

IN THE SUPREME COURT OF THE STATE OF NEVADA

* * *

JASON JONES,

Appellant,

vs.

THE STATE OF NEVADA,

Respondent.

CASE NO. 63136

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APPELLANT'S APPENDIX

VOLUME 5

Direct Appeal From A Judgment of Conviction
Eighth Judicial District Court
The Honorable Valerie Adair, District Court Judge
District Court No. C285488

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1 PROSPECTIVE JUROR NO. 290: Two. Two girls, nine and
2 six.

3 THE COURT: Ever been a juror before?

4 PROSPECTIVE JUROR NO. 290: No.

5 THE COURT: You or anyone close to you ever been
6 arrested, charged, accused of a crime?

7 PROSPECTIVE JUROR NO. 290: Been arrested.

8 THE COURT: You have?

9 PROSPECTIVE JUROR NO. 290: Yeah.

10 THE COURT: Tell me about that.

11 PROSPECTIVE JUROR NO. 290: It was like 12 years ago.
12 It was dismissed.

13 THE COURT: Okay. What were you arrested for?

14 PROSPECTIVE JUROR NO. 290: I don't know the exact
15 name of it, what they called it, but it was like withholding
16 information about something.

17 THE COURT: Was that here in Clark County?

18 PROSPECTIVE JUROR NO. 290: Yes.

19 THE COURT: Was it a misdemeanor charge, do you
20 remember?

21 PROSPECTIVE JUROR NO. 290: Yes.

22 THE COURT: Okay. And then it was dismissed. Did
23 you have to show up to court or anything like that?

24 PROSPECTIVE JUROR NO. 290: I believe I did. It
25 was 12 years ago. I don't really remember.

1 THE COURT: Who arrested you? I mean, was it Las
2 Vegas Metro, Henderson Police?

3 PROSPECTIVE JUROR NO. 290: Las Vegas.

4 THE COURT: Any feelings about how the police treated
5 you?

6 PROSPECTIVE JUROR NO. 290: No.

7 THE COURT: Have you ever been the victim of a crime?

8 PROSPECTIVE JUROR NO. 290: I don't know if it's
9 really a crime. It's my ex-husband, where he came to my house
10 and tried to break in, so I just called the cops and I put a
11 restraining order on him.

12 THE COURT: Did -- was your ex-husband still there
13 when the police came, or had he already left?

14 PROSPECTIVE JUROR NO. 290: No, he was still there.

15 THE COURT: He was still there. Did they arrest him?

16 PROSPECTIVE JUROR NO. 290: Yes.

17 THE COURT: Was it Metro?

18 PROSPECTIVE JUROR NO. 290: North Las Vegas.

19 THE COURT: North Las Vegas. Okay. Do you know if
20 charges were ever filed against him?

21 PROSPECTIVE JUROR NO. 290: I believe he had like
22 some -- a BB gun or something on him.

23 THE COURT: In connection with that incident though,
24 where he's trying to break in to your house and the North Las
25 Vegas Police arrested him, did -- were charges filed against

1 your husband in connection with that, or was it just arrest
2 and that was it, do you know?

3 PROSPECTIVE JUROR NO. 290: I don't know.

4 THE COURT: Okay. You've heard all of the other
5 questions and discussions with all of the other prospective
6 jurors. Did you hear any questions that any of us asked that
7 you thought, well, I'd have to raise my hand and say, oh, yes,
8 that pertains to me, or that pertains to a family member or
9 someone I'm close with?

10 PROSPECTIVE JUROR NO. 290: I've had a couple family
11 members been arrested, but never convicted of anything, just
12 arrested.

13 THE COURT: For what kinds of charges?

14 PROSPECTIVE JUROR NO. 290: Well, one of my brothers
15 has DUIs. Another one has a DUI also. And I think he had a
16 felony when he was young for robbery or something.

17 THE COURT: Okay. This is your brother?

18 PROSPECTIVE JUROR NO. 290: Yes.

19 THE COURT: Do you think you would be a fair and
20 impartial juror if you were selected to serve in this case?

21 PROSPECTIVE JUROR NO. 290: Yes.

22 THE COURT: Are you the kind of person who would make
23 a good juror?

24 PROSPECTIVE JUROR NO. 290: Yeah, I believe so.

25 THE COURT: And why is that?

1 PROSPECTIVE JUROR NO. 290: I think you just judge
2 based on the evidence given.

3 THE COURT: Now, you heard that in this case, if the
4 jury finds the defendant guilty of murder in the first degree,
5 then it would become the duty of the jury to pronounce
6 sentence and select among three potential sentences. Would
7 you feel comfortable with that role if it got to that?

8 PROSPECTIVE JUROR NO. 290: Yes.

9 THE COURT: Okay. Thank you.

10 And State, you may follow up with Ms. Pelayo.

11 MS. CHRISTENSEN: Thank you. Ms. Pelayo, I have a
12 couple questions more about the -- your arrest. And that
13 was 12 years ago and I don't mean to pry, but we need to just
14 have as much information about some people, everyone just in
15 case, just because it's only fair to the victim and all sides
16 of this case.

17 You said that it was withholding information. Was it
18 obstructing a police officer or something like that? I've
19 never heard of the charge withholding information, so I --

20 PROSPECTIVE JUROR NO. 290: I don't know exactly what
21 it was called.

22 MS. CHRISTENSEN: Was it something that you lied to a
23 police officer?

24 PROSPECTIVE JUROR NO. 290: Or just not --

25 MS. CHRISTENSEN: [Inaudible.]

1 PROSPECTIVE JUROR NO. 290: Yeah. They felt that I
2 wasn't giving them all the information.

3 MS. CHRISTENSEN: And in what context was it that you
4 were talking to the police?

5 PROSPECTIVE JUROR NO. 290: What do you mean?

6 THE COURT: Well, was it like a traffic stop, or how
7 is it that you came into contact with police in the first
8 place?

9 PROSPECTIVE JUROR NO. 290: Where my ex had actually
10 had a firearm and they said that he shot in the air, and so he
11 got arrested for that at that time.

12 MS. CHRISTENSEN: So they -- the police came?

13 PROSPECTIVE JUROR NO. 290: Mm-hmm.

14 MS. CHRISTENSEN: And you were there?

15 PROSPECTIVE JUROR NO. 290: Mm-hmm.

16 MS. CHRISTENSEN: And they questioned you?

17 PROSPECTIVE JUROR NO. 290: Right.

18 MS. CHRISTENSEN: And they thought that you weren't
19 telling them the truth?

20 PROSPECTIVE JUROR NO. 290: Correct.

21 MS. CHRISTENSEN: Or telling them everything you
22 knew?

23 PROSPECTIVE JUROR NO. 290: Or telling everything I
24 knew, yeah.

25 MS. CHRISTENSEN: And in hindsight, was that true?

1 PROSPECTIVE JUROR NO. 290: No. [Inaudible]
2 convicted felon thing, so.

3 MS. CHRISTENSEN: Right. But I mean, you looked back
4 at something again when you were alone, when you talked to the
5 police, were you maybe not telling them everything you knew?

6 PROSPECTIVE JUROR NO. 290: I mean, when it comes to,
7 you know, if it's your family or whatnot situation type --

8 MS. CHRISTENSEN: And it was your husband?

9 PROSPECTIVE JUROR NO. 290: Yes.

10 MS. CHRISTENSEN: Is that -- is he now your
11 ex-husband?

12 PROSPECTIVE JUROR NO. 290: We're still legally
13 married, yeah.

14 MS. CHRISTENSEN: You referred to someone earlier as
15 your ex-husband.

16 PROSPECTIVE JUROR NO. 290: [Inaudible.]

17 MS. CHRISTENSEN: It's the same -- it's the person
18 you're married to who you're separated from?

19 PROSPECTIVE JUROR NO. 290: Mm-hmm.

20 MS. CHRISTENSEN: Okay. Same person.

21 PROSPECTIVE JUROR NO. 290: Mm-hmm.

22 MS. CHRISTENSEN: And so it sounds like when you
23 talked to the police, it wasn't a very warm fuzzy conversation
24 that you had with them. They were trying to get information
25 from you essentially as a witness as to what just happened.

1 How did you feel about that situation?

2 PROSPECTIVE JUROR NO. 290: It's an uncomfortable
3 situation. You try to help out if you can with what, you
4 know, what you remember when everything's happening, plus it's
5 hard.

6 MS. CHRISTENSEN: Is it fair to say you didn't want
7 to talk to the police?

8 PROSPECTIVE JUROR NO. 290: Right.

9 MS. CHRISTENSEN: And you certainly didn't want to
10 tell them anything that would get your husband in trouble?

11 PROSPECTIVE JUROR NO. 290: Correct.

12 MS. CHRISTENSEN: Have there been other times since
13 then that you've had to do the same thing for your husband
14 soon to be ex-husband?

15 PROSPECTIVE JUROR NO. 290: No.

16 MS. CHRISTENSEN: Okay. So that was the only time
17 that that happened?

18 PROSPECTIVE JUROR NO. 290: Right.

19 MS. CHRISTENSEN: Based on your interaction with the
20 police on that occasion, did you harbor -- or just have bad
21 feelings about the police?

22 PROSPECTIVE JUROR NO. 290: No.

23 MS. CHRISTENSEN: Did you feel that those police
24 officers were mean to you?

25 PROSPECTIVE JUROR NO. 290: No.

1 MS. CHRISTENSEN: Did they arrest you that night?

2 PROSPECTIVE JUROR NO. 290: They did.

3 MS. CHRISTENSEN: They took you down to jail?

4 PROSPECTIVE JUROR NO. 290: Mm-hmm.

5 MS. CHRISTENSEN: And you said that the charge was
6 eventually dropped?

7 PROSPECTIVE JUROR NO. 290: Right.

8 MS. CHRISTENSEN: Okay. So you didn't feel mad that,
9 you know, the charges didn't even stick and they had taken you
10 to jail for that?

11 PROSPECTIVE JUROR NO. 290: Yeah, I was mad. I mean,
12 who wants to go to jail and be there for a couple hours. It's
13 not a good experience, but it happened.

14 MS. CHRISTENSEN: So did you think that was -- that
15 you were treated fairly?

16 PROSPECTIVE JUROR NO. 290: Yeah, if they were
17 hearing what they wanted to hear.

18 MS. CHRISTENSEN: Were you -- I guess what you just
19 said makes me ask a couple other questions about what
20 they're -- not hearing what they're wanting to hear. Were you
21 trying to kind of cover for your husband, make sure --

22 PROSPECTIVE JUROR NO. 290: I --

23 MS. CHRISTENSEN: I'm sorry?

24 PROSPECTIVE JUROR NO. 290: No. I don't believe I
25 was trying to cover for him.

1 MS. CHRISTENSEN: Okay. So you were giving the
2 police officers all the information that you knew?

3 PROSPECTIVE JUROR NO. 290: Yeah.

4 MS. CHRISTENSEN: But you just didn't know much?

5 PROSPECTIVE JUROR NO. 290: I'm sorry?

6 MS. CHRISTENSEN: But you just didn't know very much?

7 PROSPECTIVE JUROR NO. 290: Right.

8 MS. CHRISTENSEN: Okay. And was the conversation
9 that you had with the police officers a friendly conversation
10 or a not friendly?

11 PROSPECTIVE JUROR NO. 290: It was a normal
12 conversation. I don't feel any anger towards them or
13 anything.

14 MS. CHRISTENSEN: During the conversation, did you
15 feel like attacked?

16 PROSPECTIVE JUROR NO. 290: No.

17 MS. CHRISTENSEN: Okay. What did they say when they
18 arrested you? I mean, it was just friendly and then they
19 arrested you?

20 PROSPECTIVE JUROR NO. 290: I don't even remember. I
21 mean, that was so long ago.

22 MS. CHRISTENSEN: So you don't remember?

23 PROSPECTIVE JUROR NO. 290: Hm-mm.

24 MS. CHRISTENSEN: Okay. Now, you also said that your
25 brother had -- and I don't want to talk about the DUIs, but

1 there was a robbery conviction, one of your brothers?

2 PROSPECTIVE JUROR NO. 290: Mm-hmm.

3 MS. CHRISTENSEN: And where is that? Was that here
4 in Clark County?

5 PROSPECTIVE JUROR NO. 290: That was here, and that
6 was about 15, 18 years ago.

7 MS. CHRISTENSEN: Okay. And that brother, has he had
8 any problems since?

9 PROSPECTIVE JUROR NO. 290: No.

10 MS. CHRISTENSEN: Did you think that your brother was
11 treated fairly going through the system and being convicted of
12 that crime? You were probably pretty young at the time..

13 PROSPECTIVE JUROR NO. 290: Yeah.

14 MS. CHRISTENSEN: Okay. What you heard about it --
15 did you ever go to court?

16 PROSPECTIVE JUROR NO. 290: Hm-mm.

17 MS. CHRISTENSEN: What you heard about from your
18 family, is it your family's belief that he was treated fairly
19 or that the system was unjust?

20 PROSPECTIVE JUROR NO. 290: I've never heard them say
21 that it wasn't justice, so.

22 MS. CHRISTENSEN: Okay. So no feelings one way or
23 the other there?

24 PROSPECTIVE JUROR NO. 290: No.

25 MS. CHRISTENSEN: Based on these experiences that

1 you've described and any other experiences you've had, would
2 you say that you feel like the criminal justice system works
3 or doesn't work?

4 PROSPECTIVE JUROR NO. 290: I think it works.

5 MS. CHRISTENSEN: Do you think that it treats people
6 fairly for the most part?

7 PROSPECTIVE JUROR NO. 290: Yes.

8 MS. CHRISTENSEN: Based on those experiences that you
9 had with police officers, is there any reason that you could
10 not be fair to police officers who would come in here and
11 testify today -- or during this trial?

12 PROSPECTIVE JUROR NO. 290: No.

13 MS. CHRISTENSEN: So you think you could fairly weigh
14 their testimony as well?

15 PROSPECTIVE JUROR NO. 290: Right.

16 MS. CHRISTENSEN: Okay. The one other question I had
17 about when your husband shot off the gun and the cops were
18 called, was he arrested?

19 PROSPECTIVE JUROR NO. 290: Yes.

20 MS. CHRISTENSEN: Was he ever charged with anything?

21 PROSPECTIVE JUROR NO. 290: I believe there was a
22 charge for that, yes, but he hasn't been -- he wasn't
23 convicted for it.

24 MS. CHRISTENSEN: He wasn't convicted. Okay. And
25 was that here in Las Vegas?

1 PROSPECTIVE JUROR NO. 290: Yes.

2 MS. CHRISTENSEN: And what law enforcement agency was
3 it that handled that case?

4 PROSPECTIVE JUROR NO. 290: I think it was Las Vegas
5 Metro.

6 MS. CHRISTENSEN: What part of town was it where they
7 allege that he shot the gun off?

8 PROSPECTIVE JUROR NO. 290: The east side somewhere
9 [inaudible].

10 MS. CHRISTENSEN: Did he own a gun?

11 PROSPECTIVE JUROR NO. 290: He had a gun, yes.

12 MS. CHRISTENSEN: So you're familiar with firearms?

13 PROSPECTIVE JUROR NO. 290: Yes.

14 MS. CHRISTENSEN: To a certain degree. Do you own
15 guns?

16 PROSPECTIVE JUROR NO. 290: No.

17 MS. CHRISTENSEN: Are you -- have you ever shot a
18 gun?

19 PROSPECTIVE JUROR NO. 290: No.

20 MS. CHRISTENSEN: Do you have any knowledge of guns
21 just besides the fact that your husband or family members had
22 some?

23 PROSPECTIVE JUROR NO. 290: No.

24 MS. CHRISTENSEN: Is there anything about the nature
25 of the charge in this case that makes you uncomfortable to sit

1 as a juror in the case, the fact that it's somebody was shot
2 and killed?

