

1                                   **IN THE SUPREME COURT OF THE STATE OF NEVADA**

2  
3   GUILLERMO RENTERIA-NOVOA,   )  
4                                   Appellant,                   )  
5                                   v.                                   )  
6                                   )  
7   THE STATE OF NEVADA,                   )  
8                                   Respondent.                   )  
9                                   )

No. 68165

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10                                   **APPELLANT'S APPENDIX- VOLUME IV – PAGES 690-938**

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1 out of state by himself.

2 MS. FLECK: Okay. No problems stemming from that  
3 case with the State or the criminal justice system generally?

4 PROSPECTIVE JUROR NO. 013: No.

5 MS. FLECK: Any problems or any concerns that you  
6 have about sitting as a juror on this particular case?

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

8 MS. FLECK: Promise you can do the very -- you will  
9 do the very best job you can possibly do?

10 PROSPECTIVE JUROR NO. 013: Oh, definitely.

11 MS. FLECK: If we prove our case to you beyond a  
12 reasonable doubt, which is our burden and I'll talk about that  
13 in a second, if we prove our case beyond a reasonable doubt,  
14 do you have any problem coming in here on 37 counts and  
15 telling the defendant that he's guilty?

16 PROSPECTIVE JUROR NO. 013: If it's proven without a  
17 reasonable doubt I have no problem with that.

18 MS. FLECK: Okay. So then, I guess let's talk a  
19 little bit about beyond a reasonable doubt. That's our  
20 burden. It's, you know, met in courthouses every day. That's  
21 one that we -- we want to meet that burden. So I think you  
22 said beyond any -- did you say beyond any doubt?

23 PROSPECTIVE JUROR NO. 013: Mm-hmm.

24 MS. FLECK: Okay. So our burden isn't beyond any  
25 doubt, it's beyond a reasonable doubt. So you wouldn't hold

1 us to a higher standard than the law does, would you?

2 PROSPECTIVE JUROR NO. 013: No. I think if there  
3 isn't any reasonable doubt as far as his guilt, I would have  
4 to go with the evidence.

5 MS. FLECK: When you say you would have to, do you  
6 have some concerns about this kind of a case, or is there some  
7 hesitation that you have that would make you feel like that's  
8 not something you really feel comfortable with?

9 PROSPECTIVE JUROR NO. 013: The only issue I have  
10 with this case is it involves a minor. And working with kids  
11 and having children, of course it's going to affect -- you're  
12 going to have opinions and feelings about that. But as far as  
13 looking at things and trying not to -- I guess looking at them  
14 fairly, I definitely want to try my best with [inaudible] that  
15 makes sense.

16 MS. FLECK: It definitely makes sense. And I guess  
17 you -- my only thing that I want to make sure is that you  
18 almost sound hesitant, like you -- like you want more proof  
19 than the State's actually required to bring. Like when you  
20 say beyond any doubt -- and it's semantics, you know. So it  
21 could just be just that.

22 But I just want to make sure that you feel  
23 comfortable returning a verdict of guilty. Like at the end of  
24 the day, that's what you will be charged with doing. You'll  
25 be asked to go back, deliberate, talk with perfect strangers

1 about what happened in the case and have an exchange of ideas,  
2 and at the end of that you'll be asked to render a verdict.  
3 Is that something that you feel comfortable with?

4 PROSPECTIVE JUROR NO. 013: Yes. I think if -- like  
5 I said, if the evidence is there and I believe it's beyond a  
6 reasonable doubt, I wouldn't have a problem with a guilty  
7 verdict.

8 MS. FLECK: Okay. All right. Thank you very much.  
9 Mr. -- Ms. McClure, 17. Seat 17.

10 PROSPECTIVE JUROR NO. 029: 029.

11 MS. FLECK: Okay. So you're also a mandatory  
12 reporter, right?

13 PROSPECTIVE JUROR NO. 029: Yes.

14 MS. FLECK: Have you ever had an opportunity to  
15 report any kind of a sexual abuse or child abuse through your  
16 job?

17 PROSPECTIVE JUROR NO. 029: No, not sexual. But this  
18 year I did have to report to Title I, who then goes to CPS  
19 after they further investigate it just on more of lack of  
20 parental involvement.

21 MS. FLECK: Child neglect?

22 PROSPECTIVE JUROR NO. 029: Child neglect in terms of  
23 their kids coming to school unsanitary, those kinds of things.  
24 But nothing ever sexual.

25 MS. FLECK: Okay. No disclosures have been made to



1 you through school?

2 PROSPECTIVE JUROR NO. 029: No.

3 MS. FLECK: We talked a little bit about your  
4 upcoming engagement. Congratulations.

5 PROSPECTIVE JUROR NO. 029: Thanks.

6 MS. FLECK: And you said that you still think that  
7 you can be fair.

8 PROSPECTIVE JUROR NO. 029: Yes.

9 MS. FLECK: Again, it's beyond a reasonable doubt.  
10 That's a burden that we, you know, have accepted and embraced,  
11 and that's what we want -- that's the evidence we want to  
12 bring forward. So just because you're engaged to someone in  
13 law enforcement, that doesn't mean that if I didn't prove my  
14 case that you would just let me slide, because you're about to  
15 marry someone in law enforcement?

16 PROSPECTIVE JUROR NO. 029: Oh, yeah. No way.

17 MS. FLECK: All right. Good. Promise you'll do the  
18 best job you can possibly do if you're chosen?

19 PROSPECTIVE JUROR NO. 029: Yes.

20 MS. FLECK: All right. Thank you.

21 And finally -- well, no. Two more. Mr. Dell, also a  
22 teacher. And --

23 PROSPECTIVE JUROR NO. 031: 031.

24 MS. FLECK: Zero, three, one. What grade do you  
25 teach?

1 PROSPECTIVE JUROR NO. 031: Seniors.  
2 MS. FLECK: Oh, yikes.  
3 PROSPECTIVE JUROR NO. 031: But I taught eighth  
4 graders for five years before that.  
5 MS. FLECK: Which one's worse?  
6 PROSPECTIVE JUROR NO. 031: Seniors.  
7 MS. FLECK: Yeah?  
8 PROSPECTIVE JUROR NO. 031: Yeah. They care a lot  
9 less.  
10 MS. FLECK: They care a lot less?  
11 PROSPECTIVE JUROR NO. 031: Yes.  
12 MS. FLECK: How about your wife, what does she teach?  
13 PROSPECTIVE JUROR NO. 031: She teaches -- oh, geez.  
14 Mostly three and four-year-olds.  
15 MS. FLECK: Okay. That's a good age.  
16 PROSPECTIVE JUROR NO. 031: Yeah.  
17 MS. FLECK: Any opportunity that you've had as a  
18 mandatory reporter to have sexual abuse disclosed to you and  
19 further, going to report?  
20 PROSPECTIVE JUROR NO. 031: I have never reported  
21 any.  
22 MS. FLECK: Anyone ever disclosed anything like that?  
23 PROSPECTIVE JUROR NO. 031: I have -- have a case  
24 that's pending in my school right now. I don't think it's --  
25 I don't know if it would be considered sexual. It's a teacher

1 who pinched a kid basically. And there was a -- last year  
2 there was a girl at my school and I was informed that this was  
3 a problem that she was having and that it had already been  
4 reported.

5 MS. FLECK: Okay. And --

6 PROSPECTIVE JUROR NO. 031: I'm sorry. She was my  
7 student.

8 MS. FLECK: Which school do you teach at?

9 PROSPECTIVE JUROR NO. 031: Palo Verde High School.

10 MS. FLECK: How about your wife, any time that she's  
11 had to report?

12 PROSPECTIVE JUROR NO. 031: No -- no -- just  
13 reporting through her supervisor about neglect, but other than  
14 that, that was it. No any kind of mandatory reporting to CPA  
15 or -- or I'm sorry, C -- CPS. Sorry.

16 MS. FLECK: No problem. You also have an  
17 11-year-old. Additionally, besides teaching, you have an  
18 11-year-old at home.

19 PROSPECTIVE JUROR NO. 031: Yeah.

20 MS. FLECK: Any issue with the fact that, as you've  
21 heard, the age around when the State has alleged that this  
22 starts is when the victim's about 11, any problems with that?

23 PROSPECTIVE JUROR NO. 031: I -- I'd like to say that  
24 I'm an impartial person, but I would not be a completely  
25 honest person if I said that I wasn't -- I didn't connect

1 somewhat with that situation as far as whether or not, you  
2 know, just the pain or the trauma involved in the situation of  
3 a girl that age. I would be -- I'd be lying if I didn't say  
4 that I would envision my daughter in that situation.

5 MS. FLECK: Which is fair, I think, and everyone's  
6 going to bring their own experiences into the courtroom.

7 How about the fact that she's around the same age,  
8 would you be able to judge her and her experience and her kind  
9 of reactions as an individual as opposed to comparing them to  
10 your daughter and saying, well, my daughter wouldn't have  
11 acted that way, or my daughter would have done something  
12 different? Would you be able to judge her on her own?

13 PROSPECTIVE JUROR NO. 031: Yes.

14 MS. FLECK: Okay. And not impute your daughter's  
15 personality or decision making?

16 PROSPECTIVE JUROR NO. 031: No. I've taught -- you  
17 know, I've taught sixth grade too, and I would say I would  
18 compare the witness to every other, you know, child that age  
19 that I've ever encountered, but not just my daughter, no.

20 MS. FLECK: Okay. So you would just -- you would  
21 just draw on your experience with children that age generally?

22 PROSPECTIVE JUROR NO. 031: Yes.

23 MS. FLECK: All right. Fair. And so when you say  
24 that you would have an issue with it, you know, again, the  
25 judge has talked a lot about this, that until -- you know, the

1 defendant is innocent until proven guilty. It's our burden to  
2 bring forward the evidence, and then and only then should any  
3 kind of decision be rendered.

4           So at that point if, you know, someone is found  
5 guilty, I think anybody can agree that the charges are  
6 egregious and that the charges are something that people  
7 can't -- you know, when people say, well, I just think that  
8 it's sickening, well, but at this point he's innocent; we  
9 agree with that?

10           PROSPECTIVE JUROR NO. 031: Yes.

11           MS. FLECK: Okay. So can you put the feelings aside  
12 that you have about the actual crime and say I can listen to  
13 the evidence and then render a verdict, and then make my  
14 decision about how I feel about the crime in this case or  
15 about the defendant or, you know, the evidence as opposed to  
16 saying, well, just because I hear the charges, they -- they're  
17 so inflammatory that I can't be fair?

18           PROSPECTIVE JUROR NO. 031: I'm not sure I understand  
19 the...

20           MS. FLECK: Can you listen to the evidence and then  
21 base your decision --

22           PROSPECTIVE JUROR NO. 031: Yes, I can.

23           MS. FLECK: So because I -- what I guess I'm trying  
24 to say, and this is for everybody, is that when people say,  
25 well, these charges are just, you know, it's so awful, what I

1 hear is, which is true, but we haven't proven our case yet.

2 PROSPECTIVE JUROR NO. 031: Right.

3 MS. FLECK: So once we would, if we do, then that  
4 decision can be made or you could have those feelings. But  
5 until we present that evidence and we prove our case, you  
6 would agree that the defendant sits innocent and that those  
7 are just words and ideas as they stand right now?

8 PROSPECTIVE JUROR NO. 031: Yes. Because I would  
9 want anybody to do the same for me.

10 MS. FLECK: Right. So you'll hold us to our burden,  
11 not a higher burden?

12 PROSPECTIVE JUROR NO. 031: Right.

13 MS. FLECK: If you're chosen, promise to do the very  
14 best job you can possibly do?

15 PROSPECTIVE JUROR NO. 031: I would.

16 MS. FLECK: Okay. Thank you.

17 Mr. Iverson, 32.

18 PROSPECTIVE JUROR NO. 049: Yep. 049, Tony Iverson.

19 MS. FLECK: Mr. Iverson, where do you teach school?

20 PROSPECTIVE JUROR NO. 049: At Walter Johnson Junior  
21 High School.

22 MS. FLECK: Walter Dotson?

23 PROSPECTIVE JUROR NO. 049: Johnson.

24 MS. FLECK: Oh, Johnson. You said junior high?

25 PROSPECTIVE JUROR NO. 049: Yeah. Sixth grade.

1 MS. FLECK: So around this age, right?

2 PROSPECTIVE JUROR NO. 049: [No audible response.]

3 MS. FLECK: Same kinds of questions then that I just  
4 posed. Any problem judging this girl and saying, well, this  
5 is how she dealt with life, or this is the experiences that  
6 she had and this is the path she chose as opposed to well,  
7 Susie, Mary or Joanie wouldn't have done that?

8 PROSPECTIVE JUROR NO. 049: Do I have a problem with  
9 how the victim, is that what you're saying?

10 MS. FLECK: Do you have a -- will you be able to  
11 judge her -- her on her own individual experiences as opposed  
12 to any student that you may teach or any experiences that you  
13 have at school?

14 PROSPECTIVE JUROR NO. 049: I believe so.

15 MS. FLECK: Okay. I guess kind of account for  
16 personal reactions to things as opposed to comparing them to  
17 how other students would act?

18 PROSPECTIVE JUROR NO. 049: I guess so, yes.

19 MS. FLECK: Your -- as a teacher, have you ever been  
20 in a position where you had to do any mandatory reporting?

21 PROSPECTIVE JUROR NO. 049: I haven't had to directly  
22 report, but people on my team or that I work closely with, you  
23 know, kind of -- I don't want to say taken turns, but, you  
24 know, they've had to go ahead and do certain things like that.

25 A couple that I work with very closely, I don't know

1 if they had to testify or were present at court for something  
2 that sounds very similar to this, that it happened at our  
3 school, a girl walking home through her apartments was  
4 molested over the course of a few years. And it wasn't a  
5 student that I had, but, you know, obviously it's a story that  
6 they had told me just regarding, you know, why they were  
7 absent today, because they had to appear or go to court, or  
8 whatever the case was.

9 MS. FLECK: Okay. All right. So you weren't  
10 involved then in testifying or anything?

11 PROSPECTIVE JUROR NO. 049: I -- no.

12 MS. FLECK: How about your wife or soon to be ex, any  
13 time that she's had to do that?

14 PROSPECTIVE JUROR NO. 049: Not to my knowledge.

15 MS. FLECK: Okay. What grade does she teach?

16 PROSPECTIVE JUROR NO. 049: All, K through 5.

17 MS. FLECK: And at what school?

18 PROSPECTIVE JUROR NO. 049: Doris Reed Elementary.

19 MS. FLECK: How old were your kids?

20 PROSPECTIVE JUROR NO. 049: My -- I have an  
21 11-year-old daughter and an 8-year-old son.

22 MS. FLECK: Okay. So again then, I guess, the same  
23 question. Any problem with the fact that you have an  
24 11-year-old daughter, just that that's the age of -- that this  
25 started, per our allegation?



1 PROSPECTIVE JUROR NO. 049: Probably along the same  
2 lines as he has. I mean, that's like any father with  
3 their 11-year-old daughter. That's my baby girl and I  
4 couldn't imagine.

5 MS. FLECK: Okay. Any issues then as you've listened  
6 to my questions or anyone else's answers, any issues that have  
7 come up in your mind about sitting as a juror on this  
8 particular case?

9 PROSPECTIVE JUROR NO. 049: No.

10 MS. FLECK: If we prove our case to you beyond a  
11 reasonable doubt, do you have any problem with coming back in  
12 here and finding the defendant guilty?

13 PROSPECTIVE JUROR NO. 049: No.

14 MS. FLECK: Okay. All right. Okay. Mr. Bean, I  
15 know. Sorry. You know, we kind of actually talked about what  
16 you had been through with your step-dad, and you said that  
17 that isn't going to affect your ability, that you can still be  
18 fair and that you can handle it emotionally. I wanted to talk  
19 to you more about your brother and your nephew. Any issues  
20 with law enforcement regarding your brother and your nephew?

21 PROSPECTIVE JUROR NO. 032: No.

22 MS. FLECK: Those were a long time ago in other  
23 jurisdictions and you have no issues with that?

24 PROSPECTIVE JUROR NO. 032: [No audible response.]

25 MS. FLECK: Okay. Your wife, how much -- I love that

1 she's a domestic goddess. So -- I want to be a domestic  
2 goddess, but instead I'll pick this jury.

3 So how much is that on your mind? Is that on your  
4 mind at all in terms of -- I mean, I know it's on your mind,  
5 but is it something that you think you can set aside and  
6 listen to the evidence in this case with an open mind, or is  
7 it something that's so overriding that you think, you know  
8 what, I just -- I can't really listen and be fair to both  
9 sides?

10 PROSPECTIVE JUROR NO. 032: I can listen and be fair.

11 MS. FLECK: All right. Good. Any other issues then?

12 PROSPECTIVE JUROR NO. 032: No. I was going to be  
13 one of the people that raised their hand earlier about being  
14 excited to be a part of this. Normally I want to do this --

15 MS. FLECK: Until you heard the charges?

16 PROSPECTIVE JUROR NO. 032: That, but also just that  
17 it's, you know, the time frame.

18 MS. FLECK: With what's going on with your wife?

19 PROSPECTIVE JUROR NO. 032: Yeah.

20 MS. FLECK: Okay. Understandable. All right. If  
21 you can put all those things aside, I guess that that's more  
22 my concern. More my concern is just that she would be on your  
23 mind to the point that you wouldn't really be listening to the  
24 evidence. But if you don't have a problem, neither do I.  
25 Okay. Great. Thank you.

1 Ms. Zeihen. Sorry. How is it?  
2 PROSPECTIVE JUROR NO. 041: [Inaudible.]  
3 MS. FLECK: Zeihen.  
4 PROSPECTIVE JUROR NO. 041: Like the park.  
5 MS. FLECK: Oh, Zion. Cool.  
6 THE MARSHAL: Jurors, please remember your badge  
7 numbers [inaudible].  
8 PROSPECTIVE JUROR NO. 041: 041.  
9 MS. FLECK: Okay. You've been visibly emotional  
10 through the first part of the voir dire. And again, it's --  
11 none of these questions are meant to embarrass you, so I'm  
12 sorry. The abuse that you suffered is similar to the charges  
13 in this case. And who was the perpetrator?  
14 PROSPECTIVE JUROR NO. 041: A former -- at the time,  
15 two step-brothers and a step-sister.  
16 MS. FLECK: All right. Were any of them prosecuted?  
17 PROSPECTIVE JUROR NO. 041: No.  
18 MS. FLECK: Did you disclose to law enforcement?  
19 PROSPECTIVE JUROR NO. 041: I was from ages three to  
20 six.  
21 MS. FLECK: So it was out of your control?  
22 PROSPECTIVE JUROR NO. 041: [Inaudible.]  
23 MS. FLECK: And did you ever tell anyone that  
24 didn't -- that you felt should have gone forward to law  
25 enforcement?

1 PROSPECTIVE JUROR NO. 041: I -- you know, childhood  
2 dramas, you tend to block it out until an event occurs that  
3 brings it back out. And my freshman year I was actually raped  
4 twice, which kind of brought everything back. And at that  
5 point I was, well, no one's going to believe me because their  
6 stories are better than mine. So I told my dad about the  
7 stuff that happened when I was a kid and that was kind of it.

8 MS. FLECK: Wow. Okay. So in high school, these  
9 were different people than your -- the family members that you  
10 were referring to?

11 PROSPECTIVE JUROR NO. 041: Correct.

12 MS. FLECK: And one of the reasons that you didn't  
13 tell is because you felt like nobody would believe you?

14 PROSPECTIVE JUROR NO. 041: Correct.

15 MS. FLECK: How long then did it take until you  
16 ultimately told someone?

17 PROSPECTIVE JUROR NO. 041: It took me about a year  
18 to talk to my dad about it. And then I felt bad for telling  
19 my dad what happened because then he felt guilty.

20 MS. FLECK: Okay. So a lot of your -- a lot of your  
21 concern with not telling was hurting other people in your  
22 family?

23 PROSPECTIVE JUROR NO. 041: [Inaudible.]

24 MS. FLECK: Okay. Well, I don't want to belabor the  
25 point, and I don't certainly want to make you relive something

1 that was -- is fairly fresh probably and that you're so  
2 physically kind of hurt by. So any way you can possibly sit  
3 on this jury with an open mind?

4 PROSPECTIVE JUROR NO. 041: Honestly, I'd say no,  
5 because I'm still trying to figure out how to get past my  
6 issues with five people and still trying to find that justice  
7 for myself. And I feel like if I were to sit on this jury,  
8 then I would just want to give the justice to the victim  
9 because I don't have it for me. I don't have that peace of  
10 mind for me.

11 MS. FLECK: All right. Thank you so much for being  
12 honest.

13 And I will make a motion for cause.

14 THE COURT: Response.

15 MR. FELICIANO: Your Honor, submit it.

16 THE COURT: All right. Ms. Zeihen, I appreciate your  
17 service today. Please report to the jury services room on the  
18 third floor. And I do hope you understand that it's not our  
19 intention to embarrass you about something that obviously, you  
20 know, has a lot of meaning for you. And I apologize that you  
21 had to talk about this in front of a room full of people, but,  
22 you know, it's part of the process.

23 But thank you for your service, and they'll give you  
24 further instructions on the third floor.

25 Who's the next person?

1 THE CLERK: Badge No. 059, Tiffany Crockett.

2 THE COURT: Ms. Crockett, can you come up here and  
3 take a seat in Ms. Zeihen's chair. All right. Ms. Crockett,  
4 since you're now moving up into this area, give us a brief  
5 biographical sketch. What do you do, are you married, does  
6 your husband work, have any kids, how old?

7 PROSPECTIVE JUROR NO. 059: I do retail associate in  
8 the clothing industry. No, I'm not married. I have two kids,  
9 an 11-year-old and a 4-year old.

10 THE COURT: Boys or girls?

11 PROSPECTIVE JUROR NO. 059: Boys.

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

13 PROSPECTIVE JUROR NO. 059: No.

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

17 PROSPECTIVE JUROR NO. 059: Yes.

18 THE COURT: Sorry?

19 PROSPECTIVE JUROR NO. 059: Yes.

20 THE COURT: And who was that?

21 PROSPECTIVE JUROR NO. 059: A family member. It's  
22 the same situation, she was 13, and the person that was  
23 accused was 35.

24 THE COURT: Who was the person who was accused? Was  
25 that another family member?

1 PROSPECTIVE JUROR NO. 059: It was a family friend.

2 THE COURT: Who was this family member to you, the  
3 victim, the 13-year-old?

4 PROSPECTIVE JUROR NO. 059: A cousin.

5 THE COURT: Did this happen here in Las Vegas, or  
6 somewhere else?

7 PROSPECTIVE JUROR NO. 059: [Unintelligible.]

8 THE COURT: It happened in Las Vegas?

9 PROSPECTIVE JUROR NO. 059: In Las Vegas, yes.

10 THE COURT: Were you involved in that in any way?  
11 Were you a witness? Were you -- did you ever testify in the  
12 case, anything like that?

13 PROSPECTIVE JUROR NO. 059: No, not testify. Just  
14 was around when everything came out in the open.

15 THE COURT: All right. So was the person ever  
16 arrested?

17 PROSPECTIVE JUROR NO. 059: No.

18 THE COURT: No?

19 PROSPECTIVE JUROR NO. 059: No.

20 THE COURT: Was it reported to the police?

21 PROSPECTIVE JUROR NO. 059: Yes.

22 THE COURT: To who? To Metro or to North Las Vegas  
23 or Henderson, or who?

24 PROSPECTIVE JUROR NO. 059: I believe it was Metro.

25 THE COURT: And how long ago was this?

1 PROSPECTIVE JUROR NO. 059: Probably about nine years  
2 ago.

3 THE COURT: Nine years ago. Who reported it to the  
4 police?

5 PROSPECTIVE JUROR NO. 059: The child's mother.

6 THE COURT: Did this happen -- you said that the  
7 child was a cousin. Did this happen -- were you living  
8 together? Was it something you heard about in a different  
9 part of town, or -- I guess I'm asking the question is how  
10 close were you to what happened?

11 PROSPECTIVE JUROR NO. 059: We were very close.  
12 We're first cousins and we deal with each other every day.  
13 The mother actually found out and she called myself and my  
14 sister to come help her.

15 THE COURT: Okay. So the mom called Metro, and then  
16 the person was never arrested though?

17 PROSPECTIVE JUROR NO. 059: No.

18 THE COURT: Anything about that -- how do you feel  
19 about Metro's response?

20 PROSPECTIVE JUROR NO. 059: I believe it was  
21 attentive. I think it was okay.

22 THE COURT: You think it was okay even though no one  
23 was ever arrested or brought to trial?

24 PROSPECTIVE JUROR NO. 059: Well, the mother actually  
25 never pressed charges, so that's why it wasn't taken further.



1 THE COURT: Do you know why?

2 PROSPECTIVE JUROR NO. 059: She kind of didn't  
3 believe her.

4 THE COURT: Okay. The mom didn't believe her  
5 daughter is what you're saying?

6 PROSPECTIVE JUROR NO. 059: Yes.

7 THE COURT: So anything about that case that causes  
8 you to have feelings one way or the other about serving as a  
9 juror on this case?

10 PROSPECTIVE JUROR NO. 059: Just dealing with  
11 children in general, I think it's a sad case. So it kind of  
12 affects me that way.

13 THE COURT: Well, I mean, there's no question that  
14 it's, you know, it's -- the accusations are what they are and  
15 we're all human beings here. But do you think that you could  
16 be fair and impartial in hearing the evidence that's presented  
17 in this case?

18 PROSPECTIVE JUROR NO. 059: Yes, Your Honor.

19 THE COURT: Okay. Have you ever served on a jury  
20 before?

21 PROSPECTIVE JUROR NO. 059: I'm sorry?

22 THE COURT: Have you ever served on a jury before?

23 PROSPECTIVE JUROR NO. 059: No.

24 THE COURT: All right. Ms. Fleck, do you have any  
25 questions for Ms. Crockett?

1 MS. FLECK: Not -- not in particular right now. I  
2 may when I continue.

3 THE COURT: Okay. Sure.

4 MS. FLECK: Okay. Ms. Trotchie, also the victim of a  
5 battery domestic violence. That was -- sorry. Number -- in  
6 Seat 26.

7 PROSPECTIVE JUROR NO. 042: 042.

8 MS. FLECK: So you were the victim of a battery  
9 domestic violence, and our office prosecuted the person.

10 PROSPECTIVE JUROR NO. 042: Yes.

11 MS. FLECK: Were you happy with that prosecution?

12 PROSPECTIVE JUROR NO. 042: I mean, at the same time  
13 it's my kids' dad. I mean, it's mixed emotions.

14 MS. FLECK: Right. So it's hard because he -- you  
15 said that -- did we get habitual on him, or we tried to get  
16 habitual on him?

17 PROSPECTIVE JUROR NO. 042: They tried to get the  
18 habitual on him, but he -- his -- it was going to go to trial,  
19 like it was going to go through the whole jury thing. But  
20 when they tried to get him with a habitual he took a plea.

21 MS. FLECK: It was a felony battery domestic  
22 violence?

23 PROSPECTIVE JUROR NO. 042: Yeah. But he has priors  
24 though. Like this was just a one-time thing with me.

25 MS. FLECK: Right. Was it a -- how did it get to

1 felony? Was it a battery domestic violence third, was it  
2 strangulation?

3 PROSPECTIVE JUROR NO. 042: Come to find out, because  
4 I didn't know anything until it was brought before the judge,  
5 he was pending a charge of robbery, pending a charge of  
6 strangulation, BDV 3, and I was BDV 4.

7 MS. FLECK: Okay. All right. So you say that you  
8 didn't know that. So are you -- were you not that close with  
9 him?

10 PROSPECTIVE JUROR NO. 042: I was, but it was  
11 like it -- in our time of separation he did his own thing.  
12 But in the time of that separation that's what he caught and  
13 I, you know, never paid attention to it because, you know, I  
14 was just -- my focus was taking care of the kids. Like I  
15 didn't care what he was doing.

16 MS. FLECK: Okay. Understood. So how do you resolve  
17 that? You know, how do you resolve that in your mind?

18 I mean, I understand it's a relationship, so affairs  
19 of the heart are somewhat different. But not wanting, you  
20 know, the father of your children prosecuted and then saying,  
21 well, yeah, I guess I'm satisfied with the prosecution, do you  
22 have any animosity or do you hold any ill will against law  
23 enforcement in general based upon his cases that he's gone  
24 through, the fact he's been in the system so much?

25 PROSPECTIVE JUROR NO. 042: No.

1 MS. FLECK: And he's been shipped off to prison?

2 PROSPECTIVE JUROR NO. 042: Yeah. He's in prison  
3 now.

4 MS. FLECK: And you're okay with that?

5 PROSPECTIVE JUROR NO. 042: Yeah.

6 MS. FLECK: Let's talk a little bit about your time  
7 with P and P. You had said a couple of things about the fact  
8 that you would have a problem sitting as a juror just because  
9 of the stories that you've heard through PSIs and things  
10 through P and P.

11 PROSPECTIVE JUROR NO. 042: Well, the thing was is  
12 that working in the sex offender unit, like I was able to have  
13 access to the files. Like I was able to read on the files of  
14 the people that I was going out in the field to serve and do  
15 checks on them, you know, do home checks and everything.

16 So the stories like, it really got into gruesome  
17 detail from like touching and what age they were, you know,  
18 what they did. It's just like it just blew me away, like that  
19 people can actually have a heart like that to do something to.  
20 Like it didn't even have to be a girl. There was boys too.  
21 It's just the simple fact that I'm just --

22 MS. FLECK: So it was just the content that surprised  
23 you, that that kind of stuff actually happens?

24 PROSPECTIVE JUROR NO. 042: Yeah. I thought it was  
25 something you may see on TV like, you know, this stuff isn't

1 real. But this was actually reality.

2 MS. FLECK: Right. So now that you know it's  
3 reality, can you sit and listen to the evidence in this  
4 case -- and there will be -- I mean, it will be detailed. It  
5 will be obviously of a very sexual nature. Is that something  
6 that you think -- you know, the judge -- I don't know exactly  
7 how --

8 You're kind of a mixed bag for me here because, you  
9 know, you've worked in the criminal justice system and you've  
10 worked with people who have already been convicted. So I can  
11 assume you understand the burden of beyond a reasonable  
12 doubt --

13 PROSPECTIVE JUROR NO. 042: Yes.

14 MS. FLECK: -- and that you're comfortable with the  
15 notions of innocent until proven guilty.

16 PROSPECTIVE JUROR NO. 042: Yes.

17 MS. FLECK: And that you wouldn't want to prejudge a  
18 person on something especially of this nature before you heard  
19 evidence.

20 PROSPECTIVE JUROR NO. 042: Oh, definitely. I mean,  
21 there's been times that I've witnessed stuff go down without  
22 evidence. It was a he said, she said matter, you know.

23 MS. FLECK: Okay. Well, yeah. And that's --  
24 unfortunately, in these cases a lot of times that's how it  
25 works, because there's simply no one else there. But besides

1 that, you know, the things that you had said earlier is that  
2 you would vote guilty basically just because of, I think,  
3 experiences that you've had at P and P.

4 Do you think you can't sit as a juror and understand  
5 that the defendant in this case has not yet been convicted?  
6 He has not yet been put into the parole and probation  
7 department. He's not yet had a chance to even tell the  
8 stories that you had experience reading. Do you have a --  
9 would you really have an issue with that, or are you just --

10 PROSPECTIVE JUROR NO. 042: I would do my best to  
11 look past it. I mean, everybody is different, you know,  
12 especially with the stories that I have read. You know, not  
13 everybody was doing the same thing. Not everybody was charged  
14 with the same sex crime, you know. Everybody had different  
15 charges, but were still listed as a sex offender.

16 MS. FLECK: Okay. So I guess here's the thing.  
17 Can -- do you think that you can wait until we present the  
18 evidence in this case to come up with any kind of judgment or  
19 a decision as to the defendant's guilt in this case?

20 PROSPECTIVE JUROR NO. 042: Yeah.

21 MS. FLECK: And you can set aside the other things  
22 that you have read and understand that those are different  
23 people with different victims, different -- different  
24 scenarios, different dates, everything? Can you do that?

25 PROSPECTIVE JUROR NO. 042: Yeah.

1 MS. FLECK: All right. You can be fair to both the  
2 State then and also to the defense?

3 PROSPECTIVE JUROR NO. 042: Yes.

4 MS. FLECK: All right. Okay. Since you are there,  
5 I'm just going to actually go right next to you. This is kind  
6 of off topic, because we were sort of talking about victims.  
7 But Ms. Valerio, you are a Spanish instructor at UNLV?

8 Yes. I'm sorry.

9 PROSPECTIVE JUROR NO. 043: 043.

10 MS. FLECK: Zero, four, three. You already know --  
11 obviously we've had some interpreter issues already. So you  
12 know that there will be some Spanish speakers taking the  
13 stand.

14 PROSPECTIVE JUROR NO. 043: Yeah.

15 MS. FLECK: Can you, do you think, and this is very  
16 difficult for people, but listen to the English interpretation  
17 of what is said and take that as the evidence as opposed to  
18 what you hear coming from the witness's mouth? Do you  
19 understand what I'm saying?

20 PROSPECTIVE JUROR NO. 043: Yes.

21 MS. FLECK: So the evidence that will be in the case  
22 is the testimony that actually comes from the interpreter, not  
23 what you hear the Spanish speaker saying.

24 PROSPECTIVE JUROR NO. 043: Okay.

25 MS. FLECK: Do you think you'll have a problem with

1 that?

2 PROSPECTIVE JUROR NO. 043: [No audible response.]

3 MS. FLECK: And I guess what you'll be saying in your  
4 mind probably is what if it's different, right? What if  
5 it's -- what if [inaudible]?

6 PROSPECTIVE JUROR NO. 043: Yeah. I mean, yeah. But  
7 shouldn't the interpretation be as close as to what the person  
8 is saying in the -- in their native language, right?

9 MS. FLECK: Okay. If you were chosen to be a juror  
10 and you found that the interpretation was wrong, do you have  
11 the kind of personality where you could grab the court  
12 personnel, grab somebody around and say, hey, listen, I think  
13 we've got a problem, there's something that's not kind of  
14 jiving in my mind?

15 PROSPECTIVE JUROR NO. 043: I studied translation as  
16 part of my master's, so I'll probably be a little picky as far  
17 as interpretation and the translation meaning. I mean,  
18 honestly.

19 MS. FLECK: Okay. But picky to the point that it's  
20 going to affect your ability to listen? I mean, I guess what  
21 I'm trying to say is sometimes we have issues where somebody  
22 that is so well-versed in both languages will kind of dissect  
23 the differences between the interpretation and what was  
24 actual -- you know, the Spanish speaking and then the  
25 English --



1 PROSPECTIVE JUROR NO. 043: Mm-hmm.

2 MS. FLECK: -- when you're really supposed to be  
3 taking the English as the testimony. That's what you're  
4 supposed to be relying on, not saying, well, there's a  
5 different nuance, or it could mean this. Do you think that  
6 given your -- that you've mastered both languages that you  
7 would be able to do that --

8 PROSPECTIVE JUROR NO. 043: You know --

9 MS. FLECK: -- as part of your oath?

10 PROSPECTIVE JUROR NO. 043: -- now that I know that  
11 I'm supposed to just listen to the English version, of course  
12 I will do that and forget about -- you know, try not to listen  
13 to the Spanish version of it. Yes. But if you have told me,  
14 you know, if I hadn't known this, then probably I would have  
15 listened more to the Spanish version.

16 MS. FLECK: Okay. Right. And that's -- right. The  
17 actual testimony that's coming out is the English. That's  
18 what's in evidence.

19 PROSPECTIVE JUROR NO. 043: Okay.

20 MS. FLECK: But then -- you know, then of course if  
21 there's something grossly different and the person's just not  
22 getting it right, that you would have the personality to kind  
23 of speak up and say, hey, you know, somebody should -- this is  
24 my issue, this is what I've heard that's different --

25 PROSPECTIVE JUROR NO. 043: Yes.

1 MS. FLECK: -- that personality?

2 PROSPECTIVE JUROR NO. 043: Yes.

3 MS. FLECK: All right. Any other issues that you've  
4 heard or that have come to your mind as you've listened to  
5 other people's answers or any of my questions?

6 PROSPECTIVE JUROR NO. 043: No.

7 MS. FLECK: If we prove our case beyond a reasonable  
8 doubt and you're chosen to be a juror, do you have any problem  
9 coming back in here and finding the defendant guilty?

10 PROSPECTIVE JUROR NO. 043: I have no problem, no.

11 MS. FLECK: Thank you.

12 Okay. Mr. Garwood. Yes.

13 PROSPECTIVE JUROR NO. 048: 048.

14 MS. FLECK: You talked about the events with your  
15 sister some 45 years ago, and that you think that you can  
16 still be fair. You know, again, not to embarrass anybody, but  
17 was this a stranger situation?

18 PROSPECTIVE JUROR NO. 048: It was a boyfriend of a  
19 maid.

20 MS. FLECK: A boyfriend of a maid. Was your sister  
21 working as a maid?

22 PROSPECTIVE JUROR NO. 048: No. We were living in  
23 Colombia, and our maid had a boyfriend over.

24 MS. FLECK: Got it. I see. Okay. So I didn't know  
25 if like you were summering -- okay. So the boyfriend -- and

1 then did you walk in on it?

2 PROSPECTIVE JUROR NO. 048: Yes.

3 MS. FLECK: All right. Okay. So somewhat different,  
4 I guess, than this case. Just it's also sexual in nature, but  
5 not -- that was a stranger situation, a not ongoing?

6 PROSPECTIVE JUROR NO. 048: No, it wasn't. I think  
7 it was a one-time occurrence.

8 MS. FLECK: Okay. All right. So no problems with  
9 that?

10 PROSPECTIVE JUROR NO. 048: No.

11 MS. FLECK: All right. Any other issues that you --  
12 that have come to your mind as you've listened to any of the  
13 questions or answers today?

14 PROSPECTIVE JUROR NO. 048: None.

15 MS. FLECK: Any problem finding the defendant guilty  
16 if we prove our case beyond a reasonable doubt?

17 PROSPECTIVE JUROR NO. 048: No.

18 MS. FLECK: Okay. And finally on that row, the only  
19 other person is -- that I need to talk to is Mr. Ferguson.  
20 You have a teenage daughter 15 years old?

21 PROSPECTIVE JUROR NO. 046: Yes.

22 MS. FLECK: Yes. Same kinds of questions that were  
23 posed then earlier regarding teenage girls. Will you be able  
24 to judge credibility based on the victim in this case, or  
25 judge her as an individual and not compare her to your own

1 daughter and say, well, you know, my daughter may have acted  
2 different, or my daughter wouldn't have done this?

