_1 say I'm going to ask, because I anticipate that some of 2 you will raise your hands. And I don't want them shooting 3 up in the air right away. I wanted to tell you beforehand that, obviously, we've all got your questionnaires. We've 5 read through your questionnaires. I know you have 6 expressed some things in there about difficulty serving. 7 I will tell you that I realize this is an inconvenience. 8 Trust me. I very much realize that. As an attorney I went through the jury selection process, not only selecting a jury but seated just like you all. Went down to jury services a few times 11 12 through the day. Went up to panels and so forth. I know 13 it takes a lot of time out of your lives to cove come down 14 here, whether it's one day or four or five days. Like 15 this case. Well, let me say five or six days, since 16 there's a possibility it spills over into next week. 17 That being said, I can tell you, however, 18 that the average trial anymore lasts about six days. So 19 this is right at, if not maybe a littler less than 20 average. And that's important, because if I excuse you 21 today and say all right, Mr. Madison, you raise this 22 reason for me -- and I'm not trying to pick on you, 23 Mr. Madison. You raised a reason to me, and I think it's 24 a decent reason. And I'm going to excuse you from jury 25 service. It's not that I'm giving the blessing to go

I don't know if any of you have been 2 involved in the justice system before. Some of you have 3 raised that individually you were accused of crimes. Or 4 some of you in your questionnaire that I recall have been 5 alleged to have been victims of crime. I'm sure if I 6 asked if anybody has ever been involved in the civil 7 justice system, some of you might have your hands up. I 8 got sued. I had to sue. I was in a car accident. Whatever it may be. 10 Those of you that have been involved in 11 the justice system, you have a little bit of a better 12 understanding as to how the process works. And you may 13 have been through jury trials, so you know how important 14 this is. If you haven't ever been in the justice system, 15 odds are, before your time on this planet expires, you'll 16 probably come into contact with it in some fashion. Be it 17 civil or criminal. And it may give you a greater 18 appreciation. But nonetheless, it is a very important 19 20 process. I thank you all for being here. I know it's 21 difficult. It's inconvenient. But to the extent you can 22 take part in the process and give us some of your time for 23 a few days, I know that everybody appreciates it. 24 So that being said, I will ask, is it 25 going to be an undo burden upon anybody to serve on this

1 hame. You've go to go back to jury services. Jury 2 services decides whether to send you out on another 3 panel. They can send you out own another panel today. Ask 5 you to come back tomorrow. Whatever they want to do. We 6 have construction defect cases that take six months. 7 Medical malpractice cases that take a month or more. Try 8 a lot of those as well. As well as cases that take a day 9 or two. So you take the chance if you leave here that 10 you're going to get sent out to another panel. And that 11 judge may not like your reasoning for not being able to 12 serve, like I do. So it's not always that you look at a 13 case and think it's going to be five for six days that 14 it's that bad. And I tell you all of this, I'm not 15 16 telling you not to answer the question, whether it's going 17 to be a burden. I just tell you so you'll have all the 18 information as to how we process jurors here so that when 19 you answer the question you'll have a little better 20 idea. Obviously you all are intelligent folks. 21 22 You realize how important these proceedings are. They're 23 very serious proceedings. And we can't do these type 24 things without having folks willing to come in and serve 25 as a juror.

1 jury for the next five to six days? I'll start with Mr. Madison, badge number 3 102. What do you have, sir? PROSPECTIVE JUROR: I'm a small business 5 owner. I'm in wedding photography. Last Wednesday I 6 almost missed a wedding due to the questionnaire that I 7 had to go shoot. I don't have a large staff of 8 photographers. It's a husband and wife team. They 9 requested our type of photography. I also do event 10 photography. I have a very full plate! I really just 11 don't have this kind of time. Whether it's the editing 12 process, designing photo albums, I have clients backed up 13 from last year, yet. THE COURT: Thank you. Anybody else on 15 that top row. Yes, sir -- Mr. Sackmary, 003. 16 PROSPECTIVE JUROR: I'm a search engine 17 expert. And the livelihood of thousands of people depend 18 upon me doing my search engine work at a specified time 19 everyday. The companies which I'm under confidentiality 20 that I've been working for for the past eight years, if I 21 do not submit their sites at this specified time every 22 single day, the work that I've worked for for eight years 23 will go null and void. THE COURT: Thank you. | Anybody else on

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34

33

25 that top row? No.

```
morning calendar. Generally that means that on Mondays we
         Middle row. You had you hand up, ma'am.
 _1
                                                                      2 get started by about 10:00 o'clock.
                    PROSPECTIVE JUROR: Yeah, I don't have a
 2
                                                                                        Tuesdays and Thursdays; are a little
 3 car and there is no bus where I'm at.
                                                                        longer. Wednesday will probably be about 10:00 o'clock.
                   THE COURT: Let me get your name. Is that
                                                                        But Tuesdays and Thursdays 10:30, maybé 11:00.
 5 Ms. Labranch, badge number 019?
                    PROSPECTIVE JUROR: Yes.
                                                                                        In terms of how we go throughout the day,
                                                                      7 we take a lunch break of an hour to an hour-and-a-half,
                   THE COURT: All right.
                   How did you get down here today?
                                                                      8 depending on how we do and what's going on. It's kind of
                    PROSPECTIVE JUROR: I had to take my
                                                                      9 fluid. We don't always stop right at noon and take off.
                                                                     10 We may have a witness on the stand and we'll finish that
 10 husband's car. And he's stuck until midnight with a Jeep
                                                                     11 witness up and so forth.
 11 with a broken transie (ph), leaking all over the place.
                                                                     12
                                                                                        We break about 5:00 o'clock every night.
   So I hope he don't blow up.
                    THE COURT: Thank you. Anybody else in
                                                                     13 I'm not going to keep you later then that, unless maybe
13
                                                                        you have somebody on the stand and we're trying to finish
14 the middle row? Yes, sir.
15
                    PROSPECTIVE JUROR: I just had surgery.
                                                                     15 that person up. Or if it's the end of the case and you
                    THE COURT: This is Mr. Petit.
                                                                     16 all are deliberating and you want to stay later, by all
16
                                                                     17 means, I'll stay here as well. But I know you have things
17
                    PROSPECTIVE JUROR: 021 -- the incision is
   right on the belt line. It's pretty difficult for me to
                                                                     18 you need to get done in the evenings as well.
81
                                                                             That's kind of how we schedule things when we're in
   sit for a long period of time.
                    THE COURT: How long ago was that?
                                                                     20 court. We take a break about every minety minutes or so,
20
                    PROSPECTIVE JUROR: Two weeks ago.
                                                                     21 use the restroom. We'll come back into court and you may
21
                   THE COURT: Anybody else on that row?
                                                                     22 bring a bottle of water, soda in a Styrofoam cup, that's
22
                                                                     23 fire as well.
23 Bottom row? Yes, sir.
                    PROSPECTIVE JUROR: I have community
                                                                     24
                                                                                        So thank you, Mr. McKown. How about the
25 service time I need to turn in by March 14th.
                                                                     25 front row. Sorry, what do you have?
                                                            37
                                                                                                                                 39
                                                                                        PROSPECTIVE JUROR: 029 -- I work for a
                   THE COURT: I'm sorry, is this Mr. McKown,
 j
 2 033.
                                                                     2 small business and the business is -- I'm one of four
                   PROSPECTIVE JUROR: Yes, sir. I need to
                                                                     3 people. So I'm a single employee of the owners. The
   turn it in March 14th.
                                                                      4 others are owners of the business. With me not being
                                                                     5 there it hinders them to work that much more. They have
                   THE COURT: What is that for?
                   PROSPECTIVE JUROR: Possession of
                                                                      6 to drop work in order for me to come here. I'm only
                                                                     7 working six days a week for them. As well as this case, I
 7 paraphernalia.
                                                                     8 have a big morale (sic) towards this case.
                   THE COURT: How much time do you have left
                                                                                        THE COURT: We'll get into those issues
   to do?
                   PROSPECTIVE JUROR: I've done it all. I
                                                                     10 later on. Thank you. And is it Ms. Pinon?
10
11 have to turn it in and pay the rest of my fees.
                                                                                        PROSPECTIVE JUROR: Yeah, uh-huh.
                                                                     11
                                                                     12
                                                                                        THE COURT: Badge 031.
                   THE COURT: That's down in municipal
12
                                                                                        PROSPECTIVE JUROR: I've had two brothers
13 court?
                   PROSPECTIVE JUROR: Yes.
                                                                     14 killed in two separate incidents. And the first time he
14
                   THE COURT: You have a court date?
                                                                     15 forgot to call me as a witness. They had to a subpoena.
15
                   PROSPECTIVE JUROR: March 14th.
                                                                     16 I'm very, very angry about that.
16
                                                                     17
                                                                                        And the second -- my second brother that
                   THE COURT: 7:30, 8:00 o'clock in the
17
                                                                     18 was killed, we're in the trial process right now.
18 morning?
                   PROSPECTIVE JUROR: I'm not sure.
                                                                     19
                                                                                        THE COURT: Did this happen locally?
19
                   THE COURT: One reason I bring that up
                                                                     20
                                                                                        PROSPECTIVE JUROR: Yeah, here in Las
20
21 with this gentleman -- I probably should have told you
                                                                     21 Vegas.
22 about how scheduling issues so that you can factor that in
                                                                    22
                                                                                        THE COURT: There's a trial going on
23 to whatever you talk to me about right now. I have
                                                                     23 because of your brothers' death?
24 morning calendars Monday through Thursday, which means
                                                                    24
                                                                                        PROSPECTIVE JUROR: Yes.
25 other cases that need motions decided that are on the
                                                                    25
                                                                                        THE COURT: Thank you. First row over
                                                                                                                                 40
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1 here. Yes, Ms. French.
                                                                      1 restroom, get something to drink, if you wish. Then we'll
                   PROSPECTIVE JUNOR: 046 - 1 m a single
                                                                      ? get into questions by the attorneys.
 2
 3 mother.
                                                                                        I need to tell you samething every time we
                   THE COURT: Thank you. Second row on the
                                                                        take a recess.
 5 end. Is that Ms. Carvelli?
                                                                                         JURY ADMONITION
                                                                                        During the recess, ladies and gentlemen,
                   PROSPECTIVE JUNOR: Yes. I have a surgery
                                                                     1 you are admonished not to converse among yourselves or
    scheduled March 14th.
                                                                     8 with anyone else, including, without limitation, the
                   THE COURT: Thank you. Anybody else in
                                                                     9 lawyers, parties and witnesses, on any subject connected
 9 that row?
                   PROSPECTIVE JUROR: 052 -- I'm scheduled
                                                                     10 with this trial, or any other case referred to during it,
10
                                                                     11 or read, watch, or listen to any report of or commentary
II to be in Los Angeles Thursday and New York all of next
                                                                     12 on the trial, or any person connected with this trial, or
12
                                                                     13 any such other case by any medium of information
                   THE COURT: Business or pleasure?
13
                                                                     14 including, without limitation, newspapers, television,
14
                   PROSPECTIVE JUROR: Business.
                                                                     15 internet or radio.
                   THE COURT: Thank you. Anybody else on
                                                                                        You are further admonished not to form or
                                                                     16
16 that row? Yes, sir.
17
                   PROSPECTIVE JUROR: I have a flight that
                                                                     17 express any opinion on any subject connected with this
                                                                     18 trial until the case is finally submitted to you.
18 was scheduled for IA today. I also have one tentatively
                                                                                        (Brief recess taken.)
19 scheduled for Vancouver for business for a commercial
                                                                     19
                                                                                        THE COURT: We're on the record, outside
   developer. I'm the only person in my position, so if I
                                                                     20
                                                                     21 the presence of the jury.
    don't make those flights it doesn't get done.
                                                                                        I had a question. Maybe you can help out
                   THE COURT: When are you supposed to leave
22
                                                                     23 on this. When I got to the point where I was telling them
23 to Vancouver?
                   PROSPECTIVE JUROR: Tentatively Wednesday
                                                                     24 about the principles of law involved in the trial, it's
24
                                                                     25 not a guilt or innocence, presumed innocent, and so forth.
25 morning. I don't have a firm date on that, pending the
                                                                     I I think the only principle I really needed to discuss with
 1 outcome of this.
                                                                     2 them was the State's burden.
                   THE COURT: Thank you. Anybody else in
                                                                                        If there is anything else that the defense
   that row? Yes.
                                                                     4 thinks I need to have brought up in that admonition, let
                   PROSPECTIVE JUROR: 056 --- I'm a single
   parent. I have no family here. So being here makes it
                                                                     5 me know.
                                                                                        MR. SCHIECK: I don't think so, your
   very difficult to find someone to watch my son.
                                                                     6
                   THE COURT: How old is your son?
                                                                     7 Honor.
                   PROSPECTIVE JUROR: Eight.
                                                                                        THE COURT: All right. Let's look real
                                                                     9 quick at everybody that raised some issues we can consider
                   THE COURT: Thank you. Back row, yes.
                   PROSPECTIVE JUROR: 072 -- I have no
                                                                     10 right now.
10
11 transportation. My husband dropped me off today because
                                                                                        First was Mr. Madison - first quy, badge
                                                                     11
                                                                     12 number 102. Said he's a small business owner. Owns a
12 he's off. I can only come Monday, Tuesday, Wednesday.
                   THE COURT: Thank you. Anybody else on
                                                                     13 photography business. I mean, generally there is a lot of
                                                                    14 slippery slopes involved in letting folks go for a
   that row? How about over here? No. Thank you, very
                                                                     15 financial reason, which really isn't a good reason to get
15 much.
                                                                    16 off. Even though I have sympathy for them. We'd have to
                   THE COURT: Sorry. Yes, sir?
16
                   PROSPECTIVE JUROR: 076 -- I'm a single
                                                                     17 let a lot of people go. I don't generally do that. But
17
18 parent. My son just moved out here recently. I have no
                                                                     18 if you all stipulate to release him, I'll do that.
                                                                                       MR. OWENS: Your Honor, we didn't think
   family here. I have no daycare during the day.
19
                   THE COURT: How old is he?
                                                                    20 there were that many of them with problems. We don't have
20
                                                                    21 an objection to just pass them.
                   PROSPECTIVE JUROR: Six.
21
                                                                                        THE COURT: The ones that raised the
                   THE COURT: Okay. Tell you what we're
                                                                    22
22
23 going to do. Let's take a recess here. I'll talk to the
                                                                    23 issues?
24 attorneys about some of the issues that have been brought
                                                                    24
                                                                                        MR. OWENS: Right.
                                                                    25
                                                                                        THE COURT: Twelve folks.
25 up. You all go ahead and get up and stretch, use the
                                                                                                                                 44
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1 problem. We don't hav
                                                                                                     roblem with doing it. I
                   MR. OWENS: Right.
 1
                                                                      2 just -- I guess I'm too conservative. But if the next
                    THE COURT: Mr. Schieck.
                    MR. OWENS: I was also going to suggest if
                                                                      3 panel has the same sort of list I see us losing jurors
                                                                      4 a lot of jurors. I don't want to run out. I would like
 4 they want to stipulate real quick to the three individuals
                                                                      5 to get a jury in place. I have no problem agreeing to
5 that say they know us personally.
                   THE COURT: Okay.
                                                                      6 stipulate to this stack.
                    MR. OWENS: I know that's a separate
                                                                                         MR. OWENS: We are notigoing to run out.
                                                                                        THE COURT: Well, I mean, I agree with Mr.
 8 issue.
                 THE COURT: I quess it's thirteen that
                                                                      9 Owens. I don't think we are going to run out. We may
                                                                      10 prolong things a bit, but that's okay. And sometimes
 10 raised issues of reasons they couldn't be here, or other
                                                                     11 maybe we learn from the first panel as to where we are
    reasons. It was Ms. Squires that indicated she knew
                                                                     12 going with things. But, I'll go ahead and excuse the
 12 Mr. Owens. Mr. Nakanishi that knew Mr. Patrick. And
                                                                     13 sixteen folks, which is going to be Mr. Madison 102, Mr.
 13 Mr. Rosehill that knew Mr. Schieck.
                                                                     14 Sackmary, 003, Ms. Labranch 019, Mr. Petit 021,
                    What is the defense position as to those
14
                                                                     15 Ms. Squires 025, Ms. Rosehill 027, Mr. Morales 029,
 15 16 folks?
                                                                     16 Ms. Pinon 031, Mr. McKown 033, Ms. French 046, Carvelli
                   MR. SCHIECK: We have no objection to the
16
                                                                     17 048, Carr 052, Grindstaff 054, Johnson 056, Nakanishi 062,
 17 three that were acquainted with the attorneys, your Honor.
                                                                     18 Sunga 072, and Sprosty 076.
 18 I didn't break down my list separating out the ones that
                                                                     19
                                                                                        That's actually seventeen. I'm sorry.
 19 had financial hardship or other matters. Are we including
                                                                     20 Instead of sixteen 16.
   within the hardship list the lady that has the ongoing
21 murder case?
                                                                                         If you all wish me to get more people up
                                                                     22 here to fill in those spots now, before my questioning
                   THE COURT: I have her in mind, yes. I've
22
   got a nod from Mr. Owens and Ms. Weckerly as well.
                                                                     23 with them before you all start.
                                                                     24
                                                                                        MR. OWENS: Yes.
                   MR. SCHIECK: If I can have the court's
24
                                                                                        MS. WECKERLY: That's easier.
 25 indulgence for a minute.
                                                                     25
                                                                                                                                  47
                                                            45
                                                                                        THE COURT: You don't think we'll get this
                    THE COURT: Sure.
                                                                      2 all done with the remaining thirty-three people?
                    MR. SCHIECK: Not including Mr. McKown,
                                                                                        MR. SCHIECK: Especially now they learn
    who just needs to check in for his community service.
                                                                      4 all they have to do is raise their hands. I've
                    THE COURT: I have him on my list, because
 5 he raised a reason as to undue burden. I don't think
                                                                      5 reconsidered.
                                                                                        THE COURT: Leslie, go ahead and go back
   that's a reason, to be quite honest.
                                                                      7 downstairs and get another seventeen of the group and
                   MR. OWENS: You know, we are proposing
 8 that we kick him and go through them one at a time and
                                                                      a bring them up.
                                                                                        THE BAILIFF: Also the gentleman that has
 9 look at the reasons.
                                                                      10 his own computer business, the search engine guy, he's all
                    THE COURT: Okay.
                                                                     11 of a sudden remembering that maybe he saw scrething about
                   MR. CWENS: Technically, some of these we
 12 can work around, obviously. But in the interest of
                                                                     12 this case.
                                                                                        THE COURT: We're excusing him.
                                                                     13
 13 expéditing things —
                                                                                        Back on the record in C-131341, State of
                    THE COURT: There are a couple of issues.
14
                                                                     15 Nevada versus James Chappell. The record will reflect the
15 Sometimes people want to go through it one at a time. A
                                                                      16 presence of Mr. Chappell with his attorneys, the State's
 16 lot of times the attorney's do that, kick in mass, because
                                                                     17 attorneys, in the presence of our prospective jurors.
 17 they raise a reason indicating I don't want to be here
 10 anyway, as opposed to the folks willing to serve. So six
                                                                                        All right, ladies and gentlemen, based
                                                                     18
                                                                     19 upon a combination of things, the jury guestionnaires as
 19 of one, half a dozen of the other. If you want to kick
                                                                     20 well as some of the answers today, I'll thank and excuse a
   them in mass, fine. If you want to go through each of them
                                                                     2: number of you. Let me get through all the names and you
21 individually, we can do that as well.
                    MR. SCHIECK: Court's indulgence,
                                                                     22 all can get up and report back down to jury services.
 22
                                                                                         I'll think and excuse Mr. Medison, badge
                                                                     23
 23
   please.
                                                                     24 number 102, Mr. Sackmary 003, Ms. Labranch 019, Mr. Petit
                   THE COURT: Okay.
24
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MR. SCHIECK: Your Honor, I don't have a

25

25 021, Ms. Squires 025, Mr. Rosehill 027, Mr. Morales 029,

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A Ms. Pinon badge 031, McKown 033, French 046, Carvelli 048,
                                                                      1 attorneys to tell you quickly a little about the case.
                                                                      2 They're going to introduce themselves, who they represent.
 2 Carr 052, Grindstaff 054, Johnson 056, Nakanishi 062,
 3 Sunga 072, and Mr. Sprosty 076.
                                                                      3 They'll speak to you about the witnesses, prospective
                                                                      4 witnesses that may be called to testify here, so listen
                   I appreciate you all coming in and filling
 5 out the questionnaire and coming and being patient with me
                                                                      5 closely as they do all that. Because some of the
 6 today. You all can report back to the Jury Commissioner's
                                                                      6 questions will be designed to see if you know any of the
                                                                      7 people, be it the attorneys, Mr. Chappell, any of the
 7 office on the third floor.
                                                                      8 witnesses. Or whether you've heard anything about the
                   We've got to get a few more folks to move
   in from downstairs. In the mean time, what I need is
                                                                      9
                                                                        case.
 9
10 everybody to move down, please.
                                                                     10
                                                                             Mr. Owens, if you would please, again.
                   To my new folks, welcome. Thank you, very
                                                                     ií
                                                                                        MR. OWENS: Thank you, your Honor.
11
                                                                                        Good morning. Again, some of you it's
12 much. My name is Douglas Herndon. I'm the presiding
                                                                     12
                                                                     13 going to be like de-ja-vue, so have some patience with us.
13 judge here in Department 3, of the Eighth Judicial
                                                                     14 For the rest of you, my name is Chris Owens. This is pan.
14 District Court. You all have been summoned here to take
15 part in a criminal proceedings as prospective jurors.
                                                                     15 Weckerly. We're from the district attorney's office.
16 It's the State of Nevada versus James Chappell.
                                                                     16 We're prosecutors prosecuting this case!
                   I know you came in and filled out the
                                                                     17
                                                                                        This case involves a number of charges
17
                                                                     18 against James Chappell, for which he has already been
18 questionnaire. We're going to get into questions in a
                                                                     19 convicted in 1996, from a jury trial of that date. Those
19 minute. I'll have questions for you and the attorneys may
                                                                     20 include burglary, robbery with use of aldeadly weapon,
20 have questions as we get further in the proceedings.
                                                                     21 first degree murder with use of a deadly weapon.
                   Let me tell you a couple of things. Seated
22 in front of me is Sharon. Sharon is my court reporter.
                                                                     22
                                                                                        The purpose of this jury that we're
                                                                     23 selecting now is to determine punishment for the charge of
23 So everything that is said, including what you say is
24 reported. So it's important that you speak up enough that
                                                                     24 first degree murder from that conviction. So the
                                                                     25 Defendant already stands convicted of that charge.
25 we can hear. Don't nod your head or shake your head.
                                                                                        The range of punishments that will be
 1 Please don't use wh-huh or huh-wh. It's hard to type that
2 down correctly. Make sure you speak "yes" or "no."
                                                                      2 available to this jury to select for that charge include;
                   If I don't ask you by name you badge
                                                                      the death penalty, life without the possibility of parole,
                                                                      4 life with the possibility of parole after 40 years has
 4 number, if I don't call on you by saying Mr. Smith, badge
 5 number 100, please, identify yourself by name and badge
 6 number so we know who it is that's speaking.
                                                                      6 years.
                   Additionally, seated to my left is Carol.
8 Carol is my court clerk. She's going to swear an oath to
9 you all in a minute, to make sure you're under oath when
10 you answer questions. She keeps track of court exhibits,
11 court minutes, everything that's going on in court.
                                                                     11 Lamb.
                  Seated to her left is my law clerk, Steve.
                                                                     12
12
13 Steve, who is present to help advise me with a lot of
14 legal issues that come up during the course of the
```

You have already met Leslie. Leslie is my

Leslie doesn't have that obligation. So

What I'm going to do now is ask the

17 bailiff. What you're going to find out is everybody else 18 in the courtroom, attorneys, most of the court personnel

19 works under certain ethical obligations not to converse

23 to the extent you're outside and need to get information

20 with the jurors, other then the jury questioning

24 to somebody, you can always talk to Leslie.

15 proceedings.

21 process.

16

22

5 been served, and a term of 100 years with parole after 40 This is an incident that involves a victim 8 Debra Panos. It occurred back in August 31, 1995 at the 9 Ballerina Mobile Home Park. It's a little east of 10 downtown, maybe about 3 miles east of this area, 839 East It will also include some testimony about 13 some areas in the downtown, here, the jail, and Parole and 14 Probation. And the business at the time G.E. Capital, 15 where some of the witnesses worked. 16 Luanna Aires, Lisa Duran, Tanya Hobson, 17 LaDonna Jackson, Claire McGuirre, Mike Pollard, Kimberly 18 Simpson, Sherry Smith, and Debra Turner, Laura Burfield, 19 Jerry Urnst, Dina Freeman, Michelle Moncha, Carol Munson, 20 Norma Penfield, and Paul Widner. From the Clark County 21 Coroner's office -- a retired coroner now -- a Dr. Green. 22 And then police department officers, Daniel Dersdorff, 23 Darren Heiner, Officer Art Lee, Paul Osúch, Mike Perkins, 24 James McCarroll, Allen Williams, and Cal Winchells. 25 From Parole and Probation, Larry Arabe 52

		_		
_1	(ph) Mike Compton, William Duffy, Ed Henderson, Chermaine	1	PROSPECTIVE JUROR: Present.	
2		2	THE CLERK: Albert Parramore.	
3	And one other witness, potentially might	3	PROSPECTIVE JUROR: Here.	
÷ 4	be called, is a psychiatrist, Thomas Bickert, from the	4	THE CLERK: Brianne Gernot.	
5	Reno area.	5	PROSPECTIVE JUROR: Here.	
6	Appreciate your time and attention and	6	THE CLERK: Donna Byrd!	
7	patience with us, and your candor after we address the	. 7	PROSPECTIVE JUROR: Here.	•
8	questions to you in a little bit.	8	THE CLERK: Joseph Schechter.	
9	Thank you.	9	PROSPECTIVE JUPOR: Here.	
. 10	THE COURT: Thank you, again, sir. Mr.	10	THE CLERK: Linda Duran.	
11	Schieck.	11	PROSPECTIVE JUROR: Here.	
12	MR. SCHIECK: Thank you, your Honor.	12	THE CLERK: Laura Staley.	:
13	Good morning, ladies and gentlemen. My	13		;
	name is David Schieck. I'm with the special public	14	THE CLERK: Sharon Larsen.	
	defender's office here in Clark County. Assisting me is	15		
	Clark Patrick, who's also with the special public	16	[
	defender's office. This is our client who's been charged	17		
	in this case, James Chappell.	18	THE CLERK: Heather Cohen.	
19	The list of witnesses from which we may	19	PROSPECTIVE JUROR: Heré.	
	call during these proceedings are as follows: James Ford,	20	THE CLERK: John Wells/	
	Ivory Morrell, Ben Dean, Charles Dean, Fred Dean, Willy	21	1	
22	Chappell, Mira Chappell-King, Kisha Axiom, Dennis Reffer,	22	THE CLERK: James Engelbrecht.	
	Marabel Rosales, and Howard Brooks.	23	PROSPECTIVE JUROR: Here.	
24	Additionally, Dr. Lewis Etcoff, Dr. Tod	24	THE CLERK: Kary Kitchen.	
	Grey, and Dr. William Danton from Reno Nevada.	25	PROSPECTIVE JUROR: Here.	
-	53	"	55	
1	. Thank you,	1	THE CLERK: Brenda Berry.	
2	THE COURT: Thank you, Mr. Schick,	2	PROSPECTIVE JUROR: Here.	
_	again.	3	THE CLERK: Bobby Franks.	
4	To my new folks, as you can guess we have	4	PROSPECTIVE JUROR: Here.	
5	gone through this process with your fellow jurors here. I	5	THE CLERK: Terry Tetonis.	
	was explaining to them, as you all where on your way up, I	6	PROSPECTIVE JURGR: Here.	
	wish the court was big enough that we could bring in	7	THE COURT: Is there anybody that just	
	enough people that filled in the questionnaire, which is	1	came in whose name was not called? No. All right. Thank	
	about 125 people, so that the attorenys only have to		you, very much.	
	repeat this once, in terms of introducing themselves,	10	Let me ask the seventeen or so of you that	
11	telling what the case is about, naming witnesses to you,		just got here to stand and raise your hand for me please	
12	then we can work through the process. But unfortunately		so I can have Carol administer the oath to you all.	
	the courtroom is not big enough to do that. I apologize	13	THE CLERK: You do solemnly swear that you	
14	to you in advance, if we have same thing that we had	!	will well and truly answer such questions that may be put	
	earlier, where we excused some people and we kind of need		to you, touching upon your qualifications to act as jurors	
16	to get more in here before we move to the second part of		in the case at issue, so help you God.	
	what we're trying to do. But nonetheless, we're trying to	17	·	
		ı	PROSPECTIVE JUROR: (Choir of I do.) THE CLERK: Be seated.	
	do it in the most efficient way we can.	18		
19	I'll ask for Carol to call the roll of the	19	THE COURT: Let me tell you up front, you	
	jurors those of you that just arrived. Please listen	l	answered the questionnaire. You came in and filled that out. But there are still questions that need to be asked	
	for your name and any manual or have the true have		OUL. THE THEFE ARE SELLE DRESTIONS THAT DEED TO BE ASKED	
21	for your name and answer present or here when you hear		- · · · · · · · · · · · · · · · · · · ·	
21 22	your name.	22	by myself and by the attorneys as well. It's everyone's	
21 22 23	your name. THE CLERK: Tamar Jackson.	22 23	by myself and by the attorneys as well. It's everyone's desire that we get as fair, open-mined, impartial group of	
21 22	your name.	22 23 21	by myself and by the attorneys as well. It's everyone's	

```
of can tell from the questionnaire the questioning is
                                                                      1 ago was that?
                                                                                         PROSPECTIVE JUROR: In; '93 or '94.
  2 somewhat personal at times. It's not intended to
                                                                      2
                                                                                         THE COURT: Locally or | somewhere else?
  3 unnecessarily pry into your lives, but nonetheless, there
                                                                                         PROSPECTIVE JUROR: In California.
4 are issues that the attorneys need to learn about as they
  5 go about the process of selecting a jury in this case.
                                                                                         THE COURT: Thank you, sir. Next, is that
                    So I have to tell you strenuously, please,
                                                                      6 Ms. Cohen.
 7 make sure that you give as full, complete, and honest
                                                                                         PROSPECTIVE JUROR: Never mind.
  8 answers to any of the questions that are put forth to you.
                                                                                         THE COURT: If you've got something, let
  9 If you try and hide or withhold something, that fact alone
                                                                         me know.
                                                                                         PROSPECTIVE JUROR: No.
 10 can tend to contaminate your verdict if you're ultimately
                                                                      10
                                                                                         THE COURT: Anybody over here I missed?
 11 chosen as a juror in this case.
                                                                      11
                                                                      12
                                                                                         PROSPECTIVE JUROR: Ms. Jackson, 080, my
                    So if your instinct tells you, you know
 12
13 what, I wonder if they really need to know about this or
                                                                      13 nephew, robbery.
14 not, tell us about it, please. Every fact has some
                                                                      14
                                                                                         THE COURT: Was that here?
                                                                                         PROSPECTIVE JUPOR: In California.
 15 bearing on your personal and professional life somehow
                                                                      15
 16 relates to your ability to hear this case is important for
                                                                                         THE COURT: Thank you. : Anybody else over
                                                                      16
                                                                         there. Yes, badge number -
 17 the attorneys to know. So make sure you tell us about
                                                                      17
                                                                                         PROSPECTIVE JUROR: 88, myself, felony
 18 it.
                                                                      18
                                                                      19 1997.
 19
                    I have some general questions I'll ask of
                                                                                         THE COURT: All right. What was it?
 20 the seventeen of you real quick. If you want to answer a
                                                                      20
    question, raise your hand and I'll work through everybody.
                                                                      21
                                                                                         PROSPECTIVE JUROR: Stolen property -
 21
                                                                      22 buying stolen property. It was reduced to a
                    Have any of you been convicted of a
 22
 23 felony? No. Thank you.
                                                                      23 misdemeanor.
                                                                     24
                                                                                         THE COURT: Where was that?
                    Anybody who is not a U.S. citizens? No.
 24
 25 Thank you.
                                                                     25
                                                                                         PROSPECTIVE JUROR: Here in las Vegas.
                                                                                                                                  59
                                                             57
                                                                                         THE COURT: Thank you. | Anybody else?
                    Do any of you believe you know or are
                                                                      1
   acquainted with Mr. Owens or Ms. Weckerly? No. Thank
                                                                      2 Yes.
                                                                                         PROSPECTIVE JUROR: 86 -- my sister in
 3 you.
                                                                      4 California, shoplifting, receiving stolen goods, and drug
                    Anybody believe you know or are acquainted
 5 with Mr. Schieck or Mr. Patrick, the defense attorneys?
                                                                      5 paraphernalia.
   No hands. Thank you.
                                                                      6
                                                                                         THE COURT: Anybody else?
                    Any of you all believe you know or are
                                                                                         PROSPECTIVE JUROR: Parking tickets and
    acquainted with Mr. Chappell, the defendant. All right.
                                                                      3 stuff don't count?
                                                                                         THE COURT: Not unless you got a whole lot
                    Anybody believe they are acquainted with
                                                                      10 of them. Then you probably don't want to tell me
 10 or know any of the witnesses spoken to you about, by
    either Mr. Owens or Mr. Schieck? No hands. Thank you.
                                                                     11 алужау.
                    Anybody think they know anything about
                                                                     12
                                                                                         THE COURT: Thank you. Is there anybody
12
                                                                      13 here of the seventeen of you all that just came in who
13 this case, other than what the attorneys have stated to
    you or from the jury questionnaire? I see no hands.
                                                                     14 would tend to give more weight or less weight or credence
14
                                                                     15 to the testimony of a police officer because they were a
   Thank you, very much.
15
                                                                     16 police officers? I see no hands.
16
                    Same of you mentioned in your
    questionnaires, when you were asked about prior jury
                                                                     17
                                                                                         Does everybody believe they will be able
                                                                     18 to follow the instructions on the law that I give you that
    service, that you had been jurors before. Were any of you
   a foreperson of any of those juries? I see no hands.
                                                                     19 pertain to this case, rather then -- or, I should say, if
                                                                     20 those instructions differ from what your personal belief
   Thank you.
20
                                                                     21 is, as to what the law ought to be?
21
                    Have any of you all or close family
                                                                     22
                                                                                        Essentially I'll give you legal
22 members ever been accused of a crime? Yes, sir.
                                                                     23 instructions on the case. A little at the beginning, a
                   PROSPECTIVE JUROR: 094 - my uncle was
23
                                                                     24 lot at the end before the attorneys make their closing
24 accused of murder.
                                                                     25 arguments. What I need to know now is you are going to
                   THE COURT: Okay. Was that - how long
25
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And I understand it's inconvenient for
agree to follow the law as I tell you the law exists in
                                                                      1
                                                                      2 you. Trust me. I realize that you have things in your
 2 the State of Nevada.
                                                                      3 life you'd rather be doing. It's a very important process
 3
                   Your job is to find out what the facts
^{\mathrm{F}} 4 are. You apply the facts to the law as I tell you the law
                                                                      4 that we have here, and to not have jurors willing to serve
 5 exists. Is there anybody that cannot follow the law as I
                                                                      5 would mean you can't go forward this type of judicial
                                                                      6 process that we have in this country. 'It's the best in
 6 tell you the law exists? I see no hands. Thank you, very
                                                                      7 the world. A lot of judges come over from other counties
                   And finally, there are certain principles
                                                                      8 that wish they had this process.
                                                                                        I wish you would give strong consideration
 9 of law that apply to any criminal proceeding, and one of
10 those principles is that the State of Nevada has the
                                                                     10 to giving us a little bit of your time and serve in this
11 burden of proving all the elements necessary in this
                                                                     11 case.
12 proceeding beyond a reasonable doubt. Does everybody
                                                                     12
                                                                                        That being said, is there anybody who it
13 understand that?
                                                                     13 would be an undo burden upon to serve for five or six days
14
                   Anybody not understand that?
                                                                     14 here. All right. Yes, sir.
                                                                                        PROSPECTIVE JUROR: I own my own
                   Does everybody agree that they could hold
                                                                     15
15
16 the State to their burden in this case of proving the
                                                                     16 company.
    things that are necessary to prove beyond a reasonable
                                                                     17
                                                                                        THE COURT: Your badge number, sir?
                                                                                        PROSPECTIVE JUROR: John Wells, badge
    doubt? Anyone who could not do that? I see no hands.
                                                                     19 number 94. I have a small IT service that out-sources
19 Thank you, very much.
                   Final question I have is about -- I'm
                                                                     20 services to several companies in Las Vegas valley. I have
20
21 going to ask you whether it would be an undo burden upon
                                                                     21 taken nearly forty calls this morning I'm not able to
                                                                     22 attend to, because of the daylight savings change. I have
22 you to serve in this case for the next -- we anticipate
                                                                     23 one guy that works for my. We support 40 companies in the
23 the case will last through Friday, maybe spills over into
                                                                     24 valley. I'd go out of business if I couldn't attend to my
24 Monday of next week. So I'll ask you if it would be an
25 undo burden upon anybody to serve that amount of time as
                                                                     25 clients.
                                                                                                                                 63
                                                                                        THE COURT: Anybody else? Yes, sir.
 1 jurors in this case.
                                                                      1
                                                                                        PROSPECTIVE JUROR: Badde 95. I'm
                   And before I ask the question, let me give
   you a little bit of information.
                                                                      3 self-employed. I'm a house painter. Presently working
                   Average trial in this building lasts about
                                                                      4 with my brothers, of which there are two. And if I don't
 5 six days. This is about average. Hopefully a little less
                                                                      5 work, sir, I don't make money.
 6 than average. If I excuse you today, base upon whatever
                                                                                        THE COURT: Thank you. Anybody else?
    reason you give to me, you don't just get to leave and go
                                                                      7 Yes, Ms. Jackson.
   home. You got to go back to jury services and they decide
                                                                                        PROSPECTIVE JUROR: 80 -- I'm in retail.
                                                                      9 My husband is a loan officer. He just started out. It's
   whether to send you out on another panel today or tell you
10 to come back next week. Whatever their pleasure is.
                                                                     10 just a burden for me to come due to financial situation.
                   If you go to another panel, that judge may
                                                                     11
                                                                                        THE COURT: Thank you. Anybody else over
11
12 not like your excuse. It's independent to each judge
                                                                     12 there?
13 whether he excuses a juror or not. We have medical
                                                                                        PROSPECTIVE JUROR: 86 :- I work graveyard
                                                                     13
14 malpractice cases, including a couple of them starting
                                                                     If for starters. I'm a sole income and care giver to my
15 today, or a couple later days this week, that last six
                                                                     15 brother who lives with me. He's 80 years old. He
16 months or more. We have medical malpractice cases that
                                                                     16 requires resources.
17 last a couple of months. There's a variety of cases that
                                                                     17
                                                                                        THE COURT: Anybody else?
                                                                                        PROSPECTIVE JUROR: 102 - I'm currently
18 last a lot longer then this case is what I'm trying to
                                                                     18
                                                                     19 working graveyard. I'm the only source of income in my
19 tell you.
20
                   So there's also cases that last a day or
                                                                     20 house. My wife is going to school. And I'm supporting
21 two. Don't get me wrong. I'm not trying to tell you not
                                                                    21 five kids.
22 to answer the question. I'm trying to give you a little
                                                                    22
                                                                                        MR. OWENS: What is that number?
23 information as to how the process works so you understand
                                                                    23
                                                                                        THE COURT: That's Mr. Tetonis, 102.
24 when you tell me what the reasons are why you can't
                                                                    24
                                                                                        PROSPECTIVE JUROR: 102.
25 serve.
                                                                    25
                                                                                        THE COURT: All right. Anybody else? No.
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STATE OF NEVADA vs. JAMES CHAPPELL

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1 Thank you.
                                                                                         MR. CWENS: You had answered a number of
         Counsel approach the bench real quick, please.
                                                                      2 questions -- you can have a seat. You don't have to stand
 2
                                                                      3 up. It's uncomfortable enough giving us questions like
 3
                    (Discussion held at the bench.)
                   THE COURT: At this time I'm going to
                                                                      4 this.
                                                                              You were asked a number of questions about the death
 5 thank and excuse, Ms. Byrd 086, Mr. Wells 094, Mr.
 6 Engelbrecht 095. I thank you all for coming down and
                                                                      6 penalty. Have you had an opportunity to think about that
    answering the questionnaire and coming up here today.
                                                                      7 since you filled out the questionnaire? Do you understand
    Please report back to the Jury Commissioner's before you
                                                                        what I mean?
                                                                                         PROSPECTIVE JUROR: I speak Spanish.
    leave today, okay.
                                                                                         MR. OWENS: Do you have a problem with the
10
                   Ladies and gentlemen, we're going to move
                                                                      10
11 on now with questions from the attorneys. We'll get into
                                                                     11 language?
    this a little bit before we take our lunch break.
                                                                     12
                                                                                         PROSPECTIVE JUROR: Yes
                                                                                        MR. CWENS: You have a hard time
                   The most efficient and affective way for
                                                                     13
                                                                     14 understanding English?
14 the attorneys to do this is to go one by one with people.
15 The State's attorneys ask questions and the defense
                                                                     15
                                                                                         PROSPECTIVE JUROR: Yes.
                                                                                         MR. OWENS: So it would be hard for you to
16 attorneys ask some questions, and we'll move onto the next
                                                                     16
    juror.
                                                                     17 understand what the witnesses are saying as they come up
17
                   It may be between each attorney, Mr. Owens
                                                                     18 to the stand?
18
                                                                                         PROSPECTIVE JUROR: Yes. It's hard.
19 may have question for the first juror, Ms. Weckerly may
                                                                     19
    have questions for the second juror. The same thing with
                                                                                         MR. OWENS: Approach briefly.
                                                                     20
                                                                                        THE COURT: Sure.
   Mr. Schieck and Mr. Patrick as they move back and forth
                                                                     21
                                                                     22
                                                                                         (Discussion held at the bench.)
    with you all.
                                                                                         THE COURT: Why don't we go ahead and move
                   What you'll find, especially you folks in
                                                                     23
23
                                                                     21 to Mr. Brady. I'll contact the court interpreter's office
24 the audiance right now, to the extent somebody gets
                                                                     25 for Mr. Perez. Thank you, Mr. Perez.
                                                                                                               Stay for right now,
25 challenged and excused for cause and somebody else has to
 1 move up, as you listen to the questions over and over
                                                                      1 okay.
 2 you'll be a lot quicker to answer things because you'll
                                                                      2
                                                                                         PROSPECTIVE JUROR: I can interpret,
 3 able to understand what it is the attorneys are really
                                                                      3 Judge.
 4 interested in trying to question you about. So kind of
                                                                                        THE COURT: I appreciate that, but by rule
                                                                      5 I need to have a certified court interpreter from the
   pay attention as we're moving on, if you would, please.
                   All right. Mr. Owens, Ms. Weckerly.
                                                                      6 interpreter's office.
                                                                                        MS. WECKERLY: May I proceed.
                   MR. OWENS: If I could request, it might
   be helpful to us to get a role call. I don't know if we
                                                                                        THE COURT: You may.
   maintained -- I'm not sure if we know who is in which
                                                                                        MS. WECKERLY: I guess it's not quite
                                                                     10 morning anymore. Last week when you filled out your
   seats at this point.
10
                                                                     11 questionnaire, you were asked several questions about the
                   THE COURT: Seat number one is Mr. Perez
11
   001, Mr. Brady 004, Ms. Kaleikini-Johnson 007, Mr. Taylor
                                                                     12 death penalty. Do you recall that?
                                                                                        PROSPECTIVE JUROR: Sure!
13 009, Mr. Hibbard 010, Ms. Bailey 015, Ms. Mills 016,
                                                                     13
                                                                                        MS. WECKERLY: One of the questions that
14 Mr. Henck 020. My far right, Mr. Smith 022, Ms. Heyrick
                                                                     14
   023, Ms. Cardillo 026, Ms. Ramirez 034, Ms. Theus 035, Ms.
                                                                     15 was asked, sort of alluded to, or asked) you would you
16 Noahr 036, Mr. Martino 038, Bundren 039, Ms. Smith 045,
                                                                     16 automatically impose the death penalty if someone were
                                                                     17 convict of first degree murder. Do you recall a question
17 Morin 050, Garcia 051, Salak 055. Correct?
                   PROSPECTIVE JUROR: Yes.
                                                                     10 of that nature?
18
                                                                                        PROSPECTIVE JUROR: Sure:
                                                                     19
                   THE COURT: Do you want me to keep going?
19
                                                                     20
                                                                                        MS. WECKERLY: As you know from Mr. Owens
                   MR. OWENS: That's plenty for now.
20
                                                                     21 this morning and probably you got that from the
                   THE COURT: All right, Mr. Owens.
21
                                                                     22 questionnaire as well, we're sitting here and the
                   MR. CWENS: Court's indulgence a moment.
22
                                                                     23 Defendant is convicted of first degree murder with use of
                   THE COURT: Okay.
23
                                                                     24 a deadly weapon. You understand that?
24
                   MR. OWENS: Mr. Perez, how are you doing?
                                                                     25
                                                                                        PROSPECTIVE JUROR: Correct.
                   PROSPECTIVE JUROR: Fine.
25
```

```
1
                                                                                        PROSPECTIVE JUROR: Um +-
                   MS. WECKERLY: Judge Herndon explained
:1
                                                                                        MS. WECKERLY: You are put on the spot.
                                                                      2
 2 that at the end of the case you'll be provided with the
 3 law in the State of Nevada as to when jurors can consider
                                                                                        PROSPECTIVE JUROR: I quess, I definitely
 4 the death penalty, because it's not an automatic thing in
                                                                      4 lien toward the death penalty in any type of murder case,
 5 every case of first degree murder in the State of Nevada.
                                                                        or something like that. But it depends on the judge's
                                                                        instructions. I could take that into account.
 6 There are certain requirements that have to be met before
                                                                                        MS. WECKERLY: Thank you, sir.
 7 the jury can even consider the death penalty.
                                                                                        THE COURT: Thank you. Pass for cause?
         Would you be able to follow those instructions
                                                                                        MR. OWENS: Yes. Sorrý, your Honor.
 9 provided by Judge Herndon and hold the State to those
                                                                      9
                                                                                        THE COURT: Mr. Patrick.
 10 legal requirements before you would consider the death
                                                                     10
   penalty as a potential punishment?
                                                                                        MR. PATRICK: Mr. Brady, you indicated in
                                                                     11
                    PROSPECTIVE JUROR: I guess the question
                                                                     12 your questionnaire that you have a history of domestic
12
13 back -- is it going to be one of the options no matter
                                                                     13 violence in your family.
14 what, or is that what this is going to be determining to
                                                                                        PROSPECTIVE JUROR: Correct.
                                                                                        MR. PATRICK: If you come to find out
15 see if that's even on the table?
                                                                     15
                                                                     16 something about this case involves domestic violence,
16
                   MS. WECKERLY: Exactly.
                    PROSPECTIVE JUROR: If it's not on the
                                                                     17 would that color your opinion of the case?
17
                                                                                        PROSPECTIVE JUROR: Possibly.
18 table.
                                                                     18
                   MS. WECKERLY: The Judge will tell you
                                                                     19
                                                                                        MR. PATRICK: How do you feel about
19
20 these are the requirements that must be met before a jury
                                                                     20 damestic violence.
21 can consider imposition of the death penalty. And you
                                                                     21
                                                                                        PROSPECTIVE JUROR: It's unacceptable.
                                                                                        MR. PATRICK: It was shown that
22 wouldn't have any trouble following those instructions?
                                                                     22
                   PROSPECTIVE JUROR: If he says it wasn't
                                                                     23 Chappell had a history of domestic violence would that
                                                                     24 change your opinion about what penalty he should be given?
24 an option, then it's not an option.
                                                                     25
                                                                                        MR. OWENS: Objection, your Honor.
25
                   MS. WECKERLY: Another part of that
                                                            69
                                                                                                                                 71
                                                                                        THE COURT: Well, I'll sustain the
 1 process is you'll be given information, obviously, about
 2 the crime itself, but also information about the Defendant
                                                                      2 objection. Ask specifically if he's going to do a certain
                                                                      3 thing based upon a certain piece of evidence. I'll allow
 3 and his background, that sort of thing. And the law is
 4 that you are to consider all of that information in making
                                                                      4 you to explore the issue of domestic violence,
 5 your decision with your fellow jurors. And I assume you
                                                                      5 obviously.
                                                                                        MR. PATRICK: Who in your family had the
 6 would have no trouble following that law as well,
   considering all the information before you make a
                                                                      7 history of domestic violence?
                                                                                        PROSPECTIVE JUROR: My father and
 8 decision?
                   PROSPECTIVE JUROR: I have to say
                                                                      9 mother.
                                                                                        MR. PATRICK: Who was the abuser?
10 personally I don't feel that anybody's background is
                                                                     10
                                                                                        PROSPECTIVE JUROR: My Father.
11 justification for a crime that they commit.
                                                                     11
                                                                                        MR. PATRICK: So how do you feel about --
                   MS. WECKERLY: Well, and we're not
                                                                     12
12
                                                                     13 again, how do you feel about domestic violence?
13 necessarily talking about, in this situation,
                                                                                        PROSPECTIVE JUROR: Unacceptable, I don't
   justification for a crime. Because he's convicted of
                                                                     14
                                                                     15 know why my mother didn't put him in jail.
15 first degree murder, and so the what you're to consider it
                                                                                        MR. PATRICK: Now, Ms. Weckerly talked to
                                                                     16
16 for in this case is what would be an appropriate
                                                                     17 you about if the death wasn't an option you'd consider
   punishment. And the law doesn't tell you what weight you
   must give certain factors. You must hear that information
                                                                     18 other forms of penalty?
                                                                                        PROSPECTIVE JUROR: If vit wasn't an
   and consider it before you make a sentencing decision
                                                                     19
   collectively in a group. Would you be able to do that?
                                                                     20 option, yes.
                                                                    21
                                                                                        MR. PATRICK: It's going to be an option.
                   PROSPECTIVE JUROR: Sure.
21
                                                                     22 The judge is not going to tell you you cannot impose the
                   MS. WECKERLY: Do you have any other
22
23 concerns about your ability to following the judge's
                                                                    23 death penalty.
24 instruction and make a decision about punishment that is
                                                                                        PROSPECTIVE JUROR: Okay. Knowing that he
```

25 is convicted of murder, that would be the route that I

25 appropriate in this case?

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wasn't. But I'm here. I'm supposed to be here.
21 would choose to go, unequivocally.
                                                                                        MR. OWENS: Are you nervous?
                    MR. PATRICK: If you learned things about
 2
 3 Mr. Chappell's past, childhood, would any of that matter
                                                                                         PROSPECTIVE JUROR: A little bit.
                                                                                         MR. OWENS: Just the context of being
• 4 to you?
                                                                      5 here, being on the spot?
                    PROSPECTIVE JUROR: Not at all.
                    MR. PATRICK: We'd ask to strike for
                                                                                         PROSPECTIVE JUROR: That's it.
                                                                                         MR. OWENS: Something about the nature of
 7 cause.
                   THE COURT: Let me say this to the panel,
                                                                        the charge, murder, or the punishment that makes you feel
 9 and Mr. Brady as well. The death penalty is a sentencing
                                                                        unconfortable?
                                                                                         PROSPECTIVE JURGE: No.
 10 option, a sentencing possibility as you enter this
 Il hearing. You have to discover certain facts, which you'll
                                                                                        MR. OWENS: When we are asking the
                                                                      11
 12 find in the legal instruction is what you find the facts
                                                                      12 question about an eye for an eye, you said you didn't
                                                                      13 necessarily believe in that principle. It said, I don't
 13 to be will be what determines whether you can consider
                                                                      14 feel I have the right to decide that. What did you mean
14 that as a possible punishment in your deliberation, okay.
 15 The instructions layout how you go through that process.
                                                                      15 by that?
 16 Right now it's a possibility. It's certainly not
                                                                      16
                                                                                         PROSPECTIVE JUROR: Basically, I don't
                                                                      17 think that I personally, myself, have a right to decide
 17 something that you absolutely have to give. You don't
 18 have to give the most lenient sentence either. You have
                                                                      18 that. I can't say you did that to me, I'll do it back to
                                                                      19 you. In my own life. I know in this situation it's
19 to determine what the facts are and if certain facts are
20 met, then you can consider the death penalty as a possible
                                                                      20 dependent upon circumstances.
                                                                                        MR. OWENS: You don't have a problem of
21 punishment in your deliberation.
                                                                      22 applying whatever standard you feel is appropriate here?
         So are you saying, Mr. Brady, you are automatically
                                                                                        PROSPECTIVE JUROR: No.
23 going to impose the death penalty if it's a possibility
                                                                     23
                                                                                        MR. OWENS: We are looking for people
24 for you when you go back there, without knowing anything?
                                                                      24
                                                                      25 outside of the situation, obviously, to be as fair and
25 Or are you going to consider everything and work with the
                                                                      i impartial as they can be. We talked about the four
 1 instructions and evidence, then decide what the
                                                                      2 options. Do you have any questions about the four options
 2 appropriate sentence is?
                   PROSPECTIVE JUROR: Well, I mean, I would
                                                                      3 that are available?
                                                                                        PROSPECTIVE JURGE: No.:
 4 have to say the very limited things I know about the case
                                                                                        MR. CWENS: Obviously, if there was only
 5 that he was convicted of first degree murder and abuse,
                                                                      6 one option on the table we wouldn't need a jury, right?
 6 yeah.
                                                                                        PROSPECTIVE JUROR: Right.
                   THE COURT: Without any regard to what
                                                                                        MR. CWENS: We're looking for people that
 8 other evidence comes out?
                                                                      9 can say that they're willing to keep an open mind and wait
                   PROSPECTIVE JUROR: Whatever happened,
   drugs, whatever else was involved, wouldn't be a
                                                                      10 until they have heard the evidence to make a decision.
                                                                     11 Are you okay with that principle?
11 mitigating factor for me.
                   THE COURT: Okay. I will take that issue
                                                                     12
                                                                                        PROSPECTIVE JUROR: Yes.
12
    under advisement right now.
                                                                                        MR. OWENS: So you don't feel you would
                                                                     13
                                                                     14 jump the gun and say do this or do that without having
        Approach the bench, counsel.
14
                    (Discussion held at the bench.)
                                                                     15 heard anything about this?
15
                   THE COURT: Any other questions for
                                                                     16
                                                                                        PROSPECTIVE JUROR: No.,
16
                                                                                        MR. OWENS: Do you think it's important to
17 Mr. Brady?
                                                                     17
                                                                     13 keep an open mind?
                   MR. PATRICK: No.
18
                                                                                        PROSPECTIVE JUROR: Yes
19
                   THE COURT: Mr. Owens or Ms. Weckerly as
                                                                     19
                                                                     20
                                                                                        MR. OWENS: How do you feel about the idea
20 to Ms. Johnson.
                                                                     21 of deliberation, discussing these issues and keeping an
                   MR. OWENS: How are you?
21
                                                                     22 open mind through that discussion?
22
                   PROSPECTIVE JUROR: Good.
                   MR. OWENS: How are you feeling about
                                                                                        PROSPECTIVE JUROR: As long as everyone
23
                                                                     21 involved is willing to listen, and not jump to conclusions
24 being here today?
                   PROSPECTIVE JUROR: Truthfully, I wish I
                                                                     25 and not — be willing to listen to everybody else, it's
25
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ية fine.
                                                                                        PROSPECTIVE JUROR: Yes.
                                                                                        MR. CWENS: If you felt that that was the
                   MR. OWENS: You're okay with the idea of
                                                                      2
 2
 3 sharing your opinions and ideas?
                                                                      3 appropriate punishment is that a judgment you could make
                                                                        on another human being?
                   PROSPECTIVE JUROR: Yes.
                   MR. OWENS: Listening to other people?
                                                                                        PROSPECTIVE JUROR: Unfortunately, yes.
                                                                                        MR. OWENS: You say unfortunately.
                   PROSPECTIVE JUROR: Yes,
                                                                                        PROSPECTIVE JUROR: I don't relish having
                   MR. OWENS: Are you willing to adjust your
                                                                      8 to do this, but it's part of living here.
    ideas to correspond to what you feel is appropriate as
    that discussion progresses?
                                                                                        MR. OWENS: You feel that's something you
 9
                   PROSPECTIVE JUROR: If somebody makes a
                                                                     10 could do?
10
                                                                                        PROSPECTIVE JUROR: Yes
11 good point, yes.
                                                                     11
12
                   MR. OWENS: You don't have any
                                                                     12
                                                                                        MR. CHENS: You haven't heard everything
   philosophical problems with the death penalty itself?
                                                                     13 or anything right now.
13
14
                   PROSPECTIVE JUROR: No.
                                                                     14
                                                                                        PROSPECTIVE JUROR: Right.
                   MR. OWENS: Do you feel that it's
                                                                                        MR. OWENS: What we're trying to find out
                                                                     15
15
                                                                     16 is if people have problems judging other people, we want
16 important to have a range of punishments for a crime such
                                                                     17 to find out now rather then the end of the next four or
   as this?
                                                                     18 five days and they say, I can take this responsibility.
                   PROSPECTIVE JUROR: Yes.
38
                   MR. OWENS: Do you feel you could consider
                                                                     19 You're okay, you feel you could hold up and do that?
19
20 all those forms of punishment before selecting the one
                                                                     20
                                                                                        PROSPECTIVE JURGR: Yes
21 that is the most appropriate?
                                                                     21
                                                                                        MR. OWENS: Thank you. I'll pass for
                   PROSPECTIVE JUROR: Yes.
                                                                     22 cause.
22
                                                                     23
                                                                                        THE COURT: Thank you. Mr. Schieck.
                   MR. OWENS: We're not asking you to
                                                                                        MR. SCHIECK: Thank you. Ms. Johnson, you
24 prejudge what you do here. You don't know anything about
                                                                     25 indicated in your questionnaire that you'd never really
25 the case. But after you hear all the factors in
                                                            77
 1 mitigation and aggravation, you're free, you're free to
                                                                      1 been exposed to someone who's got a history of substance
                                                                      2 abuse or domestic violence; is that correct?
 2 accept what you want to accept and reject what you don't
                                                                                        PROSPECTIVE JUROR: Correct.
 3 want to accept, and come up with what you feel is
                                                                                        MR. SCHIECK: You've probably heard from
 4 appropriate in the end. Does that seem like a fair
                                                                      5 the questioning may hear things about those two topics
 5 system?
                                                                      6 during the course of this hearing. Is that going to cause
                   PROSPECTIVE JUROR: Yes.
                                                                      7 you to be less than fair and impartial to both sides of
                   MR. OWENS: And if after hearing all the
                                                                      % the case?
 8 evidence in the case, both pro and con, you thought about
                                                                     9
                                                                                        PROSPECTIVE JUROR: No.
   all the range of punishment, if you are convinced of what
10 the appropriate punishment and fair punishment was the
                                                                     10
                                                                                        MR. SCHIECK: Is that scrething you would
                                                                     In want to hear about in this case, whether or not substance
11 death penalty, would you be able to come back with that
                                                                     12 abuse might have been involved or alcohol abuse might have
12 verdict?
                   PROSPECTIVE JUROR: Yes.
                                                                     13 been involved?
13
14
                   MR. OWENS: How do you feel about the idea
                                                                     14
                                                                                        PROSPECTIVE JUROR: If it has bearing on
   of sitting in judgment on another person?
                                                                     15 the case, yes.
                   PROSPECTIVE JUROR: I personally don't
                                                                     16
                                                                                        MR. SCHIECK: When you say bearing on the
16
17 like it, but the way the system is set up here this is the
                                                                     17 case, we're just here to determine the penalty, so as it
   way it is done. I got the luck of the draw.
                                                                     18 has a bearing on the potential penalty in the case?
                   MR. OWENS: I think most people feel
                                                                     19
                                                                                        PROSPECTIVE JUROR: Yes.
19
20 unconfortable judging other people, especially in the
                                                                     20
                                                                                        MR. SCHIECK: That's screething you'd want
21 context like this. You appreciate the need to have
                                                                     21 to hear?
                                                                     22
                                                                                        PROSPECTIVE JUROR: Yes.
22 judgments made from time to time in our society?
                   PROSPECTIVE JUROR: Yes.
                                                                     23
                                                                                        MR. SCHIECK: One of your other questions,
23
                   MR. OWENS: You believe in the jury
                                                                     24 you were asked about friends that work in the justice
24
25 system?
                                                                     25 system. You don't have any friends that work in law
                                                                                                                                 80
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i,	enforcement whatsoever or the justice system?	1	Mr. Taylor.	
2	PROSPECTIVE JUROR: No.	2	PROSPECTIVE JUROR: Yes!	
3	MR. SCHIECK: You do however have an	3	MR. OWENS: You had indicated that you	
* 4	opinion that sometimes the justice system can be a little	4	knew some people that had some problem; was drugs, drug	
	to lenient. Did you have something in mind when you wrote	5	situations?	
	that answer?	6	PROSPECTIVE JUSOR: A brother-in-law.	
7	PROSPECTIVE JUROR: No.	7		
8	MR. SCHIECK: Nothing that caused you to	8	too good. I think you said one died or something.	
9	have that opinion?	9	PROSPECTIVE JUROK: I can't remember	
10	PROSPECTIVE JUROR: No.	10	DOM	
11	MR. SCHIECK: Is that still an opinion	ln	MR. OWENS: You can't remember?	
	that you have that our system is too lenient?	12	PROSPECTIVE JUROR: No.	
13	PROSPECTIVE JUROR: No. I guess there are	13	MR. OWENS: Substance abuse, you said one	
	some cases where there's been so much wrong done, it just	14		
	doesn't fit what they were. But it's also outside looking	15	PROSPECTIVE JUROR: It was my ex-wife.	
	in and listening to what the news puts out. I'm not	16		
	getting everything. We're getting what they want us to		abuse the death?	
	have.	18	PROSPECTIVE JUROR: Yes, it was.	
19	MR. SCRIECK: Any cases where you can	19	MR. OWENS: So you are kind of close to	
	think of where perhaps the judge imposed a sentence and	1	these situations?	
	you thought to yourself that guy got off or lady got off	21	PROSPECTIVE JUROR: Yes.	
	too easy?	22	MR. OWENS: Anything about those that	
	PROSPECTIVE JUROR: No, because I don't		would make it difficult for you to sit in this particular	
23	like to listen to the news because it's depressing.		case?	
25	MR. SCHIECK: We've had a lot of cases in	25	·	
23	81	``	83	
1	the news involving politicians. Sometimes it seems like	 	MR. OWENS: You weren't so close that you	
	they got a slap on the wrist, and sometimes they got a lot	2	got prejudiced about drugs to get in the way of being	
	of time in prison. Any of those cases that caught your		fair?	
	attention and you thought it was too lenient?	1	PROSPECTIVE JUROR: Well, I have prejudice	
5	MR. CWENS: Cojection. Unless he's	5	against drugs.	
	talking about specific cases.	6	MR. OWENS: By prejudice, what I mean is	
1	THE COURT: I'll sustained the objection	1 -	that it would interfere with your ability to be fair. Of	
а	as to a specific case in that regard.	8	course you can consider these things and give weight to	
9	MR. SCHIECK: I just asked "yes" or "no."	,	whatever you want.	
	Did any of those cases catch your attention?	10	PROSPECTIVE JURGR: I need to consider it,	
11	PROSPECTIVE JUROR: No.	n	absolutely. That's what — you have to feed us	
12	MR. SCHIECK: You indicated with respect		information on both sides.	
	to the death penalty that you feel that it's used	13	MR. CWENS: Right. Now you said you	
14	appropriately, as opposed to too often or not enough.	t	thought you might have heard some media on this?	
15	Have you followed death penalty case or paid attention to	15	PROSPECTIVE JUROR: I don't know if it was	
	how often it's imposed?	16	this case or not. It sounded familiar, I wasn't in	
17	PROSPECTIVE JUROR: No.	ı.	here I didn't live here in '95. If it occurred in '93,	
18	MR. SCHIECK: Just a general impression,	1	it's not the same one.	
	it's imposed appropriately.	19	MR. CWENS: I'm reading Question 21, and	
20	PROSPECTIVE JUROR: Yes.	ı	your answer was it would be a different case.	
21	MR. SCHIECK: Thank you. We'd pass for	21	PROSPECTIVE JURGE: Right.	
	cause, your Honor.	22	MR. OWENS: Other than this one you don't	
23	THE COURT: Thank you. Ms. Weckerly, Mr.		remember another case?	
	Owens.	24	PROSPECTIVE JUROR: Nothing at all.	
25	MR. OWENS: Thank you, your Honor.	25	MR. OWENS: You have a son involved in law	
	82		84	

1	enforcement?	1	being?	
· * 2	PROSPECTIVE JUROR: He's an ex-police	1 2		
3	officer in Santa Monica. He was undercover.	3	probably do. We're all Gods children. You hate to make	
÷ 4	MR. OWENS: Retired now?		that kind of decision. But what is set out that has to be	
5	PROSPECTIVE JUROR: Yes.	1 5	done has got to be done. Again, we have to figure out	
6	MR. CMENS: Did you have a lot of talk		which one of the four that has to be - collectively.	
7	about his job?	1,	MR. OWENS: You feel that is something	
8	PROSPECTIVE JUROR: Yes.	1 8	you'd be able to do?	
9	MR. CHEMS: You'll probably hear from	وا	PROSPECTIVE JUROR: Suré.	
	police officers in this case, as we do in many cases. The	10	MR. CWENS: Would you be able to consider	
	question is would you want to give more credibility to	111	the full range of punishment before coming to a	
	them because they're police officers?	1	conclusion?	
13	PROSPECTIVE JUROR: None whatsoever.	13		
14	MR. OWENS: You'd weigh their testimony	1	only fair.	
	like you would anybody else?	15	MR. CMENS: You're not going to jump the	
16	PROSPECTIVE JUROR: Absolutely.	1	gun and say I'm doing this automatically?	
17	MR. OWENS: You had experience on a jury	17	PROSPECTIVE JURGR: I've got to hear	
	previously?		everything first.	
19	PROSPECTIVE JUROR: A long time ago.	19	MR. CWENS: You said that you felt the	
20	MR, OWENS: So long ago you can't remember		death penalty depends on the crime.	
	when,	21	PROSPECTIVE JUROR: Right.	
22	PROSPECTIVE JUROR: I can remember.	22	MR. CWENS: And you were concerned that it	
23	MR. OWENS: So you can't remember if it	1	would have to be shown that the person was basically a	
	was criminal or civil?		hundred percent guilty?	
25	PROSPECTIVE JUROR: Civil.	25	PROSPECTIVE JUROR; Correct.	
	85	1	87	
	00	1	i i	
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1	MR. OWENS: Let me —	1	MR. OWENS: You know that's where we're	
2	NR. CWENS: Let me — PROSPECTIVE JUROR: It was an insurance	2	MR. CMENS: You know that's where we're at?	
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PROSPECTIVE JUROR: My:Dad was in the car
 1 consider it all?
                                                                      2 business. That's where I grew up, in the car business.
                    PROSPECTIVE JUROR: Yes.
 2
                                                                      3 Then went into the insurance business and retired from
                    MR. OWENS: You are concerned about the
                                                                      1 that
4 time line here. We're going to do our best.
                                                                                         MR. SCHIECK: We did this questionnaire
                    PROSPECTIVE JUNOR: Yes.
                                                                      6 and nowhere does it ask for your occupation. You were in
                    MR. OWENS: If we run a little bit late,
                                                                      7 the insurance business.
    you're not going to take it out on one of the parties
                                                                                         PROSPECTIVE JUROR: Yes!
 8
    here?
                                                                                         MR. SCHIECK: And is there anything you've
                    PROSPECTIVE JUROR: The judge.
                                                                      10 heard so far in just the few hours we've been here that
                    MR. CWENS: Everybody likes the judges.
                                                                      11 you've got any questions about that cause you some
 If It's the attorneys that have to worry about that. If you
                                                                      12 concern?
 12 felt after hearing all the evidence the death penalty was
    the right sentence, appropriate sentence, could you return
                                                                      13
                                                                                         PROSPECTIVE JUROR: No. 1 No. Pretty open
                                                                      14 to what is all discussed so far.
    that verdict?
                    PROSPECTIVE JUROR: If that's the verdict,
                                                                      15
                                                                                         MR. SCHIECK: You indicated you thought
 15
                                                                      16 you heard something about a girl getting killed over a
 16 we have to pass that verdict.
                    MR. OWENS: Thanks. I'll pass for
                                                                      17 drug deal.
17
                                                                                         PROSPECTIVE JUROR: Right.
                                                                      18
18
    cause.
                                                                                         MR. SCHIECK: There's no evidence that
                                                                      19
19
                    THE COURT: Mr. Schieck.
                                                                      20 that was the facts of this case.
                    MR. SCHIECK: Thank you, your Honor.
20
                                                                                         PROSPECTIVE JUROR: That was just
                                                                     21
                    Mr. Taylor, you understand that when we're
21
                                                                     22 scmething I heard on the news. That been when we first
    talking about the death penalty, it's never required that
                                                                      23 moved here. As I told the other counsel that I'm sure it
23 a jury impose the death penalty?
                                                                     24 was the wrong case, but --
                    PROSPECTIVE JUROR: Correct.
24
                                                                                         MR. SCHIECK: If you we're sitting here
                    MR. SCHIECK: There's always that element
                                                                     25
25
                                                                      1 going through a penalty hearing as the Defendant is, would
 1 of discretion that factors into it?
                                                                      2 you want twelve people in your same state of mind severing
                    PROSPECTIVE JUROR: Sure.
                    MR. SCHIECK: I made a comment about some
                                                                      3 on the jury?
                                                                                         PROSPECTIVE JUROR: Absolutely.
 4 of the factors that you would consider, you said it
                                                                      5 Open-minded and be able to discuss the options and what
 5 depends on how well it's presented. Are you going to be
                                                                      6 facts were presented to you that all weigh towards the
 6 looking at if Mr. Owens presented his case smoothly and
 7 well, but the defense is kind of shookly in some of their
                                                                      7 final goal.
                                                                                        MR. SCHIDCK: Do you have any problem with
 8 addresses or scrething, you're not going to take that into
                                                                      9 the concept of all four of the possible punishments for
 9 account in deciding the appropriate punishment?
                                                                      10 first degree murder are in and of themselves harsh
                    PROSPECTIVE JUROR: I'm not going to look
10
                                                                     11 punishments?
11 at your suit and how much it cost. It's how it's
                                                                     12
                                                                                        PROSPECTIVE JUROR: No.
12 presented, the factual information and how that can be
                                                                                        MR, SCHIECK: You wouldn't feel that by
                                                                     13
13 backed up to be truth in fact.
                                                                     14 choosing one other than the death penalty you're giving a
                   MR. SCHIECK: Okay. From both sides you
14
                                                                     15 lenient sentence as opposed to a hash sentence?
15 want to consider that?
                    PROSPECTIVE JUROR: Yes.
                                                                     16
                                                                                        NR. OWENS: You're asking him to project
16
                    MR. SCHIECK: And you would hold the State
                                                                     17 what he might do.
17
                                                                                        THE COURT: I'll sustain the objection as
   to that same standard of how well their evidence was
                                                                     18
                                                                     19 to the question. I don't have a problem if you rephrase
19 backed up on certain allegations?
                    PROSPECTIVE JUROR: That is correct.
                                                                     20 the question.
20
                                                                     21
                                                                                        PROSPECTIVE JUROR: Restate it.
                   MR. SCHIECK: Now you attended General
21
                                                                     22
                                                                                        MR. SCHIECK: Do you think any of the
22 Motors Institute?
                                                                     23 sentences are lenient?
23
                   PROSPECTIVE JUROR: Yes.
                                                                                        PROSPECTIVE JUROR: I don't believe so.
                   MR. SCHIECK: Is that your area of
                                                                     24
25 occupation?
                                                                     25 They're all pretty hash sentences.
                                                                                                                                  92
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.1 MR, SCHIECK: Thank you. I'll pass for 1 PROSPECTIVE JURGE:	· Vae
£	
	leel It Selves Suite
· · · · · · · · · · · · · · · · · · ·	If the penalty fit the
5 just said, we neglected to ask people about occupation on 5 crime.	I as position the die
	ome'instances I assume
7 PROSPECTIVE JUROR: I'm a chief financial 7 from your answer you think that cou	•
8 officer for a construction company. 8 punishment?	ta ic at abbrohimee
PROPERTY TIPOPO	/os·
	<u>!</u>
and the state of t	· 1
The same and the s	•
12 MR. OWENS: I read in your questionnaire 12 possible punishments for someone con 13 that you had an experience where someone close to you was 13 murder?	1
14 involved in some kind of substance abuse? 14 PROSPECTIVE JUROR:	Yes
The state of the s	!
15 PROSPECTIVE JUROR: My son. 15 NS. WELLERS: AND 16 MR. CWENS: And was it a situation where 16 hearing all kinds of information and	· -
17 you and your family dealt with it kind of among 17 information and decide whether to g	-,
18 yourselves, or did it spill over where law enforcement was 18 PROSPECTIVE JUROR: Y	- I
19 involved? 19 MS. WECKERLY: Okay	i
20 PROSPECTIVE JUROR: We've just gone 20 appropriate to you after hearing al:	l
21 through it. Just went through a period of time. 21 would you be able to vote to impose	1
22 MS. WOCKERLY: Was it a situation where it 22 PROSPECTIVE JUROR:	:
••	ou have any concerns at
24 PROSPECTIVE JUROR: No. 24 all about you ability to be fair to	1
25 MS. WECKERLY: It's sounds experimental. 25 the defense in this case?	i
93	95
1 It sounds like he grew out of it. 1 PROSPECTIVE JURGE:	No.
-	c you, sir. Pass for
3 MS. WECKERLY: Sound good. You have a 3 cause.	-11
4 son-in-law that's maybe in law enforcement? 4 THE COURT: Mr. Pal	rick.
	ibbard, you are a CFO
6 City of Henderson. 6 for a construction firm?	ı
7 MS. WECKERLY: Is he an officer? 7 PROSPECTIVE JURGA:	
D. DIFFERNI	Yeş.
8 PROSPECTIVE JUROR: He is. 8 MR. PATRICK: Does t	Yes. his involve firing and
g PROSPECTIVE JUROR: He is. 8 MR. PARRICK: Does to so MS. WECKERLY: His association or work 9 hiring people?	i
•	this involve firing and
9 MS. WECKERLY: His association or work 9 hiring people?	this involve firing and les:
9 MS. WECKERLY: His association or work 9 hiring people? 10 wouldn't affect your ability to be fair? 9 PROSPECTIVE JURGA: 10	this involve firing and es: oline employees?
9 MS. WECKERLY: His association or work 9 hiring people? 10 wouldn't affect your ability to be fair? 10 PROSPECTIVE JUROR: My son is also in the 11 MR. PATRICK: Discip 12 criminal justice system in Arizona with the state prison 12 PROSPECTIVE JUROR: My son is also in the 13 PROSPECTIVE JUROR: My son is also in the 14 MR. PATRICK: Discip 15 MR. PATRICK: Discip 16 MR. PATRICK: Discip 17 MR. PATRICK: Discip 18 MR. PATRICK: Discip 19 MR. PATRICK: Discip 10 MR	this involve firing and es: oline employees?
9 MS. WECKERLY: His association or work 9 hiring people? 10 wouldn't affect your ability to be fair? 10 PROSPECTIVE JUROR: No. 11 PROSPECTIVE JUROR: My son is also in the 11 MR. PATRICK: Discip 12 criminal justice system in Arizona with the state prison 12 PROSPECTIVE JUROR: No. 12 PROSPECTIVE JUROR: NO	chis involve firing and Yes. Dine employees? Yes. When you discipline an
9 MS. WECKERLY: His association or work 10 wouldn't affect your ability to be fair? 11 PROSPECTIVE JUROR: My son is also in the 12 criminal justice system in Arizona with the state prison 13 system. 14 MS. WECKERLY: His association or work 19 hiring people? 10 PROSPECTIVE JUROR: NA. PATRICK: Discipance of the prospective of the prison of the prospective	this involve firing and (es.) cline employees? (es.) then you discipline an do you listen to both
9 MS. WECKERLY: His association or work 9 hiring people? 10 wouldn't affect your ability to be fair? 10 PROSPECTIVE JUROR: No. 11 PROSPECTIVE JUROR: My son is also in the 11 MR. PATRICK: Discip 12 criminal justice system in Arizona with the state prison 12 PROSPECTIVE JUROR: No. 13 System. 13 MR. PATRICK: Now, work 14 employee or you've had to fire him,	this involve firing and Yes: Oline employees? Yes: When you discipline an do you listen to both Sous the employee's
9 MS. WECKERLY: His association or work 10 wouldn't affect your ability to be fair? 11 PROSPECTIVE JUROR: My son is also in the 12 criminal justice system in Arizona with the state prison 13 system. 14 MS. WECKERLY: The fact that your son 15 works in the prison system, that wouldn't influence your 16 assessment of police officer's testimony or corrections 19 hiring people? 10 PROSPECTIVE JUROR: MR. PATRICK: Discipance of the prison system, that wouldn't influence your 16 assessment of police officer's testimony or corrections 18 hiring people? 19 hiring people? 10 PROSPECTIVE JUROR: MR. PATRICK: Discipance of the prison of the prison of the prison of the prison system, that wouldn't influence your 16 manager's side before you make a decomposition of the prison o	this involve firing and Yes: Oline employees? Yes: When you discipline an do you listen to both Sous the employee's
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PROSPECTIVE JUROR: Not often. But we do
                   PROSPECTIVE JUROR: I make snap decisions
                                                                     ı
                                                                     2 visit.
2 too.
                                                                                       MR. PATRICK: Is there anything about his
                   MR. PATRICK: Would you make a snap
                                                                     4 job that would make you think less highly of screbody --
4 decision in something as important as an employees job?
                                                                     5 you'd still be able to keep an open mind?
                   PROSPECTIVE JUROR: No. It has to be
                                                                                        PROSPECTIVE JURGE: Yes.
 6 something based on facts.
                                                                                       MR. PATRICK: Now you mentioned that your
                   MR. PATRICK: You mention that your son
                                                                     8 son had some drug problems. I believe the answer to
   was a corrections officer in Arizona?
                                                                     9 Ms. Weckerly's question was it was never -- the system was
                   PROSPECTIVE JUROR: Yes.
                                                                     10 never involved. He was never arrested?
                   MR. PATRICK: Do you have occasion to talk
10
                                                                                        PROSPECTIVE JUROR: No:
   about his job a great deal?
                                                                                        MR. PATRICK: Is was just kind of a
                   PROSPECTIVE JUROR: Yes.
                                                                     12
12
                                                                     13 experimental thing as teenagers do?
                   MR. PATRICK: Anything that you learned
13
                                                                                        PROSPECTIVE JUROR: Pretty much.
14 from him about his job, does that give you a different
                                                                                        MR. PATRICK: His drug experimentation, if
                                                                     15
   idea of people in prison versus people not in prison?
                                                                     16 samebody was on drugs would that make you more or less
                   PROSPECTIVE JUROR: He's got the worst job
16
                                                                     17 likely to believe what they had to say?
17 in the world.
                                                                                        PROSPECTIVE JUROR: He was never on hard
                   MR. PATRICK: Just because somebody had
18
                                                                     19 drives. I don't think I can answer that fairly.
   the chance to be incarcerated would you tend to be more or
                                                                                        MR. PATRICK: Just because somebody was on
                                                                     20
   less lenient with them?
                                                                     21 drugs, would you still be able to keep an open mind about
                   PROSPECTIVE JUROR: I don't understand the
21
                                                                     22 things they had to say?
22 question.
                                                                                        PROSPECTIVE JUROR: If you're asking if it
                   MR. OWENS: Same objection. Trying to
23
                                                                     24 mitigates what they do, no it doesn't. They have to
24 predict what he'll do.
                                                                     25 control their actions and make decisions. They've got to
                   THE COURT: I didn't understand that
                                                            97
                                                                     1 be accountable for those decisions.
 1 question.
                                                                                        MR. PATRICK: In your questionnaire when
                   MR. PATRICK: I didn't either, your
 2
                                                                     3 they asked you what your feelings were about the death
 3 Honor.
                                                                     4 penalty, you put, good.
                   THE COURT: With the objection in mind, go
                                                                                        PROSPECTIVE JUROR: If the penalty meets
 5 ahead and rephrase it, if you would.
                                                                     6 the crime. That's what I'm trying to say, the penalty
                   MR. PATRICK: As you know, out of the four
                                                                        should fit the crime.
   possibilities three of them include prison time. Just
                                                                                        MR. PATRICK: Again, on the mitigation,
   because somebody is eligible for prison, would you look at
                                                                     9 you were asked there's mitigating circumstances and
   them less favorably?
 9
                                                                     10 aggravating circumstances. You wrote that you could
                   PROSPECTIVE JUROR: No.
10
                                                                     11 somewhat listen to both sides of that?
                   MR. PATRICK: And, again, because your son
12 is a corrections officer -- I know the judge asked those .
                                                                                        PROSPECTIVE JUROR: Yeah. Mitigation seems
                                                                     13 to be a broad spectrum now a days to justify a lot of
   questions -- would you give any more weight to the
                                                                     14 things. I don't believe that mitigating circumstances for
   testimony of somebody just because they were a corrections
                                                                     15 death penalty murder. I would have a hard time accepting
   officer or a police officer?
                                                                     16 mitigating circumstances for murder.
16
                   PROSPECTIVE JUROR: No.
                                                                                        MR. PATRICK: So anything in a person's
                   MR. PATRICK: And, let's see, your
                                                                     17
17
                                                                     18 background or any drug activity, doesn't make any
   son-in-law is a clerk for Henderson.
                                                                     19 difference to you?
                   PROSPECTIVE JUROR: Yes.
19
                                                                                        PROSPECTIVE JUROR: No.
                   MR. PATRICK: Does he work in a courtroom?
                                                                     20
20
                                                                     21
                                                                                        MR. PATRICK: At all?
   Is he out at the front desk?
21
                                                                                        PROSPECTIVE JUROR: Not at all.
                                                                     22
                   PROSPECTIVE JUROR: 1'm not sure. He runs
                                                                                        MR. PATRICK: Would you say you'd vote
   the clerk's office. He sets up cases.
                                                                     23
                   MR. PATRICK: Do you have occasion to talk
                                                                     24 automatically for the death penalty?
24
                                                                                        PROSPECTIVE JUROR: I would have to hear
25 to him about his job frequently?
                                                                     25
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1 the facts. Murder is a pretty severe action. Unless
                                                                      i be.
 2 there's insanity at the time of committing it, I don't
                                                                                        PROSPECTIVE JUROR: I believe that if
                                                                      3 someone can take a life, then they should be willing to
 3 know how you justify that.
                                                                      4 give theirs. I try to be open as much as I can. I am
                    MR. PATRICK: So besides insanity, you
                                                                      5 human though. I will have an opinion formed eventually.
   wouldn't be able to find any mitigating circumstances?
                    PROSPECTIVE JUROR: It would be
                                                                      6 I don't know how it would be possible to not judge. I
                                                                      7 think I would try to see the facts and be open-minded as
    difficult.
 7
                   MR. PATRICK: Court's inchalgence.
                                                                      8 possible, but I have to be honest. I have looked over and
                                                                        seen him smirk and smile, or look at the questionnaire
                    THE COURT: Okay.
 10
                    MR. PATRICK: I'll challenge at this
                                                                      10 that someone filled out and it kind of makes me form an
                                                                     11 opinion about him already. I don't know the facts.
11 time.
                                                                                        MR. OWENS: Okay, Well, you understand
                                                                     12
12
                   THE COURT: Let me ask you a question, Mr.
13 Hibbard. The question isn't so much whether you think
                                                                     13 that there's going to be a lot of things that happen in
                                                                     14 the courtroom that are fair in considering your opinion.
14 there are mitigating circumstances for the murder that
15 justify a crime. The question here is sentence,
                                                                     15 The question is will you wait in forming that opinion
16 punishment. Are there things out there in your mind that
                                                                     16 until you've heard everything?
17 you would be able to consider that you think would be
                                                                     17
                                                                                        PROSPECTIVE JUROR: I will try.
                                                                                        MR. OWENS: It says that in the death
    appropriate consideration as to mitigate what sentence
                                                                     18
                                                                     19 penalty here, would you say you were generally in favor of
19 samebody receives?
                    PROSPECTIVE JUROR: I think pretty hard
                                                                     20 it or opposed to it? You'll consider it -- you didn't
20
21 about the victim, not so much the person. The victim
                                                                     21 select one end of the spectrum or the other. You said you
   doesn't have a lot of choices left.
                                                                     22 would consider it in certain circumstances. And you
                   THE COURT: I understand. But the
                                                                     23 actually said not all sentences should be death. It's a
23
24 question in terms of how he gets punished, both sides
                                                                     24 case by case basis.
25 might be able to present evidence that they think --
                                                                     25
                                                                                        PROSPECTIVE JUROR: Yes
                                                                                                                                103
                                                           101
                                                                                        MR. OWENS: Is that how you feel?
                   PROSPECTIVE JUROR: The victim didn't
                                                                                        PROSPECTIVE JUROR: I feel that is open to
 2 choose his or her punishment.
                                                                      3 hearing, was there a struggle, was there -- was it
                   THE COURT: I realize that. Would you be
 3
   able to consider things that the defense brings up that
                                                                      | cold-blooded, were there other instances involved in
 5 they argue in mitigation of what sentence somebody should
                                                                      5 that.
                                                                                        MR. CWENS: We're not asking you to try to
 6 receive, or are you saying you wouldn't consider those at
                                                                      6
                                                                      7 come up with the scenario of what you would do.
 7 all?
                                                                                        PROSPECTIVE JUROR: It would just make me
                   PROSPECTIVE JUROR: I'm saying that I
   think that bringing up a cover for justifying committing
                                                                      9 have a changed opinion about how I think his fate should
   murder is very difficult for me to understand.
                                                                     10 be, as much as I don't want to be a part of someone's
                   THE COURT: All right. Thank you.
                                                                     11 fate.
11
                                                                                        MR. OWENS: Everyone has certain opinions
        Mr. Owens, as to Ms. Bailey.
                                                                     12
12
                   MR. OWENS: Ms. Bailey, we talked about
                                                                     13 about things as to how important they are, the factors.
13
14 the idea of an eye for and eye that we talked about a
                                                                     14 Some factors may have huge importance for you. The other
                                                                     15 factors you listen to, and you say, well, I don't think
15 little bit. And you said that you have been listening --
16 and we're trying to get people that won't prejudge the
                                                                     16 that's important at all. The question is would you be
                                                                     17 willing to at least listen and weigh before you decide you
17 case. There is nothing known about the facts, correct.
18 That's what 22 is. It says have you already formed an
                                                                     18 are going to throw them out?
19 opinion about the case, and you checked, yes. Then it
                                                                     19
                                                                                        PROSPECTIVE JUROR: Yes!
   says what is the opinion, or what you described is an eye
                                                                                        MR. OWENS: Things that are important,
                                                                     20
20
21 for an eye. That was the answer you gave.
                                                                     21 would you be willing to listen?
                   PROSPECTIVE JUROR: Right.
                                                                     22
                                                                                        PROSPECTIVE JUROR: I would be willing to
22
                   MR. OWENS: Then later on when you're
                                                                     23 listen.
23
24 actually asked about the penalty you said you would be
                                                                     24
                                                                                        MR. OWENS: And you indicated that you had
25 able to keep an open mind about what the penalty should
                                                                     25 been a victim on some occasion and you didn't like the way
```

,	it was bandled. Didn't come out quite right	1	MR. CMENS: Did you feel like they could
· 2	it was handled. Didn't come out quite right. PROSPECTIVE JUROR: Basically being		have done more than they did?
	robbed, my home, my vehicle. Nothing ever came back to me	3	PROSPECTIVE JUROR: You hope, wish. I
	in a positive way.		don't know if there could have been anything.
5		5	MR. CWENS: Well, your dissatisfaction
	the guy?	1	about those experiences, is that something you'd take out
7			on the police in this case?
	get anything back or any justice or anything.	8	PROSPECTIVE JUROR: No.
9		وا	MR. OWENS: Take out on the defendant?
•	to you?	10	
11		1	me,
	four times.	12	MR. OWENS: You can determine his
13		1	punishment based upon the factors that you hear, and you
			realize that that's a separate thing?
14	Orleans.	15	PROSPECTIVE JUROR: Yes.
		16	
16		1	impartial to both the State and the defendant?
17	•	18	
18	• • •	19	
	something from your home or car?		evidence in the case, you can keep an open mind and
20			balancing it and giving it whatever attention you feel
	vehicle, and my garage. MR. CWENS: Nothing was taken forcibly		appropriate, it you felt the correct punishment and fair
22	<u>-</u>		punishment and appropriate punishment was the death
	from you?		penalty, you could come back with that judgment?
24		25	PROSPECTIVE JUROR: Yes!
25	TAR. OMERS: SO Was that a one on one:	23	107
		一	an order H 13 Lister do I
1	•	1	; -
2	MR. CWENS: Was there a weapon used?		judgment and you didn't feel comfortable in that position,
3	PROSPECTIVE JUNOR: I believe it was like	13	is that something you could do?
	hands in his pocket type thing.	4	PROSPECTIVE JUROR: Yes, Its' human
5	MR. ONENS: Like a pick-pocket?		nature. I'm judged and I judge.
6	PROSPECTIVE JUROR: No. He had his hands	6	MR. OWENS: Thank you. Pass for cause.
	in his pocket, so I don't know if there was or was not.	7	• •
8	MR. CWENS: You didn't want to take the	8	MR, SCHIECK: Thank you:
	chance.	9	Mrs. Bailey, we thank you for your candor.
10	PROSPECTIVE JUROR: No.		This is a very different thing to have attorneys ask you
11	MR. CMENS: How long ago was that?		questions about things of a personal nature in a case
	PRINCIPAL TOTAL ST ! *		that's going to be emotional in some points.
12	PROSPECTIVE JUROR: About four years	1	In some assartionnains and some saled
13	ago.	13	In your questionnaire you were asked
13 14	ago. MR. CWENS: It wasn't in this community?	13 14	concerning the fact that Mr. Chappell was an
13 14 15	ago. MR. CWENS: It wasn't in this community? PROSPECTIVE JUPOR: No.	13 14 15	concerning the fact that Mr. Chappell was an Afican-American male, if that would effect your ability to
13 14 15 16	ago. MR. CWENS: It wasn't in this community? PROSPECTIVE JUROR: No. MR. CWENS: Do you feel like the police	13 14 15 16	concerning the fact that Mr. Chappell was an Afican-American male, if that would effect your ability to be fair and impartial. You didn't answer that question.
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13 14 15 16 17 18 19 20 21 22 23 24	Ago. MR. CWENS: It wasn't in this community? PROSPECTIVE JUROR: No. MR. CWENS: Do you feel like the police let you down on each one of these incidents? PROSPECTIVE JUROR: There are so many of those instances in New Orleans. The crime rate was ridiculous. And in downtown Houston, not much better. THE COURT: I'm from Houston. Hold on a second.	13 14 15 16 17 18 19 20 21 22 23 24	concerning the fact that Mr. Chappell was an Afican-American male, if that would effect your ability to be fair and impartial. You didn't answer that question. Then the next question was whether or not the fact that the victim was of a different racial background then the defendant, would that effect your ability to be fair and impartial, and you said possibly. Could you explain what you were thinking when you didn't answer the one question.

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1 mean, not necessarily -- I don't think I focused on a
                                                                                        THE COURT: I agree. But in light of her
                                                                      2 answer, I'm going to allow her to answer this question.
 2 specific race, but I thought maybe it could be a
                                                                                        PROSPECTIVE JUROR: Because I'm very open
   possibility.
                                                                        to the death penalty. The fact I say if you can take a
                   MR. SCHIECK; You had some negative
 5 brushes with criminal contact in your life. Is there
                                                                     5 life you can give it.
                                                                                        MR. SCHIECK: We pass for cause, your
 6 anything about those that would factor into the racial
   issue?
                                                                     7 Honor.
                                                                                        THE COURT: Thank you. Ms. Weckerly.
                   PROSPECTIVE JUROR: No.
                                                                     9 We'll get through the top row of folks, then we'll take
                   MR. SCHIECK: With regard to public
10 defenders -- and Mr. Patrick and I are with the special
                                                                     10 our lunch break.
                                                                             Bear with me a few more minutes.
   public defender's office -- you wondered how they sleep at
                                                                                        MS. WECKERLY: Ms. Mills, ma'am, you
12 night. It was kind of a curious answer.
                                                                     12
                                                                     13 indicated on your questionnaire that someone close to you,
                    PROSPECTIVE JUROR: It's a rough job. I
                                                                     14 similar to some of the other prospective jurors, had an
14 couldn't do it. Whether you are defending someone you
                                                                     15 issue with substance abuse. Do you recall that?
15 don't believe in, or if you completely do and they're
                                                                                        PROSPECTIVE JUROR: Yes
                                                                     16
16 quilty, I couldn't do it. I camend you.
                   MR. SCHIECK: You don't think the death
                                                                     17
                                                                                        MS. WECKERLY: Who was that that we're
                                                                     18 talking about?
18 penalty is used enough?
                   PROSPECTIVE JUROR: I think that we
                                                                                        PROSPECTIVE JUROR: My husband.
                                                                     19
19
                                                                                        MS. WECKERLY: Was it a situation where
20 probably pay less in taxes, less people waiting for death
                                                                     20
                                                                     21 law enforcement or counseling or anything like that was
21 with the death penalty.
                                                                     22 sought?
                   MR. SCHIECK: Is that something that's
22
                                                                                        PROSPECTIVE JUROR: Counseling.
                                                                     23
23 going to factor into your decision?
                                                                     24
                                                                                        MS. WECKERLY: As someone -- were you
                   PROSPECTIVE JUROR: No.
24
                   MR. SCHIECK: But you did indicate that if
                                                                     25 living with him at the time he had that problem?
25
                                                                                                                               111
                                                                                        PROSPECTIVE JUROR: Yes.
 1 someone takes a life they should forfeit their life.
                                                                                        MS. WECKERLY: I know this is hard and
                   PROSPECTIVE JUROR: I feel that if they
                                                                     3 these are personal questions. I apologize. On your
 3 are so willing to take they should be so willing to
                                                                     A questionnaire you said that your feelings about it were
 4 give.
                                                                     5 negative and angry.
                   MR. SCHIECK: That's just your personal
 5
                                                                                        PROSPECTIVE JUROR: Yes.
 6 belief.
                                                                                        MS. WECKERLY: Can you plain that a little
                   PROSPECTIVE JUROR: Yes.
                                                                     7
                   MR. SCHIECK: There is no wrong answer to
                                                                     B bit.
                                                                                        PROSPECTIVE JUROR: Well, I was negative
 9 those questions. So knowing that Mr. Chappell has been
                                                                     10 about it because it effected me and kind of ran my life.
10 convicted of first degree murder, which is an intentional
                                                                                        MS, WECKERLY: How did it kind of run
11 killing, that's what the jury is told before they consider
12 punishment. You're already thinking that the death
                                                                     12 your life?
                                                                                        PROSPECTIVE JUROR: I was a target. I was
13 penalty is an appropriate punishment because it's an
                                                                     13
                                                                     It the one that was abused.
14 intentional killing.
                                                                                        MS. WECKERLY: Okay. And so scretimes, I
                   PROSPECTIVE JUROR: It's an option. I
                                                                     15
15
                                                                     16 assume then, when he was under the influence you suffered
16 think you're assuming that I feel that it's appropriate in
17 this case. I think it's a strong option. But, again, I
                                                                     17 abuse.
18 would need the facts before I made my decision in what I
                                                                    18
                                                                                        PROSPECTIVE JUROR: Yes.
                                                                                        MS. WECKERLY: Did you have children at
19 think punishment should be.
                                                                     19
                                                                     20 the time that the substance abuse was occurring?
                   MR. SCHIECK: When you say a strong
20
                                                                    21
                                                                                        PROSPECTIVE JUROR: Yes:
21 option, as opposed to the other three, why aren't they
                                                                                        MS. WECKERLY: Again, I know this is sure
                                                                    22
22 strong options?
                   MR. CWENS: I object to the question
                                                                     23 not what you want to talk about in a group of people. Did
23
24 because there's no requirement that you put a weight on
                                                                    24 they witness any of the abuse?
                                                                                        PROSPECTIVE JUROR: Yes.
                                                                    25
25 any or it has to be equal.
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MS. WECKERLY: I think Mr. Owens and
                   MS. WECKERLY: Having that experience, I
                                                                      2 Mr. Schieck touch on this. You realize, as a prospective
 2 know you've been given a very brief description of the
                                                                      3 juror, you are going to be hearing information about this
 3 facts in this case, but some of those issues -- those
                                                                      4 crime, obviously, and you'll probably here information
 4 kinds of circumstances are similar to the facts of this
                                                                      5 about the defendant's background. All you're asked is to
 5 case. Are your feelings about that experience and having
                                                                      6 sort of listen to the information, listen to both sides,
 6 gone through all that, such that you don't feel you can be
                                                                      7 then give your best judgment or assessment of what you
 7 a fair juror in this case, or are you able to kind of
   separate your own experience and evaluate what you hear in
                                                                      8 think the appropriate punishment is. You wouldn't have
                                                                      9 any problem with that?
 9 this courtroom on its own?
                                                                                        PROSPECTIVE JUROR: No.1
                    PROSPECTIVE JUROR: I can separate it.
                                                                     10
10
                                                                                        MS. WECKERLY: And I assume you wouldn't
11
                   MR. OWENS: You can separate it. And the
                                                                     11
                                                                     12 have any problem expressing your opinion with other
12 fact that you've gone through all that, would that cause
                                                                     13 members of the jury because collectively you are going to
   you to be in favor or less fair to one side or the other?
13
                                                                     14 be discussing the case.
                    PROSPECTIVE JUROR: No.
14
                                                                                        PROSPECTIVE JUROR: No.-
                                                                     15
                    MS. WECKERLY: In your experience, were
15
                                                                                        MS. WECKERLY: No problem with that?
16 the police ever involved in the domestic violence?
                                                                     16
                                                                                        PROSPECTIVE JUROR: No.3
                                                                     17
                    PROSPECTIVE JUROR: Yes.
17
                                                                                        MS. WECKERLY: If your opinion is -- after
                                                                     18
                    NS. WECKERLY: Were you the one who called
                                                                      19 hearing all of the evidence — is the death penalty is
19 the police?
                                                                     20 appropriate, would you be able to actually mark that box
                    PROSPECTIVE JUROR: Yes.
20
                                                                     21 as the punishment in this case?
                   MS. WECKERLY: Did you feel that their
21
                                                                                        PROSPECTIVE JUROR: Yes. After the facts,
                                                                     22
22 treatment of you and your husband was appropriate?
                                                                     23 yes.
23
                    PROSPECTIVE JUROR: Yes.
                                                                                        MS. WECKERLY: You mentioned in your
                   MS, WECKERLY: And did any of the cases go
24
                                                                     25 questionnaire that your son was a medical malpractice
25 through the criminal justice system?
                                                                                                                                115
                                                           113
                                                                      i victim and was that something that you and your family
                    PROSPECTIVE JUROR: Yes.
 1
                                                                      2 pursued in terms of civil litigation?
                   MS. WECKERLY: Were you called upon to
 2
                                                                                        PROSPECTIVE JUROR: Yes.
   come in and testify?
                                                                                        MS. WECKERLY: Anything about that --
                    PROSPECTIVE JUROR: No.
                                                                      5 obviously this is a total different situation -- but was
                    MS. WECKERLY: Were you ever subpoensed or
                                                                      6 there anything about that experience, in terms of dealing
   anything like that?
                                                                      7 with lawyers or doctors, that would affect your ability to
                    PROSPECTIVE JUROR: No.
                                                                      3 be fair here?
                    MS. WECKERLY: Anything about that
                                                                                        PROSPECTIVE JUROR: Uh, it could. You know
   experience that would make it hard for you to be a fair
                                                                      4
                                                                      10 I was angry at first with the lawyers and the judge.
    juror?
10
                                                                                        MS. WECKERLY: Everybody. So I assume
                    PROSPECTIVE JUROR: No.
11
                                                                      12 then the lawsuit moved -- it didn't settle, it went at
                    MS. WECKERLY: Those issues with your
12
13 husband, did they -- how did they resolve themselves?
                                                                     13 some point to the court system?
                                                                                        PROSPECTIVE JUROR: Yes.
                    PROSPECTIVE JUNOR: Time, counseling.
                                                                     14
14
                                                                                        MS. WECKERLY: You're indicating you
                    MS. WECKERLY: That worked in this case?
                                                                     15
15
                                                                     16 weren't happy with the lawyer who was representing you or
                    PROSPECTIVE JUROR: Yes.
16
                                                                      17 the other side?
                   MS. WECKERLY: So he obviously sort of
17
18 turned his behavior around?
                                                                     18
                                                                                        PROSPECTIVE JUROR: The other side.
                                                                                        MS. WECKERLY: Also you mentioned that you
                    PROSPECTIVE JUROR: Yes.
                                                                     19
19
                                                                     20 weren't happy with the judge.
                   MS. WEXCKERLY: You are also asked
20
                                                                     21
                                                                                        PROSPECTIVE JUROR: Yes'.
21 questions about the death penalty, like every other
                                                                                        MS. WECKERLY: Is your experience such
                                                                     22
22 prospective juror. As you sit here now, do you think that
                                                                     23 that that sort of left a taste in your mouth where you
23 the death penalty can be an appropriate punishment in some
                                                                     24 don't have a lot of faith in the legal system in general?
24 cases?
                                                                                         PROSPECTIVE JUROR: Yes. I thought at the
                                                                     25
                   PROSPECTIVE JUROR: Yes.
25
                                                           114
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1 time, around the beginning of the hike in the insurance
                                                                                         PROSPECTIVE JUROR: Yes.
 2 rates, so I think that was the bad time.
                                                                      2
                                                                                        MR. PATRICK: And during the time he was
                                                                      3 in counseling, as he got his life turned around, did you
                   MS. WECKERLY: You mentioned a second ago
 4 that you thought it might effect your ability to be fair
                                                                      4 stick by him?
 5 in this case. Can you explain that a little.
                                                                                        PROSPECTIVE JUROR: Yes.
                    PROSPECTIVE JUROR: Well, not so much not
                                                                                        MR. PATRICK: Now, if you were to hear
                                                                      6
 7 being able to make a decision. I wanted to see the facts
                                                                      7 circumstances similar to yours, drug abuse, domestic
                                                                        violence, would that make you tend more or less to believe
. 8 and see how strong it is and how it happened.
                                                                        what somebody is saying?
                   MS. WECKERLY: Okay. And as you've sort
                                                                                        PROSPECTIVE JUROR: No.
 10 of explained, as we sit here, this man is convict of first
                                                                     10
                                                                                        MR. PATRICK: Would you tend to be less --
 11 degree murder with use of a deadly weapon. That's the
                                                                     11
                                                                     12 so you wouldn't be less believing of samebody because they
 12 starting point. So he's convict of an intentional murder
                                                                     13 went through what your husband went through?
13 of another person. And as jurors, what you'll be asked to
14 do is determine the appropriate punishment.
                                                                                        PROSPECTIVE JUROR: No.
                                                                                        MR. PATRICK: You'd still keep an open
         Now are you someone who can sort of accept our
                                                                     15
15
   starting point where we're at here?
                                                                     16 mind through the process?
16
                                                                     17
                                                                                        PROSPECTIVE JUROR: Yes:
                    PROSPECTIVE JUROR: Yes.
17
                                                                                        MR. PATRICK: That's all we're asking,
                   MS. WECKERLY: And we've discussed, you're
                                                                     10
18
                                                                     19 that you listen to both sides. Listen to all of the
19 open to listening to all of the potential punishments?
                    PROSPECTIVE JURGA: Yes.
                                                                     20 evidence. They're going to be putting on evidence. We're
20
                                                                     21 going to be putting on evidence. You'll listen to all of
                   MS. WECKERLY: I think you have indicated
21
                                                                     22 it and then decide?
22 that you don't -- you can be impartial, fair to both sides
                                                                     23
                                                                                        PROSPECTIVE JUROR: Yes.
23 in terms of what information is presented to you?
                                                                                        MR, PATRICK: Would you be able to look at
                   PROSPECTIVE JUROR: Yes.
24
                                                                     25 things like drug abuse and domestic violence as mitigating
25
                   MR. OWENS: Thank you. Your Honor, pass
                                                           117
                                                                      1 circumstances?
 1 for cause.
                   THE COURT: Thank you. Mr. Patrick.
                                                                      2
                                                                                        PROSPECTIVE JUROR: Yes.
 2
                                                                                        MR. PATRICK: Now, also there was a
 3
                   MR. PATRICK: Thank you.
                   One of the questions you answered on your
                                                                      4 question that asked something about if the victim was of a
 5 questionnaire, you said you don't like to talk much. I
                                                                      5 different racial background, if you'd think difficultly of
                                                                      6 the case, and you responded, probably so.
   can see that. Would that -- because of that, do you think
                                                                                        PROSPECTIVE JUROR: I don't recall that.
   that you don't have a voice on the jury if you were
                                                                                        MR. PATRICK: So if the victim was of a
   picked?
                                                                      9 different racial background than Mr. Chappell, you
                   PROSPECTIVE JUROR: Most likely not.
 9
                   MR. PATRICK: You have a strong
                                                                     10 wouldn't have a problem with that?
10
                                                                                        PROSPECTIVE JUROR: No.
   personality, you don't like to talk?
                                                                     11
11
                                                                                        MR. PATRICK: It wouldn't make you
12
                   PROSPECTIVE JUROR: Yes.
                                                                     13 automatically think that he was more or less quilty than
                   MR. PATRICK: If you have something
13
                                                                     14 he actually is?
14 important to say, you'd make sure they heard it?
                                                                     15
                   PROSPECTIVE JUROR: Yes, absolutely.
                                                                                        PROSPECTIVE JUROR: No.
15
                                                                     16
                                                                                        MR. PATRICK: As far as -- everybody has
                   MR. PATRICK: Now you were saying that
                                                                     17 talked about the four penalties that can be given out.
   your husband had a drug problem and domestic violence
17
                                                                     13 And you could look at all four of them, before you make a
   problem also?
18
                   PROSPECTIVE JUROR: Yes.
                                                                     19 decision? You're not going in there with any one of them
19
                                                                     20 in mind, saying this is what has to happen?
20
                   MR. PATRICK; You think the two were
                                                                     21
                                                                                        PROSPECTIVE JUROR: No.,
21
   related?
                   PROSPECTIVE JUROR: Yes.
                                                                     22
                                                                                        MR. PATRICK: That's all I have. I'll
22
                   MR. PATRICK: Then you said that he was
                                                                     23 pass for cause.
24 able to turn his behavior around through counseling and
                                                                     21
                                                                                        THE COURT: Thank you. Ms. Weckerly, as
                                                                     25 to Mr. Henck.
                                                                                                                                120
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1 hopefully the same thing will happen.
                    MS. WECKERLY: Good afternoon, sir.
21
                                                                                        PROSPECTIVE JUROR: I hope so.
                    PROSPECTIVE JUROR: How are you doing
 2
                                                                                        MS. WECKERLY: You also wrote on your
    today?
                                                                      4 questionnaire that you have a close family member, maybe
                   MS. WECKERLY: Good. How are you?
                                                                      5 yourself who was a victim of a crime. :
                    PROSPECTIVE JUROR: I'm all right.
                                                                                        PROSPECTIVE JUROR: Well, we just recently
                   MS. WACKERLY: Is that a book or did you
                                                                      7 had the car broken into. Some guy decided he wanted to
    bring work with you?
                    PROSPECTIVE JUROR: Just a book.
                                                                      8 break into our car and try and steal things. He didn't
                                                                      9 leave anything or evidence. There's wasn't nothing that
                    MS. WOCKERLY: You mentioned when Judge
                                                                     10 could be done. No big deal.
 10 Herndon was questioning the entire panel that you had two
                                                                                        MS. WECKERLY: Did you call the police?
    cousins that had some drug related arrests?
                                                                                        PROSPECTIVE JUROR: Yeah. The police come
                    PROSPECTIVE JUROR: Both were convicted
                                                                     12
 12
                                                                     13 out and did a report. There was no way to find this guy.
    for selling drugs in school zones.
 13
                                                                     14 He was long gone. My car wasn't damaged.
                   MS. WECKERLY: Was that -- I missed it.
14
 15 I'm sure you said it. Was that here in Nevada?
                                                                     15
                                                                                        MS. WECKERLY: So in your case, not a lot
                                                                     16 of follow up.
                    PROSPECTIVE JUROR: That was
16
                                                                                        PROSPECTIVE JUROR: I mean, I couldn't go
    in Pennsylvania.
                                                                     17
17
                                                                        around the neighborhood stopping everyone.
                   MS. WECKERLY: Are you particularly close
 18
                                                                                        MS. WECKERLY: Did you feel like they
 19 to these cousins?
                    PROSPECTIVE JUROR: Yeah, actually. One,
                                                                     20 treated you fairly?
20
                                                                                        PROSPECTIVE JUROR: Absolutely.
                                                                     21
21 when he was arrested, was living with me. And the other
                                                                                        MS. WECKERLY: Your answers on your
                                                                     22
22 was arrested shortly before that. He lived a mile from
                                                                     23 questionnaire regarding the death penalty sort of
23 me. We all hung out together.
                                                                     24 indicates that you are open to considering that as a
                   MS. WECKERLY: And the fact that you're
                                                                     25 potential punishment?
25 close relatives were arrest for pretty serious crimes --
                                                                                                                                123
                                                                                        PROSPECTIVE JUROR: Right.
                    PROSPECTIVE JUROR: No, I was not involved
                                                                                        MS. WECKERLY: You don't necessarily
 2 in that.
                                                                      3 automatically feel like it would be appropriate in every
                   MS. WECKERLY: That's not my question.
                                                                      case, but it could be in some cases?
 4 But I'm glad you volunteered that. Did you feel they were
                                                                                        PROSPECTIVE JUROR: Right.
    treated fairly by law enforcement?
                                                                                        MS. WECKERLY: And you're open to hearing
                    PROSPECTIVE JUROR: Yes. They presented
                                                                      1 all the information presented in this hearing or
    evidence and the jury found them guilty of what they were
                                                                        proceeding?
    accused of.
                                                                                        PROSPECTIVE JUROR: Right. I want to make
                   MS. WECKERLY: Did you attend the trial?
                                                                     10 sure that I get this out and say it the right way. Both
                    PROSPECTIVE JUROR: NO. By the time they
10
                                                                     11 sides are going to give factors that were involved in
11 got to trial I had my first son, and I was busy making a
                                                                     12 this. And the judge will give instructions on what -- if
                                                                     13 we feel a certain way about the evidence they produce, and
                   MS. WECKERLY: Very busy with a new baby.
                                                                     14 the way we are supposed to interpret the law.
14 Are they - I mean, have you talked to them since they
                                                                     15
                                                                                        MS. WECKERLY: Right.
    were convicted?
                                                                                        PROSPECTIVE JUROR: I don't think there's
                    PROSPECTIVE JUROR: Yeah. One of my
16
                                                                     17 nothing hard about that. You know, I don't understand
    cousins is released. He's doing well. And other one got
                                                                     18 what would be hard about that.
    a little longer sentence. He's still in state prison in
                                                                     19
                                                                                        MS. WECKERLY: You understand you are
    Pennsylvania.
19
                   MS. WECKERLY: So the one that was
                                                                     20 going to hear --
20
                                                                     21
                                                                                        PROSPECTIVE JUROR: There are four
21 released, sounds like he kind of got his life on track.
                                                                     22 different punishments. Which ever is appropriate for the
                    PROSPECTIVE JUROR: Yeah.
22
                                                                     23 circumstances of what the crime he committed.
23
                   MS. WECKERLY: He's doing okay.
                   PROSPECTIVE JUROR: Yes.
                                                                                        MS. WECKERLY: I don't think it's easy for
24
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25 anybody, but are you someone who can make a judgment about

122

MS. WECKERLY: And the other one.

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g₁ sameone's life?
                                                                      1 trial where evidence can be presented in a proper verdict.
                                                                      2 You understand that part of the trial is already done.
                    PROSPECTIVE JUROR: If that's what is
 2
                                                                                        PROSPECTIVE JUROR: Right. But we're
   appropriate, yes.
                    MS. WECKERLY: Well, you're going to make
                                                                      4 going to decide what punishment in general he should get
 5 a judgment, regardless of what you decide. You're going
                                                                      5 given with what factors you give us and what factors they
    to be imposing a punishment, regardless of which --
                                                                        give us, correct?
                                                                                        MR. PATRICK: Correct. Your answer is the
 7
                    PROSPECTIVE JUROR: Whichever is
                                                                      8 same even though it's not--
    appropriate, that's what I will choose to deem
                                                                                        PROSPECTIVE JUROR: It's what's
 9 appropriate.
                    MS. WECKERLY: You'll make that decision
                                                                     10 appropriate. What's appropriate after you give me your
 10
                                                                     11 facts, they give me their facts, and the judge tells me
 11 collectively?
                    PROSPECTIVE JUNOR: Right, right, right.
                                                                     12 what the law is. Where does he fall in that range of
 12
                                                                     13 those four.
    Yes. Absolutely.
 13
                    MS. WECKERLY: You're someone that can do
                                                                     И
                                                                                        MR. SCHIDCK: So the basic answer is the
 14
                                                                     15 same just a different phase of the trial?
15 that.
                                                                                        PROSPECTIVE JUROR: Yes.
16
                    PROSPECTIVE JUROR: Absolutely.
                                                                     16
                    MS. WECKERLY: If you feel that the death
                                                                     17
                                                                                        MR, PATRICK: You'll listen to
 17
   penalty is the appropriate punishment, after you've heard
                                                                     18 everything, consider everything. Give whatever weight you
19 everything there is to hear about this situation, you
                                                                     19 decide it needs and make an informed decision from that?
    could impose that punishment.
                                                                     20
                                                                                        PROSPECTIVE JUROR: Correct.
                                                                                        MR. PATRICK: Your Honor, I'll pass for
21
                    PROSPECTIVE JUROR: Absolutely.
                                                                     21
                   MS. WECKERLY: Thank you.
22
                                                                     22 cause.
                   THE COURT: Thank you. Mr. Patrick.
                                                                     23
                                                                                        THE COURT: All right, Thank you.
23
                   MR. PATRICK: Thank you, Judge. Mr.
                                                                                        Ladies and gentlemen, we're going to take
24
                                                                     24
                                                                     25 a lunch recess now. It's about 1:20. So try and be back
25 Herick.
                                                           125
                                                                      1 here and get started back up at 2:30.
                   PROSPECTIVE JUROR: How are you doing.
                                                                                        When you get back you don't have to go to
                   MR. PATRICK: I'll be quick so we can get
                                                                      3 jury services. Just come straight up here to the
    you to lunch.
 3
                   Now the fact that your cousins were
                                                                      4 sixteenth floor and grab a seat. It's wishful thinking
   prosecuted for trafficking drugs ---
                                                                      5 that the elevators will be prompt.
                                                                                         JURY ADMONITION
                   PROSPECTIVE JUROR: Right.
                   MR. PATRICK: -- if there was drug
                                                                                        During the recess, ladies and gentlemen,
                                                                      8 you are admonished not to converse among yourselves or
   involvement in this case, would that change your -
                                                                      9 with anyone else, including, without limitation, the
                   PROSPECTIVE JUROR: No.
                   MR. SCHIDCK: No. Okay. And your car
                                                                     10 lawyers, parties and witnesses, on any subject connected
10
                                                                     11 with this trial, or any other case referred to during it,
11 broken into. They haven't found anybody, yet, no arrests
12 have been made?
                                                                     12 or read, watch, or listen to any report of or commentary
                                                                     13 on the trial, or any person connected with this trial, or
                   PROSPECTIVE JUROR: They found a quy
13
                                                                     14 any such other case by any medium of information
14 sleeping in another car that was broken into two days
                                                                     15 including, without limitation, newspapers, television,
15 later. He fell asleep while he was breaking into the car.
16 They can't tie them together, but, I mean, he did have
                                                                     16 internet or radio.
                                                                                        You are further admonished not to form or
17 thirty dollars worth of damage to the car. Not like, you
                                                                     17
18 know, he went out -- he didn't steal my car.
                                                                     18 express any opinion on any subject connected with this
                                                                     19 trial until the case is finally submitted to you.
                   MR. PATRICK: Anything about that
19
20 experience that makes you feel that a policeman would be
                                                                     20
                                                                                        Thank you. See you back here at 2:30.
21 more or less believable on the stand?
                                                                                        (Lunch recess taken.)
                                                                     21
                   PROSPECTIVE JUROR: Not at all.
                                                                     22
                                                                                        THE COURT: Just for the record, that was
22
                   MR. PATRICK: Now, you were asked if you
                                                                     23 Mr. Tetonis that walked up to the bench before our recess,
23
24 could consider all the four types of punishment available
                                                                     24 who is the last guy we have right now. He was asking if
                                                                     25 he could be excused because he is a police officer. I
25 in this case. Your answer, every person deserves a fair
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1 told him he could not. He would need to call to his work,
 2 if he had something coming up at work in the afternoon.
        He's Badge No. 102.
                   Does anybody have anything outside the
 5 presence?
                   MR. SCHIECK: We want to do Mr. Perez
 6
 7 mw.
                   THE COURT: I need to get samebody from
   the court interpreter's office, unless you want to
 9
   stipulate to excuse him. I'll call somebody from the
   court interpreter's office.
                   MR. OWENS: You know, it's sad that they
12
13 don't have an opportunity to partake in the system. I
14 can't picture having a bunch of interpret's. Maybe it
15 will come to that some day. I'll stipulate to that. It's
16 up to him.
                   MR. SCHIECK: It's fine with us.
17
                   THE COURT: We'll go ahead and excuse Mr.
18
19 Perez. That's Badge No. 001. Leslie, make a note when we
   comes back from lunch, tell Mr. Perez he can go downstairs
    to jury services. Do you all want to talk about Mr. Brady
   and Mr. Hibbard right now?
                   MR. SCHIDCK: That would be fine, your
23
24 Honor.
                   THE COURT: Okay. I know the defense
25
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1 this guy, no matter what, has already made up his mind.
2 I think it's very clear what his decision is. And I don't
3 think he's going to follow any instructions, except his
4 own that he's made very clear, both in questioning and on
5 his questionnaire.
                   THE COURT: Well, I will note in the
7 questionnaire one of individuals that said, in terms of
8 the question about, since he's been convicted beyond a
g reasonable doubt, would you say that -\frac{1}{1} colon -- then he
10 said, yes, to the question, your beliefs about the death
11 penalty, such that you'd automatically vote for the death
12 penalty, regardless of the facts and circumstances. He
13 answered, yes, to that question.
14
                   I do think during the initial questioning,
15 Ms. Weckerly, he'd indicated he'd follow the instructions
16 of the court. But towards the end there, when you
17 indicated to him that the death penalty would be a
18 possible punishment that he could consider, he then seemed
19 to say that, you know what, then I would give the death
20 penalty.
                   Earlier he said he'd follow the
21
22 instructions of the court and it would appear to me now
23 that basically he was saying I wouldn't give the death
24 penalty if the court instructed me that it wasn't a
25 possible punishment. That's why I asked the follow-up
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1 challenged Mr. Brady and Mr. Hibbard for cause. Does the 2 State have any remarks as to Mr. Brady? MS. WECKERLY: Well, yes. Your Honor, 4 when I was first questioning him, at least my recollection 5 is he indicate that he'd follow the instructions of the 6 court, which are, of course, that he would have to find --7 we don't get that specific -- but you have to find 8 aggravating circumstance beyond a reasonable doubt. And 9 also you have to consider some mitigation evidence, regardless of how much weight the prospective juror 11 decides to give it or not. And I think he indicated he 12 would be able to follow the court's instructions. . So I don't know if he got confused or just 13 14 said his natural inclination would be to vote for the 15 death penalty. Btu in light of the fact he said he would follow the court's instructions, and also in terms of what 17 we have to prove, I think that he hasn't met the standard 18 for challenge for cause. THE COURT: Patrick. 19 MR. PATRICK: Yes. Judge, I think he 21 perfectly understood what we were talking about. And as 22 you go through his questionnaire, there's no doubt he 23 believes in a murder case one should have the death 24 penalty. I think it's very clear how he feels and that no

25 matter what he says — and he was not confused. I think

i question with him that I did. He's still got to find 2 certain facts. But after those last series of questions 3 he seemed to be indicating that if the death penalty was a 4 possible form of punishment, he was going to give the 5 death penalty. So I will sustain the challenge for cause 6 as to Mr. Brady. THE COURT: How about has to Mr. Hibbard. 6 Any remarks by the State as to Mr. Hibbard? MS. WECKERLY: Yes, your Honor I think 10 that Mr. Hibbard indicated that he could consider all four If possible punishments. He said he would be open to 12 listening to all the information presented in the case. He did make a remark that it would be 13 14 difficult to impose what's sort of regarded as the most 15 lemient sentence. But I don't think there is a 16 requirement that they give any particular weight to any of 17 the possible punishments, as long as he said he'd consider 18 all four, which he did. And he did say he could consider 19 the mitigation evidence. There is no reason -- or legally 20 justifiable reason to accuse him for cause. THE COURT: All right, Mr. Patrick. 21 MR. PATRICK: Yes, Judge. 22 He said he would look at the mitigating

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24 evidence. But he said, nothing sort of insanity would

25 count as mitigation evidence. So therefore, no matter