3 PROSPECTIVE JUROR NO. 290: I mean, I know that
4 you're saying that shot and killed. My ex-husband has been in
5 and out of jail, so he had a trial where he went for attempted
6 murder. I just feel kind of weird.

7 MS. CHRISTENSEN: Did you go to that trial?

8 PROSPECTIVE JUROR NO. 290: I went to a couple, the
9 last one, where they had a witness.

10 MS. CHRISTENSEN: Now, was there more than one trial,
11 or just more than one day?

12 PROSPECTIVE JUROR NO. 290: I think it was more than
13 one day, but I only had went one day.

14 MS. CHRISTENSEN: And what year was that
15 approximately?

16 PROSPECTIVE JUROR NO. 290: Five years ago.

17 MS. CHRISTENSEN: Was that in this courthouse or the
18 old courthouse?

19 PROSPECTIVE JUROR NO. 290: It was here in this one.

20 MS. CHRISTENSEN: And was he -- was -- did he feel
21 like he was treated fairly?

22 PROSPECTIVE JUROR NO. 290: Yes.

23 MS. CHRISTENSEN: Did you believe he was treated
24 fairly in that case?

25 PROSPECTIVE JUROR NO. 290: Yes.

1 MS. CHRISTENSEN: But you said that based on the fact
2 that you went through that with him, you're uncomfortable to
3 sit on a case in which somebody was shot here?

4 PROSPECTIVE JUROR NO. 290: Well, just another murder
5 type of case.

6 MS. CHRISTENSEN: And so does that make you feel like
7 this just isn't the case for you, for you to sit as a juror?

8 PROSPECTIVE JUROR NO. 290: I could still do it.

9 MS. CHRISTENSEN: Okay. You could still be fair and
10 be fair to both sides and be impartial?

11 PROSPECTIVE JUROR NO. 290: Right.

12 MS. CHRISTENSEN: Despite the fact that you went
13 through those emotions with your husband?

14 PROSPECTIVE JUROR NO. 290: Yes.

15 MS. CHRISTENSEN: And at the time -- I know you're
16 separated now, but at the time were you together and
17 everything was good?

18 PROSPECTIVE JUROR NO. 290: No. We've always had
19 issues. He's, you know, been into drugs and it just hasn't
20 been good, so.

21 MS. CHRISTENSEN: Okay. So at the time were you
22 separated?

23 PROSPECTIVE JUROR NO. 290: We've always been off and
24 on, had been off and on at that point.

25 MS. CHRISTENSEN: Were you off or on?

1 PROSPECTIVE JUROR NO. 290: We were on at that point.

2 MS. CHRISTENSEN: Were you questioned by the police
3 in that case?

4 PROSPECTIVE JUROR NO. 290: No.

5 MS. CHRISTENSEN: Was he living -- were you living in
6 the same house?

7 PROSPECTIVE JUROR NO. 290: No.

8 MS. CHRISTENSEN: So you brought that up when I asked
9 you if there is anything that would make you uncomfortable
10 sitting on this case. What is it about this that makes it
11 uncomfortable?

12 PROSPECTIVE JUROR NO. 290: I just think the -- it
13 just felt a little weird, just the whole murder situation and
14 him going through that and just seeing the witnesses come up.

15 MS. CHRISTENSEN: In the time when you went to the
16 trial, what did you -- were there witnesses testifying that
17 day?

18 PROSPECTIVE JUROR NO. 290: Yes. There was one, but
19 he said that it wasn't him and that's where it got dismissed.

20 MS. CHRISTENSEN: Okay. So that case, they had a
21 witness who said that it wasn't him that did the shooting?

22 PROSPECTIVE JUROR NO. 290: Yeah.

23 MS. CHRISTENSEN: Okay. And it was after that, that
24 the case was dismissed?

25 PROSPECTIVE JUROR NO. 290: Yes.

1 MS. CHRISTENSEN: Was that at a trial or a
2 preliminary hearing?

3 PROSPECTIVE JUROR NO. 290: I guess --

4 MS. CHRISTENSEN: You don't know?

5 PROSPECTIVE JUROR NO. 290: -- a hearing. I don't
6 know.

7 MS. CHRISTENSEN: Okay. So was it with a jury like
8 this, or was it just with a judge?

9 PROSPECTIVE JUROR NO. 290: Just with a judge.

10 MS. CHRISTENSEN: Okay. So that was just at the
11 preliminary hearing?

12 PROSPECTIVE JUROR NO. 290: [Inaudible.]

13 MS. CHRISTENSEN: There wasn't -- there hadn't been a
14 trial yet?

15 PROSPECTIVE JUROR NO. 290: Right. There wasn't a
16 jury.

17 MS. CHRISTENSEN: Okay. I see. And after that the
18 fact that he was -- I mean, I asked you before if he thought
19 he was fairly treated. In that case he probably thought he
20 was fairly treated.

21 PROSPECTIVE JUROR NO. 290: Right.

22 MS. CHRISTENSEN: Did he think it was fair that he
23 was arrested?

24 PROSPECTIVE JUROR NO. 290: I think at that point we
25 were probably weren't talking, so.

1 MS. CHRISTENSEN: So you don't really know about --

2 PROSPECTIVE JUROR NO. 290: I don't even know what

3 happened.

4 MS. CHRISTENSEN: Okay. Thank you for your honesty.

5 I'm sorry to go into all that again. I'm sure you don't want

6 to remember it.

7 I'll pass for cause, Your Honor.

8 THE COURT: All right. Thank you.

9 Defense, you may question this potential juror.

10 MR. CANO: Just briefly, Your Honor.

11 Ms. Pelayo, you think you can be fair to the State?

12 PROSPECTIVE JUROR NO. 290: Yes.

13 MR. CANO: Would you be fair to Mr. Jones?

14 PROSPECTIVE JUROR NO. 290: Yes.

15 MR. CANO: Keep an open mind?

16 PROSPECTIVE JUROR NO. 290: Yes.

17 MR. CANO: Listen to all the evidence before you make

18 your decision, go back to deliberate and make your decision?

19 PROSPECTIVE JUROR NO. 290: Yes.

20 MR. CANO: I'll pass, Your Honor.

21 THE COURT: All right. Thank you. Defendant's

22 second.

23 MR. CANO: We'd thank and excuse Juror No. 240.

24 THE COURT: All right. Mr. Pryor.

25 MR. CANO: Yes, Your Honor.

1 THE COURT: Thank you very much for being here. You
2 are excused at this time. Thank you.

3 And the clerk will call up the next prospective
4 juror.

5 THE CLERK: Rebecca Martinez, Badge No. 309.

6 THE COURT: Ms. Martinez, if you'd have that empty
7 chair there. Good afternoon. What do you do for a living?

8 PROSPECTIVE JUROR NO. 309: Actually, I'm a retired
9 school administrator.

10 THE COURT: Was that with the Clark County School
11 District?

12 PROSPECTIVE JUROR NO. 309: No. It was with Sugar
13 Land in Texas. It's a suburb of Houston.

14 THE COURT: Okay. And it was their public school
15 system, correct?

16 PROSPECTIVE JUROR NO. 309: Yes, it was.

17 THE COURT: Okay. And you said a school
18 administrator. What was it, high school, middle school?

19 PROSPECTIVE JUROR NO. 309: Well, I did middle
20 school, but my last six years were a high school.

21 THE COURT: How long have you been here in Clark
22 County?

23 PROSPECTIVE JUROR NO. 309: This is my -- starting my
24 sixth year.

25 THE COURT: And are you married?

1 PROSPECTIVE JUROR NO. 309: Yes, I am.

2 THE COURT: What does your husband do?

3 PROSPECTIVE JUROR NO. 309: He is also a school
4 administrator.

5 THE COURT: Okay.

6 PROSPECTIVE JUROR NO. 309: And he -- he was a school
7 administrator in the Houston ISD, and he retired over there
8 and rehired over here. So he works --

9 THE COURT: Okay. So he's working in the Clark
10 County School District now?

11 PROSPECTIVE JUROR NO. 309: Yes, he is.

12 THE COURT: As an administrator?

13 PROSPECTIVE JUROR NO. 309: Yes. He -- yes.

14 THE COURT: What grade level?

15 PROSPECTIVE JUROR NO. 309: He's -- this year he's
16 doing middle school.

17 THE COURT: Do you have any children?

18 PROSPECTIVE JUROR NO. 309: I do. I have a daughter
19 and a son.

20 THE COURT: Okay. Both grown?

21 PROSPECTIVE JUROR NO. 309: Yes.

22 THE COURT: Have you ever been a juror before?

23 PROSPECTIVE JUROR NO. 309: No.

24 THE COURT: You heard me asking other potential
25 jurors if they'd been the victims of crime or accused of

1 crimes or had family members that were victims or, you know,
2 had been accused of anything. Anything like that in your
3 background or in your family background?

4 PROSPECTIVE JUROR NO. 309: No. I mean, I had
5 someone broke -- that they broke into our home and stole a lot
6 of our --

7 THE COURT: Okay. Was that in Texas?

8 PROSPECTIVE JUROR NO. 309: Yes.

9 THE COURT: Okay. Nobody was home and --

10 PROSPECTIVE JUROR NO. 309: Right. Nobody was home.

11 THE COURT: Was anyone ever apprehended in connection
12 with that?

13 PROSPECTIVE JUROR NO. 309: No, they never did.

14 THE COURT: How long ago did that happen?

15 PROSPECTIVE JUROR NO. 309: Oh, that's a very long
16 time. My daughter was -- she's 35, so I would say probably 26
17 years.

18 THE COURT: Did the police come out, did they take
19 pictures or fingerprint or do anything like that?

20 PROSPECTIVE JUROR NO. 309: They did. They did, yes.

21 THE COURT: Okay. Anything else in your background
22 or your family background that we ought to know about you in
23 determining whether or not you would be a good juror for this
24 type of a case?

25 PROSPECTIVE JUROR NO. 309: No.

1 THE COURT: Do you think you can be fair and
2 impartial if you're selected to serve?

3 PROSPECTIVE JUROR NO. 309: Yes, I could. Yes.

4 THE COURT: Now, you heard us talking with the other
5 prospective jurors about the fact that in a case such as this,
6 if the jury comes back with a verdict of murder in the first
7 degree, then it becomes the duty of the jury to determine the
8 penalty among three potential penalties. Is there anything
9 about that role that would cause you concern or difficulty?

10 PROSPECTIVE JUROR NO. 309: Not at all. No.

11 THE COURT: Are you the kind of person who would make
12 a good juror?

13 PROSPECTIVE JUROR NO. 309: Yes.

14 THE COURT: And why is that?

15 PROSPECTIVE JUROR NO. 309: I think, well, I'm a good
16 listener, first of all. And then you can kind of put things
17 together and try and analyze what happened and make a
18 decision, you know. Don't react. I mean, think about it
19 and -- before you respond.

20 THE COURT: More cognitive than emotional?

21 PROSPECTIVE JUROR NO. 309: Yes.

22 THE COURT: Not that overly emotional, is that --

23 PROSPECTIVE JUROR NO. 309: Right. Yes, that's
24 correct.

25 THE COURT: Any law enforcement in your family?

1 PROSPECTIVE JUROR NO. 309: Well, I have a
2 sister-in-law who has a brother that is a police officer. But
3 I don't really have -- I mean, I might see him once every ten
4 years at a gathering or something.

5 THE COURT: So you're not obviously close with that
6 person. Do you and your husband own any firearms?

7 PROSPECTIVE JUROR NO. 309: Yes, we do.

8 THE COURT: How many and what kind?

9 PROSPECTIVE JUROR NO. 309: We have one. I guess
10 it's called a pistol. I don't really -- I've never -- we used
11 to live out in the country, and we were advised that we needed
12 to have something in case it's never been -- it's never --
13 I've never shot it and my husband neither, so it's just there
14 in the bag.

15 THE COURT: Okay. So fair to say you're not real
16 familiar with guns?

17 PROSPECTIVE JUROR NO. 309: No. Right.

18 THE COURT: All right. Thank you.

19 State, you may follow up.

20 MS. CHRISTENSEN: Thank you.

21 Ma'am, you've heard over the course of today many of
22 the questions that we've asked trying to decide whether
23 somebody can be fair and impartial in this case. I mean,
24 that's kind of what it boils down to. Is there anything that
25 you can tell us that gives us some insight into that question

1 about you? Anything that would weigh one way or the other?

2 PROSPECTIVE JUROR NO. 309: No. I do not think so,
3 no.

4 MS. CHRISTENSEN: You said you have a daughter and a
5 son who are grown. Do they live here?

6 PROSPECTIVE JUROR NO. 309: No. My daughter lives in
7 Huntington, West Virginia, and my son lives in Austin, Texas.

8 MS. CHRISTENSEN: And what do they do for a living?

9 PROSPECTIVE JUROR NO. 309: My son is a -- in social
10 services. He works with American National Cancer Society. My
11 daughter is a volleyball coach at Marshal University in
12 Huntington, West Virginia. Volleyball.

13 MS. CHRISTENSEN: When you listened to the questions
14 that have been asked over the course of the day, was there
15 anything that you wanted to raise your hand for or that caused
16 you to really think about what everybody was talking about?

17 PROSPECTIVE JUROR NO. 309: No.

18 MS. CHRISTENSEN: Nothing really jumped out?

19 PROSPECTIVE JUROR NO. 309: No. I guess the only
20 thing was that I wasn't aware at the end, when they mentioned
21 that after, you know, the individual is found guilty, that at
22 that time we'd have to make that decision as to the
23 consequence that he would receive.

24 MS. CHRISTENSEN: So that's not something that you
25 were aware of?

1 PROSPECTIVE JUROR NO. 309: I was not.

2 MS. CHRISTENSEN: But you heard the judge describe
3 the three potential sentences?

4 PROSPECTIVE JUROR NO. 309: Mm-hmm.

5 MS. CHRISTENSEN: And you could consider each of
6 those sentences --

7 PROSPECTIVE JUROR NO. 309: Yes.

8 MS. CHRISTENSEN: -- in a first degree murder case?

9 PROSPECTIVE JUROR NO. 309: Yes.

10 MS. CHRISTENSEN: As a school administrator, is part
11 of your job sometimes to resolve conflicts?

12 PROSPECTIVE JUROR NO. 309: Yes. That's most of it,
13 yes, with students and with the, you know, parents, and of
14 course the teachers.

15 MS. CHRISTENSEN: And what kinds of things do you go
16 about doing when you're trying to resolve a conflict between
17 two different parties?

18 PROSPECTIVE JUROR NO. 309: Well, first of all I'd
19 want to hear, you know, both their sides to find out what's
20 going on, what happened. And then if it's a student, I mean,
21 I would get information from other individuals too, find out
22 exactly what happened. And then I would listen to the child,
23 let them share what happened. And then I would start asking
24 questions and then eventually the students would say, yeah, I
25 did do it [inaudible] or whatever, and then we could go with

1 from there.

2 MS. CHRISTENSEN: So you said that you would listen
3 to what the person is saying and then ask other people to see
4 if it's corroborated, correct?

5 PROSPECTIVE JUROR NO. 309: Right. If it happened in
6 the classroom or in the hallways or...

7 MS. CHRISTENSEN: Would you also look at someone's
8 demeanor and how what their delivery is when they're telling
9 you their story?

10 PROSPECTIVE JUROR NO. 309: Yes.

11 MS. CHRISTENSEN: Okay. What if they're telling you
12 parts of a story that you know for a fact are not true?

13 PROSPECTIVE JUROR NO. 309: I would continue
14 listening, you know, and let them finish what they have to
15 say, and then I come back and ask questions.