3 PROSPECTIVE JUROR NO. 046: I'd have to say it's  
4 going to be hard. It's going to be hard for me to be  
5 impartial in this case. It's going to be difficult.

6 MS. FLECK: Okay. Based on?

7 PROSPECTIVE JUROR NO. 046: Just hearing some of the  
8 things I've already heard and just having two girls. And how  
9 long he's been in the country and he doesn't even speak  
10 English, or comprehend English, that bothers me as well.

11 MS. FLECK: Okay. All right. Then those are two  
12 issues we should talk about. So first of all, again, the -- I  
13 don't think that anyone would disagree that these acts, if  
14 someone's guilty of them, are horrific. I don't imagine  
15 anybody on earth would disagree with that.

16 But as the defendant stands today he's innocent. We  
17 haven't presented any evidence. He is not guilty of the  
18 charges. So as of now it's just a charging document and he  
19 should be, you know, basically judged accordingly. So are you  
20 saying that you have already formed an opinion?

21 PROSPECTIVE JUROR NO. 046: Just having two girls,  
22 it's already something set in my head that there's a mechanism  
23 that just triggers, you know. I guess like the other  
24 gentleman said, when you have girls, it's just it's very  
25 difficult. And yeah, I've already -- I can't say I've already

1 formed an opinion, but I'm leaning that way already, because  
2 it's just -- you hear about this stuff every day and it's  
3 normally the truth, so.

4 MS. FLECK: Okay. Well, then let's talk about the  
5 other issue, which is that -- and this is something that I  
6 should pose -- I think the judge did, but I guess if anyone  
7 has revisited that idea now that it's been sort of brought  
8 out, if anyone else feels that -- feels the same way, that  
9 he's going to be using the assistance of an interpreter, that  
10 he has, you know, has not necessarily mastered the English  
11 language. So you think that you can't be fair to him based  
12 upon that?

13 PROSPECTIVE JUROR NO. 046: I wouldn't say that I'm  
14 prejudiced, but depending on the severity of these charges,  
15 he's had plenty of time to learn the language. And I surely  
16 probably would have knowing the severity of these charges,  
17 would have at least learned the language knowing that I'm  
18 going to be charged and going to court. To me it just --  
19 didn't take that step and I don't know why. It just boggles  
20 my mind.

21 MS. FLECK: And that certainly is a different issue  
22 than us meeting our elements of whether or not he committed,  
23 you know, sexual assault or lewdness. Is it such an  
24 overriding issue in your mind that you think you can't be fair  
25 and listen to the evidence?

1 I mean, being -- thinking to yourself, God, why  
2 hasn't he even, you know, learned English if he lives here,  
3 that's -- that's something that, you know, you might just  
4 think in passing as opposed to I just -- I can't even listen  
5 to any of the evidence against this person because of that.  
6 Is it something that's --

7 PROSPECTIVE JUROR NO. 046: It's not to that degree.

8 MS. FLECK: It's not to that degree?

9 PROSPECTIVE JUROR NO. 046: No. It's --

10 MS. FLECK: So I hear that you have concerns  
11 regarding the charges, and I hear that you have concerns  
12 regarding the defendant using an interpreter, not mastering  
13 English. Do you think that you can sit and be fair and  
14 impartial, listen to the evidence, not make a decision until  
15 the close of that evidence, or are those concerns really so,  
16 you know, overriding in your mind that you can't give the  
17 defendant a fair shake?

18 PROSPECTIVE JUROR NO. 046: I would say they're not  
19 overriding. I'll be able to listen.

20 MS. FLECK: So you can -- you'll be able to listen.  
21 Okay. All right.

22 Okay. Let's go back. Mr. Richard, very quickly.

23 Do you want to send the microphone over.

24 PROSPECTIVE JUROR NO. 002: 002.

25 MS. FLECK: Briefly. So carrying a concealed weapon

1 conviction 18 years ago. Is it similar to Mr. Brahmer, where  
2 it's like look, I -- it's something that happened ages ago  
3 and --

4 PROSPECTIVE JUROR NO. 002: Yes.

5 MS. FLECK: -- it has nothing to do with my life  
6 anymore?

7 PROSPECTIVE JUROR NO. 002: And now I do have the  
8 permit.

9 MS. FLECK: Good. You learned, right? Okay. So no  
10 issues from that case, no --

11 PROSPECTIVE JUROR NO. 002: None.

12 MS. FLECK: Anything that's come to your mind as  
13 you've listened to the questions that have been posed today?

14 PROSPECTIVE JUROR NO. 002: No.

15 MS. FLECK: If you're chosen to be a juror, you  
16 promise to do the very best job you can possibly do?

17 PROSPECTIVE JUROR NO. 002: Yes.

18 MS. FLECK: Okay. Thank you.

19 Okay. Mr. Cordero. I have similar questions for a  
20 few people and Mr. Cordero's one of them. You speak with  
21 somewhat of an -- oh, wait. Where am I. Oh, sorry. Okay. I  
22 have -- and this is for Mr. Cordero, Mr. Correa, and Mr. --  
23 help me out, Geb --

24 PROSPECTIVE JUROR NO. 039: Gebrechristos.

25 MS. FLECK: Gebrechristos. Okay. All of you speak

1 with accents, and no one has had an issue understanding  
2 anything. That's not my question. Okay. I'll start with  
3 Mr. Cordero. Are you -- where --

4 PROSPECTIVE JUROR NO. 016: 016.

5 MS. FLECK: Zero, one, six. Were you born in the  
6 United States?

7 PROSPECTIVE JUROR NO. 016: No.

8 MS. FLECK: Where were you born?

9 PROSPECTIVE JUROR NO. 016: In the Philippines.

10 MS. FLECK: In the Philippines?

11 PROSPECTIVE JUROR NO. 016: Yes.

12 MS. FLECK: So how old were you when you moved here?

13 PROSPECTIVE JUROR NO. 016: Like 28, I think, back in  
14 Guam.

15 MS. FLECK: Did you say eight years old?

16 PROSPECTIVE JUROR NO. 016: Twenty-eight.

17 MS. FLECK: Oh, 28. Okay. Any experience with the  
18 criminal justice system back home?

19 PROSPECTIVE JUROR NO. 016: No.

20 MS. FLECK: Between you or your family?

21 PROSPECTIVE JUROR NO. 016: No.

22 MS. FLECK: Okay. So and the reason I ask is just  
23 because obviously the laws will be different here than at  
24 home, correct?

25 PROSPECTIVE JUROR NO. 016: Yeah.



1 MS. FLECK: So no problem following the law that  
2 you're given, that you're taking oath to take -- or to follow  
3 by the judge? No problem following that and not saying, well,  
4 it's not how we do it back home?

5 PROSPECTIVE JUROR NO. 016: Not a problem in that,  
6 yeah.

7 MS. FLECK: Any other problems that come to your mind  
8 regarding sitting as a juror on this case?

9 PROSPECTIVE JUROR NO. 016: No. I don't have a  
10 problem with that.

11 MS. FLECK: Okay. If you were me representing the  
12 State, or the Felicianos representing the defense, would you  
13 want someone with your mindset, your experiences to sit as a  
14 juror on that trial?

15 PROSPECTIVE JUROR NO. 016: Yes. Yeah.

16 MS. FLECK: Okay. You can be fair and impartial?

17 PROSPECTIVE JUROR NO. 016: For the defense and the  
18 states.

19 MS. FLECK: What's that?

20 PROSPECTIVE JUROR NO. 016: For the defense and the  
21 State, yeah.

22 MS. FLECK: All right. Great. Thank you. Can you  
23 just pass the microphone down then.

24 PROSPECTIVE JUROR NO. 053: 053.

25 MS. FLECK: Pardon me?

1 PROSPECTIVE JUROR NO. 053: My number is 053.

2 MS. FLECK: Zero, five, three. All right. Mr. or  
3 Dr. Correa. Is it Correa?

4 PROSPECTIVE JUROR NO. 053: Correa.

5 MS. FLECK: Okay. Where are you from?

6 PROSPECTIVE JUROR NO. 053: I was born in Puerto  
7 Rico.

8 MS. FLECK: Puerto Rico. And how long have you lived  
9 in the States?

10 PROSPECTIVE JUROR NO. 053: Since 1990.

11 MS. FLECK: I didn't get, are you married?

12 PROSPECTIVE JUROR NO. 053: No. I'm not.

13 MS. FLECK: Okay. You have one son though, right?

14 PROSPECTIVE JUROR NO. 053: Yes.

15 MS. FLECK: And does he live here?

16 PROSPECTIVE JUROR NO. 053: Yes.

17 MS. FLECK: Same kinds of questions then that I just  
18 posed to Mr. Cordero. Any problem following the laws that are  
19 given to you by the judge in this case and not saying, well,  
20 we don't -- it's different in Puerto Rico?

21 PROSPECTIVE JUROR NO. 053: It's the same thing in  
22 Puerto Rico because it's a U.S. territory.

23 MS. FLECK: Oh, yeah. Right. So okay. Good. Thank  
24 you. I know. I know. Okay. So any problems then at all?

25 PROSPECTIVE JUROR NO. 053: No.

1 MS. FLECK: You've listened to all of the questions?

2 PROSPECTIVE JUROR NO. 053: Yes.

3 MS. FLECK: Listened to everyone's answers. If  
4 you're chosen to be a juror, promise to do the very best job  
5 you can possibly do?

6 PROSPECTIVE JUROR NO. 053: Yes.

7 MS. FLECK: All right. Cool. Thank you.

8 Then I will go down to Mr. Gebrechristos, which I'm  
9 sure I slaughtered again.

10 PROSPECTIVE JUROR NO. 039: 039.

11 MS. FLECK: And sir, where are you from?

12 PROSPECTIVE JUROR NO. 039: I'm from East Africa,  
13 Eritrea.

14 MS. FLECK: From where?

15 PROSPECTIVE JUROR NO. 039: Eritrea.

16 MS. FLECK: Eritrea. Okay. Well, I don't think that  
17 they have the same laws that we have here, right?

18 PROSPECTIVE JUROR NO. 039: No.

19 MS. FLECK: All right. Any problem listening to the  
20 instructions that you're given at the end of the case and  
21 abiding by those and following those, as opposed to comparing  
22 it to the way that any case of this nature would be dealt with  
23 at home?

24 PROSPECTIVE JUROR NO. 039: I don't have any problem.

25 MS. FLECK: Have you had any issues with any of the

1 concepts, beyond a reasonable doubt, innocent until proven  
2 guilty, any of those concepts that you haven't really agreed  
3 with or that have posed a problem to you?

4 PROSPECTIVE JUROR NO. 039: No.

5 MS. FLECK: If you're chosen to be a juror, promise  
6 to do the very best job you can possibly do?

7 PROSPECTIVE JUROR NO. 039: I will.

8 MS. FLECK: Ms. Leavitt, you have a very --

9 PROSPECTIVE JUROR NO. 037: 037.

10 MS. FLECK: Sorry. Thank you. You have a very  
11 popular last name in our courthouse. Do you know any or are  
12 you related to any judges, defense attorneys?

13 PROSPECTIVE JUROR NO. 037: The only one I'm aware of  
14 is deceased.

15 MS. FLECK: Okay. The only one that you're aware  
16 that you were related to?

17 PROSPECTIVE JUROR NO. 037: Yes.

18 MS. FLECK: All right. So -- right. There's a lot  
19 of Leavitts and sometimes you don't even know which ones  
20 you're related to, right? So no one that you can think that  
21 you know of?

22 PROSPECTIVE JUROR NO. 037: No.

23 MS. FLECK: Okay. You're a student now up at  
24 college, right?

25 PROSPECTIVE JUROR NO. 037: Mm-hmm.

1 MS. FLECK: How old are you?

2 PROSPECTIVE JUROR NO. 037: Twenty-one.

3 MS. FLECK: So maybe you're one of the younger  
4 potential jurors. Do you have any problem deliberating, kind  
5 of thinking, well, you know what, I'm younger and I might not  
6 have as much life experience, but I'm going to go in and  
7 deliberate and kind of share ideas; any problem with that?

8 PROSPECTIVE JUROR NO. 037: No.

9 MS. FLECK: Do you feel that you can kind of stick up  
10 for yourself and stick up for your ideas even if you were  
11 against people that disagree with you --

12 PROSPECTIVE JUROR NO. 037: Yes.

13 MS. FLECK: -- that were older?

14 PROSPECTIVE JUROR NO. 037: Mm-hmm.

15 MS. FLECK: Okay. Any problems or any concerns that  
16 you have had based upon any of the questions that have already  
17 been posed?

18 PROSPECTIVE JUROR NO. 037: No.

19 MS. FLECK: Any problem finding the defendant guilty  
20 if we prove our case beyond a reasonable doubt?

21 PROSPECTIVE JUROR NO. 037: No.

22 MS. FLECK: Okay. Thank you. Can we pass it back to  
23 Number 5. And I'm going by seat number, but that is  
24 Mr. Anderson. Thank you.

25 Mr. Anderson, how old are you?

1 PROSPECTIVE JUROR NO. 057: Twenty-one.

2 MS. FLECK: Twenty-one. All right. So same kinds of  
3 questions then that I just posed to Ms. Leavitt. Do you feel  
4 like you have the personality that if you were asked to  
5 deliberate you could go back and exchange ideas with people  
6 that you don't know, people that you're not familiar with, and  
7 kind of hold your own as to your ideas?

8 PROSPECTIVE JUROR NO. 057: Yes.

9 MS. FLECK: Based upon the two cases that you have,  
10 minor -- and they're, you know, misdemeanors. That  
11 obstruction of a police officer, how did that -- how did that  
12 go down?

13 PROSPECTIVE JUROR NO. 057: He was just like being  
14 rude to me and [inaudible].

15 MS. FLECK: And you didn't look down?

16 PROSPECTIVE JUROR NO. 057: No. He was just like  
17 trying to like -- I wasn't doing anything wrong. He came up  
18 when I was talking to another officer and told me to look  
19 down, like being disrespectful to me. And I understand he's a  
20 police officer, but I didn't like being disrespected.

21 MS. FLECK: Okay. Where were you when that happened?

22 PROSPECTIVE JUROR NO. 057: In Henderson.

23 MS. FLECK: But where were you? Were you out? What  
24 were you doing?

25 PROSPECTIVE JUROR NO. 057: Yeah. I was just out. I

1 was at my friend's house.

2 MS. FLECK: Okay. Do you have an overriding issue  
3 with law enforcement based upon that?

4 PROSPECTIVE JUROR NO. 057: No. I think it was just  
5 that guy that --

6 MS. FLECK: He was just a jerk?

7 PROSPECTIVE JUROR NO. 057: Yes.

8 MS. FLECK: Okay. Fair enough. And you can get over  
9 that?

10 PROSPECTIVE JUROR NO. 057: Yes.

11 MS. FLECK: Any issues that have come to your mind  
12 that make you think, you know what, I don't mind sitting as a  
13 juror, but maybe this isn't the best case to sit on?

14 PROSPECTIVE JUROR NO. 057: [No audible response.]

15 MS. FLECK: No?

16 PROSPECTIVE JUROR NO. 057: No.

17 MS. FLECK: Any problem finding the defendant guilty  
18 if we prove our case beyond a reasonable doubt?

19 PROSPECTIVE JUROR NO. 057: No.

20 MS. FLECK: All right. Thank you.

21 Down at the end, Mr. Helbert.

22 PROSPECTIVE JUROR NO. 017: 017.

23 MS. FLECK: Okay. Let's see. Your brother is a  
24 criminal defense attorney, right?

25 PROSPECTIVE JUROR NO. 017: He was.

1 MS. FLECK: He was. Now he's doing family law?

2 PROSPECTIVE JUROR NO. 017: Yes.

3 MS. FLECK: When he was practicing criminal defense,  
4 was that here?

5 PROSPECTIVE JUROR NO. 017: No. It was in  
6 California.

7 MS. FLECK: What kinds of cases did he focus on, if  
8 any?

9 PROSPECTIVE JUROR NO. 017: It was early in his  
10 career, so he was, you know, he just did a lot of public  
11 defending work.

12 MS. FLECK: So whatever kind of came his way, just  
13 general stuff?

14 PROSPECTIVE JUROR NO. 017: Yes.

15 MS. FLECK: All right.

16 PROSPECTIVE JUROR NO. 017: Parole hearings, that  
17 kind of thing too.

18 MS. FLECK: Okay. So it's not something that you  
19 would say is so like ingrained within him, he's not like a die  
20 hard criminal defense attorney such that if you returned a  
21 verdict of guilty you couldn't go to Thanksgiving dinner?

22 PROSPECTIVE JUROR NO. 017: No. Once he got married,  
23 she made him go the other way as far as family law went. He  
24 quit doing defense.

25 MS. FLECK: Okay. Any -- oh, that was the other



1 thing. You did sit as a juror on a criminal case a couple  
2 years ago. Were either Mr. Graham or I the district attorneys  
3 on that case?

4 PROSPECTIVE JUROR NO. 017: No.

5 MS. FLECK: Anything about sitting as a juror just a  
6 couple years ago that makes you think, you know, I just -- I  
7 don't want to do this again or -- I understand the time frame  
8 and the time commitment, that kind of thing. But anything  
9 that occurred that was so overwhelming to you that you think I  
10 wouldn't -- I wouldn't be good for this?

11 PROSPECTIVE JUROR NO. 017: No. I -- no. I think I  
12 learned from that experience actually, too.

13 MS. FLECK: Okay. All right. Perfect. Thank you.

14 Ms. Johnson, same kinds of question for you regarding  
15 your service as a juror.

16 PROSPECTIVE JUROR NO. 020: 020.

17 MS. FLECK: Thank you. You sat as a federal juror  
18 and you were actually the forewoman. When was that?

19 PROSPECTIVE JUROR NO. 020: It was [inaudible] --  
20 eight to ten to twelve years ago.

21 MS. FLECK: Got you.

22 PROSPECTIVE JUROR NO. 020: I normally don't use the  
23 mike. I have a very strong voice, but I was trying not to  
24 over-shatter it.

25 MS. FLECK: Okay. Anything about that service on

1 that jury that makes you think that you wouldn't be a good  
2 juror for this particular case?

3 PROSPECTIVE JUROR NO. 020: No. But I do need to  
4 tell you something. I was remiss in not telling you earlier  
5 that I taught school for 14 years in San Francisco. And when  
6 you went around to the teachers, I thought I should  
7 acknowledge that.

8 MS. FLECK: Okay.

9 PROSPECTIVE JUROR NO. 020: I didn't have an event of  
10 reporting, but I did teach school in San Francisco.

11 MS. FLECK: Okay. All right. Thank you. Then just  
12 listening to all of the questions that I have posed and  
13 listening to the answers that other people have said, has it  
14 triggered anything in your mind that makes you think this  
15 isn't the best jury for you to sit on?

16 PROSPECTIVE JUROR NO. 020: No.

17 MS. FLECK: Think you can be fair and impartial to  
18 both sides?

19 PROSPECTIVE JUROR NO. 020: Definitely.

20 MS. FLECK: And if we prove our case beyond a  
21 reasonable doubt, do you have any problem finding the  
22 defendant guilty?

23 PROSPECTIVE JUROR NO. 020: No problem.

24 MS. FLECK: Okay. Thank you.

25 Ms. Shanor, 023. Catching on.

1 PROSPECTIVE JUROR NO. 023: 023.

2 MS. FLECK: You said that you don't know if you can  
3 be fair because of things that you've seen over the years, and  
4 then you kind of lingered on, and then you said, Well, I was a  
5 pastor's wife, and then you kind of lingered on.

6 PROSPECTIVE JUROR NO. 023: I was married for 21  
7 years to an ordained minister. The husband I acknowledged  
8 today is my second husband. We were in reporting situations  
9 at numerous times when we were in the South Bend, Indiana  
10 area.

11 There is also a conflict of when it's a pastor, but  
12 we don't hold the same as in the Catholic church. And  
13 somebody was reported, a young girl reported it, and two other  
14 young girls stepped forward to the pastor and they did get  
15 reported. And I was a part of that in the State of Indiana,  
16 South Bend.

17 MS. FLECK: Okay. So when you kind of lingered off,  
18 is it you're saying because you've had experiences with it  
19 before it's -- I mean, I trust that you --

20 PROSPECTIVE JUROR NO. 023: I have a 15-year-old  
21 granddaughter. I have a four-year-old granddaughter. I've  
22 worked a lot with people. When you were talking and I was  
23 listening as we were all discussing on listening to children,  
24 who's telling the truth, who's not, it's a very tough area.  
25 It's the children who don't -- it's a tough area, and it's

1 heartbreaking is what it is. It's just heartbreaking. How do  
2 you make that decision when I don't know the person?

3 MS. FLECK: All right.

4 PROSPECTIVE JUROR NO. 023: It's easier to make a  
5 decision when you know somebody, you've lived with them,  
6 you've talked with them, you've had interaction. It's hard  
7 for me to think that I could be impartial when I didn't know  
8 anybody in this situation. Do you know what I'm saying? I  
9 don't know if I could be a fair impartial judge.

10 MS. FLECK: Okay. So you're leaning more towards the  
11 fact that you don't want to make a credibility decision or a  
12 judgment on people on something when you don't have more  
13 information or knowledge, I guess?

14 PROSPECTIVE JUROR NO. 023: Yes. And especially when  
15 you said the other remark which kind of raised my thought  
16 process also, is if there would be no DNA evidence, it would  
17 just be talk. Not -- I think I would struggle with that.

18 MS. FLECK: And that's -- I mean, I appreciate you  
19 being honest, because that's just the nature of a lot of  
20 cases, you know. That's why I bring up the CSI question and  
21 that's why I ask people to really think about that, because  
22 this is real life, you know. These are real cases and real  
23 crime scenes, and in real life you don't get the kind of stuff  
24 that you get on CSI. So --

25 PROSPECTIVE JUROR NO. 023: That is it. This is a.

1 very important thing and judgment should be made again, as you  
2 keep saying, beyond a reasonable doubt. And it's -- people's  
3 lives are in our hands and it's a very, very important  
4 process.

5 MS. FLECK: Mm-hmm. Yeah. Absolutely, I agree.  
6 But, you know, the law will -- accounts for things like that.  
7 The law accounts for the fact that you're not always going to  
8 have DNA, and it accounts for -- you'll be instructed at the  
9 end it accounts for situations like that because that's just  
10 the reality, so.

11 All right. Well, you tell me, you know, I mean, I  
12 trust -- you seem like a person who has reflected on this and  
13 been listening and really would want to do the best job you  
14 could possibly do. But, you know, your oath will be to follow  
15 the law. Your oath will be to set aside any prior experiences  
16 and judge the case on the evidence in this case. Do you think  
17 you can do that?

18 PROSPECTIVE JUROR NO. 023: I honestly couldn't  
19 answer that question. I would have to say no.

20 MS. FLECK: Okay. I'm going to make a motion for  
21 cause.

22 THE COURT: Mr. Feliciano or Ms. Feliciano.

23 MR. FELICIANO: We'll submit, Judge.

24 THE COURT: Ms. Shanor, thank you very much for your  
25 willingness to serve. You are excused. Please report to jury

1 services on the third floor, and they'll give you further  
2 instructions. All right. Thank you very much.

3 We need to get the next person in line.

4 THE CLERK: The next one is Badge No. 062, Sophia  
5 Stiperski.

6 THE COURT: All right. Is it Ms. Stiperski; is that  
7 how you pronounce it?

8 PROSPECTIVE JUROR NO. 062: Yes.

9 THE COURT: Give us a brief biographical sketch; what  
10 do you do, are you married, if you're married what your  
11 husband does, those kinds of things.

12 PROSPECTIVE JUROR NO. 062: Yes. I'm a performer for  
13 Cirque du Soleil. Right now I'm on disability because I'm  
14 pregnant, so I'm not working.

15 THE COURT: Oh, okay.

16 PROSPECTIVE JUROR NO. 062: My husband -- I'm  
17 married, and my husband is a musician. And I have two kids,  
18 two daughters. I have one 10 years old, one two years old,  
19 and one on the way. And that's it.

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

21 PROSPECTIVE JUROR NO. 062: No.

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

25 PROSPECTIVE JUROR NO. 062: Some co-worker, but

1 nobody related in my family.

2 THE COURT: Okay. Is it someone -- when you say a  
3 co-worker, is it someone that you're very close to?

4 PROSPECTIVE JUROR NO. 062: People that I work with.  
5 Two girls that I worked with were sexually assaulted.

6 MS. FLECK: How long ago did this happen?

7 PROSPECTIVE JUROR NO. 062: One it's about eight  
8 years ago, and the other one two years ago.

9 THE COURT: Eight years ago and two years ago. All  
10 right. Do you know if the police were involved in either  
11 case, or both cases?

12 PROSPECTIVE JUROR NO. 062: Yeah. They were both  
13 involved, yeah.

14 THE COURT: Were you involved in the cases in any  
15 way?

16 PROSPECTIVE JUROR NO. 062: No, not at all.

17 THE COURT: So you just -- you heard from them, or  
18 you heard about --

19 PROSPECTIVE JUROR NO. 062: I worked with them, so  
20 I -- yeah, exactly.

21 THE COURT: So anything -- knowing about what  
22 happened with those two co-workers, and I don't know how much  
23 detail they went into when they talked with you about it, but  
24 is there anything about those two cases that might affect your  
25 ability to serve as a juror in this case?

1 PROSPECTIVE JUROR NO. 062: I don't think so.

2 THE COURT: So you can be fair and impartial even  
3 though the charges in this case might -- I mean, obviously I  
4 don't know what happened to your co-workers, but to the extent  
5 that there might be some similarity, that wouldn't be a  
6 concern for you, you could be fair and impartial in this case?

7 PROSPECTIVE JUROR NO. 062: I think so.

8 THE COURT: Have you or anyone closely associated  
9 with you ever been accused of a crime, whether or not there  
10 was a conviction, and whether it's sexual in nature or  
11 otherwise?

12 PROSPECTIVE JUROR NO. 062: Nobody related, but some  
13 co-workers too, one for DUI and one for murder.

14 THE COURT: Okay. Were you involved in those cases  
15 in any way?

16 PROSPECTIVE JUROR NO. 062: No. I just know the  
17 person. They just work in the same place as me.

18 THE COURT: Were they close friends of yours, or just  
19 co-workers?

20 PROSPECTIVE JUROR NO. 062: Co-workers.

21 THE COURT: Anything about their cases that would  
22 affect your ability to serve in this case?

23 PROSPECTIVE JUROR NO. 062: No.

24 THE COURT: Okay. And then let me ask you -- first  
25 of all, congratulations on your pregnancy. Is there any --



1 you know, sometimes, depending on how the pregnancy goes,  
2 there might be issues.

3 You know, maybe you can't sit for long periods of  
4 time, maybe you have, you know, back pains, maybe you have to  
5 go to the bathroom frequently, those kinds of things. Is  
6 that -- is that an issue for you? I mean, everybody's  
7 pregnancy's a little bit different.

8 PROSPECTIVE JUROR NO. 062: Well, I'm not in my best  
9 shape, I can tell you this. That's why I'm off work right  
10 now. So I do feel still nauseous at some times and tired, but  
11 I'm okay.

12 THE COURT: Are you taking anything for your nausea?

13 PROSPECTIVE JUROR NO. 062: No.

14 THE COURT: Are you okay -- if you're asked to serve  
15 as a juror in this case, you would essentially be sitting here  
16 for the hours that I outlined this week. We'll start, you  
17 know, mid to late morning and go until 5:00 o'clock with  
18 breaks. I try to take breaks every hour, hour and a half  
19 or so. Would that be sufficient for you, or do you think  
20 you'd have an issue with that?

21 PROSPECTIVE JUROR NO. 062: No. I think I will --  
22 yeah.

23 THE COURT: If you do end up on the jury, if  
24 anything -- if you need anything, you know, if you feel  
25 nauseous, if you need to go to the bathroom, anything like

1 that, would you please raise your hand and let me know?

2 PROSPECTIVE JUROR NO. 062: Yes.

3 THE COURT: Okay. I appreciate that.

4 All right. Ms. Fleck.

5 MS. FLECK: Thank you. And I'll be brief. Two down,  
6 please, to Mr. Thaler.

7 PROSPECTIVE JUROR NO. 021: 021.

8 MS. FLECK: Thank you. Mr. Thaler, my only question  
9 for you, no kids. Any issues judging the credibility of --  
10 and again, it's really not an issue in this case because she  
11 is older. But just, you know, not having kids, maybe feeling  
12 uncomfortable listening to experiences that she would have had  
13 through her life and not necessarily having any frame of  
14 reference, any problem with that?

15 PROSPECTIVE JUROR NO. 021: No.

16 MS. FLECK: Okay. Anything that you have heard that  
17 causes concern for you?

18 PROSPECTIVE JUROR NO. 021: No.

19 MS. FLECK: Any problem finding the defendant guilty  
20 if we meet our burden of beyond a reasonable doubt?

21 PROSPECTIVE JUROR NO. 021: No.

22 MS. FLECK: Okay. Thank you.

23 And two down, Ms. Page. Ms. Page, you have a lot of  
24 kids, right?

25 PROSPECTIVE JUROR NO. 018: 018. Only two. Two.

1 children, but six grandchildren.

2 MS. FLECK: Okay. Six grandchildren.

3 PROSPECTIVE JUROR NO. 018: Six grandchildren.

4 MS. FLECK: Anything that you have heard today that  
5 has given you concern about sitting as a juror on this  
6 particular case?

7 PROSPECTIVE JUROR NO. 018: No.

8 MS. FLECK: No problems thus far?

9 PROSPECTIVE JUROR NO. 018: No.

10 MS. FLECK: Okay. Promise you'll do the very best  
11 job you can possibly do if you're chosen to be a juror?

12 PROSPECTIVE JUROR NO. 018: Yes.

13 MS. FLECK: Thank you. And right in front of you,  
14 Mr. Carrera.

15 PROSPECTIVE JUROR NO. 028: Sure. 028.

16 MS. FLECK: Also no kids.

17 PROSPECTIVE JUROR NO. 028: No kids.

18 MS. FLECK: Any issues with any of the concepts we've  
19 been talking about?

20 PROSPECTIVE JUROR NO. 028: No, not at all.

21 MS. FLECK: Any issues with sitting as a juror in  
22 this particular case?

23 PROSPECTIVE JUROR NO. 028: [Unintelligible.] By  
24 nature I'm skeptical and must always adhere by my standards,  
25 so yeah, I'm always very objective [unintelligible].

1 MS. FLECK: So beyond a reasonable doubt, but not  
2 more --

3 PROSPECTIVE JUROR NO. 028: Yeah.

4 MS. FLECK: -- right?

5 PROSPECTIVE JUROR NO. 028: Exactly.

6 MS. FLECK: Okay. Are you good with that?

7 PROSPECTIVE JUROR NO. 028: Yeah.

8 MS. FLECK: All right. Thank you.

9 And finally, Mr. Meckley.

10 PROSPECTIVE JUROR NO. 030: 030.

11 MS. FLECK: Thank you. Do you have any law  
12 enforcement experience?

13 PROSPECTIVE JUROR NO. 030: No, ma'am.

14 MS. FLECK: No? For some reason on our sheet it  
15 shows that you're in the FBI. That's pretty cool.

16 PROSPECTIVE JUROR NO. 030: [Unintelligible.]

17 MS. FLECK: No. I'm like, why isn't he telling me  
18 that. What does he do in the FBI that he's holding out.

19 So okay. So same kinds of questions. I know that  
20 your wife's son was tragically killed, but no issue  
21 transferring it into this courtroom?

22 PROSPECTIVE JUROR NO. 030: [Inaudible.]

23 MS. FLECK: All right. Any other issues at all that  
24 you have thought about?

25 PROSPECTIVE JUROR NO. 030: No.

1 MS. FLECK: Promise you'll do the very best job you  
2 can possibly do if chosen to be a juror?

3 PROSPECTIVE JUROR NO. 030: [Inaudible.]

4 MS. FLECK: Okay. All right. One more. Right.  
5 Ms. Ferguson -- no, Ms. Quince, was it?

6 UNKNOWN SPEAKER: 035.

7 MS. FLECK: 035. I missed it. Something -- okay.  
8 Any issues that you've -- that have come to your mind?

9 PROSPECTIVE JUROR NO. 035: No.

10 MS. FLECK: Not at all?

11 PROSPECTIVE JUROR NO. 035: No.

12 MS. FLECK: No children. Any issues with hearing  
13 testimony about somebody when they were growing up or what the  
14 experiences that they had as a child?

15 PROSPECTIVE JUROR NO. 035: No.

16 MS. FLECK: Nothing. Okay. Promise you'll do the  
17 very best job you can possibly do if you're chosen?

18 PROSPECTIVE JUROR NO. 035: Yes.

19 MS. FLECK: All right. I think that that is  
20 everybody. Anything else as a catchall that anyone has  
21 thought about that's sitting within our 32 that they feel that  
22 they should disclose? Nothing.

23 Okay. I will pass the panel for cause.

24 THE COURT: All right. Hang on. I know we're  
25 getting close, but can counsel approach for 15 seconds on a

1 scheduling matter.

2 (Bench conference.)

3 THE COURT: How much time do you guys think you need?  
4 Because it's getting close to 5:00 o'clock. I'd rather  
5 frankly, if I asked for a vote, I think the majority of the  
6 jurors would probably rather stay and have most of them go  
7 home today, but I don't know if you guys have any issue with  
8 staying past 5:00 o'clock or not.

9 MS. FLECK: I don't.

10 THE COURT: So how much time do you guys think you  
11 need roughly?

12 MS. FELICIANO: I mean, the State was just a couple  
13 of hours.

14 THE COURT: Right. So I'm just asking --

15 MS. FELICIANO: So I would be -- I mean [inaudible],  
16 right?

17 MR. FELICIANO: Yeah. I don't really want them to  
18 think that we're --

19 MS. FELICIANO: Keeping them later.

20 MR. FELICIANO: -- keeping them later. [Inaudible.]  
21 So I'd rather just start right up tomorrow morning.

22 THE COURT: All right. Because it's almost 5:00  
23 o'clock now.

24 UNKNOWN SPEAKER: We're also going to lose them as  
25 far as we're staying much later. I mean --

1 THE COURT: Well, my concern is -- I mean, depending  
2 on how long you're going to go, I mean, bringing them all back  
3 here tomorrow and then we send them home like an hour later, I  
4 mean, there's nothing more annoying than that frankly.

5 (Inaudible.)

6 MR. FELICIANO: I'm probably going to be longer than  
7 that, if I have to go -- if I have to [inaudible].

8 MS. FLECK: Why don't we just still stay, stay as  
9 late as possible, because we'll still get an hour done.

10 MR. FELICIANO: Well, then we're basically in the  
11 same boat. I mean, I really don't want them to think that --

12 MS. FELICIANO: Why would we keep them for just an  
13 hour and then bring everybody back tomorrow? It's not as if  
14 we're going to get through picking a jury tonight. Just  
15 because we question doesn't mean that we're not going to have  
16 to then re-question everybody who fills a spot in the  
17 peremptory. It's not -- it's not an hour's worth of work.

18 THE COURT: Well, here's the thing. [Inaudible] and  
19 then they can all come back tomorrow. If we're going -- if  
20 we're not --

21 MS. FELICIANO: That's what I'm saying. Yeah, that's  
22 what the State just suggested, keep them for an hour and then  
23 bring them back.

24 THE COURT: Right. I mean, what's the point of that?  
25 If we keep them for an hour it looks like we're going to send

1 all but 14 of them home. But you're telling me it's not going  
2 to be an hour, it's going to be a lot longer than that, right?

3 MS. FELICIANO: Well, even if we question them for  
4 only an hour, then we have to use all our peremptories, then  
5 fill and re-question with anybody who took a spot for a  
6 peremptory.

7 MS. FLECK: No.

8 MS. FELICIANO: Well, yeah, I guess we're  
9 [inaudible].

10 MS. FLECK: No, we don't. Once we pass them for  
11 cause, then we do our peremptories.

12 MS. FELICIANO: Yeah. Yeah. [Inaudible.]

13 MS. FLECK: And I think -- I mean, I asked -- I tried  
14 to ask a lot of questions that were like for the defense too.

15 MR. FELICIANO: Well, we still have our --

16 MS. FLECK: Of course. No, no. I'm not saying that.  
17 I'm just saying that, you know, I did try to flush out people  
18 that were --

19 THE COURT: All right. Well, I mean, if it's not  
20 going to be an hour, then I'm not keeping them. I'm just  
21 going to send them home. Because like I said, I don't want to  
22 make them stay and then make them all come back tomorrow  
23 anyway. That's, you know, that's more annoying than, you  
24 know, [inaudible] have everybody come back here and then we'll  
25 send most of them home by lunchtime tomorrow, or shortly



1 thereafter.

2           Because making them stay and then making them come  
3 back is the worst of both worlds frankly. All right. Then  
4 let's just send them home and have them all come back at  
5 10:30-ish tomorrow then. All right.

6                               (End bench conference.)

7           THE COURT: All right. Ladies and gentlemen, here is  
8 what we were just discussing. It's now coming up on 5:00  
9 o'clock. And unfortunately for a variety of reasons, part of  
10 which, you know, is frankly the fault of the interpreter's  
11 office, we didn't get as far as we wanted to today.

12           So what I'm going to do, and I know that this is  
13 going to be slightly annoying to everybody here, but we're  
14 going to adjourn for the day and have all of you come back  
15 at 10:30 tomorrow. It's my hope that all but 14 of you would  
16 be able to go home tomorrow maybe shortly after lunch.

17           So for tomorrow morning, you don't have to go back to  
18 the third floor. Just come up here to the 10th floor — hang  
19 on.

20           We have a question here?

21           THE MARSHAL: They have to check in tomorrow on the  
22 third floor and then come up here.

23           THE COURT: Okay. So you do need to go to the third  
24 floor. All right. So for tonight, the same admonitions that  
25 I gave to you apply. Do not reach any conclusions about this

1 case. Do not talk to anybody about this case. Do not  
2 investigate any facts relating to this case. Do not view any  
3 media, press or Internet reports about the case. Do not talk  
4 to anyone who may be involved in any way with this case. Do  
5 not discuss the facts of this case with each other.

6 Remember, while you're in the courthouse or in the  
7 vicinity, please wear your badges. And I'll see all of you  
8 tomorrow at 10:30 then.

9 (Prospective jurors recessed at 4:48 p.m.)

10 THE COURT: All right. We're now outside the  
11 presence of the jury. Was there anything that either side  
12 wanted to put on the record?