```
I two seats, since we excused Mr. Perez and Mr. Brady. I
21 what else we put on, he's automatically going to throw out
                                                                      2 would like, Candice Ruis to come up here, please, Badge 81
 2 on a murder case.
                                                                      3 and Davita Curtis, Badge 82.
                    Maybe if this is something besides murder
                                                                                         We'll start with Ms. Ruis. So Mr.
 4 he may think about drug abusé or domestic violence as
 5 mitigation, but he was very clear that in a murder case,
                                                                      5 Owens.
 6 let alone first degree murder case, the only mitigation he
                                                                                         MR. OWENS: Okay. We're with Ms. Ruis.
 7 would consider is insanity. We don't have that here. So
                                                                                         THE COURT: Yes.
 8 therefore, he's basically flat-out telling us that none of
                                                                                         MR, OWENS: Hello.
 '9 the mitigation that we could possibly put on would be
                                                                                         PROSPECTIVE JUROR: Hello.
                                                                                         MR. OWENS: How are you doing?
 10 considered by him.
                                                                      10
                                                                                         PROSPECTIVE JUROR: Good.
                    THE COURT: Well, I'm going to deny the
11
                                                                     11
12 challenge as to Mr. Hibbard. There's a difference --
                                                                     12
                                                                                         MR. OWENS: Were you able to keep up with
13 there's several levels of what they need to be able to do
                                                                     13 everything this morning?
14 here. Number one is can they consider -- do they
                                                                                         PROSPECTIVE JUROR: Yes.
                                                                     14
                                                                                        MR. OWENS: In your questionnaire, you
15 recognize and consider all four forms of punishment. And
                                                                     15
                                                                     16 indicated you like to watch Court TV and some of those
16 he indicated he could.
                                                                      17 kinds of shows?
17
                    Two, will you follow the instructions of
18 the court. He indicated he would. And will you consider
                                                                     18
                                                                                         PROSPECTIVE JUROR: Yes.
                                                                                        MR. OWENS: You're a hobbyist or fan of
19 all the evidence. He indicate he would. Whether somebody
                                                                     19
20 agrees or disagrees with whether or not they think, you
                                                                     20 courtroom drama?
2! know, prospectively some type of mitigation is a good or
                                                                     21
                                                                                         PROSPECTIVE JUROR: Yes.;
                                                                                        MR. OWENS: That is a very popular thing.
22 bad thing they're going to give weight to is really kind
                                                                     22
                                                                     2) A lot of people are into that. Do you have a problem
23 of a little lower down because you can't tell them the
                                                                     2) understanding there is a difference between real life and
24 evidence yet. So they're kind of having to guess, well,
                                                                     25 TV when it cames to those kinds of shows?
25 do I think there's mitigation for a murder or not, without
                                                                                                                                135
                                                                                         PROSPECTIVE JUROR: No.
 1 having heard any facts of the case.
                                                                      1
                                                                                        MR. CWENS: CSI, they do some futuristic
                    I don't think the jurors need to say your
                                                                      2
 2
                                                                      5 things with evidence and things like that. You are not
 3 mitigation is going to be good or bad to make them
                                                                      4 going to hold us to that kind of standard?
 4 eligible to sit on the case. It's important that they
                                                                                        PROSPECTIVE JUROR: No.
 5 indicate they will consider all the evidence, consider all
                                                                      5
                                                                                        MR. OWENS: And so you can try this based
 6 forms of punishment and are not foreclosed to imposing
                                                                      É
   just one penalty or another. So I think that he
                                                                      7 on what you see in this courtroom, and what's presented
                                                                      8 from the jury stand and analyze it in light of what is
   sufficiently answered things, so I'll deny the challenge
   for cause as to Mr. Hibbard.
                                                                      9 going on here. Does that sounds fair to you?
                                                                                        PROSPECTIVE JUROR: Yes!
                    Anything further before we take our lunch
                                                                     10
10
                                                                                        MR. OWENS: Now, you had indicated that
11 break.
                                                                     12 you had some relatives or a relative that was involved in
                   MS. WECKERLY: Not on behalf of the
12
                                                                     13 law enforcement?
13 State.
                                                                                        PROSPECTIVE JUROR: Not law enforcement.
                   THE COURT: When we get back we'll excuse
                                                                     14
                                                                     15 I have three cousins that are lawyers. One is an assist
15 Mr. Brady and get somebody in his spot and start there at
                                                                     16 DA -- it's out in California. I didn't specify that or
16 the top and go to the bottom row -- or Mr. Perez and Mr.
                                                                     17 put it down.
17 Brady.
                                                                                        MR. OWENS: One is in California.
                                                                     18
        Thank you folks.
18
                                                                     19
                                                                                        PROSPECTIVE JUROR: All three are in
                    (Lunch recess taken.)
19
                   THE COURT: Back on the record in C131341,
                                                                     20 California.
20
21 State of Nevada versus James Chappell. The record will
                                                                     21
                                                                                        MR, CWENS: One is an assistant DA?
                                                                                        PROSPECTIVE JUROR: One is an assistant
22 reflect the presence of Mr. Chappell, with his attorneys,
                                                                     22
                                                                     23 DA in San Mateo County, and a cousin and a brother, I'm
23 the State's attorneys, in the presence of our prospective
                                                                     24 not sure exactly.
24 jurors.
                   I need to get some folks to fill up the
                                                                     25
                                                                                        MR. CWENS: Do you see them often.
25
                                                                                                                                136
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PROSPECTIVE JUROR: I see the girl cousin
                                                                                         MR. OWENS: We've got twelve instead of
-1
                                                                       2 one person, right. Are you willing to keep an open mind
 2 who is married to the assist DA often, because her aunt
                                                                       3 until you've heard all the evidence and mitigation and
 3 lives here. My aunt lives here -- her mom.
                    MR. CWENS: Do you talk about cases and
                                                                       4 evidence in aggravation before you decide what is
                                                                       5 appropriate?
    things like that?
                                                                                         PROSPECTIVE JUROR: Yes!
                    PROSPECTIVE JUNOR: No.
                    MR. CWENS: So kind of like a TV thing.
                                                                                         MR. OWENS: Can you consider all four
                                                                       8 forms of punishment before you decide which one is the
 8 We need to make sure you'll try this case and make your
                                                                         right one?
    decision on what you hear from the courtroom here, rather
    then something you might have heard from somebody else?
                                                                                         PROSPECTIVE JUROR: I can consider it, but
                    PROSPECTIVE JUROR: Yes.
                                                                      11 I'm for the death penalty.
 11
                                                                                         MR. OWENS: When you say you are for the
                    MR. OWENS: You're involved in property
                                                                      12
 12
                                                                      13 death penalty, you don't have a problem with that as one
 13 protection. That's not your thing?
                    PROSPECTIVE JUROR: No.
                                                                      14 of the options?
 14
                                                                                         PROSPECTIVE JUROR: No!
                    MR. OWENS: You indicated I think -- let
                                                                      15
 15
 16 me.see here -- something about shoplifters.
                                                                                         MR. CWENS: And you don't -- you might be
                                                                      16
                                                                      17 leaning one way or the other already, that's okay. As
                   PROSPECTIVE JUROR: On a daily occasion.
 17
                    MR. OWENS: That is just from working in
                                                                      18 long as at this point you don't just say I'm not going to
 18
 19 retail.
                                                                      19 consider everything, you know. You can't exclude things
                                                                      20 and keep an open mind about all four at this point. You
                    PROSPECTIVE JUROR: Yes.
20
                                                                      21 understand that?
                    MR. CWENS: You indicate that there is
21
 22 nothing based upon your experience that would make you --
                                                                      22
                                                                                         PROSPECTIVE JUROR: Yes.
23 make it difficult for you to be fair and impartial to both
                                                                                        MR. OWENS: At some point, after you have
                                                                      24 heard the facts and circumstances, you are free to say,
24 parties in this case. You could be fair?
                                                                      25 I'm excluding those. You may decide that the death
25
                    PROSPECTIVE JUROR: Yes.
                                                            137
                                                                                                                                139
                   MR. OWENS: There weren't any issues race
                                                                      1 penalty feels appropriate, but you need to able to say
                                                                      2 you'll consider all four, correct?
 2 or racial bias that would cause a problem here?
                                                                                         PROSPECTIVE JUROR: Yes.
                   PROSPECTIVE JUROR: No.
                                                                      3
                                                                                        MR. OWENS: Do you feel that you can come
                   MR. OWENS: And as far as the death
                                                                      5 back with the appropriate judgment in this case?
 5 penalty goes, there are four options available to the
   jury. Do you have a problem with the idea that there are
                                                                                        PROSPECTIVE JUROR: Yes.
    four choice a jury can choose from?
                                                                                        MR. OWENS: Do you have a problem with the
                    PROSPECTIVE JUROR: No problem.
                                                                      8 idea of sitting in judgment of another person?
                   MR, OWENS: Is it important to have
                                                                                        PROSPECTIVE JUROR: No.
                                                                                        MR. CWENS: If after hearing all of the
10 options, not all murders are the same.
                                                                     10
                                                                     ii evidence in this case you felt that the death penalty was
                    PROSPECTIVE JUROR: Yes, it's important.
11
                   MR. OWENS: You feel you can wait and keep
                                                                     12 the appropriate sentence, would you be able to do that?
12
13 an open mind until you've heard all the facts and
                                                                     13
                                                                                        PROSPECTIVE JUROR: Yes!
   circumstances before you decide what should happen?
                                                                     14
                                                                                        MR. OWENS: There was one question in here
14
                                                                     15 where you were asked — well, there were several about the
                    PROSPECTIVE JUROR: Yes.
15
                   MR. OWENS: You have no problem with the
                                                                      16 death penalty. And you were asked if you would
16
17 idea of discussing your feelings with other members of the
                                                                      17 automatically vote for the death penalty or automatically
                                                                     18 vote against the death penalty. On one of these
    jury?
18
                   PROSPECTIVE JUROR: In deliberation?
                                                                     19 questions -- I think it's 49 -- you said you'd
19
                                                                     20 automatically vote for the death penalty.
20
                   MR. OWENS: Yes.
                   PROSPECTIVE JUROR: No problem.
                                                                                        You may not have understood the question.
                                                                     21
21
                                                                     22 What that means, when you said I'd automatically vote for
                   MR. OWENS: And you think it's important
22
23 to have that kind of process where there's a discussion of
                                                                     23 it, that means you'd vote for it without hearing anything
24 facts and circumstances?
                                                                     24 or considering everything else.
                                                                                        PROSPECTIVE JUROR: No.' I'd take into
                   PROSPECTIVE JUROR: Yes.
                                                                     25
25
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1 consideration all of the evidence.
                                                                       1 race tends to either come in and try to do some kind of a
                                                                       2 con or some kind of shoplifting or threaten in some way
                    MR. OWENS: And, in fact, on the next
                                                                       3 where I've already had my own opinions of them.
  3 question you said just that, would consider but lien and
                                                                                         MR. SCHIECK: You talked about that in
4 choose death penalty. That means you're leaning against
  5 the death penalty, but would consider all four forms of
                                                                       5 your questionnaire also. You said I work in retail. In
                                                                       6 90 to 95 percent of the time, they are shoplifters. Who
  6 punishment?
                                                                       1 are you talking about.
                    PROSPECTIVE JUROR: Yes.
                                                                                         PROSPECTIVE JUROR: Unfortunately,
                    MR. CWENS: If you felt, after hearing all
                                                                      9 African-American or Hispanic mainly.
  9 of the evidence in the case, there were some things that
                                                                                         MR. SCHIECK: I have been in retail for
 10 made you feel like the death penalty wasn't the
                                                                      10
                                                                      11 over ten years and plainly do not trust them.
 11 appropriate punishment, you would be able to return that
                                                                                         PROSPECTIVE JUROR: When it cames to
 12 verdict as well?
                                                                      12
                    PROSPECTIVE JUROR; Yes.
                                                                      13 work.
 13
                                                                                         MR, SCHIECK: Well - and so in your
 14
                    MR. CWENS: Now on question 54, you said
                                                                      14
                                                                      15 opinion 90 to 95 percent of the people that are minorities
 15 why would you not be able to serve on the jury, and you
                                                                      16 that come in your shop are shoplifters?
 16 said something about the race of the Defendant. You said
 17 you already had some opinions. Are your opinions about
                                                                      17
                                                                                         PROSPECTIVE JUROR: Unfortunately, yes,
 18 race such that it would make you unable to be fair to both
                                                                      13 sir.
                                                                                         MR. SCHIECK: You haven't changed that
 19 the Defendant and the State in this case?
                                                                      19
                                                                      2) opinion when you got here? You still believe that?
                    PROSPECTIVE JUROR: No.
 ኃስ
                                                                                         PROSPECTIVE JUROR: When it comes to work,
                                                                     21
                    MR. OWENS: Because you were suggesting in
 22 here that you might be might -- it make you biased. As
                                                                      22 yes.
                                                                                         MR. SCHIECK: You're saying you plainly do
 23 you sit here right now, do you think race is an issue for
                                                                      23
                                                                      24 not trust them?
 24 you in the trial you hear?
                                                                                         PROSPECTIVE JUROR: Yes.
                    PROSPECTIVE JUROR: No.
                                                                      25
 25
                                                            141
                                                                                                                                 143
                                                                      į
                                                                                         MR. SCHIECK: Okay.
                    MR. OWENS: As you sit there now, you feel
  2 you could be fair to both sides and judge this case on the
                                                                                         PROSPECTIVE JUROR: When it comes to work.
                                                                      3 Like I said, I didn't understand how this worked.
    evidence?
                                                                                         MR. SCHIECK: Well, you're talking about
                    PROSPECTIVE JUROR: Yes.
                                                                        people stealing from your work, correct?
                    MR. OWENS: Thank you. Pass for cause,
                                                                                         PROSPECTIVE JUROR: Yes.
    your Honor.
                                                                                         MR. SCHIECK: You don't trust them, and
                    THE COURT: Mr. Schieck.
                                                                      ¿ you believe they are going to steal?
                    MR. SCHIECK: Ms. Ruis, I just have a few
 9 questions for you. Perhaps I'm confused by some of your
                                                                      ç
                                                                                         PROSPECTIVE JUROR: Yes.
                                                                                         MR. SCHIECK: And, again, in your other
 10 answers. But let me read this one answer to you and tell
                                                                      16
                                                                      II question you indicated that it's not fair to the Defendant
 II me if this is correct. This is what you wrote when you
                                                                      12 because of his race. Do you think you can be a fair
 12 came in for your questionnaire.
                                                                      13 juror, given what you told us?
                    Because of the race of the Defendant, I
 13
                                                                                         PROSPECTIVE JUROR: With the -- if I have
 14 already have opinions about them, based on appearance, and
                                                                      15 to put work the work perspective. But with — now that
    it's not fair to the Defendant.
                                                                      16 I've seen and understand and heard différent questions and
                    Okay. Was that your opinion when you
 16
                                                                      17 coinions I can be fair.
 17 wrote your questionnaire?
                                                                                         MR. SCHIECK: Now, you also, with respect
                    PROSPECTIVE JUROR: At the time when I read
                                                                      18
 18
                                                                      19 to the death penalty, said you would consider all forms of
 19 the questionnaire. This is my first time I have ever
                                                                      20 punishment, but lean and choose the death penalty. Is
 20 severed on a jury, so I didn't -- I don't -- I didn't
                                                                     21 that what you wrote?
   understand the process.
 21
                                                                     22
                                                                                         PROSPECTIVE JUROR: Yes.
                    MR. SCHIECK: What did you mean by because
 22
 23 of the race of the Defendant.
                                                                     23
                                                                                         MR. SCHIECK: So you already decided that
                                                                     24 the death penalty was appropriate in this case?
                    PROSPECTIVE JUROR: Where I work I have to
                                                                     25
                                                                                         PROSPECTIVE JUROR: Well -- well, I'm for
25 deal with a lot of different ethnic people and a specific
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the death penalty. I didn't chose that that's what should
                                                                      1 all different people?
                                                                                        PROSPECTIVE JUROR: Yes!
 2 happen. I want to be able to hear all of the facts
                                                                      2
                                                                                        MS. WECKERLY: So there's nothing about
                                                                        that that would make you prejudge the facts of this case
                   MR. SCHIECK: You said if someone is
                                                                      5 or have an opinion about it already?
 5 convicted -- this is an eye for an eye question -- you
                                                                                        PROSPECTIVE JUROR: No. :
 6 said the convict should receive the same crime as
                                                                                        MS. WECKERLY: You also mentioned, I think
 7 punishment. So if someone commits murder you believe they
                                                                      8 it was in your questionnaire, that your husband's father
   should lose their life as punishment?
                                                                       was abusive?
                   PROSPECTIVE JUROR: Yes.
                   MR. SCHIECK: That's your brief?
                                                                     10
                                                                                        PROSPICTIVE JUROR: Yes.
10
                                                                                        MR. OWENS: Was that to his wife or your
                   PROSPECTIVE JUROR: Yes.
                                                                     n
11
                                                                     12 mother-in-law?
                   MR. SCHIECK: In this case you have
17
                                                                                        PROSPECTIVE JUROR: Yes.
                                                                     13
13 already been told Mr. Chappell has been convicted of
                                                                                        MS. WECKERLY: Was that something that you
14 murder, so basically you made up your mind that the death
                                                                     14
                                                                     15 experienced or something your husband grew up with?
   penalty is the appropriate punishment based on that?
                   PROSPECTIVE JUROR: Basically.
                                                                                        PROSPECTIVE JUROR: No, just when he was a
                                                                     16
16
                                                                     17 child. They divorced when he was 8. I think just what he
                   MR. SCHIECK: So with all of the factors
17
   we've discussed, you pretty much said what your opinion
                                                                        told me.
18
                                                                                        MS. WECKERLY: Do you have contact with
                                                                     19
19 is?
                   PROSPECTIVE JUROR: My opinion -
                                                                     20 your mother-in-law?
20
                                                                                        PROSPECTIVE JUROR: They are both deceased
                                                                     21
                   MR. SCHIECK: Your opinion of punishment
21
                                                                     22 now.
22 in this case.
                                                                                        MS. WECKERLY: Did you ever have contact?
                   PROSPECTIVE JUROR: Yes.
                                                                     23
23
                                                                                        PROSPECTIVE JUROR: Yes!
                                                                     24
                   MR. SCHIECK: We would challenge for
24
                                                                     25
                                                                                        MS. WECKERLY: When you were in contact
25 cause, your Honor.
                                                                                                                                147
                                                           145
                                                                      I with her was the abusive guy out of the picture at that
                   THE COURT: Thank you. As to Ms. Curtis.
                                                                      2 point?
 2 Ms. Weckerly.
                                                                                        PROSPECTIVE JUROR: Yes!
                   MS. MECKERLY: Ma'am, I read that you work
                                                                                        MS. WECKERLY: So nothing about that would
   as a court clerk. Where is that?
                                                                      5 influence you in any way?
                   PROSPECTIVE JUROR: North Las Vegas
                                                                                        PROSPECTIVE JUROR: No.
   municipal Court.
                                                                                        MS. WECKERLY: You mentioned on the death
                   MS. WECKERLY: Are you in the courtroom or
                                                                        penalty that you could consider it in some circumstances?
   in the records area?
                                                                                        PROSPECTIVE JUROR: I could consider it,
                   PROSPECTIVE JUROR: The courtroom.
                                                                     10 but frankly under the circumstances I would be leaning
                   MS. WECKERLY: So you see a lot of
10
                                                                     11 against it.
   misdemeanor trials?
                                                                                        MS. WECKERLY: Why is that?
                                                                     12
                   PROSPECTIVE JUROR: Yes.
12
                                                                                        PROSPECTIVE JUROR: It should be reserved
                   MS. WECKERLY: Anything about -- I'm sure
13
                                                                     14 for the most heimous of circumstances, like Jeffery
14 you have a lot of experience seeing victims of domestic
                                                                     15 Damer.
   violence come in and testify, or maybe not testify in some
                                                                     16
                                                                                        MS. WECKERLY: So serial killers?
   situations. Anything about that that would make it hard
                                                                     17
                                                                                        PROSPECTIVE JUROR: Yes!
   for you to be an impartial juror in this case?
                                                                                        MS. WECKERLY: You understand in the State
18
                   PROSPECTIVE JUROR: No.
                                                                     18
                   MS. WECKERLY: You can be impartial?
                                                                     19 of Nevada there are certain requirements that have to be
19
                                                                     20 met before you can consider the death penalty. And it's a
                   PROSPECTIVE JUROR: I don't think my
20
                                                                     21 potential punishment for more than serial killers?
21 experience will make me not be impartial.
                                                                                        PROSPECTIVE JUROR: Yes.
                   MS. WECKERLY: Well, I mean, you would
                                                                                        MS, WECKERLY: That's just the law. There
23 assume you've kind of seen the range of domestic violence
                                                                     23
24 victims, some maybe have an agenda, some may be scared,
                                                                     24 are certain factors that have to be present, but it's not
                                                                     25 reserved for people that kill several people. Do you
25 some may be coming in and testifying, all sorts of things,
                                                                                                                                148
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all accept that as -- is that how you would structure the law,
                                                                      1 yes.
 2 if you could, or more limiting than that?
                                                                      2
                                                                                        MS. WECKERLY: Do you have concerns at all
                   PROSPECTIVE JUROR: If I was a
                                                                      3 about your ability to sit on a case like this, where it's
                                                                      4 kind of a strange setting, I'm sure. You're not going to
 4 legislature, I might want to make it more limiting. But I
 5 understand that it's not how it currently is.
                                                                      5 hear a whole trial when you get picked for jury duty, but
                                                                      6 it's a very narrow question we're asking here.
                   MS. WECKERLY: And because you have these
                                                                                        PROSPECTIVE JUROR: My main concern is
 7 feelings -- and you know their really aren't any right or
                                                                      8 hearing evidence about the crime. And if it gets detailed
 8 wrong answers here. But because you hold that opinion, do
    you think you could consider it in a case like this?
                                                                        about violence, and I have a hard time; processing that --
                   PROSPECTIVE JUROR: I could consider it.
                                                                     10
                                                                                        MS. WECKERLY: Can you talk more about
10
11 But the State would have to present a lot of evidence of a
                                                                     11 that. What do you mean a problem processing that?
                                                                                        PROSPECTIVE JUROR: I just, as someone
12 lot of aggravating factors for me to think it was
                                                                     12
                                                                     13 else mentioned, I don't like watching the news, especially
13 appropriate before I could consider it. Yes.
                                                                     14 talking about violent crimes and things. I tend to
14
                   MS. WECKERLY: And you are going to hear,
                                                                     15 internalize and empathize with the victim. I just get
15 because of the nature of this hearing, that you'll hear
16 about the crime itself, obviously. And you'll hear some
                                                                     16 very depressed.
17 background, I would assume, about the defendant. And other
                                                                     17
                                                                                        MS. WECKERLY: Well, you'll be -- in
                                                                     18 presenting this situation to you, you'll be asked to look
18 factors related to the case. Are you someone who can take
                                                                     19 at crime scene photographs, which are pretty graphic. And
19 in all that information and make a decision on what you
                                                                     20 also photographs from the autopsy. And they will be
    think is the appropriate punishment?
                                                                     21 displayed for you as part of the evidence in this case,
                   PROSPECTIVE JUROR: Based on the evidence
21
                                                                     22 part of what the information you have to be evaluating.
22 I hear, yes.
                                                                     23 Is that going to be too hard for you, or do you think
                   MS. WECKERLY: You said a moment ago --
23
                                                                     24 you're going to be able to do that?
24 maybe I misheard you. The State would have to present
                                                                                        PROSPECTIVE JUROR: It would be
                                                                     25
25 several aggravating circumstances?
                                                           149
                                                                                                                                151
                   PROSPECTIVE JUROR: Well, not necessarily
                                                                      1 disturbing.
 1
                                                                                        MS. WOCKERLY: It's kind of a hard
 2 several different things, but that -- I mean to show that
 3 the aggravating circumstances were aggravating enough, you
                                                                      3 process, because we kind of have to ask you up front are
                                                                      ( you going to be able to do it, and you kind of don't know
 4 know, to warrant the death penalty.
                                                                      5 what you're going to see. But that's sort of the only way
                   MS. WECKERLY: And you'll get a definition
 6 of what those are from the judge, what the law is on that.
                                                                      6 to do it.
                                                                                        PROSPECTIVE JUROR: I would rather not.
                                                                      7
   Would you be able to follow that, or maybe you have your
                                                                                        MS. WECKERLY: I need to know if you can.
   own standard of, this is what I consider aggravating,
                                                                     8
                                                                                        PROSPECTIVE JUROR: It would probably not
   versus what the law might be?
                   PROSPECTIVE JUROR: I believe I can follow
                                                                     10 get sick seeing them.
10
                                                                     11
                                                                                        MS. WECKERLY: Okay. Anything better than
11 instructions.
                                                                     12 not getting sick. Can you take in the information.
                   MS. WECKERLY: If you believe the
12
                                                                                        PROSPECTIVE JUROR: I think I could
                                                                     13
13 aggravating circumstances have been proven beyond a-
                                                                     14 separate logically how that pertains, how it would pertain
   reasonable doubt that's when you start considering the
   death penalty with your fellow juror members. And at that
                                                                     15 to this case and the decision we have to make. Separate
   point, do you think you could be the person that actually
                                                                     16 from my emotions about it.
                                                                    17
                                                                                        MS. NECKERLY: You think you'd be able to
   marks the verdict form that says death penalty?
17
                                                                     18 do that?
                   PROSPECTIVE JUROR: I would be
18
                                                                                        PROSPECTIVE JUROR: I think so.
                                                                    19
   uncomfortable with it.
19
                   MS. WECKERLY: Sure. I don't think that
                                                                    20
                                                                                        MS. WECKERLY: You also mentioned -- I
20
21 that's something everyone would ever take lightly. And
                                                                    21 don't want you to tell me what you remember, but you have
22 certainly it wouldn't be an easy decision for somebody. If
                                                                     22 some memory of this case?
                                                                    23
                                                                                        PROSPECTIVE JUROR: Yes.
23 you believe that that's the appropriate punishment, could
                                                                                        MS. WECKERLY: Would that have been --
  you do that?
                                                                    25 without saying what it was you remember about it --
                   PROSPECTIVE JUNOR: I believe I could,
25
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PROSPECTIVE JUROR: I think it would have
c 1 through a news account?
                                                                      2 bearing on it. I don't know that I would be -- I wouldn't
                   PROSPECTIVE JUROR: Yes.
 2
                   MS. WECKERLY: And you are able to
                                                                      3 think I would become completely unable, to do it. It's
                                                                      4 samething I would be strongly considering.
 4 separate whatever you may have heard and make your
                                                                                        MS. WECKERLY: Even though you have that
 5 decision solely on what you hear in the courtroom?
                                                                      6 belief, you're telling us you'd still consider it?
                   PROSPECTIVE JUROR: Yes.
                                                                                        PROSPECTIVE JUROR: Yes.
                   MS. WECKERLY: Knowing about what you
                                                                                        MS. WECKERLY: Thank you. Pass for cause,
 8 heard about in the back of your mind.
                                                                      9 your Honor.
                   PROSPECTIVE JUROR: No -- for the verdict,
                                                                                        THE COURT: Thank you. Mr. Patrick.
                                                                     10
-10 rxo.
                                                                                        MR. PATRICK: Thank you, your Honor.
                   MS. MECKERLY: You'll be able to make a
                                                                     Ħ
11
                                                                                        Ms. Curtis, I'd like to ask you a little
12 verdict based on what you hear here?
                                                                     13 more about what Ms. Weckerly was talking about, the photos
                   PROSPECTIVE JUROR: Yes.
13
                                                                     14 that may be shown that may not be pretty to look at.
                   MS. MECKERLY: Earlier this morning you
                                                                                        Then you mentioned that you may you have a
                                                                     15
15 said you've had some family members who have had contact
                                                                     16 tendency to empathize with the victim.
   with law enforcement. Was that right?
                                                                     17
                                                                                        Do you think seeing those types of
                    PROSPECTIVE JUROR: I have family members
17
                                                                     18 pictures and knowing that that's something you have a
    that have been convict of crimes, yes.
                   MS. WECKERLY: Are those situations such
                                                                     19 tendency to do, do you think that would stop you from
19
                                                                     20 making a fair decision and looking at all of the evidence?
20 that you think they were treated fairly?
                                                                                        PROSPECTIVE JUROR: No, I don't think
                   PROSPECTIVE JUROR: Yes.
                                                                     21
21
                   MS. WECKERLY: No bad feelings about what
                                                                     22 so.
22
23 happened to some of those family members?
                                                                     23
                                                                                        MR. PATRICK: Now, one of your family
                                                                     24 members you said was still under sentencing for a
                    PROSPECTIVE JUROR: No. Their treatment
24
                                                                     25 molestation charge?
25 was appropriate.
                                                                                                                                155
                                                           153
                                                                                        PROSPECTIVE JUROR: Yes, sir.
                                                                      1
                   MS. WDCKERLY: And they're still under
                                                                                        MR. PATRICK: If something like that were
    sentences and in custody?
                                                                      3 to come up would that make you think one way or the other
                   PROSPECTIVE JUROR: One is.
                                                                      4 about what penalty you should be imposing?
                   MS. WECKERLY: Were they prosecuted by the
                                                                                        PROSPECTIVE JUROR: No. | That would be up
 5 DA's office?
                                                                      6 to the crime.
                   PROSPECTIVE JUROR: Actually the one, I
                                                                                        MR. PATRICK: Now, you say that your
 7 think, is a felony and was actually in Utah. But he had
                                                                      a sister had the drug abuse problem, and when she was high
 8 had prior misdemeanors here. My sister-in-law lives here.
 9 We didn't have contact with her. I don't know -- she's
                                                                      9 she would act differently then when she wasn't high.
                                                                     16
                                                                                        PROSPECTIVE JUROR: Yes..
    actually deceased.
                                                                                        MR. PATRICK: And you could attribute that
                   MS. WECKERLY: But nothing about that
                                                                     11
                                                                     12 to the drug use.
12 causes you any concern about your ability to be fair?
                                                                                        PROSPECTIVE JUROR: Yeah, I think so.
                   PROSPECTIVE JUROR: No.
                                                                     13
13
                                                                                        MR. PATRICK: Was she nicer, calmer,
                   MS. WECKERLY: You wrote on your
                                                                     14
14
                                                                     15 better when she wasn't high?
15 questionnaire that nobody is beyond redemption. Do you
                                                                                        PROSPECTIVE JUROR: She was usually more
                                                                     16
16 recall that?
                                                                     17 aggressive when she was high.
                   PROSPECTIVE JUROR: Yes. I would like to
17
                                                                                        MR. PATRICK: Then I think Ms. Weckerly
18 believe that nobody is beyond redemption.
                                                                     18
                                                                     19 touched upon this, about your husband's father was an
                   MS. WECKERLY: This is prying into your
19
20 personal belief system. In this case it's important. Is
                                                                     20 abusive man?
                                                                     21
                                                                                        PROSPECTIVE JUROR: Yes.
21 that like a religious belief that you have?
                                                                                        MR. PATRICK: You never had contact with
                   PROSPECTIVE JUROR: I think so, yes.
                                                                     22
                   MS. WECKERLY: Because you have that
                                                                     23 him?
23
                                                                     24
                                                                                        PROSPECTIVE JUROR: No.
24 belief, is that scmething important that you would --
                                                                                        MR. PATRICK: Have you ever had in depth
25 would that make you unable to impose a death sentence?
                                                                     25
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1 are you?
21 conversations with your husband about what he witnessed a
 2 far as his father's abuse?
                                                                      2
                                                                                         PROSPECTIVE JUROR: Fine.
                                                                                        MS. WECKERLY: Good. You were coughing
                   PROSPECTIVE JUROR: Not in detail, no. I
 4 just -- actually I don't know that I have heard from him.
                                                                        earlier, are you okay now?
 5 Waybe just my mother-in-law mention that her husband had
                                                                                         PROSPECTIVE JUROR: I have allergies to
 6 been abusive.
                                                                      6 dirt.
                   MR. PATRICK: Did you have detailed
                                                                                        MS. WECKERLY: You mentioned on your
                                                                        questionnaire that -- I think it was a step-daughter had
    conversations with her about that?
                                                                        some drug problems?
                    PROSPECTIVE JURCE: Not more than when he
                                                                                         PROSPECTIVE JUROR: Yes.
 10 was drunk he hit her. And once he took some possessions
                                                                      10
    she had and took them outside and burned them.
                                                                                        MS. WECKERLY: Was she living with you at
                                                                      11
                   MR. PATRICK: Nothing about any of those
                                                                      12 the time these problems were going on?
12
                                                                                         PROSPECTIVE JUROR: No. But as a result
13 conversations would make you more or less likely to
                                                                      13
14 believe somebody or more or less likely to give a certain
                                                                      14 of her drug use, we ended up raising her two children.
                                                                                        MS. WECKERLY: So I assume that was sort
                                                                      15
    punishment?
15
                                                                      16 of a long term problem, if you ended up raising her
                    PROSPECTIVE JUROR: No.
16
                                                                     17 children?
                   MR. PATRICK: You work in North Las Vegas
17
                                                                                        PROSPECTIVE JUROR: Not after we were
   municipal Court?
                                                                     18
                   PROSPECTIVE JUROR: Yes.
                                                                      19 given custody of her children. I have not seen her
19
                   MR. PATRICK: So you hear the judge talk
                                                                     20 since.
20
21 about laws, and the judge is going to give you laws that
                                                                     21
                                                                                        MS, WECKERLY: But you and your wife had
22 you are supposed to follow if you are on this jury.
                                                                     22 to take responsibility for the children?
                                                                                        PROSPECTIVE JUROR: Yes
                   PROSPECTIVE JUROR: Yes.
                                                                     23
23
                                                                                        MS. WECKERLY: Do you have contact with
                   MR. PATRICK: And you'd be able to listen
                                                                     24
24
25 to what he says and follow whatever he says, as far as
                                                                     25 her now?
                                                                                                                                159
                                                           157
                                                                                        PROSPECTIVE JUROR: No.;
                                                                      1
 1 what the law would tell you to do as a juror?
                                                                                        MS. WECKERLY: You mentioned also a
                   PROSPECTIVE JUROR: Yes.
                   MR. PATRICK: You think that even though
                                                                        grandson with problems with law enforcement.
   you have some reservations on the death penalty, if that's
                                                                                        PROSPECTIVE JUROR: One of the boys was in
 5 what the law requires and that's what you thought was
                                                                      5 the drug scene in California. He endedjup doing time in
                                                                      6 juvenile detention. He's out now, seeming doing fine.
    appropriate, you would be able to make that choice out of
    those four choices if that's what you had to do?
                                                                                        MS, WECKERLY: A little more on track?
                   PROSPECTIVE JUROR: Yes.
                                                                                        PROSPECTIVE JUROR: Absolutely.
                                                                                        MS. WECKERLY: Do you think he was treated
                   MR. PATRICK: Do you think you would be a
                                                                      9
    fair and impartial juror on this?
                                                                      10 fairly?
                                                                                        PROSPECTIVE JUROR: Yes:
                   PROSPECTIVE JUROR: Unfortunately, yes.
                                                                     11
11
                                                                                        MS. WECKERLY: How about when your step
                   MR. PATRICK: Unfortunately, yes?
                                                                     12
12
                                                                     13 daughter -- was law enforcement ever involved with her?
                   PROSPECTIVE JUROR: Because I really don't
13
                                                                                        PROSPECTIVE JUROR: No. | She was in the
   want to do it.
14
                                                                     15 court system, but for negligent. That was the basis of
                   MR. PATRICK: You don't want to be on the
15
                                                                     16 the charges.
16
   jury?
                   PROSPECTIVE JUROR: No.
                                                                     17
                                                                                        MS. WECKERLY: So they never had any drug
17
                                                                     18 charges against her even though that was the problem?
                   MR. PATRICK: Can you sit in judgment of
18
                                                                     19
                                                                                        PROSPECTIVE JUROR: Not specifically,
19 Mr. Chappell with twelve people of your like mind and be
   on this jury?
                                                                     20 no.
20
                                                                                        MS. WECKERLY: You wrote on your
                   PROSPECTIVE JUROR: Probably, yes.
21
                                                                     22 questionnaire that you're someone that can consider the
                   MR. PATRICK: Pass for cause.
22
                                                                     23 death penalty as a potential pumishment?
                   THE COURT: Ms. Weckerly, George Smith,
23
                                                                     24
                                                                                        PROSPECTIVE JUROR: Yes.
24 Badge 22.
                   MS. WECKERLY: Good afternoon, sir. How
                                                                     25
                                                                                        MS. WECKERLY: You still feel that way
25
                                                                                                                                160
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after sitting here during jury selection?
                                                                      1 on this jury and for whatever reason the jury comes back
                                                                      2 with something besides the death penalty. Would you feel
                    PROSPECTIVE JUROR: Yes.
                                                                      3 that you would have to explain those actions to members of
                    MS. WECKERLY: And I assume, as I
                                                                      4 Metro that you work with why you did that?
 4 discussed with some of the jurors, that you can listen to
                                                                                        PROSPECTIVE JUROR: No!
    what is present by both sides?
                                                                                        MR. PATRICK: Okay.
                    PROSPECTIVE JUROR: Yes.
                                                                                        PROSPECTIVE JUROR: I might add that I was
                    MS. WECKERLY: Then make a decision?
                                                                      8 with the Flagstaff PD to get through college. That's why
                    PROSPECTIVE JUROR: Yes.
                                                                      9 I went into that area, to do public service.
                    MS. WECKERLY: You're not someone who will
                                                                                        MR. PATRICK: But none of that would make
    automatically vote for the death penalty?
 10
                                                                      11 you feel strongly one way or the other whether or not the
                    PROSPECTIVE JUROR: Depends on the
 11
                                                                      12 death penalty is imposed?
    circumstances.
                                                                                        PROSPECTIVE JUROR: Absolutely not.
                    MS. WECKERLY: You are able to evaluate
                                                                     13
 13
                                                                     14
                                                                                        MR. PATRICK: You believe you could still
 14 those fairly?
                                                                     15 be fair?
                    PROSPECTIVE JUROR: Yes.
 15
                    MS. WEXERLY: Thank you, sir. Pass for
                                                                     16
                                                                                        PROSPECTIVE JUROR: Yes, sir.
 16
                                                                                        MR. PATRICK: Listen to all the evidence?
                                                                     17
 17 cause.
                                                                                        PROSPECTIVE JUROR: Yes.
                    THE COURT: Mr. Patrick.
                                                                     18
 18
                                                                                        MR. PATRICK: I'm sure 'as a police officer
                                                                     19
                    MR. PATRICK: Thank you, judge. Good
 19
                                                                     20 there was a lot of times where you were sent to calls and
    afternoon, Mr. Smith.
20
                                                                     21 there were two sides?
                    PROSPECTIVE JUROR: Good afternoon.
21
                                                                                        PROSPECTIVE JUROR: Yes.
                    MR. PATRICK: In your questionnaire you
                                                                     22
22
                                                                                        MR. PATRICK: Both side have a story?
    mentioned you worked in justice court?
                                                                     23
 23
                    PROSPECTIVE JUROR: I do.
                                                                                        PROSPECTIVE JUROR: Yes.
                                                                     24
 24
                                                                                        MR. PATRICK: Neither would tell the same
                    MR. PATRICK: What do you do there?
                                                                     25
25
                                                           161
                                                                      1 story?
                    PROSPECTIVE JUROR: Part-time legal
                                                                                        PROSPECTIVE JUROR: True.
   assistant in the office.
                                                                                        MR. PATRICK: It would be your job to
                    MR. PATRICK: Do you ever go in court and
                                                                      I figure out who is lying and who is telling the truth, who
    watch the proceedings?
                    PROSPECTIVE JUROR: Yes.
                                                                        to believe?
                                                                                        PROSPECTIVE JUROR: Yes!
                    MR. PATRICK: Also I believe you are part
                                                                                        MR. PATRICK: Would you be impartial in
    of Metro volunteers?
 7
                                                                      8 bringing that experience to this case and do the same
                    PROSPECTIVE JUROR: Yes.
                                                                      9 thing here?
                   MR. PATRICK: What do you do with that?
 9
                                                                                        PROSPECTIVE JUROR: Absolutely.
                    PROSPECTIVE JUROR: Well, Metro volunteers
                                                                     16
                                                                                        MR. PATRICK: Now, the fact that your
    do a lot of things. We help direct traffic. River runs
                                                                      12 step-daughter and grandson have involvement with drugs, is
12 coming up. I'm exited about that. Just a lot of
                                                                     13 that — if it was to show in this case there was drug
    community activities that furnel through Metro, I come
                                                                     14 involvement, would that change your opinion as to what
    down to volunteer.
14
                                                                     15 punishment should be given out?
                   MR. PATRICK: As a volunteer for Metro, do
15
                                                                                        MR. OWENS: I would object. That's asking
                                                                     16
16
    you carry a fiream?
                    PROSPECTIVE JUROR: I'm not allow to.
                                                                     17 for a prediction.
17
                   MR. PATRICK: Do you have authorization to
                                                                                        THE COURT: Why don't you rephrase what
18
                                                                     19 you're asking about.
19 make arrests.
                                                                                        MR. PATRICK: If drugs - if it's shown
                    PROSPECTIVE JUROR: No.
20
                                                                     21 that drugs are a part of this case, would you give more or
                   MR. PATRICK: Do you think with all of
21
                                                                     22 less weight to somebody's testimony regarding that because
22 this involvement in law enforcement, you can be fair and
                                                                     23 of the drug use?
23 impartial on this jury?
                                                                                        PROSPECTIVE JUROR: Possibly.
                   PROSPECTIVE JUROR: I believe so, yes.
                                                                     24
24
                   MR, PATRICK: And let's say that you are
                                                                     25
                                                                                        MR. PATRICK: Which way do you think you
25
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STATE OF NEVADA vs. JAMES CHAPPELL 3/12/2007

~1	would tend to believe	1	be comfortable with it, but you feel like you could come	
2	PROSPECTIVE JUROR: Depends on the	2	back with a death penalty if it's appropriate?	
3	circumstances.	3	PROSPECTIVE JUROR: If the facts were	
÷ 4	MR. CHENS: Same objection, your Honor,	4	there.	
5	THE COURT: I'll allow the answer. He got	5	MR, OWENS: And you indicated that you	
6	halfway through the answer, anyway.	6	would consider it with certain circumstances. In your	
1	MR. PATRICK; So even though there was	7	explanation you said a person who killed, I would consider	
8	some drug involvement, you'd still listen to both sides?	8	a death penalty.	
9	PROSPECTIVE JUROR: Absolutely.	9	PROSPECTIVE JUROR: Yes.	
10	MR. PATRICK: You wouldn't make a	10	MR. OWENS: Is that what you're thinking	
	determination until you heard all the evidence?	l ₁₁	about, that's one situation?	
12	PROSPECTIVE JUROR: That's correct.	12	PROSPECTIVE JUROR; Yes	
13	MR. PATRICK: Thank you. Pass for cause,	13	MR. CMENS: But there may be other	
	your Honor.	14	situations where it's appropriate also?	
15	THE COURT: Thank you, very much.	15	PROSPECTIVE JUROR: Based on the law.	
16		16	MR. CWENS: You just have to look and see	
17	MR. OWENS: How do you feel about the idea	17		
	of sitting in judgment on another person in this kind of	18	PROSPECTIVE JUROR: Correct.	
	situation?	19	MR. CWENS: You indicated that you felt	
20	PROSPECTIVE JUROR: Judgment,		that it was appropriate to consider all the facts and	
	uncomfortable.	21	circumstances before coming to a decision?	
22	MR. OWENS: Do you feel it's necessary	22	PROSPECTIVE JUROR: That's correct.	
	from time to time?	23	MR. CWENS: What does that mean to you.	
24	PROSPECTIVE JUROR: Yes.	24	PROSPECTIVE JUROR: Based on the evidence,	
25	MR. OWENS: Do you feel confortable		understanding the situation, make a decision based on	
1.3	165		167	
1	personally that you could do this?	1	facts.	
	personally that you could do this? PROSPECTIVE JUROR: Yes.	1 2	facts. MR. CWENS: You had had some experience	
1 2 3	PROSPECTIVE JUROR: Yes.	2	i	
2	PROSPECTIVE JUROR: Yes. MR. CWENS: When you were answering	2	MR, CWENS: You had had some experience	
2 3 4	PROSPECTIVE JUROR: Yes. MR. CWENS: When you were answering questions about the death penalty, you had inserted a word	2	MR. CWENS: You had had some experience with somebody that had some problems with violence or	
2 3 4	PROSPECTIVE JUROR: Yes. MR. CWENS: When you were answering questions about the death penalty, you had inserted a word in one of the questions. Do you remember that?	3	MR. CWENS: You had had some experience with somebody that had some problems with violence or drugs or something?	
2 3 4 5 6	PROSPECTIVE JUROR: Yes. MR. CWENS: When you were answering questions about the death penalty, you had inserted a word in one of the questions. Do you remember that? What are your feelings about the death	2 3 4 5 6	MR. CWENS: You had had some experience with somebody that had some problems with violence or drugs or something? PROSPECTIVE JUNOR: Yes.	
2 3 4 5 6	PROSPECTIVE JUROR: Yes. MR. CWENS: When you were answering questions about the death penalty, you had inserted a word in one of the questions. Do you remember that? What are your feelings about the death penalty. You said it depends on the case. I would be	2 3 4 5 6	MR. CWENS: You had had some experience with somebody that had some problems with violence or drugs or something? PROSPECTIVE JUNOR: Yes. MR. CWENS: Were you kind of close to that	
2 3 4 5 6	PROSPECTIVE JUROR: Yes. MR. CWENS: When you were answering questions about the death penalty, you had inserted a word in one of the questions. Do you remember that? What are your feelings about the death penalty. You said it depends on the case. I would be preferable with the death sentence, then you put in,	2 3 4 5 6	MR. CWENS: You had had some experience with somebody that had some problems with violence or drugs or something? PROSPECTIVE JUNOR: Yes. MR. CWENS: Were you kind of close to that situation at the time?	
2 3 4 5 6	PROSPECTIVE JUROR: Yes. MR. CWENS: When you were answering questions about the death penalty, you had inserted a word in one of the questions. Do you remember that? What are your feelings about the death penalty. You said it depends on the case. I would be preferable with the death sentence, then you put in, "not", and underlined it and added it. Do you know what	2 3 4 5 6 7 8	MR. CWENS: You had had some experience with somebody that had some problems with violence or drugs or something? PROSPECTIVE JUNOR: Yes. MR. CWENS: Were you kind of close to that situation at the time? PROSPECTIVE JUNOR: Yes.	
2 3 4 5 6 7 8	PROSPECTIVE JUROR: Yes. MR. CWENS: When you were answering questions about the death penalty, you had inserted a word in one of the questions. Do you remember that? What are your feelings about the death penalty. You said it depends on the case. I would be preferable with the death sentence, then you put in, "not", and underlined it and added it. Do you know what	2 3 4 5 6 7 8 9	MR. CWENS: You had had some experience with somebody that had some problems with violence or drugs or something? PROSPECTIVE JUNCR: Yes. MR. CWENS: Were you kind of close to that situation at the time? PROSPECTIVE JUNCR: Yes. MR. CWENS: How long was that?	
2 3 4 5 6 7 8 9	PROSPECTIVE JUROR: Yes. MR. CWENS: When you were answering questions about the death penalty, you had inserted a word in one of the questions. Do you remember that? What are your feelings about the death penalty. You said it depends on the case. I would be preferable with the death sentence, then you put in, "not", and underlined it and added it. Do you know what that means. Do you want to take a look at that?	2 3 4 5 6 7 8 9	MR. CWENS: You had had some experience with somebody that had some problems with violence or drugs or something? PROSPECTIVE JUNCR: Yes. MR. CWENS: Were you kind of close to that situation at the time? PROSPECTIVE JUNCR: Yes. MR. CWENS: How long was that? PROSPECTIVE JUNCR: My sister ran away at	
2 3 4 5 6 7 8 9 10	PROSPECTIVE JUROR: Yes. MR. CWENS: When you were answering questions about the death penalty, you had inserted a word in one of the questions. Do you remember that? What are your feelings about the death penalty. You said it depends on the case. I would be preferable with the death sentence, then you put in, "not", and underlined it and added it. Do you know what that means. Do you want to take a look at that? PROSPECTIVE JUROR: If I may.	2 3 4 5 6 7 8 9 10	MR. CWENS: You had had some experience with somebody that had some problems with violence or drugs or something? PROSPECTIVE JUNOR: Yes. MR. CWENS: Were you kind of close to that situation at the time? PROSPECTIVE JUNOR: Yes! MR. CWENS: How long was that? PROSPECTIVE JUNOR: My sister ran away at 16. I'm two years older then her. I'm 23.	
2 3 4 5 6 7 8 9 10 11	PROSPECTIVE JUROR: Yes. MR. CWENS: When you were answering questions about the death penalty, you had inserted a word in one of the questions. Do you remember that? What are your feelings about the death penalty. You said it depends on the case. I would be preferable with the death sentence, then you put in, "not", and underlined it and added it. Do you know what that means. Do you want to take a look at that? PROSPECTIVE JUROR: If I may. MR. CWENS: Way, I your Honor?	2 3 4 5 6 7 8 9 10 11	MR. CWENS: You had had some experience with somebody that had some problems with violence or drugs or something? PROSPECTIVE JUNOR: Yes. MR. CWENS: Were you kind of close to that situation at the time? PROSPECTIVE JUNOR: Yes! MR. CWENS: How long was that? PROSPECTIVE JUNOR: My sister ran away at 16. I'm two years older then her. I'm!23. MR. CWENS: So sometime ago.	
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THE COURT: Thank you. Ms. Weckerly, as
                   PROSPECTIVE JUROR: No. I would be able
                                                                      2 to Ms. Cardillo.
 2 to separate it.
                                                                                        MS. WECKERLY: How are: you doing.
                   MR. OWENS: Okay. So you feel you could
                                                                                        PROSPECTIVE JUROR: Good.
 4 be fair?
                                                                                        MS. WECKERLY: You wrote on your
                   PROSPECTIVE JUROR: Yes.
                                                                      6 questionnaire sort of an interesting answer. You were
                   MR. OWENS: Regardless of the feelings
                                                                      7 asked -- the question was, what are your feelings about
   that you have that arose from that circumstance?
                                                                      8 the criminal justice system. And you wrote, I believe a
                   PROSPECTIVE JUROR: Yes.
                                                                      9 person is innocent until proven guilty. Which is, of
                   MR. OWENS: Okay. And if after hearing
                                                                     10 course, a precept that we all accept, But you know now
10 all of the evidence in the case if you felt the death
                                                                     11 from sitting here we are not at that point in this
   penalty was the appropriate punishment, you feel that you
                                                                     12 proceedings. And you are comfortable with that?
12 .could come back with that judgment?
                                                                                        PROSPECTIVE JUROR: Yes.
                   PROSPECTIVE JUROR: Base on the law,
                                                                     13
13
                                                                                        MS, WECKERLY: Your answer on whether or
                                                                     14
14 yes.
                                                                     15 not you can consider the death penalty/ you wrote another
                   MR. OWENS: That's something you feel -- I
15
                                                                     16 sort of interesting answer to me. The question about if
16 don't mean you'd feel comfortable, do you feel like you
                                                                     17 you believe in an eye for an eye, you wrote that those
   could do that if appropriate?
                                                                     18 statements are too broad. You feel like that?
                   PROSPECTIVE JUROR: Yes.
16
                                                                                        PROSPECTIVE JUROR: Well, I believe each
                                                                     19
                   MR. OWENS: Thank you. Pass for cause.
19
                                                                     20 case is specific.
                   THE COURT: Thank you. Mr. Schieck.
20
                                                                                        MS. WECKERLY: Not every case of first
                   MR. SCHIECK: Thank you.
                                                                     21
21
                                                                     22 degree murder is the same?
                   Ms. Meyrick, a little information that we
22
                                                                                        PROSPECTIVE JUROR: Right.
23 have on occupation says manager. What type of business do
                                                                     23
                                                                                        MS, WECKERLY; So you're not someone who
24 you manage?
                                                                     25 is going to automatically vote one way or another in this
                    PROSPECTIVE JUROR: I'm a production
25
                                                           169
                                                                      1 case?
 1 manager for an advertising department.
                                                                                        PROSPECTIVE JUROR: No.:
                                                                      2
                   MR. SCHIECK: So you have a number of
 2
                                                                                        MS. WECKERLY: And from reading your
 3 people that work under you?
                                                                      I questionnaire you're someone who would want to hear all of
                    PROSPECTIVE JUROR: Correct.
                                                                      5 the information, then once you've heard it, you would be
                   MR. SCHIECK: I take it in that position
                                                                      6 able to consider all four possible punishments and make a
    you have to make decisions on a daily basis?
                    PROSPECTIVE JUROR: Correct.
                                                                        decision?
                                                                                        PROSPECTIVE JUROR: Yes.
                   MR. SCHIECK: And you're looking for as
                                                                                        MS. WECKERLY: Is there anything about the
   much information as you can before you make a decision?
 9
                                                                     10 prospect of considering the death penalty as a potential
                    PROSPECTIVE JUROR: Have to.
10
                                                                     li punishment -- I don't want to say that makes you
                   MR, SCHIECK: In fact, one of your answers
11
                                                                     12 uncomfortable, certainly that's not an easy decision. But
12 states it pretty well. Deciding the appropriate
                                                                     13 are you someone who can consider that as a punishment?
    punishment, you said you would be able to decide, but want
                                                                                        PROSPECTIVE JUROR: Yes!
    to know the how, the when, the where, and the who.
                                                                     14
                                                                                        MS. WECKERLY: Do you think the death
                    PROSPECTIVE JUROR: Yes.
                                                                     15
15
                                                                     16 penalty serves a purpose?
                    MR. SCHIDCK: So you want all the
16
17 information you can get before you decide what's
                                                                     17
                                                                                        PROSPECTIVE JUROR: Yes.
                                                                                        MS, WECKERLY: If you could be the sole
                                                                     18
    appropriate.
18
                                                                     19 legislator, would you have that as a potential punishment?
                    PROSPECTIVE JUROR: That's correct.
- 19
                                                                                        PROSPECTIVE JUROR: Yes.
                   MR. SCHIDCK: As you sit here right now
                                                                     20
                                                                                        MS. WECKERLY: You are willing as a juror
21 you have an open mind to hearing everything and making a
                                                                     22 to listen to both sides in this proceedings?
22 decision based on the facts and not emotion?
                                                                                        PROSPECTIVE JUROR: Yes!
                    PROSPECTIVE JUROR: Correct.
                                                                     23
23
                                                                                        MS. WECKERLY: I'm sure you could
                                                                     24
                   MR. SCHIECK: Thank you. Pass for cause,
                                                                     25 communicate with your fell jurors and make a decision?
25 your Honor.
                                                                                                                                172
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PROSPECTIVE JUROR: Because I think that
                   PROSPECTIVE JUROR: Yes.
                  MS. WECKERLY: Thank you. Pass for
                                                                     2 scretimes they don't enforce it enough.
                                                                                       MS. WECKERLY: I think we have explained
3 cause.
                                                                     4 sort of the process. It's a little artificial asking you
                   THE COURT: Thank you. Mr. Patrick.
                                                                     5 to commit now. But the judge is going to give you
                   MR. PATRICK: Good afternoon.
                                                                     6 instructions at the end of the case. And those
                   PROSPECTIVE JUROR: Hi.
                                                                     1 instructions will kind of tell you if you can consider the
                   MR. PATRICK: On the innocent until proven
 8 guilty, Ms. Weckerly said we're not at that point. You
                                                                     8 death penalty.
                                                                                        PROSPECTIVE JUROR: It's a murder case, is
9 can apply the same principles here that we're basically
                                                                     9
                                                                     10 it not?
10 starting with a clean slate and listen to all the
                                                                                       MS. WECKERLY: It is. But in the State
11 evidence and make your decision?
                                                                     n
                                                                     12 of Nevada there are certain factors that have to be
                   PROSPECTIVE JUROR: Yes.
12
                                                                     13 present before a jury can even consider a death sentence
                   MR. PATRICK: And that you'd have an open
13
                                                                     14 as a possible verdict.
14 mind, listen to everything before you decide on
                                                                                        PROSPECTIVE JUROR: That's new to me. I'm
                                                                     15
  punishment?
                   PROSPECTIVE JUROR: Yes.
                                                                    16 not used to that.
16
                                                                                       MS. WECKERLY: I don't think that -- I'm
                   MR. PATRICK: And if you were sitting
                                                                    17
17
                                                                     18 sure most people that come in for jury duty don't realize
18 where Mr. Chappell was would you like twelve people that
                                                                     19 that not every case of first degree murder has that as a
19 thought like you on the jury?
                                                                     20 potential punishment. But this one does.
                   PROSPECTIVE JUROR: Yes.
20
                                                                                        PROSPECTIVE JUROR: Well, I came from the
                                                                    21
                   MR. PATRICK: Pass for cause, your
21
                                                                    22 State that does.
22 Honor.
                                                                    23
                                                                                       MS. WECKERLY: What state is that?
                   THE COURT: Thank you, very much.
23
                                                                                        THE COURT: Texas.
                                                                     24
24
        Ms. Weckerly as to Mr. Ramirez.
                                                                                        MS. WECKERLY: I was going to guess that.
                   MS. WECKERLY: Mr. Ramirez, on your
                                                                     23
25
                                                          173
                                                                     1 Will you be able to follow the judge's instructions and
 1 questionnaire you wrote that one of your daughters is a
                                                                     2 hold the State to its burden?
 2 doctor and one is a mortgage banker?
                                                                                        PROSPECTIVE JUROR: Hard to say.
                   PROSPECTIVE JUROR: Yes.
                                                                                        MS, WECKERLY: Like I talked to this other
                   MS. WECKERLY: Do they live here locally?
                   PROSPECTIVE JUROR: No. The mortgage
                                                                     5 lady. I know it's hard to say what you're feelings are
                                                                     6 now, but we sort of need you to commit up front that
 6 broker does.
                                                                     7 you'll follow the law.
                   MS. WECKERLY: Where does your other
                                                                                        PROSPECTIVE JUROR: I'll try to.
   daughter live?
                                                                                        MS. WECKERLY: Can you convince us more
                   PROSPECTIVE JUROR: Chicago. She works
                                                                     10 than that that you will follow the law?!
   for Resident Medical.
10
                                                                                        PROSPECTIVE JUROR: Well, I'm just giving
                                                                     11
                   MS. WECKERLY: She's just completing her
11
                                                                     12 you my opinion.
12 residency?
                   PROSPECTIVE JUROR: This is her fifth
                                                                                        MS. WECKERLY: Sure.
                                                                     13
13
                                                                                        PROSPECTIVE JUROR: I can say that I can
                                                                     14
14 year. She'll be done in May.
                                                                     15 try to.
                   MS. WECKERLY: Okay. You wrote on your
                                                                                       MS. WECKERLY: I mean, it's sort of an
16 questionnaire that you're someone who can consider the
                                                                     17 unfair question at this point, because I think people have
17 death penalty as a potential punishment?
                                                                     18 a general sense of if they're for or against the death
                   PROSPECTIVE JUROR: Yes.
18
                                                                     19 penalty. But in this setting, you know very little about
                   MS. WECKERLY: I'm sure you've listen all
  morning and part of the afternoon. It's not something
                                                                     20 the facts of the case and you --
                                                                                        PROSPECTIVE JUROR: I do know that there
21 that you would automatically vote for without hearing all
                                                                     22 has been a conviction already.
22 the information in this case, is it?
                                                                                        MS. WECKERLY: That's right. And you will
                                                                    23
                   PROSPECTIVE JUROR: It's hard to say for
23
                                                                     24 assume that. And that is the case. But in terms of
24 me.
                                                                    25 punishment, there are four punishments available for first
                   MS. WECKERLY: Why is that?
25
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		T	
<u>.</u> 1	degree murder.	1	drugs and domestic violence.
2	PROSPECTIVE JUROR: Like I said, that's	2	PROSPECTIVE JUNOR: Yes.
3	new to me.	3	MR. PATRICK: Have you known anybody that
4	MS. WECKERLY: Are you telling us that you	4	had a drug problem or domestic violence problems?
5	wouldn't be able to follow the judge's instructions?	5	PROSPECTIVE JUROR: I have known, where I
6	PROSPECTIVE JUROR: I could try.	6	used to work at, I used to have a lot of people reporting
7	MS. WECKERLY: You'll be able to	7	to me. And it seems to me it became very prevalent as I
8	deliberate?	8	progressed up the chain of command.
9	PROSPECTIVE JUROR: I can try, ma'am.	9	MR. PATRICK: Both drugs and domestic
10	That's all I can say.	10	violence?
11	MS. WECKERLY: Are you someone that can	11	PROSPECTIVE JUROR: Yeah. Some of the
12	listen to all the information presented?	12	employees would have kids mixed up with drugs and violence
13		13	and anger.
	yes.	14	MR. PATRICK: Did you ever talk to the
15	· · · · · · · · · · · · · · · · · · ·	15	employees about the problems they were having?
	information presented from both sides?	16	PROSPECTIVE JUROR: Yes.
17		17	MR, PATRICK: And would you if you
19		1	learned that somebody was on drugs or had a history or
	you'll make what you believe to be a fair decision?		domestic violence, would that make you tend to believe
20		ı	then more or less?
21	MS. WECKERLY: And applying the law that	21	PROSPECTIVE JUROR: They — it probably
	the judge gives you?	1	colored my thinking on them.
23		23	MR. PATRICK: Colored how?
24	NS. WOCKERLY: Thank you. Pass for	24	PROSPECTIVE JURGE: Negative.
	cause.	25	MR. PATRICK: You also mentioned in your
2,5	177	-	179
1	THE COURT: Thank you. Mr. Patrick.	1	questionnaire the system is too soft.
2	MR. PATRICK: Good afternoon,	2	PROSPECTIVE JUROR: Yes.
	Mr. Ramirez.	3	MR. PATRICK: And that punishment should
4	PROSPECTIVE JUROR: Hello.	4	be tougher down the line.
5	MR. PATRICK: Do you have any prior	5	PROSPECTIVE JUROR: Correct.
_	military service?	6	MR. PATRICK: Could you expand on that?
7	PROSPECTIVE JUROR: Yes.	1	PROSPECTIVE JUROR: That little girl
ď	MR. PATRICK: What branch?	8	
9	PROSPECTIVE JUROR: Air force.	ľ	would be alive today. Talking about that John Van Que
7 10	MR. PATRICK: Tell me about what you	l	case
	did.	11	MR. PATRICK: Was he tried for that?
11 12	PROSPECTIVE JUROR: I was assigned to a	12	PROSPECTIVE JUROR: Yes.
	search and rescue squad.	13	MR. PATRICK: Do you know what punishment
	• MR. PATRICK: Would that be considered	1	he received?
14 15	sanething along the lines of special forces?	15	PROSPECTIVE JUROR: The death penalty.
14 13	PROSPECTIVE JUROR: Yes.	16	MR. PATRICK: Did you think that that was
16 17	MR. PATRICK: You've had a lot of extra		appropriate?
17		16	PROSPECTIVE JURGR: Yes, sir.
	training?	19	MR. PATRICK: If you were sitting on that
19	PROSPECTIVE JUROR: Yes, sir.		jury you would have voted for that?
20	MR. PATRICK: What rank did you hold?	1	PROSPECTIVE JURGE: Yes, sir.
21	PROSPECTIVE JUROR: Staff sergeant.	21	MR. PATRICK: So you say that you believe
	MR. PATRICK: How long were you in?	22	in the statement an eye for an eye. Strongly believe in
	PROCEEDING TIMOP. Circumore		in the statement an evenual an eye. ALIUMITY DELIEVE III
	PROSPECTIVE JUROR: Six years,		1
23 24	PROSPECTIVE JUROR: Six years, MR. PATRICK: That's impressive. In your questionnaire you said you were both strongly opposed to		that statement? PROSPECTIVE JUROR: Yes, I do.

_ 1	MR. PATRICK: Your wife works for an	1	guilty of first degree murder. Right?
÷ 2	attorney?	2	PROSPECTIVE JUROR: Yes,
3	PROSPECTIVE JUROR: Yes.	3	MR. CANENS: And I think you said in here
÷ 4	MR. PATRICK: Don't mention the attorneys	4	that thou shalt not kill is the law, man or jury. That's
5	name. Do you know what kind of law the attorney	5	kind of what you said a minute ago.
6	practices?	6	PROSPECTIVE JURCR: Right.
7	PROSPECTIVE JUROR: The lady is a medical	7	MR. CWENS: Is that based on religious
8	malpractice lawyer. And she is an insurance lawyer.	8	beliefs?
9	MR. PATRICK: So nothing to do with	9	PROSPECTIVE JURORS: Religious and
10	criminal law?	10	morals.
11	PROSPECTIVE JUROR: No.	11	MR. CWENS: Are you a religious person?
12	MR. PATRICK: Now, again, they were	12	PROSPECTIVE JUROR: Yes.
13	talking about Ms. Weckerly was talking about four	13	MR. CWENS: You consider yourself a moral
14	punishments, you said that was new to you?	14	person?
15	PROSPECTIVE JUNOR: Yes.	15	PROSPECTIVE JUROR: Yes.
16	MR. PATRICK: What did you mean by that?	16	MR. CWENS: So you're an individual that
17	PROSPECTIVE JUROR: Well, in Texas if	17	tries to live according to your religious principles and
18	convicted of murder, they enforce the death penalty.	18	morals on a daily basis?
19	MR. PATRICK: You don't have four choice,	19	PROSPECTIVE JUROR: Yes. But I also
20	you have one choice?	20	believe if you do the crime you should do the time. But
21	PROSPECTIVE JUROR: Correct.	21	I'm one of those strong opinionated person. I believe in
22	MR. PATRICK: Do you agree with that?	22	doing what is right, no matter what.
23	PROSPECTIVE JUROR: Yes, I do.	23	MR. OWENS: You do the crime, you do the
24	MR. PATRICK: If you were sitting where	24	time, that's not a death penalty thing?
25	Mr. Chappell was, would you want twelve people like you	25	PROSPECTIVE JUROR: Right.
	181	<u> </u>	183
1	sitting where you're at?	1	MR. OWENS: When you say that thou shalt
2	PROSPECTIVE JUROR: I doubt it.	2	not kill, man or jury. You're saying juries should not be
3	MR. PATRICK: We challenge for cause.	3	able to impose the death penalty?
4	THE COURT: Mr. Owens, as to Ms. Theus.	4	PROSPECTIVE JUROR: Once again, I don't
-5	MR. OWENS: How are you?		like the idea of passing judgment. We all shouldn't pass
6	PROSPECTIVE JUROR: Tired.	6	judgment. But on a certain circumstances, I can pass if I
7	MR. CHIENS: Seems like you are kind of	7	have to.
8	tired.	8	MR. CWENS: Well, you put a couple of
9	PROSPECTIVE JUROR: I work graveyard. I'm	9	exclamation points at the end to emphasize that?
10	good staying up. I work two jobs.	10	PROSPECTIVE JUROR: Right.
11	MR. CMENS: There's people that are sort	11	MR. OWENS: You said you can't be
12	of conscientious objectors of the death penalty. They	1	judgmental, but the kind of judgment you're talking about
	don't think it's appropriate under any circumstances.	13	would not include the death penalty?
	Seems from what you're writing that you're one of those	14	PROSPECTIVE JUROR: You said
	kinds of people. That you're opposed to the death	15	MR. OWENS: You said if you had to you
16	penalty.	1	could render a judgment, but it wouldn't include the death
17	PROSPECTIVE JUROR: I don't believe anybody	1	penalty?
	has the right to take somebody's life, period. And just	18	PROSPECTIVE JUROR: Under the law, I
	because you take a life doesn't mean you take theirs. I	1	could.
20	· · · · · · · · · · · · · · · · · · ·	20	MR. OWENS: Other then the death penalty?
21		21	PROSPECTIVE JUROR: I can go for all of
22	doubt. But if I have a reasonable doubt, I could not wote		them, except the death penalty. But, like what I'm saying
23	for a death penalty.		is if that's what the law says I have the choice of the
24	MR. OWENS: Now, you know in this case the		
25	Defendant has committed a murder. And he has been found 182	25	MR. CWZNS: Well, the law doesn't say you
	102	1	

