of course not  
9 every person, but I have encountered so many that my opinions  
10 are probably that the majority of them do lack respect for  
11 women.

12 THE COURT: Okay. So as you sit here right now, I  
13 mean, you don't know very much about the case other than what  
14 we've talked about here today --

15 PROSPECTIVE JUROR NO. 038: Right.

16 THE COURT: -- and the fact that Mr. Renteria-Novoa  
17 obviously is a Hispanic man. He's here with the assistance of  
18 a Spanish interpreter.

19 PROSPECTIVE JUROR NO. 038: Yes.

20 THE COURT: Do you think just based on what you know  
21 about him right now, which is not very much at all, what do  
22 you think about his attitudes toward women?

23 PROSPECTIVE JUROR NO. 038: Based on the allegations?

24 THE COURT: No. Just -- well, based on everything  
25 that you know. Have you even -- have you reached a

1 conclusion, or do you know enough about him?

2 PROSPECTIVE JUROR NO. 038: I haven't, but it -- once  
3 I sat down and heard what the accusations were, I kind of  
4 formed an opinion at that point.

5 THE COURT: Regarding whether he's actually guilty of  
6 them?

7 PROSPECTIVE JUROR NO. 038: Kind of, yes.

8 THE COURT: Even though you haven't heard any of the  
9 evidence?

10 PROSPECTIVE JUROR NO. 038: Yes.

11 THE COURT: All right. If you were asked to serve as  
12 a juror in this case, you would be taking an oath to uphold  
13 the law, and under the law the defendant is innocent until the  
14 State has proven him guilty. Could you follow that law or  
15 not?

16 PROSPECTIVE JUROR NO. 038: Possibly.

17 THE COURT: Possibly. Depending on what?

18 PROSPECTIVE JUROR NO. 038: Right now I kind of feel  
19 like he's just another one of those men that I've encountered.  
20 So it would be hard to --

21 THE COURT: Even though you don't -- even though you  
22 don't know very much about him at all.

23 PROSPECTIVE JUROR NO. 038: Yes.

24 THE COURT: You haven't even heard him really speak.

25 PROSPECTIVE JUROR NO. 038: Correct.

1 THE COURT: Okay. And is that based on the  
2 charges --

3 PROSPECTIVE JUROR NO. 038: On my experience.

4 THE COURT: -- against him, or on your experience  
5 with other people and the fact that he's of the same culture  
6 as those other people?

7 PROSPECTIVE JUROR NO. 038: Right. Yes.

8 THE COURT: Okay. Does it matter to you what country  
9 they're from, or just that they're of Latino descent?

10 PROSPECTIVE JUROR NO. 038: Of Latino descent.

11 THE COURT: Okay. Does it matter to you what age  
12 they were when they came to the United States, or does that  
13 not make a difference to you?

14 PROSPECTIVE JUROR NO. 038: That doesn't make a  
15 difference.

16 THE COURT: Okay. All right. I appreciate it. Can  
17 I get you to pass the microphone.

18 PROSPECTIVE JUROR NO. 038: Sure.

19 THE COURT: All right. What is your badge number?

20 PROSPECTIVE JUROR NO. 039: 039.

21 THE COURT: You're going to have to help me out with  
22 your last name. How do you pronounce that?

23 PROSPECTIVE JUROR NO. 039: Gebrechristos.

24 THE COURT: I'm sorry?

25 PROSPECTIVE JUROR NO. 039: Gebrechristos.

1 THE COURT: Gebrechristos?  
2 PROSPECTIVE JUROR NO. 039: Yes.  
3 THE COURT: All right. What do you do for a living?  
4 PROSPECTIVE JUROR NO. 039: I drive a cab.  
5 THE COURT: I'm sorry. I can't hear you.  
6 PROSPECTIVE JUROR NO. 039: I'm a cab driver.  
7 THE COURT: Oh, okay. Excellent. How long have you  
8 been in Vegas?  
9 PROSPECTIVE JUROR NO. 039: About 13 years.  
10 THE COURT: Thirteen years. Married, kids?  
11 PROSPECTIVE JUROR NO. 039: Married, no kids.  
12 THE COURT: And what does your wife do?  
13 PROSPECTIVE JUROR NO. 039: She is not working.  
14 THE COURT: Okay. Ever served on a jury before?  
15 PROSPECTIVE JUROR NO. 039: No.  
16 THE COURT: Have you or anyone closely associated  
17 with you ever been the victim of a crime either sexual in  
18 nature or otherwise?  
19 PROSPECTIVE JUROR NO. 039: No.  
20 THE COURT: Have you or anyone closely associated  
21 with you ever been accused of a crime, whether or not there  
22 was a conviction, either sexual in nature or otherwise?  
23 PROSPECTIVE JUROR NO. 039: No.  
24 THE COURT: Let me get you to pass the microphone.  
25 Ms. Zayan [phonetic]? I'm sorry. I forgot how to

1 pronounce your name.

2 PROSPECTIVE JUROR NO. 041: Zion [phonetic].

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

4 PROSPECTIVE JUROR NO. 041: I work at retail.

5 THE COURT: At where?

6 PROSPECTIVE JUROR NO. 041: I work in retail.

7 THE COURT: Oh, okay. For what kind of organization?

8 PROSPECTIVE JUROR NO. 041: For Hard Rock Cafe.

9 THE COURT: Okay. Married, kids?

10 PROSPECTIVE JUROR NO. 041: No.

11 THE COURT: Ever served on a jury before?

12 PROSPECTIVE JUROR NO. 041: No.

13 THE COURT: Now, other than what we discussed before,  
14 has anyone else in your circle ever been either the victim of  
15 a crime or accused of a crime?

16 PROSPECTIVE JUROR NO. 041: Just me.

17 THE COURT: All right. I appreciate that. Can I get  
18 you to pass the microphone down to that corner there.

19 Hi. What is your badge number?

20 PROSPECTIVE JUROR NO. 042: 042.

21 THE COURT: Can you give me one second. I'm sorry.

22 (Pause in proceedings)

23 THE COURT: I'm sorry. What was your badge number?

24 PROSPECTIVE JUROR NO. 042: 042.

25 THE COURT: Zero, four, two. Ms. Trotchie, that's

1 right. I know that you used to intern for P and P, but are  
2 you working now?

3 PROSPECTIVE JUROR NO. 042: Yes.

4 THE COURT: What do you do?

5 PROSPECTIVE JUROR NO. 042: I work at Health South  
6 Henderson. I am front desk.

7 THE COURT: Okay. And how long have you been in  
8 Vegas?

9 PROSPECTIVE JUROR NO. 042: I've been in Vegas for 22  
10 years.

11 THE COURT: Married, kids?

12 PROSPECTIVE JUROR NO. 042: I have kids.

13 THE COURT: How old?

14 PROSPECTIVE JUROR NO. 042: I have a two-year-old and  
15 a four-month-old.

16 THE COURT: Boys, girls?

17 PROSPECTIVE JUROR NO. 042: Girls.

18 THE COURT: Ever served on a jury before?

19 PROSPECTIVE JUROR NO. 042: No.

20 THE COURT: Have you or anyone closely associated  
21 with you ever been the victim of a crime either sexual in  
22 nature or otherwise?

23 PROSPECTIVE JUROR NO. 042: Yes.

24 THE COURT: Who, where, when?

25 PROSPECTIVE JUROR NO. 042: Me. Battery, domestic

1 violence.

2 THE COURT: How long ago?

3 PROSPECTIVE JUROR NO. 042: Just last year.

4 THE COURT: Did you report it to the police?

5 PROSPECTIVE JUROR NO. 042: No. Somebody else did, a  
6 witness.

7 THE COURT: Okay. So did you have to go in court and  
8 testify? Was an arrest made?

9 PROSPECTIVE JUROR NO. 042: Yes.

10 THE COURT: And who was the prosecuting entity; was  
11 that Metro and the DA's office, or was it Henderson or North  
12 Las Vegas or Boulder City or somewhere else?

13 PROSPECTIVE JUROR NO. 042: It was the DA and Metro.

14 THE COURT: Okay. So when you testified, was it in  
15 this building right here?

16 PROSPECTIVE JUROR NO. 042: Yes.

17 THE COURT: Okay. How do you feel about that case?  
18 Do you think the case was run fairly, unfairly?

19 PROSPECTIVE JUROR NO. 042: It was a long process  
20 because of priors.

21 THE COURT: Was it a felony or a misdemeanor, do you  
22 know?

23 PROSPECTIVE JUROR NO. 042: They were trying to get  
24 him with a habitual.

25 THE COURT: Okay. And what was this person's



1 relationship to you?

2 PROSPECTIVE JUROR NO. 042: He's my kids' dad.

3 THE COURT: Was he convicted?

4 PROSPECTIVE JUROR NO. 042: Yes.

5 THE COURT: Do you think he was treated fairly?

6 PROSPECTIVE JUROR NO. 042: Yes.

7 THE COURT: Anything about what happened to you and  
8 your experience with the court system that would cause you to  
9 hesitate about serving as a juror on this case?

10 PROSPECTIVE JUROR NO. 042: Other than what I've been  
11 exposed to from P and P.

12 THE COURT: Okay. Right. Which you mentioned  
13 before. But anything about that case?

14 PROSPECTIVE JUROR NO. 042: No.

15 THE COURT: Okay. Any feelings one way or another  
16 about the DA's office or the Metro police as a result of that  
17 case?

18 PROSPECTIVE JUROR NO. 042: No.

19 THE COURT: Other than this person, has anyone else  
20 in your circle ever been accused of a crime?

21 PROSPECTIVE JUROR NO. 042: I have.

22 THE COURT: Okay. What were you accused of doing?

23 PROSPECTIVE JUROR NO. 042: When I was 15, for --  
24 they put it to me as association, for knowing about stolen  
25 property.

1 THE COURT: Okay.

2 PROSPECTIVE JUROR NO. 042: And charges were dropped  
3 on me. All I had to pay was a hundred dollar restitution.

4 THE COURT: Oh, okay. And that was when you were --  
5 that was in juvenile court?

6 PROSPECTIVE JUROR NO. 042: Yeah.

7 THE COURT: Okay. Anything about that experience  
8 that would cause you to hesitate? Do you feel that you were  
9 treated fairly?

10 PROSPECTIVE JUROR NO. 042: No.

11 THE COURT: Okay. Any hard feelings toward anyone,  
12 the DA, the police, anything, anybody, the court system as a  
13 result of that case?

14 PROSPECTIVE JUROR NO. 042: No.

15 THE COURT: Okay. I appreciate it. Can you pass the  
16 microphone.

17 What is your badge number, ma'am?

18 PROSPECTIVE JUROR NO. 043: 043.

19 THE COURT: Ms. Valerio?

20 PROSPECTIVE JUROR NO. 043: Yes.

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

22 PROSPECTIVE JUROR NO. 043: I am a Spanish instructor  
23 at UNLV.

24 THE COURT: How long have you done that?

25 PROSPECTIVE JUROR NO. 043: About four years.

1 THE COURT: All right. How long have you been in  
2 Vegas total?

3 PROSPECTIVE JUROR NO. 043: It's going to be five  
4 years in September.

5 THE COURT: Okay. Married, kids?

6 PROSPECTIVE JUROR NO. 043: Yes. I'm married.

7 THE COURT: What does your husband do?

8 PROSPECTIVE JUROR NO. 043: He works in accounting.  
9 He's a controller.

10 THE COURT: For UNLV, or for someone else?

11 PROSPECTIVE JUROR NO. 043: No. For GPI, Gaming  
12 Partners International.

13 THE COURT: Okay. Ever served on a jury before?

14 PROSPECTIVE JUROR NO. 043: No.

15 THE COURT: Have you or anyone closely associated  
16 with you ever been the victim of a crime either sexual in  
17 nature or otherwise?

18 PROSPECTIVE JUROR NO. 043: No.

19 THE COURT: Have you or anyone closely associated  
20 with you ever been accused of a crime, whether or not there  
21 was a conviction, either sexual in nature or otherwise?

22 PROSPECTIVE JUROR NO. 043: No.

23 THE COURT: Let me get you to pass the microphone.

24 Hi. What is your badge number again?

25 PROSPECTIVE JUROR NO. 044: 044.

1 THE COURT: Right. Okay. What do you do for a  
2 living?

3 PROSPECTIVE JUROR NO. 044: I was an airline pilot,  
4 24 years.

5 THE COURT: Airline pilot, 24 years. Married, kids?

6 PROSPECTIVE JUROR NO. 044: Divorced, one grown son.

7 THE COURT: Ever served on a jury before?

8 PROSPECTIVE JUROR NO. 044: No, sir.

9 THE COURT: Have you or anyone closely associated  
10 with you ever been the victim of a crime either sexual in  
11 nature or otherwise?

12 PROSPECTIVE JUROR NO. 044: Not sexual. Yeah, I was  
13 a victim about 22 years ago of an armed home invasion.

14 THE COURT: All right. Twenty-two years ago you were  
15 a victim.

16 PROSPECTIVE JUROR NO. 044: Yeah.

17 THE COURT: Here or somewhere else?

18 PROSPECTIVE JUROR NO. 044: It was in California.

19 THE COURT: And did you call the police, or were the  
20 police called?

21 PROSPECTIVE JUROR NO. 044: Oh, yeah. Well, I  
22 didn't. I was just unconscious at the time. I took a bullet  
23 in the back.

24 THE COURT: Oh, okay.

25 PROSPECTIVE JUROR NO. 044: And they took me away. I

1 survived though.

2 THE COURT: Okay. Did they ever catch this person?

3 PROSPECTIVE JUROR NO. 044: No, sir.

4 THE COURT: They never did?

5 PROSPECTIVE JUROR NO. 044: No, sir.

6 THE COURT: Okay. Any feelings about that one way or  
7 the other? Any hard feelings toward law enforcement or the  
8 court system?

9 PROSPECTIVE JUROR NO. 044: You know, I've gotten  
10 over it pretty much. Occasional nightmares, but...

11 THE COURT: I didn't hear that. I'm sorry.

12 PROSPECTIVE JUROR NO. 044: I'm just saying I've  
13 gotten over it. Occasional nightmares about the actual  
14 incident. But the law enforcement, they were -- I don't know.  
15 They just kind of let it go. They didn't follow up on it.  
16 They never found the guys, didn't really try, I don't think.

17 THE COURT: So I take it you're somewhat unsatisfied  
18 with the law enforcement response. Is that --

19 PROSPECTIVE JUROR NO. 044: At that time, yes.

20 THE COURT: Does that cause you any concern about  
21 this case; in other words, if -- I mean, obviously that was  
22 California, so it's a different law enforcement organization.  
23 If knowing that this case is a criminal case brought on  
24 behalf -- by the DA's office with investigation by the Metro  
25 police, would you have any feelings about the DA or the police

1 department as a result of what happened to you?

2 PROSPECTIVE JUROR NO. 044: No, sir.

3 THE COURT: So you could -- you would -- they  
4 wouldn't be less credible to you simply because they're in law  
5 enforcement, would they?

6 PROSPECTIVE JUROR NO. 044: Well, somewhat, but I'd  
7 try to be fair about it.

8 THE COURT: I'm sorry. What do you mean by somewhat?  
9 Just because of what happened to you in California 23 years  
10 ago --

11 PROSPECTIVE JUROR NO. 044: Yeah.

12 THE COURT: Okay. What does one have to do with the  
13 other, if you don't mind me asking?

14 PROSPECTIVE JUROR NO. 044: Oh, just association.  
15 They really don't -- I try to be open minded about that.

16 THE COURT: So do you think that you could put aside  
17 your feelings and be fair and impartial in this case?

18 PROSPECTIVE JUROR NO. 044: Yes, sir.

19 THE COURT: Let me get you to pass the microphone.

20 Hi. What is your badge number?

21 PROSPECTIVE JUROR NO. 055: 055.

22 THE COURT: Ms. Quince.

23 PROSPECTIVE JUROR NO. 055: Quincy [phonetic].

24 THE COURT: Quince. I'm sorry. All right. What do  
25 you do for a living?

1 PROSPECTIVE JUROR NO. 055: I'm a full-time student.

2 THE COURT: Where?

3 PROSPECTIVE JUROR NO. 055: College of Southern  
4 Nevada.

5 THE COURT: Okay. How long have you been in Vegas?

6 PROSPECTIVE JUROR NO. 055: Two years.

7 THE COURT: Two years. So where -- did you come here  
8 just to go to school, or are you living here permanently now?

9 PROSPECTIVE JUROR NO. 055: Permanently.

10 THE COURT: Where'd you move from?

11 PROSPECTIVE JUROR NO. 055: I was a resident of  
12 California, but I was living in Norfolk, Virginia.

13 THE COURT: Okay. Married, kids?

14 PROSPECTIVE JUROR NO. 055: Married.

15 THE COURT: What does your husband do?

16 PROSPECTIVE JUROR NO. 055: He does lighting  
17 controls.

18 THE COURT: Okay. Ever served on a jury before?

19 PROSPECTIVE JUROR NO. 055: No.

20 THE COURT: Have you or anyone closely associated  
21 with you ever been the victim of a crime either sexual in  
22 nature or otherwise?

23 PROSPECTIVE JUROR NO. 055: No.

24 THE COURT: Have you or anyone closely associated  
25 with you ever been accused of a crime, whether or not there

1 was a conviction, either sexual in nature or otherwise?

2 PROSPECTIVE JUROR NO. 055: No.

3 THE COURT: Let me get you to pass the microphone.

4 What is your badge number, sir?

5 PROSPECTIVE JUROR NO. 046: 046.

6 THE COURT: Mr. Ferguson, what do you do for a  
7 living?

8 PROSPECTIVE JUROR NO. 046: Distribution supervisor  
9 with Southern Wine & Spirits.

10 THE COURT: And how long have you been in Vegas?

11 PROSPECTIVE JUROR NO. 046: My whole life, 48 years.

12 THE COURT: Married, kids?

13 PROSPECTIVE JUROR NO. 046: Single. Single parent,  
14 two daughters.

15 THE COURT: Two daughters. How old are they?

16 PROSPECTIVE JUROR NO. 046: Fifteen and 21.

17 THE COURT: Ever served on a jury before?

18 PROSPECTIVE JUROR NO. 046: Yes.

19 THE COURT: Where and when?

20 PROSPECTIVE JUROR NO. 046: Las Vegas, about ten  
21 years ago.

22 THE COURT: Criminal or civil case?

23 PROSPECTIVE JUROR NO. 046: Civil.

24 THE COURT: Civil case. And you actually ended up on  
25 the jury?



1 PROSPECTIVE JUROR NO. 046: Yes.

2 THE COURT: Without telling us what the verdict was,  
3 was a verdict rendered by the jury?

4 PROSPECTIVE JUROR NO. 046: Yes.

5 THE COURT: Were you the foreperson?

6 PROSPECTIVE JUROR NO. 046: No.

7 THE COURT: Anything about that experience that would  
8 cause you to hesitate about serving again on a jury in a very  
9 different kind of case?

10 PROSPECTIVE JUROR NO. 046: No.

11 THE COURT: Have you or anyone closely associated  
12 with you ever been the victim of a crime either sexual in  
13 nature or otherwise?

14 PROSPECTIVE JUROR NO. 046: No.

15 THE COURT: Have you or anyone closely associated  
16 with you ever been accused of a crime, whether or not there  
17 was a conviction, either sexual in nature or otherwise?

18 PROSPECTIVE JUROR NO. 046: I was.

19 THE COURT: You were accused of a crime?

20 PROSPECTIVE JUROR NO. 046: Yes.

21 THE COURT: When was this?

22 PROSPECTIVE JUROR NO. 046: Actually, I was --  
23 my 25th birthday I got a DUI.

24 THE COURT: Okay. Here or somewhere else?

25 PROSPECTIVE JUROR NO. 046: Here.

1 THE COURT: Was that prosecuted, if you remember, by  
2 the Clark County DA or Henderson or North Las Vegas, or  
3 someone else?

4 PROSPECTIVE JUROR NO. 046: Clark County.

5 THE COURT: It was Clark County. Do you think that  
6 you were treated fairly or unfairly?

7 PROSPECTIVE JUROR NO. 046: I was treated fairly.

8 THE COURT: Anything about that case that causes you  
9 to have any hard feelings one way or another about law  
10 enforcement?

11 PROSPECTIVE JUROR NO. 046: No.

12 THE COURT: Anything about that case that would cause  
13 you to hesitate about serving as a juror in a criminal case?

14 PROSPECTIVE JUROR NO. 046: No.

15 THE COURT: Let me get you to pass the microphone.

16 Hi. What is your badge number?

17 PROSPECTIVE JUROR NO. 048: 048.

18 THE COURT: Mr. Garwood, what do you do for a living?

19 PROSPECTIVE JUROR NO. 048: I'm an architectural  
20 access surveyor.

21 THE COURT: How long have you been in Vegas?

22 PROSPECTIVE JUROR NO. 048: Ten years.

23 THE COURT: Married, kids?

24 PROSPECTIVE JUROR NO. 048: Married, three kids.

25 THE COURT: What does your wife do?

1 PROSPECTIVE JUROR NO. 048: She's an administrative  
2 assistant.

3 THE COURT: For what kind of organization?

4 PROSPECTIVE JUROR NO. 048: She's in a jewelry store.

5 THE COURT: And you said you had kids?

6 PROSPECTIVE JUROR NO. 048: Three kids.

7 THE COURT: How old are they?

8 PROSPECTIVE JUROR NO. 048: Thirty-three, 32 and 19.

9 THE COURT: Any grandkids?

10 PROSPECTIVE JUROR NO. 048: One. She's four.

11 THE COURT: Granddaughter?

12 PROSPECTIVE JUROR NO. 048: Granddaughter, yes.

13 THE COURT: Ever serve on a jury before?

14 PROSPECTIVE JUROR NO. 048: Yes, I have.

15 THE COURT: Where and when?

16 PROSPECTIVE JUROR NO. 048: Phoenix, about 12 years  
17 ago.

18 THE COURT: Do you remember if it was a civil or a  
19 criminal case?

20 PROSPECTIVE JUROR NO. 048: It was a criminal.

21 THE COURT: You actually ended up on the jury?

22 PROSPECTIVE JUROR NO. 048: Yes, I did.

23 THE COURT: Without telling us what the verdict was,  
24 did the jury render a verdict?

25 PROSPECTIVE JUROR NO. 048: Yes, we did.

1 THE COURT: Were you the foreperson?

2 PROSPECTIVE JUROR NO. 048: No.

3 THE COURT: What kind of case was it? Was it a  
4 sex-related case?

5 PROSPECTIVE JUROR NO. 048: It was a DUI.

6 THE COURT: It was a DUI. All right. Anything about  
7 that service that would cause you to hesitate about serving  
8 again as a juror in a criminal case?

9 PROSPECTIVE JUROR NO. 048: No.

10 THE COURT: Have you or anyone close to you ever been  
11 the victim of a crime either sexual in nature or otherwise?

12 PROSPECTIVE JUROR NO. 048: Yes. My sister.

13 THE COURT: What happened with your sister?

14 PROSPECTIVE JUROR NO. 048: She was sexually  
15 assaulted about -- it was about 45 years ago.

16 THE COURT: Forty-five years ago. So how old were  
17 you at the time?

18 PROSPECTIVE JUROR NO. 048: Twelve, fourteen.

19 THE COURT: Do you have strong memories of that  
20 case --

21 PROSPECTIVE JUROR NO. 048: Yes, I do.

22 THE COURT: -- or is it just sort of -- okay.

23 Were you involved in that case in any way? Were you  
24 a witness or --

25 PROSPECTIVE JUROR NO. 048: Just witness.

1 THE COURT: Did you have to testify in court?

2 PROSPECTIVE JUROR NO. 048: Yes, I did.

3 THE COURT: And any strong feelings about that  
4 experience that might cause you to hesitate about --

5 PROSPECTIVE JUROR NO. 048: It happened so long ago  
6 and it was in South America at the time.

7 THE COURT: It was where?

8 PROSPECTIVE JUROR NO. 048: In South America.

9 THE COURT: Oh. I'm sure their court system's very  
10 different down there too, right?

11 PROSPECTIVE JUROR NO. 048: Totally.

12 THE COURT: So is there anything at all about the  
13 case that should cause anyone here any concern?

14 PROSPECTIVE JUROR NO. 048: No.

15 THE COURT: No. So the fact that you're -- let's put  
16 the court case aside. The fact that your sister was a victim  
17 of a sexual assault -- and you said that you were a witness  
18 to it?

19 PROSPECTIVE JUROR NO. 048: Yes, I was.

20 THE COURT: Did you actually see the assault, or you  
21 saw --

22 PROSPECTIVE JUROR NO. 048: Yes, I did.

23 THE COURT: Okay. So how do you feel -- does that  
24 cause any concern for you about serving as a juror in this  
25 case, knowing what the charges are, not knowing -- obviously

1 you don't know the facts yet, but at least what the charges  
2 are?

3 PROSPECTIVE JUROR NO. 048: No. I don't think so.

4 THE COURT: You don't think so?

5 PROSPECTIVE JUROR NO. 048: No.

6 THE COURT: So you think that you could be fair and  
7 impartial in determining the guilt or innocence of the accused  
8 even though you previously have witnessed a sexual assault?

9 PROSPECTIVE JUROR NO. 048: Yes.

10 THE COURT: Okay. All right. Have you or anyone  
11 close to you ever been accused of a crime, whether or not  
12 there was a conviction, whether it was sexual in nature or  
13 otherwise?

14 PROSPECTIVE JUROR NO. 048: No.

15 THE COURT: Let me get you to pass the microphone.

16 Hi. What is your badge number?

17 PROSPECTIVE JUROR NO. 049: 049.

18 THE COURT: Mr. Iverson.

19 PROSPECTIVE JUROR NO. 049: Yes.

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

21 PROSPECTIVE JUROR NO. 049: Teacher.

22 THE COURT: For the school district or somewhere  
23 else?

24 PROSPECTIVE JUROR NO. 049: Clark County School  
25 District.

1 THE COURT: How long have you done that?  
2 PROSPECTIVE JUROR NO. 049: This is my tenth year.  
3 THE COURT: Married, kids?  
4 PROSPECTIVE JUROR NO. 049: About to be divorced.  
5 THE COURT: I'm sorry?  
6 PROSPECTIVE JUROR NO. 049: About to be divorced.  
7 THE COURT: About to be divorced. I'm sorry to hear  
8 that. Any kids?  
9 PROSPECTIVE JUROR NO. 049: An 11-year-old girl,  
10 eight-year-old boy.  
11 THE COURT: And what does your -- well, I'll call her  
12 your current wife, but --  
13 PROSPECTIVE JUROR NO. 049: She's also -- a  
14 librarian.  
15 THE COURT: Ever served on a jury before?  
16 PROSPECTIVE JUROR NO. 049: Yes.  
17 THE COURT: Where and when?  
18 PROSPECTIVE JUROR NO. 049: Eight years ago here in  
19 Clark County.  
20 THE COURT: Criminal or civil case?  
21 PROSPECTIVE JUROR NO. 049: Civil.  
22 THE COURT: Did the jury render a verdict?  
23 PROSPECTIVE JUROR NO. 049: Yes.  
24 THE COURT: Were you the foreperson?  
25 PROSPECTIVE JUROR NO. 049: No.

1 THE COURT: Anything about that service that would  
2 cause you to hesitate about serving again as a juror?

3 PROSPECTIVE JUROR NO. 049: I think just length of  
4 the trial and how it took me away from -- inconvenience of  
5 missing work, I guess.

6 THE COURT: How long was that trial?

7 PROSPECTIVE JUROR NO. 049: It was about the same as  
8 this.

9 THE COURT: Do you remember the subject matter, what  
10 kind of case it was?

11 PROSPECTIVE JUROR NO. 049: Personal injury. The  
12 victim's daughter actually worked at the school that I  
13 currently work at, so somewhat awkward.

14 THE COURT: Okay. So other than the inconvenience  
15 and obviously, you know, that's what happens with jury duty,  
16 but it's a civic duty, is there anything else about that  
17 experience that would cause you to hesitate?

18 PROSPECTIVE JUROR NO. 049: No.

19 THE COURT: Have you or anyone close to you ever been  
20 the victim of a crime either sexual in nature or otherwise?

21 PROSPECTIVE JUROR NO. 049: No.

22 THE COURT: Have you or anyone close to you ever been  
23 accused of a crime, whether or not there was a conviction,  
24 either sexual in nature or otherwise?

25 PROSPECTIVE JUROR NO. 049: Nope.



1 THE COURT: I appreciate that. Does that finish up  
2 the first row there?

3 THE MARSHAL: Yes.

4 THE COURT: Let me get counsel to approach very  
5 quickly.

6 (Bench conference.)

7 THE COURT: Here's my very first question. We've  
8 been going a little bit over an hour now. Why don't we have a  
9 break.

10 (Inaudible responses.)

11 MS. FELICIANO: One thing just before we take the  
12 break. One of the jurors, I know his daughter that he  
13 mentioned. We're just going to put that on the record.

14 THE COURT: Oh. Which one [inaudible]?

15 MS. FELICIANO: Juror No. 27, the retired  
16 firefighter.

17 THE COURT: How do you know her?

18 MS. FELICIANO: I know --

19 THE COURT: I know Stan Parry, but I don't think I  
20 know --

21 MS. FELICIANO: I used to work for Stan Parry as  
22 well, so I was just going to make that record. I used to work  
23 for Stan Parry.

24 THE COURT: Do you want to ask him about that, or...

25 MS. FELICIANO: I mean, no, because he wouldn't -- he

1 doesn't know me [inaudible] it should never come up. You know  
2 what I mean. He wouldn't be talking to Maren.

3 THE COURT: Right. Exactly.

4 MS. FELICIANO: But I did [inaudible] close friends  
5 with her, so I just wanted to [inaudible] since I don't know  
6 him and he shouldn't be talking about the trial anyway.