13 MS. FELICIANO: Just briefly, Judge. I know that the  
14 bench conferences are recorded, but in the event that it  
15 didn't get recorded --

16 THE COURT: You might want to make a record of  
17 anything you want to make a record of, because you can't --

18 MS. FELICIANO: Right.

19 THE COURT: With the microphones here, you can't  
20 guarantee anything.

21 MS. FELICIANO: You can't trust it. That's what I'm  
22 doing. And just to make the record that there was the issue  
23 regarding the police officer credibility, and that was during  
24 the State's voir dire, I apologize, I don't have the badge  
25 number right in front of me.

1 But we did move to dismiss the panel as a whole,  
2 saying that it had been tainted by the State was questioning  
3 the prospective juror about believing a police officer and  
4 told the juror, well, in this case you're not going to have to  
5 assess the credibility of the police officer, that's not at  
6 issue, the only credibility issue is the credibility of the  
7 alleged victim and the defendant.

8 And so at the bench we moved to dismiss the panel,  
9 that the panel has been tainted at this point by the State  
10 essentially vouching for the credibility of the police officer  
11 and their investigation when the credibility of the officers  
12 is at issue during the trial. That would be akin to us  
13 getting up and telling the jury you're to assume that the  
14 defendant is telling the truth and the only credibility you're  
15 assessing is that of the alleged victim.

16 It's improper vouching. The panel was tainted as a  
17 whole. I believe the State said that it would clarify that  
18 with the prospective juror and did clarify that statement, but  
19 to us that has not cured the prejudice.

20 THE COURT: Right. And I believe we were talking  
21 about Juror No. 58, Elaine Cory, whose husband was arrested  
22 for solicitation of an undercover officer, but that case was  
23 dismissed. Is that the juror we're talking about?

24 MS. FLECK: Yes.

25 MS. FELICIANO: That's correct.

1 THE COURT: All right. Ms. Fleck, anything that you  
2 want to put on the record?

3 MS. FLECK: Well, Judge, I certainly did not -- that  
4 isn't what I intended and I don't believe that that was the  
5 line like logically in the context of that conversation, that  
6 that was really how it came out. The facts in that case are  
7 that the woman's husband was soliciting an undercover officer,  
8 so she feels as though law enforcement uses entrapment.

9 So what I meant to say is since you won't be -- this  
10 isn't a case where, for example, the defendant was online in a  
11 chat room soliciting an undercover officer posing as a  
12 12-year-old girl. Entirely different.

13 So what I meant to say and what I clarified, and I  
14 don't believe that anyone took it this way, is that it's not  
15 going to be victim -- or defendant versus law enforcement,  
16 that it's, you know, two people as opposed to the defendant  
17 versus an entity, as she felt with her husband.

18 So certainly I never meant to imply that an officer's  
19 credibility wouldn't be at issue, as is in every case, which I  
20 think I clarified. But what I meant is it's a different  
21 situation than her husband was facing.

22 THE COURT: Right. Well, and I explained this during  
23 the bench conference also, but for the record, I know the  
24 statement that Ms. -- I keep wanting to call you Ms. Porray.

25 But as Mrs. Feliciano mentioned, and I understand the

1 basis of the objection, but I -- my -- from what I heard,  
2 although the particular question was not perhaps the most  
3 elegantly worded question, in context with the other questions  
4 of that juror and sort of the thrust of where Ms. Fleck was  
5 going was that in her husband's case it was the word of a  
6 victim, slash, police officer against her husband's word.

7 And the point that Ms. Fleck was making in context  
8 was that in this case the victim, the alleged victim is not a  
9 police officer and so it's not the same factual scenario. At  
10 the bench conference Ms. Fleck volunteered to clarify it, she  
11 did, and the victim -- I'm sorry, the juror, Juror No. 58,  
12 indicated that that was her understanding as well.

13 And in fact, she even volunteered the next sentence,  
14 which was something along the lines of we were always on the  
15 same page. I can't remember the exact words.

16 MS. FLECK: She said we were always on the same --

17 THE COURT: Right. And so I don't believe that in  
18 the context of the entire line of questioning that there has  
19 been any confusion, either on that part of that particular  
20 juror or on the part of the panel, and therefore at the bench  
21 conference I denied the motion.

22 Anything else that either side wanted to put on the  
23 record?

24 MS. FLECK: Nothing from the State.

25 MR. FELICIANO: No, Judge. I think that's it.

1           THE COURT: All right. I have a criminal calendar  
2 tomorrow. It's pretty short. I'm told it's only ten pages.  
3 We usually -- unless there's a -- we have to put on a  
4 probation revo hearing or something like that, we're usually  
5 done around 10:00, between 10:00 and 10:15 with shorter  
6 calendars.

7           So if you guys can be here at about 10:15, just in  
8 case there's anything we need to put on the record, with the  
9 expectation that if I have to put on -- you know how it is.  
10 If there's a revo hearing that goes, it goes and everyone has  
11 to sit around and wait and I apologize in advance. But  
12 obviously there's no way to know whether it's going to be  
13 negotiated or not.

14           But if you guys can be here a little bit early, that  
15 way we can cover things and get the jury in here as quickly as  
16 possible, that would be great.

17           And did you, Ms. Fleck, did you get your -- the  
18 exhibit question answered with Tia?

19           MS. FLECK: Oh, no.

20           THE COURT: You asked earlier about the exhibits that  
21 were in evidence.

22           MS. FLECK: Yeah. I wanted to look at that. I can  
23 do it in the morning though.

24           THE CLERK: Yeah. You can do it in the morning. I'm  
25 sorry. I did not go down to the vault.

1 MS. FLECK: That's fine. And I'll bring the amended.

2 THE COURT: Okay. I guess we'll deal with that  
3 either at lunch or at 10:15, yeah, in the morning. All right.

4 MS. FLECK: Okay. Thank you.

5 THE MARSHAL: Before you let them go, hang on.

6 THE COURT: Hang on a second.

7 (Pause in proceedings)

8 THE COURT: All right. Well, this is what Randy, the  
9 marshal, is telling me. On the way out he had a short  
10 conversation with Juror No. 094, who looks to be Ms.  
11 Kowalczyk.

12 Is that the person you spoke with?

13 THE MARSHAL: Yes.

14 THE COURT: And even -- oh, you know what. It's  
15 because she's not in the box, we didn't ask the has anyone  
16 been accused of a crime? She believed that Ms. Fleck  
17 prosecuted her husband. I don't have all the details and  
18 apparently the juror's gone, but that's probably something  
19 that you might have to clear up. She -- it looks like she's a  
20 good --

21 MS. FLECK: Which one is she?

22 MR. GRAHAM: 094.

23 THE COURT: She's 13 away from being -- oh, no.  
24 She's more than 13. She's 15 away or 16 away from being in  
25 the box. I don't know if we'll need to get to that, but

1 that's something that --

2 MS. FLECK: 094, Kimberly --

3 THE COURT: Kowalczyk. Randy, was there any other  
4 information given?

5 THE MARSHAL: She just asked for -- asked Michelle's  
6 name, said that she thinks she's the one that prosecuted her  
7 husband.

8 THE COURT: Okay. Well --

9 MS. FLECK: Did she say if she liked her husband or  
10 not?

11 THE COURT: Is it an ex-husband, or was it --

12 THE MARSHAL: She didn't say. She didn't get that  
13 far.

14 THE COURT: All right. Well, since she's not in the  
15 box, I didn't ask her the question about anyone ever being  
16 accused of a crime. So I guess when we reconvene tomorrow  
17 we'll -- we may not have to deal with it. Like I said, she's  
18 about 15 or 16 --

19 MS. FLECK: Can we do it outside the presence?

20 THE COURT: Yeah. We'll bring her in and see. All  
21 right.

22 MS. FLECK: Thank you.

23 (Court recessed for the evening at 4:57 p.m.)  
24  
25



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I CERTIFY THAT THE FOREGOING IS A CORRECT TRANSCRIPT FROM THE AUDIO-VISUAL RECORDING OF THE PROCEEDINGS IN THE ABOVE-ENTITLED MATTER.

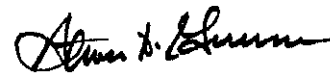
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CLERK OF THE COURT

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 2**

TUESDAY, MAY 22, 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: Maria Peralta de Gomez  
Irma Sanchez  
Mario Maldonado  
Manuel Cavillo  
Rico Rodriguez  
Josephine Dooley

RECORDED BY SARA RICHARDSON, COURT RECORDER  
TRANSCRIBED BY: KARR Reporting, Inc.

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1 LAS VEGAS, NEVADA, TUESDAY, MAY 22, 2012, 10:56 A.M.

2 \* \* \* \* \*

3 (Outside the presence of the prospective jurors.)

4 THE COURT: Back on the record. State versus  
5 Guillermo Renteria-Novoa. Case No. C268285. Mr. Renteria  
6 Novoa is present in custody with the assistance of a Spanish  
7 interpreter.

8 Madam Interpreter, for the record, what is your name?

9 THE INTERPRETER: Maria Peralta de Gomez.

10 THE COURT: Thank you. Here's the situation. It is  
11 now 11:00 o'clock. We had instructed the jurors to come back  
12 here at 10:00 o'clock and check in with jury services on the  
13 third floor. They're all here except for Juror No. 64,  
14 Charolette Temple, who has not checked in downstairs and she's  
15 not out in the hallway right now.

16 Everyone else is here, and we checked around and we  
17 don't have a cellphone number for her. People have been  
18 trying to get in touch with her from jury services and we are  
19 unable to do so. So I'll also note that it looks like if  
20 anybody in the box is challenged, she would actually be the  
21 very next juror to be put in the box.

22 So the question is, what are we going to do about  
23 this? She's an hour late now officially, and the rest of the  
24 jury is waiting out in the hallway. And they've been waiting  
25 out there for at least half an hour. So anybody have any

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1 suggestions, proposals?

2 MS. FLECK: She's the one who is sitting over here in  
3 the corner, 26, Seat 26?

4 THE MARSHAL: No. She's next up if we --

5 THE COURT: She's not in the box yet. She's the next  
6 person who would be in the box, so she doesn't have a numbered  
7 seat. She's in like the second row there.

8 MS. FLECK: Oh. I mean, that's fine. I don't have  
9 any problems getting rid of her. I can't even remember who  
10 she is.

11 THE COURT: I honestly can't even -- you know,  
12 because she's not in the box she hasn't been asked anything  
13 yet, and my notes indicate she hasn't responded to any of the  
14 general questions that I've asked the panel, so we don't know  
15 very much about her.

16 So on behalf of the defendant then?

17 MR. FELICIANO: We'll submit it, Judge.

18 THE COURT: All right. Well, here is what I'm going  
19 to do. She is over an hour late. No one has any contact  
20 information, and because I don't really know very much about  
21 her, she hasn't answered any questions in the affirmative or  
22 the negative, what we'll do is we'll proceed without her.

23 So what we'll do is we'll excuse Juror No. 64, and  
24 bring the rest of the jury in rather than have them just keep  
25 waiting out in the hallway then. All right, Randy.

1           Before we do that, is there anything else that either  
2 side wanted to put on the record?

3           MS. FLECK: Nothing from the State.

4           THE COURT: I'll note for the record that the second  
5 amended Information was filed in open court this morning by  
6 the State. On behalf of the defendant, do you guys have a  
7 copy of this?

8           MR. FELICIANO: We do.

9           THE COURT: Okay. And I also have been given -- I  
10 know we actually [unintelligible] off the record, but on the  
11 record given a proposed set of jury instructions revised by  
12 the State, and apparently to at least in part reflect the  
13 second amended Information. Does the defense have a copy of  
14 this?

15          MR. FELICIANO: We do.

16          THE COURT: All right. So what we'll do is we'll  
17 have to see how far we get today, and set aside some time  
18 maybe -- what I'm thinking was actually maybe tomorrow, I have  
19 a civil calendar that should be over relatively quickly,  
20 probably around like 10:00 or so, but at some point we need to  
21 settle the jury instructions.

22                I don't know if you guys think we'll be ready to do  
23 so tomorrow, or if you guys need more time to work on your  
24 proposed instructions.

25          MS. FELICIANO: I think it depends on how many

1 witnesses we get through. We're hesitant about settling jury  
2 instructions before we're done with the State's presentation  
3 of the evidence obviously. We're working on them, but there  
4 are some that we just can't submit.

5 THE COURT: Right. All right. Well, let's see how  
6 far we get and we'll have to do that at some point. I usually  
7 like to do it, you know, in the mornings before we bring the  
8 jury back, rather than have them wait for a couple hours just  
9 cooling their heels and wondering what's going on.

10 So all right. If there's nothing else that either  
11 side wanted to put on the record, let's go ahead and bring the  
12 jurors in.

13 I also notice that there's two other additional  
14 interpreters, one Spanish interpreter and one Tagalog  
15 interpreter from the court interpreter's office here to assist  
16 Jurors No. 69 and 71. For the record, can you state your  
17 names for the record?

18 THE INTERPRETER: Josephina Dooley, Tagalog  
19 interpreter, and --

20 THE INTERPRETER: Rico Rodriguez.

21 THE COURT: Okay. Thank you for being here. And  
22 when Mr. -- I'm sorry?

23 (The Court and clerk confer.)

24 THE COURT: Oh, you're both Tagalog interpreters?

25 THE INTERPRETER: Yes, Your Honor.

1 THE COURT: Oh. We need a second Spanish interpreter  
2 for Mr. Aguilar though. Do we have one?

3 THE MARSHAL: We've called and nobody's come over  
4 yet.

5 MS. FLECK: So they just sent somebody else.

6 THE COURT: Okay. Yeah. We don't need two Tagalog  
7 interpreters. We need one Spanish and one Tagalog. Well,  
8 Mr. Aguilar would actually be next up, since Ms. Temple's not  
9 here.

10 THE CLERK: [Inaudible.]

11 THE COURT: Got you. Okay.

12 THE COURT: All right. Well, did they give any --

13 THE MARSHAL: The secretary [inaudible] up  
14 immediately. She didn't know that he wasn't here.

15 THE COURT: Okay. Well, let's wait for a couple  
16 minutes then.

17 THE CLERK: Ms. Temple has just showed up. Jury  
18 services contacted Paula and she's on her way up.

19 THE COURT: Okay. Well, so let's wait a couple  
20 minutes for her to get here and for the interpreter to get  
21 here. So we'll go ahead and...

22 (Pause in proceeding.)

23 THE COURT: Are we still on the record?

24 THE COURT RECORDER: Yes.

25 THE COURT: All right. So that moots -- we've just

1 been notified by jury services that Ms. Temple, Juror No. 64,  
2 is here, so that moots the record that I made a couple minutes  
3 ago. So we'll wait until she gets here.

4 (Pause in proceeding.)

5 THE COURT: All right. We now have the assistance  
6 of a -- are we on the record?

7 THE COURT RECORDER: Mm-hmm.

8 THE COURT: A Spanish interpreter to assist  
9 Mr. Aguilar, Juror No. 68. Madam Interpreter, for the record,  
10 what is your name?

11 THE INTERPRETER: Irma Sanchez.

12 THE COURT: All right. Thanks. One of the jurors is  
13 going to come in here. Juror No. 68 is a Spanish-speaker, and  
14 what we're going to do is we're going to have him and the  
15 other Tagalog speakers sit in the first row over there. All  
16 right. Thanks.

17 All right. Randy, let's bring them in.

18 (Prospective jurors enter at 11:11 a.m.)

19 THE COURT: All right. Will counsel stipulate to the  
20 presence of the prospective jury?

21 MS. FLECK: The State does. Thank you.

22 MR. FELICIANO: Yes, Your Honor.

23 THE COURT: All right. Ladies and gentlemen, welcome  
24 back. I know that we're off to a little bit of a later start  
25 than we had anticipated, but apparently we had trouble



1 rounding everybody up. But we're all here now, so we are  
2 ready to resume.

3 Yesterday afternoon the State passed the panel for  
4 cause. So on behalf of Mr. Renteria-Novoa, did you guys have  
5 any questions?

6 MR. FELICIANO: Yes, Your Honor.

7 THE COURT: All right. Please proceed.

8 MR. FELICIANO: Does anybody have the mike?

9 THE MARSHAL: I have the mike. Just let me know who  
10 you want it to go to.

11 MR. FELICIANO: Okay. I'm just going to go -- move  
12 along the line [inaudible].

13 THE MARSHAL: Folks, please remember, the last four  
14 of your badge number and your name, and speak directly into  
15 the top of the mike.

16 PROSPECTIVE JUROR NO. 001: 001, Brahmer.

17 MR. FELICIANO: Mr. Brahmer. Okay. You talked about  
18 some issue you had 21 years ago when you were -- were you  
19 arrested in that case?

20 PROSPECTIVE JUROR NO. 001: Yeah.

21 MR. FELICIANO: How were you treated by the police?

22 PROSPECTIVE JUROR NO. 001: Just fine.

23 MR. FELICIANO: And did you go to trial or anything  
24 like that?

25 PROSPECTIVE JUROR NO. 001: Just -- yeah, court, and

1 just an in and out type deal. No major -- no big deal.

2 MR. FELICIANO: And I wanted to ask you about the  
3 presumption of innocence. You've heard -- we heard a lot  
4 yesterday about the district attorney saying if they prove  
5 their case would people be willing to convict. Now, what if  
6 they don't prove their case?

7 PROSPECTIVE JUROR NO. 001: You acquit.

8 MR. FELICIANO: And how do you feel about that?

9 PROSPECTIVE JUROR NO. 001: That's fine. That's how  
10 it works.

11 MR. FELICIANO: So as Mr. Renteria-Novoa stands here  
12 now, if I were to ask you what your verdict was, what would  
13 you say?

14 PROSPECTIVE JUROR NO. 001: Not guilty.

15 MR. FELICIANO: And that's because?

16 PROSPECTIVE JUROR NO. 001: Because no one's proved  
17 anything yet. There's -- I don't even know if a crime's been  
18 committed.

19 MR. FELICIANO: And that's because that's what we're  
20 here for, right?

21 PROSPECTIVE JUROR NO. 001: [No audible response.]

22 MR. FELICIANO: So I mean, you've heard the nature of  
23 the allegations and, you know, these types of allegations can  
24 be very emotional for a lot of people, as we've heard  
25 yesterday. I mean, how does that make you feel, sitting on a

1 jury where we have allegations of sexual misconduct?

2 PROSPECTIVE JUROR NO. 001: It's a dirty world, you  
3 know, it happens. If it really happened, then it's horrible,  
4 but we don't know yet.

5 MR. FELICIANO: But the actual charge itself, is  
6 there something that it triggers in you where you don't think  
7 you could be fair, or do you think you could --

8 PROSPECTIVE JUROR NO. 001: No. Sure, I can be fair.  
9 Sure.

10 MR. FELICIANO: Now, is there anything else that  
11 since -- you know, you heard a lot of other questions and  
12 answers yesterday. Is there anything else that maybe  
13 triggered something in your mind that you wanted to share with  
14 us?

15 PROSPECTIVE JUROR NO. 001: No.

16 MR. FELICIANO: If you were sitting where  
17 Mr. Renteria-Novoa is sitting, would you want somebody like  
18 yourself, like minded sitting where you're sitting right now?

19 PROSPECTIVE JUROR NO. 001: Yeah.

20 MR. FELICIANO: So you think you can be fair?

21 PROSPECTIVE JUROR NO. 001: Sure.

22 MR. FELICIANO: All right. Thanks. If you could  
23 pass the mike. Thank you.

24 PROSPECTIVE JUROR NO. 002: 002, Garry Richard.

25 MR. FELICIANO: Mr. Richard, you have a child.

1 PROSPECTIVE JUROR NO. 002: Yes.

2 MR. FELICIANO: And you've heard the nature of these  
3 allegations.

4 PROSPECTIVE JUROR NO. 002: Yes.

5 MR. FELICIANO: How does that make you feel?

6 PROSPECTIVE JUROR NO. 002: It's shocking. You hear  
7 it all the time, on the news and everything also.

8 MR. FELICIANO: Do you think just because there's an  
9 allegation, an allegation has been made, does that make you  
10 think that something must have happened?

11 PROSPECTIVE JUROR NO. 002: No. No. I mean, we  
12 don't know the information on everything yet, so I'll sit and  
13 listen.

14 MR. FELICIANO: So is there anything that you've  
15 heard today or you've heard yesterday that would -- that makes  
16 you want to add something that we might want to know before we  
17 proceed about you?

18 PROSPECTIVE JUROR NO. 002: No. I'm open minded.

19 MR. FELICIANO: Now, you sat on a jury. Was that  
20 about 18 years ago?

21 PROSPECTIVE JUROR NO. 002: Correct.

22 MR. FELICIANO: When you were sitting on that jury,  
23 were the lawyers objecting and doing things like that, going  
24 back and forth?

25 PROSPECTIVE JUROR NO. 002: Yes.

1 MR. FELICIANO: Was it getting kind of maybe a little  
2 heated?

3 PROSPECTIVE JUROR NO. 002: It was, yes. I mean, but  
4 we came up with a decision and it was two -- two different  
5 stories about the whole entire thing, but we made a decision.

6 MR. FELICIANO: Now, as far as the way the lawyers  
7 were acting, how does that make you feel as far as lawyers  
8 getting up and objecting and...

9 PROSPECTIVE JUROR NO. 002: You guys have to do what  
10 you have to do. I mean, if one object to another, then you  
11 have the right. I mean, we still want to listen to each side.

12 MR. FELICIANO: All right. So like if we're over  
13 here during certain testimony and we're objecting and doing  
14 our job, are you going to hold that against us?

15 PROSPECTIVE JUROR NO. 002: No. You guys have to do  
16 your job.

17 MR. FELICIANO: Even if it might make it a little bit  
18 heated at some times?

19 PROSPECTIVE JUROR NO. 002: No. You guys still have  
20 to do your job.

21 MR. FELICIANO: Is that something that you're going  
22 to hold against Mr. Renteria --

23 PROSPECTIVE JUROR NO. 002: No.

24 MR. FELICIANO: -- the conduct of his lawyers?

25 PROSPECTIVE JUROR NO. 002: No.

1 MR. FELICIANO: Okay. Now, you had the carrying a  
2 concealed -- the CCW conviction way back. You said you since  
3 got your permit.

4 PROSPECTIVE JUROR NO. 002: Yes.

5 MR. FELICIANO: And do you -- you were treated fairly  
6 by the police?

7 PROSPECTIVE JUROR NO. 002: Yes. I was.

8 MR. FELICIANO: You didn't go to trial or anything  
9 like that?

10 PROSPECTIVE JUROR NO. 002: No. Just in and out of  
11 court and then paid the fine and they confiscated the weapon.

12 MR. FELICIANO: Now, if -- if you had gone to trial,  
13 I mean, what type of evidence would you expect -- maybe not  
14 specifically in your case. What type of evidence would you  
15 expect the government to bring against somebody? And there's  
16 no wrong answers.

17 PROSPECTIVE JUROR NO. 002: Yeah. I mean, I was  
18 wrong. I was young at the time for carrying it without a  
19 permit. I did have the blue card and everything else. It  
20 just wasn't, you know, registered through Metro to have a  
21 carrying a concealed weapon.

22 MR. FELICIANO: How about things like say  
23 fingerprints; is that something that you would expect to see  
24 if you were -- if you were listening to a case and trying to  
25 determine whether someone was guilty or innocent?

1 MS. FLECK: Judge, can we approach?

2 THE COURT: You may.

3 (Bench conference.)

4 MS. FLECK: I think that this is -- sorry. I think  
5 that this is improper. It's starting to go to like --

6 THE COURT: Yeah. [Inaudible.]

7 MS. FLECK: And it's like, you know, that we need to  
8 get into jury instructions and we need to start explaining  
9 that, you know, all evidence is -- the circumstantial evidence  
10 is [inaudible] into that jury instruction where, you know,  
11 the -- all you need is the testimony of the victim. Like  
12 you're starting to get into things that you're going to then  
13 need to explain instructions to them.

14 MR. FELICIANO: You know, yesterday they asked the  
15 CSI question, which is exactly the same type of thing.

16 THE COURT: Yeah, but the difference is they didn't  
17 go into specifics [inaudible] what about that.

18 MS. FLECK: And the difference is, is it's my burden.

19 MR. FELICIANO: It doesn't matter. What else are we  
20 talking about? We're talking about CSI. We're talking about  
21 [inaudible].

22 (Inaudible - remainder of bench not transcribed.)

23 (End bench conference.)

24 MR. FELICIANO: Okay. So just getting back to what  
25 we were talking about, say fingerprints. If there was a case

1 where say the State didn't have fingerprints, do you think  
2 that would affect your decision whether somebody was guilty or  
3 innocent?

4 PROSPECTIVE JUROR NO. 002: It probably will, yeah.  
5 Maybe.

6 MR. FELICIANO: What about things like DNA, like  
7 having DNA versus not having DNA?

8 PROSPECTIVE JUROR NO. 002: Well, if they have DNA,  
9 then it's proven.

10 MR. FELICIANO: So it's a pretty solid -- if there's  
11 some DNA, it's a pretty solid case; is that fair to say?

12 PROSPECTIVE JUROR NO. 002: Yes.

13 MR. FELICIANO: Okay. Thank you, sir.

14 PROSPECTIVE JUROR NO. 005: 005, James Schmidt.

15 MR. FELICIANO: Mr. Schmidt, you were -- your  
16 apartment was broken into years ago?

17 PROSPECTIVE JUROR NO. 005: About 40 years ago.

18 MR. FELICIANO: Forty years ago. Do you remember it  
19 pretty well?

20 PROSPECTIVE JUROR NO. 005: I wasn't there when it  
21 happened, so. I remember the incident. They just broke in a  
22 window and came in and...

23 MR. FELICIANO: Did the, when -- the police came out  
24 for it?

25 PROSPECTIVE JUROR NO. 005: Yeah. It was pretty



1 obvious it was a bunch of kids, because they stole a whole  
2 stack of Playboy magazines.

3 MR. FELICIANO: Did they take a lot of other things,  
4 or just the Playboy?

5 PROSPECTIVE JUROR NO. 005: That was probably worth  
6 as much as anything. You know, whatever was visible they  
7 grabbed and took.

8 MR. FELICIANO: So was there a -- you could tell  
9 where they came in from?

10 PROSPECTIVE JUROR NO. 005: Yeah. They broke a  
11 window out.

12 MR. FELICIANO: Did they do like forensic type work,  
13 like CSI type work?

14 PROSPECTIVE JUROR NO. 005: Not that I remember.

15 MR. FELICIANO: And how do you feel about that?

16 PROSPECTIVE JUROR NO. 005: I have no problem  
17 with it. It's something that happens.

18 MR. FELICIANO: Well, as far as like with a crime  
19 scene investigation, do you think someone who's charged with a  
20 crime is entitled to a complete thorough investigation?

21 PROSPECTIVE JUROR NO. 005: Absolutely.

22 MR. FELICIANO: And what are some things that would  
23 be included in the complete thorough investigation, say in  
24 your case, that might have changed the outcome?

25 PROSPECTIVE JUROR NO. 005: Well, they could have

1 found fingerprints. They may or may not have been on file,  
2 so -- if it was as they thought, kids.

3 MR. FELICIANO: And was it because, I guess, just the  
4 Playboys were stolen they really didn't do much with it, or --

5 PROSPECTIVE JUROR NO. 005: Well, there was a few  
6 other things. The stereo was taken and a few things like  
7 that. But the whole thing didn't amount to that much.

8 MR. FELICIANO: And you do have one son.

9 PROSPECTIVE JUROR NO. 005: Yes.

10 MR. FELICIANO: And I don't remember. Do you have  
11 grandkids?

12 PROSPECTIVE JUROR NO. 005: No, not yet.

13 MR. FELICIANO: The nature of these types of charges,  
14 how do they make you feel?

15 PROSPECTIVE JUROR NO. 005: They don't make me feel  
16 anything one way or the other particularly. I mean, it's  
17 something that goes on these days unfortunately.

18 MR. FELICIANO: All right. How do you feel -- I  
19 mean, do you think because somebody has been charged with a  
20 crime like this that they must have done it?

21 PROSPECTIVE JUROR NO. 005: Well, they've got to have  
22 some basis to make the charge. I'll have to hear what the  
23 information is.

24 MR. FELICIANO: So you need to listen to the  
25 witnesses and hear what they have to say?

1 PROSPECTIVE JUROR NO. 005: Absolutely.

2 MR. FELICIANO: And is it --

3 PROSPECTIVE JUROR NO. 005: I mean, somebody thinks  
4 they have enough to make a charge, but...

5 MR. FELICIANO: So when listening to the witnesses  
6 testify, when you're judging their credibility, what are  
7 things that you look at?

8 PROSPECTIVE JUROR NO. 005: Their actions, their  
9 attitude, the way they handle themselves in the situation.

10 MR. FELICIANO: What about --

11 PROSPECTIVE JUROR NO. 005: Whether they're confident  
12 in what they're saying or whether they're lying.

13 MR. FELICIANO: What about if say the information  
14 that they're testifying to changes over time, would that  
15 affect your --

16 PROSPECTIVE JUROR NO. 005: Changes in what way?

17 MR. FELICIANO: Well, if they tell a story one time  
18 and then it changes the next time they tell it, would that  
19 influence your -- how you see them as far as credible one way  
20 or another?

21 PROSPECTIVE JUROR NO. 005: Probably.

22 MR. FELICIANO: And the truth doesn't change.  
23 It's --

24 PROSPECTIVE JUROR NO. 005: Yeah. I mean, if you're  
25 going to tell a story, let's stick to it.

1 MR. FELICIANO: Okay. So I mean --

2 PROSPECTIVE JUROR NO. 005: Get your story straight  
3 before you start.

4 MR. FELICIANO: So I mean, do you think that the  
5 truth generally doesn't change and whatever's true tends to  
6 stay the same?

7 PROSPECTIVE JUROR NO. 005: I would think so, yes.

8 MR. FELICIANO: And how about like keeping lies, do  
9 you think keeping lies straight is difficult?

10 PROSPECTIVE JUROR NO. 005: It's more difficult than  
11 keeping the truth straight, definitely.

12 MR. FELICIANO: Is that because you have to kind of  
13 remember what you lied about?

14 PROSPECTIVE JUROR NO. 005: What did I say the last  
15 time.

16 MR. FELICIANO: You see that Mr. Renteria-Novoa's  
17 using the assistance of an interpreter. How does that make  
18 you feel one way or another?

19 PROSPECTIVE JUROR NO. 005: Not a whole lot  
20 [inaudible]. That's his right and his privilege.

21 MR. FELICIANO: I know these days there's a  
22 certain -- there's a certain climate. There are certain  
23 attitudes sometimes towards people that might not speak the  
24 language if they're here in this country. Is that anything --  
25 do you feel anything about that -- do you feel anything like

1 that, that, you know, he should be here, he should know the  
2 language, things like that?

3 PROSPECTIVE JUROR NO. 005: As far as that goes, I'm  
4 old school, you know. If you're going to live here you should  
5 be speaking the language, yes.

6 MR. FELICIANO: All right. But is that something you  
7 would hold against him, say as far as him being guilty or not  
8 guilty?

9 PROSPECTIVE JUROR NO. 005: No.

10 MR. FELICIANO: Now, is there anybody else that feels  
11 differently about that? You do. Okay. Can we -- we might  
12 have to bounce around a little bit. Thank you, sir.

13 Badge No. 38. Okay. So how do you feel about it?

14 PROSPECTIVE JUROR NO. 038: Well, I think he's  
15 clearly either now an illegal immigrant or was at some point  
16 of his coming to the U.S. And illegal immigration is by  
17 definition contemptuous, so it's clear that this man already  
18 breaks the law.

19 And the fact that he's lived here long enough to  
20 potentially commit crimes and still doesn't speak the language  
21 that's native to the U.S. is aggravating, to say the least.

22 MR. FELICIANO: And you had some issues with -- I  
23 guess at work, right, with Latino men?

24 PROSPECTIVE JUROR NO. 038: Correct.

25 MR. FELICIANO: It's happened a lot throughout the

1 years?

2 PROSPECTIVE JUROR NO. 038: Throughout my life, yes.

3 MR. FELICIANO: Now, it sounds like you have some  
4 pretty strong -- strong opinions about this; is that fair to  
5 say?

6 PROSPECTIVE JUROR NO. 038: Fair to say.

7 MR. FELICIANO: And it sounds like if you were  
8 sitting where Mr. Renteria-Novoa was sitting, you probably  
9 wouldn't want somebody who thinks like you sitting on this  
10 jury.

11 PROSPECTIVE JUROR NO. 038: Absolutely not.

12 MR. FELICIANO: Okay. So although you want to give  
13 him a fair shake, I would imagine, it sounds like it might be  
14 impossible in this case.

15 PROSPECTIVE JUROR NO. 038: I could not fairly give  
16 him a fair open minded opinion or trial because to me he's  
17 already a law breaker in the U.S.

18 MR. FELICIANO: Judge, I have a motion.

19 THE COURT: All right. Does the State wish to  
20 traverse?

21 MS. FLECK: No, that's okay. Thank you, Your Honor.

22 THE COURT: All right. Ms. Alessio, is that how you  
23 pronounce your last name, Alessio or Alessio?

24 PROSPECTIVE JUROR NO. 038: Alessio.

25 THE COURT: Thank you for your service. You are

1 excused. Please go down to the jury services room on the  
2 third floor and they'll give you further instructions.

3 PROSPECTIVE JUROR NO. 038: Okay. Thank you.

4 THE COURT: All right. So we need the next person,  
5 who will be?

6 THE CLERK: Badge No. 064, Charolette Temple.

7 THE COURT: All right. Ms. Temple, do you have the  
8 microphone? Since you're just now coming up here, can you  
9 give us a little bit of a biographical sketch? What do you  
10 do, are you married, what does your husband do, do you have  
11 kids?

12 THE MARSHAL: Your badge number.

13 PROSPECTIVE JUROR NO. 064: I'm an administrative  
14 assistant for Desert Springs Hospital.

15 THE COURT: I'm sorry. Can you repeat that?

16 PROSPECTIVE JUROR NO. 064: Administrative assistant  
17 for Desert Springs Hospital.

18 THE COURT: Okay.

19 PROSPECTIVE JUROR NO. 064: Not married. I have  
20 a 29-year-old son, a two-year-old granddaughter that lives in  
21 Chicago.

22 THE COURT: And how long have you worked at that  
23 hospital?

24 PROSPECTIVE JUROR NO. 064: For 14 months.

25 THE COURT: Fourteen months. Did you live in Las

1 Vegas before that?

2 PROSPECTIVE JUROR NO. 064: No.

3 THE COURT: How -- so you've only been in Las Vegas  
4 for 14 months?

5 PROSPECTIVE JUROR NO. 064: I've been in Las Vegas  
6 for 12 month -- well, I've been in Las Vegas for 15 months.

7 THE COURT: Fifteen months. And where'd you move  
8 from?

9 PROSPECTIVE JUROR NO. 064: Texas.

10 THE COURT: From Texas. Did you come out here just  
11 for the job, or for other reasons?

12 PROSPECTIVE JUROR NO. 064: No. For other reasons.

13 THE COURT: Okay. So let me ask you this. You  
14 haven't been in Las Vegas for very long, 15 months. Do you  
15 feel like you're part of the community? And what I'm really  
16 getting at is this. Obviously the way -- what we want on the  
17 jury is a cross-section of the community, people who sort of  
18 care enough that they're taking an interest in what's going on  
19 here.

20 Given the fact you've only been here 15 months, do  
21 you feel that this is your home and you care about what's  
22 happening in this community in general?

23 PROSPECTIVE JUROR NO. 064: [Inaudible.]

24 THE COURT: I'm sorry?

25 PROSPECTIVE JUROR NO. 064: For now.



1 THE COURT: For now. Okay. Ever served on a jury  
2 before?

3 PROSPECTIVE JUROR NO. 064: No.

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

6 PROSPECTIVE JUROR NO. 064: My son.

7 THE COURT: Your son. Where and when and what  
8 happened?

9 PROSPECTIVE JUROR NO. 064: He was a victim of  
10 attempted murder in Chicago, Illinois.

11 THE COURT: How long ago?

12 PROSPECTIVE JUROR NO. 064: In 2002.

13 THE COURT: 2010.

14 PROSPECTIVE JUROR NO. 064: 2002.

15 THE COURT: Okay. Were the police called?

16 PROSPECTIVE JUROR NO. 064: Yes.

17 THE COURT: Was there a court case? Was someone  
18 arrested?

19 PROSPECTIVE JUROR NO. 064: Yes.

20 THE COURT: And did your son -- or did you have to  
21 participate in the court case at all?

22 PROSPECTIVE JUROR NO. 064: No.

23 THE COURT: All right. Your son, did he have to  
24 testify?

25 PROSPECTIVE JUROR NO. 064: Yes.

1 THE COURT: Are you happy with the way that court  
2 case worked out?

3 PROSPECTIVE JUROR NO. 064: Yes.

4 THE COURT: So was there anything about that case,  
5 what happened to your son or how the court system or the  
6 police treated him or anyone else in the case, that would  
7 affect your ability to be fair and impartial in this criminal  
8 case?

9 PROSPECTIVE JUROR NO. 064: No.

10 THE COURT: All right. Have you or anyone closely  
11 associated with you ever been accused of a crime, whether or  
12 not there was a conviction, either sexual in nature or  
13 otherwise?

14 PROSPECTIVE JUROR NO. 064: I had a DUI in 2006,  
15 January 1st of 2006.

16 THE COURT: Was that also in Chicago?

17 PROSPECTIVE JUROR NO. 064: In Texas.

18 THE COURT: Texas. I'm sorry. All right. Were you  
19 convicted?

20 PROSPECTIVE JUROR NO. 064: No.

21 THE COURT: Okay. What happened?

22 PROSPECTIVE JUROR NO. 064: They dropped it.

23 THE COURT: Oh. So the case was dismissed?

24 PROSPECTIVE JUROR NO. 064: Yes.

25 THE COURT: All right. Any feelings about that case?

1 Were you treated fairly by the police and the system?

2 PROSPECTIVE JUROR NO. 064: Yes.

3 THE COURT: Okay. A little bit of hesitation there.

4 Do you -- I mean, or am I reading too much into --

5 PROSPECTIVE JUROR NO. 064: It was a random thing.

6 It was New Year's Day and I was living in Houston at that  
7 time. It was my second day actually living in Houston from  
8 Chicago, and they randomly pulled over so many cars that was  
9 leaving a concert.