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1 have to give the death penalty. It's just a choice. If
                                                                                        MR. CWENS: I think -- did you say there
                                                                      2 were four, a brother, a nephew, a husband, and a son?
 2 you have a choice, what you are saying is you can't
                                                                                        PROSPECTIVE JUROR: Correct. If I keep
 3 consider the death penalty.
                                                                      4 thinking, there might be more than that. In-laws, that
                   PROSPECTIVE JUROR: I didn't say I
                                                                      5 counts to, right, cousins, nephews.
 5 couldn't consider it. I said I wouldn't like to. I don't
                                                                                        MR. CWENS: Have you been close to these
 6 think we should. But I could.
                   MR. OWENS: On the section here where
                                                                      7 people?
                                                                                        PROSPECTIVE JUROR: Definitely.
    you're asked about attitudes regarding the death penalty,
                                                                                        MR. CWENS: Now, some of these instances
   you didn't have to circle them, some did. But you circled
                                                                        occurred out of state, or are they all here in this area?
   three of them.
                                                                                        PROSPECTIVE JUROR: Most of them is right
                    PROSPECTIVE JUROR: All except the death
                                                                     11
11
                                                                     12 here. A majority I would say is right!here.
12 penalty.
                   MR. CWENS: You left the death penalty
                                                                                        MR. OWENS: Did some of these go to trail?
13
                                                                     13
                                                                                        PROSPECTIVE JUROR: All of them - no, my
                                                                     14
14 off, right?
                                                                     15 son hasn't been to trial yet. He's waiting for a trial.
                   PROSPECTIVE JUROR: Yes.
15
                                                                                        MR. OWENS: In this jurisdiction,
                   MR. CMENS: And then down below that you
16
17 said B and C is okay, but thou shalt not kill. B and C
                                                                     17 awaiting trial?
                                                                                        PROSPECTIVE JUROR: Correct.
18 would not include the death penalty, correct?
                                                                                        MR. OWENS: How old is your son?
                    PROSPECTIVE JUROR: All of it is strong
                                                                     19
19
                                                                     20
                                                                                        PROSPECTIVE JUROR: 22.
20 and harsh. I think 40 years, 100 hundred years. That's
                                                                                        MR. OWENS: When is that trial date coming
                                                                     21
   all tough.
                   MR. CWENS: B and C would be okay, but not
                                                                     22 UEO?
22
                                                                                        PROSPECTIVE JUROR: I have no idea.
                                                                     23
    the death penalty?
                                                                                        MR, OWENS: What's the charge there?
                                                                     24
                    PROSPECTIVE JUROR: Correct.
24
                                                                                        PROSPECTIVE JUROR: Assault, domestic
                    MR. OWENS: And then where it talked about
                                                                     25
25
                                                                                                                                187
 1 strong moral and religious views about the death penalty,
                                                                      1 assault.
                                                                                        MR. OWENS: Domestic assault. Is he
 2 and you said, is it right to say anybody should take life
                                                                        currently in custody?
 3 from another person. What did you mean by that?
                                                                                        PROSPECTIVE JUROR: He's in prison.
                    PROSPECTIVE JUROR: The same thing I have
 5 been saying. That another human being doesn't have the
                                                                                        MR. OWENS: He must have had a trial.
                                                                        Unless he's in for samething else.
    right to take somebody else's life.
                   MR. OWENS: And you feel that that would
                                                                                        PROSPECTIVE JUROR: He was on parole,
   include the jurors coming back with a judgment of death.
                                                                      £ yeah.
                                                                                        MR. OWENS: They revoked him?
 9
                    PROSPECTIVE JUROR: Yes.
                                                                                        PROSPECTIVE JUROR: Yeah.
                   MR. OWENS: They shouldn't be allowed to
                                                                     16
10
                                                                                        MR. OWENS: How often do you see him?
                                                                     11
   do that?
                                                                                        PROSPECTIVE JUROR: I just saw him
                   PROSPECTIVE JUROR: They shouldn't be.
12
                                                                     13 recently. I try every week. It's a recent case. When he
                   MR. OWENS: If you heard all of the
13
                                                                     14 was a juvenile he had been in trouble off and on. I am
14 evidence in this case and you felt that death was the
                                                                     15 the one that asked the judge to lock him up and put him
   appropriate verdict, would you be able to come back with
16 that judgment?
                                                                     16 away.
                                                                     17
                                                                                        MR. OWENS: That didn't work for him back
                   PROSPECTIVE JUROR: I would be, yes.
17
                                                                     18 then?
                   MR. OWENS: So even though religiously you
18
                                                                                        PROSPECTIVE JUROR: They didn't have a
   feel like the death penalty shouldn't be allowed, you feel
                                                                     19
    that that's something you could still do?
                                                                     20 work farm. But just in and out of what's that Spring
20
                                                                     21 Mountain thing.
                    PROSPECTIVE JUROR: Correct.
21
                                                                                        MR. OWENS: Youth camp. | And your husband,
                   MR. OWENS: You said that you had a number
22
   of individuals close to you that had been involved in the
                                                                     23 what was the situation with him?
                                                                                        PROSPECTIVE JUROR: In and out of jail
                                                                     24
   criminal justice system.
                                                                     25 more than half of his life -- burglary, robbery.
                   PROSPECTIVE JUROR: Yes.
                                                                                                                                188
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PROSPECTIVE JUROR: Years ago.
                   MR. OWENS: Is he in our out.
                                                                                       MR. CWINS: How is he doing now.
                   PROSPECTIVE JUROR: He's out now.
                                                                     2
                                                                                       PROSPECTIVE JUROR: Staying out of jail.
                   MR. OWENS: When was the last time he had
                                                                     3
3
                                                                                       MR. OWENS: You said there was some other
4 difficulty with the law?
                                                                     5 ones in your family. Any that are currently pending
                   PROSPECTIVE JUROR: With him?
                                                                     6 trial, other than maybe your son?
                   MR. OWENS: Yeah.
                                                                                       PROSPECTIVE JUROR: That's the only one
                   PROSPECTIVE JUROR: Since he got out he's
                                                                       pending trial.
 8 been pretty good. He hasn't went back.
                                                                                       MR. ONIENS: As far as you know.
                   MR. OWENS: Since he got out of prison.
 9
                                                                                       PROSPECTIVE JUROR: Well, when he was in
                   PROSPECTIVE JUROR: Right, in '98.
10
                                                                     11 the county jail he said he had an assault case. He said
                   MR. OWENS: That's pretty good. That's
11
                                                                    12 it was self defense, that's why they gave him more time
12 awhile ago. What sort of charges were those back then?
                                                                    13 here. He's got to go back on that and 'get more time. He
                   PROSPECTIVE JUROR: Burglary, robbery.
13
                   MR. OWENS: Anything violent, assault on
                                                                    14 wanted me to check on that. He's not sure how it's
14
                                                                    15 going.
15 anybody?
                                                                                       MR. OWENS: That was an incident that
                   PROSPECTIVE JUROR: No. I think they just
                                                                    16
16
                                                                    17 happen in the jail?
   passed that law at the time that had to do with senior
17
                                                                                       PROSPECTIVE JUROR: Yes, in the jail.
   citizens, so he got a lot of time for that.
                                                                    18
                                                                                       MR. CWENS: And some of these had a trial,
                                                                    19
                   MR. OWENS: Then you said there was a
19
                                                                    20 pleas of guilt or something. Did you appear in court with
20 nephew.
                   PROSPECTIVE JUROR: My nephew is still in
                                                                    21 him at any time?
21
                                                                                        PROSPECTIVE JUROR: Yes.
22 prison.
                                                                    23
                                                                                       MR. OWENS: Do you go to court? Did you
                   MR. OWENS: Was that here in Clark County?
23
                                                                    24 ever testify?
                   PROSPECTIVE JURÓR: Yes.
24
                                                                                       PROSPECTIVE JUROR: No. I haven't
                                                                    25
25
                   MR. OWENS: What kind of charge was that?
                                                                                                                               191
                                                                     I testified for any of them. I was personally a victim one
                   PROSPECTIVE JUROR: That one was kind of
                                                                     2 time and I went to court to testify. Then I was subpoena
 2 messed up. I think he was accused of robbery, I believe.
                                                                     3 again because they did scrething else and I testified.
 3 I don't know all the charges, but it was robbery. He was
                                                                                       MR. CWENS: The only time you've testified
 4 by himself and five Mexicans, he got accused of
 5 everything. So he was beaten up real bad. It was a bad
                                                                     5 was in your own case?
                                                                                       PROSPECTIVE JUROR: Right.
 6 case, a biased case.
                                                                                       MR. OWENS: How long ago was that one?
                   MR. ONDNS: Well on question 32, when you
                                                                                       PROSPECTIVE JUROR: That was in like
 8 were asked if you felt like the person was treated fairly
                                                                     9 the -- probably in late 80s, 90s.
   you said yes on some members, not fair on some.
                                                                                       MR, CWENS: The other times you would go
                   PROSPECTIVE JURCA: That's one of them. I
                                                                    11 to court for family, relatives, sort of like moral
11 have been talking about his case. It was at an early age.
                                                                    12 support?
12 He got a lot of time.
                                                                                       PROSPECTIVE JUROR: Definitely.
                                                                    13
                   MR. CWENS: Then you mentioned a
13
                                                                                       MR. CMENS: And the prosecutions against
14 brother.
                                                                    14
                                                                     15 these people would have been in these courts in this
                   PROSPECTIVE JUROR: Yes, my brother.
15
                                                                    16 building or the other building down the street before we
                   MR. OWENS: Was that here in town also?
16
                                                                    17 moved?
                   PROSPECTIVE JUROR: Yes.
17
                                                                                       PROSPECTIVE JUROR: Right.
                   MR. OWENS: He actually went to prison,
                                                                    18
19 but it was something he didn't do. But because we was
                                                                                       MR. OWENS: The prosecutor on that case
                                                                    20 would have been prosecutors from our office, the DA's
20 affiliate at the time with gang members, so that's what
21 happen to him. But back in that situation he went to
                                                                    21 office?
                                                                    22
                                                                                       PROSPECTIVE JUROR: Right.
22 prison for my ex-boyfriend and my sister confessed doing
23 it at the time -- sister boyfriend doing that crime that
                                                                                       MR. OWENS: It wasn't anything that
                                                                    23
                                                                    24 Ms. Weckerly or I were involved in?
24 he spent the time for in jail.
                                                                                       PROSPECTIVE JUROR: I don't think so.
                  MR. OWENS: How long ago was that?
                                                                                                                               192
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MR. CWENS: And you feel after hearing all
                                                                                          MS. WECKERLY: Because you grew up in that
 1 ي
  2 the facts and circumstances in the case if you thought
                                                                       2 setting or had that experience at kind of a young age or
  3 that the death was the right punishment that that's
                                                                        3 very young age, do you think you can still be fair and
  4 scrething you could do?
                                                                        4 impartial in a case like this?
                                                                                          PROSPRCTIVE JUROR: Yes!
                     PROSPECTIVE JUROR: Yeah. I know I could.
    I can.
                                                                                         MS. WECKERLY: I read in your
                                                                       7 questionnaire that I think your son and your ex-husband or
                     MR. OWENS: That's all I have, your
                                                                       8 both in law enforcement?
    Honor.
                                                                                          PROSPECTIVE JUROR: Correct.
                     THE COURT: Pass for cause?
                                                                                         MS. WECKERLY: Both in North Las Vegas,
                     MR. OWENS: Yes.
                                                                       10
  10
                     THE COURT: Thank you. Mr. Schieck.
                                                                       11
                                                                                          PROSPECTIVE JUROR: Correct.
  11
                                                                                         MS. MECKERLY: Your son is the
 12
                     MR. SCHIECK: Thank you, your Honor.
                                                                       12
                     Ms. Theus, just a couple of questions,
                                                                       13 correction's officer.
 13
 14 just to be sure. I mean in the questionnaire you said you
                                                                                         PROSPECTIVE JUROR: Yes.
 15 would consider the death penalty under certain
                                                                                         MS. WECKERLY: And the ex-husband, is he a
 16 circumstances.
                                                                       16 correction's officer?
                                                                                         PROSPECTIVE JUROR: No.! He's captain over
                     PROSPECTIVE JUROR: Right.
                                                                       17
 17
                     MR. SCHIECK: And that's after you had
                                                                      18 the correction's officers right now. Temporary.
 18
 19 time to read everything that was in here and understood
                                                                                         MS. WECKERLY: Okay. But the fact that
                                                                       19
    what the questions are about. You want to hear all of the
                                                                       20 you have these two -- your ex-husband, obviously, your son
                                                                         working in a law enforcement capacity, you can still be
 21 evidence in the case?
                     PROSPECTIVE JUROR: Yes. I want to,
                                                                      22 fair to both sides?
 22
                                                                                         PROSPECTIVE JUROR: I believe I can,
 23 yes.
                    MR. SCHIECK: You would follow the law and
                                                                      24 yes.
                                                                      25
 25 the instructions?
                                                                                         MS. WECKERLY: You indicated on your
                                                            193
                     PROSPECTIVE JUROR: Definitely.
                                                                       1 questionnaire that you could consider the death penalty as
  1
                    MR. SCHIECK: Thank you. We pass for
                                                                       2 a potential punishment?
                                                                                         PROSPECTIVE JUROR: Correct.
    cause, your Honor.
                    THE COURT: Thank you, Ms. Noahr,
                                                                                         MS. WECKERLY: You also said you are
                    MS. MEXCKERLY: Ma'am, you wrote on your
                                                                       5 someone that's pretty open-minded?
                                                                                         PROSPECTIVE JUROR: Correct.
    questionnaire that there was experiences in your childhood
    with your mother and substance abuse with alcohol.
                                                                                         MS. WECKERLY: As we've discussed with
                                                                       8 several of the other prospective jurors; you don't have
                     PROSPECTIVE JÜROR: My Mother, yeah.
                    MS. WECKERLY: Was she the one who was
                                                                       9 any problem with listening to both sides and formulating
                                                                      10 your opinion?
 10 abusing alcohol, or she was the victim of abuse?
                    PROSPECTIVE JUROR: Both my parents
                                                                      H
                                                                                         PROSPECTIVE JUROR: I have no problem.
- 11
                                                                                         MS. WEXCHERLY: Someone who wants to hear
                                                                      12
 12 were.
                    MS. WECKERLY: And was this something that
                                                                      13 all the evidence?
    you were present for as a child, you'd see some of this?
                                                                      14
                                                                                         PROSPECTIVE JUROR: Most definitely.
                    PROSPECTIVE JUROR: I was eight years old.
                                                                                         MS. WECKERLY: Thank you. Pass for
                                                                      15
 15
 16 My mother divorced my father at that point.
                                                                      16 cause.
                    MS. WECKERLY: Did you go with your mam?
                                                                      17
                                                                                         THE COURT: Mr. Patrick!
 17
                    PROSPECTIVE JUROR: Yes.
                                                                                         MR. PATRICK: Ms. Noahr! is that correct?
 16
                                                                      18
 19
                    MS. WECKERLY: This is kind of a hard
                                                                      19
                                                                                         PROSPECTIVE JUROR: Yes.
 20 question, do you remember it. You said you were eight
                                                                      20
                                                                                         MR. PATRICK: Now the abuse that your
    years old or younger. Do you remember seeing that?
                                                                      21 father did on your mother, you were old tenough to remember
 21
                    PROSPECTIVE JUROR: Yes. I had two
                                                                      22 that?
 22
                                                                      23
                                                                                         PROSPECTIVE JUROR: Yes.
    younger sibling that I took care of.
23
24
                    MS. WECKERLY: You were the protector?
                                                                      24
                                                                                         MR. PATRICK: Do you think that that was
                    PROSPECTIVE JUROR: Correct.
                                                                      25 any reason why your mother abused alcohol?
25
                                                            194
                                                                                                                                 196
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ç 1	PROSPECTIVE JUROR: They both were	1	THE COURT: Thank you. Ms. Weckerly, as
	alcoholics. They both drank together.	1 2	to Ms. Martino.
3	MR. PATRICK: Do you think that that whole] 3	MS. WECKERLY: Ma'am, you also mentioned
î 4	history in any way would color the way you look at any of	4	on your questionnaire that you grew up with some abuse?
5	the testimony you heard?	5	- · · · · · · · · · · · · · · · · · · ·
6	PROSPECTIVE JUROR; No. I don't believe	6	MS. WECKERLY: I think the way you put it
7	so.	7	your dad beat your brother, your sister, and your mom, but
8	MR. PATRICK: You'll remain open-minded.	8	not you?
9	PROSPECTIVE JUROR: Yes.	9	PROSPECTIVE JUROR: Right.
10	MR. PATRICK: Even if some of the	10	MS. WECKERLY: How did you escape that?
11	testimony you heard made you think back to when you were 8	11	PROSPECTIVE JUROR: I was a coward. I ran
12	years old?	12	to the corner. I didn't talk back, they did.
13	PROSPECTIVE JUROR: It's not a problem.	13	MS. WECKERLY: How old were you when this
14	MR. PATRICK: And you said you had two	14	happened?
15	younger siblings at this time?	15	PROSPECTIVE JUROR: When it started, what
16	PROSPECTIVE JUROR: Correct.	16	I remember, maybe five or six.
17	MR. PATRICK: And you were their care	17	MS. WECKERLY: So you remember it?
18	giver?	18	PROSPECTIVE JUPOR: I remember most of it.
19	PROSPECTIVE JUROR: Right.	19	MS. WECKERLY: So from what you are
20	MR. PATRICK: If there was scrething like	20	describing, I assume at that age, it was sort of a fearful
21	that, would that color your impressions of this case?	21	place being in the home?
22	PROSPECTIVE JUROR: What do you mean?	22	PROSPECTIVE JUROR: Yes.
23	MR. PATRICK: You were an older sibling	23	MS. WECKERLY: To say the least.
	that had to take care of two younger siblings, basically	24	PROSPECTIVE JUROR; Yes.
25	your situation, would that change your feelings?	25	MS. WECKERLY: The fact that you have had
	197	┕	
1	PROSPECTIVE JUROR: I don't believe it		that experience and grew up in that setting, do you think
_	PROSPECTIVE JUROR: I don't believe it would.	2	that you can put that out of your mind and make your
2	would. MR. PATRICK: You could still keep and	3	that you can put that out of your mind and make your decision in this case on the information you hear in this
2	would. MR. PATRICK: You could still keep and open-mind?	3	that you can put that out of your mind and make your decision in this case on the information you hear in this courtroom?
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PROSPECTIVE JUROR: Yes.
                                                                         cause.
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                    MS. WECKERLY: As we've talked about with
                                                                       2
                                                                                         THE COURT: Mr. Patrick.
                                                                                         MR. PATRICK: Good afternoon, Ms. Martino.
 3 same of the other prospective jurors, you're not sameone
                                                                       3
                                                                                         PROSPECTIVE JUROR: Hi.
 4 who has made up their mine as it going to sit here now and
  5 says I'm automatically giving this punishment rather then
                                                                                         MR. PATRICK: Talking about your father
                                                                       6 and domestic violence, would that cover your opinion as to
                                                                         what would go on in this case if somebody had a history of
                    PROSPECTIVE JUROR: No. But I lean toward
                                                                         domestic violence?
    the death penalty.
                    MS. WECKERLY: There is no -- there is no
                                                                                         PROSPECTIVE JUROR: It might.
                                                                                         MR. PATRICK: Do you feel strongly about
 io issue with that, so long as you can tell us that you can
                                                                      10
 11 consider, or be open to hearing information then consider
                                                                      11 that?
                                                                                         PROSPECTIVE JUROR: Yes.
    all possible punishments.
                                                                      12
                    PROSPECTIVE JUROR: I could.
                                                                                         MR. PATRICK: Now, you were asked if you
 13
                                                                      14 already formed an opinion about this case, and you checked
                    MR. PATRICK: And you can consider what
 14
 15 information is presented to you and take heed of what you
                                                                         the box mark, yes, correct?
 16 think is important and disregard what you think doesn't
                                                                      16
                                                                                         PROSPECTIVE JUROR: Yes.
                                                                                         MR. PATRICK: And do you remember what you
    have a whole lot of bearing?
                                                                      17
 18
                    PROSPECTIVE JUROR: Yes.
                                                                     18
                                                                         wrote underneath that?
                    MR. PATRICK: Then make a decision.
                                                                                         PROSPECTIVE JUROR: No! But what I would
 19
                                                                      19
                    PROSPECTIVE JUROR: Yes.
                                                                         say now is he was convicted.
 20
                    MS. WECKERLY: And I assume from your
                                                                     21
                                                                                         MR. PATRICK: And therefore?
 21
 22 comments if you think the death penalty is appropriate in
                                                                     22
                                                                                         PROSPECTIVE JUROR: And therefore --
                                                                                         MR. PATRICK: Well, he was convicted an
   this case, you wouldn't have any trouble voting for that?
 23
                                                                     24 therefore is there any more to that sentence?
                    PROSPECTIVE JUROR: Not at all.
 24
                    MS. WECKERLY: And likewise if you hear
                                                                                         PROSPECTIVE JUROR: No!
 25
                                                                     25
                                                           201
                                                                                                                                 203
 I something that makes you think that this should not be an
                                                                                         MR. PATRICK: Do you remember writing he
 2 appropriate sentence, you can pick another sentence from
                                                                      2 should be put to death the same way he, killed his
 3 the remaining?
                                                                      3 girlfriend?
                                                                                         PROSPECTIVE JUROR: Yes.
                    PROSPECTIVE JUROR: See, I can't imagine
 5 any justification for murdering someone -- intentionally
                                                                                         MR. PATRICK: Do you bélieve that?
 6 murdering someone.
                                                                                         PROSPECTIVE JUROR: Yes.
                                                                                         MR. PATRICK: So that means if his
 7
                    MS. WECKERLY: I mean, as we have
 8 discussed with some of the other jurors, not all cases of
                                                                      8 girlfriend was shot, he should be taken out back and shot?
 9 first degree murder are even eligible for the death
                                                                                         PROSPECTIVE JUROR: Yes.
 10 penalty. There are certain legal requirements that have
                                                                                         MR. PATRICK: And if his girlfriend was
                                                                     11 strangled, he should be taken out back and strangled?
11 to be met before a jury can considers it as a potential
12 punishment. Those requirements will be explained to you
                                                                                         PROSPECTIVE JUROR: Yes.
                                                                     12
13 by Judge Herndon. He will give you the law on that. I
                                                                     13
                                                                                         MR. PATRICK: No questions asked?
14 assume you'll be able to follow that?
                                                                     14
                                                                                         PROSPECTIVE JUROR: Nope.
15
                   PROSPECTIVE JUROR: Yes.
                                                                     15
                                                                                         MR. PATRICK: Also the question, it talked
                   MS. WECKERLY: Then once, assuming that
                                                                     16 about Mr. Chappell being an African-American male. You
16
                                                                     17 were asked if that would affect your ability to be fair
17 those requirements are met, and I assume you'll hold us to
   our burden -- because that's what's required by law -- you
                                                                     is and impartial? Do you remember what you wrote?
19 will be able to follow that rule?
                                                                                         PROSPECTIVE JUROR: It might.
                                                                     19
                   PROSPECTIVE JUROR: Yes.
                                                                     20
                                                                                        MR. PATRICK: Do you remember writing,
20
                                                                     21 yes, that it was programmed from childhood. Could you
                   MS. WECKERLY: Then you just, with your
21
22 fell jurors, make a determination what you think is
                                                                     22 explain that.
23 appropriate. At that point you'll be able to do that?
                                                                     23
                                                                                        PROSPECTIVE JUROR: Yes, I come from a
                   PROSPECTIVE JUROR: Yes.
                                                                     24 very small town in Ohio. I was born quite some time ago
24
25
                   MS. WECKERLY: Thank you. Pass for
                                                                     25 and things were different then.
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MR. OWENS: So about 16 years ago.
                   MR. PATRICK: Then, again, on the question
   what are your feelings about the death penalty, you wrote
                                                                                        PROSPECTIVE JUROR: Yes.
                                                                      2
                                                                                        MR. CWENS: Were you a witness? Were you
 3 a person should be put to death the same way he killed his
                                                                        involved in that?
4 victim.
                                                                                        PROSPECTIVE JUROR: None, whatsoever.
                   PROSPECTIVE JUROR: Yes.
                                                                                        MR. OWENS: Where did that occur?
                   MR, PATRICK: Another question where you
 7 were asked if there was anything that would prevent you
                                                                                        PROSPECTIVE JUROR: It occurred at the
                                                                        Lady Luck Hotel.
 0 from sitting as a fair and impartial juror. And you
                                                                                        MR. OWENS: Were you living in town at the
 9 checked, yes. I believe undermeath it you said you would
                                                                     10 time?
   be prone to go along with the group to avoid ridicule.
                                                                                        PROSPECTIVE JUROR: I was going to
                   PROSPECTIVE JUROR: I would what? Yes,
                                                                     Ħ
                                                                     12 graduate school in San Diego.
12 sometimes I am.
                                                                                        MR. OWENS: You're from the area, just
                   MR. PATRICK: So you consider yourself a
                                                                     13
13
14 follower than?
                                                                     14 gone at the time it happened?
                                                                                        PROSFECTIVE JUROR: Correct.
                                                                     15
                   PROSPECTIVE JUROR: Yes.
15
                                                                                        MR. OWENS: Were you involved in the court
                   MR, PATRICK: If your opinion was
16
   unpopular with the rest of the jury you'd go along with
                                                                     17 process at all?
17
                                                                                        PROSPECTIVE JUROR: I sat there and
   them so they wouldn't badger you or ridicule you?
                                                                     19 observed and supported the family. Then when it came to a
                   PROSPECTIVE JUROR: I might.
19
                                                                     20 point where the family had talked to the jurors to
                   MR. PATRICK: Then again on the question
20
21 where it said your beliefs about the death penalty, would
                                                                     21 convince the jurors why he shouldn't get the death
                                                                     22 penalty, I chose not to participate in that.
22 you wote automatically for it and you wrote, yes.
                                                                                        MR. CWENS: So the decision was made not:
23 Remember that?
                                                                     23
                                                                     24 the call you to testify?
                   PROSPECTIVE JUROR: No.
24
                   MR. PATRICK: The last question was, do
                                                                     25
                                                                                        PROSPECTIVE JUROR: That is correct.
25
                                                                                                                                207
                                                                                        MR. OWENS: Why was that?
 1 you want to serve on this jury. Do you remember what you
                                                                                        PROSPECTIVE JUROR: In that particular
 2 wrote?
                                                                      3 case I believed he should have received the death
                   PROSPECTIVE JUROR: No.
 3
                                                                     4 penalty.
                   MR. PATRICK: Did you write, no. I'm set
 5 in my beliefs about killers, child and animal abusers.
                                                                     5
                                                                                        MR. OWENS: Was that something that you
                                                                      6 felt from the beginning, or something that you came to as
                   PROSPECTIVE JUROR: Yes.
                   MR. PATRICK: So if you were sitting where
                                                                       you watched the process?
                                                                                        PROSPECTIVE JUROR: It iwas the result of
 8 Mr. Chappell was, would you want twelve people like you on
                                                                     9 something I found that never made it to trial.
   this jury?
 9
                   MR. OWENS: I'll object to that question.
                                                                                        MR. CWENS: Some additional evidence?
10
                                                                                        PROSPECTIVE JUROR: Correct.
                   THE COURT: I'll sustain the objection.
                                                                     11
11
                                                                                        MR. OWENS: That you were aware of?
                   MR. PATRICK: Your Honor, we'd strike for
                                                                     12
12
                                                                                        PROSPECTIVE JUROR: Correct.
                                                                     13
   cause please.
                   THE COURT: Mr. Owens, as to Ms. Bundren.
                                                                     14
                                                                                        MR. CWENS: That kind of may the
14
                                                                     15 difference in your mind?
                   MR. OWENS: How are you.
15
                                                                                        PROSPECTIVE JUROR: Correct.
16
                   PROSPECTIVE JUROR: Fine.
                                                                     16
                                                                     17
                                                                                        MR. CWENS: What point[did you discover
                   MR. OWENS: You were a victim at some
17
   point. What was that about?
                                                                     18 that?
18
                                                                                        PROSPECTIVE JUROR: I believe it was
                   PROSPECTIVE JUROR: As I stated earlier,
                                                                     19
19
                                                                    20 approximately the 2 to 3 weeks after Doreen was killed.
20 my uncle murdered my aunt.
                                                                                        MR. OWENS: Were other! family members
                   MR. OWENS: Same case, same situation.
                                                                    21
21
                                                                    22 aware of that?
                   PROSPECTIVE JUROR: Correct.
22
                                                                                        PROSPECTIVE JUROR: They were.
                                                                    23
                   MR. OWENS: Now long was that.
23
                                                                                        MR. CWENS: But they were supportive of
                   PROSPECTIVE JUROR: I believe it was
                                                                    24
25 November of 1990 I believe.
                                                                    25 him?
                                                                                                                                208
                                                          206
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\mathfrak{T}^1
                    PROSPECTIVE JUROR: Correct.
                                                                         parole.
                                                                                         MR. OWENS: Okay. Was there any
 2
                    MR. OWENS: And you were there to be a
                                                                       3 repercussions toward you from other family members?
    support for the family, but you didn't --
                                                                                         PROSPECTIVE JUROR: None, whatsoever.
                    PROSPECTIVE JUROR: Absolutely.
                                                                                         MR. CWENS: Do you discuss it with him
                    MR. OWENS: Would you say that that was a
    traumatic experience for you?
                                                                       6 very much?
                    PROSPECTIVE JUROR: Not traumatic,
                                                                                         PROSPECTIVE JUROR; Do'I discuss it with
                                                                       8 him being --
  8
    baffling.
                    MR. CWENS: Baffling. You still find it
                                                                                         MR, OWENS: No. Does it come up from time
 10 that way?
                                                                      10 to time?
                                                                                         PROSPECTIVE JUROR: It does. My mom is
                    PROSPECTIVE JUROR: Yes. It reminds me of
                                                                      11
 11
                                                                      12 pretty religious about going out to prison, and we've just
 12 how your love and affection for somebody can be blinded by
                                                                      13 sort of taken a stance at this point being a sounding
    the facts, and it's hard to separate that - your brother
                                                                      14 board. He believes what he believes. Nothing is going to
    or cousin or someone close to you.
                    MR. OWENS: So you found it sort of a
                                                                      15 change him. We just act as a sounding board, try to talk
 15
                                                                      16 about other things with him.
    curious thing that occurred?
 16
 17
                    PROSPECTIVE JUROR: Well, I think because
                                                                                         MR. CWENS: What is you'r feeling about the
    families -- the family members I was talking to are very
                                                                      18 death penalty, generally?
 18
                                                                                         PROSPECTIVE JUNOR: I don't believe in
    educated people. And yet despite the education, they
                                                                      19
                                                                      20 being cookie cutter about anything in my life. I think
    weren't able to step out of the box and look at the facts
                                                                      21 partly because of what I do for a living. I believe that
    and kind of string all of the pearls together.
                    MR. OWENS: You felt that you were able to
                                                                      22 anytime there's new information you have to run it through
 22
                                                                      23 the equation so you may get a different outcome. I
    do that?
 22
                                                                      24 respect the process. I think that after listening to
                    PROSPECTIVE JUROR: I felt based on the
 24
 25 information I had, that I was very confortable in my
                                                                      25 everything and weighing it, then listening to what the
                                                            209
                                                                                                                                 211
 I conclusion about it. However, like I said, I took time
                                                                      I judge said, if death penalty is appropriate, then okay.
                                                                                         MR. OWENS: What you're describing is the
 2 off from graduate school to go down and listen in hopes
    that things would be different. And the conclusion was
                                                                        process we talked about here?
    that was not the case for me.
                                                                                         PROSPECTIVE JUROR: I wish I wasn't here,
                                                                      5 but it's what it is. And I'll always respect the process
                    MR. OWENS: So it didn't make it any
    better by being there?
                                                                      6 and follow the instructions.
                    PROSPECTIVE JUROR: Not for me. It didn't
                                                                                         MR. OWENS: Okay. It's important to keep
 7
                                                                      8 an open mind until you've heard all the facts and
    change my decision. I was there to support the family.
 8
                    MR. OWENS: You feel good you were there
                                                                      9 circumstances?
                                                                                         PROSPECTIVE JUROR: Absolutely. Again,
                                                                      10
    to be supportive?
 10
                    PROSPECTIVE JUROR: Absolutely.
                                                                      11 because i have administrative decisions on a daily base
 11
                    MR. OWENS: Is there anything about that
                                                                      12 that affect people's livelihoods I understand the
 12
                                                                      13 importance of listening to people and not making any
    experience that is still with you in a sense that might
    come out in an unfair manner in this proceedings?
                                                                     14 decisions until I've heard everything. : And treat people
15
                    PROSPECTIVE JUROR: No. I have to say
                                                                     15 the way I want to be treated.
16 given everything I was pretty impressed with how fair and
                                                                                         MR. OWENS: There was one question here
                                                                     17 where you didn't want to give an explanation. Remember
17 balanced everything was. And that if it started to sway
 10 one way there was somebody in the courtroom to make Sure
                                                                     18 that?
                                                                     19
                                                                                         PROSPECTIVE JUNCA: If you could tell me
19 it got back on track.
                    MR. OWENS: And your uncle did receive the
                                                                     20 the question.
20
                                                                     21
                                                                                         MR. PATRICK: So -- all right with the
21 death penalty?
                    PROSPECTIVE JUROR: He received life in
                                                                     22 court.
22
                                                                                         THE COURT: Sure.
23 prison. The family was able to convince the jurors that
                                                                     23
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MR. CWENS: You said you wouldn't

25 automatically vote for either choice. And saying explain,

24 he should not get the death penalty. So the decision was

25 to give him life in prison, without the possibility of

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1 dictate that I cannot find in favor, that's what I need to
⊋1 I don't know that required an explanation. You said you
                                                                      2 do.
 2 didn't want to give one.
                                                                                        MR, CWENS: You feel you can do what is
                    PROSPECTIVE JUROR: I guess because in my
                                                                         fair and appropriate to your mind and the rest of the
 4 mind my answer was longer than the space would allow. I
                                                                         jurors at the end of the case?
 5 quess, again, if the circumstances and the fact support,
 6 and the instruction was given -- in other words, if the
                                                                                        PROSPECTIVE JUROR: Yes.
                                                                                        MR. OWENS: Thanks. Pass for cause.
 7 judge said to me if these four things are met you have no
 8 choice but to find for the death penalty. That's what
                                                                                        THE COURT: Mr. Schieck.
                                                                                        MR. SCHIECK: Thank you, your Honor.
 9 I'll do. I'll respect the process. I wish I didn't have
                                                                                        PROSPECTIVE JUROR: Correct.
 10 to make that decision, but that's what I've been asked to
                                                                      10
                                                                                        MR, SCHIECK: On your court generated
 11 do. And I'm the kind of person who, again, when I make
                                                                      12 information sheet it says investigator, but I see here
 12 decisions on my job I have to be able to look at that
                                                                        you're masters is in public administration.
    person and feel confident in what I'm saying. I have to
                                                                                        PROSPECTIVE JUROR: Correct.
 14 live with myself.
                   MR, OWENS: You feel you can do that?
                                                                     15
                                                                                        MR. SCHIECK: Are you in administration
15
                   PROSPECTIVE JUROR: Yes. The only thing
                                                                     16 here an investigator or whatever?
16
17 that I think I hadn't thought about it until one of the
                                                                     17
                                                                                        PROSPECTIVE JUROR: I'm an ECC
                                                                         investigator and mediator.
 18 other jurors bought it up. I had never considered the
                                                                     18
                                                                                        MR. SCHIECK: You work for the Nevada
 19 pictures. And I'll be honest with you, that might be
                                                                     19
                                                                     20 Equal Rights Commission?
   difficult. But again, I'll step out of that box and do
                                                                                        PROSPECTIVE JUROR: Correct.
                                                                     21
21 what I have to do.
                   MR. CWENS: All right. The process, at
                                                                     22
                                                                                        MR. SCHIECK: So a complaint comes in
22
                                                                     23 about discrimination and the complaining employee follows:
23 some point you're going to learn the process isn't some
                                                                     24 the proper steps and you're assigned to investigate
24 sort of if this and this and now you're on to the death
25 penalty. No matter what you do in following the law the
                                                                     25 whether or not there has been discrimination in a
                                                                                                                                215
                                                                      1 particular work place or environment?
 1 death penalty is always going to be an option. You
                                                                                        PROSPECTIVE JUROR: I'm there to determine
 2 understand that?
                                                                      3 whether or not there's been a violation of law based on
                    PROSPECTIVE JUROR: Yes.
                                                                      4 the facts presented, then I'm also a mediator.
                   MR. OMENS: It's never compelled. Even if
                                                                                        MR. SCHIECK: A mediator between the
 5 you found everything you need to impose the death penalty,
 6 you never have to do it. So in the end it's going to be a
                                                                      6 parties to the allegation?
                                                                                        PROSPECTIVE JUROR:
                                                                                                             We'd be a separate
    judgment call. It's not like you're going to be able to
                                                                      8 case because of the fact you can't be a fact finder and
 8 say, well, all these things are met so I have to impose
                                                                      9 mediator for a different case.
 9 the death penalty. It's never going to happen.
        More likely what's going to be, you'll look at it,
                                                                     10
                                                                                        MR. SCHIECK: You try to reach a
10
                                                                     11 reasonable resolution?
11 and based on all the facts and circumstances, this
   particular crime it's appropriate. You understand that?
                                                                     12
                                                                                        PROSPECTIVE JUROR: My job is to help --
                   PROSPECTIVE JUROR: I do.
                                                                     13 my job is to not make the decision, but to help both
13
                                                                     14 parties better communicate and come toja conclusion or
                   MR. OWENS: Given that full range that you
15 have, if after hearing all the facts and circumstances, if
                                                                     15 settlement themselves.
16 you felt that the death penalty was the fair and
                                                                                        MR. SCHIECK: And there was an unfortunate
                                                                     17 case where your uncle was convicted of killing your aunt;
17 appropriate punishment, would you be able to come back
18 with that decision?
                                                                     18 is that correct.
                                                                     19
                                                                                        PROSPECTIVE JUROR: Correct.
                   PROSPECTIVE JUROR: Yes.
19
                   MR. OWENS: You wouldn't be inclined to
                                                                     20
                                                                                        MR. SCHIECK: You said that happened at
20
21 settle for something less then that because you felt like
                                                                     21 the Lady Luck?
                                                                                        PROSPECTIVE JUROR: It happened in the
22 it was an easier choice?
                                                                     22
                                                                     23 parking lot of the Lady Luck as she was leaving work.
                   PROSPECTIVE JUROR: No. Again, there are
                                                                                        MR. SCHIECK: And you indicate that your
                                                                     24
24 a lot of times my job where I believe somebody has been
25 discriminated against, but the facts and circumstances
                                                                     25 mother still goes out to see your uncle?
                                                                                                                                216
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≘ 1	PROSPECTIVE JUROR: Correct.	1	PROSPECTIVE JUNOR: Yes.
- 2	MR. SCHIECK: That would be, I assume, her	2	MR. OWENS: You had some experience where
3	brother?	3	you were a witness or something to a violent crime?
7 4	PROSPECTIVE JUROR: That's correct.	4	PROSPECTIVE JUFOR: Yes.
5	MR. SCHIECK: So she goes out to visit her	5	MR. OWENS: How long ago was that?
6	brother out in prison, correct?	6	PROSPECTIVE JUROR: It was late '89 or
7	PROSPECTIVE JUNOR: Correct.	7	early '90.
8	MR. SCHIECK: Do you ever go out?	8	MR. OWENS: You were actually a witness?
9	PROSPECTIVE JUROR: No. I went when he	9	PROSPECTIVE JUROR: Basically, yeah.
10	was in Elko. And just that whole scene and regurgitation	10	MR. OWENS: Is that in this community?
.11	of the whole trail, he just was relentless. I asked him	Н	PROSPECTIVE JUROR: Yes.
12	I'd be happy to come out here to be moral support, but	12	MR. OWENS: What was involved in that?
13	these are the ground rules and he wasn't willing to abide	13	PROSPECTIVE JUROR: It was a murder.
14	by those, so we just made the decision it would be best	14	MR. OWENS: What happened?
15	for me to no longer go out there to visit him.	15	PROSPECTIVE JUROR: A murder was committed
16	MR. SCHIECK: Is it a situation where he's	16	in the same house I was in. I didn't see it with my own
17	indicating that he's not guilty of the charges?	17	eyes, but I was there for the rest of it.
16	PROSPECTIVE JUROR: Correct.	18	MR. OWENS: Was that a traumatic thing for
19	MR. SCHIECK: So he still hasn't accepted	19	you?
20	responsibility, in your mind, for having committed the	20	PROSPECTIVE JUROR: Yeş, sir.
	hanicide?	21	MR. OWENS: Did you testify in a court
22	PROSPECTIVE JUROR: It's his belief that	22	case?
23	he did not do it.	23	PROSPECTIVE JUROR: Only in the
24	MR. SCHIECK: Ckay. Now, with your	24	preliminary.
25	educational background and being a long-time resident	25	MR. CWENS: Preliminary hearing?
	217	ļ	
1	here, I assume you're familiar with other cases of	1	PROSPECTIVE JUROR: Yes.
	homicide that happened in Clark County. Do you pay any	2	MR, CWENS: Was there a resolution after
	attention to those?	3	that?
4	PROSPECTIVE JUROR: Just so I'm clear.	4	PROSPECTIVE JUROR: They didn't call me any
s	From 1987 to 1993 I wasn't a resident here. And since	5	more,
6	then, I occasionally catch sort of glimpses on the news.	6	MR. OMENS: Do you know what happen with
	But I don't follow anything per se.	7	the case?
6	MR, SCHIECK; Would it be fair to say that	В	PROSPECTIVE JUROR: I believe he might
9	you don't believe the death penalty is appropriate in	9	have been let go for self-defense, maybe.
10	every first degree murder case?	10	MR. OWENS: Well, they didn't have a
11	PROSPECTIVE JUROR: That is correct.	11	trial on it though?
12	MR. SCHIECK: In a particular case that	12	PROSPECTIVE JUROR: I think they did.
13	you had some personal knowledge of, you thought it was	13	MR. CMENS: But you weren't called?
14	appropriate, but you don't necessarily think it's	14	PROSPECTIVE JUROR: No.
15	appropriate in every other case?	15	MR. CWENS: That's because you didn't
16	PROSPECTIVE JUPOR: Correct.	16	actually see what happened?
17	MR. SCHIECK: You would have an open mind	17	PROSPECTIVE JUROR: Right.
18	in wanting to hear all of the evidence before you made	18	MR. CWENS: Anything about that experience
19	that decision?	19	that gave you feelings that are so strong that they might
20	PROSPECTIVE JUROR: Absolutely.	20	spill over into this case in an unfair manner?
21	MR. SCHIECK: Thank you. We would pass	21	PROSPECTIVE JUROR: No.
	for cause, your Honor.	22	MR. OMENS: You're not harboring any
23	THE COURT: Thank you. Mr. Owens, as to	23	resentment about anything?
24	Ms. Smith.	24	PROSPECTIVE JUROR: No.
25	MR. OWENS: Ms. Lori Smith?	25	MR. OWENS: Did you know the victim?
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<u>-</u> 1	PROSPECTIVE JUROR: Yes.	l	understand that Nevada has a different set of rules, who	it	
2	MR. OWENS: Were you close with the	2	you're saying is you don't think you can abide by those		
	victim?	3	mles?		
* 4	PROSPECTIVE JUROR: No.	4	PROSPECTIVE JUROR: No, sir.		
5	MR. CWENS: You were asked a number of	5	MR. CMENS: You would want to give the		
6	questions about the death penalty. You indicated that you	6	death penalty automatically?		
. 1	don't have any problem with the death penalty as an	7	PROSPECTIVE JUROR: Yes, sir.		
8	option?	B	MR. CANENS: You think it's important to		
9	PROSPECTIVE JUROR: Right.	9	hear all the facts and circumstances surrounding the		
10	MR. CWENS: Do you understand that it's	10	murder before you decide which penalty should be		
11	one of the four potential options that are available to	11	appropriate?		
12	the jury?	12	PROSPECTIVE JUROR: Yeah, it's important		
13	PROSPECTIVE JUROR: Right.	13	But I'm not one of the people to do it. I have a very s	et	
14	MR. OWENS: Are you okay with that?	14	thought, and what by the way the questioning is on th	æ	
15	PROSPECTIVE JUROR: That there being other	15	questionnaire, I have already formed the opinion.		
16	options?	16	MR. CWENS: So even though you haven't		
17	 MR. OWENS: That there are four options. 	17	heard all the facts and circumstances, you feel the deat	'n	
18	PROSPECTIVE JUROR: Yeah.	18	penalty was always appropriate and that's what you would	ì	
19	MR. OWENS: That is something you can	19	do?		
20	abide by?	20	PROSPECTIVE JUROR: Yes.		
21	PROSPECTIVE JUROR: Yeah.	21	MR. OWENS: No further questions, your		
22	MR. OWENS: Then one place in here, you	55	Honor.		
23	were asked if you formed an opinion about the case. And	23	THE COURT: Mr. Schieck.		
24	you indicated, yes, that you already formed an opinion.	24	MR. SCHIECK: Challenge for cause, your		
25	Is that based upon the factual statement that he'd already	25	Honor.		
	221	<u> </u>		223	
1	been convicted?	1	THE COURT: All right. Let's take a		
2	PROSPECTIVE JUKOR: Yes.	2	recess for a few minutes, ladies and gentlemen.		
3	MR. OWNENS: Of the crime?	3	JURY ALMONITION		
4	PROSPECTIVE JUROR: Yes.	4	During the recess, ladies and gentlemen,		
5	MR. OWNENS: Now you understand that of the	5	you are admonished not to converse among yourselves or		
6	four options, not every first degree murder is	6	with anyone else, including, without limitation, the		
7	automatically a death penalty. You understand that?	7	lawyers, parties and witnesses, on anyisubject connected	Į	٠
8	PROSPECTIVE JUROR: I understand that.	8	with this trial, or any other case referred to during it	,	
9	That's not my opinion.		or read, watch, or listen to any report of or commentary		
10	MR. OWENS: Your opinion is that first	10	on the trial, or any person connected with this trial, o	r	
11	degree murder should be a death penalty?	11	any such other case by any medium of information		
12	PROSPECTIVE JUROR: Yes, sir.	12	including, without limitation, newspapers, television,		
13	MR. OWZNS: So if you are a legislator,	13	internet or radio.		
14	you might want to change the law to be more like Texas,	14	You are further admonished not to form o	r	
15	that's what they got in Texas, where it's automatic?		express any opinion on any subject connected with this		
16	PROSPECTIVE JUROR: Yes.	16	trial until the case is finally submitted to you.		
17	MR. CWENS: But you're not the legislator.	17	(Brief recess taken.)		
18	And we are living by the rules of Nevada here.	18	THE COURT: You want to talk real quick		
19	PROSPECTIVE JUROR: Right.	19	about the challenges for cause?		
20	MR. OWENS: And do you feel you can apply	20	MR. OWENS: Okay.		
51	the procedure that we have in Nevada in this case, if you	21	THE COURT: The State have any remarks t	0	
22	are selected for the jury?	55	make as to the first, Ms. Ruis.		
23	PROSPECTIVE JUROR: No.	23	MR. CMENS: Which are we looking at, you	r	
24	MR. OWENS: So even though you feel like	24	Honor?		
**	it should be something different and some though some	Lac	THE COURSE He Dais is an in cost meter	_	

THE COURT: Ms. Ruis is up in seat number

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25 it should be something different, and even though you

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≥1 one -- Badge 81. The next one that was challenged for
 2 cause was Mr. Ramirez -- Badge 034. Then Ms. Martino -
 3 038. She's in the chair closest to you on the side of the
 4 jury box. The last one is Ms. Smith -- 045.
                   MR. OWENS: Well, I don't have anything to
   add on Ms. Ruis, I don't think.
                   THE COURT: Okay.
                   MR. OWENS: On Ms. Martino, there's a
 9 disparity to what she's saying in court and in her
   questionnaire. But people are free to expound and explain
11 their answers. She — I think the way it was left was she
   could consider the options, and that she may be a person
   that tends to be a follower. But that's not a reason to
   kick scnebody for cause.
                   In regard to Mr. Ramirez -- number 24, you
15
16 know, he's not any different than Mr. Theus, I don't think
17 in the sense we didn't challenge that person for cause.
18 But it's the same thing. Basically what they were saying
19 was that they were looking at the way they would want to
20 have it, versus the way it is. And all through her
21 questionnaire she was saying she couldn't do it. And she
22 didn't believe in the death penalty and that kind of
23 thing. That was a 180 degree turn around. If you kick
24 Ramirez, in fairness in proportional responses, you have
25 to kick Ms. Theus as well. So I think that's the sum of
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1 did to the victim.
2
                   I don't think there's any question as to
 3 what her feelings are and to how she would vote. She's
 4 certainly not going to look at anything but the fact that
 5 Mr. Chappell was convicted of murder. And as far as she's
   concern he should be taken out today and stabbed to
 7 death.
                  Also whether or not — that is a very 1
3 compelling reason, but even putting that aside, she's a
10 definite follower. She's not going to make up her own
11 mind. Whatever the group says, she's going to go with.
12 And I think something this important, we need to have
13 schebody that makes some semblance of having their own
14 mind in making up their own mind.
                  As far as Mr. Ramirez, well, I mean, he's
lõ
16 from Texas. He likes the way Texas does things. He
17 thinks that we should not even be here because
13 Mr. Chappell was found guilty of first degree murder.
19 According to him there is no option. The death penalty is
20 it, and that's it.
2Ł
                  The other thing about him, not only is he
22 ex-military, but he's ex-special forces. His mind is made
23 up. There's nobody on that jury that's ever going to
24 change his mind. I mean, being ex-military myself, I know
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25 his type. He's not going to change his mind. He's not

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1 it, your Honor.
                   THE COURT: All right. What about
   anything at to Ms. Smith, the last lady.
                   MR. OWENS: Nothing on that.
                   THE COURT: All right.
                   MR. OWENS: She's clear.
                   THE COURT: Mr. Schieck or Mr. Patrick any
 8 of those folks. I'm going to excuse Ms. Ruis and
 9 Ms. Smith.
                   The question in my mind is kind of I
10
11 excuse them now and put people there, or just ask if we
12 pass a little more than thirty-two for cause and let them
13 all go. I don't want people to continue to kind of figure
14 out this is a good reason to bring up. My intent, as I
is sit here thinking, is to leave them there. Telling you
16 they're going to be excused for cause so you know. But
17 leave them there for now as we continue on with the
18 questioning.
                   How about as to Mr. Ramirez and Ms.
19
20 Martino?
                   MR. PATRICK: Yes, Judge. Ms. Martino, I
21
22 don't think there was really any question. Not only is
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23 she going to automatically vote for the death penalty, but

24 she made it very clear that anybody that kills anybody25 should be taken out and shot, stabbed, hung, whatever they

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1 going to look at anything. He's by the book. He's very
 2 rigid. He has his mind made up that first degree murder
 3 only requires one sentence, nothing will ever -- if we
 4 could sit here until next week and talk to him, he'll
 5 never change his mind on that. He will absolutely vote
 6 for the death penalty, no matter what we put on.
                   So I would say that both of those are
 8 beyond redemption.
                   MR. OWENS: Your Honor, if I could comment
10 on a couple of things he mentioned.
11
                   THE COURT: As to who? .
                   MR. OWENS: Well, first -- last gentleman,
12
13 Mr. Ramirez. Being military is not a reason to challenge
14 for cause. On Ms. Martino, her comment about him
15 suffering the same kind of death by stabbing or shooting,
16 I didn't take that to mean that the death penalty should
17 be automatic, but if they receive the death penalty it
16 should be administered in the same way they killed their
19 victim.
                   THE COURT: I agree. I had more problems
20
21 with Ms. Martino than I did with Mr. Ramirez, to be quite
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⊋ 1 appropriate to excuse somebody because they're a follower,
 2 but to the extent they kind of indicate not only are they
 3 are follower, they may not even vote their own belief in
 4 the evidence is a little different.
                    But more than that there was an indication
 6 in the questionnaire that she would automatically vote for
 7 the death penalty. Meaning that she not only believed
 8 that an eye for an eye, for a person who kills should be
    put to death in the same way, but that she should impose
    that penalty without question. I believe she readily
 11 agreed to Mr. Patrick in questioning in that regard.
                    A lot of times we are balancing between
 12
 13 screbody asks a question and the questions were kind of
 14 leading by nature and get one answer and get another
    answer, but I think the answers from Ms. Martino where
    enough to justify her being excused.
                    I'm going to deny as it pertains to Mr.
 17
    Ramirez. I agree that his personality would appear to be
    what you would consider somebody with a hardcore military
    veteran. But we can't kind of look at people and excuse
    them because our personal opinions as to their type of
    personality is such that we believe they'll never change
 23 their minds.
                    His questionnaire was one which he
 24
 25 indicated he'd consider all forms of punishment. He did
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2 here all day, if they have staffing problems or not. THE COURT: Well, Mr. Chappell is staying 4 here now, right? MR. SCHIECK: He's still in their 5 6 custody. THE COURT: All right. Can you all stay until 5:30? THE OFFICERS: Yes, sir. THE COURT: Okay. We'll play it by ear. 11 But we won't go any later than 5:30. We'll see if we can move through a few more people so 12 13 we can try and get -- tomorrow, at least, we can get the 14 jury finished up and you all can do openings, if nothing 15 else. MR. PATRICK: I would like, if we could, 16 17 spend a second clarifying Mr. Owens' objection to my 18 asking whether or not the jury members would want to be on 19 a jury if they were sitting here. THE COURT: I recall a case coming out 20 21 that indicated that was an improper question. I can't think of the name. MR. OWENS: I don't know if there is a 24 case. Since I have had judges correct this, but to say if 25 one side only would be comfortable having you as a juror

1 problems. They're all from High Desert. They've been

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1 not indicate that he would vote automatically one way or
 2 the other. I think he's wrong about Texas. There are a
 3 few forms of punishment that are available there. But
 4 nonetheless, somebody that thinks the death penalty is an
 5 appropriate form of punishment for first degree murder and
   thinks that maybe or legislature should change things,
   that's separate and apart from saying I realize that this
   is what the law is and I'll consider them all before I
   make any decision.
                   So I think he answered the questions
10
11 sufficiently in term of being able to consider everything
   to not justify him being excused for cause. So I'\Pi deny
   as pertains to Mr. Ramirez.
                   But again, I'm going to leave Ms. Martino,
14
15 Ms. Smith and Ms. Theus for now in their places. We'll
   continue on with the next in order, which is going to be
   Mr. Morin when we get back.
17
                   Now, it's about coming up on 4:30 already.
18
   I generally don't like to keep everybody after 5:00
   o'clock the first day they're here because they don't
   necessarily know how much longer we have.
21
                   Do you plan going until 5:00? I can go
22
23 longer if we want to.
                   MR. OWENS: Whatever the court wants.
24
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MR. SCHIECK: I don't know if there's any

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1 is not fair. It would have to be both sides, two sides,
 2 because doth sides have different interests.
        Frankly we want a jury of police officers if we have
 4 a choice. He'd probably rather have a jury of jail
 5 individuals. So you ask that question, it really isn't a
 6 fair question if you are in the position of the State or
 7 the Defendant, would you be comfortable. It's basically
   like saving can you be fair to both sides.
        But to say if you were in the position of the
10 Defendant, would you want somebody in your frame of mind
Il sitting on the jury is not a fair question. They can say,
12 yeah, I would vote his way every time, sure he would want
13 me.
                   THE COURT: I understand the argument
14
15 being made. That's why I seem to believe there's a case
16 that has come out talking about that issue, as to not
   placing the jurors in a position of a certain party in the
!8 litigation.
                   MR. SCHIECK: Well, your Honor, if I may, .
59
20 I would think that that cuts to the heart of the whole
21 thing. If I only had one question to ask each and every
22 juror that's probably one of the most fair questions and
23 one of the most truthful questions they would answer. I
24 think it is probably very proper.
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S CHAPPELL 3/12/2007

I mean, look at the way the death penalty

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1 is administered in this state, and we're looking for
                                                                                        MS. WECKERLY: Were you close to your
                                                                      2 brother -- or close to him at the time that happened?
 2 whether or not it's arbitrary and capricious. I think
                                                                                        PROSPECTIVE JUROR: Yes. Kind of, because
 3 that's a very direct, very good, very poignant question to
                                                                      4 we kind of having a fallen out because of -- he was on
 4 being asking the jury.
                                                                        drugs and stuff, just stayed away.
                   THE COURT: Let me look on the break and
                                                                                        MS. WECKERLY: And you think the charge
 6 see if I can find the case I'm thinking of that I think
 7 spoke to the issue a little bit. And I'll let you know
                                                                      7 was attempt murder?
                                                                                        PROSPECTIVE JUROR: Yes.
 8 when I get back out here.
                                                                                        MS. MECKERLY: Is that charge resolved or
                   We'll be in recess for ten minutes. Okay.
                                                                     10 was he --
 10 Thank you.
                                                                     11
                                                                                        PROSPECTIVE JUROR: He's in prison right
                    (Brief recess taken.)
11
                   THE COURT: Back on the record in
                                                                     12 now.
12
                                                                                        MS. WECKERLY: Prison. Are you still in
13 C-131341, State of Nevada versus James Chappell. The
14 record will reflect the presence of Mr. Chappell with his
                                                                     14 contact with him? You visit and write; that sort of
15 attorneys, the State's attorneys. Outside the presence of
                                                                     15 thing.
                                                                                        PROSPECTIVE JUROR: Yes.
                                                                     16
16 panel the jury.
                                                                                        MS. WECKERLY: Do you feel that he was
                                                                     17
                   I can't find the case right now that I'm
17
18 thinking of, so I'll allow you to ask the questions.
                                                                     18 treated fairly?
                                                                                        PROSPECTIVE JUROR: He himself also feels
19 We'll only get through a couple more people this evening.
                                                                     19
                                                                     20 like he was treated fairly. He takes responsibility for
20 I'll see if I can find it this evening on Lexus.
                   MR. SCHIECK: We'll rephrase it to say
                                                                     21 what he did.
21
22 either party, as opposed to just the Defendant.
                                                                                        MS. WECKERLY: So I assume your family is
                                                                     22
                                                                     23 probably hoping he does his time and out he comes and
                   THE COURT: That's I think what Mr. Owens
23
                                                                     24 straightens out his live and is productive?
24 was objecting to and that's my belief as to what I gleaned
                                                                                        PROSPECTIVE JUROR: Yes.
25 from the case I was thinking of was you cannot ask them if
                                                                     25
                                                                                                                                235
                                                                                        MS. WECKERLY: Did you feel like that the
 1 they can be fair to one side, it has to be fair to both
                                                                      2 police handled the case fairly or the State prosecutors
 2 sides in terms of if you were on this jury.
                                                                      3 did?
        Let's get going.
                   THE COURT: Back on the record in
                                                                                        PROSPECTIVE JUROR: Yes.
                                                                                        MS. WECKERLY: You indicated on your
 5 C-131341, State of Nevada versus James Chappell. The
                                                                        questionnaire that you are someone that can consider the
 6 record will reflect the presence of Mr. Chappell with his
   attorneys, the State's attorneys. In the presence of our
                                                                        death penalty as a potential punishment?
                                                                                        PROSPECTIVE JUROR: Yes.
   prospective jury.
                                                                                        MS. WECKERLY: You wrote if it fits it
                                                                      9
                   Ms. Weckerly, as to Mr. Morin.
                   MS. WECKERLY: How are you employed?
                                                                     10 must be given?
10
                                                                                        PROSPECTIVE JUROR: Yes!
                   PROSPECTIVE JUROR: Carpenter.
11
                                                                                        MS. WECKERLY: And Mr. Owens, I think said
                   MS. WECKERLY: And you're the father of
12
                                                                     13 to our last juror, that the death penalty is never
   three young girls?
13
                                                                     14 automatic. It's -- there are certain requirements that
                   PROSPECTIVE JUROR: Correct.
14
                                                                     15 have to be met before it is a possible punishment or one
                   MS. WECKERLY: What does your wife do?
15
                   PROSPECTIVE JUROR: She's a janitor for
                                                                     16 you can consider. But you are never obligate to impose
16
                                                                     17 it.
17 the school district.
                                                                             But if I'm reading your questionnaire correctly, you
                   MS. WECKERLY: When we were speaking this
18
19 morning you indicated that a family member had negative
                                                                     19 can consider it in some circumstances?
                                                                                        PROSPECTIVE JUROR: Yes!
   contact with the police and the criminal justice system.
                                                                     20
20
                                                                                        MS. WECKERLY: We've spoken to a lot of
                                                                     21
                   PROSPECTIVE JUROR: Correct.
21
                   MS. WECKERLY: Was it your brother?
                                                                     22 the prospective jurors about this, and you also indicate
22
                                                                     23 this on your questionnaire, you're not someone that is
                   PROSPECTIVE JUROR: My brother.
23
                                                                     24 obligated to vote for it or against it. It sounded like
                   MS. WECKERLY: Was that locally?
24
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PROSPECTIVE JUROR: Yes.

25 you would want to hear information before you made a

<u> </u>	decision.	Ī.	MR. PATRICK; What does he do?	
2	MS. WECKERLY: Correct.	2	PROSPECTIVE JUROR: He's a SWAT member in	
3	MS. WECKERLY: So you don't have any	1	San Bernardino.	
₹ 4	preconceived idea about what you're going to do because	4	MR. PATRICK: You talk to him a lot?	
	you haven't heard anything?	5	PROSPECTIVE JURGR: I spoke with him this	
6	PROSPECTIVE JUROR: Yes.	6	weekend.	
7	MS. WECKERLY: And you could be fair to	1	MR. PATRICK: You're close?	
8	both sides.	3	PROSPECTIVE JUROR: Somewhat. He lives in	
9	PROSPECTIVE JUROR: Yes.	9	another state, so every time we go out there we talk.	
10	MS. WECKERLY: Thank you, sir. Pass for	10	MR. PATRICK: Him being a police officer,	
11	cause.	11	would that cause you to give greater weight to the	
12	THE COURT: Mr. Patrick.	12	testimony given by a police officer?	
13	MR. PATRICK: Good afternoon, Mr. Morin.	13	PROSPECTIVE JUROR: No. They're just as	
14	PROSPECTIVE JUROR: How are you doing.	14	human as I am.	
15	MR. PATRICK: Your brother was convicted	15	MR. PATRICK: So you would be able to	
16	of attempted murder?	16	listen to both sides?	
17	PROSPECTIVE JUROR; Correct.	17	PROSPECTIVE JUROR: Yes.	
18	MR. PATRICK: Is the person that he was	18	MR. PATRICK: If you were on the jury and	
19	convict of trying to kill was it somebody he knew?	19	you decided not to impose the death penalty, is that	
20	PROSPECTIVE JUROR: No.	20	something you'd have to explain to your cousin why you	
21	MR. PATRICK: You answered yes, you knew	21	won't do that?	
22	somebody that had a drug abuse problems?	22	PROSPECTIVE JUROR: Yes.	
23	PROSPECTIVE JUNOR: Correct.	23	MR. PATRICK: He's understand?	
24	MR. PATRICK; Was that your brother?	24	PROSPECTIVE JUROR: He d understand.	
25	PROSPECTIVE JUROR: I have a few other	25	MR. PATRICK: He'd know you Listened to	
	237	<u> </u>	239	
1	family members, as well.	1	both sides and felt it didn't fit and that's how you made	
1 2	family members, as well. MR. PATRICK: Does their drug abuse, would		both sides and felt it didn't fit and that's how you made your decision either way?	
2			your decision either way? PROSPECTIVE JUROR: Correct.	
2	MR. PATRICK: Does their drug abuse, would	3	your decision either way? PROSPECTIVE JUROR: Correct. MR. PATRICK: Again, like Ms. Weckerly	
2	MR. PATRICK: Does their dang abuse, would that make you give anymore or any less weight to testimony given by somebody that used drugs? PROSPECTIVE JUPOR: No.	2 3 4 5	your decision either way? PROSPECTIVE JUROR: Correct. MR. PATRICK: Again, like Ms. Weckerly said, you wrote down if it fits regarding the death	
2 3	MR. PATRICK: Does their dang abuse, would that make you give anymore or any less weight to testimony given by somebody that used dangs? PROSPECTIVE JUPOR: No. MR. PATRICK: So you'd keep an open mind?	2 3 4 5 6	your decision either way? PROSPECTIVE JUROR: Correct. MR. PATRICK: Again, like Ms. Weckerly said, you wrote down if it fits regarding the death penalty, if it fits it must be given. She explained	
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-1	Las Vegas?	₁	PROSPECTIVE JUROR: Yeah.
2	PROSPECTIVE JUROR: Thirteen years.	2	
3	MR. CWENS: You ever live off Cakey or	1	in this case would it make you want to punish one side or
₽ 4	MLK?		the other a little bit or to use this case to even out
5	PROSPECTIVE JUROR; No.		what happen with your son?
6	MR. OWENS: You had some unfortunate	6	•
7	situation with your son that you talked about in the	7	MR. CWINS: You feel you'd try this case
8	questionnaire.	8	on the facts of the case?
9	PROSPECTIVE JUROR: Yes.	3	PROSPECTIVE JUROR: Yes.
10	MR. CWENS: How long ago did this thing	10	MR. CWENS: You like to watch courtroom
11	happen, he went through?	11	dramas Boston Legal. Did you put that down here?
12	PROSPECTIVE JUROR: In high school is when	12	1
13	he got caught, pot and stuff like that.	13	stuff.
14	MR. OWENS: How long ago would that have	14	MR. CWENS: Maybe that's why you put that
15	been?	15	down here. Might be the next one. All right. You say
16	PROSPECTIVE JUROR: He's 23 now,	15	you had a chance to be on a jury before. How long ago was
17	MR. CMENS: Is this something he's still	17	that?
18	working with?	18	PROSPECTIVE JUROR: Twenty-five year ago.
19	PROSPECTIVE JUPOR: He's still working on	19	MR. OWENS: Was that in this community?
20	it.	20	PROSPECTIVE JUROR: Yes.
21	MR. OWENS: There was also an assault he	21	MR. CWENS: Was that a good experience for
22	was a victim of with this thing with the drugs?	22	you?
23	PROSPECTIVE JUROR: Yeah. Several years	23	PROSPECTIVE JUROR: The mechanics of it
24	ago he got hit over the head by one of his drug friends.	24	was fine. Just hard to put somebody away that wasn't the
25	MR. OWENS: What were the consequences of 241	25	primary person that did the crime.
		.ļ	
	LLLA	١.	Im coming that the thet and d
	that?	1	MR. OMENS: Nothing about that that would
2	PROSPECTIVE JURGR: The police said they	2	interfere with your ability to be fair in this case?
2 3	PROSPECTIVE JURGE: The police said they both got what they deserved, so they let them go.	2	interfere with your ability to be fair in this case? PROSPECTIVE JUNOR: No.:
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1 but for the grace of God any of us can go down the same
                                                                                         PROSPECTIVE JUROR: I'm looking for is not
    path.
                                                                       2 only what he has done but what he potentially doing in the
                    MR. OWENS: You don't know what factors
                                                                       3 further.
 4 the court is going to tell you about.
                                                                                         MR. SCHIECK: The circumstances that lead
                    PROSPECTIVE JUROR: No idea.
                                                                         up to where he was at at that time?
                    MR. OWENS: You can appreciate that there
                                                                                         PROSPECTIVE JUROR: Yes.
    are factors you are going to hear about?
                                                                                         MR. SCHIECK: Your son's drug use was that
                    PROSPECTIVE JUROR: Yes.
                                                                         just marijuana or did he get involved with any serious
                    MR. OWENS: If you feel after hearing the
 10 facts the death penalty was appropriate, would you be able
                                                                                         PROSPECTIVE JUROR: He got into pill and
 11 to do that?
                                                                      II stuff like that.
 12
                    PROSPECTIVE JUROR: That would be my
                                                                                         MR. SCHIECK: Thank you. Pass for cause,
    responsibility.
 13
                                                                         your Honor.
                    MR. OWENS: Could you do that?
                                                                                         THE COURT: Thank you. Mr. Owens, as to
. 14
                    PROSPECTIVE JUROR: I would have to do
                                                                      15 Mr. Salak.
 15
 16 it.
                                                                      16
                                                                                         MR. OWENS: Mr. Salak, you're the Boston
                    MR. OWENS:
                                Do you feel like you could
                                                                      17 Legal fan.
 17
 ŧŝ
    judge another person in that manner?
                                                                      18
                                                                                         PROSPECTIVE JUROR: Yes.
                    PROSPECTIVE JUROR: Yes.
                                                                                         MR. OWENS: Law and Order?
 19
                                                                      19
                    MR. OWENS: Thank you. Pass for cause,
                                                                      20
                                                                                         PROSPECTIVE JUROR: Yeah.
 20
    your Honor.
                                                                                         MR. CWENS: You indicate that you don't
 21
                                                                      21
                    THE COURT: Thank you. Mr. Schieck.
                                                                      22 have any problem with the death penalty as an option?
 22
                    MR. SCHIECK: Thank you, your Honor.
                                                                                         PROSPECTIVE JUROR: No. 1 do feel I have
 23
                                                                      23
                    Mr. Garcia, you talked a lot about your
                                                                      24 reservations.
 24
 25 son in your questionnaire. You have done what you could
                                                                     25
                                                                                        MR. OWENS: You say you have reservations,
 1 to try to help him, I take it, without being an enabler?
                                                                      1 what do you mean?
                    PROSPECTIVE JUROR: Correct.
                                                                                        PROSPECTIVE JUROR: Depends on the case.
                    MR. SCHIECK: You talked with him,
                                                                                        MR. OWENS: Do you feel it's important to
   counseled with him, tried to guide him?
                                                                        keep an open mind?
                    PROSPECTIVE JUROR: We forced him into the
                                                                                        PROSPECTIVE JUROR: Yes!
                                                                                        MR. OWENS: How do you feel about the idea
   drug program.
                    MR. SCHIECK: And you feel as a parent
                                                                      7 of being in judgment of another person?
    that is a very important proper role to assume with your
                                                                                        PROSPECTIVE JUROR: Really uncomfortable in
                                                                        passing judgment. I'll follow the law!
10
                    PROSPECTIVE JUROR: Absolutely.
                                                                                        MR. OWENS: Do you feel that that is
                   MR. SCHIECK: You'indicated that you hate
                                                                     11 something you could do?
11
                                                                                        PROSPECTIVE JUROR: Yes:
12 the death penalty, but at times it's required.
                                                                     12
                    PROSPECTIVE JUROR: Yes, sir.
                                                                                        MR. OWENS: If you fell that the death
13
                                                                     13
                   MR. SCHIECK: What is it about that you
                                                                     14 penalty was proper punishment for this case and these
14
15 hate with respect to the death penalty?
                                                                     15 facts, could you personally come back an announce that
                    PROSPECTIVE JUROR: I think life is
                                                                     16 verdict?
17 precious, including the Defendant in this case. If there
                                                                                        PROSPECTIVE JUROR: Once I hear the facts
                                                                     17
18 is anyway possible to save him, I would appreciate it.
                                                                     18 and how it happened and why it happen, probably will.
19 But if there's no saving him, then not much choice. But
                                                                                        MR. OWENS: If you thought the death
                                                                     19
20 it depends on the case.
                                                                     20 penalty was right, could you do that?
                   MR. SCHIECK: You go on to explain that, I
                                                                     21
                                                                                        PROSPECTIVE JURGE: Yes.
21
22 guess. If you murder someone you've forfeited your right
                                                                     22
                                                                                        MR. OWENS: You'd be able to live with
23 to live. But them you qualify that but only mercy and
                                                                     23 that decision?
24 circumstances can redeem their life. That's the qualities
                                                                     24
                                                                                        PROSPECTIVE JUROR: Yes, I could.
25 you are looking for?
                                                                     25
                                                                                        MR. OWENS: You've been involved in the
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÷ 1	court process before. Have you ever sued somebody or been	1	I could get a house here.
2	sued?	2	
3	PROSPECTIVE JUROR: No.	3	worked for, was that in Hawaii?
· F 4	MR. OWENS: You have never been a victim	4	PROSPECTIVE JUNOR: No. It was
5	of a crime?	5	headquarters in Oakland, California.
6	PROSPECTIVE JUFOR: No.	6	MR. SCHIECK: Okay. You retired here from
7	MR. OWENS: You have never had an	7	Oakland.
8	opportunity to serve as a juror before?	8	PROSPECTIVE JUROR: Yes:
9	PROSPECTIVE JUROR: No.	9	MR. SCHIECK: One of your questions on the
10	MR. OWENS: You've never had a family	10	questionnaire you might not have understood to question.
11	member or someone close to you charged with a crime?	11	It says are you beliefs about the death penalty such that
12	PROSPECTIVE JUROR: No.	12	you would automatically vote against the death penalty
13	MR. CWENS: Question 42, you were asked	13	regardless of the facts and circumstances. You say, no.
14	about your feelings about the death penalty. You start to	14	Perhaps I'm confused. You would consider all the
15	write something. I guess, I should have let us use a	15	circumstances.
16	pencil on these. In pen you crossed it out.	16	PROSPECTIVE JUNOR: Yes, I would.
17	Unfortunately we notice things like that. If I can show	17	MR. SCHIECK: You haven't prejudged in
18	this to him, your Honor.	10	your mind any possible punishments?
19	THE COURT: Sure.	19	PROSPECTIVE JUROR: No.
20	MR. OWDNS: Says the punishment, what were	20	MR. SCHIECK: I'll pass for cause, your
21	you tying to say?	21	Fonot.
22	PROSPECTIVE JUROR: The punishment should	22	THE COURT: Ms. Weckerly, as to Blayme
23	be appropriate for the crime itself.	23	White.
24	MR. CMENS: Okay.	24	MS. WECKERLY: You mention you had an
25	PROSPECTIVE JUROR: The death penalty only	25	experience with your sister, I think, 20 year ago.
	249		251
_	C	١.	TO A
	in severe cases.	1	PROSPECTIVE JUROR: There was an argument.
2	MR. OWENS: But you felt that the		I pushed her she fell and hit her head. It caused a
	punishment should fit the crime. That's the same thing as		bruise and a black eye. She called the police, I was
_	in severe cases?	1	arrested. I went to jail. My father got me out.
5	PROSPECTIVE JUROR: Right.	5	MS. WECKERLY: I would imagine you were
6	MR. OWENS: All right. I'll pass.		pretty young when this happened?
7	THE COURT: Thank you. Mr. Schieck.	7	PROSPECTIVE JUROR: Yes. I was 19.
8	MR. SCHIECK: Thank you, your Honor.	8	MS. WECKERLY: That technically falls into
9	Mr. Salak, you are retired?		a domestic violence. Usually when we speak of it it's
10	PROSPECTIVE JUROR: Yes, sir.	10	kind of a boyfriend girlfriend.
11	MR. SCHIECK: What was your occupation	11	PROSPECTIVE JUROR: I was charged under
	before you retired?		that.
13	PROSPECTIVE JUROR: I was a billing clerk	13	MS. WECKERLY: I guess because it was a
	and became a billing supervisor up until my retirement.	1	family relationship.
15	MR. SCHIECK: Type of business?	15	PROSPECTIVE JUROR; Family things.
16	PROSPECTIVE JUROR: Steamship company.	16	MS. WECKERLY: You ended up spending a
17	MR. SCHIECK: Steamship.	17	night in jail?
18	PROSPECTIVE JUROR: Moving cargo to	18	PROSPECTIVE JUNOR: Yes.
19	Hawaii.	19	MS. WECKERLY: I'm sure that wasn't
20	MR, SCHIECK: What caused you to come out	20	pleasant.
	here to Las Vegas? You've been here two-and-a-half years?	21	PROSPECTIVE JUROR: Not at all.
22	PROSPECTIVE JUROR: In Clark County.	22	MS. WECKERLY: The fact you had that
23	MR. SCHIECK: Why did you came out here to		experience, does that cause you ill feelings toward law
	retire?		enforcement?
25	PROSPECTIVE JUROR: Nothing, just thought	25	PROSPECTIVE JUROR: Not at all.
	250	<u> </u>	252
	STATE OF NEVADA vs. JA		·
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1	MS. WECKERLY: And you also wrote in your	l ₁	MR. PATRICK: And weigh both sides and
Ç l			make the appropriate determination
2		3	PROSPECTIVE JUROR: Yes.
· ,	PROSPECTIVE JURGR; Yes.	1	MR. PATRICK: So if you were sitting where
5	MS. WECKERLY: You wrote on your	1	I'm sitting or sitting where Mr. Owens and Ms. Weckerly
-	questionnaire that the death penalty, if needed, basically		are, either side, would you want someone like you on this
	should be used.	7	jury?
	PROSPECTIVE JUROR: Absolutely.	8	PROSPECTIVE JUROR: Absolutely.
8 9	MS. WECKERLY: I take it from your answer	وا	MR. PATRICK: Thank you! Pass for cause.
	you can conceive of circumstances where that is an	10	THE COURT: Mr. Owens, as to Mr. Davie,
	appropriate punishment?	1	059.
12		12	MR. OWENS: How are you doing. Your
13			mother has been a victim or you've been a victim
	could consider the Defendant's background or other factors	14	PROSPECTIVE JUROR: My mother.
	in making a decision?	15	MR. CWENS: It was your mother that had
		1	identity theft?
16		17	PROSPECTIVE JUROR: Right.
17		18	MR. CMENS: How long ago was that?
19	to judgment? PROSPECTIVE JUSOR: No.	19	PROSPECTIVE JUROR: Six months ago.
20	MS. WECKERLY: You'd consider all the	20	MR. CWENS: And you've never been a
	information you hear in this courtroom and make a		victin?
	decision?	22	PROSPECTIVE JUROR: No.:
	PROSPECTIVE JUROR; Yes	23	MR. CWENS: You felt like they should have
23	MS. WECKERLY: You can be fair to both	1	done more for her case?
24	sides?	25	PROSPECTIVE JURGE: I wish they could. I
23	253	123	255
		1	
1	PROSPECTIVE JUROR: Yes.		don't know what else you can do. She didn't have to pay
2	MS. WECKERLY: Thank you, sir. Pass for		any money, so I don't know what else they could do.
3	cause.	3	MR. CWENS; Did she live in town here?
4	THE COURT: Mr. Patrick.	4	PROSPECTIVE JUROR: No.
5	MR. PATRICK: Good afternoon, Mr. White.	15	MR. OWENS: So where does she live?
6	You mentioned your uncle was a cop.	6	PROSPECTIVE JUROR: Pennsylvania.
6 7	You mentioned your uncle was a cop. PROSPECTIVE JUROR: Yes.	6	MR. OWENS: So you feel that justice was
	You mentioned your uncle was a cop. PROSPECTIVE JUROR: Yes. MR. PATRICK: In Long beach.	6 7 8	MR. CWENS: So you feel that justice was not served, but it wasn't necessarily the police involved?
7	You mentioned your uncle was a cop. PROSPECTIVE JUROR: Yes. MR. PATRICK: In Long beach. PROSPECTIVE JUROR: Yes, sir.	6 7 8 9	MR. OWENS: So you feel that justice was not served, but it wasn't necessarily the police involved? PROSPECTIVE JUROR: True.
7 8	You mentioned your uncle was a cop. PROSPECTIVE JUROR: Yes. MR. PATRICK: In Long beach. PROSPECTIVE JUROR: Yes, sir. MR. PATRICK: Are you close to him?	6 7 8 9 10	MR. OWENS: So you feel that justice was not served, but it wasn't necessarily the police involved? PROSPECTIVE JUROR: True. MR. OWENS: We have a very different type
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1 opposed to what punishment he gets.
                    PROSPECTIVE JUROR: That's true.
                                                                                         MR. OWENS: Why is that?
                    MR. CWENS: Pow do you feel about the idea
                                                                                         PROSPECTIVE JUROR: Because I think that
 3 of being on a jury?
                    PROSPECTIVE JUROR: I really don't want to
                                                                      4 it's more interesting to me.
 5 be on the jury. I don't want to pass judgment on someone.
                                                                                        MR. CWENS: Okay. You know the jury is
  6 What I know about this case, I see the death penalty and I
                                                                      6 going to start out knowing that he's been found guilty?
 7 see life in prison, that's it. Parole is a second chance,
                                                                                         PROSPECTIVE JUROR: Exactly.
                                                                                        MR. OWENS: Last week you said you could
 8 even to someone who is a victim in this case, doesn't get
    a second chance. So I see two options myself.
                                                                      9 consider all four forms of punishment, depending on the
                                                                      10 facts of the case. Now you're feeling you can't consider
                    MR. OWENS: How do you feel about the idea
                                                                     11 all four forms of punishment.
 11 of sitting in judgment on another person?
                    PROSPECTIVE JUNOR: I don't like it, but if
                                                                     12
                                                                                        PROSPECTIVE JUROR: I don't think I can. I
 12
 13 I'm called to do it, I'll do it.
                                                                     13 like to keep an open mine. I really don't think I can.
                                                                                        MR. OWENS: Are you willing to wait until
                    MR. OWENS: Could you do that?
                                                                     14
14
                                                                     15 you hear the evidence before you make that decision?
15
                    PROSPECTIVE JUNOR: Yes.
                   MR. CWENS: Now, it sounds like you are
                                                                                        PROSPECTIVE JUROR: Yes!
                                                                     16
16
                                                                                        MR. OWENS: So you think that you could
17 leaning toward the death penalty or life without parole,
    based on what you just said. Is that fair?
                                                                     is wait on deciding which one of the four until you've heard
                                                                     19 all the facts and circumstances?
                    PROSPECTIVE JUROR: Those are the only two
19
                                                                     20
                                                                                        PROSPECTIVE JURGE: I think I owe that to
   options I see.
20
                   MR. OWENS: Down at question 54, you are
                                                                     2: everyone involved. So at least -- I'm feeling it would be
21
22 asked if you wanted to serve on the jury, and you said I
                                                                     22 very hard for me to pick the other two.
23 don't care what he gets. They all seem fair.
                                                                                        MR. OWENS: The difference between saying
                    PROSPECTIVE JUROR: I only think the first
                                                                     24 you couldn't do it, or wouldn't do it, or it would be hard
25 is fair.
                                                                     25 to do it, you know what I'm saying?
                                                           257
                   MR. OWENS: You have a different opinion
                                                                                        PROSPECTIVE JUROR: Exactly. I don't know
 2 then a week ago when you were filling this out?
                                                                      2 yet. I don't know the facts.
                    PROSPECTIVE JUROR: Yes, I do.
                                                                                        MR. OWENS: It's a serious matter
                   MR. OWENS: Last week you thought they
                                                                      obviously.
 5 all seemed fair.
                                                                                        PROSPECTIVE JUROR: Exactly.
                                                                                        MR. OWENS: It's important, isn't it, that
                    PROSPECTIVE JUROR: More I think about it
                                                                      1 you hear the facts and circumstances before you come to a
 7 I don't think he deserves a second chance to be out in
   public. If he did do it again, I would feel horrible.
                                                                      8 decision?
 8
                   MR. OWENS: Last week you said you doesn't
                                                                                        PROSPECTIVE JUROR: Yes.
                                                                                        MR. OWENS: Right now you're saying you
   care what he does. What did you mean by that?
                   PROSPECTIVE JUROR: I kind of -- I guess I
                                                                     11 don't know if you can wait to do that or not.
11
12 was kind of hoping I wouldn't get picked.
                                                                     12
                                                                                        PROSPECTIVE JUROR: Sorry?
                   MR. OWENS: You started figuring that the
                                                                                        MR. CMENS: Right now you're saying you
                                                                     13
13
14 answers last week were going to do that for you?
                                                                     14 don't know if you can wait to hear the facts and
                   PROSPECTIVE JUROR: I answered them
                                                                     15 circumstances or not.
15
                                                                                        PROSPECTIVE JUROR: I will wait. But in
16 honestly. But if I have to do it, I will do it.
                                                                     16
                                                                     17 my mind I feel there's only two options, in my mind. But
                   MR. OWENS: But the way you answered last
17
18 week that was kind of to get picked. But today you don't
                                                                     18 based on what I know right now.
19 want to be picked?
                                                                                       MR. OWENS: So there's a possibility that
                                                                     20 there might be -- one of the other options may become
20
                   PROSPECTIVE JUROR: I'm being honest.
                   MR. OWENS: All right. Back then you say
                                                                     21 attractive to you, if you hear more facts and
22 you liked to consider everything. So you don't feel that
                                                                     22 circumstances.
                                                                    23
23 way today?
                                                                                        PROSPECTIVE JURCR: Possibly.
                   PROSPECTIVE JUROR: I'll would be more
                                                                     24
                                                                                       MR. CWENS: Okay. I don't have anything
                                                                     25 further, your Honor.
25 interested in hearing whether or not he's quilty, as
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                    THE COURT: Mr. Schieck.
                    MR. SCHIECK: Thank you, your Honor.
         Mr. Davie, in the questionnaire it's probably a
  4 little unfair to ask you to tell us how you think without
  5 enough information to give us full answers.
                    PROSPECTIVE JUROR: Yes.
                    MR. SCHIECK: And the question that you
  8 indicated you really don't care was the last question on
  9 the questionnaire. You think that might have factored in
 10 your answer, that you just wanted to give that answer to
 11 be done?
 12
                    PROSPECTIVE JUROR: Yes, it may have.
                    MR. SCHIECK: Everything else in your
 13
    questionnaire indicates that you're a person that likes to
 15 have the information before giving an answer. In fact,
    one of the questions concerning whether the death penalty
 17 is given too much, not enough, you wrote I'd like to see
    the statistics.
                    PROSPECTIVE JUNOR: Correct. I wouldn't
 19
 20 know whether it is or isn't.
 21
                    MR. SCHIECK: Would it be fair to say that
 22 you would be at least willing to listen to all the facts
 23 before you decided what the appropriate punishment would
 24 be in the case?
                    PROSPECTIVE JUROR: I think I would have
 25
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1 in your past that causes you to form that opinion?
                   PROSPECTIVE JURGR: My problem with the
3 police is it's like a couple of bad apples that ruin the
 4 whole bunch. I think they use force when it's not
 5 necessary a lot, and that really bothers me. I mean,
 6 there's more good police than bad police. Thank God for
 7 keeping us safe, but I don't like it when I see that.
                   MR, SCHIECK: Was that situation here or
9 back in Philadelphia?
                   PROSPECTIVE JUROR: I've seen it here.
10
11
                   MR. SCHIECK: Thank you. Pass for cause,
12 your Honor.
13
                  MR, OWENS: May we approach, your Honor.
                   THE COURT: Yes.
14
                 (Discussion held at the bench.)
15
                  THE COURT: We'll take our evening recess.
16
17 It's 5:25. Here's what we're going to do. We're going to
10 come back tomorrow -- well, first off, Ms. Johnson,
19 Mr. Taylor, Ms. Bailey, Ms. Mills, Mr. Henck, Mr. Hibbard,
20 Ms. Curtis, Mr. Smith, Ms. Meyrick, Ms. Cardillo,
21 Ms. Theus, Ms. Noahr, Ms. Bundren, Mr. Ramirez, Mr. Morin,
22 Mr. Garcia, Mr. Salak, Mr. Davie, I'm going to tell you
23 all -- excuse me Mr. White, I'm going to tell you all to
24 come back tomorrow at 1:30, rather then coming back in the
25 morning. Since you have been questioned, there's no need
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1 to. MR. SCHIECK: With just the limited 2 3 information you have, you perhaps would foreclosed the two possibilities and allow for parole after at least 40 5 years, because you don't have all the information available to you? PROSPECTIVE JUROR: Correct. But I do 8 know that someone was murdered. MR. SCHIECK: Correct. And there are four 10 possible forms of punishment that the law says you need to be able to consider. PROSPECTIVE JUNOR: That's what I'm having 12 a hard time with. I can do that. I'll try to listen to everything. But in my head it's one or the other. MR. SCHIECK: In another place in the 15 16 questionnaire you were asked about knowing someone close to you that has a substance abuse problem. You indicated that you're sympathetic. I take that to mean you're 19 sympathetic to those types of problems that individuals 20 might have. Is that a fair statement? PROSPECTIVE JUROR: Well, it's my Dad, so 21 22 it's different. My Dad an alcoholic. And, yeah, I'm 23 sympathetic to that. MR. SCHIECK: You also indicated you think 25 police abuse their power frequently. Is there something

1 for you all to come in in the morning when we finish up 2 with everybody else and have to sit around. So you all can come back at 1:30. 4 Everybody else I'm going to need to cone back at 10:30 5 tomorrow so we can finish with the attorneys' questioning 6 of you all. Then once that's finished, I'm hopeful in 8 the early afternoon, we'll be to the point we have enough 9 jurors to begin the final part of the process where the 10 attorneys are involved in seating actually 14 people and 11 move forward from there. 12 JURY ALMONITION During the recess, ladies and gentlemen, 13 14 you are admonished not to converse among yourselves or 15 with anyone else, including, without limitation, the 16 lawyers, parties and witnesses, on any subject connected 17 with this trial, or any other case referred to during it, 18 or read, watch, or listen to any report of or commentary 19 on the trial, or any person connected with this trial, or 20 any such other case by any medium of information 21 including, without limitation, newspapers, television, 22 internet or radio. You are further admonished not to form or

24 express any opinion on any subject connected with this

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25 trial until the case is finally submitted to you.

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THE COURT: Outside the presence of the
                                                                       1 what we're asking for, that kind of gentleman may be the
                                                                       2 type of person that the defense would want on the jury as
 2 jury. Still on the record. Mr. Owens, you wanted to make
                                                                       3 well. In addition to having some views on the police
 3 a representation as to Mr. Davie.
                                                                       4 department that might be in line with some defense
                    MR. CWENS: Well, Mr. Davie, I don't know
                                                                       5 theories. I don't know.
 5 if he just wants to get off the jury or what it is. His
 6 answers to questioning was 180 degrees from what they were
                                                                                         Over all, I think that there is enough in
                                                                      7 his answers to deny the challenge for cause. I'm going to
 7 a week ago. I think he's a flake. It think he's bad news
   if he gets on the jury. It's going to cause problems.
                                                                      8 go ahead and let him stay.
                                                                                         MR. CMENS: Can I point out one thing for
         I don't think we got a good record now for keeping
                                                                      10 the benefit of the record. The fact that this is a
 10 him absent some tactical reason by the defense attorneys.
                                                                      11 tactical decision by the defense. Over on question 51 --
 11 But we're challenging him for cause, based upon the fact
                                                                      12 do you feel you would consider mitigating factors. And he
 12 that he said several times there is only two options for
                                                                      13 says not at all.
 13 him.
         I got him to kind of say he'd think about the other
                                                                                         THE COURT: Mr. Schieck, anything.
14
                                                                                         MR. SCHIECK: No. Nothing else, your
15 ones. But then he, when pushed on it, he kept going back
                                                                      15
   saying there's two, death or life without. That was it
                                                                      16 Honor.
                                                                                         THE COURT: You still maintain your
    for him. So based upon that, we would challenge him for
                                                                      17
                                                                      18 position that you are not challenging him for cause,
    cause.
 18
                    THE COURT: Mr. Schieck.
                                                                      19 correct?
 19
                                                                                         MR. SCHIECK: Correct.
                    MR. SCHIECK: We'll submit it, your Honor.
                                                                     20
20
                    THE COURT: Well, I don't think he is 180
                                                                     21
                                                                                         THE COURT: All right. 10:30 toworrow
21
22 degrees. I feel where he was last week, 120 is not a bad
                                                                     22 morning.
23 ballpark estimate. He indicated in his questionnaire he
                                                                      23
   likes to consider everything, that he would consider the
                                                                     24
 25 death penalty under certain circumstances. He would not
                                                                      25
                                                                                           CERTIFICATE
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 1 wote automatically for or against it. It depends on the
                                                                      1
                                                                                     CERTIFIED COURT REPORTER
 ? facts of the case. They all seem to be very appropriate
                                                                      7
 3 answers.
                                                                      3
                   I agree that he was a little more rigid
 5 today in saying that, you know what, to me it's either
 6 death or life without the possibly of parole, and I don't
 7 think I would want to give schebody a second chance.
                                                                      7 I, the undersigned certified court reporter in and for the
                                                                      B State of Nevada, do hereby certify:
 8 Nonetheless, he also seemed to indicate during the
 9 questioning that he could consider the other forms of
10 punishment.
                                                                      10 That the foregoing proceedings were taken before me at the
                                                                      11 time and place therein set forth; that the testimony and
11
                   And it seems to the court that it was
12 clear, to me at least, he was kind of just thinking that
                                                                      12 all objections made at the time of the proceedings were
   this case probably has certain facts about it that would
                                                                      13 recorded stenographically by me and were thereafter
                                                                     14 transcribed under my direction; that the foregoing is a
   make those two appropriate, as opposed to anything else.
                                                                     15 true record of the testimony and of all objections made at
   Which means you're kind of speculating in your own mind as
16 to what the facts are. I can see some reasons, I don't
                                                                     16 the time of the proceedings.
   want to get too far into things, but I can see reasons why
                                                                     17
18 the defense would not want to challenge him for cause
                                                                     18
                                                                     19
19 based upon his statements about being fairly considerate
                                                                     20
   and about certain things, wanting to look at statistics
                                                                     21
21 about death penalty cases. They were very thoughtful
22 answers about things.
                                                                     22
                                                                     23
                   If you're looking at a case in terms of we
23
                                                                     24
24 know what our client's background is, we know what his
25 criminal history is, we know what is realistic in terms of
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1	TRAN CASE NO. C-131341	FILED
2	DEPT. NO. 3	JUL 16 9 23 AH '07
3		CO () :
4	CA IGIN AL	CLERK OF THE COURT
5		;
6		ISTRICT COURT
. 7	CLAR	K COUNTY, NEVADA
. 8		* * * * *
9	,	
10	STATE OF NEVADA,	;
11	Plaintiff,) REPORTER'S TRANSCRIPT
12	vs.) OF SENTENCING
13	\ \ \ \ \ \ \ \ \ \ \ \ \ \ \ \ \ \ \	
14	JAMES MONTELL CHAPPELL,	
15	Defendant.	}
16		 '
17		
18	BEFORE THE H	ONORABLE DOUGLAS HERNDON RICT COURT JUDGE
19	DATED: TH	HURSDAY, MAY 10, 2007
20		
21		
22		·
JUL 16 2007 CLERK OF THE COURT	REPORTED BY: SHARO	on HOWARD, C.C.R. NO. 745
		<u> </u>

1	APPEARANCES:			,	
2	For the State:	CHRIS	OWENS,	ESQ.	
3				,	
4	For the Defendant:	CLARK	PATRICE	, ESQ.	•
.5		DAVID	SCHIECK	c, ESQ.	
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1	LAS VEGAS, NEVADA; THURSDAY, MAY 10, 2007
2	PROCEEDINGS
3	* * * *
4	
5	THE COURT: Page 6, State of Nevada versus
6	James Chappell. Record will reflect the presence of
7	Mr. Chappell, in custody Mr. Schieck, Mr. Patrick, on
8	his behalf. Ms. Rinetti on behalf of the State.
9	Do you have the file, Ms. Rinetti?
10	MS. RINETTI: No, Judge. Mr. Owens and
11	Mr. Kephart will be here.
12	THE COURT: Mr. Owens is here. Mr. Owens
13	is present on behalf of the State.
14	This is time set for sentencing. Is there any legal
15	cause or reason why sentencing cannot take place.
16	MR. PATRICK: No, your Honor.
17	MR. OWENS: May we approach, your Honor.
18	THE COURT: Sure.
19	(Discussion held at the bench.)
20	THE COURT: Back on the record in State
21	versus Chappell. Anything the State wants to add in terms
22	of sentencing.
23	MR. OWENS: No, your Honor.
24	THE COURT: Mr. Chappell, is there
25	anything you want to tell the court before your attorney
	I :

speaks on your behalf?
THE DEFENDANT:

.4

THE COURT: Thank you, sir.

No.

Mr. Schieck, Mr. Patrick, anything you all want to add before we pronounce sentence?

MR. SCHIECK: No, your Honor. The jury has imposed a sentence in this case.

THE COURT: As to the burglary and robbery with use of a deadly weapon counts, those we're already adjudicated and sentenced at the time of the original trial. They aren't part of the sentencing today. This is as to murder with use of a deadly weapon.

So, in accordance with the laws of the State of Nevada, I do adjudicate you guilty of that crime, Mr. Chappell, and pursuant to the jury's verdict at the penalty hearing, I sentence you to death for Count (3), murder with use of a deadly weapon.

The state has provided ad judgment of conviction. I know normally the clerk's office prepares these now when the defendant is in custody, but Counsel for the State and defense have both looked at it. I think it's an appropriate judgment of conviction, so I'll go ahead and sign that.

I believe the defense also has a stay of execution to present to the court, as well.

1	MR. SCHIECK: That's correct.
2	THE COURT: I'll sign that, as well.
3	Thank you.
4	MR. SCHIECK: We'll fill in the date to
5	with the State's warrant.
6	THE COURT: Okay.
7	For the record I should add that judgment of
8	conviction includes the warrant of execution and order of
9	execution. Mr. Owens.
10	MR. OWENS: Thank you, your Honor. We'll
11	make copies of that.
12	THE COURT: Thank you.
13	MR. OWENS: We'll file that after we get
14	our copies.
15	THE COURT: Thank you, gentlemen.
16	
17	* * * *
18	
19	į
20	i ,
21	
22	· · ·
23	;
24	
25	i
1	

1	CERTIFICATE
2	OF :
3	CERTIFIED COURT REPORTER
4	* * * *
5	
6	
7	
8	I, the undersigned certified court reporter in and for the
9	State of Nevada, do hereby certify:
10	
11	That the foregoing proceedings were taken before me at the
12	time and place therein set forth; that the testimony and
13	all objections made at the time of the proceedings were
14	recorded stenographically by me and were thereafter
15	transcribed under my direction; that the foregoing is a
16	true record of the testimony and of all objections made at
17	the time of the proceedings.
18	; :
19	} -
20	
21	
22	the appearance of the solve of
23	Sharon Howard C.C.R. #745
24	: :
25	
	· :

S20

_1 say I'm going to ask, because I anticipate that some of 2 you will raise your hands. And I don't want them shooting 3 up in the air right away. I wanted to tell you beforehand 4 that, obviously, we've all got your questionnaires. We've 5 read through your questionnaires. I know you have 6 expressed some things in there about difficulty serving. 7 I will tell you that I realize this is an inconvenience. 8 Trust me. I very much realize that. As an attorney I went through the jury selection process, not only 10 selecting a jury but seated just like you all. Went down to jury services a few times u 12 through the day. Went up to panels and so forth. I know 13 it takes a lot of time out of your lives to cove come down 14 here, whether it's one day or four or five days. Like 15 this case. Well, let me say five or six days, since 16 there's a possibility it spills over into next week. 17 That being said, I can tell you, however, 18 that the average trial anymore lasts about six days. So 19 this is right at, if not maybe a littler less than 20 average. And that's important, because if I excuse you 21 today and say all right, Mr. Madison, you raise this 22 reason for me -- and I'm not trying to pick on you, 23 Mr. Madison. You raised a reason to me, and I think it's 24 a decent reason. And I'm going to excuse you from jury 25 service. It's not that I'm giving the blessing to go

2 involved in the justice system before. Some of you have 3 raised that individually you were accused of crimes. Or 4 some of you in your questionnaire that I recall have been 5 alleged to have been victims of crime. I'm sure if I 6 asked if anybody has ever been involved in the civil 7 justice system, some of you might have your hands up. I 8 got sued. I had to sue. I was in a car accident. Whatever it may be. 10 Those of you that have been involved in 11 the justice system, you have a little bit of a better 12 understanding as to how the process works. And you may 13 have been through jury trials, so you know how important 14 this is. If you haven't ever been in the justice system, 15 odds are, before your time on this planet expires, you'll 16 probably come into contact with it in some fashion. Be it 17 civil or criminal. And it may give you a greater 18 appreciation. 19 But nonetheless, it is a very important 20 process. I thank you all for being here. I know it's 21 difficult. It's inconvenient. But to the extent you can 22 take part in the process and give us some of your time for 23 a few days, I know that everybody appreciates it. So that being said, I will ask, is it 25 going to be an undo burden upon anybody to serve on this

I don't know if any of you have been

2 services decides whether to send you out on another
3 panel.
4 They can send you out own another panel today. Ask
5 you to come back tomorrow. Whatever they want to do. We
6 have construction defect cases that take six months.
7 Medical malpractice cases that take a month or more. Try
8 a lot of those as well. As well as cases that take a day
9 or two. So you take the chance if you leave here that
10 you're going to get sent out to another panel. And that
11 judge may not like your reasoning for not being able to
12 serve, like I do. So it's not always that you look at a
13 case and think it's going to be five for six days that

1 home. You've go to go back to jury services. Jury

14 it's that bad.
15 And I tell you all of this, I'm not
16 telling you not to answer the question, whether it's going
17 to be a burden. I just tell you so you'll have all the
18 information as to how we process jurors here so that when
19 you answer the question you'll have a little better
20 idea.
21 Obviously you all are intelligent folks.

22 You realize how important these proceedings are. They're
23 very serious proceedings. And we can't do these type
24 things without having folks willing to come in and serve

25 as a juror.

1 jury for the next five to six days?

2 I'll start with Mr. Madison, badge number 3 102. What do you have, sir?

4 DDOODDYTTAE TIDOO The agent

4 PROSPECTIVE JURCA: I'm a small business 5 owner. I'm in wedding photography. Last Wednesday I

6 almost missed a wedding due to the questionnaire that I

7 had to go shoot. I don't have a large staff of

8 photographers. It's a husband and wife team. They

9 requested our type of photography. I also do event

10 photography. I have a very full plate; I really just

11 don't have this kind of time. Whether it's the editing

12 process, designing photo albums, I have clients backed up

13 from last year, yet.

THE COURT: Thank you. Anybody else on

15 that top row. Yes, sir -- Mr. Sackmary, 003.

16 PROSPECTIVE JUROR: I'm a search engine
17 expert. And the livelihood of thousands of people depend

18 upon me doing my search engine work at a specified time

19 everyday. The companies which I'm under confidentiality

20 that I've been working for for the past eight years, if I

21 do not submit their sites at this specified time every

22 single day, the work that I've worked for for eight years

23 will go null and void.

THE COURT: Thank you. Anybody else on

25 that top row? No.

36

34

```
morning calendar. Generally that means that on Mondays we
         Middle row. You had you hand up, ma'am.
 1
                                                                        get started by about 10:00 o'clock.
                    PROSPECTIVE JUROR: Yeah, I don't have a
 2
                                                                                        Tuesdays and Thursdays; are a little
 3 car and there is no bus where I'm at.
                                                                        longer. Wednesday will probably be about 10:00 o'clock.
                   THE COURT: Let me get your name. Is that
                                                                        But Tuesdays and Thursdays 10:30, maybé 11:00.
 5 Ms. Labranch, badge number 019?
                    PROSPECTIVE JUROR: Yes.
                                                                                        In terms of how we go throughout the day,
                                                                      7 we take a lunch break of an hour to an hour-and-a-half,
                   THE COURT: All right.
                   How did you get down here today?
                                                                      8 depending on how we do and what's going on. It's kind of
                    PROSPECTIVE JUROR: I had to take my
                                                                        fluid. We don't always stop right at noon and take off.
                                                                      10 We may have a witness on the stand and we'll finish that
 10 husband's car. And he's stuck until midnight with a Jeep
 11 with a broken transie (ph), leaking all over the place.
                                                                     11 witness up and so forth.
                                                                     12
                                                                                        We break about 5:00 o'clock every night.
   So I hope he don't blow up.
                                                                     13 I'm not going to keep you later then that, unless maybe
                    THE COURT: Thank you. Anybody else in
13
                                                                        you have somebody on the stand and we're trying to finish
14 the middle row? Yes, sir.
15
                    PROSPECTIVE JUROR: I just had surgery.
                                                                     15 that person up. Or if it's the end of the case and you
                    THE COURT: This is Mr. Petit.
                                                                     16 all are deliberating and you want to stay later, by all
16
                                                                     17 means, I'll stay here as well. But I know you have things
17
                    PROSPECTIVE JUROR: 021 -- the incision is
    right on the belt line. It's pretty difficult for me to
                                                                     18 you need to get done in the evenings as well.
81
                                                                             That's kind of how we schedule things when we're in
   sit for a long period of time.
                    THE COURT: How long ago was that?
                                                                     20 court. We take a break about every minety minutes or so,
20
                    PROSPECTIVE JUROR: Two weeks ago.
                                                                     21 use the restroom. We'll come back into court and you may
21
                   THE COURT: Anybody else on that row?
                                                                     22 bring a bottle of water, soda in a Styrofoam cup, that's
22
                                                                     23 fire as well.
23 Bottom row? Yes, sir.
                                                                                        So thank you, Mr. McKown. How about the
                    PROSPECTIVE JUROR: I have community
                                                                     24
                                                                     25 front row. Sorry, what do you have?
25 service time I need to turn in by March 14th.
                                                            37
                                                                                                                                 39
                                                                                        PROSPECTIVE JUROR: 029 -- I work for a
 j
                   THE COURT: I'm sorry, is this Mr. McKown,
 2 033.
                                                                      2 small business and the business is -- I'm one of four
                                                                      3 people. So I'm a single employee of the owners. The
                   PROSPECTIVE JUROR: Yes, sir. I need to
   turn it in March 14th.
                                                                      4 others are owners of the business. With me not being
                                                                      5 there it hinders them to work that much more. They have
                   THE COURT: What is that for?
                                                                      6 to drop work in order for me to come here. I'm only
                   PROSPECTIVE JUROR: Possession of
                                                                      7 working six days a week for them. As well as this case, I
   paraphemalia.
                                                                      8 have a big morale (sic) towards this case.
                   THE COURT: How much time do you have left
                                                                                        THE COURT: We'll get into those issues
   to do?
                   PROSPECTIVE JUROR: I've done it all. I
                                                                     10 later on. Thank you. And is it Ms. Pinon?
10
                                                                                        PROSPECTIVE JUROR: Yeah, uh-huh.
11 have to turn it in and pay the rest of my fees.
                                                                     11
                   THE COURT: That's down in municipal
                                                                     12
                                                                                        THE COURT: Badge 031.
12
                                                                                        PROSPECTIVE JUROR: I've had two brothers
13 court?
                   PROSPECTIVE JUROR: Yes.
                                                                     14 killed in two separate incidents. And the first time he
14
                                                                     15 forgot to call me as a witness. They had to a subpoena.
15
                   THE COURT: You have a court date?
                                                                     16 I'm very, very angry about that.
16
                   PROSPECTIVE JUROR: March 14th.
                                                                     17
                                                                                        And the second -- my second brother that
                   THE COURT: 7:30, 8:00 o'clock in the
17
                                                                     18 was killed, we're in the trial process right now.
18 morning?
                   PROSPECTIVE JUROR: I'm not sure.
                                                                     19
                                                                                        THE COURT: Did this happen locally?
19
                   THE COURT: One reason I bring that up
                                                                     20
                                                                                        PROSPECTIVE JUROR: Yeah, here in Las
20
21 with this gentleman -- I probably should have told you
                                                                     21 Vegas.
22 about how scheduling issues so that you can factor that in
                                                                    22
                                                                                        THE COURT: There's a trial going on
23 to whatever you talk to me about right now. I have
                                                                     23 because of your brothers' death?
24 morning calendars Monday through Thursday, which means
                                                                    24
                                                                                        PROSPECTIVE JUROR: Yes.
25 other cases that need motions decided that are on the
                                                                    25
                                                                                        THE COURT: Thank you. First row over
                                                                                                                                 40
```

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1 here. Yes, Ms. French.
                                                                      1 restroom, get something to drink, if you wish. Then we'll
                                                                      ? get into questions by the attorneys.
                   PROSPECTIVE JUROR: 046 — I'm a single
 2
 3 mother.
                                                                                        I need to tell you samething every time we
                   THE COURT: Thank you. Second row on the
                                                                        take a recess.
 5 end. Is that Ms. Carvelli?
                                                                                         JURY ADMONITION
                                                                                        During the recess, ladies and gentlemen,
                   PROSPECTIVE JUROR: Yes. I have a surgery
                                                                     1 you are admonished not to converse among yourselves or
    scheduled March 14th.
                   THE COURT: Thank you. Anybody else in
                                                                     8 with anyone else, including, without limitation, the
                                                                     9 lawyers, parties and witnesses, on any subject connected
 9 that row?
                   PROSPECTIVE JUROR: 052 -- I'm scheduled
                                                                     10 with this trial, or any other case referred to during it,
10
11 to be in Los Angeles Thursday and New York all of next
                                                                     11 or read, watch, or listen to any report of or commentary
                                                                     12 on the trial, or any person connected with this trial, or
12
                                                                     13 any such other case by any medium of information
                   THE COURT: Business or pleasure?
13
                                                                     14 including, without limitation, newspapers, television,
14
                   PROSPECTIVE JUROR: Business.
                                                                     15 internet or radio.
                   THE COURT: Thank you. Anybody else on
                                                                                        You are further admonished not to form or
                                                                     16
16 that row? Yes, sir.
17
                   PROSPECTIVE JUROR: I have a flight that
                                                                     17 express any opinion on any subject connected with this
                                                                     18 trial until the case is finally submitted to you.
18 was scheduled for IA today. I also have one tentatively
19 scheduled for Vancouver for business for a commercial
                                                                     19
                                                                                        (Brief recess taken.)
                                                                                        THE COURT: We're on the record, outside
   developer. I'm the only person in my position, so if I
                                                                     20
                                                                     21 the presence of the jury.
    don't make those flights it doesn't get done.
                                                                                        I had a question. Maybe you can help out
                   THE COURT: When are you supposed to leave
22
                                                                     23 on this. When I got to the point where I was telling them
23 to Vancouver?
                                                                     24 about the principles of law involved in the trial, it's
                   PROSPECTIVE JUROR: Tentatively Wednesday
24
                                                                     25 not a guilt or innocence, presumed innocent, and so forth.
25 morning. I don't have a firm date on that, pending the
                                                                     I I think the only principle I really needed to discuss with
 1 outcome of this.
                                                                     2 them was the State's burden.
                   THE COURT: Thank you. Anybody else in
                                                                                        If there is anything else that the defense
   that row? Yes.
                                                                     thinks I need to have brought up in that admonition, let
                   PROSPECTIVE JUROR: 056 -- I'm a single
   parent. I have no family here. So being here makes it
                                                                     5 me know.
                                                                                        MR. SCHIECK: I don't think so, your
   very difficult to find someone to watch my son.
                                                                     6
                   THE COURT: How old is your son?
                                                                     7 Honor.
                                                                                        THE COURT: All right. Let's look real
                   PROSPECTIVE JUROR: Eight.
                                                                     9 quick at everybody that raised some issues we can consider
                   THE COURT: Thank you. Back row, yes.
                   PROSPECTIVE JUROR: 072 -- I have no
                                                                     10 right now.
10
                                                                                        First was Mr. Madison - first quy, badge
11 transportation. My husband dropped me off today because
                                                                     11
                                                                     12 number 102. Said he's a small business owner. Owns a
12 he's off. I can only come Monday, Tuesday, Wednesday.
                                                                     13 photography business. I mean, generally there is a lot of
                   THE COURT: Thank you. Anybody else on
                                                                    14 slippery slopes involved in letting folks go for a
   that row? How about over here? No. Thank you, very
                                                                     15 financial reason, which really isn't a good reason to get
15 much.
                                                                    16 off. Even though I have sympathy for them. We'd have to
                   THE COURT: Sorry. Yes, sir?
16
                   PROSPECTIVE JUROR: 076 -- I'm a single
                                                                     17 let a lot of people go. I don't generally do that. But
17
18 parent. My son just moved out here recently. I have no
                                                                     18 if you all stipulate to release him, I'll do that.
                                                                                       MR. OWENS: Your Honor, we didn't think
   family here. I have no daycare during the day.
19
                                                                    20 there were that many of them with problems. We don't have
20
                   THE COURT: How old is he?
                                                                    21 an objection to just pass them.
                   PROSPECTIVE JUROR: Six.
21
                   THE COURT: Okay. Tell you what we're
                                                                    22
                                                                                        THE COURT: The ones that raised the
22
                                                                    23 issues?
23 going to do. Let's take a recess here. I'll talk to the
24 attorneys about some of the issues that have been brought
                                                                    24
                                                                                        MR. OWENS: Right.
                                                                    25
                                                                                        THE COURT: Twelve folks.
25 up. You all go ahead and get up and stretch, use the
                                                                                                                                 44
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1 problem. We don't hav
                                                                                                     roblem with doing it. I
                   MR. OWENS: Right.
                                                                      2 just -- I guess I'm too conservative. But if the next
                    THE COURT: Mr. Schieck.
                                                                      3 panel has the same sort of list I see us losing jurors
                    MR. OWENS: I was also going to suggest if
                                                                      4 a lot of jurors. I don't want to run out. I would like
 4 they want to stipulate real quick to the three individuals
                                                                      5 to get a jury in place. I have no problem agreeing to
5 that say they know us personally.
                   THE COURT: Okay.
                                                                      6 stipulate to this stack.
                                                                                         MR. OWENS: We are notigoing to run out.
                   MR. OWENS: I know that's a separate
                                                                                        THE COURT: Well, I mean, I agree with Mr.
 8 issue.
                 THE COURT: I quess it's thirteen that
                                                                      9 Owens. I don't think we are going to run out. We may
                                                                      10 prolong things a bit, but that's okay. And sometimes
 10 raised issues of reasons they couldn't be here, or other
                                                                      11 maybe we learn from the first panel as to where we are
    reasons. It was Ms. Squires that indicated she knew
                                                                      12 going with things. But, I'll go ahead and excuse the
 12 Mr. Owens, Mr. Nakanishi that knew Mr. Patrick. And
                                                                      13 sixteen folks, which is going to be Mr. Madison 102, Mr.
 13 Mr. Rosehill that knew Mr. Schieck.
                                                                      14 Sackmary, 003, Ms. Labranch 019, Mr. Petit 021,
                    What is the defense position as to those
14
                                                                      15 Ms. Squires 025, Ms. Rosehill 027, Mr. Morales 029,
 15 16 folks?
                                                                      16 Ms. Pinon 031, Mr. McKown 033, Ms. French 046, Carvelli
                   MR. SCHIECK: We have no objection to the
16
                                                                     17 048, Carr 052, Grindstaff 054, Johnson 056, Nakanishi 062,
 17 three that were acquainted with the attorneys, your Honor.
                                                                     18 Sunga 072, and Sprosty 076.
 18 I didn't break down my list separating out the ones that
                                                                     19
                                                                                        That's actually seventeen. I'm sorry.
 19 had financial hardship or other matters. Are we including
                                                                     20 Instead of sixteen 16.
    within the hardship list the lady that has the ongoing
                                                                                         If you all wish me to get more people up
21 murder case?
                                                                     22 here to fill in those spots now, before my questioning
                   THE COURT: I have her in mind, yes. I've
22
    got a nod from Mr. Owens and Ms. Weckerly as well.
                                                                     23 with them before you all start.
                                                                     24
                                                                                        MR. OWENS: Yes.
                   MR. SCHIECK: If I can have the court's
24
                                                                                        MS. WECKERLY: That's easier.
 25 indulgence for a minute.
                                                                     25
                                                                                                                                  47
                                                            45
                                                                                        THE COURT: You don't think we'll get this
                    THE COURT: Sure.
                                                                      2 all done with the remaining thirty-three people?
                    MR. SCHIECK: Not including Mr. McKown,
    who just needs to check in for his community service.
                                                                                        MR. SCHIECK: Especially now they learn
                                                                      4 all they have to do is raise their hands. I've
                    THE COURT: I have him on my list, because
 5 he raised a reason as to undue burden. I don't think
                                                                      5 reconsidered.
                                                                                        THE COURT: Leslie, go ahead and go back
    that's a reason, to be quite honest.
                                                                      7 downstairs and get another seventeen of the group and
                   MR. OWENS: You know, we are proposing
                                                                      a bring them up.
 8 that we kick him and go through them one at a time and
                                                                                        THE BAILIFF: Also the gentleman that has
   look at the reasons.
                                                                      10 his own computer business, the search engine guy, he's all
                    THE COURT: Okay.
 10
                                                                      11 of a sudden remembering that maybe he saw scrething about
                   MR. OWENS: Technically, some of these we
 12 can work around, obviously. But in the interest of
                                                                                        THE COURT: We're excusing him.
                                                                      13
 13 expéditing things —
                                                                                        Back on the record in C-131341, State of
                    THE COURT: There are a couple of issues.
14
                                                                      15 Nevada versus James Chappell. The record will reflect the
15 Sometimes people want to go through it one at a time. A
                                                                      16 presence of Mr. Chappell with his attorneys, the State's
 16 lot of times the attorney's do that, kick in mass, because
                                                                      17 attorneys, in the presence of our prospective jurors.
 17 they raise a reason indicating I don't want to be here
                                                                                        All right, ladies and gentlemen, based
                                                                     18
   anyway, as opposed to the folks willing to serve. So six
                                                                     19 upon a combination of things, the jury guestionnaires as
   of one, half a dozen of the other. If you want to kick
                                                                     20 well as some of the answers today, I'll thank and excuse a
    them in mass, fine. If you want to go through each of them
                                                                     2: number of you. Let me get through all the names and you
21 individually, we can do that as well.
                                                                     22 all can get up and report back down to jury services.
                    MR. SCHIECK: Court's indulgence,
 22
                                                                     23
                                                                                         I'll think and excuse Mr. Madison, badge
 23
   please.
                                                                     24 mumber 102, Mr. Sackmary 003, Ms. Labranch 019, Mr. Petit
                   THE COURT: Okay.
24
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25 021, Ms. Squires 025, Mr. Rosehill 027, Mr. Morales 029,

MR. SCHIECK: Your Honor, I don't have a

25

```
A Ms. Pinon badge 031, McKown 033, French 046, Carvelli 048,
                                                                      1 attorneys to tell you quickly a little about the case.
                                                                      2 They're going to introduce themselves, who they represent.
 2 Carr 052, Grindstaff 054, Johnson 056, Nakanishi 062,
 3 Sunga 072, and Mr. Sprosty 076.
                                                                      3 They'll speak to you about the witnesses, prospective
                                                                      witnesses that may be called to testify here, so listen
                   I appreciate you all coming in and filling
 5 out the questionnaire and coming and being patient with me
                                                                      5 closely as they do all that. Because some of the
 6 today. You all can report back to the Jury Commissioner's
                                                                      6 questions will be designed to see if you know any of the
                                                                      7 people, be it the attorneys, Mr. Chappell, any of the
   office on the third floor.
                                                                      8 witnesses. Or whether you've heard anything about the
                   We've got to get a few more folks to move
   in from downstairs. In the mean time, what I need is
                                                                      9
                                                                        case.
 9
10 everybody to move down, please.
                                                                     10
                                                                             Mr. Owens, if you would please, again.
                   To my new folks, welcome. Thank you, very
                                                                     ij
                                                                                        MR. OWENS: Thank you, your Honor.
11
                                                                                        Good morning. Again, some of you it's
12 much. My name is Douglas Herndon. I'm the presiding
                                                                     12
                                                                     13 going to be like de-ja-vue, so have some patience with us.
13 judge here in Department 3, of the Eighth Judicial
                                                                     14 For the rest of you, my name is Chris Owens. This is pan
14 District Court. You all have been summoned here to take
15 part in a criminal proceedings as prospective jurors.
                                                                     15 Weckerly. We're from the district attorney's office.
16 It's the State of Nevada versus James Chappell.
                                                                     16 We're prosecutors prosecuting this case!
                   I know you came in and filled out the
                                                                     17
                                                                                        This case involves a number of charges
17
                                                                     18 against James Chappell, for which he has already been
18 questionnaire. We're going to get into questions in a
19 minute. I'll have questions for you and the attorneys may
                                                                     19 convicted in 1996, from a jury trial of that date. Those
                                                                     20 include burglary, robbery with use of aldeadly weapon,
20 have questions as we get further in the proceedings.
                                                                     21 first degree murder with use of a deadly weapon.
                   Let me tell you a couple of things. Seated
                                                                     22
                                                                                        The purpose of this jury that we're
22 in front of me is Sharon. Sharon is my court reporter.
                                                                     23 selecting now is to determine punishment for the charge of
23 So everything that is said, including what you say is
24 reported. So it's important that you speak up enough that
                                                                     24 first degree murder from that conviction. So the
                                                                     25 Defendant already stands convicted of that charge.
25 we can hear. Don't nod your head or shake your head.
                                                                                                                                 51
                                                                                        The range of punishments that will be
 1 Please don't use wh-huh or huh-wh. It's hard to type that
2 down correctly. Make sure you speak "yes" or "no."
                                                                      2 available to this jury to select for that charge include;
                   If I don't ask you by name you badge
                                                                      the death penalty, life without the possibility of parole,
                                                                      4 life with the possibility of parole after 40 years has
 4 number, if I don't call on you by saying Mr. Smith, badge
 5 number 100, please, identify yourself by name and badge
                                                                      5 been served, and a term of 100 years with parole after 40
 6 number so we know who it is that's speaking.
                                                                      6 years.
                                                                                        This is an incident that involves a victim
                   Additionally, seated to my left is Carol.
8 Carol is my court clerk. She's going to swear an oath to
                                                                      8 Debra Panos. It occurred back in August 31, 1995 at the
9 you all in a minute, to make sure you're under oath when
                                                                      9 Ballerina Mobile Home Park. It's a little east of
10 you answer questions. She keeps track of court exhibits,
                                                                     10 downtown, maybe about 3 miles east of this area, 839 East
11 court minutes, everything that's going on in court.
                                                                     11 Lamb.
                  Seated to her left is my law clerk, Steve.
                                                                     12
                                                                                        It will also include some testimony about
12
                                                                     13 some areas in the downtown, here, the jail, and Parole and
13 Steve, who is present to help advise me with a lot of
14 legal issues that come up during the course of the
```

19 works under certain ethical obligations not to converse 20 with the jurors, other then the jury questioning 21 process.