16 MS. CHRISTENSEN: Okay. So you would follow up on
17 those --

18 PROSPECTIVE JUROR NO. 309: Right. Exactly.

19 MS. CHRISTENSEN: -- and want to know more?

20 PROSPECTIVE JUROR NO. 309: Yes. And then eventually
21 you will find out that, you know, if those things really
22 didn't happen, you know, they themselves will come out and tell
23 you that.

24 MS. CHRISTENSEN: So with kids that you're dealing
25 with, they would a lot of times come clean?

1 Okay. I don't have any additional questions. I'll
2 pass for cause. Thank you.

3 THE COURT: All right. Thank you.

4 Mr. Pike.

5 MR. PIKE: Thank you, Your Honor.

6 Good afternoon.

7 PROSPECTIVE JUROR NO. 309: How are you.

8 MR. PIKE: I just have a couple of questions to
9 follow up on some of the questions that the State had asked.
10 When you would go through these dialogues and the questioning
11 of students, would you take into account the source of their
12 information, whether they actually saw something or they just
13 heard it?

14 PROSPECTIVE JUROR NO. 309: Right. Yes, of course.
15 You have to.

16 MR. PIKE: And sometimes people, when they're trying
17 to be helpful, may just tell you stuff that they've heard and
18 nothing that they've really seen. So you would have to ferret
19 through and determine what's reliable and what isn't reliable.

20 PROSPECTIVE JUROR NO. 309: Yes, that's correct.

21 MR. PIKE: And so in your experiences, you feel like
22 you have a pretty good skill set in obtaining that
23 information?

24 PROSPECTIVE JUROR NO. 309: Yes. I believe I do.

25 MR. PIKE: Is there anything that's in the back of

1 your mind about sitting on this jury that makes you think,
2 well, maybe I shouldn't sit on this jury?

3 PROSPECTIVE JUROR NO. 309: No.

4 MR. PIKE: You don't have any pressing appointments
5 or anything like --

6 PROSPECTIVE JUROR NO. 309: I do. I do have an
7 appointment tomorrow that I really need to attend, but I
8 understand that, you know, sometimes you have to do what you
9 have to do.

10 MR. PIKE: Appreciate that. Did you ever teach
11 government, civics, or any other classes like that?

12 PROSPECTIVE JUROR NO. 309: No. I was a math
13 teacher.

14 MR. PIKE: Okay. My son's an electrical engineer, so
15 he likes math problems. I'm a lawyer, I don't know math. So
16 but math, mathematicians I've found generally like to find the
17 one answer.

18 PROSPECTIVE JUROR NO. 309: That's correct.

19 MR. PIKE: And sometimes with people you have to take
20 and -- and it's murky information, so it's not like an
21 equation. Okay. Do you feel like you have a good
22 understanding of humans and the human psyche and you're
23 anxious to serve on this jury?

24 PROSPECTIVE JUROR NO. 309: I wouldn't say anxious,
25 but yes, I'm willing to do what I need to do, yes.

1 MR. PIKE: Thank you. I have no further questions.

2 THE COURT: Pass for cause?

3 MR. PIKE: Yes, Your Honor.

4 THE COURT: All right. State's third.

5 MS. CHRISTENSEN: The State would like to thank and
6 excuse Ms. Allen, Number 202.

7 THE COURT: Ma'am, thank you for being here and your
8 willingness to serve as a juror. Ma'am, you are excused at
9 this time.

10 And the clerk will call the next prospective juror.

11 THE CLERK: Michael Hill, Badge No. 310.

12 THE COURT: Mr. Hill, if you'd come on down and have
13 that empty chair there in the front row of our jury box,
14 please. Good afternoon, Mr. Hill. What do you do for a
15 living, sir?

16 PROSPECTIVE JUROR NO. 310: I work in the security
17 department for the Las Vegas Valley Water District.

18 THE COURT: And what exactly do you do in the
19 security department?

20 PROSPECTIVE JUROR NO. 310: We check reservoir sites,
21 pumping stations, investigate thefts of hydrant meters and
22 residential water meters.

23 THE COURT: How long have you been doing that?

24 PROSPECTIVE JUROR NO. 310: I've been there just over
25 a year.

1 THE COURT: And what'd you do before?

2 PROSPECTIVE JUROR NO. 310: I worked for
3 [unintelligible], their security department.

4 THE COURT: Okay. Now, obviously this is utilities
5 where you're working in security. Have you ever worked in law
6 enforcement or anything?

7 PROSPECTIVE JUROR NO. 310: Yes, ma'am, I did.

8 THE COURT: Okay. Tell me about that.

9 PROSPECTIVE JUROR NO. 310: Seventeen years.

10 THE COURT: Thought I'd cut to the chase. Where did
11 you work in law enforcement?

12 PROSPECTIVE JUROR NO. 310: I was with Honolulu
13 Police Department. And then I took a transfer to the Big
14 Island, which is the Island of Hawaii Police Department, and
15 then I got recruited with the -- an outfit that did drug
16 enforcement for the State of Hawaii.

17 THE COURT: Okay. Now, as a Honolulu police officer,
18 were you ever in the detective bureau, or were you in --

19 PROSPECTIVE JUROR NO. 310: Yes. I was in -- I
20 assisted in the detective bureau, but I was assigned to the
21 organized crime department -- division.

22 THE COURT: All right. Now, obviously you are in a
23 security and investigative function in your job now. I'm
24 assuming that that causes you to currently work with law
25 enforcement.

1 PROSPECTIVE JUROR NO. 310: Yes. Well, I became a
2 one trick pony after all that, so I stayed with security after
3 I retired there.

4 THE COURT: Okay. I mean, I'm guessing like if
5 somebody is stealing power, then you would ultimately refer
6 that over to what, Metro or Henderson --

7 PROSPECTIVE JUROR NO. 310: That is correct.

8 THE COURT: -- depending on where they are?

9 PROSPECTIVE JUROR NO. 310: That is correct.

10 THE COURT: Okay. Now, given your experience in law
11 enforcement and the job that you're doing now, do you think
12 that you can be a fair and impartial juror in this case?

13 PROSPECTIVE JUROR NO. 310: No, ma'am.

14 THE COURT: Okay.

15 PROSPECTIVE JUROR NO. 310: Because I am -- I lean
16 prosecution because of the experiences I've gone through, and
17 to tell you otherwise would be a fallacy.

18 THE COURT: All right. State, do you want to voir
19 dire this juror?

20 MS. CHRISTENSEN: No, Your Honor.

21 THE COURT: Submit it?

22 MS. CHRISTENSEN: I'll submit it.

23 MR. PIKE: Submit it, Your Honor.

24 MR. CANO: Yeah.

25 THE COURT: Sir, we're going to excuse you from this

1 department, but like the previous gentleman that had problems
2 for a different reason, you may be assigned to another type of
3 a case, a civil case, real estate dispute, something of that
4 nature that just involves private parties and does not involve
5 law enforcement.

6 PROSPECTIVE JUROR NO. 310: Yes, Your Honor.

7 THE COURT: All right. Thank you, sir.

8 PROSPECTIVE JUROR NO. 310: Thank you.

9 THE COURT: And please go back down to jury services.

10 And the clerk will call up the next prospective
11 juror.

12 THE CLERK: Rex Delmundo, Badge No. 319.

13 THE COURT: Mr. Delmundo, if you'd have that empty
14 chair there, please, sir, in the front row. Good afternoon,
15 sir. What do you do for a living?

16 PROSPECTIVE JUROR NO. 319: I'm a utility houseperson
17 for a timeshare resort.

18 THE COURT: Okay. How long have you been doing that?

19 PROSPECTIVE JUROR NO. 319: For a year.

20 THE COURT: And what'd you do before?

21 PROSPECTIVE JUROR NO. 319: I was unemployed.

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

23 PROSPECTIVE JUROR NO. 319: Five years.

24 THE COURT: Are you married?

25 PROSPECTIVE JUROR NO. 319: Engaged.

1 THE COURT: What does your fiance do?

2 PROSPECTIVE JUROR NO. 319: She's unemployed.

3 THE COURT: Any children?

4 PROSPECTIVE JUROR NO. 319: Yeah. I have one
5 four-year-old and she has one that's ten.

6 THE COURT: Okay. And she has a ten-year-old.

7 PROSPECTIVE JUROR NO. 319: Yeah.

8 THE COURT: Have you ever been a juror before?

9 PROSPECTIVE JUROR NO. 319: No.

10 THE COURT: You or anyone close to you ever been
11 arrested, charged, accused of a crime?

12 PROSPECTIVE JUROR NO. 319: I just found out my uncle
13 had a hearing today.

14 THE COURT: Okay. Did you run into him downstairs or
15 something?

16 PROSPECTIVE JUROR NO. 319: My mom.

17 THE COURT: Okay. And your uncle is, if you know,
18 charged with what?

19 PROSPECTIVE JUROR NO. 319: I believe it was grand
20 theft auto or something like that.

21 THE COURT: Okay. Are you close with this uncle?

22 PROSPECTIVE JUROR NO. 319: Some. It has moments.

23 THE COURT: Now, other than running into your mom in
24 the building and figuring out why she was here and whatnot,
25 did you have prior knowledge that your uncle was charged with

1 a crime?

2 PROSPECTIVE JUROR NO. 319: Yeah, over the weekend.

3 THE COURT: Okay. Over the weekend. Is that your
4 uncle's kind of first contact with law enforcement, or has he
5 had problems in the past?

6 PROSPECTIVE JUROR NO. 319: In the past.

7 THE COURT: Okay. What kind of problems?

8 PROSPECTIVE JUROR NO. 319: I am not sure. That was
9 like prior to me attending elementary when he was always in
10 and out of jail.

11 THE COURT: Okay. So it was more when you were a
12 kid?

13 PROSPECTIVE JUROR NO. 319: Yeah.

14 THE COURT: Okay. Anything about your uncle's
15 problems and the fact that he may have a case pending against
16 him now that would impact your ability to put that aside and
17 be a fair juror in this case?

18 PROSPECTIVE JUROR NO. 319: No.

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

21 PROSPECTIVE JUROR NO. 319: No.

22 THE COURT: Anything you've heard me ask and the
23 lawyer asked questions about people and, you know, whether
24 they have guns, or friends, family in law enforcement, any of
25 those questions you would have had to raise your hand and

1 answer yes to?

2 PROSPECTIVE JUROR NO. 319: No.

3 THE COURT: Do you think you could be fair and
4 impartial and completely neutral if you are selected to serve
5 in this case?

6 PROSPECTIVE JUROR NO. 319: Yeah.

7 THE COURT: Okay. Are you the kind of person that
8 would make a good juror?

9 PROSPECTIVE JUROR NO. 319: Yes, I believe so.

10 THE COURT: And why is that?

11 PROSPECTIVE JUROR NO. 319: Just listening on both
12 sides and observing everything.

13 THE COURT: Okay. Now, you understand that, you
14 know, we think about well, there's two sides to every story,
15 but in a criminal case, the way our constitutional government
16 is set up, an accused doesn't have to present any evidence or
17 call any witnesses. The entire -- they can, but they don't
18 have to. Do you understand that?

19 PROSPECTIVE JUROR NO. 319: Yeah.

20 THE COURT: Okay. And that the State has the burden
21 of putting on the evidence and proving their case. If, you
22 know, you hear only from the State, but you feel that the
23 State hasn't proven the defendant's guilt beyond a reasonable
24 doubt, even if the defense doesn't present anything at all,
25 even if they just sit over there, would you have any problem

1 going in the back and saying, you know what, you just didn't
2 prove it to me, I just -- there's, you know, pieces missing,
3 you just didn't prove it to me, raising your hand and voting
4 not guilty?

5 PROSPECTIVE JUROR NO. 319: No, I don't have a
6 problem.

7 THE COURT: Okay. State, you may follow up with this
8 prospective juror.

9 MS. CHRISTENSEN: Thank you, Your Honor.

10 Sir, you said you came here five years ago?

11 PROSPECTIVE JUROR NO. 319: Yeah.

12 MS. CHRISTENSEN: And where'd you come from?

13 PROSPECTIVE JUROR NO. 319: New Jersey.

14 MS. CHRISTENSEN: How long did you live in New
15 Jersey?

16 PROSPECTIVE JUROR NO. 319: Seven years.

17 MS. CHRISTENSEN: And where did you -- where were you
18 from before New Jersey?

19 PROSPECTIVE JUROR NO. 319: Guam --

20 MS. CHRISTENSEN: Okay. So you moved --

21 PROSPECTIVE JUROR NO. 319: -- and Washington. My
22 dad was in the Navy.

23 MS. CHRISTENSEN: Your dad was in the Navy? Okay.
24 And so he moved all over the place?

25 PROSPECTIVE JUROR NO. 319: Back and forth,

1 Washington and Guam. Because when they got divorced, my mom
2 and dad, pretty much the agreement was six months in Guam, six
3 months in Washington.

4 MS. CHRISTENSEN: That was the agreement for what you
5 were going to do?

6 PROSPECTIVE JUROR NO. 319: That's the only agreement
7 they had at the time.

8 MS. CHRISTENSEN: For your custody --

9 PROSPECTIVE JUROR NO. 319: Yeah.

10 MS. CHRISTENSEN: -- of where you were going to be?
11 Okay.

12 So once you grew up and were out of your family's
13 home is when you went to New Jersey?

14 PROSPECTIVE JUROR NO. 319: I was -- my mom was moved
15 there too, so I was staying with them for a while.

16 MS. CHRISTENSEN: Okay. Did you go to school?

17 PROSPECTIVE JUROR NO. 319: Yeah.

18 MS. CHRISTENSEN: And what did you go to school
19 to do?

20 PROSPECTIVE JUROR NO. 319: I graduated 2001, then I
21 did computer networking for a little bit, but I didn't finish.

22 MS. CHRISTENSEN: So you mean you went to school for
23 computer networking?

24 PROSPECTIVE JUROR NO. 319: Yeah.

25 MS. CHRISTENSEN: And you didn't finish school?

1 PROSPECTIVE JUROR NO. 319: No.

2 MS. CHRISTENSEN: Where did you go to school?

3 PROSPECTIVE JUROR NO. 319: It was a small school
4 called Katharine Gibbs College.

5 MS. CHRISTENSEN: Well, where was it? I'm sorry.

6 PROSPECTIVE JUROR NO. 319: Montclair, New Jersey.

7 MS. CHRISTENSEN: In New Jersey.

8 PROSPECTIVE JUROR NO. 319: Yeah.

9 MS. CHRISTENSEN: Okay. And your intent was to do --
10 have a career in computer networking?

11 PROSPECTIVE JUROR NO. 319: At the time, yeah.

12 MS. CHRISTENSEN: And then you changed your mind?

13 PROSPECTIVE JUROR NO. 319: Yes. It wasn't going
14 right, so then I just got a job at a bank and just been doing
15 that for a while.

16 MS. CHRISTENSEN: So you said that before you had
17 your current job you were unemployed?

18 PROSPECTIVE JUROR NO. 319: Mm-hmm.

19 MS. CHRISTENSEN: How long were you unemployed?

20 PROSPECTIVE JUROR NO. 319: A year and a half.

21 MS. CHRISTENSEN: Were you laid off from the bank?

22 PROSPECTIVE JUROR NO. 319: Yeah. I was working at
23 Citibank here when I moved here in 2007.

24 MS. CHRISTENSEN: And what brought you to Las Vegas?

25 PROSPECTIVE JUROR NO. 319: Change of scenery.

1 Something new, just --

2 MS. CHRISTENSEN: Just throw a dart at a map?

3 PROSPECTIVE JUROR NO. 319: Just had problems with
4 family-wise in New Jersey and just didn't want to deal with it
5 anymore, so I decided to live here with my mom.

6 MS. CHRISTENSEN: Oh, your mom lived here?

7 PROSPECTIVE JUROR NO. 319: Yeah.

8 MS. CHRISTENSEN: Okay. So that was what kind of
9 chose Las Vegas for you?

10 PROSPECTIVE JUROR NO. 319: Yeah.

11 MS. CHRISTENSEN: Okay. And you said that -- did you
12 say -- you said timeshares, but I didn't catch what you do in
13 the timeshares.