10 THE COURT: Right. Okay.

11 PROSPECTIVE JUROR NO. 064: And I was involved in the  
12 pullover.

13 THE COURT: Checkpoint type thing. Okay.

14 PROSPECTIVE JUROR NO. 064: Yes.

15 THE COURT: So the case was ultimately dismissed. So  
16 how do you feel overall about the criminal justice system and  
17 how you were treated?

18 PROSPECTIVE JUROR NO. 064: It was fine.

19 THE COURT: Okay. Anything about that case that  
20 would cause you to be something other than fair and impartial  
21 if asked to serve in this case?

22 PROSPECTIVE JUROR NO. 064: No.

23 THE COURT: So would you hold it against law  
24 enforcement in this case that the police in Texas pulled you  
25 over? If -- would you hold it against the DAs or any of their

1 witnesses in any way that, hey, you know, this was maybe a bad  
2 arrest in Houston and they just kind of pulled over everybody?  
3 Would that be an issue for you?

4 PROSPECTIVE JUROR NO. 064: No.

5 THE COURT: All right. Mr. Feliciano, you may  
6 continue.

7 THE MARSHAL: [Inaudible.]

8 MR. FELICIANO: Yes, please.

9 MS. FLECK: Judge, can we approach real quickly?

10 THE COURT: Sure.

11 (Bench conference.)

12 MS. FLECK: I get to question the new ones.

13 THE COURT: I'm sorry?

14 MS. FLECK: When if -- do I get to question the new  
15 ones once he's finished completely?

16 THE COURT: Yeah.

17 MS. FLECK: Okay. So once he's finished with  
18 everyone, and then I'll --

19 THE COURT: Or do you want to do it now? It doesn't  
20 matter to me either way. Whatever you prefer.

21 MR. FELICIANO: Do you just want to go now?

22 MS. FLECK: Yeah, that's fine.

23 MR. FELICIANO: Since -- should we stick with the  
24 same order?

25 THE COURT: You just wanted to do -- the two of you

1 just do right now, and just do --

2 MS. FLECK: I do it and then he'll go up again?

3 THE COURT: Yeah.

4 MS. FLECK: Once I pass for cause.

5 THE COURT: Yeah, let's do that.

6 (End bench conference.)

7 THE COURT: All right. Here's what we're going  
8 to do. Ms. Temple, since you just came up for the first time,  
9 we're going to allow Ms. Fleck to ask a couple questions of  
10 you first. All right.

11 MS. FLECK: Thank you, Your Honor.

12 Just briefly, just some of the questions that you  
13 heard yesterday regarding children and kind of children's  
14 experiences. If somebody at a young age made a kind of an  
15 immature decision, is that something that you would hold  
16 against them later in life, or would you be able to account  
17 for that?

18 PROSPECTIVE JUROR NO. 064: [Inaudible.]

19 THE COURT RECORDER: I can't hear her.

20 THE MARSHAL: Ma'am, [inaudible].

21 PROSPECTIVE JUROR NO. 064: Everybody makes some bad  
22 choices in life when they're younger, and I think everybody --  
23 I mean, some people change once they get older.

24 MS. FLECK: So just because someone at one point made  
25 maybe an immature decision, you would agree that they're

1 entitled to the exact same level of justice under the law as  
2 anyone else?

3 PROSPECTIVE JUROR NO. 064: Exactly.

4 MS. FLECK: Okay. Any problems that you have thought  
5 of or any issues that have come to mind as you've sat and  
6 listened to everybody?

7 PROSPECTIVE JUROR NO. 064: No.

8 MS. FLECK: Promise you'll do the very best job you  
9 can possibly do if you're chosen to be a juror?

10 PROSPECTIVE JUROR NO. 064: If I can.

11 MS. FLECK: Thank you. I will pass Ms. Temple for  
12 cause.

13 MR. FELICIANO: Can we approach briefly?

14 THE COURT: Sure.

15 (Bench conference.)

16 MR. FELICIANO: [Inaudible.]

17 MS. FLECK: I'll push it down so they can't see it.

18 THE COURT: Okay. I can't see it from here, so  
19 [inaudible].

20 MS. FLECK: Yeah. I'll push it down, or I'll  
21 minimize it.

22 THE COURT: Okay.

23 (End bench conference.)

24 THE COURT: All right. Mr. Feliciano, you may  
25 proceed.

1 MR. FELICIANO: Thank you.  
2 THE MARSHAL: [Inaudible.]  
3 MR. FELICIANO: Yes, please.  
4 THE MARSHAL: Did you want Juror No. 3?  
5 MR. FELICIANO: Perfect.  
6 PROSPECTIVE JUROR NO. 053: 053, Antonio Correa.  
7 MR. FELICIANO: Zero, five, three. Mr. Correa?  
8 PROSPECTIVE JUROR NO. 053: Yeah.  
9 MR. FELICIANO: You just heard what the last juror  
10 that just got excused said. Did you hear that, about --  
11 PROSPECTIVE JUROR NO. 053: Yes.  
12 MR. FELICIANO: How do you feel about that?  
13 PROSPECTIVE JUROR NO. 053: I'm Hispanic myself. I  
14 was born in Puerto Rico, raised in Puerto Rico until I was 25  
15 years old, so I have no issues with that.  
16 MR. FELICIANO: Now, is there anybody else in this  
17 room that feels the way that prospective juror feels? Because  
18 now is the time. Okay. Could you pass the mike over to him  
19 real quick.  
20 And how do you feel about that?  
21 PROSPECTIVE JUROR NO. 057: I think you --  
22 MR. FELICIANO: I'm sorry. I need your badge number.  
23 PROSPECTIVE JUROR NO. 057: 057.  
24 MR. FELICIANO: Mr. Anderson?  
25 PROSPECTIVE JUROR NO. 057: Yes.

1 MR. FELICIANO: So you feel the same way she felt  
2 about, I guess, non-English speakers?

3 PROSPECTIVE JUROR NO. 057: Yes.

4 MR. FELICIANO: Could you explain that for us?

5 PROSPECTIVE JUROR NO. 057: I think if you live here  
6 you should speak English.

7 MR. FELICIANO: All right. Do you feel that that  
8 feeling is so strong that you couldn't give Mr. Renteria-Novoa  
9 a fair trial?

10 PROSPECTIVE JUROR NO. 057: Yes.

11 MR. FELICIANO: And why is that? Could you maybe  
12 explain --

13 PROSPECTIVE JUROR NO. 057: Just how she said. I  
14 think if you live here you should speak English, and  
15 especially if you're getting in trouble you should be able to  
16 understand what's going on.

17 MR. FELICIANO: So although -- although you'd like to  
18 give Mr. Renteria a fair trial, is that something -- you're  
19 telling us that's something you just can't do?

20 PROSPECTIVE JUROR NO. 057: Yes.

21 MR. FELICIANO: Judge, I have a motion.

22 THE COURT: Mr. Anderson, let me ask you a question.  
23 Yesterday I asked everybody in the room does anybody here have  
24 a problem with the fact that the defendant is here with the  
25 assistance of a Spanish interpreter, and you didn't raise your



1 hand. How come your answer is different now?

2 PROSPECTIVE JUROR NO. 057: Well, I just --

3 THE COURT: Is it because you just heard what she  
4 said and you're trying to get off of jury duty? Because I'm  
5 going to be blunt with you. If I think that you're lying, I  
6 can throw you in jail.

7 PROSPECTIVE JUROR NO. 057: No, I'm not. I just -- I  
8 thought about it. I didn't really think about it until then.  
9 But I thought about it and that's how I feel. Like I didn't  
10 expect to be asked it, but now I thought about it over the day  
11 and I agree.

12 THE COURT: All right. Does the State wish to  
13 traverse?

14 MS. FLECK: No, thank you.

15 THE COURT: All right. Mr. Anderson, you -- let me  
16 ask you this. I mean, you may prefer that people in the  
17 United States speak English, but obviously you're aware that a  
18 lot of people don't, right?

19 PROSPECTIVE JUROR NO. 057: Yes.

20 THE COURT: All right. In fact, millions of people  
21 now living in the United States don't speak English, or at  
22 least don't speak it very well, correct?

23 PROSPECTIVE JUROR NO. 057: Yes.

24 THE COURT: Are you saying that in any case involving  
25 any one of those millions of people you could never be a fair

1 and impartial juror?

2 PROSPECTIVE JUROR NO. 057: I mean, I think if  
3 you're -- like if they're not getting in trouble, then I have  
4 no problem with it. But if they're in trouble and they're in  
5 court, they should be able to understand what's going on,  
6 otherwise you -- I mean, you should stay out of trouble either  
7 way, but especially if you're in this type of situation you  
8 should understand what's going on. Otherwise --

9 THE COURT: Well, if they don't understand what's  
10 going on, does that make them guilty of what they're accused  
11 of doing?

12 PROSPECTIVE JUROR NO. 057: I think that --

13 THE COURT: What about -- let me ask you a  
14 hypothetical. What if somebody who doesn't speak English  
15 happens to be falsely accused, now he's in court, he obviously  
16 doesn't understand what's going on. What would you do if you  
17 were a juror in that case? Would you find him guilty because  
18 he doesn't understand what's going on?

19 PROSPECTIVE JUROR NO. 057: Well, I also think that  
20 the charges just don't come out of nowhere. Like you don't  
21 just wake up one day and out of nowhere it's, you know, all  
22 the sudden you're in jail. Like something happens. So that's  
23 another reason that I don't think I would be able to be --

24 THE COURT: So anyone who's charged with a crime is  
25 automatically guilty; is that what you're saying?

1 PROSPECTIVE JUROR NO. 057: It depends on the crime.  
2 I mean, but for the most part, yes.

3 THE COURT: And does it make any difference to you  
4 whether the person who's charged with a crime does or does not  
5 speak English? I mean, isn't what you're saying also true of  
6 people who speak English, or am I misunderstanding?

7 PROSPECTIVE JUROR NO. 057: Well, yes. It's true for  
8 both sides that if you get -- I think for the most part if you  
9 get charged with a crime that you probably did it.

10 THE COURT: So I mean, do you not -- I mean, the  
11 point of a trial is to determine whether or not the person did  
12 what they are accused of doing. Do you understand that? I  
13 mean, I went through this yesterday and you didn't indicate  
14 any misunderstanding about what I said, right?

15 PROSPECTIVE JUROR NO. 057: Yes. But I mean, the  
16 more I thought about it -- I mean, I didn't raise my hand  
17 yesterday, but I thought about it and I agree with like what  
18 she was saying earlier.

19 THE COURT: All right. Mr. Anderson, here's what's  
20 going to happen. You don't get to go home. You get to go sit  
21 in the back of the courtroom. All right. So we're going to  
22 pull someone else to sit in your seat.

23 THE CLERK: Badge No. 068, Mr. Aguilar.

24 UNKNOWN SPEAKER: [Inaudible.]

25 THE COURT: Right. So I don't know how we're going

1 to do that. We need -- I don't know if there's a way that we  
2 can re-arrange people or...

3 I don't know if there's a way that we can...

4 (Inaudible discussion.)

5 THE COURT: All right. Mr. Aguilar, can you give us  
6 a brief biographical sketch of yourself? What do you do for a  
7 living, are you married, does your wife work, do you have  
8 kids?

9 PROSPECTIVE JUROR NO. 068: Yes. I'm married and I  
10 have children.

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

12 PROSPECTIVE JUROR NO. 068: I'm a member of the  
13 carpenter's union.

14 THE COURT: Okay. How long have you lived in Las  
15 Vegas?

16 PROSPECTIVE JUROR NO. 068: I want to rectify  
17 something. I got confused yesterday. I said that I had been  
18 living here for 10 years. But I've been living here for 20  
19 years.

20 THE COURT: Oh, okay. All right. So you've been  
21 here for 20 years. And you said that you're married. Does  
22 your wife work?

23 PROSPECTIVE JUROR NO. 068: My wife works.

24 THE COURT: What does she do?

25 PROSPECTIVE JUROR NO. 068: She works as housekeeping

1 in Palazzo Venetian.

2 THE COURT: Okay. And how old are your kids?

3 PROSPECTIVE JUROR NO. 068: Sixteen, fourteen, and  
4 eight.

5 THE COURT: Are they boys or girls?

6 PROSPECTIVE JUROR NO. 068: Boys.

7 THE COURT: Have you ever served on a jury before?

8 PROSPECTIVE JUROR NO. 068: 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. 068: No.

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

16 PROSPECTIVE JUROR NO. 068: No.

17 THE COURT: Okay. I appreciate it.

18 Ms. Fleck, do you have any questions for Mr. Aguilar?

19 MS. FLECK: Yes. Mr. Aguilar, now that you have an  
20 interpreter helping you, how do you feel now about  
21 participating in the trial?

22 PROSPECTIVE JUROR NO. 068: Well, I've listened to  
23 several experiences, unfortunate ones that I haven't happened,  
24 unfortunate ones that I haven't happened.

25 MS. FLECK: You mean while we were going through this

1 process?

2 PROSPECTIVE JUROR NO. 068: Yes.

3 MS. FLECK: So you mean other things that people have  
4 disclosed?

5 PROSPECTIVE JUROR NO. 068: No.

6 MS. FLECK: I don't understand. Have you -- now that  
7 you have the use of an interpreter, how do you feel about  
8 sitting as a juror, about the entire process?

9 PROSPECTIVE JUROR NO. 068: As far -- as far the  
10 questions that have been asked, I feel uncomfortable being  
11 here.

12 MS. FLECK: What part makes you uncomfortable?

13 PROSPECTIVE JUROR NO. 068: On the part of the  
14 accused, what he's accused about.

15 MS. FLECK: So the crime themselves make you feel  
16 uncomfortable?

17 PROSPECTIVE JUROR NO. 068: Yes, the crime.

18 MS. FLECK: Okay. I mean, is that just -- is it that  
19 you feel uncomfortable because they're of the nature of the  
20 crime, or is there something about the accused and his  
21 position that makes you feel uncomfortable?

22 PROSPECTIVE JUROR NO. 068: I'm not used to being in  
23 these kind of situations, but it's uncomfortable for me that  
24 somebody commits a crime.

25 MS. FLECK: Okay. Understood. You moved here 20

1 years ago from where?

2 PROSPECTIVE JUROR NO. 068: I'm from Mexico.

3 MS. FLECK: And the last 20 years have you lived in  
4 Las Vegas?

5 PROSPECTIVE JUROR NO. 068: In Las Vegas.

6 MS. FLECK: Any contact with the criminal justice  
7 system when you were living back in Mexico?

8 PROSPECTIVE JUROR NO. 068: No.

9 MS. FLECK: I posed some questions yesterday  
10 regarding laws being different here in the United States as  
11 opposed to in another country. If you were chosen to be a  
12 juror, any problem following the law that's read to you by the  
13 judge and not comparing it to something that happens back  
14 home?

15 PROSPECTIVE JUROR NO. 068: No. No problem at all,  
16 except my problem is that I can't speak or write the language.

17 MS. FLECK: So with the use of an interpreter, even  
18 with the help of an interpreter, do you still feel that  
19 uncomfortable and that you would not be a good juror for this  
20 case?

21 PROSPECTIVE JUROR NO. 068: Yes. I feel very  
22 uncomfortable.

23 MS. FLECK: Okay. So and I'm not trying to -- I'm  
24 not trying to like drag something out of you that you don't  
25 want to say, but I need you to kind of explain to me and to

1 the judge, to the defense why you think you wouldn't be a good  
2 juror, why you're uncomfortable. Everybody's uncomfortable  
3 with the charges. Is there something different for you that  
4 makes you feel like you should not be on this jury?

5 PROSPECTIVE JUROR NO. 068: There's not a difference  
6 at all, but in this particular kind of situations I get very  
7 nervous.

8 MS. FLECK: Okay. But a lot of people are nervous,  
9 so that's -- so besides that, do you think that you can be  
10 fair then to sit on the jury? Do you think you can be fair  
11 and listen to both sides?

12 PROSPECTIVE JUROR NO. 068: Yes. It could be  
13 possible.

14 MS. FLECK: Your Honor, I -- I don't know if you have  
15 anymore questions. Otherwise I --

16 THE COURT: Mr. Aguilar, I understand that, you know,  
17 this is -- jury service is not something that anybody's use  
18 to. We call you out of your daily life, we ask you to come  
19 here and we ask you to deal with, in this case, charges that  
20 are very uncomfortable for everybody. Are you saying that you  
21 would be so nervous and so uncomfortable that you wouldn't be  
22 able to perform your duty as a juror?

23 PROSPECTIVE JUROR NO. 068: Yes. I consider that,  
24 because what I listen to, I forget things.

25 THE COURT: I'm not -- I'm not sure what you're



1 saying. You don't -- you forget things?

2 PROSPECTIVE JUROR NO. 068: Yes. In general a lot of  
3 the questions from yesterday, I don't even remember them.

4 THE COURT: Do you have any medical conditions that  
5 interfere with your memory, or is it just that you generally  
6 have a bad memory?

7 PROSPECTIVE JUROR NO. 068: Yeah. I think that in  
8 general I have very bad memory.

9 THE COURT: Okay. During the trial, if you are asked  
10 to serve as a juror in this case, you would be allowed to have  
11 a notebook and a pen. In fact, we give you a notebook and a  
12 pen. Would that -- if you were able to write things down,  
13 would you be able to perform your duty as a juror?

14 PROSPECTIVE JUROR NO. 068: Yes. I came here to  
15 render a service.

16 THE COURT: Okay. Now, I understand that you're  
17 nervous and, you know, I would venture to guess that probably  
18 a majority of people in this room are nervous and a little  
19 uncomfortable right now. But do you think that you would be  
20 able to put that aside and with the assistance of a notepad  
21 and a pen be able to render your service and to listen to the  
22 evidence and be fair and impartial?

23 PROSPECTIVE JUROR NO. 068: I will try.

24 THE COURT: Okay. All right. I appreciate that.

25 Mr. Feliciano, did you have any questions for

1 Mr. Aguilar?

2 MR. FELICIANO: Not at this time. I will later down  
3 the road.

4 THE COURT: All right. Ms. Fleck, anymore questions?

5 MS. FLECK: I'm going to actually make a challenge  
6 for cause. I just -- based upon, you know, the -- him not  
7 remembering what was said today, what he had just said  
8 yesterday. I don't believe that he's comfortable to the point  
9 that I don't think he can listen.

10 I think he's nervous to the point that he can't  
11 listen. And I don't think that while we're using an  
12 interpreter and it's not necessarily coming through, it's  
13 clear to me that he's not capable of sitting on this jury  
14 listening, making this grave of a decision. I just -- I'm  
15 going to make a challenge for cause.

16 THE COURT: Mr. Feliciano, I know that you just sort  
17 of waived your opportunity to traverse, but now that there's  
18 an actual motion on the table, do you wish to traverse?

19 MR. FELICIANO: Yes.

20 THE COURT: Okay. You may proceed.

21 MR. FELICIANO: Sir, you said that -- you just said a  
22 moment ago that I guess you could do your duty if you were  
23 selected for the jury?

24 PROSPECTIVE JUROR NO. 068: Yes, I did say it. But  
25 now that I'm listening to that person, I take it back and I

1 don't feel I can take the responsibility about a trial of this  
2 nature.

3 MR. FELICIANO: Well, I mean, it's a really big  
4 responsibility and everybody in this room is part of it. I  
5 mean, how -- is there something about you that's different,  
6 where you can't bear that responsibility and give Mr. Renteria  
7 Novoa a fair trial?

8 PROSPECTIVE JUROR NO. 068: Well, I too have children  
9 and I wouldn't like -- that I wouldn't like to be in a  
10 situation where the offended party's family is in right now.

11 MR. FELICIANO: Well, nobody would like that. But if  
12 you were given a notepad and able to take notes, could you  
13 follow along with the trial?

14 PROSPECTIVE JUROR NO. 068: To my possibilities or  
15 abilities, yes.

16 MR. FELICIANO: And could you give Mr. Renteria Novoa  
17 a fair trial?

18 PROSPECTIVE JUROR NO. 068: Well, I'm an immigrant  
19 and I'm a citizen because that's what an immigration judge  
20 decided. But if the person that's being accused right now is  
21 proven to be guilty, the authorities should do their job.

22 MR. FELICIANO: What if they're proven to be not --  
23 what if the State doesn't prove their case, will you find him  
24 not guilty?

25 PROSPECTIVE JUROR NO. 068: Not guilty.

1 MR. FELICIANO: Thank you, sir.

2 Judge, we would submit that he's -- he can serve.

3 THE COURT: All right. The motion's denied. We'll  
4 keep him for now. You may continue.

5 MR. FELICIANO: Okay. If you'd pass it back to  
6 Mr. Correa.

7 PROSPECTIVE JUROR NO. 053: 053, Antonio Correa.

8 MR. FELICIANO: Thank you. Okay. And just so we're  
9 clear, nobody else -- nobody else has those feelings, while  
10 we're here? Okay. All right. thank you.

11 Sir, you're a physician, correct?

12 PROSPECTIVE JUROR NO. 053: Yes.

13 MR. FELICIANO: And you have one child?

14 PROSPECTIVE JUROR NO. 053: Yes.

15 MR. FELICIANO: Is there anything about the nature of  
16 these allegations that makes it difficult for you to be fair?

17 PROSPECTIVE JUROR NO. 053: I don't think so.

18 MR. FELICIANO: You've never been on a jury before,  
19 is that --

20 PROSPECTIVE JUROR NO. 053: No.

21 MR. FELICIANO: -- correct?

22 Okay. Is that something -- do you want to be on a  
23 jury?

24 PROSPECTIVE JUROR NO. 053: Well, if I'm chosen, I'll  
25 be here.

1 MR. FELICIANO: Okay. So is there anything else that  
2 we need to know about you that may affect your ability to be  
3 fair?

4 PROSPECTIVE JUROR NO. 053: I don't think so.

5 MR. FELICIANO: If you were sitting in that chair  
6 where Mr. Renteria-Novoa is sitting, would you be comfortable  
7 with a person with your mindset judging you?

8 PROSPECTIVE JUROR NO. 053: Yes. I think so.

9 MR. FELICIANO: Thank you, sir.

10 I think we can -- yeah. Thanks.

11 PROSPECTIVE JUROR NO. 013: 013, Roshelle Barrow.

12 MR. FELICIANO: You're a third grade teacher; is that  
13 correct?

14 PROSPECTIVE JUROR NO. 013: Yes.

15 MR. FELICIANO: Okay. And I have a note here that I  
16 wrote down that you said you can tell when kids are being  
17 honest?

18 PROSPECTIVE JUROR NO. 013: No. There's no --

19 MR. FELICIANO: That's just what I wrote, so.

20 PROSPECTIVE JUROR NO. 013: Yeah. No -- well, most  
21 of the time I find when children are maybe -- if they're  
22 telling on somebody for offense against them, for example I  
23 had a student come up to me the other day and said he was  
24 getting punched on the bus, and he was crying. And so I'm  
25 going to tend to believe him because he's crying.

1           And I went up to the office and of course the office  
2 took care of it. I didn't -- you know, I didn't hear the  
3 other side of the story or anything like that. But so I guess  
4 if something like that, if a child is -- or a minor is coming  
5 up to accuse somebody of hurting them, I'm going to think  
6 what's the motive for them to say something like that. So I  
7 definitely take that into account, I guess, is what I'm  
8 saying.

9           MR. FELICIANO: Have you ever had any kids come up to  
10 you and lie about stuff?

11           PROSPECTIVE JUROR NO. 013: Oh, yes. And I said that  
12 yesterday too. I've had kids come up to me with tears in  
13 their eyes and I know that they're flat out lying to me as  
14 well. It's just part of dealing with children.

15           MR. FELICIANO: Have you ever had to judge the  
16 credibility of two conflicting stories?

17           PROSPECTIVE JUROR NO. 013: Unfortunately sometimes I  
18 have to do that. It's difficult and a lot of times I end up  
19 calling parents in and telling them the situation and trying  
20 to rectify it that way.

21           MR. FELICIANO: And if -- what are some of the things  
22 that you look at when you're trying to determine who's  
23 credible and who's not credible?

24           PROSPECTIVE JUROR NO. 013: I -- definitely the first  
25 thing I ask is was anybody around, anybody see it happen,

1 anybody hear. I definitely try to get the facts of what  
2 actually occurred. Sometimes when it's just one versus the  
3 other and there's nobody around to corroborate their story, I  
4 just have to speak with them individually and, like I say,  
5 talk to their parents and tell them the situation. But I  
6 can't really -- sometimes you just don't know.

7 MR. FELICIANO: So corroborating evidence has helped  
8 you before?

9 PROSPECTIVE JUROR NO. 013: Oh, definitely.  
10 Definitely.

11 MR. FELICIANO: Since you do deal with children, what  
12 do you think about these charges?

13 PROSPECTIVE JUROR NO. 013: Well, they're ugly  
14 charges of course, you know.

15 MR. FELICIANO: Do you think, considering that you  
16 deal with children on a day-to-day basis, that you could put  
17 that aside and judge this case on the facts?

18 PROSPECTIVE JUROR NO. 013: Working with children,  
19 like I said before, for a minor to come up and accuse an adult  
20 of doing something like that, it's going to be very difficult  
21 for me not to believe a child, because unless there's, you  
22 know, evidence or a reason why they would make something up  
23 like that.

24 MR. FELICIANO: So if you were sitting in that chair,  
25 how would you feel if someone with your mindset was on your

1 jury?

2 PROSPECTIVE JUROR NO. 013: To be honest, I would  
3 probably be a little worried, because I probably have a  
4 tendency to side for the minor, you know, or the minors. I  
5 would -- I still think if a minor says somebody did that to  
6 them, or something in that nature, you know, there's -- I  
7 don't know if -- there could be reasons, you know, that  
8 they're making it up.

9 MR. FELICIANO: Mm-hmm.

10 PROSPECTIVE JUROR NO. 013: But it's such a heinous  
11 crime I just -- it's hard for me to imagine somebody deciding  
12 to put somebody in his position out of spite or whatever.

13 MR. FELICIANO: Well, when allegations are made, I  
14 mean, I don't think you can say the minor's going to know  
15 we're -- that we're going to end up here; is that fair to say?

16 PROSPECTIVE JUROR NO. 013: Yes. That's very fair to  
17 say.

18 MR. FELICIANO: That they might not understand the  
19 consequences of their actions?

20 PROSPECTIVE JUROR NO. 013: Yes.

21 MR. FELICIANO: But I mean, taking all that into  
22 consideration, do you think you can be a fair juror and give  
23 Mr. Renteria-Novoa a fair trial?

24 PROSPECTIVE JUROR NO. 013: I would definitely try my  
25 best to be fair and listen to both sides of the evidence and



1 the defendant and the accuser.

2 MR. FELICIANO: Okay. Anything else you think we  
3 should know?

4 PROSPECTIVE JUROR NO. 013: No.

5 MR. FELICIANO: Okay. Thank you.

6 PROSPECTIVE JUROR NO. 016: 016, Ged Cordero.

7 MR. FELICIANO: Zero, one, six. Mr. Cordero, you  
8 have two children?

9 PROSPECTIVE JUROR NO. 016: Yes.

10 MR. FELICIANO: Two grown children?

11 PROSPECTIVE JUROR NO. 016: Yeah.

12 MR. FELICIANO: And how do these allegations -- what  
13 do you think about these allegations? How do they make you  
14 feel?

15 PROSPECTIVE JUROR NO. 016: I believe it's like an  
16 [unintelligible] a bad allegation, you know, because we don't  
17 know yet if the plaintiff or the -- what they call this, the  
18 defendant is -- you know, because we [unintelligible] right  
19 now I don't know what this case. I don't know what's going  
20 on. We don't know what's, you know, we have to go through the  
21 process of the trial, listen for the evidence and the  
22 witnesses.

23 MR. FELICIANO: And how do you feel about taking on  
24 that burden? I know that's a burden that we're going to ask  
25 you to take on. Is that something that's difficult for you?

1 PROSPECTIVE JUROR NO. 016: Actually it's not. It's  
2 not so difficult for me.

3 MR. FELICIANO: So you're able to look at both sides  
4 and be fair?

5 PROSPECTIVE JUROR NO. 016: Definitely we have to  
6 look for both sides, you know.

7 MR. FELICIANO: Now, if the State was unable to prove  
8 their case and they don't prove their case, what would be your  
9 verdict?

10 PROSPECTIVE JUROR NO. 016: Oh, if they don't prove  
11 their case, then the defendant is going to be not guilty.

12 MR. FELICIANO: And you would have no problem  
13 bringing back a not guilty verdict if you believe that they  
14 haven't proven their case?

15 PROSPECTIVE JUROR NO. 016: I don't have any problem,  
16 you know. It depends on the trial, the witnesses and then,  
17 you know, the evidence.

18 MR. FELICIANO: Is there any other information you  
19 think we should know before we select the jury?

20 PROSPECTIVE JUROR NO. 016: [Unintelligible] no.

21 MR. FELICIANO: No. Okay. Would you pass the mike,  
22 please, sir.

23 PROSPECTIVE JUROR NO. 017: 017, Helbert.

24 MR. FELICIANO: Zero, one, seven. You said your  
25 daughter's an attorney?

1 PROSPECTIVE JUROR NO. 017: No, she has not.  
2 MR. FELICIANO: And you served on a criminal jury  
3 before?  
4 PROSPECTIVE JUROR NO. 017: Yes, and it was eerily  
5 similar to this one.  
6 MR. FELICIANO: Okay. You mean the charges?  
7 PROSPECTIVE JUROR NO. 017: Yes.  
8 MR. FELICIANO: How was that experience for you?  
9 PROSPECTIVE JUROR NO. 017: It was hard, very hard.  
10 MR. FELICIANO: It's a lot to ask you to take on,  
11 right?  
12 PROSPECTIVE JUROR NO. 017: Yeah. There's a lot at  
13 stake, so.  
14 MR. FELICIANO: Was that here?  
15 PROSPECTIVE JUROR NO. 017: Yes.  
16 MR. FELICIANO: And I don't remember, but how long  
17 ago was that?  
18 PROSPECTIVE JUROR NO. 017: It's closer to four  
19 years. I checked that last night.  
20 MR. FELICIANO: Is there anything about that  
21 experience that makes it difficult, where you don't want to be  
22 a part of it again?  
23 PROSPECTIVE JUROR NO. 017: Yeah, absolutely.  
24 There's -- there was some tough decisions that had to be made  
25 by everyone on the jury. And some of them, it didn't do so

1 well with some of the decisions we came up with.

2 MR. FELICIANO: Despite all of that, I mean, is that  
3 something you can put aside and do it again for us?

4 PROSPECTIVE JUROR NO. 017: I've learned from it. So  
5 yeah, there's certain things that I'm going to retain as a  
6 result of being on that jury.

7 MR. FELICIANO: All right. So I mean, that  
8 experience obviously stayed with you.

9 PROSPECTIVE JUROR NO. 017: Oh, yes. Yes. Well, it  
10 has now that I'm back here again, yeah.

11 MR. FELICIANO: And so do you think you could give  
12 Mr. Renteria-Novoa a fair trial?

13 PROSPECTIVE JUROR NO. 017: I certainly hope so, yes.

14 MR. FELICIANO: When you say you hope so, that --

15 PROSPECTIVE JUROR NO. 017: Basically it comes down  
16 to who you believe.

17 MR. FELICIANO: So whatever --

18 PROSPECTIVE JUROR NO. 017: There was no real hard  
19 evidence or DNA, none of that again. So it comes down to the  
20 testimony of both, both parties.

21 MR. FELICIANO: So that's what you would judge the  
22 case on?

23 PROSPECTIVE JUROR NO. 017: That's where we -- yeah.  
24 That's how that one came about, yes.

25 MR. FELICIANO: So if the State doesn't prove their

1 case, what do you -- what's your vote?

2 PROSPECTIVE JUROR NO. 017: Well, again, not guilty.

3 MR. FELICIANO: Thank you, sir.

4 PROSPECTIVE JUROR NO. 027: 027, Parry.

5 MR. FELICIANO: Oh, two, seven. Mr. Parry.

6 PROSPECTIVE JUROR NO. 027: Yes.

7 MR. FELICIANO: You have some two nephews that work  
8 for Metro?

9 PROSPECTIVE JUROR NO. 027: Yes. One's a bailiff and  
10 one works for Metro.

11 MR. FELICIANO: And they talked to you about their  
12 work?

13 PROSPECTIVE JUROR NO. 027: A little bit.

14 MR. FELICIANO: Do -- anything about that make it  
15 difficult to judge the credibility of an officer? I mean,  
16 would you give an officer more credibility as opposed to  
17 someone who's not an officer?

18 PROSPECTIVE JUROR NO. 027: Yes.

19 MR. FELICIANO: And why is that?

20 PROSPECTIVE JUROR NO. 027: Because they're officers.

21 MR. FELICIANO: Do you think there's ever times that  
22 officers could be less credible than someone who's a  
23 non-officer?

24 PROSPECTIVE JUROR NO. 027: Obviously.

25 MR. FELICIANO: So could you judge the officer just

1 like you would judge the other witnesses that come in the room  
2 and testify? Could you be -- give them the same level of  
3 scrutiny?

4 PROSPECTIVE JUROR NO. 027: Yes.

5 MR. FELICIANO: The nature of these charges, as we've  
6 been hearing, it's difficult for a lot of people to deal with.  
7 How do you feel about that?

8 PROSPECTIVE JUROR NO. 027: I have no problem  
9 with it.

10 MR. FELICIANO: So you think you can be -- you can be  
11 fair and give Mr. Renteria-Novoa a fair trial?

12 PROSPECTIVE JUROR NO. 027: Yes.

13 MR. FELICIANO: And you have been on a jury before?

14 PROSPECTIVE JUROR NO. 027: Yes.

15 MR. FELICIANO: And that was a civil -- a civil case?

16 PROSPECTIVE JUROR NO. 027: Yes.

17 MR. FELICIANO: Now, you're going to be instructed  
18 not now, but you'll be instructed later, if you're on the  
19 jury, about the law of criminal law, and it's different as far  
20 as the burden of proof that the State has to present. Is  
21 that -- that's beyond --

22 As Ms. Fleck was saying yesterday, it's beyond a  
23 reasonable doubt. It's much higher than the preponderance of  
24 the evidence standard that you had in your civil trial. Is  
25 that -- do you have an issue with those --

1 MS. FLECK: I'm going to object as to the  
2 qualification of much higher. It's the highest burden in the  
3 system, but it's not much higher.

4 THE COURT: Can you clarify and rephrase the  
5 question.

6 MR. FELICIANO: Okay. It's the highest burden that  
7 we have in the system. Would you have any problems then from  
8 your past trial experience dealing with a different burden of  
9 proof?

10 PROSPECTIVE JUROR NO. 027: No.

11 MR. FELICIANO: And do you have some attorneys in  
12 your family?

13 PROSPECTIVE JUROR NO. 027: Yes.

14 MR. FELICIANO: And they don't practice criminal law,  
15 or have they ever?

16 PROSPECTIVE JUROR NO. 027: My daughter-in-law  
17 doesn't, but I'm not sure about my [inaudible].

18 MR. FELICIANO: Anything about having attorneys in  
19 your family --

20 THE COURT: Hang on a second.

21 (Pause in proceedings)

22 THE COURT: Can you speak into the microphone, sir.  
23 Thanks. We just need to record everything that's being said.

24 MR. FELICIANO: So anything about having attorneys in  
25 your family make it difficult to be on a case and be on a

1 jury?

2 PROSPECTIVE JUROR NO. 027: No.

3 MR. FELICIANO: Okay. Is there anything else you  
4 think we should know before we select our jury?

5 PROSPECTIVE JUROR NO. 027: The only thing that's  
6 going to be kind of disturbing to me, to listen to somebody  
7 translate right behind me. It's very annoying. So I don't  
8 know how I can pay attention to the testimony and then have it  
9 repeated in another language right behind me.

10 MR. FELICIANO: Okay.

11 PROSPECTIVE JUROR NO. 027: It's very difficult, I  
12 think.

13 MR. FELICIANO: Well, we'll see what we can do about  
14 that for you. Sorry. Thank you.

15 THE COURT: All right. Let's do this. We've got an  
16 indication that some of the jurors want to take a restroom  
17 break. It's now 12:20. The question is do we want to just  
18 take a quick break and push through, or do you guys want to  
19 break for lunch now?

20 Can counsel approach very quickly and let's talk  
21 about scheduling very quickly.

22 (Bench conference.)

23 THE COURT: You guys want to just keep — do you want  
24 me to even ask them, or you want to just break for lunch now?

25 MS. FLECK: It's up to you. I mean, we called off



1 our -- I had the victim coming at 1:00, and I told her to --

2 THE COURT: Yeah. We're not going to --

3 MS. FLECK: So --

4 MR. FELICIANO: I don't know if they want -- it's  
5 going to be -- I'm not even halfway done, so it's going to be  
6 a while. I don't know if we should just break for lunch and  
7 come back, or --

8 MS. FLECK: I think they're annoyed is all.

9 THE COURT: Let me say something. I thought I said  
10 this [inaudible]. Ordinarily you don't get to go juror by  
11 juror. All right. It's supposed to be group questions and  
12 you ask follow-ups. But I'm giving you some slack. But  
13 please hurry it up and don't ask the same questions I asked  
14 yesterday. I could have answered half of their questions  
15 about previous jury service, because they told me yesterday.

16 MR. FELICIANO: Well, Judge, then I got different  
17 answers.

18 THE COURT: Let's speed it up. All right.

19 MR. FELICIANO: I will speed it up.

20 THE COURT: All right. So let's take a lunch break,  
21 and then we'll have them come back in an hour then.

22 UNKNOWN SPEAKER: Let's decide what to do about  
23 Mr. Aguilar.

24 THE COURT: I'm sorry?

25 UNKNOWN SPEAKER: I mean, the entire jury panel, the

1 guy just said it's really annoying to listen to the  
2 interpreter, and the entire panel was like yeah.

3 THE COURT: Well, it is, because he can't -- because  
4 he's sitting right behind there. I can even hear the  
5 interpreter. It's actually even distracting me and I'm 30  
6 feet away. So I don't know if we should move them to a  
7 different --

8 MR. FELICIANO: Maybe they can use the transmitter.

9 THE COURT: Like the headphones. The problem is I  
10 think there's only one, then they would hear -- there's only  
11 one frequency.

12 UNKNOWN SPEAKER: Why don't we just get rid of him.

13 THE COURT: I'm thinking maybe when we come back,  
14 maybe we have him sit in the front so that when they're  
15 talking it can come this way rather than --

16 UNKNOWN SPEAKER: The thing is, why don't we just  
17 agree to [inaudible]. I mean, his actual answers were worse  
18 actually for the defendant in terms that if he's guilty, he  
19 should go -- I think the fact -- just the fact that he's  
20 Hispanic, if that's the only reason that we're keeping him, he  
21 was nonresponsive to answers even in English -- I mean, even  
22 in Spanish.

