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Tracie K. Lindeman
Clerk of Supreme Court

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Respondent.

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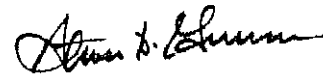
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CLERK OF THE COURT

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2
3 DISTRICT COURT
4 CLARK COUNTY, NEVADA

5 THE STATE OF NEVADA,

6 Plaintiff,

7 vs.

8 JAQUEZ DEJUAN BARBER,

9 Defendant.

CASE NO. C268471

DEPT. NO. XX

10
11 BEFORE THE HONORABLE JEROME T. TAO, DISTRICT COURT JUDGE

12
13 TUESDAY, OCTOBER 9, 2012

14 **ROUGH DRAFT**
15 **RECORDER'S TRANSCRIPT OF**
16 **JURY TRIAL - DAY ONE**

17
18
19
20 APPEARANCES:

21 For the State:

HAGAR TRIPPIEDI
Deputy District Attorney

22
23 For the Defendant:

KERRI J. MAXEY
CLAUDIA L. ROMNEY
Deputies Public Defender

24
25 RECORDED BY: SARA RICHARDSON, COURT RECORDER

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WITNESSES:

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[None]

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EXHIBITS

PAGE

[None]

1 LAS VEGAS, NEVADA, TUESDAY, OCTOBER 9, 2012, 12:37 P.M.

2 * * * * *

3 [Outside the presence of the prospective jury]

4 THE COURT: All right. On the record, State versus Jaquez Barber,
5 C268471. Mr. Barber is present in custody. All right. Anything that either side
6 wanted to put on the record or address?

7 MS. ROMNEY: I can't think of anything.

8 THE COURT: No? All right. A couple things, how do you guys want to
9 do the alternates? Do you guys want to pick two chairs? Do you want to do the
10 last two in, you know, jurors number 13 and 14? You tell me what you guys
11 want to do.

12 MS. ROMNEY: It doesn't matter to us, Judge, whatever. The last two --

13 THE COURT: Any preference?

14 MS. ROMNEY: -- are fine.

15 MS. TRIPPIED: Doesn't matter.

16 THE COURT: So it just -- so it would be -- it would be the jurors
17 numbered 13 and 14. For the preempts then, do you guys want to do four plus
18 one or five? You know what I mean by that? Do you know what I mean by four
19 plus one versus five? In other words, do you want to save one for the alternates
20 or just do five spread out through the whole box?

21 MS. ROMNEY: Let's do five throughout -- do you care, Hagar?

22 MS. TRIPPIED: It doesn't matter.

23 MS. ROMNEY: Well, I was going to say five throughout the whole box
24 just keep it --

25 THE COURT: Yeah, most people seem to prefer that.

1 MS. ROMNEY: -- simple.

2 THE COURT: Some -- yeah, it's simpler that way. But some people
3 prefer four plus one. But I don't know why it makes a difference. Any special
4 questions that either side wanted me to ask of the panel rather than you guys?

5 MS. ROMNEY: I don't think so. I will -- I would like to ask you this, since
6 I've not done a trial in front of you before, do you do panel or individual? Or do
7 you have a preference?

8 THE COURT: What I do is I have a series of questions that I ask
9 everybody in the room then we go to the box. What I'll do is I'll start with the guy
10 in the back left and go through --

11 MS. ROMNEY: Right.

12 THE COURT: -- just -- and ask for a biographical description, you know,
13 what do you do, does your wife work, any adult kids, what do they do.

14 MS. ROMNEY: Right.

15 THE COURT: Ever served on a jury before, ever been involved in law
16 enforcement, et cetera, et cetera. And then after I'm done with them you guys
17 can ask follow-up questions of everybody. We don't go one by one. That's kind
18 of the slow way to do it.

19 MS. ROMNEY: That's totally fine with that.

20 THE COURT: Just, yeah, ask of the panel. Couple of -- what I do with
21 jury selection is one of the first questions I ask is I'll ask, you know, in this trial it
22 shouldn't be an issue because it's a relatively short trial, but I'll ask the undue
23 burdens questions, "Is there anybody for whom serving as a juror in this case
24 would constitute an undue burden?" And what I do is I'll see how many people
25 raise their hands, and I'll kind of sweep through them and see what their

1 excuses are.

2 MS. ROMNEY: Uh-huh.

3 THE COURT: Hopefully in a short trial like this it won't be a big issue, but
4 what I do is I get all their answers and then I'll call you guys up to a sidebar and
5 we'll figure out how we want to, you know, deal with it. If there is, you know, my
6 general thinking is if only, say, three people raise their hands, we might as well
7 let them go. If it's ten, then we have to discuss, you know, where we want to cut
8 it off, who we want to let off, or whatever -- whatever the reasons are.

9 One thing that's unusual about this courtroom, because this is the
10 courtroom that was originally built for Judge Halverson, I don't know if you guys
11 remember this or not, so this courtroom has some unusual dimensions. This
12 bench is a lot further forward than most courtrooms. The reason I bring that up,
13 that's a long way of saying this, when you guys come up for sidebars, because
14 I'm actually almost in the kind of well area here and most judges are about five
15 feet behind for some weird acoustical reason, if you're standing back where you
16 are you can't hear what's being whispered, but Randy can hear and that juror in
17 that far box can hear.

18 MS. ROMNEY: Okay.

19 THE COURT: I don't know why. It seems like it bounces out diagonally.
20 So when you're at sidebars we all have to make sure to really, really whisper
21 because otherwise it's literally like those last two seats can hear, but these guys
22 can't. And I don't know why that is. So when we have sidebars, just kind of
23 keep that in mind.

24 And also sidebars are not transcribed. They're recorded, but when
25 we're whispering who knows. So what happens is if there is any objections that

1 we deal with at sidebars at the next break I'll ask everybody is there anything
2 that either wanted to address and you can make a record at that point.

3 All right.

4 MS. ROMNEY: Do you have a preference, when -- when we're doing jury
5 selection, like, can we make challenges for cause, like, out in the open and that
6 kind of thing? Or do you prefer that we do it at the bench?

7 THE COURT: I prefer to do it at a sidebar, yeah.

8 MS. ROMNEY: Okay. So you want -- if we have something you just ask
9 to approach and deal with it up there?

10 THE COURT: Yeah, exactly.

11 MS. ROMNEY: Okay.

12 THE COURT: The other thing is with the undue burdens, the way I do it is
13 when I get all their response, and again, hopefully it's not a big issue in a short
14 trial, but when I get all the response, you know, they'll have work issues or child
15 care or whatever it is. My approach is, you know, that's before you guys ever
16 get a chance to question anybody, so what I do is when we -- when I've gotten
17 all their answers I'll call you guys up and we'll have a discussion. And what I'm
18 looking for at that stage is I'm not necessarily entertaining challenges, what it is
19 is based on their responses are their people that you guys agree we'll just let go.

20 If there is no agreement then we'll keep them for further
21 questioning. But it's literally just we'll figure out what they're, you know, if it's
22 plane tickets or something, you know, usually there is some things that are
23 obviously plane tickets stuff like that, but if there is some things that are
24 questionable, maybe you guys will agree, maybe you guys won't. But if there is
25 agreement I'll just let them go. If there is no agreement it doesn't mean they're

1 on the jury, it just means that we're just going to keep them here for the time
2 being. So it's really just sort of a quick stipulation thing, hey, who can we let go
3 of the people that claim to have issues?

4 Again, I don't how big a deal that's going to be in this case. But, you
5 know, it's not like we're doing, like, a three-week trial here. But -- but you never
6 know, right? All right, so --

7 MS. TRIPPIEDI: Your Honor, I do have an amended information to file.

8 THE COURT: Oh, okay.

9 MS. TRIPPIEDI: And it's just a small change in the amount of cash that
10 was changed and then I added the victim's husband. And the defendant is
11 aware that I was going to be filing it.

12 THE COURT: Okay.

13 MS. TRIPPIEDI: So can I approach and go ahead and file it?

14 THE COURT: Do you guys have any objection? I don't even know what's
15 in it, but all right. So that supersedes the one that was filed on November 4,
16 2010?

17 MS. TRIPPIEDI: Yes.

18 THE COURT: All right. Then without objection the second amended
19 information will be -- is allowed to be filed and will be the operative document in
20 this case. Then I'll just ditch this one. And, all right, anything else that either
21 side wanted to address?

22 MS. ROMNEY: I don't think so. Do we get our jury list though?

23 THE COURT: Yeah. Well, what -- we don't have them right now.
24 Randy's got to go down and get 'em, and when he brings them back we'll have a
25 list. Unfortunately, you know, with the elevators in this building it's going to take

1 a good 15 minutes to get them up here. So we're going to have -- have to take a
2 little bit of recess but, all right, let's go off the record. And, Randy, we can go
3 grab the jurors then.

4 THE MARSHAL: Yes, sir.

5 [Recess at 12:42 p.m.; proceeding resumed at 1:18 p.m.]

6 [In the presence of the prospective jury]

7 THE COURT: All right. Good afternoon, ladies and gentlemen. Welcome
8 to Department 20 of the Eighth Judicial District Court. You've all been
9 summoned here today to serve as prospective jurors in a criminal case. First of
10 all, let me thank you for your willingness to serve. The jury is quite possibly the
11 most important part of the criminal justice system. Without people in the
12 community who are willing to serve as jurors, we would not be able to resolve
13 criminal cases and determine whether or not someone charged with a crime is in
14 fact guilty of that crime.

15 Over the next couple of days, and this is only going to be a couple
16 of days, it's a relatively short trial, we will be doing a number of things. And I just
17 want to apologize in advance because I know jury service sometimes is a little
18 bit annoying. I know when most of you received your summons the majority of
19 you probably were not all that thrilled. There probably were a few of you who
20 really were interested, but I know that jury service is -- it's inconvenient, we kind
21 of pull you out of your lives for a few days, and then when you're here there is a
22 lot of -- as I'm sure you've experienced already -- a lot kind of sitting around and
23 waiting. And there is going to be some of that over the next couple days. I'll do
24 what I can to minimize that. But a lot of it is required. There are things that we
25 have to do sometimes outside of the presence which the law requires me to do,

1 and I can't avoid that. But I do want to apologize in advance. I'm aware of what
2 an inconvenience it is. And I will try to minimize it. But as I said, it's just part of
3 the process. And I hope all of you will bear with me.

4 Ultimately, 14 of you will be going forward as jurors and alternates
5 in this case. There are obviously more than 14 people in this room right now.
6 The reason we summoned more jurors than necessary is some people may not
7 be able to serve as jurors in this case. What we're going to do today is try to
8 figure out who can and who cannot serve. There are all kinds of reasons why
9 someone may not be able to serve in this case. Some obvious examples are if
10 you know somebody involved with this case, if you're good friends with one of
11 the attorneys, if you're good friends with one of the witnesses in this case you
12 obviously may be able to serve as a juror in a case but probably not this one.
13 So what we're going to do right now is go through a process of trying to figure
14 out -- trying to figure out who is and who is not eligible to serve as jurors in this
15 case.

16 Procedurally what's going to happen is this, I'm going to start off by
17 asking everybody in the room certain questions, in response to any of my
18 questions if you have an answer please raise your hand, wait 'til Randy hands
19 you the microphone, everything that happens in this courtroom is going to be
20 recorded on to audiotape, so everything needs to be spoken into the
21 microphone. When you get the microphone, please look at the badge that's on
22 your chest and give me the last three digits of the juror number that's on that
23 badge and then say your name into the microphone, that way there is a clean
24 record of who is speaking.

25 Jury service will be done under oath. Before I swear you under

1 oath, I want to make sure that all of you are at least minimally eligible to serve.
2 Is there anybody here who has been convicted of a felony either in Nevada or
3 any other state and have not had your civil rights restored?

4 All right. Is there anybody here who is not a United States citizen?

5 Does anybody here have any language, hearing, or serious medical
6 issues that would prevent you from serving as a juror in this case?

7 All right. There being no answers to any of the of those questions,
8 Madam Clerk, let's have the members of the panel sworn in.

9 [The prospective jury panel was sworn in by the clerk]

10 THE COURT: All right. What I'm going to do now is ask the attorneys in
11 this case to stand up and introduce themselves to you, tell you a little bit about
12 the case, and also list the names of the witnesses that that they might call in this
13 case. What I would ask all of you to do is please listen carefully to the names. If
14 you need a name repeated or spelled please raise your hand and let me know.
15 When all the names have been read to you I'm going to ask if anybody here
16 knows any of those names, thinks they might know one of those people, or
17 thinks they might have heard something about either this case or about one of
18 those people.

19 One of the attorneys is also going to tell you the address where this
20 incident happened. If you live near that address, if you think you know someone
21 who lives there, please raise your hand also and let me know.

22 Ms. Trippiedi. I'm sorry?

23 MS. TRIPPIEDI: Good afternoon, ladies and gentlemen.

24 THE MARSHAL: Ms. Trippiedi, hang on one second.

25 THE COURT: Hang on one second.

1 THE MARSHAL: Jurors, at this time please turn off your cell phones, if
2 you have haven't already done so. And with the microphone, when you're
3 answering a question, wait 'til you get the microphone. You need to speak
4 directly into the top of it so that it picks up on the recording. If you don't, it won't.
5 We need the last three of your badge and your name please. Thank you.

6 THE COURT: All right. Ms. Trippiedi.

7 MS. TRIPPIEDI: Good afternoon, ladies and gentlemen. My name is
8 Hagar Trippiedi and I represent the case of the State of Nevada versus Jaquez
9 Barber which we are prosecuting during this trial. And the case involves a
10 burglary and grand larceny that occurred on January 21, 2009, at a residence
11 located at 1873 Star Sapphire Court here in Las Vegas, Clark County, Nevada.

12 And part of the case the State is alleging that the defendant, Jaquez
13 Barber, broke into the home in the early hours of that morning and stole
14 \$6,000.00 in cash from the residents that lived there. And I'm going to go
15 through and list the people that are associated with this case. Now, we may not
16 call of all of these people, but please listen carefully to the following names and
17 if you recognize or know any of these people, let the judge know.

18 The first person is police officer, Carol Farris; Chad Shevlin, also
19 from the Las Vegas Metropolitan Police Department; Sabrina Steinmetz, also
20 from Metro; Edward Guenther from Metro; Robbie Dahn, a crime scene analyst
21 with the Las Vegas Metropolitan Police Department; Alice Maceo with the
22 forensics lab of the Las Vegas Metropolitan Police Department; Vicki Farnham,
23 also from the forensics lab; Kathryn Aoyama, also from the forensics lab of the
24 Las Vegas Metropolitan Police Department; police officer -- actually, police
25 detective Jayme Nordstrom; police officer, Aida Wilson; police officer, Michael

1 Palmer; and the victims in this case are Aldegunda Mendoza and Sergio Martin.
2 Thank you.

3 THE COURT: All right. Did any of those names ring any bells or does
4 anyone need a name repeated? All right.

5 For Mr. Barber? I don't know who wants to --

6 MS. MAXEY: My name is Kerri Maxey. And I'm the attorney representing
7 my client, Jaquez Barber.

8 MS. ROMNEY: My name is Claudia Romney. And together we are
9 representing -- do you want to stand up so they can see you -- this is Mr. Barber.

10 THE COURT: All right. I have a few more names. My name is Jerome
11 Tao, I sometimes go by Jerry Tao. I'm going to name my staff to make sure that
12 nobody here is personal friends with any of the staff. To my right is my court
13 clerk, Linda Skinner. To her right is the court recorder, Sara Richardson. You
14 guys have already met Randy Hawkes. My judicial assistant is Paula Walsh.
15 And my law clerk is Amy Yonesawa. Does any of those -- do any of those
16 names ring any bells for anybody here?

17 All right. Excellent. This case is not going to be very long. It's
18 expected to last two days, today and tomorrow. There is a good chance that it
19 will finish by the end of tomorrow afternoon, but to be conservative, I'm going to
20 say it may last into Thursday. The hours of this trial will be today until just before
21 5:00 o'clock. We have to be out of here before 5:00 because under the new
22 budget environment we can't really pay a lot of overtime any more, so we'll be
23 adjourning before 5:00 o'clock every day.

24 Tomorrow the trial will be 12:00 o'clock to 5:00 o'clock. And then
25 Thursday, if we go into Thursday, I'm not exactly sure what time we can start in

1 the morning. I'd like to start as early as possible, let's say 11:00 to 5:00 just to
2 be safe. Is there anybody here for whom serving during those hours would be
3 an undue burden? And by undue burden, I don't mean you don't want to be
4 here, or it's annoying or you'd rather be somewhere else, but -- and I also
5 understand that it's -- when you're here you're obviously not going to be at work,
6 but the question is is there anybody here for whom that would be a real hardship
7 economically, or you have no child care, or you have plane tickets out of town?

8 All right. We have some hands up. Randy, where is the
9 microphone? Does somebody have the microphone? All right. Let's start with
10 the -- the lady over here. And what is your, hi, what is your badge number,
11 ma'am?

12 PROSPECTIVE JUROR NO. 204: 204.

13 THE COURT: 204, Ms. Ponson.

14 PROSPECTIVE JUROR NO. 204: Yes.

15 THE COURT: All right, what is your situation?

16 PROSPECTIVE JUROR NO. 204: I have two small children at home that
17 I need to take to and from school everyday.

18 THE COURT: All right. How old are the kids?

19 PROSPECTIVE JUROR NO. 204: My son's 11, my daughter's 5.

20 THE COURT: Eleven and five, so, I mean, we won't be starting until
21 around noontime on all three days. What time do you need to pick them up in
22 the afternoon?

23 PROSPECTIVE JUROR NO. 204: My daughter goes to school in the
24 afternoon, 12:55.

25 THE COURT: Okay. Is there anyone else who for the next two, possibly

1 three days, can do that?

2 PROSPECTIVE JUROR NO. 204: No. I work at night so I have daycare
3 for night. So I don't have anybody available during the day.

4 THE COURT: Who's watching them right now, if you don't mind me
5 asking?

6 PROSPECTIVE JUROR NO. 204: My sister, she had to take off work. I
7 had to pay her for her work.

8 THE COURT: Okay. And she can't do that for the next couple days?

9 PROSPECTIVE JUROR NO. 204: Huh-uh.

10 THE COURT: All right. So you drop your daughter off at you said at
11 12:55?

12 PROSPECTIVE JUROR NO. 204: 12:55.

13 THE COURT: And what time do you need to pick them up?

14 PROSPECTIVE JUROR NO. 204: 3:30.

15 THE COURT: And is that both of them at 3:30 or just one of them?

16 PROSPECTIVE JUROR NO. 204: Both of them.

17 THE COURT: And what hours do you work?

18 PROSPECTIVE JUROR NO. 204: I work sometimes 8:30 to 5:00 in the
19 morning.

20 THE COURT: 8:30 'til 5:00 in the morning?

21 PROSPECTIVE JUROR NO. 204: Yeah.

22 THE COURT: Everyday?

23 PROSPECTIVE JUROR NO. 204: Uh-huh, well, four times a week.

24 THE COURT: Okay. So would you normally be sleeping right now?

25 PROSPECTIVE JUROR NO. 204: Yeah.

1 THE COURT: Okay.

2 PROSPECTIVE JUROR NO. 204: I'm also three-and-a-half-months
3 pregnant with extreme nausea, and so I don't know if running to the bathroom to
4 throw up is okay.

5 THE COURT: Gotcha. All right. Let me make a note of that. Let me do
6 this, let me get through everybody else and see what they're -- what's going on
7 with them and come back to you. All right?

8 PROSPECTIVE JUROR NO. 204: Okay.

9 THE COURT: Who else had their hand up?

10 THE MARSHAL: Folks, can you remember to answer "yes" or "no" if it's is
11 "yes" or "no" question? Uh-huhs don't translate very well.

12 THE COURT: Right. And what's your badge number, sir?

13 PROSPECTIVE JUROR NO. 259: 259.

14 THE COURT: 259, Mr. Sammons?

15 PROSPECTIVE JUROR NO. 259: Yes.

16 THE COURT: All right. What is your situation?

17 PROSPECTIVE JUROR NO. 259: I'm babysitting for the next few days.
18 My sister, she's in town, I'm the only one -- only family member in town to baby-
19 sit. So I have to watch my niece for the next few days.

20 THE COURT: How old is your niece?

21 PROSPECTIVE JUROR NO. 259: She's two and a half.

22 THE COURT: And is there anyone else who can watch her for, I mean,
23 we're only going basically half days for two, possibly three days.

24 PROSPECTIVE JUROR NO. 259: I have my roommate, but he's not
25 really responsible.

1 THE COURT: Okay. So this is your -- your sister's child, and your sister,
2 you said, is out of town, is that what you said?

3 PROSPECTIVE JUROR NO. 259: She's in town, but she has, like,
4 conventions and stuff like that going on. And I'm the only one in town to baby-
5 sit.

6 THE COURT: All right. You don't have any other family members in
7 town?

8 PROSPECTIVE JUROR NO. 259: I'm the only one on this side of the
9 country.

10 THE COURT: What, I mean, what hours is -- she can't even take off, like,
11 say 12:00 to 5:00 for a couple days?

12 PROSPECTIVE JUROR NO. 259: No. Her conventions run from about
13 8:00 in the morning 'til almost 8:00 at night.

14 THE COURT: All right. And who's watching the child right now?

15 PROSPECTIVE JUROR NO. 259: My roommate.

16 THE COURT: Okay.

17 PROSPECTIVE JUROR NO. 259: And he's not very responsible.

18 THE COURT: Okay. All right. Let me get you to pass the microphone
19 and I'll come back to you. Okay. Who else had their hand up in that front row
20 there? Hi, what is your badge number?

21 PROSPECTIVE JUROR NO. 264: 265 -- or four.

22 THE COURT: Two -- Mr. Vasquez?

23 PROSPECTIVE JUROR NO. 264: 264.

24 THE COURT: 264, Mr. -- is it Burgett or Burgett?

25 PROSPECTIVE JUROR NO. 264: Burgett.

1 THE COURT: Burgett. All right. What's your situation?

2 PROSPECTIVE JUROR NO. 264: Yeah, I don't have a driver's license. I
3 live in Searchlight. My niece's husband come pick me out or came and picked
4 me up here.

5 THE COURT: All right. So -- so that person drove you here today?

6 PROSPECTIVE JUROR NO. 264: Yeah, he's shopping.

7 THE COURT: Okay. Is he -- is he free to drive you and pick you up the
8 next couple days or not?

9 PROSPECTIVE JUROR NO. 264: Nah, he works for the State of Arizona.

10 THE COURT: Okay. All right. I appreciate it. Let me get you to pass the
11 microphone. Who else had their hand up back there? Oh, and Randy, we have
12 someone here with their hand up over here now, let's go to him.

13 What's your badge number, sir?

14 PROSPECTIVE JUROR NO. 265: 265.

15 THE COURT: You're Mr. Vasquez?

16 PROSPECTIVE JUROR NO. 265: Yes.

17 THE COURT: All right. What's your situation?

18 PROSPECTIVE JUROR NO. 265: I'm head of household. I work from
19 1:00 to 9:30. I'm actually supposed to be at work right now.

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

21 PROSPECTIVE JUROR NO. 265: I work at O'Reilly's Auto Parts.

22 THE COURT: Are you on salary or are you paid by the hour?

23 PROSPECTIVE JUROR NO. 265: I'm paid by the hour.

24 THE COURT: Can you change your work hours around? We're not
25 having trial in the mornings or we're not going in the evenings, can you swap it

1 around to maybe start at, like, 9:00 in the morning or something like that?

2 PROSPECTIVE JUROR NO. 265: I could talk to the store manager, but
3 we're shorthanded at the time.

4 THE COURT: Okay. It's basically today, you know, it sounds like it could
5 be today and tomorrow from 12:00 to 5:00ish. I guess a small chance of
6 Thursday but, you know, there is a high possibility it may just be today and
7 tomorrow, can you switch it around -- can you at least call them during the next
8 break and see if you can switch it around, like, 9:00 --

9 PROSPECTIVE JUROR NO. 265: I can call 'em.

10 THE COURT: -- 9:00 to 12:00 or something like that and then maybe 6:00
11 to whenever?

12 PROSPECTIVE JUROR NO. 265: I can give them a call.

13 THE COURT: All right. Okay. So let's -- let me make a note of that, and
14 maybe during the next break you can make that phone call and let me know?

15 PROSPECTIVE JUROR NO. 265: Yeah.

16 THE COURT: All right. I appreciate you letting me know though. Who
17 else had their hand -- oh, we have someone over here now? All right. What is
18 your badge number?

19 PROSPECTIVE JUROR NO. 234: 653.

20 THE COURT: 653?

21 PROSPECTIVE JUROR NO. 234: Uh-huh.

22 THE COURT: Are you sure you're looking at the last three digits?

23 PROSPECTIVE JUROR NO. 234: Oh, 234. Sorry.

24 THE COURT: 234, Ms. Broadnax?

25 PROSPECTIVE JUROR NO. 234: Yes.

1 THE COURT: All right. What is your situation?

2 PROSPECTIVE JUROR NO. 234: I work a full-time job. I'm, a lead at
3 Primm Casino. And I've already missed two days. Today and I was sick on
4 Saturday. And I personally can't afford to miss any more days. I just moved into
5 my new place. And I just can't afford to miss any days of work. I've already
6 missed two. And today was, like, pushing it.

7 THE COURT: All right. What are your work hours?

8 PROSPECTIVE JUROR NO. 234: I work 8:00 to 4:00.

9 THE COURT: 8:00 to 4:00, can that be swapped, switched around?

10 PROSPECTIVE JUROR NO. 234: I'm not sure. I can find out, but I
11 don't -- I doubt it.

12 THE COURT: All right. And what is your job there again?

13 PROSPECTIVE JUROR NO. 234: I'm a lead porter.

14 THE COURT: All right. Let me do this, can I ask you to do the same thing
15 that I asked the other gentleman, maybe during the next break can you make a
16 phone call and ask if that's possible? And then let me know.

17 PROSPECTIVE JUROR NO. 234: Okay.

18 THE COURT: All right. I appreciate that.

19 PROSPECTIVE JUROR NO. 234: Thank you.

20 THE COURT: And who else had their hand up back there?

21 PROSPECTIVE JUROR NO. 272: Badge number 272.

22 THE COURT: 272, Mr. Delgado?

23 PROSPECTIVE JUROR NO. 272: Yes.

24 THE COURT: All right. What is your situation?

25 PROSPECTIVE JUROR NO. 272: I have a -- mental challenged son so

1 he need my help all the time.

2 THE COURT: All right. I kind of missed the first part of that, can you
3 repeat it?

4 PROSPECTIVE JUROR NO. 272: I have a mental-challenged son.

5 THE COURT: Oh.

6 PROSPECTIVE JUROR NO. 272: So he need my help 24-7 basically.

7 THE COURT: All right. How old is he?

8 PROSPECTIVE JUROR NO. 272: Ten years old.

9 THE COURT: And is there anyone else who can watch him basically this
10 afternoon and tomorrow?

11 PROSPECTIVE JUROR NO. 272: He's in school right now. So I asked --
12 I have to wait for him with -- when the bus drops him off at 3:00 o'clock.

13 THE COURT: What does -- school gets out at what time? 2:00 o'clock?

14 PROSPECTIVE JUROR NO. 272: 3:00 o'clock.

15 THE COURT: 3:00 o'clock. And is there anyone else who can watch him
16 for, I-mean, essentially it's 3:00 to 5:00, you know, today, tomorrow, and maybe
17 Thursday; is there anyone who can do that?

18 PROSPECTIVE JUROR NO. 272: Not right now, no.

19 THE COURT: So who's going to pick him up today then?

20 PROSPECTIVE JUROR NO. 272: I'm trying to get out of here as soon as
21 possible.

22 THE COURT: So you don't have any other family members or does the
23 school have any kind of after --

24 PROSPECTIVE JUROR NO. 272: They're working right -- no, they're
25 working.

1 THE COURT: Does the school have any kind of after-school program?

2 PROSPECTIVE JUROR NO. 272: No, they don't, not in my school.

3 THE COURT: All right. Let me make a note of that. Let me come back to
4 you.

5 Who else had their hand up? Let me just see what everyone else's --
6 anyone else have their hand up? All right. Let me get counsel to approach very
7 quickly.

8 [Bench conference -- not transcribed]

9 THE COURT: All right. Here's what we're going to do, the following
10 people are free to go, please report back to the jury services room on the third
11 floor and they'll give you further instructions, Badge Number 204, Ms. -- is it
12 Ponson or Ponson?

13 PROSPECTIVE JUROR NO. 204: Ponson.

14 THE COURT: Badge Number 234, Ms. Broadnax; Badge Number 259,
15 Mr. Sammons; Badge Number 264, Mr. Burgett; Badge Number 265,
16 Mr. Vasquez; and Badge Number 272, Mr. Delgado.

17 And -- all right, and then what we're going to do now, as soon as they're
18 out, is since we have some open seats we're going to kind of adjust everybody
19 else so we don't have any open seats. All right.

20 THE CLERK: Okay. Badge 237 and Badge 248.

21 THE COURT: All right. Is there anyone here who for any other reason
22 that I have not covered would be unable to serve as jurors in this particular
23 case?