14 PROSPECTIVE JUROR NO. 319: It's a utility
15 houseperson. I shampoo carpets, and then other days I'll be
16 stripping the dirty linens and trash in the room so the girls
17 can clean the room.

18 MS. CHRISTENSEN: Okay. Then you have a fiance?

19 PROSPECTIVE JUROR NO. 319: Yes.

20 MS. CHRISTENSEN: And but she's not employed right
21 now?

22 PROSPECTIVE JUROR NO. 319: No.

23 MS. CHRISTENSEN: What does she -- what is her career
24 or what does she do for a job when she is employed?

25 PROSPECTIVE JUROR NO. 319: She was a front end

1 supervisor for Ross a year ago, and before that she was a
2 hostess.

3 MS. CHRISTENSEN: And did she quit?

4 PROSPECTIVE JUROR NO. 319: She got let go.

5 MS. CHRISTENSEN: And was that for --

6 PROSPECTIVE JUROR NO. 319: Front end supervisor at
7 Ross.

8 MS. CHRISTENSEN: Okay. And did she get let go
9 because of something she did wrong, or because of the economy?

10 PROSPECTIVE JUROR NO. 319: I just think it was
11 economy-wise.

12 MS. CHRISTENSEN: Okay. Is she looking for a job?

13 PROSPECTIVE JUROR NO. 319: Yes.

14 MS. CHRISTENSEN: And what area is she looking for?

15 PROSPECTIVE JUROR NO. 319: Pretty much like whatever
16 she has experience on, like hosting and stuff. But she also
17 graduated as a medical assistant administrator, but she's
18 still currently looking around for whatever she can get.

19 MS. CHRISTENSEN: Do you live with your mom, since
20 you moved out here together, or separately?

21 PROSPECTIVE JUROR NO. 319: Not anymore. We live
22 with her parents now.

23 MS. CHRISTENSEN: With your fiance's parents?

24 PROSPECTIVE JUROR NO. 319: Yeah.

25 MS. CHRISTENSEN: What do your fiance's parents do

1 for a living?

2 PROSPECTIVE JUROR NO. 319: Her dad is retired now,
3 and her mom, she works as a school aide.

4 MS. CHRISTENSEN: And what about your mom?

5 PROSPECTIVE JUROR NO. 319: She works at Nordstrom
6 Rack.

7 MS. CHRISTENSEN: And your dad, is he in the Navy or
8 retired?

9 PROSPECTIVE JUROR NO. 319: He's retired Navy now,
10 and he's in Japan. And then my -- I call him my step-dad.
11 My -- he's a -- he works at Walmart.

12 MS. CHRISTENSEN: And so that's kind of your family
13 unit here in Las Vegas --

14 PROSPECTIVE JUROR NO. 319: Yes.

15 MS. CHRISTENSEN: -- is those individuals?

16 PROSPECTIVE JUROR NO. 319: Mm-hmm.

17 MS. CHRISTENSEN: Okay. Did you hear anything about
18 the nature of the charges or the fact that a firearm was used,
19 or anything that we brought up earlier that caused you concern
20 about your ability to sit as a juror in this case --

21 PROSPECTIVE JUROR NO. 319: No.

22 MS. CHRISTENSEN: -- to be fair?

23 Okay. And you heard the judge --

24 THE COURT RECORDER: I'm sorry. I didn't hear an
25 answer.

1 PROSPECTIVE JUROR NO. 319: Oh, no. Sorry.

2 THE COURT RECORDER: Thank you.

3 MS. CHRISTENSEN: And you heard the judge and defense
4 counsel and us talk about the fact that the State is --
5 there's a burden for the State in this case to prove this case
6 beyond a reasonable doubt. Do you understand that?

7 PROSPECTIVE JUROR NO. 319: Yes.

8 MS. CHRISTENSEN: You'll hold the State to that
9 burden?

10 PROSPECTIVE JUROR NO. 319: Yes.

11 MS. CHRISTENSEN: And also, if we reach that burden,
12 do you have any problem checking the box for guilty in this
13 case?

14 PROSPECTIVE JUROR NO. 319: No.

15 MS. CHRISTENSEN: Thank you. I'll pass for cause.

16 THE COURT: All right. Thank you.

17 The defense may follow up.

18 MR. CANO: Thank you.

19 Mr. Delmundo, if you had to vote right now, what
20 would your vote be?

21 PROSPECTIVE JUROR NO. 319: Innocent, pretty much.

22 MR. CANO: Not guilty?

23 PROSPECTIVE JUROR NO. 319: Yes.

24 MR. CANO: No evidence has been in front of you,
25 right?

1 PROSPECTIVE JUROR NO. 319: Right.

2 MR. CANO: So they haven't proven their case beyond a
3 reasonable doubt. Okay. And you're comfortable with holding
4 the State to that burden, right?

5 PROSPECTIVE JUROR NO. 319: Mm-hmm. Yes.

6 MR. CANO: What was it like growing up in Guam? Was
7 that fun?

8 PROSPECTIVE JUROR NO. 319: Yeah. It was a small
9 island and you can -- we did like a lot of fishing and stuff
10 like that.

11 MR. CANO: Is it the judicial system similar to what
12 we have here?

13 PROSPECTIVE JUROR NO. 319: I am not sure.

14 MR. CANO: You're not sure. Okay. Now, I know, I
15 think Mr. Pike had mentioned earlier we talked about potential
16 punishment in this case. That doesn't mean, just because we
17 talk about that, that we're conceding the case at all. But
18 unfortunately, we don't have another chance to talk to you
19 about punishment later, so therefore we have to talk about it
20 all right now. Okay?

21 PROSPECTIVE JUROR NO. 319: Mm-hmm.

22 MR. CANO: You heard the potential punishments that
23 could be levied in this case. Are you comfortable with those
24 punishments?

25 PROSPECTIVE JUROR NO. 319: Yeah.

1 MR. CANO: Would you be able to consider them in
2 determining what the appropriate punishment would be?

3 PROSPECTIVE JUROR NO. 319: I have no problem.

4 MR. CANO: What do you think is important to hear, or
5 what information do you think it's important for you to know
6 before making that decision?

7 PROSPECTIVE JUROR NO. 319: The truth pretty much.

8 MR. CANO: Okay. Well, you would have already made
9 your decision on the case.

10 PROSPECTIVE JUROR NO. 319: Oh.

11 MR. CANO: So now we're determining what's the proper
12 punishment. See, we only get to Part 2 of the case if in
13 Part 1 he's found guilty beyond a reasonable doubt of first
14 degree murder. If he's not found guilty of first degree
15 murder, we don't even go to Part 2.

16 PROSPECTIVE JUROR NO. 319: Okay.

17 MR. CANO: Okay. It just stops there. Okay. That
18 means if he's found guilty of something less than first degree
19 murder, or if he's found not guilty, it ends right there,
20 okay?

21 PROSPECTIVE JUROR NO. 319: Okay.

22 MR. CANO: So we only get to Part 2 if you found him
23 guilty. All right?

24 PROSPECTIVE JUROR NO. 319: Okay.

25 MR. CANO: So what do you think you need to know

1 about the person before making a decision as to what the
2 appropriate punishment would be?

3 PROSPECTIVE JUROR NO. 319: Just everything that
4 happened [unintelligible] or whenever it did happen.

5 MR. CANO: Well, you would have heard that in the
6 first part. And particularly that you would want to know
7 about the deceased?

8 PROSPECTIVE JUROR NO. 319: Sure. Yeah.

9 MR. CANO: What about the -- what about our client,
10 Mr. Jones, is there anything in particular you'd want to know
11 about him?

12 PROSPECTIVE JUROR NO. 319: Not that I know of.

13 MR. CANO: Do you think it's important to know about
14 someone's background before making that decision as to what
15 the appropriate punishment for them would be?

16 PROSPECTIVE JUROR NO. 319: No.

17 MR. CANO: No. Okay. If you heard the case, that's
18 enough for you to make your decision as to what you think the
19 proper punishment would be?

20 PROSPECTIVE JUROR NO. 319: Yes.

21 MR. CANO: Okay. And if you -- like I said, you
22 know, you've already made your decision on the first part if
23 we get to that part. Seeing that you've just found someone
24 guilty of first degree murder and you voted for his guilt and
25 the 12 other people agreed with you, could you give that

1 person the possibility of get -- of parole after 20 years?
2 Could you give him one of those punishments?

3 PROSPECTIVE JUROR NO. 319: Maybe.

4 MR. CANO: Maybe?

5 PROSPECTIVE JUROR NO. 319: Yeah.

6 MR. CANO: Okay. You're a little hesitant. Why are
7 you hesitant?

8 PROSPECTIVE JUROR NO. 319: I just wouldn't know what
9 to decide on because it's -- you know, I'm just trying to
10 listen to both sides of the story and then, you know, the
11 evidence and the stuff like that. So whatever I -- everyone
12 comes agreed on and I guess that's what it is.

13 MR. CANO: Okay. Now, that's true as to the first
14 part. The second part, you get to make the decision on your
15 own as to what you think is the right punishment.

16 And I guess what we're trying to figure out is are
17 you automatically going to vote for one punishment? You'd
18 think -- if I found him guilty I would automatically -- this
19 is the proper punishment, and I really wouldn't take into
20 consideration the other punishments, or you really kind of go
21 through the list of punishments and say, hey, you know what,
22 this thing is bad [unintelligible], but despite that, taking
23 everything into consideration, I think this is the perfect
24 punishment, I'm taking them all into consideration. Do you
25 see what I'm trying to say?

1 PROSPECTIVE JUROR NO. 319: Kind of.

2 MR. CANO: Okay. Well, there's some people that
3 think, well, if you did the crime, you got to do the time.

4 PROSPECTIVE JUROR NO. 319: Right.

5 MR. CANO: And everybody has a different perspective
6 as to what the time is, right?

7 PROSPECTIVE JUROR NO. 319: Yes.

8 MR. CANO: Some people think an eye for an eye, you
9 know. If you killed somebody, well, then you should never be
10 out in public society again ever, no matter what.

11 PROSPECTIVE JUROR NO. 319: Okay.

12 MR. CANO: Right?

13 PROSPECTIVE JUROR NO. 319: Yeah.

14 MR. CANO: So they wouldn't necessarily consider
15 giving someone parole. For them that wouldn't be the
16 appropriate punishment. It wouldn't even enter into their
17 head that this guy should come out after 20 years, correct?

18 PROSPECTIVE JUROR NO. 319: Correct.

19 MR. CANO: And some other people think, well, yeah,
20 this crime is bad, it's a -- you know, it's terrible, but, you
21 know, a lot of thing can happen to a person in 20 years.
22 Maybe they've changed their ways, they're rehabilitated, they
23 have program in prisons, they did all kinds of stuff so that
24 if they have an opportunity to make -- you know, once they've
25 paid their debt to society to maybe come back out into

1 society. Can you see that perspective as well?

2 PROSPECTIVE JUROR NO. 319: Yeah.

3 MR. CANO: Okay. And I guess what I'm trying to ask
4 you is on that scale where are you at. I mean, are you
5 considering all the punishments, or are you automatically
6 going to vote one, one direction?

7 PROSPECTIVE JUROR NO. 319: Probably just do one
8 direction.

9 MR. CANO: Okay. And so if you're taking -- I mean,
10 are you saying that for you the proper punishment in this
11 case -- well, let me ask this question. Could you consider --
12 after you voted and found someone guilty of first degree
13 murder, could you consider giving that person parole and
14 letting them out in 20 years?

15 PROSPECTIVE JUROR NO. 319: No.

16 MR. CANO: That wouldn't be something that you would
17 really take into consideration?

18 PROSPECTIVE JUROR NO. 319: No.

19 MR. CANO: Okay.

20 THE COURT: So are you saying anytime someone's
21 convicted of murder in the first degree -- and that hasn't
22 been -- it's, you know, kind of difficult to ask these
23 questions because you don't really know what that is. We
24 haven't defined it for you yet. You don't know really
25 anything about what the evidence in this case is going to be.

1 You don't know anything about the person who stands accused.
2 You don't really know anything.

3 But I think what Mr. Cano is saying to you and asking
4 you is do you feel like anytime someone's convicted of murder,
5 that the only appropriate penalty is life without the chance
6 of parole, or do you think that there are circumstances where
7 someone should be -- should get life with the possibility of
8 parole, not meaning they don't necessarily get parole, but
9 they have the chance to get parole after 20 years.

10 Is that really what you're asking, Mr. Cano?

11 MR. CANO: Yes, Your Honor. Thank you.

12 THE COURT: And just -- again, just tell us what your
13 feelings are on that.

14 PROSPECTIVE JUROR NO. 319: Well, like he said
15 earlier, like if you do the crime you do the time. So I
16 believe that, you know, whatever you did, you have to suffer
17 for what you've done. So if it has to be life, then that's
18 the stuff that you have to deal with.

19 THE COURT: Right. But the legislature has said that
20 there are three potential punishments that can be appropriate;
21 life with the possibility of parole, a term of years with
22 parole beginning after 20 years has been served, or life
23 without the possibility of parole. Obviously all of those are
24 serious punishments.

25 Do you feel that, you know, someone should never get

1 the chance of parole, meaning life without the possibility of
2 parole; is that what you're saying, or what are you saying?

3 PROSPECTIVE JUROR NO. 319: Since it's like a murder
4 case, then I believe that should be what it is, it's life
5 without parole.

6 THE COURT: Okay.

7 PROSPECTIVE JUROR NO. 319: My opinion is that you
8 got to just suffer for what you did, and that's pretty much
9 what it is, I guess.

10 THE COURT: Okay. I'll see counsel up here.

11 (Off-record bench conference.)

12 THE MARSHAL: Everybody quiet down, please.

13 THE COURT: You guys need to be quiet.

14 (Off-record bench conference.)

15 MR. CANO: We pass, Your Honor.

16 THE COURT: All right. Pass. I believe we're on
17 defendant's third challenge.

18 MR. CANO: We'd thank and excuse Juror No. 251,
19 Mr. Pacheco.

20 THE COURT: Mr. Pacheco, thank you very much for
21 being here, sir, and your willingness to serve. You need to
22 go back down through jury services.

23 And ladies and gentlemen, you'll notice it's past
24 5:00 o'clock. Normally we try to end right at 5:00 o'clock.
25 We want to get as far along in jury selection as we can so

1 that those of you who aren't going to be selected don't need
2 to take another day off from work or what have you if you're
3 not going to be chosen.

4 Unfortunately, some of you will have to come back,
5 but we are going to try to get as far along as we can so those
6 people who won't be serving, we can excuse as many of them as
7 possible.

8 And the clerk will please call up the next
9 prospective juror.

10 THE CLERK: Mary Johns, Badge No. 330.

11 THE COURT: Good afternoon, Ms. Johns. What do you
12 do for a living?

13 PROSPECTIVE JUROR NO. 330: I work in my husband's
14 law office.

15 THE COURT: Okay. And what do you do for him, like
16 office --

17 PROSPECTIVE JUROR NO. 330: I just act as his
18 receptionist, his fill-in secretary and pretty much...

19 THE COURT: Okay. What type of law does your husband
20 practice?

21 PROSPECTIVE JUROR NO. 330: Civil.

22 THE COURT: Okay. Is he a sole practitioner or does
23 he have a firm, what?

24 PROSPECTIVE JUROR NO. 330: A sole practice.

25 THE COURT: And does he practice any particular area

1 of civil law, like personal injury or --

2 PROSPECTIVE JUROR NO. 330: No. He's...

3 THE COURT: Okay. And how long has your husband been
4 an attorney?

5 PROSPECTIVE JUROR NO. 330: For 46 years.

6 THE COURT: Here in Clark County the whole time?

7 PROSPECTIVE JUROR NO. 330: Yes.

8 THE COURT: Do you know if your husband's ever done
9 any criminal work, either as a prosecutor or criminal defense
10 work?