23 THE COURT: Well, let's do this. Let's send him off  
24 to lunch, and then we can talk about this after they're gone.

25 UNKNOWN SPEAKER: Okay.

1 THE COURT: All right. Because the pregnant woman  
2 needs a bathroom break. All right.

3 (End bench conference.)

4 THE COURT: All right. Here's what we're going  
5 to do. It's now 12:25, and as I indicated, we've gotten some  
6 indication that some of the jurors need a break. So let's  
7 take a one-hour break for lunch.

8 Same admonitions apply, which are during lunch you  
9 are not to reach any conclusions about this case. Do not talk  
10 to anyone about the case. Do not investigate any facts of  
11 this case. Do not view any media, press or Internet reports  
12 about this case. Do not talk to anyone who may have been  
13 involved in any way with this case. Do not discuss the facts  
14 of this case with each other. Remember to wear your badges at  
15 all times while you are in and around the courthouse.

16 We'll see you at -- it's now like 12:24. Let's make  
17 it 1:25. All right. Thanks.

18 (Prospective jurors recessed at 12:21 p.m.)

19 THE COURT: We're still on the record. We're now  
20 outside the presence of the jury. Did anybody want to put  
21 anything on the record? We had a couple of bench conferences.  
22 I don't know if either side wanted to memorialize them or not.

23 MS. FLECK: You know, I would just like to renew my  
24 motion for cause on Mr. Aguilar, Badge No. 0068. He is  
25 currently in the box with the aid of an interpreter. He --

1 his first question was -- or his first response today was,  
2 hey, I got confused yesterday when asked how long he'd lived  
3 here, and that was once we had the interpreter. And yesterday  
4 he said ten years, now today he said 20.

5 He was non-responsive to numerous questions today by  
6 me and the defense and the judge even with the use of the  
7 interpreter. He has repeatedly said that he's uncomfortable  
8 and nervous. I know that that doesn't mean that he wouldn't  
9 be qualified, but I don't think he's understanding. I don't  
10 know that he has a -- he has problems remembering things. He  
11 said he didn't remember any of the questions even that were  
12 posed yesterday.

13 I don't know how we expect somebody to listen to  
14 testimony then and be able to be a qualified juror if he can't  
15 even remember questions that were posed yesterday. So will he  
16 say the trigger words, yes, he can be fair and impartial;  
17 sure. But on a totality of every single thing that he has  
18 said and the way that he's acted and the fact that he's  
19 non-responsive, he doesn't really seem to understand what's  
20 going on.

21 Furthermore, he has said -- or he's using the  
22 interpreter and Mr. Parry has now expressed that it is  
23 distracting to him, he feels uncomfortable sitting through the  
24 entire trial because of that. That's really the only concern  
25 that he has said about sitting on this jury. As soon as

1 Mr. Parry said that, literally 90 percent of the panel who's  
2 in the box starts shaking their head yes.

3 So it's distracting to everybody to the point that  
4 now we're losing interest from other jurors because of the  
5 interpreter. I'm not saying he's not entitled to be on a jury  
6 because of that, but with the totality of every single other  
7 thing, I think that he should be kicked.

8 And I'll go back to his actual answers regarding  
9 conviction was if he's guilty, he should be punished. If he  
10 is -- I come here legally and I now have gone through my  
11 courses and basically showing respect for the criminal justice  
12 system.

13 So in terms of how he would play out for the State, I  
14 don't feel uncomfortable with him sitting on the jury in terms  
15 of his legal views. So I think the record would reflect that  
16 he -- I feel like the answers that he gave were worse for the  
17 defense than for the State. But so I renew my motion.

18 THE COURT: All right. Your response.

19 MR. FELICIANO: Judge, when he was asked if -- how  
20 long he had been here, I believe that was without the  
21 assistance of an interpreter, and that's when we got one. And  
22 he cleared that up this morning. I asked him if he could be  
23 fair; he said he could be fair and listen throughout the trial  
24 and take notes. We see no reason why he should be kicked.

25 It's unfortunate that it's distracting to Mr. Barry

1 [sic], but that juror does have a right to be on the jury. So  
2 we would submit that he's fine and we would ask that he remain  
3 on the jury.

4 THE COURT: All right. Well, there's two separate  
5 issues here. Number one is whether or not he can actually  
6 comprehend what's going on and can be fair and impartial. And  
7 the second issue is whether or not his presence with the  
8 interpreter is distracting to the other members of the jury.

9 I will note that when the other juror, Mr. Parry,  
10 Badge No. 27, indicated that he was distracted by the  
11 interpreter, the other -- many of the other jurors did also  
12 nod their heads. And I don't know -- well, the situation is  
13 Mr. Aguilar is currently seated in Seat No. 1, 2, 3, 4, 5,  
14 which is the back middle, with the interpreter seated next to  
15 him. So it looks like the interpreter is actually sitting  
16 almost directly behind Mr. Parry.

17 So sort of logistically, I think the interpreter is  
18 about a foot and a half away from Mr. Parry's ear, so he  
19 probably is very distracted. But what I think we do on that  
20 issue logistically is during lunch try to come up with some  
21 other way so that the interpreter is not sitting directly  
22 behind other jurors. I don't know if maybe you move him to a  
23 different part of the courtroom, or have him sit in the front  
24 corner or something like that. But that's an issue that I  
25 think can be solved by some sort of physical rearrangement.

1 But as to the first issue, I was a little bit  
2 concerned about some of Mr. Aguilar's initial responses. But  
3 then when I questioned him and when Mr. Feliciano questioned  
4 him, yeah, he's nervous, he doesn't want to be here, it's a  
5 difficult job. I mean, these things are all true. But he  
6 indicated that he could focus on what's going on and believed  
7 that he could be fair and impartial.

8 So I'm going to deny the motion to strike him for  
9 cause. But let's explore what we can do about moving the  
10 interpreter so the interpreter's not speaking directly into  
11 Mr. Parry's ear.

12 MS. FLECK: But I mean, it was everybody. Every  
13 single person was like shaking their head.

14 THE COURT: Right. But I'm just wondering, I don't  
15 know if there's a way that maybe we sit him, I don't know,  
16 maybe in the far corner or something like --

17 THE MARSHAL: I can call and see if we can get  
18 another headset.

19 THE COURT: I'm sorry?

20 THE MARSHAL: I can call and see if we can get  
21 another headset.

22 THE COURT: Yeah. Maybe another headset that  
23 operates on a different frequency, something like that.

24 MS. FLECK: You might want to get two, because the  
25 next person up is the other --

1 THE COURT: Oh. It's Ms. Martinez. Right. Well,  
2 we'll explore that during lunch, if we can even do that, if we  
3 can have three frequencies going in the courtroom or not. I  
4 honestly don't know the answer to that. I --

5 THE CLERK: [Inaudible] issue to have them sit in  
6 that front row [inaudible].

7 THE COURT: Yeah. That's the other thing is maybe we  
8 just move them back to where they were, which is the front row  
9 over there, and sort of with the understanding that he's  
10 constructively in the box. I don't know --

11 MS. FELICIANO: [Inaudible] like a rolling chair over  
12 there that we can at least put him in the corner. Maybe the  
13 rolling chair with the interpreter on the side as a temporary  
14 fix. The interpreter's out of the box, maybe able better to  
15 whisper in his ear.

16 THE COURT: Right. I mean, I think there's some  
17 solution we can explore. Maybe we'll just physically  
18 re-arrange. But I can see the problem, like I said, is, you  
19 know, literally the interpreter's about a foot and a half away  
20 from Mr. Parry's ear, so I'm sure that he's having trouble --  
21 I'm sure that he is highly distracted, but...

22 Well, we'll -- you know, maybe Randy will make some  
23 phone calls and we'll see what we can come up with, whether  
24 it's a headphone or just move him over to that corner,  
25 whatever. But all right.



1           Was there anything else either side wanted to put on  
2 the record?

3           MR. FELICIANO: No, Judge.

4           THE COURT: All right. Then let's reconvene at  
5 about -- I told the jurors to come back at 25 after. Let's  
6 make it about 20 after, and hopefully everybody is back here  
7 more or less on time.

8           MS. FLECK: So in terms of timing, I told -- like I  
9 said, I told our victim to come in at 1:00 today. I would  
10 just send her home.

11          THE COURT: Okay.

12          MS. FLECK: What do we think about -- I don't want to  
13 start her today and get like an hour in. So would you like me  
14 to have --

15          THE COURT: How long do you think her testimony  
16 will be?

17          MS. FLECK: Her direct will probably be an hour.

18          THE COURT: Well, let's see. The jury's going to  
19 make it 1:25. We've got [inaudible].

20          MS. FLECK: What we could do is --

21          THE COURT: Are you guys going to need a break  
22 between the time we impanel the jury and you do openings? Do  
23 you have to set up the ELMO or set up anything like that?

24          MS. FLECK: Maybe just 10 minutes or something.

25          MR. FELICIANO: We have a long information that we

1 need to read too. That's going to take probably half an hour.

2 THE COURT: Right.

3 MS. FLECK: That's the other thing, yeah.

4 THE COURT: Yeah. She does read fast. It may not  
5 take half an hour. And when I do my pretrial instructions, it  
6 only takes me about 10 or 15 minutes.

7 MS. FLECK: All right. Well, why don't we do this.  
8 Why don't we -- why don't we try to figure out -- why don't we  
9 try to call an officer first or something like that. Maybe we  
10 can get the first responding officer on this afternoon.

11 THE COURT: It's up to you. I mean, it's at this  
12 stage, we're coming at 1:25. I'm just -- let's say between my  
13 pretrial instructions and the reading information takes 30  
14 minutes. Then you guys have openings. I don't know how long  
15 those are going to be.

16 MS. FLECK: Yeah. I don't think we'll get to any  
17 witnesses, to be honest.

18 THE COURT: Well, I mean, we could be -- we could be  
19 starting openings around -- I mean, hypothetically around the  
20 neighborhood of 3:00 o'clock. I don't know how long openings  
21 are going to be. So we may be able to get one witness on, if  
22 it's a quick witness. I don't know.

23 THE MARSHAL: Judge, Jeff said that he has another  
24 channel. He'll make sure that that other headset is over here  
25 [inaudible].

1 THE COURT: Can we get two other channels for the  
2 other Tagalog person?

3 THE MARSHAL: He's checking.

4 THE COURT: Okay.

5 THE MARSHAL: I told him. He's checking to see if  
6 they have three frequencies.

7 THE COURT: We may just -- the easiest thing is maybe  
8 we just sit him back where they were, because that --  
9 everybody seemed okay with that because they're on the other  
10 side of the courtroom, and we'll just pretend that they're in  
11 there and leave those two seats vacant. I mean, that may be  
12 what we have to do.

13 (Court recessed at 12:31 p.m. until 1:24 p.m.)

14 THE COURT: On the record. State vs. Guillermo  
15 Renteria-Novoa, C268285. Mr. Renteria-Novoa is present in  
16 custody with the assistance of the Spanish interpreter.

17 For the record, Madam Interpreter, what is your name?

18 THE INTERPRETER: Maria Peralta de Gomez.

19 THE COURT: Thank you. And we also have two  
20 interpreters also, one Tagalog and one Spanish to assist  
21 jurors numbered 68 and 69. Again, for the record, can you  
22 state your names.

23 THE INTERPRETER: Josephina Dooley, [inaudible]  
24 interpreter.

25 THE INTERPRETER: Rico Rodriguez, [inaudible]

1 interpreter.

2 THE COURT: All right. Thank you for being here.

3 And also --

4 THE INTERPRETER: Mario Maldonado, Spanish

5 [inaudible].

6 THE COURT: I appreciate it. You know what. The  
7 juror in Seat No. 5 needs an interpreter. During the lunch --  
8 we originally had the interpreter sitting in the chair next to  
9 him, but during the lunch Mr. Hanks from your office came up  
10 and brought the headphones. What did he do with them?

11 THE INTERPRETER: It's here.

12 THE COURT: Yeah. Because apparently there was an  
13 issue with the interpreter sitting in the box. The people  
14 sitting right in front of her are -- they kind of hear the  
15 talking and they can't hear anything. So are you going to sit  
16 over there? Are you going to give that a shot?

17 THE INTERPRETER: [Inaudible.]

18 THE COURT: You know what. Can you sit a little  
19 farther? Because actually that first row there is also  
20 jurors. And maybe can you sit on this side of the room, would  
21 that work? Okay. Thanks. Let's give that a shot and  
22 hopefully that will work. But yeah, just put the headphones  
23 on him when he gets here and we'll go from there.

24 All right. Are we ready to bring the jury in?

25 Anything that you guys want to put on the record?

1 MR. FELICIANO: No, Judge.  
2 THE COURT: State?  
3 MS. FLECK: Nothing from the State.  
4 THE COURT: Let's bring them in, Randy.  
5 (Prospective jurors enter at 1:37 p.m.)  
6 THE MARSHAL: Mr. Aguilar, that's for you so you can  
7 hear the Spanish interpreter, sir.  
8 THE COURT: All right. Will counsel stipulate to the  
9 presence of the prospective jury?  
10 MS. FLECK: The State stipulates. Thank you.  
11 MR. FELICIANO: Yes, Your Honor.  
12 THE COURT: Before — ladies and gentlemen, before we  
13 broke for lunch, let me just take a second here, there was  
14 some indication that the presence of the interpreter sitting  
15 back there was a distraction to people here. So what we did  
16 is during lunch we got a set of headphones for Mr. Aguilar.  
17 I just wanted to make sure, Mr. Aguilar, can you hear  
18 everything that's being said?  
19 PROSPECTIVE JUROR NO. 068: [No audible response.]  
20 THE COURT: Okay. If anything happens to the  
21 headphones, would you raise your hands and let me know?  
22 PROSPECTIVE JUROR NO. 068: [No audible response.]  
23 THE COURT: All right. So that should hopefully  
24 remove the distraction.  
25 All right. Mr. Feliciano, you may continue.

1 MR. FELICIANO: Thank you, Judge.

2 Ms. Cory.

3 PROSPECTIVE JUROR NO. 058: Yes. Badge 058.

4 MR. FELICIANO: You had this issue with entrapment  
5 with your husband, correct?

6 PROSPECTIVE JUROR NO. 058: Yes.

7 MR. FELICIANO: Police entrapment.

8 PROSPECTIVE JUROR NO. 058: I can't prove it, but...

9 MR. FELICIANO: Was the case investigated?

10 PROSPECTIVE JUROR NO. 058: Yes. Well, I'm not sure  
11 what you mean by that.

12 MR. FELICIANO: Do you know what steps the police  
13 took when they were -- when they had the case open, what they  
14 did, if anything?

15 PROSPECTIVE JUROR NO. 058: Nothing. They just  
16 arrested him and the next two guys that were in the same spot  
17 as he was three minutes apart.

18 MR. FELICIANO: So you were unsatisfied with that,  
19 with that process?

20 PROSPECTIVE JUROR NO. 058: Well, yes.

21 MR. FELICIANO: So I mean, is there anything you  
22 think they should have done differently in that case?

23 PROSPECTIVE JUROR NO. 058: I don't know how that  
24 works. I mean, there were three of them in a row every three  
25 minutes apart, same location, and it was a sting is basically

1 what it was.

2 MR. FELICIANO: Okay. I have in my notes something  
3 about lying to get attention. Does that ring a bell?

4 PROSPECTIVE JUROR NO. 058: Well, she asked me, I  
5 think, about children.

6 MR. FELICIANO: Mm-hmm.

7 PROSPECTIVE JUROR NO. 058: And I guess, I think, how  
8 would I know if they were telling the truth or would I  
9 necessarily believe them. I think she was trying to compare  
10 me raising my children.

11 MR. FELICIANO: So do you think that's something  
12 that's possible?

13 PROSPECTIVE JUROR NO. 058: I presume it is, yes.

14 MR. FELICIANO: And is there anything else you think  
15 we should know about you before we select our jury?

16 PROSPECTIVE JUROR NO. 058: I don't think so.

17 MR. FELICIANO: Thank you, ma'am.

18 PROSPECTIVE JUROR NO. 062: 062.

19 MR. FELICIANO: That's Ms. Stiperski?

20 PROSPECTIVE JUROR NO. 062: Yes.

21 MR. FELICIANO: Did I say that right?

22 PROSPECTIVE JUROR NO. 062: Yes.

23 MR. FELICIANO: And do you have any kids?

24 PROSPECTIVE JUROR NO. 062: Yes. I have two  
25 daughters, one 10 years old and one 2 years old.

1 MR. FELICIANO: And you've heard the charges in this  
2 case.

3 PROSPECTIVE JUROR NO. 062: Yes.

4 MR. FELICIANO: And having children, how does that  
5 make you feel?

6 PROSPECTIVE JUROR NO. 062: Very uncomfortable.  
7 Yeah. They're not nice charges. I have a 10 years old and  
8 it's really hard for me to -- let's say before I joined what I  
9 do right now, the circus, the Cirque du Soleil, I did the  
10 bachelor in psychology back in Canada. And I was studying in  
11 child, that's what I wanted to do. And for me it's really  
12 hard to believe that 11 years old can actually lie about  
13 something like this.

14 I have a 10 years old and she lies, don't get me  
15 wrong. She lies. I think all the kids lie, yes. And but  
16 they lie about little stuff like this. When it comes to abuse  
17 that's sexual or physical or anything like this, for me it's  
18 hard to believe that actually 11 years old could come up with  
19 a story like this.

20 MR. FELICIANO: Okay. But do you think that it's a  
21 possibility that that could happen?

22 PROSPECTIVE JUROR NO. 062: It is. Yeah. I think it  
23 can always be a possibility if the kids -- I mean, you need to  
24 look at the background of the kids, if -- what kind of  
25 background, yeah, [unintelligible] lie. But the nature of



1 the -- yeah, for me it's just -- yeah, it's hard to believe  
2 that the kids at 10 years old can lie about this.

3 MR. FELICIANO: So do you think if you were sitting  
4 there and someone thought like you, you would be comfortable  
5 with that, having them sitting in a jury?

6 PROSPECTIVE JUROR NO. 062: What do you mean?

7 MR. FELICIANO: Do you think with you sitting on the  
8 jury that Mr. Renteria-Novoa can get a fair trial?

9 PROSPECTIVE JUROR NO. 062: I would -- I mean, I will  
10 do my best to give him a fair trial and listen both side and  
11 stuff. But I know how I feel and for me it's hard to believe  
12 that an 11 years old can lie about this.

13 MR. FELICIANO: Now, if the State doesn't prove their  
14 case, what would be your verdict, if they don't prove beyond a  
15 reasonable doubt that Mr. Renteria did anything?

16 PROSPECTIVE JUROR NO. 062: By it's not guilty. If  
17 they cannot prove it, of course it's not guilty.

18 MR. FELICIANO: Thank you, ma'am.

19 PROSPECTIVE JUROR NO. 062: You're welcome.

20 PROSPECTIVE JUROR NO. 022: 022. Your Honor. Your  
21 Honor, at 1240 this morning my demographics changed. Do you  
22 want me to update that?

23 THE COURT: What do you mean your demographics  
24 changed?

25 PROSPECTIVE JUROR NO. 022: My step-son was arrested

1 this morning.

2 THE COURT: Oh. Here in Las Vegas, or somewhere  
3 else?

4 PROSPECTIVE JUROR NO. 022: Well, I don't know where  
5 he actually was arrested at. He was in possession of stolen  
6 property. They came into my house this morning at 12:00 a.m.  
7 to search his room.

8 THE COURT: Do you know what he was arrested for --

9 PROSPECTIVE JUROR NO. 022: Nope.

10 THE COURT: -- what he was going to be charged with  
11 or anything?

12 PROSPECTIVE JUROR NO. 022: Nope. I know he's in, I  
13 believe, Clark County Detention Center.

14 THE COURT: Do you know who came in? Was it Metro or  
15 Henderson or --

16 PROSPECTIVE JUROR NO. 022: It was a combination of  
17 both.

18 THE COURT: Did they also conduct a search of your  
19 house?

20 PROSPECTIVE JUROR NO. 022: Just his room.

21 THE COURT: Just his room?

22 PROSPECTIVE JUROR NO. 022: Mm-hmm.

23 THE COURT: Did they take anything?

24 PROSPECTIVE JUROR NO. 022: Oh, yeah. They found a  
25 lot of stolen property.

1 THE COURT: Oh, okay. All right. Well, is that  
2 going to be an issue for you? I don't know if he's -- are you  
3 involved in the case in any way? Does he have a court hearing  
4 coming up --

5 PROSPECTIVE JUROR NO. 022: No. Nope.

6 THE COURT: -- that you need to attend, anything like  
7 that?

8 PROSPECTIVE JUROR NO. 022: Nope, nope. He's on his  
9 own. We told him if you get in trouble again, you're on your  
10 own.

11 THE COURT: How does that -- does that change  
12 anything about --

13 PROSPECTIVE JUROR NO. 022: The officers came to the  
14 house. They were well mannered. I had no problems with  
15 anything. They treated us with respect. I was allowed to use  
16 the bathroom, get a soda, have a cigarette, not a problem.

17 THE COURT: Okay. So --

18 PROSPECTIVE JUROR NO. 022: They were well mannered.  
19 They knocked -- they knocked kind of heavily, but I can  
20 understand that. We live upstairs and we were dead asleep.

21 THE COURT: Okay. All right. So does that change  
22 your willingness to serve as a juror in this case?

23 PROSPECTIVE JUROR NO. 022: No. No whatsoever.

24 THE COURT: Any effect on your ability to be fair and  
25 impartial?

1 PROSPECTIVE JUROR NO. 022: Nope.

2 THE COURT: All right. I appreciate you letting us  
3 know. That's exactly the kind of information --

4 PROSPECTIVE JUROR NO. 022: I just wanted to keep you  
5 updated with everything.

6 THE COURT: I really appreciate that. Thanks very  
7 much.

8 PROSPECTIVE JUROR NO. 022: You're welcome.

9 MR. FELICIANO: Is it Mr. Winnings [phonetic]?

10 PROSPECTIVE JUROR NO. 022: Winings.

11 MR. FELICIANO: Winings. Sorry. What do you think  
12 if a defendant in a criminal trial doesn't testify? What does  
13 that tell you?

14 PROSPECTIVE JUROR NO. 022: If he doesn't testify?

15 MR. FELICIANO: Yeah.

16 PROSPECTIVE JUROR NO. 022: Well, that's a hard  
17 question. I've seen too many TV shows.

18 MR. FELICIANO: Okay. [Unintelligible] Law & Order?

19 PROSPECTIVE JUROR NO. 022: And, you know, I think  
20 that's his right not to testify. But that doesn't make any  
21 difference. The DA has to prove without a reasonable doubt  
22 that this person is guilty.

23 MR. FELICIANO: So if Mr. Renteria didn't testify,  
24 that wouldn't -- that would bear, have no --

25 PROSPECTIVE JUROR NO. 022: It would have nothing --

1 bear nothing on the case at all. It's what they prove.

2 MR. FELICIANO: Okay. Because I mean, as you  
3 understand, they have the burden of proof.

4 PROSPECTIVE JUROR NO. 022: Right.

5 MR. FELICIANO: And we can just sit there and  
6 actually not ask any questions and just sit there, and if they  
7 don't prove their case it's still a verdict of not guilty.

8 PROSPECTIVE JUROR NO. 022: Without a reasonable  
9 doubt.

10 MR. FELICIANO: Can you think of reasons why a person  
11 wouldn't testify?

12 PROSPECTIVE JUROR NO. 022: Well, if a person --  
13 well --

14 MR. FELICIANO: Do you think it'd be maybe nerve  
15 racking to testify?

16 PROSPECTIVE JUROR NO. 022: Well, the thing that  
17 crosses my mind right off the bat, if a person does not want  
18 to testify, okay, he's either so nervous that he'll flub up  
19 his story, and then they find a loophole and then they tear  
20 apart his credibility. So it's better for him not to testify  
21 so he doesn't ruin his credibility. But that doesn't -- not  
22 going to make me change my decision on what the defense  
23 attorney -- or the DA has to prove their case.

24 MR. FELICIANO: So --

25 PROSPECTIVE JUROR NO. 022: So basically whatever

1 evidence that we have presented before us is where we make our  
2 decision. And if someone decides to hold that evidence away  
3 from us, well, we can't make a basis on that.

4 MR. FELICIANO: Okay.

5 PROSPECTIVE JUROR NO. 022: Only what we see or hear.

6 MR. FELICIANO: Thank you, sir.

7 PROSPECTIVE JUROR NO. 021: Badge 021.

8 MR. FELICIANO: Mr. Thaler?

9 PROSPECTIVE JUROR NO. 021: That's me.

10 MR. FELICIANO: You're the aircraft controller?

11 PROSPECTIVE JUROR NO. 021: Air traffic controller.

12 MR. FELICIANO: Now, is there any reason you can  
13 think of why people wouldn't testify at their trial?

14 PROSPECTIVE JUROR NO. 021: I can't give you an  
15 answer to that right now. I listen to two sides of the story  
16 and whatever comes up, that's how I'll make my decision.

17 MR. FELICIANO: So if Mr. Renteria-Novoa didn't  
18 testify, would you hold that against him?

19 PROSPECTIVE JUROR NO. 021: No.

20 MR. FELICIANO: You could listen to everything else  
21 and make your decision based on that?

22 PROSPECTIVE JUROR NO. 021: Yes.

23 MR. FELICIANO: Is there anything else that we've  
24 missed that you think we should know before we select a jury?

25 PROSPECTIVE JUROR NO. 021: No.

1 MR. FELICIANO: Thank you, sir.  
2 PROSPECTIVE JUROR NO. 020: 020.  
3 MR. FELICIANO: Ms. Johnson?  
4 PROSPECTIVE JUROR NO. 020: That's correct.  
5 MR. FELICIANO: You taught -- so you were a teacher  
6 for several years?  
7 PROSPECTIVE JUROR NO. 020: Fourteen.  
8 MR. FELICIANO: Fourteen years. And that was in San  
9 Francisco, right?  
10 PROSPECTIVE JUROR NO. 020: Yes.  
11 MR. FELICIANO: Since you dealt with -- how old were  
12 the children that you taught?  
13 PROSPECTIVE JUROR NO. 020: Elementary.  
14 MR. FELICIANO: Anything about that experience that  
15 makes it difficult to serve on this jury?  
16 PROSPECTIVE JUROR NO. 020: No.  
17 MR. FELICIANO: The subject matter, is there anything  
18 about the subject matter?  
19 PROSPECTIVE JUROR NO. 020: No.  
20 MR. FELICIANO: And you were on a civil --  
21 PROSPECTIVE JUROR NO. 020: Federal.  
22 MR. FELICIANO: -- a federal civil jury?  
23 PROSPECTIVE JUROR NO. 020: Yes.  
24 MR. FELICIANO: It was about -- okay. So and how  
25 long ago was that?

1 PROSPECTIVE JUROR NO. 020: At least ten years, eight  
2 to ten to -- it's been quite a while.

3 MR. FELICIANO: All right. And the same -- the same  
4 thing, were the attorneys going back and forth objecting  
5 during the trial?

6 PROSPECTIVE JUROR NO. 020: Yeah, it happens.

7 MR. FELICIANO: And would you hold that against us if  
8 that's what we're doing during the trial?

9 PROSPECTIVE JUROR NO. 020: Oh, no. No, no. I watch  
10 trials all the time, the sidebars, all of it. I mean, it's  
11 just a part of the process.

12 MR. FELICIANO: Okay. So you understand that we're  
13 doing our job and that's the way that trials go?

14 PROSPECTIVE JUROR NO. 020: Exactly.

15 MR. FELICIANO: Thank you.

16 PROSPECTIVE JUROR NO. 018: 018, Glenda Page.

17 MR. FELICIANO: Now, you have six grandkids?

18 PROSPECTIVE JUROR NO. 018: Mm-hmm.

19 MR. FELICIANO: What do these allegations -- how do  
20 they make you feel considering you have so many grandkids?

21 PROSPECTIVE JUROR NO. 018: Well, the charges are  
22 horrendous. But because I don't know the background here, I  
23 have no evidence in place. I would have to hear the evidence  
24 before I could make a judgment. I have five grand-boys and  
25 one granddaughter, she's five, and I would like not to think



1 that she would have to go through something like that. But  
2 that's neither here nor there as far as this case goes.

3 MR. FELICIANO: So you think you could listen to both  
4 sides and give Mr. Renteria a fair trial?

5 PROSPECTIVE JUROR NO. 018: I think I could, yes.

6 MR. FELICIANO: Do you see your grandkids a lot?

7 PROSPECTIVE JUROR NO. 018: They all live real close,  
8 yes.

9 MR. FELICIANO: Do you ever have to judge credibility  
10 between one grandkid or another grandkid?

11 PROSPECTIVE JUROR NO. 018: Oh, yes.

12 MR. FELICIANO: And what are the type of things that  
13 you look at when you're doing that?

14 PROSPECTIVE JUROR NO. 018: A lot of it is if they  
15 need attention. I look to see if they need particular  
16 attention from me. Maybe they're tattling because they need  
17 my attention or -- I don't know. I just watch them. I pretty  
18 much -- they're little. It's the two little ones. It's the  
19 five and six-year-old that I see most often that go through  
20 that, and I just have to watch them and see how they act and  
21 what's gone on before.

22 MR. FELICIANO: So you have to look at all the  
23 circumstances?

24 PROSPECTIVE JUROR NO. 018: I have to look at all the  
25 circumstances. Sometimes I have to say, if it's something

1 minor, go work it out, you know. If it's something major,  
2 then we have to look further.

3 MR. FELICIANO: And are there times when you can't  
4 figure out what happened?

5 PROSPECTIVE JUROR NO. 018: Sure. Sure. Because  
6 they continue to tell little fibs that convolute the  
7 situation. So you just have to -- basically, like I said,  
8 then they have to work that out. That's something they have  
9 to work out with one another.

10 MR. FELICIANO: All right. Thank you, ma'am.

11 PROSPECTIVE JUROR NO. 018: Mm-hmm.

12 PROSPECTIVE JUROR NO. 028: 028.

13 MR. FELICIANO: Zero, two, eight. Mr. Carrera?

14 PROSPECTIVE JUROR NO. 028: Correct.

15 MR. FELICIANO: So what do you think of the  
16 presumption of innocence?

17 PROSPECTIVE JUROR NO. 028: I think every man has the  
18 right to a fair and equal trial. But I mean, if he's found  
19 guilty if the evidence is there, if there's conclusive  
20 evidence, then every act has a consequence. Right. And we  
21 live by our choices, so.

22 MR. FELICIANO: So what if there isn't the -- what if  
23 there isn't sufficient evidence for [inaudible]?

24 PROSPECTIVE JUROR NO. 028: Then he's found innocent.  
25 My background, just to clarify, I come from Mexico, born and

1 raised. And if I may as a disclaimer, just to refute and  
2 clarify any previous racist allegations, I have the utmost  
3 respect for America and women in general.

4 MR. FELICIANO: Thank you.

5 PROSPECTIVE JUROR NO. 028: Setting that aside, my  
6 country, it's -- our legal system, it's very contrasting.  
7 You're presumed guilty until found innocent. So obviously our  
8 laws out here are different and I -- as an American citizen, I  
9 embrace it and I think it's what it is, so.

10 MR. FELICIANO: Okay. Now, you're going to hear --  
11 well -- as far as the charges in this case, I mean, I guess we  
12 all can agree they're emotional.

13 PROSPECTIVE JUROR NO. 028: Right.

14 MR. FELICIANO: How does that play into it as far as  
15 the presumption of innocence?

16 PROSPECTIVE JUROR NO. 028: Can you elaborate? What  
17 do you mean?

18 MR. FELICIANO: Well, do you think if someone's  
19 charged with this type of crime as opposed to say, you know,  
20 breaking into a car they're more likely to be --

21 PROSPECTIVE JUROR NO. 028: Right.

22 MR. FELICIANO: -- to be guilty as opposed to the guy  
23 that broke into the car, or is it pretty much the same type of  
24 deal?

25 PROSPECTIVE JUROR NO. 028: Well, again, it depends

1 on the facts and it depends on the person's character  
2 obviously, yeah.

3 MR. FELICIANO: All right. Is there anything else  
4 you think we should know?

5 PROSPECTIVE JUROR NO. 028: No. Not that I'm  
6 aware of.

7 MR. FELICIANO: Okay. Thank you, sir.

8 PROSPECTIVE JUROR NO. 029: 029.

9 MR. FELICIANO: So you're marrying a police officer  
10 in three weeks, right?

11 PROSPECTIVE JUROR NO. 029: Yes.

12 MR. FELICIANO: Congratulations.

13 PROSPECTIVE JUROR NO. 029: Thank you.

14 MR. FELICIANO: And does your fiance talk about his  
15 work a lot?

16 PROSPECTIVE JUROR NO. 029: Sometimes.

17 MR. FELICIANO: And what unit does he work in?

18 PROSPECTIVE JUROR NO. 029: Convention Center Area  
19 Command. It's the Strip area.

20 MR. FELICIANO: Any types -- do you know if he's  
21 worked on any types of cases like involving the charges that  
22 we're dealing with here today?

23 PROSPECTIVE JUROR NO. 029: Possibly. I don't know.  
24 If he has, he -- I don't think I've heard them from him.

25 MR. FELICIANO: And you're also a teacher?

1 PROSPECTIVE JUROR NO. 029: Yes.

2 MR. FELICIANO: And you had to report a case of child  
3 neglect?

4 PROSPECTIVE JUROR NO. 029: Correct.

5 MR. FELICIANO: When you reported that case of child  
6 neglect, what made you report it? I mean, what did you see  
7 that made you report the neglect of this child?

8 PROSPECTIVE JUROR NO. 029: Before -- the process at  
9 our school is, before it usually leads to CPS, it's called  
10 Title I services, which are sent out to the house. And  
11 basically I had a student that had worn the same clothes for  
12 four days in a row and, you know, her hygiene was very, very  
13 poor, as well as her numerous brothers and sisters.

14 So I had had a Title I visit sent to the home to  
15 check and make sure the students had proper food and clothing  
16 and attire, so.

17 MR. FELICIANO: Do you know what came of that?

18 PROSPECTIVE JUROR NO. 029: You know what. The  
19 parents moved out of our school -- my school zone, so it's  
20 then taken to another school. It becomes, I hate to say it,  
21 their issue. It's kind of out of my hands.

22 MR. FELICIANO: So you're a mandatory reporter,  
23 right?

24 PROSPECTIVE JUROR NO. 029: Correct.

25 MR. FELICIANO: And that means that if you suspect

1 any type of abuse and neglect, you have -- legally you have to  
2 report it?

3 PROSPECTIVE JUROR NO. 029: Absolutely.

4 MR. FELICIANO: And do you get in trouble if you  
5 don't report it?

6 PROSPECTIVE JUROR NO. 029: I would assume so. If --  
7 you know, if people found out that I was withholding any type  
8 of reporting, probably. I guess so.

9 MR. FELICIANO: So you kind of always err on the side  
10 of caution, I would imagine?

11 PROSPECTIVE JUROR NO. 029: Yeah. If you see  
12 something that catches your eye, it's almost -- it's common  
13 sense as a teacher to make sure you look out for the children.  
14 So if you can tell there's an issue, you go to your  
15 administration and file the necessary paperwork to be looked  
16 up on.

17 MR. FELICIANO: And this stuff is taken very  
18 seriously, I would imagine, at the school?

19 PROSPECTIVE JUROR NO. 029: Yeah. It's not an  
20 uncommon thing, especially in a school district this large, to  
21 have these issues.

22 MR. FELICIANO: Is there anything else you think we  
23 should know?

24 PROSPECTIVE JUROR NO. 029: I don't think so.

25 MR. FELICIANO: Do you think you can give

1 Mr. Renteria a fair trial?

2 PROSPECTIVE JUROR NO. 029: Yes.

3 MR. FELICIANO: Thank you.

4 PROSPECTIVE JUROR NO. 030: 030, Jeff Meckley.

5 MR. FELICIANO: Okay. You have a son and a daughter?

6 PROSPECTIVE JUROR NO. 030: Yes.

7 MR. FELICIANO: And you've at some point when they  
8 were younger had to deal with, I guess, fights between them?

9 PROSPECTIVE JUROR NO. 030: I was a single parent, so  
10 I was the -- the negotiator, the referee, yes.

11 MR. FELICIANO: Did they ever lie to you?

12 PROSPECTIVE JUROR NO. 030: Sure.

13 MR. FELICIANO: And would you have to judge their  
14 credibility?

15 PROSPECTIVE JUROR NO. 030: Yes.

16 MR. FELICIANO: And what types of things did you do  
17 to do that?

18 PROSPECTIVE JUROR NO. 030: Put them both in the same  
19 room and tell them not to come out until they resolved their  
20 issue. And it's amazing how fast they resolved their issues,  
21 so.

22 MR. FELICIANO: So it's very effective?

23 PROSPECTIVE JUROR NO. 030: Yeah. It works.

24 MR. FELICIANO: So you didn't have to get into who  
25 was telling what story, what made sense, that kind of thing?

1 PROSPECTIVE JUROR NO. 030: Sometimes. Sometimes you  
2 had to. And but I think by nature kids really don't want to  
3 lie. I think they want to tell the truth. And we'd just sit  
4 down and talk about it and bring the Lord into it, and usually  
5 the truth comes out.

6 MR. FELICIANO: Do you think a child could ever lie  
7 about allegations like the allegations you've heard in this  
8 case?

9 PROSPECTIVE JUROR NO. 030: I think kids can lie  
10 about anything.

11 MR. FELICIANO: All right. Thank you, sir.

12 PROSPECTIVE JUROR NO. 031: 031, Dell.

13 MR. FELICIANO: You said you had some problem  
14 possibly being fair in this case?

15 PROSPECTIVE JUROR NO. 031: My only issue is I am  
16 very -- I have very protective instinct for girls in general.

17 MR. FELICIANO: All right. Now, protective, but do  
18 you think that would affect your ability to --

19 PROSPECTIVE JUROR NO. 031: Oh, I've definitely had  
20 students who were female who lied. So I'm aware that just  
21 because -- you know, just because I have that instinct doesn't  
22 mean that somebody wouldn't take advantage of it or, you know,  
23 or lie about what they -- what had happened.

24 MR. FELICIANO: So could you look at all the other  
25 circumstances and come up with what you think is the truth?



1 PROSPECTIVE JUROR NO. 031: There are three sides to  
2 every story; yours, mine and the truth, and I would try to  
3 find that as best I could depending on how the story was told.