24 All right. Ma'am, what is your badge number?

25 PROSPECTIVE JUROR NO. 173: 173, Dollie Austin.

1 THE COURT: Ms. Austin, all right, what is your situation?

2 PROSPECTIVE JUROR NO. 173: The situation is if it was a civil case I
3 would feel comfortable. I do not feel comfortable with a criminal case. So I just
4 thought I would let you know.

5 THE COURT: And why is that?

6 PROSPECTIVE JUROR NO. 173: Mostly because I would hate to decide
7 whether it's life or death or jail or not an individual, as one of Jehovah's
8 witnesses I feel very uncomfortable making those decisions. I know you have
9 to. I know that is your job, but I just thought I'd let you know how I felt.
10 Whatever your decision, though, I'll abide by it.

11 THE COURT: No, I understand. Well, here's the situation, you actually
12 would not be deciding on the issue of punishment. The way trials work is you're
13 here to decide whether or not he is guilty of the crimes that he has been charged
14 with.

15 PROSPECTIVE JUROR NO. 173: Okay.

16 THE COURT: Sentencing is done at a later date, and sentencing is done
17 by the Court. In other words, that's my decision.

18 PROSPECTIVE JUROR NO. 173: I know.

19 THE COURT: So you don't -- in fact, one of the standard instructions that
20 I'll give you at the end of the trial is that you're not to consider the possibility of
21 whatever sentence he may get as any factor in determining whether or not he's
22 guilty.

23 PROSPECTIVE JUROR NO. 173: Okay.

24 THE COURT: So I don't know if that affects your willingness to serve at
25 all or not because it seems like that was the concern that you expressed. Does

1 that make it easier?

2 PROSPECTIVE JUROR NO. 173: Well, that is a concern because I hate
3 to make judgment like that about people's future. So but, you know, whatever
4 you decide I will abide by. I just wanted to let you know.

5 THE COURT: All right. I appreciate you're letting me know. It's always
6 better to know more than less. All right. Anyone else have any -- it sounds like
7 we have another response? What is your badge number?

8 PROSPECTIVE JUROR NO. 201: It's 201.

9 THE COURT: 201, Ms. -- is it Lukovac?

10 PROSPECTIVE JUROR NO. 201: Yes. I share the same feeling as the
11 lady just expressed. And I'm just not comfortable, again, judging. And I know
12 that decision is yours at the end, but still, I don't know how my conscience will
13 just deal with that, honestly.

14 THE COURT: Okay, now --

15 PROSPECTIVE JUROR NO. 201: But, again, I will go whatever you say.

16 THE COURT: No, I understand. You heard what I said to Ms. Austin
17 which is, you know, the decision as to sentencing is mine, you're just here to
18 determine whether or not the man charged with the crime is actually, factually
19 guilty of the crime that he's been charged with, right, does that make it easier?
20 Does that not make a difference?

21 PROSPECTIVE JUROR NO. 201: Well, it doesn't make a difference
22 really because in a way I'm not sentencing, but still I'm saying guilty or not guilty.

23 THE COURT: Okay. All right. I appreciate your -- your letting me know.

24 PROSPECTIVE JUROR NO. 201: You're welcome.

25 THE COURT: Thank you for your candor.

1 All right. Anyone else have a response to that question?

2 Has anyone here --

3 THE MARSHAL: Anybody else?

4 THE COURT: Oh, we do have a response here. Ma'am, what is your
5 badge number?

6 PROSPECTIVE JUROR NO. 060: Badge number is 0060.

7 THE COURT: Ms. Mendez?

8 PROSPECTIVE JUROR NO. 060: Yes.

9 THE COURT: All right. What was your situation?

10 PROSPECTIVE JUROR NO. 060: I'm diabetic. I have a colonoscopy
11 appointment on October 16, and it needs to have no food for two days before
12 the procedure is done. October 15, 16 or through 19, I have several
13 appointments.

14 THE COURT: Okay. I mean, let me ask you this, the 16th is still a week
15 away, you said you have to have no food for two days prior to that which I'm
16 assuming is the 14th and 15th, what's going on, all right, you know, the fact that
17 you're diabetic we can accommodate. What I -- what I was going to do a little bit
18 later on is does anybody have any health issues, bad backs are a common one,
19 but what I do is if anybody has any situation where they need to take break or
20 stand up, or walk around, you know, raise your hand and let me know. So that I
21 think we can accommodate.

22 But in terms of your colonoscopy, what -- does that affect your
23 ability to sit for long periods of time? Does that affect -- are you on any
24 medication right now?

25 PROSPECTIVE JUROR NO. 060: No. I'm -- I will be sedated on that day

1 for colonoscopy. And it will be in Summerlin Hospital. And I need a driver. And
2 -- but in coming here today I had a hard time. I had to walk four blocks where I
3 park my car over there in Fremont Experience. And I had to walk. Sometimes
4 it's so hard to be driving so far away and then walking a lot of blocks to come to
5 this building.

6 THE COURT: Well, okay, is the walking difficult? Does that have anything
7 to do with your colonoscopy or your diabetes? I'm not sure what you're saying.

8 PROSPECTIVE JUROR NO. 060: Because I usually wake up late and --
9 and then I will be hungry and then I don't want to have my blood sugar go below
10 or I will feel bad. But I'm okay today. But I didn't eat any breakfast because --
11 but I had a hard time looking for this where to park and it's -- but as far as my
12 health is okay today. But I do not know exactly the time is that this would be
13 started. What time should I be needed here?

14 THE COURT: You mean tomorrow? It would be 12:00.

15 PROSPECTIVE JUROR NO. 060: Yeah, what time?

16 THE COURT: 12:00 to 5:00.

17 PROSPECTIVE JUROR NO. 060: 12:00 to 5:00, I guess so. It's -- it's
18 okay because all I am thinking is about the -- the 15, 16.

19 THE COURT: Right. We should be, I mean, unless something goes
20 horribly wrong, we're going to be finished by then. It's -- there aren't that many
21 witnesses to be called. So it's basically today, tomorrow, small chance of
22 Thursday; are you okay for those three days?

23 PROSPECTIVE JUROR NO. 060: I guess so. But is there any parking
24 place that is closer to this building instead of over there in Fremont Experience?

25 THE COURT: You know, what I recommend you do is maybe during the

1 next break ask Randy. I can't really --

2 PROSPECTIVE JUROR NO. 060: So I don't have to --

3 THE COURT: I don't know if jurors get any kind of special privileges at
4 any of the local parking places or not. I honestly don't know. You might know
5 about that.

6 THE MARSHAL: Well, the parking -- once you're a seated juror, we have
7 a parking garage directly across the street from the courthouse.

8 PROSPECTIVE JUROR NO. 060: Across --

9 THE MARSHAL: Where you'll park once you're a seated juror.

10 PROSPECTIVE JUROR NO. 060: Okay.

11 THE COURT: If you're one of the 14 you will be parking directly across
12 the street.

13 PROSPECTIVE JUROR NO. 060: Okay.

14 THE MARSHAL: So it's 50 feet from the entrance of the courthouse to the
15 garage.

16 PROSPECTIVE JUROR NO. 060: That's better than the one in Fremont
17 Experience and 4th Street.

18 THE MARSHAL: Unfortunately, for the number of jurors that we have to
19 come in for all the different trials going on in the building, that's the only facility
20 that the County could contract with that was large enough to accommodate all
21 the jurors.

22 PROSPECTIVE JUROR NO. 060: Okay. That's -- I think I can handle it.
23 I will be -- not I will -- I won't be carrying any food or sometimes I have to have
24 crackers so I won't be hungry. It's okay I think. It's all right.

25 THE COURT: All right. Well, what we can do is if you -- if you have a

1 blood sugar issue raise your hand and let me know, okay, and we can take a
2 break and you can -- Randy can show you where the snack machines are,
3 okay?

4 PROSPECTIVE JUROR NO. 060: All right. Okay.

5 THE COURT: All right. Has anyone here ever been engaged in law
6 enforcement work or have a spouse or close relative who has ever been
7 engaged in law enforcement work? And by law enforcement work I mean not
8 just the police department but the corrections system, any prosecutor's office --
9 hang on one second -- or -- and I'll include anyone who's a criminal defense
10 attorney. We have one hand up already.

11 What is your badge number, sir?

12 PROSPECTIVE JUROR NO. 161: 161, John Erickson.

13 THE COURT: Mr. Erickson, all right, what's your situation?

14 PROSPECTIVE JUROR NO. 161: Deputy sheriff out of Wyoming.

15 THE COURT: That would be you?

16 PROSPECTIVE JUROR NO. 161: Yes, sir.

17 THE COURT: And when was that?

18 PROSPECTIVE JUROR NO. 161: Last time it was 1987.

19 THE COURT: Are you retired now or are you doing a different line of
20 work?

21 PROSPECTIVE JUROR NO. 161: I have a different work. I drive a truck.

22 THE COURT: All right. So you left in 1987, how long did you do that
23 work?

24 PROSPECTIVE JUROR NO. 161: Eight years.

25 THE COURT: Eight years. Now, I don't know how Wyoming works, you

1 know, but every -- every state and every county is a little bit different in terms of
2 the sheriffs versus the police. What was your jurisdiction as a sheriff?

3 PROSPECTIVE JUROR NO. 161: The county that I worked in.

4 THE COURT: Okay. All right. So you did that for eight years? All right.
5 Let me ask you a couple questions along those lines, having done that, what do
6 you do now by way, what have you done since 1987?

7 PROSPECTIVE JUROR NO. 161: I deliver freight out of a truck.

8 THE COURT: Okay. So having done that line of work, I'm going to
9 assume that during your line of work you may have arrested people who are
10 charged with similar crimes to the crimes that have been charged in this case. I
11 know factually you don't really know what's going on in this case other than the
12 summary that's been given to you, but if you are asked to serve as a juror in this
13 case, would you find one side or the other to be more or less believable because
14 they -- because this is a criminal case, would you be more likely to find in favor
15 of the State just because you're in the same line of work? Would you be more
16 likely to find a police officer credible because he's engaged in the same line of
17 work?

18 PROSPECTIVE JUROR NO. 161: Yes, sir.

19 THE COURT: You would?

20 PROSPECTIVE JUROR NO. 161: Yes, I would.

21 THE COURT: And why is that? Just because they're in law enforcement?

22 PROSPECTIVE JUROR NO. 161: That and that we knew the penalty for
23 lying in court or, I mean, to me you're judged as an -- as an upstanding citizen as
24 a police officer and you've got to live that and that's how I lived.

25 THE COURT: All right. Well, let me ask you this, during your eight years

1 as a sheriff, I mean, as in any organization, there is -- you got your
2 superperformers at the top, the best people there; you've got a great mass of
3 people in the middle who are pretty good, maybe they have good days, bad
4 days; and you have, you know, some people who aren't quite up to standard.
5 You might have seen some officers who, you know, maybe just weren't doing
6 their jobs very well.

7 Now, not having seen any of the officers that we're talking about,
8 are you saying that you would automatically assume that we're getting the
9 superperformers testifying in this case or is there any possibility that you may
10 get an officer who is of slightly lesser quality in this case who maybe you would
11 take -- view his testimony a little bit suspiciously?

12 PROSPECTIVE JUROR NO. 161: I would probably put them in the
13 middle more than the super, you know, you're -- you're a good achiever but not
14 the super achiever I guess is what I want to say.

15 THE COURT: All right. All right. And let me ask you that I don't know
16 what procedures Wyoming follows, every department and every state may have
17 slightly different procedures in terms of how they investigate cases and
18 especially since you last served in 1987, back then they didn't have DNA, they
19 didn't have computers, they didn't have all kinds of this new, you know, stuff --

20 PROSPECTIVE JUROR NO. 161: Right.

21 THE COURT: -- that they have now, so you went through what is very
22 likely to be a different kind of training than officers receive nowadays. If officers
23 were to come in here and testify regarding what they did, their procedures and
24 the things that they did in investigating a particular case, would you be able to
25 put aside what you may have learned or what you may -- what you think you

1 may know as a result of your training and experience and evaluate the case
2 based only on what you hear in court?

3 PROSPECTIVE JUROR NO. 161: Yes, sir.

4 THE COURT: All right. But in terms -- now in terms of the credibility of
5 any witnesses in this case, you said that you would put the officers, as we sat
6 here now and not having even seen them, kind of in the middle.

7 PROSPECTIVE JUROR NO. 161: Right, yes, sir.

8 THE COURT: You're assuming they're pretty good, maybe they're, you
9 know, doing okay, maybe they have good days, bad days.

10 PROSPECTIVE JUROR NO. 161: Right.

11 THE COURT: So would you be able to evaluate them fairly and
12 impartially based on what you see here in court? Or would you -- would you not
13 be able to do that?

14 PROSPECTIVE JUROR NO. 161: To be honest with you I'm not sure. I
15 don't think I could. It's hard to answer. I can't answer to be real honest with you.

16 THE COURT: Right. I understand we're talking a little bit in a vacuum
17 here because you don't have all of the facts, you haven't even seen the officers.

18 PROSPECTIVE JUROR NO. 161: Right.

19 THE COURT: They're just names right now.

20 PROSPECTIVE JUROR NO. 161: Right.

21 THE COURT: But would you be, I mean, would you -- I guess ultimately
22 the question I'm getting to is this, you were in law enforcement for a while,
23 you've seen stuff, you've learned stuff, you hear stuff, right?

24 PROSPECTIVE JUROR NO. 161: Right.

25 THE COURT: If you were asked to sit here as a juror would you say, well,

1 he was arrested, he must be guilty?

2 PROSPECTIVE JUROR NO. 161: No, sir. I would not do that, no.

3 THE COURT: All right. And how about, oh, if the officers say this they
4 must be telling the truth, would you reach that conclusion?

5 PROSPECTIVE JUROR NO. 161: Yes, sir. I'd have to say, yes.

6 THE COURT: Without even knowing what they're going to say? I mean,
7 just talking about here in a vacuum.

8 PROSPECTIVE JUROR NO. 161: Oh, no, I'm sorry, I misunderstood you.
9 No, no, I wouldn't, Judge.

10 THE COURT: All right. So do you think you'd be able to keep an open
11 mind when any witnesses come in here and testify whether they're police
12 officers or, you know, some of them might be civilian employees who work for
13 the department?

14 PROSPECTIVE JUROR NO. 161: Most definitely, yes, sir.

15 THE COURT: Okay. So you'd be able to keep an open mind and be fair
16 and impartial?

17 PROSPECTIVE JUROR NO. 161: Yes, sir.

18 THE COURT: All right. I appreciate your letting me know that.

19 And who else had their hand up in response to that question? We have
20 kind of several. All right. Let's pass the microphone.

21 THE MARSHAL: Anyone else in the top row?

22 THE COURT: Oh, you know what, hang on. We missed the person
23 sitting right next to you actually. Let's hand it back.

24 Hi, what is your badge number?

25 PROSPECTIVE JUROR NO. 160: 160.

1 THE COURT: One -- Ms. Barron?

2 PROSPECTIVE JUROR NO. 160: Correct.

3 THE COURT: All right. What is your situation?

4 PROSPECTIVE JUROR NO. 160: In the interest of full disclosure, I don't
5 know if this counts, my husband is a chaplain for Las Vegas Metro and he does
6 volunteer work with gang task force. I mean, I don't know how that would have
7 an effect, but it could fall into the heading of what you --

8 THE COURT: Okay. He's currently with Metro right now?

9 PROSPECTIVE JUROR NO. 160: Excuse me?

10 THE COURT: Is he currently working with Metro right now?

11 PROSPECTIVE JUROR NO. 160: He's a volunteer.

12 THE COURT: Okay. But you said he's a chaplain for Metro?

13 PROSPECTIVE JUROR NO. 160: He is.

14 THE COURT: Is he that also?

15 PROSPECTIVE JUROR NO. 160: He's chaplain, yes. Correct.

16 THE COURT: And how long has he done that?

17 PROSPECTIVE JUROR NO. 160: Probably, he's been an actual chaplain
18 probably two years. But he's worked with the citizens police academy as a
19 volunteer forever.

20 THE COURT: Okay.

21 PROSPECTIVE JUROR NO. 160: For maybe ten years more.

22 THE COURT: When you say he volunteers with the gang task force do
23 you know specifically what he does?

24 PROSPECTIVE JUROR NO. 160: For example, when -- well, as a
25 chaplain he has officiated at funerals.

1 THE COURT: No, I mean, what does he do as a volunteer?

2 PROSPECTIVE JUROR NO. 160: Excuse me?

3 THE COURT: What does he do as a volunteer?

4 PROSPECTIVE JUROR NO. 160: He -- when they have -- I want to say,
5 I've never been to them, but they have tae kwon do championships and that's
6 sort of a thing and he goes and he will give the invocation or --

7 THE COURT: Oh, okay.

8 PROSPECTIVE JUROR NO. 160: Yeah, or when they have the day of
9 prayer he's involved with that.

10 THE COURT: Okay. So here's -- does he talk with you much about, I
11 mean, you know, I gather as a chaplain he's not out there investigating cases or
12 anything like that?

13 PROSPECTIVE JUROR NO. 160: Correct, yes.

14 THE COURT: But he must hear stories from some of the people that he
15 knows, does he ever come back home and tell you about the stories that he's
16 heard?

17 PROSPECTIVE JUROR NO. 160: Not really. They're hopeful stories with
18 the gang task force, I mean.

19 THE COURT: Right.

20 PROSPECTIVE JUROR NO. 160: He kind of educates the public and
21 tries to make things better.

22 THE COURT: Okay. All right. So do you think based on whatever you
23 have talked about with him regarding what he does for Metro either as a
24 chaplain or a volunteer, do you think that you could be fair and impartial in this
25 case?

1 PROSPECTIVE JUROR NO. 160: Absolutely.

2 THE COURT: Let me ask this question, if you were to serve as a juror in
3 this case knowing that your husband is going to work with officers, and I don't
4 know if he knows the officers in this case or not, but there is a chance, but would
5 you be able to -- if the evidence didn't show that, if the evidence -- if the State
6 was not able to meet its burden of proving that Mr. Barber is guilty in this case,
7 would you be able to issue a verdict of not guilty and then tell your husband
8 about it and look him in the eye and have him look the other officers in the eye
9 or would you feel any kind of guilt or compulsion to vote guilty just because your
10 husband does what he does for Metro?

11 PROSPECTIVE JUROR NO. 160: Absolutely none, the gentleman is
12 innocent at this point and until I see otherwise.

13 THE COURT: Okay. I appreciate your letting me know and more
14 information is always better than less information.

15 All right. We had a few more hands up.

16 Hi, what is your badge number?

17 PROSPECTIVE JUROR NO. 186: 186.

18 THE COURT: Ms. Spriggs?

19 PROSPECTIVE JUROR NO. 186: Yes.

20 THE COURT: All right. What is your situation?

21 PROSPECTIVE JUROR NO. 186: My husband's a retired Metro officer
22 and L.A.P.D. officer.

23 THE COURT: When did he retire?

24 PROSPECTIVE JUROR NO. 186: It's been about 15 years.

25 THE COURT: It's been about 15 years?

1 PROSPECTIVE JUROR NO. 186: Uh-huh.

2 THE COURT: And was his last employment with Metro or with L.A.P.D.?

3 PROSPECTIVE JUROR NO. 186: Metro.

4 THE COURT: All right. So he retired 15 years ago, do you know what his
5 last assignment was? Was he with area command?

6 PROSPECTIVE JUROR NO. 186: Not a clue.

7 THE COURT: Was he a detective? Was he in administration? Do you
8 know what he did?

9 PROSPECTIVE JUROR NO. 186: Patrol.

10 THE COURT: Patrol, okay. So I don't know how much he talked about
11 what he did, I mean, the chances are really I would say slim-to-none that he had
12 anything to do with this case. And I would also guess that the chances are
13 probably not that high that he personally knew any of the officers involved in this
14 case although I have no idea. But based on your interactions with him and any
15 stories that he may have told you about what he did, do you think that you could
16 be fair and impartial in this case knowing that Metro had some role in this case
17 or not?

18 PROSPECTIVE JUROR NO. 186: Yes, I do.

19 THE COURT: Okay. So you wouldn't -- would you feel any kind of
20 pressure to find the officers, and again I don't know if they knew your husband or
21 not, but let's even suppose, you know, there is a possibility that they did, maybe
22 you have an older officer who worked with your husband at some point, maybe
23 they overlapped for a couple years, if -- would you be able to evaluate that
24 officer's testimony fairly and impartially or would you feel any kind of pressure
25 that, oh, he may have worked with my husband, I should, you know, give him the

1 benefit of the doubt kind of thing?

2 PROSPECTIVE JUROR NO. 186: No pressure.

3 THE COURT: Okay. All right. Appreciate your honesty.

4 All right. Who else had their hand up? Hi, what is your badge
5 number again, ma'am?

6 PROSPECTIVE JUROR NO. 201: 201, sorry, I apologize, I didn't stand
7 up last time.

8 THE COURT: That's okay. And what is your situation?

9 PROSPECTIVE JUROR NO. 201: I'm not sure it doesn't count, but I used
10 to work as a court interpreter for six years.

11 THE COURT: Oh, as a court interpreter, where?

12 PROSPECTIVE JUROR NO. 201: Yeah.

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

14 PROSPECTIVE JUROR NO. 201: No, Utica, New York.

15 THE COURT: Court interpreter in New York?

16 PROSPECTIVE JUROR NO. 201: Yeah.

17 THE COURT: In criminal court? Civil courts? Probate? Juvenile? Do
18 you remember?

19 PROSPECTIVE JUROR NO. 201: City court, it's differently organized
20 over there, mostly misdemeanors, some felonies, then family court, and county
21 court.

22 THE COURT: Okay. And how long did you do that?

23 PROSPECTIVE JUROR NO. 201: For six years.

24 THE COURT: And how long ago was that?

25 PROSPECTIVE JUROR NO. 201: Let me think, from 2007 'til 2003 -- two

1 or three.

2 THE COURT: Okay. So 2003 --

3 PROSPECTIVE JUROR NO. 201: Something like that.

4 THE COURT: Okay. So who was your technical employer? Did you
5 work for the court system?

6 PROSPECTIVE JUROR NO. 201: No. No. I worked with the refugees.
7 It's called Resource Center for Refugees. And as a part of a nonprofit
8 organization we were able, if approved by judges, to do court interpreting.

9 THE COURT: Okay. I understand. What was your -- what languages did
10 you interpret?

11 PROSPECTIVE JUROR NO. 201: Serbo-Croatian.

12 THE COURT: Okay. So it sounds like -- did you -- in connection with
13 your work did you ever actually interpret in connection with any criminal cases?

14 PROSPECTIVE JUROR NO. 201: Not at the trials.

15 THE COURT: Okay. But during maybe pre-trial things?

16 PROSPECTIVE JUROR NO. 201: There was no trial -- yeah.

17 THE COURT: Okay.

18 PROSPECTIVE JUROR NO. 201: I did.

19 THE COURT: So, do you think your experiences in those criminal courts
20 have affected your ability to be fair and impartial in any way?

21 PROSPECTIVE JUROR NO. 201: I don't think so.

22 THE COURT: Okay. All right. I appreciate your letting me know.

23 PROSPECTIVE JUROR NO. 201: You're welcome.

24 THE COURT: Thanks.

25 What is your badge number?

1 PROSPECTIVE JUROR NO. 206: 206, Your Honor.

2 THE COURT: Mr. Prescott?

3 PROSPECTIVE JUROR NO. 206: Yes.

4 THE COURT: All right. What is your situation?

5 PROSPECTIVE JUROR NO. 206: I spent 30 years working in corrections
6 in Crow Wing County, Brainerd, Minnesota, for the sheriff's department. And I
7 have 25 years as a police officer during that same time period.

8 THE COURT: In Minnesota also?

9 PROSPECTIVE JUROR NO. 206: Correct. Correct. It was a smaller
10 department, and we worked in various different positions through our careers.

11 THE COURT: All right. I mean, you've heard the questions that I'm
12 asking, you know, you -- sounds like you were in law enforcement for quite a
13 while, I'm guessing that's most of your career, right?

14 PROSPECTIVE JUROR NO. 206: Yes.

15 THE COURT: So how long have you been here in Vegas?

16 PROSPECTIVE JUROR NO. 206: I moved here last year.

17 THE COURT: And how long ago did you retire from the sheriff's
18 department?

19 PROSPECTIVE JUROR NO. 206: The end of 2010 I retired.

20 THE COURT: So pretty recently?

21 PROSPECTIVE JUROR NO. 206: Yeah, my first day of retirement was
22 2011 of January, 1.

23 THE COURT: Oh, okay. So do you think that you could be a fair and
24 impartial juror in this case knowing it's a criminal case or not?

25 PROSPECTIVE JUROR NO. 206: Yes, sir.

1 THE COURT: All right. So if police officers were to come in and testify
2 would you find them more or less credible just because they're police officers?
3 Or would you be able to be fair and impartial toward whatever their testimony is?

4 PROSPECTIVE JUROR NO. 206: I think I could be fair and impartial. I
5 also feel that if I were to err, I would err on the side of the uniform. In other
6 words, I would -- if there was any doubt in my mind, I would consider the officer's
7 testimony weighing heavier more.

8 THE COURT: Well, I'm not sure exactly what you mean by that. I mean,
9 the standard in criminal cases, if there is any reasonable doubt, you have to
10 acquit the defendant; do you understand that? I mean, that must have been part
11 of your training, right?

12 PROSPECTIVE JUROR NO. 206: Yes.

13 THE COURT: But are you saying that if there is any doubt in your mind
14 you would resolve that in favor of the State?

15 PROSPECTIVE JUROR NO. 206: Correct.

16 THE COURT: And why is that?

17 PROSPECTIVE JUROR NO. 206: I worked with the uniform for 30 years,
18 sir. I would naturally feel compelled to believe them more if the evidence was,
19 you know, sitting on the fence.

20 THE COURT: All right. Just because the evidence or the witness is
21 involved in law enforcement?

22 PROSPECTIVE JUROR NO. 206: Correct.

23 THE COURT: All right. I appreciate your letting me know.

24 Who else had their hand up? I'm just kind of going through
25 everybody here.

1 What is your badge number, ma'am?

2 PROSPECTIVE JUROR NO. 220: 220.

3 THE COURT: 220, you're Ms. Beller?

4 PROSPECTIVE JUROR NO. 220: Yes.

5 THE COURT: All right. What is your situation?

6 PROSPECTIVE JUROR NO. 220: You asked if anybody -- if we had any
7 relatives or anything that were in law enforcement. I had a brother-in-law that
8 was in the sheriff's department up in a small town in Oregon. He's since
9 deceased.

10 THE COURT: Were you close with him?

11 PROSPECTIVE JUROR NO. 220: Not really, I'm relatively, but as far as
12 like speaking to him on the phone or anything like that, no.

13 THE COURT: Did he tell you about what he did, cases he worked, on
14 those kinds of things?

15 PROSPECTIVE JUROR NO. 220: No, not very often.

16 THE COURT: Okay. So is there anything that you may have learned from
17 him in connection with your conversations during family reunions or whatever
18 that would cause you to be something other than fair and impartial?

19 PROSPECTIVE JUROR NO. 220: I don't believe.

20 THE COURT: Okay. And did he ever talk with you about his training or
21 procedures or how he investigated cases, anything like that?

22 PROSPECTIVE JUROR NO. 220: No.

23 THE COURT: All right. I appreciate your letting me know, thank you.

24 Who else had their hand up? Hi, what is your badge number?

25 PROSPECTIVE JUROR NO. 248: 248.

1 THE COURT: 248, Ms. Cox?

2 PROSPECTIVE JUROR NO. 248: Uh-huh.

3 THE COURT: All right. What's your situation?

4 PROSPECTIVE JUROR NO. 248: I'm a former deputy city clerk for the
5 City of North Las Vegas.

6 THE COURT: Former deputy city --

7 PROSPECTIVE JUROR NO. 248: And also my boyfriend's a 31-year
8 police veteran who was a deputy sheriff for Ventura County and he worked for
9 the Toronto Metropolitan Police Department. And also I've worked as a
10 paralegal for criminal defense attorneys here in town.

11 THE COURT: Who have you worked for?

12 PROSPECTIVE JUROR NO. 248: Ben Childs and Lisa Rasmussen.

13 THE COURT: All right. That's interesting. So you have a boyfriend who
14 is in law enforcement, but you personally have worked for defense attorneys?

15 PROSPECTIVE JUROR NO. 248: Yeah.

16 THE COURT: So you've kind of seen both sides of everything?

17 PROSPECTIVE JUROR NO. 248: Uh-huh.

18 THE COURT: So based on all of your experiences do you think that you
19 could be fair and impartial in a criminal case?

20 PROSPECTIVE JUROR NO. 248: Yes, I do.

21 THE COURT: All right. Would you favor one side or the other? I don't
22 know if you loved your job or hated your job, but, you know, is that something
23 that would affect your ability to be fair and impartial? Would you lean toward
24 one side or the other?

25 PROSPECTIVE JUROR NO. 248: No.

1 THE COURT: All right. Now, I don't know what your boyfriend and you
2 have talked about in terms of his procedures and training but, you know, in
3 California they may very well have completely different procedures than they do
4 here. If witnesses were to come in and talk about certain police procedures and
5 it wasn't the same as what your boyfriend may have done in a particular case,
6 would you be able to put aside what you think you may have learned from your
7 boyfriend and evaluate the testimony in this case fairly and impartially based
8 only upon what you see here in court?