7 THE COURT: Right. Okay.

8 MS. FELICIANO: [Inaudible.]

9 THE COURT: Let's take a break and we can put all  
10 this on the record.

11 MS. FELICIANO: Okay.

12 THE COURT: All right.

13 (End bench conference.)

14 THE COURT: Ladies and gentlemen, here's what we're  
15 going to do. We've been going a little bit over an hour now.  
16 Let's take a short bathroom and snack break. One thing I  
17 forgot to tell you this morning. Since I know these days are  
18 kind of long, I don't mind if you guys bring in beverages and  
19 snacks. There is a snack machine and beverage machine not on  
20 this floor, but one floor up and one floor down. So if you  
21 want to get something, that's fine.

22 As long as it's not something that's going to be  
23 really obtrusive like, you know, I'm not in favor of a bag of  
24 chips because then, you know, not so much me, but the court  
25 recorder can hear you munching away in the microphone. But if

1 it's something that you want to nibble on that's relatively --  
2 that's not going to draw a lot of attention, I don't mind if  
3 you do that.

4 So let's make it about a ten-minute break. There's a  
5 couple things that we need to put on the record, and then  
6 we'll go on from there. During this break, the same things  
7 that I talked about during lunch apply. Don't talk about this  
8 case. Don't reach any conclusions. Don't research this case.  
9 If you see people out in the hallway, don't talk with them.  
10 Don't talk to anyone who doesn't have a juror badge on.

11 Obviously don't investigate this case. And if you  
12 see any of us out in the hallway, I don't think we'll be out  
13 in the hallway, but if you see us, don't talk with us. All  
14 right. See you guys here in ten minutes.

15 (Prospective jurors recessed at 2:50 p.m.)

16 THE COURT: All right. We're outside the presence of  
17 the jury. Anything that either side wanted to put on the  
18 record?

19 MS. FELICIANO: The only thing I was going to put on  
20 the record, Judge, is just what I had mentioned at the bench.  
21 Juror Badge No. 27, his name is Michael Parry. He mentioned  
22 that his daughter-in-law is an attorney here in town. Her  
23 name is Maren Parry. I am friends with her. I went to law  
24 school with Maren. I also know then what would be his son.  
25 His name is Brandon.

1 I've never met Michael Parry before and don't know  
2 him. Also he mentioned that his cousin, Stan Parry, is an  
3 attorney here in town, and I worked for Stan Parry in 2007.  
4 It's not an issue. Like I said, I don't know him.

5 If he were to be seated on the jury, as long as he  
6 followed the admonishment of not discussing the case with  
7 family and friends, which we have no reason to believe he  
8 wouldn't, then it would never come up with either Maren or  
9 Brandon or Stan. But I just, in the interest of full  
10 disclosure, wanted to put that on the record.

11 THE COURT: Okay. State, anything you want to put on  
12 the record along that vein, or not?

13 MS. FLECK: Not right now. Thank you, Your Honor.

14 THE COURT: Then let's talk -- do you guys need a  
15 break also? Do you want to come back here in a couple  
16 minutes, or just keep going ahead?

17 MR. FELICIANO: Could use a quick break.

18 MS. FELICIANO: Yeah, me too.

19 THE COURT: Okay. Let's take a short break then.

20 (Court recessed at 2:53 p.m. until 3:01 p.m.)

21 (Outside the presence of the prospective jurors.)

22 THE COURT: Back on the record. We're outside the  
23 presence of the jury. The defendant's present with the  
24 assistance of a Spanish interpreter.

25 All right. So just so you guys know, I'm done with

1 my part. So now I'm going to turn it over to you guys. But  
2 before we do that, is there anything that either side wanted  
3 to put on the record regarding any of the prospective jurors?

4 MS. FLECK: Nothing from the State.

5 MR. FELICIANO: No, Judge.

6 THE COURT: All right. Then is there anything else?  
7 Let's -- is there any reason not to bring them back in, other  
8 than we're not quite at the full ten minutes yet?

9 MS. FLECK: No. We can wait.

10 THE COURT: Well, if they're all out there, let's  
11 bring them back in. I'm sure they'd be happy to move it  
12 along. Oh, you know what. Hang on.

13 Right when you guys left, Randy said that Juror  
14 No. 22, the retired Navy guy on his way out the door said to  
15 Randy that there was something that he had forgotten to  
16 mention that he wanted to mention. I have no idea what it is.  
17 Do you want to just bring him back in here and I'll question  
18 him, or do you want to bring him back in here especially to  
19 find out what it is?

20 MS. FLECK: We can just ask him when he comes -- when  
21 they all come in. Twenty-two, or Number 22. I have it  
22 marked --

23 THE COURT: Badge No. 22. I don't know what seat  
24 he's in, but he's the retired Navy guy with the disabled wife.

25 MS. FLECK: Do you want to ask him, Winings?

1 THE MARSHAL: I think he's in Seat 11.

2 THE COURT: Seat 11.

3 MS. FLECK: Twelve.

4 THE COURT: Mr. or Mrs. Feliciano, do you want to  
5 just bring him in and I'll ask him, or...

6 MR. FELICIANO: I'm sorry. What...

7 THE COURT: Juror No. 22, on his way out the door  
8 said to Randy that he had forgotten to mention something.

9 MR. FELICIANO: Oh.

10 THE COURT: Do you want to bring him in specially, or  
11 do you just want to bring the whole panel in and I'll just ask  
12 him?

13 MR. FELICIANO: Whatever the Court's pleasure.

14 THE COURT: Okay. Well, let's just bring them all  
15 back in here and I'll just ask him right away then, and  
16 hopefully it's not something sensitive. But it seems like --  
17 Randy made it sound like it was something I said triggered his  
18 memory on something that he should have mentioned.

19 All right. Let's bring them back in then.

20 (Prospective jurors enter at 3:04 p.m.)

21 THE MARSHAL: We have one straggler in the bathroom.

22 THE COURT: Oh, okay.

23 THE MARSHAL: The panel's all here, Judge.

24 THE COURT: All right. Will counsel stipulate to the  
25 presence of the prospective panel?

1 MS. FLECK: State does, Your Honor.

2 MR. FELICIANO: Yes, Your Honor.

3 THE COURT: All right. Before we begin, Mr. Winings,  
4 Juror No. 22, I apologize for singling you out. It's not my  
5 goal to embarrass you. But my marshal tells me that on your  
6 way out -- do you have the microphone somewhere?

7 THE MARSHAL: Yeah.

8 THE COURT: On your way out the door you had  
9 mentioned that there was something that you had forgotten to  
10 mention.

11 PROSPECTIVE JUROR NO. 022: These are items that I  
12 try to forget about. But my oldest son, right, I don't know  
13 when, and I found out about 15 years ago he was -- for sexual  
14 assault. Don't know if he was convicted or not. And my two  
15 younger son --

16 THE COURT: Okay.

17 PROSPECTIVE JUROR NO. 022: And my two younger sons,  
18 Jeff, the youngest one, Jeff was convicted of burglary. And  
19 also, a way back, when they had a big ice bust in town, he was  
20 part of that. It was all federal. And they -- it was all  
21 done in Hawaii.

22 THE COURT: All right. So you said your oldest son,  
23 was he convicted 15 years --

24 PROSPECTIVE JUROR NO. 022: He's a legitimate --  
25 illegitimate, and I don't know anything more than that, other

1 than the state highway patrol told me that there's charges out  
2 for him for sexual assault. That's all I know.

3 THE COURT: Okay. There's charges out, so you don't  
4 even know what the status is of the case or anything like  
5 that?

6 PROSPECTIVE JUROR NO. 022: No. No.

7 THE COURT: And then with your youngest son then, do  
8 you --

9 PROSPECTIVE JUROR NO. 022: He did 11 years in  
10 prison.

11 THE COURT: Okay. He did 11 years in prison.

12 PROSPECTIVE JUROR NO. 022: He's out.

13 THE COURT: Was that here or somewhere else?

14 PROSPECTIVE JUROR NO. 022: It was a federal charge.

15 THE COURT: I mean, was -- did it happen in Las  
16 Vegas?

17 PROSPECTIVE JUROR NO. 022: It was done in Hawaii,  
18 but he served his time in California.

19 THE COURT: Was there anything about either of those  
20 two cases that would cause you to hesitate about serving as a  
21 juror in a criminal case?

22 PROSPECTIVE JUROR NO. 022: No.

23 THE COURT: Anything about the fact that your oldest  
24 son, even though you -- it doesn't sound like you have much  
25 contact with him, was at least --



1 PROSPECTIVE JUROR NO. 022: I never raised him or  
2 nothing.

3 THE COURT: -- accused of a sex related crime, and  
4 you don't --

5 PROSPECTIVE JUROR NO. 022: It wouldn't affect me,  
6 no.

7 THE COURT: -- you don't even know if he was  
8 convicted, right?

9 PROSPECTIVE JUROR NO. 022: That's correct. But it  
10 wouldn't affect my judgment at all.

11 THE COURT: All right. I appreciate your letting me  
12 know about that. Thank you very much.

13 All right. At this time, State, do you have any  
14 questions for the members of the prospective jury?

15 MS. FLECK: I do, Your Honor. Thank you.

16 All right. Ladies and gentlemen, we have spent a  
17 significant amount of the day talking about reasons why people  
18 can't be here or don't want to be here. Anyone that's  
19 actually excited to be here, that when they got their summons  
20 they thought, you know, I'm kind of interested to go down and  
21 do this? Mr. Winings, what did you feel when you got your  
22 summons?

23 PROSPECTIVE JUROR NO. 022: Well, I've never had a  
24 chance to do this.

25 THE MARSHAL: Sir, sir --

1 THE COURT: We need the microphone. Sorry.

2 THE MARSHAL: Need your badge number, name, and then  
3 answer the question, please.

4 PROSPECTIVE JUROR NO. 022: 022, Winings. I've never  
5 had a chance to do anything like this before because, you  
6 know, I'm 60 now and I've been in the military for 23 years.  
7 And I look -- since I've never been part of the system before,  
8 I was looking forward to be part of it for once.

9 MS. FLECK: Okay. So you kind of view it as your  
10 civil duty?

11 PROSPECTIVE JUROR NO. 022: Looking forward to it.

12 MS. FLECK: And is it participating in the process,  
13 or learning something more about the criminal justice system?  
14 What is it that --

15 PROSPECTIVE JUROR NO. 022: Both.

16 MS. FLECK: Okay. Anyone else feel that way, or  
17 interested in it? Okay. So I have my work cut out for me.

18 I guess the idea that hopefully the judge has already  
19 imparted to everyone and that I will, is that our goal for  
20 both the State and the defense is to find a jury at the end of  
21 the day that is fair and impartial to both sides, to both the  
22 State and to the defense, and that if there is anything that  
23 you've thought about while you've heard questions posed to  
24 other people or answers that you'll continue to hear and it  
25 brings something up in your mind like you know what, I might

1 not be the right person for this, if you've forgotten  
2 something, as Mr. Winings had, or if you're kind of  
3 embarrassed to say something.

4           You've heard the charges, 37 counts of sexual abuse.  
5 Serious case. So if there's anything in your past, in your  
6 experiences that you think it's just nagging in the back of my  
7 mind but I don't really want to say it, this is the time to  
8 say it. Again, both the State and the defense need to have an  
9 impaneled jury that comes into this courtroom obviously with  
10 your own experiences, but able to listen to the evidence and  
11 not make a judgment until all of that evidence is put forth.

12           So with that, any other questions that I ask is never  
13 intended to embarrass anybody, and I'm sorry and I apologize  
14 in advance. But it's just a way of me getting to know you and  
15 you also maybe reflecting within yourself if this is really  
16 the kind of case that you should be sitting on.

17           First of all, who has seen CSI, CSI type shows?  
18 Okay. The majority of people. Can we all agree that this is  
19 a real courtroom and not a set in Hollywood? Anybody have an  
20 issue with that?

21           Okay. Is there anyone that's going to say, you know  
22 what, this is a sexual assault case, if there's not forensic  
23 evidence, if there's not DNA, if there's not fingerprints,  
24 there's no way that I can convict? Anyone feel that way?

25           Anyone think, you know what, I can't just listen to a

1 victim, I can't just take the word of someone, I would have to  
2 have DNA? Anyone?

3 Okay. Criminal justice system, we've talked about --  
4 most people have talked about kind of leaning one way towards  
5 law enforcement. I think, Mr. Nicol, you talked a little bit  
6 about not finding -- or usually thinking that law enforcement  
7 is not credible based upon your experiences.

8 THE MARSHAL: Hang on a second. Let me get him the  
9 microphone.

10 PROSPECTIVE JUROR NO. 044: It's 044. And I'm sorry,  
11 the question was?

12 MS. FLECK: Well, just asking you a little bit to  
13 elaborate on what it is that -- because I believe you were the  
14 victim of a crime; is that right?

15 PROSPECTIVE JUROR NO. 044: Yes. Yes, ma'am.

16 MS. FLECK: And what crime was that?

17 PROSPECTIVE JUROR NO. 044: It was an armed home  
18 invasion.

19 MS. FLECK: And then there's -- no one was  
20 apprehended?

21 PROSPECTIVE JUROR NO. 044: No. I was handcuffed and  
22 boom, and didn't take anything and then --

23 MS. FLECK: Oh, they were. Okay. I'm sorry.

24 PROSPECTIVE JUROR NO. 044: Oh, yeah.

25 MS. FLECK: I didn't -- you're a little bit of a soft

1 speaker.

2 PROSPECTIVE JUROR NO. 044: But no, my experience was  
3 that with the law enforcement, I mean, they were doing their  
4 job, but they -- not getting into all the facts, but the  
5 nature of the -- well, anyway, they didn't seem -- because I  
6 had survived and they were overworked and, you know, they  
7 didn't follow up on the case that much.

8 MS. FLECK: Okay.

9 PROSPECTIVE JUROR NO. 044: And it was almost  
10 impossible to track this guy down. Once he's gone, he's gone.  
11 Jumped on the train and was gone, another city, I guess.  
12 Anyway, so I don't blame them for that.

13 MS. FLECK: So did they apprehend him or not?

14 PROSPECTIVE JUROR NO. 044: No.

15 MS. FLECK: They did not.

16 PROSPECTIVE JUROR NO. 044: As far as I know they  
17 never -- that's what I mean. Whenever I inquired, you know,  
18 follow up on the case, did you find anybody, any evidence,  
19 anything going on; oh, no, no, we'll come back in a year,  
20 we'll -- it's still an active case, we can't tell you  
21 anything, so.

22 MS. FLECK: And is that -- what jurisdiction was that  
23 in, what city?

24 PROSPECTIVE JUROR NO. 044: Oh, this was in  
25 California, near San Francisco.

1 MS. FLECK: Is that the sole issue that you have, or  
2 experience that you had with law enforcement that gives you  
3 that feeling?

4 PROSPECTIVE JUROR NO. 044: Yes.

5 MS. FLECK: Solely that?

6 PROSPECTIVE JUROR NO. 044: [No audible response.]

7 MS. FLECK: Okay. So fair to say that completely  
8 different city, completely different case, completely  
9 different law enforcement officers?

10 PROSPECTIVE JUROR NO. 044: Yes.

11 MS. FLECK: So there's nothing else that has had such  
12 an overarching feeling in your mind to cause all law  
13 enforcement to not be credible, it was just stemming from that  
14 experience?

15 PROSPECTIVE JUROR NO. 044: I would say so, yes.

16 MS. FLECK: Anything else then that you've listened  
17 to when you've talked with other -- or heard other people's  
18 answers, heard other questions that are posed that have made  
19 you think, you know what, maybe I wouldn't be the person to be  
20 a juror in this case?

21 PROSPECTIVE JUROR NO. 044: No.

22 MS. FLECK: You can be fair and impartial to both  
23 sides?

24 PROSPECTIVE JUROR NO. 044: I'll try.

25 MS. FLECK: You can try?

1 PROSPECTIVE JUROR NO. 044: Yeah.

2 MS. FLECK: Any hesitation in that?

3 PROSPECTIVE JUROR NO. 044: Nah.

4 MS. FLECK: Sorry. The word "try" always gives me a  
5 little bit of --

6 PROSPECTIVE JUROR NO. 044: I'm sorry.

7 MS. FLECK: -- pause.

8 Okay. If you're chosen to be a juror, promise to do  
9 the very best job you can possibly do?

10 PROSPECTIVE JUROR NO. 044: Scout's honor.

11 MS. FLECK: Thank you.

12 Okay. So any other, any other ill will or feelings  
13 against law enforcement that hasn't come out with anyone yet,  
14 based upon either criminal cases you've had, based upon, you  
15 know, anything in your life?

16 And Ms. Mashas, I'll -- I want to kind of flesh out  
17 your feeling on the criminal justice system.

18 PROSPECTIVE JUROR NO. 024: 024.

19 MS. FLECK: You disclosed that your brother had an  
20 active case here. Neither Mr. Graham or I were the district  
21 attorneys on that case, I trust?

22 PROSPECTIVE JUROR NO. 024: That is correct.

23 MS. FLECK: Do you know who was?

24 PROSPECTIVE JUROR NO. 024: I can picture him in my  
25 mind, but I don't remember the name.

1 MS. FLECK: Did your brother go to trial, or did he  
2 take a plea?

3 PROSPECTIVE JUROR NO. 024: He took a plea.

4 MS. FLECK: And who was his criminal defense  
5 attorney?

6 PROSPECTIVE JUROR NO. 024: Tom Pitaro.

7 MS. FLECK: So understanding that you obviously, you  
8 know, you're emotional about it and you have every right to  
9 be, that you were close to your brother, I assume?

10 PROSPECTIVE JUROR NO. 024: Yes.

11 MS. FLECK: Did you know the victim in the case?

12 PROSPECTIVE JUROR NO. 024: Yes.

13 MS. FLECK: Was that a person also within your  
14 family?

15 PROSPECTIVE JUROR NO. 024: No.

16 MS. FLECK: Do you think that there's any way that  
17 you can set that aside?

18 I mean, given that you're visibly upset, I know that  
19 you are -- if you're thinking with your head and not your  
20 heart you would tell me probably that, you know, you know it's  
21 a different case and you know it's different prosecutors and  
22 different evidence and all of that kind of stuff. So those  
23 would be the right answers, I know.

24 But if you're looking within your heart, do you think  
25 you can really be fair to the State, given our office



1 prosecuted your brother for the exact same offense?

2 PROSPECTIVE JUROR NO. 024: No. I'm not sure I can  
3 be impartial.

4 MS. FLECK: Your Honor, I'm going to make a motion  
5 for cause right now on Ms. Mashas.

6 THE COURT: Mr. or Ms. Feliciano, do you have any  
7 questions you wish to ask her?

8 MS. FELICIANO: The Court's brief indulgence.

9 (Pause in proceedings)

10 MR. FELICIANO: No questions. Thank you, Judge.

11 THE COURT: Ms. — is it Ms. Mashas? Is that how you  
12 pronounce it? I apologize. Ms. Mashas, thank you very much  
13 for your service. You are excused. Please report to the  
14 third floor, jury services room on the third floor, and they  
15 will give you more instructions. All right.

16 And we need to get the next person in line.

17 THE CLERK: Badge No. 058, Elaine Cory.

18 THE COURT: Come on up, ma'am, and have a seat in the  
19 seat that Ms. Mashas is now leaving.

20 All right. Ms. Cory, since you're just now taking a  
21 seat in this area, let me go ahead and ask you to give us a  
22 brief biographical sketch. What do you do, are you married,  
23 does your husband work? I know you're moving to Texas but,  
24 you know, kids, that kind of thing.

25 PROSPECTIVE JUROR NO. 058: I work at Harrah's hotel

1 and casino at the front desk.

2 THE COURT: All right. How long have you done that?

3 PROSPECTIVE JUROR NO. 058: Almost 13 years.

4 THE COURT: Are you married?

5 PROSPECTIVE JUROR NO. 058: Yes.

6 THE COURT: What does your husband do?

7 PROSPECTIVE JUROR NO. 058: Security.

8 THE COURT: For what kind of organization?

9 PROSPECTIVE JUROR NO. 058: Mandalay Bay.

10 THE COURT: Okay. What are you going to be doing in

11 Texas?

12 PROSPECTIVE JUROR NO. 058: Retiring.

13 THE COURT: Okay. Congratulations.

14 PROSPECTIVE JUROR NO. 058: Babysitting.

15 THE COURT: Any kids?

16 PROSPECTIVE JUROR NO. 058: Yes.

17 THE COURT: How old?

18 PROSPECTIVE JUROR NO. 058: Thirty-nine and 34, two

19 boys.

20 THE COURT: Any grandkids?

21 PROSPECTIVE JUROR NO. 058: Yes.

22 THE COURT: How old are they?

23 PROSPECTIVE JUROR NO. 058: Twelve, nine, eight,

24 seven and four.

25 THE COURT: Do they live in Texas; is that why you're

1 moving there, or no?

2 PROSPECTIVE JUROR NO. 058: Two are in Texas and  
3 three are in Indiana.

4 THE COURT: Okay. Ever served on a jury before?

5 PROSPECTIVE JUROR NO. 058: No.

6 THE COURT: Have you or anyone closely associated  
7 with you ever been the victim of a crime either sexual in  
8 nature or otherwise?

9 PROSPECTIVE JUROR NO. 058: No.

10 THE COURT: Have you or anyone closely associated  
11 with you ever been accused of a crime, whether or not there  
12 was a conviction, either sexual in nature or otherwise?

13 PROSPECTIVE JUROR NO. 058: Yes.

14 THE COURT: Who was that and where and when?

15 PROSPECTIVE JUROR NO. 058: My husband, September  
16 of '10, solicitation.

17 THE COURT: Okay. So did he go to court? What  
18 happened?

19 PROSPECTIVE JUROR NO. 058: It was dismissed.

20 THE COURT: It was dismissed. Who was he arrested  
21 by? Was it Metro, was it Henderson, was it North Las Vegas?

22 PROSPECTIVE JUROR NO. 058: Metro. They arrested  
23 three in a row two minutes apart.

24 THE COURT: Okay. So do you -- I take it from your  
25 tone of voice, do you feel that he was treated unfairly?

1 PROSPECTIVE JUROR NO. 058: Yes.

2 THE COURT: Is that something that you would hold  
3 against the State in this case, knowing that it's the same  
4 organization? I don't know if it's the same officers or not,  
5 but I'm going to guess not. But is that something that you  
6 would hold against the State?

7 PROSPECTIVE JUROR NO. 058: Possibly.

8 THE COURT: In what way would -- if a Metro police  
9 officer were to come in and testify, would you find him less  
10 credible because of what happened to your husband, or would  
11 you even --

12 PROSPECTIVE JUROR NO. 058: I think there's a lot of  
13 entrapment in this city.

14 THE COURT: Okay.

15 PROSPECTIVE JUROR NO. 058: And my husband has 20  
16 years of police enforcement back in Indiana.

17 THE COURT: He was a sworn officer in Indiana?

18 PROSPECTIVE JUROR NO. 058: He worked for the DOT,  
19 for the State of Indiana.

20 THE COURT: All right. So -- all right. When you  
21 say that you think there's a lot of entrapment in this city,  
22 is that just from what happened to your husband, or is that  
23 other knowledge, things you've read and heard?

24 PROSPECTIVE JUROR NO. 058: The knowledge I've heard.

25 THE COURT: I guess what I'm going after is why do

1 you believe that?

2 PROSPECTIVE JUROR NO. 058: From what happened to him  
3 and the two guys behind him, and then from what the lawyers'  
4 offices told us.

5 THE COURT: Who was his lawyer?

6 PROSPECTIVE JUROR NO. 058: I knew you were going to  
7 ask me that, and I can't remember.

8 THE COURT: That's okay if you can't. That's all  
9 right. So do you think -- I mean, you don't think that every  
10 case involves entrapment. There --

11 PROSPECTIVE JUROR NO. 058: No.

12 THE COURT: There actually is legitimate police work  
13 out there in our community, right?

14 PROSPECTIVE JUROR NO. 058: No. I'm not stupid. I  
15 know not every case is entrapment.

16 THE COURT: So not knowing anything about this case,  
17 do you believe that it happened in this case, or are you able  
18 to keep an open mind on that question?

19 PROSPECTIVE JUROR NO. 058: In this particular case?

20 THE COURT: Right.

21 PROSPECTIVE JUROR NO. 058: I would keep an open  
22 mind.

23 THE COURT: So notwithstanding whatever happened to  
24 your husband and you obviously haven't dived into the details  
25 here, but do you think that you could keep an open mind toward

1 everything in this case and evaluate the evidence fairly and  
2 impartially, or not?

3 PROSPECTIVE JUROR NO. 058: I would like to think so.

4 THE COURT: What do you mean you would like to  
5 think so? Can you explain that?

6 PROSPECTIVE JUROR NO. 058: Well, you know, as the  
7 case gets presented, if I feel that there's some entrapment,  
8 obviously I might lean that way.

9 THE COURT: What -- okay.

10 PROSPECTIVE JUROR NO. 058: When my husband was  
11 arrested, he said to the other -- he said to the officer, you  
12 know, something about it's my -- he said something about what  
13 do I do, and the officer said -- my husband said, I wasn't  
14 guilty. The officer looked at him and laughed and said, It's  
15 your word against hers.

16 THE COURT: So if someone were to come in here and  
17 claim that they were a victim of a crime, obviously we know in  
18 this case it's an alleged sexual assault -- okay. The officer  
19 said that to you, right?

20 PROSPECTIVE JUROR NO. 058: To my husband.

21 THE COURT: Is that something that you'd hold against  
22 the victim in this case if the victim came in here and said a  
23 crime was committed against me?

24 PROSPECTIVE JUROR NO. 058: No. No.

25 THE COURT: All right. Other than your husband then,

1 anyone else closely associated with you ever been accused of a  
2 crime sexual in nature or otherwise?

3 PROSPECTIVE JUROR NO. 058: No.

4 THE COURT: All right. Thank you very much. Let me  
5 get you to hand the microphone back to Randy.

6 Ms. Fleck, you may continue.

7 MS. FLECK: Okay. I'm going to quickly ask the  
8 general law enforcement question again. Anyone else have sort  
9 of ill will or concerns or anything in the back of their mind  
10 that they thought about? No. Okay.

11 Then Ms. Cory, I'm going to come to you, since you  
12 were the last one in the hot seat. So was the woman that was  
13 involved with your husband's case, was that an undercover  
14 officer?

15 PROSPECTIVE JUROR NO. 058: Yes.

16 MS. FLECK: Okay. So that's how you -- that's why  
17 you feel it was entrapment?

18 PROSPECTIVE JUROR NO. 058: Yes.

19 MS. FLECK: All right.

20 PROSPECTIVE JUROR NO. 058: Not only that, like I  
21 said, there were two others arrested within two to three  
22 minutes of him right in the same place. They were all right  
23 together in jail, processed, you know, one right after the  
24 other.

25 MS. FLECK: So did they also -- for the same thing?

1 PROSPECTIVE JUROR NO. 058: Yes.

2 MS. FLECK: And so in your mind, because there were  
3 more than one, it made the officers -- I guess I don't  
4 understand how that -- how does that in your mind tell you  
5 that there was some sort of entrapment?

6 PROSPECTIVE JUROR NO. 058: When there's three in a  
7 row two minutes apart.

8 MS. FLECK: Okay.

9 PROSPECTIVE JUROR NO. 058: What else would you call  
10 that?

11 MS. FLECK: And it was the same female officers?

12 PROSPECTIVE JUROR NO. 058: Yes.

13 MS. FLECK: Got it. Okay. So you bring up a good  
14 point, which is that your husband told you that the officer  
15 said, you know, it's basically your word against hers.

16 PROSPECTIVE JUROR NO. 058: Mm-hmm.

17 MS. FLECK: Is your concern that it was a police  
18 officer and their word versus your husband's or a civilian's,  
19 a normal person in society; is that your concern, like the  
20 power differential?

21 PROSPECTIVE JUROR NO. 058: I guess I would have to  
22 say so, yes.

23 MS. FLECK: If you were asked to be a juror in this  
24 case -- you know, oftentimes in sexual assault cases there are  
25 only two people. Right. Oftentimes --



1 PROSPECTIVE JUROR NO. 058: Yes.

2 MS. FLECK: -- there's only the victim and the  
3 suspect. What kinds of things would you use in a situation --  
4 I understand with your husband it might be a little bit  
5 different because it's law enforcement. Would you agree that  
6 in other situations there may be often times where you have to  
7 judge credibility based upon just two people's story?

8 PROSPECTIVE JUROR NO. 058: I'm sorry. Say that  
9 again.

10 MS. FLECK: I know. I started -- that was awful.  
11 But anyway. Okay. Let me start over.

12 That there are times when you will only have two  
13 people's story, so you'll be in a position where you kind of  
14 have to judge a person's credibility?

15 PROSPECTIVE JUROR NO. 058: Yes.

16 MS. FLECK: What kinds of things would you use or do  
17 you use in your life to judge a person's credibility, when  
18 really all you have are two different people's versions of  
19 what happened?

20 PROSPECTIVE JUROR NO. 058: Well, I think mannerisms  
21 and body language can say a lot, and I think if you pay  
22 attention to that person you can get a good feel for them.

23 MS. FLECK: Okay. Let's talk about children. You  
24 have children of your own and grandchildren that you're going  
25 to go take care of. When your children were growing up, did

1 you ever have times where you had to kind of decide whether  
2 your child was telling the truth, or maybe versus an adult?

3 PROSPECTIVE JUROR NO. 058: No.

4 MS. FLECK: Ever put in a position where you had to  
5 judge credibility between any children and an adult?

6 PROSPECTIVE JUROR NO. 058: No. My husband worked  
7 for law enforcement. They toed a tight rope, let me tell you.

8 MS. FLECK: Do you agree that a child or a minor  
9 can -- or I guess, do you have any feelings about children as  
10 witnesses, or kind of evaluating a younger person's version of  
11 what happened versus an adult's, any issues with that?