4 MR. FELICIANO: And you were a victim of a car  
5 burglary.

6 PROSPECTIVE JUROR NO. 031: Yeah.

7 MR. FELICIANO: Was that investigated at all?

8 PROSPECTIVE JUROR NO. 031: No. I had a -- there  
9 was -- I had a close friend whose, you know, whose car, whose  
10 house I was watching, and I doubt they investigated it. It  
11 wasn't a big deal.

12 MR. FELICIANO: Not much was taken or anything like  
13 that?

14 PROSPECTIVE JUROR NO. 031: No. It was -- yeah, I  
15 think they took some change or something like that. It wasn't  
16 much.

17 MR. FELICIANO: And you've had to report what,  
18 pinching of a student?

19 PROSPECTIVE JUROR NO. 031: I didn't report it, no.  
20 It was just a teacher I knew at my school, and it's a pending  
21 case. So --

22 MR. FELICIANO: By a parent?

23 PROSPECTIVE JUROR NO. 031: Yeah. A parent filed  
24 against the teacher, yeah.

25 MR. FELICIANO: So if you as a mandatory reporter, if

1 that was something that you were involved in, you would have  
2 to report it [inaudible]?

3 PROSPECTIVE JUROR NO. 031: Yeah. And it wasn't  
4 even -- it was not even attached to school activities. It was  
5 something outside of school activities, so I wasn't there at  
6 all. I was just privy to the information, yeah. That's it.

7 MR. FELICIANO: Is there any reason, do you think,  
8 that you can't give Mr. Renteria-Novoa a fair trial?

9 PROSPECTIVE JUROR NO. 031: No.

10 MR. FELICIANO: Thank you.

11 Is that 032?

12 PROSPECTIVE JUROR NO. 032: 0032.

13 MR. FELICIANO: Mr. Bean?

14 PROSPECTIVE JUROR NO. 032: That's right.

15 MR. FELICIANO: I know we talked about some things  
16 that happened in your history that were difficult to talk  
17 about yesterday.

18 PROSPECTIVE JUROR NO. 032: That's right. It's more  
19 difficult because I've got to bring it up in front of a room  
20 full of people I don't even know. It's not something I often  
21 talk about at home or anywhere.

22 MR. FELICIANO: Understood. And we're sorry that we  
23 have to get into that, but --

24 PROSPECTIVE JUROR NO. 032: I raised my hand and said  
25 I'd tell the truth.

1 MR. FELICIANO: Okay. Thank you. That's all we're  
2 asking. And I don't want to get into specifics, but that  
3 experience seems like it was very traumatic for you, and still  
4 to this day.

5 PROSPECTIVE JUROR NO. 032: Sure.

6 MR. FELICIANO: Is that something that you think will  
7 affect your ability to be fair here?

8 PROSPECTIVE JUROR NO. 032: No. Listening to all  
9 this and stuff, I realize that we need to listen to both sides  
10 and find the truth.

11 MR. FELICIANO: So if you found that the State did  
12 not prove their case beyond a reasonable doubt, how would  
13 you -- how would you vote?

14 PROSPECTIVE JUROR NO. 032: Then you have to go with  
15 the rule of the court system, not guilty.

16 MR. FELICIANO: All right. Thank you, sir.

17 PROSPECTIVE JUROR NO. 035: 035.

18 MR. FELICIANO: Ms. Moreno-Zepeda?

19 PROSPECTIVE JUROR NO. 035: Mm-hmm.

20 MR. FELICIANO: Now, you heard us talk about the  
21 presumption of innocence and how everyone's presumed innocent.  
22 How does that make you feel? What do you think about that  
23 principle?

24 PROSPECTIVE JUROR NO. 035: I mean, it is our justice  
25 system and that's how it's built, so that's what we have to

1 follow.

2 MR. FELICIANO: So as Mr. Renteria-Novoa sits there  
3 right now, is he guilty or not guilty?

4 PROSPECTIVE JUROR NO. 035: Not guilty.

5 MR. FELICIANO: And why is that?

6 PROSPECTIVE JUROR NO. 035: Because he hasn't been  
7 proven guilty yet.

8 MR. FELICIANO: So if the State, after they present  
9 all their witnesses and you feel that they haven't proven  
10 their case, what would be your vote for, guilt or not guilty?

11 PROSPECTIVE JUROR NO. 035: I guess not guilty. It's  
12 just really hard to say because I haven't heard all the facts  
13 yet.

14 MR. FELICIANO: And considering the nature of those  
15 charges, does that factor into it in any way as far as your  
16 ability to be fair?

17 PROSPECTIVE JUROR NO. 035: It is a very heinous  
18 crime in my eyes. I don't see why anybody would lie about  
19 something like that, especially if it happened so long ago,  
20 for her to, you know, bring those feelings back and just talk  
21 about that, it's just really hard to know that she's lying  
22 about something like that. I just...

23 MR. FELICIANO: Okay. So do you think that some  
24 child would never lie in that circumstance, or they could  
25 possibly lie?

1 PROSPECTIVE JUROR NO. 035: I mean, there is that  
2 possibility. But I believe she's 19 years old now, so for her  
3 to just revisit that and bring that all to light and want to  
4 go through all of this is just hard to, you know, really tell  
5 that she's -- wouldn't lie about that.

6 MR. FELICIANO: Okay. All right. Thank you.

7 PROSPECTIVE JUROR NO. 037: 037.

8 MR. FELICIANO: You're currently a student?

9 PROSPECTIVE JUROR NO. 037: Yes.

10 MR. FELICIANO: Okay. And you don't deal with  
11 children, or do you deal with children at all?

12 PROSPECTIVE JUROR NO. 037: No.

13 MR. FELICIANO: And we talked a little bit earlier  
14 about police investigations, and if the government had a case  
15 say where they didn't have fingerprints or something like  
16 that, how would that make you feel?

17 PROSPECTIVE JUROR NO. 037: It happens.

18 MR. FELICIANO: What do you -- you mean [inaudible]?

19 PROSPECTIVE JUROR NO. 037: There are times when all  
20 you have is the word of somebody, you don't have any DNA or  
21 fingerprint evidence. It just sometimes happens.

22 MR. FELICIANO: It just happens they have what they  
23 have to work with?

24 PROSPECTIVE JUROR NO. 037: You work with what you  
25 have.

1 MR. FELICIANO: So if it comes down to the word of  
2 two people, how do you judge their -- who's credible and who's  
3 not credible?

4 PROSPECTIVE JUROR NO. 037: Body language, attitude,  
5 things like that.

6 MR. FELICIANO: What about an inconsistent story, say  
7 telling a story one day one way and then a different day a  
8 different way, would that bear into your decision if they're  
9 credible or not?

10 PROSPECTIVE JUROR NO. 037: If the story changes, it  
11 probably wasn't true to begin with, because the truth doesn't  
12 change.

13 MR. FELICIANO: Okay. So if you're telling the truth  
14 it should be easy to remember, right?

15 PROSPECTIVE JUROR NO. 037: Yeah.

16 MR. FELICIANO: All right. And lies seem to be  
17 harder to keep track of?

18 PROSPECTIVE JUROR NO. 037: Yeah. If you're going to  
19 lie, keep your story straight, because sometimes it's  
20 incredibly obvious when you're lying about it.

21 MR. FELICIANO: So like adding big details or  
22 deleting big details to a version of events, that might be  
23 something that you would look at and think somebody might be  
24 lying?

25 PROSPECTIVE JUROR NO. 037: Yeah.

1 MR. FELICIANO: Okay. All right. Thank you.  
2 PROSPECTIVE JUROR NO. 064: 064.  
3 MR. FELICIANO: Okay. You said -- is it Ms. Temple?  
4 PROSPECTIVE JUROR NO. 064: Yes.  
5 MR. FELICIANO: You said your son was a victim of  
6 attempt murder?  
7 PROSPECTIVE JUROR NO. 064: Yes.  
8 MR. FELICIANO: Did they catch the guys?  
9 PROSPECTIVE JUROR NO. 064: [Inaudible.]  
10 MR. FELICIANO: Were you satisfied with the way the  
11 police handled it?  
12 PROSPECTIVE JUROR NO. 064: Yes.  
13 MR. FELICIANO: Did they have to do any type of  
14 forensic work or anything like that?  
15 PROSPECTIVE JUROR NO. 064: No.  
16 MR. FELICIANO: Okay. They just pretty much knew who  
17 it was and caught him?  
18 PROSPECTIVE JUROR NO. 064: [Inaudible.]  
19 MR. FELICIANO: Did they have to do, if you know, any  
20 type of investigation?  
21 PROSPECTIVE JUROR NO. 064: [Inaudible.] Not to my  
22 knowledge, because it was so many witnesses that it was  
23 [inaudible].  
24 THE COURT: You need to repeat that.  
25 PROSPECTIVE JUROR NO. 064: It was an altercation, a

1 fight, and during the altercation the offender pulled out a  
2 gun and shot my son.

3 MR. FELICIANO: And you also have two granddaughters?

4 PROSPECTIVE JUROR NO. 064: One.

5 MR. FELICIANO: I'm sorry. One. And the nature of  
6 these charges, how do they make you feel?

7 PROSPECTIVE JUROR NO. 064: Oh, these charges?

8 MR. FELICIANO: The charges that we're here for.

9 PROSPECTIVE JUROR NO. 064: I really kind of have  
10 mixed feelings. Because I've been in the situation with both,  
11 with a five-year-old that I feel that doesn't have a voice of  
12 sexual abuse, and then a 16-year-old that does have a voice of  
13 sexual abuse and lied about it.

14 So my feelings is, is on the scale either way.  
15 Because the five-year-old was sexually abused by her mom's  
16 boyfriend and she couldn't talk about it. The 16-year-old was  
17 dating an older guy and he chose to cut it off once he learned  
18 her age, her true age, and she lied about it. So it's really  
19 basically on the scale.

20 MR. FELICIANO: So you can -- it looks like you've  
21 seen both sides --

22 PROSPECTIVE JUROR NO. 064: Exactly.

23 MR. FELICIANO: -- both sides of it.

24 PROSPECTIVE JUROR NO. 064: Exactly.

25 MR. FELICIANO: So do you think that gives you a good



1 perspective into these types of cases that would be valuable?

2 PROSPECTIVE JUROR NO. 064: Everybody lies. But I  
3 don't think that a five-year-old would lie about anything like  
4 that.

5 MR. FELICIANO: But a 16-year-old maybe?

6 PROSPECTIVE JUROR NO. 064: Maybe, maybe not. It  
7 depends on the situation.

8 MR. FELICIANO: How did you know she was lying?

9 PROSPECTIVE JUROR NO. 064: She was a close friend of  
10 my son, and it was a very public case that was in the media  
11 and he wasn't found guilty. He -- and it was just she lied.  
12 To me basically, I feel like her parents prostituted her, so.

13 MR. FELICIANO: Okay. All right. Is there anything  
14 else? I'm sorry.

15 PROSPECTIVE JUROR NO. 064: [Inaudible] he was a  
16 person of stature.

17 MR. FELICIANO: Is there anything else you think we  
18 should know about you before we pick our jury?

19 PROSPECTIVE JUROR NO. 064: No.

20 MR. FELICIANO: Okay. Thank you, ma'am.

21 PROSPECTIVE JUROR NO. 039: 039.

22 MR. FELICIANO: Mr. Gebrechristos?

23 PROSPECTIVE JUROR NO. 039: [Inaudible.]

24 MR. FELICIANO: And you don't have any children, or  
25 you do?

1 PROSPECTIVE JUROR NO. 039: I don't.

2 MR. FELICIANO: You don't. Okay. Now, if a person  
3 is a victim of a crime and it takes them a while to report it,  
4 do you think that makes any difference as far as whether  
5 they're telling the truth or not?

6 PROSPECTIVE JUROR NO. 039: I have to hear the  
7 reasons as to why they didn't report it. There are a lot of  
8 cases that are not reported.

9 MR. FELICIANO: Say well, like just say you, you're  
10 walking in today and your wallet, somebody picks your pocket;  
11 is that something that you would immediately report?

12 PROSPECTIVE JUROR NO. 039: [No audible response.]

13 MR. FELICIANO: Would you go to the police  
14 immediately or would you wait a while?

15 PROSPECTIVE JUROR NO. 039: I will immediately  
16 report it.

17 MR. FELICIANO: Okay. So if you waited a month it  
18 would maybe be a little suspect that -- don't you think?

19 PROSPECTIVE JUROR NO. 039: In that particular case  
20 it might be.

21 MR. FELICIANO: So it just depends, like you're  
22 saying, on the nature of the offense and all the circumstances  
23 surrounding it?

24 PROSPECTIVE JUROR NO. 039: Yes.

25 MR. FELICIANO: Okay. So there are good reasons why

1 a person might not say they were a victim of a crime for a  
2 while? Like can you think of any?

3 PROSPECTIVE JUROR NO. 039: Explain that to me again.

4 MR. FELICIANO: Well, what are some reasons why  
5 someone might not report a crime?

6 PROSPECTIVE JUROR NO. 039: Well, maybe this  
7 particular case it might be that at the time she's young and  
8 she didn't know the magnitude of the offense, or maybe some  
9 other circumstance that she wouldn't be able to report it  
10 right away.

11 MR. FELICIANO: Okay. Is there anything else you  
12 think we should know about you?

13 PROSPECTIVE JUROR NO. 039: No.

14 MR. FELICIANO: Thank you.

15 PROSPECTIVE JUROR NO. 059: Badge No. 059.

16 MR. FELICIANO: Is that Ms. Crockett?

17 PROSPECTIVE JUROR NO. 059: Yes.

18 MR. FELICIANO: It looks like you've had some -- your  
19 cousin was a victim?

20 PROSPECTIVE JUROR NO. 059: Yes.

21 MR. FELICIANO: And hearing these charges, how does  
22 that make you feel?

23 PROSPECTIVE JUROR NO. 059: Because it involves a  
24 child it makes it a little mixed feelings about it.

25 MR. FELICIANO: Is that something that you think

1 you'll be able to -- be able to handle?

2 PROSPECTIVE JUROR NO. 059: Yes. I would be able to,  
3 long as I can hear both sides of the stories. And I heard  
4 earlier you saying about if they don't testify that, you know,  
5 I would have to definitely hear both sides of the story. I  
6 know it's their job to make the case, but I would also have to  
7 hear the person whose life is at stake. I would have to hear  
8 what they have to say.

9 MR. FELICIANO: So if the person doesn't testify,  
10 meaning here in this case that would be Mr. Renteria-Novoa, if  
11 he doesn't testify, would you find him automatically guilty?

12 PROSPECTIVE JUROR NO. 059: I wouldn't find him  
13 automatically guilty, but it would be hard because I would --  
14 I definitely need to hear his side of the story also.

15 MR. FELICIANO: So just so we're sure, do you think  
16 you can give him a fair trial even if we decide that he  
17 doesn't testify?

18 PROSPECTIVE JUROR NO. 059: I definitely can try.

19 MR. FELICIANO: But it sounds like you're not sure  
20 that you can be fair, is that --

21 PROSPECTIVE JUROR NO. 059: Well, I just go on a  
22 person's characteristics, their eye contact, their demeanor.  
23 That's how I -- I just not really judge a person, but that's  
24 how you get a feel about someone. And if these kind of  
25 charges were brought against me in general, I would want to

1 defend myself to, you know, so everybody can get the story.

2 MR. FELICIANO: All right. Thank you. Pass it back.

3 THE MARSHAL: Folks, please speak directly into the  
4 microphone when it's passed to you. The court recorder needs  
5 to be able to make sure she can get everything down. If you  
6 don't speak directly into the microphone it [inaudible].

7 PROSPECTIVE JUROR NO. 042: 042.

8 MR. FELICIANO: Zero, four, two?

9 PROSPECTIVE JUROR NO. 042: Yes.

10 MR. FELICIANO: Is that Ms. Trotchie?

11 PROSPECTIVE JUROR NO. 042: Trotchie.

12 MR. FELICIANO: Trotchie. Sorry about that.

13 PROSPECTIVE JUROR NO. 042: That's okay.

14 MR. FELICIANO: Now, you worked with parole and  
15 probation for a while?

16 PROSPECTIVE JUROR NO. 042: Yeah. I did an  
17 internship for about a year and a half.

18 MR. FELICIANO: And you said that you were out and  
19 you were going -- you worked on the sex offender unit?

20 PROSPECTIVE JUROR NO. 042: Yes.

21 MR. FELICIANO: Now, the people that you were  
22 supervising, or the people that were part of that unit, those  
23 are people that have already been convicted of crimes, right?

24 PROSPECTIVE JUROR NO. 042: Yes.

25 MR. FELICIANO: There were no people that were just

1 accused of crimes?

2 PROSPECTIVE JUROR NO. 042: No.

3 MR. FELICIANO: They were -- I guess they were people  
4 that either had been to prison or people that were on  
5 probation; is that the way it worked?

6 PROSPECTIVE JUROR NO. 042: Yes.

7 MR. FELICIANO: And you said that you saw a lot of  
8 things there that would -- where it would be a problem for you  
9 to be fair?

10 PROSPECTIVE JUROR NO. 042: Yes. Just like reading a  
11 lot of the people's charts, I guess you can say, their file,  
12 their profile.

13 MR. FELICIANO: Okay.

14 PROSPECTIVE JUROR NO. 042: Because I mean, it's all  
15 there, like what they were charged with. It's pretty graphic  
16 in detail.

17 MR. FELICIANO: Now, here, I mean, all we have is an  
18 allegation.

19 PROSPECTIVE JUROR NO. 042: Yes.

20 MR. FELICIANO: We don't have a person that's been  
21 convicted of any crime.

22 PROSPECTIVE JUROR NO. 042: Mm-hmm.

23 MR. FELICIANO: Can you separate that?

24 PROSPECTIVE JUROR NO. 042: I don't think I can look  
25 past the fact that he's getting charged -- he's been charged

1 with 37, right, if I'm not wrong?

2 MR. FELICIANO: Yes.

3 PROSPECTIVE JUROR NO. 042: There's 37 allegations  
4 against him, right?

5 MR. FELICIANO: Correct.

6 PROSPECTIVE JUROR NO. 042: I don't -- honestly, I  
7 don't think I can look past that, because nobody's just going  
8 to have 37 charges hanging over their head. Like I just don't  
9 understand how somebody cannot be proved not guilty.  
10 Thirty-seven charges is a lot of charges to carry over  
11 somebody's head.

12 MR. FELICIANO: So as he sits here now, have you  
13 determined whether -- have you made the determination that he  
14 is guilty?

15 PROSPECTIVE JUROR NO. 042: I believe so.

16 MR. FELICIANO: I have a motion, Judge.

17 THE COURT: Well, Ms. Trotchie, explain to me why you  
18 believe so. You've heard no evidence here, right?

19 PROSPECTIVE JUROR NO. 042: Yes.

20 THE COURT: Would you agree with that?

21 PROSPECTIVE JUROR NO. 042: Yes.

22 THE COURT: And all that you know is that he sits  
23 here accused by the State of some crime.

24 PROSPECTIVE JUROR NO. 042: Correct.

25 THE COURT: So based on what do you believe that he's

1 guilty; just the fact that he's been accused?

2 PROSPECTIVE JUROR NO. 042: Just with the fact that  
3 those 37 accusations that are going against him, I just don't  
4 look at that as normal.

5 THE COURT: I'm not sure what you mean by normal.

6 PROSPECTIVE JUROR NO. 042: Like to have 37 charges  
7 hanging over your head, how do you find somebody not guilty?  
8 Those are a lot of charges. It's one thing if it was two or  
9 three, then yeah, by all means I can do a fair trial.  
10 But 37 --

11 THE COURT: And why does the number matter?

12 PROSPECTIVE JUROR NO. 042: Those are a lot of  
13 charges.

14 THE COURT: I mean, hypothetically, you know, if the  
15 allegation is false, why does it matter if the allegation is  
16 made falsely once or a hundred times? Why does that matter?

17 Like if I say right now you -- you know, my car was  
18 scratched in the parking lot at Target tonight, I think you  
19 did it, and I repeat that statement a hundred times, does that  
20 make it true?

21 PROSPECTIVE JUROR NO. 042: No.

22 THE COURT: Then why does the number of charges  
23 matter to you?

24 PROSPECTIVE JUROR NO. 042: Because it's just a  
25 serious charge. Like I just feel very uncomfortable. I mean,



1 I'm a mother of two young girls and I live next to a sex  
2 offender, so it's just not making the situation any better.

3 THE COURT: Okay. Well, now I'm a little -- you're  
4 talking about something completely different now. All right.  
5 Let's go back to the original question, which was why does the  
6 number of charges -- I know -- it sounds like there's a  
7 different issue as to whether or not, you know, your living  
8 near someone else who apparently is convicted of these crimes.

9 But the question is, I mean, why does it matter to  
10 you? You said that if there were only two or three counts you  
11 could be fair and impartial, if it's 37 you can't, and I'm  
12 still wondering why that is.

13 PROSPECTIVE JUROR NO. 042: It's just very disturbing  
14 to me. I just -- to have 37, like I mean, yeah, it's a  
15 number, but obviously the accusations are very serious.

16 THE COURT: Well, I mean, granted the accusations are  
17 very serious, but your job as a juror would be to determine  
18 whether or not the accusations are true.

19 PROSPECTIVE JUROR NO. 042: True.

20 THE COURT: Do you understand that?

21 PROSPECTIVE JUROR NO. 042: Yes.

22 THE COURT: They could be true, they could be false.  
23 Some could be true, some could be false, right?

24 PROSPECTIVE JUROR NO. 042: Yes.

25 THE COURT: So why, you know -- I guess the question

1 is do you think that you can make that distinction, or is just  
2 the sheer number of charges going to interfere with your  
3 ability to actually sift through the charges one by one and  
4 determine whether or not they're actually true?

5 PROSPECTIVE JUROR NO. 042: As much as I would want  
6 to say that I can possibly give a fair trial, I just don't  
7 think I can, because I wouldn't be able to look past the  
8 number.

9 THE COURT: All right. Let me ask it this way. What  
10 would be the number of charges that would be acceptable to you  
11 so that you could actually be a fair and impartial juror? You  
12 said two or three is okay. Is it five, is it ten, is it 15?

13 PROSPECTIVE JUROR NO. 042: Just period, having those  
14 numbers is a lot.

15 THE COURT: All right. Ms. Fleck, does the State  
16 wish to traverse?

17 MS. FLECK: No, thank you, Your Honor.

18 THE COURT: Ms. Trotchie, let's do this. Go ahead  
19 and have a seat in the back of the courtroom.

20 We're going to have to pull the next person, who is  
21 Ms. Martinez; is that correct?

22 THE CLERK: Correct. Badge No. 069, Armida Martinez.

23 THE COURT: Do we have headphones for her?

24 THE CLERK: Yes. She already has them on.

25 THE COURT: Okay. Excellent. All right. Ms. -- all

1 right. Yeah, let's leave her there. Do you guys have an  
2 objection if we leave her there so that she can be with the  
3 interpreter?

4 MR. FELICIANO: No, Judge.

5 THE COURT: All right. Ms. Martinez, since this is  
6 our first opportunity to speak with you, let me ask you a  
7 couple of questions. Can you give us a brief biographical  
8 sketch? What do you do for a living, are you married, if  
9 you're married what does your husband do?

10 PROSPECTIVE JUROR NO. 069: I am divorced.

11 THE COURT: What do you do? Where do you work?

12 PROSPECTIVE JUROR NO. 069: I'm unemployed. I'm a  
13 stay home person. I take care of my grandchildren.

14 THE COURT: How old are they?

15 PROSPECTIVE JUROR NO. 069: Nine and ten.

16 THE COURT: Are they boys or girls?

17 PROSPECTIVE JUROR NO. 069: Boys and girls. Boy and  
18 girl.

19 THE COURT: All right. One boy, one girl. How  
20 many -- those are your grandchildren. How many kids do you  
21 have?

22 PROSPECTIVE JUROR NO. 069: Five.

23 THE COURT: Five kids. Boys or girls, and how old  
24 are they?

25 PROSPECTIVE JUROR NO. 069: Four boys, one girl:

1 THE COURT: And how old are they?

2 PROSPECTIVE JUROR NO. 069: My youngest is 27, 30,  
3 33, 34, 35.

4 THE COURT: Have you ever served on a jury before?

5 PROSPECTIVE JUROR NO. 069: 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. 069: 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. 069: No.

14 THE COURT: Ms. Fleck, do you have any questions for  
15 Ms. Martinez?

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

17 Good afternoon, Ms. Martinez. Today, now that you  
18 have an interpreter, do you feel more comfortable  
19 participating in this process?

20 PROSPECTIVE JUROR NO. 069: Yes.

21 MS. FLECK: Yes. Anything that was said yesterday or  
22 today, any questions asked or any answers of other jurors that  
23 made you think, you know, maybe this isn't the right jury for  
24 me to sit on?

25 PROSPECTIVE JUROR NO. 069: No.

1 MS. FLECK: Having your mindset and your experiences  
2 from both before you moved to the United States and now, do  
3 you think you have the mindset to be fair to both the State  
4 and the defense?

5 PROSPECTIVE JUROR NO. 069: Yes.

6 MS. FLECK: And promise that you'll follow the law  
7 that the judge gives you, even if it's different from the law  
8 that you grew up with?

9 PROSPECTIVE JUROR NO. 069: Yes.

10 MS. FLECK: If we prove our case beyond a reasonable  
11 doubt, do you have any problem finding the defendant guilty?

12 PROSPECTIVE JUROR NO. 069: I don't know.

13 MS. FLECK: You don't know?

14 PROSPECTIVE JUROR NO. 069: No.

15 MS. FLECK: Okay. Just to clarify, because I don't  
16 know if it's a -- I don't know if it's an interpretation  
17 issue. But do you have any problems sitting in judgment,  
18 deliberating, going through the process of ultimately coming  
19 to a decision about the guilt of the defendant? Any problem  
20 with that?

21 PROSPECTIVE JUROR NO. 069: No.

22 MS. FLECK: Okay. All right. Thank you.

23 Pass for cause.

24 THE COURT: All right. Mr. Feliciano.

25 MR. FELICIANO: Ma'am, what if the State does not

1 prove their case beyond a reasonable doubt, how would you --  
2 how would you vote; guilty or not guilty?

3 PROSPECTIVE JUROR NO. 069: It's going to be very  
4 hard, because if they cannot prove their case [inaudible].

5 MR. FELICIANO: I'm sorry?

6 PROSPECTIVE JUROR NO. 069: It's going to make a --  
7 it's going to be difficult to make a decision, because if they  
8 cannot decide their case, how can I do it?

9 MR. FELICIANO: Can you find Mr. Renteria-Novoa not  
10 guilty if they don't prove their case?

11 PROSPECTIVE JUROR NO. 069: For me it's -- could you  
12 repeat the question, please.

13 MR. FELICIANO: If the State presents all their  
14 evidence and you're not convinced that they've proven their  
15 case beyond a reasonable doubt, can you find him not guilty?

16 PROSPECTIVE JUROR NO. 069: Yes.

17 MR. FELICIANO: Now, it's -- you have several  
18 children and several grandchildren. Do the nature of these  
19 allegations, is it difficult for you to sit on a trial like  
20 this knowing the nature of those allegations?

21 PROSPECTIVE JUROR NO. 069: No.

22 MR. FELICIANO: Thank you, ma'am.

23 MS. FLECK: Judge, can we approach?

24 THE COURT: Sure.

25 (Bench conference.)

1 MS. FLECK: Can you just flesh that out? Because I  
2 don't know what that means, if the State can't decide their  
3 case how am I supposed to be able to. What does that mean?

4 THE COURT: Yeah. I'm not sure she -- I can't tell  
5 if she doesn't understand it with the translation [inaudible]  
6 I'm not quite clear on.

7 MS. FLECK: Well, that's what I don't understand  
8 either, so that's why. But does that mean that she can't sit  
9 in judgment? Is that saying like if we don't know what  
10 happened how is she supposed to decide?

11 THE COURT: Right. I'll ask her --

12 MS. FLECK: And then also with Crockett, the one  
13 thing that I wanted cleared up with her is I don't know if she  
14 was saying if the defendant doesn't testify then she can't  
15 find him guilty, or if the defendant doesn't testify then she  
16 will absolutely find him guilty. But I don't think that  
17 that's clear. She's basically saying she has to hear from  
18 him, and if she has to hear from him, then we have to get rid  
19 of her.

20 THE COURT: I'm not sure she said that. I mean, I --  
21 what she said kind of was not entirely clear because, you  
22 know, [inaudible].

23 MS. FLECK: I agree, but that's why --

24 THE COURT: I don't think she said that she needed to  
25 hear from him. I think she said that she really wanted to

1 hear from him and, you know, I don't remember the exact word  
2 that she used. I mean, I'll ask if you want, but my  
3 recollection is she said that it would be harder for her if  
4 she didn't hear from him, but I don't think she said that she  
5 couldn't make a decision if she didn't hear from him.

6 MS. FLECK: I thought she said she had to hear both  
7 sides.

8 THE COURT: Okay.

9 MS. FLECK: And I don't know if she was saying I have  
10 to hear both sides --

11 THE COURT: Do you remember?

12 MS. FLECK: -- and if I don't --

13 THE COURT: I don't remember exactly [inaudible].

14 MS. FELICIANO: I wrote everything down that she  
15 said. I just don't have my notes [inaudible] that she would  
16 like to hear before [inaudible].

17 THE COURT: Yeah. My impression was she said that it  
18 was really, really helpful and she really need -- I don't know  
19 if she used the word "had" or not. I honestly don't remember.

20 MS. FELICIANO: She was leaning toward finding him  
21 guilty if he didn't testify. It wasn't [inaudible].

22 THE COURT: Yeah. That was my impression too.

23 MS. FLECK: And I'm not -- I couldn't tell which way  
24 she was saying. I didn't know if she was saying if I don't  
25 hear both sides of the story I can't make a decision as to his



1 guilt, or if she was saying if I don't hear from him I'll find  
2 him guilty. Either way, if she has to hear from him she has,  
3 you know -- I mean --

4 MS. FELICIANO: It was cleared up though,  
5 extensively. I mean, it was cleared up.

6 THE COURT: Yeah. I thought it was --

7 MS. FLECK: Okay. Then let it go. That's fine.

8 THE COURT: Okay. But I can certainly ask her,  
9 because I'm a little confused by her response. Because I  
10 don't know if it's a translation error or what, but I'll ask  
11 Ms. Martinez.

12 MR. FELICIANO: Do you want to do that now?

13 THE COURT: I'll just do it [inaudible].

14 (End bench conference.)

15 THE COURT: Ms. Martinez, let me just ask you a  
16 couple questions to clarify, because I'm not sure I understood  
17 what you were saying. And I know that since there's an  
18 interpreter there, sometimes it's, you know, the words are  
19 maybe used not as precisely as could be.

20 In this case the State has the burden of proving that  
21 the defendant is guilty beyond a reasonable doubt. Okay.  
22 That means if they don't prove to you that he actually  
23 committed the crime that they accused him of committing, okay,  
24 that means if, if they're unable to prove to you that he is  
25 guilty, that means that your job is you have to find him not

1 guilty. Do you understand what I just said?

2 PROSPECTIVE JUROR NO. 069: Yes, Your Honor.

3 THE COURT: And you agree with what I just said?

4 PROSPECTIVE JUROR NO. 069: Yes.

5 THE COURT: And you could do that if you were asked  
6 to serve as a juror in this case?

7 PROSPECTIVE JUROR NO. 069: Yes.

8 THE COURT: Okay. Thanks for the clarification. I  
9 appreciate it.

10 Okay. Mr. Feliciano, you can resume.

11 PROSPECTIVE JUROR NO. 043: 043.

12 MR. FELICIANO: Zero, four, three. So you're a  
13 Spanish instructor?

14 PROSPECTIVE JUROR NO. 043: Yes.

15 MR. FELICIANO: Do you deal with children at all?

16 PROSPECTIVE JUROR NO. 043: No.

17 MR. FELICIANO: Anything about the charges make it  
18 difficult for you to be fair in this case?

19 PROSPECTIVE JUROR NO. 043: To be fair, no, of course  
20 not.

21 MR. FELICIANO: So if the State cannot prove their  
22 case beyond a reasonable doubt, do you have any issues  
23 bringing back a not guilty verdict?

24 PROSPECTIVE JUROR NO. 043: No. I don't have any  
25 problem.

1 MR. FELICIANO: All right. Thank you, ma'am.  
2 PROSPECTIVE JUROR NO. 043: Can I just add one thing?  
3 MR. FELICIANO: Sure.  
4 PROSPECTIVE JUROR NO. 043: I'm pregnant and I'm  
5 starting my eighth month. So I just wanted to clarify that,  
6 because I don't think yesterday that was noticed. I just  
7 wanted to add that.  
8 MR. FELICIANO: Okay. Do you think you're going to  
9 be okay for this week?  
10 PROSPECTIVE JUROR NO. 043: I just need to go to the  
11 restroom a lot obviously, and just stand up sometimes, because  
12 I get tired of sitting and that sort of thing. And I do need  
13 to drink a lot of water, so I cannot help going to the  
14 restroom a lot. I would just ask that to be considered,  
15 that's all.  
16 THE COURT: Okay. Let me ask you to do this. If you  
17 need to use the restroom or if you feel nauseous or if you  
18 need any other -- just please raise your hand and wave the  
19 marshal over. I'm happy to take a break and accommodate you.  
20 Okay.  
21 PROSPECTIVE JUROR NO. 043: Yes.  
22 THE COURT: I know it's kind of an inconvenience.  
23 PROSPECTIVE JUROR NO. 043: Okay.  
24 THE COURT: All right. I appreciate it. Thank you.  
25 PROSPECTIVE JUROR NO. 043: All right. No problem.

1 Thank you, sir.

2 PROSPECTIVE JUROR NO. 044: 044, Nicol.

3 MR. FELICIANO: Mr. Nicol, you were a victim of a  
4 home invasion in California; is that --

5 PROSPECTIVE JUROR NO. 044: Correct.

6 MR. FELICIANO: And I have here a note that you were  
7 not satisfied with the law enforcement, with what they did; is  
8 that correct? Is my note correct?

9 PROSPECTIVE JUROR NO. 044: It's a long story but,  
10 you know, just to shorten things up, it was a -- it was a gang  
11 hit. Their hit man screwed up and went -- came to the wrong  
12 house and got me. I was bound, gagged and shot. And the  
13 police treated me as, you know, I was guilty. I had nothing  
14 to do with it. Once they discovered that, they just kind of  
15 let it go and there was not investigations after that. They  
16 said, No, I never found the guy, sorry.

17 MR. FELICIANO: How did they treat you like you were  
18 guilty?

19 PROSPECTIVE JUROR NO. 044: Well, you know, the way  
20 of questioning and the way they, you know, went through the  
21 house or apartment, you know, looking for evidence. You know,  
22 there was nothing there and --

23 MR. FELICIANO: Did they do forensic work in your --  
24 in your home?

25 PROSPECTIVE JUROR NO. 044: Yes.

1 MR. FELICIANO: Prints and all that kind of stuff?  
2 PROSPECTIVE JUROR NO. 044: Yes.  
3 MR. FELICIANO: And they still never found anybody?  
4 PROSPECTIVE JUROR NO. 044: They said they didn't,  
5 no.

6 MR. FELICIANO: All right. Anything about these  
7 charges makes it difficult for you to sit on this jury?

8 PROSPECTIVE JUROR NO. 044: No.

9 MR. FELICIANO: Thank you, sir.

10 PROSPECTIVE JUROR NO. 055: 055, Nicole Quince.

11 MR. FELICIANO: Are you currently a student?

12 PROSPECTIVE JUROR NO. 055: Yes.

13 MR. FELICIANO: What are you studying?

14 PROSPECTIVE JUROR NO. 055: Math.

15 MR. FELICIANO: No children or anything like that?

16 PROSPECTIVE JUROR NO. 055: No children.

17 MR. FELICIANO: Okay. Do you deal with children at  
18 all?

19 PROSPECTIVE JUROR NO. 055: No.

20 MR. FELICIANO: Any thoughts on if Mr. Renteria Novoa  
21 doesn't testify? What do you think about that?

22 PROSPECTIVE JUROR NO. 055: It wouldn't sway me one  
23 way or another. It's his right.

24 MR. FELICIANO: So do you know of reasons why someone  
25 might not testify?

1 PROSPECTIVE JUROR NO. 055: Maybe they just feel that  
2 they're a bad speaker and they could say something and  
3 incriminate themselves. They may not trust the line of  
4 questioning, thinking they can be easily tricked. There could  
5 be different reasons.

6 MR. FELICIANO: Could be nervous too, is that --

7 PROSPECTIVE JUROR NO. 055: Yes.

8 MR. FELICIANO: Anything else you think we need to  
9 know?

10 PROSPECTIVE JUROR NO. 055: It doesn't seem that this  
11 trial will take very long, but I do start school again on  
12 June 4th.

13 MR. FELICIANO: Oh, we'll be done.

14 PROSPECTIVE JUROR NO. 055: Right. I just hope so,  
15 because this process [unintelligible] a little long, so I just  
16 wanted you to make a note of it.

17 MR. FELICIANO: It speeds up right after.

18 PROSPECTIVE JUROR NO. 055: Okay. I hope so.

19 MR. FELICIANO: Thank you.

20 PROSPECTIVE JUROR NO. 046: 046.

21 MR. FELICIANO: Mr. Ferguson, you said that it would  
22 be hard to be impartial in this case because you have two  
23 girls.

24 PROSPECTIVE JUROR NO. 046: Yes. I have two girls,  
25 and I'm also the youngest of four with three older sisters.

1 MR. FELICIANO: So as Mr. Renteria-Novoa sits here,  
2 is that something that we should be concerned about, about if  
3 you're on our jury?

4 PROSPECTIVE JUROR NO. 046: To me, yes, because I  
5 grew up in a very protective family and [inaudible] --

6 THE COURT RECORDER: I can't hear him.

7 MR. FELICIANO: I'm sorry. She can't hear you.

8 PROSPECTIVE JUROR NO. 046: Oh. Yeah. I'm sorry.

9 MR. FELICIANO: Could you repeat your last answer.

10 PROSPECTIVE JUROR NO. 046: To me it would be  
11 difficult, yes. It would be -- yes.

12 MR. FELICIANO: Difficult, but is it possible?

13 PROSPECTIVE JUROR NO. 046: For me to be fair --

14 MR. FELICIANO: Yes.

15 PROSPECTIVE JUROR NO. 046: -- in this case, I'd like  
16 to do my civil duty obviously, but in this case I would say  
17 no. I don't know if I could be fair, especially if he's not  
18 going to testify and I can't watch his face and his eyes and  
19 expressions. I'm not sure if I could be fair.