11 PROSPECTIVE JUROR NO. 330: He was originally in the
12 DA's office when he first moved here.

13 THE COURT: And that was about 46 years ago?

14 PROSPECTIVE JUROR NO. 330: Yes. It was in '68
15 and '69.

16 THE COURT: And that's -- he was only there about a
17 year or two in the '60s?

18 PROSPECTIVE JUROR NO. 330: He was there for a couple
19 of years.

20 THE COURT: Were you married to him at the time?

21 PROSPECTIVE JUROR NO. 330: Yes.

22 THE COURT: Did he ever then do any criminal defense
23 work?

24 PROSPECTIVE JUROR NO. 330: A little. Mm-hmm.

25 THE COURT: How long has it been since your husband

1 did any criminal defense work?

2 PROSPECTIVE JUROR NO. 330: Oh, I could say
3 late '70s.

4 THE COURT: Okay. Did your -- obviously now that
5 you're working in the office you're familiar with what he's
6 doing. But when your husband was doing criminal defense or
7 prosecution, did he talk to you much about his work at all?

8 PROSPECTIVE JUROR NO. 330: Some, yes.

9 THE COURT: Is there anything about the fact that
10 your husband's an attorney and he's, I guess, been on both
11 sides of the aisle that would impact your ability to be a fair
12 and impartial juror in this case?

13 PROSPECTIVE JUROR NO. 330: No.

14 THE COURT: Now, if you're selected to serve, you'll
15 get an instruction which I've been giving, but you'll get it
16 again, that you're not to discuss the case. Would you be able
17 to go home and not tell your husband about what's going on
18 until after you've been discharged as a juror?

19 PROSPECTIVE JUROR NO. 330: Yes.

20 THE COURT: Now, if you are selected to serve, you
21 have to follow the instructions on the law as I give them to
22 you. If I instruct you in the law and that maybe differs from
23 something your husband has told you or something you may have
24 seen in the course of your work at the law firm, can you set
25 aside anything you may have heard about the law or think you

1 read about the law and follow the instructions on the law as I
2 give them to you?

3 PROSPECTIVE JUROR NO. 330: Yes.

4 THE COURT: Okay. And did I ask you if you'd been a
5 juror before?

6 PROSPECTIVE JUROR NO. 330: No, you didn't ask, and I
7 haven't been.

8 THE COURT: You haven't been. All right. Now,
9 you've heard all of the other questions wanting to know if
10 people had been victims of crimes, accused of crimes.
11 Anything like that in your background and in your family
12 background?

13 PROSPECTIVE JUROR NO. 330: Well, we had a van stolen
14 once, and all they did was take a phone report over the phone.
15 They didn't investigate.

16 THE COURT: Was that Las Vegas Metro?

17 PROSPECTIVE JUROR NO. 330: Yes.

18 THE COURT: Okay. And when you say they didn't
19 investigate, what makes you think that?

20 PROSPECTIVE JUROR NO. 330: Well, they said that
21 there were so many car thefts that they couldn't send the
22 police out.

23 THE COURT: They said they weren't going to
24 investigate?

25 PROSPECTIVE JUROR NO. 330: They weren't going to

1 investigate, but they would provide a report for the insurance
2 company.

3 THE COURT: Okay. Was your vehicle ever recovered?

4 PROSPECTIVE JUROR NO. 330: It was eventually
5 recovered out by the North Las Vegas Police in the desert, and
6 it was totaled.

7 THE COURT: Okay. Did -- I'm assuming nobody was
8 ever apprehended in connection with that.

9 PROSPECTIVE JUROR NO. 330: No. I don't think they
10 even fingerprinted it.

11 THE COURT: Okay. What are your feelings about the
12 fact that your stolen vehicle was sort of given short shrift
13 like that, nobody really seems to have done anything much to
14 investigate it?

15 PROSPECTIVE JUROR NO. 330: Well, I just accepted it
16 as the fact of reality, that there's a lot more major crime
17 going on than -- and they had to have their personnel for more
18 serious things.

19 THE COURT: Okay. Any -- you and your husband have
20 firearms?

21 PROSPECTIVE JUROR NO. 330: No.

22 THE COURT: Is there anything in your background or
23 your family background that would impact your ability to be a
24 completely fair and impartial juror in this case?

25 PROSPECTIVE JUROR NO. 330: No. But one -- you did

1 ask about whether anyone has -- we had a nephew who served ten
2 years in Carson City for meth manufacturing.

3 THE COURT: Okay. Was he convicted down here in
4 Clark County?

5 PROSPECTIVE JUROR NO. 330: Yes.

6 THE COURT: Do you know if your nephew went to trial?

7 PROSPECTIVE JUROR NO. 330: Yes.

8 THE COURT: Okay. Did you go to the court
9 proceedings or follow the case at all?

10 PROSPECTIVE JUROR NO. 330: No.

11 THE COURT: Are you close with this nephew?

12 PROSPECTIVE JUROR NO. 330: Yes.

13 THE COURT: Okay. Have you or your husband ever
14 visited him in Carson City?

15 PROSPECTIVE JUROR NO. 330: My husband did. I waited
16 in the parking lot because he didn't have a lot of people on
17 his visitor's list.

18 THE COURT: Okay. Do you know if your nephew went
19 out, or through the family went out and hired a lawyer, or did
20 he have a lawyer appointed?

21 PROSPECTIVE JUROR NO. 330: Yes, he had a lawyer.

22 THE COURT: Was the lawyer appointed?

23 PROSPECTIVE JUROR NO. 330: No. He was --

24 THE COURT: Retained?

25 PROSPECTIVE JUROR NO. 330: -- retained.

1 THE COURT: Any feelings, any opinions as to how your
2 nephew was treated in the justice system, whether it's by the
3 police or his attorney, the court, the judge?

4 PROSPECTIVE JUROR NO. 330: No.

5 THE COURT: Okay. Has your nephew been released from
6 prison, or is he...

7 PROSPECTIVE JUROR NO. 330: He has been recently
8 released, and he's just finishing his probation this month.

9 THE COURT: Okay. Anything about that, you know,
10 experience as a family member that would impact your ability
11 to be neutral and impartial in this case?

12 PROSPECTIVE JUROR NO. 330: No. I don't think so.

13 THE COURT: Okay. Anything about the fact that your
14 nephew would have been prosecuted by the Clark County District
15 Attorney's Office, which is the same place that these lawyers,
16 Ms. Christensen and Mr. Pandelis work, anything about that,
17 that would cause you any concern?

18 PROSPECTIVE JUROR NO. 330: No. Because my husband
19 was also in the DA's office and he also prosecuted drug cases
20 while he was in the DA's office.

21 THE COURT: Do you think you'd be a good juror in
22 this case?

23 PROSPECTIVE JUROR NO. 330: I will do my best.

24 THE COURT: All right. Thank you.

25 State, you may follow up.

1 MS. CHRISTENSEN: Thank you.

2 Ma'am, do you and your husband have any children?

3 PROSPECTIVE JUROR NO. 330: We have four.

4 MS. CHRISTENSEN: Four children. And do they live
5 here in Las Vegas?

6 PROSPECTIVE JUROR NO. 330: Two of them do.

7 MS. CHRISTENSEN: And what do they do?

8 PROSPECTIVE JUROR NO. 330: Well, our oldest daughter
9 is an attorney and our youngest is a paralegal.

10 MS. CHRISTENSEN: And what kind of law does your
11 daughter who's an attorney practice?

12 PROSPECTIVE JUROR NO. 330: Mostly domestic.

13 MS. CHRISTENSEN: No criminal?

14 PROSPECTIVE JUROR NO. 330: No.

15 MS. CHRISTENSEN: Okay. And then your other child
16 who's a paralegal, what kind of law?

17 PROSPECTIVE JUROR NO. 330: She works from our -- for
18 her father.

19 MS. CHRISTENSEN: Oh, okay. Does -- and but your
20 other daughter who's an attorney does not work in that firm?

21 PROSPECTIVE JUROR NO. 330: No. She has offices
22 there, but she has -- she has her own practice.

23 MS. CHRISTENSEN: And then you have two other
24 children. Where do they live?

25 PROSPECTIVE JUROR NO. 330: They both are in Reno.

1 Our oldest son is the regional director for the American Lung
2 Association, and our youngest is a CPA.

3 MS. CHRISTENSEN: And they're both up in Reno?

4 You understand that if you're chosen as a juror in
5 this case, you can't talk to -- I mean, you have a lot of
6 lawyers and law-related people in your life. You can't talk
7 to them about it --

8 PROSPECTIVE JUROR NO. 330: Right. Well --

9 MS. CHRISTENSEN: -- do you understand that?

10 PROSPECTIVE JUROR NO. 330: We kind of have a rule.
11 I don't like talking business once we get home. We kind of
12 try to leave that at the door. So most of the time we don't.

13 MS. CHRISTENSEN: So you probably wouldn't even be
14 tempted to talk about the trial and bounce ideas off of your
15 husband?

16 PROSPECTIVE JUROR NO. 330: I don't even like
17 watching legal shows, CSI, any of those.

18 MS. CHRISTENSEN: Okay.

19 PROSPECTIVE JUROR NO. 330: No.

20 MS. CHRISTENSEN: So you wouldn't have any problem
21 abiding by that rule of the trial?

22 PROSPECTIVE JUROR NO. 330: No.

23 MS. CHRISTENSEN: Okay. Was there anything that was
24 stated earlier that caused you to think you would raise your
25 hand and say something in response to one of the questions?

1 PROSPECTIVE JUROR NO. 330: No. I can't think of
2 anything other than what I've already told you about my
3 husband being an attorney and our nephew.

4 MS. CHRISTENSEN: And so there wasn't anything that
5 caused you to have a big opinion one way or the other about
6 what we've talked about in this courtroom today?

7 PROSPECTIVE JUROR NO. 330: No.

8 MS. CHRISTENSEN: Okay. And you could be fair to
9 both sides in this case?

10 PROSPECTIVE JUROR NO. 330: I could.

11 MS. CHRISTENSEN: Thank you. I'll pass for cause.

12 THE COURT: All right. Thank you.

13 Defense, you may follow up.

14 MR. PIKE: Thank you.

15 Good evening, Ms. Johns. That would probably take
16 your husband back to the time when George Foley was DA?

17 PROSPECTIVE JUROR NO. 330: George Franklin.

18 MR. PIKE: George Franklin. Oh, okay. Okay. And
19 you're sitting next to a Ms. Jeffers. There was a Ray Jeffers
20 at the DA's office about that time.

21 PROSPECTIVE JUROR NO. 330: Yes, there was. Yes.
22 And his brother, Alan, was the assistant.

23 MR. PIKE: And how long have you been working with
24 him at the office?

25 PROSPECTIVE JUROR NO. 330: Well, I've worked off and

1 on at the office because, you know, come in Monday morning,
2 the secretary left a note saying I quit. I get the call, you
3 know. Probably from the early '70s I've filled in from time
4 to time.

5 MR. PIKE: And from the time of your -- I believe at
6 the time when your husband was working at the district
7 attorney's office he actually could keep a private practice on
8 the side?

9 PROSPECTIVE JUROR NO. 330: Yes.

10 MR. PIKE: Okay. So it was a very different town
11 back in the '60s --

12 PROSPECTIVE JUROR NO. 330: Right.

13 MR. PIKE: -- and around that time.

14 Do you belong -- over the course of that time have
15 you belonged to any civic organizations here in Las Vegas?

16 PROSPECTIVE JUROR NO. 330: Well, he was a member of
17 the Jaycees, the Junior Jaycees.

18 MR. PIKE: No. I was asking about you.

19 PROSPECTIVE JUROR NO. 330: Oh, me.

20 MR. PIKE: Yeah.

21 PROSPECTIVE JUROR NO. 330: No. I don't think I've
22 really been much into activity.

23 MR. PIKE: And do you have any hobbies outside of the
24 family with your church or any other service that you perform?

25 PROSPECTIVE JUROR NO. 330: Well, we were active in

1 the church for a while. We were youth directors and all
2 the -- now I've -- my children were pretty much my hobby.

3 MR. PIKE: Okay. They kept you pretty busy?

4 PROSPECTIVE JUROR NO. 330: They did, yeah, with
5 soccer, basketball and stuff like that.

6 MR. PIKE: Did your husband give you any advice about
7 coming and serving as a juror, tell you any judges to watch
8 out for?

9 PROSPECTIVE JUROR NO. 330: No. No, he didn't.

10 MR. PIKE: And based upon your dealing with clients,
11 I assume that you've probably had to collect fees.

12 PROSPECTIVE JUROR NO. 330: Yes.

13 MR. PIKE: That's probably --

14 PROSPECTIVE JUROR NO. 330: I did collect fees. And
15 I did work for a pretty consistent length of time for him from
16 late '80s until probably about 15 years, so.

17 MR. PIKE: And so a lot of time you'd have contact
18 with clients and you'd have to discuss information with them
19 and try and gather information. Do you think that that is a
20 skill set that -- from listening to what they would tell you
21 and then transmitting that information, that would assist you
22 in being a juror in this case?

23 PROSPECTIVE JUROR NO. 330: Yes. And then you have
24 documents and all that you have to work with also [inaudible]
25 would help you to make [inaudible] about the matter.

1 MR. PIKE: And during the course of your work in a
2 law office, you learned about the importance of gathering
3 reports and finding out what sort of testing may or may not
4 have been done?

5 PROSPECTIVE JUROR NO. 330: Mm-hmm. Mm-hmm.

6 MR. PIKE: Is that a yes?

7 PROSPECTIVE JUROR NO. 330: Yes. I'm sorry.

8 MR. PIKE: You hear a lot of that during the course
9 of a trial. Is there anything that would preclude you in your
10 mind from sitting as a juror in this case? Is there anything
11 in your gut or in your mind that says maybe I shouldn't do
12 this?

13 PROSPECTIVE JUROR NO. 330: No. I can't think of
14 anything.

15 MR. PIKE: All right. Thank you very much, ma'am.

16 I have no further questions. Pass for cause.

17 THE COURT: Pass for cause?

18 State's fourth.

19 MS. CHRISTENSEN: Your Honor, we'd like to thank and
20 excuse Number 290, Ms. Pelayo.

21 THE COURT: Ma'am, thank you for being here. You are
22 excused at this time.

23 And the clerk will call up the next prospective
24 juror.

25 THE CLERK: Mary Jeffers, Badge No. 333.

1 THE COURT: Good afternoon, Ms. Jeffers. What do you
2 do for a living?

3 PROSPECTIVE JUROR NO. 333: I'm a cocktail waitress
4 at the Aria.

5 THE COURT: A cocktail waitress, you said?

6 PROSPECTIVE JUROR NO. 333: Yes.

7 THE COURT: Okay. And are you married?

8 PROSPECTIVE JUROR NO. 333: No.

9 THE COURT: Any children?

10 PROSPECTIVE JUROR NO. 333: No.

11 THE COURT: Have you ever been a juror before?

12 PROSPECTIVE JUROR NO. 333: Close.

13 THE COURT: Okay.

14 PROSPECTIVE JUROR NO. 333: A couple times.

15 THE COURT: Have you been up to the box before?

16 PROSPECTIVE JUROR NO. 333: Yes. Yes.

17 THE COURT: But never chosen?

18 PROSPECTIVE JUROR NO. 333: A couple years ago, yeah.

19 No.

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

21 PROSPECTIVE JUROR NO. 333: Forty-six years.

22 THE COURT: And you heard me ask the other jurors if
23 they've been victims of crimes, arrested for crimes, had
24 family members like that. Anything like that in your
25 background and in your family background?