12 PROSPECTIVE JUROR NO. 058: No.

13 MS. FLECK: In your experience as a mom, what are  
14 some reasons that you've come across that children may not  
15 tell the truth?

16 PROSPECTIVE JUROR NO. 058: Well, I suppose they do  
17 for lack of attention at times.

18 MS. FLECK: Okay. So to get attention. What else?

19 PROSPECTIVE JUROR NO. 058: I suppose some kids are  
20 just ornery.

21 MS. FLECK: All right. Any problems then, if you're  
22 asked to be a juror in this case, listening to testimony of  
23 who's now, you know, actually a young woman, but listening to  
24 a version of events that she would be recalling from as far  
25 back as 11 years old, and judging that against maybe adults?

1 PROSPECTIVE JUROR NO. 058: I wouldn't have a problem  
2 with it.

3 MS. FLECK: So kind of knowing this case and the fact  
4 that you may be asked to judge credibility, but that it's not  
5 going to be law enforcement really against anybody, does that  
6 clear up any issues that you have from that case with your  
7 husband?

8 PROSPECTIVE JUROR NO. 058: Say that again.

9 MS. FLECK: Knowing that in this case there's not --  
10 you would be asked to judge credibility --

11 PROSPECTIVE JUROR NO. 058: Right.

12 MS. FLECK: -- but it wouldn't be say Metro versus a  
13 defendant or Metro versus a victim, given that there isn't law  
14 enforcement involved in that and that it's just people, does  
15 that clear up the issues that you have regarding law  
16 enforcement and regarding entrapment?

17 PROSPECTIVE JUROR NO. 058: Yes.

18 MS. FLECK: Okay. So you can listen to the testimony  
19 of a law enforcement officer as just a fact finder or somebody  
20 who's doing an investigation?

21 PROSPECTIVE JUROR NO. 058: Yes.

22 MS. FLECK: Any other concerns that you have about  
23 sitting as a juror on this case?

24 PROSPECTIVE JUROR NO. 058: No.

25 MS. FLECK: Your move to Texas, is that something

1 that is overriding in your mind such that you won't be able to  
2 listen with a clear mind?

3 PROSPECTIVE JUROR NO. 058: I can get along with it.

4 MS. FLECK: All right. If you're asked to be a  
5 juror, you promise to do the very best job you can possibly  
6 do?

7 PROSPECTIVE JUROR NO. 058: Yes.

8 MS. FLECK: All right. Thank you.

9 MR. FELICIANO: Judge, may we approach briefly?

10 THE COURT: Sure.

11 (Bench conference.)

12 MS. FELICIANO: So at this point we're going to ask  
13 to dismiss the panel based on the questioning that Ms. Fleck  
14 just engaged in with the witness, telling the witness that the  
15 credibility at issue here is only between the alleged victim  
16 and the defendant, and that there are no issues with law  
17 enforcement credibility.

18 Just therefore took away any chance for us to attack  
19 or [inaudible] the police investigation in this case by her  
20 saying law enforcement is just fact finders here, there's no  
21 issues with credibility. That's just [inaudible] law  
22 enforcement credibility [inaudible] to say something like that  
23 without having any [inaudible]. It's --

24 MS. FLECK: That's not what I was saying.

25 MS. FELICIANO: That's exactly what was just said.

1 She was told that can you sit on this jury knowing that you're  
2 not going to have to be judging law enforcement credibility  
3 and there are no issues with law enforcement credibility, you  
4 only have to be judging the credibility of the alleged victim  
5 against the defendant.

6 That just told the entire jury that the investigation  
7 in this case was above board, credible, and that we have no  
8 issues with it, which is incredibly prejudicial to  
9 Mr. Renteria.

10 MS. FLECK: Well, you can clear it up, but just  
11 say -- or I can clear it up right now and I -- the point was  
12 that it's not an issue like if with her husband's, where it's  
13 law enforcement as a -- as [inaudible] entrapment. But it's  
14 not like this was a situation where an officer [inaudible],  
15 you know, trying to troll and look for young girls. That's  
16 all I'm saying. I don't think that anybody took it like that.

17 But I'll clear it up and say -- or you clear it up.

18 THE COURT: Right. I mean, it seems like something  
19 pretty clear to me, because all day long I've been saying  
20 things, because I don't even know who your witnesses are. You  
21 know, it's one of the strange things where I know less about  
22 the case than either of you. I've been asking all the jurors  
23 if police officers were to come in here and testify would you  
24 be fair and impartial. I've said that 20 times today.

25 So I think it's pretty clear that police officers

1 might come in and testify, so I don't know why the juror would  
2 conclude, you know, based on the one question that, oh, that  
3 means I don't have to listen to what -- you know, I don't have  
4 to decide if the police officers are believable or not.

5 MS. FELICIANO: Because the State just made the  
6 representation that this is not about police officer  
7 credibility, the credibility of the officers are not at issue  
8 in this case and that only the credibility of the alleged  
9 victim is at issue.

10 MS. FLECK: First of all, it's my --

11 MS. FELICIANO: That's what the State just said.

12 MS. FLECK: First of all, you get to get up and say  
13 whatever you want. Just because I say it doesn't mean it's  
14 true. I mean, I say a lot of things up there that's against  
15 your theory of the case, against everything that you --

16 MS. FELICIANO: By vouching for the witness, we're  
17 not getting [inaudible] police officer and saying this is not  
18 an issue in the case. That's improper vouching and that's a  
19 misrepresentation of what's at issue.

20 THE COURT: I mean, we can certainly clear it up.  
21 But my impression of the entire line of questioning is that  
22 her husband's case was because he's solicited by [inaudible]  
23 police officer [inaudible]. That's not the case here.

24 MS. FLECK: And I'll say [inaudible] you have to  
25 judge the credibility of a police officer the same as everyone

1 else. I'm not conceding that that clarifies that we're asking  
2 to dismiss the panel. I mean, we're not going to concede that  
3 that clears up the issue [inaudible].

4 THE COURT: Well, I mean, it's denied, because I  
5 think we can -- first of all, it's fixable [inaudible]. But  
6 my understanding is the whole point of the questioning is her  
7 husband was allegedly [inaudible] accused of soliciting a  
8 police officer, and I think Ms. Fleck's point is it's not a  
9 police officer who's saying I'm the victim and he did this  
10 to me.

11 MS. FLECK: Correct.

12 THE COURT: In this case it's a, for want of a better  
13 word, civilian. [Inaudible] civilian witness. I think that  
14 was the point. And I don't remember your exact wording, but  
15 that's what I got your point to be.

16 MS. FLECK: I'll clarify.

17 THE COURT: Maybe she phrased it inelegantly, but I  
18 don't know why at this stage -- I mean, because I'm not  
19 confused by it. I'm not sure how many jurors are, but we can,  
20 you know, clear it up.

21 MS. FLECK: I'll clarify it and just say you have to  
22 judge the credibility of all witnesses.

23 THE COURT: All right.

24 (End bench conference.)

25 MS. FLECK: May I proceed?

1 THE COURT: You may.

2 MS. FLECK: Okay. Just to clarify in case there was  
3 any confusion, obviously all of the witnesses that come and  
4 testify before you, whether it's a victim, a family member, or  
5 a law enforcement, you judge the credibility of each and every  
6 witness.

7 So if I in any way implied that you don't have to  
8 judge the credibility of law enforcement, that was not my  
9 intent. My intent was to flesh out if since it's not a law  
10 enforcement officer who is sort of saying this is what was  
11 done to me, if it clears up your issues with your husband.  
12 Are we on the same page?

13 PROSPECTIVE JUROR NO. 058: Yes.

14 MS. FLECK: Okay. Wonderful.

15 PROSPECTIVE JUROR NO. 058: We always were.

16 MS. FLECK: Okay. Great. Thank you.

17 Okay. There's a number of mandatory reporters.  
18 Mr. Brahmer, your wife -- you're not, but your wife is a  
19 substitute teacher. As a substitute teacher, has she ever  
20 talked to you -- sorry.

21 PROSPECTIVE JUROR NO. 001: 001.

22 MS. FLECK: Thank you. Okay. Has she ever talked to  
23 you about her job as a substitute teacher and whether or not  
24 she's ever had to report sexual abuse?

25 PROSPECTIVE JUROR NO. 001: She talks about her job



1 all the time, nothing about that though.

2 MS. FLECK: Okay. Nothing about kids at school that  
3 have ever disclosed to her that they were victims or anything  
4 like that?

5 PROSPECTIVE JUROR NO. 001: No. If it's happened,  
6 she's never talked about it.

7 MS. FLECK: Okay. The only other thing then that I  
8 think that you talked about is that you were accused of a  
9 misdemeanor theft.

10 PROSPECTIVE JUROR NO. 001: Convicted.

11 MS. FLECK: Convicted. And when was that?

12 PROSPECTIVE JUROR NO. 001: I was 18, which would  
13 be 1990.

14 MS. FLECK: Here in Las Vegas?

15 PROSPECTIVE JUROR NO. 001: Colorado.

16 MS. FLECK: All right. Any issues with that at all?  
17 I mean, I --

18 PROSPECTIVE JUROR NO. 001: No. I was just a dumb  
19 kid who stole some stuff and got caught, that simple.

20 MS. FLECK: All right. No kids, right?

21 PROSPECTIVE JUROR NO. 001: No kids.

22 MS. FLECK: Any issues judging the credibility of  
23 children or young -- when I say children, it's -- the victim  
24 in this case is now a 19-year-old woman. So any issues  
25 though, listening to testimony about kids, what happened when

1 they were children, anything like that, not having much  
2 experience of your own?

3 PROSPECTIVE JUROR NO. 001: No.

4 MS. FLECK: And maybe you do with nieces or nephews,  
5 but any issues with that?

6 PROSPECTIVE JUROR NO. 001: None.

7 MS. FLECK: All right. Promise you'll do the very  
8 best job you can possibly do if you're chosen to be a juror?

9 PROSPECTIVE JUROR NO. 001: Yes.

10 MS. FLECK: Thank you.

11 Number 6, Ms. Barrow.

12 PROSPECTIVE JUROR NO. 013: 013.

13 MS. FLECK: And you are also a teacher for Clark  
14 County School District.

15 PROSPECTIVE JUROR NO. 013: Yes. I teach third  
16 grade.

17 MS. FLECK: What do you teach?

18 PROSPECTIVE JUROR NO. 013: Third grade.

19 MS. FLECK: At what school?

20 PROSPECTIVE JUROR NO. 013: Walter Bracken Elementary  
21 School.

22 MS. FLECK: A mandatory reporter, right?

23 PROSPECTIVE JUROR NO. 013: Yes.

24 MS. FLECK: Have you ever had or been involved in any  
25 mandatory reporting through your job?

1 PROSPECTIVE JUROR NO. 013: Fortunately no, not yet.

2 MS. FLECK: How about any of the teachers that you're  
3 close with?

4 PROSPECTIVE JUROR NO. 013: My first year teaching I  
5 know a teacher I use to work with, she reported some child  
6 abuse incident.

7 MS. FLECK: Having experience with children, what  
8 kinds of things do you use to kind of judge credibility?

9 PROSPECTIVE JUROR NO. 013: Well, I feel -- working  
10 with children for so long, I feel like a lot of times you can  
11 tell when they're being honest with you, especially if there  
12 is a lot of emotion when they're talking to you about things  
13 that are happening to them on the playground or whatever.  
14 However I have also had experience with students looking at me  
15 and lying straight to my face with tears in their eyes as  
16 well.

17 So it's, you know, it can be really hard sometimes to  
18 judge when they're telling the truth, especially if they're  
19 good at...

20 MS. FLECK: All right. Okay. So you just kind of go  
21 with your gut then at that --

22 PROSPECTIVE JUROR NO. 013: A lot of times you  
23 have to, and a lot of times it's a matter of making sure you  
24 can find facts or witnesses and corroborate their story, or  
25 corroborate with their story.

1 MS. FLECK: Okay. How about this idea. Would you  
2 agree that just because a person may have made a foolish  
3 choice as a -- you know, when they were younger, that they are  
4 still entitled to the same exact protections under the law as  
5 a victim when they're older?

6 Maybe somebody made a mistake and did something that  
7 you would say, well, that was foolish or that was, you know,  
8 that was a bad decision, but they were young and -- would you  
9 hold that against them as a victim later in life?

10 PROSPECTIVE JUROR NO. 013: I don't think so. I  
11 think everybody makes mistakes [inaudible].

12 MS. FLECK: So you wouldn't automatically disbelieve  
13 what a witness said because they had made an immature decision  
14 at say 11 years old?

15 PROSPECTIVE JUROR NO. 013: No.

16 MS. FLECK: Okay.

17 PROSPECTIVE JUROR NO. 013: And I do have one thing I  
18 wanted to say. I did have a student named Maritza back  
19 in 2004, and I think that was one of the names of the -- but I  
20 wasn't sure if the age doesn't fit. I don't recall her last  
21 name.

22 MS. FLECK: Third grade?

23 PROSPECTIVE JUROR NO. 013: Yes. She was probably  
24 about nine at the time.

25 MS. FLECK: I don't think that -- do you remember her

1 last name?

2 PROSPECTIVE JUROR NO. 013: No, I don't  
3 unfortunately. It was during my student teaching.

4 MS. FLECK: Okay. I don't think that that could  
5 possibly be her, but I'll --

6 PROSPECTIVE JUROR NO. 013: I didn't think so, but --

7 MS. FLECK: I'll check into it.

8 Okay. So we were talking about automatically  
9 disbelieving. So you wouldn't -- you can account for reasons  
10 why people do things, you're not going to judge somebody based  
11 upon a decision they made when they were young?

12 PROSPECTIVE JUROR NO. 013: No.

13 MS. FLECK: Now, who was it convicted of the robbery  
14 with a deadly weapon?

15 PROSPECTIVE JUROR NO. 013: It was my -- my older  
16 brother.

17 MS. FLECK: And also the breaking and entering?

18 PROSPECTIVE JUROR NO. 013: Yes.

19 MS. FLECK: How involved were you in those cases?

20 PROSPECTIVE JUROR NO. 013: It was -- he was in  
21 California and I was here. It was out of state. I had  
22 nothing to do with it.

23 MS. FLECK: Okay. How about your parents or your  
24 other members of your family, were they involved in it?

25 PROSPECTIVE JUROR NO. 013: No. He had -- was moved

1                                   **IN THE SUPREME COURT OF THE STATE OF NEVADA**

2  
3   GUILLERMO RENTERIA-NOVOA   )  
4                                   Appellant,                   )  
5                                   vs.                                   )  
6   THE STATE OF NEVADA,                   )  
7                                   Respondent.                   )  
8

No. 68165

9                                   **APPELLANT'S APPENDIX – VOLUME III– PAGES 422-689**

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17                                   I hereby certify that this document was filed electronically with the Nevada  
18   Supreme Court on the 18<sup>th</sup> day of July, 2013. Electronic Service of the  
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23   correct copy thereof, postage pre-paid, addressed to:

24                                   GUILLERMO RENTERIA-NOVOA  
25                                   NDOC No. 1092343  
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BY

  
Employee, Clark County Public Defender's Office

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No. 68165

**APPELLANT'S APPENDIX- VOLUME III – PAGES 422-689**

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**Case No. 68165**

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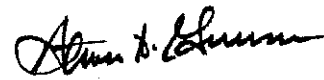
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CLERK OF THE COURT

TRAN

DISTRICT COURT  
CLARK COUNTY, NEVADA  
\* \* \* \* \*

THE STATE OF NEVADA,

Plaintiff,

vs.

GUILLERMO RENTERIA-NOVOA,

Defendant.

CASE NO. C268285-1  
DEPT NO. XX

**TRANSCRIPT OF  
PROCEEDINGS**

BEFORE THE HONORABLE JEROME TAO, DISTRICT COURT JUDGE

**JURY TRIAL - DAY 1**

MONDAY, MAY 21, 2012

**APPEARANCES:**

For the State: MICHELLE FLECK, ESQ.  
NICKOLAS J. GRAHAM, ESQ.  
Deputy District Attorneys

For the Defendant: MIKE FELICIANO, ESQ.  
AMY A. FELICIANO, ESQ.  
Deputy Public Defenders

Interpreters: Lorena Pike  
Maria Peralta de Gomez  
Michael Barry  
Yul Haasman  
Sylvia Page  
Mario Maldorado

RECORDED BY SARA RICHARDSON, COURT RECORDER  
TRANSCRIBED BY: KARR Reporting, Inc.

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1 LAS VEGAS, NEVADA, MONDAY, MAY 21, 2012, 9:01 A.M.

2 \* \* \* \* \*

3 (Outside the presence of the prospective jurors.)

4 THE COURT: This is State versus Guillermo  
5 Renteria-Novoa, C268285. This is the time set for the jury  
6 trial. Can everybody state their appearances for the record.

7 MS. FLECK: Michelle Fleck for the State.

8 MR. GRAHAM: Nick Graham for the State.

9 MR. FELICIANO: Mike Feliciano for the defense.

10 MS. FELICIANO: Amy Feliciano for the defense.

11 THE COURT: All right. And I'll note that the  
12 defendant is present in custody with the assistance of a  
13 Spanish interpreter. For the record, Madam Interpreter, what  
14 is your name?

15 THE INTERPRETER: Lorena Pike, L-o-r-e-n-a, P-i-k-e.

16 THE COURT: Can you hear her, Sara? Okay.

17 All right. We are outside the presence of the jury.  
18 Was there anything that either side wanted to address before  
19 we start rounding up the jury?

20 MR. FELICIANO: Not from us, Judge.

21 MS. FLECK: Okay. Well, it's my understanding now  
22 that the defense intends to bring in the fact that the victim  
23 in this case was pregnant at the time that the police found  
24 out and she disclosed to the police what had been happening  
25 since 2004, or 2005.

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1           Mike Feliciano and I had discussed it before, and he  
2 had said -- I said, you know, I'm going to obviously object to  
3 that information coming in. He said, I don't see how it would  
4 come in or what basis I would have to bring it in, so I  
5 haven't done any motions to exclude it. And now it's my  
6 understanding that they'd like to bring that in.

7           I don't see how her being pregnant is relevant.  
8 Furthermore, I think that we would have had to have some sort  
9 of hearing if they wanted to get into any kind of other sexual  
10 conduct of the victim, so.

11           THE COURT: Mike Feliciano, your response.

12           MR. FELICIANO: Judge, we're not offering -- first of  
13 all, we would submit that rape shield doesn't apply in this  
14 case. We're not offering it to challenge her credibility.  
15 We're offering it as a motive for her to make the disclosure.  
16 When she disclosed to the -- to her cousin, I believe, then to  
17 her aunt she was pregnant at the time and that along with it  
18 looks like an inappropriate relationship with her cousin.

19           So based on those two things, we would be bringing  
20 them in not to challenge her credibility, but to show the  
21 purpose of why she disclosed and her motive for possibly  
22 fabricating.

23           MS. FELICIANO: And she also tells the detective, the  
24 lead detective on the case, Jaeger, that the disclosure to her  
25 mom comes out because she has to tell her mom she's pregnant.

1 She then tells her mom she's pregnant. After that she tells  
2 her mom that she's had a sexual relationship with her cousin,  
3 and then about the conduct with Mr. Renteria.

4 So part of her disclosure to her mom is because she  
5 has to tell her mom she is pregnant. Therefore we're not  
6 introducing it for one of the inadmissible purposes under  
7 NRS 50.090, the rape shield law. It goes toward her motive in  
8 this case to disclose.

9 THE COURT: Well, all right. Explain to me how that  
10 goes to motive. She's not saying I'm pregnant and he's the  
11 father, so what -- she's already identified the father, and  
12 also saying that Mr. Renteria-Novoa supposedly did what he  
13 did. So what exactly -- I don't understand your argument  
14 factually.

15 MS. FLECK: And furthermore, we have to clear that --  
16 clear it up even factually, because that's not at all how it  
17 happens. The way that it happens is defendant is repeatedly  
18 calling and texting the victim, threatening her, sending text  
19 messages that say, If you don't call me back I'm going to tell  
20 your family what you did with your cousin back in 2004. If  
21 you don't pick up the phone I'm going to ruin your life.

22 He ends up calling a cousin, Maritza, at her work and  
23 says, If Roxana doesn't call me, I'm going to tell everyone  
24 hurtful things about her. I'm going to ruin her life. The  
25 cousin says, What are you talking about. They have absolutely

1 no idea. So it's because of what he says to the cousin that  
2 the whole thing blows up.

3 They obviously confront Roxana. She breaks down and  
4 says he was -- he's been harassing me, goes to the aunt. Aunt  
5 comes and says, What's going on. She says, He's been  
6 harassing me, and then starts to disclose a little bit about  
7 what's been going on. But it had absolutely nothing to do  
8 with her being pregnant.

9 Mom finds out about the relationship with the  
10 defendant, and then some weeks later finds out about her being  
11 pregnant with her -- from her boyfriend, teenage boyfriend.  
12 They're -- they were completely separate issues. And what she  
13 says to the police basically is, I feel so -- such a relief  
14 like, you know, the reason that I've been doing this for five  
15 years is because he's been threatening me.

16 He's been holding this over my head, and now finally  
17 it's all out in the open; the fact that I'm pregnant, the fact  
18 that I had this relationship with my cousin in 2004, and the  
19 fact that I've been forced to, you know, be the defendant's  
20 sex toy for the last four years.

21 So that's kind of the course of events with the  
22 disclosure. So factually that's -- that's actually not  
23 correct.

24 MS. FELICIANO: That's not what's contained in the  
25 declaration of warrant. In the declaration of warrant the



1 officer says Roxana had just told her mother she was pregnant.  
2 Once she started to talk to her mother about being pregnant,  
3 she told everything she did with her cousin in 2004, and  
4 everything about Guillermo. So that gives her a motive to  
5 fabricate.

6 A 16-year-old teenager who's pregnant, who has to  
7 disclose to her mother that she's pregnant gives her a motive  
8 to fabricate an allegation of sexual abuse. It goes to our  
9 defense theory. We're not introducing it for an inadmissible  
10 purpose, and we're entitled to present evidence of her motive.

11 THE COURT: Well, okay. Explain to me again  
12 factually why this is evidence of motive. I mean, the typical  
13 case is, all right, the girl ends up pregnant. She can no  
14 longer hide it from parents, so she arguably makes up, oh, I  
15 was raped by this guy and that's why I'm pregnant. I'm not  
16 engaging in sexual acts, I'm not, you know, doing those kind  
17 of things, I was raped by such and such person.

18 But in this case, I mean, how was this evidence of  
19 motive when she says I am pregnant by this other guy and by  
20 the way, this other guy, Guillermo Renteria-Novoa, who did not  
21 make me pregnant, also engaged in -- I'll use the word  
22 loosely, but sexual acts with me. So how exactly is that even  
23 arguably motive?

24 MR. FELICIANO: Well, because if she is going to be  
25 in trouble with her mother for being pregnant --

1 THE COURT: But now she's going to be in more  
2 trouble. So how -- isn't the opposite of motive, because now  
3 she has two people that she's had sex with.

4 MR. FELICIANO: Well, not if -- not if she's a victim  
5 of a crime. If she's a victim of a crime, that would cut  
6 against her being in trouble.

7 THE COURT: Is she saying that the person who's  
8 actually the father of this child raped her?

9 MR. FELICIANO: No. No. We're talking about  
10 Mr. Novoa here.

11 MS. FELICIANO: She's blaming Mr. Novoa for raping  
12 her to get her out of trouble for being pregnant by somebody  
13 else. If she tells her mom that she's pregnant, she's going  
14 to get in trouble. But if she says at the same time, oh, and  
15 I've been sexually abused by your ex-boyfriend for years,  
16 that's going to minimize any amount of trouble she would have  
17 gotten in for being pregnant in the first place.

18 MS. FLECK: Well, again, if the disclosure happened  
19 like that. But the disclosure doesn't happen like that.

20 THE COURT: All right. Well, I mean, this really  
21 should have been the subject of a motion, so I could have  
22 looked at all this stuff before today. Because now you're  
23 arguing the facts about what's in the police report, what's in  
24 her statement, which none of which I actually even have.

25 I'm not even sure I have a copy of the -- well, I

1 have a copy of the police report, but I don't have a copy of  
2 anything else in here. I have a copy of the transcript of the  
3 prelim. But I'm assuming this didn't come up in the prelim,  
4 or did it? I don't even know.

5 MS. FLECK: No, it didn't.

6 MR. FELICIANO: It did not.

7 THE COURT: So how is it that -- Mike Feliciano, that  
8 you intend to even get this into evidence? Are you just going  
9 to ask the victim when she takes the stand, or do you have  
10 other evidence that you wish to introduce?

11 MR. FELICIANO: We would ask her or we could ask her  
12 mother. It's going to be -- and the detective that she  
13 actually told this to.

14 MS. FELICIANO: If she denies making the statement on  
15 the stand. Because it is contained in the declaration of  
16 warrant. She told that to the police.

17 MS. FLECK: Well, but just because that's how he  
18 summarized it doesn't mean that that's how the events went  
19 down. I mean, her saying I feel so much better because I've  
20 gotten all of this off my chest --

21 THE COURT: Right. I mean, here's the question, is  
22 you can't -- I mean, you're not going to cross her on the  
23 police report, right? She didn't write the police report.  
24 She may not have ever seen the police report.

25 MS. FELICIANO: We can cross her on the statements

1 that she made to the officer --

2 THE COURT: Right. But --

3 MS. FELICIANO: -- and if she denies making them,  
4 then we can raise it with the detective as a prior  
5 inconsistent statement. We're entitled under our defense to  
6 be able to cross-examine on this information.

7 We're not introducing this -- rape shield only  
8 prevents us from raising this type of issue to challenge her  
9 character, or her credibility as a witness. We're not saying  
10 that. This goes directly to the heart of her motive to  
11 fabricate.

12 MS. FLECK: But how is there a motive to fabricate  
13 when the defendant himself has admitted that he was in a  
14 sexual relationship with her? So where's the fabrication,  
15 number one? I mean, you can't just say that she's fabricating  
16 it and -- as a conclusory statement. He admits that he had a  
17 sexual relationship with her since he walked in on her with  
18 her cousin. So --

19 THE COURT: All right. Hang on. I'm looking at the  
20 police report. What page are you talking about?

21 MS. FELICIANO: It's the declaration of warrant.

22 THE COURT: Okay. I'm looking at it. Where is it?

23 MS. FELICIANO: It's on page 2, at the very bottom.  
24 The last paragraph beginning with, "While I was photographing  
25 Roxana's phone."

1 THE COURT: How does the police officer get here?  
2 How was he even doing this interview?

3 MR. FELICIANO: He -- first it looks like patrol  
4 comes out and then later on he does this statement. He does a  
5 statement with -- he does a voluntary statement with Roxana,  
6 the complaining witness in the case.

7 MS. FLECK: But it's -- the thing is, is the family  
8 finds out about what's going on with the defendant. He calls  
9 the cousin in -- on November 29, he calls the cousin and says,  
10 Make sure Roxana calls me or she's going to -- or she's going  
11 to regret it. That's -- then it starts to go through the  
12 family of like, you know, what's he talking about, you know,  
13 what was the extent of this relationship.

14 It isn't -- she doesn't talk to the detective until  
15 the beginning of January. So it's like a month later that she  
16 has that conversation with the detective. It's within that  
17 month that she's able to disclose then what happened, or the  
18 fact that she's pregnant. So the two didn't have anything to  
19 do with each other.

20 Mom finds out first about defendant. And the only  
21 reason that it was disclosed, the only reason it came to  
22 light is because of the defendant and his actions.

23 THE COURT: All right. So here's the situation.  
24 Ms. Fleck is at least saying that you provided, one of you  
25 provided her assurances before today that you weren't going to

1 go into this. Did that happen?

2 MR. FELICIANO: We discussed it. I didn't say that  
3 we absolutely were not going to get into it. But I said -- we  
4 discussed it in passing and I said I wasn't sure if that was  
5 something we're going to get into.

6 After looking at it and talking -- and speaking with  
7 Ms. Porray [phonetic] and preparing our case, it's actually a  
8 very important part of it and a very important part of the  
9 disclosure. And it's part of our theory of defense and we're  
10 entitled to get into it.

11 MS. FLECK: Well, then I would just ask,  
12 because it -- and I'm not going to hold them to an assurance  
13 if he -- they have changed something thus far. That's no  
14 problem. He specifically said, I don't see any possible way I  
15 can get into it. But that being said, if we're going to have  
16 to litigate it, then I would just ask that we put it all in  
17 writing, because I need to prepare an opposition.

18 THE COURT: So Ms. Fleck, this statement that you  
19 were referring to that you say is factually different than  
20 what's in the declaration [unintelligible], what statement is  
21 that, that you're talking about? Is that just from  
22 questioning the victim, or --

23 MS. FLECK: What are you -- which one are you  
24 referring to?

25 THE COURT: Well, you said that -- initially I asked

1 factually how did this statement of the pregnancy come into  
2 light, and they said that --

3 MS. FLECK: Okay. Well, that's from -- that's from  
4 all of the witnesses. So we know from Maritza, who is the  
5 victim's cousin. The whole family kind of works at Subway.  
6 The defendant calls Maritza and says, Make Roxana call me. We  
7 have phone records showing that through the months of November  
8 and December the defendant incessantly calls the victim.

9 Only twice, I think, through those entire months does  
10 she return any phone calls or call him, any calls are made  
11 from her phone to his phone. So he's -- there's evidence that  
12 he's calling her incessantly. There's text messages showing  
13 him threatening and saying, If you don't call me, I'm going to  
14 tell the family you were with Yahir. Call me or you'll regret  
15 it.

16 Call me, call me, call me, call me. Call me now.  
17 The texts and the calls together. He finally gets ahold of  
18 Maritza on November 29th of 2009, says to her, Tell Roxana to  
19 call me or she'll regret it. That is what spurs an  
20 investigation of the family into what had been going on.