9 PROSPECTIVE JUROR NO. 248: Yes, I could. Also, I think I need to
10 mention he's the former president of the Blue Knights and I used to go to their
11 meetings quite often. So there were Metro officers present at the meetings.

12 THE COURT: Okay. Did any of the names that were read to you earlier
13 ring any bells as people you may have met?

14 PROSPECTIVE JUROR NO. 248: No.

15 THE COURT: Okay. Now, let's say in the future you were to go to
16 another one of these events and there would be Metro officers there.

17 PROSPECTIVE JUROR NO. 248: I'm sorry, I couldn't hear you.

18 THE COURT: Let's say in the future, I don't know if you -- do you
19 regularly go to events where Metro officers also show up?

20 PROSPECTIVE JUROR NO. 248: Yes.

21 THE COURT: All right. So if you are asked to serve as a juror in this
22 case, and if hypothetically the State could not prove their case beyond a
23 reasonable doubt, would you be able to return a verdict of not guilty and then
24 look these officers in the eye at the next social gathering or would you feel, oh,
25 you know, I'm going to see them next week at some dinner thing so I better vote

1 guilty; would that be something that would cross your mind?

2 PROSPECTIVE JUROR NO. 248: That wouldn't cross my mind.

3 THE COURT: Okay. All right. I appreciate your letting me know all of
4 that. Let me get you to pass the microphone.

5 Who else had their hand up? I guess we're moving back to there.

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

7 PROSPECTIVE JUROR NO. 263: 263.

8 THE COURT: 263, Ms. Bailey?

9 PROSPECTIVE JUROR NO. 263: Yes.

10 THE COURT: All right. What is your situation?

11 PROSPECTIVE JUROR NO. 263: My son is a bailiff marshal at the
12 District Attorney's office.

13 THE COURT: Oh, what's your son's name?

14 PROSPECTIVE JUROR NO. 263: Marco.

15 THE COURT: Do you guys know who that is? Randy?

16 MS. TRIPPIED: We don't have any bailiffs, but --

17 PROSPECTIVE JUROR NO. 263: Marshal.

18 MS. TRIPPIED: -- is he a process server, perhaps?

19 THE COURT: Or an investigator maybe?

20 PROSPECTIVE JUROR NO. 263: No, no, serve -- where the people
21 come in and out of the court system there at the District Attorney's office on
22 Flamingo.

23 THE MARSHAL: Oh, over he's at support.

24 THE COURT: Oh, oh, okay, gotcha.

25 THE MARSHAL: And they're -- and they're hired through the D.A.'s office.

1 PROSPECTIVE JUROR NO. 263: Right.

2 THE MARSHAL: They -- they run the scanners and stuff down there.

3 PROSPECTIVE JUROR NO. 263: Yeah.

4 THE COURT: Gotcha, okay. So would his employment for the D.A.'s
5 office, would that cause you to favor the D.A.'s office in any way in this case?

6 PROSPECTIVE JUROR NO. 263: No.

7 THE COURT: Has he ever talked with you about things he's seen about
8 his employment with the D.A.'s office? Good stories? Bad stories? Oh, I hate
9 the D.A.s? Or I love the D.A.s? Anything like that that would cause you to have
10 any feelings one way or the other about a case that they're involved in?

11 PROSPECTIVE JUROR NO. 263: He usually shares funny stories.

12 THE COURT: Okay. But any stories that, you know, would -- that would
13 be so funny that you would --

14 PROSPECTIVE JUROR NO. 263: No.

15 THE COURT: -- you know, not hold it against or for the D.A.?

16 PROSPECTIVE JUROR NO. 263: No. He was also a policeman for the
17 North Las Vegas Police Department as well.

18 THE COURT: When would he -- when did he do that?

19 PROSPECTIVE JUROR NO. 263: About two years ago.

20 THE COURT: Two years ago? All right. Anything about that that would
21 cause you to be something other than fair and impartial?

22 PROSPECTIVE JUROR NO. 263: No.

23 THE COURT: All right. Has he ever talked with you about training
24 procedures, tactics, investigative, you know, procedures, anything like that?

25 PROSPECTIVE JUROR NO. 263: Yes.

1 THE COURT: Okay. Now, I don't know if Metro and North Las Vegas
2 follow the same procedures, I would guess that they're similar but there may be
3 some differences, if officers were to come in here and testify to what they did
4 and if it doesn't match some story that your son may have told you, would you
5 be able to put aside what you think you know from your son and evaluate that
6 testimony fairly and impartially in this case?

7 PROSPECTIVE JUROR NO. 263: Yes.

8 THE COURT: Okay. All right. I appreciate your letting me know all that.
9 All right.

10 Hi, what is your badge number?

11 PROSPECTIVE JUROR NO. 278: 278.

12 THE COURT: Mr. Pearson.

13 PROSPECTIVE JUROR NO. 278: Yes, sir.

14 THE COURT: All right. What's your situation?

15 PROSPECTIVE JUROR NO. 278: Just to disclose personal relationships,
16 I have several friends who are Metro officers and including a romantic
17 relationship.

18 THE COURT: All right. Were any of the names read in court any of the
19 people that that you're friends with?

20 PROSPECTIVE JUROR NO. 278: No.

21 THE COURT: Any of those names familiar in any way?

22 PROSPECTIVE JUROR NO. 278: No.

23 THE COURT: All right. So by virtue of your friendship with these Metro
24 officers do you think that you could be fair and impartial in this case or not?

25 PROSPECTIVE JUROR NO. 278: Yes.

1 THE COURT: All right. Would you find officers more credible just
2 because you're, you know, even though these aren't officers that you know, but
3 would you find the officers in this case more credible because they work in the
4 same department as your friends?

5 PROSPECTIVE JUROR NO. 278: I would trust the officers to tell the
6 truth.

7 THE COURT: You would trust them to tell the truth?

8 PROSPECTIVE JUROR NO. 278: Yeah I would trust them the tell the
9 truth and be credible.

10 THE COURT: Well, I mean, but as you sit here right now not even
11 knowing who these officers are, do you have this presumption that, oh, they're
12 officers, they must -- I have to believe everything that they say, or could you be
13 fair and impartial toward what they say?

14 PROSPECTIVE JUROR NO. 278: I'll be fair and impartial and judge it as
15 I see it.

16 THE COURT: Okay. So let me ask you this, knowing that you currently
17 have friends on the force, if you were asked to serve as a juror in this case and if
18 hypothetically the State could not meet their burden of proving Mr. Barber guilty
19 beyond a reasonable doubt, could you return a verdict of not guilty and look your
20 friends in the eye? Or would you feel pressure that, oh, I'm going to hang out
21 with them on the football game this weekend so I better return an a verdict of
22 guilty otherwise they're just going to give me a hard time, would that be
23 something that would be a concern?

24 PROSPECTIVE JUROR NO. 278: No. If -- if the story doesn't match or
25 the evidence is what -- it is what it is, then, yeah, I'll go with the evidence and

1 stand up for that.

2 THE COURT: Okay. All right. I appreciate your letting me know.

3 Who else had their hands up in response to that question?

4 Anyone?

5 Hi, what is your badge number?

6 PROSPECTIVE JUROR NO. 280: 280.

7 THE COURT: 280, Mr. Moreno?

8 PROSPECTIVE JUROR NO. 280: Yeah.

9 THE COURT: All right. What is your situation?

10 PROSPECTIVE JUROR NO. 280: I have -- my roommate's dad is a
11 officer.

12 THE COURT: For which department?

13 PROSPECTIVE JUROR NO. 280: I think the Henderson. I'm not too sure
14 but he's --

15 THE COURT: All right. He's an officer with Henderson?

16 PROSPECTIVE JUROR NO. 280: Yeah.

17 THE COURT: Do you know what he specifically does? Is he on patrol?
18 Is he a detective? Is he --

19 PROSPECTIVE JUROR NO. 280: Well, he was patrol, but now he's, like,
20 a trainer, he trains.

21 THE COURT: Okay. Are you close with your roommate's dad? Does he
22 talk with you much about what he does?

23 PROSPECTIVE JUROR NO. 280: Oh, yeah, he -- yeah, he's, like, we call
24 him we have to call him mister all the time.

25 THE COURT: Okay. But does he, you know, share war stories with you,

1 stories about cases he worked on?

2 PROSPECTIVE JUROR NO. 280: Yeah, all that kind of stuff, like, a lot of
3 stuff, yeah, he's with us.

4 THE COURT: Would that affect your ability to be fair and impartial in this
5 case, the stories he may have told you?

6 PROSPECTIVE JUROR NO. 280: Yeah, he tells us a lot of bad stuff
7 mostly that goes around.

8 THE COURT: All right. You know, I understand he's telling you about bad
9 stuff, but would you be able to be fair and impartial in this case? I mean, this
10 case wasn't investigated by Henderson so it's not the same officers or it's not
11 officers who -- well, I don't know if they personally know your dad or not, but --

12 PROSPECTIVE JUROR NO. 280: Oh, no, it's my roommate's dad.

13 THE COURT: I'm sorry, I can't hear you.

14 PROSPECTIVE JUROR NO. 280: Roommate's dad.

15 THE COURT: I can't hear you.

16 THE MARSHAL: Please stand up, speak directly into the microphone.

17 PROSPECTIVE JUROR NO. 280: It's my roommate's dad.

18 THE COURT: Okay, yeah, your roommate's dad. But would the stories
19 that he's told you, would your relationship with him cause you to be something
20 other than fair and impartial?

21 PROSPECTIVE JUROR NO. 280: Not really, but where I grew up there
22 was always a lot of, like, violence and stuff.

23 THE COURT: Okay.

24 PROSPECTIVE JUROR NO. 280: So I tend to agree more with cops.

25 THE COURT: So you grew up in, I'm guessing, a high-crime area?

1 PROSPECTIVE JUROR NO. 280: Yeah.
2 THE COURT: Where was that?
3 PROSPECTIVE JUROR NO. 280: North Las Vegas.
4 THE COURT: Okay. Have you ever been the victim of a crime yourself?
5 PROSPECTIVE JUROR NO. 280: Yeah.
6 THE COURT: Yeah?
7 PROSPECTIVE JUROR NO. 280: Yeah.
8 THE COURT: When was that?
9 PROSPECTIVE JUROR NO. 280: Two years ago.
10 THE COURT: Two years ago? All right. What crime was that?
11 PROSPECTIVE JUROR NO. 280: Robbery.
12 THE COURT: Was that case investigated by the police?
13 PROSPECTIVE JUROR NO. 280: No.
14 THE COURT: Did you call the police?
15 PROSPECTIVE JUROR NO. 280: Too scared.
16 THE COURT: Too scared, okay, so would any of those experiences
17 cause you to be something other than fair and impartial in a criminal case?
18 PROSPECTIVE JUROR NO. 280: Very, very impartial.
19 THE COURT: I can't hear. What did he say?
20 PROSPECTIVE JUROR NO. 280: Well, yeah, yeah.
21 THE MARSHAL: You have to speak directly into the mic. Speak up, he
22 can't hear you.
23 PROSPECTIVE JUROR NO. 280: Yeah.
24 THE COURT: These would cause you to be something other than fair
25 and impartial?

1 PROSPECTIVE JUROR NO. 280: Yeah.

2 THE COURT: In what way?

3 PROSPECTIVE JUROR NO. 280: Very. Believe the cops more. I, like,
4 usually they wouldn't call -- what's it called? It's hard to explain, but --

5 THE COURT: Okay. So if you were on trial would you want someone like
6 you as the juror in the case or not?

7 PROSPECTIVE JUROR NO. 280: No. No.

8 THE COURT: Okay. All right. I appreciate your letting me know.

9 Who else had their hand up in response to that question? Anyone?

10 Oh, there is one more? Okay. 176, is it Ms. Baucom?

11 PROSPECTIVE JUROR NO. 176: Correct.

12 THE COURT: All right. What is your situation?

13 PROSPECTIVE JUROR NO. 176: So, I have two uncles and two aunts
14 that are Charlotte Metro. One's deceased, killed in the line of duty. And I'm
15 also -- my ex-husband is the president of American Shooters which is involved
16 with much of Metro.

17 THE COURT: Right.

18 PROSPECTIVE JUROR NO. 176: And I am an emergency department
19 provider. So I see a lot of Metro in and out of the emergency department.

20 THE COURT: Okay.

21 PROSPECTIVE JUROR NO. 176: I can't really name them, but I see
22 them and give them reports on assaults.

23 THE COURT: Did any of the names that were read today ring any bells?

24 PROSPECTIVE JUROR NO. 176: I couldn't tell you any of their names.

25 THE COURT: All right. I mean, by now you know what my questions are.

1 Some people can be friends with officers and be fair and impartial and some
2 people can't. And that's fine, depending on, you know, the quality of your
3 friendship and what you guys talk about. Could you be fair and impartial in this
4 case or not?

5 PROSPECTIVE JUROR NO. 176: Yes, sir.

6 THE COURT: Okay. And all the officers that you see, friends or relatives
7 or whatever they are, if the State could not prove their case in this trial, could
8 you return a verdict of not guilty and then look them in the eye or would you feel
9 any kind of compulsion or pressure to vote guilty just because it, oh, it will be,
10 you know, it will make my friends happy kind of a thing?

11 PROSPECTIVE JUROR NO. 176: No, sir.

12 THE COURT: Okay. All right. I appreciate it. Thank you very much.

13 Anyone else have their hands up in response to that question?

14 All right. Under our system of justice certain principles of law apply
15 in every criminal trial. They are, first, that the charging document filed in this
16 case is a mere accusation and is not itself evidence of guilt; second, that the
17 defendant is presumed innocent; and, third, the State must prove that the
18 defendant is guilty beyond a reasonable doubt. At the end of this trial I will give
19 you certain instructions on the law that will explain these principles in a little bit
20 more detail. But is there anybody here who does not understand or does not
21 agree with these principles?

22 As I just mentioned, at the end of this trial I will read you instructions
23 on the law. I don't write the law, the law is written by our legislature and the
24 governor as interpreted by the Nevada Supreme Court. Some of these laws
25 may be laws that you don't agree with, maybe you think they're bad laws or

1 whatever, but those are the laws that apply to this case. Is there anybody here
2 who would not be able to follow and apply the law as it is -- as it exists in the
3 state of Nevada regardless of whether or not you agree with that law?

4 All right. Let me do this, who's got the microphone right now? All
5 right, let's start with Juror Number 1 there, Ms. Mendez, badge number 060.
6 Here's what I'm going to do, we're going to go one by one hopefully pretty
7 quickly. Let's start with you and kind of go down this way. What I'm going to ask
8 you is I'm going to ask you all the same questions so you guys know where I'm
9 going to go: What do you do for a living? Are you married? If you're married,
10 what your spouse does for a living. If you have any adult kids what they do for a
11 living. And then I'm going to ask you have you ever served on a jury before;
12 have you or anyone close to you such as a family member or friend ever been
13 the victim of a crime; and have you or anyone close to you such as a family
14 member or friend ever been accused of or arrested for a crime whether or not
15 there was a conviction.

16 So let me start with you, Ms. Mendez, what do you do for a living?

17 PROSPECTIVE JUROR NO. 060: I'm a retired nurse. But I'm majoring in
18 psychiatric.

19 THE COURT: All right. How long have you been retired?

20 PROSPECTIVE JUROR NO. 060: 2009, let me see. March 27th, 2000 --

21 THE COURT: Okay.

22 PROSPECTIVE JUROR NO. 060: -- nine.

23 THE COURT: Were you a nurse in an emergency room or was it a clinic
24 or what was it?

25 PROSPECTIVE JUROR NO. 060: It's a State hospital about behavior

1 crisis management. But behavior problems of --

2 THE COURT: Okay.

3 PROSPECTIVE JUROR NO. 060: -- schizophrenic people.

4 THE COURT: Was it Lakes Crossing or somewhere else?

5 PROSPECTIVE JUROR NO. 060: Huh? Excuse me?

6 THE COURT: What was the name of the facility?

7 PROSPECTIVE JUROR NO. 060: It's called Agnew State Hospital in San
8 Jose, California.

9 THE COURT: Are you married?

10 PROSPECTIVE JUROR NO. 060: I'm single. My fiancé died, so I'm still
11 single.

12 THE COURT: Oh, sorry to hear that. Do you have any adult children?

13 PROSPECTIVE JUROR NO. 060: I've never been married, so, no, I've
14 not had any.

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

16 PROSPECTIVE JUROR NO. 060: I've been called about five to six times
17 in San Francisco and in Oakland, but unfortunately I had some other
18 appointments; and so I wasn't able to go into the real jury.

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

21 PROSPECTIVE JUROR NO. 060: No.

22 THE COURT: Have you --

23 PROSPECTIVE JUROR NO. 060: Oh, I am a victim of a crime.

24 THE COURT: Okay. Where and when and what happened?

25 PROSPECTIVE JUROR NO. 060: August 14 on the corner of Nellis and

1 Charleston.

2 THE COURT: Wait, August 14th as in, like, a month ago?

3 PROSPECTIVE JUROR NO. 060: Yes.

4 THE COURT: Oh, what happened -- at the corner of Nellis and
5 Charleston? What happened?

6 PROSPECTIVE JUROR NO. 060: I was inside my car and I was going to
7 do a little shopping in Ross store. I was just in Nellis and Charleston. And I was
8 in my car digging into this purse to get my driver's license so I can get a discount
9 for 55 above. And so -- when I was in the car, a black lady came and had a gun
10 on me inside the door of my car. I did not lock the car because I'm always a
11 very trusting person, and I just moved here from California. So I did not know
12 that someone would do that about 7:45.

13 THE COURT: Okay. So, all right, hang on. Did you call the police?

14 PROSPECTIVE JUROR NO. 060: Unfortunately, there was no police at
15 that time because I was parking hidden behind a big van, it was in the middle of
16 the parking place from Ross to the In-and-Out Burger which is Nellis. And I did
17 not -- I usually park in front of the store, but there was no space for me. So I
18 was forced to park in the middle which is so far away from the store, and then
19 I'm covered by this huge van and most of the cars are tinted, and I did not know
20 that this woman would come by and put the gun --

21 THE COURT: Okay.

22 PROSPECTIVE JUROR NO. 060: -- on me.

23 THE COURT: The question is, did you call the police afterwards?

24 PROSPECTIVE JUROR NO. 060: Yes, I did after I -- after that when she
25 said hand me your purse.

1 THE COURT: Okay. Hang on, who -- who ended up responding to the
2 call? Was it Metro? Was it North Las Vegas? Do you remember which police
3 force?

4 PROSPECTIVE JUROR NO. 060: Metro, I have even the card here.

5 THE COURT: Okay.

6 PROSPECTIVE JUROR NO. 060: That they stopped there and have not
7 finished investigating.

8 THE COURT: Okay. Did they ever -- did they arrest anybody?

9 PROSPECTIVE JUROR NO. 060: No, because she disappeared, the
10 woman.

11 THE COURT: Okay.

12 PROSPECTIVE JUROR NO. 060: Black and she had a gun on her on
13 me, but thank God he did not -- she did not kill me, I just talked to her.

14 THE COURT: Okay. You called Metro, they responded, were you happy
15 with the police response?

16 PROSPECTIVE JUROR NO. 060: Well, I drove closer to the store and
17 Ross store. I drove and I was looking for a security or whoever. And so I said
18 I've been robbed and then immediately the police officers came, six of them, and
19 they took some fingerprints in my car and I had to write a report. So I ended up
20 not shopping at all.

21 THE COURT: Okay. The question is were you happy or unhappy with
22 the police response?

23 PROSPECTIVE JUROR NO. 060: I was. They were doing their duty
24 making my report and then I describe everything and --

25 THE COURT: Okay, ma'am.

1 PROSPECTIVE JUROR NO. 060: -- but I was not --

2 THE COURT: Hang on, I -- here's the question, okay, was there anything
3 about that case and the police response that would cause you to be something
4 other than fair and impartial in this case? I don't need to know the details of
5 what happened. Are you unhappy with the police? Did you think they were
6 incompetent? Did you think they were Superman? Do you think they could
7 have done more? Is there anything about that case that would cause you to --
8 when a Metro officer comes in here -- have any hard feelings one way or the
9 other?

10 PROSPECTIVE JUROR NO. 060: They could have -- they could have
11 done more in the -- the weeks following that. But I was satisfied with what they
12 were doing in helping me and then two days after I was -- I went to the big office,
13 big building over there in Metro Police, talked to this detective woman, and she
14 did some -- something more reports that I had to do. I was just asking if they
15 just could just find somebody to pretend like an old woman digging in to the
16 purse so they can catch --

17 THE COURT: All right. Is there anything about that case that would you
18 cause you to, you know, that case sounds like it's unsolved. Is that something
19 you would take out on the defendant in this case, oh, they couldn't solve my
20 case so I'm going to get, you know, get something and make sure they go to jail;
21 is that a feeling that you might have in this case?

22 PROSPECTIVE JUROR NO. 060: No, no.

23 THE COURT: Okay. Okay. All right. I appreciate your letting me know.
24 Have you or anyone close to you ever been accused of or arrested of a crime
25 whether or not there was a conviction?

1 PROSPECTIVE JUROR NO. 060: No.

2 THE COURT: All right. Thank you. Let me get you to pass the
3 microphone.

4 What is your badge number, ma'am?

5 PROSPECTIVE JUROR NO. 152: 152.

6 THE COURT: You're Ms. Elliott?

7 PROSPECTIVE JUROR NO. 152: Yes.

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

9 PROSPECTIVE JUROR NO. 152: I'm retired.

10 THE COURT: What did you used to do?

11 PROSPECTIVE JUROR NO. 152: Excuse me?

12 THE COURT: What did you used to do?

13 PROSPECTIVE JUROR NO. 152: I was working by laundry.

14 THE COURT: Okay. And how long have you been retired?

15 PROSPECTIVE JUROR NO. 152: Last year, March 15.

16 THE COURT: Okay. So how long have you been in Vegas?

17 PROSPECTIVE JUROR NO. 152: Since 1972.

18 THE COURT: Okay. A long time then?

19 PROSPECTIVE JUROR NO. 152: Yes.

20 THE COURT: It was a small town when you got here then. Are you
21 married?

22 PROSPECTIVE JUROR NO. 152: I'm -- I'm a widow.

23 THE COURT: Okay. Any adult kids?

24 PROSPECTIVE JUROR NO. 152: Yeah, I have one.

25 THE COURT: And what does he or she do?

1 PROSPECTIVE JUROR NO. 152: He works for City of North Las Vegas
2 for the emergency.

3 THE COURT: Doing what? City of North Las Vegas doing what?

4 PROSPECTIVE JUROR NO. 152: He driving the truck for the
5 emergencies.

6 THE COURT: Oh, gotcha, okay. All right. Ever served as a juror before?

7 PROSPECTIVE JUROR NO. 152: No.

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

10 PROSPECTIVE JUROR NO. 152: If beyond -- if beyond being closed,
11 like, like, if we are doing crime?

12 THE COURT: Yeah.

13 PROSPECTIVE JUROR NO. 152: What was -- what was the question?

14 THE COURT: Have you ever been the victim of a crime or anyone close
15 to you?

16 PROSPECTIVE JUROR NO. 152: Oh, yeah, I'm a victim of a crime.

17 THE COURT: Okay. Where --

18 PROSPECTIVE JUROR NO. 152: In 2003 somebody break to my house.
19 No, I was in the other house and they stole my gun. I have a nine-millimeters
20 gun, Barretta, so I was at work and then call me and then at the office, and I say
21 I went to the office and they said answer the phone and I say hello, and they say
22 this is the police we are in your house and they say break into your house you
23 come over right away. So, yes, I went over there. They -- they stole my gun.
24 But I was -- I was pleased because they investigated everything. But after that
25 they never call me. And anything, of course, I move from the house to the other

1 one because the freeway took my house by NDOT and then give me another
2 one. So I think that's three months ago. Operate a gun, they send a letter that
3 was I free to go pick it up and then I got -- I got my gun back.

4 THE COURT: Okay. Did they ever arrest a person?

5 PROSPECTIVE JUROR NO. 152: They never said anything. We don't
6 know who did it but --

7 THE COURT: Did you -- did you call the police?

8 PROSPECTIVE JUROR NO. 152: Oh, yeah, the police was in the house.

9 THE COURT: Who did you call? Was it Metro or --

10 PROSPECTIVE JUROR NO. 152: The neighbors.

11 THE COURT: Who was it? Was it Metro or North Las Vegas?

12 PROSPECTIVE JUROR NO. 152: Metro.

13 THE COURT: It was Metro. All right.

14 PROSPECTIVE JUROR NO. 152: And also when the detectives went
15 over there to investigate and get fingerprints. But evidently they used gloves
16 and they didn't -- gloves and they didn't leave any -- any prints.

17 THE COURT: Okay. Anything about that case that would cause you to
18 be something other than fair and impartial in this case?

19 PROSPECTIVE JUROR NO. 152: No.

20 THE COURT: Okay. Here's -- here's the question, in that case someone
21 stole something from your house, the accusation in this case is that he
22 supposedly broke into someone's house and stole something as well and so it's
23 kind of a similar crime; is that something that would trouble you? Could you be
24 fair and impartial in this case or would you say, hey, my house has been robbed
25 so therefore I'm just going to find this guilty and be done with it?

1 PROSPECTIVE JUROR NO. 152: Well, I can be partial.

2 THE COURT: You could be fair and impartial?

3 PROSPECTIVE JUROR NO. 152: Uh-huh, yeah, because we don't know
4 why they do that. So I cannot judge people like that.

5 THE COURT: Right.

6 PROSPECTIVE JUROR NO. 152: The only thing I'm happy because I
7 was not there because they went over there real early in the morning and I was,
8 thanks God, because I was not at home that way I can be dead.

9 THE COURT: All right. Let me ask you this -- this -- it sounds like your
10 house was burglarized in 2003 which is a long time ago and I'm pretty certain --
11 I'm not entirely positive, but I believe that Mr. Barber is too young to have been
12 involved in the incident in your case, but is there any possibility that you would
13 sit here during this trial, look at him, and say, hey, I wonder if that's the guy who
14 broke into my house; is there any chance that that would be a thought that you
15 would have?

16 PROSPECTIVE JUROR NO. 152: Well, if he was -- he was young, if he
17 can be young guy I can be --

18 THE COURT: No, I understand that but basically the only crime that
19 Mr. Barber is charged with is the crime in this case. You're not to base your
20 verdict upon the possibility that he may have been involved in some other crime
21 because we have no idea if he was involved in any other crime. Do you
22 understand that?

23 PROSPECTIVE JUROR NO. 152: Yeah, yeah, but I --

24 THE COURT: But is that something that would cross your mind that, oh,
25 you know, he kind of looks like the description of the guy who broke into my

1 house eight years ago; is that something that you would think about?

2 PROSPECTIVE JUROR NO. 152: Well, after that I didn't -- I didn't see
3 any -- any more break in houses, any more things like that. So FBI -- because in
4 that I didn't stay too long in that house because we had to move to the other
5 house because NDOT was taking the house away, but when somebody break
6 into somebody's house I feel like they would have to be in jail.

7 THE COURT: Well, I mean, as I told the other people who asked, you are
8 not to concern yourself with sentencing. It's a two-stage process, the only issue
9 in this trial is whether or not he's actually guilty of the crime. Sentencing is
10 something that's done later. So the only issue is whether or not Mr. Barber
11 committed the crimes that he is charged with. Could you focus on that and be
12 fair and impartial on that issue or would all these other thoughts kind of intrude
13 on that process?

14 PROSPECTIVE JUROR NO. 152: Well, that's a hard to decide, so I can
15 be partial so all depend -- depend -- FBI know who did it, he do it again I can say
16 guilty not partial, he's guilty.

17 THE COURT: Okay. But if the evidence didn't show -- didn't meet the
18 burden, could you find him not guilty?

19 PROSPECTIVE JUROR NO. 152: No.

20 THE COURT: You couldn't find him not guilty?

21 PROSPECTIVE JUROR NO. 152: No.

22 THE COURT: Why is that?

23 PROSPECTIVE JUROR NO. 152: Because -- I can find guilty.

24 THE COURT: I'm sorry?

25 PROSPECTIVE JUROR NO. 152: Guilty.

1 THE COURT: No, I'm asking if the State can't prove their case could you
2 find him not guilty?

3 PROSPECTIVE JUROR NO. 152: Well, if -- if he -- if he -- if they cannot
4 find the proof, so he can be not guilty.

5 THE COURT: Right. So you could find him not guilty?

6 PROSPECTIVE JUROR NO. 152: Yes.

7 THE COURT: If the evidence doesn't show that he's guilty?

8 PROSPECTIVE JUROR NO. 152: Yes.

9 THE COURT: All right. All right. I appreciate your letting me know.
10 Anyone close to you ever been accused of or arrested for a crime whether or not
11 there was a conviction?

12 PROSPECTIVE JUROR NO. 152: No.

13 THE COURT: All right. Let me get you to pass the microphone to the
14 person sitting next to you. Thank you.

15 What is your badge number, ma'am?

16 PROSPECTIVE JUROR NO. 154: 154.

17 THE COURT: 154, you're Ms. -- is it -- I'm going to mangle your name, I
18 know I am. How do you pronounce your last name?