17 bailiff. What you're going to find out is everybody else 18 in the courtroom, attorneys, most of the court personnel

22 Ieslie doesn't have that obligation. So

23 to the extent you're outside and need to get information

24 to somebody, you can always talk to Leslie.

15 proceedings.

16

What I'm going to do now is ask the

You have already met Leslie. Leslie is my

This is an incident that involves a victi
Debra Panos. It occurred back in August 31, 1995 at the
Rallerina Mobile Home Park. It's a little east of
downtown, maybe about 3 miles east of this area, 839 East
li Lamb.

It will also include some testimony about
some areas in the downtown, here, the jail, and Parole an
Probation. And the business at the time G.E. Capital,
where some of the Witnesses worked.

Luanna Aires, Lisa Duran, Tanya Hobson,
LaUonna Jackson, Claire McQuirre, Mike Pollard, Kimberly
Simpson, Sherry Smith, and Oebra Tunner, Laura Burfield,
Jerry Urnst, Dina Freeman, Michelle Moncha, Carol Munson,
Norma Penfield, and Paul Widner. From the Clark County
Coroner's office — a retired coroner now — a Dr. Green.
And then police department officers, Daniel Dersdorff,
Dorren Heiner, Officer Art Lee, Paul Osuch, Mike Perkins,
James McCarroll, Allen Williams, and Cal Winchells.
From Parole and Probation, Larry Arabe

HAPPELL 3/12/2007

52

.1	(ph) Mike Compton, William Duffy, Ed Henderson, Chermaine	1	PROSPECTIVE JUROR: Present.	
2	Smith.	2	THE CLERK: Albert Parramore.	
3	And one other witness, potentially might	3	PROSPECTIVE JUROR: Heré.	
₹ 4	be called, is a psychiatrist, Thomas Bickert, from the	4	THE CLERK: Brianne Germot.	
5	Reno area.	5	PROSPECTIVE JUROR: Here.	
6	Appreciate your time and attention and	6	THE CLERK: Donna Byrd!	
7	patience with us, and your candor after we address the	. 7	PROSPECTIVE JUROR: Here.	
8	questions to you in a little bit.	8	THE CLERK: Joseph Schechter.	-
9	Thank you.	9	PROSPECTIVE JUPOR: Here.	
- 10	THE COURT: Thank you, again, sir. Mr.	10	THE CLERK: Linda Duran.	
11	Schieck.	11	PROSPECTIVE JUROR: Here.	
12	MR. SCHIECK: Thank you, your Honor.	12	THE CLERK: Laura Staley.	:
13	Good morning, ladies and gentlemen. My	13	PROSPECTIVE JUKOR: Here.	;
14	name is David Schieck. I'm with the special public	14	THE CLERK: Sharon Larsen.	
15	defender's office here in Clark County. Assisting me is	15	PROSPECTIVE JUROR: Here.	
	Clark Patrick, who's also with the special public	16	THE CLERK: Mary Stio.	
	defender's office. This is our client who's been charged	17	PROSPECTIVE JUROR: Here.	
	in this case, James Chappell.	18	THE CLERK: Heather Cohen.	
19	The list of witnesses from which we may	19	PROSPECTIVE JUROR: Heré.	
	call during these proceedings are as follows: James Ford,	20	· ·	
	Ivory Morrell, Ben Dean, Charles Dean, Fred Dean, Willy	21	1	
	Chappell, Mira Chappell-King, Kisha Axiom, Dennis Reffer,	22		
	Marabel Rosales, and Howard Brooks.	23	PROSPECTIVE JUROR: Here.	
24	Additionally, Dr. Lewis Etcoff, Dr. Tod	24	THE CLERK: Kary Kitchen.	
	Grey, and Dr. William Danton from Reno Nevada.	25		
2.5	53	֡֓֓֓֓֓֓֓֓֓֓֓֓֓֓֓֓֓֓֓֓֓֓֓֓֓֓֓֓֓֓֓֓֓֓֓֓	55	
1	. Thank you.	1	THE CLERK: Brenda Berry.	_
2	THE COURT: Thank you, Mr. Schick,	2	PROSPECTIVE JUPOR: Here.	
	again.	3	THE CLERK: Bobby Franks.	
4	To my new folks, as you can guess we have	4	PROSPECTIVE JUROR: Here.	
5	gone through this process with your fellow jurors here. I	5	THE CLERK: Terry Tetonis.	
	was explaining to them, as you all where on your way up, I	6	PROSPECTIVE JUROR: Here.	
	wish the court was big enough that we could bring in	7	THE COURT: Is there anybody that just	
	enough people that filled in the questionnaire, which is	3		
	about 125 people, so that the attorenys only have to		you, very much.	
	repeat this once, in terms of introducing themselves,	10	Let me ask the seventeen or so of you that	
11		- 1	just got here to stand and raise your hand for me please	
12		,	so I can have Carol administer the oath to you all.	
13		13	THE CLERK: You do solemnly swear that you	
14	to you in advance, if we have same thing that we had		will well and truly answer such questions that may be put	
15	earlier, where we excused some people and we kind of need	- 1	to you, touching upon your qualifications to act as jurors	
16	to get more in here before we move to the second part of		in the case at issue, so help you God.	
17		17	PROSPECTIVE JUROR: (Choir of I do.)	
I R	do it in the most efficient way we can.	18	THE CLERK: Be seated.	
19	I'll ask for Carol to call the roll of the	19	THE COURT: Let me tell you up front, you	
	jurors those of you that just arrived. Please listen	- 1	answered the questionnaire. You came in and filled that	
20	for your name and answer present or here when you hear	- 1	out. But there are still questions that need to be asked	
21	-		by myself and by the attorneys as well. It's everyone's	
22	your name. THE CLERK: Tamer Jackson		· · · · · · · · · · · · · · · · · · ·	
23	THE CLERK: Tamar Jackson.		desire that we get as fair, open-mined, impartial group of	
24				
24 25	PROSPECTIVE JUROR: Present. THE CLERK: Judy Norris.	1	people as we can to decide the issues in this case. So there's going to be some questions, which, obviously, you	

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of can tell from the questionnaire the questioning is
                                                                       1 ago was that?
                                                                                         PROSPECTIVE JUROR: In; '93 or '94.
  2 somewhat personal at times. It's not intended to
                                                                       2
                                                                                         THE COURT: Locally or | somewhere else?
  3 unnecessarily pry into your lives, but nonetheless, there
                                                                                         PROSPECTIVE JUROR: In California.
4 are issues that the attorneys need to learn about as they
                                                                                         THE COURT: Thank you, sir. Next, is that
  5 go about the process of selecting a jury in this case.
                    So I have to tell you strenuously, please,
                                                                       6 Ms. Cohen.
                                                                                         PROSPECTIVE JUROR: Never mind.
 7 make sure that you give as full, complete, and honest
  8 answers to any of the questions that are put forth to you.
                                                                                         THE COURT: If you've got something, let
  9 If you try and hide or withhold something, that fact alone
                                                                         me know.
                                                                                         PROSPECTIVE JUROR: No.
 10 can tend to contaminate your verdict if you're ultimately
                                                                      10
                                                                                         THE COURT: Anybody over here I missed?
 11 chosen as a juror in this case.
                                                                      11
                                                                                         PROSPECTIVE JUROR: Ms. Jackson, 080, my
                                                                      12
                    So if your instinct tells you, you know
 12
13 what, I wonder if they really need to know about this or
                                                                      13 nephew, robbery.
14 not, tell us about it, please. Every fact has some
                                                                      14
                                                                                         THE COURT: Was that here?
                                                                                         PROSPECTIVE JUPOR: In California.
 15 bearing on your personal and professional life somehow
                                                                      15
 16 relates to your ability to hear this case is important for
                                                                                         THE COURT: Thank you. : Anybody else over
                                                                      16
                                                                         there. Yes, badge number -
 17 the attorneys to know. So make sure you tell us about
                                                                      17
 18 it.
                                                                      18
                                                                                         PROSPECTIVE JUROR: 88, myself, felony
                                                                      19 1997.
 19
                    I have some general questions I'll ask of
                                                                                         THE COURT: All right. What was it?
 20 the seventeen of you real quick. If you want to answer a
                                                                      20
                                                                      21
                                                                                         PROSPECTIVE JUROR: Stolen property -
    question, raise your hand and I'll work through everybody.
 21
                                                                      22 buying stolen property. It was reduced to a
                    Have any of you been convicted of a
 22
 23 felony? No. Thank you.
                                                                      23 misdemeanor.
                                                                     24
                                                                                         THE COURT: Where was that?
                    Anybody who is not a U.S. citizens? No.
 24
 25 Thank you.
                                                                     25
                                                                                         PROSPECTIVE JUROR: Here in las Vegas.
                                                                                                                                  59
                                                             57
                                                                                         THE COURT: Thank you. | Anybody else?
                    Do any of you believe you know or are
                                                                       1
   acquainted with Mr. Owens or Ms. Weckerly? No. Thank
                                                                       2 Yes.
                                                                                         PROSPECTIVE JUROR: 86 -- my sister in
   you.
                                                                       4 California, shoplifting, receiving stolen goods, and drug
                    Anybody believe you know or are acquainted
 5 with Mr. Schieck or Mr. Patrick, the defense attorneys?
                                                                       5 paraphernalia.
   No hands. Thank you.
                                                                       6
                                                                                         THE COURT: Anybody else?
                    Any of you all believe you know or are
                                                                                         PROSPECTIVE JUROR: Parking tickets and
    acquainted with Mr. Chappell, the defendant. All right.
                                                                      3 stuff don't count?
                                                                                         THE COURT: Not unless you got a whole lot
                    Anybody believe they are acquainted with
 10 or know any of the witnesses spoken to you about, by
                                                                      10 of them. Then you probably don't want to tell me
    either Mr. Owens or Mr. Schieck? No hands. Thank you.
                                                                     11 anyway.
                    Anybody think they know anything about
                                                                     12
                                                                                         THE COURT: Thank you. Is there anybody
12
                                                                      13 here of the seventeen of you all that just came in who
13 this case, other than what the attorneys have stated to
    you or from the jury questionnaire? I see no hands.
                                                                     14 would tend to give more weight or less weight or credence
14
                                                                     15 to the testimony of a police officer because they were a
15
   Thank you, very much.
                                                                        police officers? I see no hands.
16
                    Same of you mentioned in your
                                                                     16
    questionnaires, when you were asked about prior jury
                                                                     17
                                                                                         Does everybody believe they will be able
                                                                     18 to follow the instructions on the law that I give you that
    service, that you had been jurors before. Were any of you
   a foreperson of any of those juries? I see no hands.
                                                                     19 pertain to this case, rather then -- or, I should say, if
                                                                     20 those instructions differ from what your personal belief
   Thank you.
20
                                                                     21 is, as to what the law ought to be?
21
                    Have any of you all or close family
                                                                                         Essentially I'll give you legal
22 members ever been accused of a crime? Yes, sir.
                                                                     23 instructions on the case. A little at the beginning, a
                   PROSPECTIVE JUROR: 094 - my uncle was
23
                                                                     24 lot at the end before the attorneys make their closing
24 accused of murder.
                                                                     25 arguments. What I need to know now is you are going to
                   THE COURT: Okay. Was that - how long
25
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agree to follow the law as I tell you the law exists in
                                                                                        And I understand it's inconvenient for
                                                                      1
                                                                      2 you. Trust me. I realize that you have things in your
 2 the State of Nevada.
                                                                      3 life you'd rather be doing. It's a very important process
 ٦
                   Your job is to find out what the facts
^{\mathrm{q}} 4 are. You apply the facts to the law as I tell you the law
                                                                      4 that we have here, and to not have jurors willing to serve
 5 exists. Is there anybody that cannot follow the law as I
                                                                      5 would mean you can't go forward this type of judicial
                                                                      6 process that we have in this country. 'It's the best in
 6 tell you the law exists? I see no hands. Thank you, very
                                                                      7 the world. A lot of judges come over from other counties
                   And finally, there are certain principles
                                                                      8 that wish they had this process.
                                                                                        I wish you would give strong consideration
 9 of law that apply to any criminal proceeding, and one of
                                                                     10 to giving us a little bit of your time and serve in this
10 those principles is that the State of Nevada has the
11 burden of proving all the elements necessary in this
                                                                     11 case.
12 proceeding beyond a reasonable doubt. Does everybody
                                                                     12
                                                                                        That being said, is there anybody who it
13 understand that?
                                                                     13 would be an undo burden upon to serve for five or six days
14
                   Anybody not understand that?
                                                                     14 here. All right. Yes, sir.
                                                                                        PROSPECTIVE JUROR: I own my own
                    Does everybody agree that they could hold
                                                                     15
15
16 the State to their burden in this case of proving the
                                                                     16 company.
                                                                     17
                                                                                        THE COURT: Your badge number, sir?
    things that are necessary to prove beyond a reasonable
                                                                                        PROSPECTIVE JUROR: John Wells, badge
    doubt? Anyone who could not do that? I see no hands.
                                                                     19 number 94. I have a small IT service that out-sources
19 Thank you, very much.
                   Final question I have is about -- I'm
                                                                     20 services to several companies in Las Vegas valley. I have
20
21 going to ask you whether it would be an undo burden upon
                                                                     21 taken nearly forty calls this morning I'm not able to
                                                                     22 attend to, because of the daylight savings change. I have
22 you to serve in this case for the next -- we anticipate
                                                                     23 one guy that works for my. We support 40 companies in the
23 the case will last through Friday, maybe spills over into
                                                                     24 valley. I'd go out of business if I couldn't attend to my
24 Monday of next week. So I'll ask you if it would be an
25 undo burden upon anybody to serve that amount of time as
                                                                     25 clients.
                                                                                                                                 63
                                                                                        THE COURT: Anybody else? Yes, sir.
 1 jurors in this case.
                                                                      1
                                                                                        PROSPECTIVE JUROR: Badde 95. I'm
 2
                   And before I ask the question, let me give
   you a little bit of information.
                                                                      3 self-employed. I'm a house painter. Presently working
                   Average trial in this building lasts about
                                                                      4 with my brothers, of which there are two. And if I don't
 5 six days. This is about average. Hopefully a little less
                                                                      5 work, sir, I don't make money.
                                                                                        THE COURT: Thank you. Anybody else?
 6 than average. If I excuse you today, base upon whatever
    reason you give to me, you don't just get to leave and go
                                                                      7 Yes, Ms. Jackson.
   home. You got to go back to jury services and they decide
                                                                                        PROSPECTIVE JUROR: 80 -- I'm in retail.
                                                                      9 My husband is a loan officer. He just started out. It's
   whether to send you out on another panel today or tell you
10 to come back next week. Whatever their pleasure is.
                                                                     10 just a burden for me to come due to financial situation.
                   If you go to another panel, that judge may
                                                                     11
                                                                                        THE COURT: Thank you. Anybody else over
11
12 not like your excuse. It's independent to each judge
                                                                     12 there?
13 whether he excuses a juror or not. We have medical
                                                                                        PROSPECTIVE JUROR: 86 :- I work graveyard
                                                                     13
14 malpractice cases, including a couple of them starting
                                                                     If for starters. I'm a sole income and care giver to my
15 today, or a couple later days this week, that last six
                                                                     15 brother who lives with me. He's 80 years old. He
16 months or more. We have medical malpractice cases that
                                                                     16 requires resources.
17 last a couple of months. There's a variety of cases that
                                                                     17
                                                                                        THE COURT: Anybody else?
                                                                                        PROSPECTIVE JUROR: 1021 -- I'm currently
18 last a lot longer then this case is what I'm trying to
                                                                     18
                                                                     19 working graveyard. I'm the only source of income in my
19 tell you.
20
                   So there's also cases that last a day or
                                                                     20 house. My wife is going to school. And I'm supporting
21 two. Don't get me wrong. I'm not trying to tell you not
                                                                    21 five kids.
                                                                                        MR. OWENS: What is that number?
22 to answer the question. I'm trying to give you a little
                                                                    22
23 information as to how the process works so you understand
                                                                    23
                                                                                        THE COURT: That's Mr. Tetonis, 102.
                                                                    24
                                                                                        PROSPECTIVE JUROR: 102.
24 when you tell me what the reasons are why you can't
25 serve.
                                                                    25
                                                                                        THE COURT: All right. Anybody else? No.
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1 Thank you.
                                                                                         MR. CWENS: You had answered a number of
                                                                      2 questions -- you can have a seat. You don't have to stand
 2
         Counsel approach the bench real quick, please.
 3
                    (Discussion held at the bench.)
                                                                      3 up. It's uncomfortable enough giving us questions like
                   THE COURT: At this time I'm going to
                                                                      4 this.
                                                                              You were asked a number of questions about the death
 5 thank and excuse, Ms. Byrd 086, Mr. Wells 094, Mr.
 6 Engelbrecht 095. I thank you all for coming down and
                                                                      6 penalty. Have you had an opportunity to think about that
    answering the questionnaire and coming up here today.
                                                                      7 since you filled out the questionnaire? Do you understand
    Please report back to the Jury Commissioner's before you
                                                                        what I mean?
                                                                                         PROSPECTIVE JUROR: I speak Spanish.
    leave today, okay.
                                                                                         MR. OWENS: Do you have a problem with the
10
                   Ladies and gentlemen, we're going to move
                                                                      10
11 on now with questions from the attorneys. We'll get into
                                                                     11 language?
    this a little bit before we take our lunch break.
                                                                     12
                                                                                         PROSPECTIVE JUROR: Yes
                                                                                        MR. CWENS: You have a hard time
                   The most efficient and affective way for
                                                                     13
14 the attorneys to do this is to go one by one with people.
                                                                     14 understanding English?
15 The State's attorneys ask questions and the defense
                                                                     15
                                                                                         PROSPECTIVE JUROR: Yes.
                                                                                         MR. OWENS: So it would be hard for you to
16 attorneys ask some questions, and we'll move onto the next
                                                                     16
    juror.
                                                                     17 understand what the witnesses are saying as they come up
17
                   It may be between each attorney, Mr. Owens
                                                                     18 to the stand?
18
                                                                                         PROSPECTIVE JUROR: Yes. It's hard.
19 may have question for the first juror, Ms. Weckerly may
                                                                     19
                                                                                         MR. OWENS: Approach briefly.
   have questions for the second juror. The same thing with
                                                                     20
                                                                                        THE COURT: Sure.
   Mr. Schieck and Mr. Patrick as they move back and forth
                                                                     21
                                                                     22
                                                                                         (Discussion held at the bench.)
   with you all.
                                                                                         THE COURT: Why don't we go ahead and move
                   What you'll find, especially you folks in
                                                                     23
23
                                                                     21 to Mr. Brady. I'll contact the court interpreter's office
24 the audiance right now, to the extent somebody gets
                                                                     25 for Mr. Perez. Thank you, Mr. Perez.
25 challenged and excused for cause and somebody else has to
                                                                                                               Stay for right now,
 1 move up, as you listen to the questions over and over
                                                                      1 okay.
 2 you'll be a lot quicker to answer things because you'll
                                                                      2
                                                                                         PROSPECTIVE JUROR: I can interpret,
 3 able to understand what it is the attorneys are really
                                                                      3 Judge.
 4 interested in trying to question you about. So kind of
                                                                                        THE COURT: I appreciate that, but by rule
                                                                      5 I need to have a certified court interpreter from the
   pay attention as we're moving on, if you would, please.
                   All right. Mr. Owens, Ms. Weckerly.
                                                                      6 interpreter's office.
                                                                                        MS. WECKERLY: May I proceed.
                   MR. OWENS: If I could request, it might
   be helpful to us to get a role call. I don't know if we
                                                                      8
                                                                                        THE COURT: You may.
   maintained -- I'm not sure if we know who is in which
                                                                                        MS. WECKERLY: I guess it's not quite
10 seats at this point.
                                                                     10 morning anymore. Last week when you filled out your
                                                                     11 questionnaire, you were asked several questions about the
                   THE COURT: Seat number one is Mr. Perez
11
   001, Mr. Brady 004, Ms. Kaleikini-Johnson 007, Mr. Taylor
                                                                     12 death penalty. Do you recall that?
                                                                                        PROSPECTIVE JUROR: Sure!
13 009, Mr. Hibbard 010, Ms. Bailey 015, Ms. Mills 016,
                                                                     13
                                                                                        MS. WECKERLY: One of the questions that
14 Mr. Henck 020. My far right, Mr. Smith 022, Ms. Heyrick
                                                                     14
   023, Ms. Cardillo 026, Ms. Ramirez 034, Ms. Theus 035, Ms.
                                                                     15 was asked, sort of alluded to, or asked) you would you
                                                                     16 automatically impose the death penalty if someone were
16 Noahr 036, Mr. Martino 038, Bundren 039, Ms. Smith 045,
                                                                     17 convict of first degree murder. Do you recall a question
   Morin 050, Garcia 051, Salak 055. Correct?
17
                   PROSPECTIVE JUROR: Yes.
                                                                     18 of that nature?
18
                                                                     19
                                                                                        PROSPECTIVE JUROR: Sure:
                   THE COURT: Do you want me to keep going?
19
                                                                     20
                                                                                        MS. WECKERLY: As you know from Mr. Owens
                   MR. OWENS: That's plenty for now.
20
                                                                     21 this morning and probably you got that from the
                   THE COURT: All right, Mr. Owens.
21
                   MR. CWENS: Court's indulgence a moment.
                                                                     22 questionnaire as well, we're sitting here and the
22
                   THE COURT: Okay.
                                                                     23 Defendant is convicted of first degree murder with use of
23
                                                                     24 a deadly weapon. You understand that?
24
                   MR. OWENS: Mr. Perez, how are you doing?
                                                                     25
                                                                                        PROSPECTIVE JUROR: Correct.
                   PROSPECTIVE JUROR: Fine.
25
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72

; 1	MS. WECKERLY: Judge Herndon explained
2	that at the end of the case you'll be provided with the
3	law in the State of Nevada as to when jurors can consider
~ 4	the death penalty, because it's not an automatic thing in
5	every case of first degree murder in the State of Nevada.
. 6	There are certain requirements that have to be met before
7	the jury can even consider the death penalty.
8	Would you be able to follow those instructions
9	provided by Judge Herndon and hold the State to those
10	legal requirements before you would consider the death
11	penalty as a potential punishment?
12	PROSPECTIVE JUROR: I guess the question
13	back is it going to be one of the options no matter
14	what, or is that what this is going to be determining to
15	see if that's even on the table?
16	MS. WECKERLY: Exactly.
17	PROSPECTIVE JUROR: If it's not on the
18	table.
19	MS. WECKERLY: The Judge will tell you
20	these are the requirements that must be met before a jury
21	can consider imposition of the death penalty. And you
22	wouldn't have any trouble following those instructions?
23	PROSPECTIVE JUROR: If he says it wasn't
24	an option, then it's not an option.
25	MS. WECKERLY: Another part of that '
	69

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PROSPECTIVE JUROR: Um +-
1
                   MS. MECKERLY: You are put on the spot.
 2
                   PROSPECTIVE JUROR: I guess, I definitely
 4 lien toward the death penalty in any type of murder case,
   or something like that. But it depends on the judge's
   instructions. I could take that into account.
                   MS. WECKERLY: Thank you, sir.
                   THE COURT: Thank you. Pass for cause?
                   MR. OWENS: Yes. Sorrý, your Honor.
                   THE COURT: Mr. Patrick.
10
11
                   MR. PATRICK: Mr. Brady, you indicated in
12 your questionnaire that you have a history of domestic
   violence in your family.
14
                   PROSPECTIVE JUROR: Correct.
                   MR. PATRICK: If you come to find out
15
16 something about this case involves domestic violence,
   would that color your opinion of the case?
                   PROSPECTIVE JUROR: Possibly.
18
19
                   MR. PATRICK: How do you feel about
20 domestic violence.
21
                   PROSPECTIVE JUROR: It's unacceptable.
                   MR. PATRICK: It was shown that
22
23 Chappell had a history of domestic violence would that
24 change your opinion about what penalty he should be given?
25
                   MR. OWENS: Objection, your Honor.
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1 process is you'll be given information, obviously, about 2 the crime itself, but also information about the Defendant 3 and his background, that sort of thing. And the law is 4 that you are to consider all of that information in making 5 your decision with your fellow jurors. And I assume you would have no trouble following that law as well, considering all the information before you make a decision? PROSPECTIVE JUROR: I have to say personally I don't feel that anybody's background is justification for a crime that they commit. MS. WECKERLY: Well, and we're not 12 13 necessarily talking about, in this situation, justification for a crime. Because he's convicted of first degree murder, and so the what you're to consider it 16 for in this case is what would be an appropriate punishment. And the law doesn't tell you what weight you must give certain factors. You must hear that information and consider it before you make a sentencing decision collectively in a group. Would you be able to do that? PROSPECTIVE JUROR: Sure. 21 MS. WECKERLY: Do you have any other 22 23 concerns about your ability to following the judge's instruction and make a decision about punishment that is

appropriate in this case?

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THE COURT: Well, I'll sustain the
 2 objection. Ask specifically if he's going to do a certain
 3 thing based upon a certain piece of evidence. I'll allow
 4 you to explore the issue of domestic violence,
 5 obviously.
                   MR. PATRICK: Who in your family had the
 7 history of domestic violence?
                   PROSPECTIVE JUROR: My father and
 9 mother.
                   MR. PATRICK: Who was the abuser?
                   PROSPECTIVE JUROR: My Father.
                   MR. PATRICK: So how do you feel about --
13 again, how do you feel about domestic violence?
                   PROSPECTIVE JUROR: Unacceptable, I don't
15 know why my mother didn't put him in jail.
                   MR. PATRICK: Now, Ms. Weckerly talked to
17 you about if the death wasn't an option you'd consider
18 other forms of penalty?
                   PROSPECTIVE JUROR: If vit wasn't an
20 option, yes.
                   MR. PATRICK: It's going to be an option.
22 The judge is not going to tell you you cannot impose the
23 death penalty.
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STATE OF NEVADA vs. JAMES CHAPPELL