21 Maritza said -- has a conversation with the defendant  
22 saying, Why are you threatening her, what's going on, I don't  
23 understand this. He continues in that conversation. Maritza  
24 then confronts the victim.

25 THE COURT: Well, how do you -- Ms. Fleck, let me ask

1 you this. This is not a legal question, it's a practical  
2 question. I mean, I wish I'd had a chance to study this  
3 before we came in today. But how does it even hurt you?

4 Because it seems like the way the police report is  
5 written, and I don't know what the witnesses say obviously,  
6 the whole -- the leverage that Guillermo says that he has over  
7 her is that he knows about her relationship with her cousin.  
8 And he even says right here, And answer the phone or I'll tell  
9 everyone what you did with your cousin.

10 So once it's out that she tells her mom -- in fact,  
11 it says here right after that statement on page 2, Now that  
12 her mother knew about what she did with the cousin back in  
13 2004, she felt like Guillermo didn't have anymore leverage  
14 over her. So how does that even hurt you, that she is  
15 pregnant?

16 MS. FLECK: She's not pregnant by the cousin. She  
17 has a relationship with the cousin back in 2004, when she's 11  
18 years old and he's a teenager, and they're like, you know,  
19 experimenting around under a blanket kissy face. Okay. The  
20 cousin goes on to get married. The cousin goes on to have a  
21 baby and has a whole nother life.

22 She now as a teenage girl at 16 years old has a  
23 boyfriend. She gets pregnant by that boyfriend as a teenager.  
24 So now they want to come in and -- I mean, there's no other  
25 reason to bring that information up but to make her look like



1 she's having a relationship with the cousin --

2 THE COURT: So okay. Wait. All along I thought that  
3 her cousin was the father of this child.

4 MS. FLECK: No.

5 THE COURT: You're saying that it's not?

6 MR. FELICIANO: No.

7 MS. FLECK: Completely different.

8 MR. FELICIANO: No. It's somebody else.

9 THE COURT: So how exactly -- okay. So now you  
10 really need to explain this to me, Mike Feliciano, because  
11 then how does this have anything to do with anything if --  
12 because the two things that from the police report appear to  
13 be linked is the relationship with her cousin and this whole  
14 thing with the defendant, and one being leverage for the  
15 other.

16 So what does her pregnancy by someone else have to do  
17 with anything other than just to make her look like she's  
18 engaging in sexual relations with lots of different people?

19 MR. FELICIANO: Well, it -- what we're trying to get  
20 at here is if she is pregnant, and when she discloses her  
21 pregnancy she can also disclose if she is a victim of a crime,  
22 she is going to be treated less harshly by her family and by  
23 her mother. That's what we're getting at.

24 It doesn't really matter who she's pregnant from.  
25 It's just the fact that she's pregnant and she's scared and

1 she has to tell her mother. That's one of the factors that  
2 she says she was so stressed out about was her being pregnant  
3 and the fact that -- her allegations about Mr. Novoa harassing  
4 her. So based on that, that would give her a motive to  
5 fabricate certain allegations.

6 MS. FLECK: But again, she -- the only reason anyone  
7 finds out is because the defendant is obsessing on her and  
8 texting her and harassing her. That's the -- she doesn't --  
9 she doesn't get caught doing anything and then have to come up  
10 with something. It has nothing to do with her. She's  
11 stressed out because he's been basically harassing her for a  
12 solid five years.

13 THE COURT: Is she pregnant now? I mean, is she  
14 going to walk on the stand and --

15 MS. FLECK: She's had the child now.

16 THE COURT: Okay.

17 MS. FELICIANO: And we're not going to get up and say  
18 she's pregnant by some other guy or anything like that. It's  
19 exactly as Mike Feliciano said, she's pregnant and she's  
20 scared. We're not -- we're not trying to --

21 MS. FLECK: But where's the --

22 MS. FELICIANO: -- darken her character.

23 MS. FLECK: Where's the fabrication when the  
24 defendant has admitted it? I don't understand that. The  
25 defendant has given a statement and he has admitted to

1 having -- he's admitted to numerous lewdnesses at the very  
2 least.

3           So where is it -- and he -- factually it's that he  
4 walks in on the cousin, that he then uses that. He is  
5 protecting her from, you know, the family finding out, and  
6 they start a sexual relationship. His excuse is that it's  
7 consensual. So where is the fabrication?

8           MR. FELICIANO: Judge, we don't need to divulge our  
9 entire case strategy to Ms. Fleck before we start trial. I  
10 think what I've explained is sufficient to show why we should  
11 be able to get into the fact that she's pregnant.

12           Like I said, we're not -- we're not going to say  
13 who -- we don't really care who she's pregnant by. She can be  
14 pregnant by her cousin or somebody else. It doesn't matter.  
15 The fact is she was scared, she was stressed out, and that's a  
16 motive for her to fabricate.

17           MS. FLECK: Well, you don't have to disclose -- they  
18 don't have to disclose their defense strategy. However, they  
19 have to have a factual basis that comports with the law under  
20 what their rationale is and reasoning is for getting this  
21 information in, and it doesn't compute.

22           They can't just again, make a conclusory statement  
23 that it's to show that she has a motive to fabricate, yet  
24 there's proof she isn't fabricating, and the timeline shows  
25 that she -- the disclosure of the pregnancy has absolutely

1 nothing to do with the disclosure of the abuse.

2 THE COURT: Wait. When was she pregnant relative to  
3 when this conversation with the detective occurred?

4 MR. FELICIANO: She was pregnant, it looked like --

5 MS. FELICIANO: Then.

6 MR. FELICIANO: Yeah. She looked like she had  
7 probably just found out.

8 MS. FLECK: No. She was like four or five -- four --  
9 about four months pregnant.

10 MS. FELICIANO: She would have found out she was  
11 pregnant shortly before the allegation surfaced.

12 MR. FELICIANO: So that would have been sometime  
13 before December 17.

14 THE COURT: Well, all right. What you're going to  
15 need to do is this. I mean, I'm still not sure I really...

16 I'm still not sure I really understand why factually  
17 her pregnancy by someone who's completely unconnected with the  
18 case gives her motive to lie about Guillermo. But what you  
19 guys need to do is -- I mean, it doesn't sound like we're  
20 going to get very far today anyway, is I mean, brief it up and  
21 explain it for me.

22 Because I mean, it's -- you're putting me in a  
23 difficult position where you're throwing it out at me  
24 verbally, and I'm sitting here rifling through the file trying  
25 to find all these factual statements, and trying to put it

1 together while you guys are just kind of talking at me.

2 So whose motion should this be? Is it the State's  
3 motion to strike it, or is it the defense's motion to admit  
4 it? I don't care either way, because we're kind of, you know,  
5 we're -- I mean, frankly, this should have been, you know,  
6 like I said, done before today so I could have read this stuff  
7 and specifically looked at this stuff before I came in here.

8 But so who wants to be the person to file the motion  
9 and who wants to be the person responding? And then that way  
10 what I need is I need time to go through this thing tonight  
11 specifically with this in mind. I mean, I went through the  
12 file, but I didn't specifically look at this issue. It didn't  
13 seem like it was a big issue at the time.

14 MS. FLECK: The thing is that I don't mind  
15 doing my -- the frustration is, is that this is something that  
16 I contemplated and I spoke with Mr. Feliciano specifically  
17 about it and said this is an issue I'm going to have. I  
18 would -- I would have absolutely done a motion in limine to  
19 preclude it. He specifically said, I don't see any basis that  
20 that would come in anyway. Otherwise I would have already  
21 done my motion in limine.

22 THE COURT: And when did this conversation occur?

23 MS. FLECK: At least a month ago. So it would be my  
24 preference to have the defense do it, and I would be happy to  
25 do an opposition. Or we can just submit, both of us submit

1 some kind of a brief to you as our --

2 THE COURT: Yeah. It doesn't have to be a lot. I  
3 mean, like I said, my handicap right now is you guys are  
4 giving me facts, making factual representations and I'm  
5 sitting here rifling through the file while you guys say  
6 things, to see, you know, what other witnesses and what the  
7 police report says, and that's not a very good way of doing  
8 things.

9 So what I need is just something short, you know,  
10 where you explain exactly what your position is, the relevance  
11 of it, and maybe a couple citations. It doesn't have to be  
12 this whole, you know, give me a thousand cases kind of a  
13 thing.

14 So why don't we do this. Why don't we make it a  
15 defense motion to admit when I know that you guys are both  
16 here. I don't know when you guys can file this motion. I  
17 mean, obviously we need to resolve this before -- who would be  
18 the first witness that this might come in through?

19 MS. FELICIANO: Well, we need to resolve it before  
20 opening.

21 THE COURT: Right.

22 MS. FELICIANO: Before opening statements.

23 THE COURT: And we might get to opening this  
24 afternoon.

25 MS. FELICIANO: This is our defense theory. This is

1 how we're preparing our case.

2 MS. FLECK: I just -- I don't understand how we're  
3 just hearing about this if it's your -- if it's the defense  
4 theory and we've had a whole conversation about it coming in  
5 or not coming in, and then to find out right before we pick  
6 the jury that the defense theory rests on something that we  
7 have agreed would not come in.

8 MR. FELICIANO: Well, we never agreed that it would  
9 not come in.

10 MS. FLECK: But we did, because that was the  
11 conversation.

12 THE COURT: Well, I mean, whether or not there was an  
13 agreement, I guess what I'm a little bit concerned, if you're  
14 making an affirmative representation that oh, I don't see any  
15 basis for getting this in, you're kind of misleading Ms.  
16 Fleck.

17 MR. FELICIANO: I told her this morning that we did  
18 intend to get into it and that we could address that with the  
19 Court this morning. That's why we came in and told her before  
20 and we didn't just start off in our opening talking about it.

21 MS. FLECK: Oh, well, that would have been  
22 interesting.

23 THE COURT: All right. So is any of this discussed  
24 in the prelim transcript? I honestly just don't remember.

25 MR. FELICIANO: The fact that she's pregnant?

1 THE COURT: Right.

2 MS. FLECK: I believe that it was -- I think that  
3 they tried to get into it and it was --

4 MR. FELICIANO: I was shut down at the prelim.

5 MS. FLECK: -- ruled inadmissible.

6 THE COURT: Okay. And by the way, one other thing.  
7 Ms. Fleck, last time we were here at calendar call, you  
8 indicated that you were going to file an amended Information  
9 that sort of streamlined the charges. Has that been done, or  
10 do you plan on doing that still?

11 MS. FLECK: I have. I prepared it this morning and  
12 it was down to, I think, 37 counts. I had changed the body of  
13 two of the opening grosses. The defense has objected to that.  
14 And it's no problem, I'll go back over lunch and switch them  
15 back to the way that they originally were. But we're at 37  
16 counts now and but for that objection which I will change, I  
17 think that the defense was -- it has accepted that, the second  
18 amended.

19 THE COURT: Okay. And then while we're discussing  
20 housekeeping matters, I have a proposed set of jury  
21 instructions from the State. Have you guys received a copy of  
22 this?

23 MR. FELICIANO: Yeah.

24 THE COURT: And do you have any objections or do you  
25 have any other proposed instructions on the way, or what's the



1 status?

2 MR. FELICIANO: We will have instructions.

3 MS. FLECK: And clearly I have not changed. The  
4 instructions are as they are, but I didn't -- I have not  
5 changed the Information within those instructions or the  
6 verdict form.

7 THE COURT: Right. Obviously they need to be done to  
8 match. Right. All right. Well, I mean; the question right  
9 now is what are we going to do about the pregnancy issue,  
10 because as I said, I spent some time this weekend going  
11 through the file, but I didn't realize this was going to be an  
12 issue, so I didn't specifically look for anything related to  
13 this.

14 So your theory is that in order to lessen the  
15 severity of the punishment that she knows is coming because  
16 she's pregnant, she just starts launching allegations against  
17 other people; that's the idea?

18 MR. FELICIANO: That she makes allegations against  
19 our client.

20 THE COURT: Why? Why him in particular? He's not  
21 the person who got her pregnant, right?

22 MR. FELICIANO: Well, she has the text messages. She  
23 has the phone calls. She does have some type of proof of some  
24 type of harassment that she can show her family, so he's the  
25 perfect person to implicate.

1 MS. FLECK: So where does the admission part become  
2 relevant? He has admitted that he had a sexual relationship  
3 with her from the time he caught her with her cousin until  
4 December of 2009. He admits it. How can the defense admit  
5 otherwise inadmissible evidence to show a motive to fabricate  
6 when by the defendant's own admissions it is true?

7 THE COURT: Does anyone have a copy of the rape  
8 shield statute with them?

9 MR. FELICIANO: Yes.

10 MS. FELICIANO: I do. That's what I was citing to  
11 earlier. It's 50.090.

12 MS. FLECK: And I think it's Miller/State we  
13 need to...

14 MR. FELICIANO: I do have some of my own handwriting  
15 on it, but there's the statute.

16 THE COURT: All right. So looking at NRS 50.090,  
17 "The accused may not present evidence of any previous sexual  
18 conduct of the victim of the crime to challenge the victim's  
19 credibility -- unless the prosecutor has presented evidence or  
20 the victim has testified concerning such conduct, or the  
21 absence of -- conduct, in which case the scope of the --  
22 cross-examination -- must be limited to the evidence presented  
23 by the prosecutor or victim."

24 MS. FLECK: So it's clear rape shield.

25 THE COURT: I mean, presumably, Ms. Fleck, I don't

1 know if you're planning on getting into the pregnancy, but I  
2 guess what I'm doing is I'm starting backwards with this  
3 statute. The last phrase is, In which case the scope of the  
4 cross-examination must be limited to the evidence presented by  
5 the prosecutor or the victim.

6 So if you're not introducing the pregnancy, how do  
7 you get to introduce it? Isn't that beyond the scope of what  
8 they've introduced?

9 MS. FELICIANO: No, it's not. They're not  
10 introducing the pregnancy, and it doesn't fit under rape  
11 shield. This goes toward the motive. We're not attacking her  
12 credibility and saying you sleep with a lot of men therefore,  
13 you know, you must have slept with him or something. That's  
14 what rape shield is designed to protect against.

15 We're introducing it under motive. And that's Davis  
16 v. Alaska. And the court has also addressed other exceptions  
17 to the rape shield. For example, Summitt, which is 101 Nev.  
18 159, deals with allowing information for children of previous  
19 sexual encounters to show knowledge of sexual activity, that  
20 it could have come from another source. There is Miller vs.  
21 State, which is 105 Nev. 497, which allows prior false  
22 allegations.

23 There's Drake vs. State, which is 108 Nev. 523, where  
24 the Court allowed previous prostitution arrests to show  
25 criminal dishonesty and sexual crimes. It went directly to

1 the defendant -- I'm sorry, the alleged victim's motive. And  
2 there's Cox vs. State, which is 102 Nev. 253, where the court  
3 allowed the fact that the victim applied for an escort license  
4 to rebut the victim's good character evidence and go toward  
5 the defendant's theory of defense that the victim offered sex  
6 for money.

7 So when it goes toward the defense's theory of the  
8 case and the alleged victim's motive to fabricate, it doesn't  
9 fall under rape shield. We're not introducing this to show  
10 consent with Mr. Renteria or anything like that.

11 MS. FLECK: Okay. Judge -- okay. A Miller hearing,  
12 that's a prior false allegation. You have -- Miller v. State,  
13 it's a prior false allegation. The defense has to be able to  
14 come in and show that a prior false allegation was made if  
15 their theory of the defense is this particular victim lies,  
16 has lied in the past, and has falsely accused.

17 First they have to be able to show in that specific  
18 hearing that it was a false allegation. Completely and  
19 totally different than what we have here, not on point even  
20 remotely close. So Miller, that's not about challenging  
21 credibility. That's affirmatively saying somebody has made a  
22 false allegation of sexual abuse in the past. Nothing to do  
23 with what we have here.

24 Drake and Cox, Drake is that prior sexual conduct of  
25 someone who has been charged with soliciting or has been a

1 hooker, that that can come in, in order to show, you know, the  
2 course of conduct in a case. Obviously has nothing to do with  
3 here. That's not just challenging the victim's credibility.  
4 That is very specific as to past soliciting for purposes of  
5 prostitution.

6 And Summitt, that's not on point either at all. That  
7 goes to in that case it was a six-year-old victim. The  
8 relevance was prior sexual knowledge, to show that the victim  
9 had had prior sexual conduct and that that was a basis of  
10 knowledge for why she would testify the way that she did, or  
11 have the sexual knowledge that she had in that particular  
12 case.

13 So none of those cases are on point at all. Rape  
14 shield absolutely applies here. It's textbook. They want to  
15 get in prior sexual conduct of a victim for no other purpose  
16 but to show that she's had prior sexual conduct and that she  
17 was sexually active at that time.

18 THE COURT: Right. I mean, what's the -- explain to  
19 me what's the difference between motive to lie and challenging  
20 the credibility of the witness. Aren't they the same thing?

21 MS. FELICIANO: No. We're allowed under the law to  
22 present a motive to lie. That's our defense theory.

23 THE COURT: How is that any different than  
24 challenging the victim's credibility as a witness?

25 MS. FELICIANO: What the State is saying is that

1 we're challenging credibility by we're introducing this to say  
2 that she's sexually active. And we have said specifically  
3 we're not introducing this to say that she's sexually active.  
4 We're introducing this to show why she would fabricate an  
5 allegation to get herself out of trouble.

6 MS. FLECK: But they have to have a factual basis  
7 with which to make that statement and that argument. There is  
8 no factual basis. Even then they can't. That's not what the  
9 statute says. The statute specifically says they don't get  
10 into prior conduct unless I get into it first, and then they  
11 get to rebut it.

12 THE COURT: Right. I mean, here's my question. You  
13 keep saying motive to lie. You're not -- I mean, the statute  
14 specifically says you can't use it to challenge the victim's  
15 credibility, and your response is, well, it's a motive to lie.

16 MS. FELICIANO: Right.

17 THE COURT: How are they two different things? A  
18 motive to lie, is that not challenging her credibility as a  
19 witness?

20 MS. FELICIANO: Well, motive is something that  
21 we're -- a motive to lie, yes, in the sense of the grand --

22 THE COURT: A motive to not be a credible witness --

23 MS. FELICIANO: -- the grand scheme of things.

24 THE COURT: -- how is that not challenging the  
25 victim's credibility?

1 MS. FELICIANO: The statute is designed to protect  
2 against attacks against credibility based on sexual conduct;  
3 for example, that she's promiscuous or something like that,  
4 attack credibility in that way.

5 THE COURT: Right.

6 MS. FELICIANO: It's not designed to say that it  
7 prevents us from getting into a motive to lie or a motive to  
8 fabricate. And furthermore, under Davis v. Alaska, we're  
9 entitled to present that. That's a United States Supreme  
10 Court case that says that we're entitled to get into this. It  
11 would supersede any statute that says that we're prevented  
12 from introducing this based on credibility.

13 We have a due process right to present our theory of  
14 defense. No statute can supersede that.

15 MS. FLECK: Well, you don't get a theory of  
16 defense -- I mean, that's like coming into the Court and  
17 saying that you want the voluntary manslaughter instructions  
18 when there's absolutely no evidence of voluntary manslaughter.  
19 You want self-defense instructions when there's absolutely no  
20 evidence of self-defense.

21 You don't get just to -- get to just come in and say,  
22 well, that's our theory of the case even though it's based on  
23 absolutely nothing. And in fact all of the evidence shows  
24 otherwise. Then -- I mean, it's protected by rape shield as  
25 it is, but with the defense, quote/unquote, theory, it's

1 blatantly for no other reason but to disparage the victim.

2 MR. FELICIANO: Judge, it seems like at this point we  
3 seem to be going in circles. What -- do you want us to brief  
4 it, or how do you want -- how would you like to --

5 THE COURT: You know, the problem is if you guys are  
6 going to mention it in the openings, which in theory could  
7 happen this afternoon, we have a problem with timing. I mean,  
8 I'm kind of concerned about how this whole thing got presented  
9 here, where there's at least an allegation that you'd made an  
10 assurance that you weren't going to bring this issue up, and  
11 now here we are at 9:30 on the morning of trial, and you guys  
12 want to mention it this afternoon.

13 I mean, unless you guys can put together a brief in  
14 the next couple hours and they can respond in the next couple  
15 hours. And then you come in here and just start throwing  
16 facts at me and then you throw cases at me. It would have  
17 been nice -- I mean, the whole purpose of briefs is that I can  
18 read the cases before I come in here knowing that it's an  
19 issue, be prepared to address what you guys are talking about.

20 MS. FLECK: And this Davis v. Alaska is basically  
21 them, the defense -- it's right of confrontation. It has  
22 nothing to do with this.

23 THE COURT: All right. So what do you propose to do  
24 procedurally, given that you guys want to mention this in your  
25 opening which could happen this afternoon?



1 MS. FLECK: I think that based upon the fact that we  
2 only have eight witnesses in our case, I believe that jury --  
3 picking the jury will take -- it's already 10:00. I think  
4 that picking the jury will take most of the day. Openings  
5 should not be very long.

6 So I don't see why we couldn't pick our jury today  
7 and then open first thing -- even if we want to pick -- if we  
8 get the jury picked, we can pick the jury, you can instruct  
9 them. We can even read the Information and get everything  
10 done.

11 THE COURT: Well, except that they want to mention  
12 this during their opening.

13 MS. FLECK: But we can still read the Information and  
14 instruct the jury, and then tomorrow morning we'll litigate it  
15 right before we do the opening. But everything will be set to  
16 open before we come in, including the jury will be instructed  
17 and the Information will be read, if we even get that far.

18 MR. FELICIANO: Judge, and if we were ruled against,  
19 and there's one issue -- if we were ruled against in this  
20 issue, if that's something we wanted to take up, that's  
21 another concern for the Court, I think. Because we would be  
22 taking it up if that's something that we were ruled --  
23 something that ruled against us.

24 THE COURT: Okay. And if it's something that you  
25 would have taken up, it didn't occur to you to make this an

1 issue before we were here with the jury sitting downstairs  
2 waiting?

3 MR. FELICIANO: Judge, and this issue, at least in my  
4 mind, it seems fairly straightforward. I think we're entitled  
5 to get into it. I know the State disagrees. After looking at  
6 the case and formulating our theory of defense, this is our  
7 theory of defense, so this is something that we have to go  
8 with.

9 And if there was something said a month or so ago  
10 before I actually started prepping the case completely for  
11 trial and formulated my theory, then I apologize. But this is  
12 something that we do have to get into.

13 MS. FLECK: Well, given that the law is completely  
14 against the defense position in this case, I would feel fine  
15 with you denying it and...

16 THE COURT: Well, I mean, as I said, I'm concerned  
17 about a couple things. I mean, I know that we're talking  
18 about an informal conversation between Mr. Feliciano and Ms.  
19 Fleck. But I mean, the way things work as a practical matter,  
20 you guys have conversations, everybody has conversations about  
21 cases which are designed to sort of narrow the issues.

22 And in this case it sounds like, Ms. Fleck, you  
23 relied on them to not file a motion which you might otherwise  
24 have filed, and so I'm a little bit concerned about there  
25 being a possible misrepresentation in this case that —

1 especially if the conversation happened a month ago.

2 I'm presuming you didn't decide this morning that you  
3 were going to try to get this in here. I don't know why you  
4 couldn't have had a conversation with her last week,  
5 considering we had a two-hour hearing here last week and  
6 everybody was in the same room. And now you're saying it's an  
7 issue important enough that you want to take it up with the  
8 jury sitting downstairs.

9 I mean, it sounds like if you planned to take it up,  
10 you should have done it in a motion, and then you could have  
11 gotten a ruling and you could have taken it up -- we could  
12 have continued the trial. You could have taken it up and seen  
13 if this Court would be willing to accept it. But now you want  
14 to do it on the fly in the middle of a trial. Suddenly it's  
15 that important an issue to you.

16 On the other hand, I mean, if you're saying this goes  
17 to the heart of your defense -- and again, I'm kind of  
18 unprepared because as I said, this whole issue surprised me.  
19 When I went through the file, I didn't think this was going to  
20 be an issue at all. In fact, I know so little about the facts  
21 of her pregnancy, you know, I'm literally hearing it and  
22 reading it for the first time now.

23 I mean, this is really procedurally not a good way of  
24 doing things. You're saying that this is the heart of your  
25 case. Well, did it become the heart of your case this

1 morning, or did you know about it before today, is my  
2 question.

3 MR. FELICIANO: No. I knew about it. I knew about  
4 it before today, Judge.

5 THE COURT: Well, I mean, the issue is I'm not -- you  
6 know, the issue is you've kind of handicapped me. You've  
7 obviously -- Ms. Fleck obviously feels that you've blindsided  
8 her. Whether or not you did is, you know, depends on  
9 conversations that I wasn't a part of.

10 But I certainly feel a little bit blindsided coming  
11 in here and, you know, having the jury sitting downstairs and  
12 getting ready to go, and suddenly you're throwing this whole  
13 issue at me and you're citing cases at me that you didn't  
14 bother to bring in a brief anywhere.

15 And you say you want to do it -- you want to mention  
16 it in your opening, which, you know, Ms. Fletch is proposing  
17 that we do it tomorrow, but still, you know, depending on what  
18 ruling you get, I'm assuming that that affects your  
19 cross-examination of whatever witnesses are going to come  
20 tomorrow or the next day.

21 Where is the section of the prelim? Does anyone have  
22 the page number where you say you tried to get into this?  
23 Does anyone have the page number? It's a 94-page transcript  
24 here.

25 MR. FELICIANO: Page 60. And this isn't really

1 talking about the pregnancy. This is talking about -- this is  
2 where I try to question about the actual conduct that  
3 Mr. Renteria would have observed between the complaining  
4 witness and --

5 THE COURT: Wait. Page 60?

6 MR. FELICIANO: Yes.

7 MS. FLECK: That's about the cousin.

8 THE COURT: Are you sure you have the right page  
9 number? I don't see anything in here about her being  
10 pregnant.

11 MS. FLECK: No. That's about the cousin.

12 MR. FELICIANO: Well, that's -- that's the only part  
13 where -- that I remember getting -- being disallowed to ask  
14 questions. I don't think the pregnancy even came up.

15 MS. FLECK: Maybe he's right actually, because it's  
16 not even in the --

17 THE COURT: No. Because this is about the cousin who  
18 you're saying is not the father of the child, right?

19 MR. FELICIANO: Correct. And that's from my -- now  
20 that I've reviewed it, that's where I was disallowed to ask  
21 certain questions. The pregnancy never came up. I looked in  
22 the index and it doesn't look like the word "pregnant" or  
23 pregnancy even appears in the transcript.

24 THE COURT: Well, I mean, the reason I asked is if it  
25 came up at the prelim, if there was -- if you were -- if there

1 was some attempt at cross-examination, then you would be able  
2 to make the argument that the State is on notice if that's an  
3 issue in the case. But it doesn't seem like that's in the  
4 transcript here.

5 MS. FLECK: It's not.

6 MR. FELICIANO: It doesn't appear to be.

7 THE COURT: And it's not in the second half of the  
8 transcript either? It looks like there's two parts of the  
9 transcript here. One is 94 page, one -- oh, no. It looks  
10 like the second half is just the argument, right?

11 MR. FELICIANO: Yeah. The considering the amount of  
12 counts we needed [inaudible].

13 THE COURT: Right. Well, the problem with taking  
14 Ms. Fleck's suggestion, if we just pick the jury and then we  
15 rule on this tomorrow, is depending on what happens tomorrow,  
16 I mean, now we've impaneled the jury and now double jeopardy  
17 attaches.

18 MR. FELICIANO: And if -- and this would affect our  
19 voir dire as well, if we ask questions about pregnancy and  
20 things like that. That would definitely affect the questions  
21 that we ask in voir dire.

22 MS. FLECK: I mean, I just -- I do not understand how  
23 they think that it gets into it -- they can get into this,  
24 this much through jury selection and everything with the rape  
25 shield statute. I mean, it specifically says no prior conduct

1 comes in to challenge the credibility. None. Zero.

2 None of the caselaw that they have cited to, not  
3 Miller, not Drake, not Summitt, not Cox, not Davis, nothing is  
4 even remotely close to being on point to this. So they have  
5 no legal basis. And what are they going to do, go up to the  
6 supremes with what, with not one case in their favor?

7 THE COURT: Well, all right. Explain to me again,  
8 Mr. Feliciano or Ms. Feliciano, you're saying that the rape  
9 shield law doesn't apply to this at all, or are you saying  
10 it's an exception to the rape shield law? I want to make sure  
11 I understand your legal argument.

12 MR. FELICIANO: The rape -- in this, what we're  
13 trying to get into, her -- her using this as a motive to get  
14 out of trouble, that is not rape shield. Like Ms. Feliciano  
15 said, rape shield is basically to keep us from coming in here  
16 and saying that a person is promiscuous, they sleep around,  
17 and to undermine their credibility that way, and that's not  
18 what we're doing here.

19 We're just showing this as a reason why the  
20 disclosure came about. She was pregnant. She was having the  
21 relationship with the cousin, and this was a way for her to  
22 minimize the punishment she was going to receive from her mom,  
23 or whoever was going to punish her, her family. That's how  
24 this comes in.

25 MS. FLECK: And again, where is the -- where is the

1 factual basis that that's even how it happened? Legally they  
2 have -- there is nothing that they can cite to. Nothing.

3 I mean, even if you go through the cases under rape  
4 shield regarding cross-examination, it's, you know, that --  
5 there's nothing. There's not one case that they can cite to  
6 that's on point. It's a conclusory statement that's not based  
7 on law and/or fact. Not one case.

8 MR. FELICIANO: And Judge, it's not -- I mean, I've  
9 explained our theory. I've explained why we want to get it  
10 in. It's not conclusory. We've made an offer of proof as to  
11 why, why we're offering it, so I don't see any reason why it  
12 would not come in.