20 MR. FELICIANO: And I think you -- did you have an  
21 issue with his language barriers, about --

22 PROSPECTIVE JUROR NO. 046: You know, it was that,  
23 and it was a combination of the whole day leading into the  
24 distraction from my left side of the interpretation going on  
25 all day, and it was 4:00 o'clock in the afternoon and it was

1 very distracting and it was very irritating.

2 MR. FELICIANO: So what are you -- what I think we're  
3 hearing is that although you'd like to be fair in this case,  
4 you don't think you can due to the nature of the case and due  
5 to the nature -- or due to your surrounding circumstances with  
6 your family; is that fair?

7 PROSPECTIVE JUROR NO. 046: I'd say so.

8 MR. FELICIANO: Judge, I have a motion.

9 THE COURT: Ms. Fleck, do you have any questions for  
10 Mr. Ferguson?

11 MS. FLECK: Yes. Thank you. Sorry.

12 Okay. Mr. Ferguson, we've been here for two full  
13 days, so I know that you've heard what a lot of other people  
14 have had to say. No question that this is a difficult case  
15 and these are difficult charges. We can all agree on that.  
16 Right. And you have sisters, mom, wife, whatever.

17 You don't think that you can separate and say, well,  
18 you know, while once someone would be found guilty of these  
19 charges, we can all agree that it's horrific, but that the  
20 defendant as he sits now is innocent and they're simply  
21 charges? You don't think you can separate the two?

22 PROSPECTIVE JUROR NO. 046: Well, although all the  
23 questions yesterday were repetitive, I didn't get to finish  
24 something that I would like to have said, was I was in a  
25 serious relationship with a girl that she opened up when we



1 were in our relationship about something that happened to her  
2 with her step-father and, you know, I don't think I can be  
3 fair.

4 MS. FLECK: Okay. So seeing her the victim of  
5 something of that and how it kind of manifested itself in the  
6 future, that would stick with you?

7 PROSPECTIVE JUROR NO. 046: It still has, yeah.

8 MS. FLECK: All right. Thank you.

9 I have no objection to being excused for cause.

10 THE COURT: All right. Mr. Ferguson, thank you very  
11 much for your honesty. I didn't know the information about  
12 your girlfriend. Please report to the jury services room on  
13 the third floor.

14 And we'll need the next person is --

15 THE CLERK: That's going to be Badge No. 071, Cindi  
16 Rivera.

17 THE COURT: All right. Ms. Rivera, since this is the  
18 first time we're talking with you, can you tell us what you do  
19 for a living?

20 PROSPECTIVE JUROR NO. 071: I'm a vocational rehab  
21 location counselor.

22 THE COURT: For what kind of organization, for the  
23 State or for who?

24 PROSPECTIVE JUROR NO. 071: It's a private company.

25 THE COURT: Okay. Are you married?

1 PROSPECTIVE JUROR NO. 071: No.  
2 THE COURT: Any kids?  
3 PROSPECTIVE JUROR NO. 071: No.  
4 THE COURT: How long have you been in Vegas?  
5 PROSPECTIVE JUROR NO. 071: Thirteen years.  
6 THE COURT: Ever served on a jury before?  
7 PROSPECTIVE JUROR NO. 071: Yes.  
8 THE COURT: Where and when?  
9 PROSPECTIVE JUROR NO. 071: Here in Clark County. I  
10 don't know, maybe six, seven years ago.  
11 THE COURT: Six, seven years ago. Was it a civil or  
12 criminal case?  
13 PROSPECTIVE JUROR NO. 071: Criminal.  
14 THE COURT: Was it in this building or the old  
15 courthouse, or was it in -- it was for Clark County, so was it  
16 here, was it in Henderson, was it North Las Vegas?  
17 PROSPECTIVE JUROR NO. 071: I believe it was here.  
18 THE COURT: Okay. Was it a case prosecuted by the  
19 Clark County District Attorney?  
20 PROSPECTIVE JUROR NO. 071: Yes.  
21 THE COURT: Okay. Did the case reach a verdict?  
22 PROSPECTIVE JUROR NO. 071: Yes.  
23 THE COURT: And were you the foreperson?  
24 PROSPECTIVE JUROR NO. 071: No.  
25 THE COURT: Anything about that experience that would

1 cause you to hesitate about serving as a juror in another  
2 criminal case?

3 PROSPECTIVE JUROR NO. 071: No.

4 THE COURT: Have you ever -- have you or anyone  
5 closely associated with you ever been the victim of a crime,  
6 whether sexual in nature or otherwise?

7 PROSPECTIVE JUROR NO. 071: Yes.

8 THE COURT: Who? Was that you or someone else?

9 PROSPECTIVE JUROR NO. 071: Me.

10 THE COURT: When?

11 PROSPECTIVE JUROR NO. 071: When I was younger. When  
12 I was a kid.

13 THE COURT: How old were you approximately?

14 PROSPECTIVE JUROR NO. 071: Oh, eight.

15 THE COURT: Eight. Was the perpetrator someone  
16 related to you or known to you, or a stranger?

17 PROSPECTIVE JUROR NO. 071: Yes. My mother's  
18 husband.

19 THE COURT: Was there ever a court case? Were the  
20 police called?

21 PROSPECTIVE JUROR NO. 071: No.

22 THE COURT: Can you tell us -- did you tell your mom?  
23 Did you tell anybody?

24 PROSPECTIVE JUROR NO. 071: Many years later.

25 THE COURT: Many years later. Okay. Now, how -- in

1 view of that, how do you feel about serving as a juror in this  
2 case knowing what the accusations are?

3 PROSPECTIVE JUROR NO. 071: It's uncomfortable. It's  
4 brought about a lot of memories.

5 THE COURT: Okay. But is it so uncomfortable that  
6 you couldn't be fair and impartial?

7 PROSPECTIVE JUROR NO. 071: No.

8 THE COURT: So you could, if asked to serve as a  
9 juror in this case, follow the law and listen to the evidence  
10 and make a decision based on what you find the evidence shows?

11 PROSPECTIVE JUROR NO. 071: Yes.

12 THE COURT: All right. Now, other than your mother's  
13 husband, have you or anyone closely associated with you ever  
14 been accused of a crime, whether or not there was a  
15 conviction, whether sexual in nature or otherwise?

16 PROSPECTIVE JUROR NO. 071: No.

17 THE COURT: I appreciate it.

18 Ms. Fleck, do you have questions for Ms. Rivera?

19 MS. FLECK: I do not. Thank you, Your Honor. The  
20 State will pass Ms. Rivera for cause.

21 THE COURT: All right. Mr. Feliciano.

22 MR. FELICIANO: Ms. Rivera, you said you have a  
23 brother in customs in Long Beach?

24 PROSPECTIVE JUROR NO. 071: A brother-in-law, yes.

25 MR. FELICIANO: Brother-in-law. I'm sorry.

1 PROSPECTIVE JUROR NO. 071: And he was a border  
2 patrol before then.

3 MR. FELICIANO: Okay. Did you talk to him about any  
4 type of his work -- any of his work or anything like that?

5 PROSPECTIVE JUROR NO. 071: No. Very rarely.

6 MR. FELICIANO: And how would you feel if  
7 Mr. Renteria-Novoa did not testify today, or in his trial?

8 PROSPECTIVE JUROR NO. 071: How would I feel about  
9 him not testifying?

10 MR. FELICIANO: Yes. Would that make you vote for  
11 guilt or --

12 PROSPECTIVE JUROR NO. 071: No.

13 MR. FELICIANO: So do you think you can give him a  
14 fair trial considering, all things considered?

15 PROSPECTIVE JUROR NO. 071: Yes.

16 MR. FELICIANO: Thank you.

17 PROSPECTIVE JUROR NO. 071: You're welcome.

18 PROSPECTIVE JUROR NO. 048: 048, Garwood.

19 MR. FELICIANO: Mr. Garwood, you said?

20 PROSPECTIVE JUROR NO. 048: Yes.

21 MR. FELICIANO: You had -- unfortunately, you had a  
22 sister that was a victim of a crime years ago?

23 PROSPECTIVE JUROR NO. 048: That's correct.

24 MR. FELICIANO: And that wasn't in this country,  
25 right?

1 PROSPECTIVE JUROR NO. 048: No. It was in Colombia.

2 MR. FELICIANO: Okay. And you actually testified in  
3 court?

4 PROSPECTIVE JUROR NO. 048: It was actually a hearing  
5 approximately a week after the occurrence.

6 MR. FELICIANO: And anything about that experience  
7 makes it difficult for you to be here today?

8 PROSPECTIVE JUROR NO. 048: A little bit. But I  
9 think I can be fair.

10 MR. FELICIANO: Okay. And what are the issues when  
11 you say a little bit?

12 PROSPECTIVE JUROR NO. 048: The gentleman in question  
13 was found not guilty and was let go, and our testimony was  
14 really just kind of thrown out, my testimony as well as my  
15 sister's.

16 MR. FELICIANO: Okay. So we're here, totally  
17 different, different case, of course. Do you think you can  
18 look at this case with -- and separate those two and be fair?

19 PROSPECTIVE JUROR NO. 048: I believe I can, yes.

20 MR. FELICIANO: And were you on a criminal jury  
21 before?

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

23 MR. FELICIANO: Is there anything about that  
24 experience that makes it difficult for you to be here today?

25 PROSPECTIVE JUROR NO. 048: No.

1 MR. FELICIANO: All right. Thank you, sir.  
2 PROSPECTIVE JUROR NO. 049: 049, Iverson.  
3 MR. FELICIANO: And you are a teacher?  
4 PROSPECTIVE JUROR NO. 049: Yes.  
5 MR. FELICIANO: In junior high?  
6 PROSPECTIVE JUROR NO. 049: Yes.  
7 MR. FELICIANO: And you have an 11-year-old daughter?  
8 PROSPECTIVE JUROR NO. 049: Yes.  
9 MR. FELICIANO: Considering you have -- you deal with  
10 children all the time and that you have a young daughter, what  
11 do you think about the charges in this case?  
12 PROSPECTIVE JUROR NO. 049: Obviously it's not easy.  
13 I mean, I guess in my mind I've thought about it as the trial  
14 kind of progresses and things are said. It would be very hard  
15 for me to not kind of picture my daughter in that same  
16 situation or --  
17 You know, the majority of my students are Hispanic  
18 and so, you know, you kind of just want to put a face to a  
19 name or a face to a story, you know, like when you read a  
20 book. And that kind of races through my mind like, oh, what  
21 if this student of mine was in the position, those kind of  
22 things.  
23 MR. FELICIANO: Do you think --  
24 PROSPECTIVE JUROR NO. 049: That's part of it that  
25 would -- just the relate -- how you would relate it to

1 personal experiences.

2 MR. FELICIANO: Do you think you could be fair  
3 though?

4 PROSPECTIVE JUROR NO. 049: I'm not sure. I mean,  
5 obviously you're thinking of your daughter and, you know,  
6 students that you adore and that, and obviously it kind of  
7 gets you going a little bit and probably would bring out some  
8 things. I mean, I understand it's our job to be fair and  
9 things of that nature here, so I kind of got those two things  
10 going on. I would try to be fair.

11 MR. FELICIANO: If you were sitting in that chair,  
12 and someone with your mindset was sitting on your jury, would  
13 you be scared?

14 PROSPECTIVE JUROR NO. 049: I don't know that I would  
15 be the ideal juror for him. I don't know that I'd want to  
16 trade places.

17 MR. FELICIANO: So you're not -- so you're not sure  
18 if you can be fair. Are you going to try?

19 PROSPECTIVE JUROR NO. 049: I -- like I said,  
20 obviously I think everyone's going to try. Like she said  
21 earlier, you don't want just people to try. I mean, I would  
22 do the best that I could. But I, you know, it's hard to  
23 regulate emotions and feelings and things like that. Those  
24 kind of take control sometimes.

25 MR. FELICIANO: What if the State doesn't prove their



1 case beyond a reasonable doubt?

2 PROSPECTIVE JUROR NO. 049: I believe we're  
3 instructed at the very end if the law's not, you know, says  
4 that if that's the case then we have to vote not guilty, and  
5 we would do what the judge instructs.

6 MR. FELICIANO: And do you have any problem with  
7 that?

8 PROSPECTIVE JUROR NO. 049: I -- that's our  
9 instructions. That's what we have to follow.

10 MR. FELICIANO: Thank you, sir.

11 The Court's indulgence for a minute.

12 THE COURT: Sure.

13 (Pause in proceedings)

14 MR. FELICIANO: Pass the panel for cause.

15 THE COURT: Ladies and gentlemen, here's what we're  
16 going to do. We've been going for about an hour and 20  
17 minutes now. Let's take a 10-minute break so that you guys  
18 can get some refreshments or go to the restroom or whatever  
19 you need to do.

20 During this break, all the admonitions that I gave  
21 you earlier apply, which are don't reach any conclusions about  
22 this case. Don't talk to anyone about this case. Don't  
23 investigate any facts relating to the case. Don't view any  
24 media, press or Internet reports about this case. Don't talk  
25 to anyone who may be involved in any way with this case.

1 Don't discuss the facts of this case with each other.

2 Remember to wear your badge at all times. And again,  
3 there's no snack or soda machine on this floor, but there is  
4 on one floor up, one floor down. Let's see you back here  
5 about five minutes after 3:00 o'clock.

6 (Prospective jurors recessed at 2:51 p.m.)

7 THE COURT: Randy.

8 All right. We're outside the presence of the jurors.  
9 Is there anything that either side wanted to put on the  
10 record? Are we ready to do the perempts then? Do we have the  
11 sheet ready? All right. Let's go off the record then for a  
12 couple seconds. I'm just going to -- hang on.

13 Randy, go ahead and tell Ms. Trotchie, Badge No. 42,  
14 that she's free to go, or tell her to go back to the third  
15 floor. I had to put her in the back, but I'm just going to  
16 let her go.

17 THE MARSHAL: Yeah, because she's got an attitude --

18 THE COURT: Well, I don't --

19 THE MARSHAL: -- when she was on her way out the  
20 door, because she had to sit in the back.

21 THE COURT: Yeah. All right. Well, tell her she's  
22 free to go. It's the other guy, Anderson I kind of want to  
23 keep.

24 MS. FLECK: Is the other -- oh, Anderson you're going  
25 to keep?

1 THE COURT: Well, just for a few more minutes, just  
2 because I think he's just copying what that other woman said  
3 to get off the jury.

4 Tell Number 42 she's free to go. Send her down to  
5 the third floor, all right?

6 THE MARSHAL: Yes, sir.

7 THE CLERK: Are you going to do this off the record?

8 THE COURT: Yeah. Unless they want it to be on the  
9 record.

10 (Court recessed at 2:53 p.m. until 3:06 p.m.)

11 (Outside the presence of the prospective jurors.)

12 THE COURT: Where are we right now?

13 MS. FLECK: We're still going back and forth on our  
14 peremptories.

15 THE COURT: I know, but how far have you gotten?

16 MS. FLECK: We're on Defense 6.

17 THE COURT: All right.

18 (Pause in proceedings)

19 THE COURT: How much longer are you guys going to be?

20 MR. FELICIANO: We're almost done. We'll be done --  
21 just one more.

22 THE COURT: The jurors have been out 20, almost 25  
23 minutes.

24 MS. FLECK: Well, the first witness I will need. The  
25 victim we don't need anybody.

1 (Pause in proceedings)

2 MR. FELICIANO: We're all done.

3 MS. FLECK: Was it Schmidt or [inaudible].

4 (Pause in proceeding.)

5 THE COURT: All right. Are we ready to -- let's go  
6 on the record, Sara.

7 THE COURT RECORDER: We are.

8 THE COURT: All right. Back on the record. State  
9 vs. Guillermo Renteria-Novoa. We are outside the presence of  
10 the jury.

11 The attorneys have just finished their peremptory  
12 challenges, and it looks like the State is challenging Juror  
13 No. 068, 022, 058, 030, 037, 064, 043, 044, and 055. And the  
14 defense is challenging Jurors No. 053, 013, 027, 029, 031,  
15 032, 059, 071, and 049, leaving us with 14 remaining jurors.

16 And it looks like Juror No. 13 will be Juror No. 042.  
17 Sara -- wait. This is not -- wait, wait. Forty-two is  
18 kicked. Forty-two shouldn't be on this list. Forty-two is  
19 kicked for cause.

20 MS. FLECK: Which one was 42?

21 UNKNOWN SPEAKER: That was my error then. I  
22 apologize. I did not replace her apparently.

23 THE COURT: She was replaced by Juror No. 71.

24 UNKNOWN SPEAKER: No. She was replaced with  
25 Juror 69, Armida Martinez.

1 THE COURT: Right.

2 (Inaudible discussion.)

3 UNKNOWN SPEAKER: My error. I apologize, Judge.  
4 Well, they don't have her marked at all anyways. They don't  
5 have anything next to her name.

6 THE COURT: Well, I mean, the problem is if we put  
7 Martinez in there, maybe someone would have challenged her.

8 UNKNOWN SPEAKER: True.

9 THE COURT: All right. Well, there was an error in  
10 the list. The list contained the name of Juror No. 042,  
11 Ms. Trotchie, however she was excused for cause. The name  
12 that should have been in there is Armida Martinez, Juror No.  
13 069. What I don't know is if that changes anything for either  
14 party, either side wanted to or would have --

15 MS. FLECK: 069, we -- is she the Filipino?

16 THE COURT: Yeah.

17 MS. FLECK: We kicked her. Let me -- here. She  
18 would have been -- sorry.

19 THE COURT: Oh, because yours [unintelligible]. Hang  
20 on here.

21 MS. FLECK: Yeah. I did 26.

22 THE COURT: Yeah, except that you didn't. There's  
23 nine other -- one, two, three, four --

24 (Inaudible discussion.)

25 MS. FLECK: She was our sixth.

1 THE COURT: Let me see that.

2 MS. FLECK: I did her -- it was in the wrong line.  
3 Ms. Martinez is -- I did it by the seating chart  
4 unfortunately.

5 THE COURT: So wait. Did you not intend to kick  
6 Karen Valerio then?

7 MS. FLECK: No. I kicked here. See, look.  
8 Ms. Valerio I have and Ms. Martinez, no.

9 UNKNOWN SPEAKER: Martinez was in Seat 26.

10 THE COURT: Right.

11 MS. FLECK: Right. And that's what I have on my  
12 seating chart, but I guess I missed the wrong line.

13 MR. FELICIANO: Can I come up?

14 THE COURT: Yeah. I'm going to need everybody to  
15 come up here for a second. All right. This is what happened.  
16 In this spot here we had the wrong name. Instead of  
17 Ms. Martinez it was Ms. Trotchie, who was the P and P intern  
18 that we excused for cause.

19 MR. FELICIANO: Okay.

20 THE COURT: So it should have been Martinez. And  
21 what Ms. Fleck is saying is on her seating chart her Challenge  
22 No. 6, Ms. Valerio actually should have been Martinez, and she  
23 would have left Valerio there. The question is: Does that  
24 change anything for you guys?

25 (Defense attorneys confer.)

1 MR. FELICIANO: Yeah. If she was there we would  
2 have -- that would have been one we would have.

3 MS. FLECK: If who was there?

4 MR. FELICIANO: Well --

5 MS. FLECK: If I hadn't kicked Ms. Valerio you would  
6 have?

7 MR. FELICIANO: Yes.

8 THE COURT: All right. I mean, there's a couple ways  
9 we can do this. We can start all over, or since Ms. Valerio  
10 was the State's presumably sixth challenge, we can cross out  
11 everybody sixth, seventh, eighth and ninth and start from  
12 there. Do you want to do that?

13 MS. FLECK: That's fine.

14 MR. FELICIANO: Yeah.

15 THE COURT: All right. So cross out everybody sixth,  
16 seventh, eighth and ninth.

17 UNKNOWN SPEAKER: [Inaudible.]

18 MS. FLECK: No. It's actually mine, because I  
19 missed -- put it on the wrong line.

20 THE COURT: All right. I've just crudely Xed them  
21 off, but let's start with -- so let's see. So we're on  
22 Challenge No. 6 for -- who started this, you guys or you guys?

23 MR. FELICIANO: They started.

24 THE COURT: Okay. So your Challenge No. 6.

25 (Inaudible discussion.)

1 MS. FLECK: All right. We're ready.

2 MR. FELICIANO: All done.

3 MS. FLECK: Thank you. Sorry about that.

4 THE COURT: All right. So let me start again. Are  
5 we on the record, Sara?

6 THE COURT RECORDER: Yes.

7 THE COURT: So the State has challenged jurors  
8 numbered 68, 22, 58, 30, 37, 64, 69, 44, and 55, while the  
9 defense has challenged jurors numbered 53, 13, 27, 29, 32, 59,  
10 43, 71, and 49, which leaves us with 14. And it looks like  
11 Jurors No. 13 would be Mr. Gebrechristos, Juror No. 39, so he  
12 would be our first alternate. Our second alternate would be  
13 Juror No. 14, who is Badge No. 48, Garry Garwood.

14 Does that match with what everybody else has? So the  
15 panel now consists of Badge Numbers 001, 002, 005, 016, 017,  
16 018, 020, 021, 062, 028, 031, 035, 039, and 048, with 039 and  
17 048 being two alternates. Does that match with what everybody  
18 else has?

19 MS. FELICIANO: It matches what the defense has.

20 THE COURT: All right. Let's talk about scheduling  
21 very quickly, because it's now 3:35. We're going to need --  
22 it's going to probably take us ten minutes to call everybody  
23 in here and then announce the ones who are leaving, and then  
24 swear the jury in. So we're probably looking at a quarter to  
25 4:00.



1           How long were you guys planning on -- and then we  
2 have to -- I have pretrial instructions, which usually take  
3 about 10 minutes for me to read. We have 37 counts in the  
4 Information, so that will take probably 10, maybe 15 minutes  
5 for the clerk to read, which takes us close to 4:00. What do  
6 you guys want to do about openings? Do you want to just wait  
7 until tomorrow morning at that stage, or what?

8           MS. FLECK: If we do it --

9           THE COURT: Because if we don't really start until  
10 close to 4:00, and I don't know how long you guys were  
11 planning your openings to be, but that's --

12          MS. FLECK: We can just do it first thing if we  
13 instruct and do everything tonight, that's great. But Judge,  
14 first, I don't mean to be a pain in the -- a pain in the you  
15 know what, but I think I've -- can we just go through who --  
16 because I have that the jury should end at Mr. Gebrechistos,  
17 and then we have our alternates.

18          MS. FELICIANO: Can we do by badge number and not  
19 names? Sorry. Because I have their numbers.

20          MS. FLECK: Well, okay. So --

21          MS. FELICIANO: The jury should end with number what?

22          THE COURT: This is the jury that I have. Okay.  
23 Badge Numbers 001, 002, 005, 016, 017, 018, 020, 021, 062,  
24 028, 031, 035, and then the two alternates being 039 and 048.

25          MS. FELICIANO: And that's what the defense has as

1 well.

2 MS. FLECK: Thirty-one, no. They got rid of 31.

3 MS. FELICIANO: No. When we -- when we did our new  
4 after six through nine --

5 MS. FLECK: Oh, okay. Sorry. You kept him.

6 THE COURT: Right. There's no challenge here on the  
7 sheet that I have.

8 MS. FLECK: Got it. Okay. Then no problem. I  
9 just --

10 THE COURT: Are we all on the same page now?

11 MS. FLECK: Yes, we are on the same page. I  
12 apologize.

13 THE COURT: All right. So in terms of scheduling  
14 then, it sounds like we're not going to get close to starting  
15 openings until close to 4:00. Do you guys want to -- so  
16 [unintelligible] we just start tomorrow at 10:00 o'clock then?

17 MS. FELICIANO: Fine with us.

18 THE COURT: So here's the question. Do we even want  
19 to read them the Information today, or read them all tomorrow?

20 MS. FLECK: I think we should do it today. I really  
21 think that that would save so much --

22 THE COURT: It doesn't matter to me either way. I'm  
23 just -- I don't know if you guys wanted to do it all together  
24 as a block, if it makes it easier for you to make your  
25 openings or not. I don't care either way. Whatever you guys

1 want.

2 MS. FLECK: I mean, the Information is so it's like  
3 it's all the same thing and it's just a -- it's not like they  
4 need to remember by -- for opening what was said in the  
5 Information. It's basically like unfortunately we can't just,  
6 you know, put it into the record otherwise.

7 THE COURT: Do you guys -- on behalf of the  
8 defendant, do you guys have an opinion either way?

9 MR. FELICIANO: No preference.

10 THE COURT: Well, then we'll read it today and -- I  
11 just wasn't sure if you guys, you know, in your openings were  
12 going to say like, oh, the judge just read you count whatever,  
13 you know, that kind of thing, and then you have the day break.  
14 If you don't mind, then we'll just read this today and we'll  
15 do the openings tomorrow then. All right.

16 MS. FLECK: Then we can really just start --

17 THE COURT: Yeah. Just start, do openings and then  
18 roll into the witnesses. Oh, you have one. Okay. And then  
19 tomorrow night's the night that you can't stay late, but  
20 Thursday night we can, right?

21 MS. FELICIANO: Right.

22 MR. FELICIANO: Yes.

23 THE COURT: All right. And I'm trying to -- all  
24 right. So let's do that then. And then let's bring them  
25 back in, Randy, and we'll let everybody but 14 of them go and

1 we'll get started.

2 MR. FELICIANO: Before we do that, can -- we just  
3 have some Batson issues we want to address.

4 UNKNOWN SPEAKER: Will you stop him, please.

5 THE COURT: Hang on.

6 MS. FELICIANO: Are we on the record?

7 THE COURT: Yeah, we're on the record.

8 All right. Hang on a second. Apparently there was  
9 something else they want to put on the record.

10 All right. What's going on?

11 MR. FELICIANO: Judge, it looks like Badge No. 68  
12 appears to be Latino, Badge No. 69 is Filipino, Badge 55 is  
13 Latino, and Badge 64 is black.

14 THE COURT: Wait. Read them again. Sixty-eight.

15 MR. FELICIANO: 68, 69, 55 and 64.

16 MS. FLECK: Sixty-eight is --

17 THE COURT: 55 and 64. Okay. Sixty-four --

18 MS. FLECK: Sixty-nine was the Filipino lady with the  
19 interpreter.

20 THE COURT: Right. All right. So what did you want  
21 to do?

22 MR. FELICIANO: Judge, we just want to make our  
23 record that based on the excusal of these four witnesses, this  
24 does appear to be a pattern of racial bias in this case, and  
25 we would ask for race neutral reasons as to why these

1 prospective jurors were dismissed.

2 THE COURT: All right. Ms. Fleck, your response, or  
3 Mr. Graham, whoever wants to respond.

4 MS. FLECK: Just hold on one second, please.

5 Okay. Well, I will start with the fact that we had a  
6 obviously diverse panel. I think with even just in the box  
7 from the beginning we had five African-American -- once we  
8 settled it we had five African-Americans, a number of  
9 Hispanics, a number of Asians, and I think even in the  
10 minority white. So both sides really had no option but to  
11 kick people of -- that were minority.

12 In terms of Number 68, I made numerous challenges for  
13 cause on Number 68, being Mr. Elias Aguilar. He is the person  
14 who even with the use of the interpreter who we brought in  
15 yesterday for his assistance and then had him today, he was  
16 not able to answer any questions in an appropriate way. He  
17 was non-responsive.

18 I don't think he was trying to be, but I really don't  
19 think that he understood or could grasp what was going on. He  
20 was confused. He was nervous. He was uncomfortable, which he  
21 said many times. He appeared confused and he appeared  
22 uncomfortable. So, you know, I tried to get him kicked as  
23 many times as I could for cause and I didn't feel comfortable  
24 with his uncomfortableness.

25 Next we have 69. She is Filipino. Again, her answer

1 to the -- she said at one point in time, If the State can't  
2 decide their case, how can I. You went on to ask her, well,  
3 you know it's the State's burden, yes, and could you find him  
4 not guilty, yes.

5 But her body language to me and when she said that,  
6 if the State can't decide their case how can I, it told me  
7 that she was not comfortable with the process and that she was  
8 uncomfortable with the idea of having to determine guilt on a  
9 person. And I don't know if it was the language barrier or if  
10 that's how she felt, but I need a juror who is able to  
11 deliberate and is able to weigh the evidence and is able to  
12 then go make a determination.

13 So that's why we got rid of Ms. Martinez, who is --  
14 while she has a Hispanic last name, considering we had to get  
15 an interpreter for her in her native language, we all know  
16 she's from the Philippines.

17 Number 55, Quince, I'm not sure what indicator there  
18 is that Ms. Quince was a minority.

19 THE COURT: Yeah. I don't actually show her to be a  
20 minority. What group do you think she's part of?

21 MR. FELICIANO: Judge, we perceived her to be a  
22 Latina female, but we could be incorrect. But that's what it  
23 appeared to us.

24 MS. FLECK: I mean, just because she has dark hair  
25 didn't mean that she's Latina.

1 MR. FELICIANO: I didn't say that.

2 MS. FLECK: Well, no, I know, but I'm just saying how  
3 she appeared, there's nothing about her that appears -- her  
4 name doesn't appear to be of, you know, Hispanic descent. She  
5 herself, I thought she spoke with more of almost a Southern  
6 accent than any other kind of accent.

7 THE COURT: Right. And there was some indication  
8 when I questioned her that she had spent some time in  
9 Virginia, which may explain the Southern accent.

10 MS. FLECK: Right. I --

11 THE COURT: I'm not -- I mean, honestly, I'm not sure  
12 that she is a minority. I was -- you know, as is my usual  
13 practice, in anticipation of any motions, I actually circle  
14 the people who -- in the pool who appear to me to be  
15 minorities, and I didn't have her circled.

16 As I sit here right now, I can't tell you I honestly  
17 remember what her face looks like, but I didn't have her  
18 circled. But anyway, go ahead. I'm interrupting.

19 MS. FLECK: Well, and to be honest, the only reason  
20 that we kicked her is because she was further back in the line  
21 and wasn't going to be on the jury either way. Like we  
22 wouldn't have gotten her on even as an alternate. So by the  
23 time we got to her, it's not like I had a real issue with her.  
24 It was just we had already pretty much gotten our jury and so  
25 she fell off of the panel.

1           And then finally, with Ms. Temple, again, Ms. Temple  
2 was more of a strategic decision based upon who was already on  
3 the panel. Additionally, the things that made me concerned  
4 about her was that when you first asked if she knew anyone who  
5 had been sexually abused, if she had any experience with that,  
6 she said no. And then I didn't get an opportunity to flesh  
7 any of that out with her.

8           Then when Mr. Feliciano got up and talked with her,  
9 then all of the sudden she had numerous experiences with  
10 ~~sexual assault victims in her past, and some of them, you~~  
11 know, with the five-year-old and then with the 16-year-old who  
12 was lying. I -- having not had an opportunity to ask her,  
13 since she wasn't forthright the first time around, I didn't  
14 feel comfortable having her on my jury because I don't  
15 understand why she didn't tell the first time.

16           Maybe she didn't understand it. But either way, I  
17 didn't get a chance to feel her out on that very important  
18 issue. So that was why we chose Ms. Temple as one of our  
19 peremptories.

20           THE COURT: All right. Mr. Feliciano, your response  
21 to that.

22           MR. FELICIANO: Judge, I would ask to Ms.--  
23 Number 68 --

24           THE COURT: Hang on. Sixty-eight is who?  
25 Sixty-eight is, okay, Mr. Aguilar. Right. Okay.



1 MR. FELICIANO: What we have here is a pretextual  
2 argument. I don't think there's anybody in the box that isn't  
3 probably nervous and uncomfortable. Based on that, that is  
4 not sufficient for a race neutral reason to kick him. He was  
5 using an interpreter and he was able to clarify that he would  
6 follow the instructions and that he did understand.

7 As to 69, the same issue, another pretextual reason,  
8 the basis simply because she was using the interpreter. She  
9 did say that she could understand after we fleshed it out a  
10 little bit, that she could be fair, she could find for each --  
11 she could find the defendant guilty and she could find him not  
12 guilty.

13 As to 55, I don't think there was any argument on 55.

14 THE COURT: Well, that's the one that we're not even  
15 sure is an actual minority.

16 MR. FELICIANO: Just because she's further back in  
17 the line, that doesn't mean that it doesn't apply. The entire  
18 panel has the same protection. So just because she was back  
19 there and she wouldn't have -- wasn't going to make it on the  
20 jury by Mrs. Fleck's estimation, that's not a sufficient  
21 reason to kick her for -- as a perempt.

22 MS. FLECK: Judge, if whenever -- if I could just say  
23 one more thing.

24 THE COURT: All right. Let's go one at a time.  
25 Mr. Feliciano.

1 MR. FELICIANO: And as to 64, strategically again,  
2 this is a pretextual reason strategically. There were other  
3 people that had the same type of issues as far as abuse and  
4 they were not removed from the panel. This is --

5 Oh, and there were other people that after initially  
6 they didn't disclose any type of abuse or any type of issues,  
7 but later, after we took the panel over, we did have several  
8 people that did come forth with other issues. So again,  
9 that's pretextual.

10 THE COURT: All right. Ms. Fleck, you wanted to  
11 respond.

12 MS. FLECK: Yes. Thank you. Actually, in terms --  
13 I'll start with Ms. Temple. Actually that's not true.  
14 Ms. Temple didn't disclose and then we got rid of her.  
15 Mr. Winings, same thing. He didn't disclose about his -- when  
16 you first asked if he knew anyone that had been arrested, and  
17 then he came back and said, Oh, my gosh, I forgot that my son  
18 spent 11 years in prison, we got rid of him.

19 He was our very first one because I'm sorry, you  
20 don't forget something like that. Just like in my opinion  
21 Ms. Temple doesn't forget that she has two experiences that  
22 she was then able to go into detail about regarding sexual  
23 abuse. So we did kick Mr. Winings because of the exact same  
24 reason.

25 So just then to go through, the defense has kicked,

1 as I see, three Hispanics -- two Hispanics and a black.

2 THE COURT: Hang on. Here are the numbers that I  
3 had. In the original group, not including Ms. Quince, who as  
4 I indicated I did not have circled, there were 13 minorities.  
5 Mr. Richard, Badge No. 2, is an African-American. Mr.  
6 Cordero, Badge No. 16, is from Guam, so he's of Asian descent.  
7 Ms. Johnson, Badge No. 20, was African-American.

8 Mr. Carrera, Badge No. 28, was -- indicated he was  
9 born and raised in Mexico. Ms. Moreno-Zepeda, Badge No. 35,  
10 appeared to be Hispanic. Mr. Gebrechristos, Number 39,  
11 indicated he was from Eritrea. Ms. Valerio, Badge No. 43, I  
12 forgot what country she said she was from, but she's a Spanish  
13 instructor at UNLV.

14 MS. FLECK: But I believe the defense kicked her.

15 THE COURT: Right. Now I'm just going through the  
16 numbers of people in the box.

17 MS. FLECK: Okay. Sorry. Sorry.

18 THE COURT: Mr. Correa, Badge No. 53, was Hispanic.  
19 Ms. Crockett, Badge No. 59, was African-American. Ms. Temple,  
20 Badge No. 64, was African-American. Mr. Aguilar, Badge No.  
21 68, was Spanish, a Spanish-speaker with the assistance of the  
22 interpreter. Ms. Martinez, Badge No. 69, was from the  
23 Philippines and she had the assistance of a Tagalog  
24 interpreter. And Badge No. 71, Ms. Rivera, was Hispanic.

25 If you add Ms. Quince, who the defense apparently

1 believes is Hispanic, even though I didn't have her circled,  
2 that would make 14 of the people in the box members of an  
3 ethnic minority group. Mathematically, with the number of  
4 people in the box and the number of challenges, if everybody  
5 exercised their perempts, somebody has to kick a minority.  
6 That's just the way it works in America.

7 I also note it appears that the defense has  
8 challenged or excused Number 53, Mr. Correa, Number 59,  
9 Ms. Crockett, Number 43, Ms. Valerio, and Number 71,  
10 Ms. Rivera, all of whom are members of ethnic minority groups.  
11 The defense is asserting that the State has also excused a  
12 number of minorities, specifically Badge No. 68, Badge No. 64,  
13 Badge No. 69, and I believe that's it, correct.

14 What's interesting is of the 13, 14 if you include  
15 Ms. Quince, members of the original panel who were in the box,  
16 both parties ended up kicking seven of them between the two --  
17 between the defense -- hang on. One --

18 MS. FLECK: Seven between -- they kicked four and we  
19 kicked three.

20 THE COURT: Right. Exactly. So between the two,  
21 seven of the members of the various ethnic minority groups  
22 were excused between the two parties, with the State excusing  
23 four and the defense excusing three. And again, I'm still not  
24 sure. I wish I could see Ms. Quince right now. I didn't have  
25 her circled. I'm not entirely sure she is a member of a

1 minority group. But in any event --

2 All right. The issue is this. The State has  
3 raised -- I mean, the defense has raised a Batson challenge,  
4 so the issue is whether or not the State is showing a pattern  
5 of excusing jurors of particular minority groups in violation  
6 of the defendant's constitutional rights. You know what.  
7 Just so the record is complete, let's -- let me also add that  
8 it looks like the --

9 If we leave the panel the way it is, the minority --  
10 the jurors who would remain in the final group of 14 who are  
11 members of a minority group are Mr. Richard, Badge No. 2, who  
12 appears to be African-American, Mr. Cordero, Badge No. 16, who  
13 is from Guam, Ms. Johnson, Badge No. 20, who is  
14 African-American, Mr. Carrera, Badge No. 28, who indicated he  
15 grew up -- he was born and raised in Mexico, Ms.  
16 Moreno-Zepeda, Badge No. 35, who is of Latina origin, and Mr.  
17 Gebrechristos, who is from Eritrea, who would be our first  
18 alternate.

19 Those are the minority jurors who would remain in the  
20 final group of 14 if the jury panel stays the way it is.  
21 Which gives us one, two, three, four, five of the final 14; is  
22 that correct? One, two, three, four, six. Six of the final  
23 14, as things stand, would be members of various ethnic  
24 minority groups.

25 All right. So the issue is whether or not the State,

1 through their challenges, has shown a pattern of  
2 discrimination. I'll start with Mr. Aguilar. I will note  
3 that Mr. Aguilar, as everybody knows by now, was here with the  
4 assistance of the Spanish interpreter and the State did make  
5 numerous challenges for cause.