19 PROSPECTIVE JUROR NO. 154: It's Nakae.

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

21 PROSPECTIVE JUROR NO. 154: I work for the Clark County School
22 District. I'm an administrator over special education.

23 THE COURT: Okay. How long have you done that?

24 PROSPECTIVE JUROR NO. 154: Eight years, prior to that a teacher.

25 THE COURT: All right. Are you married?

1 PROSPECTIVE JUROR NO. 154: Yes, I am.

2 THE COURT: And what does your husband do?

3 PROSPECTIVE JUROR NO. 154: He works for a mechanical company,
4 estimator.

5 THE COURT: Okay. Any adult kids?

6 PROSPECTIVE JUROR NO. 154: Yes, I have two.

7 THE COURT: What do they do?

8 PROSPECTIVE JUROR NO. 154: My daughter's in California working for
9 DreamWorks Animation. She's a web designer.

10 THE COURT: Okay.

11 PROSPECTIVE JUROR NO. 154: My other daughter lives here. She
12 works for marketing. She's a marketing firm.

13 THE COURT: So when DreamWorks comes out with movies and they
14 have those advertising Web sites is that something, you know --

15 PROSPECTIVE JUROR NO. 154: Uh-huh, yeah, she does those
16 interactive Web sites where you can, like, play with them.

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

18 PROSPECTIVE JUROR NO. 154: No.

19 THE COURT: Have you or anyone close to you ever been the victim of a
20 crime?

21 PROSPECTIVE JUROR NO. 154: We were burglarized 20 years ago.

22 THE COURT: Twenty years ago?

23 PROSPECTIVE JUROR NO. 154: Our home.

24 THE COURT: In what state?

25 PROSPECTIVE JUROR NO. 154: Here.

1 THE COURT: Okay. Anything about that incident that would cause you
2 to be something other than fair and impartial in this case knowing that this case
3 involves an accusation of a residential burglary?

4 PROSPECTIVE JUROR NO. 154: No.

5 THE COURT: Okay. Did you call the police in that case?

6 PROSPECTIVE JUROR NO. 154: I did.

7 THE COURT: Was it Metro or someone else?

8 PROSPECTIVE JUROR NO. 154: Metro.

9 THE COURT: Okay. Were you happy with the police response?

10 PROSPECTIVE JUROR NO. 154: Yes.

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

13 PROSPECTIVE JUROR NO. 154: Yes, my daughter.

14 THE COURT: What was she accused of?

15 PROSPECTIVE JUROR NO. 154: She was involved with drugs, and it
16 was a burglary.

17 THE COURT: Was that here in Las Vegas or somewhere else?

18 PROSPECTIVE JUROR NO. 154: It's here in Las Vegas.

19 THE COURT: All right. Was there a criminal case? Was she
20 prosecuted?

21 PROSPECTIVE JUROR NO. 154: No.

22 THE COURT: Okay. So the charges were dropped; is that what
23 happened?

24 PROSPECTIVE JUROR NO. 154: Correct. If -- if she went -- we made a
25 deal for her to go through drug rehab and it worked.

1 THE COURT: Was it the Clark County D.A.'s office that charged her?
2 Was it Metro that arrested her?

3 PROSPECTIVE JUROR NO. 154: I think it was the D.A. It -- she had
4 stolen something from a home to pay for drugs.

5 THE COURT: Okay. Are you -- do you feel that she was treated fairly by
6 the criminal justice system?

7 PROSPECTIVE JUROR NO. 154: Uh-huh, yes, I do.

8 THE COURT: All right. So there is nothing about that case or is there
9 anything about that case that would cause you to have any feelings one way or
10 the other about the system as a whole, the court system, the D.A.'s office?

11 PROSPECTIVE JUROR NO. 154: No, sir.

12 THE COURT: Okay. Did she have an attorney in that case?

13 PROSPECTIVE JUROR NO. 154: No, just the D.A. or a public defender.
14 We didn't hire anyone.

15 THE COURT: Was she is appointed an attorney or was it kind of a -- was
16 it a misdemeanor? Some misdemeanors you don't, you know, you just go in
17 there and negotiate without an attorney. Did she have an attorney that
18 represented her that was appointed by the court?

19 PROSPECTIVE JUROR NO. 154: Yes, by the court.

20 THE COURT: Okay. All right. I appreciate your letting me know. Can
21 you pass the microphone?

22 Hi, what is your badge number again, ma'am?

23 PROSPECTIVE JUROR NO. 160: Number 160.

24 THE COURT: Ms. Barron, I know what your husband does, what do you
25 do for a living?

1 PROSPECTIVE JUROR NO. 160: Well, actually, he's an accountant is
2 what he does for a living.

3 THE COURT: Okay.

4 PROSPECTIVE JUROR NO. 160: He just does the other stuff --

5 THE COURT: Oh, okay.

6 PROSPECTIVE JUROR NO. 160: I work for the College of Southern
7 Nevada, and I teach English as a second language since 1999.

8 THE COURT: Okay. Excellent. And any adult kids?

9 PROSPECTIVE JUROR NO. 160: Yes, I have two adult sons. One lives
10 in Virginia, and he builds sonar equipment for submarines.

11 THE COURT: Oh, okay, so he must be in the Norfolk area then, right?

12 PROSPECTIVE JUROR NO. 160: Yes, he is, yeah.

13 THE COURT: Okay.

14 PROSPECTIVE JUROR NO. 160: He used to be in the Navy. And the
15 other son is in western Pennsylvania, and he works for Microsoft security
16 systems.

17 THE COURT: Okay. All right, excellent. Ever served on a jury before?

18 PROSPECTIVE JUROR NO. 160: Yes.

19 THE COURT: When was that?

20 PROSPECTIVE JUROR NO. 160: When I lived in Virginia.

21 THE COURT: Okay.

22 PROSPECTIVE JUROR NO. 160: I've been called here, but this is the
23 first -- this is the closest I've been.

24 THE COURT: So what year did you serve on a jury in Virginia?

25 PROSPECTIVE JUROR NO. 160: Oh, gosh. My kids were both living at

1 home. It was probably in the '80s, late eight '80s.

2 THE COURT: Was it -- do you remember if it was civil or criminal case?

3 PROSPECTIVE JUROR NO. 160: Both. In Virginia you were on more
4 than one. One -- one day I was on a rape trial, and I think the very next day I
5 was on a civil, in a civil case.

6 THE COURT: Really? That's a different system.

7 PROSPECTIVE JUROR NO. 160: Yeah, yeah.

8 THE COURT: Okay. Were you the foreperson in either case?

9 PROSPECTIVE JUROR NO. 160: No.

10 THE COURT: Anything about serving on those cases that would cause
11 you to hesitate about serving again as a juror on this case?

12 PROSPECTIVE JUROR NO. 160: No, it's a good experience.

13 THE COURT: Okay. So in both cases did the jury reach a verdict or was
14 it a hung jury in either case?

15 PROSPECTIVE JUROR NO. 160: We did.

16 THE COURT: In both cases?

17 PROSPECTIVE JUROR NO. 160: Yes.

18 THE COURT: All right. Excellent. I appreciate the information. Have you
19 or anyone close to you ever been the victim of a crime?

20 PROSPECTIVE JUROR NO. 160: Not really. I mean, nothing that I've
21 ever called the police for.

22 THE COURT: Okay. But anything that would cause you to be something
23 other than fair and impartial in a criminal case?

24 PROSPECTIVE JUROR NO. 160: No.

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

1 arrested for a crime whether or not there was a conviction?

2 PROSPECTIVE JUROR NO. 160: No.

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

4 You know, before we come to you, Mr. Erickson, let me ask
5 everybody here, we've been going for a little bit over an hour, does everybody
6 want to keep going? Do you guys want to take a break? Go to the restroom?
7 Let's see a show of hands, who needs to take a break right now? Anybody? All
8 right. Let's just keep moving forward then.

9 You're Mr. Erickson, right?

10 PROSPECTIVE JUROR NO. 161: Yes, sir, 161.

11 THE COURT: All right. Badge number 161. I know that you used to be a
12 deputy sheriff, you're now deliver freight. Are you married?

13 PROSPECTIVE JUROR NO. 161: No.

14 THE COURT: Any adult kids?

15 PROSPECTIVE JUROR NO. 161: Yes.

16 THE COURT: What do they do?

17 PROSPECTIVE JUROR NO. 161: He drives a truck.

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

19 PROSPECTIVE JUROR NO. 161: No, sir.

20 THE COURT: Have you or anyone close to you ever been the victim of a
21 crime?

22 PROSPECTIVE JUROR NO. 161: Yes, sir.

23 THE COURT: Who was that and where and when?

24 PROSPECTIVE JUROR NO. 161: Myself a vehicle burglary, car.

25 THE COURT: Here or somewhere else?

1 PROSPECTIVE JUROR NO. 161: Metro, here.

2 THE COURT: How long ago?

3 PROSPECTIVE JUROR NO. 161: 1989.

4 THE COURT: 1989. Anything about that experience that would impact
5 your ability to serve as a juror in this case?

6 PROSPECTIVE JUROR NO. 161: No, sir.

7 THE COURT: Have you or anyone close to you ever been accused of or
8 arrested for a crime whether or not there was a conviction?

9 PROSPECTIVE JUROR NO. 161: Yes, sir.

10 THE COURT: Who was that?

11 PROSPECTIVE JUROR NO. 161: Me.

12 THE COURT: What were you -- when did that happen, first of all?

13 PROSPECTIVE JUROR NO. 161: '90, 1990.

14 THE COURT: What were you accused of?

15 PROSPECTIVE JUROR NO. 161: Domestic violence.

16 THE COURT: Okay, were you actually arrested?

17 PROSPECTIVE JUROR NO. 161: Yes, sir.

18 THE COURT: Was there an actual -- did you have to go to court? Was
19 there a prosecution?

20 PROSPECTIVE JUROR NO. 161: I actually, no, I went to -- I did classes.
21 I went to court and they put me into classes.

22 THE COURT: Okay. So were you adjudicated guilty or was it sort of a
23 stayed adjudication, go to classes, and dismiss the case kind of a thing?

24 PROSPECTIVE JUROR NO. 161: Yes, sir.

25 THE COURT: It was the latter thing, so there is nothing on your record

1 then?

2 PROSPECTIVE JUROR NO. 161: I'm not sure to be honest with you.

3 THE COURT: Okay. But do you recall -- were you actually convicted or it
4 was sort of you do the classes and it's dismissed?

5 PROSPECTIVE JUROR NO. 161: Yeah, that's all I did was just do the
6 class and that was it.

7 THE COURT: Okay. Anything about that experience that would cause
8 you to be something other than fair and impartial in a criminal case?

9 PROSPECTIVE JUROR NO. 161: No, sir, no.

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

11 Hi, what is your badge number, ma'am?

12 PROSPECTIVE JUROR NO. 163: 163.

13 THE COURT: Ms. -- is it Kragor?

14 PROSPECTIVE JUROR NO. 163: Kragor, yes.

15 THE COURT: Kragor, what do you do for a living?

16 PROSPECTIVE JUROR NO. 163: I'm a pit manager in a casino.

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

18 PROSPECTIVE JUROR NO. 163: Pit manager in a casino.

19 THE COURT: Okay. How long have you done that?

20 PROSPECTIVE JUROR NO. 163: I've been in the business 20 years.

21 THE COURT: Are you married?

22 PROSPECTIVE JUROR NO. 163: No.

23 THE COURT: Any adult kids?

24 PROSPECTIVE JUROR NO. 163: I have two adult daughters.

25 THE COURT: And what fields of work are they in?

1 PROSPECTIVE JUROR NO. 163: One of them -- one's a teacher and
2 one sells insurance.

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

4 PROSPECTIVE JUROR NO. 163: No.

5 THE COURT: Have you or anyone close to you ever been the victim of a
6 crime?

7 PROSPECTIVE JUROR NO. 163: Yes.

8 THE COURT: Who was that?

9 PROSPECTIVE JUROR NO. 163: 2009 I caught someone slashing my
10 tires in my apartment complex.

11 THE COURT: Okay. Did you call the police?

12 PROSPECTIVE JUROR NO. 163: Yes.

13 THE COURT: What happened?

14 PROSPECTIVE JUROR NO. 163: Did you have to -- were they arrested?
15 Were they charged? Did you have to --

16 PROSPECTIVE JUROR NO. 163: They didn't arrest 'em. They told me
17 they couldn't arrest 'em even though I caught them in the middle of it, he swore it
18 wasn't him. But it was.

19 THE COURT: Okay.

20 PROSPECTIVE JUROR NO. 163: They told me the only way I was going
21 to be able to get -- get them paid for, the damage paid for was to take him to
22 court to file a civil lawsuit. I did that and I actually went on Judge Judy for this.

23 THE COURT: Really?

24 PROSPECTIVE JUROR NO. 163: Yeah.

25 THE COURT: Okay.

1 PROSPECTIVE JUROR NO. 163: The show contacted me, I was going
2 to take him to small claims court here, but I knew that he -- I was never going to
3 get any money from him, and the show pays you if you win, so.

4 THE COURT: So did you win in that court?

5 PROSPECTIVE JUROR NO. 163: Yes.

6 THE COURT: Okay. Did Judge Judy yell at you?

7 PROSPECTIVE JUROR NO. 163: No, but she yelled at him a lot.

8 THE COURT: Okay.

9 PROSPECTIVE JUROR NO. 163: He was an idiot. It was kind of fun.

10 THE COURT: All right. Anything about that, I mean, you called the
11 police, they didn't arrest him. Were you happy or unhappy with the police
12 response?

13 PROSPECTIVE JUROR NO. 163: I was disappointed in that, they told
14 me that he didn't have a warrant out or anything, they said we really can't arrest
15 him for it and the only way you're going to get anything out of it is you're going to
16 have to file, you know, file a claim.

17 THE COURT: Okay.

18 PROSPECTIVE JUROR NO. 163: I was a little disappointed. They told
19 me they didn't really have grounds to arrest him. I didn't really understand that.
20 They handled it well. I was happy with the way they responded immediately, I
21 was happy with everything. I didn't really understand why they wouldn't arrest
22 him. I guess because he didn't have any -- he didn't have any warrants. I was
23 hoping he had a warrant or something, but he didn't, so.

24 THE COURT: Right.

25 PROSPECTIVE JUROR NO. 163: But overall I was happy with the way it

1 was handled.

2 THE COURT: Okay. Is that something that would, I mean, is your
3 disappointment something that would affect your ability to be fair and impartial in
4 this case?

5 PROSPECTIVE JUROR NO. 163: No, no.

6 THE COURT: That's not something that you would hold --

7 PROSPECTIVE JUROR NO. 163: Not at all.

8 THE COURT: -- against either side in this case?

9 PROSPECTIVE JUROR NO. 163: No, absolutely not, no.

10 THE COURT: All right. I appreciate it. Have you or anyone close to you
11 ever been accused of a crime whether or not there was a conviction?

12 PROSPECTIVE JUROR NO. 163: No.

13 THE COURT: All right. Let me get to you pass the microphone. Thank
14 you.

15 Hi, Ms. Austin, correct? Badge number is 173.

16 PROSPECTIVE JUROR NO. 173: Yes.

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

18 PROSPECTIVE JUROR NO. 173: I'm retired.

19 THE COURT: What did you used to do?

20 PROSPECTIVE JUROR NO. 173: I was in accounts receivable, accounts
21 payable.

22 THE COURT: Okay. Are you married?

23 PROSPECTIVE JUROR NO. 173: I am.

24 THE COURT: What does your husband do or what did he do?

25 PROSPECTIVE JUROR NO. 173: He is retired and he worked in the oil

1 and gas field for 40 years.

2 THE COURT: Okay. So how long have you guys been in Vegas?

3 PROSPECTIVE JUROR NO. 173: Since '09.

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

5 PROSPECTIVE JUROR NO. 173: No.

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

8 PROSPECTIVE JUROR NO. 173: There was a check of mine stolen out
9 of our drop box at our H.O.A. I think it was in July of this year, and it was
10 actually the police that contacted us because they found the people with the
11 check in Victorville, and so they were afraid that I was in danger because it was
12 my check with my name on it, so they wanted to find out if I was all right. And so
13 the last I heard they had washed the check and made it out for more money, and
14 then they arrested them on a, I can't remember if it was fraud or whatever
15 because they had signed my name.

16 THE COURT: Have you -- did you have to go to court to testify?

17 PROSPECTIVE JUROR NO. 173: No.

18 THE COURT: Okay. Do you know if there is a criminal case pending
19 right now?

20 PROSPECTIVE JUROR NO. 173: I don't.

21 THE COURT: Okay. Do you know if -- were they arrested -- so you don't
22 even know if they're being charged?

23 PROSPECTIVE JUROR NO. 173: Nope.

24 THE COURT: Okay.

25 PROSPECTIVE JUROR NO. 173: I had to change my account, that's the

1 only thing that impacted me.

2 THE COURT: Right. Okay. Anything about that experience having been
3 the victim of that that would cause you to be something other than fair and
4 impartial in this case?

5 PROSPECTIVE JUROR NO. 173: No.

6 THE COURT: All right. Have you or anyone close to you ever been
7 accused of a crime?

8 PROSPECTIVE JUROR NO. 173: No.

9 THE COURT: Whether or not there was a conviction? All right. Super.
10 Let me get you to pass the microphone.

11 What is your badge number, sir?

12 PROSPECTIVE JUROR NO. 175: 175.

13 THE COURT: You're Mr. -- is it Cerros?

14 PROSPECTIVE JUROR NO. 175: Yes.

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

16 PROSPECTIVE JUROR NO. 175: I'm banker at Wells Fargo.

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

18 PROSPECTIVE JUROR NO. 175: I've done that -- a year, but -- yeah.

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

20 PROSPECTIVE JUROR NO. 175: Since '99.

21 THE COURT: Okay. So what did you do before Wells Fargo?

22 PROSPECTIVE JUROR NO. 175: I was at Citibank.

23 THE COURT: Okay, gotcha. Are you married?

24 PROSPECTIVE JUROR NO. 175: No, but I live with my girlfriend. She
25 lives with me.

1 THE COURT: Okay. And what does she do?
2 PROSPECTIVE JUROR NO. 175: She works at a restaurant.
3 THE COURT: Okay. Any adult kids?
4 PROSPECTIVE JUROR NO. 175: No.
5 THE COURT: Ever served on a jury before?
6 PROSPECTIVE JUROR NO. 175: No.
7 THE COURT: Have you or anyone close to you ever been the victim of a
8 crime?
9 PROSPECTIVE JUROR NO. 175: Yes.
10 THE COURT: Who was that?
11 PROSPECTIVE JUROR NO. 175: I've gotten my house broken into three
12 times.
13 THE COURT: When was the most recent time?
14 PROSPECTIVE JUROR NO. 175: About -- what was it -- I believe a year
15 and a half ago.
16 THE COURT: Okay. Did you call the police?
17 PROSPECTIVE JUROR NO. 175: After it was done, yeah.
18 THE COURT: Okay. And was it Metro or someone else that you called?
19 PROSPECTIVE JUROR NO. 175: North Las Vegas.
20 THE COURT: North Las Vegas.
21 PROSPECTIVE JUROR NO. 175: Uh-huh.
22 THE COURT: Did they respond?
23 PROSPECTIVE JUROR NO. 175: They -- yeah, they came to my
24 residence, yeah.
25 THE COURT: All right. And when were the other two times that your

1 house was broken into?

2 PROSPECTIVE JUROR NO. 175: It was at another residence, a previous
3 residence. It was North -- North Las Vegas as well.

4 THE COURT: And when was that?

5 PROSPECTIVE JUROR NO. 175: This was about probably five, six years
6 ago.

7 THE COURT: Five, six years ago, all right. Now, in this case you've
8 heard that the accusation is that the defendant allegedly broke into someone's
9 house and stole some stuff. Now, having had that or something similar happen
10 to you three times, is that something that would affect your ability to be fair and
11 impartial in this case?

12 PROSPECTIVE JUROR NO. 175: I would say no.

13 THE COURT: Okay. In either of the three times that your house was
14 broken into was someone arrested?

15 PROSPECTIVE JUROR NO. 175: No.

16 THE COURT: All right. So they're unsolved crimes. The same question I
17 asked the other person, is that something that you would sort of, for want of a
18 better word, take out on this person because, oh, you know, I was a victim of the
19 same thing, I want justice so I'm just going to send this guy to prison, just
20 because?

21 PROSPECTIVE JUROR NO. 175: Not necessarily. Not necessarily, no

22 THE COURT: All right. Is there -- is there any possibility that you would
23 sit here -- basically, if you were asked to serve as a juror in this case, you would
24 be instructed that you are only to determine his guilt or innocence in this case.
25 Is there any possibility you'd be sitting there wondering, God, I wonder if this is

1 the guy who broke into my house ten years ago and hold that against him?

2 PROSPECTIVE JUROR NO. 175: Not necessarily, but, you know, I
3 made, what is it, my neighbors asked a couple questions.

4 THE COURT: Uh-huh.

5 PROSPECTIVE JUROR NO. 175: You know, one of my neighbors, I
6 mean, I have -- I guess they pinpointed a person out about 30 minutes before
7 the break-in happened and, you know, they identified him as a young African
8 male, African American, but not necessarily I wouldn't take this, you know.

9 THE COURT: Okay. All right. I guess I'm a little bit, when you say, not
10 necessarily, is that something you might do?

11 PROSPECTIVE JUROR NO. 175: I would say no. But, you know, I, like,
12 I'm all about seeing things clear, so I'll put that aside. I'll do my best to put that
13 aside.

14 THE COURT: Okay. Do you think that you could put it aside?

15 PROSPECTIVE JUROR NO. 175: Yes.

16 THE COURT: Okay. All right. I appreciate it. Ever -- did I ask you this
17 already? Ever served on a jury before?

18 PROSPECTIVE JUROR NO. 175: No.

19 THE COURT: All right. Have you or anyone close to -- have you or
20 anyone close to you ever been accused of a crime whether or not there was a
21 conviction?

22 PROSPECTIVE JUROR NO. 175: No.

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

24 Hi, what is your badge number again?

25 PROSPECTIVE JUROR NO. 176: 176.

1 THE COURT: Right. Ms. Baucom. What do you do for a living?

2 PROSPECTIVE JUROR NO. 176: I'm an emergency department
3 physician assistant.

4 THE COURT: Okay. When you say emergency department, what does
5 that mean? Do you work for, like, U.M.C. or --

6 PROSPECTIVE JUROR NO. 176: I work for the Valley Health System in
7 all five E.R.s.

8 THE COURT: Okay. How long have you done that?

9 PROSPECTIVE JUROR NO. 176: Since 2010, two years.

10 THE COURT: 2010. You mentioned your ex-husband. Are you currently
11 married?

12 PROSPECTIVE JUROR NO. 176: I live with my boyfriend, we have
13 children.

14 THE COURT: Okay. What does he do?

15 PROSPECTIVE JUROR NO. 176: He's a surgeon.

16 THE COURT: Oh, right, you mentioned that. What's his name?

17 PROSPECTIVE JUROR NO. 176: My boyfriend?

18 THE COURT: Yeah.

19 PROSPECTIVE JUROR NO. 176: Peter Caravella.

20 THE COURT: Any adult kids?

21 PROSPECTIVE JUROR NO. 176: I'm barely an adult.

22 THE COURT: I'm sorry?

23 PROSPECTIVE JUROR NO. 176: No.

24 THE COURT: Okay. Sorry, I didn't hear what you said.

25 PROSPECTIVE JUROR NO. 176: I said I was barely an adult.

1 THE COURT: Okay. Well, you know, I have to ask. Have you ever
2 served on a jury before?

3 PROSPECTIVE JUROR NO. 176: No.

4 THE COURT: Have you or anyone close to you ever been the victim of a
5 crime?

6 PROSPECTIVE JUROR NO. 176: Like I said previously, my uncle was
7 killed in the line of duty.

8 THE COURT: Right.

9 PROSPECTIVE JUROR NO. 176: I've had a --

10 THE COURT: When was that by the way?

11 PROSPECTIVE JUROR NO. 176: It was nearly 20 years ago now.

12 THE COURT: Okay.

13 PROSPECTIVE JUROR NO. 176: Yeah.

14 THE COURT: Was that here in Las Vegas?

15 PROSPECTIVE JUROR NO. 176: No. That was in Charlotte, North

16 Carolina.

17 THE COURT: Okay.

18 PROSPECTIVE JUROR NO. 176: I personally have had identity theft,
19 credit card issues. And once my car was broken into in Las Vegas.

20 THE COURT: And how long ago was that?

21 PROSPECTIVE JUROR NO. 176: About a year ago.

22 THE COURT: Did you call the police?

23 PROSPECTIVE JUROR NO. 176: I did.

24 THE COURT: Did they arrest anybody?

25 PROSPECTIVE JUROR NO. 176: No.

1 THE COURT: Were you happy with the police response?

2 PROSPECTIVE JUROR NO. 176: Sure, yes.

3 THE COURT: All right. Is there anything about that incident that would
4 cause you to be something other than fair and impartial if asked to serve as a
5 juror in this case?

6 PROSPECTIVE JUROR NO. 176: No, sir.

7 THE COURT: All right. Have you or anyone close to you ever been
8 accused of a crime whether or not there was a conviction?

9 PROSPECTIVE JUROR NO. 176: No, sir.

10 THE COURT: All right. Let me get you to pass the microphone. Hi, what
11 is your badge number, ma'am?

12 PROSPECTIVE JUROR NO. 177: 177.

13 THE COURT: Ms. -- is it Llanas, Llanas.

14 PROSPECTIVE JUROR NO. 177: Llanas.

15 THE COURT: I'm sorry?

16 PROSPECTIVE JUROR NO. 177: Llanas.

17 THE COURT: Llanas, I'm sorry. What do you do for a living?

18 PROSPECTIVE JUROR NO. 177: I am an interior designer and project
19 manager.

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

21 PROSPECTIVE JUROR NO. 177: 16 years.

22 THE COURT: All right. Are you married?

23 PROSPECTIVE JUROR NO. 177: Yes.

24 THE COURT: What does your husband do?

25 PROSPECTIVE JUROR NO. 177: He is in purchasing with N.V. Energy.

1 THE COURT: Okay. Excellent. Any adult kids?

2 PROSPECTIVE JUROR NO. 177: Yes, one daughter, 19, full-time
3 student at U.N.L.V.. She works part time at U.N.L.V.

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

5 PROSPECTIVE JUROR NO. 177: No.

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

8 PROSPECTIVE JUROR NO. 177: No.

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

11 PROSPECTIVE JUROR NO. 177: No.

12 THE COURT: All right. Super. Let me get you to pass the microphone.

13 Hi, ma'am, what is your badge number again?

14 PROSPECTIVE JUROR NO. 186: 186.

15 THE COURT: 186, Ms. Spriggs. I know your husband is retired Metro.

16 What do you do for a living?

17 PROSPECTIVE JUROR NO. 186: I'm an assistant housekeeping
18 manager.

19 THE COURT: Okay. Any adult kids?

20 PROSPECTIVE JUROR NO. 186: One, a son.

21 THE COURT: Hi, what does he do?

22 PROSPECTIVE JUROR NO. 186: Works for the Nevada Test Site.

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

24 PROSPECTIVE JUROR NO. 186: Yes.

25 THE COURT: Where and when?

1 PROSPECTIVE JUROR NO. 186: Here in Las Vegas. It was a civil case.

2 THE COURT: What year?

3 PROSPECTIVE JUROR NO. 186: When I was 22.

4 THE COURT: Okay. So a pretty long time ago, gotcha. Were you the
5 foreperson in that case?

6 PROSPECTIVE JUROR NO. 186: Excuse me?

7 THE COURT: Were you the foreman, the foreperson in that case?

8 PROSPECTIVE JUROR NO. 186: No, sir.

9 THE COURT: Did the jury actually reach a verdict? Or was it a hung
10 jury? Or did it settle?

11 PROSPECTIVE JUROR NO. 186: It was a hung jury.

12 THE COURT: It was a hung jury? Anything about that experience that
13 would cause you to be something other than fair and impartial in this case?

14 PROSPECTIVE JUROR NO. 186: No, sir.

15 THE COURT: Now, I don't know why the jury hung, but, you know,
16 obviously there was some kind of a disagreement. Was there anything about
17 that experience that would cause you not to want to serve as a juror again in a
18 different kind of case?

19 PROSPECTIVE JUROR NO. 186: No, sir.

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

22 PROSPECTIVE JUROR NO. 186: Yes, sir.

23 THE COURT: Who was that?

24 PROSPECTIVE JUROR NO. 186: Myself.

25 THE COURT: What kind of crime?

1 PROSPECTIVE JUROR NO. 186: Someone pulled a gun on me at a red
2 light.

3 THE COURT: How long ago?

4 PROSPECTIVE JUROR NO. 186: Back in the '70s.

5 THE COURT: Was that here or somewhere else?

6 PROSPECTIVE JUROR NO. 186: Here.

7 THE COURT: Back in the '70s? Did you call the police?

8 PROSPECTIVE JUROR NO. 186: Yes, sir.

9 THE COURT: Were you happy with the police response?

10 PROSPECTIVE JUROR NO. 186: Yes, sir.

11 THE COURT: Anything about that incident that would cause you to have
12 any concerns about this case or cause you to be something other than fair and
13 impartial?