13 MS. FLECK: Because there's the rape shield law and  
14 that's exactly what this prohibits. I mean, the defense could  
15 come up with any reason that they want to say that somebody  
16 has a motive or a bias or something, and that that's how they  
17 overcome the rape shield.

18 THE COURT: Right. Which is why I asked that  
19 question earlier, which is what's the difference between  
20 challenging the victim's credibility as defined in the statute  
21 and saying she's got a motive to lie. As a practical matter,  
22 what's the difference between the two?

23 MR. FELICIANO: Because we're not up here calling --  
24 we're not up here and calling her promiscuous and calling her  
25 names and trying to undermine her credibility because she's



1 promiscuous.

2 THE COURT: But I mean, as a practical matter, let me  
3 ask you a hypothetical. I mean, can't the defense do that in  
4 any case to get around rape shield; oh, you slept with 500  
5 men, doesn't that give you a motive to lie? I mean, if you --

6 MR. FELICIANO: That's not what --

7 THE COURT: Just by rephrasing it that way --

8 MR. FELICIANO: Well, no.

9 THE COURT: -- you can get around the rape shield  
10 statute in any case; right or wrong?

11 MR. FELICIANO: That's -- no. That's not what we're  
12 doing. We're not saying you've slept with 500 men and  
13 therefore it affects your credibility.

14 THE COURT: Well, I know we're not saying that in  
15 this case. What I'm saying is if you're saying a motive to  
16 lie is not the same as -- technically as the victim's  
17 credibility as defined by the statute, what I'm saying is tell  
18 me a case in which I can't make that argument. Tell me a case  
19 in which the rape shield law would apply.

20 Is there any factual circumstance in which the rape  
21 shield law prevents sexual conduct if you can just say, well,  
22 that's a motive for her to lie?

23 MS. FELICIANO: Well, in the -- in the scenario that  
24 you just raised; you've slept with 500 men, therefore you're a  
25 liar. But that's not what we're doing. It's not the fact

1 that she slept with someone and became pregnant. It's the  
2 situation that she's in. She is in a scary situation for a  
3 16-year-old where she is going to get in trouble. She's going  
4 to get in trouble because -- because it just happens to be  
5 because she's pregnant.

6 Maybe she had crashed her mom's car the night before  
7 and that's why she was going to get in trouble. That's what  
8 we're saying. It's because of this reason she's going to get  
9 in trouble. And because she's going to get in trouble for  
10 something, then she accuses Mr. Renteria-Novoa of sexually  
11 abusing her to get herself out of trouble.

12 It just so happens that the things she's in trouble  
13 for is being pregnant and not crashing her mom's car. But  
14 that's what we're saying. It's a drastically different  
15 situation than if we were to say to her, well, you have a  
16 boyfriend who you sleep with and therefore you're a liar.  
17 We're not saying that at all. That would be rape shield.

18 What we're saying is you're in trouble for something  
19 and again, we can't help it just happens she's in trouble for  
20 being pregnant, and that gives you then a reason to fabricate  
21 an allegation of sexual abuse.

22 THE COURT: Right. But that -- again, that goes back  
23 to my question, which is -- all right. I mean, you're trying  
24 to draw a line here. But my question is, if that's -- if I  
25 permit this, if I say okay, you're not saying she's a liar

1 because she slept with somebody and got pregnant; you're  
2 saying that because she slept with somebody and got pregnant  
3 and was going to be in trouble, that gives her a motive to  
4 lie?

5 MS. FELICIANO: Well, we didn't say -- we're not  
6 going to say slept with somebody. We're just going to say  
7 she's in -- she's pregnant and she's scared. She's pregnant  
8 and she's scared. She's in trouble. She has to tell her mom.

9 MS. FLECK: But she's not in trouble. The only  
10 reason that -- the only reason she tells is because the  
11 defendant is harassing her, sending her text messages, showing  
12 up at her school, showing up at the bus. She's not in  
13 trouble. When the disclosure comes out to the cousins, to the  
14 aunts about the defendant having a sexual relationship with  
15 her for years, she's not in trouble.

16 So what do you mean she's telling people this because  
17 she's in trouble? The only reason she's telling people this  
18 is because the defendant is so obsessed with her and acting so  
19 crazy that people start asking questions.

20 THE COURT: Let me ask you this. All right. Let's  
21 say for a second -- all right. You're saying that you don't  
22 need the -- that the fact that she slept with somebody per se  
23 is not really relevant to your argument, right? So if that's  
24 the case, why can't you just get in, well, you were about to  
25 be in trouble for something with your mom --

1 I don't know. Let me ask you this as a factual  
2 matter. What did the mom do as a consequence? Was she  
3 grounded? Was she removed from school? Was there actually  
4 any punishment?

5 MS. FELICIANO: She -- everything then switched to  
6 being focused on the abuse.

7 THE COURT: Well, here's my question. All right.  
8 Let's just play with this hypothetical for a second. If  
9 you're saying that this is not rape shield because we're not  
10 talking about her sexual conduct, what if we took the sex out  
11 of it and you just say, well, you were about to be in trouble  
12 for doing something with your cousin, or with --

13 MS. FLECK: Because she wasn't.

14 MS. FELICIANO: And just so that this is clear,  
15 Judge, the State is going to introduce the conduct with the  
16 cousin because it works for their theory. They're going to  
17 get into that.

18 THE COURT: I'm sorry. With the boyfriend then, with  
19 the boyfriend.

20 MS. FELICIANO: We're not talking about -- we're not  
21 even going to say it's her boyfriend. We're just going to say  
22 one word, pregnant.

23 MS. FLECK: Because they want to show that at the  
24 time she's pregnant. I mean, that's -- how is that -- she's  
25 not in trouble. How -- where are they getting from the record

1 that they have right now, from any of the statements, from  
2 anything that she is actually in trouble? They know the  
3 timeline of the disclosure. It has nothing to do with her  
4 being pregnant.

5 So they -- Summitt v. State, "A defendant in a  
6 prosecution in which rape victim shield is applicable must be  
7 given an opportunity upon motion to demonstrate that due  
8 process requires the admission of evidence concerning the  
9 victim's past sexual conduct, because its probative value and  
10 the context of the case outweighs its prejudicial effect on  
11 the victim."

12 So they have to be able to show somehow that they  
13 overcome this, because it's pure rape shield. And in order to  
14 show that they overcome it and that the probative value is  
15 more than the prejudice, it has to be based on some sort of  
16 fact.

17 THE COURT: Okay. What I'm trying to do is I'm  
18 trying to get into if -- I'm trying to flush out your argument  
19 here. If you're saying that the sex isn't part of your  
20 argument, that's not the point --

21 MS. FELICIANO: Right.

22 THE COURT: Then can you ask this question without  
23 any reference to the sexual pregnancy?

24 MS. FELICIANO: If we could --

25 THE COURT: Because if you can't, that sort of

1 suggests that the sex is part of your argument.

2 MS. FELICIANO: No. And if there was another way  
3 that we could convey to the jury that she had something really  
4 big going on for a teenager that she was scared to tell her  
5 mom about, that conveys the emotion of the word pregnant for a  
6 16-year-old, yeah, we could use any other word. That's why I  
7 brought up the crashing the car example.

8 If we could craft something that would say, you know,  
9 you're -- you have something really big going on in your life  
10 that you are scared of. Because, you know, and at the point  
11 that the State is saying, well, she's not in trouble, we're  
12 getting into arguing our case. You know, that's a decision  
13 for the jury.

14 This is our theory, and which we're allowed to  
15 present and we're allowed to argue. You know, the State says,  
16 oh, she's not in trouble, that's the State's take on it and  
17 what the State will argue. We get to argue our side.

18 I don't know -- I mean, yeah, if we can come up with  
19 a word or something that would evoke the connotation of how  
20 much fear, I guess, stress. Because the alleged victim says,  
21 I was pressured. I was so pressured. I was so stressed out.  
22 I was telling my mom that I was pregnant.

23 MS. FLECK: No. That isn't what she says. What she  
24 says is she feels better now that she's gotten everything off  
25 of her chest, that her mom knows about what happened with the

1 cousin, that she doesn't have to --

2 THE COURT: No, I know. Ms. Fleck, I know what she  
3 said. But what I -- I guess what I'm trying to flesh out is  
4 here's the problem. The problem is you want to use the word  
5 "pregnancy" because it's explosive, because it's the only  
6 thing that a 16-year-old --

7 MS. FELICIANO: No. No, no.

8 THE COURT: -- would feel that much pressure for,  
9 right?

10 MS. FELICIANO: We're using the word because that's  
11 what best describes the situation. Not because it's  
12 explosive. Not to inflame the jurors. But I can't think of  
13 another word that --

14 THE COURT: Why don't we just say she had a medical  
15 condition then? Let me ask you that.

16 MS. FELICIANO: Well, I mean --

17 THE COURT: If you're saying you don't want the  
18 explosive value of the word pregnancy, why can't we just say  
19 you just -- you had a medical condition and you didn't want to  
20 tell your mom?

21 MS. FELICIANO: You had a medical condition you  
22 didn't want to tell your mom. I would say that as far as  
23 presenting that to the jury, that vastly undercuts the  
24 defense. A medical condition that you didn't want to tell  
25 your mom about doesn't convey to the jury accurately what our

1 theory is and what's going on in her head.

2 THE COURT: Right. Which raises my question, because  
3 you want -- because pregnancy's more explosive than medical  
4 condition; right or wrong?

5 MS. FELICIANO: Well, pregnancy is more -- kids don't  
6 get in trouble for medical conditions. Kids get in trouble  
7 for being teenaged and pregnant. Medical conditions don't  
8 last a lifetime of responsibility. Medical conditions don't  
9 require, you know, family members to help raise children.  
10 It's a big deal. I can't think of another word that conveys  
11 the situation.

12 THE COURT: Well, the problem is -- I understand  
13 you're saying you can't think of another word that conveys the  
14 condition. The problem is that word also conveys sexual  
15 conduct.

16 MS. FELICIANO: Well, the State is already going to  
17 introduce that she was engaged in conduct with her cousin.

18 MS. FLECK: Not that -- no.

19 MS. FELICIANO: So I mean --

20 MS. FLECK: What -- I'm not going to say that she was  
21 engaged in sex with her cousin, because according to her she's  
22 never had sex with her cousin. What happens is defendant  
23 walks in, she's under a blanket with her cousin, and it's his  
24 perception --

25 THE COURT: Right. That's his leverage, that they're



1 supposedly --

2 MS. FLECK: Right. And it's what he believes --

3 THE COURT: Why he forces her to get -- right.

4 MS. FLECK: -- was happening.

5 Can we just somehow address the fact that he's  
6 admitted to this relationship?

7 THE COURT: Well, this is the thing. Let's construe  
8 the argument, because they're talking about their defense.  
9 I'm sure she's going to say that that's -- he's -- I don't  
10 know. He has some motive to lie or something. I'm just sort  
11 of playing with this sort of almost from a civil motion to  
12 dismiss point of view, which is let's take all the facts in  
13 the light most favorable to the defense and see --

14 I'm trying to flesh out what it is. You know, they  
15 keep saying the rape shield law doesn't apply. I'm trying to  
16 figure out why they say it doesn't apply when really you're  
17 talking about something that [unintelligible] apply to sexual  
18 conduct to attack the credibility of the victim, and I'm --  
19 although you say there's a motive --

20 This is what I'm trying to get at, is if what you're  
21 saying is true, you're not trying to rely on the sexual  
22 conduct per se in order to challenge her credibility, then  
23 what is it that you're doing? Which is why I'm playing with  
24 these hypotheticals, because I'm not sure I -- maybe I'm not  
25 grasping it. Maybe I'm not, you know.

1           That's what I'm -- because it seems like it's very  
2 close to the rape shield law, but you're telling me it's not,  
3 and I'm trying to flesh out whether or not -- I'm trying to  
4 flesh out what you mean.

5           MR. FELICIANO: Well, Judge, we're not -- like we  
6 said, purpose of the rape shield is to keep us from coming up  
7 here and saying that she's promiscuous.

8           THE COURT: And my question was: If you can always  
9 get around that by saying, oh, we're not saying she's  
10 promiscuous therefore she lies, we're saying that she engaged  
11 in some kind of sexual conduct and that's her motive to lie;  
12 I'm saying when does the rape shield law ever apply if you can  
13 just make that argument then?

14           Oh, I was -- it's not that I had sex with 500 men. I  
15 was going to be in trouble for having sex with 500 men and  
16 that's why there's a motive to lie; why can't everybody say  
17 that in every case and now the rape shield law doesn't mean  
18 anything, is my question.

19           MS. FELICIANO: Because in every case there's not a  
20 statement and a declaration of warrant where the alleged  
21 victim says I felt so pressured, I told my mom I was pregnant,  
22 when we were talking about being pregnant I told her about my  
23 cousin, and then I told her about Guillermo. Because in every  
24 case there's not a statement that supports our theory.

25           I read that into the record from the declaration of

1 warrant, what we're relying on, and because of that then we  
2 have a basis to say this is her motive to lie. Other cases  
3 there might not be that statement in there. There might not  
4 be anything supporting it, and then it wouldn't be admissible.

5 THE COURT: Well, I'm not -- I mean, you're talking  
6 about -- okay. We're kind of mixing up two things. I'm not  
7 asking you what factual support you have for your argument.  
8 I'm saying as, you know, your argument on its face as a legal  
9 matter, you keep saying that's not within the rape shield law.  
10 And my question is, if that's not within the rape shield law,  
11 what is within the rape shield law?

12 I'm not asking what the factual support for this  
13 statement is. I'm asking as a conceptual matter what does the  
14 rape shield cover if it doesn't cover, well, it's not that I'm  
15 a slut and that's why I'm lying, it's that I was going to be  
16 in trouble for being a slut and that was my motive to lie?

17 MS. FELICIANO: It covers if we get up and say, jury,  
18 you can't believe a word she said and you know why, because  
19 she slept with ten guys. You can't believe anything that she  
20 said about what happened with him because she slept with three  
21 other people. That's what rape shield protects against,  
22 saying you can't believe an alleged victim's allegations  
23 against a defendant because of any sexual conduct that she's  
24 engaged in.

25 MS. FLECK: Okay. Then we get into Summitt,

1 probative value versus prejudicial effect. Where on earth is  
2 the probative value of this, when all of the evidence in the  
3 case shows that all of the disclosures and everything that --  
4 every conversation that she had with her mom about the  
5 defendant came long before she told her that she was pregnant?

6       There's no probative value to this based upon all of  
7 the evidence in this case. And that's not even -- that's  
8 being generous to the defense. Because they don't meet any --  
9 there's no caselaw, none that tells them that they can get  
10 into this and that they override 50.090. Nothing. I mean,  
11 what are they going to take to the supremes? There's nothing.  
12 They've not cited one case that's relevant.

13       THE COURT: All right. Well, here's what I'm going  
14 to do. In this case, based on what I've heard, I mean, unless  
15 there's another way that you can phrase it that doesn't  
16 connote sexual contact, my concern is, as I've asked a couple  
17 times, is that this -- that this is covered by the rape shield  
18 law. If you want to get into pregnancy of a teenage girl,  
19 you're suggesting that she engaged in sexual conduct.

20       I know that you want to get out of the rape shield  
21 law by saying, well, no, no, it's not the sexual conduct per  
22 se, it's the fact that she was going to be in trouble for it,  
23 and that's her motive to lie. That just strikes me as -- and  
24 if that's a loophole that's recognized under the law, then  
25 we've basically gutted the rape shield law, because every

1 everybody can say that.

2 Oh, it's not the sexual act that we're impeaching her  
3 for, it's the fact that there are social consequences to the  
4 sexual act, which is kind of what the rape shield law is --  
5 that's the whole point of the rape shield law.

6 And that's my concern, is that the rape shield law  
7 says what it says and I'm not convinced that your argument  
8 gets you out of the rape shield law just by phrasing it as,  
9 well, it's not the sexual conduct, it's the consequences of  
10 the sexual conduct that provides her a motive to lie.

11 And so what I'm going to do is, I guess it depends  
12 on -- I guess what we're doing is we're saying that this is an  
13 oral motion, but is it an oral motion by the State to exclude  
14 this, or is it an oral motion by the defense to admit it? I  
15 guess it doesn't really matter.

16 Either way, my -- as I indicated, for all the reasons  
17 that I've indicated and also the questions that I've asked,  
18 I'm concerned that this is covered by the rape shield law and  
19 therefore I'm not going to allow reference to the pregnancy.

20 But if there's another way that you can think of to  
21 phrase it, that it's not the sexual conduct, there's some  
22 consequence, she's going to be in trouble for something. I  
23 don't know if there's some other way to play with that  
24 language that doesn't connote that she's had sexual conduct as  
25 a minor.

1 MR. FELICIANO: Here's -- I mean, the problem that we  
2 run into now is if we're not allowed to get into the  
3 pregnancy, we basically are left without a theory of defense.  
4 At that point --

5 THE COURT: Well, this is why I'm asking you --

6 MR. FELICIANO: -- considering --

7 THE COURT: No, no. Hang on. This is why I'm asking  
8 you if there's another way to get this in, that she was in  
9 some kind of considerable trouble, there were going to be  
10 serious consequences and that's why she made up this  
11 accusation, without referring to the potential explosive issue  
12 of we have a minor who's engaging in sexual conduct here.

13 That's -- if there's another way to phrase it, then  
14 you still have a chance. I'm just trying to sit here think --  
15 thinking, you know, I've only lived with this case for, you  
16 know, not very long. You've lived with it for a while. But  
17 have you not thought about some alternative way to phrase  
18 this?

19 MR. FELICIANO: Judge, I don't think any -- there's  
20 nothing else that really conveys the message of what we're  
21 talking about. Just like Ms. Feliciano just mentioned, that a  
22 medical condition or something like that really wouldn't  
23 convey --

24 THE COURT: I don't know. Some kind of -- I'm trying  
25 to think of --

1 MR. FELICIANO: Here's our issue. If this is cut out  
2 from under us and we're basic -- I mean, I don't -- I don't  
3 see how we're effective, how we can be effective if we don't  
4 have our theory of defense.

5 THE COURT: Well, so what you're say -- I just want  
6 to make -- I want the record to be clear, although I think it  
7 might be clear. You're saying that there is no alternative  
8 way that you can even think of to phrase that what you're  
9 after is not the pregnancy, but the concept that she's going  
10 to be in trouble for something and that's her motive to lie.  
11 You're saying that there's no other way that you can think of?

12 Can you think of a way, Ms. Fleck? I don't know.  
13 I'm trying to find some --

14 MS. FLECK: No. Because then -- then the jury, who,  
15 you know, is sitting there going, well, what's going on and  
16 then they're speculating even more. So I completely --

17 You know, Judge, it's like me being able to come in  
18 here right now and say, well, you know what, I want to get out  
19 the fact that a defendant has raped someone in the past. I  
20 want to get that out when I've already been precluded to on a  
21 bad act. Or I want to get out the fact that -- you know,  
22 something prejudicial that is inadmissible. And I just come  
23 in and say, well, that's the State's theory, so I can't go  
24 forward today because that's the State's theory.

25 The defense doesn't just get to come up with some

1 inadmissible theory of defense and then come in and say, well,  
2 then otherwise we're not going to be effective. No.  
3 Absolutely not. You don't -- those are like the buzz words  
4 now that are being thrown around, we're going to be  
5 ineffective if we can't use an absolutely inadmissible theory  
6 of defense.

7 THE COURT: So what is it that you're asking for,  
8 Mr. Feliciano, as a practical matter? I mean, you're making a  
9 record that you don't believe you can be effective, but what  
10 is it that you're asking for?

11 MR. FELICIANO: The Court's indulgence.

12 (Pause in proceedings)

13 MR. FELICIANO: Judge, what we would request is to be  
14 able to take this up before we proceed, and ask for a stay.

15 THE COURT: Let me ask you this. Ms. Fleck is making  
16 the allegation that about a month ago you had a conversation  
17 and you said that you didn't see any other way of getting this  
18 pregnancy in, or any way to get this pregnancy in, right?

19 MR. FELICIANO: We had --

20 THE COURT: Did you not have a theory of defense at  
21 that point?

22 MR. FELICIANO: Judge, we had -- I mean, the theory  
23 of defense is not something that we just have in concrete. I  
24 had all these facts in front of me. That was a casual  
25 conversation.



1 I didn't say a hundred percent that that's not  
2 something we were going to get into. And I -- that's why I  
3 told her this morning that's something that we plan to get  
4 into. That's after discussing it with my co-counsel and  
5 flushing the case out more we decided that's what our theory  
6 was. So that's why we're here.

7 MS. FLECK: So again, I get to come in and say that,  
8 oh, I just would like to raise the issue that I would like to  
9 get into the fact that the defendant has committed a crime in  
10 the past. And then I obviously would get ruled against and  
11 then I would say, well, I just -- I don't think I can go  
12 forward. How does the defense get to come in today and say --

13 THE COURT: Well, because the Sixth Amendment doesn't  
14 apply to you, that's why. That's a legal difference.

15 But anyway. All right. So you're asking to stay the  
16 case so you can take this up. The problem is, I mean, as you  
17 guys know, the Supreme Court rarely takes up interlocutory  
18 appeals. This isn't a final order. And frankly, one of the  
19 reasons they rarely take it up is because if we have the  
20 trial, if your client's acquitted, there's nothing to take up,  
21 right?

22 So the question is -- all right. Here's what I'm  
23 going to do. I'm going to deny the State, because it's not a  
24 final order and we haven't even had the trial yet.

25 Your client hasn't technically even suffered any

1 prejudice until the moment he's acquitted -- or the moment  
2 he's convicted. He could be acquitted, in which case there's  
3 no prejudice. So that's denied.

4           So you've made this record about being ineffective.  
5 What is it -- I mean, are you ready to go forward with the  
6 trial or not?

7           MR. FELICIANO: Well, we were ready to take this up  
8 and get a decision from the Supreme Court.

9           MS. FELICIANO: And just so the record is clear, the  
10 prejudice is that we have been utterly gutted of our defense.  
11 We have no defense theory to proceed on.

12           THE COURT: No. I'm not saying -- first of all, let  
13 me be clear. I'm not saying the Supreme Court won't take it  
14 up. They do what they want to do. What I'm saying is as a  
15 practical matter, the reason why they so rarely take up these  
16 issues on an interlocutory basis is because your client could  
17 very well be acquitted at trial, in which case his rights have  
18 not been prejudiced in any real way.

19           MS. FELICIANO: What they take up on -- interlocutory  
20 appeals on is if there is no remedy that can be solved on  
21 appeal after trial. And if we are gutted of our defense now  
22 and he is convicted, that remedy is not solved after trial.  
23 Not being able --

24           THE COURT: The remedy is they send it back for a new  
25 trial.

1 MS. FELICIANO: Well, and he's already then suffered  
2 extreme prejudice in having to go through another trial when,  
3 if they send it back for a new trial, it's obvious we should  
4 have been able to present that defense, he has then suffered  
5 the prejudice of being convicted and the time for appeal. So  
6 that's what the prejudice is.

7 This is the type of interlocutory appeal that they  
8 would consider, being denied the ability to present your  
9 defense theory based on what we believe is a legally  
10 admissible defense. I know the State disagrees, but that's  
11 the purpose of asking to take this up and asking for the stay.  
12 There is no remedy at this point.

13 THE COURT: Ms. Fleck, your response.

14 MS. FLECK: It's not just me that disagrees. It's  
15 the law that disagrees. They're going to take it up on what  
16 law? They have not cited to one case. Not one case. Every  
17 single case that Ms. Feliciano just spewed out, Miller, Drake,  
18 Summitt, Cox, Davis, none of them are on point as to this.  
19 And it is...

20 THE COURT: All right. Here's what I'm going to do.  
21 As I indicated, I'm not sure the Supreme Court's going to take  
22 it up for all the reasons I've indicated. I'm not speaking  
23 for the Supreme Court. Those are just my observations.

24 But your motion to stay the case is denied. If you  
25 want to try to get a stay from the Supreme Court, that's

1 certainly an option you can pursue. That's out of my hands.  
2 But the question is, what are we going to do right now?

3 MS. FLECK: Proceed to trial.

4 (Pause in proceedings)

5 MR. FELICIANO: Judge, can we take a break for a  
6 little bit, so we can talk?

7 THE COURT: Yeah, that's fine. Let's go off the  
8 record for a couple minutes.

9 (Court recessed at 10:16 a.m. until 10:25 a.m.)

10 (Outside the presence of the prospective jurors.)

11 THE COURT: State vs. Guillermo Renteria -- is it  
12 Renteria or Renterio?

13 MR. FELICIANO: Renteria.

14 THE COURT: You know what. I'm on the document that  
15 it's spelled two different ways and I don't know why, now that  
16 I look at it. All right. Renteria-Novoa. The defendant is  
17 present with the assistance of the Spanish interpreter.

18 For the record, Madam Interpreter, since a new  
19 interpreter has come in, what is your name?

20 THE INTERPRETER: Maria Peralta de Gomez, Your Honor.

21 THE COURT: All right. So what is going on in this  
22 case?

23 MR. FELICIANO: Judge, what we would ask for in this  
24 case is to give us today to file our motion for an emergency  
25 stay up in the Supreme Court. If we don't file that we would

1 be ineffective, and if that is denied, then we would proceed.

2 THE COURT: Is there anyone else in your office who  
3 can file this for you?

4 MS. FELICIANO: No.

5 THE COURT: Ms. Fleck, your response.

6 MS. FLECK: Where -- so on what grounds are they  
7 going up on the -- where's the law that says that that's --  
8 this is even something that the supremes will hear? Because  
9 my reading is that it's a final judgment. I mean, here's --  
10 this is a complete -- this is clearly an attempt to continue  
11 this trial. It's just --

12 MR. FELICIANO: We'll be ready if it's denied.

13 THE COURT: Well, the problem is --

14 MS. FLECK: But where -- what law are they going  
15 up on?

16 THE COURT: Hang on. I mean, that doesn't matter.  
17 That's for the Supreme Court. But the point is if we don't  
18 start today, I mean, it's Memorial Day weekend coming up. I'm  
19 already concerned, as I indicated last week, about Friday, you  
20 know, having troubles picking juries the day before a  
21 three-day weekend.

22 And so if we're not even starting until tomorrow,  
23 then I'm not even sure we can get this trial done by Friday,  
24 and then we have a three-day weekend and then, you know all  
25 those logistical issues that come into play.

1 MS. FLECK: How can no one at the PD's office be able  
2 to do this, on the entire sex team?

3 THE COURT: Yeah. I mean, can't someone in your  
4 appellate division do this?

5 MS. FLECK: Have they asked?

6 MS. FELICIANO: We just spoke to our office and we  
7 were told to ask for this time to prepare. It's our case. We  
8 have made the record in court. We're responsible for this.  
9 We're just asking for a temporary -- for some time temporarily  
10 to file the emergency motion for a stay.

11 THE COURT: Well --

12 MS. FELICIANO: We'd be ineffective otherwise.

13 MS. FLECK: And I'm happy to deal with the  
14 ineffective claim at another date.

15 THE COURT: Well, I mean, that's -- that's all for  
16 the Supreme Court. They want to, you know, make whatever  
17 arguments they can make at the Supreme Court. What we're  
18 talking about right now is scheduling. And my concern, as I  
19 indicated, is we're coming up on a three-day weekend. We're  
20 already going to have some scheduling problems.

21 I imagine when I ask the jury, hey, this trial's  
22 going to go into Friday, is there anyone here for whom serving  
23 on the jury would be an undue burden, half the room is going  
24 to say, oh, we're -- we got plans, we got plane tickets, we  
25 got whatever.

1           So here's what I'm going to do. I'm -- we're -- I'm  
2 denying the motion. We're just going to get started. You  
3 guys can -- we're going to take a 90-minute lunch break  
4 anyway. You guys can work on it during lunch break. If one  
5 of you wants to, you know, maybe lose someone in the case or,  
6 you know, I don't know why both of you need to be here to  
7 question the jury. But, you know, my concern is all we're --

8           I don't know what the merit of your appeal is.  
9 That's not my business. I'm not, you know, I'm just -- that's  
10 between you and the Supreme Court. But in terms of  
11 scheduling, I just -- if we don't start today, I just don't  
12 see any way of actually doing this trial this week.

13           MS. FELICIANO: The only thing -- the only record  
14 that I'll make is that we are unable to open today. We've  
15 just had our defense completely gutted. We have to re-prepare  
16 opening, re-prepare all of our cross-examinations. We  
17 actually have to re-prepare some of our voir dire. And so  
18 there's no way we'd be able to open today.

19           MS. FLECK: And I just want to make for the record  
20 that that is -- it is inexplicable to me how the defense can  
21 come in today and say that their defense has entirely been  
22 gutted when number one, it is based on absolutely obvious  
23 clearly inadmissible evidence, number one.

24           Number two, that the State and the defense had an  
25 explicit conversation about this exact topic. Then for them

1 to come in today and say that they're going to be ineffective  
2 if they cannot use a defense that they already had  
3 contemplated could not come in...

4 So the fact that now they say they hadn't come up  
5 with an alternate defense, with as long as this case has been  
6 going on and we had a clear explicit conversation that this  
7 evidence would not come in, to base the entire defense on that  
8 is nothing but an attempt to continue a trial, throw out these  
9 words that they're going to be ineffective, that it's  
10 completely gutted their defense, it's impossible.

11 It's impossible that that is the only theory that  
12 they had contemplated when a month ago Mr. Feliciano  
13 specifically said, I do not see how that comes in. Then to  
14 come in today and just assume that it's going to come in and  
15 then base the entire defense on that...

16 MR. FELICIANO: Are we ready to go?

17 THE COURT: I think we're ready. Let's -- Randy,  
18 let's bring them up.

19 MR. FELICIANO: So we're not going to be opening  
20 today?

21 THE COURT: What's that?

22 MR. FELICIANO: We're not going to be opening today,  
23 is that --

24 THE COURT: Well, it's already 10:30. I don't know  
25 how far we're going to get in jury selection. We have a



1 bigger -- I mean, the anticipation was that we're going to  
2 open today. So we'll get as far as we can and if we -- if we  
3 have a jury picked, then frankly, we're going to open today.