70

3/12/2007

25 is convicted of murder, that would be the route that I

PROSPECTIVE JUROR: Okay. Knowing that he

10

11

12

14

16

19

```
21 would choose to go, unequivocally.
                                                                        wasn't. But I'm here. I'm supposed to be here.
                                                                                        MR. OWENS: Are you nervous?
                    MR. PATRICK: If you learned things about
 2
 3 Mr. Chappell's past, childhood, would any of that matter
                                                                                        PROSPECTIVE JUROR: A little bit.
                                                                                        MR. OWENS: Just the context of being
4 to you?
                                                                      5 here, being on the spot?
                    PROSPECTIVE JUROR: Not at all.
                    MR. PATRICK: We'd ask to strike for
                                                                                        PROSPECTIVE JUROR: That's it.
                                                                                        MR. OWENS: Something about the nature of
 7 cause.
                                                                        the charge, murder, or the punishment that makes you feel
                   THE COURT: Let me say this to the panel,
 9 and Mr. Brady as well. The death penalty is a sentencing
                                                                        unconfortable?
                                                                                        PROSPECTIVE JURGE: No.
10 option, a sentencing possibility as you enter this
                                                                                        MR. OWENS: When we are asking the
 11 hearing. You have to discover certain facts, which you'll
                                                                     11
 12 find in the legal instruction is what you find the facts
                                                                     12 question about an eye for an eye, you said you didn't
                                                                      13 necessarily believe in that principle. It said, I don't
13 to be will be what determines whether you can consider
                                                                      14 feel I have the right to decide that. What did you mean
14 that as a possible punishment in your deliberation, okay.
15 The instructions layout how you go through that process.
                                                                     15 by that?
16 Right now it's a possibility. It's certainly not
                                                                     16
                                                                                        PROSPECTIVE JUROR: Basically, I don't
                                                                     17 think that I personally, myself, have a right to decide
17 something that you absolutely have to give. You don't
                                                                     18 that. I can't say you did that to me, I'll do it back to
18 have to give the most lenient sentence either. You have
                                                                     19 you. In my own life. I know in this situation it's
19 to determine what the facts are and if certain facts are
                                                                     20 dependent upon circumstances.
20 met, then you can consider the death penalty as a possible
                                                                                        MR. OWENS: You don't have a problem of
21 punishment in your deliberation.
                                                                     22 applying whatever standard you feel is appropriate here?
         So are you saying, Mr. Brady, you are automatically
                                                                                        PROSPECTIVE JUROR: No.
23 going to impose the death penalty if it's a possibility
                                                                     23
                                                                                        MR. OWENS: We are looking for people
24 for you when you go back there, without knowing anything?
                                                                     24
                                                                     25 outside of the situation, obviously, to be as fair and
25 Or are you going to consider everything and work with the
                                                                      i impartial as they can be. We talked about the four
 1 instructions and evidence, then decide what the
                                                                      2 options. Do you have any questions about the four options
 2 appropriate sentence is?
                   PROSPECTIVE JUROR: Well, I mean, I would
                                                                      3 that are available?
                                                                                        PROSPECTIVE JURGE: No.:
 4 have to say the very limited things I know about the case
                                                                                        MR. CWENS: Obviously, if there was only
 5 that he was convicted of first degree murder and abuse,
                                                                      6 one option on the table we wouldn't need a jury, right?
 6 yeah.
                                                                                        PROSPECTIVE JUROR: Right.
                   THE COURT: Without any regard to what
                                                                                        MR. CWENS: We're looking for people that
   other evidence comes out?
                                                                      9 can say that they're willing to keep an open mind and wait
                   PROSPECTIVE JUROR: Whatever happened,
   drugs, whatever else was involved, wouldn't be a
                                                                     10 until they have heard the evidence to make a decision.
                                                                     11 Are you okay with that principle?
11 mitigating factor for me.
                                                                     12
                                                                                        PROSPECTIVE JUROR: Yes.
                   THE COURT: Okay. I will take that issue
12
                                                                                        MR. OWENS: So you don't feel you would
   under advisement right now.
                                                                     13
                                                                     14 jump the gun and say do this or do that without having
        Approach the bench, counsel.
14
                    (Discussion held at the bench.)
                                                                     15 heard anything about this?
15
                   THE COURT: Any other questions for
                                                                     16
                                                                                        PROSPECTIVE JUROR: No.,
16
                                                                                        MR. OWENS: Do you think it's important to
17 Mr. Brady?
                                                                     17
                                                                     13 keep an open mind?
                   MR. PATRICK: No.
18
                                                                                        PROSPECTIVE JUROR: Yes
19
                   THE COURT: Mr. Owens or Ms. Weckerly as
                                                                     19
                                                                     20
                                                                                        MR. OWENS: How do you feel about the idea
20 to Ms. Johnson.
                                                                     21 of deliberation, discussing these issues and keeping an
                   MR. OWENS: How are you?
21
                                                                     22 open mind through that discussion?
22
                   PROSPECTIVE JUROR: Good.
                   MR. OWENS: How are you feeling about
                                                                     23
                                                                                        PROSPECTIVE JUROR: As long as everyone
23
                                                                     21 involved is willing to listen, and not jump to conclusions
24 being here today?
                   PROSPECTIVE JUROR: Truthfully, I wish I
                                                                     25 and not — be willing to listen to everybody else, it's
25
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ية fine.
                                                                                         PROSPECTIVE JUROR: Yes.
                                                                                         MR. CWENS: If you felt that that was the
                   MR. OWENS: You're okay with the idea of
                                                                      2
 2
 3 sharing your opinions and ideas?
                                                                      3 appropriate punishment is that a judgment you could make
                                                                        on another human being?
                   PROSPECTIVE JUROR: Yes.
                   MR. OWENS: Listening to other people?
                                                                                         PROSPECTIVE JUROR: Unfortunately, yes.
                                                                                         MR. OWENS: You say unfortunately.
                   PROSPECTIVE JUROR: Yes,
                                                                                         PROSPECTIVE JUROR: I don't relish having
                   MR. OWENS: Are you willing to adjust your
                                                                      8 to do this, but it's part of living here.
    ideas to correspond to what you feel is appropriate as
                                                                                         MR. OWENS: You feel that's something you
    that discussion progresses?
 9
                   PROSPECTIVE JUROR: If somebody makes a
                                                                     10 could do?
10
                                                                                         PROSPECTIVE JUROR: Yes
11 good point, yes.
                                                                     11
12
                   MR. OWENS: You don't have any
                                                                     12
                                                                                         MR. CHENS: You haven't heard everything
   philosophical problems with the death penalty itself?
                                                                     13
                                                                        or anything right now.
13
14
                   PROSPECTIVE JUNOR: No.
                                                                     14
                                                                                         PROSPECTIVE JUROR: Right.
                   MR. OWENS: Do you feel that it's
                                                                                        MR. OWENS: What we're trying to find out
                                                                     15
15
                                                                     16 is if people have problems judging other people, we want
16 important to have a range of punishments for a crime such
                                                                     17 to find out now rather then the end of the next four or
   as this?
                                                                     18 five days and they say, I can take this responsibility.
                   PROSPECTIVE JUROR: Yes.
38
                   MR. ONENS: Do you feel you could consider
                                                                     19 You're okay, you feel you could hold up and do that?
19
20 all those forms of punishment before selecting the one
                                                                     20
                                                                                         PROSPECTIVE JURGR: Yes
   that is the most appropriate?
                                                                     21
                                                                                         MR. OWENS: Thank you. I'll pass for
21
                   PROSPECTIVE JUROR: Yes.
                                                                     22 cause.
22
                                                                                        THE COURT: Thank you. Mr. Schieck.
23
                   MR. OWENS: We're not asking you to
                                                                     23
                                                                                        MR. SCHIECK: Thank you. Ms. Johnson, you
   prejudge what you do here. You don't know anything about
                                                                     25 indicated in your questionnaire that you'd never really
25 the case. But after you hear all the factors in
                                                            77
 1 mitigation and aggravation, you're free, you're free to
                                                                      1 been exposed to someone who's got a history of substance
                                                                      2 abuse or domestic violence; is that correct?
 2 accept what you want to accept and reject what you don't
                                                                                         PROSPECTIVE JUROR: Correct.
 3 want to accept, and come up with what you feel is
                                                                                        MR. SCHIECK: You've probably heard from
 4 appropriate in the end. Does that seem like a fair
                                                                      5 the questioning may hear things about those two topics
 5 system?
                                                                      6 during the course of this hearing. Is that going to cause
                   PROSPECTIVE JUROR: Yes.
                                                                      7 you to be less than fair and impartial to both sides of
                   MR. OWENS: And if after hearing all the
                                                                      % the case?
 8 evidence in the case, both pro and con, you thought about
                                                                                        PROSPECTIVE JUROR: No.
                                                                     9
   all the range of punishment, if you are convinced of what
10 the appropriate punishment and fair punishment was the
                                                                     10
                                                                                        MR. SCHIECK: Is that scrething you would
                                                                     In want to hear about in this case, whether or not substance
11 death penalty, would you be able to come back with that
                                                                     12 abuse might have been involved or alcohol abuse might have
12 verdict?
                   PROSPECTIVE JUROR: Yes.
                                                                     13 been involved?
13
14
                   MR. OWENS: How do you feel about the idea
                                                                     14
                                                                                        PROSPECTIVE JUROR: If it has bearing on
   of sitting in judgment on another person?
                                                                     15 the case, yes.
                   PROSPECTIVE JUROR: I personally don't
                                                                     16
                                                                                        MR. SCHIECK: When you say bearing on the
16
17 like it, but the way the system is set up here this is the
                                                                     17 case, we're just here to determine the penalty, so as it
   way it is done. I got the luck of the draw.
                                                                     18 has a bearing on the potential penalty in the case?
                   MR. OWENS: I think most people feel
                                                                     19
                                                                                        PROSPECTIVE JUROR: Yes.
19
20 unconfortable judging other people, especially in the
                                                                     20
                                                                                        MR. SCHIECK: That's screething you'd want
   context like this. You appreciate the need to have
                                                                     21 to hear?
                                                                     22
                                                                                        PROSPECTIVE JUROR: Yes.
22 judgments made from time to time in our society?
                   PROSPECTIVE JUROR: Yes.
                                                                     23
                                                                                        MR. SCHIECK: One of your other questions,
23
                   MR. OWENS: You believe in the jury
                                                                     24 you were asked about friends that work in the justice
24
25 system?
                                                                     25 system. You don't have any friends that work in law
                                                                                                                                 80
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, i enforcement whatsoever or the justice system?
                                                                                         Mr. Taylor.
                                                                                         PROSPECTIVE JUROR: Yes!
                    PROSPECTIVE JUROR: No.
                                                                      2
  2
                    MR. SCHIECK: You do however have an
                                                                                         MR. OWENS: You had indicated that you
4 coinion that sometimes the justice system can be a little
                                                                       4 knew some people that had some problem was drugs, drug
  5 to lenient. Did you have something in mind when you wrote
                                                                         situations?
                                                                                         PROSPECTIVE JUROR: A brother-in-law.
    that answer?
                                                                                         MR. OWENS: One came out good and one not
                    PROSPECTIVE JUROR: No.
                                                                      7
                                                                         too good. I think you said one died or something.
                    MR. SCHIECK: Nothing that caused you to
                                                                                         PROSPECTIVE JUROR: I can't remember
    have that opinion?
  9
                    PROSPECTIVE JUROR: No.
                                                                      10 now.
 10
                                                                                         MR. OWENS: You can't remember?
                    MR. SCHIECK: Is that still an opinion
                                                                      11
 11
 12 that you have that our system is too lenient?
                                                                      12
                                                                                         PROSPECTIVE JUROR: No.
                    PROSPECTIVE JUROR: No. I quess there are
                                                                      13
                                                                                         MR. OWENS: Substance abuse, you said one
 13
 14 some cases where there's been so much wrong done, it just
                                                                      14 died and the other recovered.
                                                                                         PROSPECTIVE JUROR: It was my ex-wife.
 15 doesn't fit what they were. But it's also outside looking
                                                                     15
                                                                                         MR. CMENS: Was it because of substance
                                                                      16
 16 in and listening to what the news puts out. I'm not
    getting everything. We're getting what they want us to
                                                                     17 abuse -- the death?
                                                                                         PROSPECTIVE JUROR: Yes, it was.
                                                                      18
 18 have.
                    MR. SCRIECK: Any cases where you can
                                                                      19
                                                                                         MR. OWENS: So you are kind of close to
 19
 20 think of where perhaps the judge imposed a sentence and
                                                                      20 these situations?
                                                                                         PROSPECTIVE JUROR: Yes.
   you thought to yourself that guy got off or lady got off
                                                                     21
                                                                                         MR. OWENS: Anything about those that
                                                                     22
 22 too easy?
                    PROSPECTIVE JUROR: No, because I don't
                                                                     23 would make it difficult for you to sit in this particular
 24 like to listen to the news because it's depressing.
                                                                     24 case?
                                                                     25
                                                                                         PROSPECTIVE JUROR: No
                    MR. SCHIECK: We've had a lot of cases in
 25
 1 the news involving politicians. Sometimes it seems like
                                                                                         MR. OWENS: You weren't so close that you
                                                                      2 got prejudiced about drugs to get in the way of being
 2 they got a slap on the wrist, and sometimes they got a lot
                                                                      3 fair?
 3 of time in prison. Any of those cases that caught your
  4 attention and you thought it was too lenient?
                                                                                         PROSPECTIVE JUROR: Well, I have prejudice
                    MR. OWENS: Objection. Unless he's
                                                                      5 against drugs.
                                                                                         MR. OWENS: By prejudice, what I mean is
  6 talking about specific cases.
                                                                      7 that it would interfere with your ability to be fair. Of
                    THE COURT: I'll sustained the objection
                                                                      8 course you can consider these things and give weight to
    as to a specific case in that regard.
                    MR. SCHIECK: I just asked "yes" or "no."
                                                                      3 whatever you want.
 10 Did any of those cases catch your attention?
                                                                     10
                                                                                         PROSPECTIVE JUROR: I need to consider it,
                                                                     II absolutely. That's what — you have to feed us
11
                    PROSPECTIVE JUROR: No.
                    MR. SCHIECK: You indicated with respect
                                                                      12 information on both sides.
 12
                                                                                         MR. OWENS: Right. Now you said you
13 to the death penalty that you feel that it's used
                                                                     13
                                                                     H thought you might have heard some media on this?
    appropriately, as opposed to too often or not enough.
                                                                                         PROSPECTIVE JUROR: I don't know if it was
 15 Have you followed death penalty case or paid attention to
                                                                     15
                                                                     16 this case or not. It sounded familiar. I wasn't in
16 how often it's imposed?
                                                                     17 here -- I didn't live here in '95. If it occurred in '93,
17
                    PROSPECTIVE JUROR: No.
                   MR. SCHIECK: Just a general impression,
                                                                     18 it's not the same one.
 18
                                                                                        MR. OWENS: I'm reading Question 21, and
 19 it's imposed appropriately.
                                                                     19
                                                                     20 your answer was it would be a different case.
20
                    PROSPECTIVE JUROR: Yes.
                                                                                         PROSPECTIVE JUROR: Right.
                   MR. SCHIECK: Thank you. We'd pass for
                                                                     21
21
                                                                     22
                                                                                         MR. OWENS: Other than this one you don't
22 cause, your Honor.
                                                                     23 remember another case?
                   THE COURT: Thank you. Ms. Weckerly, Mr.
23
                                                                                         PROSPECTIVE JUROR: Nothing at all.
                                                                     24
24 Owens.
                                                                     25
                                                                                         MR. OWENS: You have a son involved in law
                   MR. OWENS: Thank you, your Honor.
25
                                                            Ŕ2
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1 enforcement?
                                                                      1 being?
                                                                                         PROSPECTIVE JUROR: To some degree we all
                                                                      2
 2
                   PROSPECTIVE JUROR: He's an ex-police
 3 officer in Santa Monica. He was undercover.
                                                                      3 probably do. We're all Gods children. You hate to make
                   MR. OWENS: Retired now?
                                                                      4 that kind of decision. But what is set out that has to be
                   PROSPECTIVE JUROR: Yes.
                                                                      5 done has got to be done. Again, we have to figure out
                                                                        which one of the four that has to be -\frac{1}{1} collectively.
                   MR. OWENS: Did you have a lot of talk
                                                                                         MR. OWENS: You feel that is something
    about his job?
                                                                        you'd be able to do?
                   PROSPECTIVE JUROR: Yes.
                                                                                         PROSPECTIVE JUROR: Suré.
                   MR. OWENS: You'll probably hear from
                                                                                         MR. OWENS: Would you be able to consider
   police officers in this case, as we do in many cases. The
   question is would you want to give more credibility to
                                                                      11 the full range of punishment before coming to a
12 them because they're police officers?
                                                                        conclusion?
                                                                                         PROSPECTIVE JUNOR: Absolutely. That's
                   PROSPECTIVE JUROR: None whatsoever.
                                                                     13
13
14
                   MR. OWENS: You'd weigh their testimony
                                                                     14 only fair.
                                                                                         MR. OWENS: You're not going to jump the
15 like you would anybody else?
                                                                     15
                                                                     16 qun and say I'm doing this automatically?
                   PROSPECTIVE JUROR: Absolutely.
16
                                                                     17
                                                                                         PROSPECTIVE JUROR: I've got to hear
                   MR. OWENS: You had experience on a jury
17
                                                                     18
                                                                        everything first.
18
   previously?
                   PROSPECTIVE JUROR: A long time ago.
                                                                     19
                                                                                        MR. CWENS: You said that you felt the
19
                   MR. OWENS: So long ago you can't remember
                                                                     20 death penalty depends on the crime.
20
21
                                                                     2ì
                                                                                         PROSPECTIVE JUROR: Right.
   when-
                                                                                         MR. CWENS: And you were concerned that it
                   PROSPECTIVE JUROR: I can remember.
                                                                     22
22
                                                                     23 would have to be shown that the person was basically a
23
                   MR. OWENS: So you can't remember if it
                                                                     24 hundred percent guilty?
   was criminal or civil?
                                                                     25
                                                                                         PROSPECTIVE JUROR: Correct.
25
                   PROSPECTIVE JUROR: Civil.
                                                                                                                                  87
                                                            85
                                                                                        MR. OWENS: You know that's where we're
                   MR. OWENS: Let me —
                                                                      1
                   PROSPECTIVE JUROR: It was an insurance
                                                                      2 at?
   claim.
                                                                      3
                                                                                        PROSPECTIVE JUROR: Right.
                                                                                        MR. OWENS: We are not going to -- this
                   MR. OWENS: Was it an okay experience for
                                                                      ŧ
   you?
                                                                      5 man has been convicted. You were asked questions about
                                                                      6 factors that you might be told were factors in mitigation,
                   PROSPECTIVE JUROR: Yeah.
                                                                      7 and the defense hinted at some of those. Nobody is asking
                   MR. OWDNS: Nothing that was bad or left a
                                                                      8 you if you would reject them, if you would consider them,
   bad taste in your mouth.
                                                                      9 or how much weight you'd give to them necessarily. But
                   PROSPECTIVE JUROR: No.
                   MR. OWENS: As far as discussion in the
                                                                     10 would you be willing to listen and keep an open mind?
10
                                                                                        PROSPECTIVE JUROR: Youlhave to.
11 back here about punishments, you talked -- there was that
                                                                     11
12 question about an eye for and eye, tooth for a tooth, that
                                                                                        MR. CWENS: They said would you be willing
                                                                     12
                                                                     13 to consider them, and you said, not sure. The law
13 maxim we've heard before. You said you had -- when you
                                                                     14 requires that you, at least, consider all the evidence
14 were asked about the death penalty, you said an eye for an
15 eye. Are you meaning that the punishment should fit the
                                                                     15 here. You can't say I'm not going to listen to this. But
                                                                     16 after having heard it, it's up to you to determine how
16 crime. Or are you meaning literally you have to have quid
17
   pro quo?
                                                                     17 much weight you want to give it.
                                                                                        PROSPECTIVE JUROR: It goes back to how
                   PROSPECTIVE JUROR: I was thinking that
                                                                     18
18
                                                                     19 well it's presented and whether I feel personally that
19 there should be a punishment set out. And in this
                                                                     20 that's the truth, in fact, coming from that person.
20 situation we have four punishments set up. Again, it's up
                                                                     21
                                                                                        MR. OWENS: Then you could decide how
   to the prosecution and defense to provide us with the
                                                                     22 important that is and set -- or maybe it doesn't have any
22 facts to make that decision.
                                                                     23 importance at all. But you'll wait to make that decision?
                   MR. CNEWS: You are right. And after
23
                                                                     24
                                                                                        PROSPECTIVE JUROR: Right.
24 hearing the information that you get, do you have any
25 problem with the idea of passing judgment on another human
                                                                    25
                                                                                        MR. OWENS: But you'd be willing to
                                                                                                                                  88
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PROSPECTIVE JUROR: My:Dad was in the car
 1 consider it all?
                                                                      2 business. That's where I grew up, in the car business.
 2
                    PROSPECTIVE JUROR: Yes.
                                                                      3 Then went into the insurance business and retired from
                    MR. OWENS: You are concerned about the
                                                                      1 that
i time line here. We're going to do our best.
                                                                                         MR. SCHIECK: We did this questionnaire
                    PROSPECTIVE JUROR: Yes.
                    MR. OWENS: If we run a little bit late,
                                                                      6 and nowhere does it ask for your occupation. You were in
                                                                        the insurance business.
    you're not going to take it out on one of the parties
                                                                                         PROSPECTIVE JUROR: Yes!
 8
    here?
                                                                                         MR. SCHIECK: And is there anything you've
                    PROSPECTIVE JUROR: The judge.
                                                                      10 heard so far in just the few hours we've been here that
                    MR. OWENS: Everybody likes the judges.
                                                                      11 you've got any questions about that cause you some
 II It's the attorneys that have to worry about that. If you
                                                                      12 concern?
 12 felt after hearing all the evidence the death penalty was
    the right sentence, appropriate sentence, could you return
                                                                      13
                                                                                         PROSPECTIVE JUROR: No. 1 No. Pretty open
                                                                      14 to what is all discussed so far.
    that verdict?
                                                                                         MR. SCHIECK: You indicated you thought
                    PROSPECTIVE JUROR: If that's the verdict,
                                                                      15
 15
                                                                      16 you heard something about a girl getting killed over a
 16 we have to pass that verdict.
                    MR. OWENS: Thanks. I'll pass for
                                                                      17 drug deal.
17
                                                                                         PROSPECTIVE JUROR: Right.
                                                                      18
    cause.
18
                                                                                         MR. SCHIECK: There's no evidence that
                                                                      19
19
                    THE COURT: Mr. Schieck.
                                                                      20 that was the facts of this case.
                    MR. SCHIECK: Thank you, your Honor.
20
                                                                                         PROSPECTIVE JUROR: That was just
                                                                     21
                    Mr. Taylor, you understand that when we're
21
                                                                     22 scmething I heard on the news. That been when we first
    talking about the death penalty, it's never required that
                                                                      23 moved here. As I told the other counsel that I'm sure it
    a jury impose the death penalty?
                                                                     24 was the wrong case, but --
                    PROSPECTIVE JUROR: Correct.
24
                                                                                         MR. SCHIECK: If you we're sitting here
                    MR. SCHIECK: There's always that element
                                                                     25
25
                                                                      1 going through a penalty hearing as the Defendant is, would
 1 of discretion that factors into it?
                                                                      2 you want twelve people in your same state of mind severing
                    PROSPECTIVE JUROR: Sure.
                                                                      3 on the jury?
                    MR. SCHIECK: I made a comment about some
                                                                                         PROSPECTIVE JUROR: Absolutely.
 4 of the factors that you would consider, you said it
                                                                      5 Open-minded and be able to discuss the options and what
 5 depends on how well it's presented. Are you going to be
                                                                      6 facts were presented to you that all weigh towards the
 6 looking at if Mr. Owens presented his case smoothly and
 7 well, but the defense is kind of shookly in some of their
                                                                      7 final goal.
                                                                                         MR. SCHIDCK: Do you have any problem with
 8 addresses or scrething, you're not going to take that into
 9 account in deciding the appropriate punishment?
                                                                      9 the concept of all four of the possible punishments for
                                                                      10 first degree murder are in and of themselves harsh
                    PROSPECTIVE JUROR: I'm not going to look
10
                                                                     11 punishments?
11 at your suit and how much it cost. It's how it's
                                                                     12
                                                                                         PROSPECTIVE JUROR: No.
12 presented, the factual information and how that can be
                                                                                        MR, SCHIECK: You wouldn't feel that by
                                                                     13
13 backed up to be truth in fact.
                                                                     14 choosing one other than the death penalty you're giving a
                   MR. SCHIECK: Okay. From both sides you
14
15 want to consider that?
                                                                     15 lenient sentence as opposed to a hash sentence?
                    PROSPECTIVE JUROR: Yes.
                                                                     16
                                                                                        NR. OWENS: You're asking him to project
16
                    MR. SCHIECK: And you would hold the State
                                                                     17 what he might do.
17
                                                                                        THE COURT: I'll sustain the objection as
   to that same standard of how well their evidence was
                                                                     18
                                                                     19 to the question. I don't have a problem if you rephrase
19 backed up on certain allegations?
                                                                     20 the question.
20
                    PROSPECTIVE JUROR: That is correct.
                                                                     21
                                                                                        PROSPECTIVE JUROR: Restate it.
                   MR. SCHIECK: Now you attended General
21
                                                                     22
                                                                                        MR. SCHIECK: Do you think any of the
22 Motors Institute?
23
                   PROSPECTIVE JUROR: Yes.
                                                                     23 sentences are lenient?
                                                                                        PROSPECTIVE JUROR: I don't believe so.
                   MR. SCHIECK: Is that your area of
                                                                     24
25 occupation?
                                                                     25 They're all pretty hash sentences.
                                                                                                                                  92
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<u>,</u> 1	MR. SCHIECK: Thank you. I'll pass for	1	PROSPECTIVE JUROR: Yes.
	cause, your Honor.	2	MS. WECKERLY: You feel it serves some
3	THE COURT: Thank you. Ms. Weckerly.	3	purpose?
÷ 4		4	PROSPECTIVE JUROR: If the penalty fit the
	just said, we neglected to ask people about occupation on	5	crime,
6		6	MS. WECKERLY: In some instances I assume
7	PROSPECTIVE JUROR: I'm a chief financial	7	from your answer you think that could be an appropriate
.8	officer for a construction company.	В	punishment?
9	MS. WECKERLY: How long have you worked	9	PROSPECTIVE JUROR: Yes:
10	that job?	10	MS. WECKERLY: And you, of course,
11	PROSPECTIVE JUROR: Thirty years.	11	understand sitting here a few hours there are four
12	MR. OWENS: I read in your questionnaire		possible punishments for someone convicted of first degree
13	that you had an experience where someone close to you was	13	nurder?
14		14	PROSPECTIVE JUROR: Yes.
15	PROSPECTIVE JUROR: My son.	15	MS. WECKERLY: And you re going to be
16	MR. CWENS: And was it a situation where	16	hearing all kinds of information and you can take in that
17	you and your family dealt with it kind of among	17	information and decide whether to give it or not give it?
18	yourselves, or did it spill over where law enforcement was	10	PROSPECTIVE JUROR: Yes!
19	involved?	19	MS. WECKERLY: Okay. And if it was
20	PROSPECTIVE JUROR: We've just gone	20	appropriate to you after hearing all of the information,
21	through it. Just went through a period of time.	21	would you be able to vote to impose a sentence of death?
22	MS. WECKERLY: Was it a situation where it	22	PROSPECTIVE JUROR: Yes.
23	was significant enough where he needed treatment?	23	MS. WECKERLY: Do you have any concerns at
24	PROSPECTIVE JUROR: No.	24	all about you ability to be fair to the State of Nevada or
25	MS. WECKERLY: It's sounds experimental.	25	the defense in this case?
	93		95
1	It sounds like he grew out of it.	1	PROSPECTIVE JUROR: No.
2	PROSPECTIVE JUROR; Almost.	2	MS. WECKERLY: Thank you, sir. Pass for
3	MS. WECKERLY: Sound good. You have a	3	cause.
4	son-in-law that's maybe in law enforcement?	4	THE COURT: Mr. Patrick.
5	PROSPECTIVE JUROR: Yes. He works for the	5	MR. PATRICK: Mr. Hibbard, you are a CPO
6	City of Henderson.	6	for a construction firm?
7	MS. WECKERLY: Is he an Officer?	7	PROSPECTIVE JUROR: Yes.
8	PROSPECTIVE JUROR: He is.	В	MR. PATRICK: Does this involve firing and
9	MS. WECKERLY: His association or work	9	hiring people?
10	wouldn't affect your ability to be fair?	10	PROSPECTIVE JUROR: Yes:
11	PROSPECTIVE JUPOR: My son is also in the	li	MR. PATRICK: Discipline employees?
12	criminal justice system in Arizona with the state prison	12	PROSPECTIVE JUROR: Yes.
13	system.	13	MR. PATRICK: Now, when you discipline an
14	MS. WECKERLY: The fact that your son	14	employee or you've had to fire him, do you listen to both
15	works in the prison system, that wouldn't influence your	15	sides, maybe, the employees side versus the employee's
16	assessment of police officer's testimony or corrections	16	manager's side before you make a decision?
17	officer's testimony?	17	PROSPECTIVE JUROR: Yes. Get the facts.
18	PROSPECTIVE JUROR: I don't think so.	18	MR. PATRICK: You keep an open mind about
19	MS. WECKERLY: You can evaluate that like	19	it?
20	any other witness that you hear from?	20	PROSPECTIVE JUROR: Try.
21	PROSPECTIVE JUROR: I think so.	21	MR. PATRICK: Listen to everything before
22	MS. WECKERLY: Would what are your	22	you make a decision?
23	thoughts about the death penalty? If you could design the	23	PROSPECTIVE JUROR: Yes.
24	laws in this state, would that be a punishment that was	24	MR. PATRICK: Would you say you're
25	available in some circumstances?	25	unlikely to make snap decisions off the top of your head?
	94		·

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PROSPECTIVE JUROR: Not often. But we do
                                                                     1
                   PROSPECTIVE JUKOR: I make snap decisions
                                                                     2 visit.
2 too.
                                                                                        MR. PATRICK: Is there; anything about his
                   MR. PATRICK: Would you make a snap
                                                                     4 job that would make you think less highly of somebody --
4 decision in something as important as an employees job?
                                                                     5 you'd still be able to keep an open mind?
                   PROSPECTIVE JUROR: No. It has to be
                                                                                        PROSPECTIVE JURGR: Yes.
 6 something based on facts.
                                                                                        MR. PATRICK: Now you mentioned that your
                   MR. PATRICK: You mention that your son
                                                                     8 son had some drug problems. I believe the answer to
   was a corrections officer in Arizona?
                                                                     9 Ms. Weckerly's question was it was never -- the system was
                   PROSPECTIVE JUROR: Yes.
                                                                     10 never involved. He was never arrested?
                   MR. PATRICK: Do you have occasion to talk
10
                                                                                        PROSPECTIVE JUROR: No:
   about his job a great deal?
                                                                                        MR. PATRICK: Is was just kind of a
                   PROSPECTIVE JUROR: Yes.
                                                                     12
12
                                                                     13 experimental thing as teenagers do?
                   MR. PATRICK: Anything that you learned
13
                                                                                        PROSPECTIVE JUROR: Pretty much.
14 from him about his job, does that give you a different
                                                                                        MR. PATRICK: His drug experimentation, if
                                                                     15
   idea of people in prison versus people not in prison?
                                                                     16 samebody was on drugs would that make you more or less
                   PROSPECTIVE JUROR: He's got the worst job
16
                                                                     17 likely to believe what they had to say?
17 in the world.
                                                                                        PROSPECTIVE JUROR: He was never on hard
                   MR. PATRICK: Just because somebody had
18
                                                                     19 drugs. I don't think I can answer that fairly.
   the chance to be incarcerated would you tend to be more or
                                                                                        MR. PATRICK: Just because somebody was on
                                                                     20
   less lenient with them?
                                                                     21 drugs, would you still be able to keep an open mind about
                   PROSPECTIVE JUROR: I don't understand the
21
                                                                     22 things they had to say?
22 question.
                                                                                        PROSPECTIVE JUROR: If you're asking if it
                   MR. OWENS: Same objection. Trying to
23
                                                                     24 mitigates what they do, no it doesn't. They have to
24 predict what he'll do.
                                                                     25 control their actions and make decisions. They've got to
                   THE COURT: I didn't understand that
                                                            97
                                                                      1 be accountable for those decisions.
 1 question.
                                                                                        MR. PATRICK: In your questionnaire when
                   MR. PATRICK: I didn't either, your
 2
                                                                      3 they asked you what your feelings were about the death
 3 Honor.
                                                                      4 penalty, you put, good.
                   THE COURT: With the objection in mind, go
                                                                                        PROSPECTIVE JUROR: If the penalty meets
 5 ahead and rephrase it, if you would.
                                                                        the crime. That's what I'm trying to say, the penalty
                   MR. PATRICK: As you know, out of the four
                                                                        should fit the crime.
   possibilities three of them include prison time. Just
                                                                                        MR. PATRICK: Again, on the mitigation,
   because somebody is eligible for prison, would you look at
                                                                      9 you were asked there's mitigating circumstances and
   them less favorably?
 9
                                                                     10 aggravating circumstances. You wrote that you could
                   PROSPECTIVE JUROR: No.
10
                                                                     11 somewhat listen to both sides of that?
                   MR. PATRICK: And, again, because your son
                                                                                        PROSPECTIVE JUROR: Yeah. Mitigation seems
12 is a corrections officer -- I know the judge asked those .
                                                                     13 to be a broad spectrum now a days to justify a lot of
   questions -- would you give any more weight to the
                                                                     14 things. I don't believe that mitigating circumstances for
   testimony of samebody just because they were a corrections
                                                                     15 death penalty murder. I would have a hard time accepting
   officer or a police officer?
                                                                     16 mitigating circumstances for murder.
16
                   PROSPECTIVE JUROR: No.
                                                                                        MR. PATRICK: So anything in a person's
                   MR. PATRICK: And, let's see, your
                                                                     17
17
                                                                     18 background or any drug activity, doesn't make any
   son-in-law is a clerk for Henderson.
                                                                     19 difference to you?
                   PROSPECTIVE JUROR: Yes.
19
                                                                                        PROSPECTIVE JUROR: No.
                   MR. PATRICK: Does he work in a courtroom?
                                                                     20
20
                                                                     21
                                                                                        MR. PATRICK: At all?
   Is he out at the front desk?
21
                                                                                        PROSPECTIVE JUROR: Not at all.
                                                                     22
                   PROSPECTIVE JUROR: 1'm not sure. He runs
                                                                                        MR. PATRICK: Would you say you'd vote
   the clerk's office. He sets up cases.
                                                                     23
                                                                     24 automatically for the death penalty?
                   MR. PATRICK: Do you have occasion to talk
24
                                                                                        PROSPECTIVE JUROR: I would have to hear
25 to him about his job frequently?
                                                                     25
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1 the facts. Murder is a pretty severe action. Unless
                                                                      i be.
 2 there's insanity at the time of committing it, I don't
                                                                                         PROSPECTIVE JUROR: I believe that if
 3 know how you justify that.
                                                                      3 someone can take a life, then they should be willing to
                                                                      4 give theirs. I try to be open as much as I can. I am
                    MR. PATRICK: So besides insanity, you
                                                                      5 human though. I will have an opinion formed eventually.
   wouldn't be able to find any mitigating circumstances?
                    PROSPECTIVE JUROR: It would be
                                                                      6 I don't know how it would be possible to not judge. I
                                                                      7 think I would try to see the facts and be open-minded as
    difficult.
 7
                   MR. PATRICK: Court's inchalgence.
                                                                      8 possible, but I have to be honest. I have looked over and
                                                                        seen him smirk and smile, or look at the questionnaire
                    THE COURT: Okay.
 10
                    MR. PATRICK: I'll challenge at this
                                                                      10 that someone filled out and it kind of makes me form an
                                                                     11 opinion about him already. I don't know the facts.
11 time.
                                                                                        MR. OWENS: Okay, Well, you understand
                                                                     12
12
                   THE COURT: Let me ask you a question, Mr.
                                                                     13 that there's going to be a lot of things that happen in
13 Hibbard. The question isn't so much whether you think
                                                                     14 the courtroom that are fair in considering your opinion.
14 there are mitigating circumstances for the murder that
15 justify a crime. The question here is sentence,
                                                                     15 The question is will you wait in forming that opinion
                                                                     16 until you've heard everything?
16 punishment. Are there things out there in your mind that
17 you would be able to consider that you think would be
                                                                     17
                                                                                        PROSPECTIVE JUROR: I will try.
                                                                                        MR. OWENS: It says that in the death
    appropriate consideration as to mitigate what sentence
                                                                     18
                                                                     19 penalty here, would you say you were generally in favor of
   samebody receives?
                    PROSPECTIVE JUROR: I think pretty hard
                                                                     20 it or opposed to it? You'll consider it -- you didn't
20
21 about the victim, not so much the person. The victim
                                                                     21 select one end of the spectrum or the other. You said you
                                                                     22 would consider it in certain circumstances. And you
   doesn't have a lot of choices left.
                   THE COURT: I understand. But the
                                                                     23 actually said not all sentences should be death. It's a
23
24 question in terms of how he gets punished, both sides
                                                                     24 case by case basis.
                                                                     25
                                                                                         PROSPECTIVE JUROR: Yes
25 might be able to present evidence that they think --
                                                                                                                                103
                                                           101
                   PROSPECTIVE JUROR: The victim didn't
                                                                                        MR. OWENS: Is that how you feel?
                                                                                        PROSPECTIVE JUROR: I feel that is open to
 2 choose his or her punishment.
                                                                      3 hearing, was there a struggle, was there -- was it
                   THE COURT: I realize that. Would you be
 3
   able to consider things that the defense brings up that
                                                                      | cold-blooded, were there other instances involved in
 5 they argue in mitigation of what sentence somebody should
                                                                      5 that.
                                                                                        MR. CWENS: We're not asking you to try to
 6 receive, or are you saying you wouldn't consider those at
                                                                      6
                                                                      7 come up with the scenario of what you would do.
 7
                                                                                        PROSPECTIVE JUROR: It would just make me
                   PROSPECTIVE JUROR: I'm saying that I
   think that bringing up a cover for justifying committing
                                                                      9 have a changed opinion about how I think his fate should
   murder is very difficult for me to understand.
                                                                     10 be, as much as I don't want to be a part of someone's
                   THE COURT: All right. Thank you.
                                                                     11 fate.
11
                                                                                        MR. OWENS: Everyone has certain opinions
        Mr. Owens, as to Ms. Bailey.
                                                                     12
12
                   MR. OWENS: Ms. Bailey, we talked about
                                                                     13 about things as to how important they are, the factors.
13
14 the idea of an eye for and eye that we talked about a
                                                                     14 Some factors may have huge importance for you. The other
                                                                     15 factors you listen to, and you say, well, I don't think
15 little bit. And you said that you have been listening --
                                                                     16 that's important at all. The question is would you be
16 and we're trying to get people that won't prejudge the
                                                                     17 willing to at least listen and weigh before you decide you
17 case. There is nothing known about the facts, correct.
18 That's what 22 is. It says have you already formed an
                                                                     18 are going to throw them out?
19 opinion about the case, and you checked, yes. Then it
                                                                     19
                                                                                        PROSPECTIVE JUROR: Yes!
   says what is the opinion, or what you described is an eye
                                                                                        MR. OWENS: Things that are important,
                                                                     20
20
21 for an eye. That was the answer you gave.
                                                                     21 would you be willing to listen?
                   PROSPECTIVE JUROR: Right.
                                                                     22
                                                                                        PROSPECTIVE JUROR: I would be willing to
22
                   MR. OWENS: Then later on when you're
                                                                     23 listen.
23
24 actually asked about the penalty you said you would be
                                                                     24
                                                                                        MR. OWENS: And you indicated that you had
25 able to keep an open mind about what the penalty should
                                                                     25 been a victim on some occasion and you didn't like the way
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MR. CMENS: Did you feel like they could
  1 it was handled. Dich't come out quite right.
                                                                       2 have done more than they did?
  2
                    PROSPECTIVE JUROR: Basically being
                                                                                         PROSPECTIVE JUROR: You hope, wish. I
  3 robbed, my hame, my vehicle. Nothing ever came back to me
                                                                         don't know if there could have been anything.
🗦 in a positive way.
                                                                                         MR. OWENS: Well, your dissatisfaction
                    MR. OWENS: Positive way meaning caught
                                                                       6 about those experiences, is that something you'd take out
  6 the guy?
                                                                       7 on the police in this case?
                    PROSPECTIVE JUROR: Right. I never did
  7
                                                                                         PROSPECTIVE JUROR: No.
    get anything back or any justice or anything.
                                                                                         MR. OWENS: Take out on the defendant?
                    MR. OWENS: How many times has this happen
                                                                       9
                                                                      10
                                                                                         PROSPECTIVE JUROR: No. He didn't rob
 io to you?
                    PROSPECTIVE JUROR: I have been robbed
                                                                      11 me.
 11
                                                                                         MR. OWENS: You can determine his
 12 four times.
                                                                      12
                                                                      13 punishment based upon the factors that you hear, and you
                    MR. OWENS: That is anazing.
                                                                      14 realize that that's a separate thing?
                    PROSPECTIVE JUROR: Houston, New
                                                                      15
                                                                                         PROSPECTIVE JUROR: Yes.
    Orleans.
                    MR. OWENS: So it wasn't here?
                                                                      16
                                                                                         MR. OWENS: You feel you can be fair and
 16
                                                                      17 impartial to both the State and the defendant?
                    PROSPECTIVE JUROR: No, not here.
 17
                                                                                         PROSPECTIVE JURGR: Yes.
                    MR. OWENS: By robbed, you mean they stole
                                                                      18
 18
                                                                                         MR. OWENS: If after hearing all the
    something from your home or car?
                                                                      13
 19
                                                                      20 evidence in the case, you can keep an open mind and
                    PROSPECTIVE JUNOR: From myself, my
 20
                                                                      21 balancing it and giving it whatever attention you feel
 21
    vehicle, and my garage.
                                                                      22 appropriate, it you felt the correct punishment and fair
                    MR. OWENS: Nothing was taken forcibly
                                                                      23 punishment and appropriate punishment was the death
 23 from you?
                                                                      24 penalty, you could come back with that judgment?
                    PROSPECTIVE JUROR: Just my billfold.
 24
                                                                                         PROSPECTIVE JUROR: Yes!
                    MR. OWENS: So was that a one on one?
                                                                      25
 25
                                                            105
                                                                                                                                 107
                                                                                         MR. OWENS: You said scriething about
                    PROSPECTIVE JUROR: Right.
                                                                       2 judgment and you didn't feel comfortable in that position,
                    MR. OWENS: Was there a weapon used?
  2
                    PROSPECTIVE JUROR: I believe it was like
                                                                         is that something you could do?
                                                                                         PROSPECTIVE JUROR: Yes; Its' human
    hands in his pocket type thing.
                                                                       5 nature. I'm judged and I judge.
                    MR. OWENS: Like a pick-pocket?
                    PROSPECTIVE JUROR: No. He had his hands
                                                                                         MR. OWENS: Thank you. Pass for cause.
                                                                       6
                                                                                         THE COURT: Thank you. Mr. Schieck.
    in his pocket, so I don't know if there was or was not.
                                                                       7
                    MR. CWENS: You didn't want to take the
                                                                       8
                                                                                         MR. SCHIECK: Thank you:
                                                                                         Mrs. Bailey, we thank you for your candor.
    chance.
                                                                      10 This is a very different thing to have attorneys ask you
                    PROSPECTIVE JUROR: No.
 10
                                                                      11 questions about things of a personal nature in a case
                    MR. CWENS: How long ago was that?
 11
                                                                      12 that's going to be emotional in some points.
                    PROSPECTIVE JUROR: About four years
 12
                                                                      13
                                                                                         In your questionnaire you were asked
 13 ago.
                                                                      14 concerning the fact that Mr. Chappell was an
                    MR. OWENS: It wasn't in this community?
 14
                                                                      15 Afican-American male, if that would effect your ability to
                    PROSPECTIVE JUROR: No.
 15
                                                                      16 be fair and impartial. You didn't answer that question.
                    MR. OWENS: Do you feel like the police
 16
    let you down on each one of these incidents?
                                                                                         Then the next question was whether or not
 17
                    PROSPECTIVE JUROR: There are so many of
                                                                      18 the fact that the victim was of a different racial
 18
                                                                      19 background then the defendant, would that effect your
    those instances in New Orleans. The crime rate was
    ridiculous. And in downtown Houston, not much better.
                                                                      20 ability to be fair and impartial, and you said possibly.
                    THE COURT: I'm from Houston. Hold on a
                                                                      21
                                                                                         Could you explain what you were thinking
 21
                                                                      22 when you didn't answer the one question.
22 second.
                                                                      23
                                                                                         PROSPECTIVE JUROR: I'm not sure why I
                    PROSPECTIVE JUROR: There were so many
24 little things like that that they just didn't have time to
                                                                      24 didn't answer the first one. It could have been an
                                                                      25 accident. I just felt like I could possibly think -- I
25 really -- you know, what can they do.
                                                           106
                                                                                                                                 108
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1 mean, not necessarily -- I don't think I focused on a
                                                                                        THE COURT: I agree. But in light of her
                                                                      2 answer, I'm going to allow her to answer this question.
 2 specific race, but I thought maybe it could be a
                                                                                        PROSPECTIVE JUROR: Because I'm very open
   possibility.
                                                                      4 to the death penalty. The fact I say if you can take a
                   MR. SCHIECK; You had some negative
 5 brushes with criminal contact in your life. Is there
                                                                      5 life you can give it.
                                                                                        MR. SCHIECK: We pass for cause, your
 6 anything about those that would factor into the racial
   issue?
                                                                      7 Honor.
                                                                                        THE COURT: Thank you. Ms. Weckerly.
                   PROSPECTIVE JUROR: No.
                                                                      9 We'll get through the top row of folks, then we'll take
                   MR. SCHIECK: With regard to public
                                                                     10 our lunch break.
10 defenders -- and Mr. Patrick and I are with the special
                                                                             Bear with me a few more minutes.
   public defender's office -- you wondered how they sleep at
                                                                                        MS. WECKERLY: Ms. Mills, ma'am, you
12 night. It was kind of a curious answer.
                                                                     12
                                                                     13 indicated on your questionnaire that someone close to you,
                    PROSPECTIVE JUROR: It's a rough job. I
13
                                                                     14 similar to some of the other prospective jurors, had an
14 couldn't do it. Whether you are defending someone you
                                                                     15 issue with substance abuse. Do you recall that?
15 don't believe in, or if you completely do and they're
                                                                                        PROSPECTIVE JUROR: Yes.)
                                                                     16
   quilty, I couldn't do it. I cannend you.
                   MR. SCHIECK: You don't think the death
                                                                     17
                                                                                        MS. WECKERLY: Who was that that we're
                                                                     18
                                                                        talking about?
18 penalty is used enough?
                   PROSPECTIVE JUROR: I think that we
                                                                     19
                                                                                        PROSPECTIVE JUROR: My husband.
19
                                                                                        MS. WECKERLY: Was it a situation where
20 probably pay less in taxes, less people waiting for death
                                                                     20
                                                                     21 law enforcement or counseling or anything like that was
21 with the death penalty.
                                                                     22 sought?
                   MR. SCHIECK: Is that something that's
22
                                                                     23
                                                                                        PROSPECTIVE JUROR: Counseling.
23 going to factor into your decision?
                                                                     24
                                                                                        MS. WECKERLY: As someone -- were you
                   PROSPECTIVE JUROR: No.
24
                                                                     25 living with him at the time he had that problem?
25
                   MR. SCHIECK: But you did indicate that if
                                                                                                                               111
                                                                                        PROSPECTIVE JUROR: Yes.
 1 someone takes a life they should forfeit their life.
                                                                                        MS. WECKERLY: I know this is hard and
                   PROSPECTIVE JUROR: I feel that if they
                                                                      3 these are personal questions. I apologize. On your
 3 are so willing to take they should be so willing to
                                                                      A questionnaire you said that your feelings about it were
 4 give.
                                                                      5 negative and angry.
                   MR. SCHIECK: That's just your personal
 5
                                                                                        PROSPECTIVE JUROR: Yes.
 6 belief.
                                                                                        MS. WECKERLY: Can you plain that a little
                   PROSPECTIVE JUROR: Yes.
                                                                      7
                                                                      B bit.
                   MR. SCHIECK: There is no wrong answer to
                                                                                        PROSPECTIVE JUROR: Well, I was negative
 9 those questions. So knowing that Mr. Chappell has been
10 convicted of first degree murder, which is an intentional
                                                                     10 about it because it effected me and kind of ran my life.
                                                                                        MS, WECKERLY: How did it kind of run
11 killing, that's what the jury is told before they consider
12 punishment. You're already thinking that the death
                                                                     12 your life?
                                                                                        PROSPECTIVE JUROR: I was a target. I was
13 penalty is an appropriate punishment because it's an
                                                                     13
                                                                     14 the one that was abused.
14 intentional killing.
                                                                                        MS. WECKERLY: Okay. And so scretimes, I
                   PROSPECTIVE JUROR: It's an option. I
                                                                     15
15
                                                                     16 assume then, when he was under the influence you suffered
16 think you're assuming that I feel that it's appropriate in
17 this case. I think it's a strong option. But, again, I
                                                                     17 abuse.
                                                                    18
                                                                                        PROSPECTIVE JUROR: Yes.
18 would need the facts before I made my decision in what I
                                                                                        MS. WECKERLY: Did you have children at
19 think punishment should be.
                                                                     19
                                                                    20 the time that the substance abuse was occurring?
                   MR. SCHIECK: When you say a strong
20
                                                                    21
                                                                                        PROSPECTIVE JUROR: Yes:
21 option, as opposed to the other three, why aren't they
                                                                                        MS. WECKERLY: Again, I know this is sure
                                                                    22
22 strong options?
                   MR. CWENS: I object to the question
                                                                     23 not what you want to talk about in a group of people. Did
23
24 because there's no requirement that you put a weight on
                                                                    24 they witness any of the abuse?
                                                                                        PROSPECTIVE JUROR: Yes.
                                                                    25
25 any or it has to be equal.
                                                           110
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MS. WECKERLY: I think Mr. Owens and
                   MS. WECKERLY: Having that experience, I
                                                                      2 Mr. Schieck touch on this. You realize, as a prospective
 2 know you've been given a very brief description of the
                                                                      3 juror, you are going to be hearing information about this
 3 facts in this case, but some of those issues -- those
                                                                      4 crime, obviously, and you'll probably here information
 4 kinds of circumstances are similar to the facts of this
                                                                      5 about the defendant's background. All you're asked is to
 5 case. Are your feelings about that experience and having
                                                                      6 sort of listen to the information, listen to both sides,
 6 gone through all that, such that you don't feel you can be
                                                                      7 then give your best judgment or assessment of what you
 7 a fair juror in this case, or are you able to kind of
   separate your own experience and evaluate what you hear in
                                                                      8 think the appropriate punishment is. You wouldn't have
                                                                      9 any problem with that?
 9 this courtroom on its own?
                                                                                        PROSPECTIVE JUROR: No.
                    PROSPECTIVE JUROR: I can separate it.
                                                                     10
10
                                                                                        MS. WECKERLY: And I assume you wouldn't
                   MR. OWENS: You can separate it. And the
11
                                                                     11
                                                                     12 have any problem expressing your opinion with other
12 fact that you've gone through all that, would that cause
                                                                     13 members of the jury because collectively you are going to
   you to be in favor or less fair to one side or the other?
13
                                                                     14 be discussing the case.
                    PROSPECTIVE JUROR: No.
14
                                                                                        PROSPECTIVE JUROR: No.-
                                                                     15
                    MS. WECKERLY: In your experience, were
15
                                                                                        MS. WECKERLY: No problem with that?
16 the police ever involved in the domestic violence?
                                                                     16
                                                                                        PROSPECTIVE JUROR: No.3
                                                                     17
                    PROSPECTIVE JUROR: Yes.
17
                                                                                        MS. WECKERLY: If your opinion is -- after
                                                                     18
                    NS. WECKERLY: Were you the one who called
18
                                                                      19 hearing all of the evidence — is the death penalty is
19 the police?
                                                                     20 appropriate, would you be able to actually mark that box
                    PROSPECTIVE JUROR: Yes.
20
                                                                     21 as the punishment in this case?
                   MS. WECKERLY: Did you feel that their
21
                                                                                        PROSPECTIVE JUROR: Yes. After the facts,
                                                                     22
22 treatment of you and your husband was appropriate?
                                                                     23 yes.
23
                    PROSPECTIVE JUROR: Yes.
                                                                                        MS. WECKERLY: You mentioned in your
                   MS, WECKERLY: And did any of the cases go
24
                                                                     25 questionnaire that your son was a medical malpractice
25 through the criminal justice system?
                                                                                                                                115
                                                           113
                                                                      i victim and was that something that you and your family
                    PROSPECTIVE JUROR: Yes.
                                                                      2 pursued in terms of civil litigation?
                   MS. WECKERLY: Were you called upon to
 2
                                                                                        PROSPECTIVE JUROR: Yes.
   come in and testify?
                                                                                        MS. WECKERLY: Anything about that --
                    PROSPECTIVE JUROR: No.
                                                                      5 obviously this is a total different situation -- but was
                    MS. WECKERLY: Were you ever subpoensed or
                                                                      6 there anything about that experience, in terms of dealing
   anything like that?
                                                                      7 with lawyers or doctors, that would affect your ability to
                    PROSPECTIVE JUROR: No.
                                                                      3 be fair here?
                    MS. WECKERLY: Anything about that
                                                                                        PROSPECTIVE JUROR: Uh, it could. You know
   experience that would make it hard for you to be a fair
                                                                      4
                                                                      10 I was angry at first with the lawyers and the judge.
    juror?
10
                                                                                        MS. WECKERLY: Everybody. So I assume
                    PROSPECTIVE JUROR: No.
11
                                                                      12 then the lawsuit moved -- it didn't settle, it went at
                    MS. WECKERLY: Those issues with your
12
13 husband, did they -- how did they resolve themselves?
                                                                     13 some point to the court system?
                                                                                        PROSPECTIVE JUROR: Yes.
                    PROSPECTIVE JUNOR: Time, counseling.
                                                                     14
14
                                                                                        MS. WECKERLY: You're indicating you
                    MS. WECKERLY: That worked in this case?
                                                                     15
15
                                                                     16 weren't happy with the lawyer who was representing you or
                    PROSPECTIVE JUROR: Yes.
16
                                                                      17 the other side?
                   MS. WECKERLY: So he obviously sort of
17
18 turned his behavior around?
                                                                     18
                                                                                        PROSPECTIVE JUROR: The other side.
                                                                                        MS. WECKERLY: Also you mentioned that you
                    PROSPECTIVE JUROR: Yes.
                                                                     19
19
                                                                     20 weren't happy with the judge.
                   MS. WEXCKERLY: You are also asked
20
                                                                     21
                                                                                        PROSPECTIVE JUROR: Yes'.
21 questions about the death penalty, like every other
                                                                                        MS. WECKERLY: Is your experience such
                                                                     22
22 prospective juror. As you sit here now, do you think that
                                                                     23 that that sort of left a taste in your mouth where you
23 the death penalty can be an appropriate punishment in some
                                                                     24 don't have a lot of faith in the legal system in general?
24 cases?
                                                                                         PROSPECTIVE JUROR: Yes. I thought at the
                                                                     25
                   PROSPECTIVE JUROR: Yes.
25
                                                           114
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1 time, around the beginning of the hike in the insurance
                                                                                         PROSPECTIVE JUROR: Yes.
 2 rates, so I think that was the bad time.
                                                                      2
                                                                                         MR. PATRICK: And during the time he was
                                                                      3 in counseling, as he got his life turned around, did you
                   MS. WECKERLY: You mentioned a second ago
                                                                      4 stick by him?
 4 that you thought it might effect your ability to be fair
 5 in this case. Can you explain that a little.
                                                                                         PROSPECTIVE JUROR: Yes.
                    PROSPECTIVE JUROR: Well, not so much not
                                                                                         MR. PATRICK: Now, if you were to hear
                                                                      6
 7 being able to make a decision. I wanted to see the facts
                                                                      7 circumstances similar to yours, drug abuse, domestic
                                                                        violence, would that make you tend more or less to believe
. 8 and see how strong it is and how it happened.
                                                                        what somebody is saying?
                   MS. WECKERLY: Okay. And as you've sort
                                                                                         PROSPECTIVE JUROR: No.
 10 of explained, as we sit here, this man is convict of first
                                                                     10
                                                                                         MR. PATRICK: Would you tend to be less --
 11 degree murder with use of a deadly weapon. That's the
                                                                     11
                                                                     12 so you wouldn't be less believing of samebody because they
 12 starting point. So he's convict of an intentional murder
                                                                        went through what your husband went through?
13 of another person. And as jurors, what you'll be asked to
14 do is determine the appropriate punishment.
                                                                                         PROSPECTIVE JUROR: No.
                                                                                         MR. PATRICK: You'd still keep an open
         Now are you someone who can sort of accept our
                                                                     15
15
   starting point where we're at here?
                                                                     16 mind through the process?
16
                                                                     17
                                                                                         PROSPECTIVE JUROR: Yes:
                    PROSPECTIVE JUROR: Yes.
17
                                                                                        MR. PATRICK: That's all we're asking,
                   MS. WECKERLY: And we've discussed, you're
                                                                     10
18
                                                                     19 that you listen to both sides. Listen to all of the
19 open to listening to all of the potential punishments?
                    PROSPECTIVE JURGA: Yes.
                                                                     20 evidence. They're going to be putting on evidence. We're
20
                                                                     21 going to be putting on evidence. You'll listen to all of
                   MS. WECKERLY: I think you have indicated
21
                                                                     22 it and then decide?
22 that you don't -- you can be impartial, fair to both sides
                                                                     23
                                                                                         PROSPECTIVE JUROR: Yes.
23 in terms of what information is presented to you?
                                                                                        MR, PATRICK: Would you be able to look at
                   PROSPECTIVE JUROR: Yes.
24
                                                                     25 things like drug abuse and domestic violence as mitigating
25
                   MR. OWENS: Thank you. Your Honor, pass
                                                           117
                                                                      1 circumstances?
 1 for cause.
                   THE COURT: Thank you. Mr. Patrick.
                                                                      2
                                                                                         PROSPECTIVE JUROR: Yes.
 2
                                                                                        MR. PATRICK: Now, also there was a
 3
                   MR. PATRICK: Thank you.
                                                                      4 question that asked something about if the victim was of a
                   One of the questions you answered on your
 5 questionnaire, you said you don't like to talk much. I
                                                                      5 different racial background, if you'd think difficultly of
                                                                      6 the case, and you responded, probably so.
   can see that. Would that -- because of that, do you think
                                                                                        PROSPECTIVE JUROR: I don't recall that.
   that you don't have a voice on the jury if you were
                                                                                        MR. PATRICK: So if the victim was of a
   picked?
                                                                      9 different racial background than Mr. Chappell, you
                   PROSPECTIVE JUROR: Most likely not.
 9
                                                                     10 wouldn't have a problem with that?
                   MR. PATRICK: You have a strong
10
   personality, you don't like to talk?
                                                                                        PROSPECTIVE JUROR: No.
                                                                     11
11
                                                                                        MR. PATRICK: It wouldn't make you
12
                   PROSPECTIVE JUROR: Yes.
                                                                     13 automatically think that he was more or less quilty than
                   MR. PATRICK: If you have something
13
                                                                     14 he actually is?
   important to say, you'd make sure they heard it?
                                                                     15
                   PROSPECTIVE JUROR: Yes, absolutely.
                                                                                        PROSPECTIVE JUROR: No.
15
                                                                     16
                                                                                        MR. PATRICK: As far as -- everybody has
                   MR. PATRICK: Now you were saying that
   your husband had a drug problem and domestic violence
                                                                     17 talked about the four penalties that can be given out.
17
                                                                     13 And you could look at all four of them, before you make a
   problem also?
18
                   PROSPECTIVE JUROR: Yes.
                                                                     19 decision? You're not going in there with any one of them
19
                                                                     20 in mind, saying this is what has to happen?
20
                   MR. PATRICK; You think the two were
                                                                     21
                                                                                        PROSPECTIVE JUROR: No.,
21
   related?
                   PROSPECTIVE JUROR: Yes.
                                                                     22
                                                                                        MR. PATRICK: That's all I have. I'll
22
                   MR. PATRICK: Then you said that he was
                                                                     23 pass for cause.
24 able to turn his behavior around through counseling and
                                                                     21
                                                                                        THE COURT: Thank you. Ms. Weckerly, as
25 time.
                                                                     25 to Mr. Henck.
                                                           118
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1 hopefully the same thing will happen.
                    MS. WECKERLY: Good afternoon, sir.
21
                                                                                        PROSPECTIVE JUROR: I hope so.
                    PROSPECTIVE JUROR: How are you doing
 2
                                                                                        MS. WECKERLY: You also wrote on your
    today?
                                                                        questionnaire that you have a close family member, maybe
                   MS. WECKERLY: Good. How are you?
                                                                      5 yourself who was a victim of a crime. :
                    PROSPECTIVE JUROR: I'm all right.
                                                                                        PROSPECTIVE JUROR: Well, we just recently
                    MS. WECKERLY: Is that a book or did you
                                                                      7 had the car broken into. Some guy decided he wanted to
    bring work with you?
                                                                      8 break into our car and try and steal things. He didn't
                    PROSPECTIVE JUROR: Just a book.
                                                                      9 leave anything or evidence. There's wasn't nothing that
                    MS. WOCKERLY: You mentioned when Judge
                                                                     10 could be done. No big deal.
 10 Herndon was questioning the entire panel that you had two
                                                                                        MS. WECKERLY: Did you call the police?
    cousins that had some drug related arrests?
                                                                                        PROSPECTIVE JUROR: Yeah. The police come
                    PROSPECTIVE JUROR: Both were convicted
                                                                     12
 12
                                                                     13 out and did a report. There was no way to find this guy.
    for selling drugs in school zones.
 13
                                                                     14 He was long gone. My car wasn't damaged.
                   MS. WECKERLY: Was that -- I missed it.
14
 15 I'm sure you said it. Was that here in Nevada?
                                                                     15
                                                                                        MS. WECKERLY: So in your case, not a lot
                                                                     16 of follow up.
                    PROSPECTIVE JUROR: That was
16
                                                                                        PROSPECTIVE JUROR: I mean, I couldn't go
    in Pennsylvania.
                                                                     17
17
                                                                        around the neighborhood stopping everyone.
                   MS. WECKERLY: Are you particularly close
 18
                                                                                        MS. WECKERLY: Did you feel like they
   to these cousins?
                                                                     20 treated you fairly?
20
                    PROSPECTIVE JUROR: Yeah, actually. One,
                                                                                        PROSPECTIVE JUROR: Absolutely.
                                                                     21
21 when he was arrested, was living with me. And the other
                                                                                        MS. WECKERLY: Your answers on your
                                                                     22
22 was arrested shortly before that. He lived a mile from
                                                                     23 questionnaire regarding the death penalty sort of
23 me. We all hung out together.
                                                                     24 indicates that you are open to considering that as a
                   MS. WECKERLY: And the fact that you're
25 close relatives were arrest for pretty serious crimes --
                                                                     25 potential punishment?
                                                                                                                                123
                                                                                        PROSPECTIVE JUROR: Right.
                    PROSPECTIVE JUROR: No, I was not involved
                                                                                        MS. WECKERLY: You don't necessarily
 2 in that.
                                                                      3 automatically feel like it would be appropriate in every
                   MS. WECKERLY: That's not my question.
                                                                      case, but it could be in some cases?
    But I'm glad you volunteered that. Did you feel they were
                                                                                        PROSPECTIVE JUROR: Right.
    treated fairly by law enforcement?
                                                                                        MS. WECKERLY: And you're open to hearing
                    PROSPECTIVE JUROR: Yes. They presented
                                                                      1 all the information presented in this hearing or
    evidence and the jury found them guilty of what they were
    accused of.
                                                                        proceeding?
                                                                                        PROSPECTIVE JUROR: Right. I want to make
                   MS. WECKERLY: Did you attend the trial?
                                                                     10 sure that I get this out and say it the right way. Both
                    PROSPECTIVE JUROR: NO. By the time they
10
                                                                     11 sides are going to give factors that were involved in
11 got to trial I had my first son, and I was busy making a
                                                                     12 this. And the judge will give instructions on what -- if
                                                                     13 we feel a certain way about the evidence they produce, and
                   MS. WECKERLY: Very busy with a new baby.
                                                                     14 the way we are supposed to interpret the law.
14 Are they - I mean, have you talked to them since they
                                                                     15
                                                                                        MS. WECKERLY: Right.
    were convicted?
                                                                                        PROSPECTIVE JUROR: I don't think there's
                    PROSPECTIVE JUROR: Yeah. One of my
16
                                                                        nothing hard about that. You know, I don't understand
    cousins is released. He's doing well. And other one got
                                                                        what would be hard about that.
    a little longer sentence. He's still in state prison in
                                                                     19
                                                                                        MS. WECKERLY: You understand you are
    Pennsylvania.
                   MS. WECKERLY: So the one that was
                                                                     20 going to hear --
20
                                                                     21
                                                                                        PROSPECTIVE JUROR: There are four
21 released, sounds like he kind of got his life on track.
                                                                     22 different punishments. Which ever is appropriate for the
                    PROSPECTIVE JUROR: Yeah.
22
                                                                     23 circumstances of what the crime he committed.
23
                   MS. WECKERLY: He's doing okay.
                   PROSPECTIVE JUROR: Yes.
                                                                                        MS. WECKERLY: I don't think it's easy for
24
                   MS. WECKERLY: And the other one.
                                                                     25 anybody, but are you someone who can make a judgment about
25
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g₁ sameone's life?
                                                                      1 trial where evidence can be presented in a proper verdict.
                                                                      2 You understand that part of the trial is already done.
                    PROSPECTIVE JUROR: If that's what is
 2
                                                                                         PROSPECTIVE JUROR: Right. But we're
 3 appropriate, yes.
                    MS. WECKERLY: Well, you're going to make
                                                                      4 going to decide what punishment in general he should get
 5 a judgment, regardless of what you decide. You're going
                                                                      5 given with what factors you give us and what factors they
    to be imposing a punishment, regardless of which --
                                                                        give us, correct?
                                                                                         MR. PATRICK: Correct. Your answer is the
 7
                    PROSPECTIVE JUROR: Whichever is
                                                                      8 same even though it's not--
    appropriate, that's what I will choose to deem
                                                                                         PROSPECTIVE JUROR: It's what's
 9 appropriate.
                    MS. WECKERLY: You'll make that decision
                                                                     10 appropriate. What's appropriate after you give me your
 10
                                                                     11 facts, they give me their facts, and the judge tells me
 11 collectively?
                    PROSPECTIVE JUNOR: Right, right, right.
                                                                     12 what the law is. Where does he fall in that range of
 12
                                                                     13 those four.
    Yes. Absolutely.
                    MS. WECKERLY: You're someone that can do
                                                                     И
                                                                                         MR. SCHIDCK: So the basic answer is the
 14
                                                                     15 same just a different phase of the trial?
15 that.
                                                                                         PROSPECTIVE JUROR: Yes.
16
                    PROSPECTIVE JUROR: Absolutely.
                                                                     16
                   MS. WECKERLY: If you feel that the death
                                                                     17
                                                                                        MR, PATRICK: You'll listen to
 17
18 penalty is the appropriate punishment, after you've heard
                                                                     18 everything, consider everything. Give whatever weight you
19 everything there is to hear about this situation, you
                                                                     19 decide it needs and make an informed decision from that?
    could impose that punishment.
                                                                     20
                                                                                         PROSPECTIVE JUROR: Correct.
                                                                                        MR. PATRICK: Your Honor, I'll pass for
21
                    PROSPECTIVE JUROR: Absolutely.
                                                                     21
                   MS. WECKERLY: Thank you.
22
                                                                     22 cause.
                   THE COURT: Thank you. Mr. Patrick.
                                                                     23
                                                                                         THE COURT: All right, Thank you.
23
                   MR. PATRICK: Thank you, Judge. Mr.
                                                                                        Ladies and gentlemen, we're going to take
24
                                                                     24
                                                                     25 a lunch recess now. It's about 1:20. So try and be back
25 Herick.
                                                           125
                                                                      1 here and get started back up at 2:30.
                   PROSPECTIVE JUROR: How are you doing.
                   MR. PATRICK: I'll be quick so we can get
                                                                                        When you get back you don't have to go to
                                                                      3 jury services. Just come straight up here to the
    you to lunch.
 3
                   Now the fact that your cousins were
                                                                      4 sixteenth floor and grab a seat. It's wishful thinking
   prosecuted for trafficking drugs ---
                                                                      5 that the elevators will be prompt.
                                                                                         JURY ADMINITION
                   PROSPECTIVE JUROR: Right.
                   MR. PATRICK: -- if there was drug
                                                                                        During the recess, ladies and gentlemen,
   involvement in this case, would that change your -
                                                                      8 you are admonished not to converse among yourselves or
                   PROSPECTIVE JUROR: No.
                                                                      9 with anyone else, including, without limitation, the
                   MR. SCHIDCK: No. Okay. And your car
                                                                     10 lawyers, parties and witnesses, on any subject connected
10
                                                                     11 with this trial, or any other case referred to during it,
11 broken into. They haven't found anybody, yet, no arrests
12 have been made?
                                                                     12 or read, watch, or listen to any report of or commentary
                                                                     13 on the trial, or any person connected with this trial, or
                   PROSPECTIVE JUROR: They found a quy
13
                                                                     14 any such other case by any medium of information
14 sleeping in another car that was broken into two days
15 later. He fell asleep while he was breaking into the car.
                                                                     15 including, without limitation, newspapers, television,
16 They can't tie them together, but, I mean, he did have
                                                                     16 internet or radio.
                                                                                        You are further admonished not to form or
17 thirty dollars worth of damage to the car. Not like, you
                                                                     17
18 know, he went out -- he didn't steal my car.
                                                                     18 express any opinion on any subject connected with this
                                                                     19 trial until the case is finally submitted to you.
                   MR. PATRICK: Anything about that
19
20 experience that makes you feel that a policeman would be
                                                                     20
                                                                                        Thank you. See you back here at 2:30.
21 more or less believable on the stand?
                                                                                        (Lunch recess taken.)
                                                                     21
                   PROSPECTIVE JUROR: Not at all.
                                                                     22
                                                                                        THE COURT: Just for the record, that was
22
                                                                     23 Mr. Tetonis that walked up to the bench before our recess,
                   MR. PATRICK: Now, you were asked if you
23
24 could consider all the four types of punishment available
                                                                     24 who is the last guy we have right now. He was asking if
25 in this case. Your answer, every person deserves a fair
                                                                     25 he could be excused because he is a police officer. I
                                                                                                                                128
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1 told him he could not. He would need to call to his work,
 2 if he had something coming up at work in the afternoon.
        He's Badge No. 102.
                   Does anybody have anything outside the
 5 presence?
                   MR. SCHIECK: We want to do Mr. Perez
 6
 7 mw.
                   THE COURT: I need to get samebody from
   the court interpreter's office, unless you want to
 9
   stipulate to excuse him. I'll call somebody from the
   court interpreter's office.
                   MR. OWENS: You know, it's sad that they
12
13 don't have an opportunity to partake in the system. I
14 can't picture having a bunch of interpret's. Maybe it
15 will come to that some day. I'll stipulate to that. It's
16 up to him.
                   MR. SCHIECK: It's fine with us.
17
                   THE COURT: We'll go ahead and excuse Mr.
18
19 Perez. That's Badge No. 001. Leslie, make a note when we
   comes back from lunch, tell Mr. Perez he can go downstairs
    to jury services. Do you all want to talk about Mr. Brady
   and Mr. Hibbard right now?
                   MR. SCHIECK: That would be fine, your
23
24 Honor.
                   THE COURT: Okay. I know the defense
25
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1 this quy, no matter what, has already made up his mind.
2 I think it's very clear what his decision is. And I don't
3 think he's going to follow any instructions, except his
4 own that he's made very clear, both in questioning and on
5 his questionnaire.
                   THE COURT: Well, I will note in the
7 questionnaire one of individuals that said, in terms of
8 the question about, since he's been convicted beyond a
9 reasonable doubt, would you say that - colon -- then he
10 said, yes, to the question, your beliefs about the death
11 penalty, such that you'd automatically vote for the death
12 penalty, regardless of the facts and circumstances. He
13 answered, yes, to that question.
14
                   I do think during the initial questioning,
15 Ms. Weckerly, he'd indicated he'd follow the instructions
16 of the court. But towards the end there, when you
17 indicated to him that the death penalty would be a
18 possible punishment that he could consider, he then seemed
19 to say that, you know what, then I would give the death
20 penalty.
                   Earlier he said he'd follow the
22 instructions of the court and it would appear to me now
23 that basically he was saying I wouldn't give the death
24 penalty if the court instructed me that it wasn't a
25 possible punishment. That's why I asked the follow-up
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1 challenged Mr. Brady and Mr. Hibbard for cause. Does the
 2 State have any remarks as to Mr. Brady?
                   MS. WECKERLY: Well, yes. Your Honor,
 4 when I was first questioning him, at least my recollection
 5 is he indicate that he'd follow the instructions of the
 6 court, which are, of course, that he would have to find --
 7 we don't get that specific -- but you have to find
   aggravating circumstance beyond a reasonable doubt. And
 9 also you have to consider some mitigation evidence,
   regardless of how much weight the prospective juror
11 decides to give it or not. And I think he indicated he
12 would be able to follow the court's instructions.
                . So I don't know if he got confused or just
13
14 said his natural inclination would be to vote for the
15 death penalty. Btu in light of the fact he said he would
   follow the court's instructions, and also in terms of what
17 we have to prove, I think that he hasn't met the standard
18 for challenge for cause.
                   THE COURT: Patrick.
19
                   MR. PATRICK: Yes. Judge, I think he
23 perfectly understood what we were talking about. And as
22 you go through his questionnaire, there's no doubt he
23 believes in a murder case one should have the death
24 penalty. I think it's very clear how he feels and that no
25 matter what he says — and he was not confused. I think
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i question with him that I did. He's still got to find
2 certain facts. But after those last series of questions
3 he seemed to be indicating that if the death penalty was a
4 possible form of punishment, he was going to give the
5 death penalty. So I will sustain the challenge for cause
6 as to Mr. Brady.
                  THE COURT: How about has to Mr. Hibbard.
@ Any remarks by the State as to Mr. Hibbard?
                  MS. WECKERLY: Yes, your Honor I think
10 that Mr. Hibbard indicated that he could consider all four
If possible punishments. He said he would be open to
12 listening to all the information presented in the case.
                  He did make a remark that it would be
13
14 difficult to impose what's sort of regarded as the most
15 lenient sentence. But I don't think there is a
16 requirement that they give any particular weight to any of
17 the possible punishments, as long as he said he'd consider
18 all four, which he did. And he did say he could consider
19 the mitigation evidence. There is no reason -- or legally
20 justifiable reason to accuse him for cause.
                  THE COURT: All right, Mr. Patrick.
21
                  MR. PATRICK: Yes, Judge.
22
                  He said he would look at the mitigating
24 evidence. But he said, nothing sort of insanity would
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25 count as mitigation evidence. So therefore, no matter

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I two seats, since we excused Mr. Perez and Mr. Brady. I
21 what else we put on, he's automatically going to throw out
                                                                      2 would like, Candice Ruis to come up here, please, Badge 81
 2 on a murder case.
                                                                      3 and Davita Curtis, Badge 82.
                    Maybe if this is something besides murder
                                                                                         We'll start with Ms. Ruis. So Mr.
 4 he may think about drug abusé or domestic violence as
                                                                      5 Owens.
 5 mitigation, but he was very clear that in a murder case,
 6 let alone first degree murder case, the only mitigation he
                                                                                         MR. OWENS: Okay. We're with Ms. Ruis.
 7 would consider is insanity. We don't have that here. So
                                                                                         THE COURT: Yes.
    therefore, he's basically flat-out telling us that none of
                                                                                         MR, OWENS: Hello.
    the mitigation that we could possibly put on would be
                                                                                         PROSPECTIVE JUROR: Hello.
10 considered by him.
                                                                      10
                                                                                         MR. OWENS: How are you doing?
                    THE COURT: Well, I'm going to deny the
                                                                                         PROSPECTIVE JUROR: Good.
                                                                     11
11
                                                                                         MR. OWENS: Were you able to keep up with
12 challenge as to Mr. Hibbard. There's a difference --
                                                                      12
13 there's several levels of what they need to be able to do
                                                                      13 everything this morning?
14 here. Number one is can they consider -- do they
                                                                                         PROSPECTIVE JUROR: Yes.
                                                                      14
15 recognize and consider all four forms of punishment. And
                                                                     15
                                                                                         MR. OWENS: In your questionnaire, you
                                                                      16 indicated you like to watch Court TV and some of those
   he indicated he could.
                                                                      17 kinds of shows?
17
                    Two, will you follow the instructions of
18 the court. He indicated he would. And will you consider
                                                                                         PROSPECTIVE JUROR; Yes.
                                                                      18
                                                                                        MR. OWENS: You're a hobbyist or fan of
19 all the evidence. He indicate he would. Whether somebody
                                                                      19
20 agrees or disagrees with whether or not they think, you
                                                                     20 courtroom drama?
2! know, prospectively some type of mitigation is a good or
                                                                     21
                                                                                         PROSPECTIVE JUROR: Yes.;
                                                                                        MR. OWENS: That is a very popular thing.
22 bad thing they're going to give weight to is really kind
                                                                     22
                                                                     2) A lot of people are into that. Do you have a problem
23 of a little lower down because you can't tell them the
                                                                     2) understanding there is a difference between real life and
24 evidence yet. So they're kind of having to guess, well,
25 do I think there's mitigation for a murder or not, without
                                                                     25 TV when it cames to those kinds of shows?
                                                                                                                                135
                                                                                         PROSPECTIVE JUROR: No.
 1 having heard any facts of the case.
                                                                      1
                                                                                        MR. CWENS: CSI, they do some futuristic
                    I don't think the jurors need to say your
                                                                      2
 2
                                                                      5 things with evidence and things like that. You are not
 3 mitigation is going to be good or bad to make them
                                                                      4 going to hold us to that kind of standard?
 4 eligible to sit on the case. It's important that they
                                                                                        PROSPECTIVE JUROR: No.
 5 indicate they will consider all the evidence, consider all
                                                                      5
                                                                                        MR. OWENS: And so you can try this based
 6 forms of punishment and are not foreclosed to imposing
                                                                      É
   just one penalty or another. So I think that he
                                                                      7 on what you see in this courtroom, and what's presented
                                                                      8 from the jury stand and analyze it in light of what is
   sufficiently answered things, so I'll deny the challenge
                                                                      9 going on here. Does that sounds fair to you?
   for cause as to Mr. Hibbard.
                                                                                        PROSPECTIVE JUROR: Yes!
                                                                     10
                    Anything further before we take our lunch
10
                                                                                        MR. OWENS: Now, you had indicated that
                                                                     11
11 break.
                                                                     12 you had some relatives or a relative that was involved in
                   MS. WECKERLY: Not on behalf of the
12
                                                                     13 law enforcement?
13 State.
                                                                                        PROSPECTIVE JUROR: Not law enforcement.
                   THE COURT: When we get back we'll excuse
                                                                     14
                                                                     15 I have three cousins that are lawyers. One is an assist
15 Mr. Brady and get somebody in his spot and start there at
                                                                     16 DA -- it's out in California. I didn't specify that or
16 the top and go to the bottom row -- or Mr. Perez and Mr.
                                                                     17 put it down.
17 Brady.
                                                                     18
                                                                                        MR. CWENS: One is in California.
        Thank you folks.
18
                                                                     19
                                                                                        PROSPECTIVE JUROR: All three are in
                    (Lunch recess taken.)
19
                                                                     20 California.
                   THE COURT: Back on the record in C131341,
20
21 State of Nevada versus James Chappell. The record will
                                                                     21
                                                                                        MR, CWENS: One is an assistant DA?
                                                                     22
                                                                                        PROSPECTIVE JUROR: One is an assistant
22 reflect the presence of Mr. Chappell, with his attorneys,
23 the State's attorneys, in the presence of our prospective
                                                                     23 DA in San Mateo County, and a cousin and a brother, I'm
                                                                     24 not sure exactly.
24
  jurors.
                   I need to get some folks to fill up the
                                                                     25
                                                                                        MR. CWENS: Do you see them often.
25
                                                                                                                                136
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PROSPECTIVE JUROR: I see the girl cousin
                                                                                         MR. OWENS: We've got twelve instead of
<u>ş</u> 1
 2 who is married to the assist DA often, because her aunt
                                                                       2 one person, right. Are you willing to keep an open mind
                                                                       3 until you've heard all the evidence and mitigation and
   lives here. My aunt lives here -- her mom.
                    MR. OWENS: Do you talk about cases and
                                                                       4 evidence in aggravation before you decide what is
    things like that?
                                                                       5 appropriate?
                                                                                         PROSPECTIVE JUROR: Yes!
                    PROSPECTIVE JUNOR: No.
                    MR. CWENS: So kind of like a TV thing.
                                                                                         MR. OWENS: Can you consider all four
                                                                       8 forms of punishment before you decide which one is the
 8 We need to make sure you'll try this case and make your
    decision on what you hear from the courtroom here, rather
                                                                         right one?
    then something you might have heard from somebody else?
                                                                      10
                                                                                         PROSPECTIVE JUROR: I can consider it, but
                    PROSPECTIVE JUROR: Yes.
                                                                      11 I'm for the death penalty.
 11
                                                                                         MR. OWENS: When you say you are for the
                    MR. OWENS: You're involved in property
                                                                      12
 12
                                                                      13 death penalty, you don't have a problem with that as one
 13 protection. That's not your thing?
                    PROSPECTIVE JUROR: No.
                                                                      14 of the options?
 14
                                                                                         PROSPECTIVE JUROR: No!
                    MR. OWENS: You indicated I think -- let
                                                                      15
 15
 16 me.see here -- something about shoplifters.
                                                                                         MR. CWENS: And you don't -- you might be
                                                                      16
                                                                      17 leaning one way or the other already, that's okay. As
                    PROSPECTIVE JUROR: On a daily occasion.
 17
                    MR. OWENS: That is just from working in
                                                                      18 long as at this point you don't just say I'm not going to
 18
                                                                      19 consider everything, you know. You can't exclude things
 19 retail.
                                                                      20 and keep an open mind about all four at this point. You
                    PROSPECTIVE JUROR: Yes.
20
                    MR. CWENS: You indicate that there is
                                                                      2) understand that?
21
 22 nothing based upon your experience that would make you --
                                                                      22
                                                                                         PROSPECTIVE JUROR: Yes.
23 make it difficult for you to be fair and impartial to both
                                                                                         MR. OWENS: At some point, after you have
                                                                      24 heard the facts and circumstances, you are free to say,
   parties in this case. You could be fair?
                                                                      25 I'm excluding those. You may decide that the death
25
                    PROSPECTIVE JUROR: Yes.
                                                            137
                                                                                                                                 139
                    MR. OWENS: There weren't any issues race
                                                                       1 penalty feels appropriate, but you need to able to say
                                                                       2 you'll consider all four, correct?
 2 or racial bias that would cause a problem here?
                    PROSPECTIVE JUROR: No.
                                                                      3
                                                                                         PROSPECTIVE JUROR: Yes.
                                                                                         MR. OWENS: Do you feel that you can come
                    MR. OWENS: And as far as the death
                                                                      5 back with the appropriate judgment in this case?
 5 penalty goes, there are four options available to the
    jury. Do you have a problem with the idea that there are
                                                                                         PROSPECTIVE JUROR: Yes.
                                                                                         MR. OWENS: Do you have a problem with the
    four choice a jury can choose from?
                    PROSPECTIVE JUROR: No problem.
                                                                      8 idea of sitting in judgment of another person?
                                                                                         PROSPECTIVE JUROR: No.
                    MR, OWENS: Is it important to have
   options, not all murders are the same.
                                                                      10
                                                                                         MR. CWENS: If after hearing all of the
                                                                      ii evidence in this case you felt that the death penalty was
                    PROSPECTIVE JUROR: Yes, it's important.
11
                                                                      12 the appropriate sentence, would you be able to do that?
                    MR. OWENS: You feel you can wait and keep
12
13 an open mind until you've heard all the facts and
                                                                     13
                                                                                         PROSPECTIVE JUROR: Yes!
   circumstances before you decide what should happen?
                                                                      14
                                                                                         MR. OWENS: There was one question in here
14
                                                                      15 where you were asked — well, there were several about the
15
                    PROSPECTIVE JUROR: Yes.
                                                                      16 death penalty. And you were asked if you would
                    MR. OWENS: You have no problem with the
16
                                                                      17 automatically vote for the death penalty or automatically
17 idea of discussing your feelings with other members of the
                                                                      18 vote against the death penalty. On one of these
    jury?
18
                    PROSPECTIVE JUROR: In deliberation?
                                                                      19 questions -- I think it's 49 -- you said you'd
19
20
                    MR. OWENS: Yes.
                                                                     20 automatically vote for the death penalty.
                    PROSPECTIVE JUROR: No problem.
                                                                                         You may not have understood the question.
                                                                     21
21
                                                                     22 What that means, when you said I'd automatically vote for
                    MR. OWENS: And you think it's important
22
23 to have that kind of process where there's a discussion of
                                                                     23 it, that means you'd vote for it without hearing anything
24 facts and circumstances?
                                                                     24 or considering everything else.
                                                                                         PROSPECTIVE JUROR: No. I'd take into
                   PROSPECTIVE JUROR: Yes.
                                                                     25
25
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1 consideration all of the evidence.
                                                                       1 race tends to either come in and try to do some kind of a
                                                                       2 con or some kind of shoplifting or threaten in some way
                    MR. CWENS: And, in fact, on the next
                                                                       3 where I've already had my own opinions of them.
  3 question you said just that, would consider but lien and
                                                                                         MR. SCHIECK: You talked about that in
4 choose death penalty. That means you're leaning against
  5 the death penalty, but would consider all four forms of
                                                                       5 your questionnaire also. You said I work in retail. In
                                                                       6 90 to 95 percent of the time, they are shoplifters. Who
  6 punishment?
                    PROSPECTIVE JUROR: Yes.
                                                                       7 are you talking about.
                                                                                         PROSPECTIVE JUROR: Unfortunately,
                    MR. CWENS: If you felt, after hearing all
                                                                      9 African-American or Hispanic mainly.
  9 of the evidence in the case, there were some things that
                                                                                         MR. SCHIECK: I have been in retail for
 10 made you feel like the death penalty wasn't the
                                                                      10
                                                                      11 over ten years and plainly do not trust them.
 11 appropriate punishment, you would be able to return that
                                                                                         PROSPECTIVE JUROR: When it cames to
 12 verdict as well?
                                                                      12
                    PROSPECTIVE JUROR; Yes.
                                                                      13 work.
 13
                                                                                         MR, SCHIECK: Well - and so in your
 14
                    MR. CWENS: Now on question 54, you said
                                                                      14
                                                                      is opinion 90 to 95 percent of the people that are minorities
 15 why would you not be able to serve on the jury, and you
                                                                      16 that come in your shop are shoplifters?
 16 said something about the race of the Defendant. You said
 17 you already had some opinions. Are your opinions about
                                                                      17
                                                                                         PROSPECTIVE JUROR: Unfortunately, yes,
 18 race such that it would make you unable to be fair to both
                                                                      13 sir.
                                                                                         MR. SCHIECK: You haven't changed that
 19 the Defendant and the State in this case?
                                                                      19
                                                                      2) opinion when you got here? You still believe that?
                    PROSPECTIVE JUROR: No.
 ኃስ
                                                                                         PROSPECTIVE JUROR: When it comes to work,
                                                                      21
                    MR. OWENS: Because you were suggesting in
 22 here that you might be might -- it make you biased. As
                                                                      22 yes.
                                                                                         MR. SCHIECK: You're saying you plainly do
 23 you sit here right now, do you think race is an issue for
                                                                      23
                                                                      24 not trust them?
 24 you in the trial you hear?
                                                                                         PROSPECTIVE JUROR: Yes.
                    PROSPECTIVE JUROR: No.
                                                                      25
 25
                                                            141
                                                                                                                                 143
                                                                      į
                                                                                         MR. SCHIECK: Okay.
                    MR. OWENS: As you sit there now, you feel
  2 you could be fair to both sides and judge this case on the
                                                                                         PROSPECTIVE JUROR: When it comes to work.
                                                                      3 Like I said, I didn't understand how this worked.
    evidence?
                                                                                         MR. SCHIECK: Well, you're talking about
                    PROSPECTIVE JUROR: Yes.
                                                                         people stealing from your work, correct?
                    MR. OWENS: Thank you. Pass for cause,
                                                                                         PROSPECTIVE JUROR: Yes.
    your Honor.
                                                                                         MR. SCHIECK: You don't trust them, and
                    THE COURT: Mr. Schieck.
                                                                         you believe they are going to steal?
                    MR. SCHIECK: Ms. Ruis, I just have a few
 9 questions for you. Perhaps I'm confused by some of your
                                                                      ç
                                                                                         PROSPECTIVE JUROR: Yes.
                                                                                         MR. SCHIECK: And, again, in your other
                                                                      16
 10 answers. But let me read this one answer to you and tell
                                                                      II question you indicated that it's not fair to the Defendant
 II me if this is correct. This is what you wrote when you
                                                                      12 because of his race. Do you think you can be a fair
 12 came in for your questionnaire.
                                                                      13 juror, given what you told us?
                    Because of the race of the Defendant, I
 13
                                                                                         PROSPECTIVE JUROR: With the -- if I have
 14 already have opinions about them, based on appearance, and
                                                                      15 to put work the work perspective. But with — now that
    it's not fair to the Defendant.
                                                                      16 I've seen and understand and heard différent questions and
                    Okay. Was that your opinion when you
 16
                                                                      17 coinions I can be fair.
 17 wrote your questionnaire?
                                                                                         MR. SCHIECK: Now, you also, with respect
                    PROSPECTIVE JUROR: At the time when I read
                                                                      18
 18
                                                                      19 to the death penalty, said you would consider all forms of
 19 the questionnaire. This is my first time I have ever
                                                                      20 punishment, but lean and choose the death penalty. Is
 20 severed on a jury, so I didn't -- I don't -- I didn't
                                                                      21 that what you wrote?
    understand the process.
 21
                                                                      22
                                                                                         PROSPECTIVE JUROR: Yes.
                    MR. SCHIECK: What did you mean by because
 22
 23 of the race of the Defendant.
                                                                      23
                                                                                         MR. SCHIECK: So you already decided that
                                                                      24 the death penalty was appropriate in this case?
                    PROSPECTIVE JUROR: Where I work I have to
                                                                      25
                                                                                         PROSPECTIVE JUROR: Well -- well, I'm for
25 deal with a lot of different ethnic people and a specific
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the death penalty. I didn't chose that that's what should
                                                                      1 all different people?
                                                                                        PROSPECTIVE JUROR: Yes!
 2 happen. I want to be able to hear all of the facts
                                                                      2
                                                                                        MS. WECKERLY: So there's nothing about
                                                                        that that would make you prejudge the facts of this case
                   MR. SCHIECK: You said if someone is
                                                                        or have an opinion about it already?
 5 convicted -- this is an eye for an eye question -- you
                                                                                        PROSPECTIVE JUROR: No. :
 6 said the convict should receive the same crime as
                                                                                        MS, WECKERLY: You also mentioned, I think
   punishment. So if someone commits murder you believe they
                                                                      8 it was in your questionnaire, that your husband's father
   should lose their life as punishment?
                                                                        was abusive?
                   PROSPECTIVE JUROR: Yes.
                   MR. SCHIECK: That's your brief?
                                                                     10
                                                                                        PROSPICTIVE JUROR: Yes.
10
                                                                                        MR. OWENS: Was that to his wife or your
                   PROSPECTIVE JUROR: Yes.
                                                                     n
11
                   MR. SCHIECK: In this case you have
                                                                     12 mother-in-law?
17
                                                                                        PROSPECTIVE JUROR: Yes.
13 already been told Mr. Chappell has been convicted of
                                                                     13
                                                                                        MS. WECKERLY: Was that something that you
14 murder, so basically you made up your mind that the death
                                                                     14
                                                                     15 experienced or something your husband grew up with?
   penalty is the appropriate punishment based on that?
                                                                                        PROSPECTIVE JUROR: No, just when he was a
                                                                     16
                   PROSPECTIVE JUROR: Basically.
16
                                                                     17 child. They divorced when he was 8. I think just what he
                   MR. SCHIECK: So with all of the factors
17
   we've discussed, you pretty much said what your opinion
                                                                        told me.
18
                                                                                        MS. WECKERLY: Do you have contact with
                                                                     19
19 is?
                   PROSPECTIVE JUROR: My opinion -
                                                                     20 your mother-in-law?
20
                                                                     21
                                                                                        PROSPOCITIVE JUROR: They are both deceased
                   MR. SCHIECK: Your opinion of punishment
21
                                                                     22 now.
22 in this case.
                                                                                        MS. WECKERLY: Did you ever have contact?
                   PROSPECTIVE JUROR: Yes.
                                                                     23
23
                                                                                        PROSPECTIVE JUROR: Yes!
                                                                     24
                   MR. SCHIECK: We would challenge for
24
                                                                     25
                                                                                        MS. WECKERLY: When you were in contact
25 cause, your Honor.
                                                                                                                                147
                                                           145
                                                                      I with her was the abusive guy out of the picture at that
                   THE COURT: Thank you. As to Ms. Curtis.
                                                                      2 point?
 2 Ms. Weckerly.
                                                                                        PROSPECTIVE JUROR: Yes!
                   MS. MECKERLY: Ma'am, I read that you work
                                                                                        MS. WECKERLY: So nothing about that would
   as a court clerk. Where is that?
                                                                      5 influence you in any way?
                   PROSPECTIVE JUROR: North Las Vegas
                                                                                        PROSPECTIVE JUROR: No.
   municipal Court.
                                                                                        MS. WECKERLY: You mentioned on the death
                   MS. WECKERLY: Are you in the courtroom or
                                                                        penalty that you could consider it in some circumstances?
   in the records area?
                                                                                        PROSPECTIVE JUROR: I could consider it,
                   PROSPECTIVE JUROR: The courtroom.
                                                                     10 but frankly under the circumstances I would be leaning
                   MS. WECKERLY: So you see a lot of
10
                                                                     11 against it.
   misdemeanor trials?
                                                                                        MS. WECKERLY: Why is that?
                                                                     12
                   PROSPECTIVE JUROR: Yes.
12
                                                                                        PROSPECTIVE JUROR: It should be reserved
                   MS. WECKERLY: Anything about -- I'm sure
13
                                                                     14 for the most heinous of circumstances, like Jeffery
14 you have a lot of experience seeing victims of domestic
                                                                     15 Danner.
   violence come in and testify, or maybe not testify in some
                                                                     16
                                                                                        MS. WECKERLY: So serial killers?
   situations. Anything about that that would make it hard
                                                                                        PROSPECTIVE JUROR: Yes!
                                                                     17
   for you to be an impartial juror in this case?
                   PROSPECTIVE JUROR: No.
                                                                                        MS. WECKERLY: You understand in the State
18
                                                                     18
                   MS. WECKERLY: You can be impartial?
                                                                     19 of Nevada there are certain requirements that have to be
19
                                                                     20 met before you can consider the death penalty. And it's a
                   PROSPECTIVE JUROR: I don't think my
20
                                                                     21 potential punishment for more than serial killers?
21 experience will make me not be impartial.
                                                                                        PROSPECTIVE JUROR: Yes.
                   MS. WECKERLY: Well, I mean, you would
                                                                                        MS, WECKERLY: That's just the law. There
23 assume you've kind of seen the range of domestic violence
                                                                     23
24 victims, some maybe have an agenda, some may be scared,
                                                                     24 are certain factors that have to be present, but it's not
                                                                     25 reserved for people that kill several people. Do you
25 some may be coming in and testifying, all sorts of things,
                                                                                                                                148
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accept that as -- is that how you would structure the law,
                                                                      1 yes.
                                                                      2
                                                                                        MS. WECKERLY: Do you have concerns at all
 2 if you could, or more limiting than that?
                   PROSPECTIVE JUROR: If I was a
                                                                      3 about your ability to sit on a case like this, where it's
                                                                      4 kind of a strange setting, I'm sure. You're not going to
 4 legislature, I might want to make it more limiting. But I
 5 understand that it's not how it currently is.
                                                                      5 hear a whole trial when you get picked for jury duty, but
                   MS. WECKERLY: And because you have these
                                                                      6 it's a very narrow question we're asking here.
                                                                                        PROSPECTIVE JUROR: My main concern is
 7 feelings -- and you know their really aren't any right or
                                                                      8 hearing evidence about the crime. And if it gets detailed
 8 wrong answers here. But because you hold that opinion, do
    you think you could consider it in a case like this?
                                                                        about violence, and I have a hard time processing that --
                   PROSPECTIVE JUROR: I could consider it.
                                                                     10
                                                                                        MS. WECKERLY: Can you talk more about
10
11 But the State would have to present a lot of evidence of a
                                                                     11 that. What do you mean a problem processing that?
                                                                                        PROSPECTIVE JUROR: I just, as someone
12 lot of aggravating factors for me to think it was
                                                                     12
                                                                     13 else mentioned, I don't like watching the news, especially
13 appropriate before I could consider it. Yes.
                                                                     14 talking about violent crimes and things. I tend to
14
                   MS. WECKERLY: And you are going to hear,
                                                                     15 internalize and empathize with the victim. I just get
15 because of the nature of this hearing, that you'll hear
                                                                     16 very depressed.
16 about the crime itself, obviously. And you'll hear some
17 background, I would assume, about the defendant. And other
                                                                     17
                                                                                        MS. WECKERLY: Well, you'll be -- in
                                                                     18 presenting this situation to you, you'll be asked to look
18 factors related to the case. Are you someone who can take
                                                                     19 at crime scene photographs, which are pretty graphic. And
19 in all that information and make a decision on what you
                                                                     20 also photographs from the autopsy. And they will be
    think is the appropriate punishment?
                                                                     21 displayed for you as part of the evidence in this case,
                   PROSPECTIVE JUROR: Based on the evidence
21
                                                                     22 part of what the information you have to be evaluating.
22 I hear, yes.
                                                                     23 Is that going to be too hard for you, or do you think
                   MS. WECKERLY: You said a moment ago --
23
                                                                     24 you're going to be able to do that?
24 maybe I misheard you. The State would have to present
                                                                     25
                                                                                        PROSPECTIVE JUROR: It would be
25 several aggravating circumstances?
                                                           149
                                                                                                                                151
                   PROSPECTIVE JUROR: Well, not necessarily
                                                                      1 disturbing.
 1
 2 several different things, but that -- I mean to show that
                                                                                        MS. WOCKERLY: It's kind of a hard
   the aggravating circumstances were aggravating enough, you
                                                                      3 process, because we kind of have to ask you up front are
                                                                      you going to be able to do it, and you kind of don't know
 4 know, to warrant the death penalty.
                                                                      5 what you're going to see. But that's sort of the only way
                   MS. WECKERLY: And you'll get a definition
   of what those are from the judge, what the law is on that.
                                                                      6 to do it.
                                                                      7
                                                                                        PROSPECTIVE JUROR: I would rather not.
   Would you be able to follow that, or maybe you have your
                                                                                        MS. WECKERLY: I need to know if you can.
   own standard of, this is what I consider aggravating,
                                                                     8
                                                                                        PROSPECTIVE JUROR: It would probably not
   versus what the law might be?
                   PROSPECTIVE JUROR: I believe I can follow
                                                                     10 get sick seeing them.
10
                                                                     11
                                                                                        MS. WECKERLY: Okay. Anything better than
11 instructions.
                                                                     12 not getting sick. Can you take in the information.
                   MS. WECKERLY: If you believe the
12
                                                                     13
                                                                                        PROSPECTIVE JUROR: I think I could
13 aggravating circumstances have been proven beyond a-
                                                                     14 separate logically how that pertains, how it would pertain
   reasonable doubt that's when you start considering the
   death penalty with your fellow juror members. And at that
                                                                     15 to this case and the decision we have to make. Separate
   point, do you think you could be the person that actually
                                                                     16 from my emotions about it.
                                                                                        MS. NECKERLY: You think you'd be able to
                                                                     17
   marks the verdict form that says death penalty?
17
                   PROSPECTIVE JUROR: I would be
                                                                     18 do that?
18
                                                                                        PROSPECTIVE JUROR: I think so.
                                                                    19
   unconfortable with it.
19
                   MS. WECKERLY: Sure. I don't think that
                                                                     20
                                                                                        MS. WECKERLY: You also mentioned -- I
20
21 that's something everyone would ever take lightly. And
                                                                    21 don't want you to tell me what you remember, but you have
22 certainly it wouldn't be an easy decision for somebody. If
                                                                     22 some memory of this case?
                                                                    23
                                                                                        PROSPECTIVE JUROR: Yes.
23 you believe that that's the appropriate punishment, could
                                                                                        MS. WECKERLY: Would that have been --
                                                                    24
  you do that?
                   PROSPECTIVE JUNOR: I believe I could,
                                                                    25 without saying what it was you remember about it --
25
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1 through a news account?
                                                                                        PROSPECTIVE JUROR: I think it would have
                                                                      2 bearing on it. I don't know that I would be -- I wouldn't
                   PROSPECTIVE JUROR: Yes.
 2
                                                                      3 think I would become completely unable, to do it. It's
                   MS. WECKERLY: And you are able to
                                                                      4 samething I would be strongly considering.
 4 separate whatever you may have heard and make your
                                                                                        MS. WECKERLY: Even though you have that
 5 decision solely on what you hear in the courtroom?
                                                                      6 belief, you're telling us you'd still consider it?
                   PROSPECTIVE JUROR: Yes.
                                                                                        PROSPECTIVE JUROR: Yes.
                   MS. WECKERLY: Knowing about what you
                                                                                        MS. WECKERLY: Thank you. Pass for cause,
 8 heard about in the back of your mind.
                                                                      9 your Honor.
                   PROSPECTIVE JUROR: No -- for the verdict,
                                                                                        THE COURT: Thank you. Mr. Patrick.
                                                                     10
-10 rxo.
                                                                                        MR. PATRICK: Thank you, your Honor.
                   MS. MECKERLY: You'll be able to make a
                                                                     Ħ
11
                                                                                        Ms. Curtis, I'd like to ask you a little
12 verdict based on what you hear here?
                                                                     13 more about what Ms. Weckerly was talking about, the photos
                   PROSPECTIVE JUROR: Yes.
13
                                                                     14 that may be shown that may not be pretty to look at.
                   MS. WECKERLY: Earlier this morning you
                                                                                        Then you mentioned that you may you have a
                                                                     15
15 said you've had some family members who have had contact
                                                                     16 tendency to empathize with the victim.
   with law enforcement. Was that right?
                                                                                        Do you think seeing those types of
                                                                     17
                    PROSPECTIVE JUROR: I have family members
17
                                                                     18 pictures and knowing that that's something you have a
    that have been convict of crimes, yes.
                   MS. WECKERLY: Are those situations such
                                                                     19 tendency to do, do you think that would stop you from
19
                                                                     20 making a fair decision and looking at all of the evidence?
    that you think they were treated fairly?
                                                                                        PROSPECTIVE JUROR: No, I don't think
                   PROSPECTIVE JUROR: Yes.
                                                                     21
21
                   MS. WECKERLY: No bad feelings about what
                                                                     22 so.
22
                                                                     23
                                                                                        MR. PATRICK: Now, one of your family
23 happened to some of those family members?
                                                                     24 members you said was still under sentencing for a
                    PROSPECTIVE JUROR: No. Their treatment
24
                                                                     25 molestation charge?
25 was appropriate.
                                                                                                                                155
                                                           153
                                                                                        PROSPECTIVE JUROR: Yes, sir.
                                                                      1
                   MS. WDCKERLY: And they're still under
                                                                                        MR. PATRICK: If something like that were
    sentences and in custody?
                                                                      3 to come up would that make you think one way or the other
                   PROSPECTIVE JUROR: One is.
                                                                      4 about what penalty you should be imposing?
                   MS. WECKERLY: Were they prosecuted by the
                                                                                        PROSPECTIVE JUKOR: No. | That would be up
 5 DA's office?
                                                                      6 to the crime.
                   PROSPECTIVE JUROR: Actually the one, I
 7 think, is a felony and was actually in Utah. But he had
                                                                                        MR. PATRICK: Now, you say that your
 8 had prior misdemeanors here. My sister-in-law lives here.
                                                                      a sister had the drug abuse problem, and when she was high
                                                                      9 she would act differently then when she wasn't high.
 9 We didn't have contact with her. I don't know -- she's
                                                                     16
                                                                                        PROSPECTIVE JUROR: Yes..
    actually deceased.
                                                                                        MR. PATRICK: And you could attribute that
                   MS. WECKERLY: But nothing about that
                                                                     11
12 causes you any concern about your ability to be fair?
                                                                     12 to the drug use.
                                                                                        PROSPECTIVE JUROR: Yeah, I think so.
                   PROSPECTIVE JUROR: No.
                                                                     13
13
                                                                                        MR. PATRICK: Was she nicer, calmer,
                   MS. WECKERLY: You wrote on your
                                                                     14
14
15 questionnaire that mobody is beyond redemption. Do you
                                                                     15 better when she wasn't high?
                                                                                        PROSPECTIVE JUROR: She was usually more
                                                                     16
16 recall that?
                                                                     17 aggressive when she was high.
                   PROSPECTIVE JUROR: Yes. I would like to
17
                                                                                        MR. PATRICK: Then I think Ms. Weckerly
18 believe that nobody is beyond redemption.
                                                                     18
                                                                     19 touched upon this, about your husband's father was an
                   MS. WECKERLY: This is prying into your
19
20 personal belief system. In this case it's important. Is
                                                                     20 abusive man?
                                                                     21
                                                                                        PROSPECTIVE JUROR: Yes.
21 that like a religious belief that you have?
                                                                                        MR. PATRICK: You never had contact with
                   PROSPECTIVE JUROR: I think so, yes.
                                                                     22
                   MS. WECKERLY: Because you have that
                                                                     23 him?
23
                                                                     24
                                                                                        PROSPECTIVE JUROR: No.
24 belief, is that scmething important that you would --
                                                                                        MR. PATRICK: Have you ever had in depth
25 would that make you unable to impose a death sentence?
                                                                     25
                                                           154
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conversations with your husband about what he witnessed a
                                                                      1 are you?
 2 far as his father's abuse?
                                                                      2
                                                                                         PROSPECTIVE JUROR: Fine.
                   PROSPECTIVE JUROR: Not in detail, no. I
                                                                                        MS. WECKERLY: Good. You were coughing
 4 just -- actually I don't know that I have heard from him.
                                                                        earlier, are you okay now?
 5 Waybe just my mother-in-law mention that her husband had
                                                                                         PROSPECTIVE JUROR: I have allergies to
                                                                      6 dirt.
 6 been abusive.
                   MR. PATRICK: Did you have detailed
                                                                      7
                                                                                        MS. WECKERLY: You mentioned on your
                                                                        questionnaire that -- I think it was a step-daughter had
    conversations with her about that?
                                                                        some drug problems?
                    PROSPECTIVE JURCE: Not more than when he
                                                                                         PROSPECTIVE JUROR: Yes.
 10 was drunk he hit her. And once he took some possessions
                                                                      10
                                                                                        MS. WECKERLY: Was she living with you at
    she had and took them outside and burned them.
                                                                      11
                   MR. PATRICK: Nothing about any of those
                                                                      12 the time these problems were going on?
12
                                                                                         PROSPECTIVE JUROR: No. But as a result
13 conversations would make you more or less likely to
                                                                      13
14 believe somebody or more or less likely to give a certain
                                                                      14 of her drug use, we ended up raising her two children.
                                                                                        MS. WECKERLY: So I assume that was sort
                                                                      15
    punishment?
15
                                                                      16 of a long term problem, if you ended up raising her
                    PROSPECTIVE JUROR: No.
16
                                                                     17 children?
                   MR. PATRICK: You work in North Las Vegas
17
                                                                                        PROSPECTIVE JUROR: Not after we were
   municipal Court?
                                                                     18
                                                                      19 given custody of her children. I have not seen her
19
                   PROSPECTIVE JUROR: Yes.
                                                                     20 since.
                   MR. PATRICK: So you hear the judge talk
20
   about laws, and the judge is going to give you laws that
                                                                     21
                                                                                        MS, WECKERLY: But you and your wife had
                                                                     22 to take responsibility for the children?
22 you are supposed to follow if you are on this jury.
                                                                                        PROSPECTIVE JUROR: Yes
                   PROSPECTIVE JUROR: Yes.
                                                                     23
23
                                                                                        MS. WECKERLY: Do you have contact with
                   MR. PATRICK: And you'd be able to listen
                                                                     24
24
25 to what he says and follow whatever he says, as far as
                                                                     25 her now?
                                                                                                                                159
                                                           157
                                                                                        PROSPECTIVE JUROR: No.
 1 what the law would tell you to do as a juror?
                                                                                        MS. WECKERLY: You mentioned also a
                   PROSPECTIVE JUROR: Yes.
                   MR. PATRICK: You think that even though
                                                                        grandson with problems with law enforcement.
                                                                                        PROSPECTIVE JUROR: One of the boys was in
   you have some reservations on the death penalty, if that's
 5 what the law requires and that's what you thought was
                                                                      5 the drug scene in California. He endedjup doing time in
                                                                      6 juvenile detention. He's out now, seeming doing fine.
    appropriate, you would be able to make that choice out of
    those four choices if that's what you had to do?
                                                                                        MS, WECKERLY: A little more on track?
                   PROSPECTIVE JUROR: Yes.
                                                                                        PROSPECTIVE JUROR: Absolutely.
                                                                                        MS. WECKERLY: Do you think he was treated
                   MR. PATRICK: Do you think you would be a
                                                                      9
    fair and impartial juror on this?
                                                                     10 fairly?
                                                                                        PROSPECTIVE JUROR: Yes:
                   PROSPECTIVE JUROR: Unfortunately, yes.
                                                                     11
11
                                                                                        MS. WECKERLY: How about when your step
                   MR. PATRICK: Unfortunately, yes?
                                                                     12
12
                                                                     13 daughter -- was law enforcement ever involved with her?
                   PROSPECTIVE JUROR: Because I really don't
13
                                                                                        PROSPECTIVE JUROR: No. | She was in the
   want to do it.
14
                                                                     15 court system, but for negligent. That was the basis of
                   MR. PATRICK: You don't want to be on the
15
                                                                     16 the charges.
16
   jury?
                   PROSPECTIVE JUROR: No.
                                                                     17
                                                                                        MS. WECKERLY: So they never had any drug
17
                                                                     18 charges against her even though that was the problem?
                   MR. PATRICK: Can you sit in judgment of
18
                                                                     19
                                                                                        PROSPECTIVE JUROR: Not specifically,
19 Mr. Chappell with twelve people of your like mind and be
   on this jury?
                                                                     20 no.
20
                                                                                        MS. WECKERLY: You wrote on your
                   PROSPECTIVE JUROR: Probably, yes.
21
                                                                     22 questionnaire that you're someone that can consider the
                   MR. PATRICK: Pass for cause.
22
                                                                     23 death penalty as a potential punishment?
                   THE COURT: Ms. Weckerly, George Smith,
23
                                                                     24
                                                                                        PROSPECTIVE JUROR: Yes.
24 Badge 22.
                   MS. WECKERLY: Good afternoon, sir. How
                                                                     25
                                                                                        MS. WECKERLY: You still feel that way
25
                                                                                                                                160
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after sitting here during jury selection?
                                                                      1 on this jury and for whatever reason the jury comes back
                                                                      2 with something besides the death penalty. Would you feel
                    PROSPECTIVE JUROR: Yes.
 2
                                                                      3 that you would have to explain those actions to members of
                    MS. WECKERLY: And I assume, as I
                                                                      4 Metro that you work with why you did that?
    discussed with some of the jurors, that you can listen to
                                                                                        PROSPECTIVE JUROR: No!
    what is present by both sides?
                                                                                        MR. PATRICK: Okay.
                    PROSPECTIVE JUROR: Yes.
                                                                                        PROSPECTIVE JUROR: I might add that I was
                    MS. WECKERLY: Then make a decision?
                                                                      a with the Flagstaff FD to get through college. That's why
                    PROSPECTIVE JUROR: Yes.
                                                                      9 I went into that area, to do public service.
                    MS. WECKERLY: You're not someone who will
                                                                                        MR. PATRICK: But none of that would make
    automatically vote for the death penalty?
 10
                                                                      11 you feel strongly one way or the other whether or not the
                    PROSPECTIVE JUROR: Depends on the
 11
                                                                      12 death penalty is imposed?
    circumstances.
                                                                                        PROSPECTIVE JUROR: Absolutely not.
                                                                      13
 13
                    MS. WECKERLY: You are able to evaluate
                                                                     14
                                                                                        MR. PATRICK: You believe you could still
 14 those fairly?
                                                                      15 be fair?
                    PROSPECTIVE JUROR: Yes.
 15
                    MS. WEXERLY: Thank you, sir. Pass for
                                                                      16
                                                                                        PROSPECTIVE JUROR: Yes, sir.
 16
                                                                                        MR. PATRICK: Listen to all the evidence?
                                                                     17
 17 cause.
                                                                                        PROSPECTIVE JUROR: Yes.
                    THE COURT: Mr. Patrick.
                                                                      18
 18
                                                                                        MR. PATRICK: I'm sure 'as a police officer
                                                                     19
                    MR. PATRICK: Thank you, judge. Good
 19
                                                                     20 there was a lot of times where you were sent to calls and
    afternoon, Mr. Smith.
20
                    PROSPECTIVE JUROR: Good afternoon.
                                                                     21 there were two sides?
21
                                                                                        PROSPECTIVE JUROR: Yes.
                    MR. PATRICK: In your questionnaire you
                                                                     22
22
                                                                                        MR. PATRICK: Both side have a story?
    mentioned you worked in justice court?
                                                                     23
 23
                                                                                        PROSPECTIVE JUROR: Yes.
                                                                     24
                    PROSPECTIVE JUROR: I do.
 24
                                                                                        MR. PATRICK: Neither would tell the same
                    MR. PATRICK: What do you do there?
                                                                     25
25
                                                           161
                                                                      1 story?
                    PROSPECTIVE JUROR: Part-time legal
                                                                                        PROSPECTIVE JUROR: True
    assistant in the office.
                                                                                        MR. PATRICK: It would be your job to
                    MR. PATRICK: Do you ever go in court and
                                                                      I figure out who is lying and who is telling the truth, who
    watch the proceedings?
                    PROSPECTIVE JUROR: Yes.
                                                                        to believe?
                                                                                        PROSPECTIVE JUROR: Yes!
                    MR. PATRICK: Also I believe you are part
                                                                                        MR. PATRICK: Would you be impartial in
    of Metro volunteers?
 7
                    PROSPECTIVE JUROR: Yes.
                                                                      8 bringing that experience to this case and do the same
                                                                      9 thing here?
 9
                   MR. PATRICK: What do you do with that?
                                                                      16
                                                                                        PROSPECTIVE JUROR: Absolutely.
                    PROSPECTIVE JURGA: Well, Metro volunteers
                                                                                        MR. PATRICK: Now, the fact that your
    do a lot of things. We help direct traffic. River runs
12 coming up. I'm exited about that. Just a lot of
                                                                      12 step-daughter and grandson have involvement with drugs, is
                                                                      13 that — if it was to show in this case there was drug
    community activities that furnel through Metro, I come
                                                                      14 involvement, would that change your opinion as to what
    down to volunteer.
14
                                                                     15 punishment should be given out?
                   MR. PATRICK: As a volunteer for Metro, do
15
                                                                                        MR. OWENS: I would object. That's asking
                                                                     16
16
    you carry a fiream?
                    PROSPECTIVE JUROR: I'm not allow to.
                                                                     17 for a prediction.
17
                                                                                        THE COURT: Why don't you rephrase what
                   MR. PATRICK: Do you have authorization to
18
                                                                     19 you're asking about.
19 make arrests.
                                                                                        MR. PATRICK: If drugs - if it's shown
                    PROSPECTIVE JUROR: No.
20
                                                                     21 that drugs are a part of this case, would you give more or
                   MR. PATRICK: Do you think with all of
21
                                                                     22 less weight to somebody's testimony regarding that because
22 this involvement in law enforcement, you can be fair and
                                                                     23 of the drug use?
23 impartial on this jury?
                                                                                        PROSPECTIVE JUROR: Possibly.
                   PROSPECTIVE JUROR: I believe so, yes.
                                                                     24
24
                   MR, PATRICK: And let's say that you are
                                                                                        MR. PATRICK: Which way do you think you
25
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္၊ would tend to believe —
                                                                      1 be comfortable with it, but you feel like you could come
                                                                      2 back with a death penalty if it's appropriate?
 2
                    PROSPECTIVE JUROR: Depends on the
                                                                                         PROSPECTIVE JUROR: If the facts were
 3
   circumstances.
                   MR. OWENS: Same objection, your Honor.
                                                                         there.
                   THE COURT: I'll allow the answer. He got
                                                                                         MR. OWENS: And you indicated that you
                                                                      6 would consider it with certain circumstances. In your
 6 halfway through the answer, anyway.
                                                                         explanation you said a person who killed, I would consider
                   MR. PATRICK; So even though there was
    some drug involvement, you'd still listen to both sides?
                                                                         a death penalty.
                                                                                         PROSPECTIVE JUROR: Yes.
                    PROSPECTIVE JUROR: Absolutely.
                                                                                         MR. OWENS: Is that what you're thinking
                   MR. PATRICK: You wouldn't make a
10
    determination until you heard all the evidence?
                                                                         about, that's one situation?
                    PROSPECTIVE JUROR: That's correct.
                                                                      12
                                                                                         PROSPECTIVE JUROR: Yes:
12
                                                                                         MR. OWENS: But there may be other
                    MR. PATRICK: Thank you. Pass for cause,
13
14 your Honor.
                                                                         situations where it's appropriate also?
                                                                                         PROSPECTIVE JUROR: Based on the law.
                    THE COURT: Thank you, very much.
                                                                      15
15
                                                                                         MR. OWENS: You just have to look and see
        Mr. Owens or Ms. Weckerly, Ms. Meyrick, 23.
                                                                      16
16
                                                                      17 what the law is about that.
                    MR. OWENS: How do you feel about the idea
                                                                                         PROSPECTIVE JUROR: Correct.
18 of sitting in judgment on another person in this kind of
                                                                      18
                                                                                         MR. OWENS: You indicated that you felt
                                                                      19
19 situation?
                                                                         that it was appropriate to consider all the facts and
                    PROSPECTIVE JUROR: Judgment,
20
                                                                         circumstances before coming to a decision?
21 uncomfortable.
                                                                                         PROSPECTIVE JUROR: That's correct.
                   MR. OWENS: Do you feel it's necessary
22
                                                                                         MR. OWENS: What does that mean to you.
                                                                      23
23 from time to time?
                                                                                         PROSPECTIVE JUROR: Based on the evidence,
                    PROSPECTIVE JUROR: Yes.
24
                                                                      25 understanding the situation, make a decision based on
25
                    MR. OWENS: Do you feel confortable
                                                                                                                                 167
                                                           165
                                                                      1 facts.
 ! personally that you could do this?
                                                                                         MR, OWENS: You had had some experience
                    PROSPECTIVE JUROR: Yes.
                                                                      3 with somebody that had some problems with violence or
                   MR. OWENS: When you were answering
 4 questions about the death penalty, you had inserted a word
                                                                         drugs or something?
 5 in one of the questions. Do you remember that?
                                                                                         PROSPECTIVE JUNOR: Yes.
                                                                                         MR. OWENS: Were you kind of close to that
                    What are your feelings about the death
                                                                         situation at the time?
    penalty. You said it depends on the case. I would be
   preferable with the death sentence, then you put in,
                                                                                         PROSPECTIVE JUROR: Yes!
                                                                                         MR. OWENS: How long was that?
    "not", and underlined it and added it. Do you know what
                                                                                         PROSPECTIVE JUROR: Hy sister ran away at
    that means. Do you want to take a look at that?
                                                                      łO
                                                                      11 16. I'm two years older then her. I'm 23.
                   PROSPECTIVE JUROR: If I may.
                                                                                         MR. OWENS: So sometime ago.
                   MR. CWENS: May, I your Honor?
12
                                                                                         PROSPECTIVE JUROR: Yes.
                                                                      13
                    THE COURT: All right. Yes.
11
                                                                                         MR. OWENS: Do you harbor bad feelings
                   MR. CARENS: At the bottom right there.
14
                    PROSPECTIVE JURGR: It's uncomfortable not
                                                                      15 about what happened there?
15
                                                                                         PROSPECTIVE JUROR: Absolutely.
                                                                      ١£
16
    confortable with the death sentence.
                                                                                         MR. CMENS: Are those feelings such that
                   MR. OWENS: What do you mean by that?
                                                                      17
17
                   PROSPECTIVE JUROR: I don't like to pass
                                                                      18 it might surface and you'd take it out on one side or the
18
                                                                      19 other maybe?
    judgment on anyone.
19
                                                                      20
                                                                                         PROSPECTIVE JURGR: I would have to say, I
                   MR. OWENS: Do you feel that that is
20
                                                                      21 don't know.
   something you couldn't do under any circumstance in the
21
                                                                                         MR. OWENS: So it might be possible you
22
                   PROSPECTIVE JUROR: I don't like to do it.
                                                                      23 are hearing facts and circumstances that triggers
23
                                                                      24 scrething in you, that you think, well, I can't be fair to
24 But I could do it.
                   MR. OWENS: So you're saying you wouldn't
                                                                      25 both sides because of the feeling that I have?
                                                                                                                                 168
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THE COURT: Thank you. Ms. Weckerly, as
                   PROSPECTIVE JUROR: No. I would be able
                                                                      2 to Ms. Cardillo.
 2 to separate it.
                                                                                        MS. WECKERLY: How are: you doing.
                   MR. OWENS: Okay. So you feel you could
                                                                                        PROSPECTIVE JUROR: Good.
 4 be fair?
                                                                                        MS. WECKERLY: You wrote on your
                   PROSPECTIVE JUROR: Yes.
                                                                      6 questionnaire sort of an interesting answer. You were
                   MR. OWENS: Regardless of the feelings
                                                                      7 asked -- the question was, what are your feelings about
   that you have that arose from that circumstance?
                                                                      8 the criminal justice system. And you wrote, I believe a
                   PROSPECTIVE JUROR: Yes.
                                                                      9 person is innocent until proven guilty. Which is, of
                   MR. OWENS: Okay. And if after hearing
                                                                     10 course, a precept that we all accept, But you know now
10 all of the evidence in the case if you felt the death
                                                                     11 from sitting here we are not at that point in this
   penalty was the appropriate punishment, you feel that you
                                                                     12 proceedings. And you are comfortable with that?
12 .could come back with that judgment?
                                                                                        PROSPECTIVE JUROR: Yes
                   PROSPECTIVE JUROR: Base on the law,
                                                                     13
13
                                                                                        MS, WECKERLY: Your answer on whether or
                                                                     14
14 yes.
                                                                     15 not you can consider the death penalty/ you wrote another
                   MR. OWENS: That's something you feel -- I
15
                                                                     16 sort of interesting answer to me. The question about if
16 don't mean you'd feel comfortable, do you feel like you
                                                                     17 you believe in an eye for an eye, you wrote that those
    could do that if appropriate?
                                                                     18 statements are too broad. You feel like that?
                   PROSPECTIVE JUROR: Yes.
16
                                                                                        PROSPECTIVE JUROR: Well, I believe each
                   MR. OWENS: Thank you. Pass for cause.
                                                                     19
19
                                                                     20 case is specific.
                   THE COURT: Thank you. Mr. Schieck.
20
                                                                                        MS. WECKERLY: Not every case of first
                   MR. SCHIECK: Thank you.
                                                                     21
21
                                                                     22 degree murder is the same?
                   Ms. Meyrick, a little information that we
22
                                                                                        PROSPECTIVE JUROR: Right.
23 have on occupation says manager. What type of business do
                                                                     23
                                                                                        MS, WECKERLY; So you're not someone who
24
   you manage?
                                                                     25 is going to automatically vote one way or another in this
                    PROSPECTIVE JURGR: I'm a production
25
                                                           169
                                                                      1 case?
 1 manager for an advertising department.
                                                                                        PROSPECTIVE JUROR: No.:
                                                                      2
                   MR. SCHIECK: So you have a number of
 2
                                                                                        MS. WECKERLY: And from reading your
   people that work under you?
                                                                      I questionnaire you're someone who would want to hear all of
                    PROSPECTIVE JUROR: Correct.
                                                                      5 the information, then once you've heard it, you would be
                   MR. SCHIECK: I take it in that position
                                                                      6 able to consider all four possible punishments and make a
    you have to make decisions on a daily basis?
                    PROSPECTIVE JUROR: Correct.
                                                                        decision?
                                                                                        PROSPECTIVE JUROR: Yes.
                   MR. SCHIECK: And you're looking for as
                                                                                        MS. WECKERLY: Is there anything about the
   much information as you can before you make a decision?
 9
                                                                     10 prospect of considering the death penalty as a potential
                    PROSPECTIVE JUROR: Have to.
10
                                                                     li punishment -- I don't want to say that makes you
                   MR, SCHIECK: In fact, one of your answers
11
                                                                     12 uncomfortable, certainly that's not an easy decision. But
12 states it pretty well. Deciding the appropriate
                                                                     13 are you someone who can consider that as a punishment?
    punishment, you said you would be able to decide, but want
                                                                                        PROSPECTIVE JUROR: Yes!
    to know the how, the when, the where, and the who.
                                                                     14
                                                                                        MS. WECKERLY: Do you think the death
                    PROSPECTIVE JUROR: Yes.
                                                                     15
15
                                                                        penalty serves a purpose?
                    MR. SCHIDCK: So you want all the
                                                                     16
16
   information you can get before you decide what's
                                                                     17
                                                                                        PROSPECTIVE JUROR: Yes.
17
                                                                                        MS, WECKERLY: If you could be the sole
                                                                     18
    appropriate.
18
                                                                     19 legislator, would you have that as a potential punishment?
                    PROSPECTIVE JUROR: That's correct.
- 19
                                                                                        PROSPECTIVE JUROR: Yes.
                   MR. SCHIDCK: As you sit here right now
                                                                     20
                                                                                        MS. MECKERLY: You are willing as a juror
21 you have an open mind to hearing everything and making a
                                                                     22 to listen to both sides in this proceedings?
22 decision based on the facts and not emotion?
                                                                                        PROSPECTIVE JUROR: Yes!
                    PROSPECTIVE JUROR: Correct.
                                                                     23
23
                                                                                        MS. WECKERLY: I'm sure you could
                                                                     24
                   MR. SCHIECK: Thank you. Pass for cause,
                                                                     25 communicate with your fell jurors and make a decision?
25 your Honor.
                                                                                                                                 172
                                                           170
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PROSPECTIVE JUROR: Because I think that
                   PROSPECTIVE JUROR: Yes.
                                                                     2 scretimes they don't enforce it enough.
                  MS. WECKERLY: Thank you. Pass for
                                                                                       MS. WECKERLY: I think we have explained
3 cause.
                                                                     4 sort of the process. It's a little artificial asking you
                   THE COURT: Thank you. Mr. Patrick.
                                                                     5 to commit now. But the judge is going to give you
                   MR. PATRICK: Good afternoon.
                                                                     6 instructions at the end of the case. And those
                   PROSPECTIVE JUROR: Hi.
                                                                     1 instructions will kind of tell you if you can consider the
                   MR. PATRICK: On the innocent until proven
 8 guilty, Ms. Weckerly said we're not at that point. You
                                                                     8 death penalty.
                                                                                        PROSPECTIVE JUROR: It's a murder case, is
 9 can apply the same principles here that we're basically
                                                                     9
                                                                     10 it not?
10 starting with a clean slate and listen to all the
                                                                                       MS. WECKERLY: It is. But in the State
11 evidence and make your decision?
                                                                     n
                                                                     12 of Nevada there are certain factors that have to be
                   PROSPECTIVE JUROR: Yes.
                                                                     13 present before a jury can even consider a death sentence
                   MR. PATRICK: And that you'd have an open
13
                                                                     14 as a possible verdict.
14 mind, listen to everything before you decide on
                                                                                        PROSPECTIVE JUROR: That's new to me. I'm
                                                                     15
  punishment?
                                                                    16 not used to that.
                   PROSPECTIVE JUROR: Yes.
16
                                                                                       MS. WECKERLY: I don't think that -- I'm
                   MR. PATRICK: And if you were sitting
                                                                    17
17
                                                                     18 sure most people that come in for jury duty don't realize
18 where Mr. Chappell was would you like twelve people that
                                                                     19 that not every case of first degree murder has that as a
19 thought like you on the jury?
                                                                     20 potential punishment. But this one does.
                   PROSPECTIVE JUROR: Yes.
20
                                                                                        PROSPECTIVE JUROR: Well, I came from the
                   MR. PATRICK: Pass for cause, your
                                                                    21
21
                                                                    22 State that does.
22 Honor.
                                                                    23
                                                                                       MS. WECKERLY: What state is that?
                   THE COURT: Thank you, very much.
23
                                                                                        THE COURT: Texas.
                                                                     24
24
        Ms. Weckerly as to Mr. Ramirez.
                                                                                        MS. WECKERLY: I was going to guess that.
                   MS. WECKERLY: Mr. Ramirez, on your
                                                                     23
25
                                                          173
                                                                     1 Will you be able to follow the judge's instructions and
 1 questionnaire you wrote that one of your daughters is a
                                                                     2 hold the State to its burden?
 2 doctor and one is a mortgage banker?
                                                                                        PROSPECTIVE JUROR: Hard to say.
                   PROSPECTIVE JUROR: Yes.
                                                                                        MS, WECKERLY: Like I talked to this other
                   MS. WECKERLY: Do they live here locally?
                                                                     5 lady. I know it's hard to say what you're feelings are
                   PROSPECTIVE JUROR: No. The mortgage
                                                                      6 now, but we sort of need you to commit up front that
 6 broker does.
                                                                     7 you'll follow the law.
                   MS. WECKERLY: Where does your other
                                                                                        PROSPECTIVE JUROR: I'll try to.
   daughter live?
                                                                                        MS. WECKERLY: Can you convince us more
                   PROSPECTIVE JUROR: Chicago. She works
                                                                     10 than that that you will follow the law?!
   for Resident Medical.
10
                                                                                        PROSPECTIVE JUROR: Well, I'm just giving
                                                                     11
                   MS. WECKERLY: She's just completing her
11
                                                                     12 you my opinion.
12 residency?
                   PROSPECTIVE JUROR: This is her fifth
                                                                                        MS. WECKERLY: Sure.
                                                                     13
13
                                                                     14
                                                                                        PROSPECTIVE JUROR: I can say that I can
14 year. She'll be done in May.
                                                                     15 try to.
                   MS. WECKERLY: Okay. You wrote on your
                                                                                       MS. WECKERLY: I mean, it's sort of an
16 questionnaire that you're someone who can consider the
                                                                     17 unfair question at this point, because I think people have
17 death penalty as a potential punishment?
                                                                     18 a general sense of if they're for or against the death
                   PROSPECTIVE JUROR: Yes.
18
                                                                     19 penalty. But in this setting, you know very little about
                   MS. WECKERLY: I'm sure you've listen all
   morning and part of the afternoon. It's not something
                                                                     20 the facts of the case and you --
                                                                                        PROSPECTIVE JUROR: I do know that there
21 that you would automatically vote for without hearing all
                                                                     22 has been a conviction already.
22 the information in this case, is it?
                                                                                        MS. WECKERLY: That's right. And you will
                   PROSPECTIVE JUROR: It's hard to say for
                                                                    23
23
                                                                     24 assume that. And that is the case. But in terms of
24 me.
                                                                    25 punishment, there are four punishments available for first
                   MS. WECKERLY: Why is that?
25
                                                          174
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1 drugs and domestic violence.
⊋l degree murder.
                                                                                         PROSPECTIVE JUROR: Yes.
                    PROSPECTIVE JUROR: Like I said, that's
  2
                                                                                         MR. PATRICK: Have you known anybody that
    new to me.
                                                                       4 had a drug problem or domestic violence problems?
                    MS. WECKERLY: Are you telling us that you
  5 wouldn't be able to follow the judge's instructions?
                                                                                         PROSPECTIVE JUROR: I have known, where I
                                                                       6 used to work at, I used to have a lot of people reporting
                    PROSPECTIVE JUROR: I could try.
                                                                       7 to me. And it seems to me it became very prevalent as I
                    MS. WECKERLY: You'll be able to
                                                                         progressed up the chain of command.
    deliberate?
                                                                                         MR. PATRICK: Both drugs and domestic
                    PROSPECTIVE JUROR: I can try, ma'am.
                                                                      10 violence?
    That's all I can say.
                                                                                         PROSPECTIVE JUROR: Yeah. Some of the
                    MS. WECKERLY: Are you someone that can
                                                                      11
 11
                                                                      12 employees would have kids mixed up with drugs and violence
    listen to all the information presented?
                    PROSPECTIVE JUROR: I will try to do that,
                                                                      13 and anger.
 13
                                                                                         MR. PATRICK: Did you ever talk to the
 14 yes.
                                                                      15 employees about the problems they were having?
                    MS, WECKERLY: You'll listen to the
 15
                                                                                         PROSPECTIVE JUROR: Yes.
                                                                      16
 16 information presented from both sides?
                                                                      17
                                                                                         MR, PATRICK: And would you - if you
                    PROSPECTIVE JUROR: Yes, ma'am.
 17
                                                                      18 learned that somebody was on drugs or had a history or
                    MS. WECKERLY: Then I assume after that
 18
                                                                      19 domestic violence, would that make you tend to believe
    you'll make what you believe to be a fair decision?
                    PROSPECTIVE JUROR: Yes, I can do that.
                                                                         then more or less?
 20
                                                                                         PROSPECTIVE JUROR: They — it probably
                    MS. WECKERLY: And applying the law that
                                                                         colored my thinking on them.
 22 the judge gives you?
                                                                                         MR, PATRICK: Colored how?
                    PROSPECTIVE JUROR: Yes.
                                                                      23
 23
                                                                                         PROSPECTIVE JUROR: Negative.
                    MS. WECKERLY: Thank you. Pass for
                                                                      24
 24
                                                                                         MR. PATRICK: You also mentioned in your
                                                                      25
 25 cause.
                                                            177
                                                                       1 questionnaire the system is too soft.
                    THE COURT: Thank you. Mr. Patrick.
                                                                                         PROSPECTIVE JUROR: Yes.
                    MR. PATRICK: Good afternoon,
                                                                                         MR. PATRICK: And that punishment should
  3 Mr. Ramirez.
                                                                         be tougher down the line.
                    PROSPECTIVE JUROR: Hello.
                    MR. PATRICK: Do you have any prior
                                                                                         PROSPECTIVE JUROR: Correct.
                                                                                         MR. PATRICK: Could you expand on that?
    military service?
                                                                                         PROSPECTIVE JUROR: That little girl
                    PROSPECTIVE JUROR: Yes.
                                                                         that's dead in Florida, that man that killed her. She
                    MR. PATRICK: What branch?
                                                                       9 would be alive today. Talking about that John Van Que
                    PROSPECTIVE JUROR: Air force.
                                                                      10 case.
                    MR. PATRICK: Tell me about what you
 10
                                                                                         MR. PATRICK: Was he tried for that?
                                                                      11
    did.
 11
                                                                                         PROSPECTIVE JUROR: Yes.
                    PROSPECTIVE JUROR: I was assigned to a
                                                                      12
 12
                                                                                         MR. PATRICK: Do you know what punishment
                                                                      13
 13 search and rescue squad.
 14
                    MR. PATRICK: Would that be considered
                                                                      14 he received?
                                                                                         PROSPECTIVE JUROR: The death penalty.
                                                                      15
    scrething along the lines of special forces?
 15
                                                                                         MR. PATRICK: Did you think that that was
                    PROSPECTIVE JUROR: Yes.
                                                                      16
 16
                                                                      17 appropriate?
                    MR. PATRICK: You've had a lot of extra
 17
                                                                                         PROSPECTIVE JUROR: Yes, sir.
                                                                      16
    training?
 18
                                                                                         MR. PATRICK: If you were sitting on that
                    PROSPECTIVE JUROR: Yes, sir.
                                                                      19
 19
                                                                      20 jury you would have voted for that?
                    MR. PATRICK: What rank did you hold?
 20
                                                                                         PROSPECTIVE JUROR: Yes, sir.
                    PROSPECTIVE JUROR: Staff sergeant.
                                                                      21
 21
                                                                                         MR. PATRICK: So you say that you believe
                    MR. PATRICK: How long were you in?
 22
                                                                      23 in the statement an eye for an eye. Strongly believe in
                    PROSPECTIVE JUROR: Six years.
 23
                                                                      24 that statement?
                    MR. PATRICK: That's impressive. In your
 24
                                                                                         PROSPECTIVE JUROR: Yes, I do.
 25 questionnaire you said you were both strongly opposed to
                                                                      25
                                                                                                                                 190
                                                            178
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1 quilty of first degree murder. Right?:
                   MR. PATRICK: Your wife works for an
                                                                                        PROSPECTIVE JUROR: Yes.
2 attorney?
                                                                     2
                                                                                        MR. CNENS: And I think you said in here
                   PROSPECTIVE JUROR: Yes.
                                                                     4 that thou shalt not kill is the law, man or jury. That's
                   MR. PATRICK: Don't mention the attorneys
                                                                       kind of what you said a minute ago.
 5 name. Do you know what kind of law the attorney
                                                                                        PROSPECTIVE JUROR: Right.
 6 practices?
                                                                                        MR. OWENS: Is that based on religious
                   PROSPECTIVE JUROR: The lady is a medical
 0 malpractice lawyer. And she is an insurance lawyer.
                                                                       beliefs?
                                                                                        PROSPECTIVE JURORS: Religious and
                   MR. PATRICK: So nothing to do with
                                                                     10 morals.
   criminal law?
                                                                                        MR. CWENS: Are you a religious person?
                   PROSPECTIVE JUROR: No.
                                                                     11
                                                                                        PROSPECTIVE JUROR: Yes.
                   MR. PATRICK: Now, again, they were
                                                                     12
                                                                                        MR. OWENS: You consider yourself a moral
                                                                     13
13 talking about -- Ms. Weckerly was talking about four
                                                                     14 person?
   punishments, you said that was new to you?
                                                                                        PROSPECTIVE JUROR: Yes
                                                                     15
                   PROSPECTIVE JUROR: Yes.
15
                                                                                        MR. CMENS: So you're an individual that
                   MR. PATRICK: What did you mean by that?
16
                                                                     17 tries to live according to your religious principles and
                   PROSPECTIVE JUROR: Well, in Texas if
17
                                                                     18 morals on a daily basis?
18 convicted of murder, they enforce the death penalty.
                                                                                        PROSPECTIVE JUROR: Yes. But I also
                   MR. PATRICK: You don't have four choice,
                                                                    19
                                                                     20 believe if you do the crime you should do the time. But
20 you have one choice?
                                                                     21 I'm one of those strong opinionated person. I believe in
                   PROSPECTIVE JUROR: Correct.
21
                                                                     22 doing what is right, no matter what.
22
                   MR. PATRICK: Do you agree with that?
                   PROSPECTIVE JUROR: Yes, I do.
                                                                                        MR. OWENS: You do the crime, you do the
23
                                                                     24 time, that's not a death penalty thing?
                   MR. PATRICK: If you were sitting where
24
                                                                                        PROSPECTIVE JUROR: Right.
25 Mr. Chappell was, would you want twelve people like you
                                                                                                                               183
                                                                                        MR. CWENS: When you say that thou shalt
1 sitting where you're at?
                                                                     2 not kill, man or jury. You're saying juries should not be
                   PROSPECTIVE JUROR: I doubt it.
 2
                                                                     3 able to impose the death penalty?
                   MR. PATRICK: We challenge for cause.
                                                                                        PROSPECTIVE JUROR: Once again, I don't
                   THE COURT: Mr. Owens, as to Ms. Theus.
                   MR. OWENS: How are you?
                                                                     5 like the idea of passing judgment. We all shouldn't pass
                                                                     6 judgment. But on a certain circumstances, I can pass if I
                   PROSPECTIVE JUROR: Tired.
                   MR. CHENS: Seems like you are kind of
                                                                     7 have to.
                                                                                        MR. OWENS: Well, you put a couple of
 8 tired.
                                                                     9 exclamation points at the end to emphasize that?
                   PROSPECTIVE JUNOR: I work graveyard. I'm
                                                                     10
                                                                                        PROSPECTIVE JUROR: Right.
10 good staying up. I work two jobs.
                                                                                       MR. OWENS: You said you can't be
                   MR. CMENS: There's people that are sort
                                                                     11
                                                                     12 judgmental, but the kind of judgment you're talking about
12 of conscientious objectors of the death penalty. They
                                                                     13 would not include the death penalty?
13 don't think it's appropriate under any circumstances.
                                                                                        PROSPECTIVE JUROR: You said --
14 Seems from what you're writing that you're one of those
                                                                     14
                                                                                       MR. OWENS: You said if you had to you
15 kinds of people. That you're opposed to the death
                                                                    15
                                                                     16 could render a judgment, but it wouldn't include the death
16 penalty.
                   PROSPECTIVE JUROR: I don't believe anybody
                                                                     17 penalty?
                                                                    18
                                                                                        PROSPECTIVE JUROR: Under the law, I
10 has the right to take somebody's life, period. And just
19 because you take a life doesn't mean you take theirs. I
                                                                    19 could.
20 don't believe that, but under certain circumstances, if I
                                                                    20
                                                                                       MR. OWENS: Other then the death penalty?
21 have to vote for that, I have to see without a reasonable
                                                                                        PROSPECTIVE JUROR: I can go for all of
                                                                    22 them, except the death penalty. But, like what I'm saying
22 doubt. But if I have a reasonable doubt, I could not vote
                                                                    23 is if that's what the law says I have the choice of the
23 for a death penalty.
                                                                    24 death penalty, I can. That's what I'm saying.
                   MR. OWENS: Now, you know in this case the
                                                                    25
                                                                                       MR. OWENS: Well, the law doesn't say you
25 Defendant has committed a murder. And he has been found
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3/12/2007

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1 have to give the death penalty. It's just a choice. If
                                                                                        MR. CWENS: I think -- did you say there
                                                                      2 were four, a brother, a nephew, a husband, and a son?
 2 you have a choice, what you are saying is you can't
                                                                                        PROSPECTIVE JUROR: Correct. If I keep
 3 consider the death penalty.
                                                                      4 thinking, there might be more than that. In-laws, that
                   PROSPECTIVE JUROR: I didn't say I
                                                                      5 counts to, right, cousins, nephews.
 5 couldn't consider it. I said I wouldn't like to. I don't
                                                                                        MR. CWENS: Have you been close to these
   think we should. But I could.
                   MR. OWENS: On the section here where
                                                                      7 people?
                                                                                        PROSPECTIVE JUROR: Definitely.
    you're asked about attitudes regarding the death penalty,
                                                                                        MR. CWENS: Now, some of these instances
   you didn't have to circle them, some did. But you circled
                                                                        occurred out of state, or are they all here in this area?
    three of them.
                                                                                        PROSPECTIVE JUROR: Most of them is right
                    PROSPECTIVE JUROR: All except the death
                                                                     11
11
                                                                     12 here. A majority I would say is right!here.
12 penalty.
                                                                                        MR. OWENS: Did some of these go to trail?
13
                   MR. CWENS: You left the death penalty
                                                                     13
                                                                                        PROSPECTIVE JUROR: All of them - no, my
                                                                     14
14 off, right?
                                                                     15 son hasn't been to trial yet. He's waiting for a trial.
                    PROSPECTIVE JUROR: Yes.
15
                   MR. CMENS: And then down below that you
                                                                                        MR. OWENS: In this jurisdiction,
16
17 said B and C is okay, but thou shalt not kill. B and C
                                                                     17 awaiting trial?
                                                                                        PROSPECTIVE JUROR: Correct.
18 would not include the death penalty, correct?
                                                                                        MR. OWENS: How old is your son?
                    PROSPECTIVE JUROR: All of it is strong
                                                                     19
19
                                                                     20
                                                                                        PROSPECTIVE JUROR: 22.
20 and harsh. I think 40 years, 100 hundred years. That's
                                                                                        MR. OWENS: When is that trial date coming
                                                                     21
    all tough.
                   MR. CWENS: B and C would be okay, but not
                                                                     22 UEO?
22
                                                                     23
                                                                                        PROSPECTIVE JUROR: I have no idea.
    the death penalty?
                                                                                        MR, OWENS: What's the charge there?
                                                                     24
                    PROSPECTIVE JUROR: Correct.
24
                                                                                        PROSPECTIVE JUROR: Assault, domestic
                   MR. OWENS: And then where it talked about
                                                                     25
25
                                                                                                                                187
 1 strong moral and religious views about the death penalty,
                                                                      1 assault.
                                                                                        MR. OWENS: Domestic assault. Is he
 2 and you said, is it right to say anybody should take life
                                                                        currently in custody?
 3 from another person. What did you mean by that?
                                                                                        PROSPECTIVE JUROR: He's in prison.
                    PROSPECTIVE JUROR: The same thing I have
 5 been saying. That another human being doesn't have the
                                                                                        MR. OWENS: He must have had a trial.
                                                                        Unless he's in for samething else.
    right to take somebody else's life.
                   MR. OWENS: And you feel that that would
                                                                                        PROSPECTIVE JUROR: He was on parole,
   include the jurors coming back with a judgment of death.
                                                                      £ yeah.
                                                                                        MR. OWENS: They revoked him?
 9
                   PROSPECTIVE JUNOR: Yes.
                                                                                        PROSPECTIVE JUROR: Yeah.
                                                                     16
                   MR. OWENS: They shouldn't be allowed to
10
                                                                                        MR. OWENS: How often do you see him?
                                                                     11
   do that?
                                                                                        PROSPECTIVE JUROR: I just saw him
                   PROSPECTIVE JUROR: They shouldn't be.
12
                                                                     13 recently. I try every week. It's a recent case. When he
                   MR. OWENS: If you heard all of the
13
14 evidence in this case and you felt that death was the
                                                                     14 was a juvenile he had been in trouble off and on. I am
                                                                     15 the one that asked the judge to lock him up and put him
   appropriate verdict, would you be able to come back with
16 that judgment?
                                                                     16 away.
                                                                                        MR. OWENS: That didn't work for him back
                                                                     17
                   PROSPECTIVE JUROR: I would be, yes.
17
                                                                     18 then?
                   MR. OWENS: So even though religiously you
18
                                                                                        PROSPECTIVE JUROR: They didn't have a
    feel like the death penalty shouldn't be allowed, you feel
                                                                     19
                                                                     20 work farm. But just in and out of what's that Spring
    that that's something you could still do?
20
                                                                     21 Mountain thing.
                    PROSPECTIVE JUNOR: Correct.
21
                                                                                        MR. OWENS: Youth camp. And your husband,
                   MR. OWENS: You said that you had a number
22
                                                                     23 what was the situation with him?
   of individuals close to you that had been involved in the
                                                                                        PROSPECTIVE JUROR: In and out of jail
                                                                     24
   criminal justice system.
                                                                     25 more than half of his life -- burglary, robbery.
                   PROSPECTIVE JUROR: Yes.
25
                                                                                                                                188
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PROSPECTIVE JUROR: Years ago.
                   MR. OWENS: Is he in our out.
                                                                                       MR. CWINS: How is he doing now.
                   PROSPECTIVE JUROR: He's out now.
                                                                     2
                                                                                       PROSPECTIVE JUROR: Staying out of jail.
                                                                     3
                   MR. OWENS: When was the last time he had
3
                                                                                       MR. OWENS: You said there was some other
4 difficulty with the law?
                                                                     5 ones in your family. Any that are currently pending
                   PROSPECTIVE JUROR: With him?
                                                                     6 trial, other than maybe your son?
                   MR. OWENS: Yeah.
                                                                                       PROSPECTIVE JUROR: That's the only one
                   PROSPECTIVE JUROR: Since he got out he's
                                                                       pending trial.
  been pretty good. He hasn't went back.
                                                                                       MR. OWENS: As far as you know.
                   MR. OWENS: Since he got out of prison.
 9
                                                                                       PROSPECTIVE JUROR: Well, when he was in
                   PROSPECTIVE JUROR: Right, in '98.
10
                                                                     11 the county jail he said he had an assault case. He said
                   MR. OWENS: That's pretty good. That's
11
                                                                    12 it was self defense, that's why they gave him more time
12 awhile ago. What sort of charges were those back then?
                                                                    13 here. He's got to go back on that and 'get more time. He
                   PROSPECTIVE JUROR: Burglary, robbery.
13
                   MR. OWENS: Anything violent, assault on
                                                                    14 wanted me to check on that. He's not sure how it's
14
                                                                    15 going.
15 anybody?
                                                                                       MR. OWENS: That was an incident that
                   PROSPECTIVE JUROR: No. I think they just
                                                                    16
16
                                                                    17 happen in the jail?
   passed that law at the time that had to do with senior
17
                                                                                       PROSPECTIVE JUROR: Yes, in the jail.
   citizens, so he got a lot of time for that.
                                                                    18
                                                                                       MR. CWENS: And some of these had a trial,
                                                                    19
                   MR. OWENS: Then you said there was a
19
                                                                    20 pleas of guilt or something. Did you appear in court with
20 nephew.
                                                                    21 him at any time?
                   PROSPECTIVE JUROR: My nephew is still in
21
                                                                                        PROSPECTIVE JUROR: Yes.
22 prison.
                                                                                       MR. OWENS: Do you go to court? Did you
                                                                    23
                   MR. OWENS: Was that here in Clark County?
23
                                                                    24 ever testify?
                   PROSPECTIVE JUROR: Yes.
24
                                                                                       PROSPECTIVE JUROR: No. I haven't
                                                                    25
25
                   MR. OWENS: What kind of charge was that?
                                                                                                                               191
                   PROSPECTIVE JUROR: That one was kind of
                                                                     1 testified for any of them. I was personally a victim one
                                                                     2 time and I went to court to testify. Then I was subpoena
 2 messed up. I think he was accused of robbery, I believe.
                                                                     3 again because they did scrething else and I testified.
 3 I don't know all the charges, but it was robbery. He was
                                                                                       MR. CWENS: The only time you've testified
 4 by himself and five Mexicans, he got accused of
 5 everything. So he was beaten up real bad. It was a bad
                                                                     5 was in your own case?
                                                                                       PROSPECTIVE JUROR: Right.
 6 case, a biased case.
                   MR. OWENS: Well on question 32, when you
                                                                                       MR. OWENS: How long ago was that one?
                                                                                       PROSPECTIVE JUROR: That was in like
 8 were asked if you felt like the person was treated fairly
                                                                     9 the -- probably in late 80s, 90s.
   you said yes on some members, not fair on some.
                                                                                       MR, CWENS: The other times you would go
                   PROSPECTIVE JUNCA: That's one of them. I
                                                                    11 to court for family, relatives, sort of like moral
11 have been talking about his case. It was at an early age.
12 He got a lot of time.
                                                                    12 support?
                                                                                       PROSPECTIVE JUROR: Definitely.
                                                                    13
                   MR. CWENS: Then you mentioned a
13
                                                                                       MR. CMENS: And the prosecutions against
14 brother.
                                                                    14
                                                                     15 these people would have been in these courts in this
                   PROSPECTIVE JUROR: Yes, my brother.
15
                                                                    16 building or the other building down the street before we
                   MR. CWENS: Was that here in town also?
16
                                                                    17 moved?
                   PROSPECTIVE JUROR: Yes.
17
                                                                                       PROSPECTIVE JUROR: Right.
                   MR. OWENS: He actually went to prison,
                                                                    18
19 but it was something he didn't do. But because we was
                                                                                       MR. OWENS: The prosecutor on that case
20 affiliate at the time with gang members, so that's what
                                                                    20 would have been prosecutors from our office, the DA's
21 happen to him. But back in that situation he went to
                                                                    21 office?
22 prison for my ex-boyfriend and my sister confessed doing
                                                                    22
                                                                                       PROSPECTIVE JUROR: Right.
23 it at the time -- sister boyfriend doing that crime that
                                                                                       MR. OWENS: It wasn't anything that
                                                                    23
                                                                    24 Ms. Weckerly or I were involved in?
24 he spent the time for in jail.
                                                                                       PROSPECTIVE JUROR: I don't think so.
                   MR. OWENS: How long ago was that?
                                                                                                                               192
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MS. WECKERLY: Because you grew up in that
                     MR. CWENS: And you feel after hearing all
 1 ي
  2 the facts and circumstances in the case if you thought
                                                                       2 setting or had that experience at kind of a young age or
  3 that the death was the right punishment that that's
                                                                        3 very young age, do you think you can still be fair and
  4 scrething you could do?
                                                                        4 impartial in a case like this?
                     PROSPECTIVE JUROR: Yeah. I know I could.
                                                                                          PROSPRCTIVE JUROR: Yes!
    I can.
                                                                                         MS. WECKERLY: I read in your
                     MR. OWENS: That's all I have, your
                                                                          questionnaire that I think your son and your ex-husband or
                                                                          both in law enforcement?
    Honor.
                     THE COURT: Pass for cause?
                                                                                          PROSPECTIVE JUROR: Correct.
                                                                                         MS. WECKERLY: Both in North Las Vegas,
                     MR. OWENS: Yes.
                                                                       10
  10
                     THE COURT: Thank you. Mr. Schieck.
                                                                       11
                                                                                          PROSPECTIVE JUROR: Correct.
  11
                                                                                         MS. MECKERLY: Your son is the
 12
                     MR. SCHIECK: Thank you, your Honor.
                                                                       12
                     Ms. Theus, just a couple of questions,
 13
                                                                       13 correction's officer.
 14 just to be sure. I mean in the questionnaire you said you
                                                                                         PROSPECTIVE JUROR: Yes.
 15 would consider the death penalty under certain
                                                                                         MS. WECKERLY: And the ex-husband, is he a
 16 circumstances.
                                                                       16 correction's officer?
                                                                                         PROSPECTIVE JUROR: No.! He's captain over
                     PROSPECTIVE JUROR: Right.
                                                                       17
 17
                     MR. SCHIECK: And that's after you had
                                                                      18 the correction's officers right now. Temporary.
 18
 19 time to read everything that was in here and understood
                                                                                         MS. WECKERLY: Okay. But the fact that
                                                                       19
    what the questions are about. You want to hear all of the
                                                                       20 you have these two -- your ex-husband, obviously, your son
 21 evidence in the case?
                                                                         working in a law enforcement capacity, you can still be
                     PROSPECTIVE JUROR: Yes. I want to,
                                                                      22 fair to both sides?
 22
                                                                                         PROSPECTIVE JUROR: I believe I can,
 23 yes.
                    MR. SCHIECK: You would follow the law and
                                                                      24 yes.
 25 the instructions?
                                                                      25
                                                                                         MS. WECKERLY: You indicated on your
                                                                                                                                 195
                                                            193
                     PROSPECTIVE JUROR: Definitely.
                                                                       1 questionnaire that you could consider the death penalty as
                    MR. SCHIECK: Thank you. We pass for
                                                                       2 a potential punishment?
                                                                                         PROSPECTIVE JUROR: Correct.
    cause, your Honor.
                                                                                         MS. WECKERLY: You also said you are
                    THE COURT: Thank you, Ms. Noahr,
                    MS. MEXCKERLY: Ma'am, you wrote on your
                                                                       5 someone that's pretty open-minded?
                                                                                         PROSPECTIVE JUROR: Correct.
    questionnaire that there was experiences in your childhood
    with your mother and substance abuse with alcohol.
                                                                                         MS, WECKERLY: As we've discussed with
                     PROSPECTIVE JÜROR: My Mother, yeah.
                                                                       8 several of the other prospective jurors; you don't have
                    MS. WECKERLY: Was she the one who was
                                                                       9 any problem with listening to both sides and formulating
                                                                      10 your opinion?
 10 abusing alcohol, or she was the victim of abuse?
                    PROSPECTIVE JUROR: Both my parents
                                                                      H
                                                                                         PROSPECTIVE JUROR: I have no problem.
- 11
                                                                                         MS. WECKERLY: Someone who wants to hear
                                                                      12
 12 were.
                    MS. WECKERLY: And was this something that
                                                                      13 all the evidence?
    you were present for as a child, you'd see some of this?
                                                                      14
                                                                                         PROSPECTIVE JUROR: Most definitely.
                    PROSPECTIVE JUROR: I was eight years old.
                                                                                         MS. WECKERLY: Thank you. Pass for
                                                                      15
 15
 16 My mother divorced my father at that point.
                                                                      16 cause.
                    MS. WECKERLY: Did you go with your mam?
                                                                      17
                                                                                         THE COURT: Mr. Patrick!
 17
                    PROSPECTIVE JUROR: Yes.
                                                                                         MR. PATRICK: Ms. Noahr! is that correct?
 16
                                                                      18
 19
                    MS. WECKERLY: This is kind of a hard
                                                                      19
                                                                                         PROSPECTIVE JUROR: Yes.
    question, do you remember it. You said you were eight
                                                                      20
                                                                                         MR. PATRICK: Now the abuse that your
 21
    years old or younger. Do you remember seeing that?
                                                                      21 father did on your mother, you were old senough to remember
                    PROSPECTIVE JUROR: Yes. I had two
                                                                      22 that?
 22
                                                                      23
                                                                                         PROSPECTIVE JUROR: Yes.
    younger sibling that I took care of.
23
24
                    MS. WECKERLY: You were the protector?
                                                                      24
                                                                                         MR. PATRICK: Do you think that that was
                    PROSPECTIVE JUROR: Correct.
                                                                      25 any reason why your mother abused alcohol?
25
                                                            194
                                                                                                                                 196
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THE COURT: Thank you. Ms. Weckerly, as
                    PROSPECTIVE JUROR: They both were
ç l
 2 alcoholics. They both drank together.
                                                                       2 to Ms. Martino.
                    MR. PATRICK: Do you think that that whole
                                                                                         MS. WECKERLY: Ma'am, you also mentioned
                                                                       4 on your questionnaire that you grew up with some abuse?
  4 history in any way would color the way you look at any of
 5 the testimony you heard?
                                                                                         PROSPECTIVE JUROR: Yes'
                    PROSPECTIVE JUROR: No. I don't believe
                                                                                         MS. WECKERLY: I think the way you put it
                                                                         your dad beat your brother, your sister, and your mom, but
    SO.
                                                                         not you?
                    MR. PATRICK: You'll remain open-minded.
                    PROSPECTIVE JUROR: Yes.
                                                                                         PROSPECTIVE JUROR: Right.
                    MR. PATRICK: Even if same of the
                                                                      10
                                                                                         MS. MECKERLY: How did you escape that?
 10
 11 testimony you heard made you think back to when you were 8
                                                                                         PROSPECTIVE JUROR: I was a coward. I ran
                                                                      11
                                                                      12 to the corner. I didn't talk back, they did.
 12
    years old?
                                                                                         MS. WECKERLY: How old were you when this
13
                    PROSPECTIVE JUROR: It's not a problem.
                                                                      13
                    MR. PATRICK: And you said you had two
                                                                      14 happened?
 14
                                                                                         PROSPECTIVE JUNOR: When it started, what
 15
    younger siblings at this time?
                                                                      15
                    PROSPECTIVE JUROR: Correct.
                                                                      16 I remember, maybe five or six.
 16
                                                                                         MS. WECKERLY: So you remember it?
                    MR. PATRICK: And you were their care
                                                                      17
 17
                                                                                         PROSPECTIVE JURGE: I remember most of it.
    giver?
                                                                      18
 18
                                                                                         MS. WECKERLY: So from what you are
                    PROSPECTIVE JUROR: Right.
                                                                      19
 19
                    MR. PATRICK: If there was something like
                                                                      20 describing, I assume at that age, it was sort of a fearful
20
                                                                      21 place being in the home?
    that, would that color your impressions of this case?
                    PROSPECTIVE JUROR: What do you mean?
                                                                      22
                                                                                         PROSPECTIVE JUROR: Yes.
22
                    MR. PATRICK: You were an older sibling
                                                                      23
                                                                                         MS. WECKERLY: To say the least.
 24 that had to take care of two younger siblings, basically
                                                                                         PROSPECTIVE JUROR: Yes.
                                                                      24
                                                                                         MS. WECKERLY: The fact that you have had
 25 your situation, would that change your feelings?
                                                                      25
                                                           197
                    PROSPECTIVE JUROR: I don't believe it
                                                                      I that experience and grew up in that setting, do you think
 1
 2 would.
                                                                      2 that you can put that out of your mind and make your
                                                                      3 decision in this case on the information you hear in this
                    MR. PATRICK: You could still keep and
 4 open-mind?
                                                                        courtroom?
                    PROSPECTIVE JUROR: Yes.
                                                                                         PROSPECTIVE JUROR: I think that as an
                                                                      6 adult I can forget. But there's still that child in your
                    MR. PATRICK: You'd look at all of the
 1 evidence and listen to everybody and make up your mind?
                                                                      7 brain that remembers that.
                    PROSPECTIVE JUROR: Most definitely.
                                                                                        MS. WECKERLY: Sure, And I don't think
                                                                      9 that we can realistically expect anyone to forget, or --
                    MR. PATRICK: The fact that your son and
10 ex-husband are both in law enforcement -- and I know the
                                                                      10 that's not part of who I am anymore. Because that's such
11 judge asked this -- would you tend to give more weight to
                                                                      11 a significant event. But what we need from you now is a
12 their testimony to a law enforcement officer, then to
                                                                      12 commitment that you can make a decision in this courtroom
                                                                     13 and be fair to both sides.
   somebody else?
                    PROSPECTIVE JUROR: No. They're just like
                                                                                        PROSPECTIVE JUROR: I would like to think
14
                                                                     14
                                                                     15 50.
15 us.
16
                   MR. PATRICK: You can still be fair and
                                                                     16
                                                                                        MS. WECKERLY: Okay. And you're someone,
17 take their testimony for whatever it's worth, and give it
                                                                     17 I assume, who can follow the law in the judge's
   as much weight you thought necessary. It has nothing to
                                                                     18 instructions?
19 do with the fact they're police officers?
                                                                     19
                                                                                        PROSPECTIVE JUROR: Yes.
                    PROSPECTIVE JUROR: Correct.
                                                                                        MS. WECKERLY: And you can communicate and
20
                                                                     20
21
                   MR. PATRICK: So basically you keep an
                                                                     21 give your opinion to your follow jurors?
22 open mind. That's the best we can hope for, right?
                                                                     22
                                                                                        PROSPECTIVE JUROR: Yes',
                                                                                        MS. WECKERLY: Are you someone who can --
23
                   PROSPECTIVE JUROR: Yes.
                                                                     23
                   MR. PATRICK: Thank you. Pass for cause,
                                                                     24 wants to hear all the information before you make a
                                                                     25 decision?
25 your Honor.
                                                           198
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cause.
                    PROSPECTIVE JUROR: Yes.
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                    MS. WECKERLY: As we've talked about with
                                                                       2
                                                                                         THE COURT: Mr. Patrick.
                                                                                         MR. PATRICK: Good afternoon, Ms. Martino.
 3 same of the other prospective jurors, you're not sameone
                                                                       3
                                                                                         PROSPECTIVE JUROR: Hi.
 4 who has made up their mine as it going to sit here now and
  5 says I'm automatically giving this punishment rather then
                                                                                         MR. PATRICK: Talking about your father
                                                                       6 and domestic violence, would that cover your opinion as to
                                                                         what would go on in this case if somebody had a history of
                    PROSPECTIVE JUROR: No. But I lean toward
                                                                         domestic violence?
    the death penalty.
                    MS. WECKERLY: There is no -- there is no
                                                                                         PROSPECTIVE JUROR: It might.
                                                                                         MR. PATRICK: Do you feel strongly about
    issue with that, so long as you can tell us that you can
                                                                      10
 11 consider, or be open to hearing information then consider
                                                                      11 that?
                                                                                         PROSPECTIVE JUROR: Yes.
    all possible punishments.
                                                                      12
                    PROSPECTIVE JUROR: I could.
                                                                                         MR. PATRICK: Now, you were asked if you
 13
                                                                      13
                                                                      14 already formed an opinion about this case, and you checked
                    MR. PATRICK: And you can consider what
 14
                                                                         the box mark, yes, correct?
 15 information is presented to you and take heed of what you
 16 think is important and disregard what you think doesn't
                                                                      16
                                                                                         PROSPECTIVE JUROR: Yes.
                                                                                         MR. PATRICK: And do you remember what you
    have a whole lot of bearing?
                                                                      17
 18
                    PROSPECTIVE JUROR: Yes.
                                                                      18
                                                                         wrote underneath that?
                    MR. PATRICK: Then make a decision.
                                                                                         PROSPECTIVE JUROR: No! But what I would
 19
                                                                      19
                    PROSPECTIVE JUROR: Yes.
                                                                         say now is he was convicted.
 20
                    MS. WECKERLY: And I assume from your
                                                                      21
                                                                                         MR. PATRICK: And therefore?
 21
 22 comments if you think the death penalty is appropriate in
                                                                      22
                                                                                         PROSPECTIVE JUROR: And therefore --
                                                                                         MR. PATRICK: Well, he was convicted an
   this case, you wouldn't have any trouble voting for that?
 23
                    PROSPECTIVE JUROR: Not at all.
                                                                      24 therefore is there any more to that sentence?
 24
                    MS. WECKERLY: And likewise if you hear
                                                                                         PROSPECTIVE JUROR: No.
 25
                                                                      25
                                                           201
                                                                                                                                 203
 I something that makes you think that this should not be an
                                                                                         MR. PATRICK: Do you remember writing he
 2 appropriate sentence, you can pick another sentence from
                                                                      2 should be put to death the same way he, killed his
   the remaining?
                                                                      3 girlfriend?
                    PROSPECTIVE JUROR: See, I can't imagine
                                                                                         PROSPECTIVE JUROR: Yes.
 5 any justification for murdering someone -- intentionally
                                                                                         MR. PATRICK: Do you bélieve that?
 6 murdering someone.
                                                                                         PROSPECTIVE JUROR: Yes.
                                                                                         MR. PATRICK: So that means if his
 7
                    MS. WECKERLY: I mean, as we have
 8 discussed with some of the other jurors, not all cases of
                                                                      8 girlfriend was shot, he should be taken out back and shot?
 9 first degree murder are even eligible for the death
                                                                                         PROSPECTIVE JUROR: Yes.
 10 penalty. There are certain legal requirements that have
                                                                                         MR. PATRICK: And if his girlfriend was
                                                                      11 strangled, he should be taken out back and strangled?
11 to be met before a jury can considers it as a potential
12 punishment. Those requirements will be explained to you
                                                                                         PROSPECTIVE JUROR: Yes.
                                                                     12
                                                                     13
                                                                                         MR. PATRICK: No questions asked?
13 by Judge Herndon. He will give you the law on that. I
   assume you'll be able to follow that?
                                                                     14
                                                                                         PROSPECTIVE JUROR: Nope.
15
                   PROSPECTIVE JUROR: Yes.
                                                                     15
                                                                                         MR. PATRICK: Also the question, it talked
                   MS. WECKERLY: Then once, assuming that
                                                                      16 about Mr. Chappell being an African-American male. You
16
                                                                      17 were asked if that would affect your ability to be fair
17 those requirements are met, and I assume you'll hold us to
                                                                     is and impartial? Do you remember what you wrote?
   our burden -- because that's what's required by law -- you
19 will be able to follow that rule?
                                                                                         PROSPECTIVE JUROR: It might.
                                                                     19
                   PROSPECTIVE JUROR: Yes.
                                                                     20
                                                                                        MR. PATRICK: Do you remember writing,
20
                                                                     21 yes, that it was programmed from childhood. Could you
                   MS. WECKERLY: Then you just, with your
21
22 fell jurors, make a determination what you think is
                                                                     22 explain that.
   appropriate. At that point you'll be able to do that?
                                                                     23
                                                                                        PROSPECTIVE JUROR: Yes, I come from a
                   PROSPECTIVE JUROR: Yes.
                                                                     24 very small town in Ohio. I was born quite some time ago
24
25
                   MS. WECKERLY: Thank you. Pass for
                                                                     25 and things were different then.
                                                           202
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MR. OWENS: So about 16 years ago.
                   MR. PATRICK: Then, again, on the question
                                                                                        PROSPECTIVE JUROR: Yes.
   what are your feelings about the death penalty, you wrote
                                                                      2
                                                                                        MR. CWENS: Were you a witness? Were you
 3 a person should be put to death the same way he killed his
                                                                        involved in that?
4 victim.
                                                                                        PROSPECTIVE JUROR: None, whatsoever.
                   PROSPECTIVE JUROR: Yes.
                                                                                        MR. OWENS: Where did that occur?
                   MR, PATRICK: Another question where you
 7 were asked if there was anything that would prevent you
                                                                                        PROSPECTIVE JUROR: It occurred at the
 0 from sitting as a fair and impartial juror. And you
                                                                        Lady Luck Hotel.
                                                                                        MR. OWENS: Were you living in town at the
 9 checked, yes. I believe undermeath it you said you would
                                                                     10 time?
   be prone to go along with the group to avoid ridicule.
                                                                                        PROSPECTIVE JUROR: I was going to
                   PROSPECTIVE JUROR: I would what? Yes,
                                                                     Ħ
                                                                     12 graduate school in San Diego.
12 sometimes I am.
                                                                                        MR. OWENS: You're from the area, just
                   MR. PATRICK: So you consider yourself a
                                                                     13
13
14 follower than?
                                                                     14 gone at the time it happened?
                                                                                        PROSFECTIVE JUROR: Correct.
                                                                     15
                   PROSPECTIVE JUROR: Yes.
15
                                                                                        MR. CAMENS: Were you involved in the court
                   MR, PATRICK: If your opinion was
                                                                     16
16
   unpopular with the rest of the jury you'd go along with
                                                                     17 process at all?
17
                                                                                        PROSPECTIVE JUROR: I sat there and
   them so they wouldn't badger you or ridicule you?
                                                                     19 observed and supported the family. Then when it came to a
                   PROSPECTIVE JUROR: I might.
19
                                                                     20 point where the family had talked to the jurors to
                   MR. PATRICK: Then again on the question
20
21 where it said your beliefs about the death penalty, would
                                                                     21 convince the jurors why he shouldn't get the death
                                                                     22 penalty, I chose not to participate in that.
22 you vote automatically for it and you wrote, yes.
                                                                                        MR. CWENS: So the decision was made not
23 Remember that?
                                                                     23
                                                                     24 the call you to testify?
                   PROSPECTIVE JUROR: No.
24
                   MR. PATRICK: The last question was, do
                                                                     25
                                                                                        PROSPECTIVE JUROR: That is correct.
25
                                                                                                                                207
                                                                                        MR. OWENS: Why was that?
 1 you want to serve on this jury. Do you remember what you
                                                                                        PROSPECTIVE JUROR: In that particular
 2 wrote?
                                                                      3 case I believed he should have received the death
                   PROSPECTIVE JUROR: No.
 3
                                                                     4 penalty.
                   MR. PATRICK: Oid you write, no. I'm set
 5 in my beliefs about killers, child and animal abusers.
                                                                     5
                                                                                        MR. OWENS: Was that something that you
                                                                      6 felt from the beginning, or something that you came to as
                   PROSPECTIVE JUROR: Yes.
                   MR. PATRICK: So if you were sitting where
                                                                        you watched the process?
                                                                                        PROSPECTIVE JUROR: It iwas the result of
 8 Mr. Chappell was, would you want twelve people like you on
                                                                     9 something I found that never made it to trial.
   this jury?
 9
                                                                                        MR. CWENS: Some additional evidence?
                   MR. OWENS: I'll object to that question.
10
                                                                                        PROSPECTIVE JUROR: Correct.
                   THE COURT: I'll sustain the objection.
                                                                     11
11
                                                                                        MR. OWENS: That you were aware of?
                   MR. PATRICK: Your Honor, we'd strike for
                                                                     12
12
                                                                                        PROSPECTIVE JUROR: Correct.
                                                                     13
   cause please.
                   THE COURT: Mr. Owens, as to Ms. Bundren.
                                                                     14
                                                                                        MR. CWENS: That kind of may the
14
                                                                     15 difference in your mind?
                   MR. OWENS: How are you.
15
                                                                                        PROSPECTIVE JUROR: Correct.
16
                   PROSPECTIVE JUROR: Fine.
                                                                     16
                                                                     17
                                                                                        MR. CWENS: What point[did you discover
                   MR. OWENS: You were a victim at some
17
   point. What was that about?
                                                                     18 that?
18
                                                                                        PROSPECTIVE JUROR: I believe it was
                   PROSPECTIVE JUROR: As I stated earlier,
                                                                     19
19
                                                                     20 approximately the 2 to 3 weeks after Doreen was killed.
20 my uncle murdered my aunt.
                                                                                        MR. OWENS: Were other! family members
                   MR. OWENS: Same case, same situation.
                                                                     21
21
                                                                     22 aware of that?
                   PROSPECTIVE JUROR: Correct.
22
                                                                                        PROSPECTIVE JUROR: They were.
                                                                    23
                   MR. OWENS: Now long was that.
23
                   PROSPECTIVE JUROR: I believe it was
                                                                                        MR. CWENS: But they were supportive of
                                                                     24
25 November of 1990 I believe.
                                                                     25 him?
                                                                                                                                208
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                    PROSPECTIVE JUROR: Correct.
                                                                         parole.
                                                                                         MR. OWENS: Okay. Was there any
 2
                    MR. OWENS: And you were there to be a
                                                                       3 repercussions toward you from other family members?
    support for the family, but you didn't --
                                                                                         PROSPECTIVE JUROR: None, whatsoever.
                    PROSPECTIVE JUROR: Absolutely.
                                                                                         MR. CWENS: Do you discuss it with him
                    MR. OWENS: Would you say that that was a
    traumatic experience for you?
                                                                       6 very much?
                    PROSPECTIVE JUROR: Not traumatic,
                                                                                         PROSPECTIVE JUROR; Do'I discuss it with
                                                                       8 him being --
  8
    baffling.
                    MR. CWENS: Baffling. You still find it
                                                                                         MR, OWENS: No. Does it come up from time
 10 that way?
                                                                        to time?
                                                                                         PROSPECTIVE JUROR: It does. My mom is
                    PROSPECTIVE JUROR: Yes. It reminds me of
                                                                      11
 11
                                                                      12 pretty religious about going out to prison, and we've just
 12 how your love and affection for somebody can be blinded by
                                                                      13 sort of taken a stance at this point being a sounding
    the facts, and it's hard to separate that - your brother
                                                                      14 board. He believes what he believes. Nothing is going to
    or cousin or someone close to you.
                                                                      15 change him. We just act as a sounding board, try to talk
                    MR. OWENS: So you found it sort of a
 15
    curious thing that occurred?
                                                                      16 about other things with him.
 16
 17
                    PROSPECTIVE JUROR: Well, I think because
                                                                                         MR. CWENS: What is your feeling about the
    families -- the family members I was talking to are very
                                                                      18 death penalty, generally?
 18
                                                                                         PROSPECTIVE JUNOR: I don't believe in
    educated people. And yet despite the education, they
                                                                      19
                                                                      20 being cookie cutter about anything in my life. I think
    weren't able to step out of the box and look at the facts
                                                                      21 partly because of what I do for a living. I believe that
    and kind of string all of the pearls together.
                    MR. OWENS: You felt that you were able to
                                                                      22 anytime there's new information you have to run it through
 22
                                                                      23 the equation so you may get a different outcome. I
    do that?
 22
                                                                      24 respect the process. I think that after listening to
                    PROSPECTIVE JUROR: I felt based on the
                                                                      25 everything and weighing it, then listening to what the
 25 information I had, that I was very confortable in my
                                                            209
                                                                                                                                 211
 I conclusion about it. However, like I said, I took time
                                                                      I judge said, if death penalty is appropriate, then okay.
    off from graduate school to go down and listen in hopes
                                                                                         MR. OWENS: What you're describing is the
    that things would be different. And the conclusion was
                                                                        process we talked about here?
    that was not the case for me.
                                                                                         PROSPECTIVE JUROR: I wish I wasn't here,
                                                                      5 but it's what it is. And I'll always respect the process
                    MR. OWENS: So it didn't make it any
    better by being there?
                                                                      6 and follow the instructions.
                    PROSPECTIVE JUROR: Not for me. It didn't
                                                                                         MR. OWENS: Okay. It's important to keep
 7
                                                                      8 an open mind until you've heard all the facts and
    change my decision. I was there to support the family.
 8
                    MR. OWENS: You feel good you were there
                                                                      9 circumstances?
                                                                      10
                                                                                         PROSPECTIVE JUROR: Absolutely. Again,
    to be supportive?
 10
                    PROSPECTIVE JUROR: Absolutely.
                                                                      11 because i have administrative decisions on a daily base
 11
                                                                      12 that affect people's livelihoods I understand the
                    MR. CMENS: Is there anything about that
 12
                                                                      13 importance of listening to people and not making any
    experience that is still with you in a sense that might
                                                                     14 decisions until I've heard everything. : And treat people
    come out in an unfair manner in this proceedings?
15
                    PROSPECTIVE JUROR: No. I have to say
                                                                     15 the way I want to be treated.
16 given everything I was pretty impressed with how fair and
                                                                                         MR. OWENS: There was one question here
17 balanced everything was. And that if it started to sway
                                                                     1) where you didn't want to give an explanation. Remember
 10 one way there was somebody in the courtroom to make Sure
                                                                     18 that?
                                                                     19
                                                                                         PROSPECTIVE JUNCA: If you could tell me
19 it got back on track.
                    MR. OWENS: And your uncle did receive the
                                                                     20 the question.
20
                                                                     21
                                                                                         MR. PATRICK: So
                                                                                                         -- all right with the
21 death penalty?
                    PROSPECTIVE JUROR: He received life in
                                                                     22 court.
22
                                                                                         THE COURT: Sure.
23 prison. The family was able to convince the jurors that
                                                                     23
24 he should not get the death penalty. So the decision was
                                                                                        MR. CWENS: You said you wouldn't
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25 to give him life in prison, without the possibility of

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25 automatically vote for either choice. And saying explain,

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1 dictate that I cannot find in favor, that's what I need to
⊋1 I don't know that required an explanation. You said you
                                                                      2 do.
 2 didn't want to give one.
                                                                                        MR, OWENS: You feel you can do what is
                    PROSPECTIVE JUROR: I guess because in my
                                                                         fair and appropriate to your mind and the rest of the
 4 mind my answer was longer than the space would allow. I
                                                                         jurors at the end of the case?
 5 quess, again, if the circumstances and the fact support,
 6 and the instruction was given -- in other words, if the
                                                                                        PROSPECTIVE JUROR: Yes.
                                                                                        MR. OWENS: Thanks. Pass for cause.
 7 judge said to me if these four things are met you have no
 8 choice but to find for the death penalty. That's what
                                                                                        THE COURT: Mr. Schieck.
                                                                                        MR. SCHIECK: Thank you, your Honor.
 9 I'll do. I'll respect the process. I wish I didn't have
                                                                                        PROSPECTIVE JUROR: Correct.
 10 to make that decision, but that's what I've been asked to
                                                                                        MR, SCHIECK: On your court generated
 11 do. And I'm the kind of person who, again, when I make
                                                                      12 information sheet it says investigator, but I see here
 12 decisions on my job I have to be able to look at that
                                                                        you're masters is in public administration.
    person and feel confident in what I'm saying. I have to
                                                                                        PROSPECTIVE JUROR: Correct.
 14 live with myself.
                                                                     15
                                                                                        MR. SCHIECK: Are you in administration
                   MR, CWENS: You feel you can do that?
15
                   PROSPECTIVE JUROR: Yes. The only thing
                                                                     16 here an investigator or whatever?
16
17 that I think I hadn't thought about it until one of the
                                                                     17
                                                                                        PROSPECTIVE JUROR: I'm an ECC
                                                                         investigator and mediator.
 18 other jurors bought it up. I had never considered the
                                                                     18
                                                                                        MR. SCHIECK: You work for the Nevada
 19 pictures. And I'll be honest with you, that might be
                                                                     19
                                                                     20 Equal Rights Commission?
   difficult. But again, I'll step out of that box and do
                                                                                        PROSPECTIVE JUROR: Correct.
                                                                     21
21 what I have to do.
                                                                     22
                                                                                        MR. SCHIECK: So a complaint comes in
                   MR. CWENS: All right. The process, at
22
                                                                     23 about discrimination and the complaining employee follows:
23 some point you're going to learn the process isn't some
                                                                     24 the proper steps and you're assigned to investigate
24 sort of if this and this and now you're on to the death
                                                                     25 whether or not there has been discrimination in a
25 penalty. No matter what you do in following the law the
                                                                                                                                215
                                                                      1 particular work place or environment?
 1 death penalty is always going to be an option. You
                                                                                        PROSPECTIVE JUROR: I'm there to determine
 2 understand that?
                                                                      3 whether or not there's been a violation of law based on
                    PROSPECTIVE JUROR: Yes.
                                                                      4 the facts presented, then I'm also a mediator.
                   MR. OMENS: It's never compelled. Even if
                                                                                        MR. SCHIECK: A mediator between the
 5 you found everything you need to impose the death penalty,
 6 you never have to do it. So in the end it's going to be a
                                                                      6 parties to the allegation?
                                                                                        PROSPECTIVE JUROR:
                                                                                                             We'd be a separate
    judgment call. It's not like you're going to be able to
                                                                      8 case because of the fact you can't be a fact finder and
 8 say, well, all these things are met so I have to impose
 9 the death penalty. It's never going to happen.
                                                                        mediator for a different case.
        More likely what's going to be, you'll look at it,
                                                                     10
                                                                                        MR. SCHIECK: You try to reach a
10
                                                                     11 reasonable resolution?
11 and based on all the facts and circumstances, this
   particular crime it's appropriate. You understand that?
                                                                     12
                                                                                        PROSPECTIVE JUROR: My job is to help --
                                                                     13 my job is to not make the decision, but to help both
                   PROSPECTIVE JUROR: I do.
13
                                                                     14 parties better communicate and come toja conclusion or
                   MR. OWENS: Given that full range that you
15 have, if after hearing all the facts and circumstances, if
                                                                     15 settlement themselves.
16 you felt that the death penalty was the fair and
                                                                                        MR. SCHIECK: And there was an unfortunate
                                                                     17 case where your uncle was convicted of killing your aunt;
17 appropriate punishment, would you be able to come back
18 with that decision?
                                                                     18 is that correct.
                                                                     19
                                                                                        PROSPECTIVE JUROR: Correct.
                   PROSPECTIVE JUROR: Yes.
19
                   MR. OWENS: You wouldn't be inclined to
                                                                     20
                                                                                        MR. SCHIECK: You said that happened at
20
21 settle for something less then that because you felt like
                                                                     21 the Lady Luck?
                                                                                        PROSPECTIVE JUROR: It happened in the
22 it was an easier choice?
                                                                     22
                                                                     23 parking lot of the Lady Luck as she was leaving work.
                   PROSPECTIVE JUROR: No. Again, there are
                                                                                        MR. SCHIECK: And you indicate that your
                                                                     24
24 a lot of times my job where I believe somebody has been
25 discriminated against, but the facts and circumstances
                                                                     25 mother still goes out to see your uncle?
                                                                                                                                216
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g l	PROSPECTIVE JUROR: Correct.	ı	PROSPECTIVE JUNOR: Yes.
2	MR. SCHIECK: That would be, I assume, her	2	MR. OMENS: You had some experience where
	brother?	3	you were a witness or something to a violent crime?
7 4	PROSPECTIVE JUROR: That's correct.	4	PROSPECTIVE JUROR: Yes.
5	MR. SCHIECK: So she goes out to visit her	5	MR. OWENS: How long ago was that?
6	brother out in prison, correct?	6	PROSPECTIVE JUROR: It was late '89 or
7	PROSPECTIVE JUROR: Correct,	7	early '90.
8	MR. SCHIECK: Do you ever go out?	8	MR. OWENS: You were actually a witness?
9	PROSPECTIVE JUROR: No. I went when he	9	PROSPECTIVE JUROR: Basically, yeah.
	was in Elko. And just that whole scene and regurgitation	10	MR. OWENS: Is that in this community?
	of the whole trail, he just was relentless. I asked him	11	PROSPECTIVE JUROR: Yes.
	I'd be happy to come out here to be moral support, but	12	MR. OWENS: What was involved in that?
	these are the ground rules and he wasn't willing to abide	13	PROSPECTIVE JUROR: It was a murder.
	by those, so we just made the decision it would be best	14	MR. OWENS: What happened?
	for me to no longer go out there to visit him.	15	PROSPECTIVE JUROR: A murder was committed
16	MR. SCHIECK: Is it a situation where he's	16	in the same house I was in. I didn't see it with my own
17		17	
16	PROSPECTIVE JUROR: Correct.	18	MR. OWENS: Was that a traumatic thing for
19	MR. SCHIECK: So he still hasn't accepted		you?
	responsibility, in your mind, for having committed the	20	PROSPECTIVE JUROR: Yeş, sir.
	hamicide?	21	MR. CMENS: Did you testify in a court
22	PROSPECTIVE JURGR: It's his belief that		case?
	he did not do it.	23	PROSPECTIVE JUROR: Only in the
24	MR. SCHIECK: Ckay. Now, with your		preliminary.
	educational background and being a long-time resident	25	MR. OWENS: Preliminary hearing?
	217		219
	here, I assume you're familiar with other cases of	1	PROSPECTIVE JUROR: Yes.
	homicide that happened in Clark County. Do you pay any	2	NR. CWENS: Was there a resolution after
	attention to those?	3	i
4	PROSPECTIVE JUROR: Just so I'm clear.	4	PROSPECTIVE JUROR: They didn't call me any
s	From 1987 to 1993 I wasn't a resident here. And since	5	nore.
_	then, I occasionally catch sort of glimpses on the news.	6	MR. OWENS: Do you know what happen with
	But I don't follow anything per se.	1	the case?
6	MR. SCHIECK; Would it be fair to say that	В	PROSPECTIVE JUROR: I believe he might
9	you don't believe the death penalty is appropriate in	وا	have been let go for self-defense, maybe.
	every first degree murder case?	10	MR. OWENS: Well, they didn't have a
11	PROSPECTIVE JUROR: That is correct.		trial on it though?
12	MR. SCHIECK: In a particular case that	12	PROSPECTIVE JUROR: I think they did.
	you had some personal knowledge of, you thought it was	13	MR. CWENS: But you weren't called?
	appropriate, but you don't necessarily think it's	14	PROSPECTIVE JUROR: No.
	appropriate in every other case?	15	MR. OWENS: That's because you didn't
16	PROSPECTIVE JUROR: Correct.	16	
17	MR. SCHIECK: You would have an open mind	17	PROSPECTIVE JUROR: Right.
	in wanting to hear all of the evidence before you made	18	MR. CWENS: Anything about that experience
19	that decision?	19	
20	PROSPECTIVE JUROR: Absolutely.	20	spill over into this case in an unfair manner?
21	MR. SCHIECK: Thank you. We would pass	21	PROSPECTIVE JUPOR: No.
	for cause, your Honor.	22	MR. CMENS: You're not harboring any
23	THE COURT: Thank you. Mr. Owens, as to	23	resentment about anything?
	Ms. Smith.	24	PROSPECTIVE JUROR: No.
25	MR. OWENS: Ms. Lori Smith?	25	MR. OWENS: Did you know the victim?
	218		220
_		_	

	·		221	. 221
ا و ا	PROSPECTIVE JUROR: Yes.	1	understand that Nevada has a different set of rules, what	
- 2		2	you're saying is you don't think you can abide by those	
3	victin?	3	nites?	
• 4	PROSPECTIVE JUROR: No.	1	PROSPECTIVE JUROR: No, sir.	
5	MR. CWENS: You were asked a number of	5	MR. OWENS: You would want to give the	
6	questions about the death penalty. You indicated that you	6	death penalty automatically?	
	don't have any problem with the death penalty as an	7	PROSPECTIVE JUROR: Yes, sir.	
8	option?	В	MR. CAMENS: You think it's important to	
9	PROSPECTIVE JUROR: Right.	9	hear all the facts and circumstances surrounding the	
10	MR. CWENS; Do you understand that it's	10	murder before you decide which penalty should be	•
1!	one of the four potential options that are available to	11	appropriate?	
12	the jury?	12	PROSPECTIVE JUROR: Yeah, it's important.	
13		13	But I'm not one of the people to do it, I have a very set	
14	MR. OWENS: Are you okay with that?	14	thought, and what by the way the questioning is on the	
15		15	questionnaire, I have already formed the opinion.	
16	options?	16	MR. OWENS: So even though you haven't	
	MR. OWENS: That there are four options.	17	heard all the facts and circumstances, you feel the death	
18		18	penalty was always appropriate and that's what you would	
19		19	do?	
20	abide by?	20	PROSPECTIVE JUROR: Yes.	
21		21	MR. OWENS: No further questions, your	
22	MR. OWENS: Then one place in here, you	22	Honor.	
23	were asked if you formed an opinion about the case. And	23	THE COURT: Mr. Schieck.	
24	you indicated, yes, that you already formed an opinion.	24	MR. SCHIECK: Challenge for cause, your	
25	Is that based upon the factual statement that he'd already 221	25	illonor.	
_	been convicted?	1	THE COURT: All right.: Let's take a	
2			recess for a few minutes, ladies and gentlemen.	
. 3		3	JURY AIMONITION	
4	DOGDOOD TOOL II	1	During the recess, ladies and gentlemen,	
5	MR. OWENS: Now you understand that of the	5	you are admonished not to converse among yourselves or	
6	four options, not every first degree murder is		with anyone else, including, without limitation, the	
	automatically a death penalty. You understand that?		lawyers, parties and witnesses, on any subject connected	٠
8			with this trial, or any other case referred to during it,	
	That's not my opinion.		or read, watch, or listen to any report of or commentary	
10		10	on the trial, or any person connected with this trial, or	
11	degree murder should be a death penalty?	11	any such other case by any medium of information	
12		12	including, without limitation, newspapers, television,	
13	MR. OWENS: So if you are a legislator,	13	internet or radio.	
14	you might want to change the law to be more like Texas,	14	You are further admonished not to form or	
15	that's what they got in Texas, where it's automatic?	15	express any opinion on any subject connected with this	
16	PROSPECTIVE JUROR: Yes.	16	trial until the case is finally submitted to you.	
17	MR. CWENS: But you're not the legislator.	17	(Brief recess taken.)	
18	And we are living by the rules of Nevada here.	18	THE COURT: You want to talk real quick	
19	PROSPECTIVE JUROR: Right.	19	about the challenges for cause?	
20	MR. CWENS: And do you feel you can apply	20	MR. OWENS: Okay.	
51	the procedure that we have in Nevada in this case, if you	21	THE COURT: The State have any remarks to	
22	are selected for the jury?	22	make as to the first, Ms. Ruis.	
23	PROSPECTIVE JUROR: No.	23	MR. OWENS: Which are we looking at, your	
24	NR. OWENS: So even though you feel like	24	Honor?	
25	it should be something different, and even though you 222	25	THE COURT: Ms. Ruis is up in seat number	
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≥1 one -- Badge 81. The next one that was challenged for
 2 cause was Mr. Ramirez -- Badge 034. Then Ms. Martino -
 3 038. She's in the chair closest to you on the side of the
 4 jury box. The last one is Ms. Smith -- 045.
                   MR. OWENS: Well, I don't have anything to
   add on Ms. Ruis, I don't think.
                   THE COURT: Okay.
                   MR. OWENS: On Ms. Martino, there's a
 9 disparity to what she's saying in court and in her
   questionnaire. But people are free to expound and explain
11 their answers. She — I think the way it was left was she
   could consider the options, and that she may be a person
   that tends to be a follower. But that's not a reason to
   kick somebody for cause.
                   In regard to Mr. Ramirez -- number 24, you
15
16 know, he's not any different than Mr. Theus, I don't think
17 in the sense we didn't challenge that person for cause.
18 But it's the same thing. Basically what they were saying
19 was that they were looking at the way they would want to
20 have it, versus the way it is. And all through her
21 questionnaire she was saying she couldn't do it. And she
22 didn't believe in the death penalty and that kind of
23 thing. That was a 180 degree turn around. If you kick
24 Ramirez, in fairness in proportional responses, you have
25 to kick Ms. Theus as well. So I think that's the sum of
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1 did to the victim.
2
                   I don't think there's any question as to
 3 what her feelings are and to how she would vote. She's
 4 certainly not going to look at anything but the fact that
 5 Mr. Chappell was convicted of murder. And as far as she's
   concern he should be taken out today and stabbed to
 7 death.
                  Also whether or not — that is a very 1
3 compelling reason, but even putting that aside, she's a
10 definite follower. She's not going to make up her own
11 mind. Whatever the group says, she's going to go with.
12 And I think something this important, we need to have
13 schebody that makes some semblance of having their own
14 mind in making up their own mind.
                  As far as Mr. Ramirez, well, I mean, he's
lõ
16 from Texas. He likes the way Texas does things. He
17 thinks that we should not even be here because
13 Mr. Chappell was found guilty of first degree murder.
19 According to him there is no option. The death penalty is
20 it, and that's it.
2Ł
                  The other thing about him, not only is he
22 ex-military, but he's ex-special forces. His mind is made
23 up. There's nobody on that jury that's ever going to
24 change his mind. I mean, being ex-military myself, I know
25 his type. He's not going to change his mind. He's not
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1 it, your Honor.
                   THE COURT: All right. What about
   anything at to Ms. Smith, the last lady.
                   MR. OWENS: Nothing on that.
                   THE COURT: All right.
                   MR. OWENS: She's clear.
                   THE COURT: Mr. Schieck or Mr. Patrick any
 8 of those folks. I'm going to excuse Ms. Ruis and
 9 Ms. Smith.
                   The question in my mind is kind of I
10
11 excuse them now and put people there, or just ask if we
12 pass a little more than thirty-two for cause and let them
13 all go. I don't want people to continue to kind of figure
14 out this is a good reason to bring up. My intent, as I
is sit here thinking, is to leave them there. Telling you
16 they're going to be excused for cause so you know. But
17 leave them there for now as we continue on with the
18 questioning.
                   How about as to Mr. Ramirez and Ms.
19
20 Martino?
                   MR. PATRICK: Yes, Judge. Ms. Martino, I
21
22 don't think there was really any question. Not only is
23 she going to automatically vote for the death penalty, but
24 she made it very clear that anybody that kills anybody
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25 should be taken out and shot, stabbed, hung, whatever they

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1 going to look at anything. He's by the book. He's very
 2 rigid. He has his mind made up that first degree murder
 3 only requires one sentence, nothing will ever -- if we
 4 could sit here until next week and talk to him, he'll
 5 never change his mind on that. He will absolutely vote
 6 for the death penalty, no matter what we put on.
                   So I would say that both of those are
 8 beyond redemption.
                   MR. OWENS: Your Honor, if I could comment
10 on a couple of things he mentioned.
11
                   THE COURT: As to who? .
                   MR. OWENS: Well, first -- last gentleman,
13 Mr. Ramirez. Being military is not a reason to challenge
14 for cause. On Ms. Martino, her comment about him
15 suffering the same kind of death by stabbing or shooting,
16 I didn't take that to mean that the death penalty should
17 be automatic, but if they receive the death penalty it
16 should be administered in the same way they killed their
19 victim.
                   THE COURT: I agree. I had more problems
20
21 with Ms. Martino than I did with Mr. Ramirez, to be quite
22 honest. I'll grant the challenge to Ms. Martino.
        I had a variety of problems with her questionnaire
24 and in questioning in court along racial lines, as well as
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25 some of things she was saying. I don't think it's

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⊋ 1 appropriate to excuse somebody because they're a follower,
 2 but to the extent they kind of indicate not only are they
 3 are follower, they may not even vote their own belief in
    the evidence is a little different.
                    But more than that there was an indication
 6 in the questionnaire that she would automatically vote for
 7 the death penalty. Meaning that she not only believed
 8 that an eye for an eye, for a person who kills should be
    put to death in the same way, but that she should impose
   that penalty without question. I believe she readily
 11 agreed to Mr. Patrick in questioning in that regard.
                    A lot of times we are balancing between
 12
 13 screbody asks a question and the questions were kind of
 14 leading by nature and get one answer and get another
    answer, but I think the answers from Ms. Martino where
    enough to justify her being excused.
                    I'm going to deny as it pertains to Mr.
 17
   Ramirez. I agree that his personality would appear to be
    what you would consider somebody with a hardcore military
    veteran. But we can't kind of look at people and excuse
    them because our personal opinions as to their type of
    personality is such that we believe they'll never change
 23 their minds.
                    His questionnaire was one which he
 24
 25 indicated he'd consider all forms of punishment. He did
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1 problems. They're all from High Desert. They've been
 2 here all day, if they have staffing problems or not.
                  THE COURT: Well, Mr. Chappell is staying
 4 here now, right?
                  MR. SCHIECK: He's still in their
5
 6 custody.
                   THE COURT: All right. Can you all stay
   until 5:30?
                  THE OFFICERS: Yes, sir.
                  THE COURT: Okay. We'll play it by ear.
11 But we won't go any later than 5:30.
        We'll see if we can move through a few more people so
12
13 we can try and get -- tomorrow, at least, we can get the
14 jury finished up and you all can do openings, if nothing
15 else.
                  MR. PATRICK: I would like, if we could,
16
17 spend a second clarifying Mr. Owens' objection to my
18 asking whether or not the jury members would want to be on
19 a jury if they were sitting here.
                  THE COURT: I recall a case coming out
20
21 that indicated that was an improper question. I can't
   think of the name.
                  MR. OWENS: I don't know if there is a
24 case. Since I have had judges correct this, but to say if
25 one side only would be comfortable having you as a juror
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1 not indicate that he would vote automatically one way or
 2 the other. I think he's wrong about Texas. There are a
 3 few forms of punishment that are available there. But
 4 nonetheless, somebody that thinks the death penalty is an
 5 appropriate form of punishment for first degree murder and
   thinks that maybe or legislature should change things,
   that's separate and apart from saying I realize that this
   is what the law is and I'll consider them all before I
   make any decision.
                   So I think he answered the questions
10
11 sufficiently in term of being able to consider everything
   to not justify him being excused for cause. So I^{\dagger}\Pi deny
   as pertains to Mr. Ramirez.
                   But again, I'm going to leave Ms. Martino,
14
15 Ms. Smith and Ms. Theus for now in their places. We'll
   continue on with the next in order, which is going to be
   Mr. Morin when we get back.
17
                   Now, it's about coming up on 4:30 already.
18
   I generally don't like to keep everybody after 5:00
   o'clock the first day they're here because they don't
   necessarily know how much longer we have.
21
                   Do you plan going until 5:00? I can go
22
23 longer if we want to.
                   MR. OWENS: Whatever the court wants.
24
                   MR. SCHIECK: I don't know if there's any
25
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1 is not fair. It would have to be both sides, two sides,
 2 because doth sides have different interests.
        Frankly we want a jury of police officers if we have
 4 a choice. He'd probably rather have a jury of jail
 5 individuals. So you ask that question, it really isn't a
 6 fair question if you are in the position of the State or
 7 the Defendant, would you be comfortable. It's basically
   like saving can you be fair to both sides.
        But to say if you were in the position of the
10 Defendant, would you want somebody in your frame of mind
11 sitting on the jury is not a fair question. They can say,
12 yeah, I would vote his way every time, sure he would want
13 me.
                   THE COURT: I understand the argument
14
15 being made. That's why I seem to believe there's a case
16 that has come out talking about that issue, as to not
   placing the jurors in a position of a certain party in the
!8 litigation.
                   MR. SCHIECK: Well, your Honor, if I may, .
59
20 I would think that that cuts to the heart of the whole
21 thing. If I only had one question to ask each and every
22 juror that's probably one of the most fair questions and
23 one of the most truthful questions they would answer. I
24 think it is probably very proper.
25
                   I mean, look at the way the death penalty
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MS. WECKERLY: Were you close to your
1 is administered in this state, and we're looking for
                                                                      2 brother -- or close to him at the time that happened?
 2 whether or not it's arbitrary and capricious. I think
                                                                                        PROSPECTIVE JUROR: Yes. Kind of, because
 3 that's a very direct, very good, very poignant question to
                                                                      4 we kind of having a fallen out because of -- he was on
 4 being asking the jury.
                                                                        drugs and stuff, just stayed away.
                   THE COURT: Let me look on the break and
 6 see if I can find the case I'm thinking of that I think
                                                                                        MS. WECKERLY: And you think the charge
                                                                      7 was attempt murder?
 7 spoke to the issue a little bit. And I'll let you know
                                                                                        PROSPECTIVE JUROR: Yes.
 8 when I get back out here.
                                                                                        MS. MECKERLY: Is that charge resolved or
                   We'll be in recess for ten minutes. Okay.
                                                                     10 was he --
 10 Thank you.
                                                                     11
                                                                                        PROSPECTIVE JUROR: He's in prison right
                    (Brief recess taken.)
11
                   THE COURT: Back on the record in
                                                                     12 now.
12
13 C-131341, State of Nevada versus James Chappell. The
                                                                                        MS. WECKERLY: Prison. Are you still in
                                                                     14 contact with him? You visit and write; that sort of
14 record will reflect the presence of Mr. Chappell with his
15 attorneys, the State's attorneys. Outside the presence of
                                                                     15 thing.
                                                                                        PROSPECTIVE JUROR: Yes,
                                                                     16
16 panel the jury.
                                                                                        MS. WECKERLY: Do you feel that he was
                   I can't find the case right now that I'm
                                                                     17
17
18 thinking of, so I'll allow you to ask the questions.
                                                                     18 treated fairly?
                                                                                        PROSPECTIVE JUROR: He himself also feels
19 We'll only get through a couple more people this evening.
                                                                     19
                                                                     20 like he was treated fairly. He takes responsibility for
20 I'll see if I can find it this evening on Lexus.
                   MR. SCHIECK: We'll rephrase it to say
                                                                     21 what he did.
21
                                                                                        MS. WECKERLY: So I assume your family is
22 either party, as opposed to just the Defendant.
                                                                     22
                                                                     23 probably hoping he does his time and out he comes and
                   THE COURT: That's I think what Mr. Owens
23
24 was objecting to and that's my belief as to what I gleaned
                                                                     24 straightens out his live and is productive?
                                                                                        PROSPECTIVE JUROR: Yes.
25 from the case I was thinking of was you cannot ask them if
                                                                     25
                                                                                                                                235
                                                                                        MS. WECKERLY: Did you feel like that the
 1 they can be fair to one side, it has to be fair to both
                                                                      2 police handled the case fairly or the State prosecutors
 2 sides in terms of if you were on this jury.
                                                                      3 did?
        Let's get going.
                                                                                        PROSPECTIVE JUROR: Yes.
                   THE COURT: Back on the record in
                                                                                        MS. WECKERLY: You indicated on your
 5 C-131341, State of Nevada versus James Chappell. The
                                                                        questionnaire that you are someone that can consider the
 6 record will reflect the presence of Mr. Chappell with his
   attorneys, the State's attorneys. In the presence of our
                                                                        death penalty as a potential punishment?
                                                                                        PROSPECTIVE JUROR: Yes.
   prospective jury.
                   Ms. Weckerly, as to Mr. Morin.
                                                                      9
                                                                                        MS. WECKERLY: You wrote if it fits it
                   MS. WECKERLY: How are you employed?
                                                                     10 must be given?
10
                                                                                        PROSPECTIVE JUROR: Yes!
                   PROSPECTIVE JUROR: Carpenter.
11
                                                                                        MS. WECKERLY: And Mr. Owens, I think said
                   MS. WECKERLY: And you're the father of
12
                                                                     13 to our last juror, that the death penalty is never
   three young girls?
13
                                                                     14 automatic. It's -- there are certain requirements that
                   PROSPECTIVE JUROR: Correct.
14
                                                                     15 have to be met before it is a possible punishment or one
                   MS. WECKERLY: What does your wife do?
15
                   PROSPECTIVE JUROR: She's a janitor for
                                                                     16 you can consider. But you are never obligate to impose
16
                                                                     17 it.
17 the school district.
                                                                             But if I'm reading your questionnaire correctly, you
                   MS. WECKERLY: When we were speaking this
18
19 morning you indicated that a family member had negative
                                                                     19 can consider it in some circumstances?
                                                                                        PROSPECTIVE JUROR: Yes!
   contact with the police and the criminal justice system.
                                                                     20
20
                                                                                        MS. WECKERLY: We've spoken to a lot of
                                                                     21
                   PROSPECTIVE JUROR: Correct.
21
                                                                     22 the prospective jurors about this, and you also indicate
                   MS. WECKERLY: Was it your brother?
22
                                                                     23 this on your questionnaire, you're not someone that is
                   PROSPECTIVE JUROR: My brother.
23
                                                                     24 obligated to vote for it or against it. It sounded like
                   MS. WECKERLY: Was that locally?
24
                                                                     25 you would want to hear information before you made a
                   PROSPECTIVE JUROR: Yes.
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<u>.</u> 1	decision.	1	MR. PATRICK: What does he do?
2	MS. WECKERLY: Correct.	2	PROSPECTIVE JUROR: He's a SWAT member in
3	MS. WECKERLY: So you don't have any	3	San Bernardino.
₹ 4	preconceived idea about what you're going to do because	4	MR. PATRICK: You talk to him a lot?
5	you haven't heard anything?	5	PROSPECTIVE JUROR: I spoke with him this
6	PROSPECTIVE JUROR: Yes.	6	weekend.
7	MS. WECKERLY: And you could be fair to	1	MR. PATRICK: You're close?
8	both sides.	3	PROSPECTIVE JUROR: Somewhat. He lives in
9	PROSPECTIVE JUROR: Yes.	9	another state, so every time we go out there we talk.
10	MS. WECKERLY: Thank you, sir. Pass for	10	MR. PATRICK: Him being a police officer,
11	cause,	11	would that cause you to give greater weight to the
12	THE COURT: Mr. Patrick.	12	testimony given by a police officer?
13	MR. PATRICK: Good afternoon, Mr. Morin.	13	PROSPECTIVE JUROR: No. They're just as
14	PROSPECTIVE JUROR: How are you doing.	14	human as I am.
15	MR. PATRICK: Your brother was convicted	15	MR. PATRICK: So you would be able to
16	of attempted murder?	16	listen to both sides?
17	PROSPECTIVE JUROR; Correct.	17	PROSPECTIVE JUROR: Yes.
18	MR. PATRICK: Is the person that he was	18	MR. PATRICK: If you were on the jury and
	convict of trying to kill was it somebody he knew?	19	you decided not to impose the death penalty, is that
20	PROSPECTIVE JUROR: No.	20	something you'd have to explain to your cousin why you
21	MR. PATRICK: You answered yes, you knew	21	won't do that?
22	somebody that had a drug abuse problems?	22	PROSPECTIVE JUFOR: Yes.
23	PROSPECTIVE JUNCA: Correct.	23	MR, PATRICK: He's understand?
24	MR. PATRICK: Was that your brother?	24	PROSPECTIVE JUROR: He'd understand.
25	PROSPECTIVE JUROR: I have a few other	25	MR. PATRICK: He'd know you listened to
	237		239
1	family members, as well.	1	both sides and felt it didn't fit and that's how you made
2	MR. PATRICK: Does their drug abuse, would		your decision either way?
-	that make you give anymore or any less weight to testimony	3	1
	given by somebody that used drugs?	l i	MR. PATRICK: Again, like Ms. Weckerly
5	PROSPECTIVE JUROR: No.	5	said, you wrote down if it fits regarding the death
6	MR. PATRICK: So you'd keep an open mind?	1	penalty, if it fits it must be given. She explained
7	PROSPECTIVE JUROR: Correct.		there's never a time when it must be given. So if we
9	MR. PATRICK: You mentioned that the	8	changed that statement to if it fits, it may be given,
9	system was fair, but had lots of loop holes. Can you	1	could you explain if it fits, what makes it fit?
	expand on that for me.	10	PROSPECTIVE JUROR: The laws. It's an
11	PROSPECTIVE JUROR: You see some cases get	1	option and all options should be explored before giving.
	dismissed over the slightest things, it just doesn't seem		I think if it's an option, if it fit to be given, like if
	fair.		the crime were heinous enough, if the person was same when
14	MR. PATRICK: The slightest thing.		they did it, or premeditated, I believe it should be
15	PROSPECTIVE JUROR: A drug trafficker gets		given.
	caught and they didn't have the proper document to check	16	MR. PATRICK: But you'd listen to
	his car,		everything before you make that decision?
18	MR. PATRICK: So you believe that if they	18	PROSPECTIVE JUNOR: Sure.
	search his car and find these drugs, that those should be	19	MR. PATRICK: Pass for cause, your
	able to be used in trial, whether or not the search was	F	Honor,
21	lawful?	21	THE COURT: Mr. Owens, as to Mr. Garcia.
22	PROSPECTIVE JUROR: Correct.	22	MR. OWENS: Thank you, Mr. Garcia, how
23	MR. PATRICK: You mentioned you a cousin		are you.
	in law enforcement?	24	PROSPECTIVE JUROR: Fine.
25	PROSPECTIVE JUROR: Yes.	25	MR. CWENS: How long have you lived her in
	238	-	, 240
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1 Las Vegas?
                                                                                         PROSPECTIVE JUROR: Yeah.
                    PROSPECTIVE JUROR: Thirteen years.
                                                                                         MR. OWENS: If you hear things about drugs
  2
                                                                       3 in this case would it make you want to punish one side or
                    MR. OWENS: You ever live off Oakey or
  4 MLK?
                                                                       the other a little bit or to use this case to even out
                    PROSPECTIVE JUROR: No.
                                                                        what happen with your son?
                    MR. OWENS: You had some unfortunate
                                                                                         PROSPECTIVE JUNOR: No.
  7 situation with your son that you talked about in the
                                                                                         MR. OWENS: You feel you'd try this case
    questionnaire.
                                                                      8 on the facts of the case?
                    PROSPECTIVE JUROR: Yes.
                                                                                         PROSPECTIVE JUROR: Yes.
  9
                    MR. OWENS: How long ago did this thing
                                                                                         MR. OWENS: You like to watch courtroom
                                                                      11 dramas -- Boston Legal. Did you put that down here?
 11 happen, he went through?
                    PROSPECTIVE JUROR: In high school is when
                                                                                         PROSPECTIVE JUROR: My wife likes that
                                                                     12
 13 he got caught, pot and stuff like that.
                                                                     13 stuff.
 14
                 . MR. OWENS: How long ago would that have
                                                                                         MR. CWENS: Maybe that's why you put that
 15 been?
                                                                      15 down here. Might be the next one. All right. You say
 16
                    PROSPECTIVE JUROR: He's 23 now.
                                                                     16 you had a chance to be on a jury before. How long ago was
                    MR. CWENS: Is this something he's still
                                                                     17 that?
 17
 18 working with?
                                                                     18
                                                                                         PROSPECTIVE JUNOR: Twenty-five year ago.
19
                    PROSPECTIVE JUROR: He's still working on
                                                                     19
                                                                                        MR. OWENS: Was that in this community?
20 it.
                                                                     20
                                                                                         PROSPECTIVE JUROR: Yes.
                   MR. OWENS: There was also an assault he
21
                                                                     21
                                                                                        MR. CWENS: Was that a good experience for
22 was a victim of with this thing with the drugs?
                                                                     22 you?
                   PROSPECTIVE JUROR: Yeah. Several years
23
                                                                                        PROSPECTIVE JUROR: The mechanics of it
24 ago he got hit over the head by one of his drug friends.
                                                                     24 was fine. Just hard to put somebody away that wasn't the
                   MR. OWENS: What were the consequences of
25
                                                                     25 primary person that did the crime.
 1 that?
                                                                                        MR. OWENS: Nothing about that that would
                   PROSPECTIVE JUROR: The police said they
                                                                      2 interfere with your ability to be fair in this case?
 3 both got what they deserved, so they let them go.
                                                                                        PROSPECTIVE JUROR: No.;
                   MR. OWENS: Nothing happen?
                                                                                        MR. CWENS: The process worked okay?
                   PROSPECTIVE JUROR: To either one.
                                                                                        PROSPECTIVE JUROR: Everything was fine,
                   MR. OWENS: Was there permanent damage to
                                                                      6 yeah.
 7 him?
                                                                                        MR. OWENS: You talked about your feelings
                   PROSPECTIVE JUROR: No. But he got hit
                                                                      # on the death penalty. Can you share those with us a
   pretty hard.
                                                                        little bit.
 9
10
                   MR. OWENS: Is he okay now?
                                                                     10
                                                                                        PROSPECTIVE JUROR: There's a time when
                   PROSPECTIVE JUROR: Yeah.
                                                                     1) it's an appropriate sentence. I believe in people being
11
                   MR. CWENS: Has he turned a corner on his
                                                                     12 redeemed. If a person is not repentant, or if the
12
   drug use or is it still a problem that he wrestles with?
                                                                     13 person -- if the case is really that horrible, there's no
13
                   PROSPECTIVE JUROR: He wrestles with it.
14
                                                                     14 mercy, if you tell him to stop it and they don't stop
                                                                     15 it -- so that's the situation. They deserve to die. They
15 But he's starting to turn.
                   MR. OWENS: He's doing better?
16
                                                                     16 have to die. If there's any way to salvage the person,
17
                   PROSPECTIVE JUROR: Yeah.
                                                                     17 that's another situation.
18
                   MR. CWENS: Anything about that experience
                                                                    18
                                                                                       MR. OWENS: Murder, you know, you kill
19 that kind of left a bad taste in your mouth that would
                                                                     19 once and you don't stop it, there might be another murder.
                                                                    20 Do you feel like they need to have a chance to see if they
20 make it difficult for you to be fair here?
                   PROSPECTIVE JUROR: I wouldn't say a bad
                                                                    2) are going to kill two before it's appropriate, or is the
22 taste, but it would make me more aware of the other
                                                                    2? first time appropriate?
23 culture.
                                                                    23
                                                                                        PROSPECTIVE JUROR: In a murder situation,
24
                   MR. OWENS: Other culture, you mean the
                                                                    24 99 out of 100, they should be allowed to come out of
                                                                    25 prison. Evil has to be stopped. If it was an accident,
25 drug culture?
                                                          242
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1 but for the grace of God any of us can go down the same
                                                                                         PROSPECTIVE JUROR: I'm looking for is not
    path.
                                                                       2 only what he has done but what he potentially doing in the
                    MR. OWENS: You don't know what factors
                                                                       3 further.
 4 the court is going to tell you about.
                                                                                         MR. SCHIECK: The circumstances that lead
                    PROSPECTIVE JUROR: No idea.
                                                                         up to where he was at at that time?
                    MR. OWENS: You can appreciate that there
                                                                                         PROSPECTIVE JUROR: Yes.
    are factors you are going to hear about?
                                                                                         MR. SCHIECK: Your son's drug use was that
                    PROSPECTIVE JUROR: Yes.
                                                                         just marijuana or did he get involved with any serious
                    MR. OWENS: If you feel after hearing the
                                                                                         PROSPECTIVE JUROR: He got into pill and
   facts the death penalty was appropriate, would you be able
 11 to do that?
                                                                      II stuff like that.
 12
                    PROSPECTIVE JUROR: That would be my
                                                                      12
                                                                                         MR. SCHIECK: Thank you. Pass for cause,
    responsibility.
 13
                                                                         your Honor.
                                                                                         THE COURT: Thank you. Mr. Owens, as to
                    MR. OWENS: Could you do that?
- 14
                    PROSPECTIVE JUROR: I would have to do
                                                                      15 Mr. Salak.
 15
 16 it.
                                                                      16
                                                                                         MR. OWENS: Mr. Salak, you're the Boston
                    MR. OWENS: Do you feel like you could
                                                                      17 Legal fan.
 17
 ŧŝ
    judge another person in that manner?
                                                                      18
                                                                                         PROSPECTIVE JUROR: Yes.
                    PROSPECTIVE JUROR: Yes.
                                                                                         MR. OWENS: Law and Order?
 19
                                                                      19
                    MR. OWENS: Thank you. Pass for cause,
                                                                      20
                                                                                         PROSPECTIVE JUROR: Yeah.
 20
    your Honor.
                                                                                         MR. CWENS: You indicate that you don't
 21
                                                                      21
                    THE COURT: Thank you. Mr. Schieck.
                                                                      22 have any problem with the death penalty as an option?
 22
                    MR. SCHIECK: Thank you, your Honor.
 23
                                                                      23
                                                                                         PROSPECTIVE JUROR: No. 1 do feel I have
                    Mr. Garcia, you talked a lot about your
                                                                      24 reservations.
 24
 25 son in your questionnaire. You have done what you could
                                                                     25
                                                                                         MR. OWENS: You say you have reservations,
 1 to try to help him, I take it, without being an enabler?
                                                                      1 what do you mean?
                    PROSPECTIVE JUROR: Correct.
                                                                                         PROSPECTIVE JUROR: Depends on the case.
                    MR. SCHIECK: You talked with him,
                                                                                         MR. OWENS: Do you feel it's important to
   counseled with him, tried to guide him?
                                                                         keep an open mind?
                    PROSPECTIVE JUROR: We forced him into the
                                                                                         PROSPECTIVE JUROR: Yes!
                                                                                         MR. OWENS: How do you feel about the idea
   drug program.
                    MR. SCHIECK: And you feel as a parent
                                                                      7 of being in judgment of another person?
    that is a very important proper role to assume with your
                                                                                         PROSPECTIVE JUROR: Really uncomfortable in
                                                                        passing judgment. I'll follow the law!
10
                    PROSPECTIVE JUROR: Absolutely.
                                                                                        MR. OWENS: Do you feel that that is
                   MR. SCHIECK: You'indicated that you hate
                                                                     11 something you could do?
11
12 the death penalty, but at times it's required.
                                                                     12
                                                                                         PROSPECTIVE JUROR: Yes.
                    PROSPECTIVE JUROR: Yes, sir.
                                                                                        MR. OWENS: If you fell that the death
13
                                                                     13
                   MR. SCHIECK: What is it about that you
                                                                     14 penalty was proper punishment for this case and these
14
15 hate with respect to the death penalty?
                                                                     15 facts, could you personally come back an announce that
                    PROSPECTIVE JUROR: I think life is
                                                                     16 verdict?
17 precious, including the Defendant in this case. If there
                                                                                         PROSPECTIVE JUROR: Once I hear the facts
                                                                     17
18 is anyway possible to save him, I would appreciate it.
                                                                     18 and how it happened and why it happen, probably will.
19 But if there's no saving him, then not much choice. But
                                                                                        MR. OWENS: If you thought the death
                                                                     19
20 it depends on the case.
                                                                     20 penalty was right, could you do that?
                   MR. SCHIECK: You go on to explain that, I
                                                                     21
21
                                                                                        PROSPECTIVE JURCE: Yes.
22 guess. If you murder someone you've forfeited your right
                                                                     22
                                                                                        MR. OWENS: You'd be able to live with
23 to live. But them you qualify that but only mercy and
                                                                     23 that decision?
24 circumstances can redeem their life. That's the qualities
                                                                     24
                                                                                        PROSPECTIVE JUROR: Yes, I could.
25 you are looking for?
                                                                     25
                                                                                        MR. OWENS: You've been involved in the
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a 1 court process before. Have you ever sued somebody or been
                                                                       1 I could get a house here.
  2
    sued?
                                                                                         MR. SCHIECK: The steamship company you
                    PROSPECTIVE JUROR: No.
                                                                       3 worked for, was that in Hawaii?
                    MR. OWENS: You have never been a victim
                                                                                         PROSPECTIVE JUROR: No.! It was
    of a crime?
                                                                         headquarters in Oakland, California.
                    PROSPECTIVE JUROR: No.
                                                                                         MR. SCHIECK: Okay. You retired here from
                    MR. OWENS: You have never had an
                                                                       7 Caklard.
    opportunity to serve as a juror before?
                                                                                         PROSPECTIVE JUROR: Yes.
                    PROSPECTIVE JURGR: No.
                                                                                         MR. SCHIECK: One of your questions on the
                                                                         questionnaire you might not have understood to question.
                    MR. OWENS: You've never had a family
 10
 11 member or someone close to you charged with a crime?
                                                                      It says are you beliefs about the death penalty such that
 12
                    PROSPECTIVE JUROR: No.
                                                                      12 you would automatically vote against the death penalty
                                                                      13 regardless of the facts and circumstances. You say, no.
 13
                    MR. OWENS: Question 42, you were asked
 14 about your feelings about the death penalty. You start to
                                                                      14 Perhaps I'm confused. You would consider all the
 15 write scrething. I guess, I should have let us use a
                                                                      15 circumstances.
    pencil on these. In pen you crossed it out.
                                                                                         PROSPECTIVE JUROR: Yes, I would.
    Unfortunately we notice things like that. If I can show
                                                                                         MR. SCHIECK: You haven't prejudged in
                                                                      17
    this to him, your Honor.
                                                                         your mind any possible punishments?
                                                                      10
 19
                    THE COURT: Sure.
                                                                      19
                                                                                         PROSPECTIVE JUROR: No.
                    MR. OWENS: Says the punishment, what were
                                                                      20
                                                                                         MR. SCHIECK: I'll pass for cause, your
 20
                                                                      21 Honor.
    you tying to say?
21
                    PROSPECTIVE JUROR: The punishment should
                                                                      22
                                                                                         THE COURT: Ms. Weckerly, as to Blayne
22
23 be appropriate for the crime itself.
                                                                      23 White.
24
                   MR. OWENS: Okay.
                                                                      24
                                                                                         MS. WECKERLY: You mention you had an
25
                    PROSPECTIVE JUROR: The death penalty only
                                                                      25 experience with your sister, I think, 20 year ago.
                                                                                                                                 251
 I in severe cases.
                                                                                         PROSPECTIVE JURGA: There was an argument.
 7
                   MR. OWENS: But you felt that the
                                                                      2 I pushed her she fell and hit her head. It caused a
 3 punishment should fit the crime. That's the same thing as
                                                                      3 bruise and a black eye. She called the police. I was
 4 in severe cases?
                                                                      4 arrested. I went to jail. My father got me out.
 ς
                   PROSPECTIVE JUROR: Right.
                                                                                        MS. WECKERLY: I would imagine you were
                   MR. OWENS: All right. I'll pass.
                                                                      6 pretty young when this happened?
                   THE COURT: Thank you. Mr. Schieck. -
                                                                                         PROSPECTIVE JUROR: Yes, I was 19.
                   MR. SCHIECK: Thank you, your Honor.
                                                                                        MS. WECKERLY: That technically falls into
        Mr. Salak, you are retired?
                                                                        a domestic violence. Usually when we speak of it it's
 9
                   PROSPECTIVE JUROR: Yes, sir.
                                                                      10 kind of a boyfriend girlfriend.
10
                   MR. SCHIECK: What was your occupation
                                                                     11
11
                                                                                        PROSPECTIVE JUROR: I was charged under
12 before you retired?
                                                                     12 that.
                   PROSPECTIVE JUROR: I was a billing clerk
13
                                                                     13
                                                                                        MS. WECKERLY: I guess because it was a
   and became a billing supervisor up until my retirement.
                                                                     14 family relationship.
                   MR. SCHIECK: Type of business?
15
                                                                     15
                                                                                         PROSPECTIVE JUROR: Family things.
16
                   PROSPECTIVE JUROR: Steamship company.
                                                                     16
                                                                                        MS. WECKERLY: You ended up spending a
                   MR. SCHIECK: Steamship.
17
                                                                     17 night in jail?
                   PROSPECTIVE JUROR: Moving cargo to
                                                                     18
18
                                                                                        PROSPECTIVE JUROR: Yes.
19 Hawaii.
                                                                     19
                                                                                        MS. WECKERLY: I'm sure that wasn't
                   MR. SCHIECK: What caused you to come out
                                                                     20 pleasant.
20
   here to Las Vegas? You've been here two-and-a-half years?
                                                                     21
                                                                                        PROSPECTIVE JUROR: Not at all.
22
                   PROSPECTIVE JUROR: In Clark County.
                                                                     22
                                                                                        MS. WECKERLY: The fact you had that
                   MR. SCHIECK: Why did you came out here to
                                                                     23 experience, does that cause you ill feelings toward law
23
24 retire?
                                                                     24 enforcement?
                                                                                        PROSPECTIVE JUROR: Not at all.
                   PROSPECTIVE JUROR: Nothing, just thought
                                                                     25
                                                                                                                                252
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MS. WECKERLY: And you also wrote in your
                                                                      1
                                                                                         MR. PATRICK: And weigh both sides and
                                                                      ? make the appropriate determination.
 2 questionnaire you and your sister obviously have gotten
 3 past this incident?
                                                                                         PROSPECTIVE JUROR: Yes.
                    PROSPECTIVE JUROR: Yes.
                                                                                         MR. PATRICK: So if you were sitting where
                    MS. WECKERLY: You wrote on your
                                                                      5 I'm sitting or sitting where Mr. Owens and Ms. Weckerly
                                                                      6 are, either side, would you want someone like you on this
 6 questionnaire that the death penalty, if needed, basically
    should be used.
                                                                      7
                                                                         jury?
                                                                                         PROSPECTIVE JUROR: Absolutely.
                    PROSPECTIVE JUROR: Absolutely.
                                                                      8
                                                                                         MR. PATRICK: Thank you! Pass for cause.
                                                                      9
                    MS. WECKERLY: I take it from your answer
                                                                      10
                                                                                         THE COURT: Mr. Owens, as to Mr. Davie,
   you can conceive of circumstances where that is an
                                                                      11 059.
   appropriate punishment?
                                                                                         MR. OWENS: How are you doing. Your
                    PROSPECTIVE JUROR: Absolutely.
                                                                      12
12
                                                                      13 mother has been a victim or you've been a victim ---
                   MS, WECKERLY: But you also wrote that you
13
                                                                                         PROSPECTIVE JUROR: My mother.
14 could consider the Defendant's background or other factors
                                                                                         MR. OWENS: It was your mother that had
                                                                     15
   in making a decision?
                                                                     16 identity theft?
16
                    PROSPECTIVE JUROR: Yes.
                    MS. WECKERLY: You're not someone to rush
                                                                     17
                                                                                         PROSPECTIVE JUROR: Right.
17
                                                                                         MR. CARNS: How long ago was that?
                                                                     18
   to judgment?
18
                                                                                         PROSPECTIVE JUROR: Six months ago.
                    PROSPECTIVE JUROR: No.
                                                                     19
19
                                                                                         MR. OWENS: And you've never been a
20
                    MS. WECKERLY: You'd consider all the
                                                                     20
                                                                     21 victim?
21 information you hear in this courtroom and make a
                                                                     22
                                                                                         PROSPECTIVE JUROR: No.
22 decision?
                                                                                         MR. CWENS: You felt like they should have
                    PROSPECTIVE JUROR: Yes.
                                                                     23
23
                    MS. MDCKERLY: You can be fair to both
                                                                     24 done more for her case?
24
                                                                                         PROSPECTIVE JURGE: I wish they could. I
                                                                     25
25 sides?
                                                           253
                                                                      I don't know what else you can do. She didn't have to pay
                    PROSPECTIVE JUROR: Yes.
                                                                      2 any money, so I don't know what else they could do.
                   MS. WECKERLY: Thank you, sir. Pass for
 2
                                                                                         MR. CWEMS: Did she live in town here?
   cause.
 3
                                                                                         PROSPECTIVE JUROR: No.:
                   THE COURT: Mr. Patrick.
                                                                                         MR. OWENS: So where does she live?
                   MR. PATRICK: Good afternoon, Mr. White.
         You mentioned your uncle was a cop.
                                                                                         PROSPECTIVE JUROR: Pennsylvania.
                                                                                        MR. OWENS: So you feel that justice was
                    PROSPECTIVE JUROR: Yes.
                                                                      0 not served, but it wasn't necessarily the police involved?
                   MR, PATRICK: In Long beach.
                                                                                         PROSPECTIVE JUROR: True.
                   PROSPECTIVE JUROR: Yes, sir.
                                                                                         MR. OWENS: We have a very different type
                   MR. PATRICK: Are you close to him?
                                                                     10
10
                                                                     II of facts in this case. You understand that?
                   PROSPECTIVE JUROR: We visit a couple
11
                                                                                         PROSPECTIVE JUROR: Yes.
                                                                     12
12 times a year.
                                                                     13
                                                                                         MR. OWENS: So there's nothing about that
                   MR. PATRICK: You don't talk on a regular
13
                                                                     14 experience that could spill over into this case in a bad
14 basis?
                   PROSPECTIVE JUROR: No.
                                                                     15 way?
15
                                                                                         PROSPECTIVE JUROR: No.
                   MR. PATRICK: Like I've asked several
                                                                     16
16
                                                                     17
                                                                                        MR. OWENS: You never had a chance to
   people, the fact that he's a cop would that make you give
18 more weight to the testimony given by another police
                                                                     18 serve as a juror before?
                                                                                         PROSPECTIVE JUROR: No.
                                                                     19
19 officer on the stand?
                                                                     20
                                                                                        MR. OWENS: Have you ever been involved in
20
                   PROSPECTIVE JUROR: No.
                   MR. PATRICK: As Ms. Weckerly said, you
                                                                     21 the court process, been sued or sued somebody else?
21
                                                                                        PROSPECTIVE JUROR: No.
22 made it pretty clear that you wouldn't automatically pick
                                                                     22
                                                                     23
                                                                                        MR. ONENS: You said you liked to consider
23 any special penalty in this case. You'd wait until all
24 the evidence was in.
                                                                     24 everything. You feel it's important to get all the facts
                                                                     25 before you make a decision in this process.
25
                   PROSPECTIVE JUROR: Absolutely.
                                                           254
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1 opposed to what punishment he gets.
ş 1
                    PROSPECTIVE JUROR: That's true.
                    MR. CWENS: Pow do you feel about the idea
                                                                                         MR. OWENS: Why is that?
                                                                                         PROSPECTIVE JUROR: Because I think that
 3 of being on a jury?
                                                                      4 it's more interesting to me.
                    PROSPECTIVE JUROR: I really don't want to
 5 be on the jury. I don't want to pass judgment on someone.
                                                                                        MR. OWENS: Okay. You know the jury is
  6 What I know about this case, I see the death penalty and I
                                                                      6 going to start out knowing that he's been found guilty?
 7 see life in prison, that's it. Parole is a second chance,
                                                                                         PROSPECTIVE JUROR: Exactly.
    even to someone who is a victim in this case, doesn't get
                                                                                        MR. OWENS: Last week you said you could
     second chance. So I see two options myself.
                                                                        consider all four forms of punishment, depending on the
                    MR. OWENS: How do you feel about the idea
                                                                      10 facts of the case. Now you're feeling you can't consider
                                                                     11 all four forms of punishment.
 11 of sitting in judgment on another person?
                    PROSPECTIVE JUNOR: I don't like it, but if
                                                                     12
                                                                                        PROSPECTIVE JUROR: I don't think I can. I
 12
 13 I'm called to do it, I'll do it.
                                                                     13 like to keep an open mine. I really don't think I can.
                    MR. OWENS: Could you do that?
                                                                                        MR. OWENS: Are you willing to wait until
                                                                     14
14
15
                    PROSPECTIVE JUNOR: Yes.
                                                                     15 you hear the evidence before you make that decision?
                   MR. CWENS: Now, it sounds like you are
                                                                                        PROSPECTIVE JUROR: Yes
                                                                     16
16
 17 leaning toward the death penalty or life without parole,
                                                                                        MR. OWENS: So you think that you could
    based on what you just said. Is that fair?
                                                                     18 wait on deciding which one of the four until you've heard
                                                                     19 all the facts and circumstances?
                    PROSPECTIVE JUROR: Those are the only two
19
                                                                     20
                                                                                        PROSPECTIVE JURGE: I think I owe that to
   options I see.
20
                   MR. OWENS: Down at question 54, you are
                                                                     21 everyone involved. So at least -- I'm feeling it would be
21
22 asked if you wanted to serve on the jury, and you said I
                                                                     22 very hard for me to pick the other two.
23 don't care what he gets. They all seem fair.
                                                                                        MR. OWENS: The difference between saying
                    PROSPECTIVE JUROR: I only think the first
                                                                     24 you couldn't do it, or wouldn't do it, or it would be hard
                                                                     25 to do it, you know what I'm saying?
25 is fair.
                                                           257
                   MR. OWENS: You have a different opinion
                                                                                        PROSPECTIVE JUROR: Exactly. I don't know
 2 then a week ago when you were filling this out?
                                                                      2 yet. I don't know the facts.
                    PROSPECTIVE JUROR: Yes, I do.
                                                                                        MR. OWENS: It's a serious matter
                   MR. CWENS: Last week you thought they
                                                                      obviously.
                                                                                        PROSPECTIVE JUROR: Exactly.
 5 all seemed fair.
                    PROSPECTIVE JUROR: More I think about it
                                                                                        MR. OWENS: It's important, isn't it, that
                                                                      1 you hear the facts and circumstances before you come to a
 7 I don't think he deserves a second chance to be out in
   public. If he did do it again, I would feel horrible.
                                                                      8 decision?
 8
                                                                                        PROSPECTIVE JUROR: Yes.
 ٠9
                   MR. CWENS: Last week you said you doesn't
   care what he does. What did you mean by that?
                                                                                        MR. CWENS: Right now you're saying you
                   PROSPECTIVE JUROR: I kind of -- I guess I
                                                                     11 don't know if you can wait to do that or not.
11
12 was kind of hoping I wouldn't get picked.
                                                                     12
                                                                                        PROSPECTIVE JUROR: Sorry?
                                                                                        MR. CMENS: Right now you're saying you
                   MR. OWENS: You started figuring that the
                                                                     13
13
14 answers last week were going to do that for you?
                                                                     14 don't know if you can wait to hear the facts and
                   PROSPECTIVE JUROR: I answered them
                                                                     15 circumstances or not.
15
16 honestly. But if I have to do it, I will do it.
                                                                     16
                                                                                        PROSPECTIVE JUROR: I will wait. But in
                                                                     17 my mind I feel there's only two options, in my mind. But
                   MR. OWENS: But the way you answered last
17
                                                                     18 based on what I know right now.
18 week that was kind of to get picked. But today you don't
19 want to be picked?
                                                                                        MR. OWENS: So there's a possibility that
                                                                     20 there might be -- one of the other options may become
20
                   PROSPECTIVE JUROR: I'm being honest.
                   MR. OWENS: All right. Back then you say
                                                                     21 attractive to you, if you hear more facts and
22 you liked to consider everything. So you don't feel that
                                                                     22 circumstances.
                                                                    23
                                                                                        PROSPECTIVE JURCR: Possibly.
23 way today?
                   PROSPECTIVE JUROR: I'll would be more
                                                                     24
                                                                                        MR. CWENS: Okay. I don't have anything
25 interested in hearing whether or not he's quilty, as
                                                                     25 further, your Honor.
                                                          259
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ş 1
                    THE COURT: Mr. Schieck.
                    MR. SCHIECK: Thank you, your Honor.
         Mr. Davie, in the questionnaire it's probably a
  4 little unfair to ask you to tell us how you think without
  5 enough information to give us full answers.
                    PROSPECTIVE JUROR: Yes.
                    MR. SCHIECK: And the question that you
  8 indicated you really don't care was the last question on
  9 the questionnaire. You think that might have factored in
 10 your answer, that you just wanted to give that answer to
 11 be done?
 12
                    PROSPECTIVE JUROR: Yes, it may have.
                    MR. SCHECK: Everything else in your
 13
    questionnaire indicates that you're a person that likes to
 15 have the information before giving an answer. In fact,
    one of the questions concerning whether the death penalty
 17 is given too much, not enough, you wrote I'd like to see
    the statistics.
                    PROSPECTIVE JUROR: Correct. I wouldn't
 19
 20 know whether it is or isn't.
 21
                    MR. SCHIECK: Would it be fair to say that
 22 you would be at least willing to listen to all the facts
 23 before you decided what the appropriate punishment would
 24 be in the case?
 25
                    PROSPECTIVE JUROR: I think I would have
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1 in your past that causes you to form that opinion?
                   PROSPECTIVE JURGR: My problem with the
3 police is it's like a couple of bad apples that ruin the
 4 whole bunch. I think they use force when it's not
 5 necessary a lot, and that really bothers me. I mean,
 6 there's more good police than bad police. Thank God for
   keeping us safe, but I don't like it when I see that.
                   MR, SCHIECK: Was that situation here or
9 back in Philadelphia?
                   PROSPECTIVE JUROR: I've seen it here.
10
11
                   MR. SCHIECK: Thank you. Pass for cause,
12 your Honor.
13
                  MR, OWENS: May we approach, your Honor.
                   THE COURT: Yes.
14
                 (Discussion held at the bench.)
15
                  THE COURT: We'll take our evening recess.
16
17 It's 5:25. Here's what we're going to do. We're going to
18 come back tomorrow -- well, first off, Ms. Johnson,
19 Mr. Taylor, Ms. Bailey, Ms. Mills, Mr. Henck, Mr. Hibbard,
20 Ms. Curtis, Mr. Smith, Ms. Meyrick, Ms. Cardillo,
21 Ms. Theus, Ms. Noahr, Ms. Bundren, Mr. Ramirez, Mr. Morin,
22 Mr. Garcia, Mr. Salak, Mr. Davie, I'm going to tell you
23 all -- excuse me Mr. White, I'm going to tell you all to
24 come back tomorrow at 1:30, rather then coming back in the
25 morning. Since you have been questioned, there's no need
```