6 Mr. Aguilar did give some answers which were a little  
7 concerning for me. He indicated that he would be so  
8 nervous -- the answer that concerned me the most frankly, was  
9 that he doesn't remember anything. And so whether or not he  
10 has a bias, whether or not he can be fair and impartial, if  
11 the juror can't remember anything, especially in a case where  
12 there are 37 counts, that was a little bit of a concern to me.

13 And based on that, I'll say for the record, it was a  
14 little bit of a close call whether I would even have excused  
15 him for cause. I ended up not doing so because he indicated  
16 that perhaps with the assistance of a notepad and pen he --  
17 that he would be able to pay attention to everything.

18 But again, my own personal concern was in a case  
19 with 37 counts, a guy with a memory problem is -- there's a  
20 question about whether or not he actually can do the job even  
21 if he says he can. And so on that one I find that the State's  
22 reason is not pretextual because, as I indicated, I was  
23 actually somewhat concerned about Mr. Aguilar.

24 And my concern, not that it needs to be said, but so  
25 the record is complete, obviously it has nothing to do with

1 his race or his national origin. It was, you know -- and so I  
2 find that the State's position as to Mr. Aguilar is not  
3 pretextual and their reason for excusing him was race neutral.

4 Ms. Martinez -- I'm sorry, Ms. Fleck. I forgot what  
5 your reason for her was.

6 MS. FLECK: Was she the --

7 THE COURT: She's the --

8 MS. FLECK: -- Filipino?

9 THE COURT: -- Tagalog interpreter person.

10 MS. FLECK: Well, her answer was -- or one of her  
11 answers was if the State can't -- look at exactly what she  
12 said. What was her number again, Your Honor?

13 THE COURT: Sixty-nine.

14 MS. FLECK: If the State can't decide their case, how  
15 can I. And --

16 THE COURT: Right. I do remember her saying that.

17 MS. FLECK: And in fact, I asked that we flesh it  
18 out, and then your questions were: Do you realize it's the  
19 State's burden, yes; do you -- could you find the defendant  
20 not guilty if they don't reach their burden, yes. But to me,  
21 her body language in that answer, I got the sense that she  
22 felt like this was too much of a responsibility and if we  
23 don't have --

24 I don't know how it works in her country. Maybe she  
25 thinks that if there's enough evidence you don't go to a

1 trial. I don't know. But that answer, to me, if the State  
2 can't -- if the State basically doesn't know, how is she  
3 supposed to know, told me that she's either confused by the  
4 system, confused by the way the entire criminal justice system  
5 works, what her duty would be, and then if she would feel  
6 comfortable deliberating, and then if she will be a person who  
7 would ultimately hang the jury.

8 THE COURT: Right. And I -- for the record, I didn't  
9 say this at the time. But I was a little bit concerned by  
10 that as well, because her answer -- and again, I will grant  
11 that who knows if there's an interpretation problem.

12 MS. FLECK: Right.

13 THE COURT: It always happens when you interpret  
14 twice. We're interpreting what I say and she interprets back,  
15 so. And unfortunately, we'll never know. But in any event, I  
16 was a little bit concerned because her statement, which I did  
17 attempt to clear up myself, before I cleared it up she had  
18 said if the State doesn't know how am I supposed to know,  
19 which sort of suggests the State is supposed to make the  
20 decision for her.

21 I'm not sure if that's what she meant. I'm not sure  
22 if that was an interpretation question. I did notice that.  
23 And that's one of the reasons why after our conversation at  
24 the bench I decided to clear it up, because it sort of  
25 suggests that she -- my concern when someone says that is they



1 think that they're just going to go along with what the State  
2 says because it's the State's decision in some way.

3           Again, I don't know if that's a cultural thing. I  
4 don't know if that's how things work in the Philippines. But  
5 when someone says, well, if the State doesn't know how am I  
6 supposed to know, that's -- regardless of her race, it's kind  
7 of a dangerous statement for me because it sort of suggests,  
8 well, if the State says it's true, then it must be true.

9           But anyway, I just note that for the record as one of  
10 my concerns with Ms. Martinez. So I can understand why she  
11 was challenged, because -- because that answer caused me some  
12 concern. So I find that the State's reasons for excusing  
13 Ms. Martinez are race neutral.

14           Who else? I'm sorry. There's too many numbers  
15 floating around here.

16           MS. FELICIANO: Fifty-five.

17           MR. FELICIANO: Fifty-five.

18           THE COURT: Oh. Fifty-five is Ms. Quince. I'm not  
19 even sure -- I mean, I can't say she's not, but I didn't have  
20 her circled. I'm not even sure she is a minority.

21           MS. FELICIANO: For the record then, the only thing  
22 that we'd ask is that if you're going to say that you're not  
23 sure that she is a minority, because for the record, the  
24 prospective panel is not here in the room right now. They are  
25 out in the hallway. We have to ask that either, you know,

1 she's brought in and we have some sort of a hearing on it.

2 But we have to have that clarified in the record. We  
3 can't just say with them sitting out in the hallway that  
4 everybody's not sure, for us, to cover us on the record.

5 MS. FLECK: Okay. But here's the thing. How on  
6 earth am I supposed to know that? I mean, no one can tell,  
7 not by her name or by the way she looks.

8 THE COURT: Right. I mean, I guess that's your  
9 point, Ms. Fleck, is that if we have to have a hearing to  
10 determine whether she is a minority, that means that Ms. Fleck  
11 knew that she's a minority, I guess, is her response.

12 MS. FELICIANO: And what we're saying is that our  
13 recollection from viewing her is that she was. She appeared  
14 to us to be a minority. That's why we had that down as a  
15 Batson challenge. That's what the issue is. We're just  
16 saying that it appeared to us that she was a minority. So  
17 it's not that that --

18 THE COURT: Well, I mean, here's my legal question.  
19 I mean, if Ms. Fleck is saying on the record as an officer of  
20 the court that at the time she made the challenge she didn't  
21 know that she was a minority, I mean, doesn't that play some  
22 part in whether her reason for kicking Ms. Quince is race  
23 neutral or not?

24 I mean, unless you're saying that Ms. Fleck is either  
25 blind or lying to the Court. I mean, that must play some role

1 in the analysis, right or wrong?

2 MS. FELICIANO: She submitted her reasons for  
3 striking her. We said that they were merely pretextual and we  
4 made the record. If the Court wants to find that her  
5 representation now as an officer of the court is a race  
6 neutral reason, then that's the Court's decision. We made our  
7 record.

8 MS. FLECK: Well, actually, they have to -- I mean,  
9 under Batson the defense has the burden first to show that, to  
10 make a prima facie showing that it's even a, you know --

11 THE COURT: I guess, here's my question. All right.  
12 As we all sit here right now, I honestly don't know if she's a  
13 member of a minority group or not. But to the extent that  
14 Ms. Fleck is saying that she also does not even know if she's  
15 a member of a minority group, then obviously any reason she  
16 gives for excusing Ms. Quince is going to be race neutral if  
17 she's not even aware of what her race is, is what I'm saying.

18 Is that -- is that -- so I guess independently of  
19 whether or not she is actually, you know, a member of a  
20 minority group, if Ms. Fleck is honestly saying for the record  
21 she didn't know, I mean, isn't that a factor to take into  
22 consideration whether or not her reasons are race neutral, is  
23 what I'm asking. Do you agree or disagree with my analysis?

24 And what I'm -- I guess where I'm going with this is  
25 do we, you know, unless you're saying that there's a question

1 about Ms. Fleck's judgment or honesty, you know, we can bring  
2 her in here and ask if she is a member of a minority group.  
3 But to the extent that Ms. Fleck didn't know that, does it  
4 matter whether she is or is not, is my question.

5 I mean, do you have a response to that? I'm just,  
6 you know, throwing that out there as a thought and as I  
7 analyze it in my head.

8 MR. FELICIANO: Well, I mean, I don't know if  
9 everything we go by is by Ms. Fleck's perception. I guess  
10 that's why we have the purpose of having them come in and ask  
11 them, because we -- Ms. Fleck isn't the one that makes every  
12 single decision. So she could be -- and she could be  
13 incorrect in her assessment of this particular person. I  
14 guess that's maybe why they have people come in and ask them.

15 THE COURT: All right. Randy, let's bring Juror  
16 No. 55, Ms. Quince, in for a second. All right.

17 (Prospective Juror No. 55 enters the courtroom.)

18 THE COURT: Hi, Ms. Quince. Can you step forward so  
19 you're kind of near a microphone, and the microphones are on  
20 the table here. All right. First of all, I don't want you to  
21 be embarrassed. We're not singling you out for anything. You  
22 didn't do anything wrong. We just had a couple of follow-up  
23 questions.

24 Mr. Feliciano and Ms. Fleck, do you guys want to ask  
25 her some questions? Let's start with -- I don't care who goes

1 first, or if you guys even have any questions or what.

2 MR. FELICIANO: It's not our burden at this point,  
3 Judge. We made the challenge.

4 MS. FLECK: It is actually. It's their burden to  
5 prove that. They have to make a prima facie showing of racial  
6 discrimination.

7 THE COURT: Right. You have to make a prima facie  
8 showing at least that -- so I mean, if you're just not going  
9 to ask anything, I'm going to excuse her.

10 MR. FELICIANO: The Court's indulgence.

11 (Pause in proceedings)

12 MR. FELICIANO: Sorry, ma'am. I just have a couple  
13 questions for you.

14 PROSPECTIVE JUROR NO. 055: Oh, okay.

15 MR. FELICIANO: Can I ask you what ethnicity you are?

16 THE COURT: Can you hear her, Sara? I just want to  
17 make sure.

18 PROSPECTIVE JUROR NO. 055: White.

19 MR. FELICIANO: You're white?

20 PROSPECTIVE JUROR NO. 055: Yes. My parents are  
21 European descent, so father's side is Italian.

22 [Unintelligible] why I'm dark.

23 MR. FELICIANO: Okay. Thank you.

24 THE COURT: Ms. Fleck, any questions?

25 MS. FLECK: Nothing, thank you.

1 THE COURT: All right. I appreciate it, Ms. Quince.  
2 Please don't be embarrassed. We're just trying to, you know,  
3 kind of work through some stuff and people had some questions.  
4 All right. I appreciate it.

5 PROSPECTIVE JUROR NO. 055: Also, my last name is  
6 spelled wrong. I don't know if you guys wanted to correct  
7 that.

8 THE COURT: How is it spelled?

9 PROSPECTIVE JUROR NO. 055: It's not a C. It's a T.

10 THE COURT: It's Q-u-i-n-t-e?

11 PROSPECTIVE JUROR NO. 055: Mm-hmm.

12 THE COURT: Oh, Quint [phonetic]. Is it Quint or  
13 Quintey [phonetic]?

14 PROSPECTIVE JUROR NO. 055: Quintey.

15 THE COURT: All right. We've been saying it wrong  
16 the whole time. I apologize.

17 PROSPECTIVE JUROR NO. 055: No, it's fine. It's  
18 spelled wrong.

19 THE COURT: Okay. Please join your fellow jurors in  
20 the hallway, and I apologize. Don't read -- don't discuss  
21 what we discussed in here or don't -- they're going to be  
22 curious why you came in here. Please don't discuss it until  
23 after the case is over and you've been excused. All right.  
24 Thank you very much.

25 (Prospective Juror No. 55 exits the courtroom.)

1 THE COURT: All right. Ms. Quinte is now outside of  
2 the courtroom, so we're outside the presence of the jury.

3 Well, it appears, based on Ms. Quinte's response,  
4 that she's not actually a member of any minority group, and so  
5 the Batson challenge, I find that the defense hasn't even made  
6 a prima facie showing that there is a Batson challenge to be  
7 made here.

8 All right. Who's the next one? The numbers are --

9 MS. FELICIANO: Sixty-four.

10 THE COURT: Sixty-four is Ms. Temple. All right.  
11 Ms. Fleck, remind me again, what was your reason for striking  
12 Ms. Temple?

13 MS. FLECK: Well, I mean, to be honest, it's a little  
14 bit what you said, that we get down to the point where the  
15 majority of the people that I have to choose from are of some  
16 sort of ethnic minority. With Ms. Temple, the thing that I  
17 didn't like is that when I -- when you asked if she knew  
18 anyone who was a victim of sexual abuse and if she had any  
19 experience with that, she said no.

20 Then I got up and I did my voir dire, and it did not  
21 come up because she did not disclose that. Then, when the  
22 defense is talking to her, she all the sudden has a lot of  
23 experience with victims of sexual abuse, both a five-year-old  
24 and a 16-year-old who went on to lie about it. I was not able  
25 to flesh out the circumstances surrounding the 16-year-old who

1    lied and what her opinion on that was and, you know, which  
2    side of the fence she laid on that -- on that issue.

3               So I didn't have an opportunity to even speak to her  
4    about the crux of our case, because she wasn't forthcoming  
5    about it initially.

6               THE COURT: You know what. One other way to look at  
7    the numbers, I just -- just so the record is complete, the  
8    State made nine peremptory challenges. Of the nine challenges  
9    they made, it looks like three were to members of ethnic  
10   minorities and six were to Caucasian jurors, for want of a  
11   better way to describe it.

12              It looks like the State challenged -- the minorities  
13   that the State challenged were Mr. Aguilar, Number 68,  
14   Ms. Temple, Number 64, and Ms. Martinez, Number 69.

15              MS. FLECK: And I would note that out of the three  
16   that we excused, only one is of the same ethnic background as  
17   the defendant, where the defense actually kicked, I believe,  
18   three that are of the same ethnic background as their own  
19   client.

20              THE COURT: Then Ms. Temple, looks like, was the  
21   State's eighth peremptory challenge, with the ninth being  
22   Ms. Quinte.

23              All right. Mr. Feliciano, remind me again of your  
24   response, why you think that the reason for challenging  
25   Ms. Temple was pretextual. And I apologize for making you



1 guys repeat it. There's just, you know, between working  
2 through all the numbers and everything it's hard to keep  
3 track.

4 MR. FELICIANO: Judge, first of all, the State didn't  
5 voir dire her on that issue. They didn't bring it up. And  
6 throughout this whole jury selection process we've had people  
7 that have changed. They've heard the general voir dire from  
8 Your Honor, and after speaking to us have disclosed further,  
9 further things that have happened. It's not uncommon.

10 It's been happening since we started that people have  
11 added new -- new things in voir dire. Based on that --

12 THE COURT: Well, let me ask you this along those  
13 lines. One of the ways to look at whether or not the State's  
14 reason is pretextual is, is there another juror who is white  
15 or Caucasian who gave the same response that the State left on  
16 the panel? Can you point to one?

17 Because if they kicked everybody who said that,  
18 whether they're white or not, that sort of undercuts the  
19 argument that their argument is pretextual.

20 MR. FELICIANO: Judge, I can't do that without  
21 looking at a transcript of the voir dire.

22 THE COURT: Well, I mean, that would -- I mean,  
23 there's --

24 MR. FELICIANO: And my notes are limited, so.

25 THE COURT: Right. I mean, that's kind of my

1 handicap too as I sit here and listen to your arguments. I  
2 understand the argument you're making, which other jurors said  
3 the same thing. But the question is, were they kicked?

4 And I just honestly at this stage, I remember hearing  
5 other jurors give some responses, but if the State kicked all  
6 of them, then that hurts your argument. But as I sit here  
7 right now, I just -- I can't remember. And if you can, you  
8 know, and you're saying you can't remember and I don't --

9 MS. FLECK: Is it what she said or what she didn't  
10 say? It's what she didn't say.

11 THE COURT: Well, what she didn't say and then  
12 subsequently filled in apparently is the way I'm  
13 characterizing your response. I think other jurors did the  
14 same thing, but if the State kicked them all, then that, you  
15 know, suggests that the response is not pretextual. But  
16 unfortunately, unless you have the information, we're kind of  
17 lacking information.

18 MS. FLECK: I did kick Mr. Winings, because  
19 Mr. Winings said that he didn't have anyone in the criminal  
20 justice system and/or he didn't know anyone or was close to  
21 anyone that was accused. And then all of the sudden his  
22 illegitimate son was a sexual -- sex offender.

23 THE COURT: Who spent 11 years in prison.

24 MS. FLECK: No. Then his other son spent 11 years in  
25 prison for like armed robbery, but he forgot. So I kicked him

1 and he was our first kick.

2 THE COURT: All right. Well, I mean, given that --  
3 unless you have something to add, Mr. Feliciano. At least the  
4 State has given a reason which they've also applied to a white  
5 juror.

6 And so since they have taken a criteria, even if the  
7 criteria may not be something that you agree with, if they  
8 apply the same criteria to other jurors who are the different  
9 racial groups, which in this case it at least appears that  
10 they have with respect to Mr. Winings, Juror No. 22, then  
11 based on that I find that the State's reason is race neutral  
12 and not pretextual.

13 Does that cover everybody or not?

14 MS. FLECK: That's it.

15 MR. FELICIANO: Yep, that's it.

16 THE COURT: Thanks. All right. Well, you know what.  
17 Let me keep this. Let's bring them all in then and we'll  
18 send, you know, I guess we'll try to do the pretrial  
19 instructions and read them the Information and just send them  
20 home then. All right.

21 (Prospective jurors enter at 4:09 p.m.)

22 THE COURT: All right. Will counsel stipulate to the  
23 presence of the panel?

24 MS. FLECK: The State does, Your Honor.

25 MR. FELICIANO: Yes, Your Honor.

1 THE COURT: All right. Ladies and gentlemen,  
2 obviously that was considerably longer than a 10-minute break.  
3 I apologize for that. On the good side, we have used that  
4 time to figure out who is and who is not going to be on this  
5 jury. Most of you are actually free to leave right now. Let  
6 me read some badge numbers.

7 The following jurors are free to go. Please report  
8 to the third floor jury services room, turn in your badges,  
9 and they'll give you check-out instructions. Jurors with  
10 Badge Numbers 053, Mr. Correa, you're free to go; Badge No.  
11 068, Mr. Aguilar; Badge No. 013, Ms. Barrow; Badge No. 022,  
12 Mr. Winings or Winnings; Badge No. 058, Ms. Cary, is it Cary  
13 or Cory?

14 PROSPECTIVE JUROR NO. 058: Cory.

15 THE COURT: Cory. I'm sorry. Ms. Cory; Badge  
16 No. 027, Mr. Parry; Badge No. 029, Ms. McClure; Badge No. 030,  
17 Mr. Meckley; Badge No. 032, Mr. Bean; Badge No. 037,  
18 Ms. Leavitt; Badge No. 064, Ms. Temple; Badge No. 059,  
19 Ms. Crockett; Badge No. 069, Ms. Martinez; Badge No. 043,  
20 Ms. Valerio; Badge No. 044, Mr. Nicol; Badge No. 055,  
21 Ms. Quinte; Badge No. 071, Ms. Rivera; Badge No. 049,  
22 Mr. Iverson.

23 And then let's move some of the people up and then  
24 I'll give some more names. I just want to get the -- kind of  
25 sort out the crowd a little bit.

1 THE COURT: All right. Yeah, everyone else who was  
2 seated behind that, the rail, is also free to go whether I  
3 called your badge number or not.

4 (Prospective jurors excused at 4:14 p.m.)

5 THE COURT: All right. Let me just make sure that we  
6 have the right jurors still here. So we should have, starting  
7 from the upper left-hand corner, Mr. Brahmer, Badge No. 1;  
8 Mr. Richard, Badge No. 2; Mr. Schmidt, Badge No. 5;  
9 Mr. Cordero, Badge No. 16; Mr. Helbert, Badge No. 17; Ms.  
10 Page, Badge No. 18; Ms. Johnson, Badge No. 20, correct.

11 And in the front here is: Mr. Thaler, Badge No. 21;  
12 Ms. Stiperski, Badge No. 62; Mr. Carrera, Badge No. 28;  
13 Mr. Dell, Badge No. 31; Ms. Moreno-Zepeda, Badge No. 35;  
14 Mr. Gebrechistos, Badge No. 39; and Mr. Garwood, Badge No.  
15 48, correct.

16 All right. Ladies and gentlemen, you are now the  
17 jury in this case. The clerk will now swear the members of  
18 the prospective panel in.

19 (Jury seated and sworn at 4:15 p.m.)

20 THE COURT: Let's wait for a minute. Randy's going  
21 to hand you some blue badges which will identify yourself as  
22 actual jurors in the case, and notepads as well.

23 THE MARSHAL: The white badges you can get rid of at  
24 this time. Go ahead and make sure you're wearing the blue  
25 badges at all time in the building.

1           THE COURT: All right. Ladies and gentlemen, again,  
2 thank you for your service. You are now going to be the jury  
3 in this case. Let me just tell you what the schedule is going  
4 to be. We will probably quit before 5:00 o'clock. We are  
5 going to -- I'm going to read you some pretrial instructions.  
6 The clerk will read the Information, which is the charging  
7 document in this case. We will then adjourn for the day.

8           We'll start again at 10:00 o'clock tomorrow morning  
9 and go as far as we can toward 5:00 o'clock, and we'll resume  
10 again on Thursday. I'll have to tell you what the exact  
11 time is. It kind of depends on how far we get on Thursday.  
12 But as I indicated, the parties are very confident that we  
13 should have this case done no later than Friday, and hopefully  
14 before Friday, but obviously it depends on how things go.

15           Ladies and gentlemen, now that you are jurors in this  
16 case, you are admonished that no juror may declare to a fellow  
17 juror any fact relating to this case of his or her own  
18 knowledge. If any juror discovers during the trial or after  
19 you have retired to deliberate that you or any other juror has  
20 personal knowledge of any fact or controversy in this case,  
21 you shall disclose that situation to me in the absence of the  
22 other jurors.

23           What that means is if you learn during the course of  
24 the trial that you are acquainted with the facts of this case  
25 or the witnesses that testify in this case, and you have not

1 previously told us of that relationship, you must declare that  
2 fact to me. The way that you communicate with me is through  
3 our marshal, Randy.

4 What you do is you take the notepads that you've been  
5 given, write a note, put your juror number on it. Not the  
6 badge number that we've been referring to you throughout, but  
7 the new number that is on the blue badge that you have. Give  
8 that note to him. He'll give that note to me and we'll figure  
9 out what to do from there.

10 As I mentioned before, during the course of the  
11 trial, the attorneys for both sides, court personnel other  
12 than the marshal, myself, and anyone associated with this case  
13 are not permitted to talk to you. By law, if we see you in  
14 Vons tonight for example, or on the street, we have to walk  
15 away, not even say hi or not say how things are going. We are  
16 not permitted to speak with you in any way.

17 If during this trial anyone that you believe to be  
18 associated with this case, whether a witness or a party or  
19 someone who works for one of the attorneys in this case, does  
20 attempt to speak with you, please notify Randy at your  
21 earliest possible opportunity, and we will address that.

22 You are also admonished that you are not to visit the  
23 scene of any of the acts or occurrences mentioned during this  
24 trial unless specifically directed to do so by the Court. The  
25 reason we give you this instruction is not because we don't

1 want you to know what happened, but because this is Las Vegas.  
2 There's constant construction.

3 It's entirely possible that since the charged  
4 incidents in this case occurred things may be different. The  
5 street may have been different. A hundred houses may have  
6 been constructed in the neighborhood.

7 And so if you tried to visit the crime scene or any  
8 other scenes mentioned in this case by yourself, you may come  
9 away thoroughly confused or misled as to what actually  
10 happened, especially in a case like this where a considerable  
11 amount of time has passed since the allegations occurred.

12 This is a criminal case commenced by the State of  
13 Nevada. Sometimes I may refer to it as the State vs.  
14 Guillermo Renteria-Novoa. This case is based upon an  
15 Information which, as I mentioned earlier, is a charging  
16 document. The Information in this case is actually titled The  
17 Second Amended Information. You don't have to know why it's  
18 called that. Just know that that is the document that I'm  
19 referring to whenever I mention that name.

20 The clerk will now read that Information, second  
21 amended Information to you and state the plea of the  
22 defendant.

23 (Information read - not transcribed.)

24 THE COURT: All right. Ladies and gentlemen, I know  
25 that the clerk just read you a very extensive list of charges.



1 At the end of this case you will be given a packet of papers  
2 which will contain the instructions on the law, and everything  
3 that was just read to you will be in those papers, so that you  
4 can read them at your own leisure when the case is over.

5 This case is based upon the second amended  
6 Information which has just been read to you by the clerk. You  
7 should distinctly understand that the Information is simply a  
8 charge and it is not in any sense evidence of the allegations  
9 that it contains.

10 The defendant has pled not guilty to the charges.  
11 The State therefore has the burden of proving each of the  
12 essential elements of the Information beyond a reasonable  
13 doubt. The purpose of this trial is to determine whether the  
14 State will meet that burden.

15 It is your primary responsibility as jurors to find  
16 and determine the facts. Under our system of criminal  
17 procedure, you are the sole judge of the facts. You are to  
18 determine the facts from the testimony you hear and the other  
19 evidence, including exhibits introduced in court. It is up to  
20 you to determine the inferences which you feel may be properly  
21 drawn from the evidence.

22 The parties may sometimes present objections to some  
23 of the testimony or other evidence. At times I may sustain  
24 those objections or direct that you disregard certain  
25 testimony or exhibits. You must not consider any evidence to

1 which an objection has been sustained or which I have  
2 instructed you to disregard.

3 It is the duty of a lawyer to object to evidence  
4 which he believes may not properly be offered, and you should  
5 not be prejudiced in any way against the lawyer who makes  
6 objections on behalf of the party which he represents.

7 Let me just take a quick break. I know I'm kind of a  
8 fast reader. If I'm going too fast or if you need anything  
9 repeated or don't understand it, please raise your hand and  
10 let me know. All right.

11 I may also find it necessary to admonish the lawyers,  
12 and if I do so, you should not show prejudice towards the  
13 lawyer or his client because I found it necessary to admonish  
14 him.

15 Throughout the trial, if you cannot hear a question  
16 asked by the attorney or the answer given by any witness,  
17 please raise your hand as an indication. If I don't see your  
18 hand up, please say, excuse me, I didn't hear that, and we  
19 will ask that the question be repeated or the answer be  
20 repeated.

21 If you wish, you may take notes that help you  
22 remember what any witness has said. If you do take notes,  
23 please keep those notes to yourself until you and your fellow  
24 jurors go to the jury room to decide the case.

25 Do not let note-taking distract you so that while

1 you're writing down the answer to one question, three or four  
2 more questions are asked and answered and go right past you  
3 and you have no recollection of those answers. You should  
4 rely upon your own memory of what was said and not be overly  
5 influenced by notes of other jurors when you go back to  
6 deliberate.

7           This case will proceed in the following order. First  
8 the State will make an opening statement outlining its case.  
9 The opening statement is a road map. The opening statement is  
10 not itself evidence. Rather the State will be telling you  
11 what they expect the evidence will be. It is up to you to  
12 decide what the evidence actually demonstrates after you have  
13 heard the testimony and seen the evidence.

14           After the State opens, the defendant has a right to  
15 make an opening statement if he or she wishes to do so.  
16 Neither party is required to make an opening statement. After  
17 the opening statements, the State will first introduce  
18 evidence. At the conclusion of the State's evidence the  
19 defendant has the right to introduce evidence. However,  
20 please remember the defendant is not obligated to present any  
21 evidence or to prove his innocence.

22           The law never imposes upon the defendant in a  
23 criminal case the burden of calling any witnesses or  
24 introducing any evidence. The defendant and his attorneys can  
25 sit through the entire trial and do nothing, not ask a single

1 question, not call a single witness, do nothing at all,  
2 because the defendant has no burden of proof in a criminal  
3 trial.

4         The State has to prove two things to you. First the  
5 State has to prove to you beyond a reasonable doubt that a  
6 crime occurred, and secondly the State has to prove to you  
7 also beyond a reasonable doubt that the defendant is the  
8 person who did it. At the close of the defendant's case, if  
9 any, the State may introduce rebuttal evidence.

10         At the conclusion of all the evidence I will instruct  
11 you on the law. You must not be concerned with the wisdom of  
12 any rule of law stated in the instructions that I give to you  
13 regardless of any opinion you may have as to what the law  
14 ought to be. It would be a violation of your oath to base a  
15 verdict upon any other view of the law than that given to you  
16 by the Court.

17         As I mentioned before, I don't write the law. The  
18 law is written by the legislature and the governor, and it is  
19 interpreted by the Nevada Supreme Court. I simply read the  
20 law as it is written by these other entities.

21         After the instructions on the law are read to you,  
22 each party has the opportunity to argue orally in support of  
23 his or her case. This is called closing argument or  
24 summation. What is said in closing is not evidence. The  
25 arguments are designed to summarize and interpret the evidence

1 for you and show you how the evidence and the law relate one  
2 to another.

3 Since the State has the burden of proving the  
4 defendant guilty beyond a reasonable doubt, the State has the  
5 right to both open and close the arguments, which means at the  
6 end of the trial the State gets to argue to you twice and the  
7 defense gets to argue to you once.

8 After the attorneys have presented their argument,  
9 you will retire to select a foreperson, to deliberate and  
10 arrive at your verdict. Faithful performance by you of your  
11 duties is vital to the administration of justice. It is your  
12 duty to determine the facts and determine them from the  
13 evidence and the reasonable inferences arising from the  
14 evidence, and in so doing you must not indulge in guesswork or  
15 speculation.

16 The evidence which you are to consider consists of  
17 the testimony of the witnesses and the exhibits admitted in  
18 evidence. You must not consider anything which you may have  
19 seen or heard when the court is not in session, even if what  
20 you see or hear is said or done by one of the parties or by  
21 one of the witnesses.

22 While you're in the courthouse, please always wear  
23 the badge the marshal just gave to you, which identifies  
24 yourself as a juror.

25 In every case there are two types of evidence; direct

1 evidence and circumstantial evidence. Direct evidence is  
2 testimony by a witness about what that person saw or heard or  
3 did. Circumstantial evidence is testimony or exhibits which  
4 are proof of a particular fact from which, if that fact is  
5 proven, you can infer the existence of a second fact.

6 A simple example of this is as follows. If a witness  
7 comes in here and says on May 4, 2012, I was standing outside  
8 my house and saw it rain, that is direct evidence that it  
9 actually rained on that particular day.

10 If the witness comes in and says, well, on May 11th,  
11 I didn't see it rain, but when I went to bed the streets were  
12 dry and when I woke up the next morning the streets were  
13 soaking wet and every house in the neighborhood was soaking  
14 wet, that is circumstantial evidence that it may have rained  
15 last night.

16 The witness did not actually see it rain, but he has  
17 testified to certain facts from which you can infer another  
18 fact, which is that it may have rained the night before.

19 You may consider both direct and circumstantial  
20 evidence in deciding this case. The law permits you to give  
21 equal weight to both types of evidence, but it is up to you to  
22 decide how much weight to give to any particular piece of  
23 evidence.

24 You are not to concern yourself in any way with the  
25 sentence which the defendant might receive if you should find

1 him guilty. Your function is solely to decide whether the  
2 State has proven to you beyond a reasonable doubt that the  
3 defendant is guilty of the crime charged. If and only if you  
4 find him guilty, then it becomes the duty of the Court at a  
5 later date to pronounce sentence.

6           You must not be influenced in any degree by any  
7 personal feeling of sympathy for or prejudice against any  
8 party to the case, for each party is entitled to the same fair  
9 and impartial consideration. No statement, ruling, remark or  
10 facial expression which I may make during the course of the  
11 trial is intended to indicate my opinion as to what the facts  
12 are.

13           I am not the judge of the facts in this case. You  
14 are the ones to determine the facts. In this determination,  
15 you alone must decide upon the believability of the evidence  
16 and its weight and its value.

17           In considering the weight and value of the testimony  
18 of any evidence, you may take into consideration the  
19 appearance, attitude and behavior of the witness, the interest  
20 of the witness in the outcome of the case, the relationship of  
21 the witness to any party to the case, the inclination of the  
22 witness to speak truthfully or not, the probability or  
23 improbability of the witness's statements, and all other facts  
24 and circumstances in evidence. Thus you may give the  
25 testimony of any witness just such weight and value as you

1 believe the witness is entitled to receive.

2           During the trial I may take notes of what the  
3 witnesses are saying. Do not make any inference from this  
4 action on my part. Do not take notes about something simply  
5 because I am. During the trial I'm required to be prepared  
6 for legal arguments made by the attorneys in the trial which  
7 may not have anything to do with the truth or untruth of  
8 anything a particular witness has said, therefore what I will  
9 be listening for and taking notes on may be something  
10 completely different than what you are to listen for or what  
11 you may consider to be important.

12           Until this case is submitted to you, do not talk to  
13 each other about it or about anyone who has anything to do  
14 with it until the end of the case, when you go to the jury  
15 room to decide your verdict. Do not talk with anyone else  
16 about this case or about anyone who has anything to do with  
17 the case until the trial is ended and you have been discharged  
18 as jurors.

19           Anyone else includes members of your family and your  
20 friends and your co-workers. Those of you who are employed  
21 need to call your boss and tell him or her that you have been  
22 chosen as a juror in a criminal case, and the judge has told  
23 you that this trial is going to last until Friday, hopefully  
24 earlier, depending how things go.

25           You may also tell them that if the trial is over



1 earlier than that, you will be back to work sooner. However,  
2 that is all you can tell them until you have been discharged  
3 by the Court.

4 Do not let anyone talk to you about the case or about  
5 anyone who has anything to do with the case. As I mentioned,  
6 if someone should try to talk to you about this case while  
7 you're serving as a juror, please report that to me  
8 immediately through our marshal. Do not read any news stories  
9 or articles, or listen to any radio or television reports  
10 about this case or about anyone who has anything to do with  
11 it.

12 Do not do any research or make any investigation  
13 about the case on your own. Do not make up your mind about  
14 what the verdict should be until after you've gone to the jury  
15 room to decide the case and you and your fellow jurors have  
16 discussed the evidence. It's important throughout the trial  
17 to keep an open mind.

18 At the end of the trial you'll have to make your  
19 decision based upon what you recall of the evidence. You will  
20 not have a written transcript to consult. Even though we do  
21 have the court recorder who records everything that is said in  
22 this courtroom, what is said is not typed up into a readable  
23 format. And it is sometimes difficult and time consuming for  
24 the recorder to play back lengthy portions of testimony.  
25 Therefore I would urge you to pay close attention to the

1 testimony as it is given.

2           After the attorneys have completed their questioning  
3 of any witness, if there's a factual question you would like  
4 answered which wasn't asked, or if you need clarification of  
5 any answer given by the witness, you may submit a question to  
6 the marshal in writing before the witness is excused from the  
7 courtroom.

8           The marshal will give me your question, and I will  
9 discuss the question with the attorneys and determine whether  
10 or not your question is proper, or if another witness later in  
11 the trial may be covering the exact same issue that you have  
12 asked. Since the law requires that any testimony asked of any  
13 witness comply with the rules of evidence, it's possible that  
14 I will deem your question inappropriate and might not ask it.

15           You are not to draw any inferences or conclusions one  
16 way or the other if a question that you want asked is  
17 submitted to me and yet it is not asked of the witness. If  
18 the question is asked and answered, you are not to place undue  
19 weight on the response given to your question.

20           There are certain questions which you might want to  
21 know the answers to, but which are never proper or allowed in  
22 any trial. These questions involve, for example, the criminal  
23 history, if any, of an accused, or questions which ask a  
24 witness to relate some fact which they only know because  
25 someone told it to them.

1           You may have heard by watching TV shows of the term  
2 "hearsay." The definition of hearsay is something that a  
3 witness knows only because they heard it from what some other  
4 witness said. That's sort of an imprecise definition.  
5 There's a legal definition which we don't need to get into.

6           But if the question that you want asked of any  
7 witness is something along those lines, please refrain from  
8 submitting them, because the Court will be required to sustain  
9 any objection of the attorneys to any questions like that.

10           This concludes the Court's pretrial instructions. It  
11 is now about 10 minutes to 5:00, so what we will do is we will  
12 adjourn for the day. We will reconvene at 10:00 o'clock  
13 tomorrow morning, and at 10:00 o'clock, or as soon as all of  
14 the jurors have gathered, we will begin the opening statements  
15 in this case.

16           During this break, ladies and gentlemen -- and you're  
17 going to hear me say this literally at every break. You'll  
18 probably start to memorize it by the time I say it a few more  
19 times. You are admonished that until you begin deliberations  
20 you are still under oath and not have been discharged. Do not  
21 reach any conclusions about this case as you have not heard  
22 the evidence.

23           Do not talk to anyone about this case. Do not  
24 investigate any facts of this case. Do not view any media,  
25 press or Internet reports about this case. Do not talk to

1 anyone who may be involved in any way with this case. Do not  
2 discuss the facts of this case with each other.

3 Remember to wear your badge at all times around the  
4 courthouse. Please leave your notebooks on your chairs, and  
5 we'll see you tomorrow morning at 10:00 o'clock. Thank you.

6 (Jurors recessed at 4:49 p.m.)

7 THE COURT: All right. We're now outside the  
8 presence of the jury. Is there anything that either side  
9 wanted to put on the record?

10 MS. FLECK: Nothing from the State.

11 MR. FELICIANO: No, Judge.

12 THE COURT: All right. See you guys tomorrow at  
13 10:00 o'clock.

14 MS. FLECK: Thank you.

15 MR. FELICIANO: Do you want us here at 10:00?

16 THE COURT: Yeah. If you can. I should be here  
17 before 10:00. I basically have one motion on tomorrow  
18 morning. It shouldn't take very long.

19 (The Court and clerk confer.)

20 THE COURT: All right. Let's see you guys at 10:00  
21 o'clock, and we -- there's a small possibility that  
22 Department 4 might need to use this courtroom in the morning.  
23 We might have to jump over to Bixler's courtroom, but let me  
24 figure it out first thing in the morning. All right.

25 (Court recessed for the evening at 4:51 p.m.)

CERTIFICATION

I CERTIFY THAT THE FOREGOING IS A CORRECT TRANSCRIPT FROM THE AUDIO-VISUAL RECORDING OF THE PROCEEDINGS IN THE ABOVE-ENTITLED MATTER.

AFFIRMATION

I AFFIRM THAT THIS TRANSCRIPT DOES NOT CONTAIN THE SOCIAL SECURITY OR TAX IDENTIFICATION NUMBER OF ANY PERSON OR ENTITY.

KARR REPORTING, INC.  
Aurora, Colorado

  
KIMBERLY LAWSON

KARR Reporting, Inc.

GUILLERMO RENTERIA-NOVOA           )         No. 68165  
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Appellant,  
vs.  
  
THE STATE OF NEVADA,  
  
Respondent.

Employee, Clark County Public Defender's Office