4 I mean, I'm a little concerned about a couple things,  
5 about this conversation you had with Ms. Fleck which  
6 apparently is not corrected. Number two, we spent two hours  
7 in here last Tuesday or Thursday on that other motion, and it  
8 didn't occur to anybody to mention it while we're all here,  
9 you know, hearing motions that, oh, there's another motion  
10 that ought to be addressed.

11 And instead, this is all just kind of sprung on me  
12 at 9:00 o'clock on the first day of trial, when last week I  
13 specifically mentioned to all of you that I was a little bit  
14 concerned about getting an early start and, in fact, you know,  
15 moving my things around so that we can get this trial done  
16 without having to go over into Friday, because of jury  
17 selection problems that I've experienced on many occasions  
18 with picking the juries on trials that go before three-day  
19 weekends. And then suddenly you guys come in here and spring  
20 all this on me.

21 Basically, when I talked about scheduling last week,  
22 I was inviting you guys to, you know, if there's anything that  
23 might affect scheduling, let's talk about it, and nobody  
24 mentioned a thing. And now here we are Monday morning, it's  
25 already 10:30, and now you guys are talking about delaying

1 this even more. That's my concern.

2 MR. FELICIANO: Well, Judge, I think it's going to  
3 take pretty much most of the day to pick a jury. So I don't  
4 think it's going to be that burdensome if we can open tomorrow  
5 based on the amount of time it's going to take to pick a jury.

6 MS. FLECK: I agree, and I would -- if anything, then  
7 let's at least get the jury picked, and then the defense can  
8 do what they need to do tonight or tomorrow morning in order  
9 to get ready for openings. But I don't anticipate that we'll  
10 get a jury anytime before the end of the day anyway.

11 THE COURT: Okay. So basically, Ms. Fleck is saying  
12 that she's not going to push for openings today, so we'll just  
13 do openings tomorrow then. We'll just pick the jury and  
14 whenever we finish with that, we'll just call it a day then.  
15 All right?

16 MR. FELICIANO: Okay.

17 MS. FELICIANO: Okay.

18 THE COURT: All right. Randy, let's bring them up.

19 MS. FLECK: Do we have the names, the jury packets?

20 THE COURT: He brings them up.

21 THE CLERK: It's going to be about 15 minutes.

22 THE COURT: Yeah. He's got to get them from the jury  
23 commissioner, yeah.

24 Let's stay on the record for one second. One thing  
25 that I always offer before we start bringing the jury in is I

1 start in with my standard questions, but is there anything  
2 that either side wanted me to ask the jury? Sometimes one  
3 side or another prefers that I ask a certain question rather  
4 than they ask it so they don't know who requested it. I  
5 always make that offer. It's up to you guys.

6 MS. FLECK: Do you ask -- you ask, I think, if they  
7 know anyone, obviously the four of us, and then I think you  
8 ask --

9 THE COURT: I introduce my staff members and --

10 MS. FLECK: -- do you know anyone --

11 THE COURT: -- then I ask you guys to go through your  
12 witness list.

13 MS. FLECK: And then you ask do you know anyone in --  
14 sometimes they ask do you know anyone in the district  
15 attorney's office.

16 THE COURT: I don't ask specifically the DA's office.  
17 Is there anyone -- are you -- are you or anyone close to  
18 you -- hang on. Let me get the exact question. I ask  
19 generally law enforcement. I assume they know DAs, but I can  
20 specify DAs if you want.

21 MS. FLECK: Well, sometimes judges ask DAs. And then  
22 I just would also, if you're going to ask DAs, then also ask  
23 do you know anyone in the district attorney's office. Also do  
24 you know anyone -- any criminal defense attorneys or anyone,  
25 you know, in law -- in the legal community here.

1 THE COURT: Yeah. The question I ask is, has anyone  
2 on the panel ever been engaged in law enforcement work or have  
3 a spouse or close relative who was engaged in law enforcement  
4 work. If you want me to specify DA and criminal defense, I  
5 can do that.

6 MS. FLECK: Not PD's office obviously.

7 MR. FELICIANO: Yeah. We would ask not. Not PDs,  
8 just criminal defense.

9 THE COURT: Right. Obviously. Do you want me to be  
10 more specific then?

11 MR. FELICIANO: Yeah. We would just ask criminal  
12 defense and not the PD's office. We prefer to be --

13 MS. FLECK: And I would ask the DA's office, yeah,  
14 and criminal defense.

15 MR. FELICIANO: Judge, we'd also ask that you --  
16 you're going to -- I presume you're going to ask them if  
17 they've been a victim of a crime?

18 THE COURT: Right.

19 MR. FELICIANO: If they know anyone, or if them or  
20 anyone close to them has been a victim of a sexual -- a crime  
21 sexual in nature due to the type of case we're dealing with.

22 MS. FLECK: All right. And same if you've been  
23 accused of a crime, generic question, have you ever been --  
24 have you or anyone close to you been accused of a crime.

25 THE COURT: Of a sexual nature; is that the word that

1 you want me to use, or what specifically do you want me to  
2 say?

3 MR. FELICIANO: I think that's -- I think that works.

4 MS. FLECK: But I think general, have you or anyone  
5 close to you been accused of a crime. I mean, I guess if  
6 that's general enough, because I want any crime. The same  
7 with the victim, if you've been a victim of any crime.

8 THE COURT: So but you want me to have specific  
9 wording in there or a subject question? Clarify. Because  
10 I -- here are the questions I ask. Have you or anyone close  
11 to you such as a family member or friend ever been the victim  
12 of a crime; have you or anyone close to you ever been accused  
13 or arrested of a crime whether or not there was a conviction.  
14 Do you want me to be more specific than that?

15 MS. FLECK: Maybe -- maybe we could ask one question  
16 that's, you know, specifically -- you know, you've heard the  
17 charges in this case, has anyone been the victim or -- they  
18 probably will already disclose that, but maybe just one other  
19 catchall. The victim --

20 THE COURT: Give me the wording.

21 MS. FLECK: -- of a sexual crime, or accused of a  
22 sexual crime.

23 MR. FELICIANO: So just so we're clear, you're going  
24 to ask them if they've been a victim of a crime, and then  
25 another question specifically a sexual crime?

1 THE COURT: Have you ever been accused or arrested of  
2 a crime whether or not there was a conviction, and do you want  
3 a separate question then?

4 MR. FELICIANO: Yeah. Because a lot of people  
5 don't -- tend not to disclose that type of information,  
6 unfortunately.

7 THE COURT: Well, give me the wording then. Have  
8 you --

9 MR. FELICIANO: Have you or anyone close to you ever  
10 been a victim of a crime that was sexual in nature.

11 THE COURT: Been the victim of a crime of a sexual  
12 nature?

13 MR. FELICIANO: Yes.

14 THE COURT: Okay. Any other questions?

15 MS. FLECK: Nothing from the State. Thank you.

16 MR. FELICIANO: That's it, Judge. Thanks.

17 THE COURT: And then the other thing that I do, what  
18 I do is when I ask the undue burdens questions, I don't kick  
19 people in response to the questions.

20 What I do is I go through the entire panel, everybody  
21 makes a record of what their undue burden supposedly is. Then  
22 I call you guys up at a sidebar, or we can step out in the  
23 hallway, it doesn't matter, either way, and we talk about, you  
24 know, who we're going to kick and who we're going to not.

25 The idea being if I ask, you know, is there anybody

1 for whom serving on this jury would be an undue burden, and  
2 say three people raised their hands, then it almost doesn't  
3 matter what the burdens are, we might as well just kick them  
4 rather than wasting time. But if 20 people raise their hands,  
5 then we can discuss, you know, what do you guys want, do you  
6 want to, you know, is an employment issue enough, is travel  
7 plans, that kind of thing.

8 But basically, I don't kick them one at a time,  
9 because then the concern is they start hearing, oh, I'll just  
10 say I have plane tickets, then the next guy says, oh, I'll  
11 just have plane -- you know, and they'll know what to say to  
12 get them off the jury.

13 So that's kind of what I do is I go through  
14 everybody, I ask them a quick question, what is your, you  
15 know, what is your handicap, what is your burden, and then we  
16 will have a sidebar on it.

17 MR. FELICIANO: So as people -- as people get kicked,  
18 do they move up, or how does that --

19 THE COURT: Yeah. Well, no. We plug people in from  
20 the back into their seats as they get kicked.

21 MR. FELICIANO: Okay. And then do they get the  
22 general voir dire, or they already had that? The whole room  
23 gets it first?

24 THE COURT: I ask the whole room the first series of  
25 questions.

1 MR. FELICIANO: Okay.

2 THE COURT: In this case what I might do is I might  
3 start off by saying that I know that this is kind of a  
4 three-day weekend, is there anybody here who has travel plans  
5 on Friday that cannot be changed. And basically anybody who  
6 raises their hands, rather than waste time, I just may move  
7 them to the back.

8 And that way we're not spending time with what time  
9 does your flight leave, all that kind of stuff. Just sort of  
10 get rid of them -- well, not getting rid of them. Move them  
11 to the back, and that way we're just not spending an hour  
12 talking about people's travel plans.

13 MR. FELICIANO: Okay.

14 MS. FLECK: And then when we make our motions, do you  
15 want us to do it right there, just say, Judge, we have a  
16 motion, like if we have a motion to kick for cause?

17 THE COURT: Yeah. What I would ask you to do is just  
18 say, Judge, can we approach, and then we'll do it at a  
19 sidebar, and then at the next break you can make whatever  
20 record you want. What you say at the sidebar is -- we talked  
21 about this earlier. It's in theory recorded, but when we're  
22 whispering, we never know how clearly it comes out. So I give  
23 you the opportunity to make another record at the next break.

24 MS. FLECK: Okay. And we have two alternates, right?

25 THE COURT: Yes.



1 MS. FLECK: Okay. Thank you.

2 THE COURT: And I think because we don't have enough  
3 chairs we'll probably -- the panel technically will be, I  
4 think it's -- how many chairs here, three, six, nine. It'll  
5 be -- yeah. It'll be this group plus the front row back there  
6 that's part of the box.

7 MS. FLECK: So the top starts at one?

8 THE COURT: Yeah, top left. And then just remember  
9 the first row behind you is also technically part of the box.

10 MS. FLECK: Okay. How do you pick your alternates?  
11 Did you say that, or did I miss it?

12 THE COURT: You know what. I forgot to mention that.  
13 It's been a while since I've done a trial. I haven't done a  
14 trial this calendar year actually. It's up to you guys. I've  
15 done it all different ways. We can say it's Numbers 13 and  
16 14. We can pick two chairs. We can -- you know, what do you  
17 guys prefer? It doesn't really matter to me. Last two in.  
18 It doesn't really matter.

19 MR. FELICIANO: Last two.

20 THE COURT: Last two in, you guys okay with that?

21 MS. FLECK: Thirteen, 14, that's fine.

22 THE COURT: All right. It's 13, 14 then.

23 MS. FLECK: So wait. We're missing -- it goes 25,  
24 and then it goes to 27. So 25, 26, 27, 28 -- wait. So 25 --

25 THE COURT: It's the first row behind you.

1 MS. FLECK: Okay. So there's no blanks then on that  
2 row. Right.

3 THE COURT: Yeah. Unfortunately, we just don't have  
4 enough chairs to actually have everybody in the same area  
5 here, so.

6 MS. FLECK: That's okay. I thought it was just  
7 mis-numbered, but not a problem. Thank you.

8 MR. FELICIANO: Judge, how do we do the perempts? Do  
9 we thank and excuse? Do we have a paper that we pass back and  
10 forth?

11 THE COURT: We have a paper, yep.

12 MR. FELICIANO: Okay.

13 THE COURT: Has there been any media in this case or  
14 not? Does anybody know?

15 MR. FELICIANO: No.

16 THE COURT: Okay. And did you say you're still --  
17 your office -- Ms. Fleck, your office is still working on the  
18 clean copy of the amended Information?

19 MS. FLECK: Yes. I just need to change the body. I  
20 changed the body and it was wrong. So I need to change it  
21 back in Counts 11 and 37.

22 THE COURT: Well, we probably won't get to that until  
23 the end of the day anyway, or sometime this afternoon.

24 MS. FLECK: Right. And actually the order will then  
25 change a little, because I'm going to move those. I'm going

1 to move 11 back to like the end-ish. Like maybe I'll just  
2 make 11, 37, and then the opening grosses will be 37 and 38.

3 THE COURT: And you know what. The other question I  
4 have for you guys is how do you guys want to do the perempts?  
5 And I generally go with what you guys agree on. But some  
6 people want a separate perempt for the alternates, and some  
7 people just want to use them kind of as a batch. You know  
8 what I mean? Do you know what I mean by that, or is everybody  
9 confused by that?

10 MS. FLECK: You mean like we would get nine total, we  
11 can use it whenever we want.

12 THE COURT: Or do you want to reserve ones especially  
13 for the alternates? You know, eight plus one, or nine  
14 basically, if you know what I mean by that.

15 MR. FELICIANO: We prefer to just use nine.

16 MS. FLECK: That's fine with me too.

17 THE COURT: All right.

18 MS. FLECK: What time are we thinking we'll start  
19 tomorrow?

20 THE COURT: How big is the calendar?

21 THE CLERK: [Inaudible.]

22 THE COURT: We can probably start at 10:30 tomorrow.  
23 And you said you're down to how many witnesses, eight?

24 MS. FLECK: Eight. Well, nine. Actually nine.

25 (Pause in proceedings)

1 MS. FLECK: Is there -- is there something in  
2 evidence from the prelim?

3 THE CLERK: There is in the vault, and I'll get it  
4 when you start evidence.

5 MS. FLECK: Okay.

6 THE CLERK: I believe that there is a notice that you  
7 guys [inaudible]. I don't know what it is, but I know that  
8 you guys [inaudible].

9 MS. FLECK: How accessible is it?

10 THE CLERK: Right now?

11 MS. FLECK: No. But today.

12 THE CLERK: I can get it at lunch.

13 MS. FLECK: Okay. Can we?

14 THE CLERK: Mm-hmm.

15 MS. FLECK: Thank you.

16 THE CLERK: Not a problem.

17 (Pause in proceeding.)

18 THE COURT: Everyone's got a copy of the list of  
19 prospective jurors?

20 MS. FLECK: Yes, Your Honor.

21 MR. FELICIANO: Yes.

22 THE COURT: Let's everybody take a quick look and see  
23 if there's any names that anyone recognizes as potentially  
24 being an issue.

25 MS. FLECK: There's a Leavitt.

1 THE COURT: Oh, yeah. Right. Number 37?

2 MS. FLECK: Mm-hmm. [Inaudible.]

3 THE COURT: Number 92 is Mark Hutchison. I don't  
4 know if that's the same as --

5 MS. FELICIANO: I noticed that. But it says manager,  
6 and I would think that if it was Mark Hutchison of Hutchison &  
7 Steffen, then he would have said like managing partner or  
8 something.

9 THE COURT: Right.

10 MS. FELICIANO: Yeah. I saw that too.

11 THE COURT: We'll notice when he comes in here.  
12 We'll see if it's him or not.

13 MS. FELICIANO: Yeah. I used to work with him, so  
14 I'd know if it was him.

15 THE COURT: Okay. All right. Anyone see any names  
16 that they have any concerns about?

17 MS. FLECK: Nothing from the State, Your Honor.

18 THE COURT: All right. Are we ready to bring  
19 them in?

20 All right. Randy, let's bring them in.

21 (Pause in proceeding.)

22 (Prospective jurors enter at 11:06 a.m.)

23 THE MARSHAL: Is there going to be anybody that needs  
24 the assistance of hearing mike -- the earphones? If you do,  
25 just let me know. We have earphones for hearing impaired. So

1 if you're having a hard time hearing, just let me know. You  
2 can remove your sunglasses at this time. I need everybody to  
3 turn off their cellphones so that they're completely off, not  
4 on vibrate. I need them completely off, please.

5 For those of you that were the last ones in, if you  
6 have a cellphone, please turn it completely off at this time.  
7 We'll be passing the microphone around to you. You need to  
8 speak directly into the top of it like I am doing. When  
9 you're asked a question and you're going to respond, wait  
10 until the microphone gets to you. We need the last four  
11 numbers on your badge, and then your name.

12 It's all yours, Your Honor.

13 THE COURT: All right. Proceed. Will counsel  
14 stipulate to the presence of the prospective jury?

15 MS. FLECK: The State does. Thank you, Your Honor.

16 MR. FELICIANO: Yes, Your Honor.

17 THE COURT: Good morning, everybody. Welcome to  
18 Department 20 of the Eighth Judicial District Court. You have  
19 been summoned here today to serve as prospective jurors in a  
20 criminal case. I know that when you received your jury  
21 summons there were probably a few of you who were excited to  
22 serve, but probably for the vast majority it was not something  
23 that you asked for.

24 I know that jury service has the perception of being  
25 kind of annoying. There's a lot of hurry up and wait and you

1 don't know what's going on. And I know that in many ways  
2 that's the reality of the system. I apologize for that.

3 I want to thank all of you for your willingness to  
4 serve. Without the willingness of members of this community  
5 to serve on juries in cases, whether civil or criminal, the  
6 criminal justice system would grind to a halt. You are  
7 probably the most important part of the system, and I want you  
8 all to know that and understand that I know that and  
9 appreciate it.

10 Ultimately, 14 of you will be serving as jurors on  
11 this case, 12 jurors plus two alternates. Obviously there are  
12 more than 14 of you in this room right now, so what we're  
13 going to do for the next couple of hours is kind of weed out  
14 who can and cannot serve as jurors in this case. If you are  
15 not selected to serve as a juror on this case and if you  
16 wanted to serve, please don't take it personally.

17 There's all kinds of reasons why people can't serve.  
18 It could be that you know something about this case. It could  
19 be that you have some experience with some subject matter that  
20 has something to do with this case, or it could just be a  
21 numbers issue. So the majority of you will be going home or  
22 at least not be on this jury, and only 14 of you will be. So  
23 I want to let you know in advance, please don't take that  
24 personally.

25 One thing that I'll let you know that hopefully will

1 make you feel a little bit better about potentially serving as  
2 jurors on this case is in any given week in this courthouse  
3 there are probably anywhere between 10 and 20 trials going.  
4 This is a case that is expected to last four, possibly five  
5 days, and so in a way that's the best case for you.

6 Because I know that today for example, one of the  
7 departments is starting a six week medical malpractice trial.  
8 And if you were on that case, I'm sure that would be a much  
9 more -- a much greater inconvenience on you than serving on  
10 this relatively small case would be. So that's something that  
11 you should be grateful about, and hopefully that would make it  
12 a lot easier for you guys as we go through the process over  
13 the next couple hours.

14 Jury service -- jury selection is done under oath.  
15 I'm going to give you a couple preliminary instructions.  
16 What's going to happen is all of you have that white badge  
17 that you have on. As I ask the questions over the next couple  
18 of hours, anyone who has an affirmative response to any  
19 question, please raise your hand, or if there's something that  
20 you need repeated, maybe something I said wasn't clear to you  
21 or you can't hear me, please raise your hand and let me know.

22 What will happen is the marshal will bring the  
23 microphone to you. When you get the microphone, please tell  
24 me the last three digits of the juror number on your badge.  
25 Everything that's done in this courtroom is recorded. There



1 are microphones, as you can see, around the courthouse. But  
2 for the future, we need to know who is speaking. So please  
3 give us the last three digits of your badge number before you  
4 ask your question, and that's how we'll do things  
5 logistically.

6 Now, before we start, I have a couple questions for  
7 everybody here before we start the formal process. Has anyone  
8 here ever been convicted of a felony in Nevada or in any other  
9 state of the United States?

10 All right. Is anyone here not a United States  
11 citizen?

12 All right. At this time then, with no hands  
13 being up, I will ask the clerk to swear the members of the  
14 prospective jury in.

15 (Prospective jurors sworn.)

16 THE COURT: All right. First question. Does anyone  
17 here have any language or hearing or serious medical issues  
18 that might prevent you from serving as a juror in this case?  
19 Any hands? If anybody needs any assistance with hearing, we  
20 do have microphones that will amplify anything that's said in  
21 court.

22 All right. At this time what I'm going to do is ask  
23 the attorneys in this case to stand up and introduce  
24 themselves, tell you a little bit about their case, and tell  
25 you the witnesses that they might call in this case. Please

1 listen carefully to the names that are being read to you. If  
2 you can't hear a name or if you need a name spelled, please  
3 raise your hand.

4 And what I'm going to ask you, after they've  
5 introduced themselves and told you a little about this case,  
6 is if any of those names are familiar to you, if they're  
7 friends of yours, neighbors, anything you might have heard  
8 about them, if you have an opinion about any of these people.  
9 So please listen to the names carefully.

10 On behalf of the State.

11 MS. FLECK: Thank you, Your Honor.

12 Good morning, ladies and gentlemen. My name is  
13 Michelle Fleck. This is Nick Graham. We are the deputy  
14 district attorneys assigned to handle the case of State of  
15 Nevada versus Guillermo Renteria-Novoa.

16 The defendant in this case has been charged with 37  
17 criminal counts. All 37 counts arise from events which  
18 occurred here in Las Vegas between February of 2005 and  
19 December of 2009. While there are 37 counts, there really are  
20 only three different kinds of criminal conduct, the first  
21 being sexual assault that would include sexual assault, sexual  
22 assault on a minor under the age of 16, and sexual assault on  
23 a minor under the age of 14.

24 Additionally, we have charged numerous counts of  
25 lewdness with a minor and open and gross lewdness. The victim

1 in this case, Roxana Perez, the same victim in all of the  
2 counts, roughly 12 years old when the allegations began going  
3 up until 16 years old in December of 2009.

4 As the judge told you, I'll tell you the witnesses  
5 that we intend to call, and you'll have an opportunity then to  
6 tell the Court if any of these names are familiar to you. The  
7 victim in this case is Roxana Perez; her mother, Rosa Perez;  
8 her aunt, Janet Rodriguez; a cousin, Maritza Rodriguez; and  
9 another cousin, Jamie Leon.

10 Additionally we intend on calling a representative  
11 from AT&T, a custodian of record. From the court  
12 interpreter's office we will be calling Jeffrey Hanks. And  
13 from the Las Vegas Metropolitan Police Department, Officer  
14 Christopher Gibson and sexual assault detective, Ryan Jaeger.  
15 Thank you so much.

16 THE COURT: All right. On behalf of  
17 Mr. Renteria-Novoa.

18 MR. FELICIANO: Thank you, Your Honor.

19 Good morning, afternoon. This is Guillermo  
20 Renteria-Novoa. This is my client. This is my co-counsel,  
21 Amy Feliciano, and my name is Mike Feliciano, and we are going  
22 to show you that Mr. Renteria is not guilty of any crime. He  
23 has entered the plea of not guilty.

24 To do this we may call some of the State's witnesses.  
25 We have reserved the right to call those names you just heard.

1 Additionally, we may call an additional witness by the name of  
2 Bruce McAllister. At the end of the case we're confident that  
3 you'll see that Mr. Renteria is not guilty of any crime.  
4 Thank you.

5 THE COURT: All right. Is anybody here familiar with  
6 any of the names that were just read to you? Nobody.

7 All right. Let me give you some other names. My  
8 name is Jerome Tao. I sometimes go by Jerry Tao. I also have  
9 some court staff. Randy Hawkes, the marshal who you met down  
10 on the third floor and out in the hallway. To my right is my  
11 court clerk, Tia Everett. To her right is my court recorder,  
12 Sara Richardson. My executive assistant is named Paula Walsh,  
13 and my law clerk is Amy Yonesawa. Does anybody know any of  
14 these people or have any impressions about them?

15 All right. As I indicated a minute ago, this case is  
16 expected to last four to five days. We're going to shoot to  
17 have the trial ended by Thursday, but there is a chance that  
18 it could go into Friday.

19 The hours of this trial will be as follows: Today  
20 we'll go until about 5:00 o'clock with a lunch break; tomorrow  
21 we'll start at 10:30 and go until 5:00 o'clock, also with a  
22 lunch break; on Wednesday it will be about 10:30 to 5:00;  
23 Thursday 10:30 to 5:00; and Friday we can start at 9:00 in the  
24 morning, if we need to go into Friday.

25 Now, I know — I'm very aware that we're coming up on

1 a three-day weekend and some of you may have travel plans. So  
2 let me ask this question immediately. Is there anybody here  
3 who has travel plans on Friday that they cannot change? And  
4 when I say cannot change, does anyone have plane tickets,  
5 hotel reservations that they can't change?

6 And I don't mean -- let me just finish for a second.  
7 You know, if you're planning on driving to L.A. but you were  
8 going to leave at 12:00 but, you know, if you talk to your  
9 family maybe you can leave at 5:00, that doesn't count as a  
10 plan that you can't change.

11 So I did see two hands. Anyone here have plans that  
12 they can't change on Friday? Let's use the microphone. Let's  
13 start in the back there. Ma'am, what is your badge number?

14 PROSPECTIVE JUROR NO. 006: 0066, Zanone-Pucci.

15 THE COURT: Hang on. I'm sorry. What's the badge  
16 number again?

17 PROSPECTIVE JUROR NO. 006: 00066. The last name's  
18 Zanone-Pucci.

19 THE COURT: Six, six?

20 PROSPECTIVE JUROR NO. 006: Oh, six. I'm sorry.

21 THE COURT: Oh, six.

22 PROSPECTIVE JUROR NO. 006: Six. Just one six.

23 THE COURT: Okay. Yes, ma'am. What is your  
24 situation?

25 PROSPECTIVE JUROR NO. 006: The situation is I fly

1 out Thursday and I don't return until Monday. And I brought  
2 my flight and also my -- the car arrangement that's picking me  
3 up, if you'd like to see that.

4 THE COURT: No. That's all right.

5 Let me do this. How many other people had their  
6 hands up? Can everybody raise their hands. Only a couple or  
7 three --

8 THE MARSHAL: Two more, three in the back.

9 THE COURT: -- more people?

10 All right. Let me quickly go through those other  
11 three people and let me get back to you. All right. Can you  
12 hand the microphone back to Randy.

13 PROSPECTIVE JUROR NO. 045: It's 0045, Peggy Barth.

14 THE COURT: What are the last three digits?

15 PROSPECTIVE JUROR NO. 045: 045.

16 THE COURT: 045, Ms. Barth?

17 PROSPECTIVE JUROR NO. 045: Yes.

18 THE COURT: Okay. What's your situation?

19 PROSPECTIVE JUROR NO. 045: I just have plans to go  
20 out of town.

21 THE COURT: When?

22 PROSPECTIVE JUROR NO. 045: On Friday.

23 THE COURT: What time on Friday?

24 PROSPECTIVE JUROR NO. 045: Friday morning.

25 THE COURT: Are you flying or driving?

1 PROSPECTIVE JUROR NO. 045: Flying.  
2 THE COURT: All right. And then who else had their  
3 hand up?  
4 PROSPECTIVE JUROR NO. 068: It's 0068.  
5 THE COURT: Six, five?  
6 PROSPECTIVE JUROR NO. 068: No. 0068.  
7 THE COURT: Oh, six, eight. Mr. Aguilar?  
8 PROSPECTIVE JUROR NO. 068: Aguilar. Yeah.  
9 THE COURT: All right.  
10 PROSPECTIVE JUROR NO. 068: I thought I need excused  
11 because my English is not better for this place.  
12 THE COURT: Okay. How long have you lived in the  
13 United States?  
14 PROSPECTIVE JUROR NO. 068: I have lived here in Las  
15 Vegas for about ten years.  
16 THE COURT: Can you understand everything that I've  
17 said today?  
18 PROSPECTIVE JUROR NO. 068: No. I don't know. I  
19 need more English [unintelligible] not for this service.  
20 THE COURT: Okay. I'll make a note of that. Let me  
21 get back to you in a second. All right. Let me finish up  
22 with the other people.  
23 Who else had their hand up?  
24 PROSPECTIVE JUROR NO. 084: 0084.  
25 THE COURT: Eight, four. Mr. -- is it --

1 PROSPECTIVE JUROR NO. 084: Makhathini.

2 THE COURT: Makhathini. All right. What's your  
3 situation?

4 PROSPECTIVE JUROR NO. 084: I'm driving part of the  
5 soccer team for the tournament over the weekend, and we have  
6 to check in by noon on Friday.

7 THE COURT: All right. Let me do this. Ms. -- is it  
8 Zanone-Pucci; is that how you pronounce it? Let's see.  
9 Ms. Barth and Mr. Makhathini, let me get the three of you to  
10 stand up and sit kind of in that section over there for a  
11 couple minutes. What we're going to do is we're going to go  
12 through a couple more questions, and then let me get back to  
13 you guys. All right.

14 And then, Randy, we need to move somebody else up  
15 here.

16 THE CLERK: In Seat No. 4, it's going to be Badge  
17 No. 053, Antonio Correa.

18 THE COURT: All right. In the vacant seat up here.  
19 Thanks.

20 THE CLERK: In Seat 28, it's now going to be Badge  
21 No. 055, Nicole Quince.

22 THE COURT: All right. Now, the next question --

23 THE CLERK: Oh, 29. I'm sorry. That -- she goes to  
24 Seat 29 in the top row.

25 THE COURT: Okay. All right. Now, other than travel



1 plans on Friday, is there anybody here for whom serving as a  
2 juror in this case with the hours that I just mentioned be an  
3 undue burden? And when I say undue burden, I don't mean just  
4 you don't want to be here, you're going to miss work. We're  
5 all going to have to, you know, miss some work to be here.

6 But is there anybody for whom it would be a serious  
7 financial hardship or another serious conflict, child care or  
8 something like that, that you can't get someone else to cover  
9 for you, anybody?