1 PROSPECTIVE JUROR NO. 333: I've been a victim of a
2 sexual assault at UNLV.

3 THE COURT: Were you a student at UNLV at the time?

4 PROSPECTIVE JUROR NO. 333: Yes.

5 THE COURT: All right.

6 PROSPECTIVE JUROR NO. 333: It was in the early '80s,
7 and I was jogging on the track.

8 THE COURT: Okay. And I don't mean to pry, but was
9 the --

10 PROSPECTIVE JUROR NO. 333: I know. I have to tell
11 the story again.

12 THE COURT: Well, was the perpetrator a stranger or
13 somebody you knew?

14 PROSPECTIVE JUROR NO. 333: It was in the dark, yeah.
15 He came up behind me and choked me, so it wasn't anybody --

16 THE COURT: And you reported that to law enforcement?

17 PROSPECTIVE JUROR NO. 333: Yeah. He -- I got away
18 after he beat my face in, and then I -- my parents called the
19 police.

20 THE COURT: Okay. Was anyone ever apprehended --

21 PROSPECTIVE JUROR NO. 333: No.

22 THE COURT: -- in connection with that?

23 Okay. And I -- I'm not going to get into this too
24 much because it's obviously very upsetting.

25 PROSPECTIVE JUROR NO. 333: That's fine. I've told

1 this story numerous times.

2 THE COURT: Okay. Was it Las Vegas Metro would have
3 been the ones that investigated it, or it started with UNLV PD
4 or...

5 PROSPECTIVE JUROR NO. 333: Well, at the time it was
6 in the early '80s, there was only one security guard on duty
7 and I was jogging on the track. Somebody came up behind me,
8 choked me and pulled me over to the grass. He started putting
9 his hand in my pants and then I grabbed, you know, where they
10 don't -- and squeezed.

11 THE COURT: Right.

12 PROSPECTIVE JUROR NO. 333: So then he punched me in
13 the face and broke my nose on the first blow. Blood started
14 squirting out. And he hit me a couple more times, and I think
15 the blood was freaking him out, so I -- he took a couple steps
16 away from me back off from the blood that was coming off.

17 So I ran to the fence, climbed up the -- at the time
18 it was a 12-foot fence, and then I just dropped and sprained
19 my ankle, because I didn't want to climb down, and then I ran
20 home. And my parent -- I don't know what happened after that.
21 My parents at the time lived about half a mile from there. I
22 know that the ambulance came, and then I don't remember what
23 happened.

24 THE COURT: Okay. Do you remember if you were, you
25 know, interviewed by police detectives?

1 PROSPECTIVE JUROR NO. 333: Yes, yes. Yeah. Apple
2 and [unintelligible] were my attorneys. I just remembered
3 that. That was a long time ago.

4 THE COURT: Okay.

5 PROSPECTIVE JUROR NO. 333: I think they're dead.

6 THE COURT: Was there a civil case involving the
7 attack like against the university or anything like that?

8 PROSPECTIVE JUROR NO. 333: Yes, yes. They paid for
9 my medical expenses --

10 THE COURT: So you hired civil lawyers?

11 PROSPECTIVE JUROR NO. 333: Yes.

12 THE COURT: Any feelings about how you were treated
13 by the police detectives that interviewed you in connection
14 with investigating the case?

15 PROSPECTIVE JUROR NO. 333: No.

16 THE COURT: Okay. Now, did you have to go to trial
17 in the civil case, or was it resolved? I mean, did the --

18 PROSPECTIVE JUROR NO. 333: It was resolved.

19 THE COURT: Okay. Did you have to give a deposition
20 or anything --

21 PROSPECTIVE JUROR NO. 333: Yes.

22 THE COURT: -- like that? Okay.

23 PROSPECTIVE JUROR NO. 333: Yeah. It was a long time
24 ago. I still have the --

25 THE COURT: Anything else in your background or in

1 your family background that we should know about you?

2 PROSPECTIVE JUROR NO. 333: I'm not the Jeffers
3 you're thinking of. I'm not related.

4 THE COURT: Okay.

5 PROSPECTIVE JUROR NO. 333: I'm the other Jeffers. I
6 have a criminal justice bachelor's degree. I got that at
7 [inaudible].

8 THE COURT: And when you were getting your degree,
9 did you do any internships or externships or anything like
10 that in any kind of police agency or law office, court?

11 PROSPECTIVE JUROR NO. 333: Yeah. I went to the
12 prison. I think it's by Indian Springs, a women's prison. I
13 don't remember.

14 THE COURT: Okay.

15 PROSPECTIVE JUROR NO. 333: And we went through there
16 to see what it would be like to be working in the prison. We
17 met some prisoners and they showed us all through the place,
18 you know. But that's when I decided I really don't want to
19 do it. So I didn't want to do that job.

20 THE COURT: What were you hoping to do with your
21 criminal justice degree initially?

22 PROSPECTIVE JUROR NO. 333: Well, I wasn't sure. I
23 was just -- I'd been going to school for so many years I
24 wanted to shake it up and do something. I was interested in
25 that. And my grandfather was a deputy in Akron, Ohio years

1 ago, so I -- I liked that stuff and I thought it would get me
2 through my bachelor's so I could go on to the next. I ended
3 up getting a master's in another program, in the business
4 program.

5 THE COURT: Okay. And you said your grandfather was
6 a deputy --

7 PROSPECTIVE JUROR NO. 333: Yes.

8 THE COURT: -- in Akron?

9 PROSPECTIVE JUROR NO. 333: Yes.

10 THE COURT: Okay. Was he ever in the detective
11 bureau, if you know, investigating homicide --

12 PROSPECTIVE JUROR NO. 333: It was in the really old
13 days.

14 THE COURT: I'm sorry?

15 PROSPECTIVE JUROR NO. 333: I'm sorry. It was -- he
16 died in 1956 or 1957. I don't know what they did, but it was
17 small and I think he was in charge back then.

18 THE COURT: Okay. All right. So any reason,
19 anything at all in your background or your family background
20 that would impact your ability to be completely fair and
21 impartial?

22 PROSPECTIVE JUROR NO. 333: I don't think so.

23 THE COURT: Do you think you'd be a good juror in
24 this case?

25 PROSPECTIVE JUROR NO. 333: Yes.

1 THE COURT: I'm sorry?

2 PROSPECTIVE JUROR NO. 333: Yes.

3 THE COURT: And why is that?

4 PROSPECTIVE JUROR NO. 333: I listen. I do a
5 little -- I do research. I can't go by my first impression
6 because I'm a bad judge of character. So I have to research
7 things a little bit and listen to everything and --

8 THE COURT: Now, you understand if you're selected to
9 serve in this case, you can't like do any independent
10 research.

11 PROSPECTIVE JUROR NO. 333: Oh, I can't?

12 THE COURT: You would just have to base your verdict
13 only upon the evidence that's presented during the trial, and
14 by that, that would be the testimony from right there, the
15 witness stand, and any exhibits that are admitted into
16 evidence. And then the instructions on the law, which I read
17 to you. You're actually forbidden from doing research.

18 PROSPECTIVE JUROR NO. 333: Oh, okay.

19 THE COURT: And you can't consult reference books and
20 you can't go on the Internet and say, gee, I wonder, you know,
21 I don't know, how this gun fires or anything like that.

22 PROSPECTIVE JUROR NO. 333: Yes.

23 THE COURT: So would you be able to follow that
24 directive?

25 PROSPECTIVE JUROR NO. 333: If I had to, yes.

1 THE COURT: Okay. Now, you heard us talking with the
2 other jurors about the fact that if the defendant in this case
3 is convicted of murder in the first degree, then it becomes
4 the duty of the jury to pronounce sentence, choosing between
5 the three -- choosing among the three sentences that are
6 allowable for this type of case. Do you feel that you would
7 be able to do that?

8 PROSPECTIVE JUROR NO. 333: Yes.

9 THE COURT: Okay. All right. Thank you.

10 State, you may follow up.

11 MS. CHRISTENSEN: Thank you, Judge.

12 Ms. Jeffers, when the judge asked you if you'd make a
13 good juror you said yes, but you said yes like your demeanor
14 kind of changed. Why was that?

15 PROSPECTIVE JUROR NO. 333: Because I've been here
16 for 10 or 11 hours and I usually work nights, and I'm
17 delirious right now.

18 MS. CHRISTENSEN: Okay.

19 PROSPECTIVE JUROR NO. 333: I work --

20 THE COURT: Do you work grave or swing?

21 PROSPECTIVE JUROR NO. 333: I work until 3:00 or 4:00
22 in the morning, so last night I had to knock myself out so
23 that I could get up -- melatonin. Anyway, I'm out of my --
24 I'm exhausted.

25 MS. CHRISTENSEN: Okay. So it's difficult right now?

1 PROSPECTIVE JUROR NO. 333: It is. It's hard, but --

2 MS. CHRISTENSEN: So was your response when she asked
3 if you'd be a good juror and you said yes, your demeanor when
4 you said it didn't mean you really don't think you'll be a
5 good juror?

6 PROSPECTIVE JUROR NO. 333: It just means I'm tired.

7 MS. CHRISTENSEN: Okay. What are you going to do
8 about that if you're picked to be on the jury?

9 PROSPECTIVE JUROR NO. 333: I don't know how I can
10 change into a day person when I've been on the swing shift. I
11 mean, honestly, it -- I wouldn't mind being a juror. I would
12 like to go through this. But I'm still working swing shift
13 and I'm older, and it's hard to be a cocktail waitress at my
14 age. And you have to get your rest and you have to take care
15 of yourself or --

16 MS. CHRISTENSEN: Do you have shifts coming up this
17 week?

18 PROSPECTIVE JUROR NO. 333: Yes. I got -- I have
19 tomorrow off, but I have to go back to work on Thursday. And
20 I am single, so I do pay all my own bills.

21 MS. CHRISTENSEN: Okay.

22 THE COURT: We do ask that your employers excuse
23 shift workers from grave or swing shift --

24 PROSPECTIVE JUROR NO. 333: I understand.

25 THE COURT: -- because obviously we don't expect

1 people to stay up all night --

2 PROSPECTIVE JUROR NO. 333: Right.

3 THE COURT: -- and then come in here and listen and
4 then do the whole thing over, over again.

5 So go on.

6 MS. CHRISTENSEN: Okay. So it looks like technically
7 your employer could give you those shifts off, but it sounds
8 like since you're the sole breadwinner for you, that would be
9 a problem for you to be able to pay your bills?

10 PROSPECTIVE JUROR NO. 333: Probably.

11 MS. CHRISTENSEN: Okay. If your employer did give
12 you that option to take those shifts off, would you take them
13 off?

14 PROSPECTIVE JUROR NO. 333: Yes.

15 MS. CHRISTENSEN: So then you'd be able to get sleep?

16 PROSPECTIVE JUROR NO. 333: Yes.

17 MS. CHRISTENSEN: But you wouldn't earn --

18 PROSPECTIVE JUROR NO. 333: Just on that schedule
19 from the age -- from a teenage time I've been on swing shift,
20 so I -- it takes me a few days to switch over. I can do it,
21 but --

22 THE COURT: But you're a little tired, you're not
23 sleeping regular?

24 PROSPECTIVE JUROR NO. 333: My whole -- yeah. My
25 whole system is I don't eat dinner until 11:00 or 12:00

1 o'clock at night. Basically I had two or three hours sleep
2 last night and I was worried about getting up, so. You know,
3 if I had to do the right thing, I could do it.

4 MS. CHRISTENSEN: Okay. But it'd be very hard for
5 you?

6 PROSPECTIVE JUROR NO. 333: It would be stressful.

7 MS. CHRISTENSEN: And in the next -- you said it
8 might take you three days or so to get to the point where you
9 were able to --

10 PROSPECTIVE JUROR NO. 333: Just try to think of it
11 as, you know, traveling in a different time zone when I went
12 to Europe or something.

13 MS. CHRISTENSEN: Okay. Then I just have a couple
14 additional questions for you. You got your criminal justice
15 bachelor's degree why? Were you interested in what?

16 PROSPECTIVE JUROR NO. 333: Yes. Everything. I
17 just -- I -- well, I watch Law & Order. I'm sorry. I do
18 admit that. But I just -- I don't -- it's interesting to me,
19 the whole everything, everything about it.

20 MS. CHRISTENSEN: The court part or the law
21 enforcement?

22 PROSPECTIVE JUROR NO. 333: All of it.

23 MS. CHRISTENSEN: Everything is [inaudible]
24 interesting to you?

25 PROSPECTIVE JUROR NO. 333: Well, I just -- since

1 I've been a waitress, I'm not real stimulated in my career
2 where I'm at, but I do make a good living. But I just want to
3 learn a little bit about everything.

4 MS. CHRISTENSEN: That's why you went and got your
5 master's?

6 PROSPECTIVE JUROR NO. 333: I got my master's in
7 business because it was the quickest. So I just went on,
8 finished up and got my credentials. But I'm close to retiring
9 now, so I'll do something later.

10 MS. CHRISTENSEN: Oh, okay.

11 PROSPECTIVE JUROR NO. 333: Or volunteer.

12 MS. CHRISTENSEN: So you're planning on using that
13 later?

14 PROSPECTIVE JUROR NO. 333: Yeah, just as a
15 retirement job if I have to.

16 MS. CHRISTENSEN: Okay. And I'm not going to ask you
17 anymore questions. Thank you.

18 PROSPECTIVE JUROR NO. 333: Okay. Thanks.

19 MS. CHRISTENSEN: I'll pass for cause.

20 THE COURT: All right. Thank you, Ms. Keenan.

21 Defense, you may follow up with this prospective
22 juror.

23 MR. CANO: Do you consider yourself to be a fair and
24 open minded person?

25 PROSPECTIVE JUROR NO. 333: Yes.

1 MR. CANO: From what I'm hearing here, it seems like
2 this is the type of case you'd be interested in, but part of
3 maybe a reluctance, I don't know if that's the right word, is
4 that you may not be able to focus on this case and the
5 attention that it deserves solely due to your job and the
6 shift that you've been working?

7 PROSPECTIVE JUROR NO. 333: Right.

8 MR. CANO: And the transition, it may take you a few
9 days to kind of transition over?

10 And by that time the case may be towards the end of
11 the case and you may have missed something important along the
12 way.

13 PROSPECTIVE JUROR NO. 333: Right.

14 MR. CANO: Is that a fair statement?

15 PROSPECTIVE JUROR NO. 333: Yes. Yes.

16 MR. CANO: So that being said, although you do have,
17 you know, the willingness to want to be here, do you think
18 that, you know, you should be selected for this case, a case
19 of this gravity?

20 PROSPECTIVE JUROR NO. 333: If I was rested I'd be
21 perfect. But if I'm going -- or excuse me, not going to hear
22 everything because I'm sleeping for a second or two, then I
23 might miss -- I'm not going to fall asleep, but there's some
24 things that get repetitive.

25 THE COURT: Oh, we wake you up. Don't worry.

1 PROSPECTIVE JUROR NO. 333: Some of it gets
2 repetitive, you know what I'm talking about. But yeah, so I
3 sort of zone out on some of the stuff that I've heard over and
4 over. It's a good rest time for me. But maybe it's I'm
5 sleeping at the wrong time.

6 MR. CANO: So like your problem is zoning out?

7 PROSPECTIVE JUROR NO. 333: Yeah. Like right now --

8 MR. CANO: Hearing us ask these questions from other
9 people.

10 PROSPECTIVE JUROR NO. 333: Yes. Yes.

11 MR. CANO: Yes. Okay. And do you think that's going
12 to be able -- that's going to affect your ability to be fair
13 and open minded? I mean, if you zone out, you don't know what
14 you're missing, right?