14 PROSPECTIVE JUROR NO. 186: No, sir.

15 THE COURT: All right. Have you or anyone close to you ever been
16 accused of a crime whether or not there was a conviction?

17 PROSPECTIVE JUROR NO. 186: No, sir.

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

19 Hi, ma'am, what is your badge number?

20 PROSPECTIVE JUROR NO. 188: 188.

21 THE COURT: Ms. Lawrence?

22 PROSPECTIVE JUROR NO. 188: Yes.

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

24 PROSPECTIVE JUROR NO. 188: I'm retired R.N., five years ago,
25 disability.

1 THE COURT: Okay. Five years ago, retired as an R.N. - What type of
2 organization did you work for? Was it a clinic? Was it a hospital?
3 PROSPECTIVE JUROR NO. 188: Labor delivery.
4 THE COURT: Oh, okay. And are you married?
5 PROSPECTIVE JUROR NO. 188: Single.
6 THE COURT: I'm sorry?
7 PROSPECTIVE JUROR NO. 188: Single.
8 THE COURT: Okay. Any adult kids?
9 PROSPECTIVE JUROR NO. 188: No.
10 THE COURT: Ever served on a jury before?
11 PROSPECTIVE JUROR NO. 188: No.
12 THE COURT: Have you or anyone close to you ever been the victim of a
13 crime?
14 PROSPECTIVE JUROR NO. 188: No, sir.
15 THE COURT: Have you or anyone close to you ever been accused of a
16 crime whether or not there was a conviction?
17 PROSPECTIVE JUROR NO. 188: No, sir.
18 THE COURT: All right. Super. Let me get you to pass the microphone.
19 Hi, what is your badge number, sir?
20 PROSPECTIVE JUROR NO. 198: 198.
21 THE COURT: Mr. Smith. What do you do for a living?
22 PROSPECTIVE JUROR NO. 198: I'm a foreman for a construction firm.
23 THE COURT: All right. And are you married?
24 PROSPECTIVE JUROR NO. 198: No.
25 THE COURT: Any adult kids?

1 PROSPECTIVE JUROR NO. 198: No.

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

3 PROSPECTIVE JUROR NO. 198: No.

4 THE COURT: Have you or anyone close to you ever been the victim of a
5 crime?

6 PROSPECTIVE JUROR NO. 198: My house was burglarized two years
7 ago.

8 THE COURT: Two years ago, here in Las Vegas?

9 PROSPECTIVE JUROR NO. 198: Yes.

10 THE COURT: And did you call the police?

11 PROSPECTIVE JUROR NO. 198: Yes.

12 THE COURT: Did they arrest anybody?

13 PROSPECTIVE JUROR NO. 198: Eventually, yes.

14 THE COURT: Eventually? Did you ever have to go to court and testify or
15 anything like that?

16 PROSPECTIVE JUROR NO. 198: I went to court, but it was dismissed
17 before I had to testify.

18 THE COURT: It was dismissed?

19 PROSPECTIVE JUROR NO. 198: Yes, sir.

20 THE COURT: All right. Was that in this courthouse or a different court
21 system?

22 PROSPECTIVE JUROR NO. 198: It was in this courthouse.

23 THE COURT: All right. Anything about that experience, I mean, that
24 would cause you to be something other than fair and impartial?

25 PROSPECTIVE JUROR NO. 198: I don't think so.

1 THE COURT: Were you happy with the way the criminal justice system
2 worked or not so much?

3 PROSPECTIVE JUROR NO. 198: Not really.

4 THE COURT: Okay. Is that something that would cause you any
5 concerns in this case? I know the system didn't necessarily --

6 PROSPECTIVE JUROR NO. 198: I don't think I'd be --

7 THE COURT: -- work for you in that case or at least you may not feel that
8 way, but --

9 PROSPECTIVE JUROR NO. 198: -- I don't think I would -- I don't think -- I
10 still think I could be impartial.

11 THE COURT: Okay. Have you or anyone close to ever been accused of
12 crime whether or not there was a conviction?

13 PROSPECTIVE JUROR NO. 198: No.

14 THE COURT: All right. Was it -- in the case that we just talked about,
15 was it the Clark County D.A.'s office that prosecuted the case?

16 PROSPECTIVE JUROR NO. 198: Yes.

17 THE COURT: Or was it the City Attorney or --

18 PROSPECTIVE JUROR NO. 198: It was the District Attorney.

19 THE COURT: Okay. Anything -- any feelings one way or the other about
20 the kind of job they did? Anything that you would hold against them? Or
21 anything that you would hold in their favor as a result of that case?

22 PROSPECTIVE JUROR NO. 198: No, no.

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

25 Hi, ma'am.

1 PROSPECTIVE JUROR NO. 201: 201 again.

2 THE COURT: Yes, badge number 201. You were a court interpreter in
3 New York. What do you do now?

4 PROSPECTIVE JUROR NO. 201: I work as a substitute teacher here
5 since 2005.

6 THE COURT: Okay. Excellent. Are you married?

7 PROSPECTIVE JUROR NO. 201: Yes.

8 THE COURT: And what does your husband do?

9 PROSPECTIVE JUROR NO. 201: My husband works for Peter Lik
10 Gallery.

11 THE COURT: Okay, gotcha. Any adult kids?

12 PROSPECTIVE JUROR NO. 201: Yes. I have 20-year-old son. He's
13 full-time student, and he works in John Varvatos, designer at Forum Shops.

14 THE COURT: Right, okay. Ever served on a jury before?

15 PROSPECTIVE JUROR NO. 201: No.

16 THE COURT: Have you or anyone close to you ever been the victim of a
17 crime?

18 PROSPECTIVE JUROR NO. 201: No.

19 THE COURT: Have you or anyone close to you ever been accused of a
20 crime whether or not there was a conviction?

21 PROSPECTIVE JUROR NO. 201: No.

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

23 Hi, what is your badge number?

24 PROSPECTIVE JUROR NO. 237: 237.

25 THE COURT: 237, Mr. Fernandez?

1 PROSPECTIVE JUROR NO. 237: Yes.

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

3 PROSPECTIVE JUROR NO. 239: I'm custodian with Clark County
4 School District.

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

6 PROSPECTIVE JUROR NO. 237: I've done that for two years now.

7 THE COURT: Are you married?

8 PROSPECTIVE JUROR NO. 237: No.

9 THE COURT: All right. Any adult kids?

10 PROSPECTIVE JUROR NO. 237: No.

11 THE COURT: Ever served on a jury before?

12 PROSPECTIVE JUROR NO. 237: No.

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

15 PROSPECTIVE JUROR NO. 237: I have.

16 THE COURT: When was that?

17 PROSPECTIVE JUROR NO. 237: My car was stolen last year.

18 THE COURT: Last year?

19 PROSPECTIVE JUROR NO. 237: Uh-huh.

20 THE COURT: In Clark County or somewhere else?

21 PROSPECTIVE JUROR NO. 237: It was in, yes, Clark County.

22 THE COURT: Okay. Did you call the police?

23 PROSPECTIVE JUROR NO. 237: Yes. I called the school police.

24 THE COURT: It was stolen on school grounds?

25 PROSPECTIVE JUROR NO. 237: Yes.

1 THE COURT: Okay. Did anyone -- was anyone arrested?

2 PROSPECTIVE JUROR NO. 237: No.

3 THE COURT: All right. Anything about that incident or the police
4 response, and obviously this case doesn't involve the School District police, but
5 anything about that experience that would cause you to be something other than
6 fair and impartial in this case?

7 PROSPECTIVE JUROR NO. 237: No.

8 THE COURT: Have you or anyone close to you ever been accused of a
9 crime whether or not there was a conviction?

10 PROSPECTIVE JUROR NO. 237: No.

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

12 Hi, what is your badge number again, sir?

13 PROSPECTIVE JUROR NO. 206: 206.

14 THE COURT: Right. Mr. Prescott.

15 PROSPECTIVE JUROR NO. 206: Yes.

16 THE COURT: I know you were in law enforcement for a while. Are you
17 retired? Are you working now?

18 PROSPECTIVE JUROR NO. 206: I am working. I retired from Minnesota
19 and came here and started a job here for O'Reilly's.

20 THE COURT: I'm sorry?

21 PROSPECTIVE JUROR NO. 206: O'Reilly's Auto Parts.

22 THE COURT: Oh, gotcha, right, right, you mentioned that. Are you
23 married?

24 PROSPECTIVE JUROR NO. 206: No.

25 THE COURT: Any adult kids?

1 PROSPECTIVE JUROR NO. 206: Yes, two.

2 THE COURT: What do they do, generally?

3 PROSPECTIVE JUROR NO. 206: My son is a, for lack of a better
4 explanation, a videographer. He makes movies.

5 THE COURT: Right.

6 PROSPECTIVE JUROR NO. 206: And small DVDs.

7 THE COURT: Okay.

8 PROSPECTIVE JUROR NO. 206: And my daughter works for Best Buy.

9 THE COURT: Okay, gotcha. Ever served on a jury before?

10 PROSPECTIVE JUROR NO. 206: No sir.

11 THE COURT: Have you or anyone close to you ever been the victim of a
12 crime?

13 PROSPECTIVE JUROR NO. 206: Yes.

14 THE COURT: Who was that and where and when?

15 PROSPECTIVE JUROR NO. 206: Had a burglary, or I should say,
16 attempted break in at a residence so many years ago. I have no idea what year
17 that was.

18 THE COURT: So I'm taking -- that was Minnesota I'm taking it?

19 PROSPECTIVE JUROR NO. 206: Yes, yes, that was Minnesota.

20 THE COURT: Okay. It was an attempted break in? Did the person not
21 successfully --

22 PROSPECTIVE JUROR NO. 206: Correct, the -- the dog scared 'em
23 away.

24 THE COURT: Okay. Anything about that experience, knowing that this
25 case involves an accusation of a residential theft that would cause you to be

1 something other than fair and impartial in this case?

2 PROSPECTIVE JUROR NO. 206: No, sir.

3 THE COURT: All right. Have you or anyone close to you ever been
4 accused of a crime whether or not there was a conviction?

5 PROSPECTIVE JUROR NO. 206: No.

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

7 Hi, what is your badge number, ma'am?

8 PROSPECTIVE JUROR NO. 208: 208.

9 THE COURT: You're going to have to help me with your last name.

10 PROSPECTIVE JUROR NO. 208: Doing, what are you doing? Nothing.

11 What are you doing?

12 THE COURT: Doing, oh, okay.

13 PROSPECTIVE JUROR NO. 208: Nothing what are you doing?

14 THE COURT: That makes it memorable. All right. Ms. Doing, what do
15 you do for a living?

16 PROSPECTIVE JUROR NO. 208: I've been a rancher for 35 years.

17 THE COURT: Okay. Excellent. Are you married?

18 PROSPECTIVE JUROR NO. 208: No.

19 THE COURT: Any adult kids?

20 PROSPECTIVE JUROR NO. 208: Two.

21 THE COURT: What do they do?

22 PROSPECTIVE JUROR NO. 208: My daughter's a realtor; and my son
23 runs a small family business, a casino in Searchlight.

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

25 PROSPECTIVE JUROR NO. 208: Yes, professionally.

1 THE COURT: What does that mean?

2 PROSPECTIVE JUROR NO. 208: I've done it a few times.

3 THE COURT: How many times?

4 PROSPECTIVE JUROR NO. 208: Four.

5 THE COURT: All in Clark County or somewhere else?

6 PROSPECTIVE JUROR NO. 208: No, somewhere else as well.

7 THE COURT: Okay.

8 PROSPECTIVE JUROR NO. 208: I was in Reno, Nevada for a while.

9 And couple were civil, and one was for drugs. And on the on the drug one they
10 -- we couldn't come up -- up with, you know, to find him guilty, so he was found, I
11 guess -- he wasn't found innocent.

12 THE COURT: Was it a hung jury?

13 PROSPECTIVE JUROR NO. 208: It was hung. Yeah.

14 THE COURT: Okay.

15 PROSPECTIVE JUROR NO. 208: Well, one person was religious and

16 she said that afterwards, I mean, after days of doing this, she said that her

17 religion would not -- she was the only one that held out. With her religion she
18 said that she could not convict anyone. It was up to God to judge him not her.

19 THE COURT: Okay. So anything about that experience that would cause
20 you to hesitate about serving as a juror in this case?

21 PROSPECTIVE JUROR NO. 208: Oh, no. I'm good at it.

22 THE COURT: Okay. All right. Were you the foreperson in any of those
23 cases?

24 PROSPECTIVE JUROR NO. 208: I was.

25 THE COURT: In all of them? None of them? One of them? Two of 'em?

1 PROSPECTIVE JUROR NO. 208: Two of them.

2 THE COURT: In two of them? Okay. How long ago were those cases?

3 PROSPECTIVE JUROR NO. 208: Started in '79 was one. And then early
4 '80s. And then I think one was, I think, the latest one was about six years ago.

5 THE COURT: Okay. Six years ago. Was that one a civil or criminal
6 case?

7 PROSPECTIVE JUROR NO. 208: That one was the civil.

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

10 PROSPECTIVE JUROR NO. 208: Oh, I hate this question. I don't even
11 want to go there, but anyway.

12 THE COURT: Don't tell me you were a professional victim also, right?

13 PROSPECTIVE JUROR NO. 208: You know pretty much I --

14 THE COURT: Okay.

15 PROSPECTIVE JUROR NO. 208: -- just got out of a marriage where my
16 husband was arrested for attempted murder on me.

17 THE COURT: Oh, wow, okay.

18 PROSPECTIVE JUROR NO. 208: And before that, he's fireman, a lot of
19 beatings, three times he pleaded down to batteries. So definitely, I guess I'm a
20 professional on that too.

21 THE COURT: Was that all that -- was that all here or somewhere else?

22 PROSPECTIVE JUROR NO. 208: It was -- we kind of traveled around.
23 When I first met him, I married him in Reno, Nevada, actually Virginia City. And
24 then he pled down to a couple batteries. So we went to Grass Valley. He was a
25 fireman in Sacramento. And then he was going to get more batteries and lose

1 his job, so we went to Oklahoma for six years. And that's where he got
2 attempted murder. But he was a good fireman.

3 THE COURT: Okay.

4 PROSPECTIVE JUROR NO. 208: Not a very good husband.

5 THE COURT: All right. So, anything about that experience as a victim of
6 a crime apparently on multiple occasions?

7 PROSPECTIVE JUROR NO. 208: No, I'm completely, I'm a bleeding
8 heart. I'd be very honest.

9 THE COURT: Okay.

10 PROSPECTIVE JUROR NO. 208: I mean, I can -- absolutely not.

11 THE COURT: All right. So just for the record there is nothing about those
12 experiences that would cause you to be something other than fair and impartial if
13 asked to serve on this case?

14 PROSPECTIVE JUROR NO. 208: No, I'm very fair, yeah.

15 THE COURT: Okay. Excellent. And I guess we already know the partial
16 answer to this, but other than your husband, have you or anyone close to you
17 ever been accused of a crime whether or not there was a conviction other than
18 him?

19 PROSPECTIVE JUROR NO. 208: No.

20 THE COURT: All right. Super, let me get you to pass the microphone.

21 Hi, what is your badge number?

22 PROSPECTIVE JUROR NO. 216: 216.

23 THE COURT: Ms. Young?

24 PROSPECTIVE JUROR NO. 216: Yes.

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

1 PROSPECTIVE JUROR NO. 216: I'm a secretary at a union.
2 THE COURT: Okay. And are you married?
3 PROSPECTIVE JUROR NO. 216: Yes.
4 THE COURT: What does your husband do?
5 PROSPECTIVE JUROR NO. 216: He works at Home Depot.
6 THE COURT: Okay. Any adult kids?
7 PROSPECTIVE JUROR NO. 216: Yes.
8 THE COURT: What do they do?
9 PROSPECTIVE JUROR NO. 216: Still goes to high school.
10 THE COURT: Okay. Ever served on a jury before?
11 PROSPECTIVE JUROR NO. 216: No.
12 THE COURT: Have you or anyone close to you ever been the victim of a
13 crime?
14 PROSPECTIVE JUROR NO. 216: Yes.
15 THE COURT: Who was that? Was that you or someone else?
16 PROSPECTIVE JUROR NO. 216: My son.
17 THE COURT: Your son? What happened?
18 PROSPECTIVE JUROR NO. 216: Uh-huh. My car almost got stolen. It
19 was parked outside a family member's house and we caught it just in time. They
20 fled.
21 THE COURT: Okay.
22 PROSPECTIVE JUROR NO. 216: But he got hit and they stole my car
23 keys and --
24 THE COURT: Okay. Did you call the police?
25 PROSPECTIVE JUROR NO. 216: Yes.

1 THE COURT: Did they respond?
2 PROSPECTIVE JUROR NO. 216: Yes.
3 THE COURT: Were you happy with -- did they catch the guy?
4 PROSPECTIVE JUROR NO. 216: No.
5 THE COURT: Were you happy with the police response?
6 PROSPECTIVE JUROR NO. 216: Yes.
7 THE COURT: Anything about that experience that would cause you to be
8 something other than fair and impartial in this case?
9 PROSPECTIVE JUROR NO. 216: No.
10 THE COURT: Have you or anyone close to you ever been accused of a
11 crime whether or not there was a conviction?
12 PROSPECTIVE JUROR NO. 216: No.
13 THE COURT: All right. Let me get you to pass the microphone.
14 Hi, what is your badge number?
15 PROSPECTIVE JUROR NO. 220: 220.
16 THE COURT: Ms. Beller, I know your brother-in-law was a sheriff up in
17 Oregon. What do you do?
18 PROSPECTIVE JUROR NO. 220: I'm a dealer in a casino.
19 THE COURT: Okay. How long have you done that?
20 PROSPECTIVE JUROR NO. 220: Twenty-seven years.
21 THE COURT: Are you married?
22 PROSPECTIVE JUROR NO. 220: No.
23 THE COURT: Any adult kids?
24 PROSPECTIVE JUROR NO. 220: No.
25 THE COURT: All right. Ever served on a jury before?

1 PROSPECTIVE JUROR NO. 229: Yes.

2 THE COURT: Where was that? And when was that?

3 PROSPECTIVE JUROR NO. 220: Twice in Portland before I moved
4 down here. So that would have been early '80s.

5 THE COURT: Early '80s. Were those civil or criminal cases?

6 PROSPECTIVE JUROR NO. 220: One was an assault case, and one
7 was some young gal tried to sue a ski lodge.

8 THE COURT: Okay. So one was civil and one was criminal?

9 PROSPECTIVE JUROR NO. 220: Okay.

10 THE COURT: Does that sound right?

11 PROSPECTIVE JUROR NO. 220: If that is -- if that's what you call it.

12 THE COURT: Okay. Did the jury reach verdicts in those cases or were
13 they hung juries?

14 PROSPECTIVE JUROR NO. 220: No, we reached verdicts.

15 THE COURT: Were you the foreperson?

16 PROSPECTIVE JUROR NO. 220: No.

17 THE COURT: All right. Anything about those experiences that would
18 cause you to hesitate about serving again as a juror?

19 PROSPECTIVE JUROR NO. 220: No.

20 THE COURT: All righty. Have you or anyone close to you ever the victim
21 as of crime?

22 PROSPECTIVE JUROR NO. 220: I don't know if you want to count this,
23 but in July of this year I had a gentleman pass post me on a roulette game that I
24 was dealing so that was technically against the casino.

25 THE COURT: Right.

1 PROSPECTIVE JUROR NO. 220: But I had to come to this building to --

2 THE COURT: To testify?

3 PROSPECTIVE JUROR NO. 220: -- to testify at a preliminary hearing in
4 September.

5 THE COURT: Okay. So you, as a witness, must have worked with the
6 Clark County D.A.'s office in some capacity, right, they subpoenaed you? And
7 did --

8 PROSPECTIVE JUROR NO. 220: Well, only out in the hallway.

9 THE COURT: Right.

10 PROSPECTIVE JUROR NO. 220: Yeah.

11 THE COURT: Okay. So anything about that experience with the D.A.'s
12 office that would cause you to have any feelings one way or the other about that
13 office or anyone in that office?

14 PROSPECTIVE JUROR NO. 220: No.

15 THE COURT: Okay. Do you know if that case is still going on?

16 PROSPECTIVE JUROR NO. 220: I don't know.

17 THE COURT: Did you get subpoenaed again or -- okay.

18 PROSPECTIVE JUROR NO. 220: We -- they -- they never told us
19 whether it was -- if he took a plea or if -- he was denying everything at the time.

20 THE COURT: Right. Okay. Have you or anyone close to you ever been
21 accused of a crime whether or not there was a conviction?

22 PROSPECTIVE JUROR NO. 220: No.

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

24 Hi, what is your badge number?

25 PROSPECTIVE JUROR NO. 221: 221.

1 THE COURT: Mr. Morales?

2 PROSPECTIVE JUROR NO. 221: Yes.

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

4 PROSPECTIVE JUROR NO. 221: I work in a casino.

5 THE COURT: What do you do for a casino?

6 PROSPECTIVE JUROR NO. 221: I work in the count room where we

7 count all the money.

8 THE COURT: Gotcha. Okay. And are you married?

9 PROSPECTIVE JUROR NO. 221: Yes.

10 THE COURT: What does your wife do?

11 PROSPECTIVE JUROR NO. 221: She works at the South Point. She's a

12 prep cook in the buffet.

13 THE COURT: All right. Any adult kids?

14 PROSPECTIVE JUROR NO. 221: No.

15 THE COURT: Ever served on a jury before?

16 PROSPECTIVE JUROR NO. 221: Yes.

17 THE COURT: Where was and when was that?

18 PROSPECTIVE JUROR NO. 221: Banning, California, about 20 years

19 ago.

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

21 PROSPECTIVE JUROR NO. 221: Criminal.

22 THE COURT: Did that case go to verdict or was it a hung jury or did it

23 plea out?

24 PROSPECTIVE JUROR NO. 221: No, it went to verdict.

25 THE COURT: Okay.

1 PROSEPTIVE JUROR NO. 221: Yeah.

2 THE COURT: Were you the foreperson?

3 PROSPECTIVE JUROR NO. 221: No.

4 THE COURT: Anything about that experience that would cause you to
5 hesitate about serving again as a juror?

6 PROSPECTIVE JUROR NO. 221: No, no.

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

9 PROSPECTIVE JUROR NO. 221: Yes. Me and my brother, about three
10 years ago I was helping him move to another apartment. And we dropped off
11 the first load, and then we went back, got the rest, and when he came back all
12 his stuff was missing, most of his stuff, all the electronics and stuff. We pretty
13 much knew who it was because when we were unloading the first load there was
14 people walking by just looking to see what we had or what there was.

15 THE COURT: Okay.

16 PROSPECTIVE JUROR NO. 221: But we couldn't prove it. There is
17 nothing you could do because -- but we pretty much -- it was the same
18 neighborhood that -- that stole all our stuff, I'm pretty sure it was.

19 THE COURT: Did you call the police?

20 PROSPECTIVE JUROR NO. 221: Yeah, he did.

21 THE COURT: Okay.

22 PROSPECTIVE JUROR NO. 221: It was his apartment.

23 THE COURT: Did they respond? Did the police respond?

24 PROSPECTIVE JUROR NO. 221: Yeah. They wrote a report and all
25 that.

1 THE COURT: Right. But it sounds like they didn't catch anybody?

2 PROSPECTIVE JUROR NO. 221: Nah, they didn't catch anybody. But
3 we pretty -- we pretty much knew who it was. They were just people walking by
4 us apartment looking in and out. And we didn't even pay attention to that.

5 THE COURT: Okay.

6 PROSPECTIVE JUROR NO. 221: So what they did, you know, we were
7 just pretty ticked off, you know, pretty pissed.

8 THE COURT: Right.

9 PROSPECTIVE JUROR NO. 221: Pissed off we couldn't do nothing
10 about it. But --

11 THE COURT: So anything about that experience that would cause you to
12 be something other than fair and impartial in this case? Is that something that,
13 you know, since that case wasn't solved, you might hold against Mr. Barber in
14 any way or against the police in any way?

15 PROSPECTIVE JUROR NO. 221: No. I can say no, until you see the
16 facts or -- or, you know, 'til you actually see the facts and then hear the
17 testimonies but, you know, it's always in the back of my mind when that
18 happened, you know, but like I say, nothing you can do.

19 THE COURT: Right. But when you say it's always in the back of your
20 mind is that something you can put aside or was it kind of like, I have an ax to
21 grind I'm going to --

22 PROSPECTIVE JUROR NO. 221: No, no, I think I could -- I think I could
23 put it aside and just see what, you know, on this case or, you know, what's
24 actually facts or not.

25 THE COURT: Right.

1 PROSPECTIVE JUROR NO. 221: But it's just some experience that you
2 just -- just hate, you know, it wasn't my stuff, but I mean, he has little kids that I
3 bought stuff for and stuff, all that was stolen and just --

4 THE COURT: Right.

5 PROSPECTIVE JUROR NO. 221: -- just pissed us off.

6 THE COURT: Okay. Have you or anyone close to you ever been
7 accused of a crime whether or not there was a conviction?

8 PROSPECTIVE JUROR NO. 221: No.

9 THE COURT: All right. Let me get you to pass the microphone. Thank
10 you very much.

11 What is your badge number?

12 PROSPECTIVE JUROR NO. 227: 227.

13 THE COURT: All right. Mr. Billets?

14 PROSPECTIVE JUROR NO. 227: Yes.

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

16 PROSPECTIVE JUROR NO. 227: I'm retired.

17 THE COURT: What did you used to do?

18 PROSEPTIVE JUROR NO. 227: I was a research chemist for the
19 Environmental Protection Agency.

20 THE COURT: Okay. So how long have you been in Vegas?

21 PROSPECTIVE JUROR NO. 227: About, since 1980.

22 THE COURT: Since 1980. And are you married?

23 PROSPECTIVE JUROR NO. 227: Yes.

24 THE COURT: What does your wife do? Or what did she do?

25 PROSPECTIVE JUROR NO. 227: She's also retired. She had a training

1 school for computers, teaching people how to use computers.

2 THE COURT: All right. Any adult kids?

3 PROSPECTIVE JUROR NO. 227: No.

4 THE COURT: Ever served on a jury before?

5 PROSPECTIVE JUROR NO. 227: Yes.

6 THE COURT: Where and when was that?

7 PROSPECTIVE JUROR NO. 227: It was in Clark County, '97, '98.

8 THE COURT: Was that a criminal or civil case?

9 PROSPECTIVE JUROR NO. 227: Criminal.

10 THE COURT: So it was prosecuted by the Clark County D.A.'s office?

11 PROSPECTIVE JUROR NO. 227: Yes.

12 THE COURT: All right. Did the case actually go to verdict? Or was it a

13 hung jury? Did it plead out?

14 PROSPECTIVE JUROR NO. 227: No, it went to verdict.

15 THE COURT: All right. Were you the foreperson?

16 PROSPECTIVE JUROR NO. 227: No.

17 THE COURT: Anything about that case that would cause you to be either
18 something other than fair and impartial or would cause you not to want to serve
19 as a juror again?

20 PROSPECTIVE JUROR NO. 227: Not really, it was a remarkably similar
21 case is one thing, but otherwise, no, that's fine.

22 THE COURT: Any feelings about the D.A.'s office and what kind of job
23 they did?

24 PROSPECTIVE JUROR NO. 227: No.

25 THE COURT: All right. Excellent. Have you or anyone close to you ever

1 been the victim of a crime?

2 PROSPECTIVE JUROR NO. 227: Yes.

3 THE COURT: Who was that? Was it you or someone else?

4 PROSPECTIVE JUROR NO. 227: Yeah, our home was burglarized four
5 years ago.

6 THE COURT: Four years ago. Did you call the police?

7 PROSPECTIVE JUROR NO. 227: Yes.

8 THE COURT: Did they respond?

9 PROSPECTIVE JUROR NO. 227: Yes.

10 THE COURT: Were you -- did they catch anybody?

11 PROSPECTIVE JUROR NO. 227: No.

12 THE COURT: Were you happy with the police response?

13 PROSPECTIVE JUROR NO. 227: Yes, the police did fine.

14 THE COURT: Okay. Anything about that experience that would cause
15 you to hesitate about serving as a juror in this case where the charges are
16 somewhat similar?

17 PROSPECTIVE JUROR NO. 227: No.

18 THE COURT: You kind of know where I'm going by now you've heard this
19 question --

20 PROSPECTIVE JUROR NO. 227: Uh-huh, yes, I've --

21 THE COURT: -- this question a million times.

22 PROSPECTIVE JUROR NO. 227: Yes, I've heard it, yes.

23 THE COURT: Anything that you would sort of take out on the defendant?
24 On the State as a result of what happened to you?

25 PROSPECTIVE JUROR NO. 227: No, no.

1 THE COURT: All right. Have you or anyone close to you ever been
2 accused of a crime whether or not there was a conviction?