10 Randy, where's the microphone?

11 What's your badge number, ma'am?

12 PROSPECTIVE JUROR NO. 010: 010.

13 THE COURT: Zero, one, zero. Ms. Kincaid?

14 PROSPECTIVE JUROR NO. 010: Yes.

15 THE COURT: All right. What's your situation?

16 PROSPECTIVE JUROR NO. 010: I have a CAT scan  
17 scheduled for Friday morning at 9:00.

18 THE COURT: Oh.

19 PROSPECTIVE JUROR NO. 010: I've also got an invalid  
20 husband at home that I'm basically providing care for.

21 THE COURT: All right. Are you currently under  
22 continuing medical treatment in connection with this CAT scan?

23 PROSPECTIVE JUROR NO. 010: I just started it. It's  
24 for kidney problems.

25 THE COURT: Okay. Are you under medication right

1 now?

2 PROSPECTIVE JUROR NO. 010: No.

3 THE COURT: So your CAT scan is Monday morning at  
4 what time, at 9:00 o'clock?

5 PROSPECTIVE JUROR NO. 010: The CAT scan is Friday  
6 morning at 9:00 a.m.

7 THE COURT: And what's the situation with your  
8 husband? You said he's an invalid. Are you the only  
9 caretaker?

10 PROSPECTIVE JUROR NO. 010: Yes, I am.

11 THE COURT: Is there anybody else who can fill in for  
12 a few hours a day?

13 PROSPECTIVE JUROR NO. 010: There is not.

14 THE COURT: All right. Let me get you to pass the  
15 microphone.

16 Who else had their hand up in response to that  
17 question? Badge number, please.

18 PROSPECTIVE JUROR NO. 024: 024.

19 THE COURT: Ms. -- is it Mashas?

20 PROSPECTIVE JUROR NO. 024: Mashas.

21 THE COURT: Mashas. What's your situation, ma'am?

22 PROSPECTIVE JUROR NO. 024: My husband travels 75  
23 percent of the time for his business. He is deliberately home  
24 today so I can be here today. But he can be called away to  
25 travel at any time, so I don't know if he will be home all

1 week. But right now he's home today and he could be called  
2 away tonight to travel tomorrow.

3 THE COURT: Okay. I'm -- can you explain why does  
4 somebody have to be at home?

5 PROSPECTIVE JUROR NO. 024: Oh. I have a 13-year-old  
6 son. I'm sorry.

7 THE COURT: Oh. And he's out of school right now?

8 PROSPECTIVE JUROR NO. 024: He is in school. He is  
9 in school until 2:50 in the afternoon, then someone must pick  
10 him up and then take him to practice every day and be home  
11 with him in the evenings.

12 THE COURT: Okay. Is there anybody else who can pick  
13 him up for practice for three or four days?

14 PROSPECTIVE JUROR NO. 024: Not currently.

15 THE COURT: And when you say your husband could be  
16 called away, how much advance notice does he get when he's  
17 called away?

18 PROSPECTIVE JUROR NO. 024: Generally it's anywhere  
19 from four to six hours.

20 THE COURT: Oh, hours. Okay. What does he do?

21 PROSPECTIVE JUROR NO. 024: He is a consultant for a  
22 security firm.

23 THE COURT: And is there anybody else who can fill in  
24 for him for a couple days if he has to be called in on  
25 something?

1 PROSPECTIVE JUROR NO. 024: I don't know the answer  
2 to that question.

3 THE COURT: So your son's practice starts at -- he  
4 leaves school at 2:15 and he has to go to practice. And then  
5 what time does practice end?

6 PROSPECTIVE JUROR NO. 024: Practice ends at 6:00  
7 p.m.

8 THE COURT: All right. I appreciate it. Let me get  
9 you to pass the microphone.

10 Who else had their hand up? Hi. What is your badge  
11 number, sir?

12 PROSPECTIVE JUROR NO. 032: 032.

13 THE COURT: Thirty-two, Mr. Bean?

14 PROSPECTIVE JUROR NO. 032: Yes.

15 THE COURT: All right. What's your situation?

16 PROSPECTIVE JUROR NO. 032: My wife just had thyroid  
17 surgery, and literally waiting on results whether it's  
18 cancerous or not. They might have to re-open her and take it  
19 back out. So she's pretty shook up.

20 THE COURT: Okay. When did she have surgery?

21 PROSPECTIVE JUROR NO. 032: Friday.

22 THE COURT: Okay. And have they indicated a time  
23 frame when the results might be back?

24 PROSPECTIVE JUROR NO. 032: They said anywhere  
25 from 10 to 14 days.

1 THE COURT: And if she got notice -- let's say she  
2 gets notice today, how soon would she need to have the  
3 surgery? How much advance notice --

4 PROSPECTIVE JUROR NO. 032: They want to do it right  
5 away if it's cancerous.

6 THE COURT: Okay. You said it's -- they think 10  
7 to 14 days and the surgery was last Friday, so she might not  
8 get the results this week though, right? Is she under a  
9 treatment right now, a medication follow-up?

10 PROSPECTIVE JUROR NO. 032: Yes. She's under all  
11 that, plus she has stitches still in her.

12 THE COURT: Okay. Does she need -- at least for the  
13 next couple days does she need you to be there to do specific  
14 things for her? Is she bedridden, is she --

15 PROSPECTIVE JUROR NO. 032: No.

16 THE COURT: All right. Thanks.

17 Who else had their hand up?

18 PROSPECTIVE JUROR NO. 058: Badge No. 0058.

19 THE COURT: Five, eight, Ms. Cory?

20 PROSPECTIVE JUROR NO. 058: Yes.

21 THE COURT: All right. What's your situation?

22 PROSPECTIVE JUROR NO. 058: I have to move out of  
23 state on June 14, so I'm really pressed for time.

24 THE COURT: You have to what? I'm sorry.

25 PROSPECTIVE JUROR NO. 058: I'm moving out of state

1 on June 14.

2 THE COURT: Moving June 14?

3 PROSPECTIVE JUROR NO. 058: Mm-hmm. And my days off  
4 are Thursday, Friday, so.

5 THE COURT: So what is it that you need to do this  
6 week?

7 PROSPECTIVE JUROR NO. 058: I have a lot of packing  
8 to do.

9 THE COURT: Can you pack in the evenings? Can you  
10 pack in the mornings when we don't start trial until 10:30?

11 PROSPECTIVE JUROR NO. 058: I suppose.

12 THE COURT: Is there anyone else who can help you  
13 pack?

14 PROSPECTIVE JUROR NO. 058: Not really.

15 THE COURT: Where are you moving to?

16 PROSPECTIVE JUROR NO. 058: Texas.

17 THE COURT: All right. Thanks.

18 Who else had their hand up? Anyone else over there?

19 Hi. What's your badge number?

20 PROSPECTIVE JUROR NO. 095: 095.

21 THE COURT: Ms. Leiker?

22 PROSPECTIVE JUROR NO. 095: Mm-hmm.

23 THE COURT: What is your situation?

24 PROSPECTIVE JUROR NO. 095: My daughter's 12, and I  
25 have a court order to pick her up by 5:00 every day. I'm a

1 single mom, and I work for a one-man company who does not pay  
2 me if I miss work. So four or five days with no pay and a  
3 child to raise and a mortgage is a little tough for me.

4 THE COURT: What are your work hours?

5 PROSPECTIVE JUROR NO. 095: My work hours are 8:30 to  
6 about ten minutes to 5:00.

7 THE COURT: Is there any way that you can talk with  
8 your supervisor about changing shifts, you know, maybe  
9 changing days around, that kind of thing?

10 PROSPECTIVE JUROR NO. 095: No. Because it's just  
11 one man. He owns a company. He's a CPA and he wants me there  
12 during the work hours to answer phones. And he made it clear  
13 to me that if I'm picked that I'm not going to get paid.

14 THE COURT: So are you paid by the hour, is that how  
15 it works, or are you just paid a salary?

16 PROSPECTIVE JUROR NO. 095: I'm on salary, yeah.

17 THE COURT: So you're on a salary, but he said he's  
18 just not going to pay you for the time that you're here. What  
19 is he going to do, make you take vacation time or --

20 PROSPECTIVE JUROR NO. 095: Mm-hmm. And I'm very  
21 limited on my vacation time. I get two weeks vacation, which  
22 I plan on using some of it during the summer to help with my  
23 child care.

24 THE COURT: What's the name of the organization?

25 PROSPECTIVE JUROR NO. 095: Aaron Tveter, CPA, or

1 LTD.

2 THE COURT: All right. So you have to leave by about  
3 ten minutes to 5:00 to pick up your child also, pursuant to  
4 court order?

5 PROSPECTIVE JUROR NO. 095: Yes. For my divorce  
6 decree, I have to pick her up no later than 5:20.

7 THE COURT: All right. I appreciate it.

8 Did anyone else have their hand up in response to  
9 that question?

10 All right. Will counsel approach very quickly.

11 THE MARSHAL: One more, Judge.

12 THE COURT: Oh, there was more? All right. I'm  
13 sorry. Did I miss -- oh, okay. All right. What is your  
14 badge number?

15 PROSPECTIVE JUROR NO. 069: Badge 069.

16 THE COURT: So you're Ms. Martinez. Okay. What is  
17 your situation?

18 PROSPECTIVE JUROR NO. 069: I don't -- my problem is  
19 that I don't speak much and understand much in English.

20 THE COURT: What is your native language?

21 PROSPECTIVE JUROR NO. 069: I'm Filipino.

22 THE COURT: So it's Tagalog is your native language?

23 PROSPECTIVE JUROR NO. 069: [No audible response.]

24 THE COURT: How long have you been in the United  
25 States?



1 PROSPECTIVE JUROR NO. 069: Twelve.

2 THE COURT: Can you understand everything that I am  
3 saying?

4 PROSPECTIVE JUROR NO. 069: Just a little.

5 THE COURT: Thanks.

6 Can I get counsel to approach very quickly.

7 (Bench conference.)

8 THE COURT: First of all, what do you guys want to do  
9 with the two language people?

10 MS. FLECK: Out.

11 THE COURT: Do you want to keep them, or do you want  
12 to give them interpreters, or do you just want to kick them?  
13 [Inaudible] agreement. I'd go along with whatever you guys  
14 agreed.

15 MS. FLECK: I say kick them.

16 MS. FELICIANO: [Inaudible] interpreters.

17 THE COURT: Okay. We'll have to get more  
18 interpreters then, and I think we'll need a Tagalog  
19 interpreter.

20 All right. What about the undue burdens people?  
21 There aren't that many of them. First of all, the plane  
22 ticket people, those three people, do you want to just kick  
23 them now?

24 (No audible response.)

25 THE COURT: And then the undue burdens people

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1 [inaudible], and so the CAT scan. There's only one, two --

2 MS. FLECK: I would say I think that --

3 THE COURT: -- three and four, that's five people.

4 MS. FLECK: I think that we should just [inaudible].

5 THE COURT: I'm sorry?

6 MS. FLECK: I think we should let [inaudible] leave

7 if she's got an invalid husband.

8 THE COURT: The CAT scan. Yeah. That's the CAT scan  
9 on Friday.

10 MS. FLECK: I say let her go.

11 MS. FELICIANO: Oh, yeah. That's fine.

12 THE COURT: Okay. And then what about Ms. Mashas,  
13 that her husband can get called away. She's got a 13-year-old  
14 son.

15 MS. FELICIANO: I don't think so.

16 THE COURT: What we're doing now, by the way, just so  
17 you guys know, because I know you've never been in here  
18 before, if you guys have an agreement on any of these people  
19 we'll just kick them. If you don't agree, we'll keep them and  
20 you guys can question them further. So we're just looking for  
21 agreements for people [inaudible]. So how about [inaudible]  
22 for Ms. Mashas?

23 MS. FELICIANO: I think she should stay. I think  
24 that's stupid. What do you think? That the lady with the  
25 kid --

1 THE COURT: Yeah. That her 13-year-old kid who has  
2 to be out of school at 2:15, and her husband's a security  
3 consultant.

4 MS. FELICIANO: I mean, that just [inaudible] that  
5 she's clearly like not struggling. I'm sure she's got people,  
6 child care stuff [inaudible]. I just don't think that's a  
7 good enough excuse to.

8 THE COURT: If you want to keep her and ask  
9 questions, we can do that. Just if we keep her, just keeping  
10 her, we're just not [inaudible].

11 (Inaudible responses.)

12 THE COURT: What about [inaudible] wife who just had  
13 thyroid surgery? [Inaudible] whether it's cancerous or not,  
14 32.

15 UNKNOWN SPEAKER: The only thing is that he said that  
16 they were getting the results in like 10 to 14 days.

17 THE COURT: Yeah, I know.

18 UNKNOWN SPEAKER: And that she didn't need  
19 [inaudible].

20 THE COURT: Yeah. So --

21 UNKNOWN SPEAKER: [Inaudible.]

22 THE COURT: How about -- okay. [Inaudible] leaving  
23 on Friday. What about the woman who needs to pack, 58?

24 (Inaudible responses.)

25 (Remainder of bench conference inaudible, not transcribed.)

1 THE COURT: All right. Based on the responses so  
2 far, the following people are free to go. Please report back  
3 to jury services on the third floor. Juror No. 6,  
4 Ms. Zanone-Pucci; Juror No. 10, Ms. Kincaid; Juror No. 45,  
5 Ms. Barth; Juror No. 84, Mr. Makhathini, I apologize if I'm  
6 mispronouncing that; and Juror No. 95, Ms. Leiker.

7 With the remaining people, it doesn't necessarily  
8 mean you're on the jury. It just means that we have  
9 additional questions to ask.

10 Now, as to Mr. Aguilar, No. 68, and Ms. Martinez,  
11 No. 69, the way it works is under the law, if you qualify to  
12 serve as a juror, what we have to do is we can't excuse you  
13 just because you have a language ability. We're going to get  
14 some interpreters for you. It's just going to take us a  
15 couple of minutes. Okay.

16 What I'm going to do is I'm going to go ahead with a  
17 couple other questions, and after every question I'm going to  
18 come back to you and make sure that you guys understand.  
19 We'll see if -- because it's going to take a couple minutes  
20 for the interpreter to get up here. We'll see if we can get  
21 any further without the interpreter present.

22 If you can't even understand what I'm talking about  
23 now or in my next question, then we may have to wait for the  
24 interpreter to get here. Do you guys understand what I just  
25 said?

1 (Inaudible response.)

2 THE COURT: All right. And Ms. Martinez, do you  
3 understand what I just said?

4 (Inaudible response.)

5 THE COURT: All right. So both Mr. Aguilar and  
6 Ms. Martinez have indicated that they've understood what I've  
7 said so far. So when the interpreter gets here, then we'll  
8 set you up with a headphone or something like that so you can  
9 understand everything. All right.

10 All right. Now, other than the questions that I have  
11 just asked, is --

12 THE MARSHAL: Judge, we need to fill the seat.

13 THE COURT: Oh, I'm sorry. Yes. I'm getting ahead  
14 of myself. Let's go ahead and call the next person.

15 THE MARSHAL: Seat No. 5.

16 THE CLERK: Oh, Seat No. 5. I apologize. Next is  
17 Badge No. 057, Dylan Anderson.

18 THE COURT: Can one of them help out Mr. Aguilar, or  
19 do they need to go somewhere else?

20 THE MARSHAL: They're with the defendant. We have to  
21 get somebody else for them.

22 THE COURT: Okay. All right. Other than the  
23 questions that I have just asked, is there anyone here who  
24 believes that for any other reason you would be unable to  
25 serve as a juror in this case? All right. We have a couple

1 hands up.

2 Randy, where's the microphone?

3 PROSPECTIVE JUROR NO. 041: Badge No. 041, Danielle

4 Zeihen.

5 THE COURT: Ms. Zeihen. All right. Yes. My marshal  
6 did indicate that you had had a short conversation with him.

7 I understand that what you're about to say is kind of a  
8 sensitive matter for you. But you believe that because of  
9 something that happened to you as a child you'll be unable to  
10 serve as a juror in this case?

11 PROSPECTIVE JUROR NO. 041: I would not have a fair  
12 opinion, no.

13 THE COURT: I'm sorry. You would not have a fair  
14 opinion?

15 PROSPECTIVE JUROR NO. 041: Correct.

16 THE COURT: In what way?

17 PROSPECTIVE JUROR NO. 041: To me it's kind of  
18 because I've been in that situation. Anyone accused of it is  
19 more likely guilty than not.

20 THE COURT: Even if you don't know -- I mean, as you  
21 sit here right now you haven't heard any testimony. All  
22 you've heard is sort of the attorneys talk about what the case  
23 is about. You don't know what the evidence is. You haven't  
24 heard from a single witness.

25 Even sitting here today without knowing anything

1 about this case, you believe that you -- you believe that this  
2 person might be guilty based on nothing at all because of what  
3 happened to you; is that what you're saying?

4 PROSPECTIVE JUROR NO. 041: Yes.

5 THE COURT: Okay. Is that -- if you were asked to  
6 serve as a juror in this case, you would be taking an oath to  
7 follow the law. Are you saying that you would not be able to  
8 do that because of your experiences?

9 PROSPECTIVE JUROR NO. 041: I'm saying I probably  
10 would not.

11 THE COURT: Okay. Ms. Fleck or Mr. Feliciano, any  
12 questions that you want to ask --

13 Is it Zion [phonetic], is that how you pronounce it?

14 PROSPECTIVE JUROR NO. 041: Yes.

15 MS. FLECK: Judge, can we approach?

16 THE COURT: Sure.

17 (Bench conference.)

18 MS. FLECK: I just think that we need to flush out  
19 the essay questions on their own, and if everybody -- if we  
20 excuse her right now, everybody's going to put their hands up  
21 and say it's too hard of a subject matter for me to sit to.  
22 And there's so many questions that need to be asked from both  
23 sides about that, that just to make [inaudible] say I can't be  
24 fair because I had an experience with it, that's just -- wipes  
25 out our whole panel.

1           So I think we keep her, and then we go through -- she  
2 has to be questioned like everybody else regarding why she  
3 can't be fair to this particular person because it happened to  
4 her.

5           THE COURT: Okay. I'll just keep her for the time  
6 being.

7                           (End bench conference.)

8           THE COURT: All right. Who was the other person that  
9 had their hand up in response to that last question?

10          THE MARSHAL: There's one in the back row.

11          THE COURT: All right. Hi. What is your badge  
12 number?

13          PROSPECTIVE JUROR NO. 077: 077.

14          THE COURT: Mr. Roberts?

15          PROSPECTIVE JUROR NO. 077: Yes.

16          THE COURT: All right. What is your situation?

17          PROSPECTIVE JUROR NO. 077: I just have to be very  
18 honest. I've had a very close family member deal with this  
19 topic. It's a very sensitive topic for me. I feel I'll be  
20 very biased. I have very strong opinions against these kind  
21 of defendants, and I just think I would not be a fair juror in  
22 this situation.

23               I understand that there's evidence and the law of  
24 procedure, but I'm just being honest letting you know that  
25 my -- my thought process and my feelings versus this type of



1 defendant would probably be a problem in this kind of case.

2 THE COURT: Okay. What relationship is this close  
3 family member to you? You don't need to name names, but is it  
4 your brother, is it your -- what's the relationship?

5 PROSPECTIVE JUROR NO. 077: My mother.

6 THE COURT: Your mother. And was she accused of  
7 something like this, or was she the victim of something like  
8 this?

9 PROSPECTIVE JUROR NO. 077: She was a victim in her  
10 childhood, in her teenage years.

11 THE COURT: All right. I appreciate your letting me  
12 know. Let me kind of get through -- the way this works is let  
13 me get through some other questions and we'll come back to  
14 you. All right.

15 PROSPECTIVE JUROR NO. 077: Thank you, Your Honor.

16 THE COURT: All right. Has anyone here ever been  
17 engaged in law enforcement work or have a spouse or a close  
18 relative who has ever been engaged in law enforcement work,  
19 specifically including as a police officer here or in any  
20 other state, with the DA's office, or working with or have a  
21 close relationship with any criminal defense attorneys in Las  
22 Vegas? Anybody? We have a couple people.

23 Hi. What is your badge number?

24 PROSPECTIVE JUROR NO. 013: My badge number is 006.

25 I'm sorry. 016.

1 THE COURT: Zero, one --

2 PROSPECTIVE JUROR NO. 013: I mean, 013. I'm sorry.  
3 Zero, one, three. My name is Roshelle Barrow.

4 THE COURT: All right. Ms. Barrow. Got you. 013.  
5 What's your situation?

6 PROSPECTIVE JUROR NO. 013: I do have family members  
7 in law enforcement, however they are retired and...

8 THE COURT: Okay. Who's this family member?

9 PROSPECTIVE JUROR NO. 013: My father was a  
10 corrections officer, and my brother was a police officer, and  
11 my step-mother was also a corrections officer.

12 THE COURT: Here in town or somewhere else?

13 PROSPECTIVE JUROR NO. 013: Here in Las Vegas. And  
14 none of them work anymore for the department.

15 THE COURT: Okay. Let's start with your brother --  
16 you said your father was a corrections officer?

17 PROSPECTIVE JUROR NO. 013: Yes.

18 THE COURT: And he retired when?

19 PROSPECTIVE JUROR NO. 013: I want to say probably  
20 2006.

21 THE COURT: And then your brother was also a police  
22 officer?

23 PROSPECTIVE JUROR NO. 013: Yes.

24 THE COURT: With which organization, Metro or  
25 somebody else?

1 PROSPECTIVE JUROR NO. 013: Yes. He was with Metro.

2 THE COURT: And is he still there?

3 PROSPECTIVE JUROR NO. 013: No.

4 THE COURT: When did he leave?

5 PROSPECTIVE JUROR NO. 013: He left the department  
6 probably back in, I want to say 1998.

7 THE COURT: Was he ever assigned to any detail -- I  
8 don't know how it was organized [unintelligible], but any unit  
9 that had jurisdiction over the kinds of allegations we have  
10 here today?

11 PROSPECTIVE JUROR NO. 013: As far as what I know, he  
12 worked narcotics and was -- worked down on Fremont Street for  
13 a while.

14 THE COURT: Okay. And your step-father was also a CO  
15 or a police officer?

16 PROSPECTIVE JUROR NO. 013: He was a CO. And I know  
17 he was a bailiff at one point too, I think.

18 THE COURT: Oh. A courtroom bailiff?

19 PROSPECTIVE JUROR NO. 013: Yes, years and years ago.

20 THE COURT: Okay. Do you know when he did both of  
21 those things?

22 PROSPECTIVE JUROR NO. 013: He probably worked in the  
23 courtroom in the '80s. And he was a CO probably from the late  
24 '80s, early '90s, until his retirement.

25 THE COURT: Okay. Now, is there -- during their

1 work, or even after they retired, have they talked with you,  
2 told you stories about cases they worked on, things they saw,  
3 their experiences, things like that?

4 PROSPECTIVE JUROR NO. 013: Well, my father's passed  
5 away, but he would talk about inmates every once in a while,  
6 but no specifics of anything.

7 THE COURT: Okay. Is there anything about anything  
8 that they may have told you, or anything that you might have  
9 known from their work for law enforcement that might cause you  
10 to be something other than fair and impartial in a case like  
11 this?

12 PROSPECTIVE JUROR NO. 013: No. I don't think -- I  
13 don't believe so.

14 THE COURT: Okay. Let me ask you this: It sounds  
15 like they worked for the different branches of law enforcement  
16 some time ago. It's entirely possible that procedures that  
17 were in place back then may have changed since then. Maybe  
18 Metro has completely different procedures for narcotics or  
19 whatever.

20 I don't know if any of the -- your father, your  
21 step-father, your brother ever told you specifically about  
22 procedures, things that they're supposed to do, investigative  
23 techniques, anything like that.

24 But if they did, if you have testimony in this case  
25 about certain things that officers may or may not have done in

1 this case, could you put aside what you think you may have  
2 known based on stories that your family members told you and  
3 just evaluate the evidence based on what you hear in the  
4 courtroom?

5 PROSPECTIVE JUROR NO. 013: Yeah. I think so.

6 THE COURT: All right. I appreciate it.

7 Who else had their hand up kind of in this area?

8 THE MARSHAL: Pass the mike down, please.

9 THE COURT: Hi. What is your badge number?

10 PROSPECTIVE JUROR NO. 029: Hi. 029.

11 THE COURT: Zero, two, nine. Ms. McClure?

12 PROSPECTIVE JUROR NO. 029: Yes.

13 THE COURT: All right. What's your situation?

14 PROSPECTIVE JUROR NO. 029: I'm actually marrying a

15 Metro officer in three weeks.

16 THE COURT: Okay.

17 PROSPECTIVE JUROR NO. 029: And --

18 THE COURT: What's his name?

19 PROSPECTIVE JUROR NO. 029: Angelo Colucci

20 [phonetic].

21 THE COURT: Do you know what he -- do you know what  
22 he's assigned to now?

23 PROSPECTIVE JUROR NO. 029: Convention Center Area  
24 Command.

25 THE COURT: Do you know what units he's previously

1 been assigned to?

2 PROSPECTIVE JUROR NO. 029: I -- just always area of  
3 command convention center.

4 THE COURT: Has he ever been a detective, a sexual  
5 assault detective, anything like that?

6 PROSPECTIVE JUROR NO. 029: One of the -- our friends  
7 in the wedding -- or coming to the wedding, excuse me, is a  
8 detective in sexual assaults.

9 THE COURT: What's his name?

10 PROSPECTIVE JUROR NO. 029: Walter Detweiller. He  
11 goes by Rob.

12 THE COURT: Is he connected with this case in any  
13 way?

14 MS. FLECK: He's not, Your Honor.

15 THE COURT: All right. Is there anything about being  
16 engaged and about to marry a Metro police officer that might  
17 cause you to be something other than fair and impartial in  
18 this case? In other words -- I guess there's a couple  
19 different ways to ask this.

20 But if Metro police officers were to come in here and  
21 testify, and knowing that this case may have been investigated  
22 by Metro police officers who may or may not know your  
23 husband -- it's a big organization, I'm sure he doesn't know  
24 everybody -- but would you find their testimony or their work  
25 in this case to be more believable simply because they work in

1 the same organization as your fiance/husband?

2 PROSPECTIVE JUROR NO. 029: Yes.

3 THE COURT: You would. Even if they are officers  
4 that -- I mean, just because they're Metro officers; is that  
5 why?

6 PROSPECTIVE JUROR NO. 029: Pretty much. That's the  
7 point of their job, so yes.

8 THE COURT: Okay. So it's not a possibility for you  
9 that certain officers in the organization, and I think there's  
10 over 2,000 sworn officers, may -- in a particular case may not  
11 have done a thorough job or may not remember things? You  
12 would just -- is that a possibility for you?

13 PROSPECTIVE JUROR NO. 029: It's possible, but you  
14 always lean to the -- what the point of their job is and the  
15 thoroughness, so.

16 THE COURT: Okay. And what about your friend,  
17 Detective Detweiller, the fact that he works in sexual  
18 assault, does that cause you to have feelings one way or the  
19 other about serving as a juror in this case?

20 PROSPECTIVE JUROR NO. 029: Well, I don't like what  
21 he tells me when he tells me things, so it's not anything  
22 positive. And I'm a teacher, so it affects me in terms of the  
23 childhood aspect of it.

24 THE COURT: Okay. But as we -- if you are asked to  
25 serve as a juror in this case, you will be taking an oath to

1 follow the law. And one of the principles of our legal system  
2 is anybody accused of a crime is innocent until proven guilty.  
3 You have to actually base a decision on evidence and testimony  
4 and everything else that's going to occur in court.

5 So based on your relationship with your fiance and  
6 with your friend, the detective, as you sit here today, do you  
7 have any feelings about whether this particular gentleman is  
8 guilty?

9 PROSPECTIVE JUROR NO. 029: I don't really know  
10 anything about the case, but I don't know. I guess I would  
11 just have to listen to the facts kind of thing.

12 THE COURT: Okay. So could you keep an open mind in  
13 this case and be fair and impartial until you've heard the  
14 facts and the testimony?

15 PROSPECTIVE JUROR NO. 029: I would try.

16 THE COURT: You would try. Okay. And I should have  
17 asked this in the beginning. None of the names of the  
18 witnesses that were read to you in this case, did any of them  
19 ring a bell?

20 PROSPECTIVE JUROR NO. 029: No. Sometimes when I  
21 hear about cases they tell me, I don't necessarily remember  
22 the names as opposed to the events kind of thing, so.

23 THE COURT: Okay. I know you don't know much about  
24 this case, but I think during the presentation the DA  
25 mentioned the dates and the location of the offense. Did that



1 ring any bells for you?

2 PROSPECTIVE JUROR NO. 029: No location I was hearing  
3 that...

4 THE COURT: All right. And the name  
5 Mr. Renteria-Novoa doesn't ring any bells as a story  
6 that Mr. -- that Detective Detweiller may have mentioned?

7 PROSPECTIVE JUROR NO. 029: Not that I can think of,  
8 but it's not an uncommon name in [inaudible].

9 THE COURT: Right. Okay. All right. So  
10 understanding that because, you know, obviously you're engaged  
11 to a Metro police officer and you kind of know a little bit  
12 about what he does and, you know, maybe you find police  
13 officers more believable to begin with, but do you think that  
14 you could keep an open mind if and -- I don't even know if any  
15 police officers are going to testify in this case. But let's  
16 say they do. Do you think that you could put aside any  
17 preconceptions that you have and listen to their testimony  
18 objectively and impartially?

19 PROSPECTIVE JUROR NO. 029: Yes.

20 THE COURT: All right. I appreciate your honesty.  
21 Let me get you to pass the microphone.

22 Who else had their hand up? I think there was  
23 someone, yeah, right next to you.

24 PROSPECTIVE JUROR NO. 030: Badge 030.

25 THE COURT: Zero, three, zero. Mr. Meckley?

1 PROSPECTIVE JUROR NO. 030: Correct.

2 THE COURT: What's your situation?

3 PROSPECTIVE JUROR NO. 030: I just have a first  
4 cousin that was a police officer for 20 years and is currently  
5 a marshal back in Pennsylvania.