1 to. MR. SCHIECK: With just the limited 2 3 information you have, you perhaps would foreclosed the two possibilities and allow for parole after at least 40 5 years, because you don't have all the information available to you? PROSPECTIVE JUROR: Correct. But I do know that someone was murdered. MR. SCHIECK: Correct. And there are four 10 possible forms of punishment that the law says you need to be able to consider. PROSPECTIVE JUNOR: That's what I'm having 12 a hard time with. I can do that. I'll try to listen to everything. But in my head it's one or the other. MR. SCHIECK: In another place in the 15 16 questionnaire you were asked about knowing someone close to you that has a substance abuse problem. You indicated that you're sympathetic. I take that to mean you're 19 sympathetic to those types of problems that individuals 20 might have. Is that a fair statement? PROSPECTIVE JUROR: Well, it's my Dad, so 21 22 it's different. My Dad an alcoholic. And, yeah, I'm 23 sympathetic to that. MR. SCHIECK: You also indicated you think 25 police abuse their power frequently. Is there something

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1 for you all to come in in the morning when we finish up
 2 with everybody else and have to sit around.
                   So you all can come back at 1:30.
 4 Everybody else I'm going to need to cone back at 10:30
 5 tomorrow so we can finish with the attorneys' questioning
 6 of you all.
                   Then once that's finished, I'm hopeful in
 8 the early afternoon, we'll be to the point we have enough
 9 jurors to begin the final part of the process where the
10 attorneys are involved in seating actually 14 people and
11 move forward from there.
12
                      JURY ALMONITION
                   During the recess, ladies and gentlemen,
13
14 you are admonished not to converse among yourselves or
15 with anyone else, including, without limitation, the
16 lawyers, parties and witnesses, on any subject connected
17 with this trial, or any other case referred to during it,
18 or read, watch, or listen to any report of or commentary
19 on the trial, or any person connected with this trial, or
20 any such other case by any medium of information
21 including, without limitation, newspapers, television,
22 internet or radio.
                   You are further admonished not to form or
24 express any opinion on any subject connected with this
25 trial until the case is finally submitted to you.
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STATE OF NEVADA vs. JAMES CHAPPELL 3/12/2007

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THE COURT: Outside the presence of the
                                                                       1 what we're asking for, that kind of gentleman may be the
                                                                       2 type of person that the defense would want on the jury as
 2 jury. Still on the record. Mr. Owens, you wanted to make
                                                                       3 well. In addition to having some views on the police
 3 a representation as to Mr. Davie.
                                                                       4 department that might be in line with some defense
                    MR. CWENS: Well, Mr. Davie, I don't know
                                                                       5 theories. I don't know.
 5 if he just wants to get off the jury or what it is. His
                                                                                         Over all, I think that there is enough in
 6 answers to questioning was 180 degrees from what they were
                                                                      7 his answers to deny the challenge for cause. I'm going to
   a week ago. I think he's a flake. It think he's bad news
                                                                      8 go ahead and let him stay.
   if he gets on the jury. It's going to cause problems.
                                                                                         MR. CMENS: Can I point out one thing for
         I don't think we got a good record now for keeping
                                                                      10 the benefit of the record. The fact that this is a
 10 him absent some tactical reason by the defense attorneys.
                                                                      11 tactical decision by the defense. Over on question 51 --
 11 But we're challenging him for cause, based upon the fact
                                                                      12 do you feel you would consider mitigating factors. And he
 12 that he said several times there is only two options for
                                                                      13 says not at all.
 13 him.
                                                                                         THE COURT: Mr. Schieck, anything.
         I got him to kind of say he'd think about the other
14
                                                                                         MR. SCHIECK: No. Nothing else, your
15 ones. But then he, when pushed on it, he kept going back
                                                                      15
   saying there's two, death or life without. That was it
                                                                      16 Honor.
                                                                                         THE COURT: You still maintain your
    for him. So based upon that, we would challenge him for
                                                                      17
                                                                      18 position that you are not challenging him for cause,
                    THE COURT: Mr. Schieck.
                                                                      19 correct?
 19
                                                                                         MR. SCHIECK: Correct.
                    MR. SCHIECK: We'll submit it, your Honor.
                                                                     20
20
                    THE COURT: Well, I don't think he is 180
                                                                     21
                                                                                         THE COURT: All right. 10:30 toworrow
21
22 degrees. I feel where he was last week, 120 is not a bad
                                                                     22 morning.
23 ballpark estimate. He indicated in his questionnaire he
                                                                      23
   likes to consider everything, that he would consider the
                                                                     24
 25 death penalty under certain circumstances. He would not
                                                                      25
                                                                                           CERTIFICATE
                                                                                                                                267
                                                                                               Œ
 1 wote automatically for or against it. It depends on the
                                                                      1
                                                                                     CERTIFIED COURT REPORTER
 ? facts of the case. They all seem to be very appropriate
                                                                      7
                                                                      3
 3 answers.
                   I agree that he was a little more rigid
 5 today in saying that, you know what, to me it's either
 6 death or life without the possibly of parole, and I don't
 7 think I would want to give schebody a second chance.
                                                                      7 I, the undersigned certified court reporter in and for the
                                                                      B State of Nevada, do hereby certify:
   Nonetheless, he also seemed to indicate during the
 9 questioning that he could consider the other forms of
10 punishment.
                                                                      10 That the foregoing proceedings were taken before me at the
                                                                      11 time and place therein set forth; that the testimony and
11
                   And it seems to the court that it was
12 clear, to me at least, he was kind of just thinking that
                                                                      12 all objections made at the time of the proceedings were
   this case probably has certain facts about it that would
                                                                      13 recorded stenographically by me and were thereafter
                                                                     14 transcribed under my direction; that the foregoing is a
   make those two appropriate, as opposed to anything else.
   Which means you're kind of speculating in your own mind as
                                                                      15 true record of the testimony and of all objections made at
16 to what the facts are. I can see some reasons, I don't
                                                                     16 the time of the proceedings.
   want to get too far into things, but I can see reasons why
                                                                     17
18 the defense would not want to challenge him for cause
                                                                     18
                                                                     19
19 based upon his statements about being fairly considerate
                                                                     20
   and about certain things, wanting to look at statistics
                                                                     21
21 about death penalty cases. They were very thoughtful
22 answers about things.
                                                                     22
                                                                     23
                   If you're looking at a case in terms of we
23
                                                                     24
24 know what our client's background is, we know what his
                                                                     25
25 criminal history is, we know what is realistic in terms of
                                                                                                                                268
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3/12/2007

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1	TRAN CASE NO. C-131341	FILED
2	DEPT. NO. 3	Jul 16 9 23 AH 107
3		Co Co
4	CA IGIN AL	CLERK OF THE COURT
5		
6		STRICT COURT
. 7	CLARK	COUNTY, NEVADA
. 8		* * * * *
9		
10	STATE OF NEVADA,	;
11	Plaintiff,) REPORTER'S TRANSCRIPT
12	vs.) OF SENTENÇING
13	V	
14	JAMES MONTELL CHAPPELL,	
15	Defendant.	
16		
17		
18	BEFORE THE HO	DNORABLE DOUGLAS HERNDON RICT COURT JUDGE
19		URSDAY, MAY 10, 2007
20		
21		,
22		·
JUL 16 2007 CLERK OF THE COURT	REPORTED BY: SHARON	N HOWARD, C.C.R. NO. 745
		· · · · · · · · · · · · · · · · · · ·

1	APPEARANCES:
2	For the State: CHRIS OWENS, ESQ.
3	
4	For the Defendant: CLARK PATRICK, ESQ.
.5	DAVID SCHIECK, ESQ.
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1	LAS VEGAS, NEVADA; THURSDAY, MAY 10, 2007
2	PROCEEDINGS '
3	* * * *
4	
5	THE COURT: Page 6, State of Nevada versus
6	James Chappell. Record will reflect the presence of
7	Mr. Chappell, in custody Mr. Schieck, Mr. Patrick, on
8	his behalf. Ms. Rinetti on behalf of the State.
9	Do you have the file, Ms. Rinetti?
10	MS. RINETTI: No, Judge. Mr. Owens and
11	Mr. Kephart will be here.
12	THE COURT: Mr. Owens is here. Mr. Owens
13	is present on behalf of the State.
14	This is time set for sentencing. Is there any legal
15	cause or reason why sentencing cannot take place.
16	MR. PATRICK: No, your Honor.
17	MR. OWENS: May we approach, your Honor.
18	THE COURT: Sure.
19	(Discussion held at the bench.)
20	THE COURT: Back on the record in State
21	versus Chappell. Anything the State wants to add in terms
22	of sentencing.
23	MR. OWENS: No, your Honor.
24	THE COURT: Mr. Chappell, is there
25	anything you want to tell the court before your attorney

speaks on your behalf?

2

1

THE DEFENDANT: No.

3

THE COURT: Thank you, sir.

.4

Mr. Schieck, Mr. Patrick, anything you all want to

5

add before we pronounce sentence?

6

MR. SCHIECK: No, your Honor. The jury

7

has imposed a sentence in this case.

8

THE COURT: As to the burglary and robbery

9

with use of a deadly weapon counts, those we're already adjudicated and sentenced at the time of the original

10

11

rial. They aren't part of the sentencing today. This is

12

as to murder with use of a deadly weapon.

13

So, in accordance with the laws of the State of Nevada, I do adjudicate you guilty of that crime,

14 15

Mr. Chappell, and pursuant to the jury's verdict at the

16

penalty hearing, I sentence you to death for Count (3),

17

murder with use of a deadly weapon.

18

The state has provided ad judgment of conviction. I know normally the clerk's office prepares these now when

19

20 21 the defendant is in custody, but Counsel for the State and defense have both looked at it. I think it's an

22

appropriate judgment of conviction, so I'll go ahead and

23

I believe the defense also has a stay of execution to

2425

present to the court, as well.

sign that.

MR. SCHIECK: That's correct.
THE COURT: I'll sign that, as well.
Thank you.
MR. SCHIECK: We'll fill in the date to
with the State's warrant.
THE COURT: Okay.
For the record I should add that judgment of
conviction includes the warrant of execution and order of
execution. Mr. Owens.
MR. OWENS: Thank you, your Honor. We'll
make copies of that.
THE COURT: Thank you.
MR. OWENS: We'll file that after we get
our copies.
THE COURT: Thank you, gentlemen.
* * * *
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1	CERTIFICATE
2	OF
3	CERTIFIED COURT REPORTER
4	* * * *
5	
6	
7	
8	I, the undersigned certified court reporter in and for the
9	State of Nevada, do hereby certify:
10	, , , , , , , , , , , , , , , , , , ,
11	That the foregoing proceedings were taken before me at the
12	time and place therein set forth; that the testimony and
13	all objections made at the time of the proceedings were
14	recorded stenographically by me and were thereafter
15	transcribed under my direction; that the foregoing is a
16	true record of the testimony and of all objections made at
17	the time of the proceedings.
18	;
19	
20	
21	
22	the area of the sale of
23	Sharon Howard C.C.R. #745
24	: : : : : : : : : : : : : : : : : : :
25	

DISTRICT COURT 1 CLARK COUNTY, NEVADA 16 9 22 AM '07 2 3 4 5 STATE OF NEVADA, 6 Appellant, CASE NO 7 vs. 8 JAMES CHAPPELL, 9 Respondent. 10 11 12 CERTIFICATE ACKNOWLEDGING DELIVERY OF CERTIFIED 13 TRANSCRIPT 14 15 I hereby acknowledge that a certified 16 transcript of proceedings held on March 8, 2007; March 12, 2007; March 13, 2007, May 10, 2007 in the above-entitled 17 18 case has been produced, filed with the Clerk of the Court, 19 and delivered to Appellant and Respondent on July 16th, 20 2007. 21 Dated this 16th, day of July. 22 Sharon Howard, C.C.R. 745 Official Court Reporter Department 3

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FILED

DAVID M. SCHIECK SPECIAL PUBLIC DEFENDER Nevada Bar No. 824 CLARK W. PATRICK Deputy Special Public Defender Nevada Bar No. 9451 330 South Third Street, 8th Floor Las Vegas, NV 89I55-2316 (702) 455-6265 Attorneys for Defendant

May 23 4 10 PH '07

CRAC BRESOURT

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VS.

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CLERK OF THE COLOR

SPECIAL POBLIC DEFENDER CLARK COUNTY DISTRICT COURT

CLARK COUNTY, NEVADA

THE STATE OF NEVADA,

Plaintiff,

JAMES CHAPPELL.

Defendant.

CASE NO. C131341 DEPT. NO. III

DATE OF HEARING: 5-10-07 TIME OF HEARING: 9:00 a.m.

DECLARATION OF MAILING

KATHLEEN FITZGERALD, an employee with the Clark County Special Public Defender's Office, hereby declares that she is, and was when the herein described mailing took place, a citizen of the United States, over 21 years of age, and not a party to, nor interested in, the within action; that on the 23rd day of May, 2007, declarant deposited in the United States mail at Las Vegas, Nevada, a copy of the certified Order to Stay Execution, enclosed in a sealed envelope upon which first class postage was fully prepaid, addressed to:

District Attorney's Office 200 Lewis Ave., 3rd Floor Las Vegas NV 89155

James Chappell, No. 52338 Ely State Prison P.O. Box 1989 Ely NV 89301 Warden, Ely State Prison P.O. Box 1989 Ely NV 89301

Nevada Department of Corrections P.O. Box 7011 Carson City NV 89702

10

That there is a regular communication by mail between the places of mailing and the places so addressed.

I declare under penalty of perjury that the foregoing is true and correct.

EXECUTED on the 23rd day of May, 2007.

KATHLEEN FITZGERALD

SPECIAL PUBLIC

H

DEFENDER
CLARK COUNTY

ORIGINAL CAS FILED Ì DAVID M. SCHIECK SPECIAL PUBLIC DEFENDER 2 Nevada Bar No. 824 JUN 8 2 58 PH '07 CLARK W. PATRICK 3 Deputy Special Public Defender Nevada Bar No. 9451 4 330 South Third Street, 8th Floor Las Vegas, NV 89155-2316 CLERK OF THE COURT 5 (702) 455-6265 6 Attorneys for Defendant 7 DISTRICT COURT 8 9 CLARK COUNTY, NEVADA 10 CASE NO. C131341 THE STATE OF NEVADA, 11 DEPT. NO. III Plaintiff, 12 13 VS. DATE OF HEARING: N/A JAMES CHAPPELL, 14 TIME OF HEARING: N/A 15 Defendant. 16 17 CASE APPEAL STATEMENT Appellant filing this case appeal statement: 18 1. 19 Chappell. Judge issuing the decision, judgment, or order appealed 20 from: Douglas Herndon. 21 All parties to the proceedings in the district court (the 22 use of et al. To denote parties is prohibited): The State of Nevada vs. James Chappell. All parties involved in this appeal (the use of et al. To denote parties is prohibited): James Chappell, Appellant; The State of Nevada, Respondent. 28

Page: 3869

SPECIAL PUBLIC DEFENDER

CLARK COUNTY NEVADA

S1

James

1	5. Name, law firm, address, and telephone number of all	
2	counsel on appeal and party or parties whom they represent:	
3	DAVID M. SCHIECK DAVID ROGER Special Public Defender District Attorney	
4	330 S. Third St., Ste. 800 200 Lewis Ave., 3rd Floor Las Vegas, Nevada 89155 Las Vegas, Nevada 89155	
5		
6	Attorney for Appellant CATHERIN CORTEZ-MASTO Attorney General 100 North Carson Street	
7	Carson City, Nevada 89701-4717 (702) 687-3538	
8	Counsel for Respondent	
9		
10	6. Whether appellant was represented by appointed or retained	
11	counsel in the district court: Appointed.	
12	7. Whether appellant is represented by appointed or retained	
13	counsel on appeal: Appointed.	
14	8. Whether appellant was granted leave to proceed in forma	
15	pauperis, and the date of entry of the district court order granting	
16	such leave: N/A	
17	9. Date proceedings commenced in the district court (e.g.,	
18	date complaint, indictment, information, or petition was filed):	
19	Information filed 10-11-1995.	
20	DATED this 17 day of May, 2007.	
21	DAVID M SCHIECK CLARK COUNTY SPECIAL PUBLIC DEFENDER	
22		
23	By Carin Shink	
24	DAVID M. SCHIECK SPECIAL PUBLIC DEFENDER	
25	330 S. THIRD ST., STE. 800 LAS VEGAS, NEVADA 89155-2316	
26	(702) 455-6265	
27		
28		

SPECIAL PUBLIC DEFENDER

CLARK COUNTY NEVADA

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CERTIFICATE OF MAILING

The undersigned employee with the Clark County Special Public Defender's Office, hereby certifies that on a copy of the Case Appeal Statement was deposited in the United States mail at Las Vegas, Nevada, enclosed in a sealed envelope upon which first class postage was fully prepaid, addressed to James Chappell, No. 52338, Ely State Prison, P.O. Box 1989, Ely, Nevada 89301, District Attorney's Office, 200 Lewis Ave., 3rd Floor, Las Vegas NV 89155; and the Nevada Attorney General's Office, 100 N. 89701; that there is a regular ΝV Carson, Carson City, communication by mail between the place of mailing and the place so addressed.

DATED:

1.

KATHLEEN FITZGERALD

2007.

An employee of/The Special Public Defender

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SPECIAL PUBLIC DEFENDER

CLARK COUNTY NEVADA

ORIGINAL 1 NOAS DAVID M. SCHIECK SPECIAL PUBLIC DEFENDER 2 Nevada Bar No. 824 2 5a PH 107 3 CLARK W. PATRICK Deputy Special Public Defender 4 Nevada Bar No. 9451 330 South Third Street, 8th Floor Las Vegas, NV 89155-2316 CLERK ()) THE COURT 5 (702) 455-6265Attorneys for Defendant 7 8 DISTRICT COURT 9 CLARK COUNTY, NEVADA 10 CASE NO. C131341 11 THE STATE OF NEVADA, DEPT. NO. III 12 Plaintiff, 13 vs. DATE OF HEARING: N/A JAMES CHAPPELL, 14 N/A TIME OF HEARING: 15 Defendant. 16 17 NOTICE OF APPEAL 18 TO: THE STATE OF NEVADA, Plaintiff; 19 DAVID ROGER, DISTRICT ATTORNEY; and TO: DEPARTMENT III OF THE EIGHTH JUDICIAL DISTRICT COURT 20 TO: OF THE STATE OF NEVADA, IN AND FOR THE COUNTY, OF CLARK 21 NOTICE is hereby given Defendant JAMES CHAPPELL, presently incarcerated in the Nevada State Prison, appeals to the Supreme Court of the State of Nevada from the conviction and sentence entered on the 10th day of May, 2007 against said Defendant, whereby the Defendant JAMES CHAPPELL having previously been adjudicated guilty by reason of

SPECIAL PUBLIC
DEFENDER

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28

CLARK COUNTY NEVADA

trial and verdict, the above-entitled Court did sentence Defendant, 2 by virtue of the jury's determination, to Death DATED this 17 day of May, 2007. 3 DAVID M. SCHIECK 4 CLARK COUNTY SAECIAL PUBLIC DEFENDER By. DAVID M. SCHIECK SPECIAL PUBLIC DEFENDER NEVADA BAR #0824 330 S. THIRD ST., STE. 800 9 LAS VEGAS, NEVADA 89155-2316 (702) 455-6265 10 CERTIFICATE OF MAILING 11 The undersigned employee with the Clark County Special Public 12 Defender's Office, hereby certifies that on 2007, 13 a copy of the Notice of Appeal was deposited in the United States mail 14 at Las Vegas, Nevada, enclosed in a sealed envelope upon which first 15 class postage was fully prepaid, addressed to James Chappell, #52338, 16 Ely State Prison, P.O. Box 1989, Ely, Nevada , 89301, District 17 Attorney's Office, 200 Lewis Ave., 3rd Floor, Las Vegas NV 89155; and 18 19 the Nevada Attorney General's Office, 100 N. Carson, Carson City, NV 89701; that there is a regular communication by mail between the place 20 of mailing and the place, so addressed. 21 DATED: 22 23 24 25 An employee of The Special Public Defender 26 27 28

SPECIAL PUBLIC
DEFENDER

CLARK COUNTY NEVADA

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287 FILED TRAN CASE NO. C-131341 DEPT. NO. 3 JUL 16 9 22 AH '07 3 ORIGINAL DISTRICT COURT CLARK COUNTY, NEVADA 8 9 10 STATE OF NEVADA, Plaintiff, 11 REPORTER'S TRANSCRIPT 12 CALENDAR CALL vs. 13 14 JAMES CHAPPELL, Defendant. 15 16 17 BEFORE THE HONORABLE DOUGLAS HERNDON 18 DISTRICT COURT JUDGE 19 DATED: THURSDAY, MARCH 8, 2007; 20 21 REPORTED BY: SHARON HOWARD, C.C.R. NO. :745

í	Í	•
1	APPEARANCES:	•
2	For the State: PAM WECKERLY, ESQ	•
3		
4	For the Defendant: CLARK PATRICK, ES	Q. ¦
5	DAVID SCHIECK, ES	Q.
6	·	I
7	·	;
8		
9		· •
10		•
11	·	
12	* * * *	•
13		·
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16		•
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1	LAS VEGAS, NEVADA; THURSDAY, MARCH 8, 2007
2	PROCEEDINGS .
3	* * * *
4	
5	THE COURT: Page 4, State of Nevada versus
6	James Chappell, C-131341.
7	The record will reflect the presence of
8	Ms. Weckerly on behalf of the State. Mr. Schieck on
9	behalf both counsel on behalf of the Defendant. Mr.
10	Chappell is not present.
11	MR. PATRICK: Yes, he is, your Honor.
12	THE COURT: Mr. Chappell is present. High
13	Desert told me they didn't transport him.
14	This is time set for calendar call. Are
15	you ready?
16	MR. PATRICK: Yes.
17	MS. WECKERLY: Yes, your Honor.
18	MR. SCHIECK: We understand the jury
19	questionnaires are ready also, your Honor.
20	THE COURT: Are you going to pick them up
21	now, or do you have other courts to go to? If you do, you
22	can come back by later. There should be 125 of them.
23	What I would like you all to do is get
24	together, and, prior to Monday morning, after you've had a
25	chance to review them, if there's any that are obvious to

you that we need to go ahead and excuse, we can, kind of, filter those out before we get started Monday at 10:00 a.m. MR. PATRICK: Your Honor, regarding Mr. Chappell, during the trial we would like him remanded to CCDC. However, between now and Monday morning, if he could, go back to High Desert, that would be great. THE COURT: The order will be that he can return to High Desert, just come back and be present for Monday morning. At that time, he will be remanded for the duration of the case to CCDC. MR. PATRICK: Thank you, your Honor.

1	CERTIFICATE :
2	OF
3	CERTIFIED COURT REPORTER
4	* * * * *
5	:
6	
7	
8	I, the undersigned certified court reporter in and for the
9	State of Nevada, do hereby certify:
10	
11	That the foregoing proceedings were taken before me at the
12	time and place therein set forth; that the testimony and
13	all objections made at the time of the proceedings were
14	recorded stenographically by me and were thereafter
15	transcribed under my direction; that the foregoing is a
16	true record of the testimony and of all objections made at
17	the time of the proceedings.
18	
19	
20	
21	
22	
23	Sharon Howard
24	C.C.R. #745
25	

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1	TRAN CASE NO. C-131341	FILED
2	DEPT. NO. 3	JUL 16 9 25 AM '07
3	•	9 25 AM 107
. 4	ORICINAL	CLERK STHE COURT
5		:
. 6	DI	STRICT COURT
. 7	CLARK	COUNTY, NEVADA
. 8		* * * * *
9	i	;
10	STATE OF NEVADA,	
11	Plaintiff,) PEDODUEDIC UDANGCUTDU
12) REPORTER'S TRANSCRIPT) OF
13	vs.) PENALTY HÉARING
, 14	JAMES MONTELL CHAPPELL,	
. 15	Defendant.	
16		
17		: ·
18		NORABLE DOUGLAS HERNDON ICT COURT JUDGE :
19		
20	DATED: 10E	SDAY, MARCH 13, 2007
21		:
CLEAR		
JUL 1 6 2007 CLERK OF THE COURT	REPORTED BY: SHARON	HOWARD, C.C.R. NO. 745
	1	

Page: 3879

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LAS VEGAS, NEVADA; TUESDAY, MARCH 13, 2007
    TRAN
 CASE NO. C-131341
2 DEPT. NO. 3
                                                                        2
                                                                                         PROCEEDINGS
                                                                        3
                                                                                           THE COURT: Welcome to Department 3, in
                             DISTRICT COURT
                                                                        6 the trial of C-131341, State of Nevada versus James
                          CLARK COUNTY, NEVADA
                                                                        7 Chappell.
                                                                                           The record will reflect the presence of
                                                                        9 Mr. Chappell with his attorneys, the State's attorneys, in
    STATE OF NEVADA,
                                                                       10 the presence of our prospective jurors.
 11
               Plaintiff,
                                                                                           Ladies and gentlemen from yesterday,
                                                                       11
                                     REPORTER'S TRANSCRIPT
 12
                                                                       12 welcome back. Thank you for your patience this morning.
                                        PENALTY HEARING
 13
                                                                       13 We're starting late because we were missing a number of
    JAMES MONTELL CHAPPELL.
 14
                                                                       14 people that were supposed to be back at 10:30. We need a
 11
               Dafendant.
                                                                       15 certain amount to finish up this process, so what we had
 16
                                                                       16 to eventually do is get 15 of your brethren from
                                                                       17 downstairs and bring them up. Welcome to you all.
 17
                  BEFORE THE HONORABLE DOUGLAS HERNION DISTRICT COURT JUDGE
 18
                                                                       18
                                                                                          My name is Douglas Herndon. I'm the
 19
                                                                       19 presiding judge in District Court, Department 3. You all
                     DATED: TUESDAY, MARCH 13, 2007
20
                                                                       20 have been subpoensed here, as you know from filling out
                                                                       21 the jury questionnaire, as potential jurors in a criminal
21
                                                                          proceeding.
22
23
                                                                       23
                                                                                           I'm going to tell you a few things and
                                                                       24 then I'm going to have the attorneys give you a little bit
    REPORTED BY:
                      SHARON HOWARD, C.C.R. NO. 745
75
                                                                       25 of introduction of the case and tell you about some
                                                               1
 1 APPEARANCES:
                                                                        1 witnesses that may be called. Then we'll have some
   For the State:
                                                                        2 questions for you all. Then we'll get back to the process
                             CHRIS OWENS, ESO.
                                                                        3 at the point we were yesterday.
    For the Defendant:
                             CLARK PATRICK, ESQ.
                                                                                          Just so you understand, seated in front of
                             DAVID SCHIECK, ESQ.
                                                                        5 me is Sharon. Sharon is my court reporter. Everything
                                                                        6 that I say, or the attorneys say, or any questions you are
                                                                        7 asked to answer you give she reports. So it is going to
                                                                        8 be really important that if you are asked questions that
                                                                        9 you speak loud enough so we can hear you, and please
                                                                       10 answer out loud. Don't just shake your head or nod your
10
                                                                       11 head. And don't say Uh-huh or Huh-uh, because it's hard
11
                                                                       12 to make sure we get that right in a report. So try and
12
                                                                       13 answer "yes" or "no," if you could please.
13
                                                                       14
                                                                                          Additionally, seat to my left is carol.
14
                                                                       15 Carol is the court clerk. She is going to administer an
15
                                                                       16 cath to you all in a minute to we make sure you're sworn
16
                                                                       17 in before you answer any questions. Seated to her left is
17
18
                                                                       18 my law clerk, Steve, who helps me out with a lot of legal
                                                                      19 things that come up during the trial.
19
                                                                      20
                                                                                          You have already met Leslie. Leslie is my
20
                                                                      21 bailiff. What you're going to find out is most of the
21
                                                                      22 court personnel, as well as the attorneys are under
22
23
                                                                      23 certain ethical and legal obligations not to converse with
                                                                      24 the jury, other then in here during the jury selection
24
                                                                      25 process. That means in the hallway, they're not going to
25
```

STATE OF NEVADA vs. JAMES CHAPPELL 3/13/07

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1 sit around and chat you up about the basketball tournament
 2 or anything like that. They are not supposed to.
                   Nonetheless, there may be some things you
 4 need to bring to the court's attention, so you can always
   communicate with Leslie. You can tell her anything you
 6 need to tell her; and she'll get it to my attention if
   necessary.
                   What I'm going to do is ask you a series
   of questions, as quickly as I can, so we can kind of move
 9
10 forward. But before I do that, Mr. Owens, if you'd
   introduce yourself and Ms. Weckerly and tell these new
   folks about the case and the potential witnesses.
                   MR. OWENS: Thank you, your Honor.
13
                   I think for this group here it's a review,
14
15 right. So we'll be testing you on it in a minute. I
16 don't think you've heard this before, but if you have I
17
   apologize.
                   My name is Chris Owens. This is Pant
18
19 Weckerly. We're prosecutors in the district attorney's
20 office. We're presenting this case for the State of
21 Nevada. This is a incident that occurred back on August
22 31st of 1995. It went to trial a little over a year
23 later, and the Defendant was convicted on charges of
24 burglary, robbery, with use of a deadly weapon, and first
25 degree murder with use of a deadly weapon. As he sits
```