3 PROSPECTIVE JUROR NO. 227: No.

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

5 What is your badge number, ma'am?

6 PROSPECTIVE JUROR NO. 233: 233.

7 THE COURT: Ms. Cooper, what do you do for a living?

8 PROSPECTIVE JUROR NO. 233: I'm a team member, relations
9 manager.

10 THE COURT: Okay. For what kind of organization?

11 PROSPECTIVE JUROR NO. 233: Casino.

12 THE COURT: All right. Are you married?

13 PROSPECTIVE JUROR NO. 233: Yes.

14 THE COURT: What does your husband do?

15 PROSPECTIVE JUROR NO. 233: He's a chef.

16 THE COURT: Any adult kids?

17 PROSPECTIVE JUROR NO. 233: No.

18 THE COURT: Ever served on a jury before?

19 PROSPECTIVE JUROR NO. 233: No.

20 THE COURT: Have you or anyone close to you ever been the victim of a
21 crime?

22 PROSPECTIVE JUROR NO. 233: No.

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

25 PROSPECTIVE JUROR NO. 233: No.

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

2 What is your badge number again, ma'am?

3 PROSPECTIVE JUROR NO. 248: 248.

4 THE COURT: I'm sorry, two --

5 PROSPECTIVE JUROR NO. 248: 248.

6 THE COURT: Right, Ms. Cox.

7 PROSPECTIVE JUROR NO. 248: Uh-huh.

8 THE COURT: Let's see here, you used to work as a paralegal or you
9 currently work as a paralegal?

10 PROSPECTIVE JUROR NO. 248: I'm currently working as a dictation
11 secretary for a law firm. And I'm also a musician and a music teacher.

12 THE COURT: Oh. Okay which law firm do you work for?

13 PROSPECTIVE JUROR NO. 248: Brady, Vorwerk, Ryder and Caspino.

14 THE COURT: Gotcha. Are you married?

15 PROSPECTIVE JUROR NO. 248: No.

16 THE COURT: Any adult kids?

17 PROSPECTIVE JUROR NO. 248: No.

18 THE COURT: Ever served on a jury before?

19 PROSPECTIVE JUROR NO. 248: No.

20 THE COURT: Have you or any close to you ever been the victim of a
21 crime?

22 PROSPECTIVE JUROR NO. 248: Yes.

23 THE COURT: Who was that? Was that you or someone else?

24 PROSPECTIVE JUROR NO. 233: Myself and my family.

25 THE COURT: What crimes are we talking about?

1 PROSPECTIVE JUROR NO. 248: I was drugged up and kidnapped,
2 tortured several times. And these people murdered my mother and my father,
3 my parents' first daughter.

4 THE COURT: Okay. When did this happen?

5 PROSPECTIVE JUROR NO. 248: It's been ongoing since I was little.

6 THE COURT: So, all right, have these people been arrested? I'm not
7 sure what's going on here.

8 PROSPECTIVE JUROR NO. 248: Some of them have but not for those
9 particular crimes. The FBI got a couple of people for some lower level crimes.
10 But not for these.

11 THE COURT: So I guess I'm a little confused. You say it's an ongoing
12 thing since you were a little kid?

13 PROSPECTIVE JUROR NO. 248: Yeah.

14 THE COURT: Is this some kind of -- I guess I'm trying to figure out how
15 that's possible. Is it just -- a bunch of people who have it in for you and your
16 friends or --

17 PROSPECTIVE JUROR NO. 248: Yeah, and they're very wealthy. It's a
18 rich group of people from Beverly Hills.

19 THE COURT: Okay. And some of them have been arrested, but some of
20 them, I take it, have not been?

21 PROSPECTIVE JUROR NO. 248: Right.

22 THE COURT: So were they arrested here in Las Vegas or California
23 then?

24 PROSPECTIVE JUROR NO. 248: There were some arrests here. They
25 were FBI arrests.

1 THE COURT: Okay. So they're in federal court?

2 PROSPECTIVE JUROR NO. 248: Yeah.

3 THE COURT: All right. Have you testified as a witness in those cases?

4 PROSPECTIVE JUROR NO. 248: Nope.

5 THE COURT: How many court cases have there been? Have there been
6 many? I mean, how many people are we talking about? How many people
7 have been arrested and charged with crimes?

8 PROSPECTIVE JUROR NO. 248: Only a few.

9 THE COURT: I'm sorry?

10 PROSPECTIVE JUROR NO. 248: Only a few.

11 THE COURT: Only a few. And how many people are involved in this, do
12 you think?

13 PROSPECTIVE JUROR NO. 248: A lot.

14 THE COURT: Okay. So are -- do you know if there is any cases pending
15 with the Clark County D.A.'s office involving any of these people?

16 PROSPECTIVE JUROR NO. 248: Probably not.

17 THE COURT: Okay. So given all of that, how do you feel about serving
18 as a juror in a criminal case?

19 PROSPECTIVE JUROR NO. 248: Okay.

20 THE COURT: Okay. Is that, I mean, it sounds like this is kind of an
21 ongoing series of things, is that something that would affect your ability to be fair
22 and impartial toward either party? Is that something you would take out on the
23 defendant in this case that, oh, we've got to get all of these people off the street
24 including him?

25 PROSPECTIVE JUROR NO. 248: Oh, no.

1 THE COURT: Or is that something you would take out on the State?

2 PROSPECTIVE JUROR NO. 248: No, no.

3 THE COURT: Because they haven't arrested these people?

4 PROSPECTIVE JUROR NO. 248: It wouldn't affect me here.

5 THE COURT: Okay.

6 PROSPECTIVE JUROR NO. 248: No.

7 THE COURT: Who are these people in relation to you? Are they friends?
8 Are they family members? Are they employers? Are they, I mean, what's their
9 relationship to you?

10 PROSPECTIVE JUROR NO. 248: Okay. Rose Fitzgerald Kennedy is a
11 blood relative of mine. These people were the ones who killed Jack and Bobby.
12 And they've never been exposed. My mother tried to expose them, and they
13 killed her, poisoned her to death.

14 THE COURT: What year was she -- did she die?

15 PROSPECTIVE JUROR NO. 248: It was -- it was mid-70s. And then they
16 set me up working for a series of attorneys here in town who are mob-controlled
17 guys, and I got drugged up and kidnapped a bunch of times. The first one was
18 Max Tanner, he went to prison for ten years, but not for any of this. He went to
19 prison for securities fraud.

20 THE COURT: Okay. So given all that you're okay with serving as a juror
21 in a criminal case?

22 PROSPECTIVE JUROR NO. 248: Yeah.

23 THE COURT: Okay. Other than the people we just talked about, have
24 you or anyone close to you ever been accused of a crime whether or not there
25 was a conviction?

1 PROSPECTIVE JUROR NO. 248: I've had some boyfriends who were --
2 went to jail for drugs a long time ago.

3 THE COURT: Here or somewhere else?

4 PROSPECTIVE JUROR NO. 248: California.

5 THE COURT: Okay. Anything about those experiences that would cause
6 you to be something other than fair and impartial in this case?

7 PROSPECTIVE JUROR NO. 248: No.

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

9 Hi, what is your badge number?

10 PROSPECTIVE JUROR NO. 235: 235.

11 THE COURT: 235, Ms. Iglesias?

12 PROSPECTIVE JUROR NO. 235: Yes.

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

14 PROSPECTIVE JUROR NO. 235: I work at Catholic Charities resettling
15 refugees.

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

17 PROSPECTIVE JUROR NO. 235: Two years.

18 THE COURT: Are you married?

19 PROSPECTIVE JUROR NO. 235: No.

20 THE COURT: Any adult kids?

21 PROSPECTIVE JUROR NO. 235: No.

22 THE COURT: Ever served on a jury before?

23 PROSPECTIVE JUROR NO. 235: No, sir.

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

1 PROSPECTIVE JUROR NO. 235: Nothing that we've had to call the
2 police for, no.

3 THE COURT: Anything that was serious that you, you know, maybe
4 should have called the police for or --

5 PROSPECTIVE JUROR NO. 235: No, sir, no.

6 THE COURT: Okay. Have you or anyone close to you ever been
7 accused of a crime whether or not there was a conviction?

8 PROSPECTIVE JUROR NO. 235: No.

9 THE COURT: All right. I appreciate it. Let's do this, we've been going for
10 a while now, let's take a break so that everybody can stretch their legs and go to
11 the bathroom, all that kind of stuff. Couple things, one thing I should have said
12 is on this floor there is no snack machines or soda machines, but there are
13 snack machines one floor up and one floor down. Randy can show you where
14 they are.

15 I know that this is kind of a long process so if you guys want to bring
16 beverages or food in here I don't mind. Just exercise some discretion, don't, you
17 know, order a pizza or bring a big bag of chips where everyone's going to hear
18 you munching away, just as long as it's something that's subtle, I don't mind if
19 you bring it in here with you at all because I know you've been sitting here for a
20 while.

21 During this break you are admonished not to reach any conclusions
22 about this case, as you've not heard any of the evidence. Do not talk to anyone
23 involved in this case. I don't know if we have any witnesses in the hallway, but
24 there is a chance that there might be. If you see someone who does not have a
25 badge like yours on, don't talk with them because they may be affiliated in this

1 case in any way. If anyone who is involved with this case sees you in the
2 hallway none of us are allowed to talk with you. We can't even say hi. If you
3 see any of us out there we're going to turn around and maybe cross to the other
4 side of the hallway, don't take that personally. It's just what the law requires. So
5 what I'd recommend is talk with only people who have those badges on.

6 During this break don't step out there, get on your phones and
7 Google what this case might be about, don't investigate anything with this case.
8 I don't know if there is any media coverage in this case, I don't think there is but
9 you never know. Maybe there is a blog out there, so don't look up any of those
10 things. Don't talk with each other about what this case might be about. Don't
11 reach any conclusions about what this case may be about. Let's make it about a
12 ten-minute break. I know there is a lot of people here. We have someone with
13 their hand. Up do you have a question?

14 PROSPECTIVE JUROR NO. 279: I was --

15 THE COURT: What is your badge number?

16 PROSPECTIVE JUROR NO. 279: My badge number is 279.

17 THE COURT: Okay.

18 PROSPECTIVE JUROR NO. 279: Name is William Arteaga.

19 THE COURT: Okay.

20 PROSPECTIVE JUROR NO. 279: Sorry to pull this late, but I was living in
21 the moment, I forgot I have school tomorrow. I have class at 12:00 and I don't
22 get out 'til 1:50.

23 THE COURT: 12:00 to 1:50 tomorrow?

24 PROSPECTIVE JUROR NO. 279: Yeah.

25 THE COURT: What class is that? Where were you going to school?

1 PROSPECTIVE JUROR NO. 279: College of Southern Nevada.

2 THE COURT: Is that a class that can be rescheduled?

3 PROSPECTIVE JUROR NO. 279: No, it can't.

4 THE COURT: All right. Is there any -- is there any way you can call your
5 professor and ask him that question?

6 PROSPECTIVE JUROR NO. 279: To tell you the truth, I don't have their
7 number, I'd have to e-mail her. But I'm not sure if she'll e-mail me back as soon
8 as possible, so I won't really know. So I'd have to talk to her face-to-face.

9 THE COURT: All right. Can you at least maybe try to call this person and
10 come back with some more information? And then we get back here I might
11 follow up with you, but at least I want to send everybody out so they can kind of,
12 you know, we've been here for about two hours now, so at least, you know, kind
13 of refresh themselves. So when you get back I might follow up on you a little bit.
14 All right?

15 PROSPECTIVE JUROR NO. 279: Okay.

16 THE COURT: All right. So let's make this, we have a lot of people, you
17 know, we should probably make this a 15-minute break because there might be
18 a line for the bathroom with 40 people here. So let's make it a 10- or 15-minute
19 break. I'll send Randy out to get you. All right see you guys in about 10 or 15
20 minutes then.

21 [Outside the presence of the prospective jury]

22 THE COURT: Just waiting for the door to swing closed. All right. We're
23 still on the record. We're outside the presence of the jury. Anything that either
24 side wanted to put on the record or address? What do you want to do about the
25 last guy, Mr. Arteaga, the school guy? Any thoughts? Want to just ask him

1 some questions? Or I don't know why he didn't bring it up earlier.

2 MS. TRIPPIED! I don't mind letting him go.

3 MS. ROMNEY: Who am I to stand in the way of his education, Judge?

4 THE COURT: I'm not twisting anyone's arms. It's just, do you guys -- you
5 tell me what you want to do.

6 MS. ROMNEY: Just let him going go to class.

7 THE COURT: Want to just let him go? All right, let's do that then. So
8 when they get back we'll let Juror Number 279 go. If there is nothing that either
9 side wanted to address right now, I guess we'll take a recess and you all can
10 take a break. And we'll come back here then.

11 MS. ROMNEY: Thank you.

12 THE COURT: All right. Thanks, everybody.

13 [Recess at 3:12 p.m.; proceeding resumed at 3:27 p.m.]

14 [Outside the presence of the prospective jury]

15 THE COURT: All right. We guys ready, or do you need more time? Or
16 what?

17 MS. ROMNEY: Nope, fine.

18 THE COURT: I'm done, basically, I'm just going to turn it over to you guys
19 from now on.

20 MS. ROMNEY: Uh-huh.

21 MS. TRIPPIED! Oh, you're not going to ask them like you --

22 THE COURT: No, I don't ask all the people back there.

23 MS. TRIPPIED! Oh, okay.

24 THE COURT: What happens is if you guys challenge any of these guys
25 we'll plug a guy in there. And then that one person I'll just ask them the same

1 questions: Where do you work, dah, dah, dah, that kind of thing. So basically,
2 I'm turning it over to you guys now.

3 THE MARSHAL: You know, why is it I always got one that never stays up
4 here on this floor?

5 THE COURT: Oh, are we missing one?

6 THE MARSHAL: Yeah, she went down to seven David.

7 THE COURT: Why seven?

8 MS. TRIPPIEDI: Can we just discuss before we bring them in whether
9 we're going to be doing openings today? If you do want us to do them, then I
10 would just have to go upstairs and get my laptop.

11 MS. ROMNEY: I don't think we're going to get to it.

12 THE COURT: I don't think -- yeah, because you guys haven't questioned,
13 I don't know how long you guys are going to go for, but we probably won't have
14 a jury panel until after 4:00, and then --

15 MS. TRIPPIEDI: Okay. Okay.

16 THE COURT: -- you know, the chances of us getting done in 45 minutes.

17 MS. ROMNEY: I was going to say, it's already 3:30, so.

18 THE COURT: Yeah, I mean, it's going to be easily after 4:00 by the time
19 we get to 14 jurors, I think.

20 MS. TRIPPIEDI: Okay.

21 THE COURT: I mean, unless you guys are planning on having really
22 short openings, I don't know. But we can't, I mean, the problem is we can't --

23 MS. ROMNEY: It would be awfully disconnected even if we did though, to
24 open --

25 THE COURT: Yeah, I mean --

1 MS. ROMNEY: -- today and then --

2 THE COURT: -- we have to basically let them go at 4:45 because of the
3 overtime issues. They have to be out of here, I mean, everybody has to be out
4 of the courtroom --

5 MS. TRIPPIED: Okay.

6 THE COURT: -- by 5:00, otherwise we're charging overtime. So we have
7 to quit by 4:45, so.

8 MS. TRIPPIED: I mean, mine's really short, but I would prefer to do it
9 tomorrow, if that's possible.

10 MS. ROMNEY: I just think, yeah, I mean, I don't think we're going to get
11 to it, it's already 3:30. So if we took an hour, you know, which isn't really all that
12 long, by the time you ask your questions and then --

13 THE COURT: Yeah, I mean, it's pretty slim. And especially if it's a short
14 opening anyway, there is almost no difference between doing it today and
15 tomorrow. I mean, if you're planning on going, like, an hour in your opening,
16 then that's a different thing. All right. We got -- is there -- oh, they're still missing
17 a juror I guess. Oh, you know what, so we're going to let Number 279 go, oh,
18 he's not in the box anyway. So we'll just let him go. Okay.

19 MS. ROMNEY: No

20 THE COURT: What's going on?

21 THE MARSHAL: Okay. The juror's back but now we've got another
22 issue. Juror Number 6, I think Ms. --

23 MS. MAXEY: Kragor?

24 THE MARSHAL: The lady that said, you know, her religion wouldn't allow
25 her --

1 THE COURT: Oh, yeah, right.
2 MS. ROMNEY: That's Dollie Austin, I think.
3 MS. MAXEY: That's Austin, yes
4 THE MARSHAL: Yeah, that's Austin.
5 THE COURT: What about her?
6 THE MARSHAL: And Juror --
7 MS. ROMNEY: Number 7.
8 THE MARSHAL: --the lady down in the front here, Number 17 --
9 MS. ROMNEY: Oh, the interpreter lady?
10 THE MARSHAL: No, 17 down --
11 THE CLERK: Doing.
12 THE MARSHAL: -- 20.
13 MS. MAXEY: Doing?
14 THE MARSHAL: -- 17, down in front, Doing.
15 MS. ROMNEY: The rancher.
16 THE COURT: The rancher person?
17 THE MARSHAL: Yeah, Doing.
18 MS. ROMNEY: Yeah, 17.
19 THE MARSHAL: Well, our religious juror told Ms. Doing on the way out
20 that this is what she was talking about when she was trying to tell you that you I
21 can't make a decision on whether or not he's guilty and this and that, so do you
22 want to bring them in? Do you 'em one at a time?
23 MS. ROMNEY: Wait, I'm confused.
24 THE COURT: Wait.
25 MS. ROMNEY: Who said what to what?

1 THE COURT: I'm not sure what you're saying happened.

2 THE MARSHAL: The lady in the back row, the religious lady.

3 MS. MAXEY: Number 6, Ms. Kragor.

4 THE MARSHAL: Told Ms. -- told Ms. Doing on the way out --

5 MS. MAXEY: Oh, Ms. Austin.

6 THE MARSHAL: This is what I was telling the judge, there is no way I'm
7 going to be able to find him guilty and this is what I was talking about.

8 MS. ROMNEY: Oh, I get it.

9 THE COURT: Hung jury, right.

10 MS. MAXEY: When she was talking about the hung jury.

11 THE COURT: Well, I mean, what do you guys want to do? Want to bring
12 her in? Do you want to just kick her? I don't care either way. Do you guys have
13 any suggestions?

14 MS. ROMNEY: Well, who -- what it Ms. Austin that was telling the
15 rancher?

16 THE MARSHAL: Ms. Austin was telling the -- Ms. Doing --

17 MS. ROMNEY: I can't make a decision?

18 THE MARSHAL: Yeah.

19 MS. TRIPPIEDI: Well, I mean, she told the whole panel that she can't
20 make a decision. So I don't see what's the difference, you know, I don't think
21 anyone's tainted. You know, it's not as though she said, oh, I had this same
22 exact case and dah, dah, dah, you know.

23 MS. ROMNEY: I mean, she already said she didn't feel comfortable, but
24 she would, if --

25 MS. TRIPPIEDI: She already told the whole panel that.

1 MS. ROMNEY: -- she had to.

2 MS. TRIPPIEDI: Unless there is something different that she told her
3 which doesn't sound like it.

4 THE MARSHAL: Well, that's what I was saying, maybe you want to bring
5 Ms. Doing in here and hear exactly from her what she told her.

6 MS. TRIPPIEDI: Yeah, that's makes sense.

7 THE MARSHAL: Because I'm just getting part of it.

8 MS. MAXEY: Ms. Austin, do you want just Ms. Austin --

9 THE MARSHAL: I'm not getting the whole --

10 THE COURT: So how do you -- what happened? Did Ms. Doing say this
11 to you?

12 THE MARSHAL: Ms. Doing came up -- she came up to me and said that
13 she needed to tell me something.

14 THE COURT: And her exact words to you were what? Are we on the
15 record by the way?

16 THE RECORDER: Yes.

17 THE COURT: Okay. And her exact words to you were what?

18 THE MARSHAL: That she came up to her on the way out and said this is
19 what I was trying to tell the judge, this is what I'm talking about, that I can't make
20 a decision on his guilt or innocence.

21 THE COURT: Yeah, I don't know that we need to, I mean, that's not really
22 --

23 THE MARSHAL: She just gave me the highlights, she didn't go into the
24 full story of --

25 THE COURT: All right. I don't -- I don't know that we need to ask

1 anybody because that's not -- it's not that different than what she said, I mean,
2 unless you guys feel otherwise. Ms. Trippiedi? Ms. Maxey?

3 MS. TRIPPIEDI: I mean, I mean, when you were ready to -- when you're
4 ready to ask us to approach in regards to who we would kick based on their
5 biases or unbiases, I was going to say that we should -- that, you know, the
6 State moves to dismiss her because she told us that she can't make a biased or
7 unbiased or an unbiased decision. So, you know, and the fact that she
8 reiterated to it a jury separately when you specifically told them not to talk about
9 the case, you know, is further indication that she needs to be let go.

10 THE COURT: All right. So procedurally then, are you making a motion
11 now or what are you doing?

12 MS. TRIPPIEDI: If you're ready for it then, yes, that's -- it's our motion to
13 excuse her.

14 THE COURT: All right. So you have a challenge to Juror Number 173
15 based on her statement that she can't make a decision in a criminal case. On
16 behalf of Mr. Barber what's your response? I don't know which one of you wants
17 to address it.

18 MS. MAXEY: My only concern is when you did question her, she did state
19 that she would, you know, make the decision -- I believe she stated she could be
20 fair, I mean, you know, fair and impartial when you had requested her. So if the
21 Court just keeps that in mind.

22 MS. ROMNEY: I don't know if there is enough right now for a challenge
23 for cause.

24 MS. TRIPPIEDI: Well, I'm challenging it for two reasons. First, she stated
25 that she doesn't feel like she can judge someone. Then you told her that she

1 doesn't need to punish someone, that you're the one that makes the decision
2 regarding punishment. And again, she states she want judge someone. And
3 then she goes outside and restates that to a juror even though you explicitly told
4 them not to discuss anything about the case.

5 MS. ROMNEY: But I don't think she said that she couldn't. I think that
6 she said that she didn't feel comfortable doing it, but that if that was the ultimate
7 decision of the judge that she would have to be on the jury, that she could and
8 that she would be impartial.

9 THE COURT: Yeah, here's what I'm going to do. I'm just going to defer it.
10 Let's bring her in here, since you guys are going to -- you're about to question
11 them anyway, you can certainly follow up on what she said earlier. So let's just
12 go ahead and bring them in. And, you know, I'm essentially I'm turning it over to
13 you guys anyway, so if you want to follow up and get clarification on exactly
14 where she stands you can do that, all right.

15 So, Randy, let's go ahead and bring them in then, all of 'em.

16 [In the presence of the prospective jury]

17 THE COURT: All right. Thank you. Based on the conversation that I just
18 had with the attorneys, Mr. Arteaga, Badge Number 279, because you're in
19 school and you have a class tomorrow you are excused. Please report to jury
20 services on the third floor, and they will give you further instructions, all right?

21 PROSPECTIVE JUROR NO. 279: Okay.

22 THE COURT: And as to the remaining jurors, Ms. Trippiedi, do you wish
23 to inquire of the panel?

24 MS. TRIPPIEDI: Yes, please.

25 THE COURT: You may proceed.

1 MS. TRIPPIED: Okay. Ladies and gentlemen, I know it's getting late, but
2 I'm just going to ask a few questions that might have been skipped, so just to
3 clarify a few things. I'm going to start with, is it Janet -- what's -- how do you say
4 your last name?

5 PROSPECTIVE JUROR NO. 154: Nakae.

6 MS. TRIPPIED: Nakae, okay. So you talked about a that you were the
7 victim of a burglary 20 years ago. Was that case ever solved?

8 PROSPECTIVE JUROR NO. 154: No, I don't believe so.

9 THE MARSHAL: Last three of your badge and your name.

10 PROSPECTIVE JUROR NO. 154: I keep forgetting my badge number.
11 154, Janet Nakae. I don't believe so. I never received my items back.

12 MS. TRIPPIED: Okay. And was it a home burglary? Or was it --

13 PROSPECTIVE JUROR NO. 154: Yes.

14 MS. TRIPPIED: Home burglary? And did officers come to your house
15 and do any investigation that you recall?

16 PROSPECTIVE JUROR NO. 154: Yes.

17 MS. TRIPPIED: Okay. What all did they do?

18 PROSPECTIVE JUROR NO. 154: They looked at the evidence of the
19 home, what was taken. I assume, it's been 20 years, I assume they did
20 fingerprints.

21 MS. TRIPPIED: Did you ever have any of your items returned?

22 PROSPECTIVE JUROR NO. 154: No.

23 MS. TRIPPIED: Okay. So anything about that experience that would
24 cause you to be impartial or unfair to either side?

25 PROSPECTIVE JUROR NO. 154: No, I don't believe so.

1 MS. TRIPPIED: Okay. Thank you.

2 John Erickson, similar questions for you, what's your badge number
3 first, for the record?

4 PROSPECTIVE JUROR NO. 161: 161.

5 MS. TRIPPIED: And you said that your vehicle was burglarized back in
6 1989, was it?

7 PROSPECTIVE JUROR NO. 161: Yes, ma'am.

8 MS. TRIPPIED: Okay. Was that crime solved?

9 PROSPECTIVE JUROR NO. 161: No, ma'am.

10 MS. TRIPPIED: Okay. So they never found out who did it?

11 PROSPECTIVE JUROR NO. 161: No.

12 MS. TRIPPIED: You never got any of the items returned?

13 PROSPECTIVE JUROR NO. 161: I found some of them later around the
14 block, but, no, not the main items, no.

15 MS. TRIPPIED: Okay. Anything about police work in that case that
16 would cause you to be unfair in this case?

17 PROSPECTIVE JUROR NO. 161: No.

18 MS. TRIPPIED: Okay. And the reason I'm asking all of you guys this is
19 because if me and the defense attorney were running a race, it wouldn't be fair
20 for one of us to have a head start. So I just want to make sure that none of your
21 past experiences are being brought into the courtroom today and going to cause
22 you to, you know, favor one side over the other. So I just want to make sure that
23 you give myself a fair start as well as the defendant and the defense attorneys.
24 So, you know, if -- if police officers in the past have done something that, you
25 know, if you were disappointed with investigations that they've done or because

1 they didn't solve your previous crimes, that you're not going to hold them
2 against -- you're not going to hold that against them when they testify in this trial.
3 So I just want to make sure that we're all on the same page in regards to that. Is
4 there anyone that feels that they can't give both sides a fair start? Okay.

5 Let's start with what was your name again?

6 THE RECORDER: She needs the microphone.

7 PROSPECTIVE JUROR NO. 280: It's Edgard, 280.

8 MS. TRIPPIED: And what's your badge number?

9 PROSPECTIVE JUROR NO. 280: 280.

10 MS. TRIPPIED: 280. Okay. And what are your thoughts regarding that
11 subject?

12 PROSPECTIVE JUROR NO. 280: Well, it's just overall how I grew up,
13 there's just been, like, violence and stuff so.

14 MS. TRIPPIED: Maybe speak up a little bit.

15 PROSPECTIVE JUROR NO. 280: Oh, sorry. Can you hear me?

16 MS. TRIPPIED: Now I can.

17 PROSPECTIVE JUROR NO. 280: It's just my overall how, when I grew
18 up, it's just there was always a lot of cops to enforce.

19 MS. TRIPPIED: Can you be more -- can you be more specific?

20 PROSPECTIVE JUROR NO. 280: Well, like, our neighborhood was
21 always patrolled, like, a lot. There was always, like, like, where they stop people
22 from passing, that they check every car. That would happen to our
23 neighborhood a lot.

24 MS. TRIPPIED: All right. So based on that experience are you -- would
25 you say you favor or disfavor police officers?

1 THE COURT: ~~Hang on, Ms. Trippiedi, let's do this, hang on, we're only~~
2 focusing on the 24 in this area here.

3 MS. TRIPPIEDI: Okay.

4 THE COURT: He's, you know, like six away from being in the box. So
5 let's just focus on these, all right?

6 MS. TRIPPIEDI: Okay, okay, no problem. The other person that I wanted
7 to question is Lonnie Smith. And you talked about how -- I'll wait 'til the
8 microphone gets to you. Now you talked about how your victim was -- or you
9 were a victim of a home burglary and that was two years ago, correct?

10 PROSPECTIVE JUROR NO. 198: Yes, Badge Number 198, that is
11 correct

12 MS. TRIPPIEDI: And you said that eventually the person that committed
13 that crime was arrested?

14 PROSPECTIVE JUROR NO. 198: I've found some of my stuff on
15 Craigslist a couple days after the burglary, went and met the guy, and got some
16 of my stuff back, reported it to the police that I found this guy, and then, like, a
17 month later heard from the police; and, like, a year later after that, got a
18 summons and had to come on down.

19 MS. TRIPPIEDI: Okay. So at that point you learned that police officer
20 had moved forward with the case and you were summoned to come to this
21 courthouse to testify?

22 PROSPECTIVE JUROR NO. 198: Yes. Correct.

23 MS. TRIPPIEDI: Okay. And you said that when you got there you
24 learned that the case was dismissed. Do you recall why?

25 PROSPECTIVE JUROR NO. 198: Something about the procedure, I'm

1 not sure.

2 MS. TRIPPIED!: Okay.

3 PROSPECTIVE JUROR NO. 198: Yeah, I -- it was just kind of a big
4 waste of time really.

5 MS. TRIPPIED!: Okay. Anything about that experience that would cause
6 you to be impartial towards the D.A.'s office, police officers?

7 PROSPECTIVE JUROR NO. 198: I mean, I wasn't really happy with the
8 outcome of the whole thing. I'd rather just have not done any of it just because I
9 had to take off work and just again to come down and have it dismissed. But, I
10 mean, I don't really -- I wouldn't hold that against, like, anybody specifically just,
11 you know.