15 PROSPECTIVE JUROR NO. 333: Right. I don't know how
16 I'll be tomorrow. After I get some sleep I'm pretty good, but
17 right now I'm -- I don't know what you're talking about. But
18 I do. I do. I'm just kidding. No, I'm getting -- this is
19 getting --

20 MR. CANO: You're not the only one. I'm getting
21 punchy too.

22 PROSPECTIVE JUROR NO. 333: I know you guys are --

23 MR. CANO: But that's our concern. Obviously, you
24 know, it's very important, a very serious case for both sides.

25 PROSPECTIVE JUROR NO. 333: Yes.

1 MR. CANO: You know, we want you to be fair to the
2 State. We also want you to be fair to Mr. Jones.

3 PROSPECTIVE JUROR NO. 333: Yes.

4 MR. CANO: I mean, he's being charged with very, very
5 serious crimes. And then we've talked a little bit about the
6 consequences potentially that could -- you know, he could be
7 facing if he's found guilty. So you can understand how
8 imperative it is for you to be focused --

9 PROSPECTIVE JUROR NO. 333: Right.

10 MR. CANO: -- the entire time?

11 PROSPECTIVE JUROR NO. 333: Mm-hmm.

12 MR. CANO: And so I'm not trying to pick on you. I
13 just want to make -- you know, I'm just trying to get out
14 there that if you can't pay attention due to the fact that,
15 you know, you work your shifts and you're so used to going to
16 bed at a certain time and waking up at that certain time, and
17 this case doesn't coincide with that, we just want to make
18 sure that, you know, we get the people that can be here, pay
19 attention and focus on the case when it needs to be focused
20 on. Do you think that would be a problem for you?

21 PROSPECTIVE JUROR NO. 333: If you could make it next
22 week.

23 MR. CANO: I understand. Now, the fact that you're a
24 criminal justice major, I guess you have a little bit of
25 insight on how the criminal justice system works. Would that

1 be a fair statement?

2 PROSPECTIVE JUROR NO. 333: Yes.

3 MR. CANO: Okay. And due to that, is there any
4 concern that we may have on the fact that some officers may be
5 testifying or crime scene people, that you would take their
6 word over that of other witnesses in this case?

7 PROSPECTIVE JUROR NO. 333: No.

8 MR. CANO: Would you give their word as much weight
9 as you would any other witness?

10 PROSPECTIVE JUROR NO. 333: I'd try to listen to
11 everyone and just decide whatever, you know, whatever I
12 thought. That's all I have to go on.

13 MR. CANO: We spoke earlier a little bit about people
14 that had family members or if they know somebody that dealt
15 with like drug issues or alcohol issues. Do you know of
16 anyone like that in your life?

17 PROSPECTIVE JUROR NO. 333: [Inaudible.]

18 MR. CANO: Okay.

19 PROSPECTIVE JUROR NO. 333: No. There's a lot of
20 people. You don't have enough time for me to tell you. I
21 grew up here so, you know, there's...

22 MR. CANO: That being said, would you agree with me
23 that someone being under the influence of either drug or
24 alcohol does affect the perceptions of events?

25 PROSPECTIVE JUROR NO. 333: I'm sure it does.

1 MR. CANO: Okay. And do you consider yourself a
2 person to be able to judge credibility of people? Like I
3 guess the question I'm trying to ask is if someone is a
4 chronic user of drugs or alcohol, how -- what would you do to
5 evaluate that credibility?

6 PROSPECTIVE JUROR NO. 333: I'm not a doctor, so I
7 can't [inaudible] evaluate, you know, what their addiction
8 level is or...

9 MR. CANO: Okay.

10 PROSPECTIVE JUROR NO. 333: I think of it almost as a
11 handy -- like a handicapped person, or somebody that has a
12 mental problem.

13 MR. CANO: Now, you heard the three punishments that
14 potentially can happen, and obviously we're not conceding any
15 part of the trial part of this case. You know, obviously we
16 don't get to that phase of the case if Mr. Jones is
17 [inaudible] in the trial phase. Are you able to consider all
18 three punishments?

19 PROSPECTIVE JUROR NO. 333: Yes.

20 MR. CANO: Okay. What do you think is important for
21 you to know -- what information is important for you to know
22 before you make that decision as to what the appropriate
23 punishment is?

24 PROSPECTIVE JUROR NO. 333: All the information,
25 everything. All the evidence from both sides. Or all the

1 sides. I mean, I know there's not -- there's -- I want to
2 know everything before I would decide that and make a decision
3 right away.

4 MR. CANO: Thank you. I'll pass, Your Honor.

5 THE COURT: All right. Thank you. Defendant's
6 fourth.

7 MR. CANO: Yes. We would thank and excuse Juror
8 No. 277, Mr. Reynoso.

9 THE COURT: Mr. Reynoso, thank you very much for
10 being here, sir, and your willingness to serve. You are
11 excused at this time.

12 And the clerk will please call the next prospective
13 juror.

14 THE CLERK: Fred McDonald, Badge No. 334.

15 THE COURT: Mr. McDonald, if you'd have that empty
16 chair there, please, in the front row. Good afternoon,
17 Mr. McDonald. What do you do for a living, sir?

18 PROSPECTIVE JUROR NO. 334: I'm a -- I'm unemployed.

19 THE COURT: All right. What type -- are you looking
20 for work right now?

21 PROSPECTIVE JUROR NO. 334: Yes.

22 THE COURT: What type of work do you do?

23 PROSPECTIVE JUROR NO. 334: Just anything.

24 THE COURT: I'm sorry?

25 PROSPECTIVE JUROR NO. 334: Anything, or temporary

1 work.

2 THE COURT: Okay. What did you -- what kind of job
3 did you last have?

4 PROSPECTIVE JUROR NO. 334: Just like temporary work.
5 I was going to college.

6 THE COURT: Where were you going to college?

7 PROSPECTIVE JUROR NO. 334: CSN.

8 THE COURT: What were you studying?

9 PROSPECTIVE JUROR NO. 334: I got an associate's
10 degree [unintelligible] study.

11 THE COURT: An associate's degree in what?

12 PROSPECTIVE JUROR NO. 334: Associate's general
13 studies degree.

14 THE COURT: Okay. A general studies?

15 PROSPECTIVE JUROR NO. 334: Yes.

16 THE COURT: How long have you lived here in Clark
17 County?

18 PROSPECTIVE JUROR NO. 334: Since '91.

19 THE COURT: All right. And are you married?

20 PROSPECTIVE JUROR NO. 334: No.

21 THE COURT: Any children?

22 PROSPECTIVE JUROR NO. 334: No.

23 THE COURT: Have you ever been a juror before?

24 PROSPECTIVE JUROR NO. 334: No.

25 THE COURT: You or anyone close to you been arrested,

1 charged with a crime, been the victim of a crime --

2 PROSPECTIVE JUROR NO. 334: No.

3 THE COURT: -- anything like that?

4 PROSPECTIVE JUROR NO. 334: No.

5 THE COURT: Have any firearms?

6 PROSPECTIVE JUROR NO. 334: No.

7 THE COURT: Okay. You've heard all of the questions
8 that I've asked --

9 PROSPECTIVE JUROR NO. 334: Yeah.

10 THE COURT: -- and the lawyers have been asking --

11 PROSPECTIVE JUROR NO. 334: Yeah.

12 THE COURT: -- for hours and hours now. Any of those
13 questions you thought you would have had to raise your hand --

14 PROSPECTIVE JUROR NO. 334: Yes.

15 THE COURT: -- and say, oh, yeah, that's me or that's
16 a family member, anything like that?

17 PROSPECTIVE JUROR NO. 334: No.

18 THE COURT: Can you be a fair juror if you're
19 selected to serve in this case?

20 PROSPECTIVE JUROR NO. 334: Yes.

21 THE COURT: All right. Now, you understand that if
22 this matter goes to a penalty phase, you as a member of the
23 jury would have to choose among three possible penalties.
24 Would you be able to consider all three penalties and fulfill
25 that role?

1 PROSPECTIVE JUROR NO. 334: No.

2 THE COURT: No. Okay. Why not?

3 PROSPECTIVE JUROR NO. 334: I mean yes. I'm sorry.

4 Yeah, I've had a long day too.

5 THE COURT: Okay. It's been a -- and we'll try to
6 end soon.

7 PROSPECTIVE JUROR NO. 334: [Inaudible.]

8 THE COURT: Okay. Anything else we should know about
9 you in making the determination as to whether or not you'd be
10 a good juror --

11 PROSPECTIVE JUROR NO. 334: No.

12 THE COURT: -- for this kind of a case?

13 PROSPECTIVE JUROR NO. 334: No.

14 THE COURT: All right. Thank you.

15 State, you can follow up.

16 MS. CHRISTENSEN: Thank you.

17 Sir, do you have family here in town?

18 PROSPECTIVE JUROR NO. 334: I live with my mom and my
19 aunt.

20 MS. CHRISTENSEN: You live with your mom and your
21 aunt?

22 PROSPECTIVE JUROR NO. 334: Yes.

23 MS. CHRISTENSEN: And are they working?

24 PROSPECTIVE JUROR NO. 334: No. They're both
25 retired. They're both in their 70s.

1 MS. CHRISTENSEN: Okay. So you take care of them?

2 PROSPECTIVE JUROR NO. 334: Yeah, basically.

3 MS. CHRISTENSEN: Okay. And you said that before you
4 did temporary work.

5 PROSPECTIVE JUROR NO. 334: Right.

6 MS. CHRISTENSEN: Where would you work?

7 PROSPECTIVE JUROR NO. 334: Where they send me.

8 MS. CHRISTENSEN: I didn't understand that.

9 THE COURT: Wherever they'd send --

10 PROSPECTIVE JUROR NO. 334: I mean where they
11 send me. Like a temp job.

12 MS. CHRISTENSEN: Oh, okay.

13 THE COURT: Was it like construction type work, or
14 warehouse?

15 PROSPECTIVE JUROR NO. 334: Just general.

16 THE COURT: Okay.

17 PROSPECTIVE JUROR NO. 334: Yeah, general places.

18 THE COURT: Like landscaping or warehouse or --

19 PROSPECTIVE JUROR NO. 334: Labor, office work
20 sometimes.

21 MS. CHRISTENSEN: So sometimes it would be office,
22 sometimes it would be labor?

23 PROSPECTIVE JUROR NO. 334: It would be like various.

24 THE COURT: So just whatever was available?

25 PROSPECTIVE JUROR NO. 334: Yeah.

1 THE COURT: Okay.

2 MS. CHRISTENSEN: And you've been here since 1991?

3 PROSPECTIVE JUROR NO. 334: Yeah, November '91.

4 MS. CHRISTENSEN: And that's what you've been doing
5 here?

6 PROSPECTIVE JUROR NO. 334: I had a full-time job
7 back in the mid '90s. I forgot where it was, because it's
8 been a while with that. This is, you know, late '90s -- I
9 mean early '90s -- I mean mid '90s. I'm sorry.

10 MS. CHRISTENSEN: But where was it -- I mean, I know
11 you don't remember where it was. What kind of work was it?

12 PROSPECTIVE JUROR NO. 334: It was general work like,
13 you know, taking staples out of papers and all that stuff.

14 MS. CHRISTENSEN: Where did you come from in 1991?

15 PROSPECTIVE JUROR NO. 334: Los Angeles.

16 MS. CHRISTENSEN: Did you come here with your mother?

17 PROSPECTIVE JUROR NO. 334: Yeah. My mother, my aunt
18 and my grandma. My grandmother was alive at the time.

19 MS. CHRISTENSEN: So they all came here together?

20 PROSPECTIVE JUROR NO. 334: Yeah.

21 MS. CHRISTENSEN: And what did your mother do for a
22 living before she retired?

23 PROSPECTIVE JUROR NO. 334: Oh, she was working in a
24 casino, in a casino back in the late '90s, early 2000s.

25 MS. CHRISTENSEN: And since you have lived with other

1 people --

2 PROSPECTIVE JUROR NO. 334: I mean, that's just the
3 [unintelligible].

4 MS. CHRISTENSEN: I'm sorry?

5 PROSPECTIVE JUROR NO. 334: That's the only two
6 people I live with though, I've lived with since I've lived in
7 Vegas.

8 MS. CHRISTENSEN: Okay. So you've lived with them
9 since you came into Las Vegas?

10 PROSPECTIVE JUROR NO. 334: Yeah.

11 MS. CHRISTENSEN: And the work that you've had, the
12 temp work that you've done, is it consistent or sporadic?

13 PROSPECTIVE JUROR NO. 334: It's sporadic sometimes.
14 At this one place though, I was there for about two years.

15 MS. CHRISTENSEN: Okay. And when was that?

16 PROSPECTIVE JUROR NO. 334: That was from '94
17 until '97.

18 MS. CHRISTENSEN: Okay. Is there anything that you
19 think you need to tell us so that we can make a fair
20 assessment of what -- how you would be as a juror?

21 PROSPECTIVE JUROR NO. 334: No. No.

22 MS. CHRISTENSEN: Can you tell me what your hobbies
23 are?

24 PROSPECTIVE JUROR NO. 334: I do like art, writing.
25 Do some readings once in a while.

1 MS. CHRISTENSEN: Some what?

2 PROSPECTIVE JUROR NO. 334: Readings.

3 MS. CHRISTENSEN: Okay. What do you like to read?

4 PROSPECTIVE JUROR NO. 334: [Unintelligible] and all
5 that stuff.

6 MS. CHRISTENSEN: Oh, readings. Okay.

7 PROSPECTIVE JUROR NO. 334: Yes.

8 MS. CHRISTENSEN: Okay. And you got a general
9 studies degree?

10 PROSPECTIVE JUROR NO. 334: Yeah. Associate's
11 general studies degree.

12 MS. CHRISTENSEN: And what was your favorite subject?

13 PROSPECTIVE JUROR NO. 334: Probably like art,
14 English.

15 MS. CHRISTENSEN: Okay. So you liked all that?

16 PROSPECTIVE JUROR NO. 334: Yeah.

17 MS. CHRISTENSEN: Do you watch television?

18 PROSPECTIVE JUROR NO. 334: I do, but, you know,
19 nothing, you know, that strikes me. You know, I'm not into,
20 you know, crime shows. You know, I'm not into CSI. I'm not
21 into Law & Order.

22 MS. CHRISTENSEN: Okay. So just once in a while you
23 watch television --

24 PROSPECTIVE JUROR NO. 334: Maybe like my crime shows
25 were like back in the '70s with, you know, like the private

1 eyes.

2 MS. CHRISTENSEN: Okay.

3 THE COURT: Like The Rockford Files?

4 PROSPECTIVE JUROR NO. 334: Yeah.

5 MS. CHRISTENSEN: Okay. Thank you, sir. I'll pass
6 for cause.

7 THE COURT: All right. Defense.

8 MR. PIKE: Thank you, Your Honor.

9 Good evening, Mr. McDonald.

10 PROSPECTIVE JUROR NO. 334: Good evening.

11 MR. PIKE: On some of these temporary jobs, where
12 have you been assigned in Las Vegas?

13 PROSPECTIVE JUROR NO. 334: Just like various places
14 like close to home where I live.

15 MR. PIKE: And without telling me your address, which
16 part of town is that?

17 PROSPECTIVE JUROR NO. 334: Like Clark County, like,
18 you know, Maryland and Sahara, or like Sunset and Eastern.

19 MR. PIKE: Okay.

20 PROSPECTIVE JUROR NO. 334: [Unintelligible.]

21 MR. PIKE: Okay. And do you -- and your
22 transportation to come here and to work, do you drive yourself
23 or do you depend on --

24 PROSPECTIVE JUROR NO. 334: I take the bus.

25 MR. PIKE: You take the bus?

1 PROSPECTIVE JUROR NO. 334: Yeah. Today I walked.

2 THE COURT: So you live pretty close to the
3 courthouse?

4 PROSPECTIVE JUROR NO. 334: Yeah.

5 THE COURT: Okay.

6 MR. PIKE: Now, the last temporary job that you had,
7 where was that?

8 PROSPECTIVE JUROR NO. 334: I don't even know. It's
9 been a while.

10 MR. PIKE: It's been a while. Okay. Do you have a
11 specific counselor at your temporary agency that helps find
12 you jobs?