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1 Norma Penfield, and Paul Widner. The victim's name in
 2 this case was Debbie Panos.
                   We have a coroner that will testify. He's
 4 actually a retired pathologist from the coroner's office,
 5 Dr. Green.
                   Police officers who may testify:
 7 Daniel Dersdorff, Darren Heiner, Art Lee, Paul Ocsuch,
 8 Mike Perkins, James Viccarro, Alen Williams, and
 9 Cal Winchells.
                   Parole and probation officers:
10
11 Larry Arava, Mike Compton, William Duffy, Bet Henderson,
12 Germaine Smith. And then a possible witness, a
13 psychiatrist from the North Reno area, Dr. Thomas Vicker.
                   I appreciate your patience with us through
14
15 this process, and your candor in answering our questions,
16 because this is obviously an important proceeding here.
                   THE COURT: Thank you, Mr. Owens.
17
18 Mr. Schieck.
                   MR. SCHIECK: Thank you, your Honor.
19
20
        Good morning, ladies and gentlemen. My name is David
21 Schieck. I'm with the special public defender's office
22 here in Clark County, Nevada. Also with the office is
23 Clark Patrick, who will be assisting during the trial of
24 the case. This is James Chappell, the Defendant in the
25 case.
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1 here in court, he's been convicted of those charges.
                   The purposes of impaneling this jury is to
 2
 3 make a finding of a sentence regarding the Defendant, Mr.
 4 Chappell. That's all that's going on with regard to the
 5 jury here.
 6
                   In regard to sentencing procedure, there
 7 are four options that will be available. Those are the
 8 death penalty, life without the possibility of parole,
 9 life with the possibility of parole after 40 years, and a
10 term of years in prison with parole eligibility after 40
11 years. Those are the options.
                   The incident in question here was a murder
12
13 that occurred at the Ballerina Mobile Home Park. It was
14 at 839 North Lamb. Just a few miles to the east of here,
15 down Bonanza. You'll here facts that it occurred in the
   trailer in that area, the trailer home. And also about
   some things that happened in regard to the jail here
18 downtown and parole and probation.
                   Now, witnesses that the State may call in
19
20 this matter are as follows, I ask you to pay attention to
21 see if you might know or have heard of any of these people
22 for questions later: Luana Aires, Lisa Duran, Tayna
23 Hobson, LaDonna Jackson, Claira McQuire, Mike Pollard, Kim
24 Simpson, Sherry Smith, Debra Turner, Laura Burfield,
25 Greg Urnst, Dena Freeman, Michell Munson, Carol Munson,
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The list of witnesses we may call during
 2 these proceedings are as follows: James Ford, Ivory
 3 Morrell, Ben Dean, Charles Dean, Fred Dean, Willy
 4 Chappell, Mira Chappell-King, Kisha Axida, Dennis Reffer,
 5 Marabel Rosalez and Howard Brooks.
                   Additionally, we would hear testimony from
 7 Dr. Lewis Etcoff, Dr. Tod Grey, and Dr. William Dan.
 8 Thank you.
                   THE COURT: All right. Ladies and
10 gentlemen, I'll have Carol swear approximately fifteen of
i) you that just came. If you'd stand up and raise your
12 right hand and she'll swear you in.
                   THE CLERK: You do solemnly swear you will
14 well truly answer such questions that may be put to you
15 touching upon your qualifications to act as jurors in this
   case at issue, so help you God.
16
                   PROSPECTIVE JURGES: (Choir of I do).
                   THE CLERK: You may be seated.
                   THE COURT: She's going to call the role
20 to make sure we have fifteen of you that we believe we
21 have. When you hear your name, answer present or here,
22
  please.
                   THE CLERK: Joanne Carmósino.
                   PROSPECTIVE JUROR: Present.
```

THE CLERK: Gary Rosenkrantz.

8

STATE OF NEVADA vs. JAMES CHAPPELL 3/13/07 Page: 3881

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PROSPECTIVE JUROR: Present.
                                                                      1 you're ultimately selected as a jurors, then we find out
 ١
                                                                      2 about that, that could contaminate your verdict. And
 2
                   THE CLERK: Craig Fuller.
                   PROSPECTIVE JUROR: Present.
                                                                      3 that's bad. So, please, if you have any feeling there's a
                                                                      4 question before, you think there's something that maybe
                   THE CLERK: Lisa Bogner.
                                                                      5 you're not sure you should tell, should you not tell, let
                   PROSPECTIVE JUROR: Present.
                                                                      6 us know about it. There is no wrong answer of anything
                   THE CLERK: Rene Vargas.
                                                                      1 that happens during a jury selection process.
                    PROSPECTIVE JUROR: Here.
                                                                                         First off, what I would like to know is is
                   THE CLERK: Donna Morella-Krupa.
                                                                      9 there anybody, of the 15 of you, who has been convicted of
                    PROSPECTIVE JUROR: Here.
                                                                      10 a felon? I see no hands. Thank you.
                   THE CLERK: David Mayorga.
10
                                                                                         Any of you all not U.S. citizens? I see
                   PROSPECTIVE JUROR: Here.
                                                                     11
11
                   THE CLERK: Jedediah Herring.
                                                                     12 no hands. Thank you.
12
                                                                                         Do any of you believe that you know or are
                    PROSPECTIVE JUROR: Here.
                                                                     13
13
                   THE CLERK: Patricia Moran.
                                                                      14 acquainted with any of the attorneys here today, either
14
                                                                      15 Mr. Owens or Ms. Weckerly from the DA's office or
                   PROSPECTIVE JUROR: Here.
15
                                                                     16 Mr. Schieck or Mr. Patrick on behalf of Mr. Chappell? I
                   THE CLERK: Steven Leavitt.
16
                                                                     17 see no hands. Thank you.
                   PROSPECTIVE JUROR: Here.
17
                                                                                         Any of you believe you know or are
                   THE CLERK: Alan Potter.
                                                                     18
18
                   PROSPECTIVE JUROR: Present.
                                                                     19 acquainted with Mr. Chappell? I see no hands. Thank
19
                                                                     20 you.
                   THE CLERK: Karen Meza.
20
                   PROSPECTIVE JUROR: Here.
                                                                     21
                                                                                         Any of you all believe you know or are
21
                                                                     22 acquainted with any of the witness spoken to you about by
                   THE CLERK: Charles Brooks.
22
                                                                     23 Mr. Owens or Mr. Schieck? I see no hands. Thank you.
23
                    PROSPECTIVE JUROR: Here.
                                                                                         Anybody believe they know anything about
                   THE CLERK: Michael Lomasney.
24
                                                                     25 the case, other than the very short synopsis that Mr.
25
                   PROSPECTIVE JUROR: Here.
                                                              9
                                                                                                                                  11
                   THE CLERK: Luz Cruz.
                                                                      1 Owens just spoke to you about, as well as th synopsis that
 1
                   PROSPECTIVE JUROR: Here.
                                                                      2 was in the jury questionnaire? I see no hands. Thank
 2
                   THE COURT: Anybody's name that is present
                                                                      3 you.
 3
                                                                                         Some of you indicated in your
   whose name was not called? I see no hands. Thank you
                                                                      4
   very much.
                                                                      5 questionnaire, if 1 recall correctly, that you have been a
 5
                                                                      6 juror before. To the extent you have been a juror before,
                   All right, ladies and gentlemen. As I
                                                                      7 did any of you serve as a foreperson of those juries? I
   said a minute ago, I'm going to ask a few quick questions
 7
   then the attorneys will get back to their questioning of
                                                                      8 see no hands. Thank you.
                                                                                         Have you or any of your close family
   the prospective jurors. To those 15 of you that have just
   arrived, understand that it is my desire, as well as the
                                                                      10 members ever been accused of a crime? Yes, sir? What's
11 attorneys' desire, to seat 14 people to hear this case who
                                                                     11 your name, sir?
                                                                                         PROSPECTIVE JUROR: Donna Morella-Krupa.
12 are as essentially as fair open-minded and neutral as
                                                                     12
13 possible base upon the facts of this cas. There are a
                                                                     13
                                                                                         THE COURT: Badge number, sir?
                                                                                         PROSPECTIVE JUROR: 0111.
14 number of questions we need to ask you about today.
                                                                     14
        The questionnaires speeded this up a lot. I know it
                                                                     15
                                                                                         THE COURT: Ms. Morella-Krupa?
15
                                                                                         PROSPECTIVE JUROR: Yes.
16 doesn't seem like that, because you were sitting around
                                                                     16
   yesterday and you're back here again today. But in a case
                                                                     17
                                                                                         THE COURT: Sorry. What's the crime?
   of this nature the questionnaire has really expedited a
                                                                     18 When was it?
                                                                                         PROSPECTIVE JUROR: My sister. She was --
19 lot of things, but obviously, base upon some of the
                                                                     19
20 answers in there, there's a need to follow up and ask a
                                                                     20 she stole funds or money from the company she worked from.
21 few questions.
                                                                     21
                                                                        She was prosecuted.
                                                                                        THE COURT: Was that hear locally?
                   Please make sure that any questions you're
                                                                     22
23 asked today, you give as full, complete, and honest
                                                                     23
                                                                                         PROSPECTIVE JUROR: Chicago.
                                                                                        THE COURT: All right. Thank you, ma'am.
24 answers to those questions as possible. If you hide or
                                                                     24
25 withhold something that has reference to this process and
                                                                     25 Anybody else? Yes. In the front row, tan shirt.
                                                                                                                                  12
```

```
PROSPECTIVE JUROR: Badge number 050104.
                                                                                         I'm going to give you - your job as
                                                                       2 jurors is to be fact finders. My job as a judge is to
                    THE COURT: Mr. Rosenkrantz.
                                                                       3 instruct you on the appropriate law in the State of Nevada
                    PROSPECTIVE JUROR: Yes. My brother.
                                                                       4 that applies to this case. You then take the facts as you
                    THE COURT: What was that?
                                                                       5 find them, apply the law and reach what you believe is an
                    PROSPECTIVE JUROR: Possession of
   marijuana with intent to sell, and methamphetamine.
                                                                       6 appropriate decision.
  б
                    THE COURT: Was that locally?
                                                                      7
                                                                                         You have to accept the law as I tell you
                    PROSPECTIVE JUROR: No. it was not.
                                                                      8 it exists, even if you disagree with it, if you're going
                    THE COURT: Thank you. Anybody else?
                                                                      9 to be a juror.
 10 Middle row, sir, in the dark shirt.
                                                                                         Is there anybody that thinks the would not
                                                                      1! be able to follow the law as I tell you it exists? I see
                    PROSPECTIVE JUROR: 050126.
 11
                                                                      12 no hands. Thank you very much.
 12
                    THE COURT: Mr. Potter, what do you have?
                                                                      13
                                                                                         There are a number of principles of law
                    PROSPECTIVE JUROR: My son, statutory
 13
                                                                      14 that pertain to every criminal proceeding. In this
 14
   rape.
                   THE COURT: Okay. Was that locally?
                                                                      15 proceeding one of those is the fact that the State has the
15
                                                                      16 burden of proof in proofing all of the elements necessary
                    PROSPECTIVE JUROR: Yes.
16
 17
                   THE COURT: Thank you. Back row.
                                                                      17 for certain things in this case related to the sentencing.
                                                                      18 Does everybody understand that principle? Proof beyond a
                   PROSPECTIVE JUROR: 050130.
 18
                                                                      19 reasonable doubt, does everybody agree with that
                   THE COURT: Ms. Cruz.
19
                    PROSPECTIVE JUROR: It was my niece.
                                                                     20 principle? Anybody disagree with that? I see no hands.
20
                                                                     21
                                                                                        Anybody disagree with holding the State to
   Possession of controlled substance.
21
                                                                     22 their burden of proof? I see no hands. Thank you very
22
                   THE COURT: Thank you. Next to you, is
   that Ms. Lonasney?
                                                                     23 much.
23
                                                                                        All right. We will get back to our
24
                   PROSPECTIVE JUROR: Yes, sir.
                                                                     24
                   PROSPECTIVE JUROR: I have an uncle that
                                                                     25 questioning of the prospective jurors, which I believe
25
                                                                                                                                  15
 1 killed his wife.
                                                                      1 puts us with Ms. Ware. Who is up in seat number one.
                                                                      2 Good morning, Ms. Ware. How are you?
                   THE COURT: Was he convicted of that
 2
                                                                                        PROSPECTIVE JUROR: Fine.
 3
   charge?
                   PROSPECTIVE JUROR: He kill himself after
                                                                                        THE COURT: All right. Mr. Owens.
                                                                                        MR. OWENS: Thank you. Good morning, Ms.
 5 that.
                   THE COURT: Locally or elsewhere?
                                                                      6 Ware. You had -- there was quite a few of these questions
                                                                      7 you noted some sort of experience or knowledge about.
                   PROSPECTIVE JUROR: California.
                   THE COURT: Thank you. Any other hands
                                                                      8 One was about drugs. You had somebody you knew or were
 9
   up? Did I miss anybody? No. Thank you very much.
                                                                        close to that had an experience with that?
                   Are there any of you that would tend to
                                                                                        PROSPECTIVE JURGR: Experience in doing it
10
                                                                     10
11 give more weight or credence or less weight or credence to
                                                                     11 or selling it?
12 the testimony of a police officer because that person was
                                                                     12
                                                                                        MR. OWENS: Well, I'm not sure.
13 a police officer? Why am I not surprised to see you hand,
                                                                     13
                                                                                        PROSPECTIVE JUROR: What are you asking,
14 Mr. Rosenkrantz.
                                                                     14 either doing it or selling it?
15
                   PROSPECTIVE JUROR: That's because I'm a
                                                                     15
                                                                                        MR. OWENS: It said what are your feelings
   police officer.
                                                                     16 and you said, did not deal with them. Was this somebody
                   THE COURT: Are you with Metro?
                                                                     17
                                                                        you were close to?
17
                   PROSPECTIVE JUROR: Yes, your Honor.
                                                                     18
                                                                                        PROSPECTIVE JUROR: Just a friends.
18
                   THE COURT: Thank you. Anybody else? No.
                                                                     19
                                                                                        MR. CWENS: How long ago was that?
19
20 Thank you.
                                                                     20
                                                                                        PROSPECTIVE JUPOR: Two years ago,
                   Is there anybody that believes they would
                                                                     21
                                                                                        MR. CWENS: So there wasn't anything about
21
22 not be able to follow the instructions on the law that I
                                                                     22 that that would affect you ability to be fair here if the
23 give you in this case, even if those instructions differ
                                                                        subject to drugs came up?
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24

25

PROSPECTIVE JUROR: I guess not.

THE COURT: Speak up. I need to be able

24 from what your personal beliefs of what the law ought to

25 be?

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1 around, what you're saying seems to be that somebody did
 1 to hear you.
                                                                      2 scrething wrong scrething wrong is going to happen to them
                   MR. OWENS: You indicated you had some
                                                                      3 at some point.
 3 contact with a situation of domestic violence. Was it a
                                                                                        PROSPECTIVE JUROR: Yes.
   friend or something?
                                                                                        MR. OWENS: You feel that that's always
                   PROSPECTIVE JUROR: Yes. .
                   MR, OWENS: There was also an aunt?
                                                                      6 the case?
                                                                                        PROSPECTIVE JUROR: Yes.
                  PROSPECTIVE JUROR: Yes.
                   MR. OWENS: Was that in town?
                                                                                        MR. OWENS: You feel with regard to this
                   PROSPECTIVE JUROR: No.
                                                                        particular case that you've already made a judgment as to
                                                                     10 what the jury should do?
                   MR. OWENS: How close were you to that
                                                                                        PROSPECTIVE JUROR: Yes.
                                                                     11
11 situation when that was happening?
                                                                                        MR. OWENS: So the comes around part would
                 . PROSPECTIVE JUROR: I was told about it.
                                                                     12
12
                   MR. CATENS: Okay. So you didn't go to
                                                                     13 be this jury?
13
                                                                                        PROSPECTIVE JUROR: Yes.:
                                                                     14
   court? You didn't talk to people?
14
                                                                                        MR. CWENS: I think you had said that you
                   PROSPECTIVE JUROR: No.
                                                                     15
15
                                                                     16 didn't feel that you could consider any of the other
                   MR. OWENS: What were your feelings about
16
                                                                     17 alternatives?
17 that at that time?
                   PROSPECTIVE JUROR: I don't know.
                                                                     18
                                                                                        PROSPECTIVE JUROR: No.
18
                                                                     19
                                                                                        MR. OWENS: Is that your feeling right
                   MR. OWENS: Down here you indicated
19
20 that -- it said what are your feelings about this. And
                                                                     20 now?
   you wrote, eye for an eye. Are those your feelings at the
                                                                     21
                                                                                        PROSPECTIVE JUROR: Yes.
                                                                                        MR. OWENS: You said you'r mind is made up?
22 time?
                                                                     22
                                                                                        PROSPECTIVE JUROR: Yes.
                   PROSPECTIVE JUROR: Yeah.
                                                                     23
23
                                                                                        MR. OWENS: You said you would
                   MR. OWENS: And what are your thoughts
                                                                     24
                                                                     25 automatically vote for the death penalty?
25 about it at this point?
                                                                                                                                 19
                                                            17
                                                                                        PROSPECTIVE JUROR: Yes.;
 ı
                   PROSPECTIVE JUROR: The same.
                                                                                        MR. OWENS: So the feelings you express in
                   MR. CMENS: The same. Now, you were asked
 2
                                                                      3 your questionnaire on the subject are the same way you
 3 a number of questions about the death penalty. You said
 4 that you were supportive of the death penalty?
                                                                      4 feel now?
                                                                                        PROSPECTIVE JUROR: Yes.
                   PROSPECTIVE JUROR: Yes.
                                                                      5
 5
                   MR. OWENS: You've heard about the four
                                                                                        MR. OWENS: You didn't have a real high
 6
                                                                      6
 7 options that were talk about in this case. There was
                                                                      7 opinion of the system -- criminal justice and the lawyers,
                                                                      8 like that?
   death, life with, life without, term of years. On
                                                                                        PROSPECTIVE JUROR: No.
   question 22 you indicated that you'd already formed an
                                                                                        MR. OWENS: A lot of people have those
   opinion about what the results should be, right?
                                                                     11 sorts of feelings today. You're not alone in that. Is
                   PROSPECTIVE JUROR: Yes.
11
                                                                     12 that something that would make it different for you to be
                   MR. OWENS: Tell us about that.
12
                   PROSPECTIVE JUROR: The opinion?
                                                                     13 fair to all the parties in this case?
13
                   MR. OWENS: Yeah. And why you had that
                                                                     14
                                                                                        PROSPECTIVE JUROR: Yes,
14
                                                                                        MR. CWENS: You feel like you might have
15 opinion.
                                                                     16 feelings against an attorney and might take it out on one
16
                   PROSPECTIVE JUROR: If you take somebody's
                                                                     17 side or the other?
17 life --
                   MR. OWENS: Yeah.
                                                                     18
                                                                                        PROSPECTIVE JUROR: Yes.
18
                   PROSPECTIVE JUROR: The world is round.
                                                                     19
                                                                                        NR. OWENS: Have you had an experience
19
20 What goes around comes around. Eventually it comes
                                                                     20 where you were a victim of a crime?
                                                                     21
21 back.
                                                                                        PROSPECTIVE JUROR: Yes.,
                                                                                        MR. OWENS: How many times has that
                   MR. OWENS: You already formed an opinion,
                                                                     22
22
23 the opinion was the death sentence?
                                                                     23 happened?
24
                   PROSPECTIVE JURGR: Yes.
                                                                     24
                                                                                        PROSPECTIVE JUROR: Once.
                                                                     25
                                                                                        MR. CWENS: How long ago was that?
25
                   MR. OWENS: When you say things come
                                                           18
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1	PROSPECTIVE JURIOR: 1994.	1	enforcement or people that you know?
2	MR. OWENS: What kind of crime was that?	2	PROSPECTIVE JUROR: Yes.
3	PROSPECTIVE JUROR: I was shot in the	3	MR. CWENS: What is that relationship?
4	head.	4	PROSPECTIVE JUNOR: I'm a pretrial officer
5	MR. CWENS: Was that in town here?	5	for the City of Las Vegas. I know several police
6	PROSPECTIVE JUROR: No.	6	officers, judges, attorneys. Just miscellaneous. I'm
٠,	MR. CWENS: Was there a prosecution of		been doing this for 24 years, so I know quite a few
8			people,
9		9	MR. OWENS: So you have contact with
10		10	police officers all the time?
11	find the guy?	111	
12		12	MR. CMENS: Anything about your
	anything.	13	relationships there that would come over to this trial in
14			a way that would create an unfair situation?
15		15	PROSPECTIVE JUROR: No. 1
16		16	MR. CWENS: You've never had a chance to
	that?	1 -	serve on a jury before?
18		18	PROSPECTIVE JURGE: No.
19		19	MR. OWENS: Have you ever been involved in
20		1	a court process, because of your job?
21		21	PROSPECTIVE JUROR: Yes.
	something they could have done and they dight to it?	22	MR. OWENS: What manner — witness, go in
23		1	and make reports?
25 24		24	PROSPECTIVE JUROR: Well, we as
	animosity from that, that you might take out on these	1	pretrial officers we sometimes have to prepare reports for
	21	.,	23
1	people?	1	the courts, for the judges. I have sat in on several
2	PROSPECTIVE JUROR: Yes.	2	trials. I never participated in one. I just watched what
3	MR. OWENS: You really don't want to have	3	was going on.
4	anything to do with this?	4	MR. OWENS: So you prepare the reports.
5	PROSPECTIVE JUPOR: No.	5	And the judge reads those and makes decisions?
6	MR. ONIZNS: Do you?	6	PROSPECTIVE JUROR: Yes.
7	PROSPECTIVE JUROR: No.	7	MR. OWENS: This is about custody status?
8	MR. OWENS: I don't have any more	8	PROSPECTIVE JUROR: No. Our court, we do
9	questions, your Honor.	9	misdemeanors. We don't do that.
10	THE COURT: All right. Pass or challenge	10	MR. OWENS: Does it have to do with
11	for cause?	11	sentencing?
12	MR. SCHIECK: Just one question, your	12	PROSPECTIVE JUROR: Sentencing, prepare
13	Honor. Ms. Ware, we've got all the things you wrote in	13	for the work program. If they completed whatever the
14	your questionnaire. Do you still feel the same way after	14	judge told them they had to do, and they dich't do it.
15	sitting here all day yesterday and listening to	15	Any those types of things.
16	everything?	16	MR. OWENS: You make recommendations to
17	PROSPECTIVE JUROR: Like what?	17	the court in those reports?
18	MR. SCHIECK: You haven't changed your	18	PROSPECTIVE JUPOR: On allimited basis.
19	mind about how you'll feel about the case?	19	MR. ONENS: When the judge reviews those
20	PROSPECTIVE JUROR: No.	20	reports or reads them are you in court simetimes?
? 1	MR. SCHIECK: We would challenge for	21	PROSPECTIVE JUROR: Sporadically. Not to
22	cause. Thank you, ma'am.	22	often.
23	THE COURT: Mr. Owens, as to	23	MR. OWENS: Does the judge ask you
24	Ms. Washington.	24	questions about them from time to time?.
25	MR. OWENS: You've got friends in law	25	PROSPECTIVE JUROR: They used to. Not
	. 22		i 24

1	anymore. We're not in the Regional Justice Center	1	MR. CMENS: You still feel that way now?	
	anymore.	2	PROSPECTIVE JUROR: Yes.	
3	MR. CMENS: You've never actually had to	3	MR. OWENS: When you were asked about your	
4	be sworn and give testimony in a case?	4	feelings about the death penalty, just generally here, you	
5	PROSPECTIVE JUROR: In my own. I had a	•	said I don't feel it's just. I would prefer life in	
-	couple of trial matters, yeah.		prison over the death penalty for innates. What did you	•
7	MR. OWENS: Okay., Just traffic?		mean by that?	
,	PROSPECTIVE JUROR: Yes.	8	PROSPECTIVE JUROR: What was that again?	
9	MR. OWENS: How long ago was that?	وا	MR. CMENS: It says, I don't feel it's	
10		1 -	just. I would prefer life in prison over death for an	
11			inmate.	
	-	12		
12	PROSPECTIVE JUROR: The officer gave me a	1	was referring to the fact that when you're convicted there	
	ticket I pled not guilty and went to trial.	1		
14	MR. OWENS: Your word against the police	1	are sometimes you may or may not get a chance to appeal.	
	officer?	1	I was speaking of the appeal process, not realizing it's	
16	PROSPECTIVE JUROR: More or less.	ŀ	two separate issues.	
17	MR. OWENS: How did that come out.	17	MR. CWENS: I understand. Even if a	
19	PROSPECTIVE JUROR: They took the word of	1	person gets the death penalty, they can still appeal.	
19	the officer.	19		
20	MR. OWENS: That's a tough one.	20	•	
21	PROSPECTIVE JUNOR: That generally	21	PROSPECTIVE JUROR: Yes.:	
22	happens.	22	MR. CMENS: Okay. That's why you are	
23	MR. OWENS: Anything about that experience	23	saying you weren't sure it was just. Because you are	
24	that would make it difficult for you to be fair here?	24	thinking maybe they just execute them and they don't have	
25	PROSPECTIVE JUROR: No.	25	a court review it?	•
	25			,
-1	MR. OWERS: Did you have some resentment	1	PROSPECTIVE JUROR: Yes.	
2	against those particular police officers?	2	MR. CWENS: Knowing that that doesn't	
. 3	PROSPECTIVE JUROR: No.	3	happen, does that make you feel like it can be just under	
4	MR. OWENS: What are your feelings about		certain circumstances, base on the crime?	
5	the death penalty?	5	PROSPECTIVE JUROR: Yes.	
6	PROSPECTIVE JUROR: When I was younger I	6	MR, OWENS: Then you said you were	
2	didn't know what the death penalty was, so I was against	,	asked about an eye for an eye, a tooth for a tooth. You	
	it. And in my later years and life experience, I now — I		said I believe it's fair if you murder someone you should	
	support the death penalty.	ı	be put to death immediately. Now that would mean if it's	
10	MR. OWENS: When did that change occur?	ı.	immediate, then you wouldn't get an appeal.	
	PROSPECTIVE JUROR: I would say within the	11	PROSPECTIVE JUROR: I kind of contradicted	
11		ı	myself when I was writing everything. Some of the	
12		ı	questions were kind of	
13		l	·	
14	•	14	MR. CMENS: They're terrible questions.	
1\$		i	They give us sort of a starting point to talk about,	
	way anymore.		The — when you said immediately, because you kind of	
17	MR. OWENS: And the death penalty doesn't	ı	thought that's what the law was. But you understand that	
10	have anything to do with the appellate process. Everybody	l	it's not?	
19	has an opportunity to fight and to appeal everything. You	19	PROSPECTIVE JUROR: Exactly.	
		20	MR. OWENS: Then you asked if you ever had	
20	understand that?		the filters of the contract of	
20 21	PROSPECTIVE JUROR: Yes.	[a different views on the death penalty. You said you	
20 21 22	PROSPECTIVE JUROR: Yes. MR. OWENS: But then you started feeling	22	never had a different view on the death penalty. But	
20 21 22 23	PROSPECTIVE JUROR: Yes. MR. OWENS: But then you started feeling Like the death penalty might be an appropriate thing in	22 23	never had a different view on the death penalty. But today you're kind of explaining how you started off	
20 21 22 23 24	PROSPECTIVE JUROR: Yes. MR. OWENS: But then you started feeling like the death penalty might be an appropriate thing in some circumstances?	22 23 24	never had a different view on the death penalty. But today you're kind of explaining how you started off against it and you changed?	
20 21 22 23	PROSPECTIVE JUROR: Yes. MR. OWENS: But then you started feeling Like the death penalty might be an appropriate thing in	22 23	never had a different view on the death penalty. But today you're kind of explaining how you started off	

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				29–32
*****		Ī		
1	MR. OWENS: Were you not thinking of that	1	•	
2	•	2		
3	PROSPECTIVE JUROR: No, I wasn't.	3	alternatives?	
4	MR. OWENS: There has been an evolution in	4	PROSPECTIVE JUROR: Yes.!	•
5	your mind?	5	· · · · · · · · · · · · · · · · · · ·	
б	PROSPECTIVE JUROR: Yes.	1	appropriate?	
7	MR. OMENS: Then you said, I would be	7		•
	willing to consider all forms of punishment and deliberate	θ		•
9	on the appropriateness of the outcome with other jurors.	9		
10		10	· -	•
11		11	!	
12	PROSPECTIVE JUROR: Yes.	12	- · · · · · · · · · · · · · · · · · · ·	
13	MR. OWENS: Death, life with parole, life	13		
14	without parole. You're okay with that?		do you view yourself as an advocate on behalf of the	
15	PROSPECTIVE JUNCR: Yes.		prosecution or on behalf of the Defendant, or sort of a	
16	MR. CWENS: And you'd select the one you		neutral person?	
17		17	PROSPECTIVE JUNOR: As a neutral person.	
18	PROSPECTIVE JUROR: Yes.	1	I can't make — we have guidelines we have to follow. So	
19	MR. CWENS: Okay. You felt like it was		we follow the perimeters of the guidelines. If there is a	
20	•		question as to fairness of it or the legality of it that's	
21	to the process.		why we have supervisors. But I feel I'm a neutral person,	
22	PROSPECTIVE JUROR: Yes.		making sure all the paperwork is where it needs to be.	
23	MR. OWENS: You do that a lot everyday in	23	MR. SCRIECK: And that you provide the	
	what you do. You just never had the jury experience		court as much information as you can so the court can make	
25	before?	25	the ultimate decision?	
		ļ	· · · · · · · · · · · · · · · · · · ·	
1	PROSPECTIVE JUROR: They've selected me a	ì	PROSPECTIVE JUROR: Yes, I	
2	couple of times. I never served on the jury.	2	MR. SCHIECK; Any partiqular thing that	
3	MR. CMENS: In about three or four days,	3	caused you to change, what was your early view about the	
4	Ms. Weckerly and myself are going to be standing up asking	4	death penalty, to what it was now. Anything in	
5	the jury to return the death penalty. Do you feel that	5	particular?	
6	that's scrething you could do?	6	PROSPECTIVE JUROR; Just life in general.	
7	PROSPECTIVE JUROR: Yes.		When I was younger I didn't really think about it. I had	
8	MR. OWENS: How do you feel about the idea	J	a different view on things when I was younger. As I got	
9	of sitting in judgment on another person?	•	older my views changed. A lot of them, not just this, but	
10	PROSPECTIVE JUROR: Well, I think it goes		a lot of different things changed over the years. I	
	back to a moral issue. My mother always raised us to		didn't realize that they had, until I examined it.	
	treat people the way you want to be treated. Again, as I	12	MR. SCHIECK: And you are of the belief	
	wrote, do unto others as they would do unto you. If you	1	that someone commits a criminal act, there should be some	
14	•	,	consequences for having done that? They should be	
15		i	punished for it?	
	comes back to you. It doesn't always you're not always	16	PROSPECTIVE JUROR: Criminal act, traffic,	
	going to get away with the things you do. You have to	ı	whatever it is. Just like I got a ticket for what I did,	
18	take some responsibility for the consequences of your	l	apparently, I was supposed to have it.	
	· · ·	19	MR. SCHIECK: Even though you didn't	
	whatever it may be.	l	agree, you accepted your punishment, whatever that might have been.	
21	MR. OWENS: Part of that is why we have juries. Particularly for the serious stuff, like this.	22	PROSPECTIVE JUROR: Yes,	
	So you feel as you sit here now, in your present state of	23	MR. SCHIECK: Do you feel that the	
	mind, you could be fair and impartial to both sides in		sentence of life in prison is a punishment?	
	this case?	25	PROSPECTIVE JURCE: Is it a punishment	
	30		32	

1	yes, it is.	1	PROSPECTIVE JUROR: No.
2		2	MR. OWENS: How did you feel about that?
3	case, would you be open to considering all of the forms of	3	PROSPECTIVE JUROR: I was sad that he did
4	punishment that the legislature says are available?	4	it. But actually it was, I guess, you could put it it was
5		5	an accident. They got in a fight and he lost it and
6	MR. SCHIECK: That would be not only the	6	choked her. It was an accident. He shouldn't have done
.7	death penalty but life without parole, life with parole?	7	it. But he shouldn't have been drinking and doing what
8	PROSPECTIVE JUROR: Yes,	8	they were doing, fighting like that. But it happened. He
9	MR. SCHIECK: You could consider all of	۱,	paid his price.
10	those?	10	MR. CWENS: You know, question number 19
ļl	PROSPECTIVE JUROR: Yes.	11	you were asked about domestic violence, which would be
12		12	like what you are talking about. And you're saying I have
13	those forms of punishment?	13	no sympathy for spousal abusers.
14	· · · · · · · · · · · · · · · · · · ·	14	PROSPECTIVE JUROR: I went through it.
15	MR. SCHIECK: Would it be fair to say that	15	MR. OWZNS: Did you see that situation as
16	you would want to hear as much information, just as do you	16	different from your situation?
	in your job, as would hear as much information in court as	17	
18	possible to make the decision as to what the correct	18	understand.
19	punishment should be?	19	MR. CWENS: Well, did you view that murder
20		20	that occurred, that killing, you said it was kind of an
21			accidental death. You don't view that as a domestic
	cause, your Honor.	22	violence situation?
23	· ·	j 23	PROSPECTIVE JUROR; Well, I guess you can
24	Ms. Lee.	24	put it like that. He never physically abused her, but
25	MR. OWENS: Thank you. How are you		they were always fighting constantly. But he never hit
	33		35
1	doing.	l	her or anything. It was just that one particular time.
2			They had both been drinking. And she kicked him where she
3			shouldn't have kicked him. And he lost it.
4	criminal justice system before?	1	MR. OWENS: So you just never viewed that
5	· · · · · · · · · · · · · · · · · · ·	5	situation that way as domestic violence,
6	MR. OWENS: Have you ever sued anybody or	6	PROSPECTIVE JUROR: Probably not, because
7	been sued in court?	7	it was just that one time.
8	PROSPECTIVE JUROR: No.	8	MR. OWENS: So it could have been mental
9	MR. OWENS: Yo know somebody that's been	۱,	abuse or emotional abuse, but not the physical kind of
10	arrested or scnething?		abuse that you associate with your situation.
11	PROSPECTIVE JUNOR: I had a friend that	11	PROSPECTIVE JUPOR: She was more mentally
	killed his wife.	12	abusive than him than he was to her.
13	MR. OWENS: How long ago was that?	13	MR. CMENS: But you had something in your
14		14	
15	ago.	15	violence. How long ago was that?
16		16	PROSPECTIVE JUROR: It lasted twelve
17	individual?	17	years. It was just verbal abuse. Took me thirty-four
18	PROSPECTIVE JUROR: Yes .	18	
19	MR. CWENS: Did you kind of watch that	19	MR. CWENS: When did you separate yourself
20	process run its course?	20	from that?
21	PROSPECTIVE JUROR: Not really because he	21	PROSPECTIVE JUNCA: Almost a year year and
22	did it and he knew it. And he just pled guilty going	22	a months ago.
23	through the whole process.	23	MR. CWINS: Are you feelings about that
24	MR. OWNENS: I see. So it's not like he	24	whole thing kind of strong and upsetting to you.
25	went to court or anything?	25	PROSPECTIVE JUROR: Yeah, because he still
	34		36

40

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I conscience that bothers them. If they don't would you
  1 is abusive to me. But I don't have to live with it now.
                                                                      2 revise your opinion of that as punishment?
 2 I'm on my own.
 3
                    MR. CWENS: Now, if in this trial you
                                                                                        PROSPECTIVE JUROR: If they don't have a
 4 heard facts about physical violence in a relationship,
                                                                      4 conscience?
 5 that might trigger some unpleasant memories for you?
                                                                                         MR. OWENS: If it doesn't bother them for
                    PROSPECTIVE JUROR: Probably. I'm open.
                                                                      6 the rest of their life. It's only a punishment if it
 7 There's things that happened. I definitely don't agree
                                                                      7 bothered them.
                                                                                         PROSPECTIVE JUROR: Good point. It would
 8 with violence toward children, abuse or anything like
   that. Been there done that. But there's always different
                                                                      9 bother me.
 10 sides, what you call it, opinions I guess. But there is
                                                                                        MR. OWENS: That would be the worst
                                                                     10
 11 no need for violence.
                                                                     11 punishment for you.
 12
                    MR. OWENS: Okay. So you feel that you
                                                                     12
                                                                                         PROSPECTIVE JUROR: I guess if you could
                                                                     13 commit a crime like that, you wouldn't have a conscience
 13
   could separate your situation from --
                    PROSPECTIVE JUROR: Everybody's situation
                                                                     14 anyway. Good point. Never thought of that.
 14
 15 is different.
                                                                                        MR. OWENS: Well, like you said there are
                                                                     15
                                                                     16 a lot of people that are doing appeals on death row. So
 16
                   MR. CWENS: Okay. Now you said your sort
 17 of a conscientious objector. You don't believe in the
                                                                     17 apparently their consciences aren't bothering them.
   death penalty?
                                                                     18
                                                                                        MR. SCHIECK: Objection! This is improper
18
                    PROSPECTIVE JUROR: It's not that I don't
                                                                     19 questioning.
19
20 believe in it. Right now there is over 3000 people
                                                                                        THE COURT: I'll sustain the objection as
                                                                     20
21 sitting on death row, 79 in Nevada. There's only been,
                                                                     21 to the issue of appeals.
22 what, 12 or 13 since 1976 actually put to death. You
                                                                                        MR. OWENS: You said your beliefs about
                                                                     22
                                                                     23 the death penalty are such that you would vote against the
23 convict them of the death penalty. You give them that
24 sentence. Then there is appeal, after appeal, after
                                                                     24 death penalty, regardless of the facts and circumstances
25 appeal. So what does it -- I don't think it accomplishes
                                                                     25 of the case. You said, yes.
                                                                                        PROSPECTIVE JUROR: I said that?
 1 anything.
                                                                      1
                   MR. OWENS: So it's kind of a practical
                                                                      2
                                                                                        MR. OWENS: Yes.
 3 assessment there, that if we're not going to execute him
                                                                                        PROSPECTIVE JUROR: I must have read it
 4 what's he doing?
                                                                      4 wrong. I wouldn't automatically vote against it. It
                   PROSPECTIVE JUROR: You put them in jail
                                                                      5 would determine the evidence and circumstances surrounding
 6 for the rest of their life basically. That's what it is
                                                                      6 the act.
 7 anyway, if they're allowed all the appeals, which is their
                                                                      7
                                                                                        MR. OWENS: You said the person should
                                                                      8 have to spend their life behind bars, not to get off so
 8 right, but just --
                   MR. OWENS: Are there other reasons,
                                                                      9 easy as to put to death. Is that what you were telling
10 religious or moral reasons, you'd be opposed to the death
                                                                     10 us a moment ago.
                                                                     11
11 penalty?
                                                                                        PROSPECTIVE JUROR: Yes.
                   PROSPECTIVE JUROR: No. No. I'm for the
                                                                     12
                                                                                        MR. OWENS: And so you said you were
12
13 death penalty, because there are certain circumstances
                                                                     13 generally opposed to it. And what we're trying to find
                                                                     14 out is would that be a consideration for you -- if that's
14 that involve. There should be. But, in my opinion,
is really, they get off easy if they get the death penalty.
                                                                     15 a legitimate option in the case?
16 The person that -- the relatives of the person that you
                                                                     16
                                                                                        PROSPECTIVE JUROR: I could consider it
                                                                     17 definitely. I'm not opposed to the death penalty. Not by
17 know was the victim, they still have to live with that.
18 These people should have to live with their conscience the
                                                                     18 a long shot. There are certain people that deserve it.
                                                                     19 But I'm not opposed to it. It would be a factor to be
19 rest of their life that they did that.
                                                                     20 considered.
                   MR. OWENS: That conscience, having to
20
21 live with that is a worse punishment then, maybe.
                                                                     21
                                                                                        MR. OMENS: All right. So you feel if you
22
                   PROSPECTIVE JUROR: If they're no longer
                                                                     22 could -- if you got on the jury you could fairly consider
  living, they don't have to think about it anymore.
                                                                       all four forms of punishment?
23
                   MR. CMENS: Right. And that would be true
                                                                     24
                                                                                        PROSPECTIVE JURCE: Yes.
25 if people commit crimes against others and have a
                                                                    25
                                                                                        MR. OWENS: If this seemed like the
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i	appropriate punishment, the death penalty, you would be	1	MR. SCHIECK: In the case of your friend,
	able to come back with that verdict?	5	you thought ten years was sufficient for first degree
3	PROSPECTIVE JUROR: Yes.	3	murder, right. You didn't think he should have to serve
4	MR. OWENS: You could make that type of	4	the rest of his life in prison?
5		5	PROSPECTIVE JUROR: Because I knew the
6	PROSPECTIVE JUROR: Yes,	6	circumstances surrounding it. I knew their relationship.
7	MR. CWENS: It's something you could live	1	I knew the whole thing.
8		8	MR, SCHIECK: Which is what this hearing
9	PROSPECTIVE JUROR: Yes.	وا	is about, so the jury understands.
10	MR. CWENS: Thanks. We'll pass for cause,	10	PROSPECTIVE JUROR: I understand because I
		1	have no knowledge of what has happened or what transpired
11	· · · · · · · · · · · · · · · · · · ·	ı	so I can't sit here and say, yeah, I'm not going to give
12	•		the death penalty, life in prison. I have to know the
13	MR. SCHIECK: Thank you, your Honor.		circumstances involved.
14	Ms. Iee, you talked about the unfortunate		i
15	·	15	MR. SCHIECK: Right, And you gave figures
16			about people on death row, about the death penalty. Is
17	PROSPECTIVE JUROR: He was more my friend	•	that scrething you are interested in or have done research
18	than she was.	1	on?
19	MR. SCHIECK: Was he convicted of first	19	PROSPECTIVE JURCR: I have to have a paper
20	degree murder?		done in nine weeks. About three weeks ago, before I got
21	PROSPECTIVE JUROR: Yes.	21	called for jury duty, I did just a bit of research.
22	MR. SCHIECK: Did you think he should	22	MR. SCHIECK: You are taking a class at
23	serve the rest of his life in prison as opposed to getting	23	community college?
24	the death penalty?	24	PROSPECTIVE JUROR: University of Phoneix
25	PROSPECTIVE JUROR: For the situation, no,	25	on criminal justice?
	41	1	43
i	I didn't. For what had happened and how it happened in	1	MR. SCHIECK: The paper is obviously on
	their no, I didn't. I guess because I knew him and I	1 2	the death penalty?
	knew what had happened and how it had happened. But he	3	PROSPECTIVE JUROR; Yes.
	spent ten years of his life in prison, and he wasn't a bad	4	MR. SCHIECK: That is a pretty good
	person.	1 -	coincidence for me.
	MR. SCHIECK: Did you think that that was	6	Do you understand in a few days, this
7	a sufficient penalty?	1 -	judge is going to give you instructions on the law before
,	PROSPECTIVE JUROR: Yes.		the jury goes back to deliberate. Would you have any
	MR. SCHIECK: Even though it was first		problem following instructions given to you by the judge,
9		1	even if they differ from any research you have done
	degree nurder?		concerning the death penalty.
11	PROSPECTIVE JUROR: Yes.		PROSPECTIVE JURGR: Like I said, I haven't
12	MR. SCHIECK: So would you agree then that	12	;
13	. •		got that far into the research. The judge knows the law
	deserve the death penalty?	1	better than I. I have to follow that.
15	PROSPECTIVE JUROR: Yes. I mean,	15	MR. SCHIECK: Would you be willing to base
16	circumstances I don't know the circumstances	1	your decision on the evidence presented to you here in
17	surrounding this. I can't make that decision right now.	Į.	court, and the instructions on the law, as opposed to
18	MR. SCHIECK: When you are talking about	18	research you had done?
19	the death penalty and life in prison as being worse than	19	PROSPECTIVE JURCA: Yes
20	the death penalty, you're just talking in general terms	20	MR. SCHIECK: Thank you. Pass for cause,
21	about punishment; is that fair to say?		your Honor.
22	PROSPECTIVE JUROR: I'm not quite sure.	22	THE COURT: Thank you. Mr. Owens, as to
23	MR. SCHIECK: Your philosophy of	23	Ms. Matts.
24	punishment as opposed to a particular case.	24	MR. OWENS: How are you doing. You
25	PROSPECTIVE JUROR: I lost you.	25	indicated you are opposed to the death penalty for
	42		
		_	,

			<u> </u>	13	
1	religious principles or moral principles?	1	the facts, violence, things like that, the death is not		
2		2	something you could honestly consider?		
3	MR. OWENS: You're feeling that you would	3	PROSPECTIVE JUROR: I could not live with		
4	not be able to vote for the death penalty under any	4	myself.		
5	circumstance?	5	MR. OWENS: You couldn't be a person that		
. 6	PROSPECTIVE JUROR: Yes.	6	could take responsibility for that kind of decision		
7	MR. OWENS: And that's based upon your	1	either?		
8	religious point of view?	8	PROSPECTIVE JUROR: No.		
9		9	MR. OWENS: Thank you. Appreciate your		
10	it.	10	candor on that. Challenge, your Honor.		
11	MR. OWENS: You consider yourself a fairly	-11	THE COURT: Mr. Schieck.		
12	religious person?	12	MR. SCHIECK: No questions.		
13	PROSPECTIVE JUROR: Somewhat, yes.	13	THE COURT: Thank you. Mr. Owens, as		
14	MR. OWENS: This particular facet of your	14	to I apologize, sir Mr. Fewerhammer.		
15	beliefs is something you feel is important to adhere to?	15	MR. OWENS; All right. You answered all		
16	PROSPECTIVE JUROR: I have had this belief	16	of the questions. There were a lot of them that didn't		
17	for years. It's not changed.	17	tag anything in a lot of these areas. You have never been		
18	MR. CWENS: You say that you would not be	18	involved in the criminal justice system before?		
19	able to vote for death in this particular case?	19	PROSPECTIVE JUROR: No, sir.		
20	PROSPECTIVE JUROR: Correct.	20	MR. CWENS: Never had an opportunity to be		
21	MR. CWENS: That would be regardless of	21	a juror before?		
22	the circumstances. It wouldn't be an option for you.	22	PROSPECTIVE JUROR: No, sir.		
23	PROSPECTIVE JUPOR: Correct.	23	MR. CWENS: Never been victimized?		
24	MR. CWENS: You said you strongly oppose	24	PROSPECTIVE JUROR: No, sir.		
25	the death penalty. You're pro life on all counts?	25	MR. OWENS: You never been close to		
	45		47		
ì	PROSPECTIVE JUROR: Right.	1	anybody arrested or involved in the system at all?		
2	MR. OWENS: You weren't sure you would be	2	PROSPECTIVE JUROR: I have been lucky,		
3	able to do life with parole. Am I misreading that? Are	3	sir.		
4	you just saying life without parole is what you would	ţ	MR. ONDNS: You have done pretty good to		
5	choose rather than death?	5	avoid all of those issues. You don't have any		
6	PROSPECTIVE JUROR: Correct.	6	prejudgments about this case based on what you have heard?		
7	MR. OWENS: But other than death, you	7	PROSPECTIVE JUROR: No, sir.		
В	could consider the other three options?	8	MR. CMENS: Do you consider yourself to be		
9	PROSPECTIVE JUROR: Yes.	9	an open-minded person?		
10	MR. OWENS: You made a comment about	10	PROSPECTIVE JUROR: Yes, Sir.		
11	violent relationships towards the end, remember that?	11	MR. CMENS: Are you okay with the process		
12	PROSPECTIVE JUROR: My uncle beat my		described here ad nauseam the past two days?		
13	aunt.	13	PROSPECTIVE JUROR: Yes, sir.		
14	MR. CWENS: Was that a situation you are	14	MR. CWENS: The idea for the jury		
	close to?	1	determining punishment on first degree minder?		
16	PROSPECTIVE JUROR: Yes.	16	PROSPECTIVE JUROR: Yes, sir.		
17	MR. OWENS: How recent was that?	17	MR. CWENS: Are you okay, with the idea of		
18	PROSPECTIVE JUROR: I was a young girl, 8	1	the deliberating process of sharing your ideas and		
	years old. I witnessed it for about five years.	i	listening to opinions of others?		
20	MR. OWENS: So you have some pretty strong	20	PROSPECTIVE JUNOR: Absolutely.		
	feelings about that?	21	MR. OWENS: Do you feel able to fairly		
22	PROSPECTIVE JUROR: I do. But as an adult	ı	evaluate the evidence and render a decision that would be		
-	I understand the whole scenario a little better.		fair to both sides?		
24	MR. OWENS: Just in the matter of	24	PROSPECTIVE JUNOR: Yes, sir. HR. CWENS: You said that you are		
23	potential punishment in this case, regardless of what are 46	25	MR. OMENS: 100 Said Chair you are		

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MR. SCHIECK: Thank you, your Honor. I'm
 1 supportive of the death penalty?
                                                                       2 not going to try to pronounce your name. You're from
                    PROSPECTIVE JUROR: I am.
 2
                                                                       3 Wisconsin.
                    MR. CWENS: You wouldn't automatically
                                                                                         PROSPECTIVE JUROR: Yes, sir.
    impose it?
                                                                                         MR. SCHIECK: Are you aware that Wisconsin
                    PROSPECTIVE JUROR: No, sir.
                    MR. OWENS: You're willing to keep an
                                                                         doesn't have the death penalty?
                                                                                         PROSPECTIVE JUROR: Yes, sir.
    open-mind about all four punishments?
                    PROSPECTIVE JUROR: I might have a problem
                                                                                         MR. SCHIECK: We're here because Nevada
    with the one, considering the time served.
                                                                         does. You think Wisconsin should have the death penalty?
                                                                                         PROSPECTIVE JUROR: I think it should be an
                    MR. OWENS: What do you mean by that?
 10
                                                                      10
                    PROSPECTIVE JUROR: If you give him 40
                                                                      Il option.
 11
 12 years with the opportunity for parole, and ten years is
                                                                      12
                                                                                         MR. SCHIECK: Do you think it should be
 13 already served, leave thirty, I have a problem with
                                                                      13 imposed in every case of first degree nurder?
                                                                                         PROSPECTIVE JUROR: No. sir.
14 that.
                                                                      14
15
                    MR. OWENS: Well, you know, eligibility or
                                                                      15
                                                                                         MR. SCHIECK: You think that it's
                                                                      16 appropriate to have all the options available that we
 16 time served, whatever, you don't know anything about that
                                                                      17 talked about -- the four options?
    and that's really a matter up to the judge.
                    PROSPECTIVE JUROR: I understand that.
                                                                      18
                                                                                         PROSPECTIVE JUROR: Yes, sir.
18
                    MR. OWENS: It's not something that get
                                                                      19
                                                                                         MR. SCHIECK: Even the option that
19
20 information on anyway.
                                                                     20 includes the possibility of parole?
21
                    PROSPECTIVE JUROR: Yes, sir.
                                                                      21
                                                                                         PROSPECTIVE JUROR: Yes, sir.
                    MR. OWENS: I guess the questions is is
                                                                     22
                                                                                         MR. SCHIECK: You were in the marines?
22
                                                                     23
23 with any one of these punishments you may, after hearing
                                                                                         PROSPECTIVE JUROR: Yes, sir.
                                                                                         MR. SCHIECK: Is that where you would
24. everything, just decide that that is not for you. You
                                                                      24
25 can't go along with that. The key point is will you wait
                                                                      25 serve if called upon, but not volunteer comes from. You
 1 until you hear everything?
                                                                      1 learn not to volunteer.
                    PROSPECTIVE JUROR: Absolutely.
                                                                      2
 2
                                                                                         PROSPECTIVE JUROR: Yes, sir.
                   MR. OWENS: Are you willing, at least at
                                                                                        NR. SCHIECK: There was one area that I
 4 that point, to keep an open mind about all four
                                                                      4 sort of picked up a difference in the answers. One is, I
   punishments until you have heard everything?
                                                                      5 agree with the death penalty. And the next question is on
                                                                      6 an eye for an eye and a tooth for a tooth, you said do not
                    PROSPECTIVE JUROR: Yes, sir.
                   MR. OWENS: And after you have heard
                                                                      7 agree. It's up to God to make that termination. Is there
                                                                      8 an inconsistency there, or am I missing scmething?
 8 everything can you come back with a punishment that is
                                                                                        PROSPECTIVE JUROR: Basically, the
 9 appropriate here?
                    PROSPECTIVE JUROR: I can, sir.
                                                                      10 state -- we have to go by the laws of the state. That is
10
                   MR. OWENS: If you feel after hearing
                                                                     11 where that comes in. It's not up to me to make take
11
12 everything that the appropriate thing is the death
                                                                     12 judgment. I leave that up to the state.
13 penalty, would you be able to come back with that
                                                                                        MR. SCHIECK: If the state says we have a
   judgment?
                                                                     14 jury of 12 people to make that decision, you agree with
                    PROSPECTIVE JUROR: Yes, sir.
                                                                     15 that and will go along with that?
15
                   MR. OWENS: You feel that that's something
                                                                     16
                                                                                        PROSPECTIVE JUROR: Yes, sir.
16
                                                                                        MR. SCHIECK: Okay. Thank you. Pass for
   you can personally take responsibility for?
                                                                     17
17
                   PROSPECTIVE JURGR: Yes, sir.
                                                                     18
18
                                                                        cause, your Honor,
                   MR. OWENS: I will serve if called upon.
                                                                     19
                                                                                        THE COURT: Thank you. Ms. Weckerly, as
   I will not volunteer. Sounds like a good policy.
                                                                     20 to Mr. Forbes.
                   PROSPECTIVE JUROR: I would rather not
                                                                     21
                                                                                        MS. WECKERLY: You mentioned in your
21
   judge somebody.
                                                                     22 questionnaire that you had an experience with child abuse
22
                   MR. OWENS: Sure. That's a very similar
                                                                        with a step dad.
                                                                     24
24 feeling. Thank you. Pass, your Honor.
                                                                                        PROSPECTIVE JUROR: Suré.
                   THE COURT: Thank you. Mr. Schieck.
                                                                     25
                                                                                        MS. WECKERLY: He was abusing you?
25
                                                                                                                                 52
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]	PROSPECTIVE JUROR: My Morn, myself, and
2	two sisters.
3	MS. WECKERLY: You said two sisters as
4	well as you?
5	PROSPECTIVE JUROR: Yes.
6	MS. WECKERLY: Did that situation go on
7	for several years?
8	PROSPECTIVE JUROR: 6 or 7 years.
9	MS. WECKERLY: How old were you at the
10	time?
11	PROSPECTIVE JUNOR: 11 through 17, I put
12	an end to it at by the time I was 18.
13	MS. WECKERLY: By moving out?
14	PROSPECTIVE JUROR: I finally got big
15	enough and made him stop.
16	MS. WECKERLY: He left you alone?
17	PROSPECTIVE JUROR: Yes.
18	MS. WECKERLY: Because you had that
19	experience, it was a long term thing, and it ended because
20	you were able to defend yourself, do you think you would
21	have trouble in this case?
22	PROSPECTIVE JUROR: No.
23	MS. WECKERLY: You could be fair to both
24	sides?
25	PROSPECTIVE JUROR: Yes.
	53

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1 Still feel that way.
                                  You think generally an
                   MS. WECKERLY:
 3 outsider might do better job?
                   PROSPECTIVE JUROR: In that instance,
 5 yes.
                   MS. WECKERLY: How about how your brother
 7 was treat by the police.
                   PROSPECTIVE JUROR: You do the crime, you
 9 get what you deserve, you know. I have no issue with
10 that.
                   MS. WECKERLY: But it sounds like maybe
11
12 you think that that outcome of the case wasn't just, that
   justice wasn't served?
14
                   PROSPECTIVE JUROR: Well, yeah. He had
15 done so many things, but just that particular one that he
16 got convicted on. So he was going to go to prison. He was
17 going one way or the other. Whether it be on that case or
18 another case.
19
                   MS. WECKERLY: So you didn't think the
20 police treated him unfairly, even though he wasn't
21 necessarily guilty of the --
22
                   PROSPECTIVE JUROR: Not the police, once he
23 got into the system.
24
                   MS. WECKERLY: Okay. Maybe he got labeled
25 because of a history.
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MS. WECKERLY: You also mentioned in your 2 questionnaire that - I wasn't sure if it was you or screene close to or you had some familiarity with controlled substances or use of controlled substance. PROSPECTIVE JUROR: Myself and the people around me. MS. WECKERLY: Was that something that was in the past as well? PROSPECTIVE JUROR: Again, another lifetime 10 ago. 11 MS. WECKERLY: You also said in your 12 questionnaire that you had some experience with the 13 criminal justice system and your opinion of it isn't 14 great. 15 PROSPECTIVE JUNOR: I had a younger 16 brother, back in the late 70s early 80s, got railroaded 17 through the public defender's office. He was picked up by a street walker who was on the street the next day. I had 19 some bitterness about that. But it's been 25, 30 years MS. WECKERLY: So if I'm understanding you 21 22 felt like he wasn't well represented? PROSPECTIVE JUROR: I felt quilty because 23 24 if I had had the money at the time, we could have went and 25 hired an attorney and he never would have went to prison.

55 PROSPECTIVE JUROR: Sort of kind of. 2 MS. WECKERLY: Anything about that that would cause you to be unfair to the state or the defense? PROSPECTIVE JUROR: No. MS. WECKERLY: On your questionnaire, you indicated -- you said you were pro death penalty? PROSPECTIVE JUROR: Yes. MS. WECKERLY: You also indicate that an 9 eye for an eye, or a tooth for a tooth, if it fits. 10 PROSPECTIVE JUROR: Meaning, for example, 11 there are violent crimes, a crime of passion or something 12 to that affect. But with certain crimes, yeah, definitely 13 it fits. 14 MS. WECKERLY: I don't know if maybe the 15 question wasn't phrased that clearly. But you wrote that 16 your views are such that you would automatically vote for 17 the death penalty. I take it from what you're saying now, 18 maybe you misread that question, and your opinions aren't so automatic, what you would do isn't so automatic. 19 20 PROSPECTIVE JURGE: I wrote that 21 truthfully thinking I put that I wouldn't be where I am 22 right now.

MS. WECKERLY: That's honest.

25 obligated to, I'll do my duty. I would not -- I would not

PROSPECTIVE JUROR: Two days later if I'm

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23

24

				57-60
1	automatically vote for that. I'd weigh everything and the	1	MR. PATRICK: So you're not blaming the	
2	options also.	2	railroading on the public defender totally, just	
3	MS. MECKERLY: So you are, as you sit] 3	partially?	
4	here, you are someone who wants to hear all of the	4	PROSPECTIVE JUROR: A little at the time.	
5	information before you make a decision.	5	I don't think the way he was convicted, I have, to this	
6	PROSPECTIVE JUROR: Yes.	6	day, I have an issue with that. Not enough to influence	
7	MS. WECKERLY: You lead me to my next	7	my decision, samething like this.	
8	question, you wrote that you were concerned about the	8	MR. PATRICK: So the fact that Mr.	
9	financial strain and that you wouldn't be able to	9	Chappell is being defended by a public defender, that	
10	concentrate?	10	wouldn't color your opinion?	
11	PROSPECTIVE JUROR: You get caught up in	11	PROSPECTIVE JUROR: Absolutely not.	
12	your own life and it takes a minute to slow down. I've	12	That's Mr. Chappell's choice.	
13	been here two days now. I have had a chance, if I need to	13	MR. PATRICK: On the question asked, if	
14	do this, I can do this.	14	the fact that Mr. Chappell was African-American, would	
15	MS. WECKERLY: What if at the end of this	15	that affect your feelings on this case. You wrote, no	
16	couple of days you feel that the death penalty is an	16	conment.	
17	appropriate punishment for this Defendant, would you have	17	PROSPECTIVE JUROR: It's so irrelevant.	
19	any trouble returning that kind of verdict?	18	It makes no difference to me if Mr. Chappell is	
19	PROSPECTIVE JUROR: Absolutely not.	19	African-American, Hispanic, Asian. I don't care. No	
20	MS. WECKERLY: Thank you, sir. Pass for	20	difference.	
21	cause.	21	MR. PATRICK: Makes no difference to you	
22	THE COURT: Thank you. Mr. Patrick.	22	at all.	
23	MR. PATRICK: Good morning, Mr. Forbes.	23	PROSPECTIVE JUROR: I can't acknowledge	
24	PROSPECTIVE JUROR: Good morning.	24	that question.	
25	<pre>HR. PATRICK: I would like to talk about 57</pre>	25	MR. PATRICK; Ms. Weckerly mentioned the 59	
	your step father and the abuse.	l	question if you would automatically vote for the death	
2			penalty. You checked yes.	
3		3	PROSPECTIVE JUROR: I was wrong about	
4	domestic violence and abuse, would that cause you to think	4	that. That doesn't sound like me.	
	any — change your opinion upon what punishment should be	5	MR. PATRICK: Well, I think you explained	
	given?	6	it well to her. Last week you really digh't want to be	
1	PROSPECTIVE JUROR: No. Like I said, it's	1	bothered with this.	
8	30 years ago.	8	I'm wondering about the guestion before	
9	MR. PATRICK: You'll keep an open mind.	9	that. It asks if you'd automatically vote against the	
10	PROSPECTIVE JUROR: Yes.		death penalty, you didn't answer that. Was that an	
11	MR. PATRICK: Same thing with the drug	111	oversight?	
12	use. If this case had any drug use, would that make you	12	PROSPECTIVE JUROR: Probably an oversight.	
13	think of a specific penalty or could you still keep an	13	Truthfully, I dich't have my glasses with me that day, so	
14	open mind on that?	14	I struggled with that.	
15	PROSPECTIVE JUROR: I'd still keep an open	15	MR. PATRICK: So basically some of the	
16	mind.	16	answers in the questionnaire were — you were consciously	
17	MR. PATRICK: Now, was it your brother or	17	trying to get out of having to serve on this jury?	
18	step brother?	18	PROSFECTIVE JUROR: Yes.	
19	PROSPECTIVE JUPOR: Brother.	19	MR. PATRICK: Now you've been here for	
20	MR. PATRICK: You thought that he got	20	two days, you see how important it is?	
21	railroaded because he had a public defender?	21	PROSPECTIVE JUROR: Yes.	
22	PROSPECTIVE JUROR: It's not per se the	22	MR. PATRICK: You'd give your full	
23	public defender. The system failed him in general. He	23	attention?	
24	was a young kid, had a lot of little petty things. There	24	PROSPECTIVE JUROR: Yes, sir.	
25	were youth camps around. It was his time.	25	MR. PATRICK: And listen to everything	
	58		. 60	

				61-64
1	presented before you made any decision?	1	can do it. Can you see that happening?	
2	PROSPECTIVE JUROR: Yes.	2		
3	MR. PATRICK: And I know you have heard	3	MR. OWENS: So you rather not. But if you	
4	this question many times, if you were sitting at this	4	are select, you can do it?	
	'table or if you were sitting at this table, would you want	5	PROSPECTIVE JUROR: Yes, I could.	
6	screbody like you to be a juror on this panel?	6	MR. CWENS: Can you do the right thing,	
7	PROSPECTIVE JUROR: Absolutely. Without a	7	even if it's a hard thing to do?	
8	doubt.	8	PROSPECTIVE JUROR: Yes.	
9	MR. PATRICK: Thank you, sir. Pass for	9	MR. OWDNS: You can do it, right?	•
10	···	10	PROSPECTIVE JUNOR: Yes.	
11	THE COURT: Mr. Owens, as to	11	MR. OWENS: If that includes the death	
12	Mr. Tempelton.	12	penalty, would you be able to come back and announce that	
13	MR OWENS: How are you feeling today after		judgment on another human being?	
14	listening to this.	14	PROSPECTIVE JUROR: Yes. I wouldn't be	
15		15	comfortable, but I could do it.	
16	MR. CHENS: You stress concern in the	16	MR. OWENS: You mentioned you had some	
17	question about judging somebody else.	17	kind of situation involving an arrest in the past. You	
18			said you or a family member was arrested, charged with	•
19	MR. CWENS: You thought about that more as	19	a crime. You said, yes. It said, do you feel the person	
20	you've been sitting here?		was fairly treated. You said, yes. You know what that	
21	PROSPECTIVE JUROR: Yeah, I wouldn't feel	21	was about?	
22	confortable with myself judging someone, putting	22	PROSPECTIVE JUROR: Yeah. It was	
23	someone life in prison, or death. I'm not comfortable	23	my Father for DUI.	
	with that.	24	MR. OWENS: How long ago was that?	
25	MR. OWENS: You'd have a difficult time	25	PROSPECTIVE JUROR: Years ago.	
	61		63	
	living with that decision of life in prison or the death	1	MR. OWENS: Did that go to court?	
	penalty. You're not opposed to the death penalty?	2	PROSPECTIVE JUROR: Yes.	
3	PROSPECTIVE JUPOR: No.	3	MR. CWENS: Was there a trial or	
4	MR, CWENS: You're not opposed to any of	1	scrething?	
5	the range of potential punishments?	5	PROSPECTIVE JUROR: Yes.	•
6	PROSPECTIVE JUROR: No.	6	MR. OWENS: Did that resolve in some	
7	MR. OWENS: Just that you thought you	1	manner?	
8	might not be able to make the decision of that magnitude?	8	PROSPECTIVE JUROR: Yeah, It got	
9	PROSPECTIVE JUROR; Yes.	9	resolved, suspended license for a year. He did all the	
10	MR. OWENS: What's your feeling now? You	ı	classes.	
	said back then you said, it would be difficult. I	111	MR. OWENS: Sounds pretty serious.	
	think it's always going to be difficult. The question is	12	PROSPECTIVE JUROR: Yeah.	
13	as you thought about it, it's so difficult, you don't	13	MR. OWENS: How did you feel about that?	
14		14	PROSPECTIVE JUROR: I thought it was fair.	
15	PROSPECTIVE JUROR: Well, if I had to do	15	It was dangerous to drive under the influence.	
16	it, I could. But I still feel the same. It's difficult	16	MR. OWENS: Did you feel like he was	
	for me.		treated fairly by the system?	
18	MR. CWENS: If you get selected and you	18	PROSPECTIVE JURGR: Yes.	
	get sworn, you'd do it?	19	MR. CWENS: There wan't anything about	
20	PROSPECTIVE JUROR: Yeah.	20	that that would interfere with your ability to be fair to	
21	MR. CWENS: You are saying you could?	21	both sides in this case?	
22	PROSPECTIVE JUROR: Yes.	22	PROSPECTIVE JURCA: No.	
23	MR. OWENS: So it wouldn't be a thing	23	MR. CHENS: You also indicated that you	
24	where you get down to the end and you are confronted with	24	had definite feelings about substance abuse or drugs or	
25	the choices and say, well, I really now I don't think I	25	alcohol.	
	62		64	

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PROSPECTIVE JUROR: Yeah.
                                                                      1 much thought.
 1
                   MR. OWENS: Where does that come from?
                                                                                         MR. SCHIECK: Until you got this
                                                                      2
                    PROSPECTIVE JUROR: Well, my sister uses,
                                                                      3 questionnaire and suddenly you're confronted with it?
                                                                                         PROSPECTIVE JUROR: Yes.
   and I don't like it when she's on controlled substances.
   She's different. I hate the stuff.
                                                                                         MR. SCHIECK: Since you filled out the
                                                                       6 questionnaire, have you had a chance to think about it
                    MR. OWENS: Is that something she is
                                                                      7 more?
    grappling with?
                                                                                         PROSPECTIVE JUROR: Yes.
                                                                      8
                    PROSPECTIVE JUROR: Yes.
                                                                                         MR. SCHIECK: Has your opinion changed or
                    MR. OWENS: Are you fairly close to that
                                                                      9
 q
                                                                      10 developed as you've been thinking about it?
   situation?
10
                                                                                         PROSPECTIVE JUROR: I still agree with the
11
                    PROSPECTIVE JUROR: Yes.
                                                                      11
12
                   MR. OWENS: Is there something about that
                                                                      12 death penalty.
13 that you think might spill over into your decision making
                                                                      13
                                                                                         MR. SCHIECK: But not in every case?
   process here in an unfair manner?
                                                                      14
                                                                                         PROSPECTIVE JUROR: Not in every case.
                                                                                         MR. SCHIECK: Thank you, very much. Pass
15
                    PROSPECTIVE JUROR: No.
                                                                      15
16
                    MR. OWENS: You are a young person?
                                                                      16 for cause.
                    PROSPECTIVE JUROR: Yeah.
                                                                      17
                                                                                         THE COURT: Thank you. Ms. Weckerly, as
17
                    MR. OWENS: 21.
                                                                      18
                                                                         to Mr. Scott, 078.
18
                    PROSPECTIVE JUROR: Yeah.
                                                                      19
                                                                                         MS. WECKERLY: Thank you, your Honor.
19
20
                   MR. OWENS: I go back to that. I want to
                                                                      20 Hello.
                                                                      21
                                                                                         PROSPECTIVE JUROR: Hi.
21 make sure you feel that you can take the weight of a
                                                                     22
                                                                                         MS. WECKERLY: Sir, when you filled out
22 decision process like this.
                                                                         your questionnaire, you wrote that death penalty was -- I
                   PROSPECTIVE JUROR: Yeah, I could.
23
                   MR. OWENS: Thank you. Pass for cause.
                                                                      24 think you wrote a necessary evil. Can you explain that?
24
                   THE COURT: Mr. Schieck.
                                                                      25
                                                                                         PROSPECTIVE JUROR: I just think it's an
25
                                                            65
                   MR. SCHIECK: Thank you.
                                                                      I acceptable punishment in some situations. But you know it
 1
                   Mr. Templeton, you indicated that --
                                                                      2 is tough. I mean, it's not real a pleasant thought, but I
 2
                                                                      3 think it's necessary in some situations.
 3 you're asked your opinion on different people in law
 4 enforcement and prosecutes. You said you applaud them.
                                                                                        MS. WECKERLY: And certainly it's not a
 5 Anything in particular that causes you to focus on your
                                                                      5 comfortable decision, I don't think for anybody.
                                                                      6 Certainly one that is not -- I don't think anyone ever
 6 applause them as opposed to anyone else, like the judges
                                                                      7 takes lightly. But I take if from your answer, though,
   or police officers?
                                                                      8 that you think there are some situations where that form
                   PROSPECTIVE JUROR: I just think this job
                                                                      9 of punishment is what is just or is correct?
   you do is very good.
                   MR. SCHIECK: Do you have any personal
                                                                      10
                                                                                         PROSPECTIVE JUROR: Yeah.
10
                                                                                        MS. WECKERLY: And you're someone that
   dealings with prosecutors?
                                                                     11
11
                                                                        could listen to all of the information before you make a
12
                   PROSPECTIVE JUROR: No.
                                                                        decision of that magnitude?
                   MR. SCHIECK: Just a general perception
13
                                                                                         PROSPECTIVE JUROR: It was something I
                                                                     14
   you have?
                                                                      15 have to take into account, weighing the circumstances and
                   PROSPECTIVE JUROR: Yes.
15
                                                                     16 things that are involved.
                   MR. SCHIECK: Is that something you picked
16
   up watching crime on TV?
                                                                      17
                                                                                        MS. WECKERLY: Okay. You wrote on your
17
                                                                      18 questionnaire that you are a member of an organization
                   PROSPECTIVE JUROR: I don't watch crime on
18
                                                                      19 that doesn't support the death penalty though. A
19 TV.
                                                                     20 religious group that doesn't -
20
                   MR. SCHIECK: You watch Law and Order,
                                                                     21
   shows like that?
                                                                                         PROSPECTIVE JUROR: I mean, I think you
                   PROSPECTIVE JUROR: No.
                                                                     22 can be affiliated with groups and disagree with certain
22
                                                                     23 rules. I have gone to Catholic school since I was a
                   MR. SCHIECK: Have you really thought
23
24 about the death penalty all that much?
                                                                     24 little kid, and they are opposed to the death penalty.
                   PROSPECTIVE JUROR: I haven't given it
                                                                     25 But that's not something -- I don't personally agree with
                                                            66
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1 their stance on that.
                   MS. WECKERLY: Okay. I'm sure your
2
3 religion is important, just to make sure I understand it.
4 You're able to separate yourself from the church's view
   and make your own decision in a case like this?
                   PROSPECTIVE JUROR: You have to. I think
7 you have to develop your own opinions. Over time, you
8 know, that's just not something I'm in line with them on.
9 I think, like I said earlier, in some certain
10 circumstances it's an acceptable punishment.
11
                   MS. WECKERLY: And you also indicated that
12 you would like to hear the circumstances surrounding this
13

    PROSPECTIVE JUROR: Yeah, I mean, I think

15 if you're going to -- when you're dealing with somebody's
16 life or dealing with something as heavy as this, it's
17 important to hear all of the factors, basically,
18 involved.
                   MS. WECKERLY: Thank you, sir. Pass for
19
20 cause, your Honor.
21
                   THE COURT: Thank you. Mr. Patrick.
                   MR, PATRICK: Good morning, Mr. Scott.
22
23 You have been here for a day and a half now.
                   PROSPECTIVE JUROR: Yeah.
24
                   MR. PATRICK: You probably know every
25
                                                            69
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MR. PATRICK: Is he still battling that?
                   PROSPECTIVE JUROR: From talking to him, I
 3 think it's something you always battle with the disease.
 4 You are never quite over it. But he hasn't drank in
 5 twelve years.
                   MR. PATRICK: That's very good. If this
 7 case had to do with alcohol abuse or drug abuse, because
 8 of your uncle, would that make you partial to one side or
 9 the other?
10
                   PROSPECTIVE JUROR: As far as that
11 question, I think it's tough to like -- not all alcoholics
12 are the same, not all drug users are the same. It's like a
13 factor, but I don't really see it as -- you know, my uncle
14 has -- that's just one facet of his personality. I have a
15 lot of respect for him, for a lot of other things. So
16 that's a tough question. It would not influence me,
17 because I don't see that -- all alcoholics are
   different.
18
19
                   MR. PATRICK: You could still keep an open
20 mind, even if something like that came up.
21
                   PROSPECTIVE JUROR: Yes, sir.
                   MR. PATRICK: In the statement that asks
22
23 about an eye for an eye, you say that — you mention that
24 being a very emotional reaction?
25
                   PROSPECTIVE JUROR: I think it's like
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1 question I'm going to ask you. You've heard them all. 2 You've heard me ask them, Ms. Weckerly, and Mr. Owens ask 3 them. Anything you've heard over the last day and a half 4 that pops in your mind that you think I should ask you or 5 Ms. Weckerly should ask you, or something you want to say 6 about this whole thing about you being on this jury? PROSPECTIVE JUKOR: Well, you know, when I 8 was filling out the questionnaire and raising your hands and stuff, I have had interaction with the court system. 10 I got in trouble for disorderly conduct. I didn't know if that was something I should put in 12 there. I think I should right now, because when you're 13 filling this out you don't know the context of what people 14 want to know. I guess that's the only thing I would add. 15 I felt it was very minor, but I had dealt with that. I 16 felt it was fair. 17 MR. PATRICK: You felt you were treated 18 fair. PROSPECTIVE JUROR: Yeah. 19 20 MR. PATRICK: So that wouldn't make you partial to one side or the other? 21 PROSPECTIVE JUROR: No. 22 MR. PATRICK: Your uncle had a problem 23 with alcohol abuse?

PROSPECTIVE JUROR: Yes.

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1 spanking your kid. You don't grab him and spank him,
 2 you've got to step back. That's acceptable punishment.
 3 An eye for an eye seems like a knee-jerk reaction. If you
 4 step back and you go and assess it and that seems like the
 5 acceptable punishment, then that's right'.
                  MR. PATRICK: Is that how you would
 7 approach this case, wait for all the evidence to come in
 8 and before you make a decision, not make a knee-jerk
9 reaction?
10
                   PROSPECTIVE JUROR: Yes.
                   MR. PATRICK: Keep a fair and open mind
11
12
   throughout the process?
                   PROSPECTIVE JUROR: Yes, sir.
                  MR. PATRICK: In reading on the last
15 question, it sounds to me like you actually want to be on
16 the jury?
17
                   PROSPECTIVE JUROR: Not really. But I
18 think that we're all blessed living in this country. This
19 is something that's not fun.
        It's 85 degrees outside. It's nice to be in here.
21 But I think it's like if I was the Defendant I would want
22 people who were taking it seriously. And I think it's a
23 civic duty. I don't want to be here. It's -- I think
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MR. PATRICK: You'd take this seriously?

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21 it's a responsibility we have.

				13-16
1	PROSPECTIVE JUROR: Of course.	ı	PROSPECTIVE JUROR: No.	
2	MR. PATRICK: And give it your utmost	2	MS. WECKERLY: Thank you. We'd challenge,	
3	attention?	3	your Honor.	
4	PROSPECTIVE JUROR: Yes.	4	THE COURT: Thank you.	
5	MR. PATRICK: And be as fair as you	5	MR. PATRICK: No questions, your Honor.	
6	possibly could?	6	THE COURT: Thạnk you, very mụch. Mr.	
7	PROSPECTIVE JUROR: Yes.	7	Owens, as to Ms. Norris.	
.8	MR. PATRICK: Thank you, sir. Pass for	8	MR. CWENS: Ms. Norris, how are you?	
9	cause.	9	PROSPECTIVE JUROR: Fine, thank you.	
10	THE COURT: Ms. Weckerly, as to	10	MR. OWENS: You're another one of those	
ļ li	Ms. Jackson.	11	rare individuals that hasn't bumped up against any of	
12	MS. WECKERLY: Ms. Jackson, how are you?	12	these questions that we've talked about. Have you ever	
13	PROSPECTIVE JUROR: Okay.	13	been a victim, or sue someone, or been sued?	
14	MS. WECKERLY: I bet you know what I'm	14	PROSPECTIVE JUROR: . I have had my car	
15	going to ask you. You wrote out in your questionnaire	15	broken into. That's no. I have I had my horse	
16	that you have some questions about the fairness of the	16	stolen. Nothing	
17	criminal justice system.	17	MR. CWENS: Well, that's a victim kind of	
18		18	thing.	
19	MS. WECKERLY: To put it mildly, I	19	PROSPECTIVE JUROR: Well, okay. We came	
20	•	20	out ahead on that deal. We got the horse back.	
21	PROSPECTIVE JUROR: Yes.	21	MR. OWENS: Did you find it or did the	
22		22	police find him?	
23	experience with your nephew?	23	PROSPECTIVE JUROR: The police gave us	
24		1	clues, but I actually found him. I did the work.	
25	MS. WECKERLY: Are your feelings such that 73	25	MR. CMPNS; But the police helped a	
	b.J b.J	╁.	124414	
	you had such a bad experience, or that left such a bad	1 2	little.	
	taste in your mouth that you don't feel you could be fair	1	PROSPECTIVE JUROR: Yes, they helped. MR. OWENS: It's good to see they solved	
,	in this proceeding? PROSPECTIVE JUROR: I could.	3	one of these things we've been hearing about. Did it end	•
1	MS. MECKERLY: And you indicate on your	1	up going to court or anything?	
,	questionnaire when asked about the criminal justice	6	PROSPECTIVE JUROR: Actually we went to	
	system, you said, it does not work. So you don't seem to	1 '	small claims, and I won. This individual took us to the	
	have a lot of faith.	1	next court. And he wasn't supposed to, so, yes. Then we	
9	PROSPECTIVE JUROR: No.		had a special case, so we had their Court TV. Very	
10	MS. WECKERLY: Ma'am, you were also asked	1	interesting. But I dich't want to go into this. But I	
	about the death penalty. You indicate on your	1	don't know how to answer that question.	
12	questionnaire you don't agree?	12	MR. CWENS: You dich't want to talk about	
13	PROSPECTIVE JUROR: No. No.	13	it. You don't want to talk about it now?	
14	MS, WECKERLY: That would be under any	14	PROSPECTIVE JUROR: No. I can talk about	
	circurstances?	15	it.	
16	PROSPECTIVE JUNOR: Correct.	16	MR. OWENS: It's about the Court TV	
17	MS. WECKERLY: That's just if I'm	17	people?	
18	understanding you correctly a punishment that you	18	PROSPECTIVE JUROR: I didn't want to be on	
19	flat-out can't consider?	19	Court TV. I just wanted my horse back. End of story.	
20	PROSPECTIVE JURCR: Correct.	20	MR. OWENS: So they found it an	
23	MS, WECKERLY: Is it a personal belief of	21	interesting case, of course.	
22	yours that that's just not a decision we should be making?	22	PROSPECTIVE JUROR: And it was very	
23	PROSPECTIVE JUNOR: Correct.	23	unusual.	
24	MS. WECKERLY: So under no circumstances	24	MR. CWERKS: Okay. Did that all come out	
25	could you even consider it as a potential punishment?	25	okay for you?	
	74	J	76	

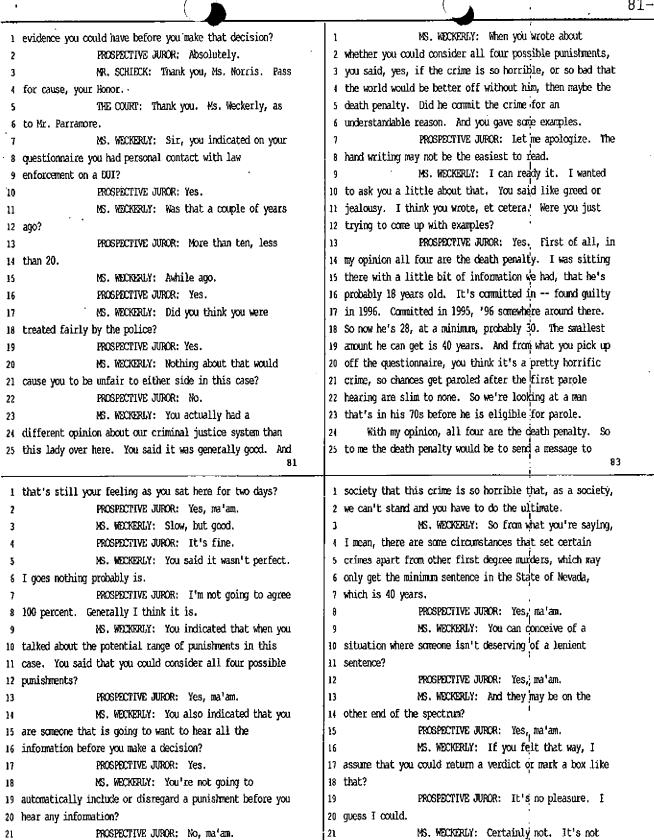
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PROSPECTIVE JUROR: Yes, it did actually.
                                                                      1 you just have a pet. You don't have a horse that you can
                                                                      2 show and so the horse is of no value.
 2 It was very fair. Yes. The outcome was good.
                                                                                        But I trusted the source that I bought it
                   MR. CWENS: Okay. You ever been to court
                                                                      4 from. Anyway the source left town, and I was left with a
 4 for other reasons? You know anyone that's been arrested,
   or that you had to go to court for support?
                                                                      5 horse without any papers.
                                                                                        THE COURT: A horse with no name.
                   PROSPECTIVE JUROR: No.
                                                                                        PROSPECTIVE JUROR: So the individual --
                   MR. OWENS: You consider yourself to be a
                                                                      8 an individual showed up at my doorstep and said that this
   fair person?
 8
                                                                      9 is my horse and so on and so forth. Well, I had the bill
                   PROSPECTIVE JUROR: I would like to think
 9
                                                                      10 of sale. And he had nothing but he claimed he was -- so
10 50.
        MR. OMENS: You heard of all the possible punishments
                                                                     11 anyway, he took me to small claims.
11
                                                                                        MR. SCHIECK: Let me interrupt you
12 in this case that are available?
                                                                     12
                   PROSPECTIVE JUNOR: Yes.
                                                                     13 because ---
13
                                                                                        PROSPECTIVE JUROR: You don't have time
                   MR. OWENS: Are you okay with all four of
                                                                     14
14
                                                                     15 for this.
   those?
15
                                                                                        MR. SCHIECK: It's very interesting. I'm
                                                                     16
16
                   PROSPECTIVE JUROR: Yes.
                   MR. OWENS: Are you willing to wait until
                                                                     17 sure that everyone wants to listen to us talk. There was
17
                                                                     18 a question of ownership of the horse that came up and you
   you hear all of the evidence until you decide which one is
19 the right one to pick?
                                                                     19 ended up in small claims over it.
                                                                                        PROSPECTIVE JUROR: Yes.
20
                   PROSPECTIVE JUROR: Yes.
                                                                     20
                                                                     21
                                                                                        MR. SCHIECK: Not a criminal type of
                   MR. OWENS: How do you feel about the idea
22 of sitting in judgment on another person?
                                                                     22 procedure?
                                                                     23
                                                                                        PROSPECTIVE JUROR: No.
                   PROSPECTIVE JUROR: You know, I feel I
24 could do it. I would be helping out. It's not something
                                                                     24
                                                                                        MR. SCHIECK: Although you called the
                                                                     25 police to say what was going on — and they helped you
25 that I'm incapable of doing at all.
                   MR. OWENS: You're willing to do that?
                                                                      1 find the horse.
                   PROSPECTIVE JUROR: I'd be very willing to
                                                                                        PROSPECTIVE JUROR: Right.
                                                                                        MR. SCHIECK: Okay. You indicated that
 3 do that.
                   MR. OWENS: If after hearing all of the

    your feeling about the death penalty had changed over

 5 evidence in the case you felt the death penalty was the
                                                                      5 time.
 6 appropriate punishment, would you be able to come back
                                                                      6
                                                                                        PROSPECTIVE JUROR: Yes!
                                                                                        MR. SCHIECK: I think you indicated the
   with that verdict?
                                                                        increasing crime rate has caused that change of opinion?
                   PROSPECTIVE JUROR: I certainly would.
                                                                                        PROSPECTIVE JUROR: Yes.
                                                                      9
 But I would have to hear, you know, I would have to have
                                                                                        MR. SCHIECK: Anything in particular that
   all of the facts presented and take all of the
                                                                     10
                                                                     Ii you read or heard that caused you to have that belief?
   circumstances, you know.
11
                   MR. OWENS: Right. Okay.
                                                                                        PROSPECTIVE JUROR: Well, no. But I watch
12
                                                                     13 TV -- and not -- I watch the news and read the paper.

    PROSPECTIVE JUROR: Into consideration.

13
                                                                     14 And, yes, I see a lot of crime.
14
                   MR. OWENS: Perfect answer.
                                                                     15
                                                                                        MR. SCHIECK: But have you heard or have
                   PROSPECTIVE JUROR: Thank you.
15
                                                                     16 any information whether we have the death penalty or don't
                   MR. OWENS: Thank you. Pass for cause.
16
                                                                     17 have the death penalty, it really doesn't affect the crime
                   THE COURT: Thank you. Mr. Schieck.
17
                                                                     18 rate?
                   MR. SCHIECK: Thank you, your Honor.
18
19 Ms. Norris, you said that someone stole your horse.
                                                                                        PROSPECTIVE JUROR: I think you have to —
                                                                     19
                                                                     20 in order to give the death penalty you have to hear the
20
                   PROSPECTIVE JUROR: Yes.
                                                                     21 consequences and be open to any circumstances before
                   MR. SCHIECK: Were they criminally
                                                                     22 making any kind of judgment whether it's the death penalty
22 prosecuted for that, or did you end up in civil court?
                                                                     23 or not.
                   PROSPECTIVE JUROR: No. You know, I
23
24 bought the horse and -- here we go again. I didn't get,
                                                                                        MR. SCHIECK: You agree that is a pretty
25 quote, unquote, like a pink slip. If you don't have that,
                                                                     25 serious decision to make. And you want all of the
                                                                                                                                 80
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25

MS. WECKERLY: Sounds to me like you can

PROSPECTIVE JUROR: I would like to think

22

24

25 50. -

23 be fair to both side?

24 sort of decision?

22 ever an easy decision. But you are not someone who just,

23 I can't make a decision like that. You could make that

PROSPECTIVE JUROR: I could.

```
1 marked down if it was a hate crime.
                   MS. WECKERLY: Thank you, sir. Pass for
                                                                                        PROSPECTIVE JUROR: If the victim was
 2 cause, your Honor.
                                                                      3 chosen because of their race. Now, I know quite a bit --
                   THE COURT: Mr. Patrick.
                                                                      4 we've all heard the stories about the gentleman that was
                   MR. PATRICK: Good morning.
                                                                      5 dragged behind the car because of his race. All of the
 5 Who represented you in your DUI?
                                                                      6 others, yes, that would make a difference.
                   PROSPECTIVE JUROR: I have no idea. I
                                                                                        MR. PATRICK: But if the victim was of a
 7 hired an attorney.
                                                                      8 difference race and it wasn't a hate crime, then it
                   MR. PATRICK: You were happy with your
                                                                      9 wouldn't happen.
 9
   representation?
                                                                      10
                                                                                        PROSPECTIVE JUROR: It would happen to be
                   PROSPECTIVE JUROR: It was a lady. But,
10
                                                                     11 just two people.
11 yes.
                                                                                        MR. PATRICK: Ms. Weckerly was talking
                   MR. PATRICK: You thought you were treated
                                                                     12
12
                                                                     13 about the list you had. Jealousy and greed I think were
   fair?
13
                                                                     14 the two main ones. If this case had to do with either one
14
                    PROSPECTIVE JUROR: Yes.
                                                                     15 of those, would you automatically vote for the death
                   MR. PATRICK: Got an appropriate
15
                                                                     16 penalty?
   punishment?
16
                   PROSPECTIVE JUROR: Yes, sir.
                                                                     17
                                                                                        PROSPECTIVE JUROR: I'm more understanding
17
                                                                     18 of what I can understand of what motives were, as opposed
                   MR. PATRICK: That was at least ten years
18
                                                                     19 to the snipers -- the two centlemen that were taking pot
19
   ago?
                                                                     20 shots out of their car for what I see to be no reason. I
                   PROSPECTIVE JUROR: Yes.
20
                                                                     21 could be more understanding of jealousy, more
                   MR. PATRICK: So that in no way would
21
                                                                     22 understanding of greed then I could be of just somebody
22 influence you as to these proceeding?
                   PROSPECTIVE JUROR: No, sir.
                                                                     23 for giggles getting in the back of the car and taking pot
23
                                                                     24 shots at strangers for fun.
                   MR. PATRICK: One comment I found
24
                                                                     25
                                                                                        MR. PATRICK: You listed those as reasons
25 interesting was when you are put down you are not patient
 1 with stupid. Could you explain that?
                                                                      1 for the death penalty --
                   PROSPECTIVE JUROR: It's pretty much true
                                                                                        PROSPECTIVE JUROR: Maybe I put those down
                                                                      3 as reasons I could oversee the death penalty, or not give
 3 all of my life, not just since I've been here. I've seen
                                                                      the death penalty.
 4 people two busy with their personal life to pay attention
 5 to jury services. To get in line and not turn off their
                                                                                        MR. PATRICK: You still want to hear all
 6 telephone. Maybe stupid isn't the right word,
                                                                      6 of the facts before you make a decision."
                                                                                        PROSPECTIVE JUROR: If I were to find out
 7 inconsiderate. This is very serious for Mr. Chappell, for
                                                                      8 that this was his motive -- this was his girlfriend, which
 8 the rest of us. It's kind of nucle, not to take it as
                                                                      9 this doesn't say in here -- and she was cheating with
 9 serious and not put down what you're doing and give it
10 your time and attention.
                                                                     10 another man and he lost his temper and got jealous and
                                                                     11 shot him. Then I could understand that, And I might be
                   MR. PATRICK: You understand the
11
                                                                     12 more lemient, then if it was a perfect stranger and he
12 seriousness of this. And you would devote your full
                                                                     13 drove to her house and killed her.
13 attention to anything that goes on if you were picked as a
                                                                                        MR. PATRICK: You'd listen to all the
14
   juror.
                   PROSPECTIVE JURGA: If you put me on the
                                                                     15 evidence and keep an open mind throughout the whole
15
                                                                     16 process before you made a decision?
16 jury, there's a good chance I might be taking my belt off
17 and spanking screbody for showing up late or not paying
                                                                     17
                                                                                        PROSPECTIVE JUROR: Yes, sir.
                                                                                        MR. PATRICK: You'd make a decision that
18 attention.
                                                                        you felt was the best one for the situation?
                   MR. PATRICK: Well, if we pick you for the
                                                                     19
19
   jury, could you refrain from that at least until we're
                                                                     20
                                                                                        PROSPECTIVE JUROR: Yes, sir.
20
                                                                     21
                                                                                        MR. PATRICK: Thank you, sir. Pass for
21
   done?
                   PROSPECTIVE JUROR: I could try.
                                                                     22 cause, your Honor.
22
                                                                                        THE COURT: Thank you. We'll take a --
                   MR. PATRICK: Now, on the question where
                                                                     23
24 it asked whether or not it would make a difference whether
                                                                     24 it's about 12:45. We really need a very mall number of
25 the victim in this case was of a different race, you
                                                                     25 people to be questioned by the attorneys before we finish
                                                            86
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1 up this part of the process, which will allow a bunch of
                                                                       1 going until we could get the next five passed for cause.
                                                                       2 Then take a lunch break. You have your 32. I know the
 2 you to leave.
         My preference is take a short recess. Bring you back
                                                                       3 other people from earlier today will be here at 1:30.
 4 and finish up, rather then taking an hour-and-a-half lunch
                                                                       4 They have the whole morning off so they don't have to sit
                                                                       5 around.
 5 break.
                                                                              We'll take a lunch break. When we come back after
                                                                       б
         We'll take a ten minute recess.
                                                                      7 lunch break we should have the jury in place, I would
                      JURY ADMONITION
                                                                      8 think. And you can still get to opening's today.
                    During the recess, ladies and gentlemen,
                                                                                         MR. SCHIECK: Do the challenges after
   you are admonished not to converse among yourselves or
10 with anyone else, including, without limitation, the
                                                                      10 lunch break, so we've got a lunch break!to think about
11 lawyers, parties and witnesses, on any subject connected
                                                                      11 it.
12 with this trial, or any other case referred to during it,
                                                                      12
                                                                                         THE COURT: No, actually -- you want to do
13 or read, watch, or listen to any report of or commentary
                                                                      13 it that way?
14 on the trial, or any person connected with this trial, or
                                                                      14
                                                                                         MR. OWENS: I think he wants to let jurors
15 any such other case by any medium of information
                                                                      15 go.
                                                                      16
                                                                                         MS. WECKERLY: Could you maybe after we
16 including, without limitation, newspapers, television,
17 internet or radio.
                                                                      17 get to that number take a ten minute break and confer
                                                                      18 before we do the kicks?
                    You are further admonished not to form or
18
19 express any opinion on any subject connected with this
                                                                      19
                                                                                         THE COURT: Either or. If you want the
                                                                      20 lunch break to kick over the 32 names and figure out what.
   trial until the case is finally submitted to you.
                                                                      21 you want to do.
21
                   THE COURT: We're still on the record,
                                                                     22
                                                                                         MR. SCHIECK: Ten is fine for us. We just
22
   outside the presence of the jury.
         As to the three challenges for cause raised this
                                                                      23 take ten, do the strikes and send everybody home and go to
23
24 morning. I'm going to grant all three of those. Ms. Ware
                                                                     24 lunch and come back for openings.
25 was the individual -- Badge number 061 -- that indicated
                                                                     25
                                                                                         THE COURT: All right.
 1 she would only consider the death penalty as a punishment
                                                                      1
                                                                                         We'll be in recess. Thank you.
 2 and was fairly firm on that. Ms. Matts, badge number 069,
                                                                      2
                                                                                         (Brief recess taken.)
                                                                                         THE COURT: Back on record the record in
 3 indicated for religious reasons she would not consider the
 4 death penalty under any circumstances. And similarly Ms.
                                                                      4 C-131341, State of Nevada versus James Chappell. The
                                                                      5 record will reflect the presence of Mr. Chappell with his
 5 Jackson, badge number 080, said the same thing.
                                                                      6 attorneys, State's attorneys. We're in the presence of
        So I'll grant the challenges for cause as to those
 7 three. That puts us at 27 folks passed for cause so far.
                                                                      7 our prospective jurors.
 8 So we only need five more passed for cause and you'll have
                                                                              We'll continue on with questioning of our prospective
   your panel of 32.
                                                                      9
                                                                        jury panel.
10
                   MR. SCHIECK: Are we going to fill those
                                                                     10
                                                                                         Mr. Owens, as to Ms. Gernot.
11 slots directly back into those slots?
                                                                                         PROSPECTIVE JUROR: Yes.
                                                                     11
                   THE COURT: What it is, let's assume
                                                                     12
                                                                                         THE COURT: Badge 085.
12
13 nobody else gets passed for cause, then you will have
                                                                     13
                                                                                         MR. OWENS: Ms. Germot, how are you?
14 questioned 38 people. I'll excuse the six that have
                                                                     14
                                                                                         PROSPECTIVE JUROR: Good!
                                                                                        MR. ONENS: How's your parenting style?
15 already been challenged for cause and granted. You'll --
                                                                     15
16 in order -- have the 32 people you can begin making
                                                                     16
                                                                                         PROSPECTIVE JUROR: Pretty strict.
17 strikes on. Understood?
                                                                     17
                                                                                        MR. OWENS: You said in here, you don't
                   MR. SCHIECK: I think I understand.
                                                                     18 have any children.
18
                   MR. OWENS: Do us a favor and run the
                                                                     19
                                                                                         PROSPECTIVE JUROR: I have a dog.
19
                                                                     20
                                                                                        MR. OWENS: But you have animals, and
20
   names down to us.
                                                                        you're strict with your animals.
                   THE COURT: I'm keeping a list so I'll
                                                                     21
21
                                                                                         PROSPECTIVE JUROR: She's a very good dog.
22 make a copy of it.
                                                                     22
                   MR. OWENS: Could be ask about
                                                                     23 She's a medical dog for my mother. I did her training.
23
24 scheduling.
                                                                                        MR. OWENS: You found that strict works
                   THE COURT: Well, I want to kind of keep
                                                                     25 with her too?
                                                                                                                                  92
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1	PROSPECTIVE JUROR: You can't you have
2	to be the head of the pack, it says in training. But she
3	still gets treats and belly rubs, so she's a happy puppy.
4	I have a picture if anyone wants to see it later.
5	MR. OWENS: The you had a situation
6	you're a very young person. I was talking about that
7	earlier. Do you feel you're prepared for this type of
8	experience, this weight of responsibility to consider
9	thinking about?
10	PROSPECTIVE JUROR: Well, I think it is a
11	good experience, helping me prepare for the future and
12	other hard decisions I'm going to have the make
13	eventually. This is our justice system. I have to uphold
14	to that. And being that that is one of the choices, I'm
15	willing to accept it and look at the circumstances and do
16	what I have to do.
17	MR. OWENS: You feel you can step up to
18	that responsibility and fulfill that?
19	PROSPECTIVE JUROR: Yes.
20	MR. OWENS: You consider yourself to be a
21	fairly strong person?
22	PROSPECTIVE JUROR: I try.
23	MR. CMENS: And you have been involved in
24	the trial programs and other things. Are you studying
25	that at the community college?
	93

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1 very easy. I was subpoenaed, but they did plea bargain so
 2 I never got to go to court or state my opinion. I got
 3 maybe ten percent of the restitution owed. I haven't
 4 received a check from that, yet. It was pretty hash for
 5 me. I'm an up-standing citizen with just like a parking
 6 ticket on my record. And I thought that I knew some
7 things about the justice system. It was more like a
8 reality check for me that of the way things go, I
9 suppose.
10
                   MR. OWENS: How much money did you lose?
                   PROSPECTIVE JUROR: Over three thousand
11
12 dollars.
13
                   MR. OWENS: And you felt that a violation
14
  of the trust you had was gone?
                   PROSPECTIVE JUROR: Yeah. It was hard.
15
16 In fact, in my witness statement I put like I felt like I
17 was raped. These were people I trusted, and I
18 befriended.
19
                   MR. OWENS: Like a personal invasion?
20
                   PROSPECTIVE JUROR: Exactly.
                   MR. OWENS: What did they plead guilty to?
21
                   PROSPECTIVE JUROR: Well, actually the
22
23 male was charged with five felonies. He plea bargained
24 after two weeks in jail to two misdemeanors and a year of
25 probation. And the girl was let off. The police officers
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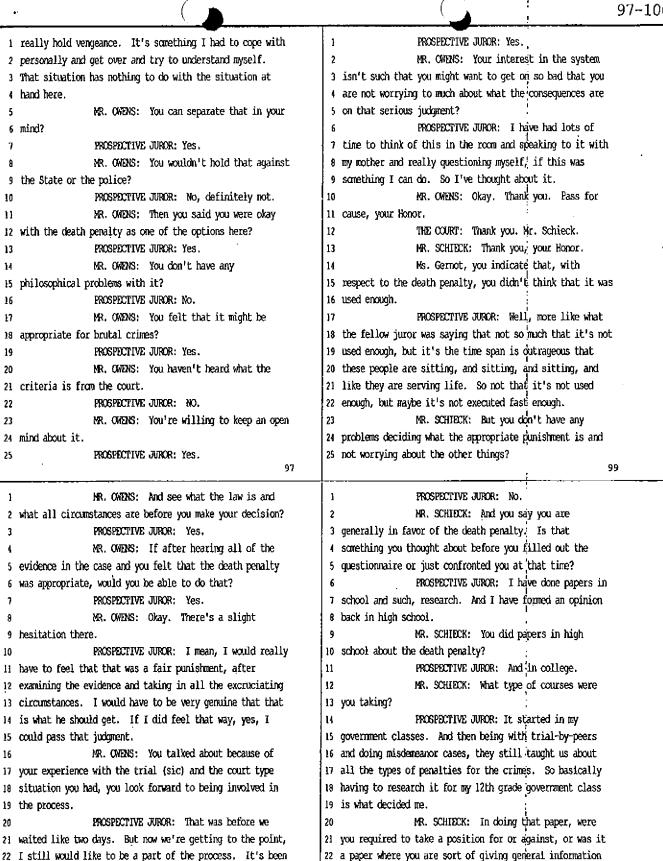
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PROSPECTIVE JUROR: No. It's only - when
 2 I was in it, it was only a high school program. After
 3 high school, you graduated and did whatever you wanted to
 4 do. So I was in it in 10th and 12th grade.
                   MR. OWENS: You've taken some classes in
 6 criminal justice, working toward a communications degree?
                   PROSPECTIVE JUROR: Yes.
                   MR. OWENS: Is that media or -
                   PROSPECTIVE JUROR: Well, I already have a
   general communications degree. Now I'm either going to do
   a bachelors in English, and a minor in marketing and
12 advertising.
                   MR. OWENS: All right. You must have had
13
14 a bad experience as a victim?
                   PROSPECTIVE JUROR: Yeah. Yes. It was
15
16 not qood.
                   MR. OWENS: You didn't put a lot of
17
18 details in here.
                   PROSPECTIVE JUROR: I figured I could talk
19
20 to you about it. In September of last year -- September
21 18, 2006, I was -- I was robbed. And it was actually --
22 it was more of a con artist thing. It was supposed to be
23 a brother/sister situation, and it turns out that they go
24 around befriending people than months late they rob them.
25 And they're convicted felons. And they both got let off
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1 were great. They were arrested. They were booked and
 2 everything. But the girl was released the next day and --
 3 and even trying to speak with her DA, the DA didn't even
 4 call me until after she put in the plea bargain and her
 5 felony got reduced to a misdemeanor.
                   MR. OWENS: They both got misdemeanors?
                   PROSPECTIVE JUROR: Yes, When they are
 8 previous felons. That's what hurt me, when we researched
 9 into their background.
10
                   MR. OWENS: Was it for that same kind of
11 stuff?
12
                   PROSPECTIVE JUROR: Yeah' -- yes.
13
                   MR. OWENS: You were hoping for a felony
14 conviction?
15
                   PROSPECTIVE JUROR: It can't be overturned
16 now.
17
                   MR. OWENS: That's what you were hoping
18 for?
19
                   PROSPECTIVE JUROR: I was hoping for
20
   something more serious to happen, yes.
21
                   MR. OWENS: Are your feelings about that
22 such that it would create an unfair situation for us or
23 the Defendant? You might say now is my chance to get back
24 at somebody?
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PROSPECTIVE JURCR: No. Because I don't

STATE OF NEVADA vs. JAMES CHAPPELL 3/13/07

25



JAMES CHAPPELL 3/13/07¹ STATE OF NEVADA vs.

24

23 about it?

25 position.

PROSPECTIVE JUROR: She asked us to take a

100

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23 interesting.

24

MR. OWENS: You can appreciate that that

25 makes you unique in wanting to be on the jury.