12 MS. TRIPPIED!: Okay.

13 PROSPECTIVE JUROR NO. 198: I mean, it's hard not to have a bad
14 taste in your mouth though after that.

15 MS. TRIPPIED!: I completely understand. But I just want to make sure
16 that you're not going to hold against me personally when I'm -- when I'm laying
17 out the evidence of this case.

18 PROSPECTIVE JUROR NO. 198: I understand.

19 MS. TRIPPIED!: Okay. And you're not going to do that in our case, right,
20 if you're picked as a juror?

21 PROSPECTIVE JUROR NO. 198: No.

22 MS. TRIPPIED!: Okay. Let's pass the microphone to Dollie Austin.

23 PROSPECTIVE JUROR NO. 173: Badge 173.

24 MS. TRIPPIED!: And, ma'am, you stated earlier that you don't think you
25 can make a decision or actually judge another person and find somebody guilty

1 or innocent, can you expand a little bit more about that?

2 PROSPECTIVE JUROR NO. 173: While I know that it is the decision of
3 the judge to sentence them, I know that any decision that I would make would
4 put them on that path to be sentenced whether it's life in prison, death, whatever.
5 And I would be uncomfortable making a decision like that or hanging a jury like
6 that just simply because I don't want to be responsible for the outcome by
7 making a decision like that.

8 MS. TRIPPIED: So do you think you'd feel uncomfortable or just you just
9 simply won't be able to do that?

10 PROSPECTIVE JUROR NO. 173: I don't think I would -- I don't think I
11 would believe be able to -- I'm not stupid so evidence would be --

12 MS. TRIPPIED: Right.

13 PROSPECTIVE JUROR NO. 173: -- there, but I don't think I would be
14 able to make a decision that would put that person on the track to be judged as
15 life in prison, death, I don't know what Nevada law is. But I would be hesitant to
16 even go there, so that's how I feel.

17 MS. TRIPPIED: So if I present all the witnesses and bring in evidence
18 and present my entire case to you, would you be able to render a verdict of
19 guilty or not guilty at the end of the trial?

20 PROSPECTIVE JUROR NO. 173: Even if I felt that they were guilty,
21 because of the process that would happen after I made that decision I probably
22 would not render a guilty decision.

23 MS. TRIPPIED: Okay. Fair enough. I just want everybody to be honest.
24 Let's see, what else.

25 Okay. Let's move on and pass the microphone down to is it -- is it

1 Michelle Cox?

2 And did you want us to just stick with the box or just this panel right
3 here?

4 THE COURT: No, everybody in this area here.

5 MS. TRIPPIEDI: Oh, okay, just wanted to make sure.

6 Okay. So I just want to, you know, I know you were the victim of,
7 you know, it seems like something very serious that happened to you, but I also
8 want to touch on the fact that you said your boyfriend is a police officer and you
9 have some lengthy experience working for some attorneys in town including
10 defense attorneys; is that right?

11 PROSPECTIVE JUROR NO. 248: Yes.

12 MS. TRIPPIEDI: Okay. In your experience as an employee for these
13 defense firms, have you ever come across clients that were charged with
14 committing burglaries?

15 PROSPECTIVE JUROR NO. 248: Yeah.

16 MS. TRIPPIEDI: Okay. Anything about those experiences or those
17 relationships that's going to cause you to, you know, be unfair in this case or --

18 PROSPECTIVE JUROR NO. 248: No.

19 MS. TRIPPIEDI: -- favor one side or the -- over the other?

20 PROSPECTIVE JUROR NO. 248: No.

21 MS. TRIPPIEDI: Okay. Are you going perhaps sympathize with the
22 defendant in this case because you had relationships with a lot of people
23 accused of burglaries?

24 PROSPECTIVE JUROR NO. 248: Not necessarily.

25 MS. TRIPPIEDI: Okay. Anything about your previous employers that

1 would cause you to be unfair at all?

2 PROSPECTIVE JUROR NO. 248: Not in this case, no.

3 MS. TRIPPIEDI: Okay. And the fact that you said your significant other is
4 a former police officer and he's pretty involved, it sounds, in Metro still; is that
5 correct?

6 PROSPECTIVE JUROR NO. 248: Somewhat, yeah.

7 MS. TRIPPIEDI: Okay. Is there anything about that occurrence that is
8 going to cause you to be unfair in this case?

9 PROSPECTIVE JUROR NO. 248: No.

10 MS. TRIPPIEDI: Okay. Because almost all of my witnesses that I'm
11 going to present, with the exception of the victims, are employees of the Las
12 Vegas Metropolitan Police Department.

13 PROSPECTIVE JUROR NO. 248: Uh-huh.

14 MS. TRIPPIEDI: So I just want to make sure that you're going to be able
15 to listen to the testimony and judge it completely in an unbiased way; is that
16 something you think you can do?

17 PROSPECTIVE JUROR NO. 248: Yeah.

18 MS. TRIPPIEDI: Okay. Just checking. And, okay, and then when you
19 talked about the incident that you were a victim of many years ago and you
20 stated it's still ongoing --

21 PROSPECTIVE JUROR NO. 248: Yes.

22 MS. TRIPPIEDI: -- is that something that, let me think of a way to say
23 this, that you stated that police officers were involved in an investigation, but the
24 people that committed that crime were never caught for committing that crime.

25 PROSPECTIVE JUROR NO. 248: Correct.

1 MS. TRIPPIED: Is that correct?

2 PROSPECTIVE JUROR NO. 248: True.

3 MS. TRIPPIED: Is that something that you hold against officers that were
4 investigating the case and just generally police officers in general?

5 PROSPECTIVE JUROR NO. 248: The particular people I was dealing
6 with, yes.

7 MS. TRIPPIED: Okay. Are those officers from the Las Vegas
8 Metropolitan Police Department?

9 PROSPECTIVE JUROR NO. 248: Yeah, but one of them died. I don't
10 know if -- they were both older guys.

11 MS. TRIPPIED: Okay.

12 PROSPECTIVE JUROR NO. 248: And this was several years ago when I
13 went there.

14 MS. TRIPPIED: Okay. And it's none of the names that I mentioned when
15 I gave my brief opening?

16 PROSPECTIVE JUROR NO. 248: Correct.

17 MS. TRIPPIED: Okay. So is there any chance that you would hold it
18 against Metro as a whole?

19 PROSPECTIVE JUROR NO. 248: No.

20 MS. TRIPPIED: Okay. Just checking.

21 And I believe that's it. I'm going to pass the panel at this time,
22 Judge.

23 THE COURT: All right. Do you wish to inquire of the panel on behalf of
24 Mr. Barber, either one of you?

25 MS. ROMNEY: We do, Judge, could we have Court's indulgence for just

1 one second?

2 THE COURT: Sure.

3 MS. ROMNEY: Judge, could we approach please?

4 THE COURT: Sure..

5 [Bench conference -- not transcribed]

6 THE COURT: All right. Here's what we're going to do, Ms. Austin, based
7 on your responses and the fact that you don't believe that you can actually
8 render a guilty verdict, we're going to excuse you. Please report to jury services
9 on the third floor, and they'll give you further instructions. And for the record
10 that's Ms. Austin, Badge Number 173. So we need to get the next person to fill
11 in her seat so we don't have an empty seat and --

12 THE CLERK: That's Badge 255, Robert Henry.

13 THE COURT: All right. And where is the microphone right now, Randy?
14 All right. Randy's got it.

15 All right. Mr. Henry, since we haven't heard from you let me just ask
16 you, cycle through those same questions. What do you do for a living? Are you
17 married? Does your wife work? Do you have any adult kids and what do they
18 do?

19 PROSPECTIVE JUROR NO. 255: Badge Number 255, Robert Henry. I
20 am a cabinet builder.

21 THE COURT: Okay.

22 PROSPECTIVE JUROR NO. 255: My wife is a dental assistant. I have
23 no adult children.

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

25 PROSPECTIVE JUROR NO. 255: No.

1 THE COURT: Have you or anyone close to you ever been the victim of a
2 crime?

3 PROSPECTIVE JUROR NO. 255: Yes.

4 THE COURT: Who was that? And where? And when?

5 PROSPECTIVE JUROR NO. 255: My business, I've had fraud and
6 multiple times of burglary, nothing large. The police were never involved in any
7 of the burglaries. They were involved with the fraud.

8 THE COURT: Okay. So you did call them on the fraud. Was anyone
9 arrested?

10 PROSPECTIVE JUROR NO. 255: Yes.

11 THE COURT: And did you have to come in and testify in court?

12 PROSPECTIVE JUROR NO. 255: No.

13 THE COURT: All right. Anything about any of those crimes or the police
14 investigation or your involvement with those cases that would cause you to be
15 something other than fair and impartial to either party in this case?

16 PROSPECTIVE JUROR NO. 255: No.

17 THE COURT: Have you or anyone close to you ever been accused of a
18 crime whether or not there was a conviction?

19 PROSPECTIVE JUROR NO. 255: My brother was, yes.

20 THE COURT: What was he accused of?

21 PROSPECTIVE JUROR NO. 255: Assault.

22 THE COURT: Was he arrested? Was he charged? Was there a court
23 case?

24 PROSPECTIVE JUROR NO. 255: It was in Texas. He was arrested. I
25 do not know how he got out, but he did get out.

1 THE COURT: Okay. Were you a witness? Were you involved in that
2 case in any way?

3 PROSPECTIVE JUROR NO. 255: No.

4 THE COURT: Okay. Anything about that case, I mean, that was in
5 Texas, were you in Texas also or were you --

6 PROSPECTIVE JUROR NO. 255: No, I'm a native here.

7 THE COURT: Okay. So anything about that case that would cause you
8 to hesitate about serving as a juror in this case?

9 PROSPECTIVE JUROR NO. 255: No.

10 THE COURT: All right. Ms. Trippiedi, do you have any questions for
11 Mr. Henry?

12 MS. TRIPPIEDI: No, Your Honor.

13 THE COURT: All right. Thank you very much. And let's, hang on to the
14 microphone for one second, all right?

15 On behalf of Mr. Barber, Ms. Maxey or Ms. Romney, do you wish to
16 inquire of the panel?

17 MS. MAXEY: Yes, please. I thought that was going to be a little too tall
18 for me, so we'll just stand right here okay.

19 My name is Kerri Maxey, and I have some questions for you. There
20 is going to be, there maybe an officer that will be giving expert testimony. Now,
21 do you as a panel think you should accept a person's opinion who is an expert
22 over any other opinion?

23 You say no? And will you state your name and your bar number,
24 please?

25 THE COURT: Yeah, where is the -- we need to pass the microphone up

1 first.

2 MS. MAXEY: I'm sorry. I have your name. Ms. Llanas. Oh, I'm sorry.

3 PROSPECTIVE JUROR NO. 177: I'm Llanas.

4 MS. MAXEY: Llanas, yes, okay. And you said "no" to that question?

5 PROSPECTIVE JUROR NO. 177: Correct.

6 MS. MAXEY: And why is that?

7 PROSPECTIVE JUROR NO. 177: Anyone can call themselves an expert
8 of anything.

9 MS. MAXEY: So you wouldn't hold an expert's opinion above --

10 PROSPECTIVE JUROR NO. 177: Over anyone else's, no.

11 MS. MAXEY: -- above anyone else? Would anybody else hold an
12 expert's opinion over anybody else's?

13 Mr., I know, Erickson, right?

14 PROSPECTIVE JUROR NO. 161: Erickson, yes.

15 THE MARSHAL: Make sure we get your badge numbers please,.

16 PROSPECTIVE JUROR NO. 161: 161.

17 MS. MAXEY: So what would you -- you would hold an expert's opinion
18 above?

19 PROSPECTIVE JUROR NO. 161: Yes, ma'am, with my experience as an
20 officer that was how we won most of our cases was that if a person came in and
21 said that they, like, one, we would go down to get a professor out of a college in
22 Utah bring him up and have him and he would be our expert witness and that's
23 how we won our cases.

24 MS. MAXEY: So if you heard expert opinion on this case then you would
25 believe that expert over anybody else?

1 PROSPECTIVE JUROR NO. 161: Yes, ma'am.

2 MS. MAXEY: Okay. And would you -- then you would give more weight
3 to that expert opinion?

4 PROSPECTIVE JUROR NO. 161: Yes, ma'am.

5 MS. MAXEY: Okay. And I'm sorry, Mr. Henry?

6 PROSPECTIVE JUROR NO. 255: Yes.

7 MS. MAXEY: Can you pass the microphone to Mr. Henry? You raised
8 your hand.

9 PROSPECTIVE JUROR NO. 255: Yes, also I believe that if they've been
10 certified as an expert then I would give their testimony more credit.

11 MS. MAXEY: Over a lay person?

12 PROSPECTIVE JUROR NO. 255: Over a lay person, yes.

13 MS. MAXEY: Do you think an expert could be wrong?

14 PROSPECTIVE JUROR NO. 255: I think potentially, yes, they can be
15 wrong. I don't believe you become an expert though by being wrong all the time.

16 MS. MAXEY: So would it be, would you expect the defense to have more
17 of a challenge to show that the expert is wrong?

18 PROSPECTIVE JUROR NO. 255: Absolutely.

19 MS. MAXEY: When you would -- would you automatically assume that
20 the expert is always right?

21 PROSPECTIVE JUROR NO. 255: Not always right, I'd listen to what they
22 said and if it made sense to me and they were an expert I would believe them.

23 MS. MAXEY: Okay. Would anybody decide this case based on who has
24 the most witnesses? No? Okay.

25 And has anybody ever seen TV shows like CSI? And is anybody

1 familiar with fingerprint evidence? Mr. Erickson, you're familiar with fingerprint
2 evidence?

3 THE MARSHAL: Microphone, please.

4 PROSPECTIVE JUROR NO. 161: 161, yes, ma'am. I was taught how to
5 it take 'em.

6 MS. MAXEY: You were taught how to take them?

7 PROSPECTIVE JUROR NO. 161: Yes, ma'am.

8 MS. MAXEY: Okay. Do you believe that fingerprint evidence is infallible
9 at all?

10 PROSPECTIVE JUROR NO. 161: No, ma'am, I do not.

11 MS. MAXEY: No? So if you were given fingerprint evidence it would --
12 you would believe it?

13 PROSPECTIVE JUROR NO. 161: Yes, ma'am, right.

14 MS. MAXEY: And you'd have a very difficult time not believing it?

15 PROSPECTIVE JUROR NO. 161: Right. Yes, ma'am.

16 MS. MAXEY: Is anybody else in the same belief? Wait, let me see if I
17 have your --

18 THE COURT: What's your badge number, sir?

19 PROSPECTIVE JUROR NO. 198: 198.

20 MS. MAXEY: Mr. Smith, right?

21 PROSPECTIVE JUROR NO. 198: Yes.

22 MS. MAXEY: Okay. And what do you -- how you feel about that?

23 PROSPECTIVE JUROR NO. 198: I think, obviously, anything can be
24 faked. But it would have to be some grand conspiracy to plant something.

25 MS. MAXEY: But if you heard fingerprint evidence, what would you --

1 PROSPECTIVE JUROR NO. 161: I would assume it to be true.

2 MS. MAXEY: You would assume to be true?

3 PROSPECTIVE JUROR NO. 198: Yeah.

4 MS. MAXEY: You would assume just by listening to it you wouldn't be
5 able to keep an open mind to it?

6 PROSPECTIVE JUROR NO. 198: Well, I think, like you said, there is
7 obviously cases that things have happened, but for the most part.

8 MS. MAXEY: And you know of cases where things have happened?

9 PROSPECTIVE JUROR NO. 198: Well, you hear about things where
10 something was placed there or something like that but --

11 MS. MAXEY: And I'm sorry can we pass, who else raised their hand?

12 PROSPECTIVE JUROR NO. 255: You've got me again.

13 MS. MAXEY: Mr. Henry.

14 PROSPECTIVE JUROR NO. 255: I believe that if fingerprints evidence
15 was given to us and it's been taken by an expert, then if it belonged to
16 somebody other than the people that say, in my house if there was a fingerprint
17 in my house that they took, I would believe that belonged to somebody else. So
18 if you're asking me do I think it's true, yes. Is it infallible? I -- from what I have
19 read, everybody has got their own individual fingerprints.

20 MS. MAXEY: So you've heard the saying that there is no two people have
21 the same fingerprints?

22 PROSPECTIVE JUROR NO. 255: Exactly.

23 MS. MAXEY: And you believe that?

24 PROSPECTIVE JUROR NO. 255: I do believe that.

25 MS. MAXEY: You don't think that there is a possibility that people could

1 actually have similar fingerprints of other people?

2 PROSPECTIVE JUROR NO. 255: Similar, absolutely, similar.

3 MS. MAXEY: But you believe each fingerprint is completely unique?

4 PROSPECTIVE JUROR NO. 255: Yes.

5 MS. MAXEY: And so if an expert came in and gave evidence on
6 fingerprints, you would more likely than not believe that expert?

7 PROSPECTIVE JUROR NO. 255: Again, I would believe the expert if
8 they said this fingerprint belongs to this person, I would believe that.

9 MS. MAXEY: And who else? Sorry, we'll go with you, Ms. Baucom.

10 THE COURT: We have one sitting right next to Mr. Henry.

11 MS. MAXEY: Oh, we have -- so you want to keep it, okay. Mr. Cerros.

12 THE COURT: What is your badge number?

13 PROSPECTIVE JUROR NO. 175: Cerros, yeah.

14 MS. MAXEY: Cerros.

15 PROSPECTIVE JUROR NO. 175: That's close enough.

16 MS. MAXEY: Okay.

17 PROSPECTIVE JUROR NO. 175: 175.

18 MS. MAXEY: And so you are in agreeance with --

19 PROSPECTIVE JUROR NO. 175: Well, I just believe a fingerprint is, it's a
20 fact, I mean, it's more of a fact than having an opinion, so yeah.

21 MS. MAXEY: So how would you feel if an expert came and testified about
22 fingerprint s?

23 PROSPECTIVE JUROR NO. 175: I would definitely keep an open mind
24 and listen to what they have to say. And then after that make my, I guess, my
25 own conclusion.

1 MS. MAXEY: Can -- and anybody else on the side about fingerprint
2 evidence? No? I know we have some people over here.

3 PROSPECTIVE JUROR NO. 176: Badge 176.

4 MS. MAXEY: How do you feel about fingerprint evidence? You've raised
5 your hand a couple of times.

6 PROSPECTIVE JUROR NO. 176: I just, I believe that if there is a
7 fingerprint, there is a fingerprint, period. Can a fingerprint get somewhere
8 without the actual person being there? No, I don't think so.

9 MS. MAXEY: And do you think fingerprints are infallible?

10 PROSPECTIVE JUROR NO. 176: I'm not an expert on the subject. But if
11 an expert were to tell me that it was the fingerprint then, yes, I would believe an
12 expert opinion.

13 MS. MAXEY: What if I was to tell you that there is no scientific basis for
14 that believe that fingerprints are not infallible?

15 PROSPECTIVE JUROR NO. 176: I would go home and look it up.

16 MS. MAXEY: So who would you -- you would believe the Internet over
17 me?

18 PROSPECTIVE JUROR NO. 176: I have a cousin studying forensic
19 science, I could probably consult her.

20 MS. MAXEY: Okay. How about anybody else, would anybody else have
21 a problem if I told you that the science behind fingerprints is not as strong as our
22 beliefs are?

23 PROSPECTIVE JUROR NO. 160: 160, Judy.

24 MS. MAXEY: Yes, Judy.

25 PROSPECTIVE JUROR NO. 160: If a fingerprint was infallible, we

1 wouldn't need any kind of a trial. I mean, we would just have to hear either the
2 fingerprint was there or it wasn't there. And if it was there, there wouldn't need
3 to be a trial. So in my opinion it could be that's going to be a piece of the picture;
4 and an expert, you know, I would want to know this person's credentials. And it
5 also seems that some recent science has come out, which I don't remember,
6 that they actually aren't infallible. I could be wrong. It's something I overheard.
7 But that's just one part of the puzzle. And if a fingerprint was infallible, why do
8 we even need a trial? Why would we even be here? Just tell us there is a
9 fingerprint and we can say guilty. So in that case, I would go with the fingerprint.

10 MS. MAXEY: Okay. I'm sorry.

11 PROSPECTIVE JUROR NO. 208: KC Doing, 208.

12 MS. MAXEY: Doing, Ms. Doing, yes, what are you Doing?

13 PROSPECTIVE JUROR NO. 208: I pretty much agree a lot with that. But
14 I do think everybody's human. There is a lot of mistakes that are made whether
15 it's with fingerprints or anything else, there are mistakes that are made. And
16 even people that are experts make mistakes. So that's why you just got to
17 really, you know, kind of listen really well and really pay attention and try to
18 figure out, you know, what is right and what's wrong. You can't just believe what
19 you hear. And you've just got to kind of, you know, try to work on it and try to,
20 you know, listen to the facts.

21 MS. MAXEY: So you'd keep an open mind?

22 PROSPECTIVE JUROR NO. 208: Completely open mind because the
23 facts is really what's going what it's going to come down to it. And like the last
24 girl was just saying, just because someone says a fingerprint was there, you
25 know, that doesn't make any difference. I mean, maybe it got there a week

1 before or a month before or maybe, we don't know, we don't know the story, so
2 I'm guessing right now. But definitely just listen to the facts and pay attention
3 and then just judge. But people do make mistakes, everyone's human.

4 MS. MAXEY: I think we've got a pretty much overall feeling of how
5 everybody feels about fingerprints. Thank you for being open and honest about
6 that.

7 Let's talk about, do you think somebody should have to prove that
8 they're innocent? No? Basically a person who's charged with is innocent until
9 proven guilty? Everybody agrees with that? And it's the State's burden to
10 prove? Okay.

11 Can you hold that government, our government to prove beyond a
12 reasonable doubt on guilt? Does anybody have any issues with holding that
13 standard? It's actually a very high standard, taller than me, holding that
14 standard. No? No problems with that? Okay.

15 What would you -- would you hold it against my client if he didn't
16 testify? No? Nobody would? It wouldn't make you question why he didn't
17 testify? Okay.

18 What if the burden by the State wasn't -- they didn't meet that -- they
19 did meet that burden and my client still didn't testify, would you -- did I confuse
20 that question? Was that a confusing question? No.

21 UNIDENTIFIED PROSPECTIVE JUROR: I actually got it.

22 MS. MAXEY: You did? Thank you. You would -- if he didn't testify you
23 would never question why he didn't testify? No? Okay.

24 What if I didn't present any evidence on behalf of my client? Would
25 that make you question his guilt or innocence? No? We got -- it would, yes, it

1 would make you question?

2 THE COURT: Let's get the microphone up there.

3 THE MARSHAL: Hang on, hang on, hang on.

4 MS. MAXEY: Ms. Kragor?

5 PROSPECTIVE JUROR NO. 163: Yes.

6 THE MARSHAL: Badge number, please.

7 PROSPECTIVE JUROR NO. 163: 163.

8 MS. MAXEY: So if I didn't provide any evidence, that would make you

9 question his guilt or innocence?

10 PROSPECTIVE JUROR NO. 163: Yes.

11 MS. MAXEY: In which way?

12 PROSPECTIVE JUROR NO. 163: You didn't have any proof of it, you

13 had nothing to say about it, there was no -- you had no facts to present. What

14 are we supposed to base it on?

15 MS. MAXEY: The State's case, no? The State's case wouldn't be enough

16 for you to make a decision?

17 PROSPECTIVE JUROR NO. 163: No.

18 MS. MAXEY: No? You would question why -- would that make you --

19 make you think he would be more guilty than not guilty?

20 PROSPECTIVE JUROR NO. 163: No. I would just have to -- I would

21 have to hear -- I would have to hear facts about it from you. You would have to

22 have something to say about it. I couldn't just base it on the State's case.

23 MS. MAXEY: Okay. And Mr. Erickson?

24 PROSPECTIVE JUROR NO. 161: 161, the same thing, I think you have

25 to present his innocence, I mean, he's innocent, yes, but you have to -- the more

1 -- the rebuttal of what the district attorney is presenting to show that he is
2 innocent. Does that make sense?

3 MS. MAXEY: No. Here let me, if during the trial I didn't provide any
4 evidence that would make you question whether his innocence or guilt, would
5 that make you feel he was more guilty or more innocent if I didn't provide any
6 evidence?

7 PROSPECTIVE JUROR NO. 161: That would be hard to answer. I think
8 you would have to present some facts for her -- for his case. And if her facts are
9 better then, yeah, I would have a hard time --

10 MS. MAXEY: So if I didn't provide any witnesses, would that make you
11 lean to him being more guilty?

12 PROSPECTIVE JUROR NO. 161: No, ma'am, no, no.

13 MS. MAXEY: No?

14 PROSPECTIVE JUROR NO. 161: No. I think you would have to go with
15 the facts.

16 MS. MAXEY: Okay.

17 PROSPECTIVE JUROR NO. 160: 160, I'm sorry, but I would -- if you
18 don't give a rebuttal I would think is this gentleman indefensible because that's
19 kind of your job.

20 MS. MAXEY: So that's what I was going to ask, what you do think my job
21 is as his attorney?

22 PROSPECTIVE JUROR NO. 160: Right.

23 MS. MAXEY: Do you believe my client, oh, I'm sorry, do you do we have
24 another --

25 THE MARSHAL: She had an answer to your previous question.

1 MS. MAXEY: I'm sorry, yes.

2 THE MARSHAL: I was just waiting for her to finish.

3 PROSPECTIVE JUROR NO. 208: KC Doing, 208, please, I just simply
4 think you don't -- you don't have to put on a big show or have a bunch of people
5 coming to testify because if she doesn't put on -- if she doesn't prove to us, you
6 know, that she has, you know, all the evidence and everything against him,
7 because he's innocent until proven guilty, if she doesn't prove it, if she doesn't
8 show us, then you don't have to do a bunch because she has to prove it. So I
9 don't think --

10 MS. MAXEY: So it's her burden?

11 PROSPECTIVE JUROR NO. 208: She has to prove it beyond a -- it has
12 to be proven. If she can't prove to us that it is him, then you don't have to say a
13 whole lot because she didn't prove her case.

14 MS. MAXEY: Does anybody disagree with Ms. Doing?

15 PROSPECTIVE JUROR NO. 208: Go ahead, try it.

16 MS. MAXEY: Do you think that my client is more likely to be guilty of a
17 crime because he's charged with something or he's sitting here than, like, the
18 normal person walking or any person walking down the street, if you saw me
19 walking down the street? No? Okay.

20 Do you think it's possible that an innocent person can be charged
21 with a crime? Have you ever thought of what kind of proof it's going to require to
22 convict a person?

23 Ms. Doing, you're shaking your head "yes," you've thought of that
24 proof.

25 PROSPECTIVE JUROR NO. 208: It better be a lot.

1 MS. MAXEY: A lot.

2 PROSPECTIVE JUROR NO. 208: Oh, sorry, KC Doing, 208, if you don't
3 know by now. But anyway, without a doubt it has, like I was saying before,
4 beyond a reasonable doubt. I mean, too many end up in jail with crimes they
5 didn't commit. So it has to be, I mean, as far as I'm concerned, I really have to
6 believe that he's guilty, I mean, before I would ever come close to saying, well,
7 he might be, I mean, he has to be 100 percent or I would never convict.

8 PROSPECTIVE JUROR NO. 221: 221, Xavier Morales. How about
9 fingerprints and eyewitnesses?

10 MS. MAXEY: Uh-huh.

11 PROSPECTIVE JUROR NO. 221: How about fingerprints and
12 eyewitnesses?

13 MS. MAXEY: What about them?

14 PROSPECTIVE JUROR NO. 221: If the plaintiff has them --

15 MS. MAXEY: Uh-huh.

16 PROSPECTIVE JUROR NO. 221: -- isn't that enough to convict?

17 MS. MAXEY: Is that enough in your eyes?

18 PROSPECTIVE JUROR NO. 221: Yeah.

19 MS. MAXEY: You would --

20 PROSPECTIVE JUROR NO. 221: Absolutely.

21 MS. MAXEY: Would you question an eyewitness?

22 PROSPECTIVE JUROR NO. 221: Oh, yes, yes. Definitely.

23 MS. MAXEY: Would you have any question, would you question a
24 fingerprint? Or would you take the fingerprint as truth as it is?

25 PROSPECTIVE JUROR NO. 221: Well, fingerprint, because I think

1 everybody has their own fingerprints, I really do. So I would take it, yes, as
2 evidence, yes.

3 MS. MAXEY: So even if I told you that there is no science that
4 everybody's fingerprints are completely individual, would you believe me?

5 PROSPECTIVE JUROR NO. 221: Well, the thing is, everything is based
6 on fingerprints. Every where I go, I got a Sheriff card, fingerprints. My wife goes
7 down and get her naturalized, fingerprints. You know, everything is pretty much
8 what have to do with law is fingerprints. You look up some kind of a crime look
9 fingerprints, that's what you look up the fingerprints, is basically what it is. That's
10 what --

11 MS. MAXEY: So you would hold the evidence of a fingerprints above and
12 beyond any other evidence?

13 PROSPECTIVE JUROR NO. 221: Pretty much -- no, not unless it's an
14 eyewitnesses, a bunch of them, you know. If I see a group of people saw the
15 same guy, yeah, I would go with that first.