13 PROSPECTIVE JUROR NO. 334: Yeah.

14 MR. PIKE: And what's his or her name?

15 PROSPECTIVE JUROR NO. 334: They're like two, a woman
16 and -- two women and a man.

17 MR. PIKE: Do you know their names?

18 PROSPECTIVE JUROR NO. 334: I don't want to
19 disclose it.

20 MR. PIKE: Oh, you don't --

21 THE COURT: Let me ask you this. Maybe we can ask it
22 this way. Do you work for a particular like agency, like
23 Manpower --

24 PROSPECTIVE JUROR NO. 334: Yeah. That's what.
25 Mostly like Kelly, but they've been kind of like slow the last

1 couple of years.

2 THE COURT: It's what?

3 PROSPECTIVE JUROR NO. 334: Kelly temporary services.

4 THE COURT: Kelly Services?

5 PROSPECTIVE JUROR NO. 334: Yeah. They've been kind
6 of like slow.

7 THE COURT: Okay. All right. I think that's where
8 you were going.

9 MR. PIKE: Okay. That's where I was going.

10 THE COURT: Kelly Services.

11 MR. PIKE: Okay. Should have just asked it that way.

12 All right. So you've been for Kelly Services for
13 quite some time.

14 PROSPECTIVE JUROR NO. 334: Yeah.

15 MR. PIKE: All right. Have you -- have you ever had
16 to make any decisions on hiring or firing anybody?

17 PROSPECTIVE JUROR NO. 334: No.

18 MR. PIKE: Have you ever worked where you had to
19 settle an argument between co-employees?

20 PROSPECTIVE JUROR NO. 334: No.

21 MR. PIKE: Is there anything, any strong feelings you
22 have about sitting on this jury? Would you like to sit on
23 this jury, or would you like not to sit on this jury?

24 PROSPECTIVE JUROR NO. 334: I would.

25 MR. PIKE: You'd like to sit on the jury?

1 PROSPECTIVE JUROR NO. 334: Yes.

2 MR. PIKE: All right. Pass for cause, Your Honor.

3 THE COURT: All right. Thank you. We are now on
4 State's fifth.

5 MS. CHRISTENSEN: Your Honor, we would like to thank
6 and excuse Ms. Jeffers, Number 333.

7 THE COURT: Ms. Jeffers, thank you very much for
8 being here and your willingness to serve.

9 PROSPECTIVE JUROR NO. 333: Thank you.

10 THE COURT: You are excused at this time.

11 And the clerk will please call up the next
12 prospective juror.

13 THE CLERK: Glenn Christensen, Badge No. 350.

14 THE COURT: Mr. Christensen, come on down and have
15 that empty chair there, please, sir, in the front row. Good
16 afternoon, Mr. Christensen. What do you do for a living, sir?

17 What do you do for a living?

18 PROSPECTIVE JUROR NO. 350: A machinist.

19 THE COURT: Okay. So you're a little hard of
20 hearing?

21 PROSPECTIVE JUROR NO. 350: A little bit.

22 THE COURT: Have you been able to hear everything
23 that we've been talking to the other jurors, or have you had
24 some trouble hearing?

25 PROSPECTIVE JUROR NO. 350: Probably not everything.

1 THE COURT: Okay. We have earphones, and that should
2 help you out. What do you -- you said you're a machinist?

3 PROSPECTIVE JUROR NO. 350: Yes.

4 THE COURT: And does that have something to do with
5 the hearing loss?

6 PROSPECTIVE JUROR NO. 350: Probably. I've been
7 doing it 40 years.

8 THE COURT: Okay. Here in Clark County for 40 years?

9 PROSPECTIVE JUROR NO. 350: No. I've been here nine
10 years.

11 THE COURT: Okay. Where'd you move here from?

12 PROSPECTIVE JUROR NO. 350: Santa Rosa, California.

13 THE COURT: All right. And are you married, sir?

14 PROSPECTIVE JUROR NO. 350: [No audible response.]

15 THE COURT: Are you married?

16 PROSPECTIVE JUROR NO. 350: No.

17 THE COURT: Any children?

18 Give him the earphones.

19 PROSPECTIVE JUROR NO. 350: I have two.

20 THE COURT: Huh?

21 PROSPECTIVE JUROR NO. 350: Two.

22 THE COURT: Two children. Do they live here?

23 PROSPECTIVE JUROR NO. 350: Yes.

24 THE COURT: What do they do for work?

25 PROSPECTIVE JUROR NO. 350: My daughter works at a

1 doctor's office. My son just graduated from college and he
2 works with computers.

3 THE COURT: Okay. Have you ever been a juror before?

4 PROSPECTIVE JUROR NO. 350: Twice.

5 THE COURT: Okay. Here in Clark County, or in
6 California?

7 PROSPECTIVE JUROR NO. 350: California.

8 THE COURT: All right. How long ago is your most
9 recent service?

10 PROSPECTIVE JUROR NO. 350: Pardon me?

11 THE COURT: How long ago was your most recent
12 service?

13 PROSPECTIVE JUROR NO. 350: '91.

14 THE COURT: Okay. I'm going to let you put the
15 earphones on.

16 PROSPECTIVE JUROR NO. 350: Okay.

17 THE COURT: And then you tell me if you can hear
18 better.

19 PROSPECTIVE JUROR NO. 350: Okay.

20 THE COURT: Can you hear better?

21 PROSPECTIVE JUROR NO. 350: Yes.

22 THE COURT: Okay. Very good. '91, and was that a
23 civil case or a criminal case?

24 PROSPECTIVE JUROR NO. 350: Murder trial.

25 THE COURT: A murder trial. Okay. Don't tell us

1 what the verdict was, but did the jury reach a verdict?

2 PROSPECTIVE JUROR NO. 350: Yes, we did.

3 THE COURT: Okay. Were you the foreperson of the
4 jury?

5 PROSPECTIVE JUROR NO. 350: No.

6 THE COURT: Now, was that a case where the jury then
7 had to decide upon the penalty?

8 PROSPECTIVE JUROR NO. 350: No.

9 THE COURT: Okay. And then let me ask you this. The
10 case before that, was that a civil case or a criminal case?

11 PROSPECTIVE JUROR NO. 350: [Inaudible.]

12 THE COURT: Okay. And once again, don't tell me the
13 verdict, but did the jury reach a verdict?

14 PROSPECTIVE JUROR NO. 350: Yes.

15 THE COURT: Were you the foreperson of that jury?

16 PROSPECTIVE JUROR NO. 350: No.

17 THE COURT: Okay. You or anyone close to you been
18 arrested, charged with a crime, victim of crime, anything like
19 that?

20 PROSPECTIVE JUROR NO. 350: No.

21 THE COURT: Any friends or family in law enforcement?

22 PROSPECTIVE JUROR NO. 350: No.

23 THE COURT: Any -- do you have firearms?

24 PROSPECTIVE JUROR NO. 350: Pardon me?

25 THE COURT: Do you have firearms, guns?

1 PROSPECTIVE JUROR NO. 350: I have a .22.

2 THE COURT: Okay. Is there any reason, anything in
3 your background or your family background that would impact
4 your ability to be completely fair and impartial in this case?

5 PROSPECTIVE JUROR NO. 350: Probably not.

6 THE COURT: Okay. Do you think you'd be a good
7 juror?

8 PROSPECTIVE JUROR NO. 350: I've been a good juror
9 twice before.

10 THE COURT: Okay. So I'll take that as a yes.
11 State, you may follow up.

12 MS. CHRISTENSEN: Thank you.

13 Sir, there were a lot of people out in the audience
14 today that answered questions when the judge asked questions,
15 raised their hands. We haven't heard from you until right
16 now, and I've heard you speak for a couple minutes. I don't
17 want to talk long because we're all tired. What can you tell
18 me about yourself that I need to know?

19 PROSPECTIVE JUROR NO. 350: I'm semi-retired. I
20 don't know what else you need to know. What do you want to
21 know?

22 MS. CHRISTENSEN: Well, have you heard the questions
23 that have been asked today?

24 PROSPECTIVE JUROR NO. 350: Most of them, yes.

25 MS. CHRISTENSEN: Okay. Is there any reason that you

1 believe that you couldn't sit and fairly judge this case?

2 PROSPECTIVE JUROR NO. 350: No.

3 MS. CHRISTENSEN: Anything about the possible
4 penalties that the judge told you about that caused you
5 concern?

6 PROSPECTIVE JUROR NO. 350: No.

7 MS. CHRISTENSEN: You'd consider all three of those
8 as possible punishments?

9 PROSPECTIVE JUROR NO. 350: Yes.

10 MS. CHRISTENSEN: Okay. Thank you. I'll pass for
11 cause.

12 THE COURT: Thank you.

13 Defense.

14 MR. CANO: Thank you.

15 Mr. Christensen, correct?

16 PROSPECTIVE JUROR NO. 350: Yes.

17 MR. CANO: You're sitting in a little bit of a unique
18 perspective because you've been a previous juror, correct?

19 PROSPECTIVE JUROR NO. 350: Correct.

20 MR. CANO: So you've gone back and deliberated and
21 you know what that whole process is all about.

22 PROSPECTIVE JUROR NO. 350: Yes.

23 MR. CANO: Okay. Do you consider yourself a person
24 of like strong will; for example, if you were feeling one way
25 a decision on this case, and 11 other of your fellow jury

1 members were a different way, would you hold fast to your
2 decision if that's what you thought was the proper decision?

3 PROSPECTIVE JUROR NO. 350: Probably.

4 MR. CANO: Well, you say probably. [Inaudible] other
5 jurors could overcome --

6 PROSPECTIVE JUROR NO. 350: It depends on the
7 evidence.

8 MR. CANO: -- your decision process?

9 PROSPECTIVE JUROR NO. 350: It would depend on the
10 evidence.

11 MR. CANO: Okay. Well, after your evaluation of the
12 evidence, if you felt that your perspective was the proper
13 perspective, would you hold fast to that, or do you think
14 you'd just cave in because everybody's tired of deliberating,
15 they've been in this trial for a week or more and they just
16 want to get it over with?

17 PROSPECTIVE JUROR NO. 350: I would stay with what --

18 MR. CANO: You'd stay put?

19 PROSPECTIVE JUROR NO. 350: Yeah.

20 MR. CANO: Okay. Now, obviously sitting as a juror
21 you've had opportunity to evaluate the credibility of
22 witnesses, and you understand the importance of that --

23 PROSPECTIVE JUROR NO. 350: Yes.

24 MR. CANO: -- correct? Yes?

25 PROSPECTIVE JUROR NO. 350: Yes.

1 MR. CANO: You have to answer yes for the record,
2 because it's being recorded.

3 PROSPECTIVE JUROR NO. 350: Yes.

4 MR. CANO: Would you hold the weight of a police
5 officer higher than any other witness simply because they're a
6 police officer?

7 PROSPECTIVE JUROR NO. 350: No.

8 MR. CANO: Would you give their testimony the same
9 equal consideration as you would any other witness?

10 PROSPECTIVE JUROR NO. 350: Yes.

11 MR. CANO: Now, this case is a little bit different
12 than some of the cases you've done in California obviously,
13 because in this case, if and only if Mr. Jones is convicted of
14 first degree murder, there may be a penalty phase. You heard
15 the three penalties mentioned before. Are you comfortable
16 with those penalties?

17 PROSPECTIVE JUROR NO. 350: Yes.

18 MR. CANO: Would you take them into consideration in
19 evaluating what you think the proper punishment would be?

20 PROSPECTIVE JUROR NO. 350: Yes.

21 MR. CANO: What do you think is important to know
22 proper to administering one of those punishments?

23 PROSPECTIVE JUROR NO. 350: The evidence and what
24 evidence is available.

25 MR. CANO: Okay. What do you think would be

1 important to know about the deceased regarding that, making
2 that decision?

3 PROSPECTIVE JUROR NO. 350: I don't know.

4 MR. CANO: What about Mr. Jones, would you want to
5 know anything about Mr. Jones in making that decision?

6 PROSPECTIVE JUROR NO. 350: Probably.

7 MR. CANO: Well, what would you like to know? What
8 do you think is important to you?

9 PROSPECTIVE JUROR NO. 350: I don't know what. It
10 all depends on what comes out in the case.

11 MR. CANO: Okay. Obviously you've never been put in
12 that position in any prior jury services, correct?

13 PROSPECTIVE JUROR NO. 350: Right.

14 MR. CANO: It's a little bit different here than
15 California obviously. Do you consider yourself a fair and
16 open minded person?

17 PROSPECTIVE JUROR NO. 350: Yes.

18 MR. CANO: Okay. And the two experiences that you
19 had sitting as a juror, you didn't make up your mind halfway
20 through, thinking this is my decision from what I've heard on
21 the evidence so far, and gone back and stuck with that
22 decision?

23 PROSPECTIVE JUROR NO. 350: On the other cases?

24 MR. CANO: Yes.

25 PROSPECTIVE JUROR NO. 350: No.

1 MR. CANO: No. Okay. Did you think any of your
2 other fellow jurors may have done that?

3 PROSPECTIVE JUROR NO. 350: I don't know. That's a
4 long time ago. I don't remember.

5 MR. CANO: Of all the questions that we've asked
6 before, is there anything that you'd want to volunteer for us
7 to know about yourself particularly?

8 PROSPECTIVE JUROR NO. 350: No.

9 MR. CANO: No?

10 PROSPECTIVE JUROR NO. 350: Not in particular.

11 MR. CANO: Pass, Your Honor.

12 THE COURT: All right. Thank you. I believe we're
13 on defendant's fifth.

14 MR. CANO: The Court's indulgence.

15 (Pause in proceedings)

16 MR. CANO: Your Honor, we'd thank and excuse Juror
17 No. 334, Mr. McDonald.

18 THE COURT: Mr. McDonald, thank you very much for
19 being here, sir, and your willingness to serve as a juror.
20 You are excused at this time.

21 All right. Ladies and gentlemen, unfortunately we do
22 have a number of additional challenges that are left, and
23 we're not going to finish with jury selection this evening.
24 We will reconvene tomorrow morning at 9:30.

25 During the evening recess, you are again reminded

1 that you're not to discuss the case or anything relating to
2 the case with each other or with anyone else. You're not to
3 read, watch or listen to any reports of or commentaries on
4 this case, any person or subject matter relating to this case
5 by any medium of information.

6 Do not do any independent research on any subject
7 connected with the trial. Do not do any computer work, any
8 Facebooking or Twittering or anything like that in connection
9 with this case. And please do not form or express an opinion
10 on the trial.

11 I would like you all to please remember where you are
12 seated, because we will ask you to return to those seats
13 tomorrow. Again, we will reconvene at 9:30. I would like all
14 of you to please follow the marshal through the double doors.
15 Any questions regarding where to meet tomorrow, where to park,
16 anything like that, direct them to the marshal in the hallway.

17 (Prospective jurors recessed at 6:00 p.m.)

18 THE COURT: Ma'am, you must exit with the other
19 jurors. If you have questions, you talk to the bailiff in the
20 hallway, please. Ma'am, the bailiff in the hallway, please.
21 It's the marshal in the hallway.

22 We have one civil matter on, so we should be able to
23 start right at 9:30, or like five minutes after 9:30. All
24 right.

25 (Court recessed for the evening at 6:01 p.m.)

CERTIFICATION

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

AFFIRMATION

I AFFIRM THAT THIS TRANSCRIPT DOES NOT CONTAIN THE SOCIAL SECURITY OR TAX IDENTIFICATION NUMBER OF ANY PERSON OR ENTITY.

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