3				101-104
1	MR. SCHIDCK: What position did you take?	1	PROSPECTIVE JUROR: Yes, of course.	
2	PROSPECTIVE JUROR: For.	2	MR. OWENS: You don't have a problem doin	NG
3	MR. SCHIECK: Did you have a choice as to	3	that?	-
4	which position to take or was it assigned?	4	PROSPECTIVE JUROR: I have to listen	
5	PROSPECTIVE JUROR: There was no wrong	5	first. How can I make up my mind when I have no	
6	answer.	6	information.	
7	MR. SCHIECK: There was no wrong answer,	1	MR. OWENS: You have no problem with the	
8	in that you could choose whichever way you wanted to write	8	different types of punishment that are available?	
9	the paper?	9	PROSPECTIVE JUROR: I know the jury comin	ng
10	PROSPECTIVE JUROR: Yes.	10	in may have their voices heard, but, you know, I haven't	
11	MR, SCHIECK: Why did you back when you	11	decided personally. I think after what little I read on	
12	were a senior in high school choose to write in favor of	12	the case so far, I have yet to come up with all of that.	
13	the death penalty?	13	MR. OWENS: Okay. Well, in that sense th	e
14	PROSPECTIVE JUROR: Well, first of all	14	majority has to agree to it, okay. And when you talk	
15	because of the appeals process. If they are if they	15	about this other range of punishment, on the one side it'	s
16	are sentenced to murder or death, they do get another	16	life with the possibility of parole, you can't imagine a	
17	chance to have their case overlooked. And because from	17	situation right now where that would be appealing to you?	•
18	what I researched — this was like 7 years ago — it	18	PROSPECTIVE JUROR: I cannot imagine it	
19	seemed like the cases that did have the death penalty	19	now, but —	
20	applied to them. I felt that it was substantiated.	20	MR. OWENS: You'll leave it open to the	
21	MR. SCHIECK: But you thought the process	21	possibility there may be one?	
22	that we go through before that's ever considered as an	22	PROSPECTIVE JUROR: Yeah.	
23	appropriate punishment is a fair one?	23	MR. OWENS: Once you've heard the	
24	PROSPECTIVE JUROR: Yes.	24	evidence, there may be a circumstance where it may be	
25	MR. SCHIECK: That's the one you want to	25	appropriate?	0.3
	101	L		.03
-1	be part of, the one that considers all the factors and all	1	PROSPECTIVE JUROR: Possibly.	
2	the circumstances.	2	MR. OWENS: So you are willing to keep an	1
3	PROSPECTIVE JUROR: That's important.	3	open mind and wait until you've heard everything?	
.4	MR. SCHIBCK: In preparing your paper,	4	PROSPECTIVE JUROR: Sure I'll consider	
5	back in high school, did you find that there were some	5	all four forms of punishment before rendering a	
6	cases that the death wasn't deserved, even though it was	6	decision.	
7	first degree murder, you felt the system worked in those	7	PROSPECTIVE JUNOR: Yes, sir.	
8	cases also?	8	MR. CMENS: You are not eliminating any u	b
9	PROSPECTIVE JUROR: Not being there	9	front?	
	first-hand, not knowing the families, not go to in depth	10	PROSPECTIVE JUROR: I'm not eliminating	
	•	ł	them, no. I'm leaning toward death.	
12	judgment like that at that time.	12	MR. CWENS: Leaning is okay.	
13	MR. SCHIECK: Thank you, very much,	13	PROSPECTIVE JURGE: I haven't chosen it	
	Ms. Gernot. We pass for cause, your Honor.	ı	right off the bat.	
15	THE COURT: Mr. Owens, as to	15	MR. OWENS: You've got to hear everything	
	Mr. Schechter.		first. There was some things you said in here about your opinion at the time you filled out the questionnaire. You	
17	MR. OWENS: How are you, sir? PROSPECTIVE JUROR: Fine.		were asked your opinion about the case. You pointed out,	u
18			appropriately, that you were told at the beginning of the	
19	MR. OWENS: You feel you're an open minded		questionnaire Mr. Chappell was convicted of these charges	
20	PROSPECTIVE JUROR: Yes, I do.		You know that about the situation, right?	•
22	MR. OWENS: Are you okay with the idea of	22	PROSPECTIVE JURGE: Yes.	
23	this process of listening to all the facts and	23	MR. CWENS: Then you said his punishment	
24	circumstances before making up your mind as to what the	ı	ought to be the strictest. There makes it sound kind of	
	appropriate punishment should be?	ı	like you have made up your mind. Is that what you meant?	ı
	102			04

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1 evidence in the case and all the facts and circumstanced
                    PROSPECTIVE JUROR: No. I only mean 11m
 1
                                                                      2 surrounding the event, you felt that the death penalty was
 2 leaning toward death. But I can't make a final
 3 decision.
                                                                      3 the appropriate sentence, would you be able to come back
                    MR. OWENS: So you meant based upon what
                                                                      4 with that verdict?
    you knew at the time?
                                                                                         PROSPECTIVE JUROR: Yes, sir. I could.
                    PROSPECTIVE JUROR: Yes. What I know so
                                                                                         MR. OWENS: How do you feel about the idea
    far, as little as that is.
                                                                      7 of rendering judgment like that on a fellow human being?
                                                                                         PROSPECTIVE JUROR: It is not samething
                    MR. OWENS: You're willing to listen to
                                                                      9 that I would take lightly. I mean, if I felt if after
    everything before coming to a decision in the case?
                                                                      10 thinking it through, as much as — from every possible
                    PROSPECTIVE JUROR: Yes, sir.
 10
                    MR. OWENS: You have been involved or
                                                                      11 angle, yes, if that's the judgment that needs to be
11
                                                                      12 rendered, then yes.
12 somebody was involved in some kind of arrest, DUI or
                                                                                        MR. OWENS: That's something you can do?
13
    samething?
                                                                     13
                                                                                        PROSPECTIVE JUROR: Yes
                    PROSPECTIVE JUROR: Yes.
                                                                      14
14
                                                                                        MR. OWENS: All right. Thank you. Pass
                    MR. OWENS: What was that about?
                                                                      15
 15
                    PROSPECTIVE JUROR: He is still a friend
                                                                      16 for cause.
16
                                                                                        THE COURT: Nr. Schieck.
17 of mine. I think he is basically a decent guy. He
                                                                     17
                                                                                        MR. SCHIECK: Thank you, your Honor.
    just — it was a time of his life he was drinking too
                                                                     18
19 much, and he wasn't -- he hadn't really thought it
                                                                                        Mr. Schechter, do you have any problem
                                                                      19
                                                                      20 with the concept that not all first degree murder requires
20 through, even now. He's a nice guy. Not a thoughtful
21 person. I think he's learned his lesson. After that he
                                                                     21 a death penalty?
22 doesn't drink as much. He was out on the road and was
                                                                     22
                                                                                        PROSPECTIVE JUROR: No.
                                                                     23
                                                                                        MR. SCHIECK: You understand that there is
23 pulled over, caught, that kind of thing. Well, the
                                                                     24 a system in place where there could be a first degree
24 consequences thereof --
                                                                     25 murder conviction where the death penalty is not even an
                   MR. OWENS: This was a person you felt
25
                                                           105
                                                                                                                                107
 1 close to?
                                                                      1 cotion in that case?
                    PROSPECTIVE JUROR: Not close. I mean, he
                                                                                        PROSPECTIVE JUROR: Not even an option?
                                                                      2
                                                                                        MR. SCHIECK: Let me explain. In order to
 3 is a friend. Not one of my close friends.
                                                                      4 be eligible to receive the death penalty, the State has to
                   MR. OWENS: Did you go to court or
                                                                      5 prove an aggravated circumstance or circumstances beyond a
   participate in that process at all?
                   PROSPECTIVE JUROR: I heard about this all
                                                                      6 reasonable doubt to the jury. If there is not such
                                                                      7 aggravating circumstances in the case, even though it's
 7 after the fact.
                   MR. CWENS: In some of these questions on
                                                                      8 first degree murder, the death penalty is not an option in
 9 the death penalty you were asked about what kind of
                                                                      9 that case.
10 circumstances. You gave a number of different things.
                                                                     10
                                                                                        PROSPECTIVE JUROR: Aggravating
                                                                     11 circumstance?
II Like most of the jurors say, they said, if I know a
                                                                     12
                                                                                        MR. SCHIECK: Yes. The judge will define
12 hundred percent, of it it's a really brutal crime. Then I
                                                                     13 those for you -- or the members of the jury when he gives
13 think the thing that's important to remember here is you
14 may have certain ideas in your head as to what is
                                                                     14 instructions to the jury. Do you have any problem with
15 deserving of the death penalty, okay. But the court is
                                                                     15 that concept?
                                                                     16
                                                                                        PROSPECTIVE JUROR: No.
   going to give you law about the factors that are set out
                                                                     17
    for consideration by law. Are you okay with that?
                                                                                        MR. SCHIECK: You indicated that you're
                   PROSPECTIVE JUROR: Yes, sir.
                                                                     10 leaning toward the death penalty as an appropriate
18
                                                                        punishment for first degree murder?
                   MR. CWENS: Can you follow the law that
                                                                     19
19
20 the court gives you?
                                                                     20
                                                                                        PROSPECTIVE JUROR: Yes, I do.
                   PROSPECTIVE JUROR: Yes.
                                                                     21
                                                                                        MR. SCHIECK: But you can keep an open
21
                   MR. OWENS: And apply the factors that the
                                                                     22 mind.
22
   court instructs you on?
                                                                     23
                                                                                        PROSPECTIVE JUROR: I'm willing to listen.
23
                                                                     24 I'm willing to listen.
                   PROSPECTIVE JUROR: Yes, sir.
24
                                                                     25
                   MR. OWENS: If after hearing all the
                                                                                        MR. SCHIECK: Are you willing, if you
25
                                                           106
                                                                                                                                108
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MS. WECKERLY: But nothing about that
 1 don't think the death penalty is appropriate, to check
                                                                      2 experience gives you a bad feeling about police officers?
 2 that box also, the box that says a life sentence?
                                                                                        PROSPECTIVE JUROR: No. No.
                   PROSPECTIVE JUROR: Yes, sir. I don't
 4 think -- to be honest, I don't think that's necessarily
                                                                                        MS, WECKERLY: You wrote that you or
                                                                      5 someone close to you had been the victim of a crime as
 5 more lenient, because -- well, the death penalty, even
 6 with all of the issues surrounding it, one thing is for
                                                                                        PROSPECTIVE JUROR: We had our house
 7 certain, a dead man is beyond harm, a life man is not.
        Previously one of the questions you asked the jury,
                                                                        robbed a couple of times.
                                                                                        MS. WECKERLY: Were you home at the time?
 9 no, I'm not -- no members of my family has gotten involved
                                                                                        PROSPECTIVE JUROR: No. No.
10 in that sort of thing, but I met some characters in my
                                                                     10
11 life. One or two I've known, former convicts. And you
                                                                     11
                                                                                        MS. WECKERLY: So you we're away out for
12 know, I've never been to prison myself, but I have heard
                                                                     12 the night?
                                                                                        PROSPECTIVE JUROR: Right. Right.
13 about what goes on in there. And thinking even life in
                                                                     13
                                                                                        MS. WECKERLY: Was anyone ever caught?
14 prison is like, is that more lemient, after hearing about
                                                                                        PROSPECTIVE JUROR: No, because I kind of
15 it. That could by a death sentence itself. You could end
                                                                     16 knew who may have robbed me the first time, so there was
16 up killed in the yards. So I don't necessarily think
                                                                     17 no catching her. The second time it was kids.
17 that's more lenient or just.
                   MR. SCHIECK: Thank you, very much. We
                                                                     18
                                                                                        MS. WECKERLY: Did you call the police in
                                                                     19 either case?
19 pass for cause, your Honor.
                                                                                        PROSPECTIVE JUROR: Yeah. They came out
                   THE COURT: Thank you. Ms. Weckerly, as
                                                                     20
20
21 to Ms. Bundren (sic).
                                                                     21 to the house.
                                                                     22
                                                                                        MS. WECKERLY: Were you happy with how
                   MS. WECKERLY: You indicated on your
   questionnaire that you know either lawyers or police
                                                                     23 they investigated.
                                                                                        PROSPECTIVE JUROR: Sure. Sure.
24 officers in the criminal justice system.
                   PROSPECTIVE JUROR: Yes.
                                                                     25
                                                                                        MS. WECKERLY: Reading your questionnaire
25
                                                           109
                                                                      1 you indicated that you can consider the death penalty as a
                   MS, WECKERLY: What context?
 1
                                                                      2 potential punishment.
                   PROSPECTIVE JUROR: Where I work they come
 2
 3 in for checks, the DA running for election. They
                                                                                        PROSPECTIVE JUROR: Yes.
                                                                                        MS. WECKERLY: You're someone that would
 4 socialize with a couple of judges, police officers through
                                                                      5 like to hear all of the information that you could hear
 5 acquaintances. One is married to a friend of mine.
                                                                      6 before making that type of decision?
                   MS. MECKERLY: And the fact that you have
                                                                                        PROSPECTIVE JUROR: After reading that,
 7 these relationships, would that cause you to favor or
   disfavor one side or the other in this proceeding?
                                                                      8 where a weapon was used, a person murdered, I just could
                                                                     9 not see how it could go any other way except the death
                   PROSPECTIVE JUROR: No.
                   MS. WECKERLY: You're able to separate
                                                                     10 penalty.
10
                                                                     11
                                                                                        MS. WECKERLY: Well, the judge has talked
11 that?
                                                                     12 about it a little bit, and I think Mr. Schieck just
12
                   PROSPECTIVE JUROR: Yes.
                                                                     13 mentioned that there are certainly legal requirements that
                   MS. WECKERLY: And you also mentioned on
                                                                     14 have to be met before the jury can consider the death
   your questionnaire that you or a close family member had
15 been arrested for --
                                                                     15 penalty as a potential punishment. And Judge Herndon is
                                                                     16 going to instruct you on that law at the end of this
                   PROSPECTIVE JUROR: Myself.
16
                   MS. WECKERLY: I think you mentioned that
                                                                     17 proceeding. Would you be able to follow the judge's
17
                                                                    18 instructions on that?
   yesterday. Can you explain that?
18
                                                                                        PROSPECTIVE JUROR: Probably not.
                                                                    19
                   PROSPECTIVE JUROR: I like to shop. I
19
20 bought something from someone I shouldn't have. He was an
                                                                    20
                                                                                        MS. WECKERLY: You wouldn't?
21 undercover police. So I went through the system.
                                                                    21
                                                                                        PROSPECTIVE JUROR: I would think just
                   MS. WECKERLY: Did you feel like you were
                                                                    22 reading what was on the paper, the questionnaire, I
                                                                    23 really — I don't bend easily, so ... ·
23 treated fairly?
                                                                                        MS. WECKERLY: You think you'd
                   PROSPECTIVE JUROR: I thought I was pretty
                                                                    24
24
                                                                    25 automatically pick out a punishment without hearing the
25 stupid.
```

				113-11
	information?	1	penalty.	
2		2		uld automatically
3		1 -	pick a penalty just off the questioning	
	matter what the judge's instructions would be, you do it	14	· · · · · · · · · · · · · · · · · · ·	
	anyway?		automatically pick?	-7 7
6		6	· · · · · · · · · · · · · · · · · · ·	h.
	was right	7		
8		8	said you've always thought this way about	
	could see yourself looking at all four punishments in this		penalty?	
	situation?	10	· · · · · · · · · · · · · · · · · · ·	· 2.
11		11	i .	last thing you
	can't say positive, but I don't think so.		wrote on the questionnaire was that you'z	
13			minded enough to think there's an excuse	•
	question.	14		
15			minded about that.	
	so. I quite honestly cannot see how I could not	16	:	e telling us is
	punishment scnebody that committed a murder.		your mind is made up?	· · · · · · · · · · · · · · · · · · ·
18	MS. WECKERLY: You understand that not all	18	· ·	retty much is.
-	murders are eligible for the death penalty?	19	7.	•
20	PROSPECTIVE JUROR: I'm not familiar with	1	we'll change that, is there?	• • • • • • • • • • • • • • • • • • • •
	things like that. I was just, off the questionnaire it	21		ov coing off the
	said he used a weapon, things like that. And he murdered	1	questionnaire, no.	
	her, so that's what I would be going by.	23	-	enge for cause,
24		1	your Honor.	··· y -·································
	commit first degree murder with a weapon that are not	25	·	ou a question,
	113			115
1	eligible, legally, for the death penalty. Is that	l	Ms. Bundren, because a couple of times yo	ou kind of put a
2	samething you could accept?	2	caveat to your statement about saying, of	ff the
3	PROSPECTIVE JUROR: I would have to, if	3	questionmaire. You understand there's go	oing to be a
4	it's not an option.	4	hearing where witnesses, evidence is going	ng to come in.
5	MS. WECKERLY: Okay. So in that type of	5	Both sides have to present whatever they	want to examine
6	situation, you're saying you'd follow the law?		the witnesses on. And that's the evidence	-
7	PROSPECTIVE JUROR: I can follow the law,	7	going to rely upon to make a decision, $\dot{\eta}\dot{\phi}$	ot
8	sure.	8	PROSPECTIVE JUROR: Not t	the questionnaire.
9	MS. WECKERLY: And the law also tells you	9	Right.	
10	in and penalty hearing or this type of situation that you	10	THE COURT: That being th	ne case, can you
11	have to at least consider — not telling you what weight	II	listen to the evidence presented in the h	earing?
12	you have to give certain pieces of information but you	12	PROSPECTIVE JUROR: · I cou	
13	have to at least listen to information that's presented in	13	THE COURT: And after hav	=
14	a hearing like this. Would you be able to do that?		that evidence, is it your statement today	-
15	PROSPECTIVE JUROR: I could always		be able to consider all of the forms of p	
16	listen.	16	PROSPECTIVE JURGR: I coù	dd if it was
17	MS. WECKERLY: After that, of course, the	17	different from the statement.	
18	decision is left to you and your fellow jurors. I assume	16	THE COURT: I don't know	
19	you can make a decision at that point?		different from the statement, but obvious	
20	PROSPECTIVE JUROR: I could.		expansive. You're going to get more info	
21	MS. NECKERLY: Thank you, ma'am. Pass for		things during the penalty hearing. So I	•
22	cause, your Honor.		it's going to be different. I'm just goi	= =
23	THE COURT: Mr. Patrick.	4	would expect you'll receive more informat	ion about
24	MR. PATRICK: Ms. Bundren, Ms. Weckerly	24	everything involved here.	

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25 asked you, you said you would automatically pick \boldsymbol{a}

So what I need to know is if you'll be

•				117-120
1	able to consider all forms of punishment.	1	about that?	
2	PROSPECTIVE JURCH: I could consider it.	2	PROSPECTIVE JUROR: It's	more
3	THE COURT: Okay, yes or no?		uncomfortable for my in-laws and my husb	
4	PROSPECTIVE JUROR: Yes.	1	family. That's a fact of life.	
5	THE COURT: Does either side want to ask	5	MR. OWENS: So you exper	ienced emotions
5	any questions based on my questions to the juror?	6	about this through your husband, but ind	
7	MR. PATRICK: Court's includence. No,	1	the community.	1200027 2000000 02
,7 B	your Honor.	₆	PROSPECTIVE JUROR: It's	not something the
9	THE COURT: All right. Mr. Owens, as to	i ·	community is going to forget.	not baltamy are
-		10	MR. OWENS: What happen	with that case?
	Ms. Staley.		Was someone prosecuted for it?	aldi dae cost,
. 11	MR. CWENS: How are you? PROSPECTIVE JURCR: Fine. I would like to	12	PROSPECTIVE JUROR: Yes.	I haliawa ha
12			died in prison from cancer. Does the fa	
	say something I didn't put in there.		that, more on the loss of a father figur	
14	MR. OWENS: Sure.		- I	-
15	PROSPECTIVE JUROR: Just because of this	1	felt the court handle it and police hand	•
	hearing and everything I have an uncle that I haven't seen	16	MR. OWENS: Is there any	
	for 35 years was incarcerated. My father's my	17	experience that would cause you not to b	e able to be rair
	husband's father was murdered in 1967.		and impartial in this case.	4. 3. 4
19	MR. OWENS: All of these questions make	19	PROSPECTIVE JURGR: Well,	
	you think a lot more, don't they.		didn't think about it until last night w	nen 1 was driving
21	PROSPECTIVE JUROR: I forgot about that	1	home. I thought I better mention it.	11. 1 7.1
22	when I was filling that out.	22	MR. OWENS: I appreciate	
23	MR. CWENS: His uncle was murdered.	1	the community you live in, you did mentil	
24	PROSPECTIVE JUNOR: My husband's father	1	quite a distance away from the court. I	
25	was murdered.	25	to get here? Is that something you've d	ealt with? 119
	117	<u> </u>		11.9
1	MR. OWENS: Were these so remote that they	1	PROSPECTIVE JUROR: It h	as been, because
2	are not something that you think about that much?	2	we have one car. It's kind of get th	e kids off, get my
3	PROSPECTIVE JUROR: With my uncle, like I	3	husband to work, then down here. But th	e car now is
4	said, I haven't seen him for in 35 years so that's pretty	4	running. I'm just worried that I'll lat	e to court because
5	remote.	5	I can't control traffic.	
6	MR. OWENS: Right.	6	MR. OWENS: Sure. That'	s the same problem
7	PROGPECTIVE JUROR: My husband, it affects	7	everybody's got. You got further to go.	
8	him, of course. He lost his father. But it was 1967. So	8	PROSPECTIVE JUROR: Righ	t.
9	for me it's more local folklore. It is talked about	9	MR. OWENS: Is that some	thing you feel you
10	because in the community we live in - I would say the	10	can deal with transportation issues?	,
11	community started in the mid 1800s these were the only	11	PROSPECTIVE JUROR: Yes.	
12	three murders at the same time committed until today, so	12	MR. OWENS: You're okay	with the range of
13	of course everybody knows.	13	punishments we've talked about in the ca	se?
14	MR. CANDAS: So you remember them?	14	PROSPECTIVE JUROR: I'm	very relieved
15	PROSPECTIVE JUNOR: People remember	15	that's there's a range of options. I'm	glad I don't live
16	that.	16	in Texas.	
17	MR. CWENS: This is the same community	17	MR. ONENS: If you had to	o make a decision
18	where you live now.	18	like this, you're glad you have a number	of things to
19	PROSPECTIVE JUROR: Yes.	19	choose from?	-
20	MR. CWENS: It comes up from time to	20	PROSPECTIVE JURGR: Right	t.
21		21	MR. OWENS: Sight unseen	
22	PROSPECTIVE JUROR: It was a bank robbery,	1	don't really know what used do?	
	so every time I enter the bank someone makes a comment	23	PROSPECTIVE JUROR; I do	n't have the full
	about it.	24	facts. I can't make a decision. Especia	
25	MR. OWENS: Do you get tired of hearing	ı	magnitude without having the full facts.	=
	118		-	120

•			121-124
1	MR. CWENS: You feel like you are an open	1	religious person. And in my religious viewpoint if a man
2		2	is punished here for his sins on earth, he will not be
3	PROSPECTIVE JUROR: I hope so.	3	held accountable in the next life, because he has been
4	MR. OWENS: Are you okay with the idea of	4	punished for those sins already. That's how come I left
5	deliberating with other people and sharing ideas?	5	it blank, because if he's not punished here he will be
6	PROSPECTIVE JUNOR: Yes. That helps the	6	punished in the next life.
7	people, as you said. It would be extremely hard to have	1 7	MR. OWENS: You understand and are pleased
	the make this decision by yourself.	8	that there are four different punishments for first degree
9	MR. CMENS: Like having moral support.		murder. You'd consider all four of those to be
10	PROSPECTIVE JUROR: Exactly.	1	punishment?
11	MR. CWENS: You know, in the end, one	111	PROSPECTIVE JUROR: Yes. Like I stated
	person signs the verdict. A lot of times they poll the		before, I'm glad there are more options because not every
13	the state of the s	1	crime is the same.
14		14	!
15	PROSPECTIVE JUROR: Yes, I would have to	Į.	with the concept that really what we're doing here is
	really it would have to be a decision that I have to	1	choosing between four very serious forms of punishment.
	live with, besides Mr. Chappell. Yes, that would be — I	1	Just picking which punishment is the appropriate
	would have to agree and think of all of the options.	1	ounishment.
	MR. OWENS: If you felt after hearing all the facts	19	- in
19	-		punishment is the appropriate punishment for what was
20			done.
	punishment was the death penalty, would you be able to	ı	• • • • • • • • • • • • • • • • • • •
	come back with that judgment?	22	
23	PROSPECTIVE JUROR: Yes.		know from the questionnaire and have heard here in court,
24	MR. CWENS: It's not the kind of thing		you're open to all four possible punishments as you hear
25	where you get up and say, I think it's the right thing, I 121	25	more information?
1	don't think I can do that.	1	PROSPECTIVE JUROR: That's correct.
2	PROSPECTIVE JUROR: I'm not sure how to	2	
•	answer that question.	1	your Honor.
4	MR. CHENS: Best estimate right now, you	Ĭ	THE COURT: Thank you. Mr. Owens, as to
•	feel it's samething you could do.	1 -	Ms. Larson.
6	PROSPECTIVE JUROR: If that was after	. 6	MR, CWENS: You had indicated there might
7	hearing all of the facts that's what we arrive at, I have	1 -	be a hardship issue for you. Tell us about that? Have
	to live by that decision. You can't second guess after	1	you worked that out?
	you've left the court room. There are other options. We	٩	PROSPECTIVE JUROR: No. I don't think
	have to have heard the case.	1 -	that I could give my full attention to this proceeding.
11	MR. OWENS: Thank you. Pass for cause.	11	
12	THE COURT: Mr. Schieck.	1	be worrying if you were sameplace else, samething is not
13	MR. SCHIECK: Thank you, your Honor.	1	getting done. That has to do with your business?
13	Ms. Staley, there's a number of questions	14	PROSPECTIVE JUROR: Yes. And my work,
	you left blank in the questionnaire. Was that by	i i	right.
15	intention?	16	MR. OWENS: You understand this is a
16		ı	
17	PROSPECTIVE JUROR: I wasn't sure how to	ı	serious matter?
18	answer them. I have never been involved in the court	18	PROSPECTIVE JUROR: I do.
19	system. I have no basis to answer some of the questions,	19	MR. CMENS: And you'd probably rather be
20	which is probably why I left them blank.	ı	doing the work then being here?
21	MR. OWENS: One of questions asked about	21	PROSPECTIVE JUROR: I would rather be

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25

22 strong moral or religious views about the death penalty 23 and its imposition. You didn't indicate one way or the

PROSPECTIVE JURGR: I believe I'm a very

24 other. Do you have thoughts on that area?

24 would.

22 doing the work then being here. And I'd rather be doing

23 anything then looking at pictures of anything. I really

MR. OWENS: But if you 4- if you were

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1 selected to be on the jury knowing the seriousness of this
                                                                                        PROSPECTIVE JUROR: I can't imagine what
                                                                     2 that would be.
 2 proceeding, you would be able to give a fair hearing and
                                                                                        MR. OWENS: Well, that's the whole point
 3 focus and attention to what is going on here?
                                                                     4 of the question. You can't imagine right now, but can you
                   PROSPECTIVE JUROR: I don't know that.
 5 That's why I put that down. I'm torn in a lot of
                                                                     5 leave open the possibility that there may be a situation
                                                                     6 where that might seem appropriate to you?
 6 directions already, and that would be difficult for me to
                                                                                        PROSPECTIVE JUROR: As my mand has run
   shut that off.
                                                                     8 through everything over the last two days anything that
                   MR. OWENS: But that's something you would
                                                                     9 could possibly have happened that would make that okay,
   try to do?
                   PROSPECTIVE JUROR: Sure. I don't know if
                                                                     10 I've answered no to each one of those in my head. And to
                                                                     11 think there's something else out there, I wouldn't want to
   I'd be successful, but I'd try.
                                                                     12 know what that was that a person was capable of doing
                   MR. OWENS: You don't have a problem with
                                                                     13 that.
13
   the death penalty?
                                                                     14
                                                                                        MR. OWENS: So what you're saying is your
                   PROSPECTIVE JUROR: Absolutely not. No.
14
                                                                     15 mind is close off. It doesn't matter what you hear. You
                   MR. OWENS: You heard about the full range
15
   of available punishments in this case?
                                                                     16 just feel like you'd vote for the death penalty?
16
                                                                                        PROSPECTIVE JUROR: I don't know that it's
                   PROSPECTIVE JUROR: Yes.
                                                                     17
17
                                                                     18 close off. But I prefer not to clutter my mind with it.
18
                   MR. OWENS: Then you feel that you could
   keep an open mind until you've heard all of the evidence?
                                                                                        MR. OWENS: You know, on question number
19
                                                                     20 50 on the form here it says -- you are asked about what
                   PROSPECTIVE JUROR: I would struggle with
20
                                                                     21 you felt about the four forms of punishment. You said,
21 that.
                                                                     22 yes, it's part of the system. And to make that decision
                   MR. OWENS: Okay.
22
                                                                    23 it's only fair to hear sides before casting judgment.
                   PROSPECTIVE JUROR: In my corporate job, I
23
                                                                                        PROSPECTIVE JUROR: Yes.
                                                                                                                  That was
24 daily have to make decisions an judgments and over the
25 course of 10 years I had become -- have become quick to
                                                                     25 probably a weak moment.
                                                                                                                               127
                                                                                        MR. CWENS: I know you're worrying about
 1 make decisions, somewhat cynical. And I'm a judgmental
 2 person, because of that. And I react quickly, and once
                                                                     2 your business and everything of that nature.
                                                                                        PROSPECTIVE JUROR: I am. I just worry
 3 I've made a judgment I'm pretty firm with it. I have to
                                                                     4 about having to hear all of this stuff.
                                                                                        MR. OWENS: But back then you thought you
                   MR. OWENS: This is a very different
                                                                     6 would consider everything, and now you're thinking, no, I
   situation then a business decision.
                                                                     7 don't think I could consider everything. And I just want
                   PROSPECTIVE JUROR: I understand that.
                                                                     8 to make sure we are getting a candid sense of where you
                   MR. CMENS: Are you okay with the idea of
                                                                     9 are at right now.
   waiting until you hear the circumstances before you make a
                                                                                        PROSPECTIVE JUROR: You're getting a
                                                                     10
   decision of this gravity?
                   PROSPECTIVE JUROR: Can I ask a question?
                                                                     11 candid sense.
11
                                                                                        MR. OWENS: Then you felt open minded,
                   MR. CWENS: Sure. The judge will decide
                                                                     12
12
                                                                     13 Today you're definitely sounding very closed mixed.
13 if I can answer or not, but you're free to ask.
                                                                                        PROSPECTIVE JUROR: Yeah, Yeah, Yeah,
                   PROSPECTIVE JUROR: Is the death penalty
14
                                                                                       MR. CWENS: All right. I don't have
15 on the table?
                                                                     15
                                                                     16 anything further, Judge.
                   MR. OWENS: That's what we're telling
16
                                                                                        THE COURT: Thank you. Mr. Schieck.
   people. It's one of the four possible punishments.
                                                                     17
                                                                                        MR. SCHIECK: Challenge for cause, your
                   PROSPECTIVE JUROR: I can't conceive of
                                                                     18
18
19 anything that anybody could tell me that would make me
                                                                     19 Honor.
20 pick anything different than that. My mind can't figure
                                                                    20
                                                                                        THE COURT: Thank you. Ms. Weckerly, as
                                                                    21 to Ms. Stio.
21 anything out that makes it okay not to give him the death
                                                                    22
                                                                                        MS. WECKERLY: Ms. Stio, correct?
                   MR. OWENS: Even though you can't conceive
                                                                                        PROSPECTIVE JUROR: Yes, correct.
                                                                    23
24 of one, can you leave open the possibility there could be
                                                                                        MS. WECKERLY: Ma'am, you sort of have a
                                                                     25 different opinion that you indicated in your questionnaire
25 one out there you just haven't been thinking about it?
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1	from the lady next to you. You said that God was the only	1	MR. OWENS: You can consider each of the
	person who could judge.	2	other types of punishment?
3	PROSPECTIVE JUROR: Yeah, in finality.	1 3	d.
_	Yes.	4	MR. OWENS: But there's no circumstance
5	MS. WECKERLY: So you know from sitting	1 -	which you would be able —
	here two days now that the death penalty is a potential	6	PROSPECTIVE JUROR: I would not be able to
	• • •	1 -	·
	punishment in this case?	1	change my mind on that,
8	PROSPECTIVE JUROR: I know.	8	MR. CWENS: I think you on here said you
9	MS. WECKERLY: Knowing that you have these		would automatically vote against the death penalty
	religious beliefs, you indicate on your questionnaire that		regardless of the situation.
	it is up to God to make that type of decision. Are you	11	1
12	someone that can consider the death penalty?	12	MR. CWENS: There was no situation you
13	PROSPECTIVE JUPOR: Quite truthfully, I	13	could do that.
14	think I could consider any of the three, but I don't think	14	PROSPECTIVE JUROR: Right.
15	I could consider the fourth.	15	MR. OWENS: Thank you, No further
16	MS. WECKERLY: That would be just a	16	questions, your Honor.
17	religious belief that that's not scrething that we should	17	THE COURT: Mr. Schleck
	decide?	18	MR. SCHIECK: Did he pass for cause, your
19	PROSPECTIVE JUROR: I don't feel that I	19	Honor?
20	could judge. We're talking about a real person's life.	20	. J.
	There have been so many people that have been convicted	21	
	and then so many years later they find out they were		questions. I'll challenge.
	innocent. And if that person were already put to death	23	
	arxi I was part of that judgment, I wouldn't be able to	24	MR. SCHIECK: No questions, your Honor.
		1	THE COURT: Ms. Weckerly, as to Mr.
25	live with myself.	25	THE COOK!: MS. MECKETLY, as to Mr.
		<u> </u>	
1	MS. WECKERLY: So —	1	Kitchen.
2	PROSPECTIVE JUROR: So I wouldn't want to	2	MS. WECKERLY: How are you, sir?
3	make that decision.	3	PROSPECTIVE JUROR: Hello.
4	MS. WECKERLY: As,you sit here now you	4	MS. WECKERLY: You work in law
5	can't consider the death penalty as a potential	5	enforcement?
	punishment?	6	PROSPECTIVE JUROR: Yes.
7	PROSPECTIVE JUROR: No.	1	MS. WECKERLY: Probably most of your adult
	MS. WECKFRLY: Challenge for cause.	1	life — you said 25 years?
8	•	و ا	
9	THE COURT: Any questions Mr. Patrick?	1 -	PROSPECTIVE JUPOR: Ever since two days
10	MR. PATRICK: No, your Honor.	Į	after my 21st birthday.
11	THE COURT: Thank you. Mr. Owens as to	111	MS. WDCKERLY: The fact that you have that
	Ms. Cohen.	1	background, knowing this is a limited proceeding in this
13	MR. OWENS: Ms. Cohen, how are you?	1	case to determine punishment, do you think you can be fair
14	PROSPECTIVE JURCH: Good. How are you.		to both sides?
15	MR. OWENS: Good. You've also got some	15	PROSPECTIVE JURGR: Yes, I don't believe
16	philosophical thoughts with the death penalty?		that practicing law enforcement people should sit on
17	PROSPECTIVE JUROR: Right.	1	juries, especially criminal. It's probably an appeal
18	MR. OWENS; You don't think the death	18	waiting to happen if I reach that point.
19	penalty is something you can do?	19	MS. WECKERLY: Well, we ask those jurors
20	PROSPECTIVE JUROR: Absolutely not.	20	like everybody else, can you be fair to both sides in this
21	MR. OWENS: Under any circumstances?	1	case.
22	PROSPECTIVE JUROR: No.	22	PROSPECTIVE JUROR: I can fill a seat for
23	MR, CMENS: Is this a moral belief or	l	you, yes.
	religious belief?	24	MS. WECKERLY: You indicated that you'd
25	PROSPECTIVE JUROR: Just a moral belief.	1	considered the death penalty as a potential punishment?
	130		132
_			

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1	PROSPYCTIVE JUROR: Yes.	1	MR. PATRICK: When asked what your general
2	MS, WECKERLY: I assume your mind is not	2	opinions with about the system, you say it was a good
3	made up. You want to hear all of the information before	3	system, but imperfect because of the attorneys and the
4	you make a decision about what's the appropriate	4	judges?
	punishment in the case?	5	PROSPECTIVE JUROR: Yes, sir.
6	PROSPECTIVE JUROR: Yes.	6	MR, PATRICK: What part of the system is
7	MS. WECKERLY: You can listen to the	7	good then?
8	information that's presented by both sides and make that	В	PROSPECTIVE JUPOR: I believe it's a basic
	decision?	۱,	written system. You throw the human factor in, everyone
10	PROSPECTIVE JUROR: Yes.		has their own personal opinions and interpretations, and I
11	MS. WECKERLY: You'll follow the judge's		think it's twisted.
	instructions?	12	MR. PATRICK: Twisted more so the
13	PROSPECTIVE JUROR: Yes.		attorneys or the judges?
13	MS. WECKERLY: Thank you, sir. Pass for	14	PROSPECTIVE JUNOR: Probably the
			attorneys.
	cause. THE COURT: Mr. Patrick.	16	MR. PATRICK: More so either side?
16	MR. PATRICK: Good afternoon, Mr. Wells	17	PROSPECTIVE JUROR: No.
17		18	MR. PATRICK: Okay. Do you think you
18	•	1 "	would be a fair juror to both sides in this case?
19	PROSPECTIVE JUROR: No.	20	PROSPECTIVE JUROR: Hopefully, yes.
20	THE COURT: You've got the wrong one.	ı	MR. PATRICK: Hopefully, yes. It took a
21	MR. PATRICK: Mr. Kitchen?	21	long time to answer. Tell me your gut opinion. What was
22	·		
23	THE COURT: How is your aunt today?		the first thing that came to mind?
24	PROSPECTIVE JUNOR: I haven't checked.	24	PROSPECTIVE JUROR: The same thing again.
25	Hope she's okay.	25	I'm a commissioned police officer. I have been most of my 135
1	MR. PATRICK: In your questionnaire you	_	adult life. It's my personal opinion I'should not be a
1	put down that we should be keeping up with Texas, correct?		juror in this case or any other criminal case in this
	Is this the right questionnaire?	Ł	county or this state.
3	PROSPECTIVE JUROR: That sounds familiar,	1	MR. PATRICK: Thank you: I appreciate
_	· ·]	your honesty.
	yes. MR. PATRICK: What do you mean by that?	6	PROSPECTIVE JUROR: You're welcome.
6	• -	1	MR. PATRICK: Your Honor, we challenge for
1	PROSPECTIVE JUROR: Was that the death	1	
	penalty portion of the question?		THE COURT: Thank you. Ms. Weckerly, as
9	MR. PATRICK: Yes, sir, it was.	9	to Ms. Berry.
10	PROSPECTIVE JUROR: I believe in how the	1	MS. WZCKERLY: Ma'am, you indicated on
	death penalty is used. I don't care for the delay	11	· - 1
12	process, the appeal process after the death penalty. It	1	your questionnaire you don't believe in the death penalty. PROSPECTIVE JURGE: No.
13	should be quicker.	13	MS. WECKERLY: Would that be a religious
14	MR, PATRICK: Because you are in law	14	•
15	enforcement, would you tend to give greater weight to	1	belief?
16	testimony given by a law enforcement officer.	16	PROSPECTIVE JUROR: No It's just don't
17	PROSPECTIVE JUROR: Yes, definitely.	ļ	want it on my conscience,
18	MR. PATRICK: If two people were up here	18	MS. WECKERLY: Just a decision you don't
	and told the same story but told it differently, and one		want to be making?
20	was a police officer, you'd automatically believe him?	20	PROSPECTIVE JUROR: Yes.
21	PROSPECTIVE JUROR: Yes.	21	MS. WECKERLY: You wrote on your
22	MR. PATRICK: Would discount some or all	1	questionnaire, I don't want it on my conscience. Only the
	of what the other person said because they are not a	1	Lord has the right to say when.
	police officer?	24	PROSPECTIVE JUNOR: Well, I do believe
25	PROSPECTIVE JUROR: Quite possibly, yes. 134	25	that when something happens, someone does something, that

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1 will come back to him in a different way. Not the same
2 way, come back to them. It's not for me to make that
3 decision when and where that's going to take place.
                   MS. WECKERLY: Because you have that
5 belief, I take it you could not consider the death penalty
6 ever as a potential punishment?
                   PROSPECTIVE JUROR: I don't know.
                   MS. WECKERLY: You wrote on your
   questionnaire that basically you said, no death penalty,
10 try another punishment. To me that indicated that you are
11 not going to consider that as a potential punishment.
                   PROSPECTIVE JUROR: Well, I didn't mean it
12
13 like that. I meant, like I said, people get what they do
   in life, so who am I to make that juckment.
15
                   MS. WECKERLY: Well, can you do that? Can
16 you serve as a juror in this case when you know the death
   penalty is a potential punishment?
                   PROSPECTIVE JUROR: No.
18
                   NS. WECKERLY: On number 50, in your
19
   questionnaire, you were asked would you consider all four
   possible punishments. You said everything would, except
   the death penalty.
                   PROSPECTIVE JUNOR: Right.
23
                   MS. WECKERLY: You still feel the same?
24
                   PROSPECTIVE JUROR: I wouldn't want it on
25
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1 circumstances of the case. Do you still feel that way?
                   PROSPECTIVE JUROR: Say; that again. I'm
3 sorry.
                   MS. WECKERLY: On your questionnaire you
 5 were asked are your beliefs about the death penalty such
 6 that you would automatically vote against the death
   penalty regardless of the facts and circumstances of the
                   PROSPECTIVE JUROR: No.
                   MS, WECKERLY: You indicated on your
10
11 questionnaire --
                   PROSPECTIVE JUROR: I heard some things
12
13 the last three times that I din't hear, so you get a
14 different perspective about things. Mostly because of the
15 things, like I said, I don't know, the unknown. And I
16 have never been involved in the court, anything like that.
17 Other than an automobile accident. So it's unknown.
                  MS. WECKERLY: What have you heard or
19 learned that would -- over the last few day or two -- that
20 cause you to change your opinion?
                   PROSPECTIVE JUROR: Well, I know that it
22 is my civil duty, which I knew that already. And I know
23 there possibly are probable cause for death -- well any of
24 the sentences -- all of them are health sentences, as far
25 as I'm concerned. I just don't want to -- I don't
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1 my conscience.
                   MS. WECKERLY: So you wouldn't be able to
 2
 3 consider it?
                   PROSPECTIVE JUROR: I don't think I've
 5 never experienced it. I don't know. Even though, like I
 6 said, these few days sitting here, I hear things. You
 7 know, it's a lot about the court system that I'm not
 0 familiar with, because, you know, I try my best to get
 9 away from any criminal, from the situation, period. So I
10 just don't associate myself with that.
                   But now it's here at hand, you know, it
11
12 has been brought to me. But, you know, personally I would
13 not like to be the one to make a judgment on somebody
14 else's life.
                   MS. WECKERLY: Well, I don't think anyone
15
16 wants to be that person. But the question we need you to
17 answer is do you think you can be the person that
   considers all possible punishments including the death
19 penalty?
                   PROSPECTIVE JUROR: I can listen. But it's
20
21 a first experience, so I don't know. I honestly don't
                   MS. WECKERLY: Okay. Another part of your
24 questionnaire you indicated that you would automatically
25 vote against the death penalty, about the facts and
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1 particularly care for it on my conscience. But if it has
2 to be done, it can be done. I think. I never experienced
3 it. It's a new experience for me. All my adult life I
4 always just got away from courts or any of that, crime.
        I'm not sure if I mentioned that I have had criminal
6 people in my family. But I don't know the ins and outs of
7 what happen and it's always through information through a
8 another family member like my sister. But I just steered
9 myself away from it. I wanted no involvement of it.
                  MS. WECKERLY: You kind of indicated some
11 of that in your questionnaire, that you didn't have a lot
12 of faith in the criminal justice system;
                  PROSPECTIVE JUROR: Well, I had an
14 incident that happened to me. And it didn't go as far as
15 I thought it should. But that is 25 years ago.
                  MS. WECKERLY: Explain just a little
16
17 bit.
18
                  PROSPECTIVE JUROR: I got robbed. And I
19 had a gun at my head. The only thing taken was like all
20 of my personal stuff was taken. I was body searched and
21 everything like that. And I reported it.
        And it went through the procedures, whatever the
22
23 procedures were. And I went to set a court date. I went
24 and - the policeman asked me to please follow through
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25 with this, and this is why they get the people, they don't

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1 to -- you know had to come to an end. You can't keep
 1 show up to court.
                                                                      2 applying something -- applying throwing isomething up, and
        I came to court. I got to court I went and signed
                                                                      3 up, and up and couldn't come down. Eventually. But I was
        The defendant came in the door, saw that we did show
                                                                      4 just saying who am I to say whether that's going to
 up, and they left. So I felt right there there was
 5 nothing - dich't go further than that. So I felt it
                                                                      5 happen. That's the only thing I'm saying.
                                                                                        MS. WECKERLY: What you're saying you are
 6 was -- I couldn't understand how the policeman told me --
                                                                      7 not judging people. And this proceeding is unique in that
 7 it was a couple -- told me that they had a record as long
                                                                      8 way because that's exactly what you are going to be doing.
 8 as your arm. I couldn't understand.
                                                                      9 We're not deciding guilt. He's guilty. So what the jury
         I know it was just me, but I couldn't understand if
                                                                     10 will be doing in this case is judging and assessing which
10 they had such a long record how could they allow — just
                                                                     11 punishment is appropriate, given that it's first degree
   allow them to be on bail like that -- bailing out. You
                                                                     12 murder with use of a deadly weapon.
   know, I just have a problem understanding that.
                                                                              Are you someone who can make a judgment about those
                   MS. WECKERLY: And you are saying they
                                                                     13
13
14 left the courtroom. Are you telling us they were never
                                                                     14 four possible punishments?
                                                                                        PROSPECTIVE JUROR: I can make decisions,
                                                                     15
15 caught again?
                                                                     16 but like I say I don't know if I can -- this particular
                   PROSPECTIVE JUROR: I don't know, because I
16
                                                                     17 kind of decision, I don't -- I don't know if I can or not.
17 didn't hear anything else about it. I didn't get my
                                                                                        MS. WECKERLY: Well, I don't think anyone
                                                                     18
18 personal possessions back. Like I say, she -- it was some
                                                                     19 here has been through this exact situation before so it's
   of my identification. I was able to hopefully -- I didn't
                                                                     20 hard to say. But we don't want to get into this and have
20 have problems with it after that.
                                                                     21 you say you know what, this is not what I can do.
                   MS. WECKERLY: I mean, what you are
21
                                                                                        PROSPECTIVE JUROR: Well, like I said the
                                                                     22
22 describing sounds like justice wasn't served because that
                                                                     23 judgment has really been made or the conviction. I think
23 person or the couple that did this to you were never
                                                                     24 I can. I would prefer not to.
24 punished.
                                                                     25
                                                                                        MS. WECKERLY: Well, like a lot of fellow
25
                   PROSPECTIVE JUROR: I just feel like at
                                                                                                                                143
 that time I don't know just steering myself away from it.
                                                                      1 jurors.
                                                                                        PROSPECTIVE JUROR: I think it will remain
   Just a lot of people in the -
                                                                      3 on my conscience for awhile -- along time. Eventually
                   MS. WECKERLY: So they got away?
                   PROSPECTIVE JUROR: Yes.
                                                                      4 I'll work it out.
                   MS. WECKERLY: Did you think that they
                                                                      5
                                                                                        MS. WECKERLY: Well, that's not a decision
 6 were able to getaway with scrething because of scrething
                                                                      6 that you are confortable with?
 1 that the police did or the prosecutors did. Or do you
                                                                                        PROSPECTIVE JUROR: True. True.
 8 think it was just -- sounds like they kind of absconded or
                                                                                        MS. WECKERLY: If you thought it was
                                                                        appropriate, could you mark that box?
 9 fled.
                                                                                        PROSPECTIVE JUROR: I'm not sure. I'm
                   PROSPECTIVE JUROR: You know, I really
                                                                     10
10
11 don't know what to think of it. All I can concentrate on
                                                                     11 really not sure.
12 is that I was the victim, and, you know, I didn't take it
                                                                     12
                                                                                        MS. WECKERLY: Thank you, We challenge
                                                                     13 for cause.
13 further, seek out -- see what happened. Once the
                                                                                        THE COURT: Thank you. Mr. Patrick.
14 policeman told me that they had armed record -- record arm
                                                                     14
                                                                     15
                                                                                        MR. PATRICK: No questions.
15 length long, I figured they were doing this all a long.
16 Eventually it got to come to an end. But the system -- at
                                                                                        THE COURT: Let me ask you a question,
                                                                     16
17 that time the system didn't -- didn't catch it.
                                                                     17 Ms. Berry. It really isn't what are you going to do when
                                                                     18 you get in the jury room down the road. You haven't heard
                   MS. WECKERLY: Right.
18
                                                                     19 anything yet. The question that is important today, as
                   PROSPECTIVE JUNOR: Dich't do anything
19
                                                                     20 you sit here, are you willing to consider all forms of
20 about it.
                   MS. WECKERLY: It's sort of the opposite of
                                                                        punishment?
21
                                                                     22
                                                                                        PROSPECTIVE JUROR: Yes! I will do what
22 what you are saying earlier, if you do something bad
                                                                     23 I'm supposed to do, your Honor.
23 something bad comes back.
                                                                                        THE COURT: Okay. If -- well, you'll
                                                                     24
                   PROSPECTIVE JUROR: I believe, like I
                                                                     25 consider all forms of punishment and you'll listen to the
25 said, It didn't happen at that time but it had to come
                                                           142
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1 evidence. Then I'll give you legal instructions, and you
 2 determine what you think is appropriate and reach your
 3 conclusions on what you think is appropriate.
         I need to know that going in you're open minded
   enough to consider the possibility that any of those four
   forms of punishment could be appropriate.
                    PROSPECTIVE JUROR: Yes.
 7
                   THE COURT: All right. Counsel approach,
: 8
 9
   please.
10
                 (Discussion held at the bench.)
                   THE COURT: Ladies and gentlemen,
11
12 Mr. Franks, Ms. Carmosino, Mr. Rosenkrantz, Fuller,
13 Bogner, Vargas, Morella-Krupa, Mayorga, Herring, Moran,
14 Leavitt, Potter, Meza, Brooks, Lomasney, and Ms. Cruz, you
15 all are excused. Thank you very much for your patience
16 over several days it's taking us to get to this point.
17
         Report back to jury services before you leave for the
18 day.
         Everybody else, we'll take a recess for about fifteen
19
20 minutes for the attorney to go through the 32 people that
   we have remaining. We'll get this whittled down to who
   will hear our case and some of you will be excused as
   well.
23
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The rest of you, once we get to that point, we'll

25 take a recess and get something to eat. I know we have

24

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I'll deny the challenge'for cause as to
2 Ms. Berry, 100.
                   So on your lists, after Mr. Parramore, the
4 next 5 passed for cause now would be, Brianne Gernot --
5 position 28 -- 085; Mr. Schechter 087; Ms. Bundren (sic)
 6 088 — 30; Ms. Staley 089 -- will be 31; Ms. Berry, badge
7 number 100 -- will be number 32.
                     (Brief recess taken.) ·
                   THE COURT: We will be back on the record
10 in C-131341, State of Nevada versus James Chappell.
                   The record will reflect the presence of
11
12 Mr. Chappell with his attorneys, the State's attorneys, in
13 the presence of our prospective jury pool.
                   Ladies and gentlemen, thank you all as
15 sincerely as I can for your patience and understanding
16 over the course of the last several days. I include, when
17 I say several days of having come in and filled out the
10 questionnaire. I wish there was a more efficient way and
19 we had a bigger courtroom so we could have accommodated
20 everybody all at once and have this run a little
21 smoother.
                   Monetheless, we did the best that we
22
23 could. And the delays in getting this finished aren't
24 occasion by the attorneys. As I said I had calendar
25 issues in the morning and we needed to come in later. So
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I been going late in the day before we've taken a lunch
 2 recess. But nonetheless, I wanted to get you all out of
 3 here.
                    JURY ADMONITION
                   During the recess, ladies and gentlemen,
 6 you are admonished not to converse among yourselves or
 7 with anyone else, including, without limitation, the
 8 lawyers, parties and witnesses, on any subject connected
 9 with this trial, or any other case referred to during it,
10 or read, watch, or listen to any report of or commentary
11 on the trial, or any person connected with this trial, or
   any such other case by any medium of information
   including, without limitation, newspapers, television,
14 internet or radio.
                   You are further admonished not to form or
15
16 express any opinion on any subject connected with this
   trial until the case is finally submitted to you.
                    Thank you, very much.
10
19
                   (Brief recess taken.)
                   THE COURT: On the record, outside the
20
21 presence of the jury.
                   I'm going to deny the challenge for cause
22
23 as to Ms. Bundren (sic) Badge 088. I'll grant the
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24 challenges for cause as to Ms. Larsen 091, Stio 092, Ms.

25 Cohen 093, Mr. Kitchen 096.

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1 a lot of times it's such that sometimes you're trying to
2 work for the good of the many, which is most of you are
3 going to be leaving now, rather than the good of a few,
 4 and that's why we didn't take our normal lunch break
5 today.
                   But the good news is I'm going to -- we
7 finish with the process. We have the 14 names that are
8 going to serve as our jurors. And rather then get you
 9 sworn in and have me read all the instructions and remarks
10 and try to get through opening statements today, we just
11 going to get to my opening remarks, then release you for
12 the day. Rather then trying to do a late lunch hour. So
13 you get to go home early today and we'll come back
14 tomorrow morning at 10:00 o'clock to get started.
                   But what I'm going to do'is read the 14
15
16 names of the folks that are going to stay with us and
17 serve as jurors. If I read your name, just -- once
18 everybody gets up to leave -- stay seated if I've read
19 your name. Everybody else, I thank you very much again.
20. You can report back to jury services.
                   The folks that are going to stay with us
21
22 are Badge number 007, Ms. Johnson; 009, Mr. Jerry Taylor;
23 020, Larry Henck; 022, George Smith; 026, Cheryl Cardillo;
24 036, Davy Noahr; 039, Christine Bundren; 050, Angelo
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25 Morin; 058, Blayne White; 063, Darlene Washington; 073,

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1 Duane Feuerhammer; 074, David Forbes; 078, Brinnon Scott;
2 and 089, Laura Staley. The 14 of you will stay seated for
3 right now. Everybody else, I thank you again. You can
4 report back to jury services before you leave for the
5 day.
                   Ladies and gentlemen now that I've got
7 you confortable and seated, I need for you to stand and
  raise your right hand and be sworn in.
                  THE CLERK: You and each of you do
  solemnly swear you will well and truly try the case at
  issue and a true verdict render according to the evidence,
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so help you God. PROSPECTIVE JUROR: (Choir of I do.) 13

THE CLERK: Be seated. 14 THE COURT: As I said a little bit ago, 15 16 I'm going to read a bit of information to you now before

we release you for the evening. It will kind of serve as an introduction to the trial with some very preliminary, basic instructions on certain aspects of the law, as well

as a quideline as to how things will occur.

It is not a substitute for the 22 instructions I'll give you at the close of the case, after 23 you've heard all of the evidence.

This is a criminal proceeding commenced by 25 the State of Nevada, which I may sometimes refer to as the

1 weapon; did then and there willfully, unlawfully, and 2 feloniously take personal property, to wit, social 3 security cards and/or keys; and/or a motor vehicle from the person of Debra Panos, or in her presence by means of 5 force or violence, or fear of injury to and without 6 consent and against the will of Debra Panos; said 7 Defendant using a deadly weapon, to wit, a knife, during the commission of said crime. Count (3), murder, open, with use of a 10 deadly weapon, did then and there, without authority of 11 law and with malice of forethought willfully and 12 feloniously kill Debra Panos, a human being, by stabbing 13 at and into the body of the said Debra Panos, with a 14 deadly weapon, to wit, a knife during the commission of 15 said crime. Defendant committing said act with 16

17 premeditation and deliberation; and/or committing said act 18 during the perpetration of a burglary and/or a robbery. THE COURT: All right, ladies and 20 gentlemen. As I explain to you when we were doing the 21 selection process we also talked about the principles of 22 law defined in a criminal proceeding, one is the State has 23 the burden of proof in a criminal proceeding. The State is going to have a burden of

24 25 proving certain things in this case. And the attorneys

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1 State, against James Chappell, who I may scretimes refer
2 to as the Defendant.
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The proceeding is based upon 4 Mr. Chappell's conviction of three charges, which are 5 contained in what's called a charging document, which is an information. The information is not the evidence of the charges, it just lists the charges.

I'll have Carol now read to you what the charges were that Mr. Chappell was previously convicted 10 of.

THE CLERK: That James Montel Chappell, 11 the Defendant, having committed the crimes of burglary, 13 robbery with use of a deadly weapon, and murder, open, 14 with use of a deadly weapon, on or about the 31st day of 15 August 1995, at, and within the County of Clark, State of Nevada contrary to the form, force, and effect of the statutes in such cases made and provided and against the 18 peace and dignity of the State of Nevada.

Count (1), burglary, did then and there 19 20 willfully, unlawfully and feloniously enter with intent to 21 commit larceny; and/or assault; and/or battery; and/or 22 robbery; and/or murder, that certain building located at 23 839 North Lamb Boulevard, Las Vegas, Clark County Nevada, 24 Space No. 125, thereof occupied by Debra Panos.

> Count (2), robbery with use of a deadly 150

25

1 kind of talked to you about it, in regards to aggravating

2 circumstances before the death penalty can be a

3 consideration of you all when you go to deliberate.

The purpose of the trial -- or the 5 proceeding, rather, is to present evidence to you upon 6 which you can base a sentencing verdict. And the State

7 will have to meet the burden beyond a reasonable doubt as 8 to certain things, and will instruct about all of these

9 things at the each of the case as well.

It will be your primary responsibility, as 10 11 jurors, to find and determine what the facts are. You are 12 the sole judge of the facts that will be brought out

13 during the course of this proceeding. You'll determine 14 the facts from the testimony you hear and the other

15 evidence which will be brought before you, which include 16 exhibits introduced in this proceeding, as well as

17 possibly exhibits that were introduced in Mr. Chappell's

18 underlying trial. It will be your job to determine the 19 inferences which you feel may be drawn from those facts as

20 well.

21 During the course of this proceeding you 22 will also hear, in a somewhat different fashion then at a

23 trial, hearsay testimony that may come in in the form of 24 witnesses testifying about other things that other people

25 have said, as well as the reading of transcripts of people

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1 that testified in the trial down below. In a criminal
                                                                                        Until the case is submitted to you you
                                                                      2 must not discuss it with anyone, even with your fellow
   proceeding such as this, a sentencing hearing, hearsay is
 3 admissible evidence unlike it would be in a normal trial
                                                                      3 jurors. After it is submit to you you must discuss it
                                                                      only in the jury room with your fellow jurors. It is
   setting. So that will be a little different.
                                                                      5 important that you keep an open mind and not decide any
                   At times during the proceeding I may
 6 sustained objections or direct that you disregard certain
                                                                      6 issue in the case until the entire case has been submitted
   testimony or exhibits. You must not consider any evidence
                                                                      7 to you under the legal instructions from myself.
   to which an objection has been sustain or which I
                                                                                        If during the course of the proceeding you
                                                                      9 cannot hear a witness, please, raise your hand. And if
   instructed you to disregard. Anything you may have seen
   or heard outside the courtroom is not evidence and must
                                                                     10 you need to use the restroom, or if you feel ill, raise
11 also be disregarded.
                                                                     11 your hand as an indication.
                                                                                        I think I indicated yesterday that we'll
12
                   You also must not be influenced in any
                                                                     12
                                                                     13 tend to take a break about every 90 minutes or so, for the
i3 degree by any personal feelings of sympathy for or
                                                                     14 most part. You can count on that, give or take a few
14 prejudice against either the State or Defendant. Both
   sides are entitled to the same fair and impartial
                                                                     15 minutes. You can bring drinks into the courtroom, bring a
16 consideration.
                                                                     16 cup of coffee in the morning, if you've got a Styrofoam
17
                   In terms of witness testimony, in
                                                                     17 cup or something of that sort.
                                                                                        I may during the trial take notes of the
18 considering the weight and value of such testimony, you
                                                                     18
19 may take into consideration the appearance, attitude, and
                                                                     19 witnesses' testimony. Please don't make any inference
                                                                     20 from that action. I have to be prepared for arguments of
20 behavior of the witness; the interest of the witness in
21 the outcome of the case, if any; the relation of the
                                                                     21 the attorneys and the instructions given at the end of the
22 witness to the Defendant or the State; the inclination of
                                                                     22 case, as well. So there are at lot of times where I'll be
                                                                     23 taking notes. Sometimes I take them on a note pad.
23 the witness to speak truthfully or not, and the
24 probability or improbability of the witness's statements,
                                                                     24 Sometimes I type on the computer. I'll also tell you,
25 as well as all the other facts and circumstances in
                                                                     25 since the computer is here, a lot of times I'll send
                                                           153
                                                                                                                                155
 1 evidence.
                                                                      1 e-mails to my secretary. That's the best way for me to
                                                                      2 figure out what's on calendar the next day in the morning,
                   Thus, you may give the testimony of any
 3 witness just such weight and value as you believe the
                                                                      3 aftermoon, and so forth. So I can kind of get a good idea
 4 testimony of that witness entitled to receive.
                                                                      4 what time to bring you all back in the morning or
                   There are two kinds of evidence, direct
                                                                      5 afternoon and so forth.
 6 and circumstantial evidence. Direct evidence is testimony
                                                                                        You will not have a transcript to consult
 7 by a witness about what that witness personally saw or
                                                                      7 at the close of the case. But you will be given note pads.
 8 heard or did. Circumstantial evidence is testimony or
                                                                      8 tomorrow and you'll be allow to take notes during the
 9 exhibits which are proof of a particular fact from which
                                                                      9 course of the proceeding in your note pad. I would
10 another fact may be proven. You can infer the existence
                                                                     10 caution you not to let overly copious note taking
1) of that second fact, essentially.
                                                                     interfere with your ability to watch and listen and
                   You may consider both direct and
                                                                     12 observe people as they're testifying. I will also tell
12
13 circumstantial evidence in deciding your sentencing
                                                                     13 you that you will be given the opportunity to ask written
  decision here. The law permits you to give equal weight
                                                                     14 questions of any of the witnesses that are called to
15 to both direct and circumstantial evidence. But it is for
                                                                     15 testify in the case.
16 you to decide how much weight to give any evidence.
                                                                    16
                                                                                        You are not encouraged to ask a large
                                                                     17 number of questions, because that is the primary
17
                   As I mentioned during the selection
  process, they'll be opening statements by attorneys as
                                                                     18 responsibility of the attorneys. Only a limit number of
                                                                       questions may be posed by jurors. And you will not be
19 well as closing arguments by the attorneys. The opening
```

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22

24

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20 statements and the closing arguments are intended to help

21 you in understanding the evidence and apply the law, but

22 they are not in and of themselves evidence. They are the

24 what has been proven, depending on whether we are talking

23 contentions of the parties as to what will be proven or

25 by opening statements or closing arguments.

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20 allowed to become the quote, unquote third attorney or

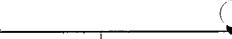
25 have finished questioning a witness and only at that time.

I have the discretion to preclude

Questions may be asked after both lawyers

21 advocate a certain position by your questions.

23 individuals from an excessive number of questions.



1 attorneys may cross-examine the defense witnesses, as 1 For instance, Mr. Owens and Ms. Weckerly may call a 2 well. 2 witness to the stand. They'll conduct a direct 3 examination of the witness. The defense attorney. Mr. After all the evidence has been presented, 4 Schieck and Mr. Patrick may cross-examine that witness. 4 I will then instruct you on the law that applies to this 5 Scretimes it goes back, redirect examination and 5 particular criminal proceeding. After the instructions on 6 the law have been read to you, each side will have the recross-examination. Once that process is finished, before I 7 opportunity to present oral arguments. What is said in 8 closing arguments is not evidence. The arguments are e tell a witness you're excused, thank you, I'll look over 9 designed to summarize and interpret the evidence and the 9 to the jury to see if there's an indication anybody has 10 law. Since the State as the burden of proving the 10 their hand in the air about wanting to ask questions. 11 essential elements, which we'll go through in those legal 11 Should you desire to ask a question, write it down in your 12 note pad with your juror number. We'll designate Ms. 12 instructions, the State will have the right to open and 13 close the arguments. That means the State will make a 13 Johnson is number one, all the way to Ms. Staley's number 14 14. 14 closing argument. The defense will make a closing 15 argument in response to the State. Then the State will So when you write it in your sheet, write 15 16 make a rebuttal closing argument. 16 down number one -- write juror number one and what your 17 After all the arguments are completed, you 17 question is. Raise your hand and I'll know you have a 18 will retire to deliberate on your sentence. Let me remind 18 question. The bailiff will pick up your question. Show 19 you that until the case is submitted to you, do not talk 19 it to me. I'll consult with the attorneys. If it's a 20 legally proper question, I will ask it of the witness. It 20 to each other about the case or about anyone who has 21 has to be a legally factual question and it has to be 21 anything to do with the case until the end of the case 22 when you go to the jury room to decide on your verdict. 22 factual in nature. Do not talk with anyone else about the It can't be direct towards me. It can't 23 23 24 case or about anyone who has anything to do with the case 24 be direct towards the attorneys. It has to be directed 25 until the trial has ended and you have been discharged as 25 towards the witness and designed to clarify information 157 1 jurors. 1 already presented. Anyone else includes members of your Only questions permissible under the rules 2 3 of evidence will be asked, and you cannot draw any 3 family, and your friends. You may tell them that you are 4 a juror in a criminal proceeding, but please do not tell 4 inferences or conclusions if a question you submitted is 5 not asked of a witness. As I said, if you determine the 5 them anything else about it until have you been discharged 6 from your jury service by myself. 6 question is legally proper I'll go ahead and ask it of the 7 witness. Then the attorney will be allowed to ask Don't let anyone talk to you about the follow-up questions, as necessary. 8 case or about anyone who has anything to do with it. If 9 someone should try to talk to you, report that to me The trial will proceed in the following 10 immediately by telling Leslie, my bailiff. 10 manner. The deputy district attorneys will make an 11 opening statement, which, as I said is an outline to help 11 Don't read any news stories or articles, 12 or listen to any radio or television reports about the 12 you understand what they intend to put forth during the 13 case, or about anyone who has anything to do with it. 13 course of this proceeding, the evidence which they intend 14 Maybe most importantly of all, do not visit the scene of 14 to put forth and prove to you. 15 any of the events mentioned during the course of this Next the defense attorneys may, but do not 15 16 proceeding, or undertake any investigation or research on 16 have to, make an opening statement. Opening statements, as 17 I said, serve as an introduction to the evidence which the 17 your own. Everything you need to know to decide the case 18 you will learn from the testimony of the witnesses, the 18 parties making the statement intends to put forth or

19 prove. The State will then present its evidence. 20 21 Call its case in chief. Counsel for defense may 22 cross-examine the State's witnesses. Following the

23 State's case in chief the defense may present evidence,

24 but is not obligated to do so. That will be the defense

25 case in chief. And during that the deputy district

23 okay. I can't emphasize that enough to you.

19 exhibits introduced into court, the legal instructions,

20 and the arguments of the attorneys. Do not go to the

22 anything, or look up legal terms. Anything about it,

25 this evening. I'll release you and we'll get started

All right. That's all I have for you for

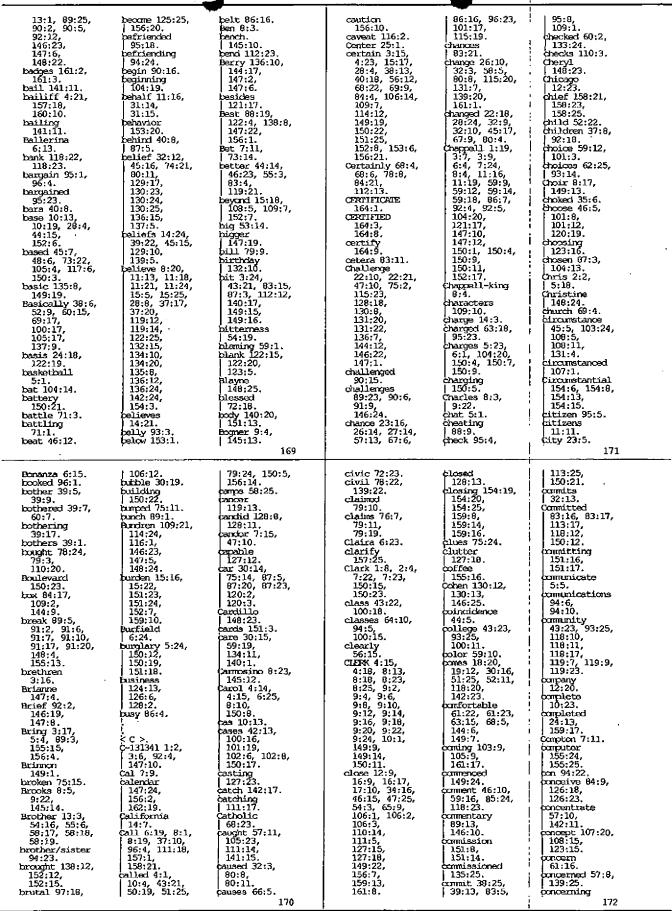
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21 library, or go on the internet, or go searching for

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	<u> </u>			
	tomorrow morning at 10:00 o'clock. Leslie will change out	1	packet you can give me that I can start	looking at.
	your badges as you walk out tonight. You can get rid of	2		•
	those little paper badges for plastic badges.	3	THE COURT: Thank you.	1
	When you come back to court, please make	4		
5	the state of the s	5	•	
	knows you are a juror in a trial and they'll avoid you.	ءَ ا	* * * *	1
יי	And then just come on up here and have a	,		÷
	seat outside the courtroom and we'll get started as close	١		1
0		وا		
9		1.		,
10	Thank you all very much.	10		
11	(Jury is dismissed.)	11		,
12	THE COURT: Outside the presence of the	12		
13		13		1
14	MR. PATRICK: No, your Honor.	14		ı
15	NS. MECKERLY: No, your Honor.	15		
16	MR. OWENS: You'r Honor we do have one	16		•
	thing. We have a couple of family members coming in	17		, 1
	early. The mother and the aunt. They wanted to be able	18		; 1
19	to be present in the courtroom during the proceeding. I	19		•
20	wanted to advise the court of that.	20		1
21	THE COURT: Are they going to be witnesses?	21		! !
22	MR. CWENS: Yeah, probably at some	22		1
23	point.	23		!
24	THE COURT: I don't have a problem.	24		:
25	Mr. Schieck?	25		: !
	161			163
1	MR. SCHIECK: As long as there is no	l	- CERTIFICATE	
•	outward displays of emotion and things that could be	2	OF	1
	prejudicial, your Honor.	3	CERTIFIED COURT REPORTER	
,	I acknowledge that the Supreme Court said the	ړ ا	* * * * *	1
	exclusionary rule does not apply to penalty hearings.			I
e.	THE COURT: I'll ask the State to talk to	1,		ı
0	them, And if you feel it's necessary, let me know, and	1,	•	
	·	۱,	I, the undersigned certified court report	rtor in and for the
	I'll admonish them as well.	l°,	State of Nevada, do hereby certify:	iter in an lot as
9	MR. OWENS: They'll be fine.)	State of nevada, of heleby certify.	!
10	MR. SCHIECK: I would assure the same for	10	That the foregoing proceedings were take	i no hafara ma at tha
11	our family members?		time and place therein set forth; that t	†
12	THE COURT: I have no problem either way.		-	-
13	Just everybody talk to their witnesses about that.	1	all objections made at the time of the p	`i
14	All right.	1	recorded stemographically by me and were	•
15	MR. PATRICK: One last thing. If we were		transcribed under my direction; that the	·
16	to hear witnesses on Friday, what time would you start?		true record of the testimony and of all	imlectious using gr
17	THE COURT: Generally we can start at 8:30		the time of the proceedings.	1
18	Priday morning if we need to. I don't — I specifically	18		•
19	don't set anything on calendar on Friday so that if we're	19		•
20	in trial we can get a day in.	20		1_
21	You all have jury instructions?	21	i . /	
22	MS. WECKERLY: We can have them	22	Thatak	illoleo e
23	tomorrow.	23	Sharon Howard C.C.R. #745	i
24	THE COURT: I don't expect you all to have	24		
~*	gotten together and decided on them. But if you have a	25		!
25	. 162			• 164

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1 TRAN CASE NO. C-131341 DEPT. NO. 3 2 JUL 16 9 23 AH '07 3 ORIGINAL 4 DISTRICT COURT 5 6 CLARK COUNTY, NEVADA 7 8 STATE OF NEVADA, 9 REPORTER'S TRANSCRIPT Plaintiff, 10 PENALTY HEARING 11 vs. 12 JAMES CHAPPELL, 13 Defendant. 14 15 16 17 BEFORE THE HONORABLE DOUGLAS HERNDON DISTRICT COURT JUDGE 18 19 DATED: MONDAY, MARCH 12, 2007 20 21 22 REPORTED BY: Sharon Howard, C.C.R. #745

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TRAN
CASE NO. C-131341
Z_DEPT. NO. 3
                                                                       1
                                                                              LAS VEGAS, NEVADA; MONDAY, MARCH 12; 2007
                                                                                       PROCEEDINGS
                                                                       2
                                                                       3
                                                                                            * * * * *
                        DISTRICT COURT
                                                                                          THE COURT: On the record in C-131341
                                                                          State of Nevada versus James Chappell.
                     CLARK COUNTY, NEVADA
                          * * * * *
                                                                               The record will reflect that Mr. Chappell is outside
                                                                          right now. We're outside the presence of our jury.
 y
   STATE OF NEVADA,
                                                                               There was the issue of prejudice brought up about
1Ų
                   Plaintiff.
                                        REPORTER'S TRANSCRIPT
                                                                         waist restraints on Mr. Chappell. You didn't want him to
                                          PENALTY HEARING
                                                                          come in in waist restraints.
11
              va.
                                                                      12
                                                                                          MR. PATRICK: That's correct.
    JAMES CHAPPELL
                                                                                          MR. SCHIECK: It's our position that waist
13
                   Defendant.
H
                                                                      14 restraints aren't necessary in this matter, your Honor.
                                                                      15 He hasn't been a problem. And I don't believe we had
15
                                                                      16 waist restraints at the first proceeding some years ago.
16
17
                                                                      17 And it would, in our opinion, be prejudicial to have the
           BEFORE THE HONORABLE DOUGLAS HERNDON
DISTRICT COURT JUDGE
                                                                       18 jury see him in restraints. Especially at this stage
18
19
               DATED: MONDAY, MARCH 12, 2007
                                                                      19 where we have jurors behind us walking past us while he's
20
                                                                      20 sitting at the table. It's pretty clear they're going to
                                                                      21 see those restraints.
21
                                                                               I'm not sure what they mean by waist restraints.
                                                                      22
22
73
                                                                      23 He's back there and he has something on his hands now.
24
                                                                      24 Whether it's just the belly chains or whatever restrains
                                                                      25 his hands, the jury is going to be able to see. We'd ask
Z5 REPORTED BY:
                      Sharon Howard, C.C.R. #745
                                                              1
 I APPEARANCES:
                                                                       1 that he not be so restrained.
                                                                                          THE COURT: All right. Anything from the
 2 For the State:
                                   CHRIS OWENS, ESO.
                                   PAMELA WECKERLY, ESQ.
                                                                       3 State?
                                                                                         MR. OWENS: Your Honor, I always leave
   For the Defendant:
                                   DAVID SCHIECK, ESQ.
                                                                       5 this matter to the personnel who are in charge of his
                                   CLARK PATRICK, ESQ.
                                                                       6 custody. I don't — we really don't take a position. We
                                                                         support whatever they think is needed.
                                                                                          THE COURT: I'll go ahead and order that
                                                                         you take off the restraints for now. Obviously, if we
                                                                      10 have any problems — I'm sure his attorneys have spoken
10
                                                                      11 with him about that. We won't hesitate to put them back
11
                                                                      12 on whenever we think it's necessary to maintain order.
12
                                                                      13 But I'll order they be taken off for now.
13
                                                                                          THE OFFICER: Thank you, your Honor.
14
                                                                      14
                                                                                          THE COURT: Thank you.
                                                                      15
15
                                                                               Anything outside the presence before we get the
                                                                      16
16
                                                                      17
                                                                         jurors up here?
17
                                                                                          MR. SCHIECK: No, your Honor.
                                                                      18
18
                                                                      19
                                                                                          MR. OWENS: No, your Honor. Court's
19
20
                                                                      20 indulgence. No.
                                                                      ?1
                                                                                        (Brief recess taken.)
21
                                                                                          THE COURT: On the record in C-131341,
                                                                      22
22
                                                                      23 we're outside the presence of the jury. The record will
23
                                                                      24 reflect the presence of the Defendant, Mr. Chappell, with
24
                                                                      25 his attorneys. The State's attorney is present as well.
25
```

STATE OF NEVADA vs. JAMES CHAPPELL

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61
                   Mr. Owens.
                   MR. CHENS: At some point before the jury
-2
 3 gets sworn we wanted some kind of affirmation or something
 4 if there was any additional witnesses, or if they have
 5 been unable to get ahold of these witnesses. This thing
 6 was reversed because I believe five witnesses were not
   called at the prior hearing. At least one of them was
   contacted, but wasn't called.
                   So we just wanted to protect the record as
   much as we are able to at some point.
                   THE COURT: Mr. Schieck.
H
                   MR. SCHIECK: As much as I can, without
12
13 revealing any confidential information, your Ronor, I can
14 represent to the court that, in fact, we have been in
15 contact with everyone that we wanted to contact and speak
   to and/or bring in from Michigan and Arizona.
         I would note that due to the passage of time there is
17
18 a number of witnesses that are no longer able to testify
19 either due to incapacity or due to passing away. So
20 obviously those are situations we'll deal with as we move
21 along.
22
                   Additionally, no additional -- I think we
23 can represent that we have contacted and have on board
24 everybody we wanted to call for the penalty hearing.
25
                   THE COURT: All right. Thank you.
```

```
: court reporter. Everything that I say, or the attorneys
 2 say, or you say is going to be recorded -- or reported
 3 during the course of the proceedings. It's going to be
   very important that if you have something you need to tell
 5 me, if I call on you, or if the attorneys ask you a
 6 question make sure that you speak loud enough so that
 7 Sharon can hear. She'll let you know if she can't hear
 B you, and she'll ask you to repeat yourself.
        But also try not to say Uh-huh or Huh-uh, if you're
10 answering "yes" or "no." That's hard to report, and we
11 want to make sure we get it right.
12
        Also nodding your head or shaking your head, we are
13 not going to be able to get that down either. Make sure
   you answer out loud.
        Additionally, if I'm calling on you to answer a
15
16 question, or if the attorneys are calling on you and we
   fail to ask you by name and badge number, i.e., if I have
18 a questions for Mr. Madison — that's you on top, right?
                   MR. NADISON: Yes.
19
                   THE COURT: A lot of times I'll say Mr.
20
21 Madison, badge number 102 -- the last three numbers on
22 your badge -- so that we make sure that the person that's
23 speaking, for the record, is clearly identified in the
24 reporter's transcript. If we fail to do that, please,
25 make sure before you answer that you identify yourself by
```

```
THE COURT: We'll be in recess until we
   get our jury in here.
        (Prospective jurors escorted into the courtroom.)
                    THE COURT: Good morning, Ladies and
   gentlemen.
        We will be on the record in C-131341, State of Nevada
   versus James Chappell. The record will reflect the
10 presence of Mr. Chappell with his attorneys, the State's
11 attorneys.
12
         Welcome Ladies and Gentlemen to Department 3, of the
   Eighth Judicial District Court. My name is Douglas
   Herndon. I am the preceding judge in this department.
15 And you all have been summoned here as potential jurors in
16 a criminal proceeding.
         What we're going to do momentarily is move into the
   jury selection process, which will probably take us the
19 better part of today, if not a little bit of tomorrow as
20 well. Then we move into the evidentiary phase of the
21 criminal proceeding.
        Before we get to actual questioning of perspective
   jurors, let me tell you a few things about what going to
24 be happening and introduce you to some of my staff.
```

Seated right in front of me is Sharon. Sharon is my

MS. WECKERLY: No. Thank you.

1 Anything from the State?

25

```
Seated next to me is Carol. Carol is my court clerk.
 3 Carol is going to administer the cath to you all in a
 4 moment. Because all the jury questioning is done under
 5 oath. She administers the oath to withesses before they
 6 testify, keeps track of all the exhibits, all the court
 7 minutes, and a great many things I can't keep track of, to
 B be quite honest.
        Seated to her left is Steve. Steve is my law clerk.
10 He'll come in and out of court during time to help me with
11 a variety of legal issues the come in during the course of
12 the proceedings -- instructions to the jury, legal
13 instructions we give later on.
        Leslie is my bailiff. You met Leslie. She helped
is you kind of get up and down stairs. What you're going to
36 come to find out is other than this process, the selection
17 process, where we can all kind of talk to the jurors and
18 ask you questions, and so forth, other than that, most of
19 the court personnel and all the attorneys are prohibited
20 by ethical obligations and the law from conversing with
21 the jurors. So when you're sitting in the hall, none of
22 the attorneys can come up and make small talk. They're
23 not going to talk to you if you see them in the cafeteria
```

1 your name and badge number.

STATE OF NEVADA vs. JAMES CHAPPELL

3/12/2007

As far as even opening the door for you, they're not

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24 or elevators.

going to say thank you, you're welcome, things like that. 2 They're not being rude or antisocial. It's not that they 3 dislike you in any fashion. It's just that the law and $oldsymbol{\$}_4$ ethical obligations prohibit the attorneys and most of the 5 court staff from conversing with the jurors during the 6 course of the proceedings, so as to not have anyone think 7 that the verdict should be contaminated if anybody is talking to the jurors. Please understand that. That being said, Leslie doesn't have those same obligations. She has ethical obligations, but she's not under the same prohibitions that we are. So you'll always be able to talk with Leslie. If there is something that comes up during the course 14 of the proceedings today or tomorrow or here on out, you 15 can always bring it to Leslie's attention if you need to get scmething to the court's attention, we'll take care of it as we need to. But you can always talk to Leslie. In fact, once we get to the point of having fourteen 19 of you selected a jurors, we'll get some phone numbers from you, and Leslie will give you some phone numbers for 21 my executive assistant, Molly, to make sure we're able to get ahold of you. If we're ready to start tomorrow and

there with Pam Weckerly, who is co-counsel in this case. We are prosecuting this case against James Chappell. This is a case that was tried to a jury back in 1996. At that 7 time Mr. Chappell was convicted of the crimes of burglary, robbery with use of a deadly weapon, and first degree murder with use of a deadly weapon. The purpose of this proceeding, at this 10 II point in time, is for sentencing. The determination of 12 punishment. As you are told in the questionnaire that you 13 fill out, there are four options that will be available to 14 this jury making that decision. So guilt or innocence is is not going to be a consideration as to those charges, just 16 punishment. 17 And the potential punishments are the

3 for the District Attorney's office. I'm a prosecutor

MR. OWENS: Thank you, your Honor.

Good morning. My name is Chris Owens. And I work

1

18 death penalty, life without the possibility of parole,
19 life with the possibility of parole after 40 years, and a
20 term of 100 years, with the possibility of parole after 40
21 years. That's the only thing this jury is going to be
22 focusing on in this proceedings.

We anticipate and are hopeful that we are going to accomplish this in the next five days or so. There's every possibility we'll be done this week. It

11

So that's pretty much most of the court personnel you'll came in contact with throughout the course of the trial.

23 scmebody is running late -- I also ask the same thing of

24 you all — if you're running late to call us and let us

25 know so that we know you're on your way.

What I'm going to do now is ask the attorneys to introduce themselves, introduce their client, who they represent. They're going to tell you a real short synopsis, maybe, of some of the stuff that this case is about. I know you got a little bit of it from reading the questionnaire.

They'll also list to you or speak to you about the
witnesses they believe may be called to testify in this
case. Probably won't call every witness that they talk to
you about, but nonetheless, the names may come up and they
may have played a role somehow in what takes place during
this hearing. So you need to be aware of ones that might
not even be called, even though they may be mentioned as
well.

Please listen very closely as the
attorneys speak to you with their names and the nature of
the case and the witnesses that may be called, because I'm
going to ask you a couple of questions in a minute as to
whether you think you know any of these folks, the
attorneys, Mr. Chappell, any potential witnesses, anything
like that.

On behalf of the State.

25

1 could spill over to next week, but hopefully we'll be able
2 to do it this week.

The areas, geographically, that you are going to be hearing testimony about -- the information in this case -- the area is just a little bit to the east of here down Bonanza, called the Ballerina Mobile Home Park. That's at 839 East Lamb. And the particular space number, 8 125, is where the murder occurred.

There's also some other areas you'll hear
to about associated with the downtown here, the jail, parole
and probation was on Bonanza. Also Œ Capital is a
business operating back at that time. And that was a
business where the victim worked. So you are going to
hear some information about that particular entity as
well. And you'll hear from some people that worked
there.

The witnesses that the State may call -
18 I'll read their names -- include Luanna Aires, Lisa Duran,

19 Tanya Mobson, LaDonna Jackson, Claire McGzirre, Mike

20 Pollard, Kimberly Simpson, Sherry Smith, and Debra Turner,

21 Laura Burfield, Jerry Urnst, Dina Freeman, Michelle

22 Moscha Carol Minson, Norma Penfield, and Paul Wither

22 Moncha, Carol Munson, Norma Penfield, and Paul Widner. 23 From the Clark County Coroner's office'— a retired

24 coroner now -- a Dr. Green. And then police department

25 officers, Daniel Dersdorff, Darren Heiner, Officer Art

3

10

9

15

16

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🔋 Lee, Paul Osuch, Mike Perkins, James McCarroll, Allen
2 Williams, and Cal Winchells.
                   From Parole and Probation, Larry Arabe
4 (ph) Mike Compton, William Duffy, Ed Henderson, Chermaine
 5 Smith.
                   And one other witness, potentially might
 7 be called, is a psychiatrist, Thomas Bickert, from the
 8 Reno area.
                   This is going to be something that will
10 take a little bit of time, as the judge indicated. We ask
11 you to bear with us in questioning. It's obviously a very
12 serious matter. And we appreciate your time and attention
13 and patience with us.
14
                   Thank you.
                   THE COURT: On behalf of the defendant.
15
                   NR. SCHIECK: Thank you, your Honor.
16
        Good afternoon, ladies and gentlemen. My name is
17
18 David Schieck. I'm with the special public defender's
19 office here in Clark County. Assisting me is Clark
   Patrick, who's also with the special public defender's
   office. This is our client who's been charged in this
   case, James Chappell.
                   The list of witnesses from which we may
24 call during these proceedings are as follows: James Ford,
25 Ivory Morrell, Ben Dean, Charles Dean, Fred Dean, Willy
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! open-minded, and neutral as possible to decide this case.
 2 That's the reason you have this big questionmaire, to find
3 out the information about your lives, professional
 4 background, personal background, so that everybody can
 5 learn a little about you and make appropriate decisions.
                   It's very important therefore, just as
7 when you filled out the questionnaire, that you give as
3 full, complete, and honest answers to any questions put
9 forth to you today as possible. If you think there is
10 scmething there that might be important to bring out, then
11 trust your instinct and bring it out.
                   If you don't tell us about something and
12
13 that fact is later discovered, and you're actually seated
14 as a juror in this case, that fact alone could tend to
15 contaminate your verdict. So it's very important that you
16 provide everything with as much information as possible,
17 pursuant to the questions asked of you today.
                   As many types of cases as you can imagine
19 in the criminal justice system and the civil justice
20 system I quarantee you there's more. And some of you may
21 be great jurors for a different type of case then this
22 case. Others of you might be great jurors for this type
23 of case. But the questioning process is designed to
24 filter through that and see what is going on in your
25 professional and personal lives to might effect your
1 ability to be the best juror.
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1 Chappell, Mira Chappell-King, Kisha Axiom, Dennis Reffer, 2 Marabel Rosales, and Howard Brooks. Additionally, Dr. Lewis Etcoff, Dr. Tod Grey, and Dr. William Danton from Reno Nevada. Thank you. THE COURT: Thank you. Ladies and gentlemen, obviously you all came in and filled out the questionnaire, which is designed to expedite this process. And even though the process is going to seem somewhat lengthy at time, the questionnaire does expedite the process. I have a few questions I'm going to ask 13 you about before we get started with the attorney's 14 questions. And as you go through my questions, just raise your hand if you want to answer a question. And I'll generally start in the back row and move to the middle row and to the front row, and then go over first row, second row, third row, et cetera. You don't have to keep your hand up in the 20 air the full time, obviously. Just make sure as I move 21 through you get your hand up and get it up high if you 22 would, please, so I can see you. One of the things I can assure you of is 23 24 it is the desire of the court, as well as all the 25 attorneys, that we find fourteen people who are as fair,

```
It doesn't mean you are not a great
 3 person. It doesn't mean you are not intelligent, have a

    high degree of integrity and so forth, lit's just that if,

 5 for instance, this was a civil case and it was dealing
 6 with some land transaction gone bad and you were in the
 7 process of going through something like that, obviously,
 8 this might not be the best case to sit on. That's just a
 9 real basic example. But you can kind of understand where
10 we're going in terms of the questions that are asked
11 here.
                   What I want to do first is ask to
12
13 everybody as a whole — what I'm going to ask first is for
14 my clerk to swear you in. I'll have everybody stand up
15 and raise your right hand.
                   THE CLERK: You do solemnly swear you will
17 well and truly answer such questions that may be put to
   you, touching upon your qualifications to act as jurors in
19 the case at issue, so help you God.
                   PROSPECTIVE JURORS: (Choir of I do.)
20
                 . THE CLERK: Thank you.
21
                   THE COURT: Thank you, ladies and
23 gentlemen.
                   Is there anybody here who has been
25 convicted of a felon?
                           Mr. Madison.
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2 2 3 4 5 6	MR. MADISON: Yes. THE COURT: What was it, sir?	1	THE CLERK: Brent Petit.	
2 3 4 5 6				
3 4 5 6			PROSPECTIVE JUROR; Here.	
4 5 6	MR. MADISON: My records are sealed back]		
6	in New York.		PROSPECTIVE JURGA: Here.	
6	THE COURT: Was it expunged later on?	9		ζ.
7	MR. MADISON: I was on probation for five	16		•
	years.			.
8	THE COURT: What was the charge?	8	PROSPECTIVE JUROR: Here.	,
9	MR. NADISCN: First degree assault.	وا	THE CLERK: Cheryl Cardillo	
10	THE COURT: Okay. How long ago was it?	10	PROSPECTIVE JUROR: Here.	·4
11	MR. MADISON: I was 17.	11		
12	THE COURT: So was it treated as a	12	PROSPECTIVE JUROR: Here.	
	juvenile offence, then got sealed?	13	THE CLERK: Alex Morales.	T.
		14	PROSPECTIVE JUROR: Here.	٠.
14	under 18, so the records are sealed after that.		THE CLERK: Tusila Pinon.	
	THE COURT: Thank you. Anybody else? No	15	PROSPECTIVE JUROR: Here.	
16		16	i	
	more hands. Thank you, very much.	17	THE CLERK: Michael McKown.	•
18	Is there anybody here who is not a U.S.	18	PROSPECTIVE JUROR: Heré.	
	citizen? No. Thank you, very much.	19	THE CLERK: Esuebio Ramirez	•
20	Carol, if you would, please, call the roll	20	PROSPECTIVE JUROR: Heré.	
	of the jurors to make sure we have everybody that we	21	THE CLERK: Annette Theus.	•
	believe we do. Answer present or here.	22	PROSPECTIVE JUROR: Here.	
23	THE CLERK: Frederick Madison.	23	THE CLERK: Davy Ann Noahr.	
24	PROSPECTIVE JUROR: Here.	24	PROSPECTIVE JUROR; Heré.	
25	THE CLERK: Victor Perez.	25	THE CLERK: Sharon Martino.	19
		-		
1	PROSPECTIVE JUPOR: Here.	1	PROSPECTIVE JURGR: Here.	
2	THE CLERK: Neil Sackmary.	2	THE CLERK: Christine Bundr	en.
3	PROSPECTIVE JUROR: Here.	3	PROSPECTIVE JUROR: Heré.	
4	THE CLERK: Mark Brady.	4	THE CLERK: Amy Amaro.	
5	PROSPECTIVE JUROR: Here.	5	THE COURT: The recordivill	indicate 040
6	THE CLERK: Deborah Kaleikni-Johnson.	6	is not in today.	
7	PROSPECTIVE JUROR: Here.	7	THE CLERK: Lori Smith	
8	THE CLERK: Jerry Taylor.	8	PROSPECTIVE JUROR: Here.	
9	PROSPECTIVE JUROR: Here.	9	THE CLERK: Lisa French.	
10	THE CLERK: Bobbie Hilbbard.	10	PROSPECTIVE JUROR: Here.	
11	PROSPECTIVE JUROR: Here.	11	THE CLERK: Jamie Carvelli.	
12	THE CLERK: Nichole Haupt.	12	PROSPECTIVE JUROR: Here.	
13	THE COURT: Jury services indicated she's	13	THE CLERK: Angelo Morin.	
14	not in today.	14	PROSPECTIVE JUROR: Here.	
15	THE CLERK: Lisa Bailey.	15	THE CLERK: Angel Garcia.	
16	PROSPECTIVE JUROR: Here.	16	PROSPECTIVE JURGR: Here.	
17	THE CLERK: Lisa Mills.	17	THE CLERK: Michael Carr.	
18	PROSPECTIVE JUROR: Here.	18	PROSPECTIVE JUROR: Here.	
19	THE CLERK: Charles O'Hartz.	19	THE CLERK: James Grindstafi	
20	THE COURT: Badge 018, jury services	20	PROSPECTIVE JUROR: Here,	
	indicated that Mr. O'Hartz did not come in today.	21	THE CLERK: Benjamin Salak.	
22	THE CLERK: Lisa Labranch.	22	PROSPECTIVE JUROR: Here.	
23	PROSPECTIVE JUROR: Here.	23	THE CLERK: Laura Johnson,	
24	THE CLERK: Larry Henck.	24	PROSPECTIVE JUROR: Here.	
25	PROSPECTIVE JUPOR: Here.	25	THE CLERK: Blayne White.	
	18			20

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,1	PROSPECTIVE JUROR: Here.	1	THE COURT: How do you know him.
2	THE CLERK: Luke Davie.	2	PROSPECTIVE JUROR: Family friends.
3	PROSPECTIVE JUROR: Here.	3	THE COURT: Socialize with him with your
9 4	THE CLERK: Cassandra Ware.	4	family together?
5	PROSPECTIVE JUROR: Here.	1 5	PROSPECTIVE JUROR: Absolutely.
6	THE CLERK: Gene Nakanushi.	6	
7	PROSPECTIVE JUROR; Here.	1,	else? Anybody that believes they know Mr. Schleck or Mr.
8	THE CLERK: Darlene Washington.		Patrick or are acquainted with them, the defense
9	PROSPECTIVE JUROR: Present.		attorneys?
10	THE CLERK: Nancy Lee.	10	
	· · · · · · · · · · · · · · · · · · ·	11	
11			027. Who do you know, sir?
12		13	and the state of
13		1	
14		14	
15	PROSPECTIVE JUROR; Here.	15	legal field in the past. And associating with him
16	THE CLERK: Duane Feuerhammer.		1
17			personally. I know his legal assistant as well.
16	TRE CLERK: David Forbes.	18	THE COURT: Thank you, sir. Anybody else?
19	PROSPECTIVE JUROR: Here.		Yes, sir.
20		20	, in the second
21	THE COURT: 075, jury services indicates	21	- 1
22	he's not in today.	22	<u>l</u>
23	• • • • • • • • • • • • • • • • • • •	23	Ĭ
24	PROSPECTIVE JUROR: Here.	24	! -
25	THE CLERK: Robert Templeton.	25	THE COURT: How do you know Mr. Patrick?
	PROSPECTIVE JURGR: Here.	\	PROSPECTIVE JUROR: His dad was close
1	THE CLERK: Brinzon Scott.		friends with mine. They used to teach together.
2	PROSPECTIVE JURGE: Here.	3	
	THE CLERK: James Wroblewski.	1	the past?
4	- "	1	PROSPECTIVE JUNCA: Yeah.
5	PROSPECTIVE JUROR: Here.	5	
6	THE CLERK: Tamar Jackson.	6	No.
7	THE COURT: Badge 080, jury services	1	Is there anybody that believes they're
8	indicates she did not come in today.	1 8	acquainted or knows Mr. Chappell, the defendant? I see no
9	THE CLERK: Candice Rius.		• !
10	PROSPECTIVE JUROR: Here.		hands. Thank you.
11		11	
12	<u>.</u>	12	• • • • • • • • • • • • • • • • • • • •
13			Owens or Mr. Schieck? I see no hands! Thank you.
14	THE COURT: Anybody present whose name was	14	Is there anybody that believes they're
	not called? All right. Ms. Haupt, Mr. O'Hartz,	1	somehow acquainted with the facts of this case or know
15	We Washe the Court and the Taglinan Till makes to the	16	
15 16	Ms. Noahr, Mr. Scott, and Ms. Jackson I'll refer to the	1	
15 16	chief judge as non-appearing on jury calendar.	17	you about by the attorneys or what was in the jury
15 16	chief judge as non-appearing on jury calendar. Is there anybody here who believes they're	1	questionnaire?
15 16 17 18 19	chief judge as non-appearing on jury calendar. Is there anybody here who believes they're acquainted with or knows Mr. Owens or Ms. Weckerly present	19	questionnaire? Yes, ma'am.
15 16 17 18 19	chief judge as non-appearing on jury calendar. Is there anybody here who believes they're acquainted with or knows Mr. Owens or Ms. Weckerly present form the district attorney's office?	19 20	questionnaire? Yes, ma'am. PROSPECTIVE JUROR: 082, I remember
15 16 17 18 19 20 21	chief judge as non-appearing on jury calendar. Is there anybody here who believes they're acquainted with or knows Mr. Owens or Ms. Weckerly present form the district attorney's office? PROSPECTIVE JURCR: I know Mr. Owens.	19 20 21	questionnaire? Yes, ma'am. PROSPECTIVE JUROR: 082, I remember hearing about it and reading about it on the news at the
15 16 17 18 19 20 21	chief judge as non-appearing on jury calendar. Is there anybody here who believes they're acquainted with or knows Mr. Owens or Ms. Weckerly present form the district attorney's office? PROSPECTIVE JUROR: I know Mr. Owens. THE COURT: What's your badge number?	19 20 21 22	questionnaire? Yes, ma'am. PROSPECTIVE JUROR: 082, I remember hearing about it and reading about it on the news at the time.
15 16 17 18 19 20 21	chief judge as non-appearing on jury calendar. Is there anybody here who believes they're acquainted with or knows Mr. Owens or Ms. Weckerly present form the district attorney's office? PROSPECTIVE JUROR: I know Mr. Owens. THE COURT: What's your badge number? PROSPECTIVE JUROR: 025:	19 20 21 22 23	questionnaire? Yes, ma'am. PROSPECTIVE JUROR: 082, I remember hearing about it and reading about it on the news at the time. THE COURT: Okay. Other then what you
15 16 17 18 19 20 21	chief judge as non-appearing on jury calendar. Is there anybody here who believes they're acquainted with or knows Mr. Owens or Ms. Weckerly present form the district attorney's office? PROSPECTIVE JUROR: I know Mr. Owens. THE COURT: What's your badge number?	19 20 21 22 23 24	questionnaire? Yes, ma'am. PROSPECTIVE JUROR: 082, I remember hearing about it and reading about it on the news at the time.

```
THE COURT: Thank you. Anybody else on
                   PROSPECTIVE JUROR: No. sir.
-1
                                                                      2 that row? Bottom row here? No. How about the first row,
                   THE COURT: Your sole source of
 2
                                                                      3 there?
   information is what you may have seen in the media?
                                                                                        PROSPECTIVE JUROR: Annettte Theus, 035.
                   PROSPECTIVE JUROR: Yes, sir.
                                                                       Brother, nephew, husband, son.
                   THE COURT: Thank you.
        A couple other questions I want to ask you all about.
                                                                                        THE COURT: What types of things are we
 7 I know in the jury questionnaire there was a question
                                                                     7 talking about?
                                                                                        PROSPECTIVE JUROR: Burglary, assault. I
 8 about prior jury service. Some of you had indicated you
 9 had been jurors before. Have any of you that have been
                                                                        think that's about it.
                                                                                        THE COURT: All right. Were any of them
10 jurors before ever been a foreperson of a jury? No.
                                                                     11 convicted of those crimes?
11 Thank you.
                                                                     12
                                                                                        PROSPECTIVE JUROR: Yes.
                   I believe their are questions in the
12
13 questionnaire as to whether you have ever been victimized
                                                                     13
                                                                                       THE COURT: Were those locally? Or
                                                                     14 somewhere else? Or both?
14 by crime. I don't recall -- and I apologize if it was
15 there -- whether there was any questions of any of you or
                                                                     15
                                                                                        PROSPECTIVE JUROR: Both.
   close family members had been accused of a crime. To the
                                                                                       THE COURT: Okay. Anybody else on that
                                                                     16
                                                                        row? I saw some more hands. Yes.
   extent that question wasn't there, have any of you or
                                                                                        PROSPECTIVE JUROR: 039, Christina
   close family members ever been accused of a crime?
                                                                     19 Bundren. My uncle was convicted of first degree murder of
19
                   Ma'an.
                                                                     20 my aunt here locally.
                   PROSPECTIVE JUROR: My brother has been in
20
                                                                     21
                                                                                        THE COURT: How long ago was that?
21 lots of trouble.
                                                                                        PROSPECTIVE JUROR: 1990 -- November
                   THE COURT: What's your name?
                                                                    22
22
                                                                     23 1990.
                   PROSPECTIVE JUROR: Labranch.
23
                                                                                        THE COURT: Thank you. Next to her, is
                   THE COURT: Badge number 019. Locally?
                                                                    24
24
                                                                     25 that Ms. Smith?
                   PROSPECTIVE JUROR: No. Ke's in
25
                                                            25
                                                                                                                                 27
                                                                                        PROSPECTIVE JUROR: Yes!
 1 Arizona.
                                                                                        THE COURT: 045.
                   THE COURT: What type of things has be
                                                                     2
 2
                                                                                        PROSPECTIVE JUROR: My son, drugs and
   been arrested for or accused of?
                                                                      4 check forgery in Wyoming and locally.
                   PROSPECTIVE JUROR: Drugs.
                   THE COURT: Okay, Thank you. Next to
                                                                                        THE COURT: Thank you. Did you have your
   you. Is it Mr. Henck?
                                                                      6 hand up Ms. French?
                                                                                        PROSPECTIVE JUROR: No!
                   PROSPECTIVE JUROR: Yes, sir.
                                                                                       THE COURT: Thank you. Second row? On
                   THE COURT: 020.
                   PROSPECTIVE JUROR: Yes, I have two
                                                                     9 the end, is that Carvelli, 048?
                                                                                        PROSPECTIVE JUROR: Yes. My cousin mail
   cousins who were both convicted of trafficking narcotics
                                                                     10
                                                                     11 fraud and theft.
    in school zones in Pennsylvania.
                                                                                        THE COURT: Where was that?
                   THE COURT: Thank you. Anybody else on
                                                                    12
                                                                                        PROSPECTIVE JUROR: Here.
                                                                     13
   that row? Yes, sir.
13
                   PROSPECTIVE JUROR: Smith, 022. Grand
                                                                     14
                                                                                        THE COURT: Thank you. Mr. Morin, 050.
14
                                                                                        PROSPECTIVE JUROR: My brother, attempt
   children drug scene primarily.
                                                                     15
15
                                                                     16 murder. Locally.
                   THE COURT: Okay. Locally or somewhere
16
                                                                    17
                                                                                        THE COURT: Thank you. | Did you have your
17
   else?
                                                                     18 hand up, Mr. Garcia? Badge number 051,
                   PROSPECTIVE JUROR: California.
18
                   THE COURT: Anybody else on that row? No.
                                                                     19
                                                                                        PROSPECTIVE JUROR: My, son, drugs,
19
                                                                     20 locally.
   Yes, ma'am. Ms. Mills, badge number 016.
20
                                                                                       THE COURT: Thank you. Next, you had your
                   PROSPECTIVE JUROR: I have a cousin
                                                                     21
21
                                                                    22 hand up over there, Mr. Grindstaff.
   convicted of attempted murder.
22
                                                                                        PROSPECTIVE JUROR: My nephew as to gang
                   THE COURT: Was that locally or somewhere
                                                                    23
23
                                                                    24 activity.
24
   else?
                                                                                        THE COURT: Thank you! Who is next over
                   PROSPECTIVE JUROR: Locally.
                                                                    25
25
                                                            26
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i there, Ms. Johnson.
                                                                       1 questionnaire asked whether or not you have ever yourself
                    PROSPECTIVE JUROR: My daughter's father,
                                                                      2 or a family member worked in law enforcement. Let me ask
 3 ongoing domestic violence. He's waiting to be tried for
                                                                       3 another question along those lines. Is there anything who
  4 first degree murder, locally.
                                                                      feels they would give more weight or less weight to the
                    THE COURT: Your daughter's father.
                                                                      5 testimony of a police officers simply because they're
                    PROSPECTIVE JUROR: Yes.
                                                                       6 police officers? Anybody? No hands. Thank you, very
                    THE COURT: Does that involve you as a
                                                                      7 much.
    victim?
                                                                                        Does everybody here believe that they
                                                                      9 would be able to follow all of the instructions on the law
                    PROSPECTIVE JUROR: No. Yeah. I take that
 10
    back, yes. Yes.
                                                                      10 that will be given by the court, even if the instructions
                    THE COURT: Thank you. Did you have your
                                                                     11 differ from your personal beliefs as to what the law ought
 11
 12 hand up? Is that Mr. White.
                                                                     12 to be?
                    PROSPECTIVE JUROR: Yes. I was arrested
                                                                     13
                                                                                        Do you understand what I'm asking there?
 13
    like 20 years ago for domestic violence. I had a fight
                                                                     14
                                                                                        I don't write the questions. I do
    with my older sister.
                                                                     15 interpret them and try and make them a little more
 15
16
                    THE COURT: How old were you at the time?
                                                                     16 understandable for you.
17
                    PROSPECTIVE JUROR: I believe I was 19 or
                                                                                        Essentially, before we get started, after
                                                                     17
 18
    20.
                                                                     18 we seat a jury, I'll kind of tell you a little about how
 19
                   THE COURT: Was that locally?
                                                                     19 the case will proceed and how you'll receive evidence, how
                   PROSPECTIVE JUROR: Yes, sir.
                                                                     20 witnesses will be called and so forth. And they'll be
20
21
                   THE COURT: Thank you. How about the
                                                                     21 some real preliminary instructions in there on some legal
22 third row, Mr. Davie.
                                                                     22 issues. But at the end of the case, after you have
23
                   PROSPECTIVE JUROR: 059, my brother
                                                                     23 received all of the evidence and heard all of the
24 domestic abuse in Philadelphia, Pennsylvania.
                                                                     24 testimony, but before the attorneys give their closing
                   THE COURT: Thank you. What's your badge
                                                                     25 arguments, I'll read you a little more lengthy
25
                                                                                                                                 31
 i number?
                                                                      ! instructions on what the law is in the State of Nevada.
                                                                                        You're the fact finders. Your job is to
                   PROSPECTIVE JUROR: 069.
                                                                      2
                   THE COURT: Thank you. Is it Matts?
                                                                      3 figure out what the facts are of this proceeding. And you
                   PROSPECTIVE JUROR: Matts. Both brothers,
                                                                      4 apply the law to those facts and you come up with a result
   drugs in Hawaii.
                                                                      5 that you believe is appropriate. What I'm asking now is
                                                                      6 you've got to be willing, as jurors, to accept that the
                   THE COURT: Thank you. Anybody else in
   that row. Yes, on the end.
                                                                      7 laws is as I tell you it is. And even though you may
                   PROSPECTIVE JUROR: 074, brother, burglary
                                                                     8 think there is something else that should be the law, you
    robbery, locally.
                                                                     9 have to accept and apply the law as I tell you the law
10
                   THE COURT: Thank you. Ms. Sunga.
                                                                     10 exists. What I want to know is if there is anybody that
11
                   PROSPECTIVE JUROR: 072, my son with gang
                                                                     11 could not do that. Okay? See any hands? No. All
   activity elsewhere.
                                                                     12 right.
12
13
                   THE COURT: Thank you. Any of you all
                                                                     13
                                                                                        Thank you.
   over here? Yes, ma'am.
                                                                     14
                                                                                        All right. There are certain principles
14
                   PROSPECTIVE JUROR: 082, my two
15
                                                                     15 of law that apply in criminal cases. In particular, to
16 brothers-in-law and sister-in-law are convicted in an
                                                                     16 this proceeding, the principle I want to ask you about is
   offence. My sister in-law was prosecuted for drugs. One
                                                                     17 the State has the burden of proving certain things beyond
18 brother-in-law was a DUI. And one brother-in-law is in
                                                                     18 a reasonable doubt. Okay. Coes everybody understand that
                                                                     19 principle? Does everybody agree to that principle? Does
   prison now for molesting his step daughter.
19
20
                   THE COURT: And were any or all of those
                                                                     20 everybody think they can hold the State to their burden of
                                                                     21 proof? Anybody could not do that? Let's see your hands.
21 locally?
22
                   PROSPECTIVE JUROR: Locally.
                                                                     22 No.
                   THE COURT: Thank you very much.
23
                                                                    23
                                                                                       All right. Thank you, very much.
24
                   All right, folks. Thank you.
                                                                                       All right. I'm going to ask, in a minute,
                   Are there any of you -- I know the
25
                                                                    25 whether it's going to be an undue burden to serve. And I
                                                           30
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STATE OF NEVADA vs. JAMES CHAPPELL

CHRISTOPHER R. ORAM, LTD. 520 SOUTH 4TH STREET! SECOND FLOOR LAS VEGAS, NEVADA 89101 TEL. 702.384-5563 | FAX. 702.974-0623

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CHRISTOPHER R. ORAM, LTD. SOUTH 4 TH STREET SECOND FLOOR LAS VEGAS, NEVADA 89101 702.384-5563 FAX. 702.974-0623	1	7	VERDICT - COUNT III (FILED 10/16/1996)	1749-1749
	2	9	WARRANT OF EXECUTION (FILED 12/31/1996)	2193-2197
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CERTIFICATE OF SERVICE

I hereby certify and affirm that this document was filed electronically with the Nevada Supreme Court on this 18th day of November, 2013. Electronic Service of the foregoing document shall be made in accordance with the Master Service List as follows:

CATHERINE CORTEZ-MASTO Nevada Attorney General STEVE OWENS Chief Deputy District Attorney CHRISTOPHER R. ORAM, ESQ.

BY:

/s/ Jessie Vargas
An Employee of Christopher R. Oram, Esq.