16 MS. MAXEY: You would go with eyewitnesses over fingerprints?

17 PROSPECTIVE JUROR NO. 221: Yes, I would go -- if there is ten of
18 them, yes.

19 MS. MAXEY: Ten of them.

20 PROSPECTIVE JUROR NO. 221: Of course.

21 MS. MAXEY: Anybody else feel the same? Anybody else want to
22 comment on this? No? Okay.

23 Let's -- everybody's heard of presumption of innocence, burden of
24 proof, and proof beyond a reasonable doubt, everybody's heard of that, right?
25 Does anybody think this is a technicality that you're willing to compromise under

1 certain circumstances? Basically "no"? It's not a legal technicality? I'm sorry,
2 Ms. Iglesias?

3 PROSPECTIVE JUROR NO. 235: No, it's not something I'd be willing --

4 THE MARSHAL: Hang on. Hang on. Badge number?

5 PROSPECTIVE JUROR NO. 235: 235. It's not something I would
6 compromise over, no.

7 MS. MAXEY: No.

8 PROSPECTIVE JUROR NO. 235: No.

9 MS. MAXEY: Would anybody else compromise those -- those rights?
10 No?

11 Would anybody think that they're like shirking their duty if they -- if
12 they do not return a guilty verdict or a not guilty verdict? I mean, nobody would
13 think that they're shirking their duty if they do not return a guilty verdict? No?
14 Everybody here is able to return a non-guilty verdict? Okay.

15 You know, Honorable Tao had a question that I absolutely loved
16 and I'm going to ask you guys this, is there anybody on this panel that if you
17 were sitting where my client is sitting you would not want yourself here? Is there
18 anybody?

19 Mr. Erickson, right? So you wouldn't want yourself as a juror?

20 PROSPECTIVE JUROR NO. 161: No.

21 MS. MAXEY: Why?

22 PROSPECTIVE JUROR NO. 161: My background.

23 MS. MAXEY: Your background?

24 PROSPECTIVE JUROR NO. 161: Yes, ma'am. When I was a police
25 officer when I responded to a call, I did the whole thing to write up, I mean, I was

1 my own CSI. So, yeah, I wouldn't want me as a -- as a juror because I think I'd
2 be down that one line.

3 MS. MAXEY: So it would be difficult for you to not believe a fingerprint?

4 PROSPECTIVE JUROR NO. 161: Yes, ma'am, right.

5 MS. MAXEY: It would be difficult for you to not believe an expert opinion?

6 PROSPECTIVE JUROR NO. 161: Right.

7 MS. MAXEY: And would it be difficult for you not to believe another
8 officer?

9 PROSPECTIVE JUROR NO. 161: Right.

10 MS. MAXEY: How about you? I know we have the same background.

11 THE MARSHAL: Hang on, let me get the microphone over there.

12 MS. MAXEY: Okay. No worry. I've got to get his name. Mr. Prescott,
13 right?

14 PROSPECTIVE JUROR NO. 206: Yes. Yes, Marshall Prescott, 206.

15 MS. MAXEY: Would you want yourself on the jury?

16 PROSPECTIVE JUROR NO. 206: No.

17 MS. MAXEY: No. And why is that?

18 PROSPECTIVE JUROR NO. 206: Because I'm police officer and a
19 correctional officer of 30 years.

20 MS. MAXEY: And as I asked Mr. Erickson, would you find it difficult not to
21 believe a fingerprint?

22 PROSPECTIVE JUROR NO. 206: There could be different circumstances
23 that would make it difficult to believe a fingerprint, yes.

24 MS. MAXEY: And how about an expert?

25 PROSPECTIVE JUROR NO. 206: There is certain times when an expert

1 can be wrong, yes.

2 MS. MAXEY: How about other fellow police officers?

3 PROSPECTIVE JUROR NO. 206: There are times when they can be
4 wrong too. I just, I felt that you said the -- you made the statement that if we
5 were sitting in the defendant's shoes over there, what would we feel, excuse me,
6 what would we feel and I just thought if I was the defendant I wouldn't care to
7 have police officers sitting on my jury.

8 MS. MAXEY: I have a couple more individual questions and then I'd like
9 to take have the Court's indulgence just a second.

10 Ms. Mendez, can I bring -- may I approach and give her the --

11 THE MARSHAL: Just pass it back to her.

12 THE COURT: Yeah, just pass it back.

13 MS. MAXEY: Ms. Mendez.

14 PROSPECTIVE JUROR NO. 060: Yes.

15 MS. MAXEY: You stated that you were a victim of a robbery?

16 PROSPECTIVE JUROR NO. 060: Yes, ma'am.

17 MS. MAXEY: And that was recently, right?

18 PROSPECTIVE JUROR NO. 060: August 14.

19 MS. MAXEY: It was what? August 14th, yes, very recently. Were you
20 traumatized from that robbery?

21 PROSPECTIVE JUROR NO. 060: Yeah, I was. I couldn't go back to that
22 area any more, ever since that day, I never go back there even if I want to go to
23 that Ross for Tuesdays discounts. I did not -- I cannot go back any more. And I
24 haven't been sleeping well after that.

25 MS. MAXEY: And have you been thinking about it every night when you

1 go to bed, obviously if you can't sleep --

2 PROSPECTIVE JUROR NO. 060: Yes, but I was just thankful that my
3 being calm in my manners, I'm so calm, I -- she was about to click the gun. But I
4 -- she said hand me that purse and I said it doesn't belong to me and then she
5 said do you want to die and then I look at her please don't do this.

6 MS. MAXEY: Now does this experience, would this experience affect you
7 setting on the jury?

8 PROSPECTIVE JUROR NO. 060: Can you say it again please?

9 MS. MAXEY: Well, this -- this -- this victimization, you being the victim,
10 this experience, this trauma that you went through, would that affect you to listen
11 to the case?

12 PROSPECTIVE JUROR NO. 060: I don't think so. It's a separate -- this is
13 just in my -- my situation it just happened to me, but it depends on the -- the
14 facts. And I will always be fair. I have to listen first as to who is guilty or not. I
15 cannot just base it on my experience for that.

16 MS. MAXEY: Can I ask Ms. Elliot questions right next to you?

17 Hi, Ms. Elliot, you stated that you were a victim of a home burglary,
18 correct?

19 PROSPECTIVE JUROR NO. 152: Yes.

20 MS. MAXEY: And was it unsolved?

21 PROSPECTIVE JUROR NO. 152: It was because myself, I've been -- my
22 husband goes away and at night like '82, so I was by myself. So my son decide
23 to buy me a gun that way I can protect myself. So I always put it where I can
24 reach it. So when somebody took it, and I was completely excited, I don't know
25 if I can say that word -- when you get so depressed. And so I never -- the

1 police -- my neighbors called the police because I was at work and they know so
2 I had the alarm on. So the alarm didn't come off 'til certain -- after they left I
3 guess. So that's when the my neighbors called the police. But when they called
4 me, they were in my house, the police. So at that time the NDOT was taking
5 away the house that was in 19 -- that was in 2003 when that happened. So --

6 MS. MAXEY: Can I -- can I just ask, how -- how this is, you know, this
7 burglary in your home, are you going to -- is this going to come back up to you
8 while you're listening, you know?

9 PROSPECTIVE JUROR NO. 152: Yeah.

10 MS. MAXEY: It will?

11 PROSPECTIVE JUROR NO. 152: It can come up to me because I was --
12 I was having nightmares.

13 MS. MAXEY: Uh-huh.

14 PROSPECTIVE JUROR NO. 152: And then when I was going the door, I
15 feel like they was waiting for me. So that was a good thing, but after that I
16 moved from there. But --

17 MS. MAXEY: So if you listened to the evidence in this case, it's going to
18 make you start thinking about your case?

19 PROSPECTIVE JUROR NO. 152: Yeah, am I going to say maybe that
20 was him? Or maybe that was her? And am I going to be some kind of nerves or
21 something like that.

22 MS. MAXEY: Do you think it will upset you emotionally if you --

23 PROSPECTIVE JUROR NO. 152: Yeah, it can be emotionally, uh-huh.

24 MS. MAXEY: And would -- would you -- do you think your decision could
25 be based on emotions?

1 PROSPECTIVE JUROR NO. 152: Well, I am some kind of person that I
2 can control myself. So I might just be try to control and do the best I can.

3 MS. MAXEY: But it would come back and you would think about it over --

4 PROSPECTIVE JUROR NO. 152: Yeah, uh-huh.

5 MS. MAXEY: Okay.

6 Your Honor, may we approach?

7 THE COURT: You may.

8 [Bench conference -- not transcribed]

9 THE COURT: All right. Ms. Trippiedi, do you have questions for those
10 two jurors?

11 MS. TRIPPIEDI: Yes, please.

12 THE MARSHAL: Where are you going, Ms. Trippiedi?

13 MS. TRIPPIEDI: Okay, where is the microphone?

14 THE COURT: He's got it.

15 MS. TRIPPIEDI: Oh, let's start with Ms. Elliott then. So the defense
16 attorney asked you a few questions about the home burglary that occurred and
17 even though that was an extremely traumatic experience for you, you do
18 understand that this case is completely separate from that incident; is that -- is
19 that right?

20 PROSPECTIVE JUROR NO. 152: Yeah.

21 MS. TRIPPIEDI: Okay. Are you going to be able to listen to the testimony
22 in this case and all of the evidence and the witness testimony and make a
23 separate decision based on just this case?

24 PROSPECTIVE JUROR NO. 152: Yes, yes, I can.

25 MS. TRIPPIEDI: And hold that case completely separate?

1 PROSPECTIVE JUROR NO. 152: Yes.

2 MS. TRIPPIED: Okay. So you do think you'll be able to give a fair
3 chance to both sides?

4 PROSPECTIVE JUROR NO. 152: Yes.

5 MS. TRIPPIED: Okay. And now I'll just pass it over to Mr. Erickson. I'm
6 sure you're so sick of this microphone.

7 PROSPECTIVE JUROR NO. 161: 161.

8 MS. TRIPPIED: Okay.

9 PROSPECTIVE JUROR NO. 161: Yes, ma'am.

10 MS. TRIPPIED: Okay. And similarly, you know, you're a previous police
11 officer, you've also been the victim of a burglary, you've had, let's see, what
12 else -- you've talked about expert testimony and, you know, your regard for that,
13 are you going to be able to, and I just want your complete honesty, are you
14 going to be able to listen to the testimony that the State provides, the evidence
15 that the State provides, and really judge this case fairly and, you know, at the
16 end of all the evidence of this case, the judge is going to give you a set of
17 instructions that essentially tell you that your duties as a juror in the state of
18 Nevada is to listen to the evidence and to act completely impartially, make a
19 completely unbiased decision just based on what you hear in this courtroom.

20 PROSPECTIVE JUROR NO. 161: Yes, ma'am.

21 MS. TRIPPIED: Are you going to be able to -- to take that duty and apply
22 it in this case fairly?

23 PROSPECTIVE JUROR NO. 161: I will try. That's -- I hold the police
24 officers in a high regard, and so I would try to do, that's the best way I can be
25 real straight and honest with you.

1 MS. TRIPPIEDI: And there is a difference between respecting police
2 officers.

3 PROSPECTIVE JUROR NO. 161: Right.

4 MS. TRIPPIEDI: And holding them in a high regard.

5 PROSPECTIVE JUROR NO. 161: Right.

6 MS. TRIPPIEDI: For example, if a police officer gets on the stand and
7 tells you that the piece of the notebook that that I'm holding is blue, are you
8 going to believe him even though it's clearly yellow?

9 PROSPECTIVE JUROR NO. 161: Oh, no, no, no, no, no. I'm not that
10 dumb.

11 MS. TRIPPIEDI: Okay. So you are going to, you know, take a look at all
12 the evidence, for example, you're looking at this notebook and it's yellow, are
13 you going to be able to do that in this trial? Are you going to be able to take
14 aside your obvious admiration and respect for police officers and truly listen to
15 the evidence and the testimony and judge it fairly?

16 PROSPECTIVE JUROR NO. 161: Yes.

17 MS. TRIPPIEDI: Okay.

18 PROSPECTIVE JUROR NO. 161: I'll be as fair as I can, yes.

19 MS. TRIPPIEDI: Okay. May we approach now, Your Honor?

20 THE COURT: You may.

21 [Bench conference -- not transcribed]

22 THE COURT: All right. Mr. Erickson, thank you very much. You are
23 excused from this case, that would be badge number 161, please go down to
24 the jury services room on the third floor.

25 Let's -- who's the next person in line?

1 THE CLERK: It's Badge 256, Sandra Hansell.

2 THE COURT: All right, Ms. Hansell, can I get you to come up here and
3 take the microphone and sit down in that chair? All right. Ms. Hansell, if you
4 can run through your biography really quick. What do you do? What does your
5 husband do? Do you have any adult kids? Ever been on a jury before?

6 PROSPECTIVE JUROR NO. 256: I work for an electrical contractor as a
7 billing. My husband works for the same company as a dispatcher. I don't have
8 adult children. I've never been on a jury. I've never been a victim as of crime. I
9 don't know anyone accused of a crime.

10 THE COURT: All right. All right.

11 PROSPECTIVE JUROR NO. 256: I will be fair and impartial if you ask me
12 any questions.

13 THE COURT: All right. Ms. Trippiedi, do you have any questions for Ms.
14 Hansell?

15 MS. TRIPPIEDI: Well, you did a pretty good job of answering the basics
16 and we appreciate that. Is there any life events, any secrets in your past that
17 would cause you to be unfair towards the D.A.'s office or Metro in any way?

18 PROSPECTIVE JUROR NO. 256: No.

19 MS. TRIPPIEDI: Okay. Any facts that you think that we should be aware
20 of in your past or in your life experience?

21 PROSPECTIVE JUROR NO. 256: Not as far as crime, no.

22 MS. TRIPPIEDI: And then I'll just ask you the question that the defense
23 attorney asked you all, do you think that you, if you were sitting in that jury box
24 you would want yourself as a juror? Or I'm sorry if you were sitting on that table.

25 PROSPECTIVE JUROR NO. 256: I understand the question. Yes, I

1 believe I can be fair and impartial and. I could listen to all the evidence on both
2 sides before making a decision.

3 MS. TRIPPIED: Okay. And any thoughts one way or the other regarding
4 latent print evidence?

5 PROSPECTIVE JUROR NO. 256: I think everyone presented their case
6 well as far as, yes, it could be solid ground, there also could be human mistakes
7 in the collection of the evidence, so it could go both ways, so you -- it is more
8 than one piece of the puzzle, you need to look at all of the evidence.

9 MS. TRIPPIED: Okay. Okay. I don't have any further questions.

10 THE COURT: All right. Ms. Maxey, any questions for Ms. Hansell?

11 MS. MAXEY: Yeah, just a couple questions.

12 You heard some of the questions I asked about expert witnesses
13 and opinion. Do you have any feelings on that?

14 PROSPECTIVE JUROR NO. 256: I do believe that experts should say or
15 we should be told their credentials to -- what makes them an expert basically.

16 MS. MAXEY: So if an expert testified would you -- testified would you
17 believe that expert's opinion as truth?

18 PROSPECTIVE JUROR NO. 256: Not necessarily because human error
19 comes into all factors of everything that you do. Do I think that they should be
20 holded, yes, because they are an expert? You know, yes, but also one pierce of
21 the puzzle just because you do you get an expert opinion, there is a lot of other
22 evidence that could be taken into account into the decision.

23 MS. MAXEY: And you're going to receive an instruction on burden of
24 proof and that the State has to uphold that burden, would you be willing to have
25 the State -- would you be willing to hold the State to that very high burden?

1 PROSPECTIVE JUROR NO. 256: Yes, yes.

2 MS. MAXEY: And would you feel that it would be your duty to not only
3 come back with a possible guilty plea, but also a not guilty --

4 PROSPECTIVE JUROR NO. 256: Yes, based on the evidence, yes.

5 MS. MAXEY: Based on the evidence?

6 THE COURT: All right. Does the defense pass the panel for cause?

7 MS. ROMNEY: Court's indulgence for just a second.

8 Judge, we'll pass the panel at this time.

9 THE COURT: All right. Here's what we're going to do -- can I have the
10 sheet -- ladies and gentleman, I'm going to send you for a couple minutes, there
11 is a couple things that we need to do which mainly consists of paperwork. But in
12 the next 15 or 20 minutes we should be able to have it narrowed down to the 14
13 people who are going to serve in this case and the rest of you can go home.
14 For, well, you won't have -- I don't know what jury services is going to tell you on
15 the third floor, but you don't have to come back to this courtroom tomorrow. So
16 let's take a short break while the attorneys and I go through the paperwork and
17 check the numbers and all that kind of stuff.

18 During this break the same admonitions apply. Do not reach any
19 conclusions about this case as you have not heard all of the evidence. Do not
20 talk to anyone about this case. Do not investigate any facts of this case. Do not
21 view any media, press, or Internet reports about the case. Do not talk to anyone
22 who may be involved in any way with this case. Do not discuss the facts of this
23 case with each other.

24 Remember to wear your badge. And I'll see you in -- can't promise
25 you the exact time because there is some paperwork stuff I need to do, but ten

1 minutes or so, all right? Thanks.

2 Can counsel approach?

3 [Bench conference -- not transcribed]

4 [Outside the presence of the prospective jury]

5 THE COURT: All right. Let's go off the record while they do that. And
6 well, hang on -- was there anything -- we're now outside the presence of the jury,
7 anything that you guys wanted to put on the record while we're doing this or no?
8 All right. Let's go off the record until they're done with their paperwork.

9 [Recess at 4:38 p.m.; proceeding resumed at 4:50 p.m.]

10 [Outside the presence of the prospective jury]

11 THE COURT: All right. Let's go on the record very quickly. So it looks
12 like, for the record, the State exercised its challenges on Badge Number 256,
13 Ms. Hansell; Badge Number 177, Ms. Llanas; Badge Number 201, Ms. Lukovac;
14 Badge Number 208, Ms. Doing; and Badge Number 248, Ms. Cox. And the
15 defense exercised their challenges on Badge Number 60, Ms. Mendez; Badge
16 Number 152, Ms. Elliot; Badge Number 255, Mr. Henry; Badge Number 176, Ms.
17 Baucom; and Badge Number 206, Mr. Prescott; is that correct?

18 MS. ROMNEY: Yes.

19 THE COURT: All right. So that leaves us with the following jurors who
20 will be on the jury: Badge Number 154, Ms. Nakae; Badge Number 160, Ms.
21 Barron; Badge Number 163, Ms. Kragor -- hang on a second, one, two, three --
22 Badge Number 175, Mr. Cerros; Badge Number 186, Ms. Spriggs; Badge
23 Number 188, Ms. Lawrence; Badge Number 198, Mr. Smith; Badge Number
24 237, Mr. Fernandez; Badge Number 216, Ms. Young; Badge Number 220, Ms.
25 Beller; Badge Number 221, Mr. Morales; Badge Number 227, Mr. Billets; which

1 leaves Juror Number 13 being Badge Number 233, Ms. Cooper and Number 14
2 being Badge Number 235, Ms. Iglesias -- Mr. -- or Ms. Iglesias with 13 and 14
3 being our alternates; is that correct?

4 MS. ROMNEY: Yes.

5 MS. TRIPPIEDI: Yes.

6 THE COURT: All right. Let's, Randy, let's go ahead and bring them in
7 and we'll send everybody else expect for those 14 home then. And all, I think,
8 all we have time to do is we'll swear them in and tell them to come back. I
9 checked with Judge Sturman, she thinks she'll be done around 12:00, so I'm
10 going to tell everybody to come back here at 12:30 tomorrow.

11 MS. ROMNEY: Okay.

12 THE COURT: That half an hour shouldn't make it -- shouldn't make that
13 much of a difference, but at least they won't be standing around for half an hour
14 doing nothing. All right. So let's just swear them in, I'll send them home, tell
15 them to come back at 12:30 tomorrow then.

16 MS. TRIPPIEDI: Okay.

17 THE COURT: All right. Randy, let's go ahead and --

18 THE MARSHAL: None of you guys asked Ms. Baucom if she was related
19 to Judge Baucum.

20 THE COURT: Yeah. All right. Well, I don't think she is. But let's bring
21 them back in.

22 MS. ROMNEY: It's spelled differently.

23 THE MARSHAL: Is it?

24 THE COURT: Yeah, I think it is spelled differently too.

25 MS. TRIPPIEDI: And isn't there a Baucom in your office too? Shana?

1 MS. ROMNEY: She's Bachman.

2 MS. TRIPPIEDI: Oh, okay.

3 [In the presence of the prospective jury]

4 THE COURT: All right. Ladies and gentlemen, I'm now going to
5 announce the names of our 14 jurors and alternates. These 14 people need to
6 stay here for just two, three minutes, the rest of you are free to go. Please
7 report to jury services on the third floor. Badge Number, 154 Ms. Nakae, I need
8 you to stay. Badge Number 160, Ms. Barron; Badge Number 136, Ms. Kragor;
9 Badge Number, 175, Mr. Cerros; Badge Number 186, Ms. Spriggs; Badge
10 Number 188, Ms. Lawrence; Badge Number 198, Mr. Smith; Badge Number
11 237, Mr. Fernandez; Badge Number 216, Ms. Young; Badge Number 220, Ms.
12 Beller; Badge Number 221, Mr. Morales; Badge Number 227, Mr. Billets; Badge
13 Number 233, Ms. Cooper; and Badge Number 235, Ms. Iglesias.

14 The 14 names and badge numbers that I just announced, please
15 remain seated for a couple minutes. Everybody else, you are free to go. Please
16 report to jury service on the third floor. They'll give you further instructions.

17 UNIDENTIFIED PROSPECTIVE JUROR: Can you repeat that, if you
18 called the number do we stay?

19 THE COURT: Yes, if I called the number you need to stay.

20 THE MARSHAL: Yes, if your number was called stay in your seat. If your
21 number wasn't called come over to me. Come on. Okay.

22 Folks, everybody return back to the third floor and check out with
23 the jury commissioner please. Everybody in the top row, slide down to the end
24 please. Ma'am, next to the gentleman in the green shirt. Ma'am, you'll go up
25 next to her. Sir, you'll be next to her. You're going to be all the way down in the

1 end chair. Please watch your step. Just filter around and fill in the chairs? With
2 her first.

3 THE COURT: All right. Ladies and gentlemen, you are now going to be
4 the jurors and the alternates in this case. At this time I will ask the clerk to swear
5 the members of the jury in.

6 THE CLERK: Will you please stand and raise your right hand.

7 [The Jury Panel was sworn in by the Clerk]

8 THE COURT: All right. Please be seated. What's going to happen now
9 is Randy's going to give you guys a new blue badge. Please wear the blue
10 badge instead of the white badge. Feel free to do whatever you want to with the
11 white badge, you can keep it as a souvenir, throw it away, whatever you want to.
12 The blue badge identifies you as actual jurors on this case. That's important,
13 wear that badge any time you're in or around the courthouse that way any
14 attorney and anyone associated with the D.A.'s office knows not to talk with you
15 even if they're not involved in this case.

16 What I'm going to do is I'm just going give you two minutes worth of
17 instructions, then I'm going to send you home for the night and ask you to come
18 back to tomorrow at 12:30. If you guys can have an early lunch, so we'll get a
19 slightly earlier start, and that way hopefully, we'll be done earlier in the day as
20 well.

21 I don't know how you guys feel about being a juror in this case, but
22 really you should be happy because this is the best kind of case to be a juror on.
23 It's a short case, there is high probability it will be over by the end of the day
24 tomorrow, small chance of it leaking into Thursday. But even if it goes into
25 Thursday, it's going to be for minutes on Thursday. It's a lot better than being

1 called in on a two-month, you know, huge, you know, multi-party civil case.

2 In this case you will sit here for a couple of days and it's not even
3 full days, they're afternoons. And then you won't be summoned again for
4 whatever the statute says. I think it's at least two years. So this is really, you
5 know, two years of service then you're done for the next -- I mean, two days of
6 service then you're done for the next two years. That's really the best kind of
7 case to be on.

8 Now that you are jurors on the case, what you can do is you can tell
9 your friends and your family and your employers that you are serving as jurors in
10 this case. You can tell them what the hours of the trial will be. You can tell them
11 that you will back to work as soon as you can as soon as the trial is over. But
12 you can't tell them anything more than that. Don't tell them the name of the
13 case. Don't tell them what it's about because you are now under oath as jurors.
14 You can't consult -- you cannot consult with outside people, outside sources. I
15 know earlier somebody made a comment about looking up something on the
16 Internet, don't. I don't think it was one of the people here, but there was some
17 colloquy about that earlier, about if someone heard something they would look
18 on the Internet, don't do that until the end of the case.

19 So we will start tomorrow at 12:30 or as close to 12:30 as possible.
20 One of the things I said at the very beginning of this case is I'm aware that there
21 are some delays and stuff that I can't control. One of the things that we have
22 going on in this court system is you may have noticed on the third floor there is
23 some construction, there are six courtrooms under renovation. So until they're
24 finished we're kind of short six courtrooms, as a result we do what's called
25 courtroom sharing where in the morning someone -- tomorrow morning another

1 judge will be using this courtroom. They tell me that they should be done before
2 12:30, but if they're not done by 12:30, then not only are you guys waiting, but
3 I'm waiting, they're waiting, and I just want you guys to know that if you come at
4 12:30 and there is a little bit of waiting, that's probably what's going on. And I
5 honestly can't control that when you have, you know, you guys have workplaces,
6 when there is a part of your workplace under construction, it just sucks for
7 everybody. And, you know, so I want you guys to know in advance.

8 I will be ready at 12:30, whether the courtroom's ready at 12:30, I
9 hope it is. But that's not entirely up to me. So if you guys get here at 12:30 and
10 we're not starting right on the dot, I hope you understand that it's not me or any
11 of them trying to inconvenience you, it's just a fact of life when you have
12 renovation. We have a question here.

13 JUROR NO. 10: Yes, do we come to this courtroom?

14 THE COURT: Randy's going to tell you on the way out. You don't -- you
15 don't.

16 THE RECORDER: What's her badge --

17 THE COURT: What is your badge number, ma'am?

18 JUROR NO. 10: Ten or --

19 THE COURT: Your new badge number.

20 JUROR NO. 10: My new badge is 10.

21 THE COURT: All right. You don't have to go to the third floor, just come
22 up to the this floor, the tenth floor, and wait out in the hallway. Please wear your
23 badge. Tomorrow afternoon because we're getting the trial under way, there is a
24 high probability that when you get here there may be witnesses out in the
25 hallway, so don't talk to anybody who does not have one of those badges on.

1 Don't even kind of linger near them where you might be able to hear a phone
2 conversation or they might be able to hear one of your phone conversations. All
3 right. But Randy will give you, like, a minute's worth of instruction on the way
4 out.

5 So I will see you tomorrow at 12:30. And as I said, hopefully the
6 courtroom is ready. I'm told it will be. But, I mean, you know how it is, I can't
7 control what another judge does. And I just apologize for that in advance.

8 You are admonished that until you begin deliberations and you are
9 still under oath and have not been discharged. Do not reach any conclusion
10 about this case as you have not heard the evidence. Do not talk to anyone
11 about this case. Do not investigate any facts of this case. Do not view any
12 media, press, or Internet reports about this case. Do not talk to anyone who
13 may be involved in any way with this case. Do not discuss the facts of this case
14 with each other. Do not visit any of the scenes of the alleged occurrences.

15 Remember to wear your badges at all times not only when you're in
16 the courthouse, but as Randy mentioned earlier, you guys now get to park in a
17 closer parking garage. That parking garage is also parked in by other county
18 employees, D.A.s, attorneys so as soon as you get out of your car in the garage,
19 put your badge on so that while you're in the garage people know that you're a
20 juror. Please leave your notebooks on your chairs. And I will see you tomorrow
21 at 12:30. Thank very much.

22 [Outside the presence of the jury]

23 THE COURT: All right. We're -- oops, let's wait for this woman -- we're
24 outside the presence of the jury. Anything that either side wanted to put on the
25 record?

1 MS. ROMNEY: I don't think so.

2 MS. TRIPPIED: No.

3 THE COURT: All right. I have a very short -- I'll be done by 10:00 o'clock
4 tomorrow morning. Unfortunately the courtroom won't be ready. So if the
5 courtroom is ready if you guys can be here a little bit before 12:30 so we can
6 cover -- I don't know if we want to do jury instructions tomorrow or if you want to
7 until later in the day? But if there is anything that you want to put on the record,
8 then we can put things on the record and not have them waiting. You know, as I
9 said, we're all in the situation where I'll be here but whether the courtroom is
10 occupied is, I mean, it just is the way it is. But so if you guys can be here -- if
11 you guys can be here maybe a little bit before 12:30 I'll be here. So, all right,
12 see you guys tomorrow then. Thanks, everybody.

13 MS. ROMNEY: Thank you.

14 PROCEEDING CONCLUDED AT 5:03 P.M.

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20 ATTEST: Pursuant to Rule 3C(9) of the Nevada Rules of Appellate Procedure, I
21 acknowledge that this is a rough draft transcript, expeditiously prepared, not
proofread, corrected, or certified to be an accurate transcript.

22 

23 SARA RICHARDSON
24 Court Recorder/Transcriber
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No. 62649

VS.

Respondent.

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