6 THE COURT: In Pennsylvania. When you say he's a  
7 marshal, are there -- I don't know -- you know, every state  
8 has different definitions for the office. Is he a courtroom  
9 marshal or is he a marshal out, you know, fugitive detail  
10 or --

11 PROSPECTIVE JUROR NO. 030: Courtroom marshal.

12 THE COURT: Courtroom marshal. Are you close with  
13 this cousin?

14 PROSPECTIVE JUROR NO. 030: Yes.

15 THE COURT: It's a he or she?

16 PROSPECTIVE JUROR NO. 030: He.

17 THE COURT: Does he tell you stories about his work,  
18 things he sees?

19 PROSPECTIVE JUROR NO. 030: [No audible response.]

20 THE COURT: Is there anything about your relationship  
21 with him or anything that he may have told you that might  
22 cause you to be something other than fair and impartial in  
23 this case?

24 PROSPECTIVE JUROR NO. 030: [No audible response.]

25 THE COURT: All right. And again, same question that

1 I've asked a couple times. Knowing that especially, you know,  
2 Pennsylvania may have different procedures than in this case,  
3 if a detective were to come in here and talk about what they  
4 did in this case, it may or may not comply with Pennsylvania  
5 procedure. Metro may have completely different procedures.  
6 Could you put aside what you think you may know about police  
7 procedures and evaluate the testimony fairly and impartially?

8 PROSPECTIVE JUROR NO. 030: [No audible response.]

9 THE COURT: All right. I appreciate it. And I think  
10 the gentleman two seats down had their hand up also.

11 Hi. And again, what is your badge number?

12 PROSPECTIVE JUROR NO. 032: 032.

13 THE COURT: All right. Mr. Bean, what is your  
14 situation?

15 PROSPECTIVE JUROR NO. 032: Son-in-law with Henderson  
16 police.

17 THE COURT: All right. And your son-in-law --

18 PROSPECTIVE JUROR NO. 032: Soon to be ex-son-in-law.

19 THE COURT: Okay. He's currently employed with  
20 Henderson?

21 PROSPECTIVE JUROR NO. 032: Excuse me?

22 THE COURT: Is he currently employed with the  
23 Henderson police?

24 PROSPECTIVE JUROR NO. 032: Yes.

25 THE COURT: And what's his name?

1 PROSPECTIVE JUROR NO. 032: Joshua Epperson  
2 [phonetic].

3 THE COURT: All right. Has he -- I mean, you've  
4 heard the questions [inaudible].

5 PROSPECTIVE JUROR NO. 032: Yeah. None of it will  
6 affect my --

7 THE COURT: Has he told you stories about his cases,  
8 anything like that?

9 PROSPECTIVE JUROR NO. 032: It won't affect  
10 [inaudible].

11 THE COURT: Anything about your relationship with him  
12 that might cause you to be something other than fair and  
13 impartial in this case?

14 PROSPECTIVE JUROR NO. 032: [No audible response.]

15 THE COURT: All right. And especially since this  
16 case is -- it's investigated by a different department than  
17 the one that he works for, let me ask you this: Since he's  
18 your soon-to-be ex-son-in-law, I don't need to know all the  
19 gory details about what's going on with his -- I'm assuming  
20 it's a divorce coming up. Do you have any animosity toward  
21 him that might cause you to be something other than fair and  
22 impartial toward other police officers or other law  
23 enforcement in this case?

24 PROSPECTIVE JUROR NO. 032: No. I have other friends  
25 that are Metro police officers.

1 THE COURT: Okay. Really good friends, or --

2 PROSPECTIVE JUROR NO. 032: Yeah.

3 THE COURT: Okay. Anyone on the sex assault detail?

4 PROSPECTIVE JUROR NO. 032: No.

5 THE COURT: Anything about your friendship with those  
6 people, anything they might have told you, inside information,  
7 anything like that, that might cause you to be something other  
8 than fair and impartial?

9 PROSPECTIVE JUROR NO. 032: No.

10 THE COURT: I appreciate it.

11 Who else had their hand up just in this area? And  
12 you were Number 41, right?

13 PROSPECTIVE JUROR NO. 041: Yes. I pretty much had a  
14 question. My mother is Metro dispatch. Does that count?

15 THE COURT: What is your mother's name?

16 PROSPECTIVE JUROR NO. 041: Donna Caddess.

17 THE COURT: How do you spell the last name?

18 PROSPECTIVE JUROR NO. 041: C-a-d-d-e-s-s. Her P  
19 number is 7882.

20 THE COURT: All right. Was she involved in this case  
21 in any way? I don't know if there was a 911 call or not,  
22 Metro dispatch. Does that ring any bells for anybody here?

23 MS. FLECK: There is a 911 call, but I would have to  
24 check the -- I don't know who the dispatch was.

25 THE COURT: Do you guys remember? Does that name

1 ring a bell with the P number, anything like that?

2 MR. FELICIANO: I don't remember, Judge.

3 THE COURT: All right. What we'll do is maybe during  
4 the lunch break we'll check on that. But let's even suppose,  
5 you know, worst case scenario for a second, that she took the  
6 call in this case. I don't know what the situation is. We  
7 haven't heard anything. But would that affect you in any way  
8 in this case?

9 PROSPECTIVE JUROR NO. 041: Pretty much just my  
10 personal experiences, she -- when she tells me about some of  
11 her calls, she purposely leaves out sexual assault cases.

12 THE COURT: All right. I appreciate your honesty.  
13 Who else had their hand up? Let's start in this area  
14 there before we go over there.

15 PROSPECTIVE JUROR NO. 042: Number 0042.

16 THE COURT: Is it 42, is it Ms. Trotchie?

17 PROSPECTIVE JUROR NO. 042: Yes.

18 THE COURT: What is your situation?

19 PROSPECTIVE JUROR NO. 042: I just got done interning  
20 with the parole and probation in the sex offender unit.

21 THE COURT: You're currently interning with parole  
22 and probation?

23 PROSPECTIVE JUROR NO. 042: I just got done. And I  
24 have a family friend who works in the sex offender unit.

25 THE COURT: Who's the family friend?

1 PROSPECTIVE JUROR NO. 042: Officer Purdue, Norma  
2 Purdue [phonetic].

3 THE COURT: All right. Did any of the names that  
4 were read here in court a few minutes ago ring any bells for  
5 you?

6 PROSPECTIVE JUROR NO. 042: No.

7 THE COURT: You said you were interning for P and P.  
8 What are you doing for them specifically?

9 PROSPECTIVE JUROR NO. 042: I don't intern with them  
10 no more. At the time when I did --

11 THE COURT: When did you intern with them?

12 PROSPECTIVE JUROR NO. 042: I just got -- I just got  
13 done in May of 2011, so it's probably been a year now.

14 THE COURT: Okay. You finished in May of 2011. Were  
15 you a student at the time?

16 PROSPECTIVE JUROR NO. 042: [No audible response.]

17 THE COURT: Was this a summer job type thing, or a  
18 school year type --

19 PROSPECTIVE JUROR NO. 042: No. It was for school  
20 credits. It was an internship.

21 THE COURT: What did you specifically do for them?

22 PROSPECTIVE JUROR NO. 042: I would go out in the  
23 field with them. I was basically in the general supervision  
24 and sex offender unit. I was able to read the stories, like  
25 documentation of these offenders just to see, you know, as in

1 to what they did.

2 THE COURT: Okay. So anything about that experience  
3 that might cause you to be something other than fair and  
4 impartial in this case? Obviously the people you dealt with  
5 had -- they were on parole or on probation, right?

6 PROSPECTIVE JUROR NO. 042: Mm-hmm.

7 THE COURT: So they'd already been convicted of  
8 something, that's why they're there.

9 PROSPECTIVE JUROR NO. 042: Mm-hmm.

10 THE COURT: Would that affect your ability to serve  
11 as a juror in this case when you have to decide whether  
12 someone is or is not guilty of the crimes that they're charged  
13 with?

14 PROSPECTIVE JUROR NO. 042: Yes.

15 THE COURT: I'm sorry?

16 PROSPECTIVE JUROR NO. 042: Yes.

17 THE COURT: I can't hear you. I'm sorry.

18 PROSPECTIVE JUROR NO. 042: Oh, sorry. Yes. I would  
19 have a problem just with --

20 THE COURT: How so?

21 PROSPECTIVE JUROR NO. 042: Just with just  
22 descriptions and everything.

23 THE COURT: What do you mean by that, you have a  
24 problem?

25 PROSPECTIVE JUROR NO. 042: Just from parole and



1 probation, just reading the descriptions, the stories of the  
2 victims and their statements of getting into detail of what  
3 happened and everything, I would --

4 THE COURT: Well, I mean, are you saying that you  
5 would be uncomfortable with it, or are you saying that you  
6 would find -- you might find somebody to be more credible or  
7 less credible or more likely to be guilty or less guilty just  
8 based on the facts of what you heard, or are you just saying  
9 that you would be uncomfortable hearing about it?

10 PROSPECTIVE JUROR NO. 042: I think I would have more  
11 of a biased opinion, and I would be uncomfortable.

12 THE COURT: So what do you mean by you would have a  
13 biased opinion? Again, I'm trying to just kind of hone in on  
14 what specifically you mean.

15 PROSPECTIVE JUROR NO. 042: In a case like this I'm  
16 probably going to rule him -- rule out guilty.

17 THE COURT: I'm sorry. I can't hear you. Can you  
18 speak up a little bit?

19 THE MARSHAL: You've got to speak directly into the  
20 microphone.

21 PROSPECTIVE JUROR NO. 042: Oh, my God. I would  
22 probably rule it out guilty, like if I was put on the jury.

23 THE COURT: Even as you sit here right now, you  
24 haven't heard anything about this case?

25 PROSPECTIVE JUROR NO. 042: It doesn't matter to me.

1 Just from my experience with parole and probation, reading all  
2 the information that I have been exposed to, I -- I'm not  
3 going to be up for it.

4 THE COURT: Okay. So I mean, as I mentioned before,  
5 obviously everyone who's dealing with parole and probation has  
6 already been convicted. But you understand that not everybody  
7 who's accused of something necessarily is actually guilty?  
8 You were just seeing the people who were convicted or pled  
9 guilty for whatever reason and they're on supervision right  
10 now, right?

11 PROSPECTIVE JUROR NO. 042: True. I've also seen  
12 people who are actually going through a PSI, their presentence  
13 investigation before they're even convicted, where they still  
14 stand trial with the possibility of being assigned to a parole  
15 officer.

16 THE COURT: Okay. What did you do with PSIs? You  
17 just saw them? Did you write them? Did you --

18 PROSPECTIVE JUROR NO. 042: I got to do everything an  
19 officer would do.

20 THE COURT: Okay. Did you participate in actually  
21 writing PSIs?

22 PROSPECTIVE JUROR NO. 042: I got to help type  
23 everything, like questions, everything.

24 THE COURT: Okay. So the fact that you know -- I  
25 mean, I guess let me put it to you this way. I just want to

1 make sure I understand. I mean, you're saying you've seen a  
2 lot of people who are guilty and who are up for sentencing or  
3 who are on probation and parole already.

4 PROSPECTIVE JUROR NO. 042: Mm-hmm.

5 THE COURT: That makes you more likely to believe  
6 that someone else who is not currently on probation and parole  
7 who has been accused of a crime is also guilty?

8 PROSPECTIVE JUROR NO. 042: Yes.

9 THE COURT: Just because he's been accused of a  
10 similar crime that you've seen before?

11 PROSPECTIVE JUROR NO. 042: Yes.

12 THE COURT: What if it were your -- someone in your  
13 family who is accused of a crime, would you automatically then  
14 assume that they were guilty --

15 PROSPECTIVE JUROR NO. 042: I don't know. It's  
16 family.

17 THE COURT: -- just because they were accused?

18 PROSPECTIVE JUROR NO. 042: Hmm?

19 THE COURT: Just because -- if someone in your family  
20 were just accused of a crime, would you then automatically  
21 assume that they were guilty?

22 PROSPECTIVE JUROR NO. 042: No.

23 THE COURT: Why not? Why -- what's the difference  
24 between somebody in your family versus someone who you don't  
25 know?

1 PROSPECTIVE JUROR NO. 042: Because that's family.  
2 Regardless of what my family does, you know, good or bad, you  
3 know, I'm always going to have my family's side.

4 THE COURT: All right. Let me get you to -- thank  
5 you very much. Let me get you to pass the microphone.

6 Who else had their hand up in that area? Anyone  
7 else?

8 PROSPECTIVE JUROR NO. 044: Badge 044.

9 THE COURT: Zero, four, four. All right.

10 PROSPECTIVE JUROR NO. 044: Yeah. Just to let you  
11 know, my brother's a retired deputy sheriff from Kingman,  
12 Arizona.

13 THE COURT: Your brother's a retired deputy sheriff  
14 in what state?

15 PROSPECTIVE JUROR NO. 044: Kingman, Arizona.

16 THE COURT: How long ago did he retire?

17 PROSPECTIVE JUROR NO. 044: It's been about three  
18 years, three or four maybe.

19 THE COURT: Retired three years ago. All right. So  
20 anything about your relationship with him, stories he might  
21 have told you, things like that, that might cause you to be  
22 something other than fair and impartial in this case?

23 PROSPECTIVE JUROR NO. 044: No.

24 THE COURT: And same question that I've asked a  
25 couple times. Knowing that the procedures that the police

1 follow in Kingman may or may not be different than the  
2 procedures that are followed in this case, could you -- if a  
3 police officer were to come in here and testify about what he  
4 did to investigate this case, would you put aside -- would you  
5 be able to put aside what you think you know what they do in  
6 Kingman and evaluate what he or she did in this case based on  
7 what you hear in court?

8 PROSPECTIVE JUROR NO. 044: I believe so, yes.

9 THE COURT: I'm sorry. I can't hear you.

10 PROSPECTIVE JUROR NO. 044: Yes.

11 THE COURT: Okay. I appreciate that.

12 Who else had their hand up in response to that  
13 question? Anybody? What is your badge number?

14 PROSPECTIVE JUROR NO. 027: 027.

15 THE COURT: Oh, two, seven. Mr. Parry, right?

16 PROSPECTIVE JUROR NO. 027: Yeah.

17 THE COURT: What's your situation?

18 PROSPECTIVE JUROR NO. 027: I have two nephews that  
19 work for Metro. One's a bailiff here and the other one's on  
20 the force.

21 THE COURT: What are their names?

22 PROSPECTIVE JUROR NO. 027: Tyler Leavitt's a  
23 bailiff, and Chad Leavitt is a Metro officer.

24 THE COURT: What unit are they -- is the officer  
25 assigned to right now, do you know?

1 PROSPECTIVE JUROR NO. 027: I don't. He's some  
2 special unit. I don't know.

3 THE COURT: Okay.

4 PROSPECTIVE JUROR NO. 027: He roams around the city.

5 THE COURT: Okay. Are you close with them? Do you  
6 talk with them frequently about their jobs?

7 PROSPECTIVE JUROR NO. 027: When we get together we  
8 talk a little bit.

9 THE COURT: Okay. Anything about your relationship  
10 with them or anything they may have told you that might cause  
11 you to be something other than fair and impartial in this  
12 case?

13 PROSPECTIVE JUROR NO. 027: No.

14 THE COURT: Do you know if either one of them ever  
15 had any involvement in any cases that are similar to the case  
16 that we're here for today?

17 PROSPECTIVE JUROR NO. 027: I don't know.

18 THE COURT: All right. I appreciate it.

19 Who else had their hand up? We might jump back there  
20 now.

21 PROSPECTIVE JUROR NO. 071: Badge No. 071.

22 THE COURT: Zero, seven, one. Ms. Rivera?

23 PROSPECTIVE JUROR NO. 071: Yes.

24 THE COURT: What is your situation?

25 PROSPECTIVE JUROR NO. 071: My brother-in-law is a

1 customs agent at the Long Beach port.

2 THE COURT: A customs agent in Long Beach. How long  
3 has he done that?

4 PROSPECTIVE JUROR NO. 071: Maybe six years.

5 THE COURT: Are you -- this is your brother-in-law.  
6 Are you close with him?

7 PROSPECTIVE JUROR NO. 071: Yes.

8 THE COURT: Now, obviously customs is a completely  
9 different thing than what we're here for today.

10 PROSPECTIVE JUROR NO. 071: Correct.

11 THE COURT: Anything about his job, your relationship  
12 with him, or anything that he's told you that might cause you  
13 to be something other than fair and impartial in this case?

14 PROSPECTIVE JUROR NO. 071: No.

15 THE COURT: Now, obviously -- I've asked this  
16 question before. But obviously customs has completely  
17 different -- different jurisdiction, but they also have  
18 completely different investigative procedures. So would you  
19 be able to put aside anything that he might have told you  
20 about what customs does and listen to the evidence and  
21 testimony about this case on its own merits?

22 PROSPECTIVE JUROR NO. 071: Yes.

23 THE COURT: Okay.

24 PROSPECTIVE JUROR NO. 071: Now, you also asked a  
25 question with regards to attorneys.

1 THE COURT: Okay.

2 PROSPECTIVE JUROR NO. 071: I'm a vocational and  
3 rehabilitation counselor, and a lot of my clients are  
4 represented by attorneys. I don't have close relationships  
5 with them, but I do conversate [sic] with them and we  
6 communicate via written documents as well.

7 THE COURT: Have you -- do either of the -- any of  
8 the attorneys here in court today look familiar to you, or are  
9 their names familiar?

10 PROSPECTIVE JUROR NO. 071: No.

11 THE COURT: Okay. And how long have you done that?

12 PROSPECTIVE JUROR NO. 071: Here in Nevada, for 13  
13 years.

14 THE COURT: All right. I appreciate the information.  
15 Who else had their hand up?

16 PROSPECTIVE JUROR NO. 080: Badge 080.

17 THE COURT: Ms. Priest?

18 PROSPECTIVE JUROR NO. 080: Yes.

19 THE COURT: Okay. What is your situation?

20 PROSPECTIVE JUROR NO. 080: I live with my parents,  
21 and my father's retired homicide with Metro for about six  
22 years, and my mother is currently with domestic violence.

23 THE COURT: Your mother's currently an officer right  
24 now with domestic violence?

25 PROSPECTIVE JUROR NO. 080: No, not an officer. She



1 just works for domestic violence.

2 THE COURT: She works for who?

3 PROSPECTIVE JUROR NO. 080: Metro.

4 THE COURT: For Metro. Okay. She's a civilian  
5 employee?

6 PROSPECTIVE JUROR NO. 080: Yes.

7 THE COURT: What's her job title?

8 PROSPECTIVE JUROR NO. 080: I do not know that. I  
9 just know she calls the victims.

10 THE COURT: Can you speak into the microphone?

11 PROSPECTIVE JUROR NO. 080: I'm sorry. She calls the  
12 victims.

13 THE COURT: Okay. Got you. Right. When did your  
14 father retire?

15 PROSPECTIVE JUROR NO. 080: About 2006.

16 THE COURT: What was your father's name?

17 PROSPECTIVE JUROR NO. 080: Priest. He was also a  
18 volunteer [inaudible].

19 THE COURT: All right. Anything about the fact that  
20 your mother --

21 THE COURT RECORDER: [Inaudible.]

22 THE COURT: Oh, I'm sorry. One of the attorneys is  
23 saying they couldn't hear you. Can you repeat your last  
24 answer?

25 PROSPECTIVE JUROR NO. 080: His first name is Eber,

1 E-b-e-r, Priest.

2 MS. FLECK: And I'm sorry. Was he a detective, or  
3 did she say civilian?

4 PROSPECTIVE JUROR NO. 080: Also a volunteer.

5 THE COURT: I'm sorry. Can you say that again?

6 PROSPECTIVE JUROR NO. 080: A volunteer.

7 THE COURT: He was a volunteer, it sounds like.

8 Do you know what he did for them?

9 PROSPECTIVE JUROR NO. 080: I know that he talked to  
10 all of the victims' families.

11 MS. FLECK: And that was with homicide?

12 THE COURT: Yeah. That's what I heard. So it sounds  
13 like they both worked for, I guess, Metro's equivalent of  
14 VWAC, I'm guessing? I don't know.

15 How long did he do that?

16 PROSPECTIVE JUROR NO. 080: Five years.

17 THE COURT: And your mom is still currently employed  
18 with Metro?

19 PROSPECTIVE JUROR NO. 080: Correct.

20 THE COURT: Anything about the fact that your mother  
21 works for the organization that investigated this case, even  
22 though she's not a sworn officer, that might cause you to be  
23 anything other than fair and impartial if you were asked to  
24 serve as a juror in this case?

25 PROSPECTIVE JUROR NO. 080: No.

1 THE COURT: The fact that she works with the same  
2 organization, and I have no idea if she's ever worked with any  
3 of the officers involved in this case, but let's  
4 hypothetically even say that she did, or at least maybe  
5 crossed paths with them, would that make you more likely to  
6 find an officer credible or less likely, or would it have no  
7 effect?

8 PROSPECTIVE JUROR NO. 080: No effect.

9 THE COURT: And how about the fact that your father  
10 again, may or may not, I have no idea, have dealt with any of  
11 the officers involved in this case, would that change your  
12 opinion about the credibility of any officers in this case or  
13 any other witness?

14 PROSPECTIVE JUROR NO. 080: No.

15 THE COURT: All right. I appreciate it.

16 Who else had their hand up in response to that  
17 question?

18 All right. Before we move on, let me ask you a  
19 question. It is now ten minutes after 12:00 o'clock.

20 Oh, we do have a hand up. All right. Let's get  
21 through this real quickly. What's your number?

22 PROSPECTIVE JUROR NO. 017: 017, Mr. Helbert.

23 THE COURT: Mr. Helbert. All right. What's your  
24 situation?

25 PROSPECTIVE JUROR NO. 017: With attorneys, my

1 brother's an attorney and my daughter's an attorney, and  
2 actually, she has an interview Thursday with the city attorney  
3 here.

4 THE COURT: All right. Is your brother a criminal  
5 defense attorney, or what does he do?

6 PROSPECTIVE JUROR NO. 017: He was, but he's family  
7 law now.

8 THE COURT: What's his name?

9 PROSPECTIVE JUROR NO. 017: Daniel. Daniel Helbert,  
10 San Luis Obispo, California.

11 THE COURT: Oh, he's in California. And your  
12 daughter lives in which state, here?

13 PROSPECTIVE JUROR NO. 017: She lives in California.  
14 She has an interview Thursday here.

15 THE COURT: Here?

16 PROSPECTIVE JUROR NO. 017: Yes.

17 THE COURT: Do you know who with?

18 PROSPECTIVE JUROR NO. 017: I do not.

19 THE COURT: And so is she an attorney now, or is she  
20 just graduating from law school?

21 PROSPECTIVE JUROR NO. 017: Yes. She's an attorney.  
22 She graduated from here though.

23 THE COURT: Okay. But she has been practicing so far  
24 in California?

25 PROSPECTIVE JUROR NO. 017: Yeah. She practiced one

1 year here and then she went to California and worked for my  
2 brother.

3 THE COURT: Okay. Anything about your relationship  
4 with them, or anything they may have told you about the work  
5 that they did that might cause you to be something other than  
6 fair and impartial in this case?

7 PROSPECTIVE JUROR NO. 017: No.

8 THE COURT: All right. I appreciate that. Anyone  
9 else have their hands up in response to that question?

10 All right. It's now about a quarter after 12:00.  
11 Here's my question for everybody here, and maybe let me see a  
12 show of hands. I don't know when before you guys were brought  
13 up here if you were allowed to have a snack break or not. We  
14 can either break for lunch now and resume after lunch, or we  
15 can sort of push ahead and maybe let some of you go before the  
16 lunch break. Does anyone have a preference?

17 Who wants to keep going -- let's do this. Who wants  
18 to break for lunch right now? Is anybody really, really  
19 hungry? All right. Then there -- no hands went up, so I'm  
20 assuming you guys want to push ahead for at least a little  
21 while and see if we can get maybe some of you can go home and  
22 not have to come back.

23 All right. Is there anyone here who may not be able  
24 to follow all instructions of the Court on the law, even if  
25 the instructions differ from your personal conception of what

1 the law ought to be?

2 In other words, I don't write the law. At the end of  
3 this case what will happen is I will read you what the law of  
4 this state is that's relevant to this case. I don't write it.  
5 The legislature and the governor write it and there's a whole  
6 process for doing that. And as I'm sure you all know, there  
7 may be some laws that you may or may not disagree with. They  
8 may be dumb laws, they may make no sense to you.

9 But even if it is a law that you don't agree with,  
10 would all of you be able to follow that law and apply it to  
11 the facts of this case as you find those facts to be? Is  
12 there anyone here who would not be able to do that?

13 All right. Under our system, certain principles of  
14 law apply in every criminal trial. Some of these principles  
15 are that the Information in this case -- and the Information,  
16 just so you guys know, is what we call a charging document.  
17 The word that's more -- in Nevada there are two ways to charge  
18 someone with a crime. One is by Information. The word that  
19 you've probably heard before is by indictment. They're just  
20 two alternative ways to charge somebody.

21 But the principle is that the Information filed in  
22 this case is a mere accusation and is not itself evidence  
23 of --

24 MR. FELICIANO: Can we have a moment, Judge?

25 THE COURT: Oh, are we having a technical issue?

(Pause in proceeding.)

MR. FELICIANO: Thank you.

THE COURT: Okay. That the Information filed in this case is a mere accusation and is not itself evidence of guilt. The second principle is that the defendant is presumed innocent. And the third principle is the State must prove that the defendant is guilty beyond a reasonable doubt. Is there anybody here who --

Are we having another tech -- okay.

MR. FELICIANO: Sorry. We're having another problem.

THE COURT: You already swapped it out and it's still got the same problem?

THE INTERPRETER: Yes.

THE COURT: Can you, I mean, maybe sit next to him and whisper to him? Would that work? Do you want to give that a shot for a couple minutes and see? And let's see if it's -- I guess the other thing we'll have to see is if it's distracting for everybody else in here, especially the people that are kind of sitting behind you.

THE INTERPRETER: [Inaudible.]

THE COURT: And maybe during -- when we do take a lunch break, we'll see if we can work it out. But do you guys want to give that a shot or what? Do you guys have an objection or any preference either way?

(No audible response.)

1 THE COURT: All right. Let's try it that way. And  
2 we'll try that for a couple minutes. If anybody here,  
3 especially those people back there, if this is going to be a  
4 distraction, if you can't hear what I'm saying, please raise  
5 your hand and let me know. We're just going to do a little  
6 experiment right now and see if we can do it this way. Okay.

7 All right. So the question was the three principles  
8 that I just read to you, is there anyone who doesn't  
9 understand them or anyone who doesn't believe in them or think  
10 that they can't apply them to this case?

11 All right. The next question is as you guys have  
12 obviously just noticed, the defendant, Mr. Renteria-Novoa, is  
13 here with the assistance of an interpreter. Does the fact  
14 that he does not speak English as his native language and  
15 needs the assistance of an interpreter have any bearing for  
16 you one way or the other?

17 Is there anyone here who has any issue with that or  
18 anyone who thinks that they may not be able to be fair and  
19 impartial in this case because of the defendant's ethnic  
20 background or his language ability?

21 Does anybody here know anything about this case or  
22 think they might know something about this case other than  
23 what has been stated in court here today?

24 Does anyone think they -- I don't know if there's  
25 been any media coverage in this case, but does anyone think



1 they might have stumbled across a quote in the newspaper or on  
2 any local television or radio news story about this case?

3 Are you guys okay with the way the interpreter's set  
4 up here?

5 MR. FELICIANO: Yes. Fine, Judge.

6 THE COURT: All right. Let's -- can I have counsel  
7 approach just for 15 seconds.

8 (Bench conference.)

9 THE COURT: What I'm going to do now is I'm going to  
10 go one by one in the box and have them give me background  
11 [inaudible], but in terms of scheduling, this next stage, I  
12 mean, since we're doing it [inaudible], it's going to take a  
13 little while. Do you guys want to just keep going? The  
14 jurors seem like they're okay with it. Do you guys just want  
15 to keep pushing through?

16 MS. FLECK: So you're going to ask individually if  
17 they've been victims or accused --

18 THE COURT: Yeah.

19 MS. FLECK: Okay. That's fine.

20 THE COURT: You know, what do you do, what does your  
21 spouse do, any kids, ever served on a jury before, ever been a  
22 victim of a crime, ever been accused of a crime. And I'm just  
23 going to do the questions [inaudible] a crime that was sexual  
24 in nature. I'm going to cycle through them as quickly as I  
25 can. All right?

1 MS. FLECK: Okay.

2 MS. FELICIANO: Okay.

3 (End bench conference.)

4 THE COURT: All right. Randy, can we get the  
5 microphone? Who's got the microphone right now?

6 All right. Here's what we're going to do. We're  
7 going to start -- and hopefully this will be quick. We're  
8 going to start here with juror -- the juror in Seat No. 1.  
9 He's going to give you the microphone, and we're going to pass  
10 the microphone down and I'm going to ask you all the same  
11 question.

12 All right. Here's the question. What do you do for  
13 a living; if you're married, what does your spouse do for a  
14 living; have you ever served as a juror before; have you or  
15 anyone close to you ever been the victim of a crime; have you  
16 or anyone close to you ever been accused or arrested for a  
17 crime, whether or not there was a conviction; and specifically  
18 have you or anyone close to you ever been the victim or  
19 accused of a crime that was sexual in nature. That's a quick  
20 preview, but I'm happy to ask them one by one.

21 So juror number -- your badge number's one, correct?

22 PROSPECTIVE JUROR NO. 001: [Inaudible.]

23 THE COURT: And you are Mr. Brahmer?

24 PROSPECTIVE JUROR NO. 001: [No audible response